



THE BOARD OF TRUSTEES (BOT) OF THE TOWN OF MESILLA

WORK SESSION MEETING
AT THE MESILLA TOWN HALL,
2231 AVENIDA DE MESILLA

MONDAY, November 10, 2025 – 5:30 P.M.

WORKSESSION AGENDA

1. **WORKSESSION:**
 - a) **Prioritizing 2025 Comprehensive Plan Action Plan**
 - b) **Discussion 2025 Comprehensive Plan Zoning Map**

THE BOARD OF TRUSTEES (BOT) OF THE TOWN OF MESILLA

REGULAR MEETING
AT THE MESILLA TOWN HALL,
2231 AVENIDA DE MESILLA

MONDAY, November 10, 2025 –

IMMEDIATELY FOLLOWING

WORKSESSION

AGENDA

2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL & DETERMINATION OF A QUORUM**
4. **CHANGES TO THE AGENDA & APPROVAL**
5. **APPROVAL OF CONSENT AGENDA:** (The Board will be asked to approve by one motion the following items of recurring or routine business)
 - a) **BOT MINUTES** – October 27, 2025 - BOT Regular Meeting
 - b) **APPROVAL** – PZHAC Case #062065 – 2920 Avenida de Mesilla, submitted by Austy, LLC. Requesting approval to re-roof Lucky’s commercial building. **ZONE: Commercial (C).**
 - c) **APPROVAL** – PZHAC Case #062068 – 1901 Calle Pacana, submitted by EMG Construction. Requesting approval to erect a rock wall. **ZONE: Historical Residential (HR).**

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

7. **PRESENTATION:**
 - a) **Fire Department: Holiday Fire Safety**

8. **ACTION AND CONSIDERATION**
 - OLD BUSINESS**
 - a) **APPROVAL** – Resolution 2025-62 - Amendment to Zoning Map - Rezone
 - NEW BUSINESS**
 - b) **DISCUSSION** – MOJAC Supreme Court Ruling & Next Steps
 - c) **APPROVAL** – Fire Department Battalion Chief Job Description & Position/Salary
 - d) **APPROVAL** – Personnel Designation for Battalion Chief
 - e) **APPROVAL** – Resolution 2025-63 CLG Code Amendments
 - f) **APPROVAL** – Resolution 2025-67 - Colonias Infrastructure Emergency Funding Application

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

10. **CLOSED EXECUTIVE SESSION**
 - a) **Discussion concerning limited personnel matters; pursuant to NMSA 1978, Section 10-15-1(H)(2) – Public Works Department**

11. **Any Actions that may arise as a result of Closed Executive Session.**
 - a) **Public Works Department**

12. **BOARD OF TRUSTEE COMMITTEE REPORTS & LIASION UPDATES**

13. **BOARD OF TRUSTEE/STAFF COMMENTS**
 - a) *Ongoing Projects Listing*
 - b) *Calendar of Events*

14. **ADJOURNMENT**

NOTICE

If you need 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.

Posted 11.07.2025 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. Stream live at www.youtube.com/@townofmesilla7501.

****BOT MEETINGS ARE AVAILABLE LIVE ON TOWN OF MESILLA’S YOUTUBE PAGE****



Executive Summary

To: Board of Trustees
From: Russell Hernandez, Mayor
Date: For Regular Meeting 11/10/2025
Re: Work session

Summary of items to be considered

Discussion by The Board of Trustees during the work session to review and prioritize the 2025 Comprehensive Plan Action Plan, focusing on key implementation items for the upcoming fiscal year. Discussion will include identification of short- and long-term priorities, coordination with department goals, and alignment with available funding sources.

The session will also address the proposed adoption of the 2025 Zoning map, and any other board direction.

Requested Action:

- **Reviewal of the Action Plan with top 10 Priorities by each Board member that they would like to have the town staff start working towards implementation and planning. Items already in progress will be provided and highlighted during the worksession**

Financial Impact:

- n/a

Supporting Documentation:

- See Attached

IMPLEMENTATION MATRIX

	WHO	WHEN	COST	PARTNERS	RESOURCES
	<i>Key project lead</i>	<i>Short, medium, long-term</i>	<i>\$. \$\$, \$\$\$</i>	<i>Potential project partners</i>	<i>Potential project resources</i>
LAND USE					
Goal 1. Mesilla’s land use patterns preserve its agricultural roots, while adapting to the needs of current and future generations.					
1.1. Continue to pursue resources and support efforts to preserve traditional architectural, cultural, and agricultural aspects of Mesilla life.					
1.1.A. Assist property owners in retaining and preserving structures in the historic core.	Town of Mesilla	S	\$\$	Property owners	
1.1.B. Create design standards for buildings to protect the agricultural character of the greenbelt.	BoT, P&Z	S	X	Property owners	
1.1.C. Partner with local growers and local/regional practitioners to help	Town of Mesilla	M	X	Local growers, regional growers, NMSU	NMSU Agricultural Sciences

	adapt to new conditions for growing (i.e., having less water).					
1.1.D.	Create an agricultural Preservation Committee to grow and coordinate these partnerships (meet quarterly).	Town of Mesilla, BoT	S	X	Property owners, local growers	X
1.1.E.	Continue to designate and update historic property lists to reflect evolving definitions of historic, consistent with an updated historic inventory.	Town of Mesilla	S-M	\$	X	X
1.1.F.	Consider allowing Transfer of Development Rights (TDR) to preserve agricultural land, while allowing landowners to benefit from the sale of development rights to developers in more appropriate, higher-density parts of town.	Town of Mesilla, BoT, P&Z	S	X	Property owners	X
1.2. Update Town codes, policies, and future land use frameworks to reflect current/future needs and activities.						

<p>1.2.A. Continue to review and update the Mesilla zoning code, zoning maps, and code enforcement policies. Adhere to zoning code updates to eliminate illegal lot splits and non-conforming uses.</p>	<p>Town of Mesilla, BoT, P&Z</p>	<p>S</p>	<p>X</p>	<p>NMML</p>	<p>NMFA Local Government Planning Grant</p>
<p>1.2.B. Support new commercial and residential development through infill development on vacant lots and/or the renovation of abandoned or vacant structures as outlined in the future land use plan.</p>	<p>Town of Mesilla, BoT, P&Z</p>	<p>M</p>	<p>X</p>	<p>X</p>	<p>Metropolitan Redevelopment Area</p>
<p>1.2.C. Support incremental growth as guided by the updated future land use plan, rather than spot zoning.</p>	<p>Town of Mesilla, BoT, P&Z</p>	<p>M-L</p>	<p>X</p>	<p>X</p>	<p>X</p>
<p>1.2.D. Support future commercial and mixed-use development that is appropriate for</p>	<p>Town of Mesilla, BoT, P&Z</p>	<p>M</p>	<p>X</p>	<p>X</p>	<p>X</p>

	community needs and character.					
1.2.E.	Streamline permitting process for development. Allow departmental staff with internal checks and balances to conduct the approval process.	Town of Mesilla, BoT, P&Z	S	X	Developers	NMML
1.2.F.	Update Subdivision Regulations to reflect scale of potential future development; abbreviate the process for subdivisions of five lots or less.	Town of Mesilla, BoT, P&Z	S	X	Developers	NMML
1.2.G.	Acquire land and encourage development according to the updated future land use map.	Town of Mesilla	S-M	\$\$-\$\$\$	X	X
ECONOMIC DEVELOPMENT						
Goal 1. Maintain and enhance Mesilla's role as a regional tourism and cultural destination.						
1.1. Improve infrastructure and access to support tourism.						
1.1.A.	Build town capacity to develop a shuttle program for large events. This could	Town of Mesilla	S-M	\$\$	Local Businesses, RoadRUNNER	NMDOT

	include several street-legal options – such as LSV-compliant golf carts, MVD-registered UTVs, or school buses – for a minimal charge, all better suited to the narrow roads of Mesilla. Also utilize parking at Town Hall or nearby Las Cruces locations.				Transit, NMSU, NMDOT, MVD	
1.1.B.	Assess feasibility to increase multi-modal connectivity on Avenida de Mesilla by adding a crosswalk near Calle de El Paso and Town Hall, as well as a stoplight at Union.	Town of Mesilla	S-M			
				\$	NMDOT	NMDOT
1.1.C.	Create a wayfinding signage system and update gateway signage to guide and welcome visitors.	Town of Mesilla, community partners	S-M	\$	Ad Hoc Arts and Culture Committee, Lodgers Tax Committee	NM Tourism Community Branding Grant
1.2. Promote Mesilla’s unique cultural identity to strengthen tourism.						
1.2.A.	Continue to collaborate with partners to tell untold	Town of Mesilla	S-M	X	Taylor-Mesilla Historic Site, <i>Querencia Mi</i>	X

	stories of Mesilla's cultural and historical legacy.				Mesilla, NMSU Public History Program, NM Humanities Council, Las Cruces Public Schools	
1.2.B.	Complete a local history book for families and events in Mesilla that contributes content to a future Cultural Center, along with creating ties to the developing Commemorative Park monument.	Town of Mesilla, local organizations	M-L	\$	Mesilla residents, Branigan Cultural Center, NMSU Public History Program, UNM Center for Southwest Research and Special Collections, UNM Dept. of Chicana and Chicano Studies	X
1.2.C.	Begin planning of facilities that can appropriately store artifacts, art, and other items while curating collections for the cultural center and museum. Collaborate	Town of Mesilla	M	\$\$	State of New Mexico, Doña Ana County, Santa Fe Hispanic Cultural Center, Branigan Cultural Center,	X

	with entities that currently possess Mesilla artifacts and art to bring these items back to the community, either through loan or an agreement.				Las Cruces Museum System, Las Cruces Museum of Art, NMSU Museum Conservation Program	
1.2.D.	Update descriptions of Mesilla on Visit Las Cruces and NM True platforms to reflect its role on El Camino Real and its borderland history.	Town of Mesilla	S	X	Visit Las Cruces, NM Tourism Department	NM Tourism Grants
1.3. Support appropriate redevelopment that enhances historic character.						
1.3.A.	Prioritize infill development in underutilized areas (e.g., 30-acre site on north side, Cotton Gin redevelopment).	Town of Mesilla, P&Z	S-M	X	Property owners, community groups	X
1.3.B.	Expand the General Commercial zone to Union, expand Historic Commercial where it already exists or within existing Historic Residential zone, offering flexibility.	Town of Mesilla, P&Z	S	X	Local businesses	X

1.3.C.	Explore acquisition of the Blacksmith Shop for a community navigation hub and walking tour anchor, ag demonstration site.	Town of Mesilla	M	\$\$	Property owner(s)	X
1.3.D.	Explore MainStreet program opportunities, MRA designation, or Vacant Property Ordinance to incentivize property owners to uplift historic and agricultural properties.	Town of Mesilla, P&Z	S-M	\$	Community partners, business owners, property owner(s)	NM MainStreet
Goal 2. Expand Mesilla's outdoor recreation economy.						
2.1. Promote trails and public access while respecting private property rights.						
2.1.A.	Continue working on trail expansion along the Rio Grande from La Llorona Park.	Town of Mesilla	S-M	X	Property owners, NMDOT, EBID, IBWC, Doña Ana County	NMORD Trails+
2.1.B.	Collaborate with property owners across all boundaries (individual and public entities) to identify mutually beneficial trail alignments.	Town of Mesilla	S-M	X	Property owners, NMDOT, EBID, IBWC, Doña Ana County	X
2.1.C.	Develop Mesilla Lateral and other trails	Town of Mesilla, EBID	S-M	\$	EBID, EMNRD, Las Cruces	NMORD Trails+

<p>with interpretive signage and connectivity to key sites. Prepare for future acquisition along Mesilla Drain, connect to trail development and infrastructure.</p>				<p>Trails Master Plan</p>	
<p>2.2. Support outdoor recreation businesses and events.</p>					
<p>2.2.A. Promote outfitter businesses (bikes, rafting, rentals) and support growth of local adventure tourism.</p>	<p>Town of Mesilla</p>	<p>S-M</p>	<p>\$</p>	<p>Local businesses, NMSU SBDC, NM ORD, NM Tourism, NMEDD</p>	<p>NM Tourism Grants, NM Outdoor Equity Fund, Adventure Capital Fund, NMSU Outdoor Recreation Program</p>
<p>2.2.B. Explore creation of a La Llorona Trailhead Park for large outdoor events and competitions, hobbies. Work with community to determine outdoor recreation amenities that could go here (ex: sand volleyball, picnic grounds & shelters, etc.)</p>	<p>Town of Mesilla</p>	<p>M</p>	<p>\$\$</p>	<p>Community members, NMORD, NMSU SBDC, IBWC</p>	<p>NM Outdoor Recreation Grants</p>

2.2.C. Continue coordination with Mesilla Valley Bosque State Park to enhance access and programming and expand connections for multimodal access from Mesilla.	Town of Mesilla	S-M	X	Mesilla Valley Bosque State Park, EMNRD	NM ORD
2.2.D. Create a Riverwalk to encourage business growth and draw in visitors.	Town of Mesilla	M-L	\$\$\$	IBWC	X
Goal 3. Promote a creative economy and culturally rooted small business development.					
3.1. Encourage local business growth and cultural entrepreneurship.					
3.1.A. Coordinate with Experience Mesilla or partner with local Chamber of Commerce to support small businesses.	Town of Mesilla	S	X	Experience Mesilla, Las Cruces Green Chamber, Greater Las Cruces Chamber	NM MainStreet
3.1.B. Look at potential spaces to build a multi-use Local Business Incubator that will support and build small business entrepreneurs (food, art, small retail). The Blacksmith Shop could be an appropriate location for this initiative.	Town of Mesilla	S-M	\$\$	Experience Mesilla, Las Cruces Green Chamber, Greater Las Cruces Chamber, NMEDD	EDA Grants

3.1.C. Promote culturally appropriate economic growth, including heritage crafts, food, and arts. There is potential to incorporate these practices into existing festivals or new community events. Cotton Gin may also be an appropriate site for this initiative.	Town of Mesilla	S-M	\$	NM Arts & Cultural District Program, MainStreet Program, Experience Mesilla, El Paso Community College and CNM Culinary Arts Program	NM MainStreet
3.1.D. Explore designation as an Arts and Cultural District or MainStreet community to access tools, education, and resources from the state.	Town of Mesilla, local non-profit and/or community leader	M	\$\$	NM MainStreet Specialist	NM MainStreet, NMEDD, NM Arts
3.1.E. Shorten the permitting process to allow quicker turnaround and a more accessible system to support growth – or hire additional staff to manage permits.	Town of Mesilla	S	X	Developers	NMML
3.2. Integrate public art and storytelling into economic development.					
3.2.A. Update the Town’s policies to support appropriate public art and signage in the community.	Town of Mesilla, BoT	S	X	Signage & Public Art Committee, NM True	NM Tourism & Community Branding Grants
3.2.B. Seek opportunity to uplift the regional and historical significance of Mesilla to tell its	Town of Mesilla, local partners	S-M	X	Local artists, youth programs,	NM Arts, NM Council for the Humanities

unique stories and borderland identity.				Taylor-Mesilla Historic Site,	
3.2.C. Harness public art as an opportunity to engage residents (businesses, students, etc.) in placemaking and community building.	Town of Mesilla	S-M	X	Local artists, property owners	Wayfinding and signage grants
3.3. Improve signage across Mesilla for business, wayfinding, and interpretation.					
3.3.A. Create unified design guidelines for historic, directional, and gateway signage	Town of Mesilla, P&Z, BoT	S	X	NM MainStreet, SHPO, MVMPO, NM Tourism	NM Tourism
3.3.B. Update Signage Ordinance with the input of business owners	Town of Mesilla, P&Z, BoT	S	X	Business owners	International Signage Association
Goal 4. Foster controlled, place-based economic growth in sustainable agriculture, film, and manufacturing.					
4.1. Encourage sustainable, community-supported agriculture.					
4.1.A. Partner with NMSU and local growers to expand education around water efficient and sustainable agricultural practices.	Town of Mesilla, local growers	S-M	\$	NMSU, Natural Resources Conservation Service, La Semilla Food Center	NMED
4.1.B. Support programs to connect local produce with retail and the Mesilla Farmers Market, with expanding the Market into a destination space and event.	Town of Mesilla	S-M	X	Local growers, community groups, local artisans, NMSU-SBDC	NM Tourism, regional growers

4.1.C. Explore town acquisition of agricultural land for education or shared farming.	Town of Mesilla	S-M	\$\$	Local growers, local schools, NMSU	Grow the Growers model (Bernalillo County)
4.2. Support controlled expansion of industries including film and manufacturing.					
4.2.A. Open future opportunities for appropriate commercial growth by ensuring Mesilla has access to future truck bypass route on West Mesa.	Town of Mesilla	M-L	\$\$\$	NMDOT, BLM	NMDOT
4.2.B. Encourage film and media projects by promoting Mesilla's historic and scenic assets.	Town of Mesilla	S-M	\$\$	Doña Ana Film Liaison, local production companies, NMEDD – Film Office, Film Las Cruces	X
HISTORIC PRESERVATION					
Goal 1. Preserve Mesilla's historic adobe architecture and cultural resources.					
1.1. Support the rehabilitation of adobe structures and traditional building techniques.					
1.1.A. Update the Historic Buildings Inventory.	Town of Mesilla	S	\$\$	<i>Mi Querencia Mesilla</i> , Taylor Mesilla National Monument, NMSU History Department, UNM Historic Preservation + Regionalism Program	X

<p>1.1.B. Expand internship opportunities and hands-on workshops in traditional adobe construction and techniques.</p>	<p>Town of Mesilla, local businesses</p>	<p>S</p>	<p>\$</p>	<p><i>Mi Querencia Mesilla</i>, Taylor Mesilla National Monument, NMSU History Department, UNM Historic Preservation + Regionalism Program, Cornerstones Partnerships, Adobe in Action, Adobe Alliance</p>	<p>X</p>
<p>1.1.C. Partner with nonprofits, universities, and preservation organizations to build capacity for technical assistance, funding, and training.</p>	<p>Town of Mesilla, community partners</p>	<p>S-M</p>	<p>\$</p>	<p>Local schools, NMSU, SNMEDD</p>	<p>X</p>
<p>1.2. Encourage adaptive reuse of historic properties to support community and economic development.</p>					
<p>1.2.A. Review zoning regulations to support adaptive reuse of historically significant sites, e.g., focusing preservation on the</p>	<p>Town of Mesilla, P&Z, BoT</p>	<p>S</p>	<p>X</p>	<p>Property owners, Mesilla Historic Preservation Commission</p>	<p>NMML, SHPO</p>

	historic core and key properties like Mesilla Farms.					
1.2.B.	Explore mixed-use designations or rezoning for properties like the Old Blacksmith Shop.	Town of Mesilla, P&Z, BoT	S	X	Property owners	X
1.2.C.	Continue to provide design guidelines to ensure modifications and rehabilitation respect architectural heritage and meet SHPO standards.	Town of Mesilla, P&Z, BoT	S	X	SHPO	DOI Standards
1.2.D.	Continue to work with current land and property owners to discuss possible rezoning and subdividing, ensure proper public education and clear communication on these topics.	Town of Mesilla, P&Z, BoT	M	X	Property owners	X
Goal 2. Celebrate and share Mesilla's cultural identity and stories.						
2.1. Work with local partners to establish a community cultural center.						
2.1.A.	Support development of a cultural hub for events and exhibits.	Town of Mesilla	M-L	\$\$\$	Experience Mesilla, NM Arts, Branigan Cultural Center	NTHP grants

<p>2.1.B. Incorporate space for displaying preserved artifacts and community-curated exhibits.</p>	<p>Taylor-Mesilla Historic Site</p>	<p>S-M</p>	<p>\$\$</p>	<p>Local historical societies, UNM Center for Southwest Research, Branigan Cultural Center</p>	<p>X</p>
<p>2.1.C. Identify locations for further cultural expansion and pursue funding and partnerships for long-term sustainability.</p>	<p>Town of Mesilla, Taylor-Mesilla Historic Site</p>	<p>M-L</p>	<p>\$\$\$</p>	<p>NM Arts, local business sponsors,</p>	<p>NTHP grants, Community Foundation of Southern NM</p>
<p>2.2. Promote cultural heritage through education and interpretation.</p>					
<p>2.2.A. Support historic walking tours with interpretive signage, showing the network and connection of public spaces in Mesilla. Ensure access to online resources for this tour, using a QR code.</p>	<p>Town of Mesilla</p>	<p>S-M</p>	<p>\$</p>	<p>Taylor-Mesilla Historic Site, NM Department of Tourism, El Camino Real Historic Trail Association, National Park Service, local historians, residents, NM Historic Marker Program</p>	<p>X</p>
<p>2.2.B. Develop and launch an interactive online walking tour that highlights Mesilla's</p>	<p>Town of Mesilla</p>	<p>S</p>	<p>\$</p>	<p>Taylor-Mesilla Historic Site, NM True (NM Tourism Dept),</p>	<p>NM Tourism Grants</p>

	historic and cultural assets. This digital tool will include an updated historic inventory, site descriptions, and links to regional history. Coordinate with staff to finalize the interactive map and integrate content into regional tourism platforms.				Visit Las Cruces, Town of Mesilla	
2.2.C.	Work with schools and tourism programs to integrate local history.	Town of Mesilla	S-M	X	Local schools, NM Tourism, NMSU, NM Historic Women Marker Initiative, NM Historic Marker Program	X
2.2.D.	Continue working with the Consulate of Spain to establish UNESCO designation of the full El Camino Real de Tierra Adentro and communities along the way.	Town of Mesilla	S-M	X	Consulate of Spain, El Camino Real Historic Trail Association, NMSU, SHPO, NPS National Trails Santa Fe Regional Office, UNM, local	X

				governments and historic associations of other El Camino communities.	
Goal 3. Protect long-term affordability and equitable access to historic living.					
3.1. Support homeowners and families in preserving historic homes.					
3.1.A. Facilitate partnerships between residents, local businesses, and service organizations for shared labor and materials in home rehabilitation.	Town of Mesilla, housing organizations	S-M	X	Local businesses, property owners	Local sponsorship, donations
3.2. Address housing affordability and appropriate but flexible density in historic areas.					
3.2.A. Encourage intergenerational and affordable rentals in historic zones.	Town of Mesilla	S	X	Property owners	Short-term rental ordinance
3.2.B. Monitor and regulate STRs to support preservation and housing goals.	Town of Mesilla	S-L	X	P&Z	STR ordinance
3.2.C. Explore redefining or redesignating each zone individually, particularly in the HR zones, to address and fill the needs of the community.	Town of Mesilla, P&Z, BoT	S-M	X	X	NMML

Goal 4. Preserve Mesilla’s agricultural heritage and rural landscape.						
4.1. Promote land use strategies that balance preservation and growth.						
4.1.A.	Encourage cluster subdivisions that allow smaller parcels and green space as part of overall development in RF zones to conserve farmland.	Town of Mesilla, P&Z, BoT	S	X	X	X
4.1.B.	Revise code to protect greenbelt and rural form, but retain flexibility in minimum lot sizes to assist property owners.	Town of Mesilla, P&Z, BoT	S	X	X	NMML
4.1.C.	Bring awareness to zoning tools that can be helpful in preserving farmland and explore altering terminology for easier understanding (e.g., Agricultural Cluster Community Development).	Town of Mesilla, P&Z, BoT	S	X	X	NMSU
4.2. Support agricultural stewardship and youth engagement.						
4.2.A.	Connect farmers to resources to support local food production and stewardship.	Town of Mesilla, local growers	S-M	\$	Regional growers, NMSU	X

4.2.B.	Develop youth programs in traditional agriculture and conservation.	Town of Mesilla, local growers	S-M	\$	Local schools, NMSU	X
4.2.C.	Explore long-term options for community-held agricultural land like a multi-use community garden near the community center.	Town of Mesilla, local growers	L	\$\$\$	X	X

HOUSING

Goal 1. Mesilla has an abundance of housing options for all families and life stages.

1.1. Encourage a variety of residential development on infill sites.

1.1.A.	Continue to revisit new Short Term Rental Ordinance to ensure it meets the needs of Mesilla residents and visitors.	Town of Mesilla, P&Z, BoT	M-L	X	X	STR Ordinance
1.1.B.	Support cluster development projects as a way to preserve green open space about residential development.	Town of Mesilla, P&Z, BoT	S-M	X	X	X
1.1.C.	Update allowable uses and densities in residential zoning districts to allow for more missing middle housing and other flexible	Town of Mesilla, P&Z, BoT	S	X	X	X

housing forms (modular, shipping containers), where appropriate.					
1.2. Connect residents to existing housing improvement programs that they may qualify for.					
1.2.A. Continue to build capacity of Town staff and uplift partnerships with historic preservation and housing experts.	Town of Mesilla	S-M	\$	NM Municipal League, NM SHPO, NM HPD, NM MainStreet	X
1.2.B. Continue to pursue Certified Local Government status with the State in order to qualify for additional funding and technical assistance.	Town of Mesilla	S	\$	NM HPD	X
1.2.C. Promote home repair loans and utilities subsidy programs for qualifying senior and low-income residents.	Town of Mesilla	M	\$	Property owners, service providers	Housing NM

COMMUNITY FACILITIES & SERVICES

Goal 1. Continue to support full-life community events and programming.

1.1. Continue to support community events that celebrate the heart and history of Mesilla.

1.1.A. Continue to invest in large-scale community events that draw in visitors and support	Town of Mesilla	S-L	\$\$	X	NM Tourism Grants
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	economic development.					
1.1.B.	Create opportunities for residents to gather and celebrate their stories and shared history through events.	Town of Mesilla	S-M	\$\$	X	NM Tourism Grants
1.1.C.	Create inclusive partnerships with local schools, seniors, and Taylor-Mesilla Historic Site to determine future programming for families.	Town of Mesilla	S	X	Local schools, local elders, Taylor-Mesilla Historic Site	X
Goal 2. Provide unique and comfortable public spaces that allow for recreation, convening, and learning.						
2.1. Explore potential new parks and outdoor recreation facilities for Mesilla.						
2.1.A.	Add recreational facilities (including athletic courts and splashpads) to appropriate parks in town.	Town of Mesilla	S-M	\$\$	X	NMORD
2.1.B.	Explore feasibility of working with International Boundary & Water Commission (IBWC) to add recreational	Town of Mesilla	S-M	\$\$	IBWC	NMORD

	amenities at the La Llorona Trailhead.					
2.1.C.	Work with Elephant Butte Irrigation District and adjacent property owners to explore the development of a natural surface trail along the Mesilla Lateral, as a key north-south pedestrian connection in town.	Town of Mesilla	M	\$\$	EBID, property owners	X
2.1.D.	Promote Mesilla Valley Bosque State Park as an outdoor destination.	Town of Mesilla	S	X	Mesilla Valley Bosque State Park, local schools	X
2.1.E.	Enhance biking and walking trails for connectivity, expand multi-use trails. Connect trail gaps between Mesilla and Las Cruces.	Town of Mesilla	S-M	\$\$	City of Las Cruces	NM ORD Trails+ Grant
2.2. Continue to make improvements to Mesilla's existing public spaces, parks, and outdoor recreation facilities.						
2.2.A.	Complete improvements at Parque de Cura to fully realize the	Town of Mesilla	S	\$\$	X	X

	potential of the public space surrounding the Community Center.					
2.2.B.	Seek resources to create a Parks, Recreation and Cultural Amenities Master Plan in order to make strategic investments for the future.	Town of Mesilla	S	\$\$	X	NM ORD
2.2.C.	Continue to make improvements to signage throughout Mesilla's public spaces, including: gateway signage, interpretive signage, and wayfinding.	Town of Mesilla	S-M	\$	X	NM Tourism
2.2.D.	Seek funding to support the creation of cultural storytelling installations and murals in public spaces.	Town of Mesilla	S-M	\$		NM Tourism & Community Branding Grants
2.3. Invest in sustainability measures for Mesilla's public facilities.						
2.3.A.	Seek funding to add renewable energy systems to Town-owned facilities	Town of Mesilla	S-M	\$\$	NMED	NMED

2.3.B.	Add EV charging stations at key Town destinations.	Town of Mesilla	S-M	\$\$\$	NMDOT	NMDOT
2.3.C.	Employ green stormwater infrastructure practices when making improvements to the landscaping around public facilities and roadways.	Town of Mesilla	M-L	\$\$	X	NMED
Goal 3. Maintain Community Safety by continuing to invest in police, fire, and emergency services in Mesilla.						
3.1.	Seek resources to fully staff and equip fire, police and emergency services in Mesilla.	Town of Mesilla	S-M	\$\$	NMDHSEM	Law Enforcement Protection Fund, State Fire Protection Fund
TRANSPORTATION						
Goal 1. Mesilla has multiple transportation options.						
1.1. Provide a variety of transportation options for residents.						
1.1.A.	Incorporate ADA improvements for pedestrians into new roadway construction projects, including completion of sidewalk segments where gaps exist.	Town of Mesilla	S	\$\$	NMDOT	X
1.1.B.	Review the inventory of ADA and sidewalk needs in the	Town of Mesilla	S	\$\$	NMDOT	X

	community and implement a phased plan to eliminate ADA non-compliance and damages to sidewalk.					
1.1.C.	Work with NMDOT to consider implementation of sidewalks, and potentially bikeways, along highways and State Roads through the Town.	Town of Mesilla	S-M	\$\$	NMDOT	X
1.1.D.	Support funding applications through MVMPO and NMDOT for the Roadrunner Transit Service to Mesilla and a potential Mesilla Senior Citizen Transportation program.	Town of Mesilla	S-M	X	NMDOT, MVMPO, RoadRUNNER Transit Service	X
1.1.E.	Encourage additional transit service to Mesilla by working with area transit providers, coordinating with Doña Ana County regarding funding, and refining additional	Town of Mesilla	S-M	X	Doña Ana County, NMDOT, RoadRUNNER, MVMPO	X

transit service ideas for Mesilla.					
Goal 2. Mesilla's transportation system is in good condition and is well-					
2.1. Continue to follow the pavement improvement plan as listed in the ICIP to maintain existing roads in good condition.					
2.1.A. Continue to pursue grant funding to improve and maintain Mesilla roadways.	Town of Mesilla	S-L	\$\$	X	NMDOT
2.1.B. Pursue the acquisition of street department equipment with funds listed in the ICIP to place, grade, and compact road and alley material including a water truck, blade and roller.	Town of Mesilla	M	\$\$	X	NM Infrastructure Planning & Development Division
2.1.C. Pursue NMDOT Local Government Road Funds and State Purchasing agreements to access slurry sealing, chip sealing contracts, or sign contracts, as needed, to maintain good roadway surfaces and traffic control signage that meets regulations.	Town of Mesilla	M	\$\$	NMDOT	NMDOT Local Government Roads Fund

Goal 3. Mesilla's Transportation Network is coordinated with the regional network.

3.1. Coordinate transportation planning and decisions with regional efforts.

<p>3.1.A. Continue to work with the Mesilla Valley Metropolitan Planning Organization (MVMPO) to identify funding opportunities for study and implementation of roadway and walking trail or bike trail improvements.</p>	<p>Town of Mesilla</p>	<p>S-M</p>	<p>X</p>	<p>MVMPO</p>	<p>NM ORD</p>
<p>3.1.B. Continue to participate in the MVMPO Transit planning processes and work to encourage and support transit applications that benefit Mesilla.</p>	<p>Town of Mesilla</p>	<p>S-M</p>	<p>X</p>	<p>MVMPO</p>	<p>X</p>

INFRASTRUCTURE

Goal 1. Mesilla's water and wastewater utilities are well-maintained.

1.1. Ensure water and wastewater systems are maintained in good condition.

<p>1.1.A. Continue pursuit of all water and wastewater projects listed in the 2026-30 Mesilla ICIP.</p>	<p>Town of Mesilla</p>	<p>S-M</p>	<p>\$\$\$</p>	<p>ICIP</p>	<p>NM Infrastructure Planning & Development Division</p>
<p>1.1.B. Continue maintenance programs like sewer line jet-rodding, and Fire Hydrant and</p>	<p>Town of Mesilla</p>	<p>S-M</p>	<p>\$</p>	<p>X</p>	

	dead-end water line flushing to ensure the Town continues to provide high-quality water and wastewater service to residents. Begin a valve exercising program to keep valves operational during emergency situations.					
1.1.C.	Pursue partial DFA Planning Grant funds for a Mesilla Asset Management Plan to include GIS mapping for the water, sewer, community buildings, and roadway asset networks.	Town of Mesilla	S	\$\$	X	NMDFA Local Government Planning Grant
1.1.D.	After the AM Plan is completed, use the data to develop an annual Fire Hydrant replacement, valve replacement, and Manhole rehabilitation budget and program to gradually improve all Fire Hydrants,	Town of Mesilla	M	\$\$	X	X

	valves, and Manholes to required standards.					
1.1.E.	Complete the removal of all Lead and Galvanized Service Lines by 2027 and continue to provide the required testing and notifications regarding lead and galvanized Sewer Lines.	Town of Mesilla	S	\$\$	NMED	EPA
1.1.F.	Pursue local intersection drainage improvements and maintenance actions to promote increased flow in existing storm drainage inlets and channels.	Town of Mesilla	M	\$\$	NMDOT, NMED	X
Goal 2. Mesilla has adequate, short-term water supply and continues to work with the following groups to secure long-term water supply resources.						
2.1. Participate in local and regional initiatives to ensure adequate water supply over the long-term, including pursuit of additional water rights, as needed.						
2.1.A.	Coordinate with other communities in the County and the State of New Mexico on regional water planning and programs to ensure	Town of Mesilla	S-M	X	Doña Ana County, local communities	X

long-term water supply.					
<p>2.1.B. Pursue a Water Conservation Plan including the annual NMOSE GPCD Analysis and AWWA Water Audit to reduce residential, commercial, and municipal water consumption, including public information campaigns. Include revisions of the inclining block rate structure to further increase water conservation among customers to help meet the water conservation goals. Include a requirement for development of Drought Contingency and Emergency Response Plan Ordinance to conserve water during drought</p>	Town of Mesilla	M	\$\$\$	X	NMDFA Local Government Planning Grant

	and emergency situations.					
2.1.C.	Develop a source water protection plan (SWAP) to mitigate potential groundwater contamination events at the Mesilla Water Wells.	Town of Mesilla	S-M	\$	X	NMED Source Water Protection Plan Template
2.1.D.	Improve Fire Protection coverage for the community by replacing small waterlines with minimum 6" waterlines and appropriately located Fire Hydrants.	Town of Mesilla	M	\$\$\$	Fire Department	X
2.2. Ensure utilities and public services are reliable and widely available for residents.						
2.2.A.	Coordinate with private utility providers to ensure service is reliable and that maintenance issues are addressed.	Town of Mesilla	S-M	X	Utility coordinators	X
2.2.B.	Work with regional agencies to evaluate improvement of	Town of Mesilla	S-M	\$\$	Utility coordinators	X

	cellular and broadband services and fiber optics.					
2.2.C.	Support expansion of utilities as part of new development projects and support connecting homes with septic systems onto the Town wastewater collection system.	Town of Mesilla	M-L	\$\$\$	Utility coordinators	X
2.2.D.	Continue to replace deteriorated water lines (with new valves) and deteriorated wastewater lines and manholes when performing road rehabilitation projects.	Town of Mesilla	M	\$\$\$	X	NM Infrastructure Planning & Development Division
2.2.E.	Participate in County-level emergency response planning to ensure utilities issues that affect Mesilla residents are incorporated and complete the Utilities emergency Response Plan document	Town of Mesilla	M	X	Doña Ana County	NMDHSEM

template included in the appendix.					
2.2.F. Pursue the placement of emergency generators at wells #1 and #2 to provide an uninterrupted water supply during extended power outages.	Town of Mesilla	S	\$\$	X	X

HAZARD MITIGATION

Goal 1. Partner with Dona Ana County to prepare for and manage hazardous events.

1.1. Implement recommendations from 2021 County All Hazards Mitigation Plan

1.1.A. Work with the County to improve emergency communication and warning systems for residents.	Town of Mesilla	S-M	\$	Doña Ana County	NMDHSEM
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Goal 2. Ensure residents are educated and prepared for hazardous events.

2. Pursue training and education initiatives for staff and residents.

2.1. Implement the Life Safety Initiative “Turn Around and Don’t Drown” program to educate residents to avoid flood areas.	Town of Mesilla	M	\$	Doña Ana County	NMDHSEM
2.2. Pursue wildfire education and outreach efforts.	Town of Mesilla	M	\$\$	Doña Ana County	NMDHSEM, NM Forestry Division



ZONING

- RF: Rural Farm
- RA: Residential/Agricultural
- R-1: Single Family Residential
- H-R: Historical Residential
- C-1: General Commercial
- H-C: Historical Commercial

PROPOSED FUTURE LAND USE CHANGES

- Proposed Future Commercial
- Proposed Residential
- Proposed Parks/Open Space
- Proposed Annexation
- Proposed Mixed-Use Corridor Overlay



1
2 **THE BOARD OF TRUSTEES (BOT) OF THE TOWN OF MESILLA**

3 **REGULAR MEETING**

4 **AT THE MESILLA TOWN HALL,**
5 **2231 AVENIDA DE MESILLA**

6 **MONDAY, OCTOBER 27, 2025 – 6:00 P.M.**

7 **MINUTES**

8
9 **TRUSTEES:** Russell Hernandez, Mayor
10 Adrianna Merrick, Mayor Pro Tem
11 Biviana Cadena, Trustee
12 Stephanie Johnson-Burick, Trustee (Absent)
13 Gerard Nevarez, Trustee
14
15 **STAFF:** Ben Azcarate, Marshal
16 Lorenzo Astorga, Public Works Director
17 Edward Salazar, Econ & Com Development Director
18 Gloria S Maya, Town Clerk/Recorder
19
20 **PUBLIC:** Trinia Witter Megan & Jake Quinones
21 Andrea Bryan Greg Lester
22 Crystal Davis-Whited Jesus Caro

23
24 **1. PLEDGE OF ALLEGIANCE**

25 Mayor Hernandez led the Pledge of Allegiance.

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

27 **Roll Call.**

28 **Present:** Mayor Hernandez, Mayor Pro Tem Merrick, Trustee Cadena, Trustee Nevarez.
29

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

31 **Motion:** To approve agenda, Moved by Trustee Nevarez, Seconded by Mayor Pro Tem Merrick.
32

33 **Motion passed unanimously**

34 **4. APPROVAL OF CONSENT AGENDA:** (The Board will be asked to approve by one motion the
35 following items of recurring or routine business)

36 a) **BOT MINUTES** – October 14, 2025 - BOT Regular Meeting

37 **Motion:** To approve consent agenda, Moved by Trustee Nevarez, Seconded by Mayor Pro Tem Merrick.
38

39 **Motion passed unanimously**
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6 **5. PUBLIC INPUT ON CASES – The public is invited to address the Board as allowed by the**
7 **chair.**

8 **No Public Input**
9

10 **6. PRESENTATION:**
11 **- No Minor Sale Campaign**

12 Mr. Diego Romero made a presentation on the No Minor Sale Campaign.
13

14 Trustee Nevarez commented
15

16 **7. ACTION AND CONSIDERATION**

17 **NEW BUSINESS**

18 **a) DISCUSSION – Revenue & Expense Overview**

19 Ms. Maya gave an overview of the Revenue & Expense Report for the first quarter of Fiscal Year
20 2026.
21

22 **b) DISCUSSION – Fire Department Position**

23 Investigation Captain Davis-Whited made a presentation on the Fire Department Position.
24

25 Mayor Pro Tem Merrick commented
26

27 Trustee Nevarez commented
28

29 Trustee Cadena commented
30

31 Mayor Hernandez commented
32

33 **c) APPROVAL – PZHAC SIGN CASE #062059 – 2340 Calle de Principal, submitted by**
34 **Taylor-Reynolds-Barela-Mesilla Historic Site Gift Shop. Requesting approval to install**
35 **a sign on an existing projecting bracket mounted on the wall. ZONE: Historic**
36 **Commercial (HC).**

37 Mr. Salazar reviewed PZHAC Sign Case #062059 – 2340 Calle de Principal.
38

39 **Motion: To approve PZHAC Sign Case #062059 – 2340 Calle de Principal, submitted by Taylor-Reynolds-**
40 **Barrela-Mesilla Historic Site Gift Shop. Requesting approval to install a sign on an existing projecting**
41 **bracket mounted on the wall. ZONE: Historic Commercial (HC), Moved by Mayor Pro Tem Merrick,**
42 **Seconded by Trustee Nevarez.**
43

44 **Roll Call Vote: Motion passed (summary: Yes-3)**

45 Mayor Pro Tem Merrick Yes

46 Trustee Cadena Yes

47 Trustee Nevarez Yes
48

49 **d) APPROVAL – PZHAC CASE #62060 - 2290 Calle de Parian, submitted by Felix**
50 **Armijo. Requesting approval to reopen old door opening and install new door.**
51 **ZONE: Historic Commercial (HC)**

52 Mayor Pro Tem Merrick recused herself.
53

54 Mr. Salazar reviewed PZHAC Case #62060 - 2290 Calle de Parian, submitted by Felix Armijo.
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Motion: To approve PZHAC Case #62060 – 2290 Calle de Parian, submitted by Felix Armiijo. Requesting approval to reopen old door opening and install new door. ZONE: Historic Commercial (HC), Moved by Trustee Nevarez, Seconded by Trustee Cadena.

Trustee Nevarez commented

Roll Call Vote: Motion passed (summary: Yes-2)

Trustee Cadena Yes
Trustee Nevarez Yes

e) **APPROVAL – PZHAC CASE #62062 – 1970 Calle Pacana, submitted by Andrea Schneider. Requesting approval to build a shed in her backyard. ZONE: Historic Residential (HR)**

Mr. Salazar reviewed PZHAC Case #62062 – 1970 Calle Pacana, submitted by Andrea Schneider.

Motion: To approve - PZHAC CASE #62062 – 1970 Calle Pacana, submitted by Andrea Schneider. Requesting approval to build a shed in her backyard. ZONE: Historic Residential (HR), Moved by Mayor Pro Tem Merrick, Seconded by Trustee Cadena.

Roll Call Vote: Motion passed (summary: Yes-3)

Mayor Pro Tem Merrick Yes
Trustee Cadena Yes
Trustee Nevarez Yes

f) **APPROVAL – Resolution 2025-62 - Amendment to Zoning Map - Rezone**

Mr. Salazar reviewed Resolution 2025-62 – Amendment to Zoning Map (Rezone).

Motion: To approve – Resolution 2025-62 - Amendment to Zoning Map – Rezone, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Cadena.

Trustee Nevarez commented

Trustee Cadena commented

Mr. Caro commented

Amended Motion: To postpone Resolution 2025-62 – Amendment to Zoning Map – Rezone, Moved by Trustee Cadena, Seconded by Trustee Nevarez.

Amended Motion Roll Call Vote: Motion passed (summary: Yes-3)

Mayor Pro Tem Merrick Yes
Trustee Cadena Yes
Trustee Nevarez Yes

g) **APPROVAL – Resolution 2025-64 – Budget Adjustments**

Ms. Maya reviewed Resolution 2025-64 - Budget Adjustments.

Motion: To postpone Resolution 2025-62 – Amendment to Zoning Map – Rezone, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Cadena.

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Roll Call Vote: Motion passed (summary: Yes-3)

Mayor Pro Tem Merrick Yes
Trustee Cadena Yes
Trustee Nevarez Yes

h) APPROVAL – Resolution 2025-65 – Adopting the 2025 Comprehensive Plan

Mayor Hernandez reviewed Resolution 2025-65 – Adopting the 2025 Comprehensive Plan.

Motion: To approve Resolution 2025-65 – Adopting the 2025 Comprehensive Plan, Moved by Trustee Nevarez, Seconded by Mayor Pro Tem Merrick.

Roll Call Vote: Motion passed (summary: Yes-3)

Mayor Pro Tem Merrick Yes
Trustee Cadena Yes
Trustee Nevarez Yes

i) APPROVAL – Adelante Senior Meals Program

Mayor Hernandez reviewed the Adelante Senior Meals Program.

Motion: To approve Adelante Senior Meals Program, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Cadena.

Trustee Cadena commented
Trustee Nevarez commented

Roll Call Vote: Motion passed (summary: Yes-3)

Mayor Pro Tem Merrick Yes
Trustee Cadena Yes
Trustee Nevarez Yes

j) APPROVAL – Casa Perigrinos Meal Program

Mayor Hernandez reviewed the Casa Perigrinos Meal Program.

Motion: To approve Casa Perigrinos Meal Program, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Cadena.

Amended Motion Roll Call Vote: Motion passed (summary: Yes-3)

Mayor Pro Tem Merrick Yes
Trustee Cadena Yes
Trustee Nevarez Yes

k) APPROVAL – US Solar Agreement

Mayor Hernandez reviewed the US Solar Agreement.

Motion: To approve US Solar Agreement, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Cadena.

Amended Motion Roll Call Vote: Motion passed (summary: Yes-3)

Mayor Pro Tem Merrick Yes
Trustee Cadena Yes
Trustee Nevarez Yes

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4 **8. PUBLIC INPUT – The public is invited to address the Board as allowed by the chair.**
5 **No Public Input**
6

7 **9. CLOSED EXECUTIVE SESSION**

8 a) **Discussion concerning attorney-client privilege pertaining to threatened or pending**
9 **litigation in which the public body is or may become a participant; pursuant to NMSA**
10 **1978, Section 10-15-1(H)(7) – Community Development Department**

11
12 b) **Discussion concerning limited personnel matters; pursuant to NMSA 1978, Section 10-**
13 **15-1(H)(2) – Marshal Department**
14

15 **Motion: To enter into Closed Executive Session, Moved by Mayor Pro Tem Merrick, Seconded by**
16 **Trustee Cadena.**

17
18 **Motion passed unanimously**

19
20 **Enter Closed Executive Session at 7:15 p.m.**

21
22 **Motion: To enter into Regular Meeting, Moved by Mayor Pro Tem Merrick, Seconded by Trustee**
23 **Cadena.**

24
25 **Motion passed unanimously**

26
27 **Enter Regular Meeting at 7:27 p.m.**
28

29 **10. Any Actions that may arise as a result of Closed Executive Session.**

- 30 a) **Community Development Department**
31 b) **Marshal Department**
32

33 **Motion: To approve hiring of Mr. Mannie Sanchez as Deputy, Moved by Mayor Pro Tem Merrick,**
34 **Seconded by Trustee Cadena.**

35
36 **Roll Call Vote: Motion passed (summary: Yes-3)**

37 Mayor Pro Tem Merrick Yes
38 Trustee Cadena Yes
39 Trustee Nevarez Yes
40

41 **11. BOARD OF TRUSTEE COMMITTEE REPORTS & LIASION UPDATES**

42 Trustee Nevarez: SCRT Board Meeting

43
44 Trustee Cadena: Taylor Site Meeting next week

45
46 Mayor Pro Tem Merrick: MPO Meeting cancelled.

47 **12. BOARD OF TRUSTEE/STAFF COMMENTS**

- 48 a) **Ongoing Projects Listing**
49 b) **Calendar of Events**

50 Marshal Azcarate gave a department (Marshal) update.

51
52 Trustee Cadena commented

53
54 Mr. Astorga gave a department (Public Works) update.

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56 Trustee Cadena commented
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Mayor Hernandez commented

Mr. Salazar gave a department (Com/Economic Development) update.

Trustee Nevarez commented

Trustee Cadena commented

Ms. Maya gave a department (Finance) update.

Trustee Nevarez commented

Trustee Cadena commented

Mayor Pro Tem commented

Mayor Hernandez commented

13. ADJOURNMENT

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

MEETING ADJOURNED AT 7:59 P.M.

APPROVED THIS 10th DAY OF NOVEMBER, 2025.

Russell Hernandez
Mayor

ATTEST:

Gloria S. Maya
Town Clerk/Treasurer

****BOT MEETINGS ARE AVAILABLE LIVE ON TOWN OF MESILLA'S YOUTUBE PAGE****

**BOARD ACTION FORM
AGENDA DATE**

PZHAC: 11/3/2025

BOT: 11/10/2025

**DAC ACCOUNT #R0400679
BLDG CODE – RRC
EVALUATION COST- \$35,000
FEE - \$508**

PZHAC CASE#062065 – 2920 Avenida de Mesilla, submitted by Austy LLC. Requesting approval to re-roof Lucky’s commercial building. ZONE: Commercial (C).

BACKGROUND AND ANALYSIS:

Lucky’s gas station has hired Austy LLC-commercial roofing company, to re-roof their building. Old roofing will be removed to the wood deck and recoated with Graco Coating, along with necessary flashing and trim.

Austy LLC, has applied/verified and issued a Mesilla business license to perform work.

IMPACT:

- The PZHAC has jurisdiction to approve the applicant’s request.
- The applicant has the authority to make an application request to the PZHAC and BOT.
- The applicant has the authority to appeal the decision from PZHAC to BOT in writing within 20 days (MTC 18.06.150(B)).

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:

- Typical re-roof
- Renovation/Maintenance above \$10,000/needs commission and board approval

SUPPORTING INFORMATION:

- Application
- Quote
- Site Plan/roof
- Drawing Report
- Aerial pic

PZHAC RECOMMENDATION

-Approved 4-0, no conditions

please call at 915-207-6678



Angel

TOWN OF MESILLA

2231 AVENIDA DE MESILLA
 MESILLA, NM, 88046
 PO BOX 10
 575-524-3262

comdev@mesillanm.gov

2025 ZONING PERMIT APPLICATION

CASE # 062065

Review Fee \$	63
Permit Fee \$	445
Penalty Fee \$	
Extension Fee \$	
TOTAL FEE \$	508

Name of property owner Austy LLC		Worksits Address 2920 Avenida de Mesilla Las Cruces, NM 88005	
ID/CI # [REDACTED]		Mailing Address 2001 E. Lohman Avenue, Suite 110, BOX 347 Las Cruces, NM 88001	
Phone 915-556-8504		Email angel@commercialroofingsystems.com	Dona Ana County Account # R04B0679
Contractor Commercial Roofing Systems Inc.	Mailing Address 101 Valley Chile Rd. Vinton, TX 79821	Phone 915-886-4411	License # NM -55605
Description of Proposed work See attached scope of work.			
Evaluation Cost \$ \$35,000		Signature of Applicant 	
		Date 10/20/25	

ALONG WITH this application, proof of property ownership and signed contractor/client contract agreement is required to include evaluation cost of project. Plans are to be no larger than 11"x 17" or submitted electronically.

1. ___ Site Plan with legal description to show existing structures, adjoining streets, driveway(s), improvements & setbacks. Verification shall show that the lot was LEGALLY subdivided through the Town of Mesilla or that the lot has been in existence prior to March 14, 1972.
2. ___ Foundation Plan, new construction in full size drawings .
3. ___ Floor Plan, showing rooms, their uses and with dimensions
4. ___ Cross section walls
5. Roof Plan and floor framing plan
6. ___ Electrical Plans
7. ___ Plumbing Plans
8. ___ Elevations, details of architectural style and color scheme (checklist for Historic Zones)
9. ___ Drainage plans (commercial)

Application is not considered to be submitted until ALL required documentation is submitted and application fee(s) are paid. Aside from administrative approvals, application process must undergo review by staff, PZHAC and/or BOT before permit is issued. All required NM CID permits must first obtain a zoning permit if work is to be performed in Mesilla. ***ALL permits must be displayed in clear view until final inspection***

OFFICE USE ONLY

Signature: 
LORENZO ASTORGA (Oct 30, 2025 15:01:25 MDT)
 Email: lorenzoa@mesillanm.gov

Signature: 
 Email: gwhited@mesillanm.gov

Signature: THOMAS MAESE
THOMAS MAESE (Oct 30, 2025 14:02:30 MDT)
 Email: thomas.maese@rld.nm.gov

Signature: 
 Email: MESILLACED@MESILLANM.GOV



October 2, 2025

ATTN: Dave Hooker

RE: Lucky's Roof Replacement

- **BASE BID Single Ply: \$30,000.00 (Tax and Bond Excluded)**
- **BASE BID Translucent Panels: \$5,000.00 (Tax and Bond Excluded)**

INCLUSIONS:

We propose to provide labor and materials to install a Single Ply and Translucent Panel Systems. This system will include the following:

Single Ply Roof System Approx. 2,700SF:

- Remove and dispose of existing roof to wood deck.
- Mechanically fasten 1 layer of 1/4" DEXCell coverboard over deck.
- Provide and install 1/2" crickets for positive drainage.
- Mechanically fasten 1 layer of .060 TPO membrane over coverboard.
- Provide and install all wall, curbs and penetration flashings as per manufacture.
- Provide and install termination bar and counter flashings were necessary.
- CRS, Inc. shop fabricate and install new scuppers.
- 20-year Manufacture warranty.
- 2-year Contractors limited warranty.

Translucent Panels Replacement:

- Remove and dispose of existing translucent Panels only.
- Provide and install new Graco Coating.
- CRS, Inc. shop fabricate and install any necessary flashings and trims.
- 2-year contractor's warranty.

NOTE:

*CRS bond rate 1.5% - ND
*Dept. of Labor: 006920050709
*NM License #: 55605

EXCLUSIONS:

Electrical, mechanical, plumbing, structural, decking, roof expansion joints, metal coping cap, walkway pads, any framing, tax and bond.

Respectfully Submitted,
Commercial Roofing Systems, Inc

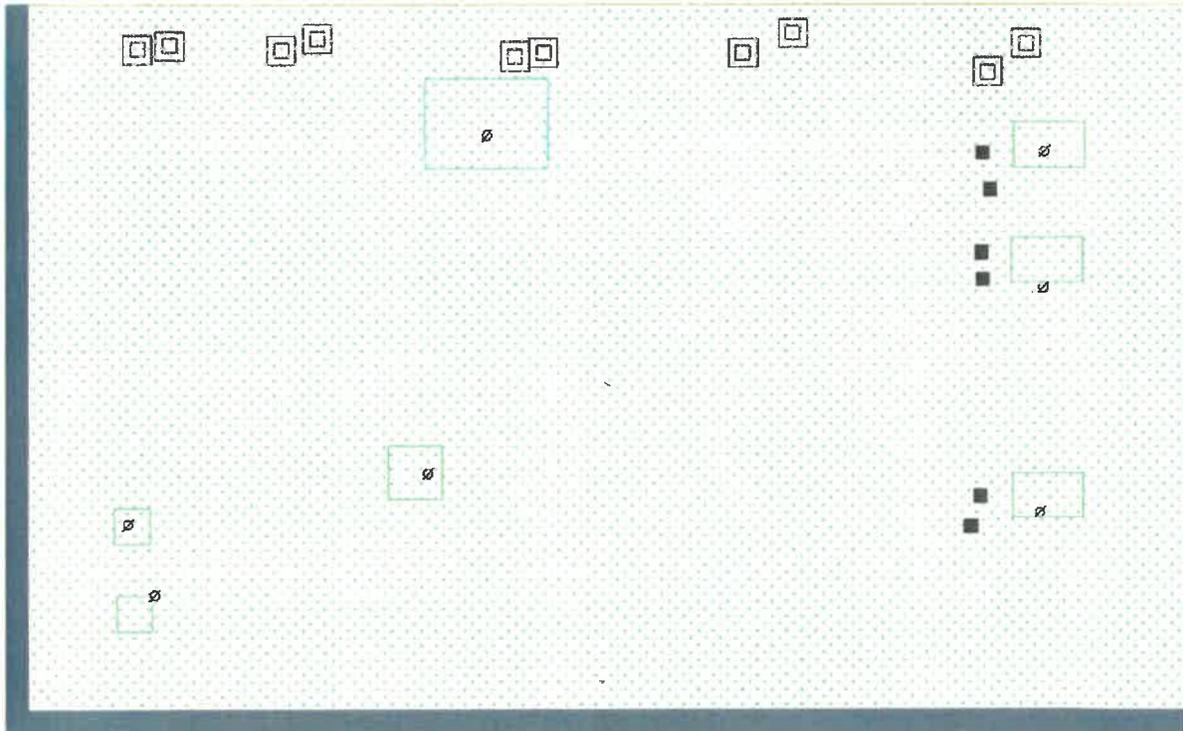
Alonzo Apodaca
Estimator

101 Valley Chile Rd. • Vinton, TX 79821 (915) 886-4411 Office • (915) 886-4410 fax

Drawing Report

Lucky's Convenience Store 9-9-25 - Base Bid

Section: Entire Job
Page: .060 TPO MF

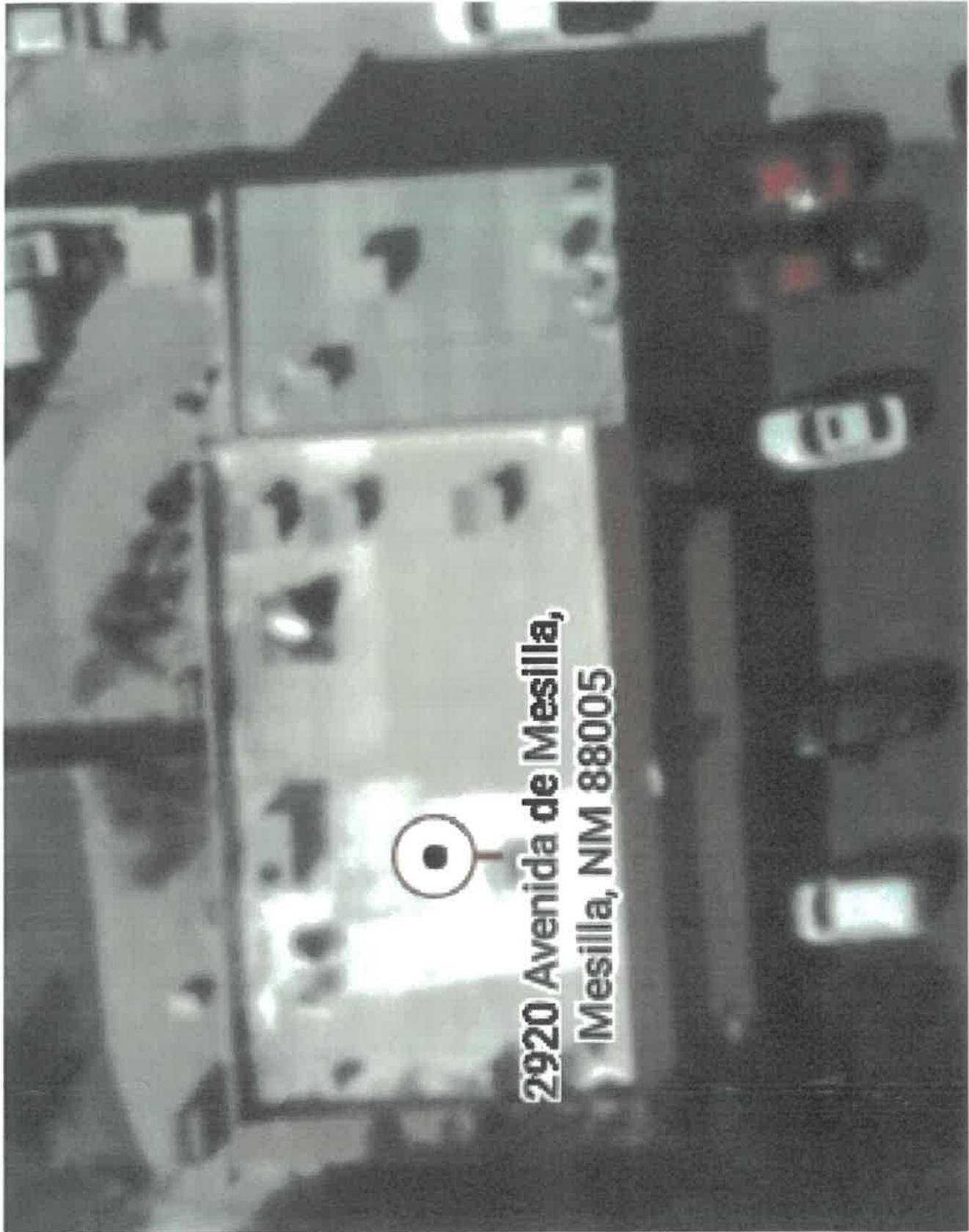


Drawing Report

Lucky's Convenience Store 9-9-25 - Base Bid

Section: Entire Job
Page: .060 TPO MF

Legend	Pitch	Description	SF	LF	EA
		Carlisle Sure-Weld .060 TPO MF	2,640.00	212.00	4.00
		<i>Tear Off (Height = Thickness of Roof)</i>	2,640.00	212.00	4.00
		Wall Flashing		212.00	4.00
		Curb Flashing		91.00	28.00
		VTR			7.00
		Pitch Pan			6.00
		Scupper			10.00
		2 Pc Counter Flashing		212.00	4.00
		Perimeter Term Bar		212.00	4.00
		Coping Cap		106.00	2.00



2920 Avenida de Mesilla,
Mesilla, NM 88005

**BOARD ACTION FORM
AGENDA DATE**

PZHAC: 11/3/2025

BOT: 11/10/2025

**DAC ACCOUNT – R0401593
BLDG CODE – MI
EVALUATION COST- \$10,450
FEE - \$187**

**ITEM: PZHAC CASE #062068 – 1901 Calle Pacana, submitted by EMG Construction.
Requesting approval to erect a rock wall. ZONE: Historical Residential (HR).**

BACKGROUND AND ANALYSIS:

Mr. Judd Singer, owner/contractor of Villa Custom Homes was recently approved to construct a primary site-build residential home on property. He has subcontracted EMG Construction Inc. to erect a 5.5' rock wall on the back property line and a rock wall on the eastern property line adjacent to Calle de El Paso, various sizes starting at 5.5' to 4.5' and finally down to 2'. The property is a corner lot and consideration is given to adhere to MTC 18.60.340(D) Clear Sight Triangle.

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.
- The applicant has the authority to appeal the decision from PZHAC to BOT.

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:

- EMG Construction applied and issued a Mesilla business license
- MTC 18.60.340(D) *There shall be no fence, wall, hedge, or obstruction more than three feet above street curb level or ground level at edge of street in the clear sight triangle, measured 30 feet in both directions on the property line from a corner.*
- Recommend Approval

SUPPORTING INFORMATION:

- Application
- Contractor Lic
- Site Plan
- Street view pics

PZHAC RECOMMENDATION

-Approved 4-0, no conditions



TOWN OF MESILLA

2231 AVENIDA DE MESILLA
 MESILLA, NM, 88046
 PO BOX 10
 575-524-3262
comdev@mesillanm.gov

2025 ZONING PERMIT APPLICATION

CASE # 062068

Review Fee \$	27
Permit Fee \$	160
Penalty Fee \$	
Extension Fee \$	
TOTAL FEE \$	187

Name of property owner <i>Judd Singer</i>		Work site Address <i>1901 CALLE PACANA</i>	
ID/PL# [REDACTED]		Mailing Address <i>PO BOX 16097 LAS CRUCES NM 88004</i>	
Phone <i>650-7377</i>	Email <i>Villacustomhomes.com</i>	Dona Ana County Account # <i>R0401593</i>	
Contractor <i>Emg</i>	Mailing Address <i>PO Box 221 Mesquite N.M. 88048</i>	Phone <i>575-386-0080</i>	License # <i>356228</i>
Description of proposed work <i>Back Rock wall</i>			
Evaluation Cost \$ <i>10,450</i>	Signature of Applicant <i>[Signature]</i>		Date <i>10-30-25</i>

ALONG WITH this application, proof of property ownership and signed contractor/client contract agreement is required to include evaluation cost of project. Plans are to be no larger than 11"x 17" or submitted electronically.

- Site Plan with legal description to show existing structures, adjoining streets, driveway(s), improvements & setbacks. Verification shall show that the lot was LEGALLY subdivided through the Town of Mesilla or that the lot has been in existence prior to March 14, 1972.
- Foundation Plan, new construction in full size drawings
- Floor Plan, showing rooms, their uses and with dimensions
- Cross section walls
- Roof Plan and floor framing plan
- Electrical Plans
- Plumbing Plans
- Elevations, details of architectural style and color scheme (checklist for Historic Zones)
- Drainage plans (commercial)

Application is not considered to be submitted until ALL required documentation is submitted and application fee(s) are paid. Aside from administrative approvals, application process must undergo review by staff, PZHAC and/or BOT before permit is issued. All required NM CID permits must first obtain a zoning permit if work is to be performed in Mesilla. *****ALL permits must be displayed in clear view until final inspection*****

OFFICE USE ONLY

Signature: *[Signature]*
LORENZO AS PINGA (Oct 30, 2025 15:01:25 MDT)
 Email: lorenzoa@mesillanm.gov

Signature: *[Signature]*
 Email: gwhited@mesillanm.gov

Signature: *THOMAS MAESE*
THOMAS MAESE (Oct 30, 2025 15:01:25 MDT)
 Email: thomas.maese@rld.nm.gov

Signature: *[Signature]*
 Email: MESILLACED@MESILLANM.GOV

COMMENTS:



New Mexico E-Services for Contractor Licensing



[Home Page](#)

Company Details

Company Name	EMG CONSTRUCTION, INC	License Number	356228
Phone Number	5752334101	License Status	Active
Issue Date	04/18/2008	Expiry Date	04/30/2026
Volume	\$1000000.00 +		

Principal Place of Business Address

PO BOX 221			
City	MESQUITE		
State	NM	Zip Code	88048

QP Details

Name	Certificate No	Classification	Attach Date	Status
<u>ELEAZAR MARTIN NUNEZ</u>	250756	GB02	04/18/2008	Attached

[Back to search page](#) [Back](#)

PLAT OF SURVEY

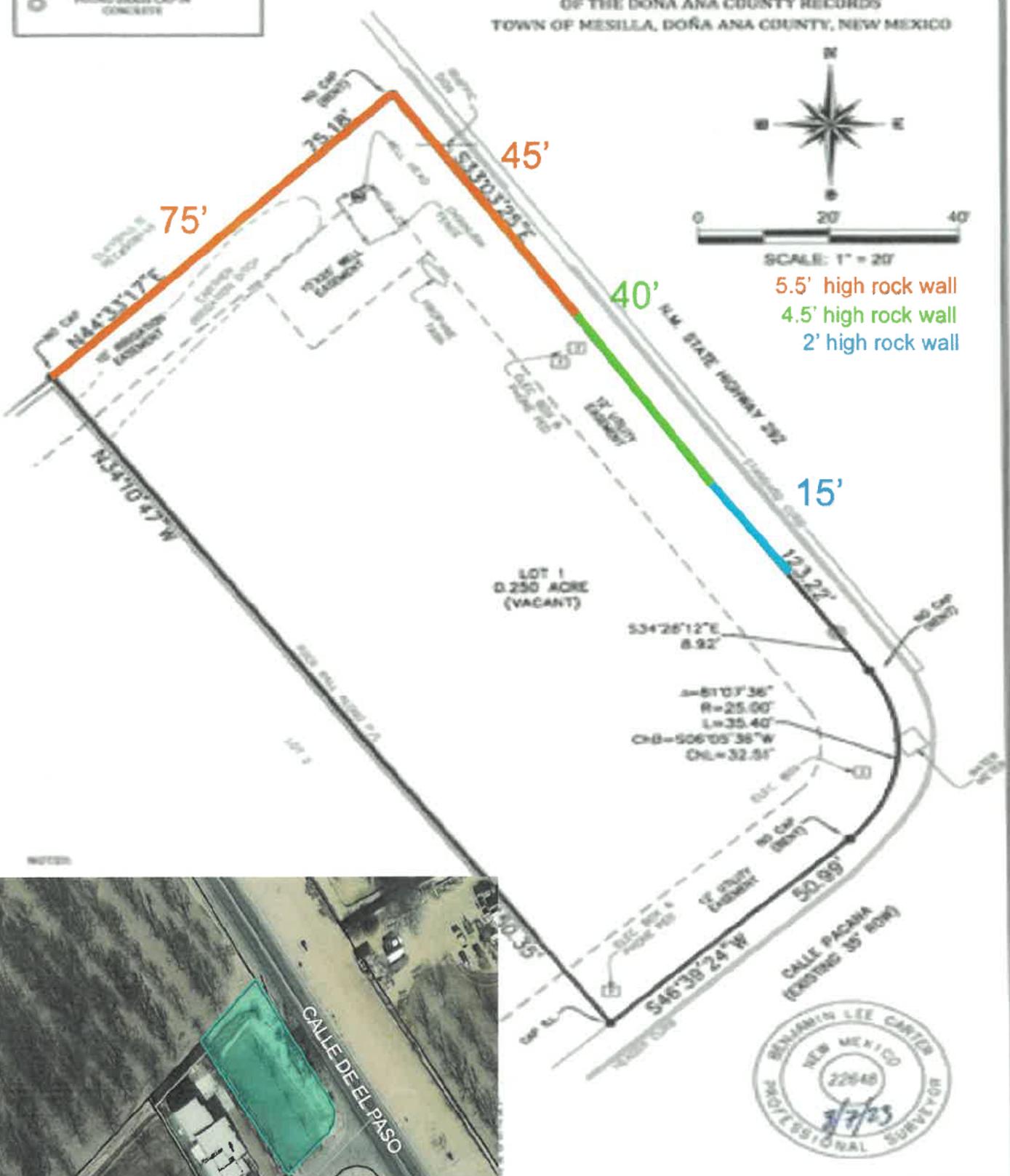
LOT 1, SOMMER GROVE SUBDIVISION
 AS FILED DECEMBER 7, 2009 IN PLAT RECORD 22, PAGES 783-784
 OF THE DOÑA ANA COUNTY RECORDS
 TOWN OF MESILLA, DOÑA ANA COUNTY, NEW MEXICO

LEGEND

- FOUND 1/2" IRON ROD AS NOTED
- FOUND BRASS CAP IN CONCRETE



5.5' high rock wall
 4.5' high rock wall
 2' high rock wall



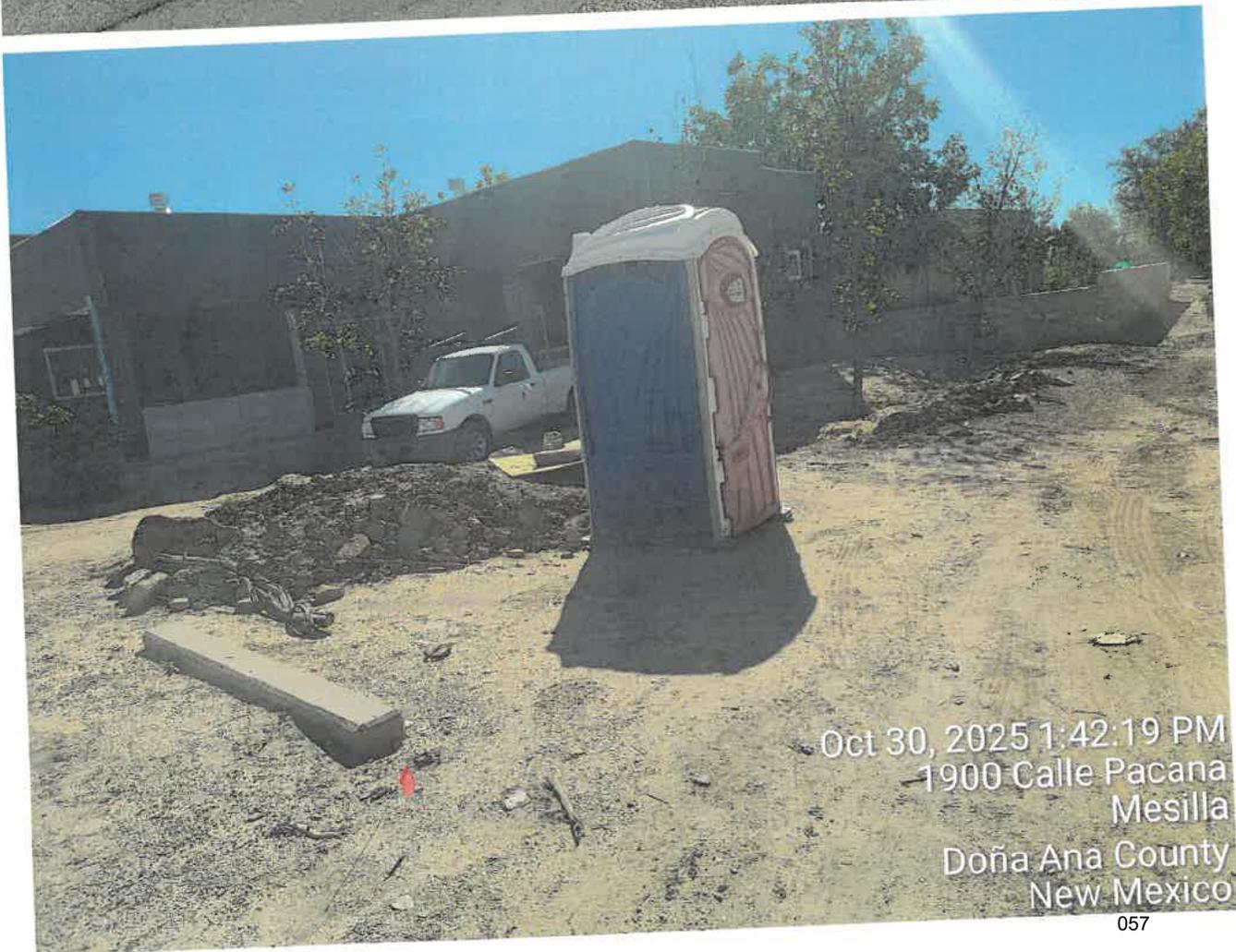
CARTER SURVEYING AND MAPPING
 10100 Ave. B, Mesilla, New Mexico 88048
 Phone: (505) 333-3628
 Carter Surveying LLC@gmail.com

PROJECT NAME:
 LOT 1, SOMMER GROVE SUBDIVISION

DATE: 5/13/2023 PROJECT NUMBER: 23129



Oct 30, 2025 1:42:00 PM
1900 Calle Pacana
Mesilla
Doña Ana County
New Mexico



Oct 30, 2025 1:42:19 PM
1900 Calle Pacana
Mesilla
Doña Ana County
New Mexico



RESOLUTION NO. 2025-62

A RESOLUTION BY THE PLANNING AND ZONING HISTORICAL APPROPRIETNESS COMMISSION, REGARDING AN AMENDMENT TO MESILLA TOWN ORDINANCE – ZONING MAP.

WHEREAS, a tract of land situated in the Town of Mesilla, New Mexico, Doña Ana County parcel number 4005139210015, site address of 2886 Snow Road.

WHEREAS petitioner Jesus M Caro Jr, request an amendment to Mesilla town code, to rezone of his property.

WHEREAS said property is located and legally accessible by automobile via a non-exclusive 15' road easement known as Fresquez road.

WHEREAS strip of 14-acres of properties adjacent to the north side of Fresquez road was rezoned from Rural Farm (RF) to Single-Family Residential (R1) on January 14, 1980, Mesilla Ordinance #80-2.

WHEREAS petitioner's property is on a 5-acre plat with a 37' wide Del Rio Drain right-of-way stretching total length of property from northwest corner to southwest corner, allowing him to use the right-of-way but able to block or build upon.

WHEREAS the property is the last property on Fresquez road zoned RF being adjacent to the 14-acres of R1 zoned properties.

WHEREAS the petitioner intensions if rezone request is approved, is to subdivide 4.35-acres parcel into no more than 4/1-acre+ parcels.

NOW THEREFORE, Town of Mesilla, Planning and Zoning Historical Appropriateness Commission, heard testimony by petitioner and facts presented by staff regarding the request. Decision to **APPROVE** request, it being the last parcel adjacent on the north side of Fresquez road zoned RF. Legal access to property was established and granting such request will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity

REQUEST TO rezone property on 2886 Snow Rd, Doña Ana County parcel number 4005139210015 from Rural Farm (RF) to Single-Family Residential (R1); as described in Mesilla town code 18.90.120; recommendation to **APPROVE** to Board of Trustees on this 6th day of October 2025.

1st Motion to approve by Commissioner Alvillar

2nd Motion to approve by Commissioner Miller

Roll Call Vote:

Commissioner Miller - yes

Commissioner Alvillar – yes

Commissioner Paz – yes

Commissioner Mulvihill – abstained

Passed; 3-0



ATTEST:


Lori Miller- *PZHAC Secretary/Commissioner*


Lori Miller – *Acting PZHAC Chairperson*

**BOARD ACTION FORM
AGENDA DATE**

PZHAC: 10/6/2025

BOT: 11/10/25

**DAC ACCOUNT #R044987
BLDG CODE – REZONE
EVALUATION COST- \$N/A
FEE - \$350**

ITEM: SIGN CASE #062054 – 2886 Snow Rd, rezone request submitted by Jesus M Caro Jr. & Dora Caro. Requesting approval to rezone their property from RF to R1. Current ZONE: Rural Farm (RF).

BACKGROUND AND ANALYSIS:

Mr./Mrs. Caro requesting to rezone their 5-acre parcel from RF to R1 (single-family residence). A rezone request was submitted in 2019. A hearing was held by the PZHAC on April 2, 2019. Decision was postponed to May 20, 2019, to gather more information. The request was denied by the commission (page 10-14).

Hence, you must be cognizant of the fact that although ordinances have been established, one must stay open - minded and realize that circumstances often change or that new conditions can arise. In those instances, fair provisions or accommodations must be made, otherwise zoning would be a "strait -jacket" and a detriment to a community instead of an asset. Experience has demonstrated that even the best zoning ordinances do become outdated. Also, sad but true, evaluation and decisions of proposed changes at times tend to be influenced by politics and/or personal biases, and can lead to unfairness when not judged on the individual merits of the case (page 13).

An appeal was submitted by the applicants to the governing board on May 21, 2019 (page 15). The Board of Trustees considered the appeal on June 24, 2019. After consideration of the appeal, Commissioner Arzabal motion to approve and did not receive a second from the BOT. Motion was not considered and died (page 22).

Motion: To a Z19-001 - Submitted by Jesus Caro, an application for a zone change from Rural Farm, a five-acre minimum lot size (RF) to Residential, one acre minimum lot size (R-1) for a 4.36 acre residential parcel located at the west end of Fresquez/Snow Road (a private easement), Moved by Trustee Arzabal. Motion was not seconded and failed (page 22).

IMPACT:

- The PZHAC has jurisdiction to approve the applicant’s request.
- The applicant has the authority to make an application request to the PZHAC and BOT.
- The applicant has the authority to appeal the decision from PZHAC to BOT in writing within 20 days (MTC 18.06.150(B)).

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:

- A recommendation is requested by the Board of Trustees on the rezone request.
- Request consideration should be determined if it is conflicting with our ordinances and/or comprehensive plan.
- Consideration should be given to the rezone request not the subdivision that could come after.
- It is not considered spot zoning as the strip of land on Fresquez road was approved by Mesilla to be R1 in 1/14/1980.
- As mentioned by the Fresquez attorney in 1979, the density of 5-acres per residence is unheard of and it is difficult to compete with larger farms.
- At what point is lack of irrigation water going to be considered a hardship for farmers?
- The only property left on that strip that is not R1.

SUPPORTING INFORMATION:

- Warranty Deed – (page 5-7)
- PZHAC Staff analysis – 4/2/2019 (page 8-9)
- Minutes 4/2/2019 & 5/20/2019 (page 10-14)
- Justification Letter (page 15)
- Staff information presented 4/2/2019 (page 16-18)
- BOT Appeal minutes 6/24/2019 (page 19-22)
- 1st PZHAC rezone hearing from RF to R1, 9/17/1979 (page 23-27)
- 2nd PZHAC rezone hearing from RF to R1 10/18/1979 (page 28)
- 1st BOT consideration of appeal, 11/12/1979 (page 29)
- 2nd BOT Appeal Hearing, 12/3/1979 (page 30-32)
- 3rd BOT consideration, to send back to PZHAC for reconsideration, 12/10/1979 (page 33)
- 3rd PZHAC meeting to reconsider/denied, 12/18/1979 (page 34-35)
- 4th BOT Appeal final meeting, 1/14/1980 - approved (page 36-41)
- Ordinance #80-2/zone map Fresquez rezone approval, 1/14/1980 (page 42-43)
- Property site map (page 44)
- Certification Notices proof (page 45-46)

PZHAC DETERMINATION

- Commission has reviewed and determined there is no conflict with Mesilla code if approved.
- Not considered to be spot zoning as R1 zoning has been established in the area
- Said property is last property on Fresquez Road and if approved, Del Rio Drain will serve as a zoning boundary line and eliminate the possibility for other RF zone parcels to request a zone change under the same conditions.
- Fresquez Road was rezoned by Mesilla to R1 with the intention already to develop housing on 1-acre parcels.
- Legal access has been established to the property via Fresquez Road.
- Applicant understand infrastructure needs to be met if consideration to subdivide in the future to include meeting all fire code requirements.

STAFF FINDINGS/CONCLUSIONS

- It is good practice to establish zoning boundary lines by using established landmarks such as; rivers, drains, roads, highways, ditches, etc.
- Rural Farm zone does allow guest house on the same property under 600 sq feet.
- Currently only one primary residence allowed/parcel. Consideration could be given to allow a secondary home providing an amendment to our code is done similar to the HR zone, 18.35.060(B) Population Density.
- RF zone allows for cottage industries with a SUP.
- STR allowed in RF zone, possibility to build an STR home.
- Probate laws do NOT supersede municipal land use code.
- Courses at NMSU Ag to familiarize himself with water/irrigation options.
- Establish a zoning overlay that will allow any parcel in the RF under 5-acres to establish a primary residence as long as it is accessory to agriculture (no less than one acre).
- One statement you hear often at NM Municipal League conferences; if you continue to get variance requests in your town, it is time to revisit your code and get it updated.

Town of Mesilla, New Mexico

Phone (575) 524-3262

P.O. Box 10

2231 Avenida de Mesilla, Mesilla, NM 88046



Application Form For Zone Change

Case # 062054 Date Submitted 8/25/25
Discussed by: EDDIE Date (s) 9/15/25

Section 1:

Name (s) of Property Owner (s) JESUS M. CARO JR. AND DORA CARO
Address 2886 SNOW ROAD Phone (575) 202-1955
Name of Applicant (s) JESUS M. CARO JR.
Address 2886 SNOW ROAD Phone (575) 202-1955

Section 2:

Property Description: Address 2800 SNOW RD
Legal Description Lot (s) S:35-T:23-R:1E BRM RPT Block _____
OF TR 11C E OF DEL RIO DRAN
Subdivision _____

If legal description is in metes and bound; is it attached to the application? Yes _____ No _____

Survey Plat attached: Yes _____ No _____

Area (sq. ft. or acres) _____ Present Zone _____ Present Land Use _____

Proposed Land Use:

Section 3:

Why is this change of zoning status being requested?

Signatures: Property Owner _____
 Applicant _____

NOTICE: NO APPLICATION WILL BE ACCEPTED WITHOUT THE SIGNATURE OF THE OWNER (S) OF RECORD OF THE ABOVE DESCRIBED PROPERTY. IF MORE THAN ONE, ALL OWNERS OF OR THEIR AGENTS MUST SIGN.

Fee Paid : Yes _____ No _____ Affidavit : Yes _____ No _____

Received by: _____ Receipt #: _____ Amount: _____

MVLT 9308384

WARRANTY DEED

GENARO DIMATTEO, a single man, for consideration paid, grants to JESUS M. CAPO, JR. and DORA CAPO, his wife, whose address is 2101 Calle del Norte, Las Cruces, NM 88005, the following-described real estate in Dona Ana County, New Mexico:

A tract of land situate within the limits of the Town of Mesilla, Dona Ana County, New Mexico in Section 35, T. 23 S., R. 1 E., and in Section 2, T. 24 S., R. 1 E., N.M.P.M. of the U.S.R.S. Surveys as part of U.S.R.S. Tract 12-9A2 and being more particularly described as follows, to wit:

BEGINNING at a 4 inch iron pipe found for the northeast corner of the tract herein described, whence the north 1/4 corner of Section 2, T. 24 S., R. 1 E., bears S. 62° 05' 30" E., a distance of 496.95 feet;

THENCE from the place of beginning S. 19° 25' 30" E., 538.37 feet to a 4 inch iron pipe found for the southeast corner of the tract herein described;

THENCE along the north side of an irrigation ditch S. 60° 11' 30" W., at 492.58 feet to a point on the easterly right-of-way line of the Del Rio Drain and at 536.81 feet to the southwest corner of the tract herein described;

THENCE N. 3° 32' E., 634.61 feet to the northwest corner of the tract herein described;

THENCE N. 60° 18' 50" E., at 44.17 feet to a point on the easterly right-of-way line of the Del Rio Drain and at 285.05 feet to the place of beginning, containing 5.0000 acres of land, less 0.5383 acre in the Del Rio Drain leaving 4.4617 acres net. Field notes by B & M Surveys, Inc. April, 1980. Job No. 800207

DEL RIO DRAIN RECLAMATION ACT RIGHT OF WAY 37-FT ROAD

SUBJECT TO and there is hereby reserved by the Grantor a non-exclusive right of way easement for ingress and egress over and across a strip of land 37 feet in width parallel, east of and adjacent to the west line of the above described 5.000 acre tract of land and which 37-foot strip of land is located within the Del Rio Drain right of way and is presently being used for road purposes.

SUBJECT TO and there is hereby reserved by the Grantor a non-exclusive right of way easement for ingress and egress over and across a strip of land 24 feet in width and more fully described as follows:

A tract of land situate within the limits of the Town of Mesilla, Dona Ana County, New Mexico, in Section 2, Township 24 South, Range 1 East,

N.M.P.M. of the U.S.R.S. Surveys as part of U.S.R.S. Tract 12-9A2 and being more particularly described as follows, to-wit:

Beginning' at the southeast corner of a 5.000 acre tract being U.S.R.S. Tract 12-9A2 for the southeast corner of this easement, whence the north quarter corner of Section 2, Township 24 South, Range 1 East bears N. 43 deg. 23' 36" E. a distance of 378.61 feet;

THENCE from the place of beginning along the south line of this easement S. 60 deg. 11' 30" W. 536.81 feet to the southwest corner of this easement being identical to the southwest corner of the above mentioned 5.000 acre tract;

THENCE N. 3 deg. 32' E. 28.73 feet to a corner of this easement;

THENCE along the north line of said 24-foot easement N. 60 deg. 11' 30" E. 501.02 feet to a corner of this easement;

THENCE North along the west side of this easement N. 19 deg. 25' 30" W. 227.36 feet to the northwest corner of this easement;

THENCE N. 54 deg. 26' 20" E. 24.98 feet to the northeast corner of this easement being a point on the north line of an existing 15 foot wide entry easement;

THENCE S. 19 deg. 25' 30" E. at 15.62 feet an iron pipe found on the south line of the said 15 foot wide existing entry easement and at 254.31 feet the place of beginning of this easement. Field notes by Botsford Land Surveying, Inc.

#860197

ANYONE CAN USE EASEMENT →

The Grantor specifically reserves the right to grant to other persons or entities similar, non-exclusive rights of way for ingress and egress, over and across any of the rights of way reserved hereinabove.

LEGAL ACCESS →

The Grantor does hereby grant to the Grantees a 15-foot wide, non-exclusive right of way easement for ingress and egress over and across the following described property which easement extends from State Road 372 (Snow Road) to the east line of the above described 5.000 acre tract of land:

A tract of land situate in the Mesilla Civil Colony Grant and in Section 35, T. 23 S., R. 1 E., and also known as a portion of U.S.R.S. Tract 9-A of Property Map 12 and being more particularly described as follows:

ZONE CHANGE REQUEST Z19-001
[PZHAC PUBLIC HEARING AND REVIEW]
STAFF ANALYSIS
(PRESENTED TO PZHAC 4/2/19)

Item:

Z19-001 – Submitted by Jesus Caro, an application for a zone change from Rural Farm, five acre minimum lot size (RF) to Residential, one acre minimum lot size (R-1) for a 4.36 acre residential parcel located at the west end of Fresquez /Snow Road (a private easement).

Description of Request:

Although the legal description for the property shows the property as being 4.461 acres in size, County records show the property as being 4.36 acres. This discrepancy is due to the fact that the County is not counting the R.O.W easement along the south and west edges of the parcel as part of the land area. Either way, the size of the property is less than the five acres required by the current Rural Farm (RF) zoning of the property.

The applicant's justification for this zone change request (see the applicant's response to Section 3 of the Application for a more detailed justification, attached). In the justification, the applicant references the fact that there is a 14 acre strip of land that adjoins his property to the east, consisting of primarily one acre parcels, that is zoned Residential, One-acre Minimum Lot Size (R-1). According to the applicant, this strip of R-1 acre zoning has been recognized in the Town's Comprehensive Plan. The applicant's property is the only property in this strip that is not zoned R-1. Additionally, these lots have not been farmed in the last twenty years due to water restrictions imposed by EBID due to drought conditions.

The applicant also believes that the Town has encouraged the development of this strip of land by running a water line with fire hydrants down the existing easement, thereby recognizing this strip of R-1 zoned land being used for subdivisions. According to the applicant, the location of the water line and fire hydrants along the easement is an acknowledgement by the Town that the "...easement or road width is in conformance since the town sanctioned the locations of the fire hydrants knowing the present width of easement."

The applicant also states that if the zone change is approved, it would enable him to give a piece of his property to his daughter to build a home on. The applicant does not believe that the zone change, and subsequently, his daughter's home, will adversely affect the neighbors right, property values, or the "...spirit of the neighborhood." The applicant has also submitted a petition signed by three of his immediate neighbors in support of his request.

There are two concepts that have been brought up in the applicant's rationale for the zone change. One is that the smaller properties in this area are no longer suitable for farming and, since the R-1 zoning already exists, this area should be developed. The other is that he would like to split off (subdivide) a piece of his property for his daughter. The PZHAC should keep in mind that these are actually two separate processes, and that the zoning of the property does not grant an absolute right to subdivide the property. Typically, the ability to subdivide a property is dependent on certain conditions being met such as easement width, the availability of utilities, etc. The ability of the subdivider to meet these requirements would be determined through the subdivision process.

There have been allegations by a nearby property owner of improprieties by the Town in the creation of the lots that are currently zoned R-1, and in the subsequent rezoning of these lots from RF to R-1. Staff has not been able to determine any wrongdoing by either the Town or the landowners in the creation of the one acre parcels, or the subsequent rezoning of the parcels years ago. If there had been any capricious or arbitrary decisions by the Town in either allowing or recognizing the creation of the lots; or in allowing the zone change to R-1, this should have been addressed by the aggrieved party or parties through the proper appeal or legal processes in effect at the time. It does not appear that this was done.

Consistency with the Code:

The PZHAC will need to determine that the proposed zone change will be compatible with the Mesilla Comprehensive Plan, and will not constitute "spot zoning". The PZHAC will also need to determine that the requested zone change will not have a detrimental effect on the surrounding properties and the Town.

The PZHAC will need to make the following Findings for approval:

- The PZHAC has jurisdiction to review this request.
- The zoning code allows this type of zone change request.
- The application meets the requirements of the Code for a zone change.
- The requested zone change would not be out of character with the Comprehensive Plan, nor will it constitute “spot zoning”.
- The proposed zoning, as requested, or amended with conditions; will be beneficial to the Town.
- The proposed zone change meets all other applicable Code requirements.

PZHAC OPTIONS:

- Recommend approval to the BOT of application.
- Recommend approval to the BOT of application with conditions.
- Reject the application.

PZHAC ACTION:

Town of Mesilla, New Mexico

MINUTES OF Z19-001 PUBLIC HEARING AND MEETINGS (APRIL 2, 2019 AND MAY 20, 2019)

PZHAC REGULAR MEETING AGENDA APRIL 2, 2019

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD ITS REGULARLY SCHEDULED MEETING **TUESDAY**, APRIL 2, 2019 AT 6:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA.

PUBLIC HEARING AND DECISION

Z19-001 – Submitted by Jesus Caro, an application for a zone change from Rural Farm, five acre minimum lot size (RF) to Residential, one acre minimum lot size (R-1) for a 4.36 acre residential parcel located at the west end of Fresquez /Snow Road (a private easement).

The PZHAC closed the Regular Meeting and opened the Public Hearing. The applicant was present to provide information, and to answer any questions that might arise. Staff provided a brief description of the request and provided the PZHAC with the applicant's rationale for requesting the zone change.

Input taken from the public during the Public Hearing consisted of: (Minutes corrected as of 6/20/19 to include statements by Chris Alexander and Susan Krueger that had been inadvertently omitted.)

Chris Alexander – Town Business Owner and former PZHAC Commissioner

Gave a brief history of the R-1 zoning of the properties along the "Fresquez" easement (all of the properties currently zoned R-1). He stated that this was approved by the Town as an intra-family lot split at the County recognized the one acre parcels in order to allow the property to be split for the Fresquez family. This had the effect of creating spot zoning. He also stated that because of this, a zone change request may be hard to deny in that a precedent had been set, but should not be encouraged. He also stated that the current request is just for a zone change, not a subdivision for one acre. He encouraged the PZHAC to support the zone change.

Susan Krueger – resident adjacent to the R-1 zone

She questioned the investigative process by staff. She referenced the rezoning of the Cotton Gin and stated that this was spot zoning, despite the Town's legal opinion. She stated that even though the original zone change to R-1 was done in 1980, there is a legal restriction that limits the division of the 14 acres zoned R-1 to three parcels of 5 acres, 4 acres, and 5 acres. She said that she has spoken with Dona Ana County staff and that there is no record that a subdivision was done through Mesilla to create one acre parcels from the three larger parcels mentioned earlier. She also stated that the applicant's parcel has never been part of the original 14 acres. She wants staff to investigate the statements made in the application.

Jesus Caro – applicant

Stated that the R-1 zoning of the properties in the area has been established and is supported by the Town's location of the new water line, which is at the edge of the 15 foot wide easement. According to Mr. Caro, this indicates that the Town recognizes that the 15 foot wide easement is adequate for subdivisions in the area, further supporting the precedent set by the initial zoning of the property.

Solomon Perez - notified property owner and neighbor of applicant

Located just west end of the R-1 zoned properties, but is not zoned R-1, and is not in the farming business. Stated that the Town needs to grow and needs revenue. Farming will not provide the revenue the Town needs, therefore property owners should be able to subdivide their land to provide more property tax for the Town. Stated that he supports the zone change application wholeheartedly.

Chris Alexander – Town Business Owner and former PZHAC Commissioner

Stated that people are not aware of the concept of weighted zoning in which the Town is zoned from dense use to sparse use. He said that the Town had tried to protect farming through zoning and created a “greenbelt” around the Town. Many lots were zoned RF even though they did not meet the five acre size requirements and that protection of the RF zoning in order to protect the existence of Mesilla. However, since the Town allowed the R-1 zoning in the first place, it should be fair to the other small property owners and “support” the zone change.

There were no further comments.

**PUBLIC HEARING WAS CLOSED
REGULAR MEETING WAS REOPENED**

Commission Chair Hernandez asked for input from the PZHAC.

Commissioner Lucero

Expressed surprise that the applicant wants to change his view of preserving the “greenbelt” and create smaller properties, since he was a main proponent behind preserving it through the years. She does not want to see Mesilla become another Las Cruces. She will stand by the “greenbelt”. She stated that the Town has turned down other development in the RF zone, and she does not want to create a precedent with this case.

Commission Chair Hernandez

Stated that he would like to get legal clarification on some points and recommended postponing the case in order to obtain legal opinions.

Commissioner Lucero

Said that the Ordinance needs to be protected, and that we are not talking about a prior zone change that took place in 1980 or the subdivision of properties, the concern of the PZHAC should be the current zone change request.

Commissioner Nevarez

Would like more information

Juan Padilla – Property owner in the R-1 zone

Stated that the subdivision of the properties zoned R-1 was done prior to the R-1 zoning of the property.

Commission Chair Hernandez

Called for a postponement of the case in order to get legal opinions on: would this be considered spot zoning; whether the case would set a precedent; and whether the applicant’s parcel should be considered contiguous to the parcels zoned R-1. This was seconded by Commissioner Nevarez.

A vote was taken with Commissioner Nevarez voting for postponement and Commissioner Lucero voting against postponement. Commission Chair voted for postponement and the case was postponed.

A DECISION ON THE CASE WAS POSTPONED.

PUBLIC COMMENTS (Further comments about Z19-001)

Chris Alexander – Town Business Owner and former PZHAC Commissioner

Referencing the zone change for the property owned by Arturo Jurado, stated that the opinion for “spot zoning” was erroneous in that the commercial parcels in the County should never have been taken into account. Precedence was set. The property that is zoned R-1 is in the Comprehensive Plan because it was zoned R-1 in 1979, and a precedence was set. .

Jesus Caro – applicant

Stated that the “greenbelt” was no longer viable for farming.

Solomon Perez - notified property owner and neighbor of applicant

Stated that larger farmers can make a living from farming their properties, smaller farmers cannot, and that the “greenbelt” lots cannot be farmed anymore. He also stated that the young have left because they can’t afford to stay due to the rules, and that Mesilleros and small farmers have been run off.

PZHAC/STAFF COMMENTS (Further comments about Z19-001)*Commissioner Lucero**Stated that preservation of Mesilla is important, and that even though mistakes were made in the past does not mean they should be repeated. Past boards have turned down applications in the RF zone. Jesus should be supporting the ordinance, not working against it. It is important to preserve Mesilla.***PZHAC REGULAR MEETING
MINUTES
MAY 20, 2019****THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD ITS REGULARLY SCHEDULED MEETING MONDAY, MAY 2, 2019 AT 6:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA****PUBLIC INPUT ON CASES***Both Susan Krueger, resident; and Jesus Caro, zone change applicant; had comments about the zone change (Z19-001) that they read from prepared statements. The statements are included here in their entirety.**Susan Krueger, resident - statement:**1. Before the April 15 P&Z meeting began I spoke to Chair Russell Hernandez regarding the absence of my comments during the public hearing on Jesus' Caro's application for a zone change.**2. Prior to acceptance of the consent agenda, Russell addressed Larry S. telling him that my comments had been omitted and that comments by Chris A. had also been omitted. It does not appear that those minutes were corrected; however, some changes appear in the May 20 document. Re. those changes, I did ask about staff's investigation, particularly because staff thought the zone change was done recently. I did not talk about the Cotton Gin rezoning, this was Chris A.'s comment. Re. the 3rd sentence, I provided staff with the Resolution adopted in 1980 that includes a legal description (not restriction). At 18.90.070, the Code requires investigation of facts about an application.**3. Pg. 117: Description of Request: the 14 acre strip of land to the east of Mr. Caro's property does not consist of primarily one acre parcels. It consists of 3 parcels: a 5 acre, a 4 acre, and a 5 acre piece. No subdivision of the 14 acres has been approved by the Town of Mesilla. R-1 zoning has a minimum lot size of one acre; however, no maximum lot size is set in R-1 zoning. Mr. Caro's property has never been considered a part of this 14 acre strip. There is a significant bench separating his property from the last property in the 14 acres. The reason the lots have or haven't been farmed is by choice of the property owners. When water is scarce, farmers may choose to join together to create a way to get water to their farm land.**4. The Town ran a water line along the easement that abuts the 14 acres in order to loop the line into Mr. Brown's property off of Calle del Norte. No other reason was or has been given re. promotion of development or appropriateness of the road width.**5. Re. paragraph 6 in Description of Request, there are no DAC (Dona Aan County) maps that show one acre lots for this area. Larry Underwood created 2 surveys, one showing the 14 acres divided into 7 two acre lots and one showing the 14 acres divided one acre lots. Neither survey is signed or recorded in either the County or the Town of Mesilla.**6. Finally, on pg. 120, Chair Hernandez made two specific requests in recommending that the zone change request be postponed. I didn't see anything in the packet re. those requests.*

Jesus Caro, applicant - statement:

Planning and Zoning members, As you know, I am a member of the BOT and do believe that ordinances serve a very important purpose and have always tried to abide by them. However, from time to time things come up that have different circumstances from the norm as is the case in my request and the reason that I have applied for a rezoning of my property People might say that this is a case of spot-zoning. But in all actuality, since my property is the only piece that is zoned RF and all other properties within this strip of land are zoned R1, I will be doing away with the spot zoning condition that presently exists if you go by its definition that spot zoning exists when there is a "Variation in zoning where a piece of land is zoned differently than that surrounding it."

Hence, you must be cognizant of the fact that although ordinances have been established, one must stay open-minded and realize that circumstances often change or that new conditions can arise. In those instances, fair provisions or accommodations must be made, otherwise zoning would be a "strait-jacket" and a detriment to a community instead of an asset. Experience has demonstrated that even the best zoning ordinances do become outdated. Also, sad but true, evaluation and decisions of proposed changes at times tend to be influenced by politics and/or personal biases, and can lead to unfairness when not judged on the individual merits of the case.

CASES/DECISIONS:

Z19-001 – Submitted by Jesus Caro, an application for a zone change from Rural Farm, five acre minimum lot size (RF) to Residential, one acre minimum lot size (R-1) for a 4.36 acre residential parcel located at the west end of Fresquez /Snow Road (a private easement). (A Public Hearing for this case was held by the PZHAC on April 2, 2019)

Staff explained that as Public Hearing was held for this zone change request on April 2, 2019 and the purpose of the current meeting was to make a determination on whether or not to recommend approval of the zone change request to the Bot. Commissioner Lucero stated that the Ordinance supports the greenbelt around the Town, and that the zone change would not be compatible with the Ordinance or the Comprehensive Plan. She felt the PZHAC should support the Ordinance. Commissioner Hernandez stated that the decision is only about the zone change, not subdividing the property. He also stated that the property is contiguous with the property zoned R-1, therefore it is not incompatible with adjacent properties.

A motion was made by Commissioner Prieto to approve the request and seconded by Commissioner Houston.

THE MOTION TO APPROVE FAILED BY A VOTE OF 0 – 3, AND THE ZONE CHANGE REQUEST WAS DENIED.

1. Authorize, in appropriate cases and subject to appropriate conditions and safeguards, special exceptions to the terms of the zoning ordinance or resolution:
 - a. Which are not contrary to the public interest;
 - b. Where, owing to special conditions, a literal enforcement of the zoning ordinance will result in unnecessary hardship; and
 - c. So that the spirit of the zoning ordinance is observed and substantial justice done; or
2. In conformity with Sections 3-21-1 through 3-21-14 NMSA 1978:
 - a. Reverse any order, requirement, decision or determination of the planning, zoning and historical appropriateness commission, or official or committee thereof;
 - b. Decide in favor of the appellant; or
 - c. Make any change in any order, requirement, decision, or determination of the planning, zoning and historical appropriateness commission, or official or committee thereof. [Ord. 2009-05 § 2]

If the BOT determines that the PZHAC was in error and decides to overturn the PZHAC's decision to deny the zone change request, it will need to determine that the zone change is not sport zoning, and that the requested zoning is compatible with the Comprehensive Plan for the Town.

BOT OPTIONS:

1. Affirm the decision of the PZHAC and deny the zone change request.
2. Overturn the decision of the PZHAC and approve the zone change request.
3. Overturn the decision of the PZHAC and approve the zone change request with conditions (Conditional Zoning)

BOT ACTION:

May 21, 2019

From: Jesus M. Caro Jr.

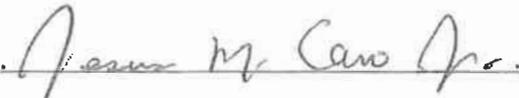
To: Mayor / Board of Trustees

Subject: Appealing PZHAC Denial of Request of Zone Change from RF to R-1

I, Jesus M. Caro Jr., am appealing PZHAC's denial on the basis of an unfair, biased and discriminatory decision that didn't take any of the facts presented into consideration or even the fact that R-1 precedence has already been established by present property owners on all 14 acres of this strip of land that is contiguous to my parcel of land. Also, I wasn't comfortable that in the first hearing, only two P&Z voting members were present and for the second meeting, only 1 of those 2 was present, but both of the members who weren't originally present showed up unprepared and didn't appear to be cognizant of what had previously been discussed. However, in a meek and unsure manner, they went ahead and followed suit with commissioner Lucero's vote to deny.

Since my property is the only tract of property that is zoned RF within this strip of parcels which are adjoined to each other, I am requesting a zone change from the present Rural Farm Zone (RF) to Single-Family Residential Zone (R-1) which for all practical purposes has already been established. Another point to keep in mind during consideration for a zone change is that last year the town routed water lines down our easement in order to complete a closed loop for better water pressure. In addition, as part of their plan for future development, they installed six fire hydrants approximately five feet off of our easement every 200 yards or so, thus further affirming their recognition and approval of this strip of land as R-1 Zone subdivisions. Being that my parcel is the only one that is zoned Rf and all other properties within this strip of land are zoned R1, I will be doing away with the spot zoning condition that presently exists if you go by its definition that spot zoning exists when there is a "Variation in zoning where a piece of land is zoned differently than that surrounding it."

Signature:



Z19-001
INFORMATION PRESENTED TO THE PZHAC
APRIL 2, 2019

PZHAC NEW BUSINESS
APRIL 2, 2019

PUBLIC HEARING
ZONE CHANGE
Z19-001

Application Form for Zone Change:

Name(s) of Property Owner(s): Jesus M. Caro Jr. & Dora

Name of Applicant(s): Jesus M. Caro Jr. & Dora

Address: 2886 Snow Road, Mesilla, NM 88046

Section 3:

Why is the change of zoning status being requested?

The original intent of the Town of Mesilla's RF zone ordinance which is for the preservation of agricultural uses and for the continuance of agriculturally related industries and activities has not been viable for my property in the last fifteen years. My property is adjoined to a strip of land of about 14 acres that have all been subdivided into a minimum of one acre parcels. The county acknowledges this and in fact takes it into consideration for the individual property assessment and evaluation fees. The Town of Mesilla also saw it appropriate to include maps that shows said strip of one acre parcels in their Comprehensive Plan to be utilized for future planning purposes. None of these properties have been farmed or used for agricultural purposes in the last twenty years due to strict water restrictions imposed on us by the Elephant Butte Irrigation District. This came about as a direct result of drought conditions that have been experienced throughout our state. Based on noted facts, the RF zoning of this strip of land, to include my own parcel, is obsolete and outdated.

Hence, due to the above noted circumstances, and since my property is the only tract of property that is zoned RF within this strip of parcels which are adjoined to each other, I am requesting a zone change from the present Rural Farm Zone (RF) to Single-Family Residential Zone (R-1) which for all practical purposes has already been established. Another point to keep in mind during consideration for a zone change is that last year the town routed water lines down our easement in order to complete a closed loop for better water pressure. In addition, as part of their plan for future development, they installed six fire hydrants approximately five feet off of our easement every 200 yards or so, thus further affirming their recognition and approval of this strip of land as R-1 Zone subdivisions. Apparently the town has also acknowledged that our easement or road width is in conformance since the town sanctioned the location of the fire hydrants knowing the present width of easement. Approval of the requested zone change will allow me to give my daughter who is a Navy veteran and mother of three, a piece of land on which to build on and will be utilized in a more efficient and beneficial manner. The zone change is necessary to allow enjoyment of my own land and will not infringe on neighboring property owner's rights, nor lessen property values or interfere with the use of the property by current residents, nor will it adversely affect the spirit of the neighborhood.



**BOARD OF TRUSTEES
TOWN OF MESILLA
REGULAR MEETING
MONDAY, JUNE 24, 2019
6:00 P.M.**

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TRUSTEE Nora L. Barraza, Mayor
Stephanie Johnson-Burick, Mayor Pro Tem
Carlos Arzabal, Trustee
Jesus Caro, Trustee
Veronica Garcia, Trustee

STAFF: Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
K.C. Alberg, Marshal
Kevin Hoban, Fire Chief

PUBLIC: Russell Hernandez Susan Kruger
Adrianna Merrick Morgan Switzer
Lindsey Bachman Trina Witter
Amanda Lopez Askin Felix Armijo
Mary Helen Ratje Aurelia Caro
Sally Williams Bill Perry

1. PLEDGE OF ALLEGIANCE

Mayor Barraza led the Pledge of Allegiance.

2. ROLL CALL & DETERMINATION OF A QUORUM

Roll Call.

Present: Mayor Barraza, Mayor Pro Tem Johnson-Burick, Trustee Arzabal, Trustee Caro, Trustee Garcia.

3. CHANGES TO THE AGENDA & APPROVAL

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

1 alcohol portion falls on the business pulling the alcohol permit. The town still has their normal liability
2 due to it being a town sponsored event.

3
4 Mayor Barraza stated fencing and security will need to be furnished by the person pulling the permit.

5
6 Mr. Hernandez responded fencing and security will be provided which is part of the application process.

7
8 Trustee Arzabal asked if it will be a Picnic License.

9
10 Mr. Hernandez responded yes.

11
12 Trustee Arzabal asked if the plaza will be closed.

13 Mayor Barraza responded no.

14
15 Mr. Hernandez stated the fenced area will be on north side of the plaza.

16
17 Mayor Barraza stated this will be on a trail bases so we will not close the plaza yet.

18
19 Mr. Hernandez stated different businesses have offered to set up. All the restaurants have been invited to
20 participate.

21
22 Mayor Pro Tem Johnson-Burick asked if the Experience Mesilla promotional items will be available at
23 these events.

24
25 Mr. Hernandez stated the glasses will be available and honored for discounts. There will not be an entry
26 fee for the garden.

27
28 **8. APPEALS FROM PZHAC:**

- 29 **A. Approval or Disapproval:** Z19-001 – Submitted by Jesus Caro, an application for a zone
30 change from Rural Farm, five acre minimum lot size (RF) to Residential, one acre minimum
31 lot size (R-1) for a 4.36 acre residential parcel located at the west end of Fresquez /Snow
32 Road (a private easement). (A Public Hearing for this case was held by the PZHAC on
33 April 2, 2019)

34 Trustee Caro recused himself from voting on this case as he is the applicant.

35
36 The applicant presented his appeal.

37
38 Mr. Shannon brought out his zoning map in order to provide a visual for the Trustees.

39
40 Mayor Barraza responded the Fresquez' family did not go through the process with the town in the
41 1980's; they went to the county. She reviewed the zoning map.

42
43 Mr. Caro inaudible

1 Mr. Shannon inaudible

2
3 Mayor Pro Tem Johnson-Burick asked how the county can recognize these parcels if they have not gone
4 through the Town of Mesilla's process.

5
6 Mayor Barraza responded we cannot change our map if they do not follow the town's process. The
7 process would have to continue even if the zone change is granted. PZHAC denied the application due to
8 preservation of the Green Belt stated in the Town's Comprehensive plan.

9
10 Mayor Pro Tem Johnson-Burick ask about the zone map areas. Read RF Zone guidelines. If the zone
11 change is granted the multi-family will still not be able to be done.

12
13 Mr. Caro inaudible

14
15 Mayor Barraza reviewed the RF area on the zone map.

16
17 Trustee Arzabal stated we have a zone change in front of us; asked Mr. Caro if his plan was to do farming
18 when he purchased the land.

19
20 Mr. Caro stated area has not been farmed since Mr. Dimatteo passed away. Watering is only available
21 once a year from EBID.

22
23 Mayor Barraza responded some residents do not have water rights.

24
25 Mr. Caro stated that all the land to the west of him is landlocked. He will allow them to go through for
26 farming only.

27
28 Trustee Garcia asked if the road to his property is privately owned.

29
30 Mr. Caro responded yes; it is.

31
32 Mr. Shannon stated Fresquez Rd. has a 15 ft. easement. The requirement, due to the fire code, will need
33 to be 25 ft.

34
35 Ms. Caro asked why fire hydrants were placed along that easement if it didn't meet the fire code.

36
37 Mayor Barraza responded the hydrants were installed to help with fire safety. This was done in order to
38 loop the water lines; it didn't have to do with development in that area.

39
40 Trustee Arzabal stated all that is being proposed is a zone change at this time.

41
42 Ms. Caro reviewed the legend in the Comprehensive Plan as it refers to R1.

43
44 Mayor Pro Tem Johnson-Burick reviewed the PZHAC section and areas in the Comprehensive Plan.

45
46 Mayor Barraza stated this affects the green belt areas. She asked what if other property owners come and
47 ask for the same zone change since they are now connected to an R1 property. Several residents have
48 come forth to request zone changes which have been denied. She understands children are moving back
49 to Mesilla and want to live on their parent's property and be home.

1 Ms. Caro stated children want to live in Mesilla. Inaudible

2
3 Mr. Caro stated change is inevitable. This may also bring more money to the town.

4
5 Trustee Arzabal stated he sees both sides of the issue. Many people do not want to farm due to the lack
6 of water which is an issue.

7
8 **Motion:** To a Z19-001 – Submitted by Jesus Caro, an application for a zone change from Rural Farm, a
9 five acre minimum lot size (RF) to Residential, one acre minimum lot size (R-1) for a 4.36 acre
10 residential parcel located at the west end of Fresquez/Snow Road (a private easement), **Moved by**
11 **Trustee Arzabal. Motion was not seconded and failed.**

12
13 **9. BOARD OF TRUSTEE COMMITTEE REPORTS**

14 Trustee Garcia attended Municipal League's Resolution Meetings on June 22nd in Albuquerque.

15
16 Trustee Arzabal stated the CEO Workforce meeting went well. All the grant money was spent. He asked
17 if they can look at money for youths and trainings. He will get more information to pass on.

18
19 Trustee Johnson-Burick stated there is an MPO meeting on July 10th.

20 Mayor Barraza stated the MPO discussed University Avenue at the last meeting. A public meeting will
21 be held in the fall. She attended the NALEO conference in Florida last week. The main emphasis was
22 Census 2020 and immigration was a topic as well. There was a Presidential debate as well. RTD meeting
23 on June 26th. SCCOG Meeting on Friday at 10:30 a.m. in Magdalena, New Mexico.

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

25 Summer Music Series is ongoing. Offices will be closed on Thursday, July 4th. There will be a Fireworks
26 Display; Neal McCowan will play on the plaza.

27 Mayor Pro Tem Johnson-Burick stated she wants to help Mr. Caro but cannot if it is not laid out in our
28 ordinances. She has been on the State of New Mexico website quite a bit. When she went onto the
29 Governor's website and click on the tourism and New Mexico True and the Town of Mesilla is not listed
30 anywhere. She has submitted a comment to them but has not received a response.

31 Mayor Barraza stated Ms. Parra was very active on the Tourism Board; they will investigate that.

32 **11. ADJOURNMENT**

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

MEETING ADJOURNED AT 8:11 P.M.

APPROVED THIS 22ND DAY OF JULY, 2019.



Nora L. Barraza
Mayor

PLANNING & ZONING & HISTORICAL APPROPRIATENESS
COMMITTEE

PUBLIC HEARING

17 SEPTEMBER 1979

MEMBERS PRESENT:

WALT CONLEY, Chairman
STEVE LOMAN

TOWN CLERK: Barbara A. Brown

OTHERS ATTENDING:

Henry Rader	Box 418, Mesilla, NM
Solomon M. Perez	Box 456, Mesilla, NM
E. L. Fresquez	Box 228, Mesilla, NM
Gertrude Fresquez	Box 228, Mesilla, NM
Grey Giordano	General Delivery, Mesilla, NM
A.M. Wierenga	215 Capri Rd, Mesilla, NM
Kathy Freas	Box 268, Mesilla, NM
Rosalie Ann Raßer	Box 418, Mesilla, NM
Paul Rader	Box 418, Mesilla, NM
Richard Fresquez	Box 342, Mesilla, NM
Viola Fresquez	Box 401, Mesilla, NM
Rudolph V. Fresquez	Box 401, Mesilla, NM
W.W. Sanders	Box 128, Mesilla, NM
Lorna Harris	Box 338, Mesilla, NM
Gloria Clayschulte	Box 37, Mesilla, NM
Lucille Eickholtz	Box 362, Mesilla, NM
George V. Gallegos	Box 352, Mesilla, NM
William F. Gallegos	Box 547, Mesilla, NM
Candra Reitzmeyer	Box 407, Mesilla, NM
Roberto L. Prietze	Box 32, Mesilla, NM
Priscilla Romero McCosco	Box 436, Mesilla, NM
Newman T. Reed	Box 686, Mesilla Park, NM
Merden T. Black	Box 507, Mesilla Park, NM
J. Paul Taylor	Box 152, Mesilla, NM
Robert G. Valencia	906 Lees Drive, Las Cruces, NM
David Matteo	1801 E. Colorado, Las Cruces, NM
Genero Matteo	Rural Route 4 Box 671, Las Cruces, NM
A.S. Alvarez	Box 81, Mesilla, NM
Fred Widmeyer	Rt. 1 Box 2170, Las Cruces, NM
J. K. Clayshulte	Box 117, Mesilla, NM
Allene Foreman	Rt. 4 Box 603, Las Cruces, NM
Ben Alvarez	Mesilla, NM
Ramona F. Duran	1535 Martha Dr., Las Cruces, NM
Arvida Padilla	Mesilla, NM
Juan S. Padilla	Mesilla, NM
Salomon R. Perez	Box 456, Mesilla, NM
Delfina F. Perez	Box 456, Mesilla, NM
Mary Shelton	Las Cruces Sun News Reporter

Walt Conley, chairman, called the meeting to order at 7:30 p.m. Mr. Conley stated that three petitions to rezone had been submitted each owning lots of approximately 5 acres. Because the three parcels of property are adjacent it

Page 2 , 17 September 1979

was decided to hold the public hearings at the same time. Mr. Conley stressed that they were separate petitions. He stated that each petitioner would be heard separately in the following order: Juan Padilla, Elizario Fresquez, and R.V. Fresquez. Then next group to be heard would be the adjacent land owners and on down the line. The petition requests a change from R-F zoning (5 acres) to R-1 zoning (one acre).

