



City of Rio Communities Planning and Zoning Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Thursday, March 17, 2022 4:00 PM

Agenda

Please silence all electronic devices.

ATTENTION: In an effort to curb the spread of COVID-19 by practicing social distancing and limiting public gatherings, we encourage you to participate in the Planning and Zoning Meeting from the comfort and safety of your own home by entering the following link:

@ <https://www.facebook.com/riocommunities>

Call to Order

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes

1. For February 24 & March 3, 2022

Actions Items

2. Discussion – Business & Peddlers Licenses

3. Items of Discussion at the City Council Special Workshop with P&Z

a) Animal Welfare

b) Comprehensive Plan

Public Comment: The Commission will take public comments on *this meeting's specific agenda items*. These should be in written form via email through 4:45 PM on Thursday March 17, 2022 to info@riocommunities.net. These comments will be distributed to all Commissioners for review. *If you wish to speak during the public comment session in person:* The Commission will allow each member of the public three (3) minutes to address the Commission. Both the public and Planning & Zoning Commission will follow rules of decorum. Give your name and where you live. The public will direct comments to the Commission. Comment(s) will not be disruptive or derogatory.

Commission Discussion/Future Agenda Items

4. General Discussion Topic...

Adjourn

Public We will be streaming live on Facebook Live @ <https://www.facebook.com/riocommunities>

NOTE: THIS AGENDA IS SUBJECT TO REVISION UP TO 72 HOURS PRIOR TO THE SCHEDULED MEETING DATE AND TIME (NMSA 10-15-1 F). A COPY OF THE AGENDA MAY BE PICKED UP AT CITY HALL, 360 RIO COMMUNITIES BLVD, RIO COMMUNITIES, NM 87002. IF YOU ARE AN INDIVIDUAL WITH A DISABILITY WHO IS IN NEED OF A READER, AMPLIFIER, QUALIFIED SIGN LANGUAGE INTERPRETER OR ANY OTHER FORM OF AUXILIARY AND OR SERVICE TO ATTEND OR PARTICIPATE IN THE MEETING, PLEASE CONTACT THE MUNICIPAL CLERK AT 505-861-6803 AT LEAST ONE WEEK PRIOR TO THE MEETING OR AS SOON AS POSSIBLE.

City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Thursday, February 24, 2022 5:30 PM
Minutes

Please silence all electronic devices.

Call to Order

- Chairman Scroggins called the meeting to order at 5:40 pm

Pledge of Allegiance

- City Manager Dr. Martin Moore led the Pledge of Allegiance

Roll Call

- Present: Chairman Thomas Scroggins, Vice-chair John Thompson, Secretary Scott Adair, Mr. Lawrence Gordon, and Mr. L. E. Rubin (Virtual)
- Present: City Manager Dr. Martin Moore and Deputy Clerk Amy L. Lopez

Approval of Agenda

- Vice-chair John Thompson made a motion to approve the agenda for February 24, 2022. The motion was second by Secretary Scott Adair. Vote: Chairman Tom Scroggins- yes; Vice-chair John Thompson – yes; Secretary Scott Adair- yes; Mr. L. E. Rubin- yes. With a 4-0 vote the agenda for the February 24, 2022, Planning and Zoning Meeting was approved as written.

Approval of Minutes for February 3, 2022

- Secretary Adair made a motion to approve the February 3, 2022 Meeting Minutes as written. The motion was seconded by Vice-chair John Thompson. Vote: Chairman Tom Scroggins- yes; Vice-chair John Thompson – yes; Secretary Scott Adair- yes. With a 3-0 vote the minutes from February 3, 2022, was approved as written.

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

- Tom Scroggins explained there was going to be a hearing in regard to the subdivision of property listed above and asked for a motion to go into the hearing.
- Vice-chairman Thompson made a motion to recess the regular business meeting and go into the hearing. Secretary Adair seconded the motion. Vote: Chairman Tom Scroggins- yes; Vice-chair John Thompson – yes; Secretary Scott Adair- yes. With a 3-0 vote, the motion to leave the regular business meeting and go into a hearing was approved.

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

- Chairman Scroggins: Now we are in the public hearing, and we are, two parcels, I understand, are being subdivided and some of it is going to have to be rezoned. One of it is going to be one, part of it is going to be another.
- City Manager Dr. Moore: Mr. Chairman, point of information. The first item for hearing is going to be basically a replat from three lots to two. The second item is going to be the subdivision and rezoning issue.
- Chairman Scroggins: I see. Okay, now are we going to have a presentation for this.

- City Manager Dr. Moore: We can. We don't see anyone from the application of this, for the replat. But it is simple, I or the staff, if you want us too, can present the information.
- Chairman Scroggins: This first one, that is the one that they want to make two lots out of three?
- City Manager Dr. Moore: Right, these are lots that are 0.07, 0.09, and 0.08.
- Chairman Scroggins: They are the ones that are behind, okay.
- City Manager Dr. Moore: They are on Rio Communities Way.
- Deputy Clerk Lopez: If any of you want to see the plans, they are those right in front of you on that table.
- Secretary Adair: I remember it.
- City Manager Dr. Moore: It is very basic. What they are basically doing, Mr. Chairman, is they are. Less than a tenth of an acre, that's a bit crowded and they want to do a single-family residence type of a thing, you know. In order to do that, those three lots need to become two. We don't see any issues, and I am not aware of any objections to the replat of those lots. So, for us, the staff, this is a very simple and straightforward replat. The utilities are already there, there isn't any request for changes to setback requirements or anything like that. It's a really simple, let's change this, let's get it done, so we can build some houses.
- Chairman Scroggins: Okay, Scott, do you have any questions?
- Secretary Adair: I don't.
- Mr. Garcia: This is the lot I would like to build a two-story home.
- Secretary Adair: A two-story house? Where is this located?
- Mr. Alfredo Garcia: On the corner.
- Secretary Adair: Of these two properties? On these three properties? But you are making them two, right?
- Mr. Garcia: I have three lots, and the corner is like this. Inaudible discussion.
- Secretary Adair: That is what I am saying, these are the three lots that he is going to make into two and make a two-story house.
- Inaudible discussion.
- Chairman Scroggins: There is the bank.
- Mr. Garcia: I have three lots.
- Secretary Adair: These three lots.
- Mr. Garcia: Yeah, that are small. Would you like to look at the plans?
- Secretary Adair: Sure. You don't have any house designs on this? And a two-story here?
- Mr. Garcia: Inaudible discussion.
- Secretary Adair: You know, what I want to see is
- Mr. Garcia: I left ten foot here and ten foot here and five foot from here. I am leaving here a four-foot sidewalk.
- City Manager Dr. Moore: He has the three lots here and is trying to turn them into two lots.
- Vice-chairman Thompson: This is the replat of these three lots into two.
- Secretary Adair: So, we can approve that but as far as he is requesting to build a two-story home, that is a different process. That is outside of the scope of the hearing. In audible discussion.
- City Manager Dr. Moore: Your simple question is, are you willing to take these three lots and turn them into two. That is the question you are discussing tonight. He will have a different conversation with staff about what he needs to do about his building.
- Secretary Adair: I understand. John, do you have any questions?

- Vice-chairman Thompson: I couldn't hear the City Manager's simple question though.
- Secretary Adair: So, we are going to rule on turning these three lots.
- City Manager Dr. Moore: For those of you online, just to let you know what is going on, is originally there are four lots, and he is wanting to take three of them and turn them into two.
- Inaudible discussion.
- Vice-chair Thompson: Yes, this has come before us about two months ago.
- City Manager Dr. Moore: Mr. Chairman, L. E. is on.
- Chairman Scroggins: Thank you, L. E.
- Municipal Clerk Adair: Can you click on that, on the very bottom to get rid of whatever that is? It is coming up on the screen. There you go.
- Chairman Scroggins: Okay, do we have any discussion, questions? John, do you have any questions about that?
- Vice-chairman Thompson: No, I don't. It makes perfect sense.
- Secretary Adair: I'm good.
- Chairman Scroggins: Is L. E. on yet? Why don't we hear about the subdivision of the property on Houston and Manzano Expressway?

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: 1010028270290000000, TRACT: 3 S: 15 T: 5N R: 2E 22.77 Acres, 1998 Rev

- Chairman Scroggins: John? Okay, alright, and the next one is the subdivision and rezoning of the property. That is the property we talked about earlier that is across the street from the church.
- City Manager Dr. Moore: Actually, it is literally up the street from, I believe it is, the Presbyterian Church that is just up the street from.
- Inaudible conversation.
- City Manager Dr. Moore: There is some across the street on Manzano Way and then there are a couple that are on the same side of the street.
- Chairman Scroggins: Some of that is on the south side of Manzano? And some of it is on the north side.
- City Manager Moore: So, you have homes and churches on the south side of the elementary school, and you have the churches on the north side of Manzano. It is located on Houston Blvd which is the main road located off Manzano Way.
- Chairman Scroggins: We heard this.
- Secretary Adair: And we have a gentleman here, I am not sure if he is for the first replat? Are you with the first hearing, the replat of the three properties to two?
- Mr. Garcia: I am Mr. Garcia. Inaudible conversation.
- Secretary Adair: Yes, he is here for that hearing. (Commissioners then heard Mr. Garcia's hearing. See above.)
- City Manager Dr. Moore: Yeah, Houston and Manzano are the main intersection, and it is approximately 53 acres, three different parcels. What's in front of you today is a request for rezoning and (inaudible) and from me, after the request for rezoning is permission to proceed with the formal subdivision application. That doesn't mean, he has a lot of things he is working on. He's got the elevation from the drones, they've got drainage, they've got roads, they've got other things that they, obviously, their engineers are working on. They've got that part that will

be coming to you. But the thing tonight is the rezoning. There are two pieces. There are two pieces. One of the pieces has to do with R-1, and the other piece on Manzano, for the request of rezoning is commercial, in particular the class would be C-3, which is heavier use commercial.

- Chairman Scroggins: Is that heavier use by traffic or.
- City Manager Dr. Moore: It is heavier use by traffic, noise, those types of things.
- Secretary Adair: So, you are suggesting the C-3 would be this retail, office, commercial, medical, multi-family 9 acres area?
- City Manager Dr. Moore: The 9 acres area along Manzano is the part where he was requesting C-3.
- Secretary Adair: And there is an R-1.
- City Manager Dr. Moore: The remainder is the residential one, which is the lower density, single-family housing unit.
- Vice-chairman Thompson: Inaudible.
- City Manager Dr. Moore: And the applicant is here to speak to it and answer questions.
- Chairman Scroggins: John, do you have any question?
- Vice-chairman Thompson: No, I don't.
- Chairman Scroggins: Do you have a copy of this?
- Vice-chairman: I've got it in my kitchen. I am getting new flooring tonight, so you might hear some hammering if I don't get to the mute button.
- Chairman Scroggins: Scott do you have anything?
- City Manager Dr. Moore: Mr. Chairman, there are also a couple of people in the audience, who, I believe, are representing one of the churches close by, and wanted to address you.
- Sharon Eastman: I am Sharon Eastman, and I am representing the Presbyterian church. One of our members who was working at the church, and saw the presentation(inaudible) and the church has absolutely no objection to the subdivision going in. It would just give us more people in our neighborhood that we could serve.
- Secretary Adair: That you, that is good to hear.
- Sharron Eastman: She is my driver.
- Chairman Scroggins: You know, even if you are the driver, you can still speak.
- Audience member: No thank you.
- City Manager Dr. Moore: Mr. Chairman, I did (inaudible), but I do have comments that were to be read, since the general public was not allowed.
- Chairman Scroggins: L. E.? Is he there? Sorry, this gets to be messy, but we have been going through this for a couple of years.
- Secretary Adair: And we haven't gotten any better, have we?
- Chairman Scroggins: Now, if I were a young man, I would probably know how to do this.
- City Manager Dr. Moore: Part of the challenge too, was trying to get a public hearing, (inaudible). We had some challenges with COVID related infections, we have to get the building thoroughly cleaned, actually most of our employees tested positive, came from outside sources. Interiorly, we seemed to be doing good, but we had to say, okay, until we get everything, we are going to keep the amount of people going into the building extremely limited, but we still had to the public make comments, even though they can't come, the general public can't come in. So, we had to give the opportunity. We did have a member of the public come in and said he was representing residents that has a number of questions. So, that is where that is coming from. Technology was not cooperating.

- Chairman Scroggins: I know, I know how that goes.
- City Manager Dr. Moore: One of the first questions was about the actual verbiage on this particular one. (inaudible) this hearing there was a slip on the agenda, you see, there is something called a UPC, or a Uniform Property Code, that is used by the county, and one of the three property codes that we identified for this particular subdivision had a digit, that was the second one, it said 2821038, and we had to correct that to put a number three in that instead of a number two. So, we corrected that on the signage and on the public notices and wanted to acknowledge in the public hearing that, was there an error, yes, we did correct it on the postings and the agendas, and we did get that published. The second question are related to the zoning and what is going on with the zoning, when we are talking about the C-3, talking about the R-1, what are we talking about? R-1, of course, is what we call our standard, or less dense, you know, lower density residential population area. Meaning single family homes is the goal for the area that is being zoned as R-1. In addition, to the R-1 area, there is two and a half acres up on Houston Blvd that is being looked at for a potential park and there have been some initial discussions with the City and we are talking with them. And that would be an ability for people to come out, in addition it would provide drain ability, because park spaces are good places for drainages. How do we plan it so the park can do what it needs to do, and drainages can do what they need to do? So, that is pretty simple and standard and straightforward. That is not an issue with us. Heavy commercial was a question, and a concern in relationship to right along Manzano Expressway. I did want to let you know, I have spoken with the property owner, and I know they are in discussions about some different types of retail that will complement the new subdivision that is coming in and provide some types of services that would be of some quality to the community, quality to the residents, the churches and everybody else around that area. So, our recommendation of that area, and I will bring it up in the action part, let's leave it as a planned development area because we do have a special use permit that would cover everything that he needs to cover on those types, and the residential, those types of uses can come back and he will be able to see what kinds of businesses we'll be talking about and what they will need. So, that was a concern, that the public would be able to know what is going on, what type of businesses will be going in, and that type of a thing, so that was an issue. Another issue was related to traffic and to question about traffic. And I do believe that the, we know that Houston can stand a little more development, we have between 50' and 60' wide right of way. So, we have the ability as a City to work with the developer, and if we have to, we can widen certain areas, and create a turn lane, whatever types of things we have to, we have room to do it.
- Chair Scroggins: I know they have talked before about Manzano becoming a State Highway and right now, I think it's a county road, is it?
- City Manager Dr. Moore: Manzano was in discussions, and there was interest expressed by the Department of Transportation for taking a stretch of that over as state highway. That process stalled. We suspect, it happened because of the COVID process, so that is an issue that needs to be brought up for discussion. Right now, it is not. We, as a city, have the responsibility for the maintenance of that stretch of road, I did check on that. It is our responsibility. It was originally a county road and then there is a rule now that the stretch of Manzano that is within the city limits, is the City's responsibility to maintain.
- Chair Scroggins: Does that also mean the City has the ability to allow ingress and egress, so if there were a strip mall on that acreage, we could get left turns put in.

- City Manager Dr. Moore: That falls within us, it is within the city limits, so that falls within us. When the development plans come forward, he will see those drawings, that approval is recommended by the Planning and Zoning Commission and goes through the City Council. So yes, we don't have to involve the county in this. That is part of the niceness in this, that is the silver lining of the cloud of the city having to maintain that section of the Expressway, that having people come in and out for development purposes, is something we can deal with internally.
- Chairman Scroggins: L. E.?
- Mr. Rubin: I am here. Are you there? I have been here since 5 o'clock waiting for you. Because of technical difficulties, I am delayed. But I would like the record to show that, despite all rumors, I am here.
- City Manager Dr. Moore: There are some other public comments, but we will share them with you when you come up to your public comment area. Those were some issues that were of particular concern with what we are doing.
- Chairman Scroggins: Do you gentleman have any remarks you would like to make?
- Sandy Pofahl: I appreciate it. My name is Sandy Pofahl, I am with Rio Holdings. I own the property there and we are proposing the rezoning of planned development to R-1. We have spent a good amount of time looking at other communities and subdivision site plans. We are very happy the way this has worked out. I am excited about the park we are putting in, it is close to the school, we have nice parking in there and I think it will be a nice contribution to the City. The homes that are going to be there are not going to be cheap home and they are not going to be million-dollar homes. They are going to be attractive, moderately priced homes that are going to be excellent for a number of families. There's a lot of new development in the Albuquerque area, especially south of Albuquerque. I think this is going to provide some very nice homes for some very nice people. I just find it a pleasure to be here in Rio Communities. It has been a pleasure to work with Marty and the other people here and I am open to any questions you might have.
- Secretary Adair: Just a quick question, why did you decide to put your park there instead of more centrally located.
- Mr. Pofahl: So that it is closer to the so school and so that it can be more easily accessed by other members of the community. We put it inside, people will mentally think, oh that is specifically for the Rio Vista subdivision. If we put it inside. And I think where it is now, people there would go over there and use it, but people driving by would think, oh, there is a park and there are parking places and are more apt to go ahead and use it then. Candidly, I think the subdivision would probably use it better putting it inside, but putting it there, both the people within the subdivision can use it. But also, the people driving by. Especially the kids over at the school. I think that would be nice.
- Chair Scroggins: John, do you have any questions?
- Vice-chair Thompson: yes, I am thinking about groundhogs, ants, and burrowing animals. They always have two escape routes, and as I recall, on that map, there was only Houston. So, if there was an accident or if we were to need a fire truck in there, we would need two ingress and egress. I don't know if that would be up to the city or the developer, but there needs to be two ways for to get in and out.
- Mr. Pofahl: We do have two. And I know it is hard to see over there, but if you look in the lower corner, there is a road that comes out there. The site plan made it light green, but there is a

way in. There are actually three ways in, three. There are two over on Houston and then there is one coming down into this area as well. So, there are actually three ingresses and egresses.

- Vice-chairman Thompson: That would be one thing I would be looking at. I am glad you included that.
- Mr. Pofahl: There are two on Houston school, on Houston Blvd, excuse me. On Houston Blvd, there are two ingresses and egresses over here and then there is one over on the lower right-hand corner over here that we will be putting in as well. We will be working with the City to make sure they are happy with that as well.
- Chairman Scroggins: L. E.? Do you have any questions?
- Mr. Rubin: No, I have no questions.
- Mr. Pofahl: Thank you very much.
- Chairman Scroggins: Well, thank you. I think Dr. Moore is looking for comments.
- Inaudible discussion.
- Manager Dr. Moore: Okay, Mr. Chairman, you can proceed with the hearing (inaudible). I can't find any other comments.
- Chairman Scroggins: Okay, if you can't find any more comments, I think we are about done with the hearing. and we can move to action items. I need a motion with roll call vote to go back into regular business meeting.

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

- ❖ Vice Chairman Thompson made a motion to recess the hearing and go back into the regular business meeting. Seconded by Secretary Adair. Voting Yea: Chair Thomas Scroggins, Vice Chair John Thompson, Secretary Scott Adair, Member L.E Rubin

Move to Council: *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*

- Chair Scroggins said the first item to look at is consideration of the replat of property from three lots to two that is off of Rio Communities Way and asked for discussion.
- Vice-chairman Thompson made a motion to recommend forwarding this to City Council for consideration with a yes recommendation. Secretary Adair second the motion. Voting Yea: Chair Thomas Scroggins, Vice Chair John Thompson, Secretary Scott Adair, Member L.E Rubin

Move Council: *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*

- Chair Scroggins asked if there was further discussion regarding this hearing.
- City Manager Dr. Moore said a public comment regarding whether anyone on the Commission or Council was involved at all with the properties or company asking for the hearing. He explained no, this is a private individual that is coming to the city. He then then said there was a question asking what consideration was and the answer is consideration is deliberation. He continued to say another question was if Council had anything to do with the preparation of this hearing and the answer is no, because they will have to act on their end on a separate

hearing. He continued to explain there might be a single Council member who may have knowledge of the hearing but there is never a quorum involved and whenever it is evident that a hearing will be required, Council steps back. The discussion continued.

- City Manager Dr. Moore said it was recommended that the zoning for the commercial property remain as planned development so that it can be determined later what is needed when future businesses come in and then a special use permit can be obtained. The discussion continued.
- Vice-chairman asked for further discussion.
- Chairman Scroggins said he would entertain a motion for our approval of rezoning the proposed residential to R-1 and leaving the commercial property as planned development and re-platting the property and moving it forward to Council.
- Secretary Adair made a motion to approve the rezoning of the residential area as R-1 and do not address the planned development 9.2 acres until further notice. Vice-chairman Thompson second the motion. Voting Yea: Chair Thomas Scroggins, Vice Chair John Thompson, Secretary Scott Adair, Member L.E Rubin
- City Manager Dr. Moore explained there are two parts and recommended a motion be made to prepare and submit the formal subdivision application.
- Secretary Adair made a motion to proceed with a formal subdivision application. Vice-chairman Thompson second the motion. Voting Yea: Chair Thomas Scroggins, Vice Chair John Thompson, Secretary Scott Adair, Member L.E Rubin

Adoption of the City's Open Meetings Act Resolution

- Chairman Scroggins began a discussion regarding the annual adoption of City's Open Meetings Act Resolution.
- Chairman Scroggins asked for a motion to adopt the Open Meetings Act.
- Vice-chairman Thompson made a motion to adopt the Open Meetings Act. Mr. Rubin second the motion. Voting Yea: Chair Thomas Scroggins, Vice Chair John Thompson, Secretary Scott Adair, Member L.E Rubin

Public Comment

- Mr. Westmoreland asked with regards to UPC 1010028210385000000. I was unable to pull the information on this tract. I need to know if the UPC number is correct. If incorrect it should be changed on the agenda, and I would appreciate a response as to the UPC's accuracy.
- City Manager Dr. Moore explained the UPC number was one digit off, was corrected on the sign, public notices, and agendas and a letter of correction was sent to properties affected by the hearing.
- Mr. Westmoreland said I want to know if anyone on P&Z is a relative, part-owner or maintains an interest in any of the properties listed on the agenda.
- City Manager Dr. Moore said no, there is not relation, part-owner of interested parties among Planning and Zoning and applicants.
- Mr. Westmoreland said I want to know who from P&Z contacted any property owner of the tracts shown on the Agenda.
- City Manager Dr. Moore explained the applicants came to the City without being contacted and any contact for Planning and Zoning for paperwork would have been through the Clerk's office

and not the commission, the commission has not talked to any of the applicants except through public meetings. A discussion began.

- Mr. Westmoreland said I want to know if anyone from P&Z tendered an offer for any of the land set out in the agenda. I want to know if anyone on P&Z confirmed water and sewer was available on these properties mentioned on the agenda.
- City Manager Dr. Moore explained no one from P&Z tendered an offer for any of the land set out in the agenda and yes, the availability of water and sewer has been confirmed through staff, city engineers and the NM Water Company.
- Mr. Westmoreland said if the P&Z board was involved with the agenda properties, which councilpersons provided input into the listing of the properties on the agenda.
- City Manager Dr. Moore said none, the input for all items listed on the agenda came from communications from the Municipal Clerk's office and the agendas are properly posted, and no members of the Council were involved in the agenda.
- Chairman Scroggins said the only thing that we heard about public hearing was that we were going to have two and continued the discussion.
- Mr. Westmoreland said the way the agenda is formatted does not say anything about what is "Consideration". Is the general public not entitled to know why there is no explanation of what "consideration means?"
- City Manager Dr. Moore explained consideration is the common definition in the dictionary, plain language statement that we will discuss it, consider it, and possibly decided upon.
- Chairman Scroggins said he always asks for discussion and a thorough discussion to follow before a decision is made and considers the process of discussion is consideration. The discussion continued.

Commission Discussion/Future Agenda Items

- Chairman Scroggins explained we will have our next meeting on March 3rd and there are not a lot of items on the agenda, but we will be discussing meeting times, but the agenda is available and will be posted tomorrow. He then asked if Vice-chairman Thompson had any agenda items to add.
- Vice Chair Thompson asked if there is a way for the Commission to be made aware of building permits that are approved, so they may be aware of them.
- Chairman Scroggins explained basically my signature is an acknowledgement of a permit and began a discussion.
- City Manager Dr. Moore explained the City is approving flood plain as well as setbacks according to our ordinance and that is how the City certifies them, but the building permit itself is approved by Construction Industries Division.
- Chairman Scroggins said we are having a problem receiving application that should go to Belen and began a discussion.
- A discussion began regarding the zip code.

Adjourn

- Mr. Rubin moved to adjourn. Secretary Adair seconded the motion. With a 4-0 vote, the motion to adjourn was approved at 6:46 pm.

Respectfully submitted,

Amy L. Lopez, Deputy Clerk
(Transcribed by Cheyenne Sullivan, Assistant Clerk)

Date: _____

Approved:

Thomas Scroggins, Chairman

John Thompson, Vice-Chairman

Scott Adair, Secretary

L.E. Rubin



City of Rio Communities Planning and Zoning Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Thursday, March 03, 2022 5:30 PM
Agenda

Please silence all electronic devices.

Call to Order

- Chairman Thomas Scroggins called the meeting to order at 5:33 pm.

Pledge of Allegiance

- Secretary Scott Adair led the Pledge of Allegiance.

Roll Call

- Present: Chairman Thomas Scroggins, Vice-chair John Thompson, Secretary Scott Adair, and Mr. L. E. Rubin
- Present: City Manager Dr. Moore, Deputy Clerk Amy Lopez

Approval of Agenda

- Secretary Scott Adair made a motion to approve the agenda. The motion to amend the agenda was seconded by Vice-chair John Thompson. Vote: Chairman Tom Scroggins- yes; Vice-chair John Thompson - yes; Secretary Scott Adair- yes; Mr. L. E. Rubin- yes. With a 4-0 vote the agenda for the January 6, 2022, Planning and Zoning Meeting was approved as written.

Decision – Business License and Business Registration Ordinance

- Chairman Scroggins began a discussion regarding Ordinance 2204-09 and explained he did not find it on the City website. He then said after reading the ordinance, and he found the fees to be expensive, at \$25 a day for some vendors.
- Vice-chairman Thompson said a business license should be about ensuring GRT is paid to the City.
- Chairman Scroggins gave an example of someone selling someone on the side of the road and not paying GRT on those sales and began a discussion.
- Chairman Scroggins said if we are interested in who is conducting business, he would rather see the vendor being charge for an inexpensive license than \$25 a day and continued the discussion.
- Chairman Scroggins said section C explains anyone selling produce should be paying \$25 a day and he feels the fees are too high and the ordinance is not clear.
- Secretary Adair asked if there should be a flat fee and began a discussion.
- Chair Scroggins said Section 8-1-2 states a business registration fee of \$35 is required and asked who would be required to get one and asked what qualifies the need for a license.
- Mr. Rubin asked what the penalty for not having a license.
- Secretary Adair explained it would be the \$35 as well as an additional \$10 and continued the discussion.
- Manager Dr. Moore said there need to be some use standards, not being able to park along the road, but have designated areas that people can conduct business. He then explained there needs to be a basic knowledge of what and where they are selling to keep safety in mind. He then said we might need to provide areas for certain events, and with door-to-door salesman we should provide us with dates they will be in town. The discussion continued.

- Chair Scroggins said if there were designated within the City, we could have a sign saying to register with the City with an option for online payments.
- A discussion began regarding other cities fees.
- Vice-chair Thompson said high priced bonds and fees would deter people from having events in Rio Communities, but Gross Receipts on small sales would be almost insignificant, but we should focus on larger items, like home additions. He then said we do not want to just have a free for all within the city.
- Secretary Adair said maybe fees could be assessed based on what the sales for the day would be and continued the discussion.
- Vice-chairman Thompson mentioned having a permit for a large event would be good so that safety and security people could be hired and continued the discussion.
- Manager Dr. Moore said we, as a city, need to be organized so we are organized, allowing people to come in and have success with a business or have fun safely, and explained how some other cities have done so.
- Chairman Scroggins said we do not really have a public area or building where people can meet and began a discussion.
- Manager Dr. Moore said we want to have a business mentality.
- Chairman Scroggins said we need to keep churches in mind as well.
- Manager Dr. Moore said we could regulate people to death, but we want people to be able to have events, we should be supportive of churches and nonprofits, and we can help them in some capacity without violating anti-donation clause.
- Vice-chairman Thompson said a quincinera would not be taxable event.
- Manager Dr. Moore said it would be different if the event were to be held in City Hall and continued the discussion.
- Chairman Scroggins asked what the next step would be.
- Manager Dr. Moore said we will have to handle the schedule of fees and who needs to obtain a license or a permit.
- Chairman Scroggins asked if we would want to update the business license and registrations.
- Manager Dr. Moore said yes.
- Chairman Scroggins said we need to lay out what is expected of businesses and for events.
- Manager Dr. Moore said when something is clear and reasonable people are more likely to comply, we do not want to single a certain area or type of business out, we need to maintain equality within the City. He then explained we need to have clear, step-by-step processes.
- Vice-chairman Thompson asked how a business would get a tax identification number.
- Manager Dr. Moore said it is extremely easy to get one.
- Chairman Scroggins asked if Secretary Adair would write a draft.
- Manager Dr. Moore said we can get a bullet point list and at that point we could share it with the legal counsel and began a discussion.

Discussion, Consideration, and Decision – Planning and Zoning 2022 Meeting Schedule

- Chair Scroggins said we are going to move on to the discussion of having the meeting during the day.
- Manager Dr. Moore explained the added cost of having staff stay late for meetings and began a discussion.
- Chairman Scroggins asked for a motion to move the meetings to an earlier time.

- Vice-chairman Thompson made a motion to hold the meetings at 4:00 pm. Secretary Adair second the motion. Vote: Chairman Tom Scroggins- yes; Vice-chair John Thompson - yes; Secretary Scott Adair- yes; Mr. L. E. Rubin- yes. With a 4-0 vote motion to hold Planning and Zoning meetings at 4 p.m. on the regular days was approved.

Public Comment

- There was no public comment.

General Commission Discussion/Future Agenda Items

- Manager Dr. Moore said the joint meeting with Council will be rescheduled for March 31, 2022, so new Planning and Zoning Commissioners can be included.

Adjourn

- Secretary Adair made a motion to adjourn. Vice-chair Thompson second the motion. With a 4-0 vote, the meeting was adjourned at 6: 39 p.m.

Respectfully submitted,

Amy L. Lopez, Deputy Clerk

Date: _____

Approved:

Thomas Scroggins, Chairman

John Thompson, Vice-Chairman

Scott Adair, Secretary

L.E. Rubin

Draft: April 8, 2014

City of Rio Communities, NM

Ordinance No: 2014-10

CHAPTER 8 BUSINESS LICENSES

ARTICLE 2 BUSINESS LICENSE

- 8-2-1 LICENSE REQUIREMENTS**
- 8-2-2 BUSINESS REGULATION FEE**
- 8-2-3 APPLICATION LICENSE PROCEDURES**
- 8-2-4 CITY CLERK**
- 8-2-5 LICENSEE INFORMATION**
- 8-2-6 LICENSE DENIAL OR REVOCATION**
- 8-2-7 PENALTY FOR FALSE STATEMENT**
- 8-2-8 SEPARATE LICENSE FEE**
- 8-2-9 TRANSFER OF LICENSE**
- 8-2-10 LICENSE FEE REFUND**
- 8-2-11 LIENS AND PRIORITY**

8-2-1 LICENSE REQUIREMENTS

- A. Pursuant to NMSA 1978, Sections 3-38-1 through 3-38-6, all persons, firms, corporations or associations of any character engaged in any of the various pursuits, business or occupations listed in Section 8-2-2 and not otherwise exempt by law shall, before commencing business and annually thereafter before the sixteenth day of March, secure a license from the City under the procedures herein set forth and shall pay a license fee in advance at the rate set in Section 8-2-2 for each location where such business is conducted.
- B. In the event that any license fee due here under for renewal shall not be paid by the fifteenth day of March or any applicable license fee is not paid before commencement of business, a penalty in the amount of \$10.00 shall be added in addition to the registration fee.

8-2-2 BUSINESS REGULATION FEE

The following pursuits, businesses or occupations are hereby required to be licensed and the fees set forth are required to be paid to the City for each place of business conducted by the same person, firm, corporation or association.

- A. Itinerant or travel shows, circuses, carnivals, wrestling or boxing exhibitions, operatic and theatrical or other public exhibitions at a rate \$25.00 per day, provided however, that if any shows shall not be operated in a permanent building and shall use locations requiring cleaning after the conclusion thereof, a deposit of \$100.00 shall be made to the City to be refunded if the City certifies that such temporary location has been satisfactorily cleaned of refuse and debris deposited there as a result of such performance.
- B. Fortune tellers clairvoyants, palmists and similar trades whether the same is a principle business pursuit or incidental to another, at a rate of \$25.00 for the first day and at a rate of \$10.00 for each succeeding day.
- C. Itinerant vendors of all kinds who sell merchandise or services or any character, whether delivery is made by them or not, or who shall temporarily bring into the City, stocks of goods, wares or merchandise and offer the same at public auction or private sell, or who shall offer to perform services for a period of time less than 2 weeks, at a rate of \$25.00 for the first day and for each succeeding day to: 1) traveling salesmen or drummers taking orders for merchandise to be delivered to retail dealers only; 2) any person selling fruits, farm or garden produce of his own raising; 3) sales of merchandise or services within markets or flea markets having a single location used as a market or flea market for 3 or more vendors on a regular basis and providing further however, that nothing herein shall be construed to be a repeal of Section 7-3-5 of the Code of the City of Rio Communities that prohibits certain door-to-door sales.
- D. Street stands, except where conducted for charity, at a rate of \$50.00 per year provided however, that this Section shall not apply to garage sales

8-2-3 APPLICATION LICENSE PROCEDURE

- A. It shall be the duty of all persons prior to engaging in any business described in Section 8-2-2 herein to obtain an application from the City Clerk or Treasurer. Such application shall contain information concerning the name of the person, firm, corporation or association undertaking the business; a complete address, both in the City and elsewhere of such person firm, corporation or association, together with a description of the nature of the business to be conducted.

Page 2 of 4

- B. Such application shall also comply with Section 8-2-7 hereof and contain information sufficient to show compliance with all other ordinances of the City.
- C. The completed application shall be returned to the City Clerk or Treasurer with all information and payment of the fee imposed in Section 8-2-2.

8-2-4 CITY CLERK

It shall be the duty of the City Clerk to provide suitable licenses to be furnished; all licenses and each license shall be prominently displayed at the place of business for which it is issued.

8-2-5 LICENSEE INFORMATION

No license permit shall be issued hereunder unless the applicant for a license shall furnish to the City Clerk a current New Mexico Taxpayer Identification Number or evidence of application for a current taxpayer identification number pursuant to NMSA 1978, Section 3-38-4(C).

8-2-6 LICENSE DENIAL OR REVOCATION

- A. No license shall be issued without a properly completed application as herein before set forth, and without compliance with Section 8-2-5 of this Code as applicable.
- B. Any license applied for may be denied or any license issued may be revoked upon a finding by the City, after a person seeking or holding a license has been heard, that it is in the public interest that the license be denied or revoke

8-2-7 PENALTY FOR FALSE STATEMENT

- A. No person, firm, agent or corporation shall make a materially false statement for a business license.
- B. A materially false statement on any application for a business license shall be cause for denial or revocation of the license plus other penalties as shall be provided in the Code of the City or Rio Communities or New Mexico Statutes.

8-2-8 SEPARATE LICENSE FEE

Separate license fees shall be imposed upon and a separate license issued for each place of business that is conducted by the same person, firm, corporation or association.

8-2-9 TRANSFER OF LICENSE

Licenses shall not be transferable without the consent of the City Council by resolution duly adopted and shall not be transferable in any event unless the stock of merchandise covered thereby shall remain intact and in the same location within the City. A proposed transferee must meet all the requirements as set forth herein for a license.

8-2-10 LICENSE FEE REFUND

No license fees paid hereunder shall be refunded except in cases where the license issued is revoked by the City in furtherance of the public interest and then, only those daily fees that were paid in advance and that were unused at the time of the revocation shall be refunded.

