

**Regular Meeting of the Legal Committee
Held in the Roswell Convention & Civic Center
Thursday, February 25, 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 being present, Councilor Foster attending via GoToMeeting, and Councilor Peterson being absent.

Staff present: Mike Mathews, Dennis Kintigh, Scott Stark, Todd Verciglio, Joe Neeb, Lupita Everett, Juan Fuentes.

Guests present: Amy Jo Coll, Juno Ogle, Mike McLeod, Rita Kane Doerhoefer, Mona Kirk, William Williams, Senator Tim Jennings, Robert Corn, Cheree Bilberry, Mike Espiritu, Jon Hitchcock and Chris Cortez. Councilors Jeanine Best, Juan Oropesa, Margaret Kennard and Angela Moore. Cindy Fuller, County Clerk. Chaves County Commissioners Richard Taylor, Jeff Bilberry, Dara Dana and Will Cavin.

APPROVAL OF AGENDA

Councilor Perry moved to approve the February 25, 2021, Legal Committee meeting agenda, postponing Item #2 Emergency Ambulance Services Agreement until next month. Councilor Foster as a second. A voice vote was 3-0, and the motion passed with Councilor Foster voting via GoToMeeting and Councilor Peterson being absent.

APPROVAL OF MINUTES

Councilor Perry moved to approve the January 28, 2021, Legal Committee minutes. Councilor Foster as a second. A voice vote was 3-0, and the motion passed with Councilor Foster voting via GoToMeeting and Councilor being absent.

REGULAR ITEMS

1. Airport Authority Steering Committee – Joe Neeb presented the committee’s report including the recommendation of not creating an airport authority, at this time, and to enter into a Joint Powers Agreement with Chaves County to expand funding as well as broaden resources and input into airport operations. Councilor Perry made a motion to accept the report by Airport Steering Committee as presented. Councilor Foster as a second. A voice vote was 3-0, and the motioned passed with Councilor Foster voting via GoToMeeting and Councilor Peterson being absent.

PUBLIC PARTICIPATION: Senator Tim Jennings

Recess: 5:30 pm - 5:35 pm

2. RAC Agreements

- A. Jon E. Hitchcock, Robert B. Corn, James Patterson, Siavash Karimian, Brandon Arnold, John Berry, Cliff Waide – Scott Stark discussed the agreement. Councilor Perry moved to send to the consent agenda the recommendation of approval to authorize Jon E. Hitchcock, Robert B. Corn, James Patterson, Siavash Karimian, Brandon Arnold, John Berry, and Cliff Waide, individuals, to enter into a new lease agreement on portions of Hangar 91A, consisting of 4,589 square feet, more or less, and 91B, consisting of 4,623 square feet, more or less. Rent amount is \$886 monthly; \$10,632 annually for space 91A. Rent amount is \$875 monthly; \$10,500 annually for space 91B. Rent Adjustment is 3%. Term: April 1, 2021 through March 31, 2022. Councilor Foster as the second. A voice vote was 3-0, and the motion passed with Councilor Foster voting via GoToMeeting and Councilor Peterson being absent.
- B. Jared Putnam - Scott Stark discussed the agreement. Councilor Perry moved to send to the consent agenda the recommendation to authorize Jared Putnam, an individual, to enter into a new lease agreement on “T” Hangar 120, Space 3, consisting of 1,002 square feet, more or less. Rent amount is \$200 monthly; \$2,400 annually. Rent adjustment is 3%. Term: April 1, 2021 through March 31, 2022. Councilor Foster as the second. A voice vote was 3-0, and the motion passed with Councilor Foster voting via GoToMeeting and Councilor Peterson being absent.
- C. Red Mountain Arsenal, LLC - Scott Stark discussed the agreement. Councilor Perry moved to send to the consent agenda the recommendation to approve an amendment to the existing Lease Agreement with Red Mountain Arsenal, LLC. Bunker 1112 has water drainage issues and needs some repair to the dirt berm; and Bunker 1111 is currently unleased and Tenant is requesting to lease Bunker 1111. The proposed amendment will not alter any of the financial terms of the existing Lease Agreement with Red Mountain Arsenal, LLC. Councilor Foster as the second. A voice vote was 3-0, and the motion passed with Councilor Foster voting via GoToMeeting and Councilor Peterson being absent.
- D. Tom Wadsworth & Carlton Walker, as individuals - Scott Stark discussed the agreement. Councilor Perry moved to send to the consent agenda the recommendation to authorize Tom Wadsworth and Carlton Walker, as individuals, to enter into a new lease agreement on “T” Hanger Building 119, Space 2, consisting of 1,002 square feet, more or less. Term: April 1, 2021 through March 31, 2022. Rent amount is \$200 monthly; \$2,400 annually. Rent Adjustment is 6%. Councilor Foster as the second. A voice vote was 3-0, and the motion passed with Councilor Foster voting via GoToMeeting and Councilor Peterson being absent.
- E. Thurston Woods - Scott Stark discussed the agreement. Councilor Perry moved to send to the consent agenda the recommendation to authorize Thurston Woods, an individual, to renew his current lease agreement on a portion of Building No. 1776 consisting of 1,798 square feet, more or less. Term: April 1, 2021 through March 31, 2022. Rent amount is \$216 monthly; \$2,592 annually. Rent adjustment is 3%.

Councilor Foster as the second. A voice vote was 3-0, and the motion passed with Councilor Foster voting via GoToMeeting and Councilor Peterson being absent.

3. Telecommunications Tower Lease –Scott Stark discussed the Lease Agreement. Councilor Perry made a motion that we take no action on Gravity Pad Towers, LLC’s request for the land located at the Roswell Air Center and that we allow our attorney and their attorney to consider any concerns that would be heard at a meeting to be determined at a later date. Councilor Foster as the second. A voice vote was 3-0, and the motion passed with Councilor Foster voting via GoToMeeting and Councilor Peterson being absent.

PUBLIC PARTICIPATION: Mr. Miley, a representative of Gravity Pad Towers, LLC via GoToMeetings.

4. Kerr Ranch Lease – Todd Verciglio discussed the grazing lease with Steve Oldfield. Steve Oldfield has an existing grazing lease with the City for 3,355 acres known as the Kerr Ranch. The existing lease was signed on December 18, 2015 and will expire April 30, 2021. The term of the new agreement would be five years, with one five-year option to renew. Mr. Oldfield would be permitted to graze between 50 and 63 animals on the property at a time. Rent is \$8,694.04 annually, payable in a lump sum or in monthly installments, at the City’s option. Rent will be adjusted annually by CPI. Councilor Perry moved to recommend to full City Council the consideration for the lease agreement including all terms and condition of the lease. Councilor Foster as the second. A voice vote was 3-0, and the motion passed with Councilor Foster voting via GoToMeeting and Councilor Peterson being absent.

FOR THE RECORD: Councilor Foster stated we probably should eventually look at divesting ourselves with these 3,300 acers if we can. We originally purchased them for water rights but if we removed the water rights, this property would do us better to sell and get into ranches hands.

5. Ordinance 21-XX: Section 2-20 – Parker Patterson discussed the ordinance. Councilor Perry moved to send to full City Council to advertise and hold a public hearing. Councilor Peterson as the second. A voice vote was 3-0, and the motion passed with Councilor Foster voting via GoToMeeting and Councilor Peterson being absent.
6. Governing Body Rules of Order - Joe Neeb discussed with the committee some potential changes. No action was taken.
7. Department Reports - For discussion only.

CHAIR COMMENTS, REPORTS, ANNOUNCEMENTS

None

PUBLIC PARTICIPATION

ADJOURN

The meeting adjourned at 7:03 p.m.