



City of Rio Communities Council Regular Business Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Monday, March 27, 2023 6:00 PM
Minutes

Please silence all electronic devices.

Call to Order

- Mayor Joshua Ramsell called the city council regular business meeting to order at 6:07 pm.

Pledge of Allegiance

- Councilor Gordan 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.
 - Present: City Manager Dr. Martin Moore, Municipal Clerk Elizabeth Adair, Fire Chief Andrew Tabet, City Attorney Randy Van Vleck, Valencia County News-Bulletin Editor Clara Garcia.

Approval of Agenda

- Motion made by Councilor Winters to approve the agenda as written. Seconded by Councilor Gordon. Voting Yea: Mayor Ramsell, Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote the City Council regular business meeting agenda was approved as presented.

Approval of Consent Agenda Items: City Council Special Business Meeting Minutes (03/06/2023) , Minutes for the City Council Workshop & Regular Business Meeting (03/13/23), Discussion, Consideration, and Decision – Approval of Accounts Payable

- Motion made by Mayor Pro-tem Gutjahr to approve the consent agenda as listed on the agenda. Seconded by Councilor Apodaca. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote the consent agenda items have been approved as presented.

Presentations

Stat Zero - Dr. Barrett/Tommy Sanchez VRECC

- Dr. Barret introduced herself and said her main hat is medical, then began a presentation starting with how it is designed EMS system and progression. She then began explaining the transporting patience. She then further explained the Status 0 and the mutual aid though out the County.
- Audience member asked if she is an AMR director and do you review every report that AMR has.
- Dr. Barrett Responded I am not an AMR director, and I don't review every report I do review as many as I can. I do understand the frustration of the waiting and we are trying to figure it out within the community and the hope is to get all the agency together and figure out the limited AMR resources in a way that is safe for the community to get what they need.
- Audience member asked do you bill Rio Communities for EMS director do we pay you.
- Mr. Tommy Sanchez said everything goes to dispatch and said as far as samples we run about 170,000 calls a year thorough Valencia County.

- Chief Tabet explained that seven days a week the city is ALS capable by at least one rig. The problem is that if we transport, we just depleted our resources out of our station.
- Councilor Apodaca asked what we can do to promote more volunteers.
- Chief Tabet said that District one has the most volunteers in the County. It is global problem that volunteers are just not coming anywhere and it effects everywhere.
- Councilor Apodaca asked if there are recruitment efforts being offered at any Universities.
- Dr. Barrett said that is a great question and we have talked about pipeline programs in one of conferences and maybe even going to high schools and things like that.
- Mr. Sanchez said he has been working with CNM and their board quite frequently and they do have a dispatch and police academy. They are introducing it as a career choice.
- Councilor Gutjahr asked are you giving this presentation to all the Municipalities and the County.
- Dr. Barrett said yes, we are.

Public Comment:

- Steve Gladwell said he recently collected 333 names on petition I talked to a lot of people in our community won't go into all the pitfalls for the zoning industrial 3, most of the concern have been the environmental, and fear of the future home equities and current. Most of the people he talked with understood the need for gross receipts tax not at the expense of industrial 3. He then stated that there are individuals that will be consider in a legal fund if needed.
- Tommy Westmorland Goddard Court said he listened to the workshop about encroachments, You cannot enforce on every encroachment and then began explaining that we have to act like a city, and you can't enforce every encroachment you got to enforce what you have the money to enforce. He explained there should be a survey of the City and don't cow-tie down to this guy he was wrong for putting building it out there. He then said this week he was listening to the radio and New Mexico is in number 3 at administrative cost for government and he knows you guys are working on the budget. He then asked about the police department, are you having a holding cell. There will be no holding cell. Asked about the COVID money is it all gone. Have we found a way to spend it all. Gross receipt tax is the right thing to do he then asked if the lawsuit with AC Disposal still pending. Ok it is gone. Mil-Levy is going to be raised I understand, last thing going to be the never-ending Gordon Reeves is it ever going to leave us.
- Jeremiah Linscott Vista Del Rio, he was reading the comprehensive plan 1.08 would like to establish an oversite I would like to acknowledge it says that the city will respond back to public comments within ten days. I would like to do start a civil oversite commission especially when it comes to volunteering. He then read 1.09 and said this is where the civil oversite commission would come in they would have time and resources to look at laws and ordinances and a direct line to the Council, Mayor and any other city officials and will work for the residence. He then read NM code R1.8.4.9 sub section 8. He then said that the city needs help from volunteers.

Public Hearing: Subd: LAND OF RUSSELL & MELODIE GOOD Tract: A1 26.52 ACRES 44 GOOD DRIVE RIO COMMUNITIES, NM 87002: Legal description UPC 1009026126222000000 Subd: LAND OF RUSSELL & MELODIE GOOD Tract: B 2.00 AC SEC 28 T5N R2E 2005 SPLIT, UPC 1009026113206000000

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 the regular business meeting session and to go into a public hearing on the application that is stated on the agenda.

Seconded by Councilor Apodaca. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Winters. 3-0 Council recessed the regular business meeting session and went into the public hearing at 6:38 pm.

Consideration of the application is concerning the subdivision and plating of the two properties as listed above into four

- Clerk Adair swore the applicant in.
- Mrs. Melodie Good said she is coming before you tonight to ask you to approve a land split which you can see on the map. The 2 acers that our house now sits on we would like to expand those boundaries out to expand our residence from 2 acers to 5 acers and then we are also creating two one and half acer lots one is for my daughter to build a house on, and the other is just there so we wont have to come back in a few years if my son wants to move back here.

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 regular business meeting session. Seconded by Mayor Pro-tem Gutjahr. 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 6:42 pm.

Action Items

Regarding applicant Russell and Melodie Good for the subdivision and plating of their two properties into 4

- Motion made by Mayor Pro-tem Gutjahr to approve the application concerning the applicant Russell and Melodie Good for the subdivision and plating of their two properties into 4. Seconded by Councilor Gordon. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote the subdivision and plating of Russell and Melodie Good was passed, approved, adopted, and signed.

Public Hearing: For the purpose of Ordinance 2023 - xx GRT Chapter 3 Rev & Finance Article 5 Municipal GRT (.6125)

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 the regular business meeting session and to go into public hearing on the application stated on the agenda. Seconded by Councilor Apodaca. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Council recessed the regular business meeting session and went into a public hearing at 6:44 pm.

Consideration of Ordinance 2023 - xx GRT Chapter 3 Rev & Finance Article 5 Municipal GRT (.6125)

- Manager Dr. Moore reviewed for the Council the ordinance and what the funds may be used for libraries, community programs and the police chief. He then explained that these areas will be cut back in the areas of the finance office and a part-time position in the clerk's office potentially. He gave an example of what you would get for a hundred-dollar transaction you are going to pay additional 61.25 cents on your bill.
- Manager Dr. Moore said our recommendations on the budgetary is money or revenue that will go to our continuous expenses, we desperately need parks in this community. We do recommend going forward for these things we are working hard to do for the community. How

are we going to do this with staff, more of a teamwork to help to get these things accomplished.

- The council stated that it was a good idea.

Motion and roll call vote to go back into 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 6:53 pm.

Discussion, Consideration, and Decision – Ordinance 2023 - xx GRT Chapter 3 Rev & Finance Article 5 Municipal GRT (.6125)

- Motion made by Mayor Pro-tem Gutjahr to approve Ordinance 2023 – 84 GRT Chapter 3 Rev & Finance Article 5 Municipal GRT .6125%, Seconded by Councilor Apodaca. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Ordinance 2023 – 84 GRT Chapter 3 Rev & Finance Article 5 Municipal GRT .6125 was passed, approved, adopted, and signed.

Manager Report

Zoning Task Force

- Manager Dr. Moore updated the zoning task force that has been pulled together. We have held 4 meetings so far and what we are doing first is identifying areas of concern, particularly areas that have been shown to be problematic. The task force will be pulling in areas of ideas and where they fit into the cities zone. We will put it in front of the residence for input before we take it to planning and zoning.

Action Items

Sunny505 Contract renewal for Public Communications

- Motion made by Councilor Gordon to approve the Sunny505 Contract renewal for public communications. Seconded by Councilor Winters. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote the renewal of the contract for Sunny 505 was approved.

Goodman Avenue improvements 30% design direction from Council

- Manager Dr. Moore said Goodman Avenue we have received a couple of grants on for a couple hundred thousand from the legislator for the design and looking at issues of concern there is two one is a fence encroaching in the City's right of way and the other is the vegetation cleanup. He then further explained because of the time frame of the grants that we do a contiguous plane B in the design to get the walking path around the fence.
- Manager Dr. Moore's recommendation is to go with the contiguous plan.
- Councilor Winters said this is a good way to proceed to keep everything moving.
- Motion made by Mayor Pro-tem Gutjahr to approve the Goodman Avenue Improvements 30% design as described by Dr. Moore. Seconded by Councilor Gordon. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council approved the Goodman Avenue improvements 30% design.

Second Amendment to the Joint Powers Agreement Between the City of Belen, Village of Los Lunas, Village of Bosque Farms, City of Rio Communities, and Valencia County, New Mexico

- Manager Dr. Moore explained there has been a shift on the approved vote. The shift is to make the Village of Bosque Farms the fiscal agent. As part of the budget for this year they have approved the hiring of a finance director.
- Mr. Sanchez said everything regarding the reason that the change to Bosque Farms is due to the growth of Los Lunas, and Bosque Farms is not going to be growing anymore and we will be more of an independent agency and not just a department.
- Motion made by Councilor Apodaca to approve Second Amendment to the Joint Powers Agreement Between the City of Belen, Village of Los Lunas, Village of Bosque Farms, City of Rio Communities, and Valencia County, New Mexico as presented by Dr. Moore. Seconded by Mayor Pro-tem Gutjahr. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote the second amendment to the joint powers agreement was passed, approved, adopted, and signed.

Wildfire Coordinator Term Limit Contract

- Manager Dr. Moore said what we are requesting is permission to make sure the contract is properly executed and signed we have a grant agreement for a 1099 contract \$24,999 ends the last day of December or if the money runs out whichever comes first.
- Mayor Ramsell said this is the first time the department applied and out of 44 departments only 10 departments received it. We look forward to what it will do for us at the station and the city as a whole.
- Motion made by Councilor Gordon to approve the Wildfire Coordinator Term Limit Contract. Seconded by Councilor Winters. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote the Council approved the Wildfire Coordinator Term Limit Contract.

Resolution 2023 - XX Dangerous property (2292 Highway 304)

- Manager Dr. Moore said this resolution has to do with the property also known as County Towing. It is an incriminating interior property. Manager Dr. Moore explained we will be working with multiple agencies at the state and federal level. Chief Tabet will be calling together a meeting with these agencies to go over how we will address this issue. We will approach all three forms in our ordinance not just one, to address this in a civil matter.
- Councilor Gutjahr said she is glad we have reached this point and are moving forward on it.
- Motion made by Mayor Pro-tem Gutjahr to approve Resolution 2023 – 09 Dangerous property at 2292 Highway 304. Seconded by Councilor Winters. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Resolution 2023 – 09 Dangerous property at 2292 Highway 304 was passed, approved, adopted, and signed.

Resolution 2023 - XX Dangerous property (407 Horner ST)

- Motion made by Councilor Apodaca to approve Resolution 2023 - 10 Dangerous property (407 Horner ST). Seconded by Councilor Winters. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Resolution 2023 - 10 Dangerous property at 407 Horner ST was passed, approved, adopted, and signed.

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Council Discussion

- Councilor Apodaca had nothing to report.
- Councilor Gutjahr said she was very pleased with the workshop priorities by the city manager and that they said they will put together a spread sheet so we could have something to reflect on. Another just a comment to the public that we are now at 10 years as a city, and we will be having something in the fall to celebrate that and that we did get a Resolution signed the Legislator acknowledging it as well.
- Councilor Gordon had nothing to report.
- Councilor Winter had nothing to report.
- Mayor Ramsell had nothing to report.

Executive Session - For the purpose of the purchase a) addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8) and b) Rezoning Process subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant; pursuant to NMSA 10-15-1(H)(7) c) Public works Director pre-disciplinary hearing and d) Finance Clerk position pursuant to NMSA 10-15-1(H)(2) - Limited Personnel Matters

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. Seconded by Mayor Pro-tem Gutjahr. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council closed the session and went into executive session at 7:20 pm.

Motion and roll call vote to go back into the 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 back into the regular business meeting session at 8:09 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 March 27, 2023 a Closed Executive Session was held and the matters discussed were for the purpose of the purchase a) addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8) and b) Rezoning Process subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant; pursuant to NMSA 10-15-1(H)(7) c) Public works Director pre-disciplinary hearing and d) Finance Clerk position pursuant to NMSA 10-15-1(H)(2) - Limited Personnel Matters.

Action Items

a) addition or disposal of real property or water rights by the public body

- Mayor Ramsell said there were no recommendations.

b) Rezoning Process subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant

- Mayor Ramsell said there were no recommendations.

c) Public works Director pre-disciplinary hearing

- Mayor Ramsell said the recommendation is to amend the separation agreement to March 27th 2023 and to dismiss the pre disciplinary proceedings.
- Motion made by Mayor Pro-tem Gutjahr to approve the recommendation the amendment to the separation agreement as of March 27th, 2023, and to dismiss the pre disciplinary proceeding. Seconded by Councilor Winters. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote recommendation has been approved.

d) Finance Clerk position

- Mayor Ramsell said the recommendation at this time to eliminate the position of finance clerk as of April 7th 2023.
- Motion made by Mayor Pro-tem Gutjahr to approve the elimination of the finance clerk as of April 7th,2023 of the reposition of staff structure. Seconded by Councilor Gordon. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote the Council approved the elimination of the finance clerk position as of April 7, 2023.

Adjourn

- Motion made by Councilor Winters to adjourn. Seconded by Councilor Apodaca. With a unanimous vote the Council adjourned the regular city council meeting at 8:13 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