

Town of Mesilla, New Mexico

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION
(PZHAC) WILL HOLD A SPECIAL USE PERMIT HEARING
TUESDAY- JUNE 20, 2023 @ 5PM.
CANNABIS TROPICAL CONSUMPTION LOUNGE.

MINUTES

Chairperson Lucero: I would like to have everybody's attention. Today is June 20th, 2023, and we're here for a special use permit for case 061636. Mr. Salazar, the time right now is, what time is it, 5:12. First item is everybody please arise and say the pledge of allegiance.

Commissioners: I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

Chairperson Lucero: Thank you. Our next item is go ahead and see which commissioners are here, if you don't mind.

Mr. Salazar: Commissioner Jones?

Commissioner Jones: Present.

Mr. Salazar: Commissioner Walkinshaw?

Commissioner Walkinshaw: Present.

Mr. Salazar: Chairperson Lucero?

Chairperson Lucero: Present.

Mr. Salazar: Commissioner Salas?

Commissioner Salas: Present.

Mr. Salazar: And Commissioner Rockstraw?

Commissioner Rockstraw: (arrived late, 5:35pm)

Mr. Salazar: Madam Chair, 4-5. You have a quorum.

Chairperson Lucero: Thank you very much. All right, so let's see here. It's 2060 Calle de Parian, it is submitted by the AI, and they are requesting to allow construction lounge in their business. Mr. Salazar, please?

Mr. Salazar: Yes. Okay. Again, my name's Eddie Salazar. I work for the town of Mesilla as a community development coordinator. We have a business Cannabis Tropical here in 2060 Calle de Parian has submitted an application for a consumption lounge at his business. The applicant name is Bader Jouda. He applied for a special use permit. The location is 2060 Calle de Parian. Petitioner statement of justification letter is attached to your packet. It is also was mailed to residence within or properties within 100 feet of this business. Supplemental documents have been submitted along also with the application as per 18.185.130 of our account code. Special use permit fees have been paid. Hearing date have been set guidelines required by our code 18.185.150 which is within between 30 and 45 days. And I notice this have been distributed as mentioned in our code, no more than 40 days after completion of hearing the P&Z or the BOT shall adopt by resolution, grant or deny special use request, adopt a written findings that specify facts relied upon the determination, outcome determine outcome. Failure to do so create a resolution within those 40 days, does automatically grant the applicant's approval. So, it's very important that the resolution is submitted or is provided by within the 40 days. Hearing shall be recorded as it is right now. We are recording this hearing for our record keeping.

If denied, petitioner has the right to appeal the decision of the commission within 10 days in writing to the board of trustees. Within 30 days of the appeal, the BOT will schedule a hearing, an appeal hearing, within 30 days. BOT will announce the decision within 20 days of the hearing decision of the board of the hearing, and the decision of the board is final. A petitioner can now request again for a special use permit before the consumption lounge within a year's time. So, he would have to wait, if denied, he would have to wait a year before he was able to apply for a special use permit again.

There is an opportunity for public comment, I apologize, it's for testimony. Again, this is a hearing. This is not a regulatory meeting. So, if you do want to testify, you have to be sworn in and you do have to sign, not sign, print your name and your address because we do need to make record of your testimony tonight. Expect, if you do make a comment or testify, expect the commission not to reply as, again, this is only for your comment, they'll listen, but they are not to engage in dispute. This is just for again a public hearing for them

to make that decision. Public comment will be heard, but expect, again, that's what I expect. You do have three minutes. If you do come up here, we do ask you because there are a lot of people here, do have three minutes, if not shorter, to, again, express your concerns or your support for the case. I ask that everybody please be courteous, professional, and keep the noise and the talking amongst itself between each other to a minimum, please, because, again, we are being recorded and this is an official meeting. When you come up to the podium, please state your name, your address before you speak.

Again, I have included, moving on, I have included in this packet codes for the consumption application. The municipality our code does have the authority to deny or approve consumption lounges. The state does mandate that retail cannabis businesses are not to be a choice. You have to allow them. But again, consumption is a choice that the municipality can make to allow or deny. I did verify that the consumption lounge, as per our code, is within 300 feet of a residential zone. I think the closest is 309 is Calle de Correo. That's our boundary right there. It's over 300. That is the closest to the business of a topical cannabis. Cannabis consumption is allowed only in commercial and historic commercial zone. It's not allowed outside of that. According to the state of New Mexico Cannabis Commission, the state does allow cannabis to be consumed in anywhere where it's allowed to smoke cigarettes. Now, the municipality can be more stringent, more stricter than the state, but it can be more easier. It can be stricter, but it can't be more lenient, if that's the word, lenient as the state. With me, I do have the applicant, his name is Bader Jouda. He does have the contractor engineer that did put together this packet for the case. And at this time, I invite him to come up to the podium and state his case.

Chairperson Lucero: Okay. I'd like to ask something. How many of the audience is going to be speaking on this case? We have several people. Would it be good to swear everyone in at the same time?

Mr. Salazar: It's correct. Would you wish for them to speak now before the case?

Chairperson Lucero: I would like to have everybody swear in all.

Mr. Salazar: Yes.

Chairperson Lucero: So, let's get everybody to stand up that's going to say something. Please stand up. Mr. Salazar is going to swear you in. Make sure that the address is on the document that you're saying.

Mr. Salazar: Could you raise your right hand? I swear to tell the truth.

All: I swear to tell the truth.

Mr. Salazar: The whole truth, nothing but the truth.

All: The whole truth, nothing but the truth.

Mr. Salazar: So, help me God.

All: So, help me God.

Mr. Salazar: Thank you.

Chairperson Lucero: Thank you. The next thing, we will go ahead and hear from the applicants.

Bader Judah: Good afternoon. Good evening. My name is Bader Jouda, again. Thank you for this chance and for this opportunity as you've given me. Today we're seeking approval for the lounge consumption, where to be, like, consume cannabis inside my shop. It's not just consume cannabis like place for them to hang out. It's just got to be for a place for them to taste the cannabis or the product they infuse. I don't know. Your tongue is going to stick in. Say something.

Nicole Fox: My name is Nicole Fox and I'm Judah's consultant. I'm also a technical writer in the cannabis industry and the founder of the Southwest Cannabis Trade Association. I wrote the consumption license on Jouda's behalf and he decided to request the license from the state and from the local municipality because he often had customers who are tourists come in and say where can I try this because they were not comfortable walking out into the streets and consuming in any way. So, when we approach expansion and other ideas in the cannabis industry, our main focus is to take into consideration safety of the community, the consumer, and the business owner. And this application was made in the spirit of that. So, I'll answer any questions on Jouda's behalf. I do want to also be able to put in any public input at the end if I'm able and hope that this doesn't use up my three minutes.

Chairperson Lucero: Okay. Do you want to add anything at this time?

Bader Judah: No, thank you.

Chairperson Lucero: Okay, thank you very much.

Nicole Fox: Thank you.

Chairperson Lucero: All right. So, now at this point, I'm going to have Mr. Salazar, did we have a person that came to mind?

Mr. Salazar: Yes.

Chairperson Lucero: Since there's several and we have a meeting at 6:00, okay, Mr. Salas is going to take our cars. We're going to do three minutes. We're running short of time. We're going to have to give it up a little bit. So, who would like to take the time?

Mr. Salazar: Okay. Who is who? Are you on the list?

Carmen Bernal: Yes, ma'am.

Mr. Salazar: What was your name?

Carmen Bernal: Carmen Bernal.

Mr. Salazar: Carmen Bernal?

Carmen Bernal: Yeah.

Mr. Salazar: Which one do you have?

Carmen Bernal: You can put my name on there. I signed up on that. No, it's probably another list.

Mr. Salazar: Just stick your name in there. I'll find it when we rewrite the minutes.

Chairperson Lucero: Please don't stick it because it is getting recorded and we want to make sure we take your name and address.

Carmen Bernal: Wonderful. Thank you.

Chairperson Lucero: Can you give me the address?

Carmen Bernal: Let me know when my three minutes starts so I just want to make sure it's accurate.

Mr. Salazar: Good. Thanks.

Carmen Bernal: Awesome. My name is Carmen Bernal. My address is 2615 Calle del Sur, this is... No. Anyways, it's stuck here to support... I'm confused. I thought we're here to support Mesilla, and this is a great resource and this allows us an opportunity to grow with times in the evolution. This is a great income source. I'm confused on what's going on really about it. They're getting taxed. It just grows more money for the Mesilla, to be honest, and it grows more money for the city, like the roads. The roads we had earlier, they built and then got to get reproduced for whatever reason. Well, that's money that's getting put in, right? And then the loss is because it becomes very personal on decisions. So, I would just ask things to be logical and ask... Mesilla has so much potential to grow, and this is a great opportunity for you to see it to grow. I'm a total Mesillera. My dad's been here since 1968, born and raised. My dad can go to that house. I get too personal. I don't want to cry too much about it. But I'm just a little confused on what's happening. I've always been confused. I support it. From my understanding, we matter. So, let's be true to Mesillera and Mesilla. I think we've already proven that we're here to support. And I wish you guys all the best and thank you.

Chairperson Lucero: Thank you very much. And we cannot stay or contribute anything to you all. We are here to listen to your comments and they will be taken into consideration. Thank you.

Mr. Salazar: The next one?

Aaron Ross Zuniga: Can we turn that up?

Mr. Salazar: What's your name?

Aaron Ross Zuniga: Yes, sir. My name is Aaron Ross Zuniga.

Mr. Salazar: Are you on the list?

Aaron Ross Zuniga: Yes, sir, I am.

Chairperson Lucero: Aaron Ross Zuniga?

Aaron Zuniga: Yes, ma'am.

Chairperson Lucero: Try to speak loud and closer to the mic so we can have our guests.

Aaron Zuniga: Yes, ma'am, I will. Okay, so I would just I'm here in support for tropical cannabis for Judah. I would like to just get a little personal, if that's okay, and state that I am a recovering alcoholic. I also have my medical license to partake in marijuana and it really has helped me in a lot of ways in life. I'm also a recovering addict. I shattered my shoulder several years ago and I've had several surgeries. I fractured my clavicle, my scapula. I've had multiple rotator cuff surgeries, and I just wanted to state that I was prescribed opiates and that really affected my life. It changed a lot of things in my life. There was a lot of hardships because of that. I have been clean for quite some time now. I do smoke marijuana medicinally and it has helped me tremendously in a lot of ways. I can't begin to explain to you addiction, we don't even have the time for that, and how severe it was with the opiates and what it did to me. I'm proud to say that I am clean today and I'm doing great with my life. And I just want to say there's a lot of bars around here. That's not my fault. Sorry. There's a lot of bars and I'm not trying to dis alcohol. For those who can consume alcohol responsibly, all to you, I give nothing but respect to you. I cannot. And I feel like it's only fair to have a safe place for people who do use marijuana medicinally to go and use it responsibly. I just feel like if there's so many other places, everywhere you turn, everywhere you go to drink alcohol which, in my opinion, impairs you quite more than marijuana does, in my opinion, and my experience, by the way, then I don't see a problem with it. I think it's a great place to go for people to grow within the community, to yes, to socialize, but to also just to grow within the Mesilla community. It's a great tourist attraction, a good safe place for them to go and experience that as well. I'm just all for it. I really am. I think it's a safe medicinal product. I've never heard of anybody getting killed or in a crash or things over marijuana. I do know it impairs you but, in my opinion, I've heard a lot worse than alcohol. That's all I got to say.

Chairperson Lucero: Thank you very much. Our next person, please come up to the podium, state your name, please.

Lynette Kuhne: My name is Lynette Kuhne. My address is 1425 Roberts Drive, Las Cruces.

Chairperson Lucero: Leanna Kuhne. Leanna?

Lynette Kuhne: Lynette Kuhne.

Chairperson Lucero: Lynette Kuhne. Go ahead.

Lynette Kuhne: I just want to say that, for one, I feel like this establishment is not only bringing a revenue into the Mesilla community, it is also providing people a place to come and consume their marijuana that's not on the streets in Mesilla. In the Mesilla plaza that

you have got in a radius of 50 feet of one another, you've got three alcoholic establishments there in the plaza that allows people to come and consume alcohol. I personally am not an alcoholic drinker. I am a marijuana smoker, and I would really like the place to come and consume marijuana with my friends, play cards, play dominoes in the same way that people are allowed to come to Mesilla and drink alcohol and have a place to have fun with their friends. I personally, the reason I am using marijuana is because I have looked forever for a stave to help with my restless legs. I prefer not to take prescription drugs because I do know the effect that they have. And just like the young gentleman before me, we all know the opiate crisis in the town of Mesilla and Las Cruces in our area. The fact that marijuana can help people get away from that is a plus and a place to go and do it respectfully and with the same respect that people that go and drive away drinking alcohol.

And just like it's been stated before, there's never been a report or an article or anyone that you will say that people drove away and the accident was caused because of marijuana. There is a much bigger ratio of alcoholic accidents, my younger sister being killed by a drunk driver, than there are marijuana accidents. So, I just approve it. I would just hope that you would just consider all of the facts that what it could provide, not only for revenue of the Mesilla community, but for the people here in your community and a place to go for another avenue of friendship besides alcohol. Thank you.

Chairperson Lucero: Thank you very much. Next person please state your name and your address.

Zane Raphael: My name is Zane Raphael with the 4217 Tres Niños. I'm here in support of Bader Judah. I'm his marketing and media manager. I run social media pages for a bunch of dispensaries in town, as well as lots of restaurants in town, Chalitos, Chuck Eats, La Posta de Mesilla, quite a few. Basically, I want to just say that I think Bader Jouda is doing something different than any other dispensary that I've worked for. He truly cares about his people. He's treating it like it's a medicine. A lot of times you see some of these places are just commercial, trying to push the product, get it out the door. This is completely different with him. He truly every single person that comes in, all these people here are supporting him, he knows their names, he knows their stories. I think the most important thing as far as Mesilla takes consideration is the fact that this is going to give a place that people can come and do it safely. Somewhere that all these tourists that come to town during the summer, come and they eat at these restaurants, they'll post it. They can come and try the product safely in a place that's regulated in a nice environment. I really think you guys should seriously consider doing this because I think it's just going to be beneficial. People are going to do things whether the law allows them or not, but this allows them to do it safely and legally. So, that's all I have to say. Appreciate it.

Chairperson Lucero: Thank you very much, sir. Our next speaker.

Mark Middal: Okay. Yes, my name is Mark Middal.

Chairperson Lucero: Mark Middal.

Mark Middal: I live at 2480 Calle de San Albino, which is a block from the dispensary and I'm certainly have no concerns of unlawfulness coming from the dispensary. I am a participant and visit the dispensary daily and I like that opportunity of it being a social outlet where people can gather. I don't see any rowdiness coming from it and enjoying each other's company. I also like it because it's very convenient and they are very nice people that are running it. Thank you.

Chairperson Lucero: Thank you very much. Our next participant, please, your name, please, and address.

Ravi Tafoya: Hi, my name is Ravi Tafoya, 5059 Navajo Trail, Las Cruces, New Mexico, 88012. I am here to represent Jouda as well for Tropical Cannabis. I'm one of the owners of Desert Flower Growers here in Las Cruces. So, we're a local mom and pop manufacturer and micro grower with the state, and we don't have a lot of places that we're able to showcase our products in small amounts like they do in other areas. So, for Mesilla, it's going to be really important because it's a place not only for Jouda to be able to do his business, but for all the small people around here that have this great product. Remember, we're an agricultural product, and now we have to be able to showcase it to get it out to the public. But to do that in a safe manner, we're going to rely on you guys to help us because he's doing everything he can on the marketing side and giving it the product the best way he can, and for us we're just trying to give the best product we can to the consumers as well. And so we really hope that you guys do approve this for him. Thank you.

Chairperson Lucero: Thank you very much. Next?

Susan Kruger: Susan Kruger, Tania, Mesilla. I would like to ask the Planning and Zoning Commission and the applicant to review very carefully section 100.070 which is the specific requirements regarding the premises, and then specifically C, H, K, L, O, and P before you consider going any further with this application. And I ask that the applicant also review that so that the applicant and P&Z are on the same page. Thank you.

Chairperson Lucero: Thank you, Ms. Kruger. Anyone else like to come to the podium?

Rene Hernandez: My name is Rene Hernandez. I'm on 4884 South Main Street. I like the previous gentleman I'm in support here of a Cannabis Tropical Bader Jouda with our local Las Cruces growers. Jouda, one thing that struck me when I met him for the first time is he's very customer oriented. He wants to make sure that anybody that comes into his dispensary, into his shop, that they get the best products. Not only that, he really cares about the people he sells to because he wants to make sure that whatever they purchase is adequate to what they want to do, depending on what they're feeling, depending on their health, depending on the experience they want to have. He's very conscious of that experience. Before he purchase anything from us, he really wanted to know the TAT contents, any background with that, because he wants to make sure that he's in compliance. So, when he asked me to come over here today, I was all for it because not a lot of people has stroke in me like he has in that sense, that he's very passionate of the Mesilla, the region, the tourism, but not just the tourism mainly like the local people that go there because tourists come and go, right? But at the end of the day, the people that are there day and night and visit you, like on a regular, is basically the locals that are kind of like the person that lives down the block or anything like that. And those people, he always welcomes everybody with open arms. And he's a great person, not just as a salesperson, but he cares a lot about what he does. And he wouldn't be here today if he wouldn't be able to provide an adequate space for people to come and enjoy and have a good time kind of like what they say about, I've been coming here for the last nine months and there's more breweries here than I've seen in other places, and that's a beauty. But consumption lounges, there's not that many. But what he has is something special. And the good thing that he has that special is the uniqueness of what he offers to the customers and the vibe that he presents. And it's just such a nice little town that it would just take it to an extra mile for people to come out and enjoy themselves. It's a great little downtown area, so it's beautiful.

Chairperson Lucero: Thank you very much. Thank you. Next?

Rob Duran: Hello, I'm Rob Duran. I'm one of the co founders of the Southwest Cannabis Trade Association, as well as the owner of Headspace Alchemy Manufacturing here in Las Cruces, here in support the same way as everyone else is. As a manufacturer, it is great to be able to get our product onto several different shelves, but what's happening in Mesilla is truly unique. As everyone has mentioned, something very unique about the owner in Jouda, what he does and what is special. Similar to what a lot of the bartenders and waitresses and waiters that you all get to see, or servers, rather, I'm sorry, at some of the La Posta and Double Eagle and even some of the other places that are here gotten to kind of know them. And that is starting here with him in a completely different industry. And I will say that if you look at his reviews on Facebook, Weed Maps or a lot of other places, Google, where reviews are given, every single one of them is top notch. And that's because of what he is doing there, then that's coming. As the owner of Headspace, as one of the

founders of the Southwest Cannabis Trade Association, it's great to be able to see something come into the community and to be able to provide a safe place for people to consume.

As a father, it is concerning, and even seeing children in the room, it's concerning that there could be an issue where consumption in the plaza or other places could become a nuisance or a problem. And I think being able to provide a place for that in the town of Mesilla is very important. It allows adults to be able to consume responsibly and I think, as he's already shown with some of the things steps that he's taken, it's to ensure this done properly and safely with the public in mind. So, I appreciate you all considering this and I hope the outcome is positive for you. Thank you all.

Chairperson Lucero: Thank you very much. Anybody else?

Daniel G. Buck: Good evening, Commission. It's nice to see everybody again. I'm Daniel G. Buck, for the record, owner of EENM. My address is 804 South San Pedro Street, Las Cruces, New Mexico, 88001. Hopefully tonight I don't have to take over the meeting again. Well, I was solicited. I think this evening to hit back on the coattails of what Mr. Duran has offered, we must analyze the extension and conditional control of the law in the state of New Mexico. Mr. Jouda extends that he has currently a legal operating establishment for retail. He is taking the legal right of way to apply for a cannabis consumption license and he meets all of the code and jurisdictional match from the state to the municipality, down to the business owner. If you knew Mr. Jouda on a personal level, you would know that he brings an economic portfolio which fortified the state of Florida and it also now is in Mesilla. You have the potential to allow him to grow his facility, expand his family enterprise in here, and really govern a safe consumption area in which the store owner not only follows the state's jurisdiction, but then can monitor the onsite consumption of the buyer and ensure that people that are consuming have a safe amount of time to mitigate what's in their body and process and the store owner to fully take responsibility and legal suit to ensure that the public is safe both the consumer and the people at large near the plaza.

Anyone who's a parent, as Mr. Duran said, understands that there is a concern with public consumption. This outlet gives a solution to that. And the state ensures that as a license holder, we need to look at the economic benefits, we need to look at what it can do for your business. As a part of our business enterprise expansion, we launched a publication. I'm from a newspaper family, and Mr. Judah has partnered with us to help aggrandize our online digital access by running specials and duality with our publication, which ensures both of us get traffic and remain under the safe governance of the law. I think tonight that

you need to look at all of the items he has implemented to ensure his business can grow and ensure that this is fostered through and rectified at the municipal level.

Chairperson Lucero: Thank you very much.

Elisa Tafoya: Hi there. I'm Elisa Tafoya 5059 Navajo Trail. I represent Desert Flower Growers. I am a micro producer and cannabis grower here in Las Cruces. Our product sits with his Jouda and his wife Marisa. I'm in support of his cannabis lounge. It has been an honor and a pleasure to do business with this couple. They are compliant, they are true, they are honest, and they have a good handle and an idea of what is going on in Mesilla. And I support what they're doing here and it's and I strongly advocate that you guys also support entrepreneurs such as Jouda and his wife Marisa to help them scale their business. These are the kind of entrepreneurs that you want in Mesilla to be long lasting and they are the people to be able to do so. So, I support their consumption lounge. They have a great retail operation that they have right now with a variety of local products, products that are specifically here in Mesilla Valley and the surrounding areas, but those all support ancillary businesses in this area. So, what supports Jouda also supports people like me and others in this room. So, I just wanted to make you guys aware of that, that you help one, you help several of us. So, thank you for your time and I'm in support of this cannabis lounge.

Chairperson Lucero: Thank you very much.

Greg Crop: Hello. My name is Greg Crop. I live at 6465 Camino Tesoro. I am a small business, also micro producer, and everybody has a lot of positive things to say about Jouda and I will continue that. I really have nothing negative to say about him. I think what's important though is that he's not asking to do something that's illegal or skirt around the law. Cannabis is legal in the state of New Mexico and there are other consumption lounges all over Las Cruces, nothing in Mesilla yet. And I know him personally, he realizes when someone leaves his facility with cannabis, there is that opportunity. They can go and start using it immediately on the square, which is not at all what he intends to have happened. Having a consumption lounge would basically restrict everyone and they would understand, especially the thousands of tourists that come here to this community every single year, they would know that they would have a place they can consume cannabis and they would not even risk going out into public where it is against the law. Thank you very much.

Chairperson Lucero: Thank you very much. Anyone else?

Jerry Noah: Yes, my name is Jerry Noah and I'm support of the resolution here. People tend to smoke out in the public. You have laws that say you can't smoke close to a hospital

or this or that, but they still do it. And so this is an opportunity to maybe help limit the amount of smoking that's out in the public, especially in Mesilla, around the plaza and things like that. So, it might be a benefit that people can go in to the lounge and they're not out on the street because they're going to smoke no matter what the rule is. And we were instrumental in helping get the first cannabis operation down here with Jouda and we did a lot of the inside decoration. So, we're in support of it too. Thank you.

Chairperson Lucero: Thank you very much. Anyone else? It seem like there is an email, so, Mr. Salazar?

Mr. Salazar: Okay. Madam Chair, I'd like to take this opportunity also, we did receive a couple of letters, email, one letter, one email from a resident due to the notices that we sent out. At this time, I would like to read both of them to you. It's only five pages long. I'm sorry.

Chairperson Lucero: Let's hear it. Take a deep breath.

Mr. Salazar: No, not it. I did receive an email this morning. The email this morning was from Tom Hutchinson. He is the owner of La Posta. Again, he requested that I read this to the commission before any decision was made. He says, "Good afternoon, members of Mesilla Planning and Zoning Commission. I understand you have a meeting this evening that will include reviewing, discussing, and request by Cannabis Tropical, LLC, for a cannabis lounge and manufacturing facility to be co-located at their existing facility. Regrettably, Geriann and I, our previous commitment, will not be able to attend. While we recognize the cannabis regulation that recently passed by our state legislature and passed into law by the governor legalizes the consumption and retail sales of cannabis statewide. The act also allows local jurisdictions some latitude in establishing rules for their respective communities. Like many new laws, particularly one that legalizes uses of drug other than alcohol, the actual implication of the law, act, often raises more concern and consequences than original law intended. As you consider this request, I respectfully ask you consider the following. Are we satisfied as leaders in our community that the current enforcement and oversight infrastructure for this new Cannabis Regulation Act, both at the state and local level, is at the level that guarantees the health, safety, and wellbeing of our community? As someone with two liquor licenses, we take the responsibility and adherence to regulations and restrictions in the serving of alcohol very seriously. As you know rigorous background checks in advance of the license issuance is critical and important. I'm aware of many liquor license applications that were turned down and or delayed because of a criminal record, serious traffic violation and other characteristics your flaws and for good reason. I'm hopeful that the same level of license application scrutiny continues, whether alcohol or cannabis related. Regarding the lounge, I have real concerns

and our ability to understand the extent of our customers' high well being served, to any extent when they first arrive, what the trigger may be for cutting them off, and to what extent the operator responsible for a customer's physical, mental state once consumption occurs. For instance, just like alcohol consumption, driving a vehicle once there has been cannabis consumption has got to be a real concern for all of us, particularly law enforcement. Are we satisfied that the current operating we see are properly verified customer's age, packaging and label requirements, clean air ventilation requirements, etc, and all requirements in the Cannabis Regulations Act? With the advent of a new industry and the possible establishment of a cannabis lounge and manufacturing facility immediately a hazard to other retail historic buildings and in my case, just across the street from my establishment. We're hopeful meaningful consideration to be given to the impact on neighbors, both business and residents. Our particular concern is parking. Unfortunately, we have had nearly a half dozen encounters with the operators of the Cannabis Tropical asking them not to park in our large parking lot. While making the request once should suffice, multiple asks suggest that a lack of consideration and disrespect for another business property. I hope my assessment is incorrect, but I recognize parking is tight and businesses in and around the plaza are parking lot is just large enough to barely accommodate our customers. My concerns will be amplified should a lounge and or manufacturing facility occupy the premises." And lastly, he states, "Understanding the nuances of the Cannabis Regulations Act and the various challenges it presents to our community is certainly worthy of a serious and critical discussion. Please be mindful of the latitude the act gives the local communities aligned these established risk to the extent of their operations. This may be a moment we press the pause button and slowly but responsibly proceed by carefully observing and monitoring the impact of this new industry on the health, safety and welfare, not only for our town, but other municipalities who may choose to proceed little quicker. Many thanks for your time and consideration."

I have one more here. Again, I still haven't got a chance to open it yet. This letter is from Emmett and Rosa Booher. This is concerning case number 061636, special use permit hearing for Cannabis Tropical consumption lounge. "As 30-year residents of the Mesilla and Mesilla business owner, we would like to go on record in opposition of this request. We urge the commission to not approve this request. The town of Mesilla is a unique location within the New Mexico state, and we feel the approval of this request would irreparably harm the quaintness at all of our citizens and take great pride in. The sales of cannabis in Mesilla could and should be argued as its own merit. The consumption is even more of an unknown. The state of New Mexico is still grappling with the growing industry and there are too many issues that will inevitably arise in how to deal with these issues. We feel strongly that Mesilla is not in a position to deal with these issues. Our law enforcement and residents should not bear the burden of this type of business within Mesilla. The increased evening traffic, the air quality issue, and the potential damage to historic

properties in and around the plaza create a great risk. Please carefully consider the decision regarding this permit.”

Chairperson Lucero: Who sent that letter?

Mr. Salazar: This letter was sent by Emmett and Rosa Booher. If there is nothing else as far as testifying from the public, I'd like to also, again, include, invite Mr. Bader Jouda up to the podium. He does have some material. He did bring a visitor with him. He would like to discuss his engineering floor plans with you all in case you have any questions on that part.

Nicole Fox: Since you're short for time, I'm just going to address a few things on Jouda's behalf. One, he does have the engineering plans for the building, which reflect the highly sophisticated HVAC infiltration system that he has to have to be compliant as a consumption lounge. Secondly, I just want to say that his license for his consumption lounge at the state level has been approved pending the outcome of this meeting. So, he has met all the criteria, which, by the way, is just as strict, if not more strict, than what it is to provide alcohol and have an alcohol license. He had to have a background check, a federal background check, and he had to submit lots of details about his plan to execute the operations of a consumption lounge in Mesilla, taking into consideration, again, the safety and health of himself, his business, his workers, and most importantly, the community.

Chairperson Lucero: Thank you. Yes?

Bader Jouda: I would like to add something. For the parking lot, I don't mind if there is an additional fee I had to pay. If they just got to be the customer, they come and visit our lounge consumption, just come and visit quickly for our lounge consumption. 60% of my customer, the customer will be waiting an empty tables in La Posta under the Double Eagle. Customer already they bought and existed at the plaza. They don't got nothing to do else till they get served. They come and buy some cannabis, which is legal. For me, I got a benefit from it, yes, but not me alone I would benefit from the lounge consumption. Most of the business around me would benefit also from the lounge consumption. And for the parking lot, I don't mind also if I had to pay extra additional fees as I have 20 or 30 employees, I don't mind that at all.

Chairperson Lucero: Thank you very much.

Bader Jouda: You're welcome. And for the air ventilation, sorry, for a little bit I was stuck, now it's cooler a little bit. For the air ventilation, for the lounge consumption, we got to have three different ACs inside. These just suck cold air, filter it, push it back. We got to have an emergency exhaust also filtered with charcoal to make sure there is no air going to

push outside the building that contain any kind of cannabis. It would be 100 % clean air. That's based on the mechanical engineer I have it. The way they did the mechanical engineer is almost the same way they did the consumption lounge in the airport. I have a lot of equipment. You will see there's fortified air conditioner, splitter, exhaust, I mean, I got to make sure nobody outside get us in there. I do understand there is families outside, there is chairs behind us outside but, anyway, they come and buy either from me, either from Cowboy Cannabis, any place around us. They come and buy it, they go. Anyway, they found their place to smoke it at the plaza. Which is, at some point, was concerning me like I have a space why will you work it out to have for them? I save this place just to taste it, five, 10 minutes, get themselves together, tell their table ready, lobster, or any other place and they go mind their business and have a wonderful day and a good memory that they were able to do that at the Mesilla town, Billy the Kid, and historical place. Thank you very much.

Chairperson Lucero: Thank you for these remarks. Mr. Salazar, anything else you want to add before we get to it?

Mr. Salazar: No, the only last thing, lastly, I feel it was very important that he could have brought up is also the safety of this building. He does have a... He buzzes in and out everybody that enters the building and he buzzes everybody that exits the building. That includes people that are in the consumption lounge as well. So, there is a visual of the people that are coming in and out of the building.

Nicole Fox: Sophisticated security system they have cameras.

Mr. Salazar: Correct.

Nicole Fox: Yeah.

Mr. Salazar: And they have cameras. It's a very sophisticated system that I believe that he did spend a lot of money on that it needs to be brought up because...

Chairperson Lucero: His application is all up.

Mr. Salazar: Other than that, I stand by for any questions or concerns.

Chairperson Lucero: We have questions. I'm sure we have questions, but we can't address them at this meeting. Am I correct or can we...? We're running out of time. It's going to be six o'clock. Can we ask questions at this time?

Mr. Salazar: You can ask questions at this time. The vote needs to be within, as I mentioned on the sheet, there is a time frame. I have to look at it. I believe it's 40 days.

Chairperson Lucero: So, we do vote on this tonight?

Mr. Salazar: You do vote on it, but the resolution needs to be submitted within the time frame that I listed on the board.

Chairperson Lucero: All right. So, my job is to ask the commission, do we need a motion then to approve this special use case?

Mr. Salazar: Correct.

Chairperson Lucero: And then we open it up for discussion. That's what we do.

Mr. Salazar: Correct.

Chairperson Lucero: All right, so let's do that then. All right, I will accept the motion at this time case 061636.

Commissioner Rockstraw: Move to approve.

Chairperson Lucero: One second.

Commissioner Walkinshaw: I'll second that.

Mr. Salazar: Commissioner Rockstraw?

Chairperson Lucero: Rockstraw made the motion, Commissioner Walkinshaw second. Now I am opening it up for discussion, commissioner?

Commissioner Walkinshaw: I did have one question about the layout and how you're going to operate as far as circulation. I've been in your section, so I understand the set up. I've got the map here. And my question is, when someone comes in that's buying, you're not going to smoke or you're not going to sample it in the lounge. They come in to buy it and they come in that one door and then they buy it. I would assume they would go out the same door. They wouldn't go through the lounge.

Bader Jouda: No. That's if I have the lounge, they had to go through the return and go back the same way they're walking in because we got to have two check in. Check in for the

dispensary and then it's separated for the lounge consumption. They cannot go in to the lounge consumption, sorry, until they do again check in and sign a waiver that nothing, if anything happened to them, that they enter in their own responsibility. They cannot sue me or sue, which is government is protected already, nobody can sue it. Then they can go in and they cannot bring anything with them or leave with anything. Everything got to be inside these micro dosages. It got to be instead of one gram joint, got to be 0.25 gram joint, 0.3 gram joint just to give them a taste what product they have or they got to have it. Any other questions?

Chairperson Lucero: Commissioner Salas.

Commissioner Salas: One is just an observation. I think Mr. Hutchinson does have a valid point. I hope this commission, if Mr. Hutchinson comes to this commission and asks to do something in reference to his own parking lot as to how because it is his property. It's his life. It's protected in a way, and if it's for his customers. I know I realized most people may go into the cannabis shop and order the host of it, or vice versa. I really like that. But at the same time, he does have a right to protect his property for his own customer. So, it's just to say that if he comes with something to go protect his parking lot, some way of a ticket thing or something that this board really considers that. The second thing is, and it's just a question because I'm naive about it, is that you see in the liquor establishment, the establishment that sell liquor, most of the bartenders have to get a license or a serving license. And I don't know that is that happening in the with cannabis?

Bader Jouda: Yes.

Commissioner Salas: And the reason I say that is because there is some legal ratification, right, if somebody's over served or whatever. Actually, if something happens on the road, legally, they could come back after the establishment. I'm just asking that question if there's something like that in the cannabis.

Bader Jouda: Yes, first of all, they had to have food handling certificate. And after that, whoever got to work in the lounge consumption, he had to get a course like a bartender just specifically for the lounge consumption. Besides, anything inside the lounge consumption is got to be at the very low dosages. And you got to have each one is limited dosages for it. So, it got to be like, hey, let me walk in and let me smoke such and such and such. No, you got to be like dosage is already packaged for dosage. I cannot even use a drop. Everything had to be packaged already as dosage for the lounge consumption. Everybody will know what the system tell us about his limits he could use for the lounge consumption.

Commissioner Salas: So, these people, like a bartender or a server, they have the ability to cut somebody off?

Bader Jouda: Yes, and we got to have security. You don't get a meet requirement or anything. In the old time, we got to be having a lounge consumption of three people, two bartenders, and one security as one security. So, if you don't want to meet the requirement, if you don't want to comply with the rules, it's got to be monitored in cameras, so you had to leave. We got to ask from you nicely to leave because we just cannot to serve your wishes or make you extra happy more than you want. We just cannot go over the limit or break any rules.

Nicole Fox: There's also a cannabis control standard operating procedure that puts a limit on how much can be served at a consumption lounge. In addition, all of Jouda's employees are trained under training system where based on standard operating procedures that were created from state legislation and regulation.

Commissioner Salas: Okay. Thank you.

Bader Jouda: Any other questions?

Commissioner Jones: I have a question. My research shows that if you don't, then as they are the time to see the revenue that we have gotten until last year. There is no mention in that reflection that there is a food, there's not a food, there's not a subject that has been addressed. There's no.

Chairperson Lucero: I believe we... Is there something in the code? I thought there was. Is there something in the code saying that a dispensary... Do we have an order on the structure as far as allowance?

Mr. Salazar: Yes.

Chairperson Lucero: The order and stuff where it is, do you have that right?

Mr. Salazar: There is a section in the code for... I'm sorry, Commissioner Jones?

Commissioner Jones: Yeah, consumption lounge I've never seen the state rules.

Mr. Salazar: Yes.

Commissioner Jones: State rules I don't my fault.

Mr. Salazar: Yes. If you look at the sheet that I included in your packet, which is this cannabis consumption lounge hearing, I did reference the code, the sections where the consumption lounge was mentioned in the code.

Commissioner Jones: In Mesilla or in the state?

Mr. Salazar: The Mesilla I had made the one Mesilla and also I did copy and paste from the New Mexico Cannabis Control Division that the municipalities have the right to approve do or deny a consumption lounge.

Commissioner Jones: I understand that. What has Mesilla done?

Chairperson Lucero: They never have.

Mr. Salazar: We never.

Commissioner Jones: Not thought of ordinance.

Chairperson Lucero: This is the first. So, it's not part of this order because we're working with this, the problem is the families. It is. We do have it. Noting the thing that you mentioned on our code, the test guidelines, our guidelines, and business it keep coming quite a lot of my goals.

Mr. Salazar: Okay. The code reads the process of any kind of special use permit, right cannabis or not. There is a process that we need to follow. Okay, as far as cannabis, there is a very short section that it is allowed according to section. I have it here. Just give me a minute. There is a section that does allow cannabis lounge or in a commercial or historical commercial zone.

Commissioner Jones: Here?

Mr. Salazar: Here, correct.

Chairperson Lucero: 18.1

Mr. Salazar: That is in 18.100.50 section K. It states again that it is allowed to have a consumption if the municipality approves the special use permit (18.100.60 D).

Commissioner Walkinshaw: If I can add to that, under the definition, sorry I forgot what section it is, it does require a lounge.

Mr. Salazar: Correct.

Chairperson Lucero: Anything else you wanted to add?

Commissioner Jones: No.

Mr. Salazar: Now what I do want to ask from the commission as far as a hearing procedures my interpretation and your interpretation of does it how it needs to be approved, does it get approved tonight? Which is my assumption is that we approved tonight and then the resolution be written, not approved, I'm sorry, be voted on tonight, and the resolution be written within allotted time that's mentioned in code and either specifying facts on why the decision was taken either way.

Daniel G. Buck: By the operational code and the state municipalities have to vote on SUPs the night they're presented. A resolution must be drafted to admit to the property that they're approved for the new zoning code that is standard operating procedure for all municipalities.

Mr. Salazar: That is my interpretation. Again, it's my first hearing here at Mesilla.

Daniel G. Buck: Within 40 days, the resolution must be drafted for the property, but tonight the vote will be passed.

Chairperson Lucero: If there is a negative vote, it should be on the record why it would be a negative vote.

Mr. Salazar: Yes, correct, within 40 days on the resolution on why the facts, why it was denied. Correct.

Commissioner Walkinshaw: And this is an advisory vote but it goes to BOT.

Mr. Salazar: That is correct. Generally the P&Z focuses on code, the codes to be followed and met. The BOT, which the governing board are generally the ones that get this kind of crowd to hear the concerns or the support of the community. The commission here is, again, is to look at the code, make sure everything's being followed, the plans and such, and then it'll be again recommendation to the governing board for approval or denial.

Chairperson Lucero: Okay. All right, any more questions? If none, I'm going to ask you to vote. All right, when your name is called your vote and explanation. Okay, Mr. Salazar?

Mr. Salazar: Commissioner Jones?

Commissioner Jones: No. And my reason is I don't think it's something the Town of Mesilla needs. (not recognize as sentence) [00:58:58]

Mr. Salazar: Commissioner Walkinshaw?

Commissioner Walkinshaw: I vote yes from the standpoint of kind of what I've heard here, but also I read through the act. It seems like it meets all the requirements.

Mr. Salazar: Madam Chair Lucero?

Chairperson Lucero: Yes. And my interpretation is meets the code

Mr. Salazar: Commissioner Salas?

Commissioner Salas: I'm voting yes for reasons stated by Commissioner Lucero and Commissioner Walkinshaw, but also want to state on my yes that needs to be looked at what the impact of as far as the parking is concerned and also that we also respect the other people's property like the parking lot.

Mr. Salazar: And Commissioner Rockstraw?

Commissioner Rockstraw: Oh yes.

Chairperson Lucero: What is the reason?

Commissioner Rockstraw: I see nothing illegal or against the code or against New Mexico cannabis regulation and that's why I give the motion approval.

Mr. Salazar: Madam Chair four, zero. Motion passes.

Chairperson Lucero: All in favor.

[applause]

Mr. Salazar: My apologies. For the record, it's four to one. Motion passed.

Chairperson Lucero: Thank you to the audience for being and understanding.

Mr. Salazar: You want to have a motion to adjourn?

Chairperson Lucero: Yes. Okay, thank you.

Bader Jouda: Thank you.

Chairperson Lucero: Yes, Mr. Salazar will deal with you.

Bader Jouda: Thank you.

Chairperson Lucero: I do as a motion to adjourn.

Commissioner Rockstraw: So moved.

Commissioner Salas: Second.

Chairperson Lucero: Motion by Rockstraw, second by Salas.

Mr. Salazar: Commissioner Jones?

Commissioner Jones: Yes.

Mr. Salazar: Commissioner Walkinshaw?

Commissioner Walkinshaw: Yes.

Mr. Salazar: Madam Chair Lucero?

Chairperson Lucero: Yes.

Mr. Salazar: Commissioner Salas?

Commissioner Salas: Yes.

Mr. Salazar: Commissioner Rockstraw?

Mr. Salazar: Five, zero.

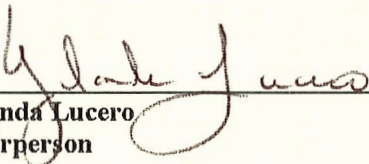
Chairperson Lucero: Meeting is adjourned at 6:30.

[background conversation] [01:01:22]

COMMISSIONERS: YOLANDA LUCERO, CHAIRPERSON
DAVID ROCKSTRAW, VICE CHAIRPERSON
DANIEL JONES
ERIC WALKINSHAW
DAVIE SALAS

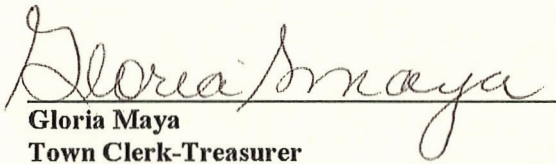
STAFF: EDDIE SALAZAR

PUBLIC COMMENT SPEAKERS: BADER JOUDA, PETITIONER
NICOLE FOX, JOUDA'S CONSULTANT
CARMEN BERNAL
AARON ROSS ZUNIGA
LYNETTE KUNHE
ZANE RAPHAEL
MARK MIDDAL
RAVI TAFOYA
RENEE HERNANDEZ
ROB DURAN
DANIEL G BUCK
ELISA TAFOYA
TOM HUTCHINSON (EMAIL)
ROSA BOOHER (EMAIL)
SUSAN KRUGER



Yolanda Lucero
Chairperson

ATTEST:



Gloria Maya
Town Clerk-Treasurer

