



THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA WILL HOLD A REGULAR MEETING ON MONDAY, AUGUST 26, 2019 AT 6:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWNHALL, 2231 AVENIDA DE MESILLA.

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL & DETERMINATION OF A QUORUM**
- 3. CHANGES TO THE AGENDA & APPROVAL**
- 4. PUBLIC INPUT** – The public is invited to address the Board for up to 3 minutes.
- 5. CLOSED SESSION** – pursuant to NMSA 1978 Chapter 10-15-1(H)(2): discussion limited to personnel matters in the Marshal’s Department. – *Nora L. Barraza, Mayor.*
- 6. *APPROVAL OF CONSENT AGENDA** – (The Board will be asked to approve by one motion the following items of recurring or routine business. The Consent Agenda is marked with an asterisk *):
 - A. *BOT Minutes** – Minutes of a Regular Meeting on August 12, 2019.
 - B. *PZHAC Case Z19-002** – 1985 Calle de Colon, submitted by Sylvia J. and David B. Fierro; an application for a zone change from Historical Residential (HR) to Historical Commercial (HC) for a 7749 square foot residential parcel located adjacent to the west side of Palacio’s Bar.
 - C. *PZHAC Case Z19-003** – 2600 Avenida de Mesilla, submitted by Velia Chavez; an application for a zone change from Historical Residential (HR) to Historical Commercial (HC) for a 1552 square foot parcel that contains Palacio’s Bar.
 - D. *PZHAC Case 060944** – 2630 Calle Segunda, submitted by Patrick A. Vigil for Theodore Calhoun; a request for a zoning permit to construct a new dwelling on a vacant residential property at this address. Zoned: Historical Residential (HR).
 - E. *PZHAC Case 060940** – 306 Capri Arc, submitted by Suzanne M. Brannan for Joseph W. Rogers; a request to discuss plans to eliminate a lot line between two parcels to create one residential parcel at this address. Zoned: Single Family Residential (R-1).
- 7. NEW BUSINESS:**
 - A. Discussion:** Revisions to the Town of Mesilla Personnel Rules and Regulations Handbook. – *Cynthia Stoehner-Hernandez, Clerk-Treasurer.*
 - B. Resolution 2019-16:** A resolution adopting an infrastructure capital improvements plan (ICIP) for 2021-2025 – *Rod McGillivray, Public Works Director.*
 - C. Resolution 2019-17:** A resolution by the Board of Trustees denying an appeal on Case V2019-002 submitted by Ms. Susan Krueger. – *Nora L. Barraza, Mayor.*
 - D. Resolution 2019-18:** A resolution authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority for to purchase and equip two vehicles in the amount of \$106,000 for the Marshal’s Department to be paid from the Law Enforcement Fund. – *Cynthia Stoehner-Hernandez, Clerk-Treasurer.*

- E. **For approval:** an agreement with the City of Las Cruces for the use of the Las Cruces Public Safety Training Tower – *Kevin Hoban, Fire Chief.*

8. BOARD OF TRUSTEE COMMITTEE REPORTS

9. BOARD OF TRUSTEE/STAFF COMMENTS

10. ADJOURNMENT

NOTICE:

If you need an accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us at 524-3262 at least one week prior to the meeting. The Mayor and Trustees request that all cell phones be turned off or set to vibrate. Members of the audience are requested to step outside the Board Room to respond to or to conduct a phone conversation. A copy of the agenda packet can be found online at www.mesillanm.gov.

Posted 8/23/19 at the following locations: Town Clerk's Office 2231 Avenida de Mesilla, Public Safety Building 2670 Calle de Parian, Mesilla Community Center 2251 Calle de Santiago, Shorty's Food Mart 2290 Avenida de Mesilla, Ristramn Chile Co., 2531 Avenida de Mesilla and the U.S. Post Office 2253 Calle de Parian.



**BOARD OF TRUSTEES
TOWN OF MESILLA
REGULAR MEETING
MONDAY, AUGUST 12, 2019
6:00 P.M.**

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TRUSTEES: 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
Ron McGillivray, Public Works Director
Enrique Salas, Lieutenant
Gloria Maya, Recorder

PUBLIC: Heidi Frohnafel Susan Krueger
Stephan Schaefer

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 Trustee Arzabal, Seconded by Trustee Garcia.**

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

Mayor Pro Tem Johnson-Burick Yes
Trustee Arzabal Yes
Trustee Caro Yes
Trustee Garcia Yes

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

2 Detective Cortez stated he is also the union president; requested there be an item on the Board of Trustees
3 next agenda to discuss officer safety issues, equipment, personnel issues and active shooter training.

4
5 Mayor Barraza asked Detective Cortez to submit the request in writing.

6
7 Ms. Krueger shared tips on being a good listener and a good speaker; listen to understand and not to lie,
8 talk to explain not to win.

9
10 **5. CLOSED SESSION** – pursuant to NMSA 1978 Chapter 10-15-1(H)(7): meetings
11 subject to the attorney-client privilege pertaining to threatened or pending litigation in which the
12 public body is or may become a participant; Alberg v. Town of Mesilla, EEOC# 39B-2019-
13 00819, – *Nora L. Barraza, Mayor*.

14 **Motion:** To enter Closed Session – pursuant to NMSA 1978 Chapter 10-15-1(H)(7): meetings subject to
15 the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or
16 may become a participant; Alberg v. Town of Mesilla, EEOC# 39B-2019-00819, **Moved by Trustee**
17 **Arzabal, Seconded by Trustee Garcia.**

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

20 Mayor Pro Tem Johnson-Burick Yes
21 Trustee Arzabal Yes
22 Trustee Caro Yes
23 Trustee Garcia Yes

24
25 Entered Closed Session at 6:15 p.m.

26
27 **Motion:** To enter Regular Session after limited discussion pursuant to NMSA 1978 Chapter 10-15-
28 1(H)(7): meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in
29 which the public body is or may become a participant; Alberg v. Town of Mesilla, EEOC# 39B-2019-
30 00819; no action taken, **Moved by Trustee Arzabal, Seconded by Trustee Garcia.**

31
32 **Roll Call Vote:** Motion passed (**summary:** Yes =4).

33 Mayor Pro Tem Johnson-Burick Yes
34 Trustee Arzabal Yes
35 Trustee Caro Yes
36 Trustee Garcia Yes

37
38 Entered Regular Meeting at 7:35 PM

39
40 **6. *APPROVAL OF CONSENT AGENDA** – (The Board will be asked to approve by one
41 motion the following items of recurring or routine business. The Consent Agenda is
42 marked with an asterisk *):

43 **Motion:** To approve consent agenda, **Moved by Mayor Pro Tem Johnson-Burick, Seconded by**
44 **Trustee Arzabal.**

45
46 **Roll Call Vote:** Motion passed (**summary:** Yes =4).

47 Mayor Pro Tem Johnson-Burick Yes
48 Trustee Arzabal Yes

1 Trustee Caro Yes
2 Trustee Garcia Yes

3

4 A. ***BOT Minutes** – Minutes of a Regular Meeting on July 22, 2019. *Approved by consent*
5 *agenda*

6 B. ***PZHAC Case 060936** – 2461 Calle de Principal, submitted by Joseph W. Foster; a request
7 for a zoning permit to construct a pergola over an outdoor commercial patio to shield
8 customers from the sun at this address. **Zoned: Historical Commercial (HC).** *With a*
9 *condition: a licensed contractor shall be required to pull the necessary permits from CID*
10 *and be the one to construct the pergola.* *Approved by consent agenda*

11 C. ***PZHAC Case 060938** – 2424 Calle de Parian, submitted by Cecilia Quintana and Page
12 Coleman; a request for a zoning permit to construct a wall on two sides of a residential
13 property at this address. **Zoned: Historical Residential (HR).** *Approved by consent*
14 *agenda*

15 D. ***PZHAC Case 060942** – 2290 Calle de Parian (Suite D), submitted by Felix Armijo; a
16 request for a zoning permit to construct an addition to a restaurant structure (Café Don
17 Felix) at this address. **Zoned: Historical Commercial (HC).** *Approved by consent agenda*

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7. APPEAL FROM A BOARD OF ADJUSTMENT DECISION:

21 A. **A Public Hearing must be held:** on Case V19-002; an appeal, by Susan Krueger, of the
22 Board of Adjustment's decision on an application submitted by Chris Schaefer for Paul
23 Miller; a request for variance to chapter 18.65 (Signs) of the Mesilla Town Code to allow
24 for an off premise directory sign on a commercial property at the SE corner of Calle de
25 Alvarez and Avenida de Mesilla. **Zoned: General Commercial (C).**

26 **Motion:** To open Public Hearing on Case V19-002; an appeal, by Susan Krueger, of the Board of
27 Adjustment's decision on an application submitted by Chris Schaefer for Paul Miller; a request for
28 variance to Chapter 18.65 (Signs) of the Mesilla Town Code to allow for an off premise directory sign on
29 a commercial property at the SE corner of Calle de Alvarez and Avenida de Mesilla, **Moved by Trustee**
30 **Arzabal, Seconded by Mayor Pro-Tem Johnson-Burick.**

31

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

33 Mayor Pro Tem Johnson-Burick Yes

34 Trustee Arzabal Yes

35 Trustee Caro Yes

36 Trustee Garcia Yes

37

38 Opened Public Hearing at 7:40 P.M.

39

40 Mr. Shannon gave a brief summary on Case V19-002.

41

42 Ms. Frohnafel stated the sign makes sense to help economic development. This would help the town
43 and the businesses. Dona Ana Arts Council could get on the directory as well.

44

45 Ms. Krueger stated the appeal is not based on the merit of the case; the appeal is on process. It is not
46 clear on how much information or familiarity there was by the Board of Adjustments and the Board of
47 Trustees. The board is set up as an administrative board and variances are administrative acts. The Board
48 of Adjustments work is to make modifications or adjustments to regulations; Chapter 18.85. The Board

1 of Adjustments is not authorized to approve a variance for use; Chapter 18. She reviewed definitions and
2 gave an overview of the Board of Adjustments duties. The Board of Adjustments are appointed. The
3 Board of Trustees can amend the ordinance where needed. This will be done for the future development
4 for the Mercado. A directory sign is not legible to a driver; recommends having an area where people can
5 stop and get down from their vehicles to read the directory sign. It is important not to use a variance to
6 change a regulation in the code.
7

8 Dr. Schaefer read Chapter 18.85. We argued that the ordinance, as it stands, deprives property owners the
9 right of visibility. We are not asking for a change in the use of land. Ms. Krueger defines use – purpose
10 for which the land is intended and is or may be occupied. We are not talking about occupancy; we are
11 talking about use of the land. The words on the sign are historically appropriate but for the words on the
12 sign which raises freedom of speech. Read article. We are getting into an ordinance that is not content
13 neutral. The boards have an interest to protect a static purpose within the town, the wellbeing of the
14 residents and not hinder people's rights. The Planning and Zoning Commission voted unanimously in
15 favor; the Board of Trustees voted unanimously for the variance since property owners rights in the
16 Mercado area were being infringed upon due to lack of visibility. The Board of Adjustments intent was
17 to make modifications. The decision made was that governmental interest did not overrule those of the
18 property rights of Mr. Miller to erect a sign.
19

20 **Motion:** To open Regular Meeting after Public Hearing on Case V19-002; an appeal, by Susan Krueger,
21 of the Board of Adjustment's decision on an application submitted by Chris Schaefer for Paul Miller; a
22 request for variance to Chapter 18.65 (Signs) of the Mesilla Town Code to allow for an off premise
23 directory sign on a commercial property at the SE corner of Calle de Alvarez and Avenida de Mesilla,
24 **Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Garcia.**
25

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

27 Mayor Pro Tem Johnson-Burick Yes

28 Trustee Arzabal Yes

29 Trustee Caro Yes

30 Trustee Garcia Yes
31

32 Opened Regular Meeting at 7:58 p.m.
33

34 **B. For Approval/Disapproval:** an appeal, by Susan Krueger, of the Board of Adjustment's
35 decision on an application submitted by Chris Schaefer for Paul Miller; a request for
36 variance to chapter 18.65 (Signs) of the Mesilla Town Code to allow for an off premise
37 directory sign on a commercial property at the SE corner of Calle de Alvarez and Avenida
38 de Mesilla. **Zoned: General Commercial (C).**

39 **Motion:** To disapprove an appeal, by Susan Krueger, of the Board of Adjustment's decision on an
40 application submitted by Chris Schaefer for Paul Miller; a request for variance to Chapter 18.65 (Signs)
41 of the Mesilla Town Code to allow for an off premise directory sign on a commercial property at the SE
42 corner of Calle de Alvarez and Avenida de Mesilla, **Moved by Trustee Caro, Seconded by Trustee**
43 **Arzabal.**
44

45 Mayor Pro Tem Johnson-Burick asked what voting yes would be for.

46
47 Mayor Barraza responded by voting yes, the Board of Trustees will bring forth, at the next meeting, a
48 resolution for approval of the sign.
49

50 Trustee Caro stated we want to be business friendly and he does not see a problem in the variance which

1 will benefit the town.

2

3 Trustee Arzabal stated during the Board of Adjustments meeting he stated it needed final approval from
4 the Board of Trustees. This item has not been on any Board of Trustees agenda and it has never been
5 voted on until today.

6

7 Trustee Arzabal Called for the Question, Seconded by Trustee Caro.

8 Vote:

9 Ayes – 4; Nays - 0

10

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

12 Mayor Pro Tem Johnson-Burick Yes

13 Trustee Arzabal Yes

14 Trustee Caro Yes

15 Trustee Garcia Yes

16

17 Mayor Barraza stated a resolution will be voted upon at the next Board of Trustee meeting. If approved
18 the applicant will need to go through the process. She asked if the sign will include the other businesses
19 in the area.

20

21 Dr. Schaefer responded the details have not been worked out. It will be available for the business at a
22 cost.

23

24 Mayor Barraza recommended that Mr. Miller put all the information together for the next meeting so it
25 can be included in the resolution.

26

27 Dr. Schaefer responded we have submitted visuals.

28

29 **8. NEW BUSINESS:**

30 **A. Resolution 2019-15:** A resolution declaring surplus property to be nonessential for
31 government functions to be sold pursuant to NMSA. – *Cynthia Stoechner-Hernandez,*
32 *Clerk-Treasurer.*

33 Ms. Stoechner-Hernandez stated this resolution will allow us to auction off the Public Works vehicles.

34

35 **Motion:** To approve Resolution 2019-15: A resolution declaring surplus property to be nonessential for
36 government functions to be sold pursuant to NMSA, **Moved by Trustee Arzabal, Seconded by Mayor**
37 **Pro-Tem Johnson-Burick.**

38

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

40 Mayor Pro Tem Johnson-Burick Yes

41 Trustee Arzabal Yes

42 Trustee Caro Yes

43 Trustee Garcia Yes

44

45 **B. For approval:** selection of 2019 New Mexico Municipal League Annual Conference
46 Voting Delegates. – *Cynthia Stoechner-Hernandez, Clerk-Treasurer.*

1 Mayor Barraza will be the voting delegate; Trustee Garcia will be the alternate voting delegate.
2

3 **Motion:** To approve selection of 2019 New Mexico Municipal League Annual Conference Voting
4 Delegates, **Moved by Trustee Arzabal, Seconded by Mayor Pro-Tem Johnson-Burick.**

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

7 Mayor Pro Tem Johnson-Burick Yes

8 Trustee Arzabal Yes

9 Trustee Caro Yes

10 Trustee Garcia Yes
11
12

13 **9. *STAFF REPORTS:**

14 Community Development

15 Community Programs

16 Finance Department

17 Fire Department

18 Marshal's Department

19 Public Works Department
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21 **10. BOARD OF TRUSTEE COMMITTEE REPORTS**

22 Ms. Garcia stated she will not be attending the MPO meeting on Wednesday.

23 Mayor Pro Tem Johnson-Burick stated she will be attending the MPO Meeting on Wednesday at 1:00
24 p.m. at the City Council Chambers.
25

26 **11. BOARD OF TRUSTEE/STAFF COMMENTS**

27 Trustee Caro addressed the mosquito problem.

28 Mayor Pro Tem Johnson-Burick received call regarding mosquitos in the Calle de Cura area.

29 Trustee Arzabal stated the parks are looking good. We need to look at the sign ordinance. He feels bad
30 that Dr. Schaefer must wait more 2 weeks.
31

32 Trustee Garcia asked if we have received a response from Capital Outlay.

33 Ms. Stoechner-Hernandez responded that we have received agreements for McDowell and Calle Parian;
34 the others are in process.

35 Trustee Caro stated he agreed the parks are looking good.

36 Mayor Barraza stated Ms. Stoechner-Hernandez and herself have been working on the Sign Ordinance.
37 She feels it needs to be separated - Historical Commercial and General Commercial as to avoid missing
38 something. If anyone would like to sit down with us, call Ms. Stoechner-Hernandez.

39 Mayor Barraza held a Moment of Silence for Mr. John Parra and the victims of the El Paso shooting.

40 **12. ADJOURNMENT**

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

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MEETING ADJOURNED AT 8:20 P.M.

APPROVED THIS 26th DAY OF AUGUST, 2019.

Nora L. Barraza
Mayor

ATTEST:

Cynthia Stoechner-Hernandez
Town Clerk/Treasurer

Draft

BOT ACTION FORM
ZONE CHANGE Z19-002
[PZHAC REVIEW – 8/19/19]
STAFF ANALYSIS

(Decision to be based on information provided during the Work Session – Item 1)

Z19-002 – 1985 Calle de Colon, submitted by Sylvia J. and David B. Fierro; an application for a zone change from Historical Residential (HR) to Historical Commercial (HC) for a 7749 square foot residential parcel located adjacent to the west side of Palacio’s Bar.

Staff Analysis:

The proposed zone change was discussed in a PZHAC Public Hearing and Regular meeting held July 15, 2019 and at the Work Session held prior to this meeting. (Please refer to the information provided in the write-up for this item in the Work Session.)

If it is determined that the requested zone change is acceptable to the Town as proposed, or if an alternate solution is arrived at, then the request can proceed on the assumption that all requirements of the Code will be satisfied. The PZHAC should continue on to approve the request based on the attached Resolution and Findings, with amendments if necessary.

If, on the other hand, it is determined that the requested zone change is not be acceptable to the Town, and no other solution can be reached, then the PZHAC should deny the request based on the request not meeting any or all of the Findings as listed.

Consistency with the Code:

The PZHAC will need to determine that the requested zone change will be consistent with the requirements of Section 18.90 of the Code for a zone change. Additionally, the PZHAC will need to determine that the request meets all other development and application requirements of the Code.

The PZHAC will also need to determine that the request, as submitted, is consistent with the all other sections of the **Building and Zoning Codes** that may be applied to this project.

Findings:

- The PZHAC has jurisdiction to review and approve this request.
- The request is for a zone change from Historical Residential (HR) to Historical Commercial (HC) for a property located at 1985 Calle de Colon.
- The PZHAC has determined that the zone change meets all applicable Code requirements.

PZHAC OPTIONS:

1. Recommend approval of the requested zone change to the BOT.
2. Recommend approval of the requested zone change to the BOT with conditions. (Conditional Zoning)
3. Reject the permit.

PZHAC ACTION:

The PZHAC determined that the proposed zone change would not be out of character with the surrounding area, and that the commercial zoning of the property was supported by the Town’s 2017 Comprehensive Plan. The PZHAC voted 3 – 0 to recommend APPROVAL of this request to the BOT.

BOT OPTIONS:

1. Approve the application as recommended by the PZHAC.
2. Approve the application with conditions (Conditional Zoning)
3. Reject the application.

BOT ACTION:

**PLANNING ZONING HISTORICAL APPROPRIATENESS COMMISSION
(PZHAC)**

RESOLUTION 2019-002

WHEREAS, the PZHAC convened on August 5, 2019 at a Public Hearing and Regular Meeting, to hear and determine the case regarding a Zone Change request from Historical Residential (HR) to Historical Commercial (HC) for a 0.18 acre parcel located at 1985 Calle de Colon; and

WHEREAS, the Zone Change was requested by Sylvia J. and David B. Fierro, owners of the property; and

WHEREAS, a quorum of the PZHAC were present at the Public Hearing and subsequent meetings; and

WHEREAS, the application for a Zone Change was filed on July 1, 2019; and

WHEREAS, neighboring property owners within 100 feet of the subject property were notified of the proposed special use permit by certified mail as per MTC 18.90.060 and the property was posted giving notice of the proposed hearing; and

WHEREAS, there were no negative responses from notified property owners; and

WHEREAS, the subject property is adjacent to Palacio’s Bar, a commercial operation located on Avenida de Mesilla; and

WHEREAS, the close proximity of the dwelling to the bar has made it almost impossible to rent the dwelling as a residence; and

WHEREAS, a Public Hearing was held by the Planning, Zoning, and Historical Appropriateness Commission on August 5, 2019, according to the requirements of MTC 18.90, during their regular meeting; and

WHEREAS, the Public Hearing of August 5, 2019 was closed after taking public comments; and

WHEREAS, the case was considered at the regular meeting following the Public Hearing; at which meeting the PZHAC determined that the proposed Historic Commercial (HC) zoning will result in a zoning of the subject property that is beneficial to the Town; and

WHEREAS, the PZHAC voted to recommend the zone change for approval to the Board of Trustees; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The Planning, Zoning and Historical Appropriateness Commission of the Town of Mesilla recommends approval of the request for a Zone Change to Historical Commercial (HC), with findings for said approval as stated in “Attachment A” attached to this resolution.

RESOLVED on this 19th day of August 2019.

Russell Hernandez
PZHAC Chairman

ATTEST:

Larry Shannon
Community Development Coordinator

ATTACHMENT A

Z19-002

PZHAC FINDINGS:

- The PZHAC has jurisdiction to review this request.
- The zoning code allows this type of zone change request.
- The application meets the requirements of the Code for a zone change.
- The requested zone change would not be out of character with the Comprehensive Plan, nor will it constitute “spot zoning”.
- The proposed zoning, as requested, or amended with conditions; will be beneficial to the Town.
- The proposed zone change meets all other applicable Code requirements.

**PZHAC WORK SESSION
AUGUST 19, 2019
ITEM 1**

A discussion of a zone change (**Z19-002**) from Historical Residential (HR) to Historical Commercial (HC) for a 7749 square foot residential parcel owned by Sylvia J. and David B. Fierro, located at 1985 Calle de Colon.

(This case was postponed until this work session in order for staff to provide the following information: compatibility with the Comprehensive Plan, how the “Dog House” received approval, and the definition of the “Rule of Precedent”. This information is presented in the “Consistency with the Code” section below.)

Description of Request:

The property in question is located immediately adjacent to and behind Palacio’s Bar on Avenida de Mesilla. The property consists of a 7749 square foot (0.18 acre) parcel containing a 1378 square foot dwelling (see attached map). The bar is also zoned Historic Residential (HR) and has existed here continuously since 1936. The bar is currently considered legal non-conforming but should be zoned Historic Commercial (HC). (The owner of the bar, Velia Chavez, has been contacted about completing a zone change and was originally scheduled to be heard at this meeting, but has not completed the application process in time for this meeting.)

The applicants are seeking this zone change because the close proximity of the dwelling to the bar has made it almost impossible to rent the dwelling as a residence. The problem is that the noise, traffic, pedestrian and parking issues created by the bar at all hours on weekends has created a situation that is not conducive to normal full-time residential living on the property. The applicants believe that a commercial use such as an office that is generally closed during the bar’s normal hours of operation (weekends and weekdays after 5:00 pm) would a more compatible use of the property. The office operation could also share the bar’s parking facilities since their hours of operation are different, limiting the impacts of the office on the residential character of the neighborhood to the west.

The property would also tend to act as a buffer between the bar and residential properties on the west side of Calle de San Albino. The concept of being a buffer to an intrusive commercial use on Avenida de Mesilla would be a benefit that tends to fit in with the stated goal of the Comprehensive Plan by allowing commercial growth along Avenida de Mesilla while protecting residential development west of Avenida de Mesilla from the impacts of such commercial growth. For this reason, and the fact that the property is adjacent to and immediately affected (negatively) by a grandfathered commercial operation, (regardless of the zoning of the operation, the operation is still commercial with impacts) the requested zone change does not appear to constitute spot zoning.

The applicant has provided additional reasons for the zone change request in the applicants’ application. Some of these reasons include, but are not limited to the following:

- A. “...the property is located close to Avenida de Mesilla which is predominantly populated with Commercial Properties.”
- B. “Few changes would be required as there is sufficient parking available for commercial activity.”
- C. “The change would not increase of change the traffic pattern for the property.”
- D. “The proximity (of the dwelling) to the bar would not be a significant issue if the zone change is approved.”
- E. Queries about the potential renting of the property are from “office type” of businesses. Being close to a bar is not an issue to the potential commercial renters.”
- F. “...the financial impact of keeping the property vacant will be alleviated.”

Consistency with the Code:

A. Compatibility with the Comprehensive Plan

It was said that the proposed zone change is prohibited by the Comprehensive Plan, yet the current plan is somewhat vague as to the promotion of commercial growth along Avenida de Mesilla. Goal 3 of the Economic Development portion of the plan states: “Target small, clean, light industries for location in Mesilla that maintain a balance between revenue and preserving the Town’s physical environment and rural character.” One of the

ways of accomplishing this goal, according to the Comprehensive Plan, is to “Continue to direct specialty retail to the historic district, while directing more general retail to commercial areas **along Avenida de Mesilla**” (emphasis added), but the plan does not specifically define what is meant by “along”, especially with respect to depth of development. The Preferred Land Use Scenario Map (2017 Comprehensive Plan, MAP 5, page 49 shown below) taken from the 2017 Comprehensive Plan shows the commercial strip along Avenida de Mesilla stretching back to Calle de San Albino. That would indicate that the proposed zone change is supported by the latest Comprehensive Plan.



B. How the “Dog House” was approved

The “Dog House” was approved in 2010 because the zoning of the property was already Historical Commercial. The request in 2010 was for a building permit to change the use of the structure from residential to commercial, and for a Certificate of Appropriateness to do the change (see attached documentation). The zone change from Historical Residential to Historical Commercial was done in 1995, even though the use of the property remained residential at that time.

C. Other zone change cases on Avenida de Mesilla

In the past six years, there has been one other request for a zone change from Historic Residential to Historic Commercial in the Historic District. This request was for a property located on the NW corner of Calle del Sur and Avenida de Mesilla. Although supported by the Comprehensive Plan, the request was denied because it was determined that access to the property was not suited for commercial traffic due to the fact that the proximity of the access points to the intersection would cause a hazardous traffic situation.

There was a reference to the property that is occupied by Chala’s Restaurant as having been allowed to operate in the Historic Residential zone. The restaurant was allowed as a continuation of a legal non-conforming use of the property based on the fact that the restaurant was originally occupied by Mariachis Restaurant, and the property was vacant for less than a year.

“Ristramn” requested and received a zone change from Historical Residential (HR) to Historical Commercial (HC) in 2001 in order to remain in business as a commercial operation. This was after the owner, Chris Alexander, requested a Special Use Permit for the existing operation the but was denied because the BOT determined that the operation did not meet the requirements for a Special Use Permit.

There do not appear to have been any other zone change requests along this part of Avenida de Mesilla in the last ten years.

D. Definition of “Rule of Precedent”

The “Rule of Precedent” applies strictly to legal decisions and is a legal concept that is applied to upper level court cases, not to land uses. According to “legaldictionary.net”, the concept is explained as follows:

In the modern legal system, the term precedent refers to a rule, or principle of law, that has been established by a previous ruling by a court of higher authority, such as an appeals court, or a supreme court. Courts in the U.S. legal system place a high value on making judgments based on consistent rules in similar cases. In such a system, cases based on similar facts have a fair and predictable outcome. To explore this concept, consider the following precedent definition.

Noun

1. A legal decision made by a court of authority, which serves as an authoritative rule in future, similar cases.
2. A rule of law established by a higher court that is subsequently referred to in deciding similar cases.

Origin

1350-1400 Late Middle English
(legaldictionary.net)

This is not a rule used in Planning. The fact that a use may set a precedent does not mean that the use is legally recognized and does not have to go through certain required processes. Regardless what “precedent” was set by commercial operations such as Polacios, it is still subject to the same regulations that apply to other legal non-conforming uses in the Town. The “Rule of Precedent” does not make this use different.

E. Other Considerations

In answer to the comment that the impacts from the bar cannot be considered “obtrusive” because the bar is a legally allowed use in the HC zone; that could be true if the bar were zoned HC; but the bar is not zoned commercial, is in the Historic Residential zone. As a legal non-conforming use in the HR zone, the bar can be considered an intrusive use.

The PZHAC will need to make the following Findings for approval:

- The PZHAC has jurisdiction to review this request.
- The zoning code allows this type of zone change request.
- The application meets the requirements of the Code for a zone change.
- The requested zone change would not be out of character with the Comprehensive Plan, nor will it constitute “spot zoning”.
- The proposed zoning, as requested, or amended with conditions; will be beneficial to the Town.
- The proposed zone change meets all other applicable Code requirements.

PZHAC OPTIONS:

1. Recommend approval of the application to the BOT.
2. Recommend approval of the application to the BOT with conditions.
3. Reject the application.

PZHAC ACTION:

Town of Mesilla, New Mexico

THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA WILL HOLD ITS REGULARLY SCHEDULED MEETING ON MONDAY, MARCH 22, 2010, AT 6:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA.

OPENING CEREMONIES

- Pledge of Allegiance

ROLL CALL AND DETERMINATION OF A QUORUM CHANGES TO THE AGENDA ACCEPTANCE OF THE CONSENT AGENDA

Items on the agenda indicated by an asterisk () are on the consent agenda and will be voted on with one motion unless a Trustee requests that a specific item be removed.*

* BOT MINUTES:

1. Regular Meeting March 8, 2010.
2. Special Meeting March 9, 2010.
3. Special Meeting March 12, 2010.

* PZHAC BUSINESS:

4. Case: 010031; 1750 Avenida de Mercado, Lorenzo's, a certificate of appropriateness for breezeway enclosure. Zone: C.
5. Case: 010032; 1750 Avenida de Mercado, Lorenzo's, a building permit for a breezeway enclosure. Zone: C.
6. Case: 010016; 1983 Calle del Norte, Binns Enterprises, application for a certificate of appropriateness for modification of property into commercial use. Zone: HC.
7. Case: 010017; 1983 Calle del Norte, Binns Enterprises, application for a building permit for commercial use. Zone: HC.
8. Case: 010020; 1911 Calle de Cura, John & Theresa McCatherin, application for a certificate of appropriateness for solar panels. Zone: HR.
9. Case: 010021; 1911 Calle de Cura, John & Theresa McCatherin, application for a building permit for solar panels. Zone: HR.
10. Case: 010013; property encompassed by Old Farm Road/University Ave./Stanford St., represented by Special Master Karen Wootton, a final plat subdivision application. Zone: RF.
11. Case: 010009; 1765 Avenida de Mercado, Henry Bunch, an application for a special use permit. Zone: C.

NEW BUSINESS:

- * 12. Proclamation declaring April 2010 as Sexual Assault Awareness Month.
- * 13. A Resolution establishing April as "National 9-1-1 Education Month".

1 Marshal Jojola responded yes.

2 **Motion:** To Approve the Agenda As Amended, **Moved by** Trustee Caro, **Seconded by** Mayor
3 Pro Tem Arzabal.

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

6 **Yes:** Mayor Pro Tem Arzabal, Trustee Caro, Trustee Flores.

7
8 **ACCEPTANCE OF THE CONSENT AGENDA**

9
10 Mayor Barraza asked which items on the consent agenda will need a roll call vote.

11
12 Mr. Juan Fuentes responded items #13 and #14 will need a roll call vote.

13
14 Mayor Barraza asked Mayor Pro Tem Arzabal if he would be participating by phone for the rest
15 of the meeting

16
17 Mayor Pro Tem Arzabal responded that he would not.

18
19 Mr. Fuentes indicated that we will need the majority of the board to approve the budget resolution
20 and indicated that those items could be moved so that Mayor Pro Tem Arzabal could participate
21 in the vote.

22
23 **Motion:** To Approve The Consent Agenda As Amended, **Action:** Adjourn, **Moved by** Trustee
24 Caro, **Seconded by** Trustee Flores.

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

27 **Yes:** Mayor Barraza, Trustee Caro, Trustee Flores.

28
29 **BOT MINUTES:**

- 30 1. Regular Meeting March 8, 2010. *Approved By Consent Agenda*
31 2. Special Meeting March 9, 2010. *Approved By Consent Agenda*
32 3. Special Meeting March 12, 2010. *Approved By Consent Agenda*

33
34
35 **PZHAC BUSINESS:**

36 4. Case: 010031; 1750 Avenida de Mercado, Lorenzo's, a certificate of appropriateness for
37 breezeway enclosure. Zone: C. *Approved By Consent Agenda*

38
39 5. Case: 010032; 1750 Avenida de Mercado, Lorenzo's, a building permit for a breezeway
40 enclosure. Zone: C. *Approved By Consent Agenda*

41
42 6. Case: 010016; 1983 Calle del Norte, Binns Enterprises, application for a certificate of
43 appropriateness for modification of property into commercial use. Zone: HC.

44
45 **Motion:** For Discussion Case: 010016; 1983 Calle del Norte, Binns Enterprises, application for a
46 certificate of appropriateness for modification of property into commercial use. Zone: HC,
47 **Moved by** Trustee Flores, **Seconded by** Trustee Caro.

48
49 Mr. Eckert indicated the case was reviewed and went through a worksession and meeting with
50 Planning and Zoning. Andele's will use this as a kitchen, storage, a small outside eating area and

1 Mr. Eckert responded that the parking would be on Calle del Norte.

2
3 Mayor Barraza asked how many parking spaces are being proposed.

4
5 Mr. Eckert responded there will be 21 parking spaces.

6
7 Mayor Barraza asked if these would be for the overflow for the Andele's in the Onate Plaza.

8
9 Mr. Eckert responded the parking is solely for the business but could also be used for any
10 overflow. Indicated that Onate Plaza has the appropriate parking based on the code.

11
12 Mayor Barraza stated they are only asking for an application of certificate of
13 appropriateness at this time.

14
15 **Motion:** To Approve Case: 010016; 1983 Calle del Norte, Binns Enterprises, application
16 for a certificate of appropriateness for modification of property into commercial use.
17 Zone: HC, **Moved by** Trustee Caro, **Seconded by** Trustee Flores.

18
19 **Vote:** Motion passed (**summary:** Yes = 3).

20 **Yes:** Mayor Barraza, Trustee Caro, Trustee Flores.

21
22 7. Case: 010017; 1983 Calle del Norte, Binns Enterprises, application for a building permit for
23 commercial use. Zone: HC.

24
25 **Motion:** To Approve Case: 010017; 1983 Calle del Norte, Binns Enterprises, Application For A
26 Building Permit For Commercial Use. Zone: HC, **Moved by** Trustee Caro, **Seconded by** Trustee
27 Flores.

28
29 **Vote:** Motion passed (**summary:** Yes = 3).

30 **Yes:** Mayor Barraza, Trustee Caro, Trustee Flores.

31
32 8. Case: 010020; 1911 Calle de Cura, John & Theresa McCatherin, application for a certificate
33 of appropriateness for solar panels. Zone: HR. **Approved By Consent Agenda**

34
35 9. Case: 010021; 1911 Calle de Cura, John & Theresa McCatherin, application for a building
36 permit for solar panels. Zone: HR. **Approved By Consent Agenda**

37
38 10. Case: 010013; property encompassed by Old Farm Road/University Ave./Stanford St.,
39 represented by Special Master Karen Wootton, a final plat subdivision application. Zone: RF.
40 **Approved By Consent Agenda**

41
42 **Motion:** For Discussion/Approval Case: 010013; Property Encompassed By Old Farm
43 Road/University Ave./Stanford St. Represented By Special Master Karen Wootton, A Final Plat
44 Subdivision Application. Zone: RF, **Moved by** Trustee Caro, **Seconded by** Trustee Flores.

45
46 Trustee Caro stated he wants to insure that the subdivision plan includes water, sewer, etc. Asked
47 if they will be allowed to hookup to Mesilla's services.

48

Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

Select Search

Maps | Legend

Map Themes

Parcels
UDC Zoning
Roads and Transportation
NM House Districts
NM Senate Districts
County Commission Districts
City Council Districts
Median Household Income
General Land Ownership

Account Number: [R0400386](#)
Parcel Number: 4006137305491
Owner: FIERRO SYLVIA J
Mail Address: P.O. BOX 1725
Subdivision:
Property Address: 1985 DALLE DE COLON
Acres: 0



Town of Mesilla, New Mexico

DATE July 19, 2019

Dear Property Owner:

In accordance with the Town of Mesilla regulations regarding variances, I am notifying you as, a neighboring property owner within 100 feet of the subject property, the Town of Mesilla Planning, Zoning and Historical Appropriateness Commission (PZHAC) will be holding a Public Hearing on:

Monday, August 5, 2019 at 6:00 PM
at: Town of Mesilla
2231 Avenida de Mesilla
Mesilla, NM 88046

to obtain input on the following zone change requests:

1. **Z19-002** – 1985 Calle de Colon, submitted by Sylvia J. and David B. Fierro; an application for a zone change from Historical Residential (HR) to Historical Commercial (HC) for a 7749 square foot residential parcel located adjacent to the west side of Palacio's Bar.
2. **Z19-003** – 2600 Avenida de Mesilla, submitted by Velia Chavez; an application for a zone change from Historical Residential (HR) to Historical Commercial (HC) for a 1552 square foot parcel that contains Palacio's Bar.

Anyone who is concerned with this matter may address the PZHAC at the Public Hearing, or send a written response to:

Town of Mesilla
Community Development Department
PO Box 10
Mesilla, NM 88046.

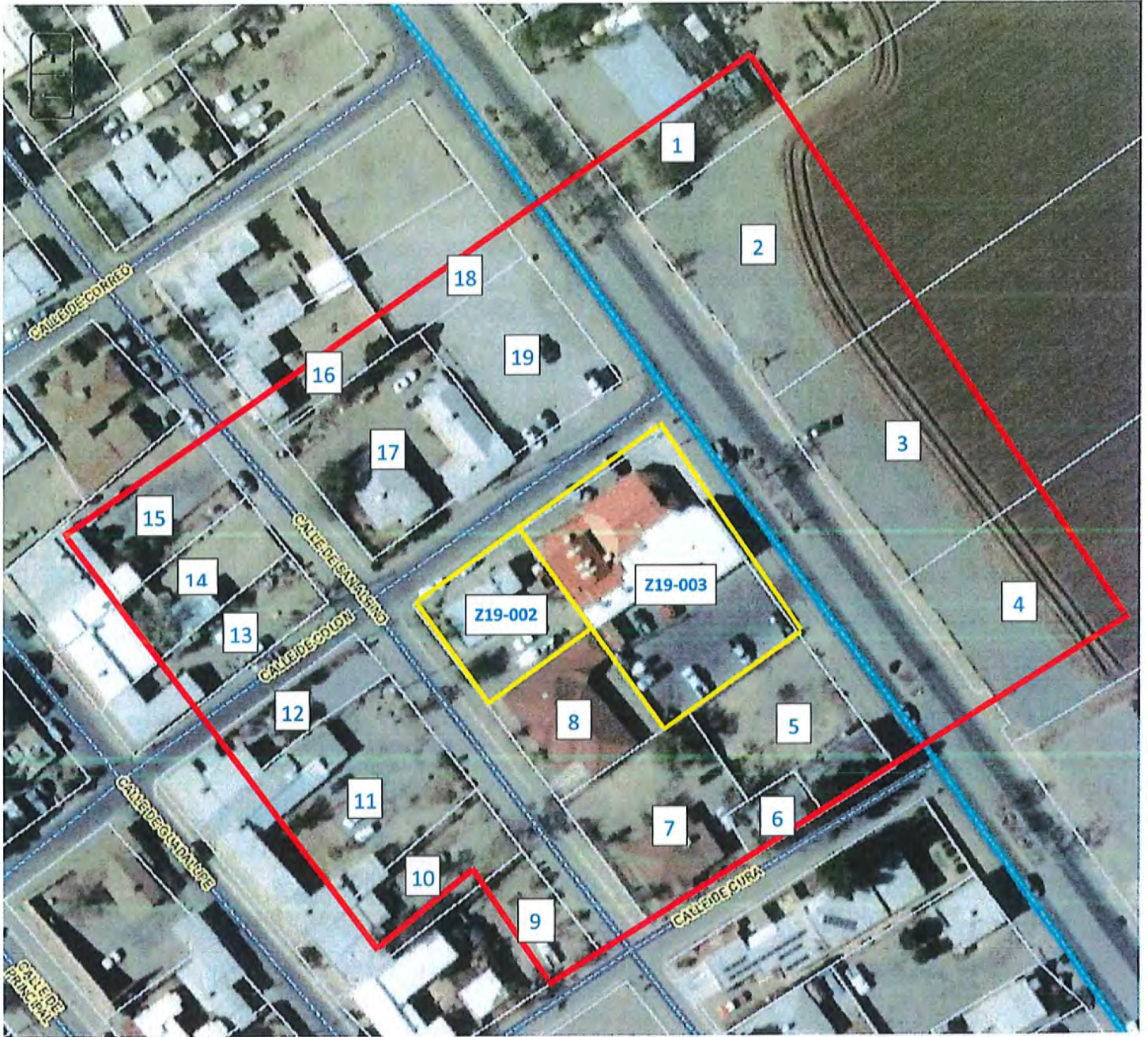
Letters or comments must be received before the Public Hearing. In addition to mailing the letter, a copy may be faxed to Larry Shannon at 575-541-6327, or e-mailed to larrys@mesillanm.gov to ensure timely receipt of your comments.

Sincerely,



Larry Shannon
Community Development Coordinator
Town of Mesilla

ZONE CHANGE - NOTIFICATION MAP
[Z19-002, Z19-003]
HISTORICAL RESIDENTIAL (HR) TO HISTORICAL COMMERCIAL (HC)



APPLICANTS

Z19-002 : Sylvia J Fierro, PO Box 1725, Mesilla, NM 88046

Z19-003 : Velia Chavez (Palacio's Bar), 2600 Avenida de Mesilla, Las Cruces, NM 88005

NOTIFIED PROPERTY OWNERS
[Z19-002, Z19-003]

1. Mary V Alexander Farm Property
(Chris Alexander)
1912 Newton
Las Cruces, NM 88001
2. Tamara Alexander
1946 Mahogany Drive
Las Cruces, NM 88001
3. Tamara Alexander
1946 Mahogany Drive
Las Cruces, NM 88001
4. Mary Frances A Bird
1912 Newton
Las Cruces, NM 88001
5. Manuela C Orona
PO Box 87
Mesilla, NM 88046-0087
6. Nia Rucker
PO Box 1668
Mesilla, NM 88046
7. Jonathan E. Moore
PO Box 638
Mesilla Park, NM 88047
8. Jo Anna Maese
PO Box 300
Mesilla, NM 88046-0300
9. Antonia M Goodman
PO Box 130
Mesilla, NM 8806-0130
10. Sylvia M Saltero etal
PO Box 225
Mesilla, NM 88046-0225
11. J Paul Taylor
PO Box 113
Mesilla, NM 88046-0133
12. Emily Coss
404 North Armijo Street
Las Cruces, NM 88005
13. Ruben & Maria Rivera
PO Box 966
Mesilla, NM 88046
14. Stephen F Pate
PO Box 701
Mesilla, NM 88046
15. Ricardo Perez
2542 Vista de Dios
Las Cruces, NM 88005
16. ETMSS 3 LLC
PO Box 358
Mesilla Park, NM 88047
17. Laura M Lichtenstein Trustee
(Laura M Lichtenstein Rev Trust)
5 Cholla
Santa Fe, NM 87506
18. Richard P & Clara M Lujan
PO Box 74
Mesilla, NM 88046-0074
19. Richard P & Clara M Lujan
PO Box 74
Mesilla, NM 88046-0074

**PHOTOS OF THE PROPERTY FROM AVENIDA DE MESILLA
SHOWING PROXIMITY TO BAR**



PHOTO FROM CALLE DE SAN ALBINO



PHOTO FROM CALLE DE COLON



Town of Mesilla, New Mexico

Phone (575) 524-3262

P.O. Box 10

2231 Avenida de Mesilla, Mesilla, NM 88046



Application Form For Zone Change

Case # 060946 Date Submitted JULY 1, 2019

Discussed by: L. SHANNON Date (s) AUG. 5, 2019 (PZHA)
PUBLIC HEARING

Section 1:

Name (s) of Property Owner (s) SYLVIA J FIERRO AND DAVID B. FIERRO

Address PO Box 1725 Mesilla Park, NM Phone 575 642 7964

Name of Applicant (s) SYLVIA J FIERRO AND DAVID B. FIERRO

Address Po Box 1725 Mesilla Park, NM Phone 575 642 7964

Section 2:

Property Description: Address 1985 Calle de Colon

Legal Description Lot (s) Sec 25 T.23S., R.1E., NMPM Block _____

Subdivision _____

If legal description is in metes and bound; is it attached to the application? Yes No _____

Survey Plat attached: Yes _____ No _____

Area (sq. ft. or acres) _____ Present Zone Res Present Land Use Residential (Rental)

Proposed Land Use:

Commercial Rental - CHANGE from Residential

Section 3:

Why is this change of zoning status being requested?

See attached

Signatures: Property Owner Sylvia J. Ferris David B. Ferris
Applicant Sylvia J. Ferris David B. Ferris

NOTICE: NO APPLICATION WILL BE ACCEPTED WITHOUT THE SIGNATURE OF THE OWNER (S) OF RECORD OF THE ABOVE DESCRIBED PROPERTY. IF MORE THAN ONE, ALL OWNERS OF OR THEIR AGENTS MUST SIGN.

Fee Paid : Yes No Affidavit : Yes No

Received by: _____ Receipt #: _____ Amount: _____

2065

Section 3: Why is the change in zoning being requested

1. **Origin of the Property**: Subject property is currently zoned as a residential property. It originally was built around the 1930's and owned and occupied by pioneer Mesilla Residents, i.e. Pablo and Alcaria Salcido. Through the inheritance process it was passed on to Edward and Virginia Maese, who subsequently legally passed on the property to their daughter and her husband, Sylvia and David Fierro, the requesters of this zone change.

2. **Past Activity of the Property**: Upon obtaining the property, we made substantial and much needed improvements to the property. We submitted our plans and complied with all of the requirements of the Town of Mesilla and the State of New Mexico. We replaced all of the original windows with wood windows as requested by the Town of Mesilla. We made substantial improvements to the interior and exterior of the building with the intent of renting the property. The property is currently under rental management contract with:

Ms. Beth Johnson – Las Cruces Homes and Land

NM License #16918

3 of 5

3. **Current Activity of the Property** - In conjunction with Ms. Johnson, we have been actively trying to rent the property and have encountered a significant hurdle. The property is adjacent to the Palacio Bar and this has made it difficult to rent as a residential rental property. When the potential renters learn that the property is next to the Bar, they are no longer interested due to the potential noise, parking issues, and the risk of renting the property next to the bar. It is causing us a financial hardship as the property has been vacant for an extended length of time.

4. **Reason For Requesting the Zone change** – In discussion with Ms. Johnson, she is confident that the property will rent as a commercial property if the change is approved.

a. It should be noted that the property is located close to Avenida De Mesilla which is predominately populated with Commercial Properties.

b. Few changes would be required as there is sufficient parking available for commercial activity.

4 of 5

- c. The change would not increase or change the traffic pattern for the property.
- d. The proximity to the bar would not be a significant issue if the zone change is approved.
- e. Queries about the potential renting of the property are from "office type" of businesses. Being close to a Bar is not an issue to the potential commercial renters.
- f. Finally, the financial impact of keeping the property vacant will be alleviated.

Thus based on the above, we respectfully request that a property change be granted for this property. We remain committed to following and adhering to the requirements requested by the Town of Mesilla.

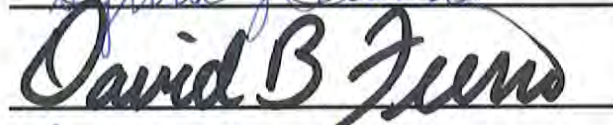
Signatures:

Property Owners:

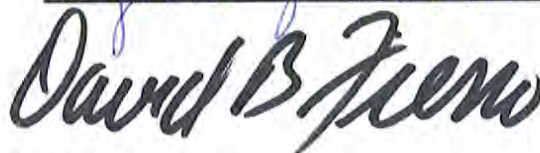
Sylvia J. Fierro



David B. Fierro



Applicants:



BOT ACTION FORM
ZONE CHANGE Z19-003
[PZHAC PUBLIC HEARING – 8/5/19]
DECISION

Decision to be based on information provided during Public Hearing for Z19-003

Z19-003 – 2600 Avenida de Mesilla, submitted by Velia Chavez; an application for a zone change from Historical Residential (HR) to Historical Commercial (HC) for a 1552 square foot parcel that contains Palacio’s Bar.

Staff Analysis:

The proposed work was discussed in the PZHAC Public Hearing held prior to this meeting. (Please refer to the information provided in the write-up for this item in the Public Hearing.)

If it is determined that the proposed Zone Change will be acceptable for the property and the good of the Town, then the request can proceed on the assumption that all requirements of the Code will be satisfied. The PZHAC should approve the request based on the Draft Resolution and attached Findings.

If, on the other hand, it is determined that the proposed Zone Change will not be acceptable for the property and the good of the Town, then the request cannot proceed on the assumption that all requirements of the Code will be satisfied. The PZHAC should deny the request, and develop a new Resolution and Findings outlining the reasons for denial.

Consistency with the Code:

The PZHAC will need to determine that the proposed Zone Change be consistent with the Town’s plans for this property. Additionally, the PZHAC will also need to determine that the request, as submitted, is consistent with the all other sections of the **Codes** and Comprehensive Plan that may be applied to this project.

PZHAC OPTIONS:

1. Recommend approval of the requested Zone Change to the BOT.
2. Recommend approval of the requested Zone Change to the BOT with conditions (Conditional Zoning).
3. Reject the Zone Change.

PZHAC ACTION:

The PZHAC determined that the proposed zone change would not be out of character with the surrounding area, and that the commercial zoning of the property was supported by the Town’s 2017 Comprehensive Plan. The PZHAC voted 3 – 0 to recommend APPROVAL of this request to the BOT.

BOT OPTIONS:

1. Approve the application as recommended by the PZHAC.
2. Approve the application with conditions (Conditional Zoning)
3. Reject the application.

BOT ACTION:

**PLANNING ZONING HISTORICAL APPROPRIATENESS COMMISSION
(PZHAC)**

RESOLUTION 2019-003

WHEREAS, the PZHAC convened on August 5, 2019 at a Public Hearing and Regular Meeting, to hear and determine the case regarding a Zone Change request from Historical Residential (HR) to Historical Commercial (HC) for a 15512 square foot parcel located at 2600 Avenida de Mesilla; and

WHEREAS, the parcel contains a commercial bar (Palacio’s Bar) that has been at this location since 1936; and

WHEREAS, the bar is considered a legal non-conforming use because of the current Historical Residential zoning of the property; and

WHEREAS, the Zone Change was requested by Velia Chavez, owner of the property and bar; in order to bring the zoning of the property into compliance with the historical use of the property; and

WHEREAS, a quorum of the PZHAC were present at the Public Hearing and subsequent meeting; and

WHEREAS, the application for a Zone Change was filed on July 5, 2019; and

WHEREAS, neighboring property owners within 100 feet of the subject property were notified of the proposed special use permit by certified mail as per MTC 18.90.060 and the property was posted giving notice of the proposed hearing; and

WHEREAS, there were no negative responses from notified property owners; and

WHEREAS, a public hearing was held by the Planning, Zoning, and Historical Appropriateness Commission on August 5, 2019, according to the requirements of MTC 18.90, during their regular meeting; and

WHEREAS, the Public Hearing of August 5, 2019 was closed after taking public comments; and

WHEREAS, the case was considered at the regular meeting following the Public Hearing; at which meeting the PZHAC determined that the proposed Historic Commercial (HC) zoning will result in a zoning of the subject property that is more appropriate for the property and is beneficial to the Town; and

WHEREAS, the PZHAC voted to recommend the zone change for approval to the Board of Trustees; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The Planning, Zoning and Historical Appropriateness Commission of the Town of Mesilla recommends approval of the request for a Zone Change to Historical Commercial (HC), with findings for said approval as stated in “Attachment A” attached to this resolution.

RESOLVED on this 5th day of August 2019.

Russell Hernandez
PZHAC Chairman

ATTEST:

Larry Shannon
Community Development Coordinator

ATTACHMENT A

Z19-003

PZHAC FINDINGS:

- The PZHAC has jurisdiction to review this request.
- The zoning code allows this type of zone change request.
- The application meets the requirements of the Code for a zone change.
- The requested zone change would not be out of character with the Comprehensive Plan, nor will it constitute “spot zoning”.
- The proposed zoning, as requested, or amended with conditions; will be beneficial to the Town.
- The proposed zone change meets all other applicable Code requirements.

ZONE CHANGE REQUEST Z19-003
[PZHAC PUBLIC HEARING AND REVIEW]
STAFF ANALYSIS
(PRESENTED TO PZHAC 8/5/19)

Z19-003 – 2600 Avenida de Mesilla, submitted by Velia Chavez; an application for a zone change from Historical Residential (HR) to Historical Commercial (HC) for a 15512 square foot parcel that contains Palacio’s Bar.

Description of Request:

The property in question is located directly on Avenida de Mesilla and has contained a commercial bar on it continuously since 1936. It has been zoned Historical Residential (HR) since the inception of the zoning, and the bar has been considered legal non-conforming. (According to the applicant, she has kept the property zoned Historical Residential for fear that commercial zoning would result in higher real estate taxes.) The applicant would now like to bring the zoning of the property into conformity with the commercial use of the property. The proposed commercial zoning also complies with the Comprehensive Plan for the Town, which recognizes that commercial uses should be located along Avenida de Mesilla, and that this area should be zoned Historic Commercial.

Consistency with the Code:

The proposed zone change will meet the requirements of Chapter 18.90 (Amendments, Supplements, or Repeals – see attached) the Code concerning zone changes.

The PZHAC will need to make the following Findings for approval:

- The PZHAC has jurisdiction to review this request.
- The zoning code allows this type of zone change request.
- The application meets the requirements of the Code for a zone change.
- The requested zone change would not be out of character with the Comprehensive Plan, nor will it constitute “spot zoning”.
- The proposed zoning, as requested, or amended with conditions; will be beneficial to the Town.
- The proposed zone change meets all other applicable Code requirements.

PZHAC OPTIONS:

- Recommend approval to the BOT of application.
- Recommend approval to the BOT of application with conditions.
- Reject the application.

PZHAC ACTION:

Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

Select Search

Maps | Legend

Map Themes

- Parcels
- UDC Zoning
- Roads and Transportation
- NM House Districts
- NM Senate Districts
- County Commission Districts
- City Council Districts
- Median Household Income
- General Land Ownership

Account Number: [R0401104](#)
Parcel Number: 4006137313489
Owner: CHAVEZ VELIA S
Mail Address: 1330 S CHAPARRO
Subdivision:
Property Address: 2600 AVENIDA DE MESILLA
Acres: 0



PHOTOS OF PROPOERTY FROM AVENIDA DE MESILLA



Town of Mesilla, New Mexico

DATE July 19, 2019

Dear Property Owner:

In accordance with the Town of Mesilla regulations regarding variances, I am notifying you as, a neighboring property owner within 100 feet of the subject property, the Town of Mesilla Planning, Zoning and Historical Appropriateness Commission (PZHAC) will be holding a Public Hearing on:

Monday, August 5, 2019 at 6:00 PM
at: Town of Mesilla
2231 Avenida de Mesilla
Mesilla, NM 88046

to obtain input on the following zone change requests:

1. **Z19-002** – 1985 Calle de Colon, submitted by Sylvia J. and David B. Fierro; an application for a zone change from Historical Residential (HR) to Historical Commercial (HC) for a 7749 square foot residential parcel located adjacent to the west side of Palacio's Bar.
2. **Z19-003** – 2600 Avenida de Mesilla, submitted by Velia Chavez; an application for a zone change from Historical Residential (HR) to Historical Commercial (HC) for a 1552 square foot parcel that contains Palacio's Bar.

Anyone who is concerned with this matter may address the PZHAC at the Public Hearing, or send a written response to:

Town of Mesilla
Community Development Department
PO Box 10
Mesilla, NM 88046.

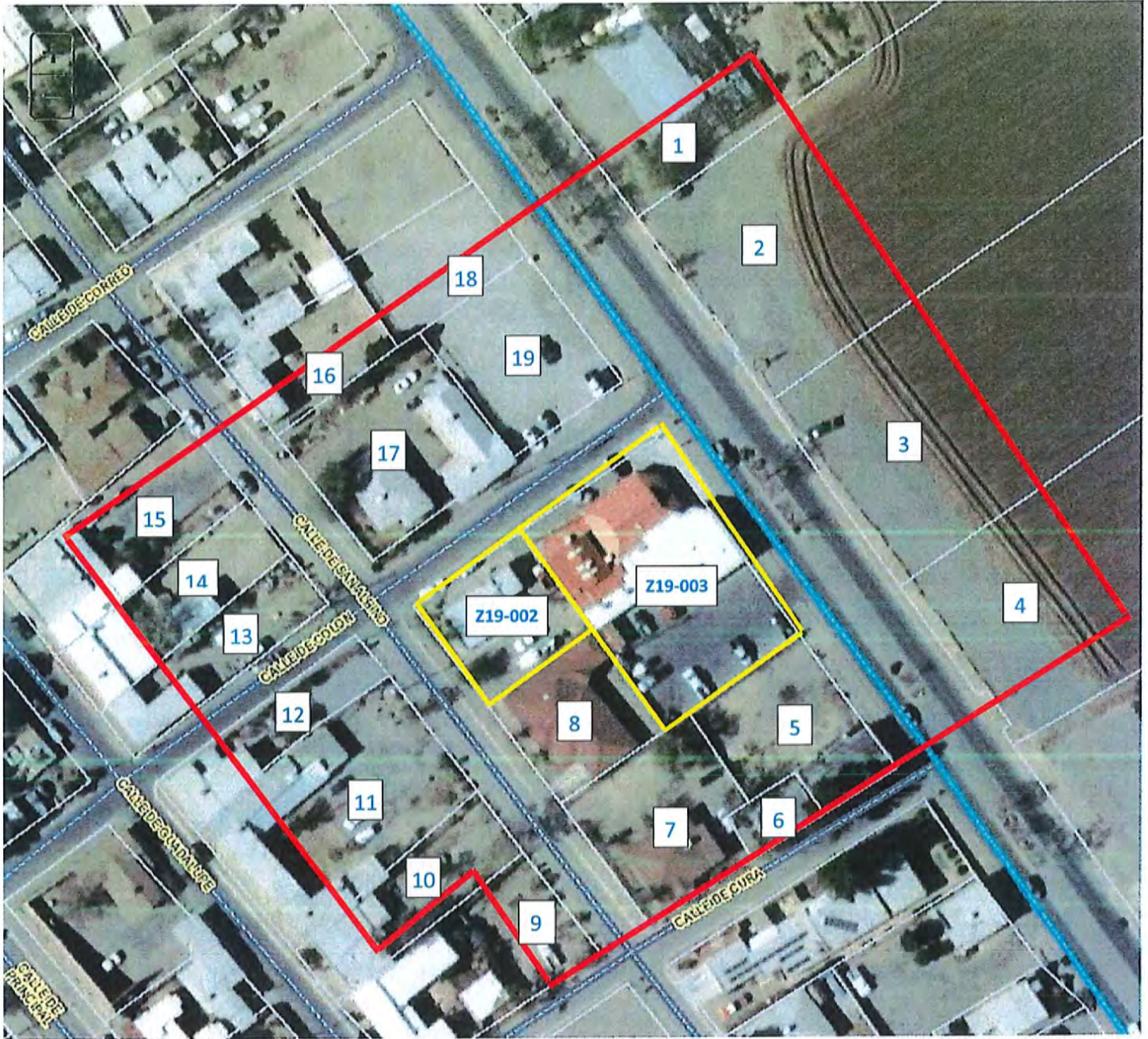
Letters or comments must be received before the Public Hearing. In addition to mailing the letter, a copy may be faxed to Larry Shannon at 575-541-6327, or e-mailed to larrys@mesillanm.gov to ensure timely receipt of your comments.

Sincerely,



Larry Shannon
Community Development Coordinator
Town of Mesilla

ZONE CHANGE - NOTIFICATION MAP
[Z19-002, Z19-003]
HISTORICAL RESIDENTIAL (HR) TO HISTORICAL COMMERCIAL (HC)



APPLICANTS

Z19-002 : Sylvia J Fierro, PO Box 1725, Mesilla, NM 88046

Z19-003 : Velia Chavez (Palacio's Bar), 2600 Avenida de Mesilla, Las Cruces, NM 88005

NOTIFIED PROPERTY OWNERS
[Z19-002, Z19-003]

1. Mary V Alexander Farm Property
(Chris Alexander)
1912 Newton
Las Cruces, NM 88001
2. Tamara Alexander
1946 Mahogany Drive
Las Cruces, NM 88001
3. Tamara Alexander
1946 Mahogany Drive
Las Cruces, NM 88001
4. Mary Frances A Bird
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Mesilla, NM 88046-0087
6. Nia Rucker
PO Box 1668
Mesilla, NM 88046
7. Jonathan E. Moore
PO Box 638
Mesilla Park, NM 88047
8. Jo Anna Maese
PO Box 300
Mesilla, NM 88046-0300
9. Antonia M Goodman
PO Box 130
Mesilla, NM 8806-0130
10. Sylvia M Saltero etal
PO Box 225
Mesilla, NM 88046-0225
11. J Paul Taylor
PO Box 113
Mesilla, NM 88046-0133
12. Emily Coss
404 North Armijo Street
Las Cruces, NM 88005
13. Ruben & Maria Rivera
PO Box 966
Mesilla, NM 88046
14. Stephen F Pate
PO Box 701
Mesilla, NM 88046
15. Ricardo Perez
2542 Vista de Dios
Las Cruces, NM 88005
16. ETMSS 3 LLC
PO Box 358
Mesilla Park, NM 88047
17. Laura M Lichtenstein Trustee
(Laura M Lichtenstein Rev Trust)
5 Cholla
Santa Fe, NM 87506
18. Richard P & Clara M Lujan
PO Box 74
Mesilla, NM 88046-0074
19. Richard P & Clara M Lujan
PO Box 74
Mesilla, NM 88046-0074

BOT ACTION FORM
ZONING PERMIT 060944
[PZHAC REVIEW – 8/19/19]
STAFF ANALYSIS

(Decision to be based on information presented during the Work Session – Item 2)

Item:

Case 060944 – 2630 Calle Segunda, submitted by Patrick A. Vigil for Theodore Calhoun; a request for a zoning permit to construct a new dwelling on a vacant residential property at this address. Zoned: Historical Residential (HR)

Staff Analysis:

The proposed work was discussed in the PZHAC Work Session held prior to this meeting. (Please refer to the information provided in the write-up for this item in the Work Session.)

If it is determined that the construction and/or style of the proposed dwelling is architecturally appropriate or acceptable for the zoning of the area as proposed, or if an alternate solution is arrived at, then the request can proceed on the assumption that all requirements of the Code will be satisfied. The PZHAC should continue on to approve the request based on the Findings of Fact stated below.

If, on the other hand, it is determined that the proposed dwelling would not be architecturally appropriate or acceptable to the zoning of the area, and no other solution can be reached, then the PZHAC should either postpone the request further until the applicant can return with a proposal that meets the standards set forth by the PZHAC; or the PZHAC should deny the request based on the request not meeting any or all of the Findings of Fact as listed.

Estimated Cost: \$212,500.00

The PZHAC will also need to determine that the request, as submitted, is consistent with the all other sections of the **Building and Zoning Codes** that may be applied to this project.

Findings:

- The PZHAC has jurisdiction to review this request.
- The proposed dwelling will be compatible with the surrounding area.
- The PZHAC has determined that the proposed dwelling meets all applicable Code requirements.

PZHAC OPTIONS:

1. Approve the proposed dwelling as being Historically Appropriate for the area.
2. Approve the proposed dwelling with conditions as being Historically Appropriate for the area.
3. Reject the request.

PZHAC ACTION:

The PZHAC determined that the proposed dwelling would not be out of character with the nature of the other dwellings nearby and voted 3 – 0 to recommend APPROVAL of this request to the BOT.

BOT OPTIONS:

1. Approve the application as recommended by the PZHAC.
2. Approve the application with conditions.
3. Reject the application.

BOT ACTION:

**PZHAC WORK SESSION
AUGUST 19, 2019
ITEM 2**

Submitted by Patrick A. Vigil for Theodore Calhoun; a request to discuss plans to construct a new dwelling on a vacant residential property at 2630 Calle Segunda. **Case 060944** –Zoned: Historical Residential (HR)

The subject property is one of two remaining properties part of Calle Segunda that are currently vacant. The subject property is the second property to the south of Calle de Colon. There are dwellings on the properties to the north and west. The property to the south is vacant. Surrounding properties are either vacant or contain dwellings that are a mix of architectural styles. (Photos of some of the adjacent neighboring properties area attached.)

The property is about 0.22 acres in size. All necessary utilities are available to the property. Access to the property is by Calle Segunda. The proposed dwelling will be Pueblo style with about 2214 square feet in size with an attached 500 square foot garage 313 square feet of porches. The dwelling will be Pueblo style and construction will be wood frame with stucco, with a flat roof.

There is adequate space for the required parking of three off-street spaces. The height of the proposed dwelling will be compatible with other dwellings in the area.

Consistency with the Code:

The PZHAC will need to determine that the proposed structure, when finished, will be consistent with the following sections of the Code:

18.06.110 Review of applications within Historical and General Commercial zones – Considerations.

- A. All applications for work in the Historical zones and Commercial zone (not subject to administrative approval) shall be reviewed by the planning, zoning and historical appropriateness commission. The commission shall determine whether the request involved will be appropriate for the purposes of this title. If the request shall be determined to be inappropriate, the board shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the historical district generally, such application may be approved without substantial detriment to the public welfare and without substantial derogation of the intent and purposes of this title.
- B. In reviewing an application, the planning, zoning and historical appropriateness commission shall consider in addition to this chapter:
 - 1. The historical and literary value and significance of the site, building, or structure;
 - 2. The general design, arrangement, texture, material and color of the features, sign or billboard involved;
 - 3. The relation of such factors to similar factors or sites, buildings and structures in the immediate surroundings;
 - 4. The appropriateness of the size and shape of the building or structure in relation to:
 - a. The land area upon which the building or structure is situated;
 - b. The landscaping and planting features proposed by the applicant; and
 - c. The neighboring sites, buildings or structures within the historical district.
 - 5. The commission shall also consider the applicable zoning and other laws of the town.
- C. In recommending approval of an application the commission may impose conditions which shall be binding upon the property. Prior to approving an application subject to conditions, the commission may notify the applicant of its proposed action to solicit his opinion. The concurring vote of three members of the board shall be necessary to make a determination in favor of the applicant on any application. [Ord. 2009-05 § 2]

Chapter 18.35 HR – Historical Residential Zone

In the HR zone, there is no size limit on either the primary or secondary dwelling as long as each dwelling unit has over 4000 square feet of property is **determined to be architecturally compatible and historically appropriate for the area** and meets building code requirements. The PZHAC will need to determine if the style of the proposed work is compatible with the development zone for the property. Since this construction is in a Historic zoning district, the following section of the Code applies:

18.33.080 Historical appropriateness permit.

A. Identification. A permit for a certificate of historical appropriateness shall be required before any of the following actions or work is undertaken: new construction, exterior alteration, demolition or removal. All work or acts of new construction or exterior alteration requiring a permit for a certificate of appropriateness shall comply with the design criteria established by the precedent styles within the development zone of the proposed work.

The applicant will be present at the work session to provide further details about the proposed construction, and will be available to answer any questions that may arise.

VIEW OF THE SUBJECT PROPERTY FROM CALLE SEGUNDA



Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

Select Search Type: Enter Value:

Maps | Legend

Map Themes

Parcels
UDC Zoning
Roads and Transportation
NM House Districts
NM Senate Districts
County Commission Districts
City Council Districts
Median Household Income
General Land Ownership

Account Number: [R0400582](#)
Parcel Number: 4006138214045
Owner: GERMANI PAUL R
Mail Address: 2870 SPRINGS BLVD
Subdivision: SOUTHWEST ADDITION
TO MESILLA 201
Property Address: 2630 Calle
Segunda
Acres: 0





1915482 JUL 16, 2019 03:18:34 PM PAGES: 1
WARRANTY DEED Deputy: Gerardo Barrera
Amanda López Askin, County Clerk, Dona Ana, NM



Southwestern Abstract & Title Co.
1163-CM-2019

WARRANTY DEED

Paul R. Germani and Jane A. Germani, husband and wife, for consideration paid, grant to Theodore W. Calhoun, a married man, as his sole and separate property whose address is 33 West 35th Place, Eugene, OR 97405, the following described real estate in Dona Ana County, New Mexico:

Lot 2, Block C, SOUTHWEST ADDITION TO TOWN OF MESILLA, in Dona Ana County, New Mexico, as shown and designated on the plat thereof, filed in the office of the County Clerk of said County on March 17, 1939, in Book 9 Page(s) 76 of Plat Records.

SUBJECT TO: Restrictions, Reservations and Easements of record.

with warranty covenants.

Witness hand and seal this 11th day of July, 2019.

Paul R. Germani

Jane A. Germani

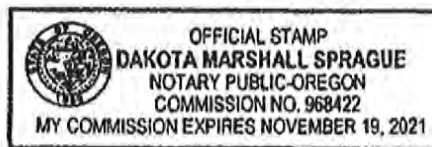
ACKNOWLEDGEMENT

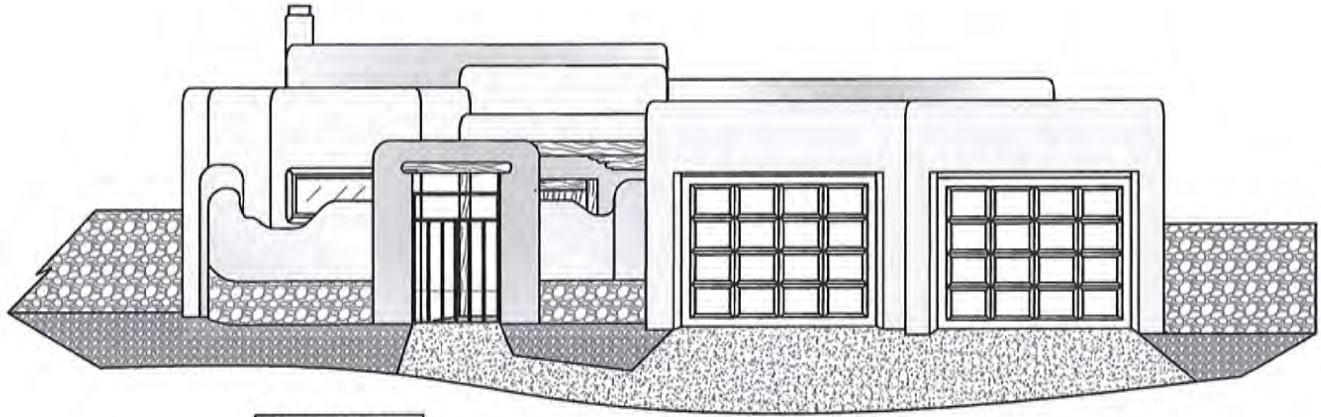
STATE OF OREGON
COUNTY OF LANE

This instrument was acknowledged before me on this 11th day of July, 2019 by Paul R. Germani and Jane A. Germani.

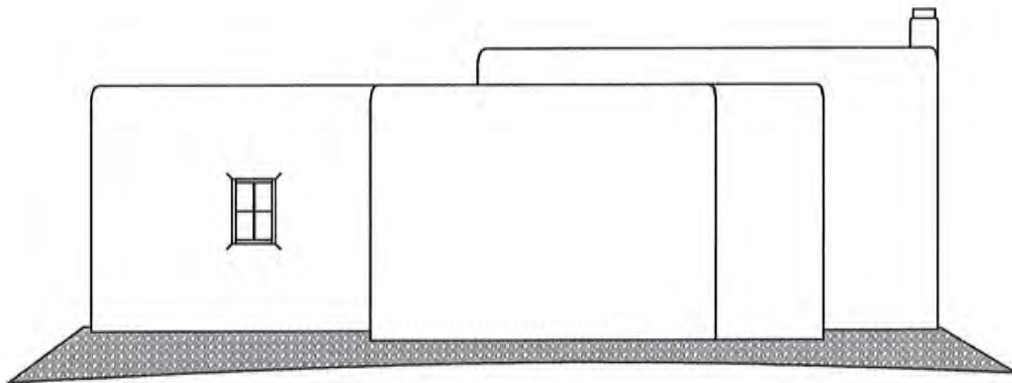
Signature of notarial officer

My commission expires: 11-14-2021





FRONT-EAST



BACK-WEST

Front and Back Elevations

Scale: NTS

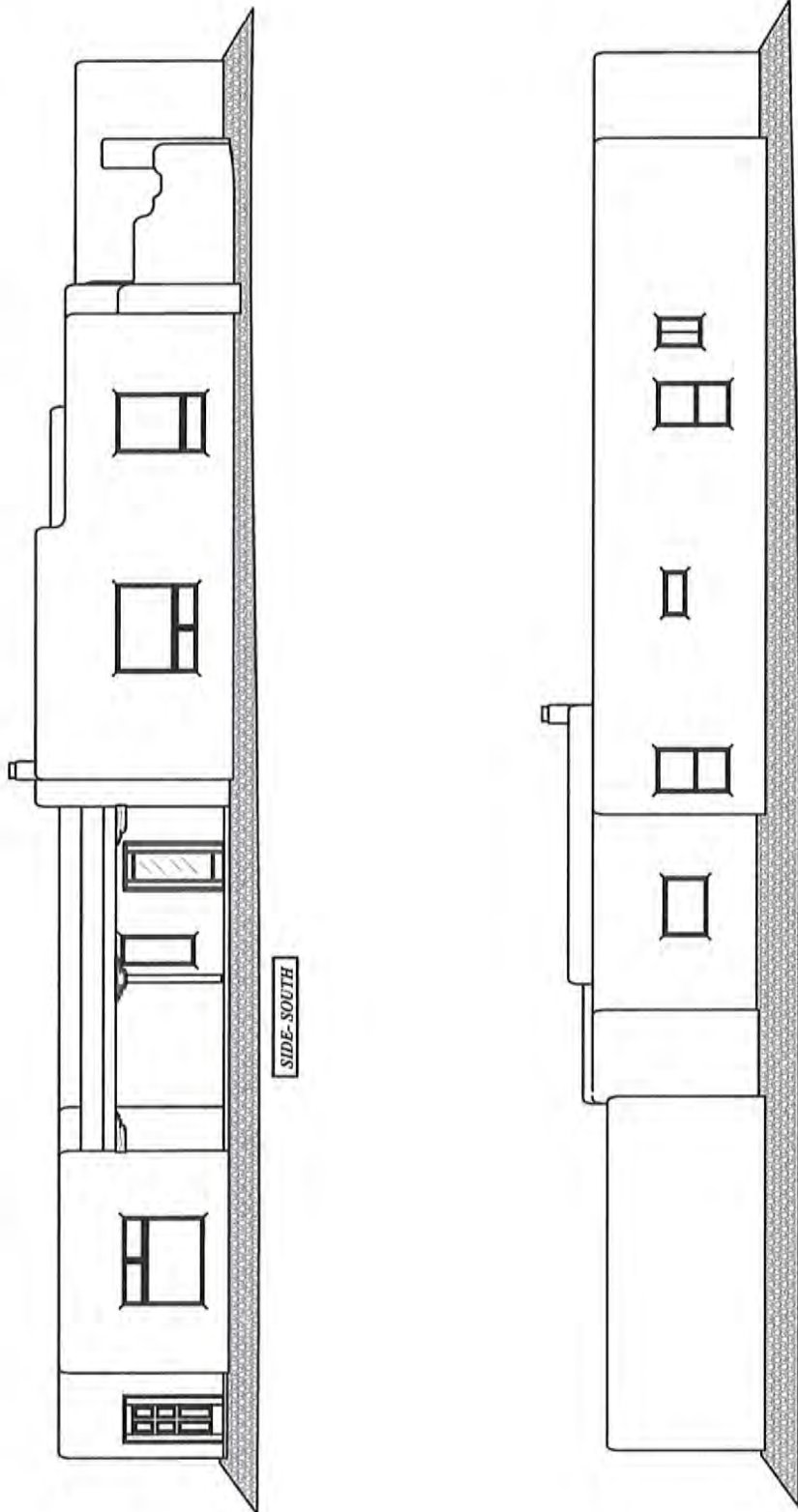
June 28, 2019

Drawn By: Patrick Vigil	2630 CALLE SEGUNDA	ViCa One Inc.
Drawn for: Theodore Calhoun	LOT 2 Blk C, SW Addition to Mesilla 201	PO Box 669
575-644-3748	Town of Mesilla, NM 88046	Mesilla Park, NM

575-644-3748	Town of Mesilla, NM 88046	Mesilla Park, NM
Drawn for: Theodore Calhoun	LOT 2 Blk C, SW Addition to Mesilla 201	PO Box 669
Drawn By: Patrick Vigil	2630 CALLE SEGUNDA	Vica One Inc.

June 28, 2019

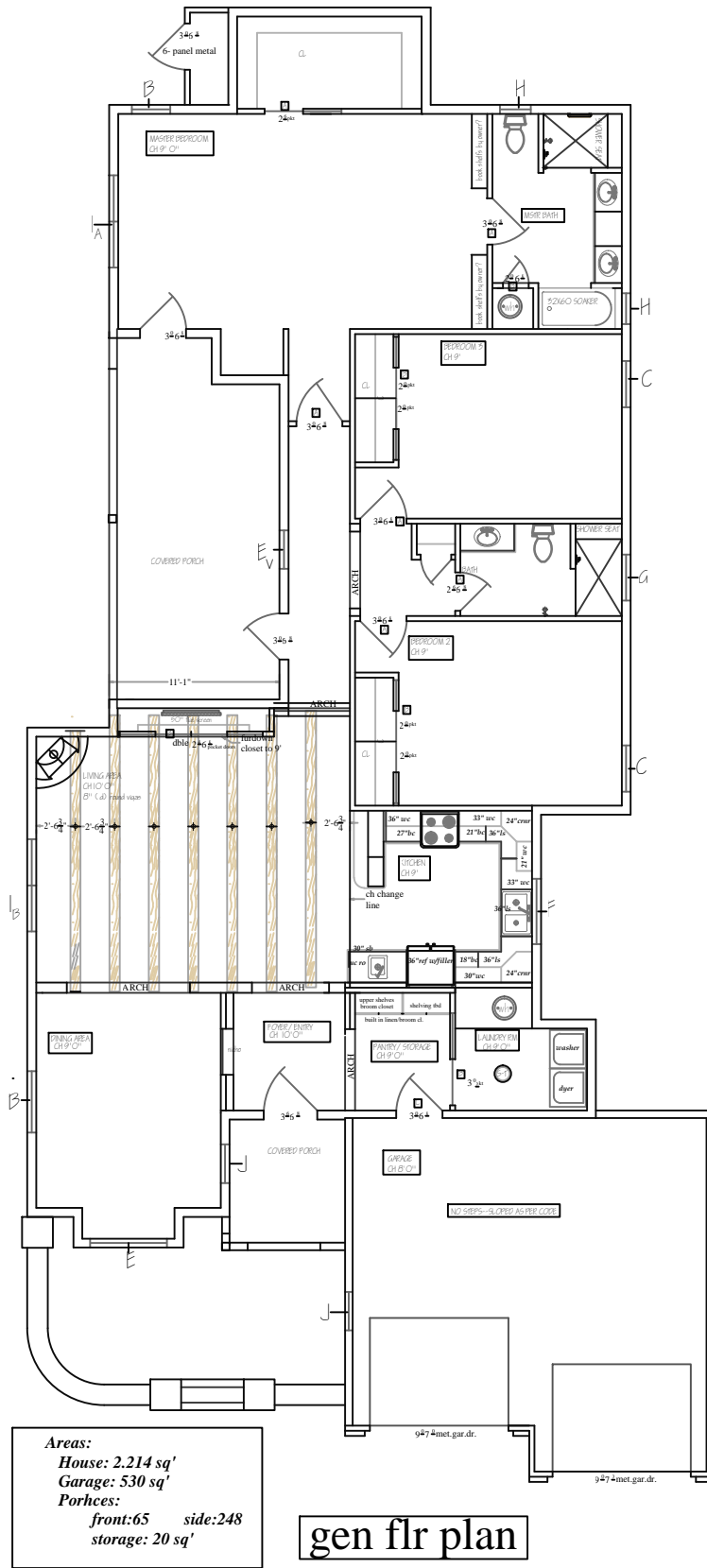
Front and Back Elevations



SIDE-NORTH

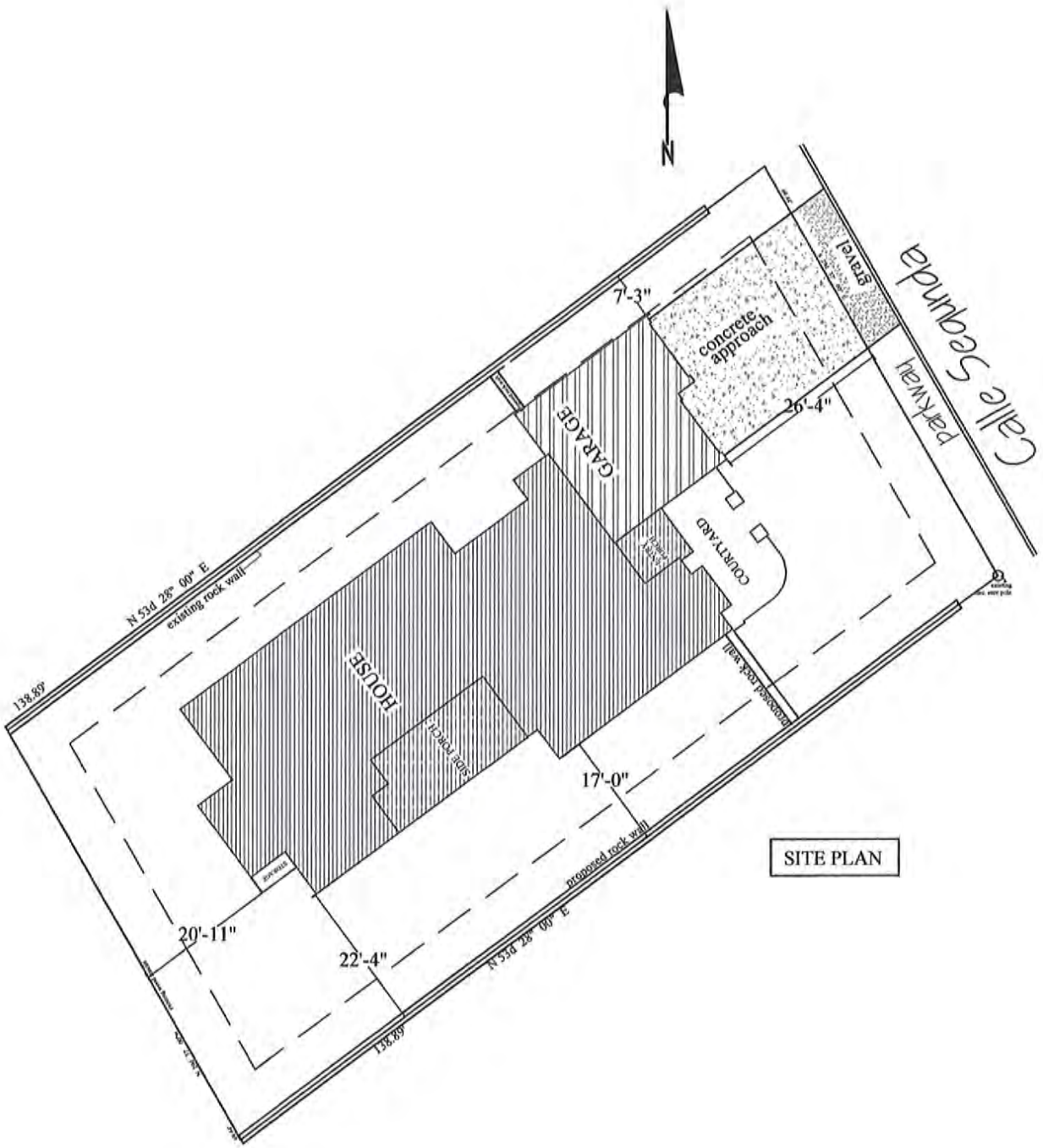
SIDE-SOUTH

Scale: NTS



Scale: NTS

June 28, 2019		
Drawn By: Patrick Vigil	2630 CALLE SEGUNDA	ViCa One Inc.
Drawn for: Theodore Calhoun	LOT 2 Blk C, SW Addition to Mesilla 201	PO Box 669
575-644-3748	Town of Mesilla, NM 88046	Mesilla Park, NM



SITE PLAN

Scale: NTS

June 28, 2019

Drawn By: Patrick Vigil	2630 CALLE SEGUNDA	ViCa One Inc.
Drawn for: Theodore Calhoun	LOT 2 Blk C, SW Addition to Mesilla 201	PO Box 669
575-644-3748	Town of Mesilla, NM 88046	Mesilla Park, NM

PHOTOS OF OTHER DWELLINGS IN THE IMMEDIATE AREA



PHOTOS OF OTHER DWELLINGS IN THE IMMEDIATE AREA



OR
OBTAIN A COMMERCIAL/RESIDENTIAL BUILDING PERMIT

Fee \$ 330.00
060944

2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 ext. 104

CASE NO. 060944 ZONE: UR CODE: UR APPLICATION DATE: 6-28-19

ViCa One Inc.--Patrick A. Vigil 575-644-3748
Name of Applicant/Owner Applicant's Telephone Number

PO Box 669 Mesilla Park NM 88047
Applicant's/Owner's Mailing Address City State Zip Code

vicaoneinc@aol.com
Applicant's/Owner's E-mail Address

ViCa One Inc.
Contractor's Name & Address (If none, indicate Self)

575-644-3748 85-0479450 (ein) 8592
Contractor's Telephone Number Contractor's Tax ID Number Contractor's License Number

Address of Proposed Work: 2630 Calle Segunda

Description of Proposed Work: New single family residence. Approximately 2,214 sq' with 530 sq' of garage and 313 sq' of porches

\$ 212,500.00 Patrick A Vigil 6-28-19
Estimated Cost Signature of Applicant Date

Signature of property owner if applicant is not the property owner: TWCash

With the exception of administrative approvals, all permit requests must undergo a review process from staff, PZHAC and BOT before issuance of a building permit. Recorded proof of ownership with legal description of property (deed or current tax bill) along with verification of legally subdivided status of the property are required. Plan sheets are to be no larger than 11 x 17 inches.

FOR OFFICIAL USE ONLY

PZHAC Administrative Approval BOT Approved Date: _____
 Approved Date: _____ Disapproved Date: _____
 Disapproved Date: _____ Approved with Conditions
 Approved with conditions

FIRE INSPECTION/APPROVAL REQUIRED: ___ YES NO ___ SEE CONDITIONS

CID PERMIT/INSPECTION REQUIRED: YES ___ NO ___ SEE CONDITIONS

CONDITIONS: PZHAC REVIEW & BOT FINAL APPROVAL REQ'D
CID PERMIT REQ'D

PERMISSION ISSUED/DENIED BY: _____ ISSUE DATE: _____

This Application will include the following, if checked:

1. ___ Plot plan with legal description to show existing structures, adjoining streets, driveway(s), improvements & setbacks. Verification shall show that the lot was legally subdivided through the Town of Mesilla or that the lot has been in existence prior to February 1972.
2. ___ Site Plan with dimensions and details.
3. ___ Proof of legal access to the property.
4. ___ Drainage plan.
5. ___ Architectural style and color scheme – diagrams or elevations (Historical and commercial zones only).
6. ___ Proof of sewer service or a copy of septic tank permit; proof of water service (well permit or statement from the Public Utility providing water services).
7. ___ Other information as necessary or required by the City Code or Community Development:

BOT ACTION FORM
SUBDIVISION CASE 060940
SUMMARY SUBDIVISION
[PZHAC REVIEW – 8/19/19]
STAFF ANALYSIS

Item:

Case 060940 – 306 Capri Arc, submitted by Suzanne M. Brannan for Joseph W. Rogers; a request to discuss plans to eliminate a lot line between two parcels to create one residential parcel at this address. Zoned: Single Family Residential (R-1)

The current properties consist of two properties, one of which contains the applicant’s dwelling and is 16337 square feet in size (0.38 acres) and the other which is vacant and is 6226 square feet in size (0.14 acres), for a total of 22,563 square feet (0.52 acres). The applicant owns both properties and would like to combine these two properties by eliminating the existing lot line between the two properties. There will no changes to the use of the final property. The applicant no longer lives on the property and would like to combine the properties in order to be able to sell the property more efficiently. (Ms. Brannan is Mr. Rogers’ daughter and is representing him in this case.)

Attached are surveys showing the existing lot lines and the proposed lot lines, photos of the properties, and legal descriptions of the properties involved in this case.

This summary subdivision will result in two lots being combined into one lot, with no additional lots being created. Also, there will be no adverse effect to neighboring lots.

CONSISTENCY WITH THE CODE:

The request is being presented under the Alternate Summary Subdivision Procedure because there are no other procedures in the Town of Mesilla Subdivision or Zoning Codes that address replats of lot lines in which no new lots are created, nor are there any changes to the boundaries of neighboring properties. The request is consistent with the following section of the Code:

Chapter 17.35 - ALTERNATE SUMMARY PROCEDURE
MTC 17.35.010 Requirements.

- A. Plats of survey with a metes and bounds description with a minimum scale of one inch equals 100 feet certified by a registered land surveyor in the state of New Mexico with accompanying land description will be a suitable means of description for the purposes of this chapter. Final **approved** plats shall be submitted on 18-inch by 24-inch reproducible mylar. **(This will be done upon approval of this request.)**

Disclosure statements will not be required unless specifically requested by the planning commission.

The PZHAC will also need to determine that the request, as submitted, is consistent with the all other sections of the **Building and Zoning Codes** that may be applied to this project.

Findings:

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of the elimination of a lot line between lots in the R-1 zone in order to create a single parcel.
- The PZHAC has determined that the proposed lot line adjustment meets all applicable Code requirements.

PZHAC OPTIONS:

1. Recommend approval of the requested lot line elimination to the BOT.
2. Recommend approval of the requested lot line elimination to the BOT with conditions.
3. Reject the permit.

PZHAC ACTION:

The PZHAC determined that the proposed elimination of a lot line to create one lot will not be detrimental to the area or the Town and voted 3 – 0 to recommend APPROVAL of this request to the BOT.

BOT OPTIONS:

1. Approve the application as recommended by the PZHAC.
2. Approve the application with conditions.
3. Reject the application.

BOT ACTION:

PHOTO OF THE LARGER PROPERTY CONTAINING THE APPLICANT'S DWELLING



PHOTO OF THE SMALLER VACANT PROPERTY ADJACENT TO THE LARGER PROPERTY



Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

Select Search Type: Enter Value:

Maps | Legend

Map Themes

- Parcels
- UDC Zoning
- Roads and Transportation
- NM House Districts
- NM Senate Districts
- County Commission Districts
- City Council Districts
- Median Household Income
- General Land Ownership

Account Number: [R0400749](#)
Parcel Number: 4007137159419
Owner: ROGERS JOSEPH W
Mail Address: 306 CAPRI ARC
Subdivision: MESILLA PARK MANOR
PL 3C 622
Property Address: 306 CAPRI ARC
Acres: 0



Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

Select Search Type: Enter Value:

Maps | Legend

Map Themes
Parcels
UDC Zoning
Roads and Transportation
NM House Districts
NM Senate Districts
County Commission Districts
City Council Districts
Median Household Income
General Land Ownership

Account Number: [R0400751](#)
Parcel Number: 4007137160413
Owner: ROGERS JOSEPH W
Mall Address: 306 CAPRI ARC
Subdivision: MESILLA PARK MANOR
PL 3C 622
Property Address: 306 CAPRI ARC
Acres: 0



NEW MEXICO STATUTORY FORM POWER OF ATTORNEY

IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your primary, or first named, agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. If your primary agent is unwilling or unable, your successor agent will be able to make decisions and act with respect to your property whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the Uniform Power of Attorney Act, NMSA 1978, §§ 45-5B-101 through 45-5B-403.

This power of attorney does not authorize the agent to make health care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

Your agent is entitled to reasonable compensation unless you state otherwise in the Special Instructions.

This form provides for designation of an agent; you may name successor agents.

If your primary agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent.

This power of attorney is effective immediately.

If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.



COUNTY OF DONA ANA) STATUTORY POWER OF A
STATE OF NEW MEXICO) ss PAGES: 7

I Hereby Certify That This Instrument Was Filed for
Record On MAR 14, 2012 02:47:05 PM
And Was Duly Recorded as Instrument # 1206555
Of The Records Of Dona Ana County



Witness My Hand And Seal Of Office,
Lynn J. Ellins, County Clerk, Dona Ana, NM

DESIGNATION OF AGENT

I, **Joseph Wilson Rogers a/k/a Joseph W. Rogers** (d/o/b: 10/13/1925), currently of 306 Capri Arc, Las Cruces, New Mexico 88005, name the following person as my primary agent:

Name of Primary Agent: **Suzanne Marie Brannan** (d/o/b: 4/3/1961)
Primary Agent's Current Address: 12304 Pine Ridge NE, Albuquerque, New Mexico 87112
Primary Agent's Telephone Number: home telephone: (505) 294-3644, cell telephone: (505) 228-4269

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my primary agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: **Jefferson Sanford Rogers** (d/o/b: 9/14/1962)
Successor Agent's Current Address: Post Office Box 827, Martin, Tennessee 38237
Successor Agent's Telephone Number: home telephone: (731) 588-0035, work telephone: (731) 881-7430

GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the Uniform Power of Attorney Act, NMSA 1978, §§ 45-5B-101 through 45-5B-403:

(**INITIAL** each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects, you may initial "All Preceding Subjects" instead of initialing each subject.)

- Real Property
- Tangible Personal Property
- Stocks and Bonds
- Commodities and Options
- Banks and Other Financial Institutions
- Operation of Entity or Business
- Insurance and Annuities
- Estates, Trusts and Other Beneficial Interests
- Claims and Litigation

- Personal and Family Maintenance
- Benefits from Governmental Programs or Civil or Military Service
- Retirement Plans
- Taxes
- All Preceding Subjects**

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)

- Create or terminate an inter vivos trust
- Make a gift, subject to the limitations of Section 217 of the Uniform Power of Attorney Act, NMSA 1978, §§ 45-5B-101 through 45-5B-403, and any special instructions in this power of attorney
- Create or change rights of survivorship
- Create or change a beneficiary designation
- Authorize another person to exercise the authority granted under this power of attorney
- Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
- Exercise fiduciary powers that the principal has authority to delegate
- Disclaim or refuse an interest in property, including a power of appointment

LIMITATION ON AGENT'S AUTHORITY

An agent that is not my ancestor, spouse or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions in the following space: **I hereby revoke any power of attorney signed by me prior to this date for the authorities granted herein.**

EFFECTIVE DATE

This power of attorney is effective immediately; this power of attorney is intended to be durable, and the authority of an agent shall extend through any disability or incapacity sustained by or affecting me.

NOMINATION OF CONSERVATOR OR GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a conservator of my estate or guardian of my person, I nominate the following person(s) for such appointments:

Name of Primary Nominee for conservator of my estate: **Suzanne Marie Brannan**
Primary Nominee's Current Address: 12304 Pine Ridge NE, Albuquerque, New Mexico 87112
Primary Nominee's Telephone Number: home telephone: (505) 294-3644, cell telephone: (505) 228-4269

If my Primary Nominee for conservator of my estate is unable or unwilling to act, I nominate as my alternate for appointment as conservator of my estate:

Name of Alternate Nominee for conservator of my estate: **Jefferson Sanford Rogers**
Alternate Nominee's Current Address: Post Office Box 827, Martin, Tennessee 38237
Alternate Nominee's Telephone Number: home telephone: (731) 588-0035, work telephone: (731) 881-7430

Name of Primary Nominee for guardian of my person: **Suzanne Marie Brannan**
Primary Nominee's Current Address: 12304 Pine Ridge NE, Albuquerque, New Mexico 87112
Primary Nominee's Telephone Number: home telephone: (505) 294-3644, cell telephone: (505) 228-4269

If my Primary Nominee for guardian of my person is unable or unwilling to act, then I nominate as my alternate nominee for appointment as guardian of my person:

Name of Alternate Nominee for guardian of my person: **Jefferson Sanford Rogers**

Alternate Nominee's Current Address: Post Office Box 827, Martin, Tennessee 38237

Alternate Nominee's Telephone Number: home telephone: (731) 588-0035, work telephone: (731) 881-7430

RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid.

SIGNATURE AND ACKNOWLEDGMENT

Your Signature: Joseph W. Rogers

Date: March 14, 2012

Your Name Printed: **Joseph Wilson Rogers a/k/a Joseph W. Rogers**

Your Current Address: 306 Capri Arc, Las Cruces, New Mexico 88005

Your Telephone Number: (575) 524-3281

State of New Mexico

ss.

County of Doña Ana

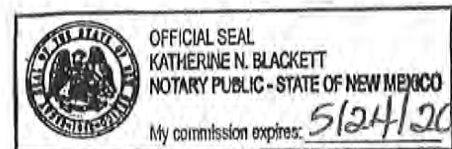
This instrument was acknowledged before me on March 14, 2012, by Joseph Wilson Rogers a/k/a Joseph W. Rogers.

(Seal)

Signature of notarial officer:

Katherine N. Blackett

Notary Public



IMPORTANT INFORMATION FOR AGENT

Agent's Duties

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:

1. do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;

2. act in good faith;

3. do nothing beyond the authority granted in this power of attorney; and

4. disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner: by _____ (name) as Agent of _____ (Principal's Name),
_____ (Your Signature)

Unless the Special Instructions in this power of attorney state otherwise, you must also:

1. act loyally for the principal's benefit;

2. avoid conflicts that would impair your ability to act in the principal's best interest;

3. act with care, competence and diligence;

4. keep a record of all receipts, disbursements and transactions made on behalf of the principal;

5. cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and

6. attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

Termination of Agent's Authority

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney.

Events that terminate a power of attorney or your authority to act under a power of attorney include:

1. death of the principal;
2. the principal's revocation of the power of attorney or your authority;
3. the occurrence of a termination event stated in the power of attorney;
4. the purpose of the power of attorney is fully accomplished; or
5. if you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

Liability of Agent

The meaning of the authority granted to you is defined in the Uniform Power of Attorney Act, NMSA 1978, §§ 45-5B-101 through 45-5B-403. If you violate the Uniform Power of Attorney Act NMSA 1978, §§ 45-5B-101 through 45-5B-403, or act outside the authority granted, you may be liable for any damages caused by your violation.

If there is anything about this document or your duties that you do not understand, you should seek legal advice.

SUBDIVISION APPLICATION

OFFICIAL USE ONLY:

Case # 060940

Fee \$ 150.00

CASE NO. 060940 ZONE: R-1 CODE: SUB APPLICATION DATE: 7/23/19

Preliminary Plat Summary Subdivision Final Plat Vacation of Lot Line

Suzanne M. Brannan (505)228-4269
Name of Applicant Applicant's Telephone/Cell Number

12304 Pine Ridge Ave, NE Albuquerque, NM 87112
Mailing Address City State Zip Code

Joseph W. Rogers (306 Capri Arc Las Cruces, NM 88005)
Owner of Record: Address City State Zip Code

N/A
Name of Engineer License # of Engineer Address Telephone/Cell Number

Emerick
Name of Architect License # of Architect Address Telephone/Cell Number

Mesilla Park Manor Mesilla Park
Subdivision Name Subdivision Location

Total Acreage 22,563.00 Number of Lots: 2
Acreage of Largest Lot 16,337.00 Acreage of Smallest Lot: 6,226.00
Legal Description _____

Tax Map Property Code (s) PC 04-00749 PC 04-00751 Jacob's Map # _____

A ZONE CHANGE, VARIANCE, EXEMPTION, OR SPECIAL PERMIT IS ALSO BEING REQUESTED WITH THIS PROPERTY.

EXPLAIN: _____

By signing this application, you hereby acknowledge that ALL the information submitted on and with this application is true and correct to the best of your knowledge and that all provisions of the Town of Mesilla shall be met. No application will be accepted without the original signature of the owner(s) of record of the described property. If more than one owner, ALL owners must sign the application. (Attached an additional sheet if necessary).

Owner(s) Suzanne M. Brannan Suzanne M Brannan Date July 23, 2019
Applicant(s) (if different than owner) _____ Date _____

FOR OFFICIAL USE ONLY

PZHAC Administrative Approval BOT Approved Date: _____
 Approved Date: _____ Disapproved Date: _____
 Disapproved Date: _____ Approved with Conditions
 Approved with conditions

CONDITIONS: _____



RESOLUTION NO. 2019-16

A RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP) FOR 2021-2025.

WHEREAS, the Town of Mesilla recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

WHEREAS, this process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF MESILLA that:

1. The municipality has adopted the attached FY 2021-2025 Infrastructure Capital Improvements Plan, and
2. It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for New Mexico's infrastructure.
3. This Resolution supersedes Resolution No. 2018-18

PASSED, APPROVED and ADOPTED by the Board of Trustees at its meeting of August 26, 2019.

Nora L. Barraza
Mayor

ATTEST:

Cynthia Stoechner-Hernandez
Town Clerk-Treasurer

Roll Call Vote:

Mayor Barraza _____

Mayor Pro-Tem Caro _____

Trustee Garcia _____

Trustee Arzabal _____

Trustee Johnson-Burick _____

Infrastructure Capital Improvement Plan FY 2021-2025

Mesilla

Project Summary

ID	Year	Rank	Project Title	Category	Funded to date	2021	2022	2023	2024	2025	Total Project Cost	Amount Not Yet Funded	Phases?
						0	0	0	0	0			
36475	2021	001	Mesilla water system booster pump replacement	Water - Water Supply	0	320,000	0	0	0	0	320,000	320,000	No
36493	2021	002	Mesilla Marshall's Department Vehicles	Vehicles - Public Safety Vehicle	0	110,000	0	0	0	0	110,000	110,000	No
36496	2021	003	Calle del Norte Multi-Use Path Phase II	Transportation - Bike/Pedestrian/Equestrian	801,800	42,200	0	0	0	0	844,000	42,200	No
36499	2021	004	Calle de Picacho Drainage	Water - Storm/Surface Water Control	0	165,000	0	0	0	0	165,000	165,000	No
36501	2021	005	Public Safety Building Renovation	Facilities - Fire Facilities	0	100,000	0	0	0	0	100,000	100,000	No
36502	2021	006	Purchase Street Sweeper	Facilities - Administrative Facilities	0	60,000	0	0	0	0	60,000	60,000	No
36494	2021	007	Playground Equipment	Facilities - Other	0	75,000	0	0	0	0	75,000	75,000	No
20587	2021	008	SCADA System	Equipment - Other	0	140,000	0	0	0	0	140,000	140,000	Yes
14186	2022	001	Mesilla Road Improvements Phase I-III	Transportation - Highways/Roads/Bridges	0	0	488,466	0	0	0	488,466	488,466	Yes
20493	2022	002	Sanitary Sewer System and Manhole Rehabilitation	Water - Wastewater	0	0	100,000	0	0	0	100,000	100,000	Yes
20592	2023	001	Park Rehab and Playground and Restroom Upgrades	Facilities - Other	0	0	0	165,000	100,000	135,000	400,000	400,000	Yes
20588	2023	002	Replace Water Lines Phase I, II, III	Water - Water Supply	0	0	0	305,500	1,708,000	76,500	2,090,000	2,090,000	Yes
20488	2023	003	Sewer Line Extensions Phase I,II, III	Water - Wastewater	0	0	0	150,000	850,000	0	1,000,000	1,000,000	Yes
30312	2024	001	Parque de Los Leones Parking/Loop	Transportation -	0	0	0	0	235,000	0	235,000	235,000	Yes

Infrastructure Capital Improvement Plan FY 2021-2025

Improvements		Highways/Roads/Bridges											
		Water - Storm/Surface Water Control	Water - Other	Transportation - Bike/Pedestrian/Equestrian	Transportation - Highways/Roads/Bridges	Water - Water Supply	Facilities - Administrative Facilities						
34114	2024 002	Calle de Arroyo Drainage Improvements	0	0	0	0	0	0	0	50,000	0	50,000	No
20499	2024 003	Install/Replace Fire Hydrants	0	0	0	0	0	0	0	250,000	0	250,000	Yes
31505	2024 004	Sidewalk Refurbishment and Replacement	0	0	0	0	0	0	0	75,000	75,000	150,000	Yes
14213	2024 005	Calle del Sur Rd Widening and Storm Drain	0	0	0	0	0	0	0	215,000	800,000	1,015,000	Yes
16126	2025 001	Drilling New Well	0	0	0	0	0	0	0	1,000,000	1,000,000	1,000,000	Yes
22396	2025 002	Boardroom Facility - Addition to Town Hall	0	0	0	0	0	0	0	1,700,000	1,700,000	1,700,000	Yes

Number of projects:	20	Year 1:	620,500	Year 2:	3,483,000	Year 3:	3,786,500	Year 4:	10,292,466	Year 5:	9,490,666	Total Project Cost:		Total Not Yet Funded:
Funded to date:	801,800	1,012,200	588,466											
Grand Totals														

RESOLUTION NO. 2019-18

AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY.

WHEREAS, the Town of Mesilla ("Governmental Unit") is a qualified entity under the New Mexico Finance Authority Act, Sections 6-21-1 through 6-21-31, NMSA 1978 ("Act"), and the Town of Mesilla ("Governing Body") is authorized to borrow funds and/or issue bonds for financing of public projects for benefit of the Governmental Unit; and

WHEREAS, the New Mexico Finance Authority ("Authority") has instituted a program for financing of projects from the public project revolving fund created under the Act and has developed an application procedure whereby the Governing Body may submit an application ("Application") for financial assistance from the Authority for public projects; and

WHEREAS, the Governing Body intends to undertake acquisition, construction and improvement of the Mesilla Marshal's vehicles purchase("Project") for the benefit of the Governmental unit and its citizens; and

WHEREAS, the application prescribed by the Authority has been completed and submitted to the Governing Body and this resolution approving submission of the completed Application to the Authority for its consideration and review is required as part of the Application.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
Town of Mesilla:

Section 1. That all action (not consistent with the provision hereof) heretofore taken by the Governing body and the officers and employees thereof directed toward the Application and the Project, be and the same is hereby ratified, approved and confirmed.

Section 2. That the completed Application submitted to the Governing Body, be and the same is hereby approved and confirmed.

Section 3. That the officers and employees of the Governing Body are hereby directed and requested to submit the completed Application to the Authority for its review, and are further authorized to take such other action as may be requested by the Authority in its consideration and review of the Application and to further proceed with arrangements for financing the Project.

Section 4. All acts and resolutions in conflict with this resolution are hereby rescinded, annulled and repealed.

Section 5. This resolution shall take effect immediately upon its adoption.

PASSES APPROVED AND ADOPTED this 26th day of August, 2019

GOVERNING BODY

By _____
Nora L. Barraza, Authorized Officer

(Seal)

ATTEST:

Cynthia Stoechner-Hernandez,
Finance Officer



**NEW MEXICO
FINANCE AUTHORITY**

NMFA Use Only:	
App. #:	-PP
FA assigned:	
Legislative Authorization	

**PUBLIC PROJECT REVOLVING FUND
EQUIPMENT APPLICATION**

I. GENERAL INFORMATION

A. APPLICANT /ENTITY

Application Date:	8/27/19
--------------------------	---------

Applicant/Entity:	Town of Mesilla		
Address:	PO BOX 10, Mesilla, NM 88046		
County	Dona Ana	Census Tract:	48060
Federal Employer Identification Number (EIN) as issued by the IRS:			85-0200207
Legislative District: 02	Senate:	35, 38	House: 33
Phone: 524-3262	Fax: 541-6327	Email Address:	cynthias-h@mesillanm.gov
Individual Completing Application:	Cynthia Stoechner-Hernandez, Clerk/Treasurer		
Address:	PO BOX 10, Mesilla, NM 88046		
Phone: 524-3262	Fax: 541-6327	Email Address:	cynthias-h@mesillanm.gov

II. PROJECT SUMMARY

A. Project Description. Complete the following information, using additional paper if necessary. Include any additional documents that may be useful in reviewing this project, i.e. architectural designs, feasibility studies, business plan, etc.

1. Description of Equipment:

To purchase and equip two Ford Explorers Police Interceptor with police package for the

2. When do you need NMFA funds available? As soon as possible

B. Total Project Cost & Sources of Funds Detail.

Equipment Items	NMFA Funds Requested	Other Public Funds*	Private Funds	Total
(2) Ford Explorer 4x4 Police	\$ 106,000	\$	\$	\$ 106,000
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
Total Cost:\$	\$ 106,000	\$	\$	\$ 106,000

III. FINANCING

A. Specify the revenue to be pledged as security for the NMFA loan (a revenue source must be pledged for this type of project).

- Municipal Local Option GRT – please specify: _____
- County Option GRT – please specify: _____
- Other Tax-Based Revenue: _____
- State-Shared GRT
- Law Enforcement Funds
- Fire Protection Funds
- Other Revenue: _____

B. Preferred financing term: 4 years.

C. Is any debt being repaid from the revenue source(s) referenced in A (1)? Yes No

If yes, provide bond or loan documents and payment schedule for any existing debt service being paid from the same revenues that would be used to repay a NMFA loan.

IV. READINESS TO PROCEED ITEMS

A. The following items must accompany this application in order for this application to be considered complete:

- Equipment cost breakdown (if applicable)
- Three most recently completed fiscal year audit reports

- Current unaudited financials
- Current fiscal year budget
- Equipment Application
- Application Resolution
- Minutes of public hearing meeting approving submission of application
- Any additional information requested by NMFA

V. CERTIFICATION

I certify that:

We have the authority to request and incur the debt described in this application and, upon award, will enter into a contract for the repayment of any NMFA loans and/or bonds.

We will comply with all applicable state and federal regulations and requirements.

To the best of my knowledge all information contained in this application is valid and accurate and the submission of this application has been authorized by the governing body of the undersigned jurisdiction.

Signature:

(highest elected official)

Title: Mayor

Jurisdiction:

Town of Mesilla

Print Name:

Nora L. Barraza

Date: 8/27/19

Signature:

Date: 8/27/19

Finance Officer/Director: Cynthia Stoechner-Hernandez

Rich Ford
Ford Explorer

Utility Vehicle 4x4 full size

Base Price	\$29,787.00
Back up camera	NA
Bluetooth/hands free	STD
Cargo Storage Vault	\$495.00
Eco boost 3.7	-\$1,865.00
Enhance PTU cooler	\$3,079.00
Front warning aux lights	\$625.00
Hidden door lock plunger	\$253.00
Lockable gas cap	\$38.00
Perimeter anti-theft	\$320.00
Police interior upgrade package	\$475.00
Police wire harness front	\$197.00
Police wire harness rear	\$225.00
Pre-wire grill lights/speaker	\$150.00
Rear door handles inoperable	\$64.00
Key fob (3)	\$1,065.00
Side marker LED mirrors	\$376.00
Side marker LED rear 1/4 panel	\$656.00
Siren speaker 100w	\$385.00
Spotlight LED	\$445.00
Tail lamp lighting	\$505.00
Warrenty 5 yr bumper to bumper 75000	\$1,905.00
Rear window power delete	\$58.00
Patrol Utility slick top	\$12,800.00
TOTAL	\$52,038.00



RESOLUTION NO. 2019-17

A RESOLUTION BY THE BOARD OF TRUSTEES DENYING AN APPEAL ON CASE V19-002 SUBMITTED BY MS. KRUEGER

WHEREAS, the Board of Trustees convened on August 12, 2019 at a regular meeting and considered the case regarding the appeal of Board of Adjustment’s decision to approve a variance request to allow for an off premise directory sign on a commercial property at the Southeast corner of Calle de Alvarez and Avenida de Mesilla;

WHEREAS, the Board of Trustees were informed of the details of the case, and;

WHEREAS, the Board of Trustees heard testimony from the applicants, the appellate, and staff regarding the request.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Trustees of the Town of Mesilla hereby DENY Ms. Kruger’s appeal to the decision made by the Board of Adjustments related to Case V19-002. The decision was made based on the following findings:

1. The approval of variance V19-002 was well in the purview of the Board of Adjustment’s Authority per Mesilla Town Code 18.85.020.

PASSED, APPROVED AND ADOPTED this 26th day of August 2019.

Nora L. Barraza
Mayor

ATTEST:

Cynthia Stoechner-Hernandez
Town Clerk-Treasurer

Roll Call Vote:

Mayor Barraza _____

Mayor Pro-Tem Caro _____

Trustee Garcia _____

Trustee Arzabal _____

Trustee Johnson-Burick _____

**USE AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND
TOWN OF MESILLA FIRE DEPARTMENT
FOR SPACE AT THE LAS CRUCES PUBLIC SAFETY TRAINING TOWER**

This use agreement is entered into and effective this ____ day of _____, 2019, between the City of Las Cruces ("City") and Town of Mesilla ("Town").

RECITALS

- A. City owns the Las Cruces Public Safety Training Tower ("Training Tower") near the intersection of Crawford Boulevard and Zia Boulevard, adjacent to the Las Cruces International Airport, as shown on Exhibit "A", and is agreeable to its use by the Town.
- B. The Town will use the space as shown on Exhibit "B" during the term of this agreement between the hours of 0800 and 2000.
- C. The term of this agreement shall commence on September 1st, 2019 and continue through September 1st, 2024.
- D. The fee for the use agreement shall be \$0.00.
- E. The City, at its expense, shall provide all utilities to include water and electricity through existing lines or equivalent.
- F. The Town, shall clean the premises and leave same in as good condition as it was at the inception of this Lease.
- G. The Town shall maintain in full force and effect during the term of this Lease, a commercial general liability insurance policy having insurance with coverage of \$1,000,000 per occurrence and \$2,000,000 aggregate operations under this Lease. Such insurance shall be written by an insurance company licensed to do business in the State of New Mexico, shall have limits of liability no less than the limits of liability set forth in the New Mexico Tort Claims Act, which are presently one million dollars, and shall name the City as an additional insured with the same coverage as the Town with respect to any claims arising from the activities carried out by the Town under this Lease. The Town shall provide the City with an endorsement identifying the insurance required herein.
- H. The Town, shall maintain worker's compensation insurance or equivalent for all participants per WCA and provide a certificate of insurance with the City listed as a certificate holder.

- I. The Town shall have no right to transfer the use agreement of any portion of the Training Tower or assign the use agreement during the term of this use agreement without the express written consent to the City.
- J. Each party is responsible for its officers and employees pursuant to the New Mexico Tort Claims Act. All of the Town's employees during this use agreement prior to participating will sign a hold harmless agreement as shown by Exhibit "C" attached hereto.
- K. The City will monitor the activities of the Town during the use agreement term and if it deems such activity a danger to personnel, the Training Tower or the property that was not contemplated by this use agreement it may immediately cause such activity to cease until the parties agree to resumption of activity contemplated by this use agreement.

CITY OF LAS CRUCES

TOWN OF MESILLA

By: _____
Las Cruces City Manager

by: _____
Town of Mesilla Mayor

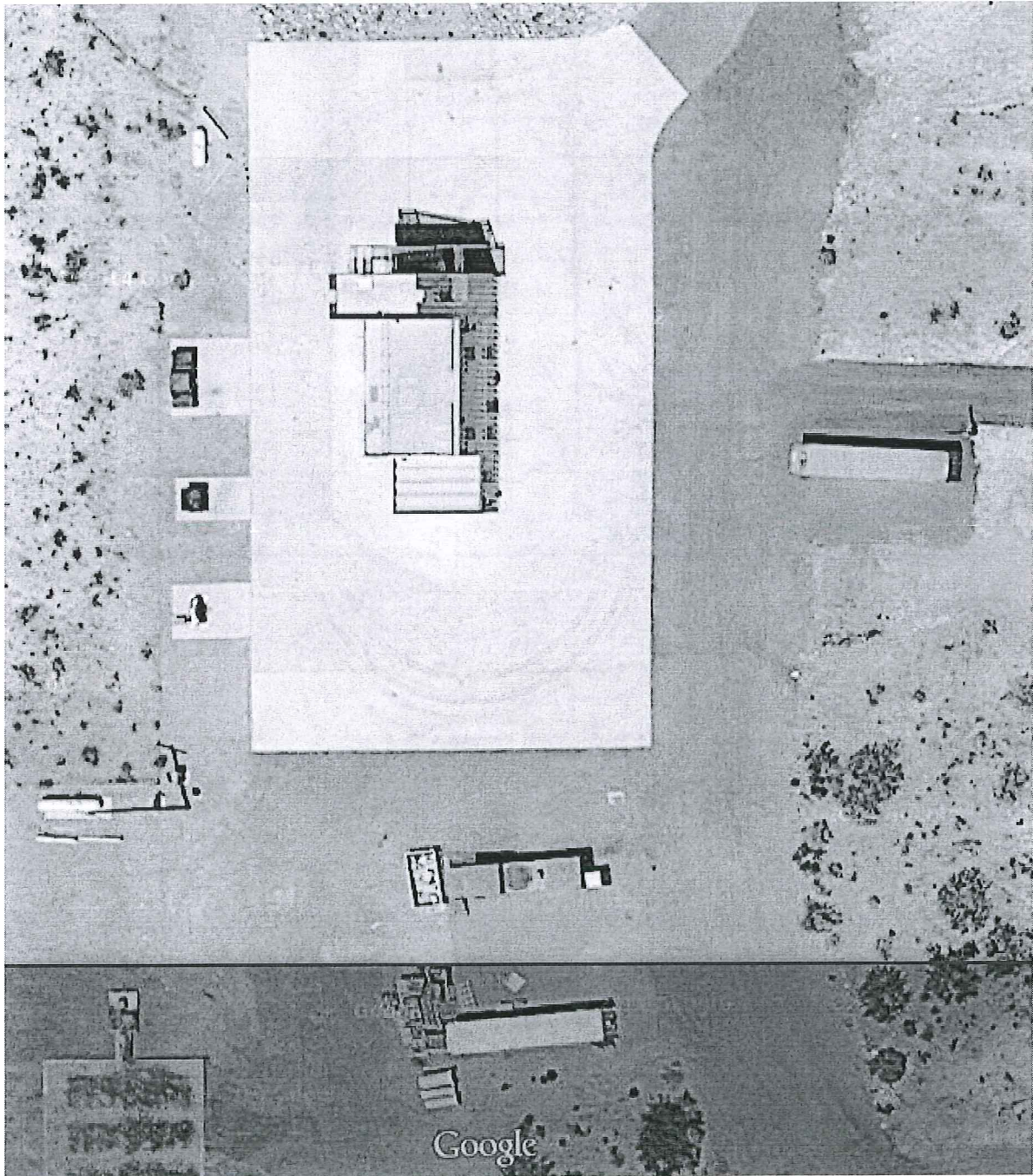
Approved as to form:

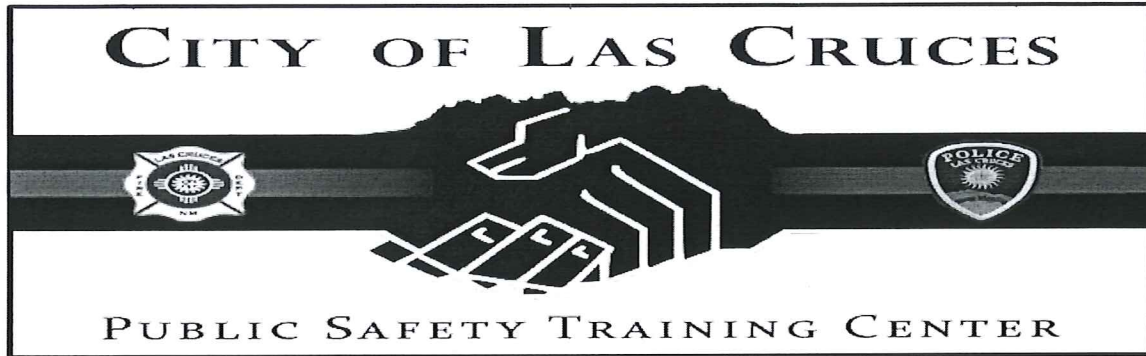
Las Cruces City Attorney



Town of Mesilla Attorney







HOLD HARMLESS AGREEMENT

THE UNDERSIGNED HEREBY requests permission from the City of Las Cruces (City) to participate in training being conducted at the Las Cruces Public Safety Training Complex.

THE UNDERSIGNED HEREBY recognizes that there are many risks of injury to the undersigned, during training activities. In order to induce the City to grant such permission, the undersigned does hereby agree to hold harmless and indemnify the City from any and all claims, injuries or damages which the undersigned may sustain while participating in such training activity and does waive any right of which the undersigned might have to pursue a claim against the City for any such claims, injuries or damages. If under 18 years of age, a parent or guardian must sign this agreement. If over 18 years of age, applicant must show proof of age.

Name of Applicant (please print)

Name of Parent or Guardian (please print)

Signature of Applicant

Date

Signature of Parent or Guardian

Date

Mesilla Fire, PO Box 10, Mesilla NM 88046
Address (please print)

Address (please print)

Telephone # (575) 523-1311-_____

Telephone # () _____ - _____

Las Cruces Fire Department Witness: _____ Date _____

Participation Date/Time: _____ Shift _____

Approved _____	Disapproved _____	Date _____
Authorized Signature _____	5	Printed Name _____
Comments _____		