



Oscar Dominguez
City Manager

REGULAR MEETING
City of Anthony Board of Trustees
820 Highway 478, Anthony NM 88021
& Conference Call
Thursday, October 21, 2021
6:00 P.M.

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

MINUTES

You can join meeting using your phone by dialing.

United States: +1 (646) 749-3335

Access Code: 974-177-085

All members of the public entity participating remotely must identify themselves whenever they speak and must be clearly audible to the other members; public will be allowed 3 minutes presentation on agenda number 6.

1. CALL TO ORDER by Mayor Diana M. Trujillo
2. PLEDGE OF ALLEGIANCE led by Oscar Dominguez – City Manager
3. ROLL CALL Present:

MPT Fernie Herrera	YES	NO
Trustee 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 ingles al español y del español al ingles esta disponible a petición.

4. CONFLICT OF INTEREST

- o *Mayor: If board members have any conflict of interest with items that are presented today, please recuse yourself from voting.*

5. APPROVAL OF AGENDA ORDER

- o *Mayor: Requested to move item 8d CN Wire ordinance to 8a.*

1ST Motion: Trustee Flores 2ND Motion: Trustee Gameros

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

6. ITEMS FROM THE FLOOR – PUBLIC COMMENTS - None

7. PRESENTATION

- a. Police department recognition. **Presented by City Manager:** *Respectfully requested that this presentation be pushback. Staff will present at the next meeting.*
- b. Presentation of Dos Lagos property tax for the year 2020. **Presented by Payroll/Procurement Clerk**
 - **City Manager:** *Staff has been trying to understand what the city's true liability concerning the property taxes of the former golf course. This week, I was able to connect with Mr. Edelman, the attorney who helped us through the acquisition and the transfer of title. The tax year starts in January, which is when the liability is determined. An individual owned the property at the beginning of the year; therefore, the year was not exempt from taxes.*
 - **Spencer Edelman:** *The wording of the administrative code is that the tax liability for the year is established based on the ownership as of January first. What you see on the settlement statement, through closing, was appropriately credited. But for the remainder of the year, as the code is written, it is not exempt. Unfortunately, as I mentioned to the city manager, our firm does a lot of ongoing work for the county, so we cannot take on that challenge.*
 - **MPT Herrera:** *Why did it take so long to bring this to the board? Could you have reached out to the county clerk or taxation department to fix this?*
 - **City Manager:** *Our procurement clerk has been in contact with them for months on this. It's not anything new.*

8. **ORDINANCES**

a) **ORDINANCE 2021- 003 FIRST READING**

An ordinance amending CN Wire lease agreement. **Presented by Mayor Trujillo**

First reading: October 21st, 2021

Notice of publication date: October 15, 2021

Public Comments/Discussion: October 21st, 2021, and November 4th, 2021

Consideration and Action to pass: November 4th, 2021

- o *Mayor: We have the attorney for CN Wire at city hall and Mr. Jerry Pacheco. They are here to explain why we need this ordinance amendment.*
- o *Eduardo A. Duffy: An IRB statute relates to municipalities that allow cities to issue bonds or projects within their boundaries or 50 miles of their incorporated boundary. CN Wire's facility is located within 50 miles of the boundary.*
- o *The City was authorized to act as an issuer for that deal. The IRB essentially provides a project company with property tax abatements and gross receipts and compensating tax abatements on assets that they purchase for the property. In this case, the authorized amount was \$100 million, which doesn't mean that the city put any money out or was liable for that in any way. It just means that the project company could spend up to \$100 million and take advantage of those gross receipts and compensating abatements for tax purposes, including purchases of those assets.*
- o *What makes the structure very beneficial to the city, in this case, was that 50-mile rule that by issuing the IRBs, the city exempted county taxes and other taxes that then apply to that area for the company. The city didn't lose any tax revenue because the project was not located within the city limits. As stated in the deal, the company actually pays directly to the city and not to the county. This payment is in lieu of taxes.*
- o *As part of that arrangement, the company estimated the number of jobs anticipated yearly at the facility. When the project closed, that number was 195. The IRB currently provides that if the company misses that number within 65 to 79%, there's a 10% property tax payment penalty to pay. Due to COVID, the 195 is no longer a realistic target for the company. Talking to the company, they thought a more realistic number would be 130. The amendment in front of you changes that target from 195 to 130. The company will still make payments in lieu of taxes to the city, as usual. That is not changing.*

b) **ORDINANCE 2017-01 SECOND READING**

An ordinance amending CWSRF ordinance. **Presented by Projects Coordinator**

First reading: October 7th, 2021

Notice of publication date: September 20, 2021

Public Comments/Discussion: October 7th, 2021, and October 21st, 2021

Consideration and Action to pass: October 21st, 2021

- o *Projects Coordinator: This is the ordinance, authorizing the City of Anthony to amend Ordinance 2017-01 to increase the funding amount.*

1ST Motion: Trustee Gameros 2ND Motion: MPT Herrera

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO 3 to 0 vote, motion pass.
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO

c) **ORDINANCE 2010-017 SECOND READING**

An ordinance amending Graffiti Vandalism ordinance. *Presented by Neighborhood Services Supervisor*

First reading: October 7th, 2021

Notice of publication date: September 13, 2021

Public Comments/Discussion: October 7th, 2021, and October 21st, 2021

Consideration and Action to pass: October 21st, 2021

1ST Motion: Trustee Gameros 2ND Motion: MPT Gameros

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO 3 to 0 vote, motion pass.
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO

d) **ORDINANCE 2010-018 FIRST READING**

An ordinance amending Land Use ordinance Cannabis Zoning. *Presented by City Clerk.*

First reading: October 21st, 2021

Notice of publication date: October 13, 2021

Public Comments/Discussion: October 21st, 2021, and November 4th, 2021

Consideration and Action to pass: November 4th, 2021

- *City Clerk: P&Z authorized this ordinance, with the hours of operation following the hours for alcohol sales. MPT Herrera informed us that the BOT-approved draft did not reflect the P&Z-approved hours of the sale.*
- *The P&Z Minutes were approved much later after the ordinance had been passed by the board. The update made today reflects the New Mexico Regulation & Licensing Department's hours of alcohol sale.*
- *Trustee Gameros: Trustee Gameros suggested that section 13.7 include a reference to section 13.1p.*
- *Trustee Flores: Requested a copy of the NM regulation and licensing department hours.*
- *MPT Herrera: It was recommended that municipalities treat the marijuana business as any other business.*

9. **ITEMS FROM THE CITY CLERK**

- *City Clerk: Elections are still being held and they are taking place in the municipal chambers. Staff discovered five old Ballot Boxes while transferring to new storage. Old ballot papers will be kept with the city clerk until their record retention term expires, according to county officials.*

10. **ITEMS FROM THE CITY MANAGER**

- *City Manager: The engineers would like to meet with the board for a special meeting to discuss two issues. The first is a project update on the South Anthony Arroyo. The second item on the agenda is to discuss the pending development agreement for Jardines De Rivera.*

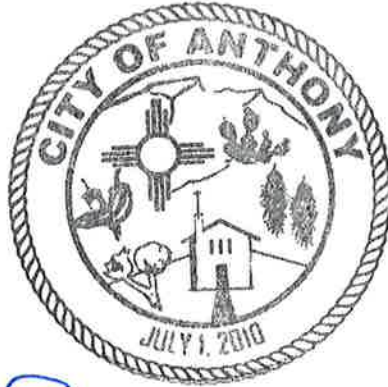
11. **ITEMS FROM THE MAYOR AND TRUSTEES**

- *Trustee Gameros: Proposed that a budget workshop be held at the next meeting, similar to what we did with the financial officer previously. We haven't had any new information since July.*
- *Trustee Flores: I second the request for a budget workshop.*
- *MPT Herrera: Requested an update on the 4th Street sinkhole. Second, requested an update on the lights, fencing, and restrooms in Adams Park. The next federal funding will be distributed to cities and the first disbursement is yet to be spent.*
- *Mayor: Residents want three-way stop signs similar to what we have on Acosta, as well as speed humps to slow people down. There has been a call for a short-term flood remedy before the next rains.*
- *MPT Herrera: Requested workshop meeting to discuss city manager contract which auto-renews November 18th. The meeting was scheduled for November 9, 2021, at 5:00 p.m.*

12. **ADJOURNMENT – at 7:13 PM**

1ST Motion: Trustee Gameros 2ND Motion: MPT Herrera

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



Diana Murillo-Trujillo, Mayor

{SEAL}
ATTEST:

Esther Motongo, CMC - City Clerk