

Court Chambers  
820 Highway 478  
Anthony, NM 88021

**City of Anthony, NM**  
**Regular Board of Trustees Meeting**  
**MINUTES**  
**February 1, 2023**  
**6:00PM**

Diana Murillo, Mayor  
Elva Flores, MPT  
Javier Silva, Trustee  
Daniel Barreras, Trustee  
Gabriel I. Holguin, Trustee

You can join meeting using your phone  
by dialing.

United States: [+1 \(646\)749-3122](tel:+16467493122)  
Access Code: 877-950-685

Please join meeting from your  
computer, tablet or smartphone.

<https://meet.goto.com/877950685>

*All members of the public entity participating remotely must identify themselves whenever they speak and must be clearly audible to the other members.*

1. **CALL TO ORDER** by Mayor Diana Murillo @6:01pm
2. **PLEDGE OF ALLEGIANCE** led by Mayor Diana Murillo
3. **ROLL CALL**

Present:	MPT Elva Flores	YES	NO
	Trustee Javier Silva	YES	NO
	Trustee Daniel Barreras	YES	NO
	Trustee Gabriel I. Holguin	YES	NO
	Mayor Diana Murillo	YES	NO
	Quorum Established	YES	NO

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

*Si necesita un traductor, informe la Secretaria de la Ciudad a más tardar una semana antes de la fecha programada de la reunión*

#### 4. APPROVAL OF AGENDA ORDER

1<sup>st</sup> Motion: MPT Flores      2<sup>nd</sup> Motion: Trustee Barreras  
MPT Elva Flores                      YES NO  
Trustee Daniel Barreras              YES NO  
Trustee Javier Silva                      YES NO      4 to 0 Vote, Motion Passes  
Trustee Gabriel I. Holguin              YES NO  
~~Mayor Diana Murillo~~              YES NO

#### 5. ITEMS FROM THE FLOOR- public comments (public will be allowed a 3-minutes presentation)

Betty Gonzalez                      Marty Gutierrez  
Adrian Perez                              Genaro Soriano  
Rogelio Maldonado                      George Heredia

#### 6. APPROVAL OF MINUTES

1<sup>st</sup> Motion: Trustee Silva              2<sup>nd</sup> Motion: Trustee Barreras  
MPT Elva Flores                      YES NO  
Trustee Daniel Barreras              YES NO  
Trustee Javier Silva                      YES NO      4 to 0 Vote, Motion Passes.  
Trustee Gabriel I. Holguin              YES NO  
~~Mayor Diana Murillo~~              YES NO

- a. Public Hearing- 01/18/2023
- b. Regular Meeting- 01/18/2023

#### 7. DISCUSSION

- a. Discussion on the Board of Trustees Dos Lagos Health and Wellness Master Plan Amendment,  
***Presented by Wilson & Company.***

**Julie, Project Manager for the Dos Lagos Master Plan Amendment:** A project Master Plan is a conceptual for a specific site; a vision was first created for the Dos Lagos site, following relevant guidelines and policies and came up with a conceptual plan. Then they entered the programming for the buildings on site programming outcome is based on the owner's project's requirements, also come up with the ideas, concepts and criteria for the project. Process for the Master Plan amendment included forming a Steering Committee that comprised of educators, professionals and public servants. This steering committee attended programming meetings and focus group sessions, there was an overall Master Planning and Programming meeting followed by individual programming meeting for medical services, educational and municipal services.

**Jimmy, Project Architect,** presented the buildings that are within the master plan and where they will be located. The revised site plan that focused on health and wellness that will improve a better quality of life and provide those missing services that were identify in those programming meetings. The overall organization is similar to the original master plan. To be able to fit these functions and services, a reduced amount of proposed residential has been amended from the original master plan. Jimmy continued to list the varies buildings and their locations within the site.

**Jennifer, Civil Engineer:** On the civil side the only current entrance is through Duffer Lane, they are planning to have three other access points in the future near Stern Drive and O'Hara Road, all which are being coordinated with NMDOT. She further explained the drainage for the Site which complies to the City of Anthony Drainage Master Plan, the utility line as soon on the master plan. Preliminary cost is \$35million on the Civil side of things.

Julie reviewed the building cost estimate for the current buildings being proposed which sits on about 4.75 acres the total is \$79million, for future buildings that comprises of 2.5 acres not including the residential cost estimate is \$48million. Infrastructure is estimated at \$29million, total cost including NMGRT is estimated at about \$178million. Trustee Silva had some concerns with some of drainage ponds that are up against some roads, which will be something the first thing people see. Suggested moving one of the buildings to cover it, also suggested prioritizing putting a neighborhood Walmart or grocery store to keep those taxes within the city. Trustee Holguin would like revisit the size of residential area to perhaps expand.

- b. Discussion of the possibility of Property Tax Exemptions, **Presented by Trustee Gabriel I. Holguin.**

Trustee Holguin would like to see if there is anything the City can do as far as tax exemptions to help the elderly or those with disabilities, many other municipalities do have something place. Trustee Silva suggested looking at surrounding municipalities to use a foundation and bring back to the Board.

- c. Discussion on the possibility of streaming meetings on Facebook, **Presented by Trustee Gabriel I. Holguin.**

Trustee Holguin would like to stream meetings on Facebook which will be good for transparency and accessibility, the only problem that could arise would be having online translation services. Interim City Manager suggested he could gather a scope of work from Spectrum and presented it at a later time with the other options if there is any.

- d. Discussion on the City Manager Position Requirements, **Presented by City Attorney, Alan Dahl.**

There had been a previous request to make an amendment to the City Manager Ordinance to make it a more flexible position, potentially making it a part-time position. After review, there is no current full-time require in that document. The ordinance and job description do not specify a certain number of hours, the contract is what states the hours required.

## **8. CONSIDERATION AND ACTION**

- a. Consideration and Action to approve \$85,000 to fund the acquisition and installation of the City Hall Marquee sign, **Presented by Interim City Manager.**

*Currently there is no allocated budget for this marquee sign, the first step to proceed with the marquee would be to commit funds for this procurement. The Interim City Manager went ahead and spoke with Mr. Baca to get an estimate for the sign expense, they paid \$66,000 but that cost is reflective of private investments, as a city we need to looked at a different procurement process. He is recommending committing \$85,000 for this process, this amount will allow us to survey and quote both sites that are being looked at and bring those estimates for comparison to the Board. Trustee Holguin asked where the funds will be coming from, Interim City Manager said they could come from ARPA funds or draw from the savings that were set aside for the match requirements for the Adam's Ball Park concession stand that was unfortunately not awarded. Trustee Holguin, will like to see a line item created to track funds. Trustee Silva didn't agree with using the funds that are were reserved for the concession stands, would rather use those funds to put up shades at Adam's Ball Park. Trustee Holguin was concerned with approving the funds without knowing specifically where they're coming from.*

1<sup>st</sup> Motion: Trustee Barreras      2<sup>nd</sup> Motion: Trustee Holguin  
MPT Elva Flores                      YES NO  
Trustee Daniel Barreras            YES NO  
Trustee Javier Silva                 YES NO                      4 to 0 Vote, Motion Passes.  
Trustee Gabriel I. Holguin         YES NO  
~~Mayor Diana Murillo~~            YES NO

- b. Consideration and Action to amend the Interim City Manager Contract to rework hours and compensation, **Presented by City Attorney, Alan Dahl.**

**To enter Closed Session Pursuant to NMSA 1978 Section 10-15-01(H)(2) to discuss limited personnel matters concerning the Interim City Manager Contract.**

1<sup>st</sup> Motion: MPT Flores                      2<sup>nd</sup> Motion: Trustee Barreras  
MPT Elva Flores                      YES NO  
Trustee Daniel Barreras            YES NO  
Trustee Javier Silva                 YES NO                      3-2 Vote, Motion Passes.  
Trustee Gabriel I. Holguin         YES NO  
Mayor Diana Murillo                 YES NO

**Return to Open Session** 1<sup>st</sup> Motion: MPT Flores                      2<sup>nd</sup> Motion: Trustee Barreras  
MPT Elva Flores                      YES NO  
Trustee Daniel Barreras            YES NO  
Trustee Javier Silva                 YES NO                      4 to 0 vote, Motion Passes.  
Trustee Gabriel I. Holguin         YES NO  
~~Mayor Diana Murillo~~            YES NO

**Original** 1<sup>st</sup> Motion: MPT Flores                      2<sup>nd</sup> Motion: Trustee Barreras  
MPT Elva Flores                      YES NO  
Trustee Daniel Barreras            YES NO                      3 to 1 Vote, Motion Passes.  
Trustee Javier Silva                 YES NO  
Trustee Gabriel I. Holguin         YES NO  
~~Mayor Diana Murillo~~            YES NO

- c. Consideration and Action to approve Resolution 2023-002, a resolution amending the Employee Handbook, **Presented by HR.**

*There are four specific sections that require amends due to inconsistency, error or contradictions. In regards to Personal/Vacation Leave Accrual Section 6:1 and 6:2 contradict themselves, Section 6:1 #3 reads "Unused personal leave may carry over from one year to the next, subject to restriction set forth below" and the restriction simply*

states that personal leave shall not exceed 160 hours. While Section 6:2 #1 states "Unused leave will not accumulate from fiscal year. The employee must use it or lose it" Also, a discrepancy on #2 in the same section which reads "Employees who have been grandfathered in as May 1, 2018..." but the Resolution that enforced no accrual wasn't passed until 2021 therefore that date doesn't make sense. The intention might have been to not have hours carried over and for the purpose of retention it would be recommended to allow the hours to carry over in accordance to State Statue 1.7.7.8, to allow to carry over a max of 240 hours. HR is looking for direction as to what cap for rollover should there be. Trustee Silva would not like them to carry over to encourage employees to take time off during the year. Trustee Holguin would like to know what is the max for payout for that unused time, he wouldn't be comfortable to have to payout the 240 hours in the case of termination due to the size of the municipality. Trustee Silva would recommend 40 hours. Ultimately a decision to delete #1-4 from Section 6:2 and bring the issue on accumulated hours back to a future meeting was agreed on.

Section 8 is regarding Holidays specifically for the PD, currently if an officer is on overtime on a city observed holiday which most officers are, they are only getting paid the regular overtime pay which is at time and a half therefore working a holiday has no incentive. HR is suggesting paying double time to incentive them to work a holiday. It would roughly equal to an additional \$7,000/fiscal year to cover those officers that work holidays, something that is easily feasible.

Section 12:9: Change the language on 3a to state "The levels of review in the grievance procedure below follow the chain of supervision and must be followed except when the grievance is against a direct supervisor, you would process the next chain command or HR." It would allow employees to file complaints comfortably if they are allowed to bypass their supervisor if or when it is against that person.

**Original with Amendments** 1<sup>st</sup> Motion: Trustee Silva 2<sup>nd</sup> Motion: Trustee Barreras

MPT Elva Flores	<u>YES</u>	NO	
Trustee Daniel Barreras	<u>YES</u>	NO	
Trustee Javier Silva	<u>YES</u>	NO	4 to 0 vote, motion passes
Trustee Gabriel I. Holguin	<u>YES</u>	NO	
<del>Mayor Diana Murillo</del>	<del>YES</del>	<del>NO</del>	

**Amendment to remove Section 1-4 from Section 6:2:** 1<sup>st</sup> Motion: Trustee Silva 2<sup>nd</sup> Motion: Trustee Barreras

MPT Elva Flores	<u>YES</u>	NO	
Trustee Daniel Barreras	<u>YES</u>	NO	
Trustee Javier Silva	<u>YES</u>	NO	4 to 0 vote, motion passes
Trustee Gabriel I. Holguin	<u>YES</u>	NO	
<del>Mayor Diana Murillo</del>	<del>YES</del>	<del>NO</del>	

**8:42 MPT Flores took over the meeting.**

d. Consideration and Action to approved the On-call Roadway, Drainage, and Utility Construction Contract to Morrow Enterprises LLC., **Presented by the Chief Procurement Officer.**

1<sup>st</sup> Motion: Trustee Barreras 2<sup>nd</sup> Motion: Trustee Holguin

Open to bid, deadline Jan 24<sup>th</sup>, only one bid came in therefore that is the recommendation. They will be a new vendor to the City.

<del>MPT Elva Flores</del>	<del>YES</del>	<del>NO</del>	
Trustee Daniel Barreras	<u>YES</u>	NO	
Trustee Javier Silva	<u>YES</u>	NO	2 to 1 vote, Motion Passes.
Trustee Gabriel I. Holguin	YES	<u>NO</u>	
<del>Mayor Diana Murillo</del>	<del>YES</del>	<del>NO</del>	

**9. ORDINANCES**

a. **Notice of Intent to Amend Ordinance 2010-017 (Amendment 2), First Reading.**

A mandatory response time from when an individua puts in a request for graffiti removal of 30 day was included in the revised ordinance and making it a mandatory provision for the City to remove it at no cost to the requester.

Section 2 deposit language has been removed to state "the city will provide abatement materials at no cost to the public"

A graffiti control ordinance.

**First Reading:** February 1, 2023

**Notice of Publication:** January 13, 2023

**Public Comments/Discussion:** February 1, 2023 and February 15, 2023

**Consideration and Action to pass:** February 15, 2023

**Motion to amend the Graffiti Ordinance Section 8c 14 to reduce that time frame for response from 30 days to 15 days.**

1<sup>st</sup> Motion: Trustee Holguin

2<sup>nd</sup> Motion: Trustee Silva

MPT Elva Flores **YES** NO

Trustee Daniel Barreras **YES** NO

Trustee Javier Silva **YES** NO

4 to 0 vote, Motion Passes.

Trustee Gabriel I. Holguin **YES** NO

~~Mayor Diana Murillo~~ **YES** NO

**10. 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 10-15-01(H)(5) (discussion of bargaining strategy preliminary to collective bargaining negotiations) and 10-15-1(H)(7) to discuss Anthony Police Officer Associations & City of Anthony, Case No. PELRB 328-22.

1<sup>st</sup> Motion: Trustee Silva

2<sup>nd</sup> Motion: Trustee Holguin

MPT Elva Flores **YES** NO

Trustee Daniel Barreras **YES** NO

Trustee Javier Silva **YES** NO

4 to 0 vote, motion passes at 9:00pm

Trustee Gabriel I. Holguin **YES** NO

~~Mayor Diana Murillo~~ **YES** NO

- b. Motion to return to open session.

1<sup>st</sup> Motion: Trustee Silva

2<sup>nd</sup> Motion: Trustee Holguin

MPT Elva Flores **YES** NO

Trustee Daniel Barreras **YES** NO

Trustee Javier Silva **YES** NO

4 to 0 vote, motion passes 9:35.

Trustee Gabriel I. Holguin **YES** NO

~~Mayor Diana Murillo~~ **YES** NO

**11. CONSIDERATION AND ACTION**

- a. Consideration and Action to approve the Settlement Agreement between City, the Anthony Police Officer Association and the Fraternal Order of the Police concerning the bargaining unit makeup in case PELRB 328-22, **Presented by City Attorney, Alan Dahl.**

1<sup>st</sup> Motion: Trustee Silva

2<sup>nd</sup> Motion: Trustee Holguin

MPT Elva Flores **YES** NO

Trustee Daniel Barreras **YES** NO

Trustee Javier Silva **YES** NO

4 to 0 vote, motion passes.

Trustee Gabriel I. Holguin **YES** NO

~~Mayor Diana Murillo~~ **YES** NO

**12. ITEMS FROM THE CITY CLERK**

*Budget Meeting on the 02/15/2023 at 5:00pm*

**13. ITEMS FROM THE CITY MANAGER**

*Construction progress on the multi-generational building.*

*Update on paving equipment. Two pieces of equipment were presented as the ones that are primarily*



needed. Interim City Manager suggested applying for a loan for procurement of these materials.

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

MPT Flores: NONE

Trustee Silva: Appreciate Chief's work during yesterday interaction.

Trustee Holguin: Legislative Dates: 23<sup>rd</sup>-24<sup>th</sup>. Update on Graffiti Phases. Cat issue, TNR program might have to be revisited. Might not be able to do anything because it is coming from the county but rescinding the TNR program would be something that might have to be done in the future. Update on procuring a Public Defender.

**Trustee Barreras: Tierra Huichol and Acosta the weeds on the arroyo.**

**15. ADJOURNMENT**

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

MPT Elva Flores YES NO

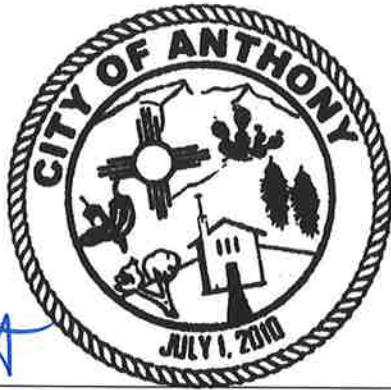
Trustee Daniel Barreras YES NO

Trustee Javier Silva YES NO

Trustee Gabriel I. Holguin YES NO

Mayor Diana Murillo YES NO

4 to 0 Vote, Motion Passes. 10:17PM



*Diana Murillo*  
Diana Murillo, Mayor

{SEAL}

Attest:

*KOA*

Karla Oropeza, City Clerk