



**BOARD OF TRUSTEES  
TOWN OF MESILLA  
REGULAR MEETING  
MONDAY, JUNE 24, 2019  
6:00 P.M.**

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**TRUSTEE** Nora L. Barraza, Mayor  
Stephanie Johnson-Burick, Mayor Pro Tem  
Carlos Arzabal, Trustee  
Jesus Caro, Trustee  
Veronica Garcia, Trustee

**STAFF:** Cynthia Stoechner-Hernandez, Town Clerk/Treasurer  
K.C. Alberg, Marshal  
Kevin Hoban, Fire Chief

**PUBLIC:** Russell Hernandez Susan Kruger  
Adrianna Merrick Morgan Switzer  
Lindsey Bachman Trina Witter  
Amanda Lopez Askin Felix Armijo  
Mary Helen Ratje Aurelia Caro  
Sally Williams Bill Perry

**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 Arzabal, Trustee Caro, Trustee Garcia.

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

**Motion:** To approve agenda, **Moved by Mayor Pro-Tem Johnson-Burick, Seconded by Trustee Caro.**

1 **Roll Call Vote:** Motion passed (**summary:** Yes =4).  
2 Mayor Pro Tem Johnson-Burick Yes  
3 Trustee Arzabal Yes  
4 Trustee Caro Yes  
5 Trustee Garcia Yes  
6

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

8 Ms. Bachman stated the county clerk’s office is here to assist the Town of Mesilla in whatever is decided.  
9 She reiterated there is a June 30<sup>th</sup> statutory deadline.  
10

11 Mr. Hernandez stated it is important the town has all the information in order vote. If the ordinance is not  
12 passed tonight the town can choose to opt-in in 2021. He referred to Mr. Caro’s request for a zone  
13 change; there is a contiguous line of property and Mr. Caro will need to come back for a subdivision  
14 request.  
15

16 Ms. Williams stated she is concerned with the options on the table which are unethical and may be illegal.  
17 She asked if extending the terms has been discussed with pertaining state and local offices.  
18

19 Ms. Ratje stated she is concerned regarding the ordinance. She does not understand how they can vote on  
20 something that will extend their terms. Does not feel it is right for the town.  
21

22 Ms. Witter stated she is in favor of the opt-in, but it does not seem right that trustees will vote on  
23 extending their terms.  
24

25 Ms. Nelson stated does not feel trustees should vote to extend their terms. This is a democracy; trustees  
26 are elected by the residents.  
27

28 Mr. Perry asked why we waited so long to vote on such an important issue.  
29

30 Ms. Caro stated during the April 2<sup>nd</sup> PZHAC meeting 3 commissioners present; Commissioner  
31 Hernandez, Commissioner Lucero and Commissioner Nevarez. Commissioner Lucero brought up how  
32 Mr. Caro and Mr. Perez have voted in the past which has no precedence for this specific issue as a reason  
33 for not voting for the zone change. This request should be treated with no bias. Zoning this area R1 has  
34 no impact as it is hidden at the end of the road and fails to meet the RF standards. She feels the  
35 commissioners were influenced by Commissioner Lucero.  
36

37 **5. CLOSED SESSION** – pursuant to NMSA 1978 Chapter 10-15-1(H)(2): discussion limited  
38 to personnel matters regarding the hiring of a Special Events Coordinator. – *Nora L. Barraza,*  
39 *Mayor.*

40 **Motion:** To enter Closed Session, **Moved by Trustee Arzabal, Seconded by Trustee Garcia.**  
41

42 **Roll Call Vote:** Motion passed (**summary:** Yes =4).  
43 Mayor Pro Tem Johnson-Burick Yes  
44 Trustee Arzabal Yes

1 Trustee Caro Yes  
2 Trustee Garcia Yes

3  
4 Entered Closed Session at 6:30 p.m.  
5

6 **Motion:** To enter Regular Meeting, **Moved by Mayor Pro-Tem Johnson-Burick, Seconded by Trustee**  
7 **Garcia.**

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

10 Mayor Pro Tem Johnson-Burick Yes

11 Trustee Arzabal Yes

12 Trustee Caro Yes

13 Trustee Garcia Yes

14

15 Entered Regular Meeting at 6:40 p.m.

16

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

19 **Motion:** To approve the consent agenda, **Moved by Trustee Arzabal, Seconded by Trustee Caro.**

20

21 **A. \*BOT Minutes – Minutes of a Work Session & Regular Meeting of June 10, 2019.**  
22 ***Approved by consent agenda***

23 **B. \*PZHAC Case 060908 – 2220 Calle de Parian, submitted by Ryan Romero for “Topaz”; a**  
24 **request for a zoning permit to allow a wall sign and a free-standing sign for a business at**  
25 **this address. Zoned: Historical Commercial (HC). *Approved by consent agenda***

26 **C. \*PZHAC Case 060911 – 2149 Calle de Los Huertos, submitted by Gabriel Quintana, a**  
27 **request for a zoning permit to allow the landscaping of a residential property at this address.**  
28 **Zoned: Historical Residential (HR). *Approved by consent agenda***

29

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

31 Mayor Pro Tem Johnson-Burick Yes

32 Trustee Arzabal Yes

33 Trustee Caro Yes

34 Trustee Garcia Yes

35

36 **7. NEW BUSINESS:**

37 **A. For Approval: Ordinance 2019-03: An Ordinance pursuant to NMSA 1978, Section 1-22-**  
38 **3.1 to Opt-In to having the election of the Municipal Officers of the Town of Mesilla in the**  
39 **Regular Local Election. – *Cynthia Stoechner-Hernandez, Clerk/Treasurer.***

40 **Motion:** To approve Ordinance 2019-03: An Ordinance pursuant to NMSA 1978, Section 1-22-3.1 to  
41 **Opt-In to having the election of the Municipal Officers of the Town of Mesilla in the Regular Local**  
42 **Election, **Moved by Trustee Arzabal, Seconded by Trustee Caro.****

43

44 Mr. Bob Kinney handed the Board documentation from the NM Constitution, Article X.

45 Ms. Stoechner-Hernandez reviewed Ordinance 2019-03.

46 Mayor Barraza asked County Clerk Askin if other municipalities gone through this process and has she  
47 received anything from the state.

1  
2 Ms. Askin responded she has not received any concerns from the other local municipalities.  
3  
4 Mayor Barraza asked if it is correct to assume that if the Attorney General's office had heard these  
5 complaints and felt that it was unethical and unconstitutional the process would have been stopped.  
6  
7 Ms. Askin responded the legislation passed. She does not make assumptions and does not offer legal  
8 opinions.  
9  
10 Mayor Barraza asked if trustees sitting on the board from other municipalities would be affected as well.  
11  
12 Ms. Askin responded Village of Hatch, City of Anthony, City of Sunland Park and City of Las Cruces  
13 opted-in; only City of Anthony voted to extend terms. The Village of Hatch went directly to the  
14 Secretary of State office. All information was provided to the Town of Mesilla.  
15  
16 Trustee Garcia asked if the municipalities voted on both options.  
17  
18 Ms. Askin responded to her knowledge all options were presented to the municipalities.  
19  
20 Mayor Barraza stated when we met with the prior County Clerk there were not specifics.  
21  
22 Trustee Arzabal stated he wants to clarify that this would affect the terms of all current trustees.  
23  
24 Ms. Askin responded that is correct.  
25  
26 Judge Frieze stated that he was in support of running our own election in March of 2020 and "opting in" in 2021.  
27  
28 Mayor Pro Tem Johnson-Burick stated Mesilla does not have the resources to run its own election. We  
29 were presented with one option at the May 28<sup>th</sup> meeting; on May 29<sup>th</sup> at 4:17 p.m. Ms. Stoechner-  
30 Hernandez emailed a proposed ordinance that used that same timeframe; on June 10<sup>th</sup> we were presented  
31 with a different option. She was elected to serve and do what is in the best interest for the Town of  
32 Mesilla. This is going to cost us some money in March as she cannot support this with these timeframes  
33 going forward.  
34  
35 Trustee Arzabal stated this ordinance will affect all six elected officials and has been reviewed by the  
36 attorney.  
37  
38 Trustee Garcia stated we agreed to opt-in as short term; surprised to see it was for extended terms. She  
39 agrees we should have our election in March and opt-in in 2021.  
40  
41 Mayor Barraza responded we will still have an election whether we opt-in or opt-out. We did not vote on  
42 something that was not on the agenda. There was discussion regarding opting-in. She spoke to the  
43 secretary of state's office for clarification. She was the one that put extended terms which had not been  
44 discussed. She is sorry they are upset.  
45  
46 Trustee Arzabal stated Mayor Barraza got the information regarding extended terms at the NMML  
47 meeting. She felt this was the ordinance that would best fit the Town of Mesilla.  
48  
49 Mayor Barraza responded the County Clerk indicated they would not give us any support during our  
50 election. She called the Secretary of State for clarification who stated the County would provide support.

1  
2 Ms. Askin stated there was mixed messaging. We are waiting for a rule from the Secretary of State  
3 office; whatever it is it will cost money.  
4

5 Mayor Barraza responded that fee has been waived for the county to run the election this last legislative  
6 session. Thanked Ms. Askin for being here to answer any questions we may have.  
7

8 Mayor Pro Tem Johnson-Burick thanked Mayor Barraza for accepting responsibility. The Secretary of  
9 State has a role in this as well. The Secretary of State website only addressed the shortening of terms.  
10 This was updated August 24, 2018. She does not want to be an elected official that gives a perception  
11 which questions her character and integrity and who uses her office to self-serve. She called the  
12 Attorney General office and is waiting for a call back.  
13

14 **Roll Call Vote:** Motion passed (**summary:** Yes =3, No =2).

15 Mayor Pro Tem Johnson-Burick No  
16 Trustee Arzabal Yes  
17 Trustee Caro Yes  
18 Trustee Garcia No  
19 Mayor Barraza Yes  
20

21 **B. Resolution 2019-10:** A resolution authorizing the execution and delivery of a loan  
22 agreement and intercept agreement between the Town of Mesilla and the New Mexico  
23 Finance Authority in the amount of \$291,726 for the purchasing of a new firefighting  
24 apparatus. – *Kevin Hoban, Fire Chief.*

25 Fire Chief Hoban stated this is the final step for the loan/grant. The loan which comes out of the Fire  
26 Protection Fund has been shortened from 15 years to 13 years.  
27

28 **Motion:** To approve Resolution 2019-10: A resolution authorizing the execution and delivery of a loan  
29 agreement and intercept agreement between the Town of Mesilla and the New Mexico Finance Authority  
30 in the amount of \$291,726 for the purchasing of a new firefighting apparatus, **Moved by Mayor Pro**  
31 **Tem Johnson-Burick, Seconded by Trustee Arzabal.**  
32

33 Mayor Pro Tem Johnson-Burick asked if the questions that were brought forward regarding the  
34 application have been resolved.  
35

36 Fire Chief Hoban responded this application did not require a Public Hearing.  
37

38 Trustee Caro asked if there would be matching funds.  
39

40 Fire Chief Hoban responded the match will come from the Fire Protection Fund.  
41

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

43 Mayor Pro Tem Johnson-Burick Yes  
44 Trustee Arzabal Yes  
45 Trustee Caro Yes  
46 Trustee Garcia Yes  
47

48 **C. Resolution 2019-11:** A resolution authorizing the participation in the execution of an  
49 agreement of the Capital Outlay Program administered by New Mexico Department of

1                   Transportation (NMDOT) in the amount of \$75,000. – *Rod McGillivray, Public Works*  
2                   *Director.*

3 Mr. McGillivray gave an overview of the Capital Outlay for Calle de Parian reconstruction.

4  
5 **Motion:** To approve Resolution 2019-11: A resolution authorizing the participation in the execution of  
6 an agreement of the Capital Outlay Program administered by New Mexico Department of Transportation  
7 (NMDOT) in the amount of \$75,000. **Moved by Mayor Pro-Tem Johnson-Burick, Seconded by**  
8 **Trustee Arzabal.**

9  
10 Mayor Barraza asked what the money will be used for.

11  
12 Mr. McGillivray responded these monies will be used for Calle de Parian. The exact scope has not been  
13 determined. The language is vague so to our advantage we will be able to be flexible with the grant if we  
14 follow the rules.

15  
16 Mayor Pro Tem Johnson-Burick addressed the spelling on page 95.

17  
18 Mr. McGillivray stated it will be corrected before submission.

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

21 Mayor Pro Tem Johnson-Burick Yes

22 Trustee Arzabal Yes

23 Trustee Caro Yes

24 Trustee Garcia Yes

25  
26                   **D. For Approval:** The hiring of a Special Events Coordinator. – *Cynthia Stoehner-*  
27                   *Hernandez, Clerk/Treasurer.*

28 Ms. Stoehner-Hernandez recommended Ms. Dorothy Sellers for Special Events Coordinator.

29  
30 Mayor Barraza stated they will offer a starting salary of \$35K.

31  
32 **Motion:** To approve the hiring of a Special Events Coordinator, **Moved by Mayor Pro-Tem Johnson-**  
33 **Burick, Seconded by Trustee Arzabal.**

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

36 Mayor Pro Tem Johnson-Burick Yes

37 Trustee Arzabal Yes

38 Trustee Caro Yes

39 Trustee Garcia Yes

40  
41                   **E. For Discussion:** Partnering with Experience Mesilla for the Summer Music Series –  
42                   *Russell Hernandez, Salud de Mesilla*

43 Mr. Hernandez stated Ms. Stoehner-Hernandez and himself discussed having food vendors during the  
44 Summer Music Series which he took that to the Experience Mesilla Board who asked if they could have a  
45 celebration permit in addition to that. Starting on the July 12<sup>th</sup> Summer Music Series, depending on what  
46 is approved from the state, Spotted Dog and food vendors will be on the plaza. The liability of the

1 alcohol portion falls on the business pulling the alcohol permit. The town still has their normal liability  
2 due to it being a town sponsored event.

3

4 Mayor Barraza stated fencing and security will need to be furnished by the person pulling the permit.

5

6 Mr. Hernandez responded fencing and security will be provided which is part of the application process.

7

8 Trustee Arzabal asked if it will be a Picnic License.

9

10 Mr. Hernandez responded yes.

11

12 Trustee Arzabal asked if the plaza will be closed.

13 Mayor Barraza responded no.

14

15 Mr. Hernandez stated the fenced area will be on north side of the plaza.

16

17 Mayor Barraza stated this will be on a trail bases so we will not close the plaza yet.

18

19 Mr. Hernandez stated different businesses have offered to set up. All the restaurants have been invited to  
20 participate.

21

22 Mayor Pro Tem Johnson-Burick asked if the Experience Mesilla promotional items will be available at  
23 these events.

24

25 Mr. Hernandez stated the glasses will be available and honored for discounts. There will not be an entry  
26 fee for the garden.

27

28 **8. APPEALS FROM PZHAC:**

29 **A. Approval or Disapproval:** Z19-001 – Submitted by Jesus Caro, an application for a zone  
30 change from Rural Farm, five acre minimum lot size (RF) to Residential, one acre minimum  
31 lot size (R-1) for a 4.36 acre residential parcel located at the west end of Fresquez /Snow  
32 Road (a private easement). (A Public Hearing for this case was held by the PZHAC on  
33 April 2, 2019)

34 Trustee Caro recused himself from voting on this case as he is the applicant.

35

36 The applicant presented his appeal.

37

38 Mr. Shannon brought out his zoning map in order to provide a visual for the Trustees.

39

40 Mayor Barraza responded the Fresquez' family did not go through the process with the town in the  
41 1980's; they went to the county. She reviewed the zoning map.

42

43 Mr. Caro inaudible

44

1 Mr. Shannon inaudible  
2  
3 Mayor Pro Tem Johnson-Burick asked how the county can recognize these parcels if they have not gone  
4 through the Town of Mesilla's process.  
5  
6 Mayor Barraza responded we cannot change our map if they do not follow the town's process. The  
7 process would have to continue even if the zone change is granted. PZHAC denied the application due to  
8 preservation of the Green Belt stated in the Town's Comprehensive plan.  
9  
10 Mayor Pro Tem Johnson-Burick ask about the zone map areas. Read RF Zone guidelines. If the zone  
11 change is granted the multi-family will still not be able to be done.  
12  
13 Mr. Caro inaudible  
14  
15 Mayor Barraza reviewed the RF area on the zone map.  
16  
17 Trustee Arzabal stated we have a zone change in front of us; asked Mr. Caro if his plan was to do farming  
18 when he purchased the land.  
19  
20 Mr. Caro stated area has not been farmed since Mr. Dimatteo passed away. Watering is only available  
21 once a year from EBID.  
22  
23 Mayor Barraza responded some residents do not have water rights.  
24  
25 Mr. Caro stated that all the land to the west of him is landlocked. He will allow them to go through for  
26 farming only.  
27  
28 Trustee Garcia asked if the road to his property is privately owned.  
29  
30 Mr. Caro responded yes; it is.  
31  
32 Mr. Shannon stated Fresquez Rd. has a 15 ft. easement. The requirement, due to the fire code, will need  
33 to be 25 ft.  
34  
35 Ms. Caro asked why fire hydrants were placed along that easement if it didn't meet the fire code.  
36  
37 Mayor Barraza responded the hydrants were installed to help with fire safety. This was done in order to  
38 loop the water lines; it didn't have to do with development in that area.  
39  
40 Trustee Arzabal stated all that is being proposed is a zone change at this time.  
41  
42 Ms. Caro reviewed the legend in the Comprehensive Plan as it refers to R1.  
43  
44 Mayor Pro Tem Johnson-Burick reviewed the PZHAC section and areas in the Comprehensive Plan.  
45  
46 Mayor Barraza stated this affects the green belt areas. She asked what if other property owners come and  
47 ask for the same zone change since they are now connected to an R1 property. Several residents have  
48 come forth to request zone changes which have been denied. She understands children are moving back  
49 to Mesilla and want to live on their parent's property and be home.  
50



1 Ms. Caro stated children want to live in Mesilla. Inaudible

2  
3 Mr. Caro stated change is inevitable. This may also bring more money to the town.

4  
5 Trustee Arzabal stated he sees both sides of the issue. Many people do not want to farm due to the lack  
6 of water which is an issue.

7  
8 **Motion:** To a Z19-001 – Submitted by Jesus Caro, an application for a zone change from Rural Farm, a  
9 five acre minimum lot size (RF) to Residential, one acre minimum lot size (R-1) for a 4.36 acre  
10 residential parcel located at the west end of Fresquez/Snow Road (a private easement), **Moved by**  
11 **Trustee Arzabal. Motion was not seconded and failed.**

12  
13 **9. BOARD OF TRUSTEE COMMITTEE REPORTS**

14 Trustee Garcia attended Municipal League’s Resolution Meetings on June 22<sup>nd</sup> in Albuquerque.

15  
16 Trustee Arzabal stated the CEO Workforce meeting went well. All the grant money was spent. He asked  
17 if they can look at money for youths and trainings. He will get more information to pass on.

18  
19 Trustee Johnson-Burick stated there is an MPO meeting on July 10<sup>th</sup>.

20 Mayor Barraza stated the MPO discussed University Avenue at the last meeting. A public meeting will  
21 be held in the fall. She attended the NALEO conference in Florida last week. The main emphasis was  
22 Census 2020 and immigration was a topic as well. There was a Presidential debate as well. RTD meeting  
23 on June 26<sup>th</sup>. SCCOG Meeting on Friday at 10:30 a.m. in Magdalena, New Mexico.

24 **10. BOARD OF TRUSTEE/STAFF COMMENTS**

25 Summer Music Series is ongoing. Offices will be closed on Thursday, July 4<sup>th</sup>. There will be a Fireworks  
26 Display; Neal McCowan will play on the plaza.

27 Mayor Pro Tem Johnson-Burick stated she wants to help Mr. Caro but cannot if it is not laid out in our  
28 ordinances. She has been on the State of New Mexico website quite a bit. When she went onto the  
29 Governor’s website and click on the tourism and New Mexico True and the Town of Mesilla is not listed  
30 anywhere. She has submitted a comment to them but has not received a response.

31 Mayor Barraza stated Ms. Parra was very active on the Tourism Board; they will investigate that.

32 **11. ADJOURNMENT**

**The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes-4)**


**MEETING ADJOURNED AT 8:11 P.M.**

**APPROVED THIS 22<sup>ND</sup> DAY OF JULY, 2019.**



Nora L. Barraza  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Cynthia Stoeher-Hernandez  
Town Clerk/Treasurer

