



THE BOARD OF TRUSTEES AND PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION OF THE TOWN OF MESILLA WILL HOLD A JOINT WORK SESSION ON MONDAY, FEBRUARY 24, 2020 AT 5:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWNHALL, 2231 AVENIDA DE MESILLA.

Discussion: Revision to Chapter 18.35 Historic Residential (HR) Zone Ordinance.

THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA WILL HOLD A REGULAR MEETING ON MONDAY, FEBRUARY 24, 2020 AT 6:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWNHALL, 2231 AVENIDA DE MESILLA.

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL & DETERMINATION OF A QUORUM**
- 3. CHANGES TO THE AGENDA & APPROVAL**
- 4. PROCLAMATIONS:**
 - a) A Proclamation for the 10th Annual Las Cruces Arts Fair Weekend, March 7 – 9th, 2020 at the Las Cruces Convention Center. – **Nora L. Barraza, Mayor.**
 - b) A Proclamation declaring March 2020 “Athletic Training Month” in the Town of Mesilla. – **Nora L. Barraza, Mayor.**
- 5. PUBLIC INPUT** – The public is invited to address the Board for up to 3 minutes.
- 6. *APPROVAL OF CONSENT AGENDA – (The Board will be asked to approve by one motion the following items of recurring or routine business. The Consent Agenda is marked with an asterisk *):**
 - a) * **BOT Minutes** – Minutes of a Work Session & Regular Meeting on February 10, 2020.
 - b) ***PZHAC Case 061017** - 1940 Calle Pacana, submitted by Henry Newman and Lisa Belvito, a request for a zoning permit to construct an inground swim spa behind a dwelling that is under construction at this address. Zoned: Historic Residential (HR).
- 7. NEW BUSINESS:**
 - a) **For Approval - Ordinance 2020-03:** An Ordinance to be named Chapter 10.20 – Adopting a Social Host Ordinance.
 - b) **For Approval - Ordinance 2020-04:** An ordinance revising Chapter 12.15 – Use of Town Facilities and the Plaza (currently named Use of Plaza).
 - c) **Resolution 2020-02:** A Resolution repealing and enacting new rates for the Town of Mesilla Use of Facilities and Plaza.
- 8. BOARD OF TRUSTEE COMMITTEE REPORTS**
- 9. BOARD OF TRUSTEE/STAFF COMMENTS**
- 10. 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 one week prior to the meeting. The Mayor and Trustees request that all cell phones be turned off or set to vibrate. Members of the audience are requested to step outside the Board Room to respond to or to conduct a phone conversation. A copy of the agenda packet can be found online at www.mesillanm.gov.

Posted 2/21/2020 at the following locations: Town Clerk’s Office 2231 Avenida de Mesilla, Public Safety Building 2670 Calle de Parian, 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
PUBLIC INPUT**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

TRUSTEES: Nora L. Barraza, Mayor
Veronica Garcia, Trustee

STAFF: Cynthia Stoehner-Hernandez, Town Clerk/Treasurer
Larry Shannon, Community Development
Gloria Maya, Recorder

PUBLIC: Michelle Rasch Sally Williams
Chris Alexander Pat Taylor
Davie Salas Kelly Salas
Mary Helen Ratje Rafael Geck
Susan Krueger Jesus Lopez
Trina Wittern Paul Barraza

1. Discussion:

Mayor Barraza opened the public input regarding the Historic Residential Zone Ordinance.

Mr. Taylor

- requested a copy of proposed ordinance to compare to original ordinance.
- would like to give input.
- have worked with the original one for years.

Mayor Barraza

- Iguado Plan will continue to be referenced
- define multi-family dwellings
- how they fit into Mesilla
- concern to residents
- where setbacks should be at, 7 ft – 10 ft
- building up to property line
- heights of buildings
- looking at one story buildings
- increasing square feet of area for each family unit

- 1 - architectural style needs to fit into development zone
- 2
- 3 Chris Alexander
- 4 - developments (historic district) are being built out to max
- 5 - historic district; minimum 8,000 sq. ft. per lot
- 6 - when referencing 4,000 that would be 2 story
- 7 - single lots could only have one unit
- 8 - Iguado Plan is the backbone is what has been followed for development
- 9 - Iguado Plan shows what is acceptable from doors, windows, etc
- 10 - new developments are not following the guidelines
- 11 - just because ordinance says the maximum is 30 ft does not mean it should be that
- 12 - needs to meet criteria
- 13 - consider lot size
- 14 - open area around buildings is not addressed
- 15 - 30% to 35% of lot should be undeveloped
- 16 - Apartments should not be allowed if are not existing or predominant in area
- 17 - Development zone needs to be followed if you want to protect the neighborhoods
- 18 - Making allowance where things should not happen
- 19 - Causing us to tweak ordinances which is a deterrent
- 20 - Development needs to mold to our community
- 21 - Take into consideration the size and shape of lot
- 22 - Iguado Plan was developed by what existed in the community
- 23 - Cannot deviate from the Iguado Plan
- 24 - Development wants to change to facilitate
- 25 - Gave example of the property with 5 units which should have been limited to 1 unit
- 26 - No height exceptions at all!
- 27 - If Planning and Zoning were more cognizance in interpreting plans and blueprints, we would not
- 28 have windows with aluminum frame windows, open doorways-that is not Mesilla
- 29 - Ordinance allows pueblo but does not mean northern pueblo
- 30 - Iguado Plan defines what pueblo is for us
- 31 - Objects changing the ordinance other than in trying to ensure that we adhere to the development
- 32 zone and the neighborhood
- 33 - Buyers need to be aware there are no exceptions to the rules
- 34 - Density conscientious
- 35 - Multi-family were not 2 story or condominiums
- 36 - Once we allow them, we cannot stop them
- 37 - Destroy the integrity of the ordinance
- 38 - historic zone is the magnet and needs the most protection
- 39 - look at the area on 292 to see what happens when you deviate from the ordinances
- 40 - Historic preservation means preserving and keeping
- 41 - Adhere to and if not do not allow it
- 42 - By tweaking after the fact is not the answer

- 1 - Be more cognizance
2 - Deviating destroys what we have
3
4 Mary Helen Ratje
5 - Values Chris Alexander comments
6 - Attorney did come in to speak regarding some of the issues
7 - Allowed apartment complex to be built
8 - Feels there should be some tweaking to value our comments
9 - Concerned that Planning and Zoning does not have people with long term experience of Mesilla
10 - Run through things without having the historical background
11 - Mayor Barraza has addressed more training may be needed
12

