



Oscar Dominguez
City Manager

REGULAR MEETING
City of Anthony Board of Trustees
820 HWY 478 – Council Chambers
Anthony, NM 88021
Wednesday, February 19th, 2020
6:00 P.M.
MINUTES

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

1. **CALL TO ORDER** by Mayor Diana M. Trujillo
2. **PLEDGE OF ALLEGIANCE** led by Diana M. Trujillo
3. **ROLL CALL**

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

Traducción del inglés al español y del español a la inglés está disponible a petición.

4. **CONFLICT OF INTEREST**

5. **APPROVAL OF AGENDA ORDER**

1st Motion: MPT Gameros 2nd Motion: Trustee Flores **AIF**

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

6. **APPROVAL OF MINUTES**

Regular Meeting 01/27/2020
Regular Meeting 02/05/2020
Workshop Meeting 02/11/2020
Special Meeting 02/11/2020

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

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

8. **CONSIDERATION AND ACTION**

- a) Consideration and action to relinquish transfer of Anthony Charter School portables. **Presented by City Manager.**
 - **City Manager** – *Estimate to relocate 7 or 11 portables was emailed to the governing board. Asked Superintendent. Terrones if he would consider leasing the property.*
 - **Trustee Herrera** – *Suggest we keep the portables. City does not own them or anything inside and we need to finalize transfer from the state. Property is in good shape, there are 2 basketball courts and a soccer field. It would cost a lot to move the portables. Advocate that we keep the portables and lease the property. Utilities are also in place. We just need an agreement with AWSD.*
 - **Trustee Flores** – *Agrees with trustee Herrera. AWSD can make money leasing property to the City. The City can sublease portables. It is a win-win situation.*
 - **Trustee Herrera** – *Request an inventory of all items in the portables.*
 - **Mayor Diana M. Trujillo** – *Ms. Priscilla Lamb came with inventory list. IT manager and public works supervisor observed inventory being taken. Ms. Lamb came with representatives. They were supposed to send an updated inventory list to IT Manager.*
 - **Trustee Flores** – *Mr. Gonzalez sent an inventory list. I forwarded the list to the Board. That is what the school had.*
 - **Trustee Silva** – *Understand that school representatives intervened up-north. They allowed equipment to be taken by other charter schools.*
 - **Mayor Diana M. Trujillo** – *I didn't print the inventory as it is over 100 pages. IT manager can email it to Trustees. I don't have a list of what they took. Ms. Lamb has to send us a list of what is left.*

- **City Manager** – Agree that an inventory is important and transfer of property is an involved process that starts with the school district passing a resolution.
- **Trustee Herrera** – Visited City property at 625 Acosta, Villa Sereno. We found charter school items stored there. State did not give us permission to use them.
- **Mayor Diana M. Trujillo** – That was me. County health inspectors needed us to have warmers for National Night out event. Food warmers were used and left in city property afterward. I was thinking about residents’ safety and we did not have money to purchase food warmers. Catering appeared more professional.
- **Trustee Herrera** – That can be a liability for the City. The state did not approve use of the items.
- **Mayor Diana M. Trujillo** – It doesn’t matter: We have no insurance in charter school and we are waiting for transfer of property.
- **Trustee Silva**– We need to resolve this issue. We have water rights. Maybe we can exchange some of the rights for the cost of leasing or purchasing the property.
- **Trustee Herrera** – Representative Doreen Gallegos sent a letter to the City requesting transfer of the former charter school property in January of 2019. State has been waiting and nothing has happened.
- **City Manager**– Seek direction from the Board whether to move forward with the transfer of the former charter school and potential lease agreement with AWS.D.
- **MPT Gameros** – Agrees with other Trustees that there is value in the former charter school. (To city attorney) Is it a liability to use property that doesn’t belong to us? We have chairs in our lobby and mayor’s printer are from the charter school.
- **Alan Dahl**– Do not foresee the State suing the City. They could simply ask for the items back.
- **Trustee Flores** – Let’s move forward and have city manager send letters and notify the board on lease costs.
- **Mayor Diana M. Trujillo**– Mr. Terrones had suggested \$600 a month to lease the property.
- **City Manager** – The last written offer I saw was \$900 a month, which is quite reasonable.

Motion: Consideration and action to relinquish transfer of Anthony Charter School portables

1st Motion: MPT Gameros

2nd Motion: Trustee Flores

Roll Call Vote:

Trustee Fernie Herrera	YES NO
MPT Gameros	YES NO 4 to 0 vote, item not passed.
Trustee Elva Flores	YES NO
Trustee Javier Silva	YES NO
Tie Breaker vote by Mayor if needed	YES NO

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

- **Mary Hall** – The board had approved to get fire services at the library on November 12th, 2019. \$1,782 more is needed. Introduced Mr. Boggs to explain further.
- **Mr. Boggs**– There is no property drawing of library building. We had to draw one ourselves, have professional engineers sign off and sent to it to county for approval. Analogue phone monitoring systems are being phased out. Wireless-based systems are still used in New Mexico. The system we are proposing uses both.
- **Trustee Herrera** - County does not issue permit for City of Anthony, it is state CID.
- **Mr. Boggs** – Thank you, Trustee. We will follow up with CID.
- **MPT Gameros** – Will \$1,782 be covered by the \$50,000 library grant?
- **Mary Hall:** I asked projects coordinator to see if the grant can pay for this. We are waiting for a response. State warned library staff they can close the library for lack of fire system. Mr. Boggs doesn’t work on the sprinkler portion of the system. We will need to service those separately with another vendor.
- **MPT Gameros** – Request exact fund account number before voting and recommend postponing this item.
- **Trustee Flores** - Can public works work on sprinkler system?

- **Mary Hall** – We need a licensed contractor to do that work.
- **Trustee Silva** - Request breakdown of the quote to analyze analogue vs. digital monitoring.
- **Mr. Boggs** – The analog lines are still optional. This is an opportunity for the City to compare costs.

Motion: Consideration and action to postpone addendum for Fire Alarm System quote for City Library.

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

Roll Call Vote:

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

9. CLOSED SESSION

- 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 and discussion of Police Department employee grievance.

1st Motion: MPT Gameros **2nd Motion:** Trustee Flores

Roll Call Vote:

Trustee Fernie Herrera	YES	NO	
MPT Gameros	YES	NO	4 to 0 vote, motion passed.
Trustee Elva Flores	YES	NO	Closed session at 6:36 P.M
Trustee Javier Silva	YES	NO	
Tie-Breaker vote by Mayor if needed	YES	NO	

b) **OPEN SESSION**

Motion to return to open session. **At 10:50PM MPT Gameros presiding.**

1st Motion: MPT Gameros **2nd Motion:** Trustee Flores

Roll Call Vote:

Trustee Fernie Herrera	YES	NO	
MPT Gameros	YES	NO	4 to 0 vote, motion passed.
Trustee Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	
Tie-Breaker vote by Mayor if needed	YES	NO	Mayor left at 10:50PM

- c) Consideration and possible action following executive session on limited personnel matters.
- **Alan Dahl** – This is personnel matter, if there is proposed action now is the time.
 - **MPT Gameros** – Move to find no grounds for action against city manager; move to find no grounds for action against city clerk; direct city manager to exercise direct supervision over department heads and city employees; Reprimand to remain in Valeria Arroyo’s personnel file.
 - **Trustee Silva** – Why is the third part of directing City Manager included if it was not part of the grievance?
 - **MPT Gameros** – Was reading city manager’s job description.
MPT Gameros: Move to delete “direct City Manager to exercise direct supervision over department heads and city employees” from the original motion.
- 1st Motion:** MPT Gameros **2nd Motion:** Trustee Herrera
- **MPT Gameros: Motion as amended:** Move to find no grounds for action for City Manager; Move to find no grounds for action for City Clerk; Reprimand to remain on Ms. Valeria Arroyos personnel file.
1st Motion: MPT Gameros **2nd Motion:** Trustee Herrera

Roll Call Vote:

Trustee Fernie Herrera	YES	NO
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MPT Gameros	YES	NO	3 to 1 vote, motion passed.
Trustee Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	
Tie Breaker vote by Mayor if needed	YES	NO	

- **Trustee Flores:** *I vote No, I do not agree with some part of the motion.*

10. **ITEMS FROM THE CITY CLERK** – No items.

11. **ITEMS FROM THE CITY MANAGER**

- **City Manager** – *Met with our tenant, SCSWA. They are expanding and considering to move to the Anthony fire station location. Current lease agreement ends in June 2020. Original agreement stipulated 4 parking spaces. They are currently using more than double that and requesting 5.5 times original amount. I will keep the board apprised of that negotiation.*
- **City Manager:** *Reached out to Ben Young, city attorney working on MOA with AWSO.*
- **City Manager:** *Thanked Trustee Flores, Mayor and Trustee Herrera for helping with Leap Year event. Trustee Flores helped with planning, Trustee Herrera will lead a tour on February 29th and SCRDT will provide transportation thanks to Mayor's request.*

12. **ITEMS FROM THE MAYOR AND TRUSTEES**

- **Trustee Herrera** – *Request help accessing city emails.*
- **City Manager:** *We moved City emails to new email server at the same time. Passwords are expiring at the same time for us all. Will coordinate with IT manager to support the trustee.*
- **Trustee Herrera:** *Request City manager send public works to fix Acosta road, it is extremely bad.*
- **Trustee Silva** - *Mayor mentioned she caught someone removing potholes fill.*
- **Chief V. Lara** - *This is the first time she heard about it, Chief will have officers keep an eye out.*
- **Trustee Herrera** - *They spin tires to remove chip seals.*
- **Trustee Flores** – *Spoke to city attorney Bradley Springer. Wants to confirm of what she was advised. To attend meetings with city staff, the board has to agree as a governing body to have one of them attend the meeting. I was asked not attend a leap year event planning meeting with Town of Anthony, Texas. Attorney said city manager can ask trustees to not attend. I showed up because city manager had mentioned the meeting date and time at the previous board meeting. MPT Gameros and Trustee Herrera went to see city properties with city manager. They acted as citizens. The Board did not request them to go. City manager was gracious enough to not ask me to leave, but asked city clerk instead. Can the Board pass a resolution on this?*
- **Alan Dahl** – *Does not want Trustees to misunderstand attorney Springers guidance. City manager can oblige if trustees ask to attend a meeting. Trustee on her own has no authority to act. There has to be a board decision. Trustee as an individual cannot direct city manager. If the Trustee is not making IPRA request, city manager can say no*
- **Trustee Flores** – *A resolution can save us embarrassment. Trustees are not allowed to talk to Esther unless it is through the city manager, but city manager sent Esther to talk to me. If this happened with a little meeting, what will happen with a big one?*
- **Alan Dahl:** *We would have to brainstorm a potential resolution.*
- **Trustee Silva:** *We should be careful on resolution. An individual should not have the assumption to act for the Board or the City, its best practice to inform the Board as a whole. Invitation to be put up for everybody.*
- **Trustee Flores** – *I felt it was rude. City manager could have said it was a staff meeting only.*
- **City Clerk:** *At previous meeting, city manager was giving an update about the event and did not extend an invitation. Given the City's history with Anthony Texas, staff has been treading carefully to mend the relationship. Last time staff arranged a meeting between their and our boards, it did not go well. City manager took it upon himself to try to mend the relationship between the two cities. He's even attended Board meetings in Anthony Texas and was received well. This was actually a lunch meeting moved to city*

hall conference room. At no time was trustee asked to leave the meeting, I kindly updated trustee on purpose of meeting and asked that she not bring up the past matters.

- **Trustee Flores** - Esther should not have been sent to talk to me. She used gestures saying in other words that I should leave.
- **City Manager:** I did not ask Esther to ask Trustee to leave. Trustee was not asked to leave.
- **Trustee Flores:** I was asked to leave in so many words. Esther tried very hard to make me leave.
- **Trustee Herrera:** Point of order.
- **City Clerk:** We did not use the words "leave" at any point.
- **MPT Gameros:** From previous meeting, I understood it was information just like AWSD meeting information, not invitation.
- **Trustee Flores:** *reads City Managers email* it was embarrassing, did not know it could happen, would appreciate city manager ask me himself.
- **MPT Gameros:** The email did not say anything about you leaving the meeting.
- **Trustee Flores:** You are just saying that because you are sitting on that chair presiding.
- **Trustee Herrera:** Point of order.
- **Trustee Silva:** No items.

13. ADJOURNMENT

Motion to adjourn.

1st Motion: Trustee Herrera 2nd Motion: Trustee Silva **AIF at 11:25PM**

ATTEST:




Diana M. Trujillo, Mayor



Esther Motongo, City Clerk