

Oscar Dominguez
City Manager

REGULAR MEETING
City of Anthony Board of Trustees
Conference Call
Wednesday, February 17th, 2021
6:00 P.M.

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

MINUTES

You can join meeting using your phone by dialing.

United States: +1 (646) 749-3112

Access Code: 398-919-581

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 – at 6:08 P.M.

2. PLEDGE OF ALLEGIANCE led by Chief Ordonez

3. ROLL CALL Present:

MPT Fernie Herrera	YES	NO – <i>Joined at 6:13 PM</i>
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 inglés al español y del español al inglés esta disponible a petición.

4. CONFLICT OF INTEREST

5. APPROVAL OF AGENDA ORDER

Roll Call:

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

MPT Fernie Herrera — YES — NO - *Absent*

Trustee Gloria Gameros YES NO

Trustee Elva Flores YES NO 3 to 0 vote, *motion passed*

Trustee Javier Silva YES NO

Mayor Diana M. Trujillo — YES — NO

6. APPROVAL OF MINUTES

- a) Regular Meeting – 01/20/2021
- b) Workshop Meeting - 01/12/2021
- c) Regular Meeting- 02/03/2021

Roll Call:

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

MPT Fernie Herrera — YES — NO - *absent*

Trustee Gloria Gameros YES NO

Trustee Elva Flores YES NO 3 to 0 vote, *motion passed.*

Trustee Javier Silva YES NO

Mayor Diana M. Trujillo — YES — NO

7. ITEMS FROM THE FLOOR - None

8. PRESENTATION

a. Presentation of Ismael Esparza, Public Works Department Employee for Retirement. *Presented by City Manager*

- *City Manager: Staff would like to take a minute and also have it recorded in the minutes, to honor the service of a retiring employee.*
 - *Even though he was only working really about 20 hours a week, Mr. Esparza's efforts were important time to maintaining the cleanliness of the City complex, particularly during the health crisis. He was hired in 2017 had great knowledge of the facilities. Please join me in thanking and congratulating Mr. Esparza on his retirement.*
- *Trustee Flores – What was the date he retired?*
- *City Manager – February 12, 2021.*

- **Mayor Trujillo** – He was a great asset to the city; A great employee, very loyal, knew everything about the building. He was there since the building was built back in the 90's.

9. CONSIDERATION AND ACTION

- a. Consideration and Action to approve **CDBG grant** agreement No. 20-C-NR-I-01-G-16 in the amount of **\$750,000** and a 10% cash match of \$75,000 for Acosta Road from NM-460 to 4th Street. **Presented by Projects Coordinator**
- **Project Coordinator:** City was awarded \$750,000.00 with a match of 10% \$75,000.00. For this particular grant agreement, only one personnel staff can be listed as a contact person. DFA advised we keep project coordinator.
 - **City Clerk:** We budgeted for total of \$750,000; We have been awarded total of \$825,000. City will need to add \$75,000 to the budget.
 - **Trustee Gameros:** Add the variance of \$75,000 on line item 291-43691 to make a total of \$825,000 on line item 291-01-91900
 - **Trustee Gameros:** Page. 10 has procurement requirement for this grant. Request staff to let procurement clerk know or certify Gloria as procurement officer.
 - **City Manager:** Technically the procurement for these funds and many other similar funds are carried out by Wilson & Co.
 - **Project Coordinator:** Correct. I will give copy of the agreement to our procurement clerk.
 - **City Clerk:** Tiffany from Council of Governments is our fiscal agent for this grant. She will guide Engineers & staff.
 - **Project Coordinator:** Page 3, there is the cost for the amount of the administrative fee for Council of Governments. This contract will be brought for board approval after DFA approves grant agreement.

Roll Call:

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

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

- b. Consideration and action to approve **Resolution 2021-006** a resolution adopting the required Community Development Block Grant (CDBG) Annual Certifications and Commitments, along with the CDBG Federal Requirements. **Presented by Projects Coordinator.**
- **Projects Coordinator:** South Central Council of Governments suggested that the city adopt this resolution since it's been many years.

Roll Call:

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

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO 4 to 0 vote, 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 2021-007** adopting the required Community Development Block Grant plans for citizen participation, fair housing required elements, residential anti-displacement and relocation assistance required elements and Section 3 plan required elements. **Presented by Projects Coordinator**
- **Projects Coordinator:** This is another requirement for CDBG grants. Requested board's approval.

Roll Call:

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

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

- d. Consideration and action to approve Anthony Police Department partnership with Doña Ana County in collaboration of the Substance Abuse and Mental Health Services Administration’s FY2021 Mental Health Awareness Training Grants funding opportunity. **Presented by Chief of Police, Rosalinda Natividad - Founder/CEO Incite Network.**
- **Chief Ordonez:** *This is a collaboration, and it's an excellent opportunity to address mental health and substance abuse in our community. We strongly believe that this partnership will allow our department to have a more informed response to mental health issues and strengthen our partnership with Dona Ana County.*
 - **Rosalinda Natividad:** *I appreciate the audience this evening and the consideration for a formal approval of this collaboration. The priority is to ensure that the partnerships within Health and Human Services are supported, which is why the grant opportunity that was prepared on behalf of the department and specifically The City of Anthony would be supported with other partners in this particular application. The intent is to train over 3500 school personnel, law enforcement, school, security, and family caregivers in an evidence-based program in Mental Health First Aid Certification.*

Roll Call:

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

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

- e. Consideration and action to approve Neighborhood Services Employees for vacation, Sick and PERA accruals at the Police Department rate. **Presented by City Manager – Post pone**
- **City Manager:** *This is a small, and very important detail related to the creation of Neighborhood Services. Payroll related accruals (sick, vacation and PERA) are calculated at a different rate for PD. Staff is bringing this to the board to grandfather this rate for our former Animal Control Officer, now Neighborhood Services Supervisor, as well as officers that may be under that department.*
 - **Trustee Gamos:** *He was being given vacation, sick and PERA at police officer rate? Employee handbook specifies police officers. Before he wasn't an officer.*
 - **City Clerk:** *He got just vacation and sick at Police Officer rate, not PERA.*
 - **MPT Herrera:** *Only the Police Officers should be getting these rates. Neighborhood Services employees are not certified.*
 - **Alan Dahl:** *For new employees, it's fine to not continue with the Officer rate if that's what the Board wants to do and just have the crew at the same rate as all the other employees. For current employees, it's something that I want to look into, because with public employees, you're dealing with 14th Amendment, rights.*
 - **Trustee Flores:** *Should we change the titles on their job description?*
 - **Alan Dahl:** *The handbook only refers to Police Officers. I don't think there's any genuine confusion, that these individuals are Police Officers.*
 - **City Manager:** *Just to clarify, what the attorney was saying is that because the word “officer” is in a given personnel title does not mean they are Police Officers. This applies to other positions like the finance officer. So, I don't think there's any need to change titles.*
 - **Trustee Gamos:** *I move to postpone this item.*

- **MPT Herrera:** I second
- **Mayor:** Is records clerk under Officers PERA rate?
- **City Clerk:** I just checked and no, she is not on officer's rate at all. For ACO it changed later; He was not hired at Police Officers' rate.

Roll Call:

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

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

f. Consideration and action to approve Neighborhood Services Employees Overtime pay on **GL: 101-11-50230** FY20/21 for the amount of \$500. **Presented by City Manager.**

- **City Manager:** Even though it's called over time, this really should probably be called Call out pay, because it's usually animal control emergencies that really cannot wait until Monday. Payroll clerk was able to pull reports that shows both Codes and ACO used about \$2,000 a year. Staff estimated \$500 would be a good adjustment to this particular item to complete fiscal year.
- **Trustee Silva:** It's hard to estimate how many times they get called out. Is this like a lump sum?
- **City Clerk:** It's not a lump sum trustee Silva; The system is set in a way that we can't give overtime as a lump sum. The system will calculate time at one and a half of his pay rate.
- **City Manager:** Correct. We used reports to estimate that figure. I'm happy to forward the report. It's really just a best guess estimate based on limited information
- **Trustee Flores:** Do they have reports for call outs?
- **City Manager:** Yes Trustee. There's definitely a long paper trail for these types of callouts, mostly because it does relate to public safety
- **Trustee Gameros:** Place in the minutes that overtime amount that they would need would come from line item 101-09-50201, of any extra funds that were not used to pay Codes Enforcer.

Roll Call:

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

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO 4 to 0 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 the updated **Resolution 2019-003 {Amendment 1}** a resolution of the City records retention policy and email retention guidelines. **Presented by City Clerk / Chief of Police**

- **City Clerk:** This is an amendment to our current record retention guidelines. Staff reached out to Municipal League and realized that they had an updated record retention schedule that was updated December 2020. The changes were to separate retention for body camera video from the regular videos that the police department hold. City IT Manager has software that can delete items set for certain parameters. Chief of Police and City Clerk will confirm the records have met the record retention period before deleting.
- **Chief of Police:** This came about because staff was getting significant issues with the server; It wasn't allowing us to upload our videos. Staff purchased an external hard drive, which has a lot of storage, but want to get into the process of starting to delete these videos on this rotation, so that this doesn't happen again. Some videos will

need to be kept longer than the allowed time if they have pending court case. IT can generate a log of all the videos that are being deleted.

- **Trustee Flores:** Is training offered to the designated person who will delete the records? That is a lot of responsibility, for one person.
- **City Clerk:** Just to clarify, nothing in the city should ever be destroyed before the board approves with a resolution. Automatic deletion should not be allowed. Department head has to identify what has met the retention period and City clerk will place item on agenda for board approval. IT Manager is the only one who has access to delete items after board's approval. Records custodian has to be present when it's being destroyed, together with the department head. City Clerk issues certificate of destruction after process is complete. IT Manager has been trained on NM record retention statutes.
- **MPT Herrera:** There is a list, as to how long records should be kept and they're broken down into categories. Do we have that list?
- **City Clerk:** Yes MPT, the spreadsheet is an attachment to the resolution.
- **Trustee Flores:** Requested written steps that we are to follow.

Roll Call:

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

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

- h. Consideration and action to approve **Resolution 2021-008** a resolution authorizing the disposition of Body Camera Video for Police Department. **Presented by City Clerk / Chief of Police**
 - **City Clerk:** This is another resolution that we made sure it was reviewed by city manager and city attorney, just to make sure the language is correct. Department head will identify videos that have no pending cases and have met retention schedule to IT and Clerk for deletion.
 - **Chief of Police:** It's going to be really important to make sure we delete the correct videos. I may even need our records clerk to help me check if the cases are closed out and then get that supporting documentation, in case we do request to delete that video. It's going to be a very tedious process, but it's something that needs to be done.

Roll Call:

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

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

- i. **ITEMS FROM THE CITY CLERK - None**
- j. **ITEMS FROM THE CITY MANAGER- None**
- k. **ITEMS FROM THE MAYOR AND TRUSTEES-**

- **Trustee Gamos** – None
- **Trustee Silva**- None
- **Trustee Flores** - None
- **MPT Herrera:** Requested city manager to extend our thanks and send updates of projects to Representative Gallegos for all the projects she has given us money for like the Multi-Cultural Center. Representative was a bit disappointed that she hasn't been updated.

- **Trustee Flores:** We should have a list of people we should be contacting especially projects they are involved with.
- **MPT Herrera:** Now that Dona Ana country is colored yellow, suggested we open the city completely. Concerned that the City has not been invoicing Solid waste authority for the contract that we work so hard to get.
- **Mayor Trujillo:** City manager has been very busy with all daily operations and is a lot. I have given thanks to both representative and senator. I can help city manager if needed.

I. ADJOURNMENT

Roll Call:

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

MPT Fernie Herrera **YES** NO

Trustee Gloria Gameros **YES,** NO

Trustee Elva Flores **YES** NO **4 to 0 votes, motion passed at 8:04 PM**

Trustee Javier Silva **YES** NO

Mayor Diana M. Trujillo ~~YES~~ ~~NO~~




 Diana Murillo-Trujillo, Mayor

ATTEST:



 Esther Motongo, City Clerk