



City of Bayard
CITY COUNCIL REGULAR MEETING

November 14, 2022 at 5:30 PM

Bayard City Hall

MINUTES

WORK SESSION

Stantec Project Update

George Esqueda first contract with the City of Bayard and Stantec is general engineering support. The contract was awarded to Stantec the contract is from June 1, 2019 and the expiration date is June 1, 2023. Next project is NM356 Sidewalk Improvements- N. Foy to Hurley Ave. This project was funded by an NMDOT grant. The funding will expire December 30, 2023. The project amount is \$628,129.00. NMDOT 95% \$596,722.55 City of Bayard 5% \$31,406.45. Amendment #2 for this project is project development/scoping for \$71.70, pre-final design for \$17,483.00, PS&E Documents for \$26,404.00, and Bidding for \$5,200.74. In the future there will be a 3rd Amendment. Due to testing frequency the 3rd amendment cannot be done at this time.

Sidewalk improvements on the south side of N. Foy, there is not drainage, this project is only to add sidewalk and ADA improvements at the intersections. There are poles in the way, Stantec has done some utility coordination with PNM and Comcast to get these relocated. Some of the decorative lights and school zone flashing lights are also in the way, DOT has allowed the relocation of these to be paid for by this grant. The projected start date of this project is May 2023. Project 2020 CDBG WW Management Assistance the influent sewer line. Funding sources for this project are Capital Outlay, CDBG and City of Bayard. This project was awarded to Morrow Enterprises of Las Cruces. Construction is scheduled to begin January 2023 due to delay in delivery of materials. This project is allotted one year project time. Amendment #1 is for Contractor Employee Labor Interviews. CDBG requires this to be done to make sure the city does these interviews to make sure the employees are making the amount they should be making.

Project NM356 & US180 Lighting Improvements this was funded NMDOT grant for a total of \$725,000.00. Construction substantial completion achieved was August 31, 2022, for a total of \$632,587.75. There is a warranty of one year. Warranty ending August, 2023.

Project Public Safety Building Improvements, this project was funded by 2021 Legislative Appropriation. \$450,000.00 was awarded. 1% of this amount is set aside for Art in Public Places. This project funding expiration is June 30, 2023. This construction scope is to replace existing roof finishes, install new stucco seal and repair all damaged interior ceilings and walls. This project was awarded to C.D. General Contractors Inc. in the amount of \$248,477.97. Project was expected for November 16, 2022, but the fasteners for the roof are on back order and expected to ship mid-December through mid-January. The projected

construction contingency is estimated to be \$164,243.21. If all goes smooth with the project. Construction to begin January 2023.

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. Other in attendance were Larry Ojinaga, Dolores Charon, Jesus Perez, Joan Perez, Juno Ogle, Euphemio Gonzalez, Mike Armendariz, Michael Paez, Anthony Macias, Hector Carrillo, Marlena Valenzuela, and Tanya Ortiz.

APPROVAL OF THE AGENDA

PUBLIC INPUT

No public input.

CONSENT AGENDA

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

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

1. Approval of the Minutes of Special Meeting October 19 and Regular Meeting October 24, 2022.
2. Approval of the Accounts Payable Report for November 14, 2022.
3. Approval of the Fire Report for October, 2022.
4. Approval for Marlena Valenzuela and Tanya Ortiz to attend LGD Virtual Budget Conference Nov. 14-18, 2022.
5. Approval for Police Chief Hector Carrillo to attend NM Law Enforcement Conference on Dec. 7-9 in Albuquerque.

OLD BUSINESS

George Esqueda continued with the project updates next project is North Foy Street Improvements. The City of Bayard received a grant for this project through NMDOT for a total amount of \$732,000.00. 95% grant from NMDOT \$695,400.00 and 5% match requirement from the city of \$36,600.00. Funding expires on June 30, 2025. Since this cost estimate, the price of all materials has gone up. Stantec has broken up this project in to two phases. Phase

one is from the entrance of the housing authority up to North Foy Street on the dirt street. This also includes the Alta Vista intersection. The projected amount for phase one is \$625,201.28. Phase 2 would be the North Foy and Alta Vista intersection to the town limits. The estimated projected amount for phase two projected amount is \$245,535.71. Total of \$953,590.91. City of Bayard's shortfall is \$221,590.91 to construct the entire project. Mr. Esqueda ask how the city would like to proceed as a result of projected project funding shortfall. The city can move forward with bidding project as designed, understanding that may only be able to award/construct phase one. Bidding to begin January 2023 and construction to begin April 2023, or wait and request additional funding to cover projected funding shortfall. This will delay bidding and construction until 2024.

Councilor Gonzales stated if we wait and look for more money prices of materials can go up. She suggests we go out to bid for phase one.

Mayor and Council agrees on go out to bid as designed and moving forward.

Mr. Esqueda will present a work order in the next couple of months to move forward.

Councilor Medina asked if we can maybe do chip seal with the money that is left over from phase one, on the rest of the road to take care of the problem.

Mr. Esqueda said yes. He will be giving the project updates on the project as it gets done and see what else can get done on Alta Vista.

1 Million Gallon Water Tank Rehab project awarded amount is \$1,000,000.00 this is to plan, design, construct, and renovate water storage tank, including lead abatement, in Bayard. This funding expires June 30, 2025. Additional funds have been awarded through Covid Relief Funds in the amount of \$529,574.00. This funds expire December 31, 2026. The projected amount for the project is \$1,129,905.63 and projected contingency remaining is \$302,169.12. Mr. Esqueda was able to talk with the DFA attorney and received clarification on the requirements to include in the bid documents due to the Fiscal Recovery Funds. The DFA attorney clarified that the State of NM is administering these funds and therefore only State requirements are necessary. Have to take the tank offline, the City would like to start construct the project in the fall of 2023 when water demand drops. Stantec will request wage rates just prior to advertising the project for bid in June/July 2023 before moving forward with advertisement.

Councilor Medina asked if the maintenance department has done a water analysis of the water tank.

Councilor Diaz asked what is the back up plan for this?

Michael Paez stated the city will be running off the 250,000 tank. The boosters will be working harder to accommodate what we need. This is the reason he has requested to start this project when water demand drops, so the equipment will not be running as hard.

Councilor Medina asked if Michael has reached out to Freeport and ask in case we need water if you could help us?

Councilor Diaz asked if the pumps stop working what is our plan?

Michael Paez stated we would have to ask Hanover to supply us with water. They are the only resource we can get water from.

Councilor Medina would like to set up and MOU with Santa Clara, Freeport and Hanover water to make sure all our basis are covered.

Mr. Esqueda stated there is an amendment to extend the time of the project because we are waiting until the fall of 2023 to bid.

These next projects the City of Bayard has been awarded but does not have a contract with Stantec.

FY2022 Colonias Water System Improvements, City of Bayard has a 10% match of \$12,740.00, Colonias grant of 90% \$114,660.00 and 10% loan of \$12,740.00 for a total of \$140,140.00. This grant will be closed January 27, 2023. Stantec is presenting their engineering agreement for this project for the professional services because NM Environment Department has to review the engineering agreement. He has sent over engineering agreements to the NMED and this has taken them over three months to review. Mr. Esqueda would like to send over the engineering agreements now so by the time the money is secure the City can have their approval and avoid delays. The scope of work for this project are well field and pressure reducing valve improvements will consist of water system improvements within the city limits and the west vicinity area of Bayard.

FY2022 Colonias water system improvements, City of Bayard has a 10% match of \$12,130.00, Colonias grant of 90% \$109,170.00 and 10% loan of \$12,130.00. This grants scope of work is to be used by the City of Bayard for the design of a new lift station, new gravity sewer main, new force main, SCADA, controls, and electric systems and new backup diesel generator. This is to replace the lift station at the end of Oak Street and move the lift station away from an existing structure.

FY2022 Colonias wastewater facility planning grant, City of Bayard has a 10% match \$12,130.00 Grant 90% 90,000.00 and 10% loan of \$10,000.00, total of \$112,130.00. Stantec did not assist the City with the Colonias application. This is for planning and preliminary design of wastewater system improvements. This grant closing is January 27, 2023.

Mr. Esqueda stated upcoming funding application deadlines are 2023 Legislative requests are January/February 2023, 2023 Colonias Infrastructure is March 8, 2023, 2023 NMDOT COOP is March 15, 2023, 2023 NMDOT MAP is March 15, 2023, 2023 NMDOT TPF is May 2023. The next round of Colonias grants are going to open up the end of January. The notice of intent is going to be due January 3-19. They City has to submit a letter and state what project the City is wanting to seek funding for. This is the most money that has been giving to the southern part of the state. The dead line to apply for this funding is March 8th.

Motion made by Councilor Gonzales, to Amendment- Time Extension Only- 1M Gallon reservoir, Amendment- Time Extension and Scope of Work Fee Increase- 2020 CDBG WW Influent Line, Amendment- Scope of Work and Fee Increase- NM356 Sidewalks, Agreement- 2022 Colonias Water (5747-CIF), Agreement- 2022 Colonias Wastewater (5748-CIF

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

6. Stantec – Projects Update, discussion and necessary action if required.
7. Stantec – Presentation of Engineering Amendments and Agreements, discussion and necessary action for the following projects:

Amendment- Time Extension Only- 1M Gallon reservoir

Amendment- Time Extension and Scope of Work Fee Increase- 2020 CDBG WW Influent Line

Amendment- Scope of Work and Fee Increase- NM356 Sidewalks

Agreement- 2022 Colonias Water (5747-CIF)

Agreement- 2022 Colonias Wastewater (5748-CIF)

NEW BUSINESS

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

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

8. Approval for Gracie Carreon owner of MVD Express to park her RV on her property 601 Central Ave.

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

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

CLOSED SESSION

Motion made by Councilor Medina, Seconded by Councilor Diaz.

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

9. Discussion/Action of employee- resulting from Wastewater Department Internal Investigation.

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

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

No action was taken.

ACTION ITEMS RESULTING FROM CLOSED SESSION

Only discussion pursuant to 10-15-1 (H-2) NMSA 1978 for limited personnel matters, resulting from Wastewater Department Internal Investigation. No action was taken.

MAYOR AND COUNCILORS REPORTS

Councilor Villanueva thanked the staff for everything they continue to do. He knows we are in the process of doing interviews for the positions that are vacant and he thanks everyone for picking up the slack. Hopefully soon we will have new people to help out. He is thankful the election is over and he thanked everyone for their support.

Councilor Medina thanked everyone for their support. He stated its going to be a good four year and he is looking forward to it. He stated its hard to work without a leader but to stay focused and get the job done. We'll be okay and there will be some changes coming.

Councilor Gonzales stated she appreciates everyone and everything they do. She gave a shout out to Mr. Gomez the Animal Control Officer for doing a really good job. He is getting everyone to get their yards cleaned. Councilor Gonzales congratulated Commissioner elect Medina and Sheriff elect Villanueva. She also thanked the Mayor.

Councilor Diaz thanked the Beautification Committee for the Trunk or Treat. They gave away 500 hot dogs and drinks. He thanked all the supporters everyone that donated and show up to help. He thanked the city hall ladies and the maintenance for all the work they did at the parks. He thanked the police department for their safety and being there. He thanked the maintenance department for the clean-up of the weeds on Central Ave. They did a good job. He asked if the department heads can pass along the message because they do a good job. He is looking forward to working with everyone this coming year. The Beautification Committee is talking about giving more money for the decoration contest for Christmas. He thanked the Mayor and Councilor Gonzales for being at the trunk or treat.

Michael Paez stated the maintenance department is doing work out at the wells fixing a leak. The clortech technician is working on a proposal to update the whole system out at the wells. This is going to pricey but this is much needed for the wells and the disinfection system. The system was built in 2009 and no updates have been made. Decoration will start being put up next week.

Fire Chief Gonzalez asked why there was not any flags flying on Veteran's Day?

Councilor Diaz stated there are not brackets on the new light poles yet.

Fire Chief Gonzales stated they received the grant for the fire truck and the truck should be here in a year. He stated the Fire Department Sign was painted by the maintenance department. The Fire Department also received a grant for \$152,000 for SABAs. They also received the stipend grant.

Assistant Fire Chief Armendariz stated they put together a spreadsheet on participation on training, calls answer and everything else they do. They will do score sheets his is how the stipend grant will be paid out monthly.

Police Chief Carrillo stated they are doing better on their coverage calls. He covered what he has accomplished in the seven months he has been with Bayard. He took care of the time

clock issue. They now call dispatch when they come on and off duty. He has a sign on bonus. They have hired a Captain and a Lieutenant. The previous administration encrypted the Bayard frequency. Meaning only central dispatch and Bayard could only communicate. That was fixed and now Bayard frequency can communicate with all agencies. They have both Class A and Class B uniforms and every officer are cleaned and presentable for the public. Their citations are up and arrests are up. Chief Carrillo does not like to arrest but when they have to, they do. They are conducting walk throughs at Snell Middle School to make a presence there and let everyone know they are there. They have purchased new hand guns. They are 9 caliber and all the officers are qualified with them. All the officers are attending trainings. Chief Carrillo has been attending a lot of meetings with in the community. Like SAS and at El Refugio. The police department is attending community events. Chief Carrillo would like the community to get to know all the officers. School zones, he is trying hard to be at the school zones mostly at Snell. He has got with the school and they are trying to hire a part time person to be at the school zone. The Code Enforcer has divided Bayard into four sections. Every two weeks he is focusing on one section. He is driving around that section and still answering calls. Now the ACO is writing reports when there is a dog bite or anything. He gets a case number from central dispatch and writes a report on it. The council will start getting a report starting next month. The ACO is wearing a body cam now and Class B uniform. Our ACO does not pick up skunks as of right now. He did pick one up and got sprayed.

Mayor Fierro thanked all the department for all their hard work. Mayor Fierro met with Terry Humble, Lee Grobber. When Lee found out the City had received the Mine Mill Hall she reached out to him and she would like to donate items she has from her Dad to the City. He went to the Little League with the maintenance and AmeriCorps were at the club house putting the flooring and the others were helping with the street light. A meeting with the County was cancel but that meeting was to talk about doing away with the detention center. Chairmen Ponce said they are spending to much money. Until another meeting is set up they will find out what will happen. Mayor Fierro had a meeting with Dr. Spaletta and he asked if we could get a lease for the bottom field by the Bayard Elementary School. This would allow the city to receive grants from the state to fix up the field and the little league would be able use it during the season.

Councilor Villanueva stated he thinks its a great idea, a big benefit for the community and we should move forward on it.

Mayor Fierro stated he will get with Dr. Spaletta and the attorney and see what we need to do. He also stated next week Mayor Fierro and Stantec will be meeting at the Mine Mill Hall to get how they can prevent water from getting in to the building. Mayor Fierro is also working on getting funding for a Veteran Park across from City Hall. The plans were first for the Veteran's Park to be in the area of Taylor and Guinevan but the plans are to big for that area. He will be working on getting funding for the Veteran's Park.

NEXT MEETING DATE:

Regular Meeting - December 12, 2022

ADJOURNMENT

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

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

ADJOURNMENT 7:37 P.M.

Chon Fierro
Mayor

ATTEST:

Marlena Valenzuela
Deputy Clerk



City of Bayard
CITY COUNCIL SPECIAL MEETING
November 28, 2022 at 5:00 PM
Bayard City Hall

MINUTES

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 Larry Ojinaga, Juno Ogle, Dolores Charon, Michael Paez, Hector Carrillo, Mike Armendariz, Euphemio Gonzalez, Marlena Valenzuela, and Tanya Ortiz.

APPROVAL OF THE AGENDA

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

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

CLOSED SESSION

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

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

1. Closed Executive Session Pursuant to 10-15-1 (H-2) Pertaining to Limited Personnel Matters -
Hiring of Police Department Employees
A. Luz Tirado Lozano- Un-Certified Patrol Officer and
B. Valerie Barboa- Un-Certified Patrol Officer

Promotion of Public Works Department

- A. Michael Paez from Foreman to Public Works Director
- B. Jose Sierra from Janitor to Parks & Recreation

Hiring of City Clerk-Treasurer

A. Ashley Ogilvie as City Clerk-Treasurer

ACTION ITEMS RESULTING FROM CLOSED SESSION

Motion made to come back from closed session only items discussed in closed executive session pursuant to 10-15-1 (H-2) Pertaining to Limited Personnel Matters - Hiring of Police Department Employees A. Luz Tirado Lozano- Un-Certified Patrol Officer and B. Valerie Barboa- Un-Certified Patrol Officer Promotion of Public Works Department A. Michael Paez from Foreman to Public Works Director B. Jose Sierra from Janitor to Parks & Recreation Hiring of City Clerk-Treasurer A. Ashley Ogilvie as City Clerk-Treasurer by Pro-tem Villanueva, Seconded by Councilor Gonzales. Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz.

Motion made by Councilor Diaz to postpone promotion of Public Works Director and Parks & Recreation until December 12th City Council meeting to be able to look at the budget and see what this salary will be paid at. Seconded by Councilor Gonzales. Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz.

Motion made by Councilor Diaz to postpone hiring of the City Clerk/Treasurer and bring back to top two applicants for a second interview on December 12th. There will not be a work session but interviews will be held at this time. Seconded by Councilor Gonzales. Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

NEXT MEETING DATE:

Regular Meeting - December 12, 2022

ADJOURNMENT

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

ADJOURNMENT 6:19 P.M.

Chon Fierro
Mayor

ATTEST:

Marlena Valenzuela
Deputy Clerk