



**MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, FEBRUARY 25, 2020 AT 6 PM**

I. CALL TO ORDER:

Mayor Segotta called the regular meeting of the Raton City Commission to order at 6:00 p.m.

II. ROLL CALL/ATTENDANCE:

Answering roll call was: Mayor Neil Segotta, Mayor Pro-tem Schuster and Commissioners: Lori Chatterley, Ron Chavez and Don Giacomo. Also present were City Manager Berry, Clerk/Treasurer Michael Anne Antonucci and 14 visitors.

III. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

IV. RECOGNITION OF VISITORS, CITIZEN OF THE MONTH AND/OR PRESENTATION OF PROCLAMATION, SERVICE AWARD, CONGRATULATIONS, CONDOLENCES, HOLIDAY SCHEDULES AND CITY/MUNICIPAL EVENTS:

- Next Regular Commission Meeting Tuesday, March 10, 2020 at 6 p.m.
- Notice of Potential Quorum: A quorum of City Commissioners may attend the NMML District 3 Meeting to be held in Raton on Wednesday, March 25, 2020 10 a.m. to 4 p.m. at the Raton Museum located at 108 S. Second Street.

V. COMMENTS FROM THE GENERAL PUBLIC:

No Comments.

VI. COMMITTEE REPORTS FROM COMMISSIONERS:

Commissioner Chatterley attended the North Central NM Economic Development meeting on December 13th and reported that they are looking for a new location and are seeking input. She also reported that they are seeking board members and that 2 of the 4 seats have been filled. The next meeting will be held on March 26th. Commissioner Chatterley attended a meeting of graduate students at the Arthur Mitchell Museum regarding outdoor recreation and gave a summary of the number of visitors to Trinidad Lake and the dollars spent. She also reported that they are looking to connect the Trinidad Lake with Fishers Peak and that other recreation ideas were discussed. Commissioner Chatterley attended the NMML Municipal Day in Santa Fe on February 7th and the NMML Board of Directors Meeting. She reported that the NM Tax and Revenue lawsuit is progressing and that they are helping in hiring Police Chiefs. Commissioner Chatterley further reported that she attended the recent Lodgers Tax meeting and will attend the next Senior Board meeting on March 17th.

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Commissioner Giacomo reported there was no Library Board meeting and that the RPS meeting will be held tomorrow night.

Commissioner Chavez attended the Water Board meeting held on February 14th and reported that Lake Maloya is slowly rising, the board adopted a resolution on the 40-year Water Plan, the Filter Plant and Lift Station Projects are almost complete and the board approved the financial reports. Commissioner Chavez also attended the Financial Advisory Committee meeting held on February 20th and reported that the financials were reviewed and approved for presentation to the City Commission.

Mayor Pro-tem Schuster attended the Housing Authority meeting held on February 18th and reported that they are assisting the Taos Housing Authority, they received a clean audit opinion for FY19 and are taking bids for repairs and mold abatement. She also reported on the Growing Great Kids Literacy Program.

Mayor Segotta reported that he will attend a special NMML Board Meeting tomorrow. He also reported that NMML Director, Bill Fulginiti, recently had a heart attack and offered his prayers and wishes.

VII. ACTION ITEMS/ PUBLIC HEARINGS/ORDINANCES/ RESOLUTIONS/ CITY MANAGER'S REPORT- The City Commission may discuss and/or take actions on the following agenda items:

A. Approval of February 11, 2020 Regular Commission Meeting Minutes

A motion was made by Commissioner Chatterley to approve the February 11, 2020 Regular Commission Meeting Minutes. The motion was seconded by Mayor Pro-tem Schuster and carried 5-0 with all voting aye.

B. Public Hearing Regarding Rezone Request Submitted by William M. and Carla C. Serazio for Property Located North of NM State Highway 555, east of the Railroad Tracks and West of Coal Street.

City Manager Berry introduced Bill Serazio and noted that the Planning and Zoning Commission held two (2) public hearings and have submitted a recommendation to the City Commission for consideration. Fire Chief Espinoza was present and provided an overview of the request and noted that the original request submitted to the Planning and Zoning Commission was to rezone the property from C-4 to Heavy Industrial but was denied and that their recommendation to the Commission is to change the zoning to Light Industrial. A Google Earth map was also displayed on the television showing the location of the property. Bill Serazio stated that he requested H-1 to put in a commercial gravel operation but that he would not be able to meet the air quality setbacks. He also stated that he has a company interested in purchasing the property which would bring tax revenue and a few more jobs to Raton. City Manager Berry gave an overview of the C-4 description and what is allowed under the zoning code which includes all uses in C-3 plus vet clinics, racetracks and light industrial. City Manager Berry also stated that under the present C-4 zone the City would issue a permit for light industrial uses but expressed concern that if

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the City changes the zoning to L-1 it would create a spot zone. Mayor Segotta stated that this is a public hearing and invited citizens present to come to the podium to speak. Larry Rea, a concerned resident near the Serazio property, read a prepared statement and gave copies to the Commission. He presented his facts and findings of the proposed rezone and referred to section 156.083 of the City code of ordinances stating that Heavy industrial activities by nature create some nuisance that is not compatible with residential, business, office and institutional and light industrial districts. He stated that his preference would be for it to remain C-4 or the recommended L-1. He questioned on the zoning map what the difference was between L-I and L-1. He also noted that the current C-4 would allow for heavy equipment machine shops without the need to change to L-1. City Manager Berry stated that the current zoning map uses L-1 and L-I interchangeably and that the map needs to be cleaned up. Commissioner Giacomo asked if the 81 individuals who signed the petition were in the City limits. Mr. Rea responded that probably 50% were within the City limits. Tom Stanfill, another concerned citizen that lives approximately 800 feet from the Serazio property, read a prepared statement and gave copies to the Commission. Mr. Stanfill stated that he has concerns regarding noise, visible dust and invisible dust particles which could cause health issues. He also stated that a heavy industrial use would be offensive and out of character with other uses of property by existing residents and businesses in the area. Mr. Stanfill stated that he feels Mr. Serazio's request is vague and open ended. He also expressed that he did not see the need to change the zoning and that he thinks the recommendation to change to L-1 is a compromise. Mr. Stanfill stated that another area nearby zoned H-1, was never reclaimed and that you can see the visible blight and dangerous condition in which the property exists today. Mr. Stanfill expressed concerns with spot zoning noting it would set a precedent for other spot zoning and suggested that the NMDOT do a traffic study before any rezoning is approved since the land is adjacent to the BNSF rail crossing. Mr. Stanfill also referred to a letter received from the current owners of the adjacent racetrack property and stated that they have grave concerns with the proposed rezoning because they are actively seeking partners to develop the racetrack. Mayor Segotta asked for clarification if the rezone request was for a rock quarry. City Manager Berry stated that the rezone request submitted by Mr. Serazio states that the property will be used for construction equipment storage and a repair yard and that some gravel may be removed from the west third of the property mainly to develop the remaining property. Mayor Pro-tem Schuster stated that she appreciates their homework in preparing their responses. There were no further comments.

C. Deliberate and Act on Resolution 2020-09: Amending Official Zoning Map of the City of Raton, By Amending the Zoning Designation from C-4 Rural Commercial District to L-1 for a Tract of Land Described as Section 2, Township 30 North, Range 23 East NMPM, Consisting of 10.333 Acres More or Less.

City Manager Berry made a point of clarification that the application is for H-1 and that the recommendation from the Planning and Zoning Commission is for L-1. He also noted that the notice for the public hearing was posted, published and letters were sent to property owners within 100 feet. The Planning and Zoning Commission also held two (2) public hearings. Mayor Segotta stated that the proposed resolution is to go with the Planning and Zoning recommendation and that the Commission now has more information

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and as a result may need to postpone before rushing to a decision tonight. The other Commissioners agreed. Commissioner Chavez asked the landowners present if they agree with the change to L-1. Larry Rea stated that he is not in favor of spot zoning. Sara Evans, who resides on Willow Lane, stated she prefers that it stay C-4 because she has animals. Commissioner Chatterley also stated that a property owner named Sherry Bandy was unable to attend tonight but sent a letter of opposition. Commissioner Chatterley also stated that she appreciates businesses and landowners trying to bring in businesses and that she feels the higher and better use is C-4 or possibly C-3 to allow some residential. Mayor Pro-tem Schuster stated that she also has concerns with spot zoning and that wind currents need to be considered. Commissioner Chavez stated that the Commission needs to be careful if Raton grows. Commissioner Chatterley commented that the City needs to identify areas in the County that could be annexed for future development and that the City is looking for industrial use areas that would be further out of town. Tim Curry, a new citizen who is concerned that Raton needs jobs, asked what provisions are made in the comprehensive plan regarding industrial areas. City Manager Berry stated that there are several areas identified in the plan and referred to Section C: Land Use Issues which discusses common land use conflicts with certain areas, such as the York Canyon Subdivision, that has a mix of residential and heavy industrial. He also noted that the preferred land use scenario in the comprehensive plan shows the old racetrack property as rural residential and park/open space. A motion was made by Commissioner Chatterley to postpone consideration until the March 24th meeting. The motion was seconded by Commissioner Giacomo and carried 5-0 with all voting "aye".

D. *Deliberate and Act on Resolution 2020-10: Adoption of the City of Raton Updated 40-Year Water Plan.*

City Manager Berry gave a brief overview of the item and noted that this is a big time for planning and that the City is also working on a comprehensive plan update and affordable housing plan. He then turned the presentation over to Dan Campbell who reported that the plan was prepared by Daniel B. Stevens and Associates and addresses issues with Capulin water, water rights and tracking losses. He also noted that climate change will be revisited again in the next 5-10 years and emphasized that the plan is an ongoing process and a requirement to pursue all types of funding. Mr. Campbell noted that changes would be made to pages 50-52 to take out Doss Aviation, a reference to the old hospital and Taos Brewing. Mr. Campbell stated that everything else in the plan is current and that it is a very long document but is important to secure the City's water future. Mayor Segotta commented that it was a well put together document. Commissioner Chavez also commented that the normal citizens don't realize what it takes to get water from Cimarron and gave kudos to the city forefathers. Commissioner Chatterley thanked Mr. Campbell for his work on the plan and asked if they will be doing any public education. Mr. Campbell stated that he believes the City should look at a dedicated conservation ordinance. He also noted that they have issued voluntary conservation notices as a result of the effects from the two fires in past years. Mr. Campbell stated that literature will be provided to the public and that the plan will be put on the City's website. He also noted that they provide school tours of the Filter and Sewer Plants and that Sugarite also does education as well. A motion was made by Mayor Pro-tem Schuster to

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approve Resolution 2020-10: Adoption of the City of Raton Updated 40-Year Water Plan. The motion was seconded by Commissioner Giacomo and carried 5-0 with all voting "aye".

E. *Deliberate and Act on Lodgers' Tax Advisory Board Recommendations.*

City Manager Berry reported that he attended the Lodgers' Tax Advisory Board meeting on February 20th and that Mayor Segotta and Commissioner Chatterley were also present. He noted that there were several requests on the agenda, but the board decided they would have a special work session on March 3rd at 3:00 p.m. to further discuss goals and a plan for Lodgers' Tax. The only recommendation forwarded to the Commission for consideration was funding in the amount of \$1,476 to the Dawson New Mexico Association for print advertising and postage for the Labor Day Dawson Reunion from the Annual Events line item. A motion was made by Commissioner Chatterley to approve the Dawson Reunion print advertising and postage. The motion was seconded by Mayor Pro-tem Schuster and carried 5-0 with all voting "aye".

F. *Deliberate and Act on Addendum to Liquor License Lease Agreement between the City of Raton Country Club for One Year Extension.*

City Manager Berry stated that the City of Raton has had a Governmental Liquor License for the Convention Center for several years and is operated by the Raton Country Club who was awarded a lease of the license, through an RFP process. He also noted that the Raton Country Club provides the licensed alcohol servers for the events held at the Convention Center. City Manager Berry stated the arrangement has worked well and recommended approval to extend the liquor license lease agreement another year. A motion was made by Commissioner Chavez to approve the Addendum to Liquor License Lease Agreement between the City of Raton Country Club for One Year Extension. The motion was seconded by Commissioner Giacomo and carried 5-0 with all voting "aye".

G. *Deliberate and Act on Resolution 2020-11: Application for Fiscal Year 2020-2021 Municipal Arterial Program (MAP) Funding to NMDOT District IV.*

City Manager Berry introduced the item and stated that the Commission selected a COOP project at the last meeting and that the funding for this program was different and must be a municipal arterial route to be eligible for funding. City Manager Berry stated that he is recommending a project on Whittier and Byron Avenue which carries a substantial traffic volume and includes critical drainage facilities. He also gave a brief summary of past projects such as Hospital Drive, Tiger Drive and 1st Street. City Manager Berry stated that the estimated cost of the project would be \$300,000 and that the City would request \$225,000 from the NMDOT and the City would provide a \$75,000 match. A motion was made by Commissioner Chatterley to approve Resolution 2020-11: Application for Fiscal Year 2020-2021 Municipal Arterial Program (MAP) Funding to NMDOT District IV. The motion was seconded by Mayor Pro-tem Schuster and carried 5-0 with all voting "aye".

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H. *Deliberate and Act on NMDOT Aviation Grant RTN-18-02 Amendment No. 1 to Extend Grant Term for Hangar Construction*

City Manager Berry stated that the City of Raton previously received a grant from the NMDOT Aviation Division to construct a hangar located near Taxiway D and that the City of Raton is requesting an 18 month extension until November 22, 2021. The estimated cost of the project is \$500,000 and NMDOT would pay 50% and the City of Raton would provide the other 50% in the amount of \$250,000 from the General Fund reserve. Commissioner Chatterley mentioned for the public, that the City is recruiting an air ambulance company for the use of the building. A motion was made by Commissioner Giacomo to approve NMDOT Aviation Grant RTN-18-02 Amendment No. 1 to Extend Grant Term for Hangar Construction. The motion was seconded by Commissioner Chavez and carried 5-0 with all voting "aye".

I. *Deliberate and Act on NMDOT Aviation Grant RTN-19-02 Amendment No. 1 to Adjust Project Amount for Installation of NAVAIDS – PAPI's on Runway 2-20.*

City Manager Berry stated that the City executed an agreement last year for this project and that the total project amount is being amended slightly and is funded 90% FAA, 5% NMDOT and a 5% City Match in the amount of \$11,450. City Manager Berry stated that the project will go out to bid soon and a bid award will be brought to the Commission later. A motion was made by Commissioner Chatterley to approve NMDOT Aviation Grant RTN-19-02 Amendment No. 1 to Adjust Project Amount for Installation of NAVAIDS – PAPI's on Runway 2-20. The motion was seconded by Mayor Pro-tem Schuster and carried 5-0 with all voting "aye".

J. *Deliberate and Act on Contract Between the City of Raton and Envision IT to Provide Managed IT Services to the Raton Police Department.*

City Manager Berry reported that earlier in 2019 the City of Raton started upgrading hardware and operating systems for various departments. City Manager Berry stated that the Police Department system has been vulnerable to malware attacks and that the City is now working to get them under a managed IT contract for hardware upgrades and monitoring. A motion was made by Mayor Pro-tem Schuster to approve the Contract Between the City of Raton and Envision IT to Provide Managed IT services to the Raton Police Department. The motion was seconded by Commissioner Giacomo and carried 5-0 with all voting "aye".

K. *Deliberate and Act on Resolution 2020-12: January 2020 Financial Report*

Clerk/Treasurer Antonucci gave a brief overview of the ending cash balances in the various funds and reported that the City recently received notification that the FY19 Audit report was approved by the State Auditor and that a date will be scheduled with the audit firm to present the report to the City Commission at an upcoming meeting. She also reported that General Fund Gross Receipts year to date are 4.6% above budget projection and that the City is awaiting the Small Cities Assistance distribution which was budgeted at \$350,000 this year. She further noted that the amount received will give the

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City a more accurate financial picture going into the final months of the fiscal year and will determine if the City is able to meet its current budgeted obligations. A motion was made by Commissioner Giacomo to approve Resolution 2020-12: January 2020 Financial Report. The motion was seconded by Commissioner Chatterley and carried 5-0 with all voting "aye".

L. *Deliberate and Act on Resolution 2020-13: FY 20 Budget Adjustment #8*

Clerk/Treasurer Antonucci reviewed the budget adjustment noting that it reflects the approval of the Envision IT Managed services contract through June 30 and also an adjustment to the City's airport project matching funds as a result of the amendment that was approved. A motion was made by Commissioner Chatterley to approve Resolution 2020-13. The motion was seconded by Commissioner Giacomo and carried 5-0 with all voting "aye".

M. *City Manager's Report.*

- Announced that the Legislative Session ended last week and that typically a 30-day session is for budget items.
- Announced that the NMML District 3 meeting will be held in Raton March 25th at the Raton Museum from 10:30 a.m. – 4 p.m. and that they will talk about legislation that is important to municipalities.
- Reported that the City of Raton will receive capital outlay funding for police vehicles and funds for an Economic Development Building which are contingent upon the Governor's signature.
- Reported that he has had discussions with the census bureau to revise the census track boundary for downtown which would benefit 60 vacant buildings in this area and will be very beneficial to downtown revitalization.
- Reported that he met with Senator Tom Udall at the Senior Center recently to discuss the census track and the Southwest Chief. Mayor Segotta stated that he received a call from Udall's aide and that they would like for the City Manager to contact them. Commissioner Chavez stated that he also met with Tom Udall.
- Reported that City staff would attend the NERPO meeting in Clayton.
- Announced that the Lodgers' Tax Advisory Board will hold a work session on March 3rd and that their will be a Comprehensive Plan Update Public Meeting at the Convention Center from 6-7:30 p.m. He also encouraged everyone to complete the online survey on the City's website.

Mayor Segotta reported that \$270 million for special projects was line item vetoed. He also announced that he will travel to Washington D.C. on March 6th with the NM Municipal League and will meet with the New Mexico Delegation.

VIII. ADJOURNMENT: The meeting adjourned at 7:46 p.m.

ATTEST:


Michael Anne Antonucci, City Clerk

CITY OF RATON


James Neil Segotta Jr., Mayor