



**City of Bayard**  
**CITY COUNCIL REGULAR MEETING**

**June 12, 2023 at 5:00 PM**

**Bayard City Hall**

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**MINUTES**

**WORK SESSION**

City Clerk-Treasure Valenzuela stated the Silver City Daily Press published the City has \$7 million surplus. The city dose not have 7 million surplus that money is already allocated to different projects. Clerk-Treasure Valenzuela dose not recommend raises for the city employees at this time. Further discussion will be done at the next budget work session on June 26, 2023.

**CALL TO ORDER:** Mayor Chon S. Fierro

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT**

Mayor Chon Fierro  
Councilor Eloy Medina  
Councilor Frances Gonzales  
Councilor Jose Diaz

**ABSENT**

Mayor Pro-tem Raul Villanueva

Others in attendance were Griffin, James Ervin, Jade Wilson, Larry Ojinaga, Matt Brown, Gabriel Ramos, Hector Carrillo, Robert Terrazas, Michael Paez, Sonya Dixon, Jenny Castanon, Euphemio Gonzalez, Mike Armendariz, Gary Arellano, Marlana Valenzuela, and Tanya Ortiz.

**APPROVAL OF THE AGENDA**

Motion made by Councilor Diaz, Seconded by Councilor Gonzales.  
Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz

**PUBLIC INPUT**

James Ervin stated he has lived in Bayard for 7 years and not much has changed but the price of water. He stated Mayor Fierro has been Mayor for 3 and a half years also, on the council for years and nothing has been done and he believes there is a crisis of leadership. He suggested the immediate resignation of the Mayor.

Jade Wilson stated for item # 11 for a speed bump to be placed on East Street there is already stop signs on each corner and she hope this is considered in the approval. She thanked Police Chief Carrillo for staying concise on his budget. Also, if there has been any other grants obtained or any pending since the last council meeting?

## **CONSENT AGENDA**

Motion made by Councilor Gonzales to add Police Chief Carrillo to speak on attorney Matthew Bradburn, Seconded by Councilor Diaz.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz. Police Chief Carrillo stated over the last few weeks he has spoke about having reliable legal council so he has reached out to attorney Matthew Bradburn. Matthew Bradburn stated this is his 30 year as a lawyer. Mr. Bradburn has a contract with the Silver City Police Department. Silver City pays him a flat fee every month and when they get cases like misdemeanor cases they direct the cases to him. This is a contract with Silver City but he is representing the state of New Mexico. The SCPD officers know he is available to them at any time by phone or they can stop by his office. Him working at the DA office he has gotten to know all of the police departments in this area. Him and the police chief have worked together at the DA's office and he know what kind of work he does.

Police Chief Carrillo stated he is going through his budget very thorough to see where he can cut thing and have money to pay for Mr. Bradburn's services.

Mr. Bradburn and Chief Carrillo will sit down and talk about a number amount for a contract and present this to the Mayor and Council.

Councilor Gonzales aske what is the difference between Mr. Perkins and Mr. Bradburn's service?

Mr. Bradburn stated to his understanding Mr. Perkins provides civil law legal services to the City of Bayard. The city can call Mr. Perkins and ask for legal advice. Mr. Bradburn would provide special prosecution services, prosecution criminal laws of the state of New Mexico and not general civil legal advice. Mr. Bradburn would be available to the Bayard Police Department also so any general questions.

1. Approval of the Minutes of Regular Meeting on May 22, 2023 and Special Meeting on May 31, 2023.
2. Approval of Accounts Payable Report for June 12, 2023.
3. Approval of the Maintenance Report for May 2023.
4. Approval of Wastewater Treatment Plant Report for May 2023.
5. Approval of Bayard Fire Report for May 2023.
6. Approval of Bayard Municipal Court Report for May 2023.

## **OLD BUSINESS**

7. Discussion from Matt at Western Communications on updating city phones.

Matt Brown from Western Communication stated he installed the phone system for the City of Bayard a long time ago and these phone now are at the end of life and they can no longer service them. Mr. Brown did a audit at the city hall, wastewater, maintenance, and library. There will be a monthly savings and a new phone system. Over a 36 month period the city would be saving over \$7,600. The town of Silver City, Grant County, City of Deming, Luna County and many others business has this phone system.

The council will review the audit and this will be placed on the next meetings agenda.

8. Update for Rosemary Ruiz on status of survey and appraisal for city property.

City Clerk-Treasure Valenzuela stated she did get in contact with a surveyor, he will do a survey for the property and then he will do a survey on the portion that is wanting to be bought. This will take anywhere from 2 to 3 weeks. After this is done a appraisal will need to be done on the lot as a whole and an other one on the portion that is wanting to be bought. This time frame in whole will be around 3 to 6 weeks.

Councilor Diaz asked that the city stays in contact with Mrs. Ruiz and it be placed on the agenda when this is all complete.

9. Discussion from Larry Ojinaga on Vacant Building Ordinance Status.

City Clerk-Treasure Valenzuela stated she did reach out to the city attorney and did let him know this item was being placed on the agenda for tonight and he still did not call back. This is a action item on the agenda for an intend to adopt and we can move forward and have public meetings on this.

Larry Ojinaga asked why the city has an attorney that dose not answer the phone calls from the city and why does the city still have him as an attorney? and also the auditor he was late on the audit and the city lost a lot of money.

Councilor Medina stated the city has contracts with them and he has asked the Clerk to provide all contracts to see when they end.

10. Discussion/Approval of City of Bayard Wastewater Treatment Plant Project Agreement.

City Clerk-Treasure Valenzuela stated this is the agreement for the million dollars that Freeport donated to the City. In this agreement it states the city will disperse the money in three payments and would like to be updated on the progress of moving forward with the project. This project is underway with planning and design.

Councilor Diaz stated when the project is done and produces reclaimed water, Freeport will have first right to the water.

City Clerk-Treasure Valenzuela this is for review and if there is any changes that the council would like change they are willing to accommodate the city. There will be a meeting at the end of the month and Clerk would like to have any questions that the council would like to be answered.

Motion made by Councilor Medina to postpone, Seconded by Councilor Gonzales.  
Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz

## NEW BUSINESS

11. Discussion/Approval of Speed Bump Petition for 100 Block of N. East St.

Councilor Diaz asked Police Chief Carrillo if he has been giving citations on this street?

Police Chief Carrillo stated he has gotten some calls for the stop sign closer to the maintenance shop.

Council Diaz stated there is a lot of speed bumps and then stop signs, his concern is that there will be a lot of wear and tare on vehicles and the residents will have claims on the city.

Clerk-Treasure Valenzuela stated on her street there is a speed bump in front of her house and did no good. Everyone still speeds through her street.

Councilor Medina would like for Chief Carrillo to speak with the four individuals that are on the petition and see if he can resolve their issues before placing a speed bump.

Motion made by Councilor Diaz postpone for next meeting, Seconded by Councilor Medina.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz

12. Discussion to possibly contract someone to complete the re-addressing of City of Bayard.

Clerk-Treasure Valenzuela stated she has not gotten any numbers for this project she would like to get this going. She has residents calling and asking when this will be done. One resident stated this project has been going on for eight years.

Councilor Gonzales stated when the new clerk starts and the city hall workers are done with training maybe one of them and be assigned to this project.

Councilor Diaz stated to get with the Town Manager from Santa Clara because they just finished with readdressing there.

Councilor Medina would like for our grant writer to look for a grant to contract this project.

13. Discussion from Reyna Garay on easement for property on Lady of Fatima Shrine.

Reyna Garay would like for the city to provide access to the church property to Lady of Fatima Shrine from Mayo Street. On the original deed there is access through Elm Street and Cactus Street and she is asking for the city to provide access from Cactus/Mayo Street. Mrs. Garay will start working on the shrine and would like for the city to help with this access.

Councilor Medina asked the street of Cactus/Mayo is where she would like for the city to provide a road to go all the way up to the shrine?

Mrs. Garay stated yes.

Mayor Fierro stated Superintendent Paez and himself did go out to Mayo Street and this is going to take heavy equipment and the city does not go in to private property.

Councilor Diaz asked if Mrs. Garay had an estimated cost? or a proposals? She could not do this because this is church property. Diaz asked how soon will this project start? Diaz would like for this to be done close to the time her project will begin. He does not want for the city to do the work for the access road and then a year later the project began and the city has to do this all over again.

Mrs. Garay stated right now she has met with a civil engineer and he is helping her with the plans. Her Charity Divine Mercy is based on donations. The people that are helping her on pro bono and she is at the mercy of their time. She is hoping when her project is finished this will bring in a lot of revenue for Bayard.

Mayor Fierro stated once Mrs. Garay has her plans to come back to the meetings and they will see what the city can do.

Councilor Medina asked why isn't the road coming off North isn't being used? Mrs. Garay stated it is in very bad disrepair. She does want this to have two roads entrance and exit.

Councilor Gonzales asked Superintendent Paez how much would this cost the city? Paez stated he isn't sure his concern is the drainage. This is a hill and all the water will be coming down the hill to the street and he's hoping it will not damage the houses that are in that area. He stated that the city would have to create a drainage plan for these houses.

Councilor Medina ask Paez if he could go to the road and make an assessment on North Street. He believes the road off of Mayo is going to be very difficult to make a road. He is concerned about the safety of the workers.

Councilor Diaz stated once Mrs. Garay has all her plans and funding ready to come to the city and the city will help her in anyway the city can.

14. Discussion for possibly leasing or selling the HMS Building owned by City of Bayard.

Clerk-Treasure Valenzuela stated there is someone that is interested in leasing or buying the building. The Mayor and herself had a meeting with him. He dose know a lot of work needs to be done. His plans are to bring in a dispensary.

Councilor Medina asked if he knows the level of works that needs to be done? The reason the HMS left is because of the foundation and the stability of the structure. Also, there is a sewer main that runs under the building. He would like for a contract to be signed that reliefs the city of all liabilities.

15. Oral Presentations for Solid Waste RFP #SWCS 2023.

- A. Universal Waste Systems

- B. Southwest Disposal

Clerk Valenzuela stated this was her first RFP and did not realize that the bidders are to present to the committee, so that was done and she still has to look over the numbers they brought and she will be placing this on the next agenda for approval.

16. Prestation by Ernie Byers from Universal Waste Systems.

## **ORDINANCES/RESOLUTIONS**

17. Approval of Intent to Adopt ordinance for Neglected/Vacant Residential and Commercial Structures.

Clerk-Treasure Valenzuela stated she would like to get this adopted so she can set up public hearings and get the residents input. There is residents that are asking about this a lot.

Motion made by Councilor Diaz to correct the errors and move forward, Seconded by Councilor Gonzales.

Councilor Medina asked if the home is abandon the city will charge \$300 a year? Valenzuela stated only if it is neglected. The code enforcer will need some training on how to determine if the home is abandon/neglected.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz

## **ACTION FOR PERSONNEL**

18. Approval of Resignation for Judge Jose Sandoval.  
Motion made by Councilor Diaz, Seconded by Councilor Medina.  
Councilor Diaz thanked the Judge for his years of service.

Judge Sandoval thanked the public for him to be able to serve the community. He stated he has served our Country, El Grito, as parole officer, and bar tender. He stated it has been an honor and privilege to serve the community.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz

19. Discussion/ Approval to Remove Wastewater Treatment Plant Employee Stephen Estrada from Introductory Status.

Robert Terrazas Wastewater Supervisor stated he would like Stephen Estrada to be removed from introductory status to regular status with a pay increase of 5%.

Councilor Diaz stated it has always been a 25 cent raise this is what it is budgeted at, he dose not agree with it.

Mr. Terrazas would like for this to be placed on the next agenda to see if Stephen can get a 5% and not 25 cents.

Motion made by Councilor Diaz to postpone for next meeting, Seconded by Councilor Gonzales.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz

20. Discussion/Approval of Hiring City Clerk-Treasurer and Custodian.

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

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz.

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

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz.

Motion made by Councilor Diaz to hire custodian William Level at the starting pay of \$27,040 a year, Seconded by Councilor Gonzales.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz.

Motion made by Councilor Diaz to hire of city clerk Gabriel Ramos at the starting pay of \$91,520 a year, with benefits Seconded by Councilor Medina.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz.

Motion made by Councilor Diaz postpone the hiring of a maintenance worker until next meeting, Seconded by Councilor Gonzales.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz.

## **MAYOR AND COUNCILORS REPORTS**

Wastewater Director Terrazas stated the work at the Wastewater Treatment Plant is coming along and should be finished the end of July early August. Mayor Fierro asked if the pump has been installed? Mr. Terrazas stated no he still needs to order it and he will install it.

Clerk-Treasure Valenzuela if the Mayor can appoint a councilor to the Planning and Zoning Committee so she can advertise for meetings.

Mayor Fierro stated he will appoint Councilor Gonzales to that committee.

Police Chief Carrillo stated he has a lot of equipment in the back of the police station such as shooting targets, a police tailor and the Fire Chief has a rescue unit coming in soon. So his question was why can't they utilize the old fire station. He knows there is a lot of stuff from the Grant County Sheriff's office being stored in there. Maybe we can share it because he needs a place to put the things that are sitting outside.

Councilor Medina stated Gila Regional has a contract with the city.

Councilor Diaz stated hopefully the county will start moving their things in the next couple of weeks and Carrillo and get with Medina to see what can happen.

### **MAYOR AND COUNCILORS REPORTS**

Councilor Diaz thanked to employees and the public for attending the meetings. He know sometimes it seems like nothing is getting done but there are a lot of obstacles and sometimes things don't happen over night and please bear with them. Election time is coming up in November there will be some position open and you all are welcome to join. He believes the Mayor is doing a good job and he needs to move forward. The Mayor and Council has done a lot for Bayard and they have a lot of great people working for Bayard.

Mayor Fierro thanked all the departments for all their hard work.

### **NEXT MEETING DATE:**

**Budget Work Session - June 26, 2023**

**Regular Meeting - June 26, 2023**

### **ADJOURNMENT**

Motion made by Councilor Diaz, Seconded by Councilor Gonzales.  
Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz

ADJOURNMENT 8:03 pm

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Chon Fierro  
Mayor

ATTEST:

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Marlena Valenzuela  
Clerk Treasurer



