

Regular Meeting-March 17, 2009

The Board of Trustees of the Village of Tularosa met in a Regular Meeting on Tuesday, March 17, 2009 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, Trustee Gloria Sainz, Finance Officer Valarie Delgado, Rick Gutierrez Grants Coordinator, Dianna Brusuelas-Guilez Village Clerk as well as Village Attorney Jeff Rhodes.

Mayor Ray S. Cordova called the meeting to order asking that all rise and join in the Pledge of Allegiance.

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

Trustee Thomas McKean moved to consider the Agenda and the Consent Agenda and was seconded by Trustee Fred Tyler. Mayor Cordova made a request to move item 13 and call it item 9(B)

Trustee Patrick Garcia moved to amend the motion and move Item 13 and make it 9(B), Trustee Gloria Sainz seconded the motion.

Trustee Thomas McKean asked if the vote was on the motion or the amendment.

The response was on the amendment.

**Roll Call Vote:** Trustee Garcia, aye. Trustee McKean, nay. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with three ayes and one nay.

Roll call vote was then taken for the original motion.

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

### **Item 2. Unscheduled correspondence and public comments**

Ms. Irma Montoya requested a Special Meeting for a variance for a mobile home for her daughter at 1010 Lucille. The year of the mobile home is older than the 12 year the ordinance specifies. Ms. Montoya stated that she had been before the Planning & Zoning Commission and that they recommended approval. Mayor Cordova said he would consider calling a Special Meeting.

Trustee Fred Tyler made reference to the Regional Water Project noting that Tularosa is no longer a participant since they moved the processing plant to Alamogordo. Attorney Jeff Rhodes commented that the City of Alamogordo is obligated to honor the agreement with the village and we just have to file a request with the State Engineers office. Mr. Rhodes stated that relocating the processing plant has nothing to do with our agreement. Mr. Rhodes was asked to write a letter to the City of Alamogordo and address the question. Mr. Rhodes said he would make an inquiry and report back.

**Item 3. Approval of Adoption of Resolution 2008-2009-16 "Open Meetings Act Resolution"**

Trustee Thomas McKean moved to approve the adoption of Resolution 2008-2009-16 Open Meetings Act Resolution. Motion was seconded by Trustee Patrick Garcia.

It was announced to the public that starting in April the Regular Board Meetings would now be held on Wednesday at 7:00 P. M. and the Workshops will be on Tuesday at 6:00 P. M.

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

**Item 4. Approval of Adoption of Resolution 2008-2009-17 Increasing the Budget in various departments**

Trustee Patrick Garcia moved to approve the Adoption of Resolution 2008-2009-17 Increasing the Budget in various departments. Motion 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 5. Approval of Budget Adjustment Request 2009-1 Adjusting the Budget in various Departments**

Trustee Thomas McKean moved to approve Budget Adjustment Request 2009-1 adjusting the budget in various departments and 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.

**Item 6. Jason Bennett-Plateau Telecommunications, approve Lease Addendum**

Trustee Thomas McKean moved to approve the Lease Addendum with Plateau 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 7. Steven Conner-15 Baca Farms Road-Request water rates be classified inside the village limits**

No action was taken and the matter will be taken care of internally.

**Item 8. Robin Makowski-Request approval of Public Celebration Permit**

Mr. and Mrs. Makowski made a presentation about an art show at their place of business stating that part of the proceeds will go to Habitat for Humanities. The request was for approval of the Public Celebration Permit and Tularosa Vineyards will sell wine by the glass.

Trustee Thomas McKean moved to approve the permit and 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.

### **Item 9. Ernie Byers-Award Bids for:**

**Item One:** New Automated Side-Load refuse collection vehicle-Recommendation: Trucks West of New Mexico

Ernie Byers made a presentation to the Mayor and the Members of the Board and even though he had recommended Trucks West of New Mexico for a total of \$227,975.00 it did not meet the requirements. Mr. Byers then gave a review of a Peterbilt truck from The Truck Store for a total of \$243,500.00 which meets and exceeds all requirements and recommended the award to The Truck Store.

**Item Two:** Used Automated Side-Load Refuse Collection Vehicle

Recommendation: The Truck Store

Mr. Ernie Byers answered questions the Board had and recommended the three year warranty instead of the seven year warranty stating the price was \$72,500.00 for a 2000 Volvo/Hiel which included a spare tire.

**Item Three:** 1300 (95) gallon carts

Mr Ernie Byers explained that Toter Incorporated cart was priced at \$42.36 plus .90 for a slide bar option and the Cascade Engineering was priced at \$43.06. Mr. Byers recommendation was for Cascade Engineering which meets and exceeds requirements.

80 (300) gallon containers

Mr. Ernie Byers stated that there was only one submittal from Cascade Engineering at \$266.28 plus \$12.84 for an optional locking mechanism and that it meets and exceeds requirements.

After Trustee Trustee Thomas McKean totaled up items 1, 2 and 3 he felt there was quite a bit of excess money in the loan. Mayor Ray Cordova explained that NMFA suggested getting more than first proposed on the loan because there would be incidentals some of which include insurance, permits, training etc.

Mr. Byers stated that the Governor from Isleta Pueblo has extended an invitation to the Mayor and the Board of Trustees to go see their Solid Waste trucks and how they

operate. Mr. Byers also suggested to the Board to install a drain facility at the waste water plant to wash the trucks.

Trustee Thomas McKean moved to accept the recommended bids for items 1, 2, and 3 contingent up the actual funding from New Mexico Finance Authority.

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

**Item 9 (B) (Previously item 13) Susan Flores-Request for village to approve installation of sprinkler system in James Vigil Park and in front of Village Hall**

Mr. Mark Makowski presented plans for the sprinkler system which will be paid from the \$10,000.00 grant. Susan Flores explained the project stating that there would be rose bushes planted along the park and in front of village hall. Ms. Flores requested from the village the use of the ditch witch and a village employee to run the ditch witch.

Trustee Patrick Garcia moved to approve and 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.

**Item 10. Mayor Ray Cordova-Approve appointment of Susan Flores as per Temporary Employment Agreement**

The question referring to nepotism was brought up by Trustee Fred Tyler explaining to Village Attorney Jeff Rhodes that Ms. Flores is hired by Mayor Cordova, works in the Municipal Court office and is under the direct supervision of Judge Flores her husband. Trustee Tyler says he would like to get out from under the appearance of nepotism. Attorney Jeff Rhodes said she would have to be under the direction of the Mayor there are no specifics as to where those duties are performed.

Trustee McKean asked if there was enough funding to pay her. Judge Flores responded that there would be a shortfall before fiscal year end.

Trustee Tyler noted in February the line item for the part time workers was at 86% of the budget and 67% of the year.

Trustee Patrick Garcia moved to approve the appointment of Susan Flores as per Temporary employment Agreement contingent on funds being available. Motion was seconded by Trustee Fred Tyler. Mayor Cordova asked Village Clerk Dianna Brusuelas-Guilez to track that.

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

**Item 11. Art Cardiel-Approve settlement amount of \$6,130.70 for fuel costs between January 2007-November 2008**

Trustee Gloria Sainz asked if Casa del Sol (Art Cardiel) owed the village any money. It was explained that he did owe the village for containers not being provided during previous Spring Clean Up's as part of the contractual agreement.

The governing body decided to deduct any amount owed to the village from the monthly regular payment.

Trustee Patrick Garcia moved to approve the settlement amount of \$6,130.70 for fuel costs between January 2007-November 2008. Trustee Thomas McKean 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 12. Mayor Cordova-Request approval to purchase 2001 Ford**

##### **Econo used van for Recreation Department for \$5,500.00**

Trustee Fred Tyler moved to purchase 2001 Ford Econo van for the Recreation Department contingent upon inspection by a certified mechanic. Trustee Patrick Garcia 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 14. Monica Voorbach-Request to pay Casa del Sol \$675.00 for containers assigned to village areas**

Trustee Patrick Garcia moved to postpone this item until the next regular meeting, 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.

#### **Item 15. Trustee Thomas McKean-Request Adoption of Ordinance 234 and approve for final publication in its entirety**

Trustee Thomas McKean moved to approve adoption of ordinance 234 and approve final publication in its entirety. 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 16. Trustee Thomas McKean-Move to contract a hauler to provide Solid Waste Collection transportation and collection service. This was on last months agenda (still waiting for action)**

After much discussion Trustee Thomas McKean moved to go out to bid for a contract hauler and was seconded by Trustee Gloria Sainz.

**Roll Call Vote:** Trustee Garcia, nay. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with a vote of three to one.

**Item 17. Trustee Thomas McKean-Move to approve any changes that have been submitted to Solid Waste Contract**

Trustee Thomas McKean moved to approve the changes that were incorporated into the proposal of the Solid Waste Contract 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 18. Trustee Thomas McKean-Need to set a date for Spring Clean Up and location of dumpsters, by Community Center and Village Yard would be great locations**

No action was taken but a request to put in the newspaper was made.

**Item 19. Approve appointment of Jeni Alexander to the Planning & Zoning Commission**

Trustee Fred Tyler moved to approve the appointment of Jeni Alexander with a second 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 19 (A). Trustee Thomas McKean-Like to review Personnel Policy Procedures, Village of Tularosa has at this time**

Trustee Thomas McKean felt that some of the items in the disciplinary action are outdated and had a question on section 50.02, drivers license. Mayor Cordova explained that an employee could not drive a village vehicle if the employee is not properly licensed. Trustee McKean asked what jobs in the village require a drivers license. Mayor Cordova responded that Animal Control and Police Officers. Trustee Gloria Sainz felt that to work for the village a drivers license was required. Attorney Jeff Rhodes said that if it was not a requirement of their job to have a drivers license you could not make them have a license. Trustee McKean asked if a person gets a DWI and loses his drivers license what is the village policy. Mayor Cordova responded that an employee must have a drivers license to drive a village vehicle if driving is a requirement of his job. If they can do their job without driving a vehicle that is ok; but would not have another employee to drive another employee around. Chief Mayberry made a comment that if a person has a restriction on their license and are following the restriction then they are not in violation. Trustee Thomas McKean read Section 70 to say zero tolerance. I was believed to continue reading 'while at work'. Mr. Jeff Rhodes felt it was for an employee in employment not in private life, if a person is tested while working.

**Item 20. Old Business**

Trustee Patrick Garcia asked about the Baseball Field. Response was that they are working on it and will provide lights but not sure on bleachers nor landscaping.

Trustee Fred Tyler asked about the progress of street signs. Village Clerk Dianna Brusuelas-Guilez responded that they are working on them.

Trustee Patrick Garcia asked about grants from the Hubbard Foundation maybe for security cameras at the Community Center, Mr. Garcia will try to follow up and apply.

Chief Mayberry asked about a street light by McKinley's barber shop

**Item 21. New Business**

None

**Item 22. Adjourn**

Trustee Patrick Garcia moved to adjourn the meeting. Motion was seconded by Trustee Gloria Sainz.

There being no further business to come before the board the meeting adjourned at 9:35 P.M

The written minutes are the official minutes of the meeting. The recorded Compact Flash 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.

---

Ray S. Cordova, Mayor

ATTEST:

---

Dianna R. Brusuelas-Guilez, Village Clerk

Minutes approved by The Board of Trustees at the Regular Meeting of April 15, 2009.