



City of Rio Communities Council Regular Business Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Monday, June 10, 2024 6:00 PM
Agenda

Please silence all electronic devices.

Mayor - Joshua Ramsell
Mayor Pro Tem – Lawrance R. Gordon
Council - Arthur Apodaca, Thomas Nelson, Matthew Marquez

Call to Order

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Consent Agenda

1. Approval of Minutes for April 1, 2024, April 16, 2024, April 22, 2024

2. Approval of Accounts Payable

Public Comment: The Council will take public comments in written format. These should be emailed to admin@riocommunities.net through 4:45 PM on Monday, June 10, 2024. These comments will be distributed to all Councilors for review. If you wish to speak during the public comment session, the Council will allow each member of the public to three (3) minutes to address the Council. Both the public and Council will follow rules of decorum. Give your name and where you live. The public will direct comments to the City Council. Comment(s) will not be disruptive or derogatory.

The Council will not take action or engage in discussion regarding the comments made or received, but when appropriate the matters raised may be referred to staff or others for further review. Both the public and Council will follow rules of decorum. Derogatory Comments or matters under litigation will not be allowed and any person or persons addressing the Council are liable for their own statements, not the Council. Statements are limited to a maximum of 3 minutes duration. Please give your name and where you live for the record.

Manager Report

Action Items

2. **Discussion, Consideration, and Decision – Up Ahead Software**
3. **Discussion, Consideration, and Decision – Appointment of Alternate Judge**
4. **Discussion, Consideration, and Decision – Approval to Increase Court Clerk Hours**
5. **Discussion, Consideration, and Decision – Approval to Hire Executive Recruiting Firm for Municipal Clerk & Finance Officer**
6. **Discussion, Consideration, and Decision – Resolution 2024-XX, Declaring 407 Horner Street Parcel # 1010027140105000000, Dangerous / Nuisance Property**
7. **Discussion, Consideration, and Decision – Resolution 2024-XX, Declaring 96 Norma Street Parcel # 1010028400128000020, Dangerous / Nuisance Property**
8. **Discussion, Consideration, and Decision – Partner with Valencia County Efforts to Restore Willie M. Chavez Park**

Council Discussion

Adjourn

Please join us from the comfort and safety of your own home by entering the following link: @
<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 of Rio Communities Council Special Business Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Monday, April 01, 2024 6:00 PM
Minutes

Please silence all electronic devices.

Mayor - Joshua Ramsell

Mayor Pro Tem - Lawrence R. Gordon

Council - Arthur Apodaca, Thomas Nelson, Matthew Marquez

Call to Order

Mayor Ramsell called the meeting to order at 6:04pm.

Pledge of Allegiance

Councilor Marquez led the pledge of allegiance.

Roll Call

Governing Body

Mayor Joshua Ramsell
Councilor Lawrence Gordon
Councilor Thomas Nelson
Councilor Art Apodaca
Councilor Matthew Marquez

Staff

Manager Dr. Martin Moore
Deputy Clerk Lalena Aragon
Police Chief Felix Nunez
City Attorney Cori Strife

Approval of Agenda

Motion by Apodaca to approve the agenda as presented. Seconded by Councilor Gordon.

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote

Public Hearing - Playa Vista Group- Business Manufacturing: Proposed Location UPC

1009026365015000000 Subd: PLAYA ESTATES Tract: PARCEL 23 33.40 ACRES 1994 SPLIT, UPC

1010025060475000000 Subd: PLAYA ESTATES Tract: PARCEL 24 47.01 ACRES 1994 SPLIT, UPC

1010025376425 Subd: PLAYA ESTATES Tract: 18A 42.01 ACRES PLAT M-526, UPC

1010026480040000000 Subd: PLAYA ESTATES Tract: PARCEL 17 33.82 ACRES 1994 SPLIT, UPC

1010026320050000000 Subd: PLAYA ESTATES Tract: PARCEL 19 54.00 ACRES 1994 SPLIT, UPC

1010026397131000000 Subd: PLAYA ESTATES Tract: PORTION OF PARCEL 16 REMAINING 16.44

ACRES 2006 REV, UPC 1010026294187000000 Subd: PLAYA ESTATES Tract: SOUTH PORTION OF

PARCEL 15 5.65 ACRES 2006 SPLIT, UPC 1010026270120000000 Subd: PLAYA ESTATES Tract: PARCEL

14 19.56 ACRES 1994 SPLIT, UPC 1010026150145000000 Subd: PLAYA ESTATES Tract: PARCEL 11

14.52 ACRES 1994 SPLIT, UPC: 1010026145085000000 Subd: PLAYA ESTATES Tract: PARCEL 12 14.29

ACRES 1994 SPLIT, UPC 1010026105020000000 Subd: PLAYA ESTATES Tract: PARCEL 21 23.4 5 ACRES

1994 SPLIT, UPC 1009026490035000000 Subd: PLAYA ESTATES Tract: PARCEL 22 35.56 ACRES 1994 SPLIT

Motion and roll call vote to recess Council Special Business Meeting session and to go into Public Hearing

Motion with a roll call vote made by Councilor Nelson to recess the Council Regular Business Meeting Session and go into a public hearing for the Legal Description listed above seconded by Councilor Gordon at 6:13pm.

Voting Yea:

Councilor Gordon

Councilor Nelson

Councilor Marquez

Councilor Apodaca

Motion passed with a 4-0 vote

Mrs. Everett was sworn in and gave a presentation. The council asked Mrs. Everette questions regarding quiet times, rail spur and sewage and water usage.

Mr. Irvine was sworn in and talked about his concerns for the community opposing this application a year ago and his concern for the traffic on Highway 304. He continued to talk about his concerns of what kind of manufacturing could come into the city.

Maria Gonzalez stated that they don't want this in their backyard and talked about the dust it will create. She stated that it should be on a ballot for the citizens to vote on.

Lisa Holyk talked about her concerns of views, property values and wanting to live in a small community without all the traffic.

Michale Tedesco talked about his concern of what types of business, he requested this zone change be put on a ballot.

Mrs. Craig talked about the meetings last year and stated not all of the residents that attended last year were for it. He stated that it is against the will of the community.

Thomas Whalen stated that there is plenty of land in New Mexico that is zoned for this. He talked about his concerns of what the city will be responsible for, and taxes bring raised.

Monique Marquez talked about her concerns of storage of petroleum being transported and her concerns of minimum jobs. She then stated to put it on the ballot.

Lodie Silva also agreed this should be placed on the ballot. She asked Council to do their research and her concerns for the buffer zone. She suggested that the zoning code get changed immediately. She also talked about how loud a rail spur could be.

Ron Gentry asked if the city only notified Rio Communities resident. He talked about his land and stated that he has land that falls within 100 feet of the property in question.

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

Motion made by Councilor Marquez to table the Public Hearing and Public Comments to April 16, 2024. Seconded by Councilor Nelson.

Voting Yea:

Councilor Gordon

Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote

Motion made by Councilor Nelson to go back to the Regular Special Business meeting. Seconded by Councilor Apodaca at 7:16pm.

Public Hearing - Playa Vista Group- Commercial 2 Zone Proposed

Location UPC:1010026397131000000 portion of parcel 16 4.56 acres, UPC:1010026480040000000 parcel 17 15.13 acres, UPC:1010025376425 parcel 18A

Motion and roll call vote to recess Council Special Business Meeting session and to go into Public Hearing.

Motion made by Councilor Nelson to recess Council Special Business Meeting session and to go into Public Hearing for the legal description listed above. Seconded by Councilor Gordon at 7:18pm.

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote

Lodie Silva asked for some more details about the permissive uses in C2. She asked since they do not require a special use permit, then will they still have to come in front of the council for permission. For instance, a strip mall wants to come in and a nail salon wants to come in, they will have to get permission. The Attorney explained that a strip mall will have to come in front of Planning and Zoning and continued to explain the process after the zone change is made.

Maria Gonzalez talked about other properties in the city that are already zoned for commercial 2 and why they would want to add new ones. What guarantee is there that these new properties won't be abandoned.

Motion made by Councilor Nelson to table the Public Hearing and Public Comments to April 16, 2024. Seconded by Councilor Marquez.

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote

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

Councilor Nelson made a motion with a roll call vote to go back into Council Special Business Meeting. Seconded by Councilor Gordon at 7:36 pm.

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez

Councilor Apodaca

Motion passed with a 4-0 vote

Public Hearing - Playa Vista Group- Commercial 2 Zone Proposed Location - UPC:

1009026375240000000 parcel 5 11.52 acres, UPC:1009026375140000000 parcel 7 27.26 acres

Motion and roll call vote to recess Council Special Business Meeting session and to go into Public Hearing

Motion made by Councilor Apodaca with a roll call vote to recess Council Special Business Meeting session and to go into Public Hearing for the legal description listed above. Seconded by Councilor Gordon at 7:37pm.

Voting Yea:

Councilor Gordon

Councilor Nelson

Councilor Marquez

Councilor Apodaca

Motion passed with a 4-0 vote

Council went into a Public Hearing.

Maria Gonzalez talked about her concerns about traffic and damage to the roads.

Dick Irvin was sworn in and suggested it be put on a ballot.

Motion made by Councilor Nelson to table the Public hearing and Public Comment until April 16, 2024. Seconded by Councilor Marquez.

Voting Yea:

Councilor Gordon

Councilor Nelson

Councilor Marquez

Councilor Apodaca

Motion passed with a 4-0 vote

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

Motion Gordon to go back into Council Special Business meeting. Seconded by Councilor Apodaca at 7:49pm.

Voting Yea:

Councilor Gordon

Councilor Nelson

Councilor Marquez

Councilor Apodaca

Motion passed with a 4-0 vote

Adjourn

Motion made by Councilor Nelson to adjourn at 7:49pm. Seconded by Councilor Gordon. The motion carried.

Respectfully submitted,

Dr. Martin Moore, (Acting) Municipal Clerk
(Taken and Transcribed by Lalena Aragon, Deputy Clerk)

Date: _____

Approved:

Joshua Ramsell,
Mayor

Lawrance R. Gordon,
Mayor Pro-tem/Councilor

Arthur Apodaca,
Councilor

Thomas Nelson,
Councilor

Matthew Marquez,
Councilor



City of Rio Communities Council Special Business Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Tuesday, April 16, 2024 6:00 PM
Minutes

Please silence all electronic devices.

Mayor - Joshua Ramsell
Mayor Pro Tem - Lawrence R. Gordon
Council - Arthur Apodaca, Thomas Nelson, Matthew Marquez

Call to Order

Mayor Ramsell Called the Meeting to order at 6:08pm.

Pledge of Allegiance

Councilor Apodaca led the Pledge of Allegiance

Roll Call

Governing Body

Mayor Joshua Ramsell
Councilor Lawrence Gordon
Councilor Thomas Nelson
Councilor Art Apodaca
Councilor Matthew Marquez

Staff

Manager Dr. Martin Moore
Deputy Clerk Lalena Aragon
Police Chief Felix Nunez
City Attorney Cori Strife

Approval of Agenda

Motion made by Councilor Gordon to approve the agenda as presented. Seconded by Councilor Nelson.

Voting Yea:

Councilor Gordon
Councilor Apodaca

Voting Nay:

Councilor Nelson
Councilor Marquez

Motion passed with a 2-2 vote Mayor breaking the tie

Will Gleason a representative from the Playa Vista Group gave a presentation.

Continuation of Public Hearing from April 1, 2024 Special Meeting - Playa Vista Group- Business Manufacturing: Proposed Location UPC 1009026365015000000 Subd: PLAYA ESTATES Tract: PARCEL 23 33.40 ACRES 1994 SPLIT, UPC 1010025060475000000 Subd: PLAYA ESTATES Tract: PARCEL 24 47.01 ACRES 1994 SPLIT, UPC 1010025376425 Subd: PLAYA ESTATES Tract: 18A 42.01 ACRES PLAT M-526, UPC 1010026480040000000 Subd: PLAYA ESTATES Tract: PARCEL 17 33.82 ACRES 1994 SPLIT, UPC 1010026320050000000 Subd: PLAYA ESTATES Tract: PARCEL 19 54.00 ACRES 1994 SPLIT, UPC 1010026397131000000 Subd: PLAYA ESTATES Tract: PORTION OF PARCEL 16 REMAINING 16.44 ACRES 2006 REV, UPC 1010026294187000000 Subd: PLAYA ESTATES Tract: SOUTH PORTION OF PARCEL 15 5.65 ACRES 2006 SPLIT, UPC 1010026270120000000 Subd: PLAYA ESTATES Tract: PARCEL 14 19.56 ACRES 1994 SPLIT, UPC 1010026150145000000 Subd: PLAYA ESTATES Tract: PARCEL 11 14.52 ACRES 1994 SPLIT, UPC: 1010026145085000000 Subd: PLAYA ESTATES Tract: PARCEL 12 14.29 ACRES 1994

SPLIT, UPC 1010026105020000000 Subd: PLAYA ESTATES Tract: PARCEL 21 23.4 5 ACRES 1994 SPLIT, UPC 1009026490035000000 Subd: PLAYA ESTATES Tract: PARCEL 22 35.56 ACRES 1994 SPLIT
Motion and roll call vote to recess Council Special Business Meeting session and to go into Public Hearing

Motion made by Councilor Gordon to go into a Public Hearing for the percales listed above. Seconded Councilor Apodaca.

Voting Yea:

Councilor Gordon

Councilor Nelson

Councilor Marquez

Councilor Apodaca

Motion passed with a 4-0 vote at 6:25pm

Miller Karnes was sworn in. He stated that this is not to the benefit of the City. He stated that he has talked to about 20 – 30 people and they are against it. It is very vague.

Merita Wilson was sworn in. She stated she is in favor of the change that will allow for the rezoning of planned development land to business manufacturing. She stated that the founders envisioned this city to develop into a thriving community with parks and walking paths. This vision will not happen unless the city welcomes business that will provide a desperately needed tax base to fund the basic needs. She would like to believe that the Economic Commission is working to provide growth and tax dollars like those seen in progressive cities. In the eight years she has lived in Rio Communities she has seen is a part-time police department, a one room library without a librarian, a rarely used makers space and the remodel of city hall from tax dollars. City services cost money and we cannot rely on grants to pay for everything the city needs. She went for a drive into an existing industrial park and each business had maintained buildings. She saw what a railroad spur looks like and spoke to a business owner, and they do pay taxes. Business manufacturing will bring business that will bring tax revenue, employment and added rooftops.

Jody Skelton stated that the city has no economic development committee. For the past few years, she has stood behind the Councils and now is asking the Council to support us. Over the last year the community has voiced their concerns over the zone change with the vast majority in opposition of it. She has talked to her neighbors about the distance of a railroad spur to homes. She has not found a city that is so lacking. There are no regulations in place to decide who will maintain, it the hours, special use permit, what they can or can't transport and how long a box cart can sit on the track. Our houses already face settling issues and because of this, I urge you to vote no. She stated the intent isn't to benefit the city. The city is struggling to maintain the roads. She is not against the growth, but she is against growth that will harm the city.

Alan Sinclair stated that he doesn't believe that the city has the infrastructure to maintain the zone change. He talked about the peanut factory fire in Portales. He stated that the city will only get property taxes not GRT and that the roads don't have the compacity of the semi-trucks. The city doesn't know what they will be bringing in and how can the residents trust what the Playa Vista group is saying. He urges the council to vote no.

Leslie Helgeson was sworn in and stated she has lived in the City for nine years. We moved here because of how peaceful the city is. She stated we want resources we need help. She is all in favor of economic growth. She would like to support community business. She sees that New Mexico has weak laws on how they protect their land. She would like to see the proper use of land to benefit the community with good infrastructure. People want to be assured of what is coming into the City and that a rail spur will move the land that can move the foundation of houses. She would like Harvy Yates to come forward on what he is doing. If he tells us what he is doing she is all for it. If he doesn't come forward with what his intension are she is against it.

Kathy Gurule was sworn in. She stated I am amazed we are back here again, and she thinks it should be put on a ballot not having a small group of people making this decision. The fact the city is revisiting this has made her lose all confidence of the governing body of Rio Communities.

Carol Hunter was sworn in. She stated she lives here because it is quiet, it is a retirement community. It was developed as a retirement community, and it should stay a retirement community. We are a bedroom community to Albuquerque and Los Lunas. She has talked to residents that live next to the new building going up. She stated that the City's ordinances are not strict enough or sturdy enough. There are studies that haven't been done or even a site plan. She stated if they need a railroad spur, they are not going to be doing light manufacturing. She suggests that they put this off until the city can do this right.

Lydia Urbe was sworn in. She stated that she can't believe this is in front of us again. She still has no idea what will go on this property. We need more studies and deserve to know what is going to be developed. Given the circumstance I urge you to vote no.

Robert Kaneshiro was sworn in. He stated he is a lifelong resident of Rio Communities. It was nice and peaceful until Mr. Yates brough this idea of an industrial park next to an already existing industrial park that isn't full. This is very vague. He is all about jobs and stated his concerns of windstorms and the dust. He stated that this is the dessert, it is sand and if it is disturbed what is it going to do. He stated that he was in opposition to the proposal last time and still against this proposal. There are plenty of areas that business can grow, and it hasn't. He believes it should be put to the vote of the people.

Marilyn Winters stated she has lived in the city for 18 years and has not had issues with the rail spur. She stated she has heard more noise from the railroad in Belen. Any new business must come before Council. She talked about the community screaming, for parks, clean streets. That all requires a source of revenue. Revenue comes from taxes, the ones screaming the loudest are the ones against this, they can't have it both ways. Either we grow, or we stay the same with limited police service, poor roads and limited public works. She encourages the council to approve the rezoning request.

Edward Gallegos was sworn in. He stated that he wanted to make sure parcel 11 was removed from the agenda.

Michael Carroll was sworn in. He stated he is a nurse and has children and grandchildren here. I would like to see my family stay here. He has stated that many people have to leave the area due to no jobs. He stated that he would like to see his children live in Rio Communities. He sees the community saying they want roads, parks, rec center bike trails, police protection, fire protection, and good schools. He

stated those things are not going to happen here unless the city has a broad tax base that will come from business and industry. It won't come from gross receipt tax from Dollar General or the gas station. None of them will provide the money that will fund these things. Where there are industries, the city will have nice things. He stated that hearing the rail yard is the residue of life and he knows that the railroad is a good paying job. He stated that there are two stages of life either in a human body or a community. It is growth or death and as soon as things stop growing, they die.

Kent Wolford was sworn in. He stated that he had come to the last meeting. He stated he chose Rio Communities as a home, and he is concerned about the zone change and not being specific on businesses that may be coming in. He recommends voting against it until they give more information.

Ron Gentry was sworn in. He stated that he started out in Belen with the industrial park. He stated that nobody is moving into the existing industrial park. The only businesses that moved in is because they got federal money. He stated that there is no labor force here.

Betsie Ramsell was sworn in. She stated that there is a handful of individuals with misinformation all over social media of the ordinance. She stated that there is no longer an I3 zone and in the ordinance, there is no bulk storage of any kind. She stated that the city will benefit from the rezoning, this will allow to bring jobs and new growth of citizens.

Michale Tedisco stated he isn't against growth he is concerned about what is not being said. He understands that the Playa Vista group is putting a lot of money into this. They will not spend money if there wasn't something for their back pockets. He stated that the city does need money, but they need to be careful about who we let in there.

Robert Chavez was sworn in. He stated that where the city is now from 10 years ago, he is proud of where it is. He stated that the city needs to grow to keep from dying and GRTS are important to have a healthy city. He feels that the ordinances are evolving, and they can protect the city and is asking for people to be open minded.

Dick Irvine was sworn in. He stated that he is requested that this be put on a ballot.

Maria Gonzalez was sworn in. She asked the Council and City Manager to vote no and that most community members are not aware that we are back here. The city has been 10 years without Yates and asked to slow this process down and all concerned citizens should be able to ask questions. She requested this be put on the ballot.

Hedi Craig was sworn in. She talked about her concerns of removing residential property and turning it into commercial and asked for an environmental impact study.

Lodie Silva was sworn in. She talked about zoning permits and permissive uses and that the city won't have any control over. She then talked about comprehensive plans and land use.

Monique Marquez was sworn in. She talked about property tax revenues being exempt from these types of industries and the zoning code is a mess.

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

Motion made by Council Gordon to go back to Special Business session. Seconded by Councilor Apodaca

Voting Yea:

Councilor Gordon

Councilor Nelson

Councilor Marquez

Councilor Apodaca

Motion passed with a 4-0 vote at 7:46pm

Councilor Marquez asked about the buffer zone only on the north end of and according to the City ordinance it states it should be on all sides of business manufacturing and that commercial 2 zone also require a buffer zone.

Mr. Gleason responded that the applicant would comply with any rules.

Councilor Marquez asked if Playa Vista group has reimbursed the City for the cost of mailing out notifications.

Mr. Gleason stated that they have not but will pay for the postage.

Councilor Marquez asked if the zone change was denied will the Playa Vista group still go through with providing the road.

Mr. Gleason stated that they would not if the zone change is not approved.

Councilor Marquez asked if the road was for large trucks.

Mr. Gleason stated that it isn't only for the large trucks.

Councilor Marquez asked If Mr. Gleason had any idea of how much revenue the zone change would bring in.

Mr. Gleason stated he did not.

Councilor Marquez asked if the developer would maintain the road or would it be deeded to the City.

Mr. Gleason stated that the developer would pay the cost of the development of the road and deed it to the city.

Councilor Marquez asked why the Playa Vista Group didn't try to go with the County.

Mr. Gleason stated that the land is within the City limits and doesn't think that there is a State provision in the state statute to de annex from a particular Municipality and going back into the County.

Mr. Marquez asked about an environmental impact statement.

Mr. Gleason stated one has not been done due to this being a zone change only and studied will be done down the road.

Councilor Marquez asked about his concerns of the city not being able to build homes due to the limited water and sewer.

Mr. Gleason stated that he believes they have the compacity to increase the compacity o this system

Councilor Marquez asked when we strengthen our zoning ordinance will they comply with the zoning ordinance.

City Attorney stated that anything that doesn't exist will have to comply with the newest zone ordinance.

Councilor Marquez asked if there are any plans to Communicate with the County due to the Highway being part of the County.

Mr. Gleason stated that both Highway 304 and Highway 47 are DOT jurisdiction.

Councilor Nelson asked I they would be willing to put a ditch valley or acoustic fencing to protect us from the noise if approved.

Mr. Gleason stated he couldn't answer that.

Mayor Ramsell asked about the rail spur and stated it is completely skeptical that his understanding there hasn't been no application made either to the State or the Federal government who regulates those, the federal government regulates those at nation level. His question about the rail spur specifically is that his understating the BNSF doesn't currently operate on that rail spur unless they're specifically asked to by a potential company. His understating is that New Mexico translating operates and that there is very light usage right now. He also understands that they have very low speed that they operate.

Mr. Gleason stated the speeds are below 15mph or even below 10 mph.

Mayor Ramsell stated that to BNSF they do not like to operate on the rail spur during the nighttime hours because it is not very safe for the train crews or anyone else out there, due to limited visibility and safety issues. Would having any activity on a small rail spur that's operating very slowly in your opinion have any impact. We have the main rail line that goes into the largest refueling HUB on this side of the Mississippi River 200 plus trains a day.

Mr. Gleason stated that he does not believe it will have any material impact on the chance of an earthquake.

Councilor Marquez asked if Mr. Yates may have talked to any potential industries wanting to move in.

Mr. Gleason said I do not have any information on that and if there has been any conversations it is a long way from having a conversation to a company committing to build a facility.

Councilor Nelson asked the community if the rail spur wasn't involved would they still be opposed to it. A community member stated yes, they would be being they don't know what is going in there. He then talked about discrepancy on the acreage. He stated that on the application it is 268 acers on the agenda 399.71 acers, on the facts and findings 278.47 acers.

Mr. Gleason answered that on the first two numbers quoted one was for all 3 zone requested the 268 is for for Business manufacturing the 272 may be for something that includes a right way.

City Attorney Cori Strife stated that the discrepancy may be due to parcel 11.

Councilor Nelson asked if the roads were taken out of the buffer zone would they still give a 300 ft buffer zone of all 4 sides of Business manufacturing.

Mr. Gleason stated if that's what's in the code now, they would comply with it.

Motion made by Councilor Gordon to remove parcel 11 UPC 1010026150145000000 and Description from the agenda for Playa Vista Group Business manufacturing by Councilor Gordon. Seconded by Apodaca.

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote

Continuation of Public Hearing from April 1, 2024, Special Meeting - Playa Vista Group- Commercial 2 Zone: Proposed Location UPC:1010026397131000000 portion of parcel 16 4.56 acres, UPC:1010026480040000000 parcel 17 15.13 acres, UPC:1010025376425 parcel 18A 4.71 acers

Motion and roll call vote to recess Council Special Business Meeting session and to go into Public Hearing

Motion by Councilor Gordon to recess Council Special Business Meeting session and to go into Public Hearing for Continuation of Public Hearing from April 1, 2024, Special Meeting - Playa Vista Group- Commercial 2 Zone for parcels listed above. Seconded by Councilor Apodaca.

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote at 8:28pm.

Michale Tedisco stated that he doesn't have an issue with the commercial 2 zone. He then talked about his concern of traffic volume.

Jody Skelton stated that in many cities the taxes go off by zip code does that mean Belen will get the gross receipt tax.

Leslie Henderson stated regarding any kind of usage for taxation she hopes they don't get any special treatment the city does need revenue, but her biggest concern is about the water and sewage.

Dick Irvine talked about a democracy explained that there are still a lot of questions not being answered. He continued to talk about his concerns with C2 permissions. He stated that our ordinance is very vague, and the city should tighten it up. He then said to put it on a ballot and let the people decide

Carol Romero talked about the beautiful 9-hole golf course in the 70s. She stated Horizon vista came in and built beautiful patio homes along the golf course people were paying 200k for a 1700 sq foot home that was a lot of money in the 70s. She talked about the property values dropped to a 80k and could hardly be sold. She stated that if this is passed the property values could drop to half.

Peggy Gutjahr was sworn in. She stated that she served on the Council for over 9 years. She was originally appointed and elected twice. She was determined to honor her commitments for citizen welfare, good quality of life, city growth and sustainability. She stated over the 9 years they had some difficult and contentious issues. She stated that the city always looked at the comments from the community and they reworked the zoning code with a zoning task force that included two members from Planning & Zoning, two council members and two citizens from the city. She urges the council to approve the application for the sustainability of the City of Rio Communities.

Councilor Nelson stated that he is still going back to the discrepancy of acres.

City Attorney stated that the approval from Planning & Zoning is 268 acres for business manufacturing. Highway 304 may be the discrepancy the acres.

Mayor Ramsell explained that the zip code is more than the five-digit number there is usefully a five- or four-digit number added to where it is shipping to that will determine the GRT and if you put Rio Communities that will also determine the GRT. He then stated NM water is a private company not a public utility.

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

Councilor Gordon motioned to go back into Council Special Business Meeting Session. Seconded by Councilor Apodaca.

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote 8:54pm

Motion made by Councilor Nelson to extend the public hearing curfew time from 9:00pm to 9:30pm.
Seconded by Councilor Gordon

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote

**Continuation of Public Hearing from April 1, 2024 Special Meeting - Playa Vista Group- Commercial 2
Proposed Location - UPC: 1009026375240000000 parcel 5 11.52 acres, UPC:1009026375140000000
parcel 7 27.26 acres**

Motion and roll call vote to recess Council Special Business Meeting session and to go into Public Hearing

Motion made by Councilor Nelson to extend the public hearing until 10:00 pm. Seconded by Councilor Apodaca.

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote

Motion made by Councilor Gordon to recess the Special Business meeting and go into continuation of public hearing for Playa Vista Group Commercial 2 for the parcels listed above . Seconded by Councilor Apodaca

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote at 9:07pm

Dick Irvin talked about all the vacant land in the area and the business that have closed in Belen. He then talked about the Fire department and the upgrades they will need. He then stated that big companies want to go where there is cheap labor and no unions. He stated the will of the people is to vote no.

Carol Romero stated that she is pro-business if it is put where it belongs. She doesn't think manufacturing belongs in the center of a residential area it belongs on the outlines. She suggested that the Council go to the areas that Yates has built and see what they are doing.

Maria Gonzalez stated that there are many concerned residents about the abandoned commercial building that are crumbling and now we are being asking to build more Commercial buildings. I am not

against development, but we need to be smart about it. It probably isn't on your watch that the buildings are crumbling but it is on your watch to make sure we don't have more.

Jan Gentry stated Rio Communities was a beautiful place with the air and the views of the mountains. When she sold property in Rio Communities, I didn't make promises that she didn't think she could keep. I don't feel that when they bought those properties, they ever imagined that there would be a big building in that area. People that bought properties are at risk and you hold their future in your hands, and they can lose money from the biggest investments of their lives. I ask that you do your homework and to please take this seriously.

John Thompson, I would like to share with you that we have a representative democracy. He would not want this on the ballot, it takes too much time to educate our self's. I was educated on this by Social Media they said it was going to be a lot of dome and glom which I oppose as of everyone else does. he stated he wants parks, Police, good roads, and other misc. things. He stated that railroad spurs are not noisy, and spurs will not cause an earthquake. He stated that when he moved here Los Lunas was small and Belen was a big town. Now Belen hasn't grown, and Los Lunas is a healthy growing city the difference is controlled growth of City Leaders. He talked about the city not enforcing the eye sore. He believes that Rio Communities must grow but hey need to grow in pace with the business. He stated that building 300 acers at once would not be successful without rooftops. He recommends taking it in chunks and making sure they are all successful.

Ron Gentry stated that Belen has an industrial park that no business is going into, why would they want one here when they already own one that is not being occupied. His understating is Mr. Yates is the president of the large industrial park Nobody is knocking on the doors to move in there, this could turn into a nightmare for the city. He stated this isn't a gross receipt industrial park. He stated the city needs to leave the residential part of the city to get the people in the city and then business will follow. He stated that the city doesn't have the money for all the departments that the County has, that is why they want to be part of the City.

Lodie Silva stated she does the best she can to give her clients the home they want, buyers don't want an amusement park in their backyard. She stated you can move into light commercial but businesses manufacturing you can't,

Mrs. Please don't vote for this now put rules, regulation city laws in affect that control development. Put infrastructure in place so they can't do whatever they want to.

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

Motion made by Council Gordon to go back into the Special Business meeting session. Seconded by Councilor Apodaca.

Voting Yea:

Councilor Gordon

Councilor Nelson

Councilor Marquez

Councilor Apodaca

Motion passed with a 4-0 vote at 9:31pm.

Councilor Marquez asked if he knows any business to come into the commercial 2.

Mr. Gleason stated he did not know of any business that is ready to locate on those properties.

Councilor Marquez asked if any traffic studies have been done.

Mr. Gleason stated that he did not know of any traffic studies that DOT may require that.

Councilor Apodaca thanked the community for coming out and sharing their concerns.

Councilor Nelson stated that they do not have the minutes from the planning and zoning, and they shouldn't be voting on anything.

Mayor Ramsell talked about the fire department and the wide area they cover, and they work with the County and also work with NM State police that has a hazmat and also with BNSF the Rio Communities fire department does cover the existing industrial park. He stated that Rio Communities was not planned to be a retirement community Horizon vistas plan was to have Rio Communities to look like the Northeast Heights.

Councilor Marquez asked who thought of Business Manufacturing because it is a new thing, are there any other cities that have business manufacturing.

Mayor Ramsell stated he had not in New Mexico but in other cities outside of New Mexico have a lot of manufacturing to get away from industrial to keep the pollution away. He stated that you will see business manufacturing more in the Midwest west

Executive Session - Pursuant to 10-15-1(H)(3) Deliberations by a public body in connection with an administrative adjudicatory proceeding: a) Consideration of Application from Playa Vista Group rezoning to commercial 2; b) Consideration of Application from Playa Vista Group rezoning to business manufacturing c) Consideration of Application from Playa Vista Group rezoning to commercial 2

Motion and roll call vote to go into close session

Councilor Nelson said that in his research he did not find where they can go into executive session, this is not a personal matter.

City attorney Strife explained 10-15-1(H)(3) Deliberations by a public body in connection with an administrative adjudicatory proceeding gives the right to go into executive session. Executive session gives you the opportunity to voice your concerns or personal feelings.

Motion made by Councilor Gordon to go into closed session. Seconded by Councilor Apodaca.

Voting Yea:

Councilor Gordon

Voting Nay:

Councilor Nelson

Councilor Apodaca

Councilor Marquez

Motion passed with a 2-2 vote Mayor breaking the tie at 9:46pm

Motion and roll call vote to go back into the regular business meeting session

Motion made by Councilor Apodaca to go back into regular business meeting session. Seconded by Councilor Gordon

Voting Yea:

Councilor Gordon

Councilor Nelson

Councilor Marquez

Councilor Apodaca

Motion passed with a 4-0 vote at 11:57 pm.

Welcome everyone back and statement by the Mayor: Matters Discussed in Closed Session Were Limited to Those Specified in Motion for Closure, and that no final action was taken, as per New Mexico State Statutes Section 10-15-1

Motion made by Councilor Gordon to approve the statement by the Mayor. Seconded by Councilor Apodaca.

Voting Yea:

Councilor Gordon

Councilor Nelson

Councilor Marquez

Councilor Apodaca

Motion passed with a 4-0 vote at 9:31pm.

DISCUSSION, CONSIDERATION, AND DECISION- Playa Vista Group- Business Manufacturing: Proposed Location UPC 1009026365015000000 Subd: PLAYA ESTATES Tract: PARCEL 23 33.40 ACRES 1994 SPLIT, UPC 1010025060475000000 Subd: PLAYA ESTATES Tract: PARCEL 24 47.01 ACRES 1994 SPLIT, UPC 1010025376425 Subd: PLAYA ESTATES Tract: 18A 42.01 ACRES PLAT M-526, UPC 1010026480040000000 Subd: PLAYA ESTATES Tract: PARCEL 17 33.82 ACRES 1994 SPLIT, UPC 1010026320050000000 Subd: PLAYA ESTATES Tract: PARCEL 19 54.00 ACRES 1994 SPLIT, UPC 1010026397131000000 Subd: PLAYA ESTATES Tract: PORTION OF PARCEL 16 REMAINING 16.44 ACRES 2006 REV, UPC 1010026294187000000 Subd: PLAYA ESTATES Tract: SOUTH PORTION OF PARCEL 15 5.65 ACRES 2006 SPLIT, UPC 1010026270120000000 Subd: PLAYA ESTATES Tract: PARCEL 14 19.56 ACRES 1994 SPLIT, UPC 1010026150145000000 Subd: PLAYA ESTATES Tract: PARCEL 11 14.52 ACRES 1994 SPLIT, UPC: 1010026145085000000 Subd: PLAYA ESTATES Tract: PARCEL 12 14.29 ACRES 1994 SPLIT, UPC 1010026105020000000 Subd: PLAYA ESTATES Tract: PARCEL 21 23.4 5 ACRES 1994 SPLIT, UPC 1009026490035000000 Subd: PLAYA ESTATES Tract: PARCEL 22 35.56 ACRES 1994 SPLIT

Motion made by Councilor Gordon to remove UPC 1010026150145000000 Subd: PLAYA ESTATES Tract: PARCEL 11 14.52 ACRES from the agenda for Playa Vista Group Business manufacturing by Councilor Gordon. Seconded by Council Apodaca.

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote.

Motion made by Councilor Gordon to approve the Playa Vista Group Business Manufacturing Proposed Location listed above. Seconded by Councilor Apodaca.

Voting Yea:

Councilor Gordon
Councilor Apodaca

Voting Nay:

Councilor Nelson
Councilor Marquez

Motion passed with a 2-2 vote Mayor breaking the tie.

City Attorney Strife recommended a motion to approve the findings from Planning & Zoning with the amendments to item 7 referring to a commercial 2 zone be changed to business manufacturing. In item 10 to add manufacturing or commercial business since no businesses were identified. The applicant will maintain the 100-foot green belt of the property and will be responsible for the upkeep of such.

Motion made by Councilor Gordon to amend the findings from planning and zoning recommendations with the amendments listed above. Seconded by Councilor Apodaca.

Voting Yea:

Councilor Gordon
Councilor Apodaca

Voting Nay:

Councilor Nelson
Councilor Marquez

Motion passed with a 2-2 vote Mayor breaking the tie.

DISCUSSION, CONSIDERATION, AND DECISION - Playa Vista Group- Commercial 2 Zone: Proposed Location UPC:1010026397131000000 portion of parcel 16 4.56 acres, UPC:1010026480040000000 parcel 17 15.13 acres, UPC:1010025376425 parcel 18A 4.71 acers

Motion made by Councilor Gordon to approve Playa Vista Group commercial 2 for above listed parcels. Seconded by Councilor Apodaca.

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote

Motion made by Councilor Nelson to approve the finding fact recommendation from planning & zoning with an amendment for a 50-foot buffer adjacent to any residential zoning. Seconded by Councilor Gordon.

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote

DISCUSSION, CONSIDERATION, AND DECISION - Playa Vista Group- Commercial 2 Zone: Proposed Location - UPC: 1009026375240000000 parcel 5 11.52 acres, UPC:1009026375140000000 parcel 7 27.26 acres

Motion made by Councilor Nelson to approve the Playa Vista Group application for commercial 2 zoning for above listed parcels. Seconded by Councilor Apodaca.

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote

Motion made by Councilor Nelson to approve the finding fact recommendation from planning & zoning with an amendment to add a buffer zone to the North and East side of residential property. Seconded by Councilor Apodaca.

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote

Adjourn

Motion made by Councilor Apodaca to adjourn. Motion carried at 12:18 am.



City of Rio Communities Council Regular Business Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Monday, April 22, 2024 6:00 PM
Minutes

Please silence all electronic devices.

Mayor - Joshua Ramsell

Mayor Pro Tem – Lawrance R. Gordon

Council - Arthur Apodaca, Thomas Nelson, Matthew Marquez

Call to Order

Mayor Ramsell called the meeting to order at 6:02pm.

Pledge of Allegiance

Councilor Gordon led the Pledge of Allegiance

Roll Call

Governing Body

Mayor Joshua Ramsell
Councilor Lawrance Gordon
Councilor Thomas Nelson
Councilor Art Apodaca
Councilor Matthew Marquez

Staff

Manager Dr. Martin Moore
Deputy Clerk Lalena Aragon
Police Chief Felix Nunez
City Attorney Randy Van Vleck

Approval of Agenda

Councilor Apodaca made a motion to approve the agenda as presented. Seconded by Councilor Gordon.

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote

Approval of Consent Agenda

Approval of Minutes for Regular Business Meeting March 25,2024

Approval of Accounts Payable

Code 3 Service	97887.60	Woodlands Hardware	185.68
Leadership New Mexico	1,000.00	Wilfred O. Chavez,	250.00
		Pharmacy Consul	
Pitney Bowes	601.00	Wells Fargo Financial	2,497.73
		Leasing	
Napa Auto Parts	113.83	TLC Uniforms	330.47
Valencia County Fiscal	1,593.75	Century Link	78.34
Office			
NM Local Government Law	4,324.91	Artesia Fire Equipment Inc.	149,872.60

TLC Plumbing & Utility Commercial S	2,141.35	Once a Day Marketing LLC.	7,771.67
HDR Engineering, Inc.	59,808.84	UniqueFleet, LLC.	2,155.17
Palmetto LLC	2,245.10	Albuquerque Publishing Co.	2,090.75
Amazon Business	237.05	Sharp Electronics Corporation	4,442.45
Comcast Business	299.88		

Motion made by Councilor Gordon to approve the consent agenda. Seconded by Councilor Apodaca.

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote

Public Comment:

Jody Skelton addressed the Mayor, Council and City Manager. Several months ago Dr. Moore handpicked a committee to go over the ordinances there were many mistakes that needed to be corrected. Dr. Moore refused Citizens from the Community to sit on this committee. Our ordinances are very weak. She believes Dr. Moore has monopolized city hall by forbidding employees and elected officials to have conversations about different aspects of their daily duties and forbidding them to do their jobs properly and efficiently. She stated these individuals are threatened by him in the way he speaks to them. There have been several vacancies that have not been posted for over six weeks. She explained it is unethical for the City Manager to not have a Human Resource person a City Clerk or a Finance officer and the city is supposed to have an economic development committee as well. She demanded that Dr. Moore as City Manager making an excess of \$112,000 a year get this situation resolved within the next 30 days.

Presentation – Sunny 505

Joanie Griffin from Sunny 505 gave a presentation about the Website. There was discussion about the website and invoices.

Presentation – Tommy Sanchez Valencia Regional Emergency Communications Center (VRECC)

Tommy Sanchez from VRECC gave a presentation about how Valencia Regional emergency Communications Center operates. There was a discussion.

Public Hearing - For the purpose of Rio Holdings Replat Request

**Motion and roll call vote to recess Regular Business Meeting session and to go into Public Hearing
Consideration of Rio Holdings Replat Request Proposed Location: Legal Description Tract: 3 S: 15 T:
5N R: 2E 22.77 ACRES 1998 REV UPC: 1010028270290000000**

Motion by Gordon into public hearing for the purpose of Rio Holdings replat request for proposed location. Seconded by Councilor Apodaca.

Voting Yea:

Councilor Gordon
Councilor Apodaca

Voting Nay:

Councilor Nelson
Councilor Marquez

Motion passed with a 2-2 vote Mayor breaking the tie at 7:12pm.

A representative from Rio Holdings was not present.

City Manager Moore explained the parcel of land that was requesting a replat and explained it is an expedited replat request. He explained that the parcel of land has two zones on it.

Councilor Nelson stated that the application has C-1 not planned development.

Councilor Marquez stated since there is a mistake on the application it should go back to Planning and Zoning.

City Manager Dr. Moore stated that it isn't a zone change, it is a replat request.

Councilor Nelson stated that the application needs to go back to Planning and Zoning.

City Attorney Van Vleck stated that Council did not have to send it back to Planning and Zoning that the members of Council could make the changes it was completely up to the members of the Governing Body .

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

Motion made by Councilor Gordon to go back into regular meeting session. Seconded by Councilor Nelson.

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote at 7:25pm.

Discussion, Consideration, and Decision – Rio Holdings Replat Request Proposed Location: Legal Description Tract: 3 S: 15 T: 5N R: 2E 22.77 ACRES 1998 REV UPC: 1010028270290000000

Motion made by Councilor Marquez to send back to Planning and Zoning to make proper corrections on the application. Seconded by Councilor Nelson.

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote

Manager Report

City Manager Dr. Moore explained that he has provided written updates and that there will be a Budget workshop on May 6, 2024. He then explained that there is someone here from Vocational Rehabilitation. He asked if she could introduce herself and explain what she does.

Vanessa Anderson introduced herself and stated she works with (DVR) New Mexico Division of Vocational Rehabilitation with the state division. She explained that she has been talking to Dr. Moore about working with students that have IEP's to work with the City and to learn about city government. She handed out some brochures with information on what they do. She explained that DVR will pay the students and the insurance while they're on city property.

Council Discussion

Councilor Apodaca requested contact information for the boards he has been appointed to.

Councilor Nelson asked about the survey Once a Day Marketing did on outdoor recreation and asked why it hasn't been published. He then talked about signage on the front of City Hall. Councilor Nelson asked why the city doesn't spend funds out of Public works #2. Councilor Nelson talked about a city hall grant. We have IEPP 3250 that is to be spent on art. He then talked about the meeting with Universal Waste, job postings for a treasurer and take-home vehicle policies. He then asked to hear from the Code Enforcer. He then thanked the police department for their help with the blessing of the bikes. He stated that the Moose Lodge will be having a blood drive on Saturday May 11, 2024, from 10pm until 2pm.

Councilor Gordon thanked Lodie Silva and Chief of Police for their help with the flyers for the Chess Club.

Councilor Marquez talked about the appointments to the boards and asked for contacts. He also talked about the posting of finance and library positions not being posted on the marquee. He asked about the Chamartín drainage grant and asked if the city didn't use all the grant money. City Manager Dr. Moore stated that they are still working on getting reimbursement. Councilor Marquez asked about the park in Chamisa and what funds would the money be coming out of. City Manager Dr. Moore explained the funds come from a grant

He then asked about the park in Chamisa and asked where the money was coming from.

Mayor Ramsell thanked the Fire Department and the Police Department for all they have done.

Executive Session - For the Purpose of Discussion Considering Limited Personnel Matters - Complaints Against the City Manager Pursuant to NMSA SECTION 10 – 15-1(H)(2).

Motion and roll call vote to go into close session

Motion made by Gordon to go into closed session, or the matters stated on the agenda. Seconded by Councilor Apodaca.

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote at 7:55pm.

Motion and roll call vote to go back into the regular business meeting session

Motion made by Councilor Nelson to go back into regular business meeting session. Seconded by Councilor Gordon.

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote at 9:59pm

Welcome everyone back and statement by the Mayor:

Motion made by Councilor Nelson to accept statement by the Mayor. Seconded by Councilor Gordon.

Voting Yea:

Councilor Gordon
Councilor Nelson
Councilor Marquez
Councilor Apodaca

Motion passed with a 4-0 vote

Adjourn

Motion made by Councilor Gordon to adjourn at 10:00pm. Motion carried.

Respectfully submitted,

Dr. Martin Moore, (Acting) Municipal Clerk
(Taken and Transcribed by Lalena Aragon, Deputy Clerk)

Date: _____

Approved:

Joshua Ramsell,
Mayor

Lawrance R. Gordon,
Mayor Pro-tem/Councilor

Arthur Apodaca,
Councilor

Thomas Nelson,
Councilor

Matthew Marquez,
Councilor

DRAFT



Rio Communities, NM

Accounts Payable Approval Report

By Fund

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
Fund: 11000 - General Operating Fund				
Department: 0001 - No Department				
GSD - Administrative Services ...	INV0004912	05/17/2024	ADMIN FEE	21.00
GSD - Administrative Services ...	INV0004913	05/17/2024	DENTAL	414.08
GSD - Administrative Services ...	INV0004914	05/17/2024	DISABILITY	43.44
Globe Life & Accident Insuran...	INV0004915	05/17/2024	GLOBE LIFE INSURANCE	56.00
GSD - Administrative Services ...	INV0004916	05/17/2024	HEALTH	6,205.69
GSD - Administrative Services ...	INV0004917	05/17/2024	BASIC LIFE	63.18
GSD - Administrative Services ...	INV0004918	05/17/2024	VISION	72.38
Department 0001 - No Department Total:				6,875.77
Department: 1001 - Governing Body				
AT & T Mobility	287334080831X05262024	05/21/2024	Mayor Joshua ramsell - Telec...	52.33
Department 1001 - Governing Body Total:				52.33
Department: 1009 - Municipal Court				
Amazon Business	1Y3Y-4YRV-NDPL	05/21/2024	General Office Supplies	64.02
NM Municipal Judges Associat...	INV0004968	06/05/2024	H.Smith Membership	150.00
Department 1009 - Municipal Court Total:				214.02
Department: 2001 - Manager				
AT & T Mobility	287334080831X05262024	05/21/2024	City Manager Dept Cell Phones	102.27
AT & T Mobility	287334080831X05262024	05/21/2024	City Manager Telecommunicat...	30.01
Verizon Wireless	9964632633	05/21/2024	City Manager	40.01
Department 2001 - Manager Total:				172.29
Department: 2002 - General Administration				
Garcia & Sons Security	0909	05/21/2024	CH Rekey per Mayor Ramsell	142.72
Aqua3, LLC.	160957	05/21/2024	5 Gallon Water Bottles (4/Mo...	34.50
Aqua3, LLC.	160957	05/21/2024	24 Pack Cases of Water (4/mo...	64.80
Comcast Business	202381416	05/21/2024	City Hall -Fiber	524.30
Shred-it US JV LLC	8007262676	05/21/2024	Document Shredding Services	136.79
PNM	INV0004942	05/21/2024	CH-Electricity - Utilities	594.23
NM Water Service Company	INV0004963	06/12/2024	Water - Utilities	495.05
NM Gas Co	INV0004967	06/14/2024	GAS- Utilities	67.30
Comcast Business	INV0004965	06/18/2024	City Hall Telecommunications	577.92
Department 2002 - General Administration Total:				2,637.61
Department: 2004 - Finance/Budget/Accounting				
Pitney Bowes	1025425898	05/21/2024	Finance Postage /Ink	103.28
Verizon Wireless	9964632633	05/21/2024	Finance	40.01
Department 2004 - Finance/Budget/Accounting Total:				143.29
Department: 2008 - Municipal Clerk				
Amazon Business	1FLR-DP7N-W93K	05/21/2024	Clerks Office Supplies	16.12
Amazon Business	1RCK-7NNG-6YRW	05/21/2024	Clerks Office Supplies	329.43
Verizon Wireless	9964632633	05/21/2024	Clerks office	41.13
Gayle A. Jones	June 3, 2024	05/21/2024	Clerk's Office Training	365.63
Department 2008 - Municipal Clerk Total:				752.31
Department: 3001 - Law Enforcement				
Amazon Business	1DH4-WQ6K-JKK4	05/21/2024	PLASTIC TOTE/4 SHOOTING E...	312.77
AT & T Mobility	287334080831X05262024	05/21/2024	Police Phones/Internet Boxes	117.15
AT & T Mobility	287334080831X05262024	05/21/2024	Police Telecommunications	200.20
Staples Contract & Commercia...	3565356479	05/21/2024	NOTE PADS/POSTIT FLAGS/BI...	131.92
WEX Bank	97389595	05/21/2024	PD Fuel	642.26
Verizon Wireless	9964632633	05/21/2024	Police Dept	41.13
Angel Armor, LLC.	INV77701-NAS	05/21/2024	RPC, Black, Ultra Premium, IIIA	1,292.00

Accounts Payable Approval Report

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
Gallegos Group, LLC. dba ABQ...	7	06/05/2024	AMMO INC/SCORPION/MAG ...	1,603.95
Department 3001 - Law Enforcement Total:				4,341.38
Department: 3002 - Fire Protection				
AT & T Mobility	287334080831X05262024	05/21/2024	Code/Fire/EMS Phones	99.88
AT & T Mobility	287334080831X05262024	05/21/2024	Code/Fire/EMS Telecommuni...	16.48
WEX Bank	97389595	05/21/2024	CE Fuel	39.31
Department 3002 - Fire Protection Total:				155.67
Department: 3005 - Dispatch/E911				
Village of Bosque Farms	VLL2024-04	05/21/2024	E-911 Services	18,233.00
Department 3005 - Dispatch/E911 Total:				18,233.00
Department: 5101 - Public Works				
AT & T Mobility	287334080831X05262024	05/21/2024	Public Works Phones	52.33
WEX Bank	97389595	05/21/2024	PW Fuel	1,024.88
Verizon Wireless	9964632633	05/21/2024	Public Works	161.16
Chalmers Ford	C71060	05/21/2024	Oil Change Vin#78835 PW tru...	154.02
Department 5101 - Public Works Total:				1,392.39
Department: 5104 - Highways and Streets				
PNM	INV0004945	05/21/2024	Streetlights - Electricity - Utilit...	134.10
PNM	INV0004946	05/21/2024	Streetlights - Electricity - Utilit...	74.95
PNM	INV0004947	05/21/2024	Streetlights - Electricity - Utilit...	156.01
PNM	INV0004948	05/21/2024	Streetlights - Electricity - Utilit...	37.58
PNM	INV0004949	05/21/2024	Streetlights - Electricity - Utilit...	166.56
PNM	INV0004950	05/21/2024	Streetlights - Electricity - Utilit...	31.39
PNM	INV0004951	05/21/2024	Streetlights - Electricity - Utilit...	50.80
Department 5104 - Highways and Streets Total:				651.39
Fund 11000 - General Operating Fund Total:				35,621.45
Fund: 20200 - Environmental				
Department: 5009 - Environmental				
Universal Waste Systems, Inc.	0003050270	05/21/2024	Clean Up day-Dumpsters	364.98
Department 5009 - Environmental Total:				364.98
Fund 20200 - Environmental Total:				364.98
Fund: 20900 - Fire Protection				
Department: 3002 - Fire Protection				
Woodlands Hardware	013336/1	05/21/2024	Various Supplies	3.21
Code 3 Service	240405	05/21/2024	700 Radios	75,185.47
AT & T Mobility	287334080831X05262024	05/21/2024	Fire Phones	156.99
AT & T Mobility	287334080831X05262024	05/21/2024	Fire Telecommunications	120.12
Armando Romero	3	05/21/2024	auto detail	261.52
Design Silk Screen Printers, LL...	36618	05/21/2024	updating units	18,274.00
Napa Auto Parts	520853	05/21/2024	Auto Supplies	29.94
Artesia Fire Equipment Inc.	83600	05/21/2024	Wildland equipment	2,331.60
WEX Bank	97389595	05/21/2024	Fire Dept.	1,310.82
Verizon Wireless	9964632633	05/21/2024	Fire Department	120.03
TLC Plumbing & Utility Comme..	CP602296-1	05/21/2024	FD-Hydrant-	838.20
Municipal Emergency Services ..	IN2055934	05/21/2024	PPE	15,645.00
PNM	INV0004943	05/21/2024	FD-Electricity - Utilities	172.48
PNM	INV0004944	05/21/2024	FD-Electricity - Utilities	790.68
NM Water Service Company	INV0004964	06/12/2024	Water - Utilities	71.67
NM Gas Co	INV0004966	06/14/2024	GAS- Utilities	36.52
Department 3002 - Fire Protection Total:				115,348.25
Fund 20900 - Fire Protection Total:				115,348.25
Fund: 29700 - County EMS GRT				
Department: 2002 - General Administration				
AT & T Mobility	287334080831X05262024	05/21/2024	EMT Phones	104.66
WEX Bank	97389595	05/21/2024	EMS Fuel	239.32

Accounts Payable Approval Report

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
Verizon Wireless	9964632633	05/21/2024	EMS	81.32
Department 2002 - General Administration Total:				425.30
Fund 29700 - County EMS GRT Total:				425.30
Grand Total:				151,759.98

Fund Summary

Fund	Expense Amount
11000 - General Operating Fund	35,621.45
20200 - Environmental	364.98
20900 - Fire Protection	115,348.25
29700 - County EMS GRT	425.30
Grand Total:	151,759.98

Account Summary

Account Number	Account Name	Expense Amount
11000-0001-22050	Healthcare Insurance Pa...	6,226.69
11000-0001-22055	Dental Insurance Payable	414.08
11000-0001-22060	Vision Insurance Payable	72.38
11000-0001-22070	Life Insurance Payable	63.18
11000-0001-22075	Disability Payable	43.44
11000-0001-22080	Miscellaneous Employee...	56.00
11000-1001-57160	Telecommunications	52.33
11000-1009-56020	Supplies - General Office	64.02
11000-1009-57150	Subscriptions & Dues	150.00
11000-2001-56040	Supplies-Furniture/Fixtu...	102.27
11000-2001-57160	Telecommunications	70.02
11000-2002-55999	Contract - Other Services	136.79
11000-2002-56060	Supplies - Kitchen	99.30
11000-2002-56999	Supplies - Other	142.72
11000-2002-57160	Telecommunications	1,102.22
11000-2002-57170	Utilities - Electricity	594.23
11000-2002-57171	Utilities - Natural Gas	67.30
11000-2002-57173	Utilities - Water	495.05
11000-2004-57080	Postage	103.28
11000-2004-57160	Telecommunications	40.01
11000-2008-55030	Contract - Professional S...	365.63
11000-2008-56020	Supplies - General Office	345.55
11000-2008-57160	Telecommunications	41.13
11000-3001-56020	Supplies - General Office	131.92
11000-3001-56030	Supplies - Field Supplies	3,208.72
11000-3001-56040	Supplies-Furniture/Fixtu...	117.15
11000-3001-56120	Supplies - Vehicle Fuel	642.26
11000-3001-57160	Telecommunications	241.33
11000-3002-56040	Supplies-Furniture/Fixtu...	99.88
11000-3002-56120	Supplies - Vehicle Fuel	39.31
11000-3002-57160	Telecommunications	16.48
11000-3005-55999	Contract - Other Services	18,233.00
11000-5101-54040	Maintenance & Repairs -...	154.02
11000-5101-56040	Supplies-Furniture/Fixtu...	52.33
11000-5101-56120	Supplies - Vehicle Fuel	1,024.88
11000-5101-57160	Telecommunications	161.16
11000-5104-57170	Utilities - Electricity	651.39
20200-5009-55999	Contract - Other Services	364.98
20900-3002-54040	Maintenance & Repairs -...	19,142.14
20900-3002-54999	Other Maintenance	261.52
20900-3002-56030	Supplies - Field Supplies	17,979.81
20900-3002-56040	Supplies-Furniture/Fixtu...	156.99
20900-3002-56120	Supplies - Vehicle Fuel	1,310.82
20900-3002-57160	Telecommunications	240.15
20900-3002-57170	Utilities - Electricity	963.16
20900-3002-57171	Utilities - Natural Gas	36.52
20900-3002-57173	Utilities - Water	71.67
20900-3002-58020	Equipment & Machinery	75,185.47
29700-2002-56040	Supplies-Furniture/Fixtu...	104.66

