

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF RUIDOSO DOWNS  
CITY COUNCIL CHAMBERS  
REGULAR MEETING  
NOVEMBER 14, 2016  
4:30 P.M.

The Council of the City of Ruidoso Downs met in regular session on November 14, 2016. Mayor Williams called the meeting to order at 4:30 p.m. and asked Bonnie Richardson to lead the Pledge of Allegiance. Mayor Williams asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Miller  
Councilor Romero

Councilor Morales  
Councilor Walker

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

Also present:

H. John Underwood, City Attorney  
Steve Dunigan, P & Z Director  
Darrell Chavez, Interim Police Chief  
Dale Graham, Public Works Director  
Dakota Crouch - HMAW Director  
Mary Castaneda, Finance Director  
Dolores Herrera, LCT Manager

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 Romero.

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 moved to approve the Consent Agenda. Seconded by Councilor Miller.

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

APPROVAL OF MINUTES OF REGULAR MEETING OF OCTOBER 24, 2016.

Councilor Morales moved to approve minutes of Regular Meeting of October 24, 2016. Seconded by Councilor Miller.

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 Miller.

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

Mayor Williams said we do have a visitor here tonight ant that is Zach Cook.

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 the Griffith Project is complete and that's one of the roads we've worked hard to get done with the sewer project. We had a presentation by Dale Graham, Public Works Director to the Colonias Board and he asked Dale to come up and tell them what that's all about and what we have set aside for the Colonias.

Dale Graham, Public Works Director said I just went to a Colonias training to apply for funds for next year and there is only about half as much money as there was last year. We do have in place right now about 2.4 million dollars. We have one project that will

go to bid for Phase II of the Agua Fria Sewer and that will be this Wednesday and then we are working with the engineers to get the plans started for Phase III. We hope it's the final for the Agua Fria Sewer.

Mayor Williams said congratulations are in order for Director Crouch as he has a newborn.

Dakota Crouch, HMAW Director said our new baby daughter was born on Friday and we named her Ember.

Mayor Williams said the project on the old Avalon site continues and they are putting paving on the ground so that means the parking lot is going in. I'd like to share with the public that some of the departments have acquired grant money. I'd like to congratulate Director Crouch for receiving \$10,000.00 from the Hubbard Foundation that will be used to complete and promote the exhibit for the Hurd family. They have history here. Congratulations to firefighter Kenny Ellard for receiving \$64,156.80 from the Fire Protection Grant Council. With this grant the City will match it to nearly \$80,000.00. This will allow the Fire Department to replace aged breathing apparatus that is used during emergencies when firefighters enter enclosed areas along with extrication equipment. I'd like to thank former Police Chief Christopher Rupp for applying for this loan. This is a \$10,000.00 grant from the Hubbard Foundation to the Police Department for radar signs.

Darrell Chavez, Interim Police Chief said we will put these signs up in areas where school children gather and get picked up by the buses and high risks areas. These signs have a speed display and it flashes if you exceed that speed limit. You can also use your laptop to see where the most exists for known speeders. He said there is another one and this goes to the Clerk's side. As you will notice outside we do have a new sign put up. It's a digital message board. It hasn't been lit up yet but it's going to be soon. That way we can let the citizens and public know what events and meetings are occurring.

Carol Virden, City Clerk/Treasurer said I take this opportunity to really thank Dr. Jim Miller. He is the one that did the grant to PNM for the City of Ruidoso Downs and my office is very, very gracious that we got the \$9,000.00 plus grant for the sign and we will be putting up lots of information and about the forestry. If felt for \$9,000.00 I could do that on a monthly basis. It's going to work out for both sides of the State forestry and the City of Ruidoso Downs and most importantly the citizens of Ruidoso.

Mayor Williams said as you can see we have lots of hard working people that bring funding in. He said I also want to thank Carol and Joey Jarvis our Project Manager for sending our Capital Outlay request to the legislators. It's important for them to know

what we would like to see for funding to allow us to buy equipment, do repair, do additions. We've had money set aside to do the roof on City Hall. We have money set aside to do the roof at the museum and that's going to be contributed to Representative Zach Cook, Senator Burt, former Representative Nora Espinoza, and former Senator Tim Barela.

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

Councilor Morales said I would just like to say thank you to all those people that got us free money.

Councilor Romero said I did go to the museum the other day with my daughter and it smells all new with the carpet and it looks really nice in there.

Mayor Williams said we had a minor flood that did come into the museum through the front door and took out the top section. It was the tile, drywall, carpet. The insurance company stepped up and replaced all of the carpet, tile, and drywall. That's why we want to fix that roof

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Rosemary Woods, Victim Advocate - Use of All American Park - Friday, April 7, 2017; 2:00 - 4:00 p.m. - National Crime Victim's Week Event.

Rosemary Woods said I'm the Victim's Advocate with the District Attorney's office here in Lincoln County. I am requesting use of the park and it would include setting up tables and a canopy and a PA system for a radio station invitation. Various agencies will be invited. There will be giveaways also.

H. John Underwood, City Attorney said I did speak with Rosemary Woods before our meeting and have requested from the District Attorney's office a Hold Harmless Agreement as they will be placing a canopy in the park and if the wind was to make it fall on someone we should have that.

Mayor Williams entertained a motion.

Councilor Morales 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 – Keep Ruidoso Downs Beautiful – Registration Fee for (1) one to attend KAB Nation Conference – Washington, DC – Lodgers’ Tax.

Councilor Miller said this is a national convention for Keep America Beautiful and since we are an affiliate we are always invited to nationals. We did put money in the Lodgers’ Tax fund to attend this conference because the registration fee is \$525.00. Our grant from New Mexico Clean & Beautiful has sent us letters. We’ve gone as two people before and taken a lot of things from our area to distribute to the other affiliates. They come from all over the United States so we advertise our whole community, Ruidoso, Mescalero, Ruidoso Downs and that’s why we would like to get our fee from Lodgers’ Tax for the registration. Our head of it now says only one person can attend the conference. So, I want to suggest that we only use one registration fee instead of two that I put in Lodgers’ Tax to pay and we’ll have one person going this year to the Keep America Beautiful conference.

Councilor Morales asked who would it be? Sebrina?

Councilor Miller said I don’t know for sure but I’ve suggested this year that our administrative secretary might go.

Councilor Morales said oh Kathy?

Councilor Miller said yes because she knows quite a bit about this and she can actually get us more information by going to some of these classes for during the grant and what have you so it was my suggestion that Kathy would go. It would save money also since her husband is going for Ruidoso and she can room with him. I’m suggesting that she go this year. Sebrina and I have both gone before.

Councilor Morales asked if it would be specific as to who was going or just approve one person going?

Carol Virden, City Clerk/Treasurer said the Keep America Beautiful organization in prior years has paid for two members of the Beautification Committees around the State of New Mexico for each municipality. This year they are only allowing one. It’s just for the registration fee for the one person. I did speak with Kathy this morning about it and I think it would give her an opportunity to see what the Keep America Beautiful organization does for the whole United States and not just one community. Kathy is really organized and she has great ideas. When she gets those ideas she implements them. She would probably be the perfect person to attend and it is January 24 – 26, 2017 which means she would have to leave on January 23<sup>rd</sup> in order to be there on the 24<sup>th</sup> so it would just be for the one registration.

Councilor Morales asked do I just make a motion for one person going and not make it specific?

Carol Virden, City Clerk/Treasurer said yes.

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.

Councilor Miller said I did want to say one more thing about it. This year the state wants us to write a written report from each of the sessions we attend and the key learning initiatives. They want you to come back with all of this information and share it. I thought that was pretty neat and it is work. I've been there before. You're in there from 7:00 in the morning to 7:00 in the evening and then they have something going on at night too. It's a lot of work and she'll see that if she gets to go. I have a call in to Andrea suggesting she goes.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - PMBP "Hot Mix" Services Agreement Between the Village of Ruidoso and City of Ruidoso Downs.

Dale Graham, Public Works Director said this agreement is something we've been trying to get done for several months so that we can purchase hot mix asphalt from the Village in small quantities so we can use it to patch our streets instead of driving all the way down to Alamogordo to get it.

Councilor Miller said this agreement says all charges billed by the Village shall be paid by the City within fourteen days of the receipt of the bill and because of the way our meetings land sometimes we had that come up before so we've had to change it to thirty days instead of fourteen days.

Carol Virden, City Clerk/Treasurer said what Councilor Miller is speaking of is on the Joint Powers Agreement between the Village of Ruidoso and City of Ruidoso Downs. It was changed to a thirty day rather than a ten day I believe it was because we wouldn't meet. There are times when a billing is delayed and sometimes it would exceed the ten day period from the time of the bill. This one is pretty standard and once we receive the bill the Public Works Director will sign off on it and it will get to the Finance Department.

Councilor Miller asked if we need to vote on this bill then?

Carol Virden, City Clerk/Treasurer said no and the reason for that is if you approve this agreement that part is always taken care of.

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.

Mayor Williams stated the next item on the agenda was - Discussion and Possible Action - Personnel Recommendation - Ruidoso Downs Police Department - Position - Communication Detention Officer.

Darrell Chavez, Interim Police Chief said I'm here to present the name Kylie Hutchison. She's a bright young lady with a high desire to learn. We extended our application period probably longer than we should have. In doing much research the decision was made and not taken lightly and in talking with Human Resources to hire Kylie on an emergency hire because of the long hours going on with all of the dispatchers so we are trying to alleviate that.

Mayor Williams said that is a good point because of the overtime being put in by the dispatchers like twenty eight hours overtime puts a mental burden to the dispatchers.

Councilor Miller said I was looking at her past employment and does she have a training to go to first? Is there some kind of training because she's never done this?

Darrell Chavez, Interim Police Chief said right now she is undergoing training from our dispatch supervisor as well as various other dispatchers so she can get a feel of how we run things from one person to the next. She will have to attend a week at the academy in January in order to become certified. It will be a month down the road before she can work on her own.

Mayor Williams entertained a motion to approve.

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 - Personnel Recommendation - Ruidoso Downs Police Department - Position - Certified Police Officer.

Darrell Chavez, Interim Police Chief said I'm here to recommend the approval of David Whitzel. He comes from the Carlsbad Police Department where he served almost fifteen years and has some dynamic training. He will be moving to this area if approved. He brings to the table a lot of things and when I look at him I see his job performance and he is extremely knowledgeable. He would help our officers and department as a whole to gain the necessary knowledge to more effectively do our jobs. Also with that being said he is an instructor and it will further that for the City.

Mayor Williams entertained a motion to approve.

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 Driver.

Dolores Herrera, Transit Manager said I am recommending a part-time/on-call driver for Tuesday through Friday from 6:00 to 11:00 and that is twenty hours. I'm just trying to fill these positions so I can hit the streets.

Councilor Romero asked if this would fill a vacancy position?

Dolores Herrera, Transit Manager said yes. She said I have three part-time positions. I have a Saturday and then a 3:00 to 6:30 and then this will be 6:00 to 11:00 and then there is a full-time and then myself to fill in.

Councilor Walker said the pay? Nothing changes?

Dolores Herrera, Transit Manager said not yet and that is something I brought up to the Village for them to try to consider that. That is \$9.00 an hour and I believe another dollar but I haven't really been able to look at that and our funding. I did some checking with Tom Udall's office and they sent me some grant stuff. I am going to start talking to the County Commissioners. I know they sent us \$5,000.00 but they should be able to give some more. That's something that won't happen tomorrow but maybe in the future.

Mayor Williams entertained a motion to approve.

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 – Special Dispenser Permit Application – Boys & Girls Club Fundraiser – Dec. 10, 2016.

Dakota Crouch, HMAW Director said I have a request before you to approve the signing and proceeding with the Special Dispenser Permit Application with the Ruidoso Downs Racetrack. Several meetings ago we approved a Memorandum of Agreement with the museum and the Boys & Girls Club to hold a joint fundraiser at the museum in December and as part of our responsibility the museum would procure the bar for that event and the racetrack would provide that service. This is going to be a Christmas Tree and Wreath Auction and will be a live and silent auction. We're encouraging sponsors to include some special gifts with the trees. Another part of that would be a cash bar. The Boys & Girls Club and the museum will split the proceeds from this event.

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 – Implementing New Membership Benefits – Hubbard Museum of the American West.

Dakota Crouch, HMAW Director said we approved the new Strategic Plan for the museum and goal #5-4 is to increase the volume of museum members along with encouraging members to move up in their levels. Through some research and borrowing of ideas from other museums I have put together a New Membership Benefit package. I sent a survey out to our existing members asking for their thoughts on the proposed changes. The only negative comments was that they would like to see retention of the 25% discount at the Gift Shop. Basically for our current membership you get nothing except for additional day passes for their guests. In the new one we

wanted to give people a reason to move up in their membership level. Some of the highlights would be a membership only event, a behind the scenes tour of some of the exhibits, and a wall of fame for our top members. They will also get recognition in our newsletter. He said there are also going to be some added membership levels.

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.

#### OTHER BUSINESS

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

Mary Castaneda, Finance Director said the beginning cash balance for Lincoln County Transit was \$3,162.50. Revenues were \$8,160.11. Transfers of 5,000.00. Expenditures were \$13,708.94. Their ending cash balance was \$2,613.67. The museum had a beginning cash balance of \$2,987.19. Revenues of \$34,837.17. Expenditures of \$26,377.13. Their ending cash balance was \$11,447.23.

Mayor Williams said the next item on the agenda was – Employee of the 3<sup>rd</sup> Quarter 2016.

Mayor Williams said she is from the Planning & Zoning Department and is a professional when dealing with the public. We would like to name Stephanie Warren as the 3<sup>rd</sup> Quarter Employee.

Mayor Williams said the next item on the agenda was – Proclamation – Establishing November 15, 2016 as America Recycles Day.

Mayor Williams read the proclamation.

Mayor Williams said I would like to thank Councilor Miller and her committee for the efforts they put out to encourage recycling. I would also like to thank Debra at Greentree for their recycling efforts.

Councilor Miller said we do have a dumpster in the park for the cans.

#### PUBLIC INPUT

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

Bonnie Richardson said about 16, 17, 18 years ago Ruidoso Downs decided they needed to update the Planning & Zoning regulations we had on the books. I was on that Planning & Zoning that tried to update district areas into commercial, residential, and all of that. I called them strangulations. She said six years ago they tried to update those regulations and now over the past six years technology has changed so much that we really need to update those regulations again. For instance one of those regulations is no metal buildings. Metal buildings are beautiful these days. Also, our Planning & Zoning Regulations were taken from the books of Ruidoso and we are not Ruidoso. We have much more flexibility and are a community of small businesses. We should be small business oriented and small business friendly. I would ask the Council to consider asking P & Z to look at their regulations and change it.

