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6 **BOARD OF TRUSTEES**  
7 **TOWN OF MESILLA**  
8 **WORK SESSION**  
9 **MONDAY, JUNE 13, 2016**  
10 **5:00 P.M.**

11  
12 **TRUSTEES:** Nora L. Barraza, Mayor  
13 Stephanie Johnson-Burick, Mayor Pro Tem  
14 Carlos Arzabal, Trustee  
15 Jesus Caro, Trustee  
16 Linda L. Flores, Trustee

17  
18 **STAFF:** Cynthia Stoenner-Hernandez, Town Clerk/Treasurer  
19 Kevin Hoban, Fire Chief  
20 Debbie Lujan, Public Works Director  
21 Chris Mangusing, Marshal  
22 Irene Parra, Special Events Coordinator

23  
24  
25 **PUBLIC:** Chris Alexander Jerry Garcia  
26

27 **1. PLEDGE OF ALLEGIANCE**

28 Mayor Barraza led the Pledge of Allegiance.  
29

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

31 **Roll Call**

32 **Present:** Mayor Barraza, Mayor Pro Tem Johnson-Burick, Trustee Arzabal, Trustee Caro,  
33 Trustee Flores.  
34

35 **3. CHANGES/APPROVAL OF THE AGENDA**

36 **Motion: To approve agenda, Moved by Trustee Arzabal, Seconded by Trustee Flores.**

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

**Mayor Pro Tem Johnson-Burick Yes**

**Trustee Arzabal Yes**

**Trustee Caro Yes**

**Trustee Flores Yes**

**4. CLOSED SESSION** – Pursuant to the “Open Meetings Act” 10-15-1(H)(7) for the purpose of discussing threatened or pending litigation in which the public body is or may become a participant.

**Motion: To enter Closed Session pursuant to the “Open Meetings Act” 10-15-1(H)(7) for the purpose of discussing threatened or pending litigation in which the public body is or may become a participant, Moved by Trustee Arzabal, Seconded by Trustee Flores.**

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

**Mayor Pro Tem Johnson-Burick Yes**

**Trustee Arzabal Yes**

**Trustee Caro Yes**

**Trustee Flores Yes**

**Entered Closed Session at 6:10 p.m.**

**Motion: To enter Regular Meeting after limited discussion of threatened or pending litigation in which the public body is or may become a participant (no decisions were made), Moved by Trustee Arzabal, Seconded by Trustee Caro.**

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

**Mayor Pro Tem Johnson-Burick Yes**

**Trustee Arzabal Yes**

**Trustee Caro Yes**

**Trustee Flores Yes**

**Entered Regular Meeting at 6:29 p.m.**

**5. PUBLIC INPUT** – The public is invited to address the Board for up to 3 minutes.

1 Mr. Chris Alexander stated the ordinances which are very explicit must be followed. The ordinances for  
2 off premise signage need to be followed.

- 3
- 4 **6. \*APPROVAL OF CONSENT AGENDA – The Board will be asked to approve by one**  
5 **motion the following items of recurring or routine business. The Consent Agenda is marked**  
6 **with an asterisk \*:**

7

8 **Motion: To approve the consent agenda, Moved by Trustee Arzabal, Seconded by Trustee Flores.**

9

10 **Trustee Caro asked to remove item b and c removed from the consent agenda.**

11

12 **Second Motion: To approve the consent agenda as amended, Moved by Johnson-Burick, Seconded**  
13 **by Trustee Caro.**

14

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

16 **Mayor Pro Tem Johnson-Burick Yes**

17 **Trustee Arzabal Yes**

18 **Trustee Caro Yes**

19 **Trustee Flores Yes**

- 20
- 21 **a. \*BOT MINUTES – Regular Meeting minutes and work session minutes of June 13, 2016.**

22 *Approved by consent agenda*

- 23 **b. \*PZHAC Case # 012575 - 1730 Tierra de Mesilla, submitted by Anna Biad for “Acton**  
24 **Academy”, a private school to be opened at this location; a request for permit to install a wall**  
25 **sign and a directory sign for the school. Zoned: General Commercial (C).**

26

27 **Motion: To approve PZHAC Case #012575-1730 Tierra de Mesilla, submitted by Anna Biad for**  
28 **“Acton Academy”, a private school to be opened at this location; a request for permit to install a**  
29 **wall sign and directory sign for the school. Zoned: General Commercial (C), Moved by Mayor Pro**  
30 **Tem Johnson-Burick, Seconded by Trustee Flores.**

31

32 Mayor Barraza indicated this application was approved by the Planning and Zoning and approved by a 3  
33 to 0 vote.

1 Trustee Caro stated he has no problems with them having a sign but he does have a problem with the sign  
2 reading “Acton Academy Las Cruces”. He will approve it with the condition that the sign reads Mesilla  
3 not Las Cruces.

4  
5 Mayor Pro-Tem Johnson-Burick stated she read in the Planning and Zoning minutes where it was stated  
6 that Mesilla was supposed to be on the sign. She shares the same concern.

7  
8 Trustee Flores asked if this case can be approved with a condition.

9  
10 Trustee Arzabal requested hearing from Mr. Shannon.

11  
12 Mr. Shannon stated the Planning and Zoning indicated the applicant would need to remove Las Cruces  
13 from the sign before it would be approved. Also, the applicant may or may not choose to add Mesilla to  
14 the sign.

15  
16 Mayor Barraza stated the board will reinforce the removal of Las Cruces from the sign and they may or  
17 may not add Mesilla.

18  
19 **Roll Call Vote: Motion passed (summary: Yes = 4).**

20 **Mayor Pro Tem Johnson-Burick Yes**

21 **Trustee Arzabal Yes**

22 **Trustee Caro Yes**

23 **Trustee Flores Yes**

24  
25 **c. \*PZHAC Case # 012576 - 1885 W. Boutz Rd., submitted by Connie Hettinga for Steinborn**  
26 **& Associates Realty; a request for a permit to install a wall sign and a two sided pedestal sign**  
27 **at this address. Zoned: Historic Commercial (HC).**

28 **Motion: To approve PZHAC Case #012576 – 1885 W. Boutz Rd, submitted by Connie Hettinga for**  
29 **Steinborn & Associates Realty; a request for a permit to install a wall sign and a two sided petal**  
30 **sign at this address. Zoned: Historical Commercial (HC), Moved by Trustee Arzabal, Seconded by**  
31 **Mayor Pro Tem Johnson-Burick.**

32  
33 Mayor Barraza reviewed the case.

34  
35 Mr. Shannon stated that it has come into question about who owns the property.

1 Mayor Barraza indicated to Mr. Shannon that is not what is on the agenda for approval tonight.

2

3 Mr. Shannon stated that the case meets the town's ordinance.

4

5 Trustee Caro stated that Mr. Bunch had come in and landscaped the property in front of the original fence.

6 If the sign is approved it would be placed on town property due to lack of space. He read ordinances.

7

8 Mayor Barraza stated that the property is within the property. The owners do own the property where  
9 they are placing the sign.

10

11 Mr. Shannon stated according to what he has seen, the judge ruled that this was their property and not the  
12 town's.

13

14 Trustee Caro responded this argument taken to Mr. Cervantes when the property line was being  
15 discussed. He indicated there is no room to place a sign on the north side of the property.

16

17 Mayor Barraza responded this was taken to court where the town was represented by Mr. Cervantes. She  
18 has before her a Writ of Mandamus from Judge Valentine stated the property is within their jurisdiction.

19

20 Trustee Caro stated there needs to be further discussion before the board votes.

21

22 Trustee Arzabal asked if there is something in writing that states this is their property.

23

24 Mr. Shannon responded he does not have the authority to override the judge's decision. If there have  
25 been any other challenges since then he is not aware of them.

26

27 Mayor Pro Tem Johnson-Burick stated she knows that the plot of the property is being questioned. Read  
28 ordinances 18.65.070, 18.65.220; there are 3 signs on the application.

29

30 Mayor Barraza stated she expressed that same concern to Mr. Shannon.

31

32 Mr. Shannon referred to ordinance 18.65.160. The applicant does have a setback and it is really only two  
33 signs.

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35 Mayor Pro Tem Johnson-Burick asked if they are looking at Commercial Zoning or Historical  
36 Commercial Zoning.

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Mr. Shannon responded it is Historical Commercial Zoning.

Trustee Caro asked why a copy of the plot plan was not included in the application. He stated there is a lot of history regarding this property which should be made available to the Planning and Zoning.

Mr. Shannon responded there was an aerial photo of the property which is sometimes used in lieu of a plot plan.

Trustee Caro stated he needs more information; does not feel it is a complete packet.

Trustee Arzabal stated that this home was built on zero lot line. He asked if there anything that states that this is NMDOT's property. Ms. Beyer's did sue the town regarding this property.

Mayor Barraza responded based on the information from the judge that presided over this case there is no documentation that they could find that the Town of Mesilla owns part of that property. Read statement from Mr. Darden. The proposed wall is not within the prescriptive easement of Calle de Parian. DOT has claimed that it is not their property. That's all the information we have and would be happy to forward the information to the board.

**Roll Call Vote: Motion failed (summary: Yes = 1; No=3).**

- Mayor Pro Tem Johnson-Burick No**
- Trustee Arzabal No**
- Trustee Caro No**
- Trustee Flores Yes**

**d. \*PZHAC Case # 012574** – 2652 Calle del Sur, submitted by Edward Gil; a request for a building permit to replace a collapsed metal shed with a new stuccoed frame shed at this address. Zoned: Historical Residential (HR). *Approved by consent agenda*

**e. \*PZHAC Case # SD16-001** – Submitted by Anna Biad, a request for a lot line adjustment through the summary subdivision process to adjust a lot line at the north side of the properties involved in SUP16-001 at 1730 Tierra de Mesilla. Zoned: General Commercial (C).

**7. NEW BUSINESS:**

- a. Report on Cinco de Mayo Fiesta. – Irene Parra, Special Events Coordinator.**

1 Ms. Parra gave a report on the 2016 Cinco de Mayo. The carnival vendor that we normally use was  
2 unavailable and we had to go with the balloon vendor and generators. Had we not had to incur those  
3 expenses, we would have made a profit of \$145.26.

4  
5 Mayor Pro Tem Johnson-Burick stated she believes there was a profit of \$400 for the Dies y Seis de  
6 septiembre fiesta.

7  
8 **b. Update on the Mesilla Summer Music Series. – Irene Parra, Special Events Coordinator.**

9 Ms. Parra gave an update on the Mesilla Summer Music Series. Attendance has been increasing.

10  
11 Mayor Pro Tem Johnson-Burick asked if there has been an increase in attendance compared to last year.

12  
13 Ms. Parra responded last year's attendance was larger. This year we have had events in other areas that  
14 took place during our first two Fridays.

15  
16 **c. Update on the Summer Recreation Program. – Irene Parra, Special Events Coordinator.**

17 Ms. Parra gave an update on the Summer Recreation Program; it is going real well.

18  
19 Mayor Barraza stated El Paso Electric is not going to be funding the Summer Recreation Program as we  
20 had anticipated. Mr. Gonzales indicated they would not be funding due to the rules by PRC. We are  
21 looking through our budget to look to see where how we are going to finish funding the program; she  
22 does not see a problem.

23  
24 Ms. Parra indicated there was money left over last year which was used to cover the costs of the field  
25 trips.

26  
27 Mayor Pro Tem Johnson-Burick asked if El Paso Electric punishing communities since they did not get  
28 their increase.

29  
30 Mayor Barraza responded Mr. Gonzales did not indicate that.

31  
32 Ms. Parra stated it raised a red flag when the town heard the award date was pushed back to July 1<sup>st</sup>.

33  
34 **d. Resolution 2016-06: A resolution authorizing the write off bad debt/accounts receivables. –**  
35 **Cynthia Stoechner-Hernandez, Clerk/Treasurer**

1 Ms. Stoechner-Hernandez indicated the accounts remain in the book so if they come back to the town their  
2 names come up and must pay outstanding debt before another account can be opened. The majority of  
3 these are renters. Ms. Pino has done an excellent job on keeping up on the Aging Report.

4  
5 **Motion: To approve Resolution 2016-06 authorizing the write off bad debt/accounts receivables,**  
6 **Moved by Trustee Arzabal, Seconded by Trustee Flores.**

7  
8 Mayor Pro Tem Johnson-Burick asked why Shorty's cannot pay \$145.45 bill.

9  
10 Ms. Stoechner-Hernandez responded it was the prior owner.

11  
12 **Motion: To approve Resolution 2016-06 authorizing the write off bad debt/accounts receivables,**  
13 **Moved by Trustee Arzabal, Seconded by Trustee Flores.**

14  
15 **Roll Call Vote: Motion passed (summary: Yes = 4).**

16 **Mayor Pro Tem Johnson-Burick Yes**

17 **Trustee Arzabal Yes**

18 **Trustee Caro Yes**

19 **Trustee Flores Yes**

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21 **8. BOARD OF TRUSTEE COMMENTS**

22 Trustee Caro stated he wants Town staff to look into the property at the corner of Boutz to see about the  
23 ownership; does it belong to the county, the state or who? The town needs to have a right of way. We  
24 need to set it straight once and for all.

25  
26 Mayor Pro Tem Johnson-Burick indicated she brought up the issue at the last board meeting about  
27 Special Use Permits and Public Hearings. She was really inquiring about Public Hearings. She read  
28 letter regarding her concerns and discussions of prior meetings.

29  
30 Trustee Arzabal stated he definitely wants us to ask DOT and others about the property on Boutz. If we  
31 have extra money we should have this finalized and have it on record. If El Paso Electric is not going to  
32 fund the Summer Recreation Program, which is a great opportunity for our youth, we need to keep it in  
33 mind during the budget process for the 2017-2018 fiscal year so we do not rely on donations.

34  
35 Trustee Flores indicated she was very disappointed she missed Raft the Rio this year. She had a  
36 suggestion from a County Commissioner that we look into valuating our right of ways which helps with

1 our funding as well as using our Asphalt Zipper towards our in-kind contribution and match amount.  
2 We can coordinate with other entities to see how they are doing this. The Food Truck thing was great.  
3 She has not been to the Music on the Plaza, but heard that it was great. She thought there was a Public  
4 Hearing on the Acton Academy. She remembers one lady complained about the noise but was okay with  
5 it and Dr. Born was okay with it.

6  
7 Mayor Barraza stated some staff and trustees attended a resolutions meeting during Raft the Rio. She  
8 thanked the board for their comments and suggestions. She remembers she was on the Board of Trustees  
9 when this was approved. The property lines have been determined by a judge in 2009. There should be  
10 records with the county. The owners or the neighbors are welcomed to take it to court. The Town has  
11 already spent money on this issue and the judge obviously thought that the property owners were in the  
12 right; it has gone to court. She doesn't know what else we can do. She will provide the information. The  
13 judgment is there. The Writ of Mandamus is on there also, signed by the District Court Judge. I don't  
14 know why the town wants to spend the money to reopen this. Mr. Darden has come to the same  
15 conclusion. I don't think the town is in the business of surveying and determining whether or not it's  
16 their property. This was a sign permit application and not a survey. I don't want to go back to court. She  
17 reiterated she will provide the documentation to the trustees. She will get with Mr. Shannon and Ms.  
18 Stoechner-Hernandez to make sure that the process is consistent and that ordinances are followed. She  
19 will sit down and meet with them again to make sure.

20  
21 Ms. Parra stated on Monday, July 4<sup>th</sup> Latin Funktion will perform on the plaza from 7:00-9:00 p.m.;  
22 Planet Fireworks will provide a DJ and host a fireworks display at 9:00 p.m. Latin Funktion will be  
23 performing at Music on the Plaza on Friday.

24  
25 Mayor Barraza invited everyone to visit the Summer Recreation Program which is held Monday thru  
26 Friday; 1:00-4:30 p.m.

27  
28 Ms. Parra stated the Summer Recreation students will be putting on a Talent Show on Friday from 1:00 –  
29 4:00 p.m.

## 30 31 **9. ADJOURNMENT**

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

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34 **MEETING ADJOURNED AT 7:18 P.M.**

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36 **APPROVED THIS 11<sup>th</sup> DAY OF JULY, 2016**

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Nora L. Barraza  
Mayor

**ATTEST:**

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Cynthia StoeHner-Hernandez  
Town Clerk/Treasurer