

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
REGULAR MEETING  
MARCH 24, 2014  
4:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on March 24, 2014. Mayor Williams called the meeting to order at 4:30 p.m. and asked Barbara Crockett to lead the Pledge of Allegiance. Mayor Williams asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Miller  
Councilor Morales

Councilor Perry  
Councilor Hood

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

Also present:

H. John Underwood, City Attorney  
Mary Castaneda, Finance Director  
Cleatus Richards, Public Works Director  
Janis Rowe, Associate Director-HMAW

APPROVAL OF AGENDA

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

Councilor Miller moved to approve the agenda. Seconded by Councilor Hood.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye; Councilor Hood, 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 Morales.

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

APPROVAL OF MINUTES OF ORGANIZATIONAL & REGULAR MEETING OF MARCH 10, 2014.

Councilor Miller moved to approve Minutes of Organizational Meeting and Regular Meeting of March 10, 2014. Seconded by Councilor Morales.

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

APPROVAL OF ACCOUNTS PAYABLES

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

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

APPROVAL OF MONTHLY REPORTS

Councilor Miller moved to approve Monthly Reports. Seconded by Councilor Morales.

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

APPROVAL OF COMMITTEE REPORTS

Councilor Miller moved to approve Committee Reports. Seconded by Councilor Morales.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye; Councilor Hood, 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 stated the next item on the agenda was – Councilor’s Comments.

Councilor Miller said we are having a Tire Amnesty this weekend in All American Park. It’s put on by Greentree, our Beautification Committee, and some of our residents of the City will help. Last year we collected 430 tires in a day and a half. They are going to do Thursday, Friday, and Saturday morning. On April 12<sup>th</sup> we have our Great American Cleanup also in the park and we invite all volunteers. There will be snacks for breakfast and a good lunch for those who participate and some prizes. Mark April 12<sup>th</sup> 8:00 a.m. until noon. Solid Waste will be open that day if you have big items you can take them down to Greentree. On April 19<sup>th</sup> we’ll have our Easter Egg Hunt at Riverside Park and Parks & Rec is helping the Beautification Committee put that on. We’ll have some flyers out.

Mayor Williams said I'd like to thank Judy as the Mayor's Representative for what she does. It's quite a compliment to have this recycling event in the Downs this year.

Mayor Williams stated the next item on the agenda was - Barbara Crockett, PE - CH2MHill - Presentation - Ruidoso Sewer Line Relocation Project.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Approval of Resolution No. 2014-04: A Resolution Authorizing the Execution and Delivery of a Colonias Infrastructure Project Fund Loan/Grant Agreement by and Among the New Mexico Colonias Infrastructure Board ("CIB") and the New Mexico Finance Authority ("Finance Authority"), and Collectively With the CIB, (the "Lenders/Grantors") and the City of Ruidoso Downs ("the Borrower/Grantee"), in the Total Amount of \$729,129, Evidencing an Obligation of the Borrower/Grantee to Utilize the Loan/Grant Amount Solely for the Purpose of Financing the Costs of Construction of a Sewer System Extension to Service Households Within the Agua Fria Subdivision and Solely in the Manner Described in the Loan/Grant Agreement; Providing for Payment of the Loan Amount of \$729, 913 and Acceptance of a Grant Amount of \$656,216 Solely From the Net System Revenues of the Joint Water/Sewer Revenues of the Utility System Owned by the Borrower/Grantee, 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.

J. R. Bauman, Public Works Director for the Village of Ruidoso began the presentation and said we're working on design right now. Our goal is to provide an update on the following topics: Project Background, Current status of the Sewer Relocation Project, Public Outreach & Education, 5-year Program for Implementation, and Project Cost Estimate. As you can see we've had some serious flooding problems.

Barbara Crockett said for the sake of background let me say that the flood of 2008 severely damaged the sewer line from the Mescalero/Village of Ruidoso boundary all the way down to the Wastewater Treatment Plant. As a result there was a Presidential declaration of emergency. This is a very important project because we have a lot of problems with the sewer lines.

