

# Town of Mesilla, New Mexico

## THE BOARD OF TRUSTEES (BOT) OF THE TOWN OF MESILLA REGULAR MEETING AT THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA

**TUESDAY, JUNE 25, ~ 6:00 P.M.~**

### **MINUTES**

**TRUSTEES:** Russell Hernandez, Mayor  
Adrianna Merrick, Mayor Pro Tem  
Biviana Cadena, Trustee  
Stephanie Johnson-Burick, Trustee  
Gerard Nevarez, Trustee

**STAFF:** Ben Azcarate, Interim Marshal  
Greg Whited, Fire Chief  
Gloria S Maya, Town Clerk/Recorder

**PUBLIC:**

|                     |                      |
|---------------------|----------------------|
| Greg Lester         | Andrea Bryan         |
| Trina Witter        | Mary H Ratje         |
| Bill & Janice Cook  | Trina Witter         |
| Susan Krueger       | Crystal Davis-Whited |
| Rosemary Alvillar   | Dasa Bausovo         |
| Michele Rasch       | Eric Walkinshaw      |
| Lori Miller         | E. Wynd....          |
| Rosemary M Loughlin | Michele Downey       |
| Stewart Oberman     | Karena Oberman       |

#### **1. PLEDGE OF ALLEGIANCE**

Mayor Hernandez led the Pledge of Allegiance.

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

**Roll Call.**

**Present:** Mayor Hernandez, Mayor Pro Tem Merrick, Trustee Johnson-Burick, Trustee Nevarez

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

**Motion: To approve agenda, Moved by Trustee Nevarez, Seconded by Mayor Pro Tem Merrick.**

**Motion passed unanimously.**

#### **4. 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 \*)

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

Trustee Cadena noted corrections to the minutes.

a) **\*BOT MINUTES** – Minutes of BOT, 06.10.2024

PO BOX 10, MESILLA, NM 88046 PH: (575) 524-3262

2231 AVENIDA DE MESILLA

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

Mayor Pro Tem Merrick Yes  
Trustee Cadena Yes  
Trustee Johnson-Burick Yes  
Trustee Nevarez Yes

**5. PRESENTATIONS:**

**a) PRESENTATION: Fire Chief: Update on Current Fire Conditions**

Fire Chief Whited gave an update of the current fire conditions and enforcement procedures that would be followed.

Trustee Cadena stated concerned the public will not know what fireworks are allowed.

Trustee Johnson-Burick stated in the past it has not been recommended that the vendors have been approached as to what to sell and not to sell.

**6. PUBLIC INPUT ON CASES – The public is invited to address the Board as allowed by the chair.**

Ms. Ratje stated fireworks are stressful for dogs.

**7. ACTION AND CONSIDERATION**

**NEW BUSINESS**

**a) APPROVAL: Recommended action arising from current fire conditions presentation**

**Motion: To approve recommended action arising from current fire conditions presentation, Moved by Trustee Johnson-Burick, Seconded by Mayor Pro Tem Merrick.**

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

Mayor Pro Tem Merrick Yes  
Trustee Cadena Yes  
Trustee Johnson-Burick Yes  
Trustee Nevarez Yes

**b) APPROVAL: RESOLUTION 2024-13: 2023-2024 Budget Adjustments**

**Motion: To approve Resolution 2024-13: 2023-2024 Budget Adjustments, Moved by Trustee Nevarez, Seconded by Mayor Pro Tem Merrick.**

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

Mayor Pro Tem Merrick Yes  
Trustee Cadena Yes  
Trustee Johnson-Burick Yes  
Trustee Nevarez Yes

**c) APPROVAL: RESOLUTION 2024-15: 2024 PZHAC Appointments**

**Motion: To approve Resolution 2024-15 PZHAC Appointments, Moved by Trustee Johnson-Burick, Seconded by Mayor Pro Tem Merrick.**

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

Mayor Pro Tem Merrick Yes  
Trustee Cadena Yes  
Trustee Johnson-Burick Yes  
Trustee Nevarez Yes

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**d) APPROVAL: Appointment for Planning and Zoning Commission (Heard Individually)**

**Motion: To approve Ms. Lori Miller, Alternate Planning and Zoning Commissioner, Moved by Trustee Nevarez, Seconded by Mayor Pro Tem Merrick.**

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

- Mayor Pro Tem Merrick Yes
- Trustee Cadena Yes
- Trustee Johnson-Burick Yes
- Trustee Nevarez Yes

**Motion: To approve Ms. Martha Mulvihill, Planning and Zoning Commissioner, Moved by Trustee Nevarez, Seconded by Mayor Pro Tem Merrick.**

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

- Mayor Pro Tem Merrick Yes
- Trustee Cadena Yes
- Trustee Johnson-Burick Yes
- Trustee Nevarez Yes

**Motion: To approve Ms. Prisciliana Sandoval, Alternate Planning and Zoning Commissioner, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Johnson-Burick.**

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

- Mayor Pro Tem Merrick Yes
- Trustee Cadena Yes
- Trustee Johnson-Burick Yes
- Trustee Nevarez Yes

**e) APPROVAL: RESOLUTION 2024-14: 2026-2030 ICIP list proposals**

Mayor Hernandez reviewed the ICIP list.

**Motion: To approve Resolution 2024-14: 2026-2030 ICIP list proposals, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Johnson-Burick.**

Trustee Cadena recommended prioritizing and basing it on need.

Mayor Hernandez stated this list reviewed by the Department Heads; items can be shifted if needed.

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

- Mayor Pro Tem Merrick Yes
- Trustee Cadena Yes
- Trustee Johnson-Burick Yes
- Trustee Nevarez Yes

**f) APPROVAL: 2025-2026 SALARY GRADES (Handed Out During Meeting)**

Mayor Hernandez reviewed salary grades.

**Motion: To approve 2025-2026 Salary Grades, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Nevarez.**

1  
2 Trustees reviewed recommendations, concerns and questions.

3  
4 **Roll Call Vote: Motion passed (summary: Yes-4)**

5 Mayor Pro Tem Merrick Yes  
6 Trustee Cadena Yes  
7 Trustee Johnson-Burick Yes  
8 Trustee Nevarez Yes

9  
10 **Amended Motion: To postpone approval of 2025-2026 Salary Grades, Moved by Trustee Cadena,**  
11 **Seconded by Trustee Johnson-Burick.**

12  
13 **Amended Motion Roll Call Vote: Motion passed (summary: Yes-3; No-1)**

14 Mayor Pro Tem Merrick No  
15 Trustee Cadena Yes  
16 Trustee Johnson-Burick Yes  
17 Trustee Nevarez Yes

18  
19 **g) APPROVAL: JOB DESCRIPTIONS: FINANCE DEPARTMENT**

20 **Motion: To approve Job Descriptions: Deputy Treasurer, Finance Department, Mayor Pro Tem**  
21 **Merrick, Seconded by Trustee Johnson-Burick.**

22  
23 Trustees reviewed recommendations, concerns and questions.

24  
25 **Deputy Treasurer Roll Call Vote: Motion passed (summary: Yes-3; No-1)**

26 Mayor Pro Tem Merrick Yes  
27 Trustee Cadena Yes  
28 Trustee Johnson-Burick No  
29 Trustee Nevarez Yes

30  
31 **Motion: To approve Job Descriptions: Deputy Treasurer, Finance Department, Moved by Trustee**  
32 **Johnson-Burick Merrick, Seconded by Mayor Pro Tem Merrick.**

33  
34 Trustees reviewed recommendations, concern and questions.

35  
36 **Deputy Clerk Roll Call Vote: Motion passed (summary: Yes-3; No-1)**

37 Mayor Pro Tem Merrick Yes  
38 Trustee Cadena Yes  
39 Trustee Johnson-Burick No  
40 Trustee Nevarez Yes

41  
42 **Motion: To approve Job Descriptions: Grants Administrator, Finance Department, Moved Trustee**  
43 **Nevarez, Seconded by Mayor Pro Tem Merrick.**

44  
45 Trustees reviewed recommendations, concern and questions.

46  
47 **Deputy Clerk Roll Call Vote: Motion passed (summary: Yes-4)**

48 Mayor Pro Tem Merrick Yes  
49 Trustee Cadena Yes  
50 Trustee Johnson-Burick Yes  
51 Trustee Nevarez Yes

52  
53

1 **h) APPROVAL: JOB DESCRIPTIONS: MARSHAL DEPARTMENT**

2 **Motion: To approve Job Descriptions: Marshal Department, Moved by Trustee Johnson-Burick,**  
3 **Seconded by Mayor Pro Tem Merrick.**

4  
5 Trustees reviewed recommendations, concerns and questions.

6  
7 **Roll Call Vote: Motion passed (summary: Yes-4)**

8 Mayor Pro Tem Merrick Yes

9 Trustee Cadena Yes

10 Trustee Johnson-Burick Yes

11 Trustee Nevarez Yes

12  
13 **i) APPROVAL: JOB DESCRIPTIONS: FIRE DEPARTMENT**

14 **Motion: To approve Job Descriptions: Fire Department, Trustee Johnson-Burick, Seconded by Mayor**  
15 **Pro Tem Merrick.**

16  
17 Trustees reviewed recommendations, concerns and questions.

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

20 Mayor Pro Tem Merrick Yes

21 Trustee Cadena Yes

22 Trustee Johnson-Burick Yes

23 Trustee Nevarez Yes

24  
25 **j) APPROVAL: JOB DESCRIPTIONS: PUBLIC WORKS**

26 **Motion: To approve Job Descriptions: Public Works, Moved by Trustee Nevarez, Seconded by Mayor**  
27 **Pro Tem Merrick.**

28  
29 Trustees reviewed recommendations, concerns and questions.

30  
31 **Roll Call Vote: Motion passed (summary: Yes-4)**

32 Mayor Pro Tem Merrick Yes

33 Trustee Cadena Yes

34 Trustee Johnson-Burick Yes

35 Trustee Nevarez Yes

36  
37 **k) APPROVAL: JOB DESCRIPTIONS: COMM & ECON DEVELOPMENT**

38 **Motion: To approve Job Descriptions: Comm & Econ Development, Trustee Nevarez, Seconded by**  
39 **Mayor Pro Tem Merrick.**

40  
41 Trustees reviewed recommendations, concerns and questions.

42  
43 **Roll Call Vote: Motion passed (summary: Yes-4)**

44 Mayor Pro Tem Merrick Yes

45 Trustee Cadena Yes

46 Trustee Johnson-Burick Yes

47 Trustee Nevarez Yes

48  
49 **8. PUBLIC INPUT – The public is invited to address the Board as allowed by the chair.**

50 Mr. Taylor asked about road compactions during roadwork on Calle de Picacho due to historic homes. Expressed  
51 concerns regarding Short-Term Rentals and what is legal regarding Cell Towers.

52  
53 Ms. Rasch recommended a loading zone in front of the Fountain Theatre.

1 Ms. Bausova read correspondence from Ms. R Franco and herself.  
2  
3 Mr. Lester read correspondence.  
4  
5 Ms. Witter read correspondence.  
6  
7 Ms. Ratje expressed concerns regarding the Short-Term Rentals ordinance.  
8  
9 Mayor Hernandez read correspondence.

10  
11  
12 **9. CLOSED EXECUTIVE SESSION**

- 13 **a. Discussion concerning attorney/client privilege matters pertaining to threatened or**  
14 **pending litigation in which the public body is or may become a participant pursuant**  
15 **to NMSA 1978, Section 10-15-1(H)(7)**  
16 **- Sunstate Towers**  
17  
18 **b. Discussion of limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2) –**  
19 **- Open Position Marshal’s Department**  
20 **- Open Position Public Works Department**  
21 **- Open Position Finance Department**  
22 **- Open Position Community & Economic Development Department**

23  
24 **Motion: To approve entering into Closed Executive Session, Moved by Mayor Pro Tem Merrick,**  
25 **Seconded by Trustee Johnson-Burick.**

26  
27 **Motion passed unanimously.**

28  
29 **Entered Closed Executive Session at 7:48 p.m.**

30  
31 **Motion: To approve entering into Regular Meeting, Moved by Mayor Pro Tem Merrick, Seconded by**  
32 **Trustee Nevarez.**

33  
34 **Motion passed unanimously.**

35  
36 **Entered Closed Regular Meeting at 8:17 p.m.**

37  
38 **APPROVAL: Any actions that may arise as a result of discussions in closed session.**

39 **RATIFICATION: SUNSTATE SETTLEMENT AND RELEASE AGREEMENT**

40  
41 **Motion: To approve ratification: Sunstate Settlement and Release Agreement, Moved by Moved by**  
42 **Trustee Johnson-Burick, Seconded by Mayor Pro Tem Merrick.**

43  
44 **Roll Call Vote: Motion passed (summary: Yes-3; No-2)**

45 Mayor Pro Tem Merrick Yes  
46 Trustee Cadena No  
47 Trustee Johnson-Burick Yes  
48 Trustee Nevarez No  
49 Mayor Hernandez Yes

1 **Amended Motion: To table for mediation ratification: Sunstate Settlement and Release Agreement,**  
2 **Moved by Moved by Trustee Nevarez, Seconded by Trustee Cadena.**

3  
4 **Amended Roll Call Vote: Motion passed (summary: Yes-2; No-3)**

5 Mayor Pro Tem Merrick No

6 Trustee Cadena Yes

7 Trustee Johnson-Burick No

8 Trustee Nevarez Yes

9 Mayor Hernandez No

10  
11 **BOARD OF TRUSTEE COMMITTEE REPORTS**

12 Trustee Johnson-Burick: MPO meeting update, MPO Meeting August 14<sup>th</sup> at the City of Las Cruces  
13 Chambers, MPO Executive Board Meeting (pending) Friday, June 28<sup>th</sup>.

14  
15 Mayor Pro Tem Merrick: MPO meeting update, MPO Meeting August 14<sup>th</sup> at the City of Las Cruces  
16 Chambers, MPO Executive Board Meeting (pending) Friday, June 28<sup>th</sup>.

17  
18 Mayor Hernandez: SWRT Wednesday, NMML in Albuquerque on Thursday, SCCOG meeting on Friday.  
19 NMML Annual Conference August 13-16, Clovis, NM.

20  
21 **12. BOARD OF TRUSTEE/STAFF COMMENTS**

22 Interim Marshal Azcarate stated they have received the radios and the two (2) units. They are looking at  
23 ordering two (2) more units. The department has received JAG funding which will be used for a Security  
24 System at the Public Safety Building.

25  
26 Fire Chief Whited stated the department received the radios. Inaudible The fire academy continues to  
27 grow. Reviewed the process followed when covering calls outside of Mesilla.

28  
29 Mayor Hernandez stated due to the closing of the fiscal year process, the utility office will not be accepting  
30 payments after noon on Friday. During the roadwork which begins on June 8<sup>th</sup> on Calle de Picacho, which  
31 should be completed by the end of December, there will be a need for the utilities to be replaced or relocated.  
32 Calle de Santiago will be the next project.

33  
34 Trustee Cadena recommended holding PZHAC and BOT meetings in the same week.

35  
36 Trustee Johnson-Burick recommended imposing a moratorium on Short-Term Rentals.

37  
38 Trustee Nevarez stated good work on Job Descriptions.

39  
40 Mayor Pro Tem Merrick recommended bringing forth Job Descriptions and Salary Grades at the next  
41 meeting or scheduling a Special Meeting in order to move forward. The new positions will help everyone  
42 be more informed.

43  
44 Mayor Hernandez stated he met with the Interim County Manager to open up the lines of communication.  
45 A Public Hearing for Short-Term Rentals was scheduled for July 8<sup>th</sup> but due to questions that have arisen it  
46 has been postponed. There will be a Public Hearing for Heart of the Desert Liquor License on July 8<sup>th</sup>. The  
47 board will have all the job descriptions and salary grades for review for the July 8<sup>th</sup> regular BOT meeting.

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49 **13. ADJOURNMENT**

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

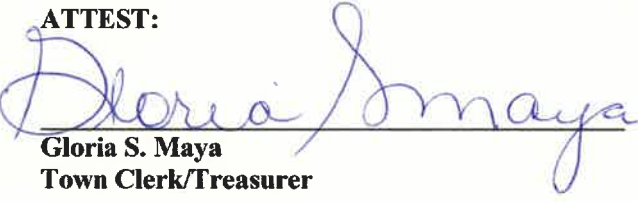
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52 **MEETING ADJOURNED AT 8:50 P.M.**

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54 **APPROVED THIS 8<sup>th</sup> DAY OF JULY, 2024**

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**Russell Hernandez**  
**Mayor**

**ATTEST:**

  
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**Gloria S. Maya**  
**Town Clerk/Treasurer**

