



City of Rio Communities Council Regular Business Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Monday, April 24, 2023 6:00 PM
Minutes

Please silence all electronic devices.

Call to Order

- Mayor Joshua Ramsell called the regular council business meeting to order at 6:05 pm.

Pledge of Allegiance

- Councilor Gordon led the Pledge of Allegiance.

Roll Call

- PRESENT: Mayor Joshua Ramsell, Mayor Pro-tem Margaret R. Gutjahr, Councilor Arthur Apodaca, Councilor Lawrence Gordon, Councilor Jimmie Winters.
 - City Manager Dr. Martin Moore, Municipal Clerk Elizabeth Adair, Finance Officer (virtual) Stephanie Finch, City Attorney Randy Van Vleck, Valencia County News-Bulletin Editor Clara Garcia.

Approval of Agenda

- Mayor Ramsell said I would like to make a quick notation on action item 8 Discussion, Consideration, and Decision – Authorize purchase of fire apparatus / vehicles utilizing available funds we would like to table that until the May 8th meeting where we can have some more information presented to council at that time.
- Motion made by Mayor Pro-tem Gutjahr to approve the agenda as amended. 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 regular business meeting was approved as amended.

Approval of Minutes for the City Council Workshop (3/27/23 & 4/10/23), Regular Business Meeting (4/10/23) & Approval of Accounts Payable

- Motion made by Councilor Gordon to approve the minutes for the City Council Workshop (3/27/23 & 4/10/23), Regular Business Meeting (4/10/23) & Approval of Accounts Payable. Seconded by Councilor Winters. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council approved the minutes for the City Council Workshop (3/27/23 & 4/10/23), Regular Business Meeting (4/10/23) & Approval of Accounts Payable.

Proclamation

54th Annual Professional Municipal Clerks Week - April 30 through May 6, 2023

- 🏳️ Mayor Ramsell read into the minutes the 54th annual professional municipal clerk week proclamation.

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 the regular business meeting session and go into public hearing. Seconded by Mayor Pro-tem Gutjahr. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote the regular business meeting session was recessed and the public hearing began at 6:13 pm.

Consideration of Creating a Police Department, (Creating Certain Appointive Officer, Prescribing the Power, Duties and Salaries of Appointed Officials)

- Manager Dr. Moore explained we are in the middle of the recruiting process and reviewing applications for the Police chief as part as the State and Federal recognition there is a thing called an ORI it is an official recognition by particularly by the Federal Bureau of Investigations and State Police those agencies that deal with accreditation. This is important for us to have and one of the things that is requested is an ordinance that the City has established a police department so that is what this is about. A job description has already been approved for the position and the City Council and this is similar to what we did with the Fire Department back in 2021 when we adopted an ordinance officially recognizing our Fire Department as Rio Communities. This is similar for the Police department lays out duties and responsibilities, the police chief is a municipal executive official and so it is a very important position, and it is critical of who we choose. Having this laid out provides a level of stability for them working with their relations with the state and federal government.
- Councilor Gordon said I am looking forward to getting this finished.
- Councilor Winters said it's been a lot of work and has taken some time to get to this point, so I am glad we are here.
- Maria Gonzales 119 San Lucas said her concern with the police, is I did see something with the description on how they would serve our community. I'm concerned with the description that said if there were a disruption, they would try to squash that. So as a person of color I just want to make sure that if I needed to say something or gather some people to protest or whatever issue I wouldn't want us to feel threatened or unsafe with the police department in the community because we are disrupting the peace. So I just hope that when we are hiring for the Police department that I feel we really do need here I hope that we are very careful about looking at the back grounds, making sure we are not hiring somebody who has a history of violence or that sort of thing.

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 went back into the regular business meeting session at 6:16 pm.

Discussion, Consideration, and Decision – Ordinance 2023 - (85) Creating a Police Department, (Creating Certain Appointive Officer, Prescribing the Power, Duties and Salaries of Appointed Officials)

- Mayor Ramsell said the most important thing about passing this ordinance as Dr. Moore has stated is the application for that ORI number to move forward with the vital portions of the police department.
- Motion made by Mayor Pro-tem Gutjahr to approve Ordinance 2023 - 85 Creating a Police Department, (Creating Certain Appointive Officer, Prescribing the Power, Duties and Salaries of Appointed Officials). Seconded by Councilor Winters. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Ordinance 2023 - 85 Creating a Police Department, (Creating Certain Appointive Officer, Prescribing the Power, Duties and Salaries of Appointed Officials) was passed, approved, adopted, and signed.

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 the regular business meeting session and to go into public hearing. Seconded by Mayor Pro-tem Gutjahr. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote the regular business meeting session was recessed and the public hearing began at 6:19 pm.

Consideration of Budget 2024 Fiscal Year

- Finance Officer Finch began a presentation (see full presentation in packet) beginning with the governing body, administrative staff, and city organizational chart. She began explaining the departmental/fund relationship, services currently provided to the public,
- Finance Officer Finch explained the property tax breakdown and how it is calculated and that only ten percent goes to the municipality. She further went over the additional revenue plan.
- Finance Officer Finch continued with the presentation beginning with the recap, starting with unaudited beginning cash \$2,319,00.00 and went through the general operating fund. With a total budgeted revenue of \$1,506,405.00.
- Finance Officer Finch began with the expenditure summary with expenditures total is \$1,628,655.00.
- Finance Officer Finch further explained the expenditures by Departments (General Fund) for this current physical year and next physical year to show you the change in the budget.
- Finance Officer Finch explained the one-time, non-capital expenditures. She said the total \$1,506,072 leaves a positive amount of \$333.00. Further explained transfers for capital projects and said that the transfer of \$520,000 that you saw on the recap page is what this is for.
- Finance Officer Finch went over the special revenue funds, taxes at local effort, state shared, fines & forfeits, intergovernmental grants/distributions all together revenue \$557,113.00.
- Finance Officer Finch began explaining the capital project funds State legislative appropriation projects, road street projects and other capital projects. Intergovernmental Grants/Distributions NM DOT Grants & 2,340,000.00. Transfers in for Capital Projects 520,000.00 total revenue \$2,860,000.00 Expenditure Contractual Services \$230,000.00 Capital Purchases \$2,630,000.00 total of 2,860,00.00.
- Finance Officer Finch went over the debt service fund and expenditures. Expenditure totaled \$56,323.93.
- Finance Officer Finch did a recap on what each was going to end with. She explained that they plan on using down a lot of this money it is a use it or lose.
- Councilor Gutjahr thanked the finance department and City Manager for being able to pull this together. I know we had to raise our GRTs, but they put it to good use by moving forward with a police department.
- Mayor Ramsell said there was a lot of work put into this. I know there were several variations before we got to the preliminary. The budget is open for anyone to see.
- Dick Irvin said the large increase of the library fund is that due to the hiring of a permanent librarian.
- Finance Officer Finch said yes that is to hire a permanent librarian and with that there is a lot of other cost like supplies and stuff.

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

- Motion made by Councilor Winters 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 went back into the regular business meeting session at 6:43 pm.

Discussion, Consideration, and Decision – Budget 2024 Fiscal Year

- Motion made by Mayor Pro-tem Gutjahr to approve the budget 2024 fiscal year as presented. Seconded by Councilor Gordon. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council approved the budget for 2024 fiscal year.

Public Comment

- Mayor Ramsell read the public comment statement. (See agenda for statement).
- Marie Gonzales asked questions regarding the zoning and if the council was going to discuss the zoning. She noticed there were at least 300 community members really upset about the idea of rezoning so close to their homes. It just struck me that there would even be a proposal here that in Rio Communities that we would want to put something so toxic so close to homes. She then explained that if it had to do with money there has to be a different option than to turn residential property to industrial 3. I know the Planning and Zoning voted against changing this situation and I hope you take that vote into consideration.

Manager Report: Fire Fuel Cleanup, Update on city council room audio-visual upgrades, Rezoning application, and instructions

- Manager Dr. Moore said he would like to thank the public works department working with the contractors getting things done inside. He then explained the fire fuel cleanup. He further explained the audio-visual and then said the rezoning application and instructions have been updated to match up with state statute and city zoning applications of 100 ft., continuing to go through and study issues and clarify any confusion.
- Councilor Apodaca said he heard from many residents that have noticed the obvious difference and they really appreciate it.
- Mayor Ramsell said his son noticed the hard work by public works.

