



**MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, MARCH 28, 2023 AT 6 PM**

I. CALL TO ORDER:

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

II. ROLL CALL/ATTENDANCE:

Answering roll call was: Mayor Neil Segotta and Mayor Pro-tem Linde' Schuster. Commissioners: Ronald Chavez, Donald Giacomo and Lori Chatterley (Commissioner Chatterley was present via conference call). Also present were City Manager Scott Berry, Deputy Clerk Desire'e Trujillo, City Clerk Michael Anne Antonucci, and 11 visitors.

III. MAYOR NEIL SEGOTTA LED EVERYONE IN THE PLEDGE OF ALLEGIANCE:

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

- All City Offices will be Closed Friday, April 7th in Honor of Good Friday
- Next Regular Commission Meeting Tuesday, April 11, 2023 at 6:00 p.m.

V. Committee Reports from Commissioners:

Commissioner Lori Chatterley attended the NM Finance Authority Roadshow in Clayton along with City Manager Berry and Public Works Director Phillips where they met with Ports-to Plains (P2P) members and Eastern Plains Council of Government and discussed working closely together regarding P2P and I-27 in a grassroots effort. She attended a Ports-to-Plains Board meeting in Washington DC on March 27th and discussed the I-27 numbering bill passed (S. 992). They also discussed a Congressionally Directed Spending request with NMDOT pledging a 20% match for the 1.6 million requested by Clayton on behalf of NM's section of I-27. She met with Representative Ledger Fernandez and Legislative Assistant James Green and discussed I-27, the film school, and veterans. Commissioner Chatterley urged the citizens to reach out to our legislators in support of veteran funding.

Commissioner Donald Giacomo attended the Arthur Johnson Memorial Library meeting on March 21st and reported they are in the process of painting, getting new lighting, and new carpet. He also reported on the copies made, fines collected, memorials purchased, and the programs held. He attended the Raton Public Service Board meeting on March 27th where they approved financials, transfers, charge-offs, and vouchers.

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Commissioner Ronald Chavez attended the Raton Water Works Board meeting on March 21st along with Mayor-Pro-tem Schuster and reported Al Litchfield is now Chairman of the board and Mark Morris is the Vice Chairman, the Wastewater Treatment Plant was inspected by the NM Environment Department and passed, the Cimarron System Upgrade Project is almost complete, and Lake Maloya is 1.5' below spillway. He attended the Financial Advisory Committee meeting on February 23rd where they reviewed and approved financials.

Mayor Pro-tem Linde' Schuster attended the Raton Public School Steering Committee meeting on March 9th to educate the public on the importance of a new school facility. She was unable to attend the Lodgers' Tax Advisory Board meeting.

Mayor Neil Segotta stated he has attended several Legislative Update meetings with the New Mexico Municipal League

VI. Items from Citizens Present:

Public citizen Ken Ryan addressed the commission about the importance of pollination for the crops and ecosystem. He provided a printout that had valuable information on natural ways to repel mosquitos as well as the best practices to be pollinator friendly. The Commission thanked Mr. Ryan for the information and his efforts.

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

A. *DELIBERATE AND ACT on Approval of March 14, 2023 Regular Meeting Minutes*

A motion was made by Commissioner Ronald Chavez to approve the March 14, 2023 Regular Meeting Minutes. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting "aye".

B. *DELIBERATE AND ACT on Final Plat of Daniels Subdivision in the City of Raton , Lot 17, 18, 19, 20 of Mtn View Sub and N 7 Feet, Block 16 of the Fairview Subdivision, Currently Zoned R-5 Residential District*

Planning & Zoning Officer Kevin Nolin stated the Planning & Zoning Commission met on February 23, 2023 and approved the final plat for the Daniels Subdivision and made a recommendation for the City Commission to approve. Daniel's Subdivision is in the City of Raton, Lot 17, 18, 19, and 20 of the Mountain View Subdivision and North 7 Feet of Woodrow Avenue, of Block 16 of the Fairview Subdivision, currently zoned R-5 Residential District. A motion was made by Mayor Pro-tem Linde' Schuster to approve the Final Plat of Daniels Subdivision in the City of Raton , Lot 17, 18, 19, 20 of Mtn View Sub and N 7 Feet, Block 16 of the Fairview Subdivision, Currently Zoned R-5 Residential District. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting "aye".

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C. *PUBLIC HEARING/DELIBERATE AND ACT on Ordinance 1021 Approving and Adopting a Local Economic Development Project Participation Agreement between the City of Raton and El Raton Media Works to Plan, Develop and Implement a Functional Workforce Development and Film Production Facility; and Renovations, Lease Payments and Tenant Improvements to the City's Kearny School Facility for a local Economic Development Project*

City Manager Scott Berry stated this has been discussed a number of times for the last few years. The City of Raton issued a request for proposals No. 2022-1027 for commercial/business occupancy of the existing Kearny School building and site for economic development and community service purposes. The City of Raton received one proposal from El Raton Media Works on November 16, 2022. The submitted proposal is to develop a film production studio and workforce education center to meet the demand for professional productions and provide workforce development opportunities. Pursuant to the Raton Economic Development Plan Ordinance §153.30 et seq., Raton, New Mexico Code of Ordinances, and in accordance with the Local Economic Development Act ("LEDA"), section 5-10-1, et seq., NMSA 1978, as amended, the City of Raton is authorized to approve an economic development project and to enter into a project participation agreement for a qualifying project. City Manager Berry noted that the state statute requires the City Commission to take action. By adopting an ordinance, entering into a project participation agreement, and a premises lease agreement. There was discussion of the on-site training that would be available and the job opportunities the project would bring. A motion was made by Mayor Pro-tem Linde' Schuster to approve Ordinance 1021 Approving and adopting a Local Economic Development Project Participation Agreement between the City of Raton and El Raton Media Works, Inc. to Plan, Develop and Implement a Functional Workforce Development and Film Production Facility; and Renovations, Lease Payments and Tenant Improvements to the City's Kearny School Facility for a local Economic Development Project. The motion was seconded by Commissioner Ronald Chavez and carried 5-0 with a rollcall vote of "yes".

D. *DELIBERATE AND ACT on Project Participation Agreement – Exhibit A to Ordinance No. 1021*

City Manager Scott Berry stated this will bring the City of Raton investment, education opportunities and jobs. The agreement defines what the City of Raton's responsibilities are as well as El Raton Media Works, Inc. for the vacant existing Kearny School facility located at 800 South Third Street. A motion was made by Commissioner Ronald Chavez to approve the Project Participation Agreement – Exhibit A to Ordinance No. 1021. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting "aye".

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E. *DELIBERATE AND ACT on Premises Lease Agreement – Exhibit B to Ordinance No. 1021*

City Manager Scott Berry stated the lease agreement is for the Kearny School property consisting of 3.19 acres and the building with approximately 26,000 square feet of classroom, office, gymnasium and utility area. The projected term of the agreement is a 5 year period commencing June 1, 2024 and expiring at midnight on May 31, 2029. In order for the Lessee to enter into a Renewal Lease Term, Lessee must be in full compliance with the terms of this agreement as well as the Project Participation Agreement. Notice of Lessee's intent to renew must be given in writing to the City not less than 90 days prior to the end of the original term. The lease rates shall be generally calculated as a percentage with a zero (0) percent fee for years 1-5. A motion was made by Mayor Pro-tem Linde' Schuster to approve the Premises Lease Agreement – Exhibit B to Ordinance No. 1021. The motion was seconded by Commissioner Ronald Chavez and carried 5-0 with all voting "aye".

F. *INTRODUCTION OF ORDINANCE No. 1022 Authorizing the Sale of the Coors Building Real Estate to Moss Adventures, LLC as Authorized by the New Mexico Metropolitan Redevelopment Code; NMSA Chapter 3, Article 60A, 1 through 48 (inclusive), and the 2015 Raton Downtown Master Plan / MRA Designation Report*

Mayor Neil Segotta stated it was requested to postpone this item until the April 11, 2023 City Commission Meeting. A motion was made by Commissioner Ronald Chavez to postpone Ordinance No. 1022 Authorizing the Sale of the Coors Building Real Estate to Moss Adventures, LLC as Authorized by the New Mexico Metropolitan Redevelopment Code; NMSA Chapter 3, Article 60A, 1 through 48 (inclusive), and the 2015 Raton Downtown Master Plan / MRA Designation Report. The motion was seconded by Mayor Pro-tem Linde' Schuster and carried 5-0 with all voting "aye".

G. *DELIBERATE AND ACT on Lodgers' Tax Advisory Board Recommendations*

City Manager Scott Berry stated the Lodgers' Tax Advisory Board met on March 15, 2023 and recommended that \$10,000 be awarded to Raton MainStreet on behalf of the Summer of Color Beatification Coalition for brackets for banners, Lisa Camp, tires/maintenance, fuel, and flowers/fertilizer from the contingency fund line item, \$13,044.17 be awarded to Raton MainStreet, Inc. for the Gate City Music Festival for advertising, RPD security, tent rental, backline equipment rental, and Mark Wills from the annual events line item, and a renewal of contract for the Lindmark Outdoor Media Capulin billboard for a term from May 1, 2023 to April 26, 2026 at a rate of \$330.75 per month from the billboard expense line item. A motion was made by Mayor Pro-tem Linde' Schuster to approve the Lodgers' Tax Advisory Board Recommendations. The motion was seconded by Commissioner Ronald Chavez and carried 5-0 with all voting "aye".

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H. *DELIBERATE AND ACT on Board Appointments – Library Board*

City Manager Scott Berry stated there are two applications, Harold Brewer who is an existing board member whose term is expiring and Victor Romero who has experience on several other boards. After a brief discussion, a motion was made by Mayor Pro-tem Linde' Schuster to approve the Board Appointments for the Library Board. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting "aye".

I. *DELIBERATE AND ACT on Master Service Agreement Between the City of Raton and Lloyd & Associates*

City Manager Scott Berry stated this is for the Raton Train Depot renovations that have been discussed for numerous years. He noted that the Train Depot is the most iconic historic building in town and that the renovations are required to go through the NM Historic Preservation Division. The City of Raton has \$300,000 in grant funding in hand to commence the first phase of the project. The first phase is construction design development. It will consist of consulting with a mechanical engineer, electrical engineer, plumbing engineer, and a structural engineer to develop plans. A motion was made by Commissioner Ronald Chavez to approve the Master Service Agreement Between the City of Raton and Lloyd & Associates. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting "aye".

J. *DELIBERATE AND ACT on FY2023 Community Project Funding HUD Grant Agreement No. B-23-CP-NM-1059*

City Manager Scott Berry stated the City of Raton currently has \$1,100,000 in state funding for the Kearny Film Production Facility Project. This Grant Agreement between the Department of Housing and Urban Development (HUD) and the City of Raton will make grant funds available in the amount of \$3,000,000 for the Kearny Film Production Facility Project. A motion was made by Commissioner Donald Giacomo to approve the FY2023 Community Project Funding HUD Grant Agreement No. B-23-CP-NM-1059. The motion was seconded by Mayor Pro-tem Linde' Schuster and carried 5-0 with a rollcall vote of "yes".

K. *DELIBERATE AND ACT on Molzen Corbin Task Order No. 2022-3 New Electrical Vault Design*

City Manager Scott Berry stated this task order is for the Raton Municipal Airport, to design a new electrical vault to replace the old electrical vault. The new vault will house all airfield electrical systems including regulators, cutoffs radio controller and all other electrical systems currently housed in the existing vault. This task order is for architects, engineers and mechanical design with the estimated total of \$81,208.70 including NMGRT. The bidding and construction phase services will be in a future task order when funds are available. A motion was made by Mayor Pro-tem Linde' Schuster to approve Molzen Corbin Task Order No. 2022-3 New Electrical Vault Design. The

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motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting “aye”.

L. *DELIBERATE AND ACT on Molzen Corbin Task Order No. 2022-4 Taxiway B Reconstruction Design Services*

City Manager Scott Berry stated this task order is for Taxiway Bravo at the Raton Municipal Airport. The task order is for the engineers and design with an estimated total of \$109,835.47 including NMGR. The bidding and construction phase are contingent upon available funding. A motion was made by Commissioner Ronald Chavez to approve the Molzen Corbin Task Order No. 2022-4 Taxiway B Reconstruction design services. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting “aye”.

M. *DELIBERATE AND ACT on Bid Award East 10th Frontage Road Project*

City Manager Scott Berry stated this is a FY22 transportation project funding request which is the largest ever received by the City of Raton. The objective is to upgrade the frontage road to a commercial arterial section. The City of Raton submitted an application for funding to the NM Department of Transportation who will fund 95% of the project in the amount of \$1,600,000 and the City of Raton will be responsible for 5% which is no less than \$80,000. The engineering design for the project was awarded to Engineering Analytics under Service Authorization No. 12 dated December 13, 2021. Sealed bids for construction were received on March 21, 2023, with three bids received and the lowest qualifying, responsive bid submitted was H.O. Construction Inc. Due to the funding available H.O. Construction Inc. has agreed to reduce the scope of work in order to remain within the budget of \$1,442,000. A motion was made by Commissioner Donald Giacomo to approve the Bid Award for East 10th Frontage Road Project authorizing City Manager Berry to negotiate unit quantities for the construction agreement as necessary to keep the project within the available funding amount. The motion was seconded by Mayor Pro-tem Linde’ Schuster and carried 5-0 with all voting “aye”.

N. *DELIBERATE AND ACT on Resolution 2023-11: Declaring Surplus Vehicle through LEFP K-9 Unit to Mora County*

City Manager Scott Berry stated the 2018 Dodge Ram Truck was purchased in 2018 for the K-9 unit. The vehicle has been parked for quite some time due to the K-9 dog passing. The recommendation is that the City of Raton sells the K-9 vehicle to Mora County fully equipped for \$48,000 “as is” and with no warranty. The vehicle was originally purchased and financed from the Law Enforcement Protection Fund (Fund 206) therefore the funds from the sale would be deposited back to this fund in compliance with the grant guidelines. A motion was made by Mayor Pro-tem Linde’ Schuster to approve Resolution 2023-11: Declaring Surplus Vehicle through LEFP K-9 Unit to Mora County. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting “aye”.

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O. *OVERVIEW AND DISCUSSION on FY24 Budget Preparation and Submission Guidelines*

City Manager Scott Berry stated it is the time of year to work on the FY24 budget which has been fairly low the last fifteen years. He suggested a budget workshop and stated last years was very successful. There were some possible dates discussed but no specific date was decided on. City Clerk Michael Anne Antonucci went over the guidelines she needs to follow in order to stay compliant with the NM Department of Finance and Administration. The Interim Budget deadline is June 1, 2023 and her goal is to have a working draft to the City Commission at the May 9th meeting and the Final Interim Budget at the May 23rd meeting. The Final Budget deadline is July 31, 2023. No action was taken.

P. *DELIBERATE AND ACT on Resolution 2023-12: Approval of February 2023 Financial Report*

City Clerk Michael Anne Antonucci went over the ending cash balances as of February 28, 2023. The City of Raton Gross Receipts still remains strong and the year to date Gross Receipts collected is still 20% above the General Fund Budget projection. The city is seeing an increase for utilities, fuel, pool chemicals etc., and also in bid prices on various projects including equipment and vehicle purchases in addition to supply chain issues with longer than normal delivery times. Clerk Antonucci noted that these are all things that need to be considered in preparing the budget for FY24. Clerk Antonucci also went over the Cannabis Excise Tax, Gas Tax Comparison, Lodgers' Tax Comparison, and the Unaudited Financial Statement. Due to the NM Taxation and Revenue Department incorporating county and municipal tax rate changes, the City of Raton's tax rate will be 7.8833% effective July 1, 2023. A motion was made by Mayor Pro-tem Linde' Schuster to approve Resolution 2023-12: Approval of February 2023 Financial Report. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting "aye".

Q. *DELIBERATE AND ACT on Resolution 2023-13: Budget Adjustments #12 FY23*

City Clerk Michael Anne Antonucci went over the budget adjustment requests in the General Fund and the Lodgers' Tax Non-Promo Fund. After some discussion a motion was made by Mayor Pro-tem Linde' Schuster to approve Resolution 2023-13: Budget Adjustment #12 FY23. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting "aye".

R. *CITY MANAGER REPORT*

- City Manager Berry reported he will attend a stakeholders meeting on March 22nd regarding the I-27 development and that he is planning on attending the NM Transportation Commission meeting when they are in the area.
- City Manager Berry reported the Center for Community Progress is planning on coming to Raton April 11th and 12th and will meet with various stakeholders.

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- City Manager Berry reported the New Mexico Municipal League District meeting will be via zoom on April 11th and they will be discussing the Legislative Session and the bills that were passed or vetoed.
- City Manager Berry reported he will be attending the NM Board of Finance meeting in regard to the transfer of ten acres to the City of Raton from Colfax County for the Photo Voltaic Project.
- City Manager Berry reported the Arthur Johnson Memorial Library is in the process of replacing light fixtures, carpet, etc. and will close at 3:00 p.m. on March 30th until April 10th
- City Manager Berry reported the LED Lighting Upgrade at the Raton Regional Aquatic Center is complete and that the Arthur Johnson Memorial Library and the Shuler Theater are next.

VIII. ADJOURNMENT:

The meeting adjourned at 7:38 p.m.

CITY OF RATON


James Neil Segotta Jr., Mayor

ATTEST:

Michael Anne Antonucci, City Clerk