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7 **THE BOARD OF TRUSTEES AND PLANNING AND ZONING COMMISSIONERS OF**
8 **THE TOWN OF MESILLA WILL HOLD A JOINT WORK SESSION ON TUESDAY,**
9 **OCTOBER 13, 2020 AT 5:00 P.M.**

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

11 **MEETING ID 983-7900-0389**

12 **PASSWORD 971704**

13
14 **TRUSTEES:** Nora L. Barraza, Mayor
15 Carlos Arzabal, Mayor Pro Tem
16 Jesus Caro, Trustee (5:40 p.m.)
17 Veronica Garcia, Trustee
18 Stephanie Johnson-Burick, Trustee (5:15 p.m.)
19

20 **PZHAC:** Yolanda Lucero, Chairperson
21 Jerry Nevarez, Commissioner
22 Roman Prieto, Commissioner
23 Davie Salas, Commissioner
24

25 **STAFF:** Cynthia Stoechner-Hernandez, Town Clerk
26 Kevin Hoban, Fire Chief
27 Eddie Lerma, Marshal
28 Rod McGillivray, Public Works Director
29 Dorothy Seller, Special Events Coordinator
30 Larry Shannon, Community Development Coordinator
31 Gloria Maya, Recorder
32

33 Tom Maese, Inspector

34 1. Discussion of Town of Mesilla Ordinance 18.35; Historical Residential.
35

36 **Roll Call:**

37 **Trustees Present: Mayor Barraza, Mayor Pro Tem Arzabal, Trustee Caro (5:40 p.m.), Trustee**
38 **Garcia, Trustee Johnson-Burick (5:15 p.m.)**

39 **Commissioners Present: Chairperson Lucero, Commissioner Nevarez, Commissioner Prieto,**
40 **Commissioner Salas**

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42 Mayor Barraza stated this worksession is to ensure that we are all on the same page with regards to Town
43 of Mesilla Ordinance 18.35; Historical Residential.

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Mayor Barraza

- 8,000 sq. ft. requirement to build or made modifications
- 7 ft. setback requirements are met when making modifications to existing dwellings
- interpretation has become an item of discussion
- Mr. Shannon is having some difficulty
- should the ordinance be modified?

Mayor Pro Tem Arzabal

- a lot of time was put into revising the ordinance
- questioned what we want to do now

Trustee Garcia

- recommends bring it back for public input
- she was against passing the ordinance

Mayor Barraza

- addressing multi-family dwellings

Commissioner Prieto

- asked what Trustee Garcia was proposing if she was against the 8,000 sq. ft.

Trustee Garcia

- trying to keep the land as is
- understands the setbacks
- 8,000 sq. ft. was a lot; recommended 4,000 sq. ft.
- passed on second time presented
- felt they were pushed to pass it

Commissioner Prieto

- understands she was in favor of a 4,000 sq. ft. requirement
- has issue with Section C1, feels it ties people hands

Trustee Garcia

- has never been in favor of the 8,000 sq. ft. requirement

Mayor Barraza

- it was 4,000 sq. ft.; not 6,000 sq. ft.

Mr. Shannon

- based on legal opinion; legal nonconforming lots cannot be expanded or built on
- wording in 18.35 is not the same "to be developed" wording for RA, RF and R1
- the question is if there is existing use on the property can it be extended

Chairperson Lucero

- 8,000 sq. ft. is applied when there is new development
- additions can be done if setbacks are intact

Mayor Pro Tem Arzabal

- everyone has their own interpretation
- recommends getting a written statement from the attorney with an interpretation

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Mayor Barraza

- ordinance was reviewed by our attorney prior to approval
- believes it is not the intention to prevent residents from expanding on their lots
- keep setbacks intact

Mayor Pro Tem Arzabal

- request the interpretation for development (18.35.040 a)

Trustee Garcia

- why this ordinance has been brought back

Mayor Barraza

- requests are coming in for building permits
- different interpretation between staff and BOT
- requests the board's interpretation for discussion

Commissioner Salas

- to be developed means it is an empty lot

Mayor Barraza

- flagpole lots are addressed in the ordinance

Mayor Pro Tem Arzabal

- referred to 18.35.040 a
- different opinions
- asked if 8,000 sq. ft. is required to add-on to an existing dwelling?

Mayor Barraza

- the 8,000 sq. ft. is for new development
- add-on would have to meet the setback requirements

Mayor Pro Tem Arzabal

- no right or wrong
- town should have the attorney's interpretation
- give Mr. Shannon information to work with, i.e. attorney's interpretation

Chairperson Lucero

- allow residents to add-on
- must meet setback requirements

Trustee Johnson-Burick

- agrees with the mayor's interpretation of new development and add-ons

Mayor Barraza

- board is on the same page
- do not want to restrict residents from add-ons
- interpretation is what we want to bring forth to the residents

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Commissioner Salas

- casitas would not be allowed without the square footage

Commissioner Prieto

- exact answers/interpretation from attorney

Mayor Barraza

- hire someone to review the ordinances

Commissioner Nevarez

- asked if we are looking at changing language in the ordinance

Mayor Barraza

- it would depend on the attorney's recommendations

Commissioner Nevarez

- gave an example for possible language

Mayor Barraza

- wording leaves it up for interpretation

Commissioner Nevarez

- problematic when based on interpretation

Commissioner Lucero

- asked if this was previewed by the attorney

Mayor Barraza

- ordinance was reviewed by the attorney prior to approving it.

Mayor Pro Tem Arzabal

- what would be the process for current applicants?
- does not want to place a moratorium

Mayor Barraza

- asked Mr. Shannon the number of current applications for modifications

Mr. Shannon

- 2 applications

Mayor Pro Tem Arzabal

- board needs to provide an exact opinion
- prevent appeals

Commissioner Salas

- addressing section c of the ordinance

Commissioner Nevarez

1 - supports Commissioner Salas and Prieto

2

3 Mayor Barraza

4 - group agrees with 18.35.040 (a)

5 - attorney opinion on "development"

6 - read 18.35.040 #1

7 - cite 18.35.040 (c)

8

9 Mr. Shannon

10 - vacant property can have new construction

11 - property with existing dwelling can do an add on

12 - if setbacks are met

13

14 Mayor Barraza

15 - size and type of property

16

17 Commissioner Salas

18 - variance process may be available

19

20 Mr. Shannon

21 - hardship which will go to Board of Adjustments

22

23 Commissioner Salas

24 - there is an avenue that can be taken

25

26 Mayor Pro Tem Arzabal

27 - appeal can be made to the Board of Trustees

28

29 Mayor Barraza

30 - list of reasons for hardship

31

32 Commissioner Salas

33 - should not be an unusable lot

34

35 Chairperson Lucero

36 - this is for Historical Residential

37 - how are we addressing the Capri Arc area issues?

38 - approving additions in those non-conforming lots

39

40 Mayor Barraza

41 - not too many lots left in the HR Zone

42 - Capri Arc area should not be R1Zone

43 - buffer between the City of Las Cruces and Mesilla

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45 Mayor Barraza stated this will go to the attorney for review. Closed the Work Session at 5:56 p.m.

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9 **THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA WILL HOLD A REGULAR**
10 **MEETING ON TUESDAY, OCTOBER 13, 2020 AT 6:00 P.M.**

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

12 **MEETING ID 983-7900-0389**

13 **PASSWORD 971704**
14

15 **TRUSTEES:** Nora L. Barraza, Mayor
16 Carlos Arzabal, Mayor Pro Tem
17 Jesus Caro, Trustee
18 Veronica Garcia, Trustee
19 Stephanie Johnson-Burick, Trustee
20

21 **STAFF:** Cynthia Stoechner-Hernandez, Town Clerk
22 Kevin Hoban, Fire Chief
23 Eddie Lerma, Marshal
24 Rod McGillivray, Public Works Director
25 Dorothy Sellers, Special Events Coordinator
26 Larry Shannon, Community Development Coordinator
27 Gloria Maya, Recorder
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30 **1. PLEDGE OF ALLEGIANCE**

31 Mayor Barraza led the Pledge of Allegiance.
32

33 **2. ROLL CALL & DETERMINATION OF A QUORUM**

34 **Roll Call.**

35 **Present:** Mayor Barraza, Mayor Pro Tem Arzabal, Trustee Caro, Trustee Garcia, Trustee Johnson-
36 Burick.
37

38 **3. CHANGES TO THE AGENDA & APPROVAL**

39 Mayor Barraza stated New Business Item 7a will be removed from the agenda; Public Hearing was held
40 at the last Board of Trustee meeting. Case #0641088 is removed; it was approved at the last meeting.
41

42 Mayor Pro Tem Arzabal requested placing New Business Item 8 on the consent agenda.
43

44 Ms. Banks asked why there cannot be public input since Item 7a is back on the agenda.
45

46 Mayor Barraza stated Public Hearing will not be removed.
47

1 Mayor Pro Tem Arzabal stated he is not in favor of holding another Public Hearing; comments were
2 heard at the last meeting.

3
4 Trustee Garcia stated she would like to hear the comments as she was not present at the last meeting.

5
6 **Original Motion: To approve agenda as amended, Moved by Mayor Pro Tem Arzabal, Seconded by**
7 **Trustee Caro.**

8
9 **Original Motion Roll Call Vote:** Motion passed (summary: Yes =3, No=1).

10
11 Mayor Pro Tem Arzabal Yes

12 Trustee Caro Yes

13 Trustee Garcia No

14 Trustee Johnson-Burick Yes

15
16 **Amended Motion: To approve agenda as amended with Public Hearing, Moved by Trustee Garcia,**
17 **No Seconded. Amended Motion Died for lack of second.**

18
19 **4. PUBLIC INPUT – The public is invited to address the Board for up to 3 minutes.**

20 **Public input in writing shall be received at cvnthias-h@mesillanm.gov an hour before the**
21 **meeting begins on the day of the meeting and will be read into the record. You will also be**
22 **given an opportunity to speak during this time by pressing *9 while in the teleconference.**
23 **You will be prompted when to begin speaking.**

24 Ms. Stoechner-Hernandez stated Rep. Cadena asked how public input is done.

25
26 Trustee Johnson-Burick stated she understands members participating via zoom may
27 comment during Public Input regarding any cases on the agenda.

28
29 No Public Input during the meeting.

30
31 **5. APPROVAL OF CONSENT AGENDA:**

32 (The Board will be asked to approve by one motion the following items of recurring or routine
33 business. The Consent Agenda is marked with an asterisk *):

34 Mayor Pro Tem Arzabal requested placing PZHAC items b, c, d, e, and New Business Item 8a on
35 the consent agenda.

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

38
39 Trustee Johnson-Burick correction to minutes - asked Ms. Banks which state code for New Mexico
40 Environment would be addressed not Town of Mesilla code.

41
42 **Amended Motion: To approve consent agenda as amended, Moved by Trustee Johnson-Burick,**
43 **Seconded by Mayor Pro Tem Arzabal.**

44
45 **Amended Roll Call Vote: Motion passed (summary: Yes =4).**

46 Mayor Pro Tem Arzabal Yes

47 Trustee Caro Yes

48 Trustee Garcia Yes (recused from voting on minutes)

49 Trustee Johnson-Burick Yes

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

2 Mayor Pro Tem Arzabal Yes

3 Trustee Caro Yes

4 Trustee Garcia Yes (recused from voting on minutes)

5 Trustee Johnson-Burick Yes

7 a) ***BOT MINUTES** – Minutes of a Regular Meeting on September 28, 2020.

8 *Approved by consent agenda*

9 b) ***Case 061027** – 2765 Boldt Street, submitted by Donna K. Vargas; a request for a zoning

10 c) permit to install a folding awning over a patio on the rear of a dwelling at this address.

11 Zoned: Historic Residential (HR). *Approved by consent agenda*

12 d) ***Case 061128** – 2410 Calle de Principal, Suite C, submitted by Morgan R. Switzer; a

13 request for a sign permit to install a hanging sign for a business (“Be Infused, LLC”) at this

14 address. Zoned: Historic Commercial (HC). *Approved by consent agenda*

15 e) ***Case 061129** – 2410 Calle de Principal, Suite C, submitted by Morgan R. Switzer; a

16 request for a sign permit to install a wall sign on a business (“Be Infused, LLC”) at this

17 address. Zoned: Historic Commercial (HC). *Approved by consent agenda*

18 f) ***Case 061123 WITH CONDITIONS**– Properties at and adjacent to 2200 West Union

19 Avenue, submitted by Indalencio Prieto and Ladene Vance; a request for a summary

20 subdivision to adjust the lot lines of three properties to eliminate one lot and to combine part

21 of a lot with a neighboring lot. Zoned: Rural/Agricultural (RA). *Approved by consent*

22 *agenda*

23
24 **6. OLD BUSINESS**

25 a) **PZHAC Case 061120** – 2230 Avenida de Mesilla, submitted by Jesus Lucero; a request for a

26 zoning permit to allow sections of fencing to be installed around a commercial property at this

27 address for security reasons. **Zoned: Historic Commercial (HC)**

28 Mayor Barraza stated this case was pulled at the last meeting due to the different types of material for the

29 fence. Mr. Prieto has agreed to use wire fencing with wood posting around the property.

30
31 **Motion: To approve PZHAC Case 061120 – 2230 Avenida de Mesilla, submitted by Jesus Lucero; a**

32 **request for a zoning permit to allow sections of fencing to be installed around a commercial**

33 **property at this address for security reasons. Zoned: Historic Commercial (HC), Moved by Mayor**

34 **Pro Tem Arzabal, Seconded by Trustee Johnson-Burick.**

35
36 **Roll Call Vote: Motion passed (summary: Yes =4).**

37 Mayor Pro Tem Arzabal Yes

38 Trustee Caro Yes

39 Trustee Garcia Yes

40 Trustee Johnson-Burick Yes

41
42 **7. AN APPEAL OF A DECISION OF THE PLANNING, ZONING AND HISTORICAL**
43 **APPROPRIATENESS COMMISSION:**

44 a) **A Public Hearing must be held:** on **Case 061088** a request for a zoning permit to allow the

45 construction of a garage/workshop on a residential property at this address. **Zoned:**

46 **Rural/Agricultural (RA)** submitted by Ms. CaraLyn Banks on behalf of Mr. Strain. **Removed**

47 **from agenda**

48
49 **For Approval/Disapproval:** on ~~Case 061079, 2067 Stithes Road and 1780 Calle de El Paso,~~

50 ~~submitted by Jon Strain; a request to allow a lot line adjustment between these two~~

51 ~~properties and Case 061088~~ a request for a zoning permit to allow the construction of a

52 garage/workshop on a residential property at this address. Zoned: Rural/ Agricultural (RA)

1 submitted by Ms. CaraLyn Banks on behalf of Mr. Strain. ****A resolution stating the board's**
2 **decision and reasoning shall be approved at the next Board of Trustee meeting****

3 **Motion: To suspend the rules, Moved by Mayor Pro Tem Arzabal, Seconded by Trustee Caro.**
4

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

6 Mayor Pro Tem Arzabal Yes

7 Trustee Caro Yes

8 Trustee Garcia Yes

9 Trustee Johnson-Burick No
10

11 Mayor Barraza stated she received an email at the last meeting informing her that, as per ordinance, 2/3 of
12 all members needed to vote on the case. Since there was not a 2/3 majority vote the case needed to be
13 brought back to the Board of Trustees for clarification.

14
15 Mayor Pro Tem Arzabal stated 18.35.040 was discussed during the worksession. He understood it was
16 the HR Zone.

17
18 Mayor Barraza clarified it was in the RA Zone.

19
20 Trustee Garcia asked for the section of the ordinance that addresses the requirement of 2/3 of all members
21 to vote. She is confused because at meetings cases can be passed with a quorum present but since she
22 was not present the appeal could not pass.

23
24 Mr. Cervantes referred (read) to Section 2.15.040 which relates to regular voting process by trustees. It
25 was inaccurate to say the appeal had succeeded at the last meeting. After discussion it was decided to that
26 the case would be brought back to the Board of Trustees for clarification of the vote.

27
28 Mayor Barraza read Section 18.06.160 requiring the 2/3 vote.

29
30 Trustee Garcia asked when the applicant was notified.

31
32 Mayor Barraza responded toward the end of the last meeting she mentioned she may be bringing it back
33 to the Board of Trustees based on the information she has received via email. She understood Mr.
34 Shannon had contacted the applicant last week.

35
36 Trustee Garcia stated she is looking at Ms. Banks who is shaking her head no. She would like to ask the
37 applicant when they were notified.

38
39 Mayor Barraza responded she will ask Mr. Shannon.

40
41 Mr. Shannon responded the applicant contacted him on Friday; he was not aware it was back on the
42 agenda.

43
44 Mayor Barraza asked Mr. Shannon if he spoke to the applicant on Friday.
45

1 Mr. Shannon responded he did speak to them on Friday regarding the item being placed on the agenda.
2
3 Mr. Cervantes stated the vote at the last meeting failed due to the process. It was decided to give the
4 applicant notice that the case would be brought back to the board.
5
6 Ms. Banks stated they found out on Friday afternoon that the case was back on the agenda by looking at
7 the website; no one called to tell them. It did not look like any of the material was in the packet. They
8 were originally informed that they case would be heard in November. They would not have known until
9 today when Mr. Shannon called them to tell them they were on the agenda.
10
11 Mayor Barraza stated Mr. Shannon spoke to them on Friday and they asked him if they were on the
12 agenda and Mr. Shannon responded yes.
13
14 Mr. Strain responded Mr. Shannon responded no they were not on the agenda and that they would not be
15 on the agenda until November. Mr. Shannon just said he did not know the case was back on the agenda
16 until he spoke to the applicant on Friday.
17
18 Mayor Barraza stated Mr. Shannon was aware it would be on the agenda after we had spoken to the
19 attorney that Monday. She asked Mr. Shannon if he had told the applicant that the case was not on this
20 agenda.
21
22 Mr. Shannon responded he was not aware it would be on the agenda. He was told Friday it was on the
23 agenda.
24
25 Mayor Barraza asked if the applicant had called him to verify, they were on the agenda.
26
27 Mr. Strain responded no.
28
29 Mr. Shannon responded the applicant knew they were on the agenda before he knew.
30
31 Mayor Barraza stated the item is on the agenda so it will be dealt with.
32
33 Trustee Caro stated there was a vote from the three trustees present at the last meeting.
34
35 Mayor Pro Tem Arzabal stated there was nothing in the packet giving a reason why the case was brought
36 back. This makes it challenging for the trustees.
37
38 Trustee Johnson-Burick responded she made the effort to contact staff to inquire why the case was
39 brought back.
40
41 Ms. Banks stated judicial zoning hearings are just like judicial hearings. When you are going to deprive
42 someone of their property rights, they should be given due process of law. She asked again for the Mayor
43 recuse herself since her sister is a member of the committee who made the decision. She feels this is not a
44 fair and impartial proceeding.

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Mayor Barraza asked Ms. Banks if she had any other comments.

Ms. Banks reviewed the application, process followed, timeframe, other applications that have been approved and what has transpired regarding the case. Believes there are capricious and arbitrary decisions as by their own words it depends who the applicant is. She had asked how many of the lots are non-conforming. The question is are the ordinances reasonable and why are they not changed 50 years after they were written. It does not make sense that people cannot add-on or do new construction. One of the public comments was if the town was discriminating against non-conforming lots. Mr. Strain's is a reasonable request, and it is time to be over. To say no to Mr. Strain's application is capricious and arbitrary. The board has already talked about making sense of the zoning so there can be consistent reasonable decisions.

Mr. Cervantes stated he will not address the changes; that is up to the board. Ms. Banks began with the suggestion that Mayor Barraza would be biased and should recuse herself; read section 2.05.040. His understanding of the suggested biases is that the mayor has a sister serving on the Planning and Zoning Commission. He has never seen where an individual is disqualified by a familiar relationship bases on a sibling. The mayor would only vote in an event of a tie. Read Sections 18.60.050 and 18.60.070. There is a mechanism and procedure to relieve property owners by pursuing a Special Use Permit and Variance Permit.

Mayor Barraza read the Planning and Zoning Commission's August 17th minutes. Referred to Mr. Cervantes' letter dated August 14, 2020 and Ordinance 18.60.050.

Trustee Johnson-Burick asked Ms. Banks how many of the cases she cited regarding non-conforming had Special Use Permits or Variance Permits or approved through the Planning and Zoning Commission that did not come to the Board of Trustees since it was not in the HR Zone.

Ms. Banks responded the one she brought forth was in the HR Zone in terms of the 6,000 sq. ft. There were others that went through Planning and Zoning.

Trustee Johnson-Burick asked if the intention of the permit has changed due to Ms. Banks comments of expansion of a shop; adding a new building and adding a shop. The permit that was submitted is for a new building.

Ms. Banks responded their intention was to add a new shop. After speaking to Mr. Shannon, we looked at expanding the existing garage to get the setbacks correct and conforming.

Trustee Johnson-Burick asked if the application is not correct.

Ms. Banks responded there is a small garage in the southwest corner; after looking at the setbacks it was easier to add to that pad.

Mr. Strain stated the original setback was 30 ft. in the back and 10 ft. on the side. When it was adjusted by 10 ft. it butts up to the existing carport. We can tie the two together or leave them separate.

Trustee Johnson-Burick stated the reason we can keep Mesilla, Mesilla and keep the integrity and history of Mesilla is because of our ordinances that are probably 50 years old. Her vote will not change, whether we have a perceived precedence or not does not validate or constitute continued use of such perceived precedence. She took the oath to follow the ordinances and legal opinion from the attorney. A Business License application does not constitute or guarantee someone not adhering to the ordinances.

1 Ms. Banks stated they must be 600 sq. ft.

2 Mayor Pro Tem Arzabal asked why this case did not go to the Board of Adjustments.

3 Mayor Barraza responded the applicant wanted to come to the Board of Trustees.

4 Mayor Pro Tem Arzabal asked if they have that choice.

5 Mayor Barraza responded a letter was submitted requesting coming to the Board of Trustees.

6 Ms. Stoechner-Hernandez stated the applicant has the choice. This applicant chose to go through the
7 appeal process.

8 Mayor Pro Tem Arzabal asked for clarification on the process.

9 Mr. Shannon responded per ordinance which allows the applicant the right, if they disagree with the
10 Planning and Zoning Commission decision, to appeal the case to the Board of Trustees before going to
11 the Board of Adjustment. The Planning and Zoning Commission found it to be illegal therefore it had to
12 come to the Board of Trustees.

13 Mayor Pro Tem Arzabal stated Ms. Banks brought forth non-conforming cases. There is a difference
14 with non-conforming cases that have gone through the process, i.e. Special Use Permits and Variance
15 Permits, and the ones that have not. She would like to see the information before deciding.

16 Mayor Barraza stated she would like to know what this building is going to be used for; referred to
17 application. She asked Commissioner Salas what the Planning and Zoning Commission saw for the use
18 of the building.

19 Commissioner Salas responded it was going to be used to store cars, as a garage.

20 Mayor Barraza stated this was originally submitted as a new building for cars; now it is being shown as
21 expanding an existing building. She asked if it is 2 separate buildings.

22 Ms. Banks responded it will be 2 separate buildings, next to each other to get the correct setbacks.

23 Commissioner Salas stated according to the plans the buildings were not next to each other, they were on
24 opposite sides of the lot.

25 Mayor Barraza reviewed the existing buildings on the property in addition to the home. Mr. Strain was
26 issued a Home Occupation License. She asked if the garage is for the business or personal gain.

27 Mr. Strain responded they work on cars; the garage would be used to do finishing work away from dust.
28 There is a carport on the southwest corner of the property which was in the original packet. We asked for
29 a stand alone building. Mr. Shannon told them the setback at the rear of the property were 30 ft.;
30 adjustments were made. The request has not changed, it is a stand alone building.

31 Mayor Barraza stated this would be like a body shop.

32 Mr. Strain responded it was not a body shop. We will use it to park our vehicles as well. A portion of it
33 will be used as a clean room to finish products that were produced in the other shop.

34 Mayor Pro Tem Arzabal asked for a new site plan.

1 Mayor Barraza responded the site plan was in the board's packet. She drove by the property and asked if
2 a foundation has been poured.

3 Mr. Strain responded that is for the patio.

4 Mayor Barraza asked if this was done without a permit.

5 Mayor Pro Tem Arzabal called for the questions since the process was not followed by the resident.

6

7

8 Mr. Strain responded he did go through the process and once it was approved he proceeded. He has had
9 additional costs due to the delay.

10

11 **Motion: To Disapprove Case 061088 a request for a zoning permit to allow the construction of a**
12 **garage/workshop on a residential property at this address. Zoned: Rural/ Agricultural (RA) submitted**
13 **by Ms. CaraLyn Banks on behalf of Mr. Strain. **A resolution stating the board's decision and**
14 **reasoning shall be approved at the next Board of Trustee meeting**, Moved by Mayor Pro Tem Arzabal,**
15 **Seconded by Trustee Johnson-Burick.**

16

17 Trustee Johnson-Burick stated things that were presented 2 weeks ago have shifted another direction.

18

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

20 Mayor Pro Tem Arzabal Yes

21 Trustee Caro No

22 Trustee Garcia Yes

23 Trustee Johnson-Burick Yes

24

25 Mayor Barraza stated Mr. Strain will be cited for starting a project without a permit.

26

27 Mr. Maese stated CID has jurisdictional authority with the Town of Mesilla. A permit must be approved
28 by the Planning and Zoning Commission and the Board of Trustees before going to CID. CID will not
29 issue a permit with out the town's approval. Since the applicant has opted to disregard the building
30 permit process and build his structure without a permit, under State Statute it is within the right for CID to
31 site the applicant. In order for him to get a permit at this time, he will have to submit an engineer's report
32 showing that what he has done is in compliance of the building code.

33

34 **8. NEW BUSINESS**

35 **a) For Approval/Disapproval:** of \$110,000.00 agreement between the Department of
36 Finance and Administration, acting through the Local Government Division and the Town
37 of Mesilla to purchase and equip vehicles for the Marshal's Department. **Edward Lerma,**
38 **Marshal Approved by consent agenda**

39

40 **9. *STAFF REPORTS:**

41 Community Development

42 Community Programs

43 Finance Department

44 Fire Department

45 Marshal's Department

3 **10. BOARD OF TRUSTEE COMMITTEE REPORTS**

4 Trustee Johnson-Burick: MPO meeting Wednesday, October 14th at 1:00 p.m.

5
6 Trustee Garcia: MPO meeting Wednesday, October 14th at 1:00 p.m.

7
8 Mayor Barraza: RTD meeting next week
9

10 **11. BOARD OF TRUSTEE/STAFF COMMENTS**

11 Mr. McGillivray stated the trail on Calle de Norte should be completed within the next 2 weeks.
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15 Ms. Stoechner-Hernandez thanked Mayor Barraza and Ms. Maya for covering for her while she was out.

16
17 Trustee Caro stated the applicant left 2 weeks ago thinking everything was approved. He also thought the
18 case was approved. He asked do we want to penalize him.
19

20 Mayor Pro Tem Arzabal stated the plaza and parks are looking good around the town, thanked Public
21 Work staff. Applications need to be approved prior to starting work. He wants to make sure the Board of
22 Trustees are aware of what is going on.
23

24 Trustee Garcia stated Ms. Maya always steps up to help all the departments. She does not come to the
25 board complaining. We need to appreciate who and what we have. Thanked everyone for checking on
26 her when she got COVID-19. She feels Mr. Strain should not be penalized since he left the meeting
27 thinking he was approved. There is a lack of communication between applicant and staff. Many times,
28 she requests information and must wait weeks for a response. This is not fair for the applicant. If
29 someone needs help, ask for it. It looks like we are not working as a team.
30

31 Trustee Johnson-Burick thanked all the staff for what they do for the town. She agrees there is a lack of
32 communication between the applicant and staff.
33

34 Mayor Barraza stated staff does do a great job with the resources we have. A permit is need for
35 everything so when Mr. Strain felt he was approved why did he not come in for the permit. There is no
36 excuse for that. He also did not go to CID for a permit.
37

38 Mayor Pro Tem Arzabal asked if applicants are told they need to go to CID for a permit as well.
39

40 Mayor Barraza responded if Mr. Strain had gone for the permit, he would have been told that he needed
41 to go to CID. Reiterated permits are needed for everything. The COVID-19 rate in New Mexico has
42 gone up; 88046 has had 10 cases. She feels Governor Lujan Grisham will be going back to enforcing the
43 restrictions she had before. We need to continue following the enforcements.
44

45 Trustee Garcia asked if the mayor has look at getting staff tested.
46

47 Mayor Barraza responded she needs to make an appointment. Also, there will be testing at Yannez Hall
48 which will be posted on our website.
49

50 Ms. Stoechner-Hernandez read the governors restrictions. We have a one-way for in and out, a camera that
51 takes the person's temperature and checks for masks then authorizes the person to come into the building.
52 There has been some resistance, but they are getting use to the fact they will not be able to conduct

1 business if guidelines are not followed.

2

3 Trustee Garcia stated she went out to merchants that stayed open late and they would like to have one day
4 a month so people will get use to that.

5

6 Mayor Barraza stated she does check up on phone calls not being returned. She asked the trustees to tell
7 the person complaining to call her or Ms. Stoechner-Hernandez so that she can follow up on the situation.

8

9 **ADJOURNMENT**

10 **The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes-**
11 **4)**

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16 **MEETING ADJOURNED AT 7:35 P.M.**

17 **APPROVED THIS 26th DAY OF OCTOBER, 2020.**

18

19

20

Nora L. Barraza

Nora L. Barraza
Mayor

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26 **ATTEST:**

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Cynthia Stoechner-Hernandez

Cynthia Stoechner-Hernandez
Town Clerk/Treasurer

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