

Regular Meeting-March 21, 2012

The Mayor and the Board of Trustees of the Village of Tularosa met in a Regular Meeting on Wednesday, March 21, 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 Fred Tyler

Trustee Patrick Garcia

Trustee Gloria R. Sainz

Absent: Trustee Joseph Lueras

Also present was Village Attorney Jefferson Rhodes, Dianna Brusuelas-Guilez Village Clerk, Monica Voorbach Payroll/AP Clerk and Rick Gutierrez Grants Coordinator.

At 7:00 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 moved to approve the agenda and the consent agenda, motion 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 aye.

Items on the consent agenda included the minutes of the February 14th workshop, minutes of the February 15th Regular Meeting, the village bills, business registrations and site and sign permits for February and the announcement of the next regular meeting.

Item 2. Unscheduled Correspondence and Public Comments

Mr. Kirk Crawford mentioned that 14 Tularosa High School students read a part at the library's New Mexico Centennial celebration and did an excellent job.

Mr. Crawford also showed pictures to the board members of a trash cart that was delivered to him and was dirty inside.

Mr. Maurice Hobson came before the board to mention that while in Santa Fe during the session he came across some Colonias funding and asked the Mayor and the members of the Board to submit an application and sign the letter of intent to purchase the well from Mickey Sammuells. Rick Gutierrez said he had already made application for the Colonia's funding. Mayor Ray S. Cordova said the request was submitted for funding for the water plant.

Trustee Fred Tyler thanked the Police Department, Fire Department, Village Hall and the Utility Department for their monthly reports.

Mayor Ray Cordova announced that he received a letter from FEMA where the federal government agreed to pay for a LOMA where there is an actual study of the flood zones.

Mayor Cordova then asked the Tularosa High School Basketball team and their coaches to come up. The basketball team was received by a round of applause. Mayor Cordova announced that in previous years our basketball team's have made it to the state tournament and even though we are proud of getting there Tularosa had never come home with the 1st place trophy. Mayor Cordova commended the young people in our community including the one's that read their parts in the library's celebration. Mayor Cordova stated that we don't give our youth credit like we should. The Mayor then proceeded to read the Proclamation presented, naming 2012 the Year of the Wildcat. A copy of the proclamation was presented to all the players, managers and their coaches.

Village Clerk Dianna Brusuelas-Guilez asked about changing the date of the April Regular Meeting because there is training that week for the clerk, finance officer and the payroll clerk. After a short discussion it was agreed to have the April meeting on Wednesday, April 11th and the Workshop on April 10th. Village Clerk Dianna Brusuelas-Guilez said she would post announcement's of the change.

Village Clerk Dianna Brusuelas-Guilez then announced that the Counseling Center and their clients volunteered and picked up trash along the highway across the Tulie Travel Center. The Mayor and Board of Trustees asked the Village Clerk to send a thank you note.

Trustee Patrick Garcia said he tried to get a hold of Beth Crabbe in reference to the property on Central Avenue, Ms. Crabbe was unavailable so he will continue to try to get a hold of her.

Item 3. Mayor Ray S. Cordova-Organization, approve names of persons who shall be employed by the Village of Tularosa

Mayor Ray Cordova mentioned that because an election was held he had to have an organizational meeting and decided to leave the employees as they currently are and in their same respective positions.

Trustee Patrick Garcia move to approve the Mayor's decision and was seconded by Trustee Fred Tyler.

A member of the audience asked if there were job descriptions asking about code enforcement. The Mayor said no and verified with the village attorney that it was not required. Trustee Patrick Garcia did state that every police officer is a code enforcer.

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

Motion carried with all members present voting aye.

Item 4. Dianna Brusuelas-Guilez-Approval of Open Meetings Act of Resolution 2011-2012-14

Trustee Gloria R. Sainz moved to approve Resolution 2011-2012-14 the Open Meetings Act. 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 aye.

Item 5. Valarie Delgado-Approval of Resolution 2011-2012-12 Budget Increase and Decrease

Trustee Fred Tyler moved to approve Resolution 2011-2012-12 Budget Increases and Decreases. Trustee Gloria R. Sainz seconded the motion.

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

Motion carried with all members present voting aye.

Item 6. Rick Gutierrez-Approval of Resolution 2011-2012-13 approving submitting of application to the New Mexico Highway & Transportation Department for the Co-Op program

Trustee Patrick Garcia moved to approve Resolution 2011-2012-13 approving the submission of the application to the New Mexico Highway & Transportation

Department for the Co-Op program. Motion was seconded by Trustee Fred Tyler.

Trustee Tyler explained that this was an application for money to chip-seal some of the streets in town and asked Grants Coordinator Rick Gutierrez if he has a proposed list of the streets. Mr. Gutierrez mentioned Gallegos, Cortez, Hagee, Lucille, Vaquero depending how far the funding goes.

Item 7. Conrad Estrada-Approve business & zoning for residence

Mr. Conrad Estrada introduced himself and stated that he was in the process of starting a glass blowing business at 905 Central, the Old Bear Trap building., as well as a welding shop. Mr. Estrada said he has a business in Las Cruces and would like to do more of an artistic type business which is sculptural, glass blowing and architectural design. Mr. Estrada passed out a plan to the Mayor and the members of the Board saying the existing building will remain as is to be converted to a gallery and studio. A residence would be placed on the west side of the structure and wondered if he had to get a variance for the residence. It was determined that in a class "C" zone (Commercial) you may include R-2 and R-1 so no variance is required.

Trustee Fred Tyler moved to approve and was seconded by Trustee Patrick Garcia.

Trustee Patrick Garcia asked if Mr. Estrada would allow students to tour his facility. Mr. Estrada said that currently Mayfield High School and Ocate High School have a work study program where students work and get high school credit.

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

Motion carried with all members present voting aye.

Item 8. Ralph & Martha Diaz-Code enforcement/junk vehicles, refuse etc.

Mr. Ralph Diaz came before the board giving a brief history of the Diaz family and how they served the community for over 100 years. Mr. Diaz presented the Mayor and the Board with a copy of some ordinances, a list of several pictures and his grievances. First was the tractor trailer which Mr. Diaz feels is not in compliance with village regulations and proceeded to read the definition of 'motor vehicle'. Mr. Diaz offered a remedy which was to have the trailer removed. The next violation was the hanging of the blankets obstructing the view of Mr. Diaz' business. Another violation is junk cars, refuse, boards and tires.

Mayor Cordova said the blanket that was obstructing the view in reference to safety has been removed.

Interim Chief Chuck Wood being present was asked by Trustee Patrick Garcia his take on the situation, and what has transpired, because from what he has been hearing tonight nothing is being done.

Interim Chief Chuck Wood said he instructed Corporal Matthew Mirabal to initiate a Record of Call. The following morning Chief Wood went to Mr. Ruiz' business, took some photographs and assigned Officer Darrel Chavez to investigate. Officer Chavez talked to Mr. Ruiz who was cooperative and agreed to move the vehicles asking for reasonable time. The debris under the trailer is also being removed. The tractor trailer is currently registered and has a Tennessee commercial tag. From the Chief's interpretation of the ordinance this does not apply to currently licensed vehicles, since it can be hooked up to the truck portion it is not considered inoperable. Chief Wood stated that our ordinances do not address Mr. Diaz' concerns.

Trustee Patrick Garcia asked if once the junk vehicles are removed could the tractor trailer be moved to the back side of Mr. Ruiz' building. Interim Chief Wood said if they both reach a gentleman's agreement but that he did not have the enforcement authority to have it done.

Mayor Ray Cordova said maybe the village attorney, after checking village ordinances, could give an interpretation on a commercial trailer parked on a commercial lot.

Village Attorney Jeff Rhodes said 93.02 refers to 'self propelled' motor vehicles, but whether there is a parking violation he doesn't know. The chapter in question has to do with abandoned vehicles..

Mr. Jesus Ruiz came before the board and said he had never had problems until Mr. Diaz moved next door. Mr. Ruiz claims that Mr. Diaz calls the police for everything. Mayor Cordova asked Mr. Ruiz to cooperate with the police. Mr. Ruiz says he uses the tractor trailer for his business, for storage, and that it is 30 to 40 feet from the street. Mayor Cordova said he would have the village attorney research that.

Trustee Patrick Garcia asked Mr. Ruiz if he would be willing to move the tractor trailer further in. Mr. Ruiz said he would not move it because the police said it was fine.

Item 9. Executive session as per Section 10-15-1(H) of the Open Meetings Act subject to attorney-Client privilege pertaining to threatened or pending litigation

Trustee Patrick Garcia moved to go into executive session on water issues pertaining to Mr. Kelsey Smith. Trustee Fred Tyler seconded the motion, with all members voting aye the Board adjourned to executive session at 8:37 P. M.

The Board returned from executive session at 8:50 P. M. with the Mayor stating that the matters discussed in the closed session were limited to those that were specified in the motion for closure.

Item 10. Old Business

Ms. Sherrie Ward for Mr. Johnson wondered what the result was with her brothers property. Mayor Cordova said he had been in contact with Mr. Johnson and felt Mr. Johnson did not need a variance since he would only use the travel trailer for 3 months and would retire in about 3 years and eventually build a home there. Ms. Ward was asked to contact her brother and let him know there was no problem with this as long as it was temporary.

Mr. Don Ogden was asked to invite the Mayor and the Board to watch the Centennial Parade at 11:00 on Saturday.

Ms. Cynthia Riedlinger representing the Friends of Historic Tularosa announced the Memorial Day Observance and asked the Mayor and Board to participate in placing a wreath. Ms. Riedlinger asked if signs could be put to close the Skate Board Park on that day.

Ms. Julie Griffith asked about the roses on the medians and asked why the signs were being removed? It was explained to Ms. Griffith that the intention was not to remove the signs totally but to remove the top portion and leave the peoples names on the signs because the sign as big as it is takes away from the roses. Ms. Griffith agreed that it would be fine.

Item 11. New Business

None

Item 12. Adjourn

Trustee Patrick Garcia moved to adjourn and was seconded by Trustee Gloria Sainz. The meeting adjourned at 9:00 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 April 11, 2012.