



City of Bayard
CITY COUNCIL REGULAR MEETING

June 27, 2022 at 5:30 PM

Bayard City Hall

MINUTES

WORK SESSION

Mayor Fierro started the work session asking if they were any question on the minutes for June 13, 2022 regular meeting and any question on the police report for May, 2022. There were none.

Mayor Fierro asked if there were any question on the Resolution 16-2022 Participation in Local Government Road Fund Program Administered by NM Department of Transportation. Clerk-Treasurer Kristy stated this project is for the sidewalk project for NM 356. They are running in to problems with the placement of the utility poles. Some of the poles need to be moved Clerk-Treasurer Kristy has applied for a waiver but has been denied. She is going to have to ask for a one year extension on the project. A meeting with DOT, PNM and the engineers has taken place. Now the engineers are working on the plans to see what they can get done with the agencies. This project may have to have a phase 2.

Mayor Fierro asked for question on the approval of the Amendments for Personnel Policy. Clerk-Treasurer Kristy discussed call out pay, compassion pay, sick leave, and retention program. Clerk-Treasurer Kristy is looking in to a retention program for all current city employees.

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 Marcela Johnson, Selina Crespín, Jesus Perez, Joan Perez, Patricia Stone, Joseph Stone, Dolores Charon, Manuel Garcia, Marisa Torres, Larry Ojinaga, Euphemio Gonzalez, Gary Arellano, Jason Jaeger, Hector Carrillo, Kristy Ortiz, and Tanya Ortiz.

APPROVAL OF THE AGENDA

Councilor Gonzales would like to add discussion on the complaint that was brought to the Mayor and Council after public input.

Motion made by Mayor Pro-tem Villanueva with an addition for discussion on the complaint that was brought to the Mayor and Council to be placed after public input.

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

PUBLIC INPUT

Miguel Garcia ask about the money that was approved for the Dayhill street improvements and would like more information.

Clerk-Treasurer Kristy has gotten approval for pothole repair and Dayhill street will be included. She is looking for three contractors for quotes because it is over the procurement allowable amount of \$60,000.

Joseph Stone stated Dayhill street is not potholes it is from the city maintenance department that comes out repairs the sewer or water lines and dose not come out and repair the road. The repair in front of his house has been an issue for two years and the large situation on top of Dayhill that needs to be repaired has been over five years. Mr. Stone stated there is never a fixed schedule after the repairs of the sewer or water lines.

Clerk-Treasurer Kristy stated this project is set to expire soon and she will be getting it done in the next three months.

Joan Perez how can we get our roads repaved like Santa Clara and Hurley? Thanked the maintenance department for taking him 10 bags filled with sand.

Councilor Diaz stated this last legislative session Bayard received \$50,000 and that was for sewer. All the other communities got money for other thing. The city residents need to get in contact our state representatives, senators, Lieutenant Governor, and everyone else you can. Because they are the ones that gives out the money. Bayard also got money for a fire truck that is very much needed.

Clerk-Treasurer Kristy stated the pot of money we used for streets is CDBG and that is income based. We need to go out and do survey on income for the residents in the area. In the last three years there has been a survey done and two out of three blocks were not going to qualify due to income. This program can only be applied for every two years and right now it is tied up in the wastewater project until it is completed and that will be in July 2023.

Selina Crespín asked why is Bayard responsible for everything? Why can't Santa Clara or Hurley help us? Why is it always Bayard? Why is it always Bayard employees. Can the other employees from Santa Clara and Hurley come help? She feels we need to reach out to the other municipalities and get there help because they are benefiting from it and Bayard is

always doing it all. She also feels like getting money from the other municipalities from them is just not enough and they need to contribute more.

Councilor Medina would like to find a temporally fix on the four inch drop on Dayhill street. He stated a tort claim will cost the city a lot more then some concrete.

Manuel Garcia asked if the mayor and council talk to the representatives and if he gets residents to write letters and get in contact with them if that would help?

Councilor Diaz stated yes that would help. If we were to get a copy of the letters and signatures and show what Bayard's urgencies are that will help.

Manuel Garcia stated he wasn't sure how thing work up in Santa Fe and he asked if the representatives are there to observe and there so the mayor and council and talk with them?

Councilor Diaz stated yes they are giving a set amount of money and gave an example of a pie everyone get a piece of the pie but its not a equal amount.

Councilor Gonzales stated all the lobbying is healed on zoom now. It is easier to get the attention of your representatives this way. Councilor Gonzales put a lot of information on Facebook and does not get a residents to participate. We need to state getting with our representatives a lot earlier this year because was to late.

Clerk-Treasurer Kristy stated she has a series of public meeting coming up one is ICIP this is our 5 year plan for the city. If she gets more public input in these meetings it will show the council what projects are much needed. This does help when you contact the legislators and let them know this project is in our ICIP plan.

Mrs. Crespin stated she still has not been contacted from city attorney about the issue with the former Police Chief Alires. The last meeting she was told someone would be contacting her. She brought this issue up last year and no one has contacted her. She asked if the public is going to a part of the final out come? and if the city is concerned? She stated this man came in used public resources. He came in here and did not do his job and this affected the community. She has talked to many people and there was legal case, accidents and reports that were not handled appropriately. She is surprised that other people are not at the meeting complaining.

Mayor Fierro stated he did contact everyone and the city attorney was suppose to contact her.

Clerk-Treasurer Kristy stated this is on going and can't discuss in any kind of details. Risk management is the one that is conducting the investigation and the city has no control of it. This is all still under investigation.

Councilor Gonzales stated she would like the letter that was given to the mayor and council to be resolved once and for all. She would like for the next time something like this needs to be resolved promptly, quickly and be transparent. She wants to make sure employees feel comfortable come to their job.

Councilor Diaz commented on the matter and stated he dose not talk to the employees. He addresses the department heads. He stated when he asks question on the minutes it's so he

has answers for the public. He stated public input is being missed and stated its pretty embarrassing reading it on the Silver City Daily Press or Grant County Beat. This is not creating a hostile work environment this is accountability. He values the public input. He admits he sometime he come across rough and direct but he dose go directly to the point. He isn't saying someone isn't doing their job he believes every works really hard and there are good employees. The whole chain of command went haywire. The first place should be the department head, the mayor then the council.

Fire Chief Gonzalez stated he was at the meeting and the way he looked over to where Tanya Ortiz was sitting and yelled. She is the one that takes the minutes and the attitude you had that day not even I liked it. This should have been discussed behind closed doors.

Tanya Ortiz asked if this were to happen again. What are the proper steps to take. She stated she had a concern wrote a letter took that to her supervisor her supervisor signed off on it and then given to the mayor and council.

Clerk-Treasure Kristy stated everything was handled correctly.

Mayor Fierro stated yes this was handed correctly. He will have a letter for Tanya Ortiz stating is has been taking care of.

Councilor Gonzales would like for the next time it be taken care of in a quick manor.

CONSENT AGENDA

Motion made by Councilor Gonzales, Seconded by Councilor Medina.

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

1. Approval of the Regular Meeting Minutes for June 13, 2022.
2. Approval of the Police Report for May, 2022.

ORDINANCES/RESOLUTIONS

3. Approval of Resolution 16-2022 Participation in Local Government Road Fund Program Administered by NM Department of Transportation.

Clerk-Treasure Kristy stated this is to extend the time from December 31, 2022 to expire December 31, 2023 on the New Mexico 356 sideway project.

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

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

**PARTICIPATION IN LOCAL GOVERNMENT ROAD 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 Cooperative Agreement.

WHEREAS, the total cost of the project will be **\$628,129.00** to be funded in proportional share by the parties hereto as follows:

and

TOTAL PROJECT COST IS **\$628,129.00**

City of Bayard shall pay all costs, which exceed the total amount of **\$628,129.00**

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 December 30, 2023 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 Control Number LP10008 with the New Mexico Department of Transportation for "NM356 sidewalk and ADA Improvements – Plan, Design and Construct improvements" within the control of the **City of Bayard** in Bayard, Grant County, New Mexico.

Chon S. Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer

4. Approval of the Amendments for Personnel Policy.

Motion made by Councilor Medina to approve all but the retention program to be drafted and approved at a later date, Seconded by Councilor Diaz.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

ACTION FOR PERSONNEL

CLOSED SESSION pursuant to 10-15-1 (H-2, H-7 and H-8) NMSA 1978 for limited personnel matters, items related to threatened or pending litigation and sale of real property.

Closed session was not needed and discussed in the open meeting.

5. Approval of McKee Street property sale.

Clerk-Treasure Kristy stated this is three lots and the flood plane dose run through all three lots. There has been a proposal from a resident brought to the city to purchase the property. The appraisal on the property came out to \$4,300. A home will not be allowed on this property because of the flood zone and the resident dose know this. The resident is willing to provide a payment of \$3,000 for the purchase.

Councilor Medina asked if this remover the city from all liabilities from the property?

Clerk-Treasure Kristy stated she has talked with the attorney to make sure during the transfer of the property this he dose understand it is in a flood zone and the property is prone to flooding. Also building something other then building a garage is most likely be prohibited.

Councilor Diaz stated he is willing to make a payment of \$3,000 correct? He knows it has been a issue for the city for awhile but his issue is the money might sound good for the city and for the resident but what about the neighbors? Have we concocted them? He believes the city should be able to give the neighbors a opportunity to make a comment about the sale.

Mayor Fierro stated Mr. Marquez is aware the property is going to be sold. Mr. Marques went up a foot on this wall to prevent the water from going to his property.

Clerk-Treasure Kristy stated any building that goes up will need a permit and that is a process to do so.

Councilor Villanueva asked if we are still responsible for the drainage.

Clerk-Treasure Kristy said yes.

Motion made by Councilor Diaz, Seconded by Councilor Medina.

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

MAYOR AND COUNCILORS REPORTS

Mayor Pro-tem thank the employees for all you that you do. He appreciates it and keep up the good work. We will moved forward and get a lot of these projects done.

Councilor Medina thanks the Police Chief for attending the job fair. He also thanked the Fire Chief for responding to all the calls. He knows the call volume is high.

Councilor Gonzales bring up housing meeting will be moved to June 29, 2022. She stated she attended the meet and greet with the new Superintendent Dr. Spaltta was a good event. He will call each of the council and began a great relationship. July 30, 2022 9am to 2pm summer fest at Cobre High school they will have backpacks, school supplies, food, live music, and they will have a voters registration booth. She thinks everyone should try and attend this event and support this event.

Councilor Diaz knows of a program to help low income house holds but the city has to call and get on the program he will provide Kristy with the phone number to get the city enrolled. Thank all the employees thank all the residents for coming to the meeting and expressing the concerns and comments. He stated he will continue to lobbying for Bayard and get money for the streets and all the needs of Bayard.

Police Chief Carrillo his call volume is getting high because of summer. He is in the prosses of hiring an officer that will start in the month of July. He will have a booth out at the Cobre High Back to school event. He is going to provide security for the event also. He did receive three applications at the job fair and he did state he got some good resources from the job fair.

Mayor Fierro thanked maintenance department for all there hard work. They maintenance stays until the leak is fixed and get it done. Thanked all the employees in the office for all of there hard work and the Wastewater for all there hard work. He will meet with the new Cobre Superintendent on Wednesday.

NEXT MEETING DATE:

Regular Meeting – July 11, 2022

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 at 7:29 p.m.

Chon Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer