

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
MAY 26, 2005

The Council of the City of Ruidoso Downs met in rescheduled session on May 26, 2005. Mayor Miller called the meeting to order at 5:30 p.m. and asked Jim Burrow to lead the Pledge of Allegiance. Upon roll call, the following were present:

Councilor Miller	Councilor Morales
Councilor Olivo	Councilor Garrett

Administrator Waters informed Mayor Miller there was a quorum.

Also present:

Dan Bryant, City Attorney  
John P. Waters, City Administrator  
Carol Virden, City Clerk/Treasurer  
Robert Denny, Chief, Department of Public Safety Director  
Dan Gens, Public Works Director  
Tom Armstrong, Licensing, Planning, Permitting Supervisor

APPROVAL OF AGENDA

Mayor Miller pulled Item 11. E. from the agenda. Councilor Garrett asked to move Item 11. B. between Items 13. and 14. Motion was made by Councilor Morales and seconded by Councilor Miller to approve the Agenda with the changes. 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. Councilor Morales moved to approve the Consent Agenda. Seconded by Councilor Olivo. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF MAY 9, 2005 REGULAR MEETING

Motion was made by Councilor Morales and seconded by Councilor Olivo to approve the Minutes of the May 9, 2005 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 Morales and seconded by Councilor Olivo to approve the Accounts Payable. Roll call votes: 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 Olivo to approve the following reports:

Fire Report	Animal Control Report	Maintenance Report
Court Report	Code Enforcement Report	Public Works Report
DPS Report	Permits/Licensing Report	

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

## UNFINISHED BUSINESS

Mayor Miller stated next item on the agenda, consider recommendations of appointments to the Planning and Zoning Committee. I am asking for two more positions and my recommendations are Jim Burrow and Joe Blaney.

Motion was made by Councilor Garrett to approve Jim Burrow and Joe Blaney to the Ruidoso Downs Planning and Zoning Committee. Motion died for lack of a second. Councilor Miller amended the motion to approve Jim Burrow and said I think we need at least three members from the new annexed area. Mayor Miller said we need two members right now. Administrator Waters said the Council instructed staff to increase the size of the Planning and Zoning Board by two additional members as well as the Economic Development Board. That will require the ordinance amendment on June 13th to allow you to appoint the additional two members. Right now you only have the two openings. Once you vote for the ordinance amendment and it becomes effective then you will be allowed to add two additional members. Councilor Miller said I called a few people that were on the list. They told me they were interested and they would come in and talk to the Mayor about being on the Board. I am not going to ignore that. Councilor Garrett asked Clerk Virden what was the population before and what is the population after the annexation. Clerk Virden said the U.S. Census for 2000 the population was 1,824. With the new annexation it is probably about 2,250. Councilor Olivo seconded Councilor Miller's motion to appoint Jim Burrow. Councilor Garrett did not accept the amended motion. Councilor Miller moved to approve Jim Burrow to the Planning and Zoning Board. Seconded by Councilor Olivo. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

## OTHER BUSINESS

There was no Other Business.

## NEW BUSINESS

Mayor Miller stated first item under New Business, Project Updates - Water and Sewer from ASCG, Inc. Dan Morehead said I am the Vice President of ASCG in managing our public works group. With me is Pierce Runnels who is our project manager and department manager for our civil's group who have completed the

design for your drain improvements. Mr. Runnels said on the drainage project we finished the design and we were down today to get some signatures from Mr. Waters on the plans and specifications. We are ready to put it out for bid. I am guessing that we will advertise within the next two weeks, then we have a period of bidding and 180 day construction period. We should be able to get the project completed by November or December.

Administrator Waters said we should be able to see substantial construction started this summer. Because of the broken up nature of the project we still have to discuss some of the scope as far as what gets put in the amendments because the project cost has increased since the original time we looked at it two years ago. Materials have gone up and in addition there are some design elements that were added that were not originally intended. We have to discuss what the budget is and anticipate that for next year. There is also some income coming from our infrastructure fund going to drainage to help complete that project. In addition, Mr. Bryant has been working diligently to straighten up the right-of-way issue on the drainage on Parker so this project can finally move forward. Ms. Virden did receive the notice of extension on that CDBG grant so everything is taken care of and I think the deadline is December for the grant as well. Public Works Director Gens said December 1.

Mr. Runnels said it has been a very complicated project as I am sure many of you know first hand. We certainly appreciate Mr. Bryant's work on the property there. We know the project is about a year late. I think everyone has been working very diligently to make it right for something that will work very well for you all. We will be happy to answer any questions you may have.

Administrator Waters said another item we discussed today with Charlie Leder who is over the water and wastewater department, we had the pre-construction meeting with Carl Kelley and our engineers. That project is scheduled to start within the next couple of weeks. Work is going to start on our new reservoir and hopefully we will have water in it by the time of the All American Futurity.

Mayor Miller said we appreciate the presentation.

Motion was made by Councilor Morales and seconded by Councilor Olivo to award the annual base course Bid No. 05-005 to both bidders with their respective low bids, Ruidoso Paving picked-up unit price of \$7.00 per ton and Bonnell Sand & Gravel delivered unit price of \$10.00 per ton. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item under New Business, consider approving Personnel Recommendation Water/Electrical position in the Public Works Department of Mark Lewis. Councilor Garrett said I would like to make the motion to approve but

include all of the new Public Works employees at one time. Seconded by Councilor Miller.

For the record the new hires included Mark Lewis, Water/Electrical position; Craig Berg, Parks Laborer position; JoeRay Ramirez and George Perez, summer help positions. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Public Works Director Gens introduced Mark Lewis saying he currently works at Fastway in town and has been there quite awhile. He is a certified electrician. He will be contracting for us and he has been licensed in water and wastewater and will be retesting again soon. I think he will be a fantastic addition to the City. Hopefully we will get a lot of projects done in a more efficient manner and I am looking forward to when he can start. Mayor Miller said we needed an electrician; it is a timely thing and we are glad to have you aboard.

Councilor Morales said I would like to make a request because I know he has been certified in water and wastewater and I realize they were in Texas. Is there a possibility that you can get certifications in New Mexico and how soon will that take to get certified in New Mexico. I would like that on a fast track; I would like to see that within three months that you are certified in New Mexico. Mr. Lewis said if the testing is available and we can set those times, absolutely I will be ready to take the tests. Councilor Morales said I would appreciate it. Councilor Miller said I talked to Mr. Gens yesterday about that and he did tell me that this would happen. With a lot of the new things we are acquiring I think we really need someone like Mr. Lewis.

Mr. Lewis said I am looking forward to working with you all and I would like to be certified in the State of New Mexico as soon as possible.

Mayor Miller stated next item on the agenda under New Business, consider approving Personnel Recommendation, Police Officer position for Richard Schwalm, Department of Public Safety.

Chief Denny said Richard Schwalm has 22 years of law enforcement experience. He was with the Denver County Sheriff's office as a sergeant. I advertised on the chiefs of police website for an investigative/police officer. He answered it and wants to come to work here as an investigator/police officer. He understands that he will be doing both roles but primarily doing investigations. He comes with a lot of experience and I would like to recommend him for the position.

Chief Denny said Wesley King was the gentleman I asked about at the last Council meeting. He is currently in the academy. He graduates June 30th. He has given us a Letter of Intent to come to work here once he graduates and I would like to put him on our payroll now so he can be with us on paper.

Chief Denny said we have Gail Moore and Timothy Ward here and asked them to stand up. Gail has military experience and she has also been in the correctional field. She is going to come to us as a CDO. Tim Ward works at Wal-Mart currently as a security guard. We have worked closely with Tim and he has always done a good job. We would be happy to have both of them as CDO's.

Mayor Miller entertained a motion to approve. Councilor Morales made a motion to approve the positions for two police officers and two Communication Detention Officers for the police department. Seconded by Councilor Garrett. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider improving Employee of the Month Program. Councilor Olivo said I wasn't here but I understand some of the councilors voted on this or discussed it. Councilor Morales said I don't know that we discussed it but I do remember seeing something that was certain employees on certain months. Clerk Virden said what it basically comes down to is that after hearing discussion over the Employee of the Month program we put a packet together which is basically like the County of Lincoln to make it a lot easier for everyone involved. Mayor Miller said then we are still progressing on that and it is not a done deal yet. Councilor Olivo said it is a done deal but do you know what discussion they had; did anyone have a discussion with Steve because he called me but I was out of town. Councilor Garrett said the only discussion we had was over giving them a point system grade. He talked about taking that out and just having a paragraph said about the employee rather than going through point evaluation. Councilor Miller said if they are recommended they are recommended; I don't feel like they need to be graded on their recommendation. Councilor Garrett agreed. Councilor Morales said I like the idea of having it on a rotating by department basis. Councilor Garrett said everybody can recommend someone. If someone in Public Works wants to pick someone in Administration in the month that it is Administration that is fine. It is open; I think they need to have recommendations from all. Councilor Olivo said I didn't get a chance to talk to Steve on that. Councilor Miller said how are they going to choose out of all of the recommendations. That is the only thing that still confuses me. Mayor Miller said do you want to put a continuance on this. Councilor Garrett said we probably need to decide how we choose before we vote.

Attorney Bryant said if I remember correctly we passed a resolution to establish the program. What I hear is a consensus about making these changes. What we need to do is draft that up in resolution form, give to you to look at and make sure we have it right and then put it on the agenda to amend that resolution with the new language.

Councilor Garrett moved to table. Seconded by Councilor Olivo. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Morales and seconded by Councilor Olivo to approve Resolution No. 2005-02 Community Action Plan. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

### PUBLIC INPUT

Don Coleman said I am representing Lincoln County Solid Waste. I just wanted to remind you that we will have regular poly pickup on Monday even though it is a holiday. Also, your household goods pick up starts on Tuesday following the holiday. As soon as we make a round on that we will come back and start on the brush. Then you are scheduled for brush again before the 4th of July.

Administrator Waters said Debra Ingle asked that you separate your appliances from the furniture. One they will load with a front-end loader and the other they will load by hand.

Leonard Sanchez said I am employed by the City. I didn't know where to go so I came to this council meeting. I had put in a grievance with the City and I haven't had a response after my meeting. It has already been eighteen days. There are a lot of issues that are all one sided. I would like to know if I could just be heard.

Administrator Waters said that grievance has been taken through the procedure. It is now in the third phase of the procedure. I am looking into the facts and investigating on it; however, it has already been investigated one time brought up with Mr. Sanchez and we are proceeding with the third phase as per the personnel policy manual.

Councilor Miller asked what actually happens in the third phase. Administrator Waters said as per the manual, I review the case. I look at the investigation prior to that. If there is any information that needs to be collected on it after that I look into that as well and make a decision and talk with Mr. Sanchez.

### EXECUTIVE SESSION

Mayor Miller entertained a motion to go into Executive Session pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H) 7, Threatening and/or pending Litigation reference EPA Administrative Order/Forest Guardians.

Motion was made by Councilor Garrett to go into Executive Session pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H) 7, Threatening and/or Pending Litigation reference EPA Administrative Order/Forest Guardians and consider possible action in regards to Section 10-15-1(H)7, Litigation. Seconded by

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

Mayor Miller closed the regular meeting at 6:01 p.m. I would like to invite City Attorney Bryant, City Administrator Waters and City Clerk Virden to attend the Executive Session and called for a five-minute recess to clear the Council chambers.

Motion was made by Councilor Morales to go back into open session. Seconded by Councilor Garrett. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller called the regular meeting back in session at 6:43 p.m.

Councilor Morales attested that the only item discussed in Executive Session was pursuant to the Open Meetings Act, Section 10-15-1(H)7, Threatening and or Pending Litigation and no action was taken.

Mayor Miller stated the next item on the agenda, consider approving the Preliminary Budget for Fiscal Year 2005-2006.

Councilor Garrett moved to approve the Preliminary Budget for Fiscal Year 2005-2006 with the following exceptions: Approve the contingency from last year for the operation of the wastewater treatment plant and that figure is \$110,603, to approve reserves at last year's rate of \$19,870, and to approve the gross receipts of \$11,930. Seconded by Councilor Olivo. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller entertained a motion to adjourn.

Motion was made by Councilor Morales and seconded by Councilor Miller to adjourn at 6:48 p.m. Motion passed unanimously.

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Bob A. Miller, Mayor

ATTEST:

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Carol Virden, City Clerk/Treasurer

