

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
SEPTEMBER 12, 2011
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on September 12, 2011. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Wayne Williams 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:

H. John Underwood, City Attorney
Carol Virden, City Clerk/Treasurer
Terri Mosley, Finance Director
Cleatus Richards, Public Works Director
Steve Dunigan, Planning & Zoning Director
Doug Babcock, Police Chief

Not present: 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 Williams moved to approve the agenda with that change. Seconded by Councilor Holman.

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 AUGUST 22, 2011.

Councilor Olivo moved to approve Minutes of Regular Meeting of August 22, 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

- A. Ordinance No. 2011-04 An Ordinance Amending Title XV: Land Usage: Chapter 154: Flood Hazard Regulations Section 154.07 Title "Basis for Establishing Areas of Special Flood Hazard of the City of Ruidoso Downs Code of Ordinances."

Mayor Armstrong stated he would open the Public Hearing for comments and would be accepting in the following order:

Interested parties must approach the podium one at a time, state their name, and present their testimony. A limit of 3-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 stated he hereby closed the Public Hearing.

Mayor Armstrong stated next item on the agenda was:

- B. Ordinance No. 2011-05 An Ordinance of the Governing Body of the City of Ruidoso

Downs, New Mexico Adopting 2011 Amendments to the New Mexico 2011 "Uniform Traffic Ordinance by Reference."

Mayor Armstrong stated he would open the Public Hearing for comments and would be accepting in the following order:

Interested parties must approach the podium one at a time, state their name, and present their testimony. A limit of 3-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 stated he hereby closed the Public Hearing.

UNFINISHED BUSINESS

Mayor Armstrong stated the next item on the agenda was 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 - Information Update-Lincoln County Transit. He said this was an item that the councilors had asked to hear about.

Carol Virden, City Clerk/Treasurer said about a month ago they met with Hubert Quintana and Mary Ann Byrd, Mayor Armstrong, Terri Mosley, Debi Lee; Village Manager for the Village of Ruidoso, and Mayor Alborn from Ruidoso as well as herself to talk about how we could improve Lincoln County Transit. There was discussion that we brought forth to the governing body during the final budget session. Hubert requested from Patty to provide data from the time they open to the time they close for two weeks and see how much rider ship they had during that period. As an example Carol used the time from 10:30 a.m. - 2:00 p.m. that there were no riders and they could shut transit down for that time period. She said Patty was working on that and someone was coming in to help her with budgetary issues. The meeting went very well and the discussion was about getting that data and to bring someone in to help Patty do the budgetary items. She said they were meeting again on September 20th in Ruidoso at 2:00 and the same people involved would be there again. Joe and Someone from Zia Transit out of Alamogordo would be there also to see what they could do with the transit. She said as they all knew they were in a deficit. It would be the council's decision but once

they got that information and implemented it maybe it would save time and money for transit and the City as well.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was – Consider Adopting Ordinance No. 2011-04 Amending Title XV: Land Usage: Chapter 154: Flood Hazard Regulations Section 154.07 Title “Basis for Establishing Areas of Special Flood Hazard of the City of Ruidoso Downs Code of Ordinances.”

Mayor Armstrong entertained a motion to adopt Ordinance No. 2011-04.

Councilor Hood moved to adopt Ordinance No. 2011-04. Seconded by Councilor Olivo.

Councilor Williams asked for an explanation of this Ordinance.

Steve Dunigan, Planning & Zoning Director said they were updating the effective date as required by the National Flood Insurance Program. He said they changed the Flood Insurance Study and Flood Insurance Green Map that was approved by council on June 27th. This would finish up the requirements by adopting the newer date. He said he would be sending this information on to FEMA, both federal and state so they would be in compliance in being a member. Essentially they would be changing the date from January 5, 1982 to November 16, 2011. That would be the effective date of these new changes.

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 Adopting Ordinance No. 2011-05 An Ordinance of the Governing Body of the City of Ruidoso Downs, New Mexico Adopting 2011 Amendments to the New Mexico 2011 “Uniform Traffic Ordinance by Reference.”

Mayor Armstrong entertained a motion to adopt Ordinance No. 2011-05 An Ordinance of the Governing Body of the City of Ruidoso Downs, New Mexico Adopting 2011 Amendments to the New Mexico 2011 “Uniform Traffic Ordinance by Reference.”

Councilor Williams moved to approve adopting Ordinance No. 2011-05 An Ordinance of the Governing Body of the City of Ruidoso Downs, New Mexico Adopting 2011 Amendments to the New Mexico 2011 “Uniform Traffic Ordinance by Reference.” Seconded by Councilor Holman.

Councilor Williams asked if there were any areas in the City that utilized this or areas with handicapped aisles and if they had been marked accordingly?

Chief Babcock said it was the businesses responsibility.

Councilor Williams asked what happened after this was passed?

Carol Virden, City Clerk/Treasurer said what they could do was put it in the upcoming newsletter and let everyone know that it was the businesses responsibility to comply with 12.1.2.1 Access Aisles.

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. 2011-11 Supporting the filing of an Application to New Mexico Department of Transportation for Funding Assistance for FY 2012-2013.

Mayor Armstrong entertained a motion to approve Resolution No. 2011-11 Supporting the filing of an Application to New Mexico Department of Transportation for Funding Assistance for FY 2012-2013.

Councilor Olivo moved to approve Resolution No. 2011-11 Supporting the filing of an Application to New Mexico Department of Transportation for Funding Assistance for FY 2012-2013. Seconded by Councilor Hood.

Carol Virden, City Clerk/Treasurer said this Resolution gives Patty the authorization to file an application for funding for FY 2012-2013 and the deadline was September 9th.

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

Mayor Armstrong stated next item on the agenda was - Consider Approving Resolution No. 2011-12 Adopting an Infrastructure Capital Improvements Plan (ICIP)

Mayor Armstrong entertained a motion to approve Resolution No. 2011-12 Adopting an Infrastructure Capital Improvements Plan (ICIP).

Councilor Hood moved to approve Resolution No. 2011-12 Adopting an Infrastructure Capital Improvements Plan (ICIP). Seconded by Councilor Williams.

Councilor Williams asked Cleatus Richards, Public Works Director about an item on the list under "Other" and asked if there was anything they could identify it with or would it just stay as "Other?"

Cleatus Richards, Public Works Director said yes, it would stay under "Other."

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 Lodgers’ Tax Funds to Fall Fest September 16, 2011.

Mayor Armstrong entertained a motion to approve Lodgers’ Tax funds to Fall Fest September 16, 2011.

Councilor Olivo moved to approve Lodgers’ Tax funds to Fall Fest September 16, 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 Expenditure for Previous fiscal Year 2010-2011 invoiced in fiscal year 2011-2012 – Southwestern Wireless \$21.21.

Mayor Armstrong entertained a motion to approve Expenditure for Previous fiscal Year 2010-2011 invoiced in fiscal year 2011-2012 – Southwestern Wireless \$21.21.

Councilor Williams moved to approve Expenditure for Previous fiscal Year 2010-2011 invoiced in fiscal year 2011-2012 – Southwestern Wireless \$21.21. 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 Amendments to City of Ruidoso Downs Personnel Policy Manual:

1. Chapter 12 Rule 1218 B, C, H, K, L, L1, 2,3,4,5, M2, 3,4,N, N1, N2
2. Chapter 12 Rule 1219 C, E, F
3. Chapter 12 Rule 1219.1 A, B
4. Chapter 12 Rule 1219.4 C
5. Chapter 12 Rule 1219.6 C
6. Chapter 12 Rule 1220, 1221, 1222, 1222.1, 1222.2, 1222.3, 1222.4, 1222.5, 1223, 1224
7. Chapter 12 Rule 1224.1 A, B, C, D, E, F, G, H, I
8. Chapter 12 Rule
1225,1226,1227,1228,1229,1230,1231,1232,1233,1234,1235,1236,1237,1238,1239,1240,1240.1
,1241,1242,1243,1244,1245,1245.1,1245.2,1246,1247,1247.1
9. Chapter 14 Rules 1416,1417,1418,1418 B, C, D, 1419,1420,1421

Mayor Armstrong entertained a motion to approve amendments to City of Ruidoso Downs Personnel Policy Manual.

