Town of Mesilla, New Mexico

THE BOARD OF TRUSTEES (BOT) OF THE TOWN OF MESILLA
WILL HOLD A REGULAR MEETING AT THE MESILLA TOWN HALL,
2231 AVENIDA DE MESILLA
Monday, September 28, 2026
6:00 P.M.
MINUTES

TRUSTEES:	Russell Hernandez, Mayor	
	Stephanie Johnson-Burick, Mayor Pro Tem	
	Biviana Cadena, Trustee	
	Veronica Garcia, Trustee	
	Gerard Nevarez, Trustee	
STAFF:	Ryan Nanez, Sergeant	
	Lorenzo Astorga, Public Works Director	
	Eddie Salazar, Econ & Com Development Director	
	Gloria S Maya, Town Clerk/Treasurer	
PUBLIC	Michele Rajch	Tim Jenkins
	Catharine Walkinshaw	Cynthia Hernandez
	Wyatt Briggs	Melissa Molina
	Trina Witter	Beverly Estrada

1. PLEDGE OF ALLEGIANCE

Mayor Hernandez led the Pledge of Allegiance.

2. ROLL CALL AND DETERMINATION OF QUORUM

Mayor Hernandez Present
Mayor Pro Tem Johnson-Burick Present
Trustee Cadena Present
Trustee Garcia Present
Trustee Nevarez Present

Town Clerk/Treasurer Ms. Maya confirmed that a quorum was present.

3. APPROVAL OF AGENDA

Moved by Trustee Nevarez; Seconded by Trustee Garcia

Mayor Hernandez clarified a procedural issue from the prior meeting: approval of the agenda approves it as posted; if an individual item is later removed or postponed, that action should occur when the Board reaches that specific agenda item rather than during agenda approval. He also noted that future

executive-session agenda language would identify the applicable department or team-member position and any action that may arise from closed session.

Roll call vote:
Mayor Pro Tem Johnson-Burick Yes
Trustee Cadena Yes
Trustee Garcia Yes
Trustee Nevarez Yes

Motion carried 4-0.

4. APPROVAL OF CONSENT AGENDA

a) BOT MINUTES - September 14, 2026 Board of Trustees meeting minutes.

Moved by Trustee Garcia; Seconded by Mayor Pro Tem Johnson-Burick

Motion carried

5. PRESENTATION

a) WATER STORAGE TANK / COLONIAS INFRASTRUCTURE FUND

Ms. Stoehner-Hernandez of Souder, Miller & Associates introduced Wyatt Briggs, E.I., from the Las Cruces office, who presented the design for a supplemental water-storage tank to be installed adjacent to the Town's existing tank. The design includes a retaining wall, access driveway, connection to the existing well fill line, connection to the existing overflow system, and a new distribution connection. The tank design also includes two 30-inch manways and ladder access for inspection and maintenance of float devices and related equipment.

Trustee Nevarez asked what the timeline is.

Mr. Briggs responded the estimated construction to be at approximately 120 days after award to a contractor. Once construction funding is obtained, the anticipated process from award was described as approximately 60 days before construction activities, with an overall timeline of roughly six months, subject to product availability and market conditions.

6. EXECUTIVE CLOSED SESSION

a) Motion to enter Executive Closed Session pursuant to Section 10-15-1(H)(7), NMSA 1978, for discussion of pending or threatened litigation in which the Town of Mesilla is or may become a participant concerning the Human Resources Department.

Moved by Trustee Garcia; Seconded by Trustee Cadena

Motion carried

Entered Executive Closed Session 6:08 p.m.

Motion to enter Regular Meeting after limited discussion of only the topics identified for closed executive session were discussed.

Moved by Trustee Nevarez; Seconded by Trustee Garcia

Motion carried

Entered Regular Meeting at 6:16 p.m.

b) No action was taken as a result of the Executive Closed Session.

7. STAFF UPDATES AND COMMENTS

Mayor Hernandez noted that written departmental reports had been included in the meeting packet and asked staff to come forward only for updates or comments beyond those written reports, rather than proceeding department by department.

