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**BOARD OF TRUSTEES
TOWN OF MESILLA
BOARD MEETING
MONDAY, APRIL 27, 2015
6:00 P.M.**

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

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

PUBLIC: Christine Logan Charles Bourger
Leslie Graham Ron Reynolds

1. PLEDGE OF ALLEGIANCE

Mayor Barraza led the Pledge of Allegiance.

2. ROLL CALL & DETERMINATION OF A QUORUM

Roll Call.

Present: Mayor Barraza, Mayor Pro Tem Flores, Trustee Bernal, Trustee Arzabal, Trustee Johnson-Burick.

3. PROCLAMATION:

- a. A Proclamation declaring May 6th, 2015 Official National Bike to School Day in Mesilla presented to **Ms. Ashleigh Curry, Safe Routes to School.**

Ms. Ashleigh Curry introduced Samantha, Leo, Mari and Whelan who bike to school every Tuesday.

Ms. Samantha Curry read proclamation declaring May 6th, 2015 Official National Bike to School Day in Mesilla.

1 Ms. Curry thanked the board for their continued support and invited everyone to participate.

2

3 Mayor Barraza thanked everyone for their participation in the program.

4

5 **4. PRESENTATION:**

6 a. A Presentation on Cooperative Educational Services (CES). – **Jim Barentine, CES Director**
7 **for Southern Services.**

8 Mr. Barentine gave a presentation on Cooperative Education Services (CES). Handout provided to the
9 board.

10 Mayor Barraza

11

12 Trustee Johnson-Burick asked what other local entities in the southern region are participating.

13

14 Mr. Barentine responded the City of Sunland, City of Anthony, Gadsden Independent School District,
15 City of Anthony, Charter schools, City of Anthony Public Library, City of Las Cruces, Dona Ana County,
16 Mesilla Valley Housing Authority, the copy that handles solid waste for the City of Las Cruces Senior
17 Center, Hatch Public Schools, Las Cruces Public Schools, City of Truth or Consequences, Truth or
18 Consequences Public Schools.

19

20 Mayor Barraza stated this will be brought up for further discussion and/or a vote at the next meeting.

21 Ms. Lujan has asked how Mesilla can become a member of CES due to our small projects. Speed wise
22 she feels this would be the direction to go.

23

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

25 **No public comments**

26

27 **6. CHANGES/APPROVAL OF THE AGENDA**

28 Trustee Arzabal requested placing items A, B, C, D and E on the consent agenda.

29

30 Trustee Johnson-Burick stated she has questions regarding item A.

31

32 Mayor Barraza stated item A will remain on the agenda.

33

34 **Motion:** To approve the agenda as amended, **Moved by** Trustee Arzabal, **Seconded by** Trustee Bernal.

35

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

37 Mayor Pro Tem Flores Yes

1 Trustee Arzabal Yes
2 Trustee Bernal Yes
3 Trustee Johnson-Burick Yes

4

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

8 **Motion:** To approve the consent agenda as amended, **Moved by** Trustee Arzabal, **Seconded by** Trustee
9 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 • ***BOT MINUTES** – Regular Meeting of Monday, April 13, 2015. *Approved by consent*
18 *agenda*

19 • ***PZHAC Case # 012364** – 2409 Calle de Norte, submitted by Angelita Garcia; a request for
20 a building permit to allow Milagro Construction replace two wind damaged windows in a
21 historical dwelling at this address. Zoned: Historical Residential (HR). *Approved by consent*
22 *agenda*

23 • ***PZHAC Case #012366** – 2571 Calle de Parian, submitted by Jose Tarin; a request for a
24 building permit to allow a brick covering to be placed over existing concrete stairways at the
25 front and side of a dwelling at this address. Zoned: Historical Residential (HR). *Approved by*
26 *consent agenda*

27 • ***PZHAC Case #012368** – 2190 Avenida de Mesilla. Submitted by Joyce Zimmer for Café
28 de Mesilla; a sign permit for Café de Mesilla to all a wooden sign to be placed at the north
29 side of the structure facing Avenida De Mesilla. Zoned: Historical Commercial (HC).
30 *Approved by consent agenda*

31 • ***PZHAC Case #012369** – Submitted by David Kraenzel, a request for a building permit to
32 construct a “sheep fence” consisting of a wire fence with 4” mesh panels to be constructed
33 across the front of a property owned by William Burke, located at 2569 Calle de Oeste.
34 Zoned: Historical Residential (HR). *Approved by consent agenda with condition.*

35

1 **6. NEW BUSINESS:**

2 **a.** Second Reading & Approval of Ordinance 2015-01: an ordinance granting Zia Natural Gas
3 Company, a franchise in the Town of Mesilla, Dona Ana County, State of New Mexico. –

4 **Cynthia Stoechner-Hernandez, Clerk-Treasurer**

5 Ms. Stoechner-Hernandez stated this is a 25 year franchise agreement with Zia Natural Gas Company at
6 2.5% GRT. This agreement is renewable every 5 years.

7
8 Trustee Johnson-Burick stated at the last meeting we were told that this agreement was renewable every 5
9 years during the 25 years of the agreement. In Section 2 of the ordinance it states that this agreement is
10 for 25 years and after the 25 years it can be renewed. Section 6 reads the franchise cannot be transferred
11 for the first 5 years and after the first 5 years and only with the written consent of the grantor. She does
12 not see where it reads it can be renewed every 5 years.

13
14 Ms. Graham stated this is a 25 year franchise agreement. We look very long term at franchise agreement
15 because we are investing a large amount of money. We are here to serve and given a Certificate of
16 Convenience and Necessity from the Public Regulation Commission. It is a long term agreement to use
17 the right of ways and that is why it is proposed.

18
19 Mayor Barraza asked if the town wants to increase the franchise fee after 5 years can we do so with the
20 consent of the grantor.

21
22 Ms. Graham responded she does not believe it was written to renegotiate every five years. If we do want
23 to discuss that we can; but that is what how we write our agreements.

24
25 Mayor Barraza stated the presentation done indicated the board could revisit the agreement every 5 years
26 if an increase was to be done.

27
28 Ms. Stoechner-Hernandez responded it was her mistake.

29
30 Trustee Arzabal asked to postpone the item.

31
32 Mayor Barraza responded we need to find out if it is something that Zia Gas is willing to sit down and
33 discussion adding the ability to visit the agreement every 5 years and not tie the town down to 25 years.

34
35 Trustee Johnson-Burick stated she was researching other franchise agreements and the standard is a long
36 term agreement. There has been interpretation put into the documents where is there is language giving

1 the government entity has the ability and authority to revisit the franchise fees. She is not comfortable
2 being tied for 25 years to that rate. She is not willing to do that to the residents.

3
4 Mayor Barraza clarified the residents are the ones paying the franchise fees not Zia Gas.

5
6 Trustee Arzabal reiterated this should go back to the table for further discussion.

7
8 Mayor Barraza stated we need to see if Zia Gas is willing to comeback to the table. We do not want to
9 be locked into to 25 years without any options.

10
11 Ms. Graham responded she can go back to propose language that can be added regarding the 5 years. It is
12 a tax passed to the residents. She is more interested in the longer term agreement. This franchise
13 agreement expired in October and was brought to Mesilla in December so we will need to keep a close
14 eye on the timeframe.

15
16 Mayor Barraza asked Ms. Stoechner-Hernandez if we should add the language at this time or should we
17 wait for the attorney's review. She asked if we would need to restart the process if this item is postponed.

18
19 Ms. Stoechner-Hernandez responded the board can suggest adding the language. She does not believe the
20 attorney will have an issue but she can run it by him with the new language. This is up to the board's
21 discretion.

22
23 Mayor Barraza recommends the attorney come up with some language and channel it to Zia Gas for their
24 review. This can be brought back to the board once everyone has had an opportunity to review the
25 document.

26
27 **Motion:** To approve postponing item 6A, **Moved by** Trustee Arzabal, **Seconded by** Trustee Johnson-
28 Burick.

29
30 **Roll Call Vote:** Motion passed (**summary: Yes = 4**).

31 Mayor Pro Tem Flores Yes

32 Trustee Arzabal Yes

33 Trustee Bernal Yes

34 Trustee Johnson-Burick Yes

1 Mayor Barraza stated they look forward on working this out and getting back on the agenda.

2
3 **b. Second Reading & Approval of Ordinance 2015-02:** an ordinance adopting the Town of
4 Mesilla Local Economic Development Plan to implement the authority provided by the New
5 Mexico Local Economic Development Act (5-10-1 to 5-10-13 NMSA 1978). –**Cynthia**
6 **Stoehner-Hernandez, Clerk-Treasurer** *Approved by consent agenda*

7
8 **c. Resolution 2015-04:** A Resolution by the Board of Trustees for Budget Adjustments to the
9 Fiscal Year 2014-2015 Budget. – **Cynthia Stoehner-Hernandez, Clerk-Treasurer.**
10 *Approved by consent agenda*

11
12 **d. Resolution 2015-05:** A resolution authorizing filing an application for financial assistance
13 from the New Mexico Water Trust Board. – **Debbie Lujan, Public Works Director.**
14 *Approved by consent agenda*

15
16 **e. Resolution 2015-06:** A resolution committing to operate and maintain system from financial
17 assistance from the New Mexico Water Trust Board. – **Debbie Lujan, Public Works**
18 **Director.** *Approved by consent agenda*

19 20 **7. BOARD OF TRUSTEE COMMITTEE REPORTS**

21 Trustee Johnson-Burick stated she will be meeting with Ms. Krueger to discuss the library and other
22 projects.

23
24 Mayor Barraza stated David from the City of Las Cruces would like to set up a meeting sometime this
25 week.

26 27 **8. BOARD OF TRUSTEE COMMENTS**

28 Trustee Bernal no comments

29
30 Trustee Arzabal recommended holding the public comments at the end rather than at the beginning so to
31 give everyone the opportunity to speak during the meeting to discuss the second Fire Station.

32
33 Mayor Barraza responded she would like to give the Fire Department the opportunity to make a
34 presentation. This will give the board time to digest what is being proposed. A worksession will be
35 scheduled giving the board a chance to come up with questions and concerns rather than going in blind.
36 The third thing is to hold a Public Hearing to hear what the public has to say and to address their concerns
37 and comments.

1 Mayor Pro Tem Flores stated she would like to let the public know that some of the board members are
2 part of the MPO. Transport 2040 is available on the website. Now is the time to bring forth questions
3 and concerns.

4
5 Trustee Johnson-Burick stated she is not against the 25 years but just wants the town to have an option so
6 we do not over tax our residents. She has been on the board for over a year and has enjoyed working with
7 the staff and the residents.

8
9 Mayor Pro Tem Flores recommends tying the GRT to a rate increase instead of a timeframe which would
10 give the town an option.

11
12 Mayor Barraza asked Ms. Stoechner-Hernandez to take the comments and concerns to the attorney. She
13 thanked everyone for their feedback. The Cinco de Mayo Fiesta will be this weekend and asked the board
14 to be present at 12:00 noon on opening day. It is always nice to have the board support the town events.
15 The British Car Show held this past weekend was very successful. She is so happy they came back; they
16 indicated this is home to them. She wanted to clarify items from Mr. Jesus Caro's letter submitted to the
17 board. He stated that the majority of the residents and him are in total disagreement for the need of
18 another fire station. It would surprise her that he has spoken or contacted 1000 residents. She can
19 understand if he speaks for himself. It would be helpful if the people he has spoken to would have signed
20 the letter as well. She hopes they will listen and be open minded as to what is being proposed by the Fire
21 Chief. He mentioned several things about the Fire Chief. She cannot say enough good things about Fire
22 Chief Hoban; commitment and dedication he gives to the town. He gives up family time for the town.
23 The training he provides for his volunteers cannot be measured to any other volunteer fire department.
24 What he has done for the volunteers he is to be commended and what he does for the town. It is a
25 partnership with the surrounding areas. They work together as a team. You do not draw a jurisdiction
26 line when providing service. The humane thing to do is to provide the service when needed. During one
27 of his trips to a conference he came upon an accident where he assisted those in need. The surrounding
28 areas work together as a team. She does not understand Mr. Caro's comment regarding Fire Chief Hoban
29 needing to look at other areas to put his big ideas into play. She will schedule a time for Fire Chief
30 Hoban's presentation which will be followed by a worksession and a Public Hearing. There will be a
31 budget worksession at 4:30 on Wednesday, April 29th. Ms. Stoechner-Hernandez will provide the board
32 with a proposed preliminary budget.

33
34 **9. ADJOURNMENT**

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

2

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

4 Mayor Pro Tem Flores Yes

5 Trustee Arzabal Yes

6 Trustee Bernal Yes

7 Trustee Johnson-Burick Yes

8

9 **MEETING ADJOURNED AT 6:51 P.M.**

10

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12 **APPROVED THIS 11TH OF MAY, 2015.**

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Nora L. Barraza

18

Mayor

19

20 **ATTEST:**

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Cynthia Stoechner-Hernandez

Town Clerk/Treasurer

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