



Oscar Dominguez
City Manager

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

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

You can join meeting using your phone by dialing.

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Access Code: [162-241-501](tel:+18722403212)

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

2. PLEDGE OF ALLEGIANCE led by Oscar Dominguez

3. ROLL CALL	Present:	MPT Fernie Herrera	YES	NO – <i>Joined at 7:28 P.M.</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

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 3 to 0 vote, motion passed.
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO

6. APPROVAL OF MINUTES

- a) Regular Meeting – 02/17/2021
- b) Workshop Meeting – 02/17/2021
- c) Special meeting – 02/26/2021

1ST motion: Trustee Flores 2ND motion: Trustee Silva

Roll Call:

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

7. ITEMS FROM THE FLOOR – PUBLIC COMMENTS – NONE

8. **PRESENTATION**

- a) Presentation of city street light installation options with estimated costs including service. **Presented by City Manager**
 - **City Manager:** A letter from El Paso electric was shared with the Board for installation of about 15 lights some are new lights and some to be replaced.
 - The City has an option 1, to pay upfront cost at roughly \$1,500-\$1,800 and get a monthly rate of \$6.29 each streetlight.
 - Option 2, the City does not pay upfront, El Paso electric pays the cost, City pays \$14.25 each streetlight for overhead services or \$17.15 each streetlight for underground services. Paying upfront makes the City have ownership of the pole. . Both options El Paso Electric will maintain lights.
 - **Trustee Silva:** I was under the impression that they were already working on some of the light.
 - **City Manager:** Yes Sir. Ivan expected to start the work earlier this year. There are a little behind for a few different reasons, then this issue came up around which option we'd rather choose to exercise. Given the significant cost and the difference in service rates, staff thought it's best to bring it to the Board for discussion and direction.
 - **MPT Herrera:** We have always paid for lights. I just can't understand why it cannot be a continuation. I don't know what's going on, but it doesn't sound right. We have done lights before so, what is the problem?
 - **Mayor Trujillo:** What happened is that back then, we had the option of not paying up upfront so we kept on going with the lighting as this started with Mayor Castaneda. Mr. Ivan of EP Electric proposed this and we brought it to board's attention to bring a more cost-efficient option. The company was short staffed; We talked to vice president and he apologized for the delay.
 - **MPT Herrera:** Under your administration, we have installed a lot of lights every budget year. Why is it coming back?
 - **City Manager:** The logical thing to do is to pay the upfront cost, but that would require a budget adjustment, and investment in the lights be made in the upcoming fiscal years.
 - **Trustee Silva:** If somebody requests poles to be moved are we required to pay the cost to have it moved? If somebody ran into a pole and it's damaged, is that our cost per pole?
 - **Trustee Gameros:** \$15 a month, was the last rate that I had heard when we had done the last set of lights. Requested staff to give the board a breakdown of costs, like a 20 year cost estimate of what we would be looking at versus cost of paying upfront.

9. **CONSIDERATION AND ACTION**

- a) Consideration and action to approve South Central Council of Government, Administrative Services Contract No. CDBG-2021-01 for the City of Anthony CDBG project No. 20-C-NR-I-01-G-16 in the amount of \$22,500 - Acosta Road Improvement. **Presented by Projects Coordinator**
 - **Projects Coordinator:** This contract will be paid with the grant money and the maximum amount that can be paid out with this contract would be the \$22,500.

1ST motion: Trustee Silva 2ND motion: Trustee Gameros

Roll Call:

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 Dos Lagos Phase 1 fee proposal for architectural & engineering services.

Presented by Projects Coordinator

- **Mario Infante:** Proposal is the next step to programming and site Masterplan for Phase I. Proposal will ultimately provide a facility that's in an approximate range of about 2,900 to 3,000 square feet in total square footage. This will address the initial infrastructure, sewer water and will also serve the full development. I just want to really emphasize that the first project is what triggers major infrastructure to make sure that we can capture not only what Phase I of the building will do, but what the full development will do.
- **MPT Herrera:** Do we have enough money to complete the project?
- **Mario Infante:** Madam Mayor, members of the board, there is enough money to do all of it including GRT. In the site Masterplan we have developed the total project budget for the Phase I, to make sure that we have the money to cover all of the expenses.

