



City of Bayard
CITY COUNCIL REGULAR MEETING

May 08, 2023 at 5:30 PM

Bayard City Hall

MINUTES

WORK SESSION

Consent Agenda

Councilor Diaz asked under the general fund for attorney fees in the amount of close to \$2,000, this is for every time we contact the attorney, correct? He believes some of the issues that come up can be handled by the council but they are getting in the habit of calling the attorney.

Clerk-Treasure Valenzuela stated yes this is every time the attorney is called.

Councilor Gonzales asked if the Police Department got their report in?

Police Chief Carrillo stated yes, the report for March is in. He was told by the police secretary that the reports are a month behind. So, this next meeting they will have the report for April.

Councilor Gonzales asked what is the schedule for his officers?

Police Chief Carrillo stated his Caption and Lieutenant rotate every two months morning and evening shifts. There is not a full grave yard the officers work until midnight.

Councilor Gonzales has concerns about the police being top heavy because the other night she had someone try and brake in to her house at 3 in the morning. She knew there were no cops on duty and by the time the sheriff department or state police can respond she did not call anyone. She had to figure it out on her own. She stated it was scary, they started on one side of the house and went to the other side trying to get inside. She left her Pitbull and other dog out and her alarm ring. They were trying to break the glass door she has. She did not want to have to do anything she is lucky she has what she has. She is worried about other residents that do not have the protection she has. These people did try and break in to her neighbors home also.

Police Chief Carrillo stated he is glad she is okay and the last thing he wants is anyone hurt. He doses urge people to call 911 even if you know no one is on duty. He did not receive any other reports from Bard Street.

Councilor Diaz asked how long uncertified officer is left patrolling by herself? Also is she still getting training before she goes to the academy?

Police Chief Carrillo stated she is alone for 6 hours. Yes, she is still getting training, every call is reviewed.

Mayor Pro-tem Villanueva brought up that he is getting calls from the residents from this municipality about the lack of coverage after midnight. He is bringing this up to be addressed. He needs to work his schedule were someone is on until 4 or 5 in the morning. He is not the only councilor receiving the call others are receiving calls also. He stated this issue really needs to be addressed.

Police Chief Carrillo stated they had a meeting on this issue last week but he will address this issue, he goes off of call volume and officer safety. The department is getting numerous calls in March they answered 187 and the sheriff department answered 40 extra calls. Every police officer backs each other up and he does understand they are busy and it may time a little bit of time for them to backup. His understanding is the sheriff's office is going to be going till 2am coverage. So, he does want to work with the Sheriff and the residents and look out for the police department as well. He is taking everything into consideration and he will be working on it.

Councilor Medina stated as he spoke with Chief Carrillo it is a priority. Police protection for the City of Bayard is a priority. If she sheriff's offices goes off at 2am and there is one state police officer that scary for our residents and wants to make sure they are look for a route for the best protection policy. He doses understand police safety but this dose has to be a priority.

Councilor Diaz stated Councilmen Medina and Villanueva sit in the position of public officials for the county. They also need to have protection for the county and back up for the municipalities.

Councilor Medina stated the big issue right now is salaries. The sheriff's department is losing a lot of officers and they have discussed a contingency plan for police coverage for the county and the municipalities but he wants to make sure each municipality are protecting their own.

Councilor Diaz stated he believes the reason Police Chief Carrillo got a pointed as chief is to make sure the concerns are heard and come back to the mayor and council with a plan. If this is nothing he can do because he is short staffed then we can advertise again for these positions. His main concern is the citizens of Bayard. So, we do not have the same issue that happen to councilor Gonzales. He believes Bayard has top of the line equipment and pays very well, Chief Carrillo has the position to pick someone good to come work for Bayard.

Councilor Medina stated he spoke with the chief and all he wants is a contingency plan.

Mayor Pro-tem stated this is being brought up because he and other councilors are getting call. He asked if he could somehow move people around to have coverage. He stated the county will always back him up. He is doing everything in his power to keep the county coved 24/7. As officers leave, he is trying to make it work. He assured the citizens he would let the police chief know and make the citizens know their voices are being heard.

George Esqueda stated the General Engineering Services is going to be expiring June 1, 2023. The city will be going out for RFP in the near future. The NM356 Sidewalk Project is currently coordinating with PNM, Comcast and Century Link for relocation of poles. At the corner of the streets so they can have ADA access. In some areas the city will have to acquire some right of way. He will be working with city hall getting the legal disruptions drawn up go they can be looked over by legal. They have been in communication with the property owners

and they all seem to be on board. This funding expires at the end of this year but hope to be going out for bin at the end of June, be in construction at the end of August. This may be a 45-to-60-day project. Everything should be constructed and closed out well by December. The WW Project is ongoing with Morrow Construction. Stantec is under contract because there is CDBG funding. To assist with the grant administration employee interviews. For projects that that federal funding/CDBG funding they need to make sure the employees of the contractors are getting paid for federal wage rates. US180 Lighting Project was closed out last year. Public Safety Building Improvements is currently under construction. The big delay on this project was ordering of parts. Weather was also a factor of delays. North Foy Street Improvements there is a work order for this. They are identifying a work schedule. Hoping to bin out by the end of May, be in construction by end of July. For this project they are predicting a money short fall. So, the city has applied for DOT funding. the city should find out if they are funding by September but the grant agreement will not come until October/November. With N. Foy being a priority, the decision was made to bid out N. Foy get that constructed and come back with DOT funds and constructed those improvements next year. This portion will be Alta Vista up to the city limits. The 1 million Gallon Water Tank Rehab construction should be around September/October where water demand is lower. The NMED Drinking Water Bureau approval is done. Next the approval from the Constructions Programs Bureau. The plans will be submitted next week. Bins will begin end of June beginning July. Having construction begin in September. FY 2022 Colonias Water System Improvements the council approved this last year. The loan and grant are to be used by the city for the design of a new lift station, new gravity sewer main, new force main, SCADA, controls, and electric systems and new backup diesel generator. 2023 Colonias Application for new ClorTec chlorination disinfection system. Total project cost is \$509,190. City of Bayard 10% match \$46,290, grant \$462,900. Presentations have already been made to the Colonias board. This will replace a out of date and out of service system. Today there is two resolutions on the agenda, resolution 5 & 6 are for TPF funding through the DOT. These are required to continue to move forward on the projects. These applications are due by the end of May.

CALL TO ORDER: Mayor Pro-tem Villanueva

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Mayor Pro-tem Raul Villanueva
Councilor Eloy Medina
Councilor Frances Gonzales
Councilor Jose Diaz

Absent Mayor Chon Fierro

Others in attendance were James Ervin, Dolores Charon, Manny Garcia, Larry Ojinaga, Joan Perez, Jesus Perez, Jade Wilson, Selina Crespín, Aaron Rogers, Rosemary Ruiz, Michael Paez, Marlena Valenzuela, Mike Armendariz, Euphemio Gonzalez, Robert Terrazas, Hector Carrillo, Sonya Dixon, Jenny Castanon and Tanya Ortiz.

APPROVAL OF THE AGENDA

Motion made by Councilor Diaz to postpone items number 23 and 24 until next meeting where there all members are present, Seconded by Councilor Gonzales.

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

Voting Nay: Councilor Medina

PUBLIC INPUT

No public input.

CONSENT AGENDA

Motion made by Councilor Gonzales, Seconded by Councilor Diaz.

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

1. Approval of Minutes of Regular Meeting on April 11, 2023 and Minutes for Special Meeting on April 27, 2023
2. Approval of the Accounts Payable Report for May 8, 2023.
3. Approval of the Bayard Police Department Monthly Report for March 2023.
4. Approval of the Bayard Fire Dept. Monthly Report for April 2023.
5. Approval of the Maintenance Dept. Monthly Report for April 2023.
6. Approval for the Wastewater Report for April 2023.
7. Approval of the Bayard Library Report for April 2023.
8. Approval of the Bayard Municipal Court Report for April 2023.

OLD BUSINESS

9. Discussion for Selina Crespín- Update on Industrial Site located on East. St.

Mayor Pro-tem Villanueva stated the update he got on this from the mayor is Police Chief Carrillo is the one looking in to this.

Police Chief Carrillo this property belongs to Arturo Terrazas. He was happy to find out this was his property and he will be getting a survey done on the property to determine his property lines. He does have equipment to clean up the property.

10. Discussion for James Ervin- Update on Planning and Zoning Committee.

Mayor Pro-tem Villanueva stated we do have on the agenda to approve for members to the Planning and Zoning Committee.

James Ervin stated he appreciates the ad in the paper. There is four members this far. His question was is the Zoning officer one of the four or would he be the fifth?

Mayor Pro-tem Villanueva stated he would be the fifth. If anyone would like to join to get with Clerk to sign up.

Councilor Diaz stated the mayor will be appointing one council to be on the committee to support the committee and also to have communication between the committee and council.

James Ervin asked if a zoning officer has been appointed? He stated the zoning officer has a lot of responsibility and they have a lot of requirements. They are the ones who conducts and plans hearings. He writes the reports and presents them to the people at the hearings. They do not just drive around. they will also be doing all the permits.

Councilor Diaz stated they will have to do some research on this. The committee will be work together with the council. We will have to build this committee. They are all new to this and everyone will learn how to do this.

11. Stantec project updates and discussion, and necessary action if required from George Esqueda.

George Esqueda stated this is one work order for North Foy Street. One agreement for the Colonias Water System Project and one agreement for Colonias Water Project.

Motion made by Councilor Diaz, Seconded by Councilor Gonzales.

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

NEW BUSINESS

12. Discussion/Approval to change phone services from Lumen to WNM Communications.

Clerk-Treasure Valenzuela stated this for upgrades on our phones system. This system is based off of internet so they do not want to change anything at the police department. This system when someone calls city hall, they will have the option to send the call to whoever they need to talk to. Right now, if someone calls city hall and they need the library we have to give to number so they can call. With this new system we would be able to transfer. We will be saving some money every month with this new system.

Councilor Diaz asked if the internet goes down is there a backup plan?

Clerk-Treasure stated no.

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

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

13. Discussion for Considering Jenny Castanon, Assistant Librarian as City of Bayard Grant Writer.

Clerk-Treasure Valenzuela stated she and Jenny have been talking about Jenny being the city's grant writer. She had brought in a lot of grants for the library.

Jenny Castanon stated she has brought in grant for the libraries garden. These grants have paid for the mural, the recycled sculpture, the plants and garbage disposals. She would like to do this for the city. She believes this will be beneficial. She is part time right now but would like to be full time and do 60 hours at the library and 20 hours at the city hall.

Councilor Diaz stated we currently do not have a grant writer and he does not want to get in to any litigation but they can go in to her job description and put in to fine detail on what she will be doing and also discuss what hours she will work where and who her supervisor will be. Also look to see what we can compensate her at.

Councilor Gonzales stated if the city doesn't have the money to compensate her to full time. The city has found a grant to pay for her to do the grant writing.

14. Discussion/ Approval to sell piece of land near 101 North St.

Clerk-Treasure Valenzuela stated this land was purchased by the city for \$10,000. To sell this piece of land would cost the city a lot because a survey would need to be done. Also, there is an easement on that piece of land. There would not be anything build on that part of the land because of the easement.

Rosemary Ruiz stated she want that piece of land to let her dog run around and to be able to park her camping trailer. They want 4 more feet from the trailer.

Mayor Pro-tem Villanueva asked if they are aware of the easement the city has?

Rosemary stated yes.

Councilor Diaz asked if Rosemary is will to pay for the survey?

Rosemary stated yes.

Mayor Pro-tem Villanueva stated this will be placed on the next meeting's agenda for approval.

15. Discussion/ Approval to Contract Martha Salas to assist City of Bayard with Financials and current Grants and Projects.

Clerk-Treasure Valenzuela stated the amount she is asking is large so she is recommending to place a cap of eight hours a week. She will not be a full-time employee. She does have a full-time job and will do doing this after hours.

Councilor Diaz stated we can call the state and have someone come down and run the books. He would like to put in this contract this will be revisited in 30 days.

Councilor Medina stated he would like to see a cap for hours on what she will work and she will be paid for the hours she works. He also believes they need to up the pay on the clerk's position. He also asked if she is going to work on the weekends who will be coming in to work with her?

Clerk-Treasure Valenzuela stated she will be coming in with her.

Motion made by Councilor Medina with the modification to be made for 8 hours of work once a week, an hour for hour employment, Seconded by Councilor Gonzales. Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

16. Discussion/ Approval to hire attorney for Bayard Police Dept.

Police Chief Carrillo stated he is not sure if everyone know that our current attorney is a public defender. Cases that go to the municipal court officers' trial themselves, most time they have attorneys, so the officers are going up against attorneys. Another problem some cases get filed in magistrate court, in magistrate court if the defender does not have the funds to pay for an attorney one is provided to them. So right now, Chief Carrillo has reached out to the city attorney and he has had to conflicted it out because he is a public defender. The cases that are going to magistrate court the people get arrested they are held accountable; they go to jail and then they get an attorney and the officers are going up against these attorneys. The officers only get so much training, they do not get extensive law training. This is hard for the officers they don't want a law suit. Police Chief Carrillo has done some research and the Silver City Police Department has an attorney contracts an attorney that represents the DA's office. He does case by case. Chief Carrillo has reached out to him and is will to negotiate case by case or whatever to help the department. Another issue he asked Clerk-Treasure Valenzuela to e-mail our city attorney on a personnel issue last Monday and still have not heard from him. So Chief Carrillo had to ack on this issue. So, for now Chief Carrillo did reach out to the DA's office for the four cases that he has now are crucial and they have agreed to trial them for the city. The DA's office is short attorneys and they have handed out lists on what they will be handling. They will not be dealing with misdemeanor crimes. The attorney is he talking with is Matthew Bradford.

Councilor Gonzales stated she thinks the city needs to go out for bid. The city cannot just change attorneys. Also, if there is a shooting the insurance will have an attorney for the city. She would like for this attorney to be at the next council meeting and meet him.

Councilor Diaz stated if we go case by case and do not go over \$50,000, we do not need to go out for bid. As long as the attorney give us a quote and stick with it.

Mayor Pro-tem stated his recommendation is putting a proposal together and present it to the council the next meeting.

Police Chief Carrillo stated if there is a shooting yes the city's insurance does get called and they will give us an attorney but the city's attorney dose still get called to make sure the city follows the city ordinances. Mr. Bradford is willing to negotiate and get numbers from us.

17. Approval of Letter of Interest for Planning and Zoning Board Members- Mathew Chavez, James Ervin, Doug Newman, and Betty Lambert.

Motion made by Councilor Medina and also to place the 5th opening in the press so we can have five members for the committee, Seconded by Councilor Gonzales.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

ORDINANCES/RESOLUTIONS

18. Adoption of Resolution 5-2023 Supporting an Application and Pledge of Matching Funds for FY2024 Transportation Project Fund.

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

19. Adoption of Resolution 6-2023 FY2024 NMDOT TPF Application for Fahey and Lusk design.

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

ACTION FOR PERSONNEL

20. Discussion/ Approval to increase Chief of Police Hector Carrillo, Captain Anthony Macias, and Lieutenant Manuel Galaz wages for completion of probation.

Councilor Gonzales stated she would like to make a motion to give a dollar raise for each officer. She did get with Marlena and she believes it's a good amount because they do not know the budget just yet.

No second motion. Montion dies. Motion made by Councilor Diaz; he would like to separate the amounts because there is different in responsibilities. The Police Chief has been able to bring the department up to where it needs to be and is moving forward. He would like to give a 8% raise for Police Chief Carrillo and a 5% raise for Captain Macias and Lieutenant Galas. Seconded by Councilor Medina.

Councilor Medina stated this is an extra \$10,000 a year for the department. The sixth position that the police department has not been fill is being used by the temporary salary increases for the city hall staff. Medina stated he just wants to make sure when the next budget comes out the city does not have to cut hours for layoffs.

Councilor Diaz stated the salary of the city clerk will be available. Diaz would like to make sure and take care of the department and make public safety a priority.

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

21. Approval to accept Adrian Badillo resignation letter.

Motion made by Councilor Diaz, Seconded by Councilor Medina.

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

22. Approval of resignation for Marlena Valenzuela

Motion made by Councilor Diaz with a heavy heart he hates to see her go. She has done excellent work and thanked her for her service, Seconded by Councilor Gonzales.

Councilor Medina stated he spoke with Valenzuela early and he asked her if there is anything the council can do to keep her.

Mayor Pro-tem thanked her for stepping up and taking that chance of that position. He knows it not an easy position. He thanked everyone for stepping up and he believes family comes first. He hopes and prays the best for her.

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

CLOSED SESSION

23. Pursuant to 10-15-1 (H-2) NMSA 1978 for limited personnel matters for Maintenance department employees- restructuring department.

Closed session was removed from the agenda.

MAYOR AND COUNCILORS REPORTS

Councilor Diaz thanked everyone for all their work. He asked Maintenance Supervisor Paez when the lights on Central Ave will be turned back on? Someone ran in to the pole and had to cut power to the lights.

Supervisor Paez stated is waiting on a quote for the replacement for a light pole.

Councilor Gonzales stated she has spoken with the business department at WNMU and they will be talking with their recent graduates about our clerk position that is available. She believes we need to bring up the salary for the clerk position.

Librarian Dixon asked if is necessary to have a meeting with public works for her foam event on June 2nd? She needs to have the maintenance department show her where this event is going to take place.

Councilor Gonzales stated she thinks it's a good idea to have a meeting so everyone knows where to go and what to do.

Police Chief Carrillo thanked the council for the raises. He stated Councilor Gonzales did report a crime during the work session and he will send an officer to her house after the meeting and do the best to take care of the issue.

Clerk-Treasure Valenzuela stated she is working on number for the beget work session on Monday May 22.

NEXT MEETING DATE:

Budget Work Session - May 22, 2023

Regular Meeting - May 22, 2023

ADJOURNMENT

Motion made by Councilor Diaz, Seconded by Councilor Gonzales.

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

ADJOURNMENT 7:23P.M.

Raul Villanueva
Mayor Pro-tem

ATTEST:

Marlena Valenzuela
Clerk Treasurer



City of Bayard
SPECIAL MEETING
May 11, 2023 at 5:00 PM
Bayard City Hall

MINUTES

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 Ricky Villalobos, Euphemio Gonzalez, Michael Armendariz, Gary Arellano, Lowell West, Michael Paez, and Tanya Ortiz.

APPROVAL OF THE AGENDA

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

CLOSED SESSION

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 Medina to enter open session, Seconded by Councilor Gonzales.
Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz

ACTION ITEMS RESULTING FROM CLOSED SESSION

1. Approval of Hiring Mechanic -Jerry Andazola

Motion made by Councilor Diaz on the hiring of Jerry Andazola at the pay rate of \$19.75, Seconded by Councilor Gonzales.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz

2. Discussion follow up from Investigator for Fire Department Stipends

Motion made by Councilor Diaz to go by the recommended suggestion and receive restitution and go by the policy and pay \$25 per call. The mayor and council will give the fire department an opportunity and come up with a plan on how to receive restitution. If the plan is giving the fire fighters credit for there time or to pay back all the money back that money will have to be paid by July 1, 2023. On July 1st if they were to need more time to pay back the money the mayor and council can review it at that time. Seconded by Councilor Gonzales.

Councilor Gonzales stated the money will go back to the City of Bayard because Bayard is the fiscal agent and also, she stated the fire department needs to be placed on the agenda for the next council meeting with there plan.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz

NEXT MEETING DATE:

Budget Work Session - May 22, 2023

Regular Meeting - May 22, 2023

ADJOURNMENT

Motion made by Councilor Medina, Seconded by Councilor Diaz.

Voting Yea: Councilor Medina, Councilor Gonzales, Councilor Diaz

ADJOURNMENT 6:28.

Chon Fierro
Mayor

ATTEST:

Tanya Ortiz
Deputy Clerk