

Nora L. Barraza  
Mayor

Jesus M. Caro, Jr  
Mayor Pro Tem

# Town of Mesilla, New Mexico

Sam Bernal  
Trustee

Carlos Arzabal  
Trustee

Linda L. Flores  
Trustee

**THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA WILL HOLD ITS REGULARLY SCHEDULED MEETING ON MONDAY, JANUARY 28, 2013, AT 6:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA.**

## **OPENING CEREMONIES**

A. Pledge of Allegiance

## **ROLL CALL AND DETERMINATION OF A QUORUM**

### **CHANGES TO THE AGENDA**

### **ACCEPTANCE OF THE CONSENT AGENDA**

### **PUBLIC COMMENTS: (3 minute limit per person)**

*Items on the agenda indicated by an asterisk (\*) are on the consent agenda and will be voted on with one motion unless a Trustee requests that a specific item be removed.*

#### **\* BOT MINUTES:**

1. Regular Meeting Minutes 1-14-13

#### **\* PZHAC CASES:**

2. Case: 012134 – 2590 Avenida de Mesilla, Richard and Clara Lujan, a Building Permit application for the demolition of buildings. Zone: H-C.
3. Case: 012137 – 1803 Avenida de Mesilla, Meson de Mesilla/Cali Szczawinski, a Building Permit application for demolition of current wall. Zone: H-C.
4. Case: 012136 – 1803 Avenida de Mesilla, Meson de Mesilla/Cali Szczawinski, a Building Permit application installation of new wall made of wine barrels with iron metal work. Zone: H-C.
5. Case: 012135 – 1803 Avenida de Mesilla, Meson de Mesilla/Cali Szczawinski, a sign permit application for installation of three (3) signs for a total of 12 sq. ft. Zone: H-C.

#### **Special Use Permit Request: (Not on consent agenda)**

#### **A PUBLIC HEARING MUST BE HELD PRIOR TO ACTION ON THE FOLLOWING ITEM**

6. Case: 012129 – 3116 Avenida de Mesilla, LAMA Properties, LLC, a Special Use Permit for an Assisted Living Facility. Zone: R-A (Residential/Agricultural 3 Acre Minimum)

#### **NEW BUSINESS:**

7. For Approval: Request for rental fee discount by Argentine Tango de Las Cruces for community tango lessons and dances at the Mesilla Community Center for the year 2013. *Terri Koffman, Presenter.*
8. For approval: an agreement with Tyler Technologies, Inc. to provide on-line payment by utilizing the INCODE Utility Billing Component. *Nick Eckert, Town Clerk/Treasurer.*

#### **A PUBLIC HEARING MUST BE HELD PRIOR TO ACTION ON THE FOLLOWING ITEM**

9. For approval: Mesilla Town Code 18.52 home occupation ordinance changes. *Nick Eckert, Town Clerk/Treasurer.*

**BOARD OF TRUSTEES COMMENTS:  
ADJOURNMENT**

***NOTICE***

***If you need an accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us at 524-3262 at least 48 hours prior to the meeting.***

*Posted on 1-24-13 on the following locations: Town Clerk's Office 2231 Avenida de Mesilla, Public Safety Building 2670 Calle de Santiago, Mesilla Community Center 2251 Calle de Santiago, Shorty's Food Mart 2290 Avenida de Mesilla, Ristrammn Chile Co., 2531 Avenida de Mesilla and the U.S. Post Office 2253 Calle de Parian..*

**BOARD OF TRUSTEES  
TOWN OF MESILLA  
MEETING  
MONDAY, JANUARY 14, 2013  
6:00 P.M.**

**TRUSTEES:** Nora L. Barraza, Mayor  
Carlos Arzabal, Mayor Pro Tem  
Sam Bernal, Trustee  
Jesus Caro, Trustee  
Linda L. Flores, Trustee

**STAFF:** Nick Eckert, Town Clerk/Treasurer  
Jeff Gray, Marshal  
Kevin Hoban, Fire Chief  
Gloria Maya, Recorder

**PUBLIC:** Paul Blevins Patsy Lozano

**OPENING CEREMONIES**

A. Pledge of Allegiance

Mayor Barraza led the Pledge of Allegiance.

Mayor Barraza held a moment of silence for Mr. James Goff, husband of Mrs. Linda Goff former Deputy Clerk, Linda Guam Jaramillo, New Mexico Municipal League, and Mrs. Gonzales, Mesilla resident.

**ROLL CALL AND DETERMINATION OF A QUORUM**

**Roll Call.**

**Present:** Mayor Barraza, Mayor Pro Tem Arzabal, Trustee Caro, Trustee Bernal, Trustee Flores.

**CHANGES TO THE AGENDA**

Trustee Flores requested removing item #7 from the agenda.

**Motion:** To approve the agenda as amended, **Moved by** Trustee Caro, **Seconded by** Trustee Bernal.

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

Mayor Pro Tem Arzabal Yes  
Trustee Bernal Yes  
Trustee Caro Yes  
Trustee Flores Yes

**ACCEPTANCE OF THE CONSENT AGENDA**

**Motion:** To approve the consent agenda as amended, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Caro.

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

Mayor Pro Tem Arzabal Yes

Trustee Bernal Yes  
Trustee Caro Yes  
Trustee Flores Yes

**PUBLIC COMMENTS: (3 minute limit per person)**

No Public Comments

\* **BOT MINUTES:**

1. Regular Meeting Minutes 12-10-12 *Approved by consent agenda*

\* **PZHAC CASES:**

**Building Permit Request:**

2. Case: 012130; 2649 Calle Primera, Paul Blevins, a Building Permit application for replacement of existing wooden stairs. Zone: HR. *Approved by consent agenda*

**NEW BUSINESS:**

3. Closed session pursuant to 10-15-1 (H) (2) for the purpose of discussing limited personnel matters pertaining to the Finance, Community Programs, Community Development, Marshal, Fire, and Public Works Department and 10-15-1 (H) (7) for the purpose of discussing pending litigation. *Nora L. Barraza, Mayor.*

**Motion:** To enter closed session pursuant to 10-15-1 (H) (2) for the purpose of discussing limited personnel matters pertaining to the Finance, Community Programs, Community Development, Marshal, Fire, and Public Works Department and 10-15-1 (H) (7) for the purpose of discussing pending litigation, **Moved by** Trustee Caro, **Seconded by** Trustee Flores.

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

Mayor Pro Tem Arzabal Yes  
Trustee Bernal Yes  
Trustee Caro Yes  
Trustee Flores Yes

Enter closed session at 6:15 p.m.

**Motion:** To enter regular session after discussion pursuant to 10-15-1 (H) (2) for the purpose of discussing limited personnel matters pertaining to the Finance, Community Programs, Community Development, Marshal, Fire, and Public Works Department and 10-15-1 (H) (7) for the purpose of discussing pending litigation, **Moved by** Trustee Caro, **Seconded by** Mayor Pro Tem Arzabal.

Entered regular meeting 7:30 p.m.

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

Mayor Pro Tem Arzabal Yes  
Trustee Bernal Yes  
Trustee Caro Yes  
Trustee Flores Yes

4. For approval: recommendation to hire Eva Manzanaras, utility clerk, a part-time employee. *Nora L. Barraza, Mayor.*

**Motion:** To approve the recommendation to hire Eva Manzanares as Utility Clerk, a part-time employee, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Bernal.

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

Mayor Pro Tem Arzabal Yes

Trustee Bernal Yes

Trustee Caro Yes

Trustee Flores Yes

5. For approval: recommendation to hire Pam Bateman, accounts payable/utility clerk, a part-time employee. **Nora L. Barraza, Mayor.**

**Motion:** To approve the recommendation to hire Pam Bateman, Accounts Payable/Utility Clerk, a part-time employee, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Bernal.

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

Mayor Pro Tem Arzabal Yes

Trustee Bernal Yes

Trustee Caro Yes

Trustee Flores Yes

6. For approval: recommendation to promote Gloria Maya to deputy treasurer/deputy clerk. **Nora L. Barraza, Mayor.**

**Motion:** To approve the recommendation to promote Gloria Maya to Deputy Treasurer/Deputy Clerk, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Bernal.

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

Mayor Pro Tem Arzabal Yes

Trustee Bernal Yes

Trustee Caro Yes

Trustee Flores Yes

7. For approval: a request to serve alcohol at the community center on April 13, 2013 from 5:30pm to 1:00am, Linda Flores as applicant. **Ashley Echavarría, Special Events Coordinator. Removed from the agenda**

#### **STAFF REPORTS**

- Community Development Office
- Community Programs
- Finance Department.
- Fire Department.
- Marshal Department.
- Public Works Department.

#### **BOARD OF TRUSTEES COMMENTS:**

Trustee Flores no comments

Trustee Bernal no comments

Trustee Caro wished everyone a Happy New Year.

Mayor Pro Tem Arzabal no comments

Mayor Barraza stated the Community Center is to be completed by January 20<sup>th</sup>. The light fixtures have been the hold up. Ms. Goff's husband's services are: Thursday – 7:00 p.m. Getz Funeral Home; Friday – burial at 10:00 a.m. – Fort Bliss, Texas.

Trustee Bernal asked if new furniture was going to be bought for the Community Center.

Mayor Barraza responded we are looking at purchasing tables and chairs. We have been told that the floor will not stand another sanding.

### **ADJOURNMENT**

**Motion:** To adjourn, **Moved by** Trustee Caro, **Seconded by** Trustee Bernal. .

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

Mayor Pro Tem Arzabal Yes

Trustee Bernal Yes

Trustee Caro Yes

Trustee Flores Yes

**APPROVED THIS 28<sup>TH</sup> DAY OF JANUARY, 2013.**

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Nora L. Barraza  
Mayor

### **ATTEST:**

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Nicholas Eckert  
Town Clerk/Treasurer

### **NOTICE**

***If you need an accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us at 524-3262 at least 48 hours prior to the meeting.***

*Posted on 1-11-13 on the following locations: Town Clerk's Office 2231 Avenida de Mesilla, Public Safety Building 2670 Calle de Santiago, Mesilla Community Center 2251 Calle de Santiago, Shorty's Food Mart 2290 Avenida de Mesilla, Ristramn Chile Co., 2531 Avenida de Mesilla and the U.S. Post Office 2253 Calle de Parian..*

**TOWN OF MESILLA**  
**BOT ACTION FORM**

**ITEM:**

Case: 012134; 2590 Avenida de Mesilla, Richard and Clara Lujan, a Building Permit for the demolition of buildings. Zone: H-C.

**BACKGROUND:**

The applicant wishes to demo two buildings on their property at 2590 Avenida de Mesilla in the hopes of selling the property to a business in the future which would create more GRT for the Town of Mesilla and would lead to a better use of the property other than its current state.

**STAFF REVIEW:**

The buildings are located in the H-C zone. After further review, these buildings are noted as #10 and #11 on the National Registry list. They are listed as Intrusive and Neutral, respectively (see attached).

Further, in regard to MTC 18.33.090, these buildings are not listed as significant or contributing within the historic district; therefore, the Lujan's will not be required to have an architect or engineer validate the demolition of these buildings.

**SUPPORT INFORMATION:**

- 1) Application
- 2) Map of Area
- 3) National Registry List noting #10 and #11

**BOT OPTIONS:**

1. Recommend approval of application.
2. Recommend approval of application with conditions.
3. Reject the application.

**BOT ACTION:**

Prepared By: Cynthia Stoehner-Hernandez

Date Prepared: 1/4/13

Updated: 1/23/13

**TOWN OF MESILLA**  
**APPLICATION FOR RESIDENTIAL BUILDING PERMIT**  
 2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 extension 109

CASE NO. 012134 ZONE: H-R CODE: APPLICATION DATE: 12/18/12

Richard and Clara Lujan 575-640-6705<sup>+</sup>  
 Name of Applicant Telephone Number

2890 Calle de Guadalupe Mesilla N.M. 88046  
 Street Address City State Zip Code

Jack and Sons  
 Contractor Name and Address  
575-382-5225 02-0769-67-00-9 52452  
 Contractor Telephone Number Contractor Tax I.D. Number Contractor License #

**LOCATION & DESCRIPTION OF PROPOSED WORK:**

2590 Avenida de Mesilla  
Demolition of buildings.

**Estimated Cost:** 6,000.00 *All applications for electrical, mechanical and plumbing are to be made at the Construction Industries Division office.*

Clara Lujan Richard Lujan Richard Lujan Date: 12-18-12  
 Signature of Applicant

*With the exception of administrative approvals, all permit applications must undergo a review process from staff, PZHAC and BOT before issuance of a building permit.  
 Recorded proof of ownership with legal description of property (deed or current tax bill) along with verification of legally subdivided status of the property are required.  
 Plan sheets are to be no larger than 11 x 17 inches.*

PZHAC	<input type="checkbox"/> Administrative Approval	BOT	<input type="checkbox"/> Approved
	<input type="checkbox"/> Approved		<input type="checkbox"/> Disapproved
	<input type="checkbox"/> Disapproved		<input type="checkbox"/> Approved with condition
	<input type="checkbox"/> Approved with conditions		

**CONDITIONS:** \_\_\_\_\_

**FEE:** \_\_\_\_\_ **REVIEW:** \_\_\_\_\_ **ISSUE DATE:** \_\_\_\_\_

**PERMIT:** \_\_\_\_\_ **ISSUE DATE:** \_\_\_\_\_

**This application includes:**

1. Plot plan with legal description to show existing structures, adjoining streets, driveway(s), improvements & setbacks. Verification shall show that the lot was legally subdivided through the Town of Mesilla or that the lot has been in existence prior to February 1972.
2. Foundation Plan with details
3. Floor Plans showing rooms, their uses and dimensions
4. Cross Sections of walls.
5. Roof and floor framing plan. (If manufactured trusses, submit layout of trusses and stamped engineer design plan.)
6. Drainage plan.
7. Architectural style and color scheme (Historical and commercial zones only.)
8. Proof of sewer service or a copy of septic tank permit; proof of water service (well permit or statement from Public Utility providing water service.)



- 1 This rectangular plan house, stuccoed, has a gable roof. est. 1945. (N)
- 2 This small gabled house is stuccoed and has a gabled roof. est. 1945. (N)
- 3 The Valley Plumbing building has a slump block facade with false vigas and aluminum siding. est. 1975. (N)
- 4 This laundromat, owned by Barela, is made of stuccoed concrete block. A portal of vigas fronts the structure. est. 1970. (N)
- 5 This small adobe vernacular house has metal casement windows and a flat roof. est. 1930. (C)
- 6 This small, rectangular plan adobe vernacular has a flat roof, wood sash windows, and exposed vigas on the facade. est. 1925. (C)
- 7 Exposed adobe, this rectangular plan building with exposed vigas has wood sash windows and a flat roof with tin canales. est. 1890. (C)
- 8 The El Palacio Bar, owned by Pablo Salcido, is an exposed adobe structure with a flat roof, tin canales, wood sashes, and glass block windows. The dance hall is adjacent and to the north of this structure. This bar has been a social center of Mesilla for years. It dates from about 1905. (S)
- 9 This dance hall also belongs to Pablo Salcido. It was built at a later date than the adjacent bar to the south. This hall has exposed adobe walls, stuccoed in some places, a corrugated metal hip roof with gables and unusual wood louvered air vents. Architecturally, it is unique in Mesilla. est. 1930. (S)
- 10 Valley Hardware, owned by Raul Lujan, is a rectangular plan concrete block building with a flat roof. The building is used as a hardware store and gas station. est. 196 . (I) (Intrusive)
- 11 A rectangular plan building of unplastered concrete block with a gabled corrugated tin roof, this has been used in the past for the volunteer fire department, as a commercial rental, and now as a storage area. est. 1965. (N)
- 12 This building appears to have been built for commercial use as the windows on the facade are large plate glass. It has a simplified Mission style parapet and stuccoed walls. This particular parapet makes it unique in Mesilla. est. 1930. (C)

**TOWN OF MESILLA**  
**BOT ACTION FORM**

**ITEM:**

Case: 012137 – 1803 Avenida de Mesilla, Cali Szczawinski/Meson de Mesilla, building permit for the demolition of current wall. Zone: H-C.

Case: 012136 – 1803 Avenida de Mesilla, Cali Szczawinski/Meson de Mesilla, building permit for the installation of a wine barrel/ metal work fence to include the signs mentioned above. Zone: H-C.

Case: 012135 – 1803 Avenida de Mesilla, Cali Szczawinski/Meson de Mesilla, sign permit for three signs total of 12 sq. ft. Zone: H-C.

**BACKGROUND:**

The applicant wishes to demolish their current wall and install a new fence in the same location constructed of wine barrels and metal work fence to include a sign along the total length of the new wall with a total of 12 sq. ft. Applicant hopes to start a winery to bring more GRT into the Town of Mesilla; thus, the design of a winery style fence. The height of the wine barrels is 38” while the height of the metal work is 12’.

**STAFF REVIEW:**

The property is not located on the Historic Register or on the Historic Registry Map. Further, in regard to MTC 18.33.090, this property is not listed as significant or contributing within the historic district; therefore, Meson de Mesilla will not be required to have an architect or engineer validate the demolition of this wall.

The applicant states that they would like to reconstruct a new fence in place of their current fencing in front of their business to include signage affixed on the new structure.

MTC 18.60.340 Wall, fence, or hedge. States that “a six-foot maximum height above ground surface level shall be permitted on any part of the required setbacks of front yards or side yards abutting a street in H-R and H-C zones. Regarding allowed fencing materials, Mesilla Town Code 18.60.340; the fencing materials of wood and iron-work metal are allowable. PZHAC approved Case 012136 after considering the wine barrels as the actual height of the fence. The wine barrels are 38” tall.

MTC 18.65.220 Number of permitted signs states that:

A. A total of two exterior signs may be allowed to each store or bona fide place of business.

PZHAC approved Case 012135 for signage after considering that the three signs are considered one sign of the same structure. The current signage on the building will be removed and the new signage will be placed on the new fence.

**SUPPORT INFORMATION:**

- 1) Application
- 2) Illustration of proposed wall with signage

**BOT OPTIONS:**

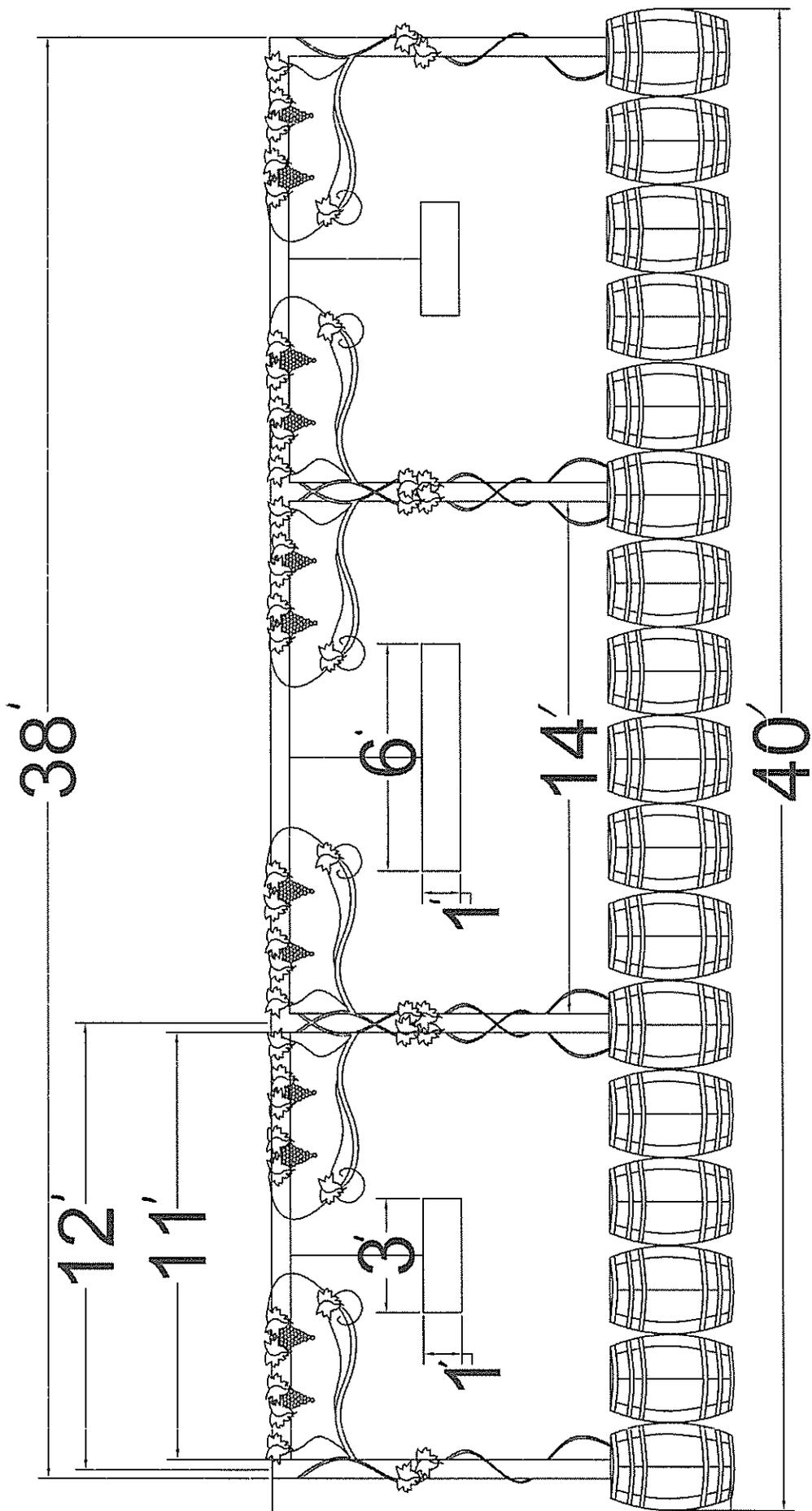
1. Recommend approval of application.
2. Recommend approval of application with conditions.
3. Reject the application.

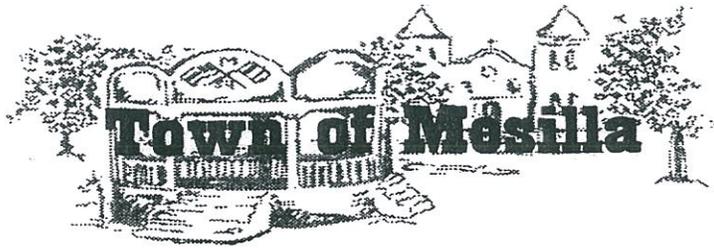
**BOT ACTION:**

**Prepared By:** Cynthia Stoehner-Hernandez

**Date Prepared:** 1/4/13

**Updated:** 1/23/13





**Town of Mesilla  
Building Permit for  
Demolition**

Application is hereby made for the demolition of the below stated property:

Date of Application: 12/26/12

Name of Applicant Meson de Mesilla Telephone Number (505) 652-4953  
Street Address 1803 Avenida de Mesilla City Mesilla State NM Zip Code 88046  
Proposed Use or Occupancy HC Zone:

by owner  
Contractor Name and Address

Contractor Telephone No. Contractor Tax I.D. Number Contractor License No.

Location and Description of Proposed Demolition:

Estimated Cost  
Of Demolition: 0

Signature of Applicant

PZHAC:  
 Approved  
 Disapproved  
 Approved with conditions

BOT:  
 Approved  
 Disapproved  
 Approved with conditions

Administrative Approval: \_\_\_\_\_  
(non-historic zones only)

Fee: \_\_\_\_\_ Date: \_\_\_\_\_ Receipt #: \_\_\_\_\_

CASE NUMBER: 012135

this chapter, for gates and fences within the historic districts, is available in the community development department office.

