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5 **BOARD OF TRUSTEES**
6 **TOWN OF MESILLA**
7 **REGULAR MEETING**
8 **MONDAY, APRIL 27, 2020**
9 **6:00 P.M.**

10 **VIA TELECONFERENCE 1-346-248-7799**

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13 **TRUSTEES:** Nora L. Barraza, Mayor
14 Carlos Arzabal, Mayor Pro Tem
15 Jesus Caro, Trustee
16 Veronica Garcia, Trustee
17 Stephanie Johnson-Burick, Trustee
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19 **STAFF:** Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
20 Kevin Hoban, Fire Chief
21 Eddie Lerma, Marshal
22 Rod McGillivray, Public Works Director
23 Dorothy Sellers, Special Events Coordinator
24 Larry Shannon, Community Development Coordinator
25 Gloria Maya, Recorder

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27
28 **1. PLEDGE OF ALLEGIANCE**

29 Mayor Pro Tem Arzabal led the Pledge of Allegiance.

30
31 **2. ROLL CALL & DETERMINATION OF A QUORUM**

32 **Roll Call.**

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

35
36 Mayor Barraza held a Moment of Silence for Ms. Dolores Gallegos, Mr. Dan Lowry, and Ms. Diane
37 Rogers.

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39
40 **3. CHANGES TO THE AGENDA & APPROVAL**

41 Mayor Barraza moved item 7b down and move items 7c, d and e up on the agenda.

42
43 **Motion:** To approve agenda as amended, **Moved by Mayor Pro Tem Arzabal, Seconded by Trustee**
44 **Garcia.**

45
46 **Roll Call Vote:** Motion passed (**summary:** Yes =4).

47 Mayor Pro Tem Arzabal Yes

48 Trustee Caro Yes

49 Trustee Garcia Yes

1 Trustee Johnson-Burick Yes

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4 **4. PROCLAMATIONS**

- 5 a) A proclamation recognizing 9-1-1 Telecommunicators and call takers as first responders. –
6 **Mr. Albert Flores, Deputy Director, MVRDA/ Nora L. Barraza, Mayor.**

7 Ms. Stoechner-Hernandez read proclamation recognizing 9-1-1 Telecommunicators and call takers for
8 first responders.

9
10 Fire Chief Hoban stated this recognition is important not only for the work they do but it will make
11 them eligible for benefits which they currently do not have. He asked for the town’s support during the
12 legislative session.

13
14 **5. PUBLIC INPUT –** The public is invited to address the Board for up to 3 minutes.

15
16 Ms. Stoechner-Hernandez read correspondence submitted; see attached.

17
18 Mr. Geck stated his concerns of allowing new rental property construction and the demolition of old
19 structures to build new structures which he feels is hurting the ambience of Mesilla. The Board of
20 Trustees should not allow this to continue.

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

24 **Motion:** To approve consent agenda, **Moved by Mayor Pro Tem Arzabal, Seconded by Trustee**
25 **Garcia.**

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

28 Mayor Pro Tem Arzabal Yes

29 Trustee Caro Yes

30 Trustee Garcia Yes

31 Trustee Johnson-Burick Yes

- 32
33 a) *** BOT Minutes –** Minutes of a Regular Meeting on April 13, 2020. *Approved by consent*
34 *agenda*

35 ***Sign Permits:**

- 36 b) ***PZHAC Case 061023–** 2488 Calle de Guadalupe, submitted by Joseph Foster for
37 “Psychology Consulting Options”; a request for a sign permit for a therapist practice at this
38 address. Zoned: Historical Commercial (HC). *Approved by consent agenda*

- 39 c) ***PZHAC Case 060125 –** 2601-3 Calle de Santiago, submitted by Kerry Carman for “Co-
40 Lab Artisan’s Loft”; a request to install a hanging sign at this address. Zoned: Historic
41 Commercial (HC). *Approved by consent agenda*

42
43 **7. NEW BUSINESS:**

- 44 a) **First Reading: ORDINANCE 2020-02** Revising Chapter 18.35 Historic Residential Zone. –
45 **Cynthia Stoechner-Hernandez, Clerk/Treasurer.**

46 Ms. Stoechner-Hernandez noted some changes/deletions to draft. She stated the ordinance is posted on the
47 town’s website; www.mesillanm.gov.

48
49 Mayor Barraza confirmed the trustees have an opportunity to review the current draft; trustees responded
50 yes.

1 Mayor Pro Tem Arzabal recommended adding a grandfather clause in the ordinance and having it
2 reviewed by an attorney, who does not have history with the town, to insure the legality of the clause.

3
4 Mayor Barraza stated Mr. Randy VanFleck, New Mexico Municipal League attorney, there cannot be a
5 grandfather clause. The town has no way of knowing when property is being sold and to whom it is
6 being sold to. Mr. VanFleck will submit his response in writing which she will share with the trustees.

7
8 Trustee Caro stated Mr. VanFleck does not have the expertise in real estate that Mr. Cervantes has.

9
10 Trustee Johnson-Burick stated records are available through the county that can be referenced. The town
11 cannot discriminate if a parcel is rental property. We have the ability and the due diligence to honor
12 what our forefathers created and founded. We owe it to families that want to keep their properties.

13
14 Trustee Garcia asked if Mr. VanFleck explained why there could not be a grandfather clause. She
15 agrees with Trustee Johnson-Burick.

16
17 Mayor Barraza responded the only way we know if a property has been sold is if an applicant comes
18 in for a permit and indicates that the property was purchased.

19
20 Trustee Garcia recommended revising the Building Permit Application to include area for previous
21 owner.

22
23 Mayor Barraza responded the buyer will purchase property with certain intentions and not be aware
24 there are limitations as to what they can do.

25
26 Trustee Garcia stated new owners will have to abide by the new ordinance; grandfather clause would
27 not be applicable.

28
29 Mayor Barraza recommends waiting for the attorney recommendations.

30
31 Trustee Johnson-Burick recommended having the ordinance read 2 multi-family units in order to
32 avoid what happened near Mr. Geck's. She recommended having the required square footage at 6,000
33 on property that has been in the family for years.

34
35 Mayor Barraza responded we cannot discriminate against property owners but can limit the number of
36 units. The square footage for multi-family lots, as they are now called, was changed to the same
37 requirements for building a home; 8,000 square feet.

38
39 Mayor Pro Tem Arzabal stated the board got legal interpretation regarding Mr. Kane's application for
40 multi-family units before voting.

41
42 Mayor Barraza stated the board has the option to give direction which was not done in Mr. Kane's case.
43 She will contact Mr. Cervantes for a response regarding this and will share the information with the
44 board. There are 2 applicants that have been waiting 6 months and it is costing them money; would it be

1 possible to allow them to proceed if they are meeting the requirements of the new ordinance
2 recommendations. She also does not want to open the door for anybody else until the moratorium is
3 lifted.

4
5 Ms. Stoechner-Hernandez responded since the new ordinance has not been put in place they would need
6 to abide by the old ordinance; this would be a legal question for the attorney.

7
8 Mayor Barraza stated she will ask Mr. Cervantes for guidance as well. The board needs to move forward
9 on passing this ordinance.

10
11 ******Motion:** To enter Closed Session pursuant to NMSA 1978 Chapter 10-15-1(H)(2): discussion
12 limited to personnel matters in the Marshal's Department and Planning, Zoning, and Historical
13 Appropriateness Commission where no action will be taken, **Moved by Mayor Pro Tem Arzabal,**
14 **Seconded by Trustee Garcia.**

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

17 Mayor Pro Tem Arzabal Yes

18 Trustee Caro Yes

19 Trustee Garcia Yes

20 Trustee Johnson-Burick Yes

21
22 **Entered Closed Session at 7:20 p.m.**

23
24 ******Motion:** To enter Regular Meeting after discussion limited to personnel matters in the Marshal's
25 Department and Planning, Zoning and Historical Appropriateness Commission pursuant to NMSA
26 1978 Chapter 10-15-1(H)(2); no action taken, **Moved by Trustee Johnson-Burick, Seconded by**
27 **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 **Entered Regular Meeting at 7:52 p.m.**

36
37 b) Discussion regarding COVID-19 and budget process for FY 2020. – **Nora L. Barraza,**
38 **Mayor.**

39 Mayor Barraza reported the budget process has started and will be brought forth at the first meeting in
40 May. The FY 2020-21 budget will be the same as FY 2019-20; the only increase will be to the fringe
41 benefits line item. The town has met what was project for GRT for this fiscal year. There will be some
42 short months before we can get on our feet for next fiscal year. Ms. Stoechner-Hernandez will keep the
43 board informed. Mayor Barraza reviewed the COVID-19 current statistics in New Mexico. The Town
44 of Mesilla currently does not have any cases; residents should be commended. She would like to know
45 how many have recovered in Dona Ana County. She will be doing research on municipal parks on when
46 they can be open as residents are asking.

47
48 Mayor Pro Tem Arzabal recommended there be certain restrictions when the parks are reopened.

1 Trustee Garcia stated she has seen quite a few people on the plaza.
2
3 Mayor Barraza responded she has not seen mass gatherings. The deputies have been doing a great job
4 to insure there are not mass gatherings around the town. She feels comfortable having the plaza open if
5 people are continuing to do social distancing.
6
7 Trustee Garcia asked if we are doing the stay at home and does that include the town hall staff.
8
9 Mayor Barraza responded Governor Lujan-Grisham has imposed Stay-At-Home until May 15th. Town
10 Hall is still closed to the public. She had all staff return to regular work hours. Everyone is to stay in
11 their office with the door closed, wear their mask and no social gatherings.
12
13 Trustee Garcia asked why can staff not stay home.
14
15 Mayor Barraza responded the anti-donation clause is a concern when we pay employees to stay at home
16 and not work.
17
18 Mayor Pro Tem Arzabal asked for clarification on anti-donation clause.
19
20 Mayor Barraza responded we are paying employees to work when they are not working.
21
22 Mayor Pro Tem Arzabal stated the state offices are closed; people are working from home. Why are we
23 putting people in danger?
24
25 Mayor Barraza responded there is some staff that cannot or does not have the equipment to work from
26 home; gave receptionist and maintenance as an example.
27
28 Trustee Garcia asked if she was split schedule.
29
30 Mayor Barraza responded they were on rotation. There are 5 people at the office right now.
31
32 Trustee Johnson-Burick stated people are adhering to social distancing at the plaza.
33
34 Mayor Barraza stated municipalities are being asked to come up with a plan on how they will be opening
35 businesses as restrictions are lifted. These plans are to be submitted to the New Mexico Municipal
36 League who then will forward them to Governor Lujan Grisham for review the opening of the business
37 implementation. She reviewed her recommendation for members of a Task Force.
38
39 Trustee Garcia recommended Ms. McGinley who has several businesses in the town. She is a big part
40 of Experience Mesilla along with Mr. Hernandez from Salud.
41
42 Mayor Barraza responded she was looking at having representation, 1 or 2, from each area; difficult to
43 make decisions when there are too many people.

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Mayor Pro Tem Arzabal recommended Mr. Blevins. Sometimes too many different personalities can make it difficult to make decisions.

Mayor Barraza responded she did get some plaza business owners.

Trustee Johnson-Burick recommended Julienne.

Mayor Barraza stated the task force will need to be opened minded.

Trustee Johnson-Burick agreed Ms. McGinley and Mr. Shaefer should be part of the task force. Recommended looking at how the City of Las Cruces is planning to reopen up the businesses.

Mayor Barraza stated Governor Lujan Grisham is interested to see how each municipality is planning to open businesses according to the needs of the area.

Mayor Pro Tem Arzabal stated he feels the task force mix is a good one.

- c) For consideration: the appointment of a Planning, Zoning and Historical Appropriateness Commissioner to serve a two-year term. – **Nora L. Barraza, Mayor.**

Mayor Barraza recommended Mr. Davie Salas to serve a two-year term on the Planning, Zoning and Historical Appropriateness.

Motion: To approve the appointment of a Planning, Zoning and Historical Appropriateness Commission to serve a two-year term, **Moved by Mayor Pro Tem Arzabal, Seconded by Trustee Garcia.**

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

Mayor Pro Tem Arzabal Yes

Trustee Caro No

Trustee Garcia Yes

Trustee Johnson-Burick Yes

- d) For consideration: the hiring of a deputy marshal. – **Edward Lerma, Marshal/ Nora L. Barraza, Mayor.**

Mayor Barraza recommended Mr. Gilbert Garcia for deputy marshal.

Motion: To approve the hiring of a deputy marshal, **Moved by Mayor Pro Tem Arzabal, Seconded by Trustee Garcia.**

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

Mayor Pro Tem Arzabal Yes

Trustee Caro No

Trustee Garcia Yes

1 Trustee Johnson-Burick Yes

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3 Mayor Barraza indicated the position will be offered to Mr. Garcia upon receipt of his background
4 check.

- 5
6 e) For consideration: an agreement with Dona Ana County to allow them to serve as fiscal agent
7 for Emergency Management funding. – **Cynthia Stoechner-Hernandez, Clerk/Treasurer.**

8 Ms. Stoechner-Hernandez stated agreement with Dona Ana County to serve as the fiscal agent for
9 Emergency Management funding is for \$10k with a 25% match per agreement. The town does not
10 anticipate using the total amount of the agreement. The county will not be charging an administration
11 fee.

12
13 **Motion:** To approve the hiring of a deputy marshal, **Moved by Mayor Pro Tem Arzabal, Seconded**
14 **by Trustee Caro.**

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

17 Mayor Pro Tem Arzabal Yes

18 Trustee Caro Yes

19 Trustee Garcia Yes

20 Trustee Johnson-Burick Yes

- 21
22 f) For consideration: establishing a Taskforce to assist in developing a plan for the re-opening
23 businesses after the executive order is lifted. – **Nora L. Barraza, Mayor.**

24
25 **8. BOARD OF TRUSTEE COMMITTEE REPORTS**

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

28 Trustee Johnson-Burick reiterated she would like to see Ms. McGinley on the Task Force.

29
30 Mayor Pro Tem Arzabal reiterated that with regards to Mr. Geck's concerns, the board sought legal
31 opinion before voting.

32
33 Mayor Barraza thanked and congratulated Sergeant Shepan, who will be retiring on April 30th, for his
34 dedication and commitment he provided to the Town of Mesilla. Thanked everyone for their
35 commitment; we will get through this.

36
37 Mr. McGillivray stated Caliber Construction which came in 10% below our estimate for the trail.

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40 **10. ADJOURNMENT**

The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes-3)

MEETING ADJOURNED AT 8:30 P.M.

APPROVED THIS 11th DAY OF MAY, 2020.



Nora L. Barraza
Mayor

ATTEST:



Cynthia Stoechner-Hernandez
Town Clerk/Treasurer

