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6 **BOARD OF TRUSTEES (BOT) AND THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS**  
7 **COMMISSION (PZHAC)**  
8 **TOWN OF MESILLA**  
9 **JOINT WORK SESSION**  
10 **MONDAY, OCTOBER 25, 2021**  
11 **5:00 P.M.**

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

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15 **TRUSTEES:** Nora Barraza, Mayor  
16 Stephanie Johnson-Burick, Mayor Pro Tem (5:15 p.m.)  
17 Carlos Arzabal, Trustee (5:45 p.m.)  
18 Jesus Caro, Trustee  
19 Veronica Garcia, Trustee  
20

21 **COMMISSIONERS:** Yolanda Lucero, Chairperson  
22 Gerald Nevarez, Commissioner  
23 Davie Salas, Commissioner  
24

25 **STAFF:** Cynthia Stoechner-Hernandez, Town Clerk/Treasurer  
26 Kevin Hoban, Fire Chief  
27 Rod McGillivray, Public Works Director  
28 Enrique Salas, Marshal  
29 Gloria Maya, Recorder  
30

31 **PUBLIC:** Susan Krueger  
32

33 **1. Discussion on draft ordinance 2021-02:** Establishing Zoning and Other Regulations for Cannabis as  
34 presented by Cannabis Ordinance Committee.

35 Ms. Stoechner-Hernandez reviewed and read section by section of the draft ordinance establishing Zoning and  
36 other Regulations for Cannabis as presented by committee; Fire Chief Hoban, Mr. McGillivray, Marshal Salas,  
37 Commissioner Nevarez, Mayor Barraza, and Ms. Stoechner-Hernandez.  
38

39 Mayor Barraza:

- 40 - Definitions
- 41 - Same requirements as alcohol establishments
- 42 - Not allowed at gun sale locations
- 43 - No cannabis smoking allowed indoors  
44

45 Fire Chief Hoban:

- 46 - Plant product smoking indoors is prohibited  
47

48 Commissioner Nevarez:

- 49 - Compared to alcohol sales to not allow cannabis where guns are sold
- 50 - Consensus of the committee

1  
2 Mayor Barraza:  
3 - Follow state laws  
4  
5 Ms. Stoechner-Hernandez:  
6 - Town dictates where cannabis can be sold  
7  
8 Mayor Barraza:  
9 - Items G & H are conflicting  
10 - Allowed to sell to retailers/distributors  
11  
12 Ms. Stoechner-Hernandez:  
13 - Explain what can be done in each of the zones  
14 - Disclaimer  
15 - Waivers  
16  
17 Commissioner Salas:  
18 - Recommended adding “per state law”  
19  
20 Fire Chief Hoban:  
21 - Distance examples of 300 ft., 1,500 ft., and 500 ft.  
22 - Alcohol Establishments regulations by state law  
23  
24 Trustee Johnson-Burick:  
25 - Keep the ambiance  
26  
27 Commissioner Nevarez:  
28 - Distance  
29 - Impact on residential zone  
30  
31 Mayor Barraza  
32 - Consensus is 500 ft  
33 - Midnight deliveries will not be allowed  
34 - Possible illegal activity  
35  
36 Mayor Pro Tem Johnson-Burick:  
37 - Referenced Dona Ana County proposed ordinance  
38  
39 Fire Chief Hoban:  
40 - Restrictions on size of vehicles  
41 - Hours of delivery based on hours of operation  
42  
43 Mayor Barraza:  
44 - Consensus 8:00 am – 6:00 p.m.: deliveries only  
45  
46 Trustee Caro:  
47 - Age requirements  
48  
49 Mayor Barraza:

1 - Definition added for immature and mature plant

2

3 Commissioner Salas:

4 - Impact fees

5 - False alarms

6

7 Fire Chief Hoban:

8 - Ordinance addressing false alarms may be needed

9

10 Commissioner Nevarez:

11 - Lighting requirements

12

13 Mayor Barraza:

14 - Fees need to be compatible with surrounding entities

15 - Definition of Compassion act allowing medical cannabis

16 - Business and Alcohol License process

17 - Consensus Cannabis License need to go through PZHAC and Board of Trustees

18 - Fees may be changed through a resolution

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1 **BOARD OF TRUSTEES (BOT)**  
2 **TOWN OF MESILLA**  
3 **REGULAR MEETING**  
4 **MONDAY, OCTOBER 25, 2021**  
5 **6:00 P.M.**

6 **\*\*FOR THE HEALTH & SAFETY OF ALL PUBLIC, MASKS ARE REQUIRED TO ENTER\*\***  
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10 **TRUSTEES:** Nora Barraza, Mayor  
11 Stephanie Johnson-Burick, Mayor Pro Tem  
12 Carlos Arzabal, Trustee  
13 Jesus Caro, Trustee  
14 Veronica Garcia, Trustee  
15

16 **STAFF:** Cynthia Stoechner-Hernandez, Town Clerk/Treasurer  
17 Kevin Hoban, Fire Chief  
18 Rod McGillivray, Public Works Director  
19 Enrique Salas, Marshal  
20 Gloria Maya, Recorder  
21

22 **PUBLIC:** Chris Schaefer Stefan Schaefer  
23 Theresa H. Andrew Wray  
24 Susan Krueger  
25  
26

27 **1. PLEDGE OF ALLEGIANCE**

28 Mayor Barraza led the Pledge of Allegiance.  
29

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

31 **Roll Call.**

32 **Present:** Mayor Barraza, Mayor Pro Tem Johnson-Burick, Trustee Arzabal, Trustee Caro, Trustee Garcia  
33

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

35 Mayor Barraza requested moving New Business item 8a to 5.

36 **Motion: To approve agenda as amended, Moved by Trustee Arzabal, Seconded by Trustee Garcia.**  
37

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

39 Mayor Pro Tem Johnson-Burick Yes

40 Trustee Arzabal Yes

41 Trustee Caro Yes

42 Trustee Garcia Yes  
43  
44

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

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

48 Mr. Schaefer read correspondence regarding Pop-up Markets. Requested permission to hold a  
49 Outdoor Market on Small Business Saturday.

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Ms. Livingston read correspondence regarding Pop-up Markets.

Dr. Schaefer yielded his time to Ms. Livingston.

**5. CLOSED SESSION** – pursuant to NMSA 1978 Chapter 10-15-1(H)(2): discussion limited to personnel matters in the Community Development Department/all departments.

**Motion: To enter Closed Session – pursuant to NMSA 1978 Chapter 10-15-1(H)(2): discussion limited to personnel matters in the Community Development Department/all departments, Moved by Trustee Caro, Seconded by Trustee Garcia.**

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

Mayor ProTem Johnson-Burick Yes

Trustee Arzabal Yes

Trustee Caro Yes

Trustee Garcia Yes

Entered Closed Session at 6:39 p.m.

**6. STATEMENT REGARDING CLOSED SESSION AND ROLL CALL VOTE** – discussion during the closed session was limited to personnel matters in the Community Development Department/all departments pursuant to NMSA 1978 Chapter 10-15-1(H)(2).  
– **Board of Trustees.**

**Motion: To approve statement regarding Closed Session and Roll Call Vote – discussion during closed session was limited to personnel matters in the Community Development department/all departments pursuant to NMSA 1978 Chapter 10-15-1(H)(2) – no action taken, Moved by Trustee Arzabal, Seconded by Trustee Garcia.**

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

Mayor ProTem Johnson-Burick Yes

Trustee Arzabal Yes

Trustee Caro Yes

Trustee Garcia Yes

Entered Regular Meeting at 7:08 p.m.

**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 Arzabal, Seconded by Trustee Garcia.**

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

Mayor ProTem Johnson-Burick Yes

Trustee Arzabal Yes

Trustee Caro Yes

Trustee Garcia Yes

- 1 a) **\*BOT MINUTES** – Minutes of a regular meeting October 12, 2021. *Approved by consent*  
2 *agenda*  
3 b) **\* PZHAC Case #061298** – 2687 Calle de Parian, submitted by William McIlvaine for the  
4 removal of damaged concrete on the corner of Parian and Oeste, install flagstone, remove  
5 iron fence sections, and install rock wall instead. **Zoned: Historic Residential (HR).**  
6 *Approved by consent agenda*  
7

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9 **8. NEW BUSINESS:**

- 10 a) **Resolution 2021-31:** A resolution by the Board of Trustees approving a Joint Powers  
11 Agreement between the Town of Mesilla, the City of Las Cruces, and Dona Ana County for the  
12 governance of the Mesilla Valley Metropolitan Planning Organization (MPO). – **Andrew**  
13 **Wray, MVMPO/Planning Manager.**  
14

15 Mr. Wray gave a presentation regarding a Joint Powers Agreement.  
16

17  
18 **Motion: To approve Resolution 2021-31: A resolution by the Board of Trustees approving a Joint**  
19 **Powers Agreement between the Town of Mesilla, the City of Las Cruces, and Dona ana County for the**  
20 **governance of the Mesilla Valley Metropolitan Planning Organization (MPO), Moved by Mayor Pro**  
21 **Tem Johnson-Burick, Seconded by Trustee Arzabal.**  
22

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

24 Mayor ProTem Johnson-Burick Yes

25 Trustee Arzabal Yes

26 Trustee Caro Yes

27 Trustee Garcia Yes  
28

- 29  
30 b) **For discussion:** Mesilla Town Code Chapter 5.20 Special Events Licensing. – **Requested by**  
31 **Mayor Pro-Tem Johnson-Burick and Trustee Garcia.**

32 Mayor Pro Tem Johnson-Burick stated she was not aware that Pop-up Markets were occurring. She wants to  
33 find a balance; does not want to compete with the plaza vendors. Limitation in the number of participation and  
34 number allowed to occur. Add a section to address Pop-up Markets that are not similar to the food trucks.  
35

36 Trustee Garcia stated would like to work with the Pop-up Markets. These vendors will be required to obtain a  
37 Town of Mesilla Business License and will add GRT to the town.  
38

39 Mayor Barraza asked if they are wanting to amend the ordinance for one property owner.  
40

41 Trustee Garcia responded it is not for one property owner as this would help all property owners. She does not  
42 like to hear the Mesilla is not business friendly.  
43

44 Trustee Caro stated businesses are hurting during this time. He is willing to give a one-time permit for  
45 November 27<sup>th</sup>.  
46

47 Trustee Arzabal asked if the vendors who participate in the Pop-up Market have a business license from the  
48 Town of Mesilla.  
49

50 Mayor Barraza responded she has been told that they have one through the state, not the Town of Mesilla.  
51

52 Ms. Stoechner-Hernandez stated anyone doing business in the Town of Mesilla must have a Town of Mesilla  
53 Business License.  
54

55 Mayor Barraza reiterated that anyone doing any kind of business in the Town of Mesilla must have a Town of  
56 Mesilla Business License. The town was not aware of these Pop-up Markets until someone reported them to

1 us. Special Event vendors must have a Business License to participate. She did not receive a copy of Mr.  
2 Schaefer's email. Mr. Schaefer indicated the town does not have a Special Event Permit Application; we do  
3 have applications available. There has been no communication since our last meeting. The Special Event  
4 Ordinance was revised in 2017 due to Food Trucks coming into the town.  
5  
6 Ms. Stoechner-Hernandez stated the ordinance was developed to give us an avenue to follow in controlling  
7 Food Trucks.  
8  
9 Mayor Barraza stated people were parking anywhere selling their products.  
10  
11 Fire Chief Hoban stated Food Trucks are inspected. We have an agreement with the City and County that if  
12 any one of us does an inspection it is good for all three areas and for one year. Mercado vendors are not  
13 required to have a fire extinguisher or are inspected every week. We need to be aware of Pop-up Markets.  
14  
15 Mayor Barraza stated there are regulations for vendors.  
16  
17 Trustee Garcia asked if the Special Event Permit states it must be on the plaza.  
18  
19 Mayor Barraza responded it is not required to be on the plaza but must follow the process.  
20  
21 Ms. Stoechner-Hernandez stated the Environmental Fee is \$200.00 per day which can be paid by the property  
22 owner or the vendor. Vendor will be required to acquire a Town of Mesilla Business License for \$35.00.  
23  
24 Mayor Barraza stated property owner is allowed two events per quarter (three months) with three vendors.  
25  
26 Trustee Garcia asked how we can help these events to be profitable.  
27  
28 Mayor Barraza asked if vendors are being charged to set up at the market.  
29  
30 Ms. Livingston responded there is no charge to the vendors.  
31  
32 Mayor Pro Tem Johnson-Burick stated the limits set is due to the fact that the town was being inundated with  
33 Food Trucks. She wants to help but at the same time keep the ambiance of the town and does not want to  
34 compete with the plaza vendors.  
35  
36 Ms. Stoechner-Hernandez stated the fees were to be similar to the mercado vendors; \$200.00 annually and  
37 \$35.00 annual business license.  
38  
39 Mayor Pro Tem Johnson-Burick feels \$200.00 per day is high for a Pop-up vendor.  
40  
41 Mayor Barraza asked if she is suggesting that there be an annual fee for Pop-up Markets.  
42  
43 Mayor Pro Tem Johnso-Burick responded we need to revisit that fee.  
44  
45 Mayor Barraza stated Ms. Sellers works with the vendors for Small Business Day, November 27th.  
46  
47 Ms. Stoechner-Hernandez stated there have been giveaways during Small Business Day.  
48  
49 Trustee Garcia recommends allowing more vendors to participate.  
50  
51 Mayor Barraza stated she agrees allowing more vendors to participate at the Pop-up Market on November 27<sup>th</sup>;  
52 they will have to work in conjunction with Ms. Sellers.  
53

1 Trustee Arzabal stated we can look at the number of events and vendors.

2

3 Trustee Caro stated there is a lot of parking available.

4

5 Mayor Barraza stated she will get with the Marshal and Fire Departments to discuss specifics.

6

7 **9. BOARD OF TRUSTEE COMMITTEE REPORTS**

8 Mayor Pro Tem Johnson-Burick: MPO meeting

9

10 Trustee Garcia: MPO meeting

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12 Mayor Barraza: MPO meeting, RTD meeting this week, Dona Ana County meeting on redistricting.

13

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

15 Trustee Garcia thanked the mayor for providing a tent for the Ballet Folklorico. She appreciates discussion on the Pop-up Markets.

16

17 Mayor Pro Tem Johnson-Burick asked if we have seen the settlement on the GRT.

18

19 Ms. Stoechner-Hernandez responded we received a one-time payment. We have seen an increase in GRT overall.

20

21 Mayor Barraza stated there is a lot of activity going on in the town during the filming. Some of the businesses will be closed down during the filming but will be compensated.

22

23 Mayor Barraza stated Halloween Carnival will be Saturday, October 30<sup>th</sup> at the Community Center. Early Voting will end on Saturday with election day on Tuesday.

24

25 **11. ADJOURNMENT**

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

27

28 **MEETING ADJOURNED AT 8:05 P.M.**

29

30 **APPROVED THIS 8<sup>th</sup> DAY OF NOVEMBER, 2021.**

31

32 

33 **Nora L. Barraza**

34 **Mayor**

35

36 **ATTEST:**

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39 **Cynthia Stoechner-Hernandez**

40 **Town Clerk/Treasurer**

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