Our goal is to relocate the sewer lines to:

- Reduce the impact to sewer line with future floods
- Meet the USACE requirements
- To protect the Rio Ruidoso.

The Project Status at this time is:

- Completed emergency hardening of the sewer line to reduce contamination of the Rio Ruidoso
- Completed preliminary engineering report for sewer relocation
- Completed Environmental Assessment and secured (FONSI) for sewer relocation
- Procured CH2M Hill to complete design and construction plans for the sewer relocation project
- Currently in the 30% design phase of the sewer relocation project

The next steps in the 30% design phase is:

- Complete Pipeline/Pump Station design criteria TM
- Complete Geotechnical Lab Analysis (60 borings)
- CCTV sewer line
- Complete manhole and sewer line condition assessment
- Pipeline Plan
- Pump Station design
- Preliminary list of affected property owners
- Community meetings

Jennifer House with the Public Outreach connection named the following goals.

The Public Outreach goals are:

- Conduct a collaborative outreach effort
- Effectively communicate and coordinate with neighborhood associations, businesses, funding and regulatory agencies, and the village and City administration and Governing Body
- Provide factual and clear information – increase public awareness, knowledge, and support of the sewer line relocation
- Protect and minimize disturbances to residents, businesses, environment, and wildlife while implementing the project.

The Public Information key messages are:

- Protect the Rio Ruidoso
- Reduce the inflow/infiltration of river water – reduce operating costs at the WWTP
- Reduce exfiltration of sewage into the river/ground – protect the environment
- Meet the USACE 404 Permit requirements by relocating the sewer line outside the Rio Ruidoso channel

- Use methods such as trenchless construction where appropriate – reduce the construction impact and delays
- Plan and design construction phases to account for peak-season tourism, Downs racing season, holiday weekends, weather' and cabin "check in/check out'

The Public Outreach and Engagement will consist of:

- Open Houses at strategic locations along the alignment and bridge locations to communicate project status, information, and impacts
- "Stop & Talk" information shared at neighborhood association
- Council updates
- Targeted education meetings on grinder pumps for the Upper Canyon
- Targeted mailings to out-of-town home owners

J.R. Bauman explained why a 5-year FEMA Program:

- Provide a roadmap for the project – how and when
- Identify funding cash flow needs for the project
- Meet the infrastructure needs of the residents and businesses
- Reduce the operational costs at the WWTP
- Protect the environment

Barbara Crockett said the 5-year program schedule was:

- Year 1  
Sewer Preliminary  
Public Outreach  
Geotechnical Investigation  
Surveying  
ROW Investigation  
Begin Sewer Finalizing
- Year 2  
Finalize Sewer  
Final Design  
Bid Phase 1  
Construction
- Year 3  
Bid Phase 2
- Year 4

Bid Phase 3

- Year 5  
Finalize all outstanding sewer line construction activities

A diagram of the Suggested Construction Phases was presented showing:

- Village of Ruidoso/Mescalero Reservation Boundary
- Upper Canyon Reach
- Midtown Reach
- Village of Ruidoso/Ruidoso Downs Boundary
- Ruidoso Reach

Barbara Crockett said the Project Cost Estimate was per dollar:

- \$0.75 – FEMA
- \$0.18 – New Mexico
- \$0.07 - Local

The method of review of the sewer line cost estimate was:

- Reviewed the 2009 PER for the sewer line project
- Updated the 2009 costs to 2013 using *Engineering News-Record* Construction Cost Index (ENR CCI) – industry approach
- Added costs to the items that were not included in the 2009 PER
- Adjusted some unit costs

The Preliminary Engineering Report (PER) cost estimate and current PER cost estimate was:

- 2009 PER Construction Cost Estimate:       \$25 million
- 2013 PER Construction Cost Estimate:       \$36 million

Not included in PER Construction Cost Estimate was:

- Compliance with USACE 404 Permit
- River Diversion, (i.e., cofferdams)
- Dewatering
- Property/Easement Acquisition
- Surveying/Mapping, Geotechnical Investigation and Utility Locates
- Engineering design and construction management/inspection services
- Public Outreach and Education

The question of how do we get a better idea of the Cost Estimate range of the 30% Complete design was:

- Survey and mapping
- Geotechnical/soils analysis
- Geohazards analysis
- Property investigation
- Utility locates
- Hydraulic analysis
- Horizontal alignment “frozen”
- Pipe material and sizing
- Grinding pumps and lift stations
- 30% plan and standard details
- Specification outline

Cleatus Richards, Public Works Director said the loan amount is \$72,913 and is payable over two years. It’s probably going to be another couple of months before closing on the loan. Dennis Engineering is currently under contract with the construction plan. This loan package was initiated last June so it is a long process.

Mayor Williams entertained a motion to approve Resolution No. 2014-04 as read.

Councilor Morales moved to approve Resolution No. 2014-04 as read. Seconded by Councilor Miller.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approval of Resolution No. 2014-05 Authorized Signature for the City of Ruidoso Downs Account With All Local Financial Institutions Within the Municipality.

Carol Virden, City Clerk/Treasurer said this is a standard resolution to authorize the Mayor and in the Mayor’s absence the Mayor Pro-tem which is Margie Morales and City Clerk to sign all documents to pay any checks, drafts, notes or orders so this is just a standard resolution. This would be replacing prior Mayor Pro-tem Holman with current Mayor Pro-tem Margie Morales and would become effective after today.

Mayor Williams entertained a motion to approve Resolution No. 2014-05.

Councilor Miller moved to approve Resolution No. 2014-05. Seconded by Councilor Hood.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Approval of Resolution No. 2014-06 A Resolution of the City Council of City of Ruidoso Downs, new Mexico Community Development block Grant Program Application to the Department of finance and Administration/Local Government Division; and Authorizing the Mayor to Act as the City of Ruidoso Downs Chief Elected Officer and Authorized Representative in All Matters Pertaining to the City of Ruidoso Downs Participation in the Community Development Block Grant Program.

Mayor Williams said there were a couple of things on the whereas such as "whereas the City Council of the City of Ruidoso Downs finds that this is a specific need to undertake the Agua Fria water line replacement project to provide adequate services to the community and whereas the City Council of the City of Ruidoso Downs determines that the Agua Fria water line replacement project meets the requirements of the Community Development Block Grant program." A couple of therefores such as "this application will be for \$500,000 of grant funds to carry out the Agua Fria water line replacement project and therefore let it be clearly stated that the City of Ruidoso Downs is committing \$25,000 for the General Fund as a cash contribution toward the design and construction activities of this project.

Cleatus Richards, Public Works Director said this will be to determine the project that we are eligible for and the collection running through Agua Fria. The \$25,000 is the required match.

Mayor Williams entertained a motion to approve Resolution No. 2014-06.

Councilor Hood moved to approve Resolution No. 2014-06. Seconded by Councilor Morales.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Approval of Agenda Briefing Memorandum - Payment of Invoice #TP009946713 - \$2,904.32 - Dated 06-20-13 - Otis Elevator Contract.

Cleatus Richards, Public Works Director said we do have enough in our fund to pay this invoice and it is mandatory to keep the elevator running at the museum because it is for the handicapped.

Mayor Williams entertained a motion to approve Agenda Briefing Memorandum - Payment of Invoice #TP009946713 - \$2,904.32 - Dated 06-20-13 - Otis Elevator Contract.

Councilor Hood moved to approve Agenda Briefing Memorandum - Payment of Invoice #TP009946713 - \$2,904.32 - Dated 06-20-13 - Otis elevator Contract. Seconded by Councilor Miller.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Agenda Briefing Memorandum - Approval of Remote Deposit with BBVA Compass.

