

Regular Meeting - April 28, 2010

The Board of Trustees of the Village of Tularosa met in a Regular Meeting on Wednesday, April 28, 2010 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 Joseph Lueras

Trustee Patrick Garcia

Trustee Gloria Sainz

Also in attendance was Rick Gutierrez, Grants Coordinator, Monica Voorbach, Payroll/AP Clerk, Village Attorney Jefferson Rhodes as well as Valarie Delgado Finance Officer.

**Absent:** Dianna Brusuelas-Guilez

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 Patrick Garcia moved to consider the agenda and the consent agenda. Motion was seconded by Trustee Joseph Lueras.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with an affirmative vote by all.

**Item 2. Unscheduled Correspondence and Public Comments**

A member of the public, Chris Jones, brought up Kissick Road and the bright lights at the Dollar General Store. but Mr. Jones felt that Dollar General was largely compliant and distributed copies of the Dark Skies Act and would like to meet with the Mayor to address ideas having to do with dark skies.

**Item 3. St. Francis Mayordomos (Monique Gonzales/Viola Artiaga) Request street closures for St. Francis Fiesta & Procession; request police patrol**

The annual request to close some of the streets for the St. Francis Fiesta and request police patrol. Mayor Cordova mentioned that Police Chief Ken Selman and Utility Supervisor Tim Duran were aware and would take care of the request.

Trustee Patrick Garcia proceeded to move to close the streets and provide police patrol. Motion was seconded by Trustee Gloria Sainz.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with an affirmative vote by all.

**Item 4. BRG & Associates (Michelle Huerta) Introduce/present our company--discuss contracting possibilities, learn how business is done with the village.**

No one present.

**Item 5. Trustee Joseph Lueras-Mr. Mark Alexander-Desalination Plant-to educate citizens of Tularosa on the Stimulus Package and how to get funding**

Mayor Ray S. Cordova advised that the presentation was given at the workshop the night before. Trustee Patrick Garcia said he had some questions

one being on FONSI, finding of notice of significant impact has to be done prior to application and wondered if that has taken place. Mr. Alexander stated that FONSI was not required of the village, that the village would have to file a CE which is a categorical exclusion and not have to go through that process.

Trustee Joseph Lueras had a question for Mr. Rhodes, wondering if a Private/Public partnership was allowable. Mr. Rhodes responded that he had not yet seen any proposal and had not done research on it.

Attorney Jeff Rhodes said he would like to see a proposal in terms of ownership and operation to see if it is permitted under state law. Mayor Cordova asked Mr. Alexander to put together something then the attorney would determine whether it is something permitted under state law.

Trustee Patrick Garcia asked Mr. Alexander if he had a Preliminary Engineering Report. Mr. Alexander's response was that he would get the information.

Trustee Garcia also asked if Mr. Alexander owns 70% and the village 30% does the village still own the water rights? Mr. Alexander said they were not interested in owning the water rights their only interest is sharing on the revenues on the basis of participation.

**Item 6. Tularosa News (H. Henrietta Stockel) Inform about "Tularosa News"**

Ms. Stockel thanked the Mayor for help on the burned house at 1006 Marshall. In August of last year the Write Right Club started preparing Tularosa News and invited Trustee Joseph Lueras to join them. Trustee Lueras said he had contacted Ms. Taylor from the high school and asked if there were students interested in also writing and she said yes. Trustee Lueras said he would attend the next Write Right Club meeting. Ms. Stockel complimented Randi Northrup the Tularosa librarian. Mayor Cordova wished Ms. Stockel and her newspaper well.

**Item 7. Heather and Ronald Jones-603 Mesa Estates Ct-Allow approval to tap into village water line on S. Bookout**

Mayor Cordova asked if she was outside the village limits. The response was yes. Ms. Jones said the line was about 1/4 mile south of her property. Mayor Cordova recommended that Mr. and Mrs. Jones make application for water with Sallie and then the Field personnel can go check where the water line is. Mayor Cordova also clarified that they would have to go from the village line to their house and would be charged outside village rates.

Trustee Joseph Lueras moved to allow approval to tap into village water line on S. Bookout pending approval of application and depending on the availability of the water line. Motion was seconded by Trustee Fred Tyler.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with an affirmative vote by all.

**Item 8. Richard Gutierrez-Welcome Center cash match and design, do we continue with design of \$27,000.00, do we have cash match of \$45,000.00**

Mr. Rick Gutierrez advised that the design was not part of the funding and would have to come from the village. Mayor Ray Cordova asked by when the village would need the funding and asked if he was correct in assuming that the total would be \$72,000.00. Mr. Gutierrez said the date was August and yes the funding amount was correct. Mayor Cordova recommended against it at this time because of the way the economy is.

Trustee Fred Tyler moved to table and was seconded by Trustee Gloria Sainz.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with an affirmative vote by all.

**Item 9. Richard Gutierrez-Approval of Adoption of Fair Housing Resolution 2009-2010-16 and Fair Housing Plan**

Trustee Patrick Garcia moved to approve the Adoption of Fair Housing Resolution 2009-2010-16 and Fair Housing Plan, motion was seconded by Trustee Joseph Lueras.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with an affirmative vote by all.

**Item 10. Richard Gutierrez-Approval of Adoption of CDBG Resolution 2009-2010-17 and the Residential Anti-Displacement & Relocation Assistance Plan**

Trustee Patrick Garcia moved to approve the Adoption of CDBG Resolution 2009-2010-17 and the Residential Anti-Displacement & Relocation Assistance Plan and was seconded by Trustee Joseph Lueras which includes Section 3 Plan and the CDBG Procurement Procedures.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with an affirmative vote by all.

**Item 11. Trustee Gloria Sainz-Revisit Item 15 from the 3/17/2010 agenda-Approve appointment of Manuel Reyes as Utility Service Technician, date of hire 3/1/2010 with 6 months probation at \$13.50 per hour**

Trustee Gloria Sainz wanted the Boards feelings and discussion and after the report on the Small Cities Assistance wondered if the money would be available. It was clarified that Mr. Reyes gets paid out of the Water Fund.

Trustee Joseph Lueras moved to approve the appointment of Manuel Reyes as Utility Service Technician, date of hire 3/1/2010 with 6 months probation at \$13.50 per hour. Motion was seconded by Trustee Gloria Sainz.

Trustee Patrick Garcia said he did not feel comfortable with this increase and would like to wait the 6 months and realized that Mr. Reyes was a good worker.

**Roll Call Vote:** Trustee Garcia, nay. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, nay. With two nays and two ayes Mayor Cordova broke the tie voting aye. Motion carried with a three, two vote.

**Item 12. Trustee Fred Tyler-Present summary of Quarterly Tularosa Community Ditch Association Commissioners meeting**

Trustee Fred Tyler summerized the Quarterly Tularosa Community Ditch Association meeting stating that the association will continue to charge the village the 14.825%, That they are interested in purchasing the villages old ram jet, that they were very complimentary of Mayor Cordova and that the village has originals of all certificates of water rights except the one from Ms. Stubblefield and two (158 & 159) others which they will give us the originals.

**Item 13. Trustee Fred Tyler-Recommend placement of Spring/Fall waste containers to village yard area only**

Discussion ensued as to the placement of dumpsters in other areas. Trustee Fred Tyler made a motion to approve not to place clean up dumpsters on the south side of the community center. The motion was

seconded by Trustee Patrick Garcia. After much discussion Trustee Tyler repeated his motion and was seconded by Trustee Gloria Sainz.

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

**Item 14. Trustee Fred Tyler-Discuss responsibility for enforcement of sign ordinance, weed and refuse abatement ordinance, abandoned vehicle ordinance, agree to enforce or discard and require monthly reports**

Trustee Fred Tyler asked to amend item 14 by deleting the words 'or discard'. Trustee Tyler proceeded to read a list of sign ordinance violations within the village. Trustee Fred Tyler then moved to have the Mayor assign responsibility for Code Enforcement and have required monthly reports on action and in-action during the month. Mayor Cordova stated that since the ordinance is already in place, just give it to the person listed on the ordinance and asked Trustee Tyler to give his complaint to the Code Enforcer and let him follow through.

Trustee Fred Tyler moved to discuss responsibility for enforcement of sign ordinance, weed and refuse abatement ordinance, abandoned vehicle ordinance, agree to enforce and require monthly reports. Trustee Patrick Garcia seconded. Mayor Cordova advised that discussion has already taken place. Trustee Tyler then moved to assign responsibility for enforcement of sign ordinance, weed and refuse abatement ordinance, abandoned vehicle ordinance, agree to enforce and require monthly reports. Motion was seconded by Trustee Gloria Sainz. Mayor Cordova appointed Trustee Tyler to be in charge that Code Enforcement is done.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with an affirmative vote by all.

**Item 15. Trustee Fred Tyler-Increase salary from \$14.34 to \$15.50 per hour for Ralph Otero at Community Center**

Trustee Patrick Garcia commended Ralph Otero's work but felt in lieu of the economic times he could not go along with increasing anyones salary.

Trustee Joseph Lueras asked if it was within the Trustees powers to put employees up for salary increases.

Trustee Fred Tyler moved to increase salary from \$14.34 to \$15.50 per hour for Ralph Otero at Community Center. Trustee Joseph Lueras seconded the motion.

**Roll Call Vote:** Trustee Garcia, nay. Trustee Lueras, aye. Trustee Sainz, nay. Trustee Tyler, aye. Motion carried with a two, two vote and Mayor Cordova voting in the affirmative.

**Item 16. Old Business**

Trustee Fred Tyler asked about the Water Rights transfer on the Rhino Subdivision. Mayor Ray Cordova said he would have Rick call Mr. Zimmerle.

**Item 17. New Business**

None

**Item 18. Adjourn**

Trustee Fred Tyler moved to adjourn. Motion was seconded by Trustee Gloria Sainz.

There being no further business to come before the board the meeting adjourned at 8:51 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.

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Ray S. Cordova, Mayor

ATTEST:

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Dianna R. Brusuelas-Guilez, Village Clerk

Minutes approved by The Board of Trustees at the Regular Meeting of May 19, 2010.