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The following are minutes for the special meeting of the **City of Las Cruces Quality of Life Policy Review Committee** held at 1:30 p.m. on July 22, 2021, in City Hall, Conference Room 2007A.

MEMBERS PRESENT:

Councilor Tessa Abeyta-Stuve – District 2 – Chair
Councilor Gabriel Vasquez – District 3

MEMBERS ABSENT:

Mayor Ken Miyagishima
Dr. Marlena Fraune, Ex-Officio Member
Diego Medina, Ex-Officio Member

OTHERS PRESENT:

Ikani Taumoepeau, Assistant City Manager
Larry Nichols, Community Development Director
Tim Pitts, Deputy Director of Building Development
Katherine Harrison-Rogers, Senior Planner
Rebecca Slaughter, Quality of Life Deputy Director and PRC Staff Coordinator
Jill Aguirre, Quality of Life Senior Office Manager and PRC Recording Secretary
Emma Armendariz, Member of the Community
Rene Rodriguez, Member of the Community
Jesus Carranza, Member of the Community
Greg Shervanick, Member of the Community
Jared Pacheco, Member of the Community

I. CALL TO ORDER - Chairwoman Abeyta-Stuve called the meeting to order at 1:30 p.m. A quorum was established with Chairwoman Abeyta-Stuve and Councilor Vasquez present.

II. DISCUSSION ITEMS

a. Land Use and Zoning as it Relates to Cannabis Growers and Retailers
Ikani Taumoepeau, Assistant City Manager and Acting Economic Development Director, provided a presentation titled Cannabis Regulation Act (HB 2). Mr. Taumoepeau explained that regarding cannabis, local government can control time, place, and manner. He described that this includes controlling zoning, the time of operations, and the regulations. The City of Las Cruces cannot opt out of allowing cannabis as other states can. Council must decide where these businesses can go. He discussed the State and local timelines for this process. He provided dates that this information will be presented in community forums. The possession and cultivation limits established in House Bill 2 were presented. Consumption areas were detailed. Buffer from sensitive areas were outlined. Comparisons of distances for other cities were provided. Mr.

1 Taumoepeau explained the State cannabis licensing process with timelines for
2 approval. He went over infractions that would prevent an individual from
3 obtaining a license. He spoke of business requirement regulations on
4 packaging and advertising. Packaging cannot be designed to appeal to minors,
5 for example, cartoon characters cannot be used on packaging. Advertising is
6 only allowed on subscription-based media and cannot be predatory targeting
7 minors. Mr. Taumoepeau explained how diversity and inclusion guidelines
8 allow for procedures that promote and encourage full participation in the
9 cannabis industry. Challenges related to public health and education include
10 driving under the influence of cannabis. There are no standard tests currently
11 available to law enforcement to evaluate cannabis levels in an individual. At
12 this point, the State allows the performance of roadside sobriety tests. A public
13 health and safety advisory committee will be appointed to report on the health
14 effects of legalization of cannabis beginning December 1, 2024. Mr.
15 Taumoepeau went over local controls that may be adopted by municipalities
16 and counties. Excise tax rates and the percentage of the excise tax the City of
17 Las Cruces will receive was provided. Gross receipt tax will be imposed in
18 addition to excise tax. This does not apply to medical cannabis.
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20 Chairwoman Abeyta-Stuve requested a break from the presentation for
21 questions. Councilor Vasquez requested clarification on the State law
22 regarding indoor/outdoor cannabis consumption and what the City's jurisdiction
23 is on that subject. Mr. Taumoepeau stated that the State is advising to treat the
24 cannabis industry like the tobacco industry. Mr. Taumoepeau advised that if we
25 do not clarify where it can be used, cannabis will be allowed. Katherine Harrison
26 -Rogers advised that if a business wanted to allow consumption of cannabis on
27 their property, they would have to obtain a license through that State and
28 designate where their consumption areas are. Tim Pitts added that you cannot
29 possess a liquor license and a cannabis consumption license for the same
30 premises. Further variations regarding indoor and outdoor cannabis use was
31 discussed in detail. Councilor Vasquez inquired on the excise tax and the
32 portion of that tax that will go to the City. Mr. Taumoepeau went over the
33 percentages again for the committee. Zeke (Rene) Rodriguez commented on
34 issues that occurred when Colorado allowed the consumption of concentrated
35 cannabis products at establishments and suggested that the City should
36 consider regulating that to avoid those issues here. Mr. Rodriguez also stated
37 that in regard to taxes, not mentioning 280E, Federal tax for selling cannabis,
38 is detrimental to retailers. Chairwoman Abeyta-Stuve advised that the excise
39 and gross receipt tax are regulated by the State and not something we can
40 control at the local level. This issue was discussed in further detail. Rebecca
41 Slaughter brought up the issue of a smoking site being next door to a day care
42 or school. Mr. Taumoepeau advised that would not happen as the consumption
43 sites are required to be at least 300 ft from a day care or school. Chairwoman
44 Abeyta-Stuve inquired more into the applications for these licenses. Larry
45 Nichols provided further information on the zoning ideas the City is considering.
46 Jared Pacheco asked if the distance buffers are measured from building to
47 building or property line to property line? Ms. Harrison-Rogers advised that with
48 liquor licenses, schools are measured from the property line because activities

1 can occur to that point on the property. Mr. Pacheco asked where the buffer
2 would begin from the cannabis business. Mr. Pitts said it could be from the
3 edge of the consumption area boundary, but they are not sure yet. Mr. Pitts
4 advised this will be reviewed in the plan review process. Further discussion
5 was had regarding this topic. The topic of businesses that sell liquor creating a
6 location adjacent to their establishment where cannabis can be used was
7 discussed. Councilor Vasquez stated that the City needs to keep in mind when
8 establishing zoning how cannabis consumption in a licensed area will impact
9 adjacent establishments, especially in the consumption area is outdoors.

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11 Katherine Harrison-Rogers continued with the presentation with what the City
12 has developed so far in regard to zoning. Ms. Rogers went over the which
13 zones cannabis will be allowed depending on what the business will be doing;
14 production, retail, and/or consumption. Ms. Rogers detailed the buffers that the
15 City is currently considering depending on the type of license. Tim Pitts detailed
16 the preliminary application process and where the cannabis regulations will be
17 housed in the Municipal Code. Larry Nichols provided further detail on the
18 various requirements that business owners will have to meet during the
19 application process.

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21 Chairwoman Abeyta-Stuve opened the meeting up to questions. Councilor
22 Vasquez asked if changing the Municipal Code was to match up with the State
23 law. Mr. Pitts explained that our local laws will not apply therefore we have to
24 adopt ordinances to expressly deal with cannabis. Councilor Vasquez made
25 requests about how and when these items will go before Council. Mr. Ikani
26 provided loose timelines for when and how these items will go to Council.
27 Councilor Vasquez inquired on what the rules would be regarding mobile sales.
28 Mr. Taumoepeau stated that at this time that will not be permitted. The
29 possibility of a mobile cannabis business being allowed was discussed. Mr.
30 Rodriguez stated that a courier's license could be obtained for products to be
31 delivered. Mr. Taumoepeau said that delivery is different from a mobile
32 business. Councilor Vasquez advised that delivery is what he was referring to.
33 Ms. Harrison-Rogers advised that the couriers have very strict rules they have
34 to abide by. Ms. Harrison-Rogers advised that the mobile distribution probably
35 would not happen, Mr. Pitts concurred. Councilor Vasquez inquired on sign
36 regulations. Ms. Harrison-Rogers explained that the signage standards will be
37 the same as it is for other businesses. She advised the committee that all
38 business signs must be content neutral. Mr. Taumoepeau added that signs also
39 must abide by the distance buffers for sensitive areas and cannot be visible
40 from the sensitive area, likes schools or day care facilities. Councilor Vasquez
41 asked if there is any consideration into creating an ordinance that would
42 prevent any cannabis related crimes, illegal by federal law but legal by state
43 law, that local law enforcement could not refer those to a federal law
44 enforcement so they cannot pick and choose who they want to? Mr.
45 Taumoepeau advised that we do not have our Police Department here but did
46 advise that if an individual is in possession of more than the legal limit, it goes
47 beyond our law enforcement's jurisdiction. Councilor Vasquez gave an
48 example of an individual having possession of a legal amount of cannabis and

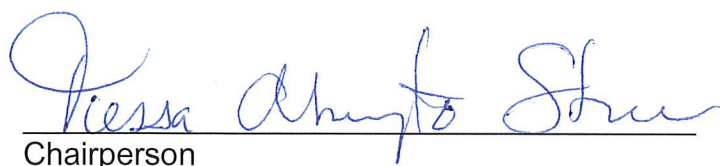
1 law enforcement referring them to the U.S. Marshalls because they thought
2 something was not right. Councilor Vasquez stated it allows law enforcement
3 to potentially profile people. Mr. Taumoepeau advised that he would discuss
4 this with the Police Department. Chairwoman Abeyta-Stuve reiterated to the
5 committee that there are many things that need to be determined as we move
6 forward with this process. Mr. Pacheco asked what an infield microbusiness
7 license would look like. Ms. Harrison-Rogers stated that in field proposals are
8 unique because they allow you to propose whatever you wish. She did advise
9 that the applicant would need to have solid design for staff to be able to respond
10 and it would have to go to Planning and Zoning Committee for approval. Ms.
11 Harrison-Rogers went over some of the requirements for an in-fill zone. A brief
12 discussion was had about the 1000 ft. buffer between cannabis businesses.
13 Mr. Rodriquez asked the City to make regulations regarding cannabis clear and
14 long term.
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17 **III. ACTION ITEMS**

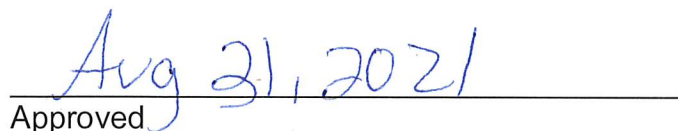
18 a. **Land Use and Zoning as it Relates to Cannabis Growers and Retailers**

19 Chairwomen Abeyta-Stuve advised this was a discussion today rather than a
20 formal recommendation and requested a motion to postpone the action item.
21 Councilor Vasquez made the motion to postpone the action item. Chairwoman
22 Abeyta-Stuve seconded. All members present were in favor. The motion to
23 postpone the approval of the Land Use and Zoning as it relates to Cannabis
24 Growers and Retailers was postponed.
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27 **IV. ADJOURNMENT** - Chairwoman Abeyta-Stuve requested a motion to adjourn the
28 meeting. Councilor Vasquez made the motion to adjourn. Chairwoman Abeyta-
29 Stuve seconded. Meeting adjourned at 2:57 p.m.
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34 Chairperson

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39 Approved