

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
NOVEMBER 27, 2006

The Council of the City of Ruidoso Downs met in regular session on November 27, 2006. Mayor Miller called the meeting to order at 5:30 p.m. and asked Jim Burrows to lead the Pledge of Allegiance. Mayor Miller asked City Manager, John P. Waters to take roll call. The following were present:

Councilor Hood (via conference phone)	Councilor Miller
Councilor Holman	Councilor Garrett

City Manager, John Waters informed Mayor Miller there was a quorum.

Also present:

John P. Waters, City Manager
Carol Virden, City Clerk/Treasurer
Tom Stewart, Public Works Director
Jay Smith, Museum Director
Steve Dunigan, Planning & Personnel Services Director
Alfred Ortiz, DPS Chief

Absent: Dan Bryant, City Attorney

APPROVAL OF AGENDA

Mayor Miller entertained a motion to approve the Agenda. Councilor Garrett moved to approve the Agenda. Seconded by Councilor Hood. Roll Call Votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Miller entertained a motion to approve the Consent Agenda. Councilor Holman moved to approve the Consent Agenda. Seconded by Councilor Miller. Roll Call Votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF NOVEMBER 13, 2006 REGULAR MEETING

Motion was made by Councilor Holman and seconded by Councilor Miller to approve the Minutes of November 13, 2006. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

ACCOUNTS PAYABLE

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

APPROVAL OF MONTHLY REPORTS

Motion was made by Councilor Holman and seconded by Councilor Miller to approve the following reports:

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

UNFINISHED BUSINESS None

PUBLIC HEARINGS

Mayor Miller stated that next item on the agenda was Public Hearings with the first item relating to CDBG Project No. 03-C-RS-I-G-17 Drainage System Improvement Phase I.

John P. Waters, City Manager was asked to comment. He stated that the project refers to the area of River Park Subdivision. Following is the report given by Mr. Waters:

Purpose: The purpose of this public hearing will be to receive public input on Future CDBG project and to give a final report on CDBG 03-C-RS-I-G-17 Drainage System Improvements Phase I.

CDBG Project No. 03-C-RS-I-G-17 is now completed and Gerald Garcia, Project Representative for the City of Ruidoso Downs, inspected final closeout documents on October 9, 2006.

Total amount of funds disbursed for this project is as follows:

Budgeted Amount	\$711,000.00
For a Total Amount of	\$744,761.00

State and national objectives of the CDBG Program require that assistance be made available for activities that address at least one of the following:

- 1) An activity identified as principally benefiting persons of low and moderate income;
- 2) Aid in the prevention and elimination of slums and blight;
- 3) Meet other community development needs of origin having a particular urgency because existing conditions pose a serious and

immediate threat to the health and welfare of the community where other financial resources are not available to meet such needs.

All counties and incorporated municipalities under 50,000 populations are eligible to apply. Applicants may apply for funding assistance under categories including Community Infrastructure, Housing, Public Service Capital Outlay, Economic Development, Emergency, Planning and Colonias.

Mayor Miller stated 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 this current project? There was no one to speak on the current project.

Are there any persons here to speak on any future projects? There was no one to speak on any future projects.

Mayor Miller closed the public hearing on this ordinance.

Mayor Miller stated that next item on the agenda was Proposed Ordinance No. 2006-08 AMENDING CHAPTER 6 TITLED "MORALS, CONDUCT AND CRIMINAL CODE ON GENERAL OFFENSES" ARTICLE 6 TITLED "GENERAL NUISANCES" SECTIONS 1 THROUGH 9 AND ENACTING NEW SECTION 10 AND 11 OF THE CITY OF RUIDOSO DOWNS CODE OF ORDINANCES.

John P. Waters, City Manager was asked to comment. He stated the purpose of this proposed ordinance is to address the Code Enforcement and that we had within our ordinances there is language that was in some cases not very descriptive, very generalized and not specific. In some cases the public did not know what they were responsible for, the city was unclear what they were responsible for, and what the exact definitions of some of these items of our ordinance meant. He stated that it was an old ordinance and this updates it to current language being used by many other municipalities in this state and others. In addition it also has a mandatory sentencing provision that addresses if voluntary compliance is not achieved and citations are issued if municipal courts find them guilty. There is a mandatory sentencing tier based on the level of non-compliance. Mr. Waters stated that he was asked to look into this and that Steve Dunigan had also researched several different aspects of this ordinance. These findings were what they were presenting to the council for review today.

Mayor Miller stated 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 in opposition of the action? There was no one to speak in opposition of the ordinance.

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 on this ordinance.

Mayor Miller entertained a motion to adopt Ordinance No. 2006-08

Councilor Garrett moved to adopt Ordinance No. 2006-08 Amending Chapter 6 Titled "Moral, Conduct and Criminal Code on General Offenses" Article 16 Titled "General Nuisances" Section 1 through 9 and Enacting New Section 10 and 11 of the City of Ruidoso Downs Code of Ordinances and seconded by Councilor Holman. Roll Call Votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated that next item on the agenda was Proposed ORDINANCE No. 2006-09 ENACTING NEW ARTICLE 6 TITLED "ADULT ENTERTAINMENT" SECTION 1 THROUGH 19 UNDER CHAPTER 8 TITLED "LICENSES AND TAXATION" OF THE CITY OF RUIDOSO DOWNS CODE OR ORDINANCES.

Carol Virden, City Clerk/Treasurer advised that the title must be corrected to state Sections 1 through 28 instead of Sections 1 through 19. City Manager, John Waters noted that there are typographical errors and a section that should be added pertaining to "children gathering area." City Manager, John Waters stated that the staff was instructed by the council to pursue this ordinance to issue regulations on the adult entertainment because the city did not have any current regulations to regulate this type of industry. This ordinance has been compiled from ordinances in Albuquerque, Red River, and a suburb of Tucson, Arizona. Mr. Waters noted that the proposed ordinance has a few typographical errors and one suggested piece of language submitted by one councilor and a private citizen on page 5, new paragraph T, a definition of the term "children gathering area."

It should read "children gathering area refers to an area where children regularly must congregate at school bus stops and municipal parks. Item T was added in addition to distance requirements of 1500 feet to include any children gathering at said places. Mr. Waters noted that the rest of the document highlights typographical errors and the like for review.

He stated that the proposed ordinance implies a licensing system and structure for the code enforcement department can regulate this operation system and that the

city clerks office would handle the business license. This would affect three city departments in the management of this type of industry during the life of the business. He noted that the council would be able to apply the appeal process if there were a denial of a license.

Councilor Garrett questioned an item on page 7 regarding agencies responsible for the timely inspection within 30 days of the premises of an existing or proposed sexually oriented business. It states that the right to inspect would be waived. She expressed concern that the city would have to adhere to this option and asked if that would mean no inspection would be conducted.

John Waters replied that the city would be the only entity responsible for the inspection and that the council would need to take the steps to change the wording of the ordinance to fit the criteria they wish to allow.

Mayor Miller stated 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 in opposition of the action? There was no one to speak in opposition of the action.

Are there any persons here to speak in support of the action? There was no one to speak in support of the action.

Mayor Miller closed the public hearing.

Mayor Miller entertained a motion to adopt Ordinance No. 2006-09

Councilor Miller moved to adopt Ordinance No. 2006-09 Amending Chapter 6 Titled "Moral, Conduct and Criminal Code on General Offenses" Article 16 Titled "General Nuisances" Section 1 through 9 and Enacting New Section 10 and 11 of the City of Ruidoso Downs Code of Ordinances and seconded by Councilor Holman. Roll Call Votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

OTHER BUSINESS

City Manager, John Waters informed the council and audience that the Optimist Club has placed boxes throughout the community for donations of coats for children and encouraged participation for this worthy cause.

NEW BUSINESS

Mayor Miller stated that next item on the agenda under New Business an update and Final Report from Elisa Davis on Group Workcamp-Southeastern New Mexico Community Action Corporation.

Elisa Davis introduced Bob Turley of Work Group Ranch from Colorado who wanted to be at the meeting for the update and report. Elisa had packages with color photos for the councilors.

She reported that the purpose of the Workcamp is to come into a community and provide rehabilitation to housing units owned by the elderly, disabled and low-income residents from the Ruidoso, Ruidoso Downs, Capitan and San Patricio area.

Elisa stated that approximately 385 volunteers worked on the project. Volunteers came from Texas, Alabama, Pennsylvania, Louisiana, Missouri and Ohio during the weeks of July 2, 2006. Approximately 10,958 volunteer hours were provided with an estimated value of the volunteer labor being \$79,651. The volunteers provided rehabilitation to 49 households in the area. These activities ranged from painting, ramp building to deck repair. The quality of life was improved for residents participating in the project.

She stated that there was in-kind support from Sierra Contracting for disposal fees of approximately \$1,000.00 and the construction company, Mr. Mendez, for his help on material costs. Elisa extended thanks to Tom Armstrong and Emma Herrera as well as the staff of the City of Ruidoso Downs for their help and support. She also stated appreciation to Foxworth Galbraith for their support in giving a discount on materials. She informed the group that there were 28 homes that were worked on in Ruidoso Downs during this project.

Mayor Miller stated next item on the agenda was to consider Approving Wastewater Treatment Plant Operating Billing of 15% for the months of September and October 2006.

Mayor Miller asked John Waters, City Manager, for comment.

John Waters stated that the council would receive this report each month broken down by percentages in order to keep a good tap on the dollar amount noting that the 15% represents approximately \$40,000.00 for the total of the two months. Councilor Garrett asked if the city budget was on mark. Mr. Waters stated that they were not on track and that the percentage was at approximately 25% to 30% at this time.

Tom Stewart, Public Works, reported briefly on descriptions of manholes and interceptor repairs.

Mayor Miller entertained a motion to approve the Wastewater Treatment Plant Operating Billing of 15% for the months of September and October 2006.

Councilor Garrett moved to table the Wastewater Treatment Plant Operating Billing of 15% for the months of September and October 2006 in order to gather more information on the budget. Further consideration will be taken on December 11, 2006 if the proper budget information is received. Councilor Miller seconded the motion to table this item until December 11, 2006. Roll Call Votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

PUBLIC INPUT

Mr. Ray Johnson thanked the mayor and councilors for passing the "Adult Entertainment" Ordinance this evening.

Mr. Warren Beaver gave praises to the quick response and excellent staff of the EMS personnel during a recent spell he experienced.

City Clerk/Treasurer advised that the last day for absentee voting will be December 8, 2006 from 8 a.m. to 5 p.m.

Mayor Miller entertained a motion to adjourn. Motion was made by Councilor Miller and seconded by Councilor Hood to adjourn at 6:07 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer