



**BOARD OF TRUSTEES
TOWN OF MESILLA
MEETING
MONDAY, JANUARY 13, 2014
6:00 P.M.**

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

STAFF: Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
Tom Austin, Marshal
Kevin Hoban, Fire Chief
Debbie Lujan, Public Works
Gloria Maya, Recorder

PUBLIC: Charles E Bourger Susan Krueger

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Barraza led the Pledge of Allegiance.

2. ROLL CALL OF TRUSTEE MEMBERS PRESENT AND DETERMINATION OF QUORUM

Roll Call.

Present: Mayor Barraza, Mayor Pro Tem Bernal, Trustee Arzabal, Trustee Caro, Trustee Flores.

3. PUBLIC INPUT – There is a 3 minute limit per person.

Ms. Susan Krueger asked about a possible violation of the Opening Meeting Act during the Board of Trustees held on Monday, July 22, 2013. There was an extensive discussion on manufactured housing which was not on the agenda due to the manufactured home that appeared next to Shorty's. Recommendations were made by Trustee Arzabal; Mayor Pro Tem Bernal and Trustee Flores agreed with the recommendations. There was no vote taken but the discussion was held on an item that was not on the agenda. The public did not have access to that discussion item. The next thing that happened was an ordinance was proposed based on the recommendations from the board's comments. The recommendations that went before the Planning and Zoning Commission were to impose the five architectural styles in any zone.

1 Mayor Barraza stated this is a complaint and not public comments. She asked Ms. Krueger to put it in
2 writing.

3
4 Ms. Krueger responded this is just pure public comment; nothing more than public comment. How in
5 heaven's name could a citizen bring up a violation since it specifically reads in the Open Meeting Act that
6 the whole purpose is to engage the public on what goes on in the town. The public was cut off from the
7 discussion because it was not posted on the agenda; the discussion went forward and recommendations
8 were made. Ms. Stoechner-Hernandez acted on those recommendations, brought an ordinance proposal
9 forward to the Planning and Zoning Commission. She attended the meeting and suggested it was highly
10 discriminatory. She stated that it should be run by an attorney before it went any further and it stopped.
11 It then became an agenda item; she submitted a comment which Mr. Shannon picked up. He responded
12 he would check that these kinds of regulations are in compliance with architectural style will go forward
13 in every zone including the rural farm zone. When we arrived at any kind of architectural style it was
14 through the Iguado Plan which was an exhausted Comprehensive Planning document which was updated
15 twice and most recently by the people that are here. There was never any mention that this would apply
16 to the rural farm zone. When this was discussed it was thought to be very restricted making it difficult to
17 sell property in the rural farm zone that had architectural styles imposed. She feels this discussion needs
18 to go back to step one in order to meet the Open Meeting Act. This is a disservice to the residents of
19 Mesilla.

20
21 Mayor Barraza indicated Ms. Krueger's three minutes are up and asked Marshal Austin to take Ms.
22 Krueger to her seat.

23 24 4. CHANGES TO THE AGENDA

25
26 Trustee Flores asked that item #5 be removed from the consent agenda.

27
28 **Motion:** To approve the agenda as amended, **Moved by** Trustee Arzabal, **Seconded by** Mayor Pro Tem
29 Bernal.

30
31 **Vote:** Motion passed (summary: Yes = 4).

32 Mayor Pro Tem Bernal Yes

33 Trustee Arzabal Yes

34 Trustee Caro Yes

35 Trustee Flores Yes

36 37 5. *APPROVAL OF CONSENT AGENDA – The Board will be asked to approve by one motion 38 the following items of recurring or routine business. **The Consent Agenda is marked with an** 39 **asterisk *:**

40
41 ***BOT MINUTES – Regular Meeting of December 23, 2013 *Approved by consent agenda***

42
43 **Motion:** To approve the consent agenda as amended, **Moved by** Trustee Arzabal, **Seconded by** Trustee
44 Flores.

45
46 **Vote:** Motion passed (summary: Yes = 4).

1 Mayor Pro Tem Bernal Yes

2 Trustee Arzabal Yes

3 Trustee Caro Yes

4 Trustee Flores Yes

5

6 *PZHAC CASE 012164 – 2212 Calle de San Albino, Patrick Esders, a building permit to
7 construct a concrete block fence no taller than 6 ft. high. Zone: Historic-Residential (HR).

8

9 Trustee Flores stated when imposed conditions need to be met prior to being approved. She is assuming
10 they are going to be asking what is going to be covering the concrete. Also it does not say what the set
11 back is going to be. She asked how high the fence is going to be.

12

13 Mayor Barraza stated staff did meet with the applicant in January regarding the imposed conditions.
14 Read what was discussed.

15

16 Trustee Flores stated she was concerned with the conditions being imposed and understands the fence will
17 be no higher than 6 feet.

18

19 Mayor Barraza stated Ms. Stoenner-Hernandez will ask Mr. Shannon to be more observant of what plans
20 have been submitted to ensure the setbacks are being met and plans are being followed.

21

22 Trustee Caro asked if the setback is what it is suppose to be.

23

24 Ms. Stoenner-Hernandez responded the setback is 7 feet in the HR zone. She will check with Mr.
25 Shannon to ensure that the setback is what it is suppose to be.

26

27 Trustee Caro responded that would be the right thing to do since we cannot just assume things will be
28 done according to ordinance.

29

30 **Motion:** To approve PZHAC Case #012164 2212 Calle de San Albino, Patrick Esders, a building permit
31 to construct a concrete block fence no taller than 6ft. high, Zone: Historic –Residential (HR), **Moved by**
32 Trustee Flores, **Seconded by** Mayor Pro Tem Bernal.

33

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

35 Mayor Pro Tem Bernal Yes

36 Trustee Arzabal Yes

37 Trustee Caro Yes

38 Trustee Flores Yes

39

40

41 **6. NEW BUSINESS:**

42 B. Update on Kiosko/Plaza Project – **Debbie Lujan, Public Works Director.**

1 Ms. Lujan stated the project was awarded to ESA Construction. SHIPPO completed the review of the
2 plaza and is pleased that the town will be rehabilitating the current structure to closely match the original
3 1932 structure. A letter from ADA stating that the stairs will be removed and made to meet ADA code
4 was received. A ramp will not need to be added but accommodations will need to be made at our
5 discretion to achieve accessibility to the plaza. This is a 90 day project which will begin this week from
6 7:00 a.m. to 3:30 p.m. Monday through Friday. The area will be fenced in but Mercado vendors will
7 still have access to the plaza. The lighting on the plaza will be changed in order to comply with the Sky
8 Light Ordinance.

9
10 Trustee Caro asked Ms. Lujan to make herself visible and to take good picture. It just makes him wonder
11 that it will not be modernize too much. Someone needs to be there at all times to ensure that the things
12 they say are being done are done. The ground need to be treated due to the termites. Reiterated it is very
13 important that it is not modernized.

14
15 Ms. Lujan responded she did bring up those issues during the pre-construction meeting. Vector Control
16 has indicated the termites are around the whole plaza. We will also have to widen the sidewalk due to the
17 stairway. She will be on top of it and will be there daily to supervise.

18
19 Mayor Pro Tem Bernal stated Ms. Lujan indicated there will not be a need for a ramp.

20
21 Ms. Lujan responded the ramp would take up too much space and since it is historical we do not have to
22 do that.

23
24 Mayor Pro Tem Bernal stated this is the heart of our town; the plaza has a lot of history. He asked if the
25 vigas are going to be sanded down due to the many staples and nails that have been used in the past.

26
27 Ms. Lujan responded that will no longer be allowed. They will go back to its natural wood. This was
28 remodeled in the 1970s so it is not the original 1932.

29
30 Trustee Arzabal stated SHIPPO looks thoroughly at the projects before sending their okay. They take
31 their jobs very serious. This is important to us and nationwide since it is a National Monument.

32
33 Ms. Lujan responded this has taken 6-8 months.

34
35 Mayor Barraza stated this has been going on for about a 1 year, with SHIPPO for 6 to 8 months. The
36 experts came down and made their recommendations. ESA Construction is aware of the trustees and
37 constituents concerns the importance of making a replica of what is there and enhancing the material
38 being used. One of their recommendations was to use cedar due to the insects. All these things have been
39 taken into the consideration. They will try to keep and preserve what is currently there. Replacements
40 will be made according to safety issues.

41
42 C. Approval of the emergency hire for a Utilities Clerk – **Nora L. Barraza, Mayor.**

43
44 Mayor Barraza stated our part-time utility clerk and has not been able to return to work due to an
45 accident. Currently we are short staffed so we have asked Ms. Jodie Pino who did volunteer work during
46 the summer to fill in. As of today we still do not know when Ms. Manzanares will be returning.

1 **Motion:** To approve the emergency hire for a Utilities Clerk, **Moved by** Trustee Arzabal,
2 **Seconded by** Trustee Flores.

3
4 Trustee Caro stated he does not mind going along with a temporary hire but we need to hold off on any
5 permanent hiring during election time.

6
7 **Vote:** Motion passed (summary: Yes = 4).

8 Mayor Pro Tem Bernal Yes

9 Trustee Arzabal Yes

10 Trustee Caro Yes

11 Trustee Flores Yes

12
13 D. Approval to hire Pam Bateman as Accounts Payable Clerk only – **Nora L. Barraza, Mayor.**

14
15 Mayor Barraza stated we came to the trustees to hire Ms. Bateman as a part time Account Payable/Utility
16 Clerk. It has been very difficult to perform both positions in 20 hours a week. She would like to hire Ms.
17 Bateman as an Account Payable Clerk only. She also has asked that her pay be reduced from \$10 an hour
18 to \$9.50 an hour. The ideal thing is if one of the part-time employees resigns or retires looking at making
19 it a full time position.

20
21 **Motion:** To approve to hire Pam Bateman as Accounts Payable Clerk only, **Moved by** Trustee
22 Arzabal, **Seconded by** Trustee Flores

23
24 Trustee Caro reiterated he wants to hold off on a full time position until the election is over.

25
26 Mayor Barraza stated we are not asking that this position be a full time position; we are reorganizing.

27
28 **Vote:** Motion passed (summary: Yes = 4).

29 Mayor Pro Tem Bernal Yes

30 Trustee Arzabal Yes

31 Trustee Caro Yes

32 Trustee Flores Yes

33
34 E. Approval to hire a part-time employee as morning Utility Clerk – **Nora L. Barraza, Mayor.**

35
36 Mayor Barraza stated this is an additional position. We have eliminated the dual position of Ms. Bateman
37 and a temporary hire is now filling in the Utility Department. Ms. Stoenner-Hernandez has assured me
38 that there is money in the budget to fund this position. There is not a request for budget increase.
39 Positions have not been filled and are being paid at lower salaries. This will be a part time position with
40 no benefits.

41
42 **Motion:** To approve to hire a part-time employee as morning Utility Clerk, **Moved by** Trustee
43 Arzabal, **Seconded by** Trustee Flores.

44
45 Trustee Caro asked if the temporary hire will be kept when Ms. Manzanares comes back.

46
47 Mayor Barraza responded the emergency hire is here during Ms. Manzanares' absence. This request is
48 for the position being vacated by Ms. Bateman. We will be adding a .5 FTE with this request.

1 Trustee Caro asked if she will be staying even when Ms. Manzanares comes back.

2
3 Mayor Barraza responded we will have to go through a hiring process.

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

6 Mayor Pro Tem Bernal Yes

7 Trustee Arzabal Yes

8 Trustee Caro Yes

9 Trustee Flores Yes

10
11 **7. STAFF REPORTS RECEIVED** – No action needs to be taken.

12 F. Community Programs

13 G. Community Development

14 H. Finance Department

15 I. Fire Department

16 J. Marshals Department

17 K. Public Works

18
19 **8. BOARD OF TRUSTEE COMMENTS**

20
21 Mayor Pro Tem Bernal stated he send his most respect to Mr. Flores. He was a highly employee and very
22 respectful. It is going to be hard to replace him.

23
24 Trustee Flores asked if we will be getting Ms. Krueger's comments. She feels it is important to hear
25 complaints which are part of public comments. She herself would like to hear when someone feels she
26 does something wrong. She wants to hear criticism to see if she can address them. If what she is saying
27 is true, can see how that can happens. She does not have a problem with slowing down and follow
28 procedures. Everyone one should have the opportunity to voice their concerns. The Open Meeting Act is
29 to ensure that the public has the opportunity to let us know their concerns. The hopes the comments will
30 be provided to the board.

31
32 Trustee Arzabal stated we are getting packets on Friday afternoons. This does not give people time to
33 review and come to town hall to ask questions. He remembers receiving the packets by Thursday
34 morning and asked if anything has changed.

35
36 Trustee Flores responded there is a 5 day is the rule.

37
38 Trustee Arzabal stated we were told they would be ready by Wednesdays.

39
40 Trustee Caro stated he agrees with Trustee Flores comments regarding Ms. Krueger's statements. We
41 need to keep abreast because things are not being researched. He feels packets need to be sent out earlier.
42 We really need to stay on top of the rehabilitation of the Kiosko. We need to ensure they it right the first
43 time.

44
45 Mayor Barraza stated the packets were sent on Thursday and received a message on Friday at 4:30 p.m.
46 that the packets were not delivered. She sent an email to everyone with the packets. When you don't
47 receive your packets by Friday it is your responsibility, as trustee, to call, come to the office to pick up a
48 packet. Town staff is not here to wait on us hand and foot. Ms. Stoechner-Hernandez is a one-man

1 department. Trustees have to understand we are short staffed. We are trying to our best ability to
2 accommodate the constituents and the reports that are due to Santa Fe. As trustees we have to take the
3 responsibility; call and ask. Sometimes we do not know when constituents have a complaint because they
4 choose to come to a meeting to voice their complaint instead of writing a letter. This does not give us an
5 opportunity to do research. She encourages the residents to come to the office to get an answer. Gossip is
6 the worst enemy; people love to gossip and they have the wrong information. It spreads like wild fire.
7 Give us the opportunity to defend the actions of the employees. We try to stay on top of the projects to
8 the best of our ability. Ms. Lujan is out in the field but does spend time in the office. We do not have the
9 luxury of people doing a specific job. When we hire contractors to do a job we expect them to do them to
10 the best of their ability. Give us the opportunity to answers the questions; a courtesy to the staff.

11
12 Trustee Arzabal stated the email does not say she sent it. When we as a board make a decision that it will
13 be done by Thursday morning then we expect it to be done. If it is our responsibility to pick it up what
14 will we do if it is not ready.

15
16 Mayor Barraza responded call her and let her know.

17
18 Ms. Lujan stated the town received a match waiver for Calle Principal south.

19
20 Mayor Barraza stated Lieutenant Flores has taken a position with a the US Marshal. There will be a
21 potluck luncheon on Thursday at the Community Center. She asked that we do a better job of
22 communicating.

23
24 **9. ADJOURNMENT**

25
26 **Motion:** To adjourn, **Moved by** Trustee Arzabal, **Seconded by** Trustee Caro.

27
28 **Vote:** Motion passed (summary: Yes = 4).

29 Mayor Pro Tem Bernal Yes

30 Trustee Arzabal Yes

31 Trustee Caro Yes

32 Trustee Flores Yes

33
34 **MEETING ADJOURNED AT 6:45 P.M.**

35
36
37 **APPROVED THIS 27TH DAY OF JANUARY, 2014.**

38
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41
42 _____
43 Nora L. Barraza
44 Mayor

45
46 **ATTEST:**

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2
3
4
5
6

Cynthia Stohner-Hernandez
Town Clerk/Treasurer