



**MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, OCTOBER 22, 2019 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, Commissioner Chavez and Don Giacomo. Also present were City Manager Scott Berry, Clerk/Treasurer Michael Anne Antonucci and 26 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, November 12, 2019 at 6 pm.
- Notice of Potential Quorum: A Quorum of City Commissioners may attend a court hearing to be held at the 8th Judicial District Courthouse located in Raton on October 24, 2019 from 9:00 a.m. – 12:00 p.m. regarding Case No. D-809-cv-2013-00245: Mark and Lori Van Buskirk vs. City of Raton
- Proclamation: Red Ribbon Week October 23-31, 2019. Presented by Mayor Segotta to the School Resource Officer, Nicolina Villani-Martinez and students from Raton High School.

V. COMMENTS FROM THE GENERAL PUBLIC:

No Comments.

VI. COMMITTEE REPORTS FROM COMMISSIONERS:

Commissioner Chatterley reported that she attended the Outdoor Economic Conference in Silver City October 3-4 and provided the Commission with notes that she prepared. She reported that outdoor recreation is recession proof and that rural communities in the west are changing. She also noted the importance of inviting people in with nice signs and sidewalks that provide a clear path. Commissioner Chatterley stated that Sugarite State Park is our golden goose and noted that research and data is our most important tool and that the City must also clarify its vision. Commissioner Chatterley announced that the NM State Outdoor Recreation Division Director, Axi Navas, will be hosting an open house on November 14th in the City Commission Chambers at 10 a.m. and encouraged everyone to attend. Commissioner Chatterley also attended the NMML Board meeting held in Santa Fe

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on October 5th and reported that they discussed resolutions that will be taken to the legislative session. She also reported that they are creating a task force on legalization of marijuana.

Commissioner Giacomo attended the Library Board meeting held on September 24th and gave statistics for the month of July and August. He also attended the RPS meeting held on September 25th and reported that the financials and statistics were presented and approved. It was also reported to the board that 5 new meters were recently installed and that a total of 22 new meters are currently working. Commissioner Giacomo reported that the Twin Eagle litigation is currently at a stale mate.

Commissioner Chavez attended the Water Board Meeting held on October 5th and reported that Lake Maloya is 3 ½ feet below the spillway, the board welcomed new General Manager Terry Sykes, reviewed the Dam Safety Agreement and received project status reports on the Filter Plant and Hospital Drive Lift Station. It was also reported that the Hart/Brilliant project was complete. Commissioner Chavez attended the Financial Advisory Committee meeting held on October 17th and reported that the 1st Quarter Financial report was reviewed and recommended to the Commission for approval.

Mayor Pro-tem Schuster attended an Early Childhood Development meeting hosted by Growing Great Kids on October 3rd at the High Plains Regional Education Cooperative and reported that the statewide early childhood needs assessment was discussed. She also attended the Housing Authority Board on October 4th and reported that the grant project building benches is almost complete. She also reported that upgrades to the units is ongoing and that the audit was completed timely. Mayor Pro-tem Schuster attended the Water Board Meeting held on October 5th and a meeting at the Center for Community Innovation on October 7th. She reported that The Center is working on several projects and are seeking board members.

Mayor Segotta attended the NMML Quarterly Meeting and reported that the audit was approved. He also reported that he met with Lisa Sedillo with NCNMEDD and attended the AAA Advisory Meeting in Ruidoso where they discussed when the federal money will be released and revisions to the capital outlay process. There was also concerns discussed with the new minimum wage increase in January.

**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. Presentation and Announcement by Center for Community Innovation,
Creative Startups Boot Camp Winners.***

Geoff Peterson with the Center for Community Innovation was present along with Robert Jones from IN Bank to award prize money to the boot camp program winners: Aaron Sena-Stevens, Marian Ray and Rheeannon Marquez. This program was a business incubator boot camp for small business startups and was funded by the City of Raton and City of Trinidad with assistance from Creative Startups.

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B. *Report to City Commission: Shuler Restoration, Billy Donati.*

Billy Donati, President of Shuler Restoration, gave an informative presentation to the City Commission on the Shuler annual report that included figures on the rental revenue collected, an overview of partners and foundations that have donated time and money, gave recognition to board members and a report on recent upgrades to the downstairs and future plans to upgrade the office area. He also gave an overview of improvements made over the years with Shuler Restoration funds and from private donors like the Laird Foundation. Mr. Donati reported that the Shuler had over 180 days of usage that included 30 live performances, 50 rehearsals and 100 digital movies. Mr. Donati also thanked everyone for their support and assistance with the new downtown studio.

C. *Approval of October 8, 2019 Regular Commission Meeting Minutes*

A motion was made by Commissioner Chatterley to approve the October 8, 2019 Regular Commission Meeting Minutes. The motion was seconded by Commissioner Chavez and carried 5-0 with all voting "aye".

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

City Manager Berry reviewed the recommendation from the Lodgers' Tax Advisory Board to award \$1,750 to the Center for Community Innovation to be a sponsor in the KRDO TV "13 Days of Giveaways" for purchase of a sponsorship package as well as a local weekend getaway so that a lucky viewer can come to Raton and experience the City's Christmas Traditions. A motion was made by Commissioner Chavez to award \$1,750 to the Center for Community Innovation. The motion was seconded by Mayor Pro-tem Schuster and carried 5-0 with all voting "aye".

E. *Deliberate and Act on Lodgers' Tax Non-Promo Funding Request for Raton Golf Course Irrigation Improvements.*

City Manager Berry reported that he and staff reviewed the work recently completed on the irrigation system and reported that Phase I was successfully completed. Joe Pobar was also present and reviewed the request for Phase II funding in the amount of \$20,000 and noted that now is a good time to purchase parts since most irrigation companies are slower in the winter and generally discount their parts. He also gave an overview of the Stay & Play promotion and reported that as of October 4, 2018 they have had 125 stay and play golfers and over 100 disc golfers. In addition, they also had several golf tournaments and a large wedding resulting in 315 total hotel stays. Commissioner Chatterley asked if this would be the last request or if the Golf Course would be back for more. Mr. Pobar explained that they hope to purchase the parts and do most of the work themselves. He also stated that they received a grant from the Laird Foundation and are looking at other options for funding. City Manager Berry stated that the non-promo fund currently has a high reserve balance to cover the request if approved, but suggested that the City should still evaluate the needs of all Lodgers' Tax funded facilities and develop a Lodgers' Tax Plan. A brief discussion followed regarding issues with damage to the course by wildlife which would be discussed at a future meeting to revise the City Ordinance to allow for discharge of firearms in the City limits for a special hunt coordinated by the

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Game and Fish Department. City Manager Berry emphasized that public safety is the #1 priority. A motion was made by Commissioner Giacomo to award \$20,000 to the Raton Golf Course for Irrigation Improvements. The motion was seconded by Mayor Pro-tem Schuster and carried 5-0 with all voting "aye".

F. *Deliberate an Act on Alcoholic Beverage Control Change of Officers Application for City of Raton Governmental Liquor License No. 90006.*

Clerk/Treasurer Antonucci reported that an application must be submitted to Alcoholic Beverage Control with a fee of \$200 to update the City of Raton's Governmental Liquor License to reflect the new Raton Country Club Board members which is a requirement that the names on the license must match those as reflected on the Secretary of State's website. A motion was made by Mayor Pro-tem Schuster to approve the Change of Officer Application for City of Raton Governmental Liquor License. The motion was seconded by Commissioner Giacomo and carried 5-0 with all voting "aye".

G. *Deliberate and Act on Board Appointments to Extra Territorial Zoning Commission*

City Manager Berry stated that the City of Raton has a joint powers agreement with Colfax County and that the ETZ Commission consists of 2 City members, 2 County Members and at large position which is appointed by the 4 members. City Manager Berry recommended appointment of Chris Candelario and noted that he should have another application at the next meeting to fill the remaining vacancy. A motion was made by Commissioner Chatterley to appoint Chris Candelario to the Extra Territorial Zoning Commission. The motion was seconded by Commissioner Giacomo and carried 5-0 with all voting "aye".

H. *Deliberate and Act on Billboard Lease Agreement Between the City of Raton and Elite Group LLC, dba Lindmark Outdoor Media for property located at 905 South Second Street*

City Manager Berry gave a brief overview of the agreements for both locations and noted they would have a 5 year term with a 5 year renewal option. He also noted that the annual lease amount would be \$650 for the first 5 years and would then increase to \$780 for the remaining 5 year term. City Attorney Ray Floersheim, Joe Eagan with Raton Sign Company and Tom Palmer with Elite Media Group were also present. Commissioner Chatterley voiced concerns with having a different style billboard in the downtown area and wanted to know if the City Commission would have any say or approval of what goes up. Mr. Palmer stated that Lindmark would own the signs that are on city property and that they would have to be removed if the lease agreements were ever terminated. Mr. Palmer also stated that the sign locations will be up for sale and that FNBNM would be given 1st option to purchase the downtown location. He also noted that both signs would have vinyl skins. Commissioner Chatterley made a motion to postpone item H until the next meeting and to approve the billboard lease agreement for the property located at Armex only. The motion was seconded by Commissioner Chavez and carried 5-0 with all voting "aye".

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- I. *Deliberate and Act on Billboard Lease Agreement Between the City of Raton and Elite Group LLC, dba Lindmark Outdoor Media for property located at Armex***

See action taken under item H.

- J. *Deliberate and Act on Engineering Analytics, Inc. Service Authorization No. 3 for Raton Train Depot Site***

City Manager Berry announced that the deeds have been recorded and that the City officially owns the depot property. Remaining funding from the FHWA grant will be used for pavement and drainage improvements. City Manager Berry reported that task one was completed and that he is requesting approval of tasks 2-5 to prepare the plans, specs, estimate of costs, preparation of bid package and assistance with contractor selection. A motion was made by Commissioner Chatterley to approve the Engineering Analytics, Inc. Service Authorization No. 3 for Raton Train Depot Site. The motion was seconded by Mayor Pro-tem Schuster and carried 5-0 with all voting "aye".

- K. *Deliberate and Act on Governmental Project Funding Agreement between the City of Raton and the Office of the State Engineer for Implementation of the Feasibility-Level Study to Lake Maloya Dam***

City Manager Berry stated that the agreement is related to potential improvements to Lake Maloya Dam and that the State Engineer would like to see the service spillway relocated to the abutment area off of the embankment. He also noted that this evaluation would provide the City with an estimate of costs and that the State Engineer will pay 100% with no cost to the City of Raton. The Office of the State Engineer will also contract directly with AECOM and the work would begin in about 2 weeks. City Manager Berry stated that Commission approval would simply allow the study to be performed on City property. A motion was made by Commissioner Chatterley to approve the Project Funding Agreement between the City of Raton and the Office of the State Engineer for Implementation of the Feasibility-Level Study to Lake Maloya Dam. The motion was seconded by Commissioner Giacomo and carried 5-0 with all voting "aye".

- L. *Deliberate and Act on Sub-Recipient Grant Agreement between the City of Raton and Department of Homeland Security and Emergency Management for 2020 New Mexico WIPP Program***

City Manager Berry gave an overview of the scope of the project award in the amount of \$6,000 for a trip to WIPP in Carlsbad and for training. A motion was made by Mayor Pro-tem Schuster to approve the Sub-Recipient Grant Agreement between the City of Raton and Department of Homeland Security an Emergency Management for 2020 New Mexico WIPP Program. The motion was seconded by Commissioner Giacomo and carried 5-0 with all voting "aye".

- M. *Deliberate and Act on CYFD FY 21-24 Juvenile Continuum Grant Fund Application***

City Manager Berry turned discussion over to Clerk/Treasurer Antonucci who

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reported that the grant process had been revised and that funding starting next year would be awarded for a 4 year period and would include a 5% for administrative program support costs. The total grant request for year 1 is \$196,982.10 and would cover a part-time continuum coordinator, travel expense, youth stipends, a 5% Program Support fee and program funding for the Girls Circle, Boys Council and Restorative Justice. The grant will also still require a 40% match. Clerk/Treasurer Antonucci stated that the City would still continue to solicit an RFP for the direct youth services annually. A motion was made by Mayor Pro-tem Schuster to approve the CYFD FY21-24 Juvenile Continuum Grant Fund Application. The motion was seconded by Commissioner Chatterley and carried 5-0 with all voting "aye".

N. *Deliberate and Act on Resolution 2019-56: 1st Quarter FY20 Financial Report*

Clerk/Treasurer Antonucci gave a summary of the cash balances in all City funds and reported that the gross receipts collected year to date is still in line with the FY20 budget projections. She also noted that for comparison purposes it is difficult to compare the Gross GRT distribution with the prior year due to the decrease in the Supplemental Water GRT that took effect in January 2019. She reported that the portion of GRT distribution that goes to the General operating fund is currently 2.23% above the year to date budget projections and includes the new HB 6 monthly distribution (\$6,319.68) that the City started receiving last month. Clerk/Treasurer Antonucci stated that her office is preparing to send out business license renewal notices and will also include a notice of the new Gross Receipts tax rate effective January 1, 2020 which will increase .2375% from 8.2708% to 8.5083%. A motion was made by Commissioner Giacomo to approve Resolution 2019-56: 1st Quarter FY20 Financial Reports. The motion was seconded by Mayor Pro-tem Schuster and carried 5-0 with all voting "aye".

O. *Deliberate and Act on Resolution 2019-57: FY20 Budget Adjustment #3*

Clerk/Treasurer Antonucci summarized the budget adjustment resolution and noted that it included a \$40,000 temporary transfer from the General Fund to a fund created for the new Economic Development Fund until the City begins receiving the monthly distributions in March 2020. The temporary transfer will be reimbursed before the end of the fiscal year. A motion was made by Commissioner Chatterley to approve Resolution 2019-57: FY20 Budget Adjustment #3. The motion was seconded by Commissioner Giacomo and carried 5-0 with all voting "aye".

P. *City Manager's Report.*

City Manager Berry reported that he attended a meeting today with the Raton Police Department, Raton Fire Department and MCMC to discuss the policy for detainees. He also reported that the Public Works Department is doing work on Brilliant, re-painted the South Underpass, are winterizing irrigation systems, shutting down the air conditioners and starting up heating systems. City Manager Berry reported that the application was submitted to NM MainStreet for Phase III of the Great Blocks Project. He also reported that NCNMEDD received notice from MFA to submit a joint county-wide application with Colfax County for an affordable housing plan. City Manager

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Berry reported that he is working with Better City to submit an EDA Grant Application for downtown revitalization and is also working with the Center for Community Innovation on a Volkswagen Settlement grant for an electric car charging station. City Manager Berry also informed the Commission that the new ambulance was received yesterday.

VII. ADJOURNMENT:

The meeting adjourned at 8:08 p.m.

ATTEST:


Michael Anne Antonucci, City Clerk

CITY OF RATON


James Neil Segotta Jr., Mayor