

**Roswell City Council
Chaves County Administrative Center
Commission Chambers - #1 St. Mary's Place
Thursday, August 14th at 6:00 p.m.**

Notice of this meeting was given to the public in compliance with Sections 10-15-1 through 10-15-4 NMSA 1978 and Resolution 25-28.

The meeting reconvened at 6:01 p.m. with Mayor Jennings presiding:

ROLL CALL:	Cristina Arnold	Present
	Angela Moore	Present
	Robert Corn	Present
	Juan Oropesa	Present
	Darrell Johnson	Present
	Ed Heldenbrand	Present
	Will Cavin	Present
	Carlos Marrujo, Jr.	Present
	Christopher Cortez	Present
	Juliana Halvorson	Present

Councilor Marrujo led in prayer, and Councilor Cortez led in the Pledge of Allegiance.

1. Approval of agenda - approve the agenda for the August 14, 2025, Regular City Council Meeting.

Councilor Halvorson moved to approve the agenda for August 14, 2025, with the following changes:

- Item #3 should read: Pursuant to Chapter 2 of the City Code, Mayor Jennings nominates and requests confirmation by City Council of Judy Scharmer to serve as the City's internal auditor.
- Pull item # 21 from the Consent Agenda and place it after 2, which will now be 2a
- Pull the following items from the Consent Agenda #
 - #9 – PO Desert West \$1,239,791.92 will become item #45
 - #11 – PO Desert West \$591,035.68 will become item #46
 - #26 – Resolution 25-42: Certification of Correctness of Physical Inventory will become item #47
 - #36 – Roswell Hispano Chamber Pinata Fest Lodger's Tax Funding Request will become item #48
 - #37 – Minutes May 25, 2025, Special CC will become item # 49
 - #39 – Minutes July 10, 2025, will become item # 50
 - #40 – Minutes July 23, 2025, will become item #51

Councilor Heldenbrand was the second.

Councilor Oropesa asked, I have a question regarding item numbers 21 and 3. Are these two separate issues, or are we discussing number 3 solely as a nomination for a position? If we've already addressed this under item 23, is there a need to remove item 21 from the consent agenda?

Chad Cole responded, Mr. Mayor, for clarification, there are two items for consideration. First, there is a contract for professional services to provide internal audit services. Second, under Chapter 2, the mayor is required to nominate, and this council is to consider, the appointment of the city's internal auditor.

Councilor Oropesa asked. My question is about the nomination: it appears to be for an individual, but that individual owns the business... as a sole proprietor.

Chad Cole responded as a sole proprietor. In this case, both apply—she is the sole proprietor of the business and would serve as the city's internal auditor.

ROLL CALL:	Cristina Arnold	Yes
	Angela Moore	Yes
	Robert Corn	Yes
	Juan Oropesa	Yes
	Darrell Johnson	Yes
	Ed Heldenbrand	Yes
	Will Cavin	Yes
	Carlos Marrujo, Jr.	Yes
	Christopher Cortez	Yes
	Juliana Halvorson	Yes

Motion passed 10-0

2. Approval of consent agenda - approve the consent agenda for the August 14, 2025, Regular City Council Meeting.

Councilor Halvorson moved to approve the agenda as amended for the August 14, 2025, Regular City Council agenda. Councilor Johnson was the second.

ROLL CALL:	Cristina Arnold	Yes
	Angela Moore	Yes
	Robert Corn	Yes
	Juan Oropesa	Yes
	Darrell Johnson	Yes
	Ed Heldenbrand	Yes
	Will Cavin	Yes
	Carlos Marrujo, Jr.	Yes
	Christopher Cortez	Yes
	Juliana Halvorson	Yes

Motion passed 10-0

2a (21). Approval to enter into a professional services contract with True Business Solutions, i.e., Judy Scharmer, to provide internal audit services for the City of Roswell. Chad Cole presented the item.

Councilor Corn made a motion for approval to enter into a professional services contract with True Business Solutions for internal audit services for the City of Roswell. Councilor Halvorson was the second.

Following a discussion regarding a potential violation of Chapter 2, it was decided to refer the matter to the Legal Committee. The committee will review and propose amendments to Chapter 2 to ensure that its provisions align with the hiring of outside services, whether through a corporation or an individual.

Councilor Arnold made a motion to send to the Legal Committee on Thursday, August 21, 2025. Councilor Moore was the second.

ROLL CALL:	Cristina Arnold	Yes
	Angela Moore	Yes
	Robert Corn	Yes
	Juan Oropesa	Yes
	Darrell Johnson	Yes
	Ed Heldenbrand	Yes
	Will Cavin	Yes
	Carlos Marrujo, Jr.	Yes
	Christopher Cortez	Yes
	Juliana Halvorson	Yes

Motion passed 10-0

3. Approval to enter into a professional services contract with True Business Solutions i.e., Judy Scharmer, to provide internal audit services for the City of Roswell.

Councilor Arnold made a motion to refer the matter to the Legal Committee at the meeting on Thursday, August 21, 2025. A Special City Council meeting will follow the Legal Committee meeting. Councilor Halvorson was the second.

ROLL CALL:	Cristina Arnold	Yes
	Angela Moore	Yes
	Robert Corn	Yes
	Juan Oropesa	Yes
	Darrell Johnson	Yes
	Ed Heldenbrand	Yes
	Will Cavin	Yes
	Carlos Marrujo, Jr.	Yes
	Christopher Cortez	Yes
	Juliana Halvorson	Yes

CONSENT ITEMS (items 4-40 will be approved at the time of the approval of the consent agenda)

4. Approval for RFD (Roswell Fire Department) to move forward on the implementation of the RFD ambulance service proposal.

5. Approval to issue a purchase order to Southwest Ambulance Sales for a total of eight (8) new ambulances to support the implementation of ambulance transport services. This purchase includes five (5) Type I ambulances and three (3) Type III ambulances. Total purchase price is \$1,778,782.49.

6. Approval to issue a purchase order in the amount of \$86,526.03 to Code 3 Services for the purchase and installation of radio equipment necessary for ambulance communications.

7. Approval to issue a purchase order to Howe Medical in the amount of \$763,099.92 for eight (8) gurneys and eight (8) cardiac monitors.

8. Approval of authorization for an expenditure of \$416,434.00 for two new CDL buses from Creative Bus Sales/Model1.

10. Approval for PO to Nieto Custom Builders in the amount of \$135,364.20 for roof repair to Building 1166.

12. Approval for PO to CES in the amount of \$636,261.53 for the Roswell airfield barrier for the National Championship Air Races.

13. Approval for PO to Custom Construction II in the amount of \$984,756.40 for the demolition of Buildings 112 and 115.

14. Approve ratification of purchase order to Mountain States Constructors Inc. in the amount of \$4,490,000.26 (including GRT) for construction of the Taxiway C extension at the Air Center.

15. Award of RFQ (Request for Quote) for Environmental Monitoring, Reporting & Support Services to Parkhill in the amount of \$145,949.04, which includes GRT.

16. Approval of the FY26 Solid Waste Purchasing Authorization Request.

17. Authorize to issue a PO (Purchase Order) for renewal of the contract for the professional services of temporary dispatchers to assist in the staffing issues of Consolidated Dispatch in the amount of \$330,000.

18. Approval of a budget adjustment in the amount of \$110,173.40 for disaster recovery expenses for collection appraisals, conservation examinations, and conservation of ten loaned paintings.

19. Consider approval of a budget adjustment in the amount of \$129,405.88 to accommodate a payment from the fine art insurance claim from the October flood.

20. Approval of purchases over \$60,000 pursuant to the City's Purchasing Policy.

Resolution(s)

22. Resolution 25-38: Weeds - The Resolution shall mandate the cleanup of approximately fifty (50) separate properties within the City.

23. Resolution 25-39: Financial Support for Roswell Transit FY27- adoption of Resolution 25-39 to provide financial support to Roswell Transit for FY2027.

24. Resolution 25-40: Disposal of Certain Surplus Personal Property - adoption of Resolution 25-40 to dispose of certain surplus personal property listed on the attachment.

