

Regular Meeting-May 16, 2012

The Mayor the Board of Trustees of the Village of Tularosa met in a Regular Meeting on Wednesday, May 16, 2012 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 O. Tyler

Trustee Joseph Lueras

Absent: Trustee Gloria R. Sainz

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

At 7:03 P. M. 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 Flag of the State of New Mexico.

Item 1. Consideration of Agenda and Consent Agenda

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

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

Motion carried with all members present voting aye.

Item 2. Unscheduled Correspondence and Public Comments

First to come before the board was Cynthia Prelo-Riedlinger President of the Friends of Historic Tularosa thanking the Mayor and Members of the Board for co-sponsoring the Veteran's Memorial celebration.

Mayor Cordova and the Trustees thanked Cynthia and Thomas McKean for their efforts.

Trustee Fred Tyler suggested to the Friends to contact the Alamogordo Daily News.

Trustee Tyler also thanked the Village Department Heads that provided their monthly reports.

Trustee Patrick Garcia asked about Code Enforcement's progress on the properties that had been reported several months back and would like an update from Code Enforcement/Police Department and hoped the new Police Chief would take care of those items.

Item 3. Continue participation to the Southeastern New Mexico Economic Development District-Council of Governments

Trustee Joseph Lueras moved to continue participation with the Southeastern New Mexico Economic Development District Council of Governments and was seconded by Trustee Fred Tyler.

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

Item 4. Rick Gutierrez-Approval of Resolution 2011-2012-16 CDBG Policies

Trustee Fred Tyler made a motion to approve Resolution 2011-2012-16 CDBG Policies. Motion was seconded by Trustee Joseph Lueras.

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

Item 5. Rick Gutierrez-Approval of Resolution 2011-2012-17 Fair Housing

Trustee Patrick Garcia moved to approve Resolution 2011-2012-17 for Fair Housing and was seconded by Trustee Joseph Lueras.

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

Item 6. Valarie Delgado-Approval of Resolution 2011-2012-18 Budget Increases and Decreases

Trustee Joseph Lueras moved to approve Resolution 2011-2012-18 budget increases and decreases. Motion was seconded by Trustee Patrick Garcia.

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

Item 7. Valarie Delgado-Approval of 2012-2013 Interim Budget

Village Clerk Dianna Brusuelas-Guilez explained that the changes discussed in the workshop were made part of the interim budget and another change was an increase in property taxes.

Trustee Patrick Garcia moved to approve the 2012-2014 Interim Budget and was seconded by Trustee Fred Tyler.

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

Trustee Patrick Garcia thanked the ladies in the office for decisions on where to add where to cut and in getting the budget prepared. Trustee Fred Tyler said a good job was done in keeping department heads happy.

Item 8. Rick Gutierrez-Approval of (ICIP)Infrastructure Capital Improvement Plan (ICIP) for Fiscal Year 2013-2017

Trustee Joseph Lueras asked about the playground equipment/restrooms and wondered if playground equipment should be taken off and concentrate only on the restrooms. A member of the audience asked if the water systems improvement included the well on Bookout Road. It was explained that yes if it had to do with water.

Trustee Fred Tyler moved to approve the Infrastructure Capital Improvement Plan for Fiscal Year 2013-2017. Trustee Joseph Lueras seconded the motion.

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

Item 9. Leo Reyes-Why after almost 3 years of sewer stench, which is unbearable, continues to get worse and possibly poses health risks, yet has not been resolved? This situation is unacceptable, when can we expect it to end?

Mr. Leo Reyes expressed his concerns with the Sewer Plant stating that he has made the effort to contact the contractor and the contractor said he went according to plans and said it might be operator problems. Mayor Cordova said that there were problems with the design and contractor problems. Mr. Reyes asked if the village has certified operators. Mayor Cordova said, yes, that the village has two Level III Operators on board. Mayor Cordova mentioned some of the shortcuts the contractor took and that the village has not released the contractor bond, at this point the village has been allotted grant money but it has not been released and welcomed him to come to the office and review the files. Trustee Fred Tyler asked if there was a time line and the village was hoping the funding would be released within 30 days.

Item 10. Approval of Temporary Employment Agreement with Susan Flores from April 2, 2012 - June 30, 2012 at \$10.00 per hour with no more than 20 hours per week 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 April 2, 2012 to June 30, 2012 at \$10.00 per hour with no more than 20 hours per week as per Chapter II, Section 20.01, paragraph E, of the Village of Tularosa Employee Personnel Policy. Trustee Fred Tyler seconded the motion but wanted Ms. Flores to provide a more in depth report. Trustee Tyler realizes Ms. Flores does an excellent job with Keep Tularosa Beautiful but the paid position is for record keeping of the community service personnel. Trustee Patrick Garcia asked if the Court Clerk could be responsible for the community service participants and their hours. Mayor Cordova said he would talk to the Court Clerk to see if she could and gave credit to Ms. Flores in other areas.

Roll Call Vote: Trustee Garcia, nay. Trustee Lueras, aye. Trustee Tyler asked if they could back up since he hadn't voted and wondered if he could amend the motion. It was determined that the motion on the table had to be voted on. Trustee Tyler proceeded to vote aye, with the stipulation that the Mayor require Ms. Flores to present satisfactory reports to Board Members with the names and hours of community service assigned. Motion carried with two ayes and one nay.

Item 11. Approval of Temporary Employment Agreement with Patrick Wooten from April 2, 2012 - June 30, 2012 at \$7.50 per hour with no more than 20 hours per week 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 Patrick Wooten from April 2, 2012 - June 30, 2012 at \$7.50 per hour with no more than 20 hours per week as per Chapter II, Section 20.01 Paragraph E of the Village of Tularosa Employee Personnel Policy. Trustee Fred Tyler seconded the motion.

The Board discussed that Mr. Wooten's primary job was Solid Waste and any hours thereafter would be with parks with not more than 40 hours per week total to eliminate any overtime.

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

Item 12. Tularosa Community Ditch Corporation-Agree to Legal Matter-Kelsey Smith

Mr. Norvall Bookout asked the Mayor and Board Members if they are still willing to go along with the Ditch Corporation on the law suite. All were in agreement and Village Attorney Jeff Rhodes noted that he has already been authorized by the board to prepare a motion to intervene and has been in contact with the TCDC attorney.

Item 13. Executive Session pursuant to Section 10-15-1(H) of the Open Meetings Act Subject to threatened or pending litigation, reference Kelsey Smith

No Action

Item 14. Mayor Ray S. Cordova-Approval of appointment of Charles Wood as Police Chief effective May 3, 2012 with a 6 months probation

Trustee Patrick Garcia moved to approve and was seconded by Trustee Joseph Lueras.

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

The appointment was followed by a round of applause.

Item 15. Trustee Fred Tyler-Approve replacing sound system in municipal building meeting room by Mark Sound and Video Services using monies from Small Cities Assistance funds for a total of \$2,752.00

Item deleted

Item 16. Trustee Fred Tyler-Approve change to ordinance amending Section 151.02 of Tularosa Code of Ordinances by removing the word "repair" from the first sentence of (A). Cannot be enforced and is now only selectively applied

Trustee Patrick Garcia moved to approve and was seconded by Trustee Joseph Lueras. Village Attorney Jeff Rhodes would prepare the amendment to the ordinance for the next meeting.

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

Item 17. Approval of Memorandum of Understanding for the ReCycling between the Board of County Commissioners of Otero County and the Village of Tularosa

Trustee Fred Tyler moved to approve the Memorandum of Understanding for the ReCycling between the Otero County Board of Commissioners and the Village of Tularosa. Trustee Joseph Lueras seconded the motion.

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

Item 18. Approval of Memorandum of Agreement between New Mexico Department of Health and the Village of Tularosa

Trustee Patrick Garcia moved to approve and was seconded by Trustee Joseph Lueras.

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

Item 19. Executive Session pursuant to Section 10-15-1(H) of the Open Meetings Act subject to attorney-client privilege pertaining water rights-Mia Estates

Trustee Joseph Lueras moved to go into executive session pursuant to Section 10-15-1(H) of the Open Meetings Act subject to attorney-client privilege pertaining to water rights-Mia Estates. Trustee Fred Tyler seconded the motion.

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

Mayor Ray Cordova announced that only those subjects announced for closure would be discussed in the closed session.

The Mayor, the Board and the Village Attorney then went into executive session at 8:12 P. M.

At 8:48 the Mayor and the Board returned from executive session with the Mayor announcing that the matters discussed in the closed session were limited only to those specified in the motion for closure.

Trustee Fred Tyler proceeded to make a motion to send the Assignment for the transfer of the Mia Estates water rights to the Jones'. Trustee Patrick Garcia seconded the motion.

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

Motion carried with all members present voting aye.

Item 20. Old Business

Fred Tyler asked Mayor Ray Cordova if he got a hold of the lawyer from Otero's Mini Mart, Mayor responded that Ms. Black's attorney said he would try to get in touch with her again and if he could not he would call and give the village her address and phone number.

Item 21. New Business

Trustee Joseph Lueras wondered about bathrooms at the park behind the baseball fields. Mayor Cordova said that there were bathrooms at the little league baseball park.

Item 22. Adjourn

Trustee Joseph Lueras moved to adjourn with Trustee Fred Tyler seconding the motion.

The meeting adjourned at 8:52 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 June 20, 2012.