



MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, MAY 28, 2019 AT 6 PM

I. CALL TO ORDER:

Mayor 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, Mayor Pro-tem Linde' Schuster, Commissioners: Lori Chatterley, Commissioner Chavez and Don Giacomo. Also present were City Manager Scott Berry, Clerk/Treasurer Michael Anne Antonucci and 7 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:

- **Notice of Potential Quorum:** A quorum of City Commissioners will attend Workshops to be held with Better City LLC May 28-May 31 in the City Commission Chambers located at 224 Savage Avenue during the following times: Tues. 2-4 pm, Wed 1:00-5:30 pm, Thurs. 1-5:30 pm and Fri. 10-12 pm. The Commission and Better City LLC will focus on workforce development, entrepreneurship, sustainable economic development, downtown revitalization, business retention and expansion and outdoor recreation.
- **Next Regular Commission Meeting Tuesday, June 11, 2019 at 6pm.**
- **Proclamation – National Trails Day June 1, 2019**

V. COMMENTS FROM THE GENERAL PUBLIC:

None.

VI. COMMITTEE REPORTS FROM COMMISSIONERS:

Commissioner Chatterley reported on the Branding Team meeting on May 13th with discussion on ideas for the donated billboard, locations for a monument sign and advertising on Channel 17. She also reported that Leighton Moon finished the tag lines, rack card and graphics for KRDO advertising. Homepage takeover ads for Gate City and Run to Raton were reviewed and locations for way finding signage discussed with a final list in June. Commissioner Chatterley also attended the Healthy Kids program meeting and reported that they want cross walks painted and would like to seek improvements and better upkeep at Roundhouse Memorial Park and the Goat Hill area. Commissioner Chatterley reported that the Beautification Coalition raised funds this year without asking for Lodgers' Tax

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funding and that the flower baskets were recently hung. She also thanked RPS for hanging the pennants. A kick-off event was held at Ripley Park this past weekend and the free movie "Peter Pan" will be tomorrow at the El Raton. The Beautification Coalition is also seeking nomination for the yard of the month and will recognize 4 monthly winners. Commissioner Chatterley attended the Senior Center Board meeting and reported that they are working on the budget and are trying to make up for shortfalls. She further reported that Colfax County awarded the Senior Center \$150,000 for next year and that they will be changing food service companies. The Senior Center is also currently looking for a chore person. The next Senior Citizen Board meeting will be on July 16th.

Commissioner Giacomo attended the RPS meeting held on May 1st and reported that April business was discussed and that financial and statistical information was given. There was also discussion on the interim Budget, new metering system and the new credit card payment system. It was further reported that the Gas Generation unit was run on April 4th and had a problem with excess heat. Commissioner Giacomo attended the RPS Meeting held on May 22nd and reported that the financial and statistical information was given, the training schedule for the metering system was reviewed and the FY2020 Interim Budget was approved with a 1.5% pay raise to employees. Commissioner Giacomo attended the Library Board meeting and reported that upgrades have been made to their Koha System, Pat Veltri was named President and Jan Schumpert was named Treasurer. He also gave an overview of the March and April library collections, program attendance and statistical reports.

Commissioner Chavez stated that he did not have any reports.

Mayor Pro-tem Schuster reported that the Center for Community Innovation has 7 participants in the Boot Camp Program and are looking for funding for the GED program. She also attended the Chamber Meeting held on May 13th and reported that the gift shop will be opening in June, they served refreshments for the Run for the Wall last week and that the craft/farmers market will be starting on Saturday. The Chamber is also starting a Junior Entrepreneur Program. Mayor Pro-tem Schuster attended the Housing Authority Board meeting held on May 21st and reported that they will start the Summer Food Program on June 3rd and also received a \$30,000 grant to do activities for the kids. She also reported that there is a program available for home upgrades if citizens are interested they can contact the Housing Authority for more information. Mayor Pro-tem Schuster attended the Water Board meeting held on May 21st and reported that Lake Maloya is 3 inches over the spillway, the reclaim systems are operating, the Filter Plant project is progressing and that there will be a public hearing in Raton with NMED in June.

Mayor Segotta stated that he attended the workshop earlier today with Better City. He also reported that he will attend the NM Municipal League Board meeting on Friday and that they will approve the final policies and budget.

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

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A. *Approval of the May 14, 2019 Regular Commission Meeting Minutes.*

It was noted that the date on the agenda for the approval of minutes was incorrect and that the approval is for the minutes from the previous meeting. Mayor Pro-tem Schuster made a motion to approve the May 14, 2019 Regular Commission Meeting Minutes. Commissioner Chatterley seconded the motion. The motion passed 5-0 with all voting "aye".

B. *Deliberate and Act on Event Forms for Raton MainStreet 4th of July Events and the 2019 Run to Raton.*

City Manager Berry introduced the event form for the Raton MainStreet 4th of July events and recommended approval. He also noted that Run to Raton had not submitted all of the paperwork or certificate of insurance therefore he recommended postponing action until the next meeting.

A motion was made by Commissioner Chatterley to approve the Raton MainStreet 4th of July Events. The motion was seconded by Commissioner Giacomo and carried 5-0 with all voting "aye".

A motion was made by Commissioner Chatterley to postpone action on the 2019 Run to Raton until the June 11th meeting. The motion was seconded by Mayor Pro-tem Schuster and carried 5-0 with all voting "aye".

C. *Deliberate and Act on Lodgers' Tax Promo Funding Requests.*

City Manager Berry reviewed the memo outlining the recommendations for all of the requests.

2019 International Santa Fe Trail Balloon Rally: Request \$5,218

A motion was made by Commissioner Chatterley to approve Raton MainStreet's request in the amount of \$5,218. The motion was seconded by Mayor Pro-tem Schuster and carried 5-0 with all voting "aye".

Center for Community Innovation Video: Request \$4,000

A motion was made by Commissioner Giacomo to approve the request for the Center for Community Innovation Video in the amount of \$4,000 for the FY2020 Budget. The motion was seconded by Commissioner Chavez and carried 5-0 with all voting "aye".

2019 Run to Raton: Request \$12,085

There was a brief discussion on what was an allowable Lodgers' Tax expense. There was also further discussion on the need to establish Lodgers' Tax Guidelines and a marketing plan. A motion was made by Commissioner Chatterley to approve the award of funds contingent upon approval of the event form and submission of proper documentation. The motion was seconded by Commissioner Giacomo and carried 5-0 with all voting "aye".

Ice House Restaurant Funding Request to Promote Live Music: Request \$8,000

Clerk/Treasurer Antonucci presented the Commission with a legal opinion received from the City Attorney that stated the City of Raton could not provide (donate) money from the Lodgers' Tax fund to promote the Ice House Restaurant's effort to provide live entertainment as a "tourist attraction" citing

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the case of Village of Deming v. Hosdreg Co., 62 NM 18. The NM Supreme Court has consistently held that governmental entities may not use public funds to subsidize, promote or otherwise contribute to the operations of private corporations, associations or individuals. A motion was made by Commissioner Chatterley to deny the request to promote the Ice House Restaurant live music. The motion was seconded by Commissioner Giacomo and carried 5-0 with all voting "aye".

D. Deliberate and Act on FY2020 Lodgers Tax Non-Promotional Funding Requests.

Raton Arts and Humanities: Request \$18,000

Terry Baca presented the Commission with additional information that included a list of events/shows, list of grants and a profit and loss report. Commissioner Chatterley stated that it appears that ¼ of their budget comes from Lodgers' Tax which seems fair. City Manager Berry also mentioned that the City of Raton may consider financing some building repairs in FY2021 which would mean that there would be less money available next year to fund the non-profits. Commissioner Chavez stated that he wants to see all organizations seek grants and other funding first before asking for Lodgers Tax. Brenda Ferri stated that most grants can't be used for operations. A motion was made by Mayor Pro-tem Schuster to approve the request in the amount of \$18,000 to Raton Arts and Humanities. The motion was seconded by Commissioner Giacomo and carried 5-0 with all voting "aye".

Raton Museum: Request \$30,000

Kathy McQueary was present to answer questions. She also agreed that grants usually do not cover operations. Commissioner Chavez questioned the cost of the roof repairs at the museum. Kathy McQueary stated that the roof was not covered by their insurance and that the estimate was \$19,000. Commissioner Chatterley commented on the percent of Lodgers' Tax versus total income which showed there is a heavy reliability on Lodgers' Tax. There was also a question on the increase seen in the cash balance which Kathy McQueary explained was a result of additional donations received. There was also a brief discussion on whether or not the museum could operate if they were awarded less than requested. Kathy McQueary stated they would not close the museum but would possibly have to cut hours. A motion was made by Commissioner Chavez to approve \$20,000. The motion died due to the lack of a second. Commissioner Giacomo then made a motion to approve \$30,000. The motion was seconded by Mayor Pro-tem Schuster and carried 4-1 with Mayor Segotta voting no.

E. Deliberate and Act on Appointments for Film Liaison and Planning & Zoning Commission.

City Manager Berry introduced and noted that Sara Kowalski wishes to step down from the Film Liaison position and that Lucas Jansen has applied. He also reported that Jessica Barfield and Brenda Ferri have had contact with Barbara Kerford and that she provided them with a list of things Raton needs to do and the process to become a sanctioned State Film Liaison. He stated that he concurs with the recommendation to appoint Mr. Jansen and also

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asked the City Commission to authorize him to submit a letter of endorsement to the film commission. A motion was made by Commissioner Chatterley to approve the Film Liaison appointment and to authorize City Manager Berry to submit a letter of endorsement to the NM Film Commission. The motion was seconded by Mayor Pro-tem Schuster and carried 5-0 with all voting "aye".

