

MINUTES OF THE ORGANIZATIONAL AND REGULAR
MEETING OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
MARCH 10, 2008
CORRECTED

The Council of the City of Ruidoso Downs met in an organizational and regular session on March 10, 2008. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Mr. Thomas Chavez to lead the Pledge of Allegiance. Mayor Armstrong asked Carol Virden, City Clerk to take roll call. The following were present:

Councilor Hood
Councilor Holman

Councilor Williams
Councilor Olivo

Carol Virden, City Clerk informed Mayor Armstrong there was a quorum.

Also present:

Carol Virden, City Clerk/Treasurer
Steve Dunigan, Planning & Personnel Services Director
Mark Lewis, Acting Public Works Director
Jay Smith, Museum Director
Alfred Ortiz, DPS Director
W.T. Martin Jr., City Attorney
Harrold Mansell, Municipal Judge

ORGANIZATIONAL MEETING OF THE GOVERNING BODY FOR THE CITY OF RUIDOSO DOWNS, NEW MEXICO.

Mayor Armstrong stated the next item on the agenda was the Organizational Meeting of the Governing Body for the City of Ruidoso Downs, New Mexico. He said item 4A was the Approval of Resolution No. 2007-13 Open Meetings Act. Mayor Armstrong entertained a motion to approve Resolution No. 2007-13 Open Meetings Act.

Councilor Williams moved to approve Resolution No 2007-13 Open Meetings Act. Seconded by Councilor Olivo.

W.T. Martin Jr., City Attorney said they have to at this time review and approve the current resolution on the Open Meetings Act and is real applicable under this ordinance. He said it is actually an ordinance that has been adopted previously. Carol Virden, City Clerk and Steve Dunigan, Planning & Personnel Services Director said it was a resolution. W.T. Martin, Jr. apologized and said he was calling it an ordinance and that it was a resolution. He said it was again time at this particular session to approve that again and that was the purpose of this. Mayor Armstrong asked Carol Virden, City Clerk if they needed to vote on 4A first. She said that he had to entertain a motion and a second for item 4A.

Mayor Armstrong entertained a motion to approve Resolution No. 2007-13 Open Meetings Act. Carol Virden, City Clerk apologized and said there had been a motion and a second unless there was discussion and then we need roll call. She said City Attorney, Mr. Martin said they are reviewing and approving the 2007-13 Open Meetings Act that the previous administration did which concludes open facilities for 2008 for the council meetings.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated the next item was 4B - Reading of Rules of Debates from City of Ruidoso Downs Municipal Code of Ordinances 1-3-2 (E) Rules of Debates 1 through 7.

Mayor Armstrong asked City Attorney W.T. Martin Jr. to explain. W.T. Martin Jr. said this was a set of rules that governs debate and discussion during the meetings. It is a resolution that actually a part of the same number but it have to take effect again so you have to vote on it at this time at this organizational meeting for this particular year. He said there are no changes in this from the pre-existing but it is the set of rules that has governed the discussion and procedure at these meetings.

Mayor Armstrong entertained a motion to approve Reading of Rules of Debates from City of Ruidoso Downs Municipal Code of Ordinances 1-3-2 (E) Rules of Debates 1 through 7.

Councilor Olivo moved to approve Reading of Rules of Debates from City of Ruidoso Downs Municipal Code of Ordinances 1-3-2 (E) Rules of Debates 1 through 7. Councilor Williams said before we vote on it to have discussion on this or ask questions if anybody wants to know anything more about that. He asked if there were any questions from the audience about this particular item before we vote on it, in case you're not familiar with it. He said he wants to make clear on whatever we're doing here, as a rookie that you are all familiar with it. Mayor Armstrong asked if there was any discussion from the audience or the council? He said if not then to call the roll. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was item 4C-Pursuant to Article 4, Chapter 1-4-2 Appointment; Terms, Appointed Officers and Special Committee Officers shall be appointed by recommendation of the Mayor and confirmed by City Council at the Organizational Meeting held every two (2) years following regular municipal elections. Mayor Armstrong entertained a motion. He was instructed to read the names. He read "I as mayor submit for confirmation by the governing body the names of persons who shall fill the appointive offices and names of persons who shall be employed by the City of Ruidoso Downs and in accordance with 3-11-5 of the New Mexico State Annotated 1978 as follows:

Carol Virden, City Clerk/Treasurer and staff members as indicated in your packets; Steve Dunigan, Planning and Zoning Director and staff members as indicated in your packets; Alfred Ortiz, Director of Public Safety and staff members as indicated in your packets; Jay Smith, Museum Director and staff members as indicated in your packets; Mark Lewis back to his original title of Electrician/Water and Wastewater Operator and staff members as

indicated in your packets. I request confirmation from the Governing Body. Mayor Armstrong entertained a motion to approve city personnel.

Councilor Williams moved to accept all the names that were mentioned that are appointed to continue in their job. Seconded by Councilor Olivo. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Carol Virden, City Clerk asked if the mayor would like to do their oaths now or later. Mayor Armstrong said now would be a good time.

Judge Mansell said when he called their name for that person to step forward, raise their right hand, and repeat after him.

Carol Virden: "I, Carol Virden, having been appointed to the office City Clerk/Treasurer, in the City of Ruidoso Downs, State of New Mexico do solemnly swear that I will support the Constitution of the United States, the Constitution and Laws of the State of New Mexico, Lincoln County, and faithfully and impartially discharge the duties of said office to the best of my ability, so help me God."

Chief Ortiz: "I, Alfred Ortiz, having been appointed to the office of Director of the Department of Public Safety, in the City of Ruidoso Downs, State of New Mexico do solemnly swear that I will support the Constitution of the United States, the Constitution and Laws of the State of New Mexico, Lincoln County, and faithfully and impartially discharge the duties of said office to the best of my ability, so help me God."

Steve Dunigan: "I, Steve Dunigan, having been appointed to the office of Planning and Zoning, in the City of Ruidoso Downs, State of New Mexico do solemnly swear that I will support the Constitution of the United States, the Constitution and Laws of the State of New Mexico, Lincoln County, and faithfully and impartially discharge the duties of said office to the best of my ability, so help me God."

Jay Smith: "I, Jay Smith, having been appointed to the office of Museum Director, in the City of Ruidoso Downs, State of New Mexico do solemnly swear that I will support the Constitution of the United States, the Constitution and Laws of the State of New Mexico, Lincoln County, and faithfully and impartially discharge the duties of said office to the best of my ability, so help me God."

Judge Mansell told Mayor Armstrong they were duly sworn in as employees.

Mayor Armstrong stated next item on the agenda under C2 was the Nomination by Governing Body of Mayor pro tem.

Mayor Armstrong entertained a motion for nomination by governing body of Mayor pro tem.

Councilor Williams moved to nominate Dean Holman as Mayor pro tem. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated another part of item C2 was Appointment of City Special Committees and Boards.

Mayor Armstrong stated that the only appointment being made tonight is that of Regional Wastewater Treatment Plant Joint Use Board. He named himself as Mayor as JUAB member, Mark Lewis as temporary JUAB member and Mayor pro tem Dean Holman as alternate for Mayor and asked that the remaining appointments be tabled until next City Council meeting of March 24, 2008.

Mayor Armstrong entertained a motion and a second.

Councilor Williams moved to approve appointments to the JUAB. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated there were other boards and he knew there were people here who want to be on those boards. He asked that they give him their name and the board they want to be on but that he was going to table the boards for the City until he has time to look at it better. He said there are a lot of people out there who want to be on the boards.

Mayor Armstrong said on one of the special boards that he had a name from Council of Paul van Gulick. He said this was for the Forest Guardians and this was real important right now. He said we need a vote on that. W.T. Martin Jr., City Attorney said when we have a deadline we have to have an appointment to answer the committee that is part of the settlement with the Forest Guardians and we've got to go ahead and do that designation. This is the committee that's going to look at the river and projects on the river and come up with projects as part of the settlement. He said Mr. van Gulick would be our person going on that committee and that we need to go ahead and do an emergency appointment at this time.

Councilor Holman moved to appoint Paul van Gulick to fill this emergency position. Seconded by Councilor Olivo. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

APPROVAL OF AGENDA

Mayor Armstrong entertained a motion to approve the agenda.

Councilor Williams moved to approve the agenda. Seconded by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Armstrong entertained a motion to approve the Consent Agenda.

Councilor Williams moved to approve the Consent Agenda. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

APPROVAL OF MINUTES OF FEBRUARY 25, 2008.

Motion was made by Councilor Williams and seconded by Councilor Holman to approve the Minutes of February 25, 2008. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

APPROVAL OF MINUTES OF JANUARY 14, 2008.

Motion was made by Councilor Williams and seconded by Councilor Holman to approve the Minutes of January 14, 2008. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

APPROVAL OF ACCOUNTS PAYABLES

Motion was made by Councilor Williams and seconded by Councilor Holman to approve Accounts Payables. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

PUBLIC HEARING

Mayor Armstrong stated next item on the agenda was a Public Hearing. Under the Public Hearing was to Consider Approving Application #A-529282. The State of New Mexico Regulation and Licensing Department Alcohol and Gaming Division has given preliminary approval of this license.

The name of the applicant is Jorge's Cafe, LLC, 2064 Highway 70 West, Ruidoso Downs, New Mexico 88346.

Mayor Armstrong said "First, those who oppose the application and second those who support the application. Interested persons must approach the podium, one at a time, state their name and present their testimony. I hereby open the Public Hearing to comments. A limit of 3 minutes will be allowed per person. Are there any persons here to speak in opposition?"

There was no public comment in opposition.

Mayor Armstrong asked, "Are there any persons here to speak in support of action?"

There was no public comment in support.

Mayor Armstrong said after no comments he would close the Public Hearing.

Councilor Williams asked if the owners, Mr. and Mrs. Gallegos were in here? He asked if they would come up to speak and explain what they want with that beer and wine license and how their restaurant would benefit from it, how it was going to help the business here in Ruidoso Downs. He said it might seem like a silly question but it's just something he wants to understand a little more of.

Mr. Juan Rivera approached the podium to speak for Jorge Gallegos, the owner of Jorge's Cafe. He said he is applying for this license for beer and wine to serve at his place of business in order to improve his business in the future if approved. He said we estimate it will be a nice extra income. The primary business is not the sale of beer and wine but of food. It will be served only with the sale of food.

Carol Virden, City Clerk said she wanted to add to that. The applicant was also notified by certified receipt return letter of the date and time of this hearing, which is requirement under the Regulation & Licensing Department of the Alcohol and Gaming Division.

Mayor Armstrong asked if there was anyone here to comment?

There were no comments.

Mayor Armstrong said he would then close the Public Hearing. Under 9A he said he would entertain a motion and a second for the approval of Approval of Beer and Wine License, Liquor License Application #A-529282.

Councilor Williams moved to approve the approval of Approval of Beer and Wine License, Liquor License Application #A-528292. Seconded by Councilor Olivo. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

UNFINISHED BUSINESS

Mayor Armstrong stated next item on the agenda was Consider Approving Skateboard Park Name "(K) (C) ROWN OF THE DOWNS."

Bonnie Richardson introduced herself as the chairperson for the Parks and Recreation Committee. She said she asked that this matter be tabled at the last council meeting so that their committee could have a chance to vote on it. She said this had not come before the full committee and their next meeting was this week on Thursday so she asked if it could be tabled once again. She said they would be interested in comments on that.

Councilor Olivo moved to table matter for the next council meeting. Seconded by Councilor Holman.

Chief Ortiz said regarding the concurrence we had in the naming of the park that stands with the letter (K) rown of the Downs and the actual crown itself is significant of gang affiliation and that's why he brought the concurrence here to the council about using the proper verbage first of all and grammar. He said the letter (K) itself and the way it's spelled on the proposed banner would look; he said it was his understanding that this is how it would look. Bonnie Richardson said that is what she saw the last time it was on the agenda however that was the first time she had seen it. Chief Ortiz said just to give them a little resourceful background the crown and the letter (K) as it's spelled is significant of an old Latin gang affiliation that started back in Chicago and continues on throughout the United States. This is a symbol that they use extensively throughout and you'll see a lot of

this on graffiti, more so prominent in larger cities where he came from so his concern was to keep it down to proper spelling and maybe perhaps eliminate the crown itself because it's indicative of gang affiliation. He said he had some information on the Almighty Latin Kings, which is the symbol; they use to designate and signify their gang affiliation. He asked that they look at this carefully before making any commitment to naming the All America Park skateboard park (K) rown of the Downs. He just wanted them to be cautious due to the affiliation it might bring and said they certainly wanted to keep our community safe and gang-free if you will. He said we've had extensive graffiti across the community and he was a little concerned about the monitors and the gang signs that they are using and may have used the five-point crown to affiliate the park possibly as a gang hangout or haven for want to be's and little gangsters. He said he had extra copies about the Latin Kings if anyone was interested so we could all get an idea of the background of the usage of this name as well as the crown itself as proposed. Bonnie Richardson said she appreciates the research on this.

Councilor Olivo said he would like to ask Leonard Sanchez because he's been working with the kids at the skateboard park to approach the podium and explain to us what the kids think about the name. He said he's had several skateboard competitions and it would give the people here an idea and what they want the park to be named.

Leonard Sanchez said he works for the Parks and Rec association and he works with the kids. He said the crown might be gang related but that's not what it was picked for. The name originally came because Ruidoso had King of the Hill, they wanted to keep it kind of equal so they came with Krown of the Downs and they're both competition. But, he said as far as being gang related that wasn't the purpose of the name. The (K) might be but he said we could stick with the (C) and the five points he said we could knock it down to two or three points. That was never what they thought it might be in the negative of the crown. He said it wasn't even supposed to be the points, it was supposed to be just a skateboard deal to show it was a skateboard area. He said as far as the kids they enjoy that and the competitions. It was meant to get them out of the bad situations and get a little activity for them and it seems to be helping quite a bit since we have them there and off the streets more and more into the playgrounds. He said if we can keep that and helping the kids more we can get them away from the gangs and teach them that we have that out at the skate park and deal with the kids. While they're skating we can talk to them and share with them and let them get their views with our views and that way we can do something together.

Councilor Olivo said for your information Leonard has done some tournaments here with kids coming from Roswell, Artesia, and believe it or not from Albuquerque to compete here and also kids from Mescalero. He said Leonard has done a beautiful job on that skateboard, he tried to fix it beautiful over there and he said he thought he was the man to decide not the (K) but the (C) as he originally planned it and we'll put a (C) on it and a crown on it. That's what Leonard first decided when they first decided to name the park

and it's up to you people to give the Parks and Recreation department what they want. Leonard Sanchez they wanted the kids to have some input and so they had a drawing competition and let the kids pick the name of the park and that's the name they came. He said he asked the reason and they were talking about Ruidoso had named it King of the Hill so let's keep us on the equal and name it (K) (C) rown of the Downs. He said as far as that being gang related we could talk to them or change something where it's not gang related, and the points, if the points mean something, the five points we can knock them down to three skateboards instead of five. Councilor Williams asked if the competitions were advertised where people could go watch them? Leonard Sanchez said he tried to make it family oriented where the parents and family could come because a lot of parents didn't even know the kids could skate. He said Boarder Stop helps them and puts flyers out all over every skateboard store in New Mexico and they do a lot of donations and prizes. Councilor Williams that's a great effort for us as a community to have an event like that and we need to make sure we get the word out where we can get a response not only from the kids but maybe from the parents and the communities they come from. It could be an annual thing or whatever you can come up with. He said he thought it was a great idea because for our kids we lack a lot of facilities and activities for them and this is a great example of what we can do for them and he said he appreciates that very much and hopefully we can make it a larger event as we go along as we get better at what we do here. Leonard Sanchez that's what we were hoping for because we got a lot of feedback from the parents and the public from the kids doing that. Councilor Hood said the last we had an event he knew it drew a pretty big crowd and he asked Leonard how big it was? Leonard said the first one they had they had fifteen entries when they first started and it was in the teens this last time that we did it and there were forty entries. Councilor Hood said he knew it was a lot because Leonard came by the Senior Center one day and said it looked like it was going to be big.

Councilor Olivo said he still made the motion to table this until the next meeting.

Councilor Holman seconded. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

OTHER BUSINESS

Mayor Armstrong stated next item on the agenda was Other Business and that these items are for discussion only-no action will be taken.

Councilor Williams said he realized they heard too much from him when they hear him talk all the time but he wanted to make a mention of the fact that this election that we had that he wanted to thank the community and the citizens of the community for their participation. He said they really came out and showed that they are looking forward for our city to get better, to get strong and become a viable community that we're going to be proud of. He said whoever you voted for, it made no difference, you came out and did it and that shows an example of what we can do if we work together and also wanted to thank the precinct board for the voting including Carol Virden, Peggy Burton, Faye

Randolph, and Ursula Eckersley for their tireless and unselfishness in the time that they spent here. He said they spent over sixteen hours of taking your votes and overseeing the fairness of it and they should be commended for it. He said Ursula was here and Peggy just walked in if they saw Faye on the streets to let her know they appreciate her. There was a round of applause. He said don't ever get it in you mind that your vote doesn't count and he said that man in the back will tell you the same thing. He said thank you very much and it's a great start for us and we're going to do a good job for you. Come talk to me come talk to any of us, we're excited about this and he said he was pumped up. He also said to remember this is a public meeting so let people know they can come like you did tonight, this is fantastic, this is all about you. He said a lot of people didn't know they could come and yes you can. There was a round of applause. Mayor Armstrong said we're really glad to be here and we're glad to see all these people out and we know what you want to do and we'll need your help so we're going to move forward. If you have anything-just talk to Gary here or myself and we will do what we can and Rene had an ear but anyway we're here. He said Mr. Hood and Mr. Holman, they've already been through all this stuff, we're kind of new on the block but we're going to go forward with this so help us. Councilor Olivo said he wanted to thank whoever voted for me on that last vote and also we're all retired so we're there for you twenty-four hours a day and we want to see new change, we'll meet with you.

NEW BUSINESS

Mayor Armstrong stated under item 12A there was Consider Approving Wastewater Treatment Plant Operating Invoices for November 2007, December 2007 and January 2008.

Councilor Williams said he would make a motion on that and if anybody had a question about that then obviously they know that we pay fifteen percent of the Wastewater Plants operation billing so these invoices outline our costs monthly that we pay to continue that operation. Seconded by Councilor Olivo. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated under item 12B there was Consider Approving Unusable or Obsolete City Property-Museum Department.

Jay Smith, Museum Director said the item under question is a 1982 GE stove, combination stove/microwave oven. He said neither one has actually worked in several years and we've been in the process of relocating our kitchen facilities from the first to the second floor. We thought about repairing the unit in question but he had Mr. Lewis come take a look at it and determine that it was not only unusable and unrepairable but also completely unsafe so he said he would recommend to the council that this is one piece that we not submit for auction. He said his recommendation was that they direct him to take it to the landfill or the appropriate facility for the disposal of this property. Carol Virden, City Clerk said it needs to be deemed unusable. Jay Smith said Carol it just needs to be decreed as unusable.

Mayor Armstrong entertained a motion to approve Unusable or Obsolete City Property-Museum Department.

Councilor Hood moved to approve Unusable City property-Museum Department. Seconded by Councilor Williams. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item was Consider Approving Re-creation of The Hubbard Museum of the American West Advisory Committee. He asked Carol Virden, City Clerk if he needed to appoint this or if he could do it as a whole? She told him he could do it as a whole.

Mayor Armstrong entertained a motion to approve the Advisory Committee, as a whole, as the ones that are there now. Councilor Williams asked if he could ask a question of Jay? Mayor Armstrong said after he has a motion and second. Councilor Williams made a motion. Mayor Armstrong said he wanted Jay to speak a little bit. Carol Virden, City Clerk said he could after a motion and a second and then you can go into discussion. Mayor Armstrong asked if there was second? Carol Virden asked who made the second? She said we have a motion but we need a second to the motion. Councilor Hood made a second. Carol Virden said now they could have discussion.

Jay Smith, Museum Director said when the Hubbard Museum was donated to the City in 2005 it was recommended at the time that the existing Hubbard Museum Board of Directors were retained as an advisory board to the museum. In theory that worked very well but in practice attendance was not very good and most of those people were from Albuquerque or parts of Texas or California. We found it to be not very effective in terms of providing advice and guidance for the museum. We also began at that point in time to discuss the idea of creating a foundation, a fundraising arm for the museum and in June of 2006 he sat down with Mrs. Hubbard, excuse me June of 2007, as the two remaining Councilors, Councilor Hood and Councilor Holman and discussed the idea of changing that around. Mrs. Hubbard agreed to work on the foundation side and he said he presented the idea of gathering the group of people within the community who wouldn't have to fundraise and wouldn't have to oversee the business aspects of the museum since there's already a city council to oversee the business aspects of the museum. What they wanted to do was to have a community outreach vehicle for people to provide advice on matters related to collections, exhibits, education and those types of matters. He said that would be especially important in the future as we begin to add artifacts to our collections, as we will discuss in the weeks and months to come. He said we also wanted to make sure we had good representation from Ruidoso Downs but also representation from around Lincoln County as well. We tried to find people with expertise and experience in various areas of those operations. He said he did have the list ready to go in December but it was suggested to him to wait until after the elections for appointments and said he was just bringing it to them on the first council meeting after the elections. He said he would be happy to answer any questions they might have. Mayor Armstrong asked if there were any other questions? Councilor Hood asked Jay Smith if he handpicked these people? Jay Smith said no, that he actually polled the Council and his staff, and talked to some other people around our community. He said we did have a couple people that did not wish to serve but wanted to help us in other ways so it's always his goal to talk to as many people as he can. He said he didn't think a director of a museum had that kind of power or should have that kind of power to just handpick who he or she may want in a particular capacity. Councilor Hood thanked Jay Smith for the job he does down there.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was 12D-Consider Approving Budget Adjustment and Purchase for Signalized Traffic Control Repair.

Mayor Armstrong entertained a motion to approve Budget Adjustment and Purchase for Signalized Traffic Control Repair.

Councilor Olivo moved to table this until the next meeting because he would like to have more investigation done on this because he said he understands we are not covered by our insurance on this and the light has been hit previously three (3) times. Councilor Olivo had spoken with Mark Lewis and would like to discuss with Council that instead of having that cable going across the highway we should see how much an arm Traffic Light like they have at Wal-Mart. That light has never been hit before, and it's going to cost us a little bit more in money but he said in the long run we would pay off for it. Because this guy that hit those lights, no insurance so it's going to cost us over \$19,170.84 so he said he wanted to make a motion to table it until the 24th.

Carol Virden, City Clerk said the City of Ruidoso Downs is under agreement with the New Mexico Department of Transportation. We have a contract with them and the City of Ruidoso Downs is responsible for any and all damages to the traffic light excluding the box, the controller. She said we do have prices for the repairs, which is coming out of the State of New Mexico general services. They have already gone out for RFP's for this type of item and this is the cheapest route that we can find for the RFP's and bids for repair. She said the monies coming from that have been moved from Other Agreements which is line item 10-51-47 to 50 of \$20,000 and moved into the stop light repair line item 10-71-48-047 so the money there is available for that and she said she didn't know if they want to table an item if that has a lot to do with the safety of the citizens of Ruidoso Downs. She said she thought we could certainly look into the possibilities of trying to do what it is you would like to do. Councilor Olivo said was informed by our previous city manager that we couldn't do it so he told him tonight with my motion to table it. Councilor Holman said from looking at that contract today he thought we apparently were locked in and have already agreed to that so he didn't think we have any recourse on that. He said what we might do is honor that contract with the Department of Transportation and then maybe we can see what we can do with that individual that did that damage and try to hold him responsible and he said he understands he doesn't have insurance. Generally they do not have any means, they do not have the money to pay but perhaps maybe we could look at it if we need to because it is damage to public property, an irresponsible act and he has a house and maybe put a lien on it to try to recover the citizens money. That would be something we could look at and have our attorney look into it and see what we can do but he thought we were obligated to that contract. Councilor Hood said he agrees with Councilor Holman and that we need to try to look at everything we can to try to recoup some of our costs and in the future if we want to look at those arms that go across there he said we might want to do that maybe at budget time when we're going through the budget maybe we can finance some of that money. He asked Mark if he knew how much those arms are. Mark Lewis said he did not know but would estimate somewhere around \$10,000.00. He said there also were agencies within the State branch where we can get parts like that at State prices so that would be a price that was agreed upon in last year's session that would follow us through into this year if the Council would like to see if they can

come up with the money to approve that change to it. Councilor Hood said at budget time if he comes forward with the materials and the information we might need he thought that would be a great time for us to look at what Mr. Olivo wants to do. Councilor Williams said he agrees with that but right now the issue is getting it back up and whatever comes later on is fine. He said he knows the citizens here are concerned about that especially for a crosswalk for our citizens to cross the highway to get to the park. So, he said the issue right now is to get it done, get it up and we'll worry about all the other situations as it comes along. Mark Lewis said just to soften the blow a little bit, the original price was over \$36,000.00 and we were able to save the City \$8,000.00 in cameras and we took the cameras down to confirm the traffic station in Roswell to our camera operators that actually operate the traffic signal are in proper working order. If there's any sort of silver lining we have saved \$8,000.00.

Councilor Hood moved to approve Budget Adjustment and Purchase for Signalized Traffic Control Repair. Seconded by Councilor Williams. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Chief Ortiz said we do have a preliminary court hearing on this individual that did strike this pole and at that time we will also determine if he has any other insurance that we can possibly obtain for funding for that street light pole so he said we will get back with you if there is any insurance involved there. At this time all indications show that he was not insured however at the preliminary hearing we may be able to determine if there was supplemental insurance that we might be able to go after and he said he would keep the council informed on that.

PUBLIC INPUT

Mayor Armstrong stated next item on the agenda was item 13-Public Input. Councilor Williams said Public Input, that's you and he said please anything, it doesn't matter what it is, step up and talk about it.

Ron Burton said he would like to present a problem that's happened a couple of times and it has to do with the recreation area across the highway here. Some of these kids will come in here and do skateboarding and that type thing (Mayor Armstrong asked him to come to the podium and that it sounds like something we want to hear) and some of these individuals that have gone over there that have skateboarded have talked about the fact that there is really very little supervision. There were different things and one thing that he was aware of that was alarming to him was that they were playing a game called Knockout. He said this happened over here not just once or twice but it's happened quite a few times. He said this one young man went down like twice, this is a life-threatening situation. There was very little supervision and from what he says there were people, adults, here on this area over here that actually saw it happen and nothing was done. He said he thought this was something we either have to supervise it more or make people aware, for example the police department, they need to be aware that there are things going on over there that certainly don't need to be going on. These young men, what they do, they just take and wrap them around here and they choke them to death basically, cut off their supply of air. This young man it happened out at the reservation and that's why I'm aware of it they said "well coach we do it all the time" and he asked where at and they mentioned right down here. He said this is something we need to be aware of because we're going to be held responsible as a community if somebody happens to die down there and this was something that needs to be brought before you and a motion or something

to make sure this is supervised. If we're going to have it available to them and it's a recreation area and it's something they're going to enjoy and we'd like to have it for them then let's make sure it's supervised. Councilor Hood said he wasn't aware that anything like that was going on. He said he knows the kids go over there and everything but he wasn't aware it could be life or death like that. Ron Burton said it's happened at least twice that he knows of. Councilor Williams asked Mr. Martin what our liability is on that park? Carol Virden, City Clerk said everything. W.T. Martin, Jr. said the liability on that park is to make sure obviously it's safe as is feasible and also to properly patrol it to make sure you don't have situations that do develop that could cause injury to someone. Obviously all of that within reason and said he didn't think you'd have someone sitting down there all day, that just isn't feasible. He said that's the obligation that once you've become aware of an issue that could be a problem you have the obligation to look into it and address it within what is feasible. He said what his answer would be it's something we've been made aware of, we do need to look at it, we do need to see what is going on, see what is feasible within reason to look at that issue. Councilor Williams asked what his name was before he left and he said Ron Burton. Judge Mansell said Ron Burton is an alternate judge for the City of Ruidoso Downs. Councilor Williams said that's right, he saw him Thursday. Judge Mansell said Dale Perry is the alternate judge and said he works down there at Ferguson's and said they just had a big blowout.

Councilor Olivo said he would like to find out from the Chief here because he just came into council I understand we're getting a lot of graffiti. Chief Ortiz said they have incarcerated one juvenile that we feel was responsible for a lot of the graffiti that was going on and he thinks that they've noticed here that in the recent couple of weeks it's sort of tied down this individual that's incarcerated. All we have is the confession that he was the individual that committed these crimes and we have no witnesses to come forth and identify him as the individual. Through information we have received he was responsible for a lot of the tagging that went on on these streets as well as other areas. He's put away for a while and hopefully it will remain that way but we are aware of the graffiti across the community and will continue to watch that. It's just one of those situations where we have to maintain vigilance and control and have the citizens of the community report any sites of vandalism so that we can go over there and arrest these individuals and meet their parents and hold them responsible for their actions.

Councilor Olivo said not to forget that we have a lot of openings on these committees and we started a new deal here on the city and he wants everyone to join us. He said don't be scared, this is your community.

Wayne Williams introduced himself and said congratulations to the new members and council and mayor. He said you were talking about skate park over here and the liabilities to the City and what could or could not be done about it and the fact that you could not have somebody twenty-four hours to be watching it. He said we do have a police department that's right across the street that does have twenty-four hour service and I was thinking maybe a remote camera with the desk sergeant or whoever takes the calls or my call or whatever with a small screen with a tape recorder in it you might not only stop some of it you would be able to see when somebody gets hurt immediately. I don't think that cost would be all that great, I've seen them in magazines where you can buy them for your home with the radio deal and I don't know if the wireless would reach that far but it might be something for the council and the City to think about because they would have somebody on hand twenty-four hours a day that could actually see if someone got hurt or there was

something going on or if they were selling drugs, whatever the case may be. Other than that the only thing I can see is put a fence around it and open just for certain hours.

Chief Ortiz said in response to that recommendation and suggestion we do have cameras that do have a visual of the park itself and skate park, it they don't quite reach all the way to the very, very back and we've had some graffiti on the buildings back there but we do have a visual twenty-four hours a day. We installed a camera system last year that covers that, it doesn't have an audio but it does have a visual. Wayne Williams asked if it has a tape and Chief Ortiz said it has a tape. Chief Ortiz said we haven't had any reports of injuries or the type of incidents Mr. Burton mentioned earlier however it's a situation that if we have a report of it we will certainly look into it, investigate it, and determine who's fault it is. He said it takes recording through our department in order to get that information. He said we have a curfew ordinance that we also certainly go out and enforce and we get anyone out of that park after hours. He said they are watching that park carefully for vandalism or acts of a criminal nature.

Councilor Williams said he saw those visuals and actually they do us as we walk through the building too. Chief Ortiz said this room alone, they have cameras throughout the building as well as the exterior for anyone new or who weren't aware of it, the entire building is under video surveillance. We are making some strides to try to add to security measures not only to the City building here but also to different parts of the community. One of the efforts we're looking at is the Neighborhood Watch and we'll get more into that as we get us more staff and get more participants involved in that.

Councilor Williams wanted to let them know that the previous council members and city manager, when they went up to Santa Fe for funding, the capital outlay are programs and projects that they give the governor to get money for. He said he wanted them to know they came up with \$750,000.00 towards the Wastewater plant, which was a great contribution for us because of the fact that we were in the same footing as Ruidoso. They got the same funding so for our side of the city to get that kind of funding was great. We also received \$105,000.00 for the county-owned domestic violence shelter here in the Downs, The Nest. Then the museum also got \$40,000.00 for constructing the auxiliary building. He said he wanted to commend the council members who were previously on here for doing that kind of a good job for us and giving us a footing for us to be able to accomplish that and maybe do better. But, he said he thought it was a great contribution to us from Judy Miller, Sue Garrett, and Mayor Bob Miller, and John Waters and wanted to thank them very much.

Mayor Armstrong said recently we had a lady that has passed away in our town; she was on several boards, the mother of Sue Garrett. He said he would like to pause a moment for her. He said she's done a lot for our place and asked everyone to do so with him for a moment of silence. There was a moment of silence. He said our condolences go out to the Garrett family and that it is hard when you have someone living at home with you for so many years and he said he was sorry.

EXECUTIVE SESSION

Mayor Armstrong 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 and Section 10-15-1 Subparagraph (H) 8 Real Property and Water Rights

CV-2005-0159; CV-2005-0255; CV-2006-0337; CV-2006-0477; CV-2006-1219; CV-2007-054; CV-2007-0196; CV-2007-0225; CV-2007-0359; CV-2007-0420; Wastewater Treatment Plant and All Threatening and/or Pending Litigation

Mayor Armstrong 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 and Section 10-15-1 Subparagraph (H) 8 Real Property and Water Rights.

CV-2005-0159; CV-2005-0255; CV-2006-0337; CV-2006-0477; CV-2006-1219; CV-2007-054; CV-2007-0196; CV-2007-0225; CV-2007-0359; CV-2007-0420; Wastewater Treatment Plant and All Threatening and/or Pending Litigation

Councilor Williams moved 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 and Section 10-15-1 Subparagraph (H) 8 Real Property and Water Rights. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong closed the regular meeting at 6:48 p.m. and invited W.T. Martin, Jr., City Attorney and Carol Virden, City Clerk, into the Council Chambers after a five-minute recess.

Mayor Armstrong entertained a motion to go back into open session.

Councilor Hood moved to go back into regular session. Seconded by Councilor Holman. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

Mayor Armstrong called the regular session back to order at 9:36 p.m. and asked that a member of the City Council attest to the fact that the only items discussed in executive sessions were that of threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7 and Section 10-15-1 Subparagraph (H) 8 Real Property and Water Rights.

Consider possible actions pursuant to payment of compromise attorney's fees on Forest Guardians suit.

Councilor Williams 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 and Section 10-15-1 Subparagraph (H) 8: Real Property and Water Rights and no actions were taken.

Mayor Armstrong entertained a motion to approve payment of compromise attorney's fees on Forest Guardians suit.

Councilor Williams moved to approve payment of compromise attorney's fees on Forest Guardians suit of fifteen percent of \$152,979.08 and the City of Ruidoso Downs to pay \$22,945.51. Seconded

by Councilor Hood. Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

ADJOURNMENT

Mayor Armstrong entertained a motion to adjourn.

Councilor Hood moved to adjourn at 9:35 p.m. Motion seconded by Councilor Olivo. Motion passed unanimously.

Tom Armstrong, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer