

Regular Meeting - March 17, 2010

The Board of Trustees of the Village of Tularosa met in a Regular Meeting on Wednesday, March 17, 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 Joseph Lueras

Trustee Patrick Garcia

Trustee Gloria Sainz

Also in attendance was Rick Gutierrez, Grants Coordinator, Monica Voorbach, Payroll/AP Clerk, Valarie Delgado, Finance Officer, Jeff Rhodes, Village Attorney as well as Dianna Brusuelas-Guilez, Village Clerk.

Mayor Ray S. Cordova called the meeting to order at 7:07 P.M. asking that all rise and join him in the Pledge of Allegiance.

Item 1. Consideration of Agenda and Consent Agenda

Trustee Fred Tyler moved to consider the agenda and consent agenda asking the removal of item 18 from the agenda and making item 17 item 3A.

Trustee Gloria Sainz seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried.

Item 2. Unscheduled Correspondence and Public Comments

A gentleman from the audience approached the Mayor and the Board voicing concerns with the lighting at the Dollar General Store saying they are too bright and may be in violation of the Dark Sky's statute. Mr. Rick Gutierrez said he would contact Bob Kurtz from the State Highway Department to ask about regulations on lighting near highways.

Trustee Fred Tyler asked that the Police Department be more pro-active in code enforcement.

Trustee Patrick Garcia asked if complaints go to Lori Gunderson or the Police Chief. Mayor Cordova responded felt that it fell under the auspices of the police department.

Trustee Patrick Garcia also wanted to applaud the Fire Department mentioning the painted and numbered fire hydrants

Item 3. Mayor Ray S. Cordova-Organization, approve confirmation of the names of persons to appointive offices and names of persons who shall be employed

Mayor Ray S. Cordova mentioned the appointed positions naming Dianna Brusuelas-Guilez as the Village Clerk and Ken Selman as the Police Chief. Mayor Cordova stated that in his organization he was keeping everything such as it is and asked for a motion.

Trustee Gloria Sainz moved to approve the list of names for employment as stated on the agenda. Trustee Fred Tyler seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried.

Item 3(A) previously Item 17 Ralph Otero-Change name of Burns St

Mr. Ralph Otero requested changing the name of a portion of Burns Street to Otero.

Trustee Patrick Garcia moved to approve the name change and was seconded by both Trustee's Sainz and Lueras.

Trustee Fred Tyler asked who else lived on that section of Burns. Mr. Otero responded that only his family. Discussion ensued as to whether it would be a Lane, Avenue, Road or Street. It was agreed to make it a Lane.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried.

Item 4. Dianna Brusuelas-Guilez-Request to move the April 21st Regular Meeting and the April 20th Workshop to April 27th and 28th

Trustee Fred Tyler moved to approve the request changing the April 20th and 21st meeting to April 27th and April 28th. Motion was seconded by Trustee Joseph Lueras.

Trustee Patrick Garcia asked Attorney Jeff Rhodes if he was ok with those dates. Mr. Rhodes replied that those dates were fine. Village Clerk Dianna Brusuelas-Guilez said she would post the change immediately, it was requested to also post it on the web.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried.

Item 5. Rick Gutierrez-Approve adoption of Resolution 2009-2010-14 authorizing the execution and application to the New Mexico Highway & Transportation Department

Mr. Rick Gutierrez said he was looking at about a mile and a half of chip sealing and suggested Radio Road since the Senior Center will be built there.

Trustee Patrick Garcia moved to approve adoption of Resolution 2009-2010-14 authorizing the execution and application to the New Mexico Highway & Transportation Department. 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.

Village Clerk Dianna Brusuelas-Guilez brought to the Mayor and the Board that the village had requested that the officers of the Little League Program be at tonight's meeting to answer questions even though they were not on the agenda and suggested letting them make their presentation so they wouldn't have to wait until the end of the meeting.

Trustee Fred Tyler moved to go back-up to item 2, unscheduled correspondence, and was seconded by Trustee Joseph Lueras.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried.

All were in agreement and David Prudencio, Little League President, approached the podium. Mr. Prudencio presented a list of what the Little League is working off of. Trustee Patrick Garcia asked Mr. Prudencio what type of equipment he would need as far as getting the field ready. Mr. Prudencio said they needed more materials and the program would start April 17th and grand opening would hopefully be the 15th or the 16th with the two Tularosa teams playing against each other. Mr. Prudencio said Tularosa would be inter-leaguering with Alamogordo, and has marked where the fence should be, is going to pour cement for a common area with picnic tables. Trustee Tyler offered bags of fertilizer for the field. Flag poles need to be put up and there is no crows nest. Susan Flores, Keep Tularosa Beautiful, offered to get flag poles for free. Volunteers could come on the weekend and help move dirt. One request from Little League representatives were doors for the partitions in the rest rooms.

Item 6. Dianna Brusuelas-Guilez-Approve adoption of Resolution 2009-2010-15 Open Meetings Act Resolution

Trustee Fred Tyler moved to approve the adoption of Resolution 2009-2010-15 Open Meetings Act Resolution. 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. Valarie Delgado-Approve adoption of Resolution 2009-2010-16 increasing and decreasing the Senior Center budget

Trustee Patrick Garcia moved to approve the adoption of Resolution 2009-2010-16 increasing and decreasing the Senior Center Budget, motion was seconded by Trustee Gloria Sainz.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried.

Item 8. Sonya Gililand-Approve participation in the Summer Food Service Program (Information: Average daily lunches served 2007-131; 2008-140; 2009-167)

Trustee Patrick Garcia moved to approve participation in the Summer Food Service Program. Trustee Fred Tyler seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried.

Item 9. Consideration for adoption Ordinance 239 amending section

50.16 (C) adding rates for the collection of 450 gallon containers by the village

Trustee Joseph Lueras moved to consider for adoption Ordinance 239 amending section 50.16 (C) adding rates for the collection of 450 gallon containers by the Village. Trustee Gloria Sainz seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried.

Trustee Fred Tyler then moved to Publish by Title and Subject Matter and was seconded by Trustee Patrick Garcia.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried.

Item 10. Rick Gutierrez-Award Senior Center Contract to Crown Builders based on Molzen-Corbin & Associates letter dated March 5, 2010

Trustee Gloria Sainz moved to award the Senior Center Contract to Crown Builders based on Molzen-Corbin & Associates letter dated March 5, 2010. Trustee Joseph Lueras seconded the motion.

Trustee Patrick Garcia asked what kind of reputation this company had and how many years they had been in business. Mr. Rick Gutierrez responded that Crown Builders have been in business approximately 16 years, that they were from Albuquerque and would post a performance bond. Inspection of the work at the Senior Center came up. Mr. Gutierrez said he spoke to Ron LeClair who said he charges \$50.00 per hour, Molzen & Corbin will inspect every two weeks but they will authorize an independent inspector, it was suggested that the new employee, Sunny Reyes, who holds a GB-98 can help with inspections or Lance Giest who is a local contractor. Roll call was then taken.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried.

Item 11. Vern Carner-Extend zoning at 206 St. Francis to the back five (5) lots

No action was taken as Mr. Carner was not present.

Item 12. Raymond & Barbara Najar-Permission to place mobile home on personal property at 803 Central

Mrs. Barbara Najar requested an exemption to village ordinance to allow a mobile home to be placed at their residence at 803 Central.

Trustee Fred Tyler stated that he did the research on it and they are requesting an exception to village zoning ordinance 154.01 particularly the comprehensive zoning regulations and standards as per 154.15(B)(2)(d) 1, 2 and 3 describing the Class R-MH Mobile Home Residential and to allow to place mobile home in a Class C commercial zone describing 154.15(B)(2)(g)5 at 803 Central. Trustee Tyler also stated that he went and measured and they are fine and proceeded to move to approve. Trustee Gloria Sainz seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried.

Item 13. Barbara DiFrancesco-Problem RE: excessive farm animals on property within 49 Blocks - specifically at 704 6th Street

Ms. DiFrancesco felt that the neighbors have show good faith since coming to the Board. Mrs. DiFrancesco also mentioned the skunk infestation and talked about a program on PBS which might help the village. It was agreed she would contact the TV station to ask for the program on skunks.

Item 14. Susan Flores-Keep Tularosa Beautiful

Susan Flores gave a presentation on the training program she attended for three days and updated on what she has been doing in the community as far as educating on Litter Control. Ms. Flores talked about grants she has applied for including a \$10,000.00 grant for a park by the Little League Field. The Spring Clean Up was also discussed for sometime in April. Ms. Flores mentioned that she will need the village to match \$2,000.00 as a match for a grant she is applying for. Mr. Rick Gutierrez mentioned that RC & D might have money for picnic tables.

Item 15. Mayor Ray S. Cordova-Approve appointment of Manuel G. Reyes as Utility Service Technician, date of hire 3/1/2010 with 6 months probation at \$13.50 per hour

Trustee Joseph Lueras moved to approve the appointment of Manuel G. Reyes as Utility Service Technician, date of hire 3/1/2010 with 6 months probation at \$13.50 per hour.

Trustee Patrick Garcia questioned if Mr. Reyes fell within the parameters of the pay scale, Mayor Cordova responded that he was in the middle. Trustee Garcia stated that he would go for \$12.50 per hour. Mayor Cordova reminded the Board of the experience Mr. Reyes has and him being a general contractor who is being used on special projects stating that he could be used to inspect the building of the new

Senior Center. Trustee Gloria Sainz suggested raising the pay scale to \$13.50 after probation.

Trustee Lueras asked to amend his motion to pay Mr. Reyes \$12.50 per hour. Mayor Cordova said they had to consider the motion that was already on the floor. Trustee Gloria Sainz proceeded to second Trustee Lueras original motion.

Roll Call Vote: Trustee Garcia, nay. Trustee Lueras, nay. Trustee Sainz, aye. Trustee Tyler, nay. With three nay's and one aye the motion failed.

Trustee Joseph Lueras then amended his motion, to approve the appointment of Manuel Reyes at \$12.50 per hour with six months probation, motion was then seconded by Trustee Fred Tyler.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with a unanimous vote by all.

Item 16. Chief Ken Selman-Approve Tim Gibson as Regular Full Time employee, date of hire 9/14/2009 and increase salary from \$14.00 to \$14.50

Trustee Fred Tyler moved to approve Tim Gibson as Regular Full Time employee, date of hire 9/14/2009 with an increase from \$14.00 to \$14.50. Trustee Joseph Lueras seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with a unanimous vote by all.

Item 17. Ralph Otero-Change name of Burns Street

Moved to Item 3A

Item 18. Dianna Brusuelas-Guilez-Does village want to require renters of the Community Center, and when we allow organizations to use rooms, to provide insurance and offer the TULIP thru New Mexico Self Insurers Fund

Deleted.

Item 19. Dianna Brusuelas-Guilez-Requesting \$15,000.00 from Small Cities Assistance to upgrade Server and purchase Electronic Document Management System software and training

Trustee Patrick Garcia moved to approve \$15,000 from Small Cities Assistance to upgrade Server and purchase Electronic Document Management System software and training. 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 a unanimous vote by all.

Item 20. Mayor Ray S. Cordova-Approve Temporary Employment Agreement with Susan Flores from April 1, 2010 through June 31, 2010 as per Chapter II, Section 20.01, paragraph E, of the Village of Tularosa Personnel Policy with no more than 20 hours per week at \$10.00 per hour

Trustee Joseph Lueras moved to approve the Temporary Employment Agreement with Susan Flores from April 1, 2010 through June 31, 2010 as per Chapter II, Section 20.01, paragraph E, of the Village of Tularosa Personnel Policy with no more than 20 hours per week at \$10.00 per hour. Trustee Gloria Sainz seconded the motion bringing up discussion about where Ms. Flores is situated and felt that Susan should not be under the Judicial area stating that this was a concern from constituents.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with a unanimous vote by all.

Item 21. Mayor Ray S. Cordova-Approve Temporary Employment Agreement with Armando Salazar from April 1, 2010 through June 31, 2010 as per Chapter II, Section 20.01, paragraph E, of the Village of Tularosa Personnel Policy with no more than 30 hours per week at \$7.50 per hour

Trustee Fred Tyler felt that the last vacant slot has been filled in the Maintenance area and doesn't think two people should be paid from the same line item.

Trustee Gloria Sainz moved to approve the Temporary Employment Agreement with Armando Salazar from April 1, 2010 through June 31, 2010 as per Chapter II, Section 20.01, paragraph E, of the Village of Tularosa Personnel Policy with no more than 30 hours per week at \$7.50 per hour. Motion was seconded by Trustee Joseph Lueras.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, nay. Motion carried with three members voting aye and one nay.

Item 22. Trustee Fred Tyler-Re-prioritize use of street/road repair funds to insure that 1st Street is next in line to be completely repaired from Utter Lane to Central

Trustee Fred Tyler asked to consider 1st Street to the priority list on road repairs. Trustee Joseph Lueras stated he contacted Charles Hester from PNM about the electrical lines on 1st Street. Mr. Hester would get back with him the following day. Mayor Cordova agreed that it would take a well equipped company to cut that tree. Trustee Gloria Sainz seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with a unanimous vote by all.

Item 23. Trustee Fred Tyler-(1) Status of land acquisition for water retention pond (2) Status of bids for Senior Center construction (3) Status of Water line installation on Radio Road to Senior Center (4) Status of enforcement of Dangerous Dog Ordinance by Animal Control Officer

Mayor Ray S. Cordova responded that the property was purchased today. On item 2 the bid was awarded earlier. On item 3 it was stated that hopefully there would be stimulus money available. On item 4 the Mayor explained what Chief Selman explained at the workshop on the enforcement of the Dangerous Dog Act, that the owner is filed on and the person has to come to court.

Item 24. New Business

(1) MOU with ambulance-Attorney Jeff Rhodes stated it was coordinated through the county.

(2) Decorative fire hydrants-Mayor Cordova asked the attorney if there were any state statutes that determined what color fire hydrants had to be because there was interest in the old fire hydrants for decorative use. It was mentioned that there was a red 'decorative' fire hydrant placed in a private yard. Attorney Jeff Rhodes said allowing decorative fire hydrants on personnel property was only a potential for problems and felt it was not a good idea.

Item 25. Old Business

None

Item 26. Adjourn

Trustee Fred Tyler moved to adjourn and was seconded by Trustee Joseph Lueras.

There being no further business to come before the board the meeting adjourned at 8:55 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-Guilez, Village Clerk

Minutes approved by The Board of Trustees at the Regular Meeting of April 28, 2010.