

**Regular Meeting of the Legal Committee  
Held in the Conference Room at City Hall  
February 28, 2019**

Notice of this meeting was given to the public in compliance with Section 10-15-1 through 10-15-4 NMSA and Resolution 18-55.

**ROLL CALL**

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

Staff present: Mark Bleth, Bill Morris, Juanita Jennings, Scott Stark, Parker Patterson, Joe Neeb, Mike Matthews, Aaron Holloman.

Guests present: Mayor Kintigh, Alison Penn, Tim Coughlin, Councilor Juan Oropesa, Councilor Steve Henderson, Larry Connolly, Juli Adcock, Ori Adcock, Bud Kunkel, Mathew Martinez, John Mulcahy, Marcos Nava, Alice Palma-Armendaviz, Alex Ross, Manuela Ramirez, Veronica Arias, Oswaldo Nava, Kelly Smith, and John Hitchcock.

**APPROVAL OF AGENDA**

Councilor Foster moved to approve the February 28, 2019, Legal Committee meeting agenda with the following changes:

- moving item 3 to 1(A)
- moving Item 8 to 1(B)
- remove item 4 and 12 from the agenda
- Add addendum item E under regular item 1

Councilor Peterson was the second. A voice vote was 4-0, and the motion passed.

**APPROVAL OF MINUTES**

Councilor Foster moved to approve the January 31, 2019 Legal Committee minutes Councilor Peterson was the second. A voice vote was 4-0, and the motion passed.

**REGULAR ITEMS**

1.
  - A. Resolution 19-XX- Councilor Foster stated several bills are currently being considered by the Legislature that would restrict or otherwise impose new regulations on the ownership and sale of firearms in the State. The proposed Resolution would declare the City of Roswell a "Second Amendment Sanctuary City," supporting the Chief of Police in exercising his discretion to not enforce any unconstitutional firearms law against any citizen, and to further not appropriate or expend any funds of the City on enforcement of unconstitutional firearms laws.

Chaves County Commission passed a similar resolution at its February 21, 2019 meeting. Councilor Foster moved to send to full City Council Resolution 19-xx as amended. Councilor Sanchez was second. A voice vote was 3-1, and the motion passed with Councilor Peterson voting no.

- B. Friends of Spring River Park & Zoo MOU- Ms. Jennings stated the Friends of Spring River Zoo is a non-profit group established to partner with and support the ongoing efforts and growth at the Spring River Park & Zoo. Their mission is to raise money through membership drives and fundraisers. Ms. Jennings discussed the Friends of Spring River Park & Zoo is currently working on the fundraiser for the Master Plan. The money collected will be appropriated to exhibits, enclosures, and enrichment for the animals. Support is offered to enhance education and environmental programs for the public. No motion was made no vote was taken.

#### RIAC agreements-

- A. Hitchcock et al- Mr. Stark stated Hitchcock et al leases the building for the purpose of aircraft storage and maintenance. Building space is 4,589 square feet and 4,623 square feet. New monthly rent is Space A is \$819; \$9,828 annually. New monthly rent amount for Space B is \$825; \$9,900 annually. Rent adjustment is 2.5% and 2.5% Jon E. Hitchcock, Robert B. Corn, James Patterson, Siavash Karimian, Brandon Arnold, John Berry, and Cliff Waide have been customers since January 2000. Term: April 1, 2019 through March 31, 2020. Councilor Foster moved to send to full City Council on the consent agenda recommendation Hitchcock et al, lease agreement on portions of Hangar No. 91, Spaces A and B. Councilor Peterson was the second. A voice vote was 4-0, and the motion passed.
- B. Air Methods, Inc.- Mr. Stark stated Air Methods, Inc leases the land for the purpose of housing medevac operations. 1 acre of land. New monthly rent amount is \$290; \$3,480 annually. Rent adjustment is 2.5%. Air Methods, Inc. have been a customer since January 2014. Term: April 1, 2019 through March 31, 2024. Councilor Sanchez moved to send to full Council on consent agenda recommending approval for Air Methods, Inc to renew their current lease agreement on an area of land. Councilor Foster was the second. A voice vote was 4-0, and the motion passed.
- C. Thurston Woods- Mr. Stark stated Thurston Woods leases the building for the purpose of storage of personal items. 1,798 square feet. New monthly rent amount is \$182; \$2,184 annually. Rent adjustment is 2.82%. Thurston Woods has been a customer since April 2010. Term: April 1, 2019 through March 31, 2020. Councilor Sanchez moved to send to full Council on consent agenda recommending approval for Thurston Woods to renew his current lease agreement on Building No. 1776. Councilor Peterson was the second. A voice vote was 4-0, and the motion passed.
- D. Canright & Putnam- Mr. Stark stated Canright & Putnam leases the building for the purpose of aircraft storage and maintenance. 1,002 square feet. New monthly rent amount is \$185; \$2,220 annually. Rent adjustment is 1.65%. Thurston Woods has

been a customer since April 2010. Term: April 1, 2019 through March 31, 2020. Councilor Sanchez moved to send to full Council on consent agenda recommending approval for to renew their current lease agreement on "T" Hangar Building No. 120, Space 3. Councilor Foster was the second. A voice vote was 4-0, and the motion passed.

- E. Pecos Flavors LLC RIAC Restaurant Lease- Mr. Stark stated that the new lease agreement is for purpose of operating a restaurant and bar. The State of New Mexico is requiring a start and stop date of the lease for issuance of the government liquor license, currently the lease start was based on a certificate of occupancy. Term: April 1, 2019. Councilor Foster moved to send to full Council on consent agenda recommending approval for their new lease agreement on a portion of Building No. 1, the coffee shop. Councilor Peterson was the second. A voice vote was 3-1, and the motion passed with Councilor Sanchez voting no.
1. Scope of Service RFP 19-004- Mr. Stark stated the RFP is intended to seek a qualified air service consultant to provide support for the Roswell International Air Center (ROW) for a contracted period of one-year, with optional second year based on performance. Councilor Foster moved to recommend and send to full Council the RFP-19-004 on the consent agenda with the following correction
- In the RFP strike through the word Promoting and Marketing and replace with Development.
  - Part two of the scope strike through statement of work replace with Scope of Services.

Councilor Sanchez was the second. A voice vote was 4-0, and the motion passed.

**For the record Councilor Sanchez left at 5:41 pm.**

2. Resolution 19-XX- Councilor Stubbs discussed under current New Mexico law, capital outlay grants are sponsored by legislators for worthy capital projects in their home districts. Proposed legislation currently before the Legislature would change the capital outlay process, including by generally centralizing capital outlay decisions with newly created administrative bodies at the State level. The proposed Resolution, as requested by Councilors, would express the opposition of the City Council to proposed changes in capital outlay procedures currently being considered by the Legislature. Chaves County Commission passed a similar resolution at its February 21, 2019 meeting. After discussion, Councilor Peterson moved to table, recommending staff to provide more information and that the item be brought back to the March meeting. Councilor Foster was second. A voice vote was 3-0, and the motion passed.
3. Roswell Hispano Chamber of Commerce- Councilor Stubbs stated the Roswell Hispano Chamber of Commerce works in partnership with the City of Roswell to provide services to businesses and promotes tourism efforts. The contemplated

Agreement would provide a revised and updated scope of work to support the Hispano Chamber's work and continue the City's existing relationship with the Hispano Chamber.

- On five (E) Strike through City Council replace with City Manager. Strike through Committee replace with Council.
- On number eight strike through expected, replace with expending. Strike through Finance Committee meetings and replace with City Manager. Strike through reporting replace with discussed.

**For the record Councilor Peterson left the meeting at 6:05 pm.**

**For the record Councilor Peterson joined at 6:07 pm.**

Councilor Stubbs moved to recommend approval to full City Council Roswell Hispano Chamber of Commerce Business and Development Services Agreement with the language changes. Councilor Peterson was second. A voice vote was 3-0, and the motion passed.

4. Resolution 19-XX- Councilor Oropesa discussed the Governing Body Rules of Order were adopted in Resolution 16-58. Election of the Mayor Pro Tem is provided for in Section 7(p) of the Governing Body Rules. Councilor Oropesa stated the resolution would simplify the existing election procedure by providing for election of the candidate receiving the highest number of votes. Mr. Holloman stated once a resolution is passed it is effected immediately. Councilor Stubbs discussed in the event of a tie for highest votes, the winner would be determined by a method of chance selected by the City Clerk. Councilor Peterson moved to recommend approval to full City Council Resolution 19-xx. Councilor Stubbs was second. A voice vote was 2-1, and the motion passed with Councilor Foster voting no.
5. Roswell Chamber of Commerce- The Roswell Chamber of Commerce works in partnership with the City of Roswell to provide services to business retention and development. The contemplated Agreement would provide a revised and updated scope of work to support the Roswell Chamber's work and continue the City's existing relationship with the Roswell Chamber.
  - On four (E) Strike through City Council replace with City Manager. Strike through Committee replace with City Manager.
  - On number seven strike through expected, replace with expending. Strike through Finance Committee meetings. Strike through reporting replace with discussed.
  - On exhibit c, Special Events number one strike through \$6,000.00 and replace with \$3300.00.

Councilor Peterson moved to recommend approval to full City Council Roswell Chamber of Commerce Retention and Development Services Agreement as amended. Councilor Foster was second. A voice vote was 3-0, and the motion

passed.

6. Resolution 19-XX-Mr. Holloman discussed the Resolution 2366 first established the items to be placed on the consent agenda for City Council Meetings. Resolution 2366 was subsequently amended in Resolution 14-19, which increased the items placed on the consent agenda. Resolution 19-XX would amend Resolution 2366 again, to provide that all matters to be considered by the City Council are placed on the consent agenda, except those matters requiring individual consideration by statute or other law, such as public hearings, resolutions, bonds, budgets and preliminary budgets. Any councilor is still free to request that any item be removed from the consent agenda for individual consideration. No motion was made no vote was taken.
  
- F. Fire Apparatus Service Agreement- Mr. Holloman discussed the City currently operates a total fleet of approximately 25 fire apparatus vehicles, which require ongoing skilled maintenance and repair to ensure performance and longevity. In RFP 18-014 (2nd Posting), the City sought to procure the services of an experienced contractor to manage the City's Fire Apparatus maintenance and repair services. Mr. Holloman stated the City Council approved award of the RFP to Wild Horse on December 13, 2018. The proposed Agreement would provide for the terms and procedures under which Wild Horse will perform Fire Apparatus Services for the City's Fire Apparatus pursuant to RFP 18-014. Pursuant to the proposed terms of the Agreement, Wild Horse would bill labor, parts and subcontracted labor on a weekly basis as follows: \$85.00 per hour per laborer for work during the regularly scheduled operational hours of 08:00 a.m. to 5:00 p.m. and \$115.00 per hour per laborer for work outside of regularly scheduled operational hours, parts necessary at the list price, minus a ten percent (10%) reduction, and subcontracted repairs at the actual cost charged by the subcontractor plus a 5% mark-up. Councilor Foster moved to send to full City Council on consent agenda recommending approval for Fire Apparatus Service Agreement. Councilor Peterson was the second. A voice vote was 3-0, and the motion passed.

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

None

#### **PUBLIC PARTICIPATION**

None

#### **ADJOURN**

The meeting adjourned at 6:52 pm.