

**Regular Meeting of the Legal Committee
Held in the Roswell Convention & Civic Center
Thursday, February 24, 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 4:06 p.m. with Chair Stubbs presiding, Councilor Perry, Councilor Foster present and Councilor Lopez being absent.

Staff present: Mike Matthews, Joe Neeb, Juan Fuentes, Janie Davis, Kevin Maevers, Christopher Josh Nairn-Mahan, Stephanie Garay, Jessica Collier, Amalia Martinez, and Parker Patterson.

Guests present: Lisa Dunlap, Mona Kirk, Diane Taylor, Robert Corn, Tim Jennings, Beth Neeb, and Edward Heldenbrand.

Public present via GoToMeeting: Peter Kelton with Admiral Beverage.

APPROVAL OF AGENDA

Councilor Jason Perry moved to approve the February 24, 2022, Legal Committee meeting agenda. Councilor Barry Foster as a second. A voice vote was 3-0, and the motion passed with Councilor Lopez being absent.

APPROVAL OF MINUTES

The Thursday, January 27, 2022, Legal Committee minutes were approved as written.

REGULAR ITEMS

1. Resolution 22-XX: Open Meetings Act – Parker Patterson discussed the Resolution. Section 10-15-1 of the New Mexico Open Meetings Act requires that the City determine on an annual basis in a public meeting what notice is reasonable for the City Council and its standing committees. Councilor Barry Foster moved to recommend to full City Council adopting the Resolution pursuant to the New Mexico Open Meetings Act with scrivener changes. Councilor Perry as the second. A voice vote was 3-0, and the motion passed with Councilor Lopez being absent.
2. Ordinance 22-XX: Roswell Uniform Traffic Ordinance Code – Parker Patterson discussed the Ordinance. Chapter 24 of the Roswell City Code governs traffic. The provisions in Chapter 24, section 24-1 adopts by reference the Uniform Traffic Ordinance promulgated by the NMML. In addition, Section 24-2 establishes those traffic infractions categorized as penalty assessment misdemeanors. The proposed amendment would clarify the edition of the UTO used by the City, and update the penalty assessment chart. In addition, the proposed ordinance would adopt a new Section 24-7 addressing administratively suspended licenses. Councilor Perry moved

to recommend approval to full City Council to advertise and hold a public hearing to consider adoption of the proposed ordinance. Councilor Foster as the second. A voice vote was 3-0, and the motion passed with Councilor Lopez being absent.

3. Ordinance 22-XX Admiral Beverage IRB – Parker Patterson discussed the Ordinance. Industrial Revenue Bonds are a mechanism by which the City can take legal title to property in order to fund bonds to provide tax benefits to further capital improvements by a private company thereby providing for local economic development. This project will be located within the corporate limits located at 515 E. Brasher Road. This project is estimated to be approximately \$9,000,000, which will fund a new Warehouse Facility. Admiral Beverage currently employs 68 employees and anticipates hiring seven additional employees following the completion of the facility’s development. The City Council adopted Resolution 22-03 declaring its intent to issue an IRB for this project at its January 13, 2022 regular meeting. Councilor Perry moved to recommend approval to full City Council to advertise and hold a public hearing to consider adoption of the proposed ordinance. Councilor Foster as the second. A voice vote was 3-0, and the motion passed Councilor Lopez being absent.
4. Department Reports – City Clerk, Safety and Legal Department. Discussion only, no action taken.

CHAIR COMMENTS, REPORTS, ANNOUNCEMENTS

None

PUBLIC PARTICIPATION

Peter Kelton

ADJOURN

The meeting adjourned at 4:32 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.

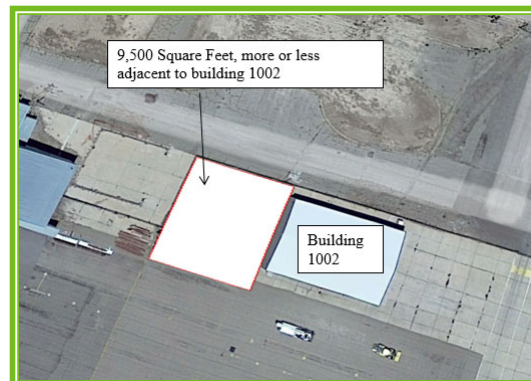
Location: AOA Land; 9,500 Square Feet

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.

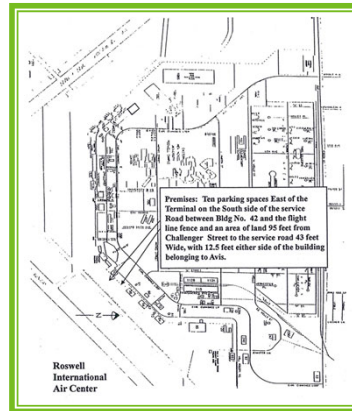
Year three-five the rent shall increase by 3% or CPI-U all cities average, whichever is greater or 10% of combined monthly gross revenue, (time and mileage charges), whichever is greater.



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 1(D): RAC Lease

Lessee: Booton, Inc.

Location: Building 1(Terminal) and Building 1052; 1,396 Square Feet w/ 10 Parking Spaces

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

Rent:

Year 1 \$12,671.28 Annually; \$1,055.94 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(D): RAC Lease

Background:

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.





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!