25. Resolution 25-41: Consider Resolution 25-41 for support of the application to the New Mexico Water Trust Board for the large-diameter water line replacement project.

27. Resolution 25-43: adoption of Resolution 25-43: Southeastern NM Economic Development District/COG.

28. Resolution 25-44: Approving a budget adjustment for the fiscal year ending June 30, 2026.

Bids, RFP's and Agreements

29. Approval of the agreement between the City of Roswell and Southeastern New Mexico Economic Development District/COG in the amount of \$13,588.00.

30. Approval of the Eastern New Mexico State Fair Lodgers' Tax Funding Request in the amount of \$20,000 for marketing, sanitation, and security, and open negotiations with the City of Roswell for sponsorship.

31. Approval of the Rio Pecos Kennel Club Lodgers' Tax Funding Request in the amount of \$3,997 for marketing, sanitation, and security.

32. Approval of the Roswell Symphony Orchestra Lodgers' Tax Funding Request to open negotiations with the City of Roswell for sponsorship.

33. Approval of the Roswell Invasion's Crash and Clash Wrestling Tournament Lodgers' Tax Funding Request for \$2,500 for marketing, sanitation, and security with the City of Roswell.

34. Approval of the Roswell Community Little Theater Lodgers' Tax Funding Request in the amount of \$5,000 for marketing, sanitation, and security.

35. Approval of the Not of This World Flag Football's Sling It Fling It Tournament Lodgers' Tax Funding Request in the amount of \$18,500 for marketing, sanitation, security, and open negotiations with the City of Roswell for sponsorship.

Minutes

38. DRAFT Minutes May 30, 2025

NON-ACTION ITEMS (Information Items)

41. Airport Updates (Bobbi Thompson)

42. Airport Advisory Commission Updates (Bud Kunkel)

43. Recognition of Adrienne Vigil (Girl Scout Troop 18044) Proper Disposal of the New Mexico State Flag - NM House Bill 468 (Diane Taylor)

44. Employee Out-of-state Travel

PUBLIC PARTICIPATION ON AGENDA ITEMS AND NON-AGENDA ITEMS

To speak, you must sign up before the Council Meeting.

Rebecca Porte and I reside in Ward One. I am here to address a serious incident involving my 5-year-old daughter, who was sexually assaulted by another participant during the summer youth program under the supervision of Jim Burress at the Roswell Parks and Recreation Department. The staff failed to provide adequate supervision, resulting in an unsafe environment that allowed this assault to occur. Despite clear evidence from security footage, staff failed to fulfill their mandatory reporting obligations or notify the Roswell Police Department. My requests to review the relevant video footage have been denied, and it appears that neither the city nor the police has thoroughly reviewed the evidence. I am deeply concerned that other children may also have been harmed. I urgently request that the city immediately review all video footage to ensure the safety of every child in your care and to fulfill your legal and ethical responsibilities. I expect the Parks and Recreation Department to review and reinforce mandatory reporting procedures with all staff. That is all I have to say.

Paul Rodriguez is seeking help regarding comments made about him on Facebook. The Legal Department will reach out to him.

45. (9) Approval for PO to Desert West in the amount of \$1,239,791.95 for micro surfacing for the main spectator area for the National Championship Air Races. Bobbi Thompson presented this item.

BACKGROUND: This will be the surface finish for the main spectator area at the National Championship Air Races in September. This project will be utilizing Eddy County RFP#24-02.

MOTION: Councilor Corn made a motion to adopt \$1,239,791.95 for micro surfacing for the main spectator area for the National Championship Air Races. Councilor Cavin was the second.

AMENDED MOTION: Councilor Corn made a motion to amend the amount of \$1,239,791.95 to \$1,334,229.50. Councilor Cavin was the second.

Councilor Johnson would like an updated estimate, as it is more than 30 days old. Also, the sales tax is not correct.

Councilor Heldenbrand was concerned about the invoices being on the same day, but \$94,438.08 more than we approved in the Finance Committee.

Bobbi Thompson explained that the estimates were updated without adjusting the date. The cost increase was due to rain damage. Excessive moisture followed by extreme heat caused the soil to steam, which damaged the asphalt. As a result, significant portions had to be redone and resealed. Additionally, the spectator area was expanded, contributing to the increased costs.

AMENDED MOTION: Councilor Corn made a motion to amend the amount to \$1,255,499.63 plus GRT. Also, to get an updated estimate to include the correct GRT. Councilor Cavin was the second.

ROLL CALL:	Cristina Arnold	Yes
	Angela Moore	Yes
	Robert Corn	Yes
	Juan Oropesa	Yes
	Darrell Johnson	Yes
	Ed Heldenbrand	Yes
	Will Cavin	Yes
	Carlos Marrujo, Jr.	Yes
	Christopher Cortez	Yes
	Juliana Halvorson	Yes

Motion passed 10-0.

46. (11) Approval for PO to Desert West in the amount of \$591,035.68 for micro surfacing the pit area for the National Championship Air Races. Item presented by Bobbi Thompson.

BACKGROUND: This will be the surface finish for the pit area at the National Championship Air Races in September. This project will be utilizing Eddy County RFP#24-02.

MOTION: Councilor Corn made a motion to adopt \$591,035.68 for micro surfacing in the pit area for the National Championship Air Races. Councilor Marrujo was the second.

AMENDED MOTION: Councilor Corn made a motion to approve \$604,270.00 plus GRT. Also, need to correct the date on the estimate. Council Marrujo was the second.

ROLL CALL:	Cristina Arnold	Yes
	Angela Moore	Yes
	Robert Corn	Yes
	Juan Oropesa	Yes
	Darrell Johnson	Yes
	Ed Heldenbrand	Yes

Will Cavin	Yes
Carlos Marrujo, Jr.	Yes
Christopher Cortez	Yes
Juliana Halvorson	Yes

Motion passed 10-0.

47. (26) Resolution 25-42: Adoption of Resolution 25-42: Certification of Correctness of the Physical Inventory of Assets for FY2025.

BACKGROUND: Pursuant to Subsection A of Section 12-6-10 NMSA, it is required that, at the conclusion of each fiscal year, local government entities conduct a physical inventory of their assets. The physical inventory of assets, listed as Exhibit A, must be reviewed and formally approved for accuracy by the City Council.

MOTION: Councilor Corn made a motion to adopt Resolution 25-42: Certification of Correctness of the Physical Inventory of Assets for FY25. Councilor Halvorson was the second.

When the document was converted to PDF, “1101 General Fund” was left off; a corrected copy was handed out.

ROLL CALL:

Cristina Arnold	Yes
Angela Moore	Yes
Robert Corn	Yes
Juan Oropesa	Yes
Darrell Johnson	Yes
Ed Heldenbrand	Yes
Will Cavin	Yes
Carlos Marrujo, Jr.	Yes
Christopher Cortez	Yes
Juliana Halvorson	Yes

Motion passed 10-0.

48. (36) Approval of the Roswell Hispano Chamber Pinata Fest Lodgers' Tax Funding Request in the amount of \$20,000 for marketing, sanitation, and security, and open negotiations with the City of Roswell for sponsorship.

BACKGROUND: The Roswell Hispano Chamber of Commerce’s annual PiñataFest is one of Southeastern New Mexico’s most vibrant cultural celebrations, attracting over 5,000 visitors from across the state and West Texas each year. Centered on the colorful piñata, the festival blends tradition, entertainment, and entrepreneurship into an unforgettable family experience. Highlights include live music, folklórico dancing, piñata competitions, artisan markets, and performances by mariachi and dance troupes. Families enjoy interactive exhibits, a children's piñata break zone, and diverse local food vendors. For 38 years, PiñataFest has promoted tourism, celebrated Hispanic heritage, and supported small businesses through vendor opportunities and heightened visibility.

With strong brand recognition and growing out-of-town interest, PiñataFest is poised to evolve into a premier regional destination festival, boosting the tourism economy while honoring the rich diversity that makes Southeastern New Mexico unique.

3 years of Historical Lodgers' Tax Funding Data: Marketing, sanitation, and security

FY2023- Applied for funding but was denied by OTB and City Council for lack of relation to tourism

FY2024- No record of request

FY2025- No record of request

MOTION: Councilor Corn made a motion to approve the Roswell Hispano Chamber Piñata Fest Lodgers' Tax Funding Request in the amount of \$20,000 for marketing, sanitation, and security, and open negotiations with the City of Roswell for sponsorship. Councilor Heldenbrand was the second.

AMENDED MOTION: Councilor Corn made a motion to approve \$5,000 for marketing, sanitation, and security and \$5,000.00 for sponsorship. Councilor Heldenbrand was the second.

ROLL CALL:	Cristina Arnold	Yes
	Angela Moore	Yes
	Robert Corn	No
	Juan Oropesa	Yes
	Darrell Johnson	Yes
	Ed Heldenbrand	Yes
	Will Cavin	Yes
	Carlos Marrujo, Jr.	Yes
	Christopher Cortez	Yes
	Juliana Halvorson	Yes

Motion passed 9-1 with Councilor Corn voting no.

49 (37) DRAFT Special CC Minutes May 28, 2025

MOTION: Councilor Halvorson made a motion to approve the draft Special CC Minutes, May 28, 2025. Councilor Heldenbrand was the second.

FOR THE RECORD: Councilor Cortez stated; The board, commission, or other policymaking body shall keep written minutes of all its meetings. The minutes shall include, at a minimum, the date, time, and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered, and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended, or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the policymaking body. Cortez was present at this meeting.

AMENDED MOTION: Councilor Halvorson made a motion to change Christopher Cortez to absent to present on the minutes from the May 28 Special City Council meeting. Councilor Arnold was the second.

ROLL CALL:	Cristina Arnold	Yes
	Angela Moore	Yes
	Robert Corn	Yes
	Juan Oropesa	Yes
	Darrell Johnson	Yes
	Ed Heldenbrand	Yes
	Will Cavin	Yes
	Carlos Marrujo, Jr.	Yes
	Christopher Cortez	Yes
	Juliana Halvorson	Yes

Motion passed 10-0.

50. (39) DRAFT CC Minutes July 10, 2025

MOTION: Councilor Halvorson made a motion to approve the draft CC Minutes July 10, 2025 to change Councilor Marrujo from present to absent. Councilor Johnson was the second.

FOR THE RECORD: Councilor Cortez stated; The board, commission, or other policymaking body shall keep written minutes of all its meetings. The minutes shall include, at a minimum, the date, time, and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered, and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended, or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the policymaking body.

ROLL CALL:	Cristina Arnold	Yes
	Angela Moore	Yes
	Robert Corn	Yes
	Juan Oropesa	Yes
	Darrell Johnson	Yes
	Ed Heldenbrand	Yes
	Will Cavin	Yes
	Carlos Marrujo, Jr.	No
	Christopher Cortez	Yes
	Juliana Halvorson	Yes

Motion passes 9-1 Councilor Marrujo abstained he was absent on the July 10, 2025 City Council meeting.

51. (40) DRAFT Special CC Minutes July 23, 2025

MOTION: Councilor Halvorson made a motion to approve the draft minutes for the Special City Council minutes for July 23, 2025 to change Councilor Moore was via GoTo, Councilor Heldenbrand was absent, Councilor Cavin absent, and Councilor Cortez was present. Councilor Marrujo was the second.

FOR THE RECORD: Councilor Cortez stated; The board, commission, or other policymaking body shall keep written minutes of all its meetings. The minutes shall include, at a minimum, the date, time, and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered, and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended, or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the policymaking body.

ROLL CALL:	Cristina Arnold	Yes
	Angela Moore	Yes
	Robert Corn	Yes
	Juan Oropesa	Yes
	Darrell Johnson	Yes
	Ed Heldenbrand	Abstain
	Will Cavin	Abstain
	Carlos Marrujo, Jr.	Yes
	Christopher Cortez	Yes
	Juliana Halvorson	Yes

Motion passed 8-2 with Councilor Heldenbrand and Councilor Cavin abstaining.

PUBLIC HEARING(S)

52 (45). Zoning Case 25-0063 CANN - Consider approval and conduct a public hearing on Retail Cannabis Zoning Case CANN-25-0063 (Closed session possible).

FOR THE RECORD: Councilor Halvorson asked to be recused from this item because there was a conflict presented under the ethics rule as required to conduct a quasi-judicial hearing. There were no objections.

MOTION: Councilor Johnson made a motion to approve and conduct a public hearing on Retail Cannabis Zoning CANN Case 25-0063. Councilor Cortez was the second.

BACKGROUND: Request for a Variance to Distance from Residential District, Zone Change to CCAN (Commercial Cannabis), and Conditional Use Permit to operate a Retail Cannabis Establishment in the C-2 Zoning District at 3107 N Main Street, Unit B.

CHAPTER 27 - CANNABIS SEC. 27-33. CITY COUNCIL DETERMINATION.

(a) Upon recommendation or disapproval of a zoning request, the council shall hold a public hearing at its next regular meeting after the notice provisions of this section have been met, in order to approve or deny the zoning request. (d) At the public hearing, the council shall consider the recommendations of the department, the commission, testimony of the applicant and any affected parties, and the comments of the public. Upon completion of the hearing, the council shall vote whether to approve or deny the zoning request. The council may set such reasonable conditions or amendments upon its approval as it may judge appropriate, considering the circumstances. The council's determination shall be based solely on the following criteria: (1) Whether the proposed location meets all of the time, place, and manner restrictions of this chapter and otherwise is not in violation of any city ordinance. (2) Whether the applicant is eligible under state law to operate a cannabis establishment. (3) Whether the particular location would be detrimental to the public health, safety, and welfare of the citizens of the city.

City Clerk: This is a quasi-judicial hearing. So, we need to do a swearing in.

Mayor Jennings: Do we have to swear in anybody who wants to produce testimony? Anyone who is going to speak, you have to stand up and you have to be sworn in

City Clerk: Can you please raise your right hand? Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth under penalty or perjury?

Meredith Hildreth: Good evening, Mayor, members of the council. This is zoning case CANN-25-0063. This is a public hearing. City Council public hearing on Zoning Case 25-0063 for cannabis. A request for approval of a variance to distance from residential zoning districts a zone change to CCAN which is commercial cannabis and CP a conditional use permit to operate an adult used retail cannabis establishment located at 3107 North Main Street Unit B and C2 commercial community commercial zoning district. This is a staff photo of the property under consideration for the greenhouse Roswell at 3107 Street, unit B. This is a zoning map that shows the star is 3107 North Main Street. You can see it's in a commercial corridor and commercially zone corridor. The green arrow and the green line show an 80 foot commercial property between the back boundary line, the east boundary line and the residential zoning district to the east. So there's a 54.7 foot wide commercial property plus a 25 foot wide alley approximately 80 ft between the property under consideration and Linda Vista Estates Residential Subdivision to the east. the little blue arrow is showing where Brian's green care was. The city council approved that under zoning case 22-012 CANN and that Brian's green care is permanently closed. As of today's date, the planning and zoning division has received two written protests, both emails from the same property owner and zero inquiries for this case. And the protest letters are in your packet. The person who submitted the protest letters also spoke as the only opposition to the case during the planning and zoning commission public hearing on July 1st 2025 under municipal code chapter 27 panelists section 27-63 city council nothing in the zoning code withstanding the Roswell city council shall have final authority regarding every proposed zone change and conditional use permit and any zoning request under this chapter and shall hold a public hearing and approve or deny the same based upon the criteria provided for hearing section 27-32 commission review unless a cannabis project applicant is rejected the commission shall consider This is talking about the planning and zoning commission shall consider whether to recommend a zoning request to city council at its next regular meetings

