

Court Chambers
820 Highway 478
Anthony, NM 88021

City of Anthony, NM
Regular Board of Trustees Meeting
MINUTES
Wednesday, March 15, 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\(872\)240-3212](tel:+1(872)240-3212)
Access Code: 788-779-629

Please join meeting from your
computer, tablet or smartphone.

<https://meet.goto.com/788779629>

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 at 6:01
2. **PLEDGE OF ALLEGIANCE** by Chief Ordonez
3. **ROLL CALL** Present:

MPT Elva Flores	YES	NO
Trustee Javier Silva	YES	NO (Joined Remotely)
Trustee Daniel Barreras	YES	NO
Trustee Gabriel I. Holguin	YES	NO
Mayor Diana Murillo	YES	NO
Quorum Established	YES	NO

Traduccion 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

**7e out for discussion from the Consent Agenda and place under Consideration and Action, move item 9 before Consent Agenda.*

Trustee Holguin wanted the record to show that he had requested items to be put on the agenda specifically regarding the City Manager's Contract, and they were not placed on the agenda.

With Amendments 1st Motion: MPT Flores **2nd 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

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

Scif Almahairbi	Adrian Perez
Cecilia Acosta	Genaro Soriano
Betty Gonzalez	

6. APPROVAL OF MINUTES

a. Regular Meeting- 03/01/2023

1 st Motion: <u> MPT Flores </u>	2 nd Motion: <u> Trustee Barreras </u>
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

7. CONSENT AGENDA

**All Items were pulled for discussion by Trustee Holguin.*

- a. Consideration and Action to approve a resolution approving the Dos Lagos Master Plan amendment, **Presented by Interim City Manager. (Resolution 2023-009)**

1st Motion: <u>Trustee Barreras</u>	2nd Motion: <u>MPT Flores</u>
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

- b. Consideration and Action to approve a resolution for the budget adjustments, **Presented by Finance Director. (Resolution 2023-010)**

As discussed during the Budget Workshop, there a few items that need to be addressed, such as an adjustment for the Small Cities Assistance, more money was received than anticipated and needs to be adjustment for it to reflect that with the State. Additional adjustments under the Public Works Department to cover the anticipated street repairs and to cover the shed that was approved and purchased last fiscal year. In respects with the Parks and Rec Department, funds need to be moved from the MVD into the Parks and Rec Department to cover the temporary pay for the Parks and Rec Director (discussed later). The creation of a new line item to track the expenses for roadways using the Mill Levy funds. Trustee Silva had questions in regards to one of the adjustments under Public Works Department that is needed to rent equipment for pothole repair since it was his understanding that the contractor was doing street repairs, Interim City Manager clarified that Public Works will be working on pothole repair while the contractor will be focusing on the repaving of streets.

1st Motion: <u>Trustee Barreras</u>	2nd Motion: <u>MPT Flores</u>
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 opening the Parks and Rec Facilities Director position, **Presented by Interim City Manager.**

Interim City Manager explains some of the duties and key elements of this position, to include lease agreements, sport lighting for the fields, day to day operations and maintenance of building the Multi-Generational Building which is set to open next month and the Urgent Care that is breaking grown soon. Mr. Javier Herrera, who is the MVD Manager will be the one to take over this position as Interim Parks and Rec Facilities Director, this position is being considered when developing the next fiscal budget. This wage will be covered by the adjustment previously presented until the end of this fiscal year, which is June 30th. Trustee Holguin wanted to express that his vote tonight does not mean that he is not opposed to this position but would prefer to open later on. He believes the City is currently too small and new for this position. Trustee Silva believes otherwise and sees the need for this position now and expressed the difficultly in the past with getting the community involved to help with these facilities, having this position open now will help when it comes to renting and scheduling events at the parks now that they are near completion.

1st Motion: <u>Trustee Barreras</u>	2nd Motion: <u>MPT Flores</u>
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

- d. Consideration and Action to approve the Public Facility Rental Agreement with South Central Regional Transit District, **Presented by Interim City Manager.**

Interim City Manager explained this 18-month contract is to lease half of the double portables to South Central Regional Transit District, this contract is similar to others that have come before the Board. SCRTD will be responsible for the cleaning and exterior maintenance of the building, they will be invoice not only for the rent of the space but also for the utilities. Ms. Sara Vasquez from SCRTD expressed the need for a bigger facility.

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

- e. Consideration and Action to approve the installation of safety rider rubber speed humps in the amount of \$5,000, **Presented by Interim City Manager.**

The speed study conducted for Miller, Lopez, Livesay, Madero and 4th Street determined the placement of the four recommended speed humps. One near north Big Bend Loop/4th Street, near Curry Court/4th Street, near Elm/4th Street and near Lopez/4th Street. The budget that is being pressed at \$5,000 is based on the premanufactured, low profile, rubber speed humps that are roughly 36" wide and 48" long. Trustee Holguin, questioned the funding that was previously approved in respects to speed humps, Interim City Manager clarified that budget before was to pay for the speed studies that would determine where they should be located. Both Trustee Holguin and MPT Flores had some concerns with the durability of these speed humps, he asked for the cost of other types of speed humps such as an asphalt speed humps that tend to be more durable. Interim City Manager explained the cost was determining factor when choosing the rubber alternative which is quoted at \$5,000 as opposed to \$32,000 for the asphalt speed humps, it would be up to discretion of this Board to choose what type they would like. Interim City Manager is requesting to use the Property Mill Levy Tax for this project. Trustee Silva was the one that recommended this type of rubber speed humps and assured the rest of the Board that they will last longer than the one plastic ones that are more commonly seen, he also asked what is included in the \$32,000 for the asphalt speed humps. Interim City Manager explained it includes full installation including any signage that might be needed during construction. Trustee Holguin also questioned whether the installation of the fiber for Dos Lagos or any future construction on 4th Street would affect the speed bumps being installed, Interim City Manager assured they would not.

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

Motion to amend to state "Consideration and Action to approve the installation of asphalt speed bumps in the amount of \$32,000 to Morrow Enterprises."

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

8. CONSIDERATION AND ACTION

- a. Consideration and Action to amend Resolution 2023-001 and Resolution 2017-008, the Open Meetings Act in conjunction with the Mayor, Board of Trustees, and City Manager’s Policies and Procedures, **Presented by Interim City Manager.**

There are 3 changes to these resolutions, under #9 in Resolution 2023-01, it will now state “The Mayor, as chairman of the board, shall set the agenda and order. Where a Board of Trustee member wishes to add or remove items on the agenda, the item(s) may be added or removed upon approval of the Mayor. Should the Mayor refuse to add or remove an item on the agenda, the simple majority vote by the Board of Trustees may override the Mayor to add or remove items from the agenda for the subsequent regular Board meeting.” This is simply a clarification that have already occurred, it was recommended by New Mexico Municipal League to pass such resolution with this clarification. Under Resolution 2017-008, two amendments are proposed, first under Section 1.4 (A) which now states “ Any matter not covered by these rules shall be governed by the decision of the presiding officer, applying Robert’s Rule of Order, Newly Revised Edition, including, but no limited to, drafting of the agenda and agenda order. The Act does not require a public body to allow members of the public to speak at its meetings.” Second, under Section 2.3 (A), to further clarify, it now states “The order of business shall be governed by the decision of the presiding officer, may be conducted in the following order:...”, both these amendments are recommended to avoid confusion and expedite business. Trustee Holguin does not agree with this, simply because of some of the issues that have recently come up such items on the consent agenda or the public comment section being moved around on the agenda. He feels this is a “power control thing” and understands that the public isn’t entitled to speak but having to in writing worries him that it is taking power away from the community and the other elected officials. Trustee Silva had some concerns regarding items to be placed in the agenda by other Trustees, believes amendment to resolution 2023-01 is too broad and not only pertains to the Mayor now but future individuals that might take that seat. Trustee Silva, will stand by his previous comment that the public should have the right to speak during a meeting. Mayor Murillo’s only comment was that as a presiding officer it is her duty to protect this assembly from obviously dilatory motions and to expediate business.

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

- b. Consideration and Action to approve the reconditioning of Katherine St., Lincoln St. and Marquez St. in the amount of \$280,266.97 by the On-Call Contractor, Morrow Enterprises, **Presented by Interim City Manager and Mayor Murillo.**

Proposal to reconstruct of 3 streets, Lincoln (from St. Anthony Dr to N. 1st Street), Marquez (Donaldson to Church) and Katherine (from Church to Lincoln). The work will be done by the On-Call Contractor, Morrow Enterprises and are set to start in April. If approved, the Interim City Manager asks if this could be funded by the Property Tax Mill Levy. Mayor Murillo explained how some residents advocated for Marquez St and she asked the Interim City Manager to drive around the City to find the worse streets that can be taken care of with these funds. Trustee Holguin would have wanted to see the rest of the Board for their input before choosing, he asked on an update for San Andres St., unfortunately it is not on the list of streets that the City is currently looking to fund. Lee, Grant and Linda Ledesma are set to be the rest streets up for reconstruction. Trustee Holguin would like to see a different process when it comes to picking the streets and for this reason, he is not comfortable with approving this tonight. Trustee Silva assured Trustee Holguin that the other streets will be addressed at a later time.

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

- c. Consideration and Action to proceed with the installation of the canopies at Adams Ball Park priced at \$112,024.14 using ARPA funds, **Presented by Javier Herrera and Mayor Murillo.**

Mayor Murillo explained the size and the location of the shades that will be installed at Adams Ball Park which will not only cover the seating area but also the dugouts. Mr. Herrera explained who will be in charge of installation These will be installed by the On-Call Contractor, Morrow Enterprises. Total cost of the shade canopies and construction involved was \$94,735 plus the NM GRT of \$7,815.64 and a 25% contingency of \$9,473.50 which would cover any unforeseen expenses. Trustee Silva expressed his excitement and agreed these types of canopies were better than the ones that were original thought of. ARPA funds are being used for this project and Trustee Holguin asked the Finance Director how much is left, which is a little over \$600,000.

1st Motion: <u>MPT Flores</u>	2nd Motion: <u>Trustee Barreras</u>	
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	

9. ORDINANCE

Intent to Adopt Ordinance 2023-001

An ordinance authorizing the issuance and sale of the City of Anthony, New Mexico Taxable Industrial Revenue Bonds maximum principal of \$25,000,000 in one or more series to provide funds to finance the acquisition, construction and equipping of pepper mash manufacturing facility.

Davin Lopez from the Mesilla Valley Economic Development Alliance and Jerry Pacheco from the New Mexico Partnership expressed their hope in the Board passing this IRB (Industrial Revenue Bond) that was presented a few months back. This company will be bringing in new jobs, investment opportunities and new revenue streams for the City, while also opening the door for similar companies to bring their business to the area.

1st Motion: <u>MPT Flores</u>	2nd Motion: <u>Trustee Barreras</u>	
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. ITEMS FROM THE CITY CLERK

City Clerk will be out for training in April therefore the April 19th meeting needs to be rescheduled. The Board agreed to have it rescheduled for April 24th at 5:00 pm.

11. ITEMS FROM THE CITY MANAGER

Summary of Public Work activity, weeds removal and irrigation systems. Graffiti has been a bit slow according to the report provided by the Public Works Department, they are working on procuring equipment for pothole repair and will be start repaving in the upcoming month. An update on funding applications, funding for Lee, Grant and Linda

