

**Regular Meeting of the Legal Committee
Held in the Conference Room at City Hall
April 30, 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 being present.

Staff present: Joe Neeb, Mike Matthews, Aaron Holloman and Danny Renshaw.

Guests present: Alison Penn, Larry Connolly, Mayor Dennis Kintigh and Kathy Lay.

APPROVAL OF AGENDA

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

- Moving item 2 to 1
- Moving item 5 to 2
- Moving item 6 to 3
- Moving item 3 to 6
- Moving item 1 to 5

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

APPROVAL OF MINUTES

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

- Under Regular items 1(A) strike through the word proposed replace with amended.

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

REGULAR ITEMS

1. MainStreet Roswell- Mr. Holloman 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 following changes were

recommended by Kathy Lay, representative from MainStreet Roswell.

- On compensation 4 (a) strike through solely.
- Remove number 6 from the agreement.
- On number 7 “Reporting,” strike through “audit” replace with “review.”

Councilor Foster moved to recommend approval to full City Council MainStreet Roswell Agreement with the language changes. Councilor Sanchez was second. A voice vote was 4-0, and the motion passed.

2. CLOSED SESSION- Councilor Foster moved that the Legal Committee go into a Closed Session pursuant to NMSA 1978 § 10-15-1(H)(6) to discuss competitive sealed proposals solicited pursuant to Procurement Codes related to RFP 18-008 2nd posting during contract negotiations. Councilor Sanchez was second. The Committee approved the motion with a roll call vote as follows: Stubbs – yes, Foster – yes, Peterson – yes, Sanchez – yes.

FOR THE RECORD: Went into closed session at 4:17 p.m.

Councilor Stubbs stated for the record the Legal Committee is back in open session at 5:04 p.m.; we had a closed session pursuant to NMSA 1978 § 10-15-1(H)(6) to discuss competitive sealed proposals solicited pursuant to Procurement Codes related to RFP 18-008 2nd posting during contract negotiations.

No action was taken and no votes made.

FOR THE RECORD: Councilor Sanchez left the meeting at 4:53 pm.

3. Fleet Services Agreement- Mr. Holloman stated in RFP 18-008 (2nd Posting), the City sought to procure the services of a contractor to manage the City’s Fleet maintenance and repair operation. The City Council approved the award of the RFP to First Vehicle on December 13, 2018. The proposed Agreement would provide for the terms and procedures under which First Vehicle will perform Fleet Services for the City’s vehicles. First Vehicle will charge a monthly service fee of \$5,000.00. In addition, First Vehicle will also invoice the City for the following expenses: labor at \$62.36 per hour per laborer with an additional overtime fee of 1.33% of labor costs for emergency work, parts at actual costs plus a 12% mark-up, and subcontracted work at the actual cost charged by the subcontractor plus a 5% mark- up.

Councilor Foster moved to recommend approval to full City Council Fleet Services Agreement with the following change: Add to the clause requiring prior City approval for any modification to the building. Councilor Stubbs was the second. A voice vote was 2-1, and the motion passed with Councilor Peterson voting no.

4. Proposed Ordinance 18-11: Nuisance Properties- Mayor Dennis Kintigh discussed that Proposed Ordinance 18-11 would define nuisance activities on private property as four or more nuisance activities resulting in enforcement action having occurred

at a premises during a twelve (12) month period. City staff would seek to contact the actual owner in an effort to develop an abatement program that would have, as its intent, a means of correcting the specific issues occurring onsite. Mayor Dennis Kintigh stated the first (Version 1) was presented at 4/2/2019 Meeting. The second (Version 2) contained proposals from the Mayor.

Councilor Foster moved to recommend to full City Council to approve the amended in version 2 Proposed Ordinance 18-11 for advertisement for a public hearing with the following change: In section 16-70, paragraph a strike through meet with add "contact in person or electronically." Councilor Peterson was the second. A voice vote was 3-0, and the motion passed.

5. RIAC agreements-

- A. Old Dog Brotherhood- Mr. Holloman stated Old Dog Brotherhood leases the building for the purpose of meetings and vehicle maintenance. Building space is 2,484 square feet. New monthly rent is \$2,818.08 annually. New monthly rent amount is \$234.84 per month. Rent adjustment is 3.00%. Old Dog Brotherhood have been customers since April 2011. Term: on May 1, 2019 through April 30, 2020. Councilor Foster moved to send to full City Council on the consent agenda recommendation Old Dog Brotherhood, lease agreement Building No. 734. Councilor Peterson was the second. A voice vote was 3-0, and the motion passed.
- B. Cliff Waide - Mr. Holloman stated Cliff Waide leases the building for the purpose of aircraft storage and maintenance. New monthly rent amount is \$192.89; \$2,314.68 annually. Rent adjustment is 1.52%. Cliff Waide have been a customer since January 2013. Term: May 1, 2019 through April 30, 2020. Councilor Sanchez moved to send to full Council on consent agenda recommending approval Cliff Waide to renew their current lease agreement on "T" Hangar Building No. 120, Space 4. Councilor Foster was the second. A voice vote was 3-0, and the motion passed.
- C. Daniels Welding Service, LLC- Mr. Holloman stated Daniels Welding Service, LLC leases the building for the purpose of operating a welding service. The monthly rent amount is \$300; \$3,600 annually. Daniels Welding Service, LLC is a new customer. With further discussion, Councilor Foster moved to table Daniels Welding Service LLC, recommending staff to provide more information as to the reasoning behind the price per square foot, and asked that the item be brought back to the May meeting. Councilor Peterson was second. A voice vote was 3-0, and the motion passed.
- D. AerSale, Inc.,- Mr. Holloman stated AerSale leases the hangar for the purpose of providing commercial aircraft engines and their component parts to the secondary market and acting as an aviation maintenance, modification, tear down and storage facility. 101,223 square feet. New monthly rent amount is

\$12,652.88; \$151,834.56 annually. Rent adjustment is 3.64%. AerSale, Inc. has been a customer since June 2009. Councilor Foster moved to send to full City Council on the consent agenda recommendation AerSale to renew their current lease agreement on Hangar No. 85 and the adjacent parking lot. Councilor Peterson was the second. A voice vote was 3-0, and the motion passed.

- E. Michael Joseph Rohrbacher- Mr. Holloman stated Michael Joseph Rohrbacher leases an area of land and container for the purpose of storage of display fireworks. New rent amount is \$127.33 monthly;\$1,527.96 annually. Rent adjustment is 1.86%. Michael Joseph Rohrbacher has been a customer since June 2009. Councilor Foster moved to send to full City Council on the consent agenda recommendation Michael Joseph Rohrbacher to renew his current lease agreement on an area of land and a container. Councilor Peterson was the second. A voice vote was 3-0, and the motion passed.
- F. Carl Day- Mr. Holloman stated Carl Day leases the hangar for the purpose of aircraft storage and maintenance. New rent amount is \$185.39 monthly; \$2,224.68 annually. Rent adjustment is 1.86%. Carl Day has been a customer since May 2018. Councilor Foster moved to send to full City Council on the consent agenda recommendation Carl Day to renew his current lease agreement on "T" Hangar Building No. 120, Space 5. Councilor Peterson was the second. A voice vote was 3-0, and the motion passed.
- G. AvFlight - Mr.Holloman stated AvFlight Roswell Corporation, leases hangars and an area of land for the purpose of operating a repair station providing service to large aircraft and operate its business as a Fixed Base Operator (FBO), performing commercial and general aviation activities as provided in Chapter 5 of the Roswell City Code. New rent amount is \$2,653, \$4,023, \$2,707, \$1,659, \$1,185, 1,377, and \$217 monthly; \$31,836, \$48,276, \$32,484, \$19,908, \$14,220, \$16,524, and \$2,604 annually respectively. Rent adjustment is 2.51%, 2.50%, 2.50%, 2.53%, 2.51%, 2.53%, and 2.84% respectively. AvFlight Roswell Corporation has been a customer since January 2013. Councilor Foster moved to send to full City Council on the consent agenda recommendation AvFlight to amend their current lease agreement by exercising the second of four five-year options to extend the lease. Councilor Peterson was the second. A voice vote was 3-0, and the motion passed.
6. Resolution 19-xx: Consent Agenda Amendment- Mr. Holloman discussed 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 additional matters that would be placed on the Consent Agenda. Additionally, this amendment fixes the discrepancy between the Consent Agenda Resolution, which required two councilors to remove an item, and the Governing Body Rules of Order, which only requires one. Regardless of what is placed on the consent agenda, an item may be discussed by request that any item

be removed from the consent agenda for individual consideration.

Councilor Foster moved to recommend approval to full City Council Resolution 19-xx with the following changes:

- Add as subsections to (J) excepting Authorization to advertise a public hearing of an ordinance or as otherwise prohibited by law.

Councilor Peterson was second. A voice vote was 3-0, and the motion passed.

CHAIR COMMENTS, REPORTS, ANNOUNCEMENTS

None

PUBLIC PARTICIPATION

None

ADJOURN

The meeting adjourned at 6:11 pm.