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**BOARD OF TRUSTEES  
TOWN OF MESILLA  
BOARD MEETING  
MONDAY, SEPTEMBER 8, 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  
Chris Mangusing, Marshal  
Gloria Maya, Recorder

**PUBLIC:** Andrew Wray  
Gregg Henry  
Susan Krueger  
Art Fountain  
Chris Alexander  
Alex Hernandez  
Charles Bourger

**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.

**3. PRESENTATION:**

**a. Presentation on the updating of the Metropolitan Transportation Plan, Transport 2040 – Tom Murphy, Mesilla Valley MPO**

Mr. Andrew Wray gave a presentation on the updating of the Metropolitan Transportation Plan, Transport 2040.

**b. Presentation on the possible placement of a cellular town on Town of Mesilla Property – Alex Hernandez, Verizon Consultant**

Mr. Hernandez gave a presentation on the possibility of entering into an agreement to place a cellular tower on Town of Mesilla property. He indicated how the area is growing and has exhausted the assets surrounding the town. There is monetary gain to be had which the town would benefit from. They are thinking about placing the tower which could look like a clock tower, on the south side of the Town Hall. A fence would be built

1 around the tower which would match the Town Hall. AT&T is also looking at placing something around the  
2 tower which could be shared. We are looking to get feedback from the trustees to see if they are interested in  
3 allowing us to enter into an agreement. We would build something that is pleasing to the town.

4  
5 Mayor Barraza stated she had indicated to Mr. Hernandez that there are ordinances in place regarding cell  
6 towers. One of the questions that has been asked is can the current tower be used.

7  
8 Mr. Hernandez responded the current tower which is being used by TMobile and Cricket is too far south and  
9 the height would need to be raised to make it feasible. The signal would interfere with the surrounding sectors  
10 that are coming into the town. This triangulation would cause problems.

11  
12 Trustee Bernal stated there was a lot of effort put into the ordinance. He asked if the tower updating would be  
13 a chain link fence and who would maintain the tower.

14  
15 Mr. Hernandez responded Verizon would maintain the tower. Reiterated the space he is looking at is next to  
16 this building. A 6.5 ft. high rock wall that matches the exterior of this building would be built to conceal the  
17 bottom part of the tower. Verizon would take care of the cost and the maintenance.

18  
19 Trustee Bernal asked what kind of lease are they looking at.

20  
21 Mr. Hernandez responded Verizon does a 30 year lease with four (4) five (5) year renewals; increase every five  
22 (5) years.

23  
24 Trustee Bernal understands Verizon cannot marry up with the AT&T tower.

25  
26 Mr. Hernandez responded he cannot speak for AT&T. The height of the tower is 55ft high and Cricket took the  
27 next available slot. Anything lower would not have coverage.

28  
29 Trustee Bernal asked how high is the tower how high is this tower

30  
31 Mr. Hernandez responded we are looking at a height of 65 ft. which would allow for a second carrier.  
32 Limiting the height of the tower, the investment the companies make with their equipment they may not get  
33 the coverage that they need. This is open for negotiation.

34  
35 Mayor Pro Tem Arzabal stated a Special Use Permit will be needed and would need to go to Planning and  
36 Zoning. A lot of time and effort was put into the ordinance. If Verizon gets a tower, they will make money on  
37 each company coming in.

1 Mr. Hernandez responded when he first began the mandate from the company he was representing was to go to  
2 build a tower. If Verizon builds it they would own it; we have a template which could have a clause. The  
3 revenue can be split. He is not asking to make it as tall as possible to get other carriers. They want to build  
4 something town could be proud of and share in the benefits.

5  
6 Mayor Pro Tem Arzabal recommended taking this to Planning and Zoning.

7  
8 Mr. Hernandez stated the purpose of this presentation is to get the blessing of the trustees and move forward to  
9 Planning and Zoning. There are several different way to disguise towers. Reiterated Verizon will absorb the  
10 cost of this.

11  
12 Mayor Barraza stated the Board of Trustees cannot give you their blessing; process must be followed. She  
13 encouraged Verizon to go to the Planning and Zoning. Towers are prohibited in the historical area. If denied  
14 by the Planning and Zoning then they will have the opportunity to go through the appeal process.

15  
16 Trustee Flores stated a 6.5 ft. wall will not conceal a 55 ft tower. She stated she would like to see pictures.

17  
18 Mr. Hernandez responded this was to get an idea that the trustees are open to the idea. Verizon is willing to  
19 spend money to get simulations. The wall conceals the equipment on the ground and also is for safety. We do  
20 not want to put a chain link fence.

21  
22 Mayor Barraza stated she would also like to see pictures.

23  
24 Trustee Bernal recommended reviewing the minutes regarding the ordinance to see if Verizon wants to go  
25 forward.

26  
27 Mr. Alexander stated he is astounded that Verizon is asking us to sell our town out when historical  
28 preservation is most important thing in this town. The entire town is surrounded by rural farm zone which  
29 allows towers. They are not allowed in the Historic Commercial or Residential Zones. For the town to  
30 consider a Special Use Permit... He is abrupt of the audacity that someone would come to ask for this when  
31 we have surrounding areas that would facilitate what they want. We understand about masking the towers.  
32 When this first came forth it was recommended to be placed at the old Town Hall; that was found to be  
33 completely inappropriate. It was then recommended to be placed at the farthest outskirts of the town. These  
34 towers have ample to go over a two mile radius. This is a bluntly violation of using public property for private  
35 businesses to profit. He stood here and told you that they would be renting out to other towers. We do not  
36 want it visible in the Historical Zone. He wishes the board considers not having an appeal process. There was  
37 a provision in the ordinance to facilitate these things. They can go around the Town of Mesilla.

1 Ms. Krueger stated read Section 18.54.060. Added was prohibiting a tower structure with 600 ft. of the  
2 Historical Zone which is across the street from the proposed site. She asked if the Mr. Hernandez had  
3 investigated the question regarding coalition.

4  
5 Mr. Hernandez responded the current tower is too far south, it was looked at and it was not going to work.  
6 He did speak to the planner and was shown the areas that would be feasible. He is sensitive to the area. It  
7 would be a cell tower that would stick up in the middle of the field. We would like to get closer with  
8 something that would be nice for the town.

9  
10 Mr. Bourger stated we should have an open mind; the town does need money and this will generate money.  
11 There could be a 25% off cell use which would appease the residents. The town could own the tower and rent  
12 to other entities. This may be win/win situation for the residents and the municipality.

13  
14 Mayor Barraza thanked Mr. Hernandez for his presentation and if they wish to pursue they can get with Mr.  
15 Shannon and Ms. Stoechner-Hernandez.

16  
17 **4. PUBLIC INPUT** – The public is invited to address the Board for up to 3 minutes.

18 Ms. Krueger stated she was referring that the Water Audit was something the Municipal League brought to the  
19 town in 2012; an increase was done. The board should see what is needed to implement and how it can be  
20 phased over the years. We do have to raise the rates but how fast and how much.

21  
22 Mr. Schwartz stated if nothing breaks and it becomes a slush fund will it be used for other type of emergencies.  
23 How do the residents know it will not be used? At what point do you decrease the rates. Is this a permanent  
24 rate increase? In the Bason area there have been property break-ins; habitual problems. He asked if the board  
25 was aware of this. It is getting worse and persistent.

26  
27 Mr. Alexander stated he wants to emphasize the importance of historic preservation in the Town of Mesilla.  
28 We do not want to jeopardize the anti-donation clause which allowing co-partner will be in violation. Money  
29 is not everything. If we did not have historic preservation we would be part of Las Cruces. Through our  
30 efforts we have been able to maintain the integrity of Mesilla. There was a lot of research when do the  
31 ordinance. If they want to do business in Mesilla, buy a piece of land or lease an acre. We took the effort and  
32 time to create an ordinance; do not let it get destroyed over a \$1.00.

33  
34 **5. CHANGES/APPROVAL OF THE AGENDA**

35  
36 **Motion:** To Approve the Agenda, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Johnson-Burick

37  
38 **Roll Call Vote:** Motion passed (**summary: Yes = 4**).

1 Mayor Pro Tem Arzabal Yes  
2 Trustee Bernal Yes  
3 Trustee Flores Yes  
4 Trustee Johnson-Burick Yes

5

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

9 a. **\*BOT MINUTES** – Regular Meeting of Monday, August 25, 2014 *Approved by consent agenda*

10 b. **\*PZHAC Case #012300** - 2842 Calle de San Albino; submitted by Daniel Limon, a request for a  
11 permit to install a wooden storage structure on a property containing a single family dwelling, and  
12 to construct a six foot high wooden fence around the same property. Zoned: Historical Residential  
13 (HR). *Approved by consent agenda*

14 c. **\*PZHAC Case #012304** – 2170 Calle de Santa Ana; submitted by Antonio S. Fierro, a request  
15 for a permit to replace two exterior doors in an existing dwelling at this address. Zoned: Historical  
16 Residential (HR). *Approved by consent agenda*

17 d. **\*PZHAC Case #012310** – 2134 Calle de Principal; submitted by Eric Walkinshaw, a request for  
18 a permit to repair and alter several existing dwellings and structures at this address. Zoned:  
19 Historical Residential (HR). *Approved by consent agenda*

20 e. **\*PZHAC Case #012311**– 2340 Avenida de Mesilla. Submitted by Wanda Mattiace, for  
21 “Adventure Travel and Cruise Center”; a request for a permit to install two wall signs at this  
22 location. Zone: Historical Commercial (HC). *Approved by consent agenda*

23 f. **\*PZHAC Case #012312**– 1770 Tierra de Mesilla. Submitted by Dr. Adrian Michael, dba  
24 Arthritis Treatment Specialists, LLC; a request for a permit to install a freestanding sign at this  
25 location. Zone: General Commercial (C). *Approved by consent agenda*

26

27 **Motion:** To Approve the Consent Agenda, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Bernal.

28

29 Trustee Flores stated Case #012300 was asked to come back to the Planning and Zoning.

30

31 Mayor Barraza responded it did go back.

32

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

34 Mayor Pro Tem Arzabal Yes

35 Trustee Bernal Yes

36 Trustee Flores Yes

37 Trustee Johnson-Burick Yes

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**7. NEW BUSINESS:**

- a. For Approval: Ordinance 2014-01: An ordinance amending and enacting sections of Title 13, 'Public Services' of chapter 13.15 'Rates and Charges' of the municipal code of the Town of Mesilla –**Debbie Lujan, Public Works Director.**

Ms. Lujan reviewed the rates for public services. Currently the General Fund is covering emergencies. The Enterprise Fund is not self-sustaining and will not be eligible for funding. The deficit is around 30% annually. The increase revenue will be around \$50K and will be used solely for the water fund. We will be implementing what the water audit recommended. This was a wake-up call for the town. There is a great need in the town's infrastructure. There is wear and tear on the meters when they are continuously turned off and on.

Trustee Flores responded she spoke to Commission Silva and he indicated Las Cruces charges \$25 to send a disconnect letter. Read Section 13.15.070; we are obligated to lower rates if we build up a reserve.

Mayor Barraza stated the analysis done by TetraTech addressed the Capital Improvement Needs of the town; construct new well, transmission line, rehabilitate well number 1. The wells need to be put on a maintenance plan. They need to be cleaned at least once a year. This is what leads to more maintenance expenses when we do not maintain what we have. There is a need to extend and loop waterlines. We need to map our water system; staff does not know where the waterlines are. That alone will cost around \$60 and that will not address the sewer lines. We need an additional 200K gallon water tank, backup water source, replace waterlines. The waterlines are showing wear and tear. We do not have money in the Enterprise Fund to cover emergencies or to start addressing the problems. There are personnel paid out of those funds. The Enterprise Funds needs to address all that. We do not have money in the Enterprise Fund so we need to go to The General Fund to cover those expenses. She reiterated that the Enterprise Fund needs to be self-sustaining.

Mayor Pro Tem Arzabal asked if a three (3) or five (5) year moratorium, where rates cannot increase, be placed.

Mayor Barraza responded we may be tying our hands if we put a moratorium. What if we have a huge emergency, how will we get funding. The Public Works Director and staff are very conscious regarding increases. There are residents on fixed income and it affects all the residents. We are doing the very best we can with the current revenue; it is not enough to address the needs. Mr. Obrien stated that we are the lowest in the state and did not understand how we could still provide services.

Ms. Lujan stated the base charge includes 3K gallons; which is unheard of.

1 Mayor Barraza stated Ms. Lujan is trying to be conservative and understands the impact this will cause. We  
2 cannot continue in this trend; we are digging ourselves deeper and deeper.

3  
4 Mayor Pro Tem Arzabal stated he agrees it is needed but asked that the residents be informed on what is  
5 coming in and how it is being spent. Have an open door policy to provide information.

6  
7 Mr. Alexander asked if the money will be used for meter replacement and for extending waterlines. He  
8 understands the problems are in the core. The money should be dog eared for those specific purposes so it  
9 does not go to other items. .

10  
11 Mayor Barraza responded the Enterprise Fund is strictly used for sewer, water, and wastewater. Our auditors  
12 look at those monies and what they are used for. Mesilla needs roughly 18 million dollars to address  
13 infrastructure needs. The high priorities come to 5 million dollars. We want to build up the account to get to  
14 the level to be able to address the priorities and not dip into the General Fund. She cannot stress enough the  
15 dire need of replacing waterlines in our community. There are sewer lines sitting on bricks.

16  
17 Mayor Pro Tem Arzabal asked if the audit is available for residents.

18  
19 Mayor Barraza responded they may come by the office for a copy; we will also make it available on the  
20 website.

21  
22 Ms. Lujan stated she will continue to look for funding.

23  
24 Trustee Bernal stated last year when the pump went out; we did not have to build another well. We would not  
25 have had the funds to build another well. The board is here to make the right decisions by doing the research  
26 and what impact it will have on the future of Mesilla. We cannot continue to depend on the General Fund.  
27 The waterlines are very bad. We need to look at the future of our people and get out of the box. Not  
28 everybody likes the decisions we make.

29  
30 Trustee Johnson-Burick stated this is a difficult decision. This fund cannot continue operating in a deficit  
31 She concurs with Trustee Bernal to preserve our future. There are so many needs. She trusts that these  
32 revenues will be used for what it is dictated by law. The board can revisit the rates if we ever get to the point  
33 where we can cut rates. Too act otherwise and not make the hard decision we would be physically  
34 irresponsible.

1 **Motion:** To Approve Ordinance 2014-01: An ordinance amending and enacting sections of Title 13, 'Public  
2 Services' of chapter 13.15 'Rates and Charges' of the municipal code of the Town of Mesilla, **Moved by**  
3 Trustee Johnson-Burick, **Seconded by** Trustee Flores.

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

6 Mayor Pro Tem Arzabal Yes

7 Trustee Bernal Yes

8 Trustee Flores Yes

9 Trustee Johnson-Burick Yes

10  
11 **b. Resolution 2014-14-** A Resolution by the Board of Trustees for Budget Adjustments– **Cynthia**  
12 **Stoehner-Hernandez, Town Clerk/Treasurer.**

13  
14 Ms. Stoehner-Hernandez stated the adjustments are for a decrease to the Fire Protection Fund, \$67,635 to  
15 \$65,838 and an increase to the EMS Fund, \$8,000 to \$11,186.36.

16  
17 Mayor Barraza asked if that decrease for the Fire Protection Fund was from the state.

18  
19 Ms. Stoehner-Hernandez responded that is correct.

20  
21 **Motion:** To Approve Resolution by the Board of Trustees for Budget Adjustments, **Moved by** Mayor Pro Tem  
22 Arzabal, **Seconded by** Trustee Flores.

23  
24 **Roll Call Vote:** Motion passed (**summary: Yes = 4**).

25 Mayor Pro Tem Arzabal Yes

26 Trustee Bernal Yes

27 Trustee Flores Yes

28 Trustee Johnson-Burick Yes

29  
30 **c. Public Hearing and Approval of Resolution 2014-15 -** A Resolution Adopting an Infrastructure  
31 Capital Improvements Plan (ICIP) For 2016-2020- **Debbie Lujan, Public Works Director.**

32  
33 **Motion:** To Open the Public Hearing, **Seconded by** Mayor Pro Tem Arzabal; **Seconded by** Trustee Bernal.

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

36 Mayor Pro Tem Arzabal Yes

37 Trustee Bernal Yes

38 Trustee Flores Yes

1 Trustee Johnson-Burick Yes

2

3 Ms. Lujan gave a presentation on the ICIP.

4

5 Mayor Barraza stated Ms. Lujan has listed projects that need to be addressed. The public can also add what  
6 they feel needs to be addressed. It is mandatory that we provide an ICIP to the state annually. Staff does  
7 continue to seek funding. The last two (2) years we received funding to complete renovating the Public Safety  
8 Building.

9

10 Ms. Lujan stated she added the lights for the plaza that were unable to be done during the remodeling and the  
11 parking situation at Parque de Los Leones.

12

13 Mr. Alexander asked if there is anything for the next phase at the Town Hall which is for Public Safety which  
14 the residents have been paying for twenty (20) years.

15

16 Mayor Barraza responded that is not listed as a phase.

17

18 Ms. Lujan responded she was not here during that; she does not have that listed.

19

20 Mr. Alexander asked when you anticipate on approaching that.

21

22 Mayor Barraza responded since we will be spending .5 million dollars on the renovation of the Public Safety  
23 Building; we will look at other priorities.

24

25 Mr. Alexander stated that even though the tax payers passed the tax to pay for that the town does not have any  
26 intent at this particular time to pursue it any further.

27

28 Mayor Barraza responded the tax was passed by previous administration as it was presented. The construction  
29 of a board room is now at the bottom of the list.

30

31 Ms. Krueger stated she would like to add the library to the ICIP with no money attached. Once we get the  
32 library strategic plan it could take up to three (3) years. If there is not a high priority for mapping, location,  
33 age and condition that we do not have it in order we may have to go back to assessing step one. Map should  
34 be a priority. We can put together residents who would happily write to legislators. She recommends using  
35 the community members.

36

37

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

2

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

4 Mayor Pro Tem Arzabal Yes

5 Trustee Bernal Yes

6 Trustee Flores Yes

7 Trustee Johnson-Burick Yes

8

9 Ms. Lujan stated the projects need to be prioritized the projects and the resolution be approved.

10

11 Mayor Pro Tem Arzabal stated he would leave the top four (4). He reminded the board that the Governor has  
12 put this on our shoulders that municipalities need to sustain themselves. Mesilla is doing what we need to do  
13 to see that we do that. DFA has never had to come in to take over our finances.

14

15 Trustee Flores stated she feels Ms. Krueger wants some asset management plans.

16

17 Ms. Lujan responded DFA has indicated they would not pay for mapping. .

18

19 Trustee Flores indicated she feel it will not hurt to add it again this year.

20

21 Ms. Lujan responded she will continue to add it to the list.

22

23 **Motion:** To Approve Resolution Adopting an Infrastructure Capital Improvements Plan (ICIP) For 2016-2020,

24 **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Johnson-Burick

25

26 Mayor Barraza stated we will be getting with the MPO and DOT to address University Avenue; the widening  
27 and adding sidewalks.

28

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

30 Mayor Pro Tem Arzabal Yes

31 Trustee Bernal Yes

32 Trustee Flores Yes

33 Trustee Johnson-Burick Yes

34

35

36 **d.** For Approval: Agreement with the State of New Mexico Department of Finance and  
37 Administration Capital Outlay in the amount of \$445,000 to plan, design and construct phase 2  
38 improvements to the public safety building in Mesilla – **Cynthia Stoechner-Hernandez, Town**

1                   **Clerk/Treasurer.** *(added 9/5/14)*

2  
3 Ms. Stoechner-Hernandez stated we do have a stipulation in place to use \$4,450 for Art in Public Places. She  
4 asked that the board bring forth any recommendations to Ms. Lujan.

5  
6 Mayor Barraza stated this Capital Outlay money was approved by our legislators.

7  
8 **Motion:** To Approve Agreement with the State of New Mexico Department of Finance and Administration  
9 Capital Outlay in the amount of \$445,000 to plan, design and construct Phase 2 Improvements to the Public  
10 Safety Building in Mesilla, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Johnson-Burick.

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

13 Mayor Pro Tem Arzabal   Yes

14 Trustee Bernal    Yes

15 Trustee Flores    Yes

16 Trustee Johnson-Burick   Yes

17  
18                   **8. \*STAFF REPORTS**

- 19                   • Community Development  
20                   • Community Programs  
21                   • Finance Department.  
22                   • Fire Department.  
23                   • Public Works Department  
24                   • Marshal's Department

25                   **8. BOARD OF TRUSTEE COMMENTS**

26 Trustee Flores stated there will be a Third Stakeholders Meeting on Friday, September 12, 10-11:30 am., in  
27 room 117 at the Dona Ana County Building. There will be an overview of the Corridor Plan. There will be  
28 individuals at the Bean on Saturday, September 13<sup>th</sup> from 9-11 a.m.

29  
30 Mayor Pro Tem Arzabal stated the situation at McDowell and Capri Arc is a fatality waiting to happen. There  
31 are No Parking signs and people are still parking. We need to enforce the No Parking before something  
32 happens.

33  
34 Trustee Bernal stated Vecino a Vecino will be held on October 4<sup>th</sup>. Ms. Beatriz Howell is on the cleanup list  
35 and asked if they could share that with Mr. Shannon.

36  
37 Trustee Johnson-Burick wished everyone a wonderful fiesta.

1 Mayor Barraza stated Ms. Stoechner-Hernandez will send everyone a Calendar of Events for the fiesta. She  
2 asked the trustees to be at the parade site by 10:30 a.m. Ms. Parra has been working very hard to make it a  
3 successful fiesta. The town was made aware of the Zia situation by parents and residents. It is an accident  
4 waiting to happen. We have tried to not give citation. We met with the principal and the sheriff's department  
5 to discuss the situation. There is not enough space for parents to pick them up their children. Children are  
6 going into the street to get into vehicles. We saw the hazard that is happening and the school is to come up  
7 with a plan. She spoke to one of the school board members and were encouraged us to go to the school board  
8 meetings. We will continue to pursue this; we do not want anything to happen.

9  
10 **9. ADJOURNMENT**

11  
12 **Motion:** To Adjourn, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Bernal.

13  
14 **Roll Call Vote:** Motion passed (**summary: Yes = 4**).

15 Mayor Pro Tem Arzabal Yes

16 Trustee Bernal Yes

17 Trustee Flores Yes

18 Trustee Johnson-Burick Yes

19  
20 **MEETING ADJOURNED AT 8:00 KP.M.**

21  
22  
23 **APPROVED THIS 22<sup>ND</sup> DAY OF SEPTEMBER, 2014.**

24  
25  
26 \_\_\_\_\_  
27 Nora L. Barraza

28 Mayor

29  
30  
31 **ATTEST:**

32  
33  
34  
35 \_\_\_\_\_  
36 Cynthia Stoechner-Hernandez

37 Town Clerk/Treasurer

38