



**BOARD OF TRUSTEES
TOWN OF MESILLA
SPECIAL MEETING
MONDAY, DECEMBER 14, 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
Jesus Caro, Trustee (absent)
Veronica Garcia, Trustee
Stephanie Johnson-Burick, Trustee

STAFF: Cynthia Stoechner-Hernandez, Town Clerk
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, Trustee Garcia, Trustee Johnson-Burick.

3. CHANGES TO THE AGENDA & APPROVAL

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

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

Mayor Pro Tem Arzabal Yes

Trustee Garcia Yes

Trustee Johnson-Burick Yes

4. AN APPEAL OF A DECISION OF THE BOARD OF ADJUSTMENTS:

- a) **A Public Hearing:** on V20-001: Submitted by Natalie Ogaz, a request for a Variance to building height for the construction of an eighteen-foot-high dwelling on a property located at 2729 Calle de Albino. Zoned: Historic Residential (HR)

Motion: To open Public Hearing, Moved by Mayor Pro Tem Arzabal, Seconded by Trustee Johnson-Burick.

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

Mayor Pro Tem Arzabal Yes

Trustee Garcia Yes
Trustee Johnson-Burick Yes

Opened Public Hearing at 5:08 p.m.

Ms. Stoechner-Hernandez read email received from Ms. Debbie Lujan.

Ms. Cadena stated she supports allowing families to build and asks the board to do the right thing.

Motion: To close Public Hearing, Moved by Trustee Johnson-Burick, Seconded by Mayor Pro Tem Arzabal.

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

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

Opened Regular Meeting at 5:15 p.m.

- b) For Approval/Disapproval:** V20-001: Submitted by Natalie Ogaz, a request for a Variance to building height for the construction of an eighteen-foot-high dwelling on a property located at 2729 Calle de Albino. Zoned: Historic Residential (HR). ****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****

Ms. Stoechner-Hernandez swore in Ms. Ogaz.

Ms. Ogaz stated she did everything required of her by the town and state. She felt Mr. Shannon made mistakes. The Board of Adjustments made her feel like she was lying. This has been a hardship for my family. She stated someone is not doing their job.

Mayor Barraza read the Board of Adjustments Resolution 2020-001.

Ms. Stoechner-Hernandez swore in Commissioner Nevarez.

Commissioner Nevarez stated at a Planning and Zoning meeting Ms. Ogaz brought forth the substitution of patio doors instead of windows and the roof height of 18 ft. The original approval was for the roof height to be at 15 ft. He recalls making a motion to approve the substitution of patio doors but leaving the roof height at 15 ft. We, Planning and Zoning, are trying to preserve the integrity of the ordinances. If the ordinances do not mean anything residents will do whatever they wish creating ethical and legal issues for the town.

Ms. Stoechner-Hernandez swore in Mr. Maese.

Mr. Maese stated CID deals with the permit holder, which is usually the general contractor, not with the property owners. Appeals done by the property owner, the general contractor has not been a part of. CID stamps each page of the plans submitted for their review which makes them public record; the plans included in the board's packet are not stamped. The property owner was told that Planning and Zoning and Flood Control approvals needed to be part of the application; that was not done. He cannot answer why his office approved the application as presented. It was brought to CID that there was a possible height violation as to what had been approved to Planning and Zoning. He went out to measure and

found it to be 3 ft. higher than what is allowable to the town's codes. Construction was red tagged and stopped. As of November 30th, the general contractor submitted a letter removed himself from this project and that all documentation associated with this permit be cancelled. This project does not currently have a valid building permit. There is a mutual agreement severing ties between the contractor and the property owner. CID has stated that for the project to move forward it must start the whole process again.

Trustee Johnson-Burick asked Mr. Maese if the second contractor was given a different set of plans.

Mr. Maese responded the first set of drawings given to the first contractor, who never started the project, were the ones approved at the 15 ft. height. The second contractor was given drawings with an 18 ft. height. Those plans were different from the ones submitted to CID.

Ms. Ogaz stated the first contractor removed himself from the project due to the timeframe; provided the letter from the contractor. She came into the office in January asking to go back to her original plans and Mr. Shannon messed up. She had to go to the Planning and Zoning to tell them that was not correct. She was told by the chairperson that she had been through so much, to bring all documentation and they would vote accordingly. The plans with the 18 ft. roof are stamped by CID. She submitted all the paperwork. She does not know who is making mistakes.

Mayor Barraza asked if her request was submitted in writing.

Ms. Ogaz responded she did; she gave them to Ms. Stoechner-Hernandez.

Mayor Barraza asked if her request in January was submitted in writing.

Ms. Ogaz responded she did, and Mr. Shannon messed up. There were things that needed to be clarified.

Mayor Pro Tem Arzabal stated he does not think Mr. Maese can dictate when an applicant needs to come back to the town for a building permit. That is the Town Clerk and Mr. Shannon's responsibility. This is why we have a mayor; this is not Mr. Maese's job.

Trustee Garcia asked if once Ms. Ogaz gets a contractor will she have to begin the process again. She asked if the board could vote on this appeal tonight since Trustee Caro is not present. She referred to the last appeal vote which came back to the board since she was not present for the vote.

Mayor Barraza responded there needs to be three members voting in favor for approval of the case.

Trustee Garcia stated this is the same situation, isn't it?

Mr. Maese responded due to the contractor situation; a third application will need to be submitted by a general contractor and/or property owner. Since we do not have an application approved by the Town of Mesilla it will have to go back to Planning and Zoning to begin the process.

Trustee Garcia clarified that whatever the vote is tonight Ms. Ogaz will need to go back to Planning and Zoning.

Mr. Maese responded correct.

Trustee Garcia stated she does not understand why we are voting tonight if she must start the process all over.

Mayor Pro Tem Arzabal stated we are in the same situation as we were for the last appeal vote; let us do this the same across. There will not be a super majority tonight.

Mayor Barraza stated to her the trustees have already made up their mind on how they are voting; they are not listening to what is being presented for this variance.

Mayor Pro Tem Arzabal asked what is going to happen.

Mayor Barraza responded if it gets approved Ms. Ogaz moves forward and if it does not get approved it dies.

Trustee Johnson-Burick stated we are not voting on who caused what; we are voting on whether the variance is justified.

Mayor Barraza responded the vote is on the Board of Adjustment decision which Ms. Ogaz is appealing.

Trustee Johnson-Burick stated she will vote based on the ordinance; does want to give the impression she is picking and choosing.

Trustee Garcia stated she understands Ms. Ogaz will still need to start the process once again even if this appeal is approved.

Mayor Barraza responded she will need to begin the process once again, but if the Board of Trustees approves the appeal there should not be any issues with CID.

Trustee Garcia stated she would like clarification.

Mr. Maese stated the letter, received by CID on October 30th, from the contractor removing his permit was received after the case went to the Board of Adjustments. There is no valid permit associated with this permit. If the Ogaz' appeal is approved they will need to resubmit a building permit which CID will approve based on what the Town of Mesilla approves. If the appeal is denied; he does not know where it will go from here from a legal standpoint.

Mayor Pro Tem Arzabal asked what the process will be if the appeal is approved.

Mr. Maese responded if the governing board approves the variance for 18 ft.; the Town of Mesilla will submit a signature allowing them to apply for a permit for 18 ft. If denied they can reapply, but it will be approved at 15 ft. if it goes through the process.

Motion: To suspend the rules, Moved by Mayor Pro Tem Arzabal, Seconded by Trustee Garcia.

Roll Call Vote: Motion passed (**summary:** Yes =2, No=1).

Mayor Pro Tem Arzabal Yes

Trustee Garcia Yes

Trustee Johnson-Burick No

Mayor Pro Tem Arzabal asked if CID informed Ms. Ogaz that she may have to begin the process again.

Ms. Ogaz responded she was not informed by CID.

Mayor Barraza stated it is not CID's responsibility and we did not know the contractor had withdrawn until tonight.

Motion: To approve V20-001: submitted by Natalie Ogaz, a request for a Variance to building height for the construction of an eighteen-foot-high dwelling on a property located at 2729 Calle de San Albino. Zoned: Historic Residential (HR), Moved by Mayor Pro Tem Arzabal, Seconded by Trustee Garcia.

Roll Call Vote: Motion failed. (summary: Yes =2, No=2).

Mayor Barraza No – based on the reason of the Board of Adjustments. Mr. Wright was made to lower his to 16.5 ft. not 18 ft.

Mayor Pro Tem Arzabal Yes – agrees to what Trustee Garcia stated. Everyone has a different issue regarding self-imposed hardship. Self-imposed is such a gray area and everyone has their own opinion.

Trustee Garcia Yes – believes Mr. Wright lowered his to 18 ft. so Ms. Ogaz is compliance with the surrounding area being at 18 ft.

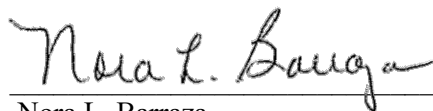
Trustee Johnson-Burick No – variance ordinance is noticeably clear, criteria defined in 18.85.040 a-d were not met by the applicant. Read ordinance Based on the documentation and testimony it was proven that the applicant was advised of the height requirements permitted in the HR Zone. By allowing this could possibly set a precedence and we are adhering to the ordinance. To allow the increase in height would be out of character of the surrounding homes and would violate the town's HR ordinance. Mr. Wright followed the rules and adjusted the height. It would be unethical to give the perception that we are picking and choosing and not following the ordinance.

5. ADJOURNMENT

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

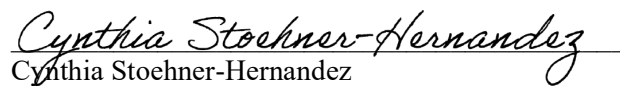
MEETING ADJOURNED AT 6:10 P.M.

APPROVED THIS 11TH DAY OF JANUARY, 2021.



Nora L. Barraza
Mayor

ATTEST:


Cynthia Stoehner-Hernandez
Town Clerk/Treasurer





**BOARD OF TRUSTEES
TOWN OF MESILLA
REGULAR MEETING
MONDAY, DECEMBER 14, 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
Jesus Caro, Trustee (absent)
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, 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).

Mayor Pro Tem Arzabal Yes

Trustee Garcia Yes

Trustee Johnson-Burick Yes

4. PRESENTATION: A presentation to John Arthur Smith and Mary Kay Papen for their years of dedicated service to the Legislature and work they have done for the Town of Mesilla. – **Nora L. Barraza, Mayor.**

Mayor Barraza thanked Mr. John Arthur Smith and Ms. Mary Kay Papen for their years of commitment

and dedication given to the Town of Mesilla.

Mr. Smith and Ms. Papen stated they enjoyed working with the Town of Mesilla.

5. PROCLAMATION: A proclamation declaring 2021 – The Year of the Artist. – **Dona Ana Arts Council.**

Mr. Smith read the proclamation declaring 2021 – The Year of the Artist.

Mayor Barraza thanked Mr. Smith for helping Mesilla preserve their culture.

6. 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.

No Public Input

7. 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 *):

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

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

Mayor Pro Tem Arzabal Yes

Trustee Garcia Yes

Trustee Johnson-Burick Yes

d, ***BOT MINUTES** – Minutes of a Regular Meeting on November 23, 2020.

Approved by consent of agenda.

e, ***BOT MINUTES** – Minutes of a Special Meeting on November 30, 2020.

Approved by consent of agenda.

f, ***PZHAC Case 061144** – 2231 Calle de Parian, submitted by Eric and Teresa Sanchez, a request for a zoning permit to repair and restore the exterior walls and buttress of an adobe dwelling at this address. Zoned: Historic Residential (HR).

Approved by consent of agenda.

g, ***PZHAC Case 061146** – 2822 Ermininda Street, submitted by Gary Fichman; a request for a zoning permit to allow the installation of an entry courtyard at the front of a dwelling at this address. Zoned: Historic Residential (HR). *Approved by consent of agenda.*

h, ***PZHAC Case 061147** – 2391 Calle de Parian, submitted by Robert Reynolds; a request for a zoning permit to allow the construction of a porch around two sides of a storage building on a residential property at this address. Zoned: Historic Residential (HR). *Approved by consent of agenda.*

8. CLOSED SESSION – pursuant to NMSA 1978 Chapter 10-15-1(H)(2): discussion limited to personnel matters in the Public Works Department. – **Board of Trustees.**

Motion: To enter Closed Session pursuant to NMSA 1978 Chapter 10-15-1(H)(2): discussion limited to personnel matters in the Public Works Department, Moved by Trustee Johnson-Burick, Seconded by Trustee Garcia.

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

Mayor Pro Tem Arzabal Yes

Trustee Garcia Yes

Trustee Johnson-Burick Yes

Entered Closed Session at 6:25 p.m.

Motion: To enter Regular Meeting after limited discussion of personnel matters in the Public Works Department pursuant to NMSA 1978 Chapter 10-15-1(H)(2); no action taken, Moved by Mayor Pro Tem Arzabal, Seconded by Trustee Johnson-Burick.

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

Mayor Pro Tem Arzabal Yes

Trustee Garcia Yes

Trustee Johnson-Burick Yes

Entered Regular Meeting at 6:30 p.m.

9. ACTION ON PERSONNEL MATTERS: as discussed during the closed session. – **Board of Trustees.**

Motion: To terminate Mr. Sean Lucero while on probationary status, Moved by Mayor Pro Tem Arzabal, Seconded by Trustee Johnson-Burick.

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

Mayor Pro Tem Arzabal 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

Trustee Johnson-Burick: MPO meeting on December 9th

Mayor Pro Tem Arzabal: CEO meeting held; future meetings to be held every two months

Mayor Barraza: MPO and SSCOG meetings

12. BOARD OF TRUSTEE/STAFF COMMENTS

Fire Chief Hoban stated the state is moving ahead on vaccinating First Responders.

Ms. Sellers gave an update on the Town of Mesilla businesses who applied and received funding from the CARE Act.

Mr. McGillivray gave an update on the Plaza Lighting project, which is going well, and the road projects were completed on time.

Marshal Lerma stated we will be ordering two new units this week; two additional units will be ordered in a couple of months.

Mayor Pro Tem Arzabal stated he appreciates the town recognizing the senators for all their help. He feels the board respects each other no matter how they vote. He gave an update on Ms. Gloria Garza, his cousin, and the Summer Recreation Program supervisor, who is battling COVID 19.

Trustee Johnson-Burick asked if there will be a meeting on December 28th. This year has made us aware of how blessed we are. The board needs to make decisions based on the ordinances.

Mayor Barraza stated if there is anything that needs to be taken care of the board will convene on December 28th. Ms. Stoechner-Hernandez has put together a committee that will meet next week to review the ordinance for HR non-conforming lots. We need to see what we can do to preserve and enhance Mesilla. She understands the issues that are coming up when people want to build large homes on small lots. Tourism is our lifeline.

Ms. Stoechner-Hernandez stated the committee consist of Trustee Garcia, Trustee Johnson-Burick, Commissioner Salas, Mr. Shannon and herself.

Mayor Barraza stated this will help us address applicants that are currently on hold. There will be a joint work session to discuss the committee's recommendations to be able to accomplish our goals. There have been business break-ins and vandalism around the town and asks that if anyone sees any suspicious activity around the town to call 911. There will be two openings in the Public Works Department. Reiterated we need to follow the ordinance when making decisions. It will be drive-thru for the luminarias on the plaza and will ask the Marshal's department for assistance.

Board of Trustees and staff wished everyone a Merry Christmas and hope for a better 2021.

13. ADJOURNMENT

1 **The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes-**
2 **4).**

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4 **MEETING ADJOURNED AT 6:58 P.M.**

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6 **APPROVED THIS 11TH DAY OF JANUARY, 2021.**

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Nora L. Barraza

Nora L. Barraza
Mayor

ATTEST:

Cynthia Stochner-Hernandez

Cynthia Stochner-Hernandez
Town Clerk/Treasurer

