

Oscar Dominguez
City Manager

REGULAR MEETING
City of Anthony Board of Trustees
820 Highway 478, Anthony NM 88021
& Conference Call
Wednesday, July 7, 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.

United States: [+1 \(646\) 749-3335](tel:+16467493335)

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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 Alan Dahl
3. **ROLL CALL** Present:

MPT Fernie Herrera	YES	NO
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**
 - *Mayor Trujillo: If you have conflict of interest in any of the items that you will be voting on, please recuse yourself from voting.*

5. **APPROVAL OF AGENDA ORDER**
Motion to approve agenda order.

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

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	<i>Absent</i>
Trustee Elva Flores	YES	NO	<i>3 to 0 vote, motion pass.</i>
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo	YES	NO	

6. **APPROVAL OF MINUTES**
 - a) Regular Meeting – 06/2/2021
 - b) Special Meeting – 06/11/2021
 - c) Budget Meeting – 6/11/2021
 - d) Regular Meeting – 06/16/2021
 - e) Budget Meeting – 06/18/2021
 - f) Budget Meeting – 06/24/2021

Motion to approve minutes.

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

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	<i>Absent</i>
Trustee Elva Flores	YES	NO	<i>3 to 0 vote, motion pass.</i>
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo	YES	NO	

7. **ITEMS FROM THE FLOOR – PUBLIC COMMENTS - None**
8. **PRESENTATION**

- a) Presentation of request to have medical cannabis dispensary in Anthony, NM. **Presented by Melanie Dean-Regional Manager – Cannabis Company**
- **Ms. Melanie Dean:** Regional Manager of Oso, a medical cannabis company who is licensed with the New Mexico Department of Health and the Medical Cannabis Program. We have been in the cannabis business since 2008 and were the 9th license issued in the state.
 - Requested to come into this city and help medical patients to obtain their medicine. Requested presentation to answer questions or education about the cannabis industry. Currently paying rent on a building in Anthony, NM.
 - **MPT Herrera:** Where is this building located at?
 - **Ms. Melanie Dean:** 409 Anthony Drive; It's in the plaza that's in the roundabout.
 - **MPT Herrera:** How would the city benefit from this?
 - **Ms. Melanie Dean:** We will be paying taxes to the State, however, the amount of revenue that this will bring into your community will be great. Every location that we're in right now has a great deal of business. We're also very active in the community. We do fundraisers and Toys for Tots and different things to support the community. The business will bring an influx of people to your community. We have a store and Hobbs that brought in quite a bit of revenue in that area that we're located at. We are currently not paying GRT because the State is in a legal battle with the Department of Health and another licensed dispensary that is fighting for patients not to be charged gross receipts tax. When the State allows recreational sale, this tax will be substantial and the City will reap the benefits, which will happen in April of 2022.
 - **MPT Herrera:** City has only one restaurant. The rest is in Anthony Texas.
 - **Trustee Flores:** I have concerns with all of this. We really aren't getting anything out of this. I'm very hesitant, just due to the fact that our city is no more than three miles. My big concern is what kind of people will we be attracting to this tiny city? I am also very concerned for when you become recreational and that we have a lot of our children. I come from the educational field; I was a teacher and a principal and I saw a lot of children falling asleep because they were able to get it from their parents. My concern as a parent, as a grandmother and as an educator, is that I don't want to expose our children to any of this anymore. I'm just not an agreement; maybe that's what you want to call it.
 - **Ms. Melanie Dean:** There is no outside selling anywhere around our property. We are very heavily labeling and putting the product in containers. We are regulated by the State to do so with labeling restrictions and packaging restrictions. Would it help you if I did a town hall meeting to educate the public?
 - **Trustee Flores:** That would be a good thing to do.
 - **Trustee Silva:** I understand that it's for the purpose of medical patients. I know there's one dispensary in Sunland Park and New Mexico is legalizing it in one form or another. I see it from a different standpoint as well. Adults will get it from here or get it from a drug dealer off the street or at another dispensary outside of the city limits. Either way it's going to be done. The question is: Are we going to be part of that revenue that comes in at some point in time? How many people are we expecting?
 - **Ms. Melanie Dean:** Alamogordo processes about 150 to 200 medical patients a day. You are probably looking at about 60 to 100 patients daily in Anthony.
 - **Trustee Silva:** Does the product include CBD oil?
 - **Ms. Melanie Dean:** We're not allowed to sell CBD right now. The State of New Mexico allows it only if you grow it specifically as CBD and present it to the public.
 - **Trustee Silva:** I want to be able to have an open mind here. I know quite a few people that use it for medical purposes and people that use it for chronic headaches, relief of pain; A few of them are combat veterans that use it for PTSD.
 - **MPT Herrera:** What kind security measures do you have? On the screen it says NM Act says local jurisdiction may not completely prohibit the operation of a license. What does that mean?

- **Ms. Melanie Dean:** *That means your city cannot keep us from coming in because we're a licensed not-for-profit producer for the state of New Mexico of cannabis. There is a lot of regulation that we have to comply with for security. We have security camera footage 24 hours a day. Camera is on at every workstation in the building. We have emergency checks on those security systems every night. We have to report to the state that they are working well. Any problem with our alarm system in any location we have to report that to the Department of Health right away.*
 - **MPT Herrera:** *Are you looking growing product in the area?*
 - **Ms. Melanie Dean:** *We grow primarily in Gallup, New Mexico. It would just be transported into this area.*
 - **MPT Herrera:** *Is consumption only in private quarters not in public? Do you have security guards?*
 - **Ms. Melanie Dean:** *Regulations are not yet out. The State guidance might change in April. They had basically told us that we can have consumption areas. There's a lot of gray area right now on this whole recreational thing. Consumption lounges have to make the patients or customers wait for 2.5 hours before leaving the facility. Once it becomes clearer with the state, we will work very hard to educate public. We do not have security guards; it voids our insurance.*
 - **Mayor Trujillo:** *My only concern is traffic going in and out of the store as the location is in a roundabout.*
 - **Trustee Flores:** *Who is responsible if people cause an accident right after purchase? Have you been sued by anyone?*
 - **Ms. Melanie Dean:** *We've never been sued by anyone and the consumption area will not start until April. The Department of Health has always been our governing entity. I don't know where that liability will lie yet until the regulations are made public.*
 - **Trustee Flores:** *I would like to have those rules before me, just to see who is going to be responsible for all this. If we we're going to vote and say it okay to bring this distributor, I don't want to be responsible for having voted yes and allowing this to come in.*
 - **Trustee Silva:** *I pondered with this for quite some time. The conversation has come up multiple times and that's one of the questions that has come up, is what happens when, they come knocking because they will come knocking? We have to consider stores sell alcohol and what happens if an individual causes an accident on their way out? But it is a good question, who will be held liable. At a later date, let's set up a town hall meeting.*
- b) Recognition of **Ms. Valeria Arroyos- Police Record's Clerk** for her contributions during the pandemic and all the reports that were completed, along with the evidence audit. **Presented by Chief of Police.**
- **Chief of Police:** *Would like to present a certificate of appreciation to Ms. Valeria Arroyos. She has worked extremely diligently through the pandemic since April of last year. Just to name a few assignments, she processed 54 background requests, processed over 472 pieces of evidence and she's released over 57 impounded vehicles and also help process over 2000 citations in our report management system, submitted the over 103 warrants to Central Dispatch. She's meticulously had over 90 contacts with the public, releasing reports and also processing 179 plus reports for the stakeholders in our community. She was also our designee, taking reports to the District Attorney's Office to help us process high level criminal cases against offenders in our community. I have been a firsthand witness of her strong work ethic. As her department head, I would like to extend a certificate of appreciation, as a small token in recognition of all of her hard work and dedication to our community and our department.*
 - **Trustee Flores:** *I want to thank Ms. Arroyo for all that she does and I know that she also takes charge of National Night Out.*
 - **Trustee Silva:** *Chief, I want to thank you for acknowledging Ms. Arroyo. I was unaware of the amount and extent of work that she has done. I was one of the first ones that did say, she didn't work through the pandemic, my apologies for that. I was not completely aware of the full scope of her duties during that*

timeframe. I do appreciate the work that you've done for the Police Department and for the City of Anthony, as a whole, and thank you.

- **Mayor Diana:** I do want to thank you, Ms. Arroyos for keeping the Police Department going with their reports and all that you do helping the officers. Thank you for your efforts. You're doing very well.
- c) Recognition of **Officer Rudy Bueno**- For successfully detaining a male subject who was inside the 1st NM Bank resulting in an arrest. **Presented by Chief of Police.**
- **Chief of Police:** Recognition of Officer Bueno for successfully detaining a male subject who was inside the 1st New Mexico bank resulting in an arrest. This arrest was made together with officer Terrazas.
 - Commendation award was issued to officers based on how they handled this high priority call in reference to a burglary alarm on April 18th, 2021 at 0707 hours in the morning, Officer Bueno and Officer Terrazas were dispatched to the 1st New Mexico bank at 455 Landers Road in Anthony, New Mexico.
 - **Charles Widger- Senior Vice President 1st NM Bank:** I want a compliment your Police Department, Chief and the Officers on their response. I compliment your officers and their bravery.
 - **Mayor Trujillo:** Thank you sir, that was really nice of you to come in and appreciate our officers. We have a really good team
 - **Sharron Stewart - President 1st NM Bank:** I also want to just complement the co-ordination & the communication that the officers kept with us, I was able to keep in touch with what was going on. They kept me informed on what was going on and let me know that the situation was taken care of. It was all taken care of in a very professional, quick, and in a kind way, because there was no roughhousing.
 - **Mayor Trujillo:** I'm very proud of this team that they did very well; Congratulations to our officers.
 - **MPT Herrera:** I want to want to congratulate the police department and also Ms. Arroyos. Thank you for all the work that you all do. I also congratulate the police chief, KO18 reported Anthony as one of the safest small cities in the state of New Mexico.
 - **Trustee Flores:** I want to congratulate our officers. Let them know that we're very proud that they take care of our community and that they do a great job.
 - **Trustee Silva:** I congratulate the two officers on outstanding job and we thank you for or how you continue to represent the City of Anthony.
- d) Recognition of **Officer. Christina Terrazas**- For successfully detaining a male subject who was inside 1st NM Bank resulting in an arrest. **Presented by Chief of Police.**
- **Chief of Police:** Recognition of Officer Terrazas for successfully detaining a male subject who was inside the 1st New Mexico bank resulting in an arrest. This arrest was made together with Officer Bueno.
- e) Presentation of Colonia's infrastructure award of \$1,300,000.00 Project No. 5509-CIF for Flood control on South Anthony Arroyo and funding options. **Presented by Projects Coordinator & Eric Hamilton, PE-Wilson & Co.**
- **Projects Coordinator:** Congratulated the Mayor and Board of Trustees for the award of \$1.3 Million. 10% loan in the amount of \$130,000 and 90% grant in the amount of \$1,170,000. The loan component is a 20-year term at interest rate of 0%.
 - We are missing about \$600,000. There are some other funding options for that. We have the Clean Water State Revolving Fund and option two would be the American Recovery Act funds for which the City applied.
 - **Eric Hamilton:** There is a funding shortfall in the amount of \$533,000 dollars just to recap, some of those options here, in a little more detail. I understand there is a new funding source through EPA and that is administered through NM Environmental Department. We've met with NMED & CWSRF Staff in a couple of different video conferences including one with the Bureau Chief on the call, in support of the project. They are targeting this EPA Storm water Grant program and the amount of \$324,000 to

make up the delta. This program is largely based on a loan component. In this case, it would be \$160,000.

- **MPT Herrera:** I believe some of the uses for \$2 Million federal relief is for water issues and flooding.
- **City Clerk:** Today we presented this item to get board's direction on match component as well as the delta amount. Resolution will be placed on next agenda as it is one of the "Readiness to Proceed" items required for the Colonias grant. We need to identify verification of match in the amount of \$130,000.

9. CONSIDERATION AND ACTION

a. Consideration and action to accept Litter Control and Beautification "Clean & Beautiful" grant of \$4,840 FY 21/22. **Presented by Projects Coordinator**

- **Projects Coordinator:** The City of Anthony has been awarded \$4,840 for litter control and beautification.
 - \$1,340 – Drive & Toss; \$2,000 – Receptacles; \$1,000 trees; \$500 – Graffiti Eradication
 - **Trustee Flores:** If possible, staff should seek grants for solar powered cameras where there is vandalism.

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

Roll Call:

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

b. Consideration and action to approve **Resolution 2020-033**, an amended resolution designating official custodians of public records. **Presented by City Clerk**

- **City Clerk:** We came to realize that the City can have several custodians of record. IPRA has strict deadlines. A letter has to be sent in 3 days of receiving request and staff has 15 days to submit the request.
 - Currently City Clerk is receiving a higher number of IPRA requests, making it difficult to meet those deadlines. Court has been receiving FBI records requests. Antonio has been responding and is trained to respond.
 - This amendment will allow the court clerk to be able to respond to all court IPRA requests.
 - City attorney found this guidance from another City. Which allows Court and Police Department to respond to related IPRA request. Our Police Department will need training to be able to respond to IPRA.

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

Roll Call:

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

c. Consideration and action to approved MVD Clerk Job description. **Presented by City Manager**

- **City Manager:** This item is the first of many job descriptions that will be brought to the board for approval. Staff is revisiting job titles within the pay scales as well as within our finance system (Incode). We have some outdated job descriptions. It was timely to bring this one to the board as we have a vacancy in our MVD.
 - The activity in the department has been steadily increasing since we've gone away from appointments and returned to walk-ins.
 - In anticipation of additional service increases, staff would like to publicize the open position as soon as practical. The first step is board approval on the revised job description.

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

Roll Call:

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

d. Consideration and action to approve Police Detective Job description. **Presented by Chief of Police.**

- **Chief of Police:** *We're presenting the job description for Police Detective. Once final budget is approved, we are looking to post this position. I want to explore the option of internal and external hires, because this is going to be a very critical position that's going to require a lot of independence investigating high felony crimes.*
- **City Manager:** *Chief is being proactive so that once budget is approved, staff will be ready to publicize the position.*

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

Roll Call:

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

e. Consideration and action to approve take home vehicle for Officer Justin Phillips – A31. **Presented by Chief of Police.**

- **Chief of police:** *To be fair and impartial, I needed to present this request to the board. I'm in full support of him having a take home unit. Officer has been a model officer here in this department. He has not had any disciplinary actions. Recently he successfully completed certification by waiver. The attorney from Law Enforcement Academy up in Santa Fe gave me a lot of positive feedback on how efficient Officer Phillips is, how smart he is, and the willingness that he has for public safety.*
- **Officer Philips:** *A lot of law enforcement in the state of New Mexico and in other states, have this incentive for officers for multiple reasons. One for community policing; having an officer in your area and your neighborhood gives a good comfortable feeling for the residents. Two, it will allow me to respond to calls, in an efficient and timely manner. When using my own vehicle, I have to come to the station, prep here, then grab all the gear to get to that call. So it takes about an extra 20 minutes to get out to that call as opposed to just getting straight to the call and helping officers that are already on scene.*
- **Trustee Silva:** *So, this request is because it is outside the allowed 30 miles radius? What's the timeframe that you've been with the City?*
- **Officer Phillips:** *Yes, it's outside the allowed 30 miles by 1-2 miles. I will complete one year in September.*
- **Trustee Flores:** *I would say yes, at the present time. We don't have enough officers. It is important to be able to just drive in, wherever they get a call. One mile is worth a lot more than what you're offering us. I'm sure that we should be able to afford a mile.*
- **Trustee Silva:** *I just want to remind the board that, we did put parameters in place for a reason. It doesn't mean that we waive this stuff just like that. If we put regulations in place, at some point in time, we have to abide by them as well. I have no problem approving this. I just want to remind the Police Department that these are privileges to you as an officer when we step outside that boundary. At the same time, we want you to be prepared and have the equipment available. We want to keep you safe and be able to get back home to your family.*

- **MPT Herrera:** *The police department has a budget of over \$900,000. In the future, we're going to have to look at this again. We are taking home vehicles out of district. It's taking money out of the Police Department budget. Gas prices are going up. We do need to keep them happy, but we also need to keep the cost down a little bit.*
- **Chief of Police:** *I'd like to inform the board that the officers are not working 30 or 31 days out of the month. They are only working 14 to 15 days out of the month, unless they get called in for court, or for other duties or responsibilities as assigned. I am being cognizant of these approvals. I do take their performance into consideration and the history before I bring it to the board.*
- **Mayor Trujillo:** *I would be more content with Officers taking home units and be able to respond to calls as soon as they get to the City, rather than risk a family member's safety and those of the public.*

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

Roll Call:

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

- f. Consideration and action to approve **Resolution 2021-025**, a resolution adopting the final budget for fiscal year 2021-2022 for the city of Anthony, New Mexico. **Presented by City Manager & Finance Officer**
- **City Manager:** *This is the last step to formally adopt final budget. We have had five budget hearings now to discuss the proposed budget.*

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

Roll Call:

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

10. ORDINANCE SECOND READING

- A. Ordinance 2021-002 an ordinance for the lease of land by the city of Anthony, New Mexico to the community action agency of Southern New Mexico.

First reading: June 16, 2021

Notice of publication date: June 9th, 2021

Public Comments/Discussion: June 16, 2021 and July 7, 2021

Consideration and Action to pass: July 7th, 2021

- **City Manager:** *There is more demand in our community for the services from Thriving Kids. This is an opportunity to deliver more services here in the city and expand the help that this non-profit delivers to our residents. We will offer the lease to Community Action Agency to start after 45 days of this ordinance adoption, probably September 1, 2021.*
- **Trustee Silva:** *What is the cost of renovation to get the property ready?*
- **City Manager:** *Those kinds of leasehold improvements are definitely up to the tenant. If the tenant would like to see improvements to the facilities, we could negotiate that and make it a part of the Lease Agreement.*
- **MPT Herrera:** *When we remove items from property, please take inventory of everything that's been put in the building.*
- **City Manager:** *I've never seen an inventory list for that building, unfortunately.*
- **Mayor Trujillo:** *IT manager has an inventory list taken at the former charter school.*

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

Roll Call:

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO <i>absent</i>
Trustee Elva Flores	YES	NO 3 to 0 vote, motion pass.
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO

11. ITEMS FROM THE CITY CLERK

- *City Clerk: We now have a number of interns helping various departments. They were sent by the county through their paid internship program. We received Chaparral High School students.*

12. ITEMS FROM THE CITY MANAGER

- *City Manager: The American Recovery Act: I meant to bring it up during the budget hearing. What I really wanted to do was see if there were any questions about it. Once the money hits the City's bank account, it becomes city money, not federal. Funds are still to be used only for the allowed uses. Single Audits will continue being done due to amount of federal funds received by the City. We're working closely with our engineers to confirm our plans for the funds and we will be bringing that back to the board.*
- *Trustee Silva: Mayor Pro Tem brought it up earlier and I was going to as well: Before we go out there and get a loan, we should look really hard at using this funding amount before anything else.*

13. ITEMS FROM THE MAYOR AND TRUSTEES

- *Trustee Silva: Requested Public Works to fix potholes on Grant Street between Lee and Clark. Resident had filled them up a couple of times himself.*
- *Request staff to work on soccer field fees and place it as available for rental.*
- *Trustee Flores: I noticed the soccer field is looking really wonderful. I agree we should start renting it.*
- *MPT Herrera: No items.*
- *Mayor Trujillo: Requested trustees to help staff with National Night Out event and invite family and friends to the event.*

14. ADJOURNMENT

Motion to adjourn.

1ST motion: Trustee Silva 2ND motion: MPT Herrera

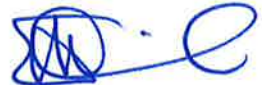
Roll Call:

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO <i>absent</i>
Trustee Elva Flores	YES	NO 3 to 0 vote, motion pass – 8:23pm
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO



Diana Murillo-Trujillo, Mayor

{SEAL}
ATTEST:



Esther Motongo, City Clerk

