

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
REGULAR MEETING  
APRIL 8, 2013  
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on April 8, 2013. Mayor Williams called the meeting to order at 5:30 p.m. and asked Alex Bobbit to lead the Pledge of Allegiance. Mayor Williams asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Holman  
Councilor Miller

Councilor Perry

Carol Virden, City Clerk/Treasurer informed Mayor Williams there was a quorum.

Absent: Councilor Hood

Also present:

Alex Bobbit, Legal Assistant  
Cleatus Richards, Public Works Director

APPROVAL OF AGENDA

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

Mayor Williams entertained a motion for approval of the agenda.

Councilor Miller moved for approval of the agenda. Seconded by Councilor Perry.

Roll call votes: Councilor Holman, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

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

Mayor Williams entertained a motion for Approval of the Consent Agenda.

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

Roll call votes: Councilor Holman, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

APPROVAL OF MINUTES OF REGULAR MEETING OF MARCH 25, 2013

Councilor Miller moved to approve the Minutes of the Regular Meeting of March 25, 2013. Seconded by Councilor Holman.

Roll call votes: Councilor Holman, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

APPROVAL OF ACCOUNTS PAYABLES

Councilor Miller moved to approve Accounts Payable. Seconded by Councilor Holman.

Roll call votes: Councilor Holman, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

Mayor Williams stated the next item on the agenda was - Mayor's Comments.

Mayor Williams said this Saturday from 8:00 until Noon Greentree Solid Waste Authority will be open for any citizens to dispose of large items including tires that you may not have been able to get to this weekend. They will start the monthly second Saturday of the weekend for the next six months for the citizens of Ruidoso Downs.

Mayor Williams stated the next item on the agenda was - Councilor's Comments.

Councilor Miller said we had the Tire Amnesty Friday and Saturday until noon and here in Ruidoso Downs we collected about 240 or 250 tires. It was a record for the county I heard and I saw on Facebook today that over 1700 tires were collected in two days. It shows a need for this. We had the Easter Egg Hunt on March 30<sup>th</sup> down at River Park. I have a bunch of pictures if anyone wants to look at them. We had about 100 children there so it went over really well. We also have the Great American Cleanup coming up so April is the cleanup month. Greentree is doing a cleanup on the 13<sup>th</sup> and of course our Ruidoso Downs residents can take things down there any day just show your water bill. On the 27<sup>th</sup> we are having our Great American Cleanup. Just meet at the Senior Center and we'll have food, prizes, bags, and gloves and it will be a lot of fun. Hopefully the wind will quit blowing by then so bring your families out.

There were no other Councilor's Comments.

Mayor Williams stated the next item on the agenda was - Consider Approving Resolution No. 2013-05 - A Resolution Authorizing The Execution and Delivery of a Colonias Infrastructure

Project Fund Loan/Grant Agreement By and Among the New Mexico Colonias and the New Mexico Finance Authority ("FINANCE AUTHORITY, AND COLLECTIVELY WITH THE COLONIAS INFRASTRUCTURE BOARD, THE LENDERS/GRANTORS") and the City of Ruidoso Downs (THE BORROWER/GRANTEE), In the Total Amount of One Hundred Fifty-Nine Thousand Four Hundred Dollars (\$159,400), Evidencing and Obligation of the Borrower/Grantee to Utilize the Loan/Grant Amount Solely for the Purpose of Financing the Costs of the Design Phase for Regional Control of the Wastewater Treatment Facilities and Connection of Septic Tank Areas to the Sewer System, and Solely in the Manner Described in the Loan/Grant Agreement; Providing for Payment of the Loan Amount Solely from Pledged Revenues; Certifying that the Loan/Grant Amount, Together With Other Funds Available to the Borrower/Grantee is Sufficient to Complete the Project; Approving the Form of and Other Details Concerning the Loan/Grant Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent With This Resolution; and Authorizing the Taking of Other Actions in Connection With the Execution and Delivery of the Loan/Grant Agreement.

Cleatus Richards, Public Works Director said this has been a fairly long process. On April 4, 2012 we filed the original application for funding. On June 8, 2012 there was a meeting in Las Cruces of the Planning Committee for the Colonias and they made a selection of projects including Ruidoso Downs where they funded us for the planning for the Agua Fria project. There was assurance at that time that if they funded planning on the second round they would be funding for construction. On October 18, 2012 we received a notice from Rick Martinez confirming that we had been awarded \$159,400. We are now at April 8, 2013 almost a year later to consider the loan/grant agreement. That's a long stretch to have to wait for a project. Actually, the grant amount is \$143,600 and we have to take a loan out for \$15,940 payable over 20 years at \$797 a year. We also have a hard match of cash for the project of \$15,940. Total funds that will be available for planning will be \$175,480 and that will be for construction plans, environmental studies, historic review studies, and other necessary planning efforts so we will be in the position to go into construction. We have now filed as of March 15<sup>th</sup> the second round of funding for \$700,000. That application went in on March 15<sup>th</sup> and we should get some word by May 16<sup>th</sup> on whether we will be funded for the second round. When this all started out we assumed we would be funded promptly and we would have planning done so we would be in line to actually start construction by this time but we're not and we're just getting started with the planning. That's hardly what we anticipated but that's where we are. The other problem we are going to have I think is with our engineering firm. Dennis Engineering was awarded a contract to design the initial project and we expended almost \$70,000 with that firm. We are now receiving word from DFA that we have to go out for a new RFP for the project because the contract DFA has with Dennis Engineering has expired. We have a disagreement with that position because in the past when you enter into a contract with a firm to do an engineering study you continue with that firm throughout the project. They have a new take on that. If we have to go out to a new RFP and select another engineering in effect that \$70,000 we expended is wasted. No other engineer firm will accept work by another firm on a project. They will have to do everything all over again. We are still arguing that point but it doesn't look like we are going to win. We had a similar problem with the CDBG project but because URS was only charging \$25,000 to complete the engineering time and to go into construction there's provisions under State Statute that if you have a contract under \$50,000 you can contract directly and you don't have to go out for an RFP

again. So, we are using that approach and Council at a previous meeting had approved an extension of that contract with URS. The CDBG project is underway and we are waiting for final approval on that contract which we hope we will get this month. That's where we are on the project. We won't close on the loan until May 17<sup>th</sup> and so we won't have funds until after that because on any grant program you can't spend any money until you have a fully executed grant agreement and that would be the earliest date. At that point we could start making commitments and we will try to figure out the issue with the engineering contract to see if we can continue with Dennis Engineering or if we have to go out for an entirely new contract. I hope not because I feel that is a waste of public money.

Councilor Holman asked if we have any recourse on the \$70,000 such as maybe John Underwood and Alex and who would we sue?

Cleatus Richards, Public Works Director said you would be fighting with DFA and if you want to waste a couple of years for that to unravel we can do that. Whether we will win or not, I don't know. We can consult with legal counsel on how they feel about that. Under this current administration they seem to be making up their own rules and they are very firm with them and that's the game you have to play.

Councilor Holman said that's a shame and I just wondered if we have to take the loss and go on.

Cleatus Richards, Public Works Director said I think we may have to do that but we'll check with John and see what he feels about it.

Councilor Holman said I think it would be worth at least checking.

Cleatus Richards, Public Works Director said I've been doing contract work in New Mexico for a lot of years and this is a new game for me.

Councilor Miller asked if they completed that much work?

Cleatus Richards, Public Works Director said yes to preliminary but I am being told they can't finish the work.

Mayor Williams said you have to commend the Council for the short notice and this is the documentation that was given to them to read. And when you talk about legal speak there was.

Councilor Holman said you have a good point. The paperwork that goes along with this must be worse and who would be dealing with it?

Cleatus Richards, Public Works Director said Carol, Terri, and I will be following through on it.

Carol Virden, City Clerk/Treasurer said on the Financing Schedule and Distribution List we have contacted Chris on making a couple of changes to their structure and it's apparent they on got one month and day right. Next, the publication of the adoption we changed it to Friday, April 12, 2013 instead of Thursday, April 11, 2013 for the Ruidoso News to be published on Friday.

Cleatus Richards, Public Works Director said unfortunately they did not check with Carol or me or Terri or anyone else here before preparing these documents so there are a few gliches.

Mayor Williams said it's a shame to have to stand up here and say the public money was not put to good use but it is the State and the Federal government and squeezed us from both side to put us in this spot.

Mayor Williams entertained a motion to approve Resolution No. 2013-05.

Councilor Miller moved to approve Resolution No. 2013-05. Seconded by Councilor Holman.

Roll call votes: Councilor Holman, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was - Consider Approving Personnel Recommendation - Lincoln County Transit - Part-Time On Call Driver.

Patty DeSoto, Transit Manager said I am asking for approval to hire a Part-Time On Call Driver. His name is David Robbins and he has been here 15 years and is familiar with roads in Ruidoso and Ruidoso Downs. He is a kickboxing instructor on the side and does some acting but is very interested in the job and he would be working part-time with transit.

Councilor Perry asked if they were replacing one that has left or is this a new addition?

Patty DeSoto, Transit Manager said this was approved for two additional part-time drivers in the past Council meeting. We only found one that has applied for this position.

Councilor Miller asked if this was pre-approved?

Patty DeSoto, Transit Manager said it was a couple of months ago.

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

Councilor Miller moved to approve Personnel Recommendation - Lincoln County Transit - Part-Time On Call Driver. Seconded by Councilor Holman.

Councilor Miller said I'm just having a hard time spending money after our meeting last time.

Patty DeSoto, Transit Manager said I'm hoping it will reduce the overtime that we are having right now because we are filling in for people and our drivers are working more hours and they are getting more overtime and it would be less to pay a part-time On Call driver

Councilor Miller said don't you have mostly part-timers?

Patty DeSoto, Transit Manager said yes and me and Cecilia are the only full-time. I usually pull the shift because I'm paid salary.

Councilor Miller said those part-time drivers shouldn't get overtime right?

Patty DeSoto, Transit Manager said what's happening is I'm having to do those shifts when I should be in my office doing the work because I'm trying to save transit. I have some ideas on how to do it. I just need to have time and do it.

Mayor Williams said she has been running 20 to 25 hours over and she would like to reduce that not only for the cost factor but for her having to work so many hours overtime.

Councilor Perry asked how many part-timers do you have right now?

Patty DeSoto, Transit Manager said six but one can only work on Saturdays because he works for the school as a janitor and is a bus driver for the school. Another one can only work Tuesday's and Thursday's because he also helps out at the Food Bank. I am limited on who I can call on when something comes up. I'm short on Monday, Wednesday, and Friday and it would really help if I could call on another driver. I have another driver who is planning on taking the summer off so I need another person to fill that position and we have to do training first.

Councilor Miller asked if all these drivers have to be certified?

Patty DeSoto, Transit Manager said they aren't required to have a CDL. Not with under 15 passengers or less.

Roll call votes: Councilor Holman, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was - Consider Approving Agenda Briefing Memorandum - Special Dispenser Permit - April 20, 2013 - New Mexico State Police Brotherhood Association Reunion and Special Dispenser Permit - July 20, 2013 - Museum Annual Fundraiser.

Mayor Williams said the Director was not able to attend tonight because he has a function at the museum. I will present the fact that the museum is welcoming the New Mexico State Police Brotherhood Association Reunion. It is the first time they have held the event at the museum so this is a great opportunity for us to have them return. Then there is the annual

fundraiser in July is the big one for the museum and we want to continue our effort in funding the museum.

Councilor Miller moved to approve Agenda Briefing Memorandum - Special Dispenser Permit - April 20, 2013 - New Mexico State Police Brotherhood Association Reunion and Special Dispenser Permit - July 20, 2013 - Museum Annual Fundraiser. Seconded by Councilor Holman.

Roll call votes: Councilor Holman, Aye; Councilor Miller, Aye; Councilor Perry, Aye. Motion carried.

OTHER BUSINESS

**(Items are for discussion only - no action will be taken)**

Mayor Williams said I have a Fair Housing Proclamation and he read this for the Councilors and audience. It named April 2013 as Fair Housing month.

PUBLIC INPUT

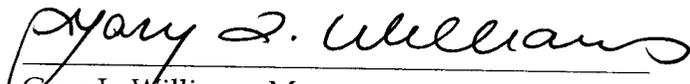
**(All concerns to be addressed only to the Governing Body as Whole with a 3-Minute time limit)**

There was no Public Input.

ADJOURNMENT

There being no further business to attend to Mayor Williams adjourned meeting at 5:55 p.m.



  
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Gary L. Williams, Mayor

ATTEST:

  
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Carol Virden, City Clerk/Treasurer