

# Town of Mesilla, New Mexico

THE BOARD OF TRUSTEES (BOT) OF THE TOWN OF MESILLA  
WILL HOLD A REGULAR MEETING AT THE MESILLA TOWN HALL,  
2231 AVENIDA DE MESILLA

MONDAY, MARCH 25, 2024 ~ 6:00 P.M.~

## AGENDA

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL & DETERMINATION OF A QUORUM
3. CHANGES TO THE AGENDA & APPROVAL
4. PUBLIC INPUT ON CASES – The public is invited to address the Board as allowed by the chair.
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 \*)
  - a) \*BOT MINUTES – Minutes of BOT, 03.11.2024
  - b) \*BOT MINUTES – Minutes of Public Hearing/Special Meeting, 03.13.2024
  - c) \*BOT MINUTES – Minutes of BOT Special Meeting, 03.18.2024
  - d) \*Resolution 2024-11 – FY23 Audit Acceptance
  - e) \*PZHAC CASE #061791 – 2200 Calle de Los Huertos, submitted by John S Robinson. Requesting approval to pour a concrete sidewalk along the east side of his house and a slab under his patio. Concrete slab will be stained/color light tan to blend into the landscaping. ZONE: Historical Residential (HR).
6. NEW BUSINESS
  - a) APPROVAL: Award of RFP 2024-01: General Engineering Services
  - b) DISCUSSION: 2025 Budget Schedule
7. PUBLIC INPUT – The public is invited to address the Board as allowed by the chair.
8. CLOSED EXECUTIVE SESSION
  - a) Discussion of limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2) – Marshal Department
9. APPROVAL: Any actions that may arise as a result of discussions in closed session.
10. BOARD OF TRUSTEE COMMITTEE REPORTS
11. BOARD OF TRUSTEE/STAFF COMMENTS  
(Written staff reports included in packets)
12. ADJOURNMENT

## NOTICE

If you need an accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us at 524-3262 at least one week prior to the meeting. The Mayor and Trustees request that all cell phones be turned off or set to vibrate. Members of the audience are requested to step outside the Board Room to respond to or to conduct a phone conversation. A copy of the agenda can be found online at [www.mesillanm.gov](http://www.mesillanm.gov).

Posted 3.22.2024 online and at the following locations: Town Hall and Visitor's Center Avenida de Mesilla, Public Safety Building 2670 Calle de Parian, Mesilla Community Center 2251 Calle de Santiago, Short's Food Mart 2290 Avenida de Mesilla, and the U.S. Post Office 2253 Calle de Parian.

# Town of Mesilla, New Mexico

THE BOARD OF TRUSTEES (BOT) OF THE TOWN OF MESILLA  
REGULAR MEETING  
AT THE MESILLA TOWN HALL,  
2231 AVENIDA DE MESILLA

MONDAY, MARCH 11, 2024 ~ 6:00 P.M.~

## MINUTES

**TRUSTEES:** Russell Hernandez, Mayor  
Adrianna Merrick, Mayor Pro Tem  
Biviana Cadena, Trustee  
Stephanie Johnson-Burick, Trustee  
Gerard Nevarez, Trustee

**STAFF:** Ben Azcarate, Interim Marshal  
Greg Whited, Fire Chief  
Gloria S Maya, Town Clerk/Recorder

**PUBLIC:** Cesar Madrid                      John Montoya  
Catharine Walkinshaw      Eric Walkinshaw  
Crystal Davis-Whited      Nora L Barraza  
Susan Krueger                      Jesus Lopez  
Felix Armijo                      Andrea Bryan  
Greg Lester                      Trina Witter

**a) PLEDGE OF ALLEGIANCE**

Mayor Hernandez led the Pledge of Allegiance.

**b) ROLL CALL & DETERMINATION OF A QUORUM**

**Roll Call.**

**Present:** Mayor Hernandez, Mayor Pro Tem Merrick, Trustee Cadena, Trustee Johnson-Burick, Trustee Nevarez

**c) CHANGES TO THE AGENDA & APPROVAL**

**Motion passed unanimously**

**d) PUBLIC INPUT – The public is invited to address the Board as allowed by the chair for the agenda being heard.**

Ms. Walkinshaw read correspondence. (See Attached)

**e) 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 BOT, February 29, 2024 *Approved by consent agenda*
- b) **\*BOT SPECIAL MEETING MINUTES** – Minutes of BOT Special Meeting, March 6, 2024 *Approved by consent agenda*

- c) **\*PZHAC BUSINESS LICENSE #1198** – 2212 Calle de San Albino, submitted by Jorge Larrazabal. Requesting approval to register a short-term rental with the Town of Mesilla. Zone: Historical Residential (HR). *Approved by consent agenda*

**Motion passed unanimously**

**f) CLOSED EXECUTIVE SESSION**

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

**Motion passed unanimously**

**Entered Closed Executive Session at 6:06 p.m.**

**Motion passed unanimously**

**Entered Regular Meeting at 6:37 p.m. – no action taken during Closed Executive Session**

**g) PRESENTATION**

- a) **Local Government Road Fund (LGRF) Application 2024-2025 – Mayor Hernandez**

Mayor Hernandez gave an overview of the LGRF Application 2024-2025.

- b) **Transportation Project Fund (TPF) Application 2024-2025 – Mayor Hernandez**

Mayor Hernandez gave an overview of the TPF Application 2024-2025.

- c) **Adelante Senior Meals – Manuel Escobedo and Justin Gomez**

Ms. Barraza, Ms. Padilla and Mr. Gomez gave an overview of the Adelante Senior Meals Program, its needs and asked for support of the town. Invited everyone to go visit the Adelante Senior Program at the Community Center.

Trustee Nevarez requested to look at the current line items, rental fee and in-kind support.

Mayor Hernandez stated he will revisit the program and its needs to see how the town can help.

**h) NEW BUSINESS**

- a) **APPROVAL: MARSHAL DEPUTY HIRE**

**Motion: To approve hiring Ms. Ornelas as a Marshal Deputy for the Town of Mesilla, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Nevarez.**

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

Mayor Pro Tem Merrick Yes

Trustee Cadena Yes

Trustee Johnson-Burick Yes

Trustee Nevarez Yes

- b) **APPROVAL: MARSHAL DEPUTY HIRE**

**Motion: To approve hiring Mr. Boylston as a Marshal Deputy for the Town of Mesilla, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Cadena.**

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

Mayor Pro Tem Merrick Yes

Trustee Cadena Yes

Trustee Johnson-Burick Yes

Trustee Nevarez Yes

**e) APPROVAL: MARSHAL DEPARTMENT SPECIAL INVESTIGATION**

**Motion: To approve hiring Mr. Carrera as a Marshal Department Special Investigation for the Town of Mesilla, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Nevarez.**

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

Mayor Pro Tem Merrick Yes

Trustee Cadena Yes

Trustee Johnson-Burick Yes

Trustee Nevarez Yes

**d) APPROVAL: Molzen Corbin Professional Engineering Services 5% Obligation for 2023 Capital Outlay (Mesilla Roadway Improvements Phase I) – Calle de Oeste**

**Motion: To approve Molzen Corbin Professional Engineering Services 5% Obligation for 2023 Capital Outlay (Mesilla Roadway Improvements Phase I) – Calle de Oeste, Moved by Trustee Nevarez, Seconded by Mayor Pro Tem Merrick.**

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

Mayor Pro Tem Merrick Yes

Trustee Cadena Yes

Trustee Johnson-Burick Yes

Trustee Nevarez Yes

**e) APPROVAL: RESOLUTION 2024-09 Local Government Road Fund Application**

**Motion: To approve Resolution 2024-09 Local Government Road Fund Application, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Johnson-Burick.**

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

Mayor Pro Tem Merrick Yes

Trustee Cadena Yes

Trustee Johnson-Burick Yes

Trustee Nevarez Yes

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

Ms. Witter addressed her concerns regarding the March 13, 2024 Agenda.

**j) BOARD OF TRUSTEE COMMITTEE REPORTS**

*(Written staff reports included in packets)*

No Board of Trustees Committee Reports

**k) BOARD OF TRUSTEE/STAFF COMMENTS**

Fire Chief Whited gave an update on the inventory, on the academy that will be coming up soon, the change in station numbers and the increase in calls.

Interim Marshal Azcarate gave an update on the new laptops and training.

Ms. Maya stated all prior projects have been reimbursed.

Trustee Nevarez stated he is looking at being productively engaged with the departments he will be working with.



Trustee Johnson-Burick addressed her concerns regarding the original business license issued to Tropical Cannabis. She will be working with the departments she has been assigned.

Trustee Cadena asked if Mr. Salazar could attend meetings to address concerns. She will be meeting with the Finance Department.

Mayor Pro Tem Merrick stated streamline is working; will be working with the Public Works Department.

Mayor Hernandez stated we will be looking at the short-term rentals as well as having Mr. Salazar's attendance at the board meetings. Budgeting process will be starting soon. Mr. Salazar is clarifying the Tropical Cannabis business license situation.

**1) ADJOURNMENT**

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

**MEETING ADJOURNED AT 7:21 P.M.**

**APPROVED THIS 25<sup>th</sup> OF MARCH, 2024.**

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**Russell Hernandez**  
**Mayor**

**ATTEST:**

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



## Comments for March 11 BOT Meeting

1 message

Catharine Walkinshaw <catharinewalkinshaw@gmail.com>

Mon, Mar 11, 2024 at 4:07 PM

To: adriannam@mesillanm.gov, Stephanie Johnson-Burick <stephaniejb@mesillanm.gov>, gerardn@mesillanm.gov, Biviana Cadena <bivianac@mesillanm.gov>, Russell Hernandez <mayor@mesillanm.gov>, Mesilla Town Clerk/Treasurer <clerktreasurer@mesillanm.gov>

Cc: Community Development <comdev@mesillanm.gov>, davies@mesillanm.gov, davidr@mesillanm.gov, ericg@mesillanm.gov, carlosa@mesillanm.gov, yolandal@mesillanm.gov

Please include the following comments in the official minutes for the March 11, 2024, Board of Trustees meeting.

Dear Trustees Merrick, Burick-Johnson, Nevaraz, Cadena, and Mayor Hernandez,

We are commenting on Item c. under the consent agenda. At last week's PZHAC meeting related to this proposal, there were concerns brought up about short term rentals that we wanted to provide input on. We have 4 years of experience as a short term rental business within Mesilla.

First there was concern that Mesilla has many more short term rentals than those who have business licenses and are paying Lodger's Tax. However, when a person searches for a Mesilla vacation home on the online platforms (i.e., airbnb or vrbo), many choices come up but few are actually within the town of Mesilla. Indeed, we did a count using both airbnb and vrbo and could come up with only about 24 short term rentals within the Town of Mesilla. Mr. Salazar stated at the P&Z meeting that there were 18 business licenses for short term rentals so that means there's only a few not registered with the town. And it means that short term rentals comprise only about 2% of total residences within Mesilla.

Second there was a concern that short term rentals degrade the quality of the property making it look abandoned and neglected. Vacation home rental businesses rely on positive reviews. If we let our property look neglected and rundown we would not have business. But we live on the property and work constantly on its upkeep. We have some concerns about absentee owners, but the short term rental near us that has an absentee owner is well kept by a property management company. I think you would find the same if you looked at the condition of other short term rentals within the town.

There was also concern about short term rentals changing the demographics of Mesilla and driving away young families. We acknowledge that this is happening, but it is a long standing demographic trend throughout the country, not created solely by the small percentage of vacation rentals. Mesilla's Comprehensive Plan discussed this demographic trend in 2017 but it was not due to vacation rentals. Our situation is an example, we purchased our property over 10 years ago from a single mother who had school age children. She needed to sell because she could not afford to renovate her historic adobe structures and her family wanted to move to a newer home in the Sonoma Ranch area. We were able to renovate the historic structures, but it was a long, expensive process and we require the income from the vacation rental to help pay off the loans we have. There is now a new endeavor to help homeowners renovate their homes just being started in Mesilla and we hope that will help people to stay in their homes should they want to.

Finally, Mesilla is a tourist town with an economy heavily reliant on visitation. There is only 1 boutique hotel with few rooms so vacation rentals provide a place for visitors to stay while they spend their money in Mesilla supporting local businesses. We promote these local businesses to our guests and many return because they love to stay in Mesilla. We also attract folks who come to visit their kids at NMSU and then spend their money at Mesilla restaurants and shops. The Town receives GRT and Lodger's Taxes from short term rental businesses.

We directly pay our monthly Lodgers' Tax to Mesilla but it is possible to have the online platforms do this for a business owner. The problem with this is that they will send the Lodgers Tax to the municipality where the rental is located. In our case, our Lodgers' Tax would go to Las Cruces because our address comes up as Las Cruces on Google maps and other online sites. We aren't the only address in Mesilla with this issue.

Before thinking there is a serious problem with short term rentals and creating policy such as a moratorium, we recommend the Board of Trustees do an audit of the current situation with short term rentals, as required by current Town of Mesilla code, section 3.20.110, which states, "the board of trustees of the town shall have random audits conducted every third year to verify full payment of occupancy tax receipts." After the results of such an audit, perhaps a task force could be formed to further study the issue and provide recommendations for any policy changes, if needed. Also researching what other tourism-based municipalities, such as Santa Fe, have done with their short term rental businesses would be another good resource.

We would be willing to help with any audit and/or task force.

Sincerely,  
Eric and Catharine Walkinshaw  
2134 Calle de Principal  
Mesilla, NM 88046  
575 932 8313 Catharine  
575 932 8524 Eric



**THE BOARD OF TRUSTEES (BOT)  
OF THE TOWN OF MESILLA  
WILL HOLD A PUBLIC HEARING  
AT THE MESILLA COMMUNITY CENTER,  
2251 CALLE DE SANTIAGO**

**WEDNESDAY, MARCH 13, 2024 ~ 4:30 P.M.~**

**MINUTES**

**TRUSTEES:** Russell Hernandez, Mayor  
Adrianna Merrick, Mayor Pro Tem  
Biviana Cadena, Trustee  
Stephanie Johnson-Burick, Trustee  
Gerard Nevarez, Trustee

**STAFF:** Eddie Salazar  
Greg Whited

**PUBLIC:**

Greg Lester	Mary Lucero
Nora L Barraza	Dasa Bousova
Eric Walkinshaw	Andrea Bryan
Kathy Telgard	Catherine Walkinshaw
Cris Telgard	Brenda Brown
Lori Miller	Rosemary Alvillar
Janice & Bill Cook	Trina Witter
G. Rochelle	Ana Willem
Susan Steinhaus	Karena Oberman
Jill Kerr	Susan Krueger
Yolanda Lucero	Sallie Clayshulte
Renee Beltran	Jesus Lopez
Mary Toomeg	Steward Oberman
Pat Taylor	Carol McCall

**1. PLEDGE OF ALLEGIANCE**

Mayor Hernandez led the Pledge of Allegiance.

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

**Roll Call.**

**Present:** Mayor Hernandez, Mayor Pro Tem Merrick, Trustee Cadena, Trustee Johnson-Burick, Trustee Nevarez

Quorum established.

Mayor Hernandez

Requested a motion to close the regular meeting and open the meeting to a special use hearing, case number 061733.

1<sup>st</sup> motion – Trustee Nevarez

2<sup>nd</sup> motion – Mayor Pro Tem Merrick

No Discussion

**Approved: 4 – 0**

Mayor Hernandez

Explained rules and regulations regarding the zoning case. Informed a packet has been given to the governing board regarding all the information on the case over a week ago. The packet includes public comments and concerns that were emailed to the town.

Clarification on case numbers. Case number 061733 is for a special use permit and being heard tonight. Case number 061759 is for the zoning permit to construct the tower if SUP is approved. That case will not be heard tonight.

Stated general rules of order regarding the SUP case to be heard that evening. Important everyone adheres to the times allotted.

After hearing the case, hearing would be closed and reopen our regular meeting.

Everyone that planned to give testimony in the hearing were sworn in my town clerk, Gloria Maya.

Eddie Salazar

Community Development Coordinator (CDC) Salazar gave an overview of the case. Rancho Barro LLC, property owner located at 2800 Calle del Sur Mesilla NM 88046, requests a SUP to construct a 65 ft wireless telecommunication facility.

Mr. Graham Chapman, with Pinnacle Consulting, has been contracted to represent and construct the facility if approved.

This request held a hearing with the PZHAC on February 5, 2024, and voted 5 to 0, recommending approval to the Board of Trustees (BOT). One of the commissioners proposed the cell tower be moved further into the pecan orchard.

All requirements set by Mesilla town code regarding the request have been met.

All required public notifications for this hearing have been met.

Graham Chapman

Site Acquisition Specialist with Pinnacle Consulting, representing Sun State Towers and Verizon Wireless. His guest with him Steven Kennedy, radio frequency engineer, to answer any technical questions.

Discussed the history of the project and explained how they acquired an approval by PZHAC on February 5, 2024. All rules and regulations requirements set by Mesilla town code were met.

Can prove there is a need for wireless service. Closest towers to the area in need are two far.



Addressed the argument about the design and why the screening of the tower is best met by a mono-pine tree. There are trees everywhere and it is the best screening to blend into its surroundings.

Referenced code 18.54.060 section D, stealthing is a mandatory requirement in the commercial zone district, which the area being proposed is not.

Small cells, which were discussed in the last meeting. Are more reserved for dense high concentration of users such as metropolitan areas, not rural areas such as one we are proposing. Small cells cover a very small area and would require a lot of them throughout the town.

The argument about having many towers to better hide them within the community will not work as the minimum height for an antenna is what we are requesting, 65 feet.

Emphasized our request not only meet all setbacks required by code but exceed them.

#### Steven Kennedy

Explained how small cells work and why they would not be efficient in meeting the needs in Mesilla. Built for a small area with high concentrations of people such as a college campus.

#### CDC Salazar

Federal Communications Commission (FCC) states a local municipality can't discriminate request to erect cell towers based on concerns for public/environmental health and/or safety. FCC has done extensive testing on the towers and has deemed them to be safe providing the cell towers meet all FCC requirements.

After looking at all the facts, considering the previous denial of the request and listening to the communities' concerns, recommended the cell tower not be screened as a mono-pine tree but as a water tower similar to the one in your packets. (Mr. Chapman was handed a photo of the tower) A water tower does fit with the rural farm development zone design.

#### Mayor Hernandez

Opened the public comment/testimony. Reminded everyone each speaker has been allotted up to 3 minutes each and 30 minutes total for each support and opposing party. Also reminded everyone before coming to the podium, you are under oath.

#### Mary Lucero

Addressed the board in support of the cell tower. It will greatly improve the community's needs. Not just people at home but also everyone that does online classes. They don't have to worry about losing reception when taking a test or having to run to the university to finish it.

#### Nora Barraza

Addressed the board in support of the cell tower. Stated the town is in dire need of wireless services. Version is expanding its services to internet too in which is also needed in the community.

There are numerous telephone poles, in the area and electrical infrastructure that are not much smaller than the proposed tower.

Stated she has issues with reception in her home from one room to another. Hope the board of trustees approves the request.

Ana Willem

No one is contesting the need for better cell service in Mesilla. We are contesting the mono-pine cell tower. Micro cells are the ones that would best fit community needs. They are not only being used in highly concentrated areas. Small cells are nearly invisible and don't affect the flood plain area.

Steve Robinson

Informed he has been through this situation before. Has two acres in another city that has a cell tower was put behind the house. Mr. Chapman spoke about the height of the antenna but didn't really get into co-location issue. The antenna would have to go higher if another carrier is added. The case he is familiar with, the co-location of the cell tower had to go out about 10 feet with other antennas.

If there is going to be up to 3 companies, each with their own equipment, is concern about the humming noise.

Dasa Bausova

Informed the board she lives close by, Estreda Rd. Concerned about health and safety of towers. They have not been around long enough to make a true conclusion that they are indeed safe as the federal government states. Cigarettes were considered to be safe in the past and here we are now with the conclusion that they are detrimental to our health.

Is in favor of small cells. They don't have the same impact as cell towers due to property values and visual eye sore.

Handed a document to the board outlining her comments and concerns.

Gregg Lester

Showed concerns about the negative impact the cell tower would have on the town. Considers town of Mesilla the crown jewel of southern New Mexico.

Sun State Towers build a water tower type structure in their own backyard, Gilbert, AZ. If they can do it there, they can sure do it here too.

Rosemary Alvillar

Lives on 2757 Calle del Sur, next to Mr. Clayshulte. As 4<sup>th</sup> generation property owner, we need to continue to preserve Mesilla's rich history. Wireless installation of a tower would negatively impact our town. Approval of the permit would set a dangerous precedence in future commercialization of our town's heritage. \

Concerned about future carriers being added to tower and not being back far enough away from the property line.

Trina Witter

Is opposed to having a cell tower dressed as a tree. Lives right across the road. The code does allow it to be in the RF zone but doesn't mean it has to be right there on the side of the road. If we have to have it, requested it be moved back 660 feet into the orchard. PZHAC approval came with a recommendation to move it back into the orchard and I was not sure if it mentioned by Mr. Salazar or Mr. Chapman from Pinnacle Consulting.

Will Sun State and Verizon be required to have business license?

Call del Sur is going to be widened in the future. How would that impact the setback of the proposed area?

According to Comprehensive plan, page 6, it states to protect Mesilla's character history and traditional land uses. Protect rural agriculture, green belt. Proposed tower negatively impacts all of it.

If we must have it, please move it back or put it somewhere else.

Eric Walkinshaw

Lives at 2134 Calle de Principal. Understand the need of service but would like to agree with PZHAC recommendation to move it back. Also like to add to that and propose to move it northwest. This will help you not to look at it driving up to Calle del Sur if you are on Estrada Rd.

If added co-location is going to be considered, then it needs to be moved back.

Like the idea of the water tower vs the proposed mono-tree.

Renee Beltran

Lives at 2525 Calle de Parian. In general, I agree with all the statements in the opposing side. Advise to approach with caution and look for technology that won't impact our community as much. Peacefulness is expected in a rural farm area.

Susan Krueger

This is a momentous decision for the town to make. I have personal experience with that. What else is potentially available once we have specifically identified our own needs. Not having someone else tell us what we need.

Of course, Verizon is not going to hesitate to tell us we need them.

What else is available and what else can we use?

**ADJOURNMENT OF PUBLIC HEARING**

Mayor Hernandez requested a motion to adjourn the public hearing and re-open the regular meeting.

1<sup>st</sup> motion - Trustee Nevarez

2<sup>nd</sup> motion – Mayor Pro Tem Merrick

No Discussion

**Approved: 4 – 0**

**3. CHANGES TO AGENDA & APPROVALS**

1<sup>st</sup> motion – Trustee Johnson-Burick

2<sup>nd</sup> motion – Trustee Nevarez

No Discussion

**Approved: 4 – 0**

**4. CLOSED EXECUTIVE SESSION**

- a. To engage in deliberations following the administrative adjudicatory proceedings in case #061759, for Sun State Towers IV LLC, Special Use Permit (SUP) pursuant to NMSA 1978 Section 10-15-1 (H)(3).

1<sup>st</sup> motion – Mayor Pro Tem Merrick

2<sup>nd</sup> motion – Trustee Johnson-Burick

No Discussion

**Approved: 4 – 0**

Mayor Hernandez

Requested motion to leave close session and re-enter into the regular meeting.

1<sup>st</sup> motion – Trustee Nevarez

2<sup>nd</sup> motion – Mayor Pro Tem Merrick

**Approved: 4 – 0**

**5. NEW BUSINESS**

- a) **APPROVAL: SPECIAL USE PERMIT CASE #061733** - Sun State Towers IV, LLC has requested a Special Use Permit for the construction, installation, and operation of a wireless telecommunication facility at 2800 Calle de Sur. The purpose of this permit is to increase cellular coverage and capacity in the Mesilla area. Zone: **Rural Farm**

Mayor Hernandez

Requested motion to approve.

1<sup>st</sup> motion – Trustee Nevarez

2<sup>nd</sup> motion – Mayor Pro Tem Merrick

Discussion

Trustee Johnson-Burick



Ordinance 18.54, one of the requirements is the co-location requirement that needs to be signed and notarized, has a big "X" on the page and not filled out. Code requires the location be available for co-location of another carrier.

Was mentioned in the hearing that consideration is being given to co-location yet, the document that requires co-location is "X" out.

CDC Salazar

The initial application was only for a single tower with a single carrier. As time progressed, since June of last year, more and more new information was being collected. Having limited knowledge of how cell towers work, Mr. Chapman explained months after how cell tower anchor carriers and co-carriers work. I did not go back to the original application request and updated document. I apologize.

Graham Chapman

I can't explain why there is an "X" on the that document. It was my understanding that a notarized signature was submitted to Mr. Salazar. Please be aware that we are proposing a facility that can be co-locatable with up to 3 carriers.

On the most updated plans, you will see there is plans for co-location.

Trustee Johnson-Burick

Was not able to find the propagation map that the cellular coverage would provide. Was advised by Mr. Graham he had some hard copies if she wishes to see them but, they were submitted to Mr. Salazar

CDC Salazar

Advised they are included and should be in the section where presentation is listed.

Trustee Johnson-Burick

They are very hard to read. They are in black and white.

Is it customary to advertise you have a cell tower before it is approved. The proposed cell tower was listed on Verizon's website as a cell tower in the proposed location.

Graham Chapman

Common to see towers in location when the tower owner or builder registers the tower to the FCC. It is to ensure the proposed location has no negative side effects. So it is essentially doing due diligence.

Trustee Johnson-Burick

Just appears to me to be very misleading as didn't see that part of the FCC regulations.

Mayor Pro Tem Merrick

Motioned a condition the tower to be moved 250 to continue to be in compliance with town ordinance. This is so in case there is a request to go higher for co-location.

Trustee Nevarez

Second the motion.

Graham Chapman

Have no issue in meeting setbacks if the town feels those are the requirements to meet the needs of the community but we have worked with the owner of the property and have put together a proposal to meet all the requirements set by code.

Trustee Cadena

Asked for reassurance of codes were met with the proposed application.

Graham Chapman

Mr. Salazar advised that section of the code requirement concerns. We have redesigned the plans at its current location to meet those setbacks for co-location even with the 10-foot height.

Trustee Nevarez

Asked if the applicant has previously worked with other municipalities regarding historic districts.

Graham Chapman

Yes, have worked with many jurisdictions with historic districts. Most municipalities we have worked with, have specifics in the code for stealth and screening requirements.

Mayor Hernandez

Assured there was no more discussion within the board. The motion for the condition to move facility back 250 from the property line and asked for a vote.

Mayor Pro Tem Merrick – yes

Trustee Nevarez – yes

Trustee Cadena – yes

Trustee Johnson-Burick – yes

**Approved: 4 – 0**

Trustee Johnson-Burick

Made a motion to set a condition to change the proposed mono-tree to a water tower to better reflect the rural farm zone.

Pecan trees loose their leaves in the winter and the mono-pine would stand out.

Trustee Nevarez

Agreed, a water tower would look and fit more appropriately to the RF zone.

Graham Chapman

The design for a water tower, can only fit 2 carriers and not three as the mono-tree.

Mayor Hernandez

For clarification, asked the application submitted was for one specific carrier and not 3 carriers.

Graham Chapman

Responded yes, an anchor carrier. No other carriers.

Trustee Cadena

Proposed a grain silo screen to be able to fit all 3 carriers.

Graham Chapman

Is not a design Pinnacle Consulting is familiar with but can get information and follow up.

Trustee Johnson-Burick

Confirmed the application submitted was for only one carrier. Can't base our decision on the future with more carriers being added.

Mayor Hernandez

Assured there was no further discussion and recapped the motion on the floor. To set a condition with the approval of the cell tower to change the proposed mono-pine screening to a water tower. Asked for a vote.

Town Clerk Maya

Before the vote, confirmed who made both motions. First motion by Trustee Johnson-Burick and seconded by Mayor Pro Tem Merrick.

Trustee Johnson-Burick – yes  
Mayor Pro Tem Merrick – yes  
Trustee Cadena – yes  
Trustee Nevarez – yes

**Approved: 4 – 0**

Mayor Hernandez

Asked for any further discussion on case number 061733.

Mayor Pro Tem Merrick

Stated there were some concerns from the community about the tower having a negative effect on the environment and endangered species within where the tower is being put. NM Game and Fish Department stated no adverse effect on wildlife.

Also stated property owner gets properly compensated for the additional trees that would need to be removed for the conditions that have been set.

Trustee Nevarez

Hopeful all parties can come to an agreement and understand the decision is to meet the concerns of the community and also to improve our wireless services.

Trustee Cadena

Asked for an explanation on why the applicant only applied for one carrier.

Graham Chapman

Explained the norm in the wireless communications industry. A tower builder designs a tower to maximize co-location to prevent too many unnecessary towers.

When carriers reach out to vendors to construct a tower, they are known to be anchor carriers.

It has been designed since the beginning to have 3 carriers, specifically in the plans/drawings.

In the industry, not all carriers such as Verizon, T-mobile, AT&T get together and request a tower to be built. It starts with an anchor carrier and then the rest follow.

In regard to the two conditions set, the water tower and moving the proposed site. Although not favorable but are willing to accept the condition on changing the mono-tree to the water tower.

In regard to stealthing, proposed to leave pecan trees in front of facility where it is being proposed to assist in screening the facility.

In regard to the condition of the setbacks, code requirements have been met. Don't agree with the condition to move the facility back into the orchard 250 feet. Will have a conversation with the property owner and see what his position is on that.