#### B. Colors for Exterior Stucco.

1. Appropriate colors include colors in the cream to medium brown earth tones referred to in the individual architectural styles found in MTC 18.33.120 as characteristic of a particular style. Permitted acrylic latex paint colors shall be subtle and muted rather than bright and reflective.
2. The combination of exterior wall and trim colors on the same structure shall be historically appropriate, which for trim colors includes natural wood, off whites, creams and beiges as described in the individual architectural styles found in MTC 18.33.120, along with the colors presented in the color chart album.

C. Metal Roofing. Historically appropriate material and colors for new and replacement metal roofs in the historic districts are corrugated metal in either the natural gray or brick red color. [Ord. 2008-02 § 1]

#### **18.33.090 Standards for alterations to certain structures within the historic districts.**

The Secretary of the Interior's Standards for the Treatment of Historic Properties authorized by the National Historic Preservation Act of 1966, developed in 1992 and codified as 36 CFR 68, and subsequent revisions, amendments and additions thereto adopted by the Secretary of the Interior are hereby adopted in their entirety into this chapter by reference.

A. Application. These standards shall apply to all work or acts performed on the exterior and interior of structures used commercially and zoned H-C zone, historical commercial, that are designated "significant" or "contributing" or are eligible for designation as significant or contributing and their settings.

B. Function. The standards identify and define appropriate treatments for the alteration of exterior and interior character-defining features, including the form and detailing of materials, spatial relationships, and structural and mechanical systems. The standards also encompass related landscape features and the building's site as well as attached adjacent or related new construction. The standards are to be applied to specific projects in a reasonable manner, taking into consideration economic and technical feasibility.

C. Guidelines. Guidelines to be used to assist in implementing the standards are found in the Secretary of the Interior's Standards for the Treatment of Historic Properties, and are available in the community development department. The guidelines are divided into two categories:

1. Recommended approaches, treatments and techniques that are consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties; and
2. Not recommended approaches, treatments and techniques that are not consistent with the Secretary's standards and could adversely affect a building's historic character.

D. Demolition. The demolition of a significant or contributing structure within a historic district shall require a permit that includes verification by a qualified architect or structural engineer, with a background in architecture preferred, that the structure is not repairable or reusable. If a demolition permit is issued, prior to the demolition the structure shall be documented with photographs, sketch plans and a brief historical description. [Ord. 2008-02 § 1]

#### **18.33.100 Appeal from historical appropriateness action.**

The process for an appeal from a PZHAC historical appropriateness action shall be pursuant

**TOWN OF MESILLA**  
**APPLICATION FOR COMMERCIAL BUILDING PERMIT**  
2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (505)524-3262 Extension 109

CASE NO. 012136 ZONE: HC CODE: \_\_\_\_\_ APPLICATION DATE: 12/26/12

MESON DE MESILLA (505)652-4953  
Name of Applicant Telephone Number

1803 Avenida de Mesilla Mesilla, NM 88046  
Street Address City State Zip Code

Business Name: MESON de Mesilla

by owner  
Contractor Name and Address

Contractor Telephone Number Contractor Tax I.D. Number Contractor License #

**ALL APPLICATIONS FOR ELECTRICAL, MECHANICAL & PLUMBING INSTALLATIONS ARE MADE AT THE CONSTRUCTION INDUSTRIES DIVISION**

LOCATION & DESCRIPTION OF PROPOSED WORK: installation of wine barrel / metal work

Estimated Cost:  
Material: \_\_\_\_\_ ICBO Valuation: \_\_\_\_\_  
Labor: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Applicant \_\_\_\_\_

*THERE IS A TEN (10) DAY MINIMUM REVIEW PERIOD ON ALL APPLICATIONS (with the exception of administrative approvals)*  
*Recorded proof of ownership with legal description of property (deed or current tax bill)*  
*Plans are to be sealed by a registered engineer or architect*  
*Plans sheets are to be no larger than 14 x 18 inches.*

**STAFF REVIEW:**  
CDC: \_\_\_\_\_ Comments: \_\_\_\_\_  
DPW: \_\_\_\_\_ Comments: \_\_\_\_\_  
FIRE: \_\_\_\_\_ Comments: \_\_\_\_\_

PZHAC \_\_\_\_\_ Administrative Approval  
\_\_\_\_\_ Approved BOT \_\_\_\_\_ Approved  
\_\_\_\_\_ Disapproved \_\_\_\_\_ Disapproved  
\_\_\_\_\_ Approved with conditions \_\_\_\_\_ Approved with condition

CONDITIONS: \_\_\_\_\_

FEE: REVIEW: \_\_\_\_\_ RECEIPT #: \_\_\_\_\_ ISSUE DATE: \_\_\_\_\_  
PERMIT: \_\_\_\_\_ RECEIPT #: \_\_\_\_\_ ISSUE DATE: \_\_\_\_\_

White: File Yellow: DPW Pink: FIRE Gold: Customer

**Town of Mesilla, New Mexico**

P.O. BOX 10  
MESILLA, NM 88046  
PHONE: (505)524-3262 FAX (505)541-6327

**Sign Permit**

Application Date: 12/26/12

MESON DE MESILLA  
Name of Business

Cali Szczawinski  
Name of Applicant

1803 Avenida de Mesilla  
Address of Business

3392 Apple Cross PL  
Address of Applicant

Mesilla NM 88046  
City State Zip

Las Cruces NM 88005  
City State Zip

(575) 652-4953  
Telephone Number

(702) 296-4907  
Alternate Telephone Number

**Location and description of Sign:**

(include dimensions, lettering, shape, material, texture, colors, and/or finish to be used. Attach a drawing of the location of the sign, including any other advertising structures on the building or lot.)

3. SIGNS (see plans)  
total 12 sq ft

**For Office Use Only**

Administrative Approval: \_\_\_\_\_  
PZHAC Approval: \_\_\_\_\_  
BOT Approval: \_\_\_\_\_

Permit Fee: \_\_\_\_\_  
Date of Payment: \_\_\_\_\_  
CASE NUMBER: 012135

**18.65.210 Maintenance.**

The plot where the sign is located is to be maintained by the owner thereof in a safe, clean, sanitary, inoffensive condition, and free and clear of all obnoxious substances, rubbish, and weeds. [Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-21]

**18.65.220 Number of permitted signs.**

A. A total of two exterior signs may be allowed to each store or bona fide place of business.

B. When more than one business occupies a single building each business will be limited to one sign plus a space on a directory sign at each entrance. [Ord. 2008-04 § 11; Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-22]

**18.65.230 Location.**

No off-premises signs will be permitted for commercial business. [Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-23]

**18.65.240 Miscellaneous.**

A. Parking Lots, Etc. Where the nature of a business does not involve a structure on which a sign may be attached, such as parking lots, freestanding signs are allowed and the same regulations apply.

B. Exterior Commercial Display. The exterior display of items for sale is not permitted on town property or where the condition endangers the health, welfare and safety of the general public. [Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-24]

**18.65.250 Unlawful signs.**

It shall be unlawful to construct, erect and maintain a sign or other advertising structure in violation of the provisions and guidelines of this chapter. [Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-25]

**18.65.260 Notice of unlawful signs and abatement.**

The town may issue a notice directed to the owner of record of the property on which the unsafe or unlawful sign occurs, or to the occupant or tenant of the property, or both. The notice shall describe the violation and shall establish a reasonable time limit for abatement which shall not be less than two days nor more than 10 days after serving the notice. The notice may be served either personally or by registered mail at the owner's or occupant's last known address. The town shall be held harmless of all unsafe or unlawful signs. The person who owns the sign shall assume all liability or risk of damage to persons or property which may arise from an unsafe or unlawful sign and save the town of Mesilla, its officers and agents harmless from any and all liability which may arise or be incurred from the erection, construction, or operation of same. [Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-26]

**18.65.270 Complaint.**

In the event the owner or occupant of the property where the unsafe or unlawful sign exists has failed, within the prescribed time, to abate the nuisance, then the town shall file a complaint charging violation of this with the municipal court. [Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-27]

**18.65.280 Removal of unsafe or unlawful sign.**

Upon the failure of the person to remove or correct the unsafe or unlawful sign, the town shall proceed to correct or remove the sign and shall prepare a statement of costs incurred. Any and all costs shall constitute a lien against property upon which the unsafe or unlawful sign existed, or against personal property of the owner of the unsafe or unlawful sign, which lien shall be filed, proven and collected as provided by law.

square foot for the permitted sign. The maximum fee for any sign shall be \$50.00. No fee shall be assessed for signs listed under exceptions or temporary signs. [Ord. 2008-04 § 6; Ord. 2005-06 § 3; Ord. 94-08; prior code § 11-3-10]

#### **18.65.110 Inspection.**

The Mesilla board of trustees, or authorized designated representative, shall inspect as they deem necessary each sign regulated by these guidelines for the purpose of ascertaining that the sign conforms with the approved sign permit. [Ord. 94-08; prior code § 11-3-11]

#### **18.65.120 Obstruction.**

No signs shall be erected, relocated or maintained so as to prevent free ingress or egress at any door, window, or fire escape.

No sign or other advertising structure as regulated by these guidelines shall be erected in the 30-foot clear sight triangle of any street or in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with or obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP," "DANGER" or any other word, phrase, symbol, or character in such manner as to interfere with, mislead or confuse traffic. Signs shall also conform to the sight distance of MTC 18.60.340, Wall, fence or hedge. [Ord. 94-08; prior code § 11-3-12]

#### **18.65.130 Temporary signs.**

A. A business may have a temporary sign for a period of 15 days. The temporary sign shall be no larger than 15 square feet in area. Each business may have up to two temporary signs per year.

B. Temporary signs may be administratively approved by community development staff pursuant to guidelines established by the board of trustees by adoption of a resolution. [Ord. 2008-04 § 7; Ord. 2005-06 § 4; Ord. 94-08; prior code § 11-3-13]

#### **18.65.135 Sandwich board or A-frame signs.**

A. A sandwich board or A-frame type sign may be permitted for a business establishment. Such sign shall be located on the premises where the business is located, and shall be nonpermanent in nature, brought inside when the business closes for the day. This sign shall be no larger than six square feet in area.

B. Sandwich board signs will be allowed for a three-month trial period upon approval of the ordinance codified in this section by the board of trustees. They are only allowed in the Commercial (C) zone and at the Town Hall. [Ord. 2008-04 § 8]

#### **18.65.140 Wall signs.**

A. Wall Sign Area.

*Meson de Mesilla*

1. Within the Historical Commercial (H-C) zone, the wall sign area, on any given house or building, shall in no case exceed 10 percent of any wall area including apertures or 15 square feet, whichever is less. Dimensions of painted signs or graphics with no frame shall be determined by measuring the extent of the painted sign or graphic horizontally and vertically and calculating the area.

2. Within the Commercial (C) zone, the wall sign area on any given house or building shall in no case exceed 10 percent of any wall area including apertures or 25 square feet, whichever is less. Dimensions of painted signs or graphics with no frame shall be determined by measuring the extent of the painted sign or graphic horizontally and vertically and calculating the area.

**TOWN OF MESILLA**  
**BOT ACTION FORM**

**ITEM:**

Case: 012129 – 3116 Avenida de Mesilla, LAMA, LLC/ Norm Fristoe and Colleen Boyd, application for a Special Use Permit for an Assisted Living Facility. Zone: R-A.

**BACKGROUND:**

The applicant wishes to use the property at 3116 Avenida de Mesilla for an Assisted Living Facility. If the special use permit is approved, the applicant would then obtain permitting to expand and remodel the existing property to meet the Architectural look of Mesilla. The project would basically be this:

1. A seven to eight residential room facility which would house that same number of residents. The residents would need only limited care. This is not a fully staffed nursing facility.
2. It would have one to three caretakers on staff.
3. There would be very limited traffic.
4. It would have patios and garden areas for the residents.

**STAFF REVIEW:**

Definition of an Assisted Living Facility (ASL) is a licensed facility that cares for two (2) or more adults who need or desire assistance with one (1) or more activities of daily living. Activities of daily living are further described as: eating, dressing, oral hygiene, bathing, grooming, mobility and toileting. ASL's are usually for the elderly or mentally handicap.

The proposed property is zoned R-A. The proposed property was re-platted in 2006 with approval from BOT (see attached). This means that this property is legal, non-conforming. A copy of the plat is also included in the packet.

The proposed special use permit is subject to MTC 18.55 (see attached).

The proposed special use permit is compliant with the Town Comprehensive Plan in that it accommodates new commercial and residential development through infill development on vacant lots and/or renovation of vacant abandoned structure throughout Mesilla.

We received three (3) e-mails for public comment in regard to this case (see attached). No other public was in attendance to comment at the PZHAC meeting.

**SUPPORT INFORMATION:**

- 1) Application
- 2) Map of proposed Special Use area.
- 3) Approval of re-plat dated 2-26-06.
- 4) Plat.
- 5) E-mails with Public Comments

**BOT OPTIONS:**

1. Recommend approval of application.
2. Recommend approval of application with conditions.
3. Reject the application.

**BOT ACTION:**

Prepared By: Cynthia Stoehner-Hernandez

Date Prepared: 1/18/13

Updated: 1/23/13

Nora L. Barraza  
Mayor

Jesus M. Caro, Jr  
Mayor Pro Tem



# Town of Mesilla, New Mexico

Sam Bernal  
Trustee

Carlos Arzabal  
Trustee

Linda L. Flores  
Trustee

## PZHAC RESOLUTION NO. 2013-01

### A RESOLUTION RECOMMENDING TO THE BOARD OF TRUSTEES APPROVAL OF A SPECIAL USE PERMIT PER ORDINANCE REGULATIONS OF THE MESILLA TOWN CODE.

WHEREAS, the PZHAC held a public hearing on January 22, 2013, on a proposed Special Use Permit for an Assisted Living Center at 3116 Avenida De Mesilla; and

WHEREAS, the PZHAC discussed the proposed Special Use Permit at the meeting of January 22, 2013; and

WHEREAS, the PZHAC found that the proposed Special Use Permit for an Assisted Living Center is a benefit to the Town of Mesilla; and

WHEREAS, the applicant will follow all NFPA, State and Local regulations and have the fire marshal's cooperation/consult throughout the design/implementation of the project; and

WHEREAS, the number of residents allowed at the proposed Assisted Living Center will be limited to eight (8) residents;

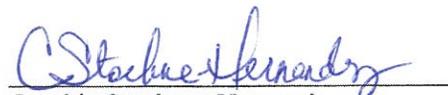
NOW THEREFORE, BE IT RESOLVED by the Planning, Zoning and Historical Appropriateness Commission of the Town of Mesilla that the recommendation is made to the Board of Trustees for approval of the proposed Special Use Permit for an Assisted Living Center at 3116 Avenida De Mesilla.

PASSED, ADOPTED AND APPROVED on this 22nd day of January, 2013.



Dr. Kim Seifert  
PZHAC Chairman

ATTEST:



Cynthia Stoechner-Hernandez  
Community Development Director

# Town of Mesilla, New Mexico

Phone (575) 524-3262

P.O. Box 10

2231 Avenida de Mesilla, Mesilla, NM 88046



## Application Form For Special Use Permit

Case # 012129 Date Submitted 12/11/12

Discussed by: (MK) Date (s) 12/11/12

### Section 1:

Name (s) of Property Owner (s) LAMA, LLC

Address 780 S. WALNUT ST, W, NM 88001 Phone 527-2067

Name of Applicant (s) NORM FRISTOE & COWEN BOYD

Address 1350 CHAPARRAL ST 88001 Phone 575-993-0427

### Section 2:

Property Description: Address 3116 AVENIDA de MESILLA

Legal Description Lot (s) \_\_\_\_\_ Block \_\_\_\_\_

Subdivision \_\_\_\_\_

If legal description is in metes and bound; is it attached to the application? Yes \_\_\_\_\_ No X

Survey Plat attached: Yes X No \_\_\_\_\_

Area (sq. ft. or acres) 1.1 Present Zone RA Present Land Use RESIDENTIAL

Proposed Land Use: ASSISTED LIVING

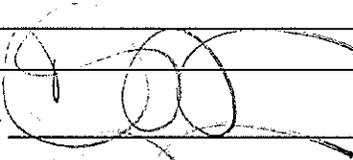
**Section 3:**

Why is this special use permit being requested?

REQ'D by ORDINANCE

Signatures:

Property Owner



COLLEEN BOYD

Applicant



COLLEEN BOYD

**NOTICE: NO APPLICATION WILL BE ACCEPTED WITHOUT THE SIGNATURE OF THE OWNER (S) OF RECORD OF THE ABOVE DESCRIBED PROPERTY. IF MORE THAN ONE, ALL OWNERS OF OR THEIR AGENTS MUST SIGN.**

Fee Paid : Yes \_\_\_\_\_ No \_\_\_\_\_

Affidavit : Yes \_\_\_\_\_ No \_\_\_\_\_

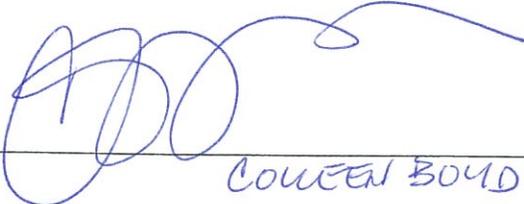
Received by: \_\_\_\_\_ Receipt #: \_\_\_\_\_ Amount: \_\_\_\_\_

AFFIDAVIT

PLANNING, ZONING & HISTORICAL APPROPRIATENESS COMMISSION

COMES NOW the undersigned and states under oath as follows:

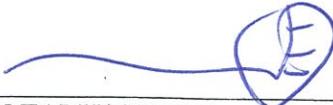
1. That the undersigned is an applicant for a Zone Change, Special Use Permit or Subdivision to the Planning, Zoning and Historical Appropriateness Commission on the 11th day of December.
2. That in connection with said application, the undersigned has submitted a legal description of the property to be considered and a legal plat accurately showing the property.
3. That the description and plat are true and accurate as of the date of the signing of this Affidavit.
4. That the applicant(s) is/are the owner(s) of the property requested for Zone Change, Special Use Permit or Subdivision.

  
\_\_\_\_\_  
COLLEEN BOYD

ACKNOWLEDGEMENT

STATE OF NEW MEXICO    )  
  ) ss.  
COUNTY OF DONA ANA    )

The following instrument was acknowledged before me this 11th day of December, 2012 by Colleen Boyd.

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:  
10/12/14



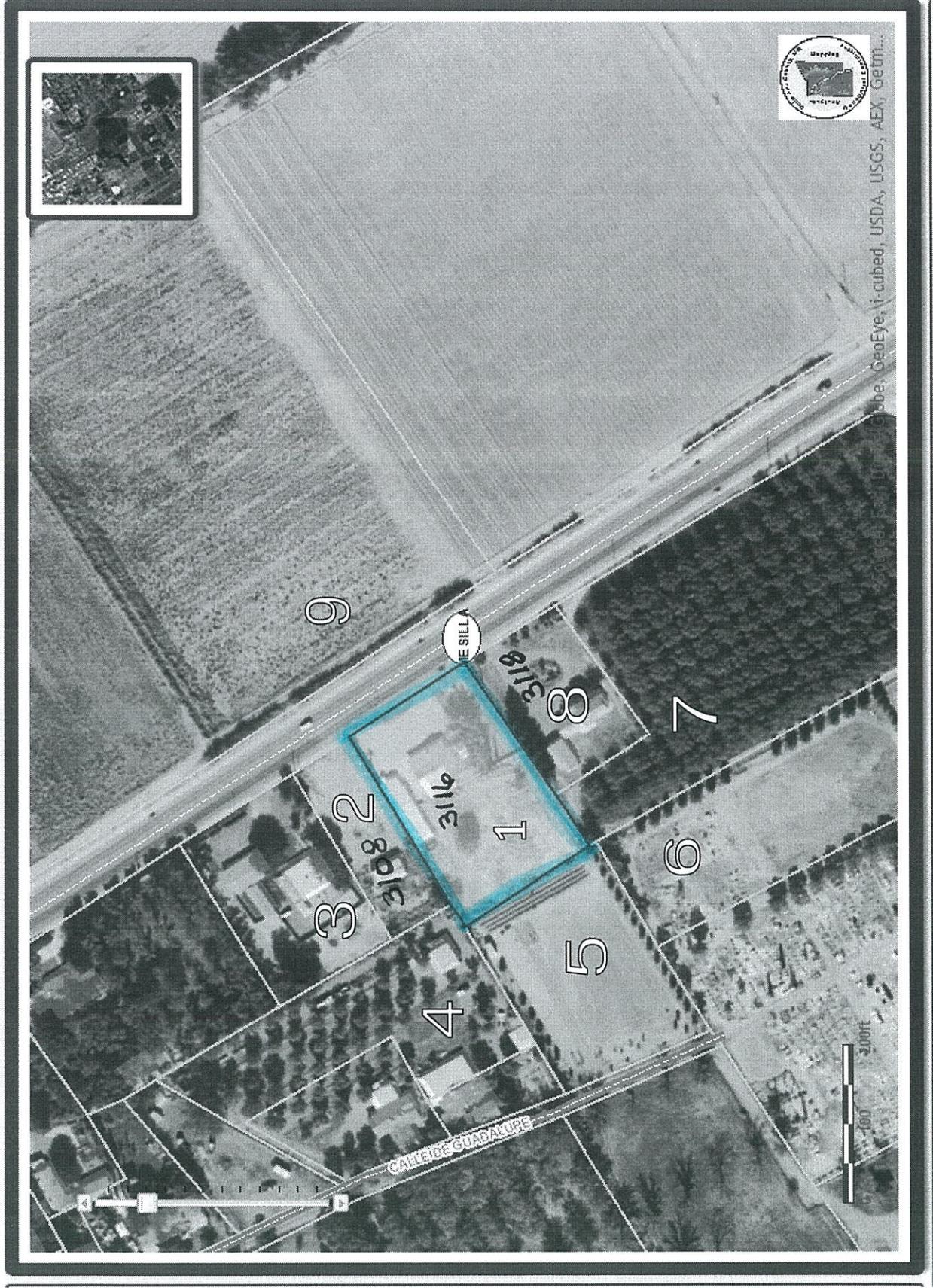
OFFICIAL SEAL  
NICK ECKERT  
NOTARY PUBLIC - STATE OF NEW MEXICO

My commission expires: 10/12/14

**Case # 012129 - Proposed Assisted Living Facility @ 3116 Avenida de Mesilla**

**January 2013**

**100' Notification of adjacent property owners #1-9**



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## Chapter 18.55 UNCLASSIFIED AND SPECIAL USES

### Sections:

- [18.55.010](#) Land uses.
- [18.55.020](#) Special uses may be permitted in any zone.
- [18.55.030](#) Yard, height, area, off-street parking requirements.
- [18.55.040](#) Use restrictions and uses not listed.

