



City of Rio Communities Council Regular Business Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Monday, September 11, 2023 6:00 PM
Minutes

Please silence all electronic devices.

Call to Order

Mayor Joshua Ramsell called the regular business meeting to order at 6:01 pm

Pledge of Allegiance

Councilor Gordon Led the Pledge of Allegiance

Moment of Silence for 9/11

Roll Call

PRESENT

Governing Body

Mayor Joshua Ramsell
Mayor Pro-Tem Margaret R. Gutjahr
Councilor Arthur Apodaca
Councilor Lawrence Gordon
Councilor Jimmie Winters

Staff

Manager Dr. Martin Moore
Clerk Elizabeth Adair
Finance Officer Stephanie Finch (virtual)
Accounting Specialist/CPO Angela Valadez
Fire Chief Andrew Tabet
Attorney Randall Van Vleck
Police Chief Felix Nunez

Approval of Agenda

Motion made by Councilor Apodaca to approve the agenda as written. Seconded by Councilor Winters.

Voting Yea:

Mayor Pro-Tem Gutjahr
Councilor Apodaca
Councilor Gordon
Councilor Winters

Motion passed with a 4-0 vote.

Approval of Consent Agenda Items Minutes for the City Council Workshop & Regular Business Meeting (08/28/23) & Accounts Payable

Motion made by Mayor Pro-Tem Gutjahr to approve the consent agenda. Seconded by Councilor Gordon.

Voting Yea:

Mayor Pro-Tem Gutjahr
Councilor Apodaca
Councilor Gordon
Councilor Winters

Motion passed with a 4-0 vote.

Presentation:

Valencia County Business Incubator - Ben Romero

Tabled

Public Hearing

Motion and roll call vote to recess Regular Business Meeting session and to go into Public Hearing

Motion made by Mayor Pro-Tem Gutjahr with a roll call vote to recess the regular business meeting session and go into the public hearing for consideration of Applicant Tasa Stromei requesting 05 N. Navajo Ave. to be rezoned from planned development to commercial 2. Motion seconded by Councilor Winters.

Voting Yea:

Mayor Pro-Tem Gutjahr

Councilor Apodaca

Councilor Gordon

Councilor Winters

With a 4-0 vote Council went into the public hearing at 6:07 pm.

Consideration of Applicant Tasa Stromei requesting 05 N. Navajo Ave. to be rezoned from planned development to commercial 2

Manager Dr. Moore said there is a memorandum in Council packet for reference from the Vice Chairman of the Planning and Zoning Commission. Recommendation of the Planning and Zoning Commission is that this property be rezoned to C2. There is a potential for future development in the area. Tasa Stromei stated that the property had been zoned C2 when it was in the County and when Rio Communities became a city it was then rezoned to planned development and we would just like it zoned back to C2.

Motion and roll call vote to go back into Regular Business Meeting session

Motion made by Councilor Apodaca with a roll call vote to go back into the regular business meeting session. Seconded by Councilor Gordon.

Voting Yea:

Mayor Pro-Tem Gutjahr

Councilor Apodaca

Councilor Gordon

Councilor Winters

With a 4-0 vote Council was back into the regular Business meeting session at 6:10 pm.

Discussion, Consideration, and Decision – Applicant Tasa Stromei requesting 05 N. Navajo Ave. to be rezoned from planned development to commercial 2

Motion made by Councilor Gordon to approve Stromei requesting 05 N. Navajo Ave. to be rezoned from planned development to commercial 2. Seconded by Councilor Winters.

Voting Yea:

Mayor Pro-Tem Gutjahr
Councilor Apodaca
Councilor Gordon
Councilor Winters

Motion passed with a 4-0 vote.

Public Hearing

Motion and roll call vote to recess Regular Business Meeting session and to go into Public Hearing Consideration of Ordinance 2023 - XX - Chapter 10 Local Economic Development Act (LEDA)

Motion made by Councilor Apodaca with a roll call vote to recess the regular business meeting session and go into the public hearing Consideration of Ordinance 2023 - XX - Chapter 10 Local Economic Development Act (LEDA). Seconded by Councilor Winters.

Voting Yea:

Mayor Pro-Tem Gutjahr
Councilor Apodaca
Councilor Gordon
Councilor Winters

With a 4-0 vote Council went into the public hearing at 6:12 pm.

Manager Dr. Moore said the purpose of this is to update our ordinance to mirror the updates in statute and take advantage of Local Economic tools. Ms. Jill Sweeney explained you have before you the policy level ordinance that is required by the local economic development act to be in place by the city prior to consideration to any project ordinance. This is a restatement and amendment of your existing ordinance. The primary purpose of the amendment is to add the opportunity to include both LEDA and gross receipt tax share which are statutory changes to make sure there are no conflicts.

Motion and roll call vote to go back into Regular Business Meeting session

Motion made by Councilor Apodaca to back into regular business meeting session. Seconded by Councilor Winters.

Voting Yea:

Mayor Pro-Tem Gutjahr
Councilor Apodaca
Councilor Gordon
Councilor Winters

With a 4-0 vote Council went back into the regular business meeting at 6:15 pm.

Discussion, Consideration, and Decision – Ordinance 2023 - 89 Chapter 10 Local Economic Development Act (LEDA)

Motion made by Mayor Pro-Tem Gutjahr to approve Ordinance 2023-89. Seconded by Councilor Winters.

Voting Yea:

Mayor Pro-Tem Gutjahr
Councilor Apodaca
Councilor Gordon
Councilor Winters

Motion passed with a 4-0 vote.

Public Hearing

Motion and roll call vote to recess Regular Business Meeting session and to go into Public Hearing Consideration of Ordinance 2023 - 90 Chapter 10 Industrial Revenue Bond Policy (IRB) and Local Economic Development Act (LEDA)

Motion made by Councilor Gordon. Seconded by Councilor Winters.

Voting Yea:

Mayor Pro-Tem Gutjahr
Councilor Apodaca
Councilor Gordon
Councilor Winters

With a 4-0 vote Council went into the public hearing at 6:18pm.

Manager Dr. Moore explained the industrial revenue bonds on occasion opportunities come to communities to discuss to rather or not enter an industrial revenue bond with a major developer on a manufacturing side. This is an opportunity to put another tool in the toolbox. Ms. Sweeney said this is a policy ordinance that lays out the processes through which the city would consider the IRB bonds and the LEDA projects they are two different tools, but the process is similar and further gave examples of LEDA and IRB that she previously discussed in a presentation. If a company wanting to relocate here that we are willing to partner with you and are ready to enter discussions with you but before we do that here is the information needed before we make a decision to enter into an IRB or LEDA ordinance.

Motion and roll call vote to go back into Regular Business Meeting session

Motion made by Councilor Apodaca. Seconded by Councilor Winters.

Voting Yea:

Mayor Pro-Tem Gutjahr
Councilor Apodaca
Councilor Gordon
Councilor Winters

With a 4-0 vote Council went back into regular business meeting at 6:24pm.

Discussion, Consideration, and Decision – Chapter 10 Industrial Revenue Bond Policy (IRB) and Local Economic Development Act (LEDA)

Motion made by Councilor Apodaca, Seconded by Councilor Gordon.

Voting Yea:

Mayor Pro-Tem Gutjahr

Councilor Apodaca

Councilor Gordon

Councilor Winters

With a 4-0 vote Resolution 2023 – 19 ICIP (Infrastructure Capital Improvement Plan) was passed, approved, adopted, and signed.

Public Comment:

No public comments.

Manager Report

a) **Grant(s) update**

b) **Zip Code update**

c) **Municipal Court Department**

Manager Dr. Moore said there was a very brief municipal court update. There was a hand full of citations and no monies collected in the past month. He then said there was an outpour of support and help in the effort to search for the missing individual and it was very good to see people come together to help to find someone unfortunately it is an ongoing issue. Manager Dr. Moore said we are starting to get grant agreement documents on phase 2 for this building. Manager Dr. Moore further said that we have heard the concern for the speed bumps we are ordering for a different kind of speed bumps they will be wider and a little more gradual. Manager Dr. Moore stated on phase 1 of the building we will be going over a few things with our contractor and said the basic stuff have been cleared. Manager Dr. Moore gave some brief information on the 10th anniversary. Councilor Apodaca asked if we were going to test the new ones out and then replace them with the existing ones. Manager Dr. Moore said we are going to have test areas. He explained we do have some places that we have in the city that have high volumes of vehicular traffic. Councilor Gutjahr gave an update on the zip code update.

Discussion, Consideration, and Decision – Resolution 2023 - 21 Authorizing the Assignment of Authorized Officer(s) and Agent(s)

Manager Dr. Moore explained this is a resolution that is tied in to getting a grant agreement from the Department of Environment they have a different requirement we are asking that he be able to sign the agreement and the finance officer to sign as official representatives.

Motion made by Councilor Gordon to approve Resolution 2023 - 21 Authorizing the Assignment of Authorized Officer(s) and Agent(s). Seconded by Councilor Winters.

Voting Yea:

Mayor Pro-Tem Gutjahr

Councilor Apodaca

Councilor Gordon

Councilor Winters

With a 4-0 vote Resolution 2023 - XX Authorizing the Assignment of Authorized Officer(s) and Agent(s) was passed, approved, adopted and signed.

Discussion, Consideration, and Decision – Grant Agreement for Rio Communities 23-H2509-GF

Manager Dr. Moore said this is part 2 you just approved part 1. Part 2 is asking to approve the grant agreement on our side to move forward and execute for \$350,000 for storm water and drainage improvement.

Motion made by Councilor Apodaca to approve Grant Agreement for Rio Communities 23-H2509-GF. Seconded by Mayor Pro-Tem Gutjahr.

Voting Yea:

Mayor Pro-Tem Gutjahr

Councilor Apodaca

Councilor Gordon

Councilor Winters

With a 4-0 vote Council approved Grant Agreement for Rio Communities 23-H2509-GF.

Discussion, Consideration, and Decision – City Hall Parking Lot upgrades

Manager Dr. Moore said we are looking at our parking lot and there are cracks widening, the pavement is drying out and is several years old. We are talking to a company, Dessert Fox, LLC and we have 2 options. Option 1 is to seal the cracks then put a seal coat cost would be approximately \$4529.64 the second is sealing the cracks and going over with a half inch asphalt overlay with a tack coat that cost is \$16275.54. Option 1 is about 1-2 years and up to 10 years for option 2.

Manager Dr. Moore said he is recommending option 2 & 3 out of the quotation which would be \$10274.54 plus gross receipts tax. Councilor Apodaca said it is money well spent to extend the life of the parking lot for up to 10 years. Councilor Winters said he thinks it is the right choice if this is approved, we need notify our neighbors.

Motion made by Mayor Pro-Tem Gutjahr to approve the City Hall Parking Lot upgrades. Seconded by Councilor Gordon.

Voting Yea:

Mayor Pro-Tem Gutjahr

Councilor Apodaca

Councilor Gordon

Councilor Winters

With a 4-0 vote Council approved City Hall Parking lot upgrades.

Discussion, Consideration, and Decision – Authorizing Fund for Demolition & Cleanup of Dangerous & Nuisance Properties

Manager Dr. Moore said our City's Code Enforcement Officers have identified dangerous properties that have come in front of the City Council and then said we are asking for up to 100,000 to give us the ability to clean them up and then said we do have monies available in available cash for that.

The concerns have been heard by citizens and the return would be the clean up of the properties. Councilor Apodaca said I think it is money well spent.

Councilor Gutjahr said I think so to people coming into the city they can see how up to date and clean it is it is important for economic development and people coming in.

Councilor Gordon said I agree it is a mark of improvement for the people coming into town.

Councilor Winters said I think every economic development expert we have brought in here has said to clean the place up.

Motion made by Councilor Apodaca to Authorizing Fund for Demolition & Cleanup of Dangerous & Nuisance Properties not to exceed \$100,00.00. Seconded by Councilor Winters.

Voting Yea:

Mayor Pro-Tem Gutjahr

Councilor Apodaca	With a 4-0 vote Council approved Authorizing Fund for
Councilor Gordon	for Demolition & Cleanup of Dangerous &
Councilor Winters	Nuisance Properties not to exceed \$100,00.00.

Discussion, Consideration, and Decision – Memorandum of Understanding (MOU), NM Law Enforcement Telecommunications system, National Crime Information Center, NM Department of Public Safety and The City of Rio Communities Police Department

Manager Dr. Moore explained the City has a ORI number and that is authorized by the FBI and the next step is to get authorized by NCIC. Police Chief Nunez stated earlier this is a great milestone for the city to have this is a control number running with a fulltime police department. We can do a lot of great things and stay up with the times of policing and public safety.

Motion made by Councilor Apodaca Memorandum of Understanding (MOU), NM Law Enforcement Telecommunications system, National Crime Information Center, NM Department of Public Safety and The City of Rio Communities Police Department. Seconded by Councilor Winters.

Voting Yea:

Mayor Pro-Tem Gutjahr	With a 4-0 vote Council approved the Memorandum of
Councilor Apodaca	Understanding (MOU), NM Law Enforcement
Councilor Gordon	Telecommunications system, National Crime
Councilor Winters	Information Center, NM Department of Public Safety and The City
	of Rio Communities Police Department.

Discussion, Consideration, and Decision – Ordinance 2023 - XX Comcast Franchise Agreement 14-day review

Manager Dr. Moore said the City of Rio Communities being an incorporated by state law utilities that operate, and Comcast qualifies as a utility under the State of New Mexico statute they are required to enter a franchise agreement with the City. They have been going through the County and we need to go directly through the City and not the County. Councilor Apodaca said I am glad to see this move forward and we will benefit from this instead of the county. Councilor Gutjahr said we have wanted this for a long time. Councilor Gordon thanked Dr. Moore for getting this done. Mayor Ramsell said this has been a work in progress I am glad we are at this point. Manager Dr. Moore said thanks to our City Attorney and staff to help this to progress.

Motion made by Councilor Apodaca Ordinance 2023 - XX Comcast Franchise Agreement 14-day review. Seconded by Councilor Winters.

Voting Yea:

Mayor Pro-Tem Gutjahr

Councilor Apodaca

Councilor Gordon

Councilor Winters

With a 4-0 vote Council approved the 14-day review of Ordinance 2023 –
XX Comcast Franchise Agreement 14-day review.

Council Discussion

No comments.

Executive Session - For the purpose of an Improvement Plan for the Municipal Clerk pursuant to NMSA 10-15-1(H)(2) - Limited Personnel Matters and the discussion of the purchase, addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8)

Motion and roll call vote to go into close session

Motion made by Mayor Pro-Tem Gutjahr to go into closed session. Seconded by Councilor Winters.

Voting Yea:

Mayor Pro-Tem Gutjahr

Councilor Apodaca

Councilor Gordon

Councilor Winters

With a 4-0 vote Council went into executive session at 6:57 pm.

Welcome everyone back and statement by the Mayor

See agenda for Statement.

Motion and roll call vote to go back into the regular business meeting session

Motion made by Councilor Apodaca with a roll call vote to go back into the regular business meeting session. Seconded by Councilor Winters.

Voting Yea:

Mayor Pro-Tem Gutjahr

Councilor Apodaca

Councilor Gordon

Councilor Winters

With a 4-0 vote Council went back into the regular
business meeting session at 8:00 pm.

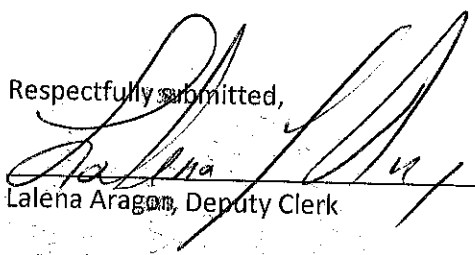
Recommendation, Discussion, Consideration, and Decision - For the purpose of an Improvement Plan for the Municipal Clerk pursuant to NMSA 10-15-1(H)(2) - Limited Personnel Matters and the discussion of the purchase, addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8)

Mayor Ramsell said there are no recommendations at this time.

Adjourn

Motion made by Councilor Winters to adjourn. Seconded by Councilor Gordon. With a unanimous vote the regular business meeting session was adjourned at 8:02pm.

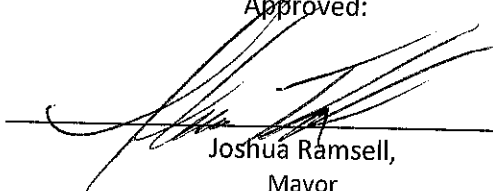
Respectfully submitted,

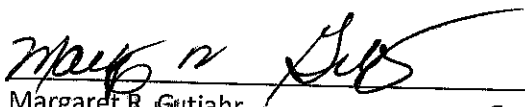

Laleha Aragon, Deputy Clerk

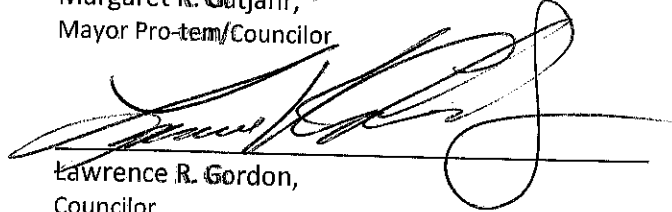
Date:

October 10, 2023

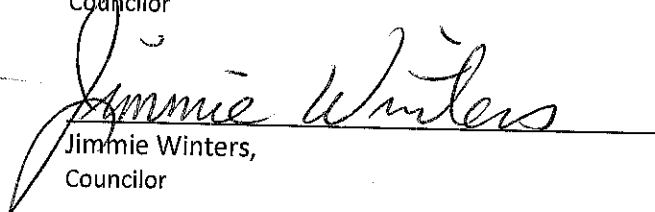
Approved:


Joshua Ramsell,
Mayor


Margaret R. Gutjahr,
Mayor Pro-tem/Councilor


Lawrence R. Gordon,
Councilor


Arthur Apodaca,
Councilor


Jimmie Winters,
Councilor