

**Regular Meeting of the Legal Committee  
Held in the Roswell Convention & Civic Center  
Thursday, June 25, 2020**

Notice of this meeting was given to the public in compliance with Section 10-15-1 through 10-15-4 NMSA and Resolution 20-26.

**ROLL CALL**

The meeting convened at 4:00 p.m. with Chair Stubbs presiding, Councilors Peterson, and Foster being present, and Councilor Perry being absent.

Staff present: Renee Trujillo, Kathy Louer, Sharon Coll, Scott Stark, Mark Bleth, Juan Fuentes, Joe Neeb, Bill Morris, Stephanie Mervine, Juanita Jennings

Guests present: Bud Kunkel, Kyle Armstrong, Jon Hitchcock, Isaac Sheets

**APPROVAL OF AGENDA**

Councilor Peterson moved to approve the June 25, 2020, Legal Committee meeting agenda as presented. Councilor Foster was the second. A voice vote was 3-0, and the motion passed with Councilor Perry being absent.

**APPROVAL OF MINUTES**

Councilor Peterson moved to approve the May 28, 2020, Legal Committee minutes. Councilor Foster was the second. A voice vote was 3-0, and the motion passed with Councilor Perry being absent.

**REGULAR ITEMS**

1. April 23, 2020 Minutes Amendments – Parker Patterson stated that the April 23, 2020 meeting inaccurately recite that no action was taken on item no. 2, Resolution 20-XX Revising Airport Ordinance. In fact, the item was recommended for approval by the full City Council at its June 11, 2020 meeting. The proposed amended minutes would correct the record to reflect the action taken. Councilor Peterson moved to approve the amendments correcting the minutes of the April 23, 2020 with Councilor Foster as the Second. A voice vote was 3-0, with Councilor Perry being absent.
2. RAC Agreements
  - A. The FIS Company Inc. – Mark Bleth and Isaac Sheets stated The FIS Company, Inc. requests the area of land, 30,000 square feet, more or less, for the purpose of constructing an aircraft hangar for aircraft component repair and storage. Term is July 1, 2020 through June 30, 2050. Rent amount is \$550 monthly; \$6,600 annually for the first year, thereafter rent will increase annually by CPI-Urban all cities average or 3%, whichever is greater. The FIS Company Lease was amended as follows: on page 16 of the packet, the property description changed from 19,000 sq. feet to 30,000 and also on Exhibit A, page 26. Councilor Peterson moved to

recommend to full City Council on the consent agenda with Councilor Foster as the second. A voice vote was 3-0, and the motion passed with Councilor Perry being absent. Isaac Sheet passed out a handout. See attached.

- B. Old Dog Brotherhood – Mark Bleth stated that Old Dog Brotherhood, Roswell Chapter, leases a 2,484 square foot building for the purpose of meetings and vehicle maintenance. The term of the lease is one year, beginning on August 1, 2020 and ending on July 31, 2021. New rent amount is \$258 monthly; \$3,096 annually. Rent adjustment is 10%. Councilor Peterson moved to recommend to full City Council on the consent agenda with Councilor Foster as the second. A voice vote was 3-0, and the motion passed with Councilor Perry being absent.
- C. Michael Joseph Rohrbacher – Mark Bleth stated that Michael Joseph Rohrbacher leases a 650 square foot area of land and container for the purpose of storage of display fireworks. Michael Joseph Rohrbacher has been a customer since June 2009. The term is from August 1, 2020 through July 31, 2021. New rent amount is \$131.15 monthly; \$1,573.80 annually. Rent adjustment is 3%. Councilor Peterson moved to recommend to full City Council on the consent agenda with Councilor Foster as the second. A voice vote was 3-0, and the motion passed with Councilor Perry being absent.
- D. Carl Day – Mark Bleth stated that Carl Day leases 1,002 square feet of the hangar for the purpose of aircraft storage and maintenance. Carl Day has been a customer since May 2018. The term is August 1, 2020 through July 31, 2021. New rent amount is \$191 monthly; \$2,292 annually. Rent adjustment is 3%. Councilor Peterson moved to recommend to full City Council on the consent agenda with Councilor Foster as the second. A voice vote was 3-0, and the motion passed with Councilor Perry being absent.
- E. Veterinarian Outlet of NM, Inc. – Mark Bleth stated Veterinarian Outlet of NM, Inc., leases a 9,753 square foot portion of the building for the purpose of soaps, sanitizers, and detergents associated with the dairy industry. Veterinarians Outlet of NM, Inc., has been a customer since June 2006. The term is from August 1, 2020 through July 31, 2021. New rent amount is \$1,767.70 monthly; \$21,212.40 annually. Rent adjustment is 10%. Councilor Peterson moved to recommend to full City Council on the consent agenda with Councilor Foster as the second. A voice vote was 3-0, and the motion passed with Councilor Perry being absent.

FOR THE RECORD: Councilor Perry joined the meeting via GoToMeeting at 4:27 pm.

- F. Walker Aviation Museum Foundation – Mark Bleth stated that the Walker Aviation Museum Foundation leases 930 square feet of office space for the purpose of operating a museum associated with the former Walker Air Force Base. The Walker Aviation Museum Foundation has been a customer since July 2010. The term is from August 1, 2020 through July 31, 2021. New rent amount is \$163 monthly; \$1,956 annually. The lease was also amended - rent in the lease was decreased from \$163.00 to \$158 monthly. Councilor Foster moved to recommend to full City Council on the consent agenda with Councilor Peterson as the second. A voice vote was 4-0 and the motion passed.

- G. Harriet K. Partain – Mark Bleth stated Harriet K. Partain leases 1,175 square feet of a hangar for the purpose of aircraft storage and maintenance. Harriet K. Partain has been a customer since July 2002. The term is August 1, 2020 through July 31, 2021. New rent amount is \$199 monthly; \$2,388 annually. Councilor Peterson moved to recommend to full City Council on the consent agenda with Councilor Foster as the second. A voice vote was 4-0 and the motion passed.
- H. HomeTech Improvements LLC – Mark Bleth stated that HomeTech Improvements, LLC, leases 100 square feet of office space for the purpose of a business office. HomeTech Improvements, LLC, has been a customer since August 2019. The term is August 1, 2020 through July 31, 2021. New rent amount is \$103 monthly; \$1,236 annually. Rent adjustment is 3%. Councilor Peterson moved to recommend to full City Council on the consent agenda with Councilor Foster as the second. A voice vote was 4-0 and the motion passed.
3. RAC Capital Projects – Scott Stark stated that last year staff presented to the City Council the Master Project List of all projects for city departments. The intent of the list was to allow for discussion and decision among staff and Council on ranking of projects for funding from federal, state and local appropriations. In addition, staff will use the ranked projects to develop the annual Infrastructure Capital Improvement Plan (ICIP) for submittal in September. Due to the number of departments and projects, the list was divided among the 5 standing committees. At each committee, staff will provide an overview of the projects and request the committee to rank the projects and recommend the top projects for consideration in the ICIP. On the RAC project list, the committee added two items to the RAC project list: #27 Terminal Building Design Phase (2.5 million) and #28 Ramp Improvement between hanger 84 and 66 (\$2 million). Councilor Foster moved to recommend new items 27 and 28 to the Master Project List. Councilor Peterson as the second. A voice vote was 4-0.
4. Ergon Real Estate Purchase Agreement – Scott Stark and Mark Bleth stated 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. Ergon would pay the City \$340,000 as the purchase price for the parcel. The proposed Agreement provides for Ergon to purchase the subject parcel at the appraised market value. Sale is subject to passage of an ordinance by the governing body and a potential referendum election. The City will reserve an easement for its rail line. Ergon is further agreeing to make improvements, subject to a reversionary interest by the City. Discussion only, no action was taken.
5. Thompson Consulting Services Agreement – Joe Neeb stated that many of the decisions that occur in the State legislature have a direct impact on the City of Roswell's operations and ability to serve its constituents. It is extremely difficult for the elected officials to remain in continuous contact with the legislators during the legislative cycles as many of the decisions occur throughout the entire term and at other occasions.

Through this agreement, the City of Roswell will maintain an individual in direct contact with all legislators throughout the year. The agreement would be maintained through April 15, 2021 with a seven-day termination clause. Councilor Foster moved to send to full City Council with no recommendation, so that staff may finalize additional terms with Thompson Consulting. Councilor Peterson as a second. A voice vote was 4-0 and the motion passed.

6. MainStreet Roswell Agreement - Juanita Jennings stated Roswell MainStreet, Inc. works in partnership with the City of Roswell to provide services to businesses located in and around downtown Roswell and to preserve, develop and promote the downtown Roswell business district. The contemplated Agreement would provide a revised and updated scope of work to support Roswell Mainstreet's work and continue the City's existing relationship with Roswell MainStreet. The City will commit to pay Mainstreet Roswell \$40,000 for services under the Agreement. Councilor Stubbs moved to send to full City Council on the consent agenda with Councilor Peterson as the second. A voice vote was 4-0 and the motion passed.
7. New Mexico MainStreet Biennial MOU – Parker Patterson and Juanita Jennings stated New Mexico MainStreet (NMMS) is an economic development partnership authorized to select local partners to participate in the New Mexico MainStreet's program. In order for MainStreet Roswell to be eligible to receive support from NMMS, the City is required biennially to enter into an MOU with NMMS and MainStreet Roswell establishing mutual agreement on the roles, responsibilities and expectations between the three partners of the MOU. There are no direct financial obligations required by the MOU, however it contemplates that the City will make available \$40,000 to Mainstreet Roswell through a separate agreement. Councilor Foster moved to recommend to full City Council on the consent agenda with Councilor Peterson as the second. A voice vote was 4-0 and the motion passed.
8. Resolution 20-XX in Support MainStreet Roswell – Juanita Jennings stated that The MOU between the City, MainStreet Roswell and New Mexico MainStreet requires that the City adopt annually a resolution of support for MainStreet Roswell. This resolution is necessary for MainStreet Roswell to be eligible for support from NMMS. There are no direct financial requirements associated with this Resolution; however, the resolution contemplates that the City will commit to funding MainStreet Roswell in an amount of \$40,000 by separate agreement. Councilor Foster moved to recommend to full City Council on the consent agenda with Councilor Peterson as the second. A voice vote was 4-0 and the motion passed.
9. Resolution 20-XX Airport Authority – Parker Patterson stated that NMSA 1978 § 5-20-1 *et seq.*, the Regional Air Center Special Economic District Act, permits the City of Roswell to establish, with the participation of Chaves County, an industrial air center special economic district governed by an authority. The proposed Resolution would direct the City Manager, with the County Manager and selected stakeholders, to consider and develop a framework for establishing such a special economic district for the Roswell Air Center, including draft city code language and governing procedures, and to make a presentation to the Legal Committee at the February 2021 meeting regarding conclusions and recommendations.

There are no financial implications associated with the proposed Resolution. Councilor Peterson moved to recommend to full City Council on the consent agenda with Councilor Foster as the second. A voice vote was 4-0 and the motion passed.

FOR THE RECORD: Councilor Peterson left the meeting at 6:16 pm.

10. Ordinance 20-XX Home Occupations – Bill Morris stated staff created these amendments as a result of a number of situations concerning setback issues in older platted subdivisions, as well as issues with home occupation permits. Home occupations, particularly with construction companies, have become a problem by degrading quality of life for adjacent properties. The intent is to look at limiting placement of certain types and numbers of larger vehicles. Councilor Foster moved to recommend to advertise and hold a public hearing at the regular City Council meeting. Councilor Perry was the second. A voice vote was 3-0 with Councilor Peterson being absent and the motion passed.

FOR THE RECORD: Councilor Foster left the meeting at 6:46 pm.

11. Ordinance 20-05 Lodger's Tax Update – Stephanie Mervine and Parker Patterson stated the New Mexico legislature passed two rounds of amendments to the Lodger's Tax Act in the 2019 and 2020 legislative sessions, which eliminated or narrowed certain exemptions from lodger's tax. The proposed Ordinance would update several sections of Article I of Chapter 23 of the Roswell City Code to match the changes made by the legislature in order to take advantage of expanded lodger's tax coverage reflected in the elimination or narrowing of exemptions under the Act. There are no expenditures associated with adoption of the proposed Ordinance. Expanded coverage provided for in the amendments offers potential additional lodger's tax revenues in the future. No action was taken, as there was no quorum present.
12. Ordinance 20-XX Revising Solid Waste Ordinance – No action taken as there was no quorum present.
13. Department Reports - For discussion only.

#### **CHAIR COMMENTS, REPORTS, ANNOUNCEMENTS**

None

#### **PUBLIC PARTICIPATION**

None

#### **ADJOURN**

The meeting adjourned at 6:46 p.m.