



City of Rio Communities Council Special Business Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Monday, September 16, 2024 6:00 PM
Minutes

Please silence all electronic devices.

Mayor - Joshua Ramsell

Mayor Pro Tem – Lawrence R. Gordon

Council - Arthur Apodaca, Thomas Nelson, Matthew Marquez

Call to Order

Mayor Ramsell called the Meeting to order at 6:06pm

Pledge of Allegiance

Councilor Marquez led the pledge of allegiance

Roll Call

Governing Body

Mayor Joshua Ramsell
Councilor Lawrence Gordon
Councilor Thomas Nelson
Councilor Art Apodaca
Councilor Matthew Marquez

Staff

Manager Dr. Martin Moore
Deputy Clerk Lalena Aragon
Police Chief Felix Nunez
City Attorney Randy Van Vleck

Approval of Agenda

Mayor Ramsell made a proposal to move Billy Bacas Public Hearing regarding a Special Use Permit for an RV park up to the top of the agenda.

Councilor Nelson made a motion to move Billy Bacas Public Hearing regarding a Special Use Permit for an RV park up to the top of the agenda. Seconded by Councilor Gordon. Motion Carried

Motion made by Councilor Nelson to approve the amended agenda. Seconded by Councilor Gordon.

Voting Yea:

Councilor Gordon
Councilor Apodaca
Councilor Nelson
Councilor Marquez

Motion passed with a 4-0 vote.

Public Comments

Sheri Ulibarri invited the Council and the Public to a Ribbon Cutting Ceremony of her business H&I insurance located at 303 Rio Communities Blvd. on Tuesday September 24th. She explained she specializes in Medicare and enrollment is coming up in 28 days.

Dick Irvin thanked the City of Belen for hosting the 23rd anniversary of 9/11. He talked about the Veterans Ceremony and suggested the City reaches out to the legion and gave some suggestions on the Veterans Ceremony.

Lodie Silva stated that she is glad that the City has new business applying to come into the City and she hopes they are a great fit to the community with whatever services they provide.

Public Hearing

Motion and roll call vote to recess Council Special Business Meeting session and to go into Public Hearing Consideration of Billy Baca application for Special Use Permit for a RV Site Legal description UPC 100902842306000000 Subd: LAND OF FRANK SEMINARA Tract: A1 0.69 ACRE 1987 SPLIT/2009 REV (RAINBOW CAR WASH) 4 MANZANO EXPY Rio Communities NM, 87002

Motion with a roll call vote made by Councilor Nelson to recess the City Council Special Business meeting and go into a public hearing for the item listed above. Seconded by Councilor Gordon.

Voting Yea:

Councilor Gordon

Councilor Apodaca

Councilor Nelson

Councilor Marquez

Motion passed with a 4-0 vote at 6:15pm.

City Manager Dr. Moore swore in applicant in George Continola

Mr. Continola gave a presentation showing before and after pictures of the property and the site plan of the RV park. He stated they will have 25 spots in the RV park and wanted to make sure there was a good flow by having an entrance and an exit. He talked about security and explained there will be on-site management and 24-hour surveillance cameras. He talked about having quiet times on the property at 9pm. He stated there will be full hook up water, sewer power and a dumpster onsite for trash. He explained the rules of having indoor pets only and if they are outside, they need to be on a leash, there will be no campfires he explained the occupancy with a max of 4, the time will be daily, weekly or monthly to accommodate people passing through or working in the area. There will be two vehicles per RV spot and stated they wanted to keep the RV park clean. He talked about the drainage plan on the property.

Councilor Apodaca thanked the applicant for coming into the community.

Councilor Marquez asked if it would be a 24-hour onsite manager. Mr. Continola stated there will be a 24-hour onsite manager. Councilor Marquez then asked about the hours of operation and asked if the residents would have an access card to access the property. Mr. Continola stated they will have access cards. Councilor Marquez asked about the contracts and asked if the City would get lodging tax.

Mayor Ramsell stated that the City would get lodgers taxes if it is under 30 days.

Councilor Gordon asked once this is approved when they will start construction. Mr. Continola stated the cleanup has already started and once they get the green light from the City they will start construction.

Councilor Nelson explained if this gets approved it is only for the current owners. If they decide to sell the property, the new owners will have to reapply for a special use permit. He then explained that the application was incomplete, and the public notices were incorrect, he explained that only one parcel was noticed on the agenda. He then stated that the site plan is too small, and the dimensions need to

be in there. Councilor Nelson stated that a fire apparatus needs to be able to have access and asked for PNM approval. Mr. Continola stated they are waiting to hear back from PNM. Councilor Nelson stated that this needs to go back to Planning & Zoning and then come back to Council. City Attorney Van fleck stated that it is up to the Council if they want to send it back to Planning & Zoning.

Mayor Ramsell asked if they plan to have back flow preventers on every site. Mr. Continola stated he didn't have an answer, but he would get one as soon as he can.

Councilor Marquez asked about the facts and findings letter and what needed to be corrected. Councilor Nelson stated that facts and findings are wrong for the zoning. Councilor Marquez asked if the sewer was capable of the flow of all the RV spots. There was a discussion.

Councilor Nelson suggested having a fire hydrant on the corner.

Dick Irvin was sworn in. Dick Irvin explained that he has 15 years of experience and stated that everything he would like to see as an RVer is there. He stated that he saw no problems with the space size.

Councilor Marquez asked if the ground has been updated to support the weight of the RVs. Mr. Continola stated the ground will be prepared to hold the weight.

Councilor Marquez asked about the time limit and asked if the limit would be monthly.

There was a discussion.

Councilor Nelson stated that he doesn't want to see propane tanks and asked how they would supply propane. Mr. Continola stated that they will not have a propane tank on site and would like to limit the number of sites they have for the long term. Mr. Continola stated he would like to see the Ordinance.

There was a discussion.

Councilor Nelson explained with a Special Use permit the Council can set regulations.

Councilor Marquez talked about his concerns of the lot sizes.

Motion made by Councilor Nelson to recess this public hearing to the end of the meeting and go back into the Special Business meeting session. Seconded by Councilor Marquez.

Voting Yea:

Councilor Gordon
Councilor Apodaca
Councilor Nelson
Councilor Marquez

Motion passed with a 4-0 vote

Motion and roll call vote to recess Council Special Business Meeting session and to go into Public Hearing Consideration of Maverik Inc. Application for a Replat Request Legal description UPC 100902733648600000 Subd: LAND OF HI MESA Tract: 1 4.46 ACRES 2010 REV, 101 Rio Communities Blvd Rio Communities NM 87002

Motion made by Councilor Marquez to recess the Special Business Meeting and go into a public hearing for the items listed above. Seconded by Councilor Nelson

Voting Yea:

Councilor Gordon
Councilor Apodaca
Councilor Nelson
Councilor Marquez

Motion passed with a 4-0 vote at 6:50pm

City Manager Dr. Moore swore in Matt Rider.

Matt Rider site develop manager for Maverik gave a presentation and explained his site plan for the replat. He explained that it is a 7-acer parcel, and they are only going to use 2 acers and that the remainder of the parcel will belong to the current owner, Mr. Chavez. He talked about Maverik convenience stores and showed pictures of what the site would look like and stated that it will be a 4,425 square foot convenience store. He went over the floor plan inside the store. He stated that Maverik would employ about 15-20 employees with benefits. He then talked about the replat and stated that they will have to relocate the sewer line on the Maverik property.

Councilor Nelson asked if PNM and NM gas and all utilities signed off on the replat. Mr. Rider stated that they have NM water signature that they are waiting for PNM, NM Gas and Comcast. Councilor Nelson asked if they had a signature from the landowner on the replat. Councilor Nelson stated that there was not proper notice due to the Planning and Zoning not approving the minutes. Dr. Moore explained that the Public Hearing was noticed in the time frame needed. City Attorney Van Fleck explained that the approval of the minutes from planning and zoning did not have to be approved before the posting of this hearing.

There was a discussion.

Councilor Apodaca asked how many gas pumps would be on the property. Mr. Rider stated there would be 6 dispensers that would provide 12 fueling stations. Councilor Apodaca asked if they would have diesel and gas available. Mr. Rider stated they would have diesel.

Councilor Gordon asked what are the last finding they need from DOT. Mr. Rider explained the traffic control plan. Councilor Gordon asked how long the EV chargers would take to charge a vehicle. Mr. Rider stated that it is a level 2 and he isn't sure how long it will take.

Councilor Marquez asked if the fire station and Mavricks both have EV charges is there enough power to support both. Fire Chief Tabet stated there will be enough power.

Councilor Apodaca asked the time frame of construction. Mr. Rider said 240 days.

Mayor Ramsell wanted to clarify that this is not a truck stop. He then asked if they would sell alcohol at this location. Mr. Rider stated they will upon approval of the state.

Dick Irvin stated the plus side we are getting a piece of property cleaned up but the downside is there are 3 gas stations right next to each other. He stated that Pee Wees is Veteran owned, and he feels the City is robbing Peter to pay Paul.

Councilor Marquez asked about security.

Mr. Rider explained that there will be surveillance cameras and they would be hiring security if they deemed it necessary and that the employees and customers safety is there main priority and explained that it will be a well lite site and the open floor plan is designed to prevent theft.

Motion with a roll call vote by Councilor Nelson to go back into the regular Special Business Meeting. Seconded by Councilor Gordon.

Voting Yea:

Councilor Gordon
Councilor Apodaca
Councilor Nelson
Councilor Marquez

Motion passed with a 4-0 vote at 7:17pm

Public Hearing

Motion and roll call vote to recess Council Special Business Meeting session and to go into Public Hearing Consideration of Maverik Inc. application for Special Use Permit Legal description UPC 100902733648600000 Subd: LAND OF HI MESA Tract: 1 4.46 ACRES 2010 REV, 101 Rio Communities Blvd Rio Communities NM 87002 Regarding a Fueling Station

Motion with a roll call vote made by Councilor Gordon to recess the Special Business Meeting and go into a public hearing for the items listed above. Seconded by Councilor Nelson

Voting Yea:

Councilor Gordon
Councilor Apodaca
Councilor Nelson
Councilor Marquez

Motion passed with a 4-0 vote at 7:20pm

City Manager Dr. Moore swore in Mr. Rider

Mr. Rider gave a presentation and stated that there will be 10 fueling pumps at this location. He stated that they are requested a special use permit to have a fueling station and sell tobacco and alcohol.

Councilor Nelson asked if the special use permit was only for the property that was replated. Mr. Rider stated yes. Councilor Nelson just so you are clear if Maverik sells the property they would have to come back.

Mary Joe Plamer was sworn in and stated that she is the Manger of Pee Wees Pit Stop. Mrs. Palmer stated that they are a locally owned business that has been open for over a year and they are local, and Veteran owned. She stated that she is concerned that Mavrik would negatively impact their business. She stated that when they reopened the former Als Mini Mart in July 2023 it was unofficial intimated that the City was not seeking an additional convince store with gasoline sales. Their decision was partially based on that information. She then read a letter from Beny Hodges.

City Manager Dr. Moore Swor on Alex Hodges.

Alex Hodges stated that they have put their Heart and Soul into this store, and they don't have the buying power that Maverik or Alsup's has, and they are also the only locally owned gas station in the City and they are the ones here to support the Community and Maverik does not and requested the Council to take that into consideration. She stated that there is not a liquor license available in this Municipality.

Councilor Nelson asked Mr. Rider where Maverik was going to obtain a liquor license from. Mr. Rider stated he does not have an answer but Maverik is aware they would have to purchase one.

Motion with roll call vote by Councilor Marquez to go back into Special Business Meeting session. Seconded by Councilor Gordon.

Voting Yea:

Councilor Gordon
Councilor Apodaca
Councilor Nelson
Councilor Marquez

Motion passed with a 4-0 vote at 7:40pm

Motion with a roll call vote by Councilor Nelson to go back into the Public Hearing for Consideration of Billy Baca application for Special Use Permit for a RV Site. Seconded by Councilor Marquez.

Voting Yea:

Councilor Gordon
Councilor Apodaca
Councilor Nelson
Councilor Marquez

Motion passed with a 4-0 vote at 7:44pm

Mr. Continola explained that there is enough room in the roundabout for a fire truck. Fire Chief Tabet stated he would like to have a meeting with them.

Mayor Ramsell stated that with the Fire Hydrant that Maverik is proposing would be suitable for the RV park. Fire Chief Tabet explained he would have to look into it. Chief Tabet asked for the size of the entry way. MR. Continola stated about 35 feet.

City Manager Dr. Moore stated that the parcel to the east does not have a physical address assigned to it.

There was a discussion.

Motion with roll call vote by Councilor Marques to go back into Special Business Meeting Session. Seconded by Councilor Nelson.

Voting Yea:

Councilor Gordon
Councilor Apodaca
Councilor Nelson
Councilor Marquez

Motion passed with a 4-0 vote at 7:52pm

Discussion, Consideration, and Decision - Maverik Inc. Application for a Replat Request

Motion Made by Councilor Gordon to approve Maverik Inc. application for a replat request. Seconded by Councilor Apodaca.

Voting Yea:

Councilor Gordon
Councilor Apodaca
Councilor Nelson
Councilor Marquez

Motion passed with a 4-0 vote

Discussion, Consideration, and Decision - Maverik Inc. Application for Special Use Permit Regarding a Fueling Station

Motion made by Councilor Gordon to approve Maverik Inc. Application for special use permit regarding a fueling station. Seconded by Councilor Nelson.

Voting Yea:

Councilor Gordon
Councilor Apodaca
Councilor Nelson

Motion passed with a 3-0 vote

Councilor Marquez stated that he didn't want to vote nay he wanted to sustain his vote due to a clerical error on the agenda.

Discussion, Consideration, and Decision - Billy Baca application for Special Use Permit for a RV Site

Motion made by Councilor Nelson to send this back to planning and zoning. Seconded by Councilor Marquez.

Voting Yea:

Councilor Gordon
Councilor Apodaca
Councilor Nelson
Councilor Marquez

Motion passed with a 4-0 vote at 6:49pm

Discussion, Consideration, and Decision - Resolution 2024- 10 Transportation Project Fund (TPF) Match Waiver Request for the project: Don Diego Road Reconstruction

City Manager Dr. Moore stated that the City is going to ask for a Match Waiver for the reconstruction on Don Diego road and explained if the City wants to ask for a match waiver there needs to be a resolution.

Motion made Councilor Nelson to approve Resolution 2024- 10 Transportation Project Fund (TPF) Match Waiver Request for the project: Don Diego Road Reconstruction. Seconded by Councilor Gordon.

Voting Yea:

Councilor Gordon
Councilor Apodaca
Councilor Nelson

Councilor Marquez

Motion passed with a 4-0 vote at 6:49pm

Executive Session - For the purpose of 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 with a roll call vote made by Councilor Apodaca to go into close session for the matters stated on the agenda. Seconded by Council Gordon.

Voting Yea:

Councilor Gordon
Councilor Apodaca
Councilor Nelson
Councilor Marquez

Motion passed with a 4-0 vote at 8:06 pm

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

Motion with a roll call vote made by Councilor Nelson to go back into Special Business Meeting session. Seconded by Councilor Gordon.

Voting Yea:

Councilor Gordon
Councilor Apodaca
Councilor Nelson
Councilor Marquez

Motion passed with a 4-0 vote at 8:41 pm

Welcome everyone back and statement by the Mayor:

Motion made Councilor Nelson accept the statement by the Mayor. Seconded by Councilor Gordon.

Voting Yea:

Councilor Gordon
Councilor Apodaca
Councilor Nelson
Councilor Marquez

Motion passed with a 4-0 vote

Mayor Ramsell explained that the representative from Mavrik has a piece of evidence that needs to be added and is requesting to reopen the public hearing.

Motion with a roll call vote by Councilor Gordon to reopen the Public Hearing for Mavrik replat request. Seconded by Councilor Nelson.

Voting Yea:

Councilor Gordon
Councilor Apodaca
Councilor Nelson
Councilor Marquez

Motion passed with a 4-0 vote 8:43 pm

Mr. Rider stated that he wanted to enter into the record that Mr. Chavez and Mavrik have an agreement for Mavrik to apply for and get permission from the City to replat his property. Mr. Ride

entered into the record the purchase agreement that stated the buyer is 100% responsible for the replat, second the Mylars that have been submitted to the City have been signed and notarized by Mr. Chavez.

Motion with a roll call vote by Councilor Nelson to go back into Special Business meeting. Seconded by Councilor Gordon.

Voting Yea:


- Councilor Gordon
- Councilor Apodaca
- Councilor Nelson
- Councilor Marquez

Motion passed with a 4-0 vote 8:46 pm

Adjourn

Motion made by Councilor Nelson to adjourn. Seconded by Councilor Gordon. Motion carried at 8:53pm.

Respectfully submitted,



Dr. Martin Moore, (Acting) Municipal Clerk
(Taken and Transcribed by Lalena Aragon, Deputy Clerk)

Date: 11-12-2024

Approved:



Joshua Ramsell,
Mayor



Lawrence R Gordon,
Mayor Pro-tem/Councilor



Arthur Apodaca,
Councilor

 11-12-24

Thomas Nelson,
Councilor

Matthew Marquez,
Councilor