



City of Rio Communities Council Special Business Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Wednesday, November 29, 2023 6:00 PM
Minutes

Please silence all electronic devices.

Mayor - Joshua Ramsell

Mayor Pro Tem - Margaret R. Gutjahr

Council - Arthur Apodaca, Lawrence R. Gordon, Jimmie Winters

Call to Order

Mayor Ramsell called the meeting to order at 6:32pm.

Pledge of Allegiance

Councilor Gorden led the Pledge of Allegiance

Roll Call

PRESENT

Governing Body

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

Staff

Manager Dr. Martin Moore
Deputy Clerk Lalena Aragon
Finance Officer Stephanie Finch
Fire Chief Andrew Tabet
Attorney Randall Van Vleck
Police Chief Felix Nunez

Approval of Agenda

Motion made by Councilor Gorden to approve the agenda as presented. Seconded by Councilor Winters.

Voting Yea:

Mayor Pro-Tem Gutjahr
Councilor Apodaca
Councilor Gordon
Councilor Winters

Motion passed with a 4-0 vote.

SWEARING IN OF POLICE OFFICER

Chief Nunez said this is a great day for the Rio Communities police department and for the city. We hired our first Police Officer Jose Rodriguez and an administrative assistance Emma Sanchez. He introduced Emma Sanchez and said she goes above and beyond and gives 110% for the department and the city. He then introduced Jose Rodriguez as our first officer and will always be our first hire, he is going to start the trend. It is exciting and emotional to watch this to see them blossom, as a police officer we always hear negative and having your family here to support you is important. Judge Chavez swore in Officer Rodriguez. Mayor Ramsell presented Officer Rodriguez with his badge. Members of the community welcomes Jose Rodriguez.

PUBLIC HEARING- CONSIDERATION OF ORDINANCE NO. 2023-92, AN ORDINANCE SUPERSEDING OR REPEALING ORDINANCE NO. 2023-88, CHAPTER 04 ZONING CODE

MOTION AND ROLL CALL VOTE TO RECESS SPECIAL BUSINESS MEETING AND GO INTO PUBLIC HEARING

Motion made by Councilor Gordon to recess the special business meeting and go into a public hearing. Seconded by Mayor Pro-tem Gutjahr at 6:44pm.

Voting Yea:

Mayor Pro-Teem Gutjahr

Councilor Apodaca

Councilor Gordon

Councilor Winters

Motion passed with a 4-0 vote at 6:44pm.

Dr. Moore explained the reason for the public hearing and talked about the changes that needed to be made. We do have some applications that we know that are going to be penning in front of the city. Walking through the Planning and Zoning committee and then to the City Council. Because of conflicts that I have seen in the documents that none of them read the same. We have made some changes that were not in it. One concern was we had the same process on two levels, and we wanted to make sure the public's concerns were heard. We also had three different documents on our website and need to clean this mess up. Dr. Moore continued to explain the changes that were made to the Ordinance. He recommended that whoever the deciding body is should have the public hearing. He then explained that a public forum is a more open dialog than a public hearing. Dr. Moore said this is a standing document and we want to make sure we are putting what the residents said they want in this document.

Mr. Van Vleck explained echoing what Dr. Moore said a zoning ordinance should be a vibrant living document once it becomes stale it becomes useless and troublesome. This is a work in progress, and we are playing catch up, bringing it up to speed and making sure it is legally defensible as well as giving the public an opportunity to participate in the process. Mayor Ramsell swore in members of the public that signed up to speak.

Linda Quinly, my concern is the appearance of the ordinance 92 removed the public hearing and am glad to hear that it will a public forum. She continued to go over the wording on the document and errors she had seen. My next concern was that at the Planning and Zoning meeting on November 17th Playa group gave a pre-presentation and when I looked at the website, I didn't see anything about it, so if that is something we can work on when you get a new clerk hired.

Mr. Vanvleck said that it will still be a two-step process, one will be a forum and the next will be the public hearing.

Kathy Mc Cord I came here to talk about business manufacturing and I3. I am with the coalition of Valencia County Water Watchers Rio Communities alliance. We are thankful you are aware of the problems. There are a lot of questions on the buffer zone and what definition of light manufacturing

will be allowed. It also says there will be no toxic or hazardous releases, how will this limitation be monitored and how will you enforce it to the boundary line. Talking about other permitted and conditional uses needs to be clearer about what is allowed. There are also more edits that need to be looked at.

Helen Smith we kind of thought this was going to be a different kind of public hearing and after reading the ordinance it needs a lot of changes, it is important for the people to know that something won't happen while there is a gap in the regulations and if there are applications is there a time limit. Betsie Ramsell, thank you for being upfront and acknowledging the mistake and letting the public know that there was a mistake and letting the public come and listen to what we have today. I also want to thank you for letting the public come and voice their concerns about what was in the ordinance that was passed was what everyone was concerned about. Ester Reyes, I agree with the transparency and thank you for listing. I was alarmed when I saw the document and it is concerning to see that there is still I3 in the ordinance and I do not like to see that.

Mrs. Reyes explained that Rio Communities is in the 87th percental for claimant change, we cannot allow any of these heavy manufacturing that is still in our ordinance in the city limits or within our annexation. When it comes to the citizens of Rio Communities, I urge you to say no.

Edward Gallegos I just want to make a statement, and all this has to do with Yates, and I have a couple of questions about the prohibited uses in the city of Rio communities and there will be no I3 zone is allowed the city limits unless otherwise noted 42-5.

Ron Gentry I have been a resident of Rio Communities proper for many years and a local businessman and have a lot of property I have served in City Council and State Legislator the things I am concern is if you read this stuff that comes out, I can't figure out what is going on with your website. My problem is sometimes centralization of power is not a good idea. I know council is the final vote and make the decision I am not sure that the council should be the one that should be having the hearings you have other departments .Planning & Zoning is the key place for the progress and planning for any town and the people on that commission become very dedicated most of them are appointed because of their knowledge, will you be studying all the issues and the small things that come together it make a community or only the big ones will you put the time in to learn all the zoning ordinance. . You are elected and the people depend on you to make a decision on their behalf. If you want to change this to make all of the decisions, are you ready to take on all the work it takes.

Lodie Silva said I know you can't answer but I hope the City Manager can address this when you close the Public Hearing. There is some missed information on the website ordinance 88 back in August. The one back in August looks better than it does now, and we need to put a document that is presentable. James Gale Having served as a University Director for 22 years and seeing a lot of internal politics I was scared when I saw this document that wasn't properly written. I was afraid it was an end run to get us back to a zoning for heavy industrial. Now I know it was just problems with process and cleaning up and I highly respect the town in this room to make this correct and if we slow down long enough to have proper review it will be correct and good for our citizens, I enjoy living here and the progress the city has made in the past two years. Mayor Ramsell called names of people that signed in to see if they would like to speak. There were no comments. Dr. Moore explained the areas that need to be cleaned up, and a public forum will be 6-day notification and for a public hearing 15-day notification in

accordance with state law. Finance officer Finch read comments from emails. Dr. Moore said I just to emphasize to members of Council that what you have in front of you is the changes that are being fixed and the suggestions I have made to you for us to have constancy of language such as variance make sure the language for public forum vs public hearing is clearly pointed toward the appropriate appointed bodies and one other issues brought up is the extraction of petroleum products is in as prohibited uses .

Councilor Gordon asked when the change would be made and cleaned up.

Dr. Moore said that it will be cleaned up and ready by next week. I would like to sit down and make sure everything is properly in that document.

Councilor Apodaca made a comment to the residents and thanked them for speaking out and moving forward and doing the best for the city.

Councilor Gutjahr said that the comments were very thoughtful, and she understood the confusion.

Mayor Ramsell thanked everyone for coming out and he appreciates hearing all the comments.

MOTION AND ROLL CALL VOTE TO GO BACK INTO SPECIAL BUSINESS MEETING SESSION

Motion made by Councilor Apodaca to go back into the special business meeting session. Seconded by Councilor Gorden. at 7:43pm.

Voting Yea:

Mayor Pro-Teem Gutjahr

Councilor Apodaca

Councilor Gordon

Councilor Winters

Motion passed with a 4-0 vote.

DISCUSSION, CONSIDERATION, AND DECISION – FINAL CONSIDERATION OF ORDINANCE 2023-92, AN ORDINANCE SUPERSEDING OR REPEALING ORDINANCE NO. 2023-88, CHAPTER 04 ZONING CODE

Kathy Mc Cord explained what she thought she heard and went over the process of public hearing and public forum guidelines and explained that she is glad to hear the changes that were not clear. Helen Smith, I think we should concede not to make a decision right after the public hearing.

Joe Clary I would like to thank you for clarifying everything and asked if the Council will have a forum. Mr. Van Vleck explained the process.

Mrs. Reyes said she thinks that Council needs to take the time necessary and urge you to be more detailed about it. Councilor Gorden asked if we could come back to this next week.

Dr. Moore explained his recommendation is to supersede to make sure we have all the information plugged in and we will continue to fix the entire ordinance. We are just trying to put these restrictions in place right now so there will be no loopholes.

Councilor Winters said he thinks we defined what the problems were and what we didn't approve of didn't end up on the internet. The Council and the public walked through the ordinance item by item and made the correct changes.

Motion made by Councilor Gorden to approve Ordinance 2023-92, an ordinance superseding or repealing ordinance no. 2023-88, chapter 04 zoning code. Seconded by Councilor Winters.

Voting Yea:

Mayor Pro-Teem Gutjahr
Councilor Apodaca
Councilor Gordon
Councilor Winters

Motion passed with a 4-0 vote.

DISCUSSION, CONSIDERATION, AND DECISION – SCHEDULE SPECIAL MEETING WITH PLANNING & ZONING COMMISSION ON DECEMBER 12, 2023

Dr. Moore explained the purpose is to walk everyone through the process and to make sure everyone is on the same page on December 12, 2023.

Motion made by Councilor Apodaca to approve a special meeting with Planning & Zoning on December 12, 2023, at 6:30pm. Seconded by Councilor Gorden.

Voting Yea:

Mayor Pro-Teem Gutjahr
Councilor Apodaca
Councilor Gordon
Councilor Winters

Motion passed with a 4-0 vote.

DISCUSSION, CONSIDERATION, AND DECISION – CONTINUE SPECIAL ASSIGNMENT IN THE CLERK'S OFFICE FOR THE ASSISTANT TO THE CITY MANAGER, FINANCE OFFICER/TREASURER AND DEPUTY CLERK

Dr. Moore gave a report on the Municipal Clerks office and explained they have been walking through records and making sure they are filed in a fire rated room and locked file cabinets there is still some additional work that needs to be done.

Mrs. Finch gave an update and said we are about 1/3 of the way done.

Motion made by Councilor Gorden to approve the special assignment in the clerk's office for the Assistant to the City Manager, Finance officer/treasurer and Deputy Clerk for two pay periods recommended by dr. Moore Seconded by Councilor Winters.

Voting Yea:

Mayor Pro-Teem Gutjahr
Councilor Apodaca
Councilor Gordon
Councilor Winters

Motion passed with a 4-0 vote.

DISCUSSION – CITY COUNCIL CODE OF CONDUCT

Dr. Moore explained that the State of New Mexico has a code of conduct act. He stated that it lays out ground rules for Council and explained the different forms of code of conduct and it can be done as a Resolution. It is our suggestion to have a couple of members of council and bring in some members of other boards and come back to you.

Councilor Gorden said I think it is something we could talk about.

Councilor Gutjahr said I think it is a great idea and we have used the code of ethics for volunteers it helps make things clear.

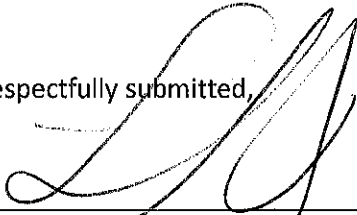
Councilor Apodaca said he thinks it's a good idea. Councilor Winters also agreed it is a good idea.

Mayor Ramsell explained that it is something we have discussed in the past and it kept getting pushed back.

Adjourn

Motion made by Councilor Winters to adjourn at 8:56 pm. Seconded by Councilor Gorden. The motion carried unanimously.

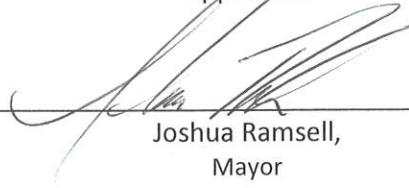
Respectfully submitted,




Lalena Aragon, Deputy Clerk
(Taken and Transcribed by Lalena Aragon, Deputy Clerk)

Date: _____

Approved:



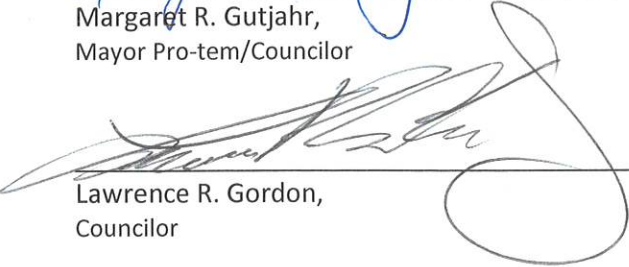
Joshua Ramsell,
Mayor




Margaret R. Gutjahr,
Mayor Pro-tem/Councilor



Arthur Apodaca,
Councilor



Lawrence R. Gordon,
Councilor



Jimmie Winters,
Councilor