

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
AUGUST 8, 2011
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on August 8, 2011. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Councilor Olivo 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:

Zack Cook, City Attorney
Carol Virden, City Clerk/Treasurer
Terri Mosley, Finance Director
Doug Babcock, Police Chief
Cleatus Richards, Public Works Director
Steve Dunigan, Planning & Zoning Director
Jim Kofakis, Museum Director

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 Hood moved to approve the agenda with that change. 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 Olivo moved to approve the Consent Agenda. Seconded by Councilor Williams.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF JULY 25 2011.

Councilor Olivo moved to approve Minutes of Regular Meeting of July 25, 2011. Seconded by Councilor Williams.

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

APPROVAL OF ACCOUNTS PAYABLES

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

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 – American With Disability Act Transition Plan.

Mayor Armstrong asked Cleatus Richards, Public Works Director to speak on this subject.

Cleatus Richards, Public Works Director said the American With Disability Act Transition Plan was a requirement for all municipalities throughout the State. He said they had actually been developing a Disability Plan for some time and most of their facilities were ADA compliant. The Transition Plan was a new requirement and had to be completed and filed by August 15, 2011. The Disabilities Act was a minimum requirement for the municipalities to identify physical obstacles limiting access to community programs, services, or activities to describe in detail methods the community would use to make these accessible and provide a schedule for making the access modifications required and provide a yearly schedule of when the Transition Plan would take more than one year to complete. A self-evaluation process was required and provided an opportunity for individuals with disabilities to participate in the process and maintain a list three years from the evaluation process of interested persons and individuals with disabilities until modifications were made. The City was required to designate one employee to coordinate responsibilities under the ADA Act. He said the mayor had designated him to coordinate responsibilities. He said the plan was included in their packets and identified their efforts so far but there were still some items to be done like the sidewalks along Highway 70. There were some sidewalks on Highway 70 on the south side and some on the north side that should be completed of which he had provided estimates for. He said it depended on FEMA funding for those. The plan would be reviewed annually and updated as necessary.

Mayor Armstrong said he hereby opened the Public Hearing and would be accepting comments in the following order. Interested persons must approach the podium one at a time,

state their name, and present their testimony. There would be a three-minute time limit 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 hereby closed the Public Hearing.

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.

Councilor Olivo said he was advised that there was a problem with a leak in the Senior Citizen building and he found out that some of the gutters were missing. He said he understood the City was going to take care of it. This was one their best years with almost one hundred meals everyday.

Mayor Armstrong said they would go ahead and fix the problem and then see who would pay for it.

Jim Kofakis, Museum Director said there was good news. He said they applied for a grant last October and they were notified by Senator Bingaman's office on the 26th that they would be officially notified on the 29th that the grant was approved in full for \$79,355 from the Institute of Museum and Library Services under the Museums of America program. Those funds would be used to totally redo all of the technology in the Cope Center to make it work the way it was originally.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was - Consider Approving American with Disability Act Transition Plan.

Mayor Armstrong entertained a motion to approve American With Disability Act Transition Plan.

Councilor Williams moved to approve American With Disability Act Transition Plan. 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 Third Renewal Contract for Professional Legal Services-Between the City of Ruidoso Downs and H. John Underwood, LTD.

Mayor Armstrong entertained a motion to approve Third Renewal Contract for Professional Legal Services-Between the City of Ruidoso Downs and H. John Underwood, LTD.

Councilor Olivo moved to approve Third Renewal Contract for Professional Legal Services-Between the City of Ruidoso Downs and H. John Underwood, LTD. Seconded by Councilor Williams.

Councilor Holman said he would like to see some accountability for staff and elected officials that go to the office individually and ask for legal advice. He said he would like that kind of accountability built into the contract and maybe provide an itemized monthly statement and what actions they had taken on our behalf. Individual councilors may have gone there for various reasons and that would give them an idea of certain situations. He said he knew the mayor had put out a memo a couple of times cautioning the councilors not to go individually without going through the council and as he understood it was very much to the excess. If they got a statement with the actions taken then the citizens could pursue that and question the councilors about the situations. He said he was looking for a way to correct the problem.

Mayor Armstrong said they do receive an itemized list and always had. He said he didn't have a problem with giving that list to the councilors. There were also several departments that needed the service but had always come to him first.

Councilor Holman said he understood the attorney charged a flat fee up to so many hours or so many situations and then beyond that there was a fee. His concern was when a councilor went out thinking it counted toward the flat fee and then went over that and they were investigating or asking questions even before it came before the entire council.

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 Rescinding Resolution No. 2011-03 Fire Restrictions.

Mayor Armstrong said this was something they were glad was happening because they were getting rain and that changed everything.

Kenny Ellard, Fire Department said they would like to lower the fire restrictions back to the normal Phase I due to the heavy rains they have had lately and the ERC's were down to 43 to 45% and had been in that range for about a month.

Mayor Armstrong asked what the fire restrictions would be in Phase I?

Kenny Ellard, Fire Department said that would be no outdoor burning at anytime, campfires, and no fireworks.

Mayor Armstrong entertained a motion to approve Rescinding Resolution No. 2011-03 Fire Restrictions.

Councilor Olivo moved to approve Rescinding Resolution No. 2011-03 Fire Restrictions. Seconded by Councilor Holman.

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 City of Ruidoso Downs Economic Development Business Plan Package.

Mayor Armstrong said he believed this was the first plan that the City of Ruidoso Downs has ever had and thanked the committee members for that.

Harold Oakes, Economic Development Board said he was here to answer any questions concerning the plan, printing costs or anything else.

Councilor Olivo said it was a really good plan and package and was very pleased with it.

Harold Oakes said they simply directed the office staff on what they would like to have in it.

Mayor Armstrong said he thought it was well prepared and anyone that read it would know the community a little better and bring their business here.

Harold Oakes said their goal was to try to answer as many questions as they possibly could if any business was looking at it and if the information wasn't there they could contact any of the members. He said the staff did a great job when new businesses come in.

Councilor Holman said he thought that maybe we were one of the few smaller communities that were this progressive in what the committee was doing. He said when the committee first started up we were one of the first Certified Initiative Communities and this was one of the

things the community should take note of because so many times there is so much negativity but sometimes there are good things going on too.

Harold Oakes said this was part of the Certified Community Initiative and was why they were so far ahead on the economic development. He said it was a very rigorous process and that was another compliment to the staff in keeping them up with the requirements.

Mayor Armstrong entertained a motion to approve City of Ruidoso Downs Economic Development Business Plan Package.

Councilor Hood moved to approve City of Ruidoso Downs Economic Development Business Plan Package. Seconded by Councilor Holman.

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 July 2011.

Terri Mosley, Finance Director said this was the first billing for the new fiscal year and it had the new Administrative fees that the Joint Use Board approved. The billing had 11 ½ % Administrative fees as a credit for three employees from Ruidoso Downs. She said they took the full amount that we budgeted and divided it by 12 months and so the monthly Administrative fees would be \$2,219.77. She said she also verified the rest of the numbers and they seem to be correct.

Councilor Holman said it was a very hard process to get to where they were on this and they did have to compromise.

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

Councilor Hood moved to approve the Wastewater Treatment Plant Operating Invoice for July 2011. 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 - Discussion of Future of Lincoln County Transit.

Patty DeSoto, Lincoln County Transit Manager thanked the governing body for allowing her to be there to speak. She said she would like to clear the topic of the \$50,000 that was talked about last week. She said she wanted to go over how the Transit budget worked. The administrative expenses were paid by the City and reported to the D.O.T. and then

reimbursed 80% federally and 20% locally. Under the Operating budget the expenses were paid by the City and reported to the D.O.T. but the reimbursements was reduced by the revenues received from the fares. When they were preparing the budget there were a lot of reimbursements that had not been paid and in February the average was about \$13,000.00 a month. February was \$13,886.05, March was \$12,963.84, April was \$13,857.09, May was \$13,337.00, and June averaged at \$13,000.00. The reimbursement for the stimulus money was expected to come back at \$16,650.00. The reimbursement for the TTA Scholarship was \$2,000.00. She said when you add all of those up it came to quite a big number that was not included in the June budget report. Patty said they may not have received the March check yet but the February check was cut on May 12th and the March check was cut on June 27th and April was cut on July 11th, and May was cut on July 11th. The final stimulus money was transferred on July 7th. She said finance didn't have the figures for a period of time because the transit system was on a different fiscal year. She said she wanted to assure people that the money was coming.

Patty DeSoto, Lincoln County Transit Manager said she did have a plan for the future to make up for the loss of funding from Lincoln County. She said she would like for the City to consider a fixed route and then they would be able to hold Public Hearings on that. They would then be able to solicit money for a service contract for a bus stop. She stated that the proposed fixed route would service public places such as the library, Ruidoso Downs City Hall, the museum, ISD, The Nest, public pools and other public locations. She suggested that once that was going perhaps the casinos would want to be included in the stops. Patty said they were getting close to the end of their fiscal year and had a quarter of their fiscal year and budget left.

Patty DeSoto, Lincoln County Transit Managers said they would also like to consider changing the name of the transit system to something more tourist-friendly. She recommended the Pony Express and would make it marketable to tourists.

Mayor Armstrong asked how she would try to make up the money that the County had given?

Patty DeSoto, Lincoln County Transit Manager said she would do it with service contracts.

Mayor Armstrong asked if she had made contact with anyone on that?

Patty DeSoto said yes but it was hard to sell them on something that they were getting for free already with demand service.

Mayor Armstrong asked how she felt about having to raise the rider ship fees?

Patty DeSoto said that helped reduce their operating costs.

Councilor Olivo asked how often the fixed route would run?

Patty DeSoto explained the routes and said they should run every half hour.

Councilor Olivo asked if it would make a connection with the Alamogordo bus?

Patty DeSoto said yes and it would meet at the Travel Center and Inn of the Mountain Gods.

Councilor Olivo asked how much the fare would be for a fixed route?

Patty DeSoto said from here to Alamogordo would be \$3.00 and the fixed route would be \$2.00.

Councilor Hood asked when she wanted to start the fixed route?

Patty DeSoto said as soon as possible and that she was ready now.

Mayor Armstrong asked how many vans would be required for a fixed route?

Patty DeSoto said it would take three vans.

Councilor Hood asked if she had done a survey between the participants and how they would like that type of route?

Patty DeSoto no but a Public Hearing would bring all of that out.

Councilor Olivo asked if they would still have the on demand service with the fixed route also?

Patty DeSoto said that would mainly be for the ADA and they would have to meet requirements.

Mayor Armstrong said he would like to hear from the Finance Department.

Terri Mosley, Finance Director said she gave them a handout right before the council meeting. The first one showed the actual and part of the confusion was between actual and budget. The spreadsheet showed from the date of startup on January 16, 2009. The revenues ended that year at \$103,705.82 and expenditures were \$82,035.96 so they ended up to the good in the amount of \$21,669.86. She said next year the revenues with the transfer over that was the City of Ruidoso Downs contribution was \$239,754.73 and expenditures were \$253,831.37 and they ended up with a cash balance of \$7,593.22. The year that we just ended at June 30, 2011 the revenues were \$304,626.07 and expenditures were \$312,219.13 and they ended up with 17 cents because of those outstanding

reimbursements and they couldn't end our fiscal year with a negative balance. They made the temporary transfer of \$47,544. The reimbursement they received on the 11th would be transferred back to the General Fund where the temporary transfer came from. She said the preliminary budget for 2011-2012 included Lincoln County and adjustments had to be made. Originally they were going to be \$73,118 in the negative. The final budget was changed by some of the revenues with the reimbursements that weren't included in the last fiscal year so that was increased by \$68,854. Expenditures stayed the same at \$318,757 and they were transferring out the temporary transfer of \$47,544 and they would still have to make some temporary transfers because the revenues weren't coming in. She said that was what the council approved at the last council meeting for the final budget. They would have to transfer out \$53,292 and that would be split between Lodgers' Tax and the General Fund. She said that was the budget and not actual expenditures yet. Terri said if Patty was able to bring in some service contracts that would increase revenues.

Councilor Olivo asked if the State would reimburse them for the \$53,292?

Terri Mosley, Finance Director said no.

Councilor Hood asked if there was a positive look on these service contracts?

Patty DeSoto said she believed this community wanted affordable transportation and was important to a business.

Councilor Hood asked if Wal-Mart would be interested in that?

Patty DeSoto said yes but she would need to bring it down to a local level. She said she did write a letter to their corporate but had not heard back and felt that she probably wouldn't.

Mayor Armstrong asked Terri Mosley, Finance Director what it cost per year for wages and benefits for the transit employees?

Terri Mosley, Finance Director said the new budget that was just turned in showed the salaries with all of the benefits at \$221,264.90 because there were several full-time employees that they didn't start out with. That included four full-time employees with all of the benefits and then part-time drivers.

Mayor Armstrong said the percentage was 80% for three and 50% for the rest of them.

Terri Mosley, Finance Director said the ones for the 50% our portion as the agent would be \$64,267.54, which they did not have previously.

Mayor Armstrong asked where that money would come from?

Terri Mosley, Finance Director said it would come from our contribution.

Mayor Armstrong said there were a lot of people present that were concerned and he said the City was concerned also. He said he had talked to the mayor of Ruidoso and they were enthused about keeping the transit going and the Downs being the fiscal agent and the smaller percentage of users it sounded like they were interested. He said transits fiscal year ended in September and they would be looking at it.

Councilor Olivo said Ruidoso Downs wants to keep transit going for their citizens and it was one of the best things they have done.

Councilor Hood said Patty has done a fantastic job even in these economics hanging over us. He said most people in business were having a hard time right now.

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.

Persons present who spoke in support of transit were:

Barbara Jones
J.D. Manire
Tammy Maldonado
Marlene McGuire
Shawn Jenner
Debra Mandas
Rosario Delgado
John Box
Elizabeth Arrizo
Mary Garcia
Maudene Potts
Sharon Muchs
Michele Romero

Persons present who spoke in opposition of transit were:

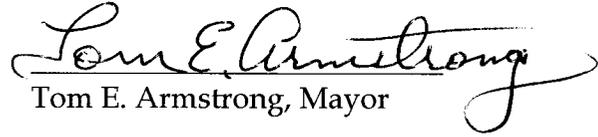
Wayne Williams
Robert Gustafson
Joyce Gustafson

ADJOURNMENT

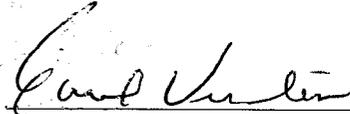
There being no further business, Mayor Armstrong entertained a motion for adjournment.

Councilor Holman moved to adjourn at 7:04 p.m. Seconded by Councilor Olivo.

All were in favor and motion passed.


Tom E. Armstrong, Mayor

ATTEST:



Carol Virden, City Clerk/Treasurer