

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
MAY 13, 2013
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on May 13, 2013. Mayor Williams called the meeting to order at 5:30 p.m. and asked Councilor Miller 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 Hood (via teleconference)
Councilor Perry

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

Also present:

Alexandra Bobbitt, City Attorney
Terri Mosley, Finance Director
Chief Doug Babcock

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

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

APPROVAL OF MINUTES OF REGULAR MEETING OF APRIL 22, 2013

Councilor Holman moved to approve the Minutes of the Regular Meeting of April 22, 2013. Seconded by Councilor Miller.

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

APPROVAL OF ACCOUNTS PAYABLES

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

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

UNFINISHED BUSINESS

There was no Unfinished Business.

PUBLIC HEARING

Mayor Williams stated the next item on the agenda was Public Hearing.

A.

ORDINANCE 2013-06

**AN ORDINANCE AMENDING TITLE III: ADMINISTRATION: CHAPTER 33
BOARDS, COMMISSIONS, AND AUTHORITIES SECTION: ECONOMIC
DEVELOPMENT BOARD SUBSECTIONS 33.35 GENERAL AND 33.36
APPOINTMENT OF THE CITY OF RUIDOSO DOWNS CODE OF ORDINANCES**

Carol Virden, City Clerk/Treasurer said on April 22, 2013 the Chairman of the Economic Development Board, Mr. Harold Oakes, came before the City Council to request amending Chapter 33 of the Economic Development Board to remove the Ruidoso Downs Chamber of Commerce since Ruidoso Downs doesn't have a Chamber of Commerce anymore and to substitute that with the Ruidoso Valley Chamber of Commerce. The City of Ruidoso Downs is a member of the Ruidoso Valley Chamber of Commerce. Also on 33.36 under the Appointment it was suggested that we include active citizens of Ruidoso Downs and Ruidoso Downs business owners or their employees. The reason for that is it is very difficult to get citizens in our community to sit on our Economic Development Board. These are amendments to Chapter 33 Boards, Commissions, and Authorities Section: Economic Development Board.

Mayor Williams opened the Public Hearing for comments from the Public and citizens of Ruidoso Downs.

There were no comments from the public or citizens of Ruidoso Downs.

Mayor Williams closed the Public Hearing.

NEW BUSINESS

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

There were no comments from Mayor Williams.

Mayor Williams stated the next item on the agenda was – Councilor’s Comments.

Councilor Miller said we need to pray for rain because my comment involves a garden. I’m trying to put in an outdoor classroom garden in the park and we have it halfway built. We’re going to have kindergarten kids come on Wednesday and they are going to plant seeds and plants there. It will be a community garden and anyone is welcome to come. I really hope it will develop into some vegetables. We’re going to have the salsa garden and we have a book called “The Jalapeno Seed” that we are going to read to them Wednesday. We pray for rain.

Mayor Williams stated the next item on the agenda was – Consider Adopting Ordinance No. 2013-06 An Ordinance Amending Title III: Administration: Chapter 33 Boards, Commissions, and Authorities Section: Economic Development Board Subsections 33.35 General and 33.36 Appointment of the City of Ruidoso Downs Code of Ordinances.

Mayor Williams entertained a motion to adopt Ordinance No. 2013-06 An Ordinance Amending Title III: Administration: Chapter 33 Boards, Commissions, and Authorities Section: Economic Development Board Subsections 33.35 General and 33.36 Appointment of the City of Ruidoso Downs Code of Ordinances.

Councilor Miller moved to adopt Ordinance No. 2013-06 An Ordinance Amending Title III: Administration: Chapter 33 Boards, Commissions, and Authorities Section: Economic Development Board Subsections 33.35 General and 33.36 Appointment of the City of Ruidoso Downs Code of Ordinances. Seconded by Councilor Hood.

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

Mayor Williams stated the next item on the agenda was – Tim Coughlin – Executive Director- Requesting Use of All American Park –Summer Food Service Program.

Tim Coughlin said we are here again to ask for the use of All American Park for our Summer Food Program. With me is Lauren Kimbrell and she’s our Operations Manager and she will be handling the Summer Food Program this year.

Lauren Kimbrell said we provide three meals and that includes lunch, breakfast, and snacks to all kids up to age 18. Last year we did about 19,400 meals. All American Park is a very good site and we would like to open that up again.

Tim Coughlin said All American Park has always been well attended from kids in the neighborhood that need those meals. All meals are free. We’re hoping to break 20,000 meals this year and it is a huger undertaking.

Councilor Miller asked what the dates were?

Tim Coughlin said we start the day after Memorial Day and we finish the day before school starts. That is every week day and we will be closed on July 4th.

Mayor Williams entertained a motion to approve request of Tim Coughlin for use of All American Park for the Summer Food Service Program.

Councilor Miller moved to approve request of Tim Coughlin for use of All American Park for the Summer Food Service Program. Seconded by Councilor Perry.

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

Mayor Williams stated the next item on the agenda was – Consider Approving Request from the Mountain of Brothers Tribe Chapter of Survivors Clean and sober Motorcycle Club – Benefit Run – Use of All American Park July 20, 2013.

Joseph Mueller, Chris Angelikis, and Victor Montes introduced themselves. Joseph said we had such an amazing reception last year for this that I decided to start a local chapter. It would bring more people into the area.

Mayor Williams asked them to tell everyone what they do for this.

Joseph said we do a fundraiser and a poker run with local people and people from all over the country. The money that we raise all of it goes to Lincoln County Youth. From there we do auctions, bike games, and whatever we can to raise more money. Victor Montes said we do a run on the Billy the Kid route. This will be our third Clean & Sober run that's been hosted for the Lincoln County Youth. Team Builders are the ones who need the money and they are a well rounded service to the counseling service for the youth and families throughout Lincoln County. Another thing that's going to be happening there is we are doing this in conjunction with the Bed Races being done by Chief Babcock. The money for that will go toward the bathrooms at Riverside Park. We are trying to get a local chapter down here and this would be a mandatory run.

Chief Babcock said this would be our third year for the Bed Races. Teams will have beds with rollers on them and race back and forth on the basketball court. One will ride and the rest will push it. Last year the hospital loaned beds for those who didn't have one. Victor Montes said there were twelve tribes coming for this.

Victor said there were also three car clubs that would be here and they would be in the competition too.

Mayor Williams entertained a motion to approve Request from the Mountain of Brothers Tribe Chapter of Survivors Clean and sober Motorcycle Club – Benefit Run – Use of All American Park July 20, 2013.

Councilor Miller moved to approve Request from the Mountain of Brothers Tribe Chapter of Survivors Clean and sober Motorcycle Club - Benefit Run - Use of All American Park July 20, 2013. Seconded by Councilor Holman.

Carol Virden, City Clerk/Treasurer said under your department recommendation is does not include waiving the fee for this event. It's in your outline but it's not in your department recommendation so with that I asked Chief Babcock to submit another Agenda Briefing for the May 28th Council meeting to include that.

Councilor Holman said last year I attended and there were attempts of cheating on both sides much to the delight of all who attended.

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

Mayor Williams stated the next item on the agenda was - Consider Approving Agenda Briefing Memorandum - Past Due Invoice Fiscal Year 2012-2013 Invoiced - Autobody - Amount of \$6,186.80.

Terri Mosley, Finance Director said included is this invoice and it is considered an unauthorized purchase right now because the employee requested the services to be rendered but didn't get a purchase order before having the work done. We have to bring it to Council for your approval and staff does recommend approval because the work has already been done. It was on a police vehicle that was involved in an accident.

Councilor Holman asked if that had a \$500 deductible.

Terri said yes.

Mayor Williams entertained a motion to approve Agenda Briefing Memorandum - Past Due Invoice Fiscal Year 2012-2013 Invoiced - Autobody - Amount of \$6,186.80.

Councilor Miller moved to approve Agenda Briefing Memorandum - Past Due Invoice Fiscal Year 2012-2013 Invoiced - Autobody - Amount of \$6,186.80. Seconded by Councilor Hood.

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

Mayor Williams stated the next item on the agenda was - Consider Approving Resolution No. 2013-07 Budget Adjustments - Hubbard Museum of the American West - FY 2012-2013.

Terri Mosley, Finance Director said we've had some unexpected expenditures in the museum this year. We had to make some unbudgeted retirement contributions but we also are increasing the revenue side of that in the PERA Contributions. The utilities, gift shop, stock, and the contract and professional services are all currently over budget and I would need to do a resolution so that they can increase that for this fiscal year.

Councilor asked what it was with PERA.

Terri said we had some part-time employees who had not made contributions on either side earlier on so to correct that the employees paid their portion and that's what the revenue is and then we had to pay our portion which is what the expenditure is.

Mayor Williams entertained a motion to approve Resolution No. 2013-07 Budget Adjustments - Hubbard Museum of the American West - FY 2012-2013.

Councilor Miller moved to approve Resolution No. 2013-07 Budget Adjustments - Hubbard Museum of the American West - FY 2012-2013. Seconded by Councilor Hood.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action to Reduce Days and Hours of Operation - Lincoln County Transit.

Patty DeSoto, Transit Manager said during the budget meeting there were suggestions on reducing our hours and days of operation that would still allow us to perform our commitment. She went through the new schedule and said they would be closed during the middle of the day and being open Monday at 6:30 a.m. to 11:00 a.m. and again 2:30 p.m. to 6:30 p.m. on then again on Tuesday, Wednesday, and Thursday would be 6:30 a.m. to 11:00 a.m. and 3:00 p.m. to 7:00 p.m. Then on Friday 6:30 a.m. to 11:00 and then 2:00 p.m. to 6:30 p.m. and on Saturday being open from 6:30 a.m. to 6:30 p.m. That would be two part-time drivers at nineteen hours, one full-time at thirty-two hours, and myself at forty hours and will help them when someone doesn't show up to work or when we have handicap service and that service is Monday through Friday from 8:00 a.m. to 5:00 p.m.

Councilor Miller asked Patty if she had any new information?

Patty said she has appointments tomorrow.

Councilor Miller said there also needs to be a notice given to the riders otherwise they won't know the schedule and I would like to see the handicapped being picked up at all times because that is included in our grant.

Patty said she would be available for that Monday through Friday for that from 8:00 a.m. to 5:00 p.m.

Councilor Holman asked Patty if they were going to a fixed route?

Patty said I haven't decided that yet but it would be very easy to implement the fixed route I had before. I have a bus starting here in Ruidoso Downs going up to the far end of Ruidoso at

Club Gas and there would be one starting at Club Gas coming back down. The trip would take around forty-five minutes.

Councilor Holman said there would be people that couldn't make that fixed route and we would want them picked up at their door. Didn't we talk about all of this in budget? You're not telling us what we directed you to do.

Councilor Miller said we did talk about the handicapped that need to be picked up.

Councilor Holman said I think we've had a motion and a second on this and asked Mayor Williams if they could go ahead on this. He said I would like to remind you that the Budget Committee has not requested but demanded that you submit a monthly financial report so we know exactly where you are because we are the people responsible for City money. We are obligated to take care of City tax money and we have a job to do. As I recall wasn't that one of the things we requested?

Councilor Perry said that was for both the museum and the transit.

Patty asked if they expected that tonight?

Carol Virden, City Clerk/Treasurer said the statement that was made on May 9th at the Budget Work Session was by me that Terri Mosley, Finance Director would provide to the City Council at every City Council meeting with a financial report of where the Lincoln County Transit and museum are on their finances.

Councilor Holman said what we are hoping to eliminate that we won't be up on the situations there like on the transit of the very latest thing that has happened that money was borrowed out of our General Fund and was supposed to be paid back and was just a temporary loan and that didn't happen. The General Fund is a fund that has to do with the health, safety, and welfare of the entire City and citizens so we don't want to get into a situation where we find that we are not hundreds but thousands of dollars in the arrears that we have been obligated for. We would like to know that before it happens because this is getting serious.

Councilor Miller asked if the monthly grant money was sometimes late?

Patty said yes.

Mayor Williams entertained a motion to approve set days and hours of operation - Lincoln County Transit.

Patty DeSoto, Transit Manager said Tuesday, Sunday, and Monday we will be closed. We will be open. If I can get a good chunk of money I would love to run on Sunday for the tourists. The fixed route will begin in the summer.

Councilor Miller moved to approve set days and hours of operation as submitted by Patty DeSoto, Transit Manager - Lincoln County Transit. Seconded by Councilor Holman.

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

OTHER BUSINESS

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

Mayor Williams stated the next item on the agenda was - Proclaiming May 5 - 11, 2013 as Municipal Clerks Week.

Mayor Williams read the last paragraph of the proclamation:

Whereas, it is most appropriate that we recognize the accomplishments of the office of Municipal Clerk. Now therefore I, Gary L. Williams, Mayor of the City of Ruidoso Downs do recognize the week of May 5 - 11, 2013 as Municipal Clerks Week and do extend appreciation to our municipal clerk, Carol Virden, and to all municipal clerks who provide vital services they perform and exemplary duty and dedication to the communities they serve.

Mayor Williams stated the next item on the agenda was - employee of the 1st Quarter of 2013.

This is enjoyable to present because it involves one of our employees. This quarter it is Emma and everyone knows Emma. This lady is a joy to be around and is always here with a smile and everyone that comes in is like family. She is tremendous.

Councilor Miller said that was Emma Herrera.

PUBLIC INPUT

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

Carmen Medina said I am an employee of the State and I am here about how the hours are going to effect many people here in Ruidoso. I have over one hundred signatures of how many people it's going to effect. Personally it will effect me because my daughter gets out of school on Wednesday at 1:30 p.m. I have no transportation and I have no way of getting around except for transit. Transit has helped to me go around and pay my bills, get groceries, and run my errands. It has done a lot for me and other residents here. Transit takes me to lunch, brings me back and then home. The hours would effect us. I encourage finding more money and not to change the hours. Let the people vote on the museum and transit.

Gary Reynolds said I have two grandchildren and we have a lot of things in Alamogordo so we check in at the Inn from Ruidoso Downs.

Veronica Salas said I've live in this area since 1978. My disability has limited me from work and taking my own transportation. I use transit to meet the other transit to take me to Alamogordo and then the other one to get to Las Cruces to see my specialist for Rheumatoid Arthritis. That is the only means of transportation I have to get there and back. It is so vital

for my house and my function and I actually cannot function without my medication from my specialist. Another one of the members here is blind and that is Jesse and he should speak for himself but I see him walking with his cane.

Jesse Del Rio said I love Lincoln County Transit and they are like family. When I need them they are there. When I need a ride to the doctor they are there. When I need to pick up my prescriptions they are there. Without them I would be bored at home. Someone might say watch TV but I would just see black. Others might say take a walk but okay, taking a walk five times around the house gets boring too. With transit I get to talk and tell them how I make my jewelry. When I need a ride to the bead store there's Patty. One day I needed a ride to the Emergency Room and couldn't get a hold of anybody and there was Patty. I love Lincoln County Transit. One thing I have to say about Lincoln County Transit is they tell me they're coming and to keep an eye out.

Andrea Reese said I think Lincoln County Transit would be great and has the ability to do a lot for our community but isn't necessarily supported by leadership or funding. What I have learned is that we have put a lot of money in two different areas but if we put it in the root areas we could alleviate a lot of problems. So if we were creating solutions for transit I would think well how can we use DWI money for transit? How can we use court costs money or money from the seniors budget. How can we encourage the County for mill levy money to help the community? We know that the County doesn't necessarily support Lincoln County Transit but they do support quality of life. It's in their Comprehensive Plan to look at transit and I know it's in the Village of Ruidoso's Comprehensive Plan saying that it is a priority so we need to figure out how we're going to make it work. Patty is out there hustling but she doesn't have the power but you all have the power in leadership to communicate to get it funded. I see the summer as a real time to promote transit and the Hubbard Museum of the American West. I'm looking forward to the fixed route but also to alternative solutions. It is definitely valuable to our quality of life,

Bill Collins said I take transit myself and have a pass and I think you should give people a couple more weeks because I still have some passes. I like the idea of going to ENMU and Carrizozo and anywhere people need to go like the hospital and Travel Center. Somewhere down the road to our neighbors in Hondo to the Iris Farm and the places where people can go to the Farmer's Market. If there was fixed route would there still be a way to get to the Farmer's Market to support our neighbors?

Renee Haluschak said I've lived here for forty years and I'm not prepared right now and had to get up at 5:30 this morning to catch transit to take me to the Inn to catch Z-Trans and in between visit a friend who has Alzheimer's because no one goes to visit her. Every time I go to visit her she cries and it breaks my heart. Not only that but I had to get to my specialist and if not for transit I would be out there hitchhiking. Luckily I took transit back to White Sands Mall and then to Inn of the Mountain Gods and then I came right to here. I have a proposal written up at home. If you take transit away I will be really upset because I don't even know when I need it when I'm sick. Have any of you ever even taken the transit? Have you seen how hard these people work? All they do is think about is us, the people who can't get

around and it's heartbreaking that we can't get this funding and I pay taxes. I think we should give them a big hand.

Laurie Anderson said I am a health care provider and clean for various resorts and also work at Taco Bell. I raise my grandchildren for six months out of the year so my daughter can work and broaden her career. I have used Lincoln County Transit on and off for the last four years even though I have my own vehicle. I have used it for some of my clients who are wheelchair bound or who are bed ridden who would otherwise not get out to go to church functions or other social or media events. I have one client that I was with for two and half years and one of our greatest outings was that we used transit once a week so I could take her out to eat and the service was door to door. In my work as a health care provider I sometimes need to go to Alamogordo so I go to the Inn and get on Z-Trans. I work typically six days a week and I rely on that. If I didn't have transit I would have to rely on co-workers or friends. It's cheaper and environmentally better for our community for me not to be driving my vehicle. During the tourist season there is so much traffic congestion on our roads. To my knowledge there are about three thousand five hundred people a month that rely on this transit and some are for medical reasons and others are people like me that have to work. I'm a taxpayer and not fond of paying more taxes but if we have to in order to fund transit or find court costs there has to be some way to bridge the gap. I only found out about this meeting today about thirty minutes before I got off work and within that time I got sixty signatures. I guarantee that within a week I could get a thousand signatures. This would effect the employees and their employers too.

Sharon Munk said I work at Wal-Mart. This closing of one day a week would really hurt me. I have Sunday's off because transit doesn't run. If I had to change my day off to Tuesday I'd probably be working twenty hours instead of thirty-two hours a week. I take transit everyday. I would like to know what do we do with all of the tax money we get from Wal-Mart? We get a lot of money from Wal-Mart and we really need to have Wal-Mart. I know Patty has tried to talk to Raymond at Wal-Mart and I think is going to talk to him again tomorrow but we totally need transit. When they had the route in Ruidoso last year it didn't work and with the hours what if I had to go to work at twelve? Well, they're not running at twelve. Transit is to serve the people.

Beth McCoren said I work in Ruidoso forty hours a week and I ride transit by choice. I do own a car. It's reliable and gets me to work on time but more so my friend Jimmy who uses it everyday to visit restaurants, to run errands. There are people who have cars but use it as a choice.

Pam Williams said I live in Ruidoso Downs. This is so frustrating because I understand people and their hardships but I lived in Lubbock and I rode the bus and I walked for blocks and had to wait thirty minutes for the bus to get there. I lived on 18th Street and I worked on 98th Street. I sat for four hours and waited for the bus and I got home at 9:00 or 10:00 at night and I had to find my own way home. We all need to understand that the taxes are dispersed among everything. They don't just take the money and use it for this or that. They have to have streets and employees to keep up with it. We just don't have the money to keep up with it and everyone needs to have their own responsibilities. Being door to door is a taxi service.

You have to understand that the City can't afford it and the County doesn't want to put in. Everybody needs to understand that it's not just the City of Ruidoso Downs. The Inn is not even in our county, it's its own entity. I'm saying we thought we weren't going out of the County and it was all set and then everything changes. We have to do it and if you have to walk I've done it all my life and I have a car and I pay the taxes.

Wayne Williams said I would like to comment on a couple of things that Councilor Miller stated. She stated that our contribution to this thing is \$25,000 and I think the only time it's been \$25,000 is this year. We've been in the hole since day one. I think last year it was over \$78,000 that Ruidoso Downs paid and Ruidoso paid their \$25,000 if I'm not mistaken. Your comment about us just paying \$25,000 is just not even applicable. That's what we agreed to pay but that's not how much we paid. The second statement you said was that we can't just shut off transit and leave people hanging.

Mayor Williams asked Wayne Williams not to address his comment to a single person.

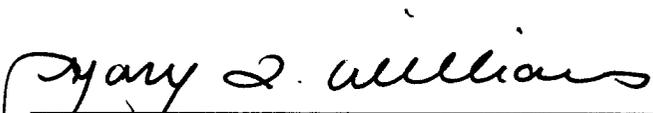
Wayne Williams said then he would say it was the Council said.

Wayne Williams said it's right, you cannot just cut off these people but it's not our responsibility to pay peoples transportation. It's a nice thing to do and a good thing to do. I hear people saying they save money but the City doesn't save money. They save money at our expense. It would be cheaper for the City if they picked out the truly needy just to save gas money and give them a taxi voucher. You would still be paying a lot less than \$78,000 a year. The statements the Council made that you can't just shut it off, the statement should have been that we never should have started this transit in the first place. We are too small of a town.

ADJOURNMENT

There being no further business to attend to Mayor Williams adjourned meeting at 6:47 p.m.





Gary L. Williams, Mayor

ATTEST:



Carol Virden, City Clerk/Treasurer