

Court Chambers
820 Highway 478
Anthony, NM 88021

City of Anthony, NM
Regular Board of Trustees Meeting
MINUTES
Wednesday, March 20, 2024

Diana Murillo, Mayor
Gabriel I. Holguin, MPT
Jose Garcia, Trustee
Daniel Barreras, Trustee
Fernando Herrera, Trustee

**You can join meeting using your phone
by dialing.**

United States: +1 (469) 312-8116
Conference ID: 279-613-199#

6:00PM

**Please join the TEAMS meeting from your
computer, tablet or smartphone.**

Meeting ID: 212 949 335 530
Passcode: RBTKds

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 Murillo at **6:03pm**

2. PLEDGE OF ALLEGIANCE led by Mayor Murillo

3. ROLL CALL	Present:	MPT Gabriel I. Holguin	YES	NO
		Trustee Jose Garcia	YES	NO
		Trustee Daniel Barreras	YES	NO
		Trustee Fernando Herrera	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.

Si necesita un traductor, informe la Secretaria de la Ciudad a más tardar una semana antes de la fecha programada de la reunión

4. APPROVAL OF AGENDA ORDER

Motion was made to amend agenda to move public comment to after approval of agenda order, making it item 5, and remove "Presented by MPT Gabriel I. Holguin" from item 12a.

1st Motion: MPT Holguin

2nd Motion: Trustee Garcia

Roll Call Vote:

MPT Holguin **YES** NO

Trustee Garcia **YES** NO

Trustee Barreras **YES** NO

Trustee Herrera **YES** NO

4-0 Vote, Motion Passes.

5. PUBLIC COMMENTS-(3-minute limit per person)

- Gloria Gameros: Mrs. Gameros reported still having access to the WellsFargo account, as a main point of Contact and did not receive aid from City Administration.
- Cecilia Acosta
Elvia Cienfuegos
- Argie Rayos
Adrian Perez
- Betty Gonzalez

6. PRESENTATION

a. Universal Waste Systems Inc., Presented by Rheganne Vaughn.

Ms. Vaughn introduced her team and the company which serves over 40,000 customers weekly across NM. She reviewed some of the benefits of public/private partnership when outsourcing solid waste, their services include residential and commercial waste collection and the ability to run transfer stations. They offer state-of-the-art technology and training curriculum for employees. They

offer several programs such as the “Special Assistance Program” which provides free roll out services to elderly or handicapped customers. They offer outreach and education programs to engage the community such as flyers, welcome packets, and newsletters. Additional programs include community cleanup programs, bulky item collection programs and the “We are Winners Youth Partnership” program. MPT Holguin asked the approximate number of commercial businesses they services, to which they answered was close to 1,000. Trustee Herrera questioned if they had the compacity to build transfer stations, Ms. Vaughn answered that they do and are at the compacity to operate transfer stations and are always open to new partnerships.

b. Save the Children Action Network, Presented by Pamela Munoz.

SCAN advocates for children’s safeguarding, food and nutrition and early education within the community and around the world. Ms. Munoz, along with other early childhood educational organizations are requesting the Board to sponsor the Dia de los Ninos’s proclamation, similar to the one that was brought forth a few years ago. SCAN would hope that this sponsorship will elevate the importance of prioritizing children and their right to education and learning. Ms. Munoz also invited the Board and the public to their upcoming Dia de los Ninos event.

c. Adelante Senior Meals, Presented by the Adelante Development Center.

The Adelante Development Center team gave a brief presentation on the program that benefits the seniors of our community. Adelante Senior Meals provides meals for the seniors of all Dona Ana County, they’ve come to the Board to ask that Adelante Senior Meals be taken into consideration when drafting the upcoming budget. One of the biggest obstacles they face is lack of funding, leaving some seniors on a waiting list. Adelante not only provides hot meals for seniors at their facilities but also provides delivery of these meals to eligible risk seniors and transportation services. Based on the numbers collected in 2023, there were 369 seniors in the community that benefited from these services. Trustee Garcia asked how much of the funding would go directly to the meals that are provided, the team responded that the funding not only goes into providing the meals but also utilized for salaries and vehicle maintenance. MPT Holguin asked in the event that they do not raise the remaining funding needed what would happen, the team responded saying that they would unfortunately start a waiting list.

d. Dos Lagos Letter of Interest for Housing Development, Presented by NAI 1st Valley. (Postponed)

7. DISCUSSION

a. Discussion on current and upcoming strategies against graffiti by the City of Anthony Police Department, Presented by the Chief of Police and Sergeants.

The Chief of Police along with several sergeants and the detectives presented on the current efforts to stop graffiti within the community, although a major issue in the community, it hard to catch someone in the act or someone that is willing to come forth as most people wish to remain anonymous. The Chief of Police explained that regardless of the lack of apprehensions for graffiti the police department has remained proactive when dealing with high offensive crimes. Currently the average response time for the department is 2 minutes and 30 seconds. As of February 2024, there has only been one dispatch call that involved graffiti. The sergeants and detective reiterated the importance of finding a solution, but they wanted to make it clear to the public that the police department is prioritizing higher level crimes than graffiti, such domestic violence calls, and traffic calls. Some of the solutions proposed by the department include lighting, limiting access to specific areas and coating on surfaces. The department continues to stay visible and continues to deter criminal activity by show of presence. Several trail cameras have been purchased which will be placed throughout the community, they will continue to work with Public Works/Codes to have graffiti cleaned up in a timely manner. The Chief of Police suggested hiring an additional

Codes/Neighborhood Services officer to aid, since in most other municipalities it is that department that oversees graffiti prevention. There will be a dedicated officer along with Detective Bueno that will work overtime and show presence during 'peak' hours, something that Trustee Herrera agreed with. MPT Holguin is hesitant to allow overtime due to lack of progress in other projects (when additional funds have been approved) he suggests hiring more officers as opposed to approving overtime. MPT Holguin does not believe that City Administration is not providing quality work, he would like to see quality work before justifying overtime, such as enforcing the Graffiti Task Force Program. MPT Holguin wanted to add previously issued funds, that were not utilized accordingly. There was no suggestion of overtime, and hiring of new police officers instead of overtime is proposed. Sergeant Guerrero suggested enforcing a curfew, a neighborhood watch program or the city can start fining parents of these individuals to deter graffiti. Trustee Garcia asked what the protocol is to report graffiti and like every other call to service it was advised to call Central Dispatch not only for data collection but also for the safety of the officers. Detective Bueno, Seargeant Guerrer, and Seargeant Phillips explained the difficulty with charging individuals as most of them are juveniles and the lack of evidence. Trustee Barreras thanked the officers for their hard work and dedication.

b. Discussion on the Dos Lagos Fishing Lakes, *Presented by Parks and Recreational Facilities Director.*

The Parks and Recreational Facilities Director reminded the Board and the public of the funds the City has received to rehabilitate the lakes in Dos Lagos, the City issued a Sole Source to Aquatic Consultants. One of first things Aquatic Consultants did was review and evaluate the state of the current ponds, after their analysis unfortunately they cannot not be rehabilitated and must be reconstructed. Aquatic Consultants have been working in New Mexico since 1998, they have a vast design capability and over 30 years of lake and stream construction experience. The Task Order that will be presented later during the meeting will authorize roughly \$33,000 for the design to construct the fishing lake. This design will formulate a cost for the construction but also involve the public as to what use the public would like from these lakes. MPT Holguin and Trustee Garcia brought up some concerns about the costs of maintenance and overall construction cost. The Parks and Recreational Facilities Director explained that completing this design by approving the Task Order does not mean that the Board is obliged to construct this amenity, he understands and agrees that a project like this must be budgeted for not only construction but future maintenance. He also explained the attraction this sort of project can bring to the community for the surrounding areas, he expressed the importance of getting the community involved to hear their opinions and suggestions.

8. APPROVAL OF MINUTES

a. Regular Minutes: 03/06/2024

MPT Holguin requested a few amendments.

With Amendments 1st Motion: MPT Holguin

2nd Motion: Trustee Herrera

Roll Call Vote:

MPT Holguin **YES NO**

Trustee Garcia **YES NO**

Trustee Barreras **YES NO**

Trustee Herrera **YES NO**

4-0 Vote, Motion Passes.

9. CONSENT AGENDA **MPT Holguin removed all items from the Consent Agenda*

a. Consideration and Action to approve the hiring of an IT Assistant, *Presented by HR.*

MPT Holguin asked what the pay will start at, to which the HR Director explained it will start at \$20.59. MPT Holguin does agree that the City is lacking in IT but would like to take a better look at

the budget before approving this position. He questioned why the position is set at that rate and the HR Director did explain that this position was budgeted on the previously approved budget and the rate was set with the recent pay raise that was also approved last fiscal year after several weeks of data collection from surrounding municipalities. MPT Holguin questioned why no information was presented to the board, HR director claimed to do research on payrates in relation to other municipalities, but that was not presented to the board. MPT Holguin also stated that after the former IT left, we contracted with the third party, when the city claimed to no longer need one and the former IT director was working on a contract basis. Trustee Garcia questioned the usage of the word 'Assistant', the HR Director explained that reason for that was to allow the position to start as an entry level position and for budgetary reasons, a different title would require higher pay raise.

1st Motion: Trustee Herrera

2nd Motion: Trustee Barreras

Roll Call Vote:

MPT Holguin	YES NO	
Trustee Garcia	YES NO	3-1 Vote, Motion Passes.
Trustee Barreras	YES NO	
Trustee Herrera	YES NO	

- b.** Consideration and Action to approve a resolution authorizing budget adjustment for the 3rd quarter of the 2023-2024 Fiscal Year, **Presented by the Finance Director. (Postponed)**

Motion to Postpone to April 3rd, 2024: **1st Motion:** Trustee Garcia

2nd Motion: Trustee Herrera

Roll Call Vote:

MPT Holguin	YES NO	
Trustee Garcia	YES NO	4-0 Vote, Motion Passes.
Trustee Barreras	YES NO	
Trustee Herrera	YES NO	

- c.** Consideration and Action to approve the Task Order for the Dos Lagos Fishing Lakes Design, **Presented by the Projects Coordinator.**

The Projects Coordinator explained this Task Order will be awarded to the Sole Source Contractor, Aquatic Consultants, in the amount of \$33, 875 for the design of the reconstruction of the lakes.

1st Motion: Trustee Herrera

2nd Motion: Trustee Garcia

Roll Call Vote:

MPT Holguin	YES NO	
Trustee Garcia	YES NO	
Trustee Barreras	YES NO	4-0 Vote, Motion Passes.
Trustee Herrera	YES NO	

10. CONSIDERATION AND ACTION

- a.** Consideration and Action to approve closing the City of Anthony Wells Fargo account, **Presented by the City Manager.**

The City Manager explained that when it came to the attention of the Finance Director that a Wells Fargo account, although not active, still had members from the previous administration and Board listed as either Executives or Signatories it was the Finance Director's advice to close this account and relocate the \$250,000 in that account to the City's First New Mexico Bank account. To clarify, this account has been a dormant account and has not been used for any daily operations for some years.

1st Motion: Trustee Garcia

2nd Motion: Trustee Barreras

Roll Call Vote:

MPT Holguin	YES NO	
Trustee Garcia	YES NO	
Trustee Barreras	YES NO	4-0 Vote, Motion Passes.
Trustee Herrera	YES NO	

- b. Consideration and Action to develop a payment plan for Mayor Murillo to reimburse the City of Anthony for legal services involving case D-307-CV-2023-02386 and D-307-CV-2023-00810, **Presented by MPT Gabriel I. Holguin.**

The City Manager requested the legal opinion of the City's legal counsel, Randall Van Vleck. Mr. Van Vleck expressed concerns about this agenda item, with the utmost respect and clarity doing this is beyond the Board's authority. The Board could vote on this item if they wish but they have no legislative authority to enforce this legal responsibility on any elected official or member of the public. The only manner the Board can accomplish this would be to file a lawsuit against the Mayor. The contracts for these attorneys were entered during the time that the City Manager had the authority to do so, until the procurement code at the time. Perhaps the contracts should have come before the Board but legally speaking these contracts are legitimate, legal binding agreements between the City of Anthony and the attorneys. Trustee Garcia asked if the approval of funds ever came to the Board regardless of it being the previous or present Board, the City Manager responded stating that the previous Board was made aware of the 3rd party investigators that was hired after several allegations were made against MPT Holguin by City staff. These are not personal obligations of Diana Murillo but obligations of the City of Anhtony, it is the responsibility of Mr. Van Vleck to advise and minimize legal consequences. MPT Holguin argued that it was not brought to the previous Board to which the City Manager clarify that approval of payment was not but the utilizing outside counsel was via the investigation report. MPT Holguin stated that the City Manager has failed the people of Anthony. He continued by asking how the City could have ensured that these contracts would have stayed under what the procurement policy allowed at the time, which is \$60,000, the City Manager agreed that is something that could not have been known, MPT Holguin pointed out that no investigation was made against another board member. Several allegations seemed retaliatory, MPT Holguin stresses that a legal payment was not offered to MPT Holguin, as it was to the Mayor. MPT Holguin expressed disappointment to the City Manager on several administrative actions such as things that effected residents both directly and indirectly, and the misuse of public funds. If the contract nears or exceeds the \$60,000, the City Manager would have to follow procurement procedure and put out for bid these services. MPT Holguin is adamant about purchases like this because of previous occasions. Trustee Herrera asked if future payment can be stopped, to which the Mr. Van Vleck answered yes, that is within their authority. He advised to continue payment in the lawsuit where the Mayor is the defendant, but if the Board chooses they can stop future payments for the lawsuit where the Mayor is the plaintiff. MPT Holguin reminded Mr. Van Vleck that the Board had previously voted to stop future payments for all litigation matters more than one time and legal counsel advised that because of the legal binding contract that the City of Anthony entered, all past invoices prior to that date should be paid.

Original: 1st Motion: Trustee Barreras

2nd Motion: MPT Holguin

Motion to postpone until further notice: 1st Motion: MPT Holguin

2nd Motion: Trustee Herrera

Roll Call Vote:

MPT Holguin	YES NO	
Trustee Garcia	YES NO	3-1 Vote, Motion Passes.
Trustee Barreras	YES NO	
Trustee Herrera	YES NO	

- c. Consideration and Action to approve the Dos Lagos Soccer Field Irrigation Design and Construction Administration and Observation, **Presented by the Projects Coordinator.**

The item presented tonight is for Wilson & Co. through their on-call contract.

1st Motion: Trustee Garcia

2nd Motion: Trustee Herrera

Roll Call Vote:

MPT Holguin	YES NO	
Trustee Garcia	YES NO	3-1 Vote, Motion Passes.
Trustee Barreras	YES NO	
Trustee Herrera	YES NO	

MPT Holguin supported the cause, but voted against due to potential conflict of interest that may exists being that Wilson and Company was City Manager's previous employer.

11. CLOSED SESSION

- a. NOTICE IS HEREBY given that the City of Anthony Board of Trustees will meet in Executive Session Pursuant to NMSA 1978, Section 10-15-1 (H)(2) to discuss Limited Personal Matters regarding City Administration specifically the City Manager contract.

1st Motion: Trustee Garcia

2nd Motion: Trustee Barreras

Roll Call Vote:

MPT Holguin	YES NO	
Trustee Garcia	YES NO	
Trustee Barreras	YES NO	4-0 Vote, Motion Passes at 9:00pm
Trustee Herrera	YES NO	

- b. Return to Open Session. *No decision was made during the closed session.*

1st Motion: Trustee Garcia

2nd Motion: Trustee Herrera

Roll Call Vote:

MPT Holguin	YES NO	
Trustee Garcia	YES NO	4-0 Vote, Motion Passes at 9:26pm.
Trustee Barreras	YES NO	
Trustee Herrera	YES NO	

12. CONSIDERATION AND ACTION

- a. Possible Action on Matters Discussed in Executive Session.

Motion to accept City Manager's Mario Juarez Infante's resignation marking his last day as April 9th, 2024.

1st Motion: Trustee Garcia

2nd Motion: MPT Holguin

Roll Call Vote:

MPT Holguin	YES NO	
Trustee Garcia	YES NO	
Trustee Barreras	YES NO	4-0 Vote, Motion Passes.
Trustee Herrera	YES NO	

13. ITEMS FROM THE MAYOR AND TRUSTEES

Trustee Herrera: *Would like to reevaluate Animal Control fees, doesn't believe it's fair for these fees to be charged especially if the animal doesn't belong to them. Would like additional lighting and trash clean up at Lil Adams ballpark. Would like to open the possibility of working with the County to build a transfer station together. Find out from the Finance Director is the Cannabis Tax funds can be allocated specifically for roads. Request a Special Meeting for April 2nd at 6:00 pm.*

Trustee Barreras: *NONE*

Trustee Garcia: *Missing stop sign, would like Public Works advised to avoid any accident. Bringing businesses to start getting more funds for the upcoming projects.*

MPT Holguin: *Thanked the other trustees for creating an environment where they can discuss and disagree respectfully. Bringing forth the City Manager Ordinance to decide how to move forward with the City Manager position. Street improvement, look into formulating a plan with the remaining mill levy funds, and revisit the street improvement plan. Encouraged people to vote for the upcoming election to elect people that work for the people and vote for changes that is more beneficial for the people.*

14. ADJOURNMENT

1st Motion: Trustee Herrera

2nd Motion: Trustee Barreras

Roll Call Vote:


MPT Holguin	YES NO
Trustee Garcia	YES NO
Trustee Barreras	YES NO
Trustee Herrera	YES NO

4-0 Vote, Motion Passes at 9:43pm.




Diana Murillo, Mayor

{SEAL}
Attest:


Karla Oropeza, City Clerk