



Oscar Dominguez
City Manager

REGULAR MEETING
City of Anthony Board of Trustees
820 HWY 478 – Council Chambers
Anthony, NM 88021
Wednesday, March 4th, 2020
6:00 P.M.

Mayor Diana M. Trujillo
MPT Gloria Gamos
Trustee Elva Flores
Trustee Javier Silva
Trustee Fernie Herrera

MINUTES
ITEM 8F, PAGE 5 AMMENDED ON 04/15/2020

1. **CALL TO ORDER** by Mayor Diana M. Trujillo at 6:15 P.M.

2. **PLEDGE OF ALLEGIANCE** led by Diana M. Trujillo

3. ROLL CALL	Present: Trustee Fernie Herrera	YES	NO
	MPT Gloria Gamos	YES	NO
	Trustee Elva Flores	YES	NO
	Trustee Javier Silva	YES	NO
	Mayor Diana M. Trujillo	YES	NO
	Quorum Established	YES	NO

Traducción del ingles al español y del español al ingles esta disponible a petición.

4. **CONFLICT OF INTEREST**

Mayor: *This is just a reminder, if any Board members have conflict of interest with items on agenda, please recuse yourself.*

5. **APPROVAL OF AGENDA ORDER**

1st Motion: MPT Gamos 2nd Motion: Trustee Silva **AIF**

6. **APPROVAL OF MINUTES**

Regular Meeting 02/19/2020

Correction with amendments. Change 8A) Change Mrs. to Mr. Gonzalez.

9c) Change ground to grounds.

1st Motion: MPT Gamos 2nd Motion: Trustee Herrera **AIF**

7. **ITEMS FROM THE FLOOR- None**

8. **CONSIDERATION AND ACTION**

A. Consideration and action to approve addendum for Fire Alarm System quote for City Library. **Presented by Mary Hall- Head Librarian.**

- ❖ **Mary Hall:** *Presented southwest security group addendum breakdown: Architectural drawings \$675, Wireless receiver \$908, installation \$156 and will pay permit to CID. Items to be paid using Library Junior funds.*
- ❖ **Trustee Herrera:** *Requested staff find building drawings.*
- ❖ **Eric Hamilton:** *Wilson & Company project managed library extension, will check for drawings.*
- ❖ **Trustee Silva:** *Staff should disconnect the analog phone lines when the wireless receiver is online.*
- ❖ **Trustee Flores:** *Suggested sending IT Manager to make sure they don't leave those lines active.*
- ❖ **Mary Hall:** *Requested Trustee Silva to go look at the lines with IT Manager.*
- ❖ **MPT Gamos:** *Let it reflect in the minutes that line item 228-10-44010 (Jr funds) will pay this invoice.*

1st Motion: Trustee Silva 2nd Motion: Trustee Flores

Roll Call vote:

Trustee Fernie Herrera	YES	NO
MPT Gloria Gamos	YES	NO 4 to 0 vote, motion passed.
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo Tie Breaker	YES	NO

B. Consideration and action to approve Resolution 2020-010 a resolution confirming the city of Anthony to participate in the department of transportation municipal arterial program local government road fund program. *Presented by Projects Coordinator-Gloria Ramirez / Eric Hamilton PE- Wilson & Co.*

- ❖ **Project Coordinator:** *This is to allow staff to submit request for grant. The city is not legally bound until grant is awarded.*
- ❖ **MPT Gameros:** *Requested to add \$1,011,025.35 on the resolution, this is the amount city is requesting as grant.*
- ❖ **City Clerk:** *Will correct the resolution while Board is in closed session.*

1st Motion: Trustee Silva 2nd Motion: MPT Gameros

Roll Call vote:

Trustee Fernie Herrera	YES	NO
MPT Gloria Gameros	YES	NO 4 to 0 vote, motion passed.
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo Tie Breaker	YES	NO

C. Consideration and action to approve a revised Employee Handbook. Presented by City Manager.

- ❖ **City Manager:** *Requested governing body to approve changes to handbook discussed in a workshop last year as well as recommended changes to disciplinary procedures presented today by city attorney.*
- ❖ **MPT Gameros:** *Suggested deleting Section. 1:12 “decided by the supervisor and/or city manager” and deleting section 1:13 Emergency Appointment of Temporary Employees by Mayor.*
- ❖ **City Manager:** *State allows Mayor to appoint temporary staff and it has benefitted the City.*
- ❖ **City Clerk:** *it contradicts the ordinance. Requested Sunland Park handbook, they have not emailed.*
- ❖ **Trustee Herrera:** *We now have a city manager form of government.*
- ❖ **Alan Dahl:** *It’s a complex issue, there is no clean division because we have both city manager and a mayor. Suggest keeping section 1:13, no municipality can create an ordinance that contradicts State statute.*
- ❖ **Trustee Herrera:** *New Mexico Municipal League has cautioned that emergency hires should only be used on extreme true emergency.*
- ❖ **Mayor Trujillo:** *Why are you focusing on that?*
- ❖ **Trustee Herrera:** *I have the floor let me finish.*
- ❖ **Alan Dahl:** *I will look at state statute. For now city manager can go to mayor and request mayors’ action.*
- ❖ **Trustee Herrera:** *I have an issue with just the word “emergency”.*
- ❖ **Trustee Flores:** *Agrees to keep it, Trustees don’t know what is needed to run city.*
- ❖ **Alan Dahl:** *Statue does not say emergency, suggest to delete the word “emergency”.*
- ❖ **Trustee Herrera:** *We have had emergency appointments done by mayor and lasted 2 to 3 months without Boards approval.*
- ❖ **Trustee Flores:** *We are all here doing our best.*
- ❖ **MPT Gameros:** *Section 7:2. Suggest deleting the words “what happens if they exceed?”*
- ❖ **Trustee Flores:** *We can pay out sick leave?*
- ❖ **City Manager:** *Sick leave is never paid out.*
- ❖ **Trustee Silva:** *We can check what they had as of approval date of the 80 hours cap and give employees what they were grandfathered in not what has accumulated since then.*
- ❖ **MPT Gameros:** *Should we change section 24:1 Pre-Placement Substance Screening?*
- ❖ **Alan Dahl:** *Public employees cannot be drug tested we less without cause. City employees should not be drug tested according supreme court law. Pre- employment drug screening might violate 4th amendment. If we have reasonable cause, we can have an officer, who is trained, to confirm. Departments which are safety sensitive may be able to have random drug tests. Suggest deleting section 24.1 & 24.2 altogether.*
- ❖ **Trustee Silva:** *What is the definition of safety sensitive position? Anyone who drives city vehicles?*
- ❖ **Alan Dahl:** *Police, for example, carry weapons. Fire Department and public works perhaps.*
- ❖ **Alan Dahl:** *Suggested to delete the word “after” on page. 7 Number: 10*
- ❖ **City Clerk:** *Sometimes employees have emergencies that they cannot foresee and are unable to give one-hour notice to department heads.*

- ❖ **MPT Gameros:** *It should be at the discretion of the supervisor unless it's a pattern.*
- ❖ **Alan Dahl:** *Suggested to delete Section 2 & section 3.*
 - *City's disciplinary procedure is broken. We have to "re-invent the wheel" every time it has to discipline. We drafted procedures and suggest adopting to replace section 12 to 12:8. We can have a workshop to discuss changes and any pending discipline will be handled using old handbook.*
- ❖ **Trustee Herrera:** *Suggested to wait on approving this document.*
- ❖ **Alan Dahl:** *Retract earlier suggestion of a workshop and suggest to approve.*
- ❖ **Trustee Flores:** *BOT should adopt with a resolution. We can meet at a workshop next week. Requested city clerk to continue leaving changes in red.*
- ❖ **Trustee Silva:** *Suggested to vote on what was already started. City clerk to read back changes. Requested staff to look at OSHA rule on drug testing.*
- ❖ **Alan Dahl:** *Suggested addition: Trained officer to determine probable cause. Accident by itself would not suffice as reasonable cause.*
- ❖ **Trustee Silva:** *Suggested to leave Alan's language pending review of the law.*
- ❖ **Mayor Trujillo:** *Requested the Board to try to make a special meeting next week, this is critical.*

Workshop was set for March 17, 2020 at 5:00 P.M
- ❖ **Alan Dahl:** *With approval from City Manager, I can call Trustees if absent on the set date.*

1st Motion: Trustee Silva 2nd Motion: MPT Gameros

Roll Call vote:

Trustee Fernie Herrera	YES	NO	
MPT Gloria Gameros	YES	NO	3 to 1 vote, motion passed.
Trustee Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo Tie Breaker	YES	NO	

D. Consideration and action to approve EAP Contract. Presented by City Clerk.

- ❖ **City Clerk:** *Life Works presented us one-year contract. Initially hoped to use city clerk department balance from records line item to pay for EAP through the end of fiscal year (June 2020). Lifeworks does not offer contracts shorter than 12 months, so these funds are not sufficient.*
 - *Another option is a balance from the budgeted funds of \$25,000 for PERA back payments. Suggest to use PERA account balance to pay for EAP. The balance will also be used to replenish insurance.*
 - *Request the Board approve contract payment. Employees need these services, especially those with traumatic experiences like police department. Budget adjustment will reflect this change.*
- ❖ **MPT Gameros:** *Contract will be paid with line item 101-03-50320*

1st Motion: Trustee Silva 2nd Motion: Trustee Flores

Roll Call vote:

Trustee Fernie Herrera	YES	NO	
MPT Gloria Gameros	YES	NO	3 to 2 votes, motion passed.
Trustee Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo Tie Breaker	YES	NO	

E. Consideration and action to approve Staff to initiate utilities for watering of Dos Lagos property. Presented by City Manager. Post pone.

- ❖ **City Manager:** *MPT took proactive step requesting to put this item on agenda, Dos Lagos is an eyesore, staff would need approval to move forward with upkeep/watering of grounds.*
- ❖ **Trustee Herrera:** *Is the sale is the complete?*
- ❖ **City Manager:** *There are complications. Three diesel tanks found at the property, one is leaking and requires mediation. Mr. Gillet is taking care of that that.*
 - ❖ **MPT Gameros:** *Seller did not receive money?*
 - ❖ **City Manager:** *It's in escrow, pending these issues.*
 - ❖ **MPT Gameros:** *This delay is holding up funding for Adams Park. Did engineers know before the last steering committee meeting?*

- ❖ *City Manager: Engineers know: Spencer is charging invoices through Wilson & Co.*
- ❖ *Mayor Trujillo: We got an email saying Mr. Gillet needed to fix it before we give him money. Environment representative asked us to wait.*
- ❖ *Trustee Silva: How long have we known this? Something of this magnitude needs an email to Trustees.*
- ❖ *Mayor Trujillo: February 25th*
- ❖ *Trustee Silva: We should have brought these changes to the committee. How much is it going to delay to clean property?*
- ❖ *Mayor Trujillo: Mr. Gillet will cover to clean diesel leak of about \$15,000.*
- ❖ *City Manager: My understanding is by remove all 3 tanks, the city's liability will be mitigated.*
- ❖ *Trustee Silva: Emphasized transparency; Going forward something of that magnitude should be communicated to the Board.*
- ❖ *Trustee Flores: Were they given time limit to fix?*
- ❖ *Mayor Trujillo: Yes, Mr. Gillet needs his money, he is working on it.*
- ❖ *Trustee Herrera: We need transparency, the Board is the owners of any city property in the City. City Manager should let the Governing Board know.*
- ❖ *Mayor Trujillo: Doesn't want to step on City Managers toes, did not think of emailing trustees.*
- ❖ *City Manager: Takes ownership of it, apologized.*
- ❖ *Trustee Silva: Why put the item on agenda, if we do not own the property?*
- ❖ *MPT Gameros: I requested agenda item, not City Manager.*
- ❖ *Trustee Silva: What happens when environmental department doesn't approve? Trustees report to citizens. We have been telling them we own Dos Lagos and are basically lying to them. Appreciates everything else the City Manager has been doing.*
- ❖ *City Manager: I respectfully disagree: No one is being dishonest.*
- ❖ *Trustee Flores: Residents were really existed that City bought Dos Lagos.*
- ❖ *City Manager: I own this. Blame the city manager.*
- ❖ *MPT Gameros: City manager can just forward email to everyone on the board.*
- ❖ *City Manager: Trying to understand how this might've happened. Personnel matters have taken a lot of my time/attention, but will own this.*
- ❖ *Trustee Silva: Is okay with watering Dos Lagos as of closing date when it becomes city property. Dr. Coleman talked about the possibility of using gray water for irrigation.*
- ❖ *Trustee Flores: AWSD had passed grey water information in neighborhoods.*
- ❖ *City Manager: Will find out what could be used.*
- ❖ *Trustee Flores: Since Mr. Gillet still owns the property staff can get InTouch with him and request him to water the grass. It's his fault this is happening we bought green space and now its dry space, city is waiting to pay water.*
- ❖ *City Manager: Will email Spencer to request.*
- ❖ *Trustee Flores: We can teach our employees with Mr. Gillet employees on how to maintain the property.*
- ❖ *MPT Gameros: Once the property is owned by city, we can water.*
- ❖ *Mayor Trujillo: We have an agreement with Mr. Gillet validated by our Attorney.*
- ❖ *Trustee Silva Table the item allows the City Manager to work with appropriate people.*

Motion to post pone item.

1st Motion: MPT Gameros 2nd Motion: Trustee Silva

Roll Call vote:

Trustee Fernie Herrera	YES	NO
MPT Gloria Gameros	YES	NO <i>4 to 0 vote, motion passed.</i>
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo Tie Breaker	YES	NO

F. Consideration and action to nominate a new Mayor Pro-Tem. *Presented by City Clerk.*

- ❖ *City Clerk:*

- *The City opted into county election. This changed election school. Those who opted in will be trained this year.*
- ❖ **Trustee Silva:** *Current MPT served 3 years?*
- ❖ **MPT Gamos:** *1st year was appointed to complete former MPT Ramos' term. Then elected as MPT for 2-year term.*
- ❖ **Mayor Trujillo:** *When City was incorporated, we had 2 trustees for 2 years term and then 4 years for 3 trustees.*
- ❖ **MPT Gamos:** *Move to nominate Trustee Herrera for MPT.*
- ❖ **Trustee Silva:** *Does a nomination need a second?*
- ❖ **Mayor Trujillo:** *Congratulate new MPT. Herrera. Hopefully he will not be vindictive, full of hatred and evil against me he has been in the last 4 years. Request we move forward: I can't be in the board meetings comfortable because of him.*

1st Motion: MPT Gamos 2nd Motion: Trustee Silva

Roll Call vote:

Trustee Fernie Herrera	YES	NO	
MPT Gloria Gamos	YES	NO	4 to 0 vote, motion passed.
Trustee Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo Tie Breaker	YES	NO	

9. CLOSED SESSION 8:28PM

- A. NOTICE IS HEREBY GIVEN that the City of Anthony Board of Trustees will meet in Executive Session Pursuant to NMSA 1978, Section 10-15-(H)(2) Discussion on Limited Personnel Matters; Personnel update from City Manager.

1st Motion: MPT Gamos 2nd Motion: Trustee Silva

Roll Call vote:

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gamos	YES	NO	4 to 0 vote, motion passed.
Trustee Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo Tie Breaker	YES	NO	

B. OPEN SESSION

Motion to return to open session.

1st Motion: Trustee Silva 2nd Motion: Trustee Flores

Roll Call vote:

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gamos	YES	NO	
Trustee Elva Flores	YES	NO	4 to 0 vote, motion passed.
Trustee Javier Silva	YES	NO	
Tie Breaker vote by Mayor if needed	YES	NO	

- C. Consideration and possible action following executive session on limited personnel matters. No decision made in close session.

1st Motion: _____ 2nd Motion: _____

Roll Call vote:

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gamos	YES	NO	this item was skipped, item not needed.
Trustee Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	
Tie Breaker vote by Mayor if needed	YES	NO	

10. ITEMS FROM THE CITY CLERK

- ❖ **City Clerk:** *Request the board to reschedule meeting for 4/15/2020 due to clerk school. Meeting rescheduled to April 20th, 2020.*