Discussion, Consideration, and Decision – Ordinance 2023 - XX Personnel Policy 14 -day review

- Motion made by Mayor Pro-tem Gutjahr to approve Ordinance 2023 - XX Personnel Policy for a 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 a 14-day public review of Ordinance 2023 – xx personnel policy.

Discussion, Consideration, and Decision – MOU (Memorandum of Understanding) Between City of Belen and City of Rio Communities Summer Recreation Program

- Manager Dr. Moore said last summer was the largest we have seen, where all the children from this side and the west side of the river come over approximately 105 children between the ages of 6 and 17. The discussion with the City of Belen is about the increases of salaries that are state mandated with minimum wage those cost are going up and they are asking if we are willing to contribute \$5,000. Toward the summer recreation program this year. He continued to explain that our library and makerspace is getting some attention. One difference this year is the demolition they did. We now have a room for them to eat lunch with access to restrooms. Second is we are not going to be hosting the small ones we will be hosting the older ones that can take advantage of the activities in the makerspace. We are looking forward to a fun summer with the kids.
- Councilor Gutjahr said she thinks it is wonderful. I'm glad that we are doing it and getting use out of the makerspace.

- Councilor Apodaca said they met with a local businessman this morning he is interested in involving local businesses people involved in the makerspace and providing instruction and even some of the supplies to help train the local students in job applications and such and getting them in that mind set.
- Councilor Winters said we have a business incubator it is for all of Valencia County they find quite interesting. It is amazing the things they can do in the makerspace area, and it is there to be used.
- Motion made by Councilor Apodaca to approve the MOU between City of Belen and City of Rio Communities Summer Recreation Program. Seconded by Mayor Pro-tem Gutjahr. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote the MOU (Memorandum of Understanding) Between City of Belen and City of Rio Communities Summer Recreation Program was passed, approved, and signed.

Discussion, Consideration, and Decision – Authorize \$30,000 for city cleanup from Available Funds

- Mayor Ramsell said this is good and now we have our own equipment we are not spending money on the rental fees.
- Councilor Apodaca said this a money well spent.
- Councilor Winters said for 10 years I have been hearing residents say I would like to see it get cleaned up and that's what we are doing. Not as fast as they like but as fast as we have money.
- Mayor Ramsell said he had one person tell me they cleaned behind my house, and I never knew there was a house behind me.
- Motion made by Councilor Gordon to authorize \$30,000 for city cleanup from available funds. Seconded by Councilor Winters. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council authorized \$30,000 for city cleanup.

Discussion, Consideration, and Decision – Authorize the Librarian and Office Clerk/Evidence Technician positions

- Manager Dr. Moore said as noted in the budget presentation we are looking at the 2024 fiscal year to have a full-time librarian/community program coordinator in addition also is the Office Clerk/Evidence Technician position. We are asking for authorization to move forward with the recruitment of these positions. These positions will start July 1 at the beginning of the fiscal year.
- Councilor Gutjahr said she is glad to see that the position for the librarian will be considered with the community programs.
- Motion made by Mayor Pro-tem Gutjahr to authorize the Librarian and office clerk/evidence technician positions. Seconded by Councilor Gordon. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council approved the librarian and office clerk/evidence technician positions.

Discussion, Consideration, and Decision – Construction Coordinators - Proposal - Maker's space and makers space overflow

- Mayor Ramsell said the pricing for this project is \$31,200.00 that does not include NM GRT.
- Councilor Winters said with the construction this will make this area usable and improve the number of people we can have in that area.
- Motion made by Councilor Apodaca to approve Construction Coordinators - Proposal - Maker's space and makers space overflow in the amount of \$31,200. Seconded by Mayor Pro-tem Gutjahr. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor

Winters. With a 4-0 vote the Council approved the proposal from Construction Coordinators for the maker space and maker space overflow room.