8-2-11 LIENS AND PRIORITY

- A. The license fee fixed as herein before provided shall be and constitute a lien in favor of the City upon personal property of the person, firm, business or corporation used in connection with said business, from the time that such license fee is fixed. The lien may be enforced as provided in NMSA 1978, § § 3-38-1 through 3-38-6.
- B. Such a lien shall have priority over any lien or encumbrance what so ever, except the lien of state and county taxes, and no property of any person, firm, business or corporation shall be exempt from levy and sale or execution issued for the collection of judgment for any such fee.
- C. No sheriff, receiver, assignee, master or other officer shall sell the property of any person, firm, business or corporation subject to such license fee under process for order of court without first ascertaining from the City Clerk, the amount of any license due, owing or unpaid; it shall be the duty of such officer first to pay the amount thereof out of the proceeds of such sale before making payment of money to the judgment creditor or other person at whose instance such sale is had.

End of Document

Draft: April 8, 2014

CITY OF RIO COMMUNITIES, NM

Ordinance No: 2014-09

CHAPTER 8 BUSINESS LICENSES

ARTICLE 1 BUSINESS LICENSE REGISTRATION

- 8-1-1 AUTHORITY**
- 8-1-2 IMPOSITION OF BUSINESS REGISTRATION FEE**
- 8-1-3 EXEMPTION**
- 8-1-4 APPLICATION TO DO BUSINESS**
- 8-1-5 RENEWAL**
- 8-1-6 APPLICATION**
- 8-1-7 PENALTY**

8-1-1 AUTHORITY

Pursuant to NMSA 1978, Sections 3-38-1 and 3-38-3(A), the City shall, by ordinance, charge a business registration fee on each person, firm, corporation, association or place of business conducted within the City.

8-1-2 IMPOSITION OF BUSINESS REGISTRATION FEE

There is imposed on each place of business conducted in the City a business registration fee of thirty-five dollars (\$35.00). Such fee is imposed pursuant to NMSA 1978, § 3-38-3(A) as it now exists or shall be amended and shall be known as the "Business Registration Fee." Moreover, the business registration fee may not be prorated for business conducted for a portion of the year.

8-1-3 EXEMPTION

Pursuant to NMSA 1978, § 3-38-1, no business registration fee shall be imposed on any business that is licensed under Sections 8-2-3 or 8-2-4 of the Code of the City of Rio Communities.

8-1-4 APPLICATION TO DO BUSINESS

Any person who proposes to engage in business within the City limits after July 1, 2013 shall, before engaging in business, apply for and pay a business registration fee for each outlet, branch or location within the City limits, unless such person is required to obtain a license under Section 8-2-3 of this Code.

8-1-5 RENEWAL

Before March 16th of each year, any person with a place of business within the City limits and subject to this Ordinance shall apply for a renewal of business registration with the City Clerk.

8-1-6 APPLICATION

Any person filing an application for issuance or renewal of any business registration shall include in the application, their current revenue division taxpayer identification number or evidence of application for a current revenue number or evidence of application for a current revenue division taxpayer identification number. The applicant shall also produce and maintain, if applicable, State Licensing and Certificates to the type of business conducted.

8-1-7 PENALTY

Notice shall be mailed to any person or business within ten (10) days after due date, who fails to pay the annual registration fee. Notice shall be registered letter return receipt requested. If within seven (7) days of receiving the letter, the fee has not been paid, then the business and or person shall be subject to a penalty of ten dollars (\$10.00) in addition to the registration fee.

History: 2013 Comp., ch. date.

End of Document



CITY OF RIO COMMUNITIES
360 Rio Communities Boulevard
Rio Communities, NM 87002
505-861-6803



BUSINESS REGISTRATION APPLICATION
Instructions for Completing Application

- ☐ 1. Check the appropriate box indicating the type of business.
- ☐ 2. Enter the information for the business and the business owner.
- ☐ 3. Enter the state tax id number for the business. Information on obtaining a tax id can be found at <http://www.tax.state.nm.us/BizPge.htm>
- ☐ 4. If the state of New Mexico requires a license for your business to operate, provide the ID#.
- ☐ 5. Obtain the signature of the property owner where the business will be conducted if property owner is different than the applicant.
- ☐ 6. Present the application form to the Municipal Clerk at City Hall. This will trigger Code review, building and zoning code compliance, and fire inspection.
- ☐ 7. The Code Enforcement Officer may contact you to schedule a building inspection.
- ☐ 8. The Fire Inspection Officer will contact you to arrange a fire safety inspection.
- ☐ 9. The New Mexico Environmental Department may call to arrange a food safety inspection, and a Grease trap inspection if necessary.
- ☐ 10. Submit Home Occupation permit if required.
- ☐ 11. Read parking requirements and restrictions.
- ☐ 10. Submit completed sign permit, no charge, signs prior to Jan 01, 2015 are grandfathered.
- ☐ 12. Sign and date the application.
- ☐ 13. Pay the required fees (\$35.00) and receive a receipt.
- ☐ 14. The Municipal Clerk/Deputy clerk will contact you to pick up your paperwork and new business license.
- ☐ 15. You may choose to do these last two steps by mail.
- ☐ 16. Post the business license in a conspicuous location at the place of business.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT:

Lisa Adair
Municipal Clerk
admin@riocommunities.net

Amy Lopez
Deputy Clerk
info@riocommunities.net

Gordon Reeves
City Code Enforcer
Code.Enforcer@riocommunities.net

City of Rio Communities, NM

Application for Business Registration Form

Instructions:

