



Oscar Dominguez
City Manager

REGULAR MEETING
City of Anthony Board of Trustees
Conference Call
Thursday, November 18, 2021
6:00 P.M.
MINUTES

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

You can join meeting using your phone by dialing.

United States: [+1 \(646\) 749-3335](tel:+16467493335)

Access Code: 556-719-869

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 7.

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

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

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

4. CONFLICT OF INTEREST
5. APPROVAL OF AGENDA ORDER

1 st Motion: <u>Trustee Gameraos</u>	2 nd Motion: <u>Trustee Flores</u>
MPT Fernie Herrera	YES NO
Trustee Gloria Gameraos	YES NO
Trustee Elva Flores	YES NO 4 to 0 vote, motion pass.
Trustee Javier Silva	YES NO
Mayor Diana M. Trujillo	YES NO

6. APPROVAL OF MINUTES

- a) Regular Meeting – 10/21/2021
- b) Workshop Meeting – 11/4/2021
- c) Regular Meeting – 11/4/2021
- d) Workshop Meeting - 11/9/ 2021

1 st Motion: <u>Trustee Gameraos</u>	2 nd Motion: <u>Trustee Flores</u>
MPT Fernie Herrera	YES NO
Trustee Gloria Gameraos	YES NO
Trustee Elva Flores	YES NO 4 to 0 vote, motion pass.
Trustee Javier Silva	YES NO
Mayor Diana M. Trujillo	YES NO

7. ITEMS FROM THE FLOOR – PUBLIC COMMENTS -NONE

8. CONSIDERATION AND ACTION

- a) Consideration and action to approve supplemental amendment No. 1 for the Adams Park Ballfield and Roadway Improvements Contract for a total of \$40,866.80. Presented by Eric Hamilton, PE, CFM & Todd Gonzalez - Wilson & Company Engineers

- **Eric Hamilton:** (Presented an overall update on the Adams Park construction project.) Supplemental amendment requests are due to the additional 35 working days (5 working days/7 weeks) and are following our original work scope.

1 st Motion: <u>Trustee Silva</u>	2 nd Motion: <u>Trustee Flores</u>
MPT Fernie Herrera	YES NO
Trustee Gloria Gamos	YES NO
Trustee Elva Flores	YES NO 4 to 0 vote, motion pass.
Trustee Javier Silva	YES NO
Mayor Diana M. Trujillo	YES NO

- b) Consideration and action to approve street hump installment at Haciendas of Anthony. **Presented by Mario Infante**
 - **Mario Infante:** Anthony subdivision has a flood control retention pond, a facility that accepts flows but doesn't have a discharge point. To reduce the adverse impact of surface flooding, a speed hump was suggested to create water block.
 - **Trustee Gamos:** Motion to postpone item, staff to bring back the cost and specifications of the suggested street humps.

1 st Motion: <u>Trustee Gamos</u>	2 nd Motion: <u>Trustee Silva</u>
MPT Fernie Herrera	YES NO
Trustee Gloria Gamos	YES NO
Trustee Elva Flores	YES NO 4 to 0 vote, motion pass items postponed.
Trustee Javier Silva	YES NO
Mayor Diana M. Trujillo	YES NO

- c) Consideration and action to modify City Manager contract to remove the second year of service from 60 to 30 days. **Presented by Mayor Trujillo**
 - **Trustee Flores:** I would like for the renewal of this contract to be considered when the new board comes.

1 st Motion: <u>Trustee Flores</u>	2 nd Motion: <u>Trustee Silva</u>
MPT Fernie Herrera	YES NO
Trustee Gloria Gamos	YES NO
Trustee Elva Flores	YES NO 4 to 0 vote, motion pass.
Trustee Javier Silva	YES NO
Mayor Diana M. Trujillo	YES NO

- d) Consideration and action to direct staff to begin the process of disposal of former charter school portables located on 780 Landers Rd, Anthony NM 88021. **Presented by City Manager**
 - **City Manager:** This item is the first step towards a solid waste franchise for the City of Anthony. Unfortunately, the portables have impeded moving forward with any agreement with the water district. There is still a draft lease agreement for the land on which the portables sit, shared with the board a few months ago. There doesn't seem to be much energy behind pursuing that. Staff is bringing this before the board to see if this is a better option to move forward.
 - **Trustee Flores:** In all honesty, we've talked and talked about this issue. I also feel that we haven't tried to work with it. I believe that staff should have moved a little more on things instead of just letting it die or letting it stay there. I feel like the staff never attempted to work on this. We talk about it and then we stop and then a few months later, it comes back. We never really come to any conclusion about what we're doing. I disagree with this item. I would like to postpone this item until we have a plan.
 - **Trustee Silva:** The plan was to get them fixed up and share this space with the water company, at one point in time. e would rent them out to somebody. I think we've already spun or wheels too much on this. There's not a lot to gain from this.

- **Trustee Gameros:** I agree with Trustee Silva. We should look into selling. If we can't, I would still like to refer back to giving these portables and see if the Water Department is willing to have them. It would be a great way to say that we want to work together.
- **City Manager:** The water district has expressed an interest in the portables.
- **City Clerk:** I recall the public works supervisor issuing a quote of the cost of moving seven portables. In February 2020, it was estimated at \$734,500. At the current construction cost, we would increase it by roughly 25%.
- **Trustee Flores:** This amount here has nothing to do with what we want to do with these portables because it seems to me like no one wants to renovate them to rent them. We were talking about moving just a few for storage at that time.
- **Mayor Trujillo:** Proposed that staff research the auction option.
- **Trustee Gameros:** Seconds motion to postpone item.

1 st Motion: <u>Trustee Flores</u>	2 nd Motion: <u>Trustee Gameros</u>
MPT Fernie Herrera	YES NO
Trustee Gloria Gameros	YES NO
Trustee Elva Flores	YES NO 4 to 0 vote, motion passed item postponed.
Trustee Javier Silva	YES NO
Mayor Diana M. Trujillo	YES NO

- e) Consideration and action to approve **FY 2020-2021** Fixed Asset List. **Presented by City Manager**
- o **City Manager:** This is a very important document that staff completely forgot to bring before the board at the end of last fiscal year. This list is not for the fixed assets of the City.

1 st Motion: <u>Trustee Silva</u>	2 nd Motion: <u>Trustee Flores</u>
MPT Fernie Herrera	YES NO
Trustee Gloria Gameros	YES NO
Trustee Elva Flores	YES NO 4 to 0 vote, motion passed item postponed.
Trustee Javier Silva	YES NO
Mayor Diana M. Trujillo	YES NO

- f) Consideration and action to approve **Resolution 2021-035** a resolution to establish policies, procedures, and schedules for the use of city-owned and operated parks and facilities. **Presented by City Manager**
- **City Manager:** I proposed increasing fees for non-residents; instead of \$4, I believe we should charge \$8. There will be no charges for city residents.
 - **Trustee Silva:** I have a problem with the Certificate of Liability Insurance; Are we asking for a million-dollar certificate of liability insurance? Request that the insurance section be reworded.
 - **City Manager:** For organized leagues and anybody making money on public fields.
 - **Alan Dahl – City Attorney:** We can certainly look at rewording that and maybe clarifying when it's applicable.

Motion to post pone item

1 st Motion: <u>Trustee Silva</u>	2 nd Motion: <u>Trustee Flores</u>
MPT Fernie Herrera	YES NO
Trustee Gloria Gameros	YES NO
Trustee Elva Flores	YES NO 4 to 0 vote, motion passed item postponed.
Trustee Javier Silva	YES NO
Mayor Diana M. Trujillo	YES NO

9. **ORDINANCE HEARING**

a) **ORDINANCE 2010-018 SECOND 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 & October 22, 2021.

Public Comments/Discussion: October 21st, 2021, and November 18th, 2021

Consideration and Action to pass: November 18th, 2021

- *Trustee Gameros: I move for the consideration and approval for ordinance 2010-018, an ordinance amending land use ordinance cannabis zoning.*
- *Trustees Silva: I second*
- *Mayor Trujillo: First motion by Trustee Gameros, Second motion by Trustee Silva.*
- *I have several people who have joined regarding this cannabis ordinance and I will allow them to speak.*
- *Let's go ahead into the discussion, Ms. Motongo*
- *City Clerk: Thank you, Madam Mayor.*
- *Today, we're looking at the ordinance suggesting hours of operation be changed to mirror liquor sale hours. Initially, this is what planning and zoning had approved and was missed on the final draft.*
- *Planning and zoning placed cannabis hours the same as alcohol sales to treat those two businesses the same.*
- *Since the board of trustees' first ordinance reading, we have received an email from Mr. Jimmy Nevarez with some amendment recommendations.*
- *Mr. Nevarez's changes are on the draft colored purple.*
- *After discussing with the city manager and city attorney, I proposed posting Mr. Nevarez's revisions on the P&Z agenda for a hearing before they go before the board.*
- *There is a process to amending, planning, and zoning ordinance, and this is part of the land use ordinance.*
- *Whatever planning and zoning commission is going to approve or suggest, it will be brought to the Board of Trustees for your consideration on the first and second hearing and then vote on the second hearing.*
- *The reason I'm bringing this up is that I notice that we have these new recommendations, but our planning and zoning has yet to look at them. I'm not saying that the Board won't look into them. It very certainly can. All I have to do now is bring it to your attention that P&Z has not had the opportunity to review suggested amendments.*
- *I placed Mr. Nevarez's email of recommendation on the agenda packet.*
- *Trustee Gameros: Thank you, Esther. There's some new information that you have here in purple.*
- *City Clerk: Yes, some of this information is actually taken from the State statute. So, with the way the planning and zoning passed this ordinance, they put it in a way that you would not have to come back and amend the ordinance when the state continues to make cannabis changes as we expected it to.*
- *They were kind of getting prepared for both situations: Having to sell for medical use and having to sell for recreational use and for when we get consumption areas approved as well. An ordinance is not an easy thing to change, so P&Z understood that fact. I did ask Alan what he thinks about these state statutes.*
- *Alan Dahl -City Attorney: This is Alan, Madam Mayor and Board members. I have looked over the suggested changes by mister Nevarez. I agree with what the city clerk has said.*
- *While you can discuss them at today's meeting, I don't think that it would necessarily be proper to implement these changes today because the amendment that was up for your consideration last week was solely limited to the hours and I think that the changes that are being suggested by mister Nevarez are more substantial than that. I do think that they would have to go through a P&Z review, followed by a full hearing in front of the Board of Trustees in order to implement them and to ensure that the public got the notice of the suggested changes. Alcohol hours review was already considered by planning and zoning. It was suggested by planning and zoning and it was only because of a clerical error that it wasn't in the original version of this ordinance.*

- *Now, with respect to the State of the law, I have reviewed both the ordinance as it has been changed or has been suggested to be changed, I have also checked it as it was originally passed, and I have also looked at the Cannabis Regulation Act and the administrative regulations that have been passed since the cannabis regulation Act was enacted. It appears to me that the current ordinance is entirely keeping with the law. I don't foresee any issues with it, not just because I drafted it, but it appears to be consistent with the law.*
- *There's not an obligation to have cannabis facilities have the same hours as alcohol facilities. In fact, it's one of the few areas that cities are allowed to determine what hours cannabis facilities will maintain.*
- *So, as it is currently written, I think that the ordinance is legally sound. That doesn't mean that the city cannot change portions of it, but I do suggest that if there are any amendments today, that it limits it to the originally suggested amendment from the first reading and allow the more substantive amendment suggested by mister Nevarez to be considered at a later date.*
- ***Trustee Gameros:** I do agree with Alan and that we should approve this ordinance as it was previously given to us on the first reading.*
- ***Mr. Eduardo Gamboa:** I would like to speak. My name is Eduardo Gamboa. I really appreciate you all for hearing us and taking my words and my team's words into consideration.*
- *I agree with Trustee Gameros and Mr. Dahl.*
- *We do feel that some of those recommended changes were very malicious. They are a barrier to entry that the State is not putting on individuals yet.*
- *Certain individuals in this county are trying to make it harder for people to enter into business and basically monopolize an area.*
- *The other concern that we have is, we are going to be fully vertical. We're going to be neighboring the individual that suggested the malicious changes and we are going to be growing it, be extracting it, and supplying our own dispensary.*
- *I feel that growers and people that have been in this industry and not people who just researched it for six months know the business in and out, and do not have to hire a third-party consultant who may be questionable at that.*
- *We have spent money already in the city. We plan on spending a lot more money developing the area.*
- *Half of the properties that we own are located in Dona Ana County. We have the other half to be annexed to Anthony. We want to basically help the area. We want to bring jobs. Anything that we do grow is going to be sold in Dona Ana County.*
- *Other individuals are not going to be growing in the Anthony area. They will be bringing in products from other counties, basically providing jobs for that area. We will guarantee that we have products and have jobs that are stable.*
- *We will have people that can maintain a job and maintain income throughout the year because we will be providing that product.*
- *We do agree with the first draft that was provided and we look forward to doing great things for this area. I am from this area. I plan on doing the best by us and by this area. We want it to be a win-win for you and a win for the community. We want to bring clean and compliant products.*
- *We are not planning on breaking any rules or regulations. We just want to make sure that everyone is given a fair chance. The suggested changes are barriers to entry and are not good for business, period. They hurt the small businesses by making rules that were set by the State more extreme.*
- *One thing that we feel will need to be looked at is consumption zones being able to stay open. We are zoned C3 similar to a bar and we can stay open.*
- *Our team has been cultivating for a combined 70 years. We have an integrated pest management system, so we make sure that all our plants are compliantly grown and sold. We do not look to do illegal activities and we're here to basically provide good service for the community and a great amount of income and we aim to enhance this community and not hurt it.*
- *We feel that the changes provided by Mr. Navarrez are a huge barrier to entry and in order to enhance the community, we're here to showcase what Anthony has to have. Anthony should be at the forefront and not behind the scenes. We're going to be providing those who want to call the Lyft or Uber, providing local Uber drivers for City of Anthony.*
- ***Mayor Trujillo:** Mister Gamboa, you went over the three minutes.*

- **Mr. Eduardo Gamboa:** *I have my colleague James Knox, who would like to speak.*
- **James Knox:** *My name is James Knox. I own multiple cannabis and hemp-based businesses. I've been working since 1996. I would consider myself an honest expert in the field for good and bad I've made. I'm here to tell you that being from Oregon and seeing the industry come from what it was as to what it is now, the draft presented to be passed by the board here is a very good one. If I were a resident, I would be happy to see such a thing and be within that draft's approval. When it comes to barriers of entry and the industry as a whole, I cannot convey how important it is to make sure that things try to remain at the state level and support local economies and you don't let bad actors into the game. I'm here to tell you that it will work, the medical and recreational programs combined when executed right.*
- **City Clerk:** *Madam Mayor and the Board, my recommendation today is to approve the changes in red and blue. Mr. Navarre's changes in color purple to be presented to Planning and Zoning commission and follow ordinance amendment process. The final draft approved by P&Z will be brought to the board of trustees for adoption.*
- **Trustee Gameros:** *If nobody else has anything else to say, I suggest that we go ahead and do a roll call on the items that the city clerk stated.*
- **Alan Dahl:** *Suggested a motion to amend*
- **Trustee Gameros:** *I move for the consideration and action to amend ordinance 201-018 an ordinance, amending land use the ordinance cannabis zoning to approve amendments made on November 4, 2021, colored in blue and red. If any changes are made to the ordinance or any resolution after the board has made some amendments, they can be brought up as a separate vote.*

13.1 P. Add: *Hours of Operation / Business hours –Cannabis hours will correspond to the hours provided by New Mexico State for the sale of alcohol.*

13.7: Add: *between the hours of operation.*

13.7: Remove: *between the hours of 7:00 a.m. and 12:00 a.m. Monday through Saturday and 12:00 p.m. to 12:00 a.m. on Sundays.*

13.7 B. Add: *operation as in section 13.1P*

13.7 B: Remove: *“of 7:00 a.m. and 12:00 a.m. Monday through Saturday and 12:00 p.m. to 12:00 a.m. on Sundays”.*

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

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

Motion to approve ordinance 2010-018 as amended.

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

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

10. ITEMS FROM THE CITY CLERK

- **City Clerk:** Thank you to the board for investing in employee training, currently hosting today's meeting while in Santa Fe for clerk academy.
- Spoke to Municipal league executive director, he confirmed that we are going to have training for the newly elected officials in March of 2022, but before they join they will be sending PowerPoints and video to give basics knowledge.

11. ITEMS FROM THE CITY MANAGER

- **City Manager:** Similar to our city clerk, myself, Trustee Flores, and our finance Officer, are enrolled the virtual budget conference from the local government division. It's touching on a number of issues, including the open meetings act, and other a broad range of topics, with lots of great learning. While there is not quite as much networking, I thank you again for the opportunity to undergo that kind of training.

12. ITEMS FROM THE MAYOR AND TRUSTEES

- Trustee Flores – No items
- Trustee Gameros – No items
- Trustee Silva: no items
- Mayor Trujillo: No items.

13. ADJOURNMENT – 8:19 pm

Mayor Trujillo: request motion to adjoin.

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

MPT Fernie Herrera	YES	NO	- left at 8:17pm
Trustee Gloria Gameros	YES	NO	
Trustee Elva Flores	YES	NO	4 to 0 vote, motion passed at 8:19pm.
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo	YES	NO	



Diana Murillo-Trujillo
 Diana Murillo-Trujillo, Mayor

{SEAL}
ATTEST:

Esther Motongo

Esther Motongo, CMC - City Clerk