

Regular Meeting-December 16, 2008

The Board of Trustees of the Village of Tularosa met in a Regular Meeting on Tuesday, December 16, 2008 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 Fred Tyler, Trustee Gloria Sainz, Monica Voorbach, Purchasing Agent, Village Clerk Dianna Brusuelas as well as Village Attorney Jeff Rhodes.

Absent: Trustee Thomas McKean

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 Gloria Sainz moved to consider the Agenda and the Consent Agenda. Trustee Fred Tyler seconded the motion.

Trustee Fred Tyler asked Attorney Jeff Rhodes if a Franchise Agreement is need for all the communication companies listed in the Business Registration list. Attorney Jeff Rhodes stated that he would check because sometimes larger companies like Quest who already have a franchise agreement sell a small portion of their franchise to smaller companies under their agreement.

Trustee Fred Tyler also had a question on the bills list, page 8, capital projects an expense of \$4,584.17 the description was unclear 13 HP Port Floor S. It was explained that the expense was for a floor saw.

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

Item 2. Unscheduled Correspondence and Public Comments

Mr. Richard Freeman came before the Mayor and members of the Board. Mr. Freeman was in the process of purchasing 10 city lots to put in a Flea Market, his question was that the 5 front lots are zoned commercial and the 5 back lots are zoned residential and would like all ten lots zoned commercial. The property in question is the Dorame property at 300 St. Francis. Mr. Freeman will rent rooms in the house will build car ports.

Trustee Patrick Garcia advised Mr. Freeman to go before the Planning & Zoning Commission.

Item 3. Approval of Application for Extension of Time on the transfer of 4.05 acre feet from T-6 into T-3861, the project to integrate all wells into a combined permit.

Trustee Patrick Garcia moved to approve the application of extension of time and was seconded by Trustee Gloria Sainz. Attorney Jeff Rhodes explained that it is to incorporate the wells into the water system and may go on for quite a while. This item will probably come up every December as a reminder.

Item 4. Award leasing of three water rights

Monica Voorbach the villages Purchasing Agent stated that only one bid had been received, the bid was from Mr. Ralph Vigil at \$505.00 each water right and recommended to award the bid to Mr. Vigil.

Trustee Fred Tyler moved to award the bid to Mr. Ralph Vigil and was seconded by Trustee Gloria Sainz.

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

Item 5. Approval of Resolution 2008-09-13 Adopting the State Plan for Deferred Compensation

Trustee Patrick Garcia moved to approve Resolution 2008-09-13 adopting the State Plan for Deferred Compensation and was seconded by Trustee Gloria Sainz.

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

Item 6. Approval of Ordinance 231 amending Section 150.01 of the Tularosa Code Providing for a five member Planning & Zoning Commission and to publish by Title & Subject Matter

Trustee Fred Tyler moved to approve Ordinance 231 amend Section 150.01 of the Tularosa Code, providing for a five member Planning & Zoning Commission and to publish by Title & Subject Matter. Trustee Patrick Garcia seconded the motion.

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

Item 7. Approval of Ordinance 232 approving the sale of 35.209 acres by the Village of Tularosa to Anjora Corporation, a Texas Corporation and to publish by Title & Subject Matter

Trustee Patrick Garcia moved to approve Ordinance 232 approving the sale of 35.209 acres to Anjora Corporation, a Texas Corporation and to publish by Title & Subject Matter. Trustee Fred Tyler seconded the motion asking what they plan to do with the property. Mayor Cordova stated that they were going into the Race Horse Industry.

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

Item 8. Trustee Fred Tyler-What is Village or State Policy about advertising private businesses within Village office foyer?

Trustee Fred Tyler asked about investigating the idea of businesses advertising on the village's web site for a nominal fee. Village Clerk Dianna Brusuelas stated she would talk to the village's web master to get an idea on pricing. It was also decided that there would be no advertising in the front lobby at city hall.

Item 9. Old Business

Under old business Attorney Jeff Rhodes talked about Solid Waste stating that he had been in contact with Government Leasing Company from Texas and felt they were not complying with the Bateman Act. It was felt by the members of the Board to try to get financing from the New Mexico Finance Authority for a garbage truck. Attorney Jeff Rhodes stated that that would probably be the best way to go since they were familiar with New Mexico laws including the Procurement Code. Mr. Rhodes also advised to check with State Purchasing on manufactures of Solid Waste Collection Trucks.

Item 10. New Business

Attorney Jeff Rhodes told the Mayor and Members of the Board that after December 31, 2008 he would no longer have a private practice but was willing to Draft an Employment Agreement with no benefits but be considered a village employee. Mayor Ray Cordova stated that he would hire Jeff Rhodes on January 1, 2009 and ask for the approval of the Members of the Board at the January Regular Meeting.

Item 11. Adjourn

Trustee Fred Tyler moved to adjourn the meeting and was seconded by Trustee Gloria Sainz. The meeting adjourned at 8:00 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.

Ray S. Cordova, Mayor

ATTEST:

Dianna R. Brusuelas, Village Clerk

Minutes approved by The Board of Trustees at the Regular Meeting of January 20, 2009.