



**MINUTES OF THE REGULAR RATON CITY COMMISSION
MEETING HELD ON TUESDAY, FEBRUARY 23, 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: Ronald Chavez, Donald Giacomo and Lori Chatterley. Also present were City Manager Scott Berry, Deputy Clerk Desire'e Trujillo, Clerk/Treasurer Michael Anne Antonucci, Public Works Director Jason Phillips and 2 visitors. Hal & Laura Brewer.

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, March 9, 2021 at 6:00 p.m.

V. COMMITTEE REPORTS FROM COMMISSIONERS:

Commissioner Lori Chatterley reported that the Colfax County Senior Center Board approved financials and stated the COVID clinics, home delivered meals and grab & go meals are all going well. She also reported the Senior Center window replacement project is soon underway and they are waiting to receive money from GO Bond to purchase 4-wheel drive trucks and are discussing reopening later this year. Commissioner Chatterley reported the Outdoor Recreation Task Force discussed possible funding for the Sugarite Bike trail and challenges with crossings at the railroad and highway. She also reported Colorado Parks & Wildlife have plans on keeping Lake Dorothy closed for the entire summer which City Manager Scott Berry stated he is looking into that. Commissioner Chatterley reported there may be a Lifetime Fitness marathon in Trinidad, Colorado in October with 1000 participants and that there is an Outdoor Recreation Round Table webinar March 5th to help rural communities grow their outdoor recreation economies. She also reported meeting with the representative of Colorado Parks & Wildlife regarding Fishers Peak State Park which should complete the planning process sometime in 2022. She also reported anyone wanting to donate money for the summer beautification flower baskets should give it to GrowRaton.

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Commissioner Donald Giacomo reported the RPS Board and the City Commission met for a Special Joint Meeting approving a settlement agreement with Twin Eagle to but out the remainder of our power supply contract for \$2,700,000 of which RPS will provide a \$1,000,000 cash payment from it's Capital Projects Fund.

Commissioner Ronald Chavez reported the RWW Board met and Lake Maloya has risen 1.5 feet and the downtown 3rd Street Water Line Project is complete. The Lift Station project will be complete by March 1st. He also reported the RWW staff have all been vaccinated for COVID-19 and the January 2021 financials were discussed and approved. Commissioner Chavez reported the Financial Advisory Board met and approved financials to be presented tonight.

Mayor Pro-tem Linde' Schuster reported the Center for Community Innovation hasn't met but they are currently working on the Toy Lending Library and getting people trained for there CDL License and GED. She also reported the Miners Colfax Medical Center has already vaccinated a great number of people and if anyone is still wanting to get vaccinated for COVID-19 they can register on KRTN's website or go to ratonnm.gov. Mayor Pro-tem Schuster reported she and City Manager Scott Berry met via conference call with Celia Ludi to get tips on how to better nudge our legislators on some bills.

Mayor Neil Segotta reported he met with the NMML Executive Board regarding House Bill 4 and for Senate Bill 375. He also reported tomorrow is NMML Municipal Day from 10:00 a.m. to 12:00 p.m. Mayor Segotta reported the NMML is doing a great job and he looks forward to the last 24 days of the legislative session.

VI. COMMENTS FROM THE GENERAL PUBLIC:

Vice President, Laura Brewer with the Raton Ambassadors was present and spoke of having to stop all activities for quite some time due to COVID-19. She stated they have been holding their meetings via zoom. She also stated they would like to be more active in the community as the restrictions lighten up. Vice President Brewer invited the City of Raton Organizations to have at least one member from each become a member of the Raton Ambassadors to better serve the community.

VII. 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. *Approval of the February 9, 2021 Regular Commission Meeting Minutes*

A motion was made by Commissioner Lori Chatterley to approve the February 9, 2021 Regular Commission Meeting Minutes. The motion was seconded by Mayor Pro-tem Linde' Schuster and carried 5-0 with all voting "aye".

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B. *Deliberate and Act on Resolution 2021-11: Adoption of City of Raton Comprehensive Plan*

City Manager Scott Berry stated the City of Raton's last updated Comprehensive Plan was done in 2004. He stated the City of Raton has been working with Consensus Planning who has based the Comprehensive Plan on careful and comprehensive studies of existing conditions, probable future growth of the City of Raton and extensive and diverse citizen input from area residents. City Manager Berry stated Jackie Fishman, with Consensus Planning, is heading the Comprehensive Plan and she also worked on the 2004 Comprehensive Plan. He stated she has held numerous public meetings as well as conducted public surveys in which the City has gotten quite a bit of feed-back. Jackie Fishman was present via conference call and stated this is a 20-year plan with 8 major plan elements. She stated the plan elements were short term, medium term, land use, transportation and key executive planning. Jackie Fishman commended the City of Raton employees as well as City Manager Scott Berry and Public Works Director Jason Phillips. City Manager Berry stated the Planning & Zoning Board met last night and voted unanimously recommend approval of the Comprehensive Plan. He also stated there is a draft plan available at ratonnm.gov for review and the final will soon be available as well as hard copies at the City of Raton and the Arthur Johnson Memorial Library. Mayor Neil Segotta thanked City Manager Scott Berry for his hard work as well as thanked the community for their input. A motion was made by Commissioner Ronald Chavez to approve Resolution 2021-11: Adoption of City of Raton Comprehensive Plan. The motion was seconded by Mayor Pro-tem Linde' Schuster and carried 5-0 with all voting "aye".

C. *Presentation Regarding Proposal for Stand-up Electric Scooters by Mike Butler – Bird Rides, Inc.*

City Manager Scott Berry stated he and Mayor Neil Segotta met with Mr. Mike Butler via conference call to hear the proposal for bringing the Stand-up Electric Scooters to Raton. Mayor Segotta stated he felt the scooters were a very interesting concept. Mr. Mike Butler was present via conference call in order to address the Commission and provide information on any questions they may have. Mr. Butler stated they were the 1st company in the world to provide this scooter service starting in 2017 and they are now located in 150 communities across the USA, South America and Europe. There was some discussion of where the liability would fall if someone were to get hurt. Mr. Butler stated the rider assumes liability when renting the scooter unless they can prove negligence on the City's behalf. He also stated they would have liability insurance naming the City of Raton as an additional insured. Mr. Butler stated the scooters would be staged on the sidewalk where the user would have to rent it off the app which would charge per minute. He also stated the scooters are not to be ridden on sidewalks or dirt roads but strictly on paved streets. Mr. Butler stated in order to start up in our community the fleet would be leased to someone who has the space, time and workers to run the electric scooter operation. There was discussion on the positive effects this could have in the City of Raton. No action was taken.

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D. *Deliberate and Act on Amendment #2 to Lease Agreement Between the City of Raton and Colin Tawney – Blü Dragonfly Brewing, LLC and Jason Bennett*

City Manager Scott Berry stated the project participation agreement was signed December 19, 2019 with 3-years rent free of the 5-year lease period. He stated the lease agreement was then amended on September 24, 2020 to add Blü Dragonfly Brewing, LLC as a recognized party. City Manager Berry stated the lease agreements intent is to provide public support for the economic development efforts of the lease holders. He stated due to COVID-19 restrictions they were unable to construct or commence operation. City Manager Berry stated the amendment dates would begin on March 1, 2021 through February 28, 2026 in order to put the year lost back in the lease agreement. There was some discussion on the impressive setup at the facility and the possibility of bringing in more manufactures. A motion was made by Mayor Pro-tem Linde' Schuster to approve Amendment #2 to Lease Agreement Between the City of Raton and Colin Tawney - Blü Dragon Brewing, LLC and Jason Bennett. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting "aye".

E. *Deliberate and Act on Recommendations for Award of RFP Contract(s) for Specialized Legal Services*

City Manager Scott Berry stated per State Statute when a contract is a certain amount of money it can only be for a 4-year term. Clerk/Treasurer Michael Anne Antonucci stated a request for proposals was advertised in the World Journal and posted on the City website with a deadline of 5:00 p.m. on February 11, 2020. She stated 2 sealed proposals were received and evaluated by the selection committee consisting of Public Works Director Jason Phillips, RPS General Manager Dave Piancino, RWW General Manager Terry Sykes and RWW Business Manager Geneva Trujillo. Clerk/Treasurer Antonucci stated the solicitation was written to allow for multiple contract awards based on Specialized Legal Services: (1) litigation, (2) municipal electric utility supply, generation and transmission, (3) land use/property redevelopment and (4) water resources. She stated based on the scores she is proposing multiple contracts is for Steltzner Law Firm – A four-year professional services agreement to provide specialized legal services for the municipal electric supply, generation and transmission and also Utton, & Kerry, P.A. – A four-year professional services agreement to provide specialized legal services for water resources, litigation and land use/property redevelopment. A motion was made by Commissioner Lori Chatterley to approve the Recommendations for Award of RFP Contract(s) for Specialized Legal Services. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting "aye".

F. *Deliberate and Act on Molzen-Corbin Task Order (No. 2018-8) for the 2021 Storm Water Prevention Plan Update*

City Manager Scott Berry stated the US EPA SWPPPP Industrial Permit for airports expired in 2020 and that the City of Raton must submit a new SWPPPP in accordance with the new regulations. He stated the estimated task order including NMGRT is \$14,344.14. City Manager Berry stated this plan is AIP

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eligible with FAA contributing 90%, the State Aviation Division 5% and the City of Raton 5%. A motion was made by Commissioner Ronald Chavez to approve Molzen-Corbin Task Order (No. 2018-8) for the 2021 Storm Water Prevention Plan Update. The motion was seconded by Commissioner Lori Chatterley and carried 5-0 with all voting "aye".

G. Deliberate and Act on Archuleta Construction, LLC Change Order Request #4 for the Solid Waste Convenience Center Project

City Manager Scott Berry stated the construction at the Solid Waste Convenience Center is almost complete and the electrical is 50% complete. He stated the Center is needing some additional work which is not covered by enterprise funds. City Manager Berry stated the additional work consists of a 419 linear feet wall with a normal height of 8 feet, but also ranging up to 10 feet in height. He stated due to the material provision the contractor, Archuleta Construction, LLC, shall reduce the price by \$6000 and also provide work, materials, components, and functional installation. City Manager Berry stated the contract amount shall be revised and increased by the fixed amount of \$257,250 not including the NMGRT. A motion was made by Commissioner Lori Chatterley to approve the Archuleta Construction, LLC Change Order Request #4 for the Solid Waste Convenience Center Project with authorization for City Manager Scott Berry to sign change order request. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting "aye".

H. Deliberate and Act on Resolution 2021-12: NMDOT Local Government Road Fund COOP Application 2021-2022

City Manager Scott Berry stated the annual submittal of the NMDOT Coop funding application is coming up in mid-March and the City of Raton has identified West Colfax Avenue and a portion of Kearny Avenue as a project of high priority. He stated the reconstruction and resurfacing of local streets is a necessary infrastructure maintenance and support measure that has been identified as a high priority by the City of Raton. City Manager Berry stated the City of Raton proposes a street reconstruction project with a total cost of \$200,000 including NMDOT funding of \$150,000 and the City of Raton will have to pledge \$50,000 which will come from the Street Improvement Fund which is funded by the City gas tax. A motion was made by Commissioner Donald Giacomo to approve Resolution 2021-12 NMDOT Local Government Road Fund COOP Application 2021-2022. The motion was seconded by Mayor Pro-tem Linde' Schuster and carried 5-0 with all voting "aye".

I. Deliberate and Act on Resolution 2021-13: NMDOT Municipal Arterial Project (MAP) Application 2021-2022

City Manager Scott Berry stated the City of Raton has identified Business Loop 17 which begins at Exit 450 south of Raton and terminates at Exit 454 which is a 4.2-mile loop. He stated the loop is primarily the responsibility of NMDOT in which the City of Raton participates in certain maintenance and operation functions in order to maintain a high level of serviceability throughout the route. City Manager Berry stated there are critical

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improvements needed which include pavement replacing, replacement of broken and heaved sidewalks, ramps, curb and gutter, median concrete and concrete pavement, signage, pavement markings, crack sealing, abutment recoating and lighting improvements. He stated the City of Raton is requesting a total of \$500,000 for project funding from NMDOT and if approved the City of Raton will have to pledge \$125,000 which would come from the Street Improvement Fund which comes from the City gas tax. A motion was made by Commissioner Donald Giacomo to approve Resolution 2021-13: NMDOT Municipal Arterial Project (MAP) Application 2021-2022. The motion was seconded by Commissioner Lori Chatterley and carried 5-0 with all voting "aye".

J. *Deliberate and Act on Resolution 2021-14: Disposal of Surplus Property Owned by the City of Raton, 2005 Freightliner Ambulance*

City Manager Scott Berry stated the City of Raton will be selling the 2005 Freightliner Ambulance for the amount of \$6,000 to Taos County "as is" due to it being difficult to maintenance. He stated there will still be 5 ambulance units in the fleet service and this ambulance was originally purchased with funds pledged from the EMS Grant Fund therefore the funds from the sale will be deposited back to this fund in compliance with the grant guidelines. A motion was made by Mayor Pro-tem Linde' Schuster to approve Resolution 2021-14: Disposal of Surplus Property Owned by the City of Raton, 2005 Freightliner Ambulance. The motion was seconded by Commissioner Donald Giacomo and carried 5-0 with all voting "aye".

K. *Deliberate and Act on Resolution 2021-15: Approval of January 2021 Financial Report*

City Clerk/Treasurer Michael Anne Antonucci stated the finances for the City of Raton have been prepared and reconciled through January 31, 2021 and reported on the ending cash balances in all funds. She reported the General Fund GRT is slightly above the budget projection by .20%. Clerk/Treasurer Antonucci reiterated the City of Raton received the CARES Act Local Government Relief Grant in the amount of \$655,398.07 which was deposited to the 230 Special Revenue Fund, however the General Fund Emergency Services Salaries, Economic Development Salary and PPE expenses have not been re-classified to the new grant fund. She stated this will provide additional relief if GRT declines or if the Small Cities Assistance Distribution is less than budgeted which the City will have more information on once Legislative Session ends. Clerk/Treasurer Antonucci stated the departments are currently operating below budget but if needed they can possibly delay some purchases until the next fiscal year. She also reported the Lodgers' Tax is 20%-30% down year to date due to COVID-19 restrictions but the money from last year is still available due to no events being permitted. A motion was made by Commissioner Donald Giacomo to approve Resolution 2021-15: Approval of January 2021 Financial Report. The motion was seconded by Commissioner Lori Chatterley and carried 5-0 with all voting "aye".

L. *Deliberate and Act on Resolution 2021-16: Budget Adjustment #8 FY21*

Clerk/Treasurer Michael Anne Antonucci stated Resolution No. 2021-16 FY21 Budget Adjustment #8 is for the replacement of 2 older model cell

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phones in the Police Department and also a change order for Solid Waste Convenience Center project for a roll off pad, retaining wall and earthwork/grading revisions. She stated the additional work for the Solid Waste Convenience Center will be funded from Solid Waste Fund Reserves. Mayor Neil Segotta commended Clerk/Treasurer Michael Anne Antonucci on a job well done as usual. A motion was made by Commissioner Lori Chatterley to approve Resolution 2021-16: Budget Adjustment #8 FY21. The motion was seconded by Mayor Pro-tem Linde' Schuster and carried 5-0 with all voting "aye".

M. *Deliberate and Act on Resolution 2021-17: Request to Table or Amend House Bill 137 – Clean Electrification Act; exempting municipal electric utilities.*

City Manager Scott Berry stated House Bill 137 has been evaluated by the City of Raton and the impact of the legislation on the City of Raton rate payers. He stated significant costs are likely to result, with insignificant environmental benefit that do not justify the expense, specifically to the most vulnerable citizens and businesses. City Manager Berry stated that RPS is working on an RFP for a Power Supply Contract to bring rate relief to the City of Raton citizens. He stated green energy is not a good option at this time and the City of Raton will build in green energy over time. A motion was made by Commissioner Donald Giacomo to approve Resolution 2021-17: Request to Table or Amend House Bill 137 – Clean Electrification Act; exempting municipal electric utilities. The motion was seconded by Commissioner Lori Chatterley and carried 5-0 with all voting "aye".

N. *Deliberate and Act on Resolution 2021-18: Request to Table Senate Bill 376 – Prohibit Defense of Qualified Immunity and House Bill 4 – NM Civil Rights Acts and Endorsing and*

City Manager Scott Berry stated per the NMML Legislative Bulletin - Senate Bill 375 embraces modern ideas by frontloading justice, working to prevent victimhood, and investing directly in New Mexico's first responding community. He stated it affixes actual solutions to many of the issues purportedly, and unsuccessfully, addressed by other pieces of legislation this year. City Manager Berry stated Senate Bill 376 under the Tort Claims Act will successfully reset the value on near-cap claims. By increasing sub-limits the bill introduces a new cap of \$2.8M, nearly three times the current statutory cap that already exceeds most other states in the southwest. He stated in addition to a cost of defense that will now include reasonable attorney fees, insurance rates are certain to increase in the future years, as a result. City Manager Berry stated House Bill 4 remains a chiefly-punitive measure without effect as to the behavior giving rise to risk, and as a result leaves significant gaps in our state for law enforcement training. The language introduces a \$2M cap, but limits the cap to each claim, allowing multiple plaintiffs to leverage a shared event to stack the caps, or a singular plaintiff to use an individual occurrence to accomplish the same result via alleging multiple claims therein. City Manager Berry stated the City of Raton is requesting that the NM Legislature, including the House of Representatives, the Senate, and all applicable committees, table House Bill 4, table Senate Bill 376, and pass Senate Bill 375 in order to improve and modernize law enforcement training and ensure high standards of the profession. Mayor Neil

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Segotta stated Senate Bill 375 has passed unanimously with corrections and has backing of Police Chiefs and that House Bills 4 & 376 are moving along with revisions. A motion was made by Commissioner Lori Chatterley to approve Resolution 2021-18: Request to Table Senate Bill 376 – Prohibit Defense of Qualified Immunity and House Bill 4 – NM Civil Rights Act and Endorsing and Requesting Approval of Senate Bill 375 – Officer Training and Certification. The motion was seconded by Mayor Pro-tem Linde' Schuster and carried 5-0 with all voting "aye".

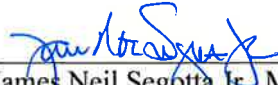
O. *City Manager Report*

- City Manager Berry reported there will be a meeting with the NMML to provide an in depth analysis on where bills stand at 10:00 am. He stated the Commission is welcome to come to City Hall if they wish to sit in.
- City Manager Berry reported the City of Raton may be back with more resolutions due to the Legislative Session being half way through.
- City Manager Berry reported he and RWW General Manager Terry Sykes had a video conference with the Dam Safety Bureau and AECOM Engineering concerning maintenance and repairs to Lake Maloya's spillway and outlet works.
- City Manager Berry reported he met with Colfax County about a piece Gardner Road adjacent to the golf course and they are currently in the process of repairing the bridge. He reported the road was abandoned by the State highway years ago and was never accepted by the City or County. City Manager Berry stated the City of Raton agreed to a one-time improvement and would consider taking over the road if business development takes place.
- City Manager Berry reported there is broken pipes in the MCMC driveway that was removed today and they may need to use frontage road access if it is not repaired in time for Friday's COVID-19 vaccinations.
- City Manager Berry reported the Housing Task Force is working on an affordable housing plan due to the housing demand being so high.

VIII. ADJOURNMENT:

The meeting adjourned at 7:34 p.m.

CITY OF RATON


James Neil Segotta Jr., Mayor

ATTEST:


Michael Anne Antonucci, City Clerk