



**BOARD OF TRUSTEES  
TOWN OF MESILLA  
MEETING  
MONDAY, NOVEMBER 25, 2013  
6:00 P.M.**

**TRUSTEES:** Nora L. Barraza, Mayor  
Sam Bernal, Mayor Pro Tem  
Carlos Arzabal, Trustee  
Jesus Caro, Trustee  
Linda L. Flores, Trustee (absent)

**STAFF:** Cynthia Stoeher-Hernandez  
Tom Austin, Marshal  
Kevin Hoban, Fire Chief  
Debbie Lujan, Public Works Director  
Gloria Maya, Recorder

**PUBLIC:** Mr. Jerry Garcia Mrs. Susan Krueger  
Mr. Charles Bourger

**OPENING CEREMONIES**

A. Pledge of Allegiance

Mayor Barraza led the Pledge of Allegiance.

**ROLL CALL AND DETERMINATION OF A QUORUM**

**Roll Call.**

**Present:** Mayor Barraza, Mayor Pro Tem Bernal, Trustee Arzabal, Trustee Caro

**CHANGES TO THE AGENDA**

Trustee Arzabal requested placing items #4 and #6 on the consent agenda.

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

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

Mayor Pro Tem Bernal Yes

Trustee Arzabal Yes

Trustee Caro Yes

**ACCEPTANCE OF THE CONSENT AGENDA**

**Motion:** To approve the consent agenda as amended, **Moved by** Trustee Arzabal, **Seconded by** Mayor Pro Tem Bernal.

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

Mayor Pro Tem Bernal Yes

Trustee Arzabal Yes

Trustee Caro Yes

**PUBLIC COMMENTS: (3 minute limit per person)**

Ms. Susan Krueger stated she noticed the flyer that keeps showing up is no longer an active effort and should not be circulated. When a judge finds him/her in the position of wanting to make law rather than enforce it; the community should get together and suggest that that person should give up their judgeship and run for mayor or trustee. Indirectly there was effort from judicial and others to get Judge Frieze on track so he would recognize the concept of checks and balances. Some research is in order when that kind of efforts comes before the trustees. There are checks in balance in the three branches of government. It would have .13 misaved a lot of time and effort.

**BOT MINUTES:**

1. Regular Meeting Minutes 11-15-2013 *Approved by consent agenda*

**PUBLIC HEARINGS:**

2. 1<sup>st</sup> Reading: Public hearing concerning proposed changes to Ordinance 2.55 amending Town Code related to the Municipal Court. *Cynthia Stoechner-Hernandez, Town Clerk-Treasurer.*

**Motion:** To enter into Public Hearing, **Moved by** Trustee Arzabal, **Seconded by** Mayor Pro Tem Bernal.

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

Mayor Pro Tem Bernal Yes

Trustee Arzabal Yes

Trustee Caro Yes

Mayor Barraza opened the Public Hearing

Ms. Cynthia Stoechner-Hernandez informed the public changes could be submitted to her office and copies may also be picked. The changes are included in the board's packets. Section 2.55.020 has a language change shown in blue.

Ms. Susan Krueger stated the statement that this Municipal Court is an independent judicial branch she asks independent of what. The concept of separation of powers, checks and balances establishes that no single branch of government is actually completely independent. That is the way the constitution was written and that is the way the law has preceded in the United States. Section 2.55.020 (read) the edited area; there is a mistake. She believes it is possible that Mr. Cervantes reviewed this he did not even look at this statement. This statement is not necessary. It is not necessary to do things really fast; it is easy to appoint an alternate judge. Information was given to Ms. Stoechner-Hernandez for distribution.

3. 1st Reading: Public hearing concerning proposed changes to Ordinance 2.60 amending Town Code related to the Municipal Judge. *Cynthia Stoechner-Hernandez, Town Clerk-Treasurer.*

Ms. Cynthia Stoechner – Hernandez reviewed all the proposed changes in Section 2.60 as it relates to the municipal judge.

Ms. Susan Krueger stated she is not sure if the board were aware that Judge Frieze had appointed an alternate judge and that judge heard a case where she was the defendant. It seems to her that if the

ordinances are going to be changed they should be done correctly and only changed once. There are a lot of may, shall and will in Section 2.60.020 B. Recommends looking at this to insure that all the mandatory and permissive are in line with each other; the last sentence has a verb missing. Recommends contacting the Motor Vehicle Department to ensure that the comment in Section 2.60.060 D is correct. This ordinance cites Section C 66-8-102 thru 66-8-112, DWI, which is state law. The Town of Mesilla does not recognize Chapter 66; we have elected to add Title 10; UTO. The town code reads Title 10 shall be vehicles and traffic. She had pointed this out 8 years ago that on the citation the officers are citing Title 12 which is streets, sidewalks and public places. This must be uniform in ordinances and traffic tickets to avoid confusion. This looks like the town is not being careful.

Ms. Stoechner-Hernandez asked the trustees and the public to email her with any changes.

Mayor Barraza closed the Public Hearing 6:15 p.m.

**NEW BUSINESS:**

4. Discussion/Action: Adoption of the 2014 Municipal Election Resolution. *Cynthia Stoechner-Hernandez, Town Clerk-Treasurer.*

**Motion:** To approve the agenda, **Moved by** Trustee Arzabal, **Seconded by** Mayor Pro Tem Bernal.

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

Mayor Pro Tem Bernal Yes

Trustee Arzabal Yes

Trustee Caro Yes

5. Discussion: Update on Fiesta. *Irene Parra, Special Events Coordinator.*

Ms. Irene Parra indicated we were over budget by \$2,187.02. The majority of that went to Ms. Ashley Echavarria who was contracted to oversee the fiesta. She is looking at previous fiesta to see where cut backs can be made. Entertainment is one of the areas that she will be looking at. Mr. Gary Tindal who does the fireworks during the 4<sup>th</sup> of July has indicated he will be willing to donate the tents.

Trustee Caro recommends looking at the schools for entertainment. Time can also be taken up by more school mariachi groups instead of paying for bands.

Mayor Barraza stated it was necessary to contract Ms. Echavarria since we did not have anyone in the Special Events Coordinator position; we may have broken even had that not been the case.

6. Discussion/Action: Approval of a Host Agency Agreement between the Town of Mesilla and the New Mexico Aging and Long-Term Services Department – Senior Employment Programs. *Cynthia Stoechner-Hernandez, Town Clerk-Treasurer. Approved by consent agenda*

**BOARD OF TRUSTEES COMMENTS:**

Mayor Barraza stated Mr. Joseph Cervantes, town attorney, did review the ordinance. Mr. Cervantes did meet with Ms. Stoechner-Hernandez and herself to review his proposed recommendations. She asked that any comments be submitted to Ms. Stoechner-Hernandez.

Mayor Pro Tem Bernal no comments

Trustee Caro asked what is BECC funding.

Mayor Barraza responded BECC is the organization that is working with EPA and the Water Trust Board on the water looping.

Trustee Caro asked if the \$452K in bonds is part of what we have or is it the total.

Mayor Barraza responded that is what was appropriated to the Town of Mesilla in Capital Outlay.

Trustee Caro stated is this is what we were not sure we were going to receive.

Mayor Barraza responded this is it and we just had to fill out the questionnaire.

Trustee Arzabal asked if a signs can be placed at the school zone near Shorty's indicating they are about to enter a school zone. People are constantly speeding through that area.

Mayor Barraza responded Ms. Lujan can look into that. If people are coming from San Pablo they should already know there is a school zone coming up. She does not know of any other area that has a warning sign.

Ms. Lujan responded this will need to be taken up with DOT.

Trustee Arzabal stated he spoke to the deputy who agreed with him.

Ms. Lujan reiterated she will speak to DOT and request the changes.

Trustee Arzabal stated he has been asked if fluorescent reflectors can be placed on the medians.

Mayor Barraza responded the medians do have some reflectors. The offices will be closed Thursday and Friday for Thanksgiving. USDA will host a meeting on Tuesday, from 9:00 a.m. to 11:00 a.m. The next Board of Trustee meeting will be held on December 9<sup>th</sup>.

Ms. Stoenher-Hernandez responded Mr. Terry Bruner will be here to discuss funding options for fire trucks, Public Safety Buildings, and things of that nature. There will be an Inter Model Ceremony on Friday, December 6<sup>th</sup> at 10:00 a.m. Friday, December 13<sup>th</sup> will be the Christmas Lighting Ceremony at 6:30 p.m. Ms. Parra is working on getting the schools to come and sing Christmas Carols. Santa Clause will be at the plaza at 1:00 p.m.; OMA works on bring the students to the plaza for that event.

Trustee Caro stated Ms. Krueger did bring up good points and ask that they ensure that everything is on the up and up to avoid any issues.

Trustee Arzabal stated he had the opportunity to sit in the Audit Exit Interview and was very impressed with the Mr. Eric Robinson, auditor. Mr. Robinson reviewed every page thoroughly.

Mayor Barraza indicated Mr. Robinson will do an audit presentation to the board.

Ms. Irene Parra stated Saturday, November 30<sup>th</sup> from 12:00 noon to 2:00 p.m. we will be having a Small Business Saturday to help promote the businesses in Mesilla. Many of the businesses will be placing stands on the plaza. The Disabled Veterans Chapter 38 will also be distributing hot chocolate.

## **ADJOURNMENT**

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

**Roll Call Vote:** Motion passed (summary: Yes = 3).  
Mayor Pro Tem Bernal Yes

Trustee Arzabal Yes  
Trustee Caro Yes

**MEETING ADJOURNED AT 6:39 P.M.**

**APPROVED THIS 9<sup>TH</sup> DAY OF DECEMBER, 2013.**

\_\_\_\_\_  
Nora L. Barraza  
Mayor

**ATTEST:**

\_\_\_\_\_  
Cynthia Stoehner-Hernandez  
Town Clerk/Treasurer

DRAFT