Mayor Pro Tem Merrick

Moving into an era where we need technology. Schools is almost all online now. We are just asking what is best for the town of Mesilla, which includes the comfort of living in our community.

Graham Chapman

Requested a 5-minute recess in which was denied.

Mayor Hernandez

Assured there was no more discussion and recapped the motion on the floor. Trustee Nevarez made a motion and seconded by Mayor Pro Tem Merrick to approve special use permit case number 061733. There have been two conditions set. One is to relocate the facility 250 from the property line and the other is to change the tower screening from a mono-pine to a water tower. Called for a vote on the motion and conditions noted.

Trustee Nevarez – yes

Trustee Cadena – no

Mayor Pro Tem Merrick – yes

Trustee Johnson-Burick – yes

**Approved: 3 to 1.**

- b. **APPROVAL: PZHAC BUSINESS LICENSE #1179** – 1426 N Marvin St., Gilbert, AZ, submitted by Pinnacle Peak Consulting. Requesting approval to do business and erect a facility at 2800 Calle de Sur. Zone: **Rural Farm**

1st motion – Mayor Pro Tem Merrick

2<sup>nd</sup> motion – Trustee Johnson-Burick



Trustee Nevarez – yes  
Trustee Cadena – no  
Mayor Pro Tem Merrick – yes  
Trustee Johnson-Burick – yes

**Approved: 3 to 1.**

- c. **APPROVAL: PZHAC BUSINESS LICENSE #1180** – 1426 N Marvi St., Gilbert, AZ, submitted by Sun State Towers IV, LLC. Requesting approval for a telecommunication facility business located at 2800 Calle de Sur. Zone: **Rural Farm**

1st motion – Trustee Johnson-Burick  
2<sup>nd</sup> motion – Mayor Pro Tem Merrick

Trustee Nevarez – yes  
Trustee Cadena – no  
Mayor Pro Tem Merrick – yes  
Trustee Johnson-Burick – yes

**Approved: 3 to 1.**

Mayor Hernandez

The zoning permit to construct the tower will be held at a different time, case number 061759.

## **6. ADJOURNMENT**

**MEETING ADJOURNED AT 7:20pm.**

**APPROVED THIS 26th DAY OF FEBRUARY 2024.**

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**Russell Hernandez**  
**Mayor**

**ATTEST:**

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

# Town of Mesilla, New Mexico

THE BOARD OF TRUSTEES (BOT) OF THE TOWN OF MESILLA  
WILL HOLD A SPECIAL MEETING AT THE MESILLA TOWN HALL,  
2231 AVENIDA DE MESILLA

MONDAY, MARCH 18, 2024 ~ 4:30 P.M.~

## MINUTES

**TRUSTEES:** Russell Hernandez, Mayor  
Adrianna Merrick, Mayor Pro Tem  
Biviana Cadena, Trustee  
Stephanie Johnson-Burick, Trustee  
Gerard Nevarez, Trustee

**STAFF:** Ben Azcarate, Interim Marshal  
Greg Whited, Fire Chief  
Gloria S Maya, Town Clerk/Recorder

**PUBLIC:** Greg Lester                      Nora L Barraza  
Eric Walkinshaw                  Kathy Telgard  
Cris Telgard                        Lori Miller  
Jannice & Bill Cook              Fr. Gabriel Rochelle  
Susn Steinhaus                    Jill Kerr  
Yolanda Lucero                    Andrea Bryan  
Mary L Lucero                      Catherine Walkinshaw  
Marcy Toomey                      Stewart Oberman  
Trina Witter                        Steve Robinson  
Brenda Brown                      Pat Taylor  
Carol McCall                        Dasa Bausova  
Ana Willem                         Rosemary Alvillar  
Karena Oberman                  Sallie Clayshulte  
Renee Beltran                      Susa Krueger  
Jesus Lopez

### 1. PLEDGE OF ALLEGIANCE

Mayor Hernandez led the Pledge of Allegiance.

### 2. ROLL CALL & DETERMINATION OF A QUORUM

#### Roll Call.

**Present:** Mayor Pro Tem Merrick, Trustee Johnson-Burick, Trustee Nevarez

### 3. CHANGES TO THE AGENDA & APPROVAL

Mayor Pro Tem Merrick requested moving agenda Item 6 before Item 4.

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

**Roll Call Vote:** Motion passed (summary: Yes =4)  
Mayor Pro Tem Merrick Yes

1 Trustee Cadena Yes  
2 Trustee Johnson-Burick Yes  
3 Trustee Nevarez Yes  
4

5 **4. CLOSED EXECUTIVE SESSION**

- 6 a. Discussion of limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)  
7 – Marshal Department  
8 b. To engage in deliberations following the administrative adjudicatory proceedings in  
9 Case#061759 for Sun State Towers IV LLC Special Use Permit pursuant to NMSA 1978  
10 Section 10-15-1(H)(3)

11 Motion to close Special Meeting – passed unanimously

12  
13 Entered Closed Executive Session at 4:40 p.m.

14  
15 Motion to enter Special Meeting – passed unanimously

16  
17 Entered Special Meeting at 5:20 p.m.  
18

19 **5. NEW BUSINESS**

- 20 a. APPROVAL: PZHAC CASE #061759 – 2800 Calle de Sur, submitted by Sun State  
21 Towers IV, LLC. Requesting approval to erect telecommunication facility business –  
22 w/conditions recommended by the BOT. Zone: Rural Farm (RF)

23 Original Motion: To approve PZHAC Case #061759 – 2800 Calle de Sur, submitted by Sun State  
24 Towers IV, LLC. Requesting approval to erect telecommunication facility business – w/conditions  
25 recommended by the BOT. Zone: Rural Farm (RF), Moved by Mayor Pro Tem Merrick, Seconded by  
26 Trustee Johnson-Burick.

27  
28 Original Roll Call Vote: Motion passed (summary: Yes =3; No=1)

29 Mayor Pro Tem Merrick Yes  
30 Trustee Cadena No  
31 Trustee Johnson-Burick Yes  
32 Trustee Nevarez Yes  
33

34 Trustee Johnson-Burick added the additional condition that the aesthetics of the design and specs for the water  
35 tower be approved by Mayor Hernandez and Mr. Salazar.  
36

37 Amended Motion: To approve PZHAC Case #061759 – 2800 Calle de Sur, submitted by Sun State  
38 Towers IV, LLC. Requesting approval to erect telecommunication facility business – w/additional  
39 conditions recommended by the BOT. Zone: Rural Farm (RF), Moved by Trustee Johnson-Burick,  
40 Seconded by Mayor Pro Tem Merrick.

41  
42 Amended Motion Roll Call Vote: Motion passed (summary: Yes =4)

43 Mayor Pro Tem Merrick Yes  
44 Trustee Cadena Yes  
45 Trustee Johnson-Burick Yes  
46 Trustee Nevarez Yes  
47

48 Trustee Nevarez stated he would like to add the condition of assurance that the tower will have a setback of 250  
49 ft.  
50

51 Second Amended Motion: To approve PZHAC Case #061759 – 2800 Calle de Sur, submitted by Sun State  
52 Towers IV, LLC. Requestion approval to erect telecommunications facilities business – w/additional  
53 conditions recommended by the BOT. Zone: Rural Farm (RF), Moved by Trustee Nevarez, Seconded by  
54 Mayor Pro Tem Merrick.

