

MINUTES OF THE RESCHEDULED REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
NOVEMBER 6, 2002

The Council of the City of Ruidoso Downs met in a rescheduled regular session on November 6, 2002. Mayor Miller called the meeting to order at 5:30 p.m. asked Steve Dunigan to lead the Pledge of Allegiance. Upon roll call, the following were present:

Councilor Miller   Councilor Garrett

Councilor Olivo   Councilor Morales

Administrator Waters informed Mayor Miller there was a quorum.

Also present were:

John Waters, City Administrator  
Carol Virden, City Clerk/Treasurer  
Tom Armstrong, CE/ BI/ AC  
Robert Logan, Chief of Police

City Attorney, Dan Bryant, was not in attendance.

Mayor Miller made the following statement: I would like to remind the public that this meeting is an open public meeting for all to attend. Abusive, disrespectful, derogatory or profane language during the meeting of the city council will not be tolerated. Those who use such, will be asked to leave the meeting, or if necessary, will be removed by the sergeant-at-arms.

APPROVAL OF AGENDA

Motion was made by Councilor Miller and seconded by Councilor Olivo to approve the Agenda. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Clerk/Treasurer Virden stated on the Accounts Payable, since the payment due date and the date of the next Council meeting are the same; we need the approval to make the Bank America card payment of \$3,089.25. Motion was made by Councilor Morales to approve the Consent Agenda with Item 10. D. of new business to be pulled for discussion and to approve the payment of \$3,089.25 to Bank America. Seconded by Councilor Garrett. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

MINUTES

Motion was made by Councilor Morales and seconded by Councilor Garrett to Approve the Minutes of the Regular Meeting on October 22, 2002. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

MONTHLY REPORTS

Motion was made by Councilor Morales and seconded by Councilor Garrett to Approve the following reports:

Fire Report            Animal Control Report            Public Works Report  
Court Report            Code Enforcement Report  
Police Report            Maintenance Report

Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett/ Aye. Motion carried.

#### ACCOUNTS PAYABLE

Motion was made by Councilor Morales and seconded by Councilor Garrett to approve the Accounts Payables. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

#### NEW BUSINESS

Motion was made by Councilor Morales and seconded by Councilor Garrett to award RFP 03-03 to ASCG, Inc. for engineering services to design and manage construction of drainage system improvements identified by Smith Engineering in their Drainage Master Plan. This phase will include lining and widening our main drainage conveyance channel, the Parker ditch. Also included are various other improvements along N. Parnell, N. Central and River Lane. Roll call being:

Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Morales and seconded by Councilor Garrett to award RFP 03-04 to ASCG, Inc. to design and manage construction of water systems improvements identified by ASCG, Inc. This phase will include pipeline replacement, pressure reducing valve installation, construction of additional reservoirs, raising of existing reservoirs and installation of a new well. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Morales and seconded by Councilor Garrett to hire William Dunlap as a full time Parks and Recreation employee. Roll call being:

Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Ave. Motion carried.

Chief Logan said he would like to introduce Cindy Green. Cindy Green is being recommended for employment in the Police Department as a data entry secretary. She comes to us with over ten years experience in the law enforcement records field. She has worked for Ruidoso and the state police as well as a sheriffs department in Kansas. She recently moved back to this area and we are very excited to recommend her, as she will make a great asset to our department and to our city as a whole. He then asked Cindy if she wanted to say a few words.

Cindy Green said she is very proud to be considered. Since I have been back to Ruidoso, I have been out of work for a while and I miss being in the law enforcement area since that is what I have done for most of my time in Ruidoso. Councilor Morales said she knows Cindy from the Ruidoso Police Department and knows she will be an asset for our city. Motion was made by Councilor Morales and seconded by Councilor Garrett to hire Cindy Green as a full time employee as a Data entry/Secretary for the Public Safety Department. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

PUBLIC INPUT

There was no public input.

EXECUTIVE SESSION

Mayor Miller entertained for a motion to go into Executive Session Pursuant to 10-15-1(h) 7 Threatening and or Pending Litigation.

Motion was made by Councilor Miller and seconded by Councilor Olivo to go into Executive Session for 10-15-1 (h) 7 Threatening and or Pending Litigation. Roll call being: Councilor Olivo/ Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried. Mayor Miller closed the regular meeting at 5:47 p.m. and invited City Attorney Dan Bryant by telephone conference/ and Richard Olsen, Attorney/ City Administrator John Waters and City Clerk/Treasurer Carol Virden to attend the Executive Session.

Mayor Miller called the regular meeting back to order at 6:52 p.m. Councilor Morales attested that the only item discussed in closed session was that of Section 10-15-1 (h) 7, Threatening and or Pending Litigation and that no action was taken.

Attorney Richard Olsen, said I propose that you consider a motion with regards to the pending litigation as filed Julie Smith, et.al. Versus Ruidoso Downs, et.al. Pending in the federal district court of the State of New Mexico that will authorize your Counsel, Mr. Bryant and I, as part of the comprehensive settlement that in the federal civil rights litigation to dismiss certain pending civil cases against those plaintiffs that are involved in federal civil rights litigation and that Council authorize Dan Bryant and I to negotiate customary reasonable settlement agreements in connection with that litigation and also make the settlement subject to a caveat that does not affect in any way whatsoever any civil or for that matter criminal litigation in regards to Don Smith, Jimmy Smith and Nick Herrera and in addition as part and parcel to the resolution of the federal civil rights litigation and we get an agreement from the plaintiffs in that case not to be involved in any harassment or other similar conduct against any village officials.

Councilor Morales so moved. Councilor Garrett seconded. Roll call being: Councilor Olivo, Aye; Councilor Miller, Nay; Councilor Morales, Aye; Councilor Garrett, Aye. The vote was 3 to 1 and the motion carried.

Motion was made by Councilor Morales and seconded by Councilor Olivo to adjourn at 7:00 p.m. Motion passed unanimously.



Bob A. Miller, Mayor

ATTEST:



Carol Virden, City Clerk/Treasurer

