



Oscar Dominguez
City Manager

REGULAR MEETING
City of Anthony Board of Trustees
Conference Call
Wednesday, June 17th, 2020
5:30 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 \(571\) 317-3122](tel:+15713173122)
Access Code: 248-513-117

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 Trustee Gameros

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: if there is any conflict of interest on approving an item, please recuse yourself.

5. **APPROVAL OF AGENDA ORDER**

Mayor Trujillo: Eric Hamilton will be late, request motion to move item 8C to 8H

MPT Herrera: I'll make a motion to move Item 8C to the end of the agenda 8H.

1st Motion: MPT Herrera 2nd Motion: Trustee Gameros **AIF**

Roll Call vote:

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 Tie Breaker	YES	NO	

6. **APPROVAL OF MINUTES**

a) Regular Meeting 05/20/2020

Mayor Trujillo: I can have someone postpone the minutes; I believe that is correct?

City Clerk: Yes Ma'am

Motion to post pone.

1st Motion: MPT Herrera 2nd Motion: Trustee Gameros **AIF**

Roll Call vote:

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

7. **ITEMS FROM THE FLOOR**

- **Betty Gonzalez:** *I would like to bring to the trustees' attention the fact that there are continuous mistakes on the presentation of notification on the agenda to the public.*
 - *On the Spanish version, the time was 1:00 PM instead of 5:30*
 - *I just think this is so important. You know that notification should be accurate. And it should pass through several people before the notification is sent out. However, now that we have a new city manager, that person needs to be held responsible for the accuracy of the agenda that go out and any communication that leaves the city of Anthony.*
 - *Also, I noticed that on the agenda, there was nothing regarding the Fourth of July and notification of fireworks. State have said that there is a drought in New Mexico, they are discouraging fireworks.*

- I'm concerned with the dryness of the area and in particular, the golf course. Anytime a purchase like this is made, it takes a while. Some arrangement should have been made to water the property because now it's going to take probably thousands to clean it up.

8. CONSIDERATION AND ACTION

a) Consideration and action to approve Library Strategic Plan FY2020-2023. **Presented by Head Librarian**

1st Motion: Trustee Gameros 2nd Motion: MPT Herrera

Roll Call vote:

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

Head Librarian: Thank you for allowing me to the opportunity to present to you the strategic plan that, if approved today, will be in effect for the next three years.

- Emailed the board an amended page.
- **Trustee Silva:** On the governance, should it not read the library board?
- **Trustee Gameros:** The head librarian is not appointed. Delete "is appointed" and replace with "is employed". Add City manager and governing Body and delete "answers to the Board"
- **3.1.2** Delete Board of Finance replace with Library advisory Board
- **3.2.3** Delete every mention of Finance committee replace with "Library Advisory Board"
- **3.3.1** Delete increase hours of library to read "Hire Library technician position for 16 hours per week.
- Item 4. Delete "library director" replace with "head librarian".
- Replace "Town" with "City" throughout the document.
- **MPT Herrera:** I just ask you to please, when you present something like this, make sure that it is corrected. Please make sure you double check, proofread it and have somebody else review.
- **Trustee Silva:** On page 13, everything with technology plan, update to have IT Manager under responsibility.

b) Consideration and action to approve Baseball Field Equipment for Adams Park, using Jr. Fund. **Presented by Projects coordinator**

Projects Coordinator: Staff apologizes as they did not have the three quotes available for the board packets in time. The third quote came in same day of the meeting.

- At the last meeting, the board approved a quote from Sport Edge for a backstop, with is a total of \$24,384. The actual amount decreased and we now have a grant balance of \$6,309.
- Three Quotes were secured for dugout benches (15 ft. long with players platform) and 20 tall foul poles.
- Quotes: Sports Edge: \$6,747.43; Beacon: \$6,393.53; Sport field: \$8,748.03
- **Trustee Gameros:** If we choose Beacon, (it seems like the lowest price), the balance will be paid by the city?
- **Projects Coordinator:** Yes.
- **Trustee Silva:** Based on the balance we have; I agree to go with Beacon.
- **Trustee Silva: Motion: to approve Beacon quote**

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

Roll Call vote:

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

c) Consideration and action to approve South Central Solid Waste Authority (SCSWA) rental contract. **Presented by City Manager Rafael Leo's:** I thank city staff, the city attorney and city management for promptly moving on SCSWA's recommendations for the lease agreement.

- SCSWA staff had the opportunity to review draft lease agreement; The entire staff is in support of this, as it stands. The language has improved to our satisfaction.
- **City Manager:** I emailed the Board a response from our attorney on the prescribed process to follow with municipal leases.
- Alan will provide a draft or a template for the ordinance. We have an appraiser quote of \$3,500 plus tax.
- While the Board can certainly enter into this agreement, as it did with the Administrative Offices of the Court, I would recommend that we follow the process.

- The ordinance does not go into effect until 45 days after approval and the appraiser would need about a month to do the work.
- **Trustee Gameros:** I read the state statute, and I do believe that you need to follow the process according to the statute.
- **Trustee Flores:** Isn't this government to government entities?
- **Alan Dahl:** The statute, unfortunately, does not provide an exception for government to government lease agreements. In my letter, there are exceptions to this requirement, like joint powers agreements. Governments are allowed to contribute their own real estate to the creation of a new agency, when they're working with another governmental entity. There's also the exception for local economic development agreements, where a city, without assessing the value of their property, can actually give that property to a business that comes into town.
- But unfortunately, I have been totally unable to find an exception to the appraisal requirement, even if it is another governmental entity. And so, unfortunately, Statute does prescribe that there has to be an appraisal for the land if it's worth over \$25,000.
- **Rafael Leos:** Within the language of your lease contract, provision 23, where it says "This Agreement shall not be modified or altered except by written instrument, duly executed by each party to this agreement". If, let's say, we move forward with this lease with the intent that a letter can be produced, to say a modification will be needed to be made once an appraisal has been done.
- **Alan Dahl:** As we read the law, we can't even necessarily enter into the contract until after the ordinance is passed and the appraisal done. Our advice as legal counsel is to follow the statute.
- **Trustee Silva:** I understand the sense of urgency with their broadband provider, but at the end of the day, I think the most important thing is that we follow the state statute.

Motion to post pone item.

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

Roll Call vote:

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	3 to 0 votes, motion postpone.
Trustee Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo Tie Breaker	YES	NO	

d) Consideration and action to approve maintenance agreement for signals, intersection lights, flashing beacons and roadway lights for NMDOT project E100220 on I-10 and NM-404 interchange. **Presented by City Manager**

- **MPT Herrera:** contract says we must pay the cost of replacing LED lights. My other concern is that the contract says we must have a certified repairman that knows how to repair all the controllers. Public works department cannot do that. We have two other intersections with streetlights; Are we going to pay for those?
- And it's going to cost the city a lot of money, especially if somebody accidentally hits a controller. We don't have anybody that knows how to fix a controller or program it or anything like that.
- **City Manager:** The City has no choice but to enter into the contract as this intersection fall within the city tax boundary. The agreement is pretty standard, as with other municipalities. It is also a significant investment in the city by the state for a project that's really going to bring a lot of benefit.
- **Trustee Silva:** On page 2 of the contract, it seems like there's a portion of it that's going to be shared by the department of transportation.
- **City Clerk:** Sunland Park told me it's common to have these agreements and they have entered into one where they are maintaining lights. They sent us their agreement similar to our draft with NMDOT and they sent the name of the company they contracted to meet their end of the agreement.
- Since we are not capable of meeting maintenance portions of this agreement, city can contract third party for those services like Sunland Park.

Motion: Consideration and action to approve maintenance agreement for signals, intersection lights, flashing beacons and roadway lights for NMDOT project E100220 on I-10 and NM-404 interchange.

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

Roll Call vote:

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

e) Consideration and action to approve **Resolution 2020-018** a resolution adopting the coverage of employees benefits for the city of Anthony, New Mexico for fiscal year 2020-2021. **Presented by City Clerk**

Alan Dahl: *Madam Mayor, I'm going to recommend that even though it's not on the agenda, that the Board of Trustees go into closed session on this matter on two grounds; One would be for purchases over \$2500 (§ 10-15-1(H)(6)) and the other one would be attorney client privilege discussion on starting or threatened or pending litigation. (§ 10-15-1(H)(7)) - I leave that at the discretion of the board, whether to go into closed session, I believe Esther should have e-mailed a link for closed session.*

❖ **Trustee Gameros:** *Motion for us to go into closed session pursuant to what Alan stated.*

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

Roll Call vote:

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	4 to 0 votes, motion passed at 7:23pm.
Trustee Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo Tie Breaker	YES	NO	

Mayor Trujillo: *No decisions were made during closed session. I entertain a motion for open session.*

❖ **Trustee Silva:** *Motion to go into Open session:*

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

Roll Call vote:

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	4 to 0 votes, motion passed at 8:20pm.
Trustee Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo Tie Breaker	YES	NO	

Trustee Gameros: *I have a few changes for resolution 2020-018 Madam Mayor*

- The last "Whereas" change section 19 to section 18.
- Second "Whereas" add - *By Rydeski Company*
- Second "Whereas" first bullet point delete "*with Rydeski & Company*"
- Delete "*Long term disability Plan 1, Reliance Standard with Rydeski & Company*"
- Delete "*with Rydeski & Company*"
- Delete "*Short Term Disability (MetLife) via HUB International Insurance Services Inc*".
- Under basic AD & D delete "*(Principal), via HUB International Insurance Services Inc*".
- Under dental delete "*(Principal Option 1), and*"
- Under Vision delete "*Principal*" insurance coverage "*for employees and their dependents via HUB International Insurance Services Inc*".
- Delete "*and Long term & Short-term disability paid by the City at 100%*".

❖ **Trustee Gameros:** *I make a motion to approve resolution 2020-018 amendments.*

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

Roll Call vote:

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

Original Motion: *Consideration and action to approve Resolution 2020-018 a resolution adopting the coverage of employees benefits for the city of Anthony, New Mexico for fiscal year 2020-018*

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

Roll Call vote:

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	4 to 0 votes, motion passed.
Trustee Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	

- f) Motion to reconsider/recall the vote of amended City Clerk job description. **Presented by MPT Fernie Herrera**
 - **MPT Herrera:** After discussion with other cities and the league, I would want to change my vote. HR Liaison is advisory only, not decision making; Decision making is still with City Manager. I believe that would help the City.

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

Roll Call vote:

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	3 to 0 votes, motion postpone.
Trustee Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo Tie Breaker	YES	NO	

- g) Consideration and action to approve the amended City Clerk Job Description if needed. **Presented by MPT Herrera.**

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

Roll Call vote:

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	3 to 0 votes, motion postpone.
Trustee Elva Flores	YES	NO	
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo Tie Breaker	YES	NO	

- h) Consideration and Action to approve Wilson & Co task order for \$13,432,37 for CDBG Acosta Road improvement, using Go Bond Funds. **Presented by Projects Coordinator**

- o **Eric Hamilton:** The task order before you tonight is from a previous board discussion to prepare a plan set and contract documents that will complement the CDBG application. The key goal is to assist city staff in preparing and the application is due in approximately two weeks.
- o **MPT Herrera:** Eric: All this money that you're talking about, \$13,432. Is that coming out of the GO Bond?
Eric Hamilton: It may be paid with GO Bond Street Improvement money, similar to the \$75,000 match component, if the city is awarded the CDBG.

1st Motion: Trustee Gameros 2nd Motion: MPT Herrera

Roll Call vote:

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

9. **ITEMS FROM THE CITY CLERK - None**

10. **ITEMS FROM THE CITY MANAGER**

- **City Manager:** This morning, we received an e-mail from our friends in Anthony, Texas around a request to help with coordination of a Fourth of July parade. They did apologize for the short notice. Public Works supervisor was kind enough to furnish an agreement that we can enter into with New Mexico DOT, but it does require a 30-day notice and we're well inside of that time frame. I also brought this up with our Chief of Police.
- Staff is skeptical that it will be approved by NMDOT, however, we have to take into consideration the current public health orders against any mass gatherings and this would definitely qualify as one.

11. **ITEMS FROM THE MAYOR AND TRUSTEES**

- o **Trustee Gameros:** None
- o **Trustee Silva:** Sent city manager an e-mail regarding Adams Park and the current situation with the weeds there, but you could, set aside an hour or so to start little by little.
- o Soccer field had dried up a little
- o **Trustee Silva:** I did speak briefly with our public works supervisor about the sprinklers.

- **City Manager:** I think he had said that there was someone who might have some tampering with the sprinkler timers. Sprinklers are running on the evenings to minimize the amount of evaporation and maximize the saturation.
- We are working on renting equipment to tackle the former golf course; It is about a \$5000 expenditure for rental equipment that will make the task a little more manageable.
- We had residents reach out about reserving a soccer field. My understanding from our Public Works Supervisor is it is ready to go. We just have to update the forms and make sure that we're prescriptive about how to use the field safely.
- **Trustee Silva:** if we're going to pay \$5000 to go rent the equipment, plus occupy our employees at the same time, why not go and pay somebody \$5000 to come in and cut the grass?
- **City Manager:** We need estimates on that and can prioritize the grass that is closer to residences.
- **Trustee Flores:** None
- **MPT Herrera:** Suggest talking to some of the area farmers or ranchers around here for disking job.
- Now that the Water Trust Board funding has been denied, how is that going to affect bringing back the ballpark?
- **City Manager:** We haven't had any conversations yet about the impact of that decision. Staff and Wilson have a meeting on this scheduled for this Friday.
- **City Clerk:** Projects Coordinator is planning to present on July 1, 2020 on Water Trust Board decision, Eric will attend that meeting.
- **MPT Herrera:** Mayor, I have a general question to you and the rest of the board regarding City Van. We need to install GPS and do maintenance to it. When are you bringing it back and comply with City vehicle policy?
- **Mayor Trujillo:** I will be taking it next week because I have a meeting in Las Cruces.

12. **ADJOURNMENT**

1st Motion: MPT Herrera 2nd Motion: Trustee Gameros **AIF**. At 8:54PM

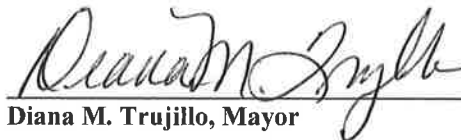
Roll Call vote:

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo Tie Breaker	YES	NO

ATTEST:



Esther Motongo, City Clerk

Diana M. Trujillo, Mayor

Regular Board Meeting Attendees Summary

GoToMeeting

Meeting Date

June 17, 2020 5:14 PM MDT

Meeting Duration

220 minutes

Number of Attendees Meeting ID

19 248-513-117

Details

Name	Email Address	Join Time	Leave Time	Time in Session (minutes)
+15752226453		5:30 PM	7:56 PM	145
+15752886033		5:30 PM	8:41 PM	190
+15753134382		5:27 PM	8:27 PM	180
+15756441971		5:36 PM	7:20 PM	104
+15756441971		7:21 PM	8:27 PM	66
+15758823059		5:31 PM	6:15 PM	44
+15758823059		6:18 PM	6:32 PM	14
+19153834417		6:18 PM	6:24 PM	5
+19155883923		5:30 PM	7:15 PM	104
+19155883923		8:19 PM	8:55 PM	35
+19157996878		7:35 PM	8:02 PM	27
+19157996878		8:03 PM	8:55 PM	51
+19157996878		5:28 PM	7:16 PM	108
Alan Dahl		5:29 PM	7:15 PM	105
Alan Dahl		8:17 PM	8:55 PM	37
Eric Hamilton	eric.hamilton@wilsonco.com	6:14 PM	8:39 PM	144
Esther Motongo	emotongo@cityofanthonym.org	5:14 PM	8:55 PM	220
GKR		5:33 PM	5:34 PM	1
Mayor Trujillo	mayortrujillo@cityofanthonym.org	5:27 PM	7:15 PM	107
Mayor Trujillo	mayortrujillo@cityofanthonym.org	8:17 PM	8:55 PM	37
Oscar Dominguez	odominguez@cityofanthonym.org	5:24 PM	7:16 PM	112
Oscar Dominguez	odominguez@cityofanthonym.org	8:18 PM	8:55 PM	37
Rafael Leos	rleos@las-cruces.org	5:18 PM	7:14 PM	116
TRUSTEE FLORES	eflores@bot.cityofanthonym.org	5:26 PM	6:18 PM	51
TRUSTEE FLORES	eflores@bot.cityofanthonym.org	7:16 PM	7:19 PM	2
TRUSTEE FLORES	eflores@bot.cityofanthonym.org	6:20 PM	7:15 PM	54

TRUSTEE FLORES
TRUSTEE GAMEROS
Trustee Silva
Trustee silva
Trustee silva
gloria ramirez

eflores@bot.cityofanthonymn.org
ggame1988@yahoo.com

gramirez@cityofanthonymn.org

8:18 PM
5:20 PM
5:18 PM
5:18 PM
8:18 PM
5:35 PM

8:51 PM
8:55 PM
8:54 PM
7:15 PM
8:55 PM
8:43 PM

33
214
216
117
36
188