City of Bayard

CITY COUNCIL REGULAR MEETING

July 26, 2021 at 1:30 PM

Bayard City Hall

MINUTES

WORK SESSION

Work session was not held.

CALL TO ORDER: Mayor Chon S. Fierro

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT
Mayor Chon Fierro
Mayor Pro-tem Raul Villanueva
Councilor Charles Kelly
Councilor Eloy Medina
Councilor Adrian Ortiz

Others present were Anthony Aveles, Jason Jaeger, Hannah Dumas and Kristina Ortiz.

APPROVAL OF THE AGENDA

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PUBLIC INPUT

Mrs. Tanya Ortiz came before the City Council to request that Mr. Cravens be honored in some way for all of the hard work he did to make Bayard beautiful. Mrs. Ortiz suggested that the area by Guinevan Street be improved and the table that Mr. Cravens installed be fixed.

CONSENT AGENDA

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

The following items were included within the consent agenda:

1. Approval of the Minutes of Regular Meeting on July 12, 2021.

2. Approval of the Accounts Payable Report for July 26, 2021.

3. Approval of Police Report for June 2021.

OLD BUSINESS

4. Discussion/Approval of modifications to community center rental contract (fees, operating hours, terms and conditions).

Clerk Treasurer Ortiz presented information on the rental of the community center fees and operating conditions. The Clerk provided information on the rental fees for government use, non-profit and commercial use. Councilor Medina inquired on having a monitor at the facility. Clerk Ortiz stated that no other facilities have monitors but contracts may require security depending on the type of event (such as a teen dance). Renters are responsible for the security fees. Councilor Medina is concerned with damages occurring during the rentals. Public Works Director requested to have public safety ensure that the facility is closed at the appropriate times. Clerk Ortiz stated that having the police officers check on the building during use and having the maintenance cell phone number posted in case of problems. Councilor Medina recommended $200 for residents and $250 non-resident. Mayor Fierro asked about the fee for the kitchen. Clerk Ortiz state $25/$35 with rental of the auditorium. Councilor Medina inquired on the fee for fund raisers. Clerk Ortiz stated it would be the regular amount since the rental is not considered a 401(c.3) agency. The center also has non-profit rates at $20 per hour. Rental would be free for events open to the general public (without charge). She also requested a specific rate for funeral rentals, currently at $10 per hour with $50 deposit. Councilor Medina was concerned on having high fees for funerals when the families are already looking for funds to pay for the services. Clerk Ortiz requested specific times for use and not after 7 p.m. Discussion was recommended $50 rental and $50 deposit kitchen $25/$35 with a maximum four hour period and nothing after 7 p.m. Councilor Kelly recommended closure of the facility by 11 p.m. Councilor Medina stated that was too early especially if the event was a meeting. Councilor Villanueva recommended midnight closure. Final recommendation is to have the facility closed at midnight with clean-up by 12:30 a.m.

Council consensus for community center use:

Auditorium Fees: Deposit $200 resident, $250 non-resident; Rent per day use, $200 hall/$25 kitchen for residents; $250 hall/$35 kitchen for non-residents, and closure at $12:30 a.m. Funeral services: $50 deposit/$50 rental, kitchen rates $25/$35 with a maximum time of four (4) hours and closure at 7 p.m. Board room will be dependent on type of event held using existing rates.

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

NEW BUSINESS

5. Approval of Cobre High School Homecoming Parade and municipal assistance on September 9, 2021.

   Cobre High School requesting the assistance of municipal personnel for Homecoming Parade and events on September 9, 2021.

6. Approval of the annual contract rate increase as allowed by current contract - increase is 4.16%.

   Clerk Ortiz stated that Southwest Disposal is requesting approval of the annual allowed rate increase of 4.16%.

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

7. Approval of the June 30, 2021 Financial Statements and End of Year Budget Adjustments.

   Clerk Ortiz presented the June 30, 2021 Financial Statements and end of year adjustments. She reviewed the adjustment schedule.

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

8. Approval of the 2022 Fiscal Budget as approved by NM Department of Finance and Administration

   Clerk Ortiz presented the Fiscal Year 2022 Final Budget for approval. The only changes from the interim budget related to construction projects and grant funding.

   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

9. Adoption of Resolution 13-2021 for the June 30, 2021 Financial Statements and End of Year Adjustments.

10. Adoption of Resolution 14-2021 Fiscal Year 2022 Final Budget

    Councilor Kelly requested both resolutions be adopted at the same time.

Motion made by Councilor Kelly, Seconded by Councilor Medina.
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 personnel

1. Termination of Brandi Pyron as Bayard Police Officer
2. Mark Diaz - confirmation of hire date as park & recreation position
3. Hiring of Custodian and Humane/Code Enforcement Officer

Consensus of Council was Closed Session not required.

ACTION ITEMS RESULTING FROM CLOSED SESSION

ACTION FOR PERSONNEL

11. Officer Brandi Pyron - Approval of termination of employment as police officer as recommended by Mayor Fierro.

    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

12. Mark Diaz certification of employment as Parks and Recreation employee with the standard introductory period and completion of all pre-employment exams. Mr. Diaz declined the offer of employment as custodian. Due to two additional individuals declining offers or not completing pre-employment exams, Mr. Diaz accepted the parks & recreation position. Approval is to confirm employment with a hire date of May 20, 2021 at the rate of $11.00 per hour (also received the $2.00 increase effective on July 3, 2021.

    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

13. Custodian

    Recommendation is to hire Joe Sierra at the hourly wage of $12.00 upon successful completion of all pre-employment exams and background checks with the standard introductory rate.

    Humane Officer/Code Enforcement Officer

Recommendation is to hire Samuel Ogas at the hourly wage of $13.50 upon successful completion of all pre-employment exams and background checks with the standard introductory rate.

Custodian - Joe Sierra

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

Humane Officer/Code Enforcement Officer - Samuel Ogas

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

MAYOR AND COUNCILORS REPORTS

Councilor Villanueva inquired on the status of the police chief and police officer job posting and applications. Clerk Ortiz stated that she has three (3) applications for police chief and is still receiving as they come in. Consensus is to begin advertising for patrol officers.

Councilor Kelly stated that the Policy Committee for personnel met and reviewed the current Personnel Policy. He indicated that discussions went well and staff will continue to work on the changes under review with legal counsel. The city needs to change policy specific for the medical cannabis use. Councilor Kelly also inquired on the pick-up of social security for employees. The city and employees currently do not pay these benefits. Clerk Ortiz stated that she would work on the impact to the budget and an election with the current employees would be required. The current employees have the option to pick-up the benefits once they are approved by the city. Any future employees would be mandated to contribute.

Councilor Medina is wishing to work on the police department and restructuring in order to get officers back on the streets.

Public Works Director Aveles inquired on which department will have oversight of the custodian. Discussion was held and recommended to have the maintenance have daily oversight but requiring the department heads of each building to provide daily duties regarding the needs of the facility.

Mayor Fierro stated that he attended the SW Solidwaste Authority meeting and the board is discussing the ability to fine individuals that go to the landfills without a cover over their load. Bayard does have an uncovered load regulation that the local police can enforce. Mayor thanked Councilor Ortiz for his benefit fund raiser and stated that it was a success and thanked the maintenance for their work at the little league park.

NEXT MEETING DATE:

Regular Meeting - August 9, 2021

ADJOURNMENT

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

MEETING ADJOURNED AT 3:13 P.M.

Chon Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer