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**BOARD OF TRUSTEES  
AND  
THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION  
TOWN OF MESILLA  
WORKSESSION**

**MONDAY, FEBRUARY 22, 2021**

**5:00 P.M.**

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

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

21 **PZHAC:** Yolanda Lucero, Chairperson  
22 Judy Houston, Commissioner (absent)  
23 Gerard Nevarez, Commissioner  
24 Roman Prieto, Commissioner  
25 Davie Salas, Commissioner  
26

27 **STAFF:** Cynthia Stoechner-Hernandez, Town Clerk/Treasurer  
28 Larry Shannon, Community Development Coordinator  
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32 1. **DISCUSSION:** regarding placing a moratorium on the expansions of homes of non-conforming lots.  
33 Mayor Barraza:

- 34 - Recommendation made to place a 4-month moratorium
- 35 - Moratorium can be amended
- 36 - Revision of Chapter 18 due to rising issues and questions  
37

38 Commissioner Salas:

- 39 - Ordinance will be reviewed by the New Mexico Municipal League which will delay the process
- 40 - Recommended looking at the areas now that do not meet the zoning-Chapter 18 in order to reduce  
41 the 4-month moratorium  
42

43 Mayor Barraza:

- 44 - Expansions on non-conforming lots
- 45 - Challenging zoning issues
- 46 - Amending 18.60.050 in order to allow expansions  
47

48 Commissioner Salas:

- 1 - Read 18.35.030  
2 - Changing the language  
3 - Time has changed from when the ordinance was developed  
4  
5 Mayor Barraza:  
6 - Read 18.60.050  
7 - Avoid contradiction between sections  
8 - Definition of hardships  
9 - Variances  
10  
11 Chairperson Lucero:  
12 - Amend section/s  
13 - Does not want additional structures allowed on non-conforming lots  
14 - Allowing expansions as long as setbacks are met  
15 - Conform to CID rules and regulations  
  
16 Mr. Shannon:  
17 - The need of clear definitions  
18  
19 Chairperson Lucero:  
20 - Variance concerns  
21 - Concerned with the direction taken by trustees with regards to variances  
22  
23 Mayor Barraza:  
24 - Variances are based on hardships  
25 - Definition of hardships  
26 - Attorney has discouraged approving variances  
27 - NMML recommended looking at ordinance due to number of variances submitted  
28 - Continue to preserve the historical areas  
29  
30 Chairperson Lucero:  
31 - Faced with difficult situations  
32 - Asked what can be done  
33  
34 Mayor Barraza:  
35 - Avoid litigations  
36 - Cannot pick and choose  
37 - Consistency in following the ordinance  
38  
39 Chairperson Lucero:  
40 - Time is of the essence.  
41  
42 Mayor Barraza:  
43 - Applicants are waiting to see what is going to be done  
44 - Change in the character of Mesilla  
45  
46 Commissioner Salas:  
47 - Referred to the Capri Arc area and the non-conforming lots  
48  
49 Mayor Barraza:

- 1 - Area should have been looked at when it was first being zoned
- 2 - Residents should have spoken up
- 3 - Zoning is in question

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6 Chairperson Lucero:

- 7 - Different owners over the years

8 Trustee Caro:

- 9 - Every case is different
- 10 - Be open minded
- 11 - Family issues have come up during the Pandemic

12

13 Mayor Barraza:

- 14 - Reiterated that the ordinance needs to be followed
- 15 - Open to Litigations
- 16 - Setting precedence
- 17 - Amend the ordinance as needed

18

19 Chairperson Lucero:

- 20 - Hardship for an applicant may not be a hardship for the town
- 21 - Review the ordinance or do a zone change

22

23 Trustee Garcia:

- 24 - Rules are made to be broken
- 25 - Must be across the board
- 26 - Cannot pick and choose
- 27 - Fix the ordinance

28

29 Mayor Barraza:

- 30 - Ordinances were made to be followed
- 31 - Public input

32

33 Commissioner Nevarez:

- 34 - Take hardship and variances off the table completely
- 35 - Changes to the language used
- 36 - Change the zones
- 37 - There is a need now to help current situations
- 38 - Non-conforming lots on Calle de Guadalupe
- 39 - Asked what can be done to expedite changes so residents can enjoy their homes
- 40 - 4-month moratorium seems long

41

42 Mayor Barraza:

- 43 - Address what we are trying to accomplish
- 44 - Reiterated the need for consistency throughout the ordinance

45

46 Mr. Shannon:

- 47 - Trustees and Commissioners are making decisions based on what they think the ordinances reads
- 48 - Interpretation from attorney
- 49 - Recommended determining what the ordinance should say
- 50 - Rewrite ordinance to actually read that way to preserve Mesilla

- 1 - Avoid interpretation of what it might mean
- 2 - Certain sections of the ordinance can be approached quickly

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Mayor Barraza:

- Needs to be done correctly

8 Mayor Pro Tem Johnson-Burick:

- 9 - 4-month moratorium can be amended
- 10 - Follow ordinances in order to preserve the history and character of Mesilla
- 11 - Variance criteria must be met
- 12 - Reviewed hardship issues
- 13 - Emphasized the need for consistency and following the ordinances
- 14 - Reiterated cannot pick and choose

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Mayor Barraza:

- 17 - Moratorium can be shortened or lengthened.
- 18 - Asked for volunteers to be on a committee.

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21  
22

Trustee Garcia, Commissioner Salas, Mayor Pro Tem Johnson-Burick, Commissioner Nevarez will serve on the committee.

23 Commissioner Prieto:

- 24 - He was the one that suggested the moratorium.
- 25 - To avoid denying applications as they are working through the process.
- 26 - Applicants should be given an avenue.

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28

2. **DISCUSSION:** regarding revisions to the Historic Residential Ordinance 18.35.

29 Mayor Barraza:

- 30 - Referred to 18.35.030
- 31 - Year or date to reference to avoid interpretation.

32  
33

Commissioner Nevarez:

- 34 - Direct information

35  
36

Chairperson Lucero:

- 37 - Specific date

38  
39

Mr. Shannon:

- 40 - Date should be included in 18.60.180

41  
42

Mayor Barraza:

- 43 - Currently 18.60.180 is not being addressed.
- 44 - Will include date when it is addressed.
- 45 - Referenced 18.35.050b
- 46 - Asked about guest house requirements in HR.

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Mr. Shannon:

- 49 - Section addressed the number of dwellings; not specify guest house.
- 50 - Read section

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Mayor Barraza:

- Asked if guest house should be specified

Chairperson Lucero:

- Feels guest house should be specified
- Asked how Airbnb's are going to be addressed

Mayor Barraza:

- Airbnb's will be addressed at a later time

Commissioner Nevarez:

- Understands two dwellings are allowed; could include a casita.
- Correct language to avoid interpretation.

Mayor Barraza:

- Language needs to be specific.

Trustee Caro:

- RF Zone has room for expansion; has more restrictions.
- HR Zone is limited

Commissioner Prieto:

- Leave no gray areas which lead to interpretation.

Mr. Shannon:

- Read 18.35
- Recommended adding language for short term rentals.

Mayor Barraza:

- Short-term rentals need to go through the application process.
- Airbnb's and long-term rentals are two separate issues.
- Read 18.35.050e
- Asked who would do the reviewing.

Trustee Arzabal:

- Committee that worked on the ordinance

Mayor Barraza:

- Currently she is signing off on cases
- Enforcing the regulations
- PZHAC needs to make applicants aware of regulations

Commissioner Salas:

- In some cases, residents are not willing to give an easement for underground utilities

Commissioner Nevarez:

- Read section
- Applicants may give a reason for the hardship
- Language does not include term for hardship

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Chairperson Lucero:

- Understands there will be exceptions
- Utility cannot provide lines underground
- Easement is not allowed by a property owner
- Asked if the town will require proof for hardships
- Reiterated the town needs to follow the ordinance

Mayor Barraza:

- Asked if the language needs to be added

Commissioner Nevarez:

- There are only two exceptions
- Language does not need to be added
- Recommends adding “or”

Mayor Barraza:

- Read section with addition

Mayor Barraza stated a worksession will be held to review the changes brought forth.

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**BOARD OF TRUSTEES  
TOWN OF MESILLA  
REGULAR MEETING  
MONDAY, FEBRUARY 22, 2021  
6:00 P.M.**

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

- TRUSTEES:** Nora Barraza, Mayor  
Stephanie Johnson-Burick, Mayor Pro Tem  
Carlos Arzabal, Trustee  
Jesus Caro, Trustee  
Veronica Garcia, Trustee
- STAFF:** Cynthia Stoechner-Hernandez, Town Clerk/Treasurer  
Rod McGillivray, Public Works Director  
Eddie Lerma, Marshal  
Dorothy Sellers, Community Events Coordinator  
Larry Shannon, Community Development Coordinator

Mayor Barraza called the meeting to order at 6:12 p.m.

**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 Johnson-Burick, Trustee Arzabal, Trustee Caro, Trustee Garcia, Trustee Johnson-Burick.

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

**Motion: To approve agenda, Moved by Trustee Arzabal, Seconded by Trustee Garcia.**

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

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

1 Trustee Garcia Yes

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

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

8 Ms. Stoechner-Hernandez read correspondence from Ms. Krueger (see attached).

9  
10 Mr. Hernandez asked about the applications that are currently going through a variance  
11 and the PZHAC process.

12  
13 Mayor Barraza responded an application submitted prior to the proposed moratorium  
14 resolution will be processed. She stated that if an application is denied; there is a one  
15 year waiting period before you can apply again.

16  
17 **5. APPROVAL OF CONSENT AGENDA:** (The Board will be asked to approve by one motion the  
18 following items of recurring or routine business. The Consent Agenda is marked with an asterisk \*)  
19 **Motion: To approve consent agenda, Moved by Trustee Arzabal, Seconded by Trustee Garcia.**

20  
21 **Roll Call Vote:** Motion passed (summary: Yes =4).

22 Mayor Pro-Tem Johnson-Burick Yes  
23 Trustee Arzabal Yes  
24 Trustee Caro Yes  
25 Trustee Garcia Yes

- 26  
27 a) **\*BOT MINUTES** – Minutes of a Special Meeting & Regular Meeting of February 8,  
28 2021. *Approved by consent agenda.*  
29 b) **\*PZHAC Case 061167 W/CONDITIONS** – 2160 Calle de Parian, submitted by Tom  
30 Hutchinson; a request for a zoning permit to replace two windows on a commercial  
31 structure at this address that were damaged. Zoned: Historic Commercial (HC).  
32 *Approved by consent agenda.*

33  
34 **6. OLD BUSINESS:**

- 35 a) **Resolution 2021-04:** A Resolution denying an appeal for case 061139 for a special use permit  
36 for the construction of a wireless telecommunications tower at 1584 West Boutz Road submitted  
37 by Verizon Wireless. – *Board of Trustees.*

38 Ms. Stoechner-Hernandez read Resolution 2021-04: A Resolution denying an appeal for case 061139 for a  
39 Special Unit Permit for the construction of a wireless telecommunications tower at 1584 West Boutz Road  
40 submitted by Verizon Wireless.

41  
42 **Motion: To approve Resolution 2021-04: A Resolution denying an appeal for Case 061139 for a**  
43 **Special Use Permit for the construction of a wireless telecommunications tower at 1584 W Boutz**  
44 **Road submitted by Verizon Wireless, Moved by Trustee Arzabal, Seconded by Trustee Garcia.**

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

47 Mayor Pro-Tem Johnson-Burick Yes  
48 Trustee Arzabal Yes  
49 Trustee Caro Yes  
50 Trustee Garcia Yes



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**7. NEW BUSINESS:**

a) **Resolution 2021-05:** A Resolution placing by the Board of Trustees placing a four-month moratorium on the expansions of homes of non-conforming lots. – ***Board of Trustees.***

Ms. Stoechner-Hernandez read Resolution 2021-05: A resolution by the Board of Trustees placing a four-month moratorium on the expansions of homes on non-conforming lots.

Trustee Arzabal asked if this was the recommendation of the committee.

Mayor Barraza responded Commission Prieto made the recommendation without objections. She reminded the board that the moratorium can be shortened or lengthened.

Trustee Garcia stated she wants to understand that applications submitted prior to the moratorium will continue to go through the process.

Mayor Barraza responded that is correct.

Ms. Stoechner-Hernandez stated she believes there is currently one variance application submitted and in process.

Mayor Barraza asked if the applicant had been made aware that if the application is denied there is a one-year waiting period.

Mr. Shannon responded the applicant is aware.

**Motion: To approve Resolution 2021-05: A Resolution by the Board of Trustees placing a four-month moratorium on the expansions of homes on non-conforming lots, Moved by Trustee Arzabal, Seconded by Trustee Garcia.**

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

**8. BOARD OF TRUSTEE COMMITTEE REPORTS**

Trustee Arzabal: CFO meeting in March

Trustee Garcia: MPO meeting – she did not attend.

Mayor Pro Tem Johnson-Burick: MPO meeting last week; MPO meeting in April.

Mayor Barraza: MPO meeting; Mayor Caucus; RTD meeting Wednesday; OEM meeting

Fire Chief Hoban reviewed the testing process. Demographics is based on the administered test and not on the population.

1 Mayor Barraza stated people are not going to get tested if they have no symptoms. She is concerned that  
2 we will go back to red; wants to get to green.

3  
4 **9. BOARD OF TRUSTEE/STAFF COMMENTS**

5 Marshal Lerma gave an update on the ongoing investigation.

6  
7 Mayor Barraza stated the Marshal's Department will post property that has been recovered on Thursday at  
8 10:30 a.m. at the Community Center.

9  
10 Fire Chief Hoban stated we will be joining other entities in escorting the body of Lieutenant Vasquez back to  
11 his home on Friday. He asked everyone to read the material on the new COVID strains.

12  
13 Mr. McGillivray stated the EBID board denied the application for Phase 2 of the Multi-Use Trail.

14  
15 Mayor Barraza responded she received correspondence from Mr. Wray, MPO, regarding the trail and will  
16 share it.

17  
18 Ms. Stoenner-Hernandez stated the New Mexico Municipal Day will be held virtually on February 24<sup>th</sup> from  
19 10:00 a.m. to 12:00 noon. She sent out the GRT report; we are down 19% from last year.

20  
21 Mayor Barraza stated she received an email from Taxation and Revenue regarding a GRT adjustment.

22  
23 Ms. Stoenner-Hernandez responded the Taxation and Revenue Department performed an audit for FY 2015  
24 and found where the Town of Mesilla is owed around \$8,000 which will be reflected in February's GRTs.

25  
26 Mr. Shannon stated he hopes that the moratorium will not take four months so they can move forward; but  
27 thanked the Boards for their work.

28  
29 Trustee Arzabal stated schools will be back in session within the next few weeks.

30  
31 Trustee Garcia stated she enjoyed working on the committee.

32  
33 Trustee Caro stated the Public Works staff promptly attended to a concern he brought forth to Mr. McGillivray  
34 and thanked them.

35  
36 Mayor Pro Tem Johnson-Burick stated she is in support of the teachers.

37  
38 Mayor Barraza extended her heartfelt condolences to the Vasquez family. We pray for the teachers and the  
39 children returning to school. The LCPS has been in communication with the town; Marshal Lerma had  
40 questions regarding the MOU. Mr. Jacquez has submitted a revision for our review. Mr. Rivera does want to  
41 come back. This will be brought forth to the board for approval. She is disappointed regarding EBID's denial  
42 on the Multi-Use Trail which we have until June 2023 to complete.

43  
44 The Board of Trustees and Marshal Lerma commended Investigator Garcia, Sergeant Azcarate, Fire  
45 Department, Public Works Department, and the ordinance committee for all their perspective work.

46 **10. ADJOURNMENT**

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

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49 **MEETING ADJOURNED AT 7:00 P.M.**

1 **APPROVED THIS 8th DAY OF MARCH, 2021.**

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*Nora L. Barraza*

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Nora L. Barraza

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Mayor

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9 **ATTEST:**

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*Cynthia Stoeher-Hernandez*

13

Cynthia Stoeher-Hernandez

14

Town Clerk/Treasurer



ATTACHMENTS TO MINUTES 02.22.2021:

Public input for BOT meeting, 2/22/2021, item 6. a, submitted by Susan Krueger, with thanks for listening.

My thinking regarding Verizon's cell tower request was 2 fold:

First, to have Town staff, Larry Shannon, respond to the most recent request from Verizon to locate a cell tower off of Boutz Rd. using Chapter 18.54.

Second, using the special use permit ordinance Chapter 18.85, take the opportunity to provide a context within the MTC to explore answers to the questions raised by the people living adjacent to the proposed cell tower site.

Town attorney, Joseph Cervantes, was present at the BOT special meeting of 2/8/2021, and is quoted in the minutes, pg. 9, lines 48-50, saying

“the town's ordinances allow approval of a Special Use Permit for cell towers, but the ordinances have an exhausted (?sic)set of criteria requirements. It is up the board as elected officials to approve or disapprove the Special Use Permit provided it is done on legitimate and lawful grounds.”

Had the BOT chosen a work session format, for example, to address Verizon's request, the outcome might have been the same. However, the process, while perhaps long and time consuming because there were so many questions, would have been educational for all.

Further, using Chapter 18.54, and tracking the cross references, and asking Mr. Cervantes for guidance, it is possible the “findings” listed in Resolution No. 2021-04 would have been found to be inappropriate.