

**Regular Meeting of the Legal Committee  
Held in the Roswell City Hall Conference Room  
Thursday, January 27, 2021**

Notice of this meeting was given to the public in compliance with Section 10-15-1 through 10-15-4 NMSA and Resolution 21-07.

**ROLL CALL**

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

Staff present: Juanita Jennings, Tommi Jo Conyers, Kevin Maevers, Joe Neeb, Mike Mathews, Christopher J. Nairn-Mahan, Jessica Collier, Scott Stark, Jenna Lanfor, and Steve Christopher.

Guests present: Bruce Maxwell, Robert Ivy, Molly Boyles, Kim Wood, Peggy Seskey, Xanthia Wright, and Lisa Dunlap.

Public present via GoToMeeting: Rita Kane-Doerhoefer, and Parker W. Patterson.

**APPROVAL OF AGENDA**

Councilor Perry moved to approve the January 27, 2022, Legal Committee meeting agenda with the following change: Remove Item #3 from the agenda for further discussion. Also approved the Addendum, which includes Mead and Hunt, and Ordinance 22-XX: Amendments to Article 52 of the Zoning Ordinance. Councilor Foster as a second. A voice vote was 4-0, and the motion passed.

**APPROVAL OF MINUTES**

The Thursday, December 16, 2021, Legal Committee minutes were approved as written.

**REGULAR ITEMS**

1. RAC Lease Agreements

- A. Ascent Aviation Services Corporation – Jenna Lanfor discussed the agreement. Councilor Foster moved to send to the consent agenda the recommendation to authorize Ascent to enter into a lease for Building 100. Ascent requests 5,520 square feet, more or less, of Building 100 for the purpose of Ground Servicing Equipment (GSE) maintenance and storage. Ascent has been a tenant since March 2021. Term: March 1, 2022 through February 28, 2027, five years. Rent amount is \$23,570.40, payable in 12 monthly installments of \$1,964.20. Councilor Perry as the second. A voice vote was 4-0, and the motion passed.
- B. Ascent Aviation Services Corporation – Jenna Lanfor discussed the agreement. Councilor Perry moved to send to the consent agenda the recommendation to

authorize Ascent to enter into a lease for land. Ascent requests 9,500 square feet, more or less, of land for the purpose of Ground Servicing Equipment (GSE) storage. Ascent has been a tenant since March 2021. Term: March 1, 2022 through February 28, 2023, one year. Rent amount is \$11,400.00 payable in 12 monthly installments of \$950.00. Councilor Foster as the second. A voice vote was 4-0, and the motion passed.

- C. Avis Rent A Car System, LLC dba Budget Rent A Car System, Inc. – Jenna Lanfor discussed the agreement. Councilor Foster moved to send to the consent agenda the recommendation to authorize Avis to enter a lease. Avis requests counter space of 109 square feet, more or less, and office space consisting of 256 square feet, more or less, ten parking spaces near the Terminal and an area of land consisting of 4,085 square feet, more or less, for the purpose of operating a rental car agency. Avis has been a tenant since April 2008. Term: March 1, 2022 through February 28, 2027, five years. Rent amount is \$30,754.68, payable in 12 monthly installments of \$2,562.89 or eight percent (8%) of combined monthly gross revenue, (time and mileage charges), whichever is greater the first year of the Lease. Year two the rent shall increase by 3% or CPI-U all cities average, whichever is greater or nine percent (9%) of combined monthly gross revenue, (time and mileage charges), whichever is greater. Year three through five the rent shall increase by 3% or CPI-U all cities average, whichever is greater or ten percent (10%) of combined monthly gross revenue, (time and mileage charges), whichever is greater. Councilor Perry as the second. A voice vote was 4-0, and the motion passed.
- D. Booton, Inc., a New Mexico Corporation dba Hertz Licensee – Jenna Lanfor discussed the agreement. Councilor Perry moved to send to the consent agenda the recommendation to authorize Booton, Inc. to enter a lease. Booton, Inc. requests counter space consisting of 120 square feet, more or less, office space consisting of 176 square feet, more or less, in the Terminal Building, ten parking slots for car rentals, and an area of land consisting of 1,100 square feet, more or less, upon which is situated in Building No. 1052, for the purpose of operating a car rental agency. Booton, Inc. has been a tenant since September 1999. Term: March 1, 2022 through February 28, 2027, five years. Rent amount is of \$12,671.28, payable in 12 monthly installments of \$1,055.94 or eight percent (8%) of monthly gross revenue, (time and mileage charges), whichever is greater the first year of the lease. Year two the rent shall increase by 3% or CPI-U all cities average, whichever is greater or nine percent (9%) of combined monthly gross revenue, (time and mileage charges), whichever is greater. Year three through five the rent shall increase by 3% or CPI-U all cities average, whichever is greater or ten percent (10%) of combined monthly gross revenue, (time and mileage charges), whichever is greater. Councilor Foster as the second. A voice vote was 4-0, and the motion passed.

2. MainStreet Roswell Service Agreement for Business Retention, Development & Recruitment Service Agreement – Juanita Jennings discussed the agreement. Councilor Perry moved to recommend approval to full City Council the Main Street Roswell Service Agreement to include the changes that were discussed. The City of Roswell has partnered with MainStreet Roswell to provide services to businesses and to expand business making the downtown area thrive. The contemplated Agreement would provide a mutually revised and updated scope of work to support MainStreet Roswell’s work and continue the City’s existing relationship with the MainStreet Roswell. At the request of MainStreet, an additional \$20,000 was included in order to support their efforts of finding a qualified executive director with economic development experience. \$60,000 per year for the scope of services outlined with the Agreement. Councilor Foster as the second. A voice vote was 4-0, and the motion passed.
3. Resolution 22-XX Planning and Zoning Fee Schedule – Removed from agenda for further discussion, during the approval of the agenda.
4. Department Reports – City Clerk, Safety and Legal Department. Discussion only, no action taken.
5. Mead & Hunt Air Service Development Consulting Services - Scott Stark discussed the proposal and agreement. Councilor Foster moved to send to the consent agenda the recommendation to authorize an expenditure of \$65,390 for Air Service Development Consulting Services. We are requesting an increase of \$52,820 to cover services approved for Air Service Development Consultant to Mead & Hunt. RFP 21-006 was approved by Council July 8, 2021. The City manager was authorized to negotiate a contract with Mead & Hunt. Term: August 1, 2021 through July 31, 2022. The Contract can be extended at the current rate and scope for up to two-12 month periods. The contract has the base fees of \$61,200 with an additional \$4,190 for an outstanding invoice from 2021. Councilor Perry as the second. A voice vote was 4-0, and the motion passed.
6. Ordinance 22-XX: Amendments to Article 52 of the Zoning Ordinance of the City of Roswell – Kevin Maevers discussed the Ordinance. Councilor Perry moved to recommend approval to full City Council to advertise and hold a public hearing to consider adoption of the proposed ordinance with changes to section six. The following Resolution has been proposed to update certain sections of Article 52 of the City of Roswell Zoning Ordinance to provide consistency in the application of Development Standards within the C-3 and C-4 Zoning Districts, and the adopted Railroad District Metropolitan Redevelopment Area Plan (MRA). Pursuant to Appendix A of the Roswell Municipal Code, proposed Resolution 22-XX will amend certain Sections of Article 52 of the Zoning Ordinance to allow for additional flexibility in Building Height requirements (Sec. 6), Off-Street Parking (Sec. 7F), Loading Zones (Sec. 7H), and Landscaping (Sec. 11). The purpose of these Amendments are to all for consistency in the application of development standards across the Downtown District, including those areas covered by the MRA. Councilor Foster as the second. A voice vote was 4-0, and the motion passed.

**CHAIR COMMENTS, REPORTS, ANNOUNCEMENTS**



None

**PUBLIC PARTICIPATION**

Molly Boyles

**ADJOURN**



The meeting adjourned at 6:09 p.m.



# Meeting of the City of Roswell Legal Committee

---

January 27, 2022 4:00 PM



## Item 1 RAC Leases

---

Consider recommending to the consent agenda for approval by the City Council of the following leases at the RAC.



## Item 1(A) RAC Lease – Ascent Aviation Services Corp.

Consider recommending approval to authorize Ascent Aviation Services Corp. to enter a new lease agreement for Building 100.

### Item 1(A): RAC Lease

**Lessee:** Ascent Aviation Services Corp.

**Location:** Building 100; 5,250 Square Feet

**Term:** March 1, 2022 to February 28, 2027

**Rent:** \$23,570.40 Annually; \$1964.20 Monthly

#### **Background:**

Ascent Aviation Services Corp. requests 5,250 square feet, more or less, of Building 100 for the purpose of Ground Servicing Equipment (GSE) maintenance and storage. Ascent Aviation Services Corp. has been a tenant since March 2021.





## Item 1(B) RAC Lease – Ascent Aviation Services Corp.

Consider recommending approval to authorize Ascent Aviation Services Corp. to enter a new lease agreement for AOA land.



### Item 1(B): RAC Lease

**Lessee:** Ascent Aviation Services Corp.

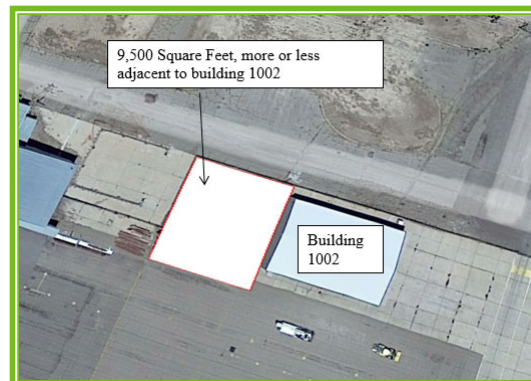
**Location:** AOA Land; 9,500 Square Feet

**Term:** March 1, 2022 to February 28, 2023

**Rent:** \$11,400.00 Annually; \$950.00 Monthly

#### **Background:**

Ascent Aviation Services Corp. requests 9,500 square feet, more or less, of land for the purpose of Ground Servicing Equipment (GSE) storage. Ascent Aviation Services Corp. has been a tenant since March 2021.





## Item 1(C) RAC Lease – Avis/Budget

Consider recommending approval to authorize Avis Rent A Car System, LLC also dba Budget Rent A Car System, Inc. to enter a new lease agreement.

### Item 1(C): RAC Lease



Lessee: Avis Rent A Car System, LLC also d/b/a Budget Rent A Car System, Inc.

Location: Building 1(Terminal) and Land; 4,450 Square Feet w/ 10 Parking Spaces

Term: March 1, 2022 to February 28, 2027, (5) year

**Rent:**

Year 1 \$30,754.68 Annually; \$2,562.89 Monthly or 8% of combined monthly gross revenue, (time and mileage charges), whichever is greater.

Year two the rent shall increase by 3% or CPI-U all cities average, whichever is greater or 9% of combined monthly gross revenue, (time and mileage charges), whichever is greater.

Year three-five the rent shall increase by 3% or CPI-U all cities average, whichever is greater or 10% of combined monthly gross revenue, (time and mileage charges), whichever is greater.

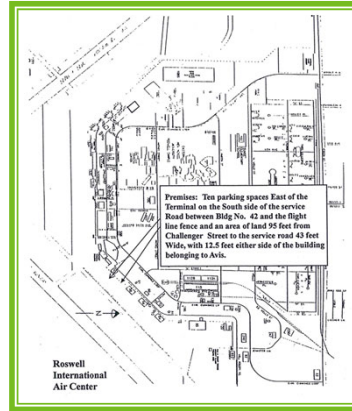
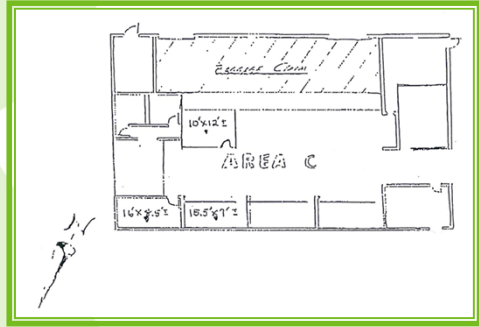




## Item 1(C): RAC Lease

### Background:

Avis Rent A Car System, LLC also dba Budget Rent A Car System, Inc. requests counter space of 109 square feet, more or less, and office space consisting of 256 square feet, more or less, ten parking spaces near the Terminal and an area of land consisting of 4,085 square feet, more or less, for the purpose of operating a rental car agency. Avis Rent A Car System, LLC also dba Budget Rent A Car System, Inc. has been a tenant since April 2008.



9



## Item 1(D) RAC Lease – Booton, Inc.

Consider recommending approval to authorize Booton, Inc. to enter a new lease agreement.





## Item 2

# MainStreet Roswell Service Agreement

Consider recommending approval of the Main Street Service Agreement for Business Retention, Development & Recruitment Service Agreement.



## Background

- Resolution 20-40 Support of MainStreet Roswell in support of a comprehensive commercial district revitalization through the National Trust Main Street Center's Four Point Approach™
- The City of Roswell will continue to provide financial assistance to MainStreet Roswell to accomplish community economic development in the downtown
- The City of Roswell will act as fiscal agent for any capital outlay funds received from the state or federal governments and their agencies as agreed upon between MainStreet Roswell and the City



## Background

### Background:

- The City and MainStreet have had a Services Agreement in place for several years. In 2019 all community partner service agreements were updated to be consistent with clearly defined Scope of Services that included metrics and reporting measurements.
- Proposed contract similar to FY21 contract with clarification as to City's intellectual property and renewed focus on Business retention, economic development and recruitment services for the downtown district.
- Contract negotiations on-going since June 2021

15



## Scope of Work

- Contract amount is \$60,000 per year
- Scope of Work
  - 25% Fulfill Main Street America's 4 points
  - 50% to be used for Business Retention & Economic Development allocated for these efforts
  - 25% is allocated to Recruitment Services for Businesses and support
- Metrics
  - Quarterly reports on the following: Activities, Profit and Loss Actuals vs. Budget Financial Reports, Properties inventory and feature, implement improvement program for downtown, beautification efforts and maintenance, apply for grants to support infrastructure, wayfinding, façade improvements.
  - Annual report to City Council, proposed annual budget, overview and strategic plan for proceeding year.

16



## Action Requested

- The Legal Committee is asked to approved the Scope of Services Agreement for FY22 as written.

17



## Item 3 Resolution 21-XX: Planning and Zoning Fee Schedule

.....

Consider recommending the adoption of proposed Resolution to update and develop a schedule of fees for development applications within the Planning and Zoning Division.



## Item 4 Department Reports

---

City departments that provided to Legal Committee are as follows: Legal, Safety and City Clerk.



## Item 5 Mead & Hunt – Air Service Development Consulting Services

---

Consider recommending authorization for an expenditure of \$65,390 for Air Service Development Consulting Service.



## Mead & Hunt- Air Service Development Consulting Services.

- Services for a PO was initially approved for \$12,570. We are requesting an increase of \$52,820 to cover services approved for Air Service Development Consultant to Mead & Hunt.
- FRP 21-006 was approved by Council July 8, 2021. The City manager was authorized to negotiate a contract with Mead & Hunt.
- Contract term: August 1, 2021 through July 31, 2022. The Contract can be extended at the current rate scope for up to (2) 12 month periods.
- The contract has the base fees of \$61,200 with an additional \$4,190 for an outstanding invoice from 2021. Expenditures over \$60,000 require City Council approval, pursuant to City Policy.



### Item 6

## **Ordinance 22-XX**

### Amendments to Article 52 of the Zoning Ordinance of the City of Roswell

Consider Recommending to advertise to hold a public hearing to consider adoption of proposed Ordinance 22-XX amending certain sections of Article 52 of the City of Roswell Zoning Ordinance.



## Proposed Ordinance 22-XX

### Amendments to Chapter 52 – Zoning Ordinance

- The following Resolution has been proposed to update certain sections of Article 52 of the City of Roswell Zoning Ordinance to provide consistency in the application of Development Standards within the C-3 and C-4 Zoning Districts, and the adopted Railroad District Metropolitan Redevelopment Area Plan (MRA).



## Proposed Ordinance 22-XX

### Amendments to Chapter 52 – Zoning Ordinance

- Pursuant to Appendix A of the Roswell Municipal Code, proposed Resolution 22-XX will amend certain Sections of Article 52 of the Zoning Ordinance to allow for additional flexibility in Building Height requirements (Sec. 6), Off-Street Parking (Sec. 7F), Loading Zones (Sec. 7H), and Landscaping (Sec. 11). The purpose of these Amendments are to allow for consistency in the application of development standards across the Downtown District, including those areas covered by the MRA.





## Proposed Ordinance 22-XX

### Amendments to Chapter 52 – Zoning Ordinance

- Specific Sections of Article 52 proposed for Amendment:

Section 6. **Exceptions to Height Requirements**

Section 7. **Off-Street Parking and Loading Requirements**

F. Minimum Standards for the number of Off-Street Parking Spaces

H. Loading Zones

Section 11. **Landscaping**



## Proposed Ordinance 22-XX

### Amendments to Chapter 52 – Zoning Ordinance

#### **LEGAL COMMITTEE ACTION/RECOMMENDATION:**

The City Attorney has reviewed the proposed Ordinance and has recommended that the Legal Committee review and consider recommending to the City Council to consider recommending to advertise to hold a public hearing to consider adoption of proposed Ordinance 22-XX, amending certain sections of Article 52 of the City of Roswell Zoning Ordinance.

Thank you!