

Oscar Dominguez
City Manager

REGULAR MEETING
City of Anthony Board of Trustees
820 Highway 478, Anthony NM 88021
& Conference Call
Thursday, August 19, 2021
6:00 P.M.

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

MINUTES

You can join meeting using your phone by dialing.

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

Access Code: 967-227-181

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 City Manager - Oscar Dominguez
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**
5. **APPROVAL OF AGENDA ORDER**

Motion to approve agenda order

1ST Motion: Trustee Gameros 2ND Motion: MPT Herrera
MPT Fernie Herrera **YES** NO
Trustee Gloria Gameros **YES** NO *4 to 0 vote, motion pass.*
Trustee Elva Flores **YES** NO
Trustee Javier Silva **YES** NO
~~Mayor Diana M. Trujillo YES NO~~

6. **APPROVAL OF MINUTES**

- a) Special Meeting – 07/29/2021
- b) Workshop Meeting – 08/04/2021
- c) Regular Meeting – 08/04/2021

- **Trustee Gameros:** *Motion to approve of the special meeting 07/29/2021, workshop meeting for 08/04/2021, as it stands, and correction on minutes of the regular meeting for 08/04/2021 to add numbering on item 9A, B, C, D & E.*

1ST Motion: Trustee Gameros 2ND Motion: Trustee Flores
MPT Fernie Herrera **YES** NO
Trustee Gloria Gameros **YES** NO *4 to 0 vote, motion pass.*
Trustee Elva Flores **YES** NO
Trustee Javier Silva **YES** NO
~~Mayor Diana M. Trujillo YES NO~~

7. **ITEMS FROM THE FLOOR – PUBLIC COMMENTS**

1. **Mayor Trujillo:** *This weekend, we had the flooding here in Anthony. We visited some of the areas that were flooded. Anthony Public Works and I had a meeting with the Office of Emergency Management team led by Mr. Stephen Lopez and the New Mexico Department of Homeland Security and emergency management. These inspectors are from Santa Fe; they came to assess the affected areas.*

- *I was informed that the city staff did not submit my letter of declaration to the State. I reached to the County and the Office of Emergency Management. They advised that the city can apply the County's declaration for the cost of damages on public infrastructure.*
 - *We also have FEMA that can offer low-interest loans to individuals that had damaged property.*
 - *The city of Anthony cannot be able to utilize city funds for any private properties. We will work with legislatures to find equipment that helps with response to such disasters. Anthony water sanitation allowed us to borrow water pumps.*
 - *Shared pictures of several places that were impacted.*
2. ***Trustee Silva:*** *Brought a flash disk with some of the photos provided by Mrs. Soto and a couple of the other residents who live across the street.*
 3. *Residents have brought up a property that piled dirt that slides down when it rains. We need to figure out something and try to resolve this from continuing.*
 4. ***MPT Herrera:*** *I went out to the area. Several residents were highly concerned about this. The owner has been cited and asked to build a wall to catch debris from falling and he hasn't done anything. We still got about 30 or 40 days left of the monsoon season. If another storm comes in, it is going to get worse.*
 5. ***Ms. Selena Blanco:*** *I am speaking on behalf of my parents, who live at 706 Ruth Ave. Over the past year or so, there has been a hill built behind their property. This hill was built without any barrier or drainage to help protect the houses below it. Among other neighboring properties, we have suffered damage during heavy rainfall. The heavy rains we received this past weekend caused the hill to collapse, which caused large amounts of water and dirt to flow into our property. The fence collapsed, vehicles were buried, our trees and shrubs were left bare where the water flowed through. We are tired of fixing the problems that this poorly designed hill has caused us. We are requesting a more permanent solution.*
 6. ***Mr. Santos Correa:*** *I live on 1109 Natalia Street, Haciendas de Anthony. I want to thank Trustee Silva and the Mayor for helping out with the situation on Saturday. Request the board to find the right equipment and have some action plan for the personnel in case of disaster. We were all caught off guard, but we need to be more prepared. While we wait for a long-term fix, I would like to see some temporary fixes. The ponding area in our subdivision is not designed to pick up all the water from Landers road.*
 7. ***Mr. Allen Castellanos:*** *I live at 1107 Natalia Street. I want to thank the city, the Water & Sanitation company, and Trustee Silva who was there helping us, with the Mayor. Requested to see a temporary solution to resolve this and also a permanent solution.*
 8. ***Mr. & Mrs. Soto:*** *I'm glad to hear the conversation that is going on right now. It's been a long coming, but we are here because of the flooding and the hill created by Ruth and Madison streets. We are not young nor in good health and cannot keep cleaning every year, which the Hill causes. The landowner was cited and asked to build a barrier or retention wall. Why has this gone unchecked? The video shows how the water and mud float into our yard like a river surrounding our trailer from that thumb drive. Why do landowners go unchecked? My neighbor's fence fell from the flood, the water and the mud. I believe this can be resolved if landowners are kept in check. I want the board to know that we need your help. We are available for discussion to resolve this issue.*
 9. ***Trustee Gameros:*** *Requested the city manager and public works staff to compile a list of equipment that deals with floods and submit it to the board.*
 10. ***Trustee Flores:*** *I was happy to see Anthony Water Company and our city working together. Residents should know we will look into everything we possibly can to help resolve these problems because we have had them for a while. I want to thank the mayor for all the work that she's put into this.*

8. PRESENTATION

a. Presentation of LiftFund funding options. *Presented by Ms. Lupe Mares, VP of the Southwest Region*

- *Ms. Lupe: I am employed by LiftFund, a non-profit, small business lending company. We are a CDFI community development financial institution. We help small businesses that do not have access to traditional lending through financial institutions, such as banks or credit unions.*
- *I'm proud to say that our default rate is only 4% because we provide technical assistance and build a relationship with small business owners.*
- *Trustee Silva: I speak as a citizen of Anthony and a business owner of the City of Anthony, not in the form of a trustee. My wife and I own batting cages here and Anthony. We got a loan through this agency. We built batting cages and then luckily, we were able to purchase the piece of property last year. I recommend anybody that is in the business to get some funding from them. It requires less paperwork. I want to thank Victor and Lift Fund for allowing us to proceed to the next level. I couldn't bring it to the Board before because it would be a conflict of interest. I'm glad the LiftFund came to the city.*
- *MPT Herrera: I'm glad you were able to do this presentation. One of your employees asked me to put this on the agenda. Thank you so much for presenting.*

9. CONSIDERATION AND ACTION

A. Consideration and action to approve the purchase of 15 body cameras for the police department and neighborhood services officers from WatchGuard Video company. A five-year period cost \$37,500 from GL: 101-05-62400 and \$16,365 from GL: 240. *Presented by Chief of Police & IT Manager*

- *Chief of Police: We're asking for consideration and action to approve the purchase of our body camera system. Axon initially had submitted a quote for 12 body cameras. Staff agreed to include two body cameras for Neighborhood Service officers. One body camera will be purchased for backup. We got a quote from WatchGuard, which was more cost-effective. Their camera has a longer-life battery. It also can upload videos into the cloud.*
- *IT Manager: WatchGuard has a cloud service that would allow the police department to backup all their body camera footage instead of storing it on a standard server. This would help to provide a faster processing time for our case files.*
- *MPT Herrera: Can junior funds or Capital Outlay fund these cameras?*
- *Chief of Police: The way this is expected to be paid out over the years, we're hoping to use the Law Enforcement Protection Fund for the remainder of the year. Capital Outlay will not fund the actual software. Municipal League was going to help pay for the hardware.*

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

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

B. Consideration and action to approve Tyler technologies agreement for Accounts receivable and Incode-10 Customer Relationship Management software for the amount of \$20,136.00. **Presented by IT Manager**

- **IT Manager:** The last proposal that I brought to the board for the services from Dude solutions. My Civics is an app that citizens will install download either through the Google Play Store or through the Apple iOS store. The City can use the platform to notify citizens of meetings of any kind or city events. This app will allow citizens to also pay for a business license or animal control fees.
- **City Clerk:** A resident presented us with an alternative quote for online payment from Swipe Simple. The only issue is the software will not integrate into our budget system.
- **Trustee Gameros:** I motion to postpone the item to 8/27/2021 to allow time to place three quotes.

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

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	4 to 0 vote, motion pass item Postponed
Trustee Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo	YES	NO	

C. Consideration and action to amend Section:20.4 Military Duty and Section:17 of the employee handbook. **Presented by City Manager / Alan Dahl – City Attorney**

- **City Manager:** Staff conferred with our city attorney and received some guidance on aligning the City's current military leave accruals with federal and state statutes.
- **Alan Dahl:** The issue was that the employee handbook said that employees that were on military duty leave would accrue wages for 15 days. Then it has this clause that says regardless of the number of hours the employee normally works per day, which was ambiguous. Esther and I went back to the source, pulled some language from that and reformatted it to clarify the number of days that the employee would regularly work.
- **Trustee Silva:** Is there a limit on the number of days that the City can hold a job if an employee is out longer?
- **City Clerk:** Our policy doesn't tell us how long we can keep that position. It also doesn't say how we should calculate 15 days for part-time and salaried employees.
- **Alan Dahl:** Employee is entitled to return to work when they come back from active duty. Employees are also entitled to any advancements that they would have otherwise gotten if they had stayed. The City is not entitled to pay for the entire time that the employee is gone. The City can pay a maximum is 15 days per year based on my reading of the statute.
- **Trustee Gameros:** This language would still work for salaried employees just like we calculate at 8 hours on Incode.

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

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

D. Consideration and Action to approve **Resolution 2021-027**. A resolution adopting the City of Anthony Finance Policies and Procedure amendments. **Presented by City Manager / Alan Dahl – City Attorney**

- **City Manager:** The board requested review of the document by the city attorney and now it is here for approval. The attorney suggested that these policies and other policies be adopted by resolution in the future.

- **Trustee Gameros:** I understand that attorney did not want to cite NMAC. This documentation will be a guide to current and future employees. State statutes can kind of go over some people's heads. When I wrote this, I wanted it to be understandable. It is not common for all people to think of finding the State procurement code on the website.
- **Alan Dahl:** NMCA does not apply to cities. For the most part, they can be a guide if a city decides to adopt them. I do not want to give a false impression that the city has to follow those. The procurement clerk will need to look at the state procurement code, which has all the rules. The law requires that we have a certified officer because it requires training.
- **Procurement Clerk:** I edited some of the procurement codes. Most of those were kept intact. Requested amendment to per diem.
- **Alan Dahl:** I will work on the procurement code section.

Trustee Gameros: Motion to remove strike from section 17.3 B amend subheading instead to read "other expenses require itemized receipts."

1 ST Motion: <u>Trustee Gameros</u>	2 ND Motion: <u>MPT Herrera</u>	
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

Trustee Silva: Motion to approve Resolution 2021-027. A resolution adopting the City of Anthony Finance Policies and Procedure amendments

1 ST Motion: <u>Trustee Silva</u>	2 ND Motion: <u>MPT Herrera</u>	
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

E. Consideration and action to approve visitors Policy. **Presented by City Manager**

- **City Manager:** This item is being brought back to the Board after it was requested that our attorney review the policy.

1 ST Motion: <u>Trustee Gameros</u>	2 ND Motion: <u>MPT Herrera</u>	
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

4 to 0 vote, motion pass.

F. Consideration and action to approve assistant Clerk job description. **Presented by City Clerk**

- **City Clerk:** Requested approval of city clerk assistant JD. The job description draft does not say part-time.
- **MPT Herrera:** Motion to amend assistant clerk job description to add Part-time / Full-time

1 ST Motion: <u>MPT Herrera</u>	2 ND Motion: <u>Trustee Gameros</u>	
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

4 to 0 vote, amendment approved.

MPT Herrera: Motion to approve assistant Clerk job description as amended.

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

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

10. ORDINANCE FIRST AMENDMENT READING

A. ORDINANCE 2010-018 Land Use and Zone ordinance review to include Cannabis Zoning.

First reading: August 19th, 2021

Notice of publication date: August 13th, 2021

Public Comments/Discussion: August 19th, 2021 and September 2nd, 2021

Consideration and Action to pass: September 2nd, 2021

- **Mayor Trujillo:** This is the first reading of the ordinance amendment. Please review this amendment. Approval is on September 2, 2021.

11. ITEMS FROM THE CITY CLERK

- **City clerk:** Staff requested projects items to be on 8/27/2021 at 5:00 pm as a special meeting.

12. ITEMS FROM THE CITY MANAGER – None

13. ITEMS FROM THE MAYOR AND TRUSTEES

- a) **Trustee Silva:** I'd like to know earlier. You mentioned that the emergency declaration was supposed to be submitted to the Governor by the City. What happened: Was that not submitted?
- **Mayor Trujillo:** I asked city staff and they confirmed it was not sent out to the Governor. So, I called the county to see how they can assist. The county said that they would work with all the municipalities.
 - **City Clerk:** I drafted the declaration of emergency on Saturday, 08/14/21. We tried to coordinate with everyone but being a Saturday, we had minimal assistance from staff in all government entities. My understanding is declaration can still be submitted together with a spreadsheet of what the City wants to claim. Claims would go to Homeland Security, but I can submit to Governor if that is the board's wish.
 - On Monday, 08/16/21, I contacted city engineers to evaluate the cost of items destroyed by the flood. After coordination, Public Works mentioned they had paid \$40.00 only. The City did not have any damage to public facilities.
 - From what engineers explained, the Governor's funds are allocated by Homeland Security after assessing the damage on-site. They require a resolution from the City and a declaration like the one issued on Saturday.
 - I still offered to send the declaration on Monday evening, but that is when Mayor mentioned it was no use and we should go with the county.
 - I learned that City does not have flood insurance with FEMA. With the help of the engineers, we could only locate a memo from engineer Mario back in 2016 requesting the board adopt this insurance. No resolution was found.
 - **Mayor Trujillo:** We still need to do an assessment, but I'm kindly requesting to have that declaration of state emergency that was publicized removed now that I'm going under the county to get reimbursed for those monies that we have spent on manpower or even getting equipment for next time we have another flood. I want the declaration removed and not even to send it to the Governor. We will go ahead and apply to get reimbursement.

- **Trustee Silva:** *I mean, that's for you to handle Mayor on your end through staff or however that needs to be done. It was a new experience for almost everybody; Residents as well. It teaches us what not to do and what to be prepared for. The Mayor was helping residents fill sandbags; Being part of the solution. The water company was helping. This was a community coming together.*
- **Mayor Trujillo:** *Thank you so much for your comments. I want to thank Anthony Water and Sanitation and public works employees, the Police department and the new Neighborhood Services officer for helping. There was good community effort. The sandbag machine was very helpful. We have 500 bags ready.*
- **MPT Herrera:** *Residents were asking if Lil' Adams Park can be used for parties; Do we have a policy that allows that?*
- **City Manager:** *To my knowledge, there are no prohibitions against groups using the parks in that manner. One of the things that I've been thinking of bringing back to the board is the fee schedule. The board had was me to revisit the baseball fields and the soccer fields. One of the recommendations I'm going to have is to get rid of those fees. I don't necessarily think it's a great idea to charge people for using the fields unless it's some Organized League or people making money.*
- **MPT Herrera:** *The second item is requesting the city manager to visit the city properties and streets in person once or twice a month. Residents have asked for city manager presence, especially when they have tragedies.*
- **Mayor Trujillo:** *Request the police department to send thank you notes or certificates of appreciation to people who contributed to the National Night Out event.*

14. ADJOURNMENT

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

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	4 to 0 vote, motion pass at 9:24PM
Trustee Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo	YES	NO	


 Diana Murillo-Trujillo, Mayor



{SEAL}
 ATTEST


 Esther Motongo, City Clerk

REGULAR MEETING

City of Anthony Board of Trustees
820 Highway 478,
Anthony, NM 88021.
Thursday, August 19, 2021.

Time: 6:00 PM

PLEASE SIGN IN ONLY IF YOU WOULD LIKE TO ADDRESS THE BOARD:

NOTE: THERE IS A 3 MINUTE LIMIT TO EACH PERSON

1. Selena Blanco 706 Ruth Ave.
2. Santos Corrales 1109 Natalia
3. Allen Castellanos 1107 Natalia
4. Javier + Tami Soto
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____