

City of Rio Communities Workshop Minutes
September 11, 2018

- Mayor Gwinn called to order the city council workshop at 10:00 am.
- Present: Councilors Bill Brown, Peggy Gutjahr, Arturo Sais and Joshua Ramsell
Present: City Manager Bob Skerry, Treasurer Celina Benavidez and Deputy Clerk Pam Johnson

Council reports & agenda items – 30 minutes

- Councilor Ramsell had nothing to report.
- Councilor Sais said he has been getting calls regarding trash and mice and a complaint about trash on the old golf course. He said the City needs a code enforcement officer. He also said the issue of an organizational chart has been discussed and he would like to see Council work on that if we're going to stay with a management form of government.
- Mayor Gwinn said he received a call from someone who said the old golf course is under new ownership. He said he and Manager Skerry looked at that and can't see where it has been sold but he will ask Scott Edeal about it and see if he will mow the property.
- Councilor Brown said he and Councilor Sais attended the Older American program luncheon and the next meeting will be October 16th at the Del Rio Senior Center from 1:30 to 3:30. He said he also attended a meeting at the NM Department of Aging and received some interesting statistics. He said, according to the Council on Aging, people over 50 make up 90.5% of the vote which is the largest voting bloc in the country. He also said the demographics in the workforce is changing and there are more older people working now.
- Councilor Brown said the guest speaker at the Optimist Club on September 27 is Debra Baca who is the safety officer for Belen school district. He said she will talk about what is being done now about school safety.
- Councilor Gutjahr said there will be a candidate forum at the Del Rio Senior Center on September 20th.
- Mayor Gwinn said he received a letter from Norbert Schueller thanking us for our support of the Older Americans Program and recognizing the efforts of Councilors Brown and Sais.
- Mayor Gwinn said the aging population is a vital part of our community and thanked the Councilors for their support.
- Mayor Gwinn said he received a letter about members of the House of Representatives getting calls from the Padilla's. He said he met with two of the representatives and acknowledged that we received their letter and forwarded the letter and the letters we've received from the Padilla's to our attorney.
- Mayor Gwinn said he appreciates the support from Councilors and staff for at NMML conference and reported that we received compliments that Rio Communities continues to set the bar. He said he and Councilor Sais attended a workshop where the principal of the school in Aztec spoke about the shooting.
- Mayor Gwinn said we have a lot of support on solid waste according to social media. He said there weren't very many people at public forum and maybe we should have another one. He said the attorney should have the legal questions answered and we can start working on the ordinance at the end of September.
- Mayor Gwinn said the City clean-up is this Saturday and we're checking ID and letting Rio Communities residents in first. He reminded people that school is in session now and we need to get the message to people to stop when the stop sign is out on the buses. He also said the site team will kick off in October and he assured them we'd participate.

- Councilor Sais said he is getting calls about the “Welcome to Rio Communities” sign on the wall at the entrance. He said he would like to see the City provide money for repair of the sign.
- Mayor Gwinn said Willie Jiron and his group have been in touch with their insurance company about the repair.
- Councilor Gutjahr said some issues that come up would be good newsletter items. She said there is a lack of understanding about funding groups and “recurring and non-recurring” and an article in the newsletter may help to clarify.
- Manager Skerry said we talked about that for the last newsletter but it’s hard to condense the information and still enough so that people understand.

Resolution 2018-__ ICIP – Discussion

- Mayor Gwinn said the ICIP has been passed but we should have done that by resolution. He said we’ll have a discussion tonight and then it will be sent to Santa Fe.
- Manager Skerry said Council will need to vote on the resolution tonight. He said all entries are the same and should be on the website. He then read the resolution that will be presented for signature tonight.

Rio Grande River Incident - Discussion

- Mayor Gwinn said he spoke with County Manager Danny Monette about the shooting on the river. He said the incident occurred on County and Conservancy District property and Manager Monette said the County doesn’t control how the gates are locked – the Conservancy District does. He said Councilor Brown suggested we do a proclamation and indicate we agree, but we don’t have control. He said the two areas where we do have control is the gate by the railroad at Horse Ranch Road which is welded shut and the one on the north side of Big Mike’s.
- Councilor Sais asked if we received an incident report regarding that incident. He said there is a lot of concern and issues have come up about whether we have officers that take care of our property. He said the Conservancy District has regulations, but they aren’t enforced.
- Mayor Gwinn said they can’t give us any information until charges are filed.
- Councilor Brown said the Rio Grande runs through five municipalities and this would be a perfect project and should be discussed at VALEO. He said he received a call Monday about an incident Sunday night and citizens think there should be some sort of alert system to warn us when there is a dangerous person in the area.

Fire Department Personnel – Discussion

- Mayor Gwinn said this was brought up at the last workshop and we’ve extended discussion to today. He said we’ve heard that Steve Gonzales has told people that Council gave him 100% backing and that was not true. He said this is set up for vote of confidence or not and Council has an opportunity to discuss.
- Councilor Gutjahr said we had conversations regarding past incidents, and her view was that we would allow things to remain and let Captain Gonzales have a chance to prove himself. She said since then we’ve become aware that he has submitted e-mails that refer to him as “chief” Gonzales which is misrepresentation, so he doesn’t have her full confidence right now. She said she understands that people can change. She also said she understands that Chief Rubin works full time and can’t be available, so he wants to have someone he has worked with in the past and he can trust. She said because things worked well in the past doesn’t mean those things will work now and the same applies to the fire department which has nothing to do with a person but more to do with conditions that have changed.

- Councilor Sais said he has seen the fire department work well over the years and saw problems they had but ours is one of the best in the state. He said we should look at issues and concerns and that's the reason for an organization chart to see who answers to who. He said we need a check and balance system and he strongly supports what the fire department does.
- Councilor Gutjahr said her concerns are not to disrupt a relationship but she is concerned about ongoing leadership - how things came to be and how we'll go forward.
- Mayor Gwinn said it was good to see how kids at National Night Out reacted to firemen. He said firemen are role models and should follow the laws. He said a resident called to say that Captain Gonzales was on his cell phone when he was driving. He said firemen follow the same laws as everyone else and that needs to be discussed in a meeting. He said he knows the history of the fire department and wants the department to come together. He said the fire department is supported 100% by the Council.
- Councilor Brown said he has made statements to Council and staff that there was no discipline under the previous administration at the fire department. He said the answer he got was that we're the fiscal agent and have no ability to do anything about what is done within the organization at the fire department because they aren't our employees but are volunteers.
- Manager Skerry said he received a letter from Chief Brian Culp on October 14, 2017 saying District One was not answering calls. He said Council discussed the matter and one solution was to use EMS monies to get a chief and an assistant chief, so he started the process of getting job descriptions.
- Councilor Brown said this Council has not voted to approve a fire chief and an assistant fire chief. He said the funding went into the proposed budget and was altered to not specify a chief and assistant chief and cover four EMT's.

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

- Sue Moran said she agrees this is not a personality issue, but it is a cornerstone for serving the people who are the EMT's who are the workers. She said she has spoken with fire volunteers and they feel it's important to have a paid full-time chief who will be there for them and help them do a good job. She said they feel like they have enough EMT's but not someone to answer the calls during the day and provide continuity.

Job Description Chief EMS/Fire Rescue Officer and Assistant Chief EMS/Fire Rescue Officer – Discussion

- Manager Skerry said we started this process because original idea was that before July 1 we'd be ready to have someone on board starting the new fiscal year. He began a discussion regarding trouble volunteer fire departments in the country are having and changes that are happening. He distributed information received from VRECC showing the number of EMS calls, police and fire calls and said he talked with the County last October. He said 87% of the calls were medical compared to 13% for fire and we can use fire funds for anything except salaries but EMS/GRT funds can be spent for salaries. He said EMS and fire funds are separate so there is no question that any funds are being mixed. He said the job descriptions are here for Council to review and he has given a copy to Chief Rubin. He explained that the job descriptions had to wait until Council decided on the form of government.
- Councilor Sais clarified that the fire chief would be under the direction of the city manager and the assistant chief would be under the chief. He then said if the chief leaves town and the assistant takes over he is concerned about getting more and more into bureaucracy. He said, from the city standpoint of money and management, the problem is with fiscal matters. He said that is getting better, but it would help to have a chief in the area that can at least verify expenditures as opposed to things happening that are not in the budget.

- Treasurer Benavidez said the fire department has requested purchase orders totaling \$110,000 in the last three months. She said they don't have a budget, so they don't know if they're within a budget. She said \$55,000 in our budget comes from fire funds and DFA wants us to retain that amount. She also explained that there is a distinction between country gross receipts tax and state gross receipts tax.
- Captain Gonzales said that money had to be spent because things were not taken care of by past administrations.
- Manager Skerry said we accepted the fire department by resolution and promised we'd answer all calls for District 1 and not needlessly burden the mutual aid agreements or rely on someone to take our calls.
- Captain Gonzales explained what funding at the fire department depends on and the major component is the number of people who answer the calls. He said it would be better to hire four fire fighters to get better coverage instead of hiring two administrators. He also said we're covering the County calls under mutual aid.
- Councilor Gutjahr said we are running into issues that aren't just administrative but if a person will have to be out of the office things still have to work. She said we don't have that now and a chief will have to work with volunteers.
- Councilor Brown said the main concern has always been public safety and we agree that it would be good to transition into a mixed force, but we disagree on how we're going to do that. He said the best interest for public safety is hiring four EMT's but we haven't decided how we're going to pay for them.
- Manager Skerry said the final budget included salary sheets for a fire chief and an assistant. He said when the budget is approved all back up is also approved.
- Councilor Gutjahr said her motion at that meeting was to put money in the budget and we agreed we would have until July 1 to finalize positions.

RGEFD – NM State Fire Protection Grant for \$100,000 application approval - Discussion

- Captain Gonzales explained that they would like to apply for a New Mexico State fire protection grant and need permission from Council to do that. He said they want the record to reflect that we're allowed to apply for the grant and understand that there is a \$10,000 match that will come from their budget. He said the money will be spent for radios, pagers and bunker gear for personnel and the application is due September 20.

Continued discussion on funding an additional officer – Discussion

- Mayor Gwinn said we need to have more discussion about what we'll have to do to fund an additional officer.
- Councilor Gutjahr said we need more information and this item should be tabled until the next workshop.

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

- No public input/comments.

Personnel Policy Changes – Discussion

- Councilor Gutjahr distributed documents showing additions and changes to the personnel policy. She pointed out that Section 4.4 should indicate that when people apply for a position, they should be notified that their application was received. She explained language added to Section 4.5 regarding selection. She said the main point for her is that the city manager will select the top applicant and offer them the position but if they don't accept, then the second candidate will be notified. She said selection is not Council's business and the language added is guidance for a city manager. She also said a sentence was added in Section 8 and Section 9 dealing with a grievance with the city manager.

- Manager Skerry said staff needs to be in on interviews because they will work with that person day in and day out. He said the worst thing we could do is hire someone that staff is not comfortable with.
- Councilor Gutjahr said it's important that there is a paper trail that shows the interview process and the point system used.

Manager Report

- Treasurer Benavidez said she has changed the purchase order particularly for the fire department because we were getting invoices for amounts exceeding the purchase order. She said the purchase order was changed to explain parameters, so the vendors won't invoice for more than the purchase order. She said it needs to be signed but some vendors require that a credit card number be listed on it and she is not comfortable doing that.
 - Mayor Gwinn said we should let the vendors know the purchase order is a legal document.
 - Manager Skerry said he has made a job offer for a code enforcer that will be signed today. He said it is for \$16/hour part time for six months and we'll review at the end of the six-month probation period. He said the offer is contingent upon a background check and a drug test. He said he can't start until November 1 but it will take a month to process paperwork and get a background check. He said he keeps track of the questions asked and has a file on everyone who applied including those that sent information that was irrelevant.
 - Manager Skerry said we need to decide where additional speed signs will go. He said he assumes they should go on longer streets – Goodman, Kaghan, Hillandale, Manzano and Golf Course. He said we received \$20,000 and we have \$2,195 left so if Officer Knight doesn't need more equipment, we have money for four or five more speed signs.
 - Mayor Gwinn said Officer Knight has some suggestions.
 - Manager Skerry said we received final budget approval from DFA.
 - Manager Skerry said he has a preliminary template for franchise agreements and the assumption was that we would leave Plateau and Comcast until last. He said the reason is that we can't tax the internet, but we can tax TV. He said he will pursue franchise agreements with Plateau and Comcast.
 - Manager Skerry said the last batch of pothole repair is complete but they didn't get them all. He said we're looking at having a rolling yearly contract based on unit pricing because getting someone here to do \$3,000 or \$4,000 worth of work is very hard. He said we have set aside \$20,000 in the budget for professional services. He said he can spend that but wanted Council to know what he is spending it on. He said we're ready to go forward with the petition for annexation of the industrial park but one thing we need is an outside boundary survey of the area to annex. He said the property has been surveyed and we've found stakes, but we need to have a surveyor verify before we can apply. He said the rough estimate for that is between six and ten thousand dollars.
 - Manager Skerry said the New Mexico constitution includes language regarding anti donation. He said public monies can't be spent to better private enterprise except for indigent care, affordable housing and economic development. He said money can be spent for economic development if an argument can be made that it is for the betterment of the city by providing jobs or income in the form of tax. He said Paul Baca wants to get rid of the building next door and hasn't been able to attract a buyer and we may be able to use the building for a business incubator for the food industry. He said this may be a way for public and private business to work together but he needs to talk to an attorney and, in the meantime, Paul will continue to try to sell the building.
- The City Council workshop was adjourned at 1:00 pm.

Respectfully submitted,

Lisa Adair, Municipal Clerk
(Taken and Transcribed by Pam Johnson, Deputy Clerk)

Date: _____

Approved:

Mark Gwinn,
Mayor

Margaret (Peggy) Gutjahr,
Councilor Mayor Pro-tem

Bill Brown,
Councilor

Joshua Ramsell,
Councilor

Arturo R. Sais,
Councilor