

City of Rio Communities Council Minutes  
Regular Business Meeting  
Tuesday January 8, 2019

**Call to Order**

- Mayor Mark Gwinn called to order the city council regular business meeting at 6:00 pm.

**Pledge of Allegiance**

- Jody Skelton led the Pledge of Allegiance.

**Roll Call**

- Present: Mayor Mark Gwinn, Councilors; Bill Brown, Peggy Gutjahr, Arturo Sais and Joshua Ramsell.

Present: Municipal Clerk Lisa Adair, Finance Officer/Treasurer Celina Benavidez, Deputy Clerk Amy Lopez, Judge Heather Benavidez, EDC Chairman Frank Logan, P&Z Chairman Thomas Scroggins, Fire Chief Nathan Gonzales, Assistant Fire Chief Andrew Tabot and Court Clerk Lisa Adair

**Approval of Agenda**

- Councilor Gutjahr moved to approve the agenda as is. The motion was second by Councilor Brown. With a 4-0 vote the agenda for the regular city council business meeting was approved as presented.

**Approval of Workshop Minutes**

- Councilor Brown moved to approve the workshop minutes for November 27, 2018. The motion was second by Councilor Sais. With a 4-0 vote the minutes for the workshop held on November 27, 2018 was approved as written.

**Approval of City Council Minutes**

- Councilor Sais moved to approve the city council minutes of 11/27/2018. The motion was second by Councilor Ramsell. With a 4-0 vote the city council minutes held on November 27, 2018 was approved as written.

**Approval of Special Business Minutes**

- Councilor Brown moved for the approval for the special city council meeting of November 1<sup>st</sup> and December 6<sup>th</sup> of 2018. The motion was second by Councilor Gutjahr. With a 4-0 vote the special city council meeting held on November 1, 2018 and December 5, 2018 were approved as written.

**Swearing in of New Deputy Clerk – Amy Lopez**

- Judge Benavidez swore the new Deputy Clerk Amy Lopez into office.

**Public Hearing**

- Mayor Gwinn asked for a roll call vote to go into the public hearing.
- **Motion and roll call vote to recess Regular Business Meeting session and to go into Public Hearing:**
  - Councilor Gutjahr made a motion with a roll call vote to recess the regular business meeting session and go into public hearing on regular local election ordinance. The motion was second by Councilor Brown. Vote: Councilor Ramsell-yes; Councilor Sais-yes; Councilor Gutjahr-yes and Councilor Brown-yes. With a 4-0 vote Council recessed the regular business meeting session and went into public hearing at 6:10 pm.

- **Ordinance 2019-\_\_ Regular Local Election**
  - Mayor Gwinn gave an update of the ordinance.
  - Councilor Sais asked if we will be able to have our elections here in City Hall by making an annual request.
  - Mayor Gwinn said it would be when the election comes around the request will have to be made.
  - Councilor Gutjahr explained this will also include early voting.
  - Councilor Sais asked regarding special elections does the County hire somebody to run them.
  - Mayor Gwinn said special election will be mail in ballot only.
  - Councilor Sais asked regarding the early voting, does the County send someone down here to run the election.
  - Clerk Adair explained early voting is run the same in the past in the clerk's office if our request goes through to the County for us to hold it here.
  - Councilor Sais asked about the school boards, are they districts and how would that election be run.
  - Councilor Gutjahr said only our district school board member be on the ballot when printed.
  - Councilor Brown said the State Legislature wanted to have a uniform election of all of the school districts, all the different kinds of boards throughout the State in one hoop and the amount of boxes you will have to check off will be longer.
    - There was no comments from the residence.
- **Motion and roll call to go back into Regular Business Meeting session**
  - Councilor Sais moved with a roll call vote to go back into regular business meeting session. The motion was second by Councilor Brown. Vote: Councilor Gutjahr-yes; Councilor Brown-yes; Councilor Sais-yes and Councilor Ramsell-yes. With a 4-0 vote Council went back into the regular business meeting session at 6:18 pm.

#### **Public Comment**

- No public comments.

#### **Economic Development**

- EDC Chairman Frank Logan said there is not a lot of changes since the last meeting and then said the brochure is actually being printed.
- Chairman Logan explained at tomorrow's meeting EDC will have a guest speaker the Vice President from Albuquerque Economic Development. He then said the biggest hurdle is that EDC has a miniscule department with only 3 members attending regular.
- Chairman Logan said we are into the new year and will be ramping up.
- Councilor Sais asked if he knew if VIA is moving out.
- Chairman Logan said he does not know.
- Councilor Sais asked if there has been any interest regarding a grocery store.
- Chairman Logan said we had some interest, but it was a family deal that kids wanted to expand but the father didn't. He then said the donut shop is now open and hopefully the restaurant will be opening soon as well.
- Councilor Gutjahr said the donut shop that Chairman Logan mentioned about is actually Morgan's Bakery and further said they are open Tuesday thru Saturday 8-3.

## **Planning and Zoning**

- P&Z Chairman Thomas Scroggins said they are still working on re-doing the zoning ordinance and they are finding that there is a lot of re-defining to be done.
- Mayor Gwinn said he has spoken with the attorney before Christmas regarding the solid waste ordinance but has not heard from him as of today.

## **Rio Grande Estates Fire Department**

- RGEFD Fire Chief Nathan Gonzales said the transfer of command has been made. He then gave the current roster for the fire department; he the Fire Chief, Andrew Tabet the assistant Fire Chief, one Captain, Steven Gonzales, training coordinator, Jason Gonzales and secretary Donna Butler. He further gave the report for the month of December: total medical calls 51; total fire calls responded to were 31 giving a total amount of calls was 82. He further explained in 2018 there was 916 of total calls.
- Chief Gonzales said towards the end of the year they developed a new incident action plan during adverse weather with the Office of Emergency Management, the City of Belen, Valencia County and the Village of Los Lunas, which included updating social media and updating all alerts to the media.
- Chief Gonzales further explained they have done some revisions of the policy and procedures as well as the standard operating guidelines for emergency response, specifically training and continued education, monthly certified medical providers and upped the minimum qualification standard for the fire department. They changed the probation period to 1 year instead of 6 months. He then said the membership committee will assist in upholding the standard.
- Councilor Sais asked how the finances are coming.
- Chief Gonzales said on the 14<sup>th</sup> they will be meeting with the Finance Officer and Mayor to go over it.
- Councilor Sais asked does the fire department have petty cash for emergency situations.
- Chief Gonzales explained they have the auxiliary group that will help with emergency funds.
- Councilor Gutjahr said there are requirements and restrictions using funding from the auxiliary funds, but emergency funding would have to come through the City for P.O's.
- Chief Gonzales explained the auxiliary funds would be used for example the Christmas banquet or other areas that we could not use fire or EMS funds for these events.
- Councilor Ramsell asked if they have been able achieve all pump testing.
- Chief Gonzales said they have schedule testing this week and should be completed by Friday.

## **Municipal Court**

- Court Clerk Lisa Adair gave the court report for the month of December: 2 code violation(s) were filled in the courts; amounts collected are: Correction fees \$40; Court Automation fees \$12; Judicial Education fees \$6; Court Fines of \$179 giving a total of \$237 was collected in the courts for the month of December.

## **Ordinance 2019-\_\_ Regular Local Election**

- Councilor Sais moved to approve Ordinance 2019-66 Regular Local Election. The motion was second by Councilor Ramsell. Vote: Councilor Brown-yes; Councilor Ramsell-yes; Councilor Sais-yes and Councilor Gutjahr-yes. With a 4-0 Ordinance 2019-66 Regular Local Election was passed, approved, adopted and signed.

### Accounts Payable

- Councilor Sais made a motion to move accounts payable to after the resignation of personnel board member. The motion was second by Councilor Ramsell. Vote: Councilor Brown-yes; Councilor Gutjahr-yes; Councilor Sais-yes and Councilor Ramsell-yes. With a 4-0 vote accounts payable was moved to after the resignation of personnel board member on the agenda.

### Ordinance 2019-\_\_ Uniform Traffic Ordinance – 14-Day review

- Clerk Adair read into the minutes Ordinance 2019-Uniform Traffic Ordinance.
- Councilor Sais asked if we have to change the speeds of our city to match the State.
- Mayor Gwinn explained that the State does not govern our speed limits in our City but does govern the fine amounts that can be charge if it is violated.
- Councilor Ramsell moved to approve ordinance 2019- uniform traffic ordinance for a 14-day review. The motion was second by Councilor Sais. Vote: Councilor Sais-yes; Councilor Gutjahr-yes; Councilor Ramsell-yes and Councilor Brown-yes. With a 4-0 vote Ordinance 2019- Uniform Traffic Ordinance was approved for a 14-day review.

### Ordinance 2019-\_\_ UTO Penalty Assessment Program – 14-Day review

- Clerk Adair read Ordinance 2019- UTO penalty assessment program into the minutes.
- Councilor Sais moved to approve ordinance 2019-UTO penalty assessment program into a 14-day review. The motion was second by Councilor Gutjahr. Vote Councilor Ramsell-yes; Councilor Sais-yes; Councilor Brown-yes and Councilor Gutjahr-yes. With a 4-0 vote Ordinance 2019- UTO Penalty Assessment Program was approved for a 14-day review.

### Resignation of Planning and Zoning Member

- Mayor Gwinn said he received a resignation letter from Planning and Zoning Robert Teague indicating that he would like to be considered down the road to return but at this time he is unable to attend and has asked to resign.
- Councilor Brown moved to accept the resignation of Robert Teague from the Planning and Zoning Commission. The motion was second by Councilor Gutjahr. Vote Councilor Sais-yes; Councilor Gutjahr-yes; Councilor Ramsell-yes and Councilor Brown-yes. With a 4-0 vote Council approved the resignation for Planning and Zoning member Robert Teague.

### Resignation of Personnel Board Member

- Mayor Gwinn said he received a resignation letter from the personnel board member Clyde Shue
- Councilor Gutjahr moved to approve the resignation of Clyde Shue from the Personnel Board. The motion was second by Councilor Sais. Vote: Councilor Brown-yes; Councilor Gutjahr-yes; Councilor Sais-yes and Councilor Ramsell-yes. With a 4-0 vote Council approved the resignation for Personnel Board Member Clyde Shue.

### Accounts Payable

- Treasurer Benavidez gave the Fire Department’s accounts payable report.

NM Gas Co	\$	133.00	PNM	\$	797.80
NM Gas Co	\$	282.85	PNM	\$	937.93
The Floor Store	\$	76.42	Peralta Power LLC	\$	277.17
Boundtree Medical	\$	62.97	Boundtree Medical	\$	111.05

Card Service Center	\$	619.69	Sharp	\$	6.57
Artesia Fire Equipment	\$	4,807.75	Ortega and Son's Propane	\$	334.54

- Councilor Gutjahr asked if any of these are from EMS funds.
- Treasurer Benavidez explained that everything is being paid by fire funds since there hasn't been any EMS revenues coming in.
- Treasurer Benavidez gave the City's accounts payable report.

Department of Public Safety	\$	15.00	PNM	\$	409.38
Gusto (WK 20 reg Liabilities)	\$	1,446.82	Century Link (internet/website)	\$	84.85
Quest Diagnostics	\$	32.50	Geo-Test. Inc.	\$	2,270.77
Comcast Business	\$	289.02	Elizabeth Adair (Court Clerk)	\$	155.76
Heather Benavidez (Judge-Jan)	\$	300.00	NM Gas Co	\$	857.88
PNM	\$	89.37	PNM	\$	465.45
Century Link (emails)	\$	203.08	Court Automation	\$	18.00
NM Judicial Education	\$	9.00	Card Service Center	\$	413.47
Sharp	\$	147.16	Gusto Nov payroll processing fee	\$	75.00
Gusto Dec payroll processing fee	\$	81.00	Amazon	\$	286.65
Gusto (WK 28 reg liabilities)	\$	1,409.53	Gusto (WK 28 reg payroll)	\$	4,415.13
Gusto (WK 26 reg liabilities)	\$	1,455.35	Gusto (WK 26 reg payroll)	\$	4,744.55
Universal Constructors	\$	60,130.62			

- Mayor Gwinn asked regarding the card service center is from MyBank right.
- Treasurer Benavidez said yes.
- Mayor Gwinn then asked was the transfer to the new bank would that be why the operating cost is different.
- Treasurer Benavidez said she doesn't know but she will look into it because all it says on the statement is previous balance.
- Councilor Sais asked how Gusto payroll fee work is it every two weeks.
- Treasurer Benavidez said the payroll processing fee is paid monthly.
- Councilor Brown asked back in November to his personal card for a MOLI event he attended a \$273.00 charge was made, has that been resolved.
- Treasurer Benavidez said she has sent him emails regarding the status and it is still being worked on with the hotel.
  - Resident asked what is the \$400 for the PNM street lights.
- Mayor Gwinn explained that is what we pay for each one and it is \$10 a day including all lights on 47, 314, Golf Course road and Chamesa.
  - Resident asked why they are all out.
- Mayor Gwinn explained that the bulbs have burned out and we have a contract with PNM to replace them and said they should be looking at them sometime this week. He then said other municipalities such as Belen and Los Lunas are also having issues with PNM to replace bulbs.
  - Clara Garcia said Albuquerque also has a lot of lights out and believes that's where PNM is concentrating on at this moment.
- Councilor Gutjahr moved to pay our Fire Department and the City accounts payable bills with the exception of the card service bill of January 2019 until it is resolved. The motion was second by Councilor Sais. Vote: Councilor Ramsell-yes; Councilor Gutjahr-yes; Councilor Brown-yes and

Councilor Sais-yes. With a 4-0 vote the Fire Department and City's accounts payable and journal entries were approved for payment.

### **Appointment of Personnel Board Member**

- Mayor Gwinn asked to table the appointment of Personnel Board member until the next meeting.
- Councilor Brown moved to table the appointment of personnel board member. The motion was second by Councilor Gutjahr. Vote: Councilor Sais-yes; Councilor Ramsell-yes; Councilor Gutjahr-yes and Councilor Brown-yes. With a 4-0 vote Council tabled the appointment of a personnel board member.

### **Executive Session discussion on the applications for the City Manager Position. NM Section 10-15-1 (B)(H)(2)**

- Mayor Gwinn asked for a motion to go into executive session.
- **Motion and roll call vote to go into close session**
  - Councilor Gutjahr made a motion with a roll call vote to go into a closed executive session discussion on the applications for the City Manager Position. NM Section 10-15-1(B)(H)(2). The motion was seconded by Councilor S. Vote: Councilor Ramsell-yes; Councilor Brown-yes; Councilor Gutjahr-yes and Councilor Sais-yes. With a 4-0 vote Council went into executive session for the discussion on the applications for the City Manager Position, NM Section 10-15-1 (B)(H)(2) at 7:28 pm.
- **Motion and roll call to go back into regular business meeting session**
  - Councilor Gutjahr made a motion with a roll call vote to go back into the regular business meeting session after the executive session discussion on the applications for the city manager position. NM Section 10-15-1(B)(H)(2). The motion was second by Councilor Brown. Vote: Councilor Ramsell-yes; Councilor Sais-yes; Councilor Gutjahr-yes and Councilor Brown-yes. With a 4-0 vote Council went back into the regular business meeting session at 8:03 pm.
- **Welcome everyone back and Statement by the Mayor: The Governing Body of the City of Rio Communities, New Mexico, hereby states that on January 8, 2019 a Closed Executive Session was held and the matters discussed in the closed meeting were limited only to the applications for the City Manager as posted on the agenda.**
  - Mayor Gwinn read the above statement.

### **Action results from Executive Session**

- Councilor Gutjahr made a motion to interview four (4) candidates for the city manager position at a special business meeting January 21<sup>st</sup>. The motion was second by Councilor Brown. Vote: Councilor Ramsell-yes; Councilor Sais-yes; Councilor Brown-yes and Councilor Gutjahr-yes. With a 4-0 vote Council will be holding a special business meeting on January 21, 2019 starting at 10:00 am to hold interviews of four candidates for the City Manager position.

### **Council Reports**

- Councilor Ramsell had no report.
- Councilor Sais said he would like to see a finance clerk in place before we get into the budget.
- Councilor Sais asked the project going on here are we still looking at the end of February.
- Mayor Gwinn said originally it was set for February 24-26 but with these snow days it might be set back a little bit.
- Councilor Sais said there was a previous discussion regarding a flag pole will that be discussed with the upcoming budget.

- Mayor Gwinn said we might have to put that in next years' budget.
- Councilor Sais said there is a rumor VIA is moving out.
- Mayor Gwinn said he hasn't heard anything as of yet.
- Councilor Sais said he has put in a request to recognize a student athlete Diego Casillas from Belen High School.
- Councilor Brown had no report.
- Councilor Gutjahr said they still are on scheduled for January 22<sup>nd</sup> to meet with the new Sheriff.
- Mayor Gwinn said the 19<sup>th</sup> is the next cleanup and 2 dumpsters will be available.
- Mayor Gwinn said we had a couple of cases where a couple of pit bulls attacked and killed another dog and explained he has covered this issue with the County Manager.
- Councilor Gutjahr said her understanding was the owner of the dog didn't know who to call when it was attacked.

**Adjourn**

- Councilor Brown moved to adjourn. The motion was second by Councilor Ramsell. With a 4-0 vote the City Council regular business meeting was adjourned at 8:15 pm.

Respectfully submitted,

\_\_\_\_\_  
Elizabeth (Lisa) Adair, Municipal Clerk

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

Approved:

\_\_\_\_\_  
Mark Gwinn,  
Mayor

\_\_\_\_\_  
Margaret (Peggy) Gutjahr,  
Councilor Mayor Pro-tem

\_\_\_\_\_  
Bill Brown,  
Councilor

\_\_\_\_\_  
Joshua Ramsell,  
Councilor

\_\_\_\_\_  
Arturo R. Sais,  
Councilor