

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
REGULAR MEETING
FEBRUARY 23, 2009

The Council of the City of Ruidoso Downs met in regular session on February 23, 2009. Mayor Armstrong called the meeting to order at 5:30 p.m. and asked Jay Smith to lead the Pledge of Allegiance. Mayor Armstrong asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Hood
Councilor Holman

Councilor Williams
Councilor Olivo

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

Also present:

Carol Virden, City Clerk/Treasurer
Steve Dunigan, Planning & Zoning Director
Jay Smith, Museum Director
Terri Mosley, Finance Director
Alfred Ortiz, DPS Director
Cleatus Richards, Public Works Director
W.T. Martin Jr., City Attorney

APPROVAL OF AGENDA

Mayor Armstrong stated next item on the agenda was approval of the agenda.

Councilor Olivo moved to approve the agenda. Seconded by Councilor Williams.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Armstrong stated next item on the agenda was approval of the Consent Agenda.

Councilor Williams moved to approve consent agenda. Seconded by Councilor Holman.

Councilor Williams said there was a correction to be made on page 5, last paragraph, second sentence should be Representatives Cook and Kintigh instead of Quintana. Mayor Armstrong asked Carol Virden, City Clerk/Treasurer if she would make that correction and she said she would.

APPROVAL OF MINUTES OF REGULAR MEETING OF FEBRUARY 9, 2009.

Motion was made by Councilor Williams and seconded by Councilor Holman to approve the Minutes of the Regular Meeting of February 9, 2009 of the City of Ruidoso Downs.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye; Councilor Olivo, Aye. Motion carried.

APPROVAL OF ACCOUNTS PAYABLES

Motion was made by Councilor Williams and seconded by Councilor Holman to approve Accounts Payables.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye, Councilor Olivo, Aye. Motion carried.

APPROVAL OF MONTHLY REPORTS

Motion was made by Councilor Williams and seconded by Councilor Holman to approve Monthly Reports.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye, Councilor Olivo, Aye. Motion carried.

COMMITTEE REPORTS

Mayor Armstrong stated next item on the agenda was Committee Reports.

Councilor Williams spoke for the Beautification Committee. He said this committee has "Cans for Cash" which is an ongoing activity and they were collecting the aluminum cans for the SADD program at the high school. The collection points were at City Hall, Zia Natural Gas, Ruidoso Ford, Compass Bank, and at Nob Hill School if anyone was interested in getting rid of their cans. He said also the City Flower was the Poppy seeds and will be planted in the springtime. They had the review of the October 18, 2008 Trek for Trash and did real well, had some good volunteers, picked up a lot of materials and disposed of them with the Solid Waste, 12.64 tons were collected from their 4-hour activity from the highway and side streets. The committee purchased five trees from Seasons Nursery and had them planted at the park. He said the Parks & Rec people did that for us. There were two Sunburst Honey Locusts, two Purple Autumn Ash, and one Globe Willow. He said he didn't know where they were planted but if you see a stick planted out there it's probably one of our trees. It looks real good; it's got a little protective fence around it to keep the critters from munching on it for a little while. Other than that the All American Christmas in the Park was a success story. The committee wants to "Adopt A Highway" from end to end. That is in to the NMDOT and we are still waiting on that. We also purchase 100 "Graffiti Hurts" posters from Keep America Beautiful and 50 in Spanish. They will be distributed on Arbor Day, April 24th and the following day April 25th and will have more on that later.

Wayne Williams said you have a report in the back of your packet. They are continuing on with their website development which is paid for with a \$5,000.00 grant. We have Kathy McCormick with the New Mexico Economic Development Department will be conducting an Economic Development Workshop 101. It will be hosted by the Hubbard Museum of the American West and

is tentatively planned for March 25th and will last for almost a full day. We would like everyone to come that can make it because it is going to be pretty enlightening.

Councilor Williams said he would speak for the Parks & Recreation Committee since he usually attends their meetings. He said at the All American Park they have the new playground equipment installed. There are two groups, one for under 5 and one for over 5. He said they are putting the finishing touches out there, laying down the chips and so eventually they are going to have a Grand Opening for it. They are real pleased and real happy to see that happening, it's a bright spot for our community and our kids to have something for them. Parks & Rec and the Beautification Committee both worked on that one.

Councilor Holman said it is just in time with the weather being nice and people should enjoy that real soon.

Mayor Armstrong said he wants to thank everyone in the Parks & Rec and knows they've put in extra hours to make sure that it was safe and knows that we have some time frame that it wasn't quite as safe as it needed to be waiting for the chips. That was an issue to be solved but that's done and I also noticed a lot of kids there and it looked like they were having fun. We will be having a Grand Opening and see if we can do something for them to open that up.

Steve Dunigan spoke for the Planning & Zoning Committee. He said there wasn't a large change from the last report. The Planning & Zoning Commission continues to review Article 10 Zoning and Land Use as we review and make recommendations once we're done with a specific division we hope to move that forward to the hearing process. We'll continue to do that, hopefully six months more will show a substantial move forward. He said he would like to invite the citizens to the meetings, which are held the first Tuesday of each month at 5:30. Though we have not had a lot of new development or issues to hear we still welcome anyone to come participate in the process.

PUBLIC HEARING ORDINANCE 2009-03

Mayor Armstrong stated next item on the agenda was Ordinance 2009-03.

An Ordinance Amending the City of Ruidoso Downs Municipal Code of Ordinances Section 9-10-104 (B2) of the Planning and Zoning Commission Land Use and Zoning Articles 10 Titled "Forest Management" and Enacting New Section 9-10-122 of the Planning and Zoning Commission Land Use and Zoning Articles 9-10-122 Titled "Domestic Water Well."

Steve Dunigan, Planning & Zoning Director said within the City limits the City certainly has an interest of maintaining some control over development. Once in a while we come across a situation where we feel we need to strengthen an existing ordinance or perhaps add some language. In this case a new ordinance pertaining to domestic water wells. The City is in the business of providing water and if it is available to properties I think it is in our interest to provide water. It is a revenue source for our City and the amount of effort, money, and time that goes into delaying infrastructure, specifically water lines, should be utilized. We are asking that this ordinance be added and in fact 9-10-122 will be called "Domestic Water Well." Basically it would

require that an individual who wants to put in a domestic water well would need to obtain a permit from the City prior to moving forward through the State Engineer's office and then drilling the well itself. I think it is important that the City knows what's going on as far as development, whether it's near flood plains, whether there is water nearby. They should be on City water rather than them drilling another well even if it's approved by the State Engineer's office. This is not to say that you cannot have a well and be on City water that already exists. There is an exemption for agricultural zoned property. What we are looking to do is to have the public who wish to put in a new well to stop by City Hall and let us go through the process to determine if it is a property that could be serviced by our City water. If that's the case we may very well deny the permit. Our ordinance does allow for a real process and we will be sending this to the State Engineer's office that if this is passed we will have an ordinance. I believe there are other communities nearby that have the same ordinance. The other part of this issue is that the City has the right and I think the necessity to control development and here we are strengthening the easement wording, we will be adding it elsewhere as we progress through the articles but for tonight's purposes under "Forest Management" we are strengthening it by saying that not only can you not plant substantial landscaping and trees but that permanent foundations not only for fences but structures as well are not permitted due to underground utility easements. The reason we run into these things is often we come across a situation where that has occurred and it's always harder to fix something than when you strengthen the ordinance and have education take place before the construction has been done. We obviously don't want to cover up irrigation lines, sewer, water, manholes and these types of easements with this type of construction that would be hard to move at a later date.

Councilor Holman asked if a person were to go directly to the State Engineer and our ordinance were enforceable, if they get the okay from the State Engineer, do you know whether or not it's been tried or taken to a legal process as far as enforcement of that ordinance? I don't ever like to see the City go to court and lose.

Steve Dunigan, Planning & Zoning Director said I appreciate the point you're making however I don't have any exact history on whether this has been challenged or not and asked Mr. Martin if he had any information on this?

W.T. Martin, Jr., City Attorney said I'm not sure of knowing of any being challenged but I'm well aware of the State Engineer has been looking for some time at the issue of domestic wells across the State. There has been some discussion of trying to do something about the drilling of domestic wells across the State. There is a ruling that has come I believe out of Socorro for the State that literally did by the result of that stop domestic wells. You have some background here of increasing concern of domestic wells and water throughout the State. With that in mind and that there is no statute that says that a City cannot create an ordinance that would stop the drilling of a domestic well within the City limits. I don't think that a person challenging that would be successful and so I think it is an enforceable ordinance. You'll notice that it says in here that it would be sent to the State Engineer's office in Roswell so the State Engineer would have a copy so when somebody try's to get a permit for a domestic the State Engineer would look at this ordinance and take that into consideration when and if it would issue a permit.

Councilor Holman said I think what I'm hearing you saying is it would be okay to proceed with this. W.T. Martin Jr. said I think so; it's a very defensible ordinance. Anytime you're going to have someone predict what a court is going to do that's another story. Cleatus Richards, Public Works Director said the Village of Ruidoso has had the same thing in place for some time and it hasn't been challenged as far as I am aware of. Carol Virden, City Clerk/Treasurer said I did receive a call from the State Engineer's office in Roswell some time back asking if we had an ordinance prohibiting citizen's within the boundaries of Ruidoso Downs to drill for wells. I said no and asked him why and he said because they do review those ordinances and it is a step they take to allow them for the permit process to take place. Councilor Holman said it sounds like we're okay.

Mayor Armstrong stated he would open the Public Hearing of Ordinance 2009-03 and comments would be accepted in the following order. Interested persons must approach the podium one at a time, state their name, and present their testimony. A time limit of three minutes will be allowed per person. Are there any persons here to speak in opposition of the action?

There was no one to speak in opposition.

Mayor Armstrong asked if there was anyone to speak in support of the action?

There was no one to speak in support of the action.

Mayor Armstrong said I hereby close the Public Hearing.

Mayor Armstrong entertained a motion to adopt Ordinance 2009-03. An ordinance amending the City of Ruidoso Downs Municipal Code of Ordinances Section 9-10-104 (B2) of the Planning & Zoning commission Land use and Zoning Articles 10 Title "Forest Management" and enacting new Section 9-10-122 of the Planning & Zoning Commission Land Use and Zoning Articles 10 9-10-122 Titled "Domestic Water Well."

Councilor Hood moved to adopt Ordinance 2009-03 as read. Seconded by Councilor Olivo.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye, Councilor Olivo, Aye. Motion carried.

UNFINISHED BUSINESS

Mayor Armstrong stated next item on the agenda was to Unfinished Business.

There was no Unfinished Business to be discussed.

OTHER BUSINESS (items are for discussion only-no action will be taken)

Mayor Armstrong stated next item on the agenda was Other Business and no action would be taken.

There was no Other Business to be discussed.

NEW BUSINESS

Mayor Armstrong stated next item on the agenda was Consider Approving Resolution No. 2009-03 Renaming Street.

Steve Dunigan, Planning & Zoning Director said when a developer finishes or is anticipating naming a street within a subdivision or other development one of the things we try to do for the purposes of 911 in not have to conflicting or closely related names so there is no confusion for the 911 calls that would be made. The developer in working through a combination of a dozen different names, we finally have through the county's help and the developer's approval, come to a name they recommended, Riata Loop. We are asking that per Article 11, Numbering, Section 7, requires a resolution to be passed by Council when naming or renaming a street within City limits.

Mayor Armstrong entertained a motion to approve Resolution No. 2009-03 renaming street Escondido Hills Drive to Riata Loop.

Councilor Williams moved to approve Resolution No. 2009-03 renaming street Escondido Hills Drive to Riata Loop. Seconded by Councilor Hood.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye, Councilor Olivo, Aye. Motion carried.

Mayor Armstrong stated next item on the agenda was Consider Approving Additional Staffing for Lincoln County Transit-Positions-2 Part-Time On-Call Drivers.

Mickie Compton of Lincoln County Transit said our ridership is maxed out right now with what we have. I have three drivers approved at 19.75 hours per week. We're running 12 hours a day, well, from 6 a.m. till 7:30. We've had a lot of requests for additional hours, we have a lot of requests for weekends, and at this point I have more ridership than I can send the drivers out. I'm anticipating new vehicles and I need to get some drivers on staff because what it's doing is when I run out of hours for my drivers I have currently I have to leave the office and go out and drive. Therefore the administrative duties that I need to get done are lacking and we have a budget for it. On the briefing I calculated that we actually have in the budget for 6.75 drivers for this year with an additional \$16,000 in the budget for full-time drivers but since we aren't doing full-time I could actually move that into part-time on-call drivers and utilize that as well. I need the drivers so I can spend more time in the office taking care of duties. It takes two drivers to make up 1 full-time staff and keep one van going. We just recently lost one of our drivers so I'm actually down to 2 and I've been in the van since 6 a.m. this morning up until about 10 minutes ago. The influxes of the call-ins are so great that it's becoming a safety hazard for me to have to operate that way. I'm having to pull over constantly to answer the call forwards to my cell phone. The ridership is so high that I'm having to tell people I'm sorry. And, Saturday, this weekend I forwarded all calls to my cell phone and I wanted to just track what Saturday call-ins I have. I have a ridership base already for employment, medical, and people going to standard places at regular times. We do a lot of ridership for counseling and for AA and things like this. Those are just standard, what we call subscription rides. I received 27 calls Saturday for people that were here in town just wanting to go from the motel to midtown for shopping, to Wal-Mart, out to eat, so I really need more drivers

in order to keep our ridership full so that when we get our new vans we can easily spread it out. We're doing shared rides and on three or four occasions today I had six to eight people in my van so it's not just taking one person to one spot and dropping them off.

Mayor Armstrong asked how long it takes to get one of these part-timers to actually start driving? Is there training? Mickie said if you count the protocol for the City posting process which is one week in-house and then advertising a week and actually Randy and I have been working good together on getting the drug test and physical scheduled, we can actually have them on the street within 3 to 3 ½ weeks. I won't let them out there until they're very comfortable with it because some drivers they just fall right into it. Other drivers need more security with it mainly with operating the wheelchair lift. I usually ride with them for about 2 days and I have a checklist that I check them off on by the FTA. Then there is of course the mandatory training that has to be done within the first six months. As far as getting them fully operational on the streets it takes 3 weeks.

Councilor Holman said I certainly think we should do this and one of the reasons is we are committed to this. It would not be good psychology to start telling people they can't ride. We have made a commitment to this and my feeling is once you do that you go with it provide what is needed and we don't need to do this halfway. We need to keep going with it and I certainly feel like it would be bad if we didn't allow 2 on-call drivers and start telling people we just don't have room because that would hurt the transit. You would start having people say well I've called a couple times and they didn't have room for me so let's make it work.

Mickie Compton said it would help distribute the workload to where I can effectively manage it. It's very difficult for me to watch dog the budget they way I should be, the way I'm used to. We're not doing too bad, we're communicating very well but it bothers me because I'm accustomed to getting the most bang for your buck out of the match money and grant money as far as you liking the vehicles. Right now it is very difficult to even pull a vehicle out of service for an oil change. We have to literally shut the service down, that's how busy we are. It would prevent people from getting rides to work or else they would have to call a competitor, which we coordinate very well with. However, his price has not changed and he has no intention of changing it. When we don't run he is there so there is an alternative for individuals but it is a very difficult alternative. I had a gentleman today practically beg me to take him to work. It cost him \$28 to get from one of the motels to the Inn for his work but that's at 10:30 at night. We can meet most needs but we're not going to be able to meet them all. Two drivers would make the system run a lot easier, it would provide time for me to be in the office, not only to supervise the drivers and maintain safety and keep the vehicles within the safety compliance but I would also be able to provide training and assist the clerk, which has already been approved. It's to the point where our phone rings endlessly. It's time to do that to assist with growth.

Councilor Hood asked when do you expect to have your new vehicles? Mickie said I believe I sent out to you all the economic stimulus. I plan to get three vans. Originally they said we would receive not only the van that was approved for in the Capital sitting for this year, that it would be received at 100% and then they came back at according to the guidelines of the stimulus packet, the original vehicle that we had been approved for is not included in it and so then I told them I want three extra and they said okay. We should receive a minimum of two if not three extra vehicles funded at 100%. Councilor Hood asked when do you expect them? Mickie said I have to have the

vehicles ordered by 2009 and some of the vehicles I will probably order another wheelchair lift but I do see a need for passenger vans for the bigger 15-passenger vehicles. We transport so many shared rides. Councilor Hood said I'm glad to see you so busy.

Mayor Armstrong entertained a motion to approve additional staffing for Lincoln County Transit-positions-2 part-time on-call drivers.

Councilor Holman moved to approve additional staffing for Lincoln County Transit-positions-2 part-time on-call drivers. Seconded by Councilor Williams.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye, Councilor Olivo, Aye. Motion carried.

Mickie Compton said I would still like all of you to try to take a ride, it's very interesting. When you have time just call me.

Mayor Armstrong stated next item on the agenda was Consider new Logo/Brand for the City of Ruidoso Downs Hubbard Museum of the American West.

Jay Smith, Museum Director said he had packets for them and this was color representations of the logo. I want to begin and talk a little about economics for just a moment and also to put this into context of time. As many of you recall rebranding and producing a new logo is part of the long-range plan for the Hubbard Museum of the American West. We've been working on this off and on for about two years. It takes a lot of time to put together the ideas necessary that goes into rebranding. One of the things I would tell you is if we did this with a marketing company this process would have cost in the neighborhood of \$10,000 to \$20,000. We did this in-house because we had the type of personnel that was able to produce this work. I myself have worked on brands and logos on four different occasions for three different organizations. Jim Kofakis who is here this evening has done the same for a couple organizations. David Mandel has done the same in a couple organizations he has worked in. We feel like we've been through this process quite a bit and we decided our collective experience would certainly be more cost benefit to the City by doing it in-house. As all of you know the museum suffers from an identity issue. The museum was originally called the Museum of the Horse and people still refer to it as the Museum of the Horse in spite of the fact that the name changed in 1998. I had the opportunity to meet with a fellow named Bruce Eldridge who is my predecessor at the Hubbard Museum of the American West and now the Director of the Buffalo Bill Center. We were able to share a few stories and experiences and one of them was that Bruce informed me that there was no intention of keeping the present logo which was originally included in your packet. That was added to in 2001 when the museum became an affiliate of the Smithsonian Institution. The thing I would tell you is the rebranding of the logo for us is a very important step of giving the museum its new identity, which is more in keeping of telling the story of the American West. That story includes more than just horses and saddles and as you can see by the success of the exhibits that we have just done just recently as well as other programs that telling the broader story of the American West sort of requires that we change the logo to some extent. I want to speak just a little bit about the art. We chose basically some of this new design largely because we went through the process in the long-range planning sessions to talk about who we are. That, simply, and by talking about the fact that we are a

regional tourism attraction dealing with the history of the American West is the basis by which we formed this new logo and brand. The colors we chose are bold and striking. They are certainly in keeping with the Sierras of the Southwest. We also used some design elements that I might point out. The three lines that you see in the proposed logo, burgundy, tan, and hunter green, were selected and based on the petroglyph that many of you see throughout the area. There is also the mountain in the background and that's where we used the three lines in adaptation. There's also the rising sun motif which is an extraordinarily well known motif that we put a little twist on by not showing the entire globe or half-globe of the sun but showing the part coming across the mountain peak because we wanted to make it distinctive and show that indeed there was something new and refreshing about this particular facility. We also wanted to show lettering based on a slightly more modern feel but we didn't want to just put it in old west font because the history of the American West is far greater, deeper, and richer than the cowboy period alone which is not to say that the cowboy period isn't terribly important but it is not the whole breadth and depth of the history of the American West. We also thought that the verbiage can be cut to the minimum. I would point out to you the great logos of museums across the country, the Museum of Modern Art, MOMA, is just four letters with their art to go along in that logo. The Carlsbad Museum of Art and History says just that and doesn't include other verbiage. We went over a great deal of ideas and one of the things that I'm sure you will ask about if you haven't already thought about it is why doesn't the City of Ruidoso Downs directly appear in the logo? It is because basically we are a regional historical attraction and as such if we put the City of Ruidoso Downs prominently on that logo there would be question whether this is a City museum or not. While this is a City owned and operated museum the content of the facility is not solely based on the City of Ruidoso Downs, it is the whole of the American West. When you're doing a logo and a brand the last thing you want to do is confuse the people that you are appealing to. I believe, and my staff believes, and others that we've consulted with, feel that if we were to add 'owned and operated by the City of Ruidoso Downs' in that logo, that would be a total of 15 words. If you think again about the great logos of the world, the Nike swoosh, Exxon Mobile, it doesn't say a Texas corporation, it just says Exxon Mobile. The less said the better, the more confusing you get the harder it is to make the logo look good. A logo doesn't always just appear as a large format graphic as you see in your packet. It has to go on envelopes, it has to be seen and understood. Aside from the actual logo itself on every piece of material that you have in your packet, somewhere on it says 'owned and operated by the City of Ruidoso Downs.' We've even placed it on stationery, 'Owned and Operated by the City of Ruidoso Downs, Hubbard Museum of the American West.' The advertising that we do, that 'Owned and Operated by the City of Ruidoso Downs' always goes into that logo and we have also included a test of the version of the web page which also includes 'Owned and Operated by the City of Ruidoso Downs.' Finally, as I'm looking up I see that you have the 'Ruidoso Downs Municipal Building' up here. Upon entry at the museum there is another placard that same size, it doesn't say 'Municipal Building' but it does say 'City of Ruidoso Downs' with that logo. I'll be the first to tell you and I'm sure that my staff will echo the same sentiment, is that we get an awful lot of compliments about the museum. Almost 30 or 40% of the time people say I'm amazed that this is run by a city the size of Ruidoso Downs. You're getting plenty of play already, you're getting plenty of attention from what we're doing based on our present activity. I would also point out one thing about logos and brands. Logos and brands have got to be reinforced on a day-to-day basis. If you look at the colors you see here, the verbiage, the hunter green and the tan, you'll see those colors reproduced throughout the museum, we reinforced that in the museum every step of the way. We believe that if you allow us to

implement this logo and brand we can't guarantee you that tomorrow our identity problems will be taken care of but we will take a big step forward in solving some of those identity problems. The present logo wasn't designed to last this long and it's now been 11 years and I believe this is a very good answer to a lot of our problems.

Councilor Holman said he had some comments. I think this will add to our identity problems if anything. I would really hate to see us go there and I think by changing logos it would add to it. I think any entity that the City owns, we're the ones paying for this, just as the Transit. I would suggest that if the Transit decides to have a logo it should be that logo right there, the City logo. We already have a logo and I would hate to see us get off on some of these tangents and say well let's let the Village of Ruidoso and the County and the City of Ruidoso Downs get together and come up with a logo to put on the side of the buses. The City of Ruidoso Downs is the one who has accepted responsibility not someone else. It is our tax money going to this. We already have a logo, it's a good one, it's established and I think to change that if anything would be counter-productive and I can't see doing this.

Councilor Williams said for us as a City to continue to grow and build on what we have that we identify with, something as valuable as this and some of the other projects going on in the City, we need to have specific identity. Not because the City of Ruidoso Downs is a museum that is visited by many people throughout the region and from state to state and probably some other countries, this is a great chance. I think that is the old logo on the stationery, what they use now, the horse and saddle, has run its course. We need to modernize and I don't think it takes away from us as a City and I don't really think it confuses us. The people that would be seeing this, I would encourage us as a governing body and as a City in representing the citizens of the City are given an opportunity that benefit us down the road as we continue to progress as a City. I think we should give it a try, there's no harm in trying something new, when something beneficial could come from it.

Councilor Olivo said if we do change the logo then other departments will want to change their logo. If we let one department to change their logo to what they want, it's like the Transit maybe they want to put something out that isn't Ruidoso Downs. Why don't we use Ruidoso Downs's logo and Home of the Museum?

Jay Smith, Museum Director said I'm not sure I'm completely following you. We have some of the elements of that and in fact we've used part of that design to influence what we've put together here. I think it's important to keep in mind that the present logo does not include any information about the City of Ruidoso Downs whereas we're proposing to use the name in every single piece of correspondence that goes out. I keep coming back to this; it's the visitors, not us that is most important to the successful mission of the museum. I think people will be confused if people see 'City of Ruidoso Downs Hubbard Museum of the American West' because it will confuse, what are they doing here, what is the museum all about? We're not attached to the racetrack anymore and we used to be. That logo is about the racetrack to some extent and as such we have not problem with your logo, it makes sense for the City of Ruidoso Downs. We're proud to be a part of the City of Ruidoso Downs. We trumpet it at every point in time but we don't want to confuse the visitors coming in from Dallas or wherever who are going to drop twenty five bucks every time they come in to visit and that person may come in to visit every year. We reinforce this brand in so many

different ways that we just feel like the time has come to make that change and it was in no way intended to be a slight. If you look at all the materials we produced aside from the actual physical logo the City of Ruidoso Downs appears on everything we've produced. I think we're reinforcing that identity and reinforcing the fact of our ownership everywhere we go.

Councilor Hood said this was a part of the long-range plan, to change the logo at one time wasn't it? Jay Smith said it was a part of the long-range plan that was approved by this board in 2006. Councilor Hood said I just wanted to remind myself. Carol Virden, City Clerk/Treasurer said it was by the previous Council.

Mayor Armstrong entertained a motion to approve new logo/brand for the City of Ruidoso Downs Hubbard Museum of the American West.

Councilor Williams moved to approve new logo/brand for the City of Ruidoso Downs Hubbard Museum of the American West. Seconded by Councilor Hood.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Nay, Councilor Olivo, Nay.

Carol Virden, City Clerk/Treasurer told Mayor Armstrong there was a tie. Mayor Armstrong voted no but said I would like to say that I think what we need to do here is to go back and revisit this logo Jay to see if we can look at a little bit more of the City of Ruidoso Downs. I understand your feelings on this identity but Ruidoso Downs also has an identity that we're trying to overcome and if you would bring this back.

Jay Smith, Museum Director said we will revisit that. Mayor Armstrong said thank you all for your hard work on that, I think we're almost there.

PUBLIC INPUT (All concerns to be addressed only to the Governing Body as a whole with a 3-minute time limit)

Wayne Williams said my question is on city transit and she made a comment that they had to call a competitor and I would like to know who the competitor is and is it private enterprise? If it's a private enterprise then we have a state funded and city funded enterprise in direct conflict with private enterprise and I don't think that's quite legal. If they were doing a point-to-point pickup there wouldn't be a problem. If she's going to a motel and taking them to a restaurant and they have too many calls and they have to call a private enterprise then it sounds like you're in direct competition. If that's true then there's a real problem with this. Apparently if they're staying at a motel then they have a car. If their competitor is the local taxi service or whoever their competitor is, or if it's another federally funded or city funded agency then there is no problem but if it's a private enterprise then I can see a big problem with it. So, it's something you might want to look into.

Mickie Compton said part of our grant application is to provide for coordination services with the transportation services, which I have already done. I have met both of the private enterprise transportation systems. We have a very good rapport with each other. For example on New Years

Eve I stopped, he gave me some of his business cards and I gave him some of mine. We wanted to make sure between the two of us we could coordinate transportation to keep the drunk drivers off the road for New Years Eve or provide transportation for anyone that needed the designated driver. That opened the door for further conversation and we have agreed to the point that where one of my vehicles breaks down he will assist me with my clientele if I don't have another backup vehicle. If he gets stranded somewhere with a client he can call me and I will assist him. That's coordination.

Councilor Holman said we appreciate the public and it shows we're getting thought and questions and we want to cover these bases. I would like to hear from our City Attorney if there is a precedent or if there is established law on this and that will take care of some of the speculation and questions.

W.T. Martin, Jr., City Attorney said when a city or municipality engages in an enterprise that might be done by private enterprise it creates a competition and doesn't automatically make what the city does illegal. Let me give you some example of case law in New Mexico that has risen in some cities. Where a city has its own municipal golf course and it is in direct competition with let's say country clubs or private golf courses and the city comes in and subsidizes the cost of the golf course to where the other golf courses cannot effectively compete. The rule is that that is not unlawful and that the city can do that. If I may use the town that I live in, the City of Carlsbad subsidizes the city golf course with a large amount of money where retirees do not have to spend but a very small amount to golf year round. That puts the country club, which is a different enterprise completely at a competitive disadvantage because of the cost factor. That's been looked at and that's not illegal for the city to do what it does and create that competitive situation that exists. City's can go into what might otherwise be a private enterprise to provide service to a community and if it creates a competitive problem or issue that does not automatically make it illegal.

Wayne Williams said the reason I asked was like our government buying our banks. W.T. Martin, Jr. said that's a whole different issue and said again that is not illegal.

Mickie Compton said I would like to add one other thing. Every year when I do the grant application I send a letter that is to all of the transportation entities, the school buses, everyone. They have so long to respond to that if they want to assist with participation in the grant. We received no response. As far as the difference between public transportation and private enterprise there is a big difference there and public transportation meets certain standards and compliance issues that private enterprise cannot meet. However, we do require coordination with each other, not competition but coordination.

Shirlene Cusolito said for forty years I worked in this post office as Post Master for Ruidoso Downs and one of the things that always came up was the fact that they thought the Ruidoso Downs Racetrack was in Ruidoso. I want to compliment Jay for his new logo on that because I thought it made a clear distinction. I think that back when the original logo was set up for Ruidoso Downs that was great but since we've grown we want to move ahead. I really hope that you will make some real consideration in that line and accept his proposal when it's modified. Everybody always says 'oh, the racetrack is in Ruidoso isn't it?' No, it isn't and the same thing with the museum, 'it's

in Ruidoso' and it is not. Looking at the stationery and all his artwork it definitely says that those places are in Ruidoso Downs.

Chief Ortiz, DPS Director said I would like to introduce at this time the newest member to our department. He was unable to make it at the last council meeting. He is here tonight to introduce himself and that would be Jorge Martinez, he is our newest Certified Police Officer for Ruidoso Downs. There was a round of applause.

Jorge Martinez said I appreciate the opportunity that has been given to me by the City of Ruidoso Downs and I thank you very much.

Councilor Hood said we're glad to have you and Chief is really glad to have you.

Chief Ortiz said I would like to add that Mr. Martinez comes to us from Artesia, New Mexico where he has been an officer there for about three years. He's also done a tour and come back from Iraq so he's both military and law enforcement oriented.

EXECUTIVE SESSION

Discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant and Hubbard Museum of the American West and Real Property and Water Rights Pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 8 and Limited Personnel Matters Pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 2.

Mayor Armstrong entertained a motion to go into Executive Session for the discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant.

Councilor Hood moved to go into Executive Session for the discussion of all threatening and/or pending litigation pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant and Hubbard Museum of the American West and Real Property and Water Rights Pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 8 and Limited Personnel Matters Pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 2. Seconded by Councilor Williams.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye, Councilor Olivo, Aye. Motion carried.

Mayor Armstrong closed the regular meeting at 6:37 p.m. and invited W.T. Martin Jr., City Attorney, Carol Virden, City Clerk/Treasurer, Jay Smith, Museum Director, and Cleatus Richards, Public Works Director and called for a five minute recess.

Mayor Armstrong entertained a motion to go back into open session.

Councilor Hood moved to go back into open session. Seconded by Councilor Williams.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye, Councilor Olivo, Aye. Motion carried.

Mayor Armstrong called the regular meeting back to order at 8:26 p.m. and asked that a member of the City Council attest to the fact that the only items discussed in Executive Session were that of discussion of Threatened and/or Pending Litigation Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant and Hubbard Museum of the American West and Real Property and Water Rights pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 8 and Limited Personnel Matters pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 2 and no action was taken.

Councilor Hood attested to the fact that the only items discussed in Executive Session were that of discussion of Threatened and/or Pending Litigation Section 10-15-1 Subparagraph (H) 7 Wastewater Treatment Plant and Hubbard Museum of the American West and Real Property and Water Rights pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 8 and Limited Personnel Matters pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 2 and no action was taken.

Mayor Armstrong entertained a motion to Consider possible action Pursuant to Open Meetings Act; Section 10-15-1 Subparagraph (H) 2 Limited Personnel Matters.

Councilor Hood moved to rescind hiring Christian Hurst, Cadet Police Officer as of the February 9, 2009 council meeting. Seconded by Councilor Olivo.

Roll call votes: Councilor Hood, Aye; Councilor Williams, Aye; Councilor Holman, Aye, Councilor Olivo, Aye. Motion carried.

ADJOURNMENT

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

Councilor Hood moved to adjourn at 8:28 p.m. Seconded by Councilor Williams.

All were in favor and motion passed.

Tom E. Armstrong, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer