



**MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, JANUARY 26, 2021 AT 6PM**

I. CALL TO ORDER:

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

II. ROLL CALL/ATTENDANCE:

Answering roll call was: Mayor Neil Segotta, Mayor Pro-tem Linde' Schuster
Commissioners: Donald Giacomo and Lori Chatterley. Commissioner Ronald Chavez was present via conference call. Also present were City Manager Scott Berry, Clerk/Treasurer Michael Anne Antonucci, Deputy Clerk Desire'e Trujillo and Public Works Director Jason Phillips and 1 visitor.

III. MAYOR 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:

- **Next Regular Commission Meeting Tuesday, February 9, 2021 at 6 p.m.**

V. ITEMS FROM CITIZENS PRESENT:

None

Raton Fire Department Emergency Manager Dusty Russell reported they have been assisting the Department of Health and Miners Colfax Medical Center as well as other various agencies with COVID vaccinations for the last two weeks. He stated that between all those locations they vaccinated almost 600 people with the 1st vaccination shot. Emergency Manager Russell also reported assisting in vaccinating about 165 at the Raton Senior Center and about 105 in Springer. He stated right now the vaccinations are still in Phase 1B being the essential workers but believes there has been an amendment which he is not sure what that is at this time. Mayor Neil Segotta expressed his deepest appreciation for Emergency Manager Russell and all his staff for all their work efforts under the conditions. Mayor Segotta also reported 150 vaccinations in Cimarron and 140 in Mora. Commissioner Donald Giacomo asked how the 2nd round of vaccinations will be setup and Emergency Manager Russell stated it depends on the initial setup when registered. City Manager Scott Berry commended the Raton Fire Department for going beyond the call of duty and reminded the public that the City doesn't have any control over the vaccination process although it has been housed in City

MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, JANUARY 26, 2021 (Cont.)

buildings. Raton Fire Department Chief Anthony Burk wanted to recognize the County Manager, Springer Fire Department, Cimarron Ambulance, Philmont Scout Ranch, and all the other entities calling to ask where they can help. He stated it's very humbling and rewarding to be an aid and solution in this time of a National Pandemic.

VI. COMMITTEE REPORTS FROM COMMISSIONERS:

Commissioner Lori Chatterley reported the Raton Beautification Coalition gave a special thanks to Devin Barton for the snowmen placed around town. She also congratulated the winners of the Holiday lighting Contest. Commissioner Chatterley also reported with funds from donations and the Macaron Foundation there is enough to purchase the flowers and cover watering expenses for the 2021 Summer of Color. She also reported the Outdoor Recreation Taskforce is working on a legislative letter of support for the City's Capital Outlay request for the Sugarite Avenue Pedestrian and Bicycle Trail. NCNMEDD met via zoom approving various contracts, schedules and the FY20 final budget adjustment. Commissioner Chatterley reported the Senior Citizens Center is doing really well with the home delivered meals and the grab & go meals as well as Thanksgiving dinner and overall donations.

Commissioner Donald Giacomo reported the RPS meeting will be held tomorrow and the AJML has been closed to the public since November 14th. He reported the AJML received the first half of the State Grant and he also reported on donations, fines and copies for the month of December.

Commissioner Ronald Chavez reported the RWW met via conference call and the 3rd Street Project is complete and ready to be paved. He reported the Hospital Drive Lift Station Pipe Project is 75% complete and the Ponil Creek Crossing of the Cimarron Water Line is ready to be hooked up. Commissioner Chavez reported the main water line in the Country Club area has a leak where they discussed financials, the RWW and the Union will begin negotiations in February and that Lake Maloya is 5 feet below the spillway. He also reported meeting with the Financial Advisory Committee via conference call where they discussed and approved financials to be presented to City Commission tonight.

Mayor Pro-tem Linde' Schuster reported meeting with the Center for Community Innovation via Zoom regarding workforce development. She reported it is to provide extra training for students and internships with schools etc. Mayor Pro-tem Schuster also reported meeting with the Housing Authority Board for there last time before merging into the Northeastern Housing Authority. She also commended Housing Authority Director Terry Baca for a great job and stated he will do a great job in his new position as the Director of the Northeastern Regional Housing Authority as well.

Mayor Neil Segotta reported meeting with the NMML Executive Committee which will be meeting weekly for the Legislative Session. He reported the big topic of last week was House Bill 4-NM Civil Rights Act, which he stated the way it is currently written, is not a good thing. Mayor Segotta reported with the NMSIF Executive Board Committee and they went over the Audit closeout where there were a few issues which were addressed. He also reported listening in on the NCNMEDD Board Meeting which Commissioner Chatterley covered. He also

MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, JANUARY 26, 2021 (Cont.)

reported he and City Manager Scott Berry were going to attend the NMML Executive Committee meeting in regards to House Bill 101.

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 January 12, 2021 Regular Commission Meeting Minutes*

A motion was made by Commissioner Lori Chatterley to approve the January 12, 2021 Regular Commission Meeting Minutes. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting "aye".

B. *Deliberate and Act on Appointments to the Labor Management Relations Board (At-Large Member) and Lodgers' Tax Advisory Board*

City Manager Scott Berry stated due to the actions at the 2020 NM Legislative Session the Raton City Commission repealed & replaced the collective bargaining ordinance providing for a local Labor Management Relations Board in December. He reiterated how the board members are appointed and stated the at-large member being recommended by Sara Kowalski and William Daily is Eric Honeyfield who served previously on the board, was a former City Manager for the City of Raton as well as in Hobbs, Gallup and a City in Texas. A motion was made by Commissioner Lori Chatterley to approve the Appointment to the Labor Management Relations Board (At-Large Member). The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting "aye".

City Manager Scott Berry stated the state statute qualifications of the Lodgers' Tax board are that 2 of the representatives are to be lodge owners, 2 of the representatives are to have tourist related businesses and the 5th is an at large. He stated that he and Clerk/Treasurer Michael Anne Antonucci met with Pat Farmer and that she is interested in serving with the Lodgers' Tax Board. City Manager Berry stated Mrs. Farmer is currently the General Manager at the Holiday Inn Express and was very active in the Community in Michigan which is where she's from. A motion was made by Mayor Pro-tem Linde' Schuster to approve the Appointment to the Lodgers Tax Advisory Board. The motion was seconded by Commissioner Lori Chatterley and carried 5-0 with all voting "aye:

C. *Deliberate and Act on Airport Lot #3 Ground Lease Agreement Between the City of Raton and Jack Doege*

City Manager Scott Berry stated the proposed agreement is for an existing hanger being purchased from the current hanger owner. He stated the City of Raton owns 10 hangers that have 50 year terms on the leases with certain criteria to construct. City Manager Berry stated this agreement will be between the City of Raton and Jack Doege with generous lease rates due to Mr. Doege never owning the property. A motion was made by Commissioner Donald Giacomo to approve Airport Lot #3 Ground Lease Agreement Between the City of Raton and Jack Doege. The motion was seconded by Mayor Pro-tem Linde' Schuster and carried 5-0 with all voting "aye".

MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, JANUARY 26, 2021 (Cont.)

D. Deliberate and Act on Molzen-Corbin Task Order 2018-6 for Airport Hanger Design and Construction Phase Services

City Manager Scott Berry stated the City of Raton received grant funding from State Aviation to construct a hanger for Doss Aviation who is no longer there. He also stated it was then being considered for an Air Ambulance Ricco Air, who is no longer interested. City Manager Berry stated the grant funding was for \$250,000 and the agreement is effective until November 2021. He stated if the commission approves the task order, Molzen-Corbin will design and oversee construction of the hanger or the City of Raton will have to return the funds. City Manager Berry stated the Engineering Hanger Design is \$67,686.82 and when the Hanger gets to the Construction Phase it will then be brought to the City Commission for bid award. Commissioner Chavez stated he felt if the funds are returned to State Aviation the City of Raton may never receive the funds again. Mayor Pro-tem Schuster and Commissioner Chatterley agreed and stated they felt it was a good idea to go ahead with the construction. Mayor Segotta stated he felt it would be good for economic development. A motion was made by Commissioner Donald Giacomo to approve Molzen-Corbin Task Order 2018-6 for Airport Hanger Design and Construction Phase Services. The motion was seconded by Mayor Pro-tem Linde' Schuster and carried 5-0 with all voting "aye".

E. Deliberate and Act on Molzen-Corbin Task Order 2018-7 for Runway 2-20 and 7-25 Pavement Rehabilitation Design, Bidding and Construction Phase Services

City Manager Scott Berry stated the task order amount excluding gross receipts tax is \$42,044.25 for the Engineering work. He stated when the project gets to the Construction Phase it will then be brought to City Commission for consideration. City Manager Berry stated under the AIP program the annual entitlement from Federal Aviation is generally 90% of an approved project, 5% City of Raton and 5% from NM State Aviation. He stated the proposal is for pavement rehabilitation on Runways 2-20 and 7-25 which will consist of a crack seal and seal coat. A brief discussion followed regarding the phasing of the project due to available funding. Mayor Pro-tem Linde' Schuster made a motion to approve Molzen-Corbin Task order 2018-7 for Runway 2-20 and 7-25 Pavement Rehabilitation Design, Bidding and Construction Services. The motion was seconded by Commissioner Lori Chatterley and carried 5-0 with all voting "aye".

F. Deliberate and Act on Engineering Services Proposal for Byron Avenue & Whittier Street Reconstruction Project MAP #L400526

City Manager Scott Berry stated this time last year the City of Raton applied with the NMDOT under the Municipal Arterial Funding Program for \$300,000 where the City agrees to pay 25% and the DOT agrees to 75%. He stated Engineering Analytics has prepared the Task Order and Karen Stearns is present to answer any questions the Commission may have. City Manager Berry stated the professional design services Engineering Analytics will provide amounts to \$44,500 and the plan would be to proceed with the construction phase this summer. A motion was made by Commissioner Lori Chatterley to approve Engineering Services Proposal for Byron Avenue &

MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, JANUARY 26, 2021 (Cont.)

Whittier Street Reconstruction Project MAP #L400526 as amended to include NMGRT. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting "aye".

G. Deliberate and Act on Purchase of Ad in Texas Monthly Magazine from Lodgers' Tax Promo Fund

City Manager Scott Berry stated this is a publication that has been done previously and was being brought to the City commission due to a deadline. He also stated that after receiving additional information he is recommending that the item is tabled until the next regular meeting of the Lodgers' Tax Advisory Board due to the amount being raised to \$5,000. The motion was made by Mayor Pro-tem Linde' Schuster to table the Ad in Texas Monthly Magazine from Lodgers' Tax Promo Fund. The motion was seconded by Commissioner Lori Chatterley and carried 5-0 with all voting "aye".

H. Deliberate and Act on Resolution 2021-05: Expressing Municipal Government Evaluation of House Bill 4-NM CIVIL RIGHTS ACT

City Manager Scott Berry stated this Bill has been introduced in the House of Representatives and that there has been a lot of discussion from the NMML. He stated there are definitely two sides to this proposal regarding the protection of Civil Liberties and how it's done. City Manager Berry stated there have been some disagreements and when he drafted Resolution 2021-05 he took into consideration and reflected on information that came from the NMML. He stated the NMML in their analysis felt it made it easier to litigate matters of civil liberties, it removed caps on certain cases and removed defense for a peace officer of qualified immunity. City Manager Berry stated in the NMML analysis they felt more litigation does not help protect civil liberties. He stated existing provisions for qualified immunity are intended to protect reasonable behavior by police officers and allows officers to operate using their best judgement in critical situations. City Manger Berry stated the City of Raton struggles to fill positions at the Police Department and if the protection is removed it could be damaging. He stated he is proud of our Police Department and is asking the Representatives to table House Bill 4. City Manager Berry stated there is a need for modernized training. Some discussion took place regarding the word smithing on the bill as well as the fear of being sued while on duty could cause a lax approach with the peace officers. A motion was made by Commissioner Donald Giacomo to approve Resolution 2021-05: Expressing Municipal Government Evaluation of House Bill 4-NM Civil Rights Act. The motion was seconded by Mayor Pro-tem Linde' Schuster and carried 5-0 with all voting "aye".

I. Deliberate and Act on Resolution 2021-06: Approval of 2nd Quarter Financial Report

Clerk/Treasurer Michael Anne Antonucci stated the City of Raton received the final reimbursements from DFA for the CARES Act Small Business Continuity Grants and the temporary transfer was refunded back to the

MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, JANUARY 26, 2021 (Cont.)

General Fund therefore an increase was seen in the December General Fund cash balance. She also stated a portion of the 1st half of the property tax was received with an additional distribution expected in January and the 2nd half is usually received around May or June. Clerk/ Treasurer Antonucci stated the Small Cities Assistance Grant is usually received after the Legislative Session in March and if it's short it will be accounted for in the 3rd Quarter. She also stated the Departmental Expenses are currently 4% below budget and due to the ongoing COVID restrictions the City and Department Heads will monitor closely and minimize spending where possible and delay some expenditures until the next fiscal year if needed to balance the budget. A motion was made by Commissioner Lori Chatterley to approve Resolution 2021-06: Approval of 2nd Quarter Financial Report. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting "aye".

J. *Deliberate and Act on Resolution 2021-07: Budget Adjustment #6 FY21*

City Clerk/Treasurer Michael Anne Antonucci reported she created a new line item for the maintenance and utilities at the old National Guard Armory building, donated to the City of Raton, reclassing a portion of the utility budget since airport utilities will be funded by the CARES grant this year. She also reported reclassing the Lodgers' Tax non-promo funds to cover change orders for new grease trap, an extension of the hot water line, and to repair/replace the air handlers in gym and the men's restroom at the Convention Center. Clerk/Treasurer Antonucci also reported making adjustments to the Library Grants line items in order to reflect the actual Grant amount awarded and also to reflect the balance of the 2016 and 2018 GO Bonds. She also reported adding a new line item for the CARES Act funding awarded to public Libraries. A motion was made by Mayor Pro-tem Linde' Schuster to approve Resolution 2021-07: Budget Adjustment #6 FY21. The motion was seconded by Commissioner Lori Chatterley and carried 5-0 with all voting "aye".

K. *City Manager Report*

- City Manager Berry reported the Comprehensive Plan is up to date and published on the City of Raton website which discusses the February 2nd webinar date. He stated you can register and view the plan at ratonnm.gov
- City Manager Berry reported Recreation Director Jared Chatterley recently resigned for a better job opportunity and his last day will be January 31st. He stated Jared started up the MOM, DAD, Disc Golf, Polar Bear Plunge, Summer of Color etc. City Manager Berry extended his thanks and appreciation.
- City Manager Berry reported General Manager Sandy Chavez retired from Raton Public Service after 25yrs. He stated she was the best General Manager RPS has ever had. City Manager Berry extended his thanks and appreciation with well wishes and stated she will be very missed.
- City Manager Berry reported Dave Piancino is the new General Manager of the Raton Public Service

MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, JANUARY 26, 2021 (Cont.)

L. *Closed Session Pursuant to 10-15-H(5) Collective Bargaining: City of Raton and AFSCME Council 18*

A motion was made by Commissioner Lori Chatterley to go into Closed Session Pursuant to 10-15-H(5) Collective Bargaining: City of Raton and AFSCME Council 18. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with a unanimous roll call vote of "yes" by each Commissioner. The Commission took a 5 minute recess and then entered closed session at 7:23 p.m.

M. *Certification of Closed Session*


The City Commission returned from closed session at 7:43 p.m. and Clerk/Treasurer Antonucci read the Certification of Closed Session stating the only business discussed was Collective Bargaining between the City of Raton and AFSCME Council 18 and that no action was taken. Mayor Segotta, Mayor Pro-tem Schuster, Commissioner Chavez, Commissioner Giacomo and Commissioner Chatterley all agreed with the statement by signifying "yes".

VIII. ADJOURNMENT:

The meeting adjourned at 7:44 p.m.

CITY OF RATON


James Neil Segotta Jr., Mayor

ATTEST:

Michael Anne Antonucci, City Clerk