Mr. Salazar provided additional information regarding SB 96 and changes affecting childcare operations. He explained that the legislation, effective July 1, could affect how childcare uses are treated in commercial and residential areas and may require the Town to review and adapt its ordinances. He also distributed an iWorQ report showing Code Enforcement activity and calls for the month of August.

Trustee Johnson-Burick asked if the ordinance will need to be worked on.

Mr. Salazar confirmed that ordinance updates would need to be reviewed in light of the new law.

8. PUBLIC INPUT ON OLD/NEW BUSINESS CASES

Ms. Rajch addressed the Board regarding the noise ordinance under consideration. She asked that any revised ordinance be applied fairly to all sources that intrude on surrounding sound space, including amplified Sunday Mass broadcasts from San Albino. She stated that her concern was equal treatment when the Town implements and enforces noise regulations.

9. OLD BUSINESS

a) APPROVAL: PZHAC Case #062172 - 2615 Calle del Sur - Sam Bernal - Summary Subdivision

The Board considered PZHAC Case #062172 for 2615 Calle del Sur, submitted by Sam Bernal, requesting approval of a summary subdivision in the Historic Residential zone.

Moved by Trustee Garcia; Seconded by Trustee Nevarez.

Mr. Salazar requested that consideration be postponed and returned to PZHAC for re-review. He explained that questions remained regarding the alternate summary subdivision provisions, including the Commission's authority to require additional items on a case-by-case basis and whether a public hearing and posted property notice should be required. He stated that the goal was to ensure the Commission fully understood the applicable code provisions and had an opportunity to expressly consider any additional requirements before the matter returned to the Board.

Mayor Pro Tem Johnson-Burick recommended postponing the case and returning it to PZHAC for re-review to ensure compliance with the Town's ordinance.

Amended Motion to Postpone: Moved by Mayor Pro Tem Johnson-Burick; Seconded by Trustee Garcia.

Trustee Nevarez asked if the applicant would have to start from the beginning.

Mr. Salazar clarified that the applicant would not be required to restart the entire process; the matter would return for focused review of the alternate-summary-subdivision provisions and could then return to the Board.

Trustee Garcia asked that it be explain to the applicant that the additional review was intended to protect the process and the applicant's interests.

Amended Motion Roll Call Vote:

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Nevarez Yes

Motion carried 4-0.

b) APPROVAL: Resolution 2026-47 - Trustee Interactions, Liaison Responsibilities, Recognition, Meals, Gifts, and Chain of Command

Moved by Trustee Nevarez; Seconded by Trustee Garcia.

Mayor Hernandez explained that the resolution addressed trustee interactions, recognition and gifts, liaison responsibilities, and how trustee liaisons operate within the Town's chain of command.

Roll call vote:

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Nevarez Yes

Motion carried 4-0.

c) APPROVAL: Resolution 2026-50 - Chain of Command Revision

Moved by Trustee Nevarez; Seconded by Trustee Garcia.

Mayor Hernandez explained that the revision would incorporate the Town's contracted Human Resources services into the existing chain-of-command structure until the employee handbook could be fully revised.

Mayor Pro Tem Johnson-Burick requested an amendment adding language advising employees that, while internal complaint procedures are available, employees retain the right to file appropriate discrimination, harassment, or retaliation charges with external agencies such as the New Mexico Human Rights Bureau or the Equal Employment Opportunity Commission. The amendment was structured as a new Section 10.

AMENDED Motion to add language: Moved by Mayor Pro Tem Johnson-Burick; Seconded by Trustee Nevarez.

Amended Motion Roll call vote:
Mayor Pro Tem Johnson-Burick Yes
Trustee Cadena Yes
Trustee Garcia Yes
Trustee Nevarez Yes

Motion carried 4-0

Original Motion Roll call vote:
Mayor Pro Tem Johnson-Burick Yes
Trustee Cadena Yes
Trustee Garcia Yes
Trustee Nevarez Yes

Motion carried 4-0

d) APPROVAL: Service Agreement - Riviera Consulting Group - Leadership, Governance, and Organizational Alignment

Moved by Trustee Nevarez; Seconded by Trustee Garcia.

Mayor Hernandez explained that the proposal was intended to strengthen alignment across Town leadership through coaching, governance training, and organizational-development work. Discussion included mayoral leadership advising/coaching, Board governance and alignment, department-head leadership, in-person versus virtual training, possible participation by PZHAC, and future opportunities to extend leadership training to staff.

Mayor Pro Tem Stephanie Johnson-Burick asked to amend the proposal to include Planning and Zoning commissioners and to establish a total amount not to exceed $13,300.

Moved by Mayro Pro Tem Johnson-Burick; Seconded by Trustee Garcia.

The Board discussed combining sessions where possible and potential cost savings.

Amended Motion To Add Planning and Zoning
Roll call vote:
Mayor Pro Tem Johnson-Burick Yes
Trustee Cadena Yes
Trustee Garcia Yes
Trustee Nevarez Yes

Motion carried 4-0

Original Motion Roll call vote:

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

Motion carried 4-0

10. NEW BUSINESS

a) DISCUSSION: Noise Ordinance Update - Creation of Ad Hoc Committee for Adjustments and Recommendations

Mayor Hernandez presented a discussion-only update regarding the noise ordinance. He recommended using an ad hoc committee so the Town could develop a more complete ordinance revision rather than adopting isolated changes and returning repeatedly for additional amendments. The proposed group would include Community & Economic Development Director Eddie Salazar, a representative of the Marshal Department, business and resident representation, and Board representation.

Discussion identified Trustee Cadena and Trustee Nevarez for Board participation, with Mayor Pro Tem Johnson-Burick indicating willingness to serve as an alternate if needed.

The Board discussed selection of resident and business participants and expressed a preference that current parties to active noise-related conflicts not serve on the committee, so the review could proceed from a neutral starting point. Staff would lead the committee and determine appropriate community participants. The Board requested an initial progress update by the next meeting, Tuesday, October 13, recognizing that a complete ordinance would not necessarily be ready by that date and that additional time could be requested if needed.

b) DISCUSSION: HR Consulting - Human Resources Overview

Mayor Hernandez reviewed the Human Resources consultant's initial organizational assessment included in the packet. He noted recommendations for stronger systems, additional development and training, annual harassment and discrimination training, and substantial updates to the employee handbook. The assessment identified conflicts, missing provisions, and confusing language in the existing handbook, while also recognizing several positive practices already used by the Town.

Board discussion emphasized the value of training as a means of reducing organizational liability and ensuring employees understand their rights. Staff confirmed that a preliminary cost estimate for the next phase had not yet been received and would be requested. The Board noted that the handbook was last updated in 2021 and that a 2024 effort to revise it had encountered numerous deficiencies requiring broader work.

c) APPROVAL: Resolution 2026-51 - LP100085 - McDowell Road Improvements

Moved by Mayor Pro Tem Johnson-Burick; Seconded by Trustee Garcia.

Discussion addressed recent roadway developments, potential effects of curb changes, questions regarding public versus private property near posted no-trespassing areas, and the project scope.

Staff explained that the work is a grind-and-repave project involving approximately three inches of pavement removal, repaving, and striping, with design adjustments incorporated as necessary.

Roll call vote:
Mayor Pro Tem Johnson-Burick Yes
Trustee Cadena Yes
Trustee Garcia Yes
Trustee Nevarez Yes

Motion carried 4-0

d) APPROVAL: Milestone Construction - Historic District Street-Name Sign Replacement

Moved by Mayor Pro Tem Johnson-Burick; Second by Trustee Garcia.

Staff explained that approximately 226 street-name signs within the historic district would be removed and replaced. Discussion clarified the geographic area covered by the project.

Roll call vote:
Mayor Pro Tem Johnson-Burick Yes
Trustee Cadena Yes
Trustee Garcia Yes
Trustee Nevarez Yes

Motion carried 4-0

e) APPROVAL: AK Sales - Playground Equipment Purchase and Installation

Moved by Mayor Pro Tem Johnson-Burick; Seconded by Trustee Garcia.

Mayor Hernandez reviewed multiple options available through CES procurement. One new playground option was approximately $55,000 and included site preparation and wood-chip surfacing. A second option involved a lightly used, approximately three-year-old playground being removed from the City of Carlsbad. That equipment was described as roughly twice the size of the first option, partially covered, containing multiple slides and additional play components, and having an original value substantially higher than the proposed purchase price.

The Board also discussed accessible and mobility-focused equipment. Staff stated that the swing shown in the proposal was not the type envisioned and expressed interest in locating equipment that could better accommodate a wheelchair user. Members discussed educational and interactive components and possible future additions at Commemorative Park.

Staff explained that capital outlay funding for the Town Hall Park playground was $75,000, so selecting the Carlsbad equipment would require a Town contribution for the difference, while other park funding remained available for improvements at Commemorative Park.

Moved by Trustee Nevarez; Seconded by Trustee Garcia.

Roll call vote.
Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes
Trustee Garcia Yes
Trustee Nevarez Yes

Motion carried 4-0

f) APPROVAL: Tu Media Group - Visitors Guide Updates

Motion by Mayor Pro Tem Johnson-Burick; Seconded by Trustee Veronica Garcia seconded.

Mayor Hernandez explained that the Town's existing supply of visitor guides was nearly exhausted and that Two Media Group, which had worked with the Town previously, was recommended after review of multiple bids. The project would update text, images, letters, layouts, and business information before final publication.

Trustee Garcia requested that outdated businesses be removed and that a draft return to the Board for review before publication.

Mayor Hernandez clarified that businesses do not pay merely to be listed in the guide; paid advertising is a separate arrangement handled directly with Two Media Group. Roll call vote was 4-0 in favor, and the update project was approved.

11. PUBLIC INPUT

Ms. Walkinshaw, 2134 Calle de Principal, submitted an email for the official record and reiterated concerns previously raised regarding traffic congestion, parking, and additional one-way streets near her residence. She also discussed the proposed West Mesa/High Mesa road project and urged the Town to become involved early in the planning process, particularly regarding potential lateral or feeder roads and possible impacts to Mesilla Hills and the Mesilla Valley.

Ms. Witter requested that the Town hold a community meeting with Dona Ana County regarding the High Mesa Road project. She described information she had received at County and legislative interim committee meetings, including a proposed corridor from Santa Teresa toward the West Mesa Industrial Park and possible side-road connections serving nearby communities. She urged Mesilla to seek a seat at stakeholder discussions during the current study period and asked for early community involvement before alignments are finalized.

Ms. Estrada reported difficulty accessing records provided in response to an IPRA request because the Google Docs materials were password protected and no password had initially been provided. She also updated the Board regarding the University Avenue/NMDOT project, thanked the Marshal Department and Fire Chief Greg Whited for written statements, and stated that a recent meeting with NMDOT appeared to move the curb issue toward a possible resolution. She asked Mayor Hernandez to continue following up with NMDOT.

Mr. Jenkins raised concerns regarding a September 12, 2026 vehicle accident that he stated involved a Town employee and a parked vehicle. He questioned whether outside law enforcement should have investigated, raised concerns about the information contained in the report and the financial effect on the vehicle owner, and requested that the matter be investigated and addressed. He submitted paperwork to the Board.

Ms. Molina, 1991 Calle de Santiago, addressed continuing amplified live music from New Mexico Vintage Wines. She described drums, saxophones, microphones, and singing audible inside the adjacent

residence and asked what enforcement options were available while the Town revises its noise ordinance. She also asked whether Plaza-overlay compatibility provisions could be considered and stated that the recurring amplified sound was affecting the neighboring residence. She requested guidance on interim enforcement and possible relief.

12. BOARD OF TRUSTEES COMMITTEE REPORTS AND COMMENTS

Trustee Nevarez requested that the Board receive a presentation from the Dona Ana County Assistant County Manager or another appropriate representative regarding the High Mesa Road project, including its purpose, vehicle types, and proposed feeder roads. He reported maintaining contact with Community & Economic Development staff and noted an upcoming Blacksmith Shop committee meeting.

Trustee Garcia supported arranging a meeting or presentation regarding the High Mesa Road project. She also noted the Blacksmith Shop meeting scheduled for Friday at 3:00 p.m., requested follow-up regarding the police report raised during public input, and discussed the upcoming MPO/NPO meeting schedule.

Trustee Cadena reported attending a transit meeting and stated that ridership had surpassed 200,000 rides. She also expressed interest in early Town involvement in the High Mesa Road/Project Jupiter discussions because of potential impacts on Mesilla and neighboring communities, including Mesilla Hills residents who regularly use Town roads, restaurants, and services.

Mayor Pro Tem Johnson-Burick noted the upcoming MPO/NPO meeting and reported meeting with Public Works staff. She thanked Public Works and other Town employees for their work and also recognized staff who helped make the recent fiesta successful.

Mayor Hernandez advised that the upcoming MPO/NPO meeting might be cancelled because of a light agenda, with a heavier November meeting possible if that occurred. He stated that additional information would be available by the end of the week. Mayor Hernandez reported that the Town's recent food distribution with Casa de Peregrinos provided more than 130 food baskets to the community. He noted that the program had been well received and could return to the Board in the future if additional Town support is requested. The Mayor reminded the Board and community that Mesilla Walk to School Day would be held Wednesday at approximately 7:20 a.m., beginning at Commemorative Park and proceeding to Mesilla Elementary. He noted strong participation at the previous event, with approximately 300 students, parents, teachers, and community members participating.

13. ADJOURNMENT

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

MEETING ADJOURNEED AT 7:31 P.M.

Russell Hernandez
Mayor

ATTEST:

Gloria S Maya
Town Clerk/Treasurer

Gmail

Mesilla Town Clerk/Treasurer <clerktreasurer@mesillanm.gov>

Further Comments on Traffic Discussion during September 14 Work Session

1 message

Catharine Walkinshaw <catharinewalkinshaw@gmail.com> Mon, Sep 28, 2026 at 2:59 PM
To: Russell Hernandez <mayor@mesillanm.gov>, Biviana Cadena <bivianac@mesillanm.gov>, Gerard Nevarez <gerardn@mesillanm.gov>, Stephanie Johnson-Burick <stephaniejb@mesillanm.gov>, Veronica Serna Garcia <veronicag@mesillanm.gov>
Cc: Mesilla Town Clerk/Treasurer <clerktreasurer@mesillanm.gov>

Dear Mayor Hernandez and Trustees Cadena, Johnson-Burick, Nevarez, and Garcia,

I wanted to further comment on the traffic situation within Mesilla that was the subject of the work session held on September 14, at 5pm, which I attended.

I am in favor of:

1. A speed indicator sign on Calle del Norte, especially between Paisano and Avenida de Mesilla.

2. A crosswalk designation/caution sign on Avenida de Mesilla across from Town Hall

3. Speed calming measures on some streets within Mesilla, especially Calle de Parian from Calle del Oeste to Avenida de Mesilla and Calle de Picacho between Calle del Norte and Calle de Parian.

I am strongly opposed to adding anymore one-way streets in Mesilla or making some streets partly one-way. Already the one-way streets we have are confusing to visitors and some residents. Just this weekend I watched someone try to turn right onto Parian from Avenida. Adding more one-ways isn't going to solve our traffic congestion problem. It is just going to confuse our visitors and residents.

The traffic congestion is not a major issue except during a few (around 6) of the weekends each year when we have festivals. The rest of the time it isn't a problem. I know this first-hand because I live on Calle de Principal.

Also, the City of Las Cruces tried adding one way streets to its downtown area and then reverted back to two-way.

The main issue is lack of parking, not the narrow streets. If the town could continue to research more parking that would help. Such as whether the Town could lease San Albino's parking lot when they are not having services.

I also feel that an overall traffic analysis should be performed along with robust public outreach before the town makes any changes to its roadways, parking, and traffic circulation. I live on 2 roads being discussed for designation as one-ways. Myself and my neighbors would want to be involved in any designation that directly impacts our ingress and egress to our property.

I also wanted to bring up the proposal of the West Mesa or High Road currently being studied by Dona Ana County. The purpose of this road is to provide a truck bypass from Santa Teresa to I-10 with laterals proposed to many of the communities, like Mesilla. I would strongly oppose a lateral that would bring additional traffic (including semis) into Mesilla from the west mesa area. I understand that the communities can choose whether they want these laterals or not. This major highway has the potential to significantly change the entire character of the Mesilla Valley. I ask that theTown have a strong presence in the study of this roadway and that public outreach is held as part of the study process.

Thank you for all that you do to improve our town. And thank you for reading and listening to my concerns.

Catharine Walkinshaw
2134 Calle de Principal
Mesilla, NM 88046
575 932 8313

New Mexico Senate Bill 96 (SB 96): Regulated Child Care Zoning Requirements Act

Briefing Memo for the Town of Mesilla Board of Trustees
Date: September 28, 2026 | Prepared by: Community Development Department

Executive Summary & Overview

New Mexico Senate Bill 96 (SB 96), officially enacted as the **Regulated Child Care Zoning Requirements Act**, went into full effect on **July 1, 2026**. The legislation is designed to expand the availability of licensed childcare by stripping away municipal red tape, localized fees, and zoning restrictions across the state. This briefing provides a summary of its operational highlights, frequently asked questions, and ongoing community concerns to assist the Board in aligning Mesilla's local municipal ordinances with state mandates.

Key Legislative Highlights

- **Residential Designation for Home Providers:** Registered, licensed family, and group childcare homes are legally classified as a residential use of property. Municipalities cannot impose additional zoning permits or stricter regulations than those applied to a standard private residence.
- **Commercial Center Approvals 'By Right':** Larger, licensed commercial childcare centers are permitted 'by right' in all commercial, mixed-use, or multi-family zones, bypassing lengthy special-use approval processes.
- **Exemption from Municipal Fees:** Local governments are strictly prohibited from assessing business license fees or special regulatory taxes targeting registered or licensed home or center childcare facilities.
- **Parking and Stacking Flexibility:** Home daycares are exempt from expanded off-street parking rules. Commercial centers may utilize on-street spaces or shared off-site agreements. Municipalities are restricted to mandating a maximum of one drop-off/pick-up stacking space per 10 children.
- **HOA Restrictions Curtailment:** Homeowners' Associations (HOAs) are prohibited from selectively banning or taxing home-based childcare operations, with state health and licensing laws overriding conflicting local covenants.

Frequently Asked Questions (FAQs)

Can local Homeowners' Associations (HOAs) still enforce community rules?
Yes, but only if they are applied uniformly. HOAs cannot selectively ban or tax childcare providers, but they retain the power to enforce neutral, neighborhood-wide regulations regarding traffic, noise, architectural standards, and common area usage.

Does SB 96 eliminate local building safety, health, and fire inspections?
No. Local authorities still maintain jurisdiction over uniform building, fire safety, and public nuisance ordinances. However, those standards must be identical to what is required for any other property or business in that exact zoning district.

How does the state maintain safety and oversight?
The New Mexico Early Childhood Education and Care Department (ECECD) remains the primary licensing and enforcement body. The state mandates unannounced health and safety inspections at least twice a year for all registered facilities.

Stakeholder Concerns & Context

Stakeholder Group	Primary Concerns & Objections	State Response & Final Legislation
Neighborhood Residents & Homeowners	• Traffic congestion during drop-off/pick-up hours. • Bypassing local public hearings due to 'by right' commercial zoning status.	Local traffic, safety, and general nuisance laws still apply uniformly across all residential and commercial zones.
Homeowners' Associations (HOAs)	• Liability risks and increased wear-and-tear on common areas (e.g., community parks) without a mechanism to recover costs.	Amendments allowed HOAs to recoup documented, cost-based fees and retain exclusive control over common facility parameters.
Childcare Providers	• Navigating administrative tracking rules linked to state universal free childcare distribution metrics.	The ECECD relaxed funding spent mandates in late September 2026, dropping fixed worker class allocations from 57% to 50%.

BOARD OF TRUSTEES
REGULAR MEETING
SIGN IN SHEET
September 28, 2026

NAME	ADDRESS
Michele Rasch	2523 Calle del Norte
Jim Jenkins	4685 Calle Corte
Catherine Walkinshaw	2134 Calle de Principal
Cynthia Hernandez	SMA
Wyatt Briggs	SMA
Melissa Molina	1991 Calle de Santiago
Trina Witter	Mesilla
Beverly Estrada	Mesilla