after issuance of the department's written opinion. The commission may recommend a zoning request as presented or with conditions or amendments it deems appropriate. In the event that the commission votes to recommend denying a zoning request, the motion to recommend denial shall state the reasons for such. On July 1st, 2025, City Roswell Planning and Zoning Commission held a public hearing on zoning case CANN-25-0063. A P&Z commissioner made a motion to recommend approval of the case. There was no second. The P&Z commissioner made a motion to recommend denial of the case based on the proximity to residential. P&Z commission voted 4 to one to recommend denial of zoning case CANN 25-0063 to city council section 27-33 city council determination A. Upon recommendation or disapproval of a zoning request, the council shall hold a public hearing at its next regular meeting after the notice provisions of the section have been met in order to approve or to not to or to deny the zoning request. Section 27-33 city council determination D. At the public hearing, the council shall consider the recommendation of the department, the commission, testimony of the applicant, and any affected parties, and the comments of the public. Upon completion of the hearing, the council shall vote whether to approve or deny the zoning request. The council may set such reasonable conditions or amendments upon its approval as it may judge appropriate considering the concern the circumstances. Section 27-33, City Council determination continued. The council's determination shall be based solely on the following criteria. One, whether the proposed location meets all of the time, place, and manner restrictions of this chapter and otherwise is not in violation of any city ordinance. Two, whether the applicant is eligible under state law to operate the cannabis establishment. Three, whether the particular location would be detrimental to the public health, safety, and welfare of the citizens of the city. E. This council's decision to approve or deny a zoning request may be appealed to district court within 30 days of the determination by any party aggrieved by the decision. Only the applicant or any property owner subject to notice here under may be deemed aggrieved under this subsection. This is an excerpt from the city of Roswell 2016 conference and master plan future landing scenario that shows a property under consideration 2:44:11 in the north main street commercial corridor. The legal standard for zoning variance are as follows. Applicant must demonstrate an unnecessary hardship. The strict application of the distance requirement will require an extraordinary hardship due to unique circumstances. A variance is needed necessary to overcome these difficulties. So these are the criteria that that you'll base your decision about the variance on. The conditions of approval for the zoning case CANN-25-0063 is contingent upon city council approval and adoption of the intended variance. change of zone and conditional use permit applications to approve an indoor retail cannabis business the Greenhouse Roswell at 3107 North Street suite B in the city of Roswell New Mexico if approved by the city council zoning case CANN-25-0063 provides for the development and operation of a commercial campus establishment as the greenhouse Roswell located at 3107 North A Street Suite B. The conditional use permit allows for the Greenhouse Roswell to operate as a recreational adult use and medical cannabis retailer under a vice license or equivalent issued by the New Mexico Cannabis Control Division of the NMRLD except as provided for by this permit for uses above the cultivation, processing, manufacturer and or distribution of cannabis or cannabis derived products beyond current activities. by the Greenhouse Roswell is not permitted at this location. Any request to expand operations beyond that which is permitted under zoning case CANN-25-0063 including but not limited to the above will require an amendment to the approval of zoning case CANN-25-0063. Hours of operation for the retail cannabis businesses business shall be from 10:00 a.m. to 7:00 p.m. Monday through Saturday and 11:00 a.m. to 5:00 p.m. on Sunday unless otherwise restricted by the state of New Mexico or the city of Roswell. The owner shall procure a City of

Roswell cannabis operation permit and a state license prior to commencement of business activities. And based on the land use and zoning regular and considerations, findings of factions of law, regulations established the zoning ordinance, city ordinance chapter 27, planning and zoning commission recommendation. Testimonial material presented at the city council on the August 14th, 2025 public hearing. City council is requested to hold a public hearing and vote on the zoning case CNN-25-00063 and I stand for questions.

Mayor Jennings: Okay, we have any questions or we before we have questions, we would probably call the people who would like to speak.

Mayor Jennings: would you give us your name and address and where you're from?

Scott Raymond: Sure. My name is Scott Layman 242 Dave's Place, Pagosa Springs, Colorado. good evening. I'm one of the owners of the Greenhouse. we are requesting a variance from the 300T distance for residential requirement um for our proposed dispensary at 3107 North Main. there are currently 11 dispensaries operating in Roswell. Of those 11, seven have had to request a variance to be closer to residential than uh is in the ordinance. as the slides will show, I believe the city has set a precedent for approving these variances and uh we have been looking for a suitable location since we opened our first door in 2022. The photos and measurements on these slides were taken from the city of Roswell zoning map with the program provided by Arc GIS. Um first slide is R Greenleaf uh which is 225 ft away from residential and they were improved in June of 22. slide two is uh Oasis Cannabis. They are 20 ft from a residential zone. Uh they were approved in May of 2024. On the third slide, we have 285 South Dispensary. it has residential on two sides. Uh the northeast side being only 20 ft 21 and 1/2 ft away from the location. Number five is Dreams Dispensary. they have but a residential lot. they were approved in October of 2022. And slide six here has press labs which all those zones around them are residential. they were approved in August 2023. and there are two more which is Nomad which is 3606 Main Street. not pictured. They abut a residential lot as well. and POS Valley at 313 West Country Prep Drive is approximately 20 ft from a residential lot so Brian's Greencare approached us, which is now closed. They were 174 ft away from a residential lot and, their variance was approved for them in 2022. We were approached by them about taking over their location um, earlier this year and we were pretty excited about that because it's been very difficult to find a location that was suitable. Um, and we've been looking for several years. we ultimately decided since we were going to have to apply for a variance, uh, we were told we needed to renew their variance if we were to take that location over since we were applying for one either way that the, uh, location across the street would be a better a better fit for our company. Um, and with Ryan's closing, that location previously wouldn't have been allowed because it was within the dispensary buffer. Excuse me., sorry, my public speaking is not so great. So, Brian Greencare served the neighborhood for several years and, uh, the location we're looking at is directly across the street, approximately uh, 100 ft from property line to property line. Um, this is the location we're looking at. It is we're looking at the northwest the northwest unit. Uh there's a rear alley on this uh property with a fence separating it from the commercial the commercial and the residential. Uh so even by walking you must go all you have to go all the way around to get to the residential area. The nearest alley by the residential zone is uh if you were to walk it that's approximately 650 ft to get to the front door of the shop we're looking at. So, um, so the zoning in Roswell, uh, makes it nearly impossible to find a commercial lot that's 300 ft from residential and also 1500 ft from a, uh, another dispensary or, I'm

sorry, 1320 ft away from another dispensary. Uh, so that's what uh, when they decided to close down, it kind of opened up that area as a possibility for us to look at. Um, and knowing that we're going to need a variance on either one, uh, we chose to look at this property across the street. And, um, we hope you guys will approve us for a variance. Um, final slide, just a couple pictures of our some of our other stores. Our these are actually two of our two new stores we opened in Albuquerque in the last few months. Thank you very much.

Mayor Jennings: Question. Oh, do you anybody have any questions?

Councilor Heldenbrand: How many people will you employ?

Scott Raymond: Um, the store should Sorry. The store will employ uh 8 to 12 people.

Councilor Heldenbrand: Full time.

Scott Raymond: Full time. Yes, sir. Yeah. Everybody that'll be working at the store would be hired from Roswell. Yep. The uh we have a regional manager that lives in Albuquerque and uh Yeah. Everybody else that works in the store full-time would be that would be that 8 to 12 our people that are hired from within the community.

Councilor Heldenbrand: Thank you.

Mayor Jennings: Any further comments?

Councilor Arnold: Yes. I just want to thank you for your diligence and in choosing Roswell and it evidently, it's been a hard road to hoe, but I really appreciate you being diligent about committing to us.

Scott Raymond: Thank you very much. Thank you. Yeah, we're excited to hopefully get started on uh the next little project here.

Councilor Arnold: Thank you.

