



# Town of Mesilla, New Mexico

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7 **BOARD OF TRUSTEES OF THE TOWN OF MESILLA**  
8 **MESILLA TOWN HALL**  
9 **2231 AVENIDA DE MESILLA**

10  
11 **WORKSESSION**

12  
13 **MONDAY, OCTOBER 23, 2023 4:30 P.M.**

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17 **TRUSTEES:** Nora Barraza, Mayor  
18 Adrianna Merrick, Mayor Pro Tem  
19 Biviana Cadena, Trustee  
20 Veronica Garcia, Trustee  
21 Stephanie Johnson-Burick, Trustee

22  
23 **STAFF:** Rod McGillivray, Public Works Director  
24 Edward Salazar, Community Development Coordinator  
25 Gloria Maya, Town Clerk/Recorder

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27 **PUBLIC:** Bill Cook Mary F. Lucero  
28 Russell Hernandez  
29

30  
31 **1) Review of FY24 Budget Report – Juan Fuentes**  
32 Mr. Fuentes gave a review of FY24 Budget Report.

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34 **2) 2023-24 1<sup>st</sup> Quarter Report – Gloria S Maya**  
35 Ms. Maya presented the 2023-24 1<sup>st</sup> Quarter Report.  
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PUBLIC HEARING

MONDAY, OCTOBER 23, 2023 5:00 P.M.

MINUTES

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

**STAFF:** Rod McGillivray, Public Works Director  
Edward Salazar, Community Development Coordinator  
Greg Whited, Fire Marshal  
Gloria Maya, Town Clerk/Recorder

**PUBLIC:** Bill Cook Mary F Lucero  
Russell Hernandez Carl Conlee  
Gerard Nevarez Enrique Vigil (speak)  
Priscilla Sandoval (speak) Susan Krueger  
Andrea Bryan Trina Witter  
Melanie Altuna-Vigil Gail Altuna  
Catherine Martinez Linda Montoya  
Anton Magallanez (speak) Davie Salas  
Greg Lester Atticus Lee  
Lori Miller Andy Embury  
Guillermo Acosta Geno Zamora  
Janice Cook Marcy Toomey

**Public Hearing – Rezone Permit Appeal – An appeal to PZHAC denied decision on Case #061679 to rezone Dona Ana County parcel #4-007-137-162-321, at 2750 Old Farm Road, from Residential Agriculture (RA) to Residential (R-1) for the purpose of subdividing into three 1-acre lots.**

Ms. Maya administered the oath to the individuals who would be speaking.

Mr. Salazar reviewed the Rezone Permit Appeal.

Ms. Krueger stated it is important that the board be consistent in its decision making. There have been similar requests that have been turned down. Research should have been done. Rezoning is a big thing in Mesilla.

Mr. Vigil stated the Los Reyes’ subdivision, which was part of the green belt, was approved. This made his property non-conforming. This three-acre property is too small to farm and too expensive to farm. Many farmers have chosen not to farm. Domestic wells cannot be used for farming. Distributed literature to the trustees. It is not cost effective; he had not grown any large crops in over five years. Our kids are moving away since there are not any jobs in the area. Hispanics take care of our own; he would like to leave his kids some property so they can build a home. He asks the board to reconsider PZHAC’s decision.

Mr. Conley stated he has nothing against a zone change.

Mr. Magallanez stated he understands the importance of preservation. He recognizes the need for the green belt, but he is having trouble delineating what is the green belt, where is the green belt and what the green belt is trying to accomplish. Comprehensive Plan does define the green belt. The question is does a one-acre lot constitute the green belt. The City of Las Cruces is very clear at defining what and where things can be done.

1 Reviewed different areas of the Comprehensive Plan. Mr. Campos, Dona Ana County, attended the PZHAC  
2 meeting. He was concerned that Mr. Campos was asked questions regarding this case. Reviewed the process  
3 that would have needed to be followed had the rezone permit been approved. The reasons for denying the  
4 rezone are based on a preliminary plot that have no merit with the zone change. If the commission was not  
5 happy with the layout, changes could have been made. These should be on a case-by-case basis. There is no  
6 precedent in the development world.

7  
8 Ms. Montoya stated she supports the rezone request.

9  
10 Ms. Sandoval asked the board to think about compassion.

11  
12 Ms. Lucero stated she supports keeping the green belt. It is sad that we are losing our farmland. Mr. Vigil  
13 knew what the land was when he bought it.

14  
15 Public Hearing Ended at 5:36 p.m.

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**REGULAR MEETING**

**MONDAY, OCTOBER 23, 2023 6:00 P.M.**  
**MINUTES**

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

**STAFF:** Rod McGillivray, Public Works Director  
Edward Salazar, Community Development Coordinator  
Greg Whited, Fire Marshal  
Gloria Maya, Town Clerk/Recorder

<b>PUBLIC:</b>	Bill Cook	Mary F Lucero
	Russell Hernandez	Carl Conlee
	Gerard Nevarez	Enrique Vigil
	Priscilla Sandoval	Susan Krueger
	Andrea Bryan	Trina Witter
	Melanie Altuna-Vigil	Gail Altuna
	Catherine Martinez	Linda Montoya
	Anton Magallanez	Davie Salas
	Greg Lester	Atticus Lee
	Lori Miller	Andy Embury
	Guillermo Acosta	Geno Zamora
	Janice Cook	Marcy Toomey

**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 Merrick, Trustee Cadena, Trustee Garcia, Trustee Johnson-Burick

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

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

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

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

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

Mr. Hernandez stated there will be a Public Forum with all candidates on Tuesday, October 24<sup>th</sup> at 5:30 p.m. at the Community Center.

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Ms. Krueger stated there is cacti encroachment on Calle de Sur and Calle de Norte.

Ms. Sandoval asked the board to have compassion in making their decision. She asked that the streets be swept as Dia de Los Muertos brings a lot of people to our community.

Ms. Lucero asked that the painting of the Virgin Mary on the tree stump near her home be removed and was a permit issued for that.

Mayor Barraza stated Ms. Lucero is her sister.

**5. PRESENTATIONS:**

**a) Proclamation: Support of the Extension and Expansion of the Radiation Exposure Compensation Act**

Ms. White gave a presentation on Support of the Extension and Expansion of the Radiation Exposure Compensation Act.

Mayor Barraza read the Proclamation: Support of the Extension and Expansion of the Radiation Exposure Compensation Act.

**b) Presentation and Discussion: Open Government, Transparency, and Ethics for Town Trustees – Geno Zamora, Ortiz & Zamora Law Firm, through NMSIF Agency Assist Program**

Mr. Zamora gave a presentation on Open Government, Transparency, and Ethics for Town Trustees.

Trustee Johnson-Burick: PZHAC minutes covered under the ten-day period to be available.

Mr. Zamora: any decision body is subject to the Open Meeting Act; special circumstances may arise.

Trustee Cadena: understands that we cannot restrict what the public wants to bring up during Public Input; we do not respond.

Mr. Zamora: reasonable restrictions can be placed on Public Input.

Trustee Cadena: constituent may call a trustee with a concern.

Mayor Barraza: asked about the effect of communication prior to a Quasi-Judicial case.

Mr. Zamora: decision is based on the evidence presented during the open meeting; limiting on what can be discussed.

**6. 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 \*)**

**a) \*BOT MINUTES – Minutes of Regular Meeting, October 10, 2023**

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

1  
2 Trustee Johnson-Burick stated there is a correction on page 11 line 9 – should read residents instead of  
3 applicants.

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

6 Mayor Pro Tem Merrick Yes

7 Trustee Cadena Yes

8 Trustee Garcia Yes

9 Trustee Johnson-Burick Yes

10  
11 **7. STAFF REPORTS**

12 a) Fire Department Grant Updates – Greg Whited

13 Fire Chief Whited gave an update on Fire Department Grants.

14  
15 **8. NEW BUSINESS**

16 a) **ACTION ITEM - PZHAC CASE #061717 – 2270 Calle de Principal, submitted by Basilica**  
17 **de San Albino. Requesting approval to construct a storage structure on property. Zone:**  
18 **Historical Commercial (HC)**

19 Mr. Salazar gave an update on Case #061717.

20  
21 **Motion: To approve PZHAC Case #061717 – 2270 Calle de Principal, submitted by Basilica de San**  
22 **Albino. Requesting approval to construct a storage structure on property. Zone: Historical**  
23 **Commercial (HC), Moved by Mayor Pro Tem Merrick, Seconded by Trustee Garcia.**

24  
25 **Roll Call Vote:** Motion passed (**summary:** Yes =4).

26 Mayor Pro Tem Merrick Yes

27 Trustee Cadena Yes

28 Trustee Garcia Yes

29 Trustee Johnson-Burick Yes

30  
31 b) **ACTION ITEM - APPEAL HEARING PZHAC CASE #061679 – 2750 Old Farm Road,**  
32 **request to rezone Dona Ana County parcel #4-007-137-162-321, from Residential**  
33 **Agriculture (RA) to Residential (R-1) for the purpose of subdividing into three 1- acre lots,**  
34 **submitted by Enrique Vigil.**

35 Mayor Barraza asked if the staff has filed all legal notices for this meeting.

36  
37 Mr. Salazar responded yes.

38  
39 Mayor Barraza asked if any trustee has interest in this matter that would prevent them from participating in this  
40 case.

41  
42 Trustee Cadena responded she will recuse herself since she had a conversation with the applicant prior to the  
43 hearing.

44  
45 Mayor Barraza read procedure that would be followed.

46  
47 Ms. Maya sworn in individuals that would speak.

48  
49 Mr. Salazar reviewed the appeal case.

1 Mr. Magallanes stated he researches before taking on a job. Gave a brief history on the history of the proposed  
2 tracts. There are land use issues, i.e., water issues. He asks himself where the green belt is and what  
3 constitutes the green belt. Referred to code and Comprehensive Plan. This is a three (3) acre lot not a five (5)  
4 acre lot. Referenced the zoning map. This would solve the spot zone problem that exist. Defining and  
5 delineating the green belt is going to be a big task. The size of the land should not determine what is part of  
6 the green belt.

7  
8 Mr. Vigil stated the Los Reyes Subdivision was zoned agriculture. That subdivision created spot zoning.

9  
10 Mayor Barraza asked if the area was zoned R1 and the applicant wanted it to be zoned Ra.

11  
12 Mr. Magallanes responded that the property was not zoned R1.

13  
14 Mayor Barraza stated she believes the applicant stated it had been zoned R1.

15  
16 Mr. Magallanes stated the property to the west is zoned R1.

17  
18 Mayor Barraza stated no, the applicant stated it was had been zoned R1 and it was combined to an RA.

19  
20 Mr. Magallanes stated Los Reyes Subdivision created spot zoning for Mr. Vigil's property. Referred to map.  
21 Never a zone designation to take it from a one (1) acre minimum to a three (3) acre; and then take it back. In  
22 1990's we combined the three (3) lots into one (1) tract to make it a conforming tract. Permits may not have  
23 been approved.

24  
25 Mayor Barraza stated those were one (1) acre lots at one time. Mr. Vigil did state during the Public Hearing  
26 that the lots were R1 and he changed it to RA.

27  
28 Mr. Magallanes reviewed what was done in the 1990's. Referenced map.

29  
30 Mayor Barraza stated it was rezoned.

31  
32 Mr. Magallanes stated it is not on the map. All these things need to be considered case by case.

33  
34 Mayor Barraza stated she remembers when Mr. Vigil's property and the Masonic Lodge were zoned RA.  
35 Researching the records that are available. That would help preserve the green belt.

36  
37 Mr. Magallanes stated he wants everyone to be on the same page. The map could be incorrect. Decision  
38 cannot be made on what we think it may be.

39  
40 Mayor Barraza stated the RA and RF zones help preserve the green belt.

41  
42 Mr. Magallanes stated agriculture needs are changing.

43  
44 Mayor Barraza understands the map is wrong.

45

1 Trustee Johnson-Burick reviewed the PZHAC meeting minutes. At the time of purchase, they knew it was  
2 three (3) acres.  
3  
4 Mayor Barraza stated the resolution shows five (5) members were present.  
5  
6 Mayor Pro Tem Merrick stated she understands the map we have been using may not be an official map.  
7  
8 Mr. Salazar responded the map that he is using in the Comprehensive Plan.  
9  
10 Mayor Pro Tem Merrick asked how often the Comprehensive Plan is updated.  
11  
12 Mr. Salazar responded at least every five (5) years.  
13  
14 Mayor Barraza stated the Comprehensive Plan was updated in 2017, prior to that it was updated in 2004.  
15  
16 Mayor Pro Tem Merrick stated we try to avoid spot zoning.  
17  
18 Mayor Barraza stated Los Reyes Subdivision was RF zoned; rezoned to R1.  
19  
20 Mr. Magallanez stated the website has a zoning map.  
21  
22 Mayor Barraza stated zoning started in 1972-1973.  
23  
24 Mr. Salazar stated the Comprehensive Plan is an action-oriented tool. PZHAC also expressed the concern with  
25 domestic water.  
26  
27 Trustee Garcia asked for the definition of green belt.  
28  
29 Mr. Salazar responded the preservation of agricultural properties.  
30  
31 Trustee Garcia stated the green belt disappeared when the Los Reyes Subdivision was approved. She  
32 understands BOT is not allowed to get the information prior to the meeting; asked if PZHAC was given the  
33 information before their hearing.  
34  
35 Mr. Salazar responded PZHAC received the information before.  
36  
37 Mayor Barraza stated the case was denied during a regular meeting.  
38  
39 Trustee Garcia stated she understands there was an individual from the county that attended the meeting; why  
40 is not here today.  
41  
42 Mr. Salazar stated he was unable to get some information, so he reached out to Mr. Campos.  
43  
44 Trustee Garcia stated the zoning maps are not updated. Asked if he is considered spot zoning.  
45



1 Mr. Salazar stated in his opinion he is not spot zoning.  
2  
3 Mr. Magallanes stated he was surprised the case was postponed. He was told there was new information. Mr.  
4 Campos is an assistant planner; it is not appropriate to have him answer questions.  
5  
6 Mayor Barraza asked what that has to do with the case.  
7  
8 Mr. Magallanes responded it is being addressed by the trustees.  
9  
10 Mr. Vigil stated they went to the process; if they had been R1 they would not be here today. The county shows  
11 it as one (1) acre. Inaudible The meeting was postponed because Mr. Campos did not make it to the meeting.  
12 PZHAC asked Mr. Campos to attend the meeting.  
13  
14 Mayor Barraza stated the PZHAC made their decision. We need to stick to the information provided.  
15  
16 Mr. Vigil asked why the map has not been corrected during her time here.  
17  
18 Mayor Barraza stated we need documentation to make changes to the map.  
19  
20 Mr. Magallanes stated the 2017 Comprehensive Plan oversees the 2004 Comprehensive Plan.  
21  
22 **Motion: To approve Appeal Hearing PZHAC Case #061679 – 2750 Old Farm Road, request to rezone**  
23 **Dona Ana County parcel #4-007-137-162-321, from Residential Agriculture (RA) to Residential (R-1)**  
24 **for the purpose of subdividing into three 1-acre lots, submitted by Enrique Vigil, Moved by Trustee**  
25 **Johnson-Burick, Seconded by Mayor Pro-Tem Merrick.**  
26  
27 Trustee Johnson-Burick stated someone asked us to be compassionate; we cannot vote on compassion we need  
28 to vote on our ordinance. If we start changing, that is when we lose our community and our integrity. It was  
29 purchased as three (3) acres.  
30  
31 Trustee Garcia stated we do not have a map that has been updated.  
32  
33 Mayor Barraza stated the green belt is green.  
34  
35 Trustee Garcia reiterated the map is not updated, which map should we be using. The green belt was ruined  
36 when Los Reyes Subdivision was approved.  
37  
38 Mayor Pro Tem Merrick stated there is land that is not being farmed due to lack of water and how expensive it  
39 is to farm. We need to help the people that are here and the financial burden we have created. Evaluate as a  
40 whole and find a solution. She does not agree with spot zoning. There are three (3) different maps making it  
41 difficult to make a decision.  
42  
43 Trustee Johnson-Burick stated there is need to revisit the ordinances so the families wanting to keep their  
44 families in tack can do so.  
45  
46 Mayor Barraza stated our forefathers created the green belt so that Mesilla would have its own identity and  
47 separate from the City of Las Cruces and the county. Mesilla receives around \$120,000 a year in property tax.  
48 She has seen the changes in Mesilla over the years. If we start chipping away at the green belt, we are  
49 destroying our community. She has to be a voice for our community.  
50  
51 Trustee Garcia stated it is already being chipped away.

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Mayor Barraza stated what does the board want to do to preserve the town.

Trustee Johnson-Burick stated case by case basis will set a precedent. Read ordinance 18.30.

Mayor Barraza stated Mr. Vigil knew it was a three (3) acre lot when they purchased it.

Mr. Vigil stated you have been a mayor for years and you didn't fix it.

Mayor Pro Tem Merrick inaudible

Trustee Garcia stated the maps need to be fixed sooner than later.

Mayor Barraza stated 2/3 vote for appeal.

**Roll Call Vote:** Motion denied (summary: Yes =2; No=1).

Mayor Pro Tem Merrick Yes Based on the map that we were provided that may not be correct, that is the only RA in that area is the definition of a spot zone and the precedence that was already set on the lot to the west of it.

Trustee Cadena Abstained

Trustee Garcia Yes Because it is spot zoning.

Trustee Johnson-Burick No Chapter 18.30 and the Comprehensive Plan updated in 2017 for preservation of our agricultural land, historic preservation and to prevent the erosion of our green belt.

## 9. CLOSED EXECUTIVE SESSION

### a) Discussion of limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)- Judicial Department

**Motion: To close regular meeting and enter Closed Executive Session, discussion of limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)-Judicial Department, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Garcia.**

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

Mayor Pro Tem Merrick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Johnson-Burick Yes

**Entered Closed Executive Session at 10:10 p.m.**

**Motion: To enter into regular meeting after Closed Executive Session, discussion of limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2) – Judicial Department – no action taken, Moved by Trustee Johnson-Burick, Seconded by Trustee Garcia.**

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

Mayor Pro Tem Merrick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Johnson-Burick Yes

**Entered Regular Meeting at 10:22 p.m.**

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**10. BOARD OF TRUSTEE COMMITTEE REPORTS**

Trustee Johnson-Burick: MPO meeting Wednesday, November 8<sup>th</sup>, 1:00 p.m. City of Las Cruces  
Mayor Pro Tem Merrick: MPO meeting Wednesday, November 8<sup>th</sup>, 1:00 p.m. City of Las Cruces  
Mayor Barraza: MPO meeting Wednesday, November 8<sup>th</sup>, 1:00 p.m. City of Las Cruces; RTD meeting Wednesday.

**11. BOARD OF TRUSTEE/STAFF COMMENTS**

Trustee Johnson-Burick stated the board needs to follow the town ordinances.  
Mayor Barraza stated Veteran’s Day Ceremony will be November 11<sup>th</sup> at 11:00 a.m., Haunted House will be on Saturday, October 28<sup>th</sup>. Candy donations are needed.

**12. ADJOURNMENT**

The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes-4).  
**MEETING ADJOURNED AT 10:32 P.M.**

**APPROVED THIS 13th DAY OF NOVEMBER, 2023.**

*Nora L. Barraza*  
\_\_\_\_\_  
Nora L. Barraza  
Mayor

**ATTEST:**

*Gloria S. Maya*  
\_\_\_\_\_  
Gloria S. Maya  
Town Clerk/Treasurer





**BOARD OF TRUSTEES  
WORKSESSION/REGULAR MEETING  
SIGN UP SHEET  
OCTOBER 23, 2023**

NAME	ADDRESS / Phone
Blue Cook	MESILLA
Mary F. Lucero	Mesilla 3363 Calle De Santiago
Russen Hernandez	MESILLA
CAROL COLLEGE	1060 RAMBLON LAS CRUCES
Gerard Nedave	2305 Calle de Colon
Enrique Vigil	2750 Old Farm Rd. Mesilla - Speak
Paucilla Sanderson	2755 Cde. San Albino (Speak)
Justin Truesdell	Mesilla
Andrew Brucan	2557 Calle de Parman
Trina Witter	Mesilla
Melanie Altuna-Vigil	Old Farm Rd Box 893 Mesilla, NM 88046
GAIL ALXANA	905 CONWAY AVE, LC, NM 88005
Catherine Martin	1000 W. University Ave. LC NM 88005
Linda Montoya	1000 W. University Ave, LC, NM 88005
Anton Megallan	May Surviving 1985 Calle de Colon Speak
Danie Salas	2911 Calle de Parman 88046
GREG LESTER	2557 Calle de Parman Mesilla
ATTICUS LEE	2557 Calle de Parman Mesilla
lori Miller	2250 Calle de Pecho "
GREG WAHLED	MESILLA FIRE
Andy Embury	2870 McDowell - Mesilla Fire
Guillermo Acosta	2194 Calle De Los Huertos
GENO ZANDRA	
JANICE COOK	MESILLA 575 6446891
Mary Tormay	Mesilla



Corey Lester

Hello Mayor & Trustees

Regarding Resolution 2023-24 ~~P&Z~~ meeting time change

PLEASE keep the Zoning and Planning @ 6:00 PM. Its much easier for working people to attend either to come for their project or to just attend to keep abreast of town business. The reason given to change the time for P&Z was "lack of attendance". We tried to get the <sup>copies</sup> sign in sheets to compare before ~~and~~ 2020 and now, but they seem to be missing so I'm not sure how you came up with your numbers.

I googled normal time for planning and zoning meetings and over 80% were @ 6:00 PM or later/ the reason given was to make it easier for townfolk to attend.

Both the Planning and zoning meetings and the Board of Trustees meetings are for the public. ~~It seems pretty obvious that meetings at night are more public friendly.~~

If what you are looking for is "more transparency" its a no brainer that having it at 6:00 P.M. would provide the public more access to the business of the people.

