

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
NOVEMBER 22, 2010
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on November 22, 2010. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Jim Burrow to lead the Pledge of Allegiance. Mayor Armstrong asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Olivo
Councilor Holman

Councilor Williams
Councilor Hood

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

Also present:

Carol Virden, City Clerk/Treasurer
H. John Underwood, City Attorney
A.C. Ortiz, Chief of Police
Terri Mosley, Finance Director
Cleatus Richards, Public Works Director
Jim Kofakis, Interim Museum Director

APPROVAL OF AGENDA

Mayor Armstrong stated next item on the agenda was approval of the agenda.

Mayor Armstrong said he was going to take out a statement in Item #11 from the Update on City of Ruidoso Downs Projects. He said on page 2 it is the last sentence and was on Water & Sewer.

Mayor Armstrong entertained a motion to approve the agenda with that change.

Councilor Williams moved to approve the agenda. Seconded by Councilor Hood.

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

APPROVAL OF CONSENT AGENDA

Mayor Armstrong stated next item on the agenda was approval of the Consent Agenda.

Mayor Armstrong entertained a motion to approve the Consent Agenda.

Councilor Williams moved to approve the Consent Agenda and that he would like to pull the Beautification Committee report out. Seconded by Councilor Olivo.

Councilor Williams said Keep Ruidoso Downs Beautiful was having the All American Christmas in the Park on December 18, 2010 and would be at the Ruidoso Downs Senior Center from 4:00 to 6:00 p.m. He said the committee would like to thank the mayor for signing the America Recycles Day Proclamation at the last meeting. He said he apologized to a couple of the members that were there to speak on it. He said that Jean Proctor and Brenda Frost were there for the committee. He said the committee also received the silver medallion for the 2010 Affiliate Award for the second year in a row and also the 2010 President's Award for the fourth year and said the plaques were in the hall on the wall if anyone wanted to look at them.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF NOVEMBER 8, 2010

Councilor Williams moved to approve Minutes of Regular Meeting of November 8, 2010. Seconded by Councilor Olivo.

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

APPROVAL OF ACCOUNTS PAYABLES

Councilor Williams moved to approve Accounts Payables. Seconded by Councilor Olivo.

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

APPROVAL OF MONTHLY REPORTS

Councilor Williams moved to approve the Monthly Reports. Seconded by Councilor Olivo.

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

COMMITTEE REPORTS

Councilor Williams moved to approve the Committee Reports. Seconded by Councilor Olivo.

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

UNFINISHED BUSINESS

Mayor Armstrong stated next item on the agenda was to Unfinished Business.

There was no Unfinished Business.

OTHER BUSINESS (items are for discussion only-no action will be taken)

Mayor Armstrong stated next item on the agenda was Other Business and no action would be taken.

Mayor Armstrong said there were two items under Other Business and that he would like to move Item B to be first and that was to introduce new hires.

Cleatus Richards, Public Works Director said they have Ricky Valdez here.

Mayor Armstrong stated next item on the agenda was Update on City of Ruidoso Downs Projects.

Cleatus Richards, Public Works Director said the first one was Parks. He said they planted four trees that were provided by the Beautification Committee in the Riverside Park.

Cleatus said the Ruidoso River Restoration Committee has voted to include Riverside Park on projects to be considered for funding. They are requesting more input from Stream Dynamics before making a final decision.

Cleatus said the Recreation Trails application they submitted was not funded this cycle but have given them suggestions for the next cycle and they will try once again next cycle to get some funding.

Cleatus said under Streets the crew did pave portions of South Parnell with the resurrected paving machine and they will be taking on additional streets when they have funds for materials. They laid down approximately 67 tons of asphalt and that was at \$65.00 per ton so they can't do too many of those with their current materials budget. He said they would like to do Parker but they have some more repairs to do on the paving machine and said hopefully with weather permitting they would get to that this year.

Cleatus said Windstream has finally started working on moving lines on Hill Drive. When they move their lines PNM will remove their poles and work can proceed on Hill Drive realignment, weather permitting.

Cleatus said they did get a purchase order for salt and they will have it for winter snow removal. He said salt trucks are being conditioned by Public Works mechanics.

Cleatus said the Street crew is continuing to patch potholes with cold mix.

