

DRAFT
MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
JANUARY 29, 2007

The Council of the City of Ruidoso Downs met in regular session on January 29, 2007. Mayor Miller called the meeting to order at 5:30 p.m. and asked Warren Beavers to lead the Pledge of Allegiance. Mayor Miller asked City Clerk/Treasurer, Carol Virden to take roll call. The following were present:

Councilor Hood
Councilor Holman

Councilor Miller
Councilor Garrett

City Clerk/Treasurer, Carol Virden, informed Mayor Miller there was a quorum.

Also present:

Carol Virden, City Clerk/Treasurer
Dan Bryant, City Attorney
Al Ortiz, DPS Chief
Jay Smith, Museum Director
Steve Dunigan, Planning & Personnel Services Director
Mark Lewis, Interim Public Works Supervisor

Absent:

John Waters, City Manager

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES OF REGULAR MEETING OF JANUARY 8, 2007

Motion was made by Councilor Hood and seconded by Councilor Miller to approve the Minutes of Regular Meeting of December 11, 2006. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

UNFINISHED BUSINESS

Mayor Miller stated next item on the Agenda was Unfinished Business. There was no Unfinished Business.

OTHER BUSINESS

Mayor Miller stated next item on the Agenda was Employee of the Quarter-DPS-Fire Department-Justin Shaw. Steve Dunigan, Planning & Personnel Services Director invited Justin Shaw to come to the front of the audience. He presented Lieutenant Shaw with a plaque with his photograph on it. Mr. Dunigan stated Justin Shaw was nominated for being instrumental in getting a \$100,000.00 grant from the Governor's office and providing emergency services to the community. Lieutenant Shaw was credited for responding to an emergency by himself and saving a citizens life for which a huge commendation was received from the citizen. There was a round of applause from all present in appreciation for his efforts and dedication to his position.

Mayor Miller stated next item on the Agenda was an informational item, Destruction of Absentee and Official Paper Ballots-Special Election December 12, 2006. Carol Virden, City Clerk/Treasurer informed the Mayor and Council members that according to state law under the Record Retention Schedule we were required to destroy the Absentee and Official Paper Ballots after 30 days from final canvassing which was completed on December 13, 2006. Carol Virden stated 102 ballots were destroyed and that figure matched the Canvass Return Sheet.

Councilor Garrett asked Mayor Miller if she could speak for John Waters, City Manager, with information about the Agenda of the Santa Fe 2007 Legislative Session as Mr. Waters could not attend the council meeting. Councilor Garrett stated the information was the City of Ruidoso Downs Capital Outlay Requests for 2007 from the state legislature. Priority I is the Regional Wastewater Treatment Plant complete upgrade. The total cost of the project is \$35,000,000.00. The city's share is \$5,250,000.00 and the amount the city is requesting from the legislature this year is \$2,000,000.00. Priority II is the new Wood Lane Fire Station Phase I. The total cost of the project is \$730,000.00. The total cost of Phase I is \$371,000.00 and the amount requested by the city from the legislature is \$280,000.00. Priority III is Drainage and Street Improvements for River Park Subdivision Phase II. The total cost of the project is \$4,500,000.00, the total cost of that phase is \$282,000.00 and the amount the city is requesting from the legislature is \$200,000.00. Priority IV is a new one million-gallon Turkey Canyon Water Storage Tank. The total cost of the project is \$850,000.00. The amount requested from the legislature is \$300,000.00. Priority V is the All American Park Recreational Park Lighting System. The total cost of the project is \$125,000.00. The city is requesting \$75,000.00 from the legislature for that project. Councilor Garrett stated under Grip II Capital Outlay Requests for 2007 is the Parker Road Bridge Reconstruction. The total cost of the project is \$400,000.00. The city is requesting \$260,000.00 from the D.O.T. and legislature. Councilor Garrett stated under Economic Development Capital Outlay Requests for 2007 is the Water and Sewer Infrastructure East-City Extension. The total cost of the project is

\$690,000.00. The amount the city is requesting from the D.O.T. and legislature is \$500,000.00. Other lobbying for the City of Ruidoso Downs is asking that a bill be proposed by Dub Williams to allow municipalities with gaming operations located within the city boundaries to receive some or any of the money collected by the state for the impact the city receives to operations and infrastructure. This request is made for the state to share some of the funding they already receive.

Councilor Garrett stated John Waters also wanted her to mention a grant in the amount of \$213,750.00 was received from the Department of Transportation today for the sidewalks along Highway 70.

Jay Smith, Museum Director stated he received correspondence earlier this month from Harold Closter, Director of the Smithsonian Affiliate Program. He asked if he could read aloud the postcard recently received from him. Mayor Miller said he certainly may. The postcard read as follows, "Jay, I saw the very nice piece about the Hubbard in the Ruidoso News. It sounds like you and your leadership team are really getting a handle on things. Congratulations. Hope all continues well and best wishes for the New Year. Let me know if you see an opportunity for me to come out for a visit." Jay Smith stated while we were participants in the Affiliation Program they also keep aware of what's happening with museums within the program and is pleased with the progress of our museum.

NEW BUSINESS

Mayor Miller stated next item on the Agenda was Consider Approving Wastewater Treatment Plant Operating Billing of 15% for month of November 2006 and December 2006.

Carol Virden reminded the Council that at the last meeting the Council asked that staff look into all expenditures and revenues dealing with the monthly billing from the Village of Ruidoso. She informed the council it had been reviewed and was now up for consideration for the approval for the Finance Department to pay the November and December billing.

Councilor Miller made a motion to Approve Payment for Wastewater Treatment Plant Operating Billing of 15% for month of November 2006 and December 2006. Seconded by Councilor Hood to approve. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the Agenda was Review of Personnel Policy Manual Amendments. He asked Steve Dunigan, Planning & Personnel Services Director to speak on that item.

Steve Dunigan stated periodically a review is warranted on the Personnel Policy and he believed the last amendment was in the year 2002. He asked the Councilors to refer to Chapter 11, Discharge Hearing Procedures. There was some language

added to clarify the procedure from information received through various legal sources. He then referred to Chapter 12, Attendance and Safety Bonus and stated Safety had been added as part of Attendance Bonus as well as adjusted the amounts available to employees. Steve Dunigan pointed out another significant change in Chapter 12, Educational Incentive Phase that increased competition levels in order to hire and maintain qualified Police Officers based on certification. He stated there were many other minor changes he had not noted but were tabbed in the packages provided to the Councilors. He stated the policies were in a review mode and then asked Dan Bryant, City Attorney to clarify on the subject.

Dan Bryant, City Attorney stated once there was indication that the policies were in final form they would be published and a Public Hearing would be held pursuant to then copy the amendments to the ordinance.

Councilor Garrett asked under the Attendance and Safety Bonus policy from Chapter 12 if an employee was hired in January it would be almost 2 years before that employee would be eligible to receive a bonus. She noted that the language says the employee would have to work a full year and because the bonus is awarded in December they would have to wait until the following December. She asked if this could be pro-rated. Mayor Miller stated this item was a review item only and Carol Virden said if Council wished they could table the issue until John Waters, City Manager, could review changes and be at the next meeting. . The item could be looked at again at the next council meeting on February 12, 2007. She also stated this item would come up for a Public Hearing because it was in an ordinance form.

Councilor Garrett made a motion to table Review of Personnel Policy Manual Amendments until the next Council Meeting of February 12, 2007. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on Agenda was Mayor's Appointment-Public Works Director-Arnulfo Castaneda. He invited Councilor Holman to introduce Mr. Castaneda.

Councilor Holman stated there were six final applicants for the Public Works Director. The selection committee was composed of four members and they had chosen Arnulfo Castaneda. Councilor Holman asked Mr. Castaneda to stand and introduced him as currently holding the position of Public Works Director for Mesilla, New Mexico with approximately 12 years of city employment experience. He has experience in grant writing, has an Associate's Degree in Water Utilities Operations from New Mexico State University, and is graduate of Gadsden High School. Councilor Holman stated Mr. Castaneda was fluent in the English and Spanish language, was able to operate heavy equipment, and had worked for the City of El Paso and Anthony. There was a round of applause. Mr. Castaneda addressed the Council that he was eager to begin work and pleased to be here.

Councilor Holman made a motion to Approve the Mayor's Appointment-Public Works Director-Arnulfo Castaneda. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the Agenda was Consider Approving Expenditure-Museum-HVAC System Repairs.

Jay Smith, Museum Director stated also present was Wayne Anzak, Museum Facility Laborer to answer any technical questions the Council may have. Mr. Smith described the museum as a "climatic wonderland." He stated it was very hard to regulate temperatures especially during summer months or when there are large events taking place and they had know for some time there were difficulties with the system. He reminded the Council that following the fundraiser last summer they had directed him to go forward and at least look for a project that would address the needs of the museum. Mr. Smith stated more money had been made at the fundraiser than was budgeted for. He said following that they contacted Honeywell Carrier and Johnson Controls. Johnson Controls was contracted after being awarded the final bid for a full evaluation of the museum. Jay Smith stated Council members were provided with a proposal in their packages for review and felt the proposal was more than adequate to supply for the needs of professional standards for environmental control of exhibits and collections areas. Jay Smith stated there were ten HVAC units within the museum that were all put in at various points in time. The museum building was also more than fifty years old and had been added to and subtracted from during that time. He stated there were three units not working and the remaining seven units not wired properly for thermostat control. The proposal cost was \$36,991.00 and would provide for the ten units to be fully repaired and functional with thermostats, monitors, and sensors. One humidity control unit would be added to the facility to specifically govern the collections storage area. In order to be accredited those professional standards must be maintained in order to receive certain art and artifacts from the Smithsonian as well as other traveling exhibitions. The controls would be governed and monitored from a single control system. Jay Smith also asked the Council to consider the addition of a one-year service agreement at a cost of \$6,050.00 and would also bring the initial purchase price to \$35,991.00. He also stated they were a nationwide company with that division being based out of Albuquerque. Councilor Hood asked how long it would take the company to arrive to service the system. Jay Smith said it should be within the day. In conclusion he stated the system would be a huge step and commitment of the Council for the advancement of the City of Ruidoso Downs.