Account Summary

Account Number	Account Name	Expense Amount
29700-2002-56120	Supplies - Vehicle Fuel	239.32
29700-2002-57160	Telecommunications	81.32
Grand Total:		151,759.98

Project Account Summary

Project Account Key	Expense Amount
None	151,759.98
Grand Total:	151,759.98

Authorization Signatures

MAYOR & COUNCILORS

JOSHUA RAMSELL, MAYOR

LAWRENCE GORDON, COUNCILOR

ARTHUR APODACA, COUNCILOR

MATTHEW MARQUEZ, COUNCILOR

THOMAS NELSON, COUNCILOR

ATTEST:



By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP BANK CODE-AP BANK CODE						
VEN04185	Amazon Business	06/05/2024	EFT	0.00	722.34	
VEN04685	Pitney Bowes	06/05/2024	Regular	0.00	103.28	
VEN04717	Chalmers Ford	06/05/2024	EFT	0.00	154.02	
VEN04573	Universal Waste Systems, Inc.	06/05/2024	Regular	0.00	364.98	
VEN04880	Angel Armor, LLC.	06/05/2024	EFT	0.00	1,292.00	
VEN04417	Napa Auto Parts	06/05/2024	Regular	0.00	29.94	
VEN04245	Code 3 Service	06/05/2024	EFT	0.00	75,185.47	
VEN04911	NM Municipal Judges Association	06/05/2024	Regular	0.00	150.00	
VEN04853	Aqua3, LLC.	06/05/2024	EFT	0.00	99.30	
VEN04621	Design Silk Screen Printers, LLC.	06/05/2024	Regular	0.00	18,274.00	
VEN04603	Woodlands Hardware	06/05/2024	Regular	0.00	3.21	
VEN04249	Comcast Business	06/05/2024	Regular	0.00	524.30	
VEN04877	Village of Bosque Farms	06/05/2024	Regular	0.00	18,233.00	
VEN04839	Gallegos Group, LLC. dba ABQ Guns	06/05/2024	Regular	0.00	1,603.95	
VEN04203	Artesia Fire Equipment Inc.	06/05/2024	Regular	0.00	2,331.60	
VEN04562	TLC Plumbing & Utility Commercial S	06/05/2024	Regular	0.00	838.20	
VEN04884	Gayle A. Jones	06/05/2024	EFT	0.00	365.63	
VEN04875	Armando Romero	06/05/2024	EFT	0.00	261.52	
VEN04311	Garcia & Sons Security	06/05/2024	Regular	0.00	142.72	
VEN04728	Shred-it US JV LLC	06/05/2024	EFT	0.00	136.79	
VEN04844	AT & T Mobility	06/05/2024	Regular	0.00	1,052.42	
VEN04538	Staples Contract & Commercial, LLC.	06/05/2024	EFT	0.00	131.92	
VEN04896	Municipal Emergency Services Inc.	06/05/2024	EFT	0.00	15,645.00	
VEN04249	Comcast Business	06/18/2024	Bank Draft	0.00	577.92	DFT0001170
VEN04448	NM Gas Co	06/14/2024	Bank Draft	0.00	103.82	DFT0001171
VEN04459	NM Water Service Company	06/12/2024	Bank Draft	0.00	566.72	DFT0001172
VEN04481	PNM	06/18/2024	Bank Draft	0.00	2,208.78	DFT0001173
VEN04587	Verizon Wireless	06/12/2024	Bank Draft	0.00	524.79	DFT0001174
VEN04599	WEX Bank	06/14/2024	Bank Draft	0.00	3,256.59	DFT0001175

Bank Code AP BANK CODE Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	13	13	0.00	43,651.60
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	17	6	0.00	7,238.62
EFT's	13	10	0.00	93,993.99
	43	29	0.00	144,884.21

Fund Summary

Fund	Name	Period	Amount
99000	Pooled Cash Fund	6/2024	144,884.21
			<u>144,884.21</u>

Authorization Signatures

CHECK REGISTER

This check register has been reviewed and verified for accuracy.

First Signor

Date

Second Signor



UPAHEAD PROPOSAL

Prepared for: Rio Communities, New Mexico

May 29,
2024

Presented to
Rio Communities, New Mexico

Presented by
Dakota Pierce

Help your government succeed—provide them with **innovative and effective solutions.**

UpAhead helps you communicate with your citizens—meeting them right where they are. SMS texting delivers information right to your citizens' pockets and gets them what they need to know in minutes or seconds.



PROPOSAL

UpAhead allows for citizens to text 24/7 and get common questions answered within seconds. UpAhead provides 24/7 support to build out custom auto-responses to questions.



www.upaheadgov.com

> Alerts

Send SMS text alerts to your citizens in only a few clicks. Use for emergencies, events, weather, etc.

> Groups

Citizens subscribe to groups for SMS alerts by topic, Use for elections, road closures, events, city hall, etc.

> Auto-Responses

Citizens SMS text in questions and get custom auto-responses—questions about events, utilities, roads, etc.

PRICING

Package*	Fee	Time
<ul style="list-style-type: none"> Local phone number Unlimited users 24/7 Support 50,000 text messages per year Group alerts and subscriptions Auto-response text messaging <p>Also included:</p> <ul style="list-style-type: none"> Website widget Custom text flow auto-response support PDF flyer for distribution 	\$500 \$399	Monthly
First Year Implementation	\$0	Year 1

*Two or three-year agreement required. Offer valid until June 28th, 2024.



Thank You

www.upaheadgov.com



UpAhead Software Agreement

This agreement ("Agreement") is entered into (Date: _____), between the (City/County Name: _____), at (City/County Address: _____) ("Customer"), and UpAhead, LLC, a Utah limited liability company located at 652 North Fall Creek Drive, Vineyard Utah 84059 ("Provider"). Customer and Provider may each be referred to as a "Party" and may be collectively referred to as the "Parties."

1. Term of Agreement; Termination

1.1 Implementation Date and Initial Term. This Agreement shall commence on June 28th, 2024 (the "Implementation Date") and continue for a period of three (3) years ("Initial Term"), unless earlier terminated as provided herein. Provider may delay or "push back" the Implementation Date if needed; provided that if Provider delays the Implementation Date more than three months from the date stated above, Customer in its sole discretion may immediately cancel this Agreement without any further obligation or liability under this Agreement and Provider shall refund any amounts previously paid to Provider.

1.2 Automatic Renewal Unless Terminated. Upon expiration of the Initial Term, this Agreement shall automatically renew for an additional one (1) year term ("Renewal Term") unless either Party provides written notice of termination to the other Party at least sixty (60) days prior to the expiration of the then-current term.

1.3 Termination. Prior to expiration of the Initial Term or the Renewal Term, either Party may terminate this Agreement by providing written notice of termination to the other Party at least sixty (60) days prior to the expiration of the Initial Term or the Renewal Term, whichever applies. During the Renewal Term, Customer may terminate this Agreement at any time, without cause, by providing written notice of termination to Provider at least sixty (60) days' notice of termination.

1.4. Termination for Cause. Customer may terminate this Agreement for cause by providing seven (7) days' prior written notice in the event of any default by Provider or if Provider fails to comply with any industry standards and customary practices, terms and conditions, of this Agreement. Unsatisfactory performance, as judged by industry standards and customary practices, and failure to provide Customer, upon request, with adequate assurances of future performance, shall all be causes allowing Customer to terminate this Agreement for cause. In the event of termination for cause, Customer shall not be liable to Provider for any further or additional payments under this Agreement, and Provider shall be liable to Customer for any and all damages sustained by reason of the default which gave rise to the termination.

2. Scope of Services

2.1 Services. Provider agrees to provide the following services ("Services") to Customer:

- Local Phone Number
- Provision of 50,000 text messages per year
- Text message auto-responses (responses are included in text-message count per year)
- Group Text Messaging
- Design and provision of a PDF flier
- Implementation of a QR code to SMS service
- Website widget
- Auto-responses (to be implemented within three months of the implementation date, otherwise, the Customer shall receive extended free time of contract for the duration of the extension)

2.2 Additional Services. Any additional services beyond the scope outlined in this Agreement may be provided by Provider if agreed to in writing by both Parties, and may be subject to additional fees.

3. Pricing and Payment Terms

3.1 Pricing. The pricing for the Services shall be as follows:

- Year 1: \$ 4,788.00 (\$399.00 per month)
- Year 2: \$ 4,788.00 (\$399.00 per month)
- Year 3: \$ 4,788.00 (\$399.00 per month)

3.2 Price Guarantee. Provider guarantees that the prices for the Services set forth in Paragraph 3.1 will remain unchanged for the Initial Term. During the Renewal Term, Provider may, but is not required to, adjust prices set forth in Paragraph 3.1 annually, provided that no such adjustment exceeds three percent (3%) per year. Provider agrees to provide Customer at least thirty (30) days' written notice before any proposed price adjustment, detailing the new pricing and its effective date. The scope of service and all terms and conditions in this Agreement will remain the same. In exceptional circumstances, the pricing under this Agreement may be revised if the pricing change is reasonable and justifiable and Provider and Customer agree to the pricing change in writing.

3.3 Implementation Fee. An implementation fee of \$0.00 will be charged and must be paid in full before Implementation Date.

3.4 Payments. Customer agrees to pay the price set forth under Paragraph 3.1 on a monthly basis in advance; provided that Customer has the option to pay the price set forth under Paragraph 3.1 yearly in advance. The initial monthly or yearly payment must be paid before the Implementation Date unless otherwise agreed upon by both Parties.

3.5 Invoices. Provider will submit invoices to Customer at least 7 (days) days prior to the due date for payment.

3.6 IRS Form W-9. Customer agrees to provide a current IRS Form W-9 to Provider. Customer agrees and acknowledges that copies of the IRS Form W-9 can be used by and/or provided to Twilio and/or other carriers for local telephone registration purposes.

4. Additional Terms

4.1 Website Widget. If the website widget is not placed on Customer's website within sixty (60) days of the Implementation Date, an additional fee of \$250.00 will be charged for Provider's team to complete the integration.

4.2 Telephone Number, Users, and Support. The package includes a local phone number, unlimited users, and unlimited support during the hours of 6am-5pm MST.

4.3 Text Messages Per Year. If Customer's text messages exceed the number of included messages set forth in Paragraph 2.1, the following charges, applied yearly, will be charged to Customer:

- 25,000 additional messages per year: \$300.00 per year
- 50,000 additional messages per year: \$550.00 per year
- 100,000 or more additional messages per year: \$750.00 per year

4.4 Software/Services Downtime Compensation Clause. Customer shall be entitled to an extension of this Agreement if: (a) Provider's text messaging services are interrupted, disrupted, and/or otherwise make the Services unavailable or unusable to Customer (the "Downtime"); and (b) the Downtime is not caused by a force majeure beyond Provider's control. The extension of this Agreement and Provider's Services will be equal to the duration of the Downtime at no additional charge or cost to Customer.

5. Cancellation Policy

5.1 Cancellation Policy. If Customer cancels this Agreement prior to the expiration of the Initial Term, Customer will provide at least sixty (60) days' notice to Provider and pay the remaining amount due for the Initial Term (3 years).

6. Contacts

6.1 Implementation Contacts. Customer agrees to provide two (2) contacts to Provider as Customer representatives to coordinate work during implementation of the Services. The contact information provided must include name, email, and a cell phone.

6.2 Billing Contact. Customer agrees to provide a contact for Provider's billing purposes, including name, email, and a cell phone.

6.3 Authorized Twilio Contact. Customer agrees that their signatory contact will represent the authorized Twilio contact necessary to proceed with phone number registration.

7. Warranty and Disclaimer

Provider shall use reasonable efforts consistent with prevailing industry standards to maintain the Services in a manner which minimizes errors and interruptions in the Services and shall perform all implementation of the services in a professional and workmanlike manner. Services may be temporarily unavailable for scheduled maintenance or for unscheduled emergency maintenance, either by Provider or by third-party providers, or because of other causes beyond Provider's reasonable control. Provider shall use reasonable efforts to provide advance notice of any scheduled service disruption in writing or by e-mail. Provider does not warrant that the Services will be uninterrupted or error free; nor does it make any warranty as to the results that may be obtained from use of the Services. EXCEPT AS EXPRESSLY SET FORTH IN THIS SECTION, THE SERVICES, INCLUDING BUT NOT LIMITED TO IMPLEMENTATION OF THE SERVICES, ARE PROVIDED "AS IS" AND PROVIDER DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AND NON-INFRINGEMENT.

8. Indemnification

8.1 Provider's Indemnification. To the fullest extent permitted by law, Provider, its successors, assigns and guarantors, shall indemnify, defend, hold harmless Customer, its agents, representatives, officers, directors, officials and employees from and against all allegations, demands, proceedings, suits, actions, claims, damages, losses, expenses, including but not limited to damages for personal injury or personal property damage, attorney fees, court costs, and the cost of appellate proceedings, and all claim adjusting and handling expense, related to, arising from or out of, or resulting from any negligent or intentional actions, acts, errors, mistakes or omissions caused in whole or part by Provider relating to work or services under this Agreement, including but not limited to, any subcontractor or anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable and any injury or damages claimed by any of Provider's and any subcontractor's employees.

8.2 Customer's Indemnification. To the fullest extent permitted by law, Customer, its successors, assigns and guarantors, shall indemnify, defend, hold harmless Provider, its agents, representatives, officers, directors, officials and employees from and against all allegations, demands, proceedings, suits, actions, claims, damages, losses, expenses, including but not limited to damages for personal injury or personal property damage, attorney fees, court costs, and the cost of appellate proceedings, and all claim adjusting and handling expense, related to, arising from or out of, or resulting from any negligent or intentional actions, acts, errors, mistakes or omissions caused in whole or part by Customer relating to work or services under this

Agreement, including but not limited to, any subcontractor or anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable and any injury or damages claimed by any of Customer's and any subcontractor's employees.

8.3 Insurance and Indemnification. Any insurance provisions set forth in this Agreement are separate and independent from the indemnity provisions of this paragraph and shall not be construed in any way to limit the scope and magnitude of the indemnity provisions. The indemnity provisions of this paragraph shall not be construed in any way to limit the scope and magnitude and applicability of the insurance provisions.

9. Limitation of Liability:

In no event shall either Party be liable to the other Party for any indirect, incidental, special, consequential, or punitive damages, including but not limited to lost profits or loss of data. NOTWITHSTANDING ANYTHING TO THE CONTRARY, EXCEPT FOR BODILY INJURY OF A PERSON, PROVIDER AND ITS SUPPLIERS (INCLUDING BUT NOT LIMITED TO ALL EQUIPMENT AND TECHNOLOGY SUPPLIERS), OFFICERS, AFFILIATES, REPRESENTATIVES, CONTRACTORS AND EMPLOYEES SHALL NOT BE RESPONSIBLE OR LIABLE WITH RESPECT TO ANY SUBJECT MATTER OF THIS AGREEMENT OR TERMS AND CONDITIONS RELATED THERETO UNDER ANY CONTRACT, NEGLIGENCE, STRICT LIABILITY OR OTHER THEORY: (A) FOR ERROR OR INTERRUPTION OF USE OR FOR LOSS OR INACCURACY OR CORRUPTION OF DATA OR COST OF PROCUREMENT OF SUBSTITUTE GOODS, SERVICES OR TECHNOLOGY OR LOSS OF BUSINESS; (B) FOR ANY INDIRECT, EXEMPLARY, INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES; (C) FOR ANY MATTER BEYOND COMPANY'S REASONABLE CONTROL; OR (D) FOR ANY AMOUNTS THAT, TOGETHER WITH AMOUNTS ASSOCIATED WITH ALL OTHER CLAIMS, EXCEED THE FEES PAID BY CUSTOMER TO PROVIDER FOR THE SERVICES UNDER THIS AGREEMENT IN THE 12 MONTHS PRIOR TO THE ACT THAT GAVE RISE TO THE LIABILITY, IN EACH CASE, WHETHER OR NOT PROVIDER HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

10. Restrictions and Responsibilities

Customer will not, directly or indirectly, reverse engineer, decompile, disassemble or otherwise attempt to discover the source code, object code or underlying structure, ideas, know-how or algorithms relevant to the Services or any software, documentation or data related to the Services ("Software"); modify, translate, or create derivative works based on the Services or any software (except to the extent expressly permitted by Provider or authorized within the Services); use the Services or any software for timesharing or service bureau purposes or otherwise for the benefit of a third party; or remove any proprietary notices or labels.

11. Intellectual Property

11.1 Intellectual Property Rights. All intellectual property rights in the Services, including but not limited to patents, copyrights, trademarks, trade secrets, and any other proprietary rights, shall remain the property of Provider.

12. Confidentiality; Proprietary Rights

12.1 Confidentiality. Each Party understands that the other Party has disclosed or may disclose business, technical or financial information relating to the other Party's business (hereinafter the disclosing Party's "Proprietary Information"). Proprietary Information of Provider includes non-public information regarding features, functionality and performance of the Service. Proprietary Information of Customer includes non-public data provided by Customer to Provider to enable the provision of the Services. A Party that received the other Party's Proprietary Information agrees: (i) to take reasonable precautions to protect such Proprietary Information; and (ii) not to use (except in performance of the Services or as otherwise permitted under this Agreement) or divulge to any third person any such Proprietary Information. The Party that disclosed such Proprietary Information agrees that the foregoing shall not apply with respect to any information after five (5) years following the date of disclosure, nor to any information that the Party receiving such information can confirm: (a) was or becomes generally available to the public; or (b) was in its possession of or known by the receiving Party prior to receipt from the other Party; or (c) was rightfully disclosed to the receiving Party without restriction by a third party; or (d) was independently developed without use of any Proprietary Information of the disclosing Party; or (e) is required to be disclosed by law.

12.2 Provider's Use of Customer's Information. Notwithstanding anything to the contrary, Provider may collect and analyze data and other information relating to the provision, use and performance of various aspects of the Services and related systems and technologies (including, without limitation, information concerning Customer's text messages and data derived therefrom), and Provider will be free (during and after the term hereof) to: (i) use such information and data to improve and enhance the Services and for other development, diagnostic and corrective purposes in connection with the Services and other Provider offerings; and (ii) disclose such data solely in aggregate or other de-identified form in connection with its business. No rights or licenses are granted except as expressly set forth herein.

13. Miscellaneous Provisions

13.1 Conflicts of Interest. Customer may cancel any contract or agreement, without penalty or obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating the Agreement on behalf of Customer's departments or agencies is, at any time while the Agreement or any extension of the Agreement is in effect, an employee of any other party to the Agreement in any capacity or a consultant

to any other party to the Agreement with respect to the subject matter of the Agreement. The cancellation shall be effective when written notice from Customer is received by all other parties to the Agreement unless the notice specifies a later time (A.R.S. § 38-511).

13.2 Records and Audit Rights. Provider records (hard copy, as well as computer readable data), and any other supporting evidence deemed necessary by Customer to substantiate charges and claims related to this Agreement shall be open to inspection and subject to audit and/or reproduction by Customer's authorized representative to the extent necessary to adequately permit evaluation and verification of cost of the work, and any invoices, change orders, payments or claims submitted by Provider or any of Provider's payees pursuant to the execution of the Agreement. Customer's authorized representative shall be afforded access, at reasonable times and places, to all of the Provider's records and personnel pursuant to the provisions of this Agreement throughout the term of this Agreement and for a period of three years after last or final payment.

13.3 Taxes: Provider shall be solely responsible for any and all tax obligations which may result out of Provider's performance of this Agreement. Customer shall have no obligation to pay any amounts for taxes, of any type, incurred by the Provider. If Customer is tax-exempt, Customer must provide Provider proof of their tax-exempt status, within fifteen (15) days of contract signing, and this agreement will not be taxed.

13.4 Severability. If any provision of this Agreement is found to be unenforceable or invalid, that provision will be limited or eliminated to the minimum extent necessary so that this Agreement will otherwise remain in full force and effect and enforceable.

13.5 Non-Assignability. This Agreement is not assignable, transferable or sublicensable by Customer except with Provider's prior written consent. Provider may transfer and assign any of its rights and obligations under this Agreement without consent.

13.6. Entire Agreement. This Agreement is the complete and exclusive statement of the mutual understanding of the Parties and supersedes and cancels all previous written and oral agreements, communications and other understandings relating to the subject matter of this Agreement. All waivers and modifications to this Agreement must be in writing and signed by both Parties, except as otherwise provided herein.

13.7 No Joint Venture or Authority to Bind. No agency, partnership, joint venture, or employment is created as a result of this Agreement and Customer does not have any authority of any kind to bind Provider in any respect whatsoever.

13.8 Attorney's Fees and Costs. In the event either party brings any action for any relief, declaratory or otherwise, arising out of this Agreement, or on account of any breach or default hereof, the prevailing party shall be entitled to receive from the other

party reasonable attorneys' fees and reasonable costs and expenses, determined by the court sitting without a jury, which shall be deemed to have accrued on the commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment.

13.9 Governing Law; Jurisdiction; Venue. This Agreement shall be governed and interpreted according to the laws of the State of Utah. Each party waives any right to object to or challenge the forum in state or local court.

13.10 Authority. Each Party hereby warrants and represents that it has full power and authority to enter into and perform this Agreement, and that the person signing on behalf of each has been properly authorized and empowered to enter this Agreement. Each Party further acknowledges that it has read this Agreement, understands it, and agrees to be bound by it.

13.11 Counterparts. This Agreement may be executed on multiple counterparts, each of which will be deemed an original, but taken together, will constitute one written agreement, and this Agreement shall be effective and binding when each Party has executed a counterpart hereof.

14. Agreement Validity

This agreement is valid if, and only if, completed by June 12th, 2024.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first above written.

PROVIDER:

UpAhead, LLC

Signature: _____

Printed Name

Title

Date

CUSTOMER:

Name of City/County:

Signature: _____

Printed Name

Title

Date

RESUME

FRAN "CISCO" MULDEZ

OBJECTIVE:

To serve as the Court Clerk for the Municipal Court in Rio Communities, New Mexico.

QUALIFICATION

SUMMARY:

- . . Spanish speaking bilingual, goal-oriented, multicultural individual who possesses a demonstrated ability to successfully interact with the public at all levels.
- . . 17 years experience conducting investigations of criminal charges of alleged juvenile delinquents.
- . . Experienced in psycho-educational training as a mental health professional in a Therapeutic Communities environment.
- . . Experienced mental health therapist, diagnostician, Prison Rape Elimination Act (PREA) investigator/educator, and probation & parole officer.
- . . Experienced writing psychosocial assessments both at juvenile and adult maximum security setting which required extensive client interviewing and entering information into the Family Automated Client Tracking System (Database).
- . . Experienced grant writer for \$18 million dollar project: experienced working and collaborating with construction firms in specifying high stress concrete wall panels.
- . . Experienced Project Director for a \$2.5 million dollar Congressional Discretionary Rehabilitation Grant for the Inupiat Communities of the Arctic Slope. Provided educational, skilled and non-skilled employment.

QUALIFICATION

SUMMARY: (Continued)

EDUCATION:

09/2003- EASTERN New Mexico UNIVERSITY, PORTALES, NM
12/2006 Master of Arts - Counseling - 2006

09/1972- LEE UNIVERSITY, CLEVELAND, TN
05/1976 Bachelor of Arts - Christian Education -
1976

WORK EXPERIENCE:

02/2021- CALVARY CHAPEL RIO GRANDE VALLEY CHURCH
present Belen, New Mexico

. . Standby volunteer grant writer for an \$18 million grant document.

09/2019- ALASKA STATEWIDE INDEPENDENT LIVING COUNCIL
08/2020 Anchorage, Alaska

. . Alaska Governor appointed to serve as an active volunteer board member to address the needs of individuals with disabilities dealing with independent living issues throughout the State of Alaska.

02/2020- STATE OF ALASKA
04/2020 Office of Children's Services
Utqiagvik, Alaska

. . Protective Services Specialist: Investigated allegations of child neglect and abuse within the villages of the Inupiat Community of the Arctic Slope, Utqiagvik, Alaska.

. . Mental health clinician: provided individual and family psychotherapy to the Inupiat Communities of the Arctic Slope, Utqiagvik, Alaska.

. . Acting Mental Health Manager: Oversight of several mental health clinician and case managers.

. . Recently offered the MH Manager's position.

WORK EXPERIENCE: (continued)

07/2018-
02/2020 INUPIAT COMMUNITY OF THE ARCTIC SLOPE,
Tribal Vocational Rehabilitation Program
Utqiagvik, Alaska

. . Congressionally appointed: Project Director,
Voc. Rehab. counselor, grant writer: Provided
employment and educational career assessment and
development.

06/2018-
10/2022 TOUCH MANAGEMENT SYSTEMS INC [501(c)(3)]
Albuquerque, New Mexico

. . Volunteer: sec./treasurer: maintain the non-
profit's state and federal accountability.
Reaction Management Partner (RMP) Trainer.

11/2011-
05/2017 LIFE COACHING CONNECTIONS
Albuquerque, New Mexico

. . MH interventionist/life coach: short-term mental
health services to New Mexico organizations: Men
and Women's Recovery Academy, Estancia
Correctional Facility, Recovery Services of NM
and Desert Hills.

09/1991-
11/2011 STATE OF NEW MEXICO
ALBUQUERQUE, NEW MEXICO: CYFD-YDDC-Sequoyah

. . Diagnostician: psychometric testing, clinical
psychological evaluations, forensic reports, and
mental health intervention.

LOS LUNAS, NEW MEXICO: DEPARTMENT of CORRECTIONS

. . Experienced behavioral health therapist: mental
status exams for all incoming adult inmates, and
crisis intervention to adult inmates.

PORTALES, NEW MEXICO: CYFD-JJS

. . Experienced juvenile probation/parole officer,
provided initial investigations of alleged
delinquency and case management for adjudicated
delinquent children and their families.

WORK EXPERIENCE: (continued)

06/1987- CONTRACT PRIVATE SCHOOL EDUCATOR
09/1991 Albuquerque, New Mexico

- . . Taught 6th, and 7th grade Science; 8th, and 10th grade History. Also served as the Football Coach (Victory Christian).
- . . Taught 7-8th grades combined class in all subjects.
- . . As principal, responsible for school governance. Taught a combined 6-8th grade class Christian, Faith Christian, La Luz, Paradise Christian).

01/1984- INFORMATION MANAGEMENT SYSTEMS, INC.
06/1987 Albuquerque, New Mexico

- . . Sales representative: sold high density filing equipment to state and federal government agency (White Office Systems); sold and installed Transtector Surge protection equipment and devices.

09/1977- EQUIPMENT DISTRIBUTORS, INC.
01/1984 Albuquerque, New Mexico

- . . As Regional Sales and Marketing manager, marketed wholesale office furniture and equipment and educational training to dealers throughout the Southwest and supervised several outside and inside sales representatives.

LANGUAGES:

Fluent in English - Conversant in Spanish

VOLUNTEER EXPERIENCE:

- . . Standby volunteer grant writer: Calvary Chapel Rio Grande Valley Church.
- . . Former volunteer: Alaska Statewide Independent Living Council member assigned to oversight committee for Alaska Vocational Rehabilitation Services (Alaska Governor appointed positions).

REFERENCES:

- . . Hon. Judge Sharon Gonzales
Clayton Municipal Court
City of Clayton New Mexico
124 N. Front Street
Clayton, New Mexico 88415
Office: 575.207.8153
sharonl6259@gmail.com
- . . Jason Peck, Retired APD Internal Affairs
Investigator
1021 Carnival Avenue N.W.
Los Lunas, New Mexico 87031
Cell: 505.900.8045
- . . Ray Jaramillo, Senior Pastor
Calvary Chapel Rio Grande Valley
19381 NM-314
Belen, New Mexico 87002
Office: 505.864.6611
Cell: 505.440.9829
ray@ccrgv.com
- . . Michael Christian, Executive Director
State of Alaska Independent Living Council (SILC)
1057 W. Fireweed Lane, Suite 206
Anchorage, Alaska 99503
Office: 907.263.2011
Cell: 928.863.8997
michael@alaskasilc.org
- . . Annette Alfonsi, Alaska State Coordinator
Unmasking Brain Injury
Anchorage, Alaska
907.764.5959
alaskanannette@gmail.com
<http://www.unmaskingbraininjury.org>

Mayor

6/4/2024

Members of City Council:

I am requesting approval to be the appointing authority for Alternate Judges as needed for the Municipal Court. Such Judges would be paid \$50 each time they served as Court Judge. This would allow them to fill in when I am sick or on vacation. They would receive much the same training as I have.

Fran "Cisco" Muldez has applied to be an Alternate Judge. I have reviewed his credentials and feel he would be a very satisfactory person to fill the spot. (See attached resume)

I am also requesting authorization to increase the Court Clerk's hours as needed for Court operation this month. In the new fiscal year her hours would increase to 24 per week as discussed in the Budget workshop. I would also like to be able to authorize more hours (up to 30 hours per week) as the Court's workload picks up.

Judge Smith





CITY OF RIO COMMUNITIES

360 Rio Communities Blvd.
Rio Communities, NM 87002
505-861-6803
www.riocommunities.net

June 5, 2024

Chairman Gerard Saiz
Valencia County Commission
444 Luna Avenue
P.O. Box 1119
Los Lunas, NM 87031

Re: Letter of Support / Senator Willie M. Chavez Park

Dear Chairman Saiz,

The City of Rio Communities is appreciative and supports Valencia County's consideration of improvements to and revival of the Senator Willie M. Chavez Park. As a gateway to our City, the restoration of this area would provide much needed recreational amenities for City of Rio Communities and Southern Valencia County residents.

We have on our City Council agenda for Monday, June 10, 2024, a request for approval to pursue a joint effort with Valencia County, Belen, and other public and private partners to restore and re-open the park for public use.

We look forward to the continued improvement of Southern Valencia County's quality of life.

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua Ramsell", is written over the printed name and title.

Joshua Ramsell, Mayor
City of Rio Communities

Xc: City Council

**STATE OF NEW MEXICO
CITY OF RIO COMMUNITIES
RESOLUTION 2024-03**

The City Council of the City of Rio Communities ("City"), upon the report and recommendation of the City's Code Compliance Officer, does hereby find and determine:

1. That a dangerous building and Nuisance located at 407 Horner ST., Rio Communities, New Mexico (hereinafter "Subject Property") has excessive debris, refuse, trash, and other items that constitute a safety and health hazard.
2. That the safety and health and debris located within the Subject Property is a menace to the public comfort, health, safety, and wellness of the City of Rio Communities and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO COMMUNITIES:

- A. The City will remove such ruins, rubbish, wreckage, or debris within the Subject Property at the cost and expense of the Property Owner. The cost of such removal shall be payable in full. Failure to pay within 30 days of billing shall result in a lien against the Subject Property that shall be subject to foreclosure in the manner provided by law.
- B. Should the Property Owner object to the City's removal of such burnt down building, rubbish, wreckage or debris within the Subject Property, the Property Owner shall file a written objection within ten (10) days of the posting and publishing of this resolution to the City Clerk requesting a hearing upon this resolution before the City Council of the City of Rio Communities.
- C. If the Property Owner or his/her agents in charge of the Subject Property file a written objection with the City Council within the time frame described above, the City shall fix a date for hearing upon this resolution and all objections thereto presented by the Subject Property Owner or his/her agents and at such hearing shall determine if the resolution should be enforced or rescinded.
- D. The City's Compliance Officer is hereby directed to serve a copy of this resolution upon the owners, occupants, or agents in charge of the Subject Property. In the event the owners, occupants, or agents in charge of the Subject Property cannot be served personally within the municipality, the City's Compliance Officer shall post a copy of this resolution upon the premise of the Subject Property and publish a copy of this resolution one time in a newspaper of general circulation in the City of Rio Communities.

PASSED, APPROVED AND ADOPTED THIS 10th DAY OF JUNE 2024 BY THE GOVERNING
BODY OF THE CITY OF RIO COMMUNITIES, NEW MEXICO

City of Rio Communities Governing Body

Joshua Ramsell,
Mayor

Arthur Apodaca,
Councilor

Lawrence R. Gordon,
Councilor

Matthew Marquez,
Councilor

Thomas Nelson,
Councilor

ATTEST:

Martin Moore, Municipal Clerk

**CITY OF RIO COMMUNITIES
RESOLUTION 2024-03**

The City Council of the City of Rio Communities ("City"), upon the report and recommendation of the City's Code Compliance Officer, does hereby find and determine:

1. That a dangerous building and nuisance located at 96 Norma ST., Rio Communities, New Mexico (hereinafter "Subject Property") has excessive debris, refuse, trash, and other items that constitute a safety and health hazard.
2. That the safety and health and debris located within the Subject Property is a menace to the public comfort, health, safety, and wellness of the City of Rio Communities and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO COMMUNITIES:

- A. The City will remove such ruins, rubbish, wreckage, or debris within the Subject Property at the cost and expense of the Property Owner. The cost of such removal shall be payable in full. Failure to pay within 30 days of billing shall result in a lien against the Subject Property that shall be subject to foreclosure in the manner provided by law.
- B. Should the Property Owner object to the City's removal of such burnt down building, rubbish, wreckage or debris within the Subject Property, the Property Owner shall file a written objection within ten (10) days of the positing and publishing of this resolution to the City Clerk requesting a hearing upon this resolution before the City Council of the City of Rio Communities.
- C. If the Property Owner or his/her agents in charge of the Subject Property file a written objection with the City Council within the time frame described above, the City shall fix a date for hearing upon this resolution and all objections thereto presented by the Subject Property Owner or his/her agents and at such hearing shall determine if the resolution should be enforced or rescinded.
- D. The City's Compliance Officer is hereby directed to serve a copy of this resolution upon the owners, occupants, or agents in charge of the Subject Property. In the event the owners, occupants, or agents in charge of the Subject Property cannot be served personally within the municipality, the City's Compliance Officer shall post a copy of this resolution upon the premise of the Subject Property and publish a copy of this resolution one time in a newspaper of general circulation in the City of Rio Communities.

PASSED, APPROVED AND ADOPTED THIS 10th DAY OF June 2024 BY THE GOVERNING
BODY OF THE CITY OF RIO COMMUNITIES, NEW MEXICO

City of Rio Communities Governing Body

Joshua Ramsell,
Mayor

Arthur Apodaca,
Councilor

Lawrence R. Gordon,
Councilor

Matthew Marquez,
Councilor

Thomas Nelson,
Councilor

ATTEST:

Martin Moore, Municipal Clerk