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7 **BOARD OF TRUSTEES AND THE PLANNING, ZONING, AND HISTORICAL APPROPRIATENESS**  
8 **COMISSION**  
9 **TOWN OF MESILLA**  
10 **JOINT WORK SESSION**  
11 **MONDAY, SEPTEMBER 13, 2021**  
12 **4:00 P.M.**  
13  
14

15 **TRUSTEES:** Nora Barraza, Mayor  
16 Stephanie Johnson-Burick, Mayor Pro Tem (arrived 5:15 p.m.)  
17 Carlos Arzabal, Trustee (absent)  
18 Jesus Caro, Trustee  
19 Veronica Garcia, Trustee  
20  
21 **STAFF:** Cynthia Stoechner-Hernandez, Town Clerk/Treasurer  
22 Kevin Hoban, Fire Chief  
23 Rod McGillivray, Public Works Director  
24 Gloria Maya, Recorder  
25  
26 **PUBLIC:** Blaine P. Erica Penns  
27 Justin Sevey Alyssa Pearson (via telephone)  
28  
29

30 **\*\*FOR THE HEALTH & SAFETY OF ALL PUBLIC, MASKS ARE REQUIRED TO ENTER\*\***

31 1. Roundtable discussion regarding the new cannabis law (House Bill 2).

32 Ms. Stoechner-Hernandez reviewed the Cannabis Regulation Act.  
33

34 Mayor Barraza:

- 35 - Historic Commercial and Commercial would allow for the sale of cannabis
  - 36 - An application has been submitted for Green Houses so far
  - 37 - Required distances between schools/daycares and cannabis shops, etc.
- 38

39 Mr. Maese:

- 40 - Reviewed the guidelines
  - 41 - Join forces with the Town and CID
  - 42 - Policy to enforce the intent
- 43

44 Ms. Stoechner-Hernandez:

- 45 - Recreational marijuana
  - 46 - 25% medical marijuana is required to be produced for a certain length of time
  - 47 - Medical cannabis is reduced to 10% after a period of time per state law
- 48

49 Ms. Penns:

- 50 - Reviewed the medical and recreational cannabis regulations

- 1 Commissioner Nevarez:  
2 - Asked about timelines  
3 - Allowed in all commercial zones?  
4 - Consumption?  
5

- 6 Ms. Pearson:  
7 - Possibility of not having inventory by April 1<sup>st</sup> if they cannot grow soon  
8 - Mesilla will not allow permitting before an ordinance is in place  
9 - City of Las Cruces will allow permitting, could go there instead  
10 - Provisional license is a letter given by the state and not required unless the entity is going to require it  
11 - City of Las Cruces is allowing cannabis irrigation  
12

- 13 Mayor Barraza:  
14 - State rules and regulations were released 3 weeks ago  
15 - Owners must submit applications to the state  
16 - State provides a letter documenting the proper paperwork has been submitted  
17 - Letter is submitted to the town for review  
18 - Process may take up to 90 days for a new ordinance  
19 - Looking at April 1<sup>st</sup> start date for sale of cannabis  
20 - Amending the current ordinance to address cannabis concerns  
21 - Allowed in all commercial zones but must be 300 ft. from a school or daycare by law  
22 - Consumption is not allowed in any public area or facility  
23

- 24 Fire Chief Hoban:  
25 - Read and reviewed 8.10 which addresses consumption and smoking issues  
26 - Categorical codes need to be addressed within that building  
27

- 28 Ms. Stochner-Hernandez:  
29 - Believes RLD will not license liquor and cannabis in the same facility  
30

- 31 Mr. Maese:  
32 - Entities are allowed to be more stringent than the law  
33 - Cannot lessen the code  
34 - Follow guidelines  
35

- 36 Mayor Barraza:  
37 - Required to meet state law and regulations based on state statute  
38

- 39 Ms. Blaine:  
40 - Possession of a liquor license disqualifies the cannabis license being issued at the state level.  
41

- 42 Trustee Caro:  
43 - Limitation on acreage  
44

- 45 Mayor Barraza:  
46 - No limitations if we allow it in the following areas RA, R1, RF zones  
47

48 Inaudible  
49

1 Mayor Barraza:  
2 - Raasaf Hills zone is not applicable to the Town of Mesilla and needs to be removed  
3 - HC, RA, R1, HR, RF and Commercial Zones are applicable  
4  
5 Trustee Garcia:  
6 - What is considered commercial?  
7  
8 Mayor Barraza:  
9 - Selling the products  
10 - Asked if GRT's are received only if they are retail or also from the producer  
11  
12 Ms. Stoechner-Hernandez:  
13 - GRT will be collected if it is reported for the Town of Mesilla by the retail establishment.  
14  
15 Mayor Barraza:  
16 - Businesses owners in the R1 zone must live on the property  
17  
18 Ms. Blaine:  
19 - The limit is 200 plants for microgrowers  
20  
21 Mayor Barraza:  
22 - Number of plants can increase over the years  
23  
24 Mr. Maese:  
25 - Asked how Mesilla will meter the water  
26 - Will 2 meters be required  
27  
28 Mayor Barraza:  
29 - Residents and businesses in the Town of Mesilla are provided water for residential needs  
30 - Southeast area (Capri Arc area) is served by the City of Las Cruces  
31  
32 Ms. Pearson:  
33 - Average use for 200 plants would be the same as for 2 pecan trees  
34 - Possible revenue \$2.6 million  
35  
36 Mayor Barraza:  
37 - Process must be followed for permitting a Green House or any other structures  
38 - If there is no water how will water be provided? By EBID or a well?  
39 - Mesilla does not have the resources that City of Las Cruces has to provide water in bulk  
40  
41 Ms. Pearson:  
42 Inaudible  
43  
44 Trustee Caro:  
45 - Will not be able to depend on EBID for water especially now  
46  
47 Trustee Garcia:  
48 - 2 to 3 harvests a year  
49 - Need to renew business license yearly

1  
2 Ms. Pearson:  
3 - Yes  
4  
5 Mr. McGillivray:  
6 - Town has a domestic water system  
7 - Does not have the capacity to water agriculture also  
8  
9 Commission Salas:  
10 - City of Las Cruces has the capability to water all agriculture  
11  
12 Mayor Barraza:  
13 - Mesilla's wells are in the Raasaf area  
14 - Amending ordinances with feedback from the departments  
15 - Asked for guidance  
16  
17 Commissioner Salas:  
18 - Asked what the distance is from Rio Grande Prep  
19  
20 Fire Chief Hoban:  
21 - Plaza commercial area is about 500 ft.  
22 - Mercado and corridor are outside the range  
23  
24 Mayor Barraza:  
25 - Gallegos house on Santiago and San Albino is going to be .5 residential and .5 commercial  
26  
27 Fire Chief Hoban:  
28 - Gallegos house is over the 300 ft.  
29  
30 Ms. Pearson:  
31 - Distance requirement is 300 ft. from the boundary of property; not door to door  
32  
33 Fire Chief Hoban:  
34 - Boundary of property line to door of business location  
35  
36 Commissioner Nevarez:  
37 - Identify which ordinance applies  
38 - Amend to accommodate a new business  
39  
40 Mayor Barraza:  
41 - How should this be considered, i.e., as a cottage industry, special use permit, home enterprise  
42 - This would determine which ordinance needs to be amended  
43  
44 Ms. Stoechner-Hernandez:  
45 - Explained the differences for each  
46 - Create a committee to review the proposed changes  
47  
48 Mayor Barraza:  
49 - R1 requires that they live on the property

1 Commissioner Nevarez:  
2 - Committee allows for more input  
3  
4 Mayor Barraza:  
5 - Time is of the essence  
6  
7 Ms. Stoechner-Hernandez:  
8 - Explained the processes for developing an ordinance  
9 - Possibility of a Special Meeting to speed up process  
10 - Joint work sessions  
11 - 2 weeks posting required prior to Public Hearing  
12 - Looking at 1 month after the ordinance is in draft form depending on comments received  
13  
14 Mayor Barraza:  
15 - Committee to meet this week  
16  
17 Trustee Garcia:  
18 - Willing to serve on the committee  
19  
20 Commissioner Nevarez:  
21 - Willing to serve on the committee  
22  
23 Ms. Penn:  
24 - Willing to answer any questions  
25  
26 Ms. Pearson:  
27 - Do not want to set up their retail business where the growing is taking place  
28 - Distancing from Cottage Industry  
29 - Home Occupation is better guidelines  
30 - Open to running Pilot Programs  
31 - Looking at state for guidance  
32 - Not all ordinances need to be done at once  
33 - Production guidelines need to move quickly  
34 - Provide consulting and information  
35  
36 Mr. Maese:  
37 - Need to accommodate them to move forward  
38 - Inspections  
39  
40 Mayor Barraza stated documents provided have been helpful. We want to ensure we have a good ordinance in  
41 place and will work with them to move forward and faster. There are very few municipalities that have moved  
42 forward with the Cannabis Act.  
43  
44 Closed worksession at 5:16 p.m.  
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**BOARD OF TRUSTEES  
TOWN OF MESILLA  
REGULAR MEETING  
MONDAY, SEPTEMBER 13, 2021  
6:00 P.M.**

**\*\*FOR THE HEALTH & SAFETY OF ALL PUBLIC, MASKS ARE REQUIRED TO ENTER\*\***

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

**STAFF:** Cynthia Stochner-Hernandez, Town Clerk/Treasurer  
Kevin Hoban, Fire Chief  
Rod McGillivray, Public Works Director  
Gloria Maya, Recorder

**PUBLIC:** Trina Witter Eric Liefeld  
Sally Williams Chris Schaefer  
Russell Hernandez Eric Walkinshaw  
Susan Krueger Ralph Geck  
Mickey B. Emma R.  
Mary Helen Ratje Jessie H. Sainz  
Adam Sainz Roxanne Livingston

**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

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

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

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

Mayor Pro Tem Johnson-Burick Yes

Trustee Arzabal Yes

Trustee Caro Yes

Trustee Garcia Yes

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

**Space is limited and may require persons giving public input IN PERSON to rotate if capacity of the room is exceeded.**

Mr. Hernandez stated it is important to revisit and review with a non-biased professional opinion. He feels the moratorium should not be extended as this is not allowing people to move forward.

1

2 Ms. Krueger expressed her opposition regarding case #061263. Letter attached

3 Ms. Livingston stated (distributed survey) the past year she and Dry Point Distributors have hosted a  
4 Pop-Up Mercado. She was informed that they were not following procedure. All the participants, 30  
5 vendors, have a City of Las Cruces business license and were told it covers all of Dona Ana County.  
6 Since their products are not handmade, they do not qualify to participate in the Mercado. This  
7 benefits everyone.

8 Mr. Mickey B. stated many of the participants do not have money to set up a brick-and-mortar  
9 business. This Pop-up Mercado brings foot traffic and money to the town. He had to pay a fine for  
10 setting up a Pop-up Mercado and expressed his frustration.

11 Ms. Ratje asked that the meetings be held at the Community Center as it makes it difficult to hear  
12 what is being said. This would have been more beneficial to the town if more people could attend the  
13 meetings.

14 Mr. Schaefer stated these markets bring people to the town who spend money by eating at the  
15 restaurants and shopping. We were trying to find a solution to highlight our businesses. He has been  
16 in contact with the trustees to discuss concerns.

17 Mr. Sainz asked the trustees to move forward on the ordinance as they would like to be allowed to add  
18 to their existing home.

19 Mr. Leifeld expressed his frustration on the HR ordinance process. The conference call was  
20 inappropriate. People are taking a risk being here. Comments made at the August 23<sup>rd</sup> meeting were  
21 ignored. He did not hear from any trustee and his letter was not included in the packet. There has not  
22 been due process on something this important. He asked them to take more time. The changes are not  
23 highlighted which makes it difficult to note the proposed changes.

24 Mr. Taylor asked why the changes are being called for. Recommended hiring a professional planner  
25 to review the proposed changed. A survey conducted in 1980 has not been updated. He asked about  
26 potential grants to offset the cost. He has brought up this before and the town does not respond.

27 Ms. Emma R stated the Pop-up Mercado are important to the vendors.

28 Mr. Geck asked for clarification regarding open spaces, population density, how will it be determined.  
29 He has asked that no more rental properties be built. Agrees meetings should be held at the  
30 Community Center.

31 Ms. Pauline asked what led to make changes, what are the problems, what is their goal. Open space  
32 should be “yard” and balconies are considered open space. Agrees with no more rental properties.

33 Ms. Shelby stated Pop-up Mercados allow the opportunity for vendors to sell their goods.

34

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

37 Mayor Pro Tem Johnson-Burick requested removing item d PZHAC Case #061262 from consent  
38 agenda.

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

1  
2 **Roll Call Vote:** Motion passed (**summary:** Yes =4).  
3 Mayor Pro Tem Johnson-Burick Yes  
4 Trustee Arzabal Yes  
5 Trustee Caro Yes  
6 Trustee Garcia Yes

- 7 a) **\*BOT MINUTES** – Minutes of a Joint Work Session August 19, 2021. *Approved by consent*  
8 *agenda*  
9 b) **\*BOT MINUTES** – BOT minutes of a Work Session and Regular Meeting August 23, 2021.  
10 *Approved by consent agenda*  
11 c) **\*PZHAC Case #061261** – 2571 Calle de Guadalupe, submitted by Jane Mercer and Jeff  
12 McBride for the installation of new windows, security bars, repair, and paint exterior doors.  
13 **Zoned: Historical Commercial (HC).** *Approved by consent agenda*  
14 d) **\*PZHAC Case #061262** – 1705 Tierra de Mesilla, submitted by Casa Blanka Imports for a  
15 sign permit on a stucco wall. **Zoned: General Commercial (C).**

16 **Motion: To approve PZHAC Case #061262 – 1705 Tierra de Mesilla, submitted by Casa Blanka Imports**  
17 **for a sign permit on a stucco wall, Moved by Trustee Arzabal, Seconded by Trustee Garcia.**  
18

19 Mayor Pro Tem Johnson-Burick asked if the max for sign height is 6 ft.

20  
21 Mayor Barraza responded it is tiered.

22  
23 Mayor Pro Tem Johnson-Burick stated the way the Hacienda presented their sign was not the outcome.

24  
25 Mayor Barraza responded it was presented to the board and approved by the board.

26  
27 Trustee Arzabal asked what the next plan is.

28  
29 Mayor Barraza responded that is up to the trustees.

30  
31 Mayor Pro Tem Johnson-Burick asked if there is a height limit.

32  
33 Ms. Stoechner-Hernandez read section 18.65.170

34  
35 Mayor Barraza stated it was not an error.

36  
37 Mayor Pro Tem Johnson-Burick stated the Hacienda sign should not have been approved.

38  
39 Ms. Stoechner-Hernandez stated that it was approved by both the PZHAC and the BOT.

40  
41 Trustee Arzabal stated the case should go back to PZHAC.

42  
43 Mayor Barraza responded PZHAC has already approved the case. The trustees can place conditions.

44  
45 Trustee Caro inaudible

46  
47 **Amended Motion: To approve PZHAC Case #061262 – 1705 Tierra de Mesilla, submitted by Casa**  
48 **Blanka Imports for a sign on a stucco wall with condition that it meet the ordinance, Moved by Trustee**  
49 **Arzabal, Seconded by Mayor Pro Tem Johnson-Burick.**

50  
51 **Amended Roll Call Vote:** Motion passed (**summary:** Yes=4)

52 Mayor Pro Johnson-Burick Yes



1 Trustee Arzabal Yes  
2 Trustee Caro Yes  
3 Trustee Garcia Yes  
4  
5 **Original Roll Call Vote:** Motion passed (**summary:** Yes =3, No=1).  
6 Mayor Pro Tem Johnson-Burick Yes  
7 Trustee Arzabal Yes  
8 Trustee Caro No  
9 Trustee Garcia Yes

- 10 e) **\*PZHAC Case #061263** – 1705 Tierra de Mesilla, submitted by Casa Blanca Imports for a  
11 sign permit for a gate sign. **Zoned: General Commercial (C). Approved by consent**  
12 **agenda**  
13 f) **\*PZHAC Case #061264** – 2645 Calle del Sur, submitted by Ralph Lucero for the  
14 installation of a 14x20 prefabricated storage shed in the back yard. **Zoned: Historic**  
15 **Residential (HR). Approved by consent agenda**  
16 g) **\*PZHAC Case #061269** – 1799 Avenida de Mesilla, submitted by Mesilla Legal Center for  
17 two signs at this address. **Zoned: Commercial (C). Approved by consent agenda**  
18

19  
20 **6. A PUBLIC HEARING:** Ordinance 2021-01 revising Chapters 18.35 Historic Residential Zone and  
21 18.60.180 Area Requirements Deemed Met. **A copy of this draft can be found on our website.**  
22

23 **Motion: To close regular meeting and open Public Hearing, Moved by Trustee Garcia, Seconded by**  
24 **Trustee Arzabal.**  
25

26 **Roll Call Vote:** Motion passed (**summary:** Yes=4)  
27 Mayor Pro Johnson-Burick Yes  
28 Trustee Arzabal Yes  
29 Trustee Caro Yes  
30 Trustee Garcia Yes  
31

32 **Entered Public Hearing at 6:56 p.m.**

33 Mr. Taylor read his list. He stated there should be legal and professional review of the ordinance.  
34 Meetings should be held at the Community Center. Town staff had to give up their seats to allow the  
35 residents to attend. We need to make the effort and get more public participation. Agriculture zones  
36 allow farm animals. He asked that the language in the ordinance be checked.

37 Ms. Carolyn stated due to the comments made sufficient time and space asked they vote no tonight.  
38 Make a good ordinance that will last. Create a committee with the knowledge people in the town.  
39 Hard to look for funding but the community will rally behind you to help.

40 Ms. Krueger stated she became familiar with Secretary of Interior Standards and there was a lot of  
41 information of the history of abutting property who shared an interior wall. Permission was needed to  
42 perform work. Need to know the history before making decision on right of entry. Letter attached

43 Ms. Witter stated she would like to hear the Board of Trustees comment as to why the changes are  
44 being made. She has not heard any good arguments and asked the trustees to vote no. Reference  
45 18.35.060.

46 Mr. Leifeld stated many residents share the boards concerns but differ in the solutions being proposed.  
47 He asks that they deny this ordinance tonight; give it more time and allow people to participate. He  
48 wants this to be understandable and fair and these changes do not meet those standards. Referenced

1 18.35.060 and 18.35.040. His mother was denied due to the changes made in 2020. This is  
2 unconstitutional. Setbacks do not apply to walls and fences. The attorney's opinion was confusing.  
3 Read section This does not make sense. The town can not legislate. Addressed the zero-lot line,  
4 non-conforming lots, and setbacks. People would not be able to maintain their homes. Read response  
5 from Mr. Cervantes. This has been in the code for at least 20 years. He received a formal apology  
6 from the trustees. He does not understand why there is moratorium when this applies to all zones. He  
7 addressed population density. Recommended getting professional help, get in touch with the Certified  
8 Local Government to be in compliance with Historic Preservation and get public input. He asked the  
9 board to deny the ordinance.

10 Ms. Ratje stated the ordinance was difficult to understand; it should be clear and concise. Comments  
11 were not taken into consideration. The survey is 21 years old. There are good points, but the board  
12 should deny it tonight. People were not involved and did not participate due to the pandemic.  
13 Reiterated meeting should have been held at the Community Center. She asked the board to deny the  
14 ordinance.

15 Mr. M. Taylor stated the public needs to hear from the trustees. He asks why the rush to move  
16 forward and asked the board to deny the ordinance.

17 Mr. Geck stated the ordinance needs to be clear and concise. Pitch roofs, 2-story buildings should not  
18 be allowed. When he built his home, he was told pitch roofs were not allowed. The HR zone needs to  
19 have style restrictions.

20 **Motion: To close Public Hearing and open regular meeting, Moved by Mayor Pro Tem Johnson-**  
21 **Burick, Seconded by Trustee Arzabal.**

22  
23 **Roll Call Vote:** Motion passed (summary: Yes=4)  
24 Mayor Pro Johnson-Burick Yes  
25 Trustee Arzabal Yes  
26 Trustee Caro Yes  
27 Trustee Garcia Yes  
28

29 **Entered Regular Meeting at 7:27 p.m.**

30

31  
32 **7. NEW BUSINESS:**

33 **a) For Approval:** Ordinance 2021-01: Revising Chapters 18.35 Historic Residential Zone and  
34 18.60.180 Area Requirements Deemed Met.  
35

36 **No Motion – item failed.**

37

38 Trustee Caro stated the residents have brought forth valid concerns.  
39

40 Mayor Barraza stated we addressed Mr. Geck's concerns which is why this ordinance was brought back.  
41 Referenced page 103 - Revisions. We are hurting the residents instead of helping them as they will not be  
42 able to add to their homes. The board has invested a lot of time in addressing resident's concerns. Mr.  
43 Alexander was the one who brought "Open Space" to the board to be placed in the ordinance. She  
44 understands the resident's concerns. She cannot explain why this was not voted on; she thought the  
45 commissioners and the trustees were on board because they asked to move it forward.  
46

47 Mayor Pro-Tem Johnson-Burick stated the revisions to this ordinance were started prior to the pandemic.  
48 A committee was organized to address the issues and protect Mesilla after residents stated they did not  
49 want apartments. Businesses did not stop having meetings during the pandemic. Everyone had time to  
50 voice their concerns. By not passing this ordinance we do not benefit ourselves, others, or those with

1 money. We are here to protect the Town of Mesilla. We want Mesilla to stay Mesilla. There was plenty  
2 of time to contact us. Government does not stop because of the pandemic.

3  
4 Trustee Garcia stated this ordinance did not pass while our meetings were on Zoom but passed the second  
5 time it was brought forth. We had no participants. This was brought forth because of Mr. Geck's  
6 petition. She did ask for an attorney's opinion before she voted and requested the meetings be held at the  
7 Community Center. The board does listen to its residents. She reads her emails but sometimes does not  
8 respond. The moratorium will need to be extended.

9  
10 Trustee Arzabal stated it has been the consensus of the board to move forward. His vote was based on the  
11 legal opinion received from the attorney regarding the apartments near Mr. Geck on prior cases.

12  
13 Mayor Barraza stated the ordinance was sent to the town attorney for review. Ms. Stoechner-Hernandez  
14 sent an email to the trustees asking what they wanted specifically to be studied.

15  
16 Ms. Stoechner-Hernandez stated she asked the trustees what specifically they wanted to be studiedddd as  
17 she need scope of work for the study.

18  
19 Mayor Pro-Tem Johnson-Burick recommended providing the residents' concerns to Ms. Stoechner-  
20 Hernandez.

21  
22 Mayor Barraza stated what is the timeframe to revisit this ordinance? We have been trying to address  
23 non-conforming lots to help the residents.

24  
25 Ms. Stoechner-Hernandez stated the board can remove everything to do with Historic Residential Zone and  
26 only vote on section 18.60.180 which would address the non-conforming lots issue.

27  
28 Mayor Barraza stated the past non-conforming lots cannot expand on the property. She asked what the  
29 process is to move forward on non-conforming lots.

30  
31 Ms. Stoechner-Hernandez responded since there was not a motion made, they can move forward tonight by  
32 making a motion.

33  
34 Mayor Barraza stated she would need a motion to approve Section 3: 18.60.180 only.

35  
36 Ms. Stoechner-Hernandez responded a motion can be made to only approve Section 3.

37  
38 Mayor Barraza stated at the next meeting this can be broken down and the board can vote on the sections  
39 they want to move forward on. The section addressing HR will not be brought forth. She read the letter  
40 sent from SHPO as they do not control issues on private property.

41  
42 Discussion ceased without a motion.

43  
44 **b) For Approval:** an agreement between the Town of Mesilla and Department of Finance and  
45 Administration for capital outlay for Mesilla Plaza sidewalk improvements in the amount of  
46 \$117,000.

47 Mr. McGillivray stated this agreement is from the FY22-26 ICIP.

48  
49 **Motion: To approve an agreement between the Town of Mesilla and Department of Finance and**  
50 **Administration for Capital Outlay for Mesilla Plaza sidewalk improvements in the amount of \$117,000.**  
51 **Moved by Trustee Arzabal, Seconded by Mayor Pro Tem Johnson-Burick.**

1  
2 Mayor Pro Tem Johnson-Burick asked if this will address the ADA sidewalk issues at the Pottery and La  
3 Posta.

4  
5 Mr. McGillivray responded this was specifically for ADA at the plaza, but we received more money and  
6 will try to address those areas in the scope if possible.

7  
8 **Roll Call Vote:** Motion passed (summary: Yes=4)

9 Mayor Pro Johnson-Burick Yes

10 Trustee Arzabal Yes

11 Trustee Caro Yes

12 Trustee Garcia Yes

13  
14 **c) For Approval:** an agreement between the Town of Mesilla and the Department of Finance  
15 and Administration for capital outlay for the purchase of vehicles for the Marshal's  
16 Department in the amount of \$75,000.

17 **Motion: To approve an agreement between the Town of Mesilla and Department of Finance and**  
18 **Administration for Capital Outlay for the purchase of vehicles for the Marshal's Department in the**  
19 **amount of \$75,000, Moved by Trustee Arzabal, Seconded by Trustee Garcia.**

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

22 Mayor Pro Johnson-Burick Yes

23 Trustee Arzabal Yes

24 Trustee Caro Yes

25 Trustee Garcia Yes

26  
27 **d) Resolution 2021-24:** A resolution authorizing participation in the FY 22 Transportation  
28 Project Fund Match Waiver program for the redevelopment of Calle de Picacho.

29 Mr. McGillivray stated this application is for a Project Fund Match Waiver. Resolution was compiled  
30 when the application was submitted.

31  
32 **Motion: To approve Resolution 2021-24: A resolution authorizing participation in the FY22**  
33 **Transportation Project Fund Match Waiver program for the redevelopment of Calle de Picacho, Moved**  
34 **by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Garcia.**

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

37 Mayor Pro Johnson-Burick Yes

38 Trustee Arzabal Yes

39 Trustee Caro Yes

40 Trustee Garcia Yes

41  
42 **e) Resolution 2021-25:** A Resolution by the Board of Trustees placing an additional three-  
43 month moratorium on the expansions of non-conforming lots. **\*\*If board decides not to**  
44 **recommend approval on Ordinance 2021-01\*\***

45 **Motion: To approve Resolution 2021-25: A Resolution by the Board of Trustees placing an additional**  
46 **three-month moratorium on the expansions of non-conforming lots, Moved by Trustee Garcia,**  
47 **Seconded by Trustee Arzabal.**

48  
49 **Roll Call Vote:** Motion passed (summary: Yes=4; No=1)

50 Mayor Pro Johnson-Burick Yes

51 Trustee Arzabal Yes

52 Trustee Caro No

1 Trustee Garcia Yes

2  
3 **8. \*STAFF REPORTS:**

4 Community Development

5 Community Programs

6 Finance Department

7 Fire Department

8 Marshal Department

9 Public Works Department

10  
11 **9. BOARD OF TRUSTEE COMMITTEE REPORTS**

12 Mayor Pro Tem Johnson-Burick: did not attend MPO meeting

13  
14 Trustee Garcia: did not attend MPO meeting

15  
16 Trustee Arzabal: CEO meeting via zoom on Friday, September 17<sup>th</sup>

17  
18 Mayor Barraza: gave an overview of MPO updates

19  
20  
21 **10. BOARD OF TRUSTEE/STAFF COMMENTS**

22 Marshal Salas stated they received the two new units.

23  
24 Trustee Caro stated the fiesta turned out well. The mosquitos are really getting bad.

25  
26 Trustee Garcia asked how we can help with the Pop-up Mercado.

27  
28 Mayor Barraza responded there is an ordinance that address Special Events. These events do come with a cost  
29 and can take place every three months. A Town of Mesilla Business Licenses are required and there is a  
30 participant limit. If the vendor has a City of Las Cruces Business Licenses, then Mesilla is not receiving  
31 GRTs. They are invited to sign up for the Mercado if they qualify.

32  
33 Ms. Livingston stated the vendors file GRTs under the jurisdiction they are selling in. Mesilla is receiving  
34 GRTs from these vendors.

35  
36 Trustee Garcia stated she would like to have further discussion on this.

37  
38 Mayor Barraza stated the brick-and-mortar businesses on the plaza get upset that we have Mercado on Fridays  
39 and Sundays.

40  
41 Trustee Garcia asked what the Mercado fees are.

42  
43 Mayor Barraza responded the cost is \$35 for the Business License and a \$200 annual administrative fee.

44  
45 Trustee Arzabal stated he feels the only way we can help the residents is by amending the ordinance for special  
46 events.

47  
48 Mayor Barraza recommends sending a survey to the business to get feedback.

49  
50 Trustee Garcia stated if Ms. Livingston sends out a survey to all the businesses in Mesilla, then she will work  
51 on the ordinance; she will meet her halfway. Rep. Cadena was unable to attend tonight's meetings and sends  
52 her regards.

1 Mayor Barraza stated residents need to keep their yards clear of weeds and standing water to help with the  
2 mosquito issue. The Marshal's Department is working diligently asking residents to keep their yards clean.

3  
4 Fire Chief Hoban stated the standing water is the issue.

5  
6 Mayor Pro Tem Johnson-Burick stated we need to work collaboratively on the ordinance to protect Mesilla.  
7 We all have an invested interest in preserving Mesilla. Even though we have set precedence with Dry Point  
8 Distillery and Hacienda. We need to stop the directory signs and follow the ordinance as it is written.

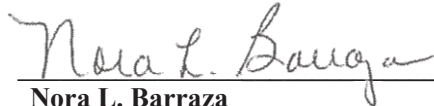
9  
10 Trustee Garcia stated she will be on the Cannabis Committee.

11  
12 **ADJOURNMENT**

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

14  
15 **MEETING ADJOURNED AT 8:10 P.M.**

16  
17 **APPROVED THIS 27th DAY OF SEPTEMBER, 2021.**

18  
19 

20  
21 **Nora L. Barraza**  
22 **Mayor**

23  
24  
25 **ATTEST:**

26 

27  
28 **Cynthia Stoechner-Hernandez**  
29 **Town Clerk/Treasurer**

