

REGULAR MEETING
City of Anthony Board of Trustees
820 Highway 478, Anthony NM 88021
& Conference Call
Wednesday, August 4, 2021
6:00 P.M.
MINUTES

You can join meeting using your phone by dialing.

United States: +1 (646) 749-3335

Access Code: 172-581-445

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 MPT Herrera *at 6:07 PM*
- 2. **PLEDGE OF ALLEGIANCE** led by MPT Herrera
- 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		

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: Trustee Flores
- | | | |
|-------------------------|------------|----|
| 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 passed.*

- 6. **APPROVAL OF MINUTES**
 - a) Regular Meeting – 07/21/2021

Motion to approve minutes of 7/21/2021

- 1ST Motion: Trustee Gameros 2ND Motion: Trustee Flores
- | | | |
|-------------------------|------------|----|
| 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.*

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

8. **PRESENTATION**

- a. Presentation of the walking trail for outdoor recreational activities. **Presented by Projects Coordinator**
 - **Projects Coordinator:** Presented outdoor recreation trails and grant opportunities from the Economic Development Department. This grant invests in conservation-minded shovel-ready projects that are open to the public. The grant application is due August 31st, 2021. The award range is \$5000 up to \$25,000 with a 1:1 match requirement. Public Works labor hours, design and engineering plans could be accepted as matching components.
 - **Staff recommended application to design Acosta pond walking path.**
 - **Trustee Flores:** Suggested we apply for design to be ready for whenever we get more money to finish the project.
 - **Eric Hamilton:** In terms of project ranking, projects without a design or any readiness documents, would likely score pretty low.
 - **Trustee Silva:** Suggested renovating the existing walking path on Anthony drive, add some benches, shade and trees.
 - **MPT Herrera:** Suggested adding benches and shade on the walking path by highway on O'Hara.
 - **Eric Hamilton:** Looking at the overall benefit in terms of what makes financial sense, suggested we put effort to increase the El Paso MPO walking path application.

9. **CONSIDERATION AND ACTION**

- a) Consideration and action to approve a cooperative agreement between the City and South-Central Council of Government (SCCOG) for fiscal agent services in the amount of \$5,000.00 Project Number: 5509-CIF GL 291. **Presented by Projects Coordinator**
 - **Projects Coordinator:** This is the agreement between the City and South-Central Council of Governments, for fiscal agent services of the newly awarded Colonias infrastructure funding. The agreed fee will be \$5000 for this project.

1ST Motion: Trustee Silva 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	

- b) Consideration and action to approve an application for an outdoor recreation walking trail. **Presented by Projects Coordinator**
 - **Projects Coordinator:** I am requesting approval to apply for the Recreation Walking Trail grant, based on the information that I presented today for the Acosta pond.
 - **City Clerk:** This agenda item was written in a way that it should allow the board to make a motion with the chosen walking path.
 - **Eric Hamilton:** To elaborate, I'm thinking it makes financial sense not to apply for this funding opportunity for Dos Lagos. It makes better sense because of the matching ratio with the top application that was approved. If we use the matching amount of \$25,000, the total project cost would be \$178,000.
 - **MPT Herrera:** I would rather see it go to beautifying an existing path.
 - **Trustee Flores:** I agree that we should use it maybe for that existing trail. I would like to suggest that we add to the grant from last week because we would get more funds in one project.
 - **Trustee Silva:** Based on the engineer's explanation, since I was not present at the last meeting, I agree we combine it with the one from last week from Thursday.
 - **Trustee Gameros:** I make a motion to amend 9b: Consideration and Action to approve an application for an outdoor recreation walking trail, to insert, to enhance trails on Highway 404 & 460.
 - **MPT Herrera:** There being no second to the motion, the motion dies.
 - There was no roll call on this item.

c) Consideration and action to approve the amendment of finance department Policies & Procedures. **Presented by City Manager**

- **City Manager:** The item before the board is something that was brought at the last regular board meeting. More time was requested to review Section 13.
- **Trustee Gameros:** On the procurement section (13), what I did is, I just copy-pasted from state rules. I did include the link to the State Procurement regulations.
- **Alan Dahl:** I haven't had a chance to look over the proposed changes. My recommendation, though, is anytime, there's any tweaking of procurement procedures, let counsel take a look at it before it goes for a vote.
- **Trustee Flores:** It looks pretty nice but I think we should have attorneys look at it.
- **Trustee Gameros:** I'm okay with Alan looking over the language, but this was put on the agenda two weeks ago at our last meeting. So you have not received anything from staff on this?
- **Alan Dahl:** I do receive agenda packets, I don't necessarily conduct legal reviews of the entire contents of the packet unless I'm specifically asked to.

Motion to postpone item.

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

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

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

- **City Manager:** This item came up as a result of an unfortunate event at MVD. A resident was very rude to an employee and really crossed lines that should not be crossed. Staff used policies that are in place at the library to deal with unruly visitors or patrons. We took something that was approved by this board years ago and adapted it for all the facilities of the city. Staff did not see it as something that needed to be reviewed by an attorney unless of course, this board chooses to do that.
- **Trustee Silva:** I ask that we give the legal team an opportunity to review because it is going to consist of how we treat our patrons.
- **Trustee Flores:** I agree. We don't want to do something that would get the city in trouble.
- **Trustee Gameros:** I don't see why the attorneys need to look at this, I mean, obviously, if somebody's trying to harass an employee physically, sexually, or verbally, that's a no-no.
- **Alan Dahl:** The only issues that I would be assessing is, First Amendment rights in public spaces, especially now that we have legislation in place that allows the city to be sued for violating people's civil rights.
- **City Clerk:** Just wanted to mention that currently we call dispatch when we have unruly residents. Officers would enforce the law as they do on daily duties.
- **Trustee Flores:** I also think that we need to protect the officers. They too can be sued for something that is on this policy.

Motion to postpone the item to allow attorneys review.

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

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

- e) Consideration and action to approve Resolution 2019-14 (amendment 9) a resolution adopting city staff pay scale. **Presented by City Manager**

City Manager: *This item is an amendment to the existing City Pay Scales to add three new positions approved by this board in our last budget cycle. The positions are police detective, IT assistant and assistant city clerk.*

Motion to approve the item.

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

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

10. ITEMS FROM THE CITY CLERK

City Clerk: *a reminder that the next several board meetings, through December are now on Thursdays. There will be an ICIP workshop at 5:00 PM on 8/19/2021 followed by the regular board meeting the same day at 6:00 PM*

11. ITEMS FROM THE CITY MANAGER – None

12. ITEMS FROM THE MAYOR AND TRUSTEES

- **Trustee Gameros:** *No items.*
- **Trustee Flores:** *I sent the city manager an e-mail. I was requesting the date of hire for new staff. We got into a discussion about which was the correct date of hire for the city manager. His offer letter said November 5th, 2019 while he started working on November 18, 2019. Which one of those dates are we considering to be the anniversary date? Suggested we amend the staff handbook.*
- **City Manager:** *The current handbook says the anniversary is when the employee is hired. Which really makes no sense. It's a small detail, but an important one, because the employee's anniversary date really should be the first date of employment. Anniversary by definition is 365 days. Suggested making the change when the entire handbook is updated ideally annually.*
- **City Clerk:** *Offer letter date is not really an anniversary day. We issue offer letters to guarantee candidates the job in case they need to resign from the current employer or move locations. The employee hire date is the day they report to work. We use that date for all paperwork including anniversary. City manager's paperwork shows November 18th as his hire date.*
- **City Clerk:** *To answer the first question, we have 2 new hires. Ms. McCool started 08/02/2021 as Library Assistant and Officer Castaneda started on 8/02/2021 as police officer. Albert Gonzalez was offered maintenance job with public works. He is expected to start August 16, 2021.*
- **Trustee Flores:** *Suggested having a luncheon to appreciate employees by offering food from National Night Out.*
- **MPT Herrera:** *I understand some of the food was donated to the Intercultural Center.*
- **Chief of Police:** *It's to my understanding that some perishable items were donated to the Women's Cultural Center. They're having a food drive tomorrow to help support the community who are less fortunate and don't have a lot of food especially with COVID-19 cases rising. Not everything was given to them. It was just mostly the perishable items. We were going to have a meeting early next week to discuss how we are going to show our appreciation to everybody who has supported the event.*
- **Trustee Flores:** *Suggested having a list of vendors who would like to set up a booth for next time.*
- **Trustee Silva:** *Reminded staff to use pipes stored at Acosta pond. They were meant for a drainage project or arroyo.*
- **Trustee Silva:** *Requested police patrol to help with back to school traffic.*

- **Trustee Silva:** Reminded staff that we've talked about making sure that we're including planning and zoning in our projects on multiple occasions. Urges staff to continue sending P&Z invitations especially with such large project coming up.
- **Trustee Silva:** We saw a lot of happy people enjoying the moment at national night out. Great effort on all those involved.
- **Trustee Silva:** I had gotten a call from Sergeant Guerrero regarding a stage because they were bringing the band in. I worked with the Church on the Fiesta, so they asked if there was any way that we could obtain a stage. Saint Anthony's priest lent it to us as long as we're responsible for it. We had to go pick it up and had to go take it off. Staff reported that they did not have a trailer from public works supervisor, who was reported to say he was not going to use it for that. They were also not let to set them up yet because the area was not clean. Public Works supervisor was not willing to assist.
- **Trustee Flores:** point of order, you cannot mention employees name.
- **MPT Herrera:** Just mention the department.
- **Trustee Silva:** Apologized and I stand corrected. I don't know what the differences are. In my opinion, there's just no excuse for situations like that. I'm not going to say outburst, but there was a couple of situations in other departments where we reprimanded people. We were sending people home for a week without pay. Does that not also apply to the rest of the city and the rest of the employees? Or it doesn't just apply to certain individuals? Because it's not the first time that department has come up like that.
- **Trustee Gameros:** I would just like to comment to Trustee Silva that all requests for help by departments or other departments should go through the city manager and the city manager needs to delegate and direct that. I would like the city manager to send something out, like a memo letting department heads know that they need to go through you through an e-mail. You should be delegating and directing that instead of them doing this between themselves.
- **Trustee Flores:** We have to go through the city manager and allow him to do that guiding. This is dealing with a staff and that is not for us to deal with because we're going to get in trouble. We cannot have another department deal with another department. I believe that as trustees, we need to just stay out of it so that. If we have something that we want to do, we should go through the city manager and ask him to ask that department. We cannot order the department heads or the staff to do any of these things.
- **Trustee Silva:** For the record, the first thing that came out of my mouth was they need to address that with City manager. Staff said they already did. I did not tell the individual, this is what you should do or you shouldn't do. I've been here almost for a year and since day one that's been going on, where board members don't go through city manager. To sit here and say that we're not supposed to be doing it, it has been going on for four years. Whether it was a simple question or whatever it's been going on. We can't pick and choose the days we want to do it and the items that are right at hand that we choose go straight to employees. I don't say it in any disrespectful manner to any one individual because I know we've all done it at one point in time.
- **City manager:** For the record, there was a planning meeting at 11:00am on Friday for the event and the stage was not brought up. I was not asked about a stage being moved at all until after the fact. Public Works was on a very tight schedule to try to support this event. Something new was thrown in their lap at the last second and it did not fit into what they're able to do. There was something like 8 or 9 officers there to unload the stage and Public Works was doing what they could to try to get the field ready for the parking. It's very important that you understand that I was not involved in this. This was not communicated to me.
- **Mayor:** Absent
- **MPT Herrera:** I did have a discussion through e-mail with city manager on the same thing, but I'm not going to comment any further on that. A lot of it has already been discussed.

13. **ADJOURNMENT**

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

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO 4 to 0 vote, motion passed at 8:03PM
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO



Diana Murillo-Trujillo, Mayor

{SEAL}
ATTEST:

Esther Motongo, CMC- City Clerk