

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., DONALD E. CARROLL COMMISSION CHAMBERS
February 13, 2024**

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

**MARK TAPLEY, COMMISSIONER
WARREN ROBINSON, COMMISSIONER
RICK HOLDEN, 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. The Invocation was given by Mayor Payne, and the Pledge of Allegiance was led by Commissioner Robinson.

APPROVAL OF AGENDA

Mayor Pro-Tem McDonald moved to approve the agenda.
Commissioner Robinson seconded the motion.
Motion carried with a vote of 7-0-0.

PRESENTATIONS

**1. Presentation by Yearout Energy on Energy Performance Contract and Energy Cost Savings.
(Tara Trafton)**

The presentation was removed from the agenda.

PUBLIC COMMENT

Mr. John Davis said Alamogordo Animal Control brought me an injured pigeon, but I was not home at the time to receive it. I sent City Clerk Hughs an email and was mystified as to why the Commission took no action at the last meeting. Nobody articulated a reason why. I have reasons for pursuing this, despite the fact that you folks said nobody was going to bother me for feeding the pigeons. I would be happy to share my reasons for pursuing this, and I was thinking we could do it over coffee and donuts, my treat. I have a key to UUFOC and would be happy to bring the donuts. City Manager Holden is also welcome to come. I will be back for the meeting on the 23rd and March 12th. After that, I am not sure. You guys will get an email from me; please feel free to email me with whatever date and time works best for you.

CITY MANAGER'S REPORT

City Manager Holden made the following remarks:
Staff began budget hearings this week. We are preparing the budget we will bring to you this spring. You can look forward to a productive budget year.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Payne made the following comments:

She welcomed Colonel Rosales and his wife to this Commission Meeting.

The City of Alamogordo and Holloman Air Force Base were awarded the 2023 Altus Award. The Altus Award is a nationwide recognition presented to the city that has shown exceptional support for their Air Education and Training Command. Holloman is a training base, and we have a great relationship with community partners there. We recognize they are a large part of the City and economy and are honored to be partnering with them. Nothing makes me prouder than being part of a community that cares so much about its people.

She presented the Mayoral Commendation to Shelley Bailey of the Department of Defense's Public Affairs in recognition of her commitment to the better of our community and for her efforts in putting together the application for the Altus Award.

City Clerk Hughs and I attended Municipal Day in Santa Fe. It was a short session.

Commissioner Burnett made the following comments:

When we condemn a property, what is the process for the property owner to clean up the property? Code Enforcement Manager Sides that by state law and city ordinance, they have ten days to commence demolition. I tell property owners that if you have called a contractor to obtain a quote, that is commencing demolition. After those ten days are up, per Code, they have two years to complete demolition or rehab. Commissioner Burnett asked at what point we fence off the property. Code Enforcement Manager Sides said at the point it becomes a danger to occupants or anybody that could get inside. For instance, one of the recent structure fires is still fenced because it is a danger. If anybody gets in it, it could collapse at any moment. Since we condemned it, I do not want any liability on the City. Commissioner Burnett asked if that was Ms. Gonzales. Code Enforcement Manager Sides said yes. Commissioner Burnett said he spoke to her this morning, and she had questions regarding the permit processing. Apparently, she did not need a permit to demo it. Code Enforcement Manager Sides said right, because it is a manufactured home.

Mayor Pro-Tem McDonald made the following comments:

She congratulated Shelly Bailey for putting together the application for the Altus Award. Ms. Bailey has really been working on it for three years. She is amazing.

CONSENT AGENDA

2. Approve the minutes for the Regular Commission meeting on January 23, 2024. (Rachel Hughs, City Clerk)

3. Approve the statements related to the Executive Closed Sessions held on January 23, 2024. (Rachel Hughs, City Clerk)

4. Consider, and act upon, Ordinance 1692 for adoption and final publication to amend sections of Chapter 2 of the Code of Ordinances concerning the City Commission Districts and Mayor Selection; term to be aligned with the City Charter amendment made in 2012. (Rachel Hughs, City Clerk) (Roll Call Vote Required)

5. Consider, and act upon, Ordinance 1693 for adoption and final publication to add Chapter 11, Article 11- 06, Section 330 concerning Obstructing, Impeding Movement, or Camping in Public Rights-of-way. (Ashley Smith, City Attorney) (Roll Call Vote Required)

6. Consider, and act upon, Ordinance 1694 for adoption and final publication to amend Chapter 19, Article 19-04, Section 010 concerning Parks Closure Hours. (Ashley Smith, City Attorney) (Roll Call Vote Required)

7. Consider, and act upon, Ordinance 1695, Z-2023-0008(A) for adoption and final publication, a map amendment to change the current zoning of the property located at 2405 Holly Ave from MH-1. Manufactured Housing Subdivision District to R-4 Multi-Family Dwelling District. (Stella Rael, City Planner) (Roll Call Vote Required)

8. Consider, and act upon, Resolution 2024-07 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of NM for the revised budget numbers computed as of January 9, 2024. (Evelyn Huff, Finance Director) (Roll Call Vote Required)

9. Consider, and act upon, Resolution 2024-14, declaring 1500 Ohio Ave. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (Josh Sides, Code Enforcement Manager) (Roll Call Vote Required)

10. Consider, and act upon, Resolution 2024-15, declaring 1409 Crescent Dr. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (Josh Sides, Code Enforcement Manager) (Roll Call Vote Required)

11. Consider, and act upon, Resolution 2024-16, declaring 512 Maryland Ave. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (Josh Sides, Code Enforcement Manager) (Roll Call Vote Required)

12. Consider, and act upon, Resolution 2024-17, declaring 607/609 Maryland Ave. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (Josh Sides, Code Enforcement Manager) (Roll Call Vote Required)

13. Consider, and act upon, an emergency funds appropriation of \$12,297.75 through the Capital Outlay Bureau with the Aging & Long-Term Services Department. This is for the purchase and relocation of a new evaporator/condenser for the Senior Center Kitchen's outdoor freezer. (Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)

14. Consider, and act upon, Resolution 2024-18 authorizing the City Manager to execute an Energy Performance Agreement with a Contractor awarded on the Statewide Price Agreement with the State of New Mexico pending State approval, financing, and legal review of the contract. (Evelyn Huff, Finance Director) (Roll Call Vote Required)

Mayor Payne completely removed Item 14 from the Consent Agenda. Commissioner Rardin pulled Item 10 from the Consent Agenda for discussion.

Commissioner Paul moved to approve the Consent Agenda as amended.

Commissioner Robinson seconded the motion.

Roll Call Vote was taken.

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

ITEMS REMOVED FROM CONSENT AGENDA

10. Consider, and act upon, Resolution 2024-15, declaring 1409 Crescent Dr. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (Josh Sides, Code Enforcement Manager) (Roll Call Vote Required)

Commissioner Rardin said he drove by, and it looked like someone was working on this. There was a trailer and construction company truck. Do we know if they are trying to fix it? Code Enforcement Manager Sides said no, that belongs to a contractor across the street that does fencing and gates. Commissioner Rardin asked if the property owner was local. Code Enforcement Manager Sides said he was deceased. There is no paperwork in Probate or District Court for next of kin. Commissioner Rardin asked what the plan was for this. He answered that is a decision that City Manager Holden, Director Nunnelley, and I to still need to discuss. There is no property owner. Commissioner Rardin said it is odd no one claims that house. It does not look too far gone. If it gets torn down, it will just be a vacant lot forever.

Mayor Payne asked if we tried to contact the owner. Code Enforcement Manager Sides said he was deceased. Commissioner Rardin said this says Albuquerque. Code Enforcement Manager Side said yes, that is the address for a nursing home. Commissioner Rardin asked if there were children or anything. Code Enforcement Manager Sides said no one had come forward as next of kin. Commissioner Rardin asked who was paying the property taxes. He answered that he did not know. He looked at the County Assessor's website for the name and checked Probate and District Court for anything filed for next of kin.

Commissioner Tapley asked if it said when the last property taxes were paid. Code Enforcement Manager Sides said he did not look that closely. Commissioner Rardin asked if there was a property card in the packet. Code Enforcement Manager Sides said it should be Exhibit 1 in the Resolution. Commissioner Burnett said it does not say if it was paid or not, it just has the estimated value. Commissioner Rardin asked who the property owner was. Code Enforcement Manager Sides said Mr. Stouffer. Commissioner Rardin asked who Frank Duran was, it says it was in care of Frank Duran. Code Enforcement Manager Sides said he did not know, but he had no luck finding anybody for this property.

Commissioner Rardin asked what the options on this were if we passed this resolution. Can we go in and rehabilitate it? City Manager Holden said that is not something we would do based on our current processes. We do not have any ownership of it. Commissioner Rardin asked if we could sell this on the courthouse steps as-is. City Manager Holden said that may be possible, but we have to go through the foreclosure process before that. City Attorney Smith said we would have to place a lien on the property. I finally got the courts to start signing over some of the foreclosure stuff, my office is working on those. We would then have to foreclose on the lien, and even after we get awarded the foreclosure, we would have to wait a year before we can sell it. It would be a few years. Commissioner Paul said it is a prime opportunity for the private sector to step up if somebody has an interest. They can go track down that other person. The property taxes were paid current as of December 10, 2023. Somebody is paying those taxes.

Commissioner Burnett moved to approve.
Mayor Pro-Tem McDonald seconded the motion.
Roll Call Vote was taken.
Motion carried with a vote of 7-0-0.

NEW BUSINESS

15. Setback requirements/Subdivision Ordinance presentation. (Rick Holden, City Manager, and Kevin Jewell, French Brothers Homes President)

City Manager Holden said I previously had the opportunity to meet with Mr. Jewell months before I officially started. It was at a brand-new home being constructed in Alamogordo. Commission Paul, Jerrett Perry, and some staff members were there. We had a lively discussion about setbacks, and the things cities do that govern how developers locate their properties and houses on those properties. We told Mr. Jewell that he could talk before the Commission in an open meeting and workshop format. In my office, I talked to Mr. Jewell about issues that affect the development community and things that are the City's responsibility to regulate, such as zoning, setbacks, building codes, and various things.

Mr. Jewell said he took the previous feedback from Mayor Pro-Tem McDonald regarding affordability, and we are now starting to use the term attainable. Attainable has a larger swath of information. Our primary customer in Alamogordo is the military. Affordability of housing is one of the first things you deal with when people come into town. At Holloman Air Force Base, we have a backlog on our housing.

Mr. Jewell said I am going to highlight what is currently available for Alamogordo. The owner of Mesa Village is developing the next phase, which is approximately eighty-four lots. All the lot sizes are seventy feet wide by one hundred and twenty feet deep. The typical average cost of finished raw land is roughly \$8.25 to \$8.50 at market rate. Based on those costs, the introductory price range for Mesa Village is roughly in the \$400,000 range. That excludes about ninety-five percent of the people in Alamogordo who cannot afford to buy that home, even on the military side with O-5 and above. Those eighty-four lots will take roughly seven and a half to eight years for us to build out and do one home a month.

Bella Vista is on the northern side of town. It is just south of North Florida, over in the Lowes, Home Depot, and Woods Streets area. There is a new phase of Bella Vista being developed. Those are going to be roughly twenty-six lots that will probably be good for another two years. The lot sizes there are roughly \$70,000 lot cost. Mesa Village is around a \$70,000 lot cost. From a land size standpoint, we have no opportunity to be able to provide homes at a price point that gets people out of the rental market or provides housing for people on base. We have a different price range here; we start in the mid \$300,000's. That is our pricing exclusive to us, other builders can be in different price ranges. The land cost is going to be the same no matter who builds on that land. So, we have a lower price point to provide.

Quail Hollow is where the last trailer house fire was, by Ocotillo off Panorama. That price point starts just above \$300,000 and we can get into the low \$400,000's depending on what homes are there. Those lots cost roughly \$55,000 to \$60,000. That is just the land cost. In Alamogordo, we do not have any locked pricing that dramatically helps us reduce the price of the home.

We are working on a project called Summerset, but we cannot move forward on the setback requirements. I am not talking two stories; we will completely concede the seven and half feet. I want to show you the differences in the lot cost and what we can achieve. We are proposing if we match pricing in there, where we are getting ready to start homes in the high \$100,000's on a brand-new home. \$191,000 is an astronomically low price for a brand-new home with a one year warranty, two year major mechanical, and five year parts and labor, and a ten year structural warranty. It all comes with that. What we are proposing in Alamogordo is a paired-home product that will fit on even smaller lots, think a duplex style, and that is where firewalls and stuff come in. On those two story homes, we will keep the seven and a half feet. We can work around that, so no issues on the fire setback. We are not even talking about adjusting ordinances on the fire side, it is just the lot sizes. In Alamogordo, the current minimum lot size we can go to is six thousand square feet. In Las Cruces, we can go to thirty-five hundred square feet. You are talking roughly fifteen hundred square foot difference on lot sizes. When you times that up, just on land alone, you are talking anywhere from \$12,000 to \$13,000 on raw land development on where we are starting at the price point. We have worked toward a product mix that is a forty foot wide by one hundred feet deep. That is within the four thousand range of Las Cruces,

Albuquerque, Santa Fe, Rio Rancho, and Bernalillo are all doing. On a single family detached, not a paired product, we estimate that we can get that sales price to around the \$256,000 range, which brings mid-level enlisted into that price point. We went one step forward and looked at the paired home product. If we have a thirty-five by one hundred lot size, which matched the thirty-five hundred square feet in Las Cruces, we can confidently release the homes at the sales price of \$215,000 for a brand-new home anywhere from twelve hundred to fourteen hundred square feet. That starts to get into E-3 to E-4 range with dependents. If you look at the twenty-seven by one hundred, a twenty-seven hundred square feet home on a paired home product, we think we can get close to being around \$150,000 on the sales price. Mayor Payne said that is the lot size, not the home. Mr. Jewell said that is lot size. That product would be around eleven hundred and fifty square feet with a single car garage, paired with a two-car garage. We would be taking a twenty-seven foot wide lot, paired with a thirty-five foot wide lot. If something were to go wrong and the product was not moving, we would not want Alamogordo to get stuck with these odd shaped sizes. So, twenty-seven and thirty-five, let's say you build a home there with a lot size of sixty-two feet wide. At that point, you would essentially do an ordinance change or small variance to where with one lot you can put a single-family home on a sixty-two foot wide lot, which matches up to what is within the norm of Alamogordo. I will own a mortgage company starting in January, so I had our loan officer run real-life scenarios against that product using the base as our mindset. We can get at that price point, with somebody in the five hundred credit score, to a monthly payment of roughly \$1,200 a month for home ownership. If you look at rental markets and apartment complexes, it would be hard for you to find a three bedroom two bath that was not \$1,400 to \$1,600. If we make changes on our land side from an ordinance standpoint, we put ourselves in a position to be able to dramatically reduce sales prices of the homes, which greatly increases our ability to attack affordability from a Base and lower economic standpoint.

To show my commitment, I am working with Randy Rabon on an area of land he bought where he wants to put a fourplex on. That is an inner-city project, and we are bidding on it right now. Knowing our pricing and closing two hundred and fifty homes a year, it will be tough for anybody to touch our pricing. We are going to bid to build that fourplex in the inner-city downtown. On the projects where we are pulling down dilapidated buildings, some of those lot sizes are thirty feet by seventy feet wide. They are tiny. We have developed a product that is six hundred and fifty square feet. If you drive down Panorama, those are small homes. We can build on those lots. We cannot build on those lots with the way the ordinances are right now, we have no shot. The home will not fit on it and be able to provide a livable space. We will commit to building on these inner-city lots when someone wants to purchase them, and not just in our own developments. That is the difference. It is not a Fire Code issue; it is a lot size requirement issue. Six thousand square feet versus thirty-five hundred square feet is a massive difference in affordability before we even start building the home. The second part of that is, if we put a smaller home on a bigger lot, it is not going to make appraisal because of the land costs. Then we have appraisal issues in the closing process, and it gets extremely cumbersome.

To summarize it all, we have price ranges in Alamogordo for the upper echelon of income inners. We have no new home products for most of the people that work on the Base or Alamogordo. It is a conscious decision on our parts on providing inability to do that. Go to newer homes that are below \$220,000 in the twelve hundred to sixteen hundred square foot range and look at what people are paying for. We are trying to provide a product that brings a new aesthetic into Alamogordo, and we need the lot size changes to help us do that. If we do not change the lot sizes, it changes nothing about my business approach. Nothing changes for me in Alamogordo. I continue to make the same amount of money and close the same number of homes. The scary part of that is nothing changes for Alamogordo either. I want you to take a look at the risk of denying the changes if we concede to the fire requirements. I do not see the risk of doing it. Through Alamogordo, there are different ranges of size homes. It is not like everything is going to be built the same exact way. Right now, we have no product in Alamogordo that is attacking our biggest problem. Imagine an E-1, with dependents, is \$1,200 a month. We think we can come close to providing the Base the ability to purchase a home. That is something we cannot do right now.

Commissioner Robinson said he is working with people looking at affordable housing. I am interested in your motivation and vision. Where does this social consciousness come from? What is your inspiration? Mr. Jewell said the inspiration behind it is homebuilders tend to get greedy. In order for us to be able to consciously attack that problem set, we have to take significantly reduced costs on ours. We cannot just lower the price of the home. Our margins of profit on these homes are next to nothing, so it becomes a standard of velocity. I can make revenue through velocity with lower margins. I spent ten years in the military and fought on a monthly battle watching people make rent payments. I make good money; I will not lie about that. I cannot control prices for food, what I can control is what I can provide inside Alamogordo. I struggle with watching what people pay for and what they get. I am not going to stop building higher-end homes. Our company's purpose is to improve community relationships and improve anything we can within our company. My goal is to have everybody within our company be able to afford one of our homes, but I cannot do that right now. That is the question I stand at; how do I consciously build homes my employees cannot afford?

Commissioner Rardin said we are currently in the process of rewriting subdivision and zoning, where are we on that? City Manager Holden said those are still in progress. I cannot give you an exact date when those rewrites will be ready, but the zoning ordinance is being looked at. I have spent a lot of time in development over the years, and I have watched the paradigm shift. I grew up in an era where people in cities were spread apart. We did not want to live close together. We had big houses on big lots far apart. Over time, I have understood and watched communities begin to shrink in terms of density where they have more people in a smaller spot. The buying public wants to buy a home today they cannot afford, and they do not want a big yard or maintenance. The costs of the lots are part of the driving force behind what Mr. Jewell has to do to margin his homes. It does not matter if it is Mr. Jewell or any other builder. From the City's perspective, when I look at zoning and land use, we do not particularly have an issue with smaller lot sizes and bringing those setbacks a little bit closer. We are not talking about Fire Codes at this point, that is a whole different issue. Mr. Jewell showed three different sized homes he could build that give some flexibility and opportunities for the public. I leased a house here slightly over twelve-hundred square feet, and it is \$1,600 a month. Most of the ones I looked at were \$1,800 to \$2,100 a month. Mr. Jewell is not lying about trying to get those costs down. Mr. Jewell mentioned some things about the infill too. Commissioner Rardin and I have talked about infill, those are opportunities. Mayor Pro-Tem McDonald and I have also had this conversation. There are opportunities to take some of these smaller lots that otherwise would not be big enough to build a house on by ordinance, but we can create districts and planned developments that regulate lot sizes in specific subdivisions. We can do those things to get a real house on a smaller lot that would give somebody the opportunity to own a house that otherwise may never be able to. It is difficult right now for anybody to find affordable houses. We can certainly work with any developer. What we are trying to do is figure out how to make things work, figure out how to not stop progress, and create new opportunities for people. This is one way that could happen.

Commissioner Rardin said if this is something we will have here shortly, then maybe it can be addressed in the subdivision ordinance. If it is not, then maybe we look at creating a new zoning section, like an R-1A or R-2A. I know we have planned unit development already in our ordinance, maybe we can structure it like that. Mr. Jewell said we could do PUD for Summerset. I am trying to do this from a holistic approach that is good for the City. Commissioner Rardin said that is where I was going with that. We have R-1, but we could go R-1A and include three or four different lot sizes that were mentioned. That way, we have control. You do not want to have a twelve hundred square foot house sitting next to a thirty-two hundred square foot house. That way, we have control over where and how they go. Mr. Jewell said this is the approach for right now, but it does not mean it is the right approach ten years from now. Right now, it is the only level left in providing affordable housing. I cannot pull much more out of the homes and still provide a product we are proud to offer.

City Manager Holden said we do not have developers knocking down the doors trying to figure out where to build and how fast they can get started. This is an opportunity to get out of the rut, because we have been in a rut, and do something positive. This ties back into the award we just got, and how we are trying to make things better for our community and the Base. If we get people living in these houses, they are going to buy groceries here, go to school, and pay taxes. That will give us the opportunity to do more things. This is to do something rather than say no to everything that walks in.

Mayor Payne asked what kind of house would be on a thirty-five hundred square foot lot. Mr. Jewell said if you paired a twenty-seven and thirty-five together, that would become a duplex style home, so it would be a zero property lot line. We would have to have a firewall in between with certain ratings. What happens is, when you shrink the size of that lot, you are taking that lot cost and splitting it in half, and you are taking the two homes that would have the side setbacks between, and you combining them together. Mayor Payne said so you would not have space in the middle. Mr. Jewell said no, you are taking fifteen feet out of it, so you can still fit twelve hundred to fourteen hundred square foot homes on that small of a lot, because you go to a zero lot line design. That is where the forty by one hundred comes into play. What we want to do is not have a development of just duplexes, we would mix in single-family to keep spacing of vehicles and parking. There are safety measures. Driving a fire truck down a road with a hundred cars at night is not ideal. It would not just be a community of sixty duplexes, it would have single families mixed in there. Mayor Payne asked what he meant by duplex. Mr. Jewell said to maximize square footage, we would make a two-story duplex, a townhome. We have designed it to look like one home with a three-car garage. It just has two doors. Commissioner Rardin said there are houses similar to those out on Cottonwood by Lowes, and the Nevada area. Mayor Payne said those were really small. Mr. Jewell said we are working on products to get down into the five to six hundred square foot range for some of those infill lots the Commission talks about. That is the size of the home it would take to replace in some of there, and it is hard to design something with flair to it at that size. You just run out of the room quickly.

Mayor Payne said when you say this gives people the opportunity to buy a home, this gives them the opportunity to buy a brand-new home. The difference is not that they wouldn't be able to buy a home but buy a new home. Mr. Jewell said there are roughly two hundred and twenty-seven per year in that square footage in that price range. The problem is, they are forty years and older. There is nothing wrong with that, but looking at current interest rates, those people bought homes in that area when they were in the high twos and low threes. So, we have a resell market problem as well. People are not offloading those homes, because they would give up the interest rates. When we talk about the availability of a product, the resell market is not there. It is not a forever thing, but it is a thing right now have to do. To answer Commissioner Rardin's question about the timing on the ordinances, we own most of the land in Alamogordo for homebuilding. We will be out of land in 2025. If we do not start doing things to get developing this year, there will be no place to build new homes.

Mayor Payne said part of the problem with this affordability issue is that it is more of an interest rate issue. I do not think those rates will ever be as low as they were, but that does not change anything for you. A concern for me is, you want to make them affordable, but let's say interest rates go down in a year and a half. Mr. Jewell said when you are talking interest rate, you are talking buying power. If interest rates go down, you as the individual have more buying power. That means you can afford a larger home. Conversely, as interest rates go down, the people that could not afford a home before now can. As interest rates lower, it is not that you would not want to build that home anymore, you are just accessing people who could not afford it before. Just because interest rates go down does not mean the product shift changes. Inflation as well as rates are probably one of the largest determiners, and that is not going down anytime soon. When you look at GDP, people are still buying, and credit scores are still going up. Inflation has not created the withdrawal of spending you would think, so why would the economy back off inflation if the public were still paying those prices? Inflation is what it is. Mayor Payne said she was not asking from that standpoint. Are we going to create a situation where

they can afford more, so you raise the price? I want to make sure we are doing the right thing for the right reason.

Mayor Payne said I need to know how the Fire Department feels about this. Are we creating any kind of fire safety issue or hazard if we agree to this? I know that was a huge topic. Chief Ramirez said that as long as the Life Safety Code and Fire Code is met, there is no issue with that. Those have to be met. You cannot disregard that; it has to be enforced. Mayor Payne said she did not see an issue with the duplex part. If you do a duplex and do a single family next to that, would that still be within that seven and half feet? Mr. Jewell said two story to two story is seven and a half feet. That is probably where we would have to sit down and say what if we pair a single family home next to a two story right now? By how the ordinance and IFC are, five feet as the setback requirement because it is a single story. Mayor Payne said we would have that ironed out before we voted on anything, right? City Manager Holden said absolutely. It has to go through the planning process and do all those things to establish those lot sizes and what the setbacks are. All that will be spelled out and signed off on by the Commission as well. Those plats are approved down the road, and then the building codes come later once the building starts. Those plats are bid, and we basically out of the loop. That is when the inspectors come in and make those observations and inspections, and we are checking the water and streets and sewer connections. It is just a matter of allowing those to condense. We are not talking about the Fire Safety Code right now. Mr. Jewell said if I let my ego get in the way of working with the Fire Department on the setbacks, then I am not leading the company in the direction of standing by bettering communities. Do I and will I agree to how the Code reads? Probably not ever. If that is on the Fire Department's side, at some time, I have to go, okay, is this a pride issue I am having, or do I have humility to say okay, let's figure out how to work around this because I can still provide a product within these confines. That is why there is no seven and a half feet anywhere in there, at all.

Mayor Pro-Tem McDonald said when we spoke on this before, the new lot sizes would be something throughout the City, not just in one area. My issue is, we are building on the outskirts and subdivisions. There is room out there, but we also have room in the inner city. Looking at the commitment to a fourplex project, now we are getting a different product in the inner city than out in the subdivision. Is that a true statement? Mr. Jewell said to answer it directly, yes, that is a true statement. However, I am not the one that designed or chose the fourplex. I have been asked to build it, but that is not a French Brothers product. We will build what the buyer has given to us, like you would on a custom home. That is at their request, not ours. We do not own the land and we will not buy the land. That is what that individual is doing. The reason we would start in the outskirts is because that is where I own the land. I can build on the inner city, but I do not own land there. That is where it gets difficult for me. I can follow people that want to build in the inner city. It really comes from what the buyer of that project and the land size allows me to build. Mayor Pro-Tem McDonald said so it is not really an investment, then. You are basing it on the need or want of the person. Mr. Jewell said at this point, it is the only option I would have. It is hard for me to do a master plan for the community when I do not own the land inside the city. Mayor Pro-Tem McDonald said we are stretching money trying to get our streets redone, and now as a subdivision, we are adding more obligation for the City for something that is outside the scope of what we have in front of us. In the inner city, we still have streets, we have all the connections, everything needed to continue building and not have that additional expense. Right now, I am looking at the fact it is a cost. You are talking about the cost of building a home out there and making it more affordable. When you look at the long run of the city, we have to extend money out to that area also. Building a fourplex based on the need of a person still eliminates your commitment to the inner city when we have vacant lots here, and things that can be done cheaper. It just takes commitment to get it started. Maybe it could be something where you have more than just two vacant lots, maybe you could have four and start something as an investment in the city. I am not looking at it from just my district, I am looking at it as commitment to the city. Now, the obligation is going out to the subdivision, which is land you bought and is an investment in the community. I am looking at the fact it is going to cost the city more money once you turn that over to the city. Now that is an obligation for the city to keep the roads and utilities going. I am not against building, but I am looking for things

that can happen. We have to look at all the districts within the city. In District Five, the money generated there helped create the fact that the subdivision could be developed. The money you are using came from District Five, for an example, to help build something in District Six. Sometimes, you are looking for some of that to come back into the areas that have helped the support reason and wherewithal we can develop in the subdivision. That money has been taken from certain areas to produce better homes. I am not against that. I would like to see more commitment to areas that need to be built up and populated. Mr. Jewell said we pay for the development costs; the city does not pay anything until it becomes a maintenance cost, or something happens. That is a huge investment on our part. I cannot make a commitment with the ordinances as they are. I would not even look for land on the inner city with the way the ordinances are. Mayor Pro-Tem McDonald said that is not the question. If we are making everything equal, where it is done in all districts, you can start there. I understand you are paying for that. Once that is developed, the cost turns over to the city. It is not the development any longer.

Commissioner Rardin said we could provide staff direction. I would like to see the staff draft an R-1A type zoning, which would encompass what Mr. Jewell is talking about. The Fire Department can be involved in that with the setbacks so we can make sure. There are various ways in the Building Code that if you do not have the ten feet between structures, you can do firewalls and different things. There are ways around that. Also have staff look at infield development. As Mr. Jewell stated, in Mayor Pro-Tem McDonald's district, there are a lot of properties and vacant lots. It would be amazing to go in and build new homes on those lots, but Mr. Jewell does not own those. Trying to get those people to sell to you is sometimes difficult. We could have staff look at the infield development program I talked about last year and figure out how we can acquire some of those lots. Once staff drafts it, we can say yea or nay on passing it. If a developer wants to buy that land and subdivide it into this, then so be it and allow them to do that.

Mayor Pro-Tem McDonald said she is basing everything on the new lot size, and everything being equal. I am not asking for anything different. If we have all things equal, then how will it look, and what will the commitment be? Mr. Jewell said I cannot give an answer right now on that. There are a lot of things that go into building inner city infill lots. I started a mortgage company so we can control the affordability process. When you do infield developments in the inner city, you are building in a market space that cannot qualify for the home product, so you require an investor to buy it and it becomes a rental space. I cannot change that. With interest rates right now, the demographic in that area has a hard time affording that home from a downpayment and credit score stance. As interest rates go down, that demographic may be able to afford to buy the home. At \$150,000, that monthly mortgage payment would still be \$1,200. That is hard for someone on minimum wage in Alamogordo to qualify for. Mayor Pro-Tem McDonald said it is not that people cannot afford to \$1,200, but the houses in that area are being rented for \$1,000. Mr. Jewell said it is the credit score issue; I cannot control that. Mayor Payne said it is easier with a VA loan.

Commissioner Rardin said this is for City Manager Holden, in the area we are talking about, it can be declared an SBA Hub Zone. I do not know if that would help us make it work with the infield. Down in that area it fit because we were going to declare it an SBA Hub Zone at one time. City Manager Holden said we will look at those options and opportunities. I previously visited with you and Mayor Pro-Tem McDonald about housing. This is a change, a different approach to something we have looked at for years. That is what Mr. Jewell is asking for. If you give me the direction as a group, we can pursue some of these things, and reduce them down to something you can comprehend and work from. Lot sizes are not a big deal or zoning issue for us. Commissioner Rardin said as long as it does not affect our ISO ratings. City Manager Holden said you will see homes all across the country that are on zero lot lines. That is not even a factor anymore. Commissioner Rardin said I think we already have some of this in our duplex portion of our ordinance, but I am not very familiar with that. Mr. Jewell said the requirements of the zoning of what you can build is not the issue. The city is fair on that with the Fire Codes, it is the minimum size requirement. It is four thousand square feet minimum, and we are asking

to go down to twenty-seven hundred. We are not asking to change anything done in the Building Code, I am asking to adjust how we do the land.

Commissioner Rardin asked if everyone was okay with having staff draft this so we can look at this later as an action item. Commissioner Paul said city staff could look at different options out there and present us with them. Mayor Payne asked if everyone agreed on the direction with staff. Commissioner Robinson said that was his recommendation. Commissioner Rardin said he would like staff to look at that, and the infill program. Mostly in Mayor Pro-Tem McDonald's district, but also Commissioner Burnett's and my district. City Manager Holden said there are a number of areas in town that would fit that category. It is just a matter of creating a zoning district to do that. As Mr. Jewell said, once you get into that part, there are parts we cannot control, but we can do the rest. Mayor Payne said the other issue is, to even qualify, you have to find comps and that kind of thing. Those might be more difficult when you are talking about putting a brand-new house in an area that has much older homes. City Manager Holden said we will get started on that.

16. Consider, and act upon, appointing a member representative and an alternate to the Southeast Regional Transportation Planning Organization (SERTPO) committee. (Rachel Hughs, City Clerk)

City Clerk Hughs said they are requesting a member and alternate be appointed. City Planner Rael is the active member and has been one for years. The former alternate was Commissioner Melton. SERPTO mainly gets together to talk about the New Mexico Department of Transportation. The next meeting is March 21, 2024, in Artesia. They meet in different cities.

Commissioner Rardin asked how many meetings a year this was. City Planner Rael said the schedule may change, but it is usually quarterly. Our last meeting was on January 31st, and we will meet in March.

Mayor Payne asked if City Planner Rael could be the member representative and Assistant City Planner McGranaghan could be the alternate. Does it have to be a Commissioner? City Clerk Hughs and City Planner Rael both said they did not believe it had to be a Commissioner. Commissioner Rardin asked if it would look better if there was an elected official and a staff member. City Planner Rael said she has been a voting committee member for eleven years, and in her opinion, it always seems better if an elected official is the alternate because they bring more leverage. It works better with an elected official to represent the City.

Commissioner Tapley said he would volunteer to be the alternate.

Commissioner Rardin moved to approve City Planner Rael as the member representative, and Commissioner Tapley as the alternate.

Commissioner Robinson seconded the motion.

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

17. Consider, and act upon, appointing a board member to the Southeastern New Mexico Economic Development District/Council of Governments (SNMEDD/COG) Board. (Rachel Hughs, City Clerk)

City Clerk Hughs said they were asking for a member for this Board. Membership is for two years unless that person steps down before that. The City contributes \$9,121 annually to this Board and has done so for years. I attached the resolution, agreement, and the invoice that was paid this year. This Board talks about major economic interests, such as business development, business retention, community and facility planning, economic development grant assistance, human resources development, land and water management, legislative initiatives, and transportation planning and

development. Currently, Mayor Payne is the appointed board member and has been for a couple of years. Before her, it was former Mayor Boss.

Mayor Payne said she would keep doing this. Sometimes you have to travel, and it is difficult. Commissioner Rardin asked her how many meetings she had been to in the last two years. She said two. Commissioner Rardin asked if this one met once a year or quarterly. City Clerk Hughs and Mayor Payne both said quarterly.

Commissioner Rardin moved to approve Mayor Payne as the appointed board member.

Commissioner Tapley seconded the motion.

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

18. Consider, and act upon, Ordinance 1686 for first publication to add Article 11-08, Section 08-010 - 08-040 to Chapter 11 Criminal Code, concerning Peddler and Solicitor Regulations. (Ashley Smith, City Attorney) (Roll Call Vote Required)

City Attorney Smith said as some of you may recall, we brought this months ago. We brought it as an amendment, which was incorrect. It should have been brought as a new because we are adding it in to Chapter 11. This ordinance had previously been under Chapter 17, but when we were redoing that chapter, we rescinded this ordinance. Now we are trying to bring this ordinance back as a new item under Chapter 11, which is the Criminal Code.

Commissioner Robinson asked if what was changing could be summarized. City Attorney Smith said we are not changing anything that had previously been in ordinances, we are bringing it back under a new chapter. It was previously under Business Regulations and Licenses. We no longer required a license for peddlers and solicitors. We are bringing it back under the Criminal Code because it deals with aggressive manner from solicitors. If someone is trying to solicit something, and you tell them no, and they persist and become aggressive, then our officers have a way to combat that. They could be cited under this ordinance.

Commissioner Rardin asked how we were going to enforce this. By the time officers get there, they will more than likely be out of the neighborhood. City Attorney Smith said she will turn that over to Chief Kunihiro regarding enforcement. When it comes to my office, then we will prosecute. Chief Kunihiro said if this is passed, it is a petty misdemeanor that is probably not observed by the officer. So, there is a report from the victim. If there is enough probable cause, we can issue a citation or the warrant route if we really want to put them in jail. Generally, it is a non-traffic citation. Commissioner Rardin asked what if there were multiple complaints in one neighborhood. Chief Kunihiro said that strengthens the case for probable cause. Also in this is the part about stepping off into the roadway for soliciting and getting money. We run by those cases often.

Commissioner McDonald moved to approve.

Commissioner Burnett seconded the motion.

Roll Call Vote was taken.

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

19. Consider, and act upon, Ordinance 1687 for first publication to add Article 11-07, Section 07-010 - 07-060 to Chapter 11 Criminal Code, concerning Alcoholic Beverage Regulations. (Ashley Smith, City Attorney) (Roll Call Vote Required)

City Attorney Smith said like the previous ordinance discussed, we previously brought this before the Commission, but again, it was labelled as an amendment which was incorrect. It should have been adding. This was previously under Chapter 5, but when we rescinded all of Chapter 5, this ordinance went away. We are now trying to bring it back and adding it under Chapter 11, Criminal Code. This

deals with the selling or giving of alcoholic liquor to minors. At the moment, we do not have anything in municipal we can cite. This ordinance will give us something to be able to cite for people giving alcohol to minors. We cannot actually cite minors in Municipal Court.

Commissioner Rardin asked why this could not be cited under Magistrate. It is illegal to give minors alcohol. So, this would just allow us to cite it in our court? City Attorney Smith said correct, we could cite it under Municipal Court. I know we had to go the State route when this was taken out. Chief Kunihiro said this hits the eighteen to twenty year olds giving or selling alcohol. So, a twenty-one year one giving it to someone who is twenty or nineteen. Otherwise, if you are giving it to someone under the age of eighteen, it is a felony. This just gives us a petty misdemeanor charge when it's giving alcohol to an adult, but they are under the age twenty-one. There is more to this ordinance. There are location regulations, drinking in public, all of that was repealed from Chapter 5. We are just essentially giving it a new number and moving into the Criminal Code so we can start enforcing it again. Commissioner Rardin asked if we could not enforce it previously. Chief Kunihiro said once it was repealed, the ordinance did not exist, so we have had to send some cases that fell under that to Magistrate Court for officer prosecution. More specifically, if we run into local people drinking in public, we cannot really do anything about it.

Mayor Payne said if a case goes to Magistrate Court, the officer is responsible for prosecuting his own case. That becomes problematic because they are not lawyers.

Commissioner Robinson moved to approve.

Commissioner Burnett seconded the motion.

Roll Call Vote was taken.

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

20. Consider, and act upon, terminating the lease with Downtown Ventures for default on the lease. (Ashley Smith, City Attorney)

Mayor Payne said as a reminder, we are just talking about their lease today.

City Attorney Smith said I am bringing the lease agreement the City has with Downtown Ventures before you for termination due to default on the lease. I reached out to Downtown Ventures multiple times and sent them several letters. You all have those letters in your packet, which also details all the violations of this lease. Terminating this lease will help us move on to the next step. It does not take away any of the financial obligations that Downtown Ventures has with the City. There are still things that need to be addressed, but we will be able to move forward as quickly as we can. This will be an ongoing issue. Commissioner Paul said City Attorney Smith said there were other letters that were supposed to be included in the packet. The only letter I see is a letter from Mr. Chun in response to whatever the City sent. There is no other info in the packet relating to anything we have submitted to him. Does City Clerk Hughs know if anything did or did not make it in? City Clerk Hughs said that was the only letter that was put on the agenda. City Attorney Smith said it must have somehow gotten taken off. I had all the communications I had with the letters.

Commissioner Paul asked what they were specifically in default of. City Attorney Smith said she sent the first letter to Downtown Ventures was on December 6th. Pursuant to the lease, we have to give them the notice of default, and this was acting as the notice of default. Pursuant to that, they had thirty days to correct the default. We are well past the thirty days because we were trying to work with Downtown Ventures to get some of this resolved. Some of the defaults consist of, in Section 14 of the lease, which deals with maintenance and operations, it says, "Tenant fails to pay any Lease Amount as and when such Lease Amount becomes due..." In January of 2022, the bills had been quarterly, and we changed them to monthly pursuant to Downtown Venture's request. They stopped making monthly payments November 2022. The City sent invoices in December 2022, then in January,

February, March, and May of 2023. The City did not receive a rental payment until July 10, 2023, and that payment was for \$2,000. At that time, there was a balance of \$16,000 owed. We have not received a payment since that time. At the time of the letter, there was a balance of \$32,000, that I now believe is up to \$38,000. City Attorney Smith continued that another section violated is Section 15.1.1. Due to the default, we actually did Section 15.1.1, which is our right to terminate tenants right to possession of the facility. Section 14.1.3. was a default. It says, "Tenant fails to perform or breaches any agreement or covenant of this Lease not separately covered in this paragraph 14 to be performed or observed by Tenant..." In the lease, Section 5.3.2. requires the tenant to furnish the City with a semi-annual P&L statement and balance sheet certified as correct by an authorized member or officer of tenant. This report was due forty-five days after the end of each reporting period. During the term, the City never received any P&L statements, and we still have not received any P&L statements, nor did we receive an annual financial report which was due within ninety days. Those were things also in default and classified as a qualifying default event under the lease. Commissioner Paul said that is fine, you do not have to go through all of that. I just saw the email; I did not mean to make you go through all they were in default of. With regards to this lease, from the City's perspective, have they not been providing us with a lot of the financial documents from the entire time of the lease? Or just in recent times, say, the last three years? City Attorney Smith said her understanding was that we have never received the P&L statements, which was an issue because that determined the lease amount. The big thing is the nonpayment of the lease agreement. Mayor Payne asked if that had been since COVID. City Attorney Smith said we received a rental payment July 10, 2023, but that was not for the entire amount, it was only for \$2,000. There was still a balance.

Commissioner Paul asked if mediation was an option presented to Mr. Chun. I would also like to comment that I hope City Manager Holden will have a better handle on these types of contracts should we be in the business of having business ventures like this. I think it is pretty sad from the City of Alamogordo's standpoint that we are not maintaining lease agreements and ensuring we are getting what is owed to us, whether that is monetary or by documentation submitted. The fact we probably have no records on anything that was really submitted to this, and we are not trying to push Downtown Ventures to produce those items is oversight on the City's behalf. Maybe something could have prevented this from coming to what it did, which was shutting down and closing a facility that the community enjoyed using. I know that City Manager Holden was not around when all this happened. City Manager Holden said I cannot explain why those things did not happen, but from my standpoint, going forward with whatever decision the Commission makes in this regard, and whatever agreements we may arrive at, we will follow up on those, and you become known in a timely manner of default situations such that maybe we can head off something like this before it gets there. I have heard a multitude of stories about this project, some of which the Commissioners told me. I will take that to heart, and we will be sure we follow those guidelines.

Mayor Payne said Mr. Chun never provided P&L's, which he should have. In terms of the lease, it was all good until he was shut down. That does not negate anything because that is not our problem. Commissioner Paul said his issue is that there still needs to be communication between both parties. Mayor Payne said she agrees with that. I strongly asked our former City Manager a few times about this because I was concerned. I wanted to know what was going on with this, but for whatever reason, it did not get addressed. It is frustrating and disappointing. Commissioner Paul said it hurts the community more than anything else. City Attorney Smith said while it is not a default event, the shutting down was a violation of the lease agreement. The proper way to for this lease to have been terminated by the tenant should have been in writing, and he would have had to stay open for six months. Mayor Payne asked if posting this on social media was not the proper way to tell everyone he was closing his doors. City Attorney Smith said the court would not recognize that as a proper form.

Commissioner Paul asked who owns the equipment in there, and does it relate to the lease. City Attorney Smith said the equipment is not part of the lease agreement, it is part of the LEDA agreement, which we will discuss later. That agreement will be coming before the Commission at a later date once

the LEDA audit is done. That stuff is covered under the LEDA agreement. Commissioner Rardin said the lanes and bowling equipment were part of the lease agreement. It was part of the original \$6,000,000. Like the tables, chairs, cash registers, POS system, I think those were part of the LEDA agreement. The lanes and the arcade equipment were part of LEDA. The lanes and all that stuff were included in the original build of the project before Mr. Chun was even involved. I think the laser tag and lanes were included in it. City Attorney Smith said the stuff you are mentioning is in the lease when it comes to repair and maintenance. It does not address ownership because the LEDA addresses that. That is another issue with the place. I sent an email informing the Commission about that. If you want those letters, I am more than happy to email them to you all. One of them was dealing with the maintenance issue. Mr. Chun's letter talks about it. There are some things that do not appear to have been maintained pursuant to the lease agreement. That is essentially another violation of this lease agreement, but it is not a default event. Should this go to litigation, it would be another thing brought up. Commissioner Paul said if there is not a speedy resolution to this and it ends up going to litigation, does that tie up the City's ability to find a new person to take over leasing, running and operating this? City Attorney Smith said the hold up on that is the LEDA. It is not really the lease agreement. Once this lease agreement is terminated, there is nothing stopping us except the LEDA. We have to have the LEDA stuff resolved next. Under the lease agreement, Downtown Ventures is still liable to the City, even after termination, for rent until we are able to fill it. Terminating this lease does not affect that.

Commissioner Rardin said LEDA is a separate agreement. Once we terminate this lease why can we not do an RFP or whatever the Commission decides? That is a whole separate deal, that was an agreement between Mr. Chun and us. City Attorney Smith said the LEDA deals with ownership essentially. We cannot go forward until we have that audit. City Manager Holden said we still have a significant financial obligation on that building on the debt side we have to deal with. Until we actually settle the LEDA, there is still an actual amount of that LEDA added to the debt we owe that makes it difficult to move forward today. We have to resolve the LEDA issue to determine whether or not it is going to be reduced by the numbers they presented to us. Commissioner Rardin said there was a similar situation with Sunbaked Biscuits that had a LEDA agreement. I am not sure how staff handled it at the time, but the new owners just assumed that portion of it when they bought the cookie factory out there. City Manager Holden said once we determine what is physically ours by way of equipment, and we get that LEDA portion figured out, we may be able move sooner than not. The issue on this lease may end up in further litigation, but we may be able to move forward. There still could be some questions that are not resolved exception in litigation or mediation, or whichever comes about. There are a lot of things involved in there. Commission Rardin said if I remember right, all the bowling balls, machines, all of that was there prior to Mr. Chun. City Manager Holden said we can hopefully get that information to know exactly what we got. Commission Rardin said I may have photographs of it before Mr. Chun was in there. City Manager Holden said that might help, we may need that. City Attorney Smith said we will discuss more of that when we talk about the LEDA. The LEDA agreement discusses all about what we have financial stakes in. It does detail things purchased through LEDA funds we have a financial stake in. That is one of the issues we are trying to get resolved. We will not able be able to do that until the LEDA audit is complete, then we will bring it before the Commission to discuss. A lot of those questions will be addressed then.

Commissioner Rardin moved to approve.

Mayor Pro-Tem McDonald seconded the motion.

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

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

Mayor Payne appointed Lorraine Adam, Gregory Mancil, and Gregory Bond to the Alamogordo Disability Council. No one was opposed.

UNFINISHED BUSINESS

22. Consider, and act upon, Case SP-2023-0007(A), property owner Bobbie Jo Stone is requesting to be granted a special permit to allow her niece to reside in an RV on her property at 1000 Post Ave. (Stella Rael, City Planner)

Bobbie Stone said her niece has an RV parked behind our trailer on our property. They are trying to get it renovated to temporarily live in it. Right now, they have power on our pole, water going through our water hose, and a compost toilet.

Commissioner Burnett asked if anything had been resolved that was discussed before, like the electrical. Mrs. Stone said it is on our post. He asked if there was a 30-amp power supply. Mrs. Stone said yes. Mayor Payne said what about the sewer. Commissioner Burnett said with a composting toilet, Mrs. Stone does not need sewer. There is no sewer hooked up for composting toilets.

City Planner Rael said this item was previously brought before the Commission on October 12, 2023, by Assistant City Planner McGranaghan. At that time, the item was tabled by a vote of 6-0-0 with direction by the Commission that staff bring back this item to this evening's regularly scheduled meeting. The property owner was given the direction, by the Commission, to stay in communication with the Planning and Zoning Department during the renovation process of the RV. As of today, I have never seen the property owners in my Department. The last time I saw them was on October 12th when they came and submitted their application for the special permit. I would like to bring you up to date on the circumstances at that location. I submitted a copy of the plat in my agenda item to you to show that the RV is sitting on a sixty-foot gas easement that runs through the property. That gas easement runs all the way from Walker to Wright Avenue. I went out there at around 10:30 a.m. last week to look and see if they were in compliance because I had to submit everything and meet the deadline for the Commission by noon that day. I could not get on the property, but I took pictures. There is electric going into an outlet on the pole. The RV is in the same spot. There was a hose, but I do not know what it is. I think it goes to the sewer, but I cannot get on the property to be exact. To the right of the RV there is a piece of hardiebacker covering everything. I went out there again yesterday to look once again. In those pictures, I do not know what this hose is, but in prior pictures, there was a window. Now there is a hose that looks like one used to drain a swimming pool, and I do not know where it is leading or doing. Now it looks like some sort of structure is being added to the RV. Commissioner Burnett asked if that is where the door was. City Planner Rael said I do not know; I think the door is to the left. The property owner can answer that question. At this point, staff are still recommending denial of allowing the RV to be there. It does not meet the criteria. In order to get a special permit for RVs, the property owner has to meet and show proof of hardship. In this case, the property owner does not have a hardship, the niece does. Per Ordinance 25-01-020, the applicant must show hardship which is not self-inflicted, but which arises from the character of the property for which the permit is sought, character of surrounding properties, or extreme and unusual personal circumstances; and the temporary placing of a mobile housing unit or RV is not detrimental to the surrounding properties.

Commissioner Burnett said the hose is obviously a drain hose and has nothing to do with composting toilets we cannot tell where that is going to. City Planner Rael said she could not tell because it looks like hardiebacker board was placed in front so you cannot see it from the street. Commissioner Burnett said as far as the extension cords are concerned, that is obviously not a 30-amp cord either. City Planner Rael said no, it looks like it is just plugged into the outlet on the pole.

Commissioner Paul moved to deny the special permit.

Commissioner Burnett seconded the motion.

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

EXECUTIVE SESSION

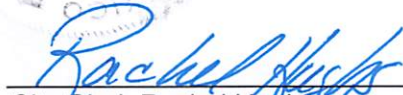
23. Adjourn into Executive Closed Session in compliance with 10-15-1(H)(8) NMSA (as amended) to discuss: Real Property land accusation of Mountain Park Farm, located in Highrolls, NM. (Roll Call Vote Required)

Commissioner Burnett moved to adjourn into Executive Session at 8:35 p.m.
Commissioner McDonald seconded the motion.
Roll Call Vote was taken.
Motion carried with a vote of 7-0-0.

ADJOURNMENT



ATTEST:


City Clerk Rachel Hughs


Mayor Susan L. Payne

(Prepared by Dylan Aleshire, Deputy City Clerk)
Approved at the Regular Meeting held on February 27, 2024.