

REGULAR MEETING
City of Anthony Board of Trustees
Venue: 820 Highway 478, Anthony NM 88021
& Conference Call
Wednesday, July 6th, 2022
6:00 P.M.

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

MINUTES

You can join meeting using your phone by dialing.

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Access Code: **119-366-181**

Please join meeting from your computer, tablet or smartphone.

<https://meet.goto.com/119366181>

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 M. Trujillo
2. **PLEDGE OF ALLEGIANCE** led by Diana M. Trujillo

**Moment of Silence for those that lost their lives and those of the grieving families from the 4th of July shooting in Richmond, Virginia, Indianapolis and Chicago.*

| | | | | |
|---------------------|----------|----------------------------|------------|----|
| 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 |

Traduccion del ingles al español y del español al ingles esta disponible a petición.

4. **CONFLICT OF INTEREST**
5. **APPROVAL OF AGENDA ORDER**

Trustee Holguin- I make a motion to approve the agenda order with amendments. I would like to remove item 8a. due to the presenter not being present. I would also like to remove item 9k, and just have it as a discussion item.

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

ROLL CALL:

| | | |
|----------------------------|------------|----------------------------|
| MPT Elva Flores | YES | NO |
| Trustee Javier Silva | YES | NO 4-0 Vote, Motion Passes |
| Trustee Daniel Barreras | YES | NO |
| Trustee Gabriel I. Holguin | YES | NO |

6. **ITEMS FROM THE FLOOR – PUBLIC COMMENTS-**(public will be allowed 3 minutes presentation)-
7. **APPROVAL OF MINUTES**

Acting City Clerk- I recommend to table this item, the Governing Board did not receive the minutes.

- a. Reconvened Regular Meeting – 03/28/2022

To Table- 1st Motion: MPT Flores **2nd Motion: Trustee Barreras**

ROLL CALL:

| | | |
|----------------------------|------------|----------------------------|
| MPT Elva Flores | YES | NO |
| Trustee Javier Silva | YES | NO 4-0 Vote, Motion Passes |
| Trustee Daniel Barreras | YES | NO |
| Trustee Gabriel I. Holguin | YES | NO |

8. **DISCUSSION**

a. Discussion on the Possible membership to the Mesilla Valley Economic Development Alliance, **Presented by Trustee Holguin- Tabled**

b. Discussion on the School Resource Officers Position, **Presented by Trustee Holguin**

City Manager: We have had 2 meetings with GISD, the conversation was really about funding and SRO together. In the 2nd meeting, the Superintendent did commit to funding and SRO for this coming fall. Unfortunately, he would have to be split between all 3 schools in the area. We will continue to work with the surrounding cities to involve our senators and representatives to create a re-occurring funding stream for this officer.

Mayor: With the ARPA Funds, would we be able to hire an officer to work at the school.

City Manager: Yes, we can but we really want to focus on not making a one-time thing, we would want to continue to work with the State to go beyond one-time money.

c. Discussion on the update of the Go Bond Project to fund street replacement program, **Presented by Trustee Holguin**

City Manager: As of today, a GO Bond is not unfortunately not an option as we just started to pay the previous one that was passed 3.5 years ago. As a municipality our borrowing capacity is \$3.5 million and with that 2018 Bond just closing this year and the repayment coming up it would be a few years until we are able to build up our borrowing capacity once again.

d. Discussion on the possible placement of a stop sign in the Intersection of McDonald Street and Church Street, **Presented by Trustee Holguin**

City Manager: This intersection due to the CMU wall that is present at that corner, it creates what is called intersection sight triangle issues. A Yuka that was also obstructing the view was removed by Public Works within 24 hours, but unfortunately there is a grandfather issue from when it was a county. Today, if would like to consider any counter safety measures, we would have to conduct what is called a Warrant Analysis. We would look at speed, volume and safety and then it would be determined what the counter safety measures might be, but it is very likely that something can be done. The Board would be kept up to date with any studies or findings that we might come to.

9. CONSIDERATION AND ACTION

a. Consideration and Action to approve the purchase of a new lap top and vehicle stand for NSD new officer, **Presented by Procurement Officer**

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

ROLL CALL:

| | | |
|----------------------------|-----|----------------------------|
| MPT Elva Flores | YES | NO |
| Trustee Javier Silva | YES | NO 4-0 Vote, Motion Passes |
| Trustee Daniel Barreras | YES | NO |
| Trustee Gabriel I. Holguin | YES | NO |

b. Consideration and Action to approve Job description for Payroll/Accounts Payable clerk position, **Presented by Procurement Officer**

MPT Flores- I suggest to change the approval date to read, 7/6/2022.

Trustee Holguin- I would like to see the pay rate increased based on qualifications.

Mayor: What we are voting for right now is to approve the job description and have the date amended.

Trustee Silva: I would suggest we change the wording under experience because you're saying this is an entry level position but we are requiring 4 years of experience.

**** Education and/or Experience will read as followed:**

A High School Diploma or GED

Four (4) years of budget, accounting or payroll support experience, preferred but not required.

Motion to amend (date and change wording) 1st Motion: Trustee Silva 2nd Motion: MPT Flores

ROLL CALL:

| | | |
|----------------------------|-----|----------------------------|
| MPT Elva Flores | YES | NO |
| Trustee Javier Silva | YES | NO 4-0 Vote, Motion Passes |
| Trustee Daniel Barreras | YES | NO |
| Trustee Gabriel I. Holguin | YES | NO |

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

ROLL CALL:

| | | |
|----------------------------|-----|----------------------------|
| MPT Elva Flores | YES | NO |
| Trustee Javier Silva | YES | NO 4-0 Vote, Motion Passes |
| Trustee Daniel Barreras | YES | NO |
| Trustee Gabriel I. Holguin | YES | NO |

- c. Consideration and Action to approve Job description for City Clerk Position, **Presented by Procurement Officer**

Procurement Officer: the only correct is that this was sent prior to the final budget meeting and the pay rate has been changed to \$15.50

Motion to amend (date and pay rate): 1st Motion: Trustee Holguin 2nd Motion: MPT Flores

ROLL CALL:

| | | |
|----------------------------|-----|----------------------------|
| MPT Elva Flores | YES | NO |
| Trustee Javier Silva | YES | NO 4-0 Vote, Motion Passes |
| Trustee Daniel Barreras | YES | NO |
| Trustee Gabriel I. Holguin | YES | NO |

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

ROLL CALL:

| | | |
|----------------------------|-----|----------------------------|
| MPT Elva Flores | YES | NO |
| Trustee Javier Silva | YES | NO 4-0 Vote, Motion Passes |
| Trustee Daniel Barreras | YES | NO |
| Trustee Gabriel I. Holguin | YES | NO |

- d. Consideration and Action to sell remanent Dos Lagos lot west of 4th Street, **Presented by the Interim City Manager**

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

ROLL CALL:

| | | |
|----------------------------|-----------|----------------------------|
| MPT Elva Flores | YES | NO |
| Trustee Javier Silva | YES | NO 3-0 Vote, Motion Passes |
| Trustee Daniel Barreras | YES | NO |
| Trustee Gabriel I. Holguin | ABSTAINED | |

- e. Consideration and Action to amend the Finance Department Policies and Procedures, **Section 13: Procurement, Presented by the Interim City Manager**

City Manager: Several department heads have shared their concerns with the procurement process, what we're asking is to incorporate by referencing the State statute thus making the process more efficient and keeping us compliant to the state law. The current approval authority is \$2,500, this is recommending \$20,000 which is aligned with State procurement and New Mexico Administrative Code. The reason we are requesting is that with that low of an approval authority it has been causing some delay in projects that need to be completed by Public Works as it's taking about a month for approval.

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

ROLL CALL:

| | | |
|----------------------------|-----|----------------------------|
| MPT Elva Flores | YES | NO |
| Trustee Javier Silva | YES | NO 4-0 Vote, Motion Passes |
| Trustee Daniel Barreras | YES | NO |
| Trustee Gabriel I. Holguin | YES | NO |

- f. Consideration and Action to approve Resolution 2022-013, A resolution approving the Property Tax Mill rate increase, **Presented by the Interim City Manager**

Interim City Manager- This resolution was driving mostly by the initial question about a GO bond and the need to really start addressing the streets. According to Chapter 7: Taxation, Article 37: Position of Property Tax, the city can self-impose \$7.65 Mills property tax for every thousand dollars, the City of Anthony in the 12 years has never imposed this tax. If the City would have had this imposed in 2021 it would have captured just over \$600,000 in its general fund. This funding will allow you to spend it in city operations such as buying equipment, add more law enforcement or public works employees.

Trustee Holguin- After speaking with residents and analyzing everything that is going on with the economy, I don't think it would be the right thing to do at the moment.

MPT Flores- At one point when we looked into having the bond passed, we thought it was not going to happen, that the residents were not going to approve and it did. We have new homes coming in and we need to begin now. This will help the city and it is not a lot of money.

Mayor Murillo- I agree with MPT Flores. The majority of the residents want to have better streets. If this is passed, it will help improve them.

Trustee Silva- I echo that idea of paving the streets. We did great with that go bond that was passed around. I really like the plan B that is being presented. In order to provide better roads, \$15 dollars should not be a lot.

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

ROLL CALL:

| | | |
|----------------------------|-----|-------------------------------|
| MPT Elva Flores | YES | NO |
| Trustee Javier Silva | YES | NO 3 to 1 Vote, Motion Passes |
| Trustee Daniel Barreras | YES | NO |
| Trustee Gabriel I. Holguin | YES | NO |

- g.** Consideration and Action to approve the Dos Lagos Health & Wellness Master Plan Amendment Task Order, **Presented by the Interim City Manager and Ricardo Maldonado, Wilson & Company**

****5 MINUTE RECESS**

Interim City Manager- In 2021 the City was awarded a total of \$1.875 million to plan, design and construct an urgent care.

Ricardo Maldonado- In May of 2022, Mario (City Manager) reached out to provide a proposal for services to review the Dos Lagos master plan, to include not only the urgent care or small hospital but also a 4-year college/trade school. The intent is to clarify the process that will be taken to come to a final deliverable plan.

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

ROLL CALL:

| | | |
|----------------------------|-----|----------------------------|
| MPT Elva Flores | YES | NO |
| Trustee Javier Silva | YES | NO 4-0 Vote, Motion Passes |
| Trustee Daniel Barreras | YES | NO |
| Trustee Gabriel I. Holguin | YES | NO |

- h.** Consideration and Action to award the Urgent Care Medical Provider RFP #05292022-02 to Memorial Medical Center, **Presented by Procurement Officer, and the Interim City Manager**

Interim City Manager- The City did advertise and received one proposal, what you are considering today is awarding the RFP to Memorial Medical Centers and that allows us to start negotiating a 20-year minimum lease agreement. That lease agreement will come before the board.

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

ROLL CALL:

| | | |
|----------------------------|-----|----------------------------|
| MPT Elva Flores | YES | NO |
| Trustee Javier Silva | YES | NO 4-0 Vote, Motion Passes |
| Trustee Daniel Barreras | YES | NO |
| Trustee Gabriel I. Holguin | YES | NO |

- i.** Consideration and Action to approve Resolution 2022-011, a Resolution adopting an asset management plan, **Presented by Projects Coordinator and Interim City Manager**

Interim City Manager- Madam Mayor this is a requirement for the New Mexico Finance Authority, who funded 75% of the plan. The Transportation asset management plan is a document that identifies roadway conditions and prioritizes them in terms of criticality. This document is relevant to what we're going after in terms of funds to fix our streets, we would use this for the self-imposed tax.

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

ROLL CALL:

| | | |
|----------------------------|-----|----------------------------|
| MPT Elva Flores | YES | NO |
| Trustee Javier Silva | YES | NO 4-0 Vote, Motion Passes |
| Trustee Daniel Barreras | YES | NO |
| Trustee Gabriel I. Holguin | YES | NO |

- j. Consideration and Action to approve Resolution 2022-014, A resolution supporting a Trap-Neuter-Return (TNR) Program to Humanely Control the population of Feral Cats and Dogs in the community, **Presented by Trustee Holguin**

Trustee Holguin: After looking at a few municipalities, this resolution is simply to trap, neuter and return as opposed to taking them to the shelters. The Neighborhood Services Director mentioned this might be cheaper as we do a pay a fee to take animals to the shelter.

Mayor: Can we make a motion to postpone this item to allow the board to review the resolution with the new amendments.

Trustee Silva: As far of funding, how do we plan to fund this? I do see it based on donation and with that it could be something that can last 1 or 2 years and then we have to shut down due to no funding.

Trustee Holguin: As of right now, it would be based the funds from the department but in the future, we would apply for any grant or program that will help fund it.

MPT Flores: I would like to see that Mr. Salazar (NSD) has that funding set aside for something for this.

Original: 1st Motion: Trustee Barreras 2nd Motion: Trustee Silva
Motion to Postpone for 07/12 Meeting – 1st Motion: Trustee Silva 2nd: MPT Flores

ROLL CALL:

| | | |
|----------------------------|-----|----------------------------|
| MPT Elva Flores | YES | NO |
| Trustee Javier Silva | YES | NO 4-0 Vote, Motion Passes |
| Trustee Daniel Barreras | YES | NO |
| Trustee Gabriel I. Holguin | YES | NO |

- ~~k. Consideration and Action to approve a Stop Sign to be placed in the Intersection of McDonald Street and Church Street, **Presented by Trustee Holguin** – *Moved to a discussion item.*~~

10. ORDINANCES

- **Notice of Intent to Repeal Ordinance 2019-003 First Reading**

An ordinance of the City of Anthony, New Mexico adopting the regulations for solid waste collection, transfer, transport and disposal for all residential and commercial property within the municipal boundaries of the city of Anthony New Mexico and the inhabitants

First Reading: July 6, 2022

Notice of publication date: June 21, 2022

Public comments/ Discussion: July 6, 2022 and July 20, 2022

Consideration and Action to pass: July 20, 2022

Rafael Leos (South Central Waste Authority): In 2019 we moved the City into developing a Solid Waste Plan, Solid Waste Ordinance and help preparing itself in order to establish a franchise for solid waste.

Interim City Manager: We are looking to repeal the Ordinance in its entirety, this first passed in 2019 and since then, because there has been no commercial residential provider in place, we have not been collecting any of its franchise fees. We would need to make a number of changes throughout the document, we thought it would be best to repeal the whole document.

- **Notice of Intent to Adopt Ordinance 2022-03- First Reading**

An ordinance of the City of Anthony, New Mexico adopting the regulations for solid waste collection, transfer, transport and disposal for all residential and commercial property within the municipal boundaries of the city of Anthony New Mexico and the inhabitants

First Reading: July 6, 2022

Notice of publication date: June 21, 2022

Public comments/ Discussion: July 6, 2022 and July 20, 2022

Consideration and Action to pass: July 20, 2022

City Manager: The ordinance number will change; we will also be introducing a new definition for public right-away. Defined as the area on, below or above a public roadway, highway street, bridge, bicycle lane or public sidewalk in which the municipality had interest, including other dedicated right away for travel purposes and utility easements. We would replace the word 'highway' with 'public right-away'. The next change will be Franchise Fees, we would ask to amendment from 5% to 15%.

- **Notice of Intent to Amend Ordinance 2010-01- First Reading**

An Ordinance creating the Municipal Court and establishing its Jurisdiction: Creating the office, Qualifications and Compensation for Municipal Judge; and Establishing a Procedure for Violations of Municipal Ordinances

First Reading: July 6, 2022

Notice of publication date: June 22, 2022

Public comments/ Discussion: July 6, 2022 and July 20, 2022

Consideration and Action to pass: July 20, 2022

Interim City Manager: After speaking with Judge Holguin, the statute and the audience do allow for a temporary judge but currently the compensation is different from what the judge would like of \$100/day. I just want to clarify; the statute and the ordinance does provide that the temporary judge will be named by the Mayor and brought to this governing body. The two changes would be, the term, currently it states two years according to the statute it will be changed to four years. Currently the compensation would be at pro rata basis but Judge Holguin will explain the need for \$100/day.

Judge Holguin: After discussion with Judge Ramos, we came to the conclusion that this will be fair rate as I might not be able to attend or will have to recuse myself from a case.

MPT Flores: How did you come up with the \$100/day?

****Due to poor connection, any questions will be answered by the judge on the following meeting.**

11. ITEMS FROM THE CITY CLERK

Acting City Clerk- I do have an item, I would like to request direction from the Board in regards to the meeting mentioned to be taking place on 07/12/2022 at 5:30pm. I recommend to have it as a special BOT Meeting and not a budget meeting due to the items that will be placed on the agenda. If the Board agrees this meeting can be placed as a consent agenda.

12. ITEMS FROM THE CITY MANAGER

Interim City Manager- I have been meeting with Procurement Officer, Finance Director and Projects Coordinator to discuss ARPA funds and using those funds for salary increase. We also all came to the agreement that the transfer station is a priority, which will require about 10 acres, equipment and man power. We're going to add a codification task order to the agenda for Tuesday's meeting. Also had a meeting with Tierra del Sol who is very interested in buying land in Dos Lagos. There has been an issue with water rights in Chamberino, it shouldn't affect us but I will get up to speed and update the Board. I know Solid Waste continues to be an issue, we need to focus on augmenting the Neighborhood Services Department and with a more solid ordinance coming out we would shift our focus to an interim public defender to be able to prosecute.

13. ITEMS FROM THE MAYOR AND TRUSTEES

Trustee Barrera: There has been some issues with potholes and getting some lighting on Ohara to avoid accidents.

Trustee Silva: Graffiti at the ball park needs to be removed.

City Manager: We cannot confirm that it has been removed, we did gather information for security cameras to install those.

Trustee Silva: The reason I am asking is because there is now graffiti at the church as well.

Chief Ruiz: We are working on figuring out who is vandalizing to press criminal charges.

Trustee Holguin- I would like to request frequent patrol on Madison Street. Residents have been expressing their concerns of rocks being thrown at windows and speeding cars. Update on parking opportunities with the upcoming opening of Adam's Park

City Manager: We have been working on it internally to add the parking element to what is going to be known as the Linear Control Park in the west reach of south Anthony. We will bring it back to this board as we start moving forward into that project. |

Trustee Holguin: Saint Anthony St. does have a dip that fills whenever it rains. What can we do to help drain that?

City Manager: That is the old Anthony Arroyo, we would need to correct that drainage on the west side of that road. We would have to meet with the Mayor for Anthony Town to work together as the dip is on their side. The only way to have it corrected is to have it evaluated and have a solution for all of it.

MPT Flores: I also hear it was against the law for people to cover it or block it.

City Manager: That is correct, the law states that if it is navigable waterway and regardless of it being purchased, they are not allowed to fill them in. But it is up to code enforcement in those jurisdictions to enforce it.

Trustee Holguin: There is a lot of hearsay, Anthony, TX saying that we are unwilling to incorporate and then that they don't have funds to fix the road. It looks really bad and it looks like it's dividing Anthony, TX and Anthony, NM. I would really like to have a direct answer to see what we can do to fix that. Lastly, Madero and Lopez there is a lot of speeding, since there is only two stop signs, not sure if that warrants another study.

City Manager: As I mentioned I did have a meeting with Mayor Romero that got cancelled but I will put in a call this week to see if

we can reschedule it. I will get with Chief to investigate Madero and Lopez and see what we can do about that.

Mayor: Asking employees and governing body if they have any photos of Anthony throughout the years to bring them here to have them enlarged to show our history.

14. ADJOURNMENT

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

ROLL CALL:

| | | |
|----------------------------|-----|--------------------------------------|
| MPT Elva Flores | YES | NO |
| Trustee Javier Silva | YES | NO 4-0 Vote, Motion Passes at 9:14pm |
| Trustee Daniel Barreras | YES | NO |
| Trustee Gabriel I. Holguin | YES | NO |




Diana Murillo, Mayor

{SEAL}

Attest:



Karla Oropeza, City Clerk