1ST motion: Trustee Silva 2ND motion: Trustee Flores

Roll Call:

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 2020-011** a resolution authorizing El Paso electric streetlight relocation on **4th Street between Lincoln Street and Livesay Street.** **Presented by City Manager**

- **City Manager:** Requested the board to postpone this item. To relocate these lights, my reading of the current franchise agreement, the City should bear the costs of relocating these lights. I ran it by city attorney, who agreed with my interpretation. In the past, EP Electric has borne some of these costs. The ordinance language is not the clearest; We're still working with engineers to come up with a true cost.
- **Trustee Flores:** Resolution number on agenda is different from draft resolution as attached.
- **Trustee Silva:** Why are they asking us to relocate the lights? Because of the work that is going to be done at Adams Park?
- **City Manager:** Yes Trustee: My understanding is that it is part of the larger project.
- **Trustee Gameros:** Is relocation money part of the GO Bond money or is this from a grant?
- **Eric Hamilton:** So, as city manager mentioned, there are two areas that require relocations. We would like to bring all of the required relocations to the Board at once, and pass one resolution.
- **Trustee Gameros:** This franchise fee agreement states there that it is the company's expense. So for me, it reads that, if it was a grant given to us and our grants are reimbursable, then it will come out of the grant money. The GO Bond money is not reimbursable that's actually paid by the community through property taxes. Would like utility company to understand that the City would pay if grant is reimbursable.
- **Eric Hamilton:** There are four grant agreements all funded through the MDOT Local Government Road Fund program, which does not fund utility relocation. In this case, part of this project is funded in part by State grant money. My interpretation of the ordinance that is before us is consistent with your explanation trustee. The state grant money will not reimburse utility relocations.
- **Alan Dahl:** I appreciate that clarification, because I don't think that's something that we had discussed. Specifically, the part that State exempted relocation as a reimbursable expense. The general goal of this franchise agreement with El Paso Electric is that the City doesn't pay anything out of its own money. In this case, the grant that does not permit reimbursement for relocation, then I'm comfortable moving forward on the presumption that El Paso Electric would have to cover the costs of relocation, because it cannot be reimbursed.

- **Eric Hamilton:** Requested a letter addressing city attorney's opinion on that and then bring this item back before the board. At that point, the resolution can be updated to comply with the ordinance.
- **Mario Infante:** Suggest that Eric send over the, tribal local public assistance book. It's not an opinion it's a matter of fact that NMDOT grant does not pay for relocation.

Motion to post pone item.

1ST motion: Trustee Gamos 2ND motion: Trustee Silva

Roll Call:

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

d) Consideration and action to approve continuation of Families First Coronavirus Response Act (FFCRA) employee paid leave to June 30, 2021. **Presented by City Manager**

- **City Manager:** There are a number of employees that still have not used any FFCRA hours. This is simply an employer's option to extend any unused benefit. Staff is proposing that the benefit be extended through the end of the fiscal year.
- **Trustee Gamos:** Was there a deadline?
- **City Manager:** Officially the act expired at the end of last calendar year. However, employers can choose to continue to extend the benefit, which of course, the City of Anthony chose to do, back in February through the end of March. This is solely at the discretion of the board whether or not to continue.
- **Alan Dahl:** FFCRA has tax breaks for private entities. When the city decides to end it or extend it is purely a policy matter. Federal government has extended voluntary participation until September of this year. The City will not get tax breaks. The federal government has said that this program should be extended into September, though the City is not required to extend it any further.
- **Trustee Gamos:** So, employees get extra 14 days paid on top of their sick leave and paid vacation from general budget?
- **Trustee Silva:** 10 working days.
- **City Manager:** Yes, although that cost is already budgeted. If you look at it purely from a cost perspective, it's not an additional cost, not like the employee is getting paid twice. The employees getting paid when home would otherwise get paid they would have to use their accrued sick leave.
- **Trustee Silva:** Are we requiring for the individual to give proof that they have a positive reading?
- **City Manager:** Our policy at the moment does not require a positive test. We encourage employees, if they're not feeling well, to stay home, for any number of reasons, but especially if they have specific symptoms.
- **MPT Herrera:** Are we tracking those hours?
- **City Manager:** There is a special pay code created by staff. When FFCRA is exhausted, then staff has to look at other options for those employees.
- **Trustee Flores:** I just would like to say that we need to be cautious we don't scare people into not taking advantage of these hours because if they're sick and they think that, they're not getting paid they might just want to go to work. It could get worse; They can infect others at work. These are really hard times for all of us here. It would be kind of nice for them to know that there is something that they can fall back on and be able to be truthful and not try to come to work if they are ill. I really don't think that anyone would take advantage of this as far as our staff is concerned.
- **Alan Dahl:** The recent Act that was passed by Congress, which extended this program and the tax credits for private businesses, also changed some of the aspects of it. Family Medical Leave aspect, where employees were

entitled 10 additional weeks, at two thirds pay has now been expanded to include all of the criteria that relates to the sick leave. Whereas before, you could only get two thirds pay if you had to stay home from work because you had to take care of a child or family member. Now, you would get two thirds pay, if you have to stay home, because you yourself are sick, and all the additional reasons. I could foresee that being an issue, employees could claim that they are entitled to be paid two thirds pay, because we extended this. Suggests the City consider amending resolution if board are interested in extending FFCRA.

Trustee Gameros: motion to postpone this item to have better clarification, then we can have the documentation with the change in language.

1ST Motion: Trustee Gameros 2ND Motion: MPT Herrera

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

Recess 7:35pm to 7:38P.M.

- e) Consideration and Action to enter into three years' audit service contract with Beasley Mitchell & Co.
 - Presented by City Manager**
 - **City Manager:** This is staff's recommendation on the results of a procurement for the DFA required auditing services of a third-party auditing firm. Our procurement clerk went through the State's website OSA Connect to solicit bids from auditors that are vetted by the state. She received 2 bids; The successful bid is presented today to the board.
 - **Trustee Gameros:** When you said she went through the OSA is that through CES?
 - **City Manager:** No, ma'am, it's a little different than CES. OSA Connect is a very specific website designed only for auditing services. This is also where staff uploads contracts to be approved. It's a very controlled process for auditing services in particular.
 - **Trustee Gameros:** Beasley has been pretty good, but I know it's not a good practice to continue with the same auditors after a three-year period. That's where I feel uncomfortable about that. We need to be changing up our auditors.
 - **Procurement Clerk:** We didn't need to do an RFP, but for the sake of price checking, I reached out to three accounting firms. One was based out of Albuquerque, but they have a branch here. They were about \$10,000 higher than Beasley. The other did not respond. When you're going with auditing services, it's not necessarily good to go with the lowest bidder. Manager mentioned of good relationship the City has with Beasley. The three-year period can be extended.
 - **MPT Herrera:** I agree with the trustee not to extend over three years with the same auditing firm. I would like to see more quotes. Did staff do a Publication or they just call these three vendors?
 - **Procurement Clerk:** Procurement code doesn't require us to post an official Invitation for bid because it's under the threshold. I sent them e-mails and I asked for pricing. Based on last year's cost of about \$20,000, RFP wasn't required.
 - **Trustee Gameros:** I would rather see us follow the procurement code with the RFP that way, we at least try not to do any type of violation of the procurement code. I think we need to change the language on the finance policies and procedures. We need to have an RFP for auditors.

- **Procurement Clerk:** Procurement code doesn't require an RFP because of the amount. It's considered a small purchase. I double checked with New Mexico Public Procurement Association. We're not violating the procurement code.
- **Alan Dahl:** It's always possible for the board to decide to go with an RFP, but I just wanted to second what Bonnie said: If the contract is going to be less than \$60,000 for professional services, the procurement code doesn't require an RFP. Just to make clear, it is an option to require an RFP, but it's not State required.
- **Trustee Flores:** With all that being said, Alan is letting us know that an RFP is not required. I feel that we're safe. Maybe after the next three years, we can change that. I don't feel that it's a bad idea to go with this company. They are pretty well versed in all this and they helped us a lot when all that was being brought to them. They worked through it and around it and it took them way longer than it should have because of the things that were brought up by people. I feel that they did a great job. I think we should consider them, being that we're always needing to try and save money we can at least afford this company and not go with other companies that are going to charge us more.
- **MPT Herrera:** We should look further on for another firm, then bring it back at a later date.
- **City Manager:** The only other consideration is around the deadline for uploading the choice of the auditing firm which is this month unfortunately. I'm not sure what the implications might be if we are late.
- **MPT Herrera:** Again, I question the city managers timing. Quotes should have been presented at least two months ago not within a week or two before deadline.
- **Trustee Flores:** I would like to remind the rest of the board that it has not been easy with all this COVID-19 going on. Staff, have been working from home, they are barely getting back into the office. I do not feel that we have to pressure them.
- **MPT Herrera:** Remind the rest of the trustees that work from home is still supposed to be an eight-hour job so everything has to be done in a timely manner.
- **Alan Dahl:** This would be a single contract for over \$60,000?
- **City Manager:** The three years that would be three distinct contracts that would essentially renew unless either side chose to not renew it.
- **Alan Dahl:** I was a little concerned that if it was over 60,000 in the aggregate. We could have an issue, but it sounds like that's already been taken into consideration so I appreciate that input city manager.
- **Trustee Gameros:** I echo the same concerns, we should have had this at least a month ago so that way if we didn't agree with it, the board does not feel pressured into having to say yes to this. My suggestion would be that we give them a year contract, this next fiscal year. That gives staff time to put out an RFP to look for other auditors. That is what I'm comfortable with.
- **Trustee Silva:** Taking everything that's been said into consideration, I understand and I echo the same sentiments when it comes to the timeframes. I understand that, Bonnie did her homework and she went and she spoke to people. The fact that we're under \$10,000 from the other bid. If we were okay with the individuals and we had no problems with them. I'm okay with it. I don't like the idea of using the same auditors, it's probably not good practice. I'm not saying this to bad mouth our engineers, but I had brought this up regarding our engineers. We are using the same engineers how would you know what somebody else has to offer? I want the cost to be clarified to make sure the attorney's concern of going over \$60,000 is in fact year by year. I second trustee motion to extend it one year and go from there. That gives the city an opportunity to put it out for RFP.
- **MPT Herrera:** Just calculating the total of the 3 years, it's almost \$83,000. I don't feel comfortable passing this. I would say we go for one year and then do multiple bids.
- **Trustee Flores:** Requested procurement to check if contract would go higher if we were to contract only one year and if we changed to different company.

- **Trustee Gameros:** Agenda states to enter in a three years audit service contract. It would not allow us to vote for one-year contract, so, I would like to move to postpone this item.
- **Alan Dahl:** Staff to ask auditors to provide an updated version of the contract to reflect the one-year contract.
- **Trustee Flores:** We have a deadline, if we post pone this item what will happen? I just feel like we're just putting things off while everyone is talking about how late we're running. I feel that we're going to lose out and probably have to pay more
- **Trustee Gameros:** We can have the city clerk post tomorrow, and we can have a meeting on the 03/22/21.
Motion to post pone item 9e.

1ST Motion: Trustee Gameros 2ND Motion: MPT Herrera

Roll Call:

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

- f) Consideration and action to approve an amended **Resolution 2012-04** establishing a schedule of user fees.

Presented by City Clerk

- **City Clerk:** staff has edited this resolution to add IPRA form, increased mail posting rating to reflect USPS new rates, we changed to USB option instead of CD.

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	

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-(H)(2) Discussion on Limited Personnel Matters, Police department vehicle accident investigation report.

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

ROLL CALL:

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	4 to 0 Votes, motion passed at 8:28P.M.
Trustee Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo Tie Breaker	YES	NO	

B. **OPEN SESSION.**

Motion to return to open session.

Mayor Trujillo- No decision was made during closed session.

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 8:45P.M
Trustee Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo	YES	NO	

11. **ITEMS FROM THE CITY CLERK**

- **City Clerk:** Requested trustee's opinion on transitioning to online packets.
 - All Trustees agreed to online packets, agenda with rollcall will be printed.
- The City will be holding cleanup day on 03/19/2021 and 03/20/2021.
 - **Trustee Flores:** will staff be helping the elderly?
 - **Mayor Trujillo:** I will be helping the elderly by picking their items from the curb we're not using city vehicle. Requested staff to send those requests to Mayor.
 - **Trustee Flores:** Thank you for what you and your husband do for our community.
 - **MPT Herrera:** Offered to help pickup with personal truck.
- **City Clerk:** Reminded all of the date and time for upcoming meetings;
 - 1) Staff would like to have Budget Workshop on 04/07/2021 and on 04/21/2021.
 - 2) Special Meeting to discuss projects is set for 3/29/2021 at 6:00PM
 - 3) Requested time to schedule special meeting to approve audit contract on 3/22/2021.
- **City Manager:** We have until end of this fiscal year to find an auditing firm; we don't need to have special meeting.

12. **ITEMS FROM THE CITY MANAGER**

- **City Manager:** The City of Anthony is part of the Multi-Agency Coordination group. The Mac was advised by our liaison with the Department of Health of a mobile vaccination unit. It does require some coordination on the ground level, usually with something like a facility that serves people of a certain age for now 65 years and over which is the cutoff for vaccinations at the moment. I'm asking that the board think of potential locations like that. I know there aren't any nursing homes, per se, in Anthony, but if there are any locations or venues with a critical mass of residents over 65 years of age we might be able to reach out to the Department of Health to co-ordinate a mobile vaccination.
- **Mayor Trujillo:** I will send an email regarding that.

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

- **Trustee Silva:** Can you tell me where we stand with CenturyLink franchise fees? Do we have any paperwork showing most recent agreement? Company just changed names from CenturyLink to Lumen. Request staff to present this to trustee's next meeting.
- Requested staff to water soccer field.
- Requested update on stop sign installation. These would make our city safer, it makes our job easier for the police department and cuts it back down on speeders.
 - **City Manager:** Staff is waiting on our engineers to present a little bit more information on the potential costs of solutions. The engineers did present a couple of solutions to staff that we will be presenting with more detail to the Board for potential action on that issue.
- **Trustee Silva:** Just for clarification, when our election is supposed to start this year?
 - **Mayor Diana Trujillo:** The first Tuesday of November.
- **Trustee Flores:** Suggested to the city may manager to look into having like some sort of outside boxes with locks for trustees similar to the silver mailboxes that the Post Office uses. I was thinking that if we had that, we could save a lot of time trustees can pick up the items when ready.
- **MPT Herrera:** None
- **Trustee Gameros:** None
- **Mayor Trujillo:** I had a meeting with NMDOT, Wilson & Co and Projects Coordinator. NM404 is funded by State and federal funds. Completion of the bridge is expected to be February 2022. September 2021 new bridge will be installed at Anthony gap. There is no detour at this time, there is accessibility to use O'Hara Road.

14. **ADJOURNMENT**
Motion to adjourn.

1ST Motion: Trustee Gameros 2ND Motion: MPT Herrera

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





Diana Murillo-Trujillo, Mayor

ATTEST:



Esther Motongo, City Clerk