



**TOWN OF LOOMIS**  
**ACTION MINUTES**  
**SPECIAL MEETING**  
**LOOMIS TOWN COUNCIL**  
**LOOMIS DEPOT**  
**5775 HORSESHOE BAR ROAD**  
**LOOMIS, CA 95650**

**TUESDAY**

**NOVEMBER 3, 2009**

**6:30 P.M.**

**CALL TO ORDER** Call to order by Mayor Scherer at 6:35 p.m.

**ROLL CALL**

Present:

Mayor Scherer  
Councilmember Kelley  
Councilmember Liss  
Councilmember Morillas  
Councilmember Ucovich

Absent: None

**PUBLIC COMMENT:** This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please **note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker** is five minutes.

Bert Braun, representing Cowboy Gathering, thanked Council for supporting them and presented a small replica of the street banners to be hung at Town Hall.

**ADOPTION OF AGENDA** A motion was made to adopt the Agenda. On motion by Councilmember Ucovich, seconded by Councilmember Morillas and passed by voice vote.

**OPPORTUNITY TO COMMENT ON CONSENT CALENDAR:** All items listed under the Consent Agenda are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Councilmember requests otherwise, in which case, the item will be removed for separate consideration.

A motion was made to approve the Consent Agenda. On motion by Councilmember Liss, seconded by Councilmember Ucovich and passed by voice vote.

**CONSENT AGENDA**

**RECOMMENDED ACTION**

1. A Resolution Of The Town Council Of The Town Of Loomis Approving The Form of and Authorizing the Execution and Delivery of a Purchase And Sale Agreement and Related Documents With Respect To The Sale Of The Seller's Proposition 1A Receivable From the State; And Directing And Authorizing Certain Other Actions In Connection Therewith

*ADOPT RESOLUTION*  
Resolution 09-35

**BUSINESS**

2. **Medical Marijuana Dispensaries**

The Council is asked to consider whether to allow medical marijuana dispensaries in the Town

**Recommended action:** Discuss and determine how Council wishes to proceed

**Public comment:**

Captain Dave Harris, Placer County Sheriff's Department, answered questions and stated the following:

- they would not be in favor of having it near a school, school bus stops, residential areas, etc.
- they are not in favor of having a medical marijuana dispensary in Loomis
- with the proximity of Loomis to the Sacramento Valley region, it will probably create a different environment here than in Colfax
- there appears to be a rise of marijuana in sales and use in the high school
- recently a seventeen year old was arrested on the high school grounds
- dispensaries have been going since 2003 and what they are starting to find in other areas is that there is an increase in crime
- some of the types of crimes that are increasing is: burglaries, usually of the dispensary itself and of the homes of the designated growers and owners of the dispensaries; robberies of the dispensaries; home invasions and murders associated with the dispensaries, staff and the

designated growers

- the dispensaries become high value targets, the criminal element knows that there is large amounts of cash and product
- in the Bay Area there has been a report of increase in sales at the high school level and complaints from communities
- some of the complaints are: public marijuana smoking around the dispensaries and nearby parks; increase marijuana dealer arrests and Accidents; dispensaries selling to those without doctors recommendations; other illegal drugs sold at dispensaries; dispensaries attracting criminals from outside the area; it's difficult for dispensaries to come up with enough product in a legal way so dispensaries are getting marijuana from illicit dealers; increase in minors becoming involved in illicit marijuana use; adjacent businesses losing revenue due to perceptions of increase crime and decrease safety; street level dealers selling to medical marijuana clients at lower prices than the dispensaries; sharing of medical marijuana outside of the dispensary premises; selling medical marijuana to minors inside of the dispensary; and re-selling of marijuana to minors and others
- complaints with grow houses in the neighborhoods: smell, environment that is created to grow marijuana indoors (molds) is a concern for children being in those homes

Jo Carol Arisman, 5150 Rachel Lane, stated the following:

- she moved from Meadowview in South Sacramento where she saw people killed in the middle of the street while walking her dogs (all drug related)
- kids that lived two doors from her shot and killed an ice cream dispenser man (they were using drugs)
- her house was shot at and police would not come at night because their cars were targets
- we need to protect our community
- she would hate to see the same thing happen here that happened in South Sacramento
- she is opposed to letting this get started in Loomis,

Mike Edwards, Loomis Union School District Board President, stated the following:

