

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
REGULAR MEETING  
APRIL 25, 2016  
4:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on April 25, 2016. 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 Morales  
Councilor Romero

Councilor Miller  
Councilor Walker

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

Also present:

H. John Underwood, City Attorney  
Alexandra Bobbit, City Attorney  
Dale Graham, Public Works Director  
Christopher Rupp, Police Chief

APPROVAL OF AGENDA

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

Mayor Williams entertained a motion.

Councilor Miller moved for - Approval of the Agenda. Seconded by Councilor Morales.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, 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.

Councilor Miller moved for – Approval of the Consent Agenda. Seconded by Councilor Romero.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

APPROVAL OF MINUTES OF SPECIAL JOINT MEETING OF APRIL 5, 2016 AND REGULAR MEETING OF APRIL 11, 2016.

Councilor Miller moved to approve minutes of Special Joint Meeting of April 5, 2016 and Regular Meeting of April 11, 2016. Seconded by Councilor Romero.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

APPROVAL OF ACCOUNTS PAYABLES

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

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

APPROVAL OF MONTHLY REPORTS

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

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

COMMITTEE REPORTS

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

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

## UNFINISHED BUSINESS

Mayor Williams stated the next item on the agenda was - Unfinished Business.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Agenda Briefing Memorandum - Funding for a new Ruidoso Downs Police Department Dispatch - Options for replacement of existing Dispatch Center.

Chief Rupp said everyone should have a packet from Southwest Wireless regarding our Dispatch console. Also included in that is a new bid packet that is approached by Southwest Wireless. You should also note that in this bid it does not have the price of the furniture. Tonight we also have a representative from Southwest Wireless to speak about this new program by the name of Greg, Bruce, Bill and Ashley. We have also been working with Southwest Wireless and the state for getting the statewide pricing agreement.

Greg Stewart said he was the financial manager and said what we are trying to do here is to replace their 911 console system and it's about twenty years old. If something was to go wrong with that system at this point there are not any options for parts for repair. Trying to get it revamped to where it is working and will last years without putting a band aid on it. If it goes down your communication stops so we put a bid together and then it should last for twenty years. We put the Lincoln County Sheriff's office system in and it's a great emergency system. You all have it there to see what all it can do. It's something that I think Ruidoso Downs needs in order to keep communications with their officers and with the public.

Bill said the quote is based on state contract.

Councilor Miller said Mr. Stewart when you first started talking you said a 911 system.

Greg said no, it's an Etron console is the issue. I guess Ruidoso is the one who receives those 911 calls and then they are dispatched to Ruidoso Downs. The console it's currently in which is about twenty years old, getting parts for this system they are just not available.

Councilor Miller asked if Ruidoso would still be the dispatch for 911? What do they do call our department?

Greg said yes. Ruidoso PD and the Sheriff's office take 911 calls. They dispatch to Ruidoso Downs and then they dispatch to their officers. Once it goes down it's going down to stay.

Councilor Miller said this is Phase I. With any other phases will we have our own 911?

Alexandra Bobbit, City Attorney said no we won't because those are handed out by the state. There is only one PSAP in each county and Lincoln County was an exception because of the mountain so that's why Carrizozo got one and then Ruidoso is considered to be the middle point. If we could consolidate with Lincoln County and Ruidoso we could get rid of one of the PSAP's. You still need to have the equipment and this would be the equipment needed for the Consolidated Dispatch.

Greg said this system is IP, Internet Protocol based. We do the internet too.

Mayor Williams asked if the dispatch was IP based would it still have to go through repeaters?

Greg said no but currently it does.

Councilor Miller asked if in the first phase would they be able to dispatch through the equipment instead of through the telephone like they are doing now?

Greg said yes. And, you could go out to bid on this but if you get someone not local it could be the next week before you get what you need. Our bid is state contract and we are here. It's a redundant system that is IP based and gives more communications.

Mayor Williams said you talked about Phase I. How long would it take to get the second part put together?

Chief Rupp said Phase II is when we are looking at the system as a whole. When we broke it down this is the basics in Phase I. If we can get to the point of consolidated joint dispatch then the other equipment won't be necessary. So we really want to reach Phase II.

Mayor Williams said we've had the discussion on the system itself. Do we want to have a discussion on the financial part of it?

Mayor Williams entertained a motion.

Councilor Romero said I would like time to review this new bid.

Councilor Morales said I understand the importance of our dispatch system for our citizens of Ruidoso Downs I would be willing to postpone this to the next meeting so that I could talk with Mary about the finances.

Councilor Miller said she agreed and would like to know where they were going to get the money and find out if we can get out of that contract to use that money.

Mayor Williams said the funding that's in place for that \$24,000 to the Village, what's the time frame that we have to let them know if we have to pay it because we're getting close to the end of the fiscal year. We owe the \$24,000 as it is right now. There will be budget workshops here in the near future. That money is going to have to be paid or invested.

Alexandra said I have gone ahead and asked about the next \$24,000.00 and will hopefully have an answer within the week.

Councilor Morales moved to postpone until May 9, 2016 Council meeting.  
Seconded by Councilor Romero.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

### NEW BUSINESS

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

Mayor Williams said in Agua Fria I would like to thank the Director for getting a million for the project that was on the highway out here from the contractor for placing their equipment that time on City property. So he's using that now to put a temporary fix on three of the streets to prevent any water related incidents on the dirt roads.

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

Councilor Miller said I'd like to make a little report on our cleanup this weekend. The wind was blowing and we had about 37 volunteers and picked up about 110 bags of trash. We also had some people join our flea market. They also had the tire recycling down at Greentree on Saturday.

Councilor Romero said I would like to thank Larry Nunez. He was supposed to weed eat around fire hydrants on Parker and he did the whole street so I would like to recognize this employee for going above and beyond.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Dennis Engineering Company - Cody Sipes, PE Staff Engineer - Acceptances of Closeout Documents for the Agua Fria Project Phase I CDBG 14-C-RS-I-07-G-18. Tappan Mahoney said I'm here to this is Phase I of the Agua Fria Water System. It was funded through the Community Development Block Grant. It went through competitive bids and went to DuCross Construction from Las Cruces. The documents listed here are required for the closeout. There were some delays in completing the

project and it is summarized on the second page. The budget consisted of the grant and a small match. The project did end up with a fund balance of \$12,436.46 available.

Mayor Williams asked Tappan Mahoney to explain some of the delays.

Tappan Mahoney said the project is set up with two kinds of completion. One is substantial completion and the other is near completion for final payment. After substantial completion there are things like cleaning up, regrading the road, finishing concrete. For whatever reasons the contractor didn't take the time on the substantial completion items that were noted in different meetings. I can't answer as to why they took longer on the cleanup items.

Mayor Williams entertained a motion.

Councilor Morales moved to approve Closeout Documents. Seconded by Councilor Romero.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Agenda Briefing Memorandum - Professional Service Agreement Task Order 16-01 Streets, Attachments and Fee Schedule - Griffith Dr. Improvements: Project Number MAP 7627(908).

Dale Graham, Public Works Director said we would like to get your approval Task Order 16-01 to utilize the MAP money that we got from DOT to begin work to redo Griffith Dr.

Mayor Williams asked Dale to tell them what amount is the City's participation in it and what you are going to do with the money?

Dale said we will have a total of \$266,000.00. He said \$200,000.00 will be grant funds and for the City we intend to do in-kind work for the match. We will be doing all of the work on the street except for the curb and gutter.

Tappan Mahoney said early on we will stake out the grades that they will be working on and provide an initial layer of base course for the road surface. The curb and gutter work will be out for bid and then we will help the City with the final grades for the finish.

Mayor Williams asked if there any time frames?

Tappan Mahoney said next week we are scheduled to do the field survey to get the grade information. Within 60 days we will have the plans ready for potential bids for the concrete.

Mayor Williams entertained a motion.

Councilor Miller moved to approve Professional Service Agreement. Seconded by Councilor Walker.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Agenda Briefing Memorandum - Professional Services Agreement Task Order 16-01WW, Attachments and Fee Schedule Agua Fria Estates Wastewater Collection System - Phase II - Project Numbers: SAP 15-0519-STB and 3358 CIF.

Dale Graham, Public Works Director said this is a project through the Colonias Infrastructure Board for the wastewater in Agua Fria. We have a fund total of \$1,404,424 for the project. Of that money we have a loan in the amount of \$118,584.00 and this is an 18% match for the City.

Tappan Mahoney said the goal is to finish this project in Phase II and will consist of the Escalante line down to Parkway onto US Highway 70. That part will require a permit from the DOT and that is included in our scope of services. It will leave a remaining part of the sewer along Agua Fria itself.

Mayor Williams entertained a motion.

Councilor Miller moved to approve. Seconded by Councilor Morales.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Approval of Agenda Briefing Memorandum - Keep Ruidoso Downs Beautiful Service Agreements to Provide Youth Employment.

Councilor Miller said our Beautification Committee is submitting these Service Agreements. We have three teachers from White Mountain Elementary who will be scheduling a field trip on May 10, 2016. They will each be paid \$100.00 and they are

going to work in the Outdoor Learning Center and will be planting a garden that morning. With this contract they will also come back and help with a cleanup.

- Catherine Diaz
- Rachel Lutterman
- Cynthia Narvaez

Mayor Williams entertained a motion.

Councilor Romero moved to approve. Seconded by Councilor Walker.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Special Event Funding – Lodgers’ Tax Promotional fund – MTD Radio - \$3,600.00.

Tim Keithley said he was the vice-president of marketing for the Ruidoso Downs racetrack. Along with our racetrack we have a sister company MTD Radio which is a group of five radio stations. It includes KRUI, local stations and regional stations that serves all of southeast New Mexico. These are the feeder market for the racetrack. I come to you asking for Lodger’s Tax funds that would be used on MTD Radio. We have a relationship with Ruidoso Downs hotels and motels. What we intend to do through the radio and casino is work with them for something to promote to get their customers to come to our racetrack and casino. We put together a promotion with a coupon that customers would receive when they check in for \$10 free slot play. What this \$3,600.00 in Lodgers’ Tax funds does is pay for commercials that we put on our regional stations and we match the amount dollar for dollar and will up the volume of commercials aired. I would like to propose \$600.00 for six months. He played a sample of what the commercial would sound like. We support our hotels and when the Cowboy Symposium is here too.

Carol Virden, City Clerk/Treasurer said you are advertising for the Ruidoso Downs hotels but you do understand that you also have RV’s such as Circle B and other entities. Are you going to include them?

Tim said he would be happy to.

Carol said because they also pay Lodgers’ Tax. You are requesting \$600.00 per month for six months beginning May 2016 through October 2016. Our fiscal year ends June 30,

2016 so you are going to have May and June for this fiscal year. Then it will be July through October 2016 for the next fiscal year.

Tim said I will leave that to your discretion on how you handle that.

Carol said you will need to submit a request for May and June and then another for July through October.

Mayor Williams entertained a motion.

Councilor Morales moved to approve \$3,600.00 for six months payable at \$600.00 per month for May and June of this fiscal year and then the next four months of July through October to be paid in the next fiscal year. Seconded by Councilor Miller.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Resolution No. 2016-05 Open Meetings Act.

Mayor Williams said Council brought this forth at the last Council meeting for a time change of meetings and the resolution had to be updated for the specific times. That will start the next meeting in May and through September which will be during daylight savings time. Meetings will start at 5:30 and then in October through March back to 4:30.

Carol Virden, City Clerk/Treasurer said you can look on page 2 under Regularly Scheduled Meetings and on page 7 for the changes. In December 2016 you will have another Open Meetings Act for approval with the time changes.

Mayor Williams entertained a motion.

Councilor Miller moved to approve. Seconded by Councilor Walker.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Agenda Briefing Memorandum – Awarding IFB #2016-01B-Multi Award Contract for Aggregates.

Dale Graham, Public Works Director said we went out for competitive bids who bid on the job. This is a multi-award contract and was made to three vendors. This contract is for one year and renewable a total of a three year contract.

Mayor Williams asked Dale to explain what the aggregates were.

Dale said they are what we use for the base course for the road jobs like Griffith and the asphalt. The three who were awarded are Batte Enterprises from La Luz, NM, Aggregate Technologies, LLC from Alamogordo, NM and Southwest Paving & Grading doing business as Ruidoso Sand and Gravel.

Mayor Williams entertained a motion.

Councilor Miller moved to approve. Seconded by Councilor Romero.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Agenda Briefing Memorandum - Resolution No. 2016-06 3<sup>rd</sup> Quarter Budget Adjustments FY 2015-2016.

Carol Virden, City Clerk/Treasurer said these major adjustments and are the City Hall roof and Mary did add in the expense of \$86,500.00 and a revenue in and revenue out from the Capital Outlay from the 2016 Legislature. Small Cities Assistant fund was increased by \$20,000.00. That \$20,000.00 would also be used as an expense for the Special Audit.

Mayor Williams entertained a motion.

Councilor Morales moved to approve. Seconded by Councilor Miller.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

The next item was from the Consent Agenda - Discussion and Possible Action - Wastewater Treatment Plant - Invoice February 2016.

Councilor Miller moved to approve. Seconded by Councilor Romero.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Agenda Briefing Memorandum – Professional Service Agreement: Task Order 16-01W – Professional Services with Dennis Engineering for Agua Fria Estates Water System Improvements Phase II project Number 347 WTB.

Dale Graham, Public Works Director said this Task Order is to move forward with Phase II of the water project in Agua Fria Estates and this is money from the Water Trust Board from a grant in the amount of \$1,495,757.00 and a 10% loan that goes with that in the amount of \$166,195.00. In lieu of a cash match from the City we were able to leverage money from the CDBG funds that we just finished with Phase I and can use that as our cash match.

Tappan Mahoney said I failed to mention on the wastewater project on the scheduling as to why these are occurring this way. The wastewater is set up on a 75 day and this schedule is 270 days. The reason being is the sewer being installed and generally we expose the water lines and get a better idea of where those lines are. We are using the information regarding old water lines and transferring that information for future use.

Mayor Williams entertained a motion.

Councilor Miller moved to approve. Seconded by Councilor Walker.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion and Possible Action – Agenda Briefing Memorandum – Call for Special Meeting for the Discussion and Possible Action – Joint Meeting of City of Ruidoso Downs, Village of Ruidoso, Village of Ruidoso Police Department and Lincoln County Sheriff and all Emergency Medical Services – for Solution to Central Dispatch.

Councilor Walker said I would like to get a meeting with all of the entities involved with central dispatch. I think it would save the City a lot of money. I've already talked to the Sheriff's Department and a lot of the EMS services and almost every entity. According to Ruidoso and the Sheriff's Department, Ruidoso is already set up and you can actually centralize Ruidoso Downs with them right now. You wouldn't have to spend the money for the equipment. I just think it's going to save us a lot of money and since they already handle the 911 calls it would be the better way to go to have a meeting and a plan to execute it.

H. John Underwood, City Attorney said he would like to suggest rather than getting a joint meeting of the City and the Village, as you know getting everyone's time would be

difficult, that he might get a liaison from their Council and our Council and the Mayor might appoint two because otherwise you have a quorum. He said he would contact Debi Lee to see if she would get a couple from the Village. He said he also knew Alexandra had been working with a couple of people from the Village PD and also the Sheriff's office to get something together. He asked Councilor Walker if that sounded good to him?

Councilor Walker said yes.

Mr. Underwood asked Councilor Walker to give him the names of the people he's been talking to and asked Mayor Williams to name a couple of Councilors.

Mayor Williams appointed Councilor Romero and Councilor Walker to act as liaison from the City as a task force to work on central dispatch issues.

Mayor Williams entertained a motion.

Councilor Morales moved to approve the appointment of Councilor Romero and Councilor Walker by Mayor Williams. Seconded by Councilor Miller.

Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, 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.

Carol Virden, City Clerk/Treasurer said these are for March 2016 and the numbers are balanced. Lincoln County Transit had a beginning cash balance of \$25,152.68. Revenues were \$10,471.24. There were no transfers. Expenditures were \$12,929.31 leaving them an ending cash balance of \$22,694.61. The Museum fund had a beginning cash balance of a negative \$255.15. Revenues of \$13,866.02. Transfers of \$21,666.00. Expenditures of \$31,452.32 leaving them an ending cash balance of \$3,824.55.

Mayor Williams stated the next item on the agenda was – Informational Purposes ONLY – Certificate of Destruction of Marked Paper Ballots-March 1, 2016 Regular Municipal Election Pursuant to Section 3-8-62B.

Carol Virden, City Clerk/Treasurer said I did provide you with a Certificate of Destruction of Marked Paper Ballots-March 1, 2016 Regular Municipal Election in accordance with Section 3-8-62B were destroyed on April 19, 2016 and witnessed by Alexandra Giron and Kathy Tetreault

## PUBLIC INPUT

Mayor Williams stated the next item on the agenda was Public Input with a three-minute time limit.

Wayne Williams said as some of you may or may not know Bobby Gustafson passed away eight days ago. He was a good friend. His wife Joyce asked me to relay kudos to the first responders and police officers that showed up. When Bobby had his fall it was in very tight quarters and hard to deal with. She wanted to relay that he went above and beyond anything that she would have expected him to do. He asked Chief Rupp if he knew the officers name?

Chief Rupp said it was Officer Bailey.

Wayne Williams said he also wanted to give kudos to the Animal Control Officer. He said they had a situation in their neighborhood where a lady was walking her dog and it was attacked by another dog. The next time around the dog was still loose and Animal Control got the dog. He said you have a good group of folks who are doing their job as well as the Street Department. And, what I've seen so far this year you all are doing a good job.

Terry Proctor said I am all for upgrading but this dispatch console and stuff and the money you said at the last Council meeting it was going to cost \$23,000.00 to pay back and we would be forgiven \$24,000.00 by Ruidoso for going through their dispatch. Yet today they said this was not going to be a live hookup. It was going to be where they could talk dispatch to dispatch without land lines. We're still going to be depending on them for 911 calls. All they're eliminating is the land line as I understand it. How are they going to forgive us the \$24,000.00 if we're still relying on them? The young lady said they would forgive us this year but didn't say anything about the following years. I think it would behoove the Council and Mayor if we had something from Ruidoso in writing.

## CLOSED SESSION

Limited Personnel Matters pursuant to Section 10-15-1 H7 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.

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 H7 NMSA 1978 for the discussion of hiring,

promotion, demotion, dismissal, assignment or resignation or the investigation or consideration of complaints or charges against any individual public employee.

Any action will be brought back into Open Session.

Councilor Morales moved to go into Closed Session at 6:01 p.m. Seconded by Councilor Miller.

Roll call votes: Councilor Miller, Aye; Councilor Morales, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

Mayor Williams invited Carol Virden, City Clerk/Treasurer, John Underwood, City Attorney, Charles Massey, ACO, Celia Villarreal, Data Entry/Secretary Police Department, Donna Miller, Personnel/Payroll and Stephanie Williams, P & Z Secretary and called for an eight minute break.

Mayor Williams called the regular meeting back to order at 6:06 p.m. and asked that a member of the City Council attest to the fact that the only items discussed in Closed Session was that of the attorney-client privilege pertaining to Limited Personnel Matters pursuant to §10-15-1 H7 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 and that no action was taken.

Councilor Morales attested to the fact and that no action was taken.

ADJOURNMENT

There being no further business to attend to Councilor Morales moved to adjourn. Seconded by Councilor Walker. Meeting adjourned at 6:51 p.m.



*Carol Virden*

Carol Virden, City Clerk/Treasurer

*Gary L. Williams*  
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Gary L. Williams, Mayor