

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
REGULAR MEETING  
FEBRUARY 14, 2011  
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on February 14, 2011. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Joseph Bailey 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  
Terri Mosley, Finance Director  
Steve Dunigan, Planning & Zoning Director  
Cleatus Richards, Public Works Director  
Jim Kofakis, Interim Museum Director  
H. John Underwood, City Attorney (via telephone conference-Closed Session)

APPROVAL OF AGENDA

Mayor Armstrong stated next item on the agenda was approval of the agenda. He said he was going to pull Item 11C and would postpone to a future date.

Mayor Armstrong entertained a motion to approve the agenda with pulling Item 11C and would postpone to a future date.

Councilor Holman moved to approve the agenda with pulling Item 11C and postponing to a future date. Seconded by Councilor Olivo.

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 Hood moved to approve the Consent Agenda. Seconded by Councilor Holman.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF JANUARY 24, 2011.

Councilor Hood moved to approve Minutes of Regular Meeting of January 24, 2011. Seconded by Councilor Holman.

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

APPROVAL OF ACCOUNTS PAYABLES

Councilor Hood moved to approve Accounts Payables. Seconded by Councilor Holman.

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

PUBLIC HEARING

Mayor Armstrong stated next item on the agenda was Public Hearing-Restaurant Liquor License for Beer and Wine ONLY, Liquor License Application 653478. Applicant Name: La Hacienda Mexican Restaurant, Inc. doing business as La Hacienda Mexican Restaurant, Inc., whose address is 26133 Highway 70, Ruidoso Downs, NM 88346.

Mayor Armstrong said he would accept comments in the following order. First would be those who oppose the issuance and then those who support the issuance. Interested persons must approach the podium one at a time, state their name, and present their testimony. He said he would hereby open the Public Hearing to comments. A limit of three minutes would be allowed per person.

Mayor Armstrong asked if there were any persons present to speak in opposition of the action?

There were no persons present to speak in opposition of the action.

Mayor Armstrong asked if there were any persons present to speak in support of the action?

There were no persons present to speak in support of the action.

Mayor Armstrong said he would hereby close the Public Hearing.

Mayor Armstrong said the next item on the agenda was - Consider Approving Restaurant Liquor License for Beer and Wine ONLY, Liquor License Application 653478. Applicant

Name: La Hacienda Mexican Restaurant, Inc. doing business as La Hacienda Mexican Restaurant, Inc., whose address is 26133 Highway 70, Ruidoso Downs, NM 88346.

Mayor Armstrong entertained a motion to approve Restaurant Liquor License for Beer and Wine ONLY, Liquor License Application 653478. Applicant Name: La Hacienda Mexican Restaurant, Inc. doing business as La Hacienda Mexican Restaurant, Inc., whose address is 26133 Highway 70, Ruidoso Downs, NM 88346.

Councilor Olivo moved to approve Restaurant Liquor License for Beer and Wine ONLY, Liquor License Application 653478. Applicant Name: La Hacienda Mexican Restaurant, Inc. doing business as La Hacienda Mexican Restaurant, Inc., whose address is 26133 Highway 70, Ruidoso Downs, NM 88346. Seconded by Councilor Hood.

Councilor Hood asked if this was where the bus stop is?

Carol Virden, City Clerk/Treasurer said she believes the bus stop on the east side stops at Big O Tire. She said the liquor license requirement is they have to be within 150 feet of a school. This doesn't have any significant impact on the requirements of the regulations of the department.

Councilor Hood asked if everything checked out good on the background check?

Carol Virden, City Clerk/Treasurer said that was correct.

Councilor Williams said the fact that it's not on school grounds shouldn't be determined that you have kids in or around that location for whatever time that may be they are still around there. He said it's not a full-fledged liquor establishment so having liquor served is no issue. He said he didn't want anything to come up that we weren't watching out for our kids.

Councilor Holman asked if the bus stop was in that immediate area or not?

Mayor Armstrong said there were bus stops in the immediate area but the rule says it has to be 150 feet from a school.

Carol Virden, City Clerk/Treasurer said she believed it was to be 300 feet from a school.

Councilor Holman said the material that he read that they got in their packet indicated that there is appropriate distance not only from the schools but the nearest church. He said he was trying to think on some of these other places in the City where buses are right in that immediate area because we have some of these others with licenses and we've approved some since then and this hasn't come up before.

Carol Virden, City Clerk/Treasurer said if they were the New Mexico Regulation & Licensing Alcohol and Gaming Division would not have approved the preliminary application. They

have to fill out their application and give descriptions of the nearest schools, churches, military installations and so on.

Councilor Williams said the buses bring a lot of kids into Ruidoso Downs and go off into the neighborhoods and drop kids off. A majority of the kids come from the residents off of Friedenbloom. Has there ever been an occasion where the bus goes in there to drop the kids off closer to their homes? They would then not have the issue of kids meandering around at this location and especially Highway 70. Has it ever been addressed to the school system about changing the bus route to get closer to the residences?

Mayor Armstrong said if they knew of an issue like that they would address it with the bus people that allow the kids to get on or off to get the location changed.

Councilor Williams said in the Agua Fria Subdivision there are three stops and he said he just wondered if it could be addressed to them and see what the possibility would be to get the bus to go down Friedenbloom.

Mayor Armstrong said they could certainly address that but a lot of these are bigger buses and they have smaller, narrower roads to travel on.

Councilor Holman said they may want to contact Rhonda Vincent. She is the School Board member that is in our vicinity and was elected from this district.

Councilor Olivo said the Hollywood Bar used to be in that location for many years and never had any problems.

Councilor Hood asked if it stopped in front of the bar back then?

Mayor Armstrong said he didn't think it ever stopped in front of the bar. He said it stopped at the corner because there was no parking area for the parents.

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 asked Cleatus Richards, Public Works Director to give them some updates on things. He said he would like to thank him and his department for all the things they did to make it safe to get to and from home and even up and down the highway.

Cleatus Richards, Public Works Director said during the so-called "Arctic Storm" and starting on Friday, February 4<sup>th</sup> they had crews out during the day and evening hours checking on our tanks. He said they found on the Griffith Spring Tank which normally has a water elevation of 29 feet had dropped to 8 feet. Our crews immediately started patrolling throughout the City to try to find water line breaks. They spent some 15 hours overtime on Friday, February 4<sup>th</sup> and another 35 hours on Saturday, February 5<sup>th</sup> and about 20 hours on Sunday, February 6<sup>th</sup> shutting off homes where they knew there were leaks and repairing water meters that had frozen and busted. He said they shut off some 27 homes and repaired about 12 frozen meters. He said they estimate that they lost about a million gallons of water. Those various breaks were losing about 800 gallons per minute. The production was about 450 gallons per minute. Griffith Spring was producing about 300 and Denton about 150. Cleatus Richards said they immediately turned on the Denton Well to maintain water levels in our tanks. Now, by February 11<sup>th</sup> our tanks are now back to 29 feet in Griffith, 32 at Redman, and Denton has maintained at 28. With those 27 leaks and 12-meter busts he said they were losing about 810 gallons per minute so they were losing ground very steadily. He said they stayed out in the field Saturday and Sunday and got the leaks fixed and by Tuesday our tanks were maintaining well. In order for water to flow from the Griffith tanks to Redman you have to have a level of 20 feet or more. When Griffith dropped to 8 feet they were getting no water flowing in that direction. He said our crews went into immediate action and did a very good job in maintaining water for our community.

Councilor Holman said he thought it was phenomenal what not only our Public Works but the Police Department did. He said Officer Bailey was here and they need to mention that both of those departments and all of our departments in the City were awesome. He said all you had to do was watch the news or be informed of where some cities stood. He said Espanola had tremendous problems and Ruidoso was still having problems. Councilor Holman said we fared very well and it's because of our City employees. Not only were they putting out the effort but also, they have a lot of knowledge and that was the only reason we weren't in the same shape.

Cleatus Richards, Public Works Director said our experience level had a lot to do with it. Our people know the system and they know basically where to start looking. They found the leaks very promptly and were able to get them corrected. The homes with leaks on their side of the meter could only be shut off. He said when you are losing 20 to 30 gallons per minute on those tiny leaks it adds up pretty fast.

Councilor Holman said, as he understands we even helped Ruidoso out some. That might be good to note that we helped them by providing some water.

Cleatus Richards, Public Works Director said we did provide them with some 5000 gallons of water so they could distribute potable water.

Mayor Armstrong said he wanted to thank the employees for a job well done. He said the homes that were turned off will be getting something that says so.

Carol Virden, City Clerk/Treasurer said the Utility Department will be sending out letters tomorrow to all seasonal residents notifying them that the water has been turned off for the reason that what they call an "Arctic Storm" for their own benefit. When they come into town they need to contact City Hall in order to issue a Work Order to forward to Public Works to turn their water on.

Councilor Holman said they might note again with our assistance to the Village with water that he could remember a time when they assisted us. Some people might think that we don't get along but when it comes to a situation where it's very important that we do work together.

#### NEW BUSINESS

Mayor Armstrong stated next item on the agenda was - Consider Approving Letter of Understanding Between the Humane Society of Lincoln County, the City of Ruidoso Downs and the Ruidoso Animal Clinic-Summerlee Grant Free-Roaming Cat Trap/Neuter/Release Program.

Mayor Armstrong asked what cost it would be to the City of Ruidoso Downs?

Margaret Lahey said it would be zero other than having the Animal Control Officer trap and take the animal to the clinic and then pick them up afterward.

Mayor Armstrong said it was about a year ago that the City decided not to pick up too many of the cats because of the cost factor. He said as you can see we have a lot of cats but didn't know if you would call the feral cats. He said he has one out there himself. He said he was glad to see this program and it had been needed for a long time. He said he understood this would be going on as long as there is funding for this.

Margaret Lahey said until they take care of this colony as part of the agreement with the grantor they have to guarantee that they will probably do 100% with this colony. She said they think there was a lady that was feeding them but that she passed away so she didn't know the status of the colony or the numbers but to achieve the most effectiveness you need to sterilize all of the cats. At that time they may look at doing another area and that the Animal Control Officer has identified a second area. If they can find funding for that they would like to do that next. She said in the past they would just be euthanized but this is a more humane way of handling the situation. They will also be giving them vaccinations and rabies shots.

Councilor Williams said he appreciated what they were doing and even in his neighborhood there are quite a few cats. He said it was good that this program allows the cats to go back into the community because cats can really be beneficial in keeping down the rodents. He asked how big this colony was?

Margaret Lahey said Peggy estimated it was about 100 and that was a year and a half ago so she didn't know how many there were now.

Councilor Williams asked if they were just doing it in Ruidoso Downs?

Margaret Lahey said they were only doing it in Ruidoso Downs because from their standpoint they were looking at ways to reducing the euthanasia rate and at the time they were looking at the number of feral cats in Ruidoso Downs. In the meantime Ruidoso Downs quit trapping and bringing them in so this is a way to take care of the population.

Councilor Hood thanked Margaret Lahey for working with us on this.

Mayor Armstrong entertained a motion to approve Letter of Understanding Between the Humane Society of Lincoln County, the City of Ruidoso Downs and the Ruidoso Animal Clinic-Summerlee Grant Free-Roaming Cat Trap/Neuter/Release Program.

Councilor Hood moved to approve Letter of Understanding Between the Humane Society of Lincoln County, the City of Ruidoso Downs and the Ruidoso Animal Clinic-Summerlee Grant Free-Roaming Cat Trap/Neuter/Release Program. Seconded by Councilor Williams.

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

Mayor Armstrong asked when they were going to start?

Margaret Lahey said she would contact Peggy to start picking up traps.

Mayor Armstrong stated next item on the agenda was - Consider Approving Wastewater Treatment Plant Operating Invoice for January 2011.

Mayor Armstrong asked Terri Mosley, Finance Director if she had looked over this invoice?

Terri Mosley, Finance Director said she had looked over the invoice and all the numbers seem to be correct and it would be okay to approve the invoice.

Mayor Armstrong asked if they see an increase with the new plant coming up?

Terri Mosley, Finance Director said it had been steady.

Mayor Armstrong entertained a motion to approve Wastewater Treatment Plant Operating Invoice for January 2011.

Councilor Olivo moved to approve Wastewater Treatment Plant Operating Invoice for January 2011. 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 Resolution No. 2011-02 Urging the New Mexico State Legislature to Maintain the Existing Film Tax Credit Incentive, Until Such Time as a Complete and Thorough Economic Impact Study Can Be Done.

Mayor Armstrong entertained a motion to approve Resolution No. 2011-02 Urging the New Mexico State Legislature to Maintain the Existing Film Tax Credit Incentive, Until Such Time as a Complete and Thorough Economic Impact Study Can Be Done.

Councilor Williams moved to approve Resolution No. 2011-02 Urging the New Mexico State Legislature to Maintain the Existing Film Tax Credit Incentive, Until Such Time as a Complete and Thorough Economic Impact Study Can Be Done. Seconded by Councilor Olivo.

Councilor Williams said obviously they didn't have an individual here to explain this.

Councilor Williams asked what the benefits were for the local municipalities for this industry?

Harold Oakes said he was the Film Liaison for Ruidoso. He said when Governor Martinez was elected this was one of the things she wanted to cut back on by 15% to 25%. Dennis Kintigh introduced legislation to do away with it. He said he thought the film industry had benefits for everyone. Most of the jobs created by the film industry are green jobs and union jobs. The rebate is in fact a cash rebate. There are two economic studies out there with two different results. There is Senate Bill 44, which would require a bunch more reporting from the film industry on how much money they are spending and where they are spending it. Santa Fe has passed a similar Resolution as well as Corona, Alamogordo, and Ruidoso is considering it.

Councilor Holman said that was the bottom line. Just a matter to hold off the 15% to 25% until they get some kind of rationale whether it would be favorable or unfavorable. He asked if Harold had any idea who would do the study and if there would be a cost? He wouldn't want the study to go on for a long time.

Harold Oakes said one of the studies showed a positive impact of like \$1.50 return on every dollar spent by the movie industry. The other one showed a .96 return on every dollar. He said as far as who would do the study he thought it would be part of the Senate Bill. Harold said what he was asking for as the liaison was for the City of Ruidoso Downs to support the film industry and to keep these incentives until they could show that they either don't work or it was costing us money.

Councilor Holman said he can't help but note that the movie that was filmed in Ruidoso Downs back in the 1960's and coincidentally was filmed at the Hollywood Inn, which they just voted on La Hacienda Restaurant.

Councilor Williams asked Harold Oakes if he thought the study was started before this legislation goes through? What had he heard that would give them an understanding that if they did approve this that the study would be completed and the legislation would take that in recommendation to move forward or not move forward.

Harold Oakes said he wasn't sure how much attention it would get if they did pass the Resolution but it would send a message to Representatives that the City of Ruidoso Downs did want more study done on this.

Councilor Williams asked if our Representative Kintigh was wanting to get rid of this?

Harold Oakes said yes.

Councilor Williams asked Harold Oakes if he had any conversations with him about it?

Harold Oakes said no because this came up right at the beginning of the legislative session.

Councilor Williams said if we are to benefit from it the representative should be a little more receptive to wanting to continue that to see what we could possibly film here in our county.

Harold Oakes said he didn't think they saw it as a tax break for the industry. In a tight budget time they were looking to cut every corner they could. He said you can't keep the money if you never got it.

Councilor Holman said we aren't asking for a decision of yes or no. What we are asking for before we answer we want some educated criteria and be less apt to make a mistake either way.

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

Carol Virden, City Clerk/Treasurer told Mayor Armstrong there was a tie vote.

Mayor Armstrong voted Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was - Consider Approving Mayor's Appointment to Economic Development Board-Beth Miller.

Mayor Armstrong entertained a motion to approve Mayor's appointment to Economic Development Board-Beth Miller.

Councilor Williams moved to approve Mayor's appointment to Economic Development Board-Beth Miller. Seconded by Councilor Holman.

Councilor Williams asked if the Economic Development Board was temporarily suspended or if it would continue with this addition?

Carol Virden, City Clerk/Treasurer said the last EDB meeting had to be cancelled due to lack of quorum. She said with the addition of Beth Miller that would be four so they can continue to meet on their regular date for each month.

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: Limited Personnel Matters Pursuant to § 10-15-1 H2, NMSA 1978

- Discussion of Hiring Chief of Police

Mayor Armstrong entertained a motion to go into Closed Session for the Limited Personnel Matters Pursuant to § 10-15-1 H2, NMSA 1978-Discussion of Hiring Chief of Police.

Councilor Williams moved to go into Closed Session for the Limited Personnel Matters Pursuant to § 10-15-1 H2, NMSA 1978-Discussion of Hiring Chief of Police. 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 6:11 p.m. and invited H. John Underwood, City Attorney by telephone conference, Carol Virden, City Clerk/Treasurer 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 6:13 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 Limited Personnel Matters Pursuant to § 10-15-1 H2, NMSA 1978-Discussion of Hiring Chief of Police.

Councilor Hood attested to the fact that the only items discussed in Closed Session were that of Limited Personnel Matters Pursuant to § 10-15-1 H2, NMSA 1978-Discussion of Hiring Chief of Police and no action was taken.

ADJOURNMENT

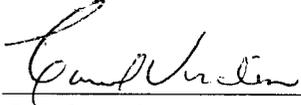
There being no further business, Mayor Armstrong entertained a motion for adjournment.

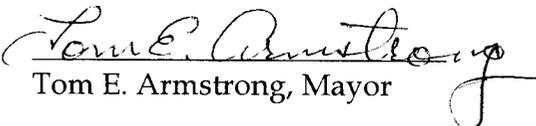
Councilor Williams moved to adjourn at 6:18 p.m. Seconded by Councilor Hood.

All were in favor and motion passed.



ATTEST:

  
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Carol Virden, City Clerk/Treasurer

  
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Tom E. Armstrong, Mayor