

## Regular Meeting–April 15, 2008

The Board of Trustees of the Village of Tularosa met in a Regular Meeting on Tuesday, April 15, 2008 at 7:00 P. M. in the Court/Conference Room of the Public Safety Facility located at 609 St. Francis Drive, Tularosa, New Mexico.

Present: Mayor Ray S. Cordova, Trustee Fred Tyler, Trustee Patrick Garcia, Trustee Thomas McKean and Trustee Gloria Sainz. Also present was Police Chief Virgil Mayberry, Valarie Delgado, Finance Officer acting as Village Clerk and Village Attorney Jeff Rhodes.

Absent: Dianna Brusuelas, Village Clerk.

Mayor Ray S. Cordova called the meeting to order at 7:04 P. M. asking that all rise and join in the Pledge of Allegiance.

### Item 1. Consideration of Agenda and Consent Agenda

Trustee Patrick Garcia moved to consider the agenda and the consent agenda. Trustee Gloria Sainz asked to move Item 9 (Ralph Otero–Can

village please repair Brittney Road) to 2A. Trustee Thomas McKean asked to delete Site Permits and just leave the Sign Permits under Section F. Trustee Fred Tyler then proceeded to second the motion with the changes.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all Members of the Board voting in the aye.

Item 2. Unscheduled Correspondence & Public Comments (Limit 3 minutes)

Judge Tim Flores asked the Mayor and Board if there was a possibility of the Village paying for 4 computers and a server for the courts, the purchase has been approved by the Administrative Office of the Courts from the Court Automation Fund and is 100% reimbursable. Initially the village would have to prepare a check for \$14,296.20, the copy sent to Santa Fe, then the village gets reimbursed. Since the item was not on the agenda a request for a Special Meeting was submitted. Judge Flores was asked to fill out a Request to be placed on the Agenda.

Mr. Ferguson asked about the quality of the water, suggesting the PH is off balance. Mr. Ferguson also wondered why the village was tying up police officers to do Code Enforcement. Mayor Cordova responded that the water is always being tested and has to be tested by State Law.

Cynthia Reidlinger asked if the Board of Trustees noticed in the Alamogordo Daily News where Alamogordo requested change of well

locations and noted that the Village has an opportunity to protest. Mayor Cordova asked if the Village had the right to declare any territory as off limits. Attorney Jeff Rhodes responded that the Village could prohibit the drilling of domestic wells in the Village limits. Ms. Reidlinger felt that the Snake Tank well would have a detrimental effect on the village. Trustee Thomas McKean felt that these wells were not located south of town.

Joan Price asked if the Village could get transcripts of the hearing with the State Engineers representative, about the position of Tularosa and application for emergency use waters and get Mr. Rhodes to interpret that transcript and place on file for the public. Ms. Price also asked that the Village take a position on the Environmental Impact Study (EIS) hearings, and if not why? Mayor Cordova stated that he would need to be better informed. Trustee Patrick Garcia asked when the Environmental Impact

Studies hearings would be held. Trustee Thomas McKean said he gets the notices and will notify the board.

Trustee Thomas McKean wanted to applaud the kids that helped put the Skate Board Park together; Mayor Ray Cordova also applauded Mr. Rick Gutierrez who went to the schools and talked to the kids and got them all to come out.

Trustee Thomas McKean also wanted to say the two benches for the Veteran's Park were also installed.

Item 2A. Ralph Otero—Can village please repair Brittney Road

Mr. Ralph Otero asked if the village could fix Brittney Road, stating that his wife's business is affected by the bad road. Mr. Otero has talked to the neighbors and they are all in agreement that the road needs repairs. Mayor Ray Cordova stated that he met Mr. Parker from the Otero County Road Department on Brittney Road and asked if the county could help the village chip seal some village roads. Mayor Cordova also stated that the drainage is very poor. The county said they would level out the road and if the village buys pea gravel they would spread it out and put the roller on it.

Trustee Thomas McKean moved to repair Britney Road and was seconded by Trustee Gloria Sainz.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members voting aye.

Item 3. Information: "Outta Site Award" 2007 NM Summer Food Program recognized the Village of Tularosa for having a Outstanding Meal Service at the Site

Mayor Ray Cordova announced that the Village of Tularosa was given an "Outta Site Award" for having an outstanding meal service at the site during the Summer Lunch Program.

Item 4. Information: Appointment of Margaret Trujillo to the Planning & Zoning Commission

Mayor Ray Cordova said he asked Margaret Trujillo if she would be interested in serving on the Planning & Zoning and appointed her on the 19th of March. Trustee Thomas McKean stated that according to Village ordinance since the appointment was the 19th of March and the agenda reflected 'information' Ms. Trujillo could not be approved tonight and would have to be re-appointed.

Item 5. Mayor-Proclamation acknowledging April as Fair Housing Month for CDBG

Trustee Patrick Garcia moved to proclaim April as Fair Housing Month for CDBG and was seconded by Trustee Thomas McKean.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members voting aye.

Item 6. Mr. Al Obaidi-Solve sewer problem at 805 Old Mescalero Road

Mr. Obaidi explained that he has had sewer problems for sometime and that his plumbers state that his line is clean, the village has been by his

house and shown that the village line is also working properly, he feels that the sewer line is too far from his property and asked the village to extend the line because he has to go West about 32' and then South another 10' to connect to village sewer. Mr. Obaidi asked for help in solving his problem.

Mayor Ray Cordova asked Mr. Obaidi if he got a recommendation from the plumber as to what would solve the problem.

Trustee Fred Tyler suggested talking to Reynaldo Guilez, Field Supervisor, to see if the village line is a 6" or 8" and if it is of adequate size then he doesn't feel the village is responsible unless our line is broken. It was suggested to confer with the Field Supervisor to see if the line can be dug.

Trustee Thomas McKean moved to have Reynaldo look at it and determine if it is the village's problem and if the village crew can dig it up or not, get back with the Mayor and give the Mayor the authority to hire a contractor if necessary. Trustee Gloria Sainz seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members voting aye.

Item 7. Rick Gutierrez-C.E.S. Contract with ASA Architects for improvements for the Baseball Field and (current) Senior Center

Trustee Thomas McKean questioned how much this was going to cost or what percent would they take and should the village enter into a contract without knowing exactly what it's going to cost. The second question Trustee Thomas McKean asked was who is going to be the Village Representative. It was suggested that the representative be Rick Gutierrez. Attorney Jeff Rhodes stated that on page 16 there was a fee schedule that goes up to 10 or 12%.

Trustee Patrick Garcia moved to approve the contract with ASA Architects for improvements to the Baseball Field and the current Senior Center, motion was seconded by Trustee Fred Tyler.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, nay. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with three members voting in the affirmative and one member voting nay.

Attorney Jeff Rhodes expressed some concern that the baseball improvements percentage would be about 30 some thousand and the improvements to the existing senior center would be an additional \$12,000.00.

Trustee Thomas McKean moved to appoint Rick Gutierrez as the representative for this contract and was seconded by Trustee Patrick Garcia.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members voting aye.

Item 8. Rick Gutierrez–Approve \$1,505.52 for the Skateboard Park

Mayor Ray Cordova stated that he hired to additional men to work on the Skateboard Park because he could not let kids work with power tools.

Trustee Thomas McKean moved to approve the \$1,505.52 for the Skateboard Park and to take it out of General Fund cash balance. Trustee Fred Tyler seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members voting aye.

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Item 9. (moved to item 2A)

Item 10. Trustee Thomas McKean–Approval of Ordinance 228 on Dangerous Dogs

Trustee Thomas McKean moved to approve the Dangerous Dog Ordinance 228 to be published by Title and Subject Matter. Motion was seconded by Trustee Gloria Sainz.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members voting aye.

Item 11. Adoption of Ordinance 226 Governing Signs

Trustee Thomas McKean moved to adopt Ordinance 226 governing sign. Attorney Jeff Rhodes interjected wondering if the ordinance was postponed at the last meeting. Trustee Thomas McKean recalled it being postponed because it did not meet the two week criteria of publication. After discussion Trustee Gloria Sainz seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members voting aye.

The question was raised as to when this becomes law. Attorney Jeff Rhodes stated that a final publication is needed and it becomes law 5 days after the final publication.

## Item 12. Discussion of Tularosa Basin Telephone Company and Franchise

Trustee Thomas McKean felt the need to send back the franchise agreement with Attorney Jeff Rhodes recommendations and the latest annexations.

Trustee Fred Tyler moved to return the proposed Tularosa Basin franchise agreement. Trustee Thomas McKean then moved to take into consideration Jeff's recommendations and send the contract back to TBTC and see if they approve it and request to add the answering service in Appendix A. Trustee Fred Tyler then proceeded to second Trustee McKean's motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members voting aye.

## Item 13. Information: New Mexico One Call

Mayor Ray Cordova explained that the Village is a current member of New Mexico One Call.

Item 14. Temporary employment agreement with Susan Flores and Judge Flores from March 17 – June 30, 2008

Mayor Ray Cordova presented a letter written by Attorney Jeff Rhodes when Police Chief Frank Sackman used his wife as a Part time Dispatcher. The question arose as to who she worked for, the response was that she worked for the village. It was mentioned that the Board approves the budget but not the hiring. It was suggested that if the Board had a question, ask the Judge. Attorney Jeff Rhodes stated that the Judiciary has his own hiring and firing authority. Mayor Cordova asked if a clerk is hired or fired by the Judge and that clerk is fired, does she appeal to this Board? Does she have recourse? The response was that the court system has it's own personnel system totally independent. The Mayor questioned a letter dated in 1998 from the Judge stating that he was adopting the Village Personnel Policy and still questioned if court employees are protected under village policy.

Item 15. New Business

Trustee Thomas McKean–Review of Presbyterian Medical Services,  
Tularosa Medical Center Contract

The question came up about a dentist not being provided. Trustee Gloria Sainz being part of the advisory council told the Board that they could not find a dentist to move to Tularosa.

Trustee Fred Tyler suggested renewing the contract and scratching off "dental clinic". Trustee Thomas McKean suggested raising the \$55,000. to \$65,000. or \$70,000. Trustee Fred Tyler suggested basing the uncompensated care on population growth.

Trustee Patrick Garcia moved to remove the "dental clinic" and leave the \$55,000. as it is. Motion was seconded by Trustee Fred Tyler.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members voting aye.

Trustee Thomas McKean asked the Mayor who would send the contract to Julie Baker at the clinic with the changes. Mayor Cordova responded that the clerk would.

#### Item 16. Old Business

Trustee Patrick Garcia wanted to congratulate the staff on the tremendous job on getting ready for the District Meeting and thanked the villager's for the clean up project.

Item 17. Adjourn

Trustee Thomas McKean moved to adjourn as was seconded by Trustee Gloria Sainz.

Motion carried by voice vote. Meeting adjourned at 9:05 P.M.

The written minutes are the official minutes of the meeting. The recorded tapes are part of the minutes only for interpreting any ambiguity in the written minutes. When the minutes are approved and signed the written minutes are the official minutes of the meeting.

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Ray S. Cordova, Mayor

ATTEST:

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Dianna R. Brusuelas, Village Clerk

Minutes approved by The Board of Trustees at the Regular Meeting of  
May 20, 2008.