

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
NOVEMBER 9, 2015
4:30 P.M.

Mayor Williams said to Councilor Miller to take your seat. It's your choice.

Councilor Miller asked if there was any kind of rule of where to sit? She said I prefer to sit here.

Mayor Williams said Councilor I'm asking you please to take your seat.

Councilor Miller said I have a seat.

Mayor Williams said there will be a delay here ladies and gentlemen.

Carol Virden, City Clerk/Treasurer said when Mayor Williams during the organizational meeting had set up the way the Councilor's were sitting I believe you went through a diagram. Do you recall that?

Councilor Miller said yes.

Carol Virden, City Clerk/Treasurer said but there is nothing in the rules.

I am asking that you take your seat so we can get started.

Councilor Miller said I asked in a letter to move.

Mayor Williams said that discussion can be taken after the meeting. Until then take your seat.

Mayor Williams again said Councilor, please take your seat.

Councilor Miller said I have a seat right here and I'd like to be moved. I'm more comfortable here.

Mayor Williams said that's not up to you Councilor. The board is set up the way it was and that's the way it's been for 3 ½ years. I'd like you to take your seat so we can continue the

meeting please. This is an inconvenience to the public and we need to get this business meeting going.

Mayor Williams again said Councilor please.

Councilor Miller said Mayor, I don't believe it hurts one bit where I sit.

Mayor Williams said this is a request. Would you please take your seat?

Councilor Miller said well, I don't want that gavel hit that close to me and I don't want your finger in my face. So, I prefer to sit here.

Mayor Williams said take your seat please. If you want I will move this over here and I'll keep my hands to myself but we need to proceed with business.

Councilor Miller asked if that was a promise?

Mayor Williams said that is professional as professional as professional and you will know this.

Councilor Miller said I hope you can be professional.

Mayor Williams said thank you.

Councilor Miller said if you can't then I will move.

The Council of the City of Ruidoso Downs met in regular session on November 9, 2015. Mayor Williams called the meeting to order at 4:30 p.m. and 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 Ritter

Carol Virden informed Mayor Williams there was a quorum.

Also present:

Alexandra Bobbit, City Attorney
Mary Castaneda, Finance Director
Christopher Rupp, Police Chief
Dale Graham, Interim Public Works Director

APPROVAL OF AGENDA

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

Mayor Williams entertained a motion for Approval of Agenda.

Councilor Morales moved to approve the agenda. Seconded by Councilor Perry.

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

APPROVAL OF CONSENT AGENDA

Mayor Williams stated the 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 Ritter, Aye; Councilor Perry, Aye; Councilor Morales, Aye; Councilor Miller, Aye. Motion carried.

APPROVAL OF MINUTES OF REGULAR MEETING OF OCTOBER 26, 2015.

Councilor Miller moved to approve Minutes of Regular Meeting of October 26, 2015. Seconded by Councilor Morales.

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

APPROVAL OF ACCOUNTS PAYABLES

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

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

PUBLIC HEARING: ORDINANCE No. 2015-04

Mayor Williams stated the next item on the agenda was - Public Hearing - Ordinance No. 2015-04 - An Ordinance of the Governing Body of the City of Ruidoso Downs, New Mexico adopting the 2015 Amendments to the New Mexico 2010 Uniform Traffic Ordinance by Reference.

Carol Virden, City Clerk/Treasurer said this is an Ordinance of the Governing Body of the City of Ruidoso Downs, New Mexico adopting the 2015 Amendments to the New Mexico 2010 Uniform Traffic Ordinance by Reference 12-1-5.1 Autocycles. That is the new section 12-1-37 on motorcycles and the change on that is including autocycles. There is 12-7-6 is mandatory use of protective helmet. The only change in that as specified was striking out

the word "secretary" and replacing it with "director." Under C autocycles are exempt from the helmet provision under 66-7-3.6 of the New Mexico State Statutes 1978 and of that 7.8.1 motorcycle endorsements not required for an autocycle operation. I do want to bring the matter to the attention of the Governing Body that the amendment to the 2010 Uniform Traffic Ordinance and if you look at 12-7-6 the intent of the legislature was to delete the word "director" and insert "secretary" but in the clean copy they left the word "director" and didn't even mention the word "secretary." Legal and I discussed that this morning and I would think it would behoove the City to leave it as is in the clean copy when I give a copy to the Police Department and the Municipal Judge and let the legislature do their own cleanup if it even comes up in the 2016 Legislature because I don't think we have the authorization to make that change.

Mayor Williams said the Public Hearing is open.

Wayne Williams said I have a question and if this change is on the helmet for the three-wheel bicycles/motorcycles?

Councilor Morales said they are completely enclosed.

Wayne Williams said here is my question. I was thinking about buying a Polaris side-by-side. It's not a golf cart. It's more than that. It's 4-wheel drive and it's mandatory that it be licensed in the state. You can't even drive it off-road without a license. Would I be allowed to drive it on the street? If you're calling something with three wheels an autocycle then something with four wheels that's 4-wheel drive and has wipers and everything that a car has and you're not allowed to drive it on the street. If I have to pay for license plates I'm going to want to drive it on the street but I'd like to know whether or not I can do it if I buy one.

Mayor Williams asked Chief Rupp if he had any information on that?

Chief Rupp said no.

Wayne Williams said I know the state says you can't license it as an automobile and therefore you can't drive it on the street.

Carol Virden, City Clerk/Treasurer said you're classifying it as a 4-wheel is that right?

Wayne Williams said I'm saying it's as much an automobile as my pickup.

Carol Virden, City Clerk/Treasurer said I believe the restrictions on those is that you have to license them for the following reasons: those are used specifically on private land and/or areas that are allowed. They are classified as off highway motorcycles and the reason for that is Game & Fish can come in and stop you. It's registered to you. I had one and had to go through that.

Wayne Williams said a dirt bike can be off highway but you can register it for the street.

Chief Rupp said that's correct.

Wayne Williams said if I decide to buy one I'd like to know if I'm driving down the street are they going to give me a ticket with a license on it.

Carol Virden, City Clerk/Treasurer said Mr. Williams if you would like to come into the office tomorrow I can let you review the Uniform Traffic Ordinance in its entirety.

Wayne Williams said I want an opinion on what our local Police Officers are going to do if they pass this saying that three-wheelers are the same as automobiles or bicycles or motorcycles then you're making an exception to something. The Police Officer is going to make an exception to people here. In Phoenix they run those things all over the city.

Carol Virden, City Clerk/Treasurer said if the Council after the Public Hearing adopts the Ordinance 2015-04 the Chief will get a copy of the new amendment as well as the Municipal Judge and you can certainly give it a try. Better yet, just come into the office to review the whole UTO.

Mayor Williams closed the Public Hearing.

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 Wednesday is Veteran's Day and if you know a veteran let them know that you are thankful for their service.

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

Councilor Morales said you might want to add that City Hall is closed.

Councilor Miller said our Governor should be here on Wednesday, November 11th out at Fort Stanton dedicating it as a veteran cemetery.

Councilor Morales said I would like to apologize on my behalf to the City Council members, Mayor, and audience. Our behavior at the last Council meeting was very inappropriate. We let our emotions get the best of us and it was an ugly meeting. I hope that we have all put it behind us. We have a City to run for the next four months. I hope we can put it behind us and run the City as it should be done.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Adoption of Ordinance No. 2015-04 – An Ordinance of the Governing Body of the City of Ruidoso Downs, New Mexico adopting the 2015 Amendments to the New Mexico 2010 Uniform Traffic Ordinance by Reference.

Councilor Morales said I don't think I've ever seen an autocycle.

Councilor Ritter said if you were standing in front of it you would think it was a sports car but if you were behind it you have no idea what it is. You have two wheels on the front and one on the back. The two front tires steer, two people sit side by side and there is a steering wheel.

Mayor Williams entertained a motion for – Discussion and Possible Action – Adoption of Ordinance No. 2015-04 – An Ordinance of the Governing Body of the City of Ruidoso Downs, New Mexico adopting the 2015 Amendments to the New Mexico 2010 Uniform Traffic Ordinance by Reference.

Councilor Morales moved to adopt – Ordinance No. 2015-04 – An Ordinance of the Governing Body of the City of Ruidoso Downs, New Mexico adopting the 2015 Amendments to the New Mexico 2010 Uniform Traffic Ordinance by Reference. Seconded by Councilor Perry.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approval of Agenda Briefing Memorandum – Purchase Requisitions from Reliable Chevrolet for Two New Trucks for Public Works Sewer Department.

Dale Graham, Interim Public Works Director said the two new trucks were approved in the budget and I come here tonight to let you know what we're doing with the taxpayers money. We went out to look for the best deal possible and found that it was Reliable Chevrolet. Since the two vehicles was over the \$60,000 threshold that the State has for purchasing we thought we would just bring it to Council and ask you to approve it and that way everybody is covered.

Mayor Williams entertained a motion to approve – Agenda Briefing Memorandum – Purchase Requisitions from Reliable Chevrolet for Two New Trucks for Public Works Sewer Department.

Councilor Ritter moved to approve – Agenda Briefing Memorandum – Purchase Requisitions from Reliable Chevrolet for Two New Trucks for Public works Sewer Department. Seconded by Councilor Miller.

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

Councilor Miller asked when they would be here?

Dale Graham, Interim Public Works Director said we're hoping four to six weeks.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approval of Personnel Recommendation – Department – Ruidoso Downs Police Department – Position – Certified Police Officer.

Chief Rupp said we would like approval for the position of Hari Gray. He applied for the position that was left vacant. Through the process he was graded the highest. He is Certified by Waiver.

Councilor Miller asked if he has to take a test to get certified?

Chief Rupp said yes.

Councilor Miller asked if it will take one year?

Chief Rupp said yes.

Councilor Ritter asked where he is coming from?

Chief Rupp said Alamogordo.

Mayor Williams entertained a motion to approve – Personnel Recommendation – Department – Ruidoso Downs Police Department – Position – Certified Police Officer.

Councilor Miller moved to approve – Personnel Recommendation – Department – Ruidoso Downs Police Department – Position – Certified Police Officer. Seconded by Councilor Perry.

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

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Approval of Agenda Briefing Memorandum – Public Works Department – Donate a Used Fire Hydrant to Lincoln County Emergency Services.

Dale Graham, Interim Public Works Director said I was contacted by the Glencoe Fire Department which now calls themselves Lincoln County Emergency Services and wanted

to know if we had a fire hydrant they could have and we do. We have a used but still operable fire hydrant in our yard that we will probably never put back into use again. It is my understanding that they have a big storage tank that they don't have any good way of getting it out and onto the truck. I'm here to ask permission to give the County Fire Department the fire hydrant.

Councilor Ritter asked if they were going to pick it up?

Dale Graham, Interim Public Works Director said yes.

Councilor Miller asked if we can put 'use it' instead of 'donate' because don't we have the anti-donation?

Dale said I think as long as we're giving it to another government entity then that doesn't apply.

Mayor Williams entertained a motion to approve - Agenda Briefing Memorandum - Public Works Department - Donate a Used Fire Hydrant to Lincoln County Emergency Services.

Councilor Morales moved to approve - Agenda Briefing Memorandum - Public Works Department - Donate a Used Fire Hydrant to Lincoln County Emergency Services. Seconded by Councilor Miller.

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

Mayor Williams asked for an update on the project.

Dale Graham, Interim Public Works Director said our Water Project in Agua Fria Phase I, the contractor is making really good time. Unfortunately for the people who live in Agua Fria they've had several water outages because of this. There won't be too many more. I would say by the end of this week they will about 50% if not more of the pipe installed and it looks like they will finish on schedule as long as the weather holds out.

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 Reports - Hubbard Museum of the American West and Lincoln County Transit.

Mary Castaneda, Finance Director said Lincoln County Transit had a beginning cash balance of \$24,843.13. Revenues of \$1,619.00. Expenditures of \$12,309.68 leaving them a tentative ending cash balance of 14,152.45. The museum had a beginning cash balance of

\$19,633.33. Revenues of \$8,235.54. Transfers in from Lodgers of \$18,200.00. Expenditures of \$26,494.79 leaving them a tentative ending cash balance of \$19,574.08.

PUBLIC INPUT

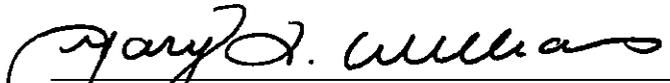
Mayor Williams stated the next item on the agenda was Public Input.

Pam Williams said I'm wondering. Do all the Directors from the City evaluate all the other department Directors? Are they qualified? I can't get last meeting's action of hiring our Public Works Director out my mind. I see it's not on today's agenda. I don't know if you all had a special session and elected because I keep hearing Dale called Director. Anyway, we were told, and I quote, "The process doesn't just end now. I'll keep coming back at you. You won't keep shooting me down. That's fine but we're just looking to having a department that's going to be incomplete. That's fine. You want to play that way? That's your call." Please, let me tell you that as a citizen of Ruidoso Downs this is no game. I feel the most qualified person to be our Public Works Director is the same man that has taken responsibility for this department since Cleatus left. He's the most qualified to keep directing this department. It's running smoothly. This man is certified. He is now Interim Public Works Director and deserves the permanent position of Public Works Director. It seems there is only one person keeping this department incomplete. Let's get on with it and do the City's business. The City Council has the final word and they've made their desires clear. Now what kind of game are we going to play here? We've played this game before and it just don't work.

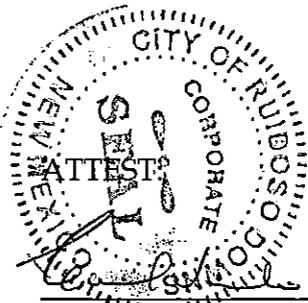
Wayne Williams said correct me if I'm wrong but I want to state my opinion of how city government works. The citizens of Ruidoso Downs elects City Council and the Mayor. The citizens job is to see to it that the City Council don't vote wrong. If they vote wrong we're supposed to speak up and say I don't agree with you. The City Council's job is to keep the man in the middle working straight. After reading all of the City corporation papers and stuff the Mayor has absolutely no power other than what the City Council allows him to do. Period. He cannot do anything and he cannot even vote unless there is a tie. So, when you folks from the City Council grant him permission to run the City that's your decision to give him the power, not the citizens. The City Council does. What you give this City you can also take away. What I saw here before the start of this meeting it's childish. It's what you would see in a kindergarten class. It's time that somebody grew up and stop acting like a little child because they didn't get their way. Your four individuals up here, and correct me if I'm wrong, this lawyer whatever your name is, or Carol, but the Mayor only has the authority that you allow him to have. That's my opinion of how this City should work. I'm doing my part and my wife is doing her part. If we disagree with what you do we come up and let you know. Right or wrong. It's not important if we're right or wrong. It's important that we voice our opinion. When you folks up there don't stand up and be heard then you're not doing what's right or wrong. You're just going along. It's time this kind of crap stops in our City. It's bull and I think you all know it.

ADJOURNMENT

There being no further business to attend to Councilor Morales moved to adjourn the meeting. Seconded by Councilor Miller. All were in favor and the meeting adjourned at 5:02 p.m.



Gary L. Williams, Mayor



Carol Virden, City Clerk/Treasurer