



Minutes

Lakewood City Council

Regular Meeting held
October 12, 2010

MEETING WAS CALLED TO ORDER at 7:30 p.m. by Mayor Esquivel in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

INVOCATION was offered by Vice Mayor Van Nostran

PLEDGE OF ALLEGIANCE was led by Council Member Diane DuBois

ROLL CALL: PRESENT: Mayor Joseph Esquivel
Vice Mayor Larry Van Nostran
Council Member Steve Croft
Council Member Diane DuBois
Council Member Todd Rogers

ANNOUNCEMENTS AND PRESENTATIONS:

Marie Flynn, President, Lakewood Rotary Club, made a presentation regarding the 2010 Project Shepherd program, noting that the program had helped thousands of local families in need over its 38 years of service to the community.

Mayor Esquivel announced that the meeting would be adjourned in memory of Joan Biegel, a longtime City employee and former Director of Recreation and Community Services.

ROUTINE ITEMS:

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER CROFT SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 6.

- RI-1 Approval of Minutes of the Meeting held September 28, 2010
- RI-2 Approval of Personnel Transactions
- RI-3 Approval of Registers of Demands
- RI-4 Approval of Agreement for Engineering Services for the Design of Water Well #22 Treatment Plant Project
- RI-5 Acceptance of Notice of Completion for Public Works Project No. 08-1, Arbor Water Yard Pavement Rehab
- RI-6 RESOLUTION NO. 2010-59; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ADOPTING PROGRAM SUPPLEMENT NUMBER N007 TO MASTER AGREEMENT NUMBER 07-5315R AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT

ROUTINE ITEMS: Continued

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Van Nostran, DuBois, Croft, Rogers and Esquivel

NAYS: COUNCIL MEMBERS: None

1.1 • INTRODUCTION OF ORDINANCES PERTAINING TO THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES

City Attorney Steve Skolnik made a presentation based on the memo in the agenda and stated that Lakewood's policy on the establishment of medical marijuana dispensaries was historically linked to the Federal government's position on marijuana as an illegal substance and that the City would not license any business that would violate State or Federal law. He pointed out that there had been numerous court cases on the subject with some recent decisions that would impact the City's position on dispensary businesses and that currently, the Lakewood Municipal Code does not address this type of business use. The proposed ordinances would add a section to the Code to clarify that such dispensaries were not a permitted use in any zone in the City. He noted that two ordinances had been prepared, one an urgency ordinance that would take effect immediately, and a second, regular ordinance that would go into effect 30 days after its second reading, which would protect the City against a legal challenge to the urgency issue. He reported that the proposed ordinances had been reviewed and unanimously recommended by the Planning and Environment Commission. It was the recommendation of staff that the City Council adopt Urgency Ordinance No. 2010-2, as presented, and introduce Ordinance No. 2010-3.

Mayor Esquivel opened the public hearing at 7:42 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

ORDINANCE NO. 2010-2; AN URGENCY ORDINANCE OF THE CITY OF LAKEWOOD AMENDING ARTICLE IX OF THE LAKEWOOD MUNICIPAL CODE TO PROHIBIT THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES IN THE CITY OF LAKEWOOD was read by title by the City Clerk.

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2010-2. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Van Nostran, DuBois, Croft, Rogers and Esquivel

NAYS: COUNCIL MEMBERS: None

Council Member Rogers stated that when the voters of California had approved the proposition that provided for the sale of medical marijuana, they surely had in mind to offer an alternative to the seriously ill. He advised that the implementation of that proposition had extended far beyond that original intent and that instead of serving those people in legitimate pain, statistics showed that the vast majority of the dispensaries were criminal enterprises. He

1.1 • INTRODUCTION OF ORDINANCES PERTAINING TO THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES - Continued

requested that the City Attorney look into a request for the establishment of a hydroponics shop in Lakewood, as one of the primary uses for hydroponics technology was for the growing of marijuana.

The City Attorney responded by stating that upon review, there was currently no basis for the denial of that type of business use.

ORDINANCE NO. 2010-3; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING ARTICLE IX OF THE LAKEWOOD MUNICIPAL CODE TO PROHIBIT THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES IN THE CITY OF LAKEWOOD was read by title by the City Clerk.

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO WAIVE FURTHER READING OF ORDINANCE NO. 2010-3. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Van Nostran, DuBois, Croft, Rogers and Esquivel

NAYS: COUNCIL MEMBERS: None

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO INTRODUCE ORDINANCE NO. 2010-3. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Van Nostran, DuBois, Croft, Rogers and Esquivel

NAYS: COUNCIL MEMBERS: None

3.1 • RATIFICATION OF INTERIM CONCESSIONAIRE AGREEMENT

Recreation and Community Services Director Lisa Litzinger gave a presentation based on the memo in the agenda and stated that the owner of the City's longtime catering concessionaire, Candlewood Caterers, had decided to retire, necessitating the recruitment of an interim caterer to assume responsibility for scheduled events through the holidays. Due to the need to make a rapid, yet smooth transition, an agreement had been reached with Thank Goodness It's Sofia, based upon their recognized quality of food and services and their ability to step in quickly. It was the recommendation of staff that the City Council ratify the agreement with Thank Goodness It's Sofia for interim catering and concession services.

In response to a question from Council Member DuBois, Ms. Litzinger confirmed that the agreement was on a month-to-month basis.

COUNCIL MEMBER CROFT MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO APPROVE STAFF'S RECOMMENDATION.

3.1 • RATIFICATION OF INTERIM CONCESSIONAIRE AGREEMENT – Continued
UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Van Nostran, DuBois, Croft, Rogers and Esquivel

NAYS: COUNCIL MEMBERS: None

At 7:50 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 7:51 p.m., the City Council Meeting was reconvened.

ORAL COMMUNICATIONS:

Paul Owens addressed the City Council regarding collection of recyclable materials.

ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Esquivel adjourned the meeting at 7:59 p.m. A moment of silence was observed in memory of Joan Biegel.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk