

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., DONALD E. CARROLL COMMISSION CHAMBERS
April 25, 2023**

**SUSAN PAYNE, MAYOR
SHARON McDONALD, COMMISSIONER
JOSH RARDIN, COMMISSIONER
STEPHEN BURNETT, COMMISSIONER
NICHOLAS PAUL, COMMISSIONER**

**DUSTY WRIGHT, MAYOR PRO-TEM
KARL MELTON, COMMISSIONER
STEPHANIE HERNANDEZ, ASSISTANT CITY MANAGER
ASHLEY SMITH, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

CALL TO ORDER / ROLL CALL / INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Payne called the meeting to order at 6:30 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present. Invocation was given by Pastor Joe Bryant and the Pledge of Allegiance was led by Commissioner Stephen Burnett.

APPROVAL OF AGENDA

Commissioner Burnett moved to approve the agenda.
Commissioner Melton seconded the motion.
Motion carried with a vote of 7-0-0.

PRESENTATIONS

1. Presentation of the NMDOT District State Transportation Improvement Program. (Francisco Sanchez, PE., NMDOT-D2 District Engineer)

District Engineer Sanchez gave his presentation.

Commissioner Rardin asked if NMDOT takes the severity of accidents into account. There may only be nine accidents, but we have had two fatalities at the intersection of US 54/70 Relief Route and W. 1st/Alamogordo Drive. About a month ago, there was another accident at that intersection; he said he drove through there daily, and there were a lot of accidents. People go sixty-five miles per hour when the speed limit is fifty-five. When you go east and west across there, there is a lot of confusion. District Engineer Sanchez said there are two things regarding any intersection. Putting in a four-way stop, or signal does not necessarily make it safer. The criteria are crashes that are preventable by traffic signals. Severity is not a part of the warrant analysis, but it is something that NMDOT is now taking into account through safety modeling, so they can see which intersections are the most unsafe. Commissioner Rardin said this one is up there. District Engineer Sanchez said no, not even close. We have the data that shows these accidents. We will do an in-depth analysis, but what we are seeing is just not meeting the criteria. Commissioner Rardin said they started the design and had the funding in place when they warranted this around three to four years ago. It was supposed to start in January of this year. You guys already have the design done, correct? District Engineer Sanchez said yes. Commissioner Rardin continued that we had already wasted most of the money designing it, and now we will just put it on the back burner. District Engineer Sanchez said he would not say waste because there are improvements there. The future may show that it is needed. Commissioner Rardin said they would be obsolete by then, and we would have to redesign it. District Engineer Sanchez said no; you have to keep in mind that design cost is minimal compared to construction cost. The design for the plans was made internally, so the cost is significantly less than if we did it through a consultant. When we design something, it is six to twelve percent of the cost. The signal estimate was \$2,500,000, so the design cost by consulting would be \$120,000, and doing it internally by the Department was much less. District Engineer Sanchez said back to the severity, we are modeling all intersections because

there may be a fatality there, but does it necessarily mean that it is a more dangerous intersection than one with many accidents? Sometimes we have intersections with many minor accidents. People want us to focus on this intersection, but severity is key to determining which intersections need improvement. We have seven thousand miles in Southeast New Mexico, maybe ten thousand intersections. We modeled every intersection in District 2. He said they are focusing on the top ten for improvement, and this was not in there. We will continue to work with the City; provide us with crash data. Commissioner Rardin said that about a year ago, there was an accident with a first responder from the fire station down the road. He got hit so hard that his engine block flew down the road and landed in the desert. District Engineer Sanchez said that it was unfortunate. All rates across the State are up, such as mortality and accidents. If you look at the factors behind them, ninety percent are due to inattention to speed or intoxication. It is rare when an accident is due to the design of the highway or the lack of a signal there.

Commissioner Rardin asked how you decide to split up the money that everyone gets. From the presentation, Curry County got \$21,000,000, and Otero County got \$1,600,000. In 2019, US 285 got \$42,000,000, but Otero County got \$738,000. District Engineer Sanchez said that every year, they are required to put a list of priorities. Based on those priorities, the legislature's transportation and finance committees look and decide which projects get funded with input. He said he could not lobby them himself; only the NMDOT Secretary could lobby. The Secretary takes priority projects, sits down with transportation committees, and that is what is written in House bills. The strength of the community is coming together, presenting at a legislative committee, and going to the legislature; that is where you see a lot of this.

Commissioner Rardin said our bypass is horrible in certain areas. White Sands Boulevard needs to be milled and filled again. It has been at least fifteen years since it was done. District Engineer Sanchez said that this presentation did not necessarily show the priorities he wanted to discuss. The bypass is an area we are aware of, and it will be entered in the stip; we submitted the paperwork. It will go in the six-year planning year. Once it goes into the planning year, we can develop the project. Once the project is completed with a set of plans, it is ready to go out to construction. We can put it on a list, and it will be eligible for legislative funding to fast-track it. If it was not funded through the legislature, it would eventually get into our four-year program. Commissioner Rardin said if we get our State Reps and Senators to start pounding on the DOT, we may get a little of that money. District Engineer Sanchez said yes. He said they addressed the bridge on White Sands and did complete some work. Commissioner Rardin said they fixed the north one, not the south one. The south one was raised, but it is still horrible. District Engineer Sanchez said it is a challenge where they keep going in there and fixing it. If you were to replace it, you are looking at five to seven million. On our evaluation, the bridge is solid and works, but it is a tough decision. Commissioner Rardin said it is not the bridge sinking; it is the piece between the two bridges. District Engineer Sanchez said the replacement cost and cost-benefit of keeping it serviceable are tough when you are only given \$30,000,000 a year for seven thousand miles and five hundred bridges.

Commissioner Rardin asked how often NMDOT reevaluated for traffic lights; would it be a request of the City? District Engineer Sanchez said generally it is a requested procedure, and they review it. They put a percentage of growth into their traffic studies, so they would know when it may be coming up and crossing a threshold. Three percent growth is the general annual growth for traffic volumes; that signal would not warrant it for a while. However, if you see development out there and the City wants us to review it, we are more than welcome to take counts and reevaluate it. Commissioner Rardin asked when the counts in the presentation were taken. District Engineer Sanchez said the whole report shows 2019 and 2022. For 2022, the numbers were smaller than in 2019. The only reason they were was because all those right turns were not counted because they were not affecting the delay at the intersection.

Mayor Payne said the only thing that made her uncomfortable in the presentation was the question of what a life is worth. She said they could only go on the data they had, but she wondered how many near-misses they had out there. Obviously, they would have no idea. Commissioner Rardin said it was daily. Mayor Payne said she felt like they were saying that if they had more people killed or permanently injured, then they would revisit it. District Engineer Sanchez said the tough part is that there is no way to quantify near misses. Unfortunately, the reality is that people die on roads. He said a goal they are trying to reach is no fatalities on the highway, but the reality is it is what is going to happen. Every accident has risks. We try to mitigate risk by looking at all the factors. The new modeling tries to quantify near misses and rates intersection potential for crashes, fatalities, and safety issues. The best we can do is get as much data as possible, get feedback from the community, and try to evaluate fairly for all communities to make all intersections safe. It is a tough job to choose which intersections need to be done; the best way is data driven. With limited funds, we need to do our best to evaluate and try to pick the most severe intersections. That is the best way to keep as many people as safe as possible.

Commissioner Rardin said that when you did your check with DPS on the number of accidents at that intersection, do they always respond to those, or does the Sheriff's Office? Some may be logged through the Sheriff's Office instead of DPS, or the State Police. Maybe we are not getting a clear picture. District Engineer Sanchez said that by statutory requirement, all law enforcement is supposed to send their rates to NMDOT. We have a contract with UNM that collects all the reports from law enforcement. It takes into account all the agencies that work in this area. Does that mean they are submitting them, though? For the most part, the State Police are good, and most Sheriff's Departments are good. Still, some local municipalities and smaller Sheriff's Departments do not submit all the accidents. Commissioner Rardin said you just went through your database; you did not contact our dispatcher or Department to pull what they had on their records. District Engineer Sanchez said they went through our database because, in theory, every law enforcement should have submitted every crash for that intersection. The only correspondence we verify is through the City of Alamogordo, with nine accidents at that intersection in the last five years. Commissioner Rardin said there are more than nine; there are nine a year. District Engineer Sanchez said the data does not reflect that. If the data does not reflect that, how can a department pursue a project there? If the criteria are met, he would be on it to deliver that project. Commissioner Rardin said the sad part is that they told us they would do it; we got it designed and thought it was in the works. Then we started asking questions and were told no, that the project was pulled, and they were not going to do it anymore. He said that part disturbed him. They were told it was going to be done, and he had emails showing that it would be done. He said he agreed with the Mayor about how many lives would be lost before the \$2,000,000 was spent to get the light in. District Engineer Sanchez said every critical intersection is important in every community, and they tried their best to address as many as possible. Mayor Payne said she was uncomfortable taking that bypass and was sure others felt the same way.

PUBLIC COMMENT

Dan Flores said he has property on 701 Cuba Avenue. He recently sold his house and will start building another house. He has five dogs and is having trouble finding an RV park where he can park. It is pretty crowded. The property he has is gated. His kids are 2, 5, and 12 years old. He is asking permission to keep his RV there until he completes his home. He said he felt like the place he was at was safe for his family and pets. He asked who he would talk to. Mayor Payne said he could get with staff. Mr. Flores said he had been bounced from department to department. He said he just wants permission to stay on his RV on his property. Mayor Payne said this was not an action item, so the Commission could not give that. City Manager Cesar said the City Planner would take his information and get back to him.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

1. He said regarding the fire that started at the landfill on April 19, as of today, it still has the subsurface fire. It is just venting at this time. At the beginning of the fire, the first thing was to protect the staff. Next, they looked at the liner and leachate field beneath the liner to protect them.
2. The annual meeting for the Landfill Board was canceled. It will be rescheduled.
3. The budget hearings will start on Monday, May 1, 2023, at 5:30 PM.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner McDonald made the following comments:

She participated in the Keep Alamogordo Beautiful cleanup from eight o'clock to ten on Saturday, April 22, 2023. The cleanup was on the 54/70 Bypass. There were approximately eighty-five to one hundred participants out on the road. The cleanup this year was not as bad as last year. She said she thought having more cleanups in a year helped.

She talked to the Dudley School's Project Manager, Joe Lewandowsky. According to him, all of the repairs have been awarded. She said they would like to have some of the stories about the Dudley School when it was open. The Historical Society has a person who takes statements and family history. They can also come to your home, if necessary, but an appointment must be arranged. The anticipated date of completion for Dudley School I is July 30th. The anticipated two-day celebration date for the project will be the weekend of August 18th through 19th.

Alamogordo District 5 will have its cleanup on July 15th. It will be at seven in the morning and end at about twelve. We have a bin outside given to us by the City to collect trash. This trash includes washers, dryers, and furniture. If you are cleaning up your yard and need a place to dispose of it, that can go in that bin. If you have something from the other districts, we will not prevent anyone from coming. There will be no shredding; we no longer have that service in town.

Mayor Payne made the following comments:

She said the National Day of Prayer is May 4th at the Civic Center. Lunch will be provided, and there is a \$6 suggested donation.

The Commission for the Blind built apartments for residents. NMSBVI is for younger kids that are visually impaired; they stay on campus and go to school. The Commission for the Blind is more for adults and is about training, but they did not have onsite apartments. If you were visually impaired and had children, you could not bring your children, so you could not get those services. Now with these apartments, they will be able to do that.

CONSENT AGENDA

2. Approve the minutes for the April 11, 2023, Regular Commission meeting. (Rachel Hughs, City Clerk)
3. Approve the statements related to the Executive Closed Session held on April 11, 2023. (Rachel Hughs, City Clerk)
4. Consider, and act upon, approving grant funding from THRIVE of Southern New Mexico for the Alamo Senior Center's Home-delivered Meals program for FY 24, the total amount budgeted

is \$19,312.20. (Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)

5. Consider, and act upon, award of Public Works Bid No. 2023-001 to Rock Canyon Construction LLC related to the Rehab Indian Wells Walking Path project in an amount not to exceed \$92,017.62 (Bob Johnson, Engineering Manager)

6. Consider, and act upon, Ordinance 1675 Case Z-2023-0002(A) for adoption and final publication of a map amendment to change the current zoning of C-3 Business to M-1 Light Industrial, the property location is 6061/2 US Hwy 70 West. (Stella Rael, City Planner) (Roll Call vote Required)

7. Consider, and act upon, the receipt of a State grant contract to fund the Senior Companion Program (SCP) and the Foster Grandparent Program (FGP) for FY24. The total amount budgeted is \$69,782.50 for SCP and \$69,525.00 for FGP. (Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)

Commissioner McDonald moved to approve the Consent Agenda.

Mayor Pro-Tem Wright seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 7-0-0.

NEW BUSINESS

8. Consider, and act upon, Case V-2023-0002(A), Property owner Nicholas Ply is requesting to reduce the rear yard setback from 24' to 20' to accommodate the construction of new multi-family housing. (Sean McGranaghan, Assistant City Planner)

Assistant City Planner McGranaghan presented the case. He said they sent out ten letters to all owners within two hundred feet of the property; zero letters were returned, and there were no phone calls of opposition. No letters were returned as undeliverable. Staff recommends approval of the variance.

Commissioner Rardin asked if we knew the rear setbacks on 109 and 111? Assistant City Planner McGranaghan said he was not sure. Commissioner Rardin asked if we knew if they met the specs. Assistant City Planner McGranaghan said he assumed it is not meeting the twenty percent. Commissioner Rardin said he wondered if this would not look too out of place if we approved it. Assistant City Planner McGranaghan said yes.

Mayor Payne asked where this was. Assistant City Planner McGranaghan said it is north of 1st Street and technically North Scenic.

Commission Melton moved to approve.

Commissioner Burnett seconded the motion.

Motion carried with a vote of 7-0-0.

9. Consider, and act upon, Ordinance 1676, Z-2023-0003(A) for first publication, a map amendment to change the current zoning of the property located at 1209 Ohio Avenue from R-3 Two Family Dwelling District, to R-4 Multi-family Dwelling District. (Sean McGranaghan, Assistant City Planner) (Roll Call Vote Required)

Public Comment:

Linda deFrance said she has property directly across from 1209 Ohio. It is the first and last thing she sees every day. When the property changed hands to Propvine Holdings, the yard was never upkeep. It is a dirty eyesore with garbage that blows into our yards. When we received a letter from the City saying the property could be rezoned, we all got together and made a petition. We got every single resident within the map to sign it. We are against this because we want to keep our historic neighborhood a residential neighborhood. Changing the zoning opens possibilities for what could be built there. Even if Propvine sells this, that door remains open. It could be turned into many things that do not include a family living there.

Gary Linde said he owns 1200 Ohio, a prominent historic home. It is zoned R-4. In the forty-three years they have had it, they only used it as a personal residence. He said they filed the paperwork with the Planning and Zoning Department to change the zoning on their property from R-4 to R-3. This shows their commitment to preserving the neighborhood as best they could. He said that he and his wife do not favor the rezoning at 1209 Ohio.

Angie Schneider said she is a homeowner and resident in the 1200 block of Ohio Avenue. She is here to urge them to deny this rezoning request. She echoes the sentiments of her neighbors, homeowners, and the petition. She said she submitted a letter and hoped the Commission had read through that. She said when she called the City, she was told the zoning request would be supported by Planning and Zoning. That made no sense, so she asked what the criteria was and was told it was based on other R-4 zoned properties in the area. She said from what she could tell, there are two. One belongs to Gary Linde, who is seeking to change the zoning, and the other across the street is currently being renovated to be used as a single residence. She said it is spot zoning; no other areas in our block are R-4 zoned except those two properties. She said it was perplexing that the decision was already made to support this. She said that we do not know who bought the property, but the rest of us have a community there, and we care about each other. It is our home. We all see beauty and possibility in that historic downtown area, which should be promoted. If this rezoning is allowed, it does not matter what the person says they will do with it. They are there to make a quick dollar, evident by the website and the lack of concern and care for the property this entire time they have owned it. When the property is sold, they are stuck with that litany of purposes for which it can be used under R-4 zoning. It does not belong in our neighborhood.

William Green said their house is adjacent to the old Rousseau Hospital, which is the actual title of the property at 1209 Ohio. We own the Henderson residence. When we purchased our house, we were informed it was built in 1930. He said he spoke to the Tularosa Basin History Museum and was given extensive information about all the houses in the neighborhood. There was a PhD survey done for the historic properties throughout that neighborhood. He was given both anecdotal and physical information. It is not just referred to as the historical neighborhood; it is The Historical Neighborhood. The museum provided a map of all the significant properties in the area, their architectural styles, and the names of the original owners of the houses. If the house had a name, that is how it is referred to. It was first built as a private home and only converted to a hospital after Dr. Gilbert moved to the area. It was named after his nurse, not the doctor. He said he submitted articles and photos with the letter he submitted. He said when he spoke to the New Mexico Historical Preservation Society, he was told there is a certified local government program, and that Alamogordo is not enrolled in it. They deal with Alamogordo MainStreet, but he said he believed there are many properties in Alamogordo that need preservation and protection. He said he would encourage the City to look into enrolling in the certified local government. He said the individual that passed away, Ronald Welch, is the signature we could not get out of Massachusetts. He said he also reached out to Daniel Quijano, who is the owner/investor of the Rousseau Hospital.

Assistant City Planner McGranaghan presented the case. He said they sent twenty-four letters to surrounding property owners within two hundred feet. One letter was returned undeliverable. He said he spoke with three residents who were in opposition, and they received three letters of opposition, plus a petition with thirty-six signatures. He said that City Planner Rael met with more residents. He said they recommended approval; they looked at the zoning of surrounding properties to make that recommendation.

Commissioner Rardin said if they do rezone to R-4, what are the plans, what will be built? Assistant City Planner McGranaghan said Mr. Quijano is planning for multi-family housing but does not know the specifics. Commissioner Rardin asked if they would demolish the existing structure; Mr. Quijano and Assistant City Planner McGranaghan said no. Mr. Quijano said Propvine is his company. He said he spoke to William Green, and Mr. Green was the only person who reached out to him with concern. He said he put the offer out there that he was willing to speak to any of the neighbors who expressed concern, so they could talk with him about their plans and what they would like to have done. He was advised that nobody wanted to speak to him. The neighborhood feel, so clearly represented, was not extended to him. He said his concern was that he was not privy to the grass and sprinklers when he got the property. He inherited a vacant house and was told it needed about \$80,000 to \$100,000 in renovations. According to the person he spoke to today who helped map out this request, we are now closer to \$300,000 to \$400,000. He said the front-left-hand side of the house is borderline collapsing. The rebar on the inside is holding it together with screwed-in two-by-fours. He said he understood the love for the neighborhood, but this, as it is, is not an appropriate representation of the neighborhood that was just described. According to the seller, it is a historic property that no one wanted to buy. He said there were conversations with the neighbors, and none of those opportunities were taken advantage of, so he did it himself. Unfortunately, he said he was not given the best information. The nature of his business is that he does not get to travel to all the locations where they consider houses. This is a tougher situation than he had hoped, but that happens, and that is his responsibility. He was left with an extremely expensive house to fix, and nobody in the neighborhood wanted to take that on. Now it is his responsibility to do something about that. Unfortunately, money is limited, so he has to be intentional and responsible with approaching this property. One of those things is consideration of the neighbors and the historic nature of the property. He said his intent is not to demolish the existing structure. There is value in that, and it needs to be respected, but it also needs to be treated financially responsibly. He said he has to plan how to cover the expenses and the hundreds of thousands of dollars of rehab he was not planning for. Based on what they have seen, and the research done, the only thing that seems possible is R-4 zoning, which we felt was worth doing because dozens of properties neighboring this house reflect the same zoning.

Mayor Payne asked Mr. Quijano what he would do with the property. Mr. Quijano said they are considering keeping the existing structure intact because of its historic nature. He said they could potentially convert it into a fourplex within the existing structure and leverage that. He said he was former military and was told by military friends that there is a housing shortage in Alamogordo, so his thoughts were how he could serve that obvious need in the community while respecting the neighborhood.

Mayor Payne asked how long he had owned the property. Mr. Quijano said he took it over in either August or September of last year. Mayor Payne said you inherited it. Did you mean you bought it? Mr. Quijano said he bought it. Mayor Payne said that if we agreed to an R-4 zoning, could we put a condition where it could only be used as a residence, or residential dwelling, of some sort? She said that if Mr. Quijano is going to turn that into a fourplex, she hated to say it, but we desperately need that in Alamogordo. It would be irresponsible to at least not consider that. However, she also understood where the neighbors were coming from. Is there some compromise they could make where everybody is satisfied? She said she was told that it was possible to put a condition on it.

Commissioner Burnett asked Mr. Quijano if he had any other plans other than residential. Mr. Quijano said no, but there have been ideas presented to him. He said there is a decent amount of land on the property, so it was suggested that we keep the existing house, turn it into a three or fourplex, and then put some tiny homes there so there is more room for housing in the neighborhood. It was also suggested to turn it into a community garden. He has heard many ideas. Mayor Payne said please do not put tiny homes on it. He said the one that makes the most sense, which is why he is standing here.

Commissioner Rardin asked if Mr. Quijano had artist renderings of the quadplex. Mr. Quijano said they just had floor plan renderings at this point. Commissioner Rardin said he is all for property rights, but this petition has thirty-six signatures. He could not support this until Mr. Quijano and the residents sat down and talked to each other. Maybe once Mr. Quijano explained what he would do, the residents would feel more comfortable supporting it.

Mayor Payne asked if the neighbors present had communicated what they wanted to see done to the property. She wanted to know if it was all or nothing or what they would be willing to accept. She asked one of them to come up and speak to that because we must understand what they are asking. What would you like to see done with it? Mr. Linde said they felt it would be fantastic as a two-family, divide it in two, and improve the property. Stay as R-3. As far as he knew, we would welcome you regarding the people that signed that petition. Mayor Payne said he would be okay with a duplex, not a fourplex. Mr. Linde said if it stayed as an R-3 and two family, rather than multi, nobody would have any objection whatsoever. Commissioner Paul said it was not anybody else's decision regarding what a property owner does. He would say that he follows what Commissioner Rardin is saying. Until we know what this property will look like, the slew of things that fall under R-4 zoning opens it up to a ton of different stuff. Whether Mr. Quijano holds it for years or turns around and decides to sell, it just opens a lot of stuff. He said he is not going to vote in favor of approving that. Mayor Payne said it is going to be very limited. If we vote no on this, it limits him to what he can do. She said she agreed with Commissioner Paul. Mr. Quijano said that point is fair, and he understands. If there is an idea for contingencies where he decides to sell, he is okay with that. This is not some sinister plot to convert it for a quick buck, but it is a plot where he needs to be responsible for potentially \$500,000 in repairs. Mathematically speaking, a duplex is not going to cover the cost of that. Anybody who has to pay for these bills will account for that; he must account for this. He respects the thirty-six people that petitioned, but he questions where the petition was for the last decade where this thing was dilapidating and collapsing upon itself. That is not a show of a positive neighborhood and not adding the given description. On top of that, he said he did not see the apparent danger of an R-4 zoning, considering there are dozens of neighboring properties with the same zoning, and none of those have impacted the quality of their neighborhood for all the years they were zoned as such. So how has the R-4 zoning been safe for this many years, but all of sudden today, when it is this house, it now becomes a threat? He said that was confusing to him. He understood the concern, but that concern, if valid, would have been reflected in evidence for any of the other properties, but it has not. Commissioner Paul said Mr. Quijano assumes this has to go to R-4 zoning, but he bought the property knowing it was R-3 zoning. For your business model to make sense, that should have been looked at before purchasing the property. Mr. Quijano said it should have, and that was his fault. Commissioner Paul said he invested in real estate and understood where Mr. Quijano was coming from. Mayor Payne asked why Mr. Quijano acquired a property site unseen. Mr. Quijano said we work with helping investors across the country, and it works out well most of the time. A big part of his business is helping new people who want to retire in real estate. We do this all the time. Unfortunately, situations like this happen. He said he took the word of the gentleman that owned the house prior; he was an honest gentleman. However, he thought the previous owner was misinformed. He said the previous owner said he was quoted \$80,000, and he trusted that. It was ultimately his fault for not coming down and looking at it. He was now doing his best to fix the mistake. At this point, something needs to go into this property through investment. For an investment to be justifiable, they must know how he will pay for it. If he cannot justify how he will

pay, no one will give him the money to do the rehab on this house. We will have a situation that nobody is happy with: a house collapsing upon itself.

Commissioner Rardin asked how many square feet the current structure is. Mr. Quijano said it was originally mapped at three thousand four hundred feet, but additions were made. He said he did not know exactly how it was mapped, but it was said that the additions added about one thousand square feet. Commissioner Rardin said you are looking at about four thousand four hundred square feet and dividing that into four one thousand one hundred square foot structures. Mr. Quijano said correct. There would be two upstairs and two downstairs. It was previously metered; he said he believed there were three to four meters previously, so it is already prepared for that. We need to do all the electrical anyways because it is extremely outdated. It is a full overhaul, but it has been used for that in the past. Commissioner Rardin said the quadplex would be all that you would do. Would there not be anything over or above that? Mr. Quijano said that was not the plan; he wanted to put the fourplex inside. He said he appreciated the historic nature of the property. Commissioner Rardin asked if any other structures would be built on the property. Mr. Quijano said there are zero and has not thought about that. Commissioner Rardin said you just want to get this work done and move on. Mr. Quijano said that is exactly it, and for him, it would not be a quick flip because this is not something you buy for a flip. This is something you buy with intention. Mayor Payne said it would stay the same from the outside, not the inside. Mr. Quijano said that was correct, except for the gigantic crack and falling debris. He intends to keep it the same.

Commissioner Rardin said if we were to table this tonight, that would allow you time to sit down with some of the neighbors to have a discussion so that they would feel more comfortable. He said he understood where both Mr. Quijano and the neighbors were at on this. He said he agreed with Commissioner Paul, that Mr. Quijano bought the property, so he should be able to do what he wants. However, that is a historic building and one of our original hospitals. He said he wanted this to stay cordial and see if we could work this out for both sides. Mayor Payne said she was in a quandary because it is just a mess out there, but you do want dollars to invest and fix it up. She said she supports the idea of more apartments in our community. We desperately need them, even if it is just a fourplex. Yet we do not want to go against what our constituents say. Even if we see the plans and everybody is amicable and agreeable, she said she thought we still needed to put a condition on it if we decide to rezone it to R-4. It needs to be on condition that it will not be a rehab or a pot shop or something like that. Commissioner Rardin said it could not be that. Linda de France said if you put that condition in, would it be grandfathered in, so if it did change hands, the next buyer would have to meet those conditions? Mayor Payne said she believed it would and asked City Planner Rael to speak on that. Commissioner Rardin said it is similar to another property on the corner of 8th and Scenic with the old ATM. They had a condition on rezoning. City Planner Rael said that if you place a condition on it, you could say that it has to stay a fourplex and could never be anything different, or what is allowed in our uses under R-4. For example, it could not turn into a private club or lodge. The condition could strictly say that as long as it is a fourplex, whether this company sells it to someone else and they do not want to continue the fourplex, it reverts to R-3. Mayor Payne asked City Planner Rael if she knew how many R-4 are in that area. Commissioner Rardin said there are five in the protest area. City Planner Rael said everything in green on the presentation map is R-4. This whole area is mixed-use. Everything gold is R-3, lighter brown is C-1, and darker brown is C-3. There are residents with home-based occupations here, such as attorneys in R-3 zoning. We have a two-hundred-foot radius that covers a lot of R-4. Mr. Linde is in the far-left corner and will request rezoning that will come before you in May.

Mr. Green said there was a fight in the museum zoning and acquirement. Is there any possibility for the City to acquire this property and donate it to the Tularosa Basin Historical Society for renovation for tax write-off purposes or initiate into the certified local government? That is to assume Mr. Quijano

would negotiate with the City. He said he had spoken previously with Mr. Quijano about its potential to become a museum, and it was worth considering.

Ms. Schneider said when she spoke about R-4 zoning before, she was speaking about the 1200 block. Those two houses are in the 1200 block of Ohio, and every area where you have businesses is up against a residential community. On our block, and north, and beyond, there are just two homes. One is owned by Gary Linde, and the other is being refurbished into a one-resident home. She said she spoke to City Attorney Smith and wasn't sure that they could restrict the uses if it is R-4 zoned. She said she wasn't confident of that and would like to get a lawyer to look at it or do her own research. That is a heck of a gamble if we are just believing we can put a restriction in there. She said she did not believe for one second that Mr. Quijano, who has never been to their community, and puts the blame on us, would stick with this property. This is a flip. If you go to the website, that is the business he is in. They buy sight unseen for cash. She said that Commissioner Paul made the point that Mr. Quijano bought the property knowing what it was zoned for. It could be a duplex, so do that. She said she is not confident that when he sells, and she wanted to emphasize when, that it is not going to turn into that other litany of purposes and scopes of use for R-4 zoning. That does include rehab and shelter. You will see an exodus of us from that neighborhood.

Commissioner Rardin suggested to table this until the next meeting. That will give City Attorney Smith time to research whether we are allowed to put restrictions, and time for Mr. Quijano and the neighbors to sit down cordially. Commissioner Melton said it would be good to have Joe Lewandowski in that next meeting. Commissioner Rardin said yes, if Mr. Quijano is interested in selling to somebody in the City, or to the Historical Society. Mr. Lewandowski works with the Historical Society and has done a lot of the older buildings. Right now, they are renovating and restoring the Dudley School to how it was. Commissioner Rardin said he believed that this place, as one of our original hospitals, was on Mr. Lewandowski's list of projects. Perhaps that is an option, but we need time to take a look at all of that. Mayor Payne asked City Attorney Smith if she had any comments. City Attorney Smith said in the past, we have put restrictions on different properties. Planning and Zoning came to her, and she saw where we have done that. She said we should table this so she can do more research. Mayor Payne said we will table this for two weeks. Mr. Quijano asked who he would get into contact with regarding the suggested options. Mayor Payne and Mayor Pro-Tem Wright said Joe Lewandowski. **Commissioner Rardin moved to table the item until the next meeting.**

Commissioner McDonald seconded the motion.

Motion carried with a vote of 7-0-0.

10. Consider, and act upon, Resolution 2023-15 for the acceptance and approval of the FY22 Audit. (Alan D. "A.J." Bowers, CRI - Carr, Riggs & Ingram) (Roll Call Vote Required)

Mr. Bowers virtually presented the FY22 Audit.

Mayor Pro-Tem Wright moved to approve.

Commissioner Melton seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 7-0-0.

EXECUTIVE SESSION

11. Recess into Executive Closed Session in compliance with 10-15-1(H)(2) NMSA (as amended) to discuss: Limited Personnel Matters (City Manager). (Roll Call Vote Required)

Commissioner Rardin moved to Recess into Executive Closed Session at 8:29 p.m.
Mayor Pro-Tem Wright seconded the motion.
Roll Call Vote Required.
Motion carried with a vote of 7-0-0.

RECONVENE INTO OPEN SESSION

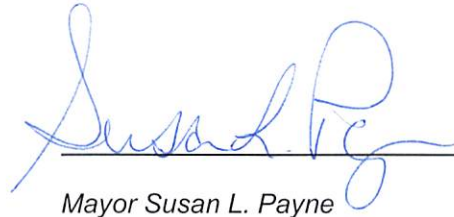
Commissioner Rardin moved to Reconvene into Open Session at 10:07 p.m.
Commissioner Melton seconded the motion.
Motion carried with a vote of 7-0-0.

12. Take any action as a result from the Executive Closed Session.

Mayor Payne said that City Manager Cesar announced he is retiring effective November 30th. During the transition, Assistant City Manager Hernandez will be named Acting City Manager.

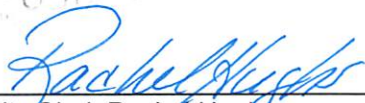
ADJOURNMENT

Mayor Pro-Tem Wright moved to adjourn at 10:10 p.m.
Commissioner Rardin seconded the motion.
Motion carried with a vote of 7-0-0.



Mayor Susan L. Payne

ATTEST:



City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy City Clerk)
Approved at the Regular Meeting held on May 9, 2023.