

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
REGULAR MEETING  
JUNE 13, 2016  
5:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on June 13, 2016. Mayor Williams called the meeting to order at 5:30 p.m. and asked Ron Sena 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  
Mary Castaneda, Finance Director  
Christopher Rupp, Police Chief  
Steve Dunigan, P & Z Director  
Dale Graham, Public Works Director  
Kelly Lawrence, Transit Manager  
Dakota Crouch, HMAW Director  
Harrold Mansell, Municipal Judge  
Kenny Ellard, Fire Department

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 to approve the agenda. Seconded by Councilor Walker.

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 Morales said before I make a motion to approve the Consent Agenda on page 3 of the minutes of the Regular Council meeting it says 'Councilor Romero said I would like to recognize Ruidoso Fire' and I think that should be Ruidoso Downs Fire.

Carol said I'll go back and review it and if it's correct I'll make the change but it not then it stands.

Councilor Morales said with that change after the review I'll make the motion to approve the consent agenda. Seconded by Romero.

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

### APPROVAL OF MINUTES OF BUDGET WORK SESSION OF MAY 16, 2016 AND REGULAR MEETING OF MAY 23, 2016.

Councilor Morales moved to approve minutes of Budget Work Session of May 16, 2016 and Regular Meeting of May 23, 2016 with that change after the review. 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 Morales 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.

### PUBLIC HEARING: ORDINANCE NO. 2016-01

An Ordinance Amending Title IX: General Regulations: Chapter 92. Nuisances; Health and Sanitation Subsection 92.16 Nuisances Declared (A); Weeds, C (4), (6) (8) (10); Subsection 92.17 Outdoor Automobile Storage (C) (D) (F); Subsection 92.18 Abandoned Wrecks; Non-Operating, Dismantled or Discarded Vehicles (E) (F); Subsection 92.19 Dangerous Nuisances (D) (E); Subsection 92.20 Notice of

Nuisance; Subsection 92.21 Complaint; Subsection 92.22 Repeal Removal of Nuisance; Subsection 92.23 Injunctions; Subsection 92.99 Penalty (A) (B) (C) of the City of Ruidoso Downs Code of Ordinances.

## TITLE IX: GENERAL REGULATIONS

### CHAPTER 92: NUISANCES; HEALTH AND SANITATION

- 92.16 Nuisances Declared
- 92.17 Outdoor Automobile Storage
- 92.18 Abandoned Wrecks; Non-Operating, Dismantled or Discarded Vehicles
- 92.19 Dangerous Nuisances
- 92.20 Notice of Nuisance
- 92.21 Complaint
- 92.22 Reserved
- 92.23 Injunctions
- 92.99 Penalty

H. John Underwood, City Attorney said Mr. Dunigan who is the Director will make a short presentation and summary. There is a written summary and asked Steve to read that summary to open it up to the public for questions for the purpose of the amendments to the chapter on Nuisances; Health and Sanitation section. We will open up to the Council for questions.

Steve Dunigan, Planning & Zoning Director said there were copies of this ordinance in the hallway. I just want to start out by reiterating that the Planning & Zoning Commission on May 3, 2016 approved recommendations to be moved forward to the Council for consideration in Public Hearings on May 23, 2016 for these recommended changes. Rather than go through the entire ordinance again it's in a separate package. He asked Mr. Underwood if he should go through these and read the recommended changes?

Mr. Underwood said to go through your summary and make sure everyone has a copy.

Steve said Chapter 92 nuisances, health and sanitation has quit a few sections. We've made a few changes to some of them starting with 92.16 Nuisances Declared and then we listed the recommendations as follows:

§92.16 Nuisances Declared:

**(A)** Changed Municipality to City of Ruidoso Downs.

**(C)(4) *Accumulation of Solid Waste***: Changed Municipality to City.

**(C)(6) *Vegetation management***: Added: Including trees; replaced be located with become a nuisance.

**(C)(8) Fences:** Added: Wooden pallets, OSB sheeting, or unfinished plywood are not acceptable as construction materials for finished fences.

**Added (C)(10) Firewood.** It shall be unlawful to store or to accumulate excessive amounts of fire wood, wood building materials or any other items for burning such as pallets that in the opinion of the Code Enforcement Officer constitutes a nuisance or is unsightly to the surrounding property owners or constitutes a potential fire hazard.

**§92.16 Outdoor Automobile Storage:**

**(C) Prohibited acts:** Changed division F to division D.

**(D) Exceptions:** Removed Section.

**(E) Permit:** Removed Section.

**(F) Storage Area:** Became section D.

**§92.18 Abandoned wrecks; Non-operating, dismantled or discarded vehicles:**

**(E) Failure to display current registration:** Removed partial sentence: provided the exceptions of division (D) here of do not apply to the vehicle.

**(F) Impounding:** Removed Department of Public Safety Director, replaced with Police Chief.

**§92.19 Dangerous Nuisances:**

**(D)** Added language: Including all animal feces.

**(E)** Removed of the Municipality from the Governing Body; and changed Municipality to City.

**§92.20 Notice of Nuisance:**

Removed Municipal from Police Officer.

**§92.21 Complaint:**

Removed Municipal from Police Officer; removed the word any from Code Enforcement Officer; and added Municipal in front of Court.

**§92.22 Removal of Nuisance:**

Removed Section: changed to RESERVE.

**§92.23 Injunctions:**

Removed Department of Public Safety Director, replaced with Chief of Police; added Services after Planning and in front of Director; Changed Municipality to City.

**§92.99 Penalty:**

**(A)** Removed their, replaced with his or her.

**(B)** Added to the fine for first offense: shall complete 2 hours of community service. Added to the fine for second offense: shall complete 4 hours community service. Added a third offence: shall be fined \$250-\$750 and shall complete 8 hours community service. Following the third same offense, if the issue has not been resolved within 30 days, there shall be a subsequent daily fine of \$100.00 Added (C) to replace the removal of §92.22 Removal as it would have been a repeat: In the event that a person is convicted of violation as stated in Paragraph (B) of this section, and still refuses to remove the junk, trash or refuse, the Municipality may enforce this section and remove the nuisance in any manner consistent with the law. Should the person or business refuse or fail to pay the assessment, the Municipality shall collect as provided by law.

Councilor Morales said if the penalty gets to that level you have a real problem.

Councilor Miller asked Mr. Underwood if these offenses would be petty misdemeanors?

Mr. Underwood said all of them with the exception of the \$750 and \$500 up to \$1,000 I would have to check that. He asked Judge Mansell what the limit is on misdemeanors?

Judge Mansell said I don't do misdemeanors. I do petty misdemeanors.

Mr. Underwood asked what the maximum was for that?

Judge Mansell said I can go all the way up to \$500 if you all put it that way to us. Normally it's \$300.

Councilor Miller said it's right here. It says a petty misdemeanor crime may have its own sentencing limit such as 30 days in jail or a fine of up to \$100. The sentence for a petty misdemeanor in New Mexico can never be more than six months in jail or a fine up to \$500.

Mr. Underwood said so that's a petty misdemeanor crime. That's why I'm thinking from \$500 up to \$1,000 is a misdemeanor crime.

Councilor Miller said if you get enough misdemeanors it's a felony.

Mr. Underwood said we're not trying to jail anybody and we're not trying to classify it as a crime so it's a fine with community service and classify it as a misdemeanor or a petty misdemeanor.

Councilor Miller said it has to be a petty misdemeanor.

Mr. Underwood said but we don't have any jail time.

Councilor Miller said and you don't have to. My thoughts are to change that and make it up to \$500.

Mayor Williams said it can be discussion only on the agenda.

Mayor Williams said with no other comments the Public Hearing is closed at this time.

#### UNFINISHED BUSINESS

Mayor Williams stated the next item on the agenda was - E-911 Bureau Chief Michael Mariano - Discussion of Funding for Consolidated Dispatch Center.

Mr. Underwood said I'd like to do a short introduction. When we got into a discussion of a central dispatch starting a few months ago and discussing equipment purchase for the Police Department and in that discussion it was brought up as to how best to be served to provide the best service for our citizens and the best coverage for 911 service. We had a meeting where Councilor Romero and Councilor Walker were appointed as the liaisons and we had a meeting with the Village of Ruidoso and some County people attending on how to get the most bang for the buck. What grew out of that was an opportunity to invite the folks from Santa Fe to explain to us about a central dispatch center for Ruidoso and Ruidoso that would centralize our dispatch. The other option would be for the City to purchase its own equipment and keeping it a separate dispatch rather than moving our dispatch to the Village and providing the service that way. I've talked to these gentlemen on the phone.

Michael Mariano said I'm the Bureau Chief. Art Rios retired a couple of weeks ago and was one of the Chief Program Managers.

Mr. Underwood said Michael was initially at the State Land Office and I met him there. So I would like you all to explain this because the Council is new to this. I've asked the Village of Ruidoso people to also be here to provide information to Council because there are some issues regarding what happens in the meantime because we have some very old equipment at the City and how quickly this can be done, what is the cost to the City, how long it will take, if there is money to do it in the next six months, what will be the effects of it. The Chief is here and the Chief from Ruidoso and the lieutenant is here and the Deputy Manager from Ruidoso so it's a great opportunity for us to discuss it.

Rick Lopez said thank you for allowing us to come up from Santa Fe and for your service. It's a lot of work to see the pros and cons and to make a decision. I do want to mention that Mayor Williams every time he sees me reminds me that he is the Mayor of the Downs and not the other place. He's a great advocate and rightly so because both communities have strong points and it should be promoted that way. The 911 system is really complicated. Sometimes we get confused on what a 911 system is and what a dispatch center does. What we primarily provide is the funding mechanism pass through and technical service to make sure that the funding is spent on the most efficient and effective equipment that a 911 system is going to utilize. At one point several years ago there were about 166 PSAP centers. That is the Public Safety Answering Point center that covers 911 which is different than dispatch for your Police Department and Sheriff's Department and doesn't cover 911 so it's important to make that distinction. Because of the funding we get fifty one cents from each land line voice over activated through computer networks. The wireless phone mechanism is the funding source and we do that annually. Every grant that we do is a new grant. At the current time we have a grant with Lincoln County and we cover the other grant with the Village of Ruidoso. We do not fund any of the activity for the dispatch center here

in Ruidoso Downs. We have seen a trend that our funding source is decreasing so it was imperative that the State take a look at that and make some decisions on how we use this money and how we fund it. It is in the statute that local bodies are funded primarily. A PSAP center is identified and then consolidated with those areas in the surrounding communities. There are a couple of exceptions to that rule. Bernalillo County in Albuquerque because of the volume of calls they cover. The other ones are here in Lincoln County. We made the decision that we could have two centers because of the terrain. The telecommunication towers located around this area because of the mountains there were a lot of calls dropped or not made and it was difficult to allow that to have one local area cover the entire area. We've allowed for the Village of Ruidoso to have a dispatch center and Lincoln County in Carrizozo to have one. The funding covers a number of specific areas. It's the call pipe coming into the PSAP center is what DFA funds. Anything coming out like the fire trucks, sheriff vehicles, police, and all of those things, the employees, the utilities, the local body funds all of those. We pretty much cover selective routers, selective address location, the 911 processing equipment, the consoles for dispatch, the phone systems they use, the logging recorders and the map servers. Anything after that inside the center the local body covers. To give you a perspective on the cost the total budget for FY 2016 was a little over \$16.8 million dollars that covered forty seven PSAP centers. The 911 equipment upgrades was over \$7 million dollars. The recorders were \$90,000 and just a UPS/Generator was \$165,000 so you can start to put into perspective the dollar figures it would cost to run a PSAP center. The voice network is over \$3 million dollars. The Data MPLS Network is over \$721,000 and the Wireless Cost Recovery \$342,000. When you break those costs down between forty seven PSAP centers the cost is really enormous. In order for us to fund any local entities we make sure that the consolidation effort has occurred. For example in Otero County we do not fund their E-911 because they have chosen not to consolidate. If they would have consolidated last year when their Police Department requested the purchase of new console equipment that alone would have only been \$500,000. We would have paid that for them if they would have consolidated. He passed around a hand out and said this is what we would like the PSAP centers to look like. He referred to the picture in the hand out. When you're talking about 911 as opposed to dispatch the 911 call is making sure that that call is getting through to the emergency responder. A lot of times the way we are now the calls need the proper emergency responder out there and sometimes it just takes seconds. We're talking about loss of life. He said he would like to go through the list of things we purchase for E-911 systems. The E-911 system, firewalls and routers, dispatch software, recorders, generators, voice network, data MPLS network, wireless cost recovery, system maintenance, 911 related training, 911 related GIS, GIS consulting, interpretive services, and minor equipment. The amount of the grant for Lincoln County is \$175,000 but the Village of Ruidoso's grant is \$468,812. I've given you a list of other entities around the state. We have to standardize all equipment to make sure it's up to date. We're making sure the investment we put in and the money the local body

is putting in is for buying the most up to date equipment and not just a temporary fix. It is my understanding that the City does not have a 911 call center as a dispatch center and relies on the Village of Ruidoso to do all of their 911. In our opinion so far in order to move forward and do a more effective all around service to the City that it makes sense to consolidate. All of that is a seamless way of taking care of the citizens lives.

Michael Mariano said one of the things you should know about my history is that about eighteen years ago I was an E-911 Coordinator for Santa Fe County so I provided them all with physical addresses. At the time there were only two parties involved which was the City of Santa Fe and Santa Fe County was everything outside of the city. We did a thorough job. At the time I had a staff of seven to ten people depending on what phase that project was in. I was there about three and a half years. At the end of the day they have a very good system. I think there is a large misconception out there that with GIS and mapping of the roads in the database. The first part and main part is mapping everything with very clear expectations and we all have ordinances on how we're supposed to do that. It worked out really well and it's because we set up the database on the front end. The hardest part is maintaining the data. One of the advantages of consolidation is utilizing those resources.

Rick Lopez said your communities are so close together but in Rio Arriba County they cover the Rio Arriba County, Santa Fe County, and four different Pueblos. They have an MOU for each entity involved in that. We will work with you and assist you on a consolidation plan before you submit it and you have to make sure your GIS information is correct. The City is at a critical point to decide if they stay simply as a dispatch center and not do a 911 response. I think the best thing is to decide how you're going to do your 911 response and that's having the Village do it for you by utilizing some sort of MOU to break out those roles and responsibilities. The main thing is as people travel up and down this community they're really the same people. There's a lot to it and it's not territorial. It's about really pulling your resources together, saving money, and saving lives. That's what it comes down to.

Mr. Underwood said you say there is a fifty one cent charge for every phone call be it mobile or land line and it goes to you all.

Michael said it goes into a fund and is collected by Tax & Rev. It is the 911 Fund.

Mr. Underwood said and that's where the money comes from. So, all the monies generated from Ruidoso Downs does not come back to Ruidoso Downs.

Michael said theoretically that's correct.

Mr. Underwood said the only way we could recover those monies is by joining with Ruidoso in utilizing the funding through the PSAP and using that money that's generated. My next question is, and I don't know if you know what Ruidoso has, but is there enough money there now or funding available now for Ruidoso Downs to join in a dispatch center with Ruidoso within the next six months?

Rick Lopez said I'm not sure about that and that's one of those things you would have to research. I don't believe they are on my list for replacements.

Michael said I think their replacements are four or five years down the line and with the funds being reduced year by year we've been asked to look at a six year replacement cycle instead of a five year. That's taking care of all the forty five PSAP's and trying to get everybody cycled in. The only thing that jumps the order on that is if somebody is at the end of service or having a failing system so obviously we would help with that on a case by case basis.

Rick said I believe they have equipment and a center that is up to date. When you're asking about the fifty one cents it's a surcharge on every bill. As it is now you are getting some service from the Village. So, in a sense that money is being utilized just by the shared service and maybe you're looking forward to move that to a different level.

Mayor Williams said you talked about the fifty one cents. How would the City have a possibility of having a part of that come back to us?

Michael said it's strictly for the E-911 Fund.

Mayor Williams said Mr. Sena and Chief, in the past the City has been in agreement with the Village to pay a cost of \$24,000 a year for having the 911 service dispatched to us. What is it being used for? Has it been used to upgrade the system in any way? Has it been used for maintenance for your equipment? What does it cover? We've never really understood.

Michael said there is a break down on that sheet that was provided and shows how the \$24,000 is being used.

Mr. Underwood said I met with Manager Lee before I came here today for the staff meeting regarding our negotiations to move to central dispatch and that it would involve the termination of that agreement if we were to join the central dispatch.

Mayor Williams said to join the dispatch it's got to cost the City something.

Michael said the communities pay for the dispatch and we provide the funding for that up front. There are many costs involved with a 911 dispatch and all entities have their share of the pie that they are responsible to pay for. The amount we're responsible for right now is almost a half million dollars in upgrading that system and making sure everything works right because it is a twenty four hour system. That idea of consolidating and sharing resources is a cooperation with a MOU.

Mr. Underwood said our dispatch would then be moved to Ruidoso and we would have to pay them the cost for assuming our employees into their employees.

Rick said the thing we need to focus on then is transferring employees is that you already pay those employees now so it's an existing cost and not a new cost. What I'm hearing is \$24,000. The Village is providing you with so much more than \$24,000. If you look at this list the cost is far greater. The problem is that it sounds like your dispatch equipment is aging and I would assume that at some point in your future you would need to replace it to continue dispatch services. It makes more sense to consolidate and take advantage of a PSAP and the funding to cover these additional expenses. You get better training, better staff, and a better 911 service for your community.

Mr. Underwood said the \$24,000 was for forwarding the calls so that would no longer be necessary.

Mayor Williams said I would like for the members of the Village to introduce themselves.

Members were Ron Sena, Deputy Village Manager, Darren Hooker, Chief, and Lawrence Chavez, Lieutenant.

Mayor Williams said we just want what is best for our citizens.

Councilor Miller thanked them and said you've made it clearer for me today about what will happen and we won't have to spend the money. To me the way it's set up now, the timing, because they have to call us on the land line and there is a lot of time spent there. I think this is very important to comply with.

Mr. Underwood said it's curious to me based upon the way the funding happens with the fifty one cents, there must be a reason why Otero County chose not to participate. Do you know what that is?

Rick said it's not our rule to get involved with the political part of it but only to advise and give information and allow you to make the decisions. We're in a negotiation

mode with the City of Alamogordo. We are close to reaching an understanding of consolidation. They realize it's in the best interest of the community. It's just a matter of getting the agreements worked out.

Mr. Underwood said if the Council takes action on this and we start doing our due diligence and the Village and City start to figure out the cost and working on the MOU's, who would be our coordinator from you group?

Rick said that would be Michael but we have a number of individuals that would work with you on it. People tell us after two or three years of this that they should have done it sooner.

Mayor Williams called for a five minute break.

Mayor Williams called the meeting back to order at 6:57 p.m.

#### NEW BUSINESS

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

Mayor Williams said I want to introduce the new Transit Manger.

Kelly Lawrence said I am honored to be here and also appreciate the time and effort you put into your jobs to make this City better. I look forward to making Lincoln County Transit successful and well respected.

Mayor Williams said I would like to thank the Hubbard Foundation and Robert Donaldson for providing the City with two grants and the department Directors to stand up.

Dakota Crouch, Museum Director said the Hubbard Foundation was generous enough to help us continue our affiliation with the Smithsonian and that will lead to successful promotion of the museum and going to a new level in the next year.

Mayor Williams asked what the amount was?

Dakota said it was \$3,000.00.

Chief Rupp said they received a grant in the amount of \$8,500.00 so they could get the backside of the LED sign over by Walmart. The sign has been very successful. Due to some state contracting issues we were not able to get the back and so we talked to the Foundation.

Mayor Williams asked Dale Graham, Public Works Director to give an update on the project they are working on.

Dale said we have started making progress on the road project that was funded through the DOT on Griffith Drive. I just had a meeting last Thursday with the engineers going over the last bit of our plans for Phase II of the sewer in Agua Fria. It should be ready in about another thirty to forty days to put that out to bid. That would be another 1.1 million dollar project.

Mayor Williams said he and Joey the Project Manager have been getting things done here in the City and the crews have been up there but not neglecting anything else in the City.

Mayor Williams asked Carol Virden, City Clerk/Treasurer to speak.

Carol said I really have to thank Dr. Jim Miller who placed a grant with PNM for a new marquee sign. We met with Mr. Underwood on some permitting issues and took care of that. We are expecting a letter from New Mexico DOT and once I get that I'll notify Dr. Miller. Hopefully the new marquee sign will be in place in the next two months. It is free and is an alternative to spending the taxpayers money in well over \$20,000.00.

Mayor Williams said remember Farmers Market every Saturday. I'd like to thank Public Works who have been helping with the ball tournaments over the last four weekends and keeping the parks together. You've had the Arts & Crafts show and they've been here twice. Our park has really been used this year and people are starting to recognize that Ruidoso Downs has some interesting and fun things to do and that people having the events are coming here. The Boys & Girls free lunch program is at noon at the pavilion in the park Monday through Friday. We've had twenty five to thirty kids out every day and Mr. Coughlin said he can't believe the response this year from the City. I want to thank the people from Public Works and the museum. They had to work over the holidays. I want to let them know that although they are paid to do that job that we appreciate them. I appreciate it and I'm sure Council does.

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

Councilor Miller said I just want to thank everyone that came tonight and seeing all of your smiling faces. I do agree with the Mayor. Our park has come alive and it's so great to drive by and see everyone having a great time. Come join us at All American Park.

Mayor Williams stated the next item on the agenda was - Ron Andrews - Aspen Cash Motorcycle Rally Update.

Ron Andrews said this is a tradition my wife and I started many years ago. We did have a good rally.

Mayor Williams said please tell us who you are.

Ron introduced himself and said my wife and I got involved with the rally originally in 1987. We took it over it over in 1991 and then we tried to turn it over to someone else in 2011. That did not work out so as of March we hit the ground running trying to keep the two rallies going. We still are sort of involved but basically what I want to do when I come before a body like this with the Mayor and the Councilors is to tell you how much we appreciate working with you, your staff, your Police Department. We were out at the Inn of the Mountain Gods. This was our nineteenth year. We want to continue the effort. It's a good crowd and hopefully we didn't make too much noise. There has been a study of the motorcycle traveler spend the most money per day than any other traveling group because we can't carry all of our stuff with us so we have to stay in a motel. We have to go to restaurants. We have had a good business response as far as support is concerned. We have a Facebook page and a Twitter account. We have our own website too.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Betty Day - Request for Fire Pit - July 4, 2016 Cousins' Reunion.

Betty Day said thank you for having me and reading my letter. I wanted to ask if it would be possible if I could have a fire pit in my backyard for my cousins' reunion? I understood I needed to come to get a permit. Of course weather permitting it could come to where I couldn't have a fire due to high fire danger but I would really appreciate it. I would make sure it stayed contained. Also, if someone wanted to come look at my area to see what the situation is I'd loved for them to come. I've already marked the place but that doesn't mean that's where it would be if someone does come and look at the area.

Mayor Williams said we could have Kenny with our Fire Department look at it and recommend what type of fire suppression you would need.

Councilor Miller said I did talk to Ms. Day today and the way she explained it to me sounds so safe with a hole in the ground and a grate over it. So, there is no fire up high.

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 – Fourth Renewal – Professional Legal Services – H. John Underwood, Ltd.

Carol Virden, City Clerk/Treasurer said the renewal agreement that is before you with the City of Ruidoso Downs and H. John Underwood, Ltd. is a renewal to begin on June 14, 2016 and end on June 14, 2017 being the last renewal agreement for H. John Underwood, Ltd. Prior to June 14, 2017 I will put out another RFP for legal services. Mr. Underwood has been with us since the middle of 2008 for eight years or it will be in one more year.

H. John Underwood, City Attorney said we have several ongoing legal matters. The JUB issues, the central dispatch, and so I would appreciate having the renewal. There will be an RFP going out next year and that will be a time to determine what the Council wants to do at that time and that will be the time to determine if I want to renew that contract. First of all I've enjoyed serving you for the last seven years. I've done municipal work for most of my career spanning from 1973.

Mayor Williams entertained a motion

Councilor Morales abstained from any decision because I am an employee of Mr. Underwood.

Mayor Williams entertained a motion.

Councilor Miller moved to approve. Seconded by Councilor Romero.

Roll call votes: 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 – Request from Ruidoso Downs Race Track and Casino - \$5,000.00 Lodger's Tax Promotional Fund.

Robert Donaldson said I am here as Public Relations for the Ruidoso Downs Racetrack and Casino. Most of you have a copy of the letter. We did have our first weekend and will have through Memorial Day with the races and stuff. The response has been outstanding. Some other information that I have now that I didn't have at the time is the commitment that RIDE TV has made through this programming. It's not just the one year commitment. They are spending over \$700,000 to provide this service to us

and the long-term ability to do like programming which they didn't have before. They are spending this up front. The primary thing with RIDE TV is the ability to let a different group of people know about Ruidoso Downs and the whole area. Primarily in this area the only way you can get RIDE TV is on Dish Satellite Network. They have approximately 16 million people nationwide at this point and RIDE TV is on one of their upper tiers. It's a channel that's pointed at the horse culture. No so much race tracks. This is something new for them. There is approximately 25 million people involved in horse and their business and their personal life. It's an opportunity to let people know about Ruidoso Downs Racetrack and our whole area and is something the racetrack is committed to long-term. The Village of Ruidoso committed \$20,000 in Lodger's Tax. If the City agrees to this it goes to increase the value of the production itself.

Councilor Miller said I'm excited for this. I remember years ago watching the races in the evening.

Robert said cable used to put them on Channel 11. He said our attendance is up this year. What's going on with the triple Crown is amazing itself with the increases in the purses as well as the Derby and Futurity. We compete with other resorts that have gambling, golf, and skiing but they don't have horse racing and we have all of them which makes us unique.

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 - Adoption of Ordinance No. 2016-01.

Councilor Miller said just what I said earlier was I don't like to see us supersede the State's petty misdemeanor statutes so I would bring that down to no more than \$500. Also I would not do the subsequent daily fines of \$100 because that could bring it over the State statutes. With those adjustments I feel like it would be fine.

Mayor Williams entertained a motion to - Adopt Ordinance No. 2016-01 with the identified changes.

Mr. Underwood said so then it would say the third same offense shall be fined so it would be \$250-\$500 and shall complete 8 hours community service and then leave out the last sentence.

Councilor Miller said yes and we all know this is up to the judges' discretion.

Carol Virden, City Clerk/Treasurer said I need clarification so I know it's going to read correctly because I want to publish it in its entirety. The second offense shall be fined \$100-\$500 and complete 4 hours of community service. The third offense shall be fined \$250-\$500 and shall complete 8 hours of community service. We are striking out 'following the same third offense. If the issue has not been resolved within 30 days shall be a subsequent daily fine of \$100.'

Mayor Williams said just to make sure on the strike-throughs instead of having the \$500 for the second should we downgrade it to \$300 being that the last one is up to \$500?

Councilor Miller said that's a good idea.

Councilor Morales said so the second same offense shall be fined \$100-\$300?

Mayor Williams said yes.

Councilor Morales said and then the third offense from \$250-\$750?

Councilor Miller said no, to \$500.

Councilor Morales said no \$750?

Carol asked if it should be 'up to' in the language?

Mr. Underwood said I like the 'up to' better.

Councilor Miller said I do to and I believe that's how the State statute reads.

Mr. Underwood said on the first offense it says 'shall be fined \$50 up to \$250.'

Councilor Miller asked if we should put that as '\$50 up to \$200' and just change our figures a little bit and then the second one '\$100-\$300'? It would be depending on the severity of the violation.

Mayor Williams said it's all up to the court.

Mr. Underwood said you would use some of that language to change that so that the first, second, and third offense says 'shall be fined'.

Carol said I'll fix that and get it to you.

Councilor Miller moved to -- Adopt Ordinance No. 2016-01 with the amendment on 92.99 Penalty (B) on the first offense \$50 up to \$200' and shall complete 2 hours of community service. The second same offense shall be fined \$100 up to \$300 and shall complete 4 hours of community service. The third same offense shall be fined \$250 up to \$500 and shall complete 8 hours of community service and strike the next things completely. Seconded by Councilor Morales.

Mr. Underwood said in the old language you don't have anything to take care of the subsequent offense. On the table if you look across from it is where it is. I think I would say after that 'subsequent offense'. Never mind, that doesn't work. Let's keep it simple.

Carol said I will make the changes as recorded by the Governing Body and forward it to Mr. Underwood prior to submitting it for publication to the Ruidoso News on Friday.

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 -- Promotion of Larry Nunez to Parks Foreman.

Dale Graham, Public Works Director said Larry has been working for the City for over two years now as a Water Department laborer. About five weeks ago when our Parks Foreman just up and left Larry stepped up to the plate and said he would go and work in the parks and has been doing a nice job over there and you can tell by the way the parks are looking. He is getting things back up to speed and Larry said he would like to stay in that job permanently.

Councilor Miller said I've had the pleasure of working with him through our gardening and time with the kids in our Outdoor Classroom. He is so ready to help that I really think he's going to make a good foremen.

Mayor Williams said him and Ronnie are good employees and have really been doing a great job.

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 – Approval of Personnel Recommendation – Public Works Department – Position – Temporary Parks and Recreation Laborer.

Dale said last year we went out to get a temporary parks person and did not get one application. This year finally after five weeks of advertising and putting it on every social media site we finally got someone to apply. He's a local guy, Jay Gray, currently a cart attendant at the Links, and said he would like to come and work in the parks.

Councilor Morales asked if we only got one application?

Dale said yes.

Councilor Romero asked what's the timeframe that?

Dale said we've got a little bit of money in this budget so he could start right away from the money we didn't use last summer. I believe we have enough money to have him for July, August, September, and October. It's a temporary person, no benefits and just forty hours a week.

Mayor Williams entertained a motion.

Councilor Morales 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 – Personnel Recommendation – Lincoln County Transit – Position – Part-Time On-Call Transit Driver.

Kelly Lawrence, Transit Manager said I am requesting the emergency hiring of a part-time on-call transit driver. We have Richard Guevara. He is currently employed by the school district as a bus driver and also as the maintenance supervisor. I feel that he would be beneficial to us during our busiest months so it's not going to be a case of him wanting full-time in the future. Budget-wise we are a little tight right now. One of our

part-time drivers is asking to dramatically cut his hours so we would like to take those hours and give for Mr. Guevara.

Councilor Romero asked since he is a school bus driver he has all the qualifications and certifications he needs?

Kelly said yes and just the knowledge of the streets which is a huge thing with time and delivering customers is a great service.

Mayor Williams entertained a motion.

Councilor Miller moved to approve Richard Guevara. 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 - Personnel Recommendation - Lincoln County Transit - Position - Part-Time On-Call Transit Driver.

Kelly said this is another position. His name is Ascension Salcido and he goes by Sean. He has already started training and is doing well to the point where I have confidence in him driving. I have spent over half of my afternoons driving to cover the part-time driver. I do feel there is a necessity to accommodate these positions and had to turn away some trips because we did not have enough people on board to drive.

Mayor Williams entertained a motion.

Councilor Morales moved to approve Ascension Salcido. 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 - Return of Unused Funds for IMLS Grant MA-04-11-0405-11 in the Amount of \$1,559.78.

Dakota Crouch, Museum Director said there is a little bit of background information and it took me a while to find this out because this happened in fiscal year 2011-2012 and was before my time here. During that time the museum received a grant in the amount of \$79,355.46 from the Institution of Library Services that is a federal granting

organization. The grant was received on the basis of an estimate from a company out of Albuquerque. The idea for the grant was to purchase and upgrade equipment and facilities for the Johnny and Marty Cope Center. The proposal from Artem Technologies came out to exactly the amount we were granted and when it came time to purchase the equipment it was purchased on contract through Cooperative Education Services and that saved us \$1,559.78. For reasons unknown to me that money was never returned to IMLS. I was contacted by one of their grant representatives and we need to return that federal money. In my research the museum far and above met the matching monies. I asked them to take a look at the extra amount we contributed in lieu of returning these funds but because that was not federal money that we expended they would not allow that. If we don't return this money it disqualifies us from getting other federal grants. We are on a timetable and want the check processed by June 30, 2016.

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 - Colonias Infrastructure Board Project No. 3514-CIF; Wastewater, Agua Fria subdivision Sewer system Phase III - Authorizing Monies and the Match Component.

Dale Graham, Public Works Director said on April 26, 2016 the Colonias Infrastructure Board awarded us \$1,294,485.00 for Phase III of the Agua Fria Sewer System. Along with that there is a 10% loan that is required. It's a 20 year loan with 0% interest so what we have to pay back is \$129,449.00 and we also have to have a 10% cash match in the amount of \$129,440.00. NMFA is getting their stuff together to sell the bonds so we can get the grant that we had and this is the part of readiness to proceed with our project otherwise they won't sell us the grant.

Mary Castaneda, Finance Director said we currently have \$882,591.55 in Fund 56 which is designated gross receipts taxes in there so there is plenty of money to cover our cash match and it would also cover the yearly payment that is associated with our loan component.

Mayor Williams entertained a motion.

Councilor Morales moved to approve the 10% loan in the amount of \$129,449.00 and a 10% match of \$129,449.00 as funded as part of the funding structure. Seconded by Councilor Miller.

Dale said in our original plan this money will be for Phase III of what we through was a four phase project but we're thinking the way things are working and the money that we have that this may complete the project and be done with the wastewater part of it.

Mayor Williams said they were able to get in another street that they hadn't planned on.

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

#### OTHER BUSINESS

Updated Financial Status Report - Hubbard Museum of the American West and Lincoln County Transit.

Mary Castaneda, Finance Director said the Lincoln County Transit had a beginning cash balance of \$16,846.05. Revenues of \$1,808.00. Expenditures of \$9,354.23 leaving them an ending tentative cash balance of \$9,299.82. the museum had a beginning cash balance of a negative \$5,446.27. Revenues of \$8,793.94. Transfers in of \$30,836.00. Expenditures of \$28,403.72 leaving them a tentative ending cash balance of a \$5,779.95. Mary said this is for May.

#### PUBLIC INPUT

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

Pam Williams said I'm here to talk about Service Lane. I spoke with some people about it for a long time now and Service Lane runs where it's a one way street. That road has not changed in size ever and it's the same at the other end. It was once a two way street and I would like to have it back as a two way street because it is so inconvenient and dangerous that we can't see to come back this way to go to the post office. This is just one little area. It's the Gardens. Everybody, and I've spoken to many people and I represent the Gardens Addition and we need that street. Just take down the signs that say 'Do Not Enter' 'Wrong Way' and discard them. That's what I'm asking for and we need it so bad.

Mayor Williams said we found out that it belonged to the County and not the State so the County has allowed us to move forward with being able to gain ownership of Service Lane. With that in mind Public Works has already looked at that part of Service Lane and if we needed to make any kind of extension of the road to accommodate that we will do it. I wanted to let you know that.

Chief Rupp, Chief of Police said I just wanted to give you a synopsis of what our Memorial Day weekend was like. First of all I would like to thank our staff for an exceptional job they did over that weekend. The ultimate goal this year was we had the races begin, the Arts & Crafts fair, the baseball games, and the Farmers Market going and we had a very large group of Bandidos. They were actually 200 to 250 that showed up here. Out hats off to Zach who has a business over there. We had a wonderful line of communication during the whole event. We only got one complaint of the noise for one of the motorcycles that went down the street. We caught one in the back streets going between 15 and 20 miles an hour over in a residential zone. They respected our community very well. They did bring a lot of business into our town over the weekend. Over those ninety six hours the Ruidoso Downs Police Department had one accident involving minor injuries. One accident without injuries. Six arrests. Two DWI arrests. Two warrant arrests. Three narcotic cases that were brought up. We did assist one federal agent with an investigation. We recovered one stolen firearm. We seized ten firearms. This is the only Memorial Day where we only had one break in whether it be a residential, business, or vehicle so that was a tremendous job from my staff for that. During the report of the breaking and entering no items were taken. We had fourteen cases that were brought up for action taken for investigation. We had four assists to the Ruidoso Police Department. We did assist CYFD with an investigation. We also issued over two hundred citations for the weekend and again we had zero fatalities. We attended the banquet and received a lot of praise for our staff members that work within the City for the job we've been doing.

Mayor Williams said all of our departments and all of our employees do a fantastic job. I thank the Chief for bringing that up for his department but every day you see them out there doing their job they do it because they love working for the City. They enjoy it. We don't give them as much kudos as we should but you do see them out there. Public Works especially, the museum, our transit, the Fire Department. We just have a great crew and staff. You can't ask too much from staff. Congratulations Mr. Underwood and welcome back. Thank you Mary and Carol.

#### ADJOURNMENT

There being no further business to attend to Councilor Romero moved to adjourn. Seconded by Councilor Walker. All were in favor and the meeting adjourned at 8:03 p.m.



Gary L. Williams  
Gary L. Williams, Mayor

ATTEST:

Carol Virden

Carol Virden, City Clerk/Treasurer