



City of Bayard
CITY COUNCIL SPECIAL MEETING
December 15, 2022 at 5:30 PM
Bayard City Hall

MINUTES

WORK SESSION

CALL TO ORDER: Mayor Chon S. Fierro

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Mayor Chon Fierro
Mayor Pro-tem Raul Villanueva
Councilor Eloy Medina
Councilor Frances Gonzales
Councilor Jose Diaz

A quorum was present. Others in attendance were Dolores Charon, Juno Ogle, Jonnie Alba, Victor Alba, Ashley Ogilvie, James Ervin, Rick Lass, Jade Wilson, Selina Crespín, Robert Terrazas, Sonya Dixon, Hector Carrillo, Michael Paez, Valerie Barboa, Luz Lozano, Euphemio Gonzalez, Marlena Valenzuela, and Tanya Ortiz.

APPROVAL OF THE AGENDA

PUBLIC INPUT

Victor Alba stated he owns a electric company, Alba Electric and would like to be considered for jobs with the City of Bayard.

CONSENT AGENDA

Motion made by Mayor Pro-tem Villanueva, Seconded by Councilor Diaz.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

1. Approval of the Minutes of the Regular Meeting November 14, 2022 and Special Meeting November 28, 2022.
2. Approval of the Accounts Payable Report for December 12, 2022.
3. Approval of the Fire Report for November, 2022.

4. Approval of the Maintenance Report for November, 2022.
5. Approval for City Staff, Mayor and Council to attend Legislative Session on January 31- February 3, 2023 in Santa Fe, NM.

Councilor Diaz stated he would like city hall to remain open when staff attends the Legislative Session in Santa Fe.

6. Approval for David Palomarez to attend NM Water and WW Association Annual School. Jan. 23-26, 2023 in Las Cruces.

Councilor Diaz stated item #6 David Palomarez to attend NMW and WW Association School Councilor Diaz asked if he was scheduled to attend before this and did not show up?

Deputy Clerk Marlena stated that was to attend for class this is for something different.

Councilor Diaz would like to start holding the individuals accountable for not attending these classes. The individuals need to have commitment before they get approved to attend these classes.

OLD BUSINESS

7. Discussion for concerned resident Larry Ojinaga.

Resident Larry Ojinaga was not present at the meeting. No discussion was taken.

Police Chief Carrillo introduced two new police officers Valerie Barboa and Luz Lozano. Uniforms and equipment are being ordered and they are getting ready for the police academy.

NEW BUSINESS

8. Approval of the 2023 Holiday Schedule.

Motion made by Councilor Diaz, Seconded by Councilor Medina.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

9. Approval of the 2023 City Council Meetings.

Motion made by Councilor Diaz, Seconded by Mayor Pro-tem Villanueva.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

10. Discussion for Proposal of weekend schedule change for Public Works Department.

Public Works Director Michael Paez would like to change the weekend duties to on call. The reason so he could have a full crew Monday through Friday. With the schedule now he only has a full crew Monday through Wednesday. He believes this change will benefit the department over all.

Councilor Villanueva asked if the guy on call would still come out and check on everything?

Public Works Director Michael Paez stated there is a 2-hour window for the morning to come out and check on all the components. There is a 30-minute response time.

Councilor Diaz stated there are some wording changes and define the letter a little better but overall looks good.

Public Works Director Michael agrees this needs some adjustments.

11. Discussion of Solar Facility located on land owned by Ernest Gavaldon.

Cindy from Ameresco joined the meeting by telephone. Her proposal is to share information on the The San Jose NM Solar LLC which is owned by Ameresco Solar Land Holdings LLC. This is a new Community Solar Program of New Mexico enacted in 2021. The Community Solar Program allows for the three largest utilities in the state to develop up to 5 megawatt solar facilities to increase renewable clean energy in the state. The program for 20NW to be installed. Each community solar facility will have subscribers Each subscription will offer approximately 10% discount on the electricity bill. A 30% low-income carve out of subscriptions is part of the program. This is an exciting opportunity for the community to participate in community solar through subscriptions and the project will benefit the area economically through use of local labor and local services as well as community engagement. This project will be located on land owned by Mr. Gavaldon and will be leased for the term of 25 years (per the NM Community Solar program). The solar facility will be fully decommissioned at the end of 25 years. The Community Solar program application window is now through January 31, 2023. Everyone with a solar project application is pulling them together and submitting them. Then incline will receive all the applications review them, and they will score all the projects through the RFP process. The highest scoring projects will move forward and go into interconnections. Then they will start working with the utilities and make sure they can connect safely to connect to the grid. This process will take around 6 months, at the end they will have a interconnections agreement and their project can move forward with their construction permit. Then it will take 4 to 5 months to build the system. The system is an unmanned system. Once a month there will be a pickup truck go by and make sure everything is okay. At this time Cindy is asking for letter from the city that states that no there are no zoning or ordinances requirements and that no permits are required at this time.

Councilor Gonzales asked because we are a low-income community would Ameresco be able to give the residents a 30% discount on their bill? Who is the company that Ameresco will be working with for the subscriptions?

Cindy stated she believes that is true. The company that will be doing the subscription, they will be working on that agreement and get this agreement to the city. The company for the subscriptions is CSP- Community Solar Program.

Councilor Diaz asked how was this land selected to place this project? Have you done your research on how it is going to impact the residents on Virginia Street?

Cindy stated she did visit the site with the land owner and did access this on Virginia Street and they will be doing a construction study done.

Councilor Diaz would like for a meeting to be set up with the residents in the area and get their input.

Police Chief Carrillo stated there is a lot of criminal activity in that area and would like Cindy to be aware.

12. Discussion/ Action for Rick Lass to Present the Local Choice Energy Act.

Rick Lass came before the Mayor and Council to ask for support on the local choice energy. He would like a Resolution to take to the upcoming 2023 Legislative Session. Senator Carrie Hamblen and Senator Liz Stefanics are the two carrying the bill. If this bill is passed this will provide federal funding for municipalities to have a choice in buying and generating energy locally and from renewable sources. Investor-owned utility delivers energy for a fee, and municipalities benefit from affordable rates, local control and cleaner energy. He hopes he can get the support from the City of Bayard.

13. Discussion of Freeport Support for Wastewater Treatment Plant.

Mayor Fierro stated he has been meeting with Freeport and Mayor Stevens and Mayor Bauch for the last seven months. Freeport wants to take the effluent water and take it for their use. When the City needs fresh water, they will give it to the city. Mayor Fierro has been talking with Randy Allison and Laura Phelps, Freeport is willing to give 1 million dollars to the City of Bayard to help with the effluent line that needs to be done at the wastewater treatment plant. Mayor Fierro was talking with Marlena Valenzuela the Deputy Clerk and stated this 1million dollars can be used as a cash match and be turned in to 6 million dollars. Mayor stated right now at the wastewater treatment plant 3million to 5million dollars is needed to start work.

Councilor Diaz stated it's a good thing for the mining district.

Councilor Gonzales stated she will be willing to start looking in to grants for the city. She is wanting to look for a grant to pay for a grant writer.

Mayor Fierro stated the city does need help with writing grants. Also, he will be meeting with Pricilla Lucero the president of the COG and talk about what grants the city can apply for the wastewater treatment plant.

14. Discussion/Action of Salary Increases for City Employees.

ORDINANCES/RESOLUTIONS

Councilor Diaz stated he's been looking at a few things. It being the end of the year and cost of living going up, he thinks there's an opportunity to compensate the city employees. He has a proposal of giving the city employees a 5% to 10% raise. With the focus of the higher rate going to the Maintenance department because they are the ones out doing more. He stated we are half way through the year and with the positions that have not been filled there is more than \$200,000 that has not been used and with this increase not even half will be used of that amount. Every council meeting the council sits and says thank you for all your hard work and right now there is an opportunity to show how much was appreciate them. With the 5% raise it's about \$2,000 more on their annual income.

Councilor Medina asked if there will be a hiring freeze on the positions that have not been filled?

Councilor Diaz stated the money is there and we are hiring for the vacant positions. We are not going on a hiring freeze and we are not going to add any additional positions. We are budgeted to give everyone a percent not a flat rate for everyone. The police department will not be receiving a raise because of their raise they received in June.

Motion made by Councilor Medina to give 8% raise for the maintenance department and 5% raise for all other employees not including Police Department, Seconded by Councilor Gonzales.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

15. Adoption of Resolution 27-2022 Colonias Infrastructure Water System Improvements Loan/Grant Agreement.

Deputy Clerk Valenzuela stated all three Resolutions, Resolution 27-2022, Resolution 28-2022, Resolution 29-2022 are all agreements to pay our loans for the year.

Motion made by Councilor Diaz, Seconded by Councilor Medina.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

16. Adoption of Resolution 28-2022 Colonias Infrastructure Bayard, Sewer System Improvements Loan/Grant Agreement.
17. Adoption of Resolution 29-2022 Colonias Infrastructure Wastewater System Improvements Loan/Grant Agreement.
18. Adoption of Resolution 30-2022 American Rescue Plan Recovery Funds to Pay Premium Pay for Essential Workers.

Motion made by Councilor Medina, Seconded by Councilor Gonzales.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

19. Adoption of the Resolution 31-2022 New Mexico Legislative Action to Advance Affordable Clean Energy

Motion made by Councilor Gonzales, Seconded by Councilor Villanueva.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz.

CLOSED SESSION

Motion made by Councilor Villanueva to enter close session pursuant to 10-15-1 (H-2) NMSA 1978 for limited personnel matters for Police Department, Administration Department- hiring of the City Clerk-Treasurer, Wastewater Department- hiring of the Wastewater Laborer, Maintenance Department- promotion of the Public Works Director and promotion of the Parks and Recreation. , Seconded by Councilor Medina.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

20. Pursuant to 10-15-1 (H-2) NMSA 1978 for limited personnel matters for Police Department, Administration Department- hiring of the City Clerk-Treasurer, Wastewater Department- hiring of the Wastewater Laborer, Maintenance Department- promotion of the Public Works Director and promotion of the Parks and Recreation.

ACTION ITEMS RESULTING FROM CLOSED SESSION

Motion made by Councilor Diaz, Seconded by Mayor Pro-tem Villanueva.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

Motion made by Councilor Diaz to hire City Clerk/Treasurer Ashley Ogilvie at the pay of \$27 hour. With a one-year probation period and a 6-month evaluation. That may include an increase in pay. Seconded by Mayor Pro-tem Villanueva.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz.

Motion made by Councilor Diaz to hire Daniel Chavez for the Wastewater Laborer, starting pay \$15.75 an hour. Seconded by Councilor Medina, Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz.

Motion made by Councilor Diaz of the promotion of Public Works Director Michael Paez starting pay of \$25.50 an hour, with a 1-year probation period, also with the hiring of Jose Sierra for Maintenance Department with a starting pay of \$14.31 an hour, the hiring of Steven Estrada for the Parks & Recreation at the starting pay of \$14.00 an hour and the hiring of Gabriel Flores for Janitor at the starting pay of \$13.25 with a possible pay increase. Seconded by Mayor Pro-tem Villanueva.

Motion made by Mayor Pro-tem Villanueva that Sergeant Jesus Lopez be terminated, Seconded by Councilor Medina.

MAYOR AND COUNCILORS REPORTS

Councilor Medina asked if there will be a parade with Santa Clause?

Deputy Clerk Villanueva stated yes there will be a parade on Saturday December 17, 2022 starting at 5pm.

Councilor Gonzales thanked Police Chief Carrillo for all his work. She also thanked Code Enforcer Gomez for all his work also. She thanked the Council for passing Resolution 31-2022.

Councilor Diaz stated on Monday and Tuesday the Beautification Committee will be going around town and judging the houses with lights. They will be giving out the prizes on Wednesday. On the next agenda he would like to have discussion on what to do about covid testing and how we manage that. He thanked the maintenance department for working hard on putting up the Christmas lights. He knows that maintenance department is having issues with some poles not working but they are working on getting them fixed.

Public Works Direct Paez stated parts for the lift station is about 2 months out. The booster at the wells there are some issues with electrical components. He is getting cost estimates for that. One component is around \$3000. The 1million gallon tank he spoke with the engineers on the concerns the council had, they both feel as if they will have enough water on reserve the pumps will be working a little harder. The engineers suggest getting a backup motor for the boosters. The pot holes on Dayhill Street he cannot get a hold of anyone. The last he has heard was they have crew in Columbus.

Police Chief Carrillo thanked the mayor and council for having their back. He is hoping to get the two new police officers sworn in next meeting. He is getting all their equipment ordered. As for the Code Enforcer he is still working on sections in Bayard and that is working out great. He does have an individual that is willing to help out the code enforcer for a couple days a week. The calls are the same and they continue to work hard.

Deputy Clerk Valenzuela thanked the mayor and council for the premium pay and the salary increases. Also, she thanked them for being patient with her on learning everything she has been doing.

Utility Clerk Ortiz thanked the mayor and council for the premium pay and salary increases also.

Mayor Fierro thanked all the departments for all their hard work. He stated the Historical Tourism Tours will begin soon. There are 5 people on the Historical Tourism Committee and they will meet in January. He has spoken with Randy Alison the general manager of Freeport and asked him if they can go on to the property and take pictures with the big haul trucks and loaders. Mr. Alison askd for a schedule and they can work on it.

NEXT MEETING DATE:

Regular Meeting - January 9, 2022

ADJOURNMENT

Motion made by Councilor Diaz, Seconded by Councilor Gonzales.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz.

ADJOURNMENT 8:11 P.M.

Chon Fierro
Mayor

ATTEST:

Marlena Valenzuela
Deputy Clerk