

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., DONALD E. CARROLL COMMISSION CHAMBERS
October 10, 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, ACTING 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. Commissioner Paul joined the meeting by phone at 8:12 PM; just before Adjournment to Executive Closed Session. The invocation was given by Elder LaTonya Boyce, and the Pledge of Allegiance was led by Commissioner Burnett.

APPROVAL OF AGENDA

Item 11 was pulled off the agenda by Mayor Payne on behalf of Code Enforcement Manager Sides.

Commissioner Burnett moved to approve the agenda as amended.

Commissioner McDonald seconded the motion.

Motion carried with a vote of 6-0-0.

PRESENTATIONS

1. Presentation on asking the city to support the efforts to help New Mexico obtain coverage under the Radiation Exposure Compensation Act. (Mary White, Steering Committee Member)

Ms. White said the Tularosa Basin Downwinder's Consortium has been working to include New Mexico in RECA, the Radiation Exposure Compensation Act. She said there are 19 total cancers covered under RECA. RECA would also provide early detection help. The Trinity Bomb was packed with thirteen pounds of weapons-grade plutonium, but only three pounds fissioned. The rest went up forty thousand feet in the air and rained across New Mexico for days. We were double dosed in terms of radiation exposure. Within one hundred and fifty miles, there were five hundred thousand people. Within fifty miles were one hundred and ten ranches, farms, or camps and twenty-one towns. The historical record often says it was inhabited, but it was not. That was wartime. We are not here to blame anyone; that generation is largely gone now. We want to make sure that this never happens to a new generation. In acknowledging what happened, the facts are already out there. It does not cause people to be deterred from living here or tourism. We are seeing it enhances tourism. To be included in RECA means an economic benefit to New Mexico in that it saves lives. It helps people get back on their productive feet quickly as opposed to having to sell their homes to make ends meet and get cancer treatment. It has an impact in terms of commerce and is politically expedient. An extension was passed unanimously in the US Senate, two-thirds in the House, and the President signed it. Ms. White said we ask that you consider making a resolution or proclamation to support our efforts.

2. Presentation on the current affordable housing crisis and how current zoning and setbacks are outdated. (Kevin Jewell, French Brothers Home President)

Mr. Jewell said their average sales price in Alamogordo is around \$365,000 for a new home. At that price point, it becomes very unaffordable for people in the City. The question becomes, what do we do about it? What are the steps we can take? In Alamogordo, we typically average 33 starts per year. That is sustainable and rhythmic for Alamogordo. Over the last eighteen months, we have seen a drop of about fifty percent in starts, a lot of which is due to affordability issues. There is labor cost, land cost, and zoning requirements in city ordinance that put us in a position to increase costs. He said they visited with City Planner Rael, and they knew that staff was working on redoing ordinances now. Interest rates are hovering at about seven and a half percent. The Base's housing is full. The Base is a large part of our economic driving force in Alamogordo. The VH for Holloman service members went down. The affordability of the homes is going higher, sales costs are going higher, and the buying power of one of the largest buyers in Alamogordo has gone down. We partnered with Future Real Estate, who helped us look at the data from the MLS. The price point of what we want to get homes into is around \$250,000. The information from MLS says that within the last two years, Alamogordo has closed two hundred and twenty-seven homes in the price range between \$225,000 and \$275,000. Most of that is the resale market because we cannot build new homes at that price point. That is just a statement of fact. Labor and material costs have gone up. No one locked in an interest rate at a lower price point wants to sell their home right now. The resale market in Alamogordo is dwindling. Our absorption rate, which is how many months of inventory we have on hand, is about three. The national average for a healthy market is usually around six. Six to seven months is what you are shorting for. We really have to try to remove \$115,000 from our sales price. We are confident we can do that with some changes to the ordinances. He said he wanted to be clear it is not the only thing; it is a step in the direction we need to take to provide housing at that price point. The National Association of Homebuilders data shows that for every ten new homes, you can see the local revenue tax side that comes in. We feel we can realize thirty additional closings from the product we want to bring into what we already do. The tax revenue coming into the City from that side is around \$1,000,000. That is just from the lands from the homebuilding side, not taking into account the construction that would have to go on for the development of the land or jobs created. The way we want to adopt the ordinances is not just for one community; it is across the entire City. That way, we can have the same opportunities for multiple land developers and builders so everybody can benefit and provide affordable housing. Building homes in Alamogordo is roughly eight percent more expensive than Las Cruces. The price point difference for the same homes is around \$20,000 to \$30,000. That is a big price difference for a city 50 minutes away.

Mr. Jewell said they are recommending we adopt the zoning requirements of Las Cruces for their R-1 and R-2. It is tried and true, and it works. It is the recommendations from the state level of zoning sizes. When we make those changes, the difference in the land development side between Alamogordo and Las Cruces is about \$11,000. He mentioned other municipal codes he wanted to look at involving the International Residential Code, or IRC. We are ready to start construction on the new developments in January, and we feel that we can provide housing at the end of 2024 with our timeline. The longer we delay it, the longer we can without being able to have new homes in the affordable price range.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

Acting City Manager Hernandez made the following remarks:

None.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

None.

CONSENT AGENDA

3. Approve the minutes for the Regular Commission meeting on September 26, 2023. (Rachel Hughs, City Clerk)

4. Consider, and act upon, Ordinance 1681, Z-2023-0005(A) for adoption and final publication, a map amendment to change the current zoning of the property with the legal description of S: 8 T: 16 R: 10 TR IN N1/2SE1/4 from R-1 Single-Family Dwelling District, to R-4 Multi-Family Dwelling District. (Sean McGranaghan, Assistant City Planner) (Roll Call Vote Required)

5. Consider, and act upon, Ordinance 1682 for adoption and final publication amending Chapter 26, Article 03, Sections 010 Definitions, 030 Unlawful growth or accumulation on lots, and 040 Unlawful growth or accumulation on tracts. (Josh Sides, Code Enforcement Manager) (Roll Call Vote Required)

6. Consider, and act upon, granting a Permanent Easement for Facilities/Equipment on a tract of land located on West Twelfth Street for the Mescalero Apache Telephone 12th Street ReGen Site. (Nancy Beshaler, Public Works Director)

7. Consider, and act upon, grant funding from the North Central New Mexico Economic Development District (NCNMEDD) Non-Metro Area Agency on Aging (Non-Metro AAA) for the American Rescue Plan Sub-Award. The total amount budgeted is \$73,637.12. (Magdalena Morales, ASC Manager, and Veronica Ortega, Community Services Director)

8. Consider, and act upon, correcting the number Resolution 2023-33 to Resolution 2023-41 to the past agenda item "Encourage citizens to contact Governor Lujan-Grisham and request pre-trial detention reform be placed on the agenda for the upcoming 30-day session". There was already a resolution with that number. (Stephanie Hernandez, Acting City Manager)

Mayor Pro-Tem Wright moved to approve the Consent Agenda.

Commissioner Melton seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 6-0-0.

PUBLIC HEARINGS

9. Consider, and act upon, all evidence for and against the removal of approved Resolution 2023-20, due to the written objection by the property owner. The Commission will determine if the resolution should be enforced or rescinded. Resolution 2023-20 was to declare 308 N. White Sands Blvd. to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace, or safety and ordering its abatement. (Roll Call Vote Required)

City Clerk Hughs swore in property owner Christopher Douglass, Code Enforcement Manager Sides, and Facility Manager Paul Bennett.

Mr. Douglass said he came to the meeting on June 13, 2023. He said he thought we came to an agreement that he would have six months as long as he made progress, and he has made substantial progress on the building. He has had several major setbacks. Within two weeks of the hearing, his father passed, and he had a hard time dealing with that. He put a tremendous amount of effort into putting a roof on. He has purchased large quantities of materials to complete the reconstruction of the back of the building, which seems to be the major hurdle. He said he was dumbfounded when he got a call from a gentleman saying his building got condemned at the last meeting. He said he felt he put a lot of effort physically, financially, and emotionally into getting this done. It was extremely upsetting because he was doing what he said he would, and then it turned around, and the Commission changed its mind. He said he felt he was being pushed by big government and was just one guy who had to do the work himself. He wanted to retain the building his father left to him. His father did not care about the building but cared about the contents. I care about the building and have tried to improve it. He did not want to be forced into selling it for pennies on the dollar. He has gotten compliments from local businesses about the improvements made to the building. Looking at the given timeline, it was very difficult to complete, especially being connected to the building next to it. They have connected their roofing material to mine. Until that building comes down, he cannot complete that side of the building either. He said he talked to a contractor about rebuilding the back corner, and the contractor assured him the building was not going to come down anytime soon. He said he needs time and feels pushed. He said he has had his tools stolen, and almost weekly, someone tries to break in, and he has to repair it. That will not change until something is done with the structure next door. He ran people out of there who were squatting and had to call the police on Friday night because one of the neighbors down there called him and said people were congregating behind the building. He went down there and confirmed it, then called the police. He said he borrowed equipment to work on the roof, which was stolen, and then he had to replace it. The biggest problems we have are homelessness and drug use. He witnessed drug deals. He said he wanted to turn it into a commercial venture where he could get income, but the best use for the building would probably be drug rehab or a homeless shelter. That is what we need. He said he would complete what he started but wants the time to do it.

Mr. Douglass showed pictures of the building where he said he repaired the crack and the wall and had painted over graffiti. He said he wanted to get a mural done. He said he had to brace the roof to rebuild the corner. Building materials are incredibly expensive, but he continues to acquire materials as best he can, and it will get done. The timeframe is unrealistic. The door has to be replaced down the road. He said he could not see getting a renter in there until the burned-out structure next door was gone. He said there are four inches between the burned-out structure and his building. He said he replaced the majority of the roofing and was working on that. When they were redoing the parking lot next door, they damaged some of the cinder blocks on his building. He said he addressed that with the contractor, but the contractor just acknowledged that it happened. The tree next door fell and took out the electrical to his building. He has to use a borrowed generator anytime he needs to operate electrical equipment. The people who manage the dispensary are kind and have allowed him to run an electrical cord over there a couple of times. He said he is in the process of billing the property next door for taking out the electrical. The estimate he got was \$2,500 to reconnect electricity. The tree hit that corner of the building and did some damage, but most of the damage was from drainage. He said there was a thirty-day lag between it being mailed and it being posted.

Mr. Douglass said he was asking for time. He wants to retain his building and be able to make it into something. The timeline is just overwhelming. He said he has to do this on his own with very little support. He pleaded for time.

Mayor Payne said if she remembered correctly, and she had reviewed the minutes from June 13, 2023 meeting, what happened was Mr. Douglass asked about fencing, and then the Acting City Manager said she was concerned because if we do this, meaning if we give the extension, and you do not show

significant progress, it would be difficult for us to get another warrant to go back through the process. She said that Commissioner Rardin asked if we needed another warrant to go through the process, and City Attorney Smith said to access the building or go onto the property, we would have to. She said that Commissioner Rardin said we already have photos of everything, and our Acting City Manager said but to show he has made improvements in order to get back on the property. Then we decided we would allow you that time. She said that Commissioner Rardin said he was sure that Mr. Douglass would allow us in to show us the property, and then Mr. Douglass said he would be more than happy to do a PowerPoint presentation in ninety days to show what he has done. Then Commissioner McDonald said it is not six months now; it is three months. There was discussion about that, and we said ninety days. Then Commissioner Burnett said ninety days to show progress. She said then Commissioner McDonald asked if we were going to indicate what we needed to be done, and Mayor Pro-Tem Wright said we cannot stipulate exactly what has to be done. She said that she herself said she would like a date. So, we settled on a date. The point is, you said that in ninety days you would come back. She said she understood that Mr. Douglass's father had passed away, but in looking back at the situation, none of us knew that. We have, on the record, that you said in ninety days you would come back and do a presentation. Nobody could get a hold of you. She said she believed that our Code Enforcement Manager was going to show us evidence he did try to get a hold of him. We did not know what was going on, and we did not really have an option. You are saying that the timeline was not realistic, but you agreed to that timeline at that meeting. If it was not realistic, that was the time to say you did not know if you could do it. You said that you could absolutely come back and do a presentation. But you did not, so that is where the confusion came in. Does that make sense?

Mr. Douglass said it is overwhelming, but he has put a lot of effort into this. He said he was sorry he missed the commission meeting but did not understand the difficulty in getting a hold of him. He provided all his information to the Code Enforcement gentleman at their first meeting as soon as he found the paperwork in the window of the building. He said he gave his phone number, email, and home address. He said he had seen a video of the Code Enforcement gentleman putting a card on his door on, he believed September 28, but he never saw the card. He did not know what happened to the card, but that was the attempt to get a hold of me. He said that, yes, he dropped the ball on putting a PowerPoint presentation together on what he has completed, but he has gone back and shown pictures and progress made. He said he hoped the Commission was willing to go back as well.

Facility Maintenance Manager Bennett said he is the Facility Maintenance Manager for the City of Alamogordo, their EE98 and GV98 General Contractor, and the Property Maintenance Inspector. With this structure, he said he believed this situation has been going on since 2016. He said he has been in the structure twice and has not seen any improvement until now with the roof fixed. He said he did not know if it had been covered yet, but rain and all will not do good on that plywood. The main concerns are the southwest and northeast corners. Those are really falling away from the building structure, and unless you go down and do pier drilling with piers underneath, that structure will eventually collapse. To secure it, we need to get down below whatever is happening underneath to solid ground.

Commissioner Rardin asked Facility Maintenance Manager Bennett if he was a structural engineer. He said he was not a structural engineer, which is why he would say you need a contractor that does that type of work. Commissioner Rardin said we really need a structural engineer down there to assess that. You said you have an EE98 and what else? Facility Maintenance Manager Bennett said GV98. Commissioner Rardin asked how many years? He answered for the EE98, about fifteen, and about ten for the GV98.

Mayor Payne said Facility Maintenance Manager Bennett was more than qualified in some areas, even if he was not a structural engineer. Facility Maintenance Manager Bennett said he has been in construction his whole life.

Mayor Payne asked Mr. Douglass who had reached out to him after the meeting where we voted. Mr. Douglass said a gentleman who owns property here that is out of Roswell. He said he did not know his name off the top of his head. Commissioner Burnett said it was the gentleman who came and spoke that night on the other dilapidated building.

Code Enforcement Manager Sides said his job is to not only enforce city ordinance but also International Property Maintenance Code or IPMC. There is a big misconception that you have to be certified to enforce the provisions of the International Property Maintenance Code. Even a certified building official does not take anything with the International Property Maintenance Code. He said he has done extensive research looking into classes on that. IPMC is not anywhere in that certification process. There is nothing that says you have to be certified to enforce the provisions of the International Property Maintenance Code. It is not in the 2024, 2021, or 2018 versions. If you need, I can go back, and we have several. As far as this building is concerned, yes, it is dilapidated. Regarding the structure, he said he went out and looked at it on Friday. The patchwork that has been done is already showing signs of separating. The walls are separating from the mortar on the southwest corner. As far as the roof goes, where that property is zoned, per the ordinance, a licensed contractor has to pull a permit and do that roof. A licensed contractor must do any work on that property because it is commercial. He said he was not taking away from anything Mr. Douglass had done. It just needs to be permitted first and follow the ordinance. It has not been yet. Even though the mortar mix is there, it still shows signs of dilapidation on the northeast corner. From his extensive research of the case files from approximately 2016 to what he took in 2023, that wall has gotten slightly worse over time. The cracks have gotten bigger. As far as IPMC is concerned, it is an unsafe, hazardous, dilapidated structure. IPMC in 2024 dubs it a hazardous structure. He said when he was out taking these pictures, he had a gentleman who works in an automotive shop come over and speak with him. He said the gentleman was concerned that someone had broken into the building, but he explained to the gentleman that he was just taking pictures of the outside as a follow-up. The gentleman said yes, it was being worked on to sell, but he did not know who would buy it because it would fall on them. Even though we have passed this resolution, we will not go tomorrow to tear down this property. Mr. Douglass has two years to fix it. He just needs to follow the proper steps.

Mayor Payne asked Code Enforcement Manager Sides about how he notified Mr. Douglass. He said the International Property Maintenance Code letter, all of them, give you thirty days. At the thirty-day mark, he goes out to get the search warrant signed and typically tries to execute it the next day on the thirty-one-day mark. Mayor Payne said Mr. Douglass was supposed to come back to us in ninety days. Did you notify him at all before that last meeting? Code Enforcement Manager Sides said he did not notify him but attempted to. He said he left that business card on his door but did not make contact with him. Mayor Payne asked if we must notify him within ninety days or if that is a courtesy. Code Enforcement Manager Sides said there is nothing written anywhere that says you have to notify for commission meetings or anything else like that. Mayor Payne said we have on the record that Mr. Douglass said he would come back in ninety days and give a presentation.

Commissioner Melton asked Code Enforcement Manager Sides if he was in uniform when he gave the business card. He answered absolutely. Commissioner Melton said so Mr. Douglass saw it on the video, an Alamogordo official. Code Enforcement Manager Sides said Mr. Douglas saw his bodycam video. Commissioner Melton said so that was the video he was referencing. He said yes. Code Enforcement's policy is that anytime you expect a public contact by going and knocking on a door, you

must activate your body camera, so everything is captured. It is very similar to the Police Department's policy.

Mayor Payne said the biggest thing to highlight is that we are not tearing it down tomorrow, Mr. Douglass still has two years. Two years is a long time. That would be two years from the time we voted on that. Code Enforcement Manager Sides said with the hearing tonight, after the resolution has been passed, they have ten days to commence either demolition or rehabilitation. Because we are at this hearing tonight, he would not consider the ten-day starting until tomorrow to give due process time.

Commissioner Rardin asked Facility Maintenance Manager Bennett about his license numbers, mainly the GV. He did not need the EE98. Mayor Payne asked Commissioner Rardin if he was looking it up. Commissioner Rardin said he was just curious; it is a legitimate question. Facility Maintenance Manager Bennett said his EE98 is 31059. The license number for the City of Alamogordo is 388879. He said he is the qualifying party for the EE98 and GV98 licenses. Commissioner Rardin said so the GV98 is 31059. Acting City Manager Hernandez said we have copies on record in HR. Facility Maintenance Manager Bennett said the 31059 is his EE98. Commissioner Rardin said okay, you are just a qualifying party on the City's license. Facility Maintenance Manager Bennett said he had to give up his, so he could not do any work outside the city. He had to put it on the City's license.

Mayor Payne asked Mr. Douglass if he understood that he still had two years to make those corrections. Really, nothing changes for two years unless you do not show progress. Mayor Payne said she was concerned about what Facility Maintenance Manager Bennett said regarding his work, and it is already becoming an issue. Mayor Payne said she understood the financial part of this, but if we do not do these things, then we have no protection as a City. There is no accountability. If we rescind this, then who is to say it will not take more years down the road? We are literally kicking the can down the road if we do this. We cannot do that. We have to hold people accountable because these things need to be fixed.

Mayor Payne asked Code Enforcement Manager Sides if he knew what was going on with the building next door. Code Enforcement Manager Sides said after the resolution was passed, they, too, have two years to demolish that building. They have been contacting contractors to try to get that demolished, but it is hard for them to find a contractor within their budget. Mayor Payne said so they still have two years. When did we do that? Commissioner Rardin said it was the same night as his, June 13th.

Commissioner Burnett asked Mr. Douglass if he had put a membrane on the roof. Mr. Douglass said he still has to do flashings on that. That is what the big roll of white stuff was. His friend drove it there on a forklift to get it on the roof. Mayor Pro-Tem Wright asked if that was rolled out and installed over the plywood deck. Mr. Douglass said yes. Commissioner Rardin asked if that was a TPO roof. Mr. Douglass said it was a single membrane. Commissioner Rardin asked if it was like a rubber sheet. Mr. Douglass said yes, he was sure it was made out of old tires. It was made by Firestone.

Mayor Payne said she hoped Mr. Douglass understood that after reading these minutes, we did not know and had no choice. You do have two years to correct that.

Mayor Pro-Tem Wright said by condemning this, Mr. Douglass has two years to fix it. Commissioner Rardin said if he tried to sell it, he would have a condemned building. Mayor Pro-Tem Wright asked if there was any stipulation, from now until then, that if he tries to sell it, could that condemnation be rescinded or pulled off? Commissioner Rardin said the other issue is if this goes to court. He was here when Sahara Apartments went to court, which took us nine years. Mayor Payne said she was here

too and remembered. Commissioner Rardin said he was here for the start of it. If it goes to court, and you do not have a structural engineer saying that the building is not structurally sound, then more than likely, he will rule in favor of them, not us. Mayor Pro-Tem Wright asked if we had that outcome on Sahara. Commissioner Rardin said he did not remember who was on staff, but we had Dean Hunt, who was an engineer on our side. Mayor Payne said she felt that part of those nine years was the attorney we had at the time. We finally got it torn down because our former Attorney, Petria Bengochea, finally made that happen.

Mr. Douglass said he was interested in retaining as much of the value of the building as possible. He may have to sell it, but with it being condemned, he would get even less. I guess it is what it is. Mayor Pro-Tem Wright asked Mr. Douglass if he had a tally of what he had invested in it since June, dollar amount-wise. Mayor Payne asked Mr. Douglass if he brought receipts or anything. Mr. Douglass said he did not and does not have any receipts. Some of the stuff he bought second-hand. Mayor Payne said so you want to keep it, but you might sell it. Is that what you are saying? Mr. Douglass said if he could not get anything out of it for the two years it would take for the structure next to it to be demolished. It was becoming a money pit. He has limited resources. Mayor Payne said what happens if we rescind it, and two years down the road, you still own it, and nothing is done? Then what? Mr. Douglass said he has to complete what he started. Mayor Payne said your intention, even if you sell it, is to complete it first. Mr. Douglass said yes. Mayor Payne said you would have two years to do that if we left this in place. Mr. Douglass said things could happen in two years. He has not been able to return to work because he has to complete this before. He said his resources are getting pretty well used up. He would have to replenish them in some way, and that would probably be through employment. He is just trying to be straightforward.

Mayor Payne asked if there was a motion to rescind Resolution 2023-20.

Commissioner Rardin moved to rescind resolution 2023-20.

Commissioner Burnett seconded the motion.

Roll Call Vote was taken.

Motion failed with a vote of 2-4-0. Commissioner Melton, Commissioner McDonald, Mayor Pro-Tem Wright, and Mayor Payne voted nay.

Mayor Payne apologized to Facility Maintenance Manager Bennett regarding the fact that he and his integrity were questioned. Facility Maintenance Manager Bennett said it was not a problem. Mayor Payne said she believed that it was uncalled for.

NEW BUSINESS

10. Consider, and act upon, Ordinance 1683, Z-2023-0006(A) for first publication, a map amendment to change the current zoning of the property at 1111 US Hwy 70 W, from C-3 Business District, to M-1 Light Industrial District (Stella Rael, City Planner) (Roll Call Vote Required)

City Planner Rael said that Alberto Serna, who resides in Chaparral, is the building and property owner. He has given his tenants, Stephanie Ortega and Brandy Flair, owners of the business leasing from him, permission to be here on his behalf. The reason for this request is to allow Ms. Ortega and Ms. Flair the opportunity to run a pet crematory business at this location. Besides the pet crematory, another business that will be run there is grave monuments by Mr. Ortega. Fire and Planning and Zoning have already approved that business registration for that portion, but they must definitely be in an M-1 Light Industrial District for the pet crematory. Staff is recommending approval of this map amendment.

**Mayor Pro-Tem Wright moved to approve.
Commissioner Rardin seconded the motion.
Roll Call Vote was taken.
Motion carried with a vote of 6-0-0.**

11. Consider and act upon Resolution 2023-44, declaring 2001 Dewey Lane to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace, or safety and ordering its abatement. (Josh Sides, Code Enforcement Manager) (Roll Call Vote Required)

Item 11 was removed from the agenda under Approval of the Agenda.

12. Discussion on allowing handouts at commission meetings. (Josh Rardin, Commissioner)

Commissioner Rardin said he did not ask for this to be on the agenda but was told it would be there in his name. At the last meeting, a gentleman handed out handouts before the meeting started, and they were removed from us. He said he had asked when that rule became a rule, when the Commission adopted it, and it turned into a heated exchange. He said he just wanted information about when we adopted that rule. We can have a discussion, but this is not an action item. He said his issue at the last meeting was if the gentleman had read the handout to us at the podium during Unscheduled Communications, what is the difference? What is the difference between him giving it to us or reading it to us? We violated his 1st Amendment right. Mayor Payne said no, we did not. Commissioner Rardin said we did. Mayor Payne said the difference is, if he hands something to us, how do we prove he did not hand us a sticky note or subliminal message? How do we prove that? Commissioner Rardin asked what she meant. Mayor Payne said what if he handed out the handouts, and yours had a sticky note on it, or Commissioner Burnett's had a \$100 bill in it? How do you prove that? Commissioner Rardin said you don't. Mayor Payne said exactly. It has to be on the record. She said she called Geno Zamora after the last meeting. He is the person who came in and did the Ethics Training. She said that Mr. Zamora said that the best practice is not to take handouts at a Commission meeting. He instructed her to let them know they can give it to either the City Clerk or City Manager, and they will email it to us. That way, it is on the record. Commissioner Rardin said that all that needed to happen the other night was to give a copy to the Clerk, so she could enter it into the record. Mayor Payne said when you give seven people a handout, how do you prove the handout he gave us is the same one he gave the Clerk? Commissioner Rardin asked what the difference was between the handwritten handouts in our box, like from Mr. Summers? Mayor Payne said our stuff is opened and given to us by the Clerk. Mayor Payne said all mail is opened and given to us by the Clerk, who has stamped it. Acting City Manager Hernandez said that is correct. Commissioner Rardin said if he had handed it to us in the parking lot, what would be the difference? Mayor Payne said we are not in a public meeting. Commissioner Rardin said he was not here to argue, but we violated his rights. Mayor Payne said the attorney she spoke with said we should not be doing that. Everybody can do what they want, but she will not do that. Commissioner Rardin said if that is the case, you need to put it on the agenda, and the Commission needs to approve that rule. Going back to that resolution in 2012 that staff provided, there is absolutely nothing in that resolution that states that rule. Mayor Payne said then you should probably make it an item. Commissioner Rardin said he was not going to make it an item, and he did not really care. Mayor Payne said then there is nothing to discuss, and let's move on. Commissioner Rardin said so we are going to enforce a rule that has never been passed?

13. Discussion with possible action regarding setting up an infill development district, (Josh Rardin, Commissioner)

Commissioner Rardin said he would like to start the discussion with staff. The other day, he drove in Commissioner McDonald's district, and there were many lots already demolished and cleared. The gentleman who was doing the presentation earlier was talking about a forty and fifty foot wide lot. Commissioner Rardin said that in previous years, the Commission had changed something with the zoning in that area specifically. That would be a perfect area to start rehabilitating the vacant lots already there. Once you start, pick one or two streets, then you start building new homes. There was a builder about ten years ago who started something similar to that, but then he dwindled away. El Paso did something very similar to that, and Las Cruces has something similar to that going on right now. We should task staff with looking into how we set it up and go about it. The hospital has a big organization. Now that the sale is completed, some funding may be available for something like this. We could partner with the local builders association or Habitat and figure out how to make it work and revitalize some of those areas. He said that the majority of the bad districts fall within District 5. You could look at going from 10th Street to 1st Street, and from White Sands to Florida or Cuba and focus on that area to start.

Commissioner Burnett said that was a good idea to start looking into. Mayor Payne said she did not have a problem with it. Commissioner Rardin said instead of going down there and condemning it, we can revitalize it. Some need to be torn down, obviously, but some of them do not. Mayor Payne asked Commissioner Rardin if he was talking about the City paying for that. Commissioner Rardin said no. There are a lot of grants out there. Las Cruces is doing a huge one on their old golf course right now. It is more on the commercial side, but they also have residential infield development, where you go into the older neighbors and start revitalizing them. Once you go in and start building new homes on some of these lots or refurbishing some of the fixable older homes, the neighborhoods will start improving. People will start moving in, buying older property, and fixing it or demolishing it. You just have to get the ball rolling. Mayor Payne said, what you are saying is, trying to help some of these contractors find funding for that? Commissioner Rardin said no. The City will go after the grants. They need to do a little research. Mayor Payne said well, what would the grants be for? Commissioner Rardin said to start the process for how this works. He said he knew the gentleman who did the one in El Paso, and he said that is how they started it. There are some grants that can be applied for, and they set up with a nonprofit to run. Habitat would be a good one, or the builder's association, or all of them. Basically, the discussion tonight was just to get the ball rolling. Have them start researching how we set it up, how we do it, and if it is legal for us to go down there and purchase some land to revitalize it or if we have to have the nonprofit purchase it. There are a lot of different ways of doing it.

Commissioner McDonald said she has talked about revitalizing since she has been in the office. She cannot speak for everybody in District 5, but she can speak for this. We have spent a lot of time and effort talking to the people and trying to contact the owners of the property. We have a situation where people do not respond. From what she has heard, it is not profitable to build in District 5. She said she wished that Commissioner Rardin had said something to her about that. It is a great idea, but we have been talking to people, going out to speak to people, asking if they were interested in selling, and have tried to contact people. Sometimes when you are looking at trying to revitalize, you have to have the participation of the people. Every lot that is empty down there is owned. People choose to do what they want with it. She has heard in meetings that some of the land is not worth very much. It is on the books at the County Assessor's Office that the land is worth at least \$5,000. When we go out and talk to people about putting something on that lot, they have to agree with it. Some people are unwilling to accept \$5,000 for that lot because they have had it in the family for a long time. She said she is not saying it is a waste of time for staff to go after information, but they need to find out who is willing before they research it. We cannot just go and take that land.

Commissioner Rardin said when a private individual or nonprofit approaches them, they may have a different mindset than when the City government approaches them. Commissioner McDonald said it

is not the City government that is approaching them. Commissioner Rardin said who was approaching them, you guys as individuals? Commissioner McDonald said we were asking them if they were willing to look at doing some type of revitalization. Specifically, we were looking at the Dudley area since the Center is going up. Commissioner Rardin said the problem we have there also is that those lots are forty feet wide but one hundred and fifty feet deep. This was just a discussion to see if the Commission is even interested in looking at this and getting the ball rolling. The worst-case scenario is that it just does not work, and we keep doing what we are doing. Mayor Payne asked if everyone had heard of an infield development district. Commissioner McDonald said no. Commissioner Rardin said El Paso did one about thirty years ago. Commissioner Melton said he was confused about where the money was exchanged. Who is applying for that grant, and who is receiving the money? Commissioner Rardin said the City would apply for it. He was not sure how El Paso did it. He said this question was on here to have staff start researching how El Paso, Las Cruces, or Roswell started the process. Mayor Payne said our City Planner looks like she has information.

City Planner Rael said she wanted to clarify the definition of an infield development for those who do not know. An infield development is the construction of buildings on vacant or underdeveloped land in places that have been previously developed. For example, a lot on New York Avenue once had a home and has now been torn down for many years. Yes, you can go in there and consider that infield development. She said she understood what Commissioner Rardin said about staff going out there and researching grants, but she did not know if that was possible. These are areas where she could be interested in a lot and go in, purchase it, and then build a home. They are very deep and narrow lots, but we have an ordinance where if those lots existed prior to ordinances, which most of them did because they are back in the '30s and '40s, they do not exactly have to meet those setback requirements. Mayor Payne said she was with Commissioner Melton on this, and anybody can do that. So, we do not have to necessarily declare it an infield development district. She said she remembered learning about infield development districts from her graduate studies. Where she was confused is, why do we need to go after grants? You would go after grants for funding, but then what would we do with the funding? If it is not us that will do it, are we getting funding for a nonprofit to do it? Habitat already does that and gets grants for that. Commissioner Rardin said that is the question. Have staff start researching how other communities have done something similar to this, to start revitalizing it. Down on New York Avenue, the County is looking at moving our courthouse. That is the core of our City. The core of our City will start dying when that courthouse moves. Down in Commissioner McDonald's district is the core, the original portion of our town, and it is dying off. You tear the houses down, and you just have an empty lot. If you drive down those streets, it is every other house. Even over on Michigan and Ohio where those older homes are in Commissioner Burnett's district, almost every other lot is missing a house where we have demolished, like in Panorama. Find a developer or program, maybe Habitat, and build a new home on that lot. As Commissioner Melton mentioned, it is not profitable for the builders to do it. So, the builders will not just jump in there and do it. You have to have organizations such as Habitat or the hospital, which has a foundation being set up that may potentially have some funding where you can go in and do something. Just figure out how to get the ball rolling. The question here tonight is, can we have staff start looking into how other communities have done similar projects? It does not necessarily be down there in that area. It could be in the Walker area as well. Commissioner McDonald said that it was also a flood zone. To even think about building, it will be between \$12,000 and \$18,000 to build it up if there is no foundation. Mayor Payne said when we were in the process of buying our building on Ohio, we found out it was in a flood zone. Commissioner Rardin said those are all questions that can be answered once we figure out how other communities have done it. Get the ball rolling. It may be something we do not want to mess with. Staff could look into it. El Paso did it thirty years ago. Commissioner McDonald asked if that was a result of eminent domain. Commissioner Rardin said no, he did not believe so. Commissioner McDonald said you have people that own those properties there. Do you want to research something, and then you do not know if they want to sell? Commissioner Rardin said some

of them might. He did not know how this would be set up or what was legal with purchasing, but what if you offered them \$10,000 for that and then built a nice home on there? There was a gentleman, around ten or fifteen years ago, on either Maryland or Virginia, who bought three of four lots and built a brand new house out there. They were nice structures. Commissioner McDonald said on Maryland? Commissioner Rardin said Maryland or Virginia, it was one of those. He did about three or four, but it brought property values up because he built a brand-new home there. Commissioner McDonald asked when they did that. Commissioner Rardin said they did that ten or fifteen years ago. Commissioner McDonald said there are no new homes. Commissioner Rardin said yes, there is, and he would get the addresses tomorrow. Commissioner McDonald said she runs those streets, and no new homes are on that street. Commissioner Rardin said he would go down there and get the addresses. It was ten or fifteen years ago, and a small builder was doing them. Mayor Pro-Tem Wright said he thought it was at least one. Commissioner Rardin said it was Ace, and he did three of them. Commissioner McDonald said not ten years ago. There have not been any new buildings in that area in ten years. Commissioner Rardin said it was ten or fifteen years ago. It has been a while. It may help with the affordable housing deal, too, because they are going to be smaller homes. Those lots are only forty feet wide. This was only for discussion to see if you were interested and if staff could look into it and how to set it up. Commissioner McDonald said you would not send out a survey to ask the people. Commissioner Rardin said he did not know how to set it up. Mayor Payne said maybe we could. We need to start with understanding what an infield development district is. She asked Acting City Manager Hernandez if she had heard of that. Acting City Manager Hernandez said she had heard of it but did not understand it enough to make a comment right now. Mayor Payne said she kind of understood it, but her understanding is that it is for areas or neighborhoods that are basically empty. Not spot lots, so to speak. Empty areas they are trying to revitalize. Commissioner Rardin said is that not the goal down there? A lot of those properties were probably grandma and grandad's houses that have been torn down, but the kids have inherited it, and they do not want to let it go. Mayor Payne said she did not have a problem with looking into it. We would not be doing due diligence if we did not at least look at it. Her understanding of the infield development district is that it is literally a district. She said she does not understand why there are all these comments about Commissioner McDonald's district. Commissioner McDonald said she did not know either. Mayor Payne said when she drives through there, she feels and sees history. Her mother-in-law, when she was alive, used to tell me stories about the houses down there. She said she loved driving down in that area and did not understand what the problem was. There is something to be said about older homes that newer homes do not have. Having said that, her understanding of an infield development district is entire neighborhoods that have been abandoned or whatever. She is not suggesting we should not look into it.

Acting City Manager Hernandez said she proposed that she would get a better understanding of the infield and the grants. She would research that, and we could bring it forward to see what we can come up with and if there is any further action. Mayor Payne said we have a new City Manager starting on November 26th. He may have some information and know about this. He is from a bigger city. Acting City Manager Hernandez said November 27th. Mayor Payne asked if everybody was good with staff taking a look at it. Commissioner Rardin said sure.

14. Appointments to Boards and Committees. (Susan Payne, Mayor)

Mayor Payne read the openings and appointed Brandi Ferebee to the Senior Volunteer Programs Advisory Council and Sandra Purrington to the Airport Zoning Board. No one was opposed.

Mayor Payne called Commissioner Paul at his request to join them in open session and go to Executive Closed Session. He joined the meeting by phone at 8:12 pm.

EXECUTIVE SESSION

15. Adjourn into Executive Closed Session in compliance with 10-15-1(H)(2) and (7) NMSA (as amended) to discuss: Limited Personnel Matters (City Manager) and Threatened Litigation.

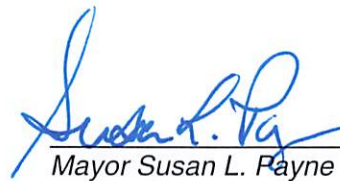
Commissioner McDonald moved to adjourn at 8:13 p.m.

Mayor Pro-Tem Wright seconded the motion.

Roll Call Vote was taken.

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

ADJOURNMENT



Mayor Susan L. Payne

ATTEST:



City Clerk Rachel Hughes

(Prepared by Dylan Aleshire, Deputy City Clerk)

Approved at the Regular Meeting held on October 24, 2023.