



City of Bayard
CITY COUNCIL REGULAR MEETING

August 22, 2022 at 6:00 PM

Bayard City Hall

MINUTES

WORK SESSION

There was no 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 attendants were Larry Qjinaga, Dolores Charon, Jesus Perez, Joan Perez, Lorenzo Marquez, Manny Garcia, Aaron Burg, Tighe Burg, Melissa Rackel, Jade Wilson, Denise Galaz, Euphemio Gonzalez, Hector Carrillo, Mike Paez, Judy Diaz, Gary Arellano, Frank Gomez Jr., Anthony Macias, Manuel Galaz, Kristy Ortiz, and Tanya Ortiz.

APPROVAL OF THE AGENDA

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

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

PUBLIC INPUT

Melissa Rackel stated she is a property owner in Hanover and in Bayard. She stated she was in the meeting to address the hostility that is coming from the council administration. She feels as if targets have been placed on the backs of certain people in this community it may be because of a party choice or decision they made. There is a lot of hostility coming from this council. At the last council meeting the council scolded the municipal judge in a public forum. She also stated the council wants to defund the judicial branch that Judge Sandoval works for and that is a terrible reflection. She dose not know Judge Sandoval very much but she dose understand when he is helping some people because if he dose not help some people it could put them in a bad place. Only 10 citations were written in the month of July by the police department. That dose not help the Judge. She stated she is not sure what the council wants

from her but the council need to start communicating better with out the hostility. There are people in the community that are willing to serve a purpose and invest there futures in this community. She is sure there a more people that feel the same way. If you just talk to the people you would be amazed of what you can get out of people from this community.

Tighe Burge owner of Recreation Works located in Bayard on Central Ave. stated she is here to discuss the antique tractor that was parked in her parking lot. During the regular council meeting on April 11, 2022 a concerned resident ask for the council to reach out to the business about access issues. Mayor Fierro stated he would talk to the business owner about the issue and he never did. Councilor Diaz stated he had a complaint on the tractor. Tighe stated she has not received a call from the mayor, council, or anyone from the city about this issue. The business owner called over the city's code enforcer and asked if they were in violation and he stated no. They have always been in compliance of city ordinance and have never had a citation. The business own is surprised and disappointed that Councilor Diaz has taken this action to publicly slander there business name without the business owners ever having any prior notice or warning. She called Councilor Diaz to ask him why he brought up the issue of the tractor in the councilor meeting and he could not inform her of any ordinance or laws they have been in violation of and he admitted the tractor had been moved several weeks before. Tighe stated the tractor had been moved on July 11 and him knowing that tractor had been moved week before is a clear attack on her business. She stated it could be a case of attacking them maybe because they are a white owner in a predominantly not white community.

1. Swearing in of the new police officers Anthony Macias and Manuel Galaz.

CONSENT AGENDA

Councilor Diaz had a couple of question about the accounts payable report. Under the general fund in the amount of \$11,103.00 equipment for public safety what was that be?

Clerk/Treasure Kristy stated it was for the tv and computer monitor for training.

Councilor Diaz asked about the general fund for Vivint install of camera in the amount of \$4,354 just for city hall?

Clerk/Treasure Kristy stated yes.

Councilor Gonzales had a question on item number 5 if City Hall will be closed to attend training.

Clerk/Treasure Kristy stated no it should be only Marlana and herself would be attending.

Motion made by Councilor Gonzales, Seconded by Councilor Diaz.

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

2. Approval of the Minutes of Regular Meeting on August 8, 2022
3. Approval of the Accounts Payable Report for August 8, 2022 and August 22, 2022

4. Approval of the Police Report for July, 2022
5. Approval of the attendance for administrative staff to attend NM Infrastructure Finance Conference on October 26-28, 2022 in Albuquerque.
6. Approval for Police Chief Hector Carrillo to attend New and Future Police Chief Training on September 26- 30, 2022 in Farmington.

OLD BUSINESS

7. Discussion of concern from resident Larry Ojinaga.

Larry Ojinaga asked if a letter was sent to the property owner of the building that is right next to the fire station?

Clerk/Treasure Kristy stated she dose not send out the letter. The code enforcer is the one to do that and the Chief of Police would be in charge of him.

Police Chief Carrillo isn't sure what he is talking about but he will look in to that issue.

Larry Ojinaga stated his concerns are that building is an eye sore. Councilor Villanueva said he was going to have someone send the property owner a letter. And now no one know anything about it. He feel as if he is getting the run around. His next concern is the sidewalk on highway 356 from Inigues all the way to highway 180.

Clerk/Treasure Kristy stated this is a part of the sidewalk project. The side walk project is still in design and they are waiting the utilities to get moved at two corner. There are utilities that need to be moved because they are causing a problem. The engineers are working with the utility companies to get relocations done. Kristy was able to get the grant money extended an other year.

NEW BUSINESS

8. Project Award of construction services to SW Concrete and Paving using CES Procurement; and approval of budget adjustment for completion of project using General Fund/Municipal Streets.

Clerk/Treasure Kristy stated she requested cost estimates from SW Concrete and Paving. For various areas in town the cost estimate was \$146,000. Her request was to award SW Concrete the project of a total of \$115,891. Using CES Procurement Program, the City will have to pay 1.5% out of our local funds. Award to SW Concrete and Paving, plus administrative fee. Total project funding awarded was \$108,000. Engineer Inc has already been paid out for citification for the DOT, \$11,216 more money need to be approved for additional funding from the city's budget, plus the administrative fee. She will have to look at the budget and decide if they money will come out of general fund or municipal streets. Work should start at the end of September.

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

9. Approval of the Cobre High Homecoming Parade.

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

CLOSED SESSION

Police Chief Carrillo has a comment before entering into closed session the issue regrading item number 7 he had not answer for resident Larry Ojinaga and his suggestion today he didn't have a answer for him and he didn't like that so next time if anyone with a concern don't wait for the next council meeting call central dispatch or the police department. He will address it or he will assign it to someone who will take care of the issue.

Motion made by Councilor Gonzales to enter closed session in discussion on approval of the Hiring of Uncertified Police Officer Kevin Armanny Rivera Camacho, approval of termination for Joseph Gomez Maintenance department and approval of disciplinary action for Gerald Polk at Wastewater Department.

Seconded by Mayor Pro-tem Villanueva.

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

ACTION FOR PERSONNEL

10. Approval of the Hiring of Uncertified Police Officer Kevin Armanny Rivera Camacho.
11. Approval of termination for Joseph Gomez Maintenance department.
12. Approval of disciplinary action for Gerald Polk at Wastewater Department.

ACTION ITEMS RESULTING FROM CLOSED SESSION

Approval of the Hiring of Uncertified Police Officer Kevin Armanny Rivera Camacho.

Approval of termination for Joseph Gomez Maintenance department.

Approval of disciplinary action for Gerald Polk at Wastewater Department.

Motion made by Mayor Pro-tem Villanueva, to enter open session and all that was discussion in closed session was the Hiring of Uncertified Police Officer Kevin Armanny Rivera Camacho, termination for Joseph Gomez Maintenance department and disciplinary action for Gerald Polk at Wastewater Department. Seconded by Councilor Gonzales.

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

ACTION ITEMS RESULTING FROM CLOSED SESSION

Motion made by Councilor Diaz to hire uncertified officer Kevin Armanny Rivera Camacho at the pay rate of \$18 an hour. Seconded by Councilor Gonzales.

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

Motion made by Councilor Medina to approve the termination for Joseph Gomez Maintenance department. Seconded by Councilor Gonzales.

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

Motion made by Pro-tem Villanueva, to change the suspension with out pay to change it to administration leave with pay, the disciplinary letter be removed from his employee file and to return to work as soon as possible. Seconded by Councilor Gonzales.

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

MAYOR AND COUNCILORS REPORTS

Councilor Gonzales stated the Bayard Library meeting was held on August 16, 2022 and another meeting in November is being planned. The discussion at the meeting was about the library park and they will be looking in to funding so they can try and finish the park. On August 17 she attended the Bayard Housing Authority meeting, 17 HVAC/heating units have been stalled at the complex. They have 13 more units to install.

Councilor Diaz stated Mr. and Mrs. Gomez on E Elm street contacted him. Mrs. Gomez has fallen twice on her sidewalk. They would like to know why is it that the neighbor across the street has their sidewalk done, no one lives there and why wasn't her sidewalk done?

Clerk/Treasurer Kristy stated she has spoken to Mrs. Gomez and let her know she can install a sidewalk if she wishes. The sidewalks the city installs are included with the projects that are grant funded. The project mainly forces on drive pads and not the sidewalks.

Councilor Diaz stated he would look in to programs to get her help for a sidewalk to be installed. He did let her know the city does not still the sidewalks and it is the property owners responsibility. Councilor Diaz stated he spoke with Judge Sandoval about an easement the Judge has with the city for his sewer line. The Judge and his neighbor are having sewer issues and would like for Kristy to get with the maintenance department to get this issue resolved.

Clerk/Treasurer Kristy stated she has gone back and looked at the easement agreements. The agreement between Judge Sandoval and city the city has a sewer line that runs south and one that runs east. Mr. Candelaria's sewer is tight in to the line that runs east. The problem is Mr. Candelaria's line that is plugged up. Our maintenance have gone out and rodded out our mains on both ends and they are clear. Mr. Candelaria would have to get a plumber. She stated he may not be going far enough on his end and it would be best to get a plumber to do it.

Councilor Diaz asked about the roof leak at the fire department?

Clerk/Treasure Kristy stated the maintenance department have been patching up what they can. The notice to proceed for the contractors is September 15. The contractors are waiting on there supplies to get delivered.

Councilor Diaz would like to go out with Mr. Mike to the little league and take a look at the restrooms there and at the park restroom and see what else needs to be done. The reason is the Beautification Committee is planning a trunk or treat for the community and would like for them to be done.

Councilor Villanueva stated he spoke with the home owners on Poplar Street about the sewer backing up into there basement and they asked what was going on with that?

Mayor Fierro stated he went the day the issue happen and the line was clear.

Mike Paez for the maintenance department stated they caught a grease ball in the line on Maple Street.

Councilor Villanueva stated the property owners were gone all weekend and there basement was still flooding. He's not sure what can be causing this but the city needs to do something about this.

Councilor Villanueva said the property owners told him they were sure if there pump was working properly.

Clerk/Treasure Kristy stated if there basement is lower then the main the property owner is responsibly for having a pump that is an ordinance.

Fire Chief Gonzalez would like for the fire restrictions to be lifted, also if residents would like to burn they can get with him and get a burn permit.

Mayor Fierro thank the maintenance department for cleaning the alley and streets. He also thanked Jason at the wastewater plant for all his hard work. Mayor Fierro met with a few people from Freeport McMoRa, Joe Trumm, and Jason Jaeger,. They all when and walked through the wastewater treatment plant and they are going to have a meeting this week to discuss how Freeport can help the city with funding for infrastructure.

Councilor Gonzales asked how would this benefit them? She was raised in a union family and does not trust the mine.

Clerk/Treasure Kristy said sustainability for the community. The new main manager is really trying to help all the communities in the mining district. They are providing water rights to Santa Clara and to Hurley. For Bayard they are trying to get us funding for repairs at the wastewater treatment plant.

Mayor Fierro stated he was also in the union and retired from the mine. Mayor stated Freeport wants to help the city and it will help our municipally. They are going to help Hurley, Bayard and Santa Clara.

Councilor Gonzales she wants to make sure all be looking through clear glasses. This is all she is saying. She is a City Councilor and she has to look out of her residents. She stated they

have had issues with the White Water Creek. She wants to continues the good fellowship and stewardship. She appreciates the work they are doing.

Mayor Fierro stated we have to thinkin positive. Attend the meeting and just think positive that we will be getting help from them. The copper mine is the biggest employer in Grant County.

Larry Ojinaga stated if Freeport wants to help and they are sincere about helping the City. We need the help and might as well take advantage of it.

NEXT MEETING DATE:

Regular Meeting - September 12, 2022

ADJOURNMENT

Motion made by Councilor Medina, Seconded by Councilor Diaz.

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

ADJOURMENT 8:20 p.m.

Chon Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer