



**City of Rio Communities Council Regular Business Meeting**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Monday, August 14, 2023 6:00 PM**  
**Minutes**

*Please silence all electronic devices.*

**Call to Order**

- Mayor Joshua Ramsell called the Regular Business Meeting to order at 6:04 pm.

**Pledge of Allegiance**

- Council Gordan 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

Staff

Manager Dr. Martin Moore  
Clerk Elizabeth Adair  
Fire Chief Andrew Tabet  
Attorney Randy Van Vleck  
Press Clara Garcia

**Approval of Agenda**

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

Voting Yea:

Mayor Pro-tem Gutjahr  
Councilor Apodaca  
Councilor Gordon  
Councilor Winters

With a 4-0 vote Council approved the agenda.

**Approval of Consent Agenda Item (Minutes for the City Council Workshop & Regular Business Meeting (07/24/23), Minutes for the City Council Special Business Meeting (07/31/23), Approval of Accounts Payable)**

- Motion made by Mayor Pro-tem Gutjahr to approve the consent agenda as stated on the agenda. Seconded by Councilor Winters.

Voting Yea:

Mayor Pro-tem Gutjahr  
Councilor Apodaca  
Councilor Gordon  
Councilor Winters

With a 4-0 vote Council approved the consent agenda.

**Presentation: Elisa Saavedra – Torres (PNM)**

- ❖ Ms. Saavedra-Torres - the Customer Marking Director for PNM, gave a presentation, continued with the PNM resource overview, she said they are in step 3 of pursuing the replacement of

brown resource generation and replacing it with green resource generation, went further into economic development and said I want to share what our definition of economic development is it is very utility focus and continued with her presentation. She further explained her goal is to be the best supporting actor she then went over services provide. She then said that Ralph Mimms and the Council has been very proactive and asking us to start the planning between PNM and the community and they have a meeting on October 30<sup>th</sup>, and we will bring in our best and brightest engineers and start working on a plan. We also provide electric infrastructure maps and cost estimates for expanding infrastructure and continued her presentation.

- ❖ Councilor Apodaca said looking forward to the October 30<sup>th</sup> meeting and developing a plan for our city. We are on a big economic development push.
- ❖ Councilor Gutjahr asked regarding the community crew portal that is on the PNM website.
- ❖ Ms. Saavedra-Torres explained it is internal to PNM so anyone can send in request for volunteers.

## **Public Hearing**

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

- Motion made by Councilor Apodaca with a roll call vote to recess Regular Business Meeting session and to go into Public Hearing. Seconded by Councilor Gordon.

#### Voting Yea:

Mayor Pro-tem Gutjahr

Councilor Apodaca

Councilor Gordon

Councilor Winters

With a 4-0 vote Council went into the public hearing at 6:25 pm.

### **Consideration of the Infrastructure Capital Improvement Plan (ICIP)**

- Manager Dr. Moore gave a very brief explanation, he explained that a concern is streetlights we are getting a plan in place there were ten sites that were looked at they gave us templates for an internal review for recommendations for future funding, parks and trails we have basic plan master plan, public safety complex police, fire, EMS is important. We did include public safety equipment and we are concerned with pavement reconstruction. On our public works complex we mentioned about \$300,000.00 that will be plan and design if we can get some construction out of that it would be wonderful.
- Roadway beautification would be things like trees, decorative things along the sidewalks, signage welcoming people into the city or upgrade signs. He explained there are other grants other than ICIP.
- Parks and trails we have a master plan, and this can go a long way to help us move along.
- Councilor Apodaca said it is a great improvement we are moving forward as a city.
- Councilor Gutjahr said some of these amounts will be increased then said this is our Master plan, but this also means grants as a reminder if we don't have this and we want to go to the legislator this needs to be in place. She then said it was drilled in our head that you had to have, plan, design this what things would cost at this stage.
- Councilor Gordon said one of the things we added in the workshop for storm water and drainage went from 1 million to 1.5 million.

- Councilor Winters said this year the ICIP has been a wrestling match because we changed some directions on things and figured out better ways to plan and move forward. But I think with the consensus of Council this is a good plan.
- Mayor Ramsell said when you look at the ICIP this shows what the priorities are for your city government, and this allows us not only to receive money from the legislator but also if there are grants that pops up, we can apply for them the first thing they are going to ask is this on your ICIP.
- Fire Chief Tabet said the Valencia County wide public safety 700 mega hurts that is the initiative the municipalities and the county are switching over this entire valley into 700 which is a much more capable radio for the safety of police and EMS we have a lot of dead spots in the county. He said this is a county wide idea to switch over. Los Lunas and Albuquerque have switched over and it is crystal clear.
- Mayor Ramsell said one last item in previous years the County has moved forward in County wide flood prevention system and have asked all the municipalities to add this to their ICIP in hopes of maximizing funding request in capabilities in having county wide flood prevention system.

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

- Motion made by Mayor Pro-tem Gutjahr 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  
6:43 pm.

With a 4-0 vote Council went into the public hearing at

**Resolution 202X-xx ICIP (Infrastructure Capital Improvement Plan)**

- Motion made by Councilor Apodaca to approve Resolution 2023-19 ICIP (Infrastructure Capital Improvement Plan). Seconded by Councilor Winters.

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 Hearing: Continuation from the July 31, 2023 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 Regular Business Meeting session and to go into Public Hearing for the consideration of Chapter 4 Zoning Code. Seconded by Councilor Apodaca.

Voting Yea:

Mayor Pro-tem Gutjahr

Councilor Apodaca  
Councilor Gordon  
Councilor Winters

With a 4-0 vote Council went into the public hearing at 6:46 pm.

#### **Consideration of Chapter 4 Zoning Code**

- Manager Dr. Moore said this particular ordinance is repealing ordinance 2021-76 and pointed out the major points of what we are looking at #1 the petroleum type uses we are concerned about in the existing city limits coming in have been prohibited in this new zoning code, #2 attempt to rezone in to industrial inside the existing city limits is prohibited if we annex an area that is an existing industrial park outside the city limits that's another matter we did maintain what is called I3 industrial 3 zone. Another piece of significant is I1 or I2 what is called light or moderate industrial zoning has been eliminated from the zoning ordinance we don't have any I1 or I2 or any proposed that doesn't mean the city can't come back at some point in time if they want to if there is another annexation. One of the things we did to help this ordinance is if it is a commercial 1 you have a list of permitted uses instead of an example of permitted uses. The other part we have if it is permitted in C1 then it is permitted in C2 if it is permitted in C2 then it is permitted in C3, C3 then in industrial you see the direction that is flows what is permitted uses in the zones. In the business manufacturing zones we talked about limiting residential and making sure people aren't trying to bring a residential development into a business manufacture zone there are buffers built in, for example we don't have a business manufacture next to a residential. We did recognize the Plan development area is important, he then went over the definitions. Those were the main changes, looking at information significant for both existing residents and new businesses coming we want to be clear about the standards that you need to meet to come in.
- Councilor Apodaca said he thinks this is a great move forward for the City and thanked everyone who was a part of this task force.
- Councilor Gutjahr said moving forward on this is key as fast as we can and so people can have questions answered
- Councilor Gordon thanked everyone that was part of this and said it is a good thing for the city and where it is headed.
- Councilor Winters thanked the public for their comments, and we considered every one of those very seriously and appreciate it very much.
- Mayor Ramsell said this is the result of us having a decent zoning code to begin with and taking that and listening to what the community said and what they want and didn't want to see in the community and be business friendly.

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

- Motion made by Councilor Gordon 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 into the public hearing at 7:00 pm.

## **Ordinance 2023 - (88) Ch 4 Zoning Code**

- Motion made by Mayor Pro-tem Gutjahr to approve Ordinance 2023 - 88 Ch 4 Zoning Code. Seconded by Councilor Winters.

### Voting Yea:

Mayor Pro-tem Gutjahr  
Councilor Apodaca  
Councilor Gordon  
Councilor Winters

With a 4 Ordinance 2023 – 88 Ch 4 Zoning Code was passed, approved, adopted, and signed.

## **Public Comment**

- No public comments.

## **Manager Report**

- Manager Dr. Moore said there was significant events last week that required a lot of moving parts behind the scenes with security and medical and a lot of things that needed to be done and our chief, working with various of agencies when the President came to town. Working together and creating a repore with the Secret Service. The City of Rio Communities was present at the event. I want to give kudos to our Chief and our fire department. We have a couple of other things that we will be coming forward with in other meetings and talked about the 10<sup>th</sup> anniversary.
- Manager Dr. Moore said the business incubator and congressman Valdez will be here August 29<sup>th</sup> we are asking to use the council chambers. We are pleased he wants to come here and talk business for Valencia County and Rio Communities.

### **Municipal Clerk Department: Universal Waste System (2nd quarter report)**

- See packet for report.

### **Municipal Court Department**

- See packet for report.

## **Memorandum of Understanding Between The Amigos of Rio Communities Public Library and the City of Rio Communities, Rio Communities Public Library**

- Manager Dr. Moore explained there is a group that formed itself called the Rio Communities library amigos. We are pleased they are here and want to help us, we have seen the support the Belen library has been getting from their friends. The library agreed to move forward with this MOU, and we are asking for your permission to move forward.
- Councilor Gutjahr said she is familiar with the friends of the library for Belen, and they have been very supportive and helpful group.
- Motion made by Councilor Apodaca to approve the Memorandum of Understanding Between The Amigos of Rio Communities Public Library and the City of Rio Communities, Rio Communities Public Library. Seconded by Councilor Winters.

### Voting Yea:

Mayor Pro-tem Gutjahr  
Councilor Apodaca  
Councilor Gordon  
Councilor Winters

with a 4-0 vote Council approved the MOU between the Amigos of Rio Communities Public Library, the City of Rio

### **Demolition of Fire Department Room**

- Mayor Ramsell explained this is the former gym here at the fire department there was a cost proposal painting was not included in this bid.
- Manager Dr. Moore said this was one of three quotes they received for this work, and this was the lowest bid and explained the purpose for this is so the fire equipment will fit into the building.
- Attorney Van Vleck recommends writing a more comprehensive contract before we engage in funds and thinks it will be better served with a full-blown contract as well as this award of proposal.
- Motion made by Mayor Pro-tem Gutjahr to approve this proposal and approve the City Manager to work with the City Attorney to write a contract. Seconded by Councilor Gordon.

#### Voting Yea:

Mayor Pro-tem Gutjahr  
Councilor Apodaca  
Councilor Gordon  
Councilor Winter

With a 4-0 vote Council approved City Manager to work with the City Attorney writing a contract for the proposal of demolition of the fire department room.

### **Zip Code Letter**

- Manager Dr. Moore read the letter into the minutes (see packet).
- Motion made by Councilor Gutjahr to approve the letter. Seconded by Councilor Gordon.

#### Voting Yea:

Mayor Pro-tem Gutjahr  
Councilor Apodaca  
Councilor Gordon  
Councilor Winters

With a 4-0 vote Council approved the letter.

### **Council Discussion**

- Councilor Apodaca said he is continuing to contact the property owner to obtain an easement where the flagpole currently stands.
- Councilor Gutjahr thanked the fire department for the outstanding job they did when the President done and then said have discussed the recognition of our City and to thank the news-bulletin for their article.
- Mayor Ramsell said as previously mentioned we did have the president it was quite an honor to be present. We were able to talk to the Governor about some issues we have been having. We also talked to US Senator Lujan about a zip code, we also got to talk to the CEO of Acosta and that we will be providing their fire service.
- Manager Dr. Moore said we might want to mention our VALEO will be here tomorrow night.

**Executive Session - For the purpose of Police Chief Selection and Contract pursuant to NMSA 10-15-1(H)(2) - Limited Personnel Matters and for 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 Councilor Apodaca with a roll call vote to go into executive session for the purpose of Police Chief Selection and Contract pursuant to NMSA 10-15-1(H)(2) - Limited Personnel Matters and for 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). 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 7:26 pm.

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

- 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 back into the regular business meeting session at 8:24 pm

**Welcome everyone back and statement by the Mayor**

- See agenda for statement.

**Discussion, Consideration, and Decision - For the purpose of Police Chief Selection and Contract pursuant to NMSA 10-15-1(H)(2) - Limited Personnel Matters and for 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 his recommendation to approve Felix Nunez for the position of Police Chief.
- Motion made by Mayor Pro-tem Gutjahr to approve Felix Nunez for the position of Police Chief. Seconded by Councilor Apodaca.

**Voting Yea:**

Mayor Pro-tem Gutjahr

Councilor Apodaca

Councilor Gordon

Councilor Winters

With a 4-0 vote Council approved the appointment and hire of Felix Nunez for the position of Police Chief.

- Mayor Ramsell said in regard to the purchase, addition or disposal of real property or water rights by the public body there are no recommendations.

## Adjourn

- Motion made by Councilor Winters to adjourn. Seconded by Councilor Apodaca. With a unanimous vote the meeting was adjourned at 8:26 pm.

Respectfully submitted,

\_\_\_\_\_  
Elizabeth F. Adair, Municipal Clerk  
(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