City of Bayard

CITY COUNCIL REGULAR MEETING

September 13, 2021 at 1:30 PM

Bayard City Hall

MINUTES

WORK SESSION

Clerk-Treasurer Ortiz presented the draft Cannabis Ordinance and requested input from the Council on distances for location to schools and daycare centers and between cannabis establishments, operating hours and allowable zoning districts.

CALL TO ORDER: Mayor Pro-tem Raul Villanueva

PLEDGE OF ALLEGIANCE

ROLL CALL

Motion made by Councilor Kelly, Seconded by Councilor Ortiz.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Ortiz

Other in attendance were Dorothy Grijalva, Jesus Perez, Joan Perez, Steven Gabaree, Lori Gabaree, Tighe Burg, David Rios, Hannan Dumas, Sonya Dixon, Joe Carlos, Anthony Aveles, Jason Jaeger, Gary Arellano, Euphemio Gonzalez, Mike Armendariz, Bernice Pacheco, Carlos Pacheco, Kristy Ortiz, and Tanya Ortiz.

APPROVAL OF THE AGENDA

Motion made by Councilor Kelly, Seconded by Councilor Ortiz.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Ortiz

PUBLIC INPUT

David Rios a resident of Bayar for 50 plus years stated nothing is being fixed here in Bayard. The Mayor and Council are not taking care of the problems and they should. The vacant lot behind with property on Maple Street is a fire hazard. Mayor Fierro went out to his house and took a look and did agree it is a fire hazard and he would like something to be done.

Steven Gabaree stated "the Bayard junk yard" meaning 301 N. Railroad Bayard Auto there is a lot more going on over there around the night time.

Gray Arellano is concerned about the railroad crossing. The crossing needs improvements.

CONSENT AGENDA

Motion made by Councilor Kelly, Seconded by Councilor Ortiz.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Ortiz

The following items were included within the consent agenda.

1. Approval of the Minutes of Regular Meeting on August 23, 2021 and ICIP Work Session on August 30, 2021

2. Approval of the Wastewater Report for August 2021

3. Approval of attendance to the New and Future Police Chiefs Training in Rio Rancho on September 27-October 1 for Joe Carlos.

4. Acceptance of letter of resignation for Hector Arzate

OLD BUSINESS

5. Complaint by residents of Virginia Street area - requesting code enforcement for clean-up of vehicles, hazardous waste, sharp debris, abandoned mobile homes, clutter.

   Bernice Pacheco stated the area on Virginia Street is getting worse, there are a lot of kids not doing good things.

NEW BUSINESS

6. Mr. Arturo Alday is requesting approval for a Business Registration located at 202 Hurley Avenue. He would like to keep the existing name as his tax records are already established. He will conduct general mechanic work.

   Motion made by Councilor Ortiz, Seconded by Councilor Kelly.
   Council would like for vehicles not be stored on the easement, only within his property. Police Chief Carlos will visit with Mr. Alday to identify personal vehicles from business repair vehicles.

   Voting Yea: Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Ortiz. Mayro Pro-tem.

7. Appointment of Beautification Committee members

   Reappointment of members will include Frances Gonzales, Betty Lambert, James Ervin, Mark Diaz, Doug Newman, Jose Diaz, and Eloy Gonzales.

   Motion made by Councilor Kelly, Seconded by Councilor Ortiz.
   Voting Yea: Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Ortiz

8. Approval of the Infrastructure Capital Improvements Plan

The top five ICIP priorities Street Improvement Project, Water Tank Rehabilitation, Wastewater System Improvements, Railroad Crossing Improvements and Fire Department Rescue Unit and Equipment.

Motion made by Councilor Kelly, Seconded by Councilor Ortiz.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Ortiz

9. Stantec, Inc - George Esqueda; Project update and necessary action.

Mr. George Esqueda came before the Council to present project updates

North Foy Project- Bayard received a NMDOT grant for design services for the N. Foy Street project of $62,130 with a cast match of $3,270. Requesting approval for design services work order in the amount of $65,400.

NM 356 Sidewalk Project- Stantec is working on design plans, Clerk-Treasurer will be setting up a meeting with property owners to discuss improvements that will affect property access.

Highway Lighting Project- Bayard will need to request an additional time extension due to material manufacturing time. Mr. Esqueda apologizes for the delay and stated lighting will not be available for the holiday season.

Water Tank Rehab- Requesting approval of engineering agreement for design services through project close out for the total of $90,088.00 excluding gross receipts tax and contingent upon approval from NMED.

Action items include Work Order approval for N. Foy St. Project and Engineering Agreement for the Water Tank Rehab Project.

Motion made by Councilor Kelly, Seconded by Councilor Ortiz.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Ortiz

ORDINANCES/RESOLUTIONS

10. Adoption of Resolution 17-2021 Infrastructure Capital Improvements Plan

Motion made by Mayor Pro-tem Villanueva, Seconded by Councilor Ortiz.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Ortiz

Resolution No. 17-2021
A RESOLUTION

ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP)

WHEREAS, the City of *Bayard* recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

WHEREAS, this process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE City of *Bayard* that:

PASSED, APPROVED and ADOPTED by the governing body at its meeting of September 13, 2021.

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Raul Villanueva

Mayor Pro-tem

ATTEST:

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Kristina Ortiz, MMC

Clerk Treasurer

11. Adoption of Resolution 18-2021 Pearl Street property vacation and conveyance of property between City of Bayard and Amelia Alvarado

Motion made by Councilor Kelly, Seconded by Mayor Pro-tem Villanueva.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Ortiz

RESOLUTION 18-2021

ALTERATION OF PROPERTY BOUNDARIES

A RESOLUTION FOR THE ALTERATIONS OF PROPERTY BOUNDARIES OF LOTS 1, 2,3, AND 4, BLOCK 5, AND VACATION OF PERAL STREET, BAYARD TOWNSITE ALSO KNOWN AS THE COFFEY ADDITION, GRANT COUNTY, NEW MEXICO.

WHEREAS, the City Council deems it necessary to vacate a portion of Pearl Street for the adjustment of property lines between the City of Bayard and Amelia Alvarado.

WHEREAS, the City of Bayard and Amelia Alvarado have reached a mutual agreement for the adjustment of the following property:

Vacated Pearl Street:

A tract of land being part of Pearl Street, adjacent to Block 5, Bayard Townsite also known as the Coffey Addition, Grant County, New Mexico, being described more particularly as follows:

Beginning at a point being identical with the Northeast Corner of said Block 5;

thence S 70°10'49" E, for 11.50 ft. to Corner No. 2; thence S 8°39'09" W, for 118.09 ft. to Corner No. 3; thence S 9°50'50" W, for 80.03 ft. to Corner No. 4;

thence N 70°10'49" W, for 2.41 ft. to Corner No. 5, a point being identical with the Southeast Corner of said Block 5; thence N 6°34'30" E, for 200.00 ft., to the Point of Beginning.

Containing 0.033 Acres, more or less.

Subject to easements, reservations, and restrictions of record, and such easements as may exist on the ground.

Conveyance of Property to City of Bayard

A tract of land being part of Lots 1, 2, 3 and 4, Block 5, Bayard Townsite also known as the Coffey Addition, Grant County, New Mexico, being described more particularly as follows:

Beginning at a point being identical with the Northwest Corner of said Block 5;

thence, along the North line of Block 5, S 70°10'49" E, for 12.00 ft. to Corner No. 2; thence S 9°07'55" W, for 198.12 ft. to Corner No. 3, a point on the South line of Block 5; thence, along the South line of Block 5, N 70°10'49" W, for 2.92 ft. to Corner No. 4, a point being identical with the Southwest Corner of Block 5;

thence N 6°34'30" E, for 200.00 ft., to the Point of Beginning.

Containing 0.033 Acres, more or less.

Subject to easements, reservations, and restrictions of record, and such easements as may exist on the ground.

NOW, THEREFOR, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BAYARD, GRANT COUNTY, NEW MEXICO:

Approve the vacation of a portion of Pearl Street is granted for equal return of property conveyed to the City of Bayard by Amelia Alvarado.

PASSED, APPROVED AND ADOPTED this 13th day of September 2021.

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Raul Villanueva

Mayor Pro-tem

ATTEST:

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Kristina Ortiz, MMC

Clerk Treasurer

12. Approval of intent to adopt - Cannabis Regulation Ordinance

Motion made by Councilor Kelly, Seconded by Councilor Ortiz.

Consensus operation hour will be 7:00am to 12:00am. Zoning to general commercial and industrial. No distance restriction between Cannabis or minimal distance to school or daycare centers.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Ortiz

13. Intent to repeal Section 26-6 - Possession of up to eight ounces of marijuana prohibited; penalty

Motion made by Councilor Ortiz, Seconded by Mayor Pro-tem Villanueva.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Ortiz

ACTION FOR PERSONNEL

14. Removal of David Palomarez and William Welcome from introductory period effective September 18, 2021 with an increase of $.25 per hour.

    Motion made by Councilor Kelly, Seconded by Councilor Ortiz.
    Voting Yea: Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Ortiz

15. Promotion of Mark Diaz from Parks and Recreation Worker to Maintenance Worker effective September 18, 2021 with an hourly increase of $.75

    Motion made by Councilor Kelly, Seconded by Councilor Ortiz.
    Voting Yea: Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Ortiz

MAYOR AND COUNCILORS REPORTS

Mayor Pro-tem Villanueva would like to commend all staff for everting. He stated he is looking forward to get help and move foward.

NEXT MEETING DATE:

Regular Meeting - September 27, 2021

ADJOURNMENT

Motion made by Councilor Kelly, Seconded by Councilor Ortiz.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Ortiz

Adjournment at 4:01p.m.

Raul Villanueva
Mayor Pro-tem

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer