



**BOARD OF TRUSTEES**

**TOWN OF MESILLA**

**BOARD MEETING**

**APRIL 25, 2016**

**6:00 P.M.**

**TRUSTEES:** Nora L. Barraza, Mayor  
Stephanie Johnson-Burick, Mayor Pro Tem  
Carlos Arzabal, Trustee  
Jesus Caro, Trustee  
Linda L. Flores, Trustee

**STAFF:** Kevin Hoban, Fire Chief  
Debbie Lujan, Public Works Director  
Chris Mangusing, Marshal  
Irene Parra, Special Events Coordinator  
Larry Shannon, Community Development  
Gloria Maya, Recorder

**PUBLIC:**

**1. PLEDGE OF ALLEGIANCE**

Mayor Barraza led the Pledge of Allegiance.

**2. ROLL CALL & DETERMINATION OF A QUORUM**

**Roll Call.**

**Present:** Mayor Barraza, Mayor Pro Tem Johnson-Burick, Trustee Arzabal, Trustee Caro, Trustee Flores.

**3. CHANGES/APPROVAL OF THE AGENDA**

**Motion:** To approve agenda, **Moved by** Trustee Flores, **Seconded by** Trustee Arzabal.

1 **Roll Call Vote: Motion passed (summary: Yes = 4).**

2 Mayor Pro Tem Johnson-Burick Yes

3 Trustee Arzabal Yes

4 Trustee Caro Yes

5 Trustee Flores Yes

6

7 **4. PROCLAMATION:**

8 a. A Proclamation designating May 4, 2016 as Official National Bike to School in the Town of  
9 Mesilla – *Ashleigh Curry, Safe Routes to School Champion and students.*

10 Ms. Ashleigh Curry read the proclamation designating May 4, 2016 as Official National Bike to School in  
11 the Town of Mesilla and invited everyone to participate.

12

13 b. A Proclamation designating May 20<sup>th</sup> Lions Club Day in the Town of Mesilla – *Joe*  
14 *Jaramillo, Los Leones District Governor.*

15 Mr. Joe Jaramillo read the proclamation designating May 20<sup>th</sup> Lions Club Day in the Town of Mesilla.

16 We will be using the Town of Mesilla for the Friday event and the City of Las Cruces for the Saturday  
17 event.

18

19 Mayor Barraza thanked them for all the wonderful work they do for the students in the community. The  
20 Town of Mesilla is very fortunate that the club has been very giving.

21

22 Mr. Jaramillo indicated they are blessed that they have a Dona Ana Council, with a new club starting at  
23 New Mexico State University. He makes an effort to ensure that all the clubs have what they need. We  
24 do not turn anyone down.

25

26 **5. PUBLIC INPUT** – The public is invited to address the Board for up to 3 minutes.

27 Judge Frietze indicated he is bringing it up because in the future he hopes it does not happen again. On  
28 March 1<sup>st</sup> during the election, one of his cars has a personalized plate, parked vehicles plates are not  
29 considered campaign material. He was asked to move his vehicle twice; it was moved the first time. The  
30 second time he was approached by the Marshal who showed him an aerial photo of the radius, 100 ft.  
31 around the building where you cannot be parked there according to what he was told. He read article 1-  
32 20-2016 from the Secretary of State Election Handbook; not to the back of the building where his car was  
33 parked. Let's hope it does not happen again.

34

35 Mrs. Krueger stated there is a process by which a community becomes a Certified Bicycle Community  
36 and the City of Las Cruces has achieved that status with the help of Mr. Andy Hume. The Town of

1 Mesilla sort of started that process with the help of Mr. Eric Vigil and Ms. Trina Witter. She and Ms.  
2 Witter wrote the grant in 2004 which started the process of walk and bike to school. She knows they  
3 would, help as well as her, to get Mesilla to be a Certified Bicycle Community. She remembers a grant  
4 from HPD that had a walking tour. There are these things to help sell the town. Mesilla is a walkable and  
5 bicycle community.

6  
7 **6. \*APPROVAL OF CONSENT AGENDA – The Board will be asked to approve by one**  
8 **motion the following items of recurring or routine business. The Consent Agenda is marked**  
9 **with an asterisk \*:**

10 **Motion:** To approve the consent agenda, **Moved by** Trustee Arzabal, **Seconded by** Trustee Flores.

11  
12 Mayor Pro Tem Johnson-Burick indicated the minutes should read Mr. Krahling instead of Mr. Scott.

13  
14 **Roll Call Vote: Motion passed (summary: Yes = 4).**

15 Mayor Pro Tem Johnson-Burick Yes

16 Trustee Arzabal Yes

17 Trustee Caro Yes

18 Trustee Flores Yes

19  
20 a. **\*BOT MINUTES** – Regular Meeting minutes of April 11, 2016. *Approved by consent*  
21 *agenda*

22 b. **\*PZHAC Case 012534** – 2415 Calle de Parian, submitted by Robert Reynolds; a request for  
23 a building permit to install a small storage shed and remodel a front porch at a dwelling at  
24 this address. Zoned: Historic Residential (HR). *Approved by consent agenda*

25 c. **\*PZHAC Case 012539** – 2195 Calle de Arroyo, submitted by Anna Biad for Hacienda  
26 Developments LLC; a request for a demolition permit to remove a vacant dwelling at this  
27 address. (The dwelling is not historical.) Zoned: Historic Commercial (HC). *Approved by*  
28 *consent agenda*

29  
30 **7. NEW BUSINESS:**

31 a. Second Reading & Approval of Ordinance 2016-01: An ordinance amending and enacting  
32 sections of Title 15, ‘Buildings and Construction’ of chapter 15.05 ‘Flood Damage  
33 Prevention’ of the municipal code of the Town of Mesilla– *Debbie Lujan, Public Works*  
34 *Director*

35 Ms. Lujan read proposed Ordinance 2016-01. The maps are available for viewing in her office; she will  
36 be receiving the final maps soon.

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Mayor Barraza stated there was a public hearing held at our last meeting and there were no public comments. Trustee Flores had a concern with one of the section and asked Mr. Cervantes to review the section.

Trustee Flores stated Section f should read *Ordinance*; not *court order*.

**Motion:** To approve Ordinance 201601: An ordinance amending and enacting sections of Title 15, “Buildings and Construction’ of chapter 15.05 “Flood Damage Prevention” of the municipal code of the Town of Mesilla with recommended correction, **Moved by** Trustee Arzabal, **Seconded by** Mayor Pro Tem Johnson-Burick.

**Roll Call Vote: Motion passed (summary: Yes = 4).**

Mayor Pro Tem Johnson-Burick Yes

Trustee Arzabal Yes

Trustee Caro Yes

Trustee Flores Yes

**b.** For Approval: Drug Policy for Town of Mesilla Employees – *Nora L. Barraza, Mayor*  
Mr. Cervantes reviewed the proposed policy.

Trustee Flores recommended including blood testing when something occurs and not limit it to breath test and urine test.

Mr. Cervantes responded there is a New Mexico law that limits who can administer testing. It was not his decision to not add that language but if it is the consensus of the board the language can be added throughout the document.

Mayor Barraza asked if the board was in agreement.

Board of Trustees responded yes.

Mayor Pro Tem Johnson-Burick stated Page 3- Definitions; *Drug Alcohol Manager* should read *Town Clerk or Mayor*.

Mayor Barraza stated we would not administer the drug or alcohol test; we would be the ones referring.

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2 Mr. Cervantes stated he felt that rather designating the clerk that we would leave to a person who is  
3 designated to do so. In some cases it might make sense to have the town clerk; in other cases the board  
4 may want another person designated. We did not want to tie your hands. The employee responsible will  
5 be administering the program, i.e. referring employees.

6  
7 Mayor Barraza responded we currently have someone contracted and through Risk Management there is  
8 also a program.

9  
10 Mr. Cervantes indicated a medical review officer will review the results and make recommendations. He  
11 feels the town will designate someone to administer the program and not administer the test.

12  
13 Mayor Pro Tem Johnson-Burick referred to top of page 5, second line and asked what kind of liability we  
14 can incur.

15  
16 Mr. Cervantes responded there would not be a problem eliminating that requirement. He is in agreement  
17 to a waiting period, i.e. one year. He is not concerned with liability issues but stated it could cause a  
18 burden.

19  
20 Mayor Barraza asked for it to be crossed out and add *provide proof of successful completion of a*  
21 *treatment program and must successfully pass pre-employment drug test.*

22  
23 Trustee Arzabal recommended adding one year waiting period to reapply.

24  
25 Mayor Pro Tem Johnson-Burick stated read item 2 on page 6; believes trustees had agreed removing it.

26  
27 Mr. Cervantes responded we do not want to have any inconsistencies and that is covered somewhere else  
28 in the policy. It is not so much the termination but we also put them on leave with pay pending on an  
29 investigation which is the tradition and typical way in doing things.

30  
31 Mayor Pro Tem Johnson-Burick stated II #3 should read *refuses* instead of *refused*. She read item 4 page  
32 8; it usually stays in the file forever but she is okay with it remaining in the file for 2 years.

33  
34 Mr. Cervantes responded it would be up to the pleasure of the board.

35

1 Mayor Barraza responded she has mixed feelings. There may be an employee who has gone through  
2 treatment, cleaned themselves and is being considered for a promotion, this information may hurt their  
3 chance of being promoted.

4  
5 Trustee Flores stated that should be dealt with during the interview. They should be judged on how they  
6 are behaving now and if somebody relapses it is in their files for reference.

7  
8 Mr. Cervantes responded it reads a minimum of two years and maximum of 5 years.

9  
10 Trustee Caro agrees with Mr. Cervantes' suggestion.

11  
12 Mayor Barraza responded she also agrees to leave it as it is.

13  
14 Trustee Arzabal agrees as well.

15  
16 Trustee Flores stated she would like to go with leaving the information in the files permanently.

17  
18 Mayor Pro Tem Johnson-Burick stated she also would like it to remain in the files permanently.

19  
20 Mayor Barraza responded the consensus of the board is to leave it as is.

21  
22 Mayor Pro Tem Johnson-Burick read section J item I on page 10; this is a policy for our employees.

23  
24 Trustee Flores stated we had said employee or family members.

25  
26 Mayor Pro Tem Johnson-Burick read bottom of page 12; asked do we want to leave it as Human  
27 Resources or Town Clerk.

28  
29 Mayor Barraza responded it categorized under the Town Clerk/Treasurer.

30  
31 Mr. Cervantes responded it can be left as is since he worded it to address questions to the designated  
32 individual.

33  
34 Trustee Arzabal agrees it should not read Town Clerk.

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36 Mayor Barraza stated we can leave it as DAPM and asked if this is the consensus of the board.

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Board of Trustees responded yes

**Motion:** To approve Drug Policy for Town of Mesilla Employees with the Trustees corrections and changes, **Moved by** Trustee Arzabal, **Seconded by** Mayor Pro Tem Johnson-Burick

**Roll Call Vote: Motion passed (summary: Yes = 4).**

Mayor Pro Tem Johnson-Burick Yes

Trustee Arzabal Yes

Trustee Caro Yes

Trustee Flores Yes

c. Closed session pursuant to 10-15-1(H) (2) for the purpose of discussing limited personnel matters of the Marshal's Department – *Nora L. Barraza, Mayor.*

**Motion:** To enter Closed Session pursuant to 10-15-1(H) (2) for the purpose of discussing limited personnel matters of the Marshal's Department approve the consent agenda, **Moved by** Trustee Arzabal, **Seconded by** Trustee Flores.

**Roll Call Vote: Motion passed (summary: Yes = 4).**

Mayor Pro Tem Johnson-Burick Yes

Trustee Arzabal Yes

Trustee Caro Yes

Trustee Flores Yes

Enter Closed Session 6:35 p.m.

**Motion:** To enter Regular Meeting after limited discussion of personnel matters of the Marshal's Department; no decisions were made, **Moved by** Trustee Flores, **Seconded by** Trustee Arzabal.

**Roll Call Vote: Motion passed (summary: Yes = 4).**

Mayor Pro Tem Johnson-Burick Yes

Trustee Arzabal Yes

Trustee Caro Yes

Trustee Flores Yes

Enter Regular Meeting 7:09 p.m.

1           d. For Approval: appointment of a full time individual to the position of Deputy Marshal - *Chris*  
2           *Mangusing, Marshal.*

3  
4   **Motion:** To approve appointment of Eduardo Flores to a full time position of Deputy Marshal, **Moved by**  
5   Trustee Arzabal, **Seconded by** Trustee Flores.

6  
7   **Roll Call Vote: Motion passed (summary: Yes = 4).**

8   Mayor Pro Tem Johnson-Burick   Yes

9   Trustee Arzabal   Yes

10   Trustee Caro   Yes

11   Trustee Flores   Yes

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13           **e. BOARD OF TRUSTEE COMMENTS**

14   Trustee Arzabal asked what the completion date of the Public Safety Building is.

15  
16   Mayor Barraza responded the Fire Marshal did not approve the inspection. We are working with  
17   Molzen/Corbin to rectify the problem. Looking at getting a Certificate of Occupancy within the next 2  
18   weeks.

19  
20   Trustee Arzabal stated he wants ensure that he understands how the food truck works at the Spotted  
21   Dog; customers must order and have food delivered through the Spotted Dog staff.

22  
23   Mayor Barraza responded this is on temporary bases as Spotted Dog will be adding a kitchen in the  
24   facility; all monies are channeled through Spotted Dog. Trustee Arzabal is correct regarding the food  
25   carry out process currently being done at Spotted Dog.

26  
27   Trustee Flores asked for information on the Ride of Silence. The plaza looked beautiful this weekend.

28  
29   Mayor Barraza responded we will forward that information once we receive it.

30  
31   Trustee Caro stated there are several dead trees on the Frank Butler property which may cause danger and  
32   need attention.

33  
34   Mayor Pro Tem Johnson- Burick no comments

35  
36   Mayor Barraza stated the British Car Show is this Saturday starting at 9:00 a.m. on the plaza. The Cinco  
37   de Mayo Fiesta will be May 7<sup>th</sup> and 8<sup>th</sup>. She encourages all the trustees to attend at least the opening

1 ceremonies on Saturday and Sunday. The New Mexico Municipal League Zoning Conference will be  
2 held in Las Cruces on May 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup>; our commissioners will be in attendance as well as Mr.  
3 Shannon and I. A tour of John Paul Taylor's house will be held on May 5<sup>th</sup> and the historic Mesquite  
4 District will also be done.

5  
6 **f. ADJOURNMENT**

7 **The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes-4)**

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9 **MEETING ADJOURNED AT 7:15 P.M.**

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12 **APPROVED THIS 9<sup>th</sup> DAY OF MAY, 2016.**

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16 Nora L. Barraza

17 Mayor

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20 **ATTEST:**

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22  
23 \_\_\_\_\_  
24 Cynthia Stoechner-Hernandez

25 Town Clerk/Treasurer