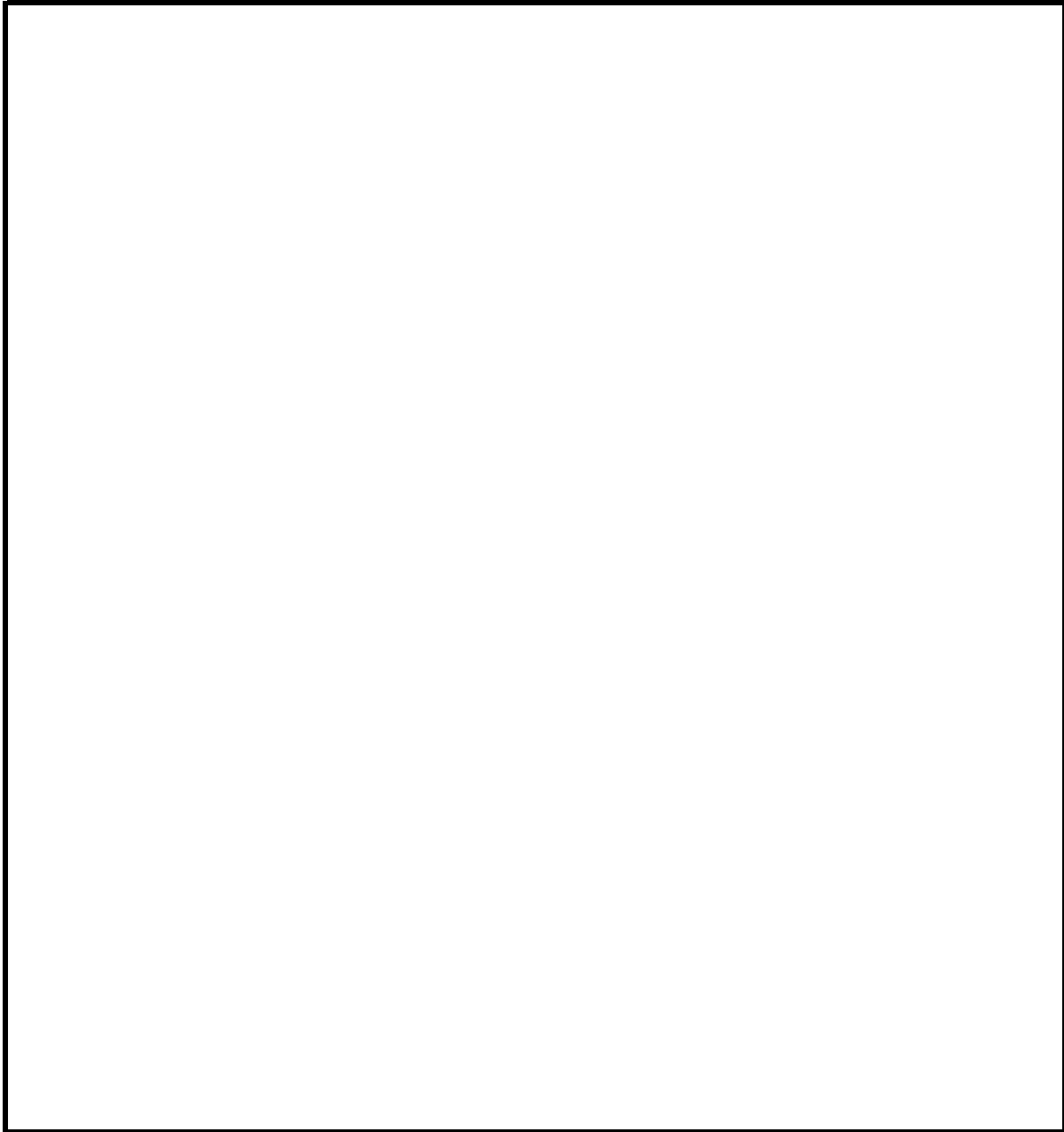
1. Please fill out only pages 1 and 2.
2. If you do not have a CRS number, you can obtain one on-line at the state by going to:
(www.tax.newmexico.gov/businesses/register-your-business.aspx).
3. Provide a drawing of your business building on page 2, showing exits and fire hazards.
4. Page 3 is for office use only.
5. Please bring completed packet to City Hall or mail to:
360 Rio Communities Blvd, Rio Communities, NM 87002
6. Pay Fee:
 - ☐ New Business: \$35.00 (waived for the 2022 business year)
 - ☐ Business Renewal: \$35.00 (waived for the 2022 business year)
 - ☐ Business Renewal after March 15th: \$45.00(waived for the 2022 business year)
7. City Hall will notify you, when your license is ready.

City of Rio Communities Application for Business Registration Form			
Check Appropriate Box			Official Use Only
<input type="checkbox"/>	Home Occupation (Municipal Code Chapter 4, Article 7)		<input type="checkbox"/> New
<input type="checkbox"/>	Business within City Commercial/Industrial Zones (City Code Chapter 4, Article 3)		<input type="checkbox"/> Renewal
			Permit #
Business Name:			
Business Owner's Name:			
Location of Business:			
Street:	City:	State:	Zip:
Address of Business Owner:			
Street:	City:	State:	Zip:
Business Phone:	Cell #:	E-mail:	
		Fax:	
NM CRS #:		Business Product & Activity:	
State License #:			
Business Type: (Check One): <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> LLC			
Expected Business Hours:			
Building is used for:			
Property Owner Name (if different than applicant):			
Property Owner Mailing (if different than applicant):			
Street:	City:	State:	Zip:
Home Occupations Only:			
Customers coming to home? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Anticipated traffic/day:		Amount of Employees:	
Will Sign be placed in window?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Any manufacturing on site?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Will merchandise be sold at site?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Will stock/merchandise be stored at the site?		<input type="checkbox"/> Yes <input type="checkbox"/> No	

FOR FIRE INSPECTION:

Please provide a simple drawing including outside dimensions. Please show location of exits and storage of potential fire hazards.

How many stories is building structure? _____



Application for Business Registration Form City of Rio Communities, NM		
DO NOT WRITE BELOW THIS LINE		
Code Compliance and Zoning Approval:	Zoning District:	
Planning and Zoning or Code Enforcement	Fee for review:	
<small>(The business is a permitted use, approved conditional use or approved special use in this location.)</small>		
Printed Name:	Date:	
Printed Title:	Signature:	
<input type="checkbox"/> City Building Inspection:		
<small>(Must be filled out by City Building Inspector or Code Enforcement Officer for Rio Communities, NM)</small>		
Fee for Building Inspection		\$0.00
Building Inspection:		
Printed Name:	Date:	
Printed Title:	Signature:	
<input type="checkbox"/> Fire Inspection :		
<small>(Must be filled out by Fire Department Representative for Rio Communities, NM)</small>		
Fee for Fire Inspection		\$0.00
Fire Inspection:		
Printed Name:	Date:	
Printed Title:	Signature:	
<input type="checkbox"/> Food and Beverage Inspections:		
<small>(State of NM Environmental Dept.)</small>		
Fee for Food and Beverage Inspection:		
Restaurant Inspection:		
Printed Name:	Date:	
Printed Title:	Signature:	
<input type="checkbox"/> Grease Trap Inspection:		
<small>(State of NM Environmental Dept.)</small>		
Fee for Grease Trap Inspection:		
Grease Trap Inspection:		
Printed Name:	Date:	
Printed Title:	Signature:	