

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
SEPTEMBER 22, 2014
4:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on September 22, 2014. Mayor Williams called the meeting to order at 4:30 p.m. and asked Kenny Ellard to lead the Pledge of Allegiance. Mayor Williams asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Miller (via teleconference)	Councilor Perry
Councilor Morales	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
Chris Rupp, Police Chief

APPROVAL OF AGENDA

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

Mayor Williams entertained a motion to approve the Agenda.

Councilor Hood moved to approve the agenda. 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 Approval of Consent Agenda.

Mayor Williams said I would like to ask Council to remove Item 12G under New Business because we haven't received that information and that it be postponed to the next meeting in October.

Mayor Williams entertained a motion to approve the Consent Agenda with the removal of Item 12G under New Business and postpone to the next meeting in October.

Councilor Morales moved to approve the Consent Agenda with the removal of Item 12G under New Business and postpone to the next regular scheduled meeting in October. Seconded by Councilor Hood.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF SEPTEMBER 8, 2014.

Councilor Morales moved to approve Minutes of Regular Meeting of September 8, 2014. Seconded by Councilor Hood.

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

APPROVAL OF ACCOUNTS PAYABLE

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

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

APPROVAL OF MONTHLY REPORTS

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

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

COMMITTEE REPORTS

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

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

PUBLIC HEARING

ORDINANCE NO. 2014-04

An Ordinance of the Governing Body of the City of Ruidoso Downs, new Mexico Adopting the 2014 Amendments and Enacting New Section 12-6-18 Titled "Texting While Driving" to the New Mexico 2010 Uniform Traffic Ordinance by Reference:

12-6-18 TEXTING WHILE DRIVING

Mayor Williams opened the Public Hearing for comments.

There were no comments from the public.

Mayor Williams closed the Public Hearing.

UNFINISHED BUSINESS

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Agreement for Inmate Confinement Between the City of Ruidoso Downs and the County of Lincoln.

Chief Rupp said after discussion with John Underwood's office it is my recommendation to go ahead and sign the agreement with the County of Lincoln.

Mayor Williams asked Chief Rupp to give a little more background on this.

Chief Rupp said we went back and did a little research into what we paid last year and we paid a little under \$1,300 per inmate although the prices are going up it's still cheaper to transport to Lincoln County than to look at other options. In the future if we decide to go another route that option is still open if we chose to do so.

Councilor Morales asked what is a standard time that they are at Lincoln County Detention Center?

Chief Rupp said it could be that day if they posted bond and if the Municipal Court decides to house somebody we house them here. We're usually looking at 24 hours. If they bond that day we still need to pay for the whole day.

Councilor Morales said I was just concerned about the over 60 days.

Councilor Perry asked how long can you keep somebody here?

Chief Rupp said 72 hours.

Councilor Miller said she couldn't hear Councilor Morales question but was it about how many days?

Councilor Morales said she was asking about what was kind of a normal time period.

Councilor Miller asked what was that answer?

Chief Rupp said 24 hours.

Mayor Williams entertained a motion to approve – Agreement for Inmate Confinement Between the City of Ruidoso Downs and the County of Lincoln.

Councilor Hood moved to approve - Agreement for Inmate Confinement Between the City of Ruidoso Downs and the County of Lincoln. Seconded by Councilor Morales.

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

NEW BUSINESS

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

Mayor Williams said there will be a recycling event for used tires this weekend in All American Park. It will be Thursday, Friday, and Saturday, the 25th, 26th, and 27th from 8 a.m. to 5 p.m. on Thursday and Friday and Saturday from 8 a.m. to noon. It also involves washers, dryers, refrigerators, stoves etc. so tell your neighbors. He said also on November 1st we have the Electronics Recycling Day and will also be at All American Park from 9 a.m. to noon. He said we had a nice collaboration between the City and the Clean & Sober Club that had their event here a couple of weeks ago. They came by and presented to Council and the Mayor's office this plaque to show their appreciation and said they would be back next year again. They were really impressed that the Chief had a police escort as they passed through the City and they were the only one that did that.

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

There were no Councilor's Comments.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approving Agenda Briefing Memorandum – RFP 2014-02 Selection and Engineering Service Contract Award – Agua Fria Estates Distribution System Expansion – Design Phase Services – Dennis Engineering, Inc.

Cleatus Richards, Public Works Director said hiring an engineer is not a simple matter. First you have to go out with a Request for Proposal and we received four engineering firm's bids. The selection committee selected Dennis Engineering who is currently the engineering firm on our sewer project. Their familiarity with our area and the project area will probably put them ahead of any other engineering firm. After we made our determination we entered into contract negotiation with Dennis Engineering and came to an agreement on a fee for the project but none of it we could approve until we submitted it to the State for their approval. There is a letter in your packet which indicates that they have approved the selection and the engineer's contract. We cannot start them working until we sign the agreement and send it back to the Construction

Program Bureau for their final signature. On the last grant agreement appropriations took about a week and a half for that final approval so it goes pretty quick. Once that is accomplished we can then give Dennis Engineering a Proceed Order to start the engineering for the first phase of the Agua Fria Water System. We're still looking for money to fund that effort. We have a start on CDBG in that regard but it will get us not quite through the first phase but a fairly good amount of the work done. Beyond that we're going to have to wait for other sources of funding because CDBG is limited to \$500,000 and what we need is a phase that is approximately \$1 million dollars. We don't have our grant agreement for CDBG as yet. They keep asking for additional items of information and Carol just sent them an annexation record for the Agua Fria area. I'm not sure why it came up at this point because we've had other programs going in that area. Then the Historic Preservation people remembered that we had a grave site on the sewer project on the west end of town so they were concerned so we had our engineer prepare a response to them indicating that all of the system will be placed in a previously disturbed area either under existing pavement or along ditch lines where we've already done major excavation or other utilities are located. I think we'll get through that hurdle but it's just another delay to get our grant agreement. I hope to have that by the end of this month and now we'll have to wait on the Historic Preservation group and how they react to the submission by the engineering.

