

City of Rio Communities Council Minutes
Regular Business Meeting
October 9, 2018

Call to Order

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

Pledge of Allegiance

- Clara Garcia 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, EDC Chairman Frank Logan, P&Z member Jim Winters, RGEFD Chief Rubin and Court Clerk Lisa Adair.

Approval of Agenda

- Councilor Gutjahr moved to approve the agenda as written. The motion was second by Councilor Brown. With a 4-0 vote the agenda for the City Council meeting was approved as presented.

Approval of Workshop Minutes

- Councilor Brown moved for the approval of the workshop minutes of September 11, 2018. The motion was second by Councilor Sais. With a 4-0 vote the workshop minutes for September 11, 2018 was approved as written.

Approval of City Council Minutes

- Councilor Gutjahr moved to approve the minutes for the City Council meeting of August 14, 2018. The motion was second by Councilor Brown. With a 4-0 vote the minutes for the City Council meeting held on August 14, 2018 was approved as written.

City Manager Report

- Manager Skerry said we have been using our capital monies for matching grants and one of the biggest we have been using the funds is on the DOT co-op grant which is a 25%-75% match and explained the life of a road is 18 years. He further explained the Pazor scale rating the roads from 1-10 and the majority of the roads are a number 3 and only one we had was a 9. He then said that we received another DOT grant for approximately \$290K. After explaining needing 90' continuous weather to do the chip and seal he gave a list of the roads in this grant Basham Ct and Hill chip and seal, Bishop Ct and Hill another chip and seal, Goddard Ct, Horner St chip and seal, Gorman Ave, chip and seal, Brugg Dr & Recodo Pl, Horner & Baldwin, Don Diego & Guapo Rd, Don Diego & Kaghan Lp and Brown Dr. chip and seal.
- Manager Skerry explained other things going on are that the contractor is getting ready to pour the concrete on the building and further explained that the contractor found that the columns that were around the building did not have any support or rebar and they will have to refigure the columns.
- Manager Skerry said that we have gotten a bid to do all the striping and explained which roads will be stripped.
- Councilor Sais asked once again which roads will be stripped.

- Manager Skerry explained it will be Golf Course till it turns into Horner, all of Horner until Hillandale then from the 4-way stop signs down Hillandale and for about \$52k and this also went through CES to do the procurement process.
 - Resident asked if this was from the \$250k grant that was mentioned on August 13.
- Manager Skerry said yes and explained the process of the grant funding and when funds are available.
 - resident asked when you do the stripping will that include the speed bumps on Horner they are really worn.
- Manager Skerry said yes all of the speed bumps will get the standard paint that has little glass reflector beads in it.
 - Resident said that Frederico wasn't chipped and sealed very well and asked how much bang do you get for your buck.
- Manager Skerry explained that is the risk you run to do a chip and seal it being a ¼ of the cost as opposed to a full laydown and not a full re-topping and further explained they are trying to repair as much as possible throughout the city.
 - Resident said another issue regarding the road tear-ups is the garbage trucks.
- Manager Skerry said Council is looking at a Solid Waste ordinance which would address that issue.

Public Comment

- Mayor Gwinn explained that we follow Robert's Rules of Order and explained that we will allow 3 minutes to who has signed up for public comments and further explained the decorum on what is expected during this session.
- Jody Skelton asked if the street light bid had gone in yet and has the EMT job description been written yet.
- Ross Harms Brown Dr.; said at the workshop today they spoke about hiring an additional clerk to help Celina as she is overwhelmed and also spoke regarding the possibility of increasing the taxes enough to cover 2 policemen instead of one and then said at the end of the meeting Bob said that no action is being taken on the annexation because we could not promise police protection to the Industrial Park. He then said this speaks to him about the city needing additional funding and said you can't get something for nothing and if the community wants better roads and better police protection we will have to pony up.

Economic Development

- EDC Chairman Frank Logan explained that there was not a quorum for the last two meeting, so they were unable to have formal meetings therefore there is nothing new to present to Council. He then asked Council to consider getting more members for EDC and said the commission was started with 7 people and shortly after that it went down to 5, which is workable and right now they are at 4. He then said they are continuing to work on the bylaws for a 501c3 and a good advertising map that can be added to our business brochure or be a standalone card.
- Mayor Gwinn explained that he is looking at 5 people for that position and one of them is narrowed down and he is hoping to bring to Council at the end of the month for their approval.
- Councilor Sais asked regarding the 501c3, what cities are they looking at for examples.
- Chairman Logan explained they are looking at Belen and said Albuquerque Economic Development is a 501c3 and is not part of the Albuquerque City and explained what they can do because of not being a City department and other places they have looked at their by-laws is Tucumcari, Artesia and Rio Grande Estates.

Planning and Zoning

- P&Z member Jim Winters said Planning and Zoning are working on zoning codes; redoing the ordinance updating for modern building, what builders want to build and what costumers want to buy. The document is about 130 pages and it will take some time to get it done.

Rio Grande Estates Fire Department

- RGEFD Fire Chief L. E. Rubin gave the report for the month of September they had a total combined between Tierra Grande and the Main Station of 44 EMS and 13 Fire calls were answered total of 57; Tierra Grande did 4 EMS and 1 Fire, and the main station did 40 EMS and 12 Fire calls representing a little over 25% increase from the last time he had given his report. He then explained they have an opportunity through the Village of Bosque Farms in January to do a 1st responder training. He further explained on October 17, in recognition of fire prevention week they are inviting the public to the station and there will be free hot dogs and be allowed to watch the training that evening on personnel protective gear. On October 31 they will be their annual patrol for Halloween and the fire station will be opened to the public from 7-9 and they will be having refreshments and handouts for the children and coffee/hot cider for the adults.
- Chief Rubin said they held a meeting last Wednesday with City Council and the Mayor and thought it was productive, good information and good dialogue regarding paid command staff vs paid EMT and fire fighters and handed petitions to Council and the majority wanted either paid EMT/fire fighters or no paid staff at all. He then said he asked from the Council at the meeting the exact numbers they are dealing and what the City needs to produce the budget and as of today he has not received those figures he then asked again during this meeting for the City to provide them with the exact numbers in order for them to provide a budget. He then presented a letter to the Mayor pursuant to the Inspection of Public Records requesting any and all detailed information regarding a revenue and expenditures for all fire/EMS accounts the City oversees for the dates of July 1, 2016 through September 30, 2018.
- Treasurer Benavidez explained she does have the documentation from the time of acceptance until now.
- Chief Rubin asked if the individuals have met regarding the renovation, the hood and the parts on the floor.
- Mayor Gwinn explained that they have met, but they are still trying to workout a time frame for completion and they have run into other issues.
- Chief Rubin said he would like to get a definite answer because he understood the purchase of the hood was to include installation and it is still sitting on the floor.
- Mayor Gwinn said that it is under the written contract and they are working it out.
- Chief Rubin said back in July the County sent to the City discretionary funds and said these funds should be used to pay the 1st quarter of the nominal fee and he understands that they sent just recently another payment of \$2,400 for the monthly and should receive monthly payments from now on. He then said the initial \$10k we are supposed to pay this quarters nominal fee and explained the document that was sent to the County was exactly verbatim the County has continued to pay those nominal fees as a W4 and issue a w2 at the end of the year and said he doesn't know where the City is for them
- Manager Skerry explained that discussion had started back in May and mentioned that the Chief was at the County with all the other Fire Chiefs and said that we had never since day one have went with W4 but chose W9 and the reason for that has been stated every year at budget time that you have approximately 27 fire fighters.
- Chief Rubin said there are not that many that qualify for the nominal fee.

- Manager Skerry said we cannot take on anymore people on a W4 and if we top over the 25 number, we would have to provide health insurance, retirement benefits and all additional benefit costs and excepting W4 is a paid employee and W9 is a nominal fee.
- Chief Rubin explained that the County continues to do this on a W4 and issue a W2 at the end of the year and has specifically says that just because you are a volunteer does not make you an employee, you are still a volunteer and explained how it would be difficult and puts an extra burden for the volunteer to pay as a contract labor instead of having the City take out the taxes, social security and Medicare at the time of issuing the payment.
- Mayor Gwinn explained we were given the choice to either do a W9 or W4, and we went with the W9 and talking with tax and rev it is up to that individual to decide how to calculate and set aside their obligations.
- Chief Rubin said then the City is probably creating a mess by not talking with an accountant or with the IRS, because in the pass IRS did say they are paid by W4 and not independent contractors.
- Manager Skerry explained that this is DFA requires this.
- Chief Rubin said the payment needs to be made in October and he will turn over the information to the City, the list of names and their percentages and need direction on if this needs to be paid out as a W9 with a 1099 at the end of the year.

Municipal Court

- Court Clerk Lisa Adair explained since she was not here for the previous month she is giving reports for two months and reported for the month of August there were no citations filled in the courts; amounts collected are: Correction fees \$240; Court Automation fees \$72; Judicial Education fees \$36; Court Fines of \$353 giving a total collected in the courts for the month of August was \$701 and the month of September no citations were filled in the courts; amounts collected are: Correction fees \$40; Court Automation fees \$12; Judicial Education fees \$6; Court Fines of \$30 giving a total collected in the courts for the month of September was \$88.

Solid Waste Ordinance update

- Jim Winters explained where we are on the solid waste; after P&Z having several discussions, making modifications to the ordinance and after a public forum they made some changes to these issues and after all this they felt it needed some legal expertise on directions to move forward. He further said once this information has come back the next intention is to do another public forum and then take it forward to a public hearing.
- Mayor Gwinn explained that he has met with the City Attorney and one of his associates is working on this and they are looking at the legal side to be able to enforce if it should have to go to court.

Private Security/Civilian volunteer program

- Mayor Gwinn explained that two of the Councilors have broken these two areas down to, one Councilor was in charge of looking into the private security and the other into the civilian volunteer program.
- Councilor Ramsell explained he had looked into private security companies and got ideas for pricing and explained after making attempts to 4 private security companies he was only able to speak with one and spoke with the CEO and the general cost is for every 400 homes at the cost of

\$150 per home per month or approximately \$1800 a year per home and if you went with less homes your price would go up but if you went with more houses the cost would stay the same.

- Councilor Gutjahr asked if we had to pay for the current homes in the City how much would that cost.
- Councilor Ramsell said based on the number of residences we would be looking at approximately 3.5 million dollars not including businesses per year.
- Councilor Gutjahr said her report is on the community patrol and then said she spoke with Bosque Farms at length regarding their civilian volunteer program and then contacted our liability for the State (our risk management) Ed Zendel and Katherine Hennessey and explained the parameters of having a vehicle, adding a volunteer rider, which is similar to a workman’s comp insurance, other guidelines, agreements, establishing a citizen notification and what can and cannot be done when establishing a volunteer watch program.

Review of Personnel Policy Manual

- Councilor Gutjahr explained to the public that we are looking at updating some of the wording in different areas such as the recruiting and selection, notification procedure and some changes under the grievance procedures, exit process and exit interviews.

Accounts Payable

- Treasurer Benavidez gave the accounts payable report for the following bills.

PNM	\$ 377.11	PNM	\$ 677.20
NM Conference on Aging	\$ 90.00	NM Gas Co.	\$ 29.82
CES (bldg. structure)	\$ 112,731.28	Universal Fuel Card	\$ 2.00
Bob Skerry (travel)	\$ 157.81	AC Disposal	\$ 360.00
Gusto	\$ 2,408.71	Gusto	\$ 6,513.08
NMML (councilor training)	\$ 90.00	Comcast	\$ 288.78
Century Link	\$ 84.85	NM Water Service Co.	\$ 241.88
Gusto (payroll processing)	\$ 69.00	CES (bldg. structure)	\$ 100,336.35
Village of Los Lunas (VRECC)	\$ 5,921.75		

- Mayor Gwinn asked regarding the \$2.00 fuel card fee is that going to drop-off since we do not have them anymore.
- Treasurer Benavidez said she guesses we need to officially close the account.
- Councilor Sais asked regarding the disposal services do we still have money for the cleanup next week to authorize 3 dumpsters.
- Treasurer Benavidez said yes we can do that.
- Councilor Sais moved to pay the accounts payable as described to them. 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 accounts payable was approved for payment.

Executive Session discussion on Evaluation of City Manager personnel position. NM Section 10-15-1 (B)(H)(2)

- Mayor Gwinn asked for a motion to go into closed session.

- **Motion and roll call vote to go into close session**
 - Councilor Gutjahr moved to go into an executive session for discussion on evaluation of City Manager personnel position. NM Section 10-15-1(B)(H)(2) with a roll call vote. The motion was second by Councilor Sais. Vote: Councilor Brown-yes; Councilor Ramsell-yes; Councilor Sais-yes and Councilor Gutjahr-yes. With a 4-0 vote council went into closed executive session at 7:20 pm.

- **Motion and roll call to go back into regular business meeting session**
 - Councilor Sais made a motion to come out of executive session and go back into regular business meeting by roll call vote. The motion was second by Councilor Gutjahr. Vote: Councilor Brown-yes; Councilor Ramsell-yes; Councilor Gutjahr-yes and Councilor Sais-yes. With a 4-0 vote council was back into regular business meeting session at 9:30 pm.

- **Welcome everyone back and Statement by the Mayor: The Governing Body of the City of Rio Communities, New Mexico, hereby states that on October 9, 2018 a Closed Executive Session was held and the matters discussed in the closed meeting were limited only to Evaluation of City Manager personnel position as posted on the agenda**
 - Mayor Gwinn read the above statement into the minutes.

Action results from Executive Session

- Councilor Gutjahr made a motion to terminate Bob Skerry's position as City Manager. The motion was second by Councilor Sais. Vote: Councilor Brown-yes; Councilor Ramsell-yes; Councilor Gutjahr-yes and Councilor Sais-yes. With a 4-0 vote the termination of the City Manager Bob Skerry was approved.

Council Reports

- Councilor Ramsell had no report.
- Councilor Sais had no report.
- Councilor Brown had no report.
- Councilor Gutjahr made a comment regarding their action tonight; as a Council they had done their due diligent on evaluations of the City Manager and a lot of people who have come to them about getting rid of the City Manager it is important to know that this may be your opinion but Council did their work here and she doesn't respond to push from the community and did want to make a point especially in the minutes since Bob came on in 2015 many things have been accomplished, such as bringing in the Fire Department and through his work on getting the ICIP we were able to get the renovation of the building, the comprehensive plan through his leadership of the P&Z, and all the ordinances that started the City, the franchise fees, PNM solar facility, and all policies that he helped to create, also got us full voting on the VRECC, Rio Metro and being able to pave roads and potholes and we know have a \$250k grant.
- Councilor Gutjahr said it is important to understand what Council is doing and what they are making decisions on that the person who has been here was the right person for that job at this time.
- Mayor Gwinn echoed what councilor Gutjahr had said and when bringing in the City Manager on it was a different Council at that time, there was 3 applicants and they picked the right one. He then said Bob helped design the ordinances that allow this government to operate and continue to operate today.

- Mayor Gwinn reminded we have our cleanup on the 20th with 3 dumpsters.

Adjourn

- Councilor Gutjahr moved to adjourn. The motion was second by Councilor Brown. With a 4-0 vote the City Council regular business meeting was adjourned at 9:36 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