

**MINUTES OF THE REGULAR STUDY SESSION MEETING
LA MIRADA CITY COUNCIL
LA MIRADA REDEVELOPMENT AGENCY
DECEMBER 18, 2007**

Mayor/Chairman Jones called the meeting to order at 6:30 p.m. in Conference Room I, La Mirada City Hall, 13700 La Mirada Boulevard, La Mirada, California. Responding to roll call were Council/Agency members Chotiner, Tripp, Dames, Mayor Pro Tem/Vice Chairman Malkin and Mayor/Chairman Jones. Also present were Andrea Travis, City Manager/Executive Director, and Susan Ramos, City Clerk/Agency Secretary. Other staff members were also in attendance to present their items.

ACTION ITEMS - AGENCY

1. WARRANT REGISTER

Agency Member Dames moved and Vice Chairman Malkin seconded to approve the warrant register dated December 18, 2007 in the total amount of \$6,718,702.35.

MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: Agency members Chotiner, Tripp, Dames, Vice Chairman Malkin, and Chairman Jones
NOES: None
ABSENT: None
ABSTAIN: None

ACTION ITEMS – CITY COUNCIL

2. WARRANT REGISTER

Councilmember Tripp moved and Councilmember Dames seconded to approve the warrant register dated December 18, 2007 in the total amount of \$318,597.58.

MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: Councilmembers Chotiner, Tripp, Dames, Mayor Pro Tem Malkin, and Mayor Jones
NOES: None
ABSENT: None
ABSTAIN: None

3. CASH CONTRACT NO. 2006-04 SPLASH! LA MIRADA REGIONAL AQUATICS CENTER REQUEST FOR PARTIAL PAYMENTS

City Manager Andrea Travis presented the report. Payment for work completed through the month of October for the Splash! project is now due and payable to FEC Electric, Trademark Concrete Systems, Winegardner Masonry, XCEL Mechanical Systems, Terra Pave and Scenario Design. In addition, payment for Tony's Multi-Service Firm in the amount of \$188,658.21 was also presented.

Mayor Pro Tem Malkin moved and Councilmember Tripp seconded to authorize partial payments to F.E.C. Electric, Incorporated for a combined amount of \$873,330.71; to Trademark Concrete Systems, Incorporated in the amount of \$131,430.35; to Winegardner Masonry, Incorporated in the amount of \$18,270.00; to XCEL Mechanical Systems in the amount of \$48,757.73; to Terra Pave, Incorporated in the amount of \$84,777.05; to Scenario Design in the amount of \$368,902.60; and, to Tony's Multi Service Firm, Inc. in the amount of \$188,658.21.

MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: Councilmembers Chotiner, Tripp, Dames, Mayor Pro Tem Malkin, and Mayor Jones
NOES: None
ABSENT: None
ABSTAIN: None

4. TOLLING AGREEMENT

City Manager Andrea Travis presented the report. Ordinance No. 612, which amended Title 21 of the La Mirada Municipal Code and adopted a new comprehensive Zoning Code and updated Zoning Code Map, was adopted by City Council on November 27, 2007 and will become effective on December 28, 2007. In accordance with the California Environmental Quality Act (CEQA), the Notice of Determination (NOD) was filed with the County of Los Angeles on December 3, 2007 for posting on December 4, 2007. Once the NOD is posted, the project's statute of limitations terminates on Friday, January 4, 2008.

At the Council meeting of November 27, Mr. Applebaum, President and CEO of Solid State Devices, Inc. (SSDI) and others raised concerns about the potential impacts of the zoning update and zone changes on their property and business operations. Under the new zoning code, their operations would be considered legal non-conforming. SSDI has operated in La Mirada since 2003 and is a high tech research and development company that specializes in developing semiconductors and other electronic components used by the military and aerospace and defense companies. Due to the unique nature of their business and the concerns raised, staff met with Mr. Applebaum to discuss various solutions to permit his business to operate as a conforming use. To

permit staff adequate time to analyze this matter, a Tolling Agreement is being proposed. The agreement would provide that the statute of limitations relating to SSDI's objections to the Ordinance be tolled from the effective date of the agreement until its termination by any party, which is 30 days after written notice to the City Council.

Councilmember Chotiner moved and Councilmember Dames seconded to approve the Tolling Agreement between Solid State Devices, Inc. (SSDI) and the City of La Mirada to provide staff time to address the concerns raised by company officials.

MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: Councilmembers Chotiner, Tripp, Dames, Mayor Pro Tem Malkin, and Mayor Jones
NOES: None
ABSENT: None
ABSTAIN: None

REVIEW AND DISCUSSION

5. DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT

City Manager Andrea Travis gave an overview. Administrative Analyst II Jeff Boynton presented the report. Assembly Bill 2987 also called the Digital Infrastructure and Video Competition Act of 2006 became effective January 1, 2007 and amended the Public Utilities Code and the Revenue and Taxation Code. It was adopted in anticipation of telephone companies offering video services to their telephone customers in competition with existing cable operators. The Act replaces local franchising with a state franchising system to be administered by the California Public Utilities Commission. Consequently the City will no longer enter into franchise agreements with cable or video service companies. Under the Act, the PUC has exclusive authority to grant state franchises to video service providers valid for ten years and renewable for successive 10-year terms. The Act applies to all persons who use any part of the public right of way to deliver video programming to subscribers without regard to the technology used to deliver the services, including Internet Protocol or any other technology. Satellite television providers are not subject to the Act since they do not use the public right of way to deliver video services.

The proposed Ordinance would include special provisions applicable to holders of state video franchises pertaining to fees, network capacities, encroachment permits, customer service and protection standards, and penalties for violations.

City Manager Andrea Travis noted that the proposed Ordinance would come back for Council consideration on January 8, 2008.

PUBLIC COMMENT - None

CITY MANAGER'S REPORT - None

ADJOURNMENT – There being no further business to come before the Council, the meeting adjourned at 6:55 p.m.

ATTEST:

Susan Ramos, City Clerk

Steve Jones, Mayor