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7 **BOARD OF TRUSTEES**  
8 **TOWN OF MESILLA**  
9 **REGULAR BOARD MEETING**  
10 **MONDAY, APRIL 13, 2015**  
11 **6:00 P.M.**

12  
13 **TRUSTEES:** Nora L. Barraza, Mayor  
14 Carlos Arzabal, Mayor Pro Tem  
15 Sam Bernal, Trustee  
16 Linda L. Flores, Trustee  
17 Stephanie Johnson-Burick, Trustee  
18

19 **STAFF:** Cynthia Stoechner-Hernandez, Town Clerk/Treasurer  
20 Kevin Hoban, Fire Chief  
21 Debbie Lujan, Public Works Director  
22 Chris Mangusing, Marshal  
23 Irene Parra, Special Events Coordinator  
24 Gloria Maya, Recorder  
25

26 **PUBLIC:** Chris Alexander Charles Bourger  
27 Mani Schwartz Artie Fountain  
28

29 **1. PLEDGE OF ALLEGIANCE**

30 Mayor Barraza led the Pledge of Allegiance.

31 Mayor Barraza held a moment of silence for residents Mr. David Caro and Mr. Federico Avalos.  
32

33 **2. ROLL CALL & DETERMINATION OF A QUORUM**

34 **Roll Call.**

35 **Present:** Mayor Barraza, Mayor Pro Tem Arzabal, Trustee Bernal, Trustee Flores, Trustee Johnson-  
36 Burick.  
37

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

39 Mr. Alexander stated he would like to remind the trustees that this building was part of the tax imposed  
40 on the residents of Mesilla to facilitate a brand new Public Safety Building. He asked that that be taken  
41 into consideration regarding a second fire station. We have been paying quite a while on it and it has not  
42 transpired. He hopes the remodeling of the Public Safety Building will help substantially.  
43

44 Mrs. Krueger stated there should be a complete feasibility study should be done when considering a  
45 second fire station. Also a Needs Assessment must be done before any action is taken. Her neighbor

1 said how ironic, many people have said it would be a good idea to do away with the fire department since  
2 we are surround by other service by the county.

3

4 Mr. Caro asked Trustee Johnson-Burick to read his letter.

5

6 Trustee Johnson-Burick read Mr. Caro's letter.

7

#### 8 **4. CHANGES/APPROVAL OF THE AGENDA**

9 Mayor Pro Tem Arzabal requested removing item F from the agenda in other to allow residents to speak  
10 more than three minutes.

11

12 Mayor Barraza responded public comments are not allowed during a worksession; a Public Hearing  
13 would need to be held.

14

15 Mayor Pro Tem Arzabal requested removing item F with the understanding there would be a worksession.

16

17 Trustee Flores stated she would like to hear what is being proposed so she can have questions in mind for  
18 a worksession.

19

20 Motion: To approve agenda as amended, Moved by Mayor Pro Tem Arzabal, Seconded by Trustee  
21 Johnson-Burick.

22 Roll Call Vote: Motion passed (summary: Yes = 3, No=1).

23 Mayor Pro Tem Arzabal Yes

24 Trustee Bernal Yes

25 Trustee Flores No

26 Trustee Johnson-Burick Yes

27

28 Motion to approve agenda with exclusion of item F, Moved by Mayor Pro Tem Arzabal, Seconded by  
29 Trustee Flores.

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

31 Mayor Pro Tem Arzabal Yes

32 Trustee Bernal Yes

33 Trustee Flores Yes

34 Trustee Johnson-Burick Yes

35

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

- 39 • **\*BOT MINUTES** – Regular Meeting of Monday, March 23, 2015. *Approved by consent*  
40 *agenda*

1 **Motion: To approve consent agenda, Moved by Trustee Johnson-Burick, Second by Mayor Pro**  
2 **Tem Arzabal.**

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 **6. NEW BUSINESS:**

10 **a. CLOSED SESSION** – pursuant to NMSA Section 10-15-1(H) 2 for the purpose of  
11 discussing limited personnel matters and Section 10-15-1(H) 7 for the purpose of discussing  
12 threatened or pending litigation in which the public body is or may become a participant in. –  
13 **Nora L. Barraza, Mayor**

14

15 **Motion: To enter closed session pursuant to NMSA Section 10-15-1(H) 2 for the purpose of**  
16 **discussing limited personnel matters and Section 10-15-1(H) 7 for the purpose of discussing**  
17 **threatened or pending litigation in which the public body is or may become a participant in, Moved**  
18 **by Mayor Pro Tem Arzabal, Seconded by Trustee Johnson-Burick.**

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

20 **Mayor Pro Tem Arzabal Yes**

21 **Trustee Bernal Yes**

22 **Trustee Flores Yes**

23 **Trustee Johnson-Burick Yes**

24

25 **Entered Closed Session at 6:15 p.m.**

26

27 **Motion to enter regular session after discussing limited personnel matters and Section 10-15-1(H) 7**  
28 **for the purpose of discussing threatened or pending litigation in which the public body is or may**  
29 **become a participant in, Moved by Mayor Pro Tem Arzabal, Seconded by Trustee Johnson-Burick.**

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

31 **Mayor Pro Tem Arzabal Yes**

32 **Trustee Bernal Yes**

33 **Trustee Flores Yes**

34 **Trustee Johnson-Burick Yes**

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**Enter regular session 7:17 p.m.**

- b. First Reading & Public Hearing concerning proposed Ordinance 2015-01: an ordinance granting Zia Natural Gas Company, a franchise in the Town of Mesilla, Dona Ana County, State of New Mexico. – **Cynthia Stoechner-Hernandez, Clerk-Treasurer**

Ms. Stoechner-Hernandez stated Ordinance 2015-01 is a franchise agreement with Zia Natural Gas Company for the term of 25 years at 2.5% GRT they receive; that is what will be paid to Mesilla.

Mayor Barraza opened the Public Hearing

Mrs. Krueger stated the Public Hearing for items B and C were posted for 6:00 p.m.; it is now 7:00 p.m. People would not have a chance to speak since the regular meeting was started at 6:00 p.m. The Public Hearings were posted separate from the agenda. In order to do this legally; these Public Hearings must be reposted for a time the hearings will be held. You cannot give such inaccurate information and expect the public to be involved.

Mr. Chris Alexander asked if Zia Gas was purchased from Rio Grande Gas and will Mesilla receive 2.5% even when the gas products go up or down.

Mayor Barraza stated the franchise tax is in addition.

Ms. Stoechner-Hernandez responded as the agreement states it is 2.5% for each household within the town limits.

Mayor Barraza stated there is a stipulation that it can be brought back to the board after five years for review.

Mr. Alexander stated so it is 25 years; renewable every 5 years.

Ms. Stoechner-Hernandez responded the Public Hearings were posted for 6:00 p.m. She was unaware that it had to be posted for the time they were to be held. She will check with the attorneys to see if it is legal and apologized if it isn't.

Mayor Barraza closed Public Hearing

1 Mayor Flores stated it does not hurt to give the public the opportunity to speak. She recommends  
2 reposting and being clear on the times for the public hearings.

3  
4 Mayor Barraza responded this is the first reading. A second Public Hearing posting will be done with the  
5 times.

- 6  
7 c. First Reading & Public Hearing concerning proposed Ordinance 2015-02: an ordinance  
8 adopting the Town of Mesilla Local Economic Development Plan to implement the authority  
9 provided by the New Mexico Local Economic Development Act (5-10-1 to 5-10-13 NMSA  
10 1978). –**Cynthia Stohner-Hernandez, Clerk-Treasurer**

11 Ms. Stohner-Hernandez stated LEDA was discussed at a prior meeting. She encourages the board to  
12 review it thoroughly. She will provide copies to any interested resident.

13  
14 Mayor Barraza opened Public Hearing

15  
16 Mr. Alexander stated Mesilla’s focus has always been historical preservation. The concern is having  
17 outside sources making recommendations. In the past everyone running Mesilla has done a good job in  
18 maintaining historical preservation. This act is the Catullus for economic development. That is not  
19 necessarily good for all communities. Mesilla is one of the few communities that does not have that plan  
20 in place. It has not hindered the town for not having it. In his opinion it would be the dagger of death.  
21 We would not have much options on what would be allowed to come into the Town of Mesilla. There  
22 would be an outside board making the decisions for the town; that is not why this board was elected. He  
23 does not feel it will help Mesilla. It is more beneficial to have a commercial use than residential; so the  
24 board will approve the businesses. He understands this ordinance will allow development in all zones as  
25 long as it economic beneficial for the town. This will help LLC, private companies incorporate with  
26 government entities to make changes. Our community has done very well in preserving itself even  
27 through the worse economic times. We may not have grown but do we want our population to change.  
28 This will bring housing tracks, etc.; there will be grant money available but that will not help the  
29 preservation of Mesilla. The trustees were elected with the understanding of protecting and preserving  
30 the Town of Mesilla. This does not fit Mesilla.

31  
32 Mr. Garcia stated he was confronted by some individuals who indicated once the ordinance is passed they  
33 will build warehouses even in the historical zone. He was told the residents or the town will not have  
34 anything to say on what will be built or brought into Mesilla.

1 Mayor Barraza closed Public Hearing. She asked Ms. Stoechner-Hernandez to clarify the ordinance.

2

3 Ms. Stoechner-Hernandez stated this act does not affect our zones. They will have to abide by the Town of  
4 Mesilla's zoning code. The trustee's will have the opportunity to approve or deny the project according  
5 to the town's ordinance. This will not affect our code; it is another tool for economic development.

6

7 Mayor Barraza clarified the town is not obligated to accept any proposal that comes forth to the Planning  
8 and Zoning or the trustees.

9

10 Mr. Alexander stated the language should be *shall* instead of *may*.

11

12 **d. Appointment of a Mayor Pro-Tem to serve for one year pursuant to MTC 2.15.060 – Nora L.**  
13 **Barraza**

14

15 **Motion: To approve the appointment of a Linda Flores as Mayor Pro Tem to serve for one year**  
16 **pursuant to MTC 2.15.060, Moved by Trustee Johnson-Burick, Seconded by Trustee Arzabal.**

17

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

19 **Mayor Pro Tem Arzabal Yes**

20 **Trustee Bernal Yes**

21 **Trustee Flores Yes**

22 **Trustee Johnson-Burick Yes**

23 **e. For Approval: the temporary hire of a part-time employee to do Codes Enforcement.**  
24 **Cynthia Stoechner-Hernandez, Clerk-Treasurer.**

25

26 Ms. Stoechner-Hernandez asked to approve Mr. Harry Evans as a temporary part-time hire for Codes  
27 Enforcement.

28

29 **Motion: To approve the temporary hire of a part-time employee to do Codes Enforcement, Moved**  
30 **by Mayor Pro Tem Arzabal, Seconded by Trustee Bernal.**

31

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

33 **Mayor Pro Tem Arzabal Yes**

34 **Trustee Bernal Yes**

35 **Trustee Flores Yes**

36 **Trustee Johnson-Burick Yes**

37

1 f. For discussion: the proposal of a second fire station. –**Kevin Hoban, Fire Chief.**

2 *Removed from agenda pending a worksession*

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4 g. For approval: a memorandum of understanding between the Town of Mesilla and the United  
5 States Attorney’s Office regarding the Assignment of Town of Mesilla Employees to work  
6 in the United States Attorney’s Office. – **Cynthia Stoechner-Hernandez, Clerk-Treasurer**

7  
8 Ms. Stoechner-Hernandez stated the United States Attorney’s Office is part of HIDTA. This agreement is  
9 only to cover us until they transition to the City of Las Cruces. Mr. Darden has approved the  
10 memorandum.

11  
12 **Motion: To approve a memorandum of understanding between the Town of Mesilla and the United**  
13 **States Attorney’s Office regarding the Assignment of Town of Mesilla Employees to work in the**  
14 **United States Attorney’s Office, Moved by Mayor Pro Tem Arzabal, Seconded by Trustee Flores.**

15  
16 **Roll Call Vote: Motion passed (summary: Yes = 4).**

17 **Mayor Pro Tem Arzabal Yes**

18 **Trustee Bernal Yes**

19 **Trustee Flores Yes**

20 **Trustee Johnson-Burick Yes**

21  
22 h. Resolution 2015-03: A resolution authorizing Mayor Barraza to sign off on non-economic  
23 policy during union negotiations. –**Nora L. Barraza, Mayor.**

24  
25 Ms. Stoechner-Hernandez stated the town has entered into union negotiations with the Fraternal Order of  
26 Police. Mr. Cervantes recommended bringing this resolution to the board authorizing Mayor Barraza to  
27 sign non-economic parts of the bargaining agreement; nothing to do we budget. We have to go over the  
28 non-economic before we can get to the economic.

29  
30 **Motion: To approve a resolution authorizing Mayor Barraza to sign off on non-economic policy**  
31 **during union negotiations, Moved by Mayor Pro Tem Arzabal, Seconded by Trustee Bernal.**

32  
33 Trustee Johnson Burick asked for clarification what is non-economic.

34  
35 Ms. Stoechner-Hernandez responded it simple policies such as who provides firearms, leave requests, type  
36 of uniforms.

1 Mayor Barraza stated non-economic is anything that does not involve dollars. type of uniforms anything  
2 that does not involve dollar amounts. It is basic policy which is part of the Town of Mesilla Personnel  
3 Handbook. Be reassured once it is in place the whole packet will come to the board for their approval.  
4 They recommended bring it in pieces to the board which she did not feel that was a good thing. They  
5 requested that the board approve her to sign off on the non-economic portion. Her goal is to bring the  
6 complete packet to the board for approval, disapprove or make changes. Ultimately the trustees will have  
7 the final vote.

8  
9 **Roll Call Vote: Motion passed (summary: Yes = 4).**

10 **Mayor Pro Tem Arzabal Yes**

11 **Trustee Bernal Yes**

12 **Trustee Flores Yes**

13 **Trustee Johnson-Burick Yes**

14  
15 **7. \*STAFF REPORTS**

16 Community Programs

17 Community Development

18 Finance Department

19 Fire Department

20 Marshal's Department

21 Public Works Department

22  
23 **7. BOARD OF TRUSTEE COMMENTS**

24  
25 Trustee Flores stated Ms. Krueger indicated the community wants to do away with the fire department.  
26 When she sees the difference in response time when firefighters are on site and when they are not you add  
27 4 minutes to the response time. Time is very important and it could mean your life. She would never  
28 support getting rid of the fire department. We have very qualified firefighters and she is glad they are  
29 there. She understands people thinking we can save money and the county will take care of us. She is  
30 very glad that they are there. Mr. Caro indicated he does not approve us going off site helping in  
31 emergencies. She feels that is training for our firefighters; our firefighters are prepared because they get  
32 training when helping in other areas. She saw where Captain Alber went to Fire Fighter Intervention.  
33 This is a way to keep youths out of our detention centers; sounds like an excellent program. If you can  
34 keep a child out of the detention center is paramount. She is saddened to see we have lost some cadets.

35  
36 Fire Chief Hoban stated Captain Alber did that on his own time. The issue of the cadets; not everyone is  
37 built to do this job. He does not feel bad loosing cadets but he does feel bad when loosing seasoned

1 firefighters. Many firefighters around the state got their start in Mesilla in becoming professional  
2 firefighters. A professional firefighter does not have to do if you are paid but on how you conduct your  
3 business and the certification that you hold. We currently have more Fire 2certified firefighters than in  
4 the entire time he has been in Mesilla; 13 years. It has a lot to be said for the motivation of the  
5 firefighters. If the Town of Mesilla would entertain the idea of not having a fire station it would be for  
6 free. As much as feasibility studies about what we do in a fire department are a good thing; it would need  
7 to show if it would really help the town. His job is keep his volunteers motivated; they are not getting  
8 paid for this. How the town responds and supports them determines whether they want to make a stay.

9  
10 Trustee Flores reiterated she would like a worksession regarding the second fire station.

11  
12 Mayor Pro Tem Arzabal stated the Saturday event was good. Before we look at a second fire station we  
13 should complete the first one. There is a lot of history in this building regarding the residents requesting a  
14 higher GRT which is at the highest and cannot go higher. He asked where the money is going to come  
15 from. He would have a hard time asking the residents. There is no dollar amount on public safety. The  
16 town has a fire station. We have a good fire chief who does a good job. Ms. Krueger made a good  
17 recommendation. We need to answer questions before we look at a second fire station.

18  
19 Trustee Bernal stated the Fire Chief responded to our call which is prime example. His response time was  
20 awesome. The Fire Chief does a lot for our community and schools; we cannot ask for more. Public  
21 Safety has always been #1 for him. He supports the chief 100% but he agrees with Mayor Pro Tem  
22 Arzabal and Mr. Alexander. The Fire Chief goes over and beyond.

23  
24 Trustee Johnson-Burick stated she echoes Mayor Pro Tem Arzabal's comments. We need to finish what  
25 we have. A question will be where is the funding going to come from for the maintenance of the  
26 building. Our community has a 5.4 square mile radius; she does not see the need for a second fire station.  
27 We have an MOU with the City of Las Cruces and Dona Ana County. At the last meeting Mr. Lee had an  
28 issue with a conflict of interest. We should have disclosures signed by all elected officials and town  
29 employees. We were talking about Animal Control issues in our community and the fact that it comes at  
30 a price. Four billings at \$250 are minimal in order to protect the safety and security of our residents. If it  
31 is an issue that we cannot call Animal Control than we need to look at increasing the budget; nothing is  
32 worth the cost for our residents.

33  
34 Mayor Barraza stated the presentation was to explain where the funding was coming from and how there  
35 would be no cost to the town. A worksession is to discuss what has already been presented. We will

1 have to find a way to have the presentation, followed by a worksession and continued with a Public  
2 Hearing. Fire Chief Hoban provides a very detailed monthly report. She cannot speak for prior  
3 administration; what the plans were and what he told to the residents. She can answer the questions since  
4 she has been as mayor. The Dona Ana Clean and Beautiful event was successful. She went to Santa Fe  
5 to accept the Engineering Excellence Award 2015 for the Town of Mesilla Plaza. She and Ms. Stoechner-  
6 Hernandez have started working on the budget to see what department heads have submitted. A budget  
7 worksession will be scheduled for Wednesday, April 29<sup>th</sup> at 4:30 p.m. The preliminary budget needs to  
8 be approved and submitted to Department of Finance by May 29<sup>th</sup>. On Friday, April 17<sup>th</sup> Mesilla  
9 Elementary will plant a tree at Conmemorativo Park. The British Car Show will be on Saturday, April  
10 25<sup>th</sup>.

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12 **8. ADJOURNMENT**

13 **Motion: To adjourn, Moved by Mayor Pro Tem Arzabal, Seconded by Trustee Bernal.**

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

16 **Mayor Pro Tem Arzabal Yes**

17 **Trustee Bernal Yes**

18 **Trustee Flores Yes**

19 **Trustee Johnson-Burick Yes**

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22 **MEETING ADJOURNED AT 8:05 P.M.**

23  
24 **APPROVED THIS 27<sup>TH</sup> DAY OF APRIL, 2015.**

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27 \_\_\_\_\_  
28 Nora L. Barraza

29 Mayor  
30

31 **ATTEST:**

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34 \_\_\_\_\_  
35 Cynthia Stoechner-Hernandez  
36 Town Clerk/Treasurer  
37