

## **Regular Meeting-April 20, 2011**

The Mayor and the Board of Trustees met in a Regular Meeting on Wednesday, April 20, 2011 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 Joseph Lueras

Also present was Village Attorney Jeff Rhodes, Grants Coordinator Richard Gutierrez as well as Dianna Brusuelas-Guilez Village Clerk.

**Absent:** Trustee Gloria Sainz

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

Trustee Patrick Garcia moved to consider the Agenda and the Consent Agenda. Trustee Fred Tyler asked to have Item 5 postponed until the May 18th meeting at the request of the individual. Trustee Tyler also asked about the Site Permit at the corner of Posey and Bookout saying there is a permit on the door but has not come out on the list from the office. Trustee Fred Tyler then seconded the motion.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Lueras, aye. Trustee Tyler, aye. With all members present voting in the affirmative, motion carried.

### **Item 2. Unscheduled Correspondence and Public Comments (3 minutes)**

Ms. Henrietta Stockel came before the Mayor and Board of Trustees asking for an update on the burnt house on Marshall Avenue. Mayor Ray S. Cordova advised that he had taken information to the village attorney and he would start the process.

Next to come before the board was Ms. Vivian Lueras as a grandparent. Ms. Lueras showed concern regarding the Tularosa Recreation Program noting that it is seldom open after school. Mayor Cordova responded that the Recreation Director is the whole Recreation Department and mentioned that it needed funding.

Next was Mr. Thomas McKean inviting everyone to the Memorial Observance at the Community Center Park on May 30, 2011 at 11:30 P. M.

Ms. Eileen Keyes presented the Board of Trustees with a letter in reference to the sewer asking to waive the \$800.00 hook up fee.

### **Item 3. Approval of Budget Adjustment Request 2011-2 to cover end of Fiscal Year Expenses**

Trustee Fred Tyler moved to approve the Budget Adjustment Request 2011-2 to cover end of Fiscal Year Expenses. Motion was seconded by Trustee Patrick Garcia.

**Role Call Vote:** Trustee Garcia, aye. Trustee Lueras, aye. Trustee Tyler, aye. Motion carried with all members present voting aye.

**Item 4. Approval of Resolution 2010-11-15 Increasing the Budget in the Older American Program, Library and Keep Tularosa Beautiful**

Trustee Fred Tyler moved to approve. Trustee Patrick Garcia asked why we were increasing the budget in only three areas. Trustee Joseph Lueras proceeded to second the motion. It was explained to Trustee Garcia that these were donations or money that had already been received by each program.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Lueras, aye. Trustee Tyler, aye.

Motion carried with all board members present voting aye.

**Item 5. Toby and JoAnn Cajé - Readjust water bill and fix water meter leak and cover hole**

Postponed until May meeting.

**Item 6. Eileen Keyes-(1) Concerning non-refund of Utility deposit (2) Having to pay for sewer when the service is not connected (3) wish to post a public notice notifying people of the Senior trash discount**

Ms. Keyes read a letter to the members of the board saying she purchased the property at 603 Central but the property did not have sewer and felt that it was the village's responsibility since the village had signed a replat of the property in 2003. Having to hook up to the sewer now will cost her \$800.00 and felt that was a disservice and requested a waiver of the \$800.00 connection fee.

Mayor Cordova responded that he felt that the house not having sewer should have been disclosed to her by the people who sold her the property.

Ms. Keyes spoke concerning the non-refund of the utility deposit stating that the City of Alamogordo charges property owners less than if you are a renter but get it refunded after a year, PNM refunds to your bill after 13 months of prompt payment, TBTC refunds your deposit after 12 months and would like the village to consider a different policy. The Board said they would consider it.

Next was the issue of paying for sewer when the service is not connected and would appreciate a refund.

Next Ms. Keyes asked if the Board of Trustees minded if she posted a notice announcing that senior citizens get a discount on the garbage if they apply for it. Ms. Keyes was told that as long as the posting was correct they felt she was performing a good service.

Trustee Joseph Lueras went back to sewer question asking Ms. Keyes where the sewer was going before she purchased the house, Ms. Keyes said she thought it was seeping into the ground.

Trustee Patrick Garcia stated that he was still of the opinion that the sewer issue is between Ms. Keyes and her real estate company.

Village attorney Jeff Rhodes explained the replat process.

Trustee Fred Tyler suggested posting the senior citizen garbage discount at the front office.

The Board said they would consider the other items.

**Item 7. Mayor Ray Cordova-Approval of appointment of Beverly Flores as Office Assistant-  
Date of Hire 4/7/2011 - Rate of pay \$10.0 per hour with 6 months probation**

Trustee Patrick Garcia moved to approve the appointment of Beverly Flores as Office Assistant and was seconded by Trustee Joseph Lueras.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Lueras, aye. Trustee Tyler, aye.

Motion carried with all Board Members present voting aye.

**Item 8. Chris Masters-Current Senior Citizen Facility**

Mayor Cordova said that Mr. Masters representing HELP Headstart was seeking information on the Community Center. Trustee Patrick Garcia stated that Mr. Masters will be at the next meeting with more information.

**Item 9. Mayor Ray Cordova-Approval of Temporary Employment Agreement with Susan Flores As Per Chapter II, Section 20-01, Paragraph E of the Village of Tularosa Personnel Policy at \$10.00 per hour from April 1, 2011 through June 30, 2011.**

Mayor Ray S. Cordova said that Ms. Flores had done a good job with the Keep Tularosa Beautiful Program, takes care of the Spring and Fall Clean-Up project and takes care of community servants for different courts.

Trustee Joseph Lueras moved to approve the Temporary Employment Agreement with Susan Flores as per Chapter II, Section 20-01, Paragraph E of the Village of Tularosa Personnel Policy at \$10.00 per hour from April 1, 2011 to June 30, 2011.

Trustee Fred Tyler seconded the motion but reminded the Mayor and the Board Members that Keep Tularosa Beautiful is a volunteer program and the \$10.00 an hour is for management of criminal offenders that are adjudicated to this court.

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

**Item 10. Mayor Ray Cordova-Approval of Temporary Employment Agreement with Patrick Wooten as per Chapter I, Section 20-21, Paragraph E of the Village of Tularosa Personnel Policy at \$7.50 per hour form April 1, 2011 through June 30, 2011**

Trustee Patrick Garcia moved to approve and was seconded by Trustee Joseph Lueras.

Trustee Fred Tyler asked if it was no more than 20 hours if that is what is available after his Solid Waste hours. Mayor Cordova affirmed. Trustee Tyler asked if it was to assist Ralph Otero in keeping the parks up. Mayor Cordova said that was correct.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Lueras, aye. Trustee Tyler, aye. Motion carried with all Board Members present voting aye.

**Item 11. Keith Blazer-Requesting a variance to the 12'6" side street set back moving it to 7'9" - to allow for an addition to existing residence**

Trustee Patrick Garcia moved to approve. Trustee Fred Tyler seconded the motion.

Trustee Fred Tyler explained that Mr. Blazer has letters from neighbors saying that they have no problems with what he is doing because its on a corner lot on a side street.

Trustee Patrick Garcia stated that he visited the site at 808 6th Street and checked the fire hydrant saw that fire hoses would have no problem with the request.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Lueras, aye. Trustee Tyler, aye. Motion carried with all Board Members present voting aye.

**Item 12. Dianna Brusuelas-Guilez-Allow to purchase handhelds, cradles, software, and labor for Utility billing for approximately \$22,000.00 plus tax**

Trustee Patrick Garcia moved to approve. Trustee Joseph Lueras seconded the motion.

Trustee Fred Tyler asked the clerk if she had called the company asking if they would give us a free years service agreement or maintenance. Village Clerk Dianna Brusuelas-Guilez said she would have Sally call the company when she gets back.

Trustee Patrick Garcia asked if there were two bids and the response was yes, one was for the \$22,000.00 the other was for \$23,900.00

**Roll Call Vote:** Trustee Garcia, aye. Trustee Lueras, aye. Trustee Tyler, aye. Motion carried with all Board Members present voting aye.

**Item 13. Chief Selman-Approve purchase of software, training, conversion of old files for Police Department and requesting funding of approximately \$17,013.00**

Trustee Fred Tyler moved to approve the purchase of software, training, conversion of old files for Police Department and requesting funding of approximately \$17,013.00. Trustee Joseph Lueras seconded the motion.

Trustee Fred Tyler asked if the village has the money. Village Clerk Dianna Brusuelas-Guilez said it would have to come out of cash balance in the General Fund.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Lueras, aye. Trustee Tyler, aye. Motion carried with all Board Members present voting aye.

**Item 14. Mayor Ray Cordova-Approval of additional \$1,000.00 for Keep Tularosa Beautiful travel line item**

Trustee Joseph Lueras moved to approve. Trustee Tyler seconded the motion.

**Role Call Vote:** Trustee Garcia, aye. Trustee Lueras, aye. Trustee Tyler, aye.

Motion carried with all members present voting aye.

**Item 15. Dianna Brusuelas-Guilez Approval of Adoption of Ordinance 243 Providing for Flood Damage Prevention**

Trustee Patrick Garcia moved to approve removing the word 'basement' on page four and its definition. Trustee Fred Tyler wants to include on 156.16 the Village of Tularosa Board of Trustees would be the appeal board. Trustee Joseph Lueras seconded the motion.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Lueras, aye. Trustee Tyler, aye.

Motion carried with all members present voting in the affirmative.

Attorney Jeff Rhodes reminded the Board of the motion to publish by title and subject matter. Village Clerk Dianna Brusuelas-Guilez asked Trustee Garcia if he would like to include the publication by Title and Subject Matter in his original motion, Trustee Garcia said yes he would.

**Item 16. Trustee Fred Tyler-Approval by Board of Trustees to recommend a formal request be presented to Otero County Commission requesting that County Emergency Manager be retained as the Village's Flood Management Official after effective date of Flood Management Ordinance**

Trustee Fred Tyler moved for approval by Board of Trustees to recommend a formal request be presented to Otero County Commission and Lincoln County Commission requesting that one of the two county emergency managers be retained as the Village's Flood Management Official after effective date of Flood Management Ordinance.

Trustee Patrick Garcia seconded the motion.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Lueras, aye. Trustee Tyler, aye. Motion carried with all Board Members present voting aye.

Trustee Fred Tyler explained that to get into the National Flood Insurance Program and get lower insurance premiums we need a MAP number, the MAP number comes from FEMA after the village becomes part of FEMA, which they should after the ordinance goes into effect, then insurance rate should change.

Mayor Cordova then introduced Hubert Quintana the Southeastern New Mexico Development District, Council of Governments. Mr. Quintana said that they are also actively asking FEMA for a re-examination of several counties of which Otero county is included. Mayor Cordova said he is currently working with Senator Bingaman's office.

**Item 17. Dianna Brusuelas-Guilez-Request to Schedule the Budget Workshop for Tuesday, May 10, 2011 at 1:30 P.M. in the Court conference Room**

Trustee Fred Tyler moved to approve the request to schedule the budget work-shop for Tuesday, May 10, 2011 at 1:30 P. M. in the court/conference room and was seconded by Trustee Patrick Garcia.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Lueras, aye. Trustee Tyler, aye.

Motion carried with all members present voting aye.

**Item 18. New Business**

Trustee Fred Tyler brought up an MOU with Taxation & Revenue for driver monitoring. Village Clerk Dianna Brusuelas-Guilez said she and the Mayor had gone over the MOU and decided against it explaining that the Village already has a driver program through the village's insurance.

Trustee Tyler then brought up a demand letter from Attorney Hakanson referencing Crown Builders. Mayor Cordova explained that a copy has been given to the architect who will forward it to the Surety Bonding Company.

**Item 19. Old Business**

Trustee Fred Tyler asked if the village had already trained one or two employees on pest control. Mayor Cordova said they were still trying to find a certain chemical that can be sprayed and is harmless.

Trustee Joseph Lueras notified everyone of the Clean-Up in May. Mayor Cordova said the dates were May 10th through the 23rd. Susan Flores said that after speaking to County Commissioner Ronny Rardin and was offered a grinder for the clean up and he would allow a county employee to man the grinder. Mayor Cordova said he would get back with Susan on a place to set up the grinder.

Trustee Fred Tyler brought up an item from last meeting on take home vehicles and limiting them because of the price of gas and wondered if the employees have been informed. The reason for his concern was that on March 20th at 12:15 P.M. the village truck was coming from the Bent area and there was no work order for that specific day. Trustee Tyler said he has been informed that the employee lives 26 miles away and the policy says 15 mile radius. He also thanked all departments who provide monthly reports.

Mayor Cordova said that on the 26th of March he also observed a village pick up at James Vigil park from approximately 3:15 P.M. until 4:30 P.M. and later the same day saw the same vehicle coming west with a non-authorized driver.

Trustee Tyler said the village personnel policy says the take home vehicles are for Friday, Saturday and Sunday, not Monday through Thursday. Mayor Cordova said there would soon be some changes and proceeded to entertain a motion to adjourn.

**Item 20. Adjourn**

Trustee Fred Tyler moved to adjourn and was seconded by Trustee Patrick Garcia.

There being no further business to come before the board, the meeting adjourned at 8:27 P. M.

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Ray S. Cordova, Mayor

ATTEST:

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Dianna R. Brusuelas-Guilez, Village Clerk

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.

Minutes approved by The Board of Trustees at the Regular Meeting of May 18, 2011.