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

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

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

PUBLIC: Ruben Ceballos Mark Swartz

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 Flores.

CHANGES TO THE AGENDA

Mayor Barraza indicated item #9 will be removed from the agenda; the director of the program indicated it will be relocated to Las Cruces.

Mayor Pro Tem Caro asked removing item #4 from the consent agenda.

Trustee Flores asked if that is the case with conditions.

Mayor Barraza indicated the San Albino Religious Gift Shop is the one that the Planning and Zoning had a question on. She spoke to Father Richard and they are exempt from business permits. He will bring in the paperwork for the town to review.

Trustee Arzabal asked if the trustees will be voting on the court matter that was brought forth at a previous meeting.

Mayor Barraza responded she is not done doing the research. It will come to the board once she receives the information she is waiting for.

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

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

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

2
3 **ACCEPTANCE OF THE CONSENT AGENDA**

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

7
8 **Vote:** Motion passed (**summary:** Yes = 3).

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

10
11 **BOT MINUTES:**

12 1. Regular Meeting 10-24-11 *Approved by consent agenda*

13
14 **PZHAC BUSINESS:**

15 2. Case 011111, 1701 Calle de Mercado #2, Louise Burchell, sign permit for The Emerald Isle. Zone: C.
16 *Approved by consent agenda*

17 3. Case 011112, 2280 Calle de Principal, Father Richard Catanach, sign permit for the San Albino
18 Religious Gift Shop. Zone: HC. *Approved by consent agenda*

19 4. Case 011113, 2309 B Calle de Guadalupe, Carol Wortner, sign permit for Mesilla Gifts. Zone: HC.

20
21 Mayor Pro Tem Caro stated the “l’s” look like “c’s” and recommends they redo the lettering.

22
23 Mr. Eckert responded he will inform Ms. Gentile so that she can inform the applicant.

24
25 **Motion:** To approve Case 011113, 2309 B Calle de Guadalupe, Carol Wortner, sign permit for Mesilla
26 Gifts, **Moved by** Trustee Arzabal **Seconded** Mayor Pro Tem Caro.

27
28 **Vote:** Motion passed (**summary:** Yes = 3).

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

30
31 5. Case 011115, 2340 Avenida de Mesilla, Francisco Romero, sign permit for La Paloma Fine Art
32 Gallery & Studio. Zone: HC. *Approved by consent agenda*

33
34 **NEW BUSINESS:**

35 6. For approval: award the RFP for Calle Del Sur Roadway Improvements based on
36 recommendation from Molzen-Corbin. *Presented by Debbie Lujan, Public Works Director.*

37
38 Ms. Lujan stated the bid is for Phase 6 of Calle de Sur. The lowest bid came from G Sandoval
39 Construction. The project will be shortened to meet the budget we are going to receive.

40
41 Mayor Barraza asked how many feet was it awarded for.

42
43 Ms. Lujan responded she believed it was for 400+ feet. The bid came in at \$64,000; it was cut
44 17%.

45
46 Mayor Barraza asked how much money we have for the project.

47
48 Ms. Lujan responded we have \$53,333 for the project.

49
50 Mayor Pro Tem Caro asked if Mesilla’s match is still \$15,000.

51

1 Ms. Lujan responded our match is \$13,330; since we are using some of our manpower the match
2 will be around \$10,000.

3
4 Mayor Barraza asked if that has been budgeted.

5
6 Ms. Lujan responded this was included in the budget.

7
8 **Motion:** To approve the RFP award for Calle Del Sur Roadway Improvements based on recommendation
9 from Molzen-Corbin, **Moved by** Trustee Arzabal, **Seconded** Trustee Flores.

10
11 Mayor Pro Tem Caro asked that if money becomes available Calle de Parian needs to be looked at.

12
13 **Vote:** Motion passed (**summary:** Yes = 3).

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

15
16 Mayor Barraza responded we need over a million dollars for Calle de Parian since it needs to be
17 started from the bottom up. This is one of the top 3 projects on the ICIP; Public Safety Building,
18 Calle de Parian and the Gazebo. We are looking everywhere and nothing is coming up.

19
20 Mayor Pro Tem Caro asked if the asphalt zipper can be used to break it down it would be better
21 than all the holes.

22
23 Ms. Lujan responded it can be done but then it will become a dirt road and there will be more
24 complaints. Hopefully, we can phase it out once money becomes available.

25
26 Mayor Barraza reiterated we are very much aware of Calle de Parian's condition. We will
27 continue looking and talking to our legislators.

28
29 Mayor Pro Tem Caro asked that they speak to Representative Joni Gutierrez since she lives on
30 that road.

31
32 Mayor Barraza responded they have spoken to Representative Gutierrez but she will not sponsor
33 Calle de Parian bill due to conflict of interest. Senator Mary Kay Papen indicated that if Capital
34 Outlay money becomes available she will sponsor that bill. Legislators try to find someone to
35 sponsor bills they cannot sponsor.

36
37 Trustee Arzabal stated Mr. Jay Armijo, Executive Director of SCCOG, is also looking for money
38 to help with that road.

39
40 Mayor Barraza indicated we are very serious about finding funding for that road.

41
42 Ms. Lujan stated she will look at getting MAP on there since we are receiving funding for Calle
43 de Guadalupe.

44
45 7. For approval: agreement for services by Modrall Sperling Law Firm for the March 2012
46 general election requesting voter authorization for issuance of general obligation bonds.

47 ***Presented by Nick Eckert, Town Clerk.***

48
49 Mr. Nick Eckert indicated this is part of the process needed to get the General Obligation Bond
50 question on the up coming March election. Mr. Mark Valenzuela recommended 3 Albuquerque
51 firms that are familiar with this. Throughout the process we will need legal advice. He spoke to

1 Mr. John Darden, town attorney; he indicated he did not feel comfortable with this type of case.
2 He recommended Modrall Spearling Law Firm which was one of the firms that responded to our
3 request; they were \$2,000 cheaper than the other 2 law firms that responded.

4
5 **Motion:** To approve agreement for services by Modrall Sperlign Law Firm for the March 2012 general
6 election requesting voter authorization for issuance of general obligation bonds, **Moved by** Trustee
7 Arzabal, **Seconded** Trustee Flores.

8
9 Mayor Pro Tem Caro stated he does not feel comfortable with this. The taxes just went up with the county
10 and everyone is going through hard times. Even though we have not increased taxes in a while this is not
11 the time to pass something like this. The residents are having a hard time.

12
13 Mr. Eckert indicated this is solely for the legal contact between the Town of Mesilla and the Modrall
14 Spearling Law Firm. The actual bond question will be taken to the residents in the March 2012 election. It
15 will not be the trustees making a decision on the bond.

16
17 Mayor Pro Tem Caro stated at first it was going to cost \$15,000 plus other costs; now this is \$18,000 plus
18 other costs. He does not feel comfortable with this.

19
20 Mayor Barraza clarified that the town is not obligated to pay anything unless the bond is passed.

21
22 Mr. Eckert stated these are 2 separate issues; 1 existing contract with G C Baum for the financial
23 component related to the bond which is fee free if the bond does not get passed; this is for the legal
24 component which is an important step to the process which will allow us to put the proper question on the
25 ballot for voting. If the bond is not approved the maximum that we will be charged is \$5,000 if the bond is
26 passed we will be charged a flat fee of \$18,000.

27
28 Trustee Flores asked if this is out of pocket costs.

29
30 Mayor Barraza responded yes and also publication.

31
32 Mr. Eckert stated it is 2 separate issues but this is a necessary component for the bond process.

33
34 **Vote:** Motion passed (**summary:** Yes = 2 Nay 1).

35 **Yes:** Trustee Arzabal, Trustee Flores.

36 **Nay:** Mayor Pro Tem Caro

37
38 8. For approval: letter of support for 2011/2012 House by House Rehabilitation Application.
39 *Presented by Gina Gentile, Community Development Coordinator.*

40
41 Mr. Eckert stated this has been supported in the past for FY 10/11 for the state program. On
42 multiple occasions they ran out of money. This is to extend our application to the 2012. One
43 applicant has been qualified and is ready to go but is contingent on funding.

44
45 **Motion:** To approve letter of support for 2011/2011 House by House Rehabilitation Application, **Moved**
46 **by** Trustee Arzabal, **Seconded** Mayor Pro Tem Caro.

47
48 **Vote:** Motion passed (**summary:** Yes = 3).

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

50
51
52 9. Mesilla Valley DWI Resource Center request for waiver of plaza use fees for Saturday,
53 December 3rd. *Presented by: Joanne Ferrary or Alexandra Hall. Removed from agenda*

1 10. Operation Stone Garden FY10 6-month Update. *Jeff Gray, Marshal.*

2
3 Marshal Gray gave an update on what has been done with Operation Stone Garden funding.

4
5 Trustee Arzabal asked for how many years this is for.

6
7 Marshal Gray responded this is a 3 year grant, 2013. He has applied for an additional 3 years
8 which will begin at the end of 2013.

9
10 Mayor Pro Tem Caro stated when this came up at a prior meeting he had indicated then that he
11 did not care for the program. He does not feel that it is right that the Marshal's Department is
12 doing Border Patrol duties and arresting people from Mexico.

13
14 Marshal Gray responded he understands Mayor Pro Tem Caro's concern but we are an extension
15 of the Border Patrol. We are a secondary tier; primarily for weapons, drugs and illegal
16 smuggling. When we make a traffic stop and someone is undocumented we are bound by law to
17 turn them over to the proper authorities. We are not looking for them specifically; we are looking
18 for drugs, cash and/or weapons.

19
20 Mayor Pro Tem Caro indicated that is what he has a problem with; feels it is profiling. People
21 that look like wetbacks are getting stopped and that is not right.

22
23 Marshal Gray responded we are not doing that, we have to have probable cause to make a traffic
24 stop. We are not going into the fields or to individual people who are hiring illegals. We are
25 working on the highways and roadways alone. When a vehicle is stop for a violation then further
26 investigation is continued. Our primary focus is on roadways for vehicles that have made it
27 through the checkpoints undetected.

28
29 Mayor Barraza stated there has to be probable cause such as speeding, expired registration,
30 running traffic lights, no license plate, traveling violations.

31
32 Marshal Gray responded there are many immigrants working on the local farms. We cannot, as a
33 local municipality, ask for a visa but we can ask for a license and registration. If those cannot be
34 presented we are required to call the proper authorities.

35
36 **STAFF REPORTS**

37 11. Community Development Office. *Approved by consent agenda*

38 12. Community Programs. *Approved by consent agenda*

39 13. Finance Department. *Approved by consent agenda*

40 14. Fire Department. *Approved by consent agenda*

41 15. Marshal Department. *Approved by consent agenda*

42 16. Public Works Department. *Approved by consent agenda*

43
44 **PUBLIC COMMENTS:**

45
46 Mr. Ruben Ceballos stated his opinions he is about to express are those of Ruben Ceballos. He was hoping
47 the board of trustees would not go forward on item #7. Feels a tax increase will hurt the residents and also
48 people that are renting; the tax payer will have to pass those cost on to them. Many of the people of
49 Mesilla may be forced to sell their properties since at the present time our properties are valued very high.
50 Raising taxes will be unbearable for many of the residents. He is not alone; many residents are not in favor
51 of this. You may see a different complexion of our community if this tax is approved. The attorney is not
52 cheap so Mesilla is already investing money on something that the public is going to vote down. He is all

1 for public safety personnel, however, at this time he feels this is a wrong move by the board of trustees. Up
2 to now he has stayed out of the board of trustee's business, he did not want to make any enemies but he felt
3 he could not stand by without expressing his opinions. He is very concerned with what is planning to be
4 built. One morning while walking on the ditch bank he noticed that this brand new building is cracked.
5 Asked why haven't you gone after the person that built this; they much of been bonded; this is terrible.
6 You have a tough job but that is something that they should not have allowed. He is worried about the
7 structure you will build. Also this building has 2 kitchens; this is an elaborate building but there was lack
8 of attention to the structure. These are his concerns and he will present that to the people of Mesilla. A
9 new building will not improve the services and it is not going to change matters. He is concern the
10 direction the trustees are moving in with this tax increase.

11
12 Mr. Mark Swartz stated his biggest concern is that we have never had a tax increase since the town
13 incorporated; once that barrier is broken it will be easy to continue to do that in the future. He understands
14 some things are necessary but are not that pressing for this time. We are in a recession, this are not
15 economically strong. Mesilla has the weakest balance sheet and strength in the area and yet we are looking
16 at spending money on things that perhaps we should wait to do until better economic times. The village
17 depends on gross receipt revenue which is depressed. He feels there are a lot of barriers and cost to doing
18 business in Mesilla that is hurting the ability for businesses to flourish. This questions how well the town
19 does in promoting new business; are we looking at other avenues to increase those revenues. We are taking
20 on debt in a recession which is not a good idea. He is trying to decrease his debt. Over the last 3 years he
21 has lost 2/3 of his income. He understands the project is important but do we have to do it now. He
22 reiterated that once you break down the wall it is done again and again; it will never be as strong. Since
23 1965 there have been 300 new taxes created by the federal government; they are in the worst position it has
24 ever been in since they keep spending and borrowing. We need to learn to live within our means and
25 finance things without having to raise taxes since it becomes easy crutch to go to time and time again. He
26 encourages the board of trustees to not raise taxes at this time.

27 28 **BOARD OF TRUSTEES COMMENTS:**

29
30 Trustee Arzabal indicated the Veteran's Day ceremonies were very nice.

31
32 Mayor Barraza responded people commented they like the event in Mesilla than in Las Cruces.

33
34 Mayor Pro Tem Caro stated he went to the county to discuss his taxes and asked them if they can come up
35 with a proposition like the one done in California. He was told Dona Ana County has a similar one where
36 they can not raise taxes more than 3% a year which means in 10 years he will be paying 30% more in
37 property taxes. He is really concerned and feels it needs to be looked at very carefully.

38
39 Mayor Barraza stated the General Obligation Bond is not an increase to property taxes which have not been
40 raised and we are not proposing to raise the rate. It will remain the same which is the second lowest in the
41 State of New Mexico. Mesilla receives \$60,000 in property taxes which is enough to pay one employee
42 including the benefits. We are not building a Public Safety building; we are asking to renovate the existing
43 building. This is addressing the code violations that we currently have.

44
45 Fire Chief Hoban responded we have 21 code violations in the Public Safety building.

46
47 Mayor Barraza stated that building can be condemned with that many violations. If that were to happen
48 Mesilla would not be able to provide public service. Their equipment is outdated. We are proposing a
49 General Obligation Bond. The Town of Mesilla has the bonding capacity of 2.8 million dollars and we are
50 asking to borrow 1.8 million dollars for the Public Safety building; this becomes a loan to the town. We
51 currently pay taxes for a Spaceport that we do not get anything from. We pay county taxes for public
52 services that we ourselves provide for the town. For every stray animal that is picked up we pay the
53 county. From all those bonds you pay through your property taxes nothing comes back to the Town of
54 Mesilla. The town belongs to the residents and us as residents need to invest in Mesilla. We have met with
55 Governor Martinez and the legislators showing them our needs and have been told there is no money in the
56 state. Our Fire Chief has written numerous letters for grants and we have not been awarded any monies.

1 The Town of Mesilla does not generate enough from gross receipt and property taxes. Regarding the town
2 hall building there was an issue with the contractor and he did not receive final payment for his services.

3
4 Mr. Eckert stated during the construction project of the main town hall; the final payment was not paid to
5 the general contractor since they did not fix the stucco. That money is in the general fund to be used if we
6 need it.

7
8 Mayor Barraza stated since she became mayor she can not believe the state that the town is in, in terms of
9 infrastructure. Invites any interested individuals to look at what town staff has to work with. Our residents
10 expect us to provide service and yet we do not have the proper equipment and/or materials. She commends
11 staff for what they do and the obstacles they have over come to provide the citizens the services that we are
12 committed to. You can not believe what the Public Works Department has to work with. It is
13 embarrassing to say that the residents cannot provide for our employees to do their job. She invites
14 everyone to go to the Public Safety Building see the condition of the building. Also to see the Fire
15 Department's equipment that is broken which is repaired over and over, boots that are worn out, suits that
16 are torn. And still we expect them to respond within a certain amount of time but we do not want to give
17 back. No one has ever come to offer their help, i.e. I'm a contractor I can help with the roof, etc. She sees
18 what these employees go through on a day to day basis and what they have to deal with. She pleads with
19 the residents of the Town of Mesilla to support this General Obligation Bond to help these employees do
20 their job.

21
22 Mr. Swartz stated he understood it was a property tax but if the bond passes it will increase my property
23 taxes.

24
25 Mayor Barraza responded it will be the same process as for school bonds, Space Port, on your property
26 taxes.

27
28 Mr. Swartz asked if it is a one time charge.

29
30 Mayor Barraza responded it can go for 10 or 15 years whatever is in the best interest of the residents at a
31 very low interest rate.

32
33 Mr. Swartz inaudible He asked how our sales taxes works.

34
35 Mayor Barraza responded we are already maxed out on sales tax which comes in the form of gross receipts
36 in the town and that is by state statute. She asked what the gross receipts were for last year.

37
38 Mr. Eckert responded it was around \$900,000.

39
40 Mayor Barraza indicated that is just about 1 million dollars, \$60,000 and \$900,000, to run our community.
41 We receive Small City Assistance, traffic fines and rentals helps supplements run the Town of Mesilla.
42 There is not enough to put anything into infrastructure needs.

43
44 Trustee Arzabal indicated what was in the media was bad publicity since it was not what we were going to
45 do. The residents are going to decide whether to pass this bond or not; it will not be the trustees. At one
46 point between now and Christmas we need a community meeting to inform the residents although many
47 times there is only one person in attendance. Thanked Mr. Swartz and Mr. Ceballos for coming and getting
48 educated on this issue.

49
50 Mayor Barraza responded we are planning on educating the residents on what a General Obligation Bond
51 is. As discussed earlier, it will take 1 million dollars to fix Calle de Parian, where are we going to get a
52 million dollars to fix the road. She wishes people would go to the Public Safety Building to see the
53 conditions we expect our employees to work under. It is pathetic what we expect our employees to work
54 under. It makes her angry and it is her fault that after serving on the board of trustees for eight years she
55 was not aware of these situations. Our equipment is so outdated and worn that we need to start to set
56 money aside to purchase new ones. Public Works Department only has one lawnmower so when that

1 breaks we are in trouble. She uses money from her budget to help with this. The vehicles are also in bad
2 conditions. Her feeling is it is our town and we need to take care of us. We cannot depend on the county
3 or the state. We as residents of the Town of Mesilla we need to band together to help our community.
4 Years ago the citizens got together and built the Public Safety Building we cannot do that anymore due to
5 the obstacles. If someone has the answer please come forward?

6
7 Mr. Ceballos asked the trustees to ask their Fire Chief and Marshal if they are grant writers.

8
9 Mayor Barraza responded residents have helped us with grant writing.

10
11 Mr. Ceballos stated you need to improve on those grant writing skills.

12
13 Mayor Barraza stated at the federal level we are competing against places that were hit hard by natural
14 disasters. We have tried other things; this is our last resource.

15
16 Mr. Ceballos responded this will increase our taxes and feels this board should not tax their way to
17 prosperity.

18
19 Mayor Barraza asked what recommendations does Mr. Ceballos have

20
21 Mr. Ceballos responded as indicated that 50 years ago everyone got together to build the Public Safety
22 Building; in those years trustees were not paid. Ordinances have been passed giving trustees a salary. We
23 need to instill in our community volunteerism; volunteerism starts in the seats of our local government. He
24 feels the trustees should consider no salary for the board; serve on a voluntary basis.

25
26 Mayor Barraza responded it is not prosperity we are trying to maintain what we have. We are not trying to
27 build an elaborate Taj Mahal; we are just trying to provide residents with service. If we did not have a fire
28 department in Mesilla home insurances would go up; we would have to rely on surrounding fire
29 departments to respond to our calls.

30
31 Mr. Ceballos responded those violations have been there a long time and we built this Taj Mahal (Town
32 Hall) and maybe at the time you should have been think of public safety. He feels priorities are mixed up.
33 After speaking to other residents he feels it is going to get defeated.

34
35 Mayor Barraza indicated that is the right of the voter. She has received emails and phone calls which have
36 been in favor of the bond just because they are willing to give back to the community. Mesilla has been
37 getting bad publicity regarding the luminarias. She was not aware that Mesilla was committed to Las
38 Cruces High; there was not a contract. We were trying to look at the best cost. Los Leones de Mesilla
39 provides and invests back to the community. Currently they are looking at replacing the playground
40 equipment that is out of compliance. She apologizes to Las Cruces High School, Mr. Paul Blevins, who
41 brought this to her attention but this was not intentional. Ms. Echavarria did attempt to contact someone
42 from Las Cruces High School band but he never got back to her. She is planning on setting up a meeting
43 with all interested parties to clarify this.

44
45 Mayor Pro Tem Caro indicated there was previous discussion regarding getting away from Las Cruces
46 High School due to the candles that they were using.

47
48 Mr. Christopher Baca stated we need to utilize our plaza. Since he has been here he has not heard of a
49 community clean-up. We need to talk to people to get them motivated. Tell the community that the town
50 is going to be making luminarias for Christmas Eve and make hamburgers and everyone work together. It
51 needs to start small; cutting salaries is a little drastic. You need to be involved to create change. He can
52 talk to Dr. Huerta regarding making a commercial for the Town of Mesilla. You need to be involved to get
53 it going. He has been jumping through hoops trying to get his business open and he hold hardly believes he
54 can open his business. He believes Mesilla has so much opportunity and he does not want to move his
55 business to Las Cruces but if he has to he will; what type of opportunity are you passing up. I'm 22 years
56 old, married with a child on the way and he is very passionate about what he does. He is the president of

1 the Dona Ana Community College. He got involved in politics because he wanted change. We need to
2 stick together to make this a community. We also need to look at what can be done to lower the \$900,000.
3 If you don't have money why are you borrowing, why are you spending? Property taxes hurt everyone.
4 We need to look at other ways to make up the difference.

5
6 **ADJOURNMENT**

7
8 **Motion:** To adjourn, **Moved by** Trustee Arzabal, **Seconded by** Mayor Pro Tem Caro.

9
10 **MEETING ADJOURNED AT 7:17 P.M.**

11
12
13 **APPROVED THIS 28TH DAY OF NOVEMBER, 2011**

14
15
16
17
18 _____
19 Nora L. Barraza
20 Mayor

21
22 **ATTEST:**

23
24
25
26 _____
27 Nicholas Eckert
28 Town Clerk/Treasurer