11. ITEMS FROM THE CITY MANAGER

- ❖ **City Manager:** *In an attempt to set the record straight, on January 31st, Spencer emailed saying Dos Lagos Spencer closed and the new deed was recorded with County. While I will confirm and email trustees, it appears that the City does own Dos Lagos.*
- ❖ **Trustee Silva:** *We want to be careful because if that's the case, that we own the property we might be responsible for oil spill.*
- ❖ **City Manager:**
 - *Vince Pena, project manager with Wilson & Co advised that sidewalks are not part of Go Bond Project:*
 - *Requested we all be mindful of managing residents' expectations.*
 - *There was a good turnout for the Leap Year weekend with about 40 out-of-town visitors. Thanked MPT Herrera, Mayor and Trustee Flores for their contributions.*
 - *We will need budget to refurbish portables now that they confirmed the City owns the property.*
 - *City Manager met with AWSD Mr. Terrones to discuss Elm Street. The district committed to repair Elm St. within a month.*
 - *Eric Hamilton made a good suggestion that when city negotiates memorandum of agreement with AWSD, we request street cut permits and standards for the street repairs.*
- ❖ **Trustee Flores:** *Sometimes they don't repair the streets as well as it was. Suggested to take before and after pictures. Suggested to request that AWSD to give city notice when they have to cut into city streets.*
- ❖ **City Manager:** *Began reconciliation of bond proceeds for Dos Lagos. There is a balance of around \$700,000.*

12. ITEMS FROM THE MAYOR AND TRUSTEES

- ❖ **MPT Herrera:** *AWSD wants to take over waste pick up?*
- **City Manager:** *The city's best course of action would be to partner with AWSD. Garbage billing collections is very challenging and having water service as a lever will make it easier to collect.*
- **MPT Herrera:** *Had a meeting with residents who are disappointed with the way codes officer approaches them to clean the alleys. Residents requested board change ordinance to say that city will clean alleys. MPT informed them of lack of city funds to pay more employees. There is hardship on residents who are elderly. Can community service people be given equipment to cut grass?*
- **City Clerk:** *We can't due to liability, we have them pick trash instead.*
- **Mayor Trujillo:** *In 2016/2017 City cleaned allies as a courtesy, Fliers were sent to each household with a message to please maintain the areas after the cleanup.*
- **MPT Herrera:** *Residents have a hard time with Mr. Roman not giving them option to go to P & Z. He is busy which is good for city. Suggest hiring part-time employee in the coming budget.*
- **Trustee Silva:** *Mayor had requested Community Development employee.*
- **City Clerk:** *We have included someone in the budget for Community Development in clerks' budget. The individual can be city clerk deputy for when clerk is on leave.*
- **Trustee Silva:** *We should not have one person doing too many duties.*
- **Trustee Silva:** *Requested sod update.*
- **City Manager:** *Projects coordinator submitted PO yesterday.*
- **Trustee Flores:** *Have them put compost.*
- **Trustee Silva:** *How will we use the lighting from Adams park? They were no more than 20 years old. They cut the poles. The scope of work said they would take care of storing. They are not in good shape and the engineers have gone around it. Can we explore moving lights to the soccer field?*
- **City Manager:** *Lights may have had life in them. Agree they are not in good shape and will explore that possibility.*
- **Trustee Flores:** *Talked to Dr. Coleman. Water base rate was \$14.33 went to \$18.60; Sewer charges were \$23.24 went to \$35 .01. Trustee wrote on MPT Herrera's wall on Facebook and requested he go to AWSD. Requests city manager to arrange field trip to see facilities. They are opening new stations, seeing them can help us better understand price change.*
- **Trustee Flores:** *If we are renting charter school land for \$900/month, who will maintain the grounds? i.e. Cutting weeds etc.*

- **City Manager:** *We might pay more than \$900/month as that was a while ago. Last indication from Mr. Terrones was market rate. Agreement will include upkeep of grounds. Public works is already doing it.*
- ❖ **Mayor Diana M. Trujillo:**
 - *Thanked Oscar for confirming with state representatives that portables have belonged to the City for nearly a year. Mayor tried back and forth to work with the new school directors.*
 - *Minutes of the last board meeting made Mayor sound like she stole the printer, items in Villa Sereno and chairs in the city hall lobby. We had a department head meeting. MVD Manager requested chairs for the lobby. We were told everything was ours. Instead of getting new chairs, I was doing what's best for the city without spending money. IT manager brought the printer to my office and said now that we own property, we can use it.*
- ❖ **Trustee Gameros:**
 - *No items.*

13. ADJOURNMENT

1st Motion: Trustee Gameros 2nd Motion: MPT Herrera **AIF. At 10:01PM**

ATTEST:

Esther Motongo, City Clerk



Diana Murillo-Trujillo, Mayor