Discussion, Consideration, and Decision – Direct Planning and Zoning Commission to review and recommend changes to I-3 zone and zoning ordinance hearing procedures

- Manager Dr. Moore went over the procedures, that we have had issues and situations with either the council or the applicant initiated and a number of areas that are confusing with the hearing process. He further said in some of these areas there is such a duplication of process that is confusing for the applicant and also the public we would like to come back to the planning and zoning commission and we are asking permission from the City Council to go to the planning and zoning commission to get these issues clarified and making sure there is an open dialogue between the planning and zoning commission the applicants and also the public. He then said the second item issue is petroleum whether it was a bulk plant permitted use or if it had to do with processes related with gas oil. We would like to go to the planning and zoning commission for a form of language to be considered and back to the city council to prohibit those items we have been talking about.
- Councilor Apodaca said going through this process will provide clarification.
- Manager Dr. Moore said this is a zoning task force that has a couple of members of the public, a couple of members of the planning and zoning commission and a couple of members from council and city staff. We are looking at conflicting language and what needs to be cleaned up. What looks more appropriate for the public and with those issues we will come back for a public meeting first and then put it in a formal language and then bring it back for a public hearing. The public will be involved in that. It is very important that we have clear development standards.
- Councilor Gutjahr said it is important that we take this in the steps we have, and the task force has been very helpful.
- Councilor Gordon said this lets the public know we do listen to them and are responsive to their needs.
- Motion made by Mayor Pro-tem Gutjahr Direct Planning and Zoning Commission to review and recommend changes to I-3 zone and zoning ordinance hearing procedures. Seconded by Councilor Apodaca. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council approved the instructions to planning and zoning to review and recommend changes to 1-3 zone and zoning ordinance hearing procedures.

Council Discussion

- Councilor Apodaca had no comments.
- Councilor Gutjahr had no comments.
- Councilor Gordon had no comments.
- Councilor Winters had no comments.
- Mayor Ramsell said over the weekend it was discussed about animal control and continued dumping of animals within the city limits. We need to reexamine, and, in the future, it will be great to have our own animal control that isn't something we can do right now but it is something we should work on in the future.
- Mayor Ramsell said that he received a certified letter this afternoon from the applicant for the I3 and C3 zoning the have officially withdrew the application so at this point it will not be becoming in front of this governing body.

Executive Session - For the purpose of a) the discussion of the annual Performance Evaluation and contract of the City Manager b) the discussion of the annual Performance Evaluation and contract of the Fire Chief position c) Performance Evaluation of the Municipal Clerk d) Performance Evaluation of the Finance Officer pursuant to NMSA 10-15-1(H)(2) - Limited Personnel Matters and e) 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 called vote to go into close session as presented. 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 7:17 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 9:15 pm.

Welcome everyone back and statement by the Mayor

- Mayor Ramsell stated the Governing Body of the City of Rio Communities, New Mexico, hereby states that on April 24, 2023 a Closed Executive Session was held and the matters discussed were for the purpose of the a) the discussion of the annual Performance Evaluation and contract of the City Manager b) the discussion of the annual Performance Evaluation and contract of the Fire Chief position c) Performance Evaluation of the Municipal Clerk d) Performance Evaluation of the Finance Officer pursuant to NMSA 10-15-1(H)(2) - Limited Personnel Matters and e) 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)

Recommendations, Discussion, Consideration, and Decision, a) the discussion of the annual Performance Evaluation and contract of the City Manager, b) the discussion of the annual Performance Evaluation and contract of the Fire Chief position, c) Performance Evaluation of the Municipal Clerk d) Performance Evaluation of the Finance Officer, e) the discussion of the purchase, addition or disposal of real property or water rights by the public body

- Mayor Ramsell said we have a recommendation to accept the easement for property for drainage and storm water run off at the corner of San Lucas and Chamartín.
- Motion made by Mayor Pro-tem Gutjahr to approve the easement land that was just described by our city manager on the corner of San Lucas and Chamartín. Seconded by Councilor Apodaca. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council accepted the easement.
- Clerk Adair asked if there were any other recommendations or decisions on anything else in closed session.
- Mayor Ramsell said there were no recommendations or decisions on anything else at this time.

Adjourn

- Motion made by Mayor Pro-tem Gutjahr to adjourn. Seconded by Councilor Gordon. With a unanimous vote the regular business meeting was adjourned at 9:18 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