Mayor Jennings: Okay, thank you. Yes, now we have other people we have on the list to speak. Mr. Burress

Jim Burress: Mayor, counselors, Jim Burress, 3205 Chiquita Lane. Obviously, this dispensary is in my neighborhood. So, I came here tonight to speak against approval of this. I'd like for you to really consider the commission's vote, 4 to 1, and deny it. Okay? It's true. every time someone comes in town, we'd have to uh take a hard look at our zoning rules and then we don't follow them. So, I'm asking for this variance to be denied. I don't really want them in my neighborhood. And if you look at the people that this ordinance is the variance the ordinance is supposed to protect, it's old people and children. Well, there's plenty of children, but I'm a senior. I don't want it in the neighborhood. And I wish you know tonight all we did we talked about how we enforce our own rules and how we should stick to them and do what we said we're going to do. Well, here we are again wanting to uh ask for a variance of the rules that you guys put in place. So, I'm going to speak

against this. I hope you do deny it. I think we're saturated. I don't think we need anymore. This is my opinion. Of course, this is in my neighborhood. I believe I told the alley was yesterday, day before, and I think that fence they're talking about is already burned to the ground. So, you know, we can talk about temporary borders on these things, but it doesn't mean that we're going to go back and audit them. You may tell me that there's a wall between something right now doesn't mean it's standing tomorrow. So, I'm asking you to just follow the rules that we have in place until you have the opportunity to go back and take a good look at our zoning requirements and your master plan and that was references for the 2016, I believe was the comment was made. So, that's what I have to say. If any questions stand for questions, does anyone have any questions of me I stand for questions.

Mayor Jennings: And next we have Miss Halverson

Juliana Halvorson: Thank you, mayor. Thank you, counselors. I'm here as a constituent. This um planned area is in my neighborhoods. I live at 5 Tucson Road. I have a prepared statement because I want to remind you the P&Z did deny this for good reason. so zoning variance is not a free pass meant for rare situations when a rule creates an unreasonable regulatory burden. That means the rule is truly unfair or impossible to follow even when someone is trying their best. In this case, the cannabis has shown no proof of that. Just showing his slides that other Canada shops are in a residential neighborhood does not show any unreasonable burden. I'm asking each of you personally to think about the families who live in this neighborhood. Our zoning laws were written to protect them. They're asking us to open near a residential neighborhood. They haven't demonstrated that following the existing distance rules would cause them unusual hardship. The law exists to protect the health, safety, and peace of our families, especially our kids, and to keep businesses that that may cause traffic, odor, or other impacts away from where people live. And you saw by the map the resident's nice neighborhood right behind them. The applicant can still meet the intended safety, health, or community protection goals by other reasonable means by finding a location that does not require a variance. We've already seen too many variances granted for cannabis shops in our community. Every time we approve one without strong evidence, we weaken the purpose of our zoning laws and open the door for more exceptions that chip away at our neighborhood's quality of life. I strongly urge this council to vote no on this variance. It's time to hold the line, follow the law as it is written, and protect the integrity of our community planning. Thank you.

Mayor Jennings: Questions here. Any questions? Miss Halvorson Okay, that's the last I believe that's the last person we have on the list to speak.

Dwain Baird: I Sorry, I still wanted to speak, but my name is Dwayne Beard. I live at 138 Squirrel in Pagosa Springs, Colorado. Uh I'm the operations director for the greenhouse. I've worked for this company since 2018 and helped it grow to what it is now. We've always held compliance both with the state and with the local governing bodies and in the very highest of regards. We work hand in hand with local communities that we are a part of by employing local, contracting local, and sourcing materials locally. This location, as uh Mr. Raymond mentioned will require 8 to 12 employees including bud tenders, ship leads, assistant managers, and a manager. All of these will be hired from our from your local area. The location we're proposing needs renovations. We're not a big company that has its own traveling construction crew. We'll need to hire local contractors,

local painters, electricians, sign manufacturers, and so forth. We will be generating tax revenue for the local community as well. We're not a huge soulless corporation, but we do have five locations throughout New Mexico employing around 40 people. So, we do know what we're doing. We have a great reputation with each of the communities and local that we're a part of. And I'm proud to say that we have never had a single black mark against us in any of our locations. We're from a small town with small town values. We understand what makes communities click and we look very much we look very, excuse me, we very much look forward to being a part of the Roswell community and giving back to this community. That was my prepared statement. I want to uh rebut a little bit of uh some of the concerned um members of the community as well. This is a commercial district. It's designed to be commercial. So, it's designed to handle that traffic. Uh the fence in the back, while I agree, that fence can come down. It has been there for a long time. There is a clear separation all the way down the street between commercial residential. And the business that we're actually replacing is a vape shop and a smoke shop that has moved. We are significantly higher regulated. We are held to uh held to a much higher standard than vape or hemp outlets are. Our stores are community stores. We are very careful with who inside. We have inspections every couple of months to verify that we are staying with state regulations and staying with local regulations. So our security is topnotch. We don't attract a uh we don't attract a lower end crowd. We try very hard, as you can see through pictures of our stores, to have a very nice store, welcoming location, but also make sure the children can't access it because this is just like alcohol. It's not for children. So, with respect, thank you for your time and we look forward to looking do business with you.

Mayor Jennings: Thank you. Anyone have any questions of Mr. Baird

Councilor Moore: I've heard several times that you tried so hard to find a place. How hard have you tried? How many places have you filed applications for or so on and so forth since it's I've heard twice that it was haven't been able to find a good place.

Dwayne Baird: So there wasn't a there wasn't a location that we had found that was even suitable to file an application for until now due to not only residential zoning requirements but the dispensary buffer requirements since you have a rule that uh dispensaries have to be a 1/4 mile apart. Uh all the locations that we had found that were available weren't even worth applying for because you're not going to grant a variance for residential and dispensary buffer and you don't have a precedent for uh for granting those variances as well. So, this is the first location that we've put in an application for, but we do our due diligence before we put in an application. We don't just we don't want to waste your time either and put in an application for every building that we think might be suitable.

Councilor Moore: So, if we vote no to this. Would you possibly be interested in going to where Brian's world?

Dwayne Baird: no. We just uh we negotiations with the landlord broke down. I can let Scott speak because I'm already

Scott Raymond: He asked for double the rent, but the last person was paying. So that pretty much, you know, killed it for me. Mike took that as a marijuana tax. Oh, sorry. Sorry. Yeah, he asked for

double what he was charging uh Roberta at that location. And uh you know, I took that kind of as you know, he wants a marijuana tax on his on leasing his place back out now. Um, and the place across the street is in better condition and has better access uh for a lower price. So, we're not really uh interested in pursuing that location anymore. And it is, like I said, about 100 ft property line to property line from the two locations. So, yeah.

Councilor Moore: And my other that's all my question was I'm go ahead and say my piece about this right now because I felt Oh, it's not for you. It's in general. Um I feel like I'm struggling. Y'all know how I feel about this anyway. Y'all know what my vote's going to be anyway. But my concern is now this is up north in the nice town. Now we now they want to follow the rules all of a sudden. Now we don't want to go out in the variances. Now, now you know, but when it's all down south or on the east side, it's okay. Go ahead. Let it be, let the let the Mecca be next door to it. Let the kids be across in the same parking lot because that's on the south side. That's But now it's on the north side. Now we need to follow the rules since we've been granted way too many variances and so on and so forth. I have a problem with that. And y'all can say what y'all want to say about it, but I have a problem with that. Now, do I agree? Yes, I agree. I totally agree that we made those rules and I said that how many times in the last three or four of these things that we made those rules to begin with and every single month or every other month that come in with can we get a variance? Can we get a can variance? Can it get a variance? And so I'm not okay with that. We made those rules. We either going to stick to them or we need to let them go because I'm sick and tired of having these variance meetings because they're too close. They're too far. They're too, you know, whatever. And I disagree. There's so many empty places in Roswell that you cannot find a place. They're not back to back to 100 yards for a bunch of kids or a senior citizen home. I disagree with that. I lived in Roswell my whole life. There are plenty places you can find and done that. You done your due diligence on that. I have to disagree with that part. But I think that if we're going to if we made these rules, maybe we need to revisit the rules. Maybe we need to relook at them or something. Uh most of this these council weren't here when these rules were made. So they may feel differently. I'm not going to agree to make them less stringent, that's for sure. But if we're going to make the rules, we need to stick to them. Stop changing them every time somebody else comes along and gives us a sob story. They can't find another builder and it costs too much, it's too little, whatever, whatever. Stop changing the rules every other month because somebody else comes up with a different kind of notice or a problem. And like I said, you already know how I feel about this. So, um, but let's think about north side and southside. The rules should be the same. The rules should be exactly the same. just because I live in because my neighborhood's not as nice as yours and y'all go ahead and throw them all on my street on the front street, you know, and because a nice neighborhood is behind this building. Now, you don't want to be in this neighborhood. So, I struggle with that a lot. And y'all know, y'all keep saying there's no different in North and South, but we know good dog well there is. Uh, and just from the comments made today, it just made it a little more clear that that that's true. I yield.

Councilor Arnold: Yes. Thank you, Mr. Mayor. So, I actually have two um two questions. I happen to concur with Councilwoman Moore's statement. It was a little cuz we we've um given variances for as he said, seven of these locations. And there's two things I kind of have stuck out to me is the comments just every you know at every one of these hearings has been that you know the cannabis industry brings in you know a certain environment and we have to be wary of that and that was our first I guess back in 2022 when this kind of came into a front. We were kind of nervous

about the crowds that would be hanging out at these establishments. And over time, I have not seen any any disruptive behavior around these facilities. I have not seen anything but a very respectable, you know, proprietary business. Um, so I did want to ask the Deputy Chief Taylor if he has as um if the Roseville Police Department has noted any um disruptive behavior that would indicate that these establishments are anything but respectable.

Deputy Chief Taylor: Mayor and Council, thank you ma'am. Um to be honest with you, I personally have not heard of any drastic issues going on with any of these establishments. I was advised actually today I don't know where he went, but uh the chief advised me that uh on his way here there was a fight in front of one in on North Union. that's probably one of the closest and that I've heard of any situation. If it was based off of that business, I can't tell you. but to be clear and honest, I personally have not been aware of any of these establishments bringing riffraff or illegal illicit actions. I hope I'm not standing out of out of means here to say what I want to say. I do agree with Miss Moore 100%. I believe that the council set these zones for a purpose when this first started. And every single one of them that have come in has opened Pandora's box to allow the next one because the very first one that came in and asked for a zone exemption, it was granted. Why were those zone zones even set? that's my personal deal. And I'm sorry to interject my personal on your question, but we've alleviated every single time everybody somebody comes in here. We have rules and regulations that we have to abide by. And we don't take case by case every single time and change them. There're rules, there's regulations, there's reasons for those. And the council has completely annihilated every single time somebody comes in and asks for a change.

Councilor Arnold: Absolutely. Absolutely. That's why we have we have basic precedence that has been said which leads to my next question towards um Mr. Yntema and thank you. I really appreciate your insight all of it. Mr. Yntema considering that we have set serious president pre president um in very similar circumstances just right across the street we approved Brian's there's a number of them we approved Oasis with a child mental health facility right next to it so we have completely um in several instances um approved for these. Now my question for you Mr. Yntema is I I believe that the um the gentleman had if we actually do not approve the gentleman have the ability to appeal to I I believe Miss Hildreth Said um to district court which is a higher court and considering it would go to a higher court and they would have their right to appeal considering that we have set precedent in several of seven cases that is something that I'm looking at I completely agree. If we want to go in and we, you know, amend what we created, what we approved in 2022, it makes sense. But to do that after doing seven and then um hitting up these gentlemen just because we've got a conscience, that's where I'm kind of going, okay, I I agree. Let's do it. Let's pull it up. Let's run it through legal. Let's fix that zoning. that at this point we've had seven cases before where we've done it. So, um, we're just going to we're just going to stop now. And we and that's kind of my point. I mean, it's a it's a battle. I'm always up for reviewing and making things better by doing. But, um, timing is just all for that conscience. So,

Hess Yntema: Mr. Mayor the I'm going to give you the lead the law the lawyer answer. Okay. Um that direct quote from downtown neighborhoods association for city of Albuquerque. The exact show when necessary to approve unnecessary hardship varies from case to case and the city council must make the initial determination by considering all of the relevant circumstances. So in the eyes of the court each case is unique and distinguishable. Okay.

Councilor Arnold: Thank you very much. I understand.

Council Corn: Thank you, Mr. Mayor. I'm a little off tonight, so I apologize. When was the original act passed? Do you have to clarify?

Hess Yntema: 2021, I believe.

Councilor Corn: 2021. Well, all but a couple of city councilors, all most all of us weren't here when this was passed. Right. Second question. Is there any marijuana shops that's been opened without a variance

Hess Yntema: let me clarify this one. I think cuz some of them were already they wouldn't believe that because they were already grandfather. How many of those were grandfathered? Okay. So, uh, three with two, one of those three was never I'm sorry. The three were So, there's two ways that there could be a cannabis establishment without variance. One is they meet the criteria where they grandfathered in before the orphans. Uh, there are four that don't meet it. Uh, three of those were through bar three. Of those four that didn't need a variance, one never open, two are open now. and what was uh built before the ordinance.

Councilor Corn: Okay. So, how many of them go with the variance?

Hess Yntema: Eight.

Councilor Corn: So, this would be number nine was the variant and four others per primarily because they're grandfathered in or through the establish whatever. So that number is really three that are established and I grab card. Okay. So let me rephrase the question counselor. So I understand grandfather means they were there. You change the rules. They get to stick around. Has there been any open since this ordinance was enacted that didn't require variance? Any?

Hess Yntema: two to have open without any variance.

Councilor Corn: Well, I do agree. We spent a lot of time on these and we either need to go ahead and change the ordinance or keep spending all this time on these things over the 3 to 8 count would indicate to me that maybe it's a little overburden. So that means we need to change the ordinance. In my opinion I'm not volunteer and take all that task. Mr. Chair, I'll serve on your committee and help you, but I'm not going to I'm not going to I'm not going to saddle up on this one as the lead player. And we need we need to get a handle on this. It's interesting to me looking at the cannabis tax that we get the sale of marijuana. It's flat. We got all these shops getting the same revenue. Now, if they're reporting correctly and the states reporting correctly like they should, then that would indicate to me that we don't have any more demand for what's already here. So, good luck. My basic business philosophy is let anybody open up, do what they want to do, and let the fittest survive. And I'm contemplating how I'm going to vote on this thing cuz I'm just kind of getting tired and weary. Just tired and weary. I yield

Councilor Heldenbrand: Mr. Mayor. Council Corn, I agree with you wholeheartedly that I believe this council had nothing to do with this ordinance. And this ordinance was written to be so restrictive against commerce, against business, you know, and they were really proud of

themselves by saying we really don't want it here. That's why the ordinance is written the way it's written to move it to locations where the general public wouldn't go to. They passed an ordinance in this city that would restrict adult entertainment facilities and they restricted them to commercial industrial areas. Well, that's all done to restrict commerce. And I am a capitalist and believe in free enterprise. And we have seen this seven times and it's passed seven times because this council has demonstrated that they're not in favor of the cannabis ordinances that we have. Otherwise, we would have turned them all down. So, I agree with you, councilor. We need to rewrite this ordinance and I'm willing to take this on the legal committee to reshape this ordinance because I am not going to be anti-business and this is something whether you like it or not your personal preference. This was adjudicated by the state of New Mexico. If you don't want it, go talk to the state. They were the ones who said cannabis is legal. Now, I'm indifferent whether cannabis is legal or not. I'm not a user. Maybe I was when I was in college, but that's a long time ago, but I'm not a user. And it's your choice to be a user whether you want. But I do not recall and I want to that we've had any disturbances associated with any of these facilities. Not one have I heard of. Deputy Chief said the same thing. He has not heard of any disturbance of any magnitude around any of these facilities. So, I believe that this council needs to take the ordinance as it was, take a hard look at it because if you look at available commercial zones in this city, they're all in neighborhoods. They're all in neighborhoods that you wouldn't be able to establish two. Is it two that we didn't have to pass a variance on? We'd only have two of these facilities. So, I'm willing to take that on, councilor, but I think that this whole council should take that on because I believe that the previous council was just trying to be too restrictive and put their own personal, you don't put your own personal needs into being a city councilor. You have constituents that you have to listen to and answer to. It's not my personal belief because I've voted on things and my personal belief would have been vote no, but it's not in the betterment of the constituents in this city. So, you have to remove your personal and look at it from the factual side of things which is what we are charged with. This is not your personal beliefs. We are charged as a quasi-judicial panel tonight to look at the facts and so I will take this on as a legal committee item and I would hope that the rest of the counselors because there's five on that committee that you would all participate because I do believe our whole zoning laws and we're going to take a look at those. We're not going to wait for the new master plan. We're going to start taking a look at all of our zone. If you look at our zoning map, it's a hodgepodge. I don't know who drew that thing up, but it's all over the place. So, I will tell you right now, we've done this seven times. I don't want to do it again. So, we're going to take a shot at redoing our zoning laws. I yield.

