

**Regular Meeting of the Legal Committee
Held in the Roswell City Hall
Thursday, January 26th, 2023**

Notice of this meeting was given to the public in compliance with Section 10-15-1 through 10-15-4 NMSA and Resolution 23-01.

ROLL CALL

The meeting convened at 4:00 p.m. with Chair Heldenbrand presiding, Councilor Arnold, Councilor Oropesa, and Councilor Corn being present.

Staff present: Tisha Tu'ua, Amalia Martinez, Alberto Aldana, Mike Taylor, Juanita Jennings, Hessel Yntema, Christopher Josh Nairn-Mahan, Jeff Bechtel, Nathaniel Mascarenas, Justin Jones, Vicky Eaton, Della Andazola, Mike Mathews, Kevin Maevers, Jenna Lanfor,

Guests present: Mayor Tim Jennings, Councilor Best, Councilor Perry, Councilor Halverson, Councilor Foster, George Stevenson, Rob Coon, Tom Kuemenlz, Darrell Johnson, Bud Kunkel, Barbara Gomez, Kim Wood, Jim Mitchell, Mark Bleth, Lisa Dunlap, Mike Espiritu, Natalie Duran, and Arlyn Crow,

Go To Meeting: Bruce Andler, Joe Smith, Renee Trujillo, Rita Kane-Doehoefer, Shelly Bell, Todd Wildermurth, JH, JNJ, and T.Kozma.

APPROVAL OF AGENDA

Councilor Corn moved to amend the January 26th, 2023, Legal Committee meeting agenda to move item 12 to item 1, item 1 to item 3, item 4 to item 5b, and item 10b to item 5a. Councilor Oropesa was the second. A voice vote was 4-0, and the motion passed. Councilor Corn moved approval of agenda as amended. Councilor Arnold was the second. A voice vote was 4-0, and the motion was passed.

APPROVAL OF MINUTES

Councilor Arnold moved to approve the Legal Committee meeting minutes from Thursday December 15th, 2022. Councilor Oropesa was the second. A voice vote was 4-0, and the motion passed.

REGULAR ITEMS

1. Closed Session - Chair Heldenbrand moved to go into a closed session pursuant to NMSA 1978 § 10-15-1H (7), to review attorney-client privilege to litigation threatened or pending against the City. Councilor Corn made a motion to move into close session its discussion only no decisions made while in that meeting. Councilor Arnold was the second. A voice vote was 4-0 and the motion was passed.

FOR THE RECORD: Went into closed session at 4:04 PM

Councilor Corn stated for the record Council is back in open session at 4:20 PM; we had a closed session pursuant to NMSA 1978 § 10-15-1H (7), to review attorney-client privilege to litigation threatened or pending against the City. No action was taken, and no votes were cast. Councilor Arnold was the second. A voice vote was 4-0 and the motion was passed.

2. Resolution 23-XX - Councilor Corn moved to postponed item and bring back to next legal committee with all necessary information. Repealing Resolution 20-65 provides for a set fee schedule for special event changes. This resolution is duplicitous to an already existing city policy, Special Events, PA001. The policy is preferable to the resolution as it provides for greater administrative flexibility and the ability for the City to recuperate costs as necessary. The proposed resolution creates no financial obligation for the City. Councilor Arnold was the second. A voice vote was 4-0 and the motion was passed.
3. RAC Lease Agreements
 - a. Trans Aero Limited – Jenna Lanfor presented the lease. Trans Aero Limited requests a lease for a land parcel , consisting of 14,500 square feet, more or less located at 24 W Enterprise, Roswell NM 88203 for on duty personnel living quarters. The lease term is (5) years, commencing on March 1, 2023, and ending on February 28, 2028. There will be an evaluation in the twenty-four month of the lease term to determine permanency of the trailer. Tenant agrees to pay to Landlord as rent the sum of (\$1,450.00) annum, payable in 12 monthly installments of \$120.83, \$.10 psf., for the first year. The annum rent will increase by 3% or CPI whichever is greater annually until the lease termination date. Councilor Corn moved to send to the consent agenda for City Council. Councilor Arnold was the second. A voice vote was 4-0, and the motion passed.
 - b. Roswell Waste Water Department – Jenna Lanfor presented the lease. City of Roswell Waste Water Department requests a lease for a land parcel consisting of 10,000 square feet, more or less, located at the Roswell Air Center for lift station. The lease term is one (5) years, commencing July 1, 2023 and ending June 30, 2028. Tenant agrees to pay to Landlord as rent the sum of (\$1,000.00), payable in 12 monthly installments of \$83.33, \$.10 psf., for the first year. The annum rent will increase by 3% or CPI whichever is greater annually until the lease termination date. Councilor Corn moved to send to the consent agenda for City Council. Councilor Arnold was the second. A voice vote was 4-0, and the motion passed.
 - c. Roswell Water Department (Central Control) - Jenna Lanfor presented the lease. City of Roswell Water Department requests a lease for a land parcel consisting of 479,160 square feet, more or less, located at the Roswell Air Center for Central Control. The lease term is one (5) years, commencing July 1, 2023 and ending June 30, 2028. Tenant agrees to pay to Landlord as rent the sum of (\$47,916.00), payable in 12 monthly installments of \$3,993.00, \$.10 psf., for the first year. The annum rent will increase by 3% or CPI whichever is greater annually until the lease termination date. Councilor Corn moved to send to the consent agenda for City Council. Councilor Arnold was the second. A voice vote was 4-0, and the motion passed.
 - d. Roswell Water Department (Water Towers) - Jenna Lanfor presented the lease. City of Roswell Water Department requests a lease for a land parcel consisting of 22,200 square feet, more or less, and a land parcel consisting of 34,300 square feet, more or less located at the Roswell Air Center for water towers. The lease term is one (5) years, commencing July 1, 2023 and ending June 30, 2028. Tenant agrees to pay to Landlord as rent the sum of (\$5,630.00) payable in 12 monthly installments of \$469.17 the first year of the lease. Each year

thereafter rent will be increased by 3.0% or the latest 12-month percentage change in CPI-U, (Consumer Price Index-U, and U.S. City Average) whichever is greater. Councilor Arnold moved to send to the consent agenda for City Council. Councilor Oropesa was the second. A voice vote was 4-0, and the motion passed.

- e. City of Roswell Fire Department - Jenna Lanfor presented the lease. City of Roswell Fire Department requests a lease for a land parcel consisting of 58,849 square feet, more or less, located at the Roswell Air Center for fire station four. The lease term is one (5) years, commencing July 1, 2023 and ending June 30, 2028. Tenant agrees to pay to Landlord as rent the sum of (\$5,848.90), payable in 12 monthly installments of \$487.41, \$.10 psf., for the first year. The annum rent will increase by 3% or CPI whichever is greater annually until the lease termination date. Councilor Arnold moved to send to the consent agenda for City Council. Councilor Oropesa was the second. A voice vote was 4-0, and the motion passed.
 - f. Alien City Dragway, LLC - Jenna Lanfor presented the lease. Alien City Dragway, LLC requests a lease for a land parcel consisting of 35 acres, more or less, and buildings 98 and 99 located at the Roswell Air Center for operating a dragstrip. The lease term is one (5) years, commencing February 1, 2023 and January 31, 2028. Tenant agrees to pay to Landlord as rent the sum of (\$12,600.00), payable in 12 monthly installments of \$1,050.00 for the first year. The annum rent will increase by 3% or CPI whichever is greater annually until the lease termination date. Councilor Corn motioned to amend the termination clause of this lease to reflect 180 days written notice by either party. Councilor Arnold was the second. A voice vote was 4-0, and the motion passed. Councilor Arnold moved to send to City Council as amended for approval on the consent agenda. Councilor Oropesa was the second. A voice vote was 4-0, and the motion passed.
4. Resolution 23-XX-Resolution 20-65 – Council Halverson presented this resolution. Councilor Arnold moved to recommend approval to full City Council for partnership with the Commune of Kozenice, Poland provides for the creation of a “Sister City”. The proposed resolution creates no financial obligation for the City. Councilor Corn was second. A voice vote was 4-0, and the motion passed.
 5. Resolution 22-76: Municipal Infrastructure Reimbursement Program (MIRP) - Kevin Maevers presented this resolution. Councilor Corn moved to table item 4 to item 10b after discussion of the Fee Holiday Structure. Councilor Arnold was the second. A vote voice was 1-3 and the motion failed with Chair Heldenbrand – no; Councilor Arnold – no; and Councilor Oropesa-no. Councilor Arnold moved item 10b Fee Holiday Schedule to 4a and move item 4 to item 4b. Councilor Oropesa was the second. A voice vote was 3-1 and the motion passed with Councilor Corn-no.
 - a. Fee Holiday Structure – Based upon discussion city attorney and Mr. Maevers has updated information and provided a handout that included the fees associated with Renovation as well as fees for Planning and Zoning actions that may precede the construction of new homes. No motion was made due to this being a non-action item per Chairman Heldenbrand.

- b. Municipal Infrastructure Reimbursement Program - The Municipal Infrastructure Reimbursement Program (MIRP) was approved by the City Council on October 26, 2021 as Res. 21-65. The Program Highlights of Resolution 22-76 provide for a Yearly Program Budget to be set by the City Council with initial funding levels that may increase or decrease from time to time. A program budget was not established for FY/22, therefore this resolution will provide the initial funding for the program. Chair Heldenbrand asked that this item comes back on next Legal Committee agenda. Councilor Corn moved to postpone for next Legal Committee. Councilor Arnold was the second. A voice vote was 4-0 and the motion passed.
6. Ordinance 23-XX: Sign Amendment – Councilor Halvorson presented this ordinance. Councilor Corn moved to recommend approval to full City Council to advertise and hold a public hearing to consider adoption of proposed Ordinance 23-XX Article 60 of the Roswell Zoning Code regulates the installation, maintenance, and placement of signs to ensure the health, safety, and welfare of the public, while promoting an aesthetically pleasing landscape in which businesses can advertise their goods and services. The proposed amendment to Article 60 would clarify the of video elements use on “on premise” signs and provide that static displays be at least eight (8) seconds long. These changes are consistent state regulation on the subject. NMAC 18.21.5.1 et seq. Councilor Arnold was the second. A voice vote was 4-0 and the motion passed.

FOR THE RECORD: Chairman Heldenbrand called for a recess at 6:22 PM. Returned from recess and back in session at 6:33PM.

7. Ordinance 23-XX: Amending the City Administrative Code – Councilor Corn presented this Ordinance. Councilor Corn moved to postponed item and bring back to next legal committee with all necessary information. NMSA 1978, §3-12-4 provides for the creation of certain municipal offices. Following Attorney General Opinion 2022-02, these amendments to the administrative code would bring the city into accord with the opinion and provide for greater council oversight of top level employee / appointee positions in city government. These amendments also will bring the administrative code and current governing body procedural practice, existing resolutions, and the Open Meeting Act into harmony. Councilor Arnold was the second. A voice vote was 4-0 and the motion passed.
8. RFP 23-XX: Special Audit – Hess Yntema presented this item. Councilor Arnold moved to recommend approval to City Council consent agenda. The City of Roswell is seeking a qualified Independent Public Accountant to perform a special audit of past procurement, contracting, and leasing practices at the City of Roswell. The Scope of Work has been provided to the City from NM Office of the State Auditor. Councilor Oropesa was second. A voice vote was 4-0 and the motion was passed.
9. Plateau Telecommunication Incorporated Service Agreement – Jeff Bechtel presented this agreement. Our current contract with Plateau has expired, consider approval of a new 5-year contract with Plateau to provide Internet/TLS/WAN to 30 locations within the City of Roswell. Plateau has been providing these services roughly the last 7+ years.

This contract will cost the city \$254,400 plus fees and taxes per year. Councilor Corn made moved to recommend to full City Council for approval on agreement contract with Plateau Telecommunication to full City Council. Councilor Arnold was the second. A voice vote was 4-0 and the motion was passed.

10. “On Patrol Live” Access Agreement – Chief Phil Smith of the Roswell Police Department was recently approached by “On Patrol Live” producers in regards to them wanting to come to Roswell and film. “On Patrol Live” is a police show in which film crews ride along with officers and film normal activities a police officer has to handle. The show is televised weekly and during normal showings, it depicts 5 or 6 different agencies across the country that officers are being filmed. Councilor Corn moved to recommend to full City Council and encourage everyone to vote no. No one seconded the motion therefore, the motion dies for lack of a second.

11. Non-Actions Items – Convention Center

12. Department Reports – City Clerk, Human Resource Department and Safety Department Report

CHAIR COMMENTS, REPORTS, ANNOUNCEMENTS

None

PUBLIC PARTICIPATION

None

ADJOURN

The meeting adjourned at 8:01 PM