City of Bayard

CITY COUNCIL SPECIAL MEETING

November 29, 2021 at 1:30 PM

Bayard Community Center

MINUTES

WORK SESSION

CALL TO ORDER: Mayor Chon S. Fierro

PLEDGE OF ALLEGIANCE

ROLL CALL

Other in attendance Melissa Rackel, Linda Pafford, Frances Gonzales, Patricia Stone, Joseph Stone, Manny Garcia, Lorenzo Marquez, Hannah Dumas, Sherry Edwards, Sonya Dixon, Joe Carlos, Aaron Ordonez, Anthony Aveles, Kristina Ortiz, and Tanya Ortiz.

APPROVAL OF THE AGENDA

ACTION FOR PERSONNEL

1. Discussion and action for the approval of an employment contract for the Clerk-Treasurer.

   Consideration of contract for Clerk-Treasurer was presented to city council for review and posable action. Mayor Fierro requested the council post pone the item until feature discussion can be healed with attorney.

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

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

CLOSED SESSION Pursuant to 10-15-1 (H-2) NMSA 1978 for limited personnel matters

Hiring of Louis Frank Gomez as the Animal Control/Code Enforcement Officer, Discussion pertaining to the hiring of Police Chief, and Administrative leave with pay for Jesus Lopez.

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

Return to open session certifying only limited personnel matters were discussed.

Motion made by Councilor Medina, Seconded by Councilor Ortiz.
Voting Yea: Mayor Fierro, Councilor Medina, Councilor Ortiz

2. Hiring of Louis Frank Gomez as the Animal Control/Code Enforcement Officer at an hourly rate of $13.00 per hour upon successful completion of all pre-employment exams and background reviews.

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

3. Discussion pertaining to the hiring of Police Chief.

4. Administrative leave with pay for Jesus Lopez.

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

ACTION ITEMS RESULTING FROM CLOSED SESSION

5. Approval of administrative leave with pay for Jesus Lopez.

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

6. Hiring of Louis Frank Gomez as the Animal Control/Code Enforcement Officer at an hourly rate of $13.00 per hour upon successful completion of all pre-employment exams and background reviews.

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

ORDINANCES/RESOLUTIONS

7. Adoption of Resolution 19-2021 New Mexico Transportation Project - N. Foy Street

   Clerk-Treasurer stated resolution 19-2021 approved on October 12, 2021 needed to be modified to correct the grant and cash match language and re-approval due to insufienation number of required council member votes.

8. Adoption of Resolution 20-2021 - Donation of property from the United Steelworkers Local 9424.

   Clerk-Treasurer stated resolution 20-2021 approved on October 12, 2021 needed to be re-approved due to insufienation number of required council member votes

9. Adoption of Resolution 21-2021 for the September 30, 2021 Financial Statements and Budget Adjustments

Clerk- Treasurer Ortiz presented the September 30, 2021 Financial Statements and Budget Adjustments, indicating one of the larger adjustments is due to the fraud incident.

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

RESOLUTION 19-2021

PARTICIPATION IN TRANSPORTATION PROJECT FUND PROGRAM ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION

WHEREAS, the ***City of Bayard*** and the New Mexico Department of Transportation have entered into a grant agreement under the Transportation Fund Program for a local road project.

WHEREAS, the total cost of the project will be ***$65,400.00*** to be funded in proportional share by the parties hereto as follows:

a. New Mexico Department of Transportation's share shall be 95% or ***$62,130.00***
and
b. ***City of Bayards*** proportional matching share shall be 5% or ***$3,270.00***

TOTAL PROJECT COST IS ***$65,400.00***

The ***City of Bayard*** shall pay all costs, which exceed the total amount of ***$65,400.00***

Now therefore, be it resolved in official session that ***City of Bayard*** determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on June 30, 2025 and the ***City of Bayard*** incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW therefore, be it resolved by the ***City of Bayard*** to enter into Cooperative Agreement for Project Control Number LP10017 with the New Mexico Department of Transportation for TPF Project for year 2022 for "N. Foy Roadway & Drainage Design: preparing construction drawings, specifications, an opinion of probable construction cost, and front-end documents for the roadway and drainage improvements to a 95% and 100% design effort. May include Project Management Assistance, Geotechnical Investigation, Final Drainage Analysis, and Final Design," within the control of the ***City of Bayard*** in Bayard, Grant County, New Mexico.

//s//_____
Chon S. Fierro
Mayor

ATTEST:

//s//_____
Kristina Ortiz, MMC
Clerk Treasurer

RESOLUTION 20-2021

A RESOLUTION AUTHORIZING AND ACCEPTING THE DONATION OF PROPERTY

FROM THE INTERNATIONAL UNION OF MINE MILL AND SMELTER WORKERS - UNITED STEELWORKERS LOCAL UNION NO. 9424, SUCCESSOR-IN-TRUST TO LOCALS 63-69-530-604-628

WHEREAS, the City of Bayard has recognized the need to protect the cultural and historic value that is held in the Bayard Union Hall.

WHEREAS, the City of Bayard recognizes the rich history that must be preserved and can be made possible by working together; and

WHEREAS, the City of Bayard wishes to accept the transfer of property by the United Steelworkers Local Union No. 9424 for the property described as:

Subdivision: Foy's #3; Block 4; Lot 8; .108 AC; and

Subdivision: Foy's #3; Block 4; Lot 7; .138 AC

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BAYARD THAT;

The Mayor or his designee be, is hereby, authorized to accept on behalf of the City of Bayard the donation of property by the United Steelworkers Local Union No. 9424 described as:

Subdivision: Foy's #3; Block 4; Lot 8; .108 AC; and

Subdivision: Foy's #3; Block 4; Lot 7; .138 AC

PASSED, APPROVED AND ADOPTED by the Governing Body this 22nd day of November 2021.

_____
Chon S. Fierro
Mayor

ATTEST:

//s//_____
Kristina Ortiz, MMC, Clerk Treasurer

Resolution 21-2021

WHEREAS, the Bayard City Council in regular session on October 25, 2021 did propose to make certain budgetary adjustments; and

WHEREAS, the Council does hereby authorize the attached listing of budgetary adjustments for the September 30, 2021 financial statements as listed in Exhibit A.

WHEREAS, the Council does hereby approve the September 30, 2021 Financial Statements and budget adjustments as presented.

NOW THEREFORE, the Council does hereby accept and approve the budgetary adjustments and Financial Statements for the period ending September 30, 2021.

Done at Bayard, New Mexico, this 22nd day of November 2021.

//s//_____
Chon Fierro
Mayor

ATTEST:

//s//_____
Kristina Ortiz, MMC
Clerk Treasurer

CONSENT AGENDA

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

The following items were included in the consent agenda:

10. Approval of the Minutes of Regular Meeting of October 12, 2021

11. Approval of the Accounts Payable Report for November 22, 2021

12. Approval of the Police Report for September 2021 and October 2021

13. Approval of attendance to Fire Inspector I training for Adrian Romero on December 13-17, 2021.

    Approval of attendance to Hazardous Materials & Operating training for Mark Diaz on November 15-19, 2021 in Socorro waiving the use of personal time as a volunteer firefighter.

14. Approval of attendance to the DFA Budget Workshop (online) fee of $50 and Clerk's Certification & Clerk's Institute Program (rate to be determined). Both programs are online, November 15-19, 2021. Attendance will be for administrative employees.

15. Acceptance of resignation of Melissa Gonzales effective October 28, 2021.

PUBLIC INPUT

Melissa Rackel stated the contract for Clerk-Treasurer is a good tool for both the City and Kristina Ortiz.

Sherry Edwards thanked everyone for help getting Virginia Street clean-up.

Frances Gonzales thanked Joe Carlos for attending the Beautification meetings.

Patricia Stone had a concern about the write up in the paper about the money order that was written out to Kristina Ortiz and never heard anything more on it. Was there a internal investigation? Mayor Fierro did invite her to go to city hall and view all the documents.

OLD BUSINESS

16. Residents on Dayhill Street are requesting that potholes be repaired.

    Anthony Aveles stated the maintenance department has measured and is getting ready to fix the potholes. He is going to have to rent equipment and is expecting to start at the begging of the year.

NEW BUSINESS

17. Comments on draft Cannabis Ordinance

    Linda Pafford came before the council to present public comments regarding the proposed Cannabis Ordinance.

18. Complaint on ATV and side-by-side use.

    Mr. David Wilguess summitted a letter of complaint on ATV and side-by-side use on streets. He indicated that ATV's are being operated on N. Foy St. and causing a lot of noise and damages to the road.

    Clerk-Treasurer indicated the ATV's are not allowed to be used on any paved and side-by-side use is limited to city streets and not allowed on Highway 180 and Highway 356 except to cross the road.

19. Approval of cash match funding of $750 for the Five Points Initiative for Bayard related work.

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

20. Acceptance of the 2021 Election Results submitted by Grant County Clerk

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

21. Approval to initial a Preliminary Engineering Report for the wastewater repairs that have been identified. The approval will include authority to seek funding for the PER and to begin to seek funding for wastewater repairs.

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

22. Approval for the City of Bayard to be the fiscal agent for the LEDA Project - G Boyz Beef Jerky.

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

23. Notification of fraud incident.

    City Clerk/Treasurer reported that Bayard fell victim to a spoofing scam. wherein $115,00.00 was placed into an account created by the scam perpetrators. The account was made to appear like an account held by Morrow Enterprises, who is doing construction on the wastewater facility. For weeks, the scammers had e-mailed the Bayard as though they were Morrow Enterprises, and when a payment came due, the scammers provided information for a direct deposit into their account. Not all money owed under the contract was transferred to the scammers. Fortunately, Bayard realized what was happening before the money was transferred. This matter has been reported to the States Police, FBI, State Auditor and is currently under investigation.

MAYOR AND COUNCILORS REPORTS

Eloy Medina asked if the City was going to do anything for Christmas. Kristy did state The Bayard Volunteer will be driving Santa around town passing out candy on December 18, 2021.

Eloy also Thanked Mr. Kelly for all his efforts and thanked him for all his advice he has giving him. Eloy did ask if the potholes can be fixed for Mr. Kelly?

Mayor Fierro asked Kristy on the Solar system at the Wastewater Treatment Plant. Clerk-Treasurer Ortiz will be putting an RFP together.

He also asked about the roof at the Public Safety Building. Clerk-Treasurer Ortiz stated the engineers are working on plans and specifications.

NEXT MEETING DATE:

Regular Meeting - December 13, 2021

ADJOURNMENT

MEETING ADJOURNED AT 4:00 p.m.

Chon Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer