

Oscar Dominguez  
City Manager

**REGULAR MEETING**  
**City of Anthony Board of Trustees**  
**Conference Call**  
**Wednesday, December 16<sup>th</sup>, 2020**  
**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 (408) 650-3123

Access Code: 360-258-477

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 Trustee Silva

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**

5. **APPROVAL OF AGENDA ORDER**

**Roll Call:**

1<sup>st</sup> Motion: Trustee Gameros 2<sup>nd</sup> Motion: MPT Herrera

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

6. **APPROVAL OF MINUTES**

a) Regular Meeting – 11/18/2020

**Roll Call:**

1<sup>st</sup> Motion: Trustee Gameros 2<sup>nd</sup> Motion: MPT Herrera

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

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

8. **CONSIDERATION AND ACTION**

a) Consideration and action to approve a **Proclamation** in recognition of **2021 - THE YEAR OF THE ARTIST**.  
*Presented by Gregory Z. Smith - Executive Director Doña Ana Arts Council*

- **Gregory Z. Smith:** *We have rich heritage in our part of New Mexico. The Arts Council wanted to present to you an opportunity to proclaim the year 2021, the "Year of the Artist". The Arts Council will be celebrating 50 years of existence this coming year. This will expand our opportunities and bring some attention to our part of the world.*

\*\*\* *Mr. Smith Reads Proclamation.*

**Roll Call:**

1<sup>st</sup> Motion: Trustee Silva 2<sup>nd</sup> Motion: Trustee Gamos

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

b) Consideration and action to approve Payroll expenses for public safety-first responder employees at the Anthony Police Department for a total of \$3,393.34 from CARES Act grant Fund GL 297-01-91900. **Presented by Payroll/Procurement Clerk & Chief of Police**

- **Procurement/Payroll Clerk:** *The total admin leave cost for PD since March 13<sup>th</sup> through December 5<sup>th</sup> was a total of \$3,393.34. Ms. Cummings, Budget Analyst with DFA said we can ask for reimbursement for admin leave. She recommended we add a new GL line item to compensate the police department. Officers are frequently providing direct patient care and have immediate close contact with the public regularly. Suggests one lump-sum payment of \$377.03 for each officer for their dedication to citizens during this global pandemic.*
- **Chief Ordenez:** *March 21<sup>st</sup> was the first call that we had with universal precautions, meaning that there was a person there that tested positive for COVID-19 or was experiencing symptoms. This goes a long way to show our appreciation to the police officers.*

**Roll Call:**

1<sup>st</sup> Motion: Trustee Gamos 2<sup>nd</sup> Motion: Trustee Silva

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

c) Consideration and action to approve task order for Wilson & Co to prepare Bidding items for Adams Park. Task order will be paid using Parks and Streets Bond PPRF 4850. **Presented by Projects Coordinator**

- **Projects Coordinator:** *This is the first step of Adams Park Phase 1 project, task order is for bidding services.*
- **MPT Herrera:** *how much is the bidding services?*
- **Projects Coordinator:** *it is \$15,453.16 including CES Fee of 1.25% and NMGRT*
- **City Clerk:** *correction on Agenda item, the correct bond number is PPRF 4890*
- **Trustee Silva:** *task order says, this task order proposal does not include Construction Management Services. Do we have any idea what that's going to cost us at this time?*
- **Eric Hamilton, PE:** *We are tracking the additive alternate items to be above the available construction funding through our engineers estimate. We had established potential conflicts with bidding the restroom engineers recommended excluding the restroom facility from this first bidding because it would likely result in rejection of bid and bidding protests. This is the reason we are not bringing forward a task order for pre-construction services and construction management.*

**Roll Call:**

1<sup>st</sup> Motion: Trustee Silva 2<sup>nd</sup> Motion: Trustee Gamos

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

- d) Consideration and action to approve renewal of translator agreement. **Presented by City Manager**
- **City Manager:** The draft agreement before the Board is simply a version that was approved last year about this time with the dates changed. There were no other material changes to the document.
  - **Trustee Gamos:** on item 3a second sentence add "minutes".
    - Move 3b up to 3a
    - Suggested to change mileage sentence to \$27 roundtrip. It is a repetition, if you multiply \$0.45 and the 60 miles you get the roundtrip
    - **Trustee Silva:** I would be OK just leaving the IRS standard mileage rate per mile and let the translator submit her paperwork. Place- contractor shall be compensated for the travel at the standard mileage rate at \$0.45 per mile.
    - **Alan Dahl:** looking at my original version of this agreement, and the changes before you, this draft has some significant differences. My first concern is, do we know that the IRS standard mileage rate is \$0.45/mile? Requests to look over this agreement before going further with it.
    - **City Clerk:** That's what we had as the most recent draft.
    - **Trustee Flores:** Suggests postponing the item to allow the city attorney time to review it.

**Motion to Post pone item 8d**

**Roll Call:**

1<sup>st</sup> Motion: **Trustee Gamos** 2<sup>nd</sup> Motion: **Trustee Flores**

MPT Fernie Herrera	<b>YES</b>	NO
Trustee Gloria Gamos	<b>YES</b>	NO 4 to 0 votes, motion passed.
Trustee Elva Flores	<b>YES</b>	NO
Trustee Javier Silva	<b>YES</b>	NO
Mayor Diana M. Trujillo	<del>YES</del>	<del>NO</del>

- e) Consideration and Action to approve the amended **Section 8: Holidays & Section 5:3 Overtime Pay/Compensatory Pay** of the employee handbook. **Presented by City Manager**

- **City Manager:** This item is an attempt by staff to align two sections of the employee handbook that are not in alignment. Our payroll and procurement clerk brought it to our attention. Section 5:3 refers to paid holidays and sick leave as hours worked while there is guidance from various sources, including the New Mexico Municipal League that it is should not be considered hours worked.
- **Trustee Silva:** Why do we need item C- "The city manager may make an executive decision to release employees with pay and must notify the Board of Trustees prior to the release of employees", if the holidays will be approved by the board with a resolution?
  - **City Manager:** That is a legacy policy from before my tenure where the mayor could release employees on those days. I do not see a problem with removing the sentence. It is at the Board's discretion. That is one of the few things that were not changed since the handbook was updated last.
  - **Mayor Trujillo:** The City manager or the Mayor would be able to use this if something drastic happens in the City of Anthony, not just the holidays.
  - **Trustee Silva:** Agrees there should be that ability just not on this section.

**Motion to delete "The city manager may make an executive decision to release employees with pay and must notify the Board of Trustees prior to the release of employees", and for the city manager and staff to place this language in another section and bring it to the board for approval.**

**Roll Call:**

1<sup>st</sup> Motion: **Trustee Gamos** 2<sup>nd</sup> Motion: **Trustee Silva**

MPT Fernie Herrera	<b>YES</b>	NO
Trustee Gloria Gamos	<b>YES</b>	NO 4 to 0 votes, motion passed.
Trustee Elva Flores	<b>YES</b>	NO
Trustee Javier Silva	<b>YES</b>	NO
Mayor Diana M. Trujillo	<del>YES</del>	<del>NO</del>

**Motion:** Consideration and Action to approve the amended Section 8: Holidays & Section 5:3 Overtime Pay/Compensatory Pay of the employee handbook

**Roll Call:**

1<sup>st</sup> Motion: Trustee Silva 2<sup>nd</sup> Motion: Trustee Gameros

Trustee Gloria Gameros **YES** NO

Trustee Elva Flores **YES** NO **4 to 0 votes, motion passed.**

Trustee Javier Silva **YES** NO

Mayor Diana M. Trujillo ~~YES~~ NO

- f) Consideration and action to approve **Resolution 2020-032** a resolution approving holiday schedule FY 2021.

**Presented by City Clerk**

- **City Clerk:** The previous agenda item also approved section 8 of the handbook which were edits done by Trustee Gameros.
- This amendment means that whenever a City observed holiday falls on a Saturday, the Friday before will be a paid holiday.
- Whenever a City observed holiday falls on a Sunday, the following Monday will be City observed holiday
- We will remove the list of 10 federally approved holidays and be approving holidays by resolution in observance of the added language.

**Motion:** Consideration and action to approve **Resolution 2020-032** a resolution approving holiday schedule FY 2021.

**Roll Call:**

1<sup>st</sup> Motion: Trustee Silva 2<sup>nd</sup> Motion: Trustee Gameros

MPT Fernie Herrera **YES** NO

Trustee Gloria Gameros **YES** NO **4 to 0 votes, motion passed.**

Trustee Elva Flores **YES** NO

Trustee Javier Silva **YES** NO

Mayor Diana M. Trujillo ~~YES~~ NO

- g) Consideration and action to approve \$4,680.00 payment to South Central Regional Transit District Membership payment FY 20-21. **Presented by City Manager**

- **City Manager:** This is renewal of an annual membership that the City of Anthony has with the transit district. This was something new for both of city manager and procurement clerk and so the city clerk asked that we bring this forward because the amount is beyond the city manager's spending limit. Also, this is a higher amount than the city has paid in the past.
- **Mayor Trujillo:** Every municipality with the South-Central Regional Transit District pays a membership fee. Last year, they made a mistake and invoiced us about \$3,000, which was a little less than what should have been invoiced that is why the fee is now \$4,680, which should have been the fee from the beginning.
- **MPT Herrera:** Who has the original contract?
- **Mayor Trujillo:** I have it. The City should have a copy too. \*\* Mayor emailed staff and BOT a copy of SCRTD budget showing amounts paid by each City.
- **City Manager:** All the City has are the transit district's bylaws and the membership resolution does not mention fees.
- **City Clerk:** I was able to find 2 resolutions on this matter, both to join membership with no amount mentioned. I reached out to SCRTD requesting a document with costs and how it was calculated, all they sent was bylaws.
- **MPT Herrera:** How long have we been paying them?
- **City Clerk:** Incode shows 2 payments: 1<sup>st</sup> Year = \$3,510, 2<sup>nd</sup> payment = \$4,680. If this is approved, it will be the 3<sup>rd</sup> year.
- **MPT Herrera:** Is the amount set or can be lowered?
- **Mayor Trujillo:** The numbers are fixed; We can invite Mr. Armijo to explain in the next board meeting
- **Trustee Gameros:** Requests to see their calculations & how they came up with this amount.

**Motion to post pone item 8g.**

**Roll Call:**

1<sup>st</sup> Motion: Trustee Gameros 2<sup>nd</sup> Motion: MPT Herrera

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

h) Consideration and action to approve Yolanda Alvarez to join Library Advisory Board effective January 1, 2021. **Presented by Mayor Trujillo**

- **Mayor Trujillo:** Ms. Yolanda is interested in joining our library advisory board. We had two library board members whose terms were over.
- **Trustee Silva:** Which 2 members left?
- **Trustee Flores:** Veronica Sierra, Manuela Kiehne, and Johnny Valles. One left no reason, one had medical reason and the other term was over.

**Roll Call:**

1<sup>st</sup> Motion: Trustee Silva 2<sup>nd</sup> Motion: Trustee Gameros

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

i) Consideration and action to approve Jose Gilberto Garcia Jr. to join Library Advisory Board effective January 1, 2021. **Presented by Mayor Trujillo**

- **Mayor Trujillo:** Mr. Garcia is interested in joining our library advisory board to fill the vacant position.
- **Mr. Garcia:** The library plays an integral part in any City. Thank you, Board and Library staff for allowing me to serve on the library board.

**Roll Call:**

1<sup>st</sup> Motion: Trustee Silva 2<sup>nd</sup> Motion: MPT Herrera

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

j) Consideration and action to approve \$8,112.72 to purchase six (6) Staff Laptops from Cares Act grant GL 297-01-91900. **Presented by City Manager**

- **City Manager:** This is staff's attempt to maximize the CARES Act Award because laptops are necessary for most of our staff to work remotely. This is separate from the quote that was approved last Board meeting for the Board of Trustees. This is strictly for staff.

**Roll Call:**

1<sup>st</sup> Motion: Trustee Gameros 2<sup>nd</sup> Motion: Trustee Silva

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

k) Consideration and action to approve **Resolution 2020-033** a resolution designating official custodian of public records. **Presented by City Clerk**

- **City Clerk:** We have been having clerk school online with NMML. Some of the items learned were the City needed to have several resolutions, among them are designating an official custodian of public records to comply with record retention and Public Record requests.
- **MPT Herrera:** According to the job description, the city clerk is the official keeper of records of the city. Have we not passed a resolution before or are we just renewing this?

- **City Clerk:** Correct MPT, City Clerk job description states that the clerk is the custodian of City records. According to NMML the authority to do that job comes from a resolution, not a job description. They advised the clerk to bring this resolution to the Board. After reviewing all clerk's files, we were not able to find this resolution and so, it will be the first time we are adopting this. The City adopted record retention schedule for the first time in 2019 with no custodian of record resolution.

- **Roll Call:**

1<sup>st</sup> Motion: Trustee Gameros 2<sup>nd</sup> Motion: Trustee MPT Herrera

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

9. 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)(8) Discussion of the acquisition of real property by lease contract between Anthony Water and Sanitation District and City of Anthony for the 2.772 acres, Lot 1 located at 780 Landers Rd., Anthony, County of Dona Ana New Mexico 88021.

**Roll Call:**

1<sup>st</sup> Motion: Trustee Gameros 2<sup>nd</sup> Motion: Trustee Silva

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO 4 to 0 votes, motion passed at 7:59 P.M.
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO

b) **Motion to open session**

**Roll Call:**

1<sup>st</sup> Motion: MPT Herrera 2<sup>nd</sup> Motion: Trustee Silva

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO absent- did not return after closed session
Trustee Elva Flores	YES	NO 3 to 0 votes, motion passed at 9:09 P.M.
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO

10. **ITEMS FROM THE CITY CLERK - NONE**

11. **ITEMS FROM THE CITY MANAGER - NONE**

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

- **Trustee Flores:** We closed down the codes and the animal control at the beginning of the year. We had put some money in their budget. What became of that money left?
- **City Manager:** So, I think you might be asking about the money from last fiscal year, but remember, the budget is just a projection. That is, this is what we think the city is going to spend. If the city doesn't spend it, then the budget closes and then a new budget opens. It's not real money. There's no money leftover or anything like that.
- The board approved the budget that included two positions that were then combined. One of them was increased to a supervisor position. That person, who was the animal control officer, is now running the department, including the budget.
- **Trustee Silva:** Trustee Flores is referring to the current fiscal year. The question is, after we created the new Neighborhood department, did we create a line item for it? What happened to the old-line items from the codes and animal control department?
- **City Manager:** I'm not sure, I understand. The only thing that happened was, instead of animal control, now it says Neighborhood Services Supervisor in our system. Code Enforcement Officer became the neighborhood Services officer. The rest of the documents remained the same because there is still an animal control expense.
- **Trustee Flores:** So you're saying that Neighborhood Service is using the money that is for animal control and codes?

- **City Manager:** *What I'm saying is that the Neighborhood services supervisor is now using the animal control budget and the Neighborhood Services Officer will be using the codes enforcement budget. We have made changes to the budget and so what you have from July has not been updated. Code enforcement officer was just renamed to Neighborhood Services officer under the same budget and the same amounts. The big change is that both positions are no longer under other departments then reclassify the positions under one department. There was no transfer of money*
- **Trustee Flores:** *I am going to say this because I am trying to understand, and so that it's also on record, and if you could just give me less attitude please, I would appreciate it because I have to ask questions.*
- **City Manager:** *Forgive me trustee Flores, I am just tired, ma'am.*
- **Trustee Silva:** *Just for clarification, I can see where Trustee Flores is coming from because you got to keep in mind that codes were 101-09 under the public works and animal control was 101-11. So, the monies that was allocated for codes came under public works and the money that was allocated for animal control came under the police department. So, in this new neighborhood position, what is going to be under? which line items?*
- **City clerk:** *If trustee Flores is requesting staff to update the budget, we can pull funds from the two different departments, and we made them into one to correspond with new positions. Codes and Animal control have always been reporting to other departments, but their budget was always separated from the Police department and public works departments. Budget can be adjusted in Q2 or Q3 to combine the two positions.*
- **Trustee Flores:** *Yes, if other Trustees agreed to this. I think it will make it a little easier. Just so that it looks organized, because right now it is a little bit confusing. As far as the money and whatever is left in there, we need to know where it is going, and the board needs to approve it.*
- **Trustee Silva:** *According to the organizational chart, it shows two positions are reporting to Neighborhood supervisor, is that correct?*
- **City Clerk:** *Correct, one position is being filled this fiscal year, but the other position will be brought for board approval next fiscal year.*
- **Trustee Flores:** *IT manager report said that we are working to improve the Wi-Fi system for the city currently, don't we have fiber optic?*
- **City Manager:** *What IT manager is trying to do is to deploy additional Wi-Fi hotspots throughout the building.*
- **Trustee Silva:** *Requests Christmas lights at City Hall.*
- **Mayor Trujillo:** *Wish everybody a Merry Christmas and I want to thank the staff for keeping our city going and for many improvements. Stay safe and please take care of the elderly and the people that have underlying conditions.*

**13. ADJOURNMENT**

**Roll Call:**

1<sup>st</sup> Motion: **Trustee Silva** 2<sup>nd</sup> Motion: **Trustee Flores**

MPT Fernie Herrera **YES** NO

Trustee Gloria Gameros **YES** NO 3 to 0 votes, motion passed.

Trustee Elva Flores **YES** NO

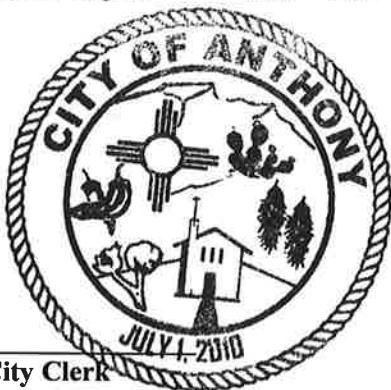
Trustee Javier Silva **YES** NO

Mayor Diana M. Trujillo **YES** NO

ATTEST:



Esther Motongo, City Clerk




Diana Murillo-Trujillo, Mayor