

The Board of Trustees of the Village of Tularosa met in a Regular Meeting on Tuesday, August 21, 2007 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 Patrick Garcia, Trustee Margaret Trujillo, Trustee Thomas McKean, Trustee Gloria Sainz, Attorney Jefferson Rhodes, Valarie Delgado Finance Officer, as well as Village Clerk Dianna Brusuelas.

Mayor Ray 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 Margaret Trujillo moved to consider the agenda and the consent agenda with the stipulation that Item 14 be removed, Items 27 C and D be moved below Item 4 making them 4A and 4B and remove Item 22. Trustee Patrick Garcia seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members of the board voting aye.

Item 2. Unscheduled Correspondence & Public Comments

A concerned citizen voiced her opinion on the weeds on Old Mescalero Road around the mail boxes and weeds all over town. Mayor Cordova advised that the village is working on the weed problem.

Trustee Gloria Sainz asked if the village had access to inmates. The Mayor stated that the village is using some community servants but there are weed problems everywhere because of the rains.

Item 3. Approval of Budget Adjustment Request 2007-6 End of Year Adjustments for FY 06-07

Trustee Thomas McKean moved to approve Budget Adjustment Request 2007-6 with the changes received, Trustee Patrick Garcia seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members of the board voting aye.

Item 4. Approval of Adoption of Resolution 2007-08-05 Adopting an Infrastructure Capital Improvement Plan (ICIP)

Trustee Margaret Trujillo moved to table Item 4, 4A and 4B and was seconded by Trustee Patrick Garcia.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members of the board voting aye.

Item 5. Approval of Adoption of Resolution 2007-08-06 \$10,000.00 Hubbard Foundation contribution and carryover balance of \$403.62 from FY 06-07

Trustee Margaret Trujillo moved to approve the adoption of Resolution 2007-08-06. Motion was seconded by Trustee Thomas McKean.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee
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Trujillo, aye. Motion carried with all members of the board voting aye.

Trustee Margaret Trujillo then moved to bring Item 4, 4A and 4B off the table and was seconded by Trustee Patrick Garcia.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members of the board voting aye.

Mr. Richard Gutierrez stated that on Item 4 the ICIP list he would be adding "traffic lights" to streets and added the Senior Center.

Trustee Patrick Garcia moved to approve and was seconded by Trustee Thomas McKean.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members of the board voting aye.

Item 4 A. (previously 27 C) Rick Gutierrez-Award bid for Fire Department Improvements to Lancon for construction and Silva's Electric to install fire alarm

Mr. Rick Gutierrez advised that Lancon and Silva's Electric were the only two bidders. Trustee Margaret Trujillo moved to award the bid for the Fire Department to Lancon for construction and Silva's Electric for the installation of the fire alarm. Motion was seconded by Trustee Gloria Sainz.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members of the board voting aye.

Item 4 B (previously 27 D) Rick Gutierrez-Award bid for Children's Learning Center at Library to Lancon

Trustee Thomas McKean moved to award the bid for the Children's Learning Center at the Library to Lancon making corrections to 3759 and add it to the Regular Budget. Trustee Patrick Garcia seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members of the board voting aye.

Item 6. Approval of Adoption of Resolution 2007-08-07 Requesting budget increase for payment of 2003-2004 Fiscal Year audit services (\$6,754.69 General Fund cash balance; \$1,500.00 Older American Program cash balance; \$3,000.00 Water cash balance)

Trustee Margaret Trujillo moved to approve the adoption of Resolution 2007-08-07 and was seconded by Trustee Thomas McKean.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members of the board voting aye.

Item 7. Information: Baja Broadband channel changes

Mayor Ray Cordova informed the public that a notice from Baja Broadband stating that some changes on the channels would be occurring soon.

Item 8. Information: Blanchard Engineering, Inc. Survey of Village Limits

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Mayor Ray Cordova explained that the village went out hoping to some bids on establishing correct boundaries for the village limits and Mr. Blanchard's bid was in excess of \$60,000.00 . It was decided that the Village Clerk Dianna Brusuelas would meet with Dale Palke from Otero County who might help with the language in writing bids and then advertise in the Alamogordo Daily News.

Item 9. Donald R. Spain-Request to make Randall Drive compliant with Section 504 and the ADA

Mr. Donald Spain was concerned about Randall Drive being a public road for emergency vehicles stating that if mail is

delivered to an address it is a public road. Mayor Cordova advised that the subdivision is not complete and has not been turned over to the village and asked the Village Attorney for guidance. Mr. Rhodes stated that as far as the subdivision is concerned the village is under no obligation nor has the finances to make improvements for the subdivider. Mayor Cordova advised that the village would write a letter to Mr. Bob Scott the subdivider.

Item 10. Don Ogden-Recommended Adoption of Proposed Sign Ordinance changes

Trustee Thomas McKean moved to go out for publication by Title and Subject Matter for the proposed sign ordinance; motion was seconded by Trustee Gloria Sainz. Trustee Margaret Trujillo questioned whether the publication was on the changes or the ordinance. The response was for the changes.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members of the board voting aye.

Item 11. Don Ogden-Review of Subdivision Ordinance

Mr. Don Ogden went over the subdivision ordinance proposed changes.

Item 12. Adoption of Ordinance 224 adopting a new title IX, Chapter 96 to the Code of Ordinances of the Village of Tularosa providing a Clean Indoor Air Ordinance

Trustee Thomas McKean moved to approve Ordinance 224 and was seconded by Trustee Patrick Garcia.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members of the board voting aye.

Item 13. Adoption of Ordinance 220 amending Section 51.01 of the Code of Ordinances of the Village of Tularosa

Trustee Margaret Trujillo moved to approve the adoption of Ordinance 220 amending Section 51.01 of the Code of Ordinance of the Village of Tularosa. Motion was seconded by Trustee Patrick Garcia.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, nay. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with three members of the board voting aye and one member voting nay.

Item 14. (removed) Chief Mayberry-Approve Memorandum of Understanding with the City of Alamogordo's Department of Public Safety

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Item 15. Chief Mayberry-Salary increase for Darrell Chavez from \$10.25 to \$11.28 satisfied LEA Requirements

Trustee Margaret Trujillo moved to postpone item 15 and was seconded by Trustee Thomas McKean.

Item 16. Chief Mayberry-Salary increase for Diadra Dugger from \$7.18 to \$8.7125 effective September 16, 2007 (DOH 3/16/2007) Regular Full Time Status

Trustee Thomas McKean moved to increase the salary to \$8.00 per hour making Ms. Dugger a Regular Full Time status effective September 16, 2007.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members of the board voting aye.

Trustee Thomas McKean asked if more than one item could be postponed at one time, the response was yes.

Item 17. Chief Mayberry-Salary increase for Timothy Winrow from \$12.82 to \$13.33 (DOH January 18, 2007) Regular Full Time status—Transfer \$1,060.00 from Line Item 101190041025 to 101190041026

Trustee Margaret Trujillo moved to increase Timothy Winrow's salary because of the completion of his six months probation from \$12.82 to \$13.33 and taken from line item 101190041025 to 101190041026 in the amount of \$1,060.00. Motion was seconded by Trustee Gloria Sainz.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members of the board voting aye.

Items 18, 19, 20 and 21

Trustee Thomas McKean then moved to postpone Items 18, 19, 20 and 21. Trustee Gloria Sainz seconded the motion

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members of the board voting aye.

Item 22. (removed) Discussion on Lifting Moratorium and take possible action

Item 23. Trustee Thomas McKean-Dangerous Dog Act and changes

Trustee Thomas McKean moved to give both draft copy of the ordinance to Attorney Jeff Rhodes for review and then bring it back up later, Trustee Margaret Trujillo seconded the motion. Mayor Cordova also suggested giving the Attorney a copy of the approved minutes of the Special Workshop having to do with the Dangerous Dog Act.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members of the Board voting aye.

Item 24. Trustee McKean-Fireworks Ordinance

Trustee Thomas McKean moved to give the Ordinance to Attorney Jeff Rhodes for review and bring it back later. Trustee Margaret Trujillo seconded the motion. Village Clerk Dianna

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Brusuelas asked if she would give him what was passed by the State. Trustee Thomas McKean then amended his motion ask the Attorney to incorporate Senate Bill 267 into the village ordinance.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members of the Board voting aye.

Item 25. Trustee McKean-Status of proposed Ordinance on Clean Indoor Act

Item was taken care of earlier (Item 12)

Item 26. Trustee McKean-Request proposed Ordinance on 1/8 of 1% Gross Receipts Tax for replacement and repairs of sewer and water lines in the Village of Tularosa

Trustee Thomas McKean moved to Publish by Title and Subject Matter on the increase of Gross Receipts Tax for water and sewer lines for the Village of Tularosa. Trustee Patrick Garcia seconded the motion. Trustee Patrick Garcia also reminded the Board that it would be for a ten (10) year period. All were in agreement.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members of the Board voting aye.

Item 27. Trustee McKean-Alamo Disposal review contract

Mayor Ray Cordova stated that a meeting would be called with Alamo Disposal. Trustee Thomas McKean requested that Attorney Jeff Rhodes be present. Trustee Patrick Garcia asked the Mayor to explain to the public as to what the meeting would be about. Mayor Cordova stated that he was going to discuss the complaints the village had received.

Item 27 A. Trustee Thomas McKean-Requesting supporting Otero County in their position on the World Heritage Site designation for White Sands National Monument

Trustee McKean felt the Village Board should support Otero County in their position and does not feel it should come under the authority of the United Nations. After some discussion Trustee Thomas McKean moved to get together with Otero County and support their letter, Trustee Patrick Garcia seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all members of the Board voting aye.

Item 27 B. Mayor Cordova-Appointment of additional Planning & Zoning Members, LeRoy C. Trujillo and Jeni Alexander.

Mayor Ray Cordova recommended removing the item. No action was taken.

Item 27 C. (made Item 4 A)

Item 27 D. (made Item 4 B)

Item 28. Old Business:

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Trustee Thomas McKean asked about the status of the well being placed on the water system. The response from Mr. Rick Gutierrez was that the village was waiting for some valves and some lines to be put in and they would be in Monday. Trustee McKean asked if they would put the Standpipe in and the response was no, that would require a change order. Mr Gutierrez advised that there would be a meeting on Tuesday. Trustee McKean asked to let him know so he could attend.

Trustee Thomas McKean asked about the list of Fire Hydrants and was advised that they were all replaced.

Trustee Thomas McKean asked on the status of surveying Village Limits and the Mayor responded that we were still looking for someone.

Item 29. New Business:

Trustee Thomas McKean asked Attorney Jefferson Rhodes what was being done on the T-20 wells and the water transfers and wondered if there was ever an approval from the State Engineers Office. Attorney Jeff Rhodes stated that he did not have the file with him but if Trustee McKean would call him tomorrow at the office he could get the answer.

Trustee Thomas McKean brought up the water line being put in at the Mia Estates and reminded the Board that the Village has not received the Water Rights. Mayor Cordova said he would try to make contact with someone on the water rights.

Trustee Patrick Garcia mentioned some eyesores around town that have not yet been addressed, across Tulie Freeze on Higuera and St. Francis; across from Subway-the old propane place; Gallegos Lane a trash pile has been left there. Trustee Garcia would appreciate finding the owners and sending them a letter to clean the places up.

Trustee Gloria Sainz brought up the issue of branches on the Village and wondered who is to pick them up if they fall on the road.

Item 30. Adjourn

Trustee Margaret Trujillo moved to adjourn and was seconded by Trustee Gloria Sainz. There being no further business the meeting adjourned at 8:30 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.

Ray S. Cordova, Mayor

ATTEST:

Dianna R. Brusuelas, Village Clerk

Minutes approved by the Board of Trustees at the Regular Meeting of September 18, 2007