- asked Council to think about the type of message this is sending to our children
- the children need to know that this is not okay
- we are seeing increased levels of marijuana usage in the schools
- last month in the elementary schools they had their first incident of a student bringing marijuana on to campus
- asked Council to unanimously prohibit medical marijuana dispensaries in our community

Eric Petersen, 2020 Shady Trail Lane in Rocklin, stated the following:

- urged Council to pass an ordinance that would allow medical marijuana dispensaries
- the dispensaries are regulated and controlled
- access to them is under specific guidelines established by State law
- Placer County Department of Vital Statistics (Health Department) issues the medical marijuana cards with a doctor's recommendation
- this is an opportunity for the Town to set a standard for a properly regulated and authorized medical marijuana dispensary

John Bevel, 6120 Rachel Lane, stated the following:

- he lives between Del Oro High School and Loomis Elementary and questions the message we are sending to our kids if we approve this
- asked Council not to ignore the Sheriff's comments
- we need to keep the small town environment and not allow medical marijuana dispensaries as an option in our community

Vic Markey, 3254 Taylor Road, stated the following:

- the proponents of this dispensary are from Colfax and Rocklin
- we cannot allow this kind of element in our Town that we have no control over
- he is completely against this, it is a moral issue and we need to protect the children of Loomis

Jeremy Sutter, Orchard Park Court, stated the following:

- is this the message we want to send to our children
- we don't have the resources to regulate something like this
- let the bigger cities that have the resources regulate them
- we don't want something like this taking control of our Town

Robert Dearwester, from Colfax, stated the following:

- State law states that tax must be paid on all medical cannabis transactions (SB 420 and Prop 215)
- Placer County Health services implemented the medical marijuana program in January of 2008, the cost is \$125 and the County profits from the sale of the card
- on October 19, 2009 the United States Attorney General, Eric Holder, directed prosecutors to back away from pursuing cases against marijuana patients, care givers, and collectives
- Colfax is a modal to look at in our County
- they don't always cause crime and increase in activity
- he contacted the Placer County Sheriff's Department, Crime Analysis Division, and they said that the Colfax Collective has had zero phone calls over the last five years
- the dispensary produces tax revenue every quarter
- in most cases the presence of a Collective reduces crime in an area due to added security
- last year the City of Colfax reduced their Sheriff's staff by one deputy
- the political climate today has changed, the Loomis residents and business owners that he spoke with support a patient's right to purchase medical cannabis in the Town of Loomis

Following further discussion on the matter, a motion was made to prohibit use and directed staff to draft the changes to the ordinance to reflect that. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and following was discussion on the motion:

Councilmember Ucovich stated the following:

- marijuana is available within a reasonable distance
- our youth are influenced and impressionable and it is important we give a clear message to them

Councilmember Morillas stated the following:

- this is something that we do not need to encourage at the schools
- she is concerned about our youth

Councilmember Kelley stated the following:

- we recognize that there may be a need for medical marijuana
- you can buy medical marijuana anywhere else but you should never be able to buy it in Loomis
- that message needs to be clear
- within a 1000 feet or less of a Loomis grammar school is a grower that threatened him because he was in fear that the dust that Russ was generating would affect his marijuana plant, this gentleman was very hostile
- we need to take action to make sure that we zone appropriately so that medical marijuana is not grown close to a school or in a neighborhood

Councilmember Liss stated the following:

- over the last couple of months the Council have been talking with residents and the businesses
- he appreciates the Loomis News front page article last week that helped to get the public out
- as a community we needed to evaluate whether this was right for Loomis
- he knows in many cases where the use of medical marijuana has been the only alternative that have met their needs
- he read the 56 page White Paper report on marijuana dispensaries from the Sheriff's Department and some of the testimonies here tonight are persuasive
- there are 30 dispensaries in Sacramento County (about 30 or 40 minutes away)
- the messages we heard tonight is that we don't want increase in crime, sanction drug use, and send the wrong message to our kids
- he will support the motion tonight

Mayor Scherer stated the following:

- there are legitimate uses for medical marijuana in treatments for serious illnesses
- if this becomes available through prescriptive medicine venues then we will be able to buy this at the drug store
- he is not comfortable with the current method of buying medical marijuana through dispensaries

Passed by the following roll call vote:

Ayes: Kelley, Liss, Morillas, Scherer, Ucovich

Noes: None

Absent: None

## **ADJOURNMENT**

Mayor Scherer stated there was no further business and adjourned at 8:46 p.m.

---

Mayor

---

Town Clerk