



# Town of Mesilla, New Mexico

**BOARD OF TRUSTEES  
TOWN OF MESILLA  
MEETING  
MONDAY, APRIL 28, 2014  
6:00 P.M.**

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

**STAFF:** Cynthia Stoechner-Hernandez, Town Clerk/Treasurer  
Kevin Hoban, Fire Chief  
Debbie Lujan, Public Works Director  
Christopher Mangusing, Town Marshal  
Gloria Maya, Recorder

**PUBLIC:** Dr. Schumacher Mrs. Schumacher  
Sean Lucero Jeannie Lucero  
Chris Alexander Alexandra Nason Hall  
Ashleigh Curry Charles Bourger  
McLeod Susan Krueger  
Art Fountain Rebecca Segovia  
Mary F. Lucero

## 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 Arzabal, Trustee Bernal, Trustee Flores, Trustee Johnson-Burick.

Mayor Barraza held a Moment of Silence for Mrs. Elisa Frieze.

## 3. PRESENTATIONS

- Presentation of the Town of Mesilla Life Saving Award to Deputy Manny Cortez, Sargent Enrique Salas and Assistant Fire Chief Chad Zecha for prompt and alert action resulting in saving or significantly prolonging the life of a resident – **Presentation by Nora L. Barraza, Mayor**

Mayor Barraza presented a plaque to Assistant Fire Chief Zecha, Sargent Salas and Deputy Cortez for their prompt and alert action resulting in saving or significantly prolonging the life of a resident. She read the letter from Fire Chief Hoban explaining the event.

Fire Chief Hoban thanked the board for their recognition of the people involved. This is just an example of the type of activity that goes on every day in the Town of Mesilla. We have one of the finest working relationships that he has ever worked with and other agencies have indicated there are jealous of the

1 relationship between these two departments. We will continue to do what we because that is where our  
2 heart is; to serve the community.

3  
4 Mayor Barraza stated that under Fire Chief Hoban’s leadership we have an exemplary department.

- 5  
6 • A Proclamation declaring May 6, 2014 “National Bike to School Day” in the Town of  
7 Mesilla –**Ashley Curry, Safe Routes to School Champion**

8  
9 Ms. Samantha Curry read the national proclamation.

10  
11 Ms. Ashley Curry read proclamation declaring May 6, 2014 “National Bike To School Day” in the Town  
12 of Mesilla.

13  
14 Mayor Barraza proclaimed May 6, 2014 “National Bike to School Day” in the Town of Mesilla.

15  
16 Ms. Curry thanked the Town of Mesilla for their partnership. We planted a tree at Commemorative Park  
17 in recognition of National Bike to School Day.

18  
19 Mayor Barraza stated the town enjoys doing things for our youth.

20  
21 **4. PUBLIC INPUT** – There is a 3 minute limit per person.

22  
23 **No public comments**

24  
25 **5. CHANGES/APPROVAL OF THE AGENDA**

26  
27 **Motion:** To approve agenda, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Bernal.

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

29 Mayor Pro Tem Arzabal Yes

30 Trustee Bernal Yes

31 Trustee Flores Yes

32 Trustee Johnson-Burick Yes

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

36  
37 **\*BOT MINUTES** –Work Session Minutes of April 14, 2014

38 **\*BOT MINUTES** – Regular Meeting Minutes of April 14, 2014

39 **Motion:** To approve consent agenda, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Johnson-  
40 Burick.

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

42 Mayor Pro Tem Arzabal Yes

43 Trustee Bernal Yes

44 Trustee Flores Yes

45 Trustee Johnson-Burick Yes

1       **NEW BUSINESS:**

2       **7. Presentation on Water Audit completed by BECC – JBS Water Inc.**

3 Mayor Barraza indicated that BECC requested and paid for the Water Audit done by JBS Water Inc.

4  
5 Mr. Jim South and Mr. James Smith gave a presentation on the Water Audit completed by BECC.

6  
7 Mayor Barraza asked if the meters are under reading; not reading the accuracy of what is going through.

8  
9 Trustee Flores asked if employee salaries were included.

10  
11 Mr. South responded there is no labor in this; we are only looking at unit cost.

12  
13 Mr. Fountain asked how you know the meters are under reading.

14  
15 Mr. Smith responded that is an assumption. The major manufactures believe their meters will perform  
16 well for 1.5 million gallons of water. Water quality impacts those numbers. Another factor is the rate the  
17 water is used at.

18  
19 Mr. Fountain inaudible

20  
21 Mr. South responded very few meters will over register. Mechanical meters will develop wear; the  
22 tolerance inside the chamber has changed. The register was designed to pick up certain tolerances. Now  
23 those tolerances inside the meter have increased making the end result, in most cases, under registrations.

24  
25 Mr. South continued his presentation reviewing water fees and meters.

26  
27 Mr. Alexander asked if there is a process to follow to check meters for accuracy.

28  
29 Mr. South responded the meters can be taken out and put on a test bench.

30  
31 Mr. Alexander asked if there is a physical way to measure water usage such as filling a bucket.

32  
33 Mr. South responded it can be done on some meters but the low flow of sensitivity will cause the meters  
34 to go out.

35 Mr. Alexander inaudible

36 Mr. South responded he does not know the New Mexico Standards. Continued presentation

37 Mr. Fountain asked what a compound meter is.

38 Mr. South responded a compound meter registers both high and low flow rate. The town has a  
39 combination meter. He reviewed his recommendations. The town went over and beyond to help retrieve  
40 data.

1 Mayor Barraza thanked them for their services. The town is aware of the water issues; this confirms what  
2 has been discussed. We know our water rates are low and that our Enterprise Fund is not sustaining itself.  
3 She hopes that the board will take a good look at this audit to see what we can do to address these issues.  
4 Mr. South stated water conservation needs to be looked at to see what the impact is going to be.  
5 Mayor Barraza asked if this will affect our BECC funding.  
6 Mr. Obrien responded this will not affect the funding; other agencies will be looking at the rates. The  
7 question may be “why are we proving funding for infrastructure when the town is not helping itself”.  
8 Mr. Alexander asked what percentage is attributed to the sewer.  
9 Mr. South responded the percentage is high. When winter time averages are used the water would go  
10 back into the sewer system; in the summer water is going to outside irrigation.  
11 Mr. Alexander indicated there is a direct cost since we have to pay the City of Las Cruces to treat the  
12 water.  
13 Mr. South stated Mesilla has the lowest sewer he has ever seen.  
14 Mr. Alexander inaudible  
15 Mr. Smith stated the Town of Mesilla is sending the water to Las Cruces and then paying them for the  
16 service.  
17 Mr. South stated he is not sure if the City is going by the town’s meter or if they have installed their own  
18 meter.  
19 Mayor Barraza stated they are going by water consumption.  
20 Mr. South asked if they are using winter rates.  
21 Mayor Barraza responded the rate is based on winter consumption.  
22 Mr. Fountain stated the City of Las Cruces uses the winter consumption. Mesilla residents pay actual  
23 water consumption.  
24 Mayor Barraza responded the Town of Mesilla uses winter consumption.  
25 Mr. Fountain stated he does not believe that is the way the residents are being charged.  
26 Ms. Lujan responded the City of Las Cruces uses the average of winter consumption; the Town of Mesilla  
27 does not since we are still in the red.  
28 Mr. Fountain stated residents are paying actual all year around.  
29 Mr. South stated the audit does show winter averages for each class code and winter size.  
30 Mayor Barraza stated the City of Las Cruces bases our fees on the consumption average of December,  
31 January and February.  
32 Inaudible  
33 Mayor Barraza responded sometimes your sewer rates are higher than you water rates because it based on  
34 winter months.  
35 Ms. Lujan stated sewer rates are based on water consumptions. We have not done averaging for  
36 residents since we are still in the negative in the Enterprise Fund.  
37 Ms. McLeod inaudible  
38 Mr. South responded that is why there is an annual commodity charge on that meter pay back table.  
39 Mayor Barraza responded she does not feel our rates will go down; as reflected in the audit our rates are  
40 very low. The Enterprise Fund cannot continue to operate in the red.  
41 Ms. McLeod stated residents get upset with the sewer rates.  
42

1 Mayor Barraza stated this is just to sustain what we currently have. We are not bringing in enough  
2 revenue to take care of needs, i.e. energy use, chemicals, meter replacement. Money is taken from other  
3 funds since the Enterprise Fund is not generating enough money to take of the two employees paid from  
4 the fund, ordering and printing of bills, training staff, water breaks, etc.

5 Mr. South stated the limited staff is putting out fires all the times and cannot solve the problems.

6 Mayor Barraza stated we are also seeing an increase in meter and waterline breakage due to age. We  
7 need to start to prepare for these issues. This has help educate our residents as well as staff.

8 Mr. Fountain asked if this information can be posted on the website.

9 **7. Project update on Public Safety Building – Nora L. Barraza, Mayor/Debbie Lujan, Public**  
10 **Works Director**

11 Mayor Barraza stated the \$82K that was reauthorized must be expended by June, 2014. ESA is in the  
12 process s of doing some stabilization of the Public Safety Building.

13 Ms. Lujan indicated that the \$83k will be used for stabilization of the Public Safety Building along with  
14 bring areas up to code. The remainder of those funds will be used toward design. The paperwork has  
15 been completed for the \$452K and are waiting for the 2014 agreement. We have decided to go out to bid  
16 all at once which will be cost effective since the town will be receiving the agreement for \$445K to allow  
17 us from doing this in phases. Work will begin next week with the reauthorization funding.

18 **8. Project update on Plaza/Kiosko – Debbie Lujan, Public Works Director**

19 Ms. Lujan stated the town has received a Temporary of Occupancy Certificate for the Kiosko. The light  
20 fixtures for the inner part of the plaza will be installed on Wednesday and Thursday. The electrical work  
21 on the south end of the plaza will be completed soon. A final walkthrough and punch list will be done  
22 once these things are completed.

23 Mayor Barraza stated the Kiosko will be completed for the fiesta festivities. The painting will be  
24 completed today or tomorrow. The light fixtures in the middle of the plaza will be completed on  
25 Thursday.

26 Ms. Lujan stated that Mr. Jesse Kriegel donated material and his time to paint the mural on the Kiosko.

27 Mayor Barraza stated there will be a ribbon cutting for the Kiosko at 12:00 noon on Saturday, May 3<sup>rd</sup>.

28 Ms. Lujan stated we finalized the ribbon cutting on Wednesday or Thursday. She apologizes for not  
29 letting trustees know; Mr. Ramirez got the information out before she could let everyone know.

30 Mayor Barraza stated we were finalizing the entertainment.

31 **9. Report on the Mesilla Marshal Department unionizing – Nora L. Barraza, Mayor**

32 Mayor Barraza stated she was not aware the deputies were in the process of unionizing or that there was a  
33 Mesilla Police Marshal Association until she received a letter on March 28<sup>th</sup> from the Public Employee  
34 Labor Relation Board (PELRB) asking for information. They requested a list of employees from the  
35 Marshal's Department for an election that is to be held in May. She, Ms. Stoechner-Hernandez and Mr.  
36 Cervantes did a conference call with Mr. Griego, PELRB, on Friday, April 4<sup>th</sup> to work out the election.  
37 Basically, the only town involvement was to come up with a place and time for the election to be held.  
38 Her first knowledge of this was on March 28<sup>th</sup>. She was asked to set up the April 4<sup>th</sup>. A time and place  
39 was set up. The deputies that will participate are Sargent Hervol, Sargent Salas, Deputy Azcarate and  
40 Deputy Shepan; Deputy Cortez is on probation status. The election will be held on May 13<sup>th</sup> from 6:30  
41 p.m. to 7:30 p.m. at the Community Center. There is a section that deals with labor activity in Personnel  
42 Rules and Regulations that can be reviewed by the trustees; She stated she is not very familiar with  
43 unions.

44 Mayor Pro Tem Arzabal asked if there will be a bargaining team. He was told that three out of the four  
45 officers will hold office. He asked if this is going to be part of the Fraternal Order of Police; is it going to  
46 be an umbrella, is it going to be their own. Also, who will they negotiate with?

1 Mayor Barraza responded we will try to get answers to those questions but will depend on how the  
2 election turns out. She will note the concerns and questions.

3 Mayor Pro Tem Arzabal asked since most unions are not mandatory will the four deputies become part of  
4 the union.

5 Mayor Barraza responded we will do research in order to answer these questions.

6 Trustee Johnson-Burick stated there is so much that goes into doing something like this, she hopes the  
7 town and attorney are prepared. This is huge and hopes both sides are prepared.

8 Mayor Barraza stated she was caught off guard. She received correspondence but the deadline had  
9 passed. We tried to get this rectified to avoid penalties, or to avoid them feeling we were hiding  
10 information. Mr. Griego was surprised that a team of four would be interested in something like this. The  
11 information requested was provided. She did not have any information that a Mesilla Marshal  
12 Association existed in the town. She asked if any officer can provide information so they can  
13 acknowledge this. The Fire Department does have an association that is recognized by the town. Mr.  
14 Cervantes will be looking into this.

15 Trustee Bernal stated he has been a federal employee for 30 years and has currently just signed up again  
16 due to the insurances. The union is good but it can be on both sides. He agrees with Trustee Johnson-  
17 Burick that the attorney should give us guidance. We do need to be careful. He is not saying he does not  
18 support this; it is good for all employees. This is to keep everyone in a straight line; we need to look into  
19 it more.

20 Mayor Pro Tem Arzabal asked if they have elected officers.

21 Mayor Barraza responded they election needs to take place before they can elect officers.

22 Trustee Johnson-Burick stated it is the right of any employee or group to make these decisions.

23 Mayor Pro Tem Arzabal stated he agrees with Trustee Johnson-Burick. And if Mr. Cervantes is not  
24 familiar with unions then we need to find an attorney that is to insure that we cross our I's and dot our  
25 T's.

26 **10. Closed session pursuant to 10-15-1 (H) (2) for the purpose of discussing limited personnel**  
27 **matters of the Marshal's Department. – Nora L. Barraza, Mayor**

28 **Motion:** To approve entering closed session pursuant to 10-15-1 (H)(2) for the purpose of discussing  
29 limited personnel matters of the Marshal's Department, **Moved by** Mayor Pro Tem Arzabal, **Seconded**  
30 **by** Trustee Bernal.

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

32 Mayor Pro Tem Arzabal Yes  
33 Trustee Bernal Yes  
34 Trustee Flores Yes  
35 Trustee Johnson-Burick Yes

36  
37 Entered closed session at 7:22 p.m.  
38

39 **Motion:** To enter regular session after discussion of limited personnel matters of the Marshal's  
40 Department; no action taken, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Johnson-Burick.

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

42 Mayor Pro Tem Arzabal Yes  
43 Trustee Bernal Yes  
44 Trustee Flores Yes  
45 Trustee Johnson-Burick Yes  
46

1 Entered regular meeting at 7:55 p.m.  
2

3 **11. BOARD OF TRUSTEE COMMENTS**

4 Trustee Flores congratulated the staff and agrees with Fire Chief Hoban regarding the departments. She  
5 knows this is a rare occasion that someone has taken the time to express their thanks but knows this  
6 happens all the time.

7 Mayor Pro Tem Arzabal recommended setting up a Public Meeting in order to educate the residents  
8 regarding the water before we make any decisions. He takes his hat off to Public Works staff and Ms.  
9 Maya who were there to provide assistance when needed.

10 Mayor Barraza asked Ms. Lujan to schedule a Public Hearing and indicated hard copies will be made  
11 available to the community.

12 Trustee Johnson-Burick asked if we have heard from attorney regarding the volunteer agreement. She  
13 would like to move on the library and do some back ground work done.

14 Mayor Barraza responded we currently have Mr. Cervantes working on other priorities. She asked Ms.  
15 Stoechner-Hernandez if the City of Las Cruces sent us the document from David.

16 Ms. Stoechner-Hernandez responded she did receive the document and will forward it to the attorney for  
17 his review.

18 Trustee Johnson-Burick thanked the Fire Department and Public Work staff for all their hard work. She  
19 thanked the community and residents who volunteered during the Comcast Care Day. She also thanked  
20 the residents for attending the board meetings; it is great to see such good attendance.

21 Trustee Bernal stated that he has spoken with Trustee Johnson-Burick about a way of giving incentives to  
22 our employees since we do not have funds to give them. One suggestion was starting a pool in order to  
23 give gift cards to the staff. We also need to find a way to help Fire Chief Hoban who puts in many hours  
24 a week.

25 Mayor Barraza responded she wishes they had the funds to compensate the employees for what they are  
26 worth. Our goal, as the Board of Finance, is coming up with a Cost of Living Increase in next year's  
27 budget. She reviewed the Cinco de Mayo schedule and indicated she would like the trustee to attend the  
28 ribbon cutting. We have invited several dignitaries to the Ribbon Cutting ceremony. The Fallen Police  
29 Officer Services will be held on Tuesday, May 13<sup>th</sup> at Las Cruces Convention Center.

30 Trustee Johnson-Burick stated we honor fallen officers every year. This year it will be held May 13<sup>th</sup> at  
31 10 a.m. at the Las Cruces Convention Center. All of the families are invited to let them know we have  
32 not forgotten the sacrifice their loved one played.

33 Mayor Barraza stated she and the Fire Chief attended a mandatory Safety Counseling Training in the  
34 Albuquerque. Comcast Care was successful and it looks beautiful. It is always nice to participate as a  
35 community. The town was well represented.

36 **12. ADJOURNMENT**

37 **Motion:** To adjourn, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Flores.

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

39 Mayor Pro Tem Arzabal Yes

40 Trustee Bernal Yes

41 Trustee Flores Yes

42 Trustee Johnson-Burick Yes

43  
44 **MEETING ADJOURNED AT 8:18 P.M.**

1 **APPROVED THIS 12<sup>TH</sup> DAY OF MAY, 2014.**

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Nora L. Barraza  
Mayor

**ATTEST:**

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Cynthia Stoechner-Hernandez  
Town Clerk/Treasurer