



Oscar Dominguez
City Manager

REGULAR MEETING
City of Anthony Board of Trustees
820 Highway 478, Anthony NM 88021
& Conference Call
Thursday, November 4th, 2021
6:00 P.M.
MINUTES

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

You can join meeting using your phone by dialing.

United States: +1 (646) 749-3335

Access Code: 843-392-861

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 6:05pm

2. PLEDGE OF ALLEGIANCE led by Oscar Dominguez

3. ROLL CALL

Present: MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO – <i>joined at 6:16pm</i>
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.

- *City Clerk: Madam Mayor as of 6:00 pm you have no voting quorum, we can have discussion only.*
- *Alan Dahl: I think that she actually does have enough to vote on non-resolution or ordinance items.*
- *City Clerk: The mayor's vote is used to break a tie.*
- *Alan Dahl: And I understand that the general rule is that you can vote if you have a quorum. As long as a majority of the ruling body is present, which we have here. Is there a rule that says you can't vote on non-resolution and non-ordinance items?*
- *City Clerk: From my understanding and training, there is an NMSA that defines quorum and a Mayor's vote. It is also customary for the city not to vote if we don't have the majority of the voting quorum. Trustee Gameros has confirmed she will be joining shortly.*

4. CONFLICT OF INTEREST

5. APPROVAL OF AGENDA ORDER

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

Roll Call:

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

6. APPROVAL OF MINUTES

- a) Regular Meeting – 09/09/2021
- b) Special Meeting – 09/28/2021
- c) Regular Meeting – 10/07/2021
- d) Workshop meeting – 10/07/2021
- e) Workshop Meeting – 10/15/2021

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

Roll Call:

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

7. ITEMS FROM THE FLOOR – PUBLIC COMMENTS

- *Mr. Jimmy Nevarez: I emailed the board regarding the Cannabis ordinance. I would like to recommend some amendments to it and changes to one of the big items. We hired Pat Davis, who was appointed Chair of the Board of Legalized Cannabis in New Mexico under former Governor Martinez and current Governor Grisham.*
- *The first big change is that I feel we need to amend the definitions for a cannabis manufacturer. The state has four classifications that are not identified in the current city ordinance.*
- *The second is hours of operation. It is very clear that the cities can regulate hours by zoning. Suggested 9:00am to 10:00pm. Cannabis is still federally illegal, which means that operations are going to be probably 100% cash. Cannabis-friendly banks are in Albuquerque which means cash would be picked up about 3 times a week, which is not safe for late-hour operation.*

8. PRESENTATION

- a) Police department recognition. **Presented by City Manager**
 - *City Manager: I've found that Chief is by far the most demonstrative in her public appreciation of staff successes throughout my tenure here at the City. In a bit of a reversal, Chief's staff, led by our police records clerk and sergeants, requested this opportunity to publicly appreciate Chief's leadership. We do have a list of successes that Chief Ordonez was kind enough to share with staff; however, reading this list may take some time, and I'd like to be mindful of the time, so we are going to display the list on the monitor here.*
 - *Trustee Silva: We appreciate the time and the effort that you put into the City. The time that you put into taking care of your officers speaks volumes. I'm sure they appreciate it as much as I do and the rest of us. That's what attracts and retains employees. It is when they have a leader that they can work with.*
 - *Trustee Flores: I want to thank the chief for the wonderful job that she has done. I think we are very blessed to have her here in our City. You are such a hard worker. I am just so grateful. Thank you for everything you do.*
 - *Trustee Gameros: Chief, thank you so much for everything you've done for this City. You've been the best chief that we've ever had. You are a hard worker. It showed when you were a police officer doing background checks, your reporting showed. I'm so glad that we do have you and that you show the leadership that we need in this community with your officers. You are a great role model for them and I appreciate all the work you've done.*

- **Mayor Trujillo:** Chief, you have been the best chief that we've ever had in the City of Anthony. I truly admire you. My props to you for keeping the police department together and you have a good team.

9. CONSIDERATION AND ACTION

- a. Consideration and action to award Dos Lagos Phase 1 construction contract. **Presented by Marvin Chavez, PMP – Wilson & Co-Project Manager.**
- **Marvin Chaves:** On August 16th, 2021, we had a bid opening. There were two bidders. The apparent low bidder was C&E was \$1,512,485.00. We began negotiations. On September 27th, we received the best and final offer from C&E Industrial Services. Engineer recommends that the city award C&E Industrial Services in the amount of \$1,499,000.00 excluding NMGRT.

Original Bid	Revised Bid	Savings
\$ 1,512,485	\$ 1,499,000	\$ 13,485

BUDGET ANALYSIS

FUNDING	
Capital Outlay Funding 20-E2539	\$1,533,500.00
Capital Outlay Funding 21-F2727	\$275,000.00
Total Funding	\$1,808,500.00

CONSTRUCTION + DESIGN FEES	
Construction Budget (inc. tax 8.6250)	\$1,410,439.14
Design Fees (inc. tax 8.6250)	\$128,426.75
Construction Management (inc. tax)	\$50,000.00
Total Construction + Design Fees	\$1,588,865.89

Contractor's Price (inc. tax 8.6250)	\$1,628,288.75
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BUDGET BREAKDOWN	
Total Funding	\$1,808,500.00
Design Fees	\$128,426.75
Construction Management	\$50,000.00
Contractor's Price	\$1,628,288.75

Balance	\$1,784.50
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1ST Motion: Trustee Silva 2ND Motion: Trustee Gameros

Roll Call:

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

- b. Consideration and action to approve construction task order of \$17,281.91 to repair 4th Street sinkhole. **Presented by Eric Hamilton, PE- Wilson & Co Engineer**
- **Eric Hamilton:** Shortly after the monsoon season this year, we were contacted by the public works supervisor to observe three spots on 4th Street with problems. The primary issue is on Fourth Street, just

north of Church Street and before the Miller intersection. We developed a task order, which is the mode of issuing a contract. We've written the agreement to allow for ten working days. They could start November 15, 2021.

- o **Alan Dahl:** Was there a warranty since it just looks like the asphalt was fairly new.
- o **Eric Hamilton:** That is a project funded with NMDOT federal funds and we follow the federal boilerplate and contract requirements. Once the project is accepted, there is no warranty with roadway construction, unless there is a specialty item such as landscaping or irrigation system

1ST Motion: Trustee Silva 2ND Motion: Trustee Gamos

Roll Call:

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

- c. Consideration and action to approve the creation of a line item and budget adjustment in the amount of \$26,000 to pay tax liability related to the acquisition of the former Dos Lagos golf course. **Presented by City Manager**
- o **City Manager:** As discussed in the previous meeting, Dos Lagos was levied property taxes at the beginning of the year 2020. I asked the County Treasurer if the taxes could be waived in any way. He answered no, however it appears that the penalty and interest can be waived at the very least. If authorized, the line item total would be a little less than \$26,000.

1ST Motion: Trustee Silva 2ND Motion: Trustee Gamos

Roll Call:

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

- d. Consideration and action to approve the purchase of new uniform for the Police Department, for a total of \$5,157 from GL: 289. **Presented by Chief of Police**
- o **Chief of police:** Today I am presenting three quotes for the uniforms. We have \$40,000 from the Junior funds. The police officers wanted to get something that was new and more durable. Staff recommends The Line, LLC company for a total of \$5,157.60.

1ST Motion: Trustee Silva 2ND Motion: Trustee Gamos

Roll Call:

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

- e. Consideration and action to approve employee handbook amendment section 5:4 Call- Out pay.

Presented by City Clerk – HR Liaison / Alan Dahl-City Attorney

- o **City Clerk:** *The call-out pay portion was already in the employee handbook; I just tweaked it a little to make it clearer and easier to understand for the payroll process. The draft amendment was reviewed by the City Attorney and City Manager.*
- o **City Manager:** *The language was enhanced the handbook especially for the detective position. Chief is requesting something in addition to the callback pay wording that is already before the board.*
- o **Chief Ordonez:** *Requested that the board select any of the choices for detective posts from other police departments. A detective job is not only risky, but also time-consuming, and it requires you to sacrifice a lot of your time, your life, your family and anything else that comes up.*
- o **Trustee Flores:** *Suggested 8 hours straight time.*
- o **Trustee Silva:** *Ss the call out Monday to Monday?*
- o **Detective Martinez:** *Presented request for board's consideration.*
- o **Trustee Gamos:** *Motion to postpone this item and have the language updated by adding in the police officers as a separate item on the handbook. Staff to present city cost for the options provided.*

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

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

10. Ordinance:

a) **ORDINANCE 2021- 003 SECOND 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 Trujillo:** *the ordinance amendment is here for approval today.*

1ST Motion: Trustee Gamos 2ND Motion: Trustee Silva

Roll Call:

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

11. **CLOSED SESSION – at 7:46 pm**

- 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, to discuss hiring and promotion within the police department.

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

Roll Call:

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

B. **OPEN SESSION – at 8:21 pm**

Motion to return to open session.

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

Roll Call:

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

12. **ITEMS FROM THE CITY CLERK**

- **City Clerk:** *This Christmas, the Projects Coordinator has taken the initiative to organize a toy and jacket giveaway for elementary school children. A request for participation will be extended to trustees through email and Santa will be requested.*
- **Trustee Silva:** *I'm in for Santa Claus.*
- *Request that the meeting be postponed or held online because City Clerk school starts next week in Santa Fe.*
- **Mayor Trujillo:** *Make it a virtual meeting.*

13. **ITEMS FROM THE CITY MANAGER**

- **City Manager:** *Reminder that there will be NMML- budget training next week and there are two trustees' spots left. Registration closes on 11/8/21.*

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

- **Trustee Silva:** *We should start working on the streets. Lee Street, south of Church Street, has two potholes in the center. Request Manager to collaborate with projects coordinator on a new grant.*
- **Trustee Silva:** *Requested an update on the Solid Waste franchise. Where do we stand?*
- **City Manager:** *City Clerk found an RFP template. Any successful respondent to the City's request for proposal will have a challenge with collections without the water district to assist with collecting garbage bills. We continue work on the RFP, but need to resolve the portable issue and work on the MOA with the water district first. The district is an integral piece in the collection of solid waste bills. We need to decide on the portables, which unfortunately further complicated the relationship.*

REGULAR MEETING

City of Anthony Board of Trustees
820 Highway 478,
Anthony, NM 88021.
Thursday, November 4, 2021.

Time: 6:00 PM

PLEASE SIGN IN ONLY IF YOU WOULD LIKE TO ADDRESS THE BOARD:

NOTE: THERE IS A 3 MINUTE LIMIT TO EACH PERSON

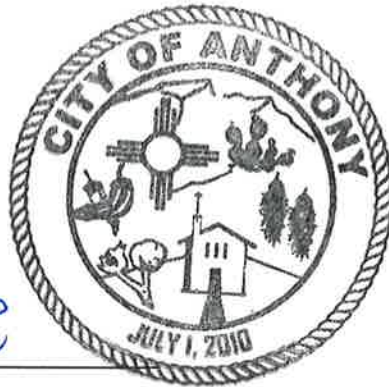
1. Jimmy Nevarez
2. ~~Español~~
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

- **Trustee Silva:** *This is the one way we can generate revenue. We need to expedite this. Let us do what needs to be done to get this revenue.*
- **Trustee Silva:** *Congratulations on the Mayor's re-election. We should assist residents in attending meetings in order to avoid public disinformation.*
- **Mayor Trujillo:** *Thank you, Trustee Silva. I concur: There were a lot of negative attitudes. It was the dirtiest election that I have seen since 2010.*
- **Trustee Gameros:** *No items.*
- **Trustee Flores:** *Requested that the city manager proceed with the IT assistant recruitment as budgeted*
 - *Requested that department heads save paper by providing reports in electronic format.*
 - *Requested Mr. Navarrez' contact to give a presentation to the board.*
 - *Thanked staff for installing the mailboxes outside the municipal chambers.*

15. ADJOURNMENT – at 8:40 pm

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

MPT Fernie Herrera	YES NO <i>Absent</i>
Trustee Gloria Gameros	YES NO
Trustee Elva Flores	YES NO <i>3 to 0 vote, motion pass.</i>
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