

1
2
3
4
5
6
7
8
9
10
11
12

**BOARD OF TRUSTEES
TOWN OF MESILLA
MEETING
MONDAY, FEBRUARY 14, 2011
6:00 P.M.**

13
14
15
16
17

TRUSTEES: Nora L. Barraza, Mayor
Carlos Arzabal, Mayor Pro Tem
Sam Bernal, Trustee
Jesus Caro, Trustee
Linda L. Flores, Trustee

18
19
20

STAFF: Nick Eckert, Town Clerk/Treasurer
Kevin Hoban, Fire Chief
Jeff Gray, Marshal
Gloria Maya, Recorder

21
22

PUBLIC: Sean Lucero Jeff Jansen

23
24

OPENING CEREMONIES

25
26

A. Pledge of Allegiance

27
28

Mayor Barraza led the Pledge of Allegiance.

29
30

B. Proclamation supporting Casas de Antano

31
32

Mr. Nick Eckert read the proclamation supporting Casas de Antano.

33
34

Mr. Rockstraw thanked the board for recognizing Casas de Antano. There were over 600 paid admission for the tour. We will try to make Casas de Antano an annual event. Never in their wildest dreams did they expect the event to be so successful.

35
36
37

Mayor Barraza stated she saw a lot of people participating and congratulated the organization on the success of the event.

38
39

ROLL CALL AND DETERMINATION OF A QUORUM

40

Roll Call.

41
42

Present: Mayor Barraza, Mayor Pro Tem Arzabal, Trustee Bernal, Trustee Caro, Trustee Flores.

43
44

CHANGES TO THE AGENDA

45
46

Mayor Pro Tem Arzabal requested putting items #5, #7 and #8 on the consent agenda.

47
48

Motion: To accept the agenda as amended, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Caro.

49
50

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

51

Mayor Pro Tem Arzabal Yes

1 Trustee Bernal Yes
2 Trustee Caro Yes
3 Trustee Flores Yes

4
5 **ACCEPTANCE OF THE CONSENT AGENDA**

6
7 **Motion:** To accept the consent agenda as amended, **Moved by** Mayor Pro Tem Arzabal,
8 **Seconded by** Trustee Flores.

9
10 **Vote:** Motion passed (**summary:** Yes = 4).

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

12
13 **BOT MINUTES:**

14 1. Regular Meeting 1-24-11 *Approved by consent agenda*

15
16 **PZHAC BUSINESS:**

17 2. Case 011010; 2684 Calle de Principal, Ann Rohovec, Building Permit for a storage shed. Zone: HR.
18 *Approved by consent agenda*

19
20 **NEW BUSINESS:**

21 3. Report regarding Mayor/Town department head visit to the 2011 NM Legislative Session.

22
23 Mayor Barraza indicated she and the department heads met with state representatives where they
24 presented them a copy of Mesilla's 2011 Legislative Request. We pinpointed the top 3 projects:
25 infrastructure and drainage on Calle de Parian, the Public Safety Building and the gazebo.
26 Senator Papen set up a meeting with the Department of Finance Authority (DFA) to discuss bond
27 options which will be brought to the board at a later date once we have educated ourselves in this
28 area. We will be meeting on Wednesday at 9:00 a.m. with Tracie from DFA to further discuss
29 our needs. We also met with Keith Gardner, Chief of Staff and with Governor Martinez to
30 discuss our needs. I felt it was a worthwhile meeting and felt the governor was very receptive.

31
32 Mr. Eckert agreed it was a good worthwhile trip. We might have been one of the smaller
33 municipalities that had the opportunity to meet with the governor, which may open a lot of doors.
34 The governor did say that she would not be repealing the Hold Harmless Agreement in the near
35 future. The impact to the Town of Mesilla would be \$40,000 if it were repealed. We look
36 forward to working with the DFA on bonds and property tax issues. Hopefully in the near future
37 we can come back to you with a package that is well thought out and presents a good long term
38 plan for the Town of Mesilla.

39
40 Mayor Barraza stated this gave them the chance to put faces with the community.

41
42 4. Report from El Paso Electric regarding power outages related to the winter storm.

43
44 Mayor Barraza stated they were stranded in Socorro, New Mexico on Tuesday night due to
45 weather conditions. El Paso Electric held a phone conference to give a status report due to
46 infrastructure problems and we were asked to close offices to conserve energy to keep the
47 generators working.

48
49 Fire Chief Hoban stated the generation demand peaks out around 5:00 p.m. If the demand causes
50 the grid to collapse everyone would have been with out power from 4 to 12 hours so rather than
51 chancing that they had rolling black outs keeping the demand down. El Paso Electric had

1 problems keeping the generators up and running. They are now using Bio Diesel Fuel that
2 coagulates when it gets cold which compounded the problem. Another issue was pipe froze 6 ft.
3 underground and while digging the hydraulic lines were freezing and/or bursting. Their
4 employees were working in the frigid cold. El Paso did not make any excuses; they were upfront
5 that their equipment was not designed for below freezing temperatures. Mesilla stepped forward
6 and closed their offices. Las Cruces and Dona Ana County wanted to open regular hours but
7 Mayor Barraza did say that the responsible this to do is to do what El Paso Electric is requesting
8 to keep the demand down. In Mesilla Public Works turned off the street lights. Everyone did an
9 outstanding job responding to the emergency situations.

10
11 Mayor Barraza commended all the departments that went beyond the call of duty.

12
13 Mr. Lucero indicated there was a frozen pipe at the town hall. The pumps did shut down the
14 power outages which drained the wells. There were frozen meters, sprinkler systems and
15 boosters that happened.

16
17 Mayor Barraza indicated we did take a hit and we did an Emergency Declaration to try to recoup
18 some of our costs. Everyone did a fantastic job addressing the needs of our residents.

- 19
20 4. For approval/disapproval: A resolution changing the Spring Day holiday date from April 25
21 to April 22 regarding the holiday observance for the Town of Mesilla in 2011. **Nick Eckert,**
22 **Town Clerk-Treasurer.**

23
24 **Motion:** To approve a resolution changing the Spring Day holiday date from April 25 to April 22
25 regarding the holiday observance for the Town of Mesilla in 2011., **Action:** Adjourn, **Moved by**
26 Mayor Pro Tem Arzabal, **Seconded by** Trustee Caro.

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

29 Mayor Pro Tem Arzabal Yes

30 Trustee Bernal Yes

31 Trustee Caro Yes

32 Trustee Flores Yes

- 33
34
35 5. For approval/disapproval: A resolution requesting budget adjustments in the Revenue and
36 Expenditure Budget for Fiscal Year 2010-2011. **Nick Eckert, Town Clerk-Treasurer.**

37
38 Mr. Eckert stated there are two budget adjustments being requested; General Fund to the Fire
39 Fund in the amount of \$700; General Fund Development Services to Finance Department where
40 salaries and other items were being paid from the Development Service but should have been
41 paid from the finance department. These will be sent to the Department of Finance Authority for
42 approval.

43 **Motion:** To approve a resolution requesting budget adjustments in the Revenue and Expenditure
44 Budget for Fiscal Year 2010-2011., **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee
45 Bernal.

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

48 Mayor Pro Tem Arzabal Yes

49 Trustee Bernal Yes

50 Trustee Caro Yes

51 Trustee Flores Yes

1 6. For approval/disapproval: A resolution declaring surplus property to be nonessential for
2 government functions to be sold pursuant to §3-54-2 NMSA. **Nick Eckert, Town Clerk-**
3 **Treasurer.**

4
5 **Motion:** To approve a resolution declaring surplus property to be nonessential for government
6 functions to be sold pursuant to §3-54-2 NMSA, **Action:** Adjourn, **Moved by** Mayor Pro Tem
7 Arzabal, **Seconded by** Trustee Caro. **Approved by consent agenda**

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

10 Mayor Pro Tem Arzabal Yes

11 Trustee Bernal Yes

12 Trustee Caro Yes

13 Trustee Flores Yes

14
15 7. For approval/disapproval: A request by Border Book Festival for waiver of fees for use of
16 Town Plaza/Community Center. **Ashley Echavarría, Event Coordinator. Approved by**
17 **consent agenda.**

18
19 8. For approval/disapproval: Request to reinstate the Mesilla Marshal's Deputies take home car
20 program. **Jeff Gray, Marshal.**

21
22 Marshal Gray read a statement with regards of the take home car program.

23
24 Trustee Flores asked how long the grant is for.

25
26 Marshal Gray responded the Edward Brian Grant terminates June of 2011. The grant is
27 renewable every year. He is in the process of completing the application.

28
29 Trustee Flores asked if it is from the federal.

30
31 Marshal Gray responded it is under the JAG Program.

32
33 Mayor Pro Tem Arzabal stated he doesn't want to promise something and then have to take it
34 away 3 or 4 months later. He is concerned with the gas prices. Stone Garden funding can be
35 used for gas during a project.

36
37 Marshal Gray responded he was told that it is his department and he would be responsible for it.
38 He is asking to put this back in policy so that he doesn't have to come back and forth. Trust him
39 to run his department. He has 3 grants coming which alleviate other budget areas. The Stone
40 Garden is a 3 year project and renewable yearly.

41
42 Mayor Pro Tem Arzabal stated Public Works is lacking a person and when the person on call
43 needs to come in they drive their own vehicles to the town hall to pick up a vehicle.

44
45 Mayor Barraza responded Public Works staff does get paid mileage when they are on call. Ms.
46 Debbie Lujan does allow her staff to take home a vehicle if it deems necessary.

47
48 Mayor Pro Tem Arzabal stated President Obama is cutting Pell Grants for education so which
49 grants are going to be cut next.

50

1 Marshal Gray responded his first priority is the safety of the Town of Mesilla. We have one
2 officer per shift; we have to take care of our own people and cannot rely on the sheriff's
3 department. The town becomes responsible for that officer if he is called in for an emergency.
4

5 Trustee Flores stated that he had said you weren't giving overtime but she understood they are
6 getting overtime.
7

8 Marshal Gray responded while Deputy Serna was not on duty officers were being paid overtime.
9 Currently the officers are working 12 hour shifts so those monies are being used elsewhere. The
10 schools are being covered and overtime is used when an officer is sick or on vacation.
11

12 Trustee Caro stated how many emergencies are there in Mesilla that is 5 square miles. He has
13 also noticed that there are always county and state officers in the area. Stated that when an
14 officer is hired they are to live within 5 to 10 minutes from Mesilla. He read a letter regarding his
15 concerns. He feels the way things are going right now and we should leave it as it is.
16

17 Trustee Bernal stated this is your department and it is now working well. He asked when Stone
18 Garden will become available.
19

20 Marshal Gray responded Stone Garden should come to the board for approval by mid March.
21

22 Trustee Bernal asked if this grant comes through Mesilla will receive \$183,000 to support the
23 Marshal's Department. We don't know what is going to happen with the fuel issue. Quick
24 responses are going to be hard to do. He did give a lot of good points to support his request.
25 Agreed we do have sheriff and state police around our town which makes someone think twice
26 before committing a crime.
27

28 Mayor Pro Tem Arzabal asked if Stone Garden is from 2011 through 2013 and if those funds can
29 be used for fuel.
30

31 Marshal Gray responded it should have started in 2010 but the process was held up. Funds can be
32 used for the fuel used during those projects but not for regular shifts.
33

34 Mayor Pro Tem Arzabal asked about the Bryant Memorial Fund.
35

36 Marshal Gray responded it ends June 2011.
37

38 Mayor Barraza clarified the budget will not be changing; he is not asking for additional funding.
39

40 Marshal Gray responded the department is under the percentage of spending for this time of the
41 year. Most of the budget has gone to the car payments but there is available budget in other lines
42 items to cover line items if necessary.
43

44 Mayor Barraza clarified that those expenses can be covered through other means instead of
45 dipping into our other funds.
46

47 Mr. Eckert stated in addition to the Law Enforcement fund the Marshal's Department is 2% to
48 3% under budget in the General Fund component. Marshal Gray did explain the areas that Stone
49 Garden would be helping with.
50

51 Marshal Gray stated any needs during those projects are covered through Stone Garden.

1 Mayor Barraza indicated if we put back the take home program that does not mean patrolling will
2 be reduced.

3
4 Marshal Gray responded patrolling will be increased with the Saturation Patrol and other projects
5 that will be on the streets. We may have 3 or 4 officers patrolling at any given time. The town
6 will need to pay for the fuel during some of these projects.

7
8 Trustee Flores asked if she understands correctly that Ms. Lujan does have the authority to allow
9 her staff to take home a vehicle.

10
11 Mayor Barraza responded that was correct.

12
13 Mayor Pro Tem Arzabal asked how this was going to be monitored to avoid abuse such as family
14 members in the vehicles and misuse of the vehicle.

15
16 Marshal Gray responded it is going to be a trust program. Another thing that helps is when it is
17 reported by the community. He does follow up when something comes to him and he will
18 monitor the gas monthly.

19
20 Mayor Pro Tem Arzabal asked if the officers are currently taking the vehicles home.

21
22 Marshal Gray responded yes the officers are taking the vehicles home to wash and care for their
23 vehicles. The departments maintenance cost has been reduced.

24
25 Mayor Barraza asked if the maintenance is done at their expense.

26
27 Marshal Gray responded yes except for some more costly items.

28
29 Trustee Caro asked what happens if they have an accident after hours, are they covered by our
30 insurance and will our rates go up.

31
32 Mr. Eckert responded the vehicles will be covered by the existing policy. He will research the
33 policy to answer those questions.

34
35 Marshal Gray stated officers are not off duty until they reach their destination but he is not sure if
36 the rates will increase.

37
38 Mayor Barraza stated deputies will be considered on town business.

39
40 Marshal Gray responded the deputies will use the vehicles to travel to and from work and will not
41 carry family members in the vehicles or go to other areas they are not authorized to go to in the
42 town vehicle end of story.

43
44 Mayor Barraza indicated that Marshal Gray stated that once an officer is called in they are
45 covered from their home even when they use their own private vehicle.

46
47 Marshal Gray responded once an officer takes a town vehicle home they are on call 7 days a week
48 and they must respond. We can not pay them on call service fee.

49
50 Mayor Pro Tem Arzabal asked if there is one place that they are required to put gas or do they go
51 to the cheapest location.

1 Marshal Gray responded the offices find the place with the cheapest gas.
2
3 Mayor Pro Tem Arzabal stated in the past there was so much abuse.
4
5 Marshal Gray responded he agrees there was abuse. He is asking to be allowed to put this back in
6 policy and he if there is abuse, he will see deal with it. The budget is discussed on a bi-weekly
7 basis at the Department Head meetings. Put the trust back in him
8
9 Trustee Bernal stated he wanted to thank the town for using a local resident to perform
10 maintenance on town vehicles. Marshal Gray covered many key points and feels he is going in
11 the right direction.
12
13 Mayor Pro Tem Arzabal stated a year and a half ago we were hit with the budget and agreed that
14 we would monitor the budget regularly. Recommended doing it on an interim basis and revisiting
15 it at the second meeting in July.
16
17 Mayor Barraza responded it can be done on an interim basis and Marshal Gray can come back
18 with a report to the board for final approval.
19
20 Mayor Pro Tem Arzabal indicated he is very concerned with the fuel prices.
21
22 Mayor Barraza stated the department heads are responsible for staying within their budget. If gas
23 prices get astronomical and his budget can not handle the take home program it would be his
24 responsibility to take the proper steps.
25
26 Marshal Gray stated all department heads have done a great job in staying within their budgets.
27 In 2008 the previous administration cut our fuel line item from \$18,000 to \$10,000 which is what
28 we have been operating on since. He feels it is a viable solution to our budget situation.
29
30 Trustee Caro indicated at the beginning we all decided we would all tighten our belts and he feels
31 this would go against that especially the way things are going right now. He does not feel it is the
32 right time to do this since there are more state cuts coming forth.
33
34 Mayor Pro Tem Arzabal asked if the department goes over their budget it would be their
35 responsibility to find a solution.
36
37 Mayor Barraza responded Mr. Eckert would notify any department head by flagging any line item
38 that is in danger of going over.
39
40 Marshal Gray stated the communication has improved dramatically; there are no secrets.
41
42 Mayor Pro Tem Arzabal asked that there be an amendment to try it on an interim basis and report
43 back to the board in July.
44
45 Mayor Barraza responded that stipulation can be added to the motion. She is concerned that the
46 services of the police department may go down if the budget gets tight and patrolling is cut in
47 order for the officers to continue to take home the town vehicles.
48
49 Marshal Gray responded he has postponed purchasing anything since the idea has come forward.
50 He feels this can work within the current budget with the grants helping acquire items that we
51 would otherwise be unable to purchase; this would be at no charge to the town.

1 Mayor Barraza asked what is going to be done to maintain the equipment when outside funding
2 runs out.

3
4 Marshal Gray responded the department will not be increasing its fleet it will be replacing the
5 fleet with new vehicles with maintenance agreements. We will maintain the equipment ourselves
6 once the warranties run out. .

7
8 Mayor Barraza agrees Mesilla needs to get into the 21st century. We are finally at a point where
9 we are maintaining our budget. We don't know what next year is going to bring so we need to be
10 conservative. If Marshal Gray feels that he can maintain the take home program in the budget
11 that he currently has she feels confident. Another item to take into consideration it takes them
12 about an hour to transfer their equipment to the town vehicle taking away from the patrol time.

13
14 Marshal Gray responded when a deputy comes on duty they are taking a call from the previous
15 shift. He feels this will alleviate some time.

16
17 Mayor Barraza indicated she understands where moral will go down when on Calle de Parian
18 there is a sheriff's vehicle and a city police car parked at the homes of the officer's homes when
19 they are off duty.

20
21 Mr. Eckert stated that the financial report confirms the numbers being discussed.

22
23 Mayor Barraza stated this has been a very good discussion regarding the take home program.

24
25 Mr. Jeff Jansen stated he is a retired officer who took his vehicle home for 20 years and
26 understands what is entailed when switching vehicles. He commended Mesilla's police
27 department and fire department for their outstanding work. There are a lot of concerns with trust;
28 these officers are entrusted with the safety of Mesilla. Marshal Gray should be allowed to run his
29 budget and department as he sees fit. He feels Mesilla now has the opportunity to have an
30 outstanding Marshal Department.

31
32 Ms. Alexandra Hall stated she has worked very hard in getting perks for her employees during
33 her previous employments. The \$7,000 that could be used to help with the gas is not depleting
34 their equipment or capability of patrolling. Commended the board for their entire well thought
35 out questions. This is important to her as a resident as she has had many thefts this year. She
36 understands how difficult it is when there is only one officer on duty. She is concerned with
37 service to the community.

38
39 **Motion:** To temporarily approve the request to reinstate the Mesilla Marshal's Deputies take home car
40 program, with a report coming to the 2nd meeting in July, **Moved by** Mayor Pro Tem Arzabal, **Seconded**
41 **by** Trustee Bernal.

42
43 **Vote:** Motion passed (**summary:** Yes = 3; No= 1).

44 **Yes:** Mayor Pro Tem Arzabal, Trustee Bernal, Trustee Flores.

45 **No:** Trustee Caro

46
47 **STAFF REPORTS**

48 9. Community Development Office *Approved by consent agenda*

49 10. Community Programs *Approved by consent agenda*

50 11. Finance Department. *Approved by consent agenda*

51 12. Fire Department. *Approved by consent agenda*

- 1 13. Marshal Department. *Approved by consent agenda*
2 14. Public Works Department. *Approved by consent agenda*

3
4 **PUBLIC COMMENTS:**

5
6 Ms. Alexandra Hall commended the town staff for all their hard work during the weather emergency
7 situation. She recommended having an emergency message at the town hall making it easier to get in
8 contact with the correct person.

9
10 Mayor Barraza responded everyone worked very well together.

11
12 Fire Chief Hoban stated anytime there is an emergency the individual needs to call 911 rather than trying to
13 figure out who to call for each emergency.

14
15 **BOARD OF TRUSTEES COMMENTS:**

16
17 Trustee Flores stated she was going to vote against the request to reinstate the take home program but after
18 hearing Marshal Gray points she changed her mind.

19
20 Mayor Pro Tem Arzabal stated he has received the Preservation Ordinance and will be setting up a meeting
21 with Commission John Sullivan and Ms. Gentile. He will give a report at the next board meeting.

22
23 Trustee Bernal thanked the department heads and everyone for all their hardwork during the weather
24 emergency. There is a negative letter around the community but you have my support. This board works
25 well together and trusts each other.

26
27 Mayor Barraza indicated we do not respond to negativity; we need to continue to move forward.

28
29 Trustee Caro asked if anyone from la Academia has contacted Ms. Echavarria to set up a fiesta to showcase
30 their programs.

31
32 Ms. Eschavarria responded no one had contacted her but she will keep her ears open for that call.

33
34 Mayor Barraza stated our prayers are with Ms. Debbie Lujan whose father passed away this weekend.
35 There will be 2 positions opening up on the Planning and Zoning Commission.

36
37 Mr. Eckert responded we can do it any time between March and April.

38
39 Mayor Barraza stated interested parties may submit a letter of interest to the Town of Mesilla. The town
40 hall will be closed on Monday, February 21st in honor of President's Day. On Wednesday, February 23rd
41 will be Municipal Day in Santa Fe if anyone is interested in attending.

42
43
44 **ADJOURNMENT**

45
46 **Motion:** To adjourn, **Moved by Seconded by** Trustee Caro.

47
48 **Vote:** Motion passed (**summary:** Yes = 4).

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

50
51 **MEETING ADJOURNED AT 7:45 P.M.**

52
53 **APPROVED THIS 28TH DAY OF FEBRUARY, 2011.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

Nora L. Barraza
Mayor

ATTEST:

Nick Eckert
Town Clerk/Treasurer