### **18.55.010 Land uses.**

All of the following uses are of such special form as to make impractical their automatic inclusion in any class of use as set forth in the various zones and shall be subject to the issuance of a special use permit; provided, that special use permits may not be granted in a zone from which it is specifically excluded by the provisions of this chapter. Before any special use permit shall be granted, facts shall be shown that:

- A. The proposed use is essential or desirable to the public convenience or welfare.
- B. The proposed use will not be materially detrimental to the public welfare or injurious to other property or improvement in the same zone or vicinity.
- C. The proposed use will not adversely affect the official comprehensive plan.
- D. The uses are as follows:
  - 1. Airports or heliports; provided, the clear zone approaches to such installations are approved by the FAA. Excluded from H-R and H-C zones.
  - 2. Armories and military training center. Excluded from H-R and H-C zones.
  - 3. Borrow pits and quarries for rock, sand, gravel, decomposed granite or soil. Excluded from H-R and H-C zones.
  - 4. Cemeteries.
  - 5. Columbariums, crematories, and mausoleums unless inside a cemetery, are excluded from H-R and H-C zones.
  - 6. Establishments or enterprises involving large numbers of people:
    - a. Open air theaters.
    - b. Rodeo arena.
    - c. Sport or recreational enterprises are excluded from H-R and H-C zones.
  - 7. Hospitals.
  - 8. Institutions or rest homes, nursing homes, for the care of the aged or the mentally infirm, and institutions of a philanthropic or charitable nature.
  - 9. Private clubs and country clubs.
  - 10. Privately owned schools.

11. Utilities consisting of water wells, gas metering and regulating stations, telephone exchanges, booster stations or conversion plants with the necessary buildings, apparatus or appurtenances but not including distribution mains, provided any buildings necessary to such utilities are similar in design and structure to other buildings in the area of the proposed use.
12. Radio or television transmitters. Excluded from H-R and H-C zones.
13. Sewage disposal plants. Excluded from H-R and H-C zones.
14. Landfills in RF zones only. [Ord. 94-06 § 1; prior code § 11-2-4.1]

**18.55.020 Special uses may be permitted in any zone.**

The following uses are special uses and may be authorized in any zone:

A. Public buildings or uses by a municipality, county or other political subdivision operated for public purposes, provided such buildings are designed and constructed in such a manner that the character of the area is not altered.

B. Churches.

C. Schools together with the necessary facilities and equipment to insure their proper operation.

D. Museums and libraries not operated for profit.

E. Public parks and playgrounds.

F. Day care or boarding of children. [Ord. 94-06 § 1; prior code § 11-2-4.2]

**18.55.030 Yard, height, area, off-street parking requirements.**

The provisions for front, rear and side yards, for height and area, and for off-street parking facilities applicable to the particular zone in which any use specified in this chapter is proposed to be located shall prevail unless, in the special use permit authorizing such use specific exemptions are made. [Ord. 94-06 § 1; prior code § 11-2-4.3]

**18.55.040 Use restrictions and uses not listed.**

A. When any use is specified as a permitted use in any zone, that use shall not be permitted in a more restrictive zone until the board of trustees, following a recommendation by the planning commission, conducts a public hearing on the matter and amends this title to permit the use in question to become a permitted use in the more restrictive zone. In no event shall a commercial or industrial use be permitted in the residential zones nor shall an industrial use be permitted in the Commercial zone.

B. In the event that a use is proposed in any zone which is not specifically listed in the "uses permitted" sections of the various zones, that use shall not be permitted in the proposed zone until the board of trustees, upon the recommendation of the planning commission, conducts a public hearing and amends this title to include the addition of the proposed use to the "uses permitted" section of the zone. [Ord. 94-06 § 1; prior code § 11-2-11.8]

---

Michael Cadena  
Mayor

Cesario Alvarill, Jr.  
Mayor Pro Tem

Jesus Caro, Jr.  
Trustee

Wesley Dixon  
Trustee

Paul Pirtle  
Trustee

# Town of Mesilla, New Mexico

## REGULAR MEETING

THE FOLLOWING AGENDA WILL BE CONSIDERED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES ON MONDAY, FEBRUARY 27, 2006 AT 7:00 P.M., IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA.

**PLEDGE OF ALLEGIANCE**  
**ROLL CALL AND DETERMINATION OF A QUORUM**  
**CHANGES TO THE AGENDA**  
**ACCEPTANCE OF THE CONSENT AGENDA**

*Items on the agenda indicated by an asterisk (\*) are on the consent agenda and will be voted on with one motion unless a Trustee requests that a specific item be removed. If a member of the public would like an item removed, please contact the Mayor or a Trustee prior to the beginning of the meeting.*

\* **MINUTES**

1. Special Meeting of February 5, 2006.
2. Special Meeting of February 6, 2006.
3. Regular Meeting of February 13, 2006.

\* **REPORTS**

4. Payment of Bills

**CASES RECOMMENDED FOR APPROVAL BY THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC):**

5. Case: 2005-055; Clay-Barro Place, Kevin McGinley, application for a summary subdivision. Location: Off of Calle del Norte and Camino Bodegas. Zone: RF
6. Case: 2006-030; 3116 Avenue De Mesilla, Canamex LLC application for a summary subdivision \* (re-plat) to add 0.039 acre to and existing 1.062 acre parcel. Zone: RF
7. Case: 2006-031; 550 University Ave., Jurado Xavoer, demolition permit to remove an old adobe house that is beyond repair. Zone: R-1
8. Case: 2006-033; 2140 Calle del Norte, Luis Martinez, Certificate of Appropriateness application for a building permit for a 1500 SF attached addition. Zone: HR
9. Case; 2006-035; 2885 Bolt Street, Ben Wright, Certificate of Appropriateness building permit application to construct a 365 SF attached addition. Zone: HR
10. Case: 2006-036; 2580 Calle Santa Ana, Armando Limon, application for a Certificate of Appropriateness and building permit application to construct a car-port and storage area. Zone: HR
11. Case: 2006-037; 3020 Mesilla Verde Terrace, GL Green & Associates, LLC, a building permit application to construct a new 3178 SF residence in the Mesilla Verde Subdivision. Zone: RA

12. Case: 2006-038; 3010 Mesilla Verde Terrace, Nathan Tiernez, a building permit application to construct a new 3957 SF residence in the Mesilla Verde Subdivision. Zone: RA
13. Case: 2006-039; 3060 Mesilla Verde Terrace, Abel Covarrubias, a building permit application to construct a new 3619 SF residence in the Mesilla Verde Subdivision. Zone: RA

**APPEAL OF PZHAC CASE TO THE BOARD OF TRUSTEES:**

14. Case: 2006-027; 2525 Calle de Santiago, Veronica Cook, building permit application to extend pre-approved open porch 8 feet and relocate 8 feet wall. Zone: HR

**NEW BUSINESS:**

15. Presentation and request by Donald R. Shepan, Race Director, to use route through Mesilla for the Annual Run Old Mesilla 5 & 10K Foot Races on Saturday, March 11, 2006.
16. Discussion of NM Legislative/Highway Appropriations and related projects.
17. Activity report for the Community Development Office.
18. Activity report for the Finance Department.
19. Activity report for the Fire Department.
20. Activity report for the Marshal Department.
21. Activity report for the Public Works Department.

**PUBLIC COMMENTS**

**STAFF AND COMMITTEE COMMENTS**

**BOARD OF TRUSTEES COMMENTS**

**ADJOURNMENT**

**NOTICE**

*If you need an accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us at 524-3262 at least 48 hours prior to the meeting.*

*Posted on 02-22-06 on the following locations: Town Clerk's Office 2231 Avenida de Mesilla, Public Safety Building 2670 Calle de Santiago, Mesilla Community Center 2251 Calle de Santiago, Shorty's Food Mart 2290 Avenida de Mesilla, Ristrammn Chile Co., 2531 Avenida de Mesilla and the U.S. Post Office 2253 Calle de Parian.*

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**BOARD OF TRUSTEE  
REGULAR MEETING  
February 27, 2006**

**MAYOR:** Michael M. Cadena

**TRUSTEES:** Mayor Pro Tem Cesario Alvillar                      Trustee Paul Pirtle  
Trustee Wesley Dixon    Trustee Jesus Caro

**STAFF:** Juan Fuentes, TC/T                      Rosanne Herrera, Secretary  
Steve Decker, CDC                                      Joe S. Mendez, Marshal  
Arnie Castaneda, PWD

**PUBLIC:** Nora Barraza                      Donna Decker                      Kevin McGinley  
Armando Limon                              WadeWarthen                      Micaela Cadena  
Ben Wright                                      Don Shepan                              Chris Alexander

**PLEDGE OF ALLEGIANCE**

Mayor Cadena led the Pledge of Allegiance

**ROLL CALL AND DETERMINATION OF A QUORUM**

Mayor Cadena called roll for a determination of a quorum. Those present at roll call were Mayor Pro Tem Alvillar, Trustee Dixon, Trustee Pirtle and Trustee Caro.

**CHANGES TO THE AGENDA**

Motion: Trustee Pirtle moved to accept the modified agenda.  
Second: Trustee Caro

Mr. Decker, Community Development Coordinator stated that the applicant requested item #14 be postponed until the next meeting.

Vote: Motion passed unanimously.

**ACCEPTANCE OF THE CONSENT AGENDA**

Motion: Trustee Dixon moved to accept the consent agenda.  
Second: Trustee Pirtle

Vote: Motion passed unanimously.

**MINUTES**

1. Special Meeting of February 5, 2006.
2. Special Meeting of February 6, 2006.
3. Regular Meeting of February 13, 2006.

**REPORTS**

4. Payment of Bills

**CASES RECOMMENDED FOR APPROVAL BY THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC):**

1 **5. Case: 2005-055; Clay-Barro Place, Kevin McGinley, application for a summary subdivision.**  
2 **Location: Off of Calle del Norte and Camino Bodegas. Zone: RF**  
3

4 Motion: Trustee Pirtle moved to approve Case 2005-055.  
5 Second: Trustee Caro  
6

7 Mr. Decker stated this application was to vacate Lot 7 and a .401 acre tract of Lot 6 and re-plat into  
8 three lots. The applicant went through the P&Z and received direction from them on exactly how to  
9 proceed and maintain the proper lot sizes. The applicant followed their direction and followed the  
10 code. The applicant's attorney met with Town attorney John Darden and they ensured that everything  
11 that was done followed state law and our municipal Town code.  
12

13 Mayor Pro Tem Alvillar stated that this lot line change constitutes a summary subdivision or an  
14 alternate subdivision therefore the applicant can not do anything else for the next three years.  
15

16 Mr. Decker stated that applicant was aware of this and also needed to bring in a mylar survey to be  
17 signed by the Mayor.  
18

19 Vote: Motion passed unanimously.  
20

21 **6. Case: 2006-030; 3116 Avenue De Mesilla, Canamex LLC application for a summary**  
22 **subdivision (re-plat) to add 0.039 acre to and existing 1.062 acre parcel. Zone: RF**  
23

24 Motion: Trustee Pirtle moved to approve Case 2006-030.  
25 Second: Trustee Dixon  
26

27 Mr. Decker stated this was a summary subdivision but when the original lots were surveyed there was  
28 a strip of land that was excluded from the surveys. This is a correction for what should have been  
29 part of the land. This is basically a correction survey and there will be a final plat forthcoming.  
30

31 Vote: Motion passed unanimously.  
32

33 **7. Case: 2006-031; 550 University Ave., Jurado Xavier, demolition permit to remove an old**  
34 **adobe house that is beyond repair. Zone: R-1**  
35

36 Motion: Mayor Pro Tem Alvillar moved to approve Case 2006-031.  
37 Second: Trustee Dixon  
38

39 Mr. Decker stated this was a simple removing of an old adobe home that is beyond repair. The  
40 proposed future use is to construct a residence and barn. This residence has no historical value.  
41

42 Vote: Motion passed unanimously.  
43

44 **8. Case: 2006-033; 2140 Calle del Norte, Luis Martinez, Certificate of Appropriateness**  
45 **application for a building permit for a 1500 SF attached addition. Zone: HR**  
46

47 Motion: Trustee Caro moved to approve Case 2006-033.  
48 Second: Trustee Dixon  
49

"INDEXING INFORMATION FOR COUNTY CLERK"

PROPERTY OWNER  
WINSTON

UPC NUMBER  
4-006-138-389-142/4-006-138-413-125

PROPERTY LOCATION

SECTION 36, T.23S., R.1E., N.M.P.M. OF THE U.S.R.S. SURVEYS, AS U.S.R.S. TRACTS 11B-66B2, 11B-67B, 11B-66B1 AND 11B-67A1B TOWN OF MESILLA DONA ANA COUNTY NEW MEXICO

