

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
FEBRUARY 13, 2012
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on February 13, 2012. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Kenny Ellard 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
Terri Mosley, Finance Director
Cleatus Richards, Public Works Director
Steve Dunigan, Planning & Zoning Director
Jim Kofakis, Museum Director
Doug Babcock, Police Chief

APPROVAL OF AGENDA

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

Mayor Armstrong stated that Item 10D would be removed from the agenda.

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

Councilor Williams moved to approve the agenda with the removal of Item 10D. 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 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 JANUARY 23, 2012.

Councilor Olivo moved to approve Minutes of Regular Meeting of January 23, 2012. Seconded by Councilor Williams.

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

APPROVAL OF ACCOUNTS PAYABLE

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

Ordinance No. 2012-01

An Ordinance Enacting and Adopting 2011 S-2 Supplement to the Code of Ordinances for the City of Ruidoso Downs, New Mexico and Declaring an Emergency.

Mayor Armstrong said he hereby opened the Public Hearing for comments and will be accepting comments in the following order. Interested persons must approach the podium, state their name and present their testimony. A limit of 3 minutes will allowed per person.

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

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

Mayor Armstrong said he would therefore close the Public Hearing.

UNFINISHED BUSINESS

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

There was no Unfinished Business.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was New Business – Consider Adopting Ordinance No. 2012-01 An Ordinance Enacting and Adopting 2011 S-2 Supplement to the Code of Ordinances for the City of Ruidoso Downs, New Mexico and Declaring an Emergency.

Mayor Armstrong entertained a motion to adopt Ordinance No. 2012-01 An Ordinance Enacting and Adopting 2011 S-2 Supplement to the Code of Ordinances for the City of Ruidoso Downs, New Mexico and Declaring an Emergency.

Councilor Williams moved to adopt Ordinance No. 2012-01 An Ordinance Enacting and Adopting 2011 S-2 Supplement to the Code of Ordinances for the City of Ruidoso Downs, New Mexico and Declaring an Emergency. Seconded by Councilor Hood.

Councilor Williams asked if the clerk could clarify what those ordinances were?

Carol Virden, City Clerk/Treasurer said the 2011 S-2 Supplements are the ordinances that were adopted by the governing body in 2010 and 2011 with a complete update on the new Code of Ordinances book. In Ordinance 2010-07 is on Chapter 51, Ordinance 2011-02 is on Chapter 50, which is on water, Ordinance 2011-03 dealt with the cleanup of General Provisions of Appointed Officers, Ordinance 2011-04 is Chapter 154 the basis for establishing areas of special flood hazards for Planning & Zoning. That would bring our Code Book up to date after the original codification of our City Codes.

Councilor Williams asked why the terminology of “declaring an emergency?”

Carol Virden, City Clerk/Treasurer said the terminology is set forth by the American Legal Publications publishing of the codifications of all ordinances.

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 Paying Prior Fiscal Year 2010-2011 Purchase – Artesia Fire Equipment in the amount of \$695.00.

Terri Mosley, Finance Director said a Purchase Order was issued in April 2011 and Finance did not receive the invoice until December which makes it a prior year purchase and that is the reason it is brought to Council to have it approved.

Mayor Armstrong entertained a motion to approve paying prior fiscal year 2010-2011 purchase - Artesia Fire Equipment in the amount of \$695.00.

Councilor Olivo moved to pay prior fiscal year 2010-2011 purchase - Artesia Fire Equipment in the amount of \$695.00. Seconded by Councilor Williams.

Councilor Williams asked why there was a time difference and was it because of the company or what?

Terri Mosley, Finance Director said there was some confusion on both sides. It didn't make it to the Finance Department until December and then they had also purchased some foam since then and they had to verify that this was still an outstanding invoice and it was.

Councilor Williams asked if this was something that could be the fault of the company by not providing the invoice with the original purchase?

Terri Mosley, Finance Director said no and that it was left at the Fire Department and just never made it over here.

Councilor Williams asked Terri what the procedure was on the purchasing code and until it ends up in your office?

Terri Mosley, Finance Director said the department initiates the purchase and when they receive the item and the invoice they are supposed to sign off on the invoice telling us that they received the items and that it is okay for us to process the payment. She said on this one the employee never got it to Finance and this employee has been disciplined and is aware of the situation.

Councilor Williams said there have been some situations with employees in the past and asked if there have been meetings with all employees advising them of their responsibilities when it comes to purchasing and what the code calls for?

Carol Virden, City Clerk/Treasurer said prior to any Director or employee who would be authorized to be issued a purchasing card the Director will request one from Finance. Once that is given to Terri in Finance she puts on a training session for all those who will be carrying a purchasing card. They should know all the rules and procedures if you are going to buy something. Depending on the dollar amount you can't exceed \$500 under our ordinances. They will get a requisition and get it signed off by the supervisor and get it in to Terri. The purchasing order is given exclusively to vendor of that purchasing card. Once that is completed they will go out and buy what they needed.

Terri Mosley, Finance Director said this purchase was not abusive and that this employee followed the right procedure it was just turning in the invoice late. She said the employee has been disciplined and it is in their employee file.

Councilor Williams asked who the supervisor is for the Fire Department?

Mayor Armstrong said it would fall on me.

Councilor Williams asked if he approved this purchase?

Mayor Armstrong said yes he did.

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 January 2012.

Terri Mosley, Finance Director said this is the invoice given by Karen Gutierrez and it appears to be correct.

Mayor Armstrong entertained a motion to approve Wastewater Treatment Plant Operating Invoice for January 2012.

Councilor Williams moved to approve Wastewater Treatment Plant Operating Invoice for January 2012. Seconded by Councilor Olivo.

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

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

Mayor Armstrong stated next item on the agenda was Other Business.

Mayor Armstrong said there is a Tire Amnesty coming up and this is something Ruidoso Downs needs more of. You see these old tires sitting around.

Councilor Williams said the Beautification Committee along with Greentree Solid Waste Authority has coordinated for a substation in All American Park. The last event was held approximately 5 months ago and was a success with 372 tires. That was quite a response from our citizens and people down in the valley. This will be a continual event with the mayor's approval and will be twice a year. It will be from 8:00 to 5:00 on Friday and 8:00 to noon on Saturday so bring your tires and pots and pans.

Chief Babcock asked if that includes a wheel mounted on a rim?

Councilor Williams said yes and any kind except large truck tires.

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 subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to § 10-15-1 (H7) NMSA 1978.

- Second Modification of Settlement Agreement

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.

Councilor Hood moved to approve 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. 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 5:47 p.m. and invited H. John Underwood, City Attorney, Cleatus Richards, Public Works Director and City Clerk, Carol Virden 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 6:05 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 Discussion subject to the attorney-client privileged pertaining to threatening and/or pending litigation pursuant to § 10-15-1 (H7) NMSA 1978.

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

Councilor Hood moved to approve the Second Modification of Settlement Agreement.
Seconded by Councilor Williams.

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 6:08 p.m. Seconded by Councilor Olivo.

All were in favor and motion passed.



Tom E. Armstrong
Tom E. Armstrong, Mayor

ATTEST:

Carol Virden

Carol Virden, City Clerk/Treasurer