



**City of Rio Communities Council Special Business Meeting**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Monday, March 21, 2022 6:00 PM**  
**Minutes**

*Please silence all electronic devices.*

**Call to Order**

- Mayor Joshua Ramsell called to order the public hearing at 6:00 pm.

**Pledge of Allegiance**

- Councilor Gordon led the Pledge of Allegiance.

**Roll Call**

- PRESENT: Mayor Joshua Ramsell, Mayor Pro tem Peggy Gutjahr, Councilor Arthur Apodaca, Councilor Lawrence Gordon, Councilor Jim Winters.
- Present: City Manager Dr. Martin Moore and Municipal Clerk Elizabeth Adair.

**Approval of Agenda**

- Motion made by Councilor Winters to approve the agenda as presented. Seconded by Councilor Apodaca. Voting Yea: Mayor Pro tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote the agenda for the special city council business meeting was approved as presented.

**Public Hearing for the purpose: Consideration of Subdivision Property:**

Legal Description: UPC: 109081446296000000 Account Numbers R175467, R175468, and R175469  
Subd: LEMON GROVE ESTATES Tract: 15A, 16A, and 17A; PARCEL 15 0.08 ACRES 1997  
REV; PARCEL 16 0.07 ACRES 1997 REV; PARCEL 17 0.09 ACRES 1997 REV

**Public Hearing for the purpose: Consideration of Subdivision and Rezoning of Property:**

Legal Description: UPC: 1010028210345000000, TRACT: 1 S: 15 T: 5N R: 2E 11.17 Acres, 1998 Rev; UPC:  
1010028310385000000, TRACT: 2 S: 15 T: 5N R: 2E 17.54 Acres, 1998 Rev; UPC:  
101002827029000000, TRACT:3 S: 15 T: 5N R: 2E 22.77 Acres, 1998 Rev

**Motion and a roll call vote to recess Special Business Meeting session and to go into Public hearing**

- Mayor Ramsell read the description of the property: Legal Description: UPC: 109081446296000000 Account Numbers R175467, R175468, and R175469 Subd: LEMON GROVE ESTATES Tract: 15A, 16A, and 17A; PARCEL 15 0.08 ACRES 1997 REV; PARCEL 16 0.07 ACRES 1997 REV; PARCEL 17 0.09 ACRES 1997 REV.
- Motion made by Mayor Pro tem Gutjahr with a roll call vote to go into the public hearing. Seconded by Councilor Apodaca. Voting Yea: Mayor Pro tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote the Council recessed the special business meeting and went into the public hearing at 6:05 pm.
- ❖ Manager Dr. Moore began stating Mayor, members of Council and members of the audience, I am here basically getting staff introduction for this particular one, first one, thank you for reading the legal description there on Lemon Grove Estates. What you're looking at we provided for you copies of what they call the preliminary or draft plaque, which shows you the dotted lines on the plains show the existing plot lines which basically shows that you are looking at 3 lots. Honestly there are a total of 4 but the ones that are inconsideration are the 3,

and what their request is to take just the 3 lots, 15A, 16A and 17A, and turn them into 2 lots to provide a little bit more room, each of them is less than a tank of an acer in size as they currently stand, in the subdivision, this provides literally a little bit more room. Just over a tenth of an acer, So, this is an improvement for fire safety purposes and talking with the Fire Department. They certainly are in agreement with this because it provides a better uh a better uh better spacing. As far as the density, their proposal goes from 3 to 2 which still fits within the density of that area for the residential lot. uh their requests are on empty lots. They're both vacant and empty, uh which means you know it's a nice much better looking proctor but I'm sorry I'm not as technical I even when I was in Planning and Zoning Director I wasn't as technical as I try to say it in a fairly common life bit the bottom line is they are looking for approval under the expedited process of this lot split. Which means uh after the public hearing once they come to us with what's called the final plaque then we'll be ready I means its literally they bring that to us and we sign it. So they don't have to worry about their expedited I mean the law to some other ones that would take them. Typically you would have a preliminary plaque approved and you would have a final plaque approved. In this particular case, you have the preliminary plaque in front of you which is perfectly appropriate for you to looking at as far as how the lot splits are going to take place but you get done with the public hearing tonight and then you come back in for action, we'll talk with you about the the appropriate vote and as staff will make a recommendation for a motion on this particular item but from our standpoints in looking at and reviewing the Planning and Zoning Commission also looked at and reviewed we see no problem with the proposal that they have in front of you to be able to take the 2 lots and turn them into 2 so they can bring in some more residential developments on those projects.

- ❖ Mayor Ramsell said has anyone signed in to speak this evening for the public hearing.
- ❖ Municipal Clerk Adair said so uh just go ahead and come on.
- ❖ Mayor Ramsell asked did you sign up to speak or have any comments on regarding the Blooming Rose states.
- ❖ Mr. Antunez said No no.
- ❖ Municipal Clerk Adair said this is applicant.
- ❖ Mayor Ramsell said um okay you're the applicant. Okay perfect.
- ❖ Manager Dr. Moore said he's here if you have any questions.
- ❖ Mayor Ramsell said oh and uh just make sure your name is Mr. Antunez.
- ❖ Mr. Antunez said yes.
- ❖ Mayor Ramsell said okay, does council have any questions or comments regarding this.
- ❖ Councilor Winters said he is glad you're doing it, makes the lots look a lot better, lot easier to service Fire Department can get front and back so you know they're in good shape.
- ❖ Councilor Apodaca asked if there will be individual dwellings on each one
- ❖ Mr. Antunez said yes single this is separate family home.
- ❖ Councilor Winters asked if there will be a common wall.
- ❖ Mr. Antunez said yes fence will divide both.
- ❖ Councilor Gordon asked if there will be a fence dividing or will the houses be attached and separated.
- ❖ Mr. Antunez said there will be a fence separating.
- ❖ Councilor Gutjahr said I'm glad you are doing this.

- Mayor Ramsell read the legal description: UPC: 1010028210345000000, TRACT: 1 S: 15 T: 5N R: 2E 11.17 Acres, 1998 Rev; UPC: 1010028310385000000, TRACT: 2 S: 15 T: 5N R: 2E 17.54 Acres, 1998 Rev; UPC: 1010028270290000000, TRACT:3 S: 15 T: 5N R: 2E 22.77 Acres, 1998 Rev
- ❖ Manager Dr. Moore began to explain the zoning which is called PDA or Plan Development Area and then stated the applicant request to take the total acres 53.47 acres and split it out with 44.19 acres as indicated in the side plan in your packet. R1 zoning for residential purpose, in other words in the single-family housing and the second was the C3 zoning for 9.28 acres plus or minus which is your more dense commercial type of zoning. He then walked them through a little bit of the application and then started by saying their planning is for 234 residential lots and 2.2 acre park in the northern 44.19 acers for which they are asking for again for the R1 zoning the other 9.28 acres. They were talking originally about plan development to C3 zoning to allow for high density retail or residential. In the discussions with the City Council, well let me stop in the parks first, on the park the residential park, they were talking about a that would face the road, I believe is Houston Boulevard and that would service 2 purposes. One they have to have drainage that comes off of the subdivision and parks are typically good use for land on which draining goes provided that the park is appropriately designed. And so, that's what the are looking at on the northern peaks. Now, on the southern peaks, there was a discussion with the planning and zoning commission and I do want to interject at this point, I spoke with Mr. Pofahl over the phone, he said if there are any questions that you need to ask him, he will be more then happy and is available for me to bring him to you by phone. So I wanted to let you know that. That he isn't keeping me out he's in Texas so waiting to see if you have something that you have some heartburn. On the southern part in speaking with him, planning and zoning commission told him talked to him and recommended that he leave that area that he's requesting a rezone to C3 as planned development at this point in time. Part of that did come up also out of discussions for myself, a staff, and talking with him both of them in meeting and in private and talking about specifically, What is it? Do you know what specifically is going to go on that 9.28? and said not right now and our encouragement to him was, don't try to peg your zoning on your commercial zoning on that until you know what you want to come in there because the zoning process is straightforward. I'm talking about a rezoning and what are we talking about when we say rezoning, we're talking about rezoning, in fact which is changing it, in that case the recommendation from the Planning and Zoning Commission was to take the northern portion and recommended approval or recommended to the City Council for approval to go to R1 zoning which is the lower density single family residential zoning and to leave the southern portion of 9.28 acres as planned development area and to not approve that as rezoning to C3, recommended from the Planning and Zoning Commission. So, it was a split recommendation from them. They're asking, please approve the northern half for R1 and please do not approve the southern half for C3 and leave it as a plan development area.
- ❖ Manager Dr. Moore continued to ask for recommendations that came from the planning and zoning commission about the 44.19 acres would be changed on our city map to R1 from PBA. So we would work together with the Council of Government and others that we need to make sure we have a new zoning map that's pulled together for signature and that will be recorded at the County Clerk's office with the appropriate changes for zone.
- ❖ Manager Dr. Moore said in looking at the properties there has been site visits to the properties in addition, our engineers, HDR Engineering, did join did also join the site visit there to take a look at it, how things laid out, look at where things like sewer were, things like water lines,

general slope of the land location or proximity to churches, commercial, this property is not exactly, it is, in a way, very close to the church properties but not the church buildings which are along Manzano but it is a use that the planning and zoning commission, the R1, they felt would be highly appropriate that particular area. In the public hearing, just as a matter of recorded for you, there were representatives, I believe from the Presbyterian Church who spoke in favor of the request on rezoning the northern portion to R1. So, I wanted to pass on that information to you as City Council. Now, in relationship to what he's, where he goes from here, if the Council approves the change to R1 zoning, we will also ask when I make the recommendation for the motion to ask to give him approval to go ahead and proceed with the with the submittal process for the subdivision. So, that's going to be part of my motion and also as a part of this, in disclosure, I'm talking with Mayor Ramsell, one of the things that we want to do, we did utilize in a limited fashion, HDR Engineering to help us as we said, go out on site visit, look at the the area, did it look generally conducive to what they're proposing to do with that being residential neighborhoods? Um they would like we would like actually a staff when I was speaking as a synaptic for staff that we would like to be able to use HDR. One of the things that happened in relation to the timing between the Commission's Public Hearing, the public hearing, this is where it gets funded, is they came up we received a letter with a requested rate increase which is built in to HDR's engineering contract with the city. So, what we did is I sat down with Mayor Ramsell, he asked me to put together a spreadsheet for you which I can't personally read those little tiny ones, I didn't have glasses. So that's why I did it by the 17<sup>th</sup>.

- ❖ Councilor Gutjahr; thank you.
- ❖ Manager Dr. Moore; what we did is we took a look at what positions they're saying that they are going to use in 202, um as part of their contract and what the hourly rates are that they're proposing for the city to approve. The approval can be done by the Mayor's signature that's provided for in the contract. This was reviewed with Chris DeFilippo, the attorney and he's provided that it was provided there wasn't a substantial overall change in rate percentage. In other words, they weren't trying to come in with 6, 8, 10, 12 overall rate increase. You'll notice on the sheet, they individually, the increase or decrease in rates are across the scale. It was clear to us and it was clear to me in speaking with the representatives from HDR engineering that they have restructured their wages internally. They so they presented this to us, the Mayor asked me not only get how much it looks like per hour gross that we would get which is about \$145 dollars per hour in gross but also take a look at what the percentage of the hourly rate increase would be and so the way, literally the way it was done, it wasn't trying to it literally took, what is, what was their total or original hourly rate. Divided by what is the updated hourly rate and then took a look at what the percentage increase would be and the percentage increase is 2.20 percent. We feel like this these are reasonable. It's not something you have to vote on something tonight but in the public hearing, in full disclosure, we wanted to make sure that you are aware of that and that if you are comfortable, then I would, look forward to feedback from you on us going ahead, getting our um our task, you know, getting with them on on task order and going and there are other areas of course, these rates will increase but today, for our purposes here, I'm talking strictly of course about, um Mr. Sandy Pofahl's application in relationship to us utilizing services to review the engineering class and this is why I recommend them. We've got drainage issues out there, we have traffic issues out there, we have utility placement issues that are going to go on. This is raw land we are talking about, um road placement issues um we're talking about the potentials for walkability. Talking about issues like lighting, talking about how do we want to deal with this proposal to potentially donate 2.2

acres to the city, um all of those issues have to be discussed and looked at and I am frankly not at a level of technical expertise to be able to do that. I can review processes until generally, yeah, this looks pretty good or this doesn't but from a technical standpoint, we feel that we need that. We feel as a city we need that. We want the level of professionalism. This is our chance for us to do a new subdivision and obviously do it right. So that's what going on, that's my basic for Mr. Pofahl. Like I said he's not here in person um if you need me to try to get him on the phone I'm happy to and that's all I have for that this evening.

- ❖ Mayor Ramsell; alright Council, does anyone have any questions or comments? Um lets talk about HDR Engineering.
- ❖ Councilor Apodaca; my question was in regards to that. Is it just a coincidence that the rate increased is effective March or do they always take their rate increases in March and this is annual.
- ❖ Manager Dr. Moore; Mayor, Councilors it actually was a coincidence yeah, because of the fact that the contract was in March, it was executed in March of 2020, um they did not actually come for a rate increase in 2021, but they are coming for an increase here in March 15<sup>th</sup> 2022 for this particular year.
- ❖ Mayor Ramsell; any other questions or comments.
- ❖ Councilor Gutjahr; Actually just a comment. I want, I was really thank you for following this but this is very helpful. I think as we move forward that we actually have this and see it a we're working on projects. So, in the long run, I mean I remember the original contract etc. and I knew that they, you know, as part of it as having raising yearly to look at whether you're going to have them or not. So, I was comfortable about this, you know, happening, etc. um anyhow so that's my only comment.
- ❖ Manager Dr. Moore; uh Mayor, if I could give you just a couple of things, just in full disclosure, there were 2 positions in here. One of them was a senior engineer 7 position, that was not in 2020. What we did is we literally took what the peak rate was for the engineer 6 and plug that in there and show you what kind of how much it would cost you per hour. Additionally, as they engage the senior engineer 7, what to make sure you are very clearly aware of that. They also have one other one in here. I believe it was a project administrator, and again I use the project administrator for 135 and them show you what kind of a dollar per hour rate difference you will be looking at. So, in other words, if they come to us and said, we recommend the project it's going to cost us um it's going to cost is \$11 more an hour than it would have in 2020 for administrative form but the other part of it too is they did also come in with reductions. Clearly they're trying to create an exact situation that way scale for their corporation, they are a big corporation and and that's a lot what's what's going on with them. So just as a heads up.
- ❖ Mayor Ramsell; any questions, Councilors? Any comments? Alright, are there any questions or comments in regards to the property that Dr. Moore just presented.
- ❖ Councilor Winters said no, I think its it's a prudent idea to not pre zone those 9 acres of adjoining Manzano Expressway. They might come in and convert that to AR2 and have a more dense housing there which is to our benefit and I would hate to see them have to change that again.
- ❖ Manager Dr. Moore said and to just let you know, Mayor, Councilor Winters, in speaking with Mr. Pofahl, he came to the conclusion.
- ❖ Mayor Ramsell said go ahead Councilor Apodaca.
- ❖ Councilor Apodaca said thank you, uh so track 2 is the one that's going to be developed initially correct according to this uh map? Track 2 is the same as this diagram here?

- ❖ Councilor Winters said track 2 actually contains 3.
- ❖ Councilor Apodaca said huh
- ❖ Councilor Winters said track 2 actually contains 3 parcels in it. 2 or 3.
- ❖ Manager Dr. Moore said Mayor and Councilor Apodaca, so that's a very good question. The, you have track 1, track 2, track 3, if you flip over to the next page in your packet, they dissolve, what they did is they dissolved track 1, track 2 and tracked the alliance. They should 44.19 acres, in other words all 9.2 acres of track 3 was what they were proposing originally to rezone a C3. So, if you take a look at the, if you take a look at the total acreage for track 3, which is 22.7596 acres, uh 9.28 of those acres he was proposing far saw and our recommendation was to leave that 9.28 acres as planned zoning at this point in time. So it is track 1, all of track 1, all of track 2 and all but 9.28 acres of trash breed for R1 zoning.
- ❖ Councilor Gutjahr said um actually I have a question, that we probably can answer but maybe it came up with planning and zoning, I was looking at the layout and for some reason to me I'm trying to think this little bar, I mean, it's not a cul-de-sac by definition, I mean by shape, but isn't it going to be a little awkward to park in there and, but maybe its me that they can. I'm looking here in the actual development. So, you see how you go in here and if my house was there, you know that's the only thing.
- ❖ Manager Dr. Moore said Mayor, Councilor Gutjahr, this particular site plan, document we have here is for illustrated purposes only but when it comes back to the actual subdivision plaque, they will have a pulmonary plaque, but the short answer to your question is yes, we have our Antonio with HDR Engineering and I have the exact same questions about those and what would be the best thing to do there especially when your dealing with it. And we did check up on for example Universal Waste Trucks and there ability to do side loading, so that's not a significant issue but there may be some issues with mobility for fire trucks. We did talk to them initially but they haven't seen, nobody has seen the preliminary plaques so we just don't know.
- ❖ Councilor Gutjahr said okay.
- ❖ Manager Dr. Moore said the part of this its also is going to be the width, uh not just the width of the right of way but the actual width from curb to curb. That's going to be one of the critical shows.
- ❖ Councilor Gutjahr said okay that helps this is relative type since its not just scale.
- ❖ Manager Dr. Moore said correct its not. Its only illustrated. But they are planning to put residential in the area and planning to so it as a single-family.
- ❖ Councilor Gutjahr said alright we'll wait for something about a design.
- ❖ Councilor Apodaca asked is there was going to be a minimum square footage on these homes and a maximum of square footage?
- ❖ Manager Dr. Moore said in the initial discussions that we have had, Mayor, Councilor Apodaca, the initial discussion that we have had in regard to this particular subdivision site, we have recommended a minimum of 50 foot wide frontage on the lots. I don't know, honestly don't know if they will be exactly a quarter or an acre but we know because of that, its going to create at least, they're not going to be full quarter acre. We don't believe, some of them might be but clearly they're going to be bigger than especially on I25, you know, subdivisions where they're building in 40 foot frontages. We strongly encourage them to please go to at least a minimum of 50 to be able to provide proper spacing between uh buildings and that type of event, and again this is this is step 1 and then step 2A is preliminary plaque, step 2B is the final plaque and then, then it goes into the development phase and then they have a number of development things that will be asked for and promised and those as those plans come

forward, then we have to review them in relationship because the existing zoning code which requires that they have at least a minimum of 5 foot spacing on the side yards, 10 foot spacing on the backyards and I believe its 20 foot spacing on the front yards. So, you know, its they're going to have to meet those requirements. On a 40 foot lot, we honestly felt that was going to be really really that was going to be difficult. 50 is more doable. Uh if I as a City Manager in another city down in Southern New Mexico, honestly, I've had a lot of experience dealing with 50 foot wide challenges especially when they're when the rectangular lots and they're not strangely shaped, that tends to work out a lot better. So one of the things we will be looking at as this as it develops is what is the shape of the lot's going to look like on the preliminary plaque. What's going to happen with the road as opposed to, you know, small dead-end roads versus cul-de-sacs. So, what is that going to do for us positive and negative? Um and then, the fire safety already, I already warned the Fire Chief so that when these come in, we will have them and whoever our appointed Fire Marshal is making sure that they're looking at this also and that we're meeting fire code, our water, we've we've alerted the New Mexico Water Company there aware for water and sewer issues. They have gone out and talking with their their man, their field manager and they're they've done field locates so they know where potential tie ends to their sewer mains and those types of things. They're sufficiently large, I believe, somewhere around 12 inches mains in the area. So right now, I mean, they're fortunate and they're coming out on the front end on this part of the sewer system on the upper part of the sewer system there's plenty of room for them on that. The main things again, its' going to come down to all those all those little details.

- ❖ Councilor Apodaca asked based on the size of lot though. Is it going to determine how many square feet? There going to have, you know, minimum for the dwelling itself, minimum and maximum square footage.
- ❖ Manager Dr. Moore said yeah, Mr. Chairman, Councilor Apodaca as far as I know, uh a two-story house, I don't believe is addressed, in in the zoning code I'm not sure in the subdivision ordinance or not. Ill have to double check that, but as far as the square footage of the footprint on the ground I can tell you definitively that yes they it's going to be dictated by the size of the lot and the ability to meet the setback requirements. If there was a lot that had really strange features, sometimes you can have a lot that can be square or rectangular but a utility company might have lines running though the back of the triceps force that pass forward a little bit. There may variance with both sides of the things. We're not aware of any of them at this point in time. That doesn't preclude anything like that from happening. We don't anticipate it as a matter of course.
- ❖ Councilor Apodaca said will there be any RV parking?
- ❖ Manager Dr. Moore said Mayor, Councilor Apodaca, they would have RV parking if they met the requirements of the zoning code for being able to so. That's the best answer I can give you, is you, look at the site plan generally, some lots are a little bit deeper when you have your side yards, we do have minimum side year requirements for the minimum department size of the house. So one of the other things we will recommend, that I always recommend on a subdivision is that is that zoning code requirements must be met on the development of the property and sometimes on issues like this to avoid confusion and it can be good to have something put in the CCNR is what I call a covenant's condition to navigate restrictions.
- ❖ Mayor Ramsell said is there any other questions or comments?
- ❖ Councilor Winters asked uh are they planning on having covenants?

- ❖ Manager Dr. Moore said they have not said one way or the other yet we will encourage it of course.
- ❖ Councilor Winters said this is also the largest subdivision that we've done as a single entity in the history of the city. As far as I know, Hillandale is probably be the second area but I think that even was in phases. So, this would be the largest.
- ❖ Councilor Apodaca said its pretty exciting.
- ❖ Manager Dr. Moore said and passing on to you Mayor, members of Council, Mr. Pofahl sends his appreciation and also his desire to continue to work with staff, as this moves forward. He is retained in engineering firm out of Albuquerque that is helping him with this. He also has the development firm is helping him with financing. Actually, is is part of the part of family business and they have conducted a significant business in the office. So, I do have some local knowledge.
- ❖ Mayor Ramsell said there's no other questions or comments for Council. Does anyone from the public have any questions or comments?
- ❖ Councilor Winters said its interesting in that this represents 10% of our existing housing.
- ❖ Councilor Gutjahr said oh really!
- ❖ Councilor Winters said over 10%.

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

- Motion made by Mayor Pro tem Gutjahr with a roll call vote to go back into the special 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 special business meeting session at 6:38 pm.

**Discussion, Consideration, and Decision regarding:** Subdivision of Property: *Legal Description: UPC: 109081446296000000 Account Numbers R175467, R175468, and R175469 Subd: LEMON GROVE ESTATES Tract: 15A, 16A, and 17A; PARCEL 15 0.08 ACRES 1997 REV; PARCEL 16 0.07 ACRES 1997 REV; PARCEL 17 0.09 ACRES 1997 REV*

- Motion made by Mayor Pro tem Gutjahr to approve the Subdivision of Property: *Legal Description: UPC: 109081446296000000 Account Numbers R175467, R175468, and R175469 Subd: LEMON GROVE ESTATES Tract: 15A, 16A, and 17A; PARCEL 15 0.08 ACRES 1997 REV; PARCEL 16 0.07 ACRES 1997 REV; PARCEL 17 0.09 ACRES 1997 REV.* Seconded by Councilor Winters. Voting Yea: Mayor Pro tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council approved the subdivision.
- Manager Dr. Moore explained to the applicant since Council has approved, what we need now is a final plat with all the signature lines on it and bring it back to the city and we will make sure we get the signatures we need. We will work with you and help you on that and any questions you might have.

**Discussion, Consideration, and Decision regarding:** Subdivision and Rezoning of Property: *Legal Description: UPC: 1010028210345000000, TRACT: 1 S: 15 T: 5N R: 2E 11.17 Acres, 1998 Rev; UPC: 1010028310385000000, TRACT: 2 S: 15 T: 5N R: 2E 17.54 Acres, 1998 Rev; UPC: 101002827029000000, TRACT:3 S: 15 T: 5N R: 2E 22.77 Acres, 1998 Rev*

- Manager Dr. Moore made a recommendation to approve the rezoning of 44.19 acres from plan development to residential R1 zoning based on the legal description as provided in the action



items and second to deny the request for the zoning of 9.28 acres from plan development to C3 and 3<sup>rd</sup> to approve the applicant to move forward with the subdivision application process.

- Motion made by Mayor Pro tem Gutjahr to approve Dr. Moore’s recommendation as stated. Seconded by Councilor Gordon. Voting Yea: Mayor Pro tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council approved the recommendations of the City Manager to rezone of 44.19 acres from plan development to residential R1 zoning based on the legal description as provided in the action items and second to deny the request for the zoning of 9.28 acres from plan development to C3 and third to approve the applicant to move forward with the subdivision application process.

**Adjourn**

- Motion made by Councilor Winters to adjourn. Seconded by Councilor Apodaca. With a 4-0 vote the city council special business meeting was adjourned at 6:45 pm.

Respectfully submitted,

\_\_\_\_\_  
Elizabeth (Lisa) Adair, Municipal Clerk  
(Transcribed by Cheyenne Sullivan, Assistant Clerk)

Date: \_\_\_\_\_

Approved:

\_\_\_\_\_  
Joshua Ramsell,  
Mayor

\_\_\_\_\_  
Margaret R. Gutjahr,  
Mayor Pro-tem/Councilor

\_\_\_\_\_  
Arthur Apodaca,  
Councilor

\_\_\_\_\_  
Lawrence R. Gordon,  
Councilor

\_\_\_\_\_  
Jimmie Winters,  
Councilor