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**BOARD OF TRUSTEES**  
**TOWN OF MESILLA**  
**WORK SESSION**  
**MONDAY, MARCH 13, 2017**  
**5:00 P.M.**

**TRUSTEES:** Nora L. Barraza, Mayor  
Stephanie Johnson-Burick, Mayor Pro Tem  
Carlos Arzabal, Trustee  
Jesus Caro, Trustee  
Linda L. Flores, Trustee

**STAFF:** Cynthia Stoechner-Hernandez, Town Clerk/Treasurer  
Debbie Lujan – Public Works Director  
Larry Shannon, Community Development Coordinator  
Gloria Maya, Recorder

1. For Discussion: Ordinance 2017-01 – An Ordinance Amending and Enacting certain sections of the Mesilla Town Code: Title 18.60.170 Parking Requirements and Fees.

Mayor Barraza opened work session at 5:00 p.m.

- An E-Blast was sent to all the local businesses
- Only received a letter from Ms. Erlinda Garcia and an email from Ms. Patrizia Gregory
- Proposed ordinance begins on page 59
- Mr. Shannon will review the recommendations made at the last worksession

Mr. Shannon:

- Letter received from Ms. Erlinda Garcia was not directly associated to the ordinance change
- Provided draft with strikeouts and changes to the board
- Section 1: Historic Zone – paragraph A changed to *and; annually* when business license is renewed for paragraph a and b
- Paragraph D added purchasing

- 1 -Paragraph E clarified no structure listed in the Historic Register will be demolished to provide
- 2 parking
- 3 -All other zones has uses listed
- 4 -Clarified 1 parking spaces required
- 5 -Small establishments added 2 parking spaces for employee

6  
7 Trustee Flores:

- 8 -Thought off road parking spaces was going to be added

9  
10 Mr. Shannon:

- 11 -That is under residential

12  
13 Mayor Barraza:

- 14 -Changed from 200 sq. feet to 100 sq. feet per parking space for outdoor patio area

15  
16 Mr. Shannon:

- 17 -Added wording parking spaces to all under Commercial Parking.
- 18 -Page 3 Residential Uses has table
- 19 -Dwelling Single Family changed from 2 to 3 off street parking spaces
- 20 -Efficiency Apartments 1 off street parking spaces

21  
22 Mayor Barraza:

- 23 -1 bedroom requires 2 off street parking spaces
- 24 -2 to 3 bedroom requires 3 off street parking spaces

25  
26 Mayor Pro Tem Johnson-Burick:

- 27 -Agreed

28  
29 Trustee Caro:

- 30 -inaudible

31  
32 Mr. Shannon reviewed the changes proposed by Mayor Barraza and Mayor Pro-Tem Johnson-Burick:

- 33 -A) Efficiency apartment – 1 off street parking space
- 34 -B) 1 bedroom - 2 off street parking spaces
- 35 -C) 2 or more bedrooms - 3 off street parking spaces

1 Mr. Shannon continued with the additional changes:

- 2 -Handicapped parking will need to be meet new ADA requirements
- 3 -Paragraph B became Paragraph D
- 4 -Paragraph F was stricken
- 5 -Paragraph G became Paragraph E
- 6 -Mixed uses - assessed annually during business license renewals
- 7 -Paragraph C removed
- 8 -Section 4a,b,i-iii,paragraph 5 – removed
- 9 -Paragraph 6 become the new paragraph 4
- 10 -Section 2a-added all commercial parking spaces, removed except those serving single family
- 11 -Paragraph 2-changed to provided adequate drainage
- 12 -Remove major residential developments
- 13 -Must be approved by Commission and Board of Trustees prior to issuing certificate

14

15 Mayor Barraza:

- 16 -Commercial Standards-do we need to put something regarding the limitation for “grandfathered
- 17 in”
- 18 -Must come into compliance

19

20 Mr. Shannon:

- 21 -Having something would be good
- 22 -Sign ordinance has a 3 or 5 year limitation

23

24 Mayor Pro Tem Johnson-Burick:

- 25 -It should be in writing in the new ordinance

26

27 Mayor Barraza:

- 28 -No commercial area parking space will be grandfathered in

29

30 Mr. Shannon:

- 31 -This ordinance supersedes the original ordinance

32

33 Mayor Barraza:

- 34 -Added to general requirements

35

1 Trustee Caro:

2 -inaudible

3

4 Mr. Shannon:

5 -First page; paragraph h

6

7 Mayor Barraza:

8 -Trustee Caro recommended adding the same wording where needed

9

10 Mr. Shannon:

11 -Construction Standards: paragraph c-added required drainage and approved by trustees

12 -Paragraph b-only says residential zones

13 -Sentence deleted –wall or hedge

14 -Lighting Ordinance-changed from *per* to *and*

15 -Address bicycle spaces

16

17 Mayor Barraza:

18 -Asked if the board wants to address the bicycle parking

19

20 Trustee Flores:

21 -We should be bicycle friendly

22 -Maybe too cumbersome on business

23

24 Mayor Barraza:

25 -If the business has the space to provide parking

26

27 Trustee Flores:

28 -We can encourage, not mandatory

29 -Language-*may* not *shall*

30

31 Trustee Arzabal:

32 -Town is a friendly bicycle town

33 -Riders are not friendly

34 -Riders are in the middle of the road

35

1 Mr. Shannon:

2 -Suggests leaving it up to the business

3

4 Trustee Caro:

5 -The Bean is the one with the most bicyclists

6 -Extra stress on the businesses

7

8 Mayor Barraza:

9 -Businesses on the plaza cannot accommodate bicycle parking

10 -No space on the plaza

11

12 Mayor Pro Tem Johnson-Burick:

13 -Install a bike rack at our parking lots

14

15 Mayor Barraza

16 -There is one at the Town Hall

17

18 Trustee Caro:

19 -Motorcycles are parking in front of the businesses

20 -Needs to be addressed

21

22 Trustee Flores:

23 -Add language indicating space is provided at town hall

24 -Encourage business to provide space

25

26 Mayor Barraza:

27 -Encourage but not mandatory to provide bicycle parking

28

29 Trustee Flores:

30 -Concerned parking will go up for small business; large businesses will be going down.

31 -Double Eagle indicated in an article they pay 50% of the GRT for the town

32 -Why should other businesses subsidize for the Double Eagle

33

34 Mayor Barraza:

35 -Add statement-if business provides adequate parking spaces this would not apply

1 -Dollar amount can be changed  
2 -Double Eagle, La Posta and Andele's will be affected with the higher rate which is not high  
3 -La Posta has the 2 businesses inside and the Fountain Theatre  
4

5 Mr. Shannon:

6 -Current fee is \$100  
7 -Going to \$200 and \$400  
8

9 Mayor Barraza:

10 -Current ordinance has them paying \$3,000  
11 -Going down in proposed ordinance  
12

13 Trustee Flores:

14 -Asked if anyone has paid the \$3,000  
15

16 Mayor Barraza:

17 -No one has paid  
18

19 Mayor Pro Tem Joh

20 -Asked if they paying since they were grandfathered in  
21

22 Trustee Flores:

23 -Asked if we want to address fairness  
24

25 Trustee Caro:

26 -It can be revisited  
27

28 Mayor Barraza:

29 -Can be changed to \$500  
30

31 Mayor Pro Tem Johnson-Burick:

32 -\$400 would be fair  
33 -Get feedback from smaller businesses  
34

35 Mayor Barraza:

1 -Look at the larger businesses vs the smaller businesses

2

3 Trustee Flores:

4 -Small businesses have been paying; no will pay double

5 -Large businesses paying less

6 -Look at more of a middle ground

7

8 Mayor Pro Tem Johnson-Burick:

9 -Small businesses grandfathered in

10

11 Mayor Barraza:

12 -Once building use changes or the building is remodeled, they are not grandfathered in

13

14 Mayor Pro Tem Johnson-Burick:

15 -Thought it was the building that was grandfathered in

16

17 Mayor Barraza:

18 -Change of tenant removes the grandfather clause

19 -Renovations done eliminates grandfathered clause

20

21 Mayor Pro Tem Johnson-Burick:

22 -Reiterated thought it was the building

23 -Trustee Flores saying we keep the small businesses at \$100

24

25 Trustee Flores:

26 -Money will be used to maintain the parking lots

27 -Repair costs

28 -How much money is needed to meet our goals?

29 -Fair way to distribute the cost

30

31 Mayor Barraza:

32 -Repairs are very costly

33 -No fund to address those needs

34 -Money will help put to possibly purchase land

35

1 Mayor Pro Tem  
2 -Old ordinance reads there should be a fund establish for maintenance  
3 -Fund was never created  
4 -Imperative to follow through  
5  
6 Mayor Barraza:  
7 -Enforce parking fees or business license will not be renewed  
8  
9 Trustee Flores:  
10 -Will support fee if consensus of the board  
11  
12 Mayor Pro Tem Johnson-Burick:  
13 -Is concerned that they will now have to pay  
14 -Revisit when we begin hearing from the businesses  
15  
16 Mayor Barraza:  
17 -Asked how the board wants to go  
18  
19 Mayor Pro Tem Johnson-Burick:  
20 -Starting at \$100  
21  
22 Trustee Flores:  
23 -Starting at \$150  
24 -Raising \$400 to \$450 or \$500  
25  
26 Trustee Caro:  
27 -Agrees with \$150 and \$450  
28  
29 Trustee Arzabal :  
30 -Agrees with \$150  
31 -Everyone is going to say they are grandfathered in  
32 -Looking at the medium  
33 -MercadoVendors should pay something  
34 -Creating this ordinance will help maintain the parking spaces  
35 -We want to work with businesses; they need to work with us



1 -Vendors are putting cones to reserve their parking

2

3 Mayor Barraza:

4 -Will look into that, the Town blocks off parking for loading and unloading of Mercado Vendors.

5 They do pay \$100 additional.

6

7 Trustee Flores:

8 -Recommends \$200

9

10 Trustee Arzabal:

11 -Recommends \$200

12

13 Mayor Pro Tem Johnson-Burick:

14 -Recommends \$150

15

16 Trustee Caro:

17 -Recommends \$150

18

19 they will have to pay \$1

20 -can be revisited

21

22 Mayor Barraza:

23 -Based on the cost of infrastructure recommends \$200

24 -Large businesses \$400 or \$500

25

26 Trustee Caro:

27 -Recommends \$400

28

29 Mayor Pro Tem Johnson-Burick:

30 -Recommends \$400

31

32 Trustee Arzabal:

33 -Recommends \$400

34

35 Trustee Flores:

1 -Recommends \$400

2

3 Mayor Barraza:

4 -Small business will be \$200

5 -Large businesses will be \$400

6

7 2. Resolution 2017-04: A resolution opposing the Border Wall and other issues related to the  
8 Region's Border with Mexico.

9 Mayor Barraza:

10 -Calls have been received

11 -Asked for changes and additions to the language

12 -A resident called recommending ocotillos along fence and not put a wall

13 -Email from Capri Arc area resident

14

15 Trustee Arzabal:

16 -We need true information and facts for this resolution. He doesn't feel that there is enough  
17 information to support the resolution.

18

19 Mayor Barraza:

20 -Trustee Caro asked for this resolution

21

22 Ms. Stoechner-Hernandez:

23 -Language was taken from Las Cruces (passed), Santa Fe (failed) and Dona Ana County  
24 resolutions

25

26 Mayor Barraza:

27 -A very general resolution

28 -Not committing the town to anything

29

30 Trustee Caro:

31 -Recommended going with the resolution

32

33 Trustee Flores:

34 -Email from Jim Simonin states it is a federal matter

35 -Feels there are affects to our community and is alright going with the resolution

- 1 -Opposed to the wall; we can do better things with our money
- 2 -Recommended scratching second RESOLVED THAT as she does not feel it should be in the
- 3 resolution; we do not speak for the entire community

4

5 Mayor Pro Tem Johnson-Burick:

- 6 -Understands the idea behind the resolution; feels it is vague
- 7 -Cannot support
- 8 -Scope is broad
- 9 -Mesilla has its own struggles
- 10 -Mesilla receives Stonegarden funding
- 11 -Administered by FEMA; a component of Homeland Security
- 12 -Interfering something at the federal level above our scope
- 13 -Sees a conflict
- 14 -Do not know what is going to happen
- 15 -Meetings are taking place at the Port of Entries

16

17 Trustee Caro:

- 18 -Too much money spent on the wall
- 19 -County should not be playing Board Patrol
- 20 -Deputies were stopping vehicles that looked suspicious due to Stonegarden
- 21 -Profiling took off
- 22 -He did not want to go with Stonegarden
- 23 -Money can be used on other things

24

25 Trustee Flores:

- 26 -Asked if language can be changed to help Mayor Pro Tem support the resolution
- 27 -Important part is the town is opposed to building the wall
- 28 -Opposed to the tariffs and fees
- 29 -Detrimental to our local economy

30

31 Mayor Barraza:

- 32 -Not opposed to omitting #2 in the resolution

33

34 Trustee Arzabal:

- 35 -We do not know who is going to pay for the wall

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Mayor Barraza:

- The Federal Government is looking at getting bids for the wall
- There is a wall already
- Mexico is not going to pay for the wall

Trustee Arzabal:

- Resolution is all over the place
- If it for opposing the wall then that it is what it should say
- Recommends taking it back to the table and bring forth at next meeting

Trustee Flores:

- What can be done to get Trustee Arzabal's support

Trustee Arzabal:

- Wants to look at it more

Mayor Barraza:

- Will ask to postpone until next meeting

Mayor Barraza closed worksession at 6:05 p.m.

1  
2 **BOARD OF TRUSTEES**  
3 **TOWN OF MESILLA**  
4 **BOARD MEETING**  
5 **MONDAY, MARCH 13, 2017**  
6 **6:00 P.M.**  
7

8 **TRUSTEES:** Nora L. Barraza, Mayor  
9 Stephanie Johnson-Burick, Mayor Pro Tem  
10 Carlos Arzabal, Trustee  
11 Jesus Caro, Trustee  
12 Linda L. Flores, Trustee  
13

14 **STAFF:** Cynthia Stoechner-Hernandez, Town Clerk/Treasurer  
15 K.C. Alberg – Marshal  
16 Kevin Hoban – Fire Chief  
17 Debbie Lujan – Public Works Director  
18 Irene Parra, Special Events Coordinator  
19 Larry Shannon, Community Development Coordinator  
20 Gloria Maya, Recorder  
21

22 **PUBLIC:** Ron Burick Chris Alexander  
23 Erick Robinson Teresa Phillips  
24 Derek Lujan Jose Provencio  
25 David Gallegos David T. Hall  
26 Pat Taylor Charles Rogers  
27 Erlinda Garcia  
28

29 **1. PLEDGE OF ALLEGIANCE**

30 Mayor Barraza led the Pledge of Allegiance.  
31

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

33 **Roll Call.**

34 **Present: Mayor Barraza, Mayor Pro Tem Johnson-Burick, Trustee Arzabal, Trustee Caro, Trustee**  
35 **Flores.**

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**3. CHANGES/APPROVAL OF THE AGENDA**

Mayor Barraza requested removing item e from agenda.

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

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

**Mayor Pro Tem Johnson-Burick Yes**

**Trustee Arzabal Yes**

**Trustee Caro Yes**

**Trustee Flores Yes**

**4. PROCLAMATION:**

- a. A Proclamation declaring March 2017 as “Athletic Training Month in the Town of Mesilla.”  
– **Andy Krentz, Southwest Sport and Spine Center**

Mr. Gallegos gave a presentation and read Proclamation declaring March 2017 as “Athletic Training Month in the Town of Mesilla.”

Mayor Barraza asked if there are any activities planned.

Mr. Gallegos responded coverage of the USA Rugby and hosting sport physicals at the end of the month.

**5. PRESENTATION:**

- a. A presentation on Animal Control/Codes in the Town of Mesilla – **K.C. Alberg, Marshal.**

Marshal Alberg gave a presentation on Animal Control/Codes in the Town of Mesilla. Currently staff is doing animal control calls as the county charges \$100 per call. There is a volunteer firefighter who has taken additional duties. He is doing on the job training and will attend formalized training in the summer. We do not have a codes officer or a dedicate receptionist for the Public Safety Building. We have to be able to be responsive to the Mesilleros. If we combine the elements of these functions into one position it would help support the Department Heads and the deputies. Reiterated feral cats are an issue in Mesilla. There is a verbal agreement, if we partnership with the shelter, that they will pay for the feral cat surgeries as long as Mesilla takes the lead. He cannot do it with current staff. We currently have a vehicle that was taken off the streets and was stripped as Code Enforcement and Animal Control. A marked unit has a positive effect. Mr. Matthew Rivera is the local firefighter that will be helping us. We also have a lot of

1 dogs running at large; one needed to be shot. Our main job is to educate people. Mr. Rivera will be  
2 knocking on doors and placing door hangers with all the information. Mesilla will do most of the work.  
3 We will be doing a good service to our residents if someone is in the office during the day. There are also  
4 other wild animals such as skunks which are the most viable for rabies. Training will include training for  
5 wild animals as well. Our officers are busy for such a small town. The current status is not viable for the  
6 town.

7  
8 Mayor Pro Tem Johnson-Burick thanked Marshal Albert for all his efforts. There are organizations that  
9 help with feral cats but it starts with the animal owner.

10  
11 Mayor Barraza stated Mesilla has a problem with cats, residents are constantly complaining. There was  
12 an incident where a gentleman who was attacked has had to go through the rabies treatment. The Marshal  
13 has done a great job in being creative in addressing our needs. Animal owners need to be responsible.  
14 We need to make our Animal control Ordinance stricter. She feels the Marshal is being creative in  
15 combine the duties. This will be looked at during the budget cycle.

16  
17 **6. PUBLIC INPUT** – The public is invited to address the Board for up to 3 minutes.

18 Mr. Chris Alexander stated the Town of Mesilla was directly involved in 1853 with Mexico regarding our  
19 independence. Article 4 ratification states the Mexico populous will retain right of passage between the  
20 Gulf of Mexico and Pacific Ocean without restriction and taxation. A Texas Senator will be presenting  
21 that to the Texas Senate. A Texas Attorney General stated the treaty is highly enforceable without  
22 question period. The United States government should not be doing what they are doing. The Mexican  
23 government made the United States taken down the wall between Palomas and the United States as it  
24 encroached on Mexico's side by 3 feet. The 8x8x20 beams were sold for \$175 a bundle. We should  
25 support the agreement as it was written. We owe it to all our people.

26  
27 Mrs. Krueger stated in 2013 an Animal Control presentation was made to the trustees. The board also  
28 authorized the training of a staff person to be an Animal Control Officer. He was extraordinary at the job  
29 because of his desire and service to the town. He was laid off during the 2014 lay off Process so he never  
30 actually functioned in that position. One of the issues the board addressed was liability. It is not  
31 appropriate to have someone without proper training to do animal control. Mr. Cervantes spoke to the  
32 town regarding training. The board had a presentation from a trap, neuter and release from NMSU.  
33 There was a commitment to follow up; no follow up schedule was done, to her knowledge. You have to  
34 begin somewhere. She recommended contacting her with an offer of some service.

1 Mr. Burick stated he did not see a connection to the wall on the resolution. If it is for the wall then the  
2 resolution should be focusing on the wall. Dona Ana County passed Resolution 2014-91. There should  
3 be separate resolutions to address other issues. He agrees training is very important. Recommended  
4 looking at the cost of a full-time person vs contracting out for justification of the extra position in regards  
5 to Animal Control.

6  
7 Mr. Jerry Garcia gave his 3 minutes to Mr. Alexander.

8  
9 Mr. Alexander stated the parking fee is grossly unjust and misrepresenting. If we need to raise capital for  
10 what we want to do; that is great but he feels it is in the wrong scope. You would be penalizing a small  
11 business that may have 2 or 3 employees. If they do not have the parking space they should be levied a  
12 parking fee; \$50 per unit. Every business should be calculated on square footage and number of  
13 employees. If the business is short the fee, then it should be \$50 per space. Businesses have been  
14 allowed to expand creating larger parking issues. Gross Receipts Tax does not come from the business  
15 owner; it comes from the people who are shopping. They are not putting anything out of pocket. Along  
16 with the business license fee and fee for parking shortages.... A business with ample parking should not  
17 be penalized. A complete layout is given to the town when beginning a business and now we are faced  
18 with additional charges. The way it is presented today is grossly inappropriate and anti-business for the  
19 small owners. The large businesses can afford these fees.

20  
21 **7. \*APPROVAL OF CONSENT AGENDA – The Board will be asked to approve by one**  
22 **motion the following items of recurring or routine business. The Consent Agenda is marked**  
23 **with an asterisk \*:**

24 Mayor Barraza requested removing PZHAC Cases #060501, #060503 and #060504 from the consent  
25 agenda.

26  
27 **Motion: To approve consent agenda as amended, Moved by Trustee Arzabal, Seconded by Mayor**  
28 **Pro Tem Johnson-Burick.**

29  
30 **Roll Call Vote: Motion passed (summary: Yes = 4).**

31 **Mayor Pro Tem Johnson-Burick Yes**

32 **Trustee Arzabal Yes**

33 **Trustee Caro Yes**

34 **Trustee Flores Yes**



1 a. **\*BOT MINUTES** – Regular Meeting and Work Session minutes of Monday, February 27,  
2 2017. *Approved by consent agenda*

3  
4 b. **\*PZHAC Case 060501 w/conditions** – 1930 Calle Pacana (Lot 7, Sommer Grove  
5 Subdivision), submitted by Margarita Fraga; a request for a determination of Historical  
6 Appropriateness and a building permit to build a dwelling on this property. Zoned: Historical  
7 Residential (HR).

8 Mayor Barraza stated this case comes with conditions; provide drainage and ponding plan with  
9 application. She understands the plan was approved for the home alone and not the casita.

10  
11 Mr. Shannon responded that was correct.

12  
13 **Motion: To approve PZHAC Case 060501w/conditions – 1930 Calle Pacana (Lot 7, Sommer Grove**  
14 **Subdivision), submitted by Margarita Fraga: a request for a determination of Historical**  
15 **Appropriateness and a building permit to build a dwelling on this property. Zoned: Historical**  
16 **Residential (HR), Moved by Trustee Arzabal, Seconded by Trustee Flores.**

17  
18 **Roll Call Vote: Motion passed (summary: Yes = 4).**

19 **Mayor Pro Tem Johnson-Burick Yes**

20 **Trustee Arzabal Yes**

21 **Trustee Caro Yes**

22 **Trustee Flores Yes**

23  
24 c. **\*PZHAC Case 060503** – 2531 Avenida de Mesilla, submitted by Chris Alexander for  
25 Ristramn Chile Co., a request for a two-sided hanging (free standing) sign by the entrance to  
26 the parking lot at this address. Zoned: Historical Commercial (HC).

27 Mayor Barraza stated a sign was put up without going through the process. This applicant will be double  
28 fined.

29  
30 Mr. Shannon responded a 12”x12” sign was put up to replace old sign without going through the process.  
31 The normal fee would have been \$48 now it will be \$96. This was not on the Board Action Form it was  
32 not mentioned because it was not brought up at that time. The application does reflect the \$96.

33  
34 Mayor Barraza clarified the applicant was double fined.

1 Mr. Shannon responded yes but the applicant has not paid his fee.

2

3 Mayor Barraza stated in order for this to be permitted there will be a double fine and will be paid in a  
4 reasonable time.

5

6 Mr. Alexander stated the sign was taken down because it broke and was ready to fall in the street. As  
7 soon as he got someone to rebuild it he came to the Town Hall on 5 different occasions to pull a permit.  
8 On none of the 4 times that he came did he get the opportunity to get an application. He is in opposition  
9 to have to pay a double fee when it took Mesilla close to 3 months to get it on the agenda. He will pay  
10 the double fee but if this is the way you are doing business; this is pretty sloppy business. There is no  
11 reason that an application is not given to you when you come to the Town Hall. To slam me; not even tell  
12 me about it until tonight is...pretty pathetic.

13

14 Mayor Barraza stated the sign permits are in the podium in front of the office. This a new sign so her  
15 recommendation is a double fine.

16

17 **Motion: To approve PZHAC Case 060503 – 2531 Avenida de Mesilla, submitted by Chris**  
18 **Alexander for Ristramn Chile Co., a request for a two-sided hanging (free standing) sign by the**  
19 **entrance to the parking lot at this address with a double fine. Zoned: Historical Commercial (HC),**  
20 **Moved by Trustee Arzabal, Seconded by Mayor Pro Tem Johnson-Burick.**

21

22 Trustee Caro stated knowing Mr. Alexander who is on the up and up, he believes he is telling the truth.  
23 Based on how it happened we should only fine him the regular fee. Someone should have been available  
24 to help him out.

25

26 Mayor Barraza stated the sign was down for a while. When she saw the new sign going up she went by  
27 there to compare them and the old sign was not there. It has been quite a few months back. A new sign  
28 should have come through the process. The applications are available in front and online also. The  
29 applicant just needs to fill it out leave it in front office and Mr. Shannon will contact them. She will do  
30 research and speak to the staff as well.

31

32 Trustee Arzabal stated before we hired the new receptionist people would say nobody would answer the  
33 phone. He believes Mr. Alexander did come in on more than one occasion. He agrees to the \$48 fee.

34

35 Trustee Flores stated she also believes Mr. Alexander and agrees with Trustee Caro and Trustee Arzabal.

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Mr. Shannon responded Mr. Alexander did call and he returned his call the next day. The application was turned in but it was too late to put him on the existing agenda so he put him on the next agenda. The meeting was cancelled so it was carried on to the next meeting.

Mayor Barraza stated the sign was put up prior to application even being submitted.

Mr. Shannon responded correct.

Mayor Pro Tem Johnson-Burick stated people call and staff is not readily available. She knows there are residents and business owners know the process but will not follow it. She believes Mr. Alexander is not one of the people that purposely circumvent and goes around the process. She does not believe this was a situation where that was the case.

Mayor Barraza stated this will be setting precedent to anybody that wants to defend why they have done what; open the door. Mr. Alexander knows the process. There have been other applicants that have been double fined. If staff is not available; people can contact me on my cell. She will ensure that staff will respond to them. There is one person per department so sometimes there is no one to answer the phone. She follows up to make sure that phone calls are returned. People can also contact the trustees as well.

Trustee Caro stated he does not believe it is not setting precedent. People always come in to give their side of their story. Mr. Alexander has always been professional. He agrees he should only pay the \$48.

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

**Mayor Pro Tem Johnson-Burick Nay**

**Trustee Arzabal Nay**

**Trustee Caro Nay**

**Trustee Flores Nay**

Mayor Barraza stated at this time the motion to approve the sign is denied with a double fee.

Trustee Arzabal responded he thought the motion was to approve it.

Mayor Barraza responded the case is not approved with the double fine.

1 Trustee Arzabal responded the Mayor said with a double fee nobody else did.

2

3 Mayor Barraza responded and you made the motion.

4

5 Trustee Arzabal stated he did not amend it.

6

7 Trustee Flores stated she thought they were voting on a double fine.

8

9 Mayor Barraza stated the original motion was for a double fine.

10

11 Trustee Caro inaudible

12

13 Mayor Barraza responded that is what she said. There needs to be a motion to approve without a double  
14 fine.

15

16 **Motion: To approve PZHAC Case 060503 – 2531 Avenida de Mesilla, submitted by Chris**  
17 **Alexander for Ristramnn Chile Co., a request for a two-sided hanging (free standing) sign by the**  
18 **entrance to the parking lot at this address without a double fine, Zoned: Historical Commercial**  
19 **(HC), Moved by Trustee Flores, Seconded by Trustee Caro.**

20

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

22 **Mayor Pro Tem Johnson-Burick Yes**

23 **Trustee Arzabal Yes**

24 **Trustee Caro Yes**

25 **Trustee Flores Yes**

26

27 Mayor Barraza asked what the Planning and Zoning approved.

28

29 Mr. Shannon responded the Planning and Zoning did not have any conditions.

30

31 **d. \*PZHAC Case 060504 – 2220 Calle del Sur, submitted by Steven R. Cadena; a request for a**  
32 **building permit to allow construction of a low retaining wall and decorative wall to the rear**  
33 **of a dwelling at this address. Zoned: Historical Residential (HR).**

34 Mayor Barraza stated work was already done without going through the permit process.

35

1 Mr. Shannon stated reviewed the diagram. He was doing work in the backyard. The house is 1 1/2 above  
2 the surrounding ground level; burned up which washes away every time it rains. Mr. Cadena wanted to  
3 put a small wall in the ground to hold the dirt back, sticking up about 1 1/5 above ground level. The dirt  
4 would be piled up behind the wall. To keep people off the edge he would put a 2 1/5 feet decorative wall  
5 on top; painted the same color as the house. The burn wall would be seen from the outside only; the  
6 decorative wall would be seen from both sides.

7  
8 **Motion: To approve PZHAC Case 060504 – 2220 Calle del Sur, submitted by Steven R. Cadena; a**  
9 **request for a building permit to allow construction of a low retaining wall and decorative all to the**  
10 **rear of a dwell at this address with a double fine. Zoned: Historical Residential (HR), Moved by**  
11 **Trustee Arzabal, Seconded by Trustee Flores.**

12 Mayor Barraza stated so we are saying residents can start doing what they want without getting doubled  
13 fined.

14  
15 **Roll Call Vote: Motion passed (summary: Yes = 3; Nay=1).**

16 **Mayor Pro Tem Johnson-Burick Nay**

17 **Trustee Arzabal Yes**

18 **Trustee Caro Yes**

19 **Trustee Flores Yes**

20  
21 Mr. Shannon stated double fines are a Code Enforcement issue. The Planning and Zoning is not given the  
22 option to vote on double fines since they are not the court. He presents the case and the fine is dealt with  
23 at the staff level.

24  
25 e. **\*PZHAC Case 060506 – 2144 Calle de Guadalupe, submitted by Pat Taylor for Pat Taylor,**  
26 **Inc.; a request for a sign permit for a wall sign and a hanging sign for a business at a property**  
27 **at this address. Zoned: Historical Commercial (HC). *Approved by consent agenda***

28  
29 f. **\*PZHAC Case 060508 – 2214 Calle de Guadalupe, submitted by Pat Taylor; a request for a**  
30 **building permit to replace a temporary gate with a wrought iron gate along Calle Principal at**  
31 **the rear of a dwelling at this address. Zoned: Historical Commercial (HC). *Approved by***  
32 ***consent agenda***

1 g. \*PZHAC Case 060512 – 2838 Calle Principal, submitted by Gilbert Morales for Serafina  
2 Martinez; a request for a building permit to construct a six-foot-high decorative wall at this  
3 address. Zoned: Historical Residential (HR). *Approved by consent agenda*  
4

5 **8. NEW BUSINESS:**

6 a. For acceptance: Town of Mesilla Audit report for fiscal year 2015-2016. – **Erick Robinson,**  
7 **Integrity Accounting and Consulting.**

8 Mr. Robinson reviewed the FY 2016 audit with an Unmodified Opinion. Ms. Stoechner-Hernandez did an  
9 extraordinary amount of work identifying the situation on the recurring finding that dropped away. The  
10 other recurring finding was pool cash did not tie to the fund for several years. Ms. Stoechner-Hernandez  
11 and Ms. Maya traced it back to 2005 to identify and correct the problem. There was a finding this year  
12 which revolves around the Bank Reconciliation process. Ms. Maya would reconcile throughout the  
13 course of the month and hit update. It would then go to Ms. Stoechner-Hernandez who would make  
14 entries after it was finalized. From now forward Ms. Maya will not hit update until Ms. Stoechner-  
15 Hernandez has balanced on her end.  
16

17 Mayor Barraza stated Ms. Maya is very efficient and wanted to finish on her end.  
18

19 Mr. Robinson stated he was pleased to see that Mesilla responded to the glaring findings that had been  
20 there for several years. Entities cannot get Capital Outlay with material weakness findings. These are  
21 being looked at by the State Auditor's office. It was a very good audit and the town is in good shape.  
22 Reviewed the end of year balances. Your staff does the best they can; they care.  
23

24 Mayor Barraza thanked Mr. Robinson for working with staff; it is reflected in the audit which speaks for  
25 itself. Staff has done an excellent job in getting where we need to be in our audit. The continuous  
26 findings that we had have been rectified.  
27

28 Mayor Pro Tem Johnson-Burick stated she has been sitting for 3 years here harping on material weakness,  
29 significant deficiencies, and cash control which may stem way before Ms. Stoechner-Hernandez and Ms.  
30 Maya. She commends Ms. Stoechner-Hernandez and Ms. Maya on what they have done; great job  
31 everyone. Thanked Mr. Robinson for all he has done. There is a typo on page 102.  
32

33 Mr. Robinson stated he will make the corrections.  
34

1 **Motion: To acceptance the Town of Mesilla Audit report for fiscal year 2015-2016, Moved by**  
2 **Trustee Arzabal, Seconded by Mayor Pro Tem Johnson-Burick.**

3

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

5 **Mayor Pro Tem Johnson-Burick Yes**

6 **Trustee Arzabal Yes**

7 **Trustee Caro Yes**

8 **Trustee Flores Yes**

9

10 **Motion: To close regular meeting and open Public Hearing, Moved by Trustee Flores, Seconded by**  
11 **Trustee Arzabal.**

12

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

14 **Mayor Pro Tem Johnson-Burick Yes**

15 **Trustee Arzabal Yes**

16 **Trustee Caro Yes**

17 **Trustee Flores Yes**

18

19 Mayor Barraza closed regular meeting at 7:26 p.m.

20

21 **b. First Reading and Public Hearing for Ordinance 2017-01: An ordinance amending and**  
22 **enacting certain sections of the Mesilla Town Code: Title 18.60.170, “Parking Requirements**  
23 **and Fees.” – Larry Shannon, Community Development Coordinator.**

24 Mr. Shannon reviewed the changes discussed at the worksession ordinance.

25

26 Mr. Alexander stated there are approximately 135 businesses in Mesilla and less than 10 are large user  
27 (over 20). The Plaza is the core of Mesilla and has mixed occupancy. Historically there has always been  
28 a parking issue on and around the Plaza. The Gross Receipt Tax supports this community. He has a  
29 problem going after the little guy. The Chocolate Lady has 1 or 2 employees and will require 1 or 2  
30 spaces. Everybody on the Plaza should have 1 parking space exception. The fee should be \$50 for every  
31 space they are short. The Double Eagle may require 70 spaces and they provide 3 spaces on their  
32 premise; they get to slide with 30/40 spaces at \$400. This is a big injustice to the small businesses. There  
33 is a parking ordinance in place that has been successful. We have allowed businesses to remodel  
34 requiring more spaces for parking; no penalties are imposed. There have been successful businesses that  
35 leave because there is inadequate parking. Some businesses reduce the parking spaces making them non-  
36 compliance. The town uses a parking lot for 1 business; an unimproved parking lot and charging to use.  
37 The town is in gross negligence for using it as a public parking lot; no barriers, no smooth surface. The  
38 town is not following its own guidelines. We haven’t had development standards because the buildings in  
39 the historic district do not have foundations. We did not want to have moisture in the soil levels to cause  
40 the adobe buildings to suck; up the moisture. The fee program for parking is out of line. The businesses

1 that should be paying these fees are the ones imposing the highest maintenance. His business does not  
2 put any imposition on the town. He has adequate parking, why should he be assessed a parking fee. He  
3 recommended raising the business fee. His business pays for over 100 business licenses due to the  
4 Ristramn and the firework stand which imposes a fee for every single sale. There are restaurants are  
5 causing detrimental damage to the sewer system; they are not paying additional fees. Businesses should  
6 be reviewed during the renewal process; it is not being done. This is the worst of anything can be  
7 imposed. This is anti-business, making small businesses flip the bill for the high rollers. We have  
8 dedicated people that stay in Mesilla; we need to protect and help them. This is not help. He understands  
9 it takes money but everyone needs to pay their own share. This is for capitalism for this government.  
10 Money upfront or we will not get our license. The board needs to take a good look at what is going  
11 around here; make everyone pay their own way. No good; vote it down. Keep what they have and  
12 enforce what they have. This is a hardship for the merchants in Mesilla. The tourism is paying the Gross  
13 Receipts. He recommends 1% to the town for maintenance. This is a disregard for the businesses in this  
14 community.

15  
16 Mr. Taylor asked if all businesses will be assessed \$200.

17  
18 Mayor Barraza responded only the businesses that do not have adequate parking.

19  
20 Mr. Taylor asked if the properties that have business prior to the ordinance being enactive will have these  
21 requirements waived.

22  
23 Mayor Barraza responded there will be no grandfathering in.

24  
25 Mr. Taylor asked if we are getting away from the grandfathering in with this or did it happen before hand.

26  
27 Mayor Barraza responded changes were made during the worksession.

28  
29 Mr. Taylor stated when Mesilla was incorporated in 1970 the ordinances were established. With regards  
30 to parking many businesses were grandfathered in. He objects to the change as it is not fair to the  
31 property owners and the businesses to be assessed something they have never had before. That will have  
32 a huge impact on many places. He understands the parking lots will have an impervious material,  
33 allowing it to be a different material other than a hard surface.

34  
35 Mayor Barraza responded it in Section H 2 A1 in the proposed ordinance.

36  
37 Mr. Taylor asked if other material such as crusher fine will be allowed and if the waived parking  
38 provisions will be deleted.

39  
40 Mayor Barraza responded yes it is being stricken.

41  
42 Mr. Taylor stated he finds himself going back to the business that were grandfathered in will lose that  
43 designation.

44  
45 Mayor Barraza responded whenever any building is renovated it is no longer grandfathered in as it states  
46 in the ordinance.

47  
48 Mr. Taylor asked when that language was put into the ordinance. That is not what he has understood.  
49 His family has given commercial properties to the state. Those commercial properties have never had to  
50 submit for parking because they were grandfathered in. We have maintained parking without that  
51 requirement for years and have allowed anyone else to park there without conditions. He would like to  
52 know when that language showed up before the next meeting. He has compared the requirements and



1 there is reduction of parking space for the square feet that benefit the larger business; increasing  
2 requirements for smaller businesses. Has always been conflicted about Mesilla's parking; felt we need to  
3 move off base, work together to compromise and figure things out. He does not know if this is getting us  
4 there. It seems we are giving bigger business a break and a hardship for the small businesses. It is really  
5 hard to make it and an additional cost will drive a business out of town. Reiterated removing the  
6 grandfathered in is troubling.

7  
8 Mr. Rodgers stated we have paid parking fees for our businesses since the ordinance was enacted. Some  
9 businesses do have adequate parking for their square feet but not for the number of employees. He has  
10 spoken to some of the employees who have said they have parking but we cannot park in our lot. The  
11 requirement for a food and drink establishment, 1 parking space for every 100 square feet, is a lot of  
12 parking space for both large and small businesses. He agrees with the previous gentlemen; this ordinance  
13 needs a lot of work before it is enacted upon. This does not address the market vendors that take up  
14 parking space. He is not sure if they also need to pay for parking. They also block off one end of the  
15 Plaza all day long on Fridays and Sundays. They handicap ramp was put 15 to 30 feet up from the corner  
16 taking up parking spaces.

17  
18 Mayor Barraza stated small businesses with less than 20 employees will pay \$100 or \$200, whatever the  
19 trustees decide if they do not have the required parking area. Businesses with 21 or more will pay a  
20 higher amount if they do not have the required parking area. This is per business not per space a year.

21  
22 Ms. Krueger stated the board has heard the voice of passion and the voice of reason. She urges the  
23 trustees to please not blow it off. They need to go back to the drawing board. You asked the public to  
24 comment at the public hearing-don't make it a sham

25  
26 Mr. Taylor stated when Mesilla enacted the ordinances in 1970's; to think that someone would not  
27 renovate their buildings is unrealistic. This will be a hardship on people. When people were told they  
28 were grandfathered in; they took it for what it was worth at the time. It is really troublesome. We want to  
29 encourage people to fix up their buildings without the fear getting assessed additional fees. It does not  
30 make sense to him. He is glad that crusher fine will be allowed as a parking surface. Once you hard  
31 scape something it creates problems because the moisture moves laterally to the walls.

32  
33 **Motion: To close Public Hearing and open regular meeting, Moved by Trustee Arzabal, Seconded**  
34 **by Mayor Pro Tem Johnson-Burick.**

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

37 **Mayor Pro Tem Johnson-Burick Yes**

38 **Trustee Arzabal Yes**

39 **Trustee Caro Yes**

40 **Trustee Flores Yes**

41  
42 Mayor Barraza closed Public Hearing at 8:00 p.m.

43  
44 Mayor Barraza stated this will be up for approval at our next meeting on March 27<sup>th</sup>. A worksession can  
45 be held if needed.

1 c. Ordinance 2017-02: An ordinance granting the City of  
2 Las Cruces for the benefit of the City of Las Cruces Utilities, a franchise in the Town of  
3 Mesilla, Dona Ana County, State of New Mexico for a period of twenty-five (25) years. –

4 **Cynthia Stoechner-Hernandez, Clerk/Treasurer.**

5 Ms. Stoechner-Hernandez stated this is the for the franchise agreement that was previously with Jornada;  
6 City of Las Cruces purchased Jornada Water. This is for a 25 year term; 3% for water customers and 2%  
7 for the wastewater customers.

8  
9 Mayor Barraza stated this is for the Capri Arc area and some of Union.

10  
11 Mr. Provencio stated that he had nothing further to add to Cynthia's comments.

12  
13 Mr. Alexander asked what was the remaining term of the lease agreement with Jornada and what is the  
14 need for a 25 year term opposed to a shorter term. He asked if we are locking in the rates for 25 years or  
15 will we be subject to what Las Cruces wants to do.

16  
17 d. Resolution 2017-03: A resolution by the Board of Trustees for budget adjustments. –

18 **Cynthia Stoechner-Hernandez, Clerk/Treasurer.**

19 Ms. Stoechner-Hernandez stated Fire Chief Hoban received a grant, Fire Fund, for just under \$71K for  
20 Communication Equipment. She is requesting an increased in the Fire Fund Revenue from \$0 to \$71K,  
21 an increase in the Fire Fund Expenditures from \$51,388 to \$71K; increase in the Water Right  
22 Development from \$5K to \$7K as we have received more revenue than budgeted.

23  
24 **Motion: To approve Resolution 2017-03: a resolution by the Board of Trustees for budget**  
25 **adjustments, Moved by Trustee Arzabal, Seconded by Trustee Flores.**

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

28 **Mayor Pro Tem Johnson-Burick Yes**

29 **Trustee Arzabal Yes**

30 **Trustee Caro Yes**

31 **Trustee Flores Yes**

32  
33 e. Resolution 2017-04: A Resolution opposing the Border Wall and other issues related to the  
34 Region's Border with Mexico. – **Cynthia Stoechner-Hernandez, Clerk/Treasurer.**

35 ***Removed from agenda***

1  
2 **9. \*STAFF REPORTS:**

3 Community Development

4 Community Programs

5 Finance Department

6 Fire Department

7 Marshal's Department

8 Public Works Department

9  
10 **10. BOARD OF TRUSTEE COMMENTS**

11 Mayor Pro Tem Johnson-Burick thanked the residents and business owners for voicing their opinions. It  
12 is important that we hear their concerns and feelings help the board make a decision. This helps her think  
13 things through.

14  
15 Trustee Caro stated he is glad the people showed up and gave their perspectives. We need to take the  
16 residents and business owners comments into consideration. He suggested a committee be formed to  
17 come up with a plan that works for everyone instead of rushing and making an unfair decision. There are  
18 bricks broken on the in front of the bookstore on the plaza.

19  
20 Ms. Lujan inaudible

21  
22 Trustee Flores stated as we update our Animal Control Ordinance we may want to consider the City of  
23 Las Cruces Ordinance regarding tethering; read the ordinance. There will be a Unified Development  
24 Code Training at the Dona Ana County Building on March 20<sup>th</sup> at 7:00 p.m. and March 21<sup>th</sup> at 1:30 p.m.  
25 She is disgusted with Pay Day Loans. There is a movement to limit the interest at 33%. There is  
26 legislation, not set in stone, capping it at 175%. She asked everyone to contact their legislators; we can  
27 do better. When she first came on the board and saw all the audit findings she was upset. Thanked Ms.  
28 Maya and Ms. Stoechner-Hernandez for their work on the audit.

29  
30 Trustee Arzabal asked if a double fine is being recommended to put it on the Board Action Form.

31  
32 Mayor Barraza responded we will find a solution.

33  
34 Trustee Arzabal stated he agrees with Trustee Flores regarding the audit.

1 Mayor Barraza thanked Mr. Alexander for the information he provided regarding the wall; it was very  
2 informative. Marshal Alberg will be sending Mr. Rivera to animal control training at no cost to the town.  
3 Marshal Alberg does a wonderful job in interacting with other agencies and is good at following rules and  
4 regulations. We will not put someone on the streets without the proper training; we understand the  
5 liability issue. She wants to ensure everyone that we are addressing all the concerns and issues regarding  
6 animal control. There are so many people doing things without permits; things they should not be doing.  
7 Mr. Shannon has many duties and cannot be out in the streets on a daily basis. If she sees something  
8 taking place she brings it to Mr. Shannon's attention. People need to understand there is a process. We  
9 are working with CID who knows they are not to issue a permit without applicant first coming to Mesilla.  
10 People are doing whatever they want to do. Our ordinance is very specific. She read the sign ordinance.  
11 We have to follow our ordinance. If we need to change it then let's change it. We are trying our better to  
12 inforce our ordinances we have in place. There is misinformation regarding parking. It is now based on  
13 number of employees if you do not have adequate parking. She asked that the proposed parking  
14 ordinance be made available online. We received 2 responses from over the hundred that went out. Make  
15 sure Ms. Parra has your current email address. The next board meeting will be on March 27<sup>th</sup>. The  
16 Legislation Session closes on Friday. The governor can veto things; we will see what happens.

17

18 **11. ADJOURNMENT**

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

20

21 **MEETING ADJOURNED AT 8:20 P.M.**

22

23

24 **APPROVED THIS 27th DAY OF MARCH, 2017.**

25

26

27

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

29 Mayor

30

31

32 **ATTEST:**

33

34

35 \_\_\_\_\_

- 1 Cynthia Stoeher-Hernandez
- 2 Town Clerk/Treasurer
- 3
- 4
- 5
- 6
- 7