

Village of Tularosa–Regular Meeting–June 19, 2007

The Board of Trustees of the Village of Tularosa met in a Regular Meeting on Tuesday, June 19, 2007 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 Margaret Trujillo, Trustee Thomas McKean, Trustee Gloria Sainz as well as Village Attorney Jefferson Rhodes and Village Clerk Dianna Brusuelas.

Mayor Cordova called the meeting to order asking that all rise and join in the Pledge of Allegiance.

Item 1. Consideration of Agenda and Consent Agenda

Trustee Margaret Trujillo moved to consider the Agenda and the Consent Agenda, motion was seconded by Trustee Gloria Sainz. Trustee Thomas McKean asked to move item 10 and make it 2A and also asked to make the correction on the village bills, page 4, taking Legal 310 away from General Fund Public Safety and paying it out of Capital Projects T-25. Trustee Margaret Trujillo moved to consider with the corrections and Trustee Thomas McKean seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee Trujillo, aye. Trustee McKean, aye. Trustee Sainz, aye. Motion carried with all members of the Board voting aye.

Item 2. Unscheduled Correspondence and Public Comments

Trustee Patrick Garcia voiced a concern about the park across the street from the Lowe's Grocery Store. Mr. Garcia's request was to add a few more poly carts to the Community Center Park.

Item 2A (previously Item 10) Baja Broadband Cable TV (Carlos Vega) Request to set a fiber vault in from Police Station

Mr. Carlos Vega introduced himself and requested that the Village of Tularosa allow Baja Broadband to set up a cabinet by the Police Department. The Mayor and the Members of the Board wondered if the property belonged to the owner of Josey's Sweets. Mr. Vega said he was told that the property belonged to the village. The question arose on whether there should be an agreement. Attorney Jeff Rhodes advised that a revocable license would be advisable.

Trustee Margaret Trujillo moved to approve Mr. Vega's request to allow a fiber optic vault to be installed, if the property belongs to the village with a revocable license if needed. Trustee Gloria Sainz seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee Trujillo, aye. Trustee McKean, aye. Trustee Sainz, aye. Motion carried with all members of the board voting aye.

Item 3. Dianna Brusuelas–Request to reschedule the July Regular Meeting from July 17, 2007 to July 24, 2007

No action was taken as the scheduled training for the staff will be in August.

Item 4. Approval of Budget Adjustment Request 2007–3 GF–Animal Control

Trustee Thomas McKean moved to approve the Budget Adjustment Request 2007-3 and was seconded by Trustee Patrick Garcia.

Roll Call Vote: Trustee Garcia, aye. Trustee Trujillo, aye. Trustee McKean, aye. Trustee Sainz, aye. Motion carried with all Members of the Board voting aye.

Item 5. Approval of Budget Adjustment Request 2007-4 GF-Community Center

Trustee Thomas McKean moved to approve Budget Adjustment Request 2007-4 and was seconded by Trustee Gloria Sainz.

Roll Call Vote: Trustee Garcia, aye. Trustee Trujillo, aye. Trustee McKean, aye. Trustee Sainz, aye. Motion carried with four aye votes.

Item 6. Approval of Budget Adjustment Request 2007-5 GF-Judicial

Trustee Margaret Trujillo moved to approve Budget Adjustment Request 2007-5 and was seconded by Trustee Patrick Garcia.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all Members voting aye.

Item 7. Vision Ford Lincoln Mercury Inc. (Hereditary or Michael Martin) To allow tent sale of new and used vehicles at Lowes parking lot

Trustee Thomas McKean moved to allow the tent sale on the Lowe's parking lot. Trustee Thomas McKean amended his motion to include an Itinerant License Fee of \$35.00 for the three days. Motion was seconded by Trustee Patrick Garcia.

Roll Call Vote: Trustee Garcia, aye. Trustee Trujillo, aye. Trustee McKean, aye. Trustee Sainz, aye. Motion carried with four aye votes and no nay votes.

Item 8. Richard Gutierrez – To use State Appropriation 07-L-G-3454, \$50,000.00 for Skate Board Park Improvements

No action was taken on Item 8 until the Board could find out if the appropriation could be better used at the new location.

Item 9. Eddie Arnett DBA Amy's Fireworks (Trustee Margaret Trujillo) Adoption of the New Mexico Fireworks Act

The decision was to wait and review the New Mexico Fireworks Act at a later date so no action was taken.

Item 10. Baja Broadband Cable TV (Carlos Vega) Request to set a fiber vault in from Police Station (was made Item 2A)

Item 11. Stephanie DuBois–Garbage Pick-up. Locked gate at the end of Willow Lane

Ms. DuBois explained that the owner of the property at the end of Willow Lane gave up a 15 foot easement for a water line that runs

all the way to Hunter Lane, the fire hydrant is at the end of Willow Lane but is behind a gate that is locked. The village said they would write a letter to Mr. Alan Cox, the property owner and they would ask the Fire Chief about the hydrant.

Ms. DuBois voiced concerns about the trash pick up stating that oil leaks from the trucks and late pickups. Mayor Cordova stated that he would talk to Mr. Cardiel about improvements.

Item 12. Country Boy RV Park (David C. Baca) Overcharged for water at RV Park

Trustee Margaret Trujillo stated that she had received a call from Mr. David Baca and he would not be in attendance tonight. Trustee Margaret Trujillo moved to make an adjustment to this months water bill and to also charge him for consumption only until the ordinance is amended. Trustee Patrick Garcia seconded the motion.

Roll Call Vote: Trustee Patrick Garcia, aye. Trustee Thomas McKean, nay. Trustee Gloria Sainz, aye. Trustee Margaret Trujillo, aye. Motion carried with three ayes and one nay vote.

Item 13. Planning & Zoning (Don Ogden)

Mr. Ogden proceeded to ask the Board of Trustees to approve the Historic District Billboard request by Bill Mack at 206 St. Francis. Trustee Patrick Garcia moved to approve the project, Trustee Margaret Trujillo seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all Board Members voting aye.

Mr. Ogden then brought up a sign permit variance request for Mr. Kenneth Bratcher of the hat shop located at 709 St. Francis Drive. Trustee Thomas McKean moved to approve the variance request and was seconded by Trustee Gloria Sainz.

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

Item 14. Virgil Mayberry, Interim Chief–Pay increase for Darrell Chavez to \$10.00 per hour retro–active to June 1, 2007. Change to Full time status

Trustee Thomas McKean moved to start Darrell Chavez at \$10.00 per hour starting the 21st of June 2007 and to make him a Regular Full time employee. Motion was seconded by Trustee Patrick Garcia.

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

Item 15. Virgil Mayberry Interim Chief–Adoption of Dee Johnson Indoor Clean Air Act

Chief Mayberry noted that if someone gets cited they would be cited into Magistrate Court until we have our own ordinance. Chief Mayberry also stated that he is first educating everyone first.

Trustee Margaret Trujillo moved to ask Attorney Jeff Rhodes to prepare the ordinance after he goes over the Act and postpone this

action until it is prepared and brought before the board again.
Trustee Thomas McKean seconded the motion.

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

Item 16. Reynaldo Guilez, Field Supervisor–Request \$1.00 per hour pay increase for Julian Martinez From \$10.00 to \$11.00

Trustee Margaret Trujillo moved to grant Mr. Julian Martinez the \$1.00 per hour pay increase from \$10.00 to \$11.00 on the 21st of June 2007. Motion was seconded by Trustee Patrick Garcia.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion Carried with all members of the Board voting aye.

Item 17. Mayor Cordova–Appointment of Virgil Mayberry as Police Chief with a salary increase

Trustee Margaret Trujillo moved to approve the appointment of V Virgil Mayberry as Police Chief at \$17.50 per hour effective June 21, 2007 and was seconded by Trustee Thomas McKean.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion Carried with all members of the Board voting aye.

Item 18. Consideration of Adoption of Proposed Ordinance 222, regulating the operation of Mobile Home Parks and Recreational Vehicle Parks. To Publish by Title and Subject Matter

After some clarification Trustee Margaret Trujillo moved to Adopt Ordinance 222 and was seconded by Trustee Thomas McKean.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all Board Members voting aye.

Trustee Margaret Trujillo then moved to adopt by Title and Subject Matter the Notice of Proposed Ordinance. Motion was seconded by Trustee Thomas McKean.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. Motion carried with all Board Members voting aye.

Item 19. Consideration of Adoption of Ordinance 223, amending Section 150.01 to provide for the increase of the number of members of the Village Planning & Zoning Commission from five to seven

Trustee Margaret Trujillo moved to leave the membership at five and was seconded by Trustee Patrick Garcia. After much discussion roll call vote was taken.

Roll Call Vote: Trustee Garcia, nay. Trustee McKean, nay. Trustee Sainz, nay. Trustee Trujillo, aye. Motion died with three nay's and one aye.

Trustee Thomas McKean moved to adopt Ordinance 223 and to publish by Title and Subject Matter and was seconded by Trustee Gloria Sainz.

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

Item 20. Attorney Jeff Rhodes–Executive Session as per Section 10–15–1(H) of the Open Meetings Act, to discuss the stipulation of the City of Alamogordo

Trustee Thomas McKean moved to go into executive session as per Section 10–15–1 (H) of the Open Meetings Act for the purpose of discussing the Agreement with the City of Alamogordo. Trustee Gloria Sainz seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Trujillo, aye. The Board recessed into executive session at 8:10 P. M.

At 8:45 P. M. the Mayor stated that the matter discussed in the closed meeting were limited to only those specified in the motion for closure.

Trustee Thomas McKean moved to approve the revised Stipulation between the City of Alamogordo and the Village of Tularosa, motion was seconded by Trustee Patrick Garcia.

Motion carried with all members voting aye.

Item 21. Award Audit Bid for Fiscal Year 2006–2007

Trustee Margaret Trujillo moved to award the Audit Bid to Ms. DeAun Willoughby and was seconded by Trustee Thomas McKean.

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

Item 22. Discussion of Proposed dangerous Dog Act Ordinance and changes to Section 95

The agreement to call for a workshop for July 10, 2007 at 6:00 P. M.

Item 23. Old Business:

Trustee Thomas McKean said the items were discussed in the workshop and just wanted to ask Attorney Jeff Rhodes about the water rights. Trustee Thomas McKean stated that the village still had to collect water rights from the person from the car wash and another small one less than once acre feet of water right. Trustee Margaret Trujillo asked if it was the Stubblefield.

Item 24. New Business:

No discussion.

Item 25. Adjourn:

Trustee Margaret Trujillo moved to adjourn and was seconded by Trustee Thomas McKean. There being no further business the meeting adjourned at 8:55 P. M.

The written minutes are the official minutes of the meeting. The recorded tapes 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, Village Clerk

Minutes approved by the Board of Trustees at the Regular Meeting of July 17, 2007.