

**MINUTES
REGULAR MEETING OF THE
AGOURA HILLS CITY COUNCIL
Civic Center – Council Chambers
30001 Ladyface Court, Agoura Hills, California 91301
October 27, 2010 at 7:00 p.m.**

The meeting was called to order at 7:00 p.m. by Mayor Koehler.

The flag salute was led by Councilmember Kuperberg.

Present were: Mayor William D. Koehler, Mayor Pro Tem Harry Schwarz, Councilmember John M. Edelston, Councilmember Dan Kuperberg, Councilmember Denis Weber.

Also Present were: City Manager Greg Ramirez, City Attorney Craig Steele, Assistant to the City Manager Louis Celaya, Director of Planning and Community Development Mike Kamino, Associate Planner Valerie Darbouze, Oak Tree/Landscape Consultant Ann Burroughs, City Engineer Ramiro Adeva, Building Official Amir Hamidzadeh, Director of Community Services Amy Brink, and City Clerk Kimberly Rodrigues.

REPORT OF CLOSED SESSION

City Attorney Steele reported on the five City Council Closed Session items pursuant to Government Code Sections 54957, 54956.8, 54956.9(a), 54956.9(c), and the Redevelopment Agency Closed Session item pursuant to Government Code Section 54956.8. The City Council considered Items 1, 2, and 3, and the Redevelopment Agency considered Item 1; direction was given to staff and no reportable action was taken. The City Council did not consider Items 4 and 5, which will be considered at a later date.

APPROVAL OF AGENDA

On a motion by Mayor Pro Tem Schwarz, second by Councilmember Weber, the Agenda was approved, as amended, without objection.

PUBLIC COMMENTS

There were no public comments.

PRESENTATIONS

There were no presentations.

INTERGOVERNMENTAL, SPECIAL PURPOSE COMMITTEE, & DEPARTMENTAL REPORTS

There were no reports.

CONSENT CALENDAR

Mayor Koehler requested Item No. 6 be pulled for discussion.

There were no public speakers.

On a motion by Councilmember Edelston, second by Councilmember Weber, the Consent Calendar was approved 5-0, with the exception of Item No. 6.

1. Approve Minutes of the Regular City Council and Redevelopment Agency Meeting of October 13, 2010

ACTION: Approved 5-0

2. Approve Demand Warrant Register No. 636

ACTION: Approved 5-0

3. Approve Treasurer's Investment Report for September 2010

ACTION: Approved 5-0

4. Approve Authorization to Solicit Request for Proposals for Public Works Maintenance Services

ACTION: Approved 5-0

5. Adopt **Resolution No. 10-1603**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADOPTING A CONFLICT OF INTEREST CODE FOR THE CITY OF AGOURA HILLS WHICH INCORPORATES BY REFERENCE THE STANDARD CONFLICT OF INTEREST CODE PREPARED BY THE FAIR POLITICAL PRACTICES COMMISSION, ESTABLISHING A NEW LIST OF DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES FOR OFFICERS AND EMPLOYEES OF THE CITY, AND REPEALING RESOLUTION NO. 08-1498

ACTION: Approved 5-0

6. **This item was pulled for discussion.**

CONSENT CALENDAR ITEM PULLED FOR DISCUSSION

6. Adopt **Ordinance No. 10-379**; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING CHAPTER 1 OF ARTICLE IV OF THE AGOURA HILLS MUNICIPAL CODE RELATING TO COMPENSATION FOR MEDICAL MARIJUANA AND CHAPTER 8 OF ARTICLE VI OF THE AGOURA HILLS MUNICIPAL CODE RELATING TO BUSINESS REGISTRATION PERMITS

At the request of Mayor Koehler, City Attorney Steele provided a briefing on the proposed item for Council consideration. City Attorney Steele announced that Item No. 6 related to the second reading of Ordinance No. 10-379. The Council previously held consideration of this ordinance at a noticed open and public hearing, introduced the ordinance, made a motion to read by title only and proceed to the second reading. The ordinance presented to the Council for adoption amends sections of the business registration permit process to include language recommended by the County District Attorney's Office related to the prohibition of compensation for a medical marijuana dispensary. The issue before the Council is not related to whether medical marijuana or medical marijuana dispensaries should be permitted or Proposition 19, nor does it relate to the zoning ordinance. City Attorney Steele requested that any public comments relate to whether or not the ordinance should be adopted, noted that Mr. Hodge, the attorney representing a client in the legal proceeding, has requested additional time for his (PowerPoint) presentation, and deferred to staff for their presentation.

Following presentation of the staff report, Mayor Koehler opened the floor for public comment.

The following person(s) did not speak, but submitted Speaker's Cards with written comments in opposition of the item:

Anita ACS, Thousand Oaks, representing the Conejo Wellness Center
Ryan Baum, Moorpark, representing the Conejo Wellness Center
Doug Behir
Cottrell Blanchard, representing the Conejo Wellness Center
Rudy Blau
Colin Bond, Westlake Village
James Brancato, Simi Valley
Brett Anderson, West Hills, representing the Conejo Wellness Center
Monica Henrksen, Westlake Village
Corey Klass, Westlake Village
Dominic Lacie, Agoura Hills
Darin Mackinga
Barbara Markas, Westlake Village
Sharon Morley, Oak Park
Taylor Morley, Oak Park
Tom Paugie, San Fernando Valley
Heather Pavone, Ventura
Ana Resquiew, Westlake Village
John Somerville, Thousand Oaks
Don Summer
Alex Thompson, Fillmore
Roland Thompson, Ventura
Will Thompson, Fillmore
Russell Weissman, Agoura Hills

The following person(s) spoke in opposition of the item:

Arthur D. Hodge, Attorney, representing Conejo Wellness Center, provided a PowerPoint presentation
Kelly Ruotolo, Agoura Hills
Lance Ott, Thousand Oaks, representing Americans for Safe Access
Bryan Smith, Camarillo
Paul Culberg
Robin Hynek

The following person(s) spoke:

Dale Gustafson, Agoura Hills, representing DGA Detectives

The following person(s) spoke in support of the item:

Wendy Cohn, read a statement by her boss, Lynne Merrill, Merrill Educational Center

Mr. Hodge asked for people to stand reflecting opposition to the ordinance. Many members in the audience stood.

City Attorney Steele noted a correction to Section 1 as follows:

“SECTION 1. Reserved Section 4125 of Chapter 1 of Article ~~VI~~ IV of the Agoura Hills Municipal Code is hereby amended to read as follows:”

For the record, noting that the City is in the midst of a pending lawsuit, City Attorney Steele provided the following responses regarding several procedural issues referred to by Mr. Hodge. Ordinance No. 10-379 does not contain any of the items listed in Government Code Section 65850 and is not subject to the planning and zoning law process. In addition, the proposed ordinance refers to a definition and does not amend Section 9660 of the zoning code. Finally, as the proposed ordinance deals only with the administration of certain types of businesses in the City and does not make any physical change in the environment, the proposed ordinance is not subject to the California Environmental Quality Act (CEQA) process.

ACTION: Following a discussion and a question and answer period, the motion by Mayor Pro Tem Schwarz, to adopt Ordinance No. 10-379, as amended, was seconded by Councilmember Weber, and unanimously approved 5-0.

DISCUSSION/ACTION

7. Pre-Screen of Zoning Ordinance Amendment Regarding Parking Lot Tree Canopy Coverage for Retail Projects

Following presentation of the staff report, Mayor Koehler opened the floor for public comment.

The following person(s) spoke:

Jack Dwyer
Bill Tucker

ACTION: Following discussion and a question and answer period, the City Council provided direction to staff to move forward with the zoning ordinance amendment.

CITY COUNCIL, STAFF COMMENTS

There were no comments.

ADJOURNMENT

At 8:59 p.m., on a motion by Councilmember Weber, second by Councilmember Kuperberg, the City Council unanimously consented to adjourn the meeting to 7:00 p.m., Wednesday, November 10, 2010, for a Regular Meeting of the City Council in the Council Chambers of the Civic Center, with a Closed Session at 6:00 p.m. The Civic Center is located at 30001 Ladyface Court, Agoura Hills, California.

Kimberly M. Rodrigues, MMC
City Clerk/Agency Secretary