

City of Rio Communities Council Minutes  
Regular Business Meeting  
Tuesday May 22, 2018

**Call to Order**

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

**Pledge of Allegiance**

- Don Naylor led the Pledge of Allegiance.

**Roll Call**

- Present: Mayor Mark Gwinn, Councilors Bill Brown, Peggy Gutjahr, Arturo Sais and Joshua Ramsell.  
Present: City Manager Bob Skerry, Finance Officer/Treasurer Celina Benavidez, Municipal Clerk Lisa Adair and Municipal Judge Heather Benavidez.

**Approval of Agenda**

- Councilor Sais Moved to approve the agenda as displayed before us. The motion was second by Councilor Brown. With a 4-0 Vote the agenda for the City Council regular business meeting was approved as presented.

**Approval of Workshop Minutes**

- Councilor Gutjahr moved to approve the workshop minutes of April 10, 2018 as presented. The motion was second by councilor Brown. With a 4-0 vote the minutes for the workshop held on April 10, 2018 was approved as written.

**Approval of City Council Minutes**

- Councilor Brown moved to accept the city council minutes of April the 24<sup>th</sup> 2018 as presented. The motion was second by Councilor Gutjahr. With a 4-0 vote the minutes for the city council regular business meeting held on April 24, 2018 was approved as written.

**City Manager Report**

- Manager Skerry said they are getting real close to finish up the NMDOT co-op work and explained the last part is the chip and seal on Frederico.
- Manager Skerry explained he and Celina both managed one days' worth of CPO training through NM Edge last week and then said he went up on Thursday and Friday to Bernalillo for the NM partnership economic development meeting and explained the meeting.
- Manager Skerry explained this morning during the workshop they met with FBT architects to finalize drainage and elevations and they should be ready to start breaking ground soon.

**Public Comment**

- Don Naylor explained he has 58 years in the fire service and said he is trying to convince Council that we have an excellent fire department with all Volunteers with a class 4 rating and suggested if you would hire 4 full time fire fighters/paramedics with the money you have allocated we could possibly go to a class 3 and that would help everyone in this community. He then said if you hired a paid fire chief and assistant chief for administration you have no chance of going to a class 3. Volunteers work well with volunteer officers and if they don't like the Chief that someone shoved down their throats they will quit. He then said he would like the governing body to come to their senses and leave the fire department alone and said it is very important that you do not put paid personnel officers over volunteers.

- Frank Stasi, Rio Communities; said he is trying to understand the merit raise, how it works and is curious how much the merit raise is and how long is it in place. He then said he thinks that the governing body should have had one more question and answer session regarding the budget. He then said this morning at the workshop regarding the exterior project what is the costs; he heard the sum of \$650,000 but then listening to the gentlemen this morning they talked about drainage is that included in the price and also discussed was the landscaping, is that also an additional charge. He then said he remembers about a year ago talks regarding parks for the kids, having a rec room, pool table and library, what do we have so far, we have an empty building, why hasn't it happened, the governing body had a year to make this happen, but instead is giving raises and salary increases way above average then having the rec room for the kids.
- Robert Kaneshiro, El Mundo; asked where are the minutes that were approved for the public to view and then said we have a very good fire department in Rio Communities and to mess with them is a big mistake and feels regarding this budget this is a new City, and all he is hearing is everyone getting raises, fixing up this building and there is a limited amount of money and he thinks they want to get paid and get raises that it's baloney and thinks we need to better use our money, streets need to be fix, weeds need to be cleaned and our kids need to have better things to do by providing a place for them to go.
- Jodi Skelton, Rio Communities, neighborhood watch program administrator; said we have had lots of discussion on where our police officer is, where is it on the budget to get another police officer and she has no idea where it stands. She would like to know if there is any outlook for a grocery store and said if want our City to grow we have to give people the things to stay here and spend their money here, it's revenue and tax dollars. She then said she doesn't know anyone that is getting these kinds of raises and it is astronomical that it is being asked. She said we need to leave the fire Department alone, we have to have some parks and recreation for the children and feels these things need to be done before anyone is given a raise. He got a raise last year and she doesn't feel he needs another one.
- John Thompson, Rio Communities; said he is one of the residents that has a front green lawn and is a person that loves lawns and then said he serves on the planning and zoning committee but is not here representing them but as a private resident. He then said he was excited to see \$100k towards parks and then began thinking afterwards; how we would have to prepare the land, maintain the land and then said he feels in the big scheme of things to improve quality of life we have to reduce crime and he feels instead spend the additional money not on parks but to use that money for another law enforcement officer.
- Ron Gentry, business and property owner in Rio Communities; said he thought he would have been annexed in after Rio Communities become a City and then said in the past as a State legislature they had built many roads and community centers and said the we have the best fire department in the State and also, they have been an exemplary group as a fire department. He then said later on he became a County Commissioner and they also left the fire department alone, they are almost a separate entity by leaving them alone and said think long and hard before you let the fire department under the thumb of some of this government, leave them alone, let them govern themselves, at least we have that to be proud of.

#### **Proposed Proclamation Restriction of Fireworks**

- Councilor Brown said in the newspaper and/or on TV it has been said we are in the mist of one of the most sever droughts, in addition to that with the lack of rain and amounts of wind the forecast is to continue according to the National Oceanic and Atmospheric Administration till the 20<sup>th</sup> of July, when their next report will come out. He then explained that the proclamation he is proposing is to ban aerial sale and use within the City for 30 days from the day of enactment and

to restrict the use of non-aerials. He then further explained this proclamation by the Mayor will be for 30 days banning and restriction of fireworks. He then said if the drought conditions still exist beyond this time we have the option to extend for another 30 days.

- Councilor Brown said a question has come up on how we enforce it and explained that hopefully by this time we might have a code enforcer in place, but the fire department personnel will be sworn in to enforce this proclamation.

**Public input/questions (3) minutes to address the Council**

- Chief Rubin explained what we do on the proclamation is limited and then said it would be unconscionable for the City to not put out the proclamation, at least do the limited authority they may have to afford them protection and strongly encourage them to pass the proclamation.
- Robert Kaneshiro said he is in favor of the proclamation and said we have a very capable fire department and then said what needs to be in place is make it a requirement that there is some method to extinguish the fireworks.
- Chief Rubin explained that the fires in the past around the 4<sup>th</sup> of July came from the most innocent fires, from sparklers that were on private property. So, it is not necessarily the large bottle rockets but the innocent ones.

**Appointment of P&Z members**

- Mayor Gwinn asked Council to approve Jim Winters and Tom Scroggins to the commission of P&Z
- Councilor Gutjahr said she thinks these are great choices, Tom has had experience with being on the Council and understands some of the issues that they have had to go through and Jim is always an asset on everything and to have him back on P&Z is real important.
- Councilor Gutjahr moved to approve the appointments of Thomas Scroggins and Jim Winters to the P&Z as new members. The motion was second by Councilor Sais. Vote: Councilor Ramsell-yes; Councilor Brown-yes; Councilor Gutjahr-yes and Councilor Sais-yes. With a 4-0 vote the appointments of Jim Winters and Thomas Scroggins as new members to the Planning and Zoning commission was approved.

**Swearing in of the appointed members**

- Judge Heather Benavidez swore in the newest members to the Planning and Zoning Commission Thomas Scroggins and Jim Winters.

**Accounts Payable**

- Finance Officer/Treasurer Celina Benavidez requested to pay the following bills.

Valencia County (sign install)	\$ 1,922.13	Court Automation Fee	\$ 24.00
Judicial Education Fee	\$ 12.00	TLC Plumbing	\$ 1,363.05
USPS (box renewal)	\$ 112.00	Expertech Services	\$ 884.00
Village of Los Lunas (VRECC)	\$ 5,921.75	Lyle Signs	\$ 622.50
Gusto	\$ 5,314.25	Gusto	\$ 1,966.48
Sharp	\$ 107.23	Century Link	\$ 187.10

- Councilor Gutjahr explained to the audience, under the Village of Los Lunas is for the general dispatch at the VRECC that goes through the Village of Los Lunas.
- Councilor Gutjahr moved to pay our accounts payable and pay our bills for the term from 5/21/2018 to 5/22/2018. The motion was second by Councilor Ramsell. Vote: Councilor Sais-yes;

Councilor Brown-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote accounts payable was approved for payment.

### **Resolution 2018-xx Mill Levy 2.75**

- Manager Skerry explained this is our yearly mill levy and restating it. He then read into the minutes Resolution 2018-xx Mill Levy 2.75.
- Councilor Brown moved we adopt Resolution 2018-123 Mill Levy 2.75. 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 2018-123 Mill Levy 2.75 was passed, approved, adopted and signed.

### **FBT Architects approval of renovation plans**

- Manager Skerry explained the initial bid from FBT Architects was for the front side of the building comes to \$527,905.00 including GRT's, everything else is a separate option and add on and then further explained what we are needing from Council is to specify the scope of work.
- Manager Skerry said that to renovate and repair the canopies would be an additional \$300,000 so instead they thought of actually removing them and put up awning over the entryways and explained other ways to solve the drainage.
- Councilor Gutjahr explained to the audience that this is capital outlay money, this does not pay for salaries or pay for additional officers, it is a onetime use, so what we have is money from the legislature capital outlay that has to be done in stages. She further explained that it came up during public comments, why this area is not a recreation area and said the reason is in order for us to move over there the exterior and then the interior on the other side has to be done first.
- Mayor Gwinn explained that we had put in the past budgets money aside to support the capital outlay for this project.
- Manager Skerry said from the presentation this morning in order to keep the place from flooding again the drainage should be automatically including in the cost and should not be an option, but we can start talking about the landscape.
- Councilor Sais said this would include the sidewalks on the north and south of the building, would be slanted out to help the drainage that was brought up this morning and the landscaping on both ends.
- Councilor Gutjahr said besides the landscaping, other discussions were the stucco of all sides and they broke that down on the list.
- Manager Skerry explained that pervious option was to add an LED sign and they took that out, but instead reface the old sign and bring it up to new standards, removing the south and north canopy. He then said the discussion also needs to be done on the courtyard landscaping.
- Councilor Brown explained that on special hearing minutes from March 26 of this year "Manager Skerry said there is \$185,000 left from the third capital outlay money plus \$305,000 that Council budgeted" and Manager Skerry said "we got another \$200,000 by adding Phase 4". Council Brown said but to his knowledge phase 4 is limited to interior work, so in reality that leaves \$490k to spend and then further said that according to Manager Skerry saying "we have \$690,000 that can be spent on the exterior of the building but if we can't get more capital outlay money, we need to come up with \$200,000 to replace the fourth phase." Councilor Brown then said we are \$200k short
- Manager Skerry explained we have the money sitting in the capital projects fund showing in the budget and we are not short regarding that amount.

- Councilor Brown asked if that amount is not limited to the interior and how are we going to do the interior.
- Manager Skerry explained council currently has the money set aside for the interior and further explained if looking at the budget there is more money actually set aside.

**Public input/questions (3) minutes to address the Council**

- Robert Kaneshiro asked does the City own this building.
  - Mayor Gwinn said yes.
  - Mike Wood said this mumbo jumbo going back and forth has his head spinning and then said this is just a face lift and said get the City going first not the facelift it is just beauty and that doesn't matter.
  - Ron Gentry asked about the drainage plan for this renovation.
  - Mayor Gwinn said it was presented to them this morning at the workshop.
  - Ron Gentry asked who it is.
  - Mayor Gwinn said it is FBT Architects.
  - Manager Skerry explained we do not have a full set of plans at the moment but we are approving for them to begin the drainage plan.
  - Ron Gentry said his concern being the landowner behind the building is there could be the possibility of the drainage into his property.
  - Mayor Gwinn explained they are looking at different drainage like going through the arroyo.
  - Ron Gentry asked would he be able to view the drainage plan when it is available.
  - Councilor Gutjahr explained that in order to move forward we have had to have engineers come out, measure and look at everything, then develop the plan before any work on the outside will be done.
  - Frank Stasi said if what you are talking about goes under the apartments when that gets flooded it overflows onto his property.
  - John Thompson said P&Z has had some discussion regarding this and their dreams includes a bike path starting from City Hall and tying into Whitfield, having paved sidewalks and other ideas and further said that all these plans tie into City Hall being the hub.
  - Marilyn Winters said she has been watching peoples faces when these numbers come up and explained what you have to remember that this money came from the legislator and can only be used for nothing except this building and cannot be used for roads, police officers and this is what she has been hearing in the community, but this can only be used for this building and has to meet the legislator and the DFA who audit this and they will not approve anything that doesn't have to do with this building. She then said this is not coming out of your pocket but inadvertently coming from the State level.
- Manager Skerry asked if Council will be approving the courtyards
  - Councilor Gutjahr moved to approve FBT Architects renovation plans that include the options that were discussed earlier from the original proposal to include the drainage plan and the 2 parks on either side of the building South and North. The motion was second by Councilor Sais. Vote: Councilor Ramsell=yes; Councilor Sais=yes; Councilor Gutjahr=yes and Councilor Brown=yes. With a 4-0 vote Council approved moving forward with FBT renovation plan to include the drainage, north and south landscaping plans for the building.

**City Manager Merit Compensation**

- Mayor Gwinn explained Council previously approved a salary range for the manager.

- Councilor Brown asked if we are talking about the merit system.
- Mayor Gwinn said what we are talking about is the range and if the Council wants to increase his salary.
- Councilor Brown said this does not seem like a merit system.
- Mayor Gwinn said that is why we are going to have the conversation whether the Council wants to give him a percentage raise or how it wants to be handled.
- Councilor Gutjahr said we have a range 65k – 80k and legally they have to move him at least to the beginning of the range.
- Councilor Ramsell agreed with Councilor Gutjahr that we passed a wage scale and we have to move him into the range.
- Councilor Sais also agreed and said we need to move forward and we need to keep our people that we have now and then said he feels going with the minimum amount would not but a big dent in the process.
- Mayor Gwinn explained that we had an independent HR company and they reviewed other Cities and they gave us ideas of compatibility of the various surrounding areas.

**Public input/questions (3) minutes to address the Council**

- Robert Kaneshiro said wow, \$60k and we are a community that is trying to get started having a rough time and do not have revenue to fund our city and now we are looking at a range up to \$80k and this is opening the door. He then asked if there are criteria for increases or is this at the Councils whim.
- Mayor Gwinn explained it is based on the job descriptions, the personnel policy and evaluations.
- Robert Kaneshiro said it is mind boggling that you increased the scale from last year of 60k to 65k – 80k and would next month would that change and then said you paid somebody to come out and do an HR study, which is more money, where does it end. We need more police to deter the crime in this city and there are more higher priority things that need to be addressed then giving someone that is already making 60k a raise.
- Jodi Skelton asked what the manager has to do in order to earn the merit to earn the raise.
- Mayor Gwinn explained there is criteria set in the job description and he goes through an evaluation process each year from Council.
- Councilor Gutjahr explained how the job description came about.
- Jodi Skelton asked about the code enforcers salary.
- Councilor Gutjahr said the range for the code enforcer is \$27,300 - \$34,000 and then explained that the range for everyone in the city is on the website.
- Frank Stasi asked regarding the merit raise it didn't start out as a merit raise but is a salary increase.
- Mayor Gwinn said we had to develop a new range.
- Councilor Brown explained the only person that Council can give a raise to is the City Manager and then the City Manager gives the raises to all the other employees and whether it is called a merit raise or salary increase.
- Frank Stasi asked how long it in place is.
- Mayor Gwinn said this increase is for a year and then once it is passed it stays there till the following budget year.
- Frank Stasi asked if the Manager is at-will
- Councilor Gutjahr said yes, he is at-will.

- Frank Stasi said the Manager can ask for a raise at any time.
  - Mayor Gwinn said no this is only approved once a year.
  - Frank Stasi asked if he is not under contract he can ask for a raise anytime.
  - Councilor Gutjahr said salaries are not negotiable after it is approved in the budget.
  - Ron Gentry said there is a lot of smoke and feels we don't have a parks department, a solid waste department, water department and only have 4 or 5 employees and that is what he is are managing and said things seem to be going in small circles and he is amazed how much real money is buried in the budget and then the city is not managing a plant of people but manage a small group of administrative people and still says you are spending money without the city growing and wages, wages, wages is not what this City started off to be and asked to consider to getting it back to services instead of salaries.
  - John Thompson said if we didn't have this city manager or another manager what it would have cost us in terms of progress.
  - Mike Wood said he feels Bob is doing well for what he is doing, but then asked Council if you don't have any departments what he is managing and thinks he has Council snowed.
  - Councilor Brown said many years ago the decision was made to compound our money by contracting out by using grants and then explained we don't have a public works department, but we are getting roads done by contracting out and grants, we don't have a public works, but we are putting up signs because of the contracts we have in place. He then said in Peralta being 10 years old to our 5 years, they have an administrator not a manager who is at \$60k.
  - Rex Newkirk asked are these contracts going up for public bid.
  - Mayor Gwinn explained that it goes through our procurement officer and she gets bids and awards the winning bid for that contract.
  - Rex Newkirk said what are we doing with animal control and he has a neighbor with goats and roasters.
  - Mayor Gwinn said we do not have an ordinance on livestock and we do contract with Valencia County for animal control.
- Councilor Gutjahr moved to pay the City Manager the salary of \$65,000 for this coming year. 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 approved the salary for the City Manager to \$65,000.00.

### **FY 2019 Interim Budget**

- Councilor Gutjahr said as she understands the amount of the state fire marshal last year was budgeted for \$250k and this year \$195k due to claw backs
- Manager Skerry said this was not a claw back but this was lowered by legislature to the minimum.
- Councilor Brown said in the budget the salary lists a fire chief and assistant fire chief, he would like to see an alternative to that to be 4 EMT's and explained his proposal.
- Councilor Ramsell said he was on the understanding when you have new volunteers to the fire department they go through pre-probation and then probation until they are expected to get their EMT basic or fire fighter 1 and then said they are sticking with the department. He then he feels that with the new volunteers coming in they might say well these guys are being paid for 12 hours why would I come in to work that same shift as a volunteer.

**Public input/questions (3) minutes to address the Council**

- L.E Rubin said he feels as a citizen we do not need to have 2 paid administrators at this time, but we do need to look into the fire department that meets the qualifications to be EMS or fire fighter 1.
- Manager Skerry said his point of view, this isn't a case of coverage or needing more EMT's, it is a case of administration and we are fiscal agents for this fire department and the number one problem we are having is the administration of the paperwork and said what we need is expert management and we do have that right now and explained what is being needed to meet DFA requirements to keep the fire department.
- Councilor Brown said he disagrees with the City Manager that his job is not to control the staff but to control the employees and those that get paid become employees and as of now there are no employees it is all volunteers.
- Chief Rubin said he is offended that the City Manager saying the management of the fire department is incapable because he received the same emails that the City Manager received and said he and Jason fixed the situation and he is further offended that the manager called them incompetent and the City Manager is not in charge of the fire department, but he is in charge as the fiscal agent that they meet the procurement code.
- Jodi Skelton asked how they missed out on \$7,800.
- Manager Skerry explained said the paperwork was not filed by the previous chief.
- Chief Rubin said don't put that on them.
- Manager Skerry said he wasn't and further said he feels L.E is doing a great job and then explained why he is requesting to change the administration of the fire department.
- Chief Rubin said he is offended that the Manager wishes to change the current administration because of something that happened previously.
- Don Naylor said whenever a city or county starts to dictate to a volunteer fire department they are going to quit and then said do not hire a fire chief keep it a volunteer administration and they will welcome 4 paid people over administration.
- Mayor Gwinn said we did see changes from the current fire department.
- Marilyn Winters asked in order to pass the budget, instead of having a fire chief and assistant fire chief could you have it listed as fire department personnel with a budgeted amount.
- Robert Kaneshiro the city is doing well but he has not heard about what the budget looks like.
- Councilor Brown said there is on the proposed budget right now for an fire chief and assistant chief combined would be \$97k if we would go to 4 fire fighter/EMT's it would be \$118k.
- Mayor Gwinn explained these funds would not come GRT's it is coming from EMT GRT's.
- Robert Kaneshiro said the fire department funding is coming from the State and the City Manager's is budgeted through the City.
- Manager Skerry explained that the supporting schedules need to go in with all the personnel amounts budgeted.
- Marilyn Winters said the supporting documents do not have to go in with the interim budget.
- Councilor Gutjahr said there is frustration for the finance department, but things have changed in the fire department by the chief and assistant chief to rectify things and

then said if it is not needed in this point and time and for now let's keep the money as fire department personnel and move on.

- Mayor Gwinn asked the Manager to go through the revenue and expenditures.
  - Manager Skerry went over the proposed revenues.
  - Robert Kaneshiro asked what is the \$20k for law enforcement.
  - Mayor Gwinn said this is a grant to be used only for the law enforcement officer; such as equipment, radar detectors or speed machine signs.
  - Manager Skerry explained the expenditures on the budget.
  - Jodi Skelton said she thought we were getting another officer this year and did not see it in the budget.
  - Mayor Gwinn explained when we do the contract with the one officer we currently have, we only had the funds for this one officer, but in July Council will start talking about funding another officer and then in January of next year we will be approaching Valencia County Sheriff to negotiate another officer to go with the current one we already have.
  - Ron Gentry asked for the fire department to give 4 paid people and leave the administrative personnel as volunteers.
- Councilor Brown moved to budget 4 fire fighter/EMT's for the fire station.
  - Mayor Gwinn asked about the rest of the budget.
  - Councilor Brown said he would like this to be included as an amendment to the budget.
  - Manager Skerry said could we take Marilyn's suggestion to give yourself a week to discuss and solve this situation.
  - Councilor Brown motioned to accept the budget to change having 4 fire fighters/EMT's instead of a fire chief and assistant fire chief.
  - Councilor Ramsell asked if we do decide to go with fire department personnel we would have more time to negotiate and decide what would be best for the City.
  - Mayor Gwinn said yes that is how he understands it.
  - No second to Councilor Brown's motions. Motioned died for lack of a second.
  - Councilor Gutjahr moved to approve the budget with the exception under EMS funds to represent the positions that are listed there those line items to be EMS personnel 118k. The motion was second by Councilor Ramsell. Vote: Councilor Sais-yes; Councilor Brown-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. with a 4-0 vote the interim budget for the FY2019 was passed with the amendments to EMS personnel and the City Managers salary.

### **Council Reports**

- Councilor Ramsell had nothing to report.
- Councilor Sais had nothing to report.
- Councilor Brown had nothing to report.
- Councilor Gutjahr said they met with P&Z regarding solid waste and it was a very productive meeting. She then elaborated that come July workshops we are going to start with a timeline for the officers.
- Mayor Gwinn said the cleanup on Saturday went well and we will have another cleanup next month and then said Friday is the last day of school for La Merced and then said August 7<sup>th</sup> will be National night out and we will be hosting it with the Sheriff department.

**Adjourn**

- Councilor Brown moved to adjourn. The motion was second by Councilor Sais. With a 4-0 vote the City Council regular business meeting was adjourned at 8:21 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