



**THE BOARD OF TRUSTEES AND PLANNING AND ZONING COMMISSIONERS
TOWN OF MESILLA
JOINT WORK SESSION
MONDAY, NOVEMBER 9, 2020
5:00 P.M.**

**VIA TELECONFERENCE 1-346-248-7799, MEETING ID 983-7900-0389,
PASSWORD 971704.**

TRUSTEES: Nora L. Barraza, Mayor
Carlos Arzabal, Mayor Pro Tem (left at 5:30 p.m.)
Jesus Caro, Trustee
Veronica Garcia, Trustee
Stephanie Johnson-Burick, Trustee (5:25 p.m.)

PZHAC: Yolanda Lucero, Chairperson
Jerry Nevarez, Commissioner
Judy Houston, Commissioner
Davie Salas, Commissioner
Roman Prieto, Commissioner (absent)

1. Discussion of Town of Mesilla Ordinance 18.35; Historical Residential and other concerns from the Boards.

ROLL CALL: Mayor Barraza, Mayor Pro Tem Arzabal, Trustee Caro, Trustee Garcia, Commissioner Houston, Commissioner Nevarez, Commissioner Lucero, Commissioner Salas.

Ms. Stoechner-Hernandez read Mr. Darden's letter regarding Ordinance 18.35; interpretation.

Mayor Barraza

- review the language to ensure clarification
- allow residents to add on if requirements can be met
- non-conforming lots will not be allowed to add on
- referring large houses being built on small lots
- setback requirements are followed
- multi-family not allowed on small lots

Mayor Pro Tem Arzabal

- asked for clarification if it is allowed or not allowed
- Board of Trustees requested legal opinion before voting

Mayor Barraza

- board understood "to be developed" meant new construction
- go through the whole process to change the ordinance

Commissioner Nevarez

- adding verbiage or changing the word developed

Mayor Barraza

- request from the attorney for the correct language usage
- we want residents to be allowed to add on to their dwellings

Mayor Pro Tem Arzabal

- recommends that they agree on what they want before it goes to the attorney

Mayor Barraza

- amend verbiage “to be developed”

Commissioner Nevarez

- non-conforming lots would not allow construction; hands would be tied

Mayor Barraza

- would need to meet the requirements
- that is what we are trying to correct with this ordinance

Co-Chair Lucero

- asked if add on building permits would be allowed to non-conforming lots if requirements are met

Mayor Barraza

- will look at development standards
- reiterated looking at the verbiage

Commissioner Houston

- asked if there is an established resident, requesting a permit that will change the footprint but meets the requirements, it will be allowed

Mayor Barraza

- we are trying to look at that in order to send the correct message
- consider the population density as well

Commission Houston

- look at when we say population density

Mayor Barraza

- read ordinance regarding population density

Commissioner Salas

- concerned lots not meeting the required square footage will be prohibited from moving forward

Mayor Barraza

- need to address those situations

Commissioner Salas

- asked what would happen if the lot is vacant
- read section

Mayor Barraza

- classified under Flagpole lots

Commissioner Nevarez

- this gives us the opportunity to provide input
- are there plans to look at non-conforming lots in other zones.

Mayor Barraza asked if it is the consensus of the board that she and staff meet with the attorney to ensure this is what the two boards are trying to accomplish in order to move forward.

Mayor Barraza

- questioned why areas were zoned the way they were (non-conforming)
- burden on property owners
- Planning and Zoning is following the ordinance
- asked the two boards what direction they would like to take

Commissioner Nevarez

- family situations change
- hands are tied
- look at changing the ordinance

Mayor Barraza

- asked for clarification on what needs to be changed

Commissioner Nevarez

- modified to allow flexibility
- Spot Zoning

Mayor Barraza

- Spot Zoning is not allowed

Co-Chair Lucero

- recommended a study to be conducted before making zone changes

Mayor Barraza

- Comprehensive Plan was done a few years back

Ms. Stoechner-Hernandez

- Comprehensive Plan does not include the number of non-conforming lots

Commissioner Houston

- possible to obtain the information need by looking at the map

Mayor Barraza

- conflicting issue due to the way the county has them listed

Mr. Shannon

- showed (on screen) the breakdown of lots in the residential zones

Mayor Barraza

- asked from where he compile the information

Mr. Shannon

- the county

Co-Chair Lucero

- taken into consideration residential vs agricultural

Mr. Shannon

- awaiting map from the County Assessor's office

Mayor Barraza

- informational purpose

Trustee Caro

- agricultural community
- changes due to lack of water for farming
- more research needs to be done

Co-Chair Lucero

- asked if we want to open up the Green Belt for development
- hard decisions need to be made

Trustee Johnson-Burick

- need to protect the Green Belt which delineates us from the city
- Comprehensive Plan protects the Green Belt

Mayor Barraza

- preserving the Town of Mesilla is what she stands on
- questioned the zoning in certain areas making them non-conforming lots
- Planning and Zoning is following the ordinance
- review the zones and make changes if needed

Co-Chair Lucero

- more appeals are coming forth to the Board of Trustees

Mayor Barraza

- board only sees cases in the HR Zone unless there is an appeal
- address non-conforming lots
- definitive map

- applicants can request a rezone, no spot zone

Commission Salas

- asked what the avenue is available to the applicant

Mayor Barraza

- applicants need to be patient as we move forward
- continue to follow the ordinance
- meet with the attorney
- funding for a study

**BOARD OF TRUSTEES
TOWN OF MESILLA
REGULAR MEETING
MONDAY, NOVEMBER 9, 2020
6:00 P.M.**

**VIA TELECONFERENCE 1-346-248-7799, MEETING ID 983-7900-0389
PASSWORD 971704.**

TRUSTEES: Nora L. Barraza, Mayor
Carlos Arzabal, Mayor Pro Tem (6:10 p.m.)
Jesus Caro, Trustee
Veronica Garcia, Trustee
Stephanie Johnson-Burick, Trustee

STAFF: Cynthia Stoechner-Hernandez, Town Clerk
Kevin Hoban, Fire Chief
Eddie Lerma, Marshal
Rod McGillivray, Public Works Director
Dorothy Seller, Special Events Coordinator
Larry Shannon, Community Development Coordinator
Gloria Maya, Recorder

1. PLEDGE OF ALLEGIANCE

Mayor Barraza led the Pledge of Allegiance.

2. ROLL CALL & DETERMINATION OF A QUORUM

Roll Call.

Present: Mayor Barraza, Mayor Pro Tem Arzabal (6:10 p.m.), Trustee Caro, Trustee Garcia, Trustee Johnson-Burick.

3. CHANGES TO THE AGENDA & APPROVAL

Motion: To approve agenda, Moved by Trustee Caro, Seconded by Trustee Johnson-Burick.

Roll Call Vote: Motion passed (summary: Yes =3).

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.

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

Ms. Stoechner-Hernandez read letter from Ms. Krueger and Mr. Taylor.

Trustee Johnson-Burick requested Ms. Stoechner-Hernandez reread the section of Ms. Krueger's letter that mentions La Posta and Fountain Theatre.

Ms. Stoechner-Hernandez read the section and stated correspondence was emailed to the trustees from Ms. Krueger.

Mayor Barraza stated there was an empty lot where La Posta put the entrance doors on the west side on Calle de Guadalupe; nothing was torn down.

Mr. Saenz stated they appreciate the opportunity to speak regarding the zoning and guidelines that are in place. He stated they are willing to meet the rules and regulations that will apply to their property. The home will be made bigger; the plans submitted show a 10 ft. setback, which they were originally told. We want to contribute to the town and modifying the home will be an addition to Mesilla.

Mrs. Saenz asked how ordinance 18.60.180 will affect them since there was an existing dwelling on the property prior to the ordinance.

Mayor Barraza responded she will schedule to have a telephone conversation to discuss and answer their concerns.

5. STATEMENT REGARDING CLOSED SESSION AND ROLL CALL VOTE – discussion during the closed session was limited to personnel matters in the Public Works Department pursuant to NMSA 1978 Chapter 10-15-1(H)(2) held November 5, 2020 at 3:30 p.m. – **Board of Trustees.**

Motion: A Closed Session was held prior to regular meeting to discuss limited personnel matters in the Public Works Department pursuant to NMSA 1978 Chapter 10-15-1(H)(2): no action was taken, Moved by Mayor Pro Tem Arzabal, Seconded by Trustee Johnson-Burick.

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

Mayor Pro-Tem Arzabal Yes

Trustee Caro Yes

Trustee Garcia Yes

Trustee Johnson-Burick Yes

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 *):

Mayor Barraza stated a correction to the minutes; page 9 should read termites not terminate.

Trustee Johnson-Burick stated a correction to the minutes; she stated she had been told by a member of the Taylor Family not the entire Taylor family.

Motion: To approve consent 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

- a) ***BOT MINUTES** – Minutes of a Regular Meeting on October 26, 2020
Approved by consent agenda
- b) ***PZHAC Case 061138 with conditions** – 2280 Calle Principal, submitted by Father Christopher Williams for the Basilica of San Albino; a request for a zoning permit to allow the construction of a columbarium on a property owned by the Diocese of Las Cruces behind the church store. Zoned: Historic Residential (HR) *Approved by consent agenda*

7. OLD BUSINESS

- a) **Resolution 2020-23:** A resolution on an appeal by Michael Taylor for Case 061110 denying construction of an enclosed porch at 2341 Calle de Arroyo. – **Mesilla Board of Trustees.**

Ms. Stoechner-Hernandez read Resolution 2020-23: A resolution on an appeal by Michael Taylor for Case 061110 denying construction of an enclosed porch at 2341 Calle de Arroyo.

Motion: To approve Resolution 2020-23: A resolution on an appeal by Michael Taylor for Case 061110 denying construction of an enclosed porch at 2341 Calle de Arroyo, Moved by Mayor Pro Tem Arzabal, Seconded by Trustee Garcia.

Roll Call Vote: Motion passed (summary: Yes =3, Nay=1).

Mayor Pro Tem Arzabal Yes
Trustee Caro Nay
Trustee Garcia Yes
Trustee Johnson-Burick Yes

8. AN APPEAL OF A DECISION OF THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION:

- a) **A Public Hearing:** on PZHAC Case 061110 an appeal submitted by Susan Krueger –2341 Calle de Arroyo, submitted by Michael R. Taylor; a request for a zoning permit to enclose the front porch on a dwelling at this address. Zoned: Historic Commercial (HC).

Motion: To open Public Hearing: on PZHAC Case 61110 an appeal submitted by Susan Krueger – 2341 Calle de Arroyo, submitted by Michael R. Taylor; a request for a zoning permit to enclose the front porch on a dwelling at this address. Zoned: Historic Commercial (HC), Moved by Trustee Johnson-Burick, Seconded by Mayor Pro Tem Arzabal.

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

Mayor Pro Tem Arzabal Yes
Trustee Caro Yes
Trustee Garcia Yes
Trustee Johnson-Burick Yes

Open Public Hearing at 6:31 p.m.

Ms. Krueger stated she was speaking about alternations made since 2000. She was addressing context exploration which takes a lot of time and research. She feels research was not done to do a complete context exploration in Mr. Taylor’s case. The resolution states that the ordinance does not allow changes to the historical preservation to this significate structure. She remembers the board discussing where or not you could make a change to the exterior of a significate structure. She feels that has been done in the Town of Mesilla as long as the plan meets the code and what CID requires.

Motion: To close Public Hearing and open Regular Meeting, Moved by Mayor Pro Tem Arzabal, Seconded by Trustee Caro.

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

Mayor Pro Tem Arzabal Yes

Trustee Caro Yes

Trustee Garcia Yes

Trustee Johnson-Burick Yes

Opened Regular Meeting at 6:37 p.m.

- b) For Approval/Disapproval:** on **PZHAC Case 061110** an appeal submitted by Susan Krueger –2341 Calle de Arroyo, submitted by Michael R. Taylor; a request for a zoning permit to enclose the front porch on a dwelling at this address. Zoned: Historic Commercial (HC). ****After approval/disapproval of the above appeal, a resolution stating the board’s decision and reasoning shall be approved at the next Board of Trustee meeting****

Mayor Pro Tem Arzabal requested suspending the rules

Mayor Barraza explained the process that will be followed. She asked Mayor Pro Tem Arzabal if he would like to hear the appeal before suspending the rules.

Mayor Pro Tem Arzabal responded they can hear the appeal first.

Ms. Krueger stated she is talking about context and whether ordinance 18.33 applies to Mr. Taylor’s request to enclose the side porch. Board comments were that they did not apply, and that ordinance would be violated if the case were approved. She believes the ordinance provides for changing the exterior of a structure such as in the definition of brief rehabilitation. Mr. Taylor was not given the opportunity to document changes made to that residence. Neither the Zoning ordinance nor the Iguado Plan prohibits continuous alternations to a significant structure; plans will need to meet the code and CID requirements. Reiterated she was addressing alterations made to La Posta since 2000. Changes were done to open another entrance to La Posta to provide efficient contemporary use. The passageway next to the Fountain Theatre was closed for good reason. The findings given to deny Mr. Taylor’s request needs further scrutiny. She respects the work done by the Planning and Zoning and the Board of Trustees. She feels the board’s decision to deny Mr. Taylor’s case should be reversed; case needs further research with regards to the context.

Commissioner Salas stated the Planning and Zoning is following the ordinance and any deviation would need to come from the Board of Trustees. He believes Mr. Taylor would do it in the most authentic way. This is not rehab or adding square footage. As a community we need to see how far we want to go with these cases and if it will benefit the town. La Posta’s alternations do benefit the town. He does not believe Mr. Taylor would reverse this; it would be permanent.

Mayor Barraza stated vote needs to include the reason for the board’s vote.

Mayor Pro Tem Arzabal stated he understands Ms. Krueger is appealing this case for Mr. Taylor.

Mayor Barraza responded any interested party can do an appeal.

Trustee Johnson-Burick stated will not change her vote for denying the case. She feels the porch will change the buildings characteristic.

Mayor Pro Tem Arzabal called for the question.

Motion: To disapprove PZHAC Case 061110 an appeal submitted by Susan Krueger – 2341 Calle de Arroyo, submitted by Michael R. Taylor; a request for a zoning permit to enclose the front porch on a dwelling at this address. Zoned: Historic Commercial (HC), Moved by Trustee Johnson-Burick, Seconded by Trustee Garcia.

Roll Call Vote: Motion passed (summary: Yes =3, Nay=1).

Mayor Pro Tem Arzabal Yes – we need to follow the ordinance

Trustee Caro Nay – meets Secretary of Interior Guidelines; Mr. Taylor has ducks in row. This would be a plus for the Town of Mesilla.

Trustee Garcia Yes – we need to follow the ordinance and supports Planning and Zoning

Trustee Johnson-Burick Yes – supports Planning and Zoning. Alterations would impede on the historical part of this residence. It will be partially visible.

Mayor Barraza stated a resolution will be brought forward at the next meeting.

9. NEW BUSINESS:

- a) **For Approval:** an agreement with Mr. Danny Garcia to help with instruction of Mesilla Marshal's Deputies on Crime Scene investigation and evidence control. – **Edward Lerma, Marshal.**

Marshal Lerma stated Mr. Garcia would like to volunteer his time, \$1.00 a year, to help with instruction of Mesilla Marshal's Deputies on Crime Scene investigation and evidence control.

Motion: Approve an agreement with Mr. Danny Garcia to help with instruction of Mesilla Marshal's Deputies on Crime Scene investigation and evidence control, 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

- b) **For Approval:** a memorandum of understanding between United States International Boundary and Water Commission, Mesilla Marshal's Department, Mesilla Town Attorney, and the Third Judicial District Attorney. – **Edward Lerma, Marshal.**

Marshal Lerma stated this gives us legal authority to enforce certain crimes on the river levee and the river itself within the town limits.

Motion: To approve a memorandum of understanding between United States International Boundary and Water Commission, Mesilla Marshal's Department, Mesilla Town Attorney, and the Third Judicial District Attorney, 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

- c) **For Approval:** a memorandum of understanding between Elephant Butte Irrigation District and Town of Mesilla for the use of District Drains, canals, and laterals as multi-use, non-motorized pathways. – **Rod McGillivray, Public Works Director.**

Mr. McGillivray stated this is first step to allow the use of the trail system throughout the town. Changes will be done to the MOU, so it is up to the board if they wish to vote on it today.

Mayor Barraza reviewed the changes and the route. We are grateful that this was funded at 100%.

Trustee Garcia asked how often this MOU will have to be renewed.

Mr. McGillivray responded he believes it is every 10 years.

Motion: To approve a memorandum of understanding between Elephant Butte Irrigation District and Town of Mesilla for the use of District Drains, canals, and laterals as multi-use, non-motorized pathways, Moved by Mayor Pro Tem Arzabal, Seconded by Trustee Johnson-Burick.

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

Mayor Pro Tem Arzabal Yes

Trustee Caro Yes

Trustee Garcia Yes

Trustee Johnson-Burick Yes

10. *STAFF REPORTS:

Community Development

Community Programs

Finance Department

Fire Department

Marshal's Department

Public Works Department

11. BOARD OF TRUSTEE COMMITTEE REPORTS

Mayor Pro Tem Arzabal: CFO meeting in December

Trustee Johnson-Burick: MPO meeting Wednesday, November 18th 1:00 p.m.

Mayor Barraza: MPO-JPA meeting last week, MPO, RTD, Governor Caucus weekly meetings.

12. BOARD OF TRUSTEE/STAFF COMMENTS

Fire Chief Hoban stated the Fire Protection Grant application was denied. We had a trailer donated to burn for training. The state has cancelled burns in the fall.

Mr. McGillivray stated trail is almost completed, roadwork projects have been completed.

Ms. Stohner-Hernandez stated there are 14 CARE Act applications and 4 have been sent to DFA.

Marshal Lerma stated he had officers exposed to COVID; tests were negative.

Trustee Garcia asked that everyone be safe and get tested.

Trustee Caro sent prayers and condolence to everyone affected by COVID. He asked if there is anything planned for Veteran's Day.

Mayor Barraza responded nothing is planned for Veteran's Day.

Mayor Pro Tem Arzabal asked everyone to pray as the school kids are suffering during this pandemic. He asked if masks can be made mandatory throughout the town. People from Texas are coming to the town.

Marshal Lerma stated we can take enforcement action ourselves. There is only 1 officer on duty on the weekends. People need to call us so we can do what we can.

Mayor Pro Tem Arzabal stated the officers need to go to the Bean and Shorty's on the weekends.

Mayor Barraza stated the mandate is there. She will meet with Marshal Lerma to discuss this further.

Trustee Johnson-Burick thanked Mr. & Mrs. Saenz for bringing forth their concerns. She asked is there anything we can do to help the students.

Mayor Pro Tem Arzabal responded this is a sad situation. Please keep the students in your prayers.

Trustee Johnson-Burick thanked the veterans for their service.

Mayor Barraza thanked the veterans for their service. People are complaining that the officers are harassing people for not wearing masks. Masks are state mandated. Her sister has been in the hospital for 3 weeks. We need to be responsible and set the example by wearing masks and observing social distancing. The students are going to lose the year. She thanked Mr. & Mrs. Saenz for their input. We need to address the obstacles coming before us. She wants to do what is right for the town and still preserve the beauty of Mesilla.

Mayor Pro Tem Arzabal stated we need to work with the residents.

Trustee Garcia asked if employees have been tested due to the positive case at the town hall.

Mayor Barraza responded employees had the opportunity to go to the Clinica and no one went; we cannot force them. We are following protocol in addressing the situation. Judge Toomey has closed the court.

Trustee Garcia inaudible

Fire Chief stated wait 7 days if exposed to COVID to avoid a false negative result.

Trustee Garcia stated we need to report positive tests.

Fire Chief stated health care workers continue to work if they are not systematic. Some of the Fire Departments are not responding to certain calls. It is going to be a rough winter; the flu is starting as well.

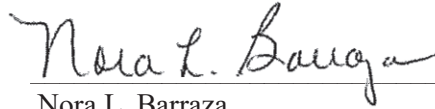
Mayor Barraza reiterated we need to set the example.

13. ADJOURNMENT

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

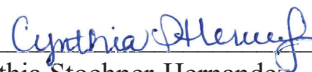
MEETING ADJOURNED AT 7:38 P.M.

APPROVED THIS 23rd DAY OF NOVEMBER, 2020.



Nora L. Barraza
Mayor

ATTEST:


Cynthia Stoehner-Hernandez
Town Clerk/Treasurer