

Town of Mesilla, New Mexico

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

MONDAY, JUNE 22, 2026

~ 5:00 P.M.~

TRUSTEES Russell Hernandez, Mayor
Stephanie Johnson-Burick, Mayor Pro Tem
Biviana Cadena, Trustee
Veronica Garcia, Trustee
Gerard Nevarez, Trustee

STAFF Ben Ascarate, Marshal
Lorenzo Astorga, Public Works Director
Greg Whited, Fire Chief
Eddie Salazar, Econ & Com Development Director
Gloria S Maya, Town Clerk/Treasurer

PUBLIC Catherine Walkinshaw
Eric Walkinshaw
Janice Cook
Bill Cook
Morgan Switzer
Tiffany Haggard
Trina Witter
Beverly Estrada
Anton Magallanez

AGENDA OF PROPOSED ORDINANCE UPDATES

1. AMENDMENT TO MESILLA TOWN CODE (MTC 18.06 PLANNING AND ZONING HISTORICAL APPROPRIATENESS COMMISSION) RESTRUCTURING OF TERMS AND CONSIDERATION TO PAY.
2. AMENDMENT TO MESILLA TOWN CODE (MTC 15.15 BUILDING CODE) CONSIDER AMENDMENTS TO THE TOWN'S FEE SCHEDULE/OR ORDINANCES REGARDING PERMIT FEES, INCLUDING WHETHER GOVERNMENTAL ENTITIES, SUCH AS SCHOOL DISTRICTS AND NON-PROFITS, SHOULD BE EXEMPT FROM CERTAIN PERMIT FEES.
3. AMENDMENT/ADOPTION OF HEARING EXAMINER ORDINANCE AUTHORITY AND RESPONSIBILITIES. DEFINE A PROCESS TO ENFORCE MUNICIPAL CODE.

4. AMENDMENT TO MESILLA TOWN CODE (MTC 8.15 NUISANCES) – CONSIDERATION IN REGULATING NOISE NUISANCE FOR THE BEST INTEREST TO OUR RESIDENTIAL AND COMMERCIAL ZONES.

Mayor Hernandez:

At this time, I call this Public Hearing to order at the Mesilla Town Hall.

Before we get started, for verification of the elected officials who are present, Gloria, would you please conduct a simple roll call of the elected officials?"

Town Clerk Gloria Maya conducted roll call.

Present:

- Mayor Russell Hernandez
- Mayor Pro Tem Stephanie Johnson-Burick
- Trustee Garcia
- Trustee Cadena
- Trustee Nevarez

A quorum was established.

Mayor Hernandez:

"This Public Hearing is to receive public comment and testimony regarding the proposed ordinance updates.

Notice of this hearing was provided in accordance with applicable law and Town requirements.

Additional copies of the proposed ordinance updates are available at the entrance.

The hearing will be conducted in an orderly manner. Each ordinance will be heard independently.

Staff will first present each item and provide the relevant background information.

Following the presentation, members of the public will be invited to speak. Comments should be directed to the Chair and limited to matters relevant to the ordinance under consideration.

Each speaker will be sworn in and asked to state their name and address for the record before providing testimony.

Please be respectful of differing viewpoints and refrain from personal attacks or disruptive behavior.

After all public comments have been received, the Public Hearing will be closed.

I would also like to note that, after checking with staff immediately before the meeting, there was one written public comment submitted. Trustees have a copy of that document before them. It will also be entered into the record. It is the copy of the proposed ordinance that contains the green handwritten comments."

PUBLIC HEARING ITEM NO. 1

Amendment to Mesilla Town Code (MTC 18.06) – Planning and Zoning Historical Appropriateness Commission Restructuring of Terms and Consideration of Compensation

Mayor Hernandez:

"I will now open the Public Hearing on the first proposed ordinance agenda item, an amendment to Mesilla Town Code Section 18.06 regarding the Planning and Zoning Historical Appropriateness Commission, restructuring of terms and consideration of compensation.

Are there any members of the public who wish to speak on this item?"

(No response.)

"We'll first allow staff to present the background information, and then I'll ask again if anyone who may have arrived late wishes to provide public comment.

Mr. Salazar."

Community & Economic Development Director Eddie Salazar

"Good evening, Mayor and Trustees.

My name is Eddie Salazar with the Community and Economic Development Department.

Before you this evening is a proposed amendment to Chapter 18.06 concerning the Planning and Zoning Historical Appropriateness Commission, specifically addressing Commission membership, terms of office, alternate Commissioners, and Commissioner compensation.

The primary purpose of these amendments is to establish compensation for Commissioners and Alternate Commissioners while also making several housekeeping revisions to improve the ordinance.

If you look at Section 18.06.020, Commission Membership, Appointment, Qualifications, and Terms, you'll notice that the text shown with strike-through indicates language proposed for removal, while the text shown in red indicates the proposed additions.

The Planning and Zoning Historical Appropriateness Commission will continue to consist of five voting members appointed by the Mayor with the consent of the Board of Trustees.

One of the proposed changes is found under the Commission makeup. The Commission would include one Alternate Commissioner appointed by the Mayor with the consent of the Board.

The previous ordinance authorized two Alternate Commissioners.

As someone who serves with the Planning and Zoning Historical Appropriateness Commission, I personally do not believe that two Alternates are necessary.

The purpose of an Alternate is simply to ensure that the Commission can maintain a quorum when a regular Commissioner is absent. Since the Commission requires a minimum of three Commissioners to conduct business, having two Alternates means that four individuals would have to be absent before the Commission could not conduct a meeting. In my opinion, one Alternate Commissioner should be sufficient.

The proposed ordinance also clarifies that an Alternate Commissioner may participate in Commission discussions and deliberations at all meetings but may only vote after being formally seated in place of a regular Commissioner pursuant to Section 18.06.021.

Another proposed amendment concerns maintaining the professional expertise required of the Commission.

When making appointments or reappointments, consideration should be given to maintaining expertise in fields such as historic preservation, architecture, archaeology, planning, construction, real estate, landscape architecture, history, or other related disciplines.

I believe this addition is important because Mesilla is now a Certified Local Government (CLG), and maintaining Commissioners with appropriate backgrounds helps ensure compliance with State Certified Local Government requirements and accepted preservation practices.

The next proposed revision addresses Commissioner terms.

Members of the Planning and Zoning Historical Appropriateness Commission would continue to serve staggered two-year terms. Appointments could still be made for shorter periods when necessary to preserve the staggered rotation of terms, and vacancies would continue to be filled for the remainder of an unexpired term.

I'd like to pause here for a moment because this relates to a discussion the Board had earlier this year concerning when a Commission seat should actually be considered vacant.

For example, when a Commissioner's two-year term expires, should that seat automatically become vacant? Should that Commissioner be required to reapply immediately? Or, if the Commissioner wishes to continue serving and is eligible for reappointment, should there be a process that allows that continuity? Those are some of the issues these amendments attempt to address.

The ordinance further clarifies the purpose of Alternate Commissioners, which is to maintain a quorum, ensure continuity of Commission operations, and provide for timely consideration of applications, appeals, and historic preservation matters.

The Chairperson would be authorized to seat an Alternate Commissioner whenever a regular Commissioner is absent, recuses themselves because of a conflict of interest, is disqualified from

participating, vacates their seat during a meeting, or is otherwise unable to participate in a matter before the Commission.

Once seated by the Chairperson, the Alternate Commissioner would possess all of the rights, privileges, and voting authority of a regular Commissioner for the duration of that agenda item or meeting.

The ordinance also clarifies that an Alternate Commissioner does not count toward a quorum unless they have been formally seated as a voting member."

"The next proposed amendment addresses Commissioner compensation.

Currently, Commissioners serve in a volunteer capacity. Staff researched neighboring communities and other municipalities that compensate members of their planning commissions, boards of adjustment, or historic preservation commissions. Based on that research, staff is recommending that regular Commissioners receive a stipend for each meeting attended.

The proposed ordinance would establish compensation of fifty dollars (\$50.00) per meeting for each regular Commissioner who is present and participates in an official meeting of the Planning and Zoning Historical Appropriateness Commission.

In addition, an Alternate Commissioner who has been formally seated and serves as a voting member during a meeting would also receive the same meeting stipend.

If an Alternate Commissioner attends a meeting but is not seated to serve in place of a regular Commissioner, that Alternate would not receive compensation because they would not be participating as a voting member.

The purpose of the stipend is to recognize the time Commissioners dedicate to preparing for meetings, reviewing applications, attending site visits when necessary, and participating in lengthy public hearings and deliberations. Commissioners frequently spend several hours reviewing agenda packets before each meeting in order to make informed decisions.

Another proposed amendment concerns the Board of Adjustment.

As the Board is aware, the Board of Adjustment is composed of one Planning and Zoning Historical Appropriateness Commissioner, one Trustee, and one resident member. The proposed language would clarify that resident members serving on the Board of Adjustment would also receive the same meeting stipend when conducting official Board of Adjustment business.

The Trustee serving on the Board of Adjustment would not receive additional compensation because serving in that capacity is considered part of the Trustee's elected duties.

These amendments are intended to improve continuity of Commission operations, provide recognition for the time Commissioners dedicate to serving the Town, and clarify procedures that have evolved through practice but have not previously been incorporated into the Municipal Code.

Staff is available to answer any questions following public comment."

Mayor Hernandez:

"Thank you, Mr. Salazar.

At this time, I will open the floor for public comment on this proposed ordinance amendment.

If you wish to speak, please come forward, state your name and address for the record, and you'll be sworn in."

PUBLIC HEARING ITEM NO. 2

Amendment to Mesilla Town Code (MTC 15.15 – Building Code) – Consider Amendments to the Town's Fee Schedule and/or Ordinances Regarding Permit Fees, Including Whether Governmental Entities, Such as School Districts and Non-Profits, Should Be Exempt from Certain Permit Fees

Mayor Hernandez:

"Item Number Two on the agenda is an amendment to Mesilla Town Code 15.15, Building Code, to consider amendments to the Town's fee schedule and/or ordinances regarding permit fees, including whether governmental entities, such as school districts and non-profits, should be exempt from certain permit fees.

Are there any members of the public who wish to speak on this specific ordinance?"

(No public comments)

"Mr. Salazar, would you provide a brief overview of the proposal?"

Community & Economic Development Director Eddie Salazar

"Certainly.

This proposed amendment creates a fee exception intended to build a better working relationship and partnership with other governmental agencies and public entities, including public schools, municipal courts, and other governmental organizations.

The proposal creates an exception only for the Town's zoning review fee. It identifies who qualifies for the exemption, the compliance requirements, and what is necessary to qualify under the ordinance.

Although this proposal is referred to as a fee exception, it is important to emphasize that it is only an exception to the fee itself. It does not exempt an applicant from the Town's review process. All required planning, zoning, and building reviews would continue exactly as they do today.

Likewise, utility fees and other infrastructure-related charges are not exempt. Fees associated with utility connections, including water, sewer, and similar services, would still be required.

The scope of the proposed exception is limited strictly to fees associated with construction and building permit activities. It does not apply to utilities, infrastructure improvements, site development costs, municipal service fees, or any additional expenses the Town may incur while reviewing an application.

If unforeseen costs arise during the review process, those additional expenses may still be assessed as appropriate.

The proposal also preserves the Town's existing documentation and review procedures. Granting an exemption from the permit fee does not constitute approval of any zoning request, land use application, site plan, building permit, or any other approval otherwise required by Town ordinance.

Overall, this is a relatively straightforward, one-page amendment intended to waive zoning review fees for qualified governmental partners while maintaining the Town's existing review and approval process."

Mayor Hernandez:

"Thank you, Mr. Salazar.

Are there any members of the public who wish to comment on the proposed amendment to Section 15.15?"

(No members of the public came forward.)

"Seeing none, we'll move to the next agenda item."

PUBLIC HEARING ITEM NO. 3

**Amendment/Adoption of Hearing Examiner Ordinance – Authority and Responsibilities;
Defining a Process to Enforce Municipal Code**

Community & Economic Development Director Eddie Salazar

Mr. Salazar explained that although the Town currently has a nuisance ordinance within Chapter 8.15 of the Municipal Code, it lacks much of the enforcement language necessary to effectively address municipal code violations. He noted that the existing ordinance primarily addresses public nuisances, such as littering or tree limbs obstructing sidewalks, but does not adequately address many other nuisance situations involving private property or neighborhood impacts.

He explained that the proposed ordinance would provide additional detail regarding property maintenance requirements, particularly within Mesilla's historic areas. The amendments are intended not only to establish accountability but also to create opportunities for property owners to receive assistance through programs such as grants or other funding sources before enforcement becomes necessary.

Mr. Salazar then discussed the proposed Hearing Examiner Ordinance, explaining that the draft had been prepared by staff and was being reviewed by the Town Attorney. He stated that the ordinance would establish a civil administrative process for municipal code enforcement rather than relying primarily on criminal prosecution.

He explained that municipalities have historically treated many code violations as criminal matters. However, in his opinion, property owners should not face criminal charges for relatively minor violations such as weeds, abandoned vehicles, or other property maintenance issues. Instead, the proposed ordinance would establish a Hearing Examiner, retained by contract, to hear civil code enforcement matters.

Mr. Salazar stated that the Hearing Examiner would likely be an attorney or another qualified individual with experience in municipal law and code enforcement. Under the proposed process, violations would begin with a civil complaint rather than a criminal complaint.

If violations were not corrected after notice, the Town could arrange for the necessary work to be completed, either by Public Works or by a contractor, and recover those costs by placing a lien against the property.

He emphasized that the ordinance establishes both the Hearing Examiner and the overall enforcement process, rather than focusing solely on public nuisance issues.

PUBLIC HEARING ITEM NO. 4

Amendment to Mesilla Town Code (MTC 8.15 – Nuisances): Consideration of Regulating Noise Nuisance for the Best Interest of Residential and Commercial Zones

Community & Economic Development Director Eddie Salazar

Mr. Salazar explained that the proposed Noise Ordinance was developed by comparing ordinances from neighboring municipalities, including Doña Ana County, Anthony, and Sunland Park. He emphasized that the document was intended only as a starting point for discussion and was not presented as a final ordinance.

He noted that Mesilla's greatest challenge is balancing the needs of its Historic Commercial District, where commercial businesses and long-established residences exist side-by-side. Unlike conventional commercial zoning districts, many homes within Mesilla's Historic Commercial Zone predate the zoning designation and continue to be occupied as residences.

Mr. Salazar explained that noise is inherently subjective, with tolerance levels varying greatly among individuals. To create a more objective enforcement standard, the proposed ordinance incorporates the use of decibel measurements, which are widely used by law enforcement agencies and municipalities. He stated that decibel meters must be properly calibrated and certified before being used for enforcement purposes.

He clarified that the sample decibel limits contained in the draft ordinance were taken from neighboring jurisdictions and were provided for discussion purposes only. He further explained that noise measurements would generally be taken 100 feet from the applicable zoning boundary, rather than immediately adjacent to an individual property line.

Mr. Salazar discussed the proposed daytime and nighttime noise standards, animal noise provisions, and the requirement that continuous barking or similar animal noise persist for more than 15 consecutive minutes before it would constitute a nuisance.

He also described the proposed Plaza Entertainment Overlay District, which was drafted to recognize the Plaza and adjacent Historic Commercial areas as centers of tourism, dining, cultural events, festivals, live entertainment, and community gatherings while still protecting nearby residential uses.

He explained that the Overlay would establish separate standards for outdoor amplified entertainment, indoor entertainment, and special events. However, he acknowledged that additional work would be needed to better define the Overlay boundaries and determine appropriate decibel standards where residential and commercial uses directly adjoin one another.

Mr. Salazar concluded by reiterating that the ordinance was intended to initiate discussion and that staff hoped to receive comments from the Board and the public to develop a final ordinance better suited to Mesilla's unique character.

PUBLIC TESTIMONY

Ms. Melissa Molina

Speaking in Favor of Adopting a Noise Ordinance

Ms. Melissa Molina was sworn in and addressed the Board.

Ms. Molina began by explaining that her family's Gallegos residence, located immediately adjacent to New Mexico Vintage Wines, has been part of Mesilla's history since the early 1900s.

She stated that the home was built by George and Esther Gallegos, where they raised their family, and that multiple generations of the Gallegos family have continued to reside there.

Ms. Molina expressed her belief that the Town overlooked the existence of this long-established family residence when outdoor amplified entertainment was permitted next door.

She acknowledged that amplified music generally ends around 10:00 or 10:30 p.m., but emphasized that the loud conversations and activity from patrons continue well beyond the end of the music, making it difficult for her family to enjoy their home.

Ms. Molina stated that she believed the Town was failing her family. She explained that although a portion of the residence has occasionally been used as a rental unit, it remains a family residence and, at the time of the hearing, was not being rented because her family wanted to demonstrate that it continues to function as a home.

She explained that the residence has remained in her family for generations and that countless memories have been created there. However, she stated that the peace and quiet her family once enjoyed is now being disrupted on a daily basis.

Ms. Molina argued that the Town has failed to enforce the zoning compatibility requirements contained in Mesilla Town Code Section 18.60.180, which she stated requires commercial operations to remain

compatible with adjacent residential uses and prohibits commercial activities from creating noise that unreasonably disturbs neighboring residences, particularly during nighttime hours.

She contended that by allowing outdoor amplified music to continue immediately adjacent to her family's residence, the Town was failing to enforce its own compatibility standards.

She also asserted that the situation conflicts with the Town's historic preservation goals. In her opinion, preserving Mesilla's historic character should include protecting the quality of life of families who have lived in the Historic District for generations.

Ms. Molina requested that the Planning and Zoning Historical Appropriateness Commission (PZHAC) review the Certificate of Historical Appropriateness previously issued to New Mexico Vintage Wines to determine how outdoor amplified entertainment had been approved adjacent to a historic family residence.

She stated that her family has repeatedly sought assistance from the Town, particularly on behalf of her mother, Patricia Molina, a lifelong Gallegos family resident who was born and raised in the home. Although the family temporarily vacated the residence to repair damage caused by flooding, the property has remained their family home.

Ms. Molina concluded by stating that the residence represents an important piece of Mesilla's living history and urged the Board not to sacrifice multi-generational family homes for commercial patio entertainment. She asked the Board to consider the continuing impact the outdoor amplified music has on her mother's daily life and on the well-being of their family.

She thanked the Board for its consideration.

Mr. Paul Blevins

Public Comment / Neutral

Mr. Paul Blevens approached the podium and stated that he was not necessarily speaking either in favor of or in opposition to the proposed ordinance.

Instead, he posed a question to the Board regarding the Basilica of San Albino and its use of amplified outdoor speakers for Mass and funeral services.

Mr. Blevens explained that the church began broadcasting Mass over outdoor speakers during the COVID-19 pandemic so parishioners could remain in their vehicles while attending services. Since then, the practice has continued.

He asked whether the proposed Noise Ordinance had taken the church's amplified outdoor services into consideration and whether those broadcasts would become subject to enforcement under the proposed ordinance.

Mr. Blevens stated that he simply wanted clarification regarding how the ordinance would affect the church's long-standing practices.

He thanked the Board.

Mayor Hernandez

Mayor Hernandez asked whether there were any additional speakers wishing to speak in favor of the proposed ordinance.

Seeing none, he announced that the hearing would proceed with testimony from those wishing to speak in opposition to the proposed ordinance.

He requested that each speaker come forward individually, state their name for the record, and confirm that they had been sworn in before beginning their testimony.

Ms. Morgan Switzer

Speaking in Opposition

Ms. Morgan Switzer confirmed that she had previously been sworn in and addressed the Board.

She stated that she had previously emailed each member of the Board regarding the proposed ordinance and noted that Trustees should have received a copy of her written comments, which included numerous annotations highlighted in green.

Ms. Switzer explained that her comments represented only an initial review of the ordinance and were prepared from both the perspective of a business owner and a Mesilla property owner.

She emphasized that the ordinance would affect far more than a single business dispute. In her opinion, the ordinance would impact every resident of Mesilla, including individuals listening to music while working in their yards, families hosting barbecues, quinceañeras, weddings, celebrations of life, and countless other everyday activities.

Ms. Switzer described the proposed ordinance as a "Swiss cheese" document, explaining that it contained numerous inconsistencies and legal deficiencies. She characterized it as a potential legal liability for the Town and stated that her written comments represented only the first round of issues she had identified.

She explained that, during a meeting with Community & Economic Development Director Eddie Salazar approximately one week earlier, the concepts discussed did not resemble the ordinance ultimately presented for public review.

According to Ms. Switzer, the draft ordinance appeared to be assembled by copying provisions from numerous municipalities, resulting in conflicting standards, inconsistent time restrictions, undefined decibel standards within the Historic Commercial Overlay, and many undefined terms.

She argued that the ordinance lacked adequate definitions and contained numerous subjective provisions that could create enforcement difficulties and expose the Town to legal challenges.

Ms. Switzer further stated that Mesilla typically follows a thoughtful process when developing new ordinances. In her opinion, this ordinance appeared to have been presented before it was sufficiently developed, leaving the Board to determine which provisions should remain and which should be removed.

She stated that presenting the ordinance in its current form was premature because it contained so many unresolved issues.

Ms. Switzer also returned to the example of the church bells and amplified Mass broadcasts, noting that while many residents appreciate those traditions, others do not. She questioned where the line should be drawn and argued that an ordinance relying upon subjective determinations would simply replace one problematic ordinance with another.

She concluded by encouraging the Board to carefully consider the broader implications of the proposed ordinance and the legal problems that could arise from adopting it in its current form.

Ms. Tiffany Hackard

Speaking in Opposition

Mayor Hernandez: "Ms. Hackard, have you been duly sworn?"

Ms. Tiffany Hackard: "Yes, I have."

Ms. Tiffany Hackard stated that she is an employee of New Mexico Vintage Wines and spoke in opposition to the proposed ordinance.

Ms. Hackard explained that she shared many of the same concerns expressed by Ms. Morgan Switzer. She stated that the ordinance lacked sufficient definitions and required considerably more review before it could be considered for adoption.

She emphasized that any future ordinance should carefully balance the interests of both residential and commercial property owners. She explained that commercial businesses represent the livelihood of business owners, employees, musicians, vendors, and the many patrons who visit Mesilla.

Ms. Hackard stated that the proposed ordinance required additional work and collaboration before a consensus could be reached. She expressed concern that, if adopted in its current form, the ordinance could negatively affect local businesses, reduce gross receipts tax revenues, and discourage visitors from coming to Mesilla.

She concluded by warning that businesses could ultimately close if the ordinance imposed unreasonable restrictions, resulting in lost jobs and economic impacts throughout the community.

Mr. Marshall McKinley

Speaking in Opposition

Mayor Hernandez: "Mr. McKinley, have you been duly sworn?"

Mr. Marshall McKinley: "Yes."

Mr. Marshall McKinley stated that he generally agreed with the concerns raised by the previous speakers.

He expressed the opinion that the proposed ordinance should be completely reconsidered and rewritten from the beginning. One of his primary concerns involved the ordinance's exemptions for Town-sponsored events.

Mr. McKinley questioned how the Town could exempt events such as Fiestas de Mesilla and other municipal celebrations from the proposed restrictions while applying those same restrictions to private businesses and residents. He asked how the Town intended to determine when the rules would apply and when they would not.

He stated that this inconsistency represented his greatest concern with the ordinance. In his opinion, the entire proposal required a comprehensive review and should be redeveloped from the beginning to ensure fairness and consistency.

Mr. McKinley thanked the Board for the opportunity to comment.

Mayor Hernandez

Mayor Hernandez asked one final time whether there were any additional members of the public who wished to speak on any of the proposed ordinance amendments.

Hearing no further comments, Mayor Hernandez announced that the Public Hearing would be closed.

He stated for the record that the time was 5:59 p.m. and summarized the matters that had been considered during the hearing, including:

- **Amendments to Mesilla Town Code Section 18.06** regarding the Planning and Zoning Historical Appropriateness Commission.
- **Amendments to Mesilla Town Code Section 15.15** regarding the Building Code and permit fee exemptions.
- **Adoption of a Hearing Examiner Ordinance** establishing authority and responsibilities for municipal code enforcement.
- **Amendments to Mesilla Town Code Section 8.15 (Nuisances)** concerning regulation of noise within residential and commercial areas.



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

MONDAY, JUNE 22, 2026

~ Immediately Following Public Hearing ~

MINUTES

CALL TO ORDER

Following the adjournment of the Public Hearing, Mayor Russell Hernandez called the Regular Meeting of the Town of Mesilla Board of Trustees to order at **6:00 p.m.**

1. PLEDGE OF ALLEGIANCE

Mayor Hernandez welcomed those in attendance and led the audience in the Pledge of Allegiance.

2. ROLL CALL

Town Clerk/Treasurer Gloria Maya called the roll.

Present:

- Mayor Russell Hernandez
- Mayor Pro Tem Stephanie Johnson-Burick
- Trustee Garcia
- Trustee Cadena
- Trustee Nevarez

A quorum was established.

3. APPROVAL OF AGENDA

Mayor Hernandez presented the agenda for consideration.

Before requesting approval, he advised the Board that two clerical corrections needed to be made to the printed agenda.

He explained that:

- **Agenda Item 8B** should correctly reference **Ordinance No. 2026-04**.
- **Agenda Item 8D** should correctly reference **Ordinance No. 2026-05**.

Mayor Hernandez stated that the corrections were administrative in nature and did not alter the substance of the agenda items.

He then asked if any Trustee wished to make additional additions, deletions, or amendments.

No additional changes were requested.

A motion was made to approve the agenda as amended.

Motion: Trustee Nevarez

Second: Trustee Garcia

The motion carried unanimously.

Action: Agenda approved as amended.

4. CONSENT AGENDA

Mayor Hernandez introduced the Consent Agenda and explained that all items could be approved with one motion unless a Trustee requested that an item be removed for separate consideration.

The Consent Agenda included:

- Approval of the June 8, 2026 Board of Trustees Regular Meeting Minutes.
- Purchase Requisition – Colonias Emergency Funding Project.
- Purchase Requisition – Community Center Camera System.
- Purchase Requisition – Milestone Construction – Public Safety Building Renovations.
- Purchase Requisition – Milestone Construction – Additional Public Safety Building Improvements.
- Purchase Requisition – Apex Solutions – Public Safety Building Security Improvements.
- Purchase Requisition – Apex Solutions – Town Hall Security System Improvements.

Prior to entertaining a motion, **Trustee Garcia** requested that the **June 8, 2026 Board of Trustees Regular Meeting Minutes** be removed from the Consent Agenda.

Trustee Garcia explained that while reviewing the YouTube recording and transcript she discovered several inaccuracies within the draft minutes. She stated that comments had been attributed to the wrong individuals, portions of the discussion lacked proper context, and additional corrections remained necessary before the minutes accurately reflected the official record.

Trustee Garcia emphasized that Board minutes become permanent public records and should accurately document who spoke, what actions were taken, and the substance of Board discussion. She requested additional time to complete her review before the minutes were presented for approval.

Mayor Hernandez thanked Trustee Garcia for undertaking the review and agreed that accuracy was essential for official Town records.

No Trustee objected to postponing approval.

A motion was made to remove the June 8, 2026, Board of Trustees Regular Meeting Minutes from the Consent Agenda and approve them until the next Regular Meeting.

Motion: Trustee Garcia

Second: Trustee Nevarez

The motion carried unanimously.

Mayor Hernandez then returned the remaining Consent Agenda items.

There being no further discussion, a motion was made to approve the Consent Agenda as amended.

Motion: Mayor Pro Tem Johnson Burick

Second: Trustee Cadena

Following a roll call vote, the motion carried unanimously.

Action: The Consent Agenda was approved with the exception of the June 8, 2026, Board of Trustees Meeting Minutes, which were removed and continued to a future meeting for approval.

5. PRESENTATION

A. Desert Peaks Architects – Community & Cultural Center / Multi-Purpose Room Addition

Mayor Hernandez welcomed Mr. Joseph Fuemmeler of Desert Peaks Architects and invited him to present the latest conceptual plans for the proposed Community and Cultural Center addition at Town Hall.

Mr. Fuemmeler thanked the Mayor and Board for the opportunity to present the updated plans. He explained that the project had continued to evolve following previous Board direction and review by the Planning and Zoning and Historical Appropriateness Commission.

Mr. Fuemmeler stated that, at the direction of the Mayor and Board, the project had been divided into two phases.

The first phase consists of construction of the proposed Community and Cultural Center / Multi-Purpose Room Addition to Town Hall.

The second phase consists of the future Fire Station Addition, which remains under conceptual design.

He explained that designing both projects together allows the site to function cohesively while permitting each phase to move forward independently as funding becomes available.

Site Plan

Using architectural renderings displayed during the meeting, Mr. Fuemmeler reviewed the overall site layout.

He explained that the proposed Community and Cultural Center would be located immediately south of the existing Town Hall and would encompass approximately 3,600 square feet.

The future Fire Station Addition will be constructed north of Town Hall and include apparatus bays, firefighter living quarters, offices, storage, and supporting facilities.

Mr. Fuemmeler described the proposed circulation pattern for emergency vehicles, explaining that apparatus would enter from the southwest, circulate around Town Hall, enter the apparatus bay from the rear, and exit toward the northwest, minimizing conflicts with public traffic while improving emergency response.

Parking and Site Improvements

Mr. Fuemmeler explained that construction of the Community and Cultural Center would eliminate several existing parking spaces located immediately south of Town Hall.

However, after redesigning the overall parking layout, the project would result in a slight increase in the total number of available parking spaces.

He further explained that accessible parking spaces would be relocated closer to the Town Hall entrance, improving ADA accessibility while maintaining compliance with applicable accessibility standards.

Mr. Fuemmeler also presented the proposed community plaza. The existing drive aisle directly in front of Town Hall would be removed and replaced with landscaped public gathering space incorporating decorative paving, benches, shade trees, and flexible open space for community events.

The design intentionally complements the existing Town Hall architecture while creating an inviting public plaza capable of accommodating festivals, public gatherings, and civic events.

He explained that the building had been designed to provide maximum flexibility for both Town operations and community events. The primary meeting room would function as a large assembly space for public meetings, community functions, educational programs, receptions, and special events while also allowing the room to be divided into two separate meeting spaces through the use of a movable acoustical partition.

Mr. Fuemmeler stated that when fully opened, the room would accommodate approximately 120 seated occupants in a meeting configuration and approximately 220 occupants for standing events. When divided, each room could function independently, allowing multiple meetings or programs to occur simultaneously.

Adjacent to the primary meeting room, the plans included three smaller meeting rooms that could be used by Town committees, community organizations, training classes, or private meetings. The design also incorporated dedicated storage space for tables and chairs, allowing staff to quickly reconfigure the rooms for different events.

Mr. Fuemmeler explained that the addition would connect directly to the existing Town Hall kitchen, permitting the kitchen to serve both the current Council Chambers and the new Community and Cultural Center without duplicating facilities.

The plans also included new restroom facilities and a covered outdoor patio that could be used independently or in conjunction with indoor events.

Architectural Design

Mr. Fuemmeler displayed updated architectural renderings of the proposed exterior elevations.

He explained that the design intentionally reflects the existing Territorial architectural style of Town Hall while remaining compatible with Mesilla's Historic District.

Architectural features included:

- Territorial parapets.
- Stucco exterior walls.
- Traditional proportions.
- Decorative pediments.
- Earth-tone finishes.
- Recessed entrances.
- Covered walkways.
- Windows and architectural details consistent with surrounding historic development.

Mr. Fuemmeler advised that several architectural concepts had previously been presented to the Planning and Zoning and Historical Appropriateness Commission.

Earlier concepts included a large overhead trellis and a covered porch structure. After reviewing comments from Commissioners and Town staff, the design team concluded that eliminating the large trellis would provide greater flexibility for outdoor events while reducing future maintenance requirements.

The current concept therefore emphasized an open community plaza with landscaping rather than a heavily covered structure.

Utility Relocations

Mr. Fuemmeler next discussed utility improvements associated with the project.

He explained that construction would require relocation of several existing utilities, including:

- Electrical service equipment.
- Underground electrical vaults.
- Existing fire hydrant.
- Gas utilities.
- Infrastructure associated with the recently installed electric vehicle charging stations.

Although these improvements would require coordination with utility providers, he stated that none presented unusual engineering challenges and all had been considered during development of the conceptual plans.

Fire Station Planning

Mr. Fuemmeler briefly reviewed the conceptual planning for the future Fire Station Addition.

Although the Fire Station remained in preliminary design, he explained that planning both facilities simultaneously ensured adequate circulation, parking, utility coordination, and future expansion opportunities.

The conceptual Fire Station includes:

- Drive-through apparatus bays.
- Firefighter sleeping quarters.
- Offices.
- Training space.
- Equipment storage.
- Support facilities.

He emphasized that construction of the Community and Cultural Center would not interfere with future development of the Fire Station.

Board Discussion

Mayor Hernandez thanked Mr. Fuemmeler for the presentation and commented that the project had progressed significantly since the Board first began discussing the need for additional community meeting space.

He stated that the revised plans reflected many of the comments previously provided by the Board and Planning and Zoning and Historical Appropriateness Commission and the public.

Trustee Garcia

Trustee Garcia asked about the electrical infrastructure associated with the recently installed electric vehicle charging stations.

She questioned whether relocating the electrical equipment would significantly increase project costs or create construction delays.

Mr. Fuemmeler explained that the electrical cabinets, underground conduits, transformer connections, and related infrastructure would require relocation. However, those relocations had already been anticipated during preliminary planning and were not expected to create significant construction issues.

Trustee Garcia also whether the electrical cabinets would remain visible after construction and asked about adequate parking and meet Mesilla town code.

Mr. Fuemmeler responded that screening options remained under consideration and acknowledged that the equipment should be integrated into the site in a manner compatible with the surrounding historic character.

Trustee Nevarez

Trustee Nevarez asked whether parking would remain adequate during large public events.

Mr. Fuemmeler explained that the Town's zoning ordinance calculates required parking based upon building square footage rather than maximum occupancy.

Although exceptionally large events could temporarily exceed available parking, the project fully complied with Mesilla's parking requirements.

He noted that many large community events already utilize surrounding public parking areas throughout Mesilla, and the proposed project was expected to function similarly.

Mayor Hernandez

Mayor Hernandez asked Mr. Fuemmeler to discuss the architectural revisions previously presented before the Planning and Zoning and Historical Appropriateness Commission.

Mr. Fuemmeler explained that Commissioners had offered numerous suggestions intended to better integrate the addition with the existing Town Hall.

Those comments resulted in refinement of the entrance features, simplification of the exterior massing, elimination of the previously proposed trellis structure, adjustments to landscaping, and additional attention to architectural details consistent with Mesilla's Territorial character.

Mayor Hernandez commented that the revised plans reflected those recommendations well and thanked the architects for continuing to work collaboratively with both staff and the Commission.

There being no further questions, Mayor Hernandez thanked Mr. Joseph Fuemmeler and Desert Peaks Architects for their presentation.

6. STAFF UPDATES & STAFF COMMENTS

Mayor Hernandez advised that written departmental reports had been provided to the Board in advance of the meeting. He stated that the purpose of this agenda item was for department heads to provide verbal updates and highlight significant activities occurring since the previous meeting. He invited each department head to present their report and answer questions from the Board.

A. Marshal's Office

Marshal Supervisor Ben Azcarate presented the Marshal's Office report.

Mr. Azcarate began by advising the Board that preparations were underway for the Town's upcoming Fourth of July celebration. The Marshal's Office had already begun coordinating staffing assignments to ensure adequate law enforcement coverage throughout the holiday weekend.

He explained that additional deputies would be assigned to the Plaza area, the evening concert, and the fireworks display. Coordination was also occurring with Animal Control personnel to assist with crowd management and any animal-related calls received during the festivities.

Mr. Azcarate stated that public safety remained the department's highest priority during Town events and that staffing plans had been developed to provide visible patrol throughout the celebration.

Turning to training, Mr. Azcarate reported that the Town's School Resource Officers (SROs) recently completed an active shooter response exercise. The training focused on one-officer and two-officer response techniques, room clearing procedures, communication, and coordinated response tactics.

He explained that both officers performed well during the training and that additional advanced instruction was already being scheduled.

Mr. Azcarate advised the Board that the Las Cruces Police Department School Resource Officer Unit had invited Mesilla's officers to participate in additional summer training while schools remained out of session.

He stated that the regional training included realistic scenarios involving active shooter incidents and other emergencies occurring within school facilities. Participating alongside neighboring agencies would improve coordination should a multi-agency response ever become necessary.

Mr. Azcarate next discussed traffic enforcement activities.

He reported that deputies had recently increased patrols along University Avenue following implementation of the reduced 30 mile-per-hour speed limit.

Initially, deputies focused primarily upon public education by issuing warnings and informing motorists of the new speed limit. He explained that the education period had now largely concluded and that deputies would begin transitioning toward stricter enforcement through increased traffic stops and issuance of citations when appropriate.

Mr. Azcarate stated that speeding complaints along University Avenue remained one of the department's most common concerns, and enforcement efforts would continue in response to resident complaints.

He concluded his report and invited questions from the Board.

Board Discussion

Trustee Garcia

Trustee Garcia stated that she appreciated the increased enforcement efforts along University Avenue.

She then described an incident involving individuals driving into one of the drainage channels adjacent to the roadway and performing donuts within the drainage area.

Trustee Garcia explained that when she reported the incident to one of the responding deputies, the deputy appeared unfamiliar with the location she was describing.

She asked Mr. Azcarate whether deputies could become more familiar with local landmarks and drainage channels throughout Town so they could respond more effectively when residents report incidents.

Mr. Azcarate acknowledged her concern.

He explained that while newer deputies may not yet know every location within Mesilla, familiarization with the community remains an ongoing part of their field training. He stated that he would discuss the location with his personnel so they would better understand future complaints involving that area.

Trustee Garcia thanked him.

Trustee Garcia next addressed employee training.

She commented that deputies should continue seeking specialized training opportunities whenever available.

She stated that additional training benefits both the individual employee and the Town by improving professionalism, expanding knowledge, and enhancing public safety.

Mr. Azcarate agreed completely.

He explained that he routinely encourages deputies to identify worthwhile training opportunities and submit requests through the department.

Provided staffing levels permit attendance and funding is available, he supports sending personnel to specialized training throughout New Mexico and neighboring states.

He stated that continuing education improves employee confidence while strengthening the overall capabilities of the Marshal's Office.

Mayor Hernandez thanked Mr. Azcarate for the report and stated he appreciated the department's continued visibility throughout the community.

There were no further questions.

B. Fire Department

Fire Chief Greg Whited presented the Fire Department report.

Chief Whited began by reporting that the Town's smoke alarm installation program had recently received additional assistance from the American Red Cross.

He explained that after observing the department's community outreach efforts through social media, representatives from the Red Cross contacted the department and offered additional smoke alarms together with volunteers willing to assist with future installation events.

Chief Whited stated that the partnership would significantly expand the department's ability to provide smoke alarms to residents throughout the community.

He advised that residents needing smoke alarms could continue contacting the Fire Department for assistance.

Chief Whited next discussed the department's continued participation in the Community Connect Program.

He explained that firefighters recently attended a senior meal program where they assisted residents with registering for Community Connect.

He described Community Connect as an important public safety resource allowing residents to voluntarily provide emergency responders with valuable information regarding their residence before an emergency occurs.

Information such as medical conditions, mobility concerns, pets, gate access, emergency contacts, and other important details can be entered into the secure database.

Chief Whited stated that having access to this information before arriving on scene improves emergency response while helping firefighters better assist residents during emergencies.

He advised that outreach efforts would continue throughout the year at various community events.

Chief Whited then updated the Board regarding the Fire Academy.

He reported that seven cadets currently remained enrolled.

Although three previous cadets recently accepted employment with Doña Ana County Fire Rescue, he considered that a positive accomplishment because it demonstrated the quality of the Town's training program.

He congratulated those individuals for advancing their careers while expressing confidence in the progress being made by the current academy class.

Chief Whited concluded by reminding everyone to exercise caution during the summer months.

He informed the Board that the department had recently responded to a fatal bicycle versus motor vehicle accident.

He encouraged motorists to remain alert for bicyclists, pedestrians, and motorcyclists, particularly during periods of increased tourism and recreational activity.

He also reminded everyone that extreme summer temperatures often contribute to driver frustration and road rage incidents.

Chief Whited encouraged residents to remain patient, avoid unnecessary confrontations, and prioritize safety while traveling.

Board Discussion

Mayor Hernandez asked whether the Fire Department continues installing smoke alarms for residents unable to install them themselves.

Chief Whited replied that the department absolutely provides installation assistance.

Residents requesting installation are simply asked to sign a liability waiver before firefighters install the smoke alarm within the residence.

He explained that the goal of the program is to ensure every residence has working smoke alarms regardless of a resident's physical ability to install them.

Mayor Hernandez thanked Chief Whited and stated he appreciated the department's continued commitment to community outreach.

Chief Whited also thanked Mayor Hernandez for previously encouraging the department to expand participation in Community Connect.

He stated that the program continues gaining momentum and would remain an important public education initiative.

There being no additional questions, Mayor Hernandez thanked Chief Whited for his report.

C. Public Works Department

Public Works Director Lorenzo Astorga presented the Public Works Department report.

Mr. Astorga began by updating the Board on the progress of the Town's Electric Vehicle (EV) Charging Station Project.

He reported that El Paso Electric had substantially completed the electrical infrastructure improvements required to energize the charging stations at both Town Hall and Veterans Park. New electrical service equipment and supporting infrastructure had been installed, and Public Works continued coordinating with El Paso Electric and the equipment contractor to complete the remaining work.

Mr. Astorga explained that electrical work at Veterans Park was essentially complete. Remaining work at Town Hall primarily involved final utility coordination and equipment installation before the charging stations could be placed into service.

He advised the Board that staff continued monitoring the project closely and anticipated moving into the final stages of installation once utility work had been completed.

Calle de Parian Improvements

Mr. Astorga next reported on maintenance activities occurring along Calle de Parian.

He explained that Public Works crews had continued improving the appearance of the corridor by trimming vegetation, removing weeds, watering recently planted trees, and performing routine landscape maintenance.

The work was intended to improve the overall appearance of the area while maintaining a welcoming environment for residents and visitors.

Mr. Astorga complimented the Public Works employees for their continued efforts despite the extreme summer temperatures.

Annual Drinking Water Quality Report

Mr. Astorga informed the Board that the Town had completed its Annual Drinking Water Quality Report and successfully submitted the report to the New Mexico Environment Department (NMED).

He advised that NMED had accepted the report and confirmed the Town remained in compliance with all required drinking water reporting requirements.

Mr. Astorga explained that the annual report summarizes water quality monitoring conducted throughout the previous year and provides residents with information concerning the safety of the Town's drinking water.

He stated that copies of the report were available at Town Hall, QR codes had been posted for convenient public access, and the report would also be distributed to residents in accordance with state requirements.

Mr. Astorga explained that maintaining compliance requires continuous monitoring throughout the year rather than only preparing an annual report.

Public Works personnel routinely perform:

- Daily chlorine residual testing.
- Routine distribution system monitoring.
- Water sampling.
- Monthly operational reporting.
- Coordination with NMED inspectors.
- Quarterly well sampling.
- Lead and copper monitoring as required by federal and state regulations.

He emphasized that the Town's drinking water system continues to meet all applicable regulatory standards.

Street Maintenance

Mr. Astorga next reported that Public Works crews continued repairing potholes throughout Town.

He stated that employees respond to pothole complaints as quickly as possible while balancing numerous other maintenance responsibilities.

He encouraged residents to continue reporting potholes whenever they are observed because Public Works cannot address problems it is unaware of.

Weed Abatement

Mr. Astorga advised that recent rainfall had resulted in rapid weed growth throughout Town.

Public Works crews continued mowing, trimming, and spraying weeds whenever possible; however, he acknowledged that the unusually rapid growth made it difficult to keep pace.

He explained that crews remained actively working throughout the community and would continue addressing weed complaints as staffing and weather permitted.

Board Discussion

Trustee Garcia

Trustee Garcia referred to the written Public Works report and asked about an item identified as "new water service."

She requested clarification regarding what the notation represented.

Mr. Astorga explained that the entry simply referred to work performed by Public Works when establishing new water service connections or performing related utility service work.

He stated that it was not a new utility program but rather an internal work activity documented within the department report.

Trustee Garcia thanked him for the clarification.

Trustee Garcia next asked how residents should report potholes.

She questioned whether residents should call Public Works directly or submit complaints through another method.

Mr. Astorga responded that residents are welcome to call the department directly.

He stated that he personally receives many telephone calls from residents reporting potholes and other maintenance issues and encouraged residents to continue contacting Public Works whenever they identify problems needing attention.

He explained that receiving prompt reports allows staff to schedule repairs much more quickly.

Mayor Pro Tem Stephanie Johnson-Burick

Mayor Pro Tem Johnson-Burick complimented the Public Works Department on the recent landscaping improvements at Veterans Park.

She specifically mentioned the flowers, sunflowers, and landscaping throughout the park, commenting that the improvements were noticeable and made the park look beautiful.

She thanked the Public Works employees for the pride they continue taking in maintaining Town facilities.

Mayor Pro Tem Johnson-Burick then expressed concern for Public Works employees working outdoors during the extreme summer heat.

She asked Mr. Astorga whether the department had considered adjusting work schedules to begin earlier in the morning so employees could avoid working during the hottest portion of the day.

She also encouraged staff to ensure employees remained properly hydrated.

She remarked that if additional sports drinks or hydration supplies were needed, she believed members of the community would gladly donate to help support the Public Works crews.

Mr. Astorga's Response

Mr. Astorga thanked Mayor Pro Tem Johnson-Burick for her comments.

He explained that employee safety remains one of his highest priorities.

Whenever possible, work schedules are adjusted to avoid the hottest part of the afternoon, and supervisors continually monitor employees working outside.

Each morning employees receive bottled water together with electrolyte packets before leaving the Public Works yard.

Mr. Astorga stated that he also routinely checks on crews throughout the day and personally delivers additional water and sports drinks whenever employees are working extended periods in the heat.

He emphasized that employees are encouraged to take breaks whenever necessary and that no project is more important than employee safety.

Mayor Pro Tem Johnson-Burick thanked him for taking care of the employees.

Mayor Hernandez also thanked the Public Works Department for its continued efforts maintaining Town facilities despite the challenging summer conditions.

There being no further questions, Mayor Hernandez thanked Mr. Astorga for his report.

D. Community & Economic Development Department

Community & Economic Development Director Eddie Salazar presented the Community & Economic Development Department report.

Mr. Salazar began by informing the Board that, following the successful conclusion of Historic Preservation Month, the department had shifted its attention toward several historic preservation initiatives that would continue throughout the remainder of the year.

He explained that one of the department's primary priorities involved preparing additional nominations for the Town's Local Historic Registry. Staff had begun compiling historical research, photographs, and supporting documentation necessary to bring additional nominations before the Planning and Zoning and Historical Appropriateness Commission and, ultimately, the Board of Trustees.

Mr. Salazar stated that preserving historically significant properties remained one of the department's long-term goals and would continue supporting Mesilla's status as a Certified Local Government.

He advised the Board that each nomination requires extensive historical research, documentation, photography, and verification before being presented for public review. Staff continued working through those nominations and anticipated bringing additional historic properties forward in the coming months.

Historic Preservation Education

Mr. Salazar reported that the department had also registered for several upcoming historic preservation seminars.

He explained that the online training sessions are sponsored through historic preservation organizations and provide continuing education concerning preservation planning, architectural review, economic development, preservation incentives, and Certified Local Government responsibilities.

Mr. Salazar reminded Trustees that previous seminars had proven beneficial and advised that another seminar was scheduled for July 16.

He stated that notices would be distributed to the Board and encouraged Trustees to participate if their schedules permitted.

Mr. Salazar commented that continuing education benefits not only staff but also elected officials responsible for making decisions affecting Mesilla's historic resources.

Town Newsletter

Mr. Salazar next discussed the Town newsletter.

He explained that staff continued expanding the educational content of the newsletter so it would become more than simply a publication announcing Town activities.

Instead, the newsletter would increasingly highlight Mesilla's history, preservation efforts, architectural resources, community events, and educational articles intended to promote awareness of the Town's historic significance.

Mr. Salazar specifically recognized Ms. Liana Aguirre, Historic Preservation Planner, for the extensive historical research she continues conducting.

He stated that Ms. Aguirre regularly uncovers historical information, photographs, and documentation that many residents have never seen before. Staff intend to incorporate that research into future newsletters so residents can better understand the community's rich history.

Mr. Salazar remarked that Mesilla possesses an extraordinary historical record, and the department wanted to share more of that history with the public.

Code Enforcement

Mr. Salazar then introduced the Town's newly hired Code Enforcement Officer, who was attending the meeting to observe Board proceedings.

He explained that one of the reasons he invited the new employee to attend was so the officer could observe how ordinances are discussed, interpreted, and ultimately adopted by the Board of Trustees.

Mr. Salazar stated that understanding legislative intent is extremely valuable for code enforcement personnel because they are responsible for applying those ordinances consistently in the field.

He also encouraged the new Code Enforcement Officer to carefully review existing ordinances and identify areas where language could be clarified or strengthened.

Mr. Salazar explained that staff continually evaluate the Town Code and frequently identifies provisions that may require revision to improve enforcement or eliminate ambiguity.

Dead Tree Program

Mr. Salazar next provided an update regarding the department's ongoing dead tree inventory.

He explained that staff continued inspecting properties throughout Town to identify dead or hazardous trees that may present safety concerns.

The department had been:

- Photographing trees.
- Documenting property locations.
- Creating inspection records.
- Preparing notices to property owners.
- Prioritizing trees that present immediate hazards.

Mr. Salazar acknowledged that progress had been slower than originally anticipated because of the department's workload, but he emphasized that the project remained active and had not been abandoned.

He explained that public safety remained the department's primary concern, particularly where dead limbs or unstable trees could fall onto streets, sidewalks, neighboring properties, or utility lines during high winds.

Active Code Enforcement Cases

Mr. Salazar advised the Board that several code enforcement cases remain pending.

He explained that many of those cases would likely proceed much more efficiently once the proposed Hearing Examiner Ordinance became effective.

He stated that establishing a Hearing Examiner would provide a formal administrative process allowing unresolved code enforcement matters to proceed toward resolution while ensuring property owners receive appropriate due process.

Mr. Salazar explained that staff looked forward to utilizing the Hearing Examiner process once adopted because it would improve consistency and reduce lengthy delays associated with unresolved enforcement cases.

Electric Vehicle Charging Station Screening

Mr. Salazar next discussed the recently installed electric vehicle charging stations.

While he supported the project, he expressed concern regarding the appearance of the large electrical service cabinets associated with charging equipment.

He explained that whenever private development occurs within Mesilla, applicants are typically required to screen electrical equipment from public view using walls, landscaping, fencing, or other methods compatible with the Historic District.

Mr. Salazar stated that the Town should hold itself to the same standard.

He recommended exploring options to screen the electrical cabinets using historically compatible materials such as adobe-style walls, landscaping, or coyote fencing.

Mr. Salazar also expressed concern that exposed electrical equipment could become susceptible to graffiti or vandalism if left highly visible.

He stated that addressing those issues now would improve the appearance of the completed project while maintaining consistency with the Town's historic preservation standards.

iWorQ Software Implementation

Mr. Salazar informed the Board that implementation of the Town's new iWorQ management software continued moving forward.

He explained that he and Public Works Director Lorenzo Astorga would soon be meeting again with iWorQ representatives to continue configuring the software.

Mr. Salazar stated that the new system would significantly improve communication between departments while centralizing records management, permitting, inspections, code enforcement, GIS mapping, work orders, and customer service requests.

Drawing upon his previous experience using iWorQ, Mr. Salazar explained that the software provides substantially greater efficiency than traditional paper-based systems.

He advised the Board that he had already prepared approximately 20 to 30 pages of departmental forms, workflows, and operational procedures that had been submitted to iWorQ for incorporation into Mesilla's customized implementation.

Those materials included permit applications, inspection procedures, workflow diagrams, code enforcement processes, and numerous other departmental documents.

Mr. Salazar explained that building the software correctly during implementation would save significant staff time once the system becomes operational.

He stated that integrating GIS with permitting and code enforcement would greatly improve the department's ability to track projects, respond to inquiries, and maintain permanent records.

Mr. Salazar concluded by stating that, in addition to daily permitting responsibilities, those projects represented the department's primary focus.

He then invited questions from the Board.

Board Discussion

Trustee Garcia

Trustee Garcia thanked Mr. Salazar for his report and commented that she was pleased to see the return of the Queen of Mesilla program.

She stated that the program has long been an important community tradition and encouraged the department to continue promoting both the Queen competition and the Town's parade through social media, the Town newsletter, and other advertising methods.

Trustee Garcia also reminded staff that promotional materials should clearly identify any residency or eligibility requirements, so applicants understand the qualifications before applying.

Mr. Salazar agreed and explained that staff intended to begin advertising the program well in advance of the application deadline to encourage greater community participation.

Trustee Garcia next discussed the Discount Fireworks payment agreement.

She recalled previous Board discussions regarding the unpaid hazardous materials fee and asked Mr. Salazar whether a formal written payment agreement had been prepared.

Mr. Salazar responded that staff had been working on the agreement.

Trustee Garcia recommended that the agreement clearly identify the payment schedule, include the business owner's signature acknowledging responsibility for the outstanding balance, and remind the applicant that another annual hazardous materials fee would become due in August.

She stated that documenting the agreement in writing would protect both the Town and the business owner by clearly identifying each party's obligations.

Mr. Salazar acknowledged her recommendation and advised that staff should continue working with the business owner regarding the payment agreement.

Mayor Hernandez thanked Mr. Salazar for the report and complimented the Community & Economic Development Department for the numerous projects currently underway.

He remarked that the department continued expanding its responsibilities while making measurable progress in historic preservation, code enforcement, technology improvements, and public outreach.

There being no further questions, Mayor Hernandez concluded the Staff Updates and Staff Comments agenda item.

7. PUBLIC INPUT ON CASES

Mayor Hernandez opened Public Input on Cases.

He explained that this portion of the meeting was reserved for comments pertaining only to agenda items scheduled under Item 8 – New Business. He reminded those wishing to address the Board to state their name for the record and limit their comments to the item being considered. Mayor Hernandez also advised that comments should be directed to the Chair and remain respectful.

Melissa Molina

Ms. Melissa Molina addressed the Board regarding the proposed Noise Nuisance Ordinance.

Ms. Molina stated that she appreciated the Board's continued work on the ordinance and recognized the amount of research staff had devoted to developing the proposal. She explained that her comments centered on the compatibility of commercial businesses and residential properties within Mesilla's Historic District.

She reminded the Board that many residences existed long before neighboring commercial businesses were established. As an example, she referenced the residence located at 1991 Calle de Santiago, explaining that the home predated the adjoining commercial use. She stated that homeowners should continue to enjoy the peaceful use of their property regardless of subsequent commercial development nearby.

Ms. Molina asked several questions regarding enforcement of the proposed ordinance.

She asked:

- Whether different standards would apply during daytime and nighttime hours.
- Which Town department would ultimately enforce the ordinance.
- Whether Code Enforcement personnel, the Marshal's Office, or both departments would investigate complaints.
- Whether enforcement officers would be equipped with calibrated decibel meters.
- Whether officers would receive training regarding proper sound measurement procedures.
- Where sound measurements should be taken when responding to complaints.

Ms. Molina stated that objective standards would help both residents and businesses understand the rules while reducing disagreements regarding whether a violation had occurred.

She encouraged the Board to continue considering the relationship between residential and commercial properties whenever future outdoor entertainment permits are reviewed.

Ms. Molina thanked the Mayor, Board of Trustees, and staff for their willingness to continue discussing the issue and expressed hope that the final ordinance would provide a fair balance between protecting residents and supporting local businesses.

Mayor Hernandez thanked Ms. Molina for her comments.

Morgan Switzer

New Mexico Vintage Wines

Ms. Morgan Switzer addressed the Board regarding the proposed Noise Nuisance Ordinance.

Ms. Switzer stated that she had previously submitted written comments concerning the ordinance and understood those comments had been provided to each Trustee. She explained that she would summarize several of her primary concerns during her testimony rather than repeat every point contained within her written submission.

Ms. Switzer began by stating that, in her opinion, the ordinance remained an early working draft and required considerably more refinement before adoption.

She stated that the draft appeared to combine language taken from numerous municipalities throughout New Mexico without fully considering Mesilla's unique characteristics.

Ms. Switzer explained that Mesilla differs substantially from larger municipalities because residences, restaurants, wineries, shops, and other commercial businesses have existed side by side within the Historic District for generations.

She expressed concern that adopting language developed for larger cities could unintentionally create burdens for businesses operating within Mesilla's unique historic environment.

Ms. Switzer questioned several definitions contained within the ordinance, stating that some lacked sufficient clarity while others could easily be interpreted differently by various enforcement officers.

She also questioned the proposed decibel standards.

Ms. Switzer explained that sound measurements are influenced by numerous environmental conditions, including:

- Wind.
- Vehicular traffic.
- Conversations.
- Other surrounding activities.
- Buildings and walls.
- Courtyards.
- Landscape features.

She stated that because Mesilla contains narrow streets, adobe walls, enclosed patios, and irregular building arrangements, sound behaves differently than it would in modern commercial developments.

Ms. Switzer questioned whether a single decibel reading taken at one location could accurately determine whether a nuisance existed.

She further commented that businesses operating within the Historic Commercial Overlay District have historically provided outdoor entertainment as part of Mesilla's culture and tourism economy.

She stated that live music contributes significantly to the Town's atmosphere and expressed concern that portions of the ordinance could unintentionally discourage those activities.

Ms. Switzer acknowledged that nearby residents think they have legitimate concerns regarding excessive noise; however, she believed the ordinance attempted to address what she viewed as an isolated dispute by adopting regulations affecting every business throughout the community.

She encouraged the Board to continue revising the ordinance before taking final action.

Specifically, she recommended additional reviews of:

- Definitions.
- Measurement procedures.
- Decibel standards.
- Exemptions.
- Enforcement provisions.
- Permit requirements.

Ms. Switzer concluded by thanking the Board for considering both her written comments and oral testimony.

Mayor Hernandez thanked Ms. Switzer for her comments.

Mayor Hernandez asked if there were any additional speakers wishing to address the Board regarding agenda items.

No additional speakers requested to speak.

Mayor Hernandez closed Public Input on Cases and proceeded to Item 8 – New Business.

8. NEW BUSINESS

8A. Discussion and Consideration Amendment to Chapter 18.06 – Planning and Zoning and Historical Appropriateness Commission (PZHAC)

Mayor Hernandez introduced Ordinance No. 2026-03 for discussion and possible adoption following the Public Hearing conducted immediately prior to the Regular Meeting.

Mayor Hernandez reminded the Board that the Public Hearing had been completed, and all testimony received during the hearing, including written comments, was now part of the legislative record.

He recognized Community & Economic Development Director Eddie Salazar to briefly summarize the proposed ordinance before opening Board discussion.

Mr. Salazar stated that the proposed ordinance had already been presented in detail during the Public Hearing and therefore limited his comments to summarizing the principal amendments.

He reminded the Board that the ordinance would:

- Reduce the number of alternate commissioners from two to one.
- Clarify appointment qualifications.
- Establish a limit of three consecutive terms for regular commissioners.
- Expand evaluation criteria for reappointments.
- Establish compensation for PZHAC Commissioners and Board of Adjustment members.
- Clarify attendance requirements and alternate commissioner responsibilities.

Mr. Salazar advised that staff believed the amendments would improve continuity, preserve institutional knowledge, strengthen Commissioner accountability, and assist the Town in recruiting qualified volunteers to serve on the Planning and Zoning and Historical Appropriateness Commission.

Mayor Hernandez thanked Mr. Salazar and opened the matter for Board discussion.

Board Discussion

Mayor Hernandez

Mayor Hernandez opened discussion by stating that the Board had discussed the proposed amendments during several previous work sessions and had also received testimony during the Public Hearing immediately preceding the Regular Meeting.

He commented that the ordinance represented an effort to strengthen the Planning and Zoning and Historical Appropriateness Commission while recognizing the significant amount of volunteer time Commissioners dedicate to reviewing applications, conducting site visits, studying Town ordinances, and participating in lengthy public meetings.

Mayor Hernandez stated that the Commission performs an important function for the Town, particularly because many development projects require detailed review before reaching the Board of Trustees.

Mayor Pro Tem Stephanie Johnson-Burick

Mayor Pro Tem Johnson-Burick stated that she supported compensating the citizen members who serve on the Planning and Zoning and Historical Appropriateness Commission because of the time and commitment required to review applications, attend meetings, and fulfill their appointed responsibilities.

However, she expressed concern regarding the proposed compensation for members of the Board of Adjustment. She noted that the Board of Adjustment consists of a Planning and Zoning Commissioner, one Trustee, and one resident member. As the Trustee serving on that board is already carrying out an assigned responsibility as part of their elected duties, she did not believe Trustees should receive additional compensation for serving on the Board of Adjustment.

She stated that she was comfortable with compensating the resident members, provided the appointed members continue to serve their established terms and fulfill their responsibilities. She reiterated that her concern was limited to compensating Trustees for duties that are already part of their elected office.

Trustee Garcia

Trustee Garcia stated that she agreed with the comments made by the other Trustees regarding the proposed Board of Adjustment stipends.

She then raised a question concerning remote participation by Commission members. She noted that, based on training she had attended, members of governing bodies are generally limited in the number of times they may participate remotely during a calendar year. However, she observed that the proposed ordinance did not address whether members of the Planning and Zoning and Historical Appropriateness Commission or the Board of Adjustment would be permitted to participate by telephone or video conference.

Trustee Garcia asked whether the Town intended to allow remote participation in situations where a quorum could not otherwise be achieved. She suggested that permitting members to participate remotely, when authorized by law and Town policy, could help the Commission maintain a quorum and avoid postponing meetings. She requested clarification on whether the Town planned to provide that option or whether all members would be required to attend meetings in person.

Mayor Hernandez responded that one of the primary reasons the Town maintains alternate Commissioners is to help ensure a quorum when a regular Commissioner is unable to attend a meeting. He noted that the Town has been fortunate in recent years to have Commissioners who consistently participate and attend meetings, reducing the need to rely on alternates.

Regarding remote participation, Mayor Hernandez stated that the ordinance could be amended in the future if the Board wished to address the issue. However, he explained that the Planning and Zoning and Historical Appropriateness Commission has traditionally conducted meetings in person, primarily because of the extensive documentation, exhibits, and discussion involved in reviewing applications and hearing cases.

He acknowledged that previous Town administrations had, on occasion, permitted telephonic participation during Board of Trustees meetings. He clarified that, to his knowledge, such participation had not occurred during his administration, and that any previous remote attendance had been by telephone rather than through video conferencing.

Trustee Garcia explained that her question stemmed from a previous situation in which a Planning and Zoning Commissioner had relocated and was not permitted to participate in a meeting by telephone. She noted that the inability to allow remote participation contributed to quorum concerns.

She stated that, if the Town did not intend to authorize telephonic or remote participation for Commissioners, she would support retaining two alternate Commissioners rather than reducing the number to one. Trustee Garcia explained that maintaining two alternates would provide additional assurance that the Commission could still achieve a quorum if a regular member or alternate was unexpectedly unable to attend a meeting. She remarked that unforeseen circumstances can arise at any time, and having an additional alternate would help ensure the Commission could continue conducting business without unnecessary postponements.

Trustee Garcia asked how the proposed ordinance would affect the terms of the current Commissioners if adopted. Specifically, she questioned whether the three-consecutive-term limitation would apply retroactively to Commissioners already serving on the Planning and Zoning and Historical Appropriateness Commission or whether current members would effectively begin a new term count upon the ordinance taking effect.

Mayor Hernandez responded that the ordinance would follow the Commission's existing staggered term schedule. He explained that the current Commissioners would continue serving under their established staggered appointments, and any term expirations, reappointments, or new appointments would be presented to the Board at the appropriate time, either at the beginning of the new calendar year or on whatever effective date is ultimately established if the Board adjusts the term cycle. The transition would be administered as part of the normal appointment process rather than restarting every Commissioner's term simultaneously.

Trustee Cadena

Trustee Cadena expressed support for the proposed ordinance but suggested modifying the expiration date for Commissioner terms.

She explained that having terms expire on December 31 places the appointment process during the holiday season, making it more difficult to recruit applicants, process appointment paperwork, and prepare recommendations for the Board. She suggested changing the term cycle to February 1 through January 31, or otherwise extending the current terms by approximately one month, to provide staff with additional time after the holidays to advertise vacancies, receive applications, and complete the appointment process.

Trustee Cadena also discussed the proposed reduction in alternate Commissioners from two to one. While he understood and generally supported the recommendation, she recalled that in previous years the Town struggled to recruit enough volunteers to serve on the Commission, which was one of the reasons two alternate positions had originally been established.

She noted that the current Commission has been fortunate to have dedicated members with consistent attendance and long-term commitment, but cautioned that circumstances could change in the future. Commissioners may become too busy, relocate, or decide not to seek reappointment, creating unexpected vacancies. For that reason, she believed there was still value in maintaining a second alternate position, although he stated she was comfortable with the recommendation to reduce the number to one.

In closing, Trustee Cadena reiterated that his primary recommendation was to revise the Commission term dates to begin on February 1 rather than January 1, thereby avoiding the holiday season and

providing a smoother transition for appointments. She concluded by stating that she was pleased the ordinance recognized the time and commitment of Commissioners by providing a modest stipend for their service.

Trustee Nevarez

Trustee Nevarez stated that he agreed with the comments made by the other Trustees regarding compensation for the Board of Adjustment. He concurred that the proposed ordinance should be modified to clarify that Trustees serving on the Board of Adjustment should not receive a stipend for duties performed as part of their elected responsibilities.

He indicated his support for amending the ordinance accordingly and thanked everyone for the discussion.

8B. Approval of Ordinance 2026-02 – amendments to MTC 18.06

Following discussion, Mayor Hernandez asked whether there were any additional questions or comments from the Board.

There being none, he requested a motion.

Motion: Mayor Pro Tem Johnson-Burick

Second: Trustee Nevarez

Vote:

- Mayor Pro Tem Johnson-Burick – Yes
- Trustee Garcia – Yes
- Trustee Cadena – Yes
- Trustee Nevarez – Yes

Mayor Hernandez announced that the motion carried.

Action: Ordinance No. 2026-03 adopted.

8C. Amendment to Chapter 15.15 – Building Permit Fees

Mayor Hernandez introduced Ordinance for discussion and possible adoption.

He reminded the Board that the Public Hearing had been completed and invited Mr. Salazar to summarize the proposed ordinance before Board deliberation.

Mr. Salazar briefly reviewed the ordinance, explaining that its purpose was to clarify the Town's building permit fee provisions while allowing the Board flexibility when considering governmental entities, nonprofit organizations, and other public benefit projects.

He emphasized that the ordinance did not automatically exempt any organization from permit fees.

Rather, each request would continue to come before the Board for individual consideration based upon the specific circumstances and public benefit associated with the project.

Mr. Salazar explained that permit review requires substantial staff time regardless of the applicant.

Community & Economic Development staff review zoning compliance, site plans, building plans, historic preservation requirements when applicable, coordinate with the New Mexico Construction Industries Division, maintain permanent records, and process permit applications.

He stated that the proposed amendments simply provided the Board with greater discretion while preserving the Town's ability to recover administrative costs when appropriate.

Mayor Hernandez thanked Mr. Salazar and opened the matter for Board discussion.

Board Discussion

Mayor Hernandez

Mayor Hernandez thanked Mr. Salazar for the presentation and stated that the Board had previously discussed permit fees during several work sessions. He explained that the proposed ordinance was intended to provide flexibility rather than create automatic exemptions.

He commented that governmental entities, nonprofit organizations, and other public agencies frequently complete projects that benefit the community. However, those projects still require staff review, zoning compliance verification, plan review, record keeping, and coordination with outside agencies. He stated that it was important for the Board to retain discretion when determining whether a fee reduction or waiver was appropriate.

Mayor Pro Tem Stephanie Johnson-Burick

Mayor Pro Tem Johnson-Burick stated that she supported the proposed amendments.

She commented that every permit application requires Town staff time regardless of who submits it. Plans must be reviewed for zoning compliance, historic preservation requirements, setbacks, drainage, parking, and other applicable regulations.

She stated that while some public projects may warrant consideration for waived fees, the Board should evaluate each request individually rather than adopting a blanket exemption.

Mayor Pro Tem Johnson-Burick added that retaining flexibility allows the Board to consider the overall benefit a project provides to the Town before making a decision.

Trustee Garcia

Trustee Garcia agreed with the proposed approach.

She stated that each governmental or nonprofit project is different and should be evaluated independently.

She commented that the Board should continue recognizing the administrative costs associated with permit review while also acknowledging circumstances where a project provides a significant public benefit.

Trustee Garcia stated that maintaining Board discretion would allow future Trustees to consider each request on its own merits instead of being bound by a rigid policy.

Trustee Cadena

Trustee Cadena commented that the ordinance appeared to strike an appropriate balance.

She stated that Town staff perform the same review regardless of whether the applicant is a private citizen, nonprofit organization, school district, or governmental agency.

Because staff time represents a real cost to the Town, she believed it was reasonable for the Board to retain authority to determine whether circumstances justified reducing or waiving permit fees.

Trustee Nevarez

Trustee Nevarez agreed with the previous comments.

He stated that the proposed ordinance provides sufficient flexibility while protecting the Town's interests and ensuring applicants continue to be treated fairly.

8D. Approval: Ordinance Amendment for building permit fees MTC 15.15

Mayor Hernandez asked whether there were any additional questions or comments from the Board.

There being none, he requested a motion.

Motion: Mayor Pro Tem Johnson-Burick

Second: Trustee Garcia

Mayor Hernandez announced that the motion carried unanimously.

Action: Ordinance No. 2026-04 was adopted.

8.E. Discussion Only – Amendment to the Hearing Examiner Ordinance

Authority, Responsibilities, and Process for Enforcement of the Municipal Code

Mayor Hernandez introduced Item 8.E., Discussion Only – Amendment to the Hearing Examiner Ordinance establishing the authority and responsibilities of a Hearing Examiner and defining the process for enforcement of the Town's Municipal Code.

Mayor Hernandez reminded the Board that this item had been discussed during the Public Hearing earlier in the evening and emphasized that the matter was for discussion only, with no action scheduled during the current meeting.

He explained that the ordinance was in its preliminary stages and was intended to begin the Board's review and discussion before any formal action would be considered.

Mayor Hernandez stated that because of the complexity of the proposed ordinance, he anticipated the Board would conduct multiple work sessions before bringing the ordinance back for adoption. He encouraged Trustees to thoroughly review the draft and advised that staff would continue researching issues, gathering additional information, and making revisions based on comments received from the Board, legal counsel, and the public.

He further stated that if the Board believed an additional public hearing was warranted before adoption, one could certainly be scheduled. The objective was to ensure the ordinance was fully vetted and refined before any final action was taken.

Board Discussion

Mayor Pro Tem Johnson-Burick

Mayor Pro Tem Johnson-Burick thanked Mayor Hernandez for placing the item on the agenda as a discussion-only matter rather than requesting immediate action.

Trustee Garcia

She commented that the proposed ordinance was much more detailed than previous ordinance amendments and believed additional review was appropriate before the Board considered adoption.

She stated that the discussion format would allow Trustees to carefully evaluate each section of the ordinance while giving staff time to research questions, obtain clarification from legal counsel, and consider suggestions received during the review process.

Trustee Garcia explained that she believed this approach would result in a stronger ordinance and allow the Board to make more informed decisions during future work sessions.

Mayor Hernandez

Mayor Hernandez agreed, stating that discussing the ordinance in stages would allow staff to research issues raised by the Board between meetings.

He explained that Trustees' questions and comments would provide direction for additional research and revisions before each subsequent work session, helping staff refine the ordinance before returning it for formal consideration.

Trustee Garcia

Trustee Garcia then commented on the proposed Hearing Examiner concept itself.

She stated that she appreciated the proposal establishing a civil administrative process rather than a criminal enforcement process.

She explained that because the Town no longer operates a Municipal Court, it was important to develop an alternative method for addressing municipal code violations while still providing due process to property owners.

Trustee Garcia stated that before implementing a Hearing Examiner, she believed the Town should first review and strengthen the underlying ordinances that would ultimately be enforced.

She explained that the Hearing Examiner's primary responsibility would be to interpret and apply the Town's ordinances when hearing enforcement cases. Therefore, those ordinances should be written clearly and consistently so the Hearing Examiner has well-defined standards upon which to base decisions.

She commented that the Town should carefully evaluate each ordinance before adopting the Hearing Examiner process to ensure enforcement decisions are based upon clear legislative direction rather than ambiguous language.

Trustee Garcia also encouraged staff to research comparable municipalities when developing the ordinance.

However, she emphasized that Mesilla should compare itself to communities with similar characteristics rather than large metropolitan areas.

She noted that Mesilla is a historic community with numerous historic residential and commercial properties, but very little industrial or manufacturing development. For that reason, she believed staff should focus on municipalities with similar historic preservation concerns so the Hearing Examiner ordinance reflects Mesilla's unique character rather than simply adopting language developed for larger cities.

She stated that she wanted the ordinance to be tailored specifically to Mesilla's needs and believed the work sessions would provide the opportunity to refine those details before adoption.

Mayor Hernandez

Mayor Hernandez responded that, at the present time, municipal civil code violations continue to be heard through the Doña Ana County Magistrate Court because the Town no longer has its own Municipal Court.

He explained that although the Magistrate Court maintains a copy of the Town's ordinances, the court has requested that Town staff provide copies of the specific ordinances associated with each citation because many municipal ordinances differ from corresponding state statutes.

Mayor Hernandez noted that Mesilla's ordinances often contain unique provisions that are not addressed under state law. Providing the applicable ordinance allows the Magistrate Court to review the correct local regulations when hearing municipal cases.

He stated that establishing a Hearing Examiner would allow the Town to resolve many municipal code enforcement matters administratively rather than relying exclusively upon the Magistrate Court system.

Trustee Garcia

Trustee Garcia then referred to Section 18.15.45(B)(3) of the proposed ordinance concerning notices to abate.

She noted that the draft ordinance provided property owners with the right to appeal a Hearing Examiner's decision to either the Planning and Zoning and Historical Appropriateness Commission or the Board of Trustees within fifteen days.

Trustee Garcia questioned whether property owners should be given a choice of appellate body.

She suggested that the ordinance should instead clearly designate one appellate authority, explaining that appeals should follow a consistent process rather than allowing multiple options.

She stated that, in her opinion, appeals from Hearing Examiner decisions should proceed directly to the Board of Trustees, which would maintain consistency with other quasi-judicial matters already reviewed by the Board.

Mayor Hernandez agreed that the appeal process should be clarified and indicated that staff would review the language before the ordinance returned for further discussion.

Closing Discussion

Mayor Hernandez thanked the Trustees for their comments and reminded everyone that the ordinance remained in the early stages of development.

He encouraged Trustees to continue reviewing both the Hearing Examiner Ordinance and the following ordinance amendment and to submit additional comments or questions to Community & Economic Development Director Eddie Salazar, the Town Clerk, or himself before the first work session.

He explained that staff would continue researching the issues raised during the meeting, consult with legal counsel as necessary, and incorporate appropriate revisions before presenting an updated draft for future discussion.

With no further discussion, Mayor Hernandez concluded Item 8.E and proceeded to the next item on the agenda.

8F. Discussion and Consideration of Ordinance Amendment to Chapter 8.15 – Noise Nuisance Ordinance

Mayor Hernandez introduced amendments to the Town's Noise Nuisance Ordinance.

He reminded the Board that a Public Hearing had been conducted immediately prior to the Regular Meeting and noted that all testimony received, together with the written public comments submitted before the hearing, had become part of the official legislative record.

Mayor Hernandez stated that the proposed ordinance represented the culmination of several months of work by staff, legal counsel, the Board of Trustees, and members of the public.

He explained that the ordinance had evolved through numerous work sessions and discussions as staff researched ordinances from municipalities throughout New Mexico. Rather than copying another community's ordinance, staff evaluated numerous approaches before preparing language intended specifically for the Town of Mesilla.

Mayor Hernandez reminded the Board that Mesilla's Historic District presents unique circumstances because commercial businesses and residences often exist immediately adjacent to one another. As a result, staff attempted to develop objective standards balancing the interests of residents, business owners, tourism, and preservation of the Town's historic character.

He briefly reviewed the principal provisions of the ordinance, including:

- Establishment of objective decibel standards.
- Procedures for measuring sound using calibrated sound level meters.
- Enforcement responsibilities shared by the Marshal's Office and Code Enforcement.
- Permit requirements for outdoor amplified entertainment.
- Exemptions for emergency activities, officially permitted events, and other specified situations.
- Enforcement procedures and available remedies.

Mayor Hernandez emphasized that the ordinance was intended to replace subjective determinations regarding excessive noise with measurable standards that could be consistently applied.

He further explained that staff anticipated continuing to educate businesses regarding the new requirements should the ordinance be adopted.

Mayor Hernandez concluded his presentation and advised he would answer questions from the Board.

Board Discussion

Mayor Hernandez

Mayor Hernandez opened the discussion by thanking everyone who participated in the public hearing and submitted written comments. He stated that the proposed ordinance had undergone numerous revisions over several months and reflected considerable research by staff, review by legal counsel, and input from both residents and business owners.

He emphasized that the Board's responsibility was to strike an appropriate balance between protecting the quality of life for residents and recognizing the importance of businesses and tourism to the Town of Mesilla.

Mayor Hernandez stated that he appreciated the respectful comments received during the public hearing and believed they had contributed to improving the proposed ordinance.

Mayor Pro Tem Stephanie Johnson-Burick

Mayor Pro Tem Johnson-Burick stated that, based on her initial review, she believed the proposed maximum permissible decibel levels appeared to be set too low. She commented that, during a typical busy weekend in the Historic Plaza area, the normal sounds generated by tourists, pedestrians, and everyday activity could easily approach or exceed the proposed limits. She suggested that the Board carefully evaluate whether the proposed standards were realistic for Mesilla's unique environment.

Referring to the section of the ordinance addressing loud yelling, shouting, chanting, or singing between 10:00 p.m. and 7:00 a.m., Mayor Pro Tem Johnson-Burick humorously remarked that if she were singing, someone would probably call the police because "nobody wants to hear that." Her comment drew laughter from those in attendance.

Returning to the substance of the ordinance, she expressed concern that the provision prohibited conduct which "disturbs another property" based upon an officer's discretion. She stated that language relying solely on subjective judgment could create inconsistency in enforcement and lead to situations where one individual is cited while another engaging in similar conduct is not. She believed the ordinance should include more clearly defined and objective standards to reduce the potential for inconsistent enforcement and legal challenges.

Mayor Pro Tem Johnson-Burick also referenced comments made earlier by Ms. Melissa Molina during the Public Hearing regarding enforcement responsibilities. Referring to the section entitled "Enforcement Authority," she noted that the ordinance authorized enforcement by the Town Marshal's Office, Code Enforcement, and other authorized Town personnel.

She questioned how that provision would function if the Town adopted objective decibel standards. Specifically, she asked who would be responsible for carrying and operating the sound level meters,

whether multiple departments would be equipped with the devices, and whether all personnel authorized to enforce the ordinance would receive the necessary training to properly conduct sound measurements.

Finally, Mayor Pro Tem Johnson-Burick stated that she had also noticed several inconsistencies in the language and terminology used throughout the draft ordinance. She referenced comments made during the Public Hearing by Ms. Morgan Switzer, noting that some sections appeared to use different terms or standards that should be reviewed for consistency. She recommended that staff carefully examine the ordinance during future revisions to ensure the terminology and enforcement provisions remain uniform throughout the document before it is brought back for adoption.

Trustee Garcia

Trustee Garcia expressed her appreciation that the proposed Noise Nuisance Ordinance had been presented for discussion only and not for immediate adoption. She stated that, in her opinion, the ordinance required a much more detailed review before the Board could make an informed decision.

She recommended that the Board review the ordinance section by section and page by page during future work sessions rather than attempting to evaluate the entire document at once. She believed that taking a deliberate approach would allow the Board to fully understand each provision, ask questions, and make revisions where necessary.

Trustee Garcia stated that one of her primary concerns involved the proposed use of decibel measurements. Before establishing decibel standards, she believed the Board needed additional information regarding the practical aspects of enforcement. She questioned:

- The cost of purchasing sound level meters.
- Whether the equipment would require periodic calibration or certification.
- Whether personnel operating the equipment would need specialized training or certification.
- Who would ultimately be responsible for conducting sound measurements and ensuring the readings were legally defensible.

She also discussed the unique character of Mesilla's zoning districts. While she acknowledged the importance of protecting the Town's commercial businesses—describing them as the community's "bread and butter"—she emphasized that the Town also has an obligation to protect the quality of life of its residents. She believed the ordinance should carefully balance those interests.

Trustee Garcia referenced staff's earlier explanation regarding measuring sound near zoning boundaries but questioned how the ordinance would apply to agricultural activities, which are also an important part of Mesilla's heritage. As an example, she described the seasonal harvesting of pecan orchards, noting that mechanical tree shakers generate significant noise, often beginning early in the morning and continuing throughout the day. She questioned how those agricultural operations would fit within the proposed ordinance and whether they should be treated differently from commercial entertainment or other sources of noise.

She further observed that Mesilla is a diverse community with many everyday sounds that contribute to its unique character, including agricultural operations, roosters, barking dogs, church bells, and other customary activities. She cautioned that the Board should carefully consider how the ordinance might

affect those long-standing community traditions and whether appropriate exemptions or separate standards should be included.

Trustee Garcia acknowledged that it would be impossible to create an ordinance that satisfied everyone equally, observing that some individuals would inevitably disagree with the final outcome. Nevertheless, she stressed the importance of "getting it right" by moving slowly and thoroughly through the ordinance.

She again thanked Mayor Hernandez for bringing the item forward as a discussion-only matter and recommended that the Board begin with the ordinance's definitions before proceeding through each section individually during future work sessions.

Finally, Trustee Garcia agreed with Trustee Nevarez's earlier comments regarding decibel enforcement. She reiterated that the Board should determine the cost of the equipment, who would be responsible for certification and calibration, and who would ultimately verify or justify sound measurements before adopting any objective decibel standards. She concluded by stating that, while she had additional questions, those were her primary comments at that time.

Trustee Cadena

Trustee Cadena directed a question to the Town's enforcement personnel, specifically addressing the Marshal's Office. She noted that the Town already receives noise complaints under the existing ordinance and asked how those complaints are currently handled.

She questioned who typically responds to those calls—whether it is the Marshal's Office, Code Enforcement, or another Town official—and asked how enforcement personnel currently determine whether a noise complaint constitutes a violation. Trustee Cadena explained that understanding the Town's existing enforcement process would help the Board evaluate whether the proposed ordinance and the use of objective decibel standards would improve enforcement or create additional challenges.

She indicated that hearing directly from those responsible for responding to complaints would provide valuable insight as the Board continued reviewing and refining the proposed ordinance.

Marshal Supervisor Ben Azcarate responded by explaining how the Town's current Noise Nuisance Ordinance is enforced and why he believes it requires revision.

He stated that, under the ordinance currently on the books, many routine activities occurring throughout Mesilla could technically be considered violations because the ordinance is so broadly written and lacks clear standards.

As examples, Mr. Azcarate explained that, under a strict interpretation of the existing ordinance:

- The Basilica broadcasting Mass over outdoor speakers could constitute a violation.
- Church bells, if the subject of a complaint, could be considered a violation.
- The Town's own events at Veterans Park could technically violate the ordinance.
- The Summer Music Festival could violate the ordinance.
- Fiestas de Mesilla activities could violate the ordinance.

- Even amplified announcements made during community parades could potentially violate the ordinance.

He explained that the current ordinance contains no specific hours, decibel standards, or objective criteria for determining when noise becomes excessive. Instead, the ordinance is written so broadly that virtually any sound generating a complaint could potentially be interpreted as a violation.

Mr. Azcarate agreed with comments made earlier by Ms. Morgan Switzer, noting that, under the current ordinance, a resident hosting a birthday party or backyard barbecue in the middle of the afternoon could be cited simply because a neighboring property owner objected to the noise.

For that reason, he stated that he believed there was a legitimate need to modernize and clarify the ordinance.

Mr. Azcarate explained that, throughout his nearly 15 years with the Town, he had generally relied on the standards commonly used by Doña Ana County when responding to noise complaints—specifically, quiet hours beginning at 10:00 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday, continuing until 6:00 a.m. He noted that those practical guidelines had historically assisted deputies in addressing complaints even though they were not specifically incorporated into the Town's ordinance.

After recently reviewing Mesilla's existing ordinance in detail, however, he concluded that it was extremely vague and difficult to enforce consistently.

He stated that he fully supported updating the ordinance and recognized that developing appropriate standards would require considerable discussion during future work sessions.

Responding to Trustee Cadena's earlier question regarding enforcement, Mr. Azcarate explained that the majority of noise complaints occur within the Historic Commercial Overlay District, where restaurants, entertainment venues, and residences exist immediately adjacent to one another. While the Marshal's Office occasionally responds to loud house parties in residential neighborhoods, those situations are generally straightforward because the complaint typically involves excessive noise from a single residence.

By contrast, complaints arising within the Historic Commercial District present a much more complex situation because commercial businesses and residential properties coexist within the same area.

Mr. Azcarate stated that, under the Town's current ordinance, virtually everyone could technically be found in violation if the ordinance were enforced literally. He even noted that some routine Town operations could arguably fall within the ordinance's broad language, although governmental activities may be exempt under state law.

He concluded by stating that, because of the ordinance's lack of objective standards, he would not feel comfortable enforcing it as currently written. He shared Mayor Pro Tem Johnson-Burick's concern that, without clearer definitions and measurable criteria, one person could be cited while another engaging in similar conduct might not, creating the appearance of inconsistent or subjective enforcement. He stated that establishing clearer standards would provide guidance for both enforcement personnel and the public while improving fairness and consistency in the administration of the ordinance.

Trustee Nevarez

Trustee Nevarez opened the discussion on the proposed Noise Nuisance Ordinance by stating that he had several questions regarding the draft ordinance that he believed should be addressed before the Board considered moving forward with adoption.

Referring to Section B – Maximum Permissible Sound Levels, Trustee Nevarez noted that the ordinance established separate decibel limits for daytime and nighttime hours. He questioned whether those sound level standards were based on an established national or industry standard and asked who had originally developed the decibel thresholds reflected in the proposed ordinance.

He further asked whether municipalities have the authority to establish their own decibel standards or whether they are generally expected to adopt existing standards developed by other governmental entities or professional organizations.

Trustee Nevarez observed that much of the draft ordinance had been adapted from ordinances adopted by other municipalities. He asked whether any of those communities shared characteristics similar to Mesilla, particularly communities with historic commercial districts where residential and commercial properties coexist in close proximity. He emphasized that Mesilla's Historic Commercial Overlay District presents unique circumstances because businesses, restaurants, entertainment venues, and residences all operate within the same historic area.

He stated that he had numerous questions regarding the ordinance and anticipated that additional issues would arise during future work sessions. One area he believed warranted further discussion was whether the Town should establish different permissible sound levels based on zoning districts rather than applying a single standard throughout the municipality.

Trustee Nevarez questioned whether it would be more appropriate to establish separate noise standards for areas such as the Agricultural Zone, Historic Residential Zone, and Historic Commercial Overlay District, recognizing that each area has different land use characteristics and expectations.

He commented that the Historic Commercial Overlay District is particularly unique because it contains a mixture of residential and commercial uses, making it different from other zoning districts within the Town.

Trustee Nevarez concluded by stating that these were only some of the questions that immediately came to mind and that he anticipated many additional discussions would occur as the Board worked through the ordinance during future work sessions. He emphasized that the purpose of the discussion was to identify issues requiring additional research before the ordinance was brought back for consideration.

Trustee Nevarez commented that Mesilla is unlike most other communities and that any noise ordinance adopted by the Town should reflect its unique historic and agricultural character rather than simply mirroring ordinances from other municipalities.

He explained that one of the qualities he appreciates most about living in Mesilla is the distinctive atmosphere created by the community. He described hearing roosters in the morning, seeing chickens wandering through neighborhoods, and living among pecan orchards where seasonal harvesting activities are a normal part of daily life. He noted that these agricultural activities, together with the Town's historic setting, contribute to Mesilla's identity.

Trustee Nevarez further observed that Mesilla offers a unique blend of residential neighborhoods, historic commercial businesses, restaurants, outdoor music venues, and agricultural lands. He stated that these characteristics add to the Town's charm and appeal and should be carefully considered as the Board develops a new noise ordinance.

He explained that many visitors staying in Mesilla's short-term rentals frequently comment on the community's ambiance, including the sound of the church bells and the mixture of everyday sounds associated with a historic agricultural town. He compared the experience to visiting communities in Mexico or Europe, where historic neighborhoods often include a similar blend of residential life, commercial activity, and traditional community sounds that enhance the overall character of the area.

Trustee Nevarez stated that the Board should carefully consider what type of community it wants Mesilla to remain as it moves forward with the ordinance. He cautioned against simply borrowing language from other municipalities without considering Mesilla's unique circumstances. Instead, he encouraged the Board to develop an ordinance specifically tailored to the Town—one that recognizes and preserves the nuances, traditions, and qualities that make Mesilla distinctive while still providing reasonable protections for residents and businesses.

He concluded by stating that he looked forward to future work sessions and continued discussion as the Board worked toward developing an ordinance that appropriately balanced those interests.

Trustee Garcia

Trustee Garcia continued the discussion by noting that the proposed ordinance could also affect motorcycle traffic, which is a common and welcomed part of Mesilla's tourism and business activity. She explained that motorcycles frequently gather at the Town's local restaurants and bars, and the sound generated when riders accelerate or idle could potentially fall within the ordinance's restrictions.

She expressed concern that, if the ordinance were too restrictive, it could unintentionally discourage motorcycle enthusiasts and other visitors from coming to Mesilla, ultimately impacting local businesses. She emphasized that the Board should carefully consider those potential consequences as it continues refining the ordinance.

Using a lighthearted example, Trustee Garcia remarked that her husband rides a motorcycle and joked that, under the proposed ordinance, she might receive complaints about the noise from his motorcycle, her dog, or even her radio. Her comments drew laughter from those in attendance while illustrating how broadly the ordinance might be interpreted if not more clearly defined.

Returning to the substance of the discussion, Trustee Garcia reiterated that she believed the draft ordinance remained too vague in several areas and required considerably more work before it could be adopted. She recommended that the Marshal's Office play a more active role in developing the ordinance, noting that enforcement personnel are the individuals who routinely respond to noise complaints and are therefore in the best position to identify practical enforcement challenges.

She suggested that Marshal Supervisor Ben Azcarate, Community & Economic Development Director Eddie Salazar, and Mayor Hernandez continue working together to further develop the ordinance before it returns to the Board.

Finally, Trustee Garcia recommended scheduling a dedicated work session focused solely on the proposed Noise Nuisance Ordinance. Rather than trying to address the ordinance during a regular meeting with numerous agenda items, she believed the Board should devote an entire work session—possibly on a separate weekday—to reviewing the ordinance in detail. She emphasized that the Board should proceed "little by little," carefully evaluating each section to ensure the final ordinance is fair, practical, and tailored to the unique character of the Town of Mesilla.

8.G. Discussion Only – 2024–2026 Year-to-Date IPRA & IPRA Process

Mayor Hernandez introduced Item 8.G., Discussion Only – 2024–2026 Year-to-Date Inspection of Public Records Act (IPRA) Requests and IPRA Process. He recognized Community & Economic Development Director Eddie Salazar to provide a presentation regarding the Town's IPRA process, statutory requirements, and recent trends in public records requests.

Mayor Hernandez explained that the purpose of the presentation was to provide both the Board of Trustees and the public with a general overview of the Inspection of Public Records Act (IPRA) and how the Town of Mesilla processes public records requests. He noted that the subject had been briefly mentioned during a previous meeting, and he believed it would be beneficial to provide additional clarification regarding the Town's responsibilities under state law.

Mayor Hernandez explained that, under the Inspection of Public Records Act, records created or maintained by the Town are generally open for inspection by the public unless specifically exempted by law. He emphasized that public access to government records is an important component of transparency and accountability.

He explained that every IPRA request should identify the requested records with reasonable specificity. Applicants should clearly describe the records they are seeking so Town staff can accurately identify and locate the requested documents. If a request is overly broad or vague, staff may contact the requester to obtain additional clarification before processing the request.

Mayor Hernandez further explained that all requests are directed to the Town's Records Custodian, who, in Mesilla, is the Town Clerk. The Records Custodian is responsible for tracking requests, coordinating with individual departments, monitoring statutory deadlines, and ensuring compliance with the Inspection of Public Records Act.

He reviewed the statutory response requirements and advised that:

- Within three business days after receiving an IPRA request, the Town must acknowledge receipt of the request.
- The acknowledgment should advise the requester that the request has been received, provide an estimate of when the requested records will be available, and maintain communication with the requester throughout the process.
- Timely communication is an important part of complying with the Inspection of Public Records Act.

Mayor Hernandez then described the Records Custodian's responsibilities after receiving a request.

He explained that the Records Custodian works directly with the appropriate departments to locate responsive records, determine whether any information is confidential or exempt from disclosure, identify records requiring redactions, and prepare documents for inspection or release.

He noted that certain records may contain confidential information that must be redacted before being released to the requester, and those redactions must comply with applicable law.

Mayor Hernandez stated that, when practical, records should be produced immediately. However, under state law, the Town generally has up to fifteen calendar days after receipt of the request to provide the records unless the request is exceptionally broad or burdensome and additional time is reasonably necessary. When additional time is required, the Town must communicate that information to the requester.

He also discussed situations in which records may be withheld.

If all or part of a request is denied, the Town must provide a written denial identifying:

- The specific records being withheld.
- The legal authority supporting the denial.
- The denial within the statutory timeframe.

Mayor Hernandez emphasized that any denial must clearly identify the legal basis authorizing the Town to withhold the requested records.

Types of Records

Mayor Hernandez reviewed common examples of records that are generally subject to disclosure under IPRA, including:

- Meeting agendas and minutes.
- Contracts and agreements.
- Budgets and financial records.
- Permits and permit applications.
- Policies and procedures.
- Emails relating to public business.
- Text messages and other electronic communications concerning Town business.
- Certain law enforcement records that are subject to disclosure under statute.

He also reviewed examples of records that may be exempt from disclosure, including:

- Personnel records containing protected information.
- Medical records.
- Certain law enforcement investigative records.
- Attorney-client privileged communications.
- Trade secrets.
- Other records specifically exempted by state or federal law.

Mayor Hernandez reminded the Board that the Town is required to provide existing records. The Town is not required to create new documents, perform research, analyze records, or answer questions in response to an IPRA request.

As an example, he explained that if someone requests permits within a particular category, the Town provides the existing permits. It is then the responsibility of the requester to review and interpret the information contained within those records.

He further emphasized that staff should never question why an individual is requesting records. Under the Inspection of Public Records Act, the reason for the request generally has no bearing on whether records must be disclosed.

Mayor Hernandez reminded the Board that emails, text messages, and other electronic communications concerning Town business may also constitute public records.

He also stressed that once an IPRA request has been received, records must never be altered or destroyed, explaining that failure to comply with the Act could expose the Town to litigation, attorney fees, and statutory penalties.

IPRA Statistics

Mayor Hernandez then presented statistics illustrating the increase in IPRA requests received by the Town.

He reported that:

- 2024: 20 IPRA requests.
- 2025: 38 IPRA requests.
- 2026 (Year-to-Date): 44 IPRA requests in just over six months.

He noted that the number of requests had nearly doubled each year and explained that this trend is occurring in many municipalities throughout New Mexico and across the country.

Mayor Hernandez advised that, during the previous Board meeting, staff became aware of a situation involving a missed deadline. He explained that, after reviewing the circumstances, staff evaluated the Town's internal procedures and implemented additional checks and balances, including a double-check system designed to help ensure deadlines are not missed in the future.

He emphasized that continuous improvement of internal procedures is important and that the Town remains committed to maintaining full compliance with the Inspection of Public Records Act.

Mayor Hernandez also commented that while Mesilla has experienced a noticeable increase in requests, larger municipalities receive significantly higher volumes.

As an example, he recalled speaking with the City of Albuquerque's Clerk, who indicated that her office and staff process more than 500 IPRA requests each day, requiring dedicated personnel to manage those requests.

He stated that Mesilla is not currently at that level and believes the Town's staff is doing a good overall job managing requests, particularly with the additional internal controls that have now been implemented.

Mayor Hernandez concluded by explaining that he wanted the Board to better understand how the IPRA process functions and to be aware of the increasing number of requests being processed by Town staff each year.

Board Discussion

Trustee Garcia

Trustee Garcia commented that, while Mayor Hernandez mentioned larger municipalities hiring dedicated IPRA staff, she wanted to remind everyone that the Town had already increased staffing within the Clerk's Office.

She noted that the office now has three employees instead of two, which has helped address the increasing workload associated with public records requests.

Trustee Garcia also referred to recent IPRA training she attended in Santa Fe.

She explained that instructors strongly recommended that elected officials avoid using their personal cell phones for conducting public business because those communications may become subject to public records requests.

She recalled discussing the matter with Mayor Hernandez previously and appreciated his efforts to explore alternatives, such as assigning alternate contact numbers or methods of communication, to better separate personal communications from official Town business.

Trustee Garcia then offered additional recommendations to the Board regarding compliance with IPRA deadlines.

She stated that if a Trustee becomes aware that an IPRA request is approaching its statutory deadline and has not yet been fulfilled, she encouraged them to immediately notify the Mayor so the matter could receive prompt attention.

Trustee Garcia shared a personal experience in which she notified Mayor Hernandez regarding a pending request, explaining that he addressed the issue that same afternoon.

She publicly thanked Mayor Hernandez for responding quickly and ensuring the request was completed, stating that she believes credit should be given when it is deserved.

Finally, Trustee Garcia mentioned that the Open Meetings Act training materials also include standardized forms that may be useful to the Town and encouraged staff to continue reviewing those resources.

8.H. Discussion Only – Infrastructure Capital Improvement Plan (ICIP) Project Rankings

Mayor Hernandez introduced Item 8.H., Discussion Only – Infrastructure Capital Improvement Plan (ICIP) Project Rankings. He explained that the purpose of the discussion was to establish the Town's project priorities for the 2028 ICIP funding year before considering formal adoption of the ICIP under the next agenda item.

Mayor Hernandez

Mayor Hernandez explained that the report before the Board had been downloaded directly from the State's updated ICIP system. He noted that the report appeared different from the versions previously reviewed during the Board's work sessions because the State had redesigned the reporting format. Rather than separating projects onto multiple worksheets, the new system consolidated all projects into a single report.

He stated that, for ease of discussion, the projects had been organized to focus specifically on the 2028 funding year, which would be the Town's primary capital funding focus.

Mayor Hernandez reminded the Board that the Town had learned valuable lessons during previous ICIP cycles.

He explained that in prior years the Town had been encouraged to submit only a limited number of projects. After gaining additional experience with the ICIP process, however, the Town determined it was more advantageous to submit all eligible 2028 projects into the State's ICIP system while still identifying the Town's highest priorities for capital outlay purposes.

He emphasized that while every project remains listed in the ICIP, the Board should identify approximately six to ten priority projects that would receive the Town's primary attention during future funding requests.

Mayor Hernandez explained that many projects included in the ICIP would not necessarily compete for legislative capital outlay funding because they qualify under other state or federal funding programs.

As examples, he noted that:

- Road projects may qualify for Local Government Road Fund (LGRF) or Transportation Project Fund (TPF) grants.
- Water and sewer projects are typically eligible through the Water Trust Board, Clean Water State Revolving Fund, and New Mexico Environment Department funding programs.
- Trail improvements may qualify under Trails+ grants.
- Historic preservation projects may qualify for Historic Preservation Division funding.

Nevertheless, he stressed that each project should remain within the ICIP because every listing receives a unique ICIP project control number, which is often required when applying for grants outside the capital outlay process. Without that project number, many grant opportunities cannot be pursued.

Initial Priority Recommendations

Mayor Hernandez opened the discussion by offering several recommendations based upon previous ICIP work sessions, departmental planning meetings, and community input received during public planning workshops.

Historic Inventory Update

Mayor Hernandez stated that, based upon consistent feedback received over several years, he believed the Historic Inventory Update should become the Town's Number One priority.

He explained that updating the historic inventory continues to be one of Mesilla's most frequently identified preservation needs and supports historic planning, Certified Local Government responsibilities, grant eligibility, and preservation of the Town's historic resources.

University Trail Enhancement

Mayor Hernandez next recommended the University Trail Enhancement Project as the Number Two priority.

He explained that residents had provided significant feedback regarding additional improvements desired along the University Avenue trail corridor following completion of the initial project.

Although portions of the work may ultimately qualify under Trails+ enhancement funding, he believed the project deserved a high ranking because applications for that funding cycle were scheduled to open on July 1, making timely prioritization important.

Trustee Garcia

Trustee Garcia asked what types of improvements were being contemplated for the University Trail Enhancement project.

Mayor Hernandez responded that additional public meetings would be conducted before any final improvements were made. He explained that the purpose of ranking the project at this stage was simply to establish it as a Town priority so staff could begin pursuing grant opportunities as they became available.

He stated that public participation would remain an important part of determining the specific improvements included within the project.

Blacksmith Shop Restoration

Mayor Hernandez next discussed the Blacksmith Shop Restoration – Phase One.

He explained that Historic Preservation Division grant opportunities were also expected to become available in early July.

Unlike the Town's previous Historic Inventory Update application, which had been denied because it was considered too broad, the Blacksmith Shop represented a specific historic structure, making it a stronger candidate for preservation funding.

Mayor Hernandez explained that State Historic Preservation officials had advised the Town that funding requests focusing on individual historic buildings generally receive stronger consideration than requests involving community-wide historic inventories.

For that reason, he recommended that the Blacksmith Shop remains among the Town's highest priorities.

Public Restroom Upgrades

Mayor Hernandez also discussed the Public Restroom Upgrade Project.

He commented that the Town's public restrooms receive heavy use from residents and visitors throughout the year, particularly during festivals, community events, and weekends.

He suggested the Board consider placing restroom improvements among the Town's priority projects because those facilities directly serve both residents and tourism.

Trustees generally agreed that restroom improvements deserved continued consideration during the prioritization process.

Funding Sources Discussion

Mayor Hernandez then reviewed several projects that he believed should remain in the ICIP but would likely be funded through other programs rather than legislative capital outlay.

He explained that:

- Public Works vehicle replacement utilizes separate equipment funding.
- Calle de Parian widening and drainage improvements qualify under transportation programs.
- Sewer line extensions qualify through water infrastructure funding.
- Water Master Plan projects are eligible through Water Trust Board programs.

He further explained that the Legislature generally does not appropriate capital outlay funds for standalone water projects because dedicated water funding programs already exist unless the project involves an emergency or completion of an existing funded project.

Mayor Hernandez also informed the Board that the Water Trust Board had recently revised its funding process.

Under the new system:

- The first annual funding cycle would focus on planning and design.
- A second cycle later in the fiscal year would fund construction and implementation of projects that had already completed planning and engineering.

He stated that the revised process should improve the Town's ability to move water projects from planning into construction more efficiently.

Additional Project Discussion

The Board continued discussing additional projects, including:

- Community Center walk-in refrigerator replacement.
- Shade structures and event tents at the Community Center.
- Park improvements.
- Sidewalk rehabilitation.
- Commemorative Park improvements.
- Additional drainage projects.
- Solar panel initiatives.
- Roadway improvements.
- Playground improvements.
- Community event infrastructure.

During the discussion, Trustees exchanged ideas regarding which projects should remain within the Town's Top Ten priorities while recognizing that all projects would continue appearing within the ICIP regardless of final ranking. Trustees also discussed opportunities to pursue grant funding outside of capital outlay for many of the projects under consideration.

Establishing the Top Ten Priorities

As the discussion concluded, the Board reached general consensus that the Town's highest priorities should begin with:

1. Historic Inventory Update.
2. University Trail Enhancement.
3. Blacksmith Shop Restoration.

The Board then continued working through the remaining projects to establish the balance of the Top Ten priority list, discussing the relative importance of park improvements, sidewalk improvements, restroom upgrades, commemorative park improvements, and other capital projects.

Mayor Hernandez thanked the Trustees for their input and stated that the agreed-upon rankings would be incorporated into Resolution No. 2026-28, the next agenda item, for formal approval.

8I. Approval Resolution 2026-28: ICIP & Rankings

Mayor Hernandez introduced Item 8.I., Approval of Resolution No. 2026-28, adopting the 2028–2032 Infrastructure Capital Improvement Plan (ICIP) and the associated 2028 project rankings.

Motion

Trustee Nevarez moved to approve.

The motion was seconded by Trustee Garcia.

Before calling for the vote, Mayor Hernandez clarified that approval of the resolution would adopt the projects as presented and formally establish the Top Ten priority projects for the 2028 funding year. He explained that the remaining projects would continue to be included within the 2028 ICIP and would follow in priority order after the Top Ten, thereby maintaining their State ICIP control numbers and preserving their eligibility for future grant and capital funding opportunities.

Mayor Hernandez then asked if there was any further discussion.

There being none, he called for a roll call vote.

Motion carried unanimously (4–0).

Action: Resolution No. 2026-28, adopting the 2028–2032 Infrastructure Capital Improvement Plan (ICIP) and approving the 2028 project rankings as prioritized by the Board of Trustees, was approved unanimously.

8J. Adoption of the Fiscal Year 2026–2027 Final Budget

Mayor Hernandez

There being no further questions, Mayor Hernandez requested a motion.

Motion: Trustee Cadena

Second: Trustee Garcia

Following a roll call vote, the motion carried unanimously.

8K. Fiscal Year 2026–2027 Holiday Schedule

Mayor Hernandez introduced Resolution No. 2026-30 adopting the Town's Holiday Schedule for Fiscal Year 2026–2027.

Motion: Mayor Pro Tem Johnson-Burick

Second: Trustee Garica

Trustee Garcia sought clarification regarding the Town's holiday pay policy as it applied to employees who are required to work during a holiday.

Using the upcoming Independence Day holiday as an example, she noted that Town offices would be closed on Friday, July 3, in observance of the holiday, while the actual holiday fell on Saturday, July 4. She confirmed that employees would receive their regular holiday pay for the observed holiday.

She then asked how the policy applied to employees in departments such as Public Works and the Marshal's Office, whose duties may require them to work on the actual holiday. Specifically, she

questioned whether those employees would receive only their regular holiday pay for the observed holiday or whether they would also receive additional compensation for hours worked on the actual holiday. As an example, she asked whether an employee earning a regular hourly wage would receive only holiday pay or would also be compensated at the applicable holiday rate for working on the holiday itself.

Her questions were intended to clarify how the Town's holiday compensation policy would apply to employees whose work schedules require them to remain on duty during recognized holidays.

Mayor Hernandez clarified that employees who are required to work on a holiday are compensated differently than employees who are simply observing the holiday.

He explained that employees who work on the designated observed holiday receive time-and-a-half for the hours they actually work. He further stated that if an employee is required to work on both the observed holiday (Friday, July 3) and the actual Independence Day holiday (Saturday, July 4), the employee would receive the applicable holiday compensation for the hours worked on both days.

Mayor Hernandez noted that, while this situation was not currently occurring, the issue had already been discussed administratively, and the Town was moving forward with implementing the appropriate payroll procedures to ensure employees working during those holiday periods would be compensated accordingly.

The motion carried unanimously.

Action: Resolution No. 2026-30 adopting the Fiscal Year 2026–2027 Holiday Schedule was approved.

8L. Vacation Carryover Policy

Mayor Hernandez introduced Resolution No. 2026-31 regarding the Town's employee vacation carryover policy.

Mayor Hernandez

Mayor Hernandez explained that the proposed amendment to the vacation carryover policy was not a new concept, but rather the continuation of discussions that had occurred during the Town's budget development process and previous departmental presentations.

Responding to Trustee Garcia's questions, he stated that the issue had been raised by several department heads who expressed concern that operational demands occasionally prevent employees from using all their accrued vacation leave before the end of the fiscal year.

He explained that the proposed resolution would increase the maximum amount of vacation leave an employee may carry over from 160 hours to 200 hours. The adjustment would provide additional flexibility for employees whose workload or departmental staffing needs make it difficult to schedule vacation while continuing to maintain appropriate limits on the accumulation of leave.

Mayor Hernandez

There being no additional discussion, Mayor Hernandez requested a motion.

Motion: Trustee Cadena

Second: Trustee Garcia

The motion carried unanimously.

Action: Resolution No. 2026-31 establishing the employee Vacation Carryover Policy was approved.

8M. PZHAC Case No. 062141

Preliminary Architectural Approval – Community & Cultural Center / Multi-Purpose Room Addition

Mayor Hernandez introduced Case No. 062141 for consideration.

He explained that the Board had previously received the architectural presentation from Mr. Joseph Fuemmeler of Desert Peaks Architects under Item 5 and that this agenda item was the formal consideration of the preliminary architectural plans.

Board Discussion

Mayor Pro Tem Stephanie Johnson-Burick

Mayor Pro Tem Johnson-Burick stated that, having only recently received the architectural packet, she had not yet had sufficient time to fully review the proposal in detail. Based on her initial review, however, she felt the project appeared to be larger and more extensive than she had anticipated.

She explained that when the Community and Cultural Center project was originally introduced several years earlier as part of the grant process, her understanding was that Phase One would focus primarily on public safety improvements, specifically improvements to the Fire Station. She recalled that this approach had also been discussed during previous Board meetings.

Mayor Pro Tem Johnson-Burick expressed concern that the current proposal now appeared to place the emphasis on constructing a substantial addition to the Community Center as Phase One, while relatively little work was being proposed for the Fire Station itself. She questioned whether the project had shifted from its original intent and indicated that she would like additional discussion regarding the project's phasing and priorities before moving forward.

She stated that she wanted a better understanding of how the proposed Community Center addition and the Fire Station improvements fit into the Town's long-term capital plan and whether the sequence remained consistent with the Board's original vision for the project.

Mayor Hernandez responded by explaining that the Town is moving forward with the Community and Cultural Center addition because it has already received congressionally directed federal funding that is

specifically designated for that portion of the project. As a result, those funds must be used for the cultural center addition located on the south side of Town Hall.

He further explained that the concept of expanding Town Hall is not new. The proposed addition was originally contemplated as part of the Town Hall expansion plans developed between 2004 and 2007. Those early plans envisioned constructing a community and cultural center that would include meeting rooms, boardrooms, and flexible public spaces that could be used not only for official Town business, but also by community organizations and residents for a variety of public functions.

Mayor Hernandez stated that the second phase of the overall project is the expansion and relocation of the Fire Station. He explained that the goal of that phase is to improve public safety operations by providing a more functional facility capable of better serving both the Town of Mesilla and surrounding communities, while also relocating fire operations to a more appropriate location than their current placement within a residential area.

He acknowledged that both phases are important components of the Town's long-term vision. However, because the federal funding currently available is specifically earmarked for the Community and Cultural Center, the Town must move forward with that portion of the project first.

Mayor Hernandez reminded the Board that the Town had previously authorized funding for the planning and design of both the Community and Cultural Center and the Fire Station expansion. By completing the preliminary architectural and engineering work for both facilities now, the Town will be in a stronger position to pursue additional grants and other funding opportunities for the Fire Station as they become available.

He further explained that the Town must complete the preliminary plans in order to satisfy the requirements of the federal grant agreement and formally obligate congressionally directed funding. Approval of the conceptual plans is therefore an important step in allowing the Town to execute the grant agreements and continue moving the project forward.

Mayor Hernandez concluded by noting that obtaining and administering federal funding has been a lengthy and complex process. He remarked that navigating the federal grant requirements has required significant coordination and patience but stated that staff has continued working diligently to meet the necessary deadlines and requirements so the Town can successfully move the project toward construction.

Mayor Hernandez

Mayor Hernandez thanked the architectural team once again and commented that the project represented an important investment in the future of the Town.

He stated that the Community and Cultural Center would provide needed public meeting space while complementing the historic character of Mesilla.

There being no further discussion, Mayor Hernandez requested a motion.

Motion: Mayor Pro Tem Johnson-Burick

Second: Trustee Garcia

The motion carried unanimously.

Action: Preliminary architectural approval for Case No. 062141 was approved.

8N. Community Development Coordinator Position Description

Mayor Hernandez introduced consideration of the proposed Community Development Coordinator position description.

Mayor Hernandez thanked Mayor Pro Tem Johnson-Burick for contacting staff prior to the meeting to discuss the proposed position description and for providing additional recommendations regarding the qualifications for the position.

He stated that staff could incorporate those suggested revisions into the final position description. Specifically, he recommended adding language under the Qualifications section indicating that two years of job-related experience and supervisory experience are preferred.

Mayor Hernandez confirmed that those revisions reflected the recommendations discussed by the Board and directed that the position description be updated accordingly before implementation.

He then asked if there was any additional discussion on the proposed position description.

Board Discussion

Mayor Pro Tem Stephanie Johnson-Burick

Mayor Pro Tem Johnson-Burick clarified her earlier recommendation regarding the proposed qualifications for the Community Development Coordinator position.

She stated that two years of directly related job experience should be a required qualification, rather than a preferred qualification, because the position is not intended to be an entry-level position. She explained that the individual selected for the position should already possess relevant experience and be prepared to assume the responsibilities of the job with minimal training.

She also recommended that the position description include two years of supervisory experience as a preferred qualification, noting that while supervisory experience would be beneficial, it should not necessarily be a minimum requirement for employment.

Mayor Pro Tem Johnson-Burick further noted that she had reviewed the position description and had one additional comment regarding the wording in the section addressing the manipulation of equipment, materials, and documents as part of the job duties. She indicated that she wanted staff to review that language to ensure it accurately reflected the physical requirements and expectations of the position before the position description was finalized.

Mayor Pro Tem Johnson-Burick made a motion to amend the proposed position description by incorporating the revisions discussed by the Board. Specifically, she requested that:

- Two years of related job experience be established as a minimum qualification for the position.
- Supervisory experience be listed as a preferred qualification rather than a requirement.
- The physical demands section be revised to include the additional language discussed by the Board regarding the physical requirements of the position.

She stated that these amendments would better reflect the level of experience and qualifications expected for the Community Development Coordinator position while ensuring the position description accurately described the physical demands associated with the job.

Mayor Hernandez

Mayor Hernandez asked whether there were any additional questions from the Board.

There being none, he requested a motion.

Amended Motion: Mayor Pro Tem Johnson-Burick

Second: Trustee Garcia

The motion carried unanimously.

Action: The Community Development Coordinator Position Description was approved.

80. Las Cruces Public Schools Service Agreement

Mayor Hernandez introduced the proposed Service Agreement between the Town of Mesilla and Las Cruces Public Schools.

Mayor Hernandez introduced the next agenda item, Approval of the Las Cruces Public Schools (LCPS) Service Agreement.

Before proceeding to the next item, however, he made one additional clarification regarding the previously approved Community Development Coordinator position.

Mayor Hernandez noted that the proposed salary range was not increased to the full amount initially discussed. Instead, the adjustment reflected a more moderate increase intended to reduce the need for overtime while remaining within the Town's budget.

He explained that, after discussing the matter with Marshal Supervisor Ben Azcarate and reviewing the available funding, staff determined that the Department's existing budget could absorb the increase and adequately fund the position. He stated that, although the salary adjustment did not fully match the amount originally considered, it still represented a significant improvement and could be accommodated through the current budget without creating additional financial concerns.

There being no further discussion, Mayor Hernandez requested a motion.

Motion: Trustee Nevarez

Second: Trustee Garcia

The motion carried unanimously.

Action: The Service Agreement between the Town of Mesilla and Las Cruces Public Schools was approved.

8P. Southwestern HR Consulting Agreement

Mayor Hernandez introduced the proposed agreement with Western HR Consulting.

Mayor Hernandez presented the proposed Human Resources Consulting Services Agreement and explained that the agreement would provide the Town with professional Human Resources consulting services to support Town administration and employees.

He stated that Town staff had identified a need for additional Human Resources support to assist not only management, but also employees by providing an independent resource for guidance on personnel matters. He explained that having access to outside Human Resources professionals would give employees another avenue to seek assistance and ensure that personnel matters are handled consistently and in accordance with applicable laws and best practices.

Mayor Hernandez reviewed the scope of services included in the agreement, noting that the consultant would provide assistance with:

- Human Resources consultation and guidance.
- Review and revision of the Town's Employee Handbook and personnel policies.
- Employee training and professional development.
- Interpretation of employment laws and Human Resources procedures.
- Guidance on personnel issues as they arise.
- Assistance in ensuring the Town follows appropriate Human Resources processes and best practices.

He stated that the consulting firm would also serve as a valuable resource for answering Human Resources questions and helping the Town maintain compliance with its own personnel policies while ensuring that administrative procedures are followed correctly.

Mayor Hernandez remarked that the agreement would help ensure the Town is "crossing its T's and dotting its I's" by providing professional guidance whenever personnel issues arise.

He further explained that the consultant's services extend beyond traditional personnel matters and include broader Human Resources support and organizational guidance as needed.

Mayor Hernandez advised that the firm bills its services on an hourly basis, allowing the Town to utilize assistance only when needed rather than maintaining a full-time Human Resources professional on staff.

He shared that, during conversations with the firm's principal, Jill, she explained that the company has been providing Human Resources consulting services for more than 20 years. The firm employs eight licensed and certified Human Resources professionals, each with the qualifications and experience necessary to assist public agencies with a wide variety of Human Resources matters.

Mayor Hernandez noted that the firm's office is located in Albuquerque, but explained that distance would not present a challenge because the consultants strive to provide as much assistance as possible through virtual meetings, telephone consultations, and electronic communications. When in-person assistance is needed, however, they are available to travel to the Town and provide support as necessary.

He concluded by stating that the agreement would provide the Town with experienced Human Resources expertise while offering flexibility and cost-effectiveness through an on-call consulting arrangement.

Mayor Pro Tem Johnson-Burick asked whether the consulting firm would be available to travel to Mesilla if the Town requested in-person training or other Human Resources services. Specifically, she asked whether the Town would be responsible for reimbursing the consultants for travel-related expenses, such as mileage and lodging, when on-site assistance was required.

Mayor Hernandez confirmed that, if the Town requested services to be provided in person, the Town would be responsible for the consultants' travel-related expenses, including mileage and lodging, as applicable.

He explained that the firm's representative had indicated that the consultants make every effort to provide services virtually whenever possible, particularly for clients located outside the Albuquerque area. However, when circumstances require on-site assistance—such as training sessions or other specialized Human Resources services—the consultants are available to travel to Mesilla as needed, with travel expenses reimbursed in accordance with the terms of the agreement.

Mayor Hernandez

There being no further discussion, Mayor Hernandez requested a motion.

Motion: Mayor Pro Tem Johnson-Burick

Second: Trustee Nevarez

The motion carried unanimously.

Action: The agreement with Western HR Consulting was approved.

9. PUBLIC INPUT

Mayor Hernandez opened the Public Input portion of the meeting.

He reminded those wishing to address the Board that comments were limited to matters not already addressed on the agenda and requested that each speaker state their name for the record before beginning.

Mary Helen Taylor Ratje

Ms. Mary Helen Taylor Ratje addressed the Board during Public Input and raised two maintenance concerns related to the Historic Plaza area.

First, she commented that the pedestrian crosswalk markings around the Plaza, particularly the crosswalk crossing NM 28 near Nambe, had become significantly worn. She explained that the faded markings make it difficult for motorists to recognize the designated pedestrian crossing, resulting in vehicles frequently failing to stop for pedestrians. She requested that the Town consider repainting or refreshing the crosswalks to improve pedestrian visibility and safety.

Ms. Ratje also addressed a recent vegetation maintenance issue. She noted that Town staff had recently trimmed weeds using weed trimmers; however, the cut vegetation had been left in place rather than collected and removed. Following a recent windstorm, the debris was blown throughout the area, particularly near El Patio and Don Félix Café, creating an untidy appearance.

She asked whether Public Works staff could, after trimming vegetation, also collect and properly dispose of the debris instead of leaving it on the ground. She stated that her comments were simply a suggestion and noted that she could also discuss the matter directly with Public Works Director Lorenzo Astorga at another time.

Ms. Ratje thanked the Board for its time and concluded her comments.

Beverly Estrada

Ms. Beverly Estrada addressed the Board and raised two public safety concerns affecting residents in the University Avenue area.

First, Ms. Estrada stated that she would be forwarding photographs to the Mayor and the Board of Trustees concerning an individual reportedly residing beneath a porch at the Tornado Lodge property along University Avenue. She explained that a nearby resident had observed what appeared to be a homeless individual living underneath the structure, with personal belongings, bags, and other items stored in the area.

Ms. Estrada acknowledged that the location is private property and understood there may be limitations on what the Town can do in those circumstances. However, she stated that residents have observed the individual walking the University Avenue pedestrian path during the evening hours and expressed concern that people are beginning to establish temporary living areas rather than simply passing through the area.

She explained that the residents whose homes back up to or face University Avenue have become increasingly concerned because the issues they have previously raised with the Town are beginning to

occur more frequently. While she recognized that the Town cannot prohibit individuals from using a public walking path, she suggested that the Town could ensure that people continue moving through the area rather than remaining there for extended periods or establishing encampments on or adjacent to private property.

Ms. Estrada then addressed a second concern involving public safety.

She informed the Board that a burglary had occurred on McDow Drive the previous Friday at approximately 6:30 p.m. Although she did not know all of the details surrounding the incident, she explained that the event had heightened concerns among neighborhood residents regarding safety, security, and privacy.

Ms. Estrada acknowledged that the Town of Mesilla is not immune from the increase in crime occurring throughout the region, including in neighboring Las Cruces. Nevertheless, she stated that Mesilla has historically maintained a strong law enforcement presence, noting that residents and visitors alike recognize that the Town's Marshals actively patrol the community. She remarked that this visible law enforcement presence has traditionally served as a deterrent to criminal activity.

She questioned what additional measures might be taken to address the ongoing concerns repeatedly raised by residents living along University Avenue, particularly with respect to public safety, privacy, and security associated with the pedestrian path. While she understood that some improvements may depend upon future funding and budget considerations, she expressed her opinion that many of these issues should have been more thoroughly evaluated during the planning and design of the University Avenue walking path project.

Ms. Estrada concluded by encouraging the Town to continue working with residents to identify practical solutions that improve safety while preserving public access to the pathway.

10. EXECUTIVE SESSION

Mayor Hernandez announced that the Board would recess into Executive Session pursuant to the Open Meetings Act, NMSA 1978, Section 10-15-1(H)(2) and Section 10-15-1(H)(7), to discuss:

- Limited Personnel Matters.
- Pending Litigation.

Mayor Hernandez requested a motion to enter Executive Session.

Motion: Mayor Pro Tem Johnson-Burick

Second: Trustee Cadena

The motion carried unanimously.

The Board recessed into Executive Session.

Return to Open Session

Following Executive Session, Mayor Hernandez reconvened the Regular Meeting in Open Session.

He announced for the record that the Board had discussed only those matters identified in the motion to close the meeting.

Mayor Hernandez further stated that no formal action had been taken during Executive Session.

A motion was made to return to Open Session.

Motion: Trustee Cadena

Second: Trustee Garcia

The motion carried unanimously.

11. BOARD OF TRUSTEES COMMENTS

Trustee Nevarez

[Inaudible]

Trustee Garcia

Trustee Garcia reported that she had recently met with Marshal Supervisor Ben Azcarate to discuss several ongoing matters. She explained that, while the meeting was productive, they were not able to address every topic in detail and that additional discussion would be needed moving forward.

She thanked the Board of Trustees for its continued support of the items she had previously requested be placed on meeting agendas and expressed her appreciation to Mayor Hernandez for bringing those matters forward for discussion.

Trustee Garcia also commented on the Board's earlier action increasing the vacation leave carryover limit from 160 hours to 200 hours. She stated that she hoped the change would benefit employees by providing greater flexibility and reducing the pressure to use large amounts of accrued vacation leave before the end of the fiscal year simply to avoid losing those earned hours.

Trustee Cadena

Trustee Cadena reported on her activities involving regional boards and committees.

She informed the Board that the Transit Advisory Board did not meet during the previous month but was scheduled to meet on Wednesday, and she planned to attend that meeting.

Trustee Cadena also reported that she attended the Querencia gathering, which she described as both informative and worthwhile. She stated that she appreciated the opportunity to participate and found the event beneficial.

She concluded her report with no additional comments.

Mayor Pro Tem Stephanie Johnson-Burick

Mayor Pro Tem Johnson-Burick reported on the Mesilla Valley Metropolitan Planning Organization (MPO) meeting held on June 10.

She explained that the MPO considered several items of business, including:

- A resolution amending the Mesilla Valley MPO Bylaws.
- A resolution adopting the Federal Fiscal Year 2027–2028 Biennial Planning Work Program (BPWP).
- A presentation regarding the Congressional Reauthorization Update, which addressed ongoing federal transportation legislation and its potential impact on regional transportation planning.

Mayor Pro Tem Johnson-Burick noted that the meeting was relatively brief, lasting approximately one hour.

She further reported that there would **not** be an MPO meeting in July. The next meeting is scheduled for the second Wednesday in August and will be held at the City of Las Cruces Council Chambers.

Lastly, Mayor Pro Tem Johnson-Burick stated that she had not yet had an opportunity to meet with Public Works Director Lorenzo Astorga and his staff but planned to do so later that week.

She concluded her report and thanked the Mayor.

Mayor Hernandez

Mayor Hernandez stated that he would keep his report brief, noting that Trustees had already received the list of meetings and events he had attended over the previous two weeks, which reflected an active schedule that continued to grow.

He informed the Board that he would be attending the Governor's Conference on Tourism, which was being held locally. He explained that he would be participating in the conference and looked forward to representing the Town during the event.

Mayor Hernandez also reminded the Board of the upcoming ribbon-cutting ceremony for the Community Garden at Parque de Mesilla, scheduled for Friday at 8:30 a.m. He stated that he would post an additional reminder later that evening to encourage public attendance.

He further reported that the New Mexico Department of Transportation (NMDOT) had contacted the Town to schedule the initial project punch-list walkthrough for the recently completed University Avenue Multi-Use Path Project. The walkthrough was scheduled for Thursday at 9:00 a.m., and he invited any Trustees who were available to attend.

Mayor Hernandez explained that he and Public Works Director Lorenzo Astorga would both participate in the inspection. He noted that he had remained in regular communication with NMDOT throughout the project and had personally walked the pathway several times, identifying additional items that should be addressed before final acceptance. He also thanked one of the Trustees for forwarding photographs documenting deficiencies along the trail, commenting that the photographs were helpful in illustrating the concerns to NMDOT. His remarks drew lighthearted laughter from those in attendance.

Mayor Hernandez concluded by sharing his recent experience attending an agricultural production tour in California. He explained that the visit provided an opportunity to observe several large-scale farming operations firsthand. He was particularly impressed by one agricultural operation in the Salinas Valley, which processes more than two million pounds of chopped produce each day. He described the operation as remarkable in both its scale and efficiency and stated that witnessing the harvesting, processing, and transportation of produce from the field was an invaluable learning experience.

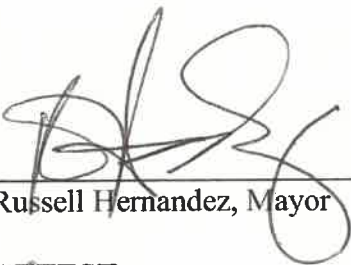
He remarked that the trip generated several ideas that could potentially benefit the Mesilla Valley. Looking ahead, he expressed interest in pursuing future funding opportunities and partnerships that could help local farmers adopt similar agricultural innovations on a scale appropriate for the Mesilla Valley. He added that the discussions also provided valuable insight into water conservation practices, agricultural policy, and sustainable farming techniques, all of which could help inform future initiatives to support Mesilla's agricultural community.

Mayor Hernandez concluded by stating that the experience raised many worthwhile questions and ideas that he hoped the Town could continue exploring in partnership with the agricultural community.

12. ADJOURNMENT

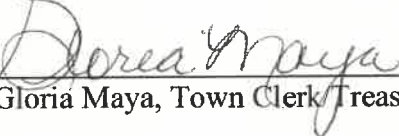
There being no further business before the Board of Trustees, Mayor Hernandez stated, unless there is an objection, he closed the meeting at 9:19pm. (no objection)

Mayor Russell Hernandez adjourned the Regular Meeting of the Town of Mesilla Board of Trustees.



Russell Hernandez, Mayor

ATTEST:



Gloria Maya, Town Clerk/Treasurer



**BOT REGULAR
MEETING
SIGN IN SHEET
JUNE 22, 2026**

[illegible]

TOWN OF MESILLA – NOISE ORDINANCE UPDATE

SECTION 9.10.070 ~~Unreasonable noise.~~ Noise Control

One person causing all of this.

GENERAL PROHIBITION

~~It is unlawful for any person to make, continue or cause to be made, any loud or unusual noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. Unlawful noises include but shall not be limited to the following:—It shall be unlawful for any person to make, continue, cause, or permit any loud or unusual noise excessive, unnecessary, or unreasonable noise that disturbs the peace, comfort, repose, health, safety, or welfare of another person or neighborhood within the Town of Mesilla.~~

what about commercial? doesn't say anything about that in this language.

~~A. Horns and Signal Devices. The sounding of any horn or signaling device of any automobile, motorcycle, truck or other vehicle on any street or public place except as a danger warning, the creation by means of any such signaling devices of any unreasonable, loud, or harsh sound, the sounding of such devices for any unnecessary and unreasonable period of time other than by accident or mechanical, electrical or other difficulty or failure, and the use of any such signaling device where traffic is held up.~~

~~B. Radios and Phonographs. The use or operation of any radio, phonograph or other sound producing machine in such a manner as to disturb the peace and quiet of neighbors.~~

~~C. Loud Speakers and Amplifiers Used for Advertising. The use or operation or permitting to be played, used, or operated any radio, receiver set, musical instrument, phonograph, tape recorder, loud speaker, sound amplifier or other machine or device for the production or reproduction of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public in any residential area except with the proper permit elsewhere prescribed.~~

~~D. Yelling or Shouting. Yelling, shouting or creating other loud noises which annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel or residence, or of any persons in the vicinity.~~ So familial Disputes then?

~~E. Animals. The keeping of any animals which, by causing frequent or long continuous noise, shall disturb the comfort or repose of any persons of the vicinity.~~ Roosters crow at over 100dBA

~~F. Schools, Courts, Churches, Hospitals. The creating of any excessive noise on any street adjacent to any hospital, school, institution of learning, church or court which interferes with the workings of such institution, or which disturbs or annoys patients in a hospital.~~

~~G. Pounding. The pounding or hammering on any metal object or thing except inside a building or in connection with the construction or erection of a building. [Prior code § 8-2-7]~~

Proposed Revisions:

A. DEFINITIONS

1. **Plainly Audible** - Any sound that can clearly be heard by a person using normal hearing faculties.

2. **Noise Disturbance** - Any sound which:

- Unreasonably interferes with peaceful enjoyment of property;
- Disturbs a reasonable person of ordinary sensitivities; or
- Exceeds the standards established in this chapter. Standards are all over the place. No clear direction.

3. Decibel (dBA) - A unit of sound measurement using the A-weighted scale.

4. Receiving Property - Property where sound is heard or measured.

5. Continuous Noise - Noise lasting: More than five (5) continuous minutes; or More than ten (10) cumulative minutes within a thirty-minute period.

6. Intermittent Noise - Repeated occurrences within a thirty-minute observation period may constitute a violation.
Where are all of the other definitions?

B. MAXIMUM PERMISSIBLE SOUND LEVELS

holiday times aren't noted...

The following sound levels, measured at or near the property line of the receiving property, shall not be exceeded:

Zoning Area	Daytime (6:00 AM – 10:00 PM)	Nighttime (10:00 PM – 6:00 AM)
Residential	60 dBA	50 dBA
Commercial/Mixed Use	65 dBA	60 dBA
Industrial/Public Utility	75 dBA	70 dBA

**** Measurements shall be taken at or near the receiving property line using a calibrated sound level meter.**

****should match up to something but doesn't**

"Daytime" told by Eddie this wasn't supposed to be here and yet ...

Also, dBAs given are unreasonable for any of the zoning areas.

I. Construction Noise

Nighttime is now everyday at 10pm? So we are more strict than the county?

Construction, excavation, demolition, grading, landscaping, or similar activity shall be prohibited between:

Sunrise to Sunset on weekdays;

Sunrise to Sunset on weekends and legal holidays;

unless otherwise approved by the Town or required for emergency repairs or public safety.

II. Vehicle Noise

No person shall operate a motor vehicle with:

1. Modified exhaust systems creating excessive noise;
2. Muffler bypass devices;
3. Excessive engine revving or tire squealing.
4. Vehicle sound systems plainly audible at a distance greater than fifty (50) feet from the vehicle are prohibited.
5. Compression braking ("Jake braking") is prohibited where posted.

According to "length" these will be non-existent issues so why include when there will be no enforcement?

III. Radios, Speakers, and Amplified Sound

Residential Areas - Amplified sound plainly audible beyond fifty (50) feet from property line during nighttime hours is prohibited.

What about family events/celebrations? 60dba daytime and 50dba nighttime kills those.

Commercial Areas - Amplified sound plainly audible beyond one hundred (100) feet property line may constitute a violation if it exceeds allowable sound levels.

What about shared property lines? dBAs are unreasonable also use of "may" is left up to personal input.

IV. Animal Noise

Frequent, repetitive, or continuous barking, howling, or animal noise for more than fifteen (15) consecutive minutes or thirty (30) cumulative minutes within one hour constitutes a noise disturbance.

So no more roosters? They can be a "jet engine" dBA level and crow for hours.

B. Yelling, Shouting, or Singing

Loud yelling, shouting, chanting, or singing between 10:00 PM and 7:00 AM that disturbs neighboring properties, at officer discretion.

So now it's 7am? That doesn't match the grid above. Again more sloppiness.

NEW SECTION — MESILLA PLAZA ENTERTAINMENT OVERLAY DISTRICT

SECTION 9.10.071 - PLAZA ENTERTAINMENT OVERLAY

A. Purpose

Does this zone have it's own dBA chart?

The Plaza Entertainment Overlay District is established to recognize the Town Plaza and adjacent historic commercial areas as centers for tourism, dining, cultural activities, live entertainment, festivals, and community gatherings while balancing nearby residential uses.

B. Boundaries

The overlay shall apply to:

- The Mesilla Plaza; "Immediate adjacent" - so exactly where? Show a map.
- Immediate adjacent commercial properties; "designated" so is that a pick and choose application?
- Outdoor dining and entertainment areas designated by the Town (Commercial & Historic Commercial Districts).

Measurements shall be taken at the nearest residential property line rather than immediately adjacent commercial properties.

What about a resident in a commercial zone? Shared line.

- Normal pedestrian activity, crowd noise, and conversation shall not be considered violations.
- Enforcement shall focus on amplified sound rather than incidental crowd noise. Not per the dBA levels... too ambiguous

C. Permitted Amplified Entertainment

Day	Outdoor Amplified Entertainment
Sunday–Thursday	Until 10:00 PM
Friday–Saturday	Until 11:00 PM

Day	Indoor Amplified Entertainment
Sunday–Thursday	During regular business hours, adhering to general sound standards.
Friday–Saturday	During regular business hours, adhering to general sound standards.

**Town-approved special events, As approved by permit

Same ** ? as above

1. Amplified Entertainment Performance Standards

Outdoor amplified sound shall:

- Be directed inward toward activity areas when feasible;
- Avoid unnecessary projection into residential neighborhoods;
- Utilize commercially reasonable sound moderation practices.

2. Businesses with repeated violations may be required to:

- Reduce amplification;
- Modify speaker placement;
- Obtain sound mitigation measures;
- Apply for conditional entertainment permits.

No explanation of these "permits" i.e. costs, durations, criteria, etc. Too vague

Where is this defined?

? So noise heard blocks away from "indoors" is ok? Not regulated at all?

D. Special Event Exemptions

Town-sponsored or Town-permitted events including, but not limited to: So Town is exempt from it's own rules

- Cinco de Mayo;
- Diez y Seis;
- Christmas tree lighting;
- Fiestas;
- Cultural and religious celebrations;
- Mariachi performances;
- Parades and civic events;
- Summer Music Series;
- Fourth of July;
- Other Plaza related events, may receive temporary exemptions approved through special event permits.

E. Enforcement Authority

This chapter may be enforced by:

- Town Marshal's Office;
- Code Enforcement;
- Other authorized Town personnel.

"other" is way too vague of a description. this would allow anyone to be "appointed" to judge.

F. Progressive Enforcement

Officers may:

- Issue verbal warnings;
- Issue written warnings;
- Issue civil citations;
- Issue criminal citations where authorized.

G. PENALTIES

Violation	Penalty
First offense	Up to \$100
Second offense within 12 months	Up to \$300
Third/subsequent offense within 12 months	Up to \$500

- Each day a violation continues constitutes a separate offense.

H. SPECIAL EVENTS AND CULTURAL ACTIVITIES

The Town recognizes that Mesilla hosts cultural, historic, civic, religious, and community celebrations.

1. Town-approved special events, fiestas; parades, mariachis, religious observances, performances, and community festivals may receive temporary exemptions through special event permits.
2. The permit may establish:
 - Extended hours;
 - Temporary amplified sound allowances;
 - Specific operational conditions.

According to legal definition a "cultural event" isn't exclusive to one entity. In addition live music and musical performances have rights. What is "temporary" 3 hours, 24 hours, 5 weeks?
3. Nothing herein shall prohibit traditional church bells, lawful public ceremonies, or permitted civic celebrations.

Why are the church bells allowed? Many residents believe them to be a nuisance. Where are their rights acknowledged?

I. EXEMPTIONS

The following are exempt from this chapter:

- Emergency vehicles and emergency response activity;
- Emergency utility repair work;
- Town-authorized maintenance or public works activity;
- Lawful agricultural activities consistent with New Mexico law;
- School events, athletic events, and governmental functions;
- Normal daytime maintenance of residential property, Sunrise to Sunset

Painting the curbs of commercial businesses after hours with doors open, talking and noises above the new dBA limits?

So it's primarily businesses and residents that take the hit?

What about commercial property maintenance?

- Town-permitted events and activities. Again, the Town can do whatever? Who pays the GRT? Not the Town.

ENFORCEMENT MATRIX (SEPARATE ADMINISTRATIVE DOCUMENT)

TOWN OF MESILLA

NOISE ORDINANCE ENFORCEMENT MATRIX

Violation Type	1st Offense	2nd Offense	3rd+ Offense
<u>Residential amplified sound</u>	Verbal/written warning	Citation	Citation + possible nuisance action
<u>Commercial amplified sound</u>	Warning + education	Citation	Permit review/hearingWhat permit?
<u>Plaza entertainment violation</u>	Warning	Citation	Entertainment permit review
<u>Construction outside permitted hours</u>	Warning & Education	Citation	Stop work order possible
<u>Vehicle sound systems</u>	Warning & Education	Citation	Citation
<u>Exhaust/muffler violations</u>	Warning & Education	Citation	Citation
<u>Animal noise complaints</u>	Warning & Education	Citation	Citation
<u>Special event permit violation</u>	Corrective order	Citation	Permit revocation possible

Eddie stated this was intentionally vague as to allow for future permit development. Fees? Time periods? etc. at this time would be up to whoever writes the tickets?

NEW SECTION

SECTION 9.10.072 – Sound Measurement Protocols

A. Purpose

The purpose of these procedures is to establish a consistent and objective method for determining compliance with the Town of Mesilla Noise Ordinance.

B. Equipment Requirements

Sound measurements shall be conducted using:

- A Type 1 or Type 2 sound level meter meeting current ANSI standards;
- A-weighted scale (dBA);
- Slow response setting unless otherwise specified.
- The sound level meter shall be calibrated:
 - o According to manufacturer specifications;
 - o Before and after each enforcement use whenever practical.
 - o Documentation of calibration shall be maintained by the Town.

What about a log of readings, all of them. Will those be kept, if so, where?
Training on measurements?
Who is paying for these devices?

C. Measurement Location

Measurements shall be taken from:

- The affected property line; or
- The nearest point of the receiving property where the complainant experiences the disturbance.
- For multifamily or mixed-use structures:
 - o Measurements may be taken within common areas, adjoining units, patios, balconies, or other affected locations.

Measurements shall not be taken:

- Within 3 feet of walls or large reflective surfaces;
- Directly adjacent to vehicles or equipment unrelated to the complaint.

Again, definitions are needed b/c this conflicts with what zoning areas this applies to and which it doesn't.

D. Measurement Methodology

The officer may: that word "may" again.

- Observe the sound source;
- Identify background noise conditions;
- Measure sound levels for a minimum of three (3) separate readings.
 - o Each reading shall:
 - Be taken over a period of at least thirty (30) seconds;
 - Record the highest sustained sound level.

subjective

back to motorcycle/car notation
above re: noise

The average of the readings may be used to determine compliance.

"may be" - vague and subjective

Transient sounds such as: Vehicle horns; Emergency sirens; Aircraft; Thunder; Sudden impacts; shall not be included in the measurement.

E. Plainly Audible Standard

A violation may be established without sound meter measurements when an officer determines that sound is plainly audible:

- Across a property line; and
- Creates a disturbance under the ordinance.

BS

where? which zone?
when? daytime?

An officer determines? Again subjective and too easy for personal views to skew.

Examples include: Amplified music; Bass vibrations; Public address systems; Repetitive shouting; Vehicle sound systems. Residential? Commercial? "Entertainment" district? where?

F. Residential Nighttime Presumption

Between 10:00 PM and 7:00 AM:

So now we are missing an hour b/c the 1st page says 6am - ?

Sound plainly audible inside a neighboring residence with doors and windows closed shall be presumed unreasonable.

Too many spaghetti bowl rules.

Subjective and calls construction materials/quality in to question.

Amplified bass frequencies causing vibration or rattling of windows, walls, or fixtures may be considered evidence of a violation.

G. Commercial Nighttime Presumption

Between 10:00 PM and 7:00 AM:

- Sound originating from a commercial property that is plainly audible beyond the property line and that unreasonably disturbs neighboring properties may be presumed to be a violation. So entertainment district too? No definition.
- Amplified music, including bass frequencies that cause perceptible vibration, resonance, or rattling of windows, walls, fixtures, or other structures on adjacent properties, may be considered evidence of a violation. Again, construction integrity
- In determining whether a violation exists, consideration may be given to the volume, duration, frequency, and character of the sound, as well as the nature of the surrounding area and the time of day.

Very vague and up to the individual reporting and responding.

FR + Sat ?

Eddie said these days had different hours, so

BS

Contradictory

This "ordinance" only serves to further muddy the waters and make selective enforcement a legal issue for the Town, a wellness issue its residents and a sustainability issue for its businesses, which are the lifeblood.