Juan Padilla: The intent was to file one petition instead of three separate ones since it involved property that is under one ownership. If we can get a request through this board to R-1 zoning so we can deed the land to our father-in-law. His intentions were to split the land between all the children. The reason we have 5 acres now is because we had to have the land. I understand that in cases similar to ours the determining factor in rezoning is the contiguous land owners. As long as it is not for speculation reasons or that it does not adversely affect the surrounding land owners.

Loman: Do you own a house on this land?

Padilla: Yes. Five acres abutting Snow Road. Our intent is to deed back four acres to my father-in-law. The intent was decided back in 1963 or so.

Elizario Fresquez: Asking for this rezoning because this piece of property has been in the family for over a century. Not to be subdivided for profit, but to divide it among my children as it was done by my father before me.

Loman: You have 14 children?

Fresquez: I have 8 children that it will be divided between.

Loman: Would the construction likely occur in a reasonably short period of time?

Fresquez: Several years. Not at the moment. They may decide to vote or whatever.

Loman: This gift would it be incumbent on them building on that land? If they did not want to build would they sell to someone else?

Fresquez: If they don't want it they could make arrangements among themselves.

Loman: Would it have covenants that if they did not build on it that they would have to divide it among the adjacent property owners?

Fresquez: Yes

Loman: You don't think the children would want to sell it to someone else outside of the family?

Fresquez: No.

Richard Fresquez: As far as the stipulations, once he has willed this land to the family, there would be a stipulation that it stay within the family.

Rudolph Fresquez: House is on 5 acres. Our intentions were that when we built there was to just get my share and deed the rest back to my dad. I don't think we should have five acres and my Dad have four. My brother and sister want to build and it is only fair that each member get their equal share.

Conley: We are talking about a block of land that is 14 acres and dividing that block of land into eight equal parcels of 1 3/4 acres in size. Comment from land owners adjacent to the property.

Town Clerk read letter from Homer and Susie Waters: We would like to go on record as being opposed to the "one acre" zoning change next to our property at this time. It has been stressed numerous times that there is a need for a Master Plan for the entire town of Mesilla; one derived after careful planning and consideration by the Planning & Zoning Board with input from citizens and qualified experts.

Piece meal type spot zoning is not the answer. Each and every citizen should be given the same consideration on an equal basis not just a select few, as has been happening in recent months.

We feel we would all agree there is a need for change but not "radical-jump before you think" type actions. The irresponsible "don't give a damn" type attitudes shown by some trustees is and can be very dangerous.

Mesilla should be treated as one would a child, it should be nurtured and cared for as it grows. Please take time to consider all aspects of these changes. Take one step at a time and the end result will be well worth the effort. -Homer & Susie Waters

17 September 1979

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Padilla: asked that the petitions be read.

Town Clerk read the petition be read: STATEMENT OF SUPPORT We, the undersigned property owners within Mesilla, have no objection to the proposed zone change requested by Mr. & Mrs. Elizario L. Fresquez and Family. The zone change being from RF (5 acres) to R-1 (1 acre). We understand that the reason for the zone change is to that Mr & Mrs. Fresquez can divide the property among their sons and daughters in accordance with their will. Each child will be able to build their home on approximately one and three fourths acre (1 3/4). This property has been in the Fresquez family since the early 1800's.

Names: Gregorio Aranda, A. S. Alvarez, Kenneth E. Taylor, Simon Guerra, Frank Alvarez, Sotero Lopez, Mr. & Mrs. B. S. Flores, Mr. & Mrs. Charles Espinosa, Mrs. Delfina F. Perez

Delfina Perez: Stated she was a property owner and adjacent to this property. I am in favor of the change because of the hardship by the present zoning regulations. There is no intention of selling this land.

She explained that the land had been in the family for four generations.

John Clayschulte-Property Owner. We have long considered that the zoning regulation does not provide for several situations. They should be able to do this but we have to be cautious so that it is not abused. We should sit down and consider what this will do in the long run. Until we consult an attorney and if this is a bonifide case a few more months shouldn't bother him, if that is what he wants do do. I think the rest of the people in Mesilla need protection and it can be abused in some cases.

Conley: Could you give a definite statement whether you are for or against this change.

Clayschulte: I would not like to see it at this time, but incorporated in an entire package at another time. Old time families here should be able to give it to their children. I would be against it at this time.

Horace Coburn: Lives 1/4 mile east of the Gin. He questioned the idea of keeping this land in the family, i.e. first dividing it up among 8 children and they would divide it up maybe four more ways if they had four children, etc.

If we establish a precedent of keeping the land in the family for everybody, then we run out of land for everyone. Asked to beg for time and hopefully this aspect of establishing a precedent for families could be weaved into the whole picture.

Kathy Frens: She stated her objections to spot rezoning. She did feel sympathy for the family, but was not in agreement with the way it was being approached at this time.

What might be a better solution that would still fit with the wishes of this family, but also maintain the integrity of Mesilla, in the overall zoning that this board is trying to come up with. This is something that is very important. We can't forget the family in trying to preserve the historical integrity because we haven't preserved anything if we haven't done that.

Allene Foreman: I wish to express the approval for myself and Mr. Foreman. We feel that to deny it would be in violation of all moral standards, etc. His right to leave his property equally to his children. I believe he made a will.

She quoted a precedent case back in 1976 where a woman was allowed to build on a smaller piece of property.

Sandra Reitmeyer: I agree in principal to divide, but I see the potential abuses. She further stated she felt this type of problem should be incorporated in an overall plan. I would have to say no unless there are some safety guards.

Lozan: Would you be willing to consider restrictive covenants on this property that would allow this property to remain in the family? The covenants could have a defined life time of say 40 years or 50 years. Some of that might answer some of the questions that have been asked tonight.

Richard Fresquez: Initially we want to leave it in the family. The inheritance is within the brothers and the sisters and their own children would take over this land. As far as I can see, it wouldn't be any others.

Page 4 17 September 2019

Lorna Harris: I would like to ask the board if you are talking about dividing this land eight different ways, to R-1. Are they intending to build homes on this 1 3/4 acres?

Conley: Rezoning to R-1 allows one house to one acre.

Lorna Harris: I am opposed. It would set a precedent for urbanization of rural valley farmland. I think we do need time. Taking precedent to further urbanization to the valley.

Faul Rader: I share my sympathy in the Fresquez dilemma. Even with the possibility of protective covenants, during times of economic problems within the family this is not a good solution. Unless those covenant restrictions for 1 3/4 acre and adding up 1/4 acres which would make it the most productive. We could find up to 14 dwellings and it would be a smaller development. We are heading for a problem. There are people who could come in there and take advantage. We have to look at the historical aspect of it. However it comes about, it still amounts to a subdivision. They need police protection, streets, etc. These are all the things people come to expect. The town is faced with creating those services. Without the revenue returns. The Town of Mesilla seems to be incapable of services existing for land owners. This board has the obligation to look at it without sentiment, but the row of houses. This would be a seed bed of future development, unless there is a legal agreement for review. It is a severe imposition. Children have come to curse protective covenants. We should wait until all things are looked at. I am opposed at this time.

Roberto Frietze: Property owner. I think that it is beautiful that the property goes from one generation to another. I agree with Mr. Radar and then if someone else comes in and wants to divide, and you don't because they are in Mesilla. Right now I would not want it to go until it can be studied legally and with experts to make sure we are doing the right thing.

Henry Radar: I live in Mesilla. I do sympathize with the Fresquez to a certain extent a change from R-F to R-1 would allow more housing in Mesilla for everyone. Crime rates would go higher and we would have to support all this stuff. And as everybody knows the Town has enough problems. We don't need the extra burden. Now have enough fire protection and we can't afford any more. If they are going to expand our fire protection I really do think the Fresquez should stop and think about this. I agree that a small change would do the town a little good.

Ben Alvarez: Resident of Mesilla. I think it is a hardship what they are going through. Mr. Fresquez has been working on that farm with the idea of some day giving that land to his children and now by zoning regulations it can't be done. I think that it is very important that that right be given to him. I think I would disincorporate or go to the County or City of Las Cruces.

Angel Carreon: With zoning ordinances it is either you will be going to court if you do and if you don't. I would rather go to court if we agree than if we oppose. Because we will be going against his constitutional rights. I am in favor.

Fred Widmoyer: Opposed to proposed zone change. In that I am not against the Fresquez and the rest of the family. Mesilla cannot afford services that are already in town and on the outskirts.

He felt that there needed to be barrier zones and that if this change was approved that all land in Mesilla should be zoned one acre.

Salomon Perez: Trustee for the Town of Mesilla. My reason for coming up to speak tonight is that things people don't know--I am related to Mr. Fresquez by marriage to his daughter. Quite a few things have been brought up that are very interesting. Some don't address the issue. Everybody has that right to request a zone change. We have a plan that was adopted by the Town of Mesilla but it has never been used. I hope that this board will refer back to the guidelines that they have back in this ordinance. And review the Master Plan. The issue is whether this board will allow Mr. Fresquez to implement a plan that his father has brought forth. Talked about this plan with his children and I think they are here to support it. My wife is the

17 September 1979

9th one and already has her inheritance which we received before 1972. We enjoy our land and a way we feel that because we were fortunate in beating a law that was here after us. And the Fresquez were here before the zoning ordinance. We feel the Town of Mesilla was wrong in not considering. We know that a lot of people do own land that they will want to divide it at some time. Everybody has a right to petition this board and the matter is decided on the merit of the case. I believe that a lot of people come up that they say that some people have given a lot of rights that others have not is untrue.

Rosalie Rader: Opposes this change for the fact that it is done very fast. No experts whatsoever in the zoning of these properties and before we step into something that is of a serious nature to this town. Everyone of us has a piece of us that belongs to us. What about the people that object to it? I think if we get together maybe we can come to some compromise. I don't think community can be changed this fast.

Reitmeyer: What happens to the property?

Conley: The question is not what happens to it, but whether to rezone to R-1.

Carreon: I would like to talk to the board about this because your recommendation will go to us the Board of Trustees. If we are going to court one way or the other, I would rather go to court because the request was granted. I am almost sure that if the request goes to court they will win.

Kathy Freas: I think that even though the board has to make a decision on R-F to R-1 that the real question is if this family is going to get their request. In the past with the Alvarez case the board asked that they meet with Mr. Alvarez and his group to work out a situation that would be agreeable with all people. Perhaps an agreement could be reached in this case. I think that we need to be aware of the problems that might come along. My husband and I just built a house. We did some things different because we did something different. It is not necessary that we consider these 8 homes to be a big development. I think that is over reaction I think it is a little silly that we are going to court over this. It seems that a variance also considering the fact that this will was made a long time ago.

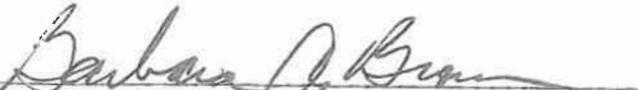
Paul Taylor: I really think we shouldn't speak because it almost precludes our vote at the Board of Trustees. I think we should listen to what is said. I think the Fresquez has a very legitimate request based on cultural and family desires. I think that we have been flooded with four requests which are beginning to appear that we are really wanting to change the zoning laws without the thought. I really think that all of us should feel that we should wait a little while. I really would not be surprised that in some cases a decision should be made. We need to think beyond today and individual requests and should think of the future and the planning that could result. I am not in sympathy with doing this without a total plan.

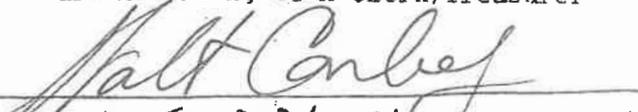
Allene Foreman: People wish to preserve their traditions and cultures and this is an extension of that. I have heard so many times that I feel that is what they are doing and they should have it.

Conley stated that letter or comments would be received for ten days, day #1 starting tomorrow.

Meeting adjourned 8:35 p.m.

Respectfully Submitted,


Barbara A. Brown, Town Clerk/Treasurer


WALT CONLEY Chairman Mes-112 P 2

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LA MESILLA PLANNING & ZONING & HISTORICAL APPROPRIATENESS COMMISSION
SPECIAL MEETING
OCTOBER 18, 1979

CHAIRMAN: Walt Conley
MEMBERS PRESENT: Steve Loman
Owen Weeks
OTHERS PRESENT: Kathy Freas Genevieve Widmoyer
R.V. Fresquez Carolene Herbel
A.M. Wierenga Henry F. Gil
Salomon Perez Delfine F. Perez
Alleene Foreman Gertrude Fresquez
Elizario Fresquez Viola Fresquez
Richard Fresquez Juan S. Padilla
Armida Padilla Charles Perez
Grey Gordan

The Special Meeting was called to order by Chair^{man!}~~person~~ Walt Conley.

NEW BUSINESS:

CASES UP FOR APPROVAL:

CASE #132-79-Carolene Herbel-Building Permit

Loman: Motion: I move to accept Case #132-79-Carolene Herbel-Building Permit
Weeks: 2nd Motion
Vote: Unanimous

OLD BUSINESS:

Case #103-79-R.V. Fresquez-104-79-Elizario Fresquez-105-79-Juan Padilla

Extensive discussions relating to the problem of a subdivision and the fact that subdivision regulations would apply to any development of the land in question.

Steve Loman stated that Case #103-79, 104-79, and 105-79 be considered in a single motion applicable to the three cases.

Loman: Motion: I move to accept the petition to rezone to R1.
Weeks: 2nd Motion
Vote: Weeks, Yes Loman & Conley, No

The petitions are therefore denied.

DISCUSSION OR STIPULATION: Recommendation is to deny the petitions to rezone and this will be sent to the trustees. Steve Loman thinks the problem is larger than the family wish. The applicants were advised of their right to appeal.

THERE BEING NO FURTHER BUSINESS, MEETING WAS ADJOURNED:

Respectfully Submitted,

Owen Weeks
Owen Weeks, PEZ&HAC Secretary

PAGE 3 November 12, 1979

Perez: Motion: I move that a workshop be set up for the review of the proposed personnel ordinances and policies for the Town of Mesilla on the 20th of November at 7:00 p.m. at the Fire Department.
 Dixon: 2nd Motion.
 Vote: Unanimous.

NEW BUSINESS:

HOUSING REHABILITATION

Status report from Michael Rivera on Pre-application and Resolution 79-7. Board action required. Also request to attend conference.

Mr. Rivera noted that the board attended the public hearing and therefore was aware of the citizen advisory committees suggestion.

Perez: Motion: I make a motion that the Board of Trustees adopt Resolution 79-7 titled the U.S. Department of Housing and Urban Development Pre-application for Community Development Block Grant in the amount of \$1,200,000.
 Dixon: 2nd Motion
 Vote: Unanimous.

Mr. Rivera requests permission to attend conference in Dallas, Texas, on November 19 and 20.

Dixon: Motion: I make a motion we approve the attendance of the conference for the 19th and 20th.
 Carreon: 2nd Motion.

Taylor asked if there was enough money in the budget.

Mr. Rivera answered that there was.

Vote: Unanimous.

APPEAL REQUESTED FOR REZONING

Appeal filed by R. V. Fresquez, Elizario Fresquez, and Juan Padilla.

Carreon: Motion: I move that the Board of Trustees accept the appeal of Fresquez, Padilla and Fresquez, Cases #103, 104, and 105.
 Dixon: 2nd Motion.
 Vote: Unanimous.

Carreon: Motion: I move that in accordance with the Planning & Zoning Ordinance of the Town of Mesilla, Section 10-15, that the Clerk request from the secretary of the Planning & Zoning Commission all records and correspondence from cases #103-105 for the Board of Trustees and public hearing be set up in accordance with Section 10-16. Meeting date to meet the 15 day requirement but not to exceed 21 days, meeting set for Monday December 3, 1979 at 7:00 p.m.
 Dixon: 2nd Motion.
 Vote: Unanimous.

APPEAL REQUESTED FOR VARIANCE

Correspondence from Leroy Lozier.

Town Clerk read letter from Mr. Lozier.

BOARD OF TRUSTEES PUBLIC HEARING
December 3, 1979

AGENDA: Elizario Fresquez, R.V. Fresquez, Juan Padilla (Case # 103, 104, 105)

MAYOR: Mary Frances Leslie

TRUSTEES: Salomon Perez
Angel Carreon
Wesley Dixon

TOWN CLERK:
Barbara A. Brown

OTHERS:	Mary Shelton	Armida Padilla
	John Jozwik	Mrs. Delfina Perez
	L.W. Leslie	Mrs. Vida Fresquez
	Randolph Reese	Ernesto Lopez
	E.L. Fresquez	Roy Foreman
	Rudolph V. Fresquez	Alleene Foreman
	Richard Fresquez	Cruz Alvarez
	Jaun S. Padilla	Ben Alvarez

Mayor Leslie opened the meeting at 7:00 p.m. Mayor Leslie stated the hearing was to investigate and hear comments in regards to the appeal filed by the Fresquez families, in accordance with Section 10-16 of the Mesilla Planning & Zoning Ordinance. She also stated written statements would be accepted until Wednesday, December 12, 1979. The meeting was limited to 9:00 p.m.

Randy Reese representing the Fresquez and Padilla families outlined the circumstances behind his clients request:

The zoning change is from RF to R-1 zoning involving a total of 14 acres for the purpose of allowing Mr. & Mrs. Fresquez to divide the land between eight children, 1 3/4 acres each. Three children already having been allotted their share. The following are the differences in the two zones: 1) RF zone does not talk about community water supply, but there is community water available on Snow Road. 2) Lot size is five acres versus one acre. One acre is a low density lot and provides for plenty of room and does not create a great urbanization. The Fresquez family wants to preserve the land which has been in the family for more than a century. There is a subdivision act, but it would be difficult for the family to comply immediately. Part of the purpose of the zoning ordinance and one of the things that is continually brought forward in the Town of Mesilla, is to preserve the charm and heritage. Stated this was as much a part of the people as of the people. Growth is coming and the question is whether Mesilla wants the growth to come from within the Town or from some place else. Asked the Board to allow the zone change.

Rudy Fresquez: Asked the Board to consider the zone change and his father's wishes to leave this land to his children.

Juan Padilla: Asked the Board to also consider the zone change and his father-in-laws wishes.

Elizario Fresquez: Stated he was presenting his wishes to the Board of Trustees according to his will and he asked the Board to consider his wishes.

Page 2 BOT Public Hearing 12-3-79

Alleene Foreman: Asked the Board to rule favorably for the zoning change and criticized the Zoning Ordinance.

Dixon: How long has this land been in the family.

Reese: Since the 1880's.

Cruz Alvarez: Stated he was in favor of the change.

Jozwik: Stated he was interested in the law and the legality of the case, not it's merits. He felt the application was improperly filled out. He also questions the title to the property, noting he had done research at the county courthouse on deeds. Accordingly, part of the land belonged to another person before being transferred in the 1970's to the Fresquez family. He also questioned deeds drawn up separately for four acres and one acre for R.V. Fresquez and Juan Padilla. He submitted a letter to explain in detail his observations.

Wierenga: How is property zone adjacent to the Fresquez?

Mayor: Rural Farming.

An argument ensued between Mr. Carreon and Mr. Jozwik.

Cruz Alvarez stood up and expressed his opinion of the situation.

Henry Rader: I have deep anger for all this fighting. I am completely opposed to all this B.S.

Reese: Explained why the land was originally deeded in four and one acre tracks. The zoning on adjacent land is RF, but there is some R-1 on Snow Road.

He stressed that Snow Road was one of the paved roads in Mesilla and that this would be a preferable place to locate residential units.

Mayor Leslie: Asked legally whether dividing this property would allow other property owners to have the same privilege.

Reese: Stated each case should be reviewed individually. The Board must look at the adjacent zone as to the compatibility. He felt the Board would eventually be faced with all the land along Snow Road being zoned residential in the future.

Mayor Leslie: Stated that the zoning ordinance states each case will be reviewed separately, but how would an attorney approach the case if the Board passes this request.

Reese: Legality, the law in New Mexico is not complete, the indications are that the adjacent zone is not determinative of an application of the adjacent zone. Cases have been denied. Many communities are served by drawing a line. You will always be faced with a decision where we have granted so and so the zone. Status of law would uphold the wishes of the community. The one principle merit of the zoning application is whether or not the zoning asked for serves the community purpose. Chances are the courts will uphold your actions no matter what your actions are.

PAGE 3 BOT PUBLIC HEARING 12-3-79

Mayor: If the property is divided what is the law in relation to ingress to any property.

Reese: No law except subdivision. Ingress and egress. Conveyance by will is probably not subject to the subdivision act. Mr. Fresquez states the transfer in his will and is not subject to the subdivision act. Even if Mr. Fresquez did not make a will. No parcel of land is to be denied public access. Basement by necessity. All that needs be done is to go to court and tell the judge I cannot get to a public road from my property. It happens all the time with all the federal BLM Land. An easement can be obtained by a court process if necessary.

Mayor: Zoning is R-1 but division will be 1 3/4 acres. Do you feel we should have an amendment to our zoning act?

Reese: I think you and your members know that your zoning ordinance should have some amendments. This charming Town is caught up in the Mesilla Valley. You will be faced with growth and you need a comprehensive ordinance that can accommodate that. You have an ordinance that will preserve the status quo. The only thing that will cut us off is the availability of water. Climate and place in the sun is too attractive to the people in the northern states that are going to keep coming here. Five acres is not a good concept in this valley. Maybe it will be for another 10-15 years but eventually you will receive a challenge. Five acres is a density that is unheard of. Five acres is a difficult number to farm, you need more land to make it cost effective.

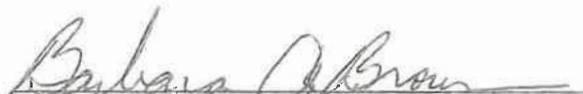
Carreon: I want to put this on the agenda for our next regular meeting.

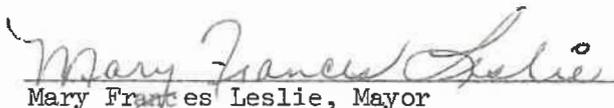
Mayor Leslie: Stated that she intended to do that.

Meeting adjourned at 8:00 p.m.

Respectfully Submitted,

SEAL:
ATTEST:


Barbara A. Brown, Town Clerk


Mary Frances Leslie, Mayor

BOARD OF TRUSTEES REGULAR MEETING
December 10, 1979

MAYOR: Mary Frances Leslie

TRUSTEES: Angel Carreon
Wesley Dixon
Salomon Perez

TOWN CLERK:
Barbara A. Brown

OTHERS:	Rosalie Rader	E.L. Fresquez
	Paul Rader	Alleene Foreman
	Ed Southworth	Armida Padilla
	L.W. Leslie	Richard Fresquez
	Ralph Lucero	Henry Gil
	Susie Waters	Ben Alvarez
	A.M. Wierenga	Erik Ness
	Florence Hall	Joe Smith
	Owen Weeks	Jimmy Harris
	William Reitmeyer	Buford Harris
	W.D. Sanders	G. J. Widmoyer
	Juan Padilla	Mary Shelton
	R.V. Fresquez	

Mayor Leslie opened the meeting at 7:35 p.m.

Perez: Motion: I move to table the set of minutes for November 14, 1979. Questioned some conclusions that were reached, the conclusions reached were only the opinion of whoever was typing.

Carreon: 2nd Motion.
Vote: Unanimous.

Carreon: Motion: I move we approve the minutes of November 15, 1979.
Perez: 2nd Motion.
Vote: Unanimous.

Perez: Motion: I move the approval of the minutes of November 26, 1979.
Carreon: 2nd Motion.
Vote: Carreon, Perez, yes. Dixon, abstain.

Carreon: Motion: I move the approval of minutes of December 3, 1979.
Dixon: 2nd Motion.
Vote: Unanimous.

OLD BUSINESS:

FRESQUEZ, FRESQUEZ, PADILLA APPEAL
Decision on Appeal requested. Motion required.

Carreon: Motion: I move to have the Planning & Zoning reconsider this application and send it back to them for further consideration per Section 10-17, Planning & Zoning Code.
Dixon: 2nd Motion.
Vote: Unanimous.

LA MESILLA PLANNING & ZONING AND HISTORICAL APPROPRIATENESS COMMITTEE
REGULAR MEETING
December 18, 1979

CHAIRPERSON: Walter Conley

MEMBERS PRESENT:
Kathleen Eastman
Robert McComas
Owen Weeks

OTHERS PRESENT:
Frank Terrazas
M.O. Guerra
Leonardo Soltero
Remigio Varela
E.J. Hans
Erik L. Ness
Jose Terrazas
Lalo Terrazas

Chairperson Walt Conley called the meeting to order.

Motion to accept minutes for December 4, 1979, with the exception of Item #1 under "Additional New Business". Item #1 Additional New Business, relates to the Planning & Zoning and Historical Appropriateness Committee's concern with the processing of all building permits. This item has been tabled pending information from the Town Clerk and further discussion of the wording.

McComas: Motion: I move to accept the modified minutes, for December 4, 1979.
Eastman: 2nd Motion.
Vote: Unanimous.

OLD BUSINESS:

Case # 82-79 Alvarez Appeal

Alvarez appeal for rezoning the property in question to a Commercial Zone.

DISCUSSION: The case has been approved by the Board of Trustees contrary to the recommendation of the Planning & Zoning Committee. The present action is a referral once again to the Planning & Zoning for their reconsideration.

McComas: Motion: I move to vote to reaffirm the Planning & Zoning Commission position that the Case #82-79 be denied and that the secretary present to the Board of Trustees in writing, the reasons for this opinion.
Eastman: 2nd Motion.
Vote: Unanimous.

The Chairman approved the motion also.

Case # 103, 104, 105 Fresquez, Fresquez, Padilla

PAGE 2 12-18-79

DISCUSSION: These cases have been approved contrary to the recommendation of the Planning & Zoning Commission and now have been sent back to the Planning & Zoning Commission for further consideration.

Weeks: Motion: I move to reaffirm the Planning & Zoning Commission's previous position which was to deny the petition revealed in Cases 103, 104, 105.

McComas: 2nd Motion. The provision was made that the secretary advise the Board for the reasons for their continuing denial of the petition.

Vote: Two for the motion, one opposed.

Case # 140-79 Gaylord Bird, American Silversmith, Sign Permit

McComas: Motion: I move to approve.

Eastman: 2nd Motion.

Vote: Unanimous.

NEW BUSINESS:

Case # 149-79 Modesto Guerra, Occupational License

McComas: Motion: I move the approval of Case # 149-79.

Eastman: 2nd Motion.

Vote: Unanimous.

Case # 150-79 Remigio Varela, Building Permit

McComas: Motion: I move the approval of Case 150-79.

Eastman: 2nd Motion.

Vote: Unanimous.

DISCUSSION: There seems no reason to delay the issuance of a permit for Mr. Varela.

Case # 151-79 Gaylord Bird, Occupational License

Weeks: Motion: I move the approval of Case # 151-79, Occupational License for "El Paso Boots West Co."

McComas: 2nd Motion.

Vote: Unanimous.

Case # 152-79 Leonardo Soltero, Building Permit

Weeks: Motion: I move the approval of Case # 152-79.

McComas: 2nd Motion.

Vote: Unanimous.

Case # 153-79 E.J. Hans, Building Permit

DISCUSSION: Addition to an existing house. Capri Arc area. Zone R-F.

BOARD OF TRUSTEES REGULAR MEETING
January 14, 1980

MAYOR: Mary Frances Leslie

TRUSTEES:

Salomon Perez
Wesley Dixon
Angel Carreon
Paul Taylor

TOWN CLERK:

Barbara A. Brown

OTHERS:

Cruz Alvarez	John Lopez Jr.
Ben Michael Alvarez	Aurelio Beltran
Glen Newmeyer	Wayne Joyner
Ben Alvarez	Mary Sanders
Albert Engel	W.D. Sanders
Leroy Lozier	Jimmy Harris
Roy Foreman	Edward Southworth
Alleene Foreman	I.L. Bustamantes
Greg Giordano	William L. Reitmeyer
Ramona Duran	Owen Weeks
E.L. Fresquez	Kathleen Eastman
Juan S. Padilla	Henry Rader
Armida Padilla	Paul Rader
R.V. Fresquez	John Jozwik
Richard Fresquez	N. Clayshulte
Ralph Lucero	Gloria Clayshulte
Larry W. Leslie	A.M. Wierenga
Esther Lucero	Eloisa Gonzales
Bill Finch	Delphina Griego
Cipriano Gonzales	Jamie Cano
Paul Griego	Erik Ness
Patrick Taylor	Joe Smith
Wendy Taylor	Mary Wormley

The Honorable Mary Frances Leslie opened the meeting.

Perez: I was just informed that the minutes for the September 26, and November 14 meetings, that we felt were incomplete and according to the Town Clerk are correct, I would have to listen to the tape of the closed personnel minutes. I also want the November 14 opinions by the Town Clerk removed.

Mayor: The minutes of September 26 were never tabled. I took those minutes off the agenda because I had not completed reviewing them.

Perez: Motion: I move the September 26 minutes be tabled until they are reviewed for correctness.

Carreon: 2nd Motion.

Vote: Carreon, Dixon, Perez, yes. Taylor, abstain.

Perez: Motion: I move the minutes of November 14, 1979 be tabled until all opinions by the Town Clerk are omitted.

Carreon: 2nd Motion.

Vote: Carreon, Perez, Dixon, yes. Taylor, no.

PAGE 2 BOT 1-14-80

Carreon: Motion: I move the approval of the December 10, 1979 minutes.
 Perez: 2nd Motion.
 Vote: Carreon, Dixon Perez, yes. Taylor, abstain.

Carreon: Motion: I move the approval of the December 17 minutes.
 Dixon: 2nd Motion.
 Vote: Unanimous.

Taylor: Motion: I move the approval of the minutes of December 27.
 Perez: 2nd Motion.
 Vote: Perez, Taylor, yes. Dixon, Carreon, abstain.

Carreon: Motion: I move the approval of January 7, 1980, minutes.
 Perez: 2nd Motion.

Mayor: Correction, detraction instead of distraction on page 3, paragraph 1.

Paul Rader: Did the Chair decide what that meeting was about? It did not pertain directly to the Lozier Case?

Mayor: No, Sir.

Vote: Carreon, Perez, yes. Dixon, Taylor, abstain.

OLD BUSINESS:

ALVAREZ APPEAL

Planning & Zoning and Historical Appropriateness Committee refers case back to the Board of Trustees. See minutes of December 18, 1979.

Town Clerk read minutes of December 18, 1979 of the Planning & Zoning Commission.

Carreon: Motion: I move the approval of Case 82-79.
 Dixon: 2nd Motion.

Discussion followed in which Mr. Rader and Mr. Southworth questioned whether the Board could vote on the issue when the minutes of that Public Hearing were tabled. Mr. Carreon did not want public input at this point, but Mayor Leslie informed him that as an elected official he had a constitutional right to hear the people. Mr. Taylor also stated he felt that if the minutes were tabled it was not just a portion of the minutes but the entire minutes. Mr. Southworth commented he felt the Board was making an irreversable decision.

Rader: Carreon made the motion, Dixon 2nd it, Perez who called for the question. Not only irresponsible attitude, but I think we are witnessing an indecent action by elected officials.

Vote: Carreon, Dixon, Perez, yes. Taylor, no.

Mayor: 3/4 of the members are supposed vote in order to pass this and 3/4 have voted, so it has passed.

FRESQUEZ, FRESQUEZ, PADILLA APPEAL

Planning & Zoning and Historical Appropriateness Committee refers case back to the Board of Trustees. See minutes of December 18, 1979.

Mayor Leslie asked that Mr. Perez read his statement of disclosure. Mr. Perez asked the Town Clerk to read it.

PAGE 3 BOT 01-14-80

Town Clerk read Mr. Perez statement of disclosure.
Mayor Leslie asked Mr. Perez if he wished to disqualify himself.

Perez: No, I do not.

Mayor Leslie then asked the Board members to vote on whether Mr. Perez should be disqualified. Mr. Carreon felt Mr. Perez did not have any interest in the case.

Taylor: I really think that we should make a determination, therefore, I move to table the motion by Mr. Carreon until the members decide whether Mr. Perez should or should not vote on the issue.

Carreon: 2nd Motion.

Vote: Carreon, Dixon, Taylor, yes. Perez, abstain.

A motion was made by Mr. Taylor on whether Mr. Perez should be allowed to vote, but no second was made. Motion died for lack of second.

Carreon: Motion: I move to take it off the table.

Perez: 2nd Motion.

Vote: Unanimous.

Carreon: Motion: I move the approval of Case #103, 104, 105, Fresquez, Fresquez, Padilla.

Dixon: 2nd Motion.

Paul Rader asked the Board to consider a covenant on the land to insure that the property would only be handed down to family members. He felt the Board would be setting a precedent if they did not restrict the use.

Mayor Leslie: It seems ridiculous and foolish to have questions on the ballot for rezoning when the board is voting on them now. Mr. Dixon would you please clarify?

Dixon: Doesn't have anything to do with this case. I call for the question.

Mr. Jozwik: Stated he wanted to bring up the point of bias. On the Fresquez property they were not in compliance with Section 11-5 according to the tax rolls. Stated that Mr. Perez did not disclose himself prior to the voting on this case and asked Mr. Perez to answer and why as a Trustee he has not followed the Mesilla Zoning Ordinance.

Perez: I don't care to answer that question.

Mrs. Foreman: Mr. Perez was elected by the majority of the people of Mesilla. If he chooses to use his discretion, then he should.

Taylor: I think it is unfortunate that all these cases come to the Board of Trustees. It appears to me that it is an effort to spot zone. That is the privilege of the people who brought it before the Board.

Mr. Taylor felt that the community was being split and that in this case there would be doubt that a person on the board voted on something that he was involved in.

Cruz Alvarez: Stated that the people should be allowed to do what they want with their land, not to have the new comers telling the Mexican native what to do.

PAGE 4 BOT 01-14-80

Mayor Leslie: I would like to make a statement in reply to what you just stated. You are absolutely correct, it is to bring us together, it should be that way. However, let me quote this, I feel that the Board of Trustees are not being flexible with all the majority of the community. I think that if they have done it, if they could have done it the way the Planning & Zoning had proposed from the very beginning and at that time the majority were hispanic and did speak Spanish, Mr. Alvarez. Not only that, that's when you would have united, we could have been flexible and would have been contented. But you know what has happened since then. We have split just like that isle right there. The people have gone hispanic and other people have gone all gabacho. So that is where it should have been at the very beginning, but it is not there and won't be until the Board of Trustees do get together and try to help the majority of the Mesilleros and let's face it, they are Mesilleros whether they come from Timbukto. They are from Mesilla and they do have the right to speak. They do have the right to be acknowledged by the governing body. We don't know who voted for us. I don't think anybody knows except each individual one. I can't say you and you and you voted for me. We were elected sure by the majority, otherwise we wouldn't be here.

Mr. Southworth stated he was disillusioned as the Trustees have overlooked public input and felt it showed arrogance.

Mrs. Foreman felt that the Board was compelled to act on an application.

Mr. Rader again asked the Board to consider restrictive covenants.

Carreon: I think that I would like to see covenants on the Alvarez as far as the architecture, but in the Fresquez case it should be up to them.

Albert Engel, representing the Alvarez: Stated that his client had always stated that he was in favor of having restrictive covenants to keep the property historical.

Mayor Leslie: Mr. Engel, I would like to correct you on that statement, because Mr. Cruz Alvarez and Mr. Ben Alvarez were asked time and time again if they would go with covenants and to clarify this architectural motif and it was stated time and time again that they were not willing to budge. Therefore, I am rebutting it now. If Mr. Cruz Alvarez has decided to go with that idea, then I would like to hear from him.

Cruz Alvarez stated: "you are looking at the history of Mesilla." He went on to say how he loved Mesilla, but made no statement as regards to covenants.

Glen Newmeyer: I would like to correct the record because I have been present at these meetings with Mr. Engel and at all times with the Zoning Board and with this Board we have always said that if any arrangement could be made that would be legally sustainable that they would agree to the Town Board to have that restriction just as Mr. Taylor pointed out as being desirable. The issue had been that the original procedure was filed for zoning in order to modify that for Historical Zoning, we would have had to go back for republication and the procedure starting over. We threw the ball to the commission and to the Zoning Board to give us some alternatives as to how you might approach it. We could not do otherwise because for Mr. Alvarez to do other than what he did we would have had to abandon the petition. But if this Board had so sought to place a restriction on the commercial, we would like to see it commercial zoning if it would conform to this sort of review commission. You have the right to do so. There has never been any issue with this.

PAGE 5 BOT 01-14-80

Mayor: It was addressed by the Planning and Zoning, I already stated that.

Vote: Carreon, Perez, Dixon, yes. Taylor, no.

Motion carries.

Taylor: My reason for voting no is regarding the conditions in this case rather than the questions of descendants receiving the property of their parents as I firmly believe that descendants should receive the property of their parents. But the other conditions of the case are such that I could not vote for it.

Mayor Leslie asked if there were any further comments.

Taylor: I would just like to state that I will remember the condition that Mr. Engel stated and I think that we can just expect that there would be concern for the Historical integrity.

CASES UP FOR APPROVAL:

CASE # 140-79 American Silversmith, Sign Permit

Dixon: Motion: I move the approval of Case # 140-79.
 Perez: 2nd Motion.
 Vote: Unanimous.

CASE # 149-79 Modesto Guerra, Occupational License

Taylor: Motion: I move the approval of Case # 149-79.
 Dixon: 2nd Motion.
 Vote: Unanimous.

CASE # 150-79 Remigio Varela, Building Permit

Carreon: Motion: I move the approval of Case # 150-79.
 Perez: 2nd Motion.
 Vote: Unanimous.

CASE # 151-79 Gaylord Bird, Occupational License

Taylor: Motion: I move the approval of Case # 151-79.
 Carreon: 2nd Motion.
 Vote: Unanimous.

CASE # 152-79 Leonardo Soltero, Building Permit

Taylor: Motion: I move the approval of Case # 152-79.
 Perez: 2nd Motion.
 Vote: Unanimous.

CASE # 153-79 E.J. Hans, Building Permit

Dixon: Motion: I move the approval of Case # 153-79.
 Taylor: 2nd Motion.
 Vote: Unanimous.

CASE # 154-79 Jose Terrazas, Building Permit

Taylor: Motion: I move ~~the~~ approval of Case # 154-79.
 Carreon: 2nd Motion.
 Vote: Unanimous.

PAGE 6 BOT 01-14-80

CASE # 155-79 El Platero, Sign Permit

Perez: Motion: I move the approval of Case # 155-79.
 Dixon: 2nd Motion.
 Vote: Carreon, Dixon, Perez, yes. Taylor, abstain.

CASE # 1-80 Roy Foreman, Building Permit

Dixon: Motion: I move to approve Case # 1-80.
 Perez: 2nd Motion.
 Vote: Unanimous.

Jozwik: Since the Board of Trustees set a precedent in permitting Attorney Newmeyer to discuss the Fannie Alvarez case after the passage of the Fannie Alvarez Resolution, my presentation in reviving the Foreman Oil Commercial Zoning case was not out of order. Further, since the public input was denied by the precipitous action of the Board of Trustees on the Trustee Carreon motion on November 15, 1979, I felt that this was my prerogative to take advantage of the opportunity. "During the November 15, 1979 meeting, Case # 89-79, Skip Foreman, rezoning application, the Carreon Resolution did not grant the applicant, Skip Foreman, the Commercial Zoning for Foreman Oil Company as requested. It was Kathleen Foreman who wanted an amendment to the Planning & Zoning and Historical Appropriateness Committee resolution, (Skip Foreman request) by adding provisions of Section 11,11-6-1 & 2 & Paragraph A & B to the Skip Foreman request. (As presented by Trustee S. Perez). Mr. Carreon's Motion. (From minutes): "I move that Case #89-79 as requested by Kathleen Foreman: It was to have been the Skip Foreman application and not Kathleen Foreman amended version that should have been voted upon. Therefore, due to this erroneous motion, the Foreman Oil Company is not properly included in a Commercial Zone and therefore cannot build anything included in Section 11-6 C-2 (Uses Permitted) Structures".

Mayor Leslie informed Mr. Jozwik that the application for building permit was on the Foreman house, not the business.

NEW BUSINESS:

PROPOSED ZONING ORDINANCE CHANGE

Addition of Gasoline Dispensing to Permitted Uses. Motion required.

Perez: Motion: I make a motion that we add to the list of permitted uses under 11-6 of the Mesilla Ordinance, be amended to add gasoline stations and gas dispensing.
 Dixon: 2nd Motion.

Mr. Jozwik commented that the newspaper advertisement was incorrect as it listed the Section as 11-C-2.

Vote: Carreon, Dixon, Perez, yes. Taylor, no.

VFW

Request from Mr. Gonzales to use the Community Center for meetings.

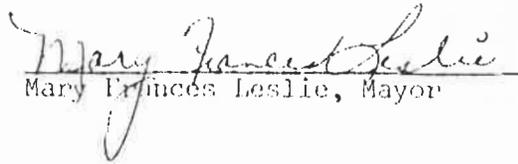
Cipriano Gonzales introduced the members of Foreign Wars: John Lopez, Wayne Joyner, Aurelio Beltran, Tony Martinez, Jimmie Jaramillo, Paul Griego. He further stated that they wished to rent or have the Town lend them a meeting room. However, they did not know what night or time. They also wanted a room for the Ladies Auxiliary.

ORDINANCE # 80-2

AN ORDINANCE AMENDING THE PLANNING & ZONING ORDINANCE-ZONING MAP ON PROPERTY LOCATED SOUTH ON SNOW ROAD FROM THE INTERSECTION OF SNOW ROAD AND UNIVERSITY.

THEREFORE, BE IT RESOLVED, that the Mesilla Board of Trustees at a regular Board of Trustee meeting dated January 14, 1980, have adopted a change to the Mesilla Planning & Zoning Ordinance Zoning Map. Elisario Fresquez, R.V. Fresquez, and Juan Padilla property now zoned R-1 Single Family Residential Zone.

PASSED, ADOPTED, AND APPROVED THIS 14th DAY OF January 1980.


Mary Frances Leslie, Mayor

SEALS

ATTEST:


Barbara A. Brown, Town Clerk

Legal Description
(See Attached)



ZONING MAP MAPA ZONAL

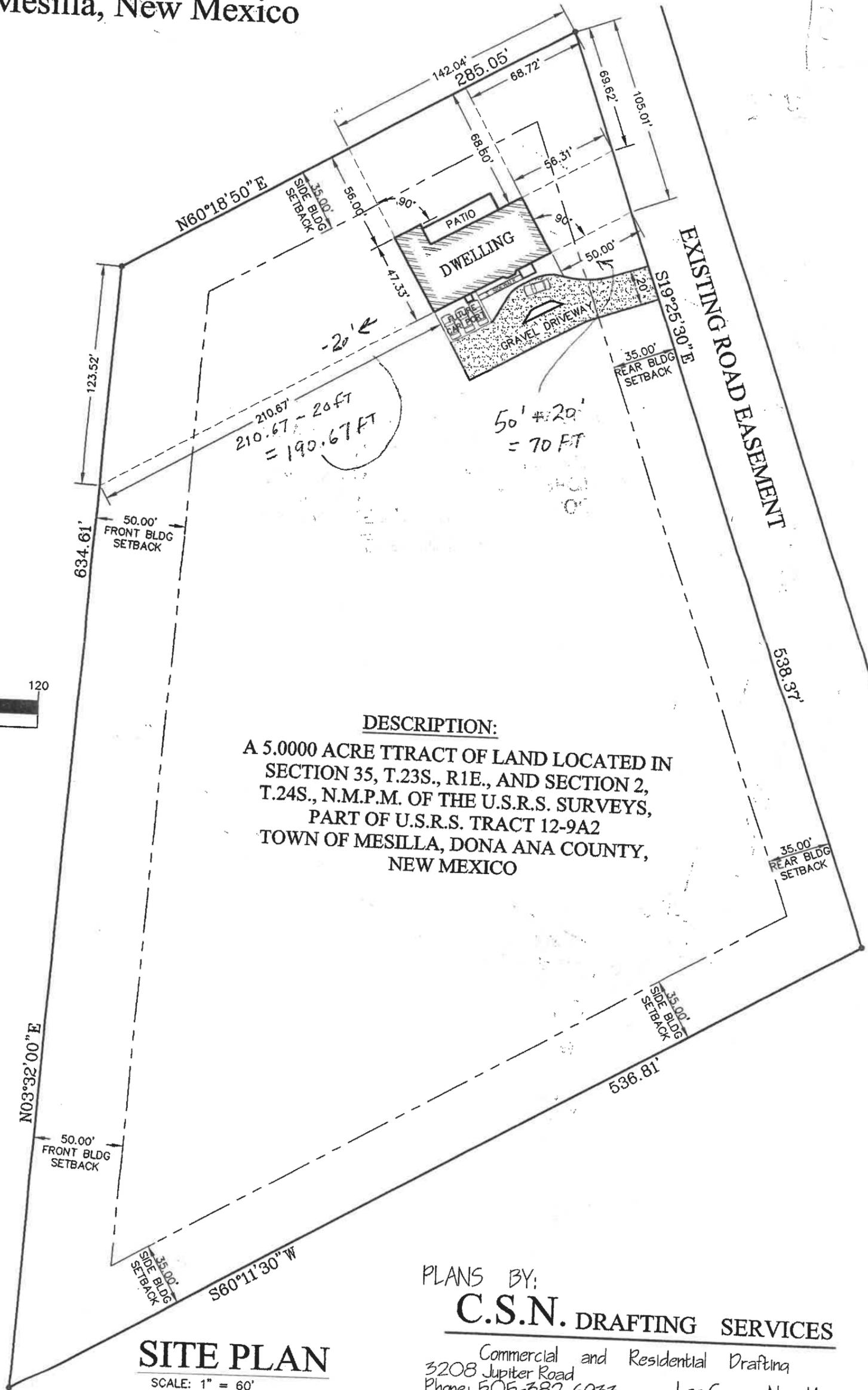
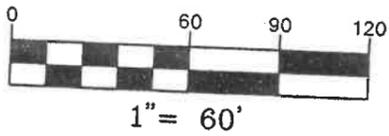
- RURAL FARM RF GRANJA RURAL
- RESIDENTIAL/AGRICULTURAL RA RESIDENCIAL/AGRICULTURAL
- SINGLE FAMILY RESIDENTIAL R-1 RESIDENCIA DE FAMILIA SINGUL
- HISTORICAL RESIDENTIAL HR RESIDENCIAL HISTORICO
- HISTORICAL COMMERCIAL HC COMERCIAL HISTORICO
- GENERAL COMMERCIAL C COMERCIAL GENERAL
- PLANNED UNIT DEVELOPMENT PUD VECINDARIA PLANIFICADA

Compiled by CADACROS, June 1998
Approved by the City of Mesilla, New Mexico
Town Clerk Office, Mesilla, New Mexico

This is to certify that this is the official zoning map
of the Town of Mesilla, New Mexico, the Official Zoning Map
of the Town of Mesilla, New Mexico, as of the date of this
certification.
[Signature]
Town Clerk



Site Plan for New Home
for
Jesus and Dora Caro
Located in
Mesilla, New Mexico



DESCRIPTION:
A 5.0000 ACRE TTRACT OF LAND LOCATED IN
SECTION 35, T.23S., R1E., AND SECTION 2,
T.24S., N.M.P.M. OF THE U.S.R.S. SURVEYS,
PART OF U.S.R.S. TRACT 12-9A2
TOWN OF MESILLA, DONA ANA COUNTY,
NEW MEXICO

SITE PLAN
SCALE: 1" = 60'

PLANS BY:
C.S.N. DRAFTING SERVICES

Commercial and Residential Drafting
3208 Jupiter Road
Phone: 505-382-6933
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88012



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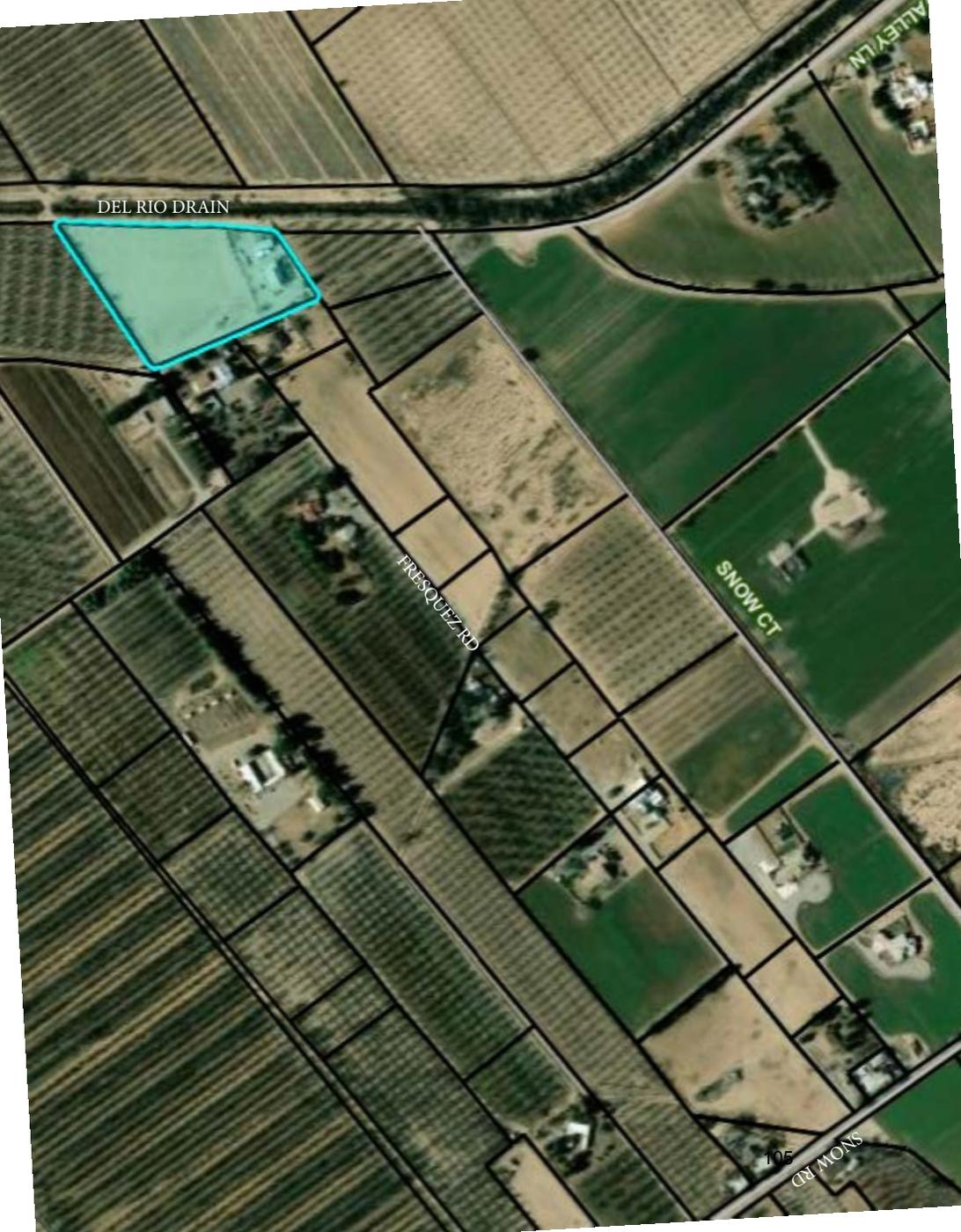


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Executive Summary

To: Board of Trustees

From: Russell Hernandez, Mayor

Date: For Regular Meeting 11/10/2025

Re: Discussion: **MOJAC Supreme Court Ruling & Next Steps**

Summary of items to be considered

- Discussion of the recent New Mexico Supreme Court ruling impacting the operation, authority, and jurisdiction of Mesilla Municipal Court. The discussion will include review of the decision's implications for the Town of Mesilla, including judicial administration, case processing, and any required procedural or ordinance adjustments. Town attorney will provide an overview of the ruling and potential next steps for alignment with state judicial guidance.
- Needed: Discussion and direction to staff regarding implementation or future consideration of municipal court operational changes as necessitated by the Supreme Court ruling.

Financial Impact:

- n/a

Supporting Documentation:

- See Attached

1 of the term of the municipal judge in office on the date of the supreme court's
2 approval of the ordinance"; and

3 WHEREAS, pursuant to and in compliance with Section 35-14-1, the Board
4 of Trustees of the Town of Mesilla adopted a resolution establishing a committee to
5 review the proposed transition and that committee recommended the Town proceed
6 with the transfer of jurisdiction;

7 WHEREAS, also pursuant to and in compliance with Section 35-14-1, the
8 Town of Mesilla adopted Ordinance 2025-1, designating the Doña Ana County Las
9 Cruces Magistrate Court as the court having jurisdiction over its municipal
10 ordinances, contingent upon the approval of the Supreme Court; and

11 WHEREAS, the Court having considered the foregoing and being sufficiently
12 advised, Chief Justice David K. Thomson, Justice Michael E. Vigil, Justice C.
13 Shannon Bacon, Justice Julie J. Vargas, and Justice Briana H. Zamora concurring;

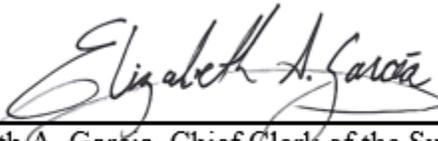
14 NOW, THEREFORE, IT IS ORDERED that Ordinance 2025-1 is
15 APPROVED and the Town of Mesilla Municipal Court's jurisdiction is hereby
16 transferred to the Doña Ana County Las Cruces Magistrate Court in Doña Ana
17 County, effective upon the expiration of municipal Judge Henry Dimatteo's term of
18 office; and

1 IT IS FURTHER ORDERED that the Administrative Office of the Courts
2 shall assist the Town of Mesilla Municipal Court and the Doña Ana County Las
3 Cruces Magistrate Court with the transfer of jurisdiction.

4 IT IS SO ORDERED.



WITNESS, the Honorable David K. Thomson, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 29th day of October, 2025.


Elizabeth A. Garcia, Chief Clerk of the Supreme Court
of the State of New Mexico

I CERTIFY AND ATTEST:
A true copy was served on all parties
or their counsel of record on date filed.
Elizabeth A. Garcia
Chief Clerk of the Supreme Court
of the State of New Mexico



Executive Summary

To: Board of Trustees

From: Russell Hernandez, Mayor
Gred Whited, Fire Chief

Date: For Regular Meeting 11/10/2025

Re: Approval: Battalion Chief Job Description & Personnel Designation

Summary of items to be considered

- Approval of the proposed Fire Department Battalion Chief Job Description. The document outlines the essential duties, qualifications, and responsibilities of the position, which serves as a key leadership role within the Mesilla Fire Department. The Battalion Chief will oversee daily operations, training, emergency response coordination, and personnel management to ensure effective service delivery and compliance with departmental and state standards. Adoption of this job description will provide a clear framework for recruitment, evaluation, and succession planning within the department.

Financial Impact:

- Increase in Salary from Grade C33 to C35

Supporting Documentation:

- See Attached

POSITION TITLE: BATTALION CHIEF

DEPARTMENT: FIRE

CLASSIFICATION: PART-TIME TO FULL-TIME

FLSA: NON-EXEMPT

REPORTS TO: FIRE CHIEF

DIRECT REPORT: ALL FIRE & EMS TEAM

SALARY RANGE: C35 – \$26.00 - \$33.80

Position Overview

Oversees and supervises fire department operations, including career and volunteer personnel at the fire station that protects life and property through firefighting, emergency medical service (EMS), and other emergency response activities to meet the needs of the residents throughout the Town of Mesilla and neighboring areas.

Essential Responsibilities

Leadership & Supervision

- Coordinates the activities of volunteer firefighters to ensure adequate station coverage. Directly oversees a minimum of three (3) firefighters and may oversee career and/or volunteer personnel
- Supervise and manage volunteer firefighters during emergency and non-emergency situations
- Mentor and support volunteer firefighters, fostering a positive and collaborative team environment

Emergency Response

- Respond to fire alarms and determine from observation nature and extent of fire, condition of building, danger to adjacent buildings, and source of water supply, and directs firefighting crews accordingly
- Assess emergency situations, develop action plans, and make quick, effective decisions to ensure the safety and efficiency of operations
- Coordinate with other emergency services and agencies as necessary during incidents

Training & Development

- Conducts training for subordinates in the use of equipment and methods of extinguishing all types of fires
- Provide training in all aspects of suppressing and extinguishing fires including fire prevention, performing emergency rescues, and providing emergency medical assistance
- Ensure all team members are certified and up-to-date with necessary firefighting, first aid, and rescue certifications
- Evaluates efficiency of fire personnel by conducting regularly scheduled performance reviews

Safety & Compliance

- Inspects assigned fire stations, buildings, grounds, and facilities, and examines firetrucks and equipment to ensure compliance with maintenance standards.

Administrative Duties

- Produce written documents using proper sentence construction, punctuation, and grammar
- Responsible for completion of a report of each fire call, listing location, type, probable cause, estimated damage, and disposition utilizing personal computer and emergency reporting software.
- Assists and coordinates the maintenance and repair of Town facilities, apparatus and equipment
- Aid with ordering of station supplies, as well as replenishing supplies for emergency response

Community Engagement

- Participate in community outreach programs to educate the public on fire safety, prevention, and emergency preparedness
- Represent the fire department at community events, meetings, and functions
- Foster Positive relationships with community members, local businesses, and other stakeholders

Fire Prevention & Inspection

- Performs fire suppression activities, fire prevention, rescue, communications, and emergency medical care
- Identify potential fire hazards and provide recommendations for corrective actions.

Qualifications

- Education: High School Diploma or GED
- Two (2) years field experience, as a career or volunteer firefighter, in emergency response
- Must be 18 years of age as of the first day of employment

Licenses/Certifications

- Valid Class D driver's license required with Class E required to be obtained within twelve (12) months of hire.
- New Mexico Emergency Medical Technician certification is required within twelve (12) months of hire, and EMT-Intermediate or Paramedic preferred.
- IFSAC Firefighter I-II or equivalent required. IS 700, 800 ICS 100, and 200 required

Knowledge, Skills, & Abilities

- Practices, procedures and equipment used in fire suppression
- Communication and interpersonal methods and techniques to deal with the general public, County staff, and Elected Officials
- Supervisory experience in effectively leading a fire company
- General business inspections and fire codes knowledge

Town of Mesilla
 Unrepresented Salary Schedule
 Effective 7/1/2024

Grade	Min		Max	
A11	\$15.50	\$32,240	\$20.15	\$41,912
A12	\$16.00	\$33,280	\$20.80	\$43,264
A13	\$16.50	\$34,320	\$21.45	\$44,616
A14	\$17.00	\$35,360	\$22.10	\$45,968
A15	\$17.50	\$36,400	\$22.75	\$47,320
B21	\$18.00	\$37,440	\$23.40	\$48,672
B22	\$18.50	\$38,480	\$24.05	\$50,024
B23	\$20.00	\$41,600	\$26.00	\$54,080
B24	\$20.50	\$42,640	\$26.65	\$55,432
B25	\$21.00	\$43,680	\$27.30	\$56,784
C31	\$22.00	\$45,760	\$28.60	\$59,488
C32	\$23.00	\$47,840	\$29.90	\$62,192
C33	\$24.00	\$49,920	\$31.20	\$64,896
C34	\$25.00	\$52,000	\$32.50	\$67,600
C35	\$26.00	\$54,080	\$33.80	\$70,304
D41	\$27.00	\$56,160	\$35.10	\$73,008
D42	\$28.00	\$58,240	\$36.40	\$75,712
D43	\$29.00	\$60,320	\$37.70	\$78,416
D44	\$30.00	\$62,400	\$39.00	\$81,120

Position Range
Allocation

Marshal Department

Codes	1	A13
Deputy 1	2	B24
Deputy 2	2	C31
Deputy 3	2	C33
Seargent	2	C33
Luitenant	1	C35
Marshal	1	D44

Public Works

Grounds 1	2	A11
Grounds 2	1	A13
Water 1	1	B22
Water 2	1	B23
Water 2/Lead	1	B25
Director	1	D41

Fire Department

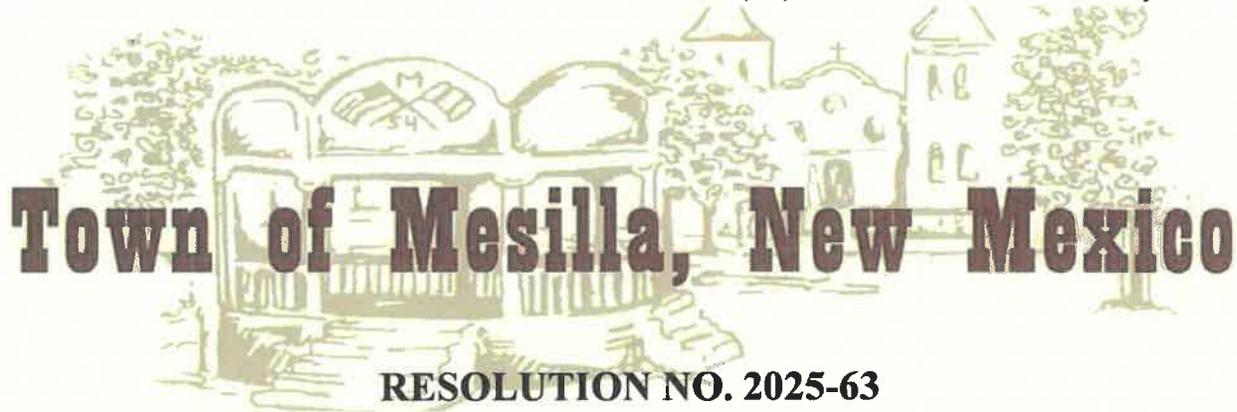
Volunteer Coord	1	C33
Fire Chief	1	D44

Comm & Econ Dev

Events Coordinator	1	B23
Historic Preservationist	1	C32
Director	1	D41

Finance

Billing Clerk	1	A11
Filing Clerk	0	A11
Deputy Treasurer	1	B23
Grants Aministrator	1	B25
Deputy Clerk	1	B25
Town Clerk/Treasurer	1	D44



A RESOLUTION BY THE PLANNING, ZONING, AND HISTORICAL APPROPRIATENESS COMMISSION PROPOSING AMENDMENTS TO THE TOWN OF MESILLA BOARD OF TRUSTEES REGARDING ORDINANCE TITLE 18.06, PLANNING, ZONING, AND HISTORICAL APPROPRIATENESS COMMISSION, AND TITLE 18.33, HISTORIC PRESERVATION, FOR THE PURPOSE OF MEETING CERTIFIED LOCAL GOVERNMENT REQUIREMENTS ESTABLISHED BY THE NEW MEXICO DEPARTMENT OF CULTURAL AFFAIRS.

WHEREAS, the Planning, Zoning, and Historical Appropriateness Commission has reviewed and considered amendments to the Town of Mesilla Ordinances to meet Certified Local Government (CLG) requirements established by the New Mexico Department of Cultural Affairs; and

WHEREAS, a duly advertised public meeting was held on October 20, 2025, by the Planning, Zoning, and Historical Appropriateness Commission to receive public input on the proposed amendments; and

WHEREAS, the Commission has outlined the qualifications, interests, and experience of its members in support of Mesilla's ongoing historic preservation efforts; and

WHEREAS, the Commission shall meet at least four (4) times each year, with at least one (1) meeting dedicated to education and training related to historic preservation; and

WHEREAS, the Commission recommends that the Board of Trustees designate historic landmarks, historic districts, and properties with potential for local historic designation consistent with preservation objectives;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Mesilla Planning, Zoning, and Historical Appropriateness Commission hereby approves and recommends amendments to Titles 18.06 and 18.33 of the Mesilla Town Ordinances, as presented by staff and the Mesilla Historic Preservation Specialist, and developed with guidance from the New Mexico Department of Cultural Affairs.

These amendments are intended to ensure compliance with Certified Local Government requirements and to strengthen the preservation of Mesilla's valuable historic landmarks and districts, as outlined in the 2025 Comprehensive Plan.

PASSED, APPROVED, AND ADOPTED

by the Planning, Zoning, and Historical Appropriateness Commission of the Town of Mesilla
this 20th day of October, 2025.

Motion to Approve: Commissioner Alvillar
Second: Commissioner Mulvihill

ROLL CALL VOTE:

- Commissioner Miller – Yes
- Commissioner Alvillar – Yes
- Commissioner Paz – Yes
- Commissioner Mulvihill – Yes
- Commissioner Lucero – Yes

MOTION PASSED: 5-0

ATTEST:



Lori Miller- PZHAC Secretary


Eric Walkinshaw – PZHAC Chairperson (ACTING)
GALEGOS



Town of Mesilla, New Mexico

(REVISED)

**THE PLANNING AND ZONING HISTORICAL APPROPRIATENESS
COMMISSION OF THE TOWN OF MESILLA WILL BE HAVING
PUBLIC HEARING
AT THE MESILLA TOWN HALL,
2231 AVENIDA DE MESILLA
MONDAY, OCTOBER 20, 2025 – 5:00 P.M.**

**CONSIDERATION WILL BE GIVEN TO
PROPOSED AMENDMENTS TO OUR LAND USE
ORDINANCE TITLE 18, IN SPECIFIC WITH ITS
HISTORIC PRESERVATION REGULATIONS,
NECESSARY IN MEETING STATE OF
NEW MEXICO, CERTIFIED LOCAL
GOVERNMENT QUALIFICATIONS.**

Becoming a Certified Local Government in New Mexico

Access to Historic Preservation Grant Funding
Technical Assistance & Expertise
Stronger Local Preservation Tools & Policy
Partnerships & Recognition
Long-Term Heritage, Economic & Cultural Benefits

NOTICE

If you need any accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us on 575-524-3262 at least 48 hours prior to the meeting. Posted on 10/3/25 at the following locations: Town Hall - 2231 Avenida de Mesilla; Public Safety Building - 2670 Calle de Parian; Mesilla Community Center - 2251 Calle de Santiago; Lucky's Food Mart - 2290 Avenida de Mesilla; and the U.S. Post Office – 2253 Calle de Parian; Mesilla website <https://www.mesillanm.gov/minutes-agendas/>

18.06.010 Creation, purpose and establishment – Title.

18.06.020 Membership – Ex officio members – Appointment – Qualifications – Terms – Pay.

18.06.030 Notice of appointment.

18.06.040 Member – Cause for removal – Procedure.

18.06.050 Vacancy – Appointment – Term.

18.06.060 Officers – Term – Vacancy.

18.06.070 Meetings – Place – Quorum – Voting.

18.06.080 Duties – Powers.

18.06.090 Procedural rules – Records required.

18.06.100 Records – Commission determinations to be filed.

18.06.110 Review of applications within Historical and General Commercial zones – Considerations.

18.06.120 Certificate of appropriateness – Conditions imposed – Permit for demolition or removal.

18.06.130 Disapproval – Notice – Modification of application.

18.06.140 Appeal from historical review action.

18.06.150 Appeal from a planning and platting decision of the planning, zoning and historical appropriateness commission – Grounds – Action in district court.

18.06.160 Appeal from a zoning decision of the planning, zoning and historical appropriateness commission – Grounds – Stay of proceedings.

18.06.010 Creation, purpose and establishment – Title.

A. This chapter may be cited as the “planning, zoning and historical appropriateness commission ordinance.”

B. This commission is created by authority granted municipalities under the New Mexico State Statutes 1978, Sections 3-19-1(A)(1) and (2).

C. There is established a planning, zoning and historical appropriateness commission which shall be the planning commission and the zoning commission for the town of Mesilla. [Ord. 2009-05 § 2]

18.06.020 Membership – Ex officio members – Appointment – Qualifications – Terms – Pay.

A. The planning, zoning and historical appropriateness commission shall consist of five members who shall be appointed by the mayor with the consent of the board of trustees. A member of the board of trustees may be appointed as ex officio, nonvoting member of the commission.

B. EACH MEMBER MUST HAVE A DEMONSTRATED POSITIVE INTEREST, COMPETENCE OR KNOWLEDGE IN ARCHITECTURE, HISTORIC ARCHITECTURE, ARCHITECTURAL HISTORY, ENGINEERING, ARCHAEOLOGY, ANTHROPOLOGY, HISTORIC PRESERVATION, PLANNING, REAL ESTATE, DESIGN, BUILDING TRADES, LANDSCAPER ARCHITECTURE, CONSERVATION, LAW FINANCE OR RELATED DISCIPLINES TO THE EXTENT THAT THESE PROFESSIONALS ARE AVAILABLE IN THE COMMUNITY.

C. OF THE FIVE MEMBERS OF THE COMMISSION, TWO PROFESSIONAL MEMBERS SHOULD BE QUALIFIED IN THE DISCIPLINES NOTED ABOVE IN 18.06.020.A-

B. The mayor with the advice and consent of the board of trustees shall appoint residents of the town of Mesilla to membership on the planning, zoning and historical appropriateness commission.

C. On the first planning, zoning and historical appropriateness commission meeting, a majority of the members shall be appointed for one-year terms and the balance of the members shall be appointed for two-year terms. Each subsequent term of a member on the planning, zoning and historical appropriateness commission shall be for two years or less in order to maintain the original staggering of terms of membership. A vacancy in the membership of the planning, zoning and historical appropriateness commission shall be filled for the remainder of the unexpired term.

D. Members may succeed themselves. [Ord. 2010-04 § 1; Ord. 2010-02 § 4; Ord. 2009-05 § 2]

18.06.030 Notice of appointment.

Each person appointed to the planning, zoning and historical appropriateness commission shall be given notice of her/his appointment by a certificate stating that he/she was appointed as a member of the commission. The certificate shall be signed by the mayor, be attested by the town clerk-treasurer, and bear the municipal seal. [Ord. 2009-05 § 2]

18.06.040 Member – Cause for removal – Procedure.

A. After a public hearing and for cause stated in writing and made part of the public record, the mayor, with the approval of the board of trustees, may remove a member of the planning, zoning and historical appropriateness commission.

B. At least 10 days prior to a hearing by the board of trustees, the member in question shall be given a written notice of the specific grounds for which removal might be exercised and the time, date, and place of the public hearing. [Ord. 2009-05 § 2]

18.06.050 Vacancy – Appointment – Term.

If a vacancy occurs on the planning, zoning and historical appropriateness commission, the mayor with the advice and consent of the board of trustees shall appoint a qualified person to fill such vacancy for the remainder of the unexpired term. [Ord. 2009-05 § 2]

18.06.060 Officers – Term – Vacancy.

A. The planning, zoning and historical appropriateness commission shall elect from its membership a chairperson, vice-chairperson and secretary. Officers shall serve for a one-year term and may succeed themselves.

B. Any office vacated shall be filled by the election of a new officer who shall serve for the remainder of the unexpired term. [Ord. 2009-05 § 2]

18.06.070 Meetings – Place – Quorum – Voting.

A. The planning, zoning and historical appropriateness commission shall meet the first and third Monday of each month or on days specified by the board of trustees. Regular and special meetings shall be called as required by MTC [2.70.010](#). *The commission will meet a minimum of four (4) times per year. One meeting/year shall be dedicated to education and training.*

B. All meetings shall be held in the Mesilla Town Hall unless proper public notice to the contrary is given.

C. A majority of the members of the planning, zoning and historical appropriateness commission shall constitute a quorum for the transaction of business.

D. A motion shall carry upon the affirmative vote of the majority of the members of the planning, zoning and historical appropriateness commission present at a meeting. [Ord. 2009-05 § 2]

18.06.080 Duties – Powers.

A. Duties. The planning, zoning and historical appropriateness commission shall:

1. Prepare, review, hold hearings and recommend to the board of trustees changes, amendments and updating as required to the master plan, comprehensive plan, zoning map, zoning ordinances, subdivision regulations, future land use plan, guidelines and criteria for preservation and development, and historical districts; provided, however, that:

a. No maps, plans or regulations shall be effective until approved by the board of trustees; and

b. The board of trustees may, after a proper public hearing and notice as required by law, adopt maps, plans and regulations without any recommendation from the planning, zoning and historical appropriateness commission;

2. Approve or disapprove applications for business registrations, building permits for non-historically zoned applications, and sign permits;

3. Review and recommend approval/disapproval of applications for building permits within the Historical zones and General Commercial zone, providing reasons for their recommendation to the board of trustees and the applicant;

4. Review and recommend approval/disapproval of applications for special use permits, zone changes, and subdivision applications, (after following proper procedure as defined in the appropriate section of the comprehensive land use ordinance) providing reasons for the recommendation to the board of trustees and the applicant; and

5. Enforce and carry out the provisions of law relating to planning, platting, zoning, and historical appropriateness; and

6. Exercise such power, authority, jurisdiction and duty not inconsistent with this code and incidental and necessary to carry out the purpose of Section 3-19-2 and Sections [3-21-1](#) through [3-21-26](#) NMSA 1978 which have not been reserved to the board of trustees.

B. Powers. The planning, zoning and historical appropriateness commission will also:

1. Recommend preparation, changing or updating as required, the comprehensive plan for the town of Mesilla;

2. Hold public hearings on special use permits, amendments, supplements, or repeals of the zoning ordinances;

3. Recommend changes and amendments to the comprehensive land use ordinance for adoption by the board of trustees;

4. Hold regularly scheduled meetings;

5. Carry out duties as defined in the comprehensive land use ordinance for the town of Mesilla;
6. Make proposed changes or amendments to the future land use plan;
7. Carry out the duties and responsibilities assigned to the commission in this title. [Ord. 2009-05 § 2]

18.06.090 Procedural rules – Records required.

The planning, zoning and historical appropriateness commission shall adopt regulations for the transaction of business and keep a public record of its transactions, findings, resolutions, determinations and attendance of its members at its meetings. [Ord. 2009-05 § 2]

18.06.100 Records – Commission determinations to be filed.

The commission shall keep a permanent record of its resolutions, transactions and determinations, and may make such rules and regulations consistent with this title and prescribe such forms as needed. The commission shall file with the town clerk-treasurer a notice of all determinations made by it. [Ord. 2009-05 § 2]

18.06.110 Review of applications within Historical and General Commercial zones – Considerations.

A. All applications for work in the Historical zones and Commercial zone (not subject to administrative approval) shall be reviewed by the planning, zoning and historical appropriateness commission. The commission shall determine whether the request involved will be appropriate for the purposes of this title. If the request shall be determined to be inappropriate, the board shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the historical district generally, such application may be approved without substantial detriment to the public welfare and without substantial derogation of the intent and purposes of this title.

B. In reviewing an application, the planning, zoning and historical appropriateness commission shall consider in addition to this chapter:

1. The historical and literary value and significance of the site, building, or structure;
2. The general design, arrangement, texture, material and color of the features, sign or billboard involved;
3. The relation of such factors to similar factors or sites, buildings and structures in the immediate surroundings; and

4. The appropriateness of the size and shape of the building or structure in relation to:
 - a. The land area upon which the building or structure is situated;
 - b. The landscaping and planting features proposed by the applicant; and
 - c. The neighboring sites, buildings or structures within the historical district.
5. The commission shall also consider the applicable zoning and other laws of the town.

C. In recommending approval of an application the commission may impose conditions which shall be binding upon the property. Prior to approving an application subject to conditions, the commission may notify the applicant of its proposed action to solicit his opinion. The concurring vote of three members of the board shall be necessary to make a determination in favor of the applicant on any application. [Ord. 2009-05 § 2]

18.06.120 Certificate of appropriateness – Conditions imposed – Permit for demolition or removal.

A. The planning, zoning and historical appropriateness commission shall review all applications in the Historical zones or Commercial zone for historical appropriateness, following the standards and processes outlined in Chapter [18.33](#) MTC (Historic Preservation). Upon the approval of an application by the planning, zoning and historical appropriateness commission, a certificate of appropriateness or permit for demolition or removal, as appropriate, shall be issued to the applicant. The certificate or permit shall state the nature of the approval and the date given. Following the certificate of appropriateness process, the case shall be reviewed for a building permit by the planning commission for recommendation to the board of trustees. The board of trustees will be the final decision for building permits in the Historical zones and Commercial zone.

B. In approving an application for historical appropriateness, the planning, zoning and historical appropriateness commission may impose conditions which, if the certificate of appropriateness is acted upon, shall be binding upon the applicant, the owner of the property and the owner's successors in title. Prior to approving an application for historical appropriateness subject to conditions, the commission may notify the applicant of its proposed action and permit the applicant to express her/his opinion thereon. The conditions will be part of the subsequent building permit process.

C. Demolition Permit. If the commission recommends approval of an application for a permit for demolition, the commission shall forward its recommendation to the board of trustees. [Ord. 2009-05 § 2]

18.06.130 Disapproval – Notice – Modification of application.

A. Disapproval. In the case of disapproval of an application for a permit for demolition or removal, the commission shall issue a notice of its determination, dated and signed by its chairman to the applicant, detailing the reasons for its determination.

B. The commission may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material, color and similar factors before disapproving the application. [Ord. 2009-05 § 2]

18.06.140 Appeal from historical review action.

A. Any person or persons, or any board, taxpayer, or the town government aggrieved by any decision of the planning, zoning and historical appropriateness commission may appeal the commission decision. Appeals from a decision of the planning, zoning and historical appropriateness commission shall be made to the board of trustees by a written notice of appeal which shall be filed and dated in the town clerk-treasurer's office within 20 days of the date of the decision of the planning, zoning and historical appropriateness commission. The town clerk-treasurer shall forthwith forward the notice of appeal to the mayor.

B. The board of trustees shall act to either confirm commission action or to overcome such action in conformance with the submitted appeal within 40 days after a notice of appeal is filed.

C. Action by the board of trustees shall be final and conclusive. [Ord. 2009-05 § 2]

18.06.150 Appeal from a planning and platting decision of the planning, zoning and historical appropriateness commission – Grounds – Action in district court.

A. The board of trustees shall provide by resolution the procedure to be followed in considering appeals from planning, zoning and historical appropriateness commission action on planning and platting matters.

B. Any person, in interest, dissatisfied with any planning and platting order or determination by the planning, zoning and historical appropriateness commission may appeal to the board of trustees. An appeal shall be filed within 20 days of the decision of the planning commission and dated in the town clerk-treasurer's office. The town clerk-treasurer shall forthwith forward the appeal to the board of trustees.

C. If the board of trustees determines that the order or determination or any part thereof of the planning, zoning and historical appropriateness commission is unlawful or unreasonable, the board of trustees may make any appropriate change in any such order or determination. The board of trustees shall act upon the appeal within 40 days after the notice of appeal was filed.

D. An appeal from the decision of the board of trustees may be appealed to the district court as provided by Section [3-19-8](#) NMSA 1978. [Ord. 2009-05 § 2]

18.06.160 Appeal from a zoning decision of the planning, zoning and historical appropriateness commission – Grounds – Stay of proceedings.

A. The board of trustees shall provide by resolution the procedure to be followed in considering appeals from planning, zoning and historical appropriateness commission action on zoning matters.

B. Any aggrieved person or any officer, department or board or bureau of the municipality affected by a zoning decision of the planning, zoning and historical appropriateness commission, or official or committee thereof, in the exercise of its zoning duties and powers may appeal to the board of trustees. An appeal shall be filed within 20 days of the decision of the planning commission and dated in the town clerk-treasurer's office. The town clerk-treasurer shall forthwith forward the appeal to the board of trustees. An appeal shall stay all proceedings in furtherance of the action appealed unless the planning, zoning and historical appropriateness commission, or official or committee thereof, from whom the appeal is taken, certifies that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property. Upon certification, the proceedings shall not be stayed except by order of district court after notice to the planning, zoning and historical appropriateness commission, or official or committee thereof, from whom the appeal is taken and on due cause shown.

C. If the board of trustees determines that the order or determination or any part thereof of the planning, zoning and historical appropriateness commission is unlawful or unreasonable, the board of trustees may make any appropriate change in any such order or determination. The board of trustees shall act upon the appeal within 40 days after the notice of appeal was filed.

D. When an appeal alleges that there is error in any order, requirement, decision or determination by the planning, zoning and historical appropriateness commission, or an official or committee thereof, in the exercise of its powers and duties, the board of trustees by a two-thirds vote of all of its members may:

1. Authorize, in appropriate cases and subject to appropriate conditions and safeguards, special exceptions to the terms of the zoning ordinance or resolution:

a. Which are not contrary to the public interest;

b. Where, owing to special conditions, a literal enforcement of the zoning ordinance will result in unnecessary hardship; and

- c. So that the spirit of the zoning ordinance is observed and substantial justice done; or
- 2. In conformity with Sections [3-21-1](#) through [3-21-14](#) NMSA 1978:
 - a. Reverse any order, requirement, decision or determination of the planning, zoning and historical appropriateness commission, or official or committee thereof;
 - b. Decide in favor of the appellant; or
 - c. Make any change in any order, requirement, decision, or determination of the planning, zoning and historical appropriateness commission, or official or committee thereof. [Ord. 2009-05 § 2]

Chapter 18.33 HISTORIC PRESERVATION

Sections:

[18.33.010 Title.](#)

[18.33.020 Applicability.](#)

[18.33.030 Authority.](#)

[18.33.040 Declaration of purpose and statement of public policy.](#)

[18.33.050 Definitions.](#)

[18.33.060 Development zone.](#)

[18.33.070 Powers and duties of the PZHAC relating to historic preservation.](#)

[18.33.080 Historical appropriateness permit.](#)

[18.33.090 Design components or development criteria and compliance checklists.](#)

[18.33.100 Miscellaneous, including colors for architectural components, gates, fences, and stucco and material and color for metal roofing.](#)

[18.33.110 Standards for alterations.](#)

[18.33.120 Demolition.](#)

[18.33.130 Preservation of historic property.](#)

18.33.140 Designation of landmarks and historic districts.

18.33.150 Appeal from historical appropriateness action.

18.33.160 Enforcement.

18.33.170 Appendix A – Design standards with compliance checklist for the following architectural styles: Spanish Pueblo, Territorial, Spanish Mission, Northern New Mexico and Ranch Style.

18.33.180 Appendix B – Additional standards for preservation, rehabilitation, restoration and reconstruction taken from the Secretary of the Interior’s Standards for the Treatment of Historic Properties as developed in 1992 and codified as 36 CFR 68.

18.33.010 Title.

This chapter shall be known and may be cited and referred to as the historic preservation ordinance of the town of Mesilla. [Ord. 2011-03; Ord. 2008-02 § 1]

18.33.020 Applicability.

This chapter shall apply to all work or acts involving construction of new structures and removal or exterior alteration to existing structures and their sites on any property located as follows:

- A. Any property located within one of the town’s four historic districts.
- B. Any property located outside a historic district or zone that has the “Guidelines for Preservation and Development, 1973,” also known as the Yguado Plan, in place as a zoning overlay.
- C. Any property not located within the town’s historic districts/zones that has been designated as a landmark. [Ord. 2011-03; Ord. 2008-02 § 1]

18.33.030 Authority.

The designation of the town’s historic zones is made pursuant to the Historic Districts and Landmarks Act, Sections [3-22-1](#) through [3-22-7](#) NMSA 1978. [Ord. 2011-03; Ord. 2008-02 § 1]

18.33.040 Declaration of purpose and statement of public policy.

- A. The board of trustees declares that the historical heritage of Mesilla and its historic buildings and its historic districts are among its most valued and important assets. The

board finds that some buildings having historical, architectural, aesthetic and cultural value have been neglected, altered or destroyed notwithstanding the feasibility of preserving and continuing the use of such buildings and without adequate consideration of the irreplaceable loss to the public and the town. The board finds that the historic character of Mesilla is of vital importance in maintaining the economy of the town and that its historic landmarks and the buildings in its historic district can be preserved, rehabilitated and used. The board finds that this chapter benefits all the residents of Mesilla and all the owners of property.

B. The board of trustees declares as a matter of public policy that the preservation, protection and use of historic landmarks and buildings in the historic districts are a public necessity because they have a special character or a special historic, architectural, aesthetic or cultural value and thus serve as visible reminders of the history and heritage of this town, state and nation. The board declares as a matter of public policy that this chapter is required in the interest of the health, safety, welfare and economic well-being of the public. The board declares as a matter of public policy that the identification and designation of historic landmarks and historic districts and the approval or disapproval of exterior changes to designated property or their demolition or relocation or new construction on the site are stated to be a public purpose. [Ord. 2011-03]

18.33.050 Definitions.

“Architectural styles” means five building styles defined in the Yguado Plan as existing in Mesilla at the time the plan was issued (June 1973), to be used as historic precedents for building styles, construction techniques and design details to determine the historically appropriate appearance of new buildings and/or renovations to existing buildings within the historic districts.

“Construction” is defined as the act or process of erecting, removing or altering in any manner any building or structure or part thereof or the erection of a new structure on a lot or parcel of property. The act or process of alteration shall include rehabilitation, restoration, reconstruction, and preservation as defined in this section.

“Contributing structure” as defined in the National Register of Historic Places Inventory Nomination Form is a structure that is at least 50 years old and adds to the physical cohesiveness that ties a historic district together.

“Demolition” means any act or process that destroys a structure in part or in whole.

“Design standard” means a written standard of appropriate activity, the intent of which is to preserve the historic and architectural character of a structure, site or area.

“Development zone” means an area of structures that constitutes examples of historic precedents for building styles, construction techniques and design details. A physical inventory and comparison of these elements within a development zone is used to determine the historically appropriate building style, construction techniques and design details for new construction or alterations to existing structures within the development zone. There are three development zones: interior lot, corner lot and boundary lot, defined and illustrated in MTC [18.33.060](#).

“Historic property” means a building, structure or property individually listed or eligible for listing on the State Register of Cultural Properties or the National Register of Historic Places. The map and list of historic properties in the town of Mesilla and their classification as significant (S), contributing (C), neutral (N) and intrusive (I) are hereby adopted in their entirety by reference and are located in the community development department office.

“Historical appropriateness permit” means a permit issued by the planning, zoning and historical appropriateness commission (PZHAC) indicating that plans, as approved, for a building or structure and the site are historically appropriate for construction or demolition.

“Historical Commercial zone (H-C zone)” means an area or district designated as the “Historical Commercial zone” by ordinance of the town of Mesilla.

Historically Appropriate. When applied to new construction or an exterior alteration, a “historically appropriate” act or work is accomplished in a manner that preserves significant materials or the appearance of significant materials, the historic style and the historic features of the property or the development zone. At the same time, a “historically appropriate” act or work shall differentiate the new structure or design feature from the historic design features so that new work is not confused with what is genuinely part of the past.

“**Historic** Landmark” means a structure or site that is worthy of rehabilitation, restoration, reconstruction and preservation because of its historic and/or architectural significance to the town of Mesilla pursuant to the procedures set forth in this chapter.

“**Historic District**” An historic district is any area which includes or encompasses such historic sites, landmarks, buildings, signs, appurtenances, structures, or objects as the Commission may determine to be appropriate for historic preservation. Such designated district or districts need not be a single enclosed area, nor do the areas or sites have to be contiguous to constitute a district.

“**Historic Preservation Division**” is defined as the division within the State of New Mexico’s Department of Cultural Affairs that is responsible for historic preservation within the state

of New Mexico. The Historic Preservation Division may be referenced as “HPD” and also may be referenced as the New Mexico State Historic Preservation Office or “SHPO”.

“Locally Designated” or Local Designation is defined as designation by the Town of Mesilla as a Historic Landmark or Historic District, pursuant to the procedures set forth in this chapter.

NEW MEXICO CULTURAL RESOURCES INFORMATION SYSTEM (NMCRIS) is defined as a state of New Mexico-wide online database of cultural resource information maintained by the Archaeological Records Management Section (ARMS) of the New Mexico Historic Preservation Division.

“Ordinary maintenance or repairs” is defined as any act or work, undertaken from time to time, that keeps a building or structure in good condition and repair and that does not change the exterior appearance of the building or structure in any way. Such maintenance and repair work requires a building permit but does not require a permit for a certificate of appropriateness. The building permit may be approved administratively.

“OWNER CONSENT” is the act or result of reaching consensus and agreement, through reason and deliberation, by the Owner(s) of real estate when historic designation is proposed at the suggestion of another party.

“OWNER OBJECTION,” is the right of all Owners of Record to object to a proposed Historic Landmark, district or local designation of its buildings, structures, objects, or other improvements and the parcel of land to which those improvements are firmly attached or affixed.

“Planning, zoning and historical appropriateness commission” means a five-member board created by authority granted municipalities under the New Mexico State Statutes Annotated (1978) and appointed by the mayor and board of trustees, pursuant to the Mesilla Town Code.

“Preservation” is the act or process of applying measures necessary to sustain the existing form, integrity and materials of a building or structure and the existing form and vegetation of a site. The process of preservation requires the retention of the greatest amount of historic fabric, along with the building’s historic form, features and detailing as they have evolved over time. New exterior additions are not within the scope of this treatment. See MTC [18.33.180](#) for additional standards for preservation taken from the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

“Property/site” means land, buildings and structures in town-designated historic districts or land, buildings and structures individually designated by the town as historic.

“Public comments” means written comments from members of the public that are given to the planning, zoning and historical appropriateness commission and that relate to items under consideration by the commission.

“Public hearing” means a meeting of the planning, zoning and historical appropriateness commission at which members of the public provide testimony and comment regarding a specific item under consideration by the commission; 14-day notice must be given.

“Public meeting” means a meeting of the planning, zoning and historical appropriateness commission at which members of the public comment on items under consideration by the commission.

“Reconstruction” means using detailed photographic, physical or documentary evidence; reconstruction is the act or process of reproducing by new construction the exact form and detail of a vanished building, structure or site or a portion thereof in its historic location as it appeared at a specific time. See MTC [18.33.180](#) for additional standards for reconstruction taken from the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

“Rehabilitation” is the act or process of making possible an efficient contemporary use for a property or a process of returning a property to a state of utility through repair, alterations, and additions while preserving those portions and features which convey and are significant to the property’s historical, cultural or architectural values. See MTC [18.33.180](#) for additional standards for rehabilitation taken from the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

“Residential – Cultural – Historical zone, H-R zone” means an area or district designated as the “Residential – Cultural – Historical zone” by ordinance of the town of Mesilla.

“Restoration” is defined as the act or process of accurately recovering the form, features, character and setting of a property as it appeared at a particular period of time by means of the removal of features from other periods in history and replacement of missing features from the restoration period. See MTC [18.33.180](#) for additional standards for restoration taken from the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

“Scale” is defined as proper proportion of structures in a historic development zone.

“Significant structure” as defined in the “National Register of Historic Places Inventory Nomination Form” is a structure that is architecturally outstanding or exceptionally important in the history of the community.

“State Historic Preservation Officer” or “SHPO” is defined as the governor-appointed official responsible for a state’s historic preservation program. The SHPO is also known as the Director of the Historic Preservation Division or “HPD” and the office may be referenced as the State Historic Preservation Office.

Structure. For the purposes of this title, “structure” is defined pursuant to the Mesilla Town Code and shall include, but not be limited to, buildings of any kind, fences and walls. [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.040]

18.33.060 Development zone.

A development zone defines the immediate physical vicinity to be used to identify the historic character of a particular area and includes the predominant architectural style and design standards of existing structures together with their setting.

A. Function of the Development Zone. The function of the development zone is to provide for historically appropriate development within an existing historic district by setting standards for both new construction and alterations to existing structures.

B. Applicability of the Development Zone.

1. All structures shall be considered a part of and be subject to regulation by the development zone within which they are located or proposed to be located.
2. The design components of the individual architectural styles subject to regulation by the development zone include the following: building height, setbacks, proportions, pattern and rhythm, roof types, surface texture, color, site utilization, projections and architectural details.

C. Process to Identify a Development Zone. Identify the immediate vicinity of surrounding, adjacent structures that relate most directly to any new construction or exterior alteration to an existing structure that is to take place on an interior lot, a corner lot or a boundary lot as follows:

1. Development zone for an interior lot shall include any lot fronting on the same street as the lot in question and within the same block, as well as those lots located on the opposite side of the street, except such portions of the zone which fall outside the boundary of the historic district.
2. Development zone for a corner lot shall include any lot fronting on the same streets as the lot in question and within the same block, as well as those lots located on the opposite side of the streets, including the opposite corner, except such portions of the zone which fall outside the boundary of the historic district.

3. Development zone of any lot located adjacent to a historic district boundary shall include all lots located in the same block plus those lots located on the opposite side of any street adjoining that block, as well as those lots located on the opposite corners, except such portions of the zone which fall outside the boundary of the historic district.

Illustrations of the three types of development zones are available in the office of the community development department.

D. Process to Use a Development Zone.

1. Identify the development zone for the work to be performed: interior, corner or boundary lot.
2. Obtain a photograph of the development zone from the community development department. If one does not exist, staff will prepare one.
3. If applicable, use the National Register of Historic Places Inventory Nomination Form to identify the historic structures in the zone.
4. Conduct a physical inventory and comparison of the structures within the development zone to identify the predominant architectural style and the predominant architectural details that exemplify the particular style together with the setting.
5. Once an appropriate architectural style and/or architectural details have been determined, proceed with the process to obtain a permit for a certificate of historical appropriateness.
6. If there is no predominant architectural style within the selected development zone, then the historic district (H-C or H-R) as a whole shall become the development zone for the architectural style.
7. If particular design criteria are missing from the selected architectural style within the development zone, then the historic district as a whole (H-C or H-R) shall become the development zone for the missing design criteria for the architectural style. [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.050]

18.33.070 Powers and duties of the PZHAC relating to historic preservation.

In addition to the powers and duties stated elsewhere, the PZHAC shall take action necessary and appropriate to accomplish the historic preservation goals of this chapter. These actions may include, but are not limited to, the following:

- A. Conducting and maintaining a survey of ~~locally-designated~~ historic buildings, landmarks, districts, places and areas and preparing a plan for their preservation; inclusive of a survey standard for historic properties.
- B. Recommending to the board of trustees the Town of Mesilla's designation of historic landmarks and historic districts; and properties with potential for local historic designation using the corresponding form
- C. Adopting written guidelines for making exterior changes to designated property and for undertaking new construction on designated property;
- D. Regulating exterior alterations proposed for designated property and regulating demolitions, relocations and new construction involving designated property;
- E. Working with and advising the federal, state and county governments and other parts of the town government on historic preservation issues;
- F. Advising and assisting owners of historic property and other persons and groups who are interested in historic preservation;
- G. Reporting to the board of trustees on the present condition of historic properties in order to prevent demolition by neglect;
- H. Conducting educational programs for property owners and the public, preparing publications and placing historical and architectural plaques on buildings;
- I. Attending educational programs covering the historic preservation duties of the PZHAC and current developments in historic preservation; THERE WILL BE, AT MINIMUM, ONE REGULAR MEETING SET ASIDE FOR INFORMATIONAL OR EDUCATIONAL PURPOSES PER YEAR, PERTAINING TO THE WORK AND THE FUNCTIONS OF THE PLANNING AND ZONING HISTORICAL APPROPRIATENESS COMMISSION. MEETING NOTIFICATIONS SHALL BE SENT TO HPD IN A TIMELY MANNER SO THAT THEY MAY ATTEND SUCH MEETINGS AND/OR PROVIDE INFORMATION. REPORTING ABOUT HPD AND GRANT FUNDING SHALL CONFORM WITH FISCAL ACCOUNTABILITY GUIDELINES IN THE CLG MANUAL/GRANTS MANUAL AND TO MAINTAIN CLG CERTIFICATION STATUS.
- J. Participating in the nomination of properties to the State Register of Cultural Properties, the National Register of Historic Places and of locally designated Historic Properties
- K. Performing duties that may be delegated to the town by the State Historic Preservation Officer under the Certified Local Government Program;

L. Recommending that the town apply for, receive and use public and private grants or gifts to help historic preservation activities. [Ord. 2011-03]

M. AN ANNUAL REPORT OF THE PZHAC COMMISSION SHALL BE REPORTED TO the State Historic Preservation Officer, THIS INCLUDES: NUMBER OF CASES REVIEWED, NEW DESIGNATIONS MADE, RESUMES OF COMMISSION MEMBERS, SCHEDULE OF COMMISSION, ATTENDANCE RECORDS, ALL COMMISSION MINUTES. THE REPORT SHALL ALSO DOCUMENT THE EDUCATIONAL AND TRAINING EFFORTS OF COMMISSION MEMBERS. THE REPORT SHALL BE DUE WITHIN 60 CALENDAR DAYS OF THE END OF EACH FISCAL YEAR. SUBMITTAL OF THIS REPORT IS REQUIRED TO MAINTAIN THE TOWN'S CLG STATUS-

18.33.071-(Newly added section) Survey Standards of Historic Properties

- A. INVENTORY EFFORTS SHALL CONFORM WITH AND BE COORDINATED WITH THE NEW MEXICO CULTURAL RESOURCES INFORMATION SYSTEM (NMCRIS) UTILIZED AND MAINTAINED BY THE HISTORIC PRESERVATION DIVISION.
- B. SURVEYS SHALL UTILIZE THE HISTORIC CULTURAL PROPERTIES INVENTORY FORM (HCPI) AND BE REQUIRED FOR EACH PROPERTY SURVEYED.
- C. HCPI FORMS SHALL BE CREATED FOR ALL PROPERTIES THAT ARE DESIGNATED BY THE TOWN OF MESILLA AND BE PERIODICALLY UPDATED TO REFLECT CHANGES, ALTERATIONS AND DEMOLITION.
- D. HCPI SURVEY FORMS SHALL BE COMPLETED BY HISTORIC PRESERVATION PROFESSIONALS WHO MEET THE SECRETARY OF THE INTERIOR'S PROFESSIONAL QUALIFICATIONS STANDARDS. FOUND HERE: <https://www.nps.gov/articles/sec-standards-prof-quals.htm>
- E. SURVEY AND INVENTORY MATERIALS SHALL BE MAINTAINED SECURELY AND BE ACCESSIBLE TO THE PUBLIC EXCEPT WHEN CONFIDENTIALITY OF SITE INFORMATION IS MANDATED THROUGH 18-6-11 NMSA (EXCAVATION PERMIT) AND THE ARCHAEOLOGICAL RESOURCES PROTECTION ACT, 163 USC 470HH (PROTECTION OF ARCHAEOLOGICAL RESOURCES ON PUBLIC AND NATIVE/PUEBLO LANDS.)

18.33.080 Historical appropriateness permit.

A. Identification. A permit for a certificate of historical appropriateness shall be required before any of the following actions or work is undertaken: new construction, exterior alteration, demolition or removal. All work or acts of new construction or exterior alteration requiring a permit for a certificate of appropriateness shall comply with the design criteria established by the precedent styles within the development zone of the proposed work.

B. Process to Obtain a Certificate of Historical Appropriateness Permit.

1. Preapplication Procedure. A planning conference shall be held with community development staff. This conference is designed to provide the applicant with an opportunity to become acquainted with the rules and regulations of the historic conservation standards and processes and does not require a formal application. A copy of “A Guide to Building Permits in the Historic Zones” shall be provided to the applicant and shall be used during the review process outlined below.

2. Preliminary Application. At this stage, the applicant shall be required to submit a preliminary application containing the following information: type of structure, location, proposed use and type of work proposed.

3. Planning Conference. In this conference, the applicant and staff shall determine and review the following:

- a. Identify the development zone;
- b. For new construction, select an architectural style appropriate to the development zone. For work involving alterations to an existing structure, identify the structure’s architectural style;
- c. Complete a compliance checklist of design standards/a building permit submittal checklist for the identified architectural style as set forth in MTC [18.33.170](#);
- d. As applicable, complete a compliance checklist of rehabilitation standards as set forth in MTC [18.33.180](#);
- e. If building style does not substantially comply with the checklist of design standards, staff will evaluate the style or features for compliance on a case-by-case basis.

4. Work Session with PZHAC. Applicant shall then submit to the PZHAC a formal application with a preliminary plan and supporting data containing the information gathered in the steps above for review by the PZHAC for historical appropriateness.

5. PZHAC Agenda. After the preliminary plan and supporting data are reviewed for completeness by the PZHAC during the work session, the application shall be placed on the PZHAC agenda for consideration for a permit for a certificate of historical appropriateness. Public notice shall be given about the application including conspicuous posting on the property. The PZHAC may schedule a public hearing on an application involving a structure with a “significant” designation on one of the historic registers. Conspicuous notice of the hearing shall be given by posting one sign in front of the property and the posting of additional signs at 300-foot intervals on the property for large properties of more than 600 feet frontage.

6. Decision by the PZHAC. The PZHAC shall make a decision on the application within 45 days after the receipt of complete plans and supporting data; provided, that the PZHAC may extend the time for its decision an additional 30 days when the application is for a demolition. The PZHAC shall recommend approval, approval with modifications, or disapproval of application. The recommendation with modifications shall contain the revisions that the applicant may accept in order to receive a certificate of historical appropriateness. If the PZHAC disapproves an application, it shall give the applicant its reasons in writing, and the applicant may appeal the decision. If the PZHAC fails to decide on an application within the specified time period, the application shall be deemed recommended for approval and forwarded to the board of trustees.

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.

D. Exemptions. Work in any of the following categories shall be exempt from obtaining a certificate of historical appropriateness permit:

1. Maintenance or repairs which do not involve a change of the existing design, exterior materials or scale or outward appearance of the structure.
2. Work required by a town staff to eliminate an unsafe condition; provided, that any permanent repairs shall meet the criteria of subsection (D)(1) of this section.
3. Installation of storm windows or storm doors, with or without screens, painted or unpainted; provided, however, that no such windows or doors shall have any ornamental feature such as grilles, monograms, etc. This provision shall not be construed to prohibit the installation of plain bars on the inside of such windows or doors for protection of the screens or glass. If a study indicates that storm windows are necessary, the use of interior storm windows is preferred, and interior storm windows are also exempt from obtaining a certificate.
4. Erection of any accessory structure designed for the shelter of very small animals, such as rabbits and poultry; and provided, that such proposed accessory structure is not prohibited by another statute, regulation or ordinance; and provided, that the maximum

horizontal or vertical dimension of any such proposed structure does not exceed four feet. [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.060]

18.33.090 Design components or development criteria and compliance checklists.

A. Design Components – Definition. Within the town’s historic districts there exist similarities in the design components and construction of the buildings. The similarities are expressed by a number of basic design components which include but are not limited to building height, setback, proportions, pattern and rhythm, roof types, surface texture, color, site utilization, projections and architectural details. These similarities provide the basis for determining precedent examples of the five architectural styles and their architectural details. The precedent examples themselves, identified by Yguado & Associates in 1973, are used to assure both the retention of an individual structure’s exterior historic form, features and detailing and the historically appropriate development of the district.

B. Design Components – Use. The design components define the building materials and exterior character-defining features for each of five architectural styles, such as:

1. The form and detailing of exterior materials, such as masonry, wood, and metal.
2. The form and detailing of exterior features, such as roofs, porches, doors and windows, as well as structural and mechanical systems. Where publicly visible, structural and mechanical systems, including solar and other energy collecting and conserving equipment, shall be architecturally integrated or screened.
3. The structure’s site and setting.

C. Design Components – Checklist. When considering an application for a permit for a certificate of historical appropriateness, the commission shall determine if the application complies or does not comply with each of the design components or development criteria which are organized by architectural style and presented in checklist form in MTC

[18.33.170](#). [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.070]

18.33.100 Miscellaneous, including colors for architectural components, gates, fences, and stucco and material and color for metal roofing.

A. Colors for Architectural Components, Including Windows, Trim, Doors, and for Gates and Fences.

1. Criteria to be used in selecting an appropriate color for architectural components, gates and fences include, but are not limited to:

- a. The size of the surface area to be covered.

b. Other colors that will surround the architectural component, gate or fence.

c. Type and texture of the surface, such as rough stucco, smooth metal or wood.

2. An album of color charts and photographs to be used by commissioners, staff and citizens in determining appropriate colors for architectural details and, by extension with this chapter, for gates and fences, is available in the community development department office.

B. Colors for Exterior Stucco.

1. Appropriate colors include colors in the cream to medium brown earth tones referred to in the individual architectural styles found in MTC [18.33.170](#) as characteristic of a particular style. Permitted acrylic latex paint colors shall be subtle and muted rather than bright and reflective.

2. The combination of exterior wall and trim colors on the same structure shall be historically appropriate, which for trim colors includes natural wood, off whites, creams and beiges as described in the individual architectural styles found in MTC [18.33.170](#), along with the colors presented in the color chart album.

C. Metal Roofing. Historically appropriate material and colors for new and replacement metal roofs are corrugated metal in either the natural gray or brick red color. [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.080]

18.33.110 Standards for alterations.

The Secretary of the Interior's Standards for the Treatment of Historic Properties authorized by the National Historic Preservation Act of 1966, developed in 1992 and codified as [36 CFR 68](#), and subsequent revisions, amendments and additions thereto adopted by the Secretary of the Interior are hereby adopted in their entirety into this chapter by reference.

A. Application. These standards shall apply to all work or acts performed on the exterior of historic buildings and structures used commercially and zoned H-C, Historical Commercial, that are designated "significant" or "contributing."

B. Function. The standards identify and define appropriate treatments for the alteration of exterior character-defining features, including the form and detailing of materials, spatial relationships, and structural and mechanical systems. The standards also encompass related landscape features and the building's site as well as attached adjacent or related new construction. The standards are to be applied to specific projects in a reasonable manner, taking into consideration economic and technical feasibility.

C. Guidelines. Guidelines to be used to assist in implementing the standards are found in the Secretary of the Interior's Standards for the Treatment of Historic Properties, and are available in the community development department. The guidelines are divided into two categories:

1. Recommended approaches, treatments and techniques that are consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties; and
2. Not recommended approaches, treatments and techniques that are not consistent with the Secretary's standards and could adversely affect a building's historic character. [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.090]

18.33.120 Demolition.

A. The demolition of a significant or contributing structure within a historic district shall require a permit that includes verification by a qualified architect or certified structural engineer, with a background in architecture preferred, that the structure is not repairable or reusable.

The applicant shall provide the report containing the verification. The applicant shall also provide the plans for the site in order to demonstrate that it will not harm adjacent properties. The PZHAC may schedule a public hearing on the application. Conspicuous notice of the hearing shall be given by posting one sign in the front of the property and the posting of additional signs at 300-foot intervals, on said property, for large properties of more than 600 feet frontage.

B. Before voting on the demolition application, the PZHAC shall discuss with the applicant to see if an alternative to demolition can be found. The PZHAC may ask the applicant for additional information to be used in making its decision.

C. The PZHAC shall study the question of financial hardship for the applicant and shall determine whether the property can be put to reasonable beneficial use without the approval of the demolition application. Using the record that was developed, the PZHAC shall vote on the application following the procedures in MTC [18.33.080](#), Historical appropriateness permit. Options to prove financial hardship shall be: (1) income of 50 percent or lower of the average median income standards established for Dona Ana County; (2) proof of income documented with tax returns and annual expenditures.

D. If a demolition permit is issued, prior to the demolition the structure shall be documented with photographs, sketch plans and a brief historical description.

E. Demolition of intrusive features on a structure for the purpose of restoring original historic features should be encouraged and shall be exempt from the architect/engineering

requirement. Documentation of the original features shall be provided in order to receive demolition approval. [Ord. 2011-03]

18.33.130 Preservation of historic property.

Every person in charge of a landmark or a property in a historic district shall keep in good repair: (A) all of the exterior portions of such property and (B) all interior portions which, if not maintained, may cause the exterior of the structure to deteriorate or to become damaged or otherwise to fall into a state of disrepair. The purpose of this section is to prevent a person from forcing the demolition of a building or structure by neglecting it or by permitting damage to it because of weather or vandalism. No provision in this chapter shall be interpreted to require an owner or tenant to undertake an alteration or to restore a building or structure to its original appearance. PZHAC shall consider financial hardship per MTC [18.33.120\(C\)](#). [Ord. 2011-03]

18.33.140 Designation of landmarks and historic districts.

A. The PZHAC may study a property or an area in order to make a recommendation on whether it qualifies for designation as **a locally designated historical property, a historic landmark or a historic district**. [The Town encourages any property Owner of Record; a contract purchaser of a nominated property; individual or group of Town residents; association with members who are Town residents; or the PZHAC, on its own initiative and with prior consent of the Town, that they may request landmark or district designation for any building, structure, object, improvement, or site which is located within the corporate limits of the City and which may have historic significance as set forth in the criteria for evaluation. These nominations can be made by using the Local, Landmark or Historic District Designation Nomination Form for the Town of Mesilla, supplied by the Historic Preservation Specialist upon request. Any structure listed in the National Register of Historic Places may be designated as a Historic, subject to the procedures stipulated herein.](#)

B. [No such person, group of persons or association, nor the Commission, shall be required to obtain the consent of the Owner of Record of the building, structure, object, improvement, or site prior to filing the application for Historic Landmark, district or local designation. Owners of Record have the right to file an objection to the proposed Historic Landmark designation of its property, as set forth in Section 18.33.141](#)

C. The **PZHAC** applying party shall assemble information about the property or the area being considered for designation and shall schedule a public hearing on the proposed designation. Public notice of the hearing shall be given, including conspicuous posting on the property or in the proposed district for 14 days immediately prior to the hearing.

Conspicuous notice of the hearing shall be given by posting one sign in the front of the property and the posting of additional signs at 300-foot intervals for large properties of more than 600 feet frontage. Notice of the hearing shall be given by certified mail at least 14 days in advance of the hearing to the owners of property under consideration. Written notice shall be considered sufficient when it is mailed to the person listed on the tax records of the government.

D. A landmark, or a historic district shall qualify for designation when it meets one or more of the following criteria that will be discussed in a PZHAC report making its recommendation to the board of trustees:

1. Its value as a reminder of the cultural or archaeological heritage of the town, state or nation;
2. Its location as a site of a significant local, state or national event;
3. Its identification with a person or persons who significantly contributed to the development of the town, state or nation;
4. Its identification as the work of a master builder, designer or architect whose individual work has influenced the development of the town, state or nation;
5. Its value as a building or buildings that are recognized for the quality of their architecture and that retain sufficient elements showing their architectural significance;
6. Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction or use of indigenous materials;
7. Its character as a geographically definable area possessing a significant concentration of buildings, structures or sites united by past events or aesthetically by plan or physical development; and
8. Its character as an established and geographically definable residential neighborhood, united by culture, architectural styles, plan or physical development.

E. After evaluating the testimony at its public hearing and the other material it has assembled, the PZHAC shall decide whether or not to recommend the proposed designation to the board of trustees. If the PZHAC decides to recommend the designation, it shall submit a written report with information on the property or properties. The board of trustees shall approve, modify or disapprove the proposed designation within 60 days after receiving the recommendation and report from the PZHAC.

F. The PZHAC shall notify the owners of the property that has been designated and shall arrange that the designation of a property as a landmark or as a part of a historic district

shall be recorded in the land records of the county. The PZHAC shall also give notice of the designation to the government offices in the town and in the county which shall retain the information for future reference.

G. The amendment or rescission of a designation shall be accomplished through the same steps as were followed in the original designation. [Ord. 2011-03]

18.33.141 (NEWLY ADDED SECTION) OWNER CONSENT FOR REGISTER DESIGNATION

- A. The Town of Mesilla, with approval from the Planning and Zoning Historical Appropriateness Commission, may designate historically significant properties, structures, sites, or districts as historic landmarks or historic districts based on criteria established in the municipal code, regardless of property owner consent.
- B. Property owners and members of the public shall have the opportunity to provide comments during the designation process at PZHAC determination meetings. However, lack of owner consent shall not preclude designation if the property meets the criteria for historic significance.
- C. Property owners may appeal the designation to the Town Council within 30 days of final notice. PZHAC may uphold or overturn the designation based on evidence presented.
- D. This provision affirms the Town's commitment to preserving its cultural, architectural, and historical resources for the benefit of the community and future generations.

18.33.150 Appeal from historical appropriateness action.

The process for an appeal from a PZHAC historical appropriateness action shall be pursuant to this title. [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.100]

18.33.160 Enforcement.

Responsibility for enforcement shall be pursuant to the Mesilla Town Code. All work performed pursuant to a certificate of historical appropriateness shall conform to the provisions of such certificate. It shall be the responsibility of the town staff to inspect from time to time work being performed to assure such compliance. In the event work is being performed that is not in accordance with such certificate, the town may issue a stop work

order. In the event work is being performed without the required certificate of historical appropriateness, the town may issue a stop work order. The PZHAC or its representative shall meet with the owner or tenant to resolve the problem. When necessary, the town attorney may seek an injunction and any other appropriate relief in order that the intent of this chapter shall be carried out. [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.110]

DRAFT



Town of Mesilla, New Mexico

RESOLUTION NO. 2025-67

AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY FOR THE COLONIAS INFRASTRUCTURE FUND

WHEREAS, the Town of Mesilla is a qualified entity under the New Mexico Finance Authority Colonias Infrastructure Act, Sections 6-30-1 through 6-30-8, NMSA 1978 (“Act”), and the Town of Mesilla is authorized to borrow funds and/or issue bonds for financing of public projects for benefit of the Town, and

WHEREAS, the New Mexico Finance Authority (“Authority”) has instituted a program for financing of projects from the Colonias Infrastructure fund created under the Act and has developed an application procedure whereby the Governing Body may submit applications for financial assistance from the Authority for public projects, and

WHEREAS, adequate basic infrastructure such as water and wastewater systems, solid waste disposal facilities, flood and drainage control, roads and housing are essential to improved health, safety and welfare of those residents of the Colonias communities, and

WHEREAS, the Town of Mesilla intends to construction and improvements of the Water Well #1 Rehab and Equip (“Project”) for the benefit of the Town of Mesilla citizens; and

WHEREAS, the application prescribed by the Authority has been completed and submitted to the Governing Body and this resolution approving submission of the completed Application to the Authority for its consideration and review is required as part of the Application process;

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF MESILLA:

Section 1. That all actions (not inconsistent with the provision herein) heretofore taken by the Governing body, and the officers and employees thereof directed toward the Application and the Project, be and the same is hereby ratified, approved and confirmed,

Section 2. That the submission of the application requesting funding from the Colonias Infrastructure Fund, be and the same is hereby approved and confirmed,

Section 3. That the officers and employees of the Governing Body are hereby directed and requested to submit the completed application to the Authority for its review and are further authorized to take such other action as may be requested by the Authority in its consideration and review of the application and to further proceed with arrangements for financing the projects.

BE IT FURTHER RESOLVED, that the Mayor and Town Clerk/Treasurer are hereby designated as the Town of Mesilla representatives to act on behalf of this application.

PASSED, APPROVED AND ADOPTED by the Board of Trustees at a Regular Board Meeting of **November 10, 2025.**

Russell Hernandez
Mayor

ATTEST:

Gloria Maya
Town Clerk-Treasurer