

Regular Meeting-March 21, 2006

The Board of Trustees of the Village of Tularosa met in a Regular Meeting on Tuesday, March 21, 2006 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 Gloria R. Sainz, Trustee Thomas J. McKean, Trustee Margaret Trujillo with one Trustee seat vacant. Also present was Chief of Police Frank Sackman, Reynaldo Guilez, Field Supervisor, Grants Coordinator Richard Gutierrez, Village Attorney Jeff Rhodes, Finance Officer Valarie Delgado and Dianna Brusuelas, Village Clerk.

Mayor Ray S. Cordova called the meeting to order leading everyone on the Pledge of Allegiance. Mayor Cordova stated that at this time there were three Trustees and one Mayor introducing everyone.

#### **Item 1. Consideration of Agenda and Consent Agenda**

Items on the Consent Agenda included the Minutes of the February 21, 2006 Regular Meeting, Village Bills, Business Registrations for the months of January and February 2006, Site and Sign permits for February 2006 and the announcement of the next Regular Meeting for April 18, 2006.

Trustee Margaret Trujillo moved to consider the agenda and the consent agenda and was seconded by Trustee Thomas McKean. Trustee Thomas McKean first brought up the minutes of February 21, 2006 and while reviewing them noticed that pages 8 and 9 were missing from the copies presented to the board members.

Trustee Margaret Trujillo proceeded to move to remove the minutes of February 21, 2006 from the Consent Agenda until the next regular meeting. Motion was seconded by Trustee Thomas McKean, motion carried with all members voting aye.

Trustee Thomas McKean then asked to move Item 17(a) (Trustee McKean-Alamotero Land Survey-Approve Annexation plat of 586.670 acres more or less North of the Village) to 3(a); and Item 11 (Mary Myers-Issues with actions of Police Officers) before Item 2 (Organization).

Mayor Ray S. Cordova announced that Item 2 (Organization) has been removed from tonight's agenda and will be rescheduled on the time limits provided by law and asked the Clerk to set a date. The Special Meeting addressing Item 2 was then scheduled for Monday, March 27, 2006 at 7:00 P. M.

Trustee Thomas McKean moved to approve the Agenda with the changes that were discussed. Trustee Gloria R. Sainz seconded the motion. Mayor Ray S. Cordova called for a voice vote.

**Roll Call Vote:** Trustee Sainz, aye. Trustee McKean, aye. Trustee Trujillo, aye. Motion carried with three ayes and one vacant seat.

#### **Item 11. (moved before item 2) Mary Myers-Issues with actions of Police Officers**

Ms. Myers alleged that the members of the Police Department were very negative and felt that was that posed danger to the people and felt working with the public and respecting the public is a necessity. Ms. Myers also stated that the Police Officers are also talking about what they are doing to the people of our community.

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Several other citizens voiced their concerns in reference to using an unmarked Police Car. Citizens felt that the police officers needed to warm up to the community and to treat the citizens with respect and to serve and protect.

#### **Item 3. Mayor-Approve Resolution 2005-2006-20 Open Meetings Act Resolution**

Trustee McKean had several questions on paragraph five, 'posted in the following locations' and would like to change the wording Village Office to Village Hall bulletin board in both paragraph five and six.

Trustee McKean moved to approve Resolution 2005-2006-20 Open Meetings Act with the amendments, Trustee Trujillo seconded the motion.

**Roll Call Vote:** Trustee Sainz, aye. Trustee McKean, aye. Trustee Trujillo, aye. Motion carried with three ayes and one vacant seat.

**Item 4. Mayor-Appointment of Trustee to Vacant Seat**

Mayor Cordova announced that as a result of his election to Mayor he left a vacated Trustee seat and the law calls for the Mayor to appoint someone from the community. Mayor Cordova stated that he felt that his appointment would have the best interest of Tularosa in his heart, is well educated, a good citizen and would use his own mind to make decisions and recommended Pat Garcia, who was present in the audience, to fill the Trustee seat. Trustee Gloria Sainz then moved to accept the appointment of Pat Garcia. Mayor Cordova called three times for a second. Motion died for lack of a second.

**Item 5. Mayor-Continue participation with Southeastern NM Economic Development (COG) at \$876.00 for membership**

Trustee Margaret Trujillo moved to continue participation with Southeastern NM Economic Development and was seconded by Trustee Thomas McKean.

**Roll Call Vote:** Trustee Sainz, aye. Trustee McKean, aye. Trustee Trujillo, aye. Motion carried with three ayes and one vacant seat.

**Item 6. Robert Trowbridge-Tularosa Basin Telephone Co-Brief council on state-mandated telephone rate increase**

Mary Beth Frawley introduced herself as the Service Manager from Tularosa Basin Telephone Co. and spoke about some telephone industry changes naming House Bill 776 which establishes a new, New Mexico State Universal Service Fund and the increases that come along with it. Ms. Frawley stated that no action was necessary and her presentation was only informational.

**Item 7. (deleted) Tularosa Community Church-Use or purchase of property east side of church, between church and Medical building**

**Item 8. Rick Gutierrez-Building for Police Department for electrical for the repeaters**

Mr. Rick Gutierrez explained that Plateau Communications will allow the Village to put the repeater where they have their equipment there but would not allow us

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to get into their building and stated that one option was to purchase a building at approximately \$2,000.00 or the village could lease a space on the antenna from SW Wireless and they have everything necessary but the village would have to lease it for \$180.00 a month and they would need \$700.00 to get the repeater installed.

Trustee Thomas McKean moved to postpone until the Special Meeting of March 27, 2006 and was seconded by Trustee Gloria Sainz.

**Roll Call Vote:** Trustee Sainz, aye. Trustee McKean, aye. Trustee Trujillo, aye. Motion carried with three members voting aye and one vacant seat.

**Item 9. B. R. Scott-Approval of Subdivision Plat 'The Prairie' (Stogden)**

Mr. Klad Zimmerle introduced Mr. Scott to the members of the board and stated that this subdivision had been brought to the board several months ago and has now been refined to the final plat and said the engineering drawings for the infrastructure should be completed by the end of the week.

Trustee McKean remarked that he counted 91 lots. Mr. Zimmerle said that was correct and the other one was a park which would be dedicated to the village. Trustee McKean requested that owners of the adjacent properties be added and gave Mr. Zimmerle a list of his requests. Mr. Zimmerle continued to explain his plat and expressed to Trustee McKean that he would fax him a sign-off of the utilities tomorrow.

Trustee Thomas McKean moved to approve The Prairie Subdivision Plat with the agreement that the

discrepancies are corrected and that the water rights and everything on the list is corrected and have two people review it and then the Mayor will be advised that it has been corrected and then he will sign off on it. Mr. Zimmerle agreed to meet with the two Board Members, Trustees McKean and Trujillo on the 27<sup>th</sup> at 1:00 P. M. Trustee Trujillo seconded the motion.

**Roll Call Vote:** Trustee Sainz, aye. Trustee McKean, aye. Trustee Trujillo, aye. Motion carried with three members voting aye and one vacant seat.

**Item 10. Klad Zimmerle-Presentation of Annexation Petition for Mia Estates**

Mr. Zimmerle stated that this item has been brought before the board at least two times prior to this and had been asked to prepare a petition and present it to the Board of Trustees. Copies of the petition with signatures giving the 53% majority in this annex. Mr. Zimmerle explained the limits to Trustee McKean.

Trustee McKean moved to annex what is marked on the map which is the village property, Mia Estates and some other lots and go on the south side of Radio Road and go to where the village property is at. Trustee Trujillo seconded the motion.

**Roll Call Vote:** Trustee Sainz, aye. Trustee McKean, aye. Trustee Trujillo, aye. Motion carried with three members voting aye and one vacant seat.

**Item 11. (moved before item 2)**

**Item 12. Salary increase Kevin Moheit from \$7.00 to \$8.25 postponed from February meeting**

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Trustee Thomas McKean moved to postpone until the Special Meeting of March 27, 2006, motion was seconded by Trustee Margaret Trujillo.

**Roll Call Vote:** Trustee Sainz, aye. Trustee McKean, aye. Trustee Trujillo, aye. Motion carried with three members voting aye and one vacant seat.

**Item 13. Salary increase Pedro Galindo from \$8.00 to \$9.25 postponed from February meeting**

Trustee Margaret Trujillo moved to postpone until the 27<sup>th</sup> and was seconded by Trustee Thomas McKean.

**Roll Call Vote:** Trustee Sainz, aye. Trustee McKean, aye. Trustee Trujillo, aye. Motion carried with three members voting aye and one vacant seat.

**Item 14. Dianna Brusuelas-Approve Valarie Delgado Finance Officer to Regular Full time status D.O.H 9/26/05 salary increase from \$10.00 to \$12.00**

Trustee Gloria Sainz moved to carry it over to the next meeting just like all the others and was seconded by Trustee Margaret Trujillo.

**Roll Call Vote:** Trustee Sainz, aye. Trustee McKean, aye. Trustee Trujillo, aye. Motion carried with three members voting aye and one vacant seat.

**Item 15. Chief Sackman-Approve Cruz Voorbach Animal Control Officer to Regular Full time status D.O.H. 9/7/06 (temporary) Regular Probationary 10/19/05 - salary increase from \$7.00 to \$8.00**

Trustee Trujillo moved to approve Cruz Voorbach Animal Control Officer to Regular Full time status and make his salary \$8.50, motion was seconded by Trustee Gloria Sainz

**Roll Call Vote:** Trustee Sainz, aye. Trustee McKean, aye. Trustee Trujillo, aye. Motion carried with three members voting aye and one vacant seat.

**Item 16. Trustee Trujillo-Require Police Officers to have gun registrations for use in their jobs on file at Village Office**

Trustee Trujillo requested this item be removed.

**Item 17. Angel Cuellar-Need 40' extension one water line to edge of property**

Mr. Cuellar requesting an interpreter, Mayor Cordova wondered if it was legal to interpret being that they were the hearing body or did they need a certified translator. Karen Learner a member of the audience, who is fluent in English and Spanish, was asked to interpret. Mayor Cordova proceeded to swear Ms. Learner in. The request from Mr. Cuellar was to extend the water line to his property. Trustee McKean asked his address, the answer was 1602 W. 5<sup>th</sup>. Trustee McKean asked if he currently has sewer and the answer was no.

Mayor Cordova asked if he has intension of living there. The response was yes.

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Mayor Cordova wondered if his intent was to live there why he was not asking to hook up to the sewer main also. Mr. Cuellar said the sewer goes to the end of his property.

A citizen of the audience spoke saying she has lived and owns property on W. 5<sup>th</sup> and voiced concerns to the village concerning waste water and the disposal of human waste and has witnessed them living there contrary to what Mr. Cuellar says.

Mr. Reynaldo Guilez, Field Supervisor then spoke verifying the citizens complaint saying that when he was Code Enforcer, Mr. Cuellar was cited into court for violations two years ago. The citizen worried about her child playing outside because of the waste water.

Mr. Rupp the Code Enforcement Officer explained that he met with Mr. Cuellar explaining what violations of city ordinance. Trustee McKean asked if the open cesspool was now covered up. Response was no. Mr. Cuellar said he is covering the hole. Mayor Cordova asked that if he send someone to the property right now the hole is covered? Mr. Cuellar said that there was only a small amount to be filled. Trustee McKean instructed Mr. Cuellar to fill the hole in before 4:00 P. M. the following day. Mayor Cordova felt that if Mr. Cuellar pays a licensed contractor and meets all codes, city and state, both services need to be hooked up. Mr. Cuellar was told that the only thing he can do is dig the trenches but the rest of the work would have to be done by a licensed plumber, then Mr. Reynaldo Guilez will inspect, then he can come to the Board to ask for approval to hook on. Mr. Guilez stated that the 6" main need to be extended another 60' and that the water can't just sit there. Trustee McKean also reminded that all connection fees also have to be paid. No action was taken.

**Item 17 (a) Trustee McKean-Alamotero Land Survey-Approve Annexation plat of 586.670 acres more or less North of Village**

Trustee Thomas McKean moved to not approve the annexation plat of 586.670. Mayor Cordova asked if they had come before the village board before. Trustee McKean stated yes. Mayor Cordova asked what action was taken then. Trustee McKean said that it was approved. Attorney Jeff Rhodes explained that it was approve annexation plat of 586.670 acres and the vote was 2 to 2 and the mayor broke the tie 3 to 2 and explained that there would be a petition, then the ordinance needs to be published, then it gives the public time to come in, then you vote on whether the annexation is going to occur, if the ordinance is adopted that ordinance with the attached plat is sent to DFA so they can adjust their boundaries for gross receipts tax.

Mayor Cordova asked Mr. Rhodes if the prior approval was only for a land survey. Attorney Jeff Rhodes said that the annexation was not approved yet because the board can't do that until the ordinance is published.

Motion dies for lack of a second.

**Item 17 (b) Annexation Ordinance and Notice of Proposed Ordinance for 307.792 Acres-Information**

Attorney Jeff Rhodes questioned the Open Meetings Act in reference to the amended Agenda, noticing the date posted as March 21, 2006. Village Clerk Dianna Brusuelas stated that the amended agenda did comply with the Open Meetings Act but has typed the wrong date of posting, the date should have been March 20,

2006.

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**Item 17 (c) Trustee Trujillo-Police Department Complaint - Possible executive**

Removed.

**Item 17(d) Trustee Trujillo-Adoption of Robert's Rules of Order**

Trustee Margaret Trujillo moved to adopt Robert's Rules of Order and was seconded by Trustee Gloria Sainz.

**Roll Call Vote:** Trustee Sainz, aye. Trustee McKean, aye. Trustee Trujillo, aye. Motion carried with three aye's and one vacant seat.

**Item 17 (e) Trustee Trujillo-Appointment of Mayor Pro Tem**

Trustee Margaret Trujillo moved to appoint Trustee Thomas McKean to the position of Mayor Pro Tem Trustee Gloria Sainz seconded the motion.

**Roll Call Vote:** Trustee Sainz, aye. Trustee McKean, aye. Trustee Trujillo, aye. Motion carried with three aye's and one vacant seat.

**Item 17 (f) Trustee Trujillo-List of all Department Heads and employees and which Department Heads they are under**

Removed.

**Item 19 (a) Old Business**

**Tularosa Police Department Citizen Complaint Form needs to be redone-**Trustee McKean stated that the Citizen Complaint Form needed to be changed. Mayor Cordova stated that after talking to Chief Sackman he advised that the form was not his. Trustee McKean stated that the Village Trustee's have not yet adopted his Standard Operating Procedures manual so the village is still running on the old forms. Discussion of removal was agreed upon. Village Clerk Dianna Brusuelas asked for clarification whether they were removing the form or the item.

Trustee Thomas McKean moved to remove the paragraph from the Citizen Complaint form and was seconded by Trustee Margaret Trujillo.

**Roll Call Vote:** Trustee Sainz, aye. Trustee McKean, aye. Trustee Trujillo, aye. Motion carried with three aye's and one vacant seat.

**19 (b) Need larger numbers on Police cars for Identification Purposes**

Trustee Thomas McKean felt that the 2" wide numbers the cars have are too small and felt 6" wide numbers would be better for identification. Trustee McKean moved to put larger decals to mark the police cars, 6" in size. Chief Frank Sackman said he had no problem but requested money to change them. Ms. Mary Myers said she would donate the \$100.00 needed just as long as they do it. Mayor Cordova told Ms. Myers that the Board and the Village appreciates that. Trustee Margaret Trujillo seconded Trustee McKean's motion.

**Roll Call Vote:** Trustee Sainz, aye. Trustee McKean, aye. Trustee Trujillo, aye. Motion carried with three aye's and one vacant seat.

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**19 (c) Need decals on Village Vehicles for proper identification**

Trustee Thomas McKean moved to have decals put on all Village vehicles and was seconded by Trustee Margaret Trujillo. Trustee Trujillo then amended the motion to include the black police car and was seconded by Trustee McKean. Roll call on the amendment was as follows:

**Roll Call Vote:** Trustee Sainz, aye. Trustee McKean, aye. Trustee Trujillo, aye. Motion carried with three ayes and one vacant seat.

Roll call on the original motion was as follows:

**Roll Call Vote:** Trustee Sainz, aye. Trustee McKean, aye. Trustee Trujillo, aye. Motion carried with three ayes and one vacant seat.

**19 (d) Need the inspection list for all the fire hydrants**

Mayor Cordova said he would talk to Mr. Robert Chavez the Fire Chief.

**19 (e) Need Ordinance for Bill Hill done so he can purchase the 2.5 acres**

Attorney Jeff Rhodes advised that he needed a legal description of the property and advised that this can be done by Resolution instead of publishing it since its under the \$25,000.00. Village Clerk Dianna Brusuelas stated that they had been notified to make contact with Jeff Rhodes. Mr. Rhodes would like for them to come in his office.

**19 (f) Need Water Right's for Bob Scott family replat of subdivision, Nov. '05 Dec. '05**

Trustee McKean said that this was addressed earlier and said Mr. Scott took the 32 original Stogden lots and divided them into 91 lots. Attorney Jeff Rhodes explained that the water right requirement was based upon the number of lots to the increase of lots also increases the number of water rights

**19 (g) Police taking vehicles home at night**

Trustee Trujillo stated that it was just a matter of enforcing a policy that was already in effect. Lt. Saavedra spoke about the positive reasons for the officer's taking the vehicles home. Mayor Cordova suggested putting the item on the agenda for the Special Meeting of the 27<sup>th</sup>.

**19 (h) Ordinance for Codification needs to get done**

Trustee McKean said he and the Village Clerk were getting together Friday to send item to codifier.

**Item 20 (a) New Business:**

**Set date for next Workshop**

Decision to postpone the Workshop was made.

**Set date for Budget Workshop**

Trustee Sainz is to inform Village Clerk Dianna Brusuelas what days she will be available for the Budget Workshop.

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**Item 21. Adjourn**

There being no further business to come before the Board, Trustee McKean moved to adjourn and was seconded by Trustee Sainz, motion carried.

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.

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Ray S. Cordova, Mayor

ATTEST:

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Dianna R. Brusuelas, Village Clerk

Minutes approved by the Board of Trustees at the Regular Meeting of April 18, 2006.