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**BOARD OF TRUSTEES
TOWN OF MESILLA
MONDAY, SEPTEMBER 26, 2011
6:00 P.M.**

6 **TRUSTEE:** Nora L. Barraza, Mayor
7 Jesus Caro, Mayor Pro Tem
8 Carlos Arzabal, Trustee
9 Sam Bernal, Trustee (absent)
10 Linda L. Flores, Trustee

11
12 **STAFF:** Nick Eckert, Town Clerk/Treasurer
13 Jeff Gray, Marshal
14 Kevin Hoban, Fire Chief
15 Debbie Lujan, Public Works Director
16 Gloria Maya, Recorder

17
18 **PUBLIC:** Larry C. Perez John Sullivan
19 Kim Seifert Ashleigh Curry
20
21

22 **OPENING CEREMONIES**

23
24 A. Pledge of Allegiance

25
26 Mayor Barraza led the Pledge of Allegiance.
27

28 B. Proclamation: "International Walk and Roll to School Day"

29
30 Ms. Ashley Curry read the proclamation making October 5th "International Walk and Roll to
31 School Day" in Mesilla, New Mexico.
32

33 Mayor Barraza asked how the "Walk and Roll" is going in Mesilla.
34

35 Ms. Curry responded it is going well and invited everyone to participate.
36

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

38
39 **Roll Call.**

40 **Present:** Mayor Barraza, Mayor Pro Tem Caro, Trustee Arzabal, Trustee Flores.
41

42 **CHANGES TO THE AGENDA**

43
44 Mayor Barraza indicated she was adding a presentation by Deputy Hervol on car seats and seat belts safety.
45

46 **Motion:** To approve the agenda as amended, **Moved by** Trustee Arzabal, **Seconded by** Mayor Pro Tem
47 Caro.
48

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

50 **Yes:** Mayor Pro Tem Caro, Trustee Arzabal, Trustee Flores.
51

1 **ACCEPTANCE OF THE CONSENT AGENDA**

2
3 **Motion:** To approve the consent agenda, **Moved by** Trustee Flores, **Seconded by** Trustee Arzabal.

4
5 **Vote:** Motion passed, (**summary:** Yes =3).

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

7
8 **BOT MINUTES:**

9 1. Regular Meeting 9-12-11 *Approved by consent agenda*

10
11 **PZHAC BUSINESS:**

12 1. Case 011094; 2489 Calle Principal, Jorge Puentes, sign permit for Silver Studio 925. Zone: HC.

13 *Approved by consent agenda*

14
15 **NEW BUSINESS:**

16 2. First Reading: Amendments to the Historic Preservation ordinance (18.33) as proposed by Frank
17 Gilbert/HP Committee and approved by SHPO. *Nick Eckert, Town Clerk.*

18
19 Mr. Nick Eckert stated the Historical Preservation committee consisted of Trustee Arzabal, Mr. Sullivan,
20 and Ms. Gentile and himself working in tandem with Mr. Frank Gilbert. Mr. Gilbert prepared a draft which
21 was reviewed by SHPO. SHPO had a comment regarding interior/exterior storm windows and the change
22 was incorporated into the document by Mr. Gilbert.

23
24 Ms. Gina Gentile reviewed the items that were changed/added in the ordinance.

25
26 Trustee Flores stated she is concerned with landmarks that do not follow or fit them mold not being
27 addressed. She emailed Mr. Gilbert and he suggested that we add it in an applicability section; 18.330.20
28 A.

29
30 Mayor Barraza read the section which was being referred to.

31
32 Ms. Gentile recommended adding an item C.

33
34 Trustee Flores stated there needs to be a definition of landmarks.

35
36 Ms. Gentile responded the definition is already in the ordinance.

37
38 Mayor Barraza asked how "C" would be worded.

39
40 Ms. Gentile responded "any property that is designated as a landmark that is located outside of a historic
41 district or zone."

42
43 Mayor Barraza asked if there are any landmarks designated.

44
45 Ms. Gentile responded not at this time. Trustee Flores was thinking of this for the future since there are
46 several that are in the RF Zone that are historical but are not regulated since they are not in the Historical
47 Zone. Those could be designated as landmarks and the ordinance would already be in place.

48
49 Mayor Barraza asked if the property owners would be the ones to ask for that designation.

50
51 Ms. Gentile responded the property owner, the Board of Trustees, or the Planning and Zoning Commission
52 can make that request but it will be the Planning and Zoning that will do the study and research.

53
54 Mayor Pro Tem Caro asked if the new ordinance will take away the Planning and Zoning the ability to be
55 able to do an interior review referred to Mr. Pat Taylor's comments. There are several walls in adobe

1 buildings that will take away the structural stability. We need to insure that retaining walls are not
2 removed.

3
4 Mayor Barraza stated she has an issue with that. We went through this with the church case; the doorway
5 did not want to be permitted. She thinks it needs to be looked at and address another way. If the wall can
6 be stabilized they should be allowed to do something with the interior.

7
8 Mayor Pro Tem Caro responded he feels the Planning and Zoning should be allowed to make a
9 determination on interior walls. We don't have to be strict but have the opportunity to make an assessment.

10
11 Trustee Arzabal reviewed the process that was followed for this ordinance. The expert recommended
12 waiving the interior section. Mr. Gilbert has responded to all the concerns that were brought to him.

13
14 Trustee Flores indicated she did receive a response from Mr. Gilbert.

15
16 Mr. Eckert stated that when this started the Planning and Zoning and the trustees had a worksession to see
17 what sections would be pertinent for reviewed. It was discussed that areas of contention were demolition,
18 interior and timeline associated with review of cases. All ideas were taken into consideration and at that
19 point he provided feedback. He recommended removing the interior component since it is not a standard
20 component in any Historic Preservation.

21
22 Mayor Barraza stated the interior on residential does not matter and for commercial it does matter.

23
24 Trustee Flores responded state statute does not give the town the ability to regulate the interior. They
25 cannot alter the interior to affect the exterior. Inaudible (17.42)

26
27 Mr. Eckert indicated if the structural integrity is being compromised by interior work the Planning and
28 Zoning has the right to deny approval of the plans.

29
30 Trustee Flores inaudible (18:50)

31
32 Mr. Gentile stated commercial properties must have an engineer or architect certify the plans. They will
33 not put their seals on plans if they are not certain that it is structural sound.

34
35 Trustee Flores responded there could be a problem is someone one tries to go around the law by making
36 changes as a residential and then changing it to commercial. We changed it to read that it is the property
37 owner's responsibility to maintain the interior to protect the exterior structure does not matter whether it is
38 residential or commercial.

39
40 Mayor Barraza asked if the board agrees with Trustee Flores's recommendation to add 18.33.020 C.

41
42 Trustee Arzabal stated Trustee Flores had questions that were answered by Mr. Gilbert.

43
44 Mayor Barraza recommended giving everyone the opportunity to review the ordinance and the questions
45 with the response from Mr. Gilbert.

46
47 Mr. Eckert responded we were awarded an extension to the first meeting in October so this will need to be
48 approved at the next meeting.

49
50 Trustee Flores stated she had wanted to share her concerns with the other trustees but did not feel it was
51 appropriate to share something since it could affect the Open Meeting Act.

52
53 Mayor Barraza stated she is not offended.

54
55 Trustee Flores inaudible (23:22)

56

1 Mayor Barraza indicated there could be a worksession to review everything and have the opportunity to
2 have discussion.
3
4 Mr. Eckert indicated Trustee Flores’s questions are not that complicated some deal with the landmark
5 designation and the other ones have been answered and do not have to be clarified. Trustee Flores asked
6 Mr. Gilbert to add the landmark designation and will clarify what she is asking for.
7
8 Trustee Arzabal stated he feels a worksession will give everyone the opportunity to read and have any
9 questions answered. The packet included the ordinance with the changes in red.
10
11 Mr. Eckert stated that is why he sends out the packet.
12
13 Trustee Flores stated she feels it would protect the town. State Statue does not give us specific powers to
14 regulate interiors; changing the “it” to exterior of the property will make it clear what we want.
15
16 Mayor Barraza read the section she is concerned with. There are a lot of the elderly that live in the historic
17 district and cannot afford to hire an adobe professional. They do they best with what they have. Not
18 everyone has they money to fix adobe; that is the way Mesilla is.
19
20 Trustee Flores indicated there is section that financial needs are considered.
21
22 Mayor Pro Tem Caro inaudible (27:20)
23
24 Mayor Barraza responded it was the wall that collapsed. She is concerned with the residents that cannot
25 afford to repair the adobe that is there. The ordinance reads “every person.....”. Reiterated the residents
26 cannot afford to do that, they will do minor repairs with a temporary fix.
27
28 Trustee Arzabal reiterated a worksession would be the way to go with this to answer questions.
29
30 Mayor Barraza stated she agrees with Trustee Arzabal and would like to hear what the board has to say.
31
32 Trustee Arzabal indicated Mr. Gilbert’s turnaround time is very fast. Everyone can read and bring to the
33 table their concerns, questions and recommendations.
34
35 Mayor Barraza scheduled a worksession for September 30th at 8:30 a.m. to discuss the historical
36 preservation ordinance.
37
38 Ms. Gentile reviewed the other additions and deletions.
39
40 Mayor Barraza asked everyone to reread the Historical Preservation Ordinance that is being proposed and
41 to bring to the table any concerns or recommendations. SHPO has looked it over and has given it their
42 stamp of approval.
43
44 Mr. John Sullivan stated the Planning and Zoning has not been formally involved in the review. He has
45 seen the ordinance being part of the committee. Asked if the Planning and Zoning commission will have
46 an oppportunity to review the ordinance before it is approved.
47
48 Mayor Barraza responded the commission can request a copy from Ms. Gentile and if they have any
49 questions or concerns they may be submitted to Ms. Gentile.
50
51 Trustee Flores asked if the Planning and Zoning could attend the worksession.
52
53 Trustee Arzabal responded he had the opportunity to share the ordinance with the Board of Trustees as well
54 as Mr. Sullivan had the opportunity to share the ordinance with the commission. He asked that if the
55 Planning and Zoning has any thing to add to give it to Mr. Sullivan.
56

1 Mayor Barraza indicated Mr. Sullivan is the Planning and Zoning chairperson and can compile the
2 commissions input which he can bring to the worksession.

3
4 Trustee Arzabal asked Ms. Gentile to email the ordinance tomorrow to the Planning and Zoning so they can
5 forward any comments or questions to Mr. Sullivan by Thursday.

6
7 Mr. Kim Seifert stated he would like to make them aware of the legal ramifications of having a first;
8 making changes and then having a second reading of a changed document that was never given a first
9 reading. He suggests we may be running foul of a legal aspect of what we do here as a town government.

10
11 Mayor Barraza responded she will ask Mr. Eckert to contact the New Mexico Municipal League (NMML)
12 attorneys regarding this concern.

13
14 Mr. Seifert asked if the response from the NMML will be published to the town, we are concerned citizens.

15
16 Mayor Barraza responded we cannot afford to post it in the paper.

17
18 Mr. Seifert asked that it be sent to the appropriate parties.

19
20 Mayor Barraza asked Mr. Eckert and Ms. Gentile to contact NMML attorneys regarding this concern and
21 forward their response to the appropriate parties. The proposed Historic Preservation ordinance should be
22 sent out to the Planning and Zoning commission by 11:00 a.m. Tuesday morning.

23
24 3. For approval: a Memorandum of Understanding between the Regents of New Mexico State University
25 (NMSU) on behalf of Dona Ana Community College (DACC) and the Town of Mesilla Fire
26 Department for firefighter training at the Public Safety Building. *Kevin Hoban, Fire Chief.*

27
28 Fire Chief Hoban stated this Memorandum of Understanding will allow us to conduct Firefighter I classes.
29 The advantage for the DACC is having the opportunity to have an off-site training. This also gives us the
30 opportunity to interact with DACC and it provides our firefighters with exposure to the training process.
31 Our staff will be overseeing the training due to liability and safety reasons.

32
33 Mayor Barraza stated the Public Safety building staff has worked very hard in setting up the training room
34 and encouraged the trustees to visit the facility. She is a believer in working together with our neighbors.

35
36 Mayor Pro Tem Caro asked how often this will be done and what about the wear and tear on our facility.
37 New Mexico State has more money and facilities than the Town of Mesilla. Asked what the impact will be
38 on the utility part.

39
40 Fire Chief Hoban responded it will have a very little impact since we are already having training in the
41 building. It is important that we use the vehicles in training so if something goes wrong it will not happen
42 during an actual call. Our firefighters will have the opportunity to have on hand training during these
43 sessions. That training is a credit to us for our ISO when we participate in training with DACC. He sees
44 only a positive impact on the department.

45
46 Mayor Pro Tem Caro inaudible (45:50)

47
48 **Motion:** To approve a Memorandum of Understanding between the Regents of New Mexico State
49 University (NMSU) on behalf of Dona Ana Community College (DACC) and the town of Mesilla Fire
50 Department for firefighter training at the Public Safety Building, **Moved by** Trustee Arzabal, **Seconded by**
51 Trustee Flores.

52
53 Mayor Barraza stated we are having the safety classes in the training room and sees it as a win/win
54 situation.

55
56 Fire Chief Hoban indicated one of our firefighters is going to be a trainer.

1 Mayor Barraza indicated she likes the collaboration between entities; it builds a bond and looks forward to
2 it. It will be a great opportunity for the town of Mesilla.

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

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

6
7 5. Finance Department budget update. *Nick Eckert, Town Clerk-Treasurer*

8
9 Mr. Eckert gave a budget update. We have received DFA final budget approval.

10
11 Mayor Pro Tem Caro inaudible (53:08) this was one of the better fiestas we have had. It was
12 very successful.

13
14 Mayor Barraza stated we did incur additional costs so she is going to transfer into Ms.
15 Echavarria's budget. She wanted to make this a special fiesta. In the long run it was worth the
16 extras that we put into it. There were a lot of positive comments from the community. By mid
17 year her budget will balance itself out.

18
19 Mayor Pro Tem Caro stated he has been asked by the community to bring back the queens.

20
21 Mayor Barraza responded our next goal is to bring back the queens which will generate revenue.

22
23 Mayor Pro Tem Caro stated along with the queens come the families. The parade was also great.

24
25 Mayor Barraza responded a lot of hard work went into the fiesta and parade. The report looks
26 good and we are on track.

27
28 Mr. Eckert stated he hopes the Gross Receipt Taxes will get back on track.

29
30 6. Car seat and seat belt safety classes presentation. *Nick Hervol, Town of Mesilla Deputy*

31
32 Deputy Hervol gave a presentation of the Occupant Protection Education Program (OPEP). The
33 mayor asked if there was a program that would teach our residents and residents of surrounding
34 areas seatbelt and car seat safety. He has contacted all the court clerks in the area and has found
35 that there is a need. If a person is found guilty they may take the penalty assessment class. We
36 are making our streets safer.

37
38 Mayor Barraza indicated she is so happy with this program; her feeling is that we need to start
39 educating these people that are receiving citations. She wants to take a proactive approach. Her
40 feeling is if you can save one person's life it is all worth it; you cannot put a price tag on a
41 person's life.

42
43 Deputy Hervol stated every state in the nation has a seat belt law. We can make a huge impact by
44 giving a citation. Don't look at a citation as a negative impact; they are leaving our jurisdiction
45 safer than when they came in.

46
47 Trustee Flores asked if the presentations can be taken to the schools.

48
49 Deputy Hervol responded it is geared more for the caregiver but he is looking at getting
50 something geared for the children.

51

1 Mayor Pro Tem Caro stated kids pick up on everything.

2
3 Mayor Barraza asked Deputy Hervol to come back with a report on how the classes are going.

4
5 **PUBLIC COMMENTS:**

6
7 No public comments

8
9 **BOARD OF TRUSTEES COMMENTS:**

10
11 Mayor Pro Tem Caro stated the easements on the sidewalks are a liability. He is willing to go a block at a
12 time to check for infractions. We are not asking the resident to remove porches, etc.; we are asking them to
13 leave a sidewalk. We can give them until next summer to take care of the problem. He will ask Ms.
14 Gentile to look into some of his concerns. Reiterated a big congratulation on the fiesta success.

15
16 Mayor Barraza reminded everyone Mariachi Sundays have begun and take place until the 1st weekend in
17 November; Jazz Happening this weekend on the plaza. She attended the Planning and Zoning Conference
18 in Taos and is thinking of making it a mandatory training. Ms. Echavarria will give a report on the 16 de
19 Septiembre fiesta at the next meeting since she is still receiving bills; everyone worked very hard. Her goal
20 is to keep our cultural and history alive in Mesilla. She is hoping to get the younger generation motivated,
21 show interest in the community so they can continue the traditions of the Town of Mesilla.

22
23 Mayor Pro Tem Caro inaudible (1:21)

24
25 Mayor Barraza responded this is where the easement issue comes into play. Since the easement belongs to
26 the town a “No Parking Sign” cannot be placed in front of their house; a “Do Not Block Driveway” can be
27 placed in front of their driveway.

28
29 **ADJOURNMENT**

30
31
32 **Motion:** To adjourn, Moved **by** Trustee Arzabal, **Seconded by** Mayor Pro Tem Caro.

33
34 **Vote:** Motion passed, (**summary:** Yes = 3).

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

36
37 **MEETING ADJOURNED AT 7:35 P.M.**

38
39
40
41 **APPROVED THIS 10TH DAY OF OCTOBER, 2011.**

42
43
44
45
46 _____
47 Nora L. Barraza
48 Mayor

49 **ATTEST:**

50
51
52
53 _____
54 Nicholas Eckert
55 Town Clerk/Treasurer