Tony Bolden said it came to my attention a while back that the rotation for the wrecking services for the Police Department. Back in 2014 Chief Rupp and Planning & Zoning put a letter together and I believe it went through legal also. They sent a letter out to each and all wrecker services that were in the area. It said the four things that if you want to be on the rotation list was that you had to have a PRC number, the right insurance, and if you were in Ruidoso Downs that you were in a C4 and where your lot was at, and if you were not in Ruidoso Downs they wanted to know what your address was and where you were at. The last thing was a Business License. To date, Downs Towing is the only one that has complied. Since then another letter has gone out from Planning & Zoning and Chief Chavez about the same thing. The reason they have the things they have and me is that I'm looking out for the City. If you get somebody on there that's not legal and something were to happen then they're going to go back on the City because your officer gave them that vehicle. The simple things are that there is nothing that should prevent any of the tow services to be on the rotation. Every year we have to do a report to the PRC and that consists of certifications of their vehicles, your driving record, a copy of your driver's license, their medical card, that your yard is secure. There is a tariff that we can charge for these things. Every year I give a packet to the Police Department and Planning & Zoning with all the same things I give to the PRC plus I have a Business License. I have a Business License in Ruidoso because I do business for the Police Department over there. The cost is the same, it's \$35.00 just like an out of town or seasonal vendor. I'm not trying to make a monopoly or trying to do anything other than what the law requires. I myself have talked to the PRC chief investigator about the two that said they don't have to have a Business License. They have a statewide record warrant which I have also but it's just like a covenant. It's the same thing here that if the City says you have to have a Business License then you should have one. Chief Chavez has talked to the same investigator and got the same information and that is why he was sending these letters out. My deal is that I don't want accusations being made that we're getting special treatment because we do so much for Ruidoso Downs and the Police Department but for the City also. I have people call me all the time. The letters were sent out on October 20<sup>th</sup> and the only

response besides myself is that we don't need a Business License because I have a statewide record warrant which this is up to the City. I'm assuming it went through legal because there were other things they were asking for the packet but then it was no let's just do these four things.

#### CLOSED SESSION

Limited Personnel Matters pursuant to Section 10-15-1 H.7, 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.

- Ruidoso Downs Police Chief Position
- City Administrator

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 H.7, 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.

- Ruidoso Downs Police Chief Position
- City Administrator

Councilor Miller moved to go into Closed Session for Limited Personnel Matters pursuant to Section 10-15-1 H.7, NMSA 1978 for the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee. Seconded by Councilor Walker.

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

Mayor Williams invited H. John Underwood, City Attorney and Carol Virden, City Clerk/Treasurer and called for a five minute recess and closed the Regular Session at 5:31 p.m.

Mayor Williams entertained a motion to go back into Open Session.

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

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

Mayor Williams called the Regular Meeting back to order at 7:40 p.m. and asked that a member of the City Council attest to the fact that the only items discussed in Closed Session were Limited Personnel Matters pursuant to Section 10-15-1 H.7, 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.

- Ruidoso Downs Police Chief Position
- City Administrator

Councilor Miller attested to the fact that the only items discussed in Closed Session were Limited Personnel Matters pursuant to Section 10-15-1 H.7, 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.

- Ruidoso Downs Police Chief Position
- City Administrator

No action was taken.

Councilor Miller moved to begin the process to advertise for a Police Chief and to revise the application for Police Chief and wages. Seconded by Councilor Walker.

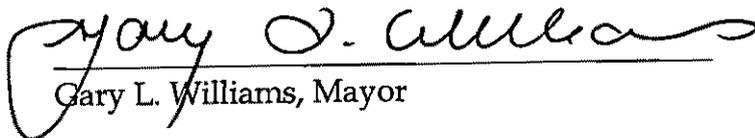
Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

Councilor Miller moved to direct staff to create a Mayor's Designated Official resolution. Seconded by Councilor Romero.

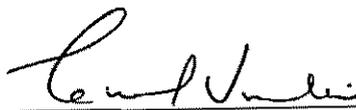
Roll call votes: Councilor Morales, Aye; Councilor Miller, Aye; Councilor Romero, Aye, Councilor Walker, Aye. Motion carried.

### ADJOURNMENT

There being no further business to attend to Councilor Morales moved to adjourn. Seconded by Councilor Miller. All were in favor and the meeting adjourned at 7:43 p.m.

  
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Gary L. Williams, Mayor



  
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Carol Virden, City Clerk/Treasurer