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**BOARD OF TRUSTEES
TOWN OF MESILLA
MEETING
MONDAY, AUGUST 22, 2011
6:00 P.M.**

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

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

PUBLIC: John Sullivan Barbara Barmor
P.A. Sandoval

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 Caro, Trustee Arzabal, Trustee Bernal, Trustee Flores.

CHANGES TO THE AGENDA

Mayor Barraza stated Item #2 Case 011084 will be tabled until the Planning and Zoning takes action on the case.

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

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

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

ACCEPTANCE OF THE CONSENT AGENDA

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

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

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

BOT MINUTES:

1. Regular Meeting 8-8-11 *Approved by consent agenda*

1 **PZHAC BUSINESS:**

2 2. Case 011084; 2402 Avenida de Mesilla, Velia Chavez, building permit for a demolition of existing
3 garage and construction of an addition in place of the garage. *Tabled*

4
5 **NEW BUSINESS:**

6 3. For approval/disapproval: A financial advisory agreement with George K. Baum & Company in
7 relation to general obligation bonds. *Nick Eckert, Town Clerk/Treasurer.*

8
9 Mr. Eckert indicated the financial advisory agreement enables Mr. Mike Valenzuela to initiate the bond
10 process. The bond will go to the public during the March election. Mr. Valenzuela will outline a timeline
11 for the board to follow. One question, what the bond/insurance would be, Mr. Valenzuela has indicated it
12 would depend on the credit rating that the Town of Mesilla will get. He feels it should could range
13 anywhere from \$7,500 to \$15,000 which will be paid from the bond itself. The .50 per thousand fees is for
14 bonds over 10 million which is not applicable to the Town of Mesilla bond. Here there is a flat fee of
15 \$16,000 which will not be applied unless the bond is approved by the voters.

16
17 Mayor Pro Tem Caro asked if the \$16,000 will be part of the bond.

18
19 Mr. Eckert responded the \$16,000 will be paid from the bond.

20
21 Trustee Flores asked if that can be removed from language of the contract.

22
23 Mayor Barraza responded that Mr. Valenzuela did say during his presentation.

24
25 Trustee Flores read the paragraph.

26
27 Mr. Eckert responded that is when the \$16,000 comes into pay.

28
29 Trustee Flores reviewed the paragraphs she had in question.

30
31 Mayor Pro Tem Caro asked if the travel expenses are aside from the \$16,000.

32
33 Mr. Eckert responded Mr. Valenzuela had indicated the bond working discussion and 3 trips is included in
34 the \$16,000. Any additional travel costs would be billed; Mr. Valenzuela did indicate a cap can be added.
35 He feels that the only additional cost may be if he needs to travel to San Francisco or Dallas for a Bond
36 Rating trip; feels that a cap of \$2,500 is reasonable.

37
38 Mayor Barraza stated that is her understanding of the agreement. Looking back at paragraph 7; she
39 interprets it that \$16,000 applies if the purchase or sale transaction is in place.

40
41 Mr. Eckert responded he understood Mr. Valenzuela to say that that type of commission apply to bonds
42 over 10 million dollars. Believes it is standard language that is included in their agreement.

43
44 Mayor Pro Tem Caro stated everyone is saying “we think”; we need to know for sure and not make
45 assumptions.

46
47 Mr. Eckert stated that in response to Trustee Flores’ questions Mr. Valenzuela responded the .50
48 commission only applies to bonds over 10 million dollars.

49
50 Trustee Flores responded it does say over 10 million dollars. (10:21)

51
52 Mr. Eckert stated he believes the language is standard component but he can ask that it be eliminated.

53
54 Mayor Barraza responded we are not asking for 10 million dollars so this is not applicable to us. She does
55 have the correspondence between Mr. Valenzuela and Mr. Eckert regarding the trustee’s questions. Asked
56 if the word only can be put in the agreement on the 3rd line of the last page of the agreement, if it please

1 Mr. Eckert responded that can be done.
2
3 Mayor Pro Tem Caro asked for reassurance that if it does not go through the town will not owe anything.
4
5 Mr. Eckert responded that is correct; nothing is owed until it is passed by the voters.
6
7 Mayor Barraza reiterated the \$16,000 fee will come out of the bond and will not come out of the General
8 Fund.
9
10 Trustee Flores inaudible (12:17) That is a customary fee.
11
12 Mr. Eckert responded yes. He does not have the actual numbers. He is working with the City of Las
13 Cruces' financial department that did a RFP for similar services and has responses from various firms. All
14 indications are that this particular amount is within the standard limit that these firms charge.
15
16 Mayor Pro Tem Caro asked if it is charged by population.
17
18 Mr. Eckert responded the fee is based on the dollar amount and not by population.
19
20 Trustee Bernal stated there has been talk about a \$2,500 cap and 3 trips are included in \$16,000.
21
22 Mayor Barraza reiterated the 3 trips are included in the \$16,000; any other trips will be charged to the town
23 and that is where the \$2,500 cap comes into play; actual expenses will be paid.
24
25 Mayor Pro Tem Caro asked when it will go to the residents, if it is approved by the board.
26
27 Mayor Barraza responded if everything goes well it will be held with the regular election which will be the
28 1st Tuesday in March to avoid additional costs.
29
30 Trustee Flores stated there is nothing in the agreement regarding 3 trips.
31
32 Mayor Pro Tem Caro stated that may be what he wants but it is not in the contract.
33
34 Trustee Flores inaudible (15:27)
35
36 Mr. Eckert responded if the board would feel more comfortable he can ask Mr. Valenzuela to add that
37 component to the contract. To avoid any delays the contract can be approved today with the condition that
38 the 3 trip component be added.
39
40 **Motion:** To approve a financial advisory agreement with George K. Baum & Company in relation to
41 general obligation bonds with 3 trip conditions as stated by Trustee Flores, **Moved by** Trustee Arzabal,
42 **Seconded by** Trustee Flores.
43
44 **Roll Call Vote:** Motion passed (**summary:** Yes = 4).
45 Mayor Pro Tem Caro **Yes**
46 Trustee Arzabal **Yes**
47 Trustee Bernal **Yes**
48 Trustee Flores **Yes**
49
50 Mayor Barraza asked Mr. Eckert to contract Mr. Valenzuela so that we can move forward.
51
52 4. For approval/disapproval: Authorization to precede with a fire protection grant application/matching
53 funds. **Kevin Hoban, Fire Chief.**
54
55 Fire Chief Hoban gave a presentation of the Fire Protection Grant Application. Presentation available in
56 the Town Clerk's office.

1 Mayor Pro Tem Caro asked if the match will come from the General Fund.
2
3 Mr. Eckert responded that is the only place the money can come from. We do have investments at the state
4 level that are tied to the General Fund. The Gross Receipt Tax has been doing better. There is an excess
5 and it will be up to the board how they wish to use those funds.
6
7 Mayor Barraza asked how much is in the General Fund reserve.
8
9 Mr. Eckert responded there is approximately \$120,000 at this moment and it includes the main investment.
10
11 Trustee Arzabal stated if we expect them to fight fires then they need to have the proper equipment.
12
13 Fire Chief Hoban stated we will be using existing contracts from other communities in the state to get the
14 best deal we can; this will cut down on the bid process. State Procurement Law allows for this to be done.
15
16 Mayor Barraza asked when the application is due.
17
18 Fire Chief Hoban responded the application is due September 15th and will be awarded by the end of
19 November.
20
21 Mayor Barraza asked by when the funds need to be utilized.
22
23 Fire Chief Hoban responded it will be expended as soon as possible; by the end of the year. He has already
24 fitted the firefighters to be ready if they receive the grant.
25
26 Mayor Barraza asked if this is a state grant.
27
28 Fire Chief Hoban responded yes it is a State Fire Marshal Office.
29
30 Trustee Bernal asked if the application for the bond needs to be done this year or can it be applied for in
31 January, February or March.
32
33 Fire Chief Hoban responded this grant has nothing to do with the bond. The grant has a 30-day window;
34 deadline is September 15th.
35
36 **Motion:** To approve authorization to proceed with a fire protection grant application/matching funds,
37 **Moved by** Trustee Arzabal, **Seconded by** Trustee Flores.
38
39 Mayor Pro Tem Caro stated the Mayor needs insure that the town can meet the match amount. He is
40 willing to go with it if that condition is met.
41
42 Mayor Barraza responded we are doing well in terms of putting money aside for opportunities like this
43 where we can not fund an entire project. Every single application is requiring a match so we are being
44 selective on which grants we apply for. Grants are the only way we will be able to move forward in getting
45 much needed equipment. We are being selective to see which are the ones we get the most for our money.
46 We hope to make it up in gross receipts and other revenue to help replace the match amount. .
47
48 Trustee Bernal stated he understands Mayor Pro Tem Caro's concern. I know we have always tried to
49 work as a team since she became Mayor and feels that it is working. We cannot come up with the full
50 amount for this equipment. Sometime we have to sacrifice for the community and the fire department. He
51 does not want to feel guilty if something happens to one of the firefighters because we did not approve
52 \$21,000 for the department. He is looking at the firemen's safety. It is hard to swallow but how else can
53 we get the things that we need; it is something we have to sacrifice.
54
55 Mayor Barraza stated we do have to look long term. Trustee Bernal is right, safety is our number one
56 priority. \$21,000 is nothing to sacrifice to provide safety for our fire department or police officers that our

1 in the community risking their lives. She feels comfortable because there is some flexibility at this time.
2 We are hoping to increase the pot by the end of the fiscal year to be able to take advantage of other grants.
3 By us working as a team we are able to move forward and make wise decisions.

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

6 Mayor Pro Tem Caro **Yes**

7 Trustee Arzabal **Yes**

8 Trustee Bernal **Yes**

9 Trustee Flores **Yes**

10
11 Mayor Barraza stated she has to give credit to the department heads for looking at what their departments
12 benefit more from.

13
14 **PUBLIC COMMENTS:**

15
16 Mr. Jesse Chavez stated he has heard nothing regarding the issue he brought to the board at the last
17 meeting.

18
19 Mayor Barraza responded that the process has been started.

20
21 Mr. Eckert indicated the property in question has been cited back into court and at the point the judge will
22 deal with the citations that were addressed.

23
24 Mayor Barraza asked that Mr. Chavez be made aware of the court date. It is still a long process and it will
25 have to run its course.

26
27 Ms. Priscilliana Sandoval stated a new marquee is need on the plaza which is in poor shape. Different
28 businesses are placing flyers on the marquee.

29
30 Mayor Barraza stated that was addressed at the last meeting and they are taking measures in correcting that.

31
32 Ms. Alexandra Hall stated she spoke to 6 or 7 people regarding the Community Meeting and no one was
33 aware there was going to be a meeting.

34
35 Mayor Barraza responded the meeting was in the Newsletter that went out to every single resident.

36
37 Ms. Hall stated we can sit around and make plans but the final analysis is we have to evaluate what works.

38
39 Mayor Pro Tem Caro asked what Town Meeting she is referring to.

40
41 Mayor Barraza responded the Town Meeting that is held at the Community Center every 6 months.

42
43 Ms. Alexandra Hall stated the department heads that are wonderful to work with. From a resident's point
44 of view they are gracious and helpful. Since the trustees are at large she recommends that each trustee take
45 on one aspect of Mesilla and develop a support committee. She had made a recommendation to the prior
46 mayor that a task force be formed to address major issues and his response was that staff would take care of
47 it. She told him that she wanted residents to get involved. There was a Task Force that worked on the
48 night sky which she worked very hard on and believes it is an ordinance. However, there has never been
49 any public education or enforcement; so all my effort and hard work was in vain. Parking was also worked
50 on and she does not know where it stands. A portion of the recommendations are being implemented.
51 Asked if the ordinance has been approved.

52
53 Mayor Barraza responded only portions of the committee's recommendations were incorporated into the
54 ordinance.

1 Ms. Hall asked if it is an ordinance that the people in the historic area can be apply for leasing parking
2 spaces.

3
4 Mr. Eckert responded it is in the ordinance, Chapter 18. There are various components to the parking issue;
5 reiterated some of the committee's recommendations were put in the ordinance.

6
7 Ms. Hall indicated she would like to address those at a different time so we don't have a proliferation of
8 signs; that is not the way a historic town should look. Suggested topics that trustees can take on
9 individually; planting, signage, and lighting. There are things out of character for a historic town; our
10 major source of income is tourist. Events for residents to build community, doesn't want it to be just Gross
11 Receipts Tax. She wants to remember that we are a community that looks out for each other. Hold fun
12 events fun events, fund raising to help with projects. We all have to deal with creative fund raising. Other
13 ideas: creating a farm trail; research examples what other small communities do to increase revenue.
14 Several years ago she suggested that Mesilla become a major source for organic farms for southern New
15 Mexico with a real farmer's market. We have the perfect community to do that. We can get the expertise
16 from New Mexico State University. A plan can be developed for a museum and lectors. There are many
17 more possibilities for the trustees to be more proactive rather than reactive. She suggests that each trustee
18 as an elective representative take on a project by driving around Mesilla to see what needs attention and
19 create a task force to address the project. Some items have been address such as Trustee Bernal's clean ups
20 and the Mayor identifying the obstruction by trees. We can all take responsibility for our community and
21 preserve the historic look and feel; the residential quality and expand the possibility Gross Receipts off the
22 plaza.

23
24 Mayor Barraza responded we have tried some of the ideas but unfortunately the interest sometimes is not
25 out there. We try to be creative on how to reach the residents but we have not been able to find the way to
26 do reach our residents. We do have a Town Hall landscaping project which is going to be done with
27 donations by various donors. We are working on several projects at this time but some things do take a
28 while.

29
30 **BOARD OF TRUSTEES COMMENTS:**

31
32 Mayor Pro Tem Caro asked what the latest is on the easement.

33
34 Mayor Barraza stated some of those projects are grandfathered in which ones, she doesn't know. Some
35 items are caught when a permit for new construction comes in. Some items have been there for such a long
36 time; the focus is on the historical area. If you do for one you have to do for everyone. If a fence was put
37 in by the first homeowner many years ago that encroached the town's easement are we going to ask them to
38 move the fence? Those are the obstacles that we are coming across and need address.

39
40 Mayor Pro Tem Caro indicated he does not believe something like is grandfathered in. There were
41 walkways and now people need to walk in the street. Josefina's has a lot of cactus. This is safety issue and
42 it needs to be cleared.

43
44 Mayor Barraza stated in the next building a porch was built that is in the town's easement, do we ask them
45 to remove the bricks and the porch. Those are the type of things that need to be addressed. Reiterated if
46 there is new construction being done we are able to address the problem at that time. We can not be
47 particular.

48
49 Mayor Pro Tem Caro stated those should have been address and a time frame should have been set. We
50 need to deal with these now.

51
52 Mayor Barraza responded if you look at the properties in the area behind the Post Office, Calle de Oeste
53 and Ave de Mesilla most of those have something in the town's easement. Are we going to each home and
54 tell them they have to move back from the easement because if we do one, we have to do all of them.

55
56 Mayor Pro Tem Caro inaudible (1:05)

1 Mayor Barraza stated this will need to be discussed some more. This has been discussed at the department
2 head meeting and all the problems it will cause among residents.

3
4 Mayor Pro Tem Caro indicated he has been receiving calls that the Planning and Zoning is not getting a
5 quorum. One of the commissioners is always out of town – you need to get other people to fill their spot.

6
7 Mayor Barraza stated there has only been one meeting where there has not been a quorum.

8
9 Mr. Eckert reiterated there has only been one meeting where there has not been a quorum.

10
11 Ms. Priscilliana Sandoval indicated that Ms. Tamara McCloud is interested in serving on the Planning and
12 Zoning Commission.

13
14 Mayor Barraza asked Ms. McCloud to submit a letter a letter of interest. Mr. Dax Contreras does
15 internships in Washington, D.C. during the summers and participates via telephone when necessary. He
16 will be at the present at the next meeting. She has asked Ms. Gentile and Mr. Eckert to call for special
17 meetings so not to prolong the cases.

18
19 Trustee Arzabal stated we are not going to solve the easement problem. We need to get with the business
20 owners and come up with a good working solution.

21
22 Trustee Bernal indicated this is going to be an on-going thing. We have a big battle ahead of us. He feels
23 we are moving forward.

24
25 Mayor Barraza responded how you tell someone the need to move a fence that has been there for 30 years.

26
27 Ms. Debbie Lujan stated more staff and manpower will be needed to take care of the encroachment. She
28 recommends bring everyone in and tell them that it is their responsibility as a land owner to insure and
29 maintain anything that is encroaching on the right of ways.

30
31 Mayor Barraza responded that is being addressed through codes. The question is do we do one or do we be
32 selective.

33
34 Mayor Pro Tem Caro stated he is not talking about (inaudible). He is talking about clearing the sidewalks.

35
36 Mayor Barraza responded Ms. Lujan is saying that if the residents do not maintain their encroachment then
37 Public Works will have to do the job.

38
39 Mayor Pro Tem Caro asked why the street sweeper can't be used.

40
41 Mayor Barraza responded we can't run the street sweeper for that; we would have to have the Public Works
42 staff physically go on the property to cut the weeds whereas right now the residents are doing that. We
43 currently are having a hard time keeping up with our streets. Our easement is currently being maintained
44 by the town staff. She reminded everyone of the Tribute to the Past at this year's fiesta. Volunteers are
45 coming forth to help with the project; if anyone has anything they would like to contribute please do so.
46 Ms. Natalie Bustamante is working on a float for the former Deiz y Seis de Septiembre fiesta queens.

47
48 **ADJOURNMENT**

49
50 **Motion:** To adjourn, **Moved by** Trustee Arzabal, **Seconded by** Trustee Bernal.

51
52 **Vote:** Motion passed (**summary:** Yes = 4).

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

54
55 **MEETING ADJOURNED AT 7:15 P.M.**

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APPROVED THIS 12TH DAY OF SEPTEMBER, 2011.

Nora L. Barraza
Mayor

ATTEST

Nicholas Eckert
Town Clerk/Treasurer