

City of Rio Communities Council Minutes
Regular Business Meeting
Tuesday February 25, 2020

Call to Order

- Mayor Pro-tem Peggy Gutjahr called to order the city council regular business meeting at 6:00 pm.

Pledge of Allegiance

- Judge Chavez led the Pledge of Allegiance.

Roll Call

- Present: Mayor Pro-tem Peggy Gutjahr, Councilors; Bill Brown, Joshua Ramsell and Jim Winters.
Present: Municipal Clerk Lisa Adair, Finance Officer/Treasurer Stephanie Finch, Finance Clerk Angela Valadez and Deputy Marcos Hernandez.

Approval of Agenda

- Councilor Brown moved to accept the agenda as presented. The motion was second by Councilor Ramsell. Vote: Councilor Winters-yes; Councilor Ramsell-yes; Councilor Brown-yes and Councilor Gutjahr-yes. With a 4-0 vote the agenda for the meeting of February 25, 2020 was approved as presented.

Approval of Workshop Minutes

- Councilor Ramsell moved to approve the workshop minutes for January 14, 2020. The motion was second by Councilor Brown. Vote: Councilor Winters-yes; Councilor-Ramsell-yes; Councilor Brown-yes and Councilor Gutjahr-yes. With a 4-0 vote the workshop minutes of January 14, 2020 was approved as written.

Approval of City Council Minutes

- Councilor Ramsell moved to approve the city council minutes for January 14, 2020. The motion was second by Councilor Winters. Vote: Councilor Brown-yes; Councilor Ramsell-yes; Councilor Winters-yes and Councilor Gutjahr-yes. With a 4-0 vote the minutes for the city council meeting held on January 14, 2020 was approved as written.

Approval of Special Business Meeting Minutes

- Councilor Brown moved to accept the special city council minutes of January 20th as presented. The motion was second by Councilor Ramsell. Councilor Winters-yes; Councilor Brown-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote the minutes for the city council special business meeting held on January 20, 2020 was approved as written.

Public Hearing

- Mayor Pro-tem Gutjahr explained we are going into a public hearing regarding the ordinance for a library and library board, then asked what the pleasure of Council is.
- **Motion and roll call vote to recess Regular Business Meeting session and to go into Public Hearing:**
 - Councilor Ramsell moved to go into public hearing with a roll call vote concerning Ordinance 2020 – chapter 2 article 11 municipal library and library board. The motion was second by Councilor Brown. Vote: Councilor Winters-yes Councilor Ramsell-yes; Councilor Brown-yes and Councilor Gutjahr-yes. With a 4-0 vote Council recessed the regular business meeting session and went into public hearing at 6:09 pm.
 - **Ordinance 2020-__ Chapter 2 Article 11 Municipal Library & Library Board**

- Mayor Pro-tem Gutjahr explained that we did not have any public members to speak and then asked if Council had any comments.
- Councilor Brown explained with have been blessed with a bounty from our legislature of \$50,000 to establish a public library which will be housed in City Hall complex. He then explained the grant money and what need to be completed before establishing the library.
- Councilor Winters said assuming this passes tonight, we will be looking for people who will be interested in working with the library and then stated to contact the City Clerk.
- Mayor Pro-tem Gutjahr explained after your name is in, we will look at 2 ways that this can go, being added to the library board and a large group to be friends of the library as well, then said please get your name in to the City Clerk and by email if you wish.
- Councilor Ramsell further explained with the initial \$50,000 that was that there was an additional capital outlay of \$10,000 that we are awaiting information if it was granted to go towards the library.
- **Motion and roll call to go back into Regular Business Meeting session**
 - Councilor Ramsell moved to go into regular business meeting session with a roll call vote. The motion was second by Councilor Brown. Vote: Councilor Winters-yes; Councilor Brown-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote Council went back into the regular business meeting session at 6:12.

Public Comment

- Morris Sparkman resident of Valencia County; came to speak regarding a concern to the Older Americans program, and then explained at a recent meeting the representative from Rio Communities didn't conduct the business meeting appropriate for that environment, in the meeting there was specific representatives that were shut out, motions were ignored from the Chairman and furthermore there was an environment of disrespect and he is asking that consideration be made from the Council to have a different representative.
- Sherry Ulibarri, Rio Communities; said she is here on behave of the solid waste and the selection of choice and she is extremely disappointed; her 1st issue was the request for proposal, part of the proposal is included providing a local billing office and estimated gross receipt tax; the meeting this morning stated that there was not going to be a GRT to the City of Rio Communities.
 - Mayor Pro-tem Gutjahr stated that was not stated this morning in the meeting.
- Ms. Ulibarri then said so our City is going to receive GRT. She then said the proposal did state that you did ask for a local billing office, which when award by the Valencia County, there is still has yet to be a billing office locally and yet to make upgrades to Conejo Transfer Station, so not sure what criteria they are looking for, another piece part of the procurement manual has created, regarding the preference to local business, then said we are not supporting local business, how are we going to bring in local business if not supporting local business. She then said she hopes she is not forced to use Universal Waste system and could
- Claudine Montano owner of the Coffee Shop, Rio Communities; she invited All on March 18 to come by and have Free coffee and meet Officer Hernandez and said she is getting a little tired of hearing we don't have an officer here. She then said from 10-11 am on March 18 come and meet your Officer, everyone is welcome.

- Michael Vallejos, Horner St., Rio Communities; said he has been a resident for this city for 23 years, ran for Mayor of this City, lost twice, but one of the things he remembers specifically when running was no one would be forced to use a single hauler and we all had the right to choose, then said one according to the flyer 1/3 of the residents don't use a trash hauler, so what the heck are you going to do when that person doesn't pay their bill, in a few months you are going to be still be the same. He then said he feels the City should be forward on tell all haulers that they need to pay the franchise fees and taxes and let the residents decided who they want to use as a haler, let competition work, but going to a one hauler service is not the best interest of the residents. He then said that his secretary who lives in Los Chavez is paying \$80 some dollars for 3 months of service for UWS and he personally is paying for AC Disposal \$62 for the same time period. He is a businessman in Belen and is sad that the local guy does not have a chance and said it is very disappointing to see that the City of Rio Communities is going to a one-person contract.
- Wayne Caldwell said he has been looking through several of the social media sites and 90% that he has seen support AC, we have AC as the local company and they support everything that goes on in the community, he then suggested that they go around the community and see how many AC cans, how many UWS cans and how many WM cans there are and go by that. He then said remembers growing up in the mid 60's in Sherman TX, they had garbage truck come through and the City would send a bill to have the garbage picked up that was added to the water bill, then said if we had one company here then the City would collect the fees to give to Universal or AC but we are told we only have one choice and we have to pay that ourselves.
- Tom Nelson, Hillandale, Rio Communities; he said his problem is the potholes and asked when we are fixing them.
 - Mayor Pro-tem Gutjahr said we are in the processes and said we have the funding for it and waiting for temperatures to rise.
- Mr. Nelson said the temperature does not have to change, we can pave at 32°, so it needs to be done, please.
- Mary Lee Serna, Rio Communities; said the street really needs repair, and then said we elected you into office and we need you to listen to the taxpayers in Rio Communities. She does not want another garbage company to come into her street, she has done business with AC disposal for 21 years and she is happy and does not feel they should dictate to them who we should hire and not hire, as you remember Mayor Mark Gwinn pushed to keep business local so we need to stay with our City AC disposal and understands Universal Waste is not paying GRT to the City and paying to California.
- Mayor Pro-tem Gutjahr said they are paying here and will be paying here.
- Ms. Serna then said the majority of the residents do not want another hauler; they want to stay with AC. She then said she understands that Waste Management when the contracted with Valencia, they promised them the sun and the moon and a year later they deleted all those promises and even charged the folks if they had to backup their trash truck, please consider what the taxpayers and residents are asking you to do.
- Joselyn Padilla, Rio Communities; said she is here to support AC disposal, she just moved to Rio Communities in October and said she has 5 kids and AC is supporting the youth and said she hasn't seen this other company support the youth and she hopes you all look into that when you choose your company.
- Sabrina Sweeney, Rio Communities; said she was looking through the proposal on where your points are given but didn't see where there are points deducted. She said this is here 1st Council meeting she has come to and felt it was very important to come because small decisions will be

made but this is a very large choice that they have been handed and everything that your constituents have been telling and that is what you were voted in for and your constituents are overwhelming telling you who they would most like for their trash haulers and that is who you are supposed to be representing and she feels they are not being represented. She then said as a constituent her best interest is to go with AC Disposal.

- Robert D Chavez, Rio Communities; he said he has been content with AC disposal, has had their service for over 14 years and wish they would continue servicing our residents here and the majority here want AC Disposal.

Ordinance 2020-xx Chapter 2 Article 11 Municipal Library & Library Board

- Councilor Ramsell moved to pass ordinance 2020-75 Chapter 2 article 11 municipal library & library board. The motion was second by Councilor Brown. Vote: Councilor Winters-yes; Councilor Ramsell-yes; Councilor Brown-yes and Councilor Gutjahr-yes. With a 4-0 vote Ordinance 2020-75 Chapter 2 Article 11 Municipal Library and Library Board was passed, approved, adopted and signed.

Selling of Department Vehicle

- Finance Officer/Treasurer Finch explained since two meetings ago whenever we talked about the selling of the vehicle she had did her due diligence and actually got the Belen City Council meeting minutes from June 17, 2019 and read the minutes “Leona Vigil presented the transfer of the 1999 Suburban to City of Rio Communities, Gordon Reeves Code Enforcement officer for Rio Communities was present, he advised that this vehicle would be utilized by the public works division they will take it as of July 2019, Mayor Cordova asked for a motion, Councilor Torres made the motion to approve, Mayor Cordova asked for a second, Councilor Carter seconded the motion all were in favor and there were no stipulation on the vehicle. She then explained that after we received the vehicle there was no title to the vehicle only a bond, we had to pay for the bond, get it into Belen’s name and then into our name, we have since then titled and registered the vehicle in the City name. She then asked for council since there were no stipulations, if we could start the bid at \$2,500.00 if they approve the sale.
- Councilor Ramsell asked if this will be sold as is, they can look at it and not test drive it.
- Finance Officer/Treasurer Finch said yes the finance office would take control of the bidding process and as long as it is approved through Council they will award to the highest bidder.
- Councilor Ramsell moved for the approval of the selling of the department vehicle 1999 Chevy Suburban with the starting bid of \$2,500.00 sold to the highest bidder. The motion was second by Councilor Brown. Vote: Councilor Winters-yes; Councilor Ramsell-yes; Councilor Brown-yes and Councilor Gutjahr-yes. With a 4-0 vote Council approved the selling of the public works department vehicle.

Accounts Payable approval

- Finance Officer/Treasurer Finch explained the changes made from the discussion at the workshop this morning, she then asked for approval of the pay accounts payables.
- Councilor Brown moved to accept the accounts payable from February 13th thru February 25th as presented. The motion was second by Councilor Winters. Vote: Councilor Ramsell-yes; Councilor Brown-yes; Councilor Winters-yes and Councilor Gutjahr-yes. With a 4-0 vote accounts payable for the Fire Department and the City were approved for payment.

Resolution 2020-xx City Procurement Policy Manual

- Finance Officer/Treasurer Finch explained that our current procurement policy was good but this one has more information on the State Procurement Code and have a more stringent policy on the small purchases and then explained in the new procurement policy manual small purchases.
- Councilor Ramsell said he likes how going forward this policy will include the State Procurement law, this way they do not have to keep going back in forth between the State and City's policy.
- Councilor Brown said he is pleased that it gives the governing body more visibility into purchases, in the past there were several purchases that they were not aware that were made.
- Councilor Brown moved for acceptance and approval of resolution 2020-166 city procurement policy manual. The motion was second by Councilor Ramsell. Vote: Councilor Winters-yes; Councilor Brown-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. with a 4-0 vote Resolution 2020-166 City Procurement Policy Manual was passed, approved, adopted and signed.

Award of Solid Waste Collection Services Franchise Agreement

- Mayor Pro-tem Gutjahr thanked everyone for coming and voicing their concerns. She then stated that she put in the back of the room, a process began four years ago and read what was on the paper.
- Certified Procurement Officer Angela Valadez apologized for not getting the contract to you on January 28th for approval, however the Finance Department was working closing with our City Attorney's to make sure that this contract protected the City, our Residents and the Contractor. She then said she made the grammatical changes to the current document, example; change ties to tires; adding "as requested by the City Manager or Mayor"; adding "allowing the City Code enforcement to make a complaint".
- CPO Valadez then said that Councilman Winters asked to add a clause stating that Universal Waste system would remit any tax collected to the State of New Mexico Tax and Rev using the City of Rio Communities tax rate under the City tax code, which is already a state statue, and then said after discussion with our Attorney and Universal Waste System will we be receiving a letter of guarantee from UWS regarding the remittance of taxes under the City Tax Code.
- Mayor Pro-tem Gutjahr explained what had come-up at the workshop this morning was the it was stated in the past that Waste Management had not paid gross receipt to the City of Rio Communities.
- Councilor Brown said this has been going on for well over 4 years and have gone through every opportunity that we have to make sure that our community has not reflect a trash yard, and indeed that 1/3 of the community does not use a trash hauler. He then went further to say we established a community cleanup; the whole process has been thoroughly vented by 2 of our Staff members that are Certified Procurement Officers and have done everything that is legally required. He then said we have done all we can to ensure the public knows what is happening. The request for proposal went out and every hauler in the area knew this was happening and we had 2 responders, the evaluation process was made based on the quality of services, the quantity of services and the price we feel that this provides the best services for the least of costs.
- Councilor Ramsell said some of things he wanted to note is there is going to be 2 location sites within the City for recycling, curbside will be available to those that wish to have, large item pickup those are available for free pickup. He then said 2 times a year green items can be picked up at no cost, other things were having a performance bond and a notice of termination if things do not work out. It was mentioned Universal not having an office within the City, there is a stipulation requiring them to have an office within the City Limits.
- Councilor Winters said a couple of things that had not been discussed was the disposal of used tires, there will be 2 pickups a year and explained the City will pay for getting rid of your tires. He

then said we were very involved in listening to everyone and to put in the ordinance and further said that these items were in the bid and that is primarily that he is leaning in that direction. He understands this is a difficult decision and we are the last City in the County to go to a single hauler. Another issue not being discussed is roads, we have been fighting roads from day 1, and potholes was brought up tonight and can guarantee that some of those potholes were created by garbage trucks, cause garbage trucks are one of the largest trucks except for cement trucks that goes through our city.

- Mayor Pro-tem Gutjahr explained several items that had not been brought up, was there is a special rate of indigents, elderly and vets and the rate that was selected will start on April 1st, it is for a year and stated that as far as her personal the fee is less then what she pays now. She then continued to say they will not be able to raise the rate the rest of this year and if the consumer price index has gone up, they will need to approach the City if they need to raise the rate. Also, several areas of contingency in the contract is of non-compliance is clear if they do not comply and our ability to end the contract. She then said they are aware of what is being said we have looked into issues that has been brought up, but looked into what the for what the community would get, this is we feel is excellent and stated that our Procurement Officer went thought it and Council was not apart of that, State statue forbids it, they are not a part of the selection process that is done separately and appreciate the comments on community input.
- Councilor Brown moved to award the solid waste collection services franchise agreement to Universal Waste Services. The motion was second by Councilor Ramsell. Vote: Councilor Winters-yes; Councilor Brown-yes; Councilor Ramsell-yes and Councilor Gutjahr-yes. With a 4-0 vote Council awarded the Solid Waste Collection Services Franchise Agreement to Universal Waste Systems.
- Mayor Pro-Tem Gutjahr explained the rates for the new service starting base monthly price for the curbside pickup is \$16.00, then adding in the franchise & GRT. She further explained that we had in the past pay for our monthly cleanups and now we will be receiving one a month free. She then explained there is an additional charge if you wish to have curbside recycling of \$5.00 a month, but there will be a free recycling bin here at City hall and at the fire station.
 - Resident asked if someone doesn't pay their bill, will they have to take the brunt of paying for someone else bill.
- Mark Blackburn President of Universal Waste Service stated you are not going to pay anyone debt, and anyone that doesn't pay will have to answer to a collection agency and go the legal route. He then said if you look at the overall program and look at the amount of work the City went through the procurement process, AC is a good company and he did not say anything negative about them, but the City came up with the choice that was brought it to one hauler and all they did was respond. He then said he wants to commend the City, this is the best RFP's that he has ever been involved in, they were professional, they took their time and their Procurement department is outstanding. The contract they put together protects you the citizens and the City and wishes they could use this everywhere. This is good for the community and the hauling company.

Council Reports

- Councilor Brown explained the census is about to begin, it is mandated by the constitution that every 10 years there be a count of all residents and the year 2020 is here and further explained starting March 12, there will be a postcard sent to every resident all around the United States reminding all of us that the count is about to begin. He further explained how the census can be

taken. He then said earlier there was a complaint render on behalf of the Older American's program regarding the City representative was not representing the City fairly, he was that person, and then responded to that complaint on what went on regarding that meeting.

- Councilor Ramsell said has one thing to mention regarding the procurement policy we passed this evening will be in 2 places on our website.
- Councilor Winters said they are starting the process for the roads and we will be trying to cover as much as we can. He further explained we are going to have to do it very quickly this time because we are running out of time the deadline be March 15, 2020.
- Mayor Pro-tem Gutjahr said people have been posted on social media regarding animals that are loose and reminded everyone to call animal control. She then said the family health fair will be on April 18, from 10-2 and mentioned Mark had surgery on Sunday and hopefully this will add in his recovery. She then mentioned that Bill Fulginiti from the Municipal League had a heart attack this past Saturday.

Adjourn

- o Councilor Brown moved to adjourned. The motion was second by Councilor Ramsell. With a 4-0 vote the City Council regular business meeting was adjourned at 7:31 pm.

Respectfully submitted,

Elizabeth (Lisa) Adair, Municipal Clerk

Date: _____

Approved:

Mark Gwinn,
Mayor

Margaret (Peggy) Gutjahr,
Mayor Pro-tem

Bill Brown,
Councilor

Joshua Ramsell,
Councilor

Jim Winters,
Councilor