



Oscar Dominguez  
City Manager

**REGULAR MEETING**  
City of Anthony Board of Trustees  
820 Highway 478, Anthony NM 88021  
& Conference Call  
Thursday, September 2, 2021  
6:00 P.M.  
**MINUTES**

Mayor Diana M. Trujillo  
MPT Fernie Herrera  
Trustee Elva Flores  
Trustee Javier Silva  
Trustee Gloria Gameros

You can join meeting using your phone by dialing.

United States: + (646) 749-3335

Access Code: 183-277-733

All members of the public entity participating remotely must identify themselves whenever they speak and must be clearly audible to the other members; public will be allowed 3 minutes presentation on agenda number 6.

1. CALL TO ORDER by Mayor Diana M. Trujillo
2. PLEDGE OF ALLEGIANCE led by Oscar Dominguez- City Manager
3. ROLL CALL Present:
 

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO
Quorum Established	YES	NO

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*Traduccion del ingles al español y del español al ingles esta disponible a petición.*

4. CONFLICT OF INTEREST

- *Mayor Trujillo: If any of the Board members have a conflict of interest with the items that will be voted please recuse yourself from voting.*

5. APPROVAL OF AGENDA ORDER

*Motion to approve agenda order.*

**ROLL CALL**

1<sup>st</sup> Motion: Trustee Gameros 2<sup>nd</sup> Motion: Trustee Flores

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO
Trustee Elva Flores	YES	NO 4 to 0, Motion passed.
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO

6. ITEMS FROM THE FLOOR – *No items*

7. **HEARING AND ORDINANCE 2010-018 SECOND AMENDMENT READING**

An ordinance amending Land Use and Zone ordinance to include Cannabis Zoning. *Presented by City Manager*

**First reading:** August 19<sup>th</sup>, 2021

**Notice of publication date:** August 13<sup>th</sup>, 2021

**Public Comments/Discussion:** August 19<sup>th</sup>, 2021 and September 2<sup>nd</sup>, 2021

**Consideration and Action to pass:** September 2<sup>nd</sup>, 2021

- **Mayor Trujillo:** *This is an open hearing; Do we have anyone from the public that would like to speak about this ordinance? I see and hear none.  
Do we have staff members who would want to address the board?*
- **City Manager:** *Madam Mayor, I would defer to Planning and Zoning - Chairwoman Holguin.*
- **City Clerk:** *Chairwoman Holguin, do you solemnly swear or affirm that the testimony you give is the truth, the whole truth, and nothing but the truth, under penalty of perjury?*
- **Chairwoman Holguin:** *I do.*
- **Chairwoman Holguin:** *I believe we discussed the cannabis ordinance. We understood that it's very important that we had an ordinance in place for this new cannabis law coming to New Mexico for medical and recreational use.  
We said it was very important for the City to set regulations, adopt a time, place, set rules for cultivation. Setting limits from schools and daycares was very important too.  
I understand from yesterday 9/01/2021, state is already taking applications from people who will potentially go into this business. My understanding is that we need to make sure that we have all these regulations in place. That is why it was very important to get this done. I'm not sure if anybody has any questions that I might be able to answer.*
- **MPT Herrera:** *We went through a training today on cannabis; Some zoning is so good, as far as the distance from the church or schools set by the state at 300 feet. A city or a municipality cannot increase more than 300 feet. We can go less, but we can now go more. That's what we have to maintain. We stay with the same regulations that are already established.*
- **Alan Dahl:** *Chairwoman Holguin, can I confirm that this comes before the Board of Trustees with the recommendation of Planning and Zoning?*
- **Chairwoman Holguin:** *Yes.*
- **Alan Dahl:** *Thank you.*
- **Mayor Trujillo:** *Any discussion from the board? are there any questions for chairwoman Holguin?*
- **City Manager:** *Madam Mayor, this is the city manager, I'm happy to take the oath and perhaps add a few lines, but I believe that the Chairwoman's testimony or comments were fairly comprehensive.*
- **City Clerk:** *Manager Dominguez, do you solemnly swear or affirm that the testimony you give is the truth, the whole truth, and nothing but the truth, under penalty of perjury?*
- **City manager:** *Yes.*
- **City Clerk:** *Thank you.*
- **City Manager:** *Madam Mayor and Trustees, the proposed amendments to the ordinance are something that staff strongly recommends because cannabis is a controlled substance. It must be regulated and because of the nature of the substance, we need to keep it away from people that are not of legal age. The proposed ordinance does mirror the laws around the control of alcohol in the city of Anthony. Staff does not recommend any additional restrictions beyond those that the Planning and Zoning Commission outlined in the recommended changes to the ordinance. Thank you, Madam Mayor and Trustees.*
- **Mayor Trujillo:** *Any questions for Mr. Dominguez?*
- **Trustee Flores:** *I guess this is a question. I passed on it. I was wondering, there on page one where it says, where's the cannabis cultivation? And it goes on and on and then it says required security. Who is doing the security here? Who is supposed to be doing security?*
- **Alan Dahl:** *Before we move on to the discussion portion among the board, Madam Mayor, and Trustee Flores, I recommend finishing up the public hearing portion. Make sure that there's no one else who wants to have their statements on the record and then entertain a motion to approve the ordinance and a second,*

*and then we can go into the discussion and I'll be happy to get into the word choices, things of that nature, at that point.*

- **Trustee Flores:** *That is fine.*
- **Mayor Trujillo:** *Okay, we're on a public hearing now; Is there anyone else who would like to speak or ask any questions before we go into the consideration and action?  
I see hear none. May I have a motion for this item please?*
- **Trustee Gameros:** *I move for consideration and action to pass ordinance 2010-018, an ordinance amending Land Use and Zone ordinance to include Cannabis Zoning.*
- **MPT Herrera:** *I second*
- **Mayor Trujillo:** *First motion by Trustee Gameros, second motion by MPT Herrera, discussion.*
- **Alan Dahl:** *Trustee Flores, I'm happy to discuss the wording now before moving far ahead. I just wanted to confirm that motion Trustee Gameros referred to is amendment 1.*
- **Trustee Gameros:** *I did not include any amendment*
- **Alan Dahl:** *The title of the ordinance is 2010-018(Amendment 1). That was my area of concern. I want to make it clear for the record.*
- **Trustee Flores:** *Alan, on the agenda, it reads the Second Amendment instead of the First Amendment.*
- **Alan Dahl:** *Yes, I believe that's probably a typo.*
- **City Clerk:** *The second amendment reading was to reference that this is the second ordinance hearing. We had the first reading, so the second reading was today. Not to mean the second amendment of this ordinance.*
- **Mayor Trujillo:** *Alan, I stated that this is for consideration and action to pass the ordinance 2010-018 Land Use and Zoning ordinance to include cannabis zoning. I did not include either the first or the second amendment reading.*
- **Alan Dahl:** *For the record, I want to make it clear Trustee Gamero's intentions. You were moving to, uh, for the consideration and action on ordinance number 2010-018, amendment number one, as it is in front of you.*
- **Trustee Gameros:** *Madam Mayor, I move for consideration and action to pass ordinance 2010-018 first amendment of Land Use and Zone Ordinance to include Cannabis Zoning.*
- **MPT Herrera:** *I second*
- **Mayor Trujillo:** *First motion by Trustee Gameros, second motion by MPT Herrera, discussion.*
- **Alan Dahl:** *I just want to make sure there is no confusion that we are passing an ordinance that was already passed since this is the amendment to that 11-year-old ordinance, Trustee Flores. With respect to that portion the "whereas", are sometimes called the recitals. It states that cannabis cultivation, production, and manufacturing involve many things and require security and other measures to reduce the risk of theft or other diversions to the illegal cannabis market.*

*That is simply referring to what the city manager referenced in his testimony, which is, cannabis continues to be a federally banned substance. It can be abused, so there is a need for some form of security to keep it out of the hands of people who should not have it whether that is children or people who don't have a right to buy it.*

*So, this section of the ordinance does not impose any security requirements. It simply observes that security is an essential aspect of cannabis regulation and I believe there is a restriction in the body of the ordinance. Section 13.8, at the very bottom of the ordinance: It states that cannabis, cultivation, and production for personal use is allowed anywhere in the city subject to the following.*

*Cannabis cultivation in production for personal use must be conducted inside an enclosed locked, dwelling unit or an appropriate accessory structure, for example, a closed, controlled environment or structure.*

- *So, something like a greenhouse, something that you could put a lock on. The idea behind the lock, or the security, is simply to prevent people who shouldn't be consuming cannabis or having access to it. Does that answer your question?*
- **Trustee Flores:** *Yes, thank you so much. On the second to the last whereas, I would like to move to amend by eliminating that "and".*  
*On page three- Letter "N" where it says: Elementary, middle, junior, high. We do not have a junior high anymore, It's middle school. So, we take off the junior high at the beginning of the following line, add "Pre – Kinder" in front of elementary*
- *Then, on page four on section 13.2, It would be okay to move them to the outskirts of the city like when we do annexations?*
- **MPT Herrera:** *From our training today, they said we could not treat or relocate the cannabis operations any different from any other businesses. We cannot make a particular zone to put them from inside the city. They have to be treated the same as long as they are at least 300 feet away from the schools.*
- **Trustee Flores:** *Let's say that we already have an established business with cannabis, and then somebody opens a daycare near it. What would happen then?*
- **MPT Herrera:** *That is a good question that was asked at the meeting today and they said that once they are established, they are grandfathered in.*
- **Alan Dahl:** *I second that, Madam Mayor and Trustee Flores. MPT Herrera is correct. Once established, they cannot be moved. They cannot be forced to move to accommodate new locations. This purely applies prospectively. So, if we require cannabis establishments to be 300 feet away from daycare or school, that does not affect a cannabis establishment that is already in place.*  
*There is already a separate definition for daycare within this ordinance. We refer to distances from schools and daycares, so it may be redundant to include daycares within the meaning of schools. My recommendation would be to keep pre-Kinder but keep daycare as a separate term.*
- **Trustee Flores:** *That is fine with me. I move that we amend to remove the "and", on section 3.2(N) add Pre-Kindergarten before elementary, add "school" to mean middle school, delete "junior high".*

#### **ROLL CALL**

1<sup>st</sup> Motion: **Trustee Flores** 2<sup>nd</sup> Motion: **Trustee Gameros**

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO

**4 to 0, amendment approved.**

- **Mayor Trujillo:** *Now let us go back to the original motion for consideration and action to pass ordinance 2010-018 first amendment of Land Use and Zone ordinance to include Cannabis Zoning.*

#### **ROLL CALL**

1<sup>st</sup> Motion: **Trustee Gameros** 2<sup>nd</sup> Motion: **MPT Herrera**

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO

**4 to 0, motion approved.**

8. **ADJOURNMENT**

*Motion to adjourn*

**ROLL CALL**

1<sup>st</sup> Motion: Trustee Gameros 2<sup>nd</sup> Motion: Trustee Flores

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO

*4 to 0, motion approved at 6:34pm*



  
Diana Murillo-Trujillo, Mayor

{SEAL}  
ATTEST



Esther Motongo, City Clerk