



**MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, NOVEMBER 12, 2019 AT 6PM**

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 and Don Giacomo. Commissioner Ron Chavez was absent. Also present were City Manager Scott Berry, Clerk/Treasurer Michael Anne Antonucci and 10 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 26, 2019 at 6pm
- 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 November 14th from 9:00 a.m. – 12:00 p.m. regarding Case No. D-809-cv-2013-00245: Mark van Buskirk and Lori van Buskirk vs. the City of Raton
- Notice of Potential Quorum: A Quorum of City Commissioners may attend an open house hosted by the NM State Outdoor Recreation Division Director, Axis Navas, on Thursday, December 5th at 10 a.m. in the City Commission Chambers of the Raton Municipal Building located at 224 Savage Ave. Ms. Navas will be here to learn as much as she can about the recreation opportunities in our region and to explain the mission and goals of the new Outdoor Recreation Division.

V. COMMENTS FROM THE GENERAL PUBLIC:

Terry Baca, Housing Authority Director, reported to the City Commission that the Raton Housing Authority received a grant from the National Parks and Rec Association to build park benches. Mr. Baca stated that the benches are finished and will be on display at the Old Pass Gallery before placing them in various locations around town. He also invited everyone to attend a reception at the Gallery on Friday from 4-5 p.m.

VI. 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 October 22, 2019 Commission Meeting Minutes.

It was brought to the City Clerk's attention that Mayor Segotta's last name was misspelled under the Roll Call item. Commissioner Chatterley made a motion to approve minutes for the October 22, 2019 Regular Commission Meeting as corrected. Mayor Pro-tem Schuster seconded the motion. No further discussion took place and the motion passed 4-0 with all voting "aye".

B. Deliberate and Act on Board Appointment to the Raton Extraterritorial Zoning Commission

City Manager Berry stated that the board has not met in several years and that the City of Raton and Colfax County are in the process of filling the vacancies

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so that a meeting can be held soon. He also noted that Chris Candelario was appointed at the last meeting and that the City has received another application from Randy Madison to fill the other vacancy. City Manager Berry recommended approval of Mr. Madison. A motion was made by Mayor Pro-tem Schuster to appoint Randy Madison to the Raton Extraterritorial Zoning Commission. The motion was seconded by Commissioner Giacomo and carried 4-0 with all voting "aye".

C. Deliberate and Act on Event Form for Raton MainStreet Festival of Lights.

City Manager Berry stated that the event form has been reviewed and approved by staff. He noted that this will be a stationary event on First Street with a street closure from Rio Grande to Clark. Brenda Ferri was present and stated that the event will be on Friday, November 29th and that Raton MainStreet will partner with the Colfax County Relay for Life who will put up the luminarias. A motion was made by Commissioner Chatterley to approve the Event Form for Raton MainStreet Festival of Lights. The motion was seconded by Commissioner Giacomo and carried 4-0 with all voting "aye".

D. Discussion on Legislative Capital Outlay Priorities.

City Manager Berry reported that the 30-day Legislative Session will start on January 21st and that it is time to start discussing the City of Raton Capital Outlay Priorities. City Manager Berry provided the Commission with a memo outlining his recommendations: (1) \$300,000 for Police Vehicles; (2) \$500,000 for Street Rehabilitation; (3) \$700,000 for a Pre-Engineered Steel Building for Economic Development; (4) \$250,000 for Storm Drainage Improvements. City Manager Berry stated that purchasing new police vehicles would reduce fleet repair expenses. He also noted that the City could recycle millings to rehab some of the city streets that have been previously surfaced with millings or chip sealed. City Manager Berry stated that the deadline for capital outlay requests is February 2, 2020 and that forms can be completed online starting December 1st. A brief discussion followed whether the City would purchase new or used police vehicles. City Manager Berry stated that new vehicles would be purchased. Mayor Segotta also reported that the NM Municipal League and the Association of Counties are both supporting legislative requests to increase the Law Enforcement Protection Fund and Fire Protection Funds both \$5 million.

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

City Manager Berry stated that consideration was postponed at the last meeting to allow the Commission more time to review. Commissioner Chatterley voiced concerns with having a vinyl billboard in the historical district. She stated that if she could pick, she would want the same sign to stay in that location but not with a vinyl. She also is concerned that someone other than a local business will advertise on it. Commissioner Chatterley stated that the City has ideas for new signage and branding. She referred to the terms in the old agreement and proposed that the lease be terminated and the sign be taken down. Mayor Pro-tem Schuster asked Mr. Eagan if they are selling the sign to retire. Mr. Eagan stated that it is time for his family to move out of the advertising business and that Lindmark is a company that will be most sensitive to the community. Mayor Pro-tem Schuster voiced concern that taking the billboard down may not look better and that the City may be doing more harm than good if it denies the lease. Commissioner Chatterley asked if Lindmark could shorten the term of the lease without the option to renew and for local advertising only. Mayor Segotta asked if the bank was interested in continuing to advertise on the billboard. Mr. Eagan stated that he was not sure if it changes to a different type of sign. Tom Palmer with Lindmark was present and commented that the area near the sign had vacant and abandoned buildings that were not esthetically pleasing. Mayor Pro-tem Schuster stated that if the City votes against the lease, they would be contributing to the abandoned building issue. City Manager Berry stated that he brought the City Attorney in to negotiate these agreements but in retrospect should have brought them to the Commission to see if they would like to consider a new lease. A motion was made by Commissioner Chatterley to deny the lease

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with Elite Media Group LLC, dba Lindmark Outdoor Media for property located at 905 South Second Street. The motion was seconded by Commissioner Giacomo and motion tied with a 2-2 roll call vote with Mayor Segotta and Mayor Pro-tem Schuster voting against. Mayor Segotta stated that he would like to put the item on the December agenda since Commissioner Chavez was absent.

F. Introduction of Ordinance Amending Section 130.136 Unlawful Carrying of a Deadly Weapon to allow for hunting within the City Limits that is scheduled, managed and regulated by the NM Game and Fish Department for the purpose of Controlling Overpopulation of Wildlife in designated areas and as authorized by the City Commission

City Manager Berry stated that the City has an existing ordinance that prohibits the carrying of deadly weapons unless specifically allowed by one of the 4 exceptions. He also stated that it was discussed at the last meeting regarding the problem with wildlife at the golf course. City Manager Berry stated that he is proposing an amendment to the ordinance that would add a 5th exception to allow for the carrying of a deadly weapon by a person lawfully engaged in a hunting program that is scheduled, managed and regulated by the NM Game & Fish Department using approved weapons as authorized by the NM Hunting and Fishing Regulations under provisions of Chapter 17 and Chapter 30, New Mexico State Statutes for the purpose of controlling overpopulation of wildlife in designated areas and as authorized by the City Commission. City Manager Berry stated that he is bringing this item to the Commission to discuss and that he understands the concerns. He also noted that if introduced, the City would schedule a public hearing. City Manager Berry stated that he has received several comments, letters and emails from citizens that are opposed to the change. Representatives with the Game & Fish were present to answer questions. Mayor Segotta asked if this has successfully been done in other areas. Bob Osborn with NM Game and Fish stated it has been done in Silver City with limited success. They have also had special hunts in Silver City and Roswell but it usually takes more than 1 or 2 hunts to resolve the issue and that the City would have to commit to doing it every year or every other year. The hunts would be for deer, turkey and elk. They also stated that other methods such as trapping would still be done and that they were open to all ideas. City Manager Berry stated that citizens are interested in the weapon type. Mr. Osborn stated that he would suggest archery, shotguns with slugs or primitive muzzle loaders. He also noted that they want to be safe and smart about it. Commissioner Giacomo asked if the Game and Fish would be present during the hunt and they responded by saying they could do it however the City prefers. A brief discussion also followed regarding the possibility of the Game and Fish providing funding for fencing at the Golf Course. Mr. Osborn stated that the Game and Fish would provide materials only and that the City would have to install. Commissioner Chatterley stated that she would like to see a more comprehensive plan before introducing the ordinance.

G. Deliberate and Act on Proposal from Consensus Planning for Comprehensive Plan Update

Public Works Director Jason Phillips reported that the City of Raton Comprehensive Plan was done in 2004 and that it was overdue for an update which typically is done every five years. He stated that Consensus Planning did the plan in 2004 and that he reached out to them to see if they would be interested in submitting a proposal to do the update. A formal RFP is not required for professional services that are less than \$60,000. Mr. Phillips also reported that NMFA has approved the City of Raton to receive a \$50,000 Planning Grant and that NMFA has waived the match. As a result, the City of Raton will only be responsible for the NMGRT. Mr. Phillips explained that there would be a public hearing process and that the City must update the comprehensive plan before applying for any other planning grant. A motion was made by Commissioner Chatterley to approve the Proposal from Consensus Planning for Comprehensive Plan Update. The motion was seconded by Mayor Pro-tem Schuster and carried 4-0 with all voting "aye".

H. Deliberate and Act on Bid Award for Public Works Asphalt Roller

Public Works Director Jason Phillips was present and reported that an invitation

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for bids was issued for the purchase of an asphalt roller and that 2 bids were received. He stated that he has concerns with regards to whether the engines are suitable for operating in a high altitude. As a result, he requested that the item be postponed so that he can do his due diligence to review the engine specifications on the bids that were submitted before making a recommendation. A motion was made by Mayor Pro-tem Schuster to postpone item H. The motion was seconded by Commissioner Giacomo and carried 4-0 with all voting "aye".

I. *Deliberate and Act on Eastern NM Engineering Cost Proposal for Raton Transfer Station Project*

City Manager Berry stated that he has prepared a bid package to release after the first of the year and that he requested a proposal from Eastern NM Engineering for an electrical design which is the final piece of the design work. City Manager Berry stated that a formal RFP was not required since the cost would be under \$60,000. City Manager Berry stated that the proposed engineering design fee is \$2,880 plus NMGR and includes optional additional services for site visits, construction administration services and division 16 electrical specifications. City Manager Berry stated that he will give the final project design to the Solid Waste Bureau and Construction Programs Bureau for their review and approval before proceeding with the bid. A motion was made by Mayor Pro-tem Schuster to approve the Eastern NM Engineering Cost Proposal for Raton Transfer Station Project. The motion was seconded by Commissioner Chatterley and carried 4-0 with all voting "aye".

J. *Deliberate and Act on Resolution 2019-58 Disposal of Surplus Property*

Clerk/Treasurer Antonucci reviewed the resolution and stated that the RPS Board of Directors approved at their last meeting to dispose of the following vehicles: 1982 Chevy 4x4 Pickup, 2000 Chevy C8500 Altec Double Bucket Truck and 1988 Chevy Altec Digger Unit. The vehicles will be sold at public auction "as is" with no warranty. A motion was made by Commissioner Giacomo to approve Resolution 2019-58 Disposal of Surplus Property. The motion was seconded by Mayor Pro-tem Schuster and carried 4-0 with all voting "aye".

Mayor Segotta made a motion to amend the agenda to move the City Manager Report before the Closed Session. The motion was seconded by Commissioner Chatterley and carried 4-0 with all voting "aye".

K. *Deliberate and Act on Resolution 2019-59 Municipal Court Records Destruction - Permission to Destroy Records pursuant to Municipal Records Retention Policy*

City Manager Berry introduced the resolution and list of records provided by the Municipal Court for destruction. City Clerk/Treasurer Antonucci stated that a certificate of destruction would be done listing the records that were destroyed and would be placed in the minute book. In addition, she would also report back to the City Commission after the destruction was complete. Mayor Segotta asked what method of destruction would be used. Ms. Antonucci stated that an office shredder would be used depending on the amount of records otherwise if needed she would contact a company out of Pueblo Colorado that does mobile shredding or contact some of the local banks to see what service they use for records destruction. Commissioner Chatterley made a motion to approve Resolution 2019-59 Municipal Court Records Destruction - Permission to Destroy Records pursuant to Municipal Records Retention Policy. The motion was seconded by Commissioner Giacomo and carried 4-0 with all voting "aye".

L. *City Manager Report*

- Reported that the Filter Plant Project is on schedule and will be completed in late Spring.
- Reported that Raton Water Works is pumping from the Cimarron River but noted the effects of the Ute Park Fire have been challenging.

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- Reported that the contractor for the Hart/Brilliant Project is finishing up the man hole lids and valve boxes.
- Reported that the Hospital Drive Lift Station project is about 25% complete.
- Reported that notification was received from the Dam Safety Bureau that they are close to issuing a notice to proceed to AECOM and that the fieldwork would be completed in 2019 if the weather is good.
- Reported that he and Mayor Segotta attended the Western Governor's Association Conference last week in Santa Fe and that it was a very valuable conference.

M. *Closed Executive Session Pursuant to NMSA 10-5-1H(7) Litigation Landfill Lawsuit – Mark van Buskirk and Lori van Buskirk vs. City of Raton Case No. D-809-cv-2013-00245*

Mayor Pro-tem Schuster made a motion at 7:45 p.m. to go into Closed Executive Session Pursuant to NMSA 10-5-1H(7) Litigation Landfill Lawsuit – Mark and Lori van Buskirk vs. City of Raton Case No. D-809-cv-2013-00245. The motion was seconded by Commissioner Giacomo and carried 4-0 with a unanimous roll call vote of “yes” by each Commissioner.


The Commission took a 5 minutes recess.

N. *Certification of Closed Session*

The meeting returned to open session at 8:20 p.m. and Clerk/Treasurer Antonucci read the following statement: “The matters discussed in closed session were limited only to those specified in the motion to go into closed session and as advertised. No action was taken.” The Commission then approved the statement by signifying they agreed by voting “yes” 4-0.

VII. ADJOURNMENT: The meeting adjourned at 8:21 p.m.

ATTEST:


Michael Anne Antonucci, City Clerk

CITY OF RATON


James Neil Segotta Jr., Mayor