



BOARD OF TRUSTEES (BOT)

TOWN OF MESILLA

REGULAR MEETING

MONDAY, NOVEMBER 28, 2022 – 6:00 PM

MINUTES

TRUSTEES: Nora Barraza, Mayor
Stephanie Johnson-Burick, Mayor Pro Tem
Biviana Cadena, Trustee
Veronica Garcia, Trustee
Adrianna Merrick, Trustee

STAFF: Rani Bush, Town Clerk/Treasurer
Ben Azcarate, Lieutenant
Kevin Hoban, Fire Chief
Rod McGillivray, Public Works Director
Enrique Salas, Marshal
Gloria Maya, Recorder

PUBLIC:

Chris Fields	Marcy Toomey
Ralph Lucero	Sonya Quintana
Gabe Quintana	Lori Miller
Mary Helen Ratje	Teresa Tudury
Cecilia Quintana	Page Coleman
Susan Krueger	Bertha Flores
Nancy Dunn	Andy Embury
Ruben Geck	Radwan Jallard
Eric Walkinshaw	Greg Lester
Catherine Walkinshaw	Russell Hernandez
Andrea Bryan	Paul Germani
Abbey Gallegos	Mary F Lucero
Rebecca Segovia	Kathy Telgard
Lisa Pena	Ralph Geck
Janice Cook	Trinia Witter
Bill Cook	Guillermo Acosta
Harry A Evans	Edith Wyndham
Rosemary McLoughlin	Greg Whited
Crystal Whited	Mark Lara
B Brown	Ann Rohovec
Allison Tinsley	

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 Cadena, Trustee Garcia, Trustee Merrick.

3. CHANGES TO THE AGENDA & APPROVAL

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

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

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

4. PUBLIC INPUT – The public is invited to address the Board as allowed by the chair.

Ms. Bryan see attached correspondence

Ms. Walkinshaw read correspondence

Ms. Telgard read correspondence

Ms. Witter read correspondence

Ms. Lucero asked everyone need to keep their minds open for safety purposes. The negative and antagonistic comments are unwelcomed. Help the board help us find a solution instead of being negative all the time.

Ms. Krueger asked that a group be formed to discuss issues with the Night Sky ordinance.

Mr. Lester read correspondence

Ms. Cook read correspondence

Ms. Grey stated we want to work together; asked for more transparency. Nobody wants a cell tower in Mesilla. People read reviews when looking at renting Airbnb's in Mesilla. Towers are dangerous; not safe.

Mr. Acosta stated dialogue is necessary. He is opposed at the location being proposed, is certain there are other locations that could be used for the tower.

Mr. Germani stated applicants need to go through all the channels to do anything in the historic district. By bypassing this process, it undermines everyone playing by the rules.

Mr. Geck stated technology is not always in the best interest of anybody. Look for another location. The historic district has already been infiltrated by other unnecessary things. The satellite system will be here sooner than later leaving a rotting tower in our historic district.

Ms. Martin stated she understands the U.S. Magistrate Court has given reasons to say no. There are other areas for the tower that won't affect the residents.

Ms. Ratje stated she would like to hear the trustee's comments. She knows about lawsuit and that there needs to be a viable place, but it should not be in the historic district.

Ms. Nancy stated if people do not have Verizon will they not be able to receive services.

Mr. Cook stated his is for cell towers. Area farmers are willing to have a tower on their property.

Ms. Miller asked the trustees to listen to them. Just because some people did not grow up here does not mean that they do not care about Mesilla.

5. **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 Mayor Pro Tem Johnson-Burick, Seconded by Trustee Garcia.

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

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

- a) ***BOT MINUTES** - Minutes of Joint Work Session and Regular Meeting, November 14, 2022

6. EXECUTIVE SESSION

- a) Discussion concerning attorney/client privilege matters pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978, Section 10-15-1(H)(7)

Motion: To enter Executive Session, Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Merrick.

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

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

Entered Executive Session at 6:28 p.m.

Motion: To enter Regular Meeting. Board was briefed by Town Attorney on pending litigation, negotiations continue. The Special Use Permit process will be followed when Verizon choses to submit one – no action taken, Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Garcia.

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

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

Entered Regular Session at 8:28 p.m.

7. STAFF REPORTS

- a) Molzen Corbin Design Services and Capitol Appropriations project agreements – Rod McGillivray

Mr. McGillivray reviewed the agreement for Calle de Picacho. The town did receive the \$350,000 Capital Outlay Grant for the Public Safety Building and \$40,000 for vehicle purchases.

8. NEW BUSINESS

- a) **PZHAC Case #061469** – 2691 Calle de Principal submitted by Joseph Foster to rebuild/replace rotting windows and door, build parapets to mask uneven roof line and roof equipment, construction of pergola and a front entrance gate in existing wall (Phase 1). **ZONED: Historical Residential (HR)**

Motion: To approve PZHAC Case #061469 – 2691 Calle de Principal submitted by Joseph Foster to rebuild/replace rotting windows and door, build parapets to mask uneven roof line and roof equipment, construction of pergola and a front entrance gate in existing wall (Phase 1). **ZONED: Historical Residential (HR), Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Garcia.**

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

Mayor Pro Tem Johnson-Burick Yes
Trustee Cadena Yes
Trustee Garcia Yes
Trustee Merrick Yes

- b) **PZHAC Case #061473** – 2630 Calle Segunda submitted by Jane/Paul Germani to install storage shed. **Zoned Historical Residential (HR)**

Motion: To approve PZHAC Case #061473 – 2630 Calle Segunda submitted by Jane/Paul Germani to install storage shed. **Zoned Historical Residential (HR), Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Garcia.**

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

Mayor Pro Tem Johnson-Burick Yes
Trustee Cadena Yes
Trustee Garcia Yes
Trustee Merrick Yes

- c) **PZHAC Case #061478**– 2600 Avenida de Mesilla submitted by Palacio Bar to install a sidewalk on north side of the building. **Zoned: Historical Commercial (HC)**

Motion: To approve PZHAC Case #061478– 2600 Avenida de Mesilla submitted by Palacio Bar to install a sidewalk on north side of the building. **Zoned: Historical Commercial (HC), Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Garcia.**

Mayor Pro Tem Johnson-Burick stated that is a good for safety purposes.

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

Mayor Pro Tem Johnson-Burick Yes
Trustee Cadena Yes
Trustee Garcia Yes
Trustee Merrick Yes

- d) **PZHAC Case #061483** – 2060 Calle de Parian submitted by Jerry Noe for Bader Jouda of Tropical Dispensary LLC for a projecting 3 sq. ft. sign permit. **Zoned: Historical Commercial (HC)**

Motion: To approve PZHAC Case #061483 – 2060 Calle de Parian submitted by Jerry Noe for Bader Jouda of Tropical Dispensary LLC for a projecting 3 sq. ft. sign permit. **Zoned: Historical Commercial (HC), Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Merrick.**

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

Mayor Pro Tem Johnson-Burick Yes
Trustee Cadena Yes
Trustee Garcia Yes
Trustee Merrick Yes

- e) **PZHAC Case #061486 w/conditions** – 2687 Calle de Parian submitted by William McIlvaine to install a privacy fence along property boundary. **Zoned Historical Residential (HR)**

Motion: To approve PZHAC Case #061486 w/conditions – 2687 Calle de Parian submitted by William McIlvaine to install a privacy fence along property boundary. **Zoned Historical Residential (HR), Mayor Pro Tem Johnson-Burick, Seconded by Trustee Garcia.**

Trustee Garcia stated the applicant needs to provide the contractor's ID number.

Mayor Barraza stated the applicant will be informed that the right of entry and the contractor's ID number must be submitted prior to issuing the permit.

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

Mayor Pro Tem Johnson-Burick Yes
Trustee Cadena Yes
Trustee Garcia Yes
Trustee Merrick Yes

- f) **PZHAC Case #061487 w/conditions** – 2685 Calle de Parian submitted by William McIlvaine to install a privacy fence along property boundary. **Zoned Historical Residential (HR)**

Motion: To approve PZHAC Case #061487 w/conditions – 2685 Calle de Parian submitted by William McIlvaine to install a privacy fence along property boundary. **Zoned Historical Residential (HR), Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Garcia.**

Mayor Barraza stated the applicant will be informed that the right of entry and the contractor's ID number must be submitted prior to issuing the permit.

