

REGULAR MEETING
City of Anthony Board of Trustees
Conference Call
Wednesday, January 20th, 2021
6:00 P.M.

MINUTES

You can join meeting using your phone by dialing.

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Access Code: 760-523-045

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 – at 6:07 PM

2. PLEDGE OF ALLEGIANCE led by 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

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

4. CONFLICT OF INTEREST

5. APPROVAL OF AGENDA ORDER

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

Roll Call:

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. ITEMS FROM THE FLOOR

▪ **Projects Coordinator:** An update regarding the CARES ACT funding: Last week staff submitted the last reimbursement for this grant. Grantors responded by saying any items that were physically delivered to the City after December 30th were not going to be able to be reimbursed. Staff quickly found other items that qualify for reimbursement and can be used to get that money reimbursed. We can also get partially reimbursed for the laptops that were purchased for finance and city clerk. What we have right now is a balance of \$7,172.75. We can still have the opportunity to get that reimbursed through FEMA funding. Staff requested city manager approval to change items for reimbursement to those below. The last day for me to ask for reimbursement is January 30th, 2021.

1) The BOT laptops- Fall under teleworking \$5,436.88

2) Lowes-More drop box material PO:2020-0637 \$1,548.18

3) Office Depot COVID supplies PO: 2020-0562 \$233.84

- **Trustee Silva:** These items need to be set aside for further discussion under a different category
- **MPT Herrera:** This should be brought up at a different date on the agenda. Maybe in closed session.
- **Trustee Flores:** Projects coordinator said that we spent all the money except for those \$7000. I want to thank her for moving fast and trying to spend it. I don't feel that we need to make any decisions.
- **Trustee Gameros:** We received \$50,000 but \$50,000 was not spent and needed to be spent as of last year. We should have received all these listed items at the end of last year. Since we did not, grantors will not give us reimbursement. Request city manager send governing board the actual amount that is going to be requested for reimbursement for the CARES Act grant.

7. CONSIDERATION AND ACTION

- a) Consideration and action to accept approve Dos Lagos Electrical Services and Irrigation Repairs for \$79,850.00 from GL: 101-07-61101 by ESA Construction Inc. **Presented by City Manager**
- **City Manager:** This is for some much-needed work to the electrical panels at the former golf course. The panels are out of date and possibly dangerous. The former golf course cannot be watered because the pumps require power. This is the first step of several that the City will have to take in order to be able to actually irrigate the grass and the trees. Once these repairs are made, then the City will work on a wastewater discharge permit with the State, to allow the use of greywater from the water treatment plant. These funds are already budgeted under GL: 101-07-61101.
 - **Trustee Silva:** Request to clarify the agenda item: To accept or to approve?
 - **City Manager:** It should be consideration and action to approve.
 - **Trustee Silva:** There's going to be additional fees according to the proposal.
 - **Trustee Flores:** Suggests to wait till the board gets the cost of all other charges.
 - **Trustee Gameros:** Requests staff to go back and look into other contractors asking them to include all charges.
 - **Trustee Silva:** Suggests to postpone allowing staff to get at least two more quotes, even though they are CES contacts.
 - **Motion to post pone item**

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

Roll Call:

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

- b) Consideration and action to approve Library State Grant FY 2021 to be spent towards library staff salaries from GL 251-10-61700. **Presented by Head Librarian.**
- **Head Librarian:** Every year we get this \$3000 grant. Half of it has already been paid to the city. The next check should be here in February. Grant will be used to pay staff salaries from February 05, 2021 to June 25, 2021.
 - **MPT Herrera:** Would the grant allow for department head to be paid with the grant?
 - **Head Librarian:** There's no restriction in this particular grant.

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

Roll Call:

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

- c) Consideration and action to approve **Resolution 2021-003** a resolution approving a budget adjustment for the fiscal year 2020-2021 for the city of Anthony, NM. **Presented by Finance Officer**
- **City Manager:** Requests the board to post pone this item. Staff was not able to get the Q2 budget adjustment resolution language and backup documentation prepared in time for the meeting. Staff has elected to push Q2 budget adjustments to Q3 and those will be presented cumulatively to this board at an earlier date.

