

City of Rio Communities Workshop Minutes  
Tuesday June 26, 2018

- Mayor Gwinn called to order the City Council workshop at 9:00 am.
- Present: Mayor Mark Gwinn, Councilors; Bill Brown, Peggy Gutjahr, Arturo Sais and Joshua Ramsell.  
Present: City Manager Bob Skerry, City Treasure Celina Benavidez, Municipal Clerk Lisa Adair, P&Z member Jim Winters and Fire Chief L.E Rubin.

**FBT Architect Presentation**

- Mayor Gwinn said Sanjay Engineer from FTB is here today to give a presentation on landscaping and parks.
- Mr. Engineer introduced landscape architect Amy Bell. He then said they are presenting the landscape plan today because there were requests in the past and what Ms. Bell will show today are their ideas based on past conversation. He also said the plans for renovation are at CID for building permit and construction should begin after the 4<sup>th</sup> of July.
- Ms. Bell started the presentation on the plan for landscaping at City Hall.
- Mr. Engineer explained that they have noted to the general contractor that the landscaping will be coordinated with the drainage plan. He then gave an update on the schedule and said the drawings will be updated and he will get a subcontractor's price on the landscaping. He said it would be best to install the landscaping in the fall.

**Council reports & agenda items – 30 minutes**

- Councilor Ramsell distributed pictures of solar LED lights. He then said we've discussed the concrete in the median and asked if DOT is going to come out to fill it in.
- Manager Skerry said he will contact DOT.
- Councilor Ramsell said there has been some discussion about replacing the steel roll-up doors at the fire station. He said he visited with volunteers at the station and they told him we need to look at re-doing the current heating system as well because the radiant heat is baking the paint on the vehicles. He said that may be something that should be discussed when we get the exterior done.
- Councilor Sais said the Older American Program will have an annual conference at the Marriot in August. He said and there are six participants including himself and Councilor Brown and the fee for all of them is \$295. He asked if Council would pay for that.
- Mayor Gwinn said we could support the two from the Council, but the County should pay for the others.
- Councilor Sais said the request was that the cities cover the fee because the County has a lot of things to do with their budget, so the cities are going to their councils to request payment.
- Mayor Gwinn said they can come to Council and make that request but right now what is covered in our budget is strictly for Council and City employees.
  
- Councilor Brown no report.
  
- Councilor Gutjahr said residents have told her someone has a swimming pool in their front yard with no cover or protection at all. She said she told them to call City Hall. She also said there is no stop sign on Brugg and Howard.

- Councilor Gutjahr said she has a list of items Council talked about to put on agendas and asked if they can be discussed at the next workshop.
- Councilor Gutjahr said she has been looking at other municipalities who have Councils and Managers and expressed her opinion for the need for better decorum. She said the staff does a lot of work, but the Council also does. She said there is a divisive atmosphere at times, and we should return to the process of addressing each other as “Councilor” or “Mayor” to give definition to the title and respect during discussions.
- Councilor Sais, Councilor Brown and the Mayor all agreed.
- Mayor Gwinn said we’re at the point where that would benefit Council. He said we could request that someone from MOLI come to provide training.
- Mayor Gwinn said there is something in the pit that was dumped from a construction site that needs to be removed. He then said we need to make sure that area is part of our cleanup in the future.
- Mayor Gwinn said in the past we have had people come in the middle of the night before the cleanup to drop off trash and his frustration is how to stop this and began a discussion.
- Mayor Gwinn said he would like to plan a get together for staff, P&Z, EDC and Council – not for business but to have dinner together and enjoy casual conversation. He said the City can’t pay for it but he’ll work on it and update at the last Council meeting in July.
- Mayor Gwinn said he and Councilor Sais, Councilor Brown, Manager Skerry and Clerk Adair attended the resolution and policy meetings with the NMML. He said they all had various resolutions they would like to see to enhance municipalities in the state. He explained that seven judges were with the group that he and Councilor Brown were with. He said a lot of the resolutions pertained to their duties as municipal judge and he would like for our judge to attend some of those meetings to provide input for Rio Communities.
- Clerk Adair reported that Officer Cole told her that they served two search warrants on a drug operation. She also said that Officer Cole has written sixty-two citations so far this month and we will probably close out the month with twenty cases filed with the court.
- Mayor Gwinn said he talked to the people at DOT that monitor the truck traffic about the problem of jake brakes. He said they’re getting a lot of calls from our residents and, if we will post a sign, they can issue a citation.
- Manager Skerry said he is still trying to get DOT to put up our city limit sign on Hwy 47. He said the 40-mph speed limit sign can’t be seen until drivers are well within the city limit. He said if the speed limit sign is where the city limit is, trucks shouldn’t have to use a jake brake if they’re going 40 mph.

#### **Procedure on Council attending P&Z or EDC meetings – Discussion**

- Jim Winters explained there are issues concerning Councilors or the Mayor attending meetings where there will be discussion on issues that will come before P&Z or EDC. He said that poses a problem on the action at the meeting itself as well as the problem of the Councilors or the Mayor getting more information than the rest of the group gets that could affect their final vote. He also explained that there is the issue of a Councilor or the Mayor doing a site visit and discussing issues that may come before one of the commissions and that person gets more information than the rest of Council.
- Manager Skerry explained we have several projects coming up, all of which involve a lot of money we could get sued.
- Jim Winters said he would encourage Council to read the minutes because everything they say is written in the minutes. He said he would discourage Councilors’ attendance at commission meetings

because they don't know what will come up. He said when he makes a report at the Council meetings, he is giving the same information to the entire Council at the same time.

- Councilor Gutjahr said if you want Council input you have a public forum and that is advertised so information would be shared so we would have input but not be in a decision-making process.
- Jim Winters said he would encourage more combined meetings between the Council and the commissions.
- Manager Skerry said he has always thought it would be good for a new Councilor to go to a couple of P&Z meetings but that was because the meetings involved policies and that is Council's job but zoning changes or variances are not.
- Councilor Brown said he suspects this item was precipitated by his presence at a public hearing. He said early on he attended either a P&Z or an EDC meeting every two months until he was told by the Mayor that according to NMML, he should not be attending those meetings. He said he attended a public hearing early this month at P&Z and Chairman Winters told him before he called the meeting to order that he would have to recuse himself on anything that would come out of the discussion. He said he did not stay for the P&Z meeting but only attended the public meeting. He said another Councilor attended the P&Z meeting and that was ok, but it was not ok for him to be at a public meeting.
- Councilor Sais said he attended the P&Z meeting, but he was late and didn't hear any of the discussion.
- Councilor Gutjahr said she understands that when there is a public forum all the Councilors attend and they all hear the same thing. She said if a Councilor attends a meeting, they get information on an issue that may come before Council but none of the other Councilors have the information. She said when P&Z or EDC are working on specific projects, it would be best to hold a joint meeting so that all Councilors get the same information.
- Manager Skerry said Councilors have to be very careful if one of their constituents asks them to look at their property to give an opinion on something they want to do. He said they should be told to turn in a request at City Hall.

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

- No public comments.

**Fire Department Personnel – Discussion**

- Manager Skerry said he gave Council information he has on how to facilitate mixed use of paid staff and volunteers. He said everything he has read concerning best practices says strong leadership is the key to running an organization and began a discussion. He further explained the necessity of having required paperwork processed correctly and if that does not get done there is an issue. He said he recommends having a shop steward that would represent the volunteers, so the paid management and the volunteers have a good rapport.
- Treasurer Benavidez said they call the City Manager and they shouldn't be calling him for finance issues.
- Councilor Gutjahr said we have a real treasure in our fire department and the people that serve. She said she understands personnel is the Manager's job, but she contacted people to get a better understanding of the process and what happens as time goes on. She said those conversations helped her understand the importance of having paid leadership, but it was clear that the people involved in deciding criteria, application and interviews should be leadership at the fire department.

- Manager Skerry said he wants Council to feel comfortable with the overall policy so they can tell the public we're taking on the fiscal responsibility to provide public safety and 850 people call 911 with a medical emergency each year.
- Councilor Sais said the volunteer staff still has to deal with a fiscal agent which is the County and our fire department has grown to a strong status as a volunteer organization. He said he understands the issues of leadership and compliance with finance procedures, but we've had that in the past and now we're going to pay someone and have one person oversee.
- Manager Skerry said the leadership has been good with the fire department but the reason the County gave us the fire department is that being the fiscal agent was too much of a hassle. He said there are two issues – one is fighting fires and the other is bookkeeping and we don't get fire funds if we can't pass an audit and don't spend the fire funds correctly.
- Mayor Gwinn shared his conversation with a Mesilla fire fighter who told him that when the City of Mesilla took over their fire department, the situation was like Rio Communities. He said they decided eleven years ago they needed to build policies and procedures for both the EMT's and the fire department, so they hired a fire chief and he is the only one who is paid.
- Councilor Brown said the City Manager gave Council material on how to integrate a paid staff and volunteers and one example was a fire chief. He said there is a learning curve in being a fiscal agent for a fire department and keeping the books straight. He said the fire department is now responding to about two-thirds of our calls and to get better than that it would be better to have paid EMT fire fighters - not administrators. He said the administrators can keep the paperwork right and work together and the volunteer fire chief and assistant would run the fire department and have four paid EMT fire fighters to provide coverage twelve hours a day - seven days a week.
- Councilor Sais said he would like to see a paid chief and two paid EMT's and a volunteer assistant chief who would be brought in by the staff.
- Manager Skerry explained that Council makes the policy decisions and sets the budget and he decides whether the positions are full-time or part-time and if they are within the budget.
- Mayor Gwinn said he understands what the Manager is saying and hopes that when we are looking for that key person we are listening to the volunteers. He said the key is their buy-in and keeping motivation going forward.
- Councilor Sais said the fire chief has been independent for years and he is concerned that the Manager will be over the fire chief and the department. He said Council won't just put up the money because we live in this community and we have concern regarding the services provided.
- Councilor Brown said as a reminder to the governing body that another option is not to fund it at all.
- Mayor Gwinn said we cannot outline what the Manager is doing. He said we can suggest but can't tell him what to do. He said we could tell an administrator what to do but we don't have that form of government.
- Councilor Sais said Council is basically rubber stamping everything the City Manager says.
- Mayor Gwinn said the lines have been drawn about what Council's and the City Manager's roles are.
  - Chief Rubin said there has been no dialogue and no one has come to him or the assistant chief to discuss personnel.

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

- No public comments.

**Solid Waste Ordinance draft – Discussion**

- Jim Winters distributed a copy of a draft of a proposed solid waste ordinance and began a discussion.

- L.E. Rubin said it appears that there is a three percent per year increase built into the ordinance.
- Jim Winters said that should be part of procurement.

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

- Rheganne from UWS said that rather than setting a standard increase every year, they work with the Consumer Price Index for the industry and by contract they are allowed an increase once a year according to the CPI.
- Treasurer Benavidez said currently we are paying our attorney on an “as needed” basis and it may get expensive. She also said there should be a closed procurement session, so it is clear what Council wants.
- Councilor Gutjahr asked if we want to put a lawyer on retainer before we start.
- Mayor Gwinn said we should have a public forum and then give it to an attorney and he can put in the ordinance whatever he thinks he can enforce.
- Treasurer Benavidez said if we put an attorney on retainer and legal issues come up there may be conflicting issues.

**Fuel Cards – Treasurer – Discussion**

- Treasurer Benavidez explained the issue we are having regarding the fuel cards and she would like to change the fire department over to a debit card with a \$1,000 limit. She said someone, preferably L.E. Rubin or Jason Gonzales, would oversee charges.
- Mayor Gwinn explained that Treasurer Benavidez is having trouble getting invoices and other information she needs. He said she would like to have debit cards issued to the chief and the assistant chief to provide a check and balance. He explained that the City is having a hard time getting a credit rating good enough to get a credit card with a lower interest rate and we need to know how to change that.
- Councilor Gutjahr asked how we would know that the person using the debit card is using it for a fire truck and not personal vehicles.
- Mayor Gwinn said checks and balances would have to be in place and it would be up to the fire chief to monitor.
- Manager Skerry said what was suggested is to set up a separate account and putting a limit on it.
- Chief Rubin said \$2,000 is about what they spend a month on fuel now. He explained there is a credit card at the north station, one at the south station and he keeps one. He said after the vehicle is fueled they are required to put their name and ID number and the vehicle number and license plate number on the receipt. He also said whoever takes the card signs it out and signs back in but a debit card is a different problem.
- Treasurer Benavidez questioned having cards at different locations and asked who is going to be in charge of the debit card and asked if it would be assigned to a certain individual who would be responsible for the card.
- Chief Rubin said in the past we had an arrangement with Vince at Rio Communities Service Station where whoever fueled the fire trucks would sign and he would bill the City. He said Vince doesn't sell gas any more, but we may be able to get the same deal with someone else.
- Treasurer Benavidez said that might be a procurement issue because we couldn't control the price of the gasoline.
- Mayor Gwinn said we should go with the debit card and work on a system of oversight.

## **Update on Parks – Discussion**

- Manager Skerry explained that when we accept a subdivision the developer has to give land and/or money for open space. He said one of the sub-dividers he is working with owns the parks in the City now and is interested in selling those parks back to the City.
- Manager Skerry said he is working on getting all the parks back including the two ball fields. He said we have enough money in professional services to have the twenty-seven acres from Habitat for Humanity surveyed but it would be best to wait until after rattle snake season.
- Manager Skerry said one of the advantages of using FBT to design City Hall was that we would be able to use their landscape architects to plan a trail system. He then explained that Groundworks does landscape design for FBT, but it is a subsidiary and will require separate procurement. He said we can't do a plan until we know what we own, and we won't know that until we get through subdivision negotiations. He said once we have a plan the legislators have indicated they are willing to commit funding through Capital Outlay.

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

- No public comments.

### **Resolution 2018-xx – Budget Adjustment #1**

### **Resolution 2018-xx – Budget Adjustment #2**

### **Resolution 2018-xx – Budget Adjustment #3**

### **Resolution 2018-xx - Budget Adjustment #4**

### **Resolution 2018-xx – Budget Adjustment #5**

### **Resolution 2018-xx – Budget Adjustment #6**

### **Resolution 2018-xx – Budget Adjustment #7**

### **Resolution 2018-xx – Budget Adjustment #8**

### **Resolution 2018-xx – Budget Adjustment #9**

### **Resolution 2018-xx – Budget Adjustment #10**

- Treasurer Benavidez gave an overall view on all the resolutions and began a discussion.
- Manager Skerry said DFA thinks we've overspent the budget but we have money from grants that can't be shown in the budget. He said he needed to let Council know so everyone is aware.
- Treasurer explained other resolutions for the next fiscal year.

## **1. Manager Report**

- Manager Skerry explained that we would host VALEO this time, but it is scheduled the same day as National Night Out, so he needs to know what Council wants to do. He said trying to reschedule it for another time is almost impossible and began a discussion.
- Manager Skerry said the validity of VALEO has been discussed. He said the managers think it's necessary and have had conversations about how to keep it going and asked for Councilors' thoughts
- Councilor Gutjahr said VALEO is needed and it may be better to select general topics that would help everyone involved. She said we need to build relationships and have mutual conversations.
- Manager Skerry said the discussion among the managers has been that we shouldn't have an agenda but should network among the elected officials and then continued the discussion.
- Mayor Gwinn explained that when he started as a Mayor he attended the Mayor Caucus and there was full participation from all municipalities in the County but now they are not showing up.
- Councilor Brown said another option is for us to hold the VALEO meeting as scheduled and we have two things to discuss. He said one is to offer a model proclamation on fireworks to everyone and we can ask for recommendations on parks.

- Councilor Sais asked why the school boards aren't included in the meetings.
  - Manager Skerry explained that the intent is for VALEO to be for local elected officials.
  - Manager Skerry said the supreme court has agreed that charging GRT on internet sales is ok. He began a discussion on GRT at brick and mortar establishments and the whole formation of the tax code for New Mexico.
  - Councilor Gutjahr asked if it just goes to the State or if municipalities will get involved.
  - Manager Skerry explained that the municipalities have no power unless the State gives it to us.
  - P&Z member Jim Winters said they are looking at the ordinances and one of the concepts that came up early was enacting codes on some part of the city selectively or for the entire city. He said P&Z argued it and felt like it would be best to have certain things in certain areas but Council at that time was against that. He said they are starting that argument again and he will ask Council again if some areas of the city could have higher buildings or bigger lots. He said P&Z doesn't want to spend time on the subject if Council is opposed to that.
  - Manager Skerry asked if everyone understands how procurement works, and issues involved.
  - Councilor Gutjahr suggested we have the person who does MOLI procurement do a workshop here with everyone present so that everyone hears the same thing.
- The City Council workshop was adjourned at 1:18 pm.

Respectfully submitted,

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Lisa Adair, Municipal Clerk  
 (Transcribed by Pamela Johnson, Deputy Clerk)

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

Approved:

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Mark Gwinn,  
 Mayor

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Margaret (Peggy) Gutjahr,  
 Councilor Mayor Pro-tem

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Bill Brown,  
 Councilor

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Joshua Ramsell,  
 Councilor

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Arturo R. Sais,  
 Councilor