

Oscar Dominguez
City Manager

REGULAR MEETING
City of Anthony Board of Trustees
820 Highway 478, Anthony NM 88021
& Conference Call

Mayor Diana M. Trujillo
MPT Elva Flores
Trustee Javier Silva
Trustee Gabriel I. Holguin

Wednesday, February 02, 2022
6:00 P.M.
MINUTES

Trustee Daniel Barreras

You can join meeting using your phone by dialing.

United States: +1 (646) 749-3335

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<https://global.gotomeeting.com/join/926947973>

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 Diana M. Trujillo

3. ROLL CALL	Present:	MPT Elva Flores	YES	NO
		Trustee Javier Silva	YES	NO
		Trustee Gabriel I. Holguin	YES	NO
		Trustee Daniel Barreras	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 Silva 2nd Motion: Trustee Barreras

Roll Call:

MPT Elva Flores	YES	NO
Trustee Javier Silva	YES	NO 4 to 0, Motion passed.
Trustee Barreras	YES	NO
Trustee Holguin	YES	NO
Mayor Diana M. Trujillo	YES	NO

6. ITEMS FROM THE FLOOR – PUBLIC COMMENTS

a) *Ms. Loren Schoonover: I represent a non-profit organization in New Mexico that is based out of Albuquerque and has been in existence since 1995. We bring health awareness to New Mexico.*

- *Requested that everyone read Senate Bill 67, which deals with mental health awareness in schools.*

b) *Jorge Garcia – IT Manager: I am here to comment on the city manager discussion. I have been working here since 2010. I have seen the city grow from when I was a volunteer, to a contractor to now an employee. Oscar Dominguez, our current city manager, has my complete support. I've never been around somebody who has had such a profound impact on the way I work as he has; He has enhanced my productivity as a department head, and as a city employee. I give my vote of full confidence to our city manager and wanted that on city public records.*

c) *Hiram Gonzalez – Finance Officer: I'm here to support our city manager on the last agenda item. I haven't been here for long, but I've been with other companies. Oscar is everything I ever expected from a manager. He has my full support and I hope this board takes employee support into account.*

7. **CONSIDERATION AND ACTION**

a. Consideration and action to award RFP #: 072021-01, CDBG engineering contract to Wilson & Co. **Presented by City Manager**

- **City Manager:** *The committee evaluation report illustrates that Wilson & Company prevailed in this particular request proposal.*

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

Roll Call:

MPT Elva Flores	YES	NO
Trustee Javier Silva	YES	NO 4 to 0, Motion passed.
Trustee Barreras	YES	NO
Trustee Holguin	YES	NO
Mayor Diana M. Trujillo	YES	NO

b. Consideration and action to accept the amended CDBG grant agreement in the amount of \$750,000 for Acosta Rd construction. **Presented by Tiffany Goolsby- SCCOG & Projects Coordinator**

- **Tiffany Goolsby:** *This item will amend the CDBG grant that the city had received. It does not change the overall dollar amount of the grant. The change will decrease the amount that you'll pay out of your match towards construction and increase the amount paid out of your match for engineering fees. After the RFP process and awarding contract, engineering costs came in slightly higher than the amount that was estimated in 2020.*

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

Roll Call:

MPT Elva Flores	YES	NO
Trustee Javier Silva	YES	NO 4 to 0, Motion passed.
Trustee Barreras	YES	NO
Trustee Holguin	YES	NO
Mayor Diana M. Trujillo	YES	NO

c. Consideration and action to add \$10,000.00 to GL: 101-08-61300 for maintenance/ Roadways. **Presented by public works supervisor**

- **Public works supervisor:** *Requested \$ 10,000.00 since what was allocated for this year has a balance of \$4,800. This balance is not going to get the department through the next five months.*
- **Trustee Silva:** *I'd prefer to move this item to the next meeting before we start shifting money around. We received a 120-page detail vs budget report three days ago. We'll need some time to go over the budget at the next budget workshop.*
- **City Manager:** *We have over a year of reserves. There's plenty of cushion. We agree that this could be tabled.*
- **MPT Flores:** *We need to assist this department; We haven't been assisting them as much as we should for a long time. I'd like to keep moving forward with this motion. I would like to continue with this motion and just pass it.*
- **Trustee Holguin:** *I agree with Trustee Silva; The police officer position was just approved. I'm also aware of the need in the public works department. I'm not sure I'm comfortable voting on this tonight. I believe that we should push the item back to understand the budget. We are also going to Santa Fe to request more funds. I'm not saying we don't fund the department. Let's find out what's available in the budget first. I also want to point out that we postponed the library position.*
- **Trustee Barreras:** *I agree with MPT. Flores, I worked with the maintenance department for a few years. We did have to work pretty hard to get where we're at. I think we should approve it because there are a lot of streets that really need to be fixed. Potholes need to be fixed as soon as possible. It's hard for them to do a certain amount of work with less money.*

- **Mayor Trujillo:** *There is a motion to table the item by Trustee Silva seconded by Trustee Holguin.*

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

Roll Call:

MPT Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	2 yes to 3 No's, Motion did not pass.
Trustee Barreras	YES	NO	
Trustee Holguin	YES	NO	
Mayor Diana M. Trujillo	YES	NO	

- **Mayor Trujillo:** *Now we go to the original motion: Consideration and action to add \$10,000.00 to GL: 101-08-61300 for maintenance/ Roadways. First motion by Trustee Silva seconded by Trustee Holguin.*

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

Roll Call:

MPT Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	3 yes to 2 No's, Motion passed.
Trustee Barreras	YES	NO	
Trustee Holguin	YES	NO	
Mayor Diana M. Trujillo	YES	NO	

- d. Consideration and action to accept Library grant A20-E5296 for \$21,450.83 GL: 255. **Presented by Head Librarian**

- **Head Librarian:** *My name is Casey McCool, I'm the new head librarian. This grant is a 2020 general obligation bond for Public Libraries. Funding is provided to us in an agreement with the Department of Cultural Affairs, New Mexico State Library Division. We have previously received this funding and are currently finishing out spending the 2018 grant.*
- *This grant will cover reimbursements of purchases up to \$21,450. These funds can be used for library equipment, furniture, fixtures, and supplemental library resource acquisitions, including print, nonprint and electronic resources.*

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

Roll Call:

MPT Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	4 to 0, Motion passed.
Trustee Barreras	YES	NO	
Trustee Holguin	YES	NO	
Mayor Diana M. Trujillo	YES	NO	

- e. Consideration and action to approve **Resolution 2022-004** employee handbook amendment section 5:4 Call- Out pay. **Presented by City-Clerk / HR Liaison**

- **City-Clerk / HR Liaison:** *Because the employee handbook is a living document that changes over time, the capacity of the employees we have and the jobs they hold, prompted an amendment to the policy. We're presenting these modifications tonight because we created a detective position and approved on-call pay.*
- *Call back pay was given to departments with overtime budget. This is used to pay employees at a time and a half if we call them back to work due to emergencies.*
- *On-call pay, however, was created for the police detective. I came to realize that he has been on-call throughout the month since the position was created. There are several human resource issues I see. One is that employee is not allowed to have a break. Two is that our policy offers paid vacation and sick offs but does not allow him to be off to use those hours. I recommend policies that would address these issues to allow employees whose positions are critical to the city. I have recommended training an officer who can be on-call when the detective has to be away but this is the departments call and a long-term solution.*
- **Sat Ruiz:** *Detective has been sneaking out when he needs a weekend off*

- **Chief of Police:** There have been 3 or 4 occasions where detective Martinez has taken a substantial amount of time off to be accommodated for not being on call. Some of the other officers are taking felony cases.
- **MTP Flores:** I would like to ask Alan to give us an idea of what we can do with this.
- **Alan Dahl – City Attorney:** The action required today is for on a call versus is call-back pay. An employee who is being called back is going to get paid time and a half versus an employee who's on call and gets called in just gets their standard rate of pay. The issue of how often someone should be on call is not technically the item that you'll be voting on. Those are valid discussions to have and would give important guidance to the chief and to the city manager. Ultimately, when you're on call, you are not technically working. That's why you don't get paid overtime for it. You're allowed to pursue your own interests. You're allowed to do what you want with certain restrictions, including obviously if you're a detective, you can't be drinking. You have to be within so many miles. Ultimately, the city can continue with what it's doing. I think that would be legally sound. I do think that there is a policy concern and that is the area of the board should consider when it comes to whether it's wise to have someone on call all the time and whether that will lead to burnout. The problem would be if the city wasn't allowing them to take any time off for themselves. That would be a big issue because he wouldn't be able to use accrued leave. Those are policy decisions for the board to make.

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

Roll Call:

MPT Elva Flores	YES	NO
Trustee Javier Silva	YES	NO <i>4 to 0, Motion passed.</i>
Trustee Barreras	YES	NO
Trustee Holguin	YES	NO
Mayor Diana M. Trujillo	YES	NO

8. PUBLIC HEARING

ORDINANCE 2010-018 FIRST READING

An ordinance amending land use ordinance to establish zoning and other regulations for cannabis. *Presented by City Clerk*

First reading: February 2nd, 2022

Notice of publication date: January 27th, 2022

Public Comments/Discussion: February 2nd, 2022, and February 16th, 2022

Consideration and Action to pass: February 16th, 2022

- **City Clerk:** I have a correction: The agenda reads the second amendment but it's actually the first. The hearing notice that was sent to 6 city locations, city websites, and to the newspaper was correct, notice of publication was on 01/27/2022.

9. CLOSED SESSION:

- NOTICE IS HEREBY GIVEN that the City of Anthony Board of Trustees will meet in Executive Session Pursuant to NMSA 1978, Section 10-15-1 (H)(2) Limited personnel matters to discuss discontinuation of City Manager contract.

1st Motion: Trustee Holguin 2nd Motion: Trustee Barreras

Roll Call:

MPT Elva Flores	YES	NO
Trustee Javier Silva	YES	NO <i>4 to 0, Motion passed at 7:10 pm.</i>
Trustee Barreras	YES	NO
Trustee Holguin	YES	NO
Mayor Diana M. Trujillo	YES	NO

OPEN SESSION

- Motion to go into open session.

Mayor Trujillo: no decision was made during closed session.

1st Motion: Trustee Silva 2nd Motion: MPT. Flores

Roll Call:

MPT Elva Flores	YES	NO
Trustee Javier Silva	YES	NO 4 to 0, Motion passed at 8:35 pm.
Trustee Barreras	YES	NO
Trustee Holguin	YES	NO
Mayor Diana M. Trujillo	YES	NO

10. Consideration and action

- a. Consideration and action to discontinue city manager contract. *Presented by Trustee Holguin*

Motion to table item 10a.

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

Roll Call:

MPT Elva Flores	YES	NO
Trustee Javier Silva	YES	NO 4 to 0, Motion passed.
Trustee Barreras	YES	NO
Trustee Holguin	YES	NO
Mayor Diana M. Trujillo	YES	NO

11. ITEMS FROM THE CITY CLERK

- *City Clerk: IT manager realized all your laptops require software updates. He requested that we set aside time next week for trustees to bring their laptops.*
- *Trustee Silva: Requested to call IT manager to schedule an appointment.*

12. ITEMS FROM THE CITY MANAGER – No items

13. ITEMS FROM THE MAYOR AND TRUSTEES

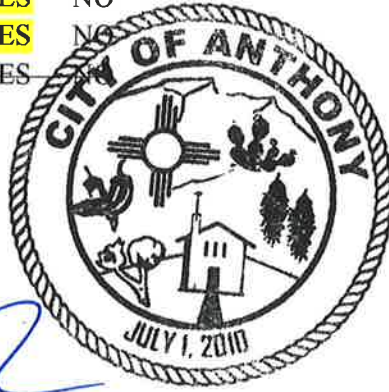
- *Trustee Silva: Kids are already using quads to spin at the new Adams baseball park. Requested frequent police patrol.*
- *City Manager: Public works is working on securing the park. They will be adding gates to secure dugouts.*
- *Trustee Holguin: Spanish agenda was missing Trustee Holguin's name on the roll call item 3, and translation on item 10a. Requested staff to look into it more closely. Trustee is studying to become nationally certified teacher that requires classes that conflict with board meetings. Trustee requests consideration to move board meeting.*
- *Alan Dahl: We will need to update the open minute's act resolution. Recommended to coordinate with the city clerk to have that on the next agenda.*
- *MPT Flores: Requested permission to be issued a key to city hall. This is to be a back-up for when Mayor is out of town. Emails of this conversation were copied to the board by the city manager.*
- *Mayor Trujillo: Alright, I will talk to the city manager.*
- *Mayor Trujillo: I have a concern: The weather is predicted to be bad tomorrow. Trustees were scheduled to go to Santa Fe. The road might be blocked. Requested city clerk to help in hotel cancellation if trustees are unable to make the trip.*

14. ADJOURNMENT

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

Roll Call:

MPT Elva Flores YES NO
Trustee Javier Silva YES NO 4 to 0, Motion passed at 8:51 pm.
Trustee Barreras YES NO
Trustee Holguin YES NO
Mayor Diana M. Trujillo YES



Diana Murillo-Trujillo
Diana Murillo-Trujillo, Mayo

{SEAL}

ATTEST: *[Signature]*

Gloria K. Ramirez, Acting City Clerk