



Town of Mesilla, New Mexico

**BOARD OF TRUSTEES
TOWN OF MESILLA
REGULAR BOARD MEETING
MONDAY, AUGUST 28, 2017
6:00 P.M.**

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

STAFF: Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
K.C. Alberg, Marshal
Kevin Hoban, Fire Chief
Debbie Lujan, Public Works Director
Larry Shannon, Community Development Coordinator
Gloria Maya, Recorder

PUBLIC:

1. PLEDGE OF ALLEGIANCE

Mayor Barraza led the Pledge of Allegiance.

Mayor Barraza held a Moment of Silence for the victims of the shooting at the Public Library in Clovis.

2. ROLL CALL & DETERMINATION OF A QUORUM

Roll Call.

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

3. CHANGES/APPROVAL OF THE AGENDA

Mayor Barraza requested removing item 5b from the consent agenda.

Trustee Johnson-Burick requested removing item 5c from the consent agenda.

Motion: To approve agenda as amended, Moved by Mayor Pro Tem Arzabal, Seconded by Trustee Flores.

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

2 **Mayor Pro Tem Arzabal Yes**

3 **Trustee Caro Yes**

4 **Trustee Flores Yes**

5 **Trustee Johnson-Burick Yes**

6
7 **4. PUBLIC INPUT** – The public is invited to address the Board for up to 3 minutes.
8 No Public Input

9
10 **5. *APPROVAL OF CONSENT AGENDA** – The Board will be asked to approve by
11 **one motion the following items of recurring or routine business. The Consent**
12 **Agenda is marked with an asterisk *:**

13 **Motion: To approve consent agenda as amended, Moved by Trustee Caro, Seconded by**
14 **Trustee Flores.**

15
16 **Roll Call Vote: Motion passed (summary: Yes = 4).**

17 **Mayor Pro Tem Arzabal Yes**

18 **Trustee Caro Yes**

19 **Trustee Flores Yes**

20 **Trustee Johnson-Burick Yes**

21
22 **a. *BOT MINUTES – Regular Meeting** minutes of Monday, August 14, 2017.
23 *Approved by consent agenda*

24
25 **b. *PZHAC CASE 060603 - 2557 Calle de Parian**, submitted by Andrea Bryan; a
26 request for a building permit to construct a small casita at the rear of a residential
27 property at this address. Zoned: Historical Residential (HR). *Approved by consent*
28 *agenda*

29
30 **c. *PZHAC CASE 060614 – 2117 Calle de Guadalupe**, submitted by Stephanie and
31 Ron Burick; a request for a building permit to allow the repainting of wood fascia
32 boards on a dwelling at this address. Zoned: Historical Residential (HR).

33
34 Mayor Barraza asked if Trustee Johnson-Burick requested removing this item because she did
35 not want to vote on it.

36
37 Trustee Johnson-Burick responded she is abstaining from voting to avoid conflict of interest.

38
39 Trustee Flores stated she thought the color was fine since it was similar to the acceptable colors.

40
41 Mr. Shannon responded this is the opinion of the staff and not necessarily the opinion of
42 Planning and Zoning. Planning and Zoning made the final decision.

43
44 Mayor Barraza stated Planning and Zoning placed a condition; the color used needs to be closer
45 to the colors allowed by code.

46
47 Trustee Johnson-Burick responded they were provided with color samples which they will use to
48 choose the color.

1
2 Mr. Shannon responded the Planning and Zoning approved it based on the applicant using an
3 approved color so they would not have to come back to the Planning and Zoning.
4

5 **Motion: To approve PZHAC Case 060614 – 2117 Calle de Guadalupe, submitted by**
6 **Stephanie and Ron Burick; a request for building permit to allow the repainting of wood**
7 **fascia boards on a dwelling at this address. Zoned: Historical Residential HR), Moved by**
8 **Mayor Pro Tem Arzabal, Seconded by Trustee Caro.**
9

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

11 **Mayor Pro Tem Arzabal Yes**

12 **Trustee Caro Yes**

13 **Trustee Flores Yes**

14 **Trustee Johnson-Burick Yes**
15

16 d. ***PZHAC CASE 060616 - 2860 Calle del Sur, submitted by Saul Prieto; a request for**
17 **a building permit to finish plastering part of an adobe wall on a dwelling at this**
18 **address, and to repaint the structure. Zoned: Historical Residential (HR). *Approved***
19 ***by consent agenda***
20

21 e. ***PZHAC CASE 060619 - 2188 Calle del Norte, submitted by John Wright; a request**
22 **for a building permit to allow repair work and painting, as well as minor alterations**
23 **and landscaping, to a dwelling at this address.**
24

25 **Motion: To approve PZHAC Case 060619 – 2188 Calle del Norte, submitted by John**
26 **Wright; a request for building permit to allow repair work and painting, as well as minor**
27 **alterations and landscaping, to a dwelling at this address, Moved by Mayor Pro Tem**
28 **Arzabal, Seconded by Trustee Johnson-Burick.**
29

30 Mayor Barraza stated she is concerned with the corrugated metal fence. There was a prior issue
31 with a resident that used the same material in that area who was asked to cover the sides that
32 were facing the street. This is not approved fencing material in the Historical Residential Zone.
33

34 Mr. Shannon stated the property is on Calle de Arroyo with a fence that was almost identical to
35 what is being suggested here. He referred to Article 18.60.0 paragraph E as why it was denied.
36 This property would put a fence on the west side and on along the back. The fence will not be on
37 the front of the property so this restriction does not apply to this fence.
38

39 Mayor Barraza stated the property lines are unique on this property; very visible from the street
40 when heading east or west. The applicant is proposing a 6 ft. fence. She asked how many feet is
41 the property line from both sides to the rear setback.
42

43 Mr. Shannon responded the property is in a triangle. The north (back) property line comes to the
44 road, one property line in the front and one on the side.
45

46 Trustee Johnson-Burick stated it is her interpretation that in the Historical Zone, if it is visible
47 from the street, only approved material must be used.
48

1 Mr. Shannon responded he has not found anything about visibility. He does not have a problem
2 putting an amendment.

3
4 Trustee Johnson-Burick stated in a prior case they wanted to install a chain link fence which
5 would have been denied if it had been visible from the street. It was allowed once we saw it was
6 not going to be visible. She is concerned with this.

7
8 Mr. Shannon responded the visibility of the fence from the other streets was not an issue because
9 nothing in the ordinance states visibility. One concern was the travel through the property. The
10 fence was visible from other streets but was not in the front setback. The applicant came in
11 voluntarily to shorten the fence by 10 ft. We have chain link and metal fences all over the
12 historic district.

13
14 Mayor Barraza responded those have been place. This is a new case and we need to move
15 forward. She read Section B which applies to the east and west wall.

16
17 Mr. Shannon responded there is not a driveway adjacent to the west wall.

18
19 Mayor Barraza stated there is a driveway next to it.

20
21 Mr. Shannon responded he saw bushes. There are trees as you go down the driveway.

22
23 Mayor Barraza stated there is a driveway on the line. There is a driveway that is west of that.
24 There is another driveway on the Lozoya property. If you go 90 ft. at each of those four (4)
25 points they cannot build a fence that is higher than 3 ft.

26
27 Mr. Shannon stated in the triangle there is a garage and a tree. The fence will stop on the
28 opposite side at the tree.

29
30 Trustee Johnson-Burick stated she is inclined to follow the policy. She is not convinced that it
31 will follow the ordinance. She recommends making a motion to postpone.

32
33 Mr. Shannon responded we can ask the applicant to be present to answer questions.

34
35 Mayor Barraza asked if the board if would like to make an amendment.

36
37 **Motion: To postpone this item until the time the applicant can be present to answer**
38 **questions, Moved by Trustee Johnson-Burick, Seconded by Mayor Pro Tem Arzabal**

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

41 **Mayor Pro Tem Arzabal Yes**

42 **Trustee Caro Yes**

43 **Trustee Flores Yes**

44 **Trustee Johnson-Burick Yes**

45
46 Mayor Barraza asked Mr. Shannon to ask the applicant to be present at the next meeting. She,
47 Mr. Shannon and Ms. Stoechner-Hernandez will meet to discuss the ordinance.

1
2 **6. CLOSED SESSION:** pursuant to NMSA 1978 Chapter 10-15-1(H)(7) for the discussion
3 of attorney-client privilege pertaining to threatened or pending litigation for Nancy Byres
4 v. Town of Mesilla, et. al. Case No. D-307-CV-2016-02872. – **Nora L. Barraza.**

5 **Motion: To approve entering Close Session, Moved by Mayor Pro Tem Arzabal, Seconded**
6 **by Trustee Caro.**

7
8 **Roll Call Vote: Motion passed (summary: Yes = 4).**

9 **Mayor Pro Tem Arzabal Yes**

10 **Trustee Caro Yes**

11 **Trustee Flores Yes**

12 **Trustee Johnson-Burick Yes**

13
14 **Entered Closed Session at 6:24 p.m.**

15
16 **Motion: To approve enter Regular Meeting; no action taken, Moved by Trustee Caro,**
17 **Seconded by Mayor Pro Tem Arzabal.**

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

20 **Mayor Pro Tem Arzabal Yes**

21 **Trustee Caro Yes**

22 **Trustee Flores Yes**

23 **Trustee Johnson-Burick Yes**

24
25 **Enter Regular Meeting at 6:53 p.m.**

26
27 **7. NEW BUSINESS:**

- 28
29 **a. Update and next steps for the 2017 Comprehensive Plan Update. – Cynthia**
30 **Stoehner-Hernandez, Clerk/Treasurer.**

31 Ms. Stoehner-Hernandez stated two (2) Public Meetings were held. We had over twenty (20)
32 participants at the first meeting. We had good conversations. There will be a worksession on
33 September 11th for the board and Planning and Zoning commissioners so they can review the
34 draft. September 25th will be a worksession; public input will be held during the following
35 Board Meeting. We are hoping to have the bugs worked out with a possible approval and if not
36 we can carry it to October. The funding expires in December so we are on target to close out
37 before the deadline.

38
39 Trustee Johnson-Burick asked if they will have a draft prior to the worksession. She asked if
40 there is something in place now.

41
42 Ms. Stoehner-Hernandez responded the draft is 50% complete. She will forward the final draft
43 to the board before the worksession. Our ultimate goal is to get the draft out before the
44 worksession for plenty of time for review.

45
46 Trustee Johnson-Burick stated Commissioner Garrett has offered the County's Comprehensive
47 Plan to review and any help.

1 Trustee Flores asked if they will vote at the September 11th meeting.

2
3 Ms. Stoechner-Hernandez responded we are hoping to have another public hearing at the
4 September 25th meeting.

5
6 Mayor Barraza stated there will be a combined worksession for the board and commissioners on
7 September 11th. We are hoping to provide a draft the week before for review. There will be a
8 worksession on September 25th; a Public Hearing will also be held at the Board Meeting. Action
9 will be taken at the first meeting in October.

10
11 **b. For acceptance: 2018 Clean Water State Revolving Loan Fund for Calle de Picacho –**
12 **Storm Water Project Planning Phase I in the amount of \$100,000. – Debbie Lujan,**
13 **Public Works Director.**

14 Ms. Lujan stated she submitted application requesting a lot of money as there is a lot of flooding
15 on Picacho where there is no drainage. The Department of Transportation has helped us move
16 the water but it stays in the intersection. She wants to pipe it to the ditch so it will go to the
17 lateral. This is the first step which will come from the Enterprise Fund. She has been seeking
18 funding and unfortunately now they are loans.

19
20 Mayor Barraza stated during the last rains that area has been completely flooded. We had to hire
21 someone to pump the water; first time it was \$4K second time it was \$1K. It also has become a
22 mosquito breeding area.

23
24 Ms. Lujan responded it was pumped and it rained so the water was back.

25
26 Mayor Barraza asked for the board's support as we go through his application process.

27
28 **Motion: To approve 2018 Clean Water State Revolving Loan Fund for Calle de Picacho-**
29 **Storm Water Project Planning Phase I in the amount of \$100,000, Moved by Mayor Pro**
30 **Tem Arzabal, Seconded by Trustee Johnson-Burick.**

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

33 **Mayor Pro Tem Arzabal Yes**

34 **Trustee Caro Yes**

35 **Trustee Flores Yes**

36 **Trustee Johnson-Burick Yes**

37
38
39 **8. BOARD OF TRUSTEE COMMENTS**

40 Trustee Flores no comments

41
42 Mayor Pro Tem Arzabal no comments

43
44 Trustee Johnson-Burick stated Viva Dona Ana Consortium meeting. There were eight (8)
45 MOUs signed; lacking two (2). Larry did a very good job presenting the Comprehensive Plan
46 and how it has evolved. He was able to tie in some of the visibility principals. Commissioner
47 Garrett stated they were there if they needed anything. She has been asked to serve as his vice

1 chair temporarily. A huge shout out and prayers to the Houston area. It is so devastating.
2 Thank you to all from our area who are assisting.

3
4 Trustee Caro stated Calle de Arroyo was flooded and was concerned about the drainage. The
5 mosquitos and weeds are getting bad. She asked Ms. Lujan to contact Mr. Lee regarding
6 spraying. This is in regards to the Marshal and his dog. The dog was to be a fire investigation
7 dog with K.C. When K.C. became Marshal he took the dog with him. He has some concerns
8 which should be looked into. He knows it is a good dog. He has been told it is a service animal
9 but it does not qualify as a service animal under the ADA definition. He read the definition.

10
11 Marshal Alberg stated he is legally disabled and would appreciate if he would not go there. He
12 does have a condition under the ADA.

13
14 Trustee Caro stated his dog is not certified/qualified to be a service dog. The only question he
15 can legally ask is: is the dog a service dog because of a disability and you said yes. And what
16 tests has the dog been trained to perform.

17
18 Marshal Alberg stated be careful with that sir. He does not feel this is the proper venue. This
19 could cause the town liability.

20
21 Trustee Caro stated he can bring anything up. He is requesting... that you should – this guy
22 [dog] had an outburst here in the town hall and in Clovis. The dog could bite someone, kids. He
23 does not feel it should be out in public, he should be in a kennel. He can be taken out when he is
24 needed. He should not be out in the public all the time because he is not trained.

25
26 Mayor Barraza stated Aspen was brought to us by State Farm Insurance who paid over \$30K.
27 She is an arson dog; it has nothing to do with ADA even though the Marshal has a disability.
28 The dog is a certified police dog.

29
30 Trustee Caro stated canine.

31
32 Mayor Barraza responded okay, canine. She is certified, has a badge and all the proper markings
33 of a police canine. She is also the only arson dog in New Mexico that is called out throughout the
34 state to address suspected arsons. Aspen is a Certified Police Canine and Arson. The handler is
35 to have her with him at all times. She has all the proper markings to be identified as such. The
36 board approved for Aspen to be with the Town of Mesilla and he will continue to stay with the
37 Town of Mesilla. The Marshal does a fabulous job in taking care of Aspen.

38
39 She was sitting next to Aspen and Marshal Alberg in Clovis during the incident that Trustee Caro
40 is talking about. Aspen was well behaved. Numerous people came up to the marshal to give him
41 praises on how well behaved Aspen was. She knows Aspen barked but she was not aggressive;
42 nothing out of the ordinary happened. She will be happy to meet with anyone on a one to one
43 basis with the Marshal, Ms. Stoechner-Hernandez and the Chief.

44
45 It was a good choice to postpone the case so that our questions can be answered. She thanked
46 the Trustees for supporting Ms. Lujan with regards to the loan. It is getting harder and harder to
47 find funding. Everyone is doing their best they can to get funding for the needs of the
48 community.

1
2 Ms. Lujan stated Trustee Caro mentioned Calle de Arroyo; that street is on the ICIP for drainage.
3 We are constantly pumping and cleaning the grates.

4
5 Mayor Barraza stated the pump is working at its full capacity but the rains have been heavy.
6 Trustee Caro is correct that it looks like a river.

7
8 Ms. Parra is working diligently getting the fiesta off the ground. The offices will be closed
9 Monday, September 4th in honor of Labor Day.

10
11 Ms. Stoechner-Hernandez asked for families to submit parade applications if they are planning to
12 be in the parade to Ms. Parra by September 6th.

13
14 Mayor Barraza stated Tanzy and Keith may be doing something.

15
16 The Codes Enforcement Officers are working diligently addressing issues. Mr. Shannon sent out
17 letters regarding the weeds.

18
19
20 **9. ADJOURNMENT**

21
22 **The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes-4)**

23
24 **MEETING ADJOURNED AT 7:23 P.M.**

25
26
27 **APPROVED THIS 11TH DAY OF SEPTEMBER, 2017.**



36
37
38
39 

40 Nora L. Barraza
41 Mayor

42
43
44 **ATTEST:**

45
46
47 

48 Cynthia Stoechner-Hernandez
49 Town Clerk/Treasurer