Councilor Garrett made a motion to Approve Expenditure-Museum-HVAC System Repairs to include the one-year service agreement for a cost of \$6,050.00. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Dan Bryant, City Attorney, added as a point or order the motion should reflect they were being hired pursuant to the terms in their contract to state procurement. It was so ordered by the Council.

Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the Agenda was Planning and Zoning Board. Consider Approving P & Z Recommendation-P & Z Case #2006-06 Extension of Hardship Variance for Tommy Quinley at 465 Parker Drive, Ruidoso Downs.

Paul van Gulick, Chairman of Planning and Zoning Commission stated the case had previously come before the Planning and Zoning Commission and then before the Council for special consideration as a hardship. The case was approved with special provisions. He stated to his knowledge all conditions had been met and continue to be met. Therefore, it was the recommendation of the Planning and Zoning Commission to grant this as the first extension for six months. He stated Warren Beavers and another neighbor were in attendance to verify there were no complaints to date.

Councilor Holman stated he met with Mr. Quinley recently and would also verify all requirements had been met. Councilor made a motion to continue the Hardship Variance for Tommy Quinley at 465 Parker Drive, Ruidoso Downs. Dan Bryant, City Attorney told the Council was in fact for a 12-month extension and originally Planning and Zoning requested the case be reviewed every six months. He stated the Council had the power to extend to a twelve-month period and would be reviewed again in January of the year 2008.

Councilor Holman amended the motion to extend from six months to twelve months. Councilor Holman amended his amended motion to state that all other terms would remain the same. Seconded by Councilor Miller. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on Agenda was Parks and Recreation Committee, Riverside property 7 1/2 acres.

Bonnie Richardson was not in attendance to speak. Councilor Hood made a motion to table. Seconded by Councilor Garrett. Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

PUBLIC INPUT

Mayor Miller stated next item on the Agenda was Public Input.

Jim Burrow welcomed Councilor Hood for attending the meeting in person instead of via telephone conference. Councilor Hood took the opportunity to thank the many persons who sent cards, letters, and telephone calls offering well wishes. Mr. Burrow thanked Councilor Garrett for giving the update from John Waters, City Manger on the progress and status of grant money from the state. He especially wanted to thank John Waters for his diligence and hard work in obtaining those grants.

Dan Bryant, City Attorney asked Mark Lewis, Interim Public Works Supervisor if the spring was holding at its pumping rate. Mark Lewis stated it was down a little bit but was still in a very high range and within a few feet from the figures stated at the last meeting.

Councilor Holman took the opportunity to point out the outstanding job Mark Lewis had done as Interim Public Works Supervisor for the City of Ruidoso Downs. There was a general consensus of the fine job he has continued to do and there was a round of applause in appreciation.

EXECUTIVE SESSION

Mayor Miller stated next item on the Agenda was Executive Session. Discussion of all threatening and/or pending Litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (h) 7 JUAB Administrative Proceedings; Section 10-15-1 Subparagraph (H) 8 Real Property and Water Rights.

Mayor Miller entertained a motion to go into Executive Session for the Discussion of all threatening and/or pending Litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7 JUAB Administrative Proceedings; Section 10-15-1 Subparagraph (H) 8 Real Property and Water Rights.

Councilor Garrett moved to approve to go into Executive Session for the Discussion of all threatening and/or pending Litigation pursuant to Open Meetings Act; Section 10-5-1 Subparagraph (H) 7 JUAB Administrative Proceedings; Section 10-15-1 Subparagraph (H) 8 Real Property and Water Rights. Seconded by Councilor Miller.

Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller closed the regular meeting at 6:13 p.m. and invited City Clerk/Treasurer, Carol Virden and City Attorney, Dan Bryant into the council chambers after a five-minute recess.

Councilor Garrett made a motion to go back into regular session. Seconded by Councilor Miller.

Roll call votes: Councilor Hood, Aye; Councilor Miller, Aye; Councilor Holman, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller called the regular session back to order at 8:02 p.m.

Councilor Garrett attested to the fact that the only items discussed in Executive Session were that of Threatening and/or pending Litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7 JUAB Administrative Proceeding; Section 101-15-1 Subparagraph (H) 8 Real Property and Water Rights and no action was taken.

ADJOURNMENT

Mayor Miller entertained a motion to adjourn. Councilor Hood moved to adjourn at 8:03 p.m. Motion seconded by Councilor Garrett. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer