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8 **BOARD OF TRUSTEES**
9 **TOWN OF MESILLA**
10 **WORK SESSION**
11 **MONDAY, FEBRUARY 10, 2020**
12 **5:30 P.M.**

- 13
14 **TRUSTEES:** Nora Barraza, Mayor
15 Carlos Arzabal, Mayor Pro Tem
16 Jesus Caro, Trustee
17 Veronica Garcia, Trustee
18 Stephanie Johnson-Burick, Trustee
19
20 **STAFF:** Larry Shannon, Community Development Coordinator
21 Gloria Maya, Recorder
22
23
24 **PUBLIC:** Susan Krueger

25
26
27 **Discussion:** Revision to Chapter 18.35 H-R – Residential – Cultural – Historical Zone
28 Ordinance.

29 Mayor Barraza reviewed the recommended revisions to Chapter 18.35 H-R – Residential – Cultural –
30 Historical Zone Ordinance.

- 31 - Remove new structures
32 - Add development standard
33 - Eliminate 18.35.050, 18.35.060.18.35.070
34 - 18.35.010 addition/removal to purpose
35 - 18.35.020 addition/removal to uses permitted
36 - 18.35.030 exterior appearance
37 - 18.35.040 New construction/Modifying existing structures
38 - 18.35.050 Addressing height limitations
39 - 18.35.060 Yard sizes
40 - 18.35.070 Development Standards

41
42 Mayor Pro Tem Arzabal asked if it will be referencing 18.33 which is the town code.

43
44 Mayor Barraza responded yes.

45
46 Mr. Shannon stated that is the Historic Preservation Standard. A maximum height can be added.
47

1 Mayor Pro-Tem Arzabal stated he is fine with 10 ft. for yards.
2
3 Trustee Caro stated believes 7 ft. would be better.
4
5 Trustee Johnson-Burick asked if there a lot of properties/empty lots in Mesilla.
6
7 Mayor Barraza responded there are not a lot of empty lots in Mesilla. By imposing the setbacks, it will
8 prevent large homes from being built.
9
10 Mayor Pro-Tem Arzabal stated there is not a lot of land in the historic residential zone.
11
12 Mayor Barraza stated construction is being done as close to the lot lines as possible.
13
14 Trustee Caro stated we need to look at the size of the house; the bigger the house – the bigger the setback.
15
16 Trustee Johnson-Burick stated the ordinance would still need to be followed.
17
18 Mayor Pro-Tem Arzabal stated the trustees, as well as the Planning and Zoning, need to take those things
19 in to consideration when approving or disapproving an application. Feels anything between 7 ft. and 10
20 ft. would be feasible.
21
22 Mayor Barraza indicated Mr. VanFleck told me we should be going by our ordinances instead of using
23 variances.
24
25 Mayor Pro-Tem Arzabal stated there needs to be criteria that we can follow when an applicant has a
26 hardship and cannot have the utilities underground also can there be an appeal.
27
28 Mr. Shannon responded if we have specific criteria then the Planning Commission can decide; if denied
29 then it can go to the Board of Trustees as an appeal rather than go for a variance.
30
31 Mayor Barraza stated we need to focus on placing utilities underground. We will have a worksession
32 with Planning and Zoning Commissioners at 5:00 p.m. on February 24th.
33
34 Worksession closed at 6:00 p.m.
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**BOARD OF TRUSTEES
TOWN OF MESILLA
REGULAR MEETING
MONDAY, FEBRUARY 10, 2020
6:00 P.M.**

7 **TRUSTEES:** Nora Barraza, Mayor
8 Carlos Arzabal, Mayor Pro Tem
9 Jesus Caro, Trustee
10 Veronica Garcia, Trustee
11 Stephanie Johnson-Burick, Trustee

12
13 **STAFF:** Kevin Hoban, Fire Chief
14 Rod McGillivray, Public Works Director
15 Enrique Salas, Marshal
16 Dorothy Sellers, Community Events Coordinator
17 Larry Shannon, Community Development Coordinator
18 Gloria Maya, Recorder

19
20 **PUBLIC:** Susan Krueger Davie Salas
21 Kelly Salas Natalie Ogas
22 Rafael Geck

23
24 **1. PLEDGE OF ALLEGIANCE**

25 Mayor Barraza led the Pledge of Allegiance.

26
27 Mayor Barraza held a Moment of Silence for Judge Lionel Frieze.

28
29 **2. ROLL CALL & DETERMINATION OF A QUORUM**

30 **Roll Call.**

31 **Present:** Mayor Barraza, Mayor Pro-Tem Arzabal, Trustee Caro, Trustee Garcia, Trustee Johnson-
32 Burick.

33
34 **3. CHANGES TO THE AGENDA & APPROVAL**

35 **Motion: To approve agenda, Moved by Mayor Pro-Tem Arzabal, Seconded by Trustee Garcia.**

36
37 **Roll Call Vote:** Motion passed (summary: Yes =4).

38 Mayor Pro-Tem Arzabal Yes

39 Trustee Caro Yes

40 Trustee Garcia Yes

41 Trustee Johnson-Burick Yes

42
43 **4. PUBLIC INPUT** – The public is invited to address the Board for up to 3 minutes.

44 Ms. Krueger expressed her concerns. See attached

45
46 **5. *APPROVAL OF CONSENT AGENDA** – (The Board will be asked to approve by one
47 motion the following items of recurring or routine business. The Consent Agenda is
48 marked with an asterisk *):

49 Mayor Barraza removed item b from the consent agenda.

50
51 **Motion: To approve consent agenda as amended, Moved by Mayor Pro-Tem Arzabal, Seconded by**
52 **Trustee Johnson-Burick.**

1 **Roll Call Vote:** Motion passed (**summary:** Yes =4).
2 Mayor Pro-Tem Arzabal Yes
3 Trustee Caro Yes
4 Trustee Garcia Yes
5 Trustee Johnson-Burick Yes
6

7 a) * **BOT Minutes** – Minutes of a Work Session & Regular Meeting on January 27, 2020.

8 *Approved by consent agenda*

9 b) ***PZHAC Case 060748** – 2729 Calle de San Albino, submitted by Natalie B. Ogaz, a
10 request for changes to an approved building permit to construct a new residence at this
11 address. Zoned: Historic Residential (HR).

12 Mayor Barraza stated this case was approved by the Planning and Zoning and the Board of Trustees in
13 August, 2018 with the condition that the roof be lower.

14
15 Mr. Shannon stated construction has not begun and an extension was approved. The applicant would like
16 to go back to the original roof height and change some of the windows to French doors.

17
18 Mayor Barraza stated that this should have gone through an appeal process. This was approved with a
19 condition that the roof would be lower to fit into the development in that area.

20
21 Mr. Shannon responded the appeal process should have been done when the Planning and Zoning denied
22 it the first time. They accepted the plans as was. At this time construction had not begun and it was
23 outside of the appeal process. She requested modifications to the plans.

24
25 Mayor Barraza asked if they had to go through the whole process again. What is the justification for the
26 Planning and Zoning to not approve the higher roof when they had previously approved the plans with
27 the condition to lower the roof?

28
29 Mr. Shannon responded the applicant felt the original height would not be different from other
30 surrounding properties.

31
32 Mayor Barraza stated Mr. Wright has a flat roof. She does not know why the board would want to
33 approve a higher roof when we had agreed with the condition placed by the Planning and Zoning.

34
35 Mr. Shannon stated there would be 5 windows changed to French doors.

36
37 Mayor Barraza stated as she drove the area, she did not see any roofs at that height that would follow the
38 development zone in that area.

39
40 Trustee Caro asked how high the building is across from Ms. Sandoval's.

41
42 Mr. Shannon responded the roof is 14.5 ft.; property is 3 ft. up from the road.

43
44 Mayor Barraza referred to packets page 31.

45
46 Trustee Johnson-Burick stated this was voted on and approved with a condition and now is being brought
47 back to revisit a year and a half later. She is concerned building will be out of character. The appeal was
48 not done; now comfortable with the process.

49
50 Mayor Pro-Tem Arzabal referred to the action forms and asked what has changed.

51
52 Mr. Shannon responded he left it up to the applicant to prove why the house would fit into the area and
53 according to the applicant the houses would be the same height.

1
2 Mayor Pro-Tem Arzabal asked if the 18 ins. would make it conforming to the area.
3
4 Mayor Barraza responded it met the development zone.
5
6 Mayor Pro Tem Arzabal stated we are put in a position after it has gone through Planning and Zoning.
7
8 Mayor Barraza responded the board can approve the application with condition that the roof is lowered or
9 deny it as it is being presented or approve it as it is being presented.
10
11 Trustee Caro stated the ordinances are not being applied during the application process. This is not fair to
12 the applicants. Sometimes it depends who the applicant is.
13
14 Mayor Barraza stated we need to spell it out to avoid misinterpretation.
15
16 Trustee Johnson-Burick asked if this meets the height requirements.
17
18 Mr. Shannon responded as the ordinance is written it should not out of character with surrounding homes
19 according to the development zone.
20
21 Trustee Johnson-Burick asked does it meet the development standards of the area.
22
23 Mayor Barraza responded no.
24
25 Mr. Shannon responded the first time Planning and Zoning said no; second time they said yes.
26
27 Mayor Pro Tem Arzabal stated it is based on individual opinions.
28
29 Mayor Barraza responded we need to look back at the development zone.
30
31 Mr. Shannon stated he gave the commissioners the same information as the first time.
32
33 Mayor Barraza asked if there was any controversy.
34
35 Mr. Shannon responded one commissioner wanted it to stay as it was the first time but later changed her
36 vote.
37
38 **Motion: To approve as submitted *PZHAC Case 060748 – 2729 Calle de San Albino, submitted by**
39 **Natalie B. Ogaz, a request for changes to an approved building permit to construct a new residence**
40 **at this address. Zoned: Historic Residential (HR), Moved by Trustee Arzabal, Seconded by Trustee**
41 **Garcia.**
42
43 Trustee Johnson-Burick asked if this kicks off the conditions previously approved.
44
45 Mayor Barraza responded yes.
46
47 **Roll Call Vote:** Motion passed (**summary:** Yes =3; Nay=1).
48 Mayor Pro-Tem Arzabal Yes
49 Trustee Caro Yes
50 Trustee Garcia Yes
51 Trustee Johnson-Burick Nay
52
53 Trustee Johnson-Burick stated there is no consistency with our ordinance. She is upset we have been

1 placed in this position again.

2
3 Mayor Barraza stated she feels it should have gone through an appeal process. We had already approved
4 the application with condition. She does not understand why the board voted like they did.

- 5
6 c) ***PZHAC Case 061010** – 2305 Calle de Colon, submitted by Gerard Nevarez; a request for
7 a zoning permit to allow the addition of a privacy panel to a rock wall at the rear of a
8 residential property at this address. Zoned: Historical Residential (HR). *Approved by*
9 *consent agenda*

10
11 **6. NEW BUSINESS:**

- 12 a) **For 1st Reading/Public Hearing: Ordinance 2020-03:** An Ordinance to be named
13 Chapter 10.20 – Adopting a Social Host Ordinance.

14 **Motion: To close regular meeting and open Public Hearing, Moved by Trustee Johnson-Burick,**
15 **Seconded by Trustee Garcia.**

16
17 **Roll Call Vote:** Motion passed (summary: Yes =4).

18 Mayor Pro-Tem Arzabal Yes
19 Trustee Caro Yes
20 Trustee Garcia Yes
21 Trustee Johnson-Burick Yes

22
23 **Closed regular meeting and opened Public Hearing at 6:32 p.m.**

24
25 Ms. Krueger voiced her concerns. See attached

26
27 **Motion: To close Public Hearing, Moved by Trustee Johnson-Burick, Seconded by Trustee Garcia.**

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

30 Mayor Pro-Tem Arzabal Yes
31 Trustee Caro Yes
32 Trustee Garcia Yes
33 Trustee Johnson-Burick Yes

34
35 **Motion: To open regular meeting, Moved by Mayor Pro-Tem Arzabal, Seconded by Trustee**
36 **Garcia.**

37
38 **Roll Call Vote:** Motion passed (summary: Yes =4).

39 Mayor Pro-Tem Arzabal Yes
40 Trustee Caro Yes
41 Trustee Garcia Yes
42 Trustee Johnson-Burick Yes

43
44 **Open regular meeting at 6:34 p.m.**

45
46 Mayor Barraza stated this ordinance was discussed during a department head meeting. The Marshal's
47 Department supports the ordinance. We currently do not have a lot of underage cases.

