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**BOARD OF TRUSTEES
TOWN OF MESILLA
MEETING
MONDAY, FEBRUARY 28, 2011
6:00 P.M.**

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

STAFF: Nick Eckert, Town Clerk/Treasurer
Jeff Gray, Marshal
Kevin Hoban, Fire Chief
Debbie Lujan, Public Works Director
Ashley Echavarria, Special Events Coordinator
Gloria Maya, Recorder

PUBLIC: John Smith Cathy Smith
Jon Hunner Dight Pitcathly
Leonel Friezze Matthew Lee

OPENING CEREMONIES

A. Pledge of Allegiance

Mayor Barraza led the Pledge of Allegiance.

ROLL CALL AND DETERMINATION OF A QUORUM

Roll Call.

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

CHANGES TO THE AGENDA

Mayor Pro Tem Arzabal requested placing items #5 & #6 on the consent agenda.

Trustee Flores inaudible

Trustee Caro asked if there have been any changes with the expenditures.

Mayor Barraza responded there were no changes, what was presented is what was approved.

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

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

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

1 **ACCEPTANCE OF THE CONSENT AGENDA**

2
3 Mayor Barraza stated Case #011015 if approved on the consent agenda it will be approved with conditions.

4
5 **Motion:** To accept the consent agenda as amended, **Moved by** Mayor Pro Tem Arzabal, **Seconded by**
6 Trustee Flores.

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

9 Mayor Pro Tem Arzabal Yes

10 Trustee Bernal Yes

11 Trustee Caro Yes

12 Trustee Flores Yes

13
14 **BOT MINUTES:**

15 1. Special Meeting 2-11-11 *Approved by consent agenda*

16 2. Regular Meeting 2-14-11 *Approved by consent agenda*

17
18 **PZHAC BUSINESS:**

19 1. Case 011015; 1785 Avenida de Mercado, Mitch Alamag, Sign Permit for Rokoko. Zone: C.

20 *Approved by consent agenda*

21
22 2. Case 011016; 2428 Calle de Santiago, Dorothy Scholl Barclay, Building Permit for a wood fence in
23 rear yard. Zone: HR. *Approved by consent agenda*

24
25 **NEW BUSINESS:**

26 3. Audit report on fiscal year 2009/2010. *Jack Fairall and Andy Sanchez, Marcus, Fairall,*
27 *Bristol + Co., L.L.P.*

28
29 Mr. Jack Fairall thanked Mr. Eckert and his staff who did a wonderful job assisting in obtaining
30 the necessary information. Stated the Town of Mesilla received an Unqualified Opinion which
31 means Mesilla is in good shape. He thanked the Town of Mesilla for giving them the opportunity
32 to serve Mesilla another year.

33
34 Mr. Andy Sanchez gave a review of the 2009/2010 audit and findings. (Refer to Audit Report)

35
36 Mr. Jack Fairall stated the doubtful accounts have been a finding for several years.

37
38 Trustee Caro asked if the town is in the red.

39
40 Mayor Barraza responded the town was in the red the 2009/2010 fiscal year. The doubtful
41 accounts are the delinquent accounts for utilities. Mr. Eckert has responded to the findings.

42
43 Mr. Jack Fairall stated this finding will need to be looked at since it will come into play when
44 trying to meet the requirements to obtain federal or state grants (GASBE). Legal compliance
45 with the budget happens and this is a repeat.

46
47 Mayor Barraza thanked the gentlemen and we hope to address the findings this year.

48
49 Mr. Eckert stated it was a pleasure working with Mr. Fairall and Mr. Sanchez. He will be
50 working on those findings for next year.

1 4. For approval/disapproval. A two (2) year contract between Entomology Consultants LLC and
2 the Town of Mesilla for vector management services within the Town limits for the period of
3 April 2011 until April 2013. *Debbie Lujan, PWD.*
4

5 Ms. Debbie Lujan stated Mr. Matt Lee has been providing Vector Control Management for the
6 past 9 years. He will be targeting the adults and larva mosquito population, encephalitis
7 surveillance/testing, ground base mosquito and adult mosquito management. There are 4
8 applications per month based on our need. He does do special areas when requested and needed
9 at no extra cost.
10

11 Trustee Caro stated Mr. Lee has done an outstanding job in Vector Control. He asked if there
12 will be an increase in cost for this year's service.
13

14 Ms. Lujan responded there will be a 5% increase. EPA now has more regulations that Mr. Lee
15 will be required to adhere to.
16

17 Trustee Caro inaudible
18

19 Ms. Lujan responded she works very well with Mr. Lee.
20

21 **Motion:** To approve a two (2) year contract between Entomology Consultants LLC and the Town
22 of Mesilla for vector management services within the Town limits for the period of April 2011
23 until April 2013, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Trustee Caro.
24

25 Mr. Lee stated he will answer the questions brought forth by Trustee Flores. Cultural Control is
26 mosquito source reduction through weed and drain control; methodology of source reduction
27 through habitat remediation. He stated they give away mosquito fish free to the residents of
28 Mesilla.
29

30 Trustee Caro asked if mosquito fish have been used in the drainage ditch.
31

32 Mr. Lee responded this process works only in certain areas and is not effective in others. The
33 Cancellation of Vegetation Control due to adverse weather conditions is in our contract to protect
34 us when we are unable to spray. We are out here more than one night a week since we want to be
35 there when they hatch. We are more proactive than not. Intellectual Property is to protect his
36 company; you are hiring a service to be completed and that it using protection for the community.
37

38 Trustee Flores asked what was meant by the town takes the reimbursement of the fee.
39

40 Mr. Lee responded that means we will usually get out the next night. Our primary goal is
41 protecting the community from disease. Mother Nature dictates what they to.
42

43 Mayor Barraza stated Mr. Lee does a fantastic job for the town of Mesilla. We are all very
44 thankful for his quick response. We are trying to take a proactive approach by addressing the
45 codes which will help him also.
46

47 Trustee Caro stated he is concerned with the mosquito problem at the schools. Inaudible
48

49 Mr. Lee responded he has a contract with the Las Cruces Public Schools for 32 schools for vector
50 control. We concentrate on proximity and do the best you can. Regarding the cost increase we
51 have had a 2% increase on supplies and the fuel will add to that increase. According to EPA, all

1 applications must be justified and there is a \$37,000 for each violation. All applications must
2 have a permit and must follow the guidelines. A lot of man hours are going to be needed for
3 every permit. We not only try to stay within our budget but also within the town's budget.
4 Bill HR6273 is trying to keep that from going forward.

5
6 Trustee Bernal stated he understands the restrictions and fines from EPA. Thanked him for all his
7 work.

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

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

11
12 5. For approval/disapproval. An MOU regarding Stone Garden funding allotted to the Town of
13 Mesilla Marshal's Department. **Jeff Gray, Marshal. Approved by consent agenda**

14
15 6. For approval/disapproval: A resolution requesting budget adjustments in the Revenue and
16 Expenditure Budget for Fiscal Year 2010-2011. **Nick Eckert, Town Clerk-Treasurer.**
17 **Approved by consent agenda**

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

20 Mayor Pro Tem Arzabal Yes

21 Trustee Bernal Yes

22 Trustee Caro Yes

23 Trustee Flores Yes

24
25 7. For approval/disapproval: Request for the Sons of Confederate Veterans to host a reenactment of the
26 1861 Succession Convention on the plaza Saturday, March 19th from 2 to 8:30 p.m. **Ashley**
27 **Echavarria, Event Coordinator.**

28
29 Mr. Nick Eckert stated this is the same request as in the previous years. If approved they will be
30 responsible for cleaning deposit, \$100 and they will be applying for the non-profit fee of \$100.

31
32 **Motion:** To approve request for the Sons of Confederate Veterans to host a reenactment of the
33 1861 Succession Convention on the plaza Saturday, March 19th from 2 to 8:30 p.m., **Moved by**
34 **Mayor pro Tem, Seconded by Trustee Bernal.**

35
36 Mr. John Smith stated they have held several events in Mesilla and the surrounding area for the
37 past 10 years reflecting the short involvement of the Confederate government with Mesilla. This
38 year marks the 150th year of the event. We are expecting 50 individual performing the
39 reenactment and the evening will conclude with a square dance.

40
41 **Vote:** Motion passed (**summary:** Yes = 4).

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

43
44 8. For approval/disapproval: Request from the El Paso County Sheriff's Posse for plaza usage and a fee
45 waiver to host a reenactment of the Billy the Kid trial and jail break Friday, April 1 and Saturday, April
46 2, 2011. **Ashley Echavarria, Event Coordinator.**

47
48 Mr. Nick Eckert stated this coincides with the 130th anniversary of the trail of Billy the Kid. They
49 are requesting a waiver fee for the use of the plaza. The group will be responsible for the
50 cleaning deposit \$250 and any additional hours of manpower required for this event.

51
52 Mayor Barraza asked to suspend Robert's Rule of Order for discussion.

1 **Motion:** To suspend the Robert's Rule of Order for discussion, **Moved by** Trustee Flores,
2 **Seconded by** Mayor Pro Tem Arzabal.

3
4 **Motion:** To approve request from the El Paso County Sheriff's Posse for plaza usage and a fee
5 waiver to host a reenactment of the Billy the Kid trial and jail break Friday, April 1 and
6 Saturday, April 2, 2011., **Moved by** Flores **Seconded by** Arzabal

7
8 Mr. John Smith stated we have an opportunity to celebrate the 130th anniversary of Billy the Kids
9 trail in Mesilla. He feels this is a monumental situation and should be celebrated. We will be
10 advertizing the event in the surrounding states. The ride, 175 horse riders, will travel 28 miles to
11 Rainbow Lake. The local shops and restaurants will benefit from this celebration.

12
13 Mayor Barraza asked where they will be congregating on Friday.

14
15 Mr. Smith responded Mr. Garland will be providing an area near United Rental for Friday
16 evening.

17
18 Mayor Barraza asked what will happen the first night.

19
20 Mr. Smith responded the first night's event will be the trail of Billy the Kid which will take place
21 on the plaza and the gazebo. We have a judge from El Paso handling the proceedings and then
22 we will have a spectacular jail break. He would like for the Town Marshal to deputize the riders
23 who would then set off in a hot pursuit to the river and continue the ride to Rainbow Lake.

24
25 Mayor Barraza asked if everything has been taken care of with International Boundaries.

26
27 Mr. Smith responded yes everything has been taken care of.

28
29 Trustee Caro asked if all the logistics have been worked out. Clean up will be necessary due to
30 the horse being brought to the plaza.

31
32 Mr. Smith responded he understands what is allowed on the plaza.

33
34 Mayor Barraza asked Mr. Eckert if he had the application that was submitted.

35
36 Mr. Eckert responded he does not have that information in his possession.

37
38 Mayor Barraza asked are they planning to bring all the horse to the plaza area.

39
40 Mr. Smith responded they were planning on bringing the horses to the plaza but they are not sure
41 how many there will be.

42
43 Mayor Barraza stated Ms. Echavarria could designate an area for the horses such as the area
44 between the church and the plaza. They are also asking for a waiver of the fees.

45
46 Mr. Smith responded they are a 301 operation of the El Paso Sheriff's Posse. This year marks our
47 75th anniversary making us the oldest posse in the entire United States and we composed in
48 excess of 100 men.

49
50 Mayor Barraza asked if this charitable fund raiser is for their organization.

51

1 Mr. Smith responded it is for their organization and for southern Dona Ana County which we do
2 considerable amount of fundraising.

3
4 Trustee Caro asked if they will have booths during the event.

5
6 Mr. Smith responded there will not be any booths. It is their intention to utilize the merchants in
7 Mesilla.

8
9 Mr. Eckert stated the applicant's application shows a request for use of the plaza for
10 approximately 56 and 155 attending the event.

11
12 Mayor Barraza asked if there are any fees on the forms

13
14 Mr. Eckert responded there is a cleaning deposit of \$250 and the standard rental fee is \$500
15 which a waiver has been requested for.

16
17 Mayor Barraza asked if the organization will be cleaning up after the horses.

18
19 Mr. Jimmy Dow responded he would get a crew together to clean up after the horses. We should
20 be off the plaza by 9:00 a.m. Saturday morning.

21
22 Mayor Barraza asked if they have a designated route.

23
24 Mr. Daw responded yes we will be traveling west on Calle de Norte to the river.

25
26 Ms. Debbie Lujan stated since Calle de Norte is a state road arrangements will need to be made
27 with Department of Transportation (DOT).

28
29 Judge Frieze stated the historical fact is that the jail break did not happen in Mesilla it happened
30 in Lincoln County. He asks that they do not escape the facts and erroneously mislead the tourist
31 as what has been done with the Gadsden Purchase.

32
33 Mayor Barraza responded it has been presented as the anniversary of the trial of Billy the Kid.

34
35 Judge Frieze responded the trail was held here which was moved from Lincoln County. He
36 would be happy to provide the names of the judge and the jurors.

37
38 Mr. Daw stated he would like to add that information on their web site; this is not an exact
39 reenactment.

40
41 Marshal Gray stated he understood the request was to block the entire plaza on Saturday morning.
42 This would require more manpower on the Public Works crew.

43
44 Mr. Smith responded he does not believe the plaza would need to be block on Friday during the
45 trail.

46
47 Marshal Gray stated Calle de Norte does get busy but believes there will not be a problem. He is
48 concerned from the lateral to Calle de Paisano which is the bar ditch. All the horse could cause
49 some damage to the area.

50
51 Mayor Barraza asked Marshal Gray to meet with the people to show them area.

1 Marshal Gray stated he is also concerned with the horse's hoofs since they will be traveling on
2 the pavement.

3
4 Mayor Barraza stated there is a larger easement after passing the lateral on Calle de Paisano. She
5 asked if we are going to need extra staff from Public Works.

6
7 Marshal Gray stated he feels they can handle the situation.

8
9 Ms. Lujan stated she is concerned with the bricks and horses in the grass area.

10
11 Mayor Barraza reiterated we can designate the area in front of the church for the horses.
12 Stated we can place the barricades to block off that area early in the morning and taken down by
13 9:00 am.

14
15 Ms. Lujan responded that can be done.

16
17 Mr. John Hunner stated he agrees with Judge Frieze regarding historical accuracy. Another issue
18 is there is not a transcript of the trail. There is a lot of conjecture of what happened during the
19 trail. Billy the Kid is a man who was convicted of killing a law enforcement officer and during
20 his escape killed 2 more law enforcement officers so he has an issue with making him a hero.

21
22 Mr. James Brian Burcel stated he is the great grandson of Billy the Kid and he feels it is
23 important to educate the public. He agrees we shouldn't deceive the public/tourist or lead them in
24 any wrong direction. He applauds the organization for taking a stand on this.

25
26 Ms. Alexandra Hall stated she enjoys anything that helps Mesilla put forward its history. She
27 hopes Mesilla is ready to accommodate a large number of people since it will be advertized in
28 several states. She agrees with Judge Frieze and Mr. Hunner, she is concerned with promoting
29 myths but feels this is an opportunity to not promote inaccuracy. She is against having a jail
30 break which did not happen in Mesilla and hopes they reconsider.

31
32 Mr. Daw stated he would be happy to stress that the jail break did not happen in Mesilla on their
33 website and during the event.

34
35 Judge Frieze recommends having the trial and the carriage or ambulance in which Billy the Kid
36 was transported to Lincoln County with the posse following behind.

37
38 Mayor Barraza stated it is something they can work on.

39
40 Mr. Daw asked that the information be sent to him and well work to make it proper and right.

41
42 Mr. Smith responded there is no way they can have an ambulance the 28 miles.

43
44 Judge Frieze stated it was a horse drawn ambulance.

45
46 Mayor Barraza responded she will bring it back to the board with the recommendations.

47
48 **Motion:** To approve the request pending approval by the DOT for the use of Calle de Norte for
49 the Sons of Confederate Veterans to host a reenactment of the 1861 Succession Convention on
50 the plaza Saturday, March 19th from 2 to 8:30 p.m., **Moved by** Mayor Pro Tem Arzabal,
51 **Seconded by** Trustee Bernal.

1 Mayor Barraza stated the organization will need to have all the paperwork turned in to Ms.
2 Echavarría prior to the event and we will meet to ensure that all the logistics have been worked
3 out.

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

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

7
8 **PUBLIC COMMENTS:**

9
10 None

11
12 **BOARD OF TRUSTEES COMMENTS:**

13
14 Mayor Pro Tem Arzabal informed the board that the Historical Preservation committee did receive a report
15 from Mr. Gilbert regarding the Town of Mesilla's Historical Preservation Ordinance. He distributed to the
16 board Mr. Gilbert's suggestions. Asked the board to contact him with any questions or recommendations
17 prior to our next meeting which will be on March 14th. The committee has asked Ms. Gentile to take an
18 inventory of all the Historic Commercial and Residential buildings in Mesilla. We are moving forward and
19 asked when the grant ends and what the grant amount is.

20
21 Mayor Barraza asked Mr. Eckert for the information.

22
23 Mr. Eckert responded he believes the deadline is the end of September. He will get that information out to
24 the interested parties. The funding is \$5,000 which will go toward the payment due to Mr. Gilbert. There
25 are multiple steps; questions can be taken to Mr. Gilbert at any time. Mr. Gilbert will received \$2,500 after
26 he has completed 3 or 4 steps with the remainder to be paid when the ordinance is approved by the trustees.

27
28 Trustee Flores asked if the report can be placed on the website for the public to view incase they have any
29 comments.

30
31 Mayor Barraza responded she feels the trustees need to review it first before it is placed on the website.
32 This would allow for Mayor Pro Tem Arzabal to incorporate the trustee's and public's comments to present
33 one document.

34
35 Mayor Pro Tem Arzabal agreed that would work.

36
37 Trustee Caro asked for a letter of support for Mr. Jose Tena who is wishing to get selected as a nominee for
38 the Governor's Award for the Arts.

39
40 Mayor Barraza stated Mr. Tena has been very kind to Mesilla by bring his groups to perform during our
41 events. Agrees the Town of Mesilla should submit a letter of recommendation to the state in support of Mr.
42 Tena.

43
44 Mayor Pro Tem Arzabal stated the Chief of Elected Committee has postponed the last 4 meetings. He has
45 received information that there will be a meeting on March 13th.

46
47 Mayor Barraza stated Mr. Jay Jaramillo was notified that there would be funding, 1.1 million dollars,
48 through the New Mexico Community Development Council Emergency Home Repair Program to address
49 the needs for home repairs due to the storm that hit the area in January. SCOG will be overseeing the
50 program. There will be \$2,000 per house will be awarded once when the applicant meets all the criteria.
51 Applications will be available here at the town hall.

52
53 Mr. Eckert stated he hopes many of our residents can take advantage of this. We will have the applications
54 once they become available.

1 Mayor Barraza stated she feels it was a good audit report and we will be addressing the findings.

2

3 **ADJOURNMENT**

4

5 **Motion:** To adjourn, **Moved by** Trustee Caro, **Seconded by** Mayor Pro Tem Arzabal.

6

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

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

9

10 **MEETING ADJOURNED AT 7:22 P.M.**

11

12

13 **APPROVED THIS 14TH DAY OF MARCH 2011.**

14

15

16

17

18

Nora L. Barraza

19

Mayor

20

21

22 **ATTEST:**

23

24

25

26

Nicholas Eckert

Town Clerk/Treasurer

28