

**Regular Meeting of the Legal Committee
Held in the Roswell Convention & Civic Center
Thursday, April 23, 2020**

Notice of this meeting was given to the public in compliance with Section 10-15-1 through 10-15-4 NMSA and Resolution 19-37.

The Legal Committee meeting for Thursday, March 26, 2020, was cancelled due to COVID-19.

ROLL CALL

The meeting convened at 4:04 p.m. with Chair Stubbs presiding, Councilors Peterson, and Perry being present, and Councilor Foster being absent.

Staff present: Louis Najar, Juanita Jennings, Thalia Pantoja, Stephanie Mervine, Renee Trujillo, Scott Stark, James Norton, Lorenzo Sanchez, Bill Morris, Joe Neeb, Aaron Holloman, Parker Patterson, Mark Bleth and Daniel Mendiola.

Guests present: None

APPROVAL OF AGENDA

Councilor Perry moved to approve the April 23, 2020, Legal Committee meeting agenda with changes of order to be as follows; items one, six, seven, two, three, four, five eight and nine. Councilor Peterson was the second. A voice vote was 3-0, and the motion passed with Councilor Foster being absent.

APPROVAL OF MINUTES

Councilor Peterson moved to approve the February 28, 2020, Legal Committee minutes. Councilor Stubbs requested to amend the minutes as follows: Move the last sentence of the minutes which, reads “Legal Committee meeting to Thursday, February 27, 2020, was postponed due to lack of quorum. The meeting was postponed until Friday February 28, 2020, at 5:00 p.m.” and place it under the notice of meeting. Councilor Perry was the second. A voice vote was 3-0, and the motion passed with Councilor Foster being absent.

REGULAR ITEMS

1. **RAC Agreements**

- A. **J & A Recycling** – Scott Stark and Mark Bleth stated J & A Recycling is a local plastic recycling company that will lease a portion of building 100 for the purpose of sorting recyclable plastics. The space they will be using will be in the SE corner of building 100, they will be leasing 800 sq. ft. out of the total of ± 5,700 square feet. J & A Recycling is a new tenant. Recommend to full Council approval to authorize J & A Recycling, to enter into a lease agreement for a portion of Building 100 consisting of 800 sq. ft. for \$3,600 payable in 12 monthly installments of \$300 subject to all terms and conditions of the lease. Councilor Perry moved to recommend to full City Council on the consent agenda with Councilor Peterson as the second. A voice vote was 3-0, and the motion passed with Councilor Foster being absent.

- B. Aersale Inc. - Scott Stark and Mark Bleth stated that Aersale, Inc. is in the process of clearing ramp area of parts storage to make room for aircraft storage and this requires more fenced property to move parts to. Aersale has been customers since March 2009. Recommend to full Council approval to authorize Aersale, Inc., to enter into a lease agreement for ± 1 acre of vacant land west of building 240 for \$3,000 payable in 12 monthly installments of \$250 subject to all terms and conditions of the lease. Councilor Perry moved to recommend to send to full City Council on the consent agenda with Councilor Peterson as the second. A voice vote was 3-0, and the motion passed with Councilor Foster being absent.
- C. Ergon Sale - Scott Stark and Mark Bleth stated that Ergon Asphalt and Emulsions currently has a leasehold at the Roswell Air Center and pays \$1,030.47 per month. They would like to purchase the land that is currently in their leasehold in order to invest in plant expansion. Their current lease expires February 28, 2028. Ergon has been a customer since December 2016. Discussion item only, no action was taken.
- D. Scope of Services for the Airport Engineering Consult RFP - Scott Stark and Mark Bleth stated the Air Center Engineering contract is project based and is paid with Airport Improvement Funding (AIP). Roswell Air Center requires engineering services to maintain a safe airport. Term: October 1, 2020 through September 30, 2021 with four 1 year options. Councilor Perry moved to send to full City Council on the consent agenda with Councilor Peterson as the second. A voice vote was 3-0, and the motion passed with Councilor Foster being absent.
2. Ordinance 20-XX Revising Airport Ordinance – The Airport Advisory Commission has undertaken a comprehensive review and revision of the Aviation Chapter of the Roswell City Code. The ultimate goal would be to pare down the Ordinance of unnecessary and outdated provisions to allow more efficiency in the operations of the Air Center. This revision represents a smaller ordinance that could be adopted moving much of the duplicate language to policies that would later come in front of Council for ratification. This is still one of several pieces that constitute the complete plan for reworking the laws governing the Air Center. As such, action may be delayed to await action on the full matter. It was the intention of the Airport Commission that this item be presented to City Council at the same time as Item 3 revising the zoning code on airport hazards, which must be first considered by the Planning and Zoning Commission. Councilor Perry recommended approval for advertising at the June City Council meeting with Councilor Peterson as the second. A voice vote was 3-0, and the motion passed with Councilor Foster being absent.
3. Ordinance 20-XX Revising Zoning Code on Airport Hazards – The Airport Advisory Commission has undertaken a comprehensive review and revision of the Aviation Chapter of the Roswell City Code. The ultimate goal would be to pare down the Ordinance of unnecessary and outdated provisions to allow more efficiency in the operations of the Air Center. This revision represents additions to the zoning code of matters that were previously listed in Chapter 5, but are concerned with construction standards on City property. This is still one of several pieces that constitute the complete plan for reworking

the laws governing the Air Center. As such, action may be delayed to await action on the full matter. As an amendment to the Zoning Code, this item must be heard by the Planning and Zoning Commission prior to consideration by the Legal Committee. Action was deferred so that the ordinance may be taken to the Planning and Zoning Commission.

4. Ordinance 20-04 Industrial Pretreatment Sewer Use – Aaron Holloman and James Norton stated that the City maintains its own water and sewer system. Pursuant to statutory authority it regulates potential pollutants that may be introduced into the system. The City has not undertaken a major revision of the Ordinance regulating those pollutants in many years. The current updates incorporate changes recommended by the EPA in its model ordinance. The biggest changes include more specificity in the types of reporting required and more mechanisms for ensuring compliance. Review and recommend to full City Council any changes to the draft ordinance prior to a public hearing on Ordinance 20-04 relating to Industrial Wastewater Regulation updates. Discussion item only, no action taken.
5. Ordinance 20-XX Lodger's Tax Update – Juanita Jennings stated that the City is permitted to impose a tax on lodgers within the city limits pursuant to state statute, NMSA 1978, § 3-38-13 to -24. The extent of the tax is defined by state statute. In the 2020 legislative session, the statute was amended to remove from the exemptions any premises that does not have at least three rooms or three other units of accommodation. This revision to the ordinance follows state statute in removing that exemption from the tax. The state statute does not go into effect until July 2020, so the ordinance has a delayed enactment to coincide with that date. As an Ordinance, Council must hold a public hearing after having provided public notice of the hearing. The Ordinance would normally become effective five days after publication of its adoption. Councilor Perry moved to send to full City Council on the consent agenda. Councilor Peterson was the second. A voice vote was 3-0, and the motion passed with Councilor Foster being absent.
6. Resolution 20-XX: A Resolutions Approving the Creation of a Keep Roswell Beautiful Community Board – Thalia Pantoja stated that in order for Keep Roswell Beautiful to be considered an affiliate of Keep America Beautiful, a leadership board must run it. This board will recommend the development and improvement of programs, initiatives and events of Keep Roswell Beautiful. They will work alongside a designee from the city to host grant-funded events and programs. They will also work with city designee to complete all required programming and reports to maintain affiliate status with Keep America Beautiful. The goal of this board will be to lead programs, events and projects that lead to beautification, increased education that lead to a cleaner and less wasteful Roswell. Recommend to full City Council approval of Resolution 20-XX: A Resolution Approving the Creation of the Keep Roswell Beautiful Community Board. Councilor Perry moved to send to full City Council on the consent agenda. Councilor Peterson was the second. A voice vote was 3-0, and the motion passed with Councilor Foster being absent.
7. Resolution 20-XX Roswell Opportunity for Advancement Revolving Fund Program – Joe Neeb stated that the goal of the Roswell Opportunity for Advancement Revolving Fund is to provide a financial resource that will compliment sources of financial assistance in the

private and public arena which will result in an enhanced and more fully developed economy in the City. ROAR is intended to participate in conjunction with commercial and public lenders, in projects that present expanded employment opportunities within the City of Roswell, improves the economic vibrancy of any commercial business district of Roswell, or allows for the efficient operation of the Roswell-Chaves County Economic Development Corporation (RCCEDC) which meet the criteria, standards and policies set forth in this resolution. The City will provide seed money to the RCCEDC in the sum of \$150,000.00. The funds provided shall be from funds approved for use in creating and maintaining Economic Development within the City. RCCEDC may request additional assistance from the City Council for any project that does not meet the thresholds established by the R.O.A.R. policy guidelines. Councilor Perry moved to send to full City Council on the consent agenda. Councilor Peterson was the second. A voice vote was 3-0, and the motion passed with Councilor Foster being absent.

8. Meeting Time and Date for Legal Committee - With the election, the composition of the committees have changed. The committee is asked whether to keep the Legal Committee as currently scheduled, the current regular meeting time is the fourth Thursday of each month at 4:00 PM. The Legal Committee is scheduled to meet on the fourth Thursday of each month at 4:00 PM with the exception of November and December, meeting the third Thursday at 4:00 PM. For discussion only.
9. Department Reports – Air Center, City Clerk, Human Resources, Legal, Planning and Zoning, Safety. Municipal Court will also be able to provide reports. For discussion only.

CHAIR COMMENTS, REPORTS, ANNOUNCEMENTS

None

PUBLIC PARTICIPATION

None

ADJOURN

The meeting adjourned at 6:09 p.m.