



TOWN OF LOOMIS
ACTION MINUTES
SPECIAL MEETING OF THE
LOOMIS TOWN COUNCIL
6140 HORSESHOE BAR ROAD, SUITE K
LOOMIS, CA 95650

TUESDAY	JULY 21, 2009	6:00 P.M.
CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: Initiation of litigation pursuant to subdivision Section 54956.9: One potential case.		
Open session expected to start at 6:15 P.M.		

CALL TO ORDER Call to order by Mayor Scherer at 6:25 p.m.

ROLL CALL

Present:

Mayor Scherer
Councilmember Kelley
Councilmember Liss
Councilmember Morillas
Councilmember Ucovich

Absent: None

STATEMENT OF ACTION TAKEN DURING CLOSE SESSION

No action taken.

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. No public comment.

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

BUSINESS

All items on the agenda will be open for public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item.

Written Material Introduced Into the Record: Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the Town Clerk prior to the public hearing date so that the material may be distributed to the Town Council prior to the public hearing

1. **Consider Urgency Ordinance Regarding Medicinal Marijuana Dispensaries**

This special meeting is scheduled to allow the Town Council to consider the adoption of a 45 day moratorium as an urgency measure in order to prohibit medical marijuana dispensaries pending the Town's further review of the legality, practical ramifications and possible secondary effects of such a land use.

Recommended action: Adopt Ordinance by a 4/5's vote.

Public comment:

Perry Beck, Town Manager, asked Council to adopt an urgency ordinance that is imposing a moratorium to give staff the time to analyze what other cities have done and specifically what the Town of Loomis would like to do.

Dave Larsen, Town Attorney, stated the ordinance recites several findings:

- there is the pending application
- there seems to be conflict in State law versus the Federal law

- other cities in California have reported adverse secondary effects on public health, safety and welfare, including increases in crime such as burglary, robbery, and the sale of illegal drugs
- staff would like some time to review these issues and bring Council up to speed so Council can make an informed decision

Councilmember Liss would like to hear from the Sheriff's department of problems that are out there or any threats to public health and safety in Loomis and what that might be.

Councilmember Ucovich would like the 45 days to receive more information and bring them up to speed on the issue.

Mayor Scherer pointed out that we do not have any guidelines at this time for this type of use.

Perry Beck noted comments from other jurisdictions:

- City of Arcadia – there has been numerous incidents where marijuana was purchased at a dispensary and then re-sold at a nearby park
- City of Roseville – street dealers are trying to sell to those going to the dispensary at a lower price, people are smoking marijuana in public around the facility, and people are coming to Roseville from out of Town and out of State to obtain marijuana

Robert Dearwester, applicant who applied for the business license, stated the following;

- he is in support of the 45 day moratorium
- surveys have determined that once there are working regulatory ordinances in place in cities, dispensaries are viewed favorably
- he encourages the moratorium so staff can get the correct information and Council can make the appropriate decision for the community

Vic Markey, 3254 Taylor Road, stated this subject matter is very complex and agrees with the moratorium for more research.

Following further discussion on the matter, a motion was made to adopt Ordinance 242, an urgency ordinance imposing an interim moratorium on the allowance of medical marijuana dispensaries as allowed by Government Code 65868. On motion by Councilmember Ucovich, seconded by Councilmember Kelley and 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 6:36 p.m.

Mayor

Town Clerk