



MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY JUNE 25, 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 4 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 a Community Economic Development Presentation by Better City LLC at 6 p.m. on June 27th at the Raton Convention Center located at 901 South 3rd Street**
- **All City Offices will be Closed on July 4, 2019 in observance of Independence Day.**
- **Next Regular Commission Meeting Tuesday, July 9, 2019 at 6pm.**

V. COMMENTS FROM THE GENERAL PUBLIC:

A concerned citizen named Jerold Kimble who lives at 1468 McArthur street addressed the commission regarding the excessive noise in his neighborhood from loud stereos. He also voiced his concern with the condition of the streets on Hart and Brilliant. City Manager Berry stated that a bid was awarded to a company that will start work on the streets soon but was not sure of the exact schedule yet.

A concerned citizen named Jeri Brackett who lives on Dwyer Avenue addressed the Commission regarding noise from a motorcycle muffler at 6 am daily. She stated that the police department should purchase a decibel meter.

City Manager Berry also commented on the noise ordinance stating that many citations get dismissed in municipal court because it is difficult to prove that a person has violated a subjective standard without being able to measure the noise decibels and that the City will review the ordinance.

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VI. COMMITTEE REPORTS FROM COMMISSIONERS:

Commissioner Chatterley attended the NMML Board Meeting on June 1st and reported that they reviewed the draft agenda for the Annual Conference to be held in Las Cruces in August 21-23. She also reported that Bill Fulginiti gave a report on the tax reforms adopted by HB479 and HB6. Mr. Fulginiti also stated that the Municipal League is working with NM Tax and Revenue to make a separate distribution for internet sales revenue to municipalities in July. She also reported that the board reviewed the budget and a policy change limit on dues increases. Commissioner Chatterley attended the Branding Committee meeting held on June 6th and reported that they discussed wayfinding, SWAG items for the Outdoor Retailer Show in Denver, completed a mockup for the billboard on the north entrance of Raton, created 2 new pop up banners and an affordable living poster. The Committee is working on table tents and a location for a monument sign. The next meeting will be on July 8th. Commissioner Chatterley attend the NMML Community, Economic Development, Governmental Operations, Human Resources, Public Infrastructure Policy Committee meeting held in Albuquerque on June 22nd and gave an overview of the proposed resolutions. Commissioner Chatterley announced that the Beautification Coalition received 32 nominations for the yard of the month contest and reported that Roger Sanchez won first place and that Jerry and Becky Vanwey were the runners up. She thanked all of the donors and volunteers and encourage everyone to submit nominations for July. She also stated that she would attend the NCNMEDD meeting in Santa Fe on Friday.

Commissioner Giacomo stated that there was no library meeting this month and that the RPS Board would meet tomorrow.

Commissioner Chavez attended the Raton Water Board meeting on June 18th and reported that Lake Maloya is 1 inch over the spillway. The board was also given a report by the General Manager on the Filter Plant Project, Lake Maloya meter installation, downtown paving projects, purchase of a new John Deere Backhoe and was notified that 11 applications were received for the General Manager Position. Commissioner Chavez also attended the Financial Advisory Committee meeting held on June 18th and reported that the financial were reviewed and approved for presentation to the City Commission.

Mayor Pro-tem Schuster reported that the Chamber Meeting was held on June 3rd but she was unable to attend. She did report that the Outdoor Market and the Farmers Market would be on July 6th at the Visitors Center. Mayor Pro-tem Schuster attended the Housing Authority Board held on June 18th and reported that they were working on the Summer Food Program and finalizing the budget. The Housing Authority also held special meeting today to approve the budget. Mayor Pro-tem Schuster reported that she also attended the June 11th State Land Commissioner meeting held at the Convention Center, the Water Board meeting on June 18th and the NMML Environment, Energy and Natural Resources Policy Committee Meeting in Albuquerque on June 22nd.

Mayor Segotta attended the NMML District Board Meeting and the Public Safety Policy Committee Meeting in Albuquerque on June 22nd. He reported that school safety and law enforcement mental health intervention are the top priorities. Mayor Segotta also announced that he and Commissioner Chatterley would meet with the NCNMEDD Director in Raton tomorrow.

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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 the Minutes from Better City Workshops May 28-31, 2019 and June 11, 2019 Regular Commission Meeting Minutes.*

Commissioner Chavez made a motion to approve minutes for the Better City Workshop and the Regular Commission Meeting Minutes. The motion was seconded by Mayor Pro-ten Schuster and carried 5-0 with all voting "aye".

B. *Department Head Report by Police Chief John Garcia.*

Police Chief John Garcia made a presentation to the City Commissioner. He also addressed the issue of the noise complaints and stated that officers do not have decibel meters. Chief Garcia highlighted the recently released SafeWise report designating Raton the #2 safest city in New Mexico. He then gave a presentation and overview of department statistics for calls of service, reports taken, citations issued, DWI's, violent crime, aggravated assaults and property crimes. He reported that most offenses have dropped however it is projected that calls for service will increase in 2019 as well as DWI's and narcotic arrests. He also discussed the challenges of staffing and vacancies in the police department and dispatch. He also reported that the department was recently awarded a \$50,000 legislative capital outlay grant that will be used for in car computers and that 3 new police vehicles were purchased this past year but there is still a need to replace more of the aging fleet if funds become available. Mayor Segotta thanked Mr. Garcia for his presentation and stated that it appears the department is on target with its goals despite staffing and a limited budget.

C. *Public Hearing: Rezone Request by City Manager to Amend the Zoning Designation from Mobile Home Subdivision (MHS) to R-5 Residential District for a Tract of Land described as Lots 17 through 20, Block 16 of Fairview Addition, consisting of 3.70 acres more or less. Parcel is owned by Mark Pena.*

City Manager Berry gave an overview of the proposed zoning change which was initiated by the City Manager to eliminate a spot zone for the property that was previously a mobile home park up until 2012. He also noted that this was a non-conforming use and was no longer grandfathered. The surrounding area is generally a R-5 Residential District. City Manager Berry noted that the Morgan Builders lot was also a spot zone and was recently rezoned by the commission. City Manager Berry reviewed the Planning and Zoning Commission's findings: (1) property is currently vacant (2) is considered a spot zone and (3) R-5 would be the highest and best use in this area. City Manager Berry stated that the ownership of the property has changed and that owner, Mark Pena, would like to keep it zoned for mobile homes but has been advised that the property cannot be used again as a mobile home park but could have double wide mobile homes on individually owned lots in a MHS or R-5 district.

Mayor Segotta announced that this was a public hearing and asked if anyone from the audience would like to address the commission. There were no comments from the public. City Manager Berry stated that he was not sure if

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proper notification was given for the public hearing and recommended that an additional public hearing be held to insure that the property owner and adjacent property owners are properly notified.

- D. *Deliberate and Act on Resolution 2019-35: Approving Rezone Request by City Manager to Amend the Zoning Designation from Mobile Home Subdivision (MHS) to R-5 Residential District for a Tract of Land described as Lots 17 through 20, Block 16 of Fairview Addition, consisting of 3.70 acres more or less. Parcel is owned by Mark Pena.***

A motion was made by Commissioner Chatterley to postpone the item until the property owners were notified. The motion was seconded by Mayor Pro-tem Schuster and carried 5-0 with all voting "aye".

- E. *Deliberate and Act on Memorandum of Understanding Between the City of Raton and Colfax County Senior Citizens, Inc.***

Mayor Segotta stated that he has a conflict of interest because he is the Director of the Colfax County Senior Citizens, Inc. and would abstain from the vote. City Manager Berry reviewed the MOU and noted that the City of Raton owns the building and partners with them as the fiscal agent for capital outlay funding. Monica Finkbone, the CCSCI Program Manager was present and addressed the Commission and thanked them for their continued support. She also noted that the Department of Finance requires exhibit A be done to define the activities and services provided by CCSCI. A motion was made by Commissioner Chavez to approve the Memorandum of Understanding Between the City of Raton and Colfax County Senior Citizens, Inc. and to allow City Manager Berry to sign. The motion was seconded by Commissioner Giacomo and carried 4-0-1 with a roll call vote of "yes" from Commissioner Giacomo, Commissioner Chavez, Commissioner Chatterley and Mayor Pro-tem Schuster. Mayor Segotta abstained.

- F. *Deliberate and Act on Event Form for the 4th of July VFW Street Dance.***

City Manager Berry introduced the event form and reported that it has been reviewed and approved by various City staff and that he recommended its approval. A motion was made by Commissioner Chatterley to approve the event form for the 4th of July VFW Street Dance. The motion was seconded by Mayor Pro-tem Schuster and carried 5-0 with all voting "aye".

- G. *Deliberate and Act on Lodgers' Tax Board Recommendations***

City Manager Berry reviewed the Lodgers' Tax Advisory Board recommendations from their July 19th meeting: Gate City Music Festival \$13,755.00, KBKZ/KCRT \$5,632.20 and KRTN \$7,254.14. Clerk Treasurer Antonucci stated that the funding requested for the Gate City Music Festival would come out of the FY19 budget and that the radio advertising would come out of the FY20 Budget. Jessica Barfield, President of Raton MainStreet, was present and stated that they will be submitting another request for the remaining expenses that will come out of FY20 Lodgers Tax Funds. She also announced that Josh Gallagher is the headline act this year and that the Bellamy Brothers will be the headline act next year. This year's event will also feature local scholarship winner Zoe Elliot, the street dance

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and a new kid's zone with various attractions. A motion was made by Commissioner Chavez to approve all of the requests as presented. The motion was seconded by Commissioner Chatterley and carried 5-0 with all voting "aye".

H. *Deliberate and Act on IT Services Agreement Between the City of Raton and EnvisionIT Solutions.*

City Manager Berry stated that the City has gotten off cheap for a number of years by not having a monthly IT services contract and only utilizing on-call services. He also noted that a recent IT security audit identified that the City of Raton is at risk and needs to upgrade its network, operating systems and hardware. City Manager Berry stated that the total monthly expense of \$3,074.44 would be shared with Raton Water Works and Raton Public Service and is based on the number of workstations, servers and for Datto backup services and that pricing is based on a NM State Price Agreement. He also noted that the initial contract does not include other city departments but that a separate cost proposal would be brought to the City Commission at a later date once their needs have been assessed. City Manager Berry informed the commission that the NM Municipal League is now requiring mandatory cyber security insurance coverage due to the numerous risks that governmental entities are exposed to and that this would be an additional cost in the upcoming fiscal year.

A motion was made by Mayor Pro-tem Schuster to approve the IT Services Agreement Between the City of Raton and EnvisionIT Solutions. The motion was seconded by Commissioner Giacomo and carried 5-0 with all voting "aye".

I. *Deliberate and Act on Resolution 2019-36: Acceptance of New Mexico Department of Transportation Cooperative Agreement Control No. L400447 and Pledge of Matching Funds.*

City Manager Berry reported that the City of Raton was awarded \$51,053 which is short of the \$150,000 that was applied for. As a result of the reduced funding, he is recommending that the scope of work be changed to a pavement maintenance program to crack sealing, signage and pavement striping per the list of streets identified on attachment A. He further noted that the NMDOT will fund \$38,290 and that the City will be responsible for \$12,763 in matching funds that will come from Gas Tax revenues. A motion was made by Commissioner Chatterley to approve Resolution 2019-36: Acceptance of New Mexico Department of Transportation Cooperative Agreement Control No. L400447 and Pledge of Matching Funds. The motion was seconded by Commissioner Giacomo and carried 5-0 with all voting "aye".

J. *Deliberate and Act on Acceptance of New Mexico Department of Transportation Municipal Arterial Program Cooperative Agreement Control No. L400475 and Pledge of Matching Funds.*

City Manager Berry reported that the City of Raton applied for \$300,000 but was awarded \$253,556 for a chip seal project on 5th Street. He stated that the scope would be reduced slightly to stay within the amount awarded. He also noted that NMDOT will fund \$190,167 and that the City will be responsible

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for \$63,389 in matching funds that will come from Gas Tax revenues. A motion was made by Commissioner Chavez to approve the New Mexico Department of Transportation Municipal Arterial Program Cooperative Agreement Control No. L400475 and Pledge of Matching Funds. The motion was seconded by Commissioner Giacomo and carried 5-0 with all voting "aye".

K. Deliberate and Act on NMED Loan Agreement Amendment No 2 to Extend Grant Subsidy for Project No. RIP 00011 for Transfer Station Project.

City Manager Berry reported that the NMFA loan for the Transfer Station Project closed on June 7th and that the City also has \$80,000 in RIP funds that are set to expire in August. He reported that the project will start in the Fall and that he is currently working on the bid documents. As a result, City Manager Berry requested approval of the request to extend the RIP grant until August 2020. A motion was made by Commissioner Chatterley to approve NMED Loan Agreement Amendment No. 2 to Extend Grant Subsidy for Project No. RIP 00011 for Transfer Station Project. The motion was seconded by Mayor Pro-tem Schuster and carried 5-0 with all voting "aye".

L. Deliberate and Act on Resolution 2019-37: May 2019 Financial Reports.

Clerk/Treasurer Antonucci reviewed the April 2019 Financial Reports and summarized the ending cash balances: General Fund \$2,267,313; Special Revenue \$2,111,028; Capital Projects \$236,031; Debt Service \$2,252,285; Solid Waste \$600,735; Trust & Agency \$11,337; Landfill Trust \$361,470. She also reported that the final gross receipts tax distribution for the fiscal year was received this week and that the total year to date General Fund gross receipts collected was -4.35% below budget projections for the fiscal year, however, the additional amount received this year in Small Cities Assistance is enough to cover the shortfall. She also noted that General Fund expenses are well below the budgeted amount for this time period which is a result of the due diligence of department heads to control costs and delay some expenditures until the next fiscal year. Clerk/Treasurer Antonucci reported that the Interim Budget was approved by DFA and that the Final FY20 budget, FY19 End of Year Reports and FY19 Final Budget Adjustments are due to DFA no later than July 31st and will be presented to the Commission for approval at the July 23rd Commission meeting. A motion was made by Commissioner Giacomo to approve Resolution 2019-37: May 2019 Financial Reports. The motion was seconded by Mayor Pro-tem Schuster and carried 5-0 with a unanimous roll call vote of "yes" from each Commissioner.

M. Deliberate and Act on Resolution 2019-38: FY19 Budget Adjustment #18.

Clerk/Treasurer Antonucci reviewed the proposed budget adjustments and recommended approval. A motion was made by Commissioner Chatterley to approve Resolution 2019-38: FY19 Budget Adjustment #18. The motion was seconded by Commissioner Giacomo and carried 5-0 with all voting "aye".

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N. *Deliberate and Act on Resolution 2019-39: Authorization to Write Off Worthless Checks Issued to the City of Raton.*

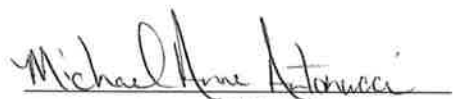
Clerk/Treasurer Antonucci stated that the City of Raton has a worthless check policy that was adopted October 22, 2002. She further noted that over the years the City has had several worthless checks that she has been unsuccessful in collecting that span as far back as 2003 and have just been carried on the books instead of writing them off. Clerk/Treasurer Antonucci recommended approval of the resolution to allow her to write off these checks from the following funds: General Fund \$688.81 and Special Revenue Fund \$412.44. A motion was made by Commissioner Giacomo to approve Resolution 2019-39: Authorization to Write Off Worthless Checks Issued to the City of Raton. The motion was seconded by Mayor Pro-tem Schuster and carried 5-0 with all voting "aye".

O. *City Manager's Report*

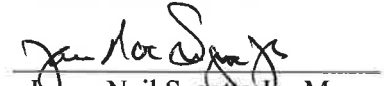
City Manager Scott Berry gave a report on the following (1) the TMDL Public Meeting held in Raton on June 13th was covered by KRTN radio and is on their website and is also the NMED's website. There is a 30-day comment period that will end on July 5th. NMED will then hold a meeting on August 13th for approval of the TMDL's. (2) Had a meeting with FAA, NMAD, Molzen Corbin, FBO and staff to review the 5-year capital improvement plan. (3) Also reported that Taxiway A Phase II is complete and is being closed out. (4) Will attend NERPO meeting tomorrow in Springer and will meet with the new District 4 Engineer to talk about local issues on 2nd Street.

VIII. ADJOURNMENT: The meeting adjourned at 8:00 p.m.

ATTEST:


Michael Anne Antonucci, City Clerk

CITY OF RATON


James Neil Segotta Jr., Mayor