

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
MAY 24, 2004

The Council of the City of Ruidoso Downs met in regular session on May 24, 2004. Mayor Miller called the meeting to order at 5:30 p.m. and asked Dan Bryant to lead the Pledge of Allegiance. Upon roll call, the following were present:

Councilor Miller	Councilor Morales
Councilor Garrett	Councilor Olivo

Administrator Waters informed Mayor Miller there was a quorum.

Also present were:

Dan Bryant, City Attorney
John P. Waters, City Administrator
Carol Virden, City Clerk/Treasurer
Ken Mosley, Public Works Director
Tom Armstrong, Licensing/Permits Supervisor
Robert Logan, Department of Public Safety Director

APPROVAL OF AGENDA

Mayor Miller entertained a motion to approve the agenda. Motion was made by Councilor Morales and seconded by Councilor Garrett to approve the Agenda. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Miller entertained a motion to approve the consent agenda. Motion was made by Councilor Miller and seconded by Councilor Morales to approve the Consent Agenda. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF MAY 10, 2004 REGULAR MEETING

Motion was made by Councilor Miller and seconded by Councilor Morales to approve the Minutes of the May 10, 2004 Regular Meeting. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

ACCOUNTS PAYABLE

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

UNFINISHED BUSINESS

Mayor Miller stated next item on the agenda, consider approving recommendation to approve Land Division and Lot Line Adjustment of Lot 56, Block 1 and Tract C of Ruidoso Downs Heights Subdivision into Lots 56A and Tracts C-1, C-2, C-3 and C-4.

Councilor Garrett said I spoke to Mr. van Gulick and I think his feeling is he would like to have this returned. I move we return this to Planning & Zoning. Seconded by Councilor Olivo. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

PUBLIC HEARING

Mayor Miller stated next item on the agenda, Public Hearing for transfer ownership of existing license for Circle K Stores, Inc., 601 West Highway 70, Ruidoso Downs, New Mexico.

First those that oppose the transfer and second those who support the transfer, the interested party must approach the podium one at time, state their name and present their testimony. I hereby open the Public Hearing to comments. Is there anyone here that opposes the transfer of license in name only. Is there anyone present to support the transfer.

Councilor Miller asked who are they transferring it to. Attorney Bryant said it is just a change in name. Clerk Virden said it is going to be Circle K No. 1341. Attorney Bryant said the existing name on the license is Circle K Incorporated and they are changing it to Circle K No. 1341. It probably has something to do with corporate accounting and keeping track of taxes.

Mayor Miller closed the hearing as there was no further discussion. Mayor Miller entertained a motion to approve. Councilor Olivo moved to approve transfer of ownership of existing license and change of stock of Circle K Stores, Inc., 601 West Highway 70, Ruidoso Downs, New Mexico. Seconded by Councilor Morales. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

NEW BUSINESS

Mayor Miller stated next item on the agenda, consider approving Preliminary Budget for fiscal year 2004-2005. Councilor Olivo moved to approve preliminary budget for fiscal year 2004-2005. We tried to give the employees a raise with the money we have available. Seconded by Councilor Garrett.

Councilor Miller said I want to make sure if we approve a preliminary budget that we can make adjustments before the final budget. Clerk Virden said the preliminary budget is just to be submitted to Santa Fe by the deadline of June 1st to get a sense of what our operating expenses are going to be for the fiscal year 2004-2005. We will have a final budget hearing in July. Before we get to that point, we need to close our fiscal year-end which ends on June 30th. The numbers on the recap sheet for the estimated cash balance for this year could possibly change. At that time when we

get the final numbers, we will insert them in the recap. If there is more money available than we anticipated, then at that time you can make adjustments if there is money available.

Councilor Miller asked even if there isn't money available, we can make adjustments within the departments. Attorney Bryant said as members of the City Council, you have the ability to do those budget line item adjustments year round. I think what you are really saying is do you have the ability to fine-tune this budget if you find excess revenues and the answer is yes, you do.

Councilor Morales said I would just like to say we are giving our employees a 1.5 percent increase; that is all we have in the budget at this time. I am with Judy, in July we will see if we can make any other adjustments but we are doing the best we can do right now.

As there was no further discussion, Mayor Miller asked Administrator Waters to take the roll. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

The approved Preliminary Budget for Fiscal Year 2004-2005 on file becomes a part of the Minutes.

Motion was made by Councilor Miller and seconded by Councilor Morales to approve Resolution No. 2004-12 Authorizing Signatures for SAP 04-0601-CP Water Tank Project. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Miller and seconded by Councilor Morales to award Bid No. 04-016 to the one bidder, Maldonado Construction with a bid of \$27,500 plus gross receipts tax for construction needed to create skateboard park. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Miller and seconded by Councilor Morales to award Bid No. 04-017 to the one bidder, Ruidoso Paving to provide annual fixed price for purchase of asphalt and placement on city properties and roadways with a bid of \$37.00 per ton delivered and \$32.00 per ton picked up. There is an escalation clause to adjust price if their cost of asphalt binder (oil) increases more than 5% per ton with our costs to be adjusted accordingly. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Miller and seconded by Councilor Morales to approve purchase recommendation of skateboard modular component in the amount of \$27,514.12 using State Contract from Recreation Design Concepts. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Miller and seconded by Councilor Morales to approve purchase recommendation of seven workstations and one server from Dell Computers using State Contract for the budgeted amount of \$15,000. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Miller and seconded by Councilor Morales to approve purchase recommendation of two emergency sirens from Federal Signal Corporation, declared as a sole source purchase, in the amount of \$23,895.40 for the notification of the residents of Ruidoso Downs in case of an emergency. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

OTHER BUSINESS

Chief Logan said as we come into the summer we need to look at the fire restrictions. We are very close to the Federal and neighbors enacting extreme fire danger. We just need to be aware of that and our ability to proclaim an extreme fire danger as I see it as defined in our City Ordinances under 6-2-27. Unless that is obsolete, it gives the Mayor or the Fire Chief the ability to proclaim extreme fire danger. As Ruidoso and Federal agencies go into extreme fire danger, we are looking to follow suit on that. Jim being my professional firefighter can probably go into it a little better than I can.

Jim Badjar said what we are asking is the way the Fire Prevention Officer, James Mason, did in Ruidoso. He asked the Council for approval for either Friday or some time next week possibly going into extreme fire danger. Can we get your approval to do our extreme proclamation before the meeting since we don't meet again until June 14th. If the U.S. Forest Service and Village of Ruidoso start their restrictions, we would like to start at the same time to avoid confusion if we could get your approval tonight to go ahead and do it.

Councilor Morales said we can't do a formal approval with a motion and second but as far as approval from this Council unanimously, I think you would have that.

Administrator Waters said the way the Ordinance reads the Mayor can declare an emergency and if our staff is asking for an emergency, I would certainly request that the Public Safety Department bring their request into the Mayor's office and let him consider and declare it. That is the way we have historically done it in the past. It has a lot more force behind it because the Mayor has declared an emergency from his office. Mayor Miller said we do want to maintain a fire wise approach to this. Councilor Garrett said as a Council member, I don't care if you want to put ours in ahead of time. We don't have to wait if you feel it is something we need to do, please go to the Mayor. Jim Badjar said the Forest Service said we should all update at the same time.

Chief Logan said the Ordinance states the Mayor or the Chief of the Fire Department may, by proclamation, declare that an extreme fire danger emergency exists. We

don't want to get ahead of the Village of Ruidoso or the Feds. We want to stay in line with what they do. We are here basically looking for support from the Council for our interpretation of the Ordinance. As soon as we get notification from the Village and the Feds, then I will, of course, approach the Mayor and ask the Mayor to make that proclamation so it does come from the Mayor's office.

Mayor Miller said we are going to take care of our own property and our own citizens too. We can make our own decisions on when we should go into whatever.

Public Works Director Mosley said I would like to update you on the waterline project. Here are a few pictures. To date we have put in approximately 1,600 feet of 12 inch mainline, 246 feet of 6 inch line on Burke. We put in quite a few fire hydrants. On Nevada we put in about 800 feet of 6 inch waterline and fire hydrants also. We have poured one complete PRV vault and the other one the floor has been poured. We bored under the highway 140 feet of 20 inch casing and has pipe in it already. As you can see by the pictures, there are some pretty neat things going on out there. We are trying to minimize the water breaks but the waterlines are so fragile, you just barely have to touch one with the backhoe and they are gone. We have had quiet a few water breaks and shut downs and we apologize for that. Later this week, we anticipate a shut down basically from the Spring back to the west. We are going to tie in six ties at one time and it should take about 2-1/2 hours. We will schedule that to be completed by lunch or start after lunch. Right now we are 25 to 30 percent complete on the project.

Mayor Miller said I took a video of the bucket truck the other day. They changed about 35 lights in one day; that has got to be a record.

PUBLIC INPUT

Mayor Miller stated next item on the agenda is Public Input with a three minute time limit. There was no public input.

Mayor Miller entertained a motion to adjourn.

Motion was made by Councilor Morales and seconded by Councilor Miller to adjourn at 5:47 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer