

DRAFT
MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
FEBRUARY 21, 2006

The Council of the City of Ruidoso Downs met in regular session on February 21, 2006. Mayor Miller called the meeting to order at 5:30 p.m. and asked Terry Garrett 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:

John P. Waters, City Administrator
Carol Virden, City Clerk/Treasurer
Dan Gens, Public Works Director
Robert Denny, Department of Public Safety Chief
Jay Smith, Museum Director

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES OF JANUARY 23, 2006 REGULAR MEETING

Motion was made by Councilor Miller and seconded by Councilor Morales to approve the Minutes of the January 23, 2006 regular meeting. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF FEBRUARY 6, 2006 SPECIAL MEETING

Motion was made by Councilor Miller and seconded by Councilor Morales to approve the Minutes of the February 6, 2006 special 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 Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

UNFINISHED BUSINESS

Mayor Miller stated next item on the agenda, consider and approval of Resolution No. 2005-22 condemnation of 403 Nevada, Steve Eisler.

Clark Harvey and Steve Eisler announced themselves. Mr. Harvey said this is the third time we have appeared before this body and each time we have made commitments to get things done. To a large extent I believe we have kept those commitments, however, I have to tell you tonight I still do not have title to the property. I have spent the afternoon trying to get in touch with the lady who is to sign the last document and get it over the GSV and I have been unable to do so. It has become a very frustrating experience for me because I am not used to dealing with people who make commitments and then don't keep them. I am going to have to ask you for a variance one more time. I have reached the point today that unless I get title to the property within the next two weeks and have complete control of it and then can come to you and make you a commitment that I think I can live with in terms of producing results, I am going to cut my losses and go on to something else. But, I am into it and I am not a quitter and I don't like to turn my back on anything I start.

Councilor Garrett moved to postpone and place it on the agenda for the next regular meeting of February 27, 2006. Seconded by Councilor Miller. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mr. Harvey said, for the record, I did try to contact Mr. Bryant and he has been in federal court prior to the 13th, which was the regularly scheduled meeting. I also tried to contact Mr. Waters and he has been out of the office.

OTHER BUSINESS

Mayor Miller stated next item on the agenda, recognition of January 2006 Employee of the Month, Communications Detention Officer.

Chief Denny said I would like to recognize as the January 2006 Employee of the Month Cyndi Miller and asked her to stand. I will read a couple of comments written about her. " Cyndi has just started her 23rd year with City of Ruidoso Downs. Since I have known her she has done exemplary work with our department. Cyndi has always made sure that the dispatch center is running efficiently which is no easy task. I could go on and on with nothing but positive adjectives about Cyndi but I have run out of space and do not want her to get a big head." Secondly from another person, "CDO Supervisor Miller encourages new employees to strive to

always better themselves. She is always available for questions and ready to help even on her time off." Again, I would like to thoroughly recognize her for this award and once again she has been here 23 years and has always done a great job. We couldn't do without her. Mayor Miller said we really appreciate you, Cyndi. The Councilors then presented her with the award and Cyndi thanked the Council.

NEW BUSINESS

Mayor Miller stated next item on the agenda, consider approving personnel recommendation, DPS, Corporal/Detective position, Richard Schwalm.

Chief Denny said we put together a position of detective/corporal. We felt that position should be supervisory in nature. For one, he must ensure that all investigations are completed on time and correctly. He will be reviewing reports and making sure that all officers are completing their report on time and doing them correctly. He will be in charge of crime scenes as they come about. In that position he will be assigned I.A.'s which are internal affairs investigations as needed. We felt that was quite a bit of responsibility and should be a supervisory position. We had a written test and oral test. He was the only one that signed up for the position but he did pass those tests. He did come to us with fifteen years of experience as a sergeant with Bohler County sheriff's office. So far in that position he has done a great job for us and he has also helped us with our accreditation process as the accreditation manager. He has taken on a lot of responsibility even prior to taking on this task. I would like the Council to approve him for this position and I will entertain any questions you may have about this.

Councilor Garrett said I don't think we can do it now but do you think some time in the future we could have a supervisor on each shift. Chief Denny said we would have to add more supervisors. Right now we have myself, Corporal Oshaskie and acting sergeant previously and it would be Richard Schwalm. I think between the three of us we should be able handle most of what we have because we have eleven officers at this point including myself. I don't know if we can have one for every shift. Should we grow that would be a great goal to have but at this point, given our size, I don't see how we could house another supervisor.

Councilor Miller moved to approve DPS position corporal/detective to Richard Schwalm. 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 Action discharge DPS during probationary period.

Chief Denny said we had a probationary officer that was with us a short period of time. He was absent from work without any reason or without notifying us. We felt

that due to the amount of days he was gone and he was told to return that was enough to discharge him from the City of Ruidoso Downs.

Councilor Garrett moved to approve Personnel Action to discharge DPS during probationary period. 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 awarding Bid No. 06-009 equipment for Engine One fire truck.

Chief Denny said we want to purchase and install a foam system for Engine One. We only received one bid from Artesia Fire. There was one other company that looked at it but they never turned in a bid and that was C-1. We only have one bid at this time and obviously that is something we need for the truck.

Administrator Waters said this is to Pete's Equipment Repair; they were the one bidder for a total bid of \$14,692.72 which includes GRT. This is being paid out of the general fund and fire protection fund.

Councilor Olivo moved to award Bid No. 06-009 for equipment to Engine One. Seconded by Councilor Garrett. Mayor Miller asked is there any discussion.

Chief Denny said I would like to mention we were recently awarded over \$5,700 in HIDA money after promising that we would use it correctly. I guess in the past it wasn't done that way and we lost it. Mayor Miller interrupted saying we have a motion on the floor. Chief Denny apologized.

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

Chief Denny said along with that we received two aqua sensors for free. Councilor Olivo basically went to the DWI program run by Jerry Shaw. Councilor Olivo said when they get more I will get some more for the department. Chief Denny said what they are used for is they can sense whether or not someone is under the influence of alcohol just by basically pointing it in their direction while they are still in their vehicle. These will help us a lot and we are hoping to use the DWI money and seat belt money quite a bit this time around and hopefully get some extra enforcement out there on the street.

Councilor Morales asked what exactly does it do when you shine it on somebody's face, does it beep. There is a sensor and it gives you a high or low reading to tell you whether or not if there is enough to give you probable cause.

Councilor Garrett asked can you stop them for that. Chief Denny said not by itself. We continue to do a field sobriety test that we always do. First of all you have to have a reason to stop the car. You can't just stop anybody on the street but if they are weaving or doing something out of the ordinary while they are driving and we do stop them and suspect them of being under the influence of alcohol then we use it.

Councilor Morales said the sensor goes off and you proceed with the field sobriety test. Chief Denney said you still continue your probable cause for the arrest. This is just one extra tool to be used in that process and they are supposedly pretty accurate.

Mayor Miller asked Jay Smith if he had anything from the museum. Mr. Smith said our long-range planning sessions are coming along. We completed the public sessions last weekend. We have started with some of the stakeholder groups and working with John to get into the department head meetings. Each of you will be receiving a call from me this week to set up your individual appointments. We have a Board meeting on Friday, February 3rd. We are continuing to move along. We have a few little hiccups we still have to work out but nothing so major to me at this point in time.

PUBLIC INPUT

Councilor Olivo said I just want to give an update on the DWI program. It is an organization for Lincoln County and we are mostly working with young kids right now. They are getting grants to buy stuff like this to give to each police department around the area. I told the chief in the future they will have money so we can have DWI check points. It is a very good program.

Mayor Miller entertained a motion to adjourn.
Motion was made by Councilor Morales and seconded by Councilor Miller to adjourn at 5:50 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer