

REGULAR MEETING
City of Anthony Board of Trustees
820 Highway 478, Anthony NM 88021
& Conference Call
Thursday, December 2, 2021
6:00 P.M.

MINUTES

You can join meeting using your phone by dialing.

United States: +1 (646) 749-3335

Access Code: 117-315-573

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 City Manager – Oscar Dominguez
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

Traduccion 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

Motion to Approve agenda order.

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

MPT Fernie Herrera	YES	NO	<i>Absent</i>
Trustee Gloria Gameros	YES	NO	<i>3 to 0 vote, motion passed.</i>
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) Presentation of Cannabis law and its interpretation for local government implementation. *Presented by Mr. Pat Davis & Mr. Nevarez*
 - o *Mr. Nevarez: The current owner of Diablo Fireworks and has engaged Mr. Pat Davis to develop a cannabis business.*
 - o *I was concerned that someone spoke about me and Mr. Davis being selfish at the last meeting.*
 - o *The record should show that we prefer to be proactive rather than reactive. The city's safety is of major concern, which is why we are requesting to limit cannabis hours.*
 - o *It is an extremely risky industry and having 90% cash in the business would make police officers' jobs more difficult.*
 - o *I would like to propose that the city of Anthony restrict the hours of sales from 9AM to 10PM and that we're all required to close at that time for safety reasons.*
 - o *We have already applied for licensing with the water company. We're the only applicants that are going to use an evaporative dehydrator to handle our waste. We will not be dumping fertilizer into the sewage system. We're looking to be as proactive in every aspect of this business as possible.*
 - o *Trustee Flores: Is this something that all these cannabis companies have to do?*

- **Mr. Nevarez:** We know that others applied, but have none have proposed using a dehydrator or anything to similar.
- **Mr. Davis:** I chaired the Governor's Legalization Commission and we spent two years going around the country looking at how other places had done this. I'm also a city councilor in Albuquerque, where we passed our zoning codes for cannabis. I think the city of Anthony is approaching this well since you have been welcoming and trying to learn about the issues.

8. CONSIDERATION AND ACTION

a) Consideration and action to approve 12 police Tasers from GL: 289 and year 2022 LEPF fund. **Presented by Chief of Police**

- **Chief of Police:** I'm respectfully requesting from the board to consider approving the purchase of 12 tasers. We currently have tasers that have a life expectancy of five years. We currently have 12 tasers; Out of those 12 tasers, 2 are no longer operable.
- Axon is the only vendor we can purchase the tasers from. The Projects Coordinator and I discussed using \$20,000 of the available Junior Fund. We would get 12 tasers, holsters, rechargeable batteries. It also includes an unlimited amount of tasered cartridges for five years and we also get warranties.
- LEPF fund is increasing to \$40,000 per municipality with our population size
- **Trustee Gameros:** Chief, is this the only quote you have because, according to our policy, we need to see two other quotes for this amount.
- **Chief of Police:** Axon is the only one who has tasers available.

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

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	

b) Consideration and action to approve **Resolution 2021-036** a resolution amending finance officer job description. **Presented by City Manager**

- **City Manager:** Trustee Flores requested this amendment to formalize the monthly budget meetings. This is a very slight change to the job description.
- It also is being brought to the board in the form of a resolution, based on the recommendation of our city attorney.
- **Trustee Flores:** I believe it will just make things a little easier on everyone, we won't forget that we have to hold budget meetings. We will keep on top of it.

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

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	

c) Consideration and action to approve **Resolution 2021-037** a resolution approving holiday schedule FY 2022 for the City of Anthony. **Presented by City Clerk**

- **City Clerk:** This is a resolution that the board passes to list holidays that have been approved for the coming year. You will see that Juneteenth has been added as a federal holiday and that you'll be missing New Year's Day because it falls on a weekend.

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

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	

d) Consideration and action to approve **Resolution 2021-038** a resolution authorizing the execution of grant agreement and delivery of a Colonia's infrastructure Loan/grant of \$1,300,000, Local Match is \$130,000. Grant No. CIF 5509. **Presented by Projects Coordinator**

○ **Projects Coordinator:** For this project, we will use GL: 524, which is already included in the current budget.

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

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

e) Consideration and action to approve **Resolution 2021-039** a resolution amending Head Librarian job description. **Presented by City Manager**

○ **City Manager:** This is a job description that has not been updated in about 13 years. Since our head librarian is retiring in January, updating this job description is necessary for the recruitment process.

○ **Trustee Flores:** Could you explain number 28? It says "Attends regular and/or special meetings of the Board of Trustees as directed by City Manager". Can the staff attend regular meetings without having permission from the city manager?

○ **City Manager:** That really speaks to the request that the city manager may make of the head librarian to present an agenda item to the Board.

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

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

f) Consideration and action to approve invoice No.14039 of \$3,750.00 from General Funds for August 2021 flood control at Jaime Zapata Street. **Presented by City Clerk**

○ **City Clerk:** This item was for when the city was flooded around August 2021. The city declared it an emergency because some homes were really in a bad situation.

○ Our procurement resigned recently and before she left, she emailed staff asking how we can make this payment and to whoever contributed to helping during the flooding. She mentioned that a list was sent to the county expecting an agreement to reimburse the City for funds used towards flooding.

○ Recently this vendor, who is also a resident, contacted me asking for payment. After consulting with the city manager, we thought this needed to be paid as a city vendor was contracted to work. The only option we had was to bring it to the board as staff did not engage the vendor to work.

○ **Trustee Silva:** To re-iterate what the city clerk said regarding the individual who actually wasn't a resident that, it wasn't a resident that lived in that area, just for clarification. The mayor and I were out there. We had actually tried to contact another individual to no success, then we contacted Mr. Duran because we did use him as a vendor as the city clerk mentioned.

○ I believe the vendor was told procurement clerk that money would come from state assistance.

○ I just think that we need to wrap this up and pay this individual.

○ **MPT Herrera:** The city did not contract with this person to do the job. It was not in agreement with the board or city manager to pay this individual to do this, then I don't think we should consider it. We could be, getting in trouble with the state, there was no contract to do the work.

○ **Trustee Silva:** He was called by the Mayor as an executive decision because we had water going into people's houses.

○ **Trustee Flores:** I feel we should pay him; He came in for an emergency. Can the city attorney guide us?

○ **Alan Dahl:** Individuals can't bring causes of action against the city unless there's a written contract. Exceptions to the procurement code are that you can make emergency procurement, which appears to be what the Mayor did in this case. By voting today, you would be ratifying the Mayor's decision. I don't expect, given the exigent circumstances that the mayor would, or that the city would be dinged for that. I can't know with 100% certainty what will happen with the auditor, but given that emergency situations are an exception to the procurement code, I think that the city would be okay.

- *After the procurement is made, the city needs to outline why that procurement was made the way that it was. Purchasing office shall post notice of the procurement on its website.*
- *A fair amount of time has passed, but, my recommendation from an ethical standpoint, if someone has rendered services to the city that were requested, the proper thing would be to pay for those services. Procurement needs to notify the public as to why it made the procurement, and it does need to transmit that notice to the state purchasing agent.*
- **City Clerk:** *former procurement clerk mentioned she submitted a list for reimbursement, we are not sure how many vendors are on the list.*

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

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	3 to 1, vote, motion passed.
Trustee Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo	YES	NO	

g) Consideration and action to approve Detective on-call pay rate. **Presented by Chief of Police**

- **Chief of Police:** *A few weeks ago, we had presented these requests. Today we are presenting the rates from other entities.*
- **Alan Dahl:** *From a legal perspective, on-call pay may not be required. The restrictions for the detective are not going to be that significant. His pay will be below the median and so, this is a potential benefit to help ensure that we do retain talent within the city. It is a policy matter for the board to consider.*
- **Trustee Gameros:** *Going with the Dona Ana County Sherriff's \$15 per day rate is better than an eight-hour. I make a motion for Consideration and action to approve Detective on-call pay rate at \$15 per day when they are on on-call status.*

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

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	4 to 1 vote, amendment approved.
Trustee Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo	YES	NO	

Motion to approve Detective on-call pay rate as amended.

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

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	3 to 1 vote, motion approved.
Trustee Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo	YES	NO	

h) Consideration and action to adopt a Police Chief Employment contract. **Presented by City Manager**

- **City Manager:** *This item is staff's attempt to bring in a temporary chief of police, for when the current chief is on an extended leave of absence next year.*
- *It was agreed that a contract made the most sense to make it very clear to any candidates that this is a temporary appointment subject to the chief's return.*
- **Trustee Gameros:** *Motion to insert "temporary" before police chief to read: Consideration and action to adopt a Temporary Police Chief Employment contract.*

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

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	

9. **ITEMS FROM THE CITY CLERK**

- o **City Clerk:** A resident came to the municipal chambers to speak to the board, but he refused to speak on the computer and requested that the board meet in person rather than online.
- o Our Projects Coordinator is putting together a Holiday Haul for elementary school students. An email will be sent with the new date and time.
- o In January, there will be a hearing for P&Z on cannabis amendment as requested by Mr. Navarez. The commission will first review amendments passed by the board of trustees at the previous meeting.

10. **ITEMS FROM THE CITY MANAGER**

- o **City Manager:** I want to express my gratitude to our public works department for decorating the city, as well as Ms. Norma Chavira for going above and beyond to decorate City Hall. Norma went to great lengths to decorate the lobby.

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

- o **Trustee Flores:** Requested an update on the Assistant IT position.
- o Requested update of this year's audit findings.
- o **Trustee Silva:** I agree with the resident that came forward, I know in the past, we had chosen not to do the meetings in person because of our current situation. I don't see why we can't have a meeting in person. We are asking our employees, to sit there for eight hours and we seem to be okay with that. We should start having our meetings in person at the city hall.

12. **ADJOURNMENT**

Motion to adjourn

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

MPT Fernie Herrera	YES	NO	Absent - left at 7:24 pm
Trustee Gloria Gameros	YES	NO	
Trustee Elva Flores	YES	NO	3 to 0 vote, motion pass at 7:29pm
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo	YES	NO	



[Handwritten Signature]
 Diana Murillo-Trujillo, Mayor

{SEAL}
ATTEST:

[Handwritten Signature]

Esther Motongo, City Clerk