

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

The Council of the City of Ruidoso Downs met in regular session on September 26, 2005. Mayor Miller called the meeting to order at 5:30 p.m. and asked Jay Smith 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
Dan Gens, Public Works Director
Robert Denny, Department of Public Safety Director
Tom Armstrong, Licensing, Planning & Permitting Supervisor

APPROVAL OF AGENDA

Mayor Miller entertained a motion to approve the Agenda. Councilor Miller moved to approve the Agenda. Seconded by Councilor Olivo. 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 Garrett. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF SEPTEMBER 12, 2005 REGULAR MEETING

Motion was made by Councilor Morales and seconded by Councilor Garrett to approve the Minutes of the September 12, 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 Garrett 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 Garrett 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.

UNFINISHED BUSINESS

There was no unfinished business.

OTHER BUSINESS

Councilor Morales said there was a big article in the paper about the Municipal Officials Leadership Institute graduates and Councilors Rebstock and Williams were focused in the article. I would like for our citizens to know Rene Olivo who is our councilor here in Ruidoso Downs also received that and he was also certified. We have a plaque and I would like for Councilor Olivo to show it to our citizens. It says "Rene Olivo, Certified Municipal Official, New Mexico Municipal League Municipal Officials, Leadership Institute 2005". One of the things that needs to be noted this is about a year of extracurricular activities of seminars. There is a lot of time that goes into this. I was quite upset that he was not also recognized but I think maybe this is the time to do it in our council meeting. I would like to congratulate Councilor Olivo and I know that Councilors Garrett and Miller are also going through the program now and I believe the Mayor is too. Also in the New Mexico Municipal League Reporter there is also a picture of those that did receive the plaques and Councilor Olivo is sitting right next to Diane Denish.

Councilor Olivo said it is an honor for me to finish this class because I am representing the people of Ruidoso Downs. I wanted to be one of the councilors that had all the education background and I encourage Councilors Garrett and Miller and the Mayor as they only have one more class to go to get all of their certificates. I thank the Mayor, John and Carol for giving me the opportunity to go to those classes.

Administrator Waters said I have another great announcement to follow the one that was just made. We have recently been named as one of New Mexico's newest Certified New Mexico Economic Development communities. As you know that has been a goal of our Economic Development Board. They have been working very hard and of course the Council helped us by passing the Economic Development Plan. We were sent before the folks in the Santa Fe Economic Development Department and Kathy McCormick worked with us. Secretary Rick Homans who was scheduled to be here to talk to the Council about it was not able to make it due

to health reasons. I just wanted to let you know, congratulations, you are now the tenth municipality certified in the State of New Mexico for economic development. This opens up immediately a \$5,000 grant for more economic development efforts. In addition, they thought the plan we put together was very good especially for a town our size. There have been only two municipalities now that have been in the range we are in that have put this together and actually succeeded in being chosen a certified community. Cuba was chosen last year and we were chosen this year along with a lot of the larger cities in the state. It is a great honor to be placed in this exclusive group of communities. We are going to continue to go forward. Now we have a lot of things in place and we are going to start bringing in more business and give our town an infusion of funds as well as a diversification of some of the funds we already have in here. The whole City deserves a round of applause for this because it certainly was an effort from the town hall meetings we had early last year to now. Thank you Council for supporting this.

NEW BUSINESS

Motion was made by Councilor Morales and seconded by Councilor Garrett to approve auction of worn out, unusable and obsolete tangible personal property to be held October 29, 2005 in conjunction with County of Lincoln, Ruidoso, Ruidoso Downs and Village of Capitan.

Mayor Miller stated next item on the agenda, consider recommendations of appointment to Ruidoso Downs Beautification Committee. Councilor Miller said since we had three vacancies we have more people interested and I was sure glad to hear that. Gary Wilson, Bertha Polaco and Wanda Taylor will be added to our Beautification Committee. We meet the second Wednesday of the month at 4:00 p.m. right here. If anyone is interested please come help us. We are trying to beautify Ruidoso Downs and any ideas and all ideas are welcome.

Councilor Garrett moved to approve the appointments of the Mayor to the Beautification Committee of Gary Wilson, Bertha Polaco and Wanda Taylor. Seconded by Councilor Olivo. 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 Resolution No. 2005-19, Updating the Employee of the Month Program. Administrator Waters said this is simply updating policy you had passed earlier. Basically we have a new department here so we have added in the museum. The other change is we didn't have the uncertified officers and uncertified dispatchers listed. We were trying to include the entire department so we took the word certified off. Those are the only two changes at this time to update that resolution. Clerk Virden said we did remove water and sewer department and street department and collaborated them into the Public Works Department because there are very few employees in the Street Department.

Councilor Morales moved to approve Resolution No. 2005-19, Updating the Employee of the Month Program. Seconded by Councilor Miller. 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 awarding RFP No. 06-01 Professional Legal Services. Administrator Waters said you have before you the Agenda Briefing Memorandum. The bids were opened today for the professional legal services that we had advertised. We did receive one respondent, Mr. Bryant. Mr. Bryant did answer the qualifications and requirements listed in the RFP. His ratings are shown on the second page, 279 out of a possible 300 points. Mr. Bryant also put down his option of a flat fee, which was within our budget. I am asking the Council to consider awarding RFP No. 06-01 to Daniel A. Bryant, PA for Professional Legal Services.

Councilor Olivo moved to award RFP No. 06-01 Professional Legal Services to Daniel A. Bryant, PA on a flat fee contract. Seconded by Councilor Morales. 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 personnel recommendation, Museum Department, Museum Director, Jay Smith. Administrator Waters introduced Mr. Jay Smith saying he came to us from Kansas City, Missouri. He is with the Historical Site Museum there as the Historical Site Director. Of course, Kansas City is a much bigger place. He came down and toured our museum and took to it like a fish to water. We are very impressed with his knowledge. There was a pool of thirty applicants. We interviewed seven candidates and he certainly was by far the most qualified. We are happy to present the name of Mr. Jay Smith for Museum Director of the Hubbard Museum of the American West and asked Mr. Smith to come up and meet the Council.

Mr. Smith introduced himself and said thank you for the kind introduction. It has been a real pleasure to come to Ruidoso Downs and view the museum and the community. You have a wonderful place here. Obviously to me anyway it is one of the best kept secrets that I never heard of until now. I must say it is an honor to be a finalist for the position and it is an honor to be selected by Mr. Waters. I am impressed with the facility. I think there is a lot of potential for growth. I am a strong believer the future for museums looks very bright and very strong in the next generation and I would like to be a part of that. I am here to answer any questions you may have.

Councilor Garrett asked how soon if you are chosen can you come. Mr. Smith said as soon as possible. I am going to try to work that out to be here on or before the 24th of October. But, in advance of that I anticipate being at the Cowboy Symposium at least one or two days to see what the most important event of the

museum looks like and participate where I can. Councilor Miller said we are just glad to have you. Mayor Miller said I have been with him most of the day and he is going to be fantastic with his knowledge and expertise. We are very fortunate to have someone with his knowledge and expertise.

Councilor Garrett moved to approve the personnel recommendation to hire Jay Smith as the Museum Director. Seconded by Councilor Olivo. 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 personnel recommendation, Museum Department, Curator of Exhibits, David Mandel.

Administrator Waters said we had an equally challenging task to also try to find another senior staff member with the museum. For those of you who took the tour remember Mr. Scott Turner who left to take a museum directorship in Texas. He was very qualified. He had a Master's degree and he sent us a cryptic e-mail saying we would never find anybody again with a Master's degree. Fortunately both of these gentlemen as you can see have Master's degrees. They are very accomplished in their field and they are very knowledgeable. Mr. Mandel came from a field of fifteen candidates. I can easily say there were five serious contenders that were exhibiter curators or exhibiter directors at different museums. Mr. Mandel was chosen because of his "can do" attitude at least from my perspective. He interviewed very well. His knowledge came across very well but he also had a willingness to get up there and get it done any way that it took. I think the question that I asked him was this may be a situation where you are possibly going to ask to have someone hold it up while you screw in the exhibit and he said I am used to holding it up and screwing it in at the same time. That is the kind of "can do" attitude that we like here and he certainly did come across well in his interview. We are very thrilled to be able to offer this position before the Council for their approval of a Curator of Exhibits.

Councilor Morales asked when would you be moving and Mr. Mandel said he is hoping to be available October 24th or before.

Mayor Miller said the same thing I have been with him most of the day and highly recommend him. He is a great person for the job.

Councilor Miller moved to approve David Mandel for Curator of Exhibits. Seconded by Councilor Morales. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller said next item on the agenda, consider approving personnel recommendation, Department of Public Safety, position of police officer, Joseph Bailey.

Chief Denny said I know last Council meeting we approved Fabian Picazo but he opted to go with the Otero County Sheriff's Office. They took him directly into narcotics. I want to see if you will approve Joseph Bailey which I think is great find and asked Mr. Bailey to stand. Mr. Bailey is from Lordsburg. Right now he is working with the Hidalgo County Sheriff's Office as a deputy. He graduated with Wes from the same academy class. He hopes to start in two weeks.

Councilor Morales moved to approve the hiring of Joseph Bailey for the Department of Public Safety. Seconded by Councilor Miller. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Chief Denny introduced Tinka, the four-legged police officer. Her handler is Officer Lawrence Chavez. Chief Denny said the dog was paid for by the Hubbard Foundation.

PUBLIC INPUT

There was no public input.

EXECUTIVE SESSION

Mayor Miller entertained a motion to go into Executive Session, pursuant to Section 10-15-1 Subparagraph (H)7, threatening and/or pending litigation.

Motion was made by Councilor Morales to go into Executive Session, pursuant to the Open Meetings Act, Section 10-15-1 Subparagraph (H) 7, threatening and or pending litigation. Seconded by Councilor Garrett. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller closed the regular meeting at 6:00 p.m. and invited 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 6:30 p.m.

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.

Councilor Morales attested that the only item discussed in Executive Session was that pursuant to Section 10-15-1(H)7, threatening and or pending litigation and no action was taken.

Mayor Miller entertained a motion to adjourn.
Motion was made by Councilor Morales and seconded by Councilor Miller to adjourn at 6:30 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer