

Regular Meeting-September 16, 2009

The Board of Trustees of the Village of Tularosa met in a Regular Meeting on Wednesday, September 16, 2009 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 Gloria Sainz

Absent: Trustee Thomas McKean

Finance Officer Valarie Delgado

Also in attendance was Village Attorney Jefferson Rhodes, Village Clerk Dianna Brusuelas-Guilez and Accounts Payable Clerk Monica Voorbach.

Mayor Ray S. Cordova asked that all rise and join him in the Pledge of Allegiance.

Item 1. Consideration of Agenda and Consent Agenda

Trustee Patrick Garcia moved to consider the Agenda and the Consent Agenda and was seconded by Trustee Fred Tyler.

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

Ms. Lorinda McDonald, 203 1st Street brought her concern about her water bill to the Mayor and the members of the Board stating that she has gone from 3 units of water to 30 units. It was suggested to have her meter rechecked with her presence.

Mr. Tim Winrow expressed to the Board a complaint about the Chief of Police lying under oath

Item 3. John Devine-Demonstration of Document Management in Local Government

Mr. John Devine was not present as he had done his demonstration at the Workshop the evening before.

Item 4. Information: Letter of Resignation effective 8/13/2009-Daniel Estrada

Mayor Ray S. Cordova informed the Board of the resignation of Mr. Daniel Estrada.

Item 5. Information: Fiscal Year 2009-2010 Budget approved by Department of Finance and Administration - Local Government Division

Mayor Ray S. Cordova informed the Board that the 2009-2010 Budget had been approved by the Department of Finance.

Item 6. Depree Shadowwalker-Permission to open an art gallery at my home at 407 Old Mescalero called Fired 2 Stone

Ms. Shadowwalker asked permission to open a gallery stating that the property at 407 Old Mescalero used to be a lumber yard when her grandparents owned it, the property in question has always had business there. Ms. Shadowwalker was questioned about the parking, her response was that there was sufficient parking in the back and it had an access road. Ms. Shadowwalker would use her living room as a gallery and presented a sketch of what it would look like. Trustee Patrick Garcia asked about signage, the response was that she would dedicate the place to her deceased mother and her grandparents and it would be very small.

Trustee Fred Tyler moved to grant permission to open a gallery named Fire 2 Stone pending zoning verification if the property is zoned commercial there will be no problem if it is not zoned commercial then she would have to petition for a variance and have the neighbors all sign off that it does not bother them. Trustee Patrick seconded the motion.

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

Item 7. Commercial Sign Art - Russ Feldbusch-Variance Request on Family Dollar Sign

Mr. Feldbusch was asked the size of the building frontage and responded approximately 100'x80'.

Trustee Gloria Sainz moved to approve the sign if it meets the code of ordinance sign specifications using the front size of the building. Trustee Fred Tyler seconded the motion.

Mr. Feldbusch was told to stop by the office and acquire a sign permit

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

Item 8. Approval of Budget Adjustment Request 2009-3 transferring legal fee line item budget to: Salaries: Attorney

Trustee Patrick Garcia moved to approve Budget Adjustment Request 2009-3 transferring legal fees line item budget to salaries and was seconded by Trustee Fred Tyler.

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

Item 9. Approval of Resolution 2009-10-7 increases from New Mexico Clean & Beautiful, VFW Post 7686, United Way and Otero County

Trustee Fred Tyler moved to approve Resolution 2009-10-7 increases from New Mexico Clean & Beautiful, VFW Post 7686, United Way and Otero County. Motion was seconded by Trustee Gloria Sainz. Motion carried.

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

Item 10. Consideration of Approval of Ordinance 237 amending Section 31.05 of the Tularosa Code of Ordinances providing for a Corrections Fee, a Judicial Education Fee & a Court Automation Fee

Trustee Patrick Garcia moved to consider the approval of Ordinance 237 amending Section 31.05 of the Tularosa Code of Ordinances providing for a Corrections Fee, a Judicial Education Fee and a Court Automation Fee. The motion 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 in the affirmative.

Trustee Patrick Garcia then moved to publish the ordinance by Title and Subject matter and was seconded by Trustee Fred Tyler.

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

Item 11. Mayor Cordova-Approve Reginald K. Selman from Probationary status to a Regular Full-Time Status---Date of Hire 3/23/2009

Trustee Gloria Sainz moved to approve Reginald K. Selman from probationary status to a regular full-time status date of hire March 23, 2009. Trustee Fred Tyler seconded the motion with the effective date of the 23rd.

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

Item 12. Mayor Cordova-Approve appointment of Jessica Turner as Police Officer at \$10.00 per hour - Probationary employee until successful completion of Law Enforcement Academy--Date of Hire 8/24/2009

Trustee Patrick Garcia moved to approve the appointment of Jessica Turner as Police Officer at \$10.00 per hour as a probationary employee until successful completion of Law Enforcement Academy. Motion was seconded by Trustee Gloria Sainz. Trustee Fred Tyler asked how long she has to complete the academy. Acting Chief Ken Selman responded that she had a year from her date of hire.

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

Item 12 (A) Mayor Cordova-Approve Appointment of Tim Gibson as Police Officer at \$14.00 per hour-Probationary employee- Date of Hire 9/14/2009

Acting Chief Ken Selman said Mr. Gibson came from Portales, NM and was certified in August of 2008. Mayor Cordova asked Chief Selman if he was doing back ground checks. Chief Selman responded yes.

Trustee Fred Tyler moved to approve the appointment of Tim Gibson as Police Officer at \$14.00 per hour as probationary employee, date of hire 9/14/2009 and was seconded by Trustee Patrick Garcia.

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

Item 12 (B) Mayor Cordova-Approve appointment of Charles Wood as Police Officer at \$14.75 per hour-Probationary employee-Date of Hire 9/11/2009

Acting Chief Ken Selman said Mr. Chuck Wood is a 22 1/2 year retired Captain from Alamogordo Department of Public Safety.

Trustee Fred Tyler moved to approve the appointment of Charles Wood as Police Officer at \$14.75 per hour as a probationary employee for six months, date of hire 9/11/2009. Trustee Gloria Sainz seconded the motion.

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

Item 12 (C) Mayor Cordova-Approve appointment of Evelyn Cain as Dispatcher at \$8.50 per hour-Probationary employee-Date of Hire 9/14/2009

Trustee Patrick Garcia moved to approve appointment of Evelyn Cain as Dispatcher at \$8.50 per hour probationary employee. Trustee Gloria Sainz seconded the motion.

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

Item 12 (D) Mayor Cordova-Approve Temporary Employment Agreement for Susan Flores 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 for Susan Flores as per Chapter II, Section 20.01, paragraph E of the Village of Tularosa Employee Personnel Policy. 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 in the affirmative.

Item 12 (E) Mayor Cordova-Approve Temporary Employment Agreement for Armando Salazar as per Chapter II, Section 20.01, Paragraph E of the Village of Tularosa Employee Personnel Policy

Trustee Gloria Sainz moved to approve the Temporary Employment Agreement for Armando Salazar as per Chapter II, Section 20.01, Paragraph E of the Village of Tularosa Employee Personnel Policy. Trustee Fred Tyler seconded the motion

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

Item 13. Acting Chief Selman-Salary increase for Patrick Maturino from \$14.34 to \$15.50

Trustee Fred Tyler moved to approve the increase for Patrick Maturino from \$14.34 to \$15.50 per hour 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 in the affirmative.

Item 14. Approve, Modify or Disapprove the Action of the Mayor on the termination of Timothy Winrow, as Police Officer effective July 31, 2009

Trustee Patrick Garcia moved to approve the action of the Mayor on the termination of Timothy Winrow as Police Officer effective July 31, 2009. Motion was seconded by Trustee Fred Tyler.

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

Item 15. Executive Session as per Section 10-15-1(H) of the Open Meetings Act for the discussion of the purchase, acquisition or disposal of real property

Trustee Patrick Garcia moved to go into executive session as per Section 10-15-1(H) of the Open Meetings Act for the discussion of the purchase, acquisition or disposal of real property. Motion 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 in the affirmative.

Mayor Cordova announced that only those subjects announced for closure will be discussed in the closed session. The Board retired into closed session at 7:50 P. M.

The meeting reconvened at 8:03 P.M. with the Mayor announcing that the matters discussed in the closed session were limited only to those specified in the motion for closure.

Item 16. Purchase of 14.327 acres from Rebecca Jan Wimberly and Virgil House Jr.

Trustee Patrick Garcia moved to purchase 14.327 acres from Rebecca Jan Wimberly and Virgil House Jr. as per draft Agreement dated August 19th for a sum of \$61,000.00. Trustee Gloria Sainz seconded the motion.

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

Trustee Fred Tyler verified the grant amount of \$54,442 with Grants Coordinator Rick Gutierrez. Mr. Gutierrez said the engineer, Gil Gallegos stated the grant would pay the market value of \$58,000.00

Item 17. Old Business

Trustee Fred Tyler asked when the village would be taking over the commercial garbage. After some discussion Village Attorney Jefferson Rhodes was asked to amend the Solid Waste Ordinance to make the village the exclusive operation for residential and commercial solid waste collection with a target date of the first of the year.

Item 18. New Business

Item 19. Adjourn

Trustee Fred Tyler moved to adjourn and was seconded by Trustee Patrick Garcia seconded the motion. Meeting adjourned at approximately 8:30 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

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ATTEST:

Dianna R. Brusuelas-Guilez, Village Clerk

Minutes approved by The Board of Trustees at the Regular Meeting of October 21, 2009.