City Manager Berry stated that the terms of four Planning & Zoning Commission members had expired and that they have all submitted applications for reappointment: Charles Hyde, Randy Madison, Richard Gertler and Chris Candelario. He also stated that the next meeting is scheduled for June 12th. A motion was made by Mayor Pro-tem Schuster to approve the P&Z appointments. The motion was seconded by Commissioner Chavez and carried 5-0 with all voting "aye".

F. *Public Hearing/Deliberate and Act on Ordinance No. 1005 Establishing Rates for Water and Sewer Use from the Municipal System of the City of Raton Amending Ordinance No. 992, Ordinance No. 972, Ordinance No. 948, Ordinance No. 894 and Ordinance 684 and Repealing all Ordinances and Regulations in Conflict Therewith.*

Dan Campbell was present and discussed the slight increase that citizens would see on their monthly bill for water and sewer. He also discussed the high cost of bottled water versus tap water. Mayor Segotta stated that this was a public hearing if anyone present wished to speak. There were no comments from the public. A motion was made by Commissioner Chatterley to approve Ordinance No. 1005. The motion was seconded by Commissioner Giacomo and carried 5-0 with a unanimous roll call vote of "yes" by each Commissioner.

G. *Deliberate and Act on RFP Award for Direct Youth Services FY2020 Sub-contract for Girls Circle and Boys Council Program.*

Clerk/Treasurer Antonucci reviewed the program and noted that an RFP was advertised seeking providers for the FY2020 Girls Circle and Boys Council Program. One proposal was received this year from the current provider, Human Resource Development Associates, Inc. She noted that they met all of the criteria to be considered a responsive proposer and recommended award of the sub-contract to HRDA, Inc. in the amount of \$109,500. A motion was made by Commissioner Giacomo to award the sub-contract for Direct Youth Services for FY2020 Sub-Contract for Girls Circle and Boys Council Program to HRDA, Inc. The motion was seconded by Mayor Pro-tem Schuster and carried 5-0 with all voting "aye".

H. *Deliberate and Act on RFP Award for FY2020 Direct Youth Services Sub-Contract for Restorative Justice Program.*

Clerk/Treasurer Antonucci reviewed the Restorative Justice program and noted that an RFP was advertised seeking providers for FY2020. She reported that only one proposal was received this year from the current provider, Emily Green dba Peace Through Education and that they met all of the criteria to be considered a responsive proposer and recommended award of the sub-contract in the amount of \$15,000. A motion was made by Commissioner Chatterley to award the FY202 Direct Youth Services Sub-Contract for Restorative

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Justice Program to Peace Through Education. The motion was seconded by Mayor Pro-tem Schuster and carried 5-0 with all voting "aye",

I. *Deliberate and Act on Vector Control Agreement Between the City of Raton and Colfax County.*

City Manager Berry stated that this agreement will offset the costs of the County's contractor to spray within the City limits and was a good partnership. He also noted that spraying is not good for bees or people with certain health conditions and that they can call City Hall if they do not want a particular area sprayed. A motion was made by Commissioner Chavez to approve the Vector Control Agreement Between the City of Raton and Colfax County. The motion was seconded by Mayor Pro-tem Schuster and carried 5-0 with all voting "aye".

The Commission took a 5 minutes recess and returned to open session at 7:21 p.m.

J. *Deliberate and Act on Resolution 2019-27: April 2019 Financial Reports.*

Clerk/Treasurer Antonucci reviewed the April 2019 Financial Reports and summarized the ending cash balances: General Fund \$2,643,137.66; Special Revenue \$2,192,728.64; Capital Projects \$328,432.74; Debt Service \$2,736,789.82; Solid Waste \$592,925.95; Trust & Agency \$15,285.79; Landfill Trust \$356,464.94. She also noted that the end of the fiscal year is fast approaching and that she will be working with department heads to close out outstanding purchase orders and submit end of year grant reimbursements. Clerk/Treasurer Antonucci stated that the City of Raton received approval from the State Auditor last week to proceed with an audit services contract with CRI for the fiscal year 2019 audit and that they will begin scheduling dates to perform early test work in June. A motion was made by Commissioner Giacomo to approve Resolution 2019-27: April 2019 Financial Reports. The motion was seconded by Commissioner Chatterley and carried 5-0 with all voting "aye".

K. *Deliberate and Act on Resolution 2019-28: FY19 Budget Adjustment #16.*

Clerk/Treasurer Antonucci reviewed the budget adjustment resolution that included various line item adjustments and adjustments for the recently awarded legislative capital outlay for the police department and public works. A motion was made by Commissioner Chatterley to approve Resolution 2019-28: FY19 Budget Adjustment #16. The motion was seconded by Mayor Pro-tem Schuster and carried 5-0 with all voting "aye".

L. *Deliberate and Act on Resolution 2019-29: CYFD Juvenile Justice Grant FY19 amended Budget Adjustment #1.*

Clerk/Treasurer Antonucci explained that the program fee is \$150 per session therefore the adjustment amount must be a figure that this amount will divide into evenly. As a result, she requested that the Commission approve an amended budget adjustment #1 and noted that the deadline has passed but that CYFD has agreed to make an exception to allow for the correction. A motion was made by Mayor Pro-tem Schuster to approve Resolution 2019-29: CYFD

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Juvenile Justice Grant FY19 amended Budget Adjustment #1. The motion was seconded by Commissioner Giacomo and carried 5-0 with all voting "aye".

M. Deliberate and Act on Resolution 2019-30: FY2020 Interim Budget Approval for City of Raton, Raton Water Works and Raton Public Service.

City Manager Berry discussed the Interim Budget process noting that several public hearings were held and that the deadline is June 1st. He reported that it is a fairly static budget and that the City of Raton will maintain services. He also briefly discussed the decline seen in the Gross Receipts and noted that some elements of HB6 may provide some relief. He also stated that he hopes construction will rebound. The City of Raton is proposing a \$4.8 million General Fund budget and will look to reserves to fund one-time non-recurring expenses to fund a comprehensive plan, public works vehicles and upgrading IT systems. The Raton Water Works and Raton Public Service budgets were also briefly discussed. A motion was made by Commissioner Giacomo to approve Resolution 2019-30: FY2020 Interim Budget Approval for City of Raton, Raton Water Works and Raton Public Service. The motion was seconded by Commissioner Chatterley and carried 5-0 with all voting "aye".

N. Deliberate and Act on Resolution 2019-31: Disposal of Surplus Property

City Manager Berry stated that the City of Raton received funding for legislative capital outlay for public works equipment and that the plan is to trade in 2 of the old backhoes towards the purchase of new equipment. A motion was made by Commissioner Chatterley to approve Resolution 2019-31: Disposal of Surplus Property. The motion was seconded by Mayor Pro-tem Schuster and carried 5-0 with all voting "aye".

O. Deliberate and Act on Resolution 2019-32: Authorizing the Submission of a New Mexico Community Development Block Grant Program Application the Department of Finance and Administration /Local Government Division: and Authorizing the City Manager to Act as the City of Raton's Chief Executive Officer and Authorized Representative in All Matters Pertaining to the City of Raton's Participation in the Community Development Block Grant Program.

City Manager Berry reported that he and Jason Phillips are working on the application for the Pavement Resurfacing Project which is due by June 20th and requested approval of the resolution authorizing submission of the CDBG Application and also authorizing him to act as the Chief Executive Officer and Authorized Representative in all matters pertaining to the City of Raton's participation in the CDBG program. A motion was made by Mayor Pro-tem Schuster to approve Resolution 2019-32 as presented. The motion was seconded by Commissioner Giacomo and carried 5-0 with all voting "aye".

P. City Manager's Report

City Manager Scott Berry gave a report on the following:

- Great Blocks project should be finished within 35-40 days and that the City will pursue funding for Phase II.
- Airport Project paving will continue for the next 7-10 days. The contractor

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will then start on the Hart/Brilliant project around July 1st.

- Reported that the Tire Disposal Project was complete.
- Reported that Parks Maintenance has started and that they will be mowing 2nd Street this week and patching pot holes.
- Reported that he anticipates roof repairs on City Buildings to begin soon.

ADDITIONAL COMMENTS FROM COMMISSIONERS:

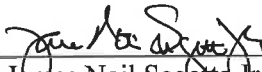
Mayor Segotta had a question about the City's IT needs. City Manager Berry stated there is a security risk due to running obsolete equipment and software operating systems. He reported that an IT specialist will be in town on June 4th to meet with City staff to discuss our needs. The police department also received \$50,000 in legislative capital outlay funding which will be used to purchase tough book laptops for the police units.

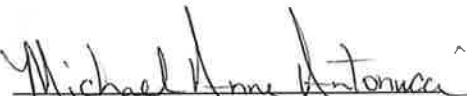
Commissioner Chatterley asked about the funding for the Lake Maloya Dam. City Manager Berry stated that a revised emergency plan has been submitted. He also noted that there is a new State Engineer and that he anticipates a call soon with the Dam Safety Bureau and will know more then.

VII. ADJOURNMENT: The meeting adjourned at 7:57 p.m.

ATTEST:

CITY OF RATON


James Neil Segotta Jr., Mayor


Michael Anne Antonucci, City Clerk