Mary Castaneda, Finance Director said we had a meeting with Compass Bank. The Remote Deposit process would be to scan all checks received in the day and any checks scanned up to 9:00 p.m. would be processed. We would still have to physically go to the bank with the cash deposit but we could take care of the court deposit, the museum deposit, and our deposit and if we are all going daily it would save the trip and just go once with the cash deposit. I'm excited about this.

Mayor Williams entertained a motion to approve Agenda Briefing Memorandum - approval of Remote Deposit with BBVA Compass.

Councilor Miller moved to approve Agenda Briefing Memorandum - Approval of Remote Deposit with BBVA Compass. Seconded by Councilor Perry.

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

The next item on the agenda was from the Consent Agenda - Discussion and Possible Action - Approving Wastewater Treatment Plant Operating Invoice for January 2014.

Councilor Miller moved to approve - Wastewater Treatment Plant Operating Invoice for January 2014. Seconded by Councilor Morales.

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

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Hubbard Museum of the American West Loan Policy 2014-01.

Janis Rowe, Associate Director-HMAW said the Loan Policy is used when loaning out pieces of our collections out to other people or to businesses or other museums. We need to have this policy in place. This policy is almost identical to the past policy but we watched our wording on this and I have already sent a copy to John Underwood for review.

H. John Underwood, City Attorney said I don't have anything to add to it and this looks pretty standard.

Mayor Williams entertained a motion to approve - Hubbard Museum of the American West Loan Policy 2014-01.

Councilor Morales moved to approve - Hubbard Museum of the American West Loan Policy 2014-01. Seconded by Councilor Hood.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye; Councilor Hood, 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 - Updated Financial Status Report - Hubbard Museum of the American West and Lincoln County Transit.

Mary Castaneda, Finance Director said for February the cash balance for Lincoln County Transit was \$6,022.64. For the museum the cash balance was \$50,250.60. that is in reflection of the \$48,000 transfer we made from the General Fund.

Councilor Miller asked if the \$25,000 came in from the Hubbard Foundation?

Mary Castaneda, Finance Director said yes and that has been posted.

#### PUBLIC INPUT

**(All concerns to be addressed on to the Governing Body as a whole with a 3-minute time limit)**

There was no Public Input.

#### CLOSED SESSION

Limited Personnel Matters Pursuant to Section 10-15-1 H2, NMSA 1978 for the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee.

- Consider Review of Determination whether to uphold the recommendation of Mayor's Delegated Official Pursuant to City of Ruidoso Downs Personnel Policy Chapter 11 Rule 1105.

Any action taken as a result of the Closed Session will be brought back into Open Session.

Mayor Williams entertained a motion to go into Closed Session for Limited Personnel Matters Pursuant to Section 10-15-1 H2, NMSA 1978 for the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee.

Councilor Hood moved to go into Closed Session for Limited Personnel Matters Pursuant to Section 10-15-1 H2, NMSA 1978 for the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee. Seconded by Councilor Morales.

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

Mayor Williams closed the regular meeting at 5:31 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 Williams entertained a motion to go back into Open Session.

Councilor Morales moved to go back into Open Session. Seconded by Councilor Miller.

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

Mayor Williams 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 Limited Personnel Matters Pursuant to Section 10-15-1 H2, NMSA 1978 for the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee.

Councilor Miller attested to the fact that the only items discussed in Closed Session were Limited Personnel Matters Pursuant to Section 10-15-1 H2, NMSA 1978 for the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee.

Councilor Miller moved to approve to uphold the recommendation from the Mayor's Delegated Official and Public Works Director to suspend Benny Sanchez, Street Laborer without pay for two (2) weeks. Seconded by Councilor Perry.

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

#### ADJOURNMENT

There being no further business to attend to Councilor Morales moved to adjourn at 6:06 p.m. Seconded by Councilor Perry.



*Gary L. Williams*  
\_\_\_\_\_  
Gary L. Williams, Mayor

ATTEST:

*Carol Virden*  
\_\_\_\_\_  
Carol Virden, City Clerk/Treasurer