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

Mayor Pro Tem Johnson-Burick Yes
Trustee Cadena Yes
Trustee Garcia Yes
Trustee Merrick Yes

- g) **PZHAC Case #061489** - 2380 Calle Principal/2210 Calle de Parian (Thunderbird) to replace 4 rolled windows and 2 rotted doors on the backside of the building. Windows will match existing windows and doors will match existing metal doors. **Zoned: Historical Commercial (HC)**

Motion: To approve PZHAC Case #061489 - 2380 Calle Principal/2210 Calle de Parian (Thunderbird) to replace 4 rolled windows and 2 rotted doors on the backside of the building. Windows will match existing windows and doors will match existing metal doors. **Zoned: Historical Commercial (HC), Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Garcia.**

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

h) For Approval: Molzen Corbin Agreement - Design Services for Calle de Picacho Utility Improvements Engineering (\$26,250)

Motion: To approve Molzen Corbin Agreement - Design Services for Calle de Picacho Utility Improvements Engineering (\$26,250), **Zoned: Historical Commercial (HC), Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Merrick.**

Trustee Garcia asked if these projects go out to bid.

Mr. McGillivray responded the town has an annual contract with engineering firms, so we are not required to go out to bid. Also, it does not meet the dollar amount for a bid.

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

i) For Approval: Capital Appropriations Project Agreement G2846 - \$300,000 to plan, design, construct, renovate and equip the Public Safety Building.

Motion: To approve Capital Appropriations Project Agreement G2846 - \$300,000 to plan, design, construct, renovate and equip the Public Safety Building, **Zoned: Historical Commercial (HC), Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Garcia.**

Mayor Barraza stated this is one of the projects submitted to the legislators.

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

j) For Approval: Capital Appropriations Project Agreement G2845 - \$40,000 for Administration Department vehicles

Motion: To approve Capital Appropriations Project Agreement G2845 - \$40,000 for Administration Department vehicles, **Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Garcia.**

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

9. BOARD OF TRUSTEE COMMITTEE REPORTS

Trustee Garcia: Workforce Connections Meeting on December 9th

Mayor Pro Tem Johnson-Burick: MPO Meeting on December 14th

Trustee Merrick: MPO Meeting on December 14th

Mayor Barraza: MOA Sub-Committee Meeting today

10. BOARD OF TRUSTEE/STAFF COMMENTS

Fire Chief Hoban stated we received a grant to replace the 1991 Ford F350 Squad. Last week we received a Voucher Letter informing us that we have been awarded \$302,500 with no matches; \$12,500 is for firefighter stipends. We are reviewing the agreement with the Fire Marshal's office for inspections and ongoing cooperation. The Mesilla Fire Department is one of six, in the state, that participates.

Mayor Barraza stated the board will not be commenting on the cell tower due to pending litigation. The town is in negotiations with Verizon.

Trustee Garcia stated she spoke to Mr. Lopez who informed her grant money was just released for Fire Departments radios. Police Departments grant money has not been released. This will be for paid employees and are working on volunteers. She will be meeting with Mayor Barraza and Ms. Bush to discuss the budget.

Fire Chief Hoban stated they have been working with Mr. Lopez.

Trustee Garcia asked for a year-to-date report on attorney fees paid as well as a monthly report.

Ms. Bush responded the information is in the report.

Trustee Cadena stated she appreciates the public input. We are elected officials and listen to the residents that we represent.

Trustee Merrick congratulated Ms. Sanchez on her position. She is available if anyone needs anything. The town is very important to her.

Mayor Pro Tem Johnson-Burick thanked the residents for providing input. This is an ongoing litigation. She does not want to jeopardize that would have a negative impact on our community. She will not be able to attend the tree lighting on Friday.

Mayor Barraza stated the Tree Lighting will be this Friday at 5:30 p.m.; refreshment will be served. Trash service is changing. Trash receptacles cannot be left out on the curb; must be put back on their property once it is serviced.

Ms. Maya stated all residential trash service will be on Mondays and all commercial trash service will be on Tuesdays. There is an issue with over filling their receptacles and it will not be picked up.

Fire Chief Hoban stated this morning there was a fire in one of the trash trucks. Need to get the word out that hot ashes, charcoals, etc., should not be placed in the trash receptacles until they are cold and dead.

Mayor Barraza stated Hillrise students were given a tour of the Public Safety Building during their fieldtrip. She welcomed Ms. Sanchez to the Town of Mesilla as the ACO/Codes Officer. Due to litigation, we cannot comment on the Verizon tower. Correspondence that is submitted will be part of the minutes.

11. ADJOURNMENT

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

MEETING ADJOURNED AT 8:57 P.M.

APPROVED THIS 12th DAY OF DECEMBER, 2022.

Nora L. Barraza

Nora L. Barraza
Mayor

ATTEST:

Rani Bush

Rani Bush
Town Clerk/Treasurer

