

1 **BOARD OF TRUSTEES**
2 **TOWN OF MESILLA**
3 **MEETING**
4 **MONDAY, APRIL 11, 2011**
5 **6:00 P.M.**
6
7

8 **TRUSTEES:** Nora L. Barraza, Mayor
9 Jesus Caro, Mayor Pro Tem
10 Carlos Arzabal, Trustee
11 Sam Bernal, Trustee (absent)
12 Linda L. Flores, Trustee (tardy 6:13 p.m.)
13

14 **STAFF:** Nick Eckert, Town Clerk/Treasurer
15 Jeff Gray, Marshal
16 Kevin Hoban, Fire Chief
17 Gina Gentile, Inspector
18 Debbie Lujan, Public Works Director
19 Gloria Maya, Recorder
20

21 **PUBLIC:** David B. Fierro Harvey White
22 Richard Bombach Jan Cutulo
23 Evelyn Erhard Paul Pompeo
24 Geri Bustos Pauline Bustos
25 Chuck Widger Gregg Thornberry
26 Jose Navarro Catherine Martinez
27 Larry Ray Cheryl Ray
28 Linda Montoya Enrique Vigil
29 Joyce Zimmer Juipe Hoover
30 Michael Cadena David Boswell
31 Richard Turk Olga Turk
32 Ken Martin Joel Chavez
33 Rosie Martinez Kim Seifert
34 Barbara Barmore Stacey Boswell
35 Ed Allbright Kim Allbright
36 JC Johnstone
37

38 **OPENING CEREMONIES**
39

40 A. Pledge of Allegiance
41

42 Mayor Barraza led the Pledge of Allegiance.
43
44

45 B. National Public Safety Telecommunications Week Proclamation
46

47 Fire Chief Hoban read the National Public Safety Telecommunications Week Proclamation.
48

49 Mayor Barraza proclaimed April 12-16 National Safety Telecommunications Week.
50

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

1
2 **Roll Call.**

3 **Present:** Mayor Barraza, Mayor Pro Tem Caro, Trustee Arzabal, Trustee Bernal, Trustee Flores
4 (tardy).

5
6 **CHANGES TO THE AGENDA**

7
8 **Motion:** To approve the agenda, **Moved by** Mayor Pro Tem Caro, **Seconded by** Trustee Arzabal
9

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

11 **Yes:** Mayor Pro Tem Caro, Trustee Arzabal, Trustee Flores.
12

13 **ACCEPTANCE OF THE CONSENT AGENDA**

14
15 **Motion:** To approve the consent agenda, **Moved by** Trustee Arzabal, **Seconded by** Mayor Pro
16 Tem Caro.

17
18 **Vote:** Motion passed (**summary:** Yes = 3).

19 **Yes:** Mayor Pro Tem Caro, Trustee Arzabal, Trustee Flores.
20
21

22 **BOT MINUTES:**

23 1. Regular Meeting 3-28-11 *Approved by consent agenda*
24

25 **PZHAC BUSINESS:**

26 2. Case 011026; 2039 Calle de Guadalupe, Joyce Zimmer, Certificate of appropriateness and building
27 permit for re-opening a former doorway, facing Calle de Santiago. Zone: HC. *Approved by consent*
28 *agenda*

29 3. Case 011027; 1801 Avenida de Mesilla, Ina Rucker, Sign Permit for Body Health Therapy. Zone: HC.
30 *Approved by consent agenda*

31 4. Case 011028; 2309 Calle de Guadalupe, Joyce Zimmer, Sign Permit for Café de Mesilla. Zone: HC.
32 *Approved by consent agenda*
33

34 **NEW BUSINESS:**

35 5. Recognition of the El Paso Electric sponsorship of the 2011 Mesilla Summer Recreation
36 Program. *Ashley Echavarria, Event Coordinator.*
37

38 Mr. Nick Eckert thanked El Paso Electric and Mr. Clay Doyle for their \$4,000 donation to the
39 Summer Recreation Program. The company believes in the ideals taught in the Mesilla Summer
40 Recreation Program; being physically active and healthy habits are the bases for well rounded
41 individuals and are proud to sponsor the Summer Recreation Program.
42

43 Mayor Barraza stated we will send a letter of gratitude. She stated there has also been a donation
44 from another entity that will be recognized at the next meeting.
45

46 6. Case 011013, Corner of Old Farm Road and University Ave., Faith Lutheran Church of Las
47 Cruces, Special Use Permit for a church pursuant to MTC 18.55.020 B and 18.85.190. *Gina*
48 *Gentile, Community Development Coordinator.*
49

50 Mayor Barraza explained the process that will be followed for discussion on Case 011013.
51

1 Mr. Michael Cadena asked if the applicant will be given 1 minute for comments also.

2
3 Mayor Barraza responded the applicant will remain at the podium to answer questions or respond
4 to comments.

5
6 Ms. Gina Gentile indicated the case is for a Special Use Permit for State Lutheran Church on Old
7 Farm Road. It is a 3 acre track zoned Residential/Agriculture. Municipal Code 18.550.20;
8 special uses may be permitted in any zone, item B list churches. The applicant applied on
9 January 18th; a public hearing was held on February 22nd. A second public hearing was scheduled
10 for March 21st followed by a worksession and placed on the regular agenda on April 4th. She read
11 town code 18.851.90. This item was presented by a letter on April 7th stating that action had not
12 occurred according to ordinance. The applicant requested to be on the Board of Trustees agenda.
13 Reviewed the public concerns. She clarified that public notices were done according to ordinance.

14
15 Mr. Paul Pompeo gave a presentation.

16
17 Mayor Barraza asked for a motion to suspend the Rules of Order.

18
19 **Motion:** To suspend the Rules of Order, **Moved by** Mayor Pro Tem Caro, **Seconded by** Trustee
20 Arzabal.

21
22 Trustee Flores asked for the average number of trips on University Avenue.

23
24 Mr. Pompeo responded the average number of trips per day is 5,443 in the segment that is close
25 to this property.

26
27 Trustee Flores stated that would be for 4 lanes.

28
29 Mayor Barraza responded the area that is being discussed is from the railroad tracks to Highway
30 28 which is 2 lanes.

31
32 Mr. Pompeo responded the area that Trustee Flores is referring to has currently 22,000 trips a
33 day. The segment we are addressing has 5,443 trips a day on weekends according to the New
34 Mexico Department of Transportation.

35
36 Mayor Pro Tem Caro stated his concern is the traffic and that walls are not built to take away
37 from the view making it unsafe. The traffic on University Avenue is a problem which could be
38 alleviated if a traffic light were installed. He feels this additional traffic would be detrimental to
39 the area. He indicated he has received many calls regarding not being notified. He asked what
40 the required distance is.

41
42 Ms. Gentile responded residents living 100 feet from the property line were sent a certified letter
43 which she has confirmation for; there were 7 residents that fit the criteria.

44
45 Mayor Pro Tem Caro indicated he will hold his questions until he hears from the residents.

46
47 Trustee Flores asked what square footage is being taken into consideration for the traffic.

48
49 Mr. Pompeo responded it is based on a full site build out; 15,000 square footage for the building.

50

1 Mayor Barraza clarified that most of their traffic will be on Sundays. Classrooms have been
2 mentioned and residents are assuming there will be a school on the premises. Ms. Gentile has
3 indicated they would need to come back to the town to apply to place a school on the property.
4 Asked Mr. Pompeo if they foresee the church pursuing a school on the property.

5
6 Mr. Pompeo responded it is not on our long range plan to have a school on the property. The
7 only major structures on the property are a Fellowship Hall and a church.

8
9 Trustee Arzabal indicated the focus needs to be on the Special Use Permit and that is what should
10 be voted on. The building will come back for approval if the Special Use Permit is approved.

11
12 Mayor Barraza agreed we are here for the Special Use Permit. Based on the ordinance the
13 applicant was to provide a site plan and asked Ms. Gentile if that has been provided.

14
15 Ms. Gentile responded it was provided and is in the Board of Trustee's packets.

16
17 Trustee Flores asked if that is less than a 4% increase in traffic.

18
19 Mr. Pompeo responded it is fewer than 4% on the weekend and less than 1% on weekdays.

20
21 Trustee Arzabal read the ordinance and recommends making that information to the public.

22
23 Trustee Flores stated she is concern with flood water issues and excess water due to the size of
24 the parking lot.

25
26 Mr. Pompeo responded preliminary calculations have been done and we are looking at the 100
27 year storm and volume of the water the property will generate will be stored on site.

28
29 Mayor Pro Tem Caro asked if they are planning to put a sidewalk on property along Old Farm
30 Road.

31
32 Mr. Pompeo responded they will comeback with those concerns if this is approved.

33
34 **Motion:** To reinstate the rules, **Moved by** Trustee Arzabal, **Seconded by** Mayor Pro Tem Caro.

35
36 **Motion:** To approve Case 011013, Corner of Old Farm Road and University Ave., Faith
37 Lutheran Church of Las Cruces, Special Use Permit for a church pursuant to MTC 18.55.020 B
38 and 18.85.190, **Moved by** Mayor Pro Tem Arzabal, **Seconded by** Mayor Pro Tem Caro.

39
40 Mayor Barraza opened up for public discussion. She disclosed per Mesilla Town Code 205040
41 that Mr. Andy Segovia who is one of the property owners is her nephew. She does not have a
42 financial interest, does not have personal bias, and does not have an interest in the outcome of this
43 case. To avoid any conflicts or any mistake of ethics she is reclusing herself from voting on this
44 case. Reviewed the process that would be followed.

45
46 Mr. Seifert asked them write down what actions occurs that complete a hearing on an application
47 that comes before the board. Section 18.851.90 reads that the Planning and Zoning has 40 days
48 once the completion of a hearing. It is his contention that voting on a case constitutes completion
49 of a hearing; that did not occur on this case. On February 22nd when the case came before the
50 commission; it was postponed because applicant had not completed the appropriate material. The

1 applicant was asked to complete it and bring it back which they did. We are not following the
2 ordinances and we are in violation of the ordinance because the application never closed.

3
4 Mayor Barraza stated the minutes on February 22nd were approved by the Planning and Zoning
5 Commission. Commissioner Sullivan opened up the public hearing and according to the minutes
6 he did close the public hearing.

7
8 Mr. David Fierro stated he lives adjacent to proposed Special Use Permit property. He was
9 concerned because he was not notified but he was not aware that it was a 100 feet. The 100 feet
10 in that area does not capture very many residents. We are aware of the traffic congestion on
11 University Avenue. It is dangerous for the students who attend Zia Middle School. We are not
12 against the church we would be against anything coming in to that property and to the congestion.

13
14 Ms. Jane Hoover stated she knows tourism is a great deal of income for Mesilla. She believes
15 Mesilla will benefit from this. It was asked how many parishioners actually live in Mesilla and
16 the answer is not very many they are from the surrounding area. Feels it will be an advantage for
17 Mesilla since many parishioners would visit the town.

18
19 Mr. Enrique Vigil stated the application was incomplete and proper notification was not done.
20 The signs on the property blew away. This is serious we need to study this issue. There is not
21 communication. Something does not smell right, something is fishy. Mesilla is not ready for
22 another lawsuit and he is happy that the Mayor reclused herself. Asked why have Planning
23 Zoning if you don't let them do their business. They table it to do their research; let them do their
24 research. Let the commission do their job.

25
26 Ms. Alexandra Hall stated she thinks it is terribly important that everyone is given due process.
27 She feels it is equally important for the residents to have representation and due process. She is
28 concern how Mesilla is conducting business. She was shocked that it was by default that it was
29 approved. Asked how that can happen when everyone has calendars and can count the days.
30 Recommended that the board look to see if they are truly representing due process to the residents
31 of Mesilla who elected them, before making a decision.

32
33 Mr. Larry Ray recommends changing the notification regulations. When an application has
34 ramifications such as a church. There are a lot of activities that are not allowed within a 1000 feet
35 of the property. More restricted requirements will happen with a Day Care. There is a 100 feet
36 empty field so the concerned residents were not notified and the residents along University don't
37 care because that is the back of their property. He did see a sign but it was blown away the same
38 day. Notification is greatly lacking in this case.

39
40 Ms. Linda Montoya stated they did not receive proper notification. We received 1 certified letter
41 for the day before the first meeting. We heard about the other meetings by word of mouth. She
42 really does not want to have anything on that property other than a farm. They did not have due
43 process. .

44
45 Mr. Michael Cadena stated you as a governing body have the right to vote for or against the
46 Special Use Permit. A church is included but it is not permitted by right. The board should vote
47 no based it is in the middle of the green belt identified in 1970; this area is zoned
48 Residential/Agriculture which is 1 house per 3 acres. Your nephew bought 1 acre and the town
49 conceded to allow him to build 1 house and now they want more. You do have to vote on it and
50 vote no not because it is a church but because the building and the parking lot do not fit in.

51

1 Ms. Susan Krueger stated she would like to give her minute to Mr. Seifert so he can finish his
2 comments.

3
4 Mr. Seifert stated if the action concluding the finalizing of a case that comes before the
5 commission or board; if the final act is voting on the case. Then we have not voted on the case
6 because it has been postponed due to lack of evidence or relevant material; we never voted. In
7 compliance with the ordinance 85.190 we have never completed it, therefore, the 40 days is a
8 mute argument. He suggests it be returned to the Planning and Zoning Commission so that they
9 can complete their work as required by the ordinances. Then they can vote on the merit of the
10 case.

11
12 Ms. Jerri Bustos indicated they are sadly mistaken if they believe parking will not be an issue.
13 The buildings do not belong in that area another house, maybe.

14
15 Ms. Catherin Martinez stated they were not notified until 1 business day prior to the first meeting.
16 The second meeting there was discussion that further study was needed; the third meeting,
17 commissioners had agreed to schedule a worksession. They were not notified of the worksession.
18 They heard by word of mouth that the meeting was to be at 5:00 p.m. and then it was moved up to
19 4:00 p.m. which they were not notified of the change so they did not participate in the
20 worksession.

21
22 Ms. Stacy Boswell stated they were 2 signs on 2 little stakes that were blown away within 2
23 hours. She understood that it costs the Town of Mesilla \$300 to post those signs. There was a
24 sign posted on the subdivision posting. She is appalled at the lack of notification. The engineer
25 states that the parishioners will not use Old Farm Road, we currently have non-resident who cut
26 across the subdivision to get to Wal-Mart. You cannot guarantee that they will not cut through
27 the subdivision.

28
29 Mr. Ed Allbright indicated he has 2 small children. He has not heard the safety being addressed.
30 They live in that subdivision that is safe and children can play in the road. No one can guarantee
31 that they will not cut through our subdivision. The billboard currently on the property is at an
32 angle, if that is the type of maintenance that is going to take place on this property we do not need
33 it.

34
35 Mr. David Boswell stated his concern is quality of life which will be reduced due to the traffic
36 flow; noise is going to increase. This will set precedent for the adjacent property to be developed
37 as such. The safety of the kids in that area will be jeopardized. The traffic on University Avenue
38 is horrible and needs to be addressed before we allow more traffic in the area.

39
40 Mr. Richard Turk indicated his thought is Mesilla residents already cut through the subdivision.
41 Our church will not cause those types of problems since we are already throughout the valley.
42 He does not believe traffic will increase and feels it will be a benefit to the Town of Mesilla.

43
44 Mayor Barraza closed the Public Hearing

45
46 Mayor Pro Tem Caro stated that based on the fact that several residents were not notified he
47 would like to go with Mr. Seifert's recommendation to go back to the Planning and Zoning. He
48 indicated that he did not receive his packet. Before a vote he wants to see how it will affect the
49 students and the traffic flow. He does not feel good at all voting at this time.

50

1 Mayor Barraza stated it is no longer in the Planning and Zoning it is up to the Board of Trustees
2 to act on this based on the ordinance that is in place.

3
4 Ms. Gentile read ordinance 18.85.190.

5
6 Mayor Barraza stated she did speak to the town attorney regarding this case. Read the part of the
7 minutes of the meeting applicable to the case. Asked if the minutes were approved by the
8 Planning and Zoning.

9
10 Ms. Gentile responded the minutes were approved.

11
12 Mayor Barraza stated they are now official public record. She understands there were public
13 hearings giving the public the opportunity to voice their concerns. Notice was posted properly
14 according to our ordinance.

15 Staff did post in the regular 6 places notice was posted properly according to our ordinance. The
16 Board of Trustees took an oath to follow the ordinance. Staff is available to answer any
17 questions.

18
19 Trustee Flores stated she would like to second Mayor Pro Tem Caro motion. People were not
20 notified.

21
22 Mayor Barraza responded we do have certification that notices were sent out to the residents
23 involved. She did verify with staff that every thing was posted properly and mailed out
24 according.

25
26 Trustee Arzabal stated the busiest traffic day will be Sunday. .

27
28 Mr. Pompeo responded that is correct with only minimal staff on the property during the week
29 with very little impact.

30
31 Trustee Arzabal stated traffic on University Avenue has always been an issue. He asked Marshal
32 Gray what kind of an impact would the church make to the traffic situation.

33
34 Marshal Gray responded he does not see it adding to the school traffic since the traffic will be
35 turning at Old Farm Road.

36
37 Mayor Barraza stated the motion to approve is on the table. There were 6 certified letters mailed
38 on February 15th a week before the February 22nd meeting. She does she that the neighbors from
39 that immediate area have been attending the meetings and have had the opportunity to voice their
40 concerns and comments. Asked if we are hearing any new comments or concerns.

41
42 Ms. Gentile responded that based on her notes and minutes the concerns and comments are the
43 same.

44
45 Mayor Barraza asked what they mean that the application is not correct.

46
47 Mr. Vigil responded the application is not complete.

48
49 Ms. Gentile stated she believes it was that they wanted more plans on the buildings. The public
50 hearing was closed at the February 22nd meeting and at that point the time clock started. Due to
51 the lack of information they could have denied it and met the 40 days.

1 Mayor Barraza stated another concerns was notification and other meetings. Asked if we only
2 need to send out notification for the first meeting.

3
4 Ms. Gentile responded the initial publication is all that is required. The public is informed during
5 the meeting regarding other meetings.

6
7 Trustee Arzabal reviewed the ordinance requirements. When Shorty's put in an application there
8 was major concern of the impact it would have to Mesilla. This is not easy; there is a lot of he
9 said/she said. The biggest question is what determines a public hearing; is it when they vote.

10
11 Mayor Barraza stated that is the question that was asked of the attorney. Public Hearings could
12 go on for ever. She did not write the ordinance and we are following what it says. These
13 ordinances were established prior to us being here. The trustees will have to write a resolution
14 stating why the Special Use Permit was approved and if it is denied they will have to explain why
15 it was denied. We can also approve a Special Use Permit with conditions by resolution.

16
17 Unidentified called for point of order. Stated there is a motion on the floor.

18
19 Mayor Barraza responded we are still having discussion.

20
21 Mayor Pro Tem Caro stated our job is to listen to the people and he is hearing that many
22 questions have not been answered. He does not feel good voting on it, would like for the board to
23 do some research. He would not want to build in a neighborhood when everyone is against it.

24
25 Mayor Barraza asked what he would like the board to research.

26
27 Mayor Pro Tem Caro inaudible. We need to ask what we can do to insure they will have a safe
28 walk to school. There are many things need to be looked at. He believes the whole neighborhood
29 should be involved not just the ones within 100 ft.

30
31 Mayor Barraza asked how you get the Las Cruces residents to be active.

32
33 Mayor Pro Tem Caro inaudible

34
35 Mayor Barraza stated we need to give staff direction. Asked if the trustees can postpone action
36 until the next Board of Trustee's meeting.

37
38 Mr. Nick Eckert responded the trustees can postpone until next meeting but cautions against that
39 since there is due process for the applicant. The applicant has gone through the Planning and
40 Zoning process. There is a stipulation in the code that requires a 40 day approval or disapproval
41 by the Planning and Zoning and if it is not done then it is deemed approved and the trustees must
42 act on it. There has been a thorough discussion on this case. We will be more than willing to
43 answer any specific questions that would justify postponing the case but if questions have been
44 answered he does not see any reason to postpone the case.

45
46 Mayor Barraza stated she believes research had been done based on the public's concerns. If
47 there is new information that needs to be addressed it can be done. She does not know what else
48 can be done regarding the traffic.

49
50 Ms. Gentile responded the numbers are clear.

51

1 Mr. Pompeo responded he would like to come back to the board to address the concerns of the
2 public. Residents talk about quality of life; what constitutes a change in quality of life. Quality
3 of life has to be decided by the board. They are doing everything in our site design to keep traffic
4 out of their neighborhood; it is a public through way. Traffic impact study looks at the road can
5 carry the traffic. Students walking have less than 1% increase; what constitutes more of a
6 deterrent than walking. There is no manual that dictates what a safe width of a street is for
7 children to play in is. There will always be more traffic where it is a home, church or whatever,
8 that is just a fact of life. He asked for specific direction what needs to be brought back. The
9 church driveway must be permitted by the New Mexico Highway Department in conformance
10 with the State Access Control Manual; it dictates what will be allowed. That document will be
11 part of the packet that will come back to the board.

12
13 Trustee Arzabal reiterated a church is allowed according to 18.55.020. This is law and if we are
14 going to postpone this we need to give very specific directions we want for the applicant to do.
15 We need to give due process to everyone involved.

16
17 Mr. Eckert responded if it is postponed it will come back in the same format as it is tonight. The
18 public many comment but no official public hearing.

19
20 Mayor Pro Tem Caro stated many times contractors come in a do their thing then leave and
21 leaves the clean up to the residents. Residents need to know what is going on. They need to take
22 the neighbors into consideration. The specifics need to be made known to the public. He
23 recommends having an informational meeting.

24
25 Mr. Eckert responded the ordinance was followed as far as the notification of public with the
26 posting of signs which is a major component of the ordinance; it was not a shall. Staff went
27 above and beyond the argument that there was not enough notice sent out it also was stipulated as
28 a shall. We may need to modify the ordinance but it cannot be done at this time. The key thing is
29 we need to follow proper process according to the ordinance as it is currently and make a
30 decision.

31
32 Mayor Barraza thanked Mr. Eckert for the comment. Agreed the ordinance cannot be modified
33 for a specific area; we need to address the community as a whole.

34
35 Trustee Flores asked if the Special Use Permit can be approved with a condition that there is a
36 limit of 178 cars in the parking lot at one time.

37
38 Ms. Gentile responded the board can place any conditions they feel is appropriate.

39
40 Mayor Barraza indicated the Special Use Permit can be approved with conditions by resolution.
41 The building will need to go back to the Planning and Zoning for approval and additional
42 conditions can be set. If the trustees choose to postpone then we need to give direction to the
43 staff and applicant so they may prepare for the next meeting. She believes many of the concerns
44 and issues have been addressed by the applicant.

45
46 Mayor Pro Tem Caro responded he would like to postpone so the specifics can be worked out.

47
48 Mayor Barraza reiterated we need to be specific on what we are asking from staff and the
49 applicant so they are prepared for the next meeting.

50
51 Mayor Pro Tem Caro asked if that would need to be done today.

1 Mayor Barraza asked Mr. Eckert if a list of concerns and issues need to be given to the staff and
2 applicant tonight or can they be sent at a later date if the case is postponed tonight.

3
4 Mr. Eckert recommends stating the reasons for postponing which will give guidance to staff and
5 applicant. This will let the public know what research is being done and will give them the
6 opportunity speak to staff regarding those reasons. This will help have everyone is on the same
7 page.

8
9 Mayor Barraza encouraged the public to contact staff with questions and concerns. This will also
10 give staff the opportunity to get any information requested by the public.

11
12 Mayor Pro Tem Caro stated the reason to postpone giving the public the opportunity to submit
13 their input.

14
15 Mr. Eckert responded it is always an option to give the public the opportunity to submit questions
16 and comments. However, there have been 2 public hearings, regular meeting, a worksession all
17 at the Planning and Zoning level along with a meeting with the Board of Trustees. The public has
18 had an opportunity at all the meetings to voice their concerns and comments.

19
20 Mayor Pro Tem Caro stated half of the people did not have notification and that gives them the
21 right to give their input.

22
23 Mr. Eckert stated that is a good point but at every meeting there may be 1 or 2 residents asking
24 questions and this could go on forever.

25
26 Trustee Arzabal stated the case is now in the Board of Trustees hands and is not in the Planning
27 and Zoning.

28
29 Mr. Eckert responded that is correct.

30
31 Trustee Arzabal stated 40 days is along time for the applicant. Recommends there could be
32 worksession and then come back in 2 weeks for voting.

33
34 Mayor Barraza stated the public has had an opportunity to have their concerns addressed not only
35 tonight but in prior meetings.

36
37 Mr. Vigil responded there should not have been a one minute restriction; the engineer was not
38 restricted. This is a big project that is going to effect quality of life. This is something that needs
39 more research, environmental studies. Something smells fishy, something is not right.

40
41 Mayor Barraza asked Mr. Vigil to justify fishy; she cannot address fishy if she doesn't know what
42 he means.

43
44 Mr. Vigil responded if you look at the minutes of the second meeting you took the podium and
45 you are not being neutral. You have a nephew that is selling the property. As an elected official
46 you need to look at that.

47
48 Mayor Barraza responded she disclosed that she had no financial interest.

49
50 Mr. Vigil responded yes because the media was here.

51

1 Mayor Barraza stated she is a resident and has the right to go to the podium. At that meeting the
2 commission was asking for architectural style and that was not what was on the agenda.

3
4 Mr. Vigil responded you were pushing the commission to make a decision.

5
6 Mayor Barraza responded she just heard the minutes and you are repeating the same concerns and
7 comments made that night.

8
9 Mr. Vigil stated you were pressuring the Planning and Zoning to make a decision. You are not
10 being neutral.

11
12 Mayor Barraza asked what is fishy about that not that she did it. If you feel she is not being
13 ethical please let her know. She has nothing to hide. There is an audience present so voice your
14 concern.

15
16 Mr. Vigil stated we are seeing government in action and it seems like you are the dictator here.
17 We all have independent minds; let's respect that.

18
19 Mayor Barraza responded she does allow people speak their minds and we are very open.

20
21 Mr. Vigil stated the Town of Mesilla will figure that out at the next election.

22
23 Mayor Barraza stated she believes he is out of order.

24
25 Trustee Arzabal stated we need to move forward with the postponement or take a vote. We need
26 to set a date so that the people in attendance are aware of the date.

27
28 Mayor Barraza asked if the neighbors are aware that Mr. Vigil is considering bringing in a hog
29 farm or buffalos on to his property. These are the type of discussions that go on during public
30 hearings. That is why it is important that people attend public hearings.

31
32 Ms. Evelyn Erhard requested installing traffic lights due to the heavy traffic and the students.
33 The concern regarding what is being built and how it fits into the area is a valid concern.

34
35 Trustee Arzabal indicated we cannot look at plans until the Special Use Permit is approved. We
36 are putting the cart before the horse. Planning and Zoning does open up public hearings before
37 making a decision.

38
39 Ms. Rosalie Martinez indicated she has noticed some inconsistencies. Asked if anyone else on
40 the board related to any of the principals. Asked how many property owners were affected.

41
42 Ms. Gentile responded there were 6 property owners that were within 100 feet of the property
43 line.

44
45 Ms. Alexandra Hall asked that they look at purpose of the public hearings; some one mentioned
46 the covenants and restrictions of activities around the church properties.

47
48 Mayor Barraza responded it is was on the application.

49
50 Ms. Hall stated it was not addressed tonight.

51

1 Mr. Pompeo responded there restrictions to certain operations.

2
3 Mayor Barraza asked Ms. Gentile to research those restrictions.

4
5 Ms. Krueger stated most people thought they had until May 5th which would have been within the
6 timeframe of the 2nd public hearing. This is a good time for residents to collaborate on what they
7 would like the Planning and Zoning to consider.

8
9 Mayor Barraza stated there is a motion on the floor.

10
11 Mayor Pro Tem Caro asked to make a motion to postpone allowing a worksession prior to make a
12 decision.

13
14 Mayor Barraza indicated to include the reason for postponing.

15
16 Mayor Pro Tem Caro responded this will give the residents one more chance to comment.

17
18 Mayor Barraza responded there should be a spokesperson at the special meeting.

19
20 Mr. Eckert indicated he needs a date and a time.

21
22 Trustee Arzabal recommends a meeting next Wednesday, April 20th at 5:30 p.m.

23
24 Mayor Barraza stated there will be a worksession on April 20th.

25
26 Mr. Eckert indicated the first motion needs to be withdrawn.

27
28 **Motion:** To withdraw the first motion to approve Case 011013, **Moved by** Trustee Arzabal,
29 **Seconded by** Mayor Pro Tem Caro.

30
31 **Vote:** Motion passed, (**summary:** Yes = 3).

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

33
34 Mayor Barraza stated the case will be postponed until April 25th at 6:00 p.m.; a worksession will
35 be held April 20th at 5:30 p.m. Recommends there be a spokesperson for the group. Notices will
36 be posted at the regular 6 places and it is up to the residents to look for the information.

37
38 **Motion:** To postpone until the April 25th meeting and to hold a worksession on April 20th to
39 discuss residents concerns, **Moved by** Mayor Pro Tem Caro, **Seconded by** Trustee Arzabal.

40
41 **Vote:** Motion passed, (**summary:** Yes = 3).

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

43
44 Mayor Barraza stated special notification will not be sent out. Residents call contact Ms. Gentile
45 at 524-3262 ext. 104 and Mr. Eckert at 524-3262 ext. 105. She guarantees there is nothing fishy
46 going on.

47
48 **STAFF REPORTS**

- 49 1. Community Development Office *Approved by consent agenda*
50 2. Community Programs *Approved by consent agenda*
51 3. Finance Department *Approved by consent agenda*

- 1 4. Fire Department *Approved by consent agenda*
2 5. Marshal Department. *Approved by consent agenda*
3 6. Public Works Department. *Approved by consent agenda*

4
5 **PUBLIC COMMENTS:**

6
7 No Public Comments

8
9 **BOARD OF TRUSTEES COMMENTS:**

10
11 Mayor Pro Tem Caro stated he is glad it was postponed. He feels residents need to be heard. Inaudible

12
13 Mayor Barraza stated residents were given the opportunity to voice their concerns.

14
15 Trustee Flores stated the mayor does have the right to control time. Agrees the worksession is important
16 for everyone involved.

17
18 Trustee Arzabal recommends that we will be focusing on the Special Use Permit only.

19
20 Mayor Barraza invited everyone to the Cinco de Mayo fiesta on May 7th and 8th. She hears what they have
21 to say but when we have an ordinance that needs to be followed it becomes difficult. The attorney advises
22 us to stay within the ordinances. We cannot change the ordinance for specific cases. We will be having a
23 gathering on Tuesday, April 19th at 6:00 p.m. to discuss the annexation with the residents of the west mesa
24 at the Community Center.

25
26 **ADJOURNMENT**

27
28 **Motion:** To adjourn, **Moved by** Trustee Arzabal, **Seconded by** Trustee Flores.

29
30 **Vote:** Motion passed (**summary:** Yes = 3).

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

32
33 **MEETING ADJOURNED AT 8:15 P.M.**

34
35
36 **APPROVED THIS 25TH DAY OF APRIL, 2011.**

37
38
39
40 _____
41 Nora L. Barraza
42 Mayor

43
44 **ATTEST:**

45
46
47 _____
48 Nicholas Eckert
49 Town Clerk/Treasurer