

**CITY OF RUIDOSO DOWNS  
GOVERNING BODY REGULAR MINUTES  
MONDAY, February 14, 2022 - 2:00 PM  
THE HUBBARD ROOM  
123 DOWNS DRIVE  
RUIDOSO DOWNS, NEW MEXICO 88346**

The City Council of the City of Ruidoso Downs met in regular session on Monday, February 14, 2022. Mayor Holman called the regular meeting to order at 2:00 p.m. and lead in the Pledge of Allegiance.

**ROLL CALL**

**Present:** Councilor Walker, Councilor Miller, Councilor Lacewell, Councilor Lundquist

**Municipal Employees Present:**

Alejandra L. Giron, City Clerk/Treasurer  
Selena Chavez, Assistant City Clerk  
Bruce Baker, Assistant Fire Chief  
Joe Jarvis, Public Works Director  
Carroll Scott, Police Chief  
Mary Castaneda, Finance Director  
Robert Knight, Deputy Chief

**Municipal Employees Present by Zoom:**

John Underwood, City Attorney

**Guests Present: 2**

**APPROVAL OF AGENDA**

Mayor Holman stated next item on the agenda was Approval of Agenda. Councilor Lundquist moved to approve Agenda. Councilor Walker seconded and motