



CITY OF LAS CRUCES

HISTORIC PRESERVATION COMMISSION

November 20, 2024, at 6:00 p.m.

The following are minutes of the Historic Preservation Commission Meeting held November 20, 2024, in room 2007B, City Hall, 700 N. Main Street, Las Cruces, New Mexico.

MEMBERS PRESENT: Dr. Judy A. Berryman, Chair
David Chavez, Vice-Chair
Ernie Campos
Dr. Paul John Deason
Jeffrey Shepard
Dr. Jerry Wallace

MEMBERS ABSENT: Patricia Williams

STAFF PRESENT: Larry Nichols, Director Community Development
Adam Ochoa, Senior Planner
Chris Faivre, Interim Deputy Director Community Development
Dr. Tim Pitts, Deputy Director Building Development
Steven Bingham, Director Parks & Rec
Brad Douglas, City Legal
Christine Rivera

OTHERS PRESENT: Greg Shervanick
Jo Ruprecht
Deb Dennis
Doris Buchmann
Lucy Silva
Martha Rodriguez
Robert Cruise
Cat Acosta

1. CALL TO ORDER (6:00)

Meeting was called to order.

2. APPROVAL OF MINUTES

2.1 July 24, 2024 HPC Minutes

1
2 **2.2 August 14, 2024 HPC Work Session Minutes**
3

4 Motion to approve July and August minutes by Jeffrey Shepard; second by
5 Jerry Wallace. Motion passed unanimously.
6

7 **3. ACTION ITEMS**
8

9 **3.1 Case HPC-24-001: The proposed condemnation of a structure located**
10 **at 414 E. May Avenue**
11

12 Larry Nichols stated a number of inspections on the property have been
13 done. Staff talked about statutory authority to rid the City of properties that
14 are unsafe structures to the neighborhood, or present other life/safety
15 hazards. This property was inspected by mechanical, electrical, building
16 and the building officials and the facility was deemed to be substandard for
17 habitation and a hazard to public safety. The owner of the property is
18 deceased and no other family members have interest in rehabbing or
19 boarding and securing the property from unauthorized entry. Notice of
20 condemnation has been posted. There have been a number of calls to the
21 police and fire. There was a corpse found on the property. Contact made
22 with a member of the family and they are not interested.
23

24 The condemnation process. First endeavor is achieve property compliance
25 through abatement which would be board and secure, rehabilitate the
26 property. Next is condemnation. This involves report of the property
27 conditions. If it is uninhabitable, certificate of occupancy is revoked.
28 Condemnation is posted along with appeal order for 30 days. Lien is filed
29 on the property for recovery of cost of demolition. There was mention of
30 Chapter 40 what has to happen, a list of architectural drawings,
31 photographs, documentation of the building before demolition.
32 Photographs have been taken, but Judy Berryman did not think those were
33 adequate. Condemnation goes before City Council. Demolition goes
34 through a resolution to City Council to approve the funding. Paul Deason
35 asked about the property becoming City and then sold. Brad Douglas
36 stated there is no legal mechanism in place for the City to seize the property.
37 Since the property is in a state and nationally recognized historic district are
38 there means or mechanisms that are not in the City charter that will allow
39 SHPO or someone to take possession and preserve this property. Brad
40 Douglas stated it sounds like condemnation through eminent domain
41 process, and eminent domain the answer is no. He will do some looking
42 though. A family member has been paying the property taxes but wishes
43 to discontinue that. This property is not in probate as of now, and that would
44 be a different situation.
45

1 Jo Ruprecht asked the name of who the owner of the property is, name of
2 granddaughter, age of granddaughter. Code compliance officer has all that
3 information and is not available at this moment. Jo Ruprecht stated the City
4 is using "LexisNexis " for a search. She found Loraina Eres (*inaudible*)
5 owner and with a variety of relatives. Brad Douglas stated that LexisNexis
6 can be used, and use county property records, conspicuously post notices
7 at the property. Relatives do not equal heirs under the law. The City does
8 not have an obligation or ability to open probate. With no heirs, the property
9 could escheat to the state of New Mexico.

10
11 Jo Ruprecht stated the façade seems okay, even though the roof is falling
12 in, and if demolition, possible damage to the neighbors' house (they share
13 a wall). Suggested keeping the front façade and finding someone to pursue
14 fixing it. Brad Douglas feels the role of this board is to make alternative
15 recommendations for the governing body to consider. Jo Ruprecht has
16 spoken with a construction engineer and that person is willing to look at the
17 façade closely. Doris Buchmann asked if the City has a professional for
18 historic buildings. The City has two certified building officials. Also when
19 fire is called out they have their own codes and standards to do inspections.
20 Jo Ruprecht continued to state the name of record on the property is
21 different than what the county has on record. City staff can only go on what
22 the county has on record.

23
24 The city has 13 inspectors, building officials certified by national agency and
25 approved by the state, electrical inspectors, mechanical inspectors,
26 plumbing inspectors, and zoning officials to determine habitability and safe
27 structural condition. All of these inspectors have been to this property.
28 Martha Rodriguez mentioned a lot of junk is located on the property. Robert
29 Cruise asked about the adjoining wall to the neighbor and who would
30 reinforce should the building be demolished. David Chavez stated that the
31 junk is not on this lot, but a separate lot. Doris Buchmann discussed safety
32 issues with the building, someone living there, children playing in the area
33 near there. Brad Douglas stated people can call codes to make the area
34 more safe. Paul Deason mentioned the neighborhood cleanup groups in
35 other parts of the City and asked if the community could clean up this area.

36
37 A question was asked about revoking the certificate of occupancy. Larry
38 Nichols stated that the City does that so that no one believes it is a habitable
39 structure. After revoking the certificate of occupancy, then a 30 day notice
40 of unsafe structure is issued. The next step is abatement, board and
41 secure, maintain secure, or to demolition. Jerry Wallace asked if the staff
42 will be returning to HPC upon each of the steps. Larry Nichols stated that
43 this is brought once before the HPC for their input. Jerry Wallace asked
44 about when the demolition is triggered, are each of the above steps 30 days.
45 Larry Nichols stated when the structure is unsafe, that occupancy not being
46 allowed, unauthorized entry not being allowed, and compliance pursued.

1 But each of the steps is not 30 days, and then 30 days. Ernie Campos
2 asked if this property has gone to court. Larry Nichols stated no, as no
3 person has been identified to take to court. David Chavez asked about the
4 City putting chain link fence around the property until all the questions, and
5 court etc. are resolved.
6

7 Judy Berryman feels the report they were given is not sufficient to answer
8 the questions in terms of adobe viability, what is the nature of the adobe,
9 nature of the foundation. She would like to see a detailed engineer report
10 to have the information to discuss if the building can be saved, rehabbed,
11 or beyond. Larry Nichols stated they did not hire a consulting engineer to
12 evaluate the structural stability of the adobes. They went through building
13 codes and recognized the structure was unstable. Judy Berryman would
14 like to see a line drawing of the structure, the walls, relationship to the next
15 door building, is it adobe, or cement. Ernie Campos asked about the fire
16 department report on the property. Larry Nichols stated the fire department
17 is included with building inspections, and has been to the property
18 numerous times. Jerry Wallace stated the property is private and should it
19 be not private before a decision the City can then take. Larry Nichols stated
20 the City first tries to work with the owner for voluntary compliance for
21 abatement. When that is not available, then the City takes the next step as
22 being an unsafe condition for the neighborhood. Jerry Wallace stated that
23 this process will make the property go from private to public, a change of
24 ownership. Brad Douglas stated it become encumbered property with the
25 City's lien interest, but the City cannot do a deed process.
26

27 Paul Deason motioned to table this until third Wednesday January 2025;
28 seconded by David Chavez.
29

30 Paul Deason stated there are several legal issues, chain of ownership,
31 maybe the state comes in for the property, secured long enough that other
32 elements can be determined, structural engineer determine any demolition
33 or deconstruction will affect the neighbor. Jerry Wallace asked whether
34 tabling did "stop the clock" on the process for the property. Staff does not
35 know, but looking into it. Ernie asked the difference between tabling to next
36 meeting or indefinitely. Brad Douglas stated the City has adopted Robert's
37 Rules of Order with regard to procedural rules for to all boards,
38 commissioners, committees, and the governing body. Pursuant to Robert's
39 Rules you may not postpone or table indefinitely, you have to have a date
40 certain.
41

42 ROLL CALL VOTE: Jeff Shepard, yes; Jerry Wallace, yes; Ernie Campos,
43 yes; David Chavez, yes; Paul Deason, yes; Judy Berryman, yes.
44

45 RECESS OF APPROXIMATELY 15 MINUTES.
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1 **3.2 Case HPC-24-002: The proposed condemnation of a structure located**
2 **at 643 E. Picacho Avenue**
3

4 Christine Rivera stated that the next case of condemnation needs to be
5 removed as it has already been condemned so there is nothing to discuss
6 regarding a proposed condemnation. The next step is demolition and that
7 would need to come to the HPC.
8

9 David Chavez stated that City Council did something illegal because they
10 did not put a date, they did not follow Robert's Rules for condemning. Staff
11 stated City Council does not condemn, they put the demolition on hold.
12 David Chavez stated they put the whole project. It was mentioned that it
13 was tabled indefinitely. He stated it needs to go back to Council to be
14 reviewed and then it can be brought to HPC. Staff stated there is a
15 difference between condemnation and the demolition. They took the
16 demolition to Council and they voted to table indefinitely, Council does not
17 do condemnation. Jo Ruprecht stated what was tabled indefinitely at
18 Council was a motion about the contract being let for demolition not for
19 demolition per se. Martha Rodriguez asked if the HPC discussed
20 condemnations, and when was this 634 E. Picacho was brought to the HPC.
21 Larry Nichols stated the notice of condemnation action is under the authority
22 of the building official established by state statute and the New Mexico
23 Administrative Code, not with the HPC. Judy Berryman stated that
24 condemnation was not brought to the HPC. She asks is the information
25 needed to condemn a building was never given in terms of structure,
26 viability, or nuisances. What has changed from a year ago that the City is
27 considering condemnation. Larry Nichols stated inspection was done a
28 year ago to determine if the structure should not be occupied because of
29 structural failure of the roof system. That is why condemning to avoid
30 occupancy of the structure. Judy Berryman stated that when there is a
31 structure that is a contributing element within the district and considering
32 condemnation, she requests that come before the HPC to determine, and
33 possibly offering alternatives to condemnation. Chris Faivre checked in
34 Chapter 40 and there no condemnation, only demolition. Christine Rivera
35 stated that technically the HPC should not have discussed either of these
36 items on the agenda.
37

38 David Chavez stated staff invented a new word to keep them from
39 discussing these projects. Condemnation is the City's tool to destroy the
40 HPC's chances of saving anything. The Fielder building is the City's fault
41 for destroying that building. He mentioned that Councilor Flores mentioned
42 that the City damaged the load bearing wall of that building. Now the City
43 wants to tear down a historic black family's building. Asked if the City
44 wanted a parking lot. Chris Faivre stated if the City recommended
45 demolition that requires coming back to HPC. That is not what is on the

1 agenda. David Chavez accused the City of being extremely anti-historic
2 preservation and systemic racism.

3
4 Brad Douglas stated any properties that are cultural or are within a historic
5 district, any applicant applied for demolition permit, that is when these
6 properties shall come before the HPC for input and recommendations. A
7 property being condemned does not mean it will be torn down. He will also
8 look into the items on this agenda and get information on what happened.
9 They should have been discussion items and not action items. Faith
10 Hudson stated this is a commission and is insulted with any other term. She
11 asked why a resolution on the Fielder property asked for from Council last
12 November for demolition without it coming to the HPC. Brad Douglas will
13 look into it; his recollection was that Council resolution was to secure
14 funding if there were to be action taken against the property. Any demolition
15 would have to come to HPC first. Larry Nichols stated at that meeting there
16 were two resolutions proposed, one for a Karen property and one for
17 Picacho property. The purpose was to secure funding to take further
18 abatement action. One was approved, and one was tabled. Judy Berryman
19 stated you wouldn't ask for funding if you already didn't know you were
20 demoing. Larry Nichols stated the funding was to abate the property.
21 Abatement can be achieved in different forms; board and secure, maintain
22 secure, property owner to voluntarily achieve that compliance, or the worse
23 in the end would be demolition. Jerry Wallace stated his understood from
24 the city manager they were going to discuss the future of this property in
25 concert with the commission. Jerry Wallace asked for an agenda item of
26 "future business." Staff made it clear that the error for this agenda, items
27 should have been discussion instead of action, is on staff, not the Chair.

28
29 Judy Berryman stated this year they have had cancellations, inappropriate
30 agendas, etc. Her goal is to have all the errors corrected.

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32
33 **4. PUBLIC PARTICIPATION**

34
35 Martha Rodriguez is confused of the wording as Chapter 40 does not mention
36 condemnations for HPC review and yet it is on the agenda for discussion. She
37 stated it is a mess.

38
39 Ernie Campos stated there is a remodeled house at Campo and Picacho, and
40 asked if it should have come to this board. He has seen changes over the past
41 year. Larry Nichols will check the records and should have come here for a
42 certificate of appropriateness. Judy Berryman asked if staff members can make
43 periodic drives through town to see what construction is happening and see if
44 adequate permits and review process has happened. Larry Nichols stated code
45 compliance team does windshield surveys. And building inspectors also keep their
46 eyes out. Judy Berryman stated the code compliance needs to know the historic

1 districts and if they see construction to check a box to see if that property had gone
2 through HPC review. Larry Nichols stated the code compliance do know the
3 districts. Jo Ruprecht stated the building is prominent but she has passed and not
4 noticed. She also stated since it has been going on for a year and if that is the
5 degree to which any inspectors or people doing windshield surveys actually look
6 at things, that is shy of good. It was asked if there is a permit in the window of the
7 building as they have to be prominent.

8
9 Greg Shervanick asked what kind of waivers will be offered to Parks after
10 demolition of the property at 643 Picacho or is quid pro quo. It was mentioned that
11 is beyond the capability, and cannot be discussed as demolition has not been
12 declared and not brought to HPC.

13
14 Fath Hudson asked when interviews would start for the historic preservationist
15 position, and how many applicants. Chris Faivre stated tomorrow. There were 26
16 who applied, four made the cut through HR with the qualifications listed. Faith
17 Hudson asked when that person might come on board. Chris Faivre stated the
18 process is interviews, scoring, submit to HR, they go through their process of
19 onboarding, typically six to eight week process from interviews to onboarding. Jeff
20 Shepard asked about the hiring process. Chris Faivre stated each position has a
21 job description created through HR and through the consultants for re-comp and
22 reclassification. The job description is posted. The application period is open from
23 two to three weeks, up to open until filled. This position was open for 45 days.
24 Once the position closes, HR goes through and reviews the applicants to make
25 sure they fit the requirements. Then those are forwarded who go through the first
26 level, scored by staff and then ranked based on the scores. And then based on
27 the rankings is when the interview process begins. Jeff Shepard asked where the
28 applications are posted. He asked if the HPC is going to talk with the candidates.
29 He stated applications look good on paper, technically may seem to be most
30 qualified. Also the expectations from HR sometimes do not dovetail with the real
31 world scenarios that cannot be quantified. So overall some incongruencies
32 between what HR and what is needed. Chris Faivre stated Dr. Wallace is a non-
33 scoring member on the committee as the City allows.

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35 **5. ADJOURNMENT (7:55)**

36 Paul Deason moved to adjourn; Jerry Wallace seconded.

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Chairperson