1  
2 **Roll Call Vote:** Motion passed (**summary:** Yes =4)  
3 Mayor Pro Tem Merrick Yes  
4 Trustee Cadena Yes  
5 Trustee Johnson-Burick Yes  
6 Trustee Nevarez Yes

7  
8 **6. PUBLIC INPUT – The public is invited to address the Board as allowed by the chair.**

9 Ms. Witter See attached correspondence

10  
11 Ms. Walkinshaw See attached correspondence

12  
13 Ms. Bousova See attached correspondence

14  
15 Ms. Ratje See attached correspondence

16  
17 Ms. Krueger asked that they explore all other options; do this for the residents.

18  
19 **7. BOARD OF TRUSTEE/STAFF COMMENTS**

20 Trustee Nevarez stated the need for further discussion regarding Short-Term Rentals

21  
22 Trustee Johnson-Burick expressed her concerns and her phone calls made to Sun State Towers regarding the  
23 posting of the proposed cell tower on their website.

24  
25 Trustee Cadena appreciates everyone’s input.

26  
27 Mayor Hernandez stated Mr. Salazar is in communication with other entities regarding Airbnb’s; there may be  
28 a need to amend the ordinances to include specific processes. The recommendation of a moratorium on Short-  
29 Term rentals has not been brought forth to him.

30  
31 **8. ADJOURNMENT**

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

33  
34 **MEETING ADJOURNED AT 5:39 P.M.**

35  
36 **APPROVED THIS 25<sup>th</sup> DAY OF March, 2024.**

37  
38  
39 \_\_\_\_\_  
40 **Russell Hernandez**  
41 **Mayor**

42  
43 **ATTEST:**

44  
45  
46 \_\_\_\_\_  
47 **Gloria S. Maya**  
48 **Town Clerk/Treasurer**

49  
50





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## Comments for special BOT meeting March 18, 2024

1 message

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Catharine Walkinshaw <catharinewalkinshaw@gmail.com>

Mon, Mar 18, 2024 at 1:04 PM

To: Russell Hernandez <mayor@mesillanm.gov>, adriannam@mesillanm.gov, Biviana Cadena <bivianac@mesillanm.gov>, Stephanie Johnson-Burick <stephaniejb@mesillanm.gov>, gerardn@mesillanm.gov, Mesilla Town Clerk/Treasurer <clerktreasurer@mesillanm.gov>

Please include these comments in the official record for the special meeting March 18, 2024:

Dear Mayor Hernandez & Trustees,

The agenda for the Special Meeting of the Board of Trustees (BOT) for March 18, 2024, states that public input will be allowed AFTER the closed executive session and then vote on new business: PZHAC Case #061759. We request that a motion be made to amend the agenda thereby allowing public input prior to a vote on this case. We also request that you vote to table this decision for PZHAC Case# 061759 because you are voting on an incomplete packet without revised building plans to reflect the 2 conditions imposed on the applicant at the March 13, 2024, special use permit hearing and meeting - to move the tower back 250 feet from the property line and to use a water tower stealth covering rather than the monopine covering. If these conditions are not part of the current building permit packet, how can you vote on it?

Thank you for your consideration,  
Catharine and Eric Walkinshaw  
[2134 Calle de Principal](#)  
[Mesilla, NM 88046](#)

## **For public record for March 18, 2024, Mesilla Special Meeting and BoT meeting**

while we appreciate the conditions imposed on the proposed cell tower location at 2800 Calle Del Sur at the meeting on March 13, please know that the extra 250 feet and the visual upgrade to a water tower does not get us residents to our goal.

At a distance of 2300 feet from residents' homes there would be no controversy, a 1500-foot distance would still be acceptable. We put in a request for 660-foot set back northwest as a drastic compromise on our part and to show good faith in these negotiations. We will continue to pursue this distance or better still, a more suitable solution/location all together.

It is concerning that Mr. Chapman of Sun State Towers repeatedly attempts to gain sympathy for the financial burdens of Mr. Clayshulte, the property owner at 2800 Calle Del Sur, and Verizon during these meetings, while their financial gains from this project would be considerable, it's important to remember that residents face potentially life-altering financial risks and harm if the tower is built so near to our homes. These potential harms by far outweigh any benefits of improved cell service we might gain.

The technology in mobile communications is forging ahead at a dizzying speed. Surely if there is a will there is a way to find the right solution that will fulfil the need for improved cell coverage as well as protect the character of our historic town and protect us residents from any short-term and long-term harm. Since cell towers have been around in the United States for only about 35-40 years, the long-term harm remains unknown at this time.

Dasa Bausova

**Fwd: Short Term Rentals in Mesilla**

3 messages

Mary Ratje <mhratje@comcast.net>  
To: "comdev@mesillanm.gov" <comdev@mesillanm.gov>  
Cc: "clerktreasurer@mesillanm.gov" <clerktreasurer@mesillanm.gov>

Mon, Mar 18, 2024 at 12:44 PM

Eddie,  
I had the wrong email for you and could not find it on the website. I had to make a phone call to get it. The one I sent you last night bounced back.

Gloria,  
Could you include my email in the minutes for tonight's meeting? Sorry, I did not have your email to send last evening.

Thank you both!  
Mary Helen

----- Original Message -----

From: Mary Ratje <mhratje@comcast.net>  
To: "mayor@mesillanm.gov" <mayor@mesillanm.gov>, "bivianac@mesillanm.gov" <bivianac@mesillanm.gov>, "stephaniejb@mesillanm.gov" <stephaniejb@mesillanm.gov>, "adriannam@mesillanm.gov" <adriannam@mesillanm.gov>, "gerardn@mesillanm.gov" <gerardn@mesillanm.gov>  
Cc: "edwards@mesillanm.gov" <edwards@mesillanm.gov>  
Date: 03/17/2024 11:11 PM MDT  
Subject: Short Term Rentals in Mesilla

Dear Mayor and Trustees,

Could you please include the comments I have below in the official minutes for the Monday meeting on March 18 of the Board of Trustees? Thank you

My husband and I have had a short term rental through VRBO for six years. Our rental is inside our property and was once the barn on the historic property. We have had delightful people that have stayed and eaten at local restaurants, visited local wineries and beer establishments. They have shopped at the local stores gone to movies at the Fountain and enjoyed walking the streets and ditch banks. Many have been back a second time and I know of a couple that have bought a plot of land on Calle Pacana. As we all know, these guests bring in revenue to the town. We as owners take good care of our properties with improvements such as adobe repair, landscaping, general upkeep and upgrading.

I was at the meeting of the P&Z and it was stated that Mesilla has many more short term rentals than those with business licenses and paying Lodger's Tax. When I search for Mesilla through my site (VRBO), I am seeing some properties that are listed in Las Cruces and if you go into their site more deeply they are not in our village. I actually looked at Airbnb and see the same thing. If they are close to Mesilla, they may say Mesilla so that they can get more bookings. I also see some that I recognize that are in Mesilla but are labeled in Las Cruces. Could the town be missing out on taxes that are going to Las Cruces?

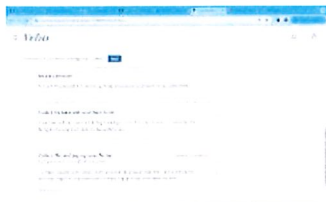
I had an almost one hour phone call with my VRBO support on Sunday. I have attached some screen shots dealing with taxes. The first is the GRT Taxes Collected. These are sent directly to the tax agencies. The second is the 5% Lodger or they call it Accommodation tax which is what I receipt and pay directly to the Town of Mesilla on a regular basis. The third is a new option in VRBO where you can check how you want the taxes filed. I have not checked any of them because I want to talk to our accountant. The gentleman on the line had to put me on hold and get answers from higher up. He told me if you choose the third option Avalara which collects the taxes and files for a hefty price would take care of Lodger's Tax as well. I question that but you should have statements from that company to prove that.

Years ago Larry Shannon got us together to hear our concerns as many of us were new to the platform. He wanted to inform us about the specifics as well. I think this was even before the 5% Lodger Tax went into effect. Many of those initial people are not around anymore but some of us know current owners and could help with the process.

My recommendation is that the Lodger Tax Committee which I don't know if they have met or not, could look into these situations. They shouldn't just be a committee that makes recommendations on how to spend the money. They could be a working committee. I know in the current code it calls for the Board of Trustees to have random audits every three years to verify this. I believe it is time to do just that.

Thank you for reading this long email and considering points that I have made. I always appreciate all you do in your jobs to serve our wonderful town.

Mary Helen Ratje  
2231 Calle de Santiago  
575-649-4603

**3 attachments**

VRBOManage Taxes - New 2024.png  
404K





## ollection

on the location this property, both you and Vrbo are responsible for collecting, filling, and paying taxes on bookings.

### /rbo taxes

### 's taxes

s required to collect and pay the following taxes on bookings for this listing:

ing thority	Government level	Tax rate	Tax type	Taxable amounts	Effective Date
W MEXICO	State	4.875%	General Sales and Use Tax	Rent & All Fees	Active
ONA ANA	County	1.25%	General Sales and Use Tax	Rent & All Fees	Active
:SILLA	City	1.8125%	General Sales and Use Tax	Rent & All Fees	Active





are required to collect and pay the following taxes on bookings:

Authority	Government level	Tax rate	Tax type	Taxable amounts	Effective Date
SILLA	City	5%	Accommodations Tax	Rent & Your Fees	Active

would you like to manage your taxes? [New!](#)

**No tax collection**

You are responsible for collecting, filing, and paying your taxes to tax authorities.

**Collect my taxes and send them to me**

Your taxes will be collected during booking and sent to you. You are responsible for filling and paying your taxes to tax authorities.



would you like to manage your taxes?

**New!**

**No tax collection**

You are responsible for collecting, filing, and paying your taxes to tax authorities.

**Collect my taxes and send them to me**

Your taxes will be collected during booking and sent to you. You are responsible for filling and paying your taxes to tax authorities.

**Collect, file, and pay my taxes for me**

\$27 per month, plus \$299 setup fee

To make lodging taxes faster, more accurate, and easier than ever, we've partnered with MyLodgeTax to automatically collect, file, and pay your taxes for you.

Powered by **Avalara**

[Learn more](#)



**RESOLUTION 2024-11**

**ACCEPTANCE AND APPROVAL OF THE FY 2023 AUDIT**

**WHEREAS**, the Town of Mesilla is required by statute to contract with an independent auditor to perform the required annual audit or agreed upon procedures for Fiscal Year 2023; and,

**WHEREAS**, the Town of Mesilla has directed the accomplishment of the audit for FY 2023 be completed; and,

**WHEREAS**, this audit has been completed and presented to the Town of Mesilla per the February 8, 2024 Letter from the Statue Auditor authorizing release of the FY 2023 audit.

**WHEREAS**, NMAC 2.2.2.10 (M) (4) provides in pertinent part that “Once the audit report is officially released to the agency by the state auditor (by a release letter) and the required waiting period of five calendar days has passed, unless waived by the agency in writing, the audit report shall be presented by the IPA, to a quorum of the governing authority of the agency at a meeting held in accordance with the Open Meetings Act, if applicable;” and,

**NOW THEREFORE, BE IT RESOLVED**, that the Town of Mesilla does hereby accept and approve the completed audit report as indicated within this document. The Town of Mesilla also acknowledges the Fiscal Year 2023 audit findings and accepting management’s responses for correcting the findings.

**ACCEPTED AND APPROVED** this 25th day of March 2024 in regular session by the Board of Trustees, at Town of Mesilla, Dona Ana County, New Mexico.

\_\_\_\_\_  
Russell Hernandez  
Mayor

ATTEST:

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



# BOARD ACTION FORM

## AGENDA DATE

PZHAC: 3/18/2024

BOT:3/25/2024

**ITEM: PZHAC CASE #061791** – 2200 Calle de Los Huertos, submitted by John S Robinson. Requesting approval to pour a concrete sidewalk along the east side of his house and a slab under his patio. Concrete slab will be stained/color light tan to blend into the landscaping. ZONE: Historical Residential (HR).

### BACKGROUND AND ANALYSIS:

Mr. Johnson is looking to hire JH Concrete and Construction to pour the concrete slab and sidewalk. There is currently gravel in these areas and it makes it hard for him and his wife to walk and/or carry things into their home/shed.

Concrete on the east side of the house will be approximately 10 ft wide by 56 ft long.

Slab under patio approximately 9 ft by 10 ft.

Sidewalk behind the house adjacent to the existing back patio slab will be approximately 3 ft wide by 21 feet long.

### IMPACT:

- The PZHAC has jurisdiction to recommend approval of the applicant's request for approval of this request to the BOT.
- The applicant has the authority to make an application request to the PZHAC and BOT.
- Due process was provided to the applicant.

### ALTERNATIVES:

The Planning, Zoning and Historical Appropriateness Commission (PZHAC) may:

1. Recommend approval of this case with findings stated above.
2. Recommend approval of this case with findings stated above and conditions.
3. Deny the application.

### DEPARTMENT COMMENTS:

- Proposed project is adjacent to the primary structure and no where near any boundary lines.
- Color of concrete will be tan to blend into landscape
- No building permit required through CID

### SUPPORTING INFORMATION:

- **Application**
- **Proof of Ownership**
- **Site plan**
- **Aerial Photo graph**

### DETERMINATION NOTES

Approved 4-0 without conditions



*District 7*

TO: Town of Mesilla Board of Trustees  
FROM: Jay Armijo, Chief Procurement Officer  
SUBJECT: Evaluation Committee Report – RFP #2024-01 General Engineering Services  
DATE: March 19, 2024

**Members**

- NM State Representative  
Raymundo Lara
- Doña Ana County
- City of Las Cruces
- City of Sunland Park
- City of Anthony
- City of Socorro
- Socorro County
- City of Truth or Consequences
- Sierra County
- Town of Mesilla
- Village of Hatch
- Village of Magdalena
- Village of Williamsburg
- City of Elephant Butte
- Lower Rio Grande Public  
Water Works Authority
- San Antonio Mutual Domestic  
Water Consumer Association
- Doña Ana Mutual Domestic  
Water Consumer Association
- Anthony Water & Sanitation  
District
- Jornada Resource  
Conservation &  
Development District

Three responsive proposals for General Engineering Services were received prior to the deadline of 12:00 p.m. March 1, 2024. The evaluation committee met on March 19, 2024 to score and rank the proposals. The evaluation factors were developed and published in the RFP prior to its issuance. The factors reflect all the evaluation criteria used for scoring and points awarded by the committee, please see the attached table.

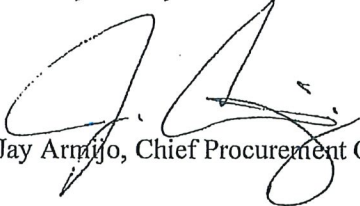
**Recommendation of the Committee:**

The committee considered the offerors qualified to perform the work specified in the Request for Proposals. The resulting scores were based on the distribution of weighted factors as specified in the RFP. Each committee member evaluated proposals on a point system of 125, the final score is comprised of an average of total scores. The committee recommends that two engineering firms be awarded contracts to perform services, and recommend Molzen Corbin and Souder, Miller & Associates (SMA).

**Recommendation of the CPO:**

Upon review of the report, I concur with the evaluation of the committee and recommend that the award for the procurement be made to Molzen Corbin and Souder, Miller & Associates (SMA).

Thank you for your consideration of the recommendation.



Jay Armijo, Chief Procurement Officer

Main Office  
P.O. Box 1072  
600 Hwy. 195, Suite B & C  
Elephant Butte, NM 87935  
Phone: 575-744-4857  
Fax: 575-744-5021

**Jay Armijo, Executive Director**  
Email: [jarmijo@sccog-nm.com](mailto:jarmijo@sccog-nm.com)  
Website: [www.sccog-nm.com](http://www.sccog-nm.com)

Mesilla Office  
P.O. Box 297  
2231 Avenida de Mesilla  
Mesilla, NM 88046-0297  
Email: [tigooolsby@sccog-nm.com](mailto:tigooolsby@sccog-nm.com)  
Ph: 575-524-3262 Ext. 110

Town of Mesilla  
 General Engineering Services RFP #2024-01  
 RFP Evaluation March 19, 2024

ENGINEERING FIRM	Molzen Corbin	SMA	Bohannan Huston
PLANNING & DESIGN SERVICES			
Specialized Design & Technical Competence	28	27	24
Capacity & Capability	23.66666667	22	21.66666667
Past Record of Performance	24	22	20.33333333
Familiarity with the Contracting Agency	9.66666667	8.66666667	7.33333333
Work to be Done in New Mexico	4.33333333	4.33333333	4.33333333
Current Volume of Work with Contracting Agency	4	4	3.33333333
<i>Subtotal</i>	<i>93.66666667</i>	<i>88</i>	<i>81</i>
CONSTRUCTION OBSERVATION SERVICES			
Construction observation experience	4.33333333	4	4
Experience with startup assistance to the Owner	4.33333333	4	4.33333333
Capacity and Capability	4	4	4
History of past performance	4.66666667	4	3
History of legal claims	5	4.66666667	3.66666667
<i>Subtotal</i>	<i>22.33333333</i>	<i>20.66666667</i>	<i>19</i>
<b>Total Score</b>	<b>116</b>	<b>108.6666667</b>	<b>100</b>



# Town of Mesilla, New Mexico

## FY2025 Budget Schedule

Month	Day	Item to Complete	Responsible Staff
March	11th-29th	Revenue Projections	Finance
March	11th-29th	Expense Projections	Finance
March	11th-29th	Position Control & Benefits Review	Finance
March	11th-29th	Compile Draft Capital Plan	All Departments
March	11th-29th	Priority Planning	Mayor/Admin
March	11th-29th	Training Review For all Departments	Finance
March	11th-29th	Budget Instructions for Departments	Finance
March	11th-29th	Budget Modules Completed (Tyler)	All Departments
March	11th-29th	Initial Review of Budgets	Finance
March	11th-29th	Updated Revenue Projections	Finance
March	11th-29th	Updated Position Control	Finance
April	1st	Mayor/Admin Review	Mayor/Admin Staff
	<b>08 &amp; 15 &amp;</b>		<b>Mayor/Admin</b>
April	<b>22</b>	<b>Departmental Budget Review Meetings</b>	<b>Staff</b>
April	22nd	Completed Capital Plan	Mayor/Admin
April	19th	Finalize Preliminary Budget	Mayor/Admin
April	29th	Distribute Prelim Budget to Trustees	Mayor/Admin
May	13th	<b>Trustees to Review &amp; Approve Prelim Budget</b>	<b>Mayor/Admin</b>
June	1st	Deadline to submit Prelim Budget to DFA	Finance
July		Finalize Cash Balances	Finance
July		Final Budget Documents Completed	Finance
July		Distribute Final Budget to Trustees	Finance
July		<b>Trustees to Review &amp; Approve Final Budget</b>	<b>Mayor/Admin</b>
July	31st	Final Budget Due to State	Finance





# Town of Mesilla, New Mexico

## PLANNING AND ZONING HISTORIC APPROPRIATENESS COMMISSION REGULAR MEETING NOTES MARCH 18, 2024

In efforts to be transparent and improve communication between PZHAC and Bot, I will be forwarding our PZHAC meeting notes on topics worth mentioning. These notes will be a bried description unless item is contrivserial in which I will explain in detail Please advise if you have any questions.

- Quorum was established with a vote 4 of 5. Commissioner Arzabal absent.
- Tom Maese did not attend meeting.
- One case for approval on the agenda.
- Short-Term Rental discussion. Comparison of other municipalities similar to our historic zone and tourism.
  - Public comments and discussion concerned about moritorium.
  - Chair Lucero suggested Lodger's Tax committee be more involved with resolving occupancy tax investigation.
  - Chair Lucero advised to contact her tax person whom is retired from NM Taxation Revenue. Help in determining if residents need to pay their Lodger's tax personally or platform is deducting already.
  - Mary Ratje commented she called Air BnB and VRBO and was told they do not automatically pull Lodger's tax from reservations in the town of Mesilla. If so, I have noticed a reduction of monthly reporting and payments from STRs in our town. Taxes are not being paid by all!
  - Next PZHAC meeting will attempt to put a rough draft ordinance and discuss with PZHAC. Chair advised it was up to BOT to create ordinances or at least have a workshop between PZHAC and BOT.
- Reminded commission about NM Municipal League even coming up soon. Recommended they ALL attend. Will be sending out an email reminder for early registration.
- Chair Lucero stated on staff/commissioner comments Tom and herself concerned about the reduction of cases being forwarded to PZHAC. She has requested all

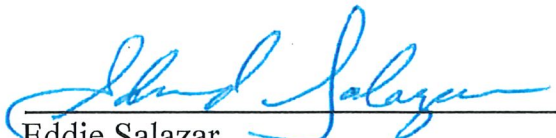
administrative approvals be listed on the consent agenda as previously done by Larry Shannon.

- Advised commission not all zoning permit requests need to be addressed as previously done. Cases for PZHAC should only be involved with historic, commercial, new site builds and additions. This would allow more time to focus on pro-actively reviewing ordinances.
- Advised I am working with Trustee Nevarez on reviewing permit process and propose any changes to improve process. MTC 18.33.080 Sec D.

C. Routine Maintenance and Repairs. **The commission shall adopt a policy** setting forth the standards and process for routine maintenance and repairs to structures within the historic districts that may be approved administratively by staff without consideration at a meeting provided the applicant files a building permit, pays the appropriate fee and complies with the design and materials guidelines set forth in this chapter. This includes but is not limited to elements of the individual architectural styles; colors for stucco, trim and doors, fences and gates; and roofing material and color. **Staff shall report these administrative approvals in a timely manner on the agenda of each PZHAC meeting.**

- Admin approvals were previously on PZHAC consent agenda. If they have already been approved, why do they need to be approved again? What happens if they decide NOT to approve? Code does not state it needs dual approval. Should have never been on the consent agenda. Better solution would be to add to agenda as a discussion item or report during staff comments. I am confident Trustee Nevarez and I will soon propose an improved permit process/ordinance amendment.
  - Chair did not appear to be comfortable with my response therefore would like to advise.
- Tom Maese has not been involved in our past two PZHAC meetings. Continues to have medical issues.

Regards,

  
Eddie Salazar  
Town of Mesilla CDC