



Oscar Dominguez  
City Manager

**REGULAR MEETING**  
**City of Anthony Board of Trustees**  
**820 HWY 478 – Council Chambers**  
**Anthony, NM 88021**  
**Monday, January 27<sup>th</sup>, 2020**  
**6:00 P.M.**  
**MINUTES**

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

1. **CALL TO ORDER** by Mayor Diana M. Trujillo 6:06P.M.

2. **PLEDGE OF ALLEGIANCE** led by Diana M. Trujillo

3. <b>ROLL CALL</b>	Present: Trustee Fernie Herrera	<b>YES</b>	NO
	MPT Gloria Gameros	<b>YES</b>	NO
	Trustee Elva Flores	<b>YES</b>	<b>NO</b>
	Trustee Javier Silva	<b>YES</b>	NO
	Mayor Diana M. Trujillo	<b>YES</b>	NO
	Quorum Established	<b>YES</b>	NO

*Traducción del inglés al español y del español al inglés esta disponible a petición.*

4. **CONFLICT OF INTEREST**

*Mayor: This is just a reminder, if any Board members have conflict of interest with items on agenda, please recuse yourself.*

5. **APPROVAL OF AGENDA ORDER**

*Motion to approve with amendment, moving item 9i to 9a.*

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

6. **APPROVAL OF MINUTES**

Workshop Meeting 01/09/2020

Regular Meeting 12/15/2020- *with amendment's.*

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

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

8. **PRESENTATION:**

Swearing in Oscar Dominguez-City Manager, Officer Aaron D. Martinez & Officer Marie Casillas.

*Sworn by Judge Rafael Ramos- City of Anthony Municipal Court Judge.*

- *Chief V. Lara - introduced new officers: Anthony Police Department is now fully staffed.*
- *Officer Martinez- Has 7 years' experience in law enforcement, thanks the City for the opportunity to serve.*
- *Officer Casillas – Has 10 years' experience in Texas, thanks the City for opportunity to serve and protect.*

9. **CONSIDERATION AND ACTION**

a) Consideration and Action to approve **Resolution 2020-006** a resolution authorizing the disposition of 15 boxes of city MVD records. *Presented by City Clerk.*

*City Clerk: MVD Manager has gone through 15 boxes of records and asked for record destruction. City Clerk and administrative assistant will go through records to ensure every item in the boxes are past the record retention term.*

- *Staff will escort records to landfill, Certificate of destruction will be issued on site. City will use South Central Solid Waste Authority landfill by method of burying.*

*Trustee Herrera: What if someone goes and dig up sensitive documents after staff have left?*

*Rafael Leo's, VP SCSWA: Records will be compacted by heavy trucks, mixed with tons of regular trash.*

*City Clerk: Also contacted First NM Bank to inquire on their on their method of record destruction, shredding. Their 3<sup>rd</sup>-party vendor quoted mobile truck travel fee making the quote higher than SCSWA.*

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

**Roll Call vote:**

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

Trustee Javier Silva **YES** NO  
Mayor Diana M. Trujillo Tie Breaker **YES** NO

- b) Consideration and Action to approve **Resolution 2020-007** a resolution approving Safer NM Grant agreement from NMDOT, for ENDWI of \$3,883.00, BKLUP \$4,008.00 and STEP \$5,010.00. **Presented by Chief of Police**
- **Chief V. Lara** – City received this grant for 3 years; City attorney reviewed grant agreement gave guidance on how to utilize for payroll purposes on 12/12/2020. Grant could not be implemented in December as PD was understaffed.
  - **MPT Gameros:** Will reimbursement include the regular 86 hours scheduled?
  - **Chief V. Lara** – Hours exceeding 86 hours in a pay period will be paid at time and a half, if they have not met 86 hours grant will be straight hours.

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

**Roll Call vote:**

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

- c) Consideration and Action to approve NOVA software annual subscription for the amount of \$6,160.00 for Police Department. **Presented by Chief of Police.**

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

**Chief Lara:** New software Tracs is still in process. City is currently using NOVA reporting management system. Requested to extend NOVA's contract to allow transition to Tracs. This fee will be paid from Police LEPPF fund.

**Roll Call vote:**

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

- d) Consideration and action to approve Legal Services Professional Agreement. **Presented by City Manager.**  
**City Manager:** City is renewing legal services contract using State agreement, which simplifies process and offers the City lower rates.

**MPT Gameros:** Suggested to amend contract to read City of Anthony instead of RMD. There is nothing binding the City on RMD contract. Some items do not apply to the City.

**Alan Dahl:** Same contract is utilized by many other municipalities. Items specific to City are on the cover page. We cannot amend the existing RMD contract. Where it refers to State it should be interpreted to mean City of Anthony.

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

**Roll Call vote:**

Trustee Fernie Herrera **YES** NO  
MPT Gloria Gameros **YES** NO 3 to 0 vote motion passed.  
Trustee Elva Flores **YES** ~~NO~~ Absent  
Trustee Javier Silva **YES** NO  
Mayor Diana M. Trujillo Tie Breaker **YES** NO

- e) Consideration and Action to approve **Resolution 2020-005** a resolution approving budget adjustment for the fiscal year 2019-2020 for the city of Anthony, NM. **Presented by City Manager.**

- **MPT Gameros** - Resolution \$87,163.05 is it a gain or loss?
- **City Manager:** It's a loss or deduction from the General Fund.
- **Trustee Silva:** Why is finance director not presenting this item?
- **City Manager:** Given the recent past, I thought it best to not have finance director present this item.
- **Trustee Herrera:** I don't feel comfortable approving these without the details on each request.
- **Trustee Silva:** Let bygones be bygones and let us move forward in professional manner. Department heads need to present their items.

**Motion to postpone item to February 5<sup>th</sup> Meeting:**

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

**Roll Call vote:**

Trustee Fernie Herrera	YES	NO	
MPT Gloria Gamos	YES	NO	3 to 0 vote, item postponed.
<del>Trustee Elva Flores</del>	<del>YES</del>	<del>NO</del>	<del>Absent</del>
Trustee Javier Silva	YES	NO	
<del>Mayor Diana M. Trujillo Tie Breaker</del>	<del>YES</del>	<del>NO</del>	

- f) Consideration and Action to approve **Resolution 2019-012** an amended resolution adopting EAP benefits for the city of Anthony Employees & Governing Body, fiscal year 2019-2020. **Presented by City Clerk.**  
**City Clerk:** *At a Municipal League meeting last year, Solution Group presented EAP services to Clerks thinking all municipalities had State health insurance, qualifying for free EAP services. City does not have State health insurance, making us ineligible for free EAP. After comparing services and prices, Life works EAP was judged the most favorable. They will provide 5 session to Staff, elected officials and their dependents.*  
**Trustee Herrera:** *Would prefer that EAP start in the new fiscal year when we budget for it.*  
**City Clerk:** *The cost is \$2.50 per employee and for the current fiscal year, it can be paid from city clerk departmental budget (balance of Line item: 101-03-63000)*  
**MPT Gamos:** *Suggested amending resolution to add "city manager" & add Life Works instead of Solution Group.*

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

**Roll Call vote:**

Trustee Fernie Herrera	YES	NO	
MPT Gloria Gamos	YES	NO	3 to 0 vote, motion passed.
<del>Trustee Elva Flores</del>	<del>YES</del>	<del>NO</del>	<del>Absent</del>
Trustee Javier Silva	YES	NO	
<del>Mayor Diana M. Trujillo Tie Breaker</del>	<del>YES</del>	<del>NO</del>	

- g) Consideration and Action to approve creation of a line item for the total amount of \$53,995.68 including NMGRT to pay for non-participating items for 4<sup>th</sup> Street Project from line item 302-01-91900 Presented by **City Manager**. Post pone February 5, 2020.  
**City Manager:** *Staff is requesting creation a fund/line item in the City budget to pay non-participating items in 4<sup>th</sup> Street project. Grant does not cover these fees and can be seen as "match" for significant federal funding.*  
**Trustee Herrera:** *Requested City Manager and engineers at Wilson and Co. to ask Anthony Water & Sanitation District to help fund this amount, as City is paying to move AWSD lines. Requested engineers to present on the item.*  
**Motion to postpone item to February 5<sup>th</sup> meeting.**

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

**Roll Call vote:**

Trustee Fernie Herrera	YES	NO	
MPT Gloria Gamos	YES	NO	3 to 0 vote, item postponed.
<del>Trustee Elva Flores</del>	<del>YES</del>	<del>NO</del>	<del>Absent</del>
Trustee Javier Silva	YES	NO	
<del>Mayor Diana M. Trujillo Tie Breaker</del>	<del>YES</del>	<del>NO</del>	

- h) Consideration and Action to approve Police Department Mileage reimbursement to attend NMML Chief's meeting/Municipal Day. **Presented by City Manager.**  
**City Manager:** *Chief Plans to attend NMML Chief's meeting using her personal vehicle. Employee Handbook says mileage reimbursement needs Board approval.*  
**MPT Gamos:** *The only department with mileage reimbursement in budget is Municipal Court. If this is approved, City will have to pay every employee who chooses to use personal car, can be burdensome.*

**Trustee Herrera:** City Policy says if City vehicle is available Staff should use them.

**Chief Lara:** LEPF grant can pay for mileage reimbursement for Police officers.

**MPT Gameros:** If LEPF is paying, then there is no impact to the General Fund.

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

**Roll Call vote:**

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

- i) Consideration and Action to approve Mileage reimbursement for payroll/procurement clerk. **Presented by City Manager.**

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

**Roll Call vote:**

Trustee Fernie Herrera	YES	NO	
MPT Gloria Gameros	YES	NO	3 to 0 vote, motion failed. Item did not pass.
<del>Trustee Elva Flores</del>	<del>YES</del>	<del>NO</del>	<del>Absent</del>
Trustee Javier Silva	YES	NO	
<del>Mayor Diana M. Trujillo Tie Breaker</del>	<del>YES</del>	<del>NO</del>	

- j) Consideration and Action to allow Staff to solicit bids and purchase Soccer field Sod, installation and Sprinkler repairs. **Presented by City Manager.**

**City Manager:** Staff is recommending recall of previous votes on these items due to a perceived conflict of interest as the procurement process was unusual (with a Trustee securing 1 estimate).

**Trustee Silva:** This project began before the new procurement clerk joined the City. The project started with the Park Commission which I and other trustees also served on. Initial request was from Commissioner Donna Heddleston before dissolution of the commission.

- Initial contact with Mr. Alfonzo of A.V Lawn was made by Mayor, requesting he look into the sprinklers
- I (Trustee Silva) did not know and had never met Mr. Alfonzo before.
- I spoke with Park Commission President Daniel Ortiz. The first quote was requested by him, not me.
- I requested bid from a Las Cruces, but never received one. The other quote was sought by Projects Coordinator after City attorney recommended a third quote.
- At no point did Trustee Silva contact A.V Lawn for quote, so he does not see conflict of interest.
- Emailed document from procurement clerk \*reads email\* said Trustee obtained 3 quotes which is a false statement. Trustee resents the email as it was incorrect, sense of urgency was the only thing correct in the email as it took a year to get sod for the field. Trustee did not want to put City in any trouble.
- Procurement Clerk should have asked for clarification from projects coordinator.

**Trustee Herrera:** Trustees can get quotes and submit them to Staff for processing. Disagrees with procurement clerk, procurement code was not violated. Daniel got one quote, Projects coordinator got one and trustee got one quote and presented to the Board.

**City Manager:** Emailed letter was a draft. Procurement clerk brought into process very late. Facts would have been corrected had we used the letter.

**Trustee Silva:** Called procurement clerk twice to clarify and did not hear back.

**City Manager:** Trustees are encouraged to not contact employees directly; did not realize Trustee had called.

**Alan Dahl:** If Trustee had recused himself today, there would be not enough votes present. This seems like an unbiased decision, does not see a problem.

**MPT Gameros:** Requested to have bids with scope of work and line items on the next meeting.

**Trustee Silva:** Board allocated \$10,000 for parks and recreation for sprinkler repairs. Then directed staff to use \$100,000 parks grant for sod and installation. Most of the grant, however, should go to Adams park.

**Alan Dahl:** It sounds like City entered into contract; Not a written contract but service acceptance by vote. I will review the minutes of the approvals and talk to procurement clerk. I recommend the board postpone this item.

**Motion to postpone item.**

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

**Roll Call vote:**

Trustee Fernie Herrera	YES	NO	
MPT Gloria Gameros	YES	NO	3 to 0 vote, item postponed.
<del>Trustee Elva Flores</del>	<del>YES</del>	<del>NO</del>	<del>Absent</del>
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo Tie Breaker	YES	NO	

**10. ITEMS FROM THE CITY CLERK**

**Mayor:** left meeting at 8:38pm, MPT Gameros presiding.

**City Clerk:** I am attending spring semester classes at NMSU (one class on compensation & another on contemporary issues in HR) on Mondays and Wednesdays from noon to 4:15 returning for evening board meetings.

- Administrative Assistant I is also attending classes, same days, at DACC from 10.40am to 12:30pm.

**11. ITEMS FROM THE CITY MANAGER**

**City Manager:** Chief of Police will go on military leave from 02.23.2020 to 03.22.2020

Recommend periodic closed sessions, perhaps monthly, to update Trustees on personnel matters.

**Alan Dahl:** OMA allows for closed session for personnel matters.

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

**Trustee Silva:** Feeling unwell might not be able to drive to Santa Fe for legislative session.

**Trustee herrera:** No item

**MPT Gameros:** No item.

**13. ADJOURNMENT**

1st Motion: Trustee Silva 2nd Motion: Trustee Herrera **AIF. At 8:45 P.M**

**ATTEST:**

**Esther Motongo, City Clerk**



**Diana Murillo-Trujillo, Mayor**