Mayor Williams entertained a motion to approve – Agenda Briefing Memorandum - RFP 2014-02 Selection and Engineering Service Contract Award – Agua Fria Estates Distribution System Expansion – Design Phase Services – Dennis Engineering, Inc.

Councilor Hood moved to approve Agenda Briefing Memorandum – RFP 2014-02 Selection and Engineering Service Contract Award – Agua Fria Estates Distribution System Expansion – Design Phase Services – Dennis Engineering, Inc. Seconded by Councilor Perry.

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 – Adoption of Ordinance No. 2014-04 Amendments and Enacting New Section 12-6-18 Titled “Texting While Driving” to the New Mexico 2010 Uniform Traffic Ordinance by Reference.

H. John Underwood, City Attorney said this is a Traffic Ordinance that is a statute because it was passed in the last Legislative session based upon the results of many surveys from accidents that are showing all of us the dangers of texting while driving. It was amended many times and ended up being \$25 for the first violation and \$50 for the second violation. The most important part is the awareness that our officers and all of the other officers in the State of New Mexico that they have the authority now to cite for someone who is texting while driving. We adopt the Uniform Traffic Ordinance by the necessity of law with each amendment.

Mayor Williams entertained a motion to adopt Ordinance No. 2014-04 Amendments and Enacting New Section 12-6-18 Titled “Texting While Driving” to the New Mexico 2010 Uniform Traffic Ordinance by Reference.

Councilor Morales moved to adopt Ordinance No. 2014-04 Amendments and Enacting New Section 12-6-18 Titled "Texting While Driving" to the New Mexico 2010 Uniform Traffic Ordinance by Reference. 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 Fiscal Year 2015 (FY 15) Memorandum of Agreement between the New Mexico Department of Transportation and the City of Ruidoso Downs.

Mayor Williams said this is an agreement between the State and through the Department of Transportation Transit and Rail Division with the City of Ruidoso Downs. This agreement allows the Federal system for public transportation having the funds distributed through the DOT for grant funding. This agreement allows us to apply for funding.

Mayor Williams entertained a motion to approve Fiscal Year 2015 (FY 15) Memorandum of Agreement between the New Mexico Department of Transportation and the City of Ruidoso Downs.

Councilor Morales said there were quite a few conditions in this agreement.

Carol Virden, City Clerk/Treasurer said this agreement is for the fiscal year 2015 and these are going to be monies that were already allocated to the City of Ruidoso Downs as fiscal agent for the Transit. We have made our grant application for FY 2016 and that will also have a presentation from the Mayor in the next few months.

Councilor Morales moved to approve Fiscal Year 2015 (FY 15) Memorandum of Agreement between the New Mexico Department of Transportation and the City of Ruidoso Downs. 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 – Approving Agenda Briefing Memorandum – Fire Department – Open Burn Training – Ruidoso Downs Racetrack – Within Next 2 Months.

Kenny Ellard, Fire Department said the race track has a pretty good size brush pile and some pallets that we would like to use as fire training with the volunteers. We will practice some water nozzle techniques and water relays. The water that will be used will come from the race track. We will be able to do some real life practices. We are looking to possibly doing it this Saturday if it will burn.

Councilor Miller asked if that was a one-time burning?

Kenny Ellard said I just put the two months in there so that the weather would be appropriate.

Mayor Williams entertained a motion to approve – Agenda Briefing Memorandum – Fire Department – Open Burn Training – Ruidoso Downs Racetrack – Within Next 2 Months.

Councilor Morales moved to approve Agenda Briefing Memorandum – Fire Department – Open Burn Training – Ruidoso Downs Racetrack – Within Next 2 Months. Seconded by Councilor Hood.

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

OTHER BUSINESS

Mayor Williams stated the next item on the agenda was – Updated financial Status Reports – Hubbard Museum of the American West and Lincoln County Transit.

Mary Castaneda, Finance Director said these are figures for August. The beginning cash balance for Transit of \$15,301.84. Revenues were \$5,413.68 and expenditures of \$14,474.10 leaving the ending cash balance at \$6,241.42. The Museum had a beginning cash balance of \$47,431.14. Revenues were \$68,949.86 and \$50,000 of that was from the Hubbard Foundation. Expenditures were \$64,260.34 and leaving an ending cash balance of \$52,120.86. I have preliminary figures for September. Beginning cash balance for Transit \$6,241.42. We had revenues in the amount of \$740 in fares, \$8,940.64 in grant reimbursement, expenditures of \$1,988.35 leaving an ending cash balance of \$13,933.71. For the Museum we had a beginning cash balance of \$52,120.66. Revenues came in at \$14,732.57 and expenditures in the amount of \$9,392.91 leaving an ending cash balance of \$57,460.32. These figures are the 21st.

PUBLIC INPUT

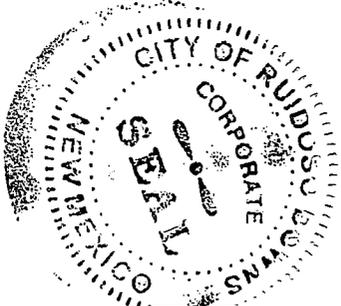
(Items are for discussion only – no action will be taken)

There was no Public Input.

ADJOURNMENT

There being no further business to Mayor Williams entertained a motion to adjourn.

Councilor Miller moved to adjourn. Seconded by Councilor Morales. The meeting adjourned at 4:58 p.m.



ATTEST:

Carol Virden, City Clerk/Treasurer

Gary L. Williams, Mayor