



Town of Mesilla, New Mexico

**BOARD OF TRUSTEES & THE PLANNING, ZONING AND HISTORICAL
APPROPRIATENESS COMMISSION (PZHAC)
JOINT WORK SESSION
MONDAY, AUGUST 10, 2015
5:30 P.M.**

TRUSTEES: Nora L. Barraza, Mayor
Linda L. Flores, Mayor Pro Tem
Carlos Arzabal, Trustee
Sam Bernal, Trustee
Stephanie Johnson-Burick, Trustee

Planning and zoning commissioners

STAFF: Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
Kevin Hoban, Fire Chief
Debbie Lujan, Public Works Director
Chris Mangusing, Marshal
Irene Parra, Special Events Coordinator
Gloria Maya, Recorder

1. Discussion regarding a proposed ordinance for Itinerant and Temporary Vendors.

Mayor Barraza reviewed the procedure that would be followed.

Mr. Shannon explained and reviewed the reason for the proposed ordinance.

Mayor Barraza asked how many have been amended.

Mr. Shannon responded they have all been amended.

Mayor Barraza asked Mr. Shannon to review each subsection. The title is what we are naming the ordinance.

Mayor Pro Tem Flores stated as she read the proposed ordinance it seemed very negative toward mobile businesses. She suggested putting something not so negative; read section.

Mayor Barraza agreed with Mayor Pro Tem Flores; we can work on this.

Mr. Shannon continued review

Mayor Pro Tem Flores recommending private property within town limits to Section E.

Mayor Barraza reviewed the subsections and asked if there were questions.

-Titles – no questions

-Purpose – no questions

1 -Definitions – no questions
2 -Applicability – no questions
3 -Exemptions - no questions
4
5 Trustee Johnson-Burick asked for the wording be changed; so not to limit, but includes. She wants a term
6 that does not limit but at the same time is not too general.
7
8 Mayor Barraza asked if there are any questions with Requirements.
9
10 Commission Hernandez asked how the requirements in Item D going to be regulated/enforced.
11
12 Mayor Barraza responded that will be addressed during the application process.
13
14 Commissioner Hernandez recommended moving it down where it reads they will need permission from
15 the property owner.
16
17 Mayor Barraza reiterated Commissioner Hernandez requested to move Item D should go after Item N.
18
19 Mayor Pro Tem Flores inaudible She asked where are they going to be located. If someone wanted to
20 inaudible.. She understands the parking issue and traffic. After bars closes we should be more time
21 specific so they are not competing with the restaurants. She asked that the space be looked at.
22
23 Mayor Barraza responded she is concerned we would be opening up the door due to the parking issues we
24 currently have. We will have to post signs around the plaza showing hours for mobile vendors.
25
26 Commissioner Lucero stated the Planning and Zoning looked at that and took all those issues into
27 consideration; it was difficult. We also considered the bars may be interested in catering. It would be
28 nice but agrees we would be opening up a can of worms.
29
30 Commissioner McLeod inaudible
31
32 Mayor Barraza stated we do not have lights on all the corners so she feels it will create a hazard.
33
34 Mayor Pro Tem Flores asked what is the issue with allowing them after hours.
35
36 Mr. Shannon responded the problems are the narrow streets and the people who have been drinking are
37 driving. People hanging around a mobile vendor create a hazardous liability for the town. He does not
38 have a problem with, for example, El Patio being required to have people eat inside the establishment. At
39 Spotted Dog the food is provided by the bar; keeps the people off the streets.
40
41 Commission McLeod indicated that is private property.
42
43 Trustee Arzabal stated it is still a food truck.
44
45 Mayor Pro Tem Flores asked how many vendors came to the Public Hearing.
46
47 Commission McLeod responded one truck vendor attended and was asked to come back; she did not
48 come back.
49
50 Commission Apodaca responded no Public Hearings were held; there was only one applicant prior to the
51 board enacting the moratorium.
52
53 Trustee Arzabal asked for the reason for turning off the generators at 9:00 p.m. as listed in Item Q.

1
2 Mr. Shannon responded there were complaints from residents. The establishment should be providing the
3 electricity. If they are going to be located near residents the vendor should get power from a quiet source.
4 .

5
6 Trustee Arzabal stated he understands we are comparing what is at Shorty's; but they are not going to be
7 running a cord across the street from Palacios. He asked if the vendor can be on the establishment's
8 property since it is private.

9
10 Mr. Shannon responded the vendor should have an agreement to get power from the property owner; as
11 well as other services.

12
13 Trustee Arzabal stated he would not restrict it to 9:00 p.m. since that is when everything starts. There are
14 generators available that are quiet.

15
16 Commissioner Prieto recommended extended hours on the weekend.

17
18 Mr. Shannon responded he is open to that.

19
20 Mayor Barraza stated we get complaints from business owners; there are complaints when Mr. Johnny
21 Flores is playing on the plaza with his little amplifier.

22
23 Commissioner McLeod asked if they need to comply with the noise ordinance and are we going to allow
24 sandwich boards. She stated the colors will also need to be in compliance.

25
26 Mayor Barraza agrees they need to be in compliance with town ordinances.

27
28 Trustee Johnson-Burick stated we are focusing on El Patio and Palacios. Mr. Shannon has mentioned
29 with regards to the property owner providing services, she feels we are imposing on them which is not
30 fair since they are a bar and not a restaurant.

31
32 Mayor Barraza stated the items being discussed have been brought to our attention by the businesses; we
33 will look into that.

34
35 Mayor Pro Tem Flores stated she feels that is taken care of with the agreement between the mobile truck
36 and the business owner; payments can be made. The need for sandwich signs will be because it is mobile
37 business.

38
39 Trustee Johnson-Burick stated if sandwich signs are allowed for the truck vendor then all business are
40 going to want sandwich boards.

41
42 Commissioner McLeod responded our concern is obstructing the sidewalks; it would be worse at night.

43
44 Commissioner Russell stated sandwich boards are for menus and not necessarily advertising. He feels
45 there should be a stipulation that signs need to follow the codes of the zone.

46
47 Mayor Barraza asked Mr. Shannon to look at the requirements and to cross reference what is currently in
48 the code.

49
50 Commissioner Hernandez responded we are saying we are going to hold a mobile vendor to the same
51 standards as a brick and mortar. It essentially becomes an extension of the building and parking will also
52 need to be looked at. He asked how they items in Section J will be determined.
53

1 Mr. Shannon responded a diagram will need to be submitted addressing all the components to set
2 standards.

3
4 Mayor Barraza scheduled a work session at 7:00 p.m. after the August 17th Planning and Zoning meeting.

5
6 Trustee Johnson-Burick indicated she will be unable to attend.

7
8 Mayor Pro Tem Flores indicated she would like to get public comments

9
10 Mayor Barraza responded it will be open up for public comments.

11
12 Mayor Pro Tem Flores stated t is nice to get comments early on.

13
14 Mayor Barraza asked for the trustees to participate via telephone if possible.

15
16
17 **WORK SESSION ADJOURNED AT 6:06 P.M.**

1
2
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5
6 **BOARD OF TRUSTEES**
7 **TOWN OF MESILLA**
8 **BOARD MEETING**
9 **MONDAY, AUGUST 10, 2015**
10 **6:00 P.M.**

11
12 **TRUSTEES:** Nora L. Barraza, Mayor
13 Linda L. Flores, Mayor Pro Tem
14 Carlos Arzabal, Trustee
15 Sam Bernal, Trustee
16 Stephanie Johnson-Burick, Trustee
17

18 **STAFF:** Cynthia Stoechner-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 Gloria Maya, Recorder
24

25 **PUBLIC:** Jesus M. Caro Charles Bourger
26
27

28 **1. PLEDGE OF ALLEGIANCE**

29 Mayor Barraza led the Pledge of Allegiance.
30

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

32 **Roll Call.**

33 **Present:** Mayor Barraza, Mayor Pro Tem Flores, Trustee Bernal, Trustee Arzabal, Trustee Johnson-
34 Burick.
35

36 **3. PRESENTATIONS:**

- 37 a. A public hearing and a presentation on the water project funded by BECC. – **JT O'Brien,**
38 **BECC. POSTPONED AND RESCHEDULED FOR AUGUST 18 5:30 – 6:30**

39 **Motion:** To postpone and reschedule hearing and presentation on the water project funded by
40 BECC, **Moved by** Mayor Pro Tem Flores, **Seconded by** Trustee Arzabal.
41

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

43 Mayor Pro Tem Flores Yes

44 Trustee Arzabal Yes

45 Trustee Bernal Yes

1 Trustee Johnson-Burick Yes

2

3 **4. CLOSED SESSION** –pursuant to 10-15-1 (H) (2) for the purpose of discussing limited
4 personnel matters of the Marshal’s Department. –**Nora L. Barraza, Mayor.**

5 **Motion:** To enter closed session pursuant to 10-15-1(H)(2) for the purpose of discussing limited
6 personnel matters of the Marshal's Department, **Moved by** Trustee Arzabal, **Seconded by** Trustee
7 BURICK

8

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

10 Mayor Pro Tem Flores Yes

11 Trustee Arzabal Yes

12 Trustee Bernal Yes

13 Trustee Johnson-Burick Yes

14

15 Entered closed session 6:14 p.m.

16

17 **Motion:** To enter regular meeting after closed session pursuant to 10-15-1(H)(2) for the purpose of
18 discussing limited personnel matters of the Marshal's Department, **Moved by** Trustee Arzabal, **Seconded**
19 **by** Trustee Burick.

20

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

22 Mayor Pro Tem Flores Yes

23 Trustee Arzabal Yes

24 Trustee Bernal Yes

25 Trustee Johnson-Burick Yes

26

27 Entered regular session at 6:43 p.m.

28

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

30 Ms. Kelley Dinsmore stated they have enjoyed Mr. Lujan’s style of policing at the schools. It has been
31 very refreshing and hopes that it continues.

32

33 Ms. Melissa Padilla stated Mr. Lujan has been a positive role model; our children are our future. He
34 would like for Mr. Lujan to continue at the schools.

35

1 Ms. Krueger asked Ms. Lujan to set time aside before the August 18th presentation to education the
2 residents regarding the water line. This would give us a better idea of what to ask of what questions and
3 comments we can make during the Public Hearing.

4
5 Mr. Caro stated he has heard from several residents that Mr. Gonzales and Mr. Lujan make them feel
6 comfortable. Residents have expressed that Deputy Gonzales and Lujan are good for Mesilla.

7 8 **6. CHANGES/APPROVAL OF THE AGENDA**

9 Trustee Arzabal asked to place Items A, B, and C on the consent agenda.

10
11 Trustee Johnson-Burick asked that the resolution for Open Meeting Act should specify that three days be
12 72 hours as in the compliance

13 **Motion:** To approve the agenda with requested changes, **Moved by** Trustee Arzabal, **Seconded by**
14 Mayor Pro Tem Flores.

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

17 Mayor Pro Tem Flores Yes

18 Trustee Arzabal Yes

19 Trustee Bernal Yes

20 Trustee Johnson-Burick Yes

21
22 **Motion:** To approve the agenda as amended, **Moved by Trustee Arzabal, Seconded by** Trustee
23 Johnson-Burick.

24
25 **Roll Call Vote:** Motion passed (**summary:** Yes = 4).

26 Mayor Pro Tem Flores Yes

27 Trustee Arzabal Yes

28 Trustee Bernal Yes

29 Trustee Johnson-Burick Yes

30 31 32 **7. *APPROVAL OF CONSENT AGENDA – The Board will be asked to approve by one** 33 **motion the following items of recurring or routine business. The Consent Agenda is marked** 34 **with an asterisk *:**

35 Trustee Bernal asked if Item C is on the consent agenda.

36
37 Mayor Barraza responded yes.

1
2 **Motion:** To approve the consent agenda as amended, **Moved by** Trustee Arzabal, **Seconded by** Trustee
3 Johnson-Burick.

4
5 **Roll Call Vote:** Motion passed (**summary:** Yes = 3; No-1).

6 Mayor Pro Tem Flores Yes

7 Trustee Arzabal Yes

8 Trustee Bernal No

9 Trustee Johnson-Burick Yes

10
11 a. ***BOT MINUTES** – Work Session minutes of July 27, 2015 *Approved by consent agenda*

12 b. ***BOT MINUTES** – Regular Meeting minutes of July 27, 2015. *Approved by consent*
13 *agenda*

14 c. ***For Approval** – Dismissal during probation, per Mesilla personnel manual 3-10-8, for Jesse
15 Lujan, Deputy Marshal. *Approved by consent agenda*

16 d. ***PZHAC Case 012394 w/conditions** - Submitted by Lori Gorton; a request for a building
17 permit to allow a metal and wood gate to be installed across the front of a driveway to a
18 dwelling located at 2030 Calle del Norte. Zoned: Historic Residential (HR). *Approved by*
19 *consent agenda*

20 e. ***PZHAC Case 012399** – 2001 Calle del Norte, submitted by Heriberto Lopez; a request for
21 a building permit to allow a wooden fence to be constructed at this address (Southwest corner
22 of Calle Del Norte and Calle de Guadalupe), along a property line with another neighbor to
23 the south. Zoned: Historic Residential (HR). *Approved by consent agenda*

24 f. ***PZHAC Case 012400 w/conditions-** 2149 Calle de Principal, submitted by Meg Lammers-
25 Sanchez, a request for a building permit to allow wooden panels to be installed on an existing
26 metal fence along Calle de Arroyo. Zoned: Historic Residential (HR). *Approved by consent*
27 *agenda*

28 g. ***PZHAC Case 012401 w/conditions-** 2355 Calle de Guadalupe, submitted by Jerry Harrell
29 for Double Eagle Restaurant, a request for a sign permit to replace an existing sign with a
30 new sign for Pepper’s Café and Bar, a part of the Double Eagle Restaurant. Zoned: Historical
31 Commercial (HC). *Approved by consent agenda*

32
33 **6. NEW BUSINESS:**

34 a. Resolution 2015-12: A resolution providing for determination of reasonable notice of
35 meetings of the Board of Trustees pursuant to the Open Meetings Act. – **Cynthia Stoehner-**
36 **Hernandez, Clerk Treasurer.** *Approved by consent agenda*

- 1 **b. Resolution 2015-13:** A resolution approving participation in the program of the South
2 Central Council of Governments, Inc. for Fiscal Year 2015-2016. *Approved by consent*
3 *agenda.*
- 4 **c. Resolution 2015-14:** A resolution authorizing and approving submission of a completed
5 application for Financial Assistance and Project Approval to the New Mexico Finance
6 Authority (NMFA). *Approved by consent agenda*

7

8 **7. *STAFF REPORTS**

9 Community Programs
10 Community Development
11 Finance Department
12 Fire Department
13 Marshal's Department
14 Public Works Department

15

16

17 **8. BOARD OF TRUSTEE COMMENTS**

18 Trustee Johnson-Burick stated the tree dedication ceremony was very nice and was nice to see the
19 residents come out. The Sunland Park library which has been closed for three years has reopened full
20 time. Their budget is 40K a year with a full librarian. Hopefully we can look at that in the future. She
21 asked for a vector status due to the heavy rainfall. She would like an update on the Public Safety
22 Building. Sunland Park Mayor Perea extended an invitation for a Planning and Zoning training which she
23 was unable to attend. She received an email from City of Las Cruces Mayor Pro Tem Greg Smith
24 regarding the Minter property at 604 Conway with regards to historic structures. There is also a resident
25 requesting replacing trees that are in Mesilla; a possibility through the Clean and Beautiful Grant. She
26 and Mayor Pro Tem Flores can work together to bring forth a proposal to allow residents to purchase trees
27 and a naming opportunity which will get the community involved. It was brought to her attention there
28 was a private handbag party held in the Visitor Center. She does not feel that is appropriate use of a
29 government building. She will be in Sweden the 18th to the 24th so will not be able to attend meetings and
30 will call if it is possible.

31

32 Trustee Bernal indicated he will be out of town on August 18th.

33

34 Trustee Arzabal no comments

1 Mayor Pro Tem Flores stated the tree ceremony was very nice. She hopes Assistant Chief Harry Evans
2 upon his retirement after 21 years. She understands the Mercado vendors are requesting changing the
3 Friday hours of operation. She hopes Ms. Parra speaks to the business owners and feels it should be put
4 to discussion. In general she likes the idea.

5
6 Mayor Barraza read the letter of gratitude from Ms. Barbara Broadmore for the tree dedication. Mr.
7 Shannon has been working diligently in addressing the weed issue. She has received a letter regarding a
8 specific area which she hopes is being addressed. We are working as fast as we can; citations will be
9 issued. The Public Safety Building is progressing very well and should be completed at the end of
10 September. She indicated that on August 25th at 6:00 p.m. Congressman Rep .Steve Pearce will be at the
11 Public Safety Building recognizing our volunteer firefighters in appreciation for giving up their stipends
12 to purchase the firefighting apparatus. She asked Ms. Lujan to see if a tour can be scheduled. She stated
13 that 604 Conway is not in our district and does not know where the homes are.

14
15 Mayor Pro Tem Flores responded those homes are in our district.

16
17 Fire Chief Hoban stated the properties are in Mesilla. Mr. Minter has been working trying to get the area
18 cleaned up; he has been cited into court regarding the area.

19
20 Mayor Barraza stated she is concerned on tree replacement with regards on maintenance; we will look
21 into that. The Visitor's Center was rented for this event. If it is something the board wants to cease we
22 can do that. She was not aware that Mr. Evans resigned.

23
24 Fire Chief Hoban responded Assistant Fire Chief Evans suddenly retired. He accepted a position with the
25 State Fire Department in Santa Fe. He would like to recognize his contribution of 21 years of service to
26 the town.

27
28 Mayor Barraza stated the Music in the Plaza is fantastic. She never imagined it was going to take off like
29 that. The vendors did mention they would like to have the market in the evening; it will be discussed
30 tomorrow at the Department Head meeting. She encourages residents to come to meet with Ms. Lujan so
31 that she can answer any questions or concerns regarding the water line. The Public Hearing on August
32 18th will be for BECC, EPA and North American Development Bank to give us an update.

33
34 Ms. Lujan indicated there had been a prior Public Hearing with only one attendee.

1 Mayor Barraza stated anyone attending the New Mexico Municipal League Conference to contact Ms.
2 Stoechner-Hernandez. There will be a work session on August 17th at 7:00 p.m. with the Planning and
3 Zoning; the next Board of Trustee's meeting will be August 24th.

4
5
6
7 **9. ADJOURNMENT**

8
9 **Motion:** To adjourn, **Moved by** Trustee Arzabal, **Seconded by** Trustee Bernal.

10
11 **Roll Call Vote:** Motion passed (**summary:** Yes = 4).

12 Mayor Pro Tem Flores Yes

13 Trustee Arzabal Yes

14 Trustee Bernal Yes

15 Trustee Johnson-Burick Yes

16
17 **MEETING ADJOURNED AT 7:15 P.M.**

18
19 **APPROVED THIS 24TH OF AUGUST, 2015.**

20
21
22
23 _____
24 Nora L. Barraza
25 Mayor

26
27 **ATTEST:**

28
29
30 _____
31
32 Cynthia Stoechner-Hernandez
33 Town Clerk/Treasurer