

Regular Meeting - April 17, 2013

The Mayor and the Board of Trustees of the Village of Tularosa met in a Regular Meeting on Wednesday, April 17, 2013 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 Gloria Sainz

Absent: Trustee Patrick Garcia

Also present was Village Clerk Dianna Brusuelas-Guilez, Richard Gutierrez Grants Coordinator and Jefferson Rhodes, Village Attorney.

At 7:00 P. M. Mayor Cordova called the meeting to order asking that all rise and join him in the Pledge of Allegiance and the Salute to the Flag of the State of New Mexico.

Item 1. Consideration of Agenda and Consent Agenda

Trustee Fred Tyler asked to move Item 12 and make it 2(A), move Item 13 and make it 3(A) then proceeded to make a motion to approve. Trustee Gloria Sainz seconded the motion.

Roll Call Vote: Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members present voting in the affirmative.

Item 2. Unscheduled Correspondence and Public Comments

Trustee Fred Tyler thanked the department who provided monthly reports, the Community Center, Library, Police Department, Utility Department, Village Office and Fire Department.

Trustee Joseph Lueras asked if Community Center meant Youth Center and asked if it could be placed on the list. Trustee Tyler said that would be up to the Mayor. Mayor Cordova said he would request it.

Item 2(A). (Previously Item 12) Mayor Ray Cordova-Approval of appointment of Julian R. Aragon, uncertified police officer with 6 months probation at \$11.00 per hour. Date of hire 3/27/2013

Trustee Fred Tyler made a motion to approve and Trustee Joseph Lueras seconded the motion.

Roll Call Vote: Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members present voting in the affirmative.

Item 3. Chief Wood-Swearing of Police Officer Julian R. Aragon

Village Clerk Dianna Brusuelas-Guilez proceeded to swear in Officer Aragon who was met with a round of applause.

Item 3(A). (Previously Item 13) Mayor Ray Cordova-Approval of appointment of Samuel C. Hanna, certified police officer with 6 months probation at \$13.50 per hour. Date of hire 4/4/2013

Trustee Joseph Lueras moved to approve Item 3(A) appointment of Samuel C. Hanna, certified police officer with 6 months probation at \$13.50 per hour, date of hire 4/4/2013.

Trustee Fred Tyler seconded the motion.

Roll Call Vote: Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members present voting in the affirmative.

Item 4. Chief Wood - Swearing in of Police Officer Samuel Hanna

Officer Hanna being sworn in by Village Clerk Dianna Brusuelas-Guilez was also met with congratulations and a round of applause.

Mayor Cordova commended Chief Chuck Wood for a job well done with such a small force.

Item 5. Gilbert Gaston-Information of St. Francis Fiesta May 10th-11th & 12th. Requesting extra patrol & barricades

Representing St. Francis fiesta was Johnny Maes and Jennifer Gaston explaining that the dance will be held on Friday until 12:00 A. M. at the school grounds, procession will be on Saturday. They asked for barricades and extra police patrol for the procession and the dance. Mr. Maes advised that he would also visit with the Sheriff's Department and request help. All agreed that barricades would be set up by field personnel and extra patrol would be provided by the police department.

Trustee Joseph Lueras moved to approve extra patrol, barricades and some leniency on the noise ordinance. Trustee Fred Tyler seconded the motion.

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

Trustee Gloria Sainz thanked the representatives for keeping up with tradition.

Item 6. Friends of Historic Tularosa-1. Discuss Memorial Observance Day 5/27/2013 2. Would like the Village to help pay for replacement of gazebo canvass up to the amount of \$1,333.00, these funds to go toward metal roof for Tularosa Veterans Memorial Park and that Lancon Construction do the work

Ms. Cynthia Riedlinger-Prelo extended a warm invite to the Mayor to be in the Memorial Observance Day program and offer a welcome as Mayor of the village.

Mr. Thomas McKean asked about the canopy at the Veterans Park Mayor Cordova said that if we want to change to a metal roof we would probably need to hire a stress engineer and because we are pressed for time maybe replacing the canopy for now and look into a metal roof in a couple of years.

Item 7. Claudia Dorrell-Road maintenance - Foothills Lane

Ms. Dorrell requested road maintenance on Foothills Lane, saying it is very dusty and would like it graded with some ditches and gravel. Mayor Cordova asked Rick Gutierrez and he stated that there are some drainage issues to address first. Mayor Cordova said he would go to Foothills Lane and see what could be done.

Item 8. Valarie Delgado-Approval of Resolution 2012-13-13 Budget Increases

Trustee Joseph Lueras moved to approve Resolution 2012-13-13 Budget Increases and was seconded by Trustee Gloria Sainz.

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

Item 9. Dianna Brusuelas-Guilez-Approval of Resolution 2012-2013-14 Authorizing the Colonias Infrastructure Project Fund Loan/Grant Agreement for \$350,863.00

Trustee Joseph Lueras asked for a copy of the total Grant Agreement. Village Clerk Dianna Brusuelas-Guilez said she would put one in his mail box. Trustee Lueras then moved to approve Resolution 2012-2013-14 authorizing the Colonias Infrastructure Project Fund Loan/Grant Agreement for \$350,863.00. Both Trustees Sainz and Tyler seconded the motion.

Village Clerk Dianna Brusuelas-Guilez mentioned that only \$35,086.30 would be loan the rest would be a grant.

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

Item 10. Dianna Brusuelas-Guilez-Approval of Resolution 2012-2013-15 Approving the transfer of the cable franchise from Baja Broadband to (TDS) Telephone Data Systems

Trustee Fred Tyler moved to approve Resolution 2012-2013-15 approving the transfer of cable franchise from Baja Broadband to TDS.

Trustee Joseph Lueras seconded the motion.

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

Item 11. Dianna Brusuelas-Guilez-Consider for Adoption Ordinance No. 247-Amending Section 51.01 and Subsections 50.16(A) & (C) providing for an increase in monthly rates for water and sewer service and for solid waste collection and to publish by Title and Subject Matter

Trustee Gloria Sainz moved to consider for adoption Ordinance 247 and to publish by title and subject matter. Motion was seconded by Trustee Fred Tyler.

Roll Call Vote: Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye.

Motion carried with all members present voting aye.

Mayor Cordova said the village still has the lowest water, sewer and garbage rates in the area and would appreciate the public's consideration now that the village is increasing rates.

Item 12. Mayor Ray Cordova-Approval of appointment of Julian R. Aragon, uncertified police officer with 6 months probation at \$11.00 per hour. Date of hire 3/27/2013

Moved to Item 2(A)

Item 13. Mayor Ray Cordova-Approval of appointment of Samuel C. Hanna, certified police officer with 6 months probation at \$13.50 per hour. Date of hire 4/4/2013

Moved to Item 3(A)

Item 14. Mayor Ray Cordova-Approval of confirmation of Lawrence O'Connor as a Regular Full Time employee

Trustee Joseph Lueras asked if there was a reason why the village waited this long to make Sergeant O'Connor a Regular full time employee. The response was no, when he got his promotion to Sergeant in October of 2012 his 6 months had not been completed and upon researching minutes we never brought before the board to make him a regular full time employee.

Trustee Joseph Lueras asked when Officer Diaz got certified. Trustee Fred Tyler said he was certified March 1st but the paperwork takes a while to be received. The board was informed that the village could not do retroactive pay. Attorney Jefferson Rhodes said the village cannot go back and pay more for work that has already been performed, the only way would be if there is a pay scale that says once a person reaches certain point then the person goes to xxx pay scale. Trustee Fred Tyler said that in our policy we have uncertified officers at a certain rate and upon completion of certification is a different pay. Attorney Jeff Rhodes said that Officer Diaz would then qualify for an increase since March 1st and that is not considered back pay, in this case it is not considered a retroactive raise. Mr. Rhodes said for auditors purposes just attach a copy of the villages pay scale and a copy of Officer Diaz' certification.

Trustee Joseph Lueras then moved to approve the confirmation of Lawrence O'Connor as a Regular full time employee with a second from Trustee Fred Tyler.

Trustee Tyler said he has heard alot of good things about Officer O'Connor and thanked him for monitoring the Community Center Park. Officer O'Connor said he had to also pass the credit to all the other officers.

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

Item 15. Mayor Ray Cordova-Approval of confirmation of Zachariah Diaz as a Regular Full Time employee and increase salary to \$13.50

Trustee Joseph Lueras moved to approve the confirmation of Zachariah Diaz as a Regular Full Time employee and increase his salary to \$13.50 as of March 1, 2013.

Trustee Gloria Sainz seconded the motion.

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

Trustee Lueras asked Officer Julian Aragon when he would be going to the academy, the response was July.

Item 16. Hubert Quintana-Formal budget request for financial assistance to the South Eastern New Mexico Economic Development District/COG and continued participation for Fiscal Year 2013-2014

Trustee Joseph Lueras moved to approve financial assistance to the South Eastern New Mexico Economic Development District/COG and continue participation for Fiscal Year 2013-2014.

Trustee Fred Tyler seconded the motion.

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

Item 17. Old Business

Trustee Fred Tyler said Trustee Patrick Garcia wanted a Code Enforcement status report. Chief Chuck Wood said they had made contact on March 27th with the owners of the propane place on 2nd street and the highway and they would send a crew next week to clean that up.

Trustee Tyler voiced concern over Otero's Mini Market because another section of the roof has blown off and has become an unsafe issue. Trustee Tyler asked the attorney if the village could consider it a citizen safety issue and use village personnel and equipment to clean it. Attorney Jeff Rhodes advised that the only way to put a lien on the property is to follow the process that is in State Statute. If the property owners cannot be found then we give a notice by publication which is called a constructive service and process. Mr. Rhodes said the first thing is to have the Code Enforcement Officer send notice by certified mail and take pictures. Officer Lawrence O'Conner said there are already several liens on the property and from what he has gathered she may be deceased and there are no next of kin coming forward. Mr. Rhodes said a tax lien takes priority over any other lien and nothing happens until the property is sold. Mr. Rhodes said by the time the village goes through the state process it could be sold in a tax sale.

Item 18. New Business

None

Item 19. Adjourn

At 8:05 P.M. Trustee Joseph Lueras moved to adjourn. Motion was seconded by

Trustee Gloria Sainz.

There being no further business to come before the board the meeting ended.

Ray S. Cordova, Mayor

ATTEST:

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 15, 2013.