

REGULAR MEETING

City of Anthony Board of Trustees
750 Landers/Multi - Purpose Building
Anthony, NM 88021

Wednesday, February 03, 2016
6:00 P.M.

MINUTES

1. **CALL TO ORDER** by Mayor Arnulfo Castañeda at 6:00pm
2. **PLEDGE OF ALLEGIANCE** led by Mayor Arnulfo Castañeda
3. **ROLL CALL Present:**
 - Trustee James Scott
 - Trustee Pilar Madrid
 - Trustee Betty Gonzalez
 - Trustee Diana M. Trujillo
 - Mayor Arnulfo Castañeda

4. **APPROVAL OF AGENDA ORDER**

A motion to approve the agenda order was made by Trustee Betty Gonzalez. A second was made by Trustee Pilar Madrid.

All in favor; **motion passes.**

5. **APPROVAL OF CONSENT AGENDA**

A. Regular Meeting Minutes – January 20, 2016

Trustee Betty Gonzalez – There were several areas in the minutes that we requested additional information and I would like to make sure that we will be discussing them sometime tonight.

Mayor Arnulfo Castañeda – What is it that you are referring to?

Trustee Betty Gonzalez – On the Workman's Comp insurance Sukie indicated that she would provide a detailed invoice and hope that you will be discussing that with us. If not tonight then sometime soon. Another one is from the last page of the minutes where Sukie indicated that the State was reporting less transactions in the Motor vehicle office than what we show. Sukie said she would have more answers by the next meeting which will hopefully be tonight.

A motion to approve the Consent Agenda was made by Trustee James Scott. A second was made by Trustee Pilar Madrid. All in favor; **motion passes.**

6. **ITEMS FROM THE FLOOR – PUBLIC COMMENT**

Sukie Saldaña – As Trustee Gonzalez mentioned, I did request a detailed invoice for the Workman's Compensation Insurance and they sent us information on all of our insurance coverages combined since 2010. We need to decipher through the information and separate it by insurance type and yearly amounts. Once we have completed that we will provide the information.

Trustee James Scott – What is the name of the insurance company that we are using?

Sukie Saldaña- New Mexico Self Insurers Fund

Trustee James Scott – You know there are other insurance carriers and you do not have to use them. It's a competitive market out there and you can look around and compare. There are four ladies that work for Shane English and they pay \$100 per year per employee. That is the average cost for them. We have the police department which is high danger they have a greater chance of being permanently disabled or even killed so insurance will be much higher for them. Other than the Police Department and Animal Control who are the other high risk employees?

Sukie Saldaña – Public Works, Animal Control and Codes.

Trustee James Scott – So how many people total do we have in the high risk category?

Sukie Saldaña – 13

Trustee Scott – How many administer types do you have?

Sukie Saldaña – 16

Mayor Arnulfo Castañeda – Anything else?

Sukie Saldaña – As far as the MVD, I will speak about that at the end of the meeting.

Chief Baca – I was just going to address a question that you (addressed to Trustee James Scott) asked at the office the other day regarding the citations and the return address for the fines. They all have the Municipal Court's address printed on them. On the defendants copy the address listed is the Municipal Courts address.

Trustee James Scott – At least in one case the payment went to the State.

Chief Baca – Yes the old citations had the states address but the new citations do have the courts address on them.

Trustee James Scott – For those of you who do not know, what he is talking about is that the old copies of the citation said the Municipal Police Department and we know of one case where the fine was paid to the City at City Hall. I cannot express strongly enough that if you accept money for the court that it is a big no no. That means that the State will not get the data to input into the point system. The money that is allocated for Judicial Education Fee and Court Automation fee will be messed up. That is why it is real important that if someone comes to the police window and wants to pay a fine that you do not take it.

Chief Baca – Oh no, we will not take it. We do not accept any money at our location. We will send them straight to the Municipal Court. That would appear as impropriety.

Trustee James Scott – So there is no misunderstanding about that then?

Chief Baca – No, we would never take any money from anyone.

Mr. Eleazar Roman – It was brought to my attention by the State of New Mexico about the campaign signs yesterday morning. I have provided you a copy of the state statute as well as the City's Land Use Ordinance. I have also attached a picture of all of the signs that my department removed and tool back to City Hall. Basically we removed every sign that was places illegally according to the ordinance. The State said they would remove any signs that were in violation of the State Statute and they would take the signs to their yard and candidates could retrieve them there. We have removed signs from every candidate. I just wanted to address the BOT and explain what we did.

Trustee James Scott – Is the point in the meeting where we are going to address the sign problem?

Mayor Arnulfo Castañeda – There is no item on the agenda to address the signs. If you would like to bring it up in Trustee comments, you may do so.

Eleazar Roman – I just wanted to let you know you know that I had heard a lot of chatter about this and

wanted to remind you that the ordinance was provided in the candidate packet.

Trustee Pilar Madrid – I have my packet here and I do not see the ordinance.

Eleazar Roman – I didn't put the packets together. I just started looking into it when a gentleman from the State came into our office and talked to us about the signs and provided us with the State Statute.

Trustee Diana Murillo – I got it, Christy gave it to me with my packet.

Christy Sifuentes – Yes, it was a supplemental page to the packets. I gave candidates their packets along with this information about sign requirements.

Trustee Diana M. Trujillo – Yes she did because I came for my packet and she also gave me this information.

Christy Sifuentes – I actually took that information out of the campaign packets from the last elections to reuse for this election. The original document regarding signs for the campaign packets was written by Gloria Irogoyen and used in the 2012 elections, then again in the 2014 elections. It is located in the Land Use Ordinance that was passed in 2010.

Fernie Herrera – Everyone that is running and that is here today knows that signs that were deemed to be illegally placed were picked up. The requirements that the City has says that it's a guideline it is not specific. Also, people are putting signs on fences and stuff like that without the property owners permission. I have seen signs all over the place. I have stopped and asked them if the person had permission to put the signs there and they tell me, no, they just put them there. The requirements here say that signs will be placed only with the property owners permission. I went to the church and asked for permission to put it on their fence and they said no because it was a conflict of Church and State and that no one was allowed to put up signs there yet there are signs there. Another question that I have is that in previous elections that we have had here nobody said nothing and there were signs all over the place. Streets, sidewalks, etc. They were just told to pick up their signs after elections. Why can't we do it like we used to. If the City is going to adhere to this sign ordinance then why do the people on the weekends that put up yard sales signs put them up everywhere and nothing is done about it. It behooves me why it applies to some people can and some people cant. Why is this election different?

7. **PUBLIC MEETING** **Consideration and Action**

- A. Consideration and Action to approve Resolution No. 2016-007. A resolution approving the City of Anthony, NM participation in co-hosting the 2016 Leap Year event in cooperation with the Town of Anthony, TX.
Draft Resolution attached. (Drafted by Mayor Arnulfo Castañeda)

Mayor Arnulfo Castañeda – There is a Leap Year event that happens every four years and it was started by the Brown family. I have received a couple of calls from the Brown family and they wanted to continue with the Leap Year Festival but didn't have the time or for whatever reason couldn't do it themselves. They also contacted the Town of Anthony (TX). The Town of Anthony decided to take the lead on it and try to make it an event. They have asked if we would co-host the event with them. There would be costs in this such as advertising, transporting guests who attend the festival, etc. They have been having weekly meeting to organize the event and at last count they were expecting about 30 people to attend the event. They asked me if we would co-host and I told them I would have to bring it to the board for their approval. We do have \$3,000.00 in a line item under Parks and Recreation that we could use for this and the estimated amount for our portion would be about \$2,500.00. I did draft this resolution up and I am asking the board to consider this resolution.

Trustee Diana M. Trujillo – To get the money allocated from Parks and Recreation wouldn't be fair. Last year there was an event here in Anthony which was the Community Awareness Fair which is regarding kids. The City did not give any money or participate in this event. I do not think that it is fair. We should not do it for people from outside our City if we aren't going to do it from people inside the City. I like the idea because it brings tourism but what about the kids, what about the families here? It is not fair.

Trustee Pilar Madrid – Also, I remember we had some children that wanted to play ball and they couldn't afford the fees to pay for the lights of the ballpark. We could have allocated some of the money to them for lights so they could play. That is recreation, I don't think this really falls under city recreation. This is a donation and we are anti-donation. We could have fund raisers but we should not get the money out of our budget.

Trustee James Scott – Mary Brown was born on February 29th, she was one of a set of twins and she has been on the Chamber of Commerce for years except for when she was in the hospital. She is tenacious about her birthday party. It is not my problem. It is not the tax payer problem to pay for her birthday party. Pilar is right, if they want to have a party for Mary Ann Brown knock themselves out.

Trustee Betty Gonzalez – The event is only every four years so they should get together and start fundraising ahead of time. \$2,500.00 is a lot of money for 30 people that might come into town and really, does it benefit New Mexico?

Mayor Arnulfo Castañeda – I brought the resolution to the board it's for you to decide. I think it is a good thing to be involved in but it's up to the board to decide.

A motion to disapprove Resolution No. 2016-007 was made by Trustee Pilar Madrid.

There was no second.

Motion dies.

8. ITEMS FROM THE CITY CLERK

Trustee James Scott – There are smiling faces on the corner of Church and Fourth Street and I went to the church today to talk to them and they are adamantly opposed to use of their property for campaign purposes. It endangers their 501c3. They would like you to take it down.

I also saw faces on the corner of Acosta and Acequia Linda and it up against the rockwall against the Roman Catholic cemetery.

I also saw one on Donaldson and a dirt lot there are two signs by the power pole. One belongs to Arnulfo Castañeda and the other belongs to Gloria Gameros. That is a right-away. If I can't have one there you can't have one there and we are going to discuss this at great lengths in a minute. The lot belonging to Adrian Baca there is an extra tall sign that has a picture of Arnulfo Castañeda. The sign is 10 feet 3 inches from the ground. Planning and Zoning Land Use Ordinance says that no sign shall exceed eight feet in height. It is 2 feet 3 inches taller than it is allowed. If we are going to go by the book then you need to lop off 2 feet 3 inches. It is like a dual standard. Yesterday I noticed that some of my signs were missing and I went to City Hall. I waited for the truck to arrive and the only signs in that truck were mine. No other people's signs were in that truck and that led me to believe that there is, wait let me say this, they are not my signs. They are my wife's signs and I am the one who puts them up. I am her campaign manager. I felt very put out that our signs that we have used for five elections were removed. I have used power poles for five elections and so does everyone else. The power poles belong to the Electric Company not the City of Anthony and it is not our business what goes on those power poles. It is just not our business. Why is putting a small screw in a wooden pole is creating such a problem I just don't know. We need an alternative way of handling these assignments. I know Mr. Roman did not do this on his own. He was directed by the Mayor.

Mayor Arnulfo Castañeda – You are wrong about that but go ahead.

Trustee James Scott – Yeah, he did this on his own. You [directed to the Mayor] are an elected official and you should have no input on this whatsoever.

Mayor Arnulfo Castañeda – Exactly

Trustee James Scott – What I suggest and it will save three people their jobs is we take an someone who is an elected official, someone who is not running for office and someone who is not married to someone running for office and that would be Betty Gonzalez and let her decide. Fernie, explain how you handled violations when you were the Codes Officer.

Fernie Herrera – I would give a verbal warning, then written warning then citation.

Trustee James Scott – That is a good system. Then if they don't comply then they are going to be in court and they are going to be fined because they are breaking the law. There is this notion about compelling interest. What that means is: Across the street Erik put a sign on Fourth Street right at what I call party city. Super Bowl is coming up and there is going to be a party. There is a compelling reason not to have a sign there. When I put my sign up against a power pole there is no compelling reason to remove it. One of the things it does do is it keeps the sign from blowing all over the place. Those little flimsy wires don't work to good do they? I use the power poles to be a wind breaker. I don't see any reason why we cannot have some type of medium on this. This paper reads as follows: Although the current requirements are not specific, candidates are asked to follow the following guild lines. I think that if we interpret that very loosely there would be no reason for harsh words, threats or hurt feelings. Why do we suddenly have a problem.

I had a theft by a City employee. I put a sign on the corner of Dos Lagos and Duffer Lane. I put it up with a steal pole and it was taken. The City took my sign from private property. To show you how absurd this whole thing becomes, if I file a police report you cannot investigate it because she is an elected official. We have to go to an outside lawyer. This is crazy. Signs get stolen all the time, things like this happen but we have gotten to the point where there is so much animosity. I think that Betty Gonzalez should be the abitur.

Somebody got really carried away with this Land Use ordinance. What is the clear and compelling reason that we can't put the signs on City right-a-way, Mr. Mayor?

Mayor Arnulfo Castañeda – Don't address it to me. I didn't direct anyone to do it. Mr. Roman can explain it to you.

Victor Montoya – You explain it.

Mayor Castañeda – I wasn't there. Mr. Roman would you like to enlighten them as to what happened?

Eleazar Roman- Like I said earlier, Mayor was not at the office. The State had come into the office to give us a copy of their statute. They had received some calls and they came into the office to talk to our City Clerk. I happen to walk into the front office at that time.

Trustee James Scott – Was the State complaining about signs on the city right-a-way or on the States's right-a-way?

Eleazar Roman – The State was just giving us a copy of their statute and if we didn't have our own ordinance then the States statue would supersede.

Trustee James Scott – I made a mistake last time and I put a bunch of signs on the State right-a-way and they were removed. This time I saw a bunch of signs on the state right-a-way and I knew what was going to happen. I hope that the people that got their signs confiscated were able to retrieve them.

Eleazar Roman – Whatever we remove we will keep and we will somehow make contact with the individual and let them know that we have them and we have don't that.

Peggy Scott – Mr. Roman, I have not been contacted.

Eleazar Roman – Yes, because your husband was waiting at City Hall when we drove back in with the signs and we gave them to him then.

Victor Montoya – Someone took mine from my private property.

Unknown woman in attendance – And off of mine.

Trustee Betty Gonzalez – I am just disappointed at this kind of behavior. We never had a problem like this. The last election we had ran smoothly and we didn't have any complaints about signs. We are small town, we are neighbors, my goodness. I saw that sign on Duffer lane and it is gone, someone went and took it down. That is just not right. We understand and abide by the State rules. This paper from P&Z, I've never seen this. I don't remember anything specifically about political signs. I brought my P&Z booklet and the portion on signs is very little, practically nothing. I don't see why this paper is so detailed. On the P&Z thing on page 90 there is just a tiny little thing about political signs.

Trustee Pilar Madrid – and if we are going to do codes then there are a lot of other things to do with codes and buildings. I call and complain and they tell me, “they filled out the forms and they are in compliance”. We need a good codes enforcer.

Trustee Diana M. Trujillo – I just think this political campaign is dirty. I’m very disappointed because even in 2010 when we all ran they gave is a specific size. We always did a regular size since 2010 and all of a sudden big signs are appearing. I am asking that we get a poll watcher. I am not going to spend my money if something happens and we need to do a recount. Its not supposed to be like this, this is not about bashing. This is about working along. This shouldn’t be this way, what are we showing our community. I’m sick of it.

Mayor Arnulfo Castañeda- To address some of Trustee Scotts comments, I never directed any City employee to remove any signs. I don’t get myself involved in the elections as I am a candidate myself. As for the sign on Mr. Baca’s property, thank you bringing that to my attention. I will have the sign lowered. I think that the staff looked at the book and followed the books, if you don’t want to follow the city laws then change them. That is my suggestion. I do remember last election and yes, signs were everywhere, including mine. If you want to change the laws you have the power to do that, I do not have the power to do it.

Trustee James Scott – by the time we could make any changes the election would be over because it takes time. The ordinance is 116 pages long, it would take a long time to change. What I am saying is, your sign is 3 feet taller than the specifications, big deal. It shouldn’t cause anybody any grief that you have the foresight to make a big sign. Congratulations on a good political move but on the same token if my sign is impeding traffic or causing any problems then I should be able to put it there. If you want to change the ordinance do it after these elections. I just want to be left alone and let me do my thing. I will leave you all alone too. We all have our own strategy for winning.

Trustee Diana M. Trujillo – The 32sf, what does that equal to?

Eleazar Roman – 4 feet x 8 feet

Mayor Arnulfo Castañeda – We know that the State has laws and we cannot do certain things. I guess the question is the city part that seems to be the problem. I have not directed staff to remove any signs but I also do not feel that I have the right to tell staff not to follow the city ordinance. You are asking me to turn a blind eye? I don’t know how we can do that when we have ordinances on the books?

Trustee James Scott – Mr. Roman could you be clearer on the where the city right-a-ways are?

Eleazar Roman – It an imaginary line, we have to guess.

Trustee James Scott – If you saw a sign that was in question could you just write down the location and call the sign owner and let them know then you could haggle it out with the sign owner.

Christy Sifuentes – I feel upset myself that this has gotten so out of control. I put together the campaign packet. I’ve gone to City Clerk School and I’ve gone to election school and the first thing that we are told is don’t try to reinvent the wheel, somebody has probably done this before. Call another City Clerk at another municipality, look at what the previous clerk has done. I took the sign requirement document out of a candidate’s packet that was created by Gloria Irogoyen for the 2012 elections and used again in the 2014 elections by former clerk Velma Navarrette. I took an already drafted document that has been used in previous elections and used it again. I did not think that going back to what clerks had used in the past and putting it to use again would cause so much commotion. The land use ordinance was passed in 2010. We had no Public Works or Codes personnel at that time. I also do not think we had the personnel to enforce it in 2012 either. This is the first year we have departments to enforce ordinance that have been passed.

Trustee James Scott – I can tell by the way that it is written that this document was written by Gloria but I’ve never seen it.

Christy Sifuentes – This afternoon when all of this came up I went back though her (Gloria’s) packet and it was page 9 of her candidate packet, the entire packet was about 14 pages long. When I was drafting this year’s campaign packet I didn’t reinvent the wheel on this page, I used what two previous clerks used in their packets. In the four years that I have been here there have been no amendments to that portion of the Land Use Ordinance that I am aware of. Here we are with this huge issue. It’s taken away from our work day, it’s taken up too much of our time.

We have work to do, we have people coming into the office, people calling, feathers are ruffled. I have work to do, Sukie has work to do, the Chief has work to do, Mr. Roman has work to do. This has become the focus.

Trustee Pilar Madrid – I talked to Randy today and he said we could change it but we have to be very careful when talking about political signs. We cannot really say political signs. It wouldn't even make sense to amend it.

Christy Sifuentes – This morning when the gentleman from the State came in and was talking to me about the signs Chief Baca walked into to front office. We were talking about the state statute and then Mr. Roman walked in and I called him over. I explained what was going on. I explained to Mr. Roman that I used a document out of previous composed packets about the campaign signs. We agreed at that point that the state would handle any signs in violation of the statute and we would handle any signs ion violation of the paper that was used in previous and current campaign literature. We spent all day at the office dealing with this issue and now look how much time we have spent here tonight.

Trustee Pilar Madrid – its pettiness.

Christy Sifuentes – What I am saying is that nobody purposely did this to anybody. If you all want to place blame them place it on me because again, I used a previously composed document.

Eleazar Roman – Like Christy said, this all came up this morning. We looked through older campaign packets and this is what was in them. I was not told by the Mayor to do anything, as a matter of fact he wasn't even in the office at that time. It was the man from the State, Chief Baca, Christy and myself talking this morning in the office.

Mayor Arnulfo Castañeda – I cannot direct Mr. Roman not to do his job but I can ask him to address the signs on a case by case basis. If someone calls in to complain we can get information and send Mr. Roman out to look at these complaints on individual basis. Some of my signs were removed too, I am in the same boat. I don't care what anyone else thinks I did not direct anyone else. We can take it on a case by case basis. If you get a call and it is on state property direct it to the State. If it is on City property then we will handle it case by case.

9. ITEMS FROM THE MAYOR AND TRUSTEES

Trustee Betty Gonzalez – I understand that several P & Z meeting have been canceled. I do not think that we should be paying them if they are not having meetings.

Janny Brumlow – We were attending our meetings then we started getting messages that they were canceled.

Christy Sifuentes – We haven't had cases.

Janny Brumlow – We haven't had cases but we work on other things.

Truatee James Scott – I wrote the Ordinance on the compensation of the Planning and Zoning Board and at the time that I wrote it we were having some problems they could never get a quorum. If there is nothing on the agenda you just take roll call and if you have a quorum you adjourn the meeting because there are no items on it and then you will still get paid for it.

Trustee Betty Gonzalez – I think that if there are no meetings they shouldn't get paid.

Christy Sifuentes – I think that once you went to that meeting in Farmington and found out that we were having cases for things that we didn't need to then the case load really decreased.

Janny Brumlow – Yes, the cases have really decreased.

Christy Sifuentes – I have even suggested maybe only have one meeting a month since we don't have many cases anymore.

Janny Brumlow – We have workshop items we can work on.

Trustee Betty Gonzalez – We were recently at a NMDOT meeting and there was mention made about a little road between the Pic-Quick and the Family Dollar. The next day they went and fixed it so that was nice.

Trustee Betty Gonzalez – When there is an accident there is a lot of glass and stuff left behind on the street. They told us that it is the tow truck driver's responsibility. Can you [to Chief Baca] make sure your department knows?

Trustee Betty Gonzalez – We get a report from the Municipal Court. I wanted to ask the Judge about the payments that go to the State. Does this report also contain the amounts that go to Magistrate Court?

Peggy Scott – No, there are very few citations that are filed in the Municipal Court by the Police Officers, most of those are from the Animal Control Officer or bench warrants; however, we are no longer issuing bench warrants because the Police Department wouldn't deliver them to Las Cruces and our staff couldn't leave the office to deliver them so it is basically Animal Control. Eddie has been gone for two weeks so next month will be low.

Trustee Diana M. Trujillo – When did you tell your officers to start citing into Municipal Court?

Chief Baca – Well they should be but the issue with that is that if they are like DUI or something they will send to Magistrate Court. Also, I will be glad to take the warrants to MRVDA.

Trustee James Scott – This is music to my ears I'm glad to hear this.

Trustee Betty Gonzalez – City has agreed to maintain along the walking path and our staff does a good job of it but is it just on the walking path side or is it on the other side of the fence too? I am wondering because it is a mess. I have seen our tractors there before.

Eleazar Roman- We do take care of the walking path and on occasion we have tried to clean up the other side. It is an eyesore and we do try to do what we can without damaging our equipment.

Trustee Betty Gonzalez – They (the State) are responsive so maybe you can go to their yard and ask.

Eleazar Roman – I have but they have to get the ok from the Deming office. I have waited up to two month in the past for Deming to approve something.

Trustee Betty Gonzalez – About the MVD, is the amount on the bottom the City's fees.

Sukie Saldaña – Yes that is the City's portion. Also, last we you asked about percentages. They are not percentages they are flat fees per type of transaction. They range from \$1.50 - \$6.00 depending on the type of transactions.

Trustee Betty Gonzalez – Thank you for staying on top of that and also can you get us a list of transactions and a list of what we get for each of them?

Sukie Saldaña – Yes.

10. ADJOURNMENT

A motion to adjourn was made by Trustee James Scott. A second was made by Trustee Diana M. Trujillo. All in favor; motion passes. 7:17pm

ATTEST:



City Clerk, Christy Sifuentes





Mayor, Arnulfo Castañeda