Motion to post pone item

1st Motion: Trustee Gameros 2nd Motion: MPT Herrera

Roll Call:

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

- d) Consideration and action to approve **Resolution 2021-004** a resolution authorizing submission of a completed application for the South Anthony Arroyo & Adams Park Flood Control Project in the amount of \$1,300,000. **Presented by City Manager**
 - **City Manager:** *The first step in this process was a notice of intent to apply, which was submitted last week, because the deadline was yesterday. Next is the resolution that would be submitted with the actual application for this funding. The deadline for the application is in March.*
 - **Trustee Gameros:** *Will this be for next fiscal year budget? We have a match of \$130,000 dollars. I would like the governing body to keep in mind that we have about a \$452,000 fixed debt for loans yearly. Requests staff to send the board application forms.*
 - **City Manager:** *What I understand is that the City is not obligated to accept the funds until an agreement is executed.*
 - **Projects Coordinator:** ****reads project scope of work: Improvements include: A new intake structure like a street pump station weight, control and a water quality structure and enforcement including trenching, backfill compaction, and minor paving and concrete work.*
 - **MPT Herrera:** *I believe we should wait instead of getting ourselves into deeper debt.*
 - **Trustee Flores:** *For now, we need to move on it because it is part of the Adams Park.*
 - **Trustee Silva:** *Can we complete baseball field without this grant? If we go ahead and we apply for it and they approve it and then, at that point in time we decide not to proceed what are they going to think about the next time that we put in an application?*

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

Roll Call:

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

- e) Consideration and action to approve purchase of Police Department Rifles from GL: 289-01- 91900 for a total of \$6,821.48. **Presented by Projects Coordinator & Chief of Police.**
 - **Projects Coordinator:** *We received funding of \$135,000 for police department vehicles and equipment. We have already encumbered \$128,172 for the vehicles. This item is for the remaining balance, which is for police rifles.*
 - **Chief of Police:** *The reason that we're requesting this is because we need a rifle in every car that is effective and operable. The ones that we have are very outdated, they were donated by Fort Bliss many years ago.*
 - **MPT Herrera:** *What will we do with the old rifles?*
 - **Chief of Police:** *We can request to trade in some of those weapons or we can auction them off.*

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

Roll Call:

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	

- f) Consideration and action to approve Employee handbook edits on section 6: Personal /Vacation Leave. **Presented by City Manager**
- **City Manager:** This is to amend the language on releasing employees for emergencies and place it in Section 6 of the Employee Handbook. It reads:
 “The city manager may make an executive decision to release all employees or those in particular departments (excluding PD). The manager must notify the Board of Trustees prior to the action or as soon as practical in the case of emergencies. Email is sufficient. In these cases, paid administrative leave will apply”.

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

Roll Call:

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 continuation of Families First Coronavirus Response Act (FFCRA) employee paid leave to March 31, 2021. **Presented by City Manager.**
- **City Manager:** This item is staff's attempt to give employees some relief from the pandemic, which is far from over, as we all know. The federal Act expired December 31st, 2021 and employers have the option to extend essentially the same benefits to their employees.
 - **Trustee Silva:** If this is approved, staff should understand it is for those that have not taken their two weeks. If an employee has a week left, it doesn't mean you have a week left, plus another two.

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

Roll Call:

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 amended temporary COVID-19 Policies and Procedures. **Presented by City Manager.**
- **City Manager:** A couple of things that have come up. These changes will make sure it's clear that employees who are working remotely or stay in the most productive place and not, moving around or doing anything that might not promote productivity. There is an item around self-checks for COVID-19, to help employees make better choices about whether or not to go to the office when they're not feeling well.
 - **City Clerk:** Request to amend document to read March 31st 2021 to reflect the changes approved on agenda item 7g.
 - **Trustee Gameros:** I think we do need to change that to March 31, 2021 since we just approved it.

1st Motion Trustee Gameros 2nd Motion: Trustee Silva

Roll Call:

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 amended organizational Structure. **Presented by City Manager.**
 - **City Manager:** After the City merged code enforcement and animal control into neighborhood services. In that department, we now have our Neighborhood Services Supervisor and also have two (2) Neighborhood Services Officers. One of the Neighborhood Services Officer positions is vacant, that position was not budgeted for this fiscal year.
 - **Trustee Gameros:** Suggest to postpone adding the vacant position on the organizational structure until we go over next year budget.
 - **City Clerk:** Requests the board to amend the structure, removing the vacant position and approving the existing positions of the neighborhood services supervisor and one neighborhood services officer.
 - **Mayor Trujillo:** Do we have the Neighborhood Services Supervisor and an officer?
 - **City Manager:** Staff is in the process of hiring for the Neighborhood Services Officer position. We expect the person to start February 2, 2021.

Trustee Gameros: Motion to amend the organizational chart by deleting the vacant position

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

Roll Call:

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

Original Motion: Consideration and action to approve amended organizational Structure

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

Roll Call:

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

- j) Consideration and action to approve amended **Resolution 2019-14** a resolution amending employee Pay Scale to include the New Mexico Minimum Wage Act of 2021. **Presented by City Manager**
 - **City Manager:** Trustee Flores brought this up at the last board meeting and staff would like to appreciate Trustee Flores. Staff was incorrect to think nobody was below minimum wage. There is a staff that falls underneath the new State minimum wage. With this resolution board would adopt the new Minimum Wage Act of 2021 pursuant, to Senate Bill 437.
 - **Mayor Trujillo:** Thank you for that, I had missed that one, too.

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

Roll Call:

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

- k) Consideration and action to approve Olga Lerma's back pay to reflect New Mexico Minimum Wage Act of 2021. **Presented by City Manager**
 - **City Manager:** This is staff's attempt to rectify the situation with the one staff person who does not currently make the State mandated minimum wage. We had one full pay period and one day of back pay.

Ms. Lerma has been doing just amazing, tremendous work keeping the place clean, especially during the pandemic. This requires the board's approval for staff to give Ms. Lerma back pay to which she is entitled to, based on the new minimum wage legislation

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

Roll Call:

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

8. CLOSED SESSION:

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) to Discussion destruction of employee discipline records.

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

Roll Call:

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO 4 to 0 votes, motion passed at 7:56 pm
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO

B. OPEN SESSION

Motion to return to open session

Mayor Trujillo: No decisions were made during closed session. Entertain motion a to return to open session.

1st Motion: Trustee Silva 2nd Motion: MPT Herrera

Roll Call:

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO 4 to 0 votes, motion passed at 8:36 pm
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO

9. CONSIDERATION AND ACTION

- a. Consideration and action to approve the destruction of discipline records in keeping with the City of Anthony, New Mexico Board of Trustees' Final Decision for The August 2020 Grievances of Norma Chavira and Gloria Ramirez.
 - **Mayor Trujillo:** Which option are we going with?
 - **Trustee Silva:** I would like to say option two.
 - **MPT Herrera:** The agenda item and motion is not asking for which option. It is just asking whether we want to approve destruction of discipline records.
 - **Trustee Silva:** Regarding number one, it says remove the discipline from the personnel record and destroy. This option, while simple, presents the greatest legal risk. Is this out of the window to be asking that?
 - **Alan Dahl- City Attorney:** It's not outside the window to be asking, but there are limits as to what we can change at this point. So you're going to be voting on whether or not to approve destruction, as opposed to just simply removal, but actual destruction, so there's a decision on record for the city manager and the city clerk to fall back on: That the City Council or the Board of Trustees is the one that approved this decision and it wasn't a unilateral decision by staff. Either you vote to destroy the records, or you vote not to destroy the records, at this point. If necessary, at the next meeting, we can always submit a different action item.
 - **Trustee Flores:** I think that we should just go how it reads on the agenda. As far as approving the destruction of the discipline records, I feel that needs to take place.

Motion: Consideration and action to approve the destruction of discipline records in keeping with the City of Anthony, New Mexico Board of Trustees' Final Decision For The August 2020 Grievances of Norma Chavira and Gloria Ramirez.

1st Motion: Trustee Silva 2nd Motion: MPT Herrera

Roll Call:

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	3 to 1 votes, motion passed.
Trustee Elva Flores	YES	NO	
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 Gameros: None**
- **Trustee Flores: None**
- **Trustee Silva: Requests an update regarding stop signs on Livesay.**
- **City Manager: I think the next step was traffic studies. Staff will follow up on progress.**
- **Chief of Police: The last correspondence we had with the engineers they had requested crash reports: The amount of crashes that were in the area on those two roads.**
- **MPT Herrera: Has anybody contacted the City within the last months about the road closure on NM-404?**
- **City Manager: Staff has not heard anything.**
- **Mayor Trujillo: Will check with Mr. Doolittle. He had mentioned traffic will be diverted.**
- **MPT Herrera: Requested construction map**
 - *I'm glad that staff is moving forward with the hiring of a codes officer. We have been having tons of complaints about abandoned old cars on the side of the city streets.*
 - *I already complained to the city manager about some work being done up on Mc Donald St that might affect flooding in the in the future. So thank you for expediting the hiring.*
 - *Last week, Planning and Zoning Commission were supposed to meet. A resident was to speak at the meeting. Meeting did not take place? What happened?*
 - **City Manager: I was logged on and I believe that Mr. Salazar Neighborhood Services Supervisor was physically at the meeting because Commissioners are actually trying to meet in person as well as doing the online things simultaneously. No one ever joined the online meeting on my side. Eddie mentioned that no one ever showed up to the Council chambers on Wednesday. I think, unfortunately, most of the commissioners just weren't able to make it.**

13. ADJOURNMENT

1st Motion: MPT Herrera 2nd Motion: Trustee Gameros

Roll Call:

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	

Mayor Trujillo: meeting is adjourned at 8:52PM

ATTEST:



Esther Motongo, City Clerk




Diana Murillo-Trujillo, Mayor