

Regular Meeting - July 20, 2011

The Mayor and the Board of Trustees met in a Regular Meeting on Wednesday, July 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
Trustee Gloria Sainz

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

At 7:04 Mayor Ray S. Cordova called the meeting to order asking that all rise and join him in the Pledge of Allegiance and the Salute to the State of New Mexico.

Item 1. Consideration of Agenda and Consent Agenda

Trustee Patrick Garcia moved to consider the agenda and the consent agenda with the removal of Item 9 and Item 15 and to correct the Regular Meeting minutes of June 15th by adding Trustee Gloria Sainz' name to those present.

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 voting aye.

Item 2. Unscheduled Correspondence and Public Comments

Village Clerk Dianna Brusuelas-Guilez advised the Mayor and the Board that Otero County Co-Op had submitted a request for a zoning change on their property at 900 & 914 Railroad Avenue and a Public Hearing would have to be scheduled.

Trustee Joseph Lueras asked if the August meeting and workshop could be moved from August 16th and 17th to August 15th and 16th, Mayor Cordova nor the members of the Board had a problem with moving the workshop and the meeting and agreed on having the public hearing after the workshop at 7:00 P.M. on August 15th. Trustee Lueras thanked the board.

Item 3. Approval of Trustee Gloria Sainz as the Voting Delegate and Dianna R. Brusuelas-Guilez as Alternate for the NM Municipal Leagues 54th Annual Conference to be held August 31-September 2, 2011

Trustee Patrick Garcia moved to approve Trustee Gloria Sainz as the Voting Delegate and Dianna Brusuelas-Guilez as Alternate for the NM Municipal Leagues 54th Annual Conference to be held August 31-September 2, 2011. 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 voting aye.

Regular Meeting-July 20, 2011 Page 2

Item 4. Information: Approval of Fiscal Year 2011-12 Interim Budget

Village Clerk Dianna Brusuelas-Guilez explained that this was the "interim budget" and approval of the Final Budget is still pending with Department of Finance & Administration.

Trustee Patrick Garcia asked if the Final Budget was due in Santa Fe by August 1st and the Clerks response was yes.

Item 5. Approval of Resolution 2011-12-1 Final Operating Budget for FY 2011-2012

Trustee Patrick Garcia moved to approve Resolution 2011-12-1 for submission of the Final Operating Budget

for FY 2011-2012 and asked Ms. Brusuelas-Guilez if all departments were ok, the clerks response was yes, no one is happy, but that the budget was balanced. 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 voting aye.

Village Clerk Dianna Brusuelas-Guilez reminded the Mayor and the Board that she would need all their signatures on the resolution.

Item 6. Approval of Resolution 2011-2012-02 desiring the services of the Southeastern NM Economic Development District & becoming a member of the Council of Governments

Trustee Fred Tyler moved to approve Resolution 2011-2012-02 desiring the services of Southeastern NM Economic Development District & becoming a member of the Council of Governments. 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 voting aye.

Item 7. Approval of Resolution 2011-2012-03 for Preliminary Engineering Report for Wells

Trustee Joseph Lueras moved to approve Resolution 2011-2012-03 for Preliminary Engineering Report for wells. Trustee Fred Tyler seconded the motion. Trustee Lueras asked if it was clear that there was no cash match, Richard Gutierrez Grants Coordinator said that he found out today that there was a 5% local match would be \$2,500.00. Trustee Lueras also asked if it would go out to bid and Mr. Rick Gutierrez said yes.

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

Item 8. Approval of Resolution 2011-2012-04 for a Comprehensive Plan

Trustee Joseph Lueras moved to approve Resolution 2011-2012-04 for a **Regular Meeting-July 20, 2011 Page 3**

Comprehensive Plan. Motion was seconded by Trustee Fred Tyler. Trustee Tyler asked when the last Comprehensive Plan was and response was in 2002.

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

Item 9. Approval of License Agreement between the Village of Tularosa and HELP-New Mexico, Inc.

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Item 10. Approval of License Agreement between the Village of Tularosa and the Tularosa Village Historical Society

Trustee Patrick Garcia moved to approve the License Agreement between the Village of Tularosa and the Tularosa Village Historical Society. 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 11. Paula Koch/Michael Dempsey-What can be done about their neighbors bees

Pictures were presented to the members of the board. After much discussion Trustee Patrick Garcia said he would contact Mr. Lloyd Horton to see if he is still a beekeeper and would try to talk to the neighbor. The Mayor explained that the village could not get involved in making the neighbor get rid of the bees but as a citizen they could file a complaint with the police department they were also advised that there was a beekeeper in La Luz.

Item 12. Guadalupe Gallegos-Approval of making the Wells Fargo bank building into a restaurant

Mr. Guadalupe Gallegos said their intent was to have a small restaurant with breakfast, lunch and dinner and planned to add a kitchen where the canopy is. Trustee Joseph Lueras asked about the color of the building wondering if they would remain in earth tone colors and Mr. Gallegos said he was leaving the outside the same neutral color.

Trustee Joseph Lueras then moved to approve of making the Wells Fargo bank building into a restaurant, 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 voting aye.

Item 13. Mayor Cordova-Confirmation of appointment of John P. Evans as a probationary employee, uncertified Dispatcher as \$8.50 per hour, date of hire 7/11/2011

Trustee Fred Tyler moved to confirm the appointment of John P. Evans as a probationary employee, uncertified Dispatcher at \$8.50 per hour, date of hire 7/11/2011. Trustee Lueras asked if Mr. Evans would be getting certified and the response was yes. 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 14. Kerrie Rice-Including Tularosa in the Rx Trails Guide

Ms. Kerrie Rice came before the Mayor and the Board to share information about the prescription trails, which is in a booklet that shows trails in different areas of the county which can be used as walking trails. In Tularosa the only walking area is the track at the high school. Ms. Rice also asked for historical quotes or information which can be added to the booklet.

Item 15. Paul Quaroli-Approve Otero county to help with Flood Plan Management

Deleted

Item 16. Mayor Cordova-Approval of Temporary Employment Agreement with Susan Flores from July 1, 2011 to September 30, 2011 at \$10.00 per hour as per Chapter II, Section 20.01, Paragraph E of the Village of Tularosa Employee Personnel Policy

Trustee Joseph Lueras moved to approve the temporary employment agreement with Susan Flores from July 1, 2011 to September 30, 2011 at \$10.00 per hour as per Chapter II, Section 20.01, Paragraph E of the Village of Tularosa Employee Personnel Policy. Trustee Gloria Sainz asked about the physical location of Susan's office. Mayor Cordova responded that Chief Selman provided her with a space. Trustee Sainz then seconded the motion.

Roll Call Vote: Trustee Garcia nay. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, nay. Mayor Cordova broke the tie with an aye. Motion carried with two nay's and three aye's. .

Item 17. Mayor Cordova-Approval of Temporary Employment Agreement with Patrick Wooten from July 1, 2011 to September 30, 2011 at \$7.50 per hour as per Chapter II, Section 20.01, Paragraph E of the Village of Tularosa Employee Personnel Policy

Trustee Fred Tyler moved to approve the Temporary Employment Agreement with Patrick Wooten from July 1, 2011 to September 30, 2011 at \$7.50 per hour as per Chapter II, Section 20.01, Paragraph E of the Village of Tularosa Employee Personnel Policy. Trustee Joseph Lueras seconded the motion. Trustee Tyler asked if this was to assist Ralph at the parks. Mayor Cordova's response was yes.

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

Item 17(A) Chief Selman-Requesting pay increase of 45¢ for Mary Cain, Dispatcher from \$9.00 to

\$9.45

Trustee Patrick Garcia moved to approve the requested pay increase of 45¢
Regular Meeting-July 20, 2011 Page 5

for Mary Cain, Dispatcher from \$9.00 to \$9.45. Trustee Joseph Lueras and Trustee Fred Tyler both 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.

Village Clerk Dianna Brusuelas-Guilez asked for the effective date. The response was today.

Item 17(B) Chief Selman-Requesting pay increase of 45¢ for Diadra Dugger, Dispatcher, from \$9.95 to \$10.40

Trustee Patrick Garcia moved to approve the requested pay increase of 45¢ for Diadra Dugger, Dispatcher, from \$9.95 to \$10.40. 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 voting aye.

Item 18. Old Business

Trustee Joseph Lueras wanted to publically thank Simon Chavez from Western Auto in Tularosa and the owner of Western Auto in Alamogordo for opening up the store and providing the village with heaters during the freeze in February.

Trustee Joseph Lueras wondered the progress on fixing the road near the Little League field. Trustee Patrick Garcia said it has been patched.

Mayor Ray Cordova said that during the freeze in February, Susan Flores and Vivian Lueras spearheaded setting up the command post and wanted to Thank them.

Trustee Patrick Garcia said since the board was in the thanking mood, he wanted to thank the village employees who actually went out in the cold to take care of water breaks.

Mayor Cordova commended the Water Plant Operator for getting the pumps at the water plant fixed so that the citizens would not be without water.

Trustee Patrick Garcia asked how to proceed with the house on Marshall. Mayor Cordova suggested going to a judge and asking for a default judgment in order to protect the village. Trustee Fred Tyler felt that if the village has followed state statute it should be torn down. Village Attorney Jeff Rhodes suggested putting the item on next months agenda that the resolution be enforced even though state statute has been followed. Attorney Jeff Rhodes said if village employees were going to demolish they would have to keep track of number of employees working on project, time per hourly wage and equipment used per hour.

Trustee Fred Tyler asked about the bag worms. Mayor Cordova said he might advertise for bids. A question arose as to who the trees belong to with Trustee Tyler saying that Tularosa Community Ditch Corporation has a ditch easement, Attorney Jeff Rhodes said that the ditch has no significance in determining ownership it is not a boundary, that there is a plat at the county clerks office that has width of streets in the 49 blocks. Mr. Rhodes said 'acequias' are protected by state statute.

Regular Meeting-July 20, 2011 Page 6

Trustee Patrick Garcia asked about portable restrooms for James Vigil Park. Mr. Rick Gutierrez said he would look into the cost.

Trustee Patrick Garcia asked about the water coming down the creek and the reports of people damming the water.

Attorney Jeff Rhodes wondered if the village wanted to join with the Ditch Corporation's petition on the dam being built. Mr. Rhodes said that the only thing the village could have added was interference with the flow or

water pollution. Mayor Cordova wondered how much water this gentleman has a right to and how is it gaged. Mayor Cordova voiced concern over water for 3,000 residents. Attorney Jeff Rhodes said if the gentleman is taking more water than what he is entitled to, the ones who have authority to do something about it is the State Engineer or the District Court, unless we are not getting the amount of water we are entitled to in order to run our public water system then that gives us a little bit more voice to talk to the judge. Mr. Rhodes stated that the oldest priority date is very important and that it belongs to this community.

Item 19. New Business

Item 20. Adjourn

Trustee Patrick Garcia moved to adjourn and was seconded by Trustee Joseph Lueras. There being no further business to come before the Mayor and the Board of Trustees the meeting ended at 8:37 P.M.

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 August 16, 2011.