

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
JULY 25, 2005

The Council of the City of Ruidoso Downs met in regular session on July 25, 2005. Mayor Miller called the meeting to order at 5:30 p.m. and asked Hubert Quintana to lead the Pledge of Allegiance. Upon roll call, the following were present:

Councilor Miller Councilor Morales
Councilor Olivo Councilor Garrett

Clerk Virden 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, Department of Public Safety Director
Dan Gens, Public Works Director

APPROVAL OF AGENDA

Mayor Miller entertained a motion to approve the Agenda with removal of Item 12. E., Approval of Resolution No. 2005-13, Infrastructure Capital Improvement Plan (ICIP) to be placed on the August 8th agenda. Councilor Garrett moved to approve the Agenda with the removal of item 12.E. Seconded by Councilor Morales. 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 Miller. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF JULY 11, 2005 REGULAR MEETING

Motion was made by Councilor Morales and seconded by Councilor Miller to approve the Minutes of the July 11, 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 Miller 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 Miller to approve the following reports:

Fire Report	Animal Control 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.

Mayor Miller stated the next item on the agenda is the Public Hearing but I am going to move it to after Item 13, Public Input.

UNFINISHED BUSINESS

Mayor Miller stated next item on the agenda, recognition of Employee of the Month - DPS for June 2005. Chief Denny said we had DPS employees nominate an employee. I nominate Officer Lawrence Chavez from Ruidoso Downs DPS as Employee of the Month of June 2005. Officer Chavez is a competent, conscientious officer whom acts in a professional manner when dealing with the public, is courteous in performing his duties with a high degree of professionalism. Officer Chavez routinely carries out his duties, maintains a high standard while performing any all duties assigned to him. He is definitely an asset to the City of Ruidoso Downs Department of Public Safety. Chief Denny then presented Officer Chavez with the Employee of the Month plaque.

OTHER BUSINESS

Mayor Miller next item on the agenda, presentation on Domestic Violence - Safe House. Irene Patterson said I am with the Lincoln County Council on Violence Against Women. Mark Olrick said I am also with the Lincoln County Community Council on Violence Against Women and another organization called C.O.P.E. which provides services to victims of domestic violence. We are trying to work on a community development project for Lincoln County but primarily for Ruidoso Downs.

Councilor Garrett said I asked Irene to come because I felt like we needed more information on the safe house. Do you have a time line for this? Mr. Olrick said unfortunately we don't. What has happened is that in Lincoln County the Council has had four work groups. The first work group is for developing a zero tolerance for violence against women, crimes like stalking, sexual violence and battery. It is primarily to get the word out and work with the press to promote events that will educate the community. The second group is for holding offenders accountable and that group is trying to work with the judicial system, law enforcement and attorneys to work on a procedure whereby when crimes are committed we have some sort of process. They are offered choices between jail and council. The next one is victim's safety. It was this particular work group that spun off another group called

H.E.A.L. which is an acronym for Help End Abuse for Life. That group was formed a month or two ago and has taken over the project of shelter development. They have formed a Board; they have an application in process for a 501(C) 3. They have a shelter site picked out which is the Nest. They are working on the designs for the building because that building has to be modified. We are thinking the best case scenario, and it is only an estimate, that this shelter could be up and running by this time next year. It could happen earlier than that but we just don't know.

Unfortunately, there have been a couple of problems with the wording on some of the capital outlay and there was a concern about that from a lot of people in the community. At our last Lincoln County Community Council meeting we learned somebody stepped forward with a \$425,000 bridge loan to take care of this so they could go ahead and purchase the building. When the capital outlay wording problems are corrected, they can work on paying off that loan. The last work group we have operating is a sexual assault response team. The primary project they are working on is getting a sexual assault nurse examiner program. The local hospital would get three nurses that are interested in getting that training. We had two sign up. There are a few items of equipment that need to be purchased and they are working on all of those aspects. We are going to try to do a summit October 20, 21 and 22 and we are shooting for the Senior Citizens Center to do that or the Inn of the Mountain Gods. The idea is we are going to have some experts from other parts of the country from Washington, D.C. from Florida from Alabama from other places, law enforcement, judges, and attorneys that have worked on, created and coordinated community responses like we are trying to do. They are going to help us with the technical aspects of building one in our community. We have a lot work to do and we want to coordinate our community response so we have all the pieces in place by the time our shelter opens.

Ms. Patterson said I work at the hospital on the registrar's desk and all of the staff at the hospital are very concerned with the problem we have here in Ruidoso and Ruidoso Downs with domestic violence. We are working very hard to get this under control. We are asking people in the community to help us. We are hoping that some of you could come to our meetings and join in trying to get our shelter going.

Mr. Olrick passed around an illustration of how coordination of community response works. If we can get everyone involved in the process, we can make this work.

Ms. Patterson said we will be working with the children in the fall at the junior high and high school level to start some preventative measures for later on in life on domestic violence, peer pressure, bullies, assault, date rape. At our last meeting we had a person from Washington, D.C. and one from Florida and they have people for us to get in touch with on the programs that we can bring to the schools on all of these issues.

Mr. Olrick said we meet the third Wednesday of every month. Through the rest of this year we have our meeting place blocked out at the Ruidoso Police Department in their training room and it is always a luncheon meeting from noon to 1 p.m. If you come to the meetings and you hear something that sounds like something you want to do then we want you to get involved in a work group. It is in the work groups that we are accomplishing these things.

Attorney Bryant asked what does it look like your capacity is going to be at the shelter. Mr. Olrick said I don't want to speak for the H.E.A.L. group but the last report I heard it was fifteen but that is subject to change as they are trying different combinations in their design. They are trying to get as much capacity as possible taking into consideration code, safety and comfort level.

Councilor Morales asked where do victims of domestic violence go now since we don't have a shelter. Mr. Olrick said it is a real problem in Lincoln County because we give them the option of the two closest shelters, one in Alamogordo and one in Roswell. The problem when you have a victim that needs to get out they usually have children and that means pulling their children out of school. If they have a job it means quitting their job. In a sense we are re-victimizing if we ask them to leave town. Victim's safety has shifted to working on a stopgap measure until we have a shelter up and running.

Councilor Morales said I would like to get involved in this if you don't mind calling like for the meeting in August. Mr. Olrick said if you would like, we could circulate a sign up sheet and we ask that you put a mailing address or an e-mail address.

Mayor Miller thanked them for their presentation.

NEW BUSINESS

Motion was made by Councilor Morales and seconded by Councilor Miller to approve Resolution No. 2005-09, Final Budget Adjustments Fiscal Year 2004-2005. 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 Miller to approve Resolution No. 2005-11, Cooperative Agreement Control No. 87118 with the New Mexico Department of Transportation (NMDOT) for Project No. SP-2-06 (922). 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 Miller to approve Resolution No. 2005-12, desiring the services of the Southeastern New Mexico Economic Development District (COG). 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 approving Agreement between Southeastern New Mexico Economic Development District (COG) and the City of Ruidoso Downs. We are honored to have Mr. Hubert Quintana here tonight.

Administrator Waters said if you remember last year this area had a great loss when Tony Elias passed away and there were very large shoes to fill. I am happy to say as the City's member of the COG, the search came up with several great names but we were very fortunate to get Hubert. He works very hard. We have worked together on the CDBG. He goes to Santa Fe working for our benefit. He is certainly a great representative for Southeastern New Mexico.

Mr. Quintana said I am the new director of the Economic Development District. I have been with them since November of last year but I am not new to the Development District. I was with the Development District from 1979 until 1988 and then I left to take on an activity that I think was very helpful and beneficial to this community and other communities in Lincoln County. I was head of the Water Defense Association when we were involved in the water lawsuit with the Mescalero's and the United States on water on the Ruidoso, Bonito and Hondo stream systems. We were fortunate enough to have won that lawsuit and been able to keep our water flowing in the river. I have a lot of history in the area and understand some of the water issues that are facing you and other communities in the whole region.

The Economic Development District was formed about 1971 and I joined in 1979. The purpose of the Economic Development District is to assist local governments that are members of the organization to improve your ability to attract businesses and expand businesses in the community. Three of the major things that we do, one is we assist planning and developing major capital projects, the second is to assist them in procuring state and federal dollars for those projects and then what I think is the most important is to provide the technical assistance in the capacity to do community service, having the ability to do the grants and do some of the administration. One of the major rolls that we fill is to be in Santa Fe everyday during the sessions and follow all of the legislation that affects your community and every community in the district. This last session throughout the district the capital outlay money and other legislative money generated for the southeastern part was in excess of \$34 million. We have had a lot of success with DDA, HUD and other funding as well and we are ready to jump in and work with you on CDBG projects addressing some of your major water issues that you have in trying to get a reservoir, trying to find additional water and things that are necessary. The cost this year is \$624.00 to be a member. We had a \$12 membership increase this year. In the packet I provided you is a breakdown of everybody's dues that is a member of this organization. There is also a copy of our budget which is about \$369,000. One of the new things we will be taking on is some highway planning to assist small communities that don't have the engineering staff nor the technical staff to put

together applications to seek traffic funding for their communities for street and road projects, lighting projects, sidewalks and other transportation like bicycle trails. I have also included a copy of our quarterly report to review. We have just moved so I have given you all of our new contact information. Mayor Miller thanked Mr. Quintana for coming.

Mayor Miller entertained a motion to approve the Agreement. Councilor Olivo moved to approve the Agreement between Southeastern New Mexico Economic Development District (COG) and the City of Ruidoso Downs. Seconded by Councilor Miller. 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 Miller to approve Resolution No. 2005-14, SAP 05-0084 STB Treatment Plant Expansion. 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 Miller to approve Resolution No. 2005-15, SAP 05-0085 STB Water Well & Chlorination Facility. 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 Miller to approve Resolution No. 2005-16, SAP 05-1117 GF Water System Improvements. 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 Miller to approve Resolution No. 2005-17, SAP 05-1182 GF Treatment Plant Expansion. 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 Miller to approve Resolution No. 2005-18, SAP 05-1183 GF Water Well & Chlorination Facility. 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 rescinding fire restrictions - status report. Chief Denny said the last I understood from Travis Atwell was he actually wanted to raise the bar because it has been drier than what they expected. After speaking with Mr. Waters, he mentioned that we should have them look at the City itself as opposed to the whole county because our area may not be as dry as others. I believe Travis is working on that to have them come to Ruidoso Downs to determine whether or not we can lift the restrictions. That should be done this week and I will have an answer.

Mayor Miller stated next item on the agenda, consider recommendations of appointments to the Planning and Zoning Committee. The names are Lewis Wells, Judy Van Winkle and Doug Siddens.

Motion was made by Councilor Morales to approve Lewis Wells, Judy Van Winkle and Doug Siddens to the Ruidoso Downs Planning and Zoning Committee. Seconded by Councilor Miller. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

PUBLIC INPUT

Mya said all resolutions voted upon affect us here in the City. I call upon the Mayor to place on the City's next agenda a resolution to revise Ordinance 2001-03, Chapter 1, Article 3, Section 132 G. It's entitled Order of Business. By placing the Public Input just before New Business on the agenda, it allows the constituents of our elected officials an opportunity to publicly express their opinion regarding any particular resolution that is before us for a vote. Currently the Agenda is published on the internet website less than eight hours before the meeting. This doesn't allow time to contact all council members to express public opinion on any resolution that will come to vote that evening. Another issue I want to address to the Mayor and Council is ice. ICE stands for "in case of emergency". Paramedics' jobs could be a lot easier when cell phone owners enter "ICE" on their contact list and give a name and number to contact in an emergency. ICE your cell phones and your loved ones will be contacted quickly. This EMT campaign is currently being used in many cities. We should encourage our emergency program to implement this method of communication as a new and quicker way to serve our residents. I noticed our stoplight isn't up yet and I am not going to ask why. I have been looking over the budget and I would like us to consider possibly, because our speeding tickets are down and our revenue is down from that, let's put a camera up at that new stoplight.

Let's get some pictures and let people know coming down Highway 70 from either direction that we are very serious about them stopping and not driving through our stoplight. It will perhaps also increase the revenues. Of course, I would expect a warning sign go up 100 feet out but let them know we will take pictures if they don't stop.

Jim Burrow said as you all know by reading in the paper Mr. Waters applied for a job in Carlsbad. He didn't get it and I am thankful that he didn't. Since he didn't get that job, I would like to see all of the Council, all of the Administration people and all of the citizens of Ruidoso Downs get behind John Waters and give him all the support he needs to run this City. He has done a whole lot of good things for Ruidoso Downs since he has been here. He has gotten us some grants; he has followed through on things. He has argued with the people and councilmen in Ruidoso about this sewage deal and he has helped us. I don't think that we give John Waters all the credit that he has coming to him. I would like to see each and

everyone of us come by his office. I know he is a busy man but go by his office and tell him that you appreciate what he has done for Ruidoso Downs and let him know that you are behind him. I know there are some things he does that some of you don't like. There are things he has done that I don't like but all in all one out weighs the other a whole lot. I am behind him 100 percent and I would like to see some of our citizens just show that to him. Mr. Waters thanked him.

Councilor Morales said Mya didn't want to ask about the traffic light but I do. Administrator Waters said the last conversation I had with Bob Kurtz, the district's traffic engineer, he told me tell your people we are just trying to get the utilities moved. They do have everything ordered in and it is in the shop. J&G Electric out of Roswell has been contracted by the State to put it up. The problem is a couple of our utility companies have been a little slow in moving their lines. The State wanted to get started by the end of this week and Mr. Kurtz is very aware that the governor is going to be up here.

PUBLIC HEARING

Mayor Miller stated next item on the agenda, Resolution No. 2005-10, City of Ruidoso Downs Final Budget for fiscal year 2005-2006.

I hereby open the Public Hearing for comments and will be accepted in the following order, interested persons will approach the podium, one at a time, state their name and present their testimony. A limit of three minutes will be allowed per person.

Are there any persons here to speak on opposition of the action?

Mya said I am truly not sure if it is opposition as much as I would like to take a second to look at a couple of things under the General Fund proposal. Since we became a city in November of 2003, we have issued 65 mobile home permits at \$25 each as a one-time fee. I noticed another way to increase our general funds would be this idea. If this was an annual fee for the City then we could be getting an additional \$1,625 each year from these permits. Plus, since the permits started at No. 611, I am led to assume until proven otherwise that as a village we issued 610 permits previously to becoming a city. This means an additional \$15,250 each year and I think that is a substantial amount that we could collect from our residents very justifiably at \$25 a year. I urge the Council members to revise our present mobile home regulation, Chapter 9, Article 9, Section 2.b. and edit the last sentence to read "the fee for said permit shall be \$25 renewable annually" and that could bring us in over \$16,000 more a year. The other thing I noticed, and it is a bit trivial in one sense yet I am not privy to so much as the administration has at the moment as far as information, why under General Fund you have for years been charging \$0.25 a copy or \$0.25 a fax unless we send more than one page. The general public can come in and ask for copies of whatever and pay \$0.25. We don't have a print shop here in Ruidoso Downs. Why don't we capitalize on that? Can't we just put on the

marquis at the bottom saying \$0.25 a copy or \$0.25 copy or fax. People will read it and come in and use it. I assure you there are many residents here that are not aware that they can come in here and get a copy and a lot of people need those because we don't have the facilities available. These are little things but I hope you will consider them and I thank you for your time.

Mayor Miller asked are there any persons here to speak in support of the action? There was no one to speak in support of the ordinance.

Mayor Miller closed the public hearing.

Mayor Miller entertained a motion to pass, approve and adopt Resolution No. 2005-10. Councilor Morales moved to pass, approve and adopt Resolution No. 2005-10, Final Budget for the City of Ruidoso Downs for Fiscal Year 2005-2006. Seconded by Councilor Garrett. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Clerk Virden said I do want the public to know that the final budget is available for inspection at any time and we always put a copy at the front desk.

Administrator Waters said this is the second version; you put in an interim budget back in June. This is due into the State by the end of this month. This is our final operating budget but as you are aware, we update it on a quarterly basis with budget adjustments.

EXECUTIVE SESSION

Mayor Miller entertained a motion to go into Executive Session pursuant to Open Meetings Act, Section 10-15-1 Subparagraph (H)2. Re: Dennis Riddle Appeal.

Motion was made by Councilor Garrett to go into Executive Session pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H) 2. Re: Dennis Riddle Appeal. 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 6:23 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.

Mayor Miller called the regular meeting back in session at 7:46 p.m.

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

Councilor Morales attested that the only item discussed in Executive Session was Limited Personnel Matters pursuant to the Open Meetings Act regarding Dennis Riddle Appeal and no action was taken.

Councilor Olivo moved to uphold the determination made by Administrator John Waters. Seconded by Councilor Miller. 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 7:48 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer