

**Special Meeting of the Legal Committee
Held in the Roswell Convention & Civic Center
Thursday, April 1, 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 Foster being present, Councilor Perry attending via GoToMeeting, and Councilor Peterson being absent.

Staff present: Denise Garcia, Debbie Reyer, Abraham Chaparro, Louis Najar, Juan Fuentes, Joe Neeb, Scott Stark, Mike Mathews, Steve Christopher, Jeff Bechtel, Parker Patterson, Fernando Valdez, Dennis Kintigh.

APPROVAL OF AGENDA

Councilor Foster moved to approve the April 1, 2021, Legal Committee meeting agenda. Councilor Perry as a second. A voice vote was 3-0, and the motion passed with Councilor Perry voting via GoToMeeting and Councilor Peterson being absent.

APPROVAL OF MINUTES

Councilor Foster moved to approve the March 25, 2021, Legal Committee minutes. Councilor Perry as a second. A voice vote was 3-0, and the motion passed with Councilor Perry voting via GoToMeeting and Councilor Peterson being absent.

REGULAR ITEMS

1. ITB-21-0009 Municipal Landfill Unit 5A – Louis Najar discussed the award. Consider recommending to City Council award of ITB-21-009 Municipal Landfill Unit 5A construction to J&H Services of Albuquerque. Landfill Unit 5A Construction Project, Bid ITB-21-009 was advertised for bids on March 7, 2021. Bids were opened on Monday, March 29, 2021 at 2pm. At time of preparation of this abstract, the bids were being reviewed by Souder Miller & Associates, the City’s consultant and by Louis Najar, City Engineer. There was only one bid received, with submitted base bid of \$3,595,556.30. The bid also had alternative bid items which is being reviewed by Souder Miller & Associates. Due to time constraints, the recommendation to award letter and the certified bid tabulations will be distributed at Legal Committee. Construction cost funding will come from Solid Waste department. Councilor Foster moved to send to full City Council the recommendation to award ITB-21-009 Municipal Landfill Unit 5A construction to J&H Services Inc. of Albuquerque. Councilor Perry as the second. A voice vote was 3-0, and the motion passed with Councilor Perry voting via GoToMeeting and Councilor Peterson being absent. Louis Najar Passed out a handout “see attached”.

2. Telecommunications Tower Lease – Scott Stark discussed the agreement. Gravity Pad Towers, LLC requests land located at the RAC, consisting of 2,500 square feet, more or less, for the purpose of transmission and reception of communication signals and the installation, construction, modification, replacement, maintenance, operation, repairs and removal of communications fixtures and related equipment cables. The Lease has a two year lease option and, if the option is exercised, a term of five (5) years from the Commencement Date, with option to renew seven (7) additional five (5) year terms. Rent amount is \$1,020 monthly. In addition, the tenant is required to pay to the City twenty percent (20 %) of any rents received from subleases. Councilor Foster moved to send to full City Council with the following change:

- Remove Section 38d from the lease agreement that reads, “In addition to the foregoing rights of Landlord to terminate this Lease in the event of a breach by Tennant, the Lease may be terminated by Landlord upon a majority vote of its governing body which shall become effective one hundred eighty (180) days following such vote.

Councilor Perry as a second. A voice vote was 2-1, and the motion passed with Councilor Perry voting via GoToMeeting and Councilor Peterson being absent. Councilor Foster moved to recommend to full City Council for approval of the lease agreement as amended including all other terms and conditions of the agreement. Councilor Perry as a second. A roll call was as follows, Councilor Stubbs-no, Councilor Foster-yes, Councilor Perry-yes. A voice vote was 2-1, and the motion passed with Councilor Perry voting via GoToMeeting and Councilor Peterson being absent.

PUBLIC PARTICIPATION: Scott McKinrick a representative of Souder, Miller & Associates, Mike Miley, a representative of Gravity Pad Towers, LLC via GoToMeetings.

CHAIR COMMENTS, REPORTS, ANNOUNCEMENTS

None

PUBLIC PARTICIPATION

ADJOURN

The meeting adjourned at 4:50 p.m.