



**BOARD OF TRUSTEES
TOWN OF MESILLA
MEETING
MONDAY, FEBRUARY 24, 2014
6:00 P.M.**

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

STAFF: Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
Tom Austin, Marshal
Kevin Hoban, Fire Chief
Gloria Maya, Recorder

PUBLIC:

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Barraza led the Pledge of Allegiance.

2. PRESENTATION

Presentation by Chad Zecha to the Mesilla Firefighters Association for the donation of funds which went to the purchase 2 multi-gas detectors, 2 refurbished laptop computers, and traffic warning/landing zone equipment. Additionally, a 32 gallon air compressor and large format television was donated to the Mesilla Fire Department. *Postponed until the next scheduled meeting*

3. ROLL CALL OF TRUSTEE MEMBERS PRESENT AND DETERMINATION OF QUORUM

Roll Call.

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

4. PUBLIC INPUT – There is a 3 minute limit per person.

Mrs. Evelyn Madrid Erhard thanked the community for helping her late husband, Tom. Especially thanked Fire Chief Hoban and Officer Salas who came many times to their home to help; she is really appreciative. She heard the Mormon Church bought the property on the corner of Highway 28 and University Avenue. Stated she is against it and now that the election is coming up the community would like to know the board’s stand on this. The Mormon Church would not represent more than 1 or 2 percent of the town’s population. A church would not bring in tourism and the community would not be able to

1 use the property. She is not against the church owning the property; she would like to see the property
2 used in a way that would be beneficial to the town. That is important to her. She also spoke against the
3 church being built on Old Farm Road. Indicated she will fight tooth and nail to keep that from happening.
4 The town has so much potential especially now that the peaks are going to be a national monument. We
5 have the opportunity to make a lot of money and make Mesilla a place where people want to visit. Using
6 prime property like that is not going to bring people. Also, she would say that about any church. There is
7 Basilica, which is an old building, on the plaza that tourist come to see. A new building will not call the
8 tourist. There are homes in Santa Teresa for low income families which are being built from straw bale
9 which are beautiful; something that could be looked into.

10
11 **5. CHANGES TO THE AGENDA & APPROVAL OF THE AGENDA**
12

13 **Motion:** To approve agenda, **Moved by** Mayor Pro Tem Bernal, **Seconded by** Trustee Arzabal
14

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

16 Mayor Pro Tem Bernal Yes

17 Trustee Arzabal Yes

18 Trustee Caro Yes

19 Trustee Flores Yes
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21 **6. *APPROVAL OF CONSENT AGENDA** – The Board will be asked to approve by one motion
22 the following items of recurring or routine business. **The Consent Agenda is marked with an**
23 **asterisk *:**

24
25 **Motion:** To approve consent agenda with conditions, **Moved by** Trustee Arzabal, **Seconded by** Trustee
26 Flores.
27

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

29 Mayor Pro Tem Bernal Yes

30 Trustee Arzabal Yes

31 Trustee Caro Yes

32 Trustee Flores Yes
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34 ***BOT MINUTES** – Regular Meeting of February 10, 2014 *Approved by consent agenda*

35 ***Summary Subdivision (Lot line adjustment):**

36 ***PZHAC Case 012249** – 2938 Valle Grande, by Paul Karody, a subdivision application to
37 move a property line to allow a driveway to provide access to an existing land locked property.
38 Zone: Rural Farm (RF) *Approved by consent agenda*

39 ***Sign Permit Requests:**

40 *** PZHAC Case 012250** – 1910 Calle de Parian (The Old Tortilla Factory) by Teresa Guerra, a
41 request for a sign permit to allow two 15 sq. ft. wall signs to be installed on the structure, with
42 one sign on each street frontage. Zone: Historic Commercial (HC). *Approved by consent*
43 *agenda*

44 **7. NEW BUSINESS:**

1 A. Approval of an agreement to join National Purchasing Partners (NPP) group – **Chief Kevin**
2 **Hoban.**

3
4 Fire Chief Hoban stated we were awarded a grant in November to purchase Self Contained Breathing
5 Apparatus (SCBA). As part of this purchase he would like to join the purchasing group which will
6 provide us a 25% discount on the SCBA. This group has also gone through the process of competitive
7 bids. The bid specifications of this group meet the bids specifications approved by the New Mexico State
8 Fire Marshal office for purchases.

9
10 Mayor Barraza asked if there is any cost joining the group.

11
12 Fire Chief Hoban responded there is no cost to join. The cost is past to the vendors.

13
14 **Motion:** To approve agreement to join National Purchasing Partners (NPP) group, **Moved by** Trustee
15 Arzabal, **Seconded by** Mayor Pro Tem Bernal.

16
17 Trustee Caro asked if the breathing apparatus around \$6,000 which will be paid through the grant and
18 there will be no cost to the town.

19
20 Mayor Barraza responded this was brought to the board for approval of the matching funds for this grant.
21 This is already in place.

22
23 Trustee Caro stated so there is matching funds.

24
25 Mayor Barraza responded the Town of Mesilla will have match fund. She asked Fire Chief Hoban for the
26 matching funds amount.

27
28 Fire Chief Hoban responded the matching fund amount is around \$23,600 and was voted on by resolution
29 in August.

30
31 Trustee Flores asked if this is a different company and if so, why are we changing companies.

32
33 Fire Chief Hoban responded we are not changing companies; we are gaining an additional company. .
34 This group is specific for fire rescue organizations.

35
36 Trustee Caro asked if there is an annual membership fee.

37
38 Fire Chief Hoban responded government entities do not pay fees; vendors do need to pay fees.

39
40 Mayor Pro Tem Bernal stated this is something positive and is needed to continue providing safety for the
41 community.

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43 Mayor Barraza stated the town would never have the money to purchase these much needed apparatus.
44 An investment of \$23,000 is nothing to complain about. This is a very wise investment.

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

Mayor Pro Tem Bernal Yes

Trustee Arzabal Yes

Trustee Caro Yes

Trustee Flores Yes

B. Approval to hire Manny Cortez as a Deputy Marshal – **Marshal Tom Austin/Mayor Nora L. Barraza.**

Marshal Austin stated this vacancy is due to Lieutenant Flores departure. This has been taxing on the department on covering schedules. There were several applications; four were interviewed. Mr. Cortez was head and shoulders above the rest. He has a good reputation. He is a big man and very soft spoken.

Motion: To approve the hiring of Manny Cortez as Deputy Marshal, **Moved by** Mayor Pro Tem Bernal, **Seconded by** Trustee Arzabal.

Trustee Caro stated he has been told before thorough investigations have been done and later on things come up. He asked Mr. Cortez if he has been terminated or asked to resign from any former employers.

Mr. Cortez responded he was terminated from the Village of Hatch.

Marshal Austin stated he uncomfortable answering those types of questions in a public forum. He can assure you this man will make you proud; without a doubt.

Trustee Flores stated Trustee Caro has asked that we hold off doing any hiring until after the election. She wants to know what the affect would be on the department if we wait until the next board meeting. She understands he is a temporary hire, what is detrimental in waiting.

Mayor Barraza responded according to the ordinance a temporary hire must come to the board at the next scheduled meeting. We have been shorthanded in the Marshal's Department. We do not have the manpower to serve our constituents. We are exceeding what has been budgeted for overtime. The election should not hinder how we need to take care of town business.

Mayor Pro Tem Bernal stated he agrees 100%; we should not base this on the election. We need to look at the safety of our community. The short fall is placing a lot of burden on the department. We need to go forward; Mr. Austin has made a decision so we need to support him.

Trustee Arzabal stated Mr. Cortez' credentials are good. We could have had an emergency meeting to hire this young man. He is fine in hiring him based on his credentials.

Mayor Barraza indicated Mr. Cortez came on board last Sunday. We felt it would be better to follow the emergency hire procedure. There have deputies that have needed to take leave causing more of a shortage. We budgeted for this position but in reality we are really short one or two more officers in the department.

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Marshal Austin stated he is denying annual leave request. He also stated he is very protective of his reputation which he is putting on the line for Mr. Cortez.

Trustee Caro stated he was introduced to Mr. Cortez on President’s Day. Then he saw on where the hiring was on the agenda for approval and wondered why it is coming up for approval when he was already working, this is after the fact. Once again we are putting the carriage before the horse. This is nothing personal against Mr. Cortez since he does have good credentials. He is looking at the process. This was not an emergency hire. He read in the paper where Sunland, which is larger than Mesilla, has six officers. We have more and a marshal and we are smaller. He feels this had nothing to do with an emergency hire.

Mayor Barraza responded this was a temporary hire and not an emergency hire. According to our personnel manual we have the right to hire on temporary bases based on the needs of the department and that is the process that we followed.

Trustee Caro stated the mayor had indicated it was an emergency hire.

Mayor Barraza responded she is sure she indicated temporary hire. She asked Ms. Maya to read her statement.

Ms. Maya read “we felt it would be better to follow the emergency hire procedure.”

Mayor Barraza apologized for that and corrected herself saying it was a temporary hire.

Trustee Arzabal called for the question.

Trustee Flores asked if a trustee was involved in selecting Mr. Cortez.

Mayor Barraza responded she sat in on an interview with Mr. Cortez.

Marshal Austin responded no.

Trustee Flores asked if we can postpone this decision until the next meeting or does a decision need to be made tonight.

Mayor Barraza responded the personnel handbook reads that it needs to come to the board for approval at their next scheduled meeting.

Inaudible

Roll Call Vote: Motion passed (summary: Yes = 3; No=2.

Mayor Pro Tem Bernal Yes

Trustee Arzabal Yes

1 Trustee Caro No
2 Trustee Flores No
3 Mayor Barraza Yes

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5 C. For Discussion: an ethics ordinance for Town officials – **Mayor Nora L. Barraza.**

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7 Mayor Barraza indicated this is a discussion item.

8
9 Trustee Flores stated in section for candidates running for office she would like to see language that when
10 running for offices “all candidates shall disclose to the town clerk/treasurer in donations and labor goods
11 given to their campaign and their source of the donation. Dates could be added and opened to the public.
12 She feels that is important information.

13
14 Mayor Barraza stated we will take your suggestions and forwarded them to the attorney.

15
16 Trustee Flores asked for clarification on item #6.

17
18 Mayor Barraza responded this is for town employee, volunteers and elected officials.

19
20 Trustee Flores stated she is trying to see where this will come into play.

21
22 Marshal Austin responded this is a starting point.

23
24 Mayor Barraza stated Trustee Flores is trying to determine where this will be applicable.

25
26 Sergeant Hervol stated this is the reputation regarding employees and the service done for the town. This
27 will give credibility to hiring and promoting from in-house.

28
29 Mayor Barraza stated we will need to elaborate on this.

30
31 Marshal Austin stated that Sergeant Hervol worked on this very diligently on his own time. This was
32 pulled from several resources.

33
34 Trustee Flores stated she reviewed it carefully looking for anything she did not like grammatically or
35 anything else and this caught her eye. She reviewed her concerns.

36
37 Trustee Caro stated most of this common sense; things that all of us should already be doing. He hope
38 that the ones are not won’t take this too hard and remember to always respect the people. Inaudible All
39 departments should be doing this.

40
41 Marshal Austin agreed with Trustee Caro.

1 Mayor Barraza asked that they continue to look at this and provide those concerns to Ms. Stoenner-
2 Hernandez. This will then be presented to the attorney. This will not be completed for another four to six
3 weeks.

4 D. Update on Plaza Kiosko project – Debbie Lujan, Public Works Director.
5

6 Mr. Montoya stated the floor joints have been installed; electrical underneath has been completed. The
7 concrete will begin within the next three days. The electrician has checked the circuits and found that
8 each pole with a plug has its own circuit; each pole will have 20 amps. The south side panel box will also
9 be checked to see if we can gain more power. We are working with a 200 amp master circuit. The
10 project is on schedule for completion the middle of April. He was asked to look at the cracks on the
11 CMU; there are superficial cracks where they took off the steps. Those will be taken care of when the
12 concrete is installed for the steps. There was a structural foundation analysis done. The foundation is
13 probably the least of worry and there is good footing.
14

15 Trustee Caro responded he was the one that made the complaint. He went by and saw the cracks. The
16 main damage has been made so he figured why not go ahead and take it all the way down. Once you add
17 everything there is going to be more weight. He asked if the wires were replaced or just checked out.
18

19 Mr. Montoya responded the wires were not replaced.
20

21 Trustee Caro stated since there was flooding issues we need to insure there are no problems. We need to
22 insure that we do things right now to avoid having to come back to redo things. Reiterated since it has
23 been taken almost all the way down why not take it all the way and do it right. Reiterated he wants to
24 insure we do not cut any corners and make it something that we are proud of. Thanked him for taking
25 these things into consideration.
26

27 Mayor Barraza stated we have assured you that we have hired experts, structural engineers, to do their
28 jobs which we are paying them for. Additional work will cost more money. She has instructed
29 Molzen/Corbin and the contractors to not allow anyone in the construction area. She understands that
30 Trustee Caro has been showing up with architects and engineers. We pay our engineering firm to do this
31 type of work. Ms. Lujan has brought your concerns to the engineers and communicates with everyone
32 involved on a daily basis. If Trustee Caro has any concerns he is contact her or Ms. Lujan and not be
33 talking to the workers. The electricians have surveyed the area and would have advised us if there was
34 any potential problems. We are thinking of the future and the money we are investing so that we do not
35 have to come back to address problems. We are trying to address all the problems brought to our
36 attention.
37

38 Trustee Flores stated she looked into the report from the structural engineer as she was asked to do. She
39 also spoke to Ms. Lujan about it. She asked that if the structural engineer comes back to check on the
40 progress; if that is not the case would it be possible to have Trustee Caro's photos looked at by the
41 structural engineer to be sure everything is fine.
42

43 Mr. Montoya responded the structural engineer relies on us. He asked Trustee Caro to forward the
44 pictures so they can be reviewed.
45

46 Mayor Barraza asked Trustee Caro to forward the pictures to Ms. Lujan and she will forward them to Mr.
47 Montoya. She is not taking any more questions.
48

1 Trustee Caro stated he would like to respond very quickly.

2

3 Mayor Barraza stated she is not taking any more comments.

4

5 Trustee Caro stated you do not let us talk; you shut us off. You are being rude.....

6

7 Mayor Barraza asked Ms. Maya to turn off recorder.

8

9 **8. BOARD OF TRUSTEE COMMENTS**

10

11 Mayor Pro Tem Bernal stated he understands Mrs. Ernhard's concerns. He ssincerely feels her concerns.
12 He will do the best to his ability to do the right thing.

13

14 Trustee Flores stated she does not feel it is proper to comment on that might come to the board in the
15 future. She knows the Mormon Church does own the property. As far as other towns, Fort Bayard which
16 is bigger than Mesilla has two officers but they are not giving 24 hour service. The Town of Mesilla
17 residents deserve 24 hour coverage. We could save money not having a police department but one of our
18 biggest responsibilities is public safety and she wants to insure it is being done correctly. We are having
19 an election and one of us at least is not going to be here. There are important issues coming up which is
20 very important. Many times people get up and say "Las Cruces does it this way". I always smile to
21 myself and think Las Cruces has destroyed their history and I am so glad that the people of Mesilla have
22 the wisdom to preserve the history of our town. She hopes that the new board keeps the values of Town
23 of Mesilla in mind when making decisions. She read a poem to the public.

24

25 Trustee Caro stated the reason he has been going out to the plaza is that he was elected to insure things
26 are going right even though their given assurance things are going right. It has happened before; we take
27 things for granted. We assume and that is where we go wrong. He has seen things that are not kosher.
28 He continues to ask questions and he does not see anything wrong with that. As far as him going out to
29 the plaza; he does not see a problem with that since he never sees Ms. Lujan at the plaza. For the past few
30 weeks, since no one is watch the workers work for a few hours a day. The deadline is the first of April
31 but it does not see that happening. These are things that he is getting phone calls on. He is trying to
32 insure things are done right.

33

34 Trustee Arzabal stated since nothing has come to the board with regards to the property on Highway 28,
35 he cannot comment. Also if he were to comment at this time he would have to recuse himself when it
36 does come to the board. Some of us have been here a long time when the town was going to some really
37 hard times. When you look at the positive side we have come a long way. There are boards where people
38 cannot stand each other. This board disagrees but there is still respect which is hard to come by.
39 Congress did not care they shut the Federal Government down. In his opinion they only cared about
40 themselves. This board cares about Mesilla. Several of us campaign on Public Safety when running for
41 office. He voted yes for Mr. Cortes based on his experience and credentials. He spoke to Mr. Austin at
42 one time when he had two guys out causing them to be shorthanded. Maybe a special could have been
43 held but we need to remember Public Safety is number one. If we can't take Marshal Austin's word then
44 whose word can we take?

45

46 Mayor Barraza congratulated Mr. Cortez and welcomed him to the Town of Mesilla. Marshal Austin
47 does a wonderful job with his department and knows he is good hands. She also looked Mr. Cortez
48 credentials that were very impressive. Marshal Austin and she sat down to discuss Mr. Cortez. She also

1 did meet with Mr. Cortez. The town does not have control on who purchases property. We do have
2 ordinances in place with a process. This property has two zones; historical and rural farm. If and when
3 they ever come forward with an application the Planning and Zoning will follow process. All we know is
4 that the church has purchased the property; we do not know what their plans are. It would not be fair for
5 the trustees to comment as it will put them in an awkward position when it does come to a vote. When a
6 municipality is incorporated there must be a law enforcement department. If we were to go to the county
7 what would our response time be since they are short 20 officers at this time? As Ms. Ernhard indicated
8 she was thankful for the response from our Fire Department and Marshal's Department during her late
9 husband's illness. We are fortunate that we have the caliber of volunteer firefighters and officers that we
10 have; we are blessed to have them. Also we are fortunate to have the caliber of officers we have in the
11 Marshal's Department. We cannot complete with the surrounding areas in terms of salaries; it is
12 embarrassing. They have families to support how can we hold them back for seeking other employment.
13 Reiterated we are blessed to have these people. She can guarantee that everything that can possibly be
14 done is being done to insure the work is being done correctly on the Kiosko. This goes out to bid and
15 reviewed by Molzen/Corbin. We need to see the quality of work during the bid process. This is an
16 investment for the town. The town does not have funds to address these things so we need to do things
17 right the first time. We cannot continue to do a bandade approach. She can guarantee that Ms. Lujan is
18 visiting the site on a regular basis. There is a meeting every two weeks to give an update; to keep trustees
19 informed. There is nothing to hide. Once a month department heads provide report on what is going on
20 in their department. If you read your packet what is being addressed. There are trustees say we are not
21 addressing the parks; we are addressing all the needs. All the Public Work staff is pulled from what they
22 are doing to do meter readings once a month. Ms. Stoechner-Hernandez is working on obtaining funding
23 to hire a consultant to work on the Comprehensive Plan. She thanked Ms. Ernhard for her comments of
24 the Fire and Marshal Departments which boost their moral. She is grateful they were there during her
25 time of need.

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27 **9. ADJOURNMENT**

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29 **Motion:** To adjourn, **Moved by** Trustee Arzabal, **Seconded by** Trustee Flores

30
31 **Roll Call Vote: Motion passed (summary: Yes = 4).**

32 Mayor Pro Tem Bernal Yes

33 Trustee Arzabal Yes

34 Trustee Caro Yes

35 Trustee Flores Yes

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37 **MEETING ADJOURNED AT 7:09 P.M.**

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40 **APPROVED THIS 10TH DAY OF MARCH, 2014.**

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46 Nora L. Barraza
47 Mayor

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49 **ATTEST:**

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Cynthia Stohner-Hernandez
Town Clerk/Treasurer