

City of Rio Communities Council Minutes  
Regular Business Meeting  
Tuesday February 12, 2019

**Call to Order**

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

**Pledge of Allegiance**

- Claudine Montano 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, P&Z Chairman Thomas Scoggins, RGEFD Fire Chief Nathan Gonzales, RGEFD Assistant Fire Chief Andrew Tabet, Municipal Court Clerk Lisa Adair and Sargent Joseph Rowland.

**Approval of Agenda**

- Councilor Gutjahr moved to approve the agenda as is for the regular business meeting of Tuesday February 12, 2019. The motion was second by Councilor Brown. with a 4-0 vote the agenda for the regular business meeting of February 12, 2019 was approved as written.

**Approval of Workshop Minutes**

- Councilor Ramsell moved to approve the workshop minutes of January 8, 2019. The motion was second by Councilor Brown. With a 4-0 vote the workshop minutes of January 8, 2019 was approved as written.

**Approval of City Council Minutes**

- Councilor Gutjahr moved to approve the city council minutes of December 11, 2018. The motion was second by Councilor Sais. With a 4-0 the city council regular business meeting minutes was approved as written.

**Approval of Special Business Minutes**

- Councilor Sais moved to approve the special minutes of 1/21/2019. The motion was second by Councilor Brown. With a 4-0 vote the special business meeting minutes of January 21, 2019 was approved as written.

**Public Comment**

- Bill Card, Rio Communities; said that he understands that the dogs are coming back in three months and further said it is a tragic situation.
- Frank Stasi, Rio Communities; said the Citizens of the City of Rio Communities started a petition for 2 police officers and then read into the minutes a statement of the petition. He further said that the petition was started a week ago and they have a little over 500 people. He then said this morning he heard that we are the safest city in the county, but we need more patrols especially in the early mornings. He further said that there was talk about a patrol car and the city needs to

get that going and wouldn't it be more feasible to have someone from the City to drive around from 6 am – 2 pm.

- Delores Espinosa, Rio Communities; said she came to ask for a speed bump to be placed on Lee Trevino, she further explained that there are 2 other speed bumps on Lee Trevino, but it is a very high traffic load on that road. She asked if council would consider a speed bump somewhere between Brown Street and Golf Course Road.
- Mayor Gwinn suggested talking with the officer while Council is in closed session.
- Mrs. Espinosa further explained the time frame that the traffic is really busy and once again said she hopes Council will consider putting up another speed bump.
- Ross Harms, Rio Communities; said this morning Councilor Brown talked about money for a park review and development and said instead of putting all that money that you are maybe considering putting up to maybe get the parks back into functional order could be put towards a second police officer. He then said today they also spoke about how low the crime rate is and that we are the lowest, but you are building a case based on the past and as this town grows in population and with new businesses coming in he would think we would see an increase in crime and the past history is the past and we need to be prepared and you need to give us a second police officer. He further explained another thing that came up was hiring a janitor at \$10 an hour even though minimum wage is not that high, and he feels do not hire a janitor, but need to hire a financial clerk which Celina is deferring until the City Manager is hired.
- Jody Skelton, Rio Communities; said the last few meetings we have had the treasurer gets up there and her reports are not prepared or ready to go and times we have had to move her down on the agenda and feels if she needs help they need to get that person hired as soon as possible, but it is not acceptable not to have the financial report ready for the City Council and the people here on time. She then asked what happens to the bills that are in questions because she doesn't have the receipts in order to pay them, the public does not hear about those and there has been many. She further said the dog coming back is not acceptable and hopes they look at the ordinances that are in place and take care of that situation. She then explained last week she had a situation of boys driving a car by her home and said we have to have more support here.

### **Economic Development**

- No report from EDC

### **Planning and Zoning**

- Chairman Thomas Scroggins said in the last meetings they started getting concerned regarding AMR being kicked out of the VIA building since it is in the process of being sold and then said we should make sure that AMR stay. He then said P&Z is still working on zoning and abatement.
- Mayor Gwinn explained as far as AMR, the person that put a bid on the VIA building is going to keep them in the building but put them in a different location, but they will be staying in the building.

### **Rio Grande Estates Fire Department**

- RFEFD Fire Chief Nathan Gonzales said since the last meeting they have reverted back to the old policy and procedure and gave an explanation as to why, since the policy was never voted on or reviewed by any of the members. He then said they brought back the cadet program and revised the job performance requirements for all memberships. He further said they have made a training policy and has implemented an EMS CE program and training. He further explained that

he changed the mandatory training to the first Wednesday of each month and the remainder are on shift. There are new membership, 5 total one is a chaplain.

- Chief Gonzales said they have had 2 promotions to Lt.; Mary Ann Holmes and Michael Scales. He then gave an apparatus reports said they had three units that were pending testing and they have been completed and then said they have made several committees, a membership committee, fleet maintenance committee, a public relations committee, an EMS board and further made a policy and procedure committee as well.
- Chief Gonzales said regarding the fire department auxiliary room and kitchen they passed inspection for natural gas as well as the State Fire Marshal office and are pending the health inspection and hopefully to have that room cleaned up a ready for inspection on March 1.
- Chief Gonzales said they participated in the largest matanza in the County.
- Chief Gonzales gave the report of calls for the month of January there were 63 medical calls and 33 fire calls.
- Councilor Sais asked what is going on about the paid fire Chief and paid assistant Chief is that even going to be discussed.
- Mayor Gwinn said down the road this will be discussed.
- Councilor Sais asked what does down the road mean.
- Mayor Gwinn said at budget time and then explained that will be discussed when we start looking at the budget.
- Chief Gonzales said it is whatever the City wants they will be prepared to do whatever the city wishes to do.

**Municipal Court**

- Court Clerk Lisa Adair gave the court report for the month of January: 6 traffic citation(s) were filled in the courts; amounts collected are: Correction fees \$20; Court Automation fees \$6; Judicial Education fees \$3; Court Fines of \$125 giving a total of \$154 was collected in the courts for the month of January.

**Resolution 2019-\_\_ 2<sup>nd</sup> Quarter Financial Report**

- Financer Officer/Treasurer Celina Benavidez read into the minutes Resolution 2019-xx 2<sup>nd</sup> Quarter financial report.
- Councilor Gutjahr made a motion to approve resolution 2019-145 2<sup>nd</sup> quarter financial report with attachments. 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 Resolution 2019-145 Second Quarter Financial Report was passed, approved, adopted and signed.

**Accounts Payable**

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

NM Gas Co	\$	433.93	Albuquerque Plumbing	\$38,906.72
Hub Furniture	\$	2,998.82	NM Water Service Company	\$ 63.20
Penguin Management	\$	2,628.00	MMT	\$ 892.55
CES	\$	9,556.38	Amazon	\$ 57.96
Sharp	\$	2.42	Shred-it	\$ 77.40
EMS eSchedule, Inc	\$	2,268.00		

- Treasurer Benavidez gave the City's accounts payable report

USPS	\$	591.30	Kuan Tikkun (EDC)	\$	120.00
Frances Rossberg (EDC)	\$	120.00	Frank Logan (EDC)	\$	120.00
John Keith Thompson (P&Z)	\$	90.00	Dennis K. Kintzler (P&Z)	\$	90.00
Thomas Scroggins (P&Z)	\$	90.00	Jimmie Winters (P&Z)	\$	120.00
L.E. Rubin (P&Z)	\$	120.00	Carlo Pilgrim (CM interview)	\$	887.13
Leisa Haynes (CM interview)	\$	805.95	Geo-Test, Inc	\$	118.66
NM Gas Co	\$	1,009.64	PNM	\$	409.68
PNM	\$	446.54	Gusto (regular payroll)	\$	5,366.84
Gusto (reg liabilities)	\$	1,710.07	Amazon	\$	53.77
Sandy Schauer (newsletter)	\$	2,455.99	Century Link	\$	84.85
Elizabeth Adair	\$	221.12	Comcast	\$	289.72
NM Water Service Company	\$	241.19	Valencia County (animal control)	\$	1,328.25
Able & Willies (CE Uniforms)	\$	114.00	Sharp	\$	160.81
Robles, Rael & Anaya (attorney)	\$	2,678.50	Ana Capela (CM interview)	\$	1,381.93

- Councilor Gutjahr asked about the Valencia County charge, how many animals were collected this time.
- Mayor Gwinn said he believes there was 15 dogs and 3 cats.
- Treasurer Benavidez said she believes it was also about 16 labor hours included in the charge.
- Councilor Gutjahr moved to pay the Fire Department and the City's bills and accounts payable. The motion was second by Councilor Ramsell. Vote: Councilor Brown-yes; Councilor Sais-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote the Fire Department and City's accounts payable and journal entries were approved for payment.

#### **Resolution 2019-\_\_ Community Wellness Council**

- Councilor Gutjahr gave a background on the community wellness council and what it identifies. She then read into the minutes Resolution 2019-147 Community Wellness Council.
- Councilor Sais moved to approve Resolution 2019-147 Community Wellness Council. The motion was second by Councilor Ramsell. Vote: Councilor Brown-yes; Councilor Gutjahr-yes; Councilor Ramsell-yes and Councilor Sais-yes. With a 4-0 vote Resolution 2019-147 Community wellness Council was passed, approved, adopted and signed.

#### **Resolution 2019-\_\_ Cooperative Agreement (NMDOT Co-op Agreement)**

- Clerk Adair read into the minutes Resolution 2019-148 a Cooperative Agreement (NMDOT co-op agreement)
- Mayor Gwinn explained to resident the process of us going in front of the DOT with a list of roads that need to be repaired, and this year we have about 13 roads that we are asking to help fund.
- Jim Winters explained that we used to get capital outlay money from the State, but they have since said they no longer will fund roads and then said we are left with only 2 funding sources NMDOT which we have received in the past years and CDBG which requires a lot of staffing and a lot of work which we do not have so we have not been able to apply for these grants. He further explained how the roads were selected.
- Councilor Ramsell moved to approve resolution 2019-148 cooperative agreement (NMDOT co-op agreement). The motion was second by Councilor Gutjahr. Vote: Councilor Brown-yes; Councilor

Gutjahr-yes; Councilor Sais-yes and Councilor Ramsell-yes. With a 4-0 vote Resolution 2019-148 Cooperative Agreement (NMDOT Co-op agreement) was passed, approved, adopted and signed.

### **Executive Session negotiations for the City Manager's Position. NM Section 10-15-1 (B)(H)(2)**

- Mayor Gwinn asked for a motion to go into a closed session.
  
- **Motion and roll call vote to go into close session**
  - Councilor Gutjahr moved to go into the executive session for negotiations on the city manager's position according to NM section 10-15-1 (B)(H)(2) with a roll call vote. The motion was second by Councilor Brown. Vote: Councilor Ramsell-yes; Councilor Brown-yes; Councilor Sais-yes and Councilor Gutjahr-yes. with a 4-0 vote went into executive session at 6:58 pm.
  
- **Motion and roll call vote to go back into regular business meeting session**
  - Councilor Sais made a motion to go back into regular business meeting session for the executive session for negotiations on the city manager's position NM section 10-15-1 (B)(H)(2) with a roll call vote. The motion was second by Councilor Brown. Vote: Councilor Gutjahr-yes; Councilor Brown-yes; Councilor Ramsell-yes and Councilor Sais-yes. With a 4-0 vote went back into the regular business meeting session at 7:32 pm.
  
- **Welcome everyone back and Statement by the Mayor: The Governing Body of the City of Rio Communities, New Mexico, hereby states that on February 12, 2019 a Closed Executive Session was held and the matters discussed in the closed meeting were limited only to the negotiations of the City Manager's position as posted on the agenda**
  - Mayor Gwinn read the above statement.

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

- Councilor Gutjahr moved that we hire the new city manager with a salary of \$77,000, with moving expenses of \$4,530 and a first-year severance of \$40,000. The motion was second by Councilor Brown. Vote: Councilor Ramsell-yes; Councilor Sais-no (based on salary); Councilor Brown-yes and Councilor Gutjahr-yes. With a 3-1 vote Council approved and accepted the negotiations for the new city manager position.

### **Council Reports**

- Councilor Ramsell had no report.
- Councilor Sais said he had discussed earlier today was in regard to the assistance finance person and look at hiring another police officer he wants a realistic report on the pros and cons.
- Councilor Brown said next week on February 20 there is a meeting of the advisory board for the Older Americans Program which will be held at the Belen Senior Center from 1:30 – 3:30 pm and then stated the Councilor Sais was elected Secretary and for the second time in the calendar year the chairman will be replaced.
- Councilor Brown said there is an announcement pertaining to the one-year old optimist club has been granted a \$3,500 grant.
- Councilor Brown passed out an ordinance from the County that has to do for the fire department and explained what his intent to make it fits for our fire department and the relationship with the City and other agencies.

- Councilor Brown said he is working on trying to put together a budget presentation for the public and hoping potentially next month, with pie charts of revenue source and use last years fiscal years as well.
- Councilor Gutjahr said at the next workshop on the agenda will be the citizens patrol and then said it is moving along and they will also have a public forum.
  - Resident asked when this might happen.
- Councilor Gutjahr said she is looking at a tentative date within the month of March.
  - Commissioner Hyder said earlier there use to be a citizens group in this area and then asked when they ended.
- Councilor Gutjahr said the one in Las Maravillas said she will find out from VIA, but the one here ended a long time ago.
- Sargent Rowland said the Sheriff's office does have a reserve program and they explained the program.
- Councilor Gutjahr explained the problem we have for the City is the liability and what we have been told only one program can be ordained by the City.
  - Resident asked if there was any paperwork that they can share before they finish it.
- Councilor Gutjahr said she doesn't have that but is willing to get the stuff together regarding the guidelines.
- Councilor Gutjahr explained she has talked with the Sheriff and under Sheriff and they will be doing the training and we will clear everything before implementing the program to go through the NMML insurance.
- Mayor Gwinn said Valencia Day in Santa Fe on the senate floor will be announced and further explained there will be a matanza.
- Mayor Gwinn said this Saturday February 16 we will have 2 dumpsters in front of City Hall.
- Mayor Gwinn said on February 19, we will be hosting the VALEO meeting at 6:00 pm.
- Mayor Gwinn said we met with VRECC board and said the stats for the previous month are on the board. He further said the annual dues are about \$23,000 and some of the communities have gone up.
- Mayor Gwinn said on February 20 some of the Council will be at the Municipal Day hosted by the municipal league.
  - Resident asked are there a specific bill that we should be looking at for our municipalities.
- Mayor Gwinn explained one item is hold harmless and only a few more years it will be active and will revert back as it was in 2006 and the municipal league is trying to keep it going and then explained another issue is the online tax such as Amazon sales.

**Adjourn**

- Councilor Ramsell moved to adjourn. The motion was second by Brown. With a 4-0 vote the City Council regular business meeting was adjourned at 7:58 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