Councilor Moore: Mr. Mayor more, excuse me, council Heldenbrand a little bit about it being personal. Uh, it wasn't necessarily personal. Did we want it to be a little stringent because we, you know, when we were cuz I wasn't going to pretend like I wasn't on account because because that that there they gave us several things that we could that we could have power over time that the distance I don't you know and so those are the things that we we went strict on the thing that they we were allowed to be strict on we know it's legal we're not we're not saying that we're not stop trying I don't think there we were trying to stop anyone from being in business so that's not true but they just said that was not necessarily complete. Now, that may be the way it seems, but that wasn't completely how it was. I'm going to stick up for myself because uh cuz you know how I feel about, but I still, you know, we voted on times, we voted on things like that. And it wasn't personal. It was just those are the things, the three things that we were able to, you know, put in to change or chime in on. So it was, like I said, it wasn't personal and it wasn't look, we didn't go out to look

and see how many places of business there were or any of those things. We were just these are the things that we have a chance that we can that we can limit. And so we that's where we went with those three things that we could limit. So I put I don't appreciate you saying that it was just personal for the whole council. Uh you weren't there. So you really can't speak for the whole council. you can just assume uh what you thought the the reasons were that that we did what we did. But um like I said, I just think that the things that we can that we could make it a little more difficult. Of course, you I mean who needs 52 weed shops? Nobody does. We don't even got 52 donut shops. ask the police. We you know what I'm saying? We don't even have that many of those things. You know what? I saw you. I saw you there. And so I just mean to just think about there's still there's still and if we like you said if we already out of reflux so it can't be that bad. All the people are still here. They're still coming. They're still they ain't stopping none of them from coming to Roswell. They're still coming. So and they know the rules for each place. And so I'm sure this is not the hardest place I've ever found to open up a weed shop, but I just think that's my only thing you that I think it wasn't it wasn't personal and we're all entitled to our own opinion. And since unless you want to go back and listen to all those meetings and all the battles we back and forth, the 52 months it took us weeks and weeks and weeks to change and try to make it fit, you know, because it was brand new to us when we started. It was brand new. So, so some of the rules may seem a little tight, but it was brand new, you know, and so that's why maybe it seemed a little tighter, like I said, because we were we're we started from scratch. And so now that you know, some of the rules have working and it's not the weed places that's causing the problem. It's people that smuggle. It ain't the business itself. I'm sure I seen a couple of police fight at the donut shop. So, you know, there you know, there it's not the place. So, it's the people. I just had to still uh and so it's not personal about like where the place is. It's just in Roswell, you know, we at that point wanted a better place, you know, different quality of life and now things have changed. So, that's why I said I initially said maybe we need to change the rules. And so, and I was there when we made the rules. So, I'm okay. Okay, now I'm waiting for y'all to stop talking cuz the five of y'all was talking while I was trying to talk. That's all I'm saying. I yield so y'all can finish y'all's conversation,

Councilor Cortez: Is the uh is the distance measured from property line?

Meredith Hildreth: Councilor Cortez may the distance according to our chapter 27 under section 27-65 prohibited locations and activities within 300 ft of any residential district measured from exterior property line to exterior property

Councilor Cortez: Meredith, your experience as our plan, how long you've been at planning

Meredith Hildreth: going on 10 years.

Councilor Cortez: How familiar are you with the zoning districts of the city of Roswell?

Meredith Hildreth: I'm very familiar with the zoning districts in city of Roswell.

Councilor Cortez: And what are your qualifications as a planning and zoning professional?

Meredith Hildreth: I have a master's in urban planning. I have 25 years of experience in planning in different types of planning over 11 years in just zoning administration.

Councilor Cortez: Do you feel like you're qualified based off your experience and based off your experience city to give this council an opinion tonight? You can say no as to whether or not based off our zoning ordinance for canvas. The configuration of our zoning versus our residential lots that our zoning ordinance as written creates undue hardship placement cannabis facilities.

Meredith Hildreth: Council Cortez, Mayor, members of the council, under my professional opinion, chapter 27, which regulates cannabis with a 300 ft distance from property line to property line in our city that has commercial corridors abutting residential all up and down. um is restrictive.

Councilor Cortez: Does it create an unnecessary hardship?

Meredith Hildreth: I don't believe it does.

Councilor Cortez: Thank you, Mr. Mayor. I don't remember the exact statute that allows us to go close session, but if somebody help me with that, I would move that we would go to close session to meet with counsel. But I don't know the I don't know the word ordinance off top of my head. It's not written down. It usually is.

Meredith Hildreth: May I add something Mayor? As the chapter 27 is also written, cannabis establishments are supposed to go in the C2 zoning district only. It did not provide provision for C4 which is along the West Second Street Corridor they are it's restricted out of the C3 of the central business district. So yes, I feel that chapter 27 is very restrictive to cannabis establishments given all these parameters. There have been variances to the C1 to the C4 and even in the C3 for establishment that was already there as a medical dispensary.

Hess Yntema: Mr. Mayor, Councilor Cortez I believe what you would like to do is move pursuant to the openings act for close session 10-15-1H.

Mayor Jennings: So we made a request under section 10-15-1H to go into close session for this for the advice of counsel to the council members. Is there we have a motion to do that.

MOTION: Councilor Johnson made a motion that the Council go into closed session, pursuant to NMSA 1978, § 10-15-1(H), to discuss attorney-client privileged communication to deliberate the proceedings. Councilor Corn was the second.

ROLL CALL:	Cristina Arnold	No
	Angela Moore	No
	Robert Corn	Yes
	Juan Oropesa	Yes
	Darrell Johnson	Yes
	Ed Heldenbrand	Yes
	Will Cavin	Yes
	Carlos Marrujo, Jr.	No
	Christopher Cortez	Yes
	Juliana Halvorson	Abstain

Motion passed 6-3 with Councilors Arnold, Moore, and Marrujo voting no and Councilor Halvorson abstaining.

FOR THE RECORD: Council went into closed session at 9:26.

For the record, the Council is back in open session at 9:39 pm; we had a closed session pursuant to Section 10-15-l(H) (5); no action was taken and no votes made.

VOTE: Voice vote was unanimous.

Hess Yntema: I think the simplest way to put it is to motion to grant the case as presented. If you vote, you're supporting the shop; if you vote no, you're opposing the shop. Okay. So, would you like to rephrase your motion?

MOTION: Councilor Johnson made a motion for the approval of the retail Cannabis Zoning Case CANN 25-0063. Councilor Arnold was the second.

ROLL CALL:	Cristina Arnold	Yes
	Angela Moore	No
	Robert Corn	Yes
	Juan Oropesa	Yes
	Darrell Johnson	Yes
	Ed Heldenbrand	Yes
	Will Cavin	Yes
	Carlos Marrujo, Jr.	No
	Christopher Cortez	Yes
	Juliana Halvorson	Abstain

Motion passed 7-3 with Councilors Moore and Marrujo voting no and Councilor Halvorson abstaining.

AGAINST: Jim Burress and Julian Halvorson

FOR: Scott Raymond and Dwayne Baird

FOR THE RECORD: Councilor Moore left the meeting at 9:44 pm.

53 (46). Ordinance 25-04: Hold a public hearing to consider proposed Ordinance 25-04: Amending Chapter 7 Regarding Mobile Food Establishments and Itinerant Vendors. Hess Yntema presented this item.

MOTION: Councilor Heldenbrand made a motion to hold a public hearing to consider proposed Ordinance 25-04: Amending Chapter 7 Regarding Mobile Food Establishments and Itinerant Vendors. Councilor Halvorson was the second.

BACKGROUND: This Ordinance simplifies licensing for short-term vendors (such as Farmer's Market vendors), creates a straightforward license scheme for food trucks, and brings Chapter 7, Article 9 into legal compliance with current case law.

Hess Yntema: Mr. Mayor, Council or Mayor Pro tem it is approaching the 10:00 hour. So, this has been on the agenda for multiple months, so I'll be brief. Our itinerant and transient merchant code, chapter 7, was antiquated and was more appropriate for the 1930s or 40s and had numerous provisions that were flat out unconstitutional. What the city didn't have though was any form of regulation for a more common type of vendor itinerant mobile food trucks. We've incorporated the New Mexico administrative code's definitions into the city code now uh which is a common practice and we've created a permit for food trucks where they have to do certain things. Most importantly, present themselves to the fire inspector um to make sure the propane isn't about to explode the street. And then the other part that was important to the sanitation to the water department is to show evidence of proper disposal of fats. Um we've had a number of reports with people just dumping stuff in the closet and it's gross. In any event, um there's a \$100 permit. This was in part placed there in response to comments by the uh brick and mortar people. So they pay \$35 a year. They're stuck there for obvious reasons. So, \$100, but these two vendors need to know just about who aren't safe. Otherwise, it's really about housekeeping and providing a reasonable but somewhat uh but a reasonable method of keeping the vendors uh happy as well as allowing them to get out but sure our streets are safe and clean. So, I unless there's any questions, I will get out of here.

Mayor Jennings: Okay, thank you. Is there any questions of any of the counselors on uh on this item or on itinerant mobile food establishments? You've had quite a bit of discussion on this. Does anyone have any questions, comments on this public hearing? Does anybody in the audience want to say anything on Okay. All right. So now, We're on item I guess we close our public hearing.

ROLL CALL:	Cristina Arnold	Yes
	Robert Corn	Yes
	Juan Oropesa	Yes
	Darrell Johnson	Yes
	Ed Heldenbrand	Yes
	Will Cavin	Yes
	Carlos Marrujo, Jr.	Yes
	Christopher Cortez	Yes
	Juliana Halvorson	Yes

Motion passed 9-0 with Councilor Moore being absent.

MOTION: Councilor Heldenbrand made a motion to approve Ordinance 25-04: Amending Chapter 7 Regarding Mobile Food Establishments and Itinerant Vendors. Councilor Cavin was the second.

ROLL CALL:	Cristina Arnold	Yes
	Robert Corn	Yes
	Juan Oropesa	Yes

Darrell Johnson	Yes
Ed Heldenbrand	Yes
Will Cavin	Yes
Carlos Marrujo, Jr.	Yes
Christopher Cortez	Yes
Juliana Halvorson	Yes

Motion passed 9-0 with Councilor Moore being absent.

AGAINST: None

FOR: None

54 (47). Hold a public hearing and vote on a Restaurant A - Beer and Wine only Liquor License with on Premises Consumption only with Patio Service. Joanne K. Baker d|b|a| Stellar Coffee Co., located at 315 N. Main Street, Roswell, NM 88201 (Closed session possible)

BACKGROUND: Under NMSA 1978 § 60-6B-4, the governing body is required to conduct a public hearing on the application and must, by roll call vote, approve or disapprove the requested application. The hearing is quasi-judicial in nature and must be conducted accordingly. Joanne J. Baker d|b|a Stellar Coffee Co., located at 315 N. Main Street, Roswell, NM 88201, has applied for a Restaurant A-Beer and Wine only Liquor License with on Premises Consumption only with Patio Service.

In considering whether to approve or disapprove the application, the governing body may only disapprove of the application if it finds substantial evidence to support one of the follows:

- The proposed location is within an area which the sale of alcoholic beverages is prohibited by the laws of New Mexico; or
- The issuance or transfer would be in violation of zoning or other ordinance of the governing body; or
- The issuance or transfer of a license would be detrimental to the public health, safety, or morals of the residents of the local option district. The governing body is required to notify the Director of Alcohol and Gaming Division of the New Mexico Regulation and Licensing Department within thirty (30) days of the public hearing whether it has approved or disapproved the application. This is done by the City Clerk.

Hess Yntema: So this is a public hearing and you guys might recall that you the council has to make an affirmative negative finding to deny. So this is kind of an opposite day. So uh for the sake of brevity uh Mr. Mayor, what you can do is ask if there's anybody here to speak against it. And if there's not, the council then has sufficient record to grant because there's nothing negative on the record.

Mayor Jennings: Is there anyone in the audience in here to speak for or against it? Yes. Just against just against it. You don't have to speak against it.

Joanne Baker: I need to correct you in what you said about what the ordinance what we're that we're hearing. It's not... May I do that? Thank you. The way it is read and the way it should be.

I'm Joanne Baker. I'm the owner of Stellar Coffee, also known as Anne Baker. I'm at 315 North Main. And thank you for considering this tonight. it is with premises consumption only with patio service. So, it's not just on the patio. It is the entire lower level shop, not including the front porch, but the shop and the back and the back patio. And that's okay.

Hess Yntema: Mr. Mayor, there should be a motion to hold the public hearing and then the you would ask if there's anybody here to speak against and when there's a negative then you can hold the public hearing.

MOTION: Councilor Halvorson made a motion to hold a public hearing and vote on restaurant A beer and wine only liquor license with non premises consumption only with patio service Joan K. Baker DBA Stellar Coffee Co. located at 315 North 88201. Councilor Arnold was the second.

Councilor Cavin: so I listened to what Councilor Halvorson read off, but I also listened to Miss Baker and you're talking about serving alcohol, beer, and wine throughout the facility, not just on the patio.

Councilor Halvorson: And it says on premises consumption only with patio service.

Councilor Cavin: Okay. With just not on the front porch, but everything else is on the roof. That's why I went with her definition. Thank you. Okay. Thank you for the clarification. Okay. Is there anyone else that's speaking against it?

MOTION: Councilor Halvorson made a motion to approve a Restaurant A - Beer and Wine only Liquor License with on Premises Consumption only with Patio Service. Joanne K. Baker d|b|a| Stellar Coffee Co., located at 315 N. Main Street, Roswell, NM 88201. Councilor Arnold was the second.

ROLL CALL:	Cristina Arnold	Yes
	Robert Corn	Yes
	Juan Oropesa	Yes
	Darrell Johnson	Yes
	Ed Heldenbrand	Yes
	Will Cavin	Yes
	Carlos Marrujo, Jr.	Yes
	Christopher Cortez	Yes
	Juliana Halvorson	Yes

Motion passed 9-0 with Councilor Moore being absent.

AGAINST: None

FOR: Joanne Baker

NEW BUSINESS / REGULAR ITEMS

PUBLIC PARTICIPATION non-agenda items

My name is Daniel Cedberg, and I live in the historical district of 307, Missouri. I own and operate a bicycle and outdoor store downtown, next to Stella Coffee Co. I am here to advocate for public pedestrian safety. As someone who has managed epilepsy, I feel fortunate, but I recognize that many people rely on cycling, walking, or other means to get around safely. When I first moved to the city, I spoke highly of Roswell's pedestrian safety. However, after three of my friends—regular customers at my shop—were hit by cars, I have become increasingly concerned.

CITY MANAGER REPORTS/ANNOUNCEMENTS

(Information Only)

Thank you, Mayor Jennings and members of the council. I am pleased to share a positive update on the police department. The new floors have been installed and look excellent. The police administration hired a contractor to complete the drywall in the corridors, and the results are very good. The same contractor will also finish the drywall in the basement and booking room. We recently met with the architect, electrical engineer, structural engineer, and plumbing team to develop a comprehensive solution for the HVAC system, which will include necessary electrical upgrades to bring the building up to code. I want to commend the police department administrative team for their efforts in coordinating these improvements.

ADJOURNMENT

Meeting adjourned at 10:02 p.m.

Approved on this 11th day of September 2025.

(City Seal)

Timothy Z. Jennings, Mayor

Amalia Martinez, City Clerk