

REGULAR MEETING
City of Anthony Board of Trustees
Venue: 820 Highway 478, Anthony NM 88021
& Conference Call

Mayor Diana Murillo
MPT Elva Flores
Trustee Javier Silva
Trustee Daniel Barreras
Trustee Gabriel I. Holguin

Wednesday, October 19th, 2022

6:00 P.M.

Minutes

You can join meeting using your phone by dialing.

United States: +1 (408)650-3123

Access Code: 773-095-893

Please join meeting from your computer, tablet or smartphone.

<https://meet.goto.com/773095893>

All members of the public entity participating remotely must identify themselves whenever they speak and must be clearly audible to the other members;

1. CALL TO ORDER by Mayor Diana Murillo

2. PLEDGE OF ALLEGIANCE led by Diana Murillo

3. ROLL CALL	Present:	MPT Elva Flores	YES	NO
		Trustee Javier Silva	YES	NO
		Trustee Daniel Barreras	YES	NO
		Trustee Gabriel I. Holguin	YES	NO
		Mayor Diana Murillo	YES	NO

Quorum Established	YES	NO
--------------------	-----	----

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

4. CONFLICT OF INTEREST

5. APPROVAL OF AGENDA ORDER

First Motion: Trustee Holguin 2nd Motion: Trustee Silva

****To amend agenda to move 10d from discussion to consideration and action item.**

ROLL CALL VOTE:

MPT Elva Flores	YES NO
Trustee Daniel Barreras	YES NO
Trustee Javier Silva	YES NO 2-3, Motion denied
Trustee Gabriel I. Holguin	YES NO
Mayor Diana Murillo	YES NO

Original: 1st Motion: MPT Flores 2nd Motion: Trustee Barreras

ROLL CALL VOTE:

MPT Elva Flores	YES NO
Trustee Daniel Barreras	YES NO
Trustee Javier Silva	YES NO 3-1, Motion passed.
Trustee Gabriel I. Holguin	YES NO
Mayor Diana Murillo	YES NO

6. CONSENT AGENDA

a. Approval of Minutes

- | | |
|------------------------------|------------------------------|
| - Special Meeting 03/28/2022 | - Regular Meeting 06/01/2022 |
| - Regular Meeting 05/05/2022 | - Regular Meeting 06/15/2022 |
| - Special Meeting 05/12/2022 | - Budget Workshop 06/16/2022 |

- Regular Meeting 05/18/2022

-Budget Workshop 07/06/2022

- b. Consideration and Action to approve Resolution 2022-026, and agreement, for the Duffer Lane Project under the Transportation Project Fund (TPF), with a total project cost of \$1,020,870, **Presented by Projects Coordinator.**
- c. Consideration and Action to pass resolution for adopting the City of Anthony Tax Increment Development District (TIDD) Policy, **Presented by the Interim City Manager.**
- d. Consideration and Action to approve the City of Anthony-Southcentral Solid Waste Authority Services Agreement, **Presented by the Interim City Manager.**

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

ROLL CALL VOTE:

MPT Elva Flores YES NO
 Trustee Daniel Barreras YES NO 3-1 vote, motion passes.
 Trustee Javier Silva YES NO
 Trustee Gabriel I. Holguin YES NO- Abstain
 Mayor Diana Murillo YES NO

7. ITEMS FROM THE FLOOR – PUBLIC COMMENTS- (public will be allowed 3 minutes presentation)

- Adrian Perez
- Ernesto Salazar
- Genaro Soriano
- Martha Gutierrez

8. PROCLAMATION

- a. Consideration and Action to approve Proclamation of the month of October as Domestic Violence Awareness Month, **Presented by La Casa, Inc. Board Chairperson, Anna Ransom and Board Secretary, Lani Bradley.**

Chantel Martin: *La Casa is one of largest domestic violence emergency shelters, there are multilingual programs such as 24-hour hotline, emergency beds, transitional housing, intervention and counseling services.*

Mayor Murillo: *La Casa has partnered with the City of Anthony to protect and provide a safe place for the residents that are victims of domestic violence.*

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

ROLL CALL VOTE:

MPT Elva Flores YES NO
 Trustee Daniel Barreras YES NO
 Trustee Javier Silva YES NO 4 to 0 vote, motion passes.
 Trustee Gabriel I. Holguin YES NO
 Mayor Diana Murillo YES NO

9. PRESENTATION

- a. Life Saving Award for Ofc. Castañeda, **Presented by Sgt. Estrada.**

10. DISCUSSION

- a. Discussion on officer safety to allow Animal Control Officers to carry tasers, **Presented by Neighborhood Services Director.**

Neighborhood Services Director: *The necessity and need for the Animal Control Officers to be allowed to carry a taser, I would need a refresher but the other two officers would need training which would be offered by Detective Martinez in house, who is certified. There would be no expense for the tasers as we would use older ones from the police department that are still more than capable. The use of the taser would be as a last resort, the first step would be a verbal warning, try to deescalate the situation with any either animal or resident. My main concern is being a situation when there are multiple vicious animals and being alone.*

City Attorney: *While it is technically legal to allow Animal Control Officers to carry tasers, the biggest issue is it could potentially open the City to liability for excessive force without the proper training, I would suggest arming non-*

enforcement with taser but of course there could or should be a discussion as to why there is a need for this.

MPT Flores: My first impression was that it was just going to be used with animals but now my understanding is that it might be used against another person, I don't agree with that.

Trustee Barreras: with my experience with working in animal control we had several situations with vicious animals where we had nothing to protect us. As long as they get the proper training, I do believe they need something like that.

Trustee Holguin: A taser is a weapon, what I do not agree with it being used in animal because it is considered animal cruelty.

Trustee Silva: I do agree with having a taser from protection from animals, but to potentially use it against it another person I would ask that the officers call for backup from a police officer.

- b. Update on the Lot 1 located at 780 Landers Rd. Portable Project and City Street Pothole Repairs, **Presented by the Interim City Manager.**

Interim City Manager: Portables were completed last week and keys were turned over, Mr. Roman has been working with Spectrum for the IT work. There are a few other organizations that are interested in renting out space, there is Tresco of New Mexico and South-Central Regional Transit District, I have provided numbers similar to those for Community Action Agency. In respects to potholes, we did send a notice out to inform the public that the on Monday they started to do work that was put off due to the Portable's project. The Public Work Department is being split in half to tackle graffiti and potholes.

- c. Discussion on Grand Canyon University's Educational Alliance Participant, **Presented by the Interim City Manager.**

Jeffery Cox: What this partnership is it's a non-exclusive partnership that offers education supports to the staff, it offers 10% scholarships in addition to other resources such as professional development and test prep programs. We have scholarships in place for law enforcements but that is extended to all employees. It is not exclusive so the staff does not have to go to GCU if they don't want to, it just gives you another option. They are 100% online, one class at a time to not pull them away from their work. This is at no cost to the City, all we ask in return is to allow us to have a Launch Party that will allow us to speak and answer questions for those that are interested.

- d. Discussion to amend Resolution 2021-012, a resolution approving temporary COVID-19 relief benefits for emergency personnel and essential workers, **Presented by Trustee Holguin.**

Trustee Holguin: With the shortage of workers and winter coming, I would like to use this a protection for the essential workers, 5 working days of sick leave, PD, PW and NSD.

MPT Flores: I would like to discuss under closed session.

City Attorney: This item is not one that can be moved to closed session.

11. CONSIDERATION AND ACTION

- a. Consideration and Action to approve the Inducement Resolution for the manufacturing project, **Presented by Louisiana Pepper Exchange Company.**

Eddie Duffy: The resolution that is being presented relates to a proposed industrial revenue bond project for Louisiana Pepper Exchange, which is an economic development incentive that the City can offer to eligible manufacturing projects such as the Louisiana Pepper Exchange. The benefit is that the company would get property tax breaks and gross receipts and compensating tax breaks on capital expenditures made for the project, that is what this \$25 million amount is for, they will invest in land, building and equipment up to \$25 million. Even though the City is the issuer of the bond, the City is not responsible for paying the bond. The two primary benefits for the City will be that the company will bring in capital investment and employment. Without this IRB, the property taxes would go to the county but because of the IRB, the city will be able to abate the taxes but receive the payment in lieu of the taxes.

1st Motion: Trustee Silva

2nd Motion: MPT Flores

ROLL CALL VOTE:

MPT Elva Flores	YES NO
Trustee Daniel Barreras	YES NO
Trustee Javier Silva	YES NO 4 to 0 vote, motion passes
Trustee Gabriel I. Holguin	YES NO
Mayor Diana Murillo	YES NO

b. Consideration and Action to approve the On-call Wilson & Co. Solid Waste Transfer Feasibility Study Task Order for \$125,060.04, including New Mexico Gross Receipts Tax, Presented by the Interim City Manager.

Interim City Manager: Transfer station includes a vertical building and a large area where we are able to collect solid waste and bring it into a transfer station where it's managed, packaged and moved to a landfill. This brings the opportunity to increase revenues to create jobs and redirect some of those revenues for things such as fixing potholes and graffiti. This feasibility would be the first step, this test is inclusive of the economic impact study, we would need to be able to demonstrate the jobs that are being created to run and operate this facility, how much GRT will be created through that and the type of customers we are trying to service. Finally, the feasibility study will establish the final location and all the upfront capital cost and operation costs. All this is required for the funders so we can move forward with the next phase of design and construction.

Trustee Silva: What does the "TBD" stand for on the breakdown of the services?

Interim City Manager: That should not be there, but I had asked for the sub consultant cost and that breakdown was given to included the cost from New Mexico State University and the cost from Parkhill, Smith and Copper. If you should to pass you, can choose to pass contingent on the backup. The amount will not change.

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

****Motion to amend, 11b to state: Consideration and Action to approve the On-call Wilson & Co. Solid Waste Transfer Feasibility Study Task Order for \$125,060.04, including New Mexico Gross Receipts Tax contingent upon the information that Mario will provide.**

ROLL CALL VOTE:

MPT Elva Flores	YES NO
Trustee Daniel Barreras	YES NO
Trustee Javier Silva	YES NO 4 to 0 vote, motion passes.
Trustee Gabriel I. Holguin	YES NO
Mayor Diana Murillo	YES NO

Original: 1st Motion: Trustee Silva 2nd Motion: Trustee Holguin

ROLL CALL VOTE:

MPT Elva Flores	YES NO
Trustee Daniel Barreras	YES NO
Trustee Javier Silva	YES NO 4 to 0 vote, motion passes.
Trustee Gabriel I. Holguin	YES NO
Mayor Diana Murillo	YES NO

c. Consideration and Action for approval of Phase One of Graffiti Removal Action Plan, Presented by Neighborhood Services Director.

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

Neighborhood Services Director: 1 out 3 phases, for phase one which I plan to complete in 30 days, looking to form guidelines for the graffiti task force. I want to be clear that this task force is not to go out there to paint over graffiti but it takes a commitment and responsibility from every department to help in this matter.

Trustee Holguin: If approved where would the funds come from?

Interim City Manager: We have some ARPA funds and/or budget adjustment.

Trustee Holguin: How much more funding would be needed for the last 2 phases?

Neighborhood Services Director: We're not really sure at this point.

Trustee Silva: I would suggest you speak with Mr. Roman prior to buying something new because he might already have the equipment that is needed.

ROLL CALL VOTE:

MPT Elva Flores	YES NO
Trustee Daniel Barreras	YES NO 4 to 0 vote, motion passes.
Trustee Javier Silva	YES NO
Trustee Gabriel I. Holguin	YES NO

12. ORDINANCES

a. Notice of Intent to Repeal Ordinance 2010-014, Second Reading

A Weeds and Rubbish Ordinance; this ordinance is to preserve the public health, peace, comfort, repose, welfare, safety and good order by suppressing the making, creation or maintenance of excessive, unnecessary, unnatural or unusual weeds or trees which are prolonged, unusual or unnatural in their time, place, and use or which are detrimental to the environment.

First Reading: September 21,2022

Notice of Publication: September 7, 2022

Public Comments/Discussion: September 21, 2022 and October 19, 2022

Consideration and Action to pass: October 19, 2022

Trustee Silva: I had some concerns with the language but I wanted to assure the residents that this will simply give us a foot to stand on, as of right now we have had multiple instances where we have repeat offenders but we have no law that will back up the citations and I want to remind the citizens this isn't etched in stone, if we see there a lot of citizens that find problems with the citations we can amend it but we need to have a starting point.

Trustee Holguin: I have an issue with this because I believe the City needs to be setting and example for our residents.

Trustee Barreras: I agree it is not right to cite those residents that have graffiti on their walls because there weren't the ones that put the graffiti there but the right way to go is to allow them enough time to erase it.

Neighborhood Services Director: Due to the Graffiti Assistance Program being temporarily suspended due to staff, we are following the ordinance which allows the residents 30 days but the Graffiti Assistance Program allowed up to 90 days for removal but that would explain why some of these have been up for a long time. At the end of the day, the graffiti is on their property and they are responsible. The Graffiti Task Force will come in place of the Graffiti Assistance Program.

1st Motion: Trustee Barreras 2nd Motion: MPT Flores

ROLL CALL VOTE:

MPT Elva Flores	YES NO
Trustee Daniel Barreras	YES NO
Trustee Javier Silva	YES NO 4 to 0 vote, motion passes.
Trustee Gabriel I. Holguin	YES NO
Mayor Diana Murillo _____	YES NO

b. Notice of Intent to Adopt Ordinance 2022-005, Second Reading

A Nuisances Abatement Ordinance, which gives authority to the City of Anthony to define and abate nuisances and impose penalties upon a person who creates or allows nuisances to exist.

First Reading: September 21,2022

Notice of Publication: September 7, 2022

Public Comments/Discussion: September 21, 2022 and October 19, 2022

Consideration and Action to pass: October 19, 2022

City Attorney: There is a typo on, on Section 8B, rather than it reading "This Ordinance repeals and replaces Section 132.02 and Chapters 90, 95 and 135 of the City Code as well as any prior ordinances or resolutions to the extent that they conflict with this Ordinance." I would recommend that it simply reads "This Ordinance repeals and replaces any prior ordinance or resolution to the extent that they conflict with this Ordinance."

Original: 1st Motion: Trustee Barreras 2nd Motion: MPT Flores

With amendment to reflect Section 8B: "This Ordinance repeals and replaces any prior ordinance or resolution to the extent that they conflict with this Ordinance.": 1st: Trustee Silva and 2nd: Trustee Holguin

ROLL CALL VOTE:

MPT Elva Flores	YES NO
Trustee Daniel Barreras	YES NO
Trustee Javier Silva	YES NO 4 to 0 vote, motion passes
Trustee Gabriel I. Holguin	YES NO

Mayor Diana Murillo YES NO

13. 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 10-5-1(H)(7) the Board of Trustees will be meeting in closed session to discuss the pending litigation of *Ponce de Velo v. City of Anthony*, D-307-CV-2022-000389." And Pursuant to NMSA 1978, Section 10-15(H)(2) discussion of Limited Personnel Matters, to discuss the City Manager.

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

ROLL CALL VOTE:

MPT Elva Flores YES NO
Trustee Daniel Barreras YES NO
Trustee Javier Silva YES NO 4 to 0 vote, Motion passes. Closed session at 8:04 pm
Trustee Gabriel I. Holguin YES NO
Mayor Diana Murillo YES NO

b. OPEN SESSION- Motion to return to Open Session

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

ROLL CALL VOTE:

MPT Elva Flores YES NO
Trustee Daniel Barreras YES NO
Trustee Javier Silva YES NO 4 to 0 vote, Motion passes. Open session 9:55pm
Trustee Gabriel I. Holguin YES NO
Mayor Diana Murillo YES NO

14. Consideration and Action to approve the City Manager Contract, **Presented by Mayor Murillo.**

Motion to Amend to state: "Consideration and Action to approve First Addendum to the Interim City Manager Contract"

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

MPT Elva Flores YES NO
Trustee Daniel Barreras YES NO
Trustee Javier Silva YES NO 3-2, Motion Passes
Trustee Gabriel I. Holguin YES NO
Mayor Diana Murillo YES NO

City Attorney: For the clarification of the terms that being proposed: Between 09/28 thru 12/09, City Manager will work part time at City of Anthony and at Sunland Park, NM. He will be paid half his salary during this time; the current contract will stand at \$55,000. Once he returns to full time, the full salary would be reinstated with the \$600 vehicle allowance. Base salary would remain the same at \$110k after 12/09/2022. Interim Manager's Agreement will be extended until 03/12/2023.

Original Motion: 1st Motion: Trustee Silva 2nd Motion: Trustee Holguin

ROLL CALL VOTE:

MPT Elva Flores YES NO
Trustee Daniel Barreras YES NO
Trustee Javier Silva YES NO
Trustee Gabriel I. Holguin YES NO 3 to 2 vote, motion passes.
Mayor Diana Murillo YES NO

15. ITEMS FROM THE CITY CLERK

Halloween Truck or Treat on the 31st.
Holiday Haul.
Early Voting.

16. ITEMS FROM THE CITY MANAGER

Police Department update: graphs and tracking of incident reports, some IT challenges such as redactions, the candidate we were hoping for was picked up by someone else.
 Public Works roadway paving in the two areas by the schools and taking care of the weeds by Adam's Park.
 Two funding application, drainage for Donaldson and Ruth and the project that is related to the South Anthony passive park.

17. ITEMS FROM THE MAYOR AND TRUSTEES

MPT Flores: None

Trustee Barreras: I believe the officers are not staying on long enough to help direct traffic for the school.

Trustee Silva: Toy for tots at Adam's Park and perhaps using the park for a tournament to assist with the Holiday Drive.

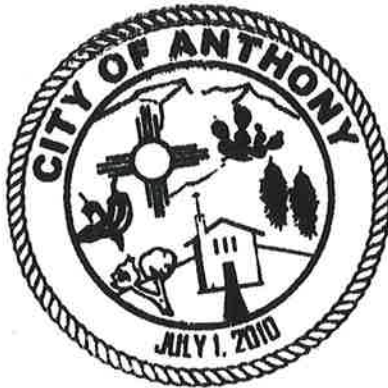
Trustee Holguin: Pothole repairs, pine needles by the dairy farm looking to see if our workers can clean it up or have an agreement with the dairy farm. Schedule for sidewalk repair and keep up with the trashcans.

18. ADJOURNMENT

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

ROLL CALL VOTE:

MPT Elva Flores	YES NO
Trustee Daniel Barreras	YES NO
Trustee Javier Silva	YES NO AT 10:30PM
Trustee Gabriel I. Holguin	YES NO
Mayor Diana Murillo	YES NO



Diana Murillo
 Diana Murillo, Mayor

{SEAL}
 Attest:

KOA

Karla Oropeza, City Clerk