



**BOARD OF TRUSTEES
TOWN OF MESILLA
BOARD MEETING
MONDAY, AUGUST 25, 2014
6:00 P.M.**

TRUSTEES: Nora L. Barraza, Mayor
Carlos Arzabal, Mayor Pro Tem
Sam Bernal, Trustee
Linda L. Flores, Trustee
Stephanie Johnson- Burick

STAFF: Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
Kevin Hoban, Fire Chief
Debbie Lujan, Public Works
Chris Mangusing, Marshal
Gloria Maya, Recorder

PUBLIC: Chris Alexander Ron Burick
Evelyn Madrid Erhard Rosie Martinez
Shannon Schumacker Sharon Thomas
Susan Krueger Alexandra Hall
Russell Hernandez

1. PLEDGE OF ALLEGIANCE

Mayor Barraza led the Pledge of Allegiance.

Mayor Barraza indicated the Attorney General were unable to attend the worksession on the Open Meeting Act; Ms. Stoechner-Hernandez is working on rescheduling the worksession.

2. ROLL CALL & DETERMINATION OF A QUORUM

Roll Call.

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

3. PRESENTATIONS:

a. Presentation regarding a Referendum on the South Central Regional Transit District –

Sharon Thomas, SCRTD

Ms. Thomas and Ms. Schumacher gave a presentation regarding a Referendum on the South Central Regional Transit District.

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Mayor Barraza stated she was the chairperson for South Central Regional Transit District. This project has been in the works for up to five (5) years. Trustee Flores, Trustee Bernal and I sat on the MPO Committee. There is a stop at the Town of Mesilla Town Hall. Mr. Valencia gave statistical information on the increase of ridership. This is a referendum they are hoping will pass in November.

Trustee Johnson-Burick asked if there are plans in the future to extend service on the weekends so more people can take advantage.

Ms. Thomas responded yes; the roadrunner runs later hours. We are looking at more buses and longer hours.

Trustee Johnson-Burick asked if there will be a charge at a later time to add more funding.

Ms. Thomas responded there is a \$1.00 fee for the Rio Grande System which runs north and east. The money taker on a bus cost \$30K; then it needs to be audited so it becomes a wash at the end. If we are paying at the tax level then we do not need to pay it; we would like to keep it free. Ultimately it is up to the board.

Ms. Hall asked that they consider more frequent routes and at electric transportation. Other countries are dependent on public transportation; she does not know of anyone who is currently taking public transportation. She recommends looking at having a variety of services; there are less expensive ways to serve the public.

Ms. Thomas responded the buses are 18 and 24 seats. You have to get the backbone in place which will make other routes possible and may be privately run. After the Rail Runner started their run between Santa Fe and Albuquerque, 12 new companies came forth. Countries charge enormous taxes which pays for public transportation.

Mr. Burick stated if liability is sustaining the pilot project. Other cities had started out free but due the growth in operational cost needed to change. Inaudible

Mr. Thomas responded it would be \$10 million the first year and as GRT goes it up it increases. If this is passed in November we would not get anything until the second year. The Transit District would need to borrow money to get it going until revenue begins coming in. Once it comes in larger amounts will be put into the Road Runner System and smaller amounts into the other systems. We need different things in

1 different places. As we wait for the money to come in we will go to different areas to see where the need
2 is. This is a community based system. During the first four (4) years we will need to work on the reserve
3 which is required by the Department of Finance. The city does have a long range plan which includes
4 trolleys and pipe buses.

5
6 Mr. Garcia asked if the buses go down Highway 28 and if the small town residents know these buses are
7 going through their towns.

8
9 Mr. Thomas responded we have worked on informing the communities for the past year.

10
11 Mr. Garcia stated people like to go to El Paso on Fridays, Saturdays and Sundays to shop.

12
13 Ms. Thomas responded we want to encourage people to come to Las Cruces.

14
15 Mayor Barraza thanked them for the presentation.

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17 **4. PUBLIC INPUT** – The public is invited to address the Board for up to 3 minutes. The Board
18 will take all comments under advisement for potential action at a later date if warranted.

19 Mr. Alexander stated it is important to create a zoning ordinance regarding towers. The Historical Zones
20 was a major concern with the Town of Mesilla. The old Town Hall was the first designated area to put a
21 tower. The Town of Mesilla found it inappropriate since it was in the Historical Zone. An ordinance was
22 created that would allow towers in rural areas; the outskirts of the town. One of the major concerns was
23 height and the inflatable balloons since they would affect visibility within the town. The cotton gin is an
24 allowable area. When we begin to make exceptions than other things begin to come up which de-roots
25 historic preservation. We do not need it in the core under any circumstances. The communication
26 devices available are capable. This needs to be given serious consideration. The historical preservation
27 of the Town of Mesilla is what keeps bring the people. Keep in mind we have ordinances. There are
28 plenty of rural areas that could facilitate a tower. He discourages allowing these towers in any Historical,
29 Residential or Commercial Zone.

30
31 Ms. Susan Krueger asked if the tower is proposed for use by the Town of Mesilla. The town requires one
32 of the providers who get a license, to save a space for the town on Mr. Jurado's property where it can plug
33 into.

1 Mr. Jerry Garcia stated he apologized to Trustee Johnson-Burick for walking out of the meeting held at
2 the Community Center.

3
4 Mr. Burick stated the Water Audit and the Meter Management Study had twenty-four recommendations.
5 The whole intent is that Enterprise Fund be profitable. The town has operated in a deficit the past several
6 years. He is hoping that if the proposed changes are approved, that other things will have to be done.
7 These things will have an impact on how the fund will be viable. Capital improvements will help make
8 the system more reliable. Thanked the staff for putting the minutes that were missing on the website.

9
10 Ms. Hall stated she echoes the previous comments on the tower. She sees every year the look of Mesilla
11 being eroded be it due to signage, architectural, etc.; it is sad. The reason most of us live here if for the
12 aumante. There are other way to accomplish increase communication as our technology changes. High
13 tech has no place in our village.

14 15 **5. CHANGES/APPROVAL OF THE AGENDA**

16 Mayor Barraza asked to remove item #7A, item #7C.

17 **Motion:** To approve the agenda as amended, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee
18 Bernal.

19 Mayor Barraza asked to move item #D before item #B.

20 **Amended Motion:** To approve the agenda as amended, **Moved by** Mayor Pro Tem Arzabal, **Seconded**
21 **by** Trustee Flores.

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

23 Mayor Pro Tem Arzabal Yes

24 Trustee Bernal Yes

25 Trustee Flores Yes

26 Trustee Johnson-Burick Yes

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

28 Mayor Pro Tem Arzabal Yes

29 Trustee Bernal Yes

30 Trustee Flores Yes

31 Trustee Johnson-Burick Yes

32 33 **6. *APPROVAL OF CONSENT AGENDA – The Board will be asked to approve by one** 34 **motion the following items of recurring or routine business. The Consent Agenda is marked** 35 **with an asterisk *:**

36 Mayor Pro Tem Arzabal requested placing item E and item H on the consent agenda.

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Trustee Johnson-Burick indicated she has comments for item H.

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

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

Mayor Pro Tem Arzabal Yes

Trustee Bernal Yes

Trustee Flores Yes

Trustee Johnson-Burick Yes

a. ***BOT MINUTES** – Regular Meeting of Monday, August 11, 2014 *Approved by consent*

7. NEW BUSINESS:

a. For discussion: the possible placement of a cellular tower on Town of Mesilla property –
Alex Hernandez, Consultant *Removed from the agenda*

b. First reading and Public Hearing for Ordinance 2014-01: An ordinance amending and enacting sections of Title 13, ‘Public Services’ of chapter 13.15 ‘Rates and Charges’ of the municipal code of the Town of Mesilla – **Cynthia Stoechner-Hernandez, Town Clerk/Treasurer and Debbie Lujan, Public Works Director.**

Motion: To enter Public Hearing for Ordinance 2014-01; An ordinance amending and enacting sections of Title 13, ‘Public Services’ of chapter 13.15 ‘Rates and Charges’ of the municipal code of the Town of Mesilla, **Moved by** Trustee Flores, **Seconded by** Trustee Johnson-Burick.

Mayor Barraza stated this is an ordinance amending Ordinance 2014-01.

Ms. Lujan reviewed the proposed rate structure.

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

Mayor Pro Tem Arzabal Yes

Trustee Bernal Yes

Trustee Flores Yes

Trustee Johnson-Burick Yes

Mayor Barraza opened Public Hearing

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Mr. Alexander stated this is a straight 20% across the board. He asked for justification and if the department is running in the red. Are we collecting the correct fees from the developers? He questions if the best decision making is going on. The residents are going to be placed on the firing squad. That is a lot of money. Will the town go after another 20% if the department is still in the red? Rate increases should be gradual. Replacing meters is fine but who is going to pay when you need to go on to private property due to damage. Just because we have an outside source saying we need this; it is yet to be proven.

Ms. Hall stated she was present when the audit was reported. She is quite shocked it is being done all at once. There are a number of low and fixed income people in Mesilla. It seems unnecessary to do it all at once. She understands meters replacement will be done gradually. Why doesn't the need meet the amount. The reconnection fee for non-payment is exorbitant.

Ms. Krueger stated she could not connect with the consultant's comments with Mesilla being compared to other communities. It did not seem that he was talking about rural communities of 2,000 people. She would think that each of the trustees would want to know how much money is needed to be able to operate in the black. Also, how much money is needed and how fast do we anticipate that money is going to be used? Will it be used for replacement of facilities; there should be a replacement schedule. The people who are going to be paying the rates need to know how these monies are going to be laid out so that we can continue to be accountable as well as the trustees are accountable to the residents. If the amount is not need at once, she would support a gradual increase of rates.

Ms. Lujan responded this year's budget includes replacement of 360 water meters. There are some grants that she will be looking into to see if we can qualify. The state is stressing that entities need to be self-sustaining. There needs to be money for emergency infrastructures. Operational cost has increased but the town has not been increasing its revenue.

Mayor Barraza stated that information is in the audit report.

Ms. Lujan indicated she will provide the audit to anyone who request one. She also will be available to answer questions or to address concerns. The reconnect fee should have been \$25 and we were charging \$10; that will be increased to \$30. All this takes a lot of manpower; letters are mailed, crew is sent out to disconnect and then reconnect.

Mr. Alexander asked what the current percentage that the water department is running in the red.

1 Ms. Stoechner-Hernandez responded she will get that information to Mr. Alexander.

2

3 Mr. Alexander stated he believes that information is pertinent prior to passing an increase. It should be
4 given some definite consideration before voting on the increase.

5

6 Mr. Burick stated he has attended all the meetings regarding the water audit and had the same concerns.
7 If rates increase incrementally the town continues to operate in a deficit we would not be eligible for state
8 funding. This is a snowball effect and we will not have funds to operate; we would dig ourselves into a
9 deeper hole. There will be conversations once money begins to come in.

10

11 Mayor Barraza stated that is not reflective of what the General Fund has had to cover for emergencies.

12

13 Mr. Burick asked if the money allocated to replace meters will be coming from the General Fund.

14

15 Mayor Barraza responded the money is from the General Fund and not the Enterprise Fund.

16

17 Ms. Krueger stated it would benefit if would be a solid needs assessment.

18

19 Mr. Alexander asked what would be the projection of revenue over a year with the increase.

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21 Mayor Barraza responded Ms. Stoechner-Hernandez will get him that information.

22

23 Ms. Lujan reiterated the state has indicated entities must be able to sustain themselves. Capital Outlay is
24 not as it was before. Entities need to show that they are doing what they can to sustain themselves. We
25 depend on the General Fund for emergencies; Enterprise Funds should be able to cover emergencies.
26 There have been five (5) busted lines in the Raasaf area. The whole town will go down if they hit our
27 main line. There needs to be money in the Enterprise Fund to absorb any emergency that arises.

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29 **Motion:** To close Public Hearing for Ordinance 2014-01; An ordinance amending and enacting sections
30 of Title 13, 'Public Services' of chapter 13.15 'Rates and Charges' of the municipal code of the Town of
31 Mesilla, **Moved by** Trustee Bernal, **Seconded by** Trustee Flores.

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

34 Mayor Pro Tem Arzabal Yes

35 Trustee Bernal Yes

1 Trustee Flores Yes

2 Trustee Johnson-Burick Yes

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4 Mayor Barraza closed Public Hearing

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6 Mayor Pro Tem Arzabal stated the public's questions and concerns are legitimate. He would like to know
7 exactly the percentage that is to be made in a year. We cannot put an amount on what will be needed for
8 emergencies since that would depend on the emergency. Those questions need to be answered before a
9 vote can be taken. How much will be created over five (5) years? Feels it should be \$25 making it
10 uniform; does not understand why it should be \$30. Governor Martinez has been asking the entities to be
11 self-sustaining. The Enterprise Fund is something the board has been working on. There is a problem
12 when you are running in a red. There needs to be clarity on what this money will be used for; residents
13 deserve to know.

14

15 Mayor Barraza responded the audit reports reflects the numbers as graphs and show what will be
16 collected annually. The firm displayed all that information on the power point. She recommends that the
17 board go back to the audit report to get those answers. The \$30K does not reflect the money taken from
18 the General Fund to cover the emergencies. The Public Hearing that was held at the Community Center
19 addressed all these questions and concerns. BECC is already committed to providing the water line but in
20 the future we will not be eligible for federal funding or grant money until we can sustain ourselves.

21

22 Ms. Lujan stated the additional revenue for 2014-15 would be \$50,508.

23

24 Mr. Alexander stated that would take us out of the red.

25

26 Mayor Barraza responded that is not addressing the needs of the community. We would still have to tap
27 into the General Fund to cover expenses. As the years go by it will continue to build until we have a
28 reserve to cover emergencies or enable us to do projects. The infrastructure is very old; we need to make
29 plans to replace those waterlines. That is the whole purpose of the rate increase structure that has been
30 proposed by the companies that did the water report and the audit report.

31

32 Mayor Pro Tem Arzabal stated we need to explain why the rates are going up; it is good business practice
33 to inform the public. He hopes the report is made available to the residents.

34

1 Mayor Barraza stated the town was only charging \$10 for reconnection fees; the correct amount should
2 have been \$25. We are not recouping enough to cover expenses. After looking at the surrounding
3 communities we felt we needed to be comparable.

4 c. For discussion: amending the Town's charges for discontinued service for utilities. – **Debbie**
5 **Lujan, Public Works Director. *Removed from agenda***

6
7 d. Resolution 2014-12- A Resolution Supporting Interest and Fee Caps on Non-Bank lending
8 institutions in New Mexico. **Presented by: Former Senator Stephen Fischmann.**

9 Mr. Fischmann gave a presentation on Interest and Fee Caps on Non-Bank lending institutions in New
10 Mexico. He would appreciate if the Town of Mesilla joins the City of Las Cruces and Dona Ana County
11 in approving the resolution.

12
13 Mayor Barraza stated Mr. Fischmann is asking to strike the last paragraph on page 28.

14
15 **Motion:** To approve Resolution 2014-12 Supporting Interest and Fee Caps on Non-Bank lending
16 institutions in New Mexico, Moved **by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Johnson-Burick.

17
18 Trustee Flores thanked Mr. Fischmann him for doing this; it is very frustrating. There isn't anything legal
19 that can be done to stop the bleeding. She encourages him to go to schools to educate students.

20
21 Mr. Fischmann responded it would be a great part of the math and financial literacy which he a big
22 proponent of. He also believes schools need to do something.

23
24 Trustee Flores stated that would help life skills which is so important.

25
26 **Roll Call Vote: Motion passed (summary: Yes = 4).**

27 Mayor Pro Tem Arzabal Yes

28 Trustee Bernal Yes

29 Trustee Flores Yes

30 Trustee Johnson-Burick Yes

31
32 Mayor Barraza thanked Senator Fischmann for sharing that information.

33
34 Mr. Fischmann stated next month will be his 10 year anniversary in Dona Ana County. The area has
35 made him proud to be a part of county.

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e. For approval: appointment of Trustee Carlos Arzabal and P&Z Commissioner Russell Hernandez to the Board of Adjustments–**Nora L. Barraza, Mayor.** *(added 8/22/14)*

Approved by consent agenda

f. For approval: reappointment of Yolanda Lucero and Russell Hernandez as Planning, Zoning and Historical Appropriateness Commissioners – **Nora L. Barraza, Mayor.** *(added 8/22/14)*

Mayor Barraza asked the board to approve the appointments of Yolanda Lucero and Russell Hernandez as Planning, Zoning and Historical Appropriateness Commissioners.

Trustee Flores asked if the two can be voted on separately.

Mayor Barraza responded she would like to do them at the same time.

Trustee Flores responded she believes they should be voted on individually.

Motion: To approve the reappointment of Yolanda Lucero as Planning, Zoning and Historical Appropriateness Commissioners, **Moved by** Trustee Flores, **Seconded by** Trustee Johnson-Burick.

Trustee Flores stated she does not have a problem with the way Ms. Lucero conducts herself but her concern is she is the mayor’s sister.

Mayor Barraza stated she is not compensated for her service. She believes there have been others who have had relatives on committees.

Trustee Bernal asked if Mr. Rockstraw has withdrawn his application.

Mayor Barraza responded Mr. Rockstraw did withdraw his application.

Roll Call Vote: Motion passed (summary: Yes = 3; No=1).

Mayor Pro Tem Arzabal Yes

Trustee Bernal Yes

Trustee Flores No

Trustee Johnson-Burick Yes

Motion: To approve the reappointment of Russell Hernandez as Planning, Zoning and Historical Appropriateness Commissioners, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Bernal.

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

- Mayor Pro Tem Arzabal Yes
- Trustee Bernal Yes
- Trustee Flores Yes
- Trustee Johnson-Burick Yes

g. For approval: appointment of Don Apodaca to the Planning, Zoning and Historical Appropriateness Commission. – **Nora L. Barraza, Mayor.**

Motion: To approve the appointment of Don Apodaca to the Planning, Zoning and Historical Appropriateness Commission, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Johnson-Burick.

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

- Mayor Pro Tem Arzabal Yes
- Trustee Bernal Yes
- Trustee Flores Yes
- Trustee Johnson-Burick Yes

h. Resolution 2014-13- A Resolution Repealing and Replacing Resolution 2014-11: Providing for determination of reasonable notice of meetings of the Board of Trustees pursuant to the Open Meetings Act as recommended by Trustee Flores– Cynthia Stoechner-Hernandez, Town Clerk/Treasurer

Ms. Stoechner-Hernandez stated Trustee Flores recommended changing item 3 from “majority” to read two (2) board members since a majority would constitute a quorum.

Motion: To approve resolution 2014-13; Repealing and Replacing Resolution 2014-11, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Bernal.

Trustee Johnson-Burick stated that in order to be consistent with the Open Meeting Act she recommends changing the language in item #3 from “upon 3 day notice” to “72 hours.”

Amended Motion: To change from 3 days to 72 hours, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Bernal.

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

Mayor Pro Tem Arzabal Yes
Trustee Bernal Yes
Trustee Flores Yes
Trustee Johnson-Burick Yes

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

Mayor Pro Tem Arzabal Yes
Trustee Bernal Yes
Trustee Flores Yes
Trustee Johnson-Burick Yes

8. BOARD OF TRUSTEE COMMITTEE REPORTS

Trustee Johnson-Burick stated she met with Ms. Parra to let her know her plans and to discuss ideas. She has not had another opportunity to meet with her.

Trustee Bernal stated he has spoken to Ms. Parra with regards to the dumpster. We are now allowing residents to utilize the dumpsters during the Clean and Beautiful Project since it is very costly to bring in a dumpster. He has not done anything with Commerativo Park.

Mayor Pro Tem Arzabal stated he was asked by a constituent why the entire board is not working on the Ethics Ordinance; he needs direction.

Mayor Barraza responded ultimately the trustees will hold a worksession to review what has been put together on the Ethics Ordinance.

Mayor Pro Tem Arzabal stated the recommendation is to have two (2) Ethic Ordinances; one for elected officials and one for non-elected officials.

Trustee Flores stated she has not met with Ms. Stoechner-Hernandez.

Ms. Stoechner-Hernandez responded she spoke to Department of Finance regarding the Comprehensive Plan. They recommended adopting a Local Economic Act which is looking into. That may open us up to new pot of money which may be more grant than loan; will be more beneficial.

1 Mayor Barraza thanked the board.

2 **9. BOARD OF TRUSTEE COMMENTS**

3 Trustee Johnson-Burick thanked the resident and business owners who attended the meeting. There were
4 a lot of ideas, concerns and feedback presented which she will follow up with appropriate staff. She hopes
5 to have meetings on a routine basis. She recommends having worksessions to look at updating the
6 policies and procedures. This is perfect timing with the Ethic and Drug Policies.

7
8 Trustee Bernal thanked Mr. Alexander and Ms. Krueger for educating him on the Tower Ordinance. He
9 hopes Mr. Jurado has space for the tower. A tower in the core would not work back then and will not
10 work now. He asked that the board go back to the minutes regarding towers.

11
12 Mayor Pro Tem Arzabal stated he does not believe an hour will be long enough to meet with the Attorney
13 General regarding Open Meetings Act. He appreciates the hard work that is going into organizing the
14 worksession. He asked if there is a resident is serving on the Board of Adjustments. He asked if the
15 lights on the church are up.

16
17 Mayor Barraza responded Mr. Cesario Alvillar is on the Board of Adjustments. The lights have up; that
18 is the problem. That item will be on the agenda for the next meeting.

19
20 Trustee Flores stated she would like to see the minutes regarding towers to become more informed.
21 She was leaving the Clinca de Familia she saw a very small bus and felt very grateful that transportation
22 is being provided. Residents may not be able to make appointments due to lack of transportation.

23
24 Trustee Bernal asked that calls regarding Vecino a Vecino be referred to him.

25
26 Mayor Barraza responded we need to spread the word regarding RTD. The flyer reflects all the stops
27 along the route.

28
29 Trustee Flores asked that they contact elected officials to change the non-lending process because the
30 people who are being used and abused are not savvy enough to know that they need to lobby their elected
31 officials.

32
33 Mayor Barraza stated we are asking residents to upkeep their yards. Mr. Shannon has been going around
34 notifying residents that their yard needs attention. We are getting to the point that citations will be issued.

1 Some of us will be attending the New Mexico Municipal League Conference. Ms. Stoechner Hernandez
2 will post a possible quorum. Ms. Parra is working diligently on the fiesta.
3 Ms. Stoechner-Hernandez indicated Mayor Pro Tem Arzabal's term is one (1) year for the Board of
4 Adjustment. Commissioner Hernandez' term is for two (2) years for the Board of Adjustment.

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6 **10. ADJOURNMENT**

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8 **Motion:** To adjourn, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Bernal.

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

10 Mayor Pro Tem Arzabal Yes

11 Trustee Bernal Yes

12 Trustee Flores Yes

13 Trustee Johnson-Burick Yes

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15 **MEETING ADJOURNED AT 8:13 P.M.**

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18 **APPROVED THIS 8TH DAY OF SEPTEMBER, 2014.**

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Nora L. Barraza

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Mayor

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26 **ATTEST:**

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Cynthia Stoechner-Hernandez

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Town Clerk/Treasurer

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