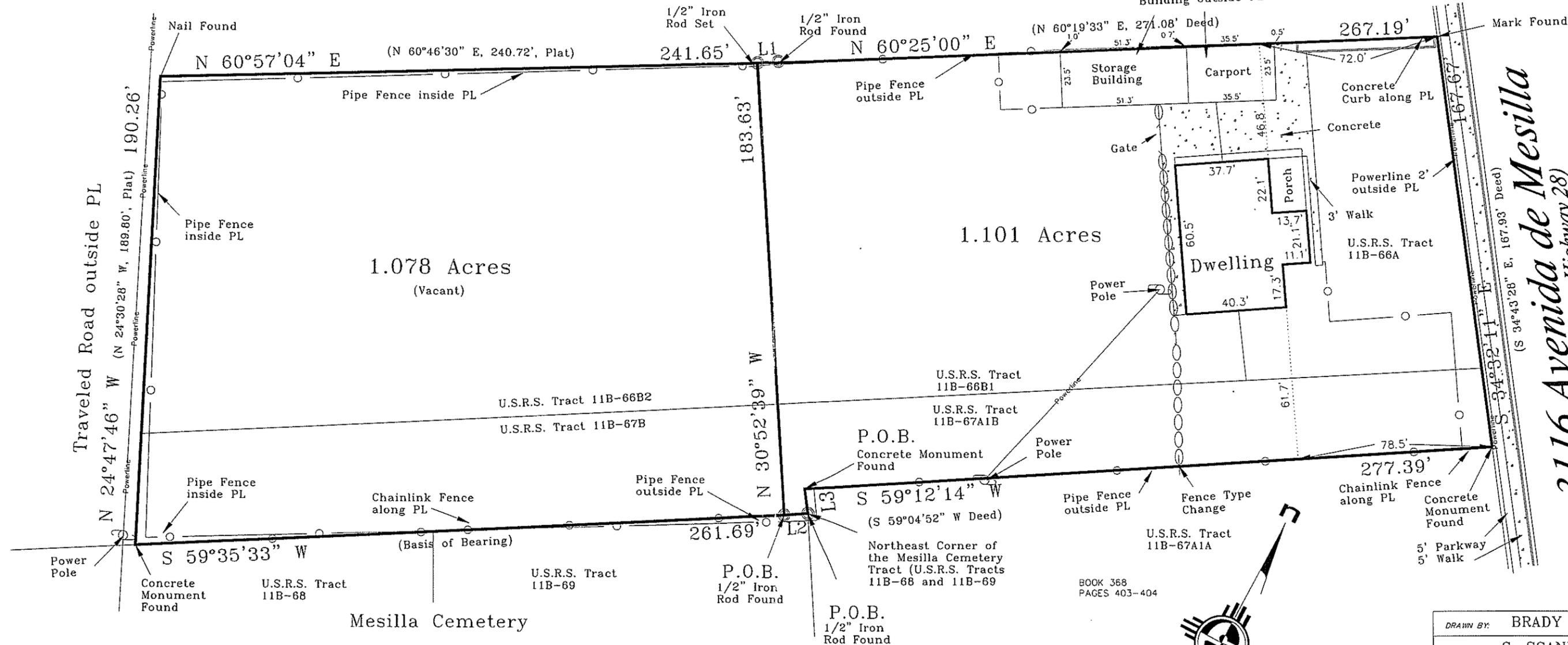
"THIS IS A BOUNDARY SURVEY PLAT OF AN EXISTING TRACT OR TRACTS OF LAND. IT IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT."

LINE	DIRECTION	DISTANCE
L1	N 63°29'05" E	8.96'
	N 59°00'47" E, Deed	8.82', Deed
L2	S 59°35'33" W	9.95'
L3	S 34°34'17" E	10.05'

PROPERTY IS IN AN "X" DESIGNATED ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 35013C0633 E, EFFECTIVE SEPTEMBER 27, 1991.

# PLAT OF SURVEY

A 1.078 ACRE TRACT, A 0.039 ACRE TRACT, AND A 1.101 ACRE TRACT  
LOCATED IN SECTION 36, T.23S., R.1E. N.M.P.M. OF THE U.S.R.S. SURVEYS AS U.S.R.S. TRACTS 11B-66B2, 11B-67B, 11B-66B1, 11B-66A AND 11B-67A1B TOWN OF MESILLA DONA ANA COUNTY NEW MEXICO



SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, THAT THIS PLAT WAS PREPARED FROM FIELD NOTES OF AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECTION AND THAT IT IS TRUE AND CORRECT, MEETING THE MINIMUM REQUIREMENTS OF THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

JAN. 20, 2000

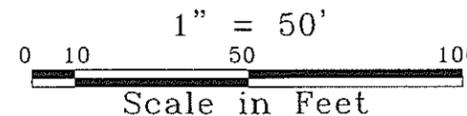
DATE OF SURVEY

*Ted G. Scanlon*

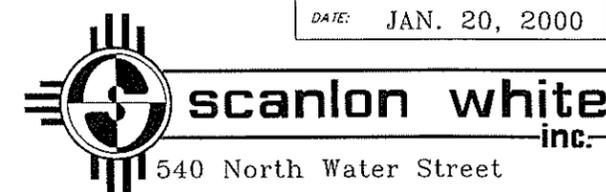
TED G. SCANLON - PS NO. 9433  
540 N. WATER STREET, LAS CRUCES, NM 88001



INSTRUMENT OF RECORD:  
WARRANTY DEED FILED OCTOBER 6, 1992, IN BOOK 363, PAGES 226-228, AND SPECIAL WARRANTY DEED FILED OCTOBER 6, 1992, IN BOOK 368, PAGES 226-228, OF THE DONA ANA COUNTY RECORDS.  
INSTRUMENT OF REFERENCE:  
PLAT OF SURVEY BY BOTSFORD LAND SURVEYING, INC., DATED MAY 30, 1989.



DRAWN BY:	BRADY
FIELD BY:	C. SCANLON
JOB NO.:	00010007
DATE:	JAN. 20, 2000



540 North Water Street  
Las Cruces, New Mexico 88001  
Phone: (505) 525-2112  
Fax: (505) 525-1226

## **Cynthia Stoehner-Hernandez**

---

**From:** GECA PC [elayo@msn.com]  
**Sent:** Tuesday, January 08, 2013 8:33 PM  
**To:** Cynthia Stoehner-Hernandez  
**Subject:** Regarding Case #012129

I too regard converting this home to an assisted living home as a bad idea I would like to formally NO!, to this undertaking. Thank You Angel Flores, Case # 012129

## Cynthia Stoehner-Hernandez

---

**From:** Walter maez [coffeenook@hotmail.com]  
**Sent:** Tuesday, January 08, 2013 8:49 PM  
**To:** Cynthia Stoehner-Hernandez  
**Subject:** 3116 Avenida de Mesilla

I live in a near by home. I do not think Dog kennels, Loud Motorcycles on the street, Bars, Clubs, etc. mesh well with an Assisted living home. I truly think there are a million other options. I vote an infinite No on this measure. Please make a disciplined choice.

Re: Case#012129

I would like to remain anonymous and protest the use of the home at 3116 Avenida De Mesilla as an assisted living Home. There is already way too much disturbance in this area to also include middle of the night ambulance service 24/7 etc. I have worked in nursing homes & assisted living companies & it is like non-stop action. Please give this matter an informed & careful consideration before making a choice. I truly think it is more than we can tolerate at this time. Thank you

# **TOWN OF MESILLA**

## **BOARD ACTION FORM**

**ITEM:**

For Approval: Request for rental fee discount by Argentine Tango de Las Cruces for community tango lessons and dances at the Mesilla Community Center for the year 2013.

**BACKGROUND:**

Argentine Tango de Las Cruces – a non-profit organization – wishes to hold community dances each Tuesday in 2013 from 6:30 to 9:30 p.m. beginning February 5 or as soon as the Community Center renovations are complete. In the past the group had paid \$25 a night for use of the auditorium, and they request a similar rate.

If approved, Argentine Tango de Las Cruces will be responsible for the following:

- Refundable cleaning deposit of \$150.00
- User fee determined by the Board of Trustees

**SUPPORT INFORMATION:**

1. Letter from Terri Coffman, Treasurer of Argentine Tango de Las Cruces

**BOARD OPTIONS:**

1. Approve
2. Modify
3. Reject

---

**SUBMITTED BY:** Ashley Echavarria  
**BOT MEETING DATE:** 1/28/2013

**DEPARTMENT:** Community Activities

January 16, 2013

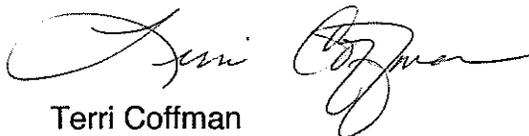
ArgentineTango de Las Cruces  
Terri Coffman  
905 Conway Ave #17  
Las Cruces, NM 88005

Town of Mesilla  
P.O.Box 10  
Mesilla, NM 88046

Dear Ashley Echavarria and Town of Mesilla:

We are writing to you on behalf of The Argentine Tango dancers here in Las Cruces, a nonprofit organization named Argentine Tango de Las Cruces. We are interested in promoting dance, specifically Argentine Tango in the Las Cruces area. Our group would like to use the Mesilla Community Center every Tuesday evening from 6:30-9:30, starting on February 5, 2013. This time will include a lesson and dance following. We have used this facility in the past for a price of \$25.00 a night. We would like to be able to attain this same or comparable rate. We realize our responsibility of keeping the facility clean and left respectfully as it was when we arrived. We believe that dance, and especially Argentine Tango is a healthy and beautiful art form which we would like to encourage and promote in our area. Thank you for your consideration on our behalf.

Respectfully,

A handwritten signature in cursive script, appearing to read 'Terri Coffman', written in black ink.

Terri Coffman  
Treasurer



## Systems Agreement

Local Government Division

---

*Agreement between:*

**Tyler Technologies, Inc**

5519 53rd Street  
Lubbock, Texas 79414  
(800) 646-2633  
(806) 797-4849 Fax

And

**Town of Mesilla, NM**

2231 Avenida de Mesilla  
Mesilla, NM 88046  
(575) 524-3262

*Issued date:*

January 23, 2013



**AGREEMENT**

This agreement is entered into by and between Tyler Technologies, Inc., hereinafter referred to as COMPANY, located at 5519 53rd Street, Lubbock, Texas 79414; and Town of Mesilla, NM, hereinafter referred to as CLIENT on, January 28, 2013.

COMPANY and CLIENT agree as follows:

- 1. COMPANY shall furnish the products and services as described in this Agreement, and CLIENT shall pay the prices set forth in this Agreement.
- 2. This Agreement consists of this Cover and the following Attachments and Exhibits:
  - Section A Investment Summary (A-D)
  - Section B COMPANY Agreement Terms and Conditions
- 3. The License Fees set forth in the Investment Summary are based on defined category levels. Placement within a category is based on the size of the organization serviced and measured by such factors as operating budget, number of employees, number of utility accounts, number of sworn officers, population of the entity, etc.

IN WITNESS WHEREOF, persons having been duly authorized and empowered to enter into this Agreement hereunto executed this Agreement effective as of the date last set forth below.

**Client: Town of Mesilla, NM**

**Tyler Technologies, Inc.:**

By: \_\_\_\_\_  
 Signature  
 Nick Eckert  
 Printed Name  
 Town Clerk/Treasurer  
 Title  
 1/28/2013  
 Date  
 85-00200-207  
 Sales Tax Certificate Number

By: \_\_\_\_\_  
 Signature  
 Printed Name  
 Title  
 Issue Date

**Investment Summary**

Ashley Echavarria  
Town of Mesilla, NM



<b>Prepared for:</b>  <b>Contact Person:</b> <b>Address:</b>  <b>Phone:</b> <b>Fax:</b> <b>Email:</b>	<b>Town of Mesilla, NM</b>  Ashley Echavarria 2231 Avenida de Mesilla Mesilla, NM 88046 (575) 524-3262 - mesillaevents@comcast.net	<b>Contract ID # :</b> 2013-0010
		<b>Issue Date:</b> 1/23/13
		<b>Salesman:</b> DK Robertson
		<b>Tax Exempt:</b> Yes / No

	Initial Fees	Monthly Fees**
<b>Total Monthly Services</b> <i>Internet Services and Products</i> **Please note this is not an Annual agreement, the fees listed herein are monthly fees.	400	91
<b>Totals</b>	<b>400</b>	<b>91</b>

## Hosted Applications

Ashley Echavarria  
Town of Mesilla, NM  
January 23, 2013



Service	QTY	Charges	Initial Year	Annual Fee
<b>Citizen Portal</b>				
One Time Setup Fee - Hardware Configuration - DNS registration	1	400	400	
Monthly fee to support and host Web site		50 /month	600	600
<b>INCODE Utility Billing On-Line Component</b>				
Utility Billing Online (4 cents per bill, per month)	<u>1,026</u>	0.04 /month	492	492
- Data extraction and storage				
- Display of:				
<ul style="list-style-type: none"> <li>• Current status (late, cut off etc)</li> <li>• Action needed to avoid penalty</li> <li>• Current Balance</li> <li>• Deposits on file (optional)</li> <li>• Last payment date</li> <li>• Last payment amount</li> <li>• Payment arrangements on file</li> <li>• Last bill amount</li> <li>• Last bill date</li> <li>• Bill due date</li> <li>• Contracts on file and status</li> <li>• Transaction history</li> </ul>				
- Address information including				
<ul style="list-style-type: none"> <li>• Mapping</li> <li>• Legal description*</li> <li>• Precinct*</li> <li>• School district*</li> <li>• Services at address</li> </ul>				
* - Subject to data availability				
- Consumption history by service, including graphs				
- Request for service (optional)				
- Information change request (optional)				
- Security - SSL (Secure Socket Layer)				
- Online Payments				
<ul style="list-style-type: none"> <li>• Payment packet is created to be imported to Utility System</li> </ul>				
<i>NOTE: Customer pays \$1.25 fee per transaction for payment on-line.</i>				
<b>Hosted Applications Total</b>			1,492	1,092

# **COMPANY WEB SERVICES - INTERNET BASED** **PRODUCTS SUBSCRIPTION AGREEMENT TERMS AND** **CONDITIONS**

THIS AGREEMENT is effective as of the date of acceptance set forth at the end hereof, and is by and between Tyler Technologies, Inc., hereinafter referred to as COMPANY and the party signing this agreement as the "SUBSCRIBER".

## **DEFINITIONS**

**COMPANY Web Services** COMPANY Web Services are designed to enable SUBSCRIBER to easily establish a presence on the Internet. COMPANY Web Hosting and Design is composed of the COMPANY Web Hosting and Design Publishing Component and other miscellaneous components. These components may be used independently or in conjunction with each other.

**COMPANY Utility Billing On-Line** The COMPANY Utility Billing On-Line Component allows the SUBSCRIBER to make available certain information from their COMPANY Utility Billing System to citizens with Internet access. This information is posted to SUBSCRIBER's web site, which is hosted on COMPANY's web server. With the proper security clearance, citizens with Internet access have access to the data which can include: Consumption information, service level information, requests for service, accounting information and the opportunity to pay their Utility Bill over the Internet using a credit card.

## **AGREEMENTS**

- 1) **TERM.** SUBSCRIBER must return an executed copy of this Agreement to COMPANY within 90 days from the issue date. Thereafter, the Agreement will be voided and is subject to change. Subject to the limitations of this Section 1, and unless otherwise provided for in this Agreement, the term of this Agreement shall commence as of the effective date and shall continue for three (3) years. The term shall thereafter be automatically extended in separate consecutive periods of twelve (12) months duration unless either party gives written notice to terminate. Notice to terminate must provide at least sixty (60) days notice of said intent. In the event that the SUBSCRIBER fails to pay any amount payable to COMPANY hereunder, when due, or fails to comply with any other provision of this Agreement, COMPANY may terminate the SUBSCRIBER's rights by written notice to that effect to the SUBSCRIBER. COMPANY may, by written notice to the SUBSCRIBER, terminate its obligations under this Agreement in the event that COMPANY, for whatever reason, ceases to host SUBSCRIBER's Web Site. A termination of the SUBSCRIBER's rights under this Agreement shall not terminate any of the parties' rights under this Agreement to receive or hold amounts rightfully owing to the respective party pursuant to the terms of this agreement or to enforce the intellectual and proprietary rights in the COMPANY concept, web site, software, and technology. Upon termination or non-renewal of this agreement, the parties shall each promptly account for all due but unpaid amounts hereunder. If SUBSCRIBER wishes to terminate before the stated term expires, SUBSCRIBER must give sixty (60) days written notice in order not to incur termination costs of \$273.00. Please also see section entitled "**TERMINATION**" in this Agreement.
- 2) **NATURE OF WEB SITE.** COMPANY shall maintain a web site accessible over the Internet, for SUBSCRIBER. This web site shall contain both static information pages, non-static interactive pages as well as payment function pages. The web site shall allow a citizen with Internet access to view relevant data provided by SUBSCRIBER. This data may include certain data elements from SUBSCRIBER's Tyler Software System. This web site shall be equipped to accept payment of amounts owed to SUBSCRIBER, via Secured Socket Layer (SSL) encryption and credit card or debit card charge.
- 3) **DATA PROCUREMENT.** COMPANY must host the components and services listed in the Investment Summary of this Agreement. The SUBSCRIBER will be required to setup a merchant account with Electronic Transaction System Corporation or authorized.net for the sole use of COMPANY Web Service transactions. The merchant account must be setup to fund to the SUBSCRIBER bank account. All fees for the merchant account will be paid by SUBSCRIBER.

SUBSCRIBER will be required to install and run Tyler Web Services in order for the COMPANY On-Line application to access and transfer the necessary data from the SUBSCRIBER's primary software system, to COMPANY's web server. The transfer will occur on a real time basis. Additionally, certain information, such as payment information, must be conveyed to SUBSCRIBER. COMPANY will assume responsibility for transferring such information back to SUBSCRIBER on a regular basis. Tyler Web Services requires a dedicated IP address. Assignment of dedicated IP address is the sole responsibility of SUBSCRIBER.

- 4) **LICENSED SOFTWARE OWNERSHIP.** SUBSCRIBER agrees that COMPANY possesses exclusive title to and ownership of the COMPANY Software.
  - a. SUBSCRIBER agrees that SUBSCRIBER acquires neither ownership nor any other interest in the COMPANY Software, except for the right to use and possess the COMPANY Software in accordance with the terms and conditions of this Agreement.
  - b. All rights not expressly granted to SUBSCRIBER in this Agreement are retained by COMPANY.
  - c. SUBSCRIBER agrees that COMPANY Software including, but not limited to, systems designs, programs in source and/or object code format, applications, techniques, ideas, and/or know-how utilized and/or developed by COMPANY are and shall remain the exclusive property of COMPANY. SUBSCRIBER agrees that the COMPANY Software consists of COMPANY's trade secrets. COMPANY shall retain all copyrights in the COMPANY Software, whether published or unpublished.

# **COMPANY WEB SERVICES - INTERNET BASED** **PRODUCTS SUBSCRIPTION AGREEMENT TERMS AND** **CONDITIONS**

- d. COMPANY agrees that all data provided to COMPANY for the purposes of generating the web site shall remain the property of SUBSCRIBER. Should SUBSCRIBER terminate the Internet Services in good standing and in accordance with the termination provisions of this Agreement, COMPANY agrees to return to SUBSCRIBER, all graphics, text documents, and data files held by COMPANY.
- 5) **SUBSCRIBER MEMBERSHIP FEES.** For establishing new COMPANY Web Services, the SUBSCRIBER shall pay to COMPANY the amounts as stated in the Investment Summary.
- 6) **INSITE FEES.** COMPANY may increase the INSITE per-transaction fee for online payment no more than once per year with prior written notice.
- 7) **NOT ASSIGNABLE.** The rights of the SUBSCRIBER under this Agreement are not assignable without the prior written consent of COMPANY. Any attempt to sublicense, assign, encumber or transfer any of the rights, duties or obligations under this Agreement by the SUBSCRIBER is void. Subject to the foregoing, this Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective permitted assigns and successors.
- 8) **SOFTWARE MAINTENANCE.** This SUBSCRIPTION AGREEMENT includes unlimited telephone support, support by communication modem, and all software upgrades, enhancements and new releases. COMPANY reserves the right to change the functionality of future releases of its software and SUBSCRIBER understands that COMPANY is not obligated to include specific functionality in future releases unless provided for herein.
- 9) **PARTIAL INVALIDITY.** Should any provision or clause of this Agreement be held to be invalid, such invalidity shall not affect any other provision or clause hereof, which can be given effect without such invalid provision or clause.
- 10) **RESPONSIBILITY OF DATA.** COMPANY will assume responsibility for all data transfer, but not responsible for data accuracy.
- 11) **SITE REQUIREMENTS.**
- a. SUBSCRIBER shall maintain a high speed internet connection (1.5mbps download AND 512kbps upload) with a static IP address and must be able to provide COMPANY with IP connection to SUBSCRIBER's network through Citrix GotoAssist, VPN, Citrix, or Microsoft Terminal Services. COMPANY shall use the connection to assist with problem diagnosis and resolution. COMPANY is not responsible for purchase of VPN client software license or configuration of SUBSCRIBER's firewall settings. **No wireless Internet connections allowed.**
  - b. COMPANY shall provide SUBSCRIBER with remote support through the use of secure connection over the Internet connection via Citrix GotoAssist. If SUBSCRIBER will not allow access through GotoAssist, COMPANY cannot guarantee support standards will be met.
- 12) **PROPRIETARY INFORMATION.**
- a. Distribution of COMPANY Software. SUBSCRIBER may not sell, assign, transfer, disclose, or otherwise make available, either directly or indirectly, any object code, documentation or other material relating to the Software, in whole or in part, or any copy of the same in any form, to any other person or entity.
  - b. Software as Trade Secret. SUBSCRIBER shall maintain the confidentiality of the Software and unless specifically authorized by COMPANY or except for ordinary and necessary backup purposes, SUBSCRIBER may not make or have made any copies of the Software or any part thereof. SUBSCRIBER shall include COMPANY's proprietary notice or other legend on any copies made by SUBSCRIBER as permitted hereunder.
- 13) **WARRANTY, DISCLAIMER, LIMITATION ON LIABILITY.** COMPANY warrants that the Software will substantially conform to current specifications delivered by COMPANY to SUBSCRIBER pursuant to this Agreement, including COMPANY's response to the Request for Proposal for six (6) months following installation; provided, however, that COMPANY's warranty hereunder shall not cover or apply to any software or part thereof that is not developed or designed by COMPANY. In the event that the Software is found to be defective in such respect and SUBSCRIBER notifies COMPANY in writing within six (6) months after its receipt of the Software of any substantial non-conformity of the Software with such specifications, COMPANY's sole obligation under this warranty is to remedy such defect within a reasonable time. THE FOREGOING WARRANTY IS EXCLUSIVE AND IS MADE IN LIEU OF ALL OTHER WARRANTIES OR REPRESENTATIONS, WHETHER EXPRESS OR IMPLIED, IN FACT OR IN LAW, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. COMPANY SHALL IN NO EVENT BE LIABLE FOR DAMAGES THAT EXCEED THE AMOUNT OF THE CHARGES PAID BY SUBSCRIBER HEREUNDER FOR THE DEVELOPMENT AND LICENSE OF THE SOFTWARE. IN NO EVENT SHALL COMPANY BE LIABLE FOR SPECIAL, INCIDENTAL, EXEMPLARY, INDIRECT OR CONSEQUENTIAL DAMAGES OR FOR LOSS OF PROFITS, REVENUES OR DATA, EVEN IF COMPANY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

# **COMPANY WEB SERVICES - INTERNET BASED** **PRODUCTS SUBSCRIPTION AGREEMENT TERMS AND** **CONDITIONS**

- 14) HOLD HARMLESS.** SUBSCRIBER agrees that it will hold COMPANY harmless against any claims, damages, liabilities, costs and expenses, including reasonable attorneys' fees, arising out of or relating to
- a. SUBSCRIBER's failure to implement any corrections, improvements and new releases relating to the Software, or any part thereof,
  - b. SUBSCRIBER's unauthorized alterations to or use of the Software, or
  - c. SUBSCRIBER's breach of any of its obligations to maintain the confidentiality of the Software or SUBSCRIBER's unauthorized copying thereof.
- 15) TERMINATION.** This Agreement or any license referenced hereunder may be terminated by COMPANY upon written notice to SUBSCRIBER if SUBSCRIBER performs any breach of the terms of this Agreement. At the date of termination of this Agreement, SUBSCRIBER shall promptly return to COMPANY any Software, related documentation, materials and other property of COMPANY then in its possession, and any copies thereof wherever located. Notwithstanding the foregoing, all provisions hereof relating to confidentiality of the Software shall survive the termination of this Agreement.
- 16) GENERAL.**
- a. This Agreement shall be governed by the laws of SUBSCRIBER's state of domicile and constitutes the entire Agreement between the parties hereto with respect to the Software described herein, and shall supersede all previous or contemporaneous negotiations, commitments and writings with respect to the matters set forth herein.
  - b. All acceptances by COMPANY of purchase orders and all sales by COMPANY are expressly limited to and made on the basis of the terms and conditions set forth herein, notwithstanding receipt or acknowledgment of SUBSCRIBER's order forms or specifications containing additional or different provisions, or conflicting oral representations by an agent, representative or employee of COMPANY. Any such additional or different terms are hereby objected to. All acceptances by COMPANY are expressly conditional on SUBSCRIBER's assent to the additional or different terms and conditions set forth in this Agreement. If these terms and conditions are not acceptable, SUBSCRIBER should notify COMPANY at once.

**TOWN OF MESILLA**  
PZHAC ACTION FORM

**ITEM:**

Ordinance modification to 18.52 Home Occupations

**STAFF REVIEW:**

Over the years staff has been approached by various interested parties about conducting certain home occupations. The most common requests have come in for kennels and repair businesses. In researching the matter it seems appropriate to allow these types of home occupation business, but only by special use permit. The reason being is we have much more control by following the special use permit process. The surrounding property owners are notified of the proposed special use, there is a public hearing(s), conditions can be placed upon the approval, etc.

There are businesses operating in the Town of Mesilla, such as vehicle repair/restoration which are grandfathered in or operating without a license, but do so without disturbing the neighborhood and their neighbors. The idea is to get these types of businesses legal in the eyes of the Town.

PZHAC recommended approval of ordinance modifications on 12-3-12.

BOT reviewed the ordinance changes on 12-10-12, with no additional comments or concerns.

**SUPPORT INFORMATION:**

1. Ordinance

**BOT OPTIONS:**

1. Approval of ordinance
2. Approval with conditions
3. Denial

Prepared By: Nick Eckert

Date Prepared: 1/23/13

# **Chapter 18.52**

## **HOME OCCUPATIONS**

Sections:

[18.52.010](#) Title.

[18.52.020](#) Definitions.

[18.52.030](#) General conditions.

[18.52.040](#) Permitted and prohibited home occupations.

[18.52.050](#) Penalty.

### **18.52.010 Title.**

This chapter may be cited as the “home occupation ordinance.” [Ord. 2003-06 § 5; prior code § 7-10-1]

### **18.52.020 Definitions.**

“Home occupation” means an occupation conducted entirely within a dwelling and carried on by the inhabitants thereof, which is clearly incidental and subordinate to the use of the structure for residential purposes and which does not change the character of the dwelling and does not adversely affect the uses permitted in the zone of which it is a part. [Ord. 2003-06 § 5; prior code § 7-10-2]

### **18.52.030 General conditions.**

Home occupations are permitted uses in the RF, RA, R-1, H-R and H-C zones provided the following conditions are met:

- A. Only immediate family members occupying the dwelling shall be engaged in the home occupation.
- B. Only two occupations shall be permitted at a time.
- C. All activities shall be conducted indoors.
- D. Except for a sign as permitted in subsection (F) of this section, items shall not be displayed on the outside of the dwelling or on the premises of the home occupation and there shall be no change in the outside appearance of the dwelling or the premises.

E. Only products of the home occupation may be sold from the premises providing the following conditions are met:

1. Any activity at the residence related to the home occupation is by appointment only and there shall be no more than one client visitation at the home occupation at any given time except for instructional services;
2. All parking associated with the home occupation is off-street;
3. A site plan of the lot shall be submitted with a business registration application to the PZHAC for approval. The site plan shall indicate the location of all structures and parking for the maximum number of vehicles that shall be present on the lot at any one time during the hours of operation of the home occupation, to include the vehicles owned and operated by the residents of the dwelling. The size of the parking spaces shall comply with MTC [18.60.170](#), Required off-street parking; and
4. A checklist, which appears at the end of this chapter as Appendix A, shall also be submitted with the business registration application to the PZHAC.

F. One unlighted sign have a maximum area of one by ~~one and one-half~~<sup>3</sup> (Three) square feet and identifying the occupant(s) and home occupation(s) shall be permitted.

G. There shall be no external evidence of the activity such as commercial vehicles, outside storage of products or materials and there shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of a home occupation, unless specifically permitted pursuant to conditions of a special use permit.

H. Storage in connection with any home occupation shall be totally enclosed and there shall be no open storage of business related equipment or supplies with the exception of one company owned vehicle, three-quarter-ton truck or smaller, which is also used for personal transportation purposes.

I. No equipment or process shall be used in a home occupation that creates dust, noise, vibration, glare, fumes, odors or other nuisances to other neighboring properties.

J. There shall be no toxic, explosive, highly flammable or other restricted materials used or stored on the premises of a home occupation beyond the amount normally kept at a residential dwelling or on hand to operate or maintain equipment permitted by the Uniform Fire Code as adopted by the town of Mesilla.

K. No equipment shall be used in a home occupation which creates electrical interference detectable in adjacent areas or visual or audible interference for any radio or television receivers on and near the premises, which exceeds that normally found in a residential area.

L. All home occupations shall be required to obtain a business registration from the town clerk's office. Conditions may be attached during the approval process. Business registrations are

renewable annually by the fifteenth day of March upon submission and approval of an application and payment of a \$35.00 fee. Cross reference: Chapter [5.05](#) MTC, Business Registration. [Ord. 2003-06 § 5; prior code § 7-10-3]

## **18.52.040 Permitted and prohibited home occupations.**

### **A. Permitted Uses**

**1.** Professional Office Businesses. Professional office businesses may include an office for accounting, bookkeeping, tax preparation, office management, appraisal, architectural, real estate and other similar businesses.

**2B.** Professional Service Related Businesses. Professional service related businesses may include computer programming and other computer related services, direct distribution (for example, Amway, Avon, Tupperware), mail order, maid service, ironing, telephone/fax answering, word processing and other similar service uses.

**3C.** Instructional Services Businesses. Instructional services may include educational tutoring, music lessons and similar instructional services. A maximum of five students may be at the dwelling at any one time. No musical instruments may be amplified.

**4D.** Small Home Artisan Businesses. A small home artisan business may include painting and drawing studios; dress making, sewing and tailoring; engraving; leather work; jewelry making and hobby crafts.

### **B. Uses Permitted With A Special Use Permit**

**1. Kennels and pet grooming**

**2. Automotive related repair, body work, and dealer licensing**

**3. Bicycle repair and servicing**

**4. Motorcycle repair and servicing**

**5. Appliance repair or servicing**

### **E. Prohibited Home Occupations.**

1. Among those professional services that shall not be considered for home occupation status are attorneys, dentists, medical doctors and practitioners primarily involved with anatomical or alternative medicines.

2. Among those professional services that shall not be considered for home occupation status are beauticians and barber shops, massage parlors.

3. Adult book stores, adult video stores, adult amusement businesses and the sale of obscene material as defined in Chapter [9.40](#) MTC are prohibited as home occupations.

4. Other prohibited businesses include but are not limited to fortune telling, palm reading, tattoo parlors, body piercing services, ~~pet grooming businesses and kennels~~, restaurants, ~~automotive related repair and body work, bicycle and motorcycle repair and servicing, appliance repair or servicing~~. [Ord. 2003-06 § 5; prior code § 7-10-4]

### **18.52.050 Penalty.**

Any person who violates the provisions of this chapter shall be charged with a petty misdemeanor and upon conviction may be punished by a fine of not more than \$500.00 or imprisonment for not more than 90 days or by both such fine and imprisonment as provided for in MTC Title 1. [Ord. 2003-06 § 6]

## **Appendix A**

Checklist for Compliance with MTC 18.52.030, Home Occupation General Conditions

As a part of your application, first time and renewal, for a home occupation we ask that you acknowledge compliance with the following rules and regulations for home occupations in the town of Mesilla by initialing each requirement and signing the checklist below.

\_\_\_\_\_ Only immediate family members occupying the dwelling shall be engaged in the home occupation.

\_\_\_\_\_ The primary use of the dwelling shall be for residential purposes.

\_\_\_\_\_ Items shall not be displayed on the outside of the dwelling or on the premises of the home occupation, unless specifically allowed by special use permit.

\_\_\_\_\_ There shall be no change in the outside appearance of the dwelling or the premises.

\_\_\_\_\_ Only products of the home occupation shall be sold from the premises.

\_\_\_\_\_ Only two occupations shall be permitted at a time.

\_\_\_\_\_ All activities shall be conducted indoors. There shall be no direct sale of products off display shelves or racks. Retail sales shall only be conducted if product orders are placed earlier by telephone or fax or electronically.

\_\_\_\_\_ Sales to customers shall be arranged by appointment and scheduled so that not more than one customer vehicle is at the dwelling at any one time except for instructional services.

\_\_\_\_\_ For instructional service home occupations no more than five students shall be at the dwelling at any one time.

\_\_\_\_\_ Only one unlighted sign have a maximum area of one and one-half square feet and identifying the occupant(s) and the home occupation(s) shall be permitted.

\_\_\_\_\_ There shall be no external evidence of the conduct of a home occupation on the premises such as commercial vehicles or outside storage of products, materials or supplies.

\_\_\_\_\_ Company owned vehicles which are three-quarter-ton truck or smaller which are also used for personal transportation purposes shall be exempt from the above condition. No more than one such commercial vehicle shall be parked overnight on the premises of a home occupation.

\_\_\_\_\_ No equipment or process shall be used in a home occupation which creates noise, odor, dust, fumes, vibration, glare, electrical interference or other nuisance detectable on adjacent properties.

\_\_\_\_\_ There shall be no toxic, explosive, highly flammable, combustible, corrosive, radioactive or other restricted materials used or stored on the premises of a home occupation beyond the amount kept at a normal residential dwelling or on hand to operate or maintain equipment permitted by the Uniform Fire Code as adopted by the town of Mesilla.

\_\_\_\_\_ All customer parking shall be off-street parking including parking for those home occupations involving teaching where the maximum number of clients shall be five at any one time.

I hereby state under oath that by initialing each requirement above and signing this checklist below I acknowledge that my proposed home occupation is in compliance with the rules and regulations for home occupations in the town of Mesilla and further I state under oath that my responses are true and valid:

\_\_\_\_\_  
Applicant's name printed

\_\_\_\_\_      \_\_\_\_\_  
Applicant's signature Date

\_\_\_\_\_      \_\_\_\_\_  
Witness Date