

## **Regular Meeting-August 16, 2011**

The Mayor and the Board of Trustees met in a Regular Meeting on Wednesday, August 16, 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:** Ray S. Cordova, Mayor

Trustee Fred Tyler

Trustee Patrick Garcia

Trustee Joseph Lueras

Trustee Gloria Sainz

Also present was Village Attorney Jeff Rhodes, Monica Voorbach Payroll Clerk, Rick Gutierrez Grants Coordinator as well as Dianna Brusuelas-Guilez Village Clerk.

At 7:02 P.M. Mayor Ray S. Cordova called the meeting to order. All rose and recited the Pledge of Allegiance and the Salute to the Flag of New Mexico.

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

Trustee Fred Tyler moved to consider the agenda and the consent agenda with some changes, for item 10 to be moved and renumbered Item 14B, Item 11 to be moved and renumbered Item 14C and Item 12 to be moved and renumbered Item 2B. Trustee Joseph Lueras seconded the motion.

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

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

Thomas McKean came before the Board of Trustees and asked for an explanation on page 7 of the bills list. Several payments to Gannett Fleming for engineering were made and wondered exactly what was done. Mayor Cordova explained that the files were in the office and he was welcome to go into the office and view the invoices. Mr. McKean said he would be in on Thursday.

Trustee Fred Tyler thanked the departments that provided the Village Monthly Reports, the Office, Fire Department and Maintenance Department making comment that the rest of the departments have not provided reports.

### **Item 2(B) Previously Item 12. Consideration of application for re-zoning the property at 900 & 914 Railroad Avenue from Industrial and Residential to Commercial**

Trustee Fred Tyler moved to change the zoning at 900 & 914 Railroad Avenue from Industrial and Residential to Commercial. Motion was seconded by both Trustees Patrick Garcia and 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 members.

### **Item 3. Approval of Resolution 2011-12-05 Budget Increases to the Street Fund, Keep Tularosa Beautiful, Tularosa Public Library and Fire Fund**

Trustee Fred Tyler moved and Trustee Joseph Lueras seconded the Approval of

Resolution 2011-12-05 Budget Increases to the Street Fund, Keep Tularosa Beautiful, Tularosa Public Library and the Fire Department.

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

**Item 4. Information: Approval of application for Municipal Arterial Program (MAP) funds in the amount of \$159,896.00 for the project scope "Reconstruction & Misc Roadway Improvements of Radio Road - from Riata Road to the intersection of St. Francis Drive**

Trustee Patrick Garcia tipped his hat to Richard Gutierrez for his efforts in acquiring the \$159,896.00 for the road project on Radio Road.

**Item 5. Rick Gutierrez-Request HVAC maintenance agreement to be put out for bid**

Trustee Patrick Garcia moved to have Rick Gutierrez put out for bid for a HVAC maintenance agreement. Trustee Gloria Sainz seconded the motion.

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

**Item 6. HELP-New Mexico-Approval of License Agreement with HELP NM**

Mr. Chris Masters from HELP NM came before the board explaining that they have been in discussion with Mr. Jeff Rhodes and the Mayor and decided that the best course of action at this point would be to prepare a License Agreement for approximately 90-120 days to get school started then go into a Lease Agreement which would take more time. Attorney Jeff Rhodes said that the first step is the appraisal process in which the appraisal value will be part of the lease. Then it would be to publish the Notice of Proposed Ordinance, then you consider the ordinance at the next meeting, then it must be published again as it was passed and does not become effective until five days after it's been published, approximately 45 days. Rural Housing is providing the money for renovations and feels a Lease would be more secure.

Trustee Patrick Garcia moved to approve the License Agreement with HELP NM. 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 all Members of the Board voting aye.

**Item 7. Request authorization of expenditure of funds for appraisal of facility at 1050 Bookout - Community Center**

Trustee Patrick Garcia moved to authorize the expenditure of funds for the appraisal of the facility known as the Community Center at 1050 Bookout. Trustee Fred Tyler seconded the motion

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

Trustee Tyler, aye. Motion carried with all Members of the Board voting aye.

**Item 8. Direct Attorney to prepare Lease with HELP NM for the building located at 1050 Bookout - Community Center**

Trustee Patrick Garcia moved to direct the attorney to prepare a lease with HELP- NM for the building located at 1050 Bookout also known as the Community Center.

Trustee Joseph Lueras seconded the motion.

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

**Item 9. Dianna Brusuelas-Guilez-Request permission to destroy records on attached list as per the Records Retention & Disposition Schedule of the State of NM**

Trustee Fred Tyler moved to approve Dianna Brusuelas-Guilez request to destroy records on attached list as per the Records Retention & Disposition Schedule of the State of New Mexico. 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 all Members of the Board voting aye.

**Item 10. Executive session as per Section 10-15-1(H) of the Open Meetings Act subject to attorney-client privilege pertaining to threatened or pending litigation regarding Mike Davalos**

Moved to Item 14(B)

**Item 11. Action to concur with Motion presented**

Moved to Item 14(C)

**Item 12. Consideration of application for re-zoning the property at 900 & 914 Railroad Avenue from Industrial and Residential to Commercial**

Moved to Item 2(B)

**Item 13. Chief Selman-Approval of promotion of Matthew L. Mirabal to the position of Corporal with a salary increase from \$12.50 to \$14.75**

Trustee Joseph Lueras moved to approve the promotion of Matthew L. Mirabal to the position of Corporal with a salary increase from \$12.50 to \$14.75. 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 all Members of the Board voting aye.

**Item 14. Enforcement of Resolution 2010-2011-16 reference 1006 Marshall**

Trustee Joseph Lueras moved to enforce Resolution 2010-2011-16 reference 1006 Marshall and was seconded by Trustee Fred Tyler. Trustee Fred Tyler

asked if this would be going out to bid. Mr. Rick Gutierrez responded that he would meet with Lance tomorrow.

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

**Item 14(B) Previously Item 10 Executive Session as per Section 10-15-1(H) of the Open Meetings Act subject to attorney-client privilege pertaining to threatened or pending litigation regarding Mike Davalos**

Trustee Joseph Lueras moved to go into executive session as per Section 10-15-1(H) of the Open Meetings Act subject to attorney-client privilege pertaining to threatened or pending litigation regarding Mike Davalos. 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 all Members of the Board voting aye.

Mayor Ray S. Cordova stated that only those subjects pertaining to the litigation with Mike Davalos will be discussed in the closed session.

The Mayor and Board of Trustees retired into closed session at 7:33 P. M.

At 7:55 P. M. Mayor Cordova called the meeting to order stating that the matters discussed in the closed session were limited only to those specified in the motion for closure.

**Item 14(C) Previously Item 11 Action to concur with Motion presented**

Trustee Patrick Garcia moved to direct the attorney to oppose the motion presented. Trustee Joseph Lueras seconded the motion.

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

**Item 15. Old Business**

None

**Item 16. New Business**

Trustee Joseph Lueras asked the Mayor and the Board if there was a possibility of moving the September meeting and workshop from Tuesday and Wednesday to Wednesday and Thursday. Trustee Patrick Garcia said he would check his football and volleyball schedule and let the clerk know as soon as he could.

Trustee Patrick Garcia also requested several properties be sent a letter by Code Enforcement to clean up their yards. Mayor Cordova asked Trustee

Garcia to give the addresses to Dianna and he would give them to the Chief of Police by way of a work order.

**Item 17. Adjourn**

There being no further business to come before the Board, Trustee Patrick Garcia moved to adjourn with a second from Trustee Joseph Lueras. The meeting adjourned at 7:57 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 September 22, 2011.