

1. 6:00 P.M. March 14, 2023 Regular Council Meeting Materials

Documents:

[2023 03 14 AGENDA REGULAR COUNCIL.PDF](#)
[2023 03 14 LEGAL NOTICE REGULAR COUNCIL.PDF](#)
[ORD 1316 AN ORDINANCE AMENDING APPENDIX C, LAND USE CODE OF 2010, ARTICLE III.PDF](#)
[RECOMMENDATION LETTER.PDF](#)



TOWN OF SILVER CITY COUNCIL

REGULAR MEETING AGENDA

MARCH 14, 2023, 6:00 PM

GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE AND SALUTE TO THE NEW MEXICO STATE FLAG
2. CHANGES TO AGENDA
3. CEREMONIES – NONE
4. PROCLAMATIONS – NONE
5. COUNCIL COMMENTS
6. APPROVAL OF MINUTES
 - A. Regular Meeting on February 28, 2023.
7. PUBLIC INPUT -
8. REPORTS:
 - A. Staff:
 - B. Manager
 1. Update on Recreation Center
 2. Update on City Hall Annex Building
 3. Update on current and propose Swimming Pool
 4. Update on Scott Park Golf Course
 5. Update on Little Walnut
 6. Update on Regional Water Project
 7. Update on 32nd St. Project
9. PUBLIC HEARINGS: NONE
10. WORK SESSION AGENDA: Approval / Disapproval of Work Session Topics
 - A. Direction the Town Government is headed
 - B. The relationship between the Town and the business community (businesses other than those in the historic district, specifically).
 - C. What needs have we heard from our committees?
 - D. Is there anything on the upcoming agenda that needs to be discussed?
 - E. Strategies to recruit Town Management or Staff who will retire within the next several years.
 - F. Other issues which may be introduced by the Council.
11. UNFINISHED BUSINESS: NONE

12. NEW BUSINESS:

- A. Approval / Disapproval of ORDINANCE 1316 AN ORDINANCE AMENDING APPENDIX C, LAND USE AND ZONING CODE OF 2010, ARTICLE III, DISTRICT REGULATIONS, SECTION 3.2, USE TABLE, AND SECTION 3.3, USE REGULATIONS, SUBSECTION 3.3.1, USE-SPECIFIC STANDARDS, PARAGRAPH 3.3.1 H), CANNABIS ESTABLISHMENTS, SUBPARAGRAPHS 3.3.1 H), 2) b), c), g) AND i), OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, TO PROVIDE ZONING AND REGULATION OF CANNABIS ESTABLISHMENTS PURSUANT TO THE CANNABIS REGULATION ACT OF 2021.**

- B. Approval / Disapproval of RFQ 22/23-1Q Construction Manager @ Risk – Silver City Recreation Center**

- C. Appointment to the Municipal Museum Community Advisory Group**

13. ADJOURNMENT

Town of Silver City Council Members

<u>Name</u>	<u>Elected Position</u>	<u>Telephone</u>	<u>Term of Office</u>
Ken Ladner	Mayor	575-313-3990	01/2022 - 12/2025
Lucian Farmer	Councilor, District 1	575-654-0415	01/2022 - 12/2023
Nicholas H. Prince	Councilor, District 2	575-654-0087	01/2022 - 12/2025
Jose A. Ray, Jr.	Councilor, District 3	575-654-0227	03/2020 - 12/2023
Guadalupe Cano	Councilor, District 4	575-654-0148	01/2022 - 12/2025

MISSION STATEMENT OF THE TOWN OF SILVER CITY

Silver City is the hub of an inclusive community settled within a small town that through guided growth, honors and preserves its historical, cultural, and natural heritage while facilitating jobs, health, and education resources such that the residents and visitors may enjoy and protect the recreational opportunities of the area and high quality of life.

Approved by the Town Council on May 25, 2010.

The Council may call an EXECUTIVE SESSION pursuant to NMSA 1978 Section 10-15-1(H) for the following reasons:

1. meetings pertaining to **issuance, suspension, renewal or revocation of a license**, except that a hearing at which evidence is offered or rebutted shall be open;
2. **limited personnel matters** which means the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee;
3. deliberations by a public body in connection with an **administrative adjudicatory proceeding**;
4. meetings for the **discussion of bargaining strategy preliminary to collective bargaining negotiations** between the policymaking body and a bargaining unit representing the employees of that policymaking body and collective bargaining sessions at which the policymaking body and the representatives of the collective bargaining unit are present;
5. that portion of meetings at which a decision concerning **purchases in an amount exceeding \$2,500 that can be made only from one source** and that portion of meetings at which the **contents of competitive sealed proposals solicited pursuant to the Procurement Code (13-1-28 NMSA 1978) are discussed during the contract negotiation process**. The actual approval of purchase of the item or final action regarding the selection of a contractor shall be made in an open meeting;
6. meetings subject to the **attorney-client privilege pertaining to threatened or pending litigation** in which the public body is or may become a participant;
7. meetings for the **discussion of the purchase, acquisition or disposal of real property or water rights** by the public body.

Note: NMSA 1978 Section 10-15-1(H) Exceptions (4) relating to students, (9) relating to public hospitals, and (10) relating to the gaming control board were not listed above since they do not apply to the Town of Silver City.

**For information on what's happening in local government,
please visit the Town's website at www.townofsilvercity.org.**

LEGAL NOTICE

The Town of Silver City Council will hold its Regular Council Meeting scheduled for Tuesday, March 14, 2023, at 6 p.m. at the Grant County Administration Center, 1400 Hwy. 180 East, Silver City, New Mexico. The public is invited to attend. The agenda will include:

Approval of Minutes: Regular Meeting – February 28, 2023

Reports:

A. Staff:

B. Manager:

- 1. Update on Recreation Center**
- 2. Update on City Hall**
- 3. Update on Current and Proposed Swimming Pool**
- 4. Update on Scott Park Golf Course**
- 5. Update on Little Walnut**
- 6. Update on Regional Water Project**
- 7. Update on 32nd St. Project**

10. WORK SESSION AGENDA: Approval / Disapproval of Work Session Topics

- A.** Direction the Town Government is headed
- B.** The relationship between the Town and the business community (businesses other than those in the historic district, specifically).
- C.** What needs have we heard from our committees?
- D.** Is there anything on the upcoming agenda that needs to be discussed?
- E.** Strategies to recruit Town Management or Staff who will retire within the next several years.
- F.** Other issues which may be introduced by the Council.

11. NEW BUSINESS:

A. Approval / Disapproval of ORDINANCE 1316 AN ORDINANCE AMENDING APPENDIX C, LAND USE AND ZONING CODE OF 2010, ARTICLE III, DISTRICT REGULATIONS, SECTION 3.2, USE TABLE, AND SECTION 3.3, USE REGULATIONS, SUBSECTION 3.3.1, USE-SPECIFIC STANDARDS, PARAGRAPH 3.3.1 H), CANNABIS ESTABLISHMENTS, SUBPARAGRAPHS 3.3.1 H), 2) b), c), g) AND i), OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, TO PROVIDE ZONING AND REGULATION OF CANNABIS ESTABLISHMENTS PURSUANT TO THE CANNABIS REGULATION ACT OF 2021.

B. Approval / Disapproval of RFQ 22/23-1Q Construction Manager @ Risk – Silver City Recreation Center

C. Appointment to the Municipal Museum Community Advisory Group

ADJOURNMENT

Agendas are available prior to the meeting and may be obtained at City Hall, 101 W. Broadway and City Hall Annex, 1203 North Hudson, or on the Town's website, www.townofsilvercity.org. If you have any questions regarding the public hearing, you may contact the Town Clerk at City Hall, 101 W. Broadway or call 534-6346. If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid service to attend or participate in the hearing or meeting, contact the Town Clerk at 534-6346 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact The Town Clerk if summary or other type of accessible format is needed.

ORDINANCE NO. 1316

AN ORDINANCE AMENDING APPENDIX C, LAND USE AND ZONING CODE OF 2010, ARTICLE III, DISTRICT REGULATIONS, SECTION 3.2, USE TABLE, AND SECTION 3.3, USE REGULATIONS, SUBSECTION 3.3.1, USE-SPECIFIC STANDARDS, PARAGRAPH 3.3.1 H), CANNABIS ESTABLISHMENTS, SUBPARAGRAPHS 3.3.1 H) 2) b), c), g) AND i), OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, TO PROVIDE ZONING AND REGULATION OF CANNABIS ESTABLISHMENTS PURSUANT TO THE CANNABIS REGULATION ACT OF 2021.

Sponsored by Councilor Guadalupe Cano.

WHEREAS, the state legislature of New Mexico passed House Bill 2 known as the “Cannabis Regulation Act” on March 31, 2021 in a special session of the legislature; and

WHEREAS, on November 9, 2021, by Ordinance 1307, the Town Council amended the Town’s Land Use and Zoning Code of 2010 of the Town Code in order to provide for the orderly regulation and administration of cannabis establishments and the testing, production, distribution and sale of cannabis products within the municipal boundaries of the town; and

WHEREAS, on September 13, 2022, by Ordinance 1314, the Town Council again amended the Town’s Land Use and Zoning Code of 2010 of the Town Code in order to provide for the orderly regulation and administration of cannabis establishments and the testing, production, distribution and sale of cannabis products within the municipal boundaries of the town

WHEREAS, since the passage of the Cannabis Regulation Act, the Cannabis Control Division of the State of New Mexico has been adopting and modifying rules and regulations for the cannabis industry, and it has become necessary for the Town to amend its ordinances for the operation, regulation, and administration of the cannabis industry in Silver City, and said amendments to the Town code are appropriate for the health, safety and welfare of the Town and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, that:

1. The Land Use and Zoning Code of 2010, Article III, District Regulations, Section 3.2, Use Table, is hereby amended by amending “Class I, II, III Cannabis Manufacturer” and “Integrated Cannabis Microbusiness,” in the “Manufacturing and Production” category in the “Industrial” section, with the amendments and changes in Table 3.2 to now read as follows *(the changes are highlighted in red for identification purposes only; the remainder of Table 3:2 is not affected and therefore not set out):*

Category	Specific Use Type	R u	R A	R B- 1	R B- 2	R C	M U	C - H D	C - L t	C- Hwy	I	Use-Specific Standard
A = Allowed, C = Allowed with Conditional Use Permit, X = Not Allowed												

INDUSTRIAL												
Manufacturing and Production	Batch or Asphalt Plant	X	X	X	X	X	X	X	X	X	A	3.3.1 (G)
	Cannabis Testing Laboratory	X	X	X	X	X	X	X	X	X	A	3.3.1 (H)
	Class I, II, III Cannabis Manufacturer	A	X	X	X	X	A	A	A	A	A	3.3.1 (H)

Class IV Cannabis Manufacturer	X	X	X	X	X	X	X	X	X	X	A	3.3.1 (H)
Cannabis Producer	A	X	X	X	X	X	X	X	X	X	A	3.3.1 (H)
Cannabis Research Laboratory	X	X	X	X	X	X	X	X	X	X	A	3.3.1 (H)
Vertically Integrated Cannabis Establishment	X	X	X	X	X	C	C	A	A	A	A	3.3.1 (H)
Cannabis Producer Microbusiness	A	X	X	X	X	C	A	A	A	A	A	3.3.1 (H)
Integrated Cannabis Microbusiness	X	X	X	X	X	C	A	A	A	A	A	3.3.1 (H)
All Other	C	X	X	X	X	X	X	X	X	X	X	3.3.1 (V, W)

2. The Land Use and Zoning Code of 2010, Article III, District Regulations, Section 3.3, Use Regulations, Subsection 3.3.1, Use-Specific Standards, Paragraph 3.3.1 H), Cannabis Establishments, Subparagraph 3.3.1 H) 2), Subparagraphs 3.3.1 H) 2) b), c), g) and i) are hereby amended to now read as follows:

b) A cannabis manufacturer Class I, II, III is allowed in the Industrial Zoning District, in the Mixed-Use Zoning District, Commercial-Historic Zoning District, Light Commercial Zoning District, and the Highway Commercial Zoning District.

c) A cannabis manufacturer Class IV is only allowed in the Industrial Zoning District. Class IV manufacturing is not allowed in any integrated business outside of the Industrial Zone.

g) A vertically integrated cannabis establishment is allowed in the Industrial Zoning District, Light Commercial Zoning District, and the Highway Commercial Zoning District and, with a Conditional Use permit, in the Mixed-Use Zoning District and the Commercial-Historic Zoning District, excluding Class IV manufacturing.

i) An integrated cannabis microbusiness is allowed in the Light Commercial Zoning District, the Highway Commercial Zoning District, the Industrial Zoning District, Commercial-Historic Zoning District, and with a Conditional Use Permit in the Mixed-Use Zoning District, excluding Class IV manufacturing.

3. All of the rest and remainder of The Land Use and Zoning Code of 2010, Article III, District Regulations, Section 3.2, Use Table, and Section 3.3, Use Regulations, Subsection 3.3.1, Use-Specific Standards, Paragraph 3.3.1 H), Cannabis Establishments, as amended, except as the same has been amended herein by this ordinance, shall continue to remain in full force and effect as currently written.

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PASSED, ADOPTED AND APPROVED by vote of the Town Council of the Town of Silver City, Grant County, New Mexico, this 14th day of March, 2023.

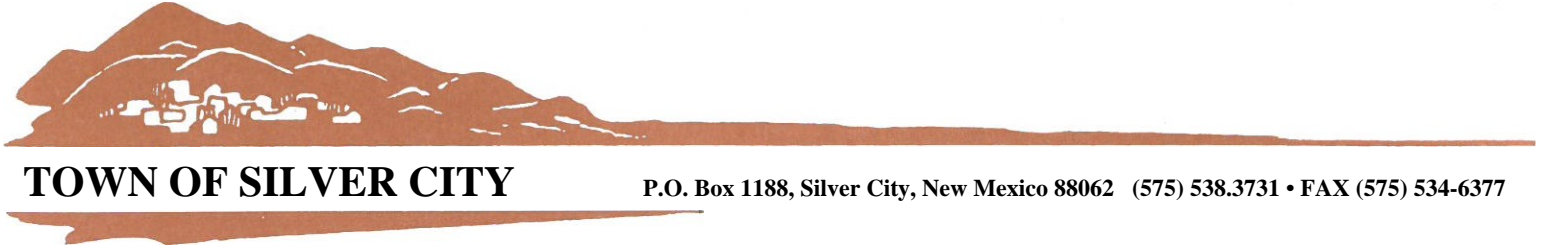
TOWN OF SILVER CITY

(Seal)

Ken Ladner, Mayor

ATTEST:

Alfred Sedillo, Town Clerk

**TOWN OF SILVER CITY**

P.O. Box 1188, Silver City, New Mexico 88062 (575) 538.3731 • FAX (575) 534-6377

TO: Mayor, Council Members and Mr. Brown
FROM: Olivia Britton, Purchasing Agent
DATE: March 07, 2023
RE: RFQ 22/23-1Q Construction Manager @ Risk – Silver City Recreation Center

One proposal was received for the above referenced project from Bradburry Stamm Construction. It is staff recommendation to award the RFQ as follows:

RFQ 22/23-1Q
Construction Manager @ Risk – Silver City Recreation Center
Bradburry Stamm Construction
PO BOX 10850
Albuquerque, NM 87184-0850