Councilor Williams moved to approve amendments to City of Ruidoso Downs Personnel Policy Manual. Seconded by Councilor Holman.

Councilor Holman said this was a good improvement to our policy and would further protect our City and employees. He said John Underwood and Rich Olson with the State had reviewed this and made improvements. He said what he would like added to this and give even more protection would be to have periodic or at least an annual evaluation of all City employees. He said the evaluations could include the mayor, clerk, supervisors and employees. He said his experience in the past had been a biannual evaluation.

Carol Virden, City Clerk/Treasurer said the specific changes made were within the Family Medical Leave Act policies and procedures that were updated. Richard E. Olson who is a partner with Hinkle, Hensley, Shanor, and Martin made the updates. The significant part of the changes was the Worker's Compensation and the rest of it was just to renumber the Rules and the Alcohol and Drug Policy was also updated.

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 said she was disgusted and lied to for the last time. She said they had slipped it under the rug and just dismissed how Chief Ortiz got fired and made it sound like it was over \$1,500. She said she was told it was before the District Attorney so she hung in there because she thought they were doing something about it. Then she said she talked to the District Attorney. It has never been there and will never be there. She said she didn't get it, why lie to them? She said it was a big deal to here because they elected people to take care of their business. The District Attorney said it would never be there because of conflict of interest.

CLOSED SESSION

Mayor Armstrong stated next item on the agenda was - CLOSED SESSION Limited Personnel Matters § 10-15-1 H 2. NMSA 1978

- Discussion of Upholding the Decision to Terminate by Mayor's Delegated Official.

Mayor Armstrong stated that any action taken as a result of Closed Session would be brought back into Open Session.

Mayor Armstrong entertained a motion to go into Closed Session for Limited Personnel Matters § 10-15-1 H 2. NMSA 1978

- Discussion of Upholding the Decision to Terminate by Mayor's Delegated Official.

Councilor Olivo moved to go into Closed Session for Limited Personnel Matters § 10-15-1 H 2. NMSA 1978

- Discussion of Upholding the Decision to Terminate by Mayor's Delegated Official.

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 5:59 p.m. and invited H. John Underwood, City Attorney, Carol Virden, City Clerk/Treasurer, Cleatus Richards, Public Works Director, 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 6:32 p.m. and asked that a member of the City Council to attest to the fact that the only item discussed in Closed Session was that of Limited Personnel Matters § 10-15-1 H 2. NMSA 1978 Discussion of Upholding the Decision to Terminate by Mayor's Delegated Official.

Councilor Hood attested to the fact that the only item discussed in Closed Session was that of Limited Personnel Matters § 10-15-1 H 2. NMSA 1978 Discussion of Upholding the Decision to Terminate by Mayor's Delegated Official and no action was taken.

Mayor Armstrong entertained a motion to uphold the Decision to Terminate Jason Willard by Mayor's Delegated Official.

Councilor Hood moved to uphold the Decision to Terminate Jason Willard effective immediately by Mayor's Delegated Official. Seconded by Councilor Olivo.

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

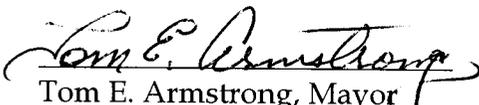
ADJOURNMENT

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

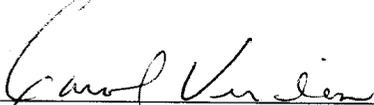
Councilor Hood moved to adjourn at 6:35 p.m. Seconded by Councilor Williams.

All were in favor and motion passed.




Tom E. Armstrong, Mayor

ATTEST:


Carol Virden, City Clerk/Treasurer