Cleatus said under Water/Sewer that Avalon Properties has submitted plans for repairing settlement problems throughout the development. The plans were reviewed by URS Corporation and their comments were provided to Avalon through legal counsel. They continue to maintain that the water leak at the meter is the cause of all damage. He said they have not filed any application for remedial work to date.

Cleatus said the Mira Loma attorney and representatives have met with City attorney and staff to argue requirements for provision of water rights for the development and amount of rights required. Their engineer is supposed to contact Glorieta Geosciences to pursue the question of water rights required. He said he was also requesting from WH Pacific, their past water consultant, for a proposal to help us determine the type of system that would be best for this project. They are not going to design but just give the requirements.

Cleatus said the Miriam/Cardinal sewer connection was accomplished by court order obtained on October 15, 2010 and the work has now been completed. He said he thought the Village was requesting somewhere around 60 connections to that line. There is a meeting scheduled for November 17, 2010 to discuss terms of an agreement for the Merrit and other connections. He said City staff is now developing requirements for such connections which will include metering of flow and shared responsibility for maintenance of the sewer line to the main interceptor. Compensation for use of City sewer line will also be an issue.

Cleatus said under FEMA Projects that Highland Lane paving is complete and closed and Friedenbloom and Joe Welch bridge repairs have been completed also. Both projects are in close out process. He said he is already putting together the project netting and has downloaded the necessary forms from the Internet. They will try to finish those in the next 30 days to try to get additional funding to cover the full cost of the necessary bridge repairs. He said Friedenbloom was about \$5000 to \$6000 and that Joe Welch was the major difference. He has taken extensive photographs because they need to see the extent of the work and the difficulty in accomplishing that work.

Cleatus said on the Treatment Plant Phase 1B continues to be on schedule and RMCI has completed 87% of the project. He said conversion to natural gas is in process for both Phase 1A and 1B but that conversion of the existing office area has not been resolved. There is the issue of adequate supply of potable water and solutions are being developed.

Councilor Olivo said he wanted to let everyone know that the Solid Waste on Second Street is closing as of December 15th. He said they also announced that they appointed Councilor Williams as chairman for the Recycling Committee.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was Consider Approving Resolution No. 2010-17 Open Meetings Act.

Mayor Armstrong entertained a motion to approve Resolution No. 2010-17 Open Meetings Act.

Councilor Hood moved to approve Resolution No. 2010-17 Open Meetings Act. Seconded by Councilor Williams.

Councilor Williams asked the City Clerk what the purpose of this was?

Carol Virden, City Clerk/Treasurer said the City of Ruidoso Downs gives notice to the public that the determination of reasonable notice of meetings for the Ruidoso Downs governing body meetings is published. Therefore the public does have some type of input to give on Resolution No. 2010-17 Open Meetings Act and it is by law a requirement to give notice of these meetings for the next 12 months.

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

Mayor Armstrong stated the next item on the agenda was Consider Approving Resolution No. 2010-18 Official Holidays for 2011.

Mayor Armstrong entertained a motion to approve Resolution No. 2010-18 Official Holidays for 2011.

Councilor Olivo moved to approve Resolution No. 2010-18 Official Holidays. Seconded by Councilor Williams.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Wastewater Treatment Plant Operating Invoice for September 2010.

Mayor Armstrong entertained a motion to approve Wastewater Treatment Plant Operating Invoice for September 2010.

Councilor Williams moved to approve Wastewater Treatment Plant Operating Invoice for September 2010. Seconded by Councilor Olivo.

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

Mayor Armstrong stated next item on the agenda was Consider Approving Agenda Briefing Memorandum-Prior Fiscal Year 2009-2010 Expenditures-Invoiced in fiscal year 2010-2011.

Terri Mosley, Finance Director said there was a correction she did need to make. She said there was a PILT expenditure that they were told would not be included on that. They subtracted out \$44,140.50 and that was for all the corrections.

Mayor Armstrong asked what PILT was?

Terri Mosley, Finance Director said it means "payment in lieu of taxes."

Mayor Armstrong entertained a motion to approve Agenda Briefing Memorandum-Prior Fiscal Year 2009-2010 Expenditures-Invoiced in fiscal year 2010-2011.

Councilor Williams moved to approve Agenda Briefing Memorandum-Prior Fiscal Year 2009-2010 Expenditures-Invoiced in fiscal year 2010-2011. Seconded by Councilor Hood.

Terri Mosley, Finance Director said they rent the copy machine here in City Hall and these are two invoices that they were not aware of but they were for the overages and that seldom happens. She said when Annette looked into it there were two months that were missed last fiscal year. They totaled \$290.22.

Mayor Armstrong asked if they were going to have to wait until next year at this time before it happens?

Terri Mosley, Finance Director said they have requested a monthly statement.

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

PUBLIC INPUT

(All concerns to be addressed only to the Governing Body as a Whole with a 3-minute Time Limit)

Mayor Armstrong stated next item on the agenda was Public Input.

There was no Public Input.

CLOSED SESSION

Discussion of the purchase, acquisition or disposal of real property and/or water rights § 10-15-1, H8 NMSA 1978. Discussion of Threatening and/or Pending Litigation Pursuant to § 10-15-1, H7 NMSA 1978. Limited Personnel Matters Pursuant to § 10-15-1, H2 NMSA 1978
Discussion of Chief of Police in Terms of Probation.

Mayor Armstrong entertained a motion to go into Closed Session for Discussion of the purchase, acquisition or disposal of real property and/or water rights § 10-15-1, H8 NMSA

1978. Discussion of Threatening and/or Pending Litigation Pursuant to § 10-15-1, H7 NMSA 1978. Limited Personnel Matters Pursuant to § 10-15-1, H2 NMSA 1978 Discussion of Chief of Police in Terms of Probation.

Councilor Williams moved to go into Closed Session for Discussion of the purchase, acquisition or disposal of real property and/or water rights § 10-15-1, H8 NMSA 1978. Discussion of Threatening and/or Pending Litigation Pursuant to § 10-15-1, H7 NMSA 1978. Limited Personnel Matters Pursuant to § 10-15-1, H2 NMSA 1978 Discussion of Chief of Police in Terms of Probation. Seconded by Councilor Hood.

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

Mayor Armstrong closed the regular meeting at 5:53 p.m. and invited H. John Underwood; City Attorney, Carol Virden; City Clerk, Cleatus Richards; Public Works Director, Terri Mosley; Finance Director, Jim Kofakis; Interim Museum Director, Police Chief Ortiz, and Dan Austin and called for a five minute recess.

Mayor Armstrong entertained a motion to go back into Open Session.

Councilor Hood moved to go back into Open Session. Seconded by Councilor Williams.

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

Mayor Armstrong called the regular meeting back to order at 8:52 p.m. and asked that a member of the City Council attest to the fact that the only items discussed in Closed Session were that of the purchase, acquisition or disposal of real property and/or water rights § 10-15-1, H8 NMSA 1978. Discussion of Threatening and/or Pending Litigation Pursuant to § 10-15-1, H7 NMSA 1978. Limited Personnel Matters Pursuant to § 10-15-1, H2 NMSA 1978 Discussion of Chief of Police in Terms of Probation.

Councilor Williams attested to the fact that the only items discussed in Closed Session were that of Discussion of the purchase, acquisition or disposal of real property and/or water rights § 10-15-1, H8 NMSA 1978. Discussion of Threatening and/or Pending Litigation Pursuant to § 10-15-1, H7 NMSA 1978. Limited Personnel Matters Pursuant to § 10-15-1, H2 NMSA 1978 Discussion of Chief of Police in Terms of Probation and no action was taken.

Councilor Holman moved to instruct H. John Underwood, City Attorney to move forward with the acquisition or disposal of real property as directed by city council. Seconded by Councilor Williams.

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

Councilor Holman moved to discharge the Police Chief pursuant to 3-11-6 NMSA 1978 Compilation and dismissal as the City of Ruidoso Downs Police Chief effective immediately. Seconded by Councilor Williams.

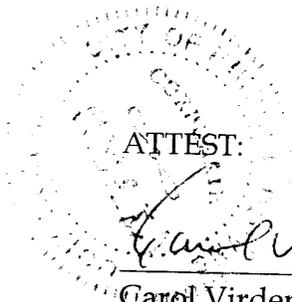
Roll call votes: Councilor Olivo, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Hood, Nay. Motion carried.

ADJOURNMENT

There being no further business, Mayor Armstrong entertained a motion for adjournment.

Councilor Hood moved to adjourn at 8:54 p.m. Seconded by Councilor Williams.

All were in favor and motion passed.



ATTEST:

Carol Virden

Carol Virden, City Clerk/Treasurer

Tom E. Armstrong
Tom E. Armstrong, Mayor