

Regular Meeting-September 15, 2010

The Mayor and the Board of Trustees of the Village of Tularosa met in a Regular Meeting on Wednesday, September 15, 2010 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

Absent: Dianna R. Brusuelas, Village Clerk

Also present was Village Attorney Jeff Rhodes, Grants Coordinator Rick Gutierrez, Lt. Detective Benny House as well as Valarie Delgado Finance Officer.

At 7:05 Mayor Cordova called the meeting to order asking that all rise and join him in the Pledge of Allegiance.

Item 1. Consideration of Agenda and Consent Agenda

Trustee Fred Tyler asked why the Police Department was paying more than the Judicial Department for Criminal Traffic Manuals. The response was because the police department orders one for each officer and the judicial department only orders one.

Trustee Patrick Garcia moved to approve the consideration of the Agenda and the Consent Agenda moving Item 11 to Item (2A). 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 board members voting in the affirmative.

Item 2. Unscheduled Correspondence and Public Comments

A person came in and questioned as to why her water bill was so high. Mayor Cordova suggested she go by the office where the records are kept and ask the Utility Billing Clerk.

Trustee Fred Tyler asked to revisit the PNM rate increase and that the village has 38 electrical meters and if the PNM increases the rates the village will pay 40% more.

Trustee Fred Tyler said he attended a BLM Public meeting for the Alamogordo Regional Water Supply Draft DIES and spoke to the City of Alamogordo's Attorney, City Manager and Public Works Manager about the change in the location of the desalination plant. Trustee Tyler was told that it has been changed for a long time because it was not feasible. The City of Alamogordo's attorney told Trustee Tyler that they never intended to place the plant up there and that Tularosa was never intended to get any water. Trustee Tyler mentioned the agreement between the two entities and was told that the city would not be able to abide by that agreement. Trustee Tyler told them that had it not been for Tularosa dropping the protest that it would not have been a regional effort, that it would have been an Alamogordo water supply project and the state would not have given them the kind of funding that was received. Trustee Fred Tyler proceeded to read the agreement and mentioned that protests had to be filed by October 20, 2010. Village Attorney Jeff Rhodes stated that he had already written a letter to BLM and asked to place the item on next months agenda for discussion.

Item 2A. (previously Item 11) Rosa & Gustave Barraza - S. Bookout - Water Righsts and information about building a Child Care Preschool facility on property

Ms. Barraza stated that she was of the understanding that her property was not inside the village limits but out in the county. Mayor Cordova asked if she still wanted city water and recommended approval for village water since there is a water line on Bookout.

Trustee Patrick Garcia clarified that the infrastructure to the building would be at their expense plus payment of the water meter, meter deposit and will be billed at outside village water rates. Ms. Barraza said yes. Trustee Patrick Garcia then moved to approve village water to the Barraza's and 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 board members voting in the affirmative.

Item 3. Reports from Village Departments

Lieutenant Detective Benny House was present to discuss Code Enforcement stating that they have seven open cases of code enforcement violations as follows: 229 Bookout-letter sent July 14, 2010 and has 90 days to comply; 201 Higuera and 201 1/2 Higuera-cited into court; 104 Cedro-letter sent September 4, 2010 and has 30 days to comply; 100 First-in process of sending letter; 2nd & Central-in process of sending letter; Lions Hut-verbal contact and will comply. Lt. Detective House said he was struggling with Otero's Mini Mart, Mayor Cordova interjected stating that he had made contact with the owners attorney and they had entered into contract with al local contractor to remove the canopy and that he is currently sending pictures of the weeds to out the attorney.

Trustee Patrick Garcia asked about the property on Marshall.

Item 4. Approval of Resolution 2010-11-06 Budget Increases

Trustee Fred Tyler moved to approve Resolution 2010-11-06 Budget Increases and was seconded by Trustee Patrick Garcia.

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

Item 5. Approval of Temporary Employment Agreement with Joshua Puckett from October 1, 2010 to December 31, 2010 with no more than 20 hours per week at \$7.50 per hour as per Chapter II, Section 20.01, Paragraph E of the Village of Tularosa Personnel Policy

Trustee Fred Tyler moved to approve the Temporary Employment Agreement with Joshua Puckett from October 1, 2010 to December 31, 2010 with no more than 20 hours per week at \$7.50 per hour as per Chapter II, Section 20.01, Paragraph E of the Village of Tularosa Personnel Policy. 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 board members voting in the affirmative.

Item 6. Approval of Temporary Employment Agreement with Susan Flores from October 1, 2010 to December 31, 2010 with no more than 20 hours per week at \$10.00 per hour as per Chapter II, Section 20.01, Paragraph E of the Village of Tularosa Personnel Policy

Mayor Cordova announced that Ms. Flores will be moving to another office in the Police Department part of the Public Safety Facility.

Trustee Joseph Lueras moved to approve the Temporary Employment Agreement with Susan Flores from October 1, 2010 to December 31, 2010 with no more than 20 hours per week at \$10.00 per hour as per Chapter II, Section 20.01, Paragraph E of the Village of Tularosa Personnel Policy.

Trustee Gloria Sainz seconded the motion with the understanding that she will be moved from the court system to a different location.

Trustee Patrick Garcia asked if she was working for the Mayor or for the Judge. Mayor Cordova responded that she was working for him, that he was the one who signed her time card.

Roll Call Vote: Trustee Garcia, nay. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with a three, one vote.

Item 7. Approval of Temporary Employment Agreement with Daniel Estrada as a Police Officer from August 28, 2010 to September 30, 2010 at \$14.75 per hour as per Chapter II, Section 20.01, Paragraph E of the Village of Tularosa Personnel Policy

Trustee Joseph Lueras moved to approve the Temporary Employment Agreement with Daniel Estrada as a Police Officer from August 28, 2010 to September 30, 2010 at \$14.75 per hour as per Chapter II, Section 20.01, Paragraph E of the Village of Tularosa Personnel Policy. 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 board members voting in the affirmative.

Lt. Detective House asked to amend the motion to read until the next board meeting and take it month by month.

Trustee Joseph Lueras amended his motion to read until the next monthly board meeting. 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 board members voting in the affirmative.

Item 8. David Brown-Amend Withdrawal of well protest-Change wording

Trustee Fred Tyler moved to amend the withdrawal of well protest changing the wording to the State Engineer to authorize not more than the duty amount which is normal for this administrative unit. Motion was seconded by Trustee Patrick Garcia.

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

Item 9. Approval of Adoption of Ordinance 242 enacting section 30.02 providing for the collection of an Administrative Fee in connection with providing services for the New Mexico Motor Vehicle Division and to Publish by Title and Subject Matter

Trustee Patrick Garcia moved to approve the Adoption of Ordinance 242 and 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 board members voting in the affirmative.

Item 10. Joe Barraza-31 S. Bookout - Requesting village water

Mr. Joe Barraza came before the Mayor and Board of Trustees requesting water at 31 S. Bookout. Mayor Cordova reminded Mr. Barraza that he would have to run the lines to his property and pay the necessary fees.

Trustee Patrick Garcia moved to approve the request and 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 board members voting in the affirmative.

Item 11. Rosa & Gustave Barraza-S. Bookout - Water Rights and information about building a Child Care - Preschool facility on the property

Moved to Item 2(A)

Item 12. Trustee Fred Tyler - Discuss adoption of NM Statute 3-18-5 (Dangerous buildings or debris; removal; notice right of municipality to remove; lien) Approve for adoption and publication by Title & Subject Matter

Attorney Jeff Rhodes explained that the state already gives municipalities the authority to enable the process to impose a lien and has to be filed in District Court even if the village passes an ordinance because the District Court is the only court of general jurisdiction that has the authority to effect the title to real estate.

After much discussion Trustee Fred Tyler proceeded to withdraw item 12.

Item 13. Trustee Fred Tyler-Rescind Ordinance 232 approving the sale of 35.209 acres at the corner of Riata & Radio Roads

Trustee Patrick Garcia moved to rescind Ordinance 232. 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 board members voting in the affirmative.

Item 14. Old Business

Trustee Fred Tyler brought up an issue of the zoning of Rhino Subdivision to include it on the description in the ordinance book. Attorney Jeff Rhodes said that normally the zoning map is amended then you see if there are any discrepancies between what the zoning map says and what the zoning ordinance says.

Mayor Ray Cordova suggested talking to Klad Zimmerle in reference to the zoning map.

Item 15. New Business

Trustee Fred Tyler asked Attorney Jeff Rhodes what to do if people are encroaching on property in an alley. Attorney Jeff Rhodes said to ask them to vacate and tell them to leave, if they don't you can file an 'ejectment' in District Court, another avenue would be to file trespassing in Municipal Court. Attorney Rhodes suggested it be discussed in executive session if there are specific problems with the village because he is talking in generalities.

Mayor Cordova

Item 16. Adjourn

There being no further business to come before the Board at 8:30 P. M. Trustee Joseph Lueras moved to adjourn the meeting and was seconded by Trustee Gloria Sainz.

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-Guilez, Village Clerk

Minutes approved by The Board of Trustees at the Regular Meeting of October 20, 2010.