

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
FEBRUARY 28, 2011
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on February 28, 2011. 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
Terri Mosley, Finance Director
Steve Dunigan, Planning & Zoning Director
Cleatus Richards, Public Works Director
Jim Kofakis, Interim Museum Director
H. John Underwood, City Attorney

APPROVAL OF AGENDA

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

Mayor Armstrong entertained a motion to approve the agenda.

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

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 Item 9A-Beautification Committee report. Seconded by Councilor Olivo.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF FEBRUARY 14, 2011.

Councilor Williams moved to approve Minutes of Regular Meeting of February 14, 2011. 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 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 Committee Reports with pulling the Beautification Committee report. Seconded by Councilor Olivo.

Councilor Williams said that the Great American Cleanup was scheduled for Saturday, April 9, 2011. He invited everyone to help as a volunteer and to meet at the Senior Center for registration and safety tips at 8:00 a.m. He said there would be lunch and prizes at noon. The committee also wants to have a public dedication of "Liberty Gardens" for the area surrounding the new flagpole in All American Park. They also approved the purchase of 4-5 mature trees that will be planted near the flagpole area. Councilor Williams said they are also in the process of planning for the Easter Egg Hunt and would have more information in the near future on that.

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 they received notice from the office of Hubert Quintana of the Southern New Mexico Economic Development District. The notice states that Governor Martinez requested that the COGS implement immediately as of February 25, 2011 to help residents in taking applications for the 2011 CDBG Emergency Disaster Application and Guidelines. He said the program is to provide financial assistance to low-income uninsured homeowners that incurred damage to water lines or may have had their furnace (heater) or water heater red tagged as a result of the severe winter storm that hit the area on February 1. The information states that the program will provide up to \$2,000.00 of assistance to homeowners in owner occupied dwellings to get and hire licensed plumbers or general contractors to repair the damages they may have incurred or to install heaters or water heaters. Homeowners that have already had the repairs completed may also receive assistance if they are able to provide proof (receipts from labor and materials) for a licensed plumber or general contractor for the repairs of the damage to their homes from the winter storm.

Mayor Armstrong said these forms were available at City Hall.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was - Consider Approving Personnel Recommendation-Position-Hubbard Museum of the American West Director.

Mayor Armstrong entertained a motion to approve Personnel Recommendation - Position - Hubbard Museum of the American West Director.

Councilor Holman moved to approve Personnel Recommendation - Position - Hubbard Museum of the American West Director. Seconded by Councilor Olivo.

Councilor Williams asked how many applicants applied for the job?

Carol Virden, City Clerk/Treasurer said the process was to issue a vacancy to the interim museum director and post it in-house. In-house Mr. Kofakis was interviewed for the position and Mayor Armstrong, myself, and payroll/personnel (manager) conducted the interviews and Mayor Armstrong felt that Mr. Kofakis met those qualifications.

Councilor Williams asked if they were satisfied with the qualifications of Mr. Kofakis to run our museum? He asked if they were going on what he had accomplished over the past few months or for some of the ideas and recommendations he has made during this process that would have made them want to continue him in that position? He said that city council was able to participate in the hiring of another city department director and asked if any of the other council members were given the opportunity to be a part of the process this time?

Mayor Armstrong said the process was done in-house.

Councilor Williams said he didn't mind the hiring of transit drivers, secretaries, or Public Works people on a recommendation from staff but when they were dealing with a director position a council member should have some kind of awareness on how that was accomplished. He said in the future he would like to see a member of the city council be a part of the process.

Carol Virden, City Clerk/Treasurer said the Public Works, Museum, Planning & Zoning, and Finance directors did not fall under the Fair Labor Standards Act and last year the city council revised the personnel policy to remove those directors from being appointed positions.

H. John Underwood, City Attorney said he would suggest spelling out the process of hiring directors in the City's policies and procedures instead of going piecemeal.

Councilor Hood agreed that should be done and that way the city council would feel more involved.

Mayor Armstrong said they will make sure a member of the city council would be involved next time.

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 Personnel Recommendation - Position - Part-Time Driver Lincoln County Transit.

Mayor Armstrong entertained a motion to approve Personnel Recommendation - Position - Part-Time Driver Lincoln County Transit.

Councilor Hood moved to approve Personnel Recommendation - Position - Part-Time Driver Lincoln County Transit. 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 Revised Applications for Special Events Funding (Lodgers' Tax Fund) and Request for Payment.

Faith Smith, Chairperson and Shamie Mills, member, were at the meeting to explain the need for the new forms and rating system. They explained that it would be a fair way to award funds and that their goals was to create an overnight stay so that it would hopefully fill some rooms. They said when the applicant was in the process of filling out the Request for Payment there was a question to answer as to how many people actually attended their event. Faith and Shamie said it would be very important to be able to track attendees so they could determine if the event was growing or not.

Mayor Armstrong entertained a motion to approve Revised Applications for Special Events Funding (Lodgers' Tax Fund) and Request for Payment.

Councilor Williams moved to approve Revised Applications for Special Events Funding (Lodgers' Tax Fund) and Request for Payment. Seconded by Councilor Hood.
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.

Pam Williams talked about the New Mexico Gross Receipts Tax and that citizens continue to pay taxes and the taxes continue to be added to. She said the racetrack should pay taxes on the horse sales and Gross Receipts Tax and Business Retention Tax. She said for sure the horse sales should be taxed.

Wayne Williams said there were events in Ruidoso Downs and those were the Cowboy Symposium, the horse sales, and the motorcycle rally and they should pay taxes. He talked about when it came time to renew the contract for the attorney that the City should hire a new lawyer.

CLOSED SESSION: Discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 (H7) NMSA 1978 and Limited Personnel Matters Pursuant to §10-15-1 (H2) NMSA 1978.

- Stipulated Amendment to Consent Judgment: Forest Guardian, Gerald Ford and William Midkiff vs. Village of Ruidoso and City of Ruidoso Downs; Civil No. 05-00159-MV/LFG; United States District Court
- Discussion of Hiring Chief of Police

Mayor Armstrong entertained a motion to go into Closed Session for the discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 (H7) NMSA 1978 and Limited Personnel Matters Pursuant to §10-15-1 (H2) NMSA 1978.

Councilor Hood moved to go into Closed Session for the discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 (H7) NMSA 1978 and Limited Personnel Matters Pursuant to §10-15-1 (H2) NMSA 1978. Seconded by Councilor Williams.

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

Mayor Armstrong closed the regular meeting at 6:08 p.m. and invited H. John Underwood, City Attorney, Carol Virden, City Clerk, Cleatus Richards, Public Works Director, and called for a five-minute recess.

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

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

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

Mayor Armstrong asked that a member of the City Council attest to the fact that the only items discussed in Closed Session were that of the discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 (H7) NMSA 1978 and Limited Personnel Matters Pursuant to §10-15-1 (H2) NMSA 1978.

Councilor Hood attested to the fact that the only items discussed in Closed Session were that of the discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to §10-15-1 (H7) NMSA 1978 and Limited Personnel Matters Pursuant to §10-15-1 (H2) NMSA 1978 and no action was taken.

Mayor Armstrong entertained a motion to approve Stipulated Amendment to Consent Judgment: Forest Guardian, Gerald Ford and Williams Midkiff vs. Village of Ruidoso and City of Ruidoso Downs; Civil No. 05-00159-MV/LFG; United States District Court.

Councilor Hood moved to approve Stipulated Amendment to Consent Judgment: Forest Guardian, Gerald Ford and Williams Midkiff vs. Village of Ruidoso and City of Ruidoso Downs; Civil No. 05-00159-MV/LFG; United States District Court. Seconded by Councilor Olivo.

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

Mayor Armstrong entertained a motion to approve the hiring of Doug Babcock as Police Chief.

Councilor Williams moved to approve the hiring of Doug Babcock as Police Chief. Seconded by Councilor Olivo.

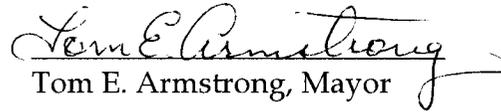
Roll call votes: Councilor Olivo, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Hood, Aye. Motion carried.

ADJOURNMENT

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

Councilor Williams moved to adjourn at 7:05 p.m. Seconded by Councilor Olivo.

All were in favor and motion passed.


Tom E. Armstrong, Mayor

ATTEST:


Carol Virden, City Clerk/Treasurer