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5 **BOARD OF TRUSTEES**
6 **TOWN OF MESILLA**
7 **SPECIAL MEETING**
8 **TUESDAY, JUNE 7, 2011**
9 **9:00 A.M.**

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12 **TRUSTEES:** Nora L. Barraza, Mayor
13 Jesus Caro, Mayor Pro Tem (absent)
14 Carlos Arzabal, Trustee
15 Sam Bernal, Trustee (absent)
16 Linda L. Flores, Trustee

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18 **STAFF:** Nick Eckert, Town Clerk/Treasurer
19 Gina Gentile, Town Inspector
20 Kevin Hoban, Fire Marshal
21 Debbie Lujan, Public Works Director
22 Gloria Maya, Recorder

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24 **PUBLIC:**
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28 **OPENING CEREMONIES**

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30 A. Pledge of Allegiance

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32 **ROLL CALL AND DETERMINATION OF A QUORUM**

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34 **Roll Call.**

35 **Present:** Mayor Barraza, Trustee Arzabal, Trustee Flores.
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37 **CHANGES TO THE AGENDA**

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39 Mayor Barraza asked if item #1 needs to be tabled or left on the table for discussion since it was not
40 approved by the Planning and Zoning.

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42 Ms. Gentile responded it should be removed from the consent agenda and if there is an appeal it will
43 come to the board.
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45 Mayor Barraza asked if a Certificate of Appropriateness is need for approval of a building permit.
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Ms. Gentile responded this has not happened before; in her opinion is that the board can give a final approval on the building permit. She is concerned that she does not know why they denied the Certificate of Appropriateness. She reviewed the conditions placed by the Planning and Zoning. She stated that she asked the Planning and Zoning Commission for their reason for denying the Certificate of Appropriateness but did not receive an answer.

Mayor Barraza stated Ms. Gentile did ask them to state their reasons why the denial on the Certificate of Appropriateness and then they decided to postpone it but they did not postpone it. If the board wishes item #1 can be moved further down on the agenda for further discussion.

Trustee Arzabal recommended removing item #1 so as to give the applicant the opportunity to appeal but can continue with the building permit.

Mr. Eckert asked if these conditions are met would they approve the Certificate of Appropriateness.

Mayor Barraza recommended moving item #1 to item #2 for further discussion.

Motion: To approve the agenda as amended, **Moved by** Trustee Arzabal, **Seconded by** Trustee Flores.

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

Yes: Trustee Arzabal, Trustee Flores, Mayor Barraza.

ACCEPTANCE OF THE CONSENT AGENDA

No consent agenda

PZHAC BUSINESS:

1. Case 011044; 2402 Avenida de Mesilla, Velia Chavez, certificate of appropriateness for renovation of partially collapsed two rear walls. Zone: HC. *Moved to item #2*

Mayor Barraza stated this was not approved by the Planning and Zoning so there will only be discussion on this item. The Planning and Zoning was not sure on how to move forward since this had not happened before. This started out as repairing a collapsed wall and turned into having 2 walls collapsing.

Mr. Eckert stated there was a prior issue regarding the other building that was being repaired. The same review was done for the building permit as for the Certificate of Appropriateness.

Mayor Barraza responded the Planning and Zoning approved the building permit based on the Interior of Secretary Standards which is also for the Certificate of Appropriateness.

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Mr. Eckert responded they reviewed the same criteria.

Trustee Flores Inaudible Dr. Rockstraw recommended using the Interior of Secretary Standards for this case. Her memory of the Interior of Secretary Standards is the use of the same material; when not using the Interior of Secretary Standards like material is used.

Mr. Eckert stated he feels there are a lot of duplicated steps. The end result is they will not approve the building permit if they do not meet necessary style. In this case we do not to approve a Certificate of Appropriateness due to the unsafe conditions.

Trustee Arzabal stated he does not feel that the applicant should be told to appeal the denial of Certificate of Appropriateness. The building has been tagged as unsafe. The property is zoned HC but it is not being used for commercial purposes.

Ms. Gentile stated the Planning and Zoning has asked her to keep items like this separate with separate numbers.

Mayor Barraza responded she feels it makes it more confusing to have the same property with 2 separate case numbers.

Ms. Gentile indicated Mr. Eckert made a good point that the same criteria is used for both. Prior to this commission it was done on one form.

Trustee Flores asked why is it now being separated out.

Mr. Eckert responded there was not any rational that he understood as to why they are separated.

Mayor Barraza indicated the Preservation Ordinance is being revised by a committee that includes Trustee Arzabal, Commissioner Sullivan and Mr. Gilbert which will come to the board for approval.

Trustee Arzabal responded recommendations have been made by Mr. Gilbert and should come to the board by early fall.

Mayor Barraza indicated the Town of Mesilla is being proactive in terms of historical preservation and is moving in the right direction. We are trying to simplify the process and move the cases as long as fast as we can. Recommends holding more worksessions if needed prior to the case being placed on the agenda. The commission indicated that they only received the paperwork on Friday; she was not aware that Ms. Gentile had asked them 2 weeks ago if they felt they would need more time on this case. She believes Ms. Gentile is doing the right thing in informing them; it is up to them to take the extra step to deal with cases.

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Ms. Gentile responded she felt it was clearly worded and she never expected that section to cause the problem.

Mayor Barraza stated it is their responsibility to contact staff if there is some confusion so that Ms. Gentile has the opportunity to do research and address their concerns. She is concerned that there are so many homes in the historical area that need attention and she does not want to discourage residents.

Trustee Flores stated that is a special home and would love to see it is preserved; adobe at this time is not feasible. She is concerned that the property will be sold and made commercial.

Mayor Barraza responded I feel the applicant made some comments due to frustration. Also a lot of residents are on a fixed income cannot afford to preserve their homes. Situations like this need to be taken into consideration; the human factor needs to be considered. People will go where they can afford to make those purchases. The Planning and Zoning Commission needs to be consider the applicants well being. We need to work together hand and hand making it easier for the applicants to avoid frustration on both parts.

Trustee Flores indicated she would love to be able to find grants to help residents preserve their homes.

Mayor Barraza responded there are so many needs in our community.

2. Case 011044; 2402 Avenida de Mesilla, Velia Chavez, building permit for renovation of partially collapsed two rear walls. Zone: HC. **Moved to item #1**

Motion: To approve the permit with the conditions placed by the Planning and Zoning, **Moved by** Trustee Arzabal, **Seconded by** Trustee Flores.

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

Yes: Trustee Arzabal, Trustee Flores, Mayor Barraza

Ms. Gentile reviewed the conditions placed by the Planning and Zoning.

Mayor Barraza stated she was at the Planning and Zoning meeting as well as Trustee Flores. She did inform the commissioners that they spent more time trying to interpret the ordinance rather than working on the case. She feels the Planning and Zoning need to have worksessions regarding interpretation. Everyone interprets things different and does not feel that they should spend meeting time on that when the applicant is present. Staff should be notified if the commission feels more research needs to be done prior to the case being schedule on the agenda. She indicated that she relies on staff to do the research and the interpretation. We are using value time from the applicants listening to the Planning and Zoning

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working out the interpretation or if they are not comfortable with the interpretation then they table the case. In some cases banks are on the applicants due to delay in beginning the project. In this case vandalism could happen due to the open section of the building or further damage to the building. Feels we need to take care if this case by finding a solution. The Planning and Zoning question Ms. Gentile's work; she feels staff has done the research when the case it placed on the agenda. She believes the trustees need to meet with the Planning and Zoning to address these concerns. The applicant was very upset and very vocal during the meeting and she understands her frustration.

Trustee Arzabal stated that he feels this case can go forward with the conditions that were placed by the Planning and Zoning. We need to insure that the conditions are done due to the fact that this applicant has been red tagged and she continued to work. He feels we have bent over backwards for this applicant so she needs to work with us.

Mayor Barraza stated she feels Ms Chavez is aware that the project can be red tagged if those conditions are not met. Staff has informed her that she does need to follow process. The contractor was available yesterday and answered questions that the Planning and Zoning had. Agrees Ms. Chavez is impatient and wants to get the job done. She believes her heart is in preserving the building but she was so frustrated she wanted to get a bulldozer and demolish the building. The Planning and Zoning did well in listening since that is the last thing they want to happen.

Trustee Arzabal stated the timeframe for the applicant is about 2 months which is a long time.

Ms. Gentile indicated after studying the Preservation Ordinance a little closer, she realized cases are prolonged longer than the ordinance requires. She feels she is not getting anywhere with the Planning and Zoning but she is going to discuss that with them. Inaudible

Trustee Flores stated she agrees meetings and/or worksession should be held prior to the approval meeting so that there can be discussion and they won't be wasting the applicant's time.

Ms Gentile responded she emailed the Planning and Zoning Commission asked if they would like to have a worksession prior to the meeting to work out any issues or questions and they responded no.

Mayor Barraza indicated staff did meet with Commissioner Sullivan to discuss this case so he was familiar with the issues. She has recommended that there be more worksessions prior to meeting with the applicant in order to not waste the applicant's time and make it easier for everyone involved. There is a motion on the floor approving the building permit with the imposed conditions.

Mr. Eckert stated there have been other businesses that have been approved with out a Certificate of Appropriateness. Ms. Gentile is the official building inspector. It is not necessary to have the Certificate of Appropriateness. Inaudible It is clear that it is structure that is not being used commercially.

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Trustee Flores agreed the building needs to be used commercially to have this apply.

Mayor Barraza stated this all goes back to interpretation which is part of the problem. A lot of time is wasted interpretation which upsets the applicants. She feels we are on the right track and insuring that things are been done according to our ordinances.

PUBLIC COMMENTS:

No Public Comments

BOARD OF TRUSTEES COMMENTS:

No Board of Trustees Comments

ADJOURNMENT

Motion: To adjourn, **Moved by** Trustee Arzabal, **Seconded by** Trustee Flores.

Vote: Motion passed (**summary: Yes = 2**).

Yes: Trustee Arzabal, Trustee Flores.

MEETING ADJOURNED AT 9:50 A.M.

APPROVED THIS 27TH DAY OF JUNE, 2011.

Nora L. Barraza
Mayor

ATTEST:

Nicholas Eckert
Town Clerk/Treasurer