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**BOARD OF TRUSTEES
TOWN OF MESILLA
REGULAR MEETING
TUESDAY, MAY 28, 2019
6:00 P.M.**

- TRUSTEES:** Nora L. Barraza, Mayor
Stephanie Johnson-Burick, Mayor Pro Tem
Carlos Arzabal, Trustee (absent)
Jesus Caro, Trustee
Veronica Garcia, Trustee
- STAFF:** Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
Kevin Hoban, Fire Chief
Rod McGillivray, Public Works Director
Lance Shepan,
Gloria Maya, Recorder
- PUBLIC:**
- | | |
|------------------|--------------------|
| S. Schafer | Lindsey Bachman |
| Guinevere McMann | C. Alexander |
| John Estrada | Lety Flores |
| John Fietze | Eric Walkinshaw |
| Ruben Contreras | Paul Taylor |
| Mary Ratje | Brittany Bloch |
| Amanda Askin | Robert Kinney |
| Rosa Rodriguez | Susan Krueger |
| Maggi Davidson | James McBride |
| Don Toomey | Mary Toomey |
| Trina Witter | Russell Hernandez |
| Pat Taylor | Bill & Janice Cook |
| Mike T | |

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 Johnson-Burick, Trustee Caro, Trustee Garcia.

1
2 **3. CHANGES TO THE AGENDA & APPROVAL**

3 Mayor Barraza requested removing Cases #060848, #060896 from the consent agenda and removing
4 under new business item 6B from the agenda.

5
6 **Motion:** To approve agenda as amended, **Moved by** Trustee Johnson-Burick, **Seconded by** Trustee Caro.
7

8 Mayor Pro Tem Johnson-Burick stated the attendees may speak during public input regarding Colonias.

9
10 **Roll Call Vote:** Motion passed (**summary:** Yes =3).

11 Mayor Pro Tem Johnson-Burick Yes

12 Trustee Caro Yes

13 Trustee Garcia Yes
14

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

16 Dr. Shaefer asked if he may clarify any questions during discussion on Mr. Miller’s item.
17

18 Mayor Barraza responded yes if he is the spokesperson.
19

20 Ms. Davidson requested a meeting so that the community receives information regarding any Colonias
21 repercussions and negative consequences.
22

23 Ms. Krueger stated the board should see how the City of Las Cruces and Dona Ana attracts businesses.
24

25 Mr. Alexander stated Colonias designation is a disservice to the town. They need to look at the negative
26 areas that come with the designation. Mesilla does not meet guidelines to be designated as a Colonia.
27 Insurance rates will be higher for both businesses and residents. The only advantage is this may provide
28 money for infrastructure. We would be borrowing money putting us further into debt. New infrastructure
29 improvements should be addressed by the developers. The people from Washington told us that Mesilla
30 does not meet the guidelines. He feels it should be voted by the people on a general ballot.
31

32 Mr. Kenny stated he agrees with the prior comments. He does not see any reason we should
33 disincorporate. Colonias is substandard living areas. This would change the character of Mesilla and it
34 should be a community decision.
35

36 Mr. Hernandez stated he supports the opt in for local elections. He just got word that the grant that he and
37 Ms. Parra worked on for joint funding has been approved. This is great for extra marketing which will
38 promote our town.
39

40 Ms. Wittern stated she has the same concerns regarding Colonias designation. Mesilla does not meet
41 some of the criteria and there would be matching funds. We do not need a sewer line on Estrada Road;
42 we have septic, so she does not understand why it is being brought forth again.
43

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

4 **Motion:** To approve agenda as amended, **Moved by** Mayor Pro Tem Johnson-Burick, **Seconded by**
5 Trustee Garcia.

6
7 **Roll Call Vote:** Motion passed (**summary:** Yes =3).

8 Mayor Pro Tem Johnson-Burick Yes

9 Trustee Caro Yes

10 Trustee Garcia Yes

11
12 **A. *BOT Minutes** – Minutes of a Work Session and Regular meeting of May 13, 2019.

13 *Approved by consent agenda*

14 **B. *PZHAC Case 060848** – Submitted by Ruben Contreras for Brittany Bloch; a request for a
15 zoning permit to construct two commercial buildings on a property at 1901 Calle de Correo.
16 **Zoned: Historical Commercial (HC).**

17 **Motion:** To approve PZHAC Case 060848-Submitted by Ruben Contreras for Brittany Bloch; a request
18 for a zoning permit to construct two commercial buildings on a property at 1901 Calle de Correo, **Moved**
19 **by** Mayor Pro Tem Johnson-Burick, **Seconded by** Trustee Garcia.

20
21 Mr. Hernandez stated during the Planning and Zoning discussion Ms. Bloch applied for buildings that
22 would house a tattoo shop and a hotel (short term rental) which is allowed in the commercial district.

23
24 Mayor Barraza stated at this time the board does not have a definition for Airbnb. They are building up to
25 the lot line.

26
27 Mr. Hernandez responded it is zero lot line which is permitted in the Historical Zone.

28
29 Mayor Barraza stated she believes permission must be given by abutting property owners to build up to
30 the lot line. The building should be 3 ft. from the property line and wall should be of fire resistive
31 material.

32
33 Mr. Hernandez stated the lot line is on the street. Reviewed the drawing

34
35 Mayor Barraza stated the house and the fence is on the property line.

36
37 Mr. Hernandez reviewed the drawing.

38
39 Mayor Pro Tem Johnson-Burick stated she was uncomfortable with the first plans. This is the Historic
40 Commercial Zone so she will be more conservative. The application states Casita; a casita means house.
41 Read meaning for hotels-this is a one room residence. Short term changed to long term would change
42 unit to residential. She interrupts it to be already residential. Read sections. Residential in a commercial
43 zone will set precedent.

1 Mayor Barraza asked how many properties in the Historic Commercial have an Airbnb.
2
3 Ms. Stohner-Hernandez responded she believes there is one.
4
5 Mayor Pro Tem Johnson-Burick stated the Steinborn Building is within the building itself. She felt better
6 when is was one building.
7
8 Mr. Hernandez stated the applicant was unclear on what the board was looking at.
9
10 Mr. Contreras stated he is here to see if there are options for them to move forward. They do not want to
11 set the wrong precedent; go through the correct channels.
12
13 Mayor Barraza stated there are three or four areas that have a commercial building with an Airbnb.
14
15 Mr. Contreras stated precedent has already been set.
16
17 Mayor Barraza stated she wants to know how do the Airbnbs fit into the community.
18
19 Mayor Pro Tem Johnson-Burick stated those are established are in a residential zone. We have spoken on
20 how we can work and help our business owners be successful.
21
22 Ms. Bloch stated she understood the property was zoned Commercial Residential. She has clients that
23 come from other areas and felt it would be nice for them to stay in Mesilla.
24
25 Mayor Barraza asked would it be considered one building if they were connected. She is also concerned
26 with the zero-property line which may cause problems as well as the ponding.
27
28 Mayor Barraza agreed it would be up to the applicant.
29
30 Mayor Pro Tem Johnson-Burick stated the plans are beautiful and would add to the area.
31
32 Mr. Contreras stated the buildings are combined with a horizontal exit which is covered with a lattice
33 structure. One property to the south would be the one that would conflict with other property owners.
34 We are 3 ft. with a fire rated wall with no opening; there is no fence on that side.
35
36 Mr. Hernandez stated the drainage situation was brought up. There is a spot in the front that goes to the
37 back of the parking lot.
38
39 Mr. Contreras stated it slopes toward the west toward the parking lot.
40
41 Mayor Barraza reiterated there is a designated area in the parking lot. She asked where the runoff from

1 the front of the building go.
2
3 Mr. Contreras responded it will collect in the garden area in front of the residence.
4
5 Mayor Barraza asked if there is a 3 ft. set back on the north side.
6
7 Mr. Contreras responded residence is on the property line to the north which is Calle Correo and it has no
8 neighbors.
9
10 Mayor Barraza referred to the plans regarding the hallway.
11
12 Mr. Contreras responded it is on the roof plan which he did not provide.
13
14 Mayor Barraza stated this application can be approved with conditions. Also having the applicant submit
15 the plans showing the connection and the ponding area.
16
17 Mayor Pro Tem Johnson-Burick asked will we be requesting a Special Use Permit.
18
19 Mayor Barraza responded it would not require a Special Use Permit.
20
21 Trustee Caro stated he is concerned the zero-lot line is on the street side which is very narrow and has no
22 sidewalks.
23
24 Mr. Contreras responded we would like to add a sidewalk which would be outside the property line.
25
26 Trustee Garcia stated let us send it back to Planning and Zoning for corrections instead of adding
27 conditions.
28
29 Mayor Barraza responded Planning and Zoning has already approved the application.
30
31 Ms. Stohner-Hernandez recommended approving pending review of the final plat at worksession to
32 ensure suggestions have been included.
33
34 Mayor Barraza stated this would be at our next Board of Trustees meeting.
35
36 **Amended Motion:** To approve PZHAC Case 060848-Submitted by Ruben Contreras for Brittany Bloch;
37 a request for a zoning permit to construct two commercial buildings on a property at 1901 Calle de Correo
38 w/conditions and pending final review at a worksession prior to Board of Trustee meeting, **Moved by**
39 Mayor Pro Tem Johnson-Burick, **Seconded by** Trustee Caro.
40
41 Mr. Contreras asked if a lattice roof structure would be considered a connection or would they like to see

1 an enclosure.

2

3 Ms. Stoechner-Hernandez stated it would be up to the board's determination.

4

5 Mayor Pro Tem Johnson-Burick stated she would support what the applicant currently has.

6

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

8 Mayor Pro Tem Johnson-Burick Yes

9 Trustee Caro Yes

10 Trustee Garcia Yes

11

12 **Original Motion:** To approve PZHAC Case 060848-Submitted by Ruben Contreras for Brittany Bloch; a
13 request for a zoning permit to construct two commercial buildings on a property at 1901 Calle de Correo,
14 **Moved by** Mayor Pro Tem Johnson-Burick, **Seconded by** Trustee Caro.

15

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

17 Mayor Pro Tem Johnson-Burick Yes

18 Trustee Caro Yes

19 Trustee Garcia Yes

20

21 **C. *PZHAC Case 060895** – 1940 Calle Pecana, submitted by Henry S. Newman; a request for
22 a zoning permit to construct a dwelling on a vacant residential property at this address.

23 **Zoned: Historical Residential (HR). *Approved by consent agenda***

24

25 **D. *PZHAC Case 060896** – 1680 Calle de Alvarez, submitted by Chris Schaefer for Paul
26 Miller; a request for a zoning permit to construct a freestanding directory sign on a
27 commercial property at this address. **Zoned: General Commercial (C).**

28 Ms. Stoechner-Hernandez stated Planning and Zoning determined that the sign was needed for the
29 Mercado area.

30

31 Dr. Schaefer stated there has been work sessions with a lot of discussion. This is a request for a sign
32 permit and not a zoning permit. Mr. Miller owns the property which he plans to develop and where the
33 directory sign will be placed. His legal counsel has advised him that the control of words could infringe
34 on his first amendment rights. It would be designed to reflect the historical buildings that exist in
35 Mesilla. The sign would be an asset to Mesilla and help the businesses in this area.

36

37 Mayor Barraza stated the drawing of the sign fits into the ambiance. The ordinance reads the business
38 must be on the same lot where the sign will be erected and that is why it would need to be address through
39 a variance.

40

41 Dr. Schaefer stated it has not been determined what will be on the sign.

42

43 Mayor Barraza stated our ordinance states what can be on the sign.

44

1 Mayor Barraza recommends they go through the variance process due to the way the ordinance is written.
2 She feels there needs to be clarification.

3

4 Dr. Shaefer stated maybe there could be a conditional approval.

5

6 Ms. Stohner-Hernandez reviewed the process for a variance application. There is a 45-day timeframe.

7

8 Mayor Barraza stated property owners within 300 ft. of the site must be notified.

9

10 **Motion:** To approve PZHAC Case 060896 – 1680 Calle de Alvarez, submitted by Chris Schaefer for Paul
11 Miller; a request for a zoning permit to construct a freestanding directory sign on a commercial property
12 at this address w/condition that it go through the variance process Zoned: General Commercial (C),
13 **Moved by** Mayor Pro Tem Johnson-Burick, **Seconded by** Trustee Garcia.

14

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

16 Mayor Pro Tem Johnson-Burick Yes

17 Trustee Caro Yes

18 Trustee Garcia Yes

19

20 **E. *PZHAC Case 060902** – 2391 Calle de Parian, submitted by Robert Reynolds; a request
21 for a zoning permit to install a porch covering over a door on a dwelling at this address to
22 protect an exterior kitchen door and adobe wall from the elements. **Zoned: Historical**
23 **Residential (HR). *Approved by consent agenda***

24

25 **6. NEW BUSINESS:**

26 **A. For Discussion:** consideration of the adoption of an ordinance for the Town of Mesilla to
27 Opt-In to the Local Elections Act changing Elections to November of odd numbered years.
28 – **Nora L. Barraza, Mayor.**

29 County Clerk Askin stated Opting In is meant to consolidate elections for November. This would
30 streamline elections and would save money. There would be an election every November. Municipalities
31 have had the option to Opt-In or do nothing and Opt-out. Currently all the municipalities in Dona Ana
32 County have opted in except for the Town of Mesilla. The county would not provide any support if you
33 choose to opt out. We will provide a list of eligible voters for a fee. Early voting would be held at the
34 Dona Ana County Building and November voting will be at Mesilla Elementary.

35

36 Mayor Barraza asked how the voting date would change the election cycle.

37

38 County Clerk Askin responded the terms would be shortened since they would not take office until
39 January. The purpose is to have more voter turnout.

40

41 Mayor Barraza asked if we would have to pay for the usage of the machines. She asked what the benefits
42 are if we opt in.

43

1 County Clerk Askin responded cost saving. We have been able to maintain the integrity of elections.
2
3 Mayor Barraza stated three positions are up in 2020; those would be on ballot on November 2019 and
4 will take office in January 2020; terms will be shortened.
5
6 County Clerk Askin stated the town's elections would take place in Novembers of odd years.
7
8 Trustee Garcia stated she asked the board about this in January. She asked what the difference in cost
9 would be.
10
11 Mayor Pro Tem Johnson-Burick stated there would not an opportunity to have an MOU going forward.
12
13 Ms. Bachman stated that is something we could not support. The fee would be waived if the town choses
14 to opt in by June 30th.
15
16 Mayor Barraza stated all opted in municipalities would now be on the November ballot.
17
18 Ms. Bachman stated the municipality would still be responsible for financial reporting. There is a
19 timeframe from June to July 9th to notify us what needs to be on the ballot.
20
21 Mayor Barraza responded we do not do financial reporting. It is a long process to change an ordinance so
22 by placing it on the agenda tonight we are within their timeframe of meeting their deadline.
23
24 Trustee Garcia asked if there is a fee for placing something on the ballot.
25
26 County Clerk Askin responded there is no fee. The timeframe is 70 days from election day to add
27 questions to the ballot. We will support whatever the Town of Mesilla chooses to do.
28
29 Mayor Barraza asked if the board would like to move forward in opting in.
30
31 Trustee Garcia responded she would like to opt in.
32
33 Trustee Caro responded he is in favor of opting in.
34
35 Mayor Pro Tem Johnson-Burick responded she would like to opt in due to financial costs.
36
37 Mayor Barraza directed Ms. Stoechner-Hernandez to move forward with drafting an ordinance.
38

39 **B. Resolution 2019-06:** a resolution of the Town of Mesilla Board of Trustees designating the
40 incorporated Town of Mesilla as a Colonia within Dona Ana County. – **Nora L. Barraza,**

1 **Mayor. *Removed from agenda until a representative is present***

2
3 **C. Resolution 2019-07:** a resolution approving a Capital Outlay agreement between the Town
4 of Mesilla and the NM Environment Department in the amount of \$250,000 for the
5 completion of the McDowell wastewater improvements project. – **Rod McGillivray,**
6 **Public Works Director.**

7 Mr. McGillivray stated we were award a NMED \$250K Grant for the McDowell wastewater project.
8 This project has been broken into phases since we did not have enough money to finish the entire project.

9
10 **Motion:** To approve Resolution 2019-07: a resolution approving a Capital Outlay agreement between the
11 Town of Mesilla and the NM Environment Department in the amount of \$250,000 for the completion of
12 the McDowell wastewater improvements project, **Moved by** Mayor Pro Tem Johnson-Burick, **Seconded**
13 **by** Trustee Garcia.

14
15
16 **Roll Call Vote:** Motion passed (**summary:** Yes =3).

17 Mayor Pro Tem Johnson-Burick Yes

18 Trustee Caro Yes

19 Trustee Garcia Yes

20
21 **D. Resolution 2019-08:** A resolution supporting the 2020 Census and Participation of the
22 Town in the Dona Ana Complete Count (CENSUS) Committee. – **Nora L. Barraza,**
23 **Mayor.**

24 Mayor Barraza stated this is showing our support in the 2020 Census.

25
26 **Motion:** To approve Resolution 2019-08: a resolution supporting the 2020 Census and Participation of
27 the Town in the Dona Ana Complete Count (Census) Committee, **Moved by** Mayor Pro Tem Johnson-
28 Burick, **Seconded by** Trustee Caro.

29
30 **Roll Call Vote:** Motion passed (**summary:** Yes =3).

31 Mayor Pro Tem Johnson-Burick Yes

32 Trustee Caro Yes

33 Trustee Garcia Yes

34
35 **E. For approval:** The Town of Mesilla Preliminary Budget for FY 2019-2020 – **Cynthia**
36 **Stoehner-Hernandez, Clerk/Treasurer.**

37 Ms. Stoehner-Hernandez gave a review of the Preliminary Budget for FY 2019-2020.

38
39 Mayor Barraza stated a worksession was held on May 20th.

40
41 Mayor Pro Tem Johnson-Burick asked if the Judge's requests were accommodated.

42
43 Ms. Stoehner-Hernandez responded the Court Clerk will only be getting the fifty cent per hour increase as
44 per memorandum. It is up to the board how they want to proceed with his \$1,500 request which she did
45 not include in the budget.

1 Mayor Pro Tem Johnson-Burick stated she supports giving him the extra increases and if more is needed,
2 he is to come to the board.

3

4 Mayor Barraza asked where you would want to get it from.

5

6 Mayor Pro Tem Johnson-Burick responded we would need to get it from the General Fund.

7

8 Mayor Barraza stated the money would need to come from other departments. She stated she would give
9 up \$750 from her supplies line item.

10

11 Ms. Stoechner-Hernandez stated she will look at the mayor's budget.

12

13 Mayor Pro Tem Johnson-Burick stated she has expressed her concern to the mayor regarding a personnel
14 issue she is not comfortable with.

15

16 Mayor Barraza stated Ms. Stoechner-Hernandez has done a great job in developing the budget.

17

18 **Motion:** To approve the Town of Mesilla Preliminary Budget for FY 2019-2020 with increase \$750 to
19 the Municipal Court budget, **Moved by** Mayor Pro Tem Johnson-Burick, **Seconded by** Trustee Caro.

20

21 Trustee Garcia asked if changes can be made to the budget if they go into closed session.

22

23 Ms. Stoechner-Hernandez responded changes can be made during the final budget process.

24

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

26 Mayor Pro Tem Johnson-Burick Yes

27 Trustee Caro Yes

28 Trustee Garcia Yes

29

30 7. BOARD OF TRUSTEE COMMITTEE REPORTS

31 Trustee Garcia attended the RTD meeting; they did not add PERA or insurances in the budget as the
32 Mayor requested she ask. They made an adjustment to the budget depending on what the county
33 approves.

34 Mayor Barraza stated she attended the Census meeting. They are forming subcommittees. She brought
35 up that does communication and a central location to pick up materials to distribute. NMDOT Public
36 Hearing regarding the University Ave Project will be held on June 5th at 5:30 p.m. at the Community
37 Center. She attended the Governor's meeting on May 20th spoke on the border issues.

38

39 8. BOARD OF TRUSTEE/STAFF COMMENTS

40 Fire Chief Hoban stated he will not ask for restrictions this year; we are in good shape and are within
41 normal limits.

42

43 Trustee Garcia stated we should put the Colonias on the ballot for the residence to vote on; we are their

1 voice. She spoke to the residents regarding the Colonias and that it would be on the agenda. She has
2 done some research and does not feel comfortable voting on this resolution.

3
4 Mayor Pro Tem Johnson-Burick thanked Ms. Stoechner-Hernandez for the good job she does on the
5 budget as well as her other duties. Thanked staff for stepping up in Ms. Parra's absence. She received a
6 call from Ms. Schneider who was filled with gratitude for the service she received from Public Works.
7 The parks are looking great.

8
9 Mayor Barraza stated we had a public hearing the last time Colonias was brought up. A survey was sent
10 out and we received 32 responses. Colonias information is in their packets. There is misconception
11 regarding the designation. This is not a loan it is grant money that is available; a match may be required.
12 Our infrastructure is falling apart; outdated. This is to repair what we currently have. If we can't find
13 grant money, we will have to find a way to do these repairs. We have been fortunate that matches have
14 been waived. It will take everyone working together as a team. She will be attending NMML Board of
15 Directors meeting in Santa Fe this weekend and the Military Luncheon on June 4th in Alamogordo. A
16 NMDOT Public Hearing on Wednesday at 5:30 p.m. at the Community Center. The Summer Music
17 Series begins on Friday, June 7th and runs every Friday through July. Summer Recreation begins
18 Monday, June 3rd.

19
20 **9. ADJOURNMENT**

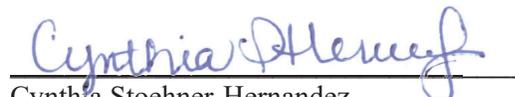
21 **The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes-3)**

22
23 **MEETING ADJOURNED AT 7:56 P.M.**

24
25 **APPROVED THIS 10th DAY OF JUNE, 2019.**

26
27
28 
29 _____
30 Nora L. Barraza
31 Mayor

32
33 **ATTEST:**

34
35 
36 _____
37 Cynthia Stoechner-Hernandez
38 Town Clerk/Treasurer
39

