



**City of Rio Communities Council Regular Business Meeting**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Tuesday, October 11, 2022 6:00 PM**  
**Minutes**

*Please silence all electronic devices.*

**Call to Order**

- Mayor Joshua Ramsell called the workshop to order at 6:04 pm.

**Pledge of Allegiance**

- Councilor Apodaca led the Pledge of Allegiance.

**Roll Call**

- PRESENT: Mayor Joshua Ramsell, Councilor Arthur Apodaca, Councilor Lawrence Gordon, Councilor Jimmie Winters.  
ABSENT: Mayor Pro-tem Margaret R. Gutjahr.
  - Present City Manager Dr. Martin, Municipal Clerk Elizabeth Adair, Deputy Clerk Lalena Aragon, Fire Chief Andrew Tabet, Valencia County News-Bulletin Editor Clara Garcia.

**Approval of Agenda**

- Mayor Ramsell asked to move the presentation from PNM to after the approval of the minutes and before the public hearing.
- Motion made by Councilor Winters to approve as amended. Seconded by Councilor Gordon. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote the agenda for the regular business meeting was approved as amended.

**Approval of Minutes for the City Council Workshop (9/12/2022), the City Council Workshop & Regular Business Meeting (09/26/2022, 09/30/2022)**

- Motion made by Councilor Apodaca to approve the minutes for the City Council Workshop 09/12/2022 & the City Council Workshop and City Council Regular Business meeting 09/26/2022 and 09/30/2022. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote the minutes for the City Council Workshop of September 12, 2022, the City Council Workshop & Regular Business Meeting of September 26, 2022 & September 30, 2022 were approved as written.

**Presentations: PNM - Robert Leming**

- Mr. Leming explained the areas they service and then began his presentation. He started off by explaining PNM is over 100 years old and are the largest electricity supplier in the state of New Mexico. He went on by stating there are 4,515 meters in just the City of Rio Communities alone as well as 4,570 customers which are 4,439 residential, 335 commercial, 4 industrial, and 5 street and highway lights. He further explained the energy efficiency upgrades as in LED lights as well as low-income programs and continued with his presentation. He continued to explain the grid modernization which they just did new filing they made with PRC last week and it has to do with AMI (Advance Metering Infrastructure) which increasing values, reliability, resiliency, and security and continued with his presentation.
- Mr. Leming said the final area he wanted to touch was the low-income programs which are PNM Good Neighbor fund, PNM Cares, and PNM COVID Relief fund and continued with his presentation.

- Councilor Apodaca said we are a city looking for economic development and with the economic development growth we are looking at the power grid to support it as well and asked what does he see in the near future to help the city be prepared for future growth.
- Mr. Leming said this is often done at a minuscule level in negotiations for economic development and our economic development team work with businesses who attract other businesses in the communities and encourage people to maintain strong relationships with the PNM economic development team and if a roadblock is reached, he is a resource in contacting PNM if obstacles are afoot.
- Councilor Winters said our rooftop solar programs have been frozen for the last few years due to PNM not issue permits and asked if there is any idea when they might be returning.
- Mr. Leming said all the feeders are in the queue for upgrades and are going through the list and explained it is determined by the reliability and resilience issues first.
- Councilor Apodaca said looking at solar farms to go green is PNM looking at places around the state or certain pieces of real estate to support those future farms.
- Mr. Leming said they are looking at resource replacements for the San Jan Generating Station, which came offline, and PNM will work with developers in arranging power purchase agreements as well as land but is a longer process because there are a lot of different developers and different sources and are working to get services done by 2023. He further explained that Community Solar, which ties into where there is availability of land, and PNM does not have a role in selection of projects but PRC works on the details and then will help after they have made a decision.
- Mayor Ramsell asked if PNM is looking for changes in building codes.
- Mr. Leming said that PNM has not looked at building codes to his knowledge.

**Public Hearing - For the purpose of the request for a special permanent use permit for a cannabis retail only operation located at the Proposed Location: 300 Rio Communities Blvd, Rio Communities, New Mexico 87002. Legal Description: UPC: 1-009-027-440-440-000000, Legal Summary Subd: LAND OF RANCHERS STATE BANK Tract: 1 0.66 ACRE 1999 REV**

**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 the public hearing. Seconded by Councilor Gordon. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote the regular business meeting session was recessed at 6:31 pm.

**Consideration of a special permanent use permit for a cannabis retail only operation**

- ❖ Councilor Winters asked if P&Z has any concerns.
- ❖ Manager Dr. Moore explained planning and zoning commission as well as our legal council reviewed the application and found it meet the requirements to bring forward to the city council.
- ❖ Clerk Adair read the letter from the Planning and Zoning Commission as stated. (Please see agenda packet)
- ❖ Mr. Irvin read his statement starting with (Please see agenda packet) "I oppose a special permanent use permit for a cannabis retail only operation. What does Rio Communities gain by issuing such a permit? Marijuana remains an illegal drug under the federal Controlled Substances Act. Marijuana legalization would increase crime not only because marijuana may

be a gateway to more serious drugs such as cocaine and heroin that are closely associated with crime, but also because of the potential criminogenic effects of the increasing presence of marijuana dispensaries (Cleveland & Wiebe, 2008; Kepple & Freisthler, 2012). One of the assumptions about the legalization of recreational marijuana held that once legal dispensaries were common, the illicit trade would be unable to compete. After all, why would anyone want to purchase something illegally, and theoretically without safety regulations, when it could be found just as easily legally? This has not turned out to be true. In California, Illinois, Massachusetts and other states with legal recreational dispensaries, black market marijuana sales not only continue, but often outpace legal sales. Huge busts of illegal operations regularly made One of the assumptions about the legalization of recreational marijuana held that once legal dispensaries were common, the illicit trade would be unable to compete. After all, why would anyone want to purchase something illegally, and theoretically without safety regulations, when it could be found just as easily legally? One of the assumptions about the legalization of recreational marijuana held that once legal dispensaries were common, the illicit trade would be unable to compete. After all, why would anyone want to purchase something illegally, and theoretically without safety regulations, when it could be found just as easily legally? This has not turned out to be true. In California, Illinois, Massachusetts and other states with legal recreational dispensaries, black market marijuana sales not only continue, but often outpace legal sales. Huge busts of illegal operations regularly make the news and in response, California recently approved a \$100 million plan to aid the state's legal marijuana industry—an industry that was supposed to be an untapped goldmine. California, Illinois, Massachusetts and other states with legal recreational dispensaries, black market marijuana sales not only continue, but often outpace legal sales. Huge busts of illegal operations regularly make the news. Substantial increases in crime rates and disorder at the neighborhood level (Hughes, Schaible, & Jimmerson, 2019). The study, by researchers at the University of Colorado Denver, appears in *Justice Quarterly*, a publication of the Academy of Criminal Justice Sciences. "We found that neighborhoods with one or more medical or recreational dispensaries saw increased crime rates that were between 26 and 1,452 percent higher than in neighborhoods without any commercial marijuana activity," notes Lorine A. Hughes, PhD, associate professor in the School of Public Affairs at the University of Colorado Denver. Betsy Brantner Smith, a retired police sergeant and spokeswoman for the National Police Association, said legalizing marijuana can cause downstream effects for law enforcement officers in jurisdictions where the drug is legal. "The whole country, we're seeing this increase in crime that goes hand in hand with a decrease in concern about things like substance abuse," Smith told the *Washington Examiner*. "The problem is, when you continue to desensitize the population against substance abuse, you start to desensitize them against a sense of right and wrong." Smith, who trains police officers, said she hears from "boots on the ground" that legal cannabis isn't itself fueling higher crime rates. Does marijuana really increase the risk of depression? Using marijuana can certainly contribute to or worsen depression. Low motivation, fatigue, and withdrawal from positive activities are central features of depression and marijuana can worsen each of those problems. Some people do say that marijuana dulls anxiety or negative feelings. But it also dulls energy and motivation. A recent study review published by *Lancet Psychiatry* found high-cannabis-potency products are associated with a greater risk of psychosis and addiction called cannabis use disorder (CUD). "The content of THC not many decades ago was 2%-3%," Dr. Nora Volkow, the director of the National Institute on Drug Abuse, told Fox News, adding that marijuana is considered high in potency if the product contains more than 10% THC. "Now, the average content of THC in the

United States is 14-16%," she said. "There are [cannabis] varieties that have a content that goes to 30% THC."

- ❖ Ms. Francine Gabaldon said herself and her sister are the owners of Leaf and Flower. It is true we do have 4 already operational stores in Albuquerque as well as Placitas and Los Lunas and have 2 very large groves that we operate in Placitas as well. We have been opening our retail outlets since the law was passed in April and opening quite a few stores. We have found people don't venture up from their home more than about five miles so the vast majority of our clientele are still medical marijuana users, not so much recreational marijuana uses because I think they had a good point that with all the excise taxes a lot of people are still looking to the black market to buy their recreational marijuana. Although our prices are because they have the influx of so many marijuana companies, they're they've more than 100 licenses in the Albuquerque proper area that's driving the prices down. So hopefully we'll transition people to buying from the black market to actually buying in the stores of the states and counties can benefit from the tax influx. Lastly the RLD puts out an email every month and its about \$40 million in sales for the state and its been pretty consistent since the inception of the recreation programs. So, lots of people are buying their marijuana whether the state is actually benefits from the purchasing of that and we hope to help this community by digging a building that's downtrodden and making it beautiful again and we'll be paving the parking lot and we expect maybe 30 people a day so not a huge amount of traffic. That's what our demographic study showed us but we're trying to bring these communities the people in these communities their necessary medication or however they want to use it closer so its easier for them to get and use in their homes so they are not bothering other people but we are looking to open other stores in Santa Fe and some other areas in New Mexico all the way down to Los Cruces in the near future. But my sister and I have been partners for about 12 years in this business and we hope to bring a beautiful building and taxes to your community.

#### **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: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Council went back into the regular business meeting session at 6:47 pm.

#### **To approve or disapprove the request for a special permanent use permit for a cannabis retail only operation located at 300 Rio Communities Blvd, Rio Communities, New Mexico 87002.**

- Manager Dr. Moore read the remainder from the P&Z recommendation (see agenda packet)
- Fire Chief Tabet explained with the inspection he will include the State Fire Chief as well and make sure it's up to the standards as well.
- Councilor Winters said he thinks it has covered everything with State statue and local ordinance so it complies with everything.
- Motion made by Councilor Gordon to approve the permanent permit with the recommendations by Dr. Moore. Seconded by Councilor Apodaca. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Council approved the special permanent use permit for a cannabis retail only operation located at 300 Rio Communities Blvd.

#### **Public Comment**

- No public comments.

### **Manager Report**

- Manager Dr. Moore said we have a lot going on, cleanup is moving along and have filled up anywhere from 4 to 6 roll offs worth of vegetation and sawtooth as well as finishing with 2 more tomorrow.
- Manager Dr. Moore said it will be reported later the is activities with the fire department for Halloween and he is asking to table the information for the safety street light plan due to the street light project has not been completed yet.
- Manager Dr. Moore continued to say we are continuing with security of the building.

### **Municipal Court Department**

- See agenda packet.

### **Approval of Accounts Payable**

- Mayor Ramsell said if you look online at the accounts payable there were 2 charges for Animal Services and one is going to be for the month of May and one for the month of August.
- Motion made by Councilor Winters to approve accounts payable as presented. Seconded by Councilor Gordon. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote the accounts payable was approved for payments.

### **Safety Street Light Plan**

- Manager Dr. Moore request this item be tabled due to DOT finalizing the review.
- Motion made by Councilor Apodaca to table the safety street light plan as presented. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote the safety street light plan was tabled to a future meeting.

### **Approval of Contract for Legal Services**

- Chief Procurement Officer Valadez said the procurement processes for legal services have concluded and her recommendation is for the NM Local Government Law LLC as per the committee evaluation and we would like to move forward.
- Motion made by Councilor Winters for legal services as recommended by our Procurement Officer. Seconded by Councilor Apodaca. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Council approved the contract for legal services to go to the NM Local Government Law, LLC.
- Mayor Ramsell read into the statement from Council Gutjahr "I apologize for not being able to participate in this meeting. I had a death in my family and services are being held today. I am sorry that the City of Rio Communities will not continue with the Robles, Rael, and Anaya law firm. In my opinion, they have provided excellent legal advice and professional services beginning with the city's incorporation primarily with Chris DeFillippo, over the past years, our city has experienced like many municipalities, multiple issues, and difficult personnel matters. Mr. DeFillippo handled these efficiently and defended us through the AC vs UWS lawsuit which was won. While I was acting Mayor I found Mr. DeFillippo prompt, thorough, reachable, and always ready to explain multiple choices. I wish the new firm good luck."

### **Approval of Design Task Order from HDR regarding Contract #D19427**

- Manager Dr. Moore explained that HDR has submitted a task order to the city in the total amount of \$293,780.45 exclusive of NM GRT. He then further explained the arterial program which was awarded for Horner St. He finished by saying the grant amount will not be sufficient

to cover the full scope of services and further explained the scope of work is supposed to look at drainages, intersections and conditions of paving.

- Manager Dr. Moore further said the work on the grant has not been started because it depends on what council decides will be determined on when it is started.
- Councilor Apodaca thanked Dr. Moore for explaining that if there were any more change orders it would come back in front of Council.
- Manager Dr. Moore said the reason is if the dollar amount was within the scope, then it would have been ok but do to cost increase this is where we are.
- Motion made by Councilor Gordon to approve contract #D19427 HDR design task order. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Council approved the task order from HDR regarding contract #D19427.

### **Public Safety Taskforce Findings**

- Mayor Ramsell said we did review at our workshop.
- Councilor Apodaca said he was very grateful being a part of the taskforce and this is a great step forward for the city.
- Councilor Winters said he would also like to thank all the people who have contributed and a good representation from council as well and received a good report.
- Motion made by Councilor Apodaca to approve the Public Safety Taskforce findings and move forward. Seconded by Councilor Gordon. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Council approved the public safety taskforce findings.

### **Council Discussion**

- Councilor Apodaca had nothing to report.
- Councilor Gordon had nothing to report.
- Councilor Winters had nothing to report.
- Mayor Ramsell said thank you to the Sheriff's Department for being at the meeting, you guys do an amazing job.

### **Executive Session - For the purpose of 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 close session For the purpose of 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: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Council went into close session at 7:12 pm.
- **Motion and roll call vote to go back into the regular business meeting session**
  - Motion made by Councilor Apodaca, Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Council went back into the regular business meeting session at 8:36 pm.
- **Welcome everyone back and statement by the Mayor**
  - Mayor Ramsell statute: The Governing Body of the City of Rio Communities, New Mexico, hereby states that on October 11, 2022 a Closed Executive Session was held and the

matters discussed were 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).

**Action Items - Consideration & Decision – Mayor recommendation regarding the purchase, addition or disposal of real property or water rights by the public body**

- Mayor Ramsell said there is no decisions at this time.

**Adjourn**

- Motion made by Councilor Winters, Seconded by Councilor Gordon. With a unanimous vote the City Council regular business meeting was adjourned at 8:37 pm.

Respectfully submitted,

\_\_\_\_\_  
Elizabeth F. Adair, Municipal Clerk  
(Transcribed by Cheyanne Sullivan, Assistant to the Municipal Clerk)

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

Approved:

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

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

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

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

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