



**BOARD OF TRUSTEES
TOWN OF MESILLA
REGULAR MEETING
MONDAY, MARCH 25, 2019
6:00 P.M.**

- TRUSTEES:** Nora L. Barraza, Mayor
Jesus Caro, Mayor Pro Tem (absent)
Carlos Arzabal, Trustee (absent)
Veronica Garcia, Trustee
Stephanie Johnson-Burick, Trustee
- STAFF:** Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
K.C. Alberg, Marshal
Kevin Hoban, Fire Chief
Rod McGillivray, Public Works Director
Lawrence Shannon, Community Development
Gloria Maya, Recorder
- PUBLIC:** Susan Krueger

1. PLEDGE OF ALLEGIANCE

Mayor Barraza led the Pledge of Allegiance.

2. ROLL CALL & DETERMINATION OF A QUORUM

Roll Call.

Present: Mayor Barraza, Trustee Garcia, Trustee Johnson-Burick.

3. CHANGES TO THE AGENDA & APPROVAL

Mayor Barraza requested removing item 5b from the consent agenda and placing it on the regular agenda.

Trustee Garcia addressed the corrections need to the March 11th minutes.

Motion: To approve agenda as amended, **Moved by** Trustee Johnson-Burick, **Seconded by** Trustee Garcia.

Roll Call Vote: Motion passed (**summary:** Yes =2).

Trustee Garcia Yes

Trustee Johnson-Burick Yes

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

Ms. Krueger stated the Black Rat Tattoo application identifies the casita as an Air b&b which the Town of Mesilla does not have a definition for. This looks like it will be a home occupation which is not allowed in a

1 Commercial or Historic Commercial Zones. She cited Town Code 18.45.020. This may need a Special Use
2 Permit.

3
4 **5. *APPROVAL OF CONSENT AGENDA – The Board will be asked to approve by one motion**
5 **the following items of recurring or routine business. The Consent Agenda is marked with an**
6 **asterisk *:**

7 **Motion:** To approve consent agenda as amended, **Moved by** Trustee Johnson-Burick, **Seconded by** Trustee
8 Garcia.

9
10 **Roll Call Vote:** Motion passed (**summary:** Yes =2).

11 Trustee Garcia Yes

12 Trustee Johnson-Burick Yes

13
14 **A. *BOT Minutes** – Minutes of a Work Session and Regular meeting of March 11, 2019.
15 Ms. Garcia requested correction to the agenda. *Approved by consent agenda*

16 **B. *PZHAC Case 060653** – 2196 Calle de Medanos, submitted by Conrad Estrada of Images N’Iron
17 for Little Fawn Boland; a request to modify an approved zoning permit to allow the installation of
18 gates on the front wall of a dwelling at this address. Zoned: Historical Residential (HR).

19
20 Mr. Shannon stated the resident would like to install metal folding frame gates with automatic closures. The
21 gates on the left will extend to the curb, gates on the east side will have one side extend into the property and the
22 other extend out to the curb. The gate on the right-hand side when folded will be 2” lower than the wall.

23
24 Mayor Barraza asked who will monitor that the gates do not remain open. She understands that the panels will
25 not be metal.

26
27 Mr. Shannon responded the panels will be cedar with metal framing.

28
29 Mayor Barraza stated the gates should be limited to 3ft in height to be in compliance with the ordinance.

30
31 Trustee Johnson-Burick stated she is also concerned on how the gates will be monitored.

32
33 Mr. Shannon responded the gates will swing up to the curb; they are not allowed to go into the street.

34
35 Mayor Barraza stated she understands the 2 doors will fold like an accordion.

36
37 Trustee Garcia stated she has the same concerns.

38
39 Mayor Barraza stated if this is approved, Mr. Shannon will need to monitor the construction of the gates to
40 insure they follow what is proposed and what is being approved.

41
42 **Roll Call Vote:** Motion passed (**summary:** Yes =2).

43 Trustee Garcia Yes

44 Trustee Johnson-Burick Yes

45
46 **C. * PZHAC Case 060863** – 2417 & 2419 Calle de Parian, submitted by Davie and Kelly Salas; a
47 request for a zoning permit to allow the construction of short latia privacy fences on patios
48 attached to the two dwellings at the rear of these properties. Zoned: Historical Residential (HR).
49 *Approved by consent agenda*

1
2 **6. OLD BUSINESS:**

3 **A. PZHAC Case 060848** – Southwest corner of Calle de Correo and Avenida de Mesilla, submitted
4 by Ruben Contreras for Brittany Bloch (“Black Rat Tattoo”), a request for a zoning permit to
5 construct a small commercial building and a casita on a vacant property at this location. Zoned:
6 Historical Commercial (HC).

7
8 Mr. Shannon stated the Planning and Zoning interpreted this is allowed in the Commercial Zone; cited the
9 ordinance. This application meets parking requirement as well. Short Term Rental is the term we are using and
10 would be allowed.

11
12 Mayor Barraza stated she was concerned with the size of the property and what was being proposed. There was
13 a conflict on what the Town of Mesilla and what Dona Ana County has for the size of the property. Mr.
14 Shannon used the information on the parcel map. She cited code 18.45.020. The buildings are on the property
15 lines in some areas with no setbacks. The residential area does not show a ponding area. A Site Development
16 Plan was provided. There was a concern there would be enough space for a vehicle to back up and exit lot. She
17 would like to see a site plan that shows exact dimensions. She has a concern having residential and commercial
18 on same lot.

19
20 Trustee Johnson-Burick stated she expressed her concerns at the last meeting. Trustee Arzabal also brought up
21 there is not an Airbnb ordinance in place. She is concerned with having residential such as a casita in a
22 Commercial Zone and opening precedent. She is not comfortable with this application as it states it will be a
23 rental property.

24
25 Trustee Garcia asked if this does not work out what will be the next option. She would like for them to reapply
26 with correct information. She is not comfortable with this currently.

27
28 Mayor Barraza stated she is not against a tattoo shop. The proposed buildings are beautiful and would enhance
29 that area. She is concerned with have 2 separate buildings on a small lot. The Steinborn building was
30 residential and commercial at one time. It is now commercial and an Airbnb in one building. Making it one
31 building could be an option. We want to work with the applicants, but we need to do what is right for the Town
32 of Mesilla. She asked if the board what they would like to do.

33
34 Trustee Johnson-Burick stated she would like to vote this evening on what is before them and called for the
35 question

36
37 **Motion:** To approve **PZHAC Case 060848** – Southwest corner of Calle de Correo and Avenida de Mesilla,
38 submitted by Ruben Contreras for Brittany Bloch (“Black Rat Tattoo”), a request for a zoning permit to
39 construct a small commercial building and a casita on a vacant property at this location. Zoned: Historical
40 Commercial (HC), **Moved by** Trustee Johnson-Burick, **Second by** Trustee Garcia.

41
42 Trustee Johnson-Burick reiterated it is not about the business itself, it is about the casita.

43
44 Mr. Shannon stated the approval is for a commercial building not a business.

45
46 **Roll Call Vote:** Motion FAILED (summary: No =2).

47 Trustee Garcia No

48 Trustee Johnson-Burick No

1 **B. For Approval: Ordinance 2018-03**: amending Chapter 6.05 Animal Control. – *K.C. Alberg,*
2 *Marshal.*

3 Mayor Barraza stated we have had worksessions, several discussions and a 1st Reading on this proposed
4 ordinance. We have requested community input during this process as well. Recommendations and comments
5 were made by Mr. John Darden and Trustee Johnson-Burick. As per Ms. Stoechner-Hernandez we would have to
6 begin the process again if we incorporate the comments we just received.

7
8 Marshal Alberg responded he did review some of the comments and some of these items are defined in State
9 Law which people cannot hide behind. We have done a comprehensive sweep of draft procedures that will come
10 to the board. Not options have the same authority.

11
12 Mayor Barraza stated there are some needed typo corrections.

13
14 Trustee Garcia asked who pays when an animal must be put down.

15
16 Marshal Alberg responded when needed we call the county and we pay for impounding cost. If an animal is
17 taken into custody, we are responsible for the bill and attempt recovery through the court.

18
19 Trustee Johnson-Burick stated she is also looking at it as a liability issue. She asked if some of these things can
20 be addressed in the operating procedures.

21
22 Marshal Alberg responded he presented a copy for potential adoption by the board. The draft is not set in stone.
23 The ordinance does not need to redefine what State Law already defines.

24
25 Trustee Johnson-Burick stated she appreciates his understanding of the issues.

26
27 Marshal Alberg stated we are committed to educating our residents. We would like to do TNR conjunction with
28 our partners.

29
30 Mayor Barraza stated she could not find the section referenced by Trustee Johnson-Burick email.

31
32 Trustee Johnson-Burick responded she referenced the wrong section; it was in the minutes from the last
33 meeting.

34
35 Marshal Alberg stated if there is extreme cruelty; beyond what we would feel comfortable taking to the
36 municipal judge, we would go under State Law as this ordinance would have no bearing.

37
38 **Motion:** To approve Ordinance 2018-03: amending Chapter 6.05 Animal Control, **Moved by** Trustee Johnson-
39 Burick, **Seconded by** Trustee Garcia.

40
41 **Roll Call Vote:** Motion passed (**summary:** Yes =3).

42 Trustee Garcia Yes

43 Trustee Johnson-Burick Yes

44 Mayor Barraza Yes
45

46 **C. Resolution 2019-01**: A resolution establishing a schedule of fines, fees and penalties per MTC
47 (Mesilla Town Code) Chapter 6.05 Animal Control. – *K.C. Alberg, Marshal.*

48 Marshal Alberg read Resolution 2019-01.

49
50 **Motion:** To approve Resolution 2019-01: A resolution establishing a schedule of fines, fees and penalties per

1 MTC (Mesilla Town Code) Chapter 6.05 Animal Control, **Moved by** Trustee Johnson-Burick, **Seconded by**
2 Trustee Garcia.

3
4 Trustee Johnson-Burick asked if fee adjustments will be brought back to the board for an increase if it is felt it is
5 needed.

6
7 Marshal Alberg responded he will come to the board for an increase; we need to be fiscally responsible.

8
9 Mayor Barraza stated by passing a resolution avoids having to change the ordinance each time.

10
11 **Roll Call Vote:** Motion passed (**summary:** Yes =2).

12 Trustee Garcia Yes

13 Trustee Johnson-Burick Yes
14
15

16 7. NEW BUSINESS:

17 **A. Resolution 2019-03:** A resolution declaring an emergency of the water system for repairs to be
18 completed in the Raasaf Hills area. – **Nora L. Barraza, Mayor.** (*ADDED 3/22/19 @ 2:44 PM*)
19 Mr. McGillivray reviewed the issues that are being encountered. We are looking at an estimate of \$40K.

20
21 Mayor Barraza stated we are fortunate that we have the money in our Enterprise Fund.

22
23 Ms. Stoechner-Hernandez stated we do have the money in the bank, but a budget adjustment will need to be
24 made.

25
26 Mayor Barraza stated we were receiving calls from the residents in the Rasaaf area. Pure Ops assisted in getting
27 water for the area as a temporary fix. This is a repair that is needing to be done.

28
29 Trustee Johnson-Burick asked if the part that we waited 8 weeks to come in did not work.

30
31 Mr. McGillivray responded the part worked but we could not find the valve to shut off the water. This is the
32 beginning of a major renovation that is needed.

33
34 Trustee Johnson-Burick asked if any of this would involve the city or would the town be absorbing all the cost.

35
36 Mayor Barraza responded this is our water system. We are fortunate we have the money to do these fixes. As
37 Mr. McGillivray stated this is the beginning of a long-term project. The Raasaf Hills water system, which we
38 got from Jornada Water, creating all the problems belongs to the town. We are speaking to engineers on how to
39 correct these problems we inherited. We will be looking for grants or we may have to go out for a loan. We
40 are looking at tapping into Colonia Funding since it belongs to the county. The board will be kept posted.

41
42 Trustee Garcia asked how much did Pure Ops charge for the temporary fix and is that coming out of the \$40K.
43 She asked what we will do if it cost more than \$40K.

44
45 Mr. McGillivray responded Pure Ops fee is not coming out of the \$40K.

46
47 Mrs. Stoechner-Hernandez responded for procurement purposes we can go up to \$60K before going out to RFP.
48 If it goes over the \$60K we will have the approved resolution declaring an emergency, and therefore, we will
49 not break procurement rules. She does not foresee it going over the \$40K but there is money in the bank if it
50 does.

1
2 Trustee Garcia asked when we will know.
3
4 Ms. Stoechner-Hernandez responded we will be getting a cost estimate this week.
5
6 Mr. McGillivray stated we will give the board an update.
7
8 Mayor Barraza stated this will be a long-term fix. We are looking at doing away with that well and tying the
9 area into our wells. The cost would be from \$200K to \$350K to fix the total problem; we cannot afford to pay
10 back a loan. We will look at what is best for the town.
11
12 Mr. McGillivray stated the project could possibly be done in phases.
13
14 **Motion:** To approve Resolution 2019-03: A resolution declaring an emergency of the water system for repairs
15 to be completed in the Raasaf Hills area, **Moved by** Trustee Johnson-Burick, **Seconded by** Trustee Garcia.
16
17 Mayor Barraza stated the resolution will come into play if it is over \$60K.
18
19 **Roll Call Vote:** Motion passed (**summary:** Yes =2).
20 Trustee Garcia Yes
21 Trustee Johnson-Burick Yes
22
23 **B. For Appointment:** A Mayor Pro-Tem to serve for one year pursuant to MTC 2.15.060.
24 Trustee Garcia nominated Trustee Johnson-Burick as Mayor Pro-Tem.
25
26 **Motion:** To approve the appointment of Trustee Johnson-Burick as Mayor Pro-Tem to serve one year, **Moved**
27 **by** Trustee Garcia, **Seconded by** Trustee Johnson-Burick.
28
29 **Roll Call Vote:** Motion passed (**summary:** Yes =2).
30 Trustee Garcia Yes
31 Trustee Johnson-Burick Yes
32
33 **C. For Appointment:** a representative to serve on each of the following committees:
34 • Southwestern Area Workforce Development Board – Trustee Arzabal (2 years)
35 Mayor Barraza (alternate)
36 • South Central Council of Governments, Inc. – Mayor Barraza (2 years)
37 Trustee Arzabal (alternate)
38 • Lower Rio Grande Water Users Organization – Trustee Caro (2 years)
39 Mr. McGillivray
40 • Metropolitan Planning Organization (MPO) – Mayor Barraza
41 Mayor Pro Tem Johnson-Burick
42 Trustee Garcia
43 • South Central Regional Transit District (RTD) – Mayor Barraza
44 Trustee Garcia (alternate)
45 • MPO Technical Advisory Committee – Mr. Shannon
46 Mr. Gillivray
47 Mr. Lucero

- MPO Bicycle Committee

– Ms. Curry
Sergeant Shepan

Motion: To approve the appointment of representatives to serve on committees, **Moved by** Mayor Pro Tem Johnson-Burick, **Seconded by** Trustee Garcia.

Roll Call Vote: Motion passed (**summary:** Yes =2).

Trustee Garcia Yes

Trustee Johnson-Burick Yes

8. BOARD OF TRUSTEE COMMITTEE REPORTS

Trustee Johnson-Bruick stated a Special MPO meeting was held for the hiring of the MPO manager; second interviews will be held Thursday, April 4th.

Mayor Barraza stated last Thursday we had a wonderful Designation of Wilderness Area celebration at La Cueva picnic area. Attended Special MPO Meeting; RTD meeting cancelled; SCCOG quarterly meeting March 29th at 10:00 a.m. at City Hall; offices will be closed Monday, April 1st; NMML District Meeting will be April 2nd at Hotel Encanto; Board of Trustees meeting will be Monday, April 8th. We are beginning the budget process; worksession will be schedule for preliminary planning. We will have a 1st reading of the Fire Ordinance on April 8th. Ms. Stohner-Hernandez and I are working on the Sign Ordinance.

9. BOARD OF TRUSTEE/STAFF COMMENTS

Trustee Garcia stated she would like to attend the NMML meeting on April 2nd. She thanked Marshal Alberg for his work on the Animal Control ordinance.

Trustee Johnson-Burick thanked staff for all their hard work and what they do for the residents.

Mayor Barraza appreciates the board recognizing the staff for all they do for the town and its residents.

10. ADJOURNMENT

The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes-3)


MEETING ADJOURNED AT 7:22 P.M.

APPROVED THIS 8TH DAY OF APRIL, 2019.



Nora L. Barraza
Mayor

ATTEST:



Cynthia Stohner-Hernandez
Town Clerk/Treasurer

