



City of Bayard
CITY COUNCIL REGULAR MEETING

January 09, 2023 at 5:30 PM

Bayard City Hall

MINUTES

WORK SESSION

Councilor Diaz stated he would like to have a section on the agenda for department heads to share what they need to share. He believes the section for Mayor and Councilors Reports should only be for that reason only. He also asked about the accounts payable report for the expense on the Christmas parade where did that money come from?

Deputy Clerk Valenzuela stated it is donation money.

Councilor Diaz asked what was the repair for Sierra Emergency in the amount of almost \$4,000 for fire truck?

Fire Chief Gonzales stated annual maintenance and any repairs that need to be done.

Councilor Diaz asked about the expense for Grant County Detention Center in the amount of \$376 what is this for? and he ask if the court has given a report on how much revenue has come in?

Deputy Clerk Valenzuela stated it is anytime the city takes an inmate to jail. Also there has not been a report.

Councilor Diaz would like a report from the municipal court for the next agenda to be able to see what revenue has come in.

Councilor Diaz stated the weekend schedule change for Public Works Department he wanted to meet with the Director Michael on the language and that did not happen, so he would like to table this item for the next meeting.

Deputy Clerk Valenzuela stated she just did a webinar on the Text My Gov, and she believes this would be good for the city to have more interaction with the residents. How it works is there will be a phone number that the residents can text and ask for job postings and in return this will send them a link to all the job postings for the city. The city can send out text messages with important information, if there is a water break and water will be off in an area. Also, residents can text a picture of potholes and we receive the message and a work order will be made.

Deputy Clerk Valenzuela stated for Covid protocol, the Watts Hall in Silver City is no longer open. So, her question was how is the city going to receive a test from employees when they do test positive.

Councilor Diaz recommended working on trusting employee and if an employee feels sick or has covid symptoms have the department head test the employee with the test we have. Then they can send them home or do what needs to happen. If you are exposed at home continue to follow the guide lines of what needs to happen if not, we can fall into violation of the hipaa law. Diaz stated if we send the employee to their medical provider, we incur an additional expense to the city and it does take a while for the test results to come back. He will be working on a policy the next couple weeks with a new process.

Councilor Medina stated you cannot mandate a department head to test someone. If the municipality decides to do this, it has to be one individual. Medina stated if was decide to have the fire department do the testing with us at home test, he will be okay with that.

Deputy Clerk Valenzuela stated for the stipend policy this policy is drafted but she is still waiting on the Assistant Fire Marshal to get back with them for language and how the stipend can be spent.

Councilor Diaz asked if there is a stated date on when this money can start being spent?

Fire Chief Gonzales stated November.

Kristina Ortiz from Rural Partners Network presented the Rural Partners Network

Through the Rural Partners Network (RPN), the Biden-Harris Administration is taking action to transform the way the federal government partners with rural communities to spur inclusive, sustainable economic growth. The RPN creates an alliance of federal agencies and civic partners working to expand rural prosperity through job creation, infrastructure development, and community improvement. The RPN will improve equitable access to federal programs and funding, to help drive local economic development. RPN is operated under USDA-RD.

Xochitl Torres Small, Undersecretary for Rural Development works with Secretary Vilsack, The Domestic Policy Council, and the Biden Administration to champion RPN and promote federal program alignment and funding priorities for rural America.

The objectives of RPN are to:

Increase access to critical economic development resources.

RPN will conduct research to identify resources that may be available from federal, state, local and private agencies to aid in economic development. RPN will help rural communities create more desirable, livable, and economically viable communities. One strategy is to link rural community projects to multiple funders to "stack" capital.

Enhance inter-agency collaboration.

RPN will have access to over 15 federal agencies and regional commissions through the Rural Prosperity Interagency Policy Council, co-led by the White House Domestic Policy Council and USDA. RPN will have access to federal agencies through the use of targeted staffing, tools, and resources.

Strategic visionary planning. RPN will assist with the development of strategic visionary planning for your organization for the development of job creation, infrastructure development, and community improvement.

Build local leadership capacity. RPN is working on the ground in selected RPN Community Networks to help navigate and access programs from across the federal government and other providers, secure technical assistance, and develop local capacity.

Build trust through community engagement

Create longevity and continuity through institutionalized processes and systems

Federal agency partners for RPN are:

The White House, US Department of Agriculture, Department of the Treasury, US Department of the Interior, US Department of Commerce's Economic Development Administration, US Department of Labor, US Department of Health and Human Services, US Department of Housing and Urban Development, US Department of Transportation, US Environmental Protection Agency, US Small Business Administration, Social Security Administration, and 6 regional authorities not directly related to this network.

Rural Partner Networks have been selected by Cohorts. Two cohorts are already established with more being added in the future.

Cohort 1 includes: Arizona, New Mexico, Mississippi, Kentucky, and Georgia

Cohort 2 includes: Nevada, Alaska, Wisconsin, West Virginia, North Carolina, and Puerto Rico

RPN is represented within each state by community networks. The community networks are comprised of motivated, inclusive, and collaborative local leaders and stakeholders collaborating to identify opportunities to address high-priority community needs with additional technical and financial assistance.

In New Mexico three community networks have been established and each has a participating host entity.

Southwest New Mexico Community Network – representing the counties of Catron, Grant, Hidalgo, and Luna. Dona Ana Community Network – representing the county of Dona Ana. Northern New Mexico Community Network – representing the counties of Taos, Colfax, Mora, and San Miguel

The community networks are sponsored by community host as follows:

Southwest New Mexico Community Network – Southwest New Mexico Council of Governments, Dona Ana Community Network – Mesilla Valley Public Housing Authority, Northern New Mexico Community Network – North Central New Mexico Economic Development District.

RPN has hired a community liaison for each community network. This slide provides the contact information of the New Mexico liaisons. The Northern New Mexico network is waiting for the selection of its community liaison.

One of the first requests as the RPN network is to ask that each network partner complete a Project Inquiry Form for any projects you are seeking assistance with. This form has been developed to document project requests and needs within the Rural Partners Network. Community Network Partners, members and stakeholders provide preliminary information through this form to assist RPN community liaisons and staff as a guide to appropriate funding options, technical assistance, or information resources. This is not an application for funding but will be used for informational and planning purposes only. I have previously emailed a link to my community partners.

She thanked the Mayor and Council for their time and attention and she looks forward to working with everyone.

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, Jade Wilson, Jo Lutz, Selina Crespín, James Ervin, Dolores Charon, Scott Siville, Matthew Valenzuela, Marisa Torres, Hector Carrillo, Luz Lozano, Valerie Barboa, Frank Gomez Jr., Manuel Galaz, Judy Diaz, Robert Terrazas, Michael Paez, Gary Arellano, Mike Armendariz, Euphemio Gonzales, Marlena Valenzuela, and Tanya Ortiz.

APPROVAL OF THE AGENDA

Motion made by Councilor Diaz with item number 9 to be postponed for the next agenda so he can meet with the department head, Seconded by Mayor Pro-tem Villanueva.

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

1. Swearing in of Un-certified Police Officers Valerie Barboa and Luz Lozano.

Police Chief Carrillo addressed the Mayor, Council and citizens of Bayard and stated two un-certified officers were hired, the progress they have made is Captain Macias and Lieutenant Galaz have been working hard and putting in a lot of hours to make sure they both qualify with their weapons. They have had a lot of class room hours and now they are ready to be sworn in as Police Officers for the City of Bayard.

Municipal Judge Jose Sandoval performed the swearing in of both police officers.

PUBLIC INPUT

Councilor Diaz stated he wanted to address the public. He has been on the council for a year and he would like to remind the public that he is human just like everyone else, he understands their concerns. If there is a concern be polite about it. He is not here to get bullied or harassed. He is here to listen and if he can work with you, he will work with you. In the past meetings the council has gotten bashed and this year he would like to move forward. He feels everyone understands each other when everyone comes to a common ground, instead of it turning in to a shouting match and arguing with each other.

Wastewater Treatment Plant Director Robert Terrazas stated there is movement at the treatment plant with Morrow on working on the effluent line.

Sherry Edwards asked the mayor and council if her AA group that meets at the Bayard Community Center on Monday nights if they can have drinks in the Colorado room during their meetings.

Mayor and Council agreed that would be fine.

CONSENT AGENDA

Motion made by Councilor Diaz, Seconded by Councilor Gonzales.

Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Medina

2. Approval of the Special Meeting Minutes for December 15, 2022.
3. Approval of the Accounts Payable Report for January 9, 2023.
4. Approval of the Maintenance Report for December 2022.
5. Approval of the Fire Report for December 2022.
6. Approval for Michael Paez to attend CoRe-EX Program in Silver City NM.
7. Approval of Online Supervisor Training for Marlana Valenzuela, Michael Paez, and Robert Terrazas.

OLD BUSINESS

8. Discussion for concerned resident Larry Ojinaga.

Larry Ojinaga asked about the abandon buildings ordinance, why hasn't that been on the agenda or why hasn't there been public input on it?

Deputy Clerk Valenzuela stated there is still a process and it needs to be reviewed by legal counsel.

Larry Ojinaga also asked about the railroad crossings, when are they going to get improved?

Kristy Ortiz stated where the process in now is the federal agencies have awarded funding to the NMDOT. The NMDOT has to get cost estimates, they have and now the NMDOT has signed off award contracts. The federal government had to wait on their budget to get approved. The Poplar Street crossing did get approved in the budget this past summer. Now that the federal government has approved the bill on that money for the second railroad crossing will come out of this bill. So now the contracts have been signed, now the wait for supplies is around 6 months. So, the process has already been done, now it's a supply issue.

9. Approval for weekend schedule change for Public Works Department.

Postpone until next meeting.

10. Discussion/Action to approve Business License for M&M Auto/ Matthew Valenzuela.

Matthew Valenzuela stated since 2017 the council has issued the Business license for the M&M Auto and in the description of the business license, they have always put the same working on the business license and they have all been signed. He has put up a fence and removed all the cars on the curb. He would like to know if he can get his business license renewed.

Councilor Diaz stated the Council and him are all about wanting businesses in Bayard. Their intentions were never to shut M&M Auto down. Diaz stated some of the concerns of the residents in the area, the M&M Auto is working late at night and the neighbors do not have any peace or quite time. Also, there are extension cords running from the shop to RV trailers with people living in them. Also, the M&M Auto should not be a scrap yard, salvage yard, or a recycle center. It should to in accordance to the ordinance of an auto repair shop. This is not what is happening. There are violations every day. Back in July when the business license was denied there were some things that needed to be done before getting approved, so his questions are, has an inspection been conducted by the Fire Marshal? Has an inspection been conducted by the Fire Chief of Bayard, the Code Enforcer, the Police Department, and the environment department? Once all these inspections have been done then the business license will be approved.

Marisa Torres stated she has explained on the business license that they do have junk cars on the property for years now.

Councilor Diaz stated now there is new council and they are listening to the residents of Bayard and they had a lot of concerns on this. He does not want to shut the business down.

Matthew Valenzuela stated when Eddie Sedillos was the maintenance supervisor, he would bring a lot of work to him and he would help the city out and sometimes not charge the city. As far as the RV trailers, they have been moved and he has

enclosed the property. He stated it takes a lot of money to do this. Mr. Valenzuela stated he helps out a lot of people and does not charge people a lot of money. He has 4.7 stars on his business reviews and the reason he works late is because he does not have anyone to work for him. No one wants to work. Mr. Valenzuela asked if anyone can park on the curb?

Councilor Diaz stated he understands Mr. Valenzuela helps out the community but there are certain steps that need to be taken to get the business license approved. Once all that is cleared let's get this business up and running. Diaz stated the Mayor, Council and him are not going to tell him how to run his business but there is a 10:00 p.m. noise ordinance and that cannot be violated. They all want to work with Mr. Valenzuela to get his business up and running. The answer to can you park on the curb is yes but only for a short period of time but not for two, three days.

Councilor Medina asked if we can get Mr. Valenzuela phone numbers to all of the people, he needs to get clearance from.

Scott Siville stated he has been a customer at M&M Auto for 15 years and they are a necessary part of the services that can be provided to this community, because they are able to operate with recycled car parts. He stated it has been an expansion since Mr. Valenzuela took on the business. Also, there is a fence around the property and that was no small cost to him. Mr. Siville thinks M&M Auto is an important part of the community. There are a lot of people that do business at M&M Auto. Also, he knows the city has a right to enforce the codes and ordinance but they should also work with every individual that is operating a business one piece at a time and try and get it done together.

Councilor Diaz stated this is what this mayor and council is trying to do. But with prior meetings and all the concerns from Bayard residents, the mayor and council had to make a decision and have the business owner uphold the codes and ordinances. Diaz sees Mr. Valenzuela is moving in the right direction and the council is willing to work with him.

Police Chief Carrillo stated there are citation for violation on the codes and ordinances of Bayard and he advised to go with Judge Sandoval and take care of these citations.

NEW BUSINESS

11. Discussion/Action to purchase Text My Gov in the amount of \$4,500 for the first year and \$3,000 for the following years.

Mayor Pro-tem Villanueva asked if the other entities that are using this program how are they paying for it or this there any grants that can pay for it?

Deputy Clerk Valenzuela stated the entity is the one paying for it.

Councilor Diaz asked is this going to be an additional tool that the administrative department will have time to maintain this also knowing you all are already short staffed. You all maintain the web page, the security cameras and now this? Will you

be able to handle this? He does not want this to be purchase and not get used because the web page still has positions that are already filled and they are still up.

Deputy Clerk Valenzuela stated it's nothing that has to be done today. She is just wanting a tool to be able to get a hold of the public in an easier way and she knows this is a good tool. She will be maintaining the website better.

Motion made by Councilor Diaz to postpone this item, Seconded by Mayor Pro-tem Villanueva.

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

12. Discussion for Covid Protocol.

Councilor Diaz will have a proposal done for the next council meeting.

13. Approval of the Volunteer Firefighter Stipend Policy

14. Rural Partners Network Presentation by Kristina Ortiz

ACTION FOR PERSONNEL

15. Approval for hiring of the Parks & Recreation Gabriel Flores, hiring of the Janitor Robert Herbert and hiring of Wastewater laborer Steven Estrada.

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

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

CLOSED SESSION

Motion made by Councilor Diaz to enter closed session, Seconded by Councilor Gonzales.

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

16. Discussion to promote Marlena Valenzuela to City Clerk-Treasurer and to promote Robert Terrazas to Wastewater Director.

ACTION ITEMS RESULTING FROM CLOSED SESSION

Motion made by Mayor Pro-tem Villanueva to enter open meeting, Seconded by Councilor Gonzales.

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

17. Approval to promote Marlena Valenzuela to City Clerk-Treasurer and to promote Robert Terrazas to Wastewater Director.

Councilor Diaz made a motion to promote Marlena Valenzuela to City Clerk-Treasurer at the starting pay of \$27 an hour, with a 6-month reviewal. If for some reason she feels this position is not the best fit for her, she can go back to her position of Deputy Clerk and do not fill the Deputy Clerk position. Also, Michelle Holguin and Tanya Ortiz get a temporary salary increase of \$3 for their additional duties they will be taking on for the next 6 months and we will post the position of Deputy Clerk. Seconded by Councilor Gonzales. Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

Mayor Pro-tem Villanueva made a motion to promote Robert Terrazas to Wastewater Director with the starting pay of \$29 an hour. Seconded by Councilor Gonzales.

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

MAYOR AND COUNCILORS REPORTS

Mayor Pro-tem Villanueva wished everyone a Happy New Year and stated it has been a good start to a new year. He has started a new position as the Grant County Sheriff and it has been a challenging being gone from law enforcement for 4 years but it has been nice getting back. He thanked all the staff for all their work and for stepping up.

Councilor Diaz I was elected in November, 2021 and had my first council meeting for this term on January 10, 2022.

yes, during that meeting there was only one officer in the department, a new police chief had been hired prior to my arrival, who had plenty of ideas and thoughts of how to get more people in the department, however myself along with the rest of the council's priority was getting more boots on the ground/officers patrolling streets became a reality when we hired Chief Hector Carrillo in March, 2022. Today the police department stands fully staffed with two uncertified officers pending to attend the New Mexico State Police Academy this summer.

During my first year in office, there has been many changes, some of which have been personnel matters to where employees have left or retired, let me stop some of the rumors or comments most of what I have heard that we Mayor and Council have fired some good employees. This Mayor and Council have not fired/terminated anyone because they are doing a good job or because we just don't like him or her. It has been the actions of that individual that he/she have been terminated and all we have done is hold that individual accountable for such reckless actions, which have caused them to leave their employment with the city of Bayard.

This past year, Bayard is the highest paying police department in the area to which some have expressed some concern, however you all can see we have high quality, experienced officers in the department and the citizens are seeing not one, but two police units patrolling/ doing traffic stops at once and answering calls for the community. Public Safety was one of my main concerns when I ran for this position and will continue being a priority and the outcome has shown to where we are at now.

This past year we did lose a very valuable employee, who has my upmost respect, along with the rest of this council, citizens of Bayard and surrounding areas which was City Clerk Kristy Ortiz. Ms. Ortiz retired in December after 25+ years with the municipality and took a federal job. This position that Ms. Ortiz took was very well deserved to a lady who has always worked with the public, elected officials and has always kept the community of Bayard moving forward. You have been missed, by this council and the new clerk has a lot to learn from you.

This new year and the next three years that I do have in office, I will continue to stand by my decisions which are accountability, transparency and making the right decisions for the citizens of Bayard. Many changes are yet to come, many challenges are yet to be encountered, and many more success stories are yet to be told and all of this can be accomplished and done with the right kind of personnel in place to do the job, by educating, training and working together in a team environment. My motto as a leader/supervisor has been and always will be if our employees fail, it is because of his/her behavior or decision to do so, because I have provided you with all the right tools and training to do the job done right. Back again it is what most of you already know why I do what I do because accountability starts with me.

Mayor Fierro wished everyone a Happy New Year and congratulated Miss. Valenzuela and Mr. Terrazas on their new job positions.

NEXT MEETING DATE:

Regular Meeting - January 23, 2023

ADJOURNMENT

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

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

ADJOURNMENT 6:57 P.M.

Chon Fierro
Mayor

ATTEST:

Marlena Valenzuela
Deputy Clerk