48
49 Lieutenant Salas stated we currently do not have an issue with underage drinking in Mesilla, but it is not
50 to say it will not happen in the future. It is better to have something in place when that does happen.

1
2 Trustee Caro stated people don't have the money to rent venues. He asked that they give them leeway
3 and look at the individual's income.

4
5 Lieutenant Salas responded it will be for the person who takes on the responsibility to have the party.
6

7 **b) For 1st Reading/Public Hearing: Ordinance 2020-04:** A revising ordinance 12.15 – Use
8 of Plaza.

9 Ms. Sellers reviewed the changes to ordinance 2020-04 – Use of Plaza.

10
11 **Motion: To close regular meeting and open Public Hearing, Moved by Mayor Pro-Tem Arzabal,**
12 **Seconded by Trustee Garcia.**

13
14 **Roll Call Vote:** Motion passed (summary: Yes =4).
15 Mayor Pro-Tem Arzabal Yes
16 Trustee Caro Yes
17 Trustee Garcia Yes
18 Trustee Johnson-Burick Yes

19
20 **Open Public Hearing at 6:42 p.m.**

21
22 Ms. Krueger stated there are pages missing from handout.

23
24 **Motion: To close Public Hearing, Moved by Mayor Pro-Tem Arzabal, Seconded by Trustee Caro.**

25
26 **Roll Call Vote:** Motion passed (summary: Yes =4).
27 Mayor Pro-Tem Arzabal Yes
28 Trustee Caro Yes
29 Trustee Garcia Yes
30 Trustee Johnson-Burick Yes

31
32 **Motion: To open regular meeting, Moved by Mayor Pro-Tem Arzabal, Seconded by Trustee Caro.**

33
34 **Roll Call Vote:** Motion passed (summary: Yes =4).
35 Mayor Pro-Tem Arzabal Yes
36 Trustee Caro Yes
37 Trustee Garcia Yes
38 Trustee Johnson-Burick Yes

39
40 **Opened regular meeting at 6:44 p.m.**

41
42 Trustee Caro recommended adding no smoking or dogs allowed on the plaza.

43
44 Fire Chief Hoban responded there is currently a No Smoking Ordinance for the plaza.

45
46 Trustee Garcia asked if there is a fee to close the roads.

1
2 Mayor Barraza responded there is no fee to close the roads. We will be addressing the closures of certain
3 roads.

4
5 **c) For Approval:** award of a Construction Contract for Town of Mesilla McDowell Road
6 Wastewater Collection System Project – Phase II. – *Rod McGillivray, Public Works*

7 Mr. McGillivray stated we would like to award the bid to DuCross Construction which came in at
8 \$277,577.00.

9
10 Mayor Barraza asked if there is enough money to cover this project.

11
12 Mr. McGillivray responded he does have a contingency.

13
14 **Motion: To approve award of a Construction Contract for Town of Mesilla McDowell Road**
15 **Wastewater Collection System Project-Phase II, Moved by Mayor Pro-Tem Arzabal, Seconded by**
16 **Trustee Johnson-Burick.**

17
18 **Roll Call Vote:** Motion passed (summary: Yes =4).
19 Mayor Pro-Tem Arzabal Yes
20 Trustee Caro Yes
21 Trustee Garcia Yes
22 Trustee Johnson-Burick Yes

23
24 **d) For Appointment:** A Municipal Judge to serve until the current term has been completed
25 (December 31, 2021).

26 Mayor Barraza stated she has asked Mr. Don Toomey, who has been filling in for Judge Fietze, to serve
27 out the term. He stated he is willing to serve out the term with Mr. VanFrank as an alternate.

28
29 **Motion: To approve the appointment of Municipal Judge to serve until the current term has been**
30 **completed (December 31, 2021), Moved by Trustee Johnson-Burick, Seconded by Trustee Caro.**

31
32 **Roll Call Vote:** Motion passed (summary: Yes =4).
33 Mayor Pro-Tem Arzabal Yes
34 Trustee Caro Yes
35 Trustee Garcia Yes
36 Trustee Johnson-Burick Yes

37
38 Mr. Toomey stated has enjoyed filling in at the court. He received his law degree in 1983 so he has been
39 doing this for a long time.

40
41 **e) Resolution 2020-04:** A resolution extending a moratorium ceasing all construction of new
42 building in the HR Zone. – *Nora L. Barraza, Mayor.*

43 Mayor Barraza
44 Post a public meeting to get public input 02.21 at community center
45 60 days

46
47

1 **Motion: To extend moratorium ceasing all construction of new building in the HR Zone, Moved by**
2 **Mayor Pro-Tem Arzabal, Seconded by Trustee Caro.**

3
4 Mayor Barraza stated we are requesting a 60-day extension until this ordinance is completed. We will
5 schedule a Public Input meeting for Tuesday, February 18th at the Community Center.
6

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

8 Mayor Pro-Tem Arzabal Yes

9 Trustee Caro Yes

10 Trustee Garcia Yes

11 Trustee Johnson-Burick Yes
12

13 **7. *STAFF REPORTS:**

14 Community Development

15 Community Programs

16 Finance Department

17 Fire Department

18 Marshal's Department

19 Public Works Department
20

21 **8. BOARD OF TRUSTEE COMMITTEE REPORTS**
22

23 Trustee Johnson-Burick – MPO meeting, Wednesday at 1:00 p.m. at the County Commission Chambers.
24

25 Mayor Pro-Tem Arzabal – CEO meeting March 15th in Elephant Butte; June 21st in Silver City.
26

27 Mayor Barraza - RTD meeting cancelled; attended legislative session which very productive. Capital
28 Outlay will fund 5 projects out of 6 at over \$500K. Offices will be closed on Monday in honor of
29 President's Day.
30

31 **9. BOARD OF TRUSTEE/STAFF COMMENTS**

32 Ms. Sellers stated Census Kick-Off Day will be March 21st. There will be free food, kid activities and
33 with stations set up to assist the public fill out forms. She is working with the Branigan Library to help
34 with laptops.
35

36 Mayor Barraza stated she has asked the Fire Chief for assistance.
37

38 Trustee Garcia stated she agrees we need to educate our residents with regards to Colonia status.
39

40 Mayor Pro-Tem Arzabal stated he wants to commend Lieutenant Salas on his professionalism on how he
41 presented himself at the legislator session. We need to look at application process. The town may want
42 to look at Colonia status again; it will not change Mesilla. They are dying to give towns money.
43

44 Trustee Johnson-Burick stated we could do a lot of things with Colonia funding. She does not look at
45 who the application is from; she reads and looks at the ordinances. We cannot pick and choose.
46

47 Trustee Caro stated the trash truck destroyed our road during the last rain. He asked if the trash company
48 can use a smaller truck.
49

50 Mayor Barraza responded if we do it for one, we must do for everyone. It may be at a price; we will look
51 into that.
52

1 Mayor Barraza thanked Mr. Toomey for helping us out. She hopes the message gets out regarding the
2 public input meeting. She is surprised at how the board voted since their prior vote was based on a
3 condition. After criticizing the Planning and Zoning for what they did, did the exact same thing. We
4 need to be consistent. With the revision of this ordinance there will be guidance. We need to remember
5 the development zone and to reference ordinances 18.33 and 18.35. We cannot pick and choose based on
6 who it is; ordinances must be followed. She wants to ensure things are done right in our historical area.
7 Tourist are intrigued on how we have preserved our town. She invited everyone to the Census Kickoff on
8 March 21st.

9
10 Trustee Garcia asked that the door signs be distributed as soon as possible.

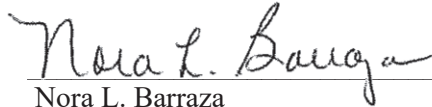
11
12 Fire Chief Hoban inaudible

13
14 **10. ADJOURNMENT**

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

16
17 **MEETING ADJOURNED AT 7:13 P.M.**

18
19 **APPROVED THIS 24th DAY OF FEBRUARY, 2020.**

20
21 

22
23 _____
24 Nora L. Barraza
25 Mayor

26
27 **ATTEST:**

28
29 

30 _____
31 Cynthia Stoechner-Hernandez
32 Town Clerk/Treasurer

