

Regular Meeting Minutes–March 16, 2022

The Mayor and the Board of Trustees of the Village of Tularosa met in a Regular Meeting on Wednesday, March 16, 2022, at 6:00 P. M. in the Court Conference Room of the Public Safety Facility located at 609 St. Francis Drive, Tularosa, New Mexico.

Present: Mayor Margaret Trujillo
Trustee Janie Portillo
Trustee Patrick Garcia
Trustee Robert Sainz
Trustee Deborah Cooksey

Also present was Rebekah Bryant, Village Clerk and Attorney Jeff Rhodes

At 6:00 P. M. Mayor Margaret Trujillo called the meeting to order asking that all rise and join her in the Pledge of Allegiance and the Salute to the Flag of the State of New Mexico.

1. Trustee Portillo made a motion to edit item #12, Trustee Cooksey made a motion to edit #14. Trustee Garcia made a motion to accept the agenda. Trustee Portillo seconded the motion. All members voted aye; motion carried.

2. Unscheduled correspondence and public comments.

Joann Vullo-Suggested that the village consider making laws protect the village water rights. She was concerned that she could not find the statute protecting her rights. It is not incorporated in the ditch district nor the incorporated by laws. She urges the village to investigate this matter as properties are to no value without them.

Joan Price-Addressing the NM audit force that was going around the county about the 2022 elections. Spoke about the echo mail and said it costs the village a lot of money.

Doug Dalton-Mayordomo for the Rosalito water association taking over for Robert Baca. Spoke about cannabis ordinance and that the ordinance that the village may adopt is outrageous especially when it comes to how much the village is trying to charge per plant \$30.00. He explained that they are all start up businesses and that it would be detriment to his business if he is going to be charged these amounts when they haven't even started the business yet. If you tax them before they get started, they won't be able to start, and it will cause him to go bankrupt. He said in the future they can tax him like crazy once the business has grown. He is really begging and pleading for the village to rethink the charges associated with the cannabis laws.

- 3.** Rebekah Bryant, Village Clerk asked to approve Resolution #2021-2022-12 Open Meetings Act. Trustee Sainz motioned; Trustee Portillo seconded the motion. All members voted aye; motion carried. Roll call was taken Cooksey-present, Garcia-present, Portillo-present, Sainz-present, Trujillo-present.
- 4.** Rebekah Bryant, Village Clerk asked to approve the publication to lease 6 of the Village Water Rights for 2022/2023 watering year for a minimum of \$600.00 per right. Trustee Garcia motioned; Trustee Cooksey seconded the motion. All members voted aye; motion carried.
- 5.** Rebekah Bryant, Village Clerk asked to adopt Ordinance 278 Regulation of Cannabis and Cannabis establishments in accordance with the Cannabis Regulation Act adopting a new title IX Chapter 19 of the Tularosa Code of Ordinances. Trustee Cooksey recommended that they take out the 300ft from churches as the state does not mandate that and to take out the \$30 per plant and go with the state regulations of \$5 per plant. Trustee Garcia made a motion to amend it and Trustee Cooksey seconded the motion. Trustee Cooksey motioned to adopt the ordinance; Trustee Portillo seconded the motion. All members voted aye; motion carried. All members voted aye; motion carried. Roll call was taken Cooksey-present, Garcia-present, Portillo-present, Sainz-present, Trujillo-present.
- 6.** Christopher McGuinness, Chief of Police asked to approve the appointment of Margaret Barreras to Police Officer at a pay rate of \$16.50 with a probationary period until she is certified by completing the police academy. Trustee Portillo motioned; Trustee Sainz seconded the motion. All members voted aye; motion carried.
- 7.** Christopher McGuinness, Chief of Police asked to approve the appointment of Edric Flores to Police Officer at a pay rate of \$16.50 with a probationary period until he is certified by completing the police academy. Trustee Garcia motioned; Trustee Portillo seconded the motion. All members voted aye; motion carried.
- 8.** Christopher McGuinness, Chief of Police asked to approve the appointment of Chad Denton to Police Officer at a pay rate of \$18.50 with a 6-month probationary period. Chief McGuinness asked for the pay rate to be \$19.50 based on experience. Trustee Sainz motioned; Trustee Cooksey seconded the motion. All members voted aye; motion carried.
- 9.** Janie Portillo, Trustee asked to put the house on 501 1st St. out for bid starting at \$6,000.00. Trustee Portillo motioned; Trustee Sainz seconded the motion. All members voted aye; motion carried.

10. Janie Portillo, Trustee asked to approve the pay scale for the village employees. Trustee Portillo motioned; Trustee Garcia seconded the motion. All members voted aye; motion carried.

11. Janie Portillo, Trustee asked to make Granado St. a one-way street. Trustee Portillo motioned to have a discussion on this item and Trustee Cooksey seconded the motion. Trustee Cooksey asked Trustee Portillo how many business owners she had asked about this. Portillo stated that she talked with Michael Gruger and Simon Chavez and that the lady at horse feathers she hadn't run into her and didn't even know her name. Cooksey asked how it would affect the parking and it was stated that it would stay the same. Richard Guilez, Utility Supervisor suggested that before they make any changes to talk with DOT about it as it is coming off a state highway. Trustee Portillo motioned to postpone this item; Trustee Garcia seconded the motion. All members voted aye; motion carried.

12. Janie Portillo, Trustee asked to amend section 50.09 in the personnel policy manual to include No Smoking in all village vehicles or in village buildings: Including but not limited to, cigarettes, e-cigarettes or vaping devices, pipes, cigars, snuff, or chewing tobacco. Trustee Portillo motioned; Trustee Garcia seconded the motion. All members voted aye; motion carried.

13. Margaret Trujillo, Mayor asked to approve all Police Officers as Code Enforcement Officers. Trustee Portillo motioned to remove this agenda item; Trustee Sainz seconded the motion. All members voted aye; motion carried,

14. Deborah Cooksey, Trustee asked to make an ordinance regarding building permits. A fine imposed of \$1,000.00 flat fee if building a structure without a permit. Trustee Cooksey said that there is not a fine imposed right now for not getting a building permit through the village when building a structure. Attorney Jeff Rhodes will draft something up as to what the village is wanting. Trustee Garcia motioned; Trustee Sainz seconded the motion. All members voted aye; motion carried.

15. Azori Sparks, asked for permission from the Village of Tularosa to vacate roads (1st & 2nd Street) on their property (1008 Railroad Ave.) west of the railroad tracks. Azori was not in attendance, item not discussed.

16. Thomas McKean, planning and zoning asked for the Baca and Brusuelas Alternate subdivision to be approved with the following condition, that the Plat title be changed to Alternate Summary Subdivision. Mr. McKean explained that a plat was submitted, and it was wanting him to divide one parcel into two but in our ordinance you can't do that unless it's done as an Alternate Summary Subdivision. Discussion only.

17. Rodney Russell, Elysium Solar Energy is wanting to provide the village with information on what needs to be done to get solar panels for the Village properties. The owner of Elysium Solar spoke and said that he is in contact with a few people from the state on possible grants to fund the solar panels to save communities money. He asked for information on what buildings the village wanted to be done to set up a proposal to move forward on what it's going to take; how much money will be required and possible funding from grants. Mayor Trujillo said that they are going to setup a workshop and let them know when it will be so they can be in attendance. Discussion only

18. Jeff Rhodes, Village Attorney asked for an executive session per section 1-15-1(H) of the open meetings act to discuss the Davalos case and the PMS contract. Mr. Rhodes mentioned just to be clear it is the existing contract not a new one. Trustee Portillo motioned; Trustee Garcia seconded the motion. All members voted aye; motion carried. Roll call: Cooksey-present, Garcia-present, Portillo-present, Sainz-present, Trujillo-present. No decisions were made during executive session. All members returned to regular session after about 18 minutes. Trustee Portillo motioned to return to regular session, Trustee Garcia seconded the motion. All members voted aye; motion carried.

19. Old Business: David Shields from Bohannon Huston gave an update on current projects, wastewater treatment plant repairs, design analysis didn't like it and we are recommended to fix the lagoons by aerating them and using new liners because we can't just leave it like that with the temporary aeration so he is going to talk with Jake Knudsen and Steven Deal so we can get an approval. The Mayor asked if these delays would hurt our funding and Mr. Shields said that it's obvious it's not our fault that we are having these delays and if needed we could get an extension. Colonias Application has been turned in for 1.8 million and hopefully it gets funded. We are searching for funds for a supplemental source of water as we rely only on the Tulie Creek. Road projects Wildcat Turf, Rita Lopez and Eloise Circle geo techs were out to see what kind of pavement plan we will need. He reached out to the Tularosa schools superintendent on what the plans were for the high school and he didn't know much so he reached out to Mike Ortiz to see if there is any way for our plans to coincide our plans accordingly. Also we will be turning in another road for our TPF project if the board knows of another road that needed to be done. The board thought that 1st street would be a good idea since the school buses travel that road. Maybe chip seal foothills as well.

20. New Business: Mr. Salazar was inquiring about having a contract with the village to remove old trees. Mayor Trujillo advised that the trees are not the villages but if they do need help removing trees that the village does own that they will let him know. Trustee Portillo motioned for Tom McKean to be acting Chairman and Stephanie Dubois co-chairman for the planning and zoning. Trustee Cooksey seconded the motion. All members voted aye, motion carried.

21. Adjourn: Trustee Portillo motioned to adjourn; Trustee Sainz seconded the motion. All member voted aye, motion carried meeting adjourned at 7:41 pm.

Margaret Trujillo, Mayor

ATTEST: (seal)

Rebekah Bryant, Village Clerk