13 Mr. Geck

- 14 - Agrees with the comments being made
15 - There can be different wording; bottom line they are all rental units
16 - There should be no new ones
17 - Old buildings should be restored would like that in the ordinance
18 - Our neighborhood is ruined with the two duplexes being allowed to be built
19 - Petition signed by 30 people
20 - Trustees that voted in favor voted against us
21

22 Ms. Krueger

- 23 - Preservation Officer stated experience is based on feeling as well as knowledge
24 - Do not need years of experience if you have knowledge
25 - Knowledge is based on observation, studying and talking with residents
26 - Importance of the development zone, architectural style
27 - Huge gap between talk and what happens
28 - See recommends going to another venue to see how a worksession is handled
29 - It is okay to say no
30 - Checklist is not being used
31 - Provide samples
32 - Northern New Mexico style is for commercial development
33 - If there is no predominant architectural style it becomes fair play and the predominant
34 architectural style of the town is used to figure out the development zone which is in the code
35 - Described the use of a checklist
36 - Gap needs to close as to what is allowed in the town and what is talked about
37 - Bright lights and walled-in buildings do not provide security
38 - Open area to see our history
39 - Appreciation needs to be built on communication
40 - Every mistake we make we need to learn so that we do not repeat it
41

42 Ms. Wittern

- 1 - How can she give input if she cannot see revisions?
2 - Surprised the building on Ave de Mesilla was allowed

3

4 Mayor Barraza

- 5 - Public input will be composed

6

7 Mr. Taylor

- 8 - Iguado Plan is the foundation for how Mesilla treats its structures
9 - Taking advantage of zero lot lines
10 - Setbacks in the core will make things out of place
11 - Come up with a system that works
12 - Multi-family dwellings are causing a lot of concerns
13 - Look at how they are implemented and entertained
14 - It will put us at a disadvantage, not too late

15

16 Mr. Alexander

- 17 - If we require 8,000 sq. ft. for one house maybe, we should require 8,000 sq. ft. for each unit
18 - Limit the size of development on lot
19 - Use the plan of the neighborhood
20 - Keeps density down
21 - Look at the minimum lot size requirement

22

23 Ms. Williams

- 24 - Appreciates the history of Mesilla
25 - Cannot believe nothing happened where there was a petition
26 - This is not the Mesilla it was when I moved here
27 - She sees the changes taking place

28

29 Mr. Salas

- 30 - 8,000 per unit will cut it down to 2 units per .5 acre
31 - Lot sizes should have leniency
32 - Options or provision to allow owners to subdivide
33 - Never had a problem with the style allowed by the town
34 - Problem with the different types of roofs
35 - Difficult to see what belongs and what doesn't
36 - If something is not correct in the Iguado Plan, then don't make it an option – take it out
37 - Some people need their privacy
38 - He did not agree with the petition
39 - People are blaming the board for not standing up for the citizens; they are following the rules
40 - Personal opinion can not take over; there are rules and ordinances that have to be followed

41

1 Ms. Krueger

- 2 - Should not have the Iguado Plan phased in the ordinance; put in footnote
- 3 - Told by lawyer we could not enforce a plan it needs to be put in an ordinance
- 4 - It must be used
- 5 - Features, architectural style and use are described
- 6 - Northern New Mexico style should not be removed
- 7 - Northern New Mexico style is appropriate for commercial use
- 8 - How can these minutes last 20 minutes?
- 9 - Combined everyone's thoughts – times have changed

10

11 Ms. Ogaz

- 12 - Times are changing
- 13 - Small lots need to be developed
- 14 - Farming is coming to an end
- 15 - Upset with the 5-acre requirement
- 16 - 5 different styles of homes where she lives
- 17 - See Mesilla develop and prosper

18

19 Mr. Taylor

- 20 - Does not want the Iguado Plan removed
- 21 - Ensuring application process is followed
- 22 - Asked Mayor Barraza to explain the process

23

24 Mr. Alexander

- 25 - Planning and Zoning is to blame for the problems we have today
- 26 - They are responsible for reviewing plans, ensure styles are followed.
- 27 - Cannot say they did a contentious job by allowing the building on Ave de Mesilla
- 28 - It was a major issue when a building on the plaza wanted to install stain glass
- 29 - Elements of the new building are non-existing in the Town of Mesilla
- 30 - Condemned the Board of Trustees who gave final approval as they were following the
- 31 consciousness of what was presented by Planning and Zoning as being adequate.
- 32 - They do not have knowledge of the different zones and architectural styles
- 33 - Recommends resurrecting the Architectural Style Committee that reviews and ensures applicants
- 34 are in compliance.
- 35 - The town is dire need of direction
- 36 - Pre plan review done by staff to avoid going back in forth

37

38 Mr. Geck

- 39 - We would not be here if it had not been for the petition

40

41 Ms. Ratje

- 42 - Planning and Zoning should have been present

- 1 Mayor Barraza
- 2 - Understands everyone concerns
- 3 - Things are taken for granted
- 4 - The core and the people make Mesilla
- 5 - Our history is what attracts tourist
- 6 - Moratorium is until March 21st
- 7 - Planning and Zoning and the Board of Trustees were aware of this public input meeting
- 8 - Worksession for Planning and Zoning and Trustees at 5:00 p.m.
- 9 - Asked trustees to bring concerns, questions to the worksession
- 10 - Looking at 1st reading at the next meeting and approval by the end of March
- 11 - A possible draft by Friday
- 12 - Prefers family homes, not necessarily multi-family dwellings
- 13
- 14 Trustee Garcia
- 15 - Requested another public input meeting after the worksession
- 16
- 17 Ms. Stoechner-Hernandez
- 18 - That is a requirement for the ordinance
- 19
- 20 Mr. Alexander
- 21 - Requested to hold the meeting later than 5:00 p.m.
- 22
- 23 Mayor Barraza
- 24 - Public input will be held on a separate day
- 25
- 26

Chapter 18.35

H-R – ~~HISTORICAL RESIDENTIAL – CULTURAL – HISTORICAL~~ ZONE

Sections:

- [18.35.010](#) Purpose.
- [18.35.020](#) Uses permitted.
- [18.35.030](#) Exterior appearance.
- [18.35.040](#) ~~New structures.~~ **Development Standards**
- [18.35.050](#) ~~Height limitations.~~
- [18.35.060](#) ~~Yards.~~
- [18.35.070](#) ~~Development standards.~~

18.35.010 Purpose.

The purpose of this zone is to provide for the protection of those residential sections of the town that are worth preserving because of historical, cultural and aesthetic or architectural interest. All remodeling or new structures must be compatible with established architectural styles and design elements as outlined in the town's "Guidelines and Criteria for Preservation and Development" manual and approved by the commission and board of trustees **Chapter 18.33 (Historic Preservation) MTC**. [Ord. 94-06 § 1; prior code § 11-2-11.4.A]

18.35.020 Uses permitted.

Uses permitted in the H-R zone are as follows:

Single Family and Multiple-family residences Residential and related uses approved by the commission upon application and approval of a "development plan" (see MTC [18.50.030](#)) in accordance with **Sections 18.33 (Historic Preservation) and 18.35 (Historic Residential Development Standards) MTC and the Comprehensive Land Use Ordinance for the Town**. [Ord. 94-06 § 1; prior code § 11-2-11.4.B]

18.35.030 Exterior appearance.

An application for a permit which would authorize construction, modification, moving or destruction which would affect the exterior appearance, **use or function** of any structure or sign or other improvement affecting use or function must first be approved reviewed by the **commission PZHAC for compliance with Chapter 18.33 (Historic Preservation) MTC, and receive final approval by the Board of Trustees**. [Ord. 94-06 § 1; prior code § 11-2-11.4.C]

18.35.040 ~~New structures.~~

~~New structures may be built in this zone providing the exterior appearance of the structure is approved by the commission.~~ [Ord. 94-06 § 1; prior code § 11-2-11.4.D]

18.35.050 ~~Height limitations.~~

~~Requires commission approval. No building or structure shall have a height greater than two stories or 30 feet, whichever is less.~~ [Ord. 94-06 § 1; prior code § 11-2-11.4.E]

18.35.060 ~~Yards.~~

~~Requires approval by commission.~~

- ~~A. For all structures, side and rear yard must be at least seven feet, unless structure meets UBC fire resistive requirements.~~
- ~~B. In addition to subsection (A) of this section, a minimum setback of three feet in all yards is required for all newly constructed buildings.~~ [Ord. 2001-04 § 2; Ord. 94-06 § 1; prior code § 11-2-11.4.F]

18.35.070 ~~Development standards.~~

- A. Lot Area. Each lot or parcel to be developed **created** in the H-R zone shall have a minimum of 80 feet of frontage on a public street and a minimum of 8,000 square feet of area.
- B. Population Density. When lots or parcels in the H-R zone are to be developed to **single-family or multifamily dwellings**, each lot or parcel shall have sufficient area to provide 8,000 square feet of area for each family unit to be **built**. **The maximum number of dwellings allowed on any property shall be two providing density and parking requirements are met.**

C. New Construction. All new structures and modifications to existing structures shall be subject to conformity with the development zone in which they are located, as defined by Section 18.33.060 MTC.

1. New structures and modifications to existing structures may be built in this zone providing the exterior appearance of the structure is approved by the PZHAC for compliance with Chapter 18.33 (Historic Preservation) MTC and the Comprehensive Land Use Ordinance for the Town, with final approval by the BOT. [Ord. 94-06 § 1; prior code § 11-2-11.4.D]

2. New structures on properties containing existing structures shall be architecturally similar to the principal dwelling or structure on the property and shall not exceed the height or size of the principal dwelling or structure on the property. If a property is undeveloped, any new structure shall be architecturally similar to the dwellings or structures in the development zone immediately adjacent to the property and shall not exceed 15 feet, or the height of the highest dwelling or structure on an adjacent property in the development zone, whichever is lower.

D. Repealed by Ord. 2006-03.

E. Yards. For all new buildings, front, side and rear yard must be at least seven feet.

~~C. Side and Rear Yard Setback. If found to be existing within the development zone pursuant to the YGUADO plan, structures (buildings) may be built up to the property line if constructed of materials that meet current building code fire-resistive requirements such as adobe or equivalent. Structures (buildings) using materials that do not meet current building code fire resistive requirements must be set back at least seven feet from the side property line.~~

~~1. Any repairs of structures that have been legally built on a property line, or new construction of fences. Structures (buildings) to the property line constructed, "zero-lot-line" shall require a "right-of-entry" agreement signed by all property owners of all applicable properties for construction and maintenance that is recorded in Dona Ana County records and filed with the town clerk; and~~

~~2. This document must be acquired prior to planning, zoning, and historical appropriateness commission approval; and~~

~~3. This document shall be permanent and remain with all properties regardless of ownership; and~~

~~4. In the event that a mutual agreement cannot be acquired, the applicant may must:~~

~~a. Meet the required setback of seven feet. or~~

~~b. Apply for a variance through Chapter 18.85 MTC to the board of adjustment.~~

~~E. F. Utilities. All new installations of utility lines shall be underground, wherever technically feasible. Any new utility lines to be installed above ground shall require a variance from the Board of Adjustment according to Section 18.85 MTC. [Ord. 2006-03 § 1; Ord. 2004-7 § 6; Ord. 2001-04 § 2; Ord. 94-06 § 1; Ord. 92-07 § 1; prior code § 11-2-11.4.G]~~



PROCLAMATION

10TH ANNUAL LAS CRUCES ARTS FAIR

WHEREAS, the arts are a source of pride in our community, and the Las Cruces Arts Fair on March 7th , 8th , and 9th of 2020 will be the tenth Las Cruces Arts Fair; and

WHEREAS, featured artist, Abel Garcia, a member of the Tortugas Orduñez Family, is gaining renown nationally, and he will be actively showing his art in the show; and

WHEREAS, connections honoring the culture and traditions of Tortugas Pueblo will be important elements in this Tenth Anniversary Las Cruces Arts Fair; and

WHEREAS, the mission of the Doña Ana Arts Council is “Envisioning a Community Where the Arts Thrive,” and the Arts Council is actively pursuing the connections between a wider range of the arts with a broader spectrum of our community; and

WHEREAS, the creative economy grows opportunities in our region, and events such as the Las Cruces Arts Fair help underscore the arts and culture of Mesilla and neighboring Las Cruces, which is home to New Mexico’s newest and award-winning Arts and Cultural District;

NOW, THEREFORE, WE, THE MEMBERS OF THE GOVERNING BODY OF THE TOWNSHIP OF MESILLA, do hereby proclaim Friday, March 7; Saturday, March 8; and Sunday, March 9,

THE TENTH ANNUAL LAS CRUCES ARTS FAIR WEEKEND

And we encourage members of our community to enjoy the arts, this weekend in particular, at the nearby Las Cruces Convention Center.



PROCLAMATION

DECLARING MARCH 2020 “ATHLETIC TRAINING MONTH” IN THE TOWN OF MESILLA

WHEREAS, athletic trainers have a long history of providing quality health care for athletes and those engaged in physical activity based on specific tasks, knowledge and skills acquired through their nationally regulated educational processes; and,

WHEREAS, athletic trainers are skilled practitioners in the prevention, recognition, evaluation and aggressive treatment of athletic injuries; and

WHEREAS, athletic trainers provide rehabilitative services, education and health care guidance for those under their care; and

WHEREAS, the national athletic trainer's association represents and supports forty-five thousand members of the athletic training profession, including over one hundred fifty athletic trainers in New Mexico; and

WHEREAS, athletic trainers are allied health care professionals who are responsible for the development and coordination of effective health care delivery systems in professional, collegiate, and high school athletics as well as in clinics, hospitals, corporate and industrial settings and, all branches of the United States military; and

WHEREAS, leading organizations concerned with athletic training and healthcare have united in a common commitment to raise public awareness of the importance of the profession of athletic training and the role of athletic trainers in the provision of quality health care services; and

NOW, THEREFORE, I, NORA BARRAZA, Mayor, and the Board of Trustees in the **TOWN OF MESILLA**, New Mexico do hereby proclaim March 2020 as

“Athletic Training Month in The Town of MESILLA”

And encourage all citizens to appreciate the valuable services that athletic trainers provide to physically active populations.



1
2
3
4
5
6
7
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.
35
36
37
38
39
40
41
42

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

**BOARD OF TRUSTEES
TOWN OF MESILLA
REGULAR MEETING
MONDAY, FEBRUARY 10, 2020
6:00 P.M.**

TRUSTEES: Nora Barraza, Mayor
Carlos Arzabal, Mayor Pro Tem
Jesus Caro, Trustee
Veronica Garcia, Trustee
Stephanie Johnson-Burick, Trustee

STAFF: Kevin Hoban, Fire Chief
Rod McGillivray, Public Works Director
Enrique Salas, Marshal
Dorothy Sellers, Community Events Coordinator
Larry Shannon, Community Development Coordinator
Gloria Maya, Recorder

PUBLIC: Susan Krueger Davie Salas
Kelly Salas Natalie Ogas
Rafael Geck

1. PLEDGE OF ALLEGIANCE

Mayor Barraza led the Pledge of Allegiance.

Mayor Barraza held a Moment of Silence for Judge Lionel Frietze.

2. ROLL CALL & DETERMINATION OF A QUORUM

Roll Call.

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

3. CHANGES TO THE AGENDA & APPROVAL

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

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

Mayor Pro-Tem Arzabal Yes

Trustee Caro Yes

Trustee Garcia Yes

Trustee Johnson-Burick Yes

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

Ms. Krueger expressed her concerns. See attached

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

Mayor Barraza removed item b from the consent agenda.

Motion: To approve consent agenda as amended, Moved by Mayor Pro-Tem Arzabal, Seconded by 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 now 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

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

BOT ACTION FORM
BUILDING PERMIT 061017
[PZHAC REVIEW –2/20/20 SPECIAL MEETING]
STAFF ANALYSIS

Item:

Case 061017 – 1940 Calle Pacana, submitted by Henry Newman and Lisa Belvito, a request for a zoning permit to construct an inground swim spa behind a dwelling that is under construction at this address. Zoned: Historic Residential (HR).

Staff Analysis:

The applicant would like to install an inground swim spa behind a dwelling that is under construction on the property (Permit 060895; approved by the BOT 5/27/19). The proposed swim spa pool will be located at the rear of the property (south side) near a covered patio and will not be visible from the street. A four-foot high rock wall will surround the spa. There will not be any new structures built in conjunction with the spa, and there will not be any structural changes to the existing dwelling associated with the proposed spa. Other properties in the area including the neighboring properties to the east, have pools, and the proposed spa will not be out of character with these properties.

The spa will need to meet CID requirements for in-ground pools, including setbacks and security requirements.

Estimated Cost: @ \$8,000.00

Consistency with the Code:

A site plan of the spa is attached, as well as photos of the subject property and other dwellings in the area. Since the proposed spa is in a Historic zoning district, the following section of the Code applies:

18.33.080 Historical appropriateness permit.

A. Identification. A permit for a certificate of historical appropriateness shall be required before any of the following actions or work is undertaken: new construction, exterior alteration, demolition or removal. All work or acts of new construction or exterior alteration requiring a permit for a certificate of appropriateness shall comply with the design criteria established by the precedent styles within the development zone of the proposed work.

The PZHAC will also need to determine that the request, as submitted, is consistent with the all other sections of the **Building and Zoning Codes** that may be applied to this project.

Findings:

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of installing an in-ground swimming spa behind a dwelling at this address.
- The PZHAC has determined that the proposed spa meets all applicable Code requirements.

PZHAC ACTION:

The PZHAC determined that the proposed swim spa would not be out of character with the nature of other structures in the area and voted 3 – 0 to recommend APPROVAL of this request to the BOT.

BOT OPTIONS:

1. Approve the application as recommended by the PZHAC.
2. Approve the application with conditions.
3. Reject the application.

BOT ACTION:

Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

Select Search Type: []

Maps | Legend

Map Themes

Parcels

UDC Zoning

Roads and Transportation

NM House Districts

NM Senate Districts

County Commission Districts

City Council Districts

Median Household Income

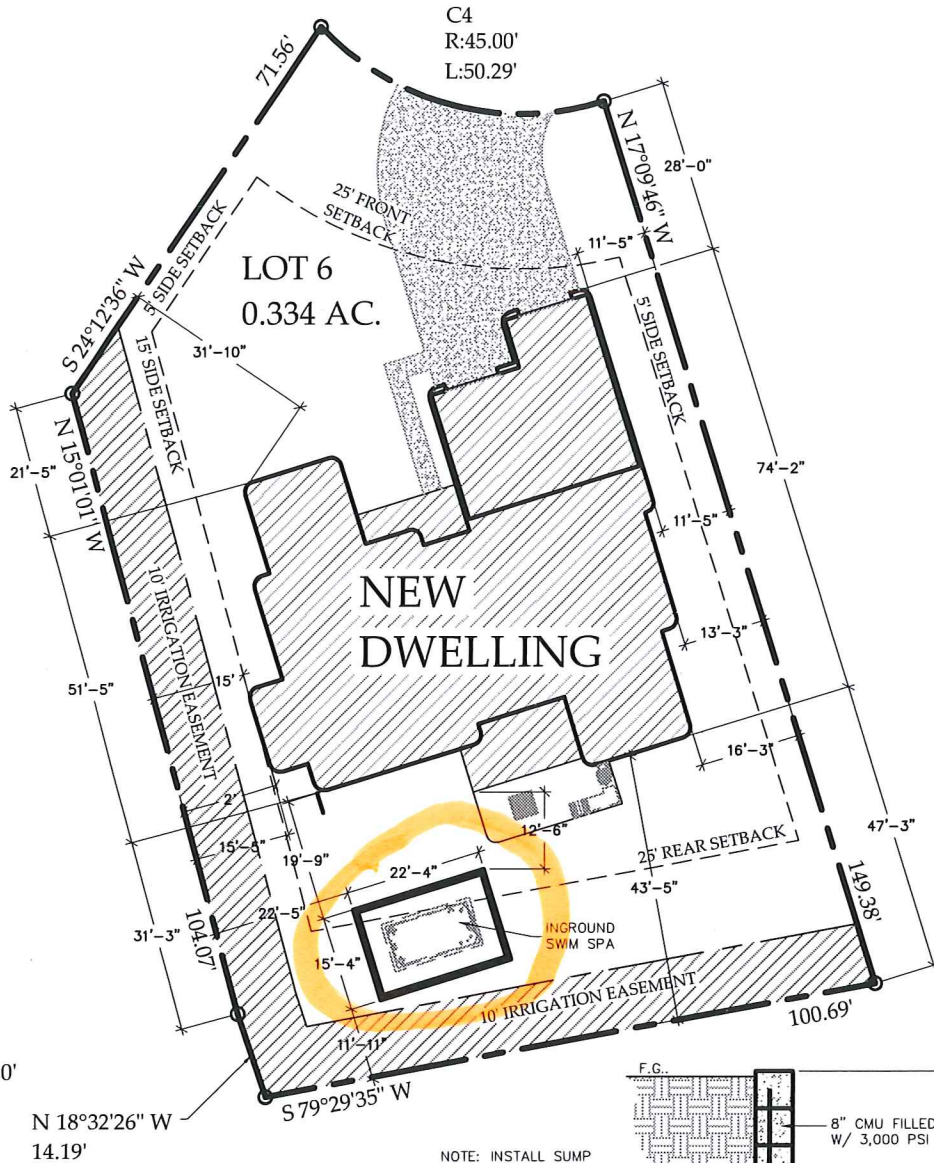
General Land Ownership

Account Number: [R0401598](#)
Parcel Number: 4006137152310
Owner: NEWMAN HENRY S
Mail Address: 1652 HEWITT AVE
Subdivision: SOMMER GROVE
SUBDIVISION (BK 22 PG 783-784 -
0933138)
Property Address: 1940 CALLE
PACANA
Acres: 0



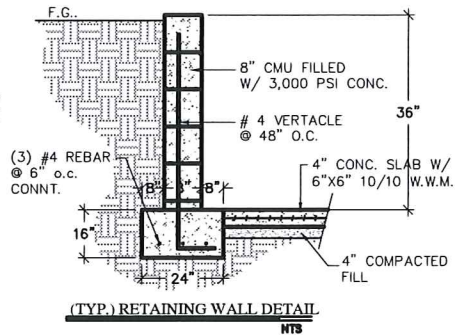
CALLE PACANA

C4
R:45.00'
L:50.29'



NORTH
SCALE: 1" = 30'

NOTE: INSTALL SUMP PUMP FOR DRAINAGE (SEE BUILDER)



SITE PLAN

SOMMER GROVE SUBDIVISION
LOT 6

Cadworks
Home Designs & Drafting
P.O. BOX 1872
Las Cruces, N.M. 88004
Office: (575) 523-7720

DATE	2/7/2020
DRAWN BY	
UMPHRESS	
FILE NAME	JS-1205S18-3

DISCLAIMER
ALL MEASUREMENTS, DIMENSIONS, & SPECIFICATIONS, INCLUDING ALL BLDG. MATERIALS ARE TO BE CHECKED BY OWNER & CONTRACTOR & ARE THE RESPONSIBILITY OF THE OWNER & CONTRACTOR.
THE STRUCTURAL INTEGRITY OF THIS PROJECT IS THE RESPONSIBILITY OF THE OWNER AND CONTRACTOR. THIS DRAWING IS AN INSTRUMENT OF SERVICE AND IS NOT TO BE REPRODUCED OR REPRODUCTIONS HEREOF USED WITHOUT THEIR WRITTEN PERMISSION.

PROJECT NAME:

JUDD M. SINGER
Owned/Builder
PO Box 16097
Las Cruces, NM 88004-6097
Fax 575.523-7439
GB 98 LICENSE # 81509
jsinger027@msn.com
www.vistacustomhomes.com

SHEET TITLE	SITE PLAN
SHEET NO.	5 OF 5

PHOTO OF THE PROPERTY WITH DWELLING UNDER CONSTRUCTION



PHOTO OF THE PROPERTY AT 1930 CALLE PACANA



PHOTO OF THE PROPERTY AT 1910 CALLE PACANA



PHOTO OF THE DWELLING AT 2160 CALLE DEL NORTE FROM CALLE PACANA



**TOWN OF MESILLA
ZONING APPROVAL**

OFFICIAL USE ONLY:
Case # 061017
Fee \$ 22.50

**PERMISSION TO CONDUCT WORK
OR
OBTAIN A COMMERCIAL/RESIDENTIAL BUILDING PERMIT FROM CID**

2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 ext. 104

CASE NO. 061017 ZONE: HR CODE: SP APPLICATION DATE: 2/2/20

Henry Weisman + Lisa Belvito 575-636-0441
Name of Property Owner Property Owner's Telephone Number

1652 Hewitt Ave, Saint Paul MN 55104-1123
Property Owner's Mailing Address City State Zip Code

hsw@seagate.gov
Property Owner's E-mail Address

Judd Singer Villa Custom Homes, 3884 Ringneck, LC, Nm 88001
Contractor's Name & Address (If none, indicate Self)

575-650-7377 81509
Contractor's Telephone Number Contractor's Tax ID Number Contractor's License Number

1940 Calle Pacana
Address of Proposed Work:

Install a in ground Swim Spa.
Description of Proposed Work:
Excavate 3' Depth + Build Shell with Cinder Block wall - Drop in Spa - Deck with
Trex Deck approx 3' all the way around.

\$ 8,000 [Signature] 2-7-2020
Estimated Cost Signature of Applicant Date

[Signature]
Signature of property owner:

With the exception of administrative approvals, all permit requests must undergo a review process from staff, PZHAC and/or BOT before issuance of a zoning permit. Plan sheets are to be no larger than 11 x 17 inches or shall be submitted electronically.

FOR OFFICIAL USE ONLY

PZHAC Administrative Approval **BOT** Approved Date: _____
 Approved Date: _____ Disapproved Date: _____
 Disapproved Date: _____ Approved with Conditions
 Approved with conditions

PZHAC APPROVAL REQUIRED: ___ YES ___ NO BOT APPROVAL REQUIRED: ___ YES ___ NO

CID PERMIT/INSPECTION REQUIRED: ___ YES ___ NO ___ SEE CONDITIONS

CONDITIONS: PZHAC REVIEW + BOT APPROVAL REQ'D.
CID APPROVAL REQ'D
ZA

PERMISSION ISSUED/DENIED BY: _____ ISSUE DATE: _____

- THIS APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING:
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. Site Plan with dimensions and details.
 3. Foundation plan with details.
 4. Floor plan showing rooms, their uses and dimensions.
 5. Cross section of walls
 6. Roof and floor framing plan
 8. Proof of legal access to the property.
 9. Drainage plan.
 10. Details of architectural style and color scheme (checklist included for Historical zones) – diagrams and elevations.
 11. Proof of sewer service or a copy of septic tank permit; proof of water service (well permit or statement from the Public Utility providing water services).
 12. Proof of legal access to the property.
 13. Other information as necessary or required by the City Code or Community Development Department (See other side.)



**NOTICE OF PUBLIC HEARING & INTENT TO RECOMMEND ADOPTION
OF ORDINANCE 2020-03: AN ORDINANCE TO BE NAMED CHAPTER 10.20 -
ADOPTING A SOCIAL HOST ORDINANCE**

The Board of Trustees (BOT) will hold a public hearing on **Monday, February 10, 2020 at 6:00 p.m.** in the board room of the Mesilla Town Hall, 2231 Avenida de Mesilla. The purpose of the hearing was to take public comments on the proposed ordinance 2020-03: **AN ORDINANCE TO BE NAMED CHAPTER 10.20 -ADOPTING A SOCIAL HOST ORDINANCE.**

As part of their regularly scheduled meeting on **Monday, February 24, 2020 at 6:00 p.m.**, the BOT will consider recommending the adoption of ordinance 2020-03: **AN ORDINANCE TO BE NAMED CHAPTER 10.20 -ADOPTING A SOCIAL HOST ORDINANCE.** Copies of the proposed ordinance change can be found on the Town of Mesilla website www.mesillanm.gov or by calling (575) 524-3262.

Posted on 1/27/2020 on the following locations: Town Clerk's Office 2231 Avenida de Mesilla, Public Safety Building 2670 Calle de Parian, 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.

Chapter 10.20

SOCIAL HOST ORDINANCE

Be it ordained by the Town of Mesilla that:

Section 1:

I. Definitions

The terms used in this chapter have the meaning expressly provided herein.

- (a) An “**Adult**” is any person over the age of twenty-one (21) years.
- (b) An “**Alcoholic Beverage**” includes any liquid or solid material intended to be ingested by a person which contains ethanol, also known as ethyl alcohol, drinking alcohol, or alcohol, including but not limited to, intoxicating liquor, malt beverage, beer, wine, spirits, liqueur, whiskey, rum, vodka, cordials, gin, and brandy, and any mixture containing one or more alcoholic beverages whether found or ingested separately or as a mixture.
- (c) A “**Controlled Substance**” is a drug or substance the possession and use of which is regulated under [The Federal Comprehensive Drug Abuse Prevention and Control Act](#) more commonly known as the Federal Controlled Substances Act 1971. Such term does not include any drug or substance for which the individual found to have consumed such substance has a valid prescription issued by a licensed medical practitioner authorized to issue such a prescription.
- (d) A “**Family Gathering**” is a gathering where each underage person present is directly supervised by his or her parent or legal guardian.
- (e) A “**Legal Guardian**” is a person who is lawfully vested with the power and charged with the duty of taking care of an under aged person.
- (f) An “**Underage Person**” is any person under the age of twenty-one (21) years.
- (g) A “**Parent**” includes any person who is a natural parent, and adoptive parent, a foster parent, or a step-parent.
- (h) A “**Private Residence or other Private Property**” means a home, yard, apartment, condominium, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling, party or other social function, and whether owned, leased, rented or used with or without compensation, including contiguous properties, and/or any buildings, structures or other improvements situated thereon or affixed thereto.

- (i) A “**Reasonable Costs**” means the salaries of the responding Deputy Marshal’s, Fire personnel or other Town of Mesilla personnel, at the salary then in effect for each of the individual Deputy Marshal, Firefighter or Town of Mesilla personnel, for the amount of time actually spent in responding to or remaining on scene of an incident, or investigating the gathering or incident; the cost of repairing any damaged Town of Mesilla equipment or property, the cost of towed vehicles, the cost of the Fire Department vehicle or apparatus, and the cost of court overtime associated directly with the incident.
- (j) A “**Responsible Person**” means a person with a right of possession in the private residence or other private property on which an underage or unruly gathering is conducted, including, but not limited to:
 - i. The person who owns, rents, leases or otherwise has a direct control of the premises where the underage or unruly gathering occurs;
 - ii. A tenant or lessee of the residence or other private property
 - iii. Any other person in charge of the private residence or other private property; and
 - iv. The person who organizes or supervises or conducts the event or any other person(s) accepting the responsibility for any such gathering.
- (k) An “**Underage Gathering**” means a party or gathering of two or more persons at a private residence or other private property at which alcoholic beverages are being furnished to, consumed by, or in possession of any underage person(s).
- (l) An “**Unruly Gathering**” means a party or gathering of two or more persons at a private residence or other private property where conduct is occurring that constitutes a substantial disturbance of the public peace. Such conduct includes but is not limited to:
 - i. Unlawful consumption of alcohol or alcoholic beverages;
 - ii. Use of a controlled substance by any person(s) at the gathering;
 - iii. Excessive or unreasonable noise as defined by MTC 9.10.070
 - iv. Obstruction of public streets and/or the presence of unruly crowds which have spilled into the public streets.
 - v. Vandalism
 - vi. Litter or
 - vii. Any other conduct which constitutes a threat to the public health, safety, general welfare of residential property of the Town of Mesilla.

An unruly gathering shall constitute a public nuisance.

II. Violations

- (a) It shall be a petty misdemeanor for any responsible person to engage, conduct, aid, allow permit, or condone an underage or unruly gathering, at any private residence, other private property, public place or any place open to the public.
- (b) This section shall not apply to conduct involving the serving of alcoholic beverages which occurs exclusively between an underage person and his or her parent or legal guardian, as pursuant to New Mexico State Statute, Chapter 60 Section 7B-1 of NMSA 1978.

III. Mandatory Penalties

- (a) First violation: \$250.00 fine.
- (b) Second violation within a twelve (12) month period: \$500.00
- (c) Third and any subsequent violations within a twelve (12) month period: \$500.00 fine and or up to ninety (90) days in jail.

IV. Recovery of Response Costs

- (a) When the Mesilla Marshal's, Mesilla Fire and/or Town of Mesilla Emergency employees to include public works, which is responding to a Social Host Ordinance violation with a given address within the Town of Mesilla boundaries, the responsible person(s) in direct control of those premises remains responsible for, jointly and severally liable for the Town of Mesilla's reasonable cost for each response.
- (b) These costs are wholly separate from any other penalties imposed for any violation of this section. The Town of Mesilla may pursue to recover these costs under a separate action as permitted by law.

V. Severability

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this title.

SECTION 2. Repealer

All ordinances or resolutions, or part therefore, inconsistent with this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution.

SECTION 3. Effective Date

This ordinance shall be in full force and effect, five (5) days after this approval, adoption and publication as provided by law.

PASSED, ADOPTED AND APPROVED this 24th day of February 2020.

Mayor
Town of Mesilla

ATTEST:

By: _____
Town Clerk/Treasurer



**NOTICE OF PUBLIC HEARING & INTENT TO RECOMMEND ADOPTION
OF ORDINANCE 2020-04: REVISING ORDINANCE 12.15 USE OF PLAZA**

The Board of Trustees (BOT) will hold a public hearing on **Monday, February 10, 2020 at 6:00 p.m.** in the board room of the Mesilla Town Hall, 2231 Avenida de Mesilla. The purpose of the hearing was to take public comments on the proposed ordinance **2020-04: REVISING ORDINANCE 12.15 USE OF PLAZA.**

As part of their regularly scheduled meeting on **Monday, February 24, 2020 at 6:00 p.m.**, the BOT will consider recommending the adoption of ordinance **2020-04: REVISING ORDINANCE 12.15 USE OF PLAZA.** Copies of the proposed ordinance change can be found on the Town of Mesilla website www.mesillanm.gov or by calling (575) 524-3262.

Posted on 1/27/2020 on the following locations: Town Clerk's Office 2231 Avenida de Mesilla, Public Safety Building 2670 Calle de Parian, 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.

Chapter 12.15

USE OF TOWN FACILITIES & THE PLAZA

Be it ordained by the Town of Mesilla that:

Section 1:

Sections:

- 12.15.010 Unlawful acts.
- 12.15.011 Prohibition and Restrictions
- 12.15.020 Fees, time period for use and exemptions for a single use per year request.
- 12.15.021 Space rental fee for use of plaza during Mesilla Mercado hours.
- 12.15.030 Facility & Plaza Rentals.
- 12.15.040 Additional Requirements.
- 12.15.050 Authority of Fire Official
- 12.15.060 Penalty.

12.15.010 Unlawful acts.

It is unlawful for any person to:

- A. Attach any rope, chain or similar device to any plant for any reason or attach any animal to any vegetation.
- B. Climb, walk, stand or sit upon any property not designed or customarily used for such purpose.
- C. Ride a bicycle or horse on areas reserved for pedestrian use.
- D. Rollerskate or ride skateboards on the Plaza sidewalks and areas reserved for pedestrian use.
- E. Insert spikes or any other objects in the Plaza area (including sidewalks, bricks, light fixtures, monuments, etc.).
- F. Drive vehicles on the Parks and Plaza sidewalks or on the grass area. [Ord. 2000-01 § 1; Ord. 97-03; prior code § 8-8-1]
- G. Pet owners are required to keep their pets under control or on a leash and responsible for cleaning up after their pet.
- H. Block public parking or residential parking in or around the Plaza or a park without prior written consent.
- I. Have an open flame of any kind (except approved cooking appliances i.e. BBQ grills in Town Parks).

12.15.011 Prohibition and Restrictions:

- A. No vendor shall display, or offer for sale, any weapon, knife, brass knuckles, or any other instrument which is designed for use as a weapon at any event within the town limits.

- B. No vendor shall display, or offer for sale, any spray paint, smoke bombs, fireworks, stink bombs, silly string, or other items that may be considered offensive to the visitors during any event within the town limits.

- C. The sale and/or possession of alcoholic beverages is strictly prohibited at any fiesta or festival. The only exception will be within licensed premises permitted pursuant to state law.

12.15.020 Fees.

Use of town facilities and Plaza fees shall be adopted by resolution with automatic annual adjustments.

12.15.021 Space rental fee for use of plaza during Mesilla Mercado hours.

- A. All persons or entities doing business in the Mesilla Mercado shall pay the fees adopted by resolution with automatic annual adjustments.

- B. The fee shall be paid to the town clerk-treasurer prior to March 15th of each year.

- C. A business registration certificate will be issued upon receipt of the fees and any additional charges pursuant to MTC 5.05.040. [Ord. 2007-06 § 1]

- D. All Mesilla Mercado vendors shall sign and abide by the Mercado Vendor Rules & Regulations by March 15th of every year. If rules are not followed, vendors are subject to removal from the Market and will forfeit all costs paid to the Town.

12.15.030 Facility & Plaza Rentals.

All rentals of Town Facilities including the Community Center, Plaza, and parks shall complete a form and pay deposit and fees prior to use.

The Town reserves the right to block off Town roads for events if there is concern of public health, welfare and safety of the citizens of the Town of Mesilla.

Anyone desiring to reserve Town facilities or the plaza for exclusive use must obtain permission from the Town Hall. A permit will be granted subject to the approval of the Special Events Coordinator or the Town Clerk/Treasurer as long as the following are met:

- A. The proposed exclusive use shall not unreasonably interfere with general public enjoyment of Town facilities or the plaza; and the proposed activity will not interfere with the promotion of public health, welfare and safety of the citizens of Mesilla.

- B. The proposed activity is not anticipated to invite violence, crime, or disorderly conduct.

- C. The proposed activity will not entail unusual expense for the town of Mesilla.

- D. The Town facility or plaza has not been reserved for other use at the time requested.
- E. The Town facility or plaza is suitable for the activity. [Ord. 2008-07; Ord. 2000-01 § 1; Ord. 97-03; prior code § 8-8-4]

12.15.040 Additional requirements.

- A. If an application is approved, a cleaning deposit in the respective amount listed under MTC 12.15.020 will be required. This deposit will be refunded when town staff determines that the plaza was satisfactorily cleaned by the applicant. If the area has not been cleaned by the end of the established use period, the town will clean the area and withhold all or part of the cleaning deposit, depending on the time and personnel needed to clean the area.
- B. The person or persons who rent a Town facility or the plaza shall be liable for any loss, damage or injury sustained by any person for whatever reason. .
- C. The Town requires the following before the event takes place:
 - 1. A completed application submitted and approved by Special Events Ordinator and/or the Town Clerk/Treasurer. This must include the name, telephone number, and exact location where the individual in charge of the event can be reached day and night during the fiesta or festival.
 - 2. Proof of comprehensive general liability insurance in a minimum amount as required by the tort claims limits of the state of New Mexico for events with more than 50 visitors.
 - 3. Insurance rider that names the Town of Mesilla as additionally insured for events with more than 50 visitors.
 - 4. An adequate number of chemical toilets must be provided for both men and women for events with more than 50 visitors with wash stations. The applicant shall ensure that the portable toilets are cleaned daily and are maintained in a safe and sanitary manner.
 - 5. A portable dumpster for the disposal of trash and garbage generated at the event shall be required for events with more than 50 visitors.
 - 6. A special occupational license must be obtained for booths. Fee per booth is \$25.00 for events with more than 50 visitors. (This applies to each function and each booth except for Town fiestas or festivals.)
 - 7. A five (5) pound ABC fire extinguisher shall be required of each vendor that prepares any food through the use of electrical or liquefied gas products. This requirement shall also apply to any other booth that uses both electrical and/or liquefied gas products for its operation. A two and one-half (2¹/₂) pound fire extinguisher shall be required of nonfood vendors.
 - 8. Any use of the plaza for advertising purposes shall include an identification credit on the advertisement.

12.15.050 Authority of Fire Official:

- A. The fire official is empowered to enforce the provisions of this chapter, to revoke or suspend the license of an applicant, or a special business registration, in the event that he shall deem

that it is necessary to comply with this code, or in the interest of the health, safety and welfare of the town. Nothing in this section shall prevent the fire official from closing any event, at any time to maintain law and order.

12.15.060 Penalty.

Any person found guilty of violating any of the provisions of this chapter shall be punished by a fine of not more than \$500.00, or by imprisonment in the Dona Ana County Jail for not more than 90 days, or by both such fine and imprisonment, and each time this chapter is violated shall constitute a separate offense. [Ord. 2000-01 § 1; Ord. 97-03; prior code § 8-8-7]

SECTION 2. Repealer

All ordinances or resolutions, or part therefore, inconsistent with this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution.

SECTION 3. Effective Date

This ordinance shall be in full force and effect, five (5) days after this approval, adoption and publication as provided by law.

PASSED, ADOPTED AND APPROVED this 24th day of February 2020.

Mayor
Town of Mesilla

ATTEST:

By: _____
Town Clerk/Treasurer



RESOLUTION NO. 2020-02

A RESOLUTION REPEALING AND ENACTING NEW RATES FOR THE TOWN OF MESILLA USE OF FACILITIES AND PLAZA

WHEREAS, the purpose of this Resolution is to adopt and set fees for events held within the Town of Mesilla; and

WHEREAS, the plaza and other Town Facilities are a main attraction to Tourists and Mesilleros alike; and

WHEREAS, rates must be adjusted due to increased costs from time to time; and

WHEREAS, any resolutions passed prior with rental rates are repealed and replaced; and

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA that “Exhibit A” attached hereto are the modified rates to be utilized by all officers/employees of the town beginning March 1, 2020.

PASSED, APPROVED AND ADOPTED this 24th day of February 2020.

Nora L. Barraza
Mayor

ATTEST:

Cynthia Stoechner-Hernandez
Town Clerk-Treasurer

Roll Call Vote:
Mayor Barraza _____
Trustee Johnson-Burick _____
Trustee Arzabal _____
Trustee Caro _____
Trustee Garcia _____

“Exhibit A”

Mercado: \$200 Per Year (Cleaning and Maintenance Fee)

Community Center Rentals: \$100 Per Hour/\$500 per day (More than 5 hours)

Deposit \$300 for rentals less than 6 hours/\$500 more for rentals more than 6 hours total

Non-Profit: \$50 per hour up to 5 hours/\$250 for rentals more than 6 hours

50% off for Mesilla residents on rentals more than 4 hours

Kitchen Use: \$150 flat fee plus separate \$200 deposit

Plaza Rental: \$100 Per Hour/\$500 per day (More than 5 hours)

Deposit \$300 for rentals less than 6 hours/\$500 more for rentals more than 6 hours total

Non-Profit: \$50 per hour up to 5 hours/\$250 for rentals more than 6 hours

50% off for Mesilla residents on rentals more than 4 hours

Short wedding rentals (30 min no set up or take down): \$50 flat fee with \$300 deposit

Street Closure: \$250 per street per day

Traffic Control: \$55 per hour per deputy

Park Rentals: \$100 Per Hour/\$500 per day (More than 5 hours)

Deposit \$300 for rentals less than 6 hours/\$500 more for rentals more than 6 hours total

Non-Profit: \$50 per hour up to 5 hours/\$250 for rentals more than 6 hours

50% off for Mesilla residents on rentals more than 4 hours

Special Event Booths: Regular prices

Food - \$400 plus \$75 cleaning deposit

Food and Beverage - \$500 plus \$75 cleaning deposit

Beverage - \$300 plus \$25 cleaning deposit

Snacks & Pre-packaged food - \$350 plus \$25 cleaning deposit

Arts & Crafts - \$200 plus \$25 cleaning deposit

Products & Novelties - \$275 plus \$25 cleaning deposit

Information - \$200 plus \$25 cleaning deposit

Non-Profit - \$50 plus \$25 cleaning deposit

Games - \$275 plus \$25 cleaning deposit

Special Event Booths: Early Bird Prices

Food - \$325 plus \$75 cleaning deposit

Food and Beverage - \$400 plus \$75 cleaning deposit

Beverage - \$225 plus \$25 cleaning deposit

Snacks & Pre-packaged food - \$300 plus \$25 cleaning deposit

Arts & Crafts - \$150 plus \$25 cleaning deposit

Products & Novelties - \$225 plus \$25 cleaning deposit

Information - \$150 plus \$25 cleaning deposit

Non-Profit - \$50 plus \$25 cleaning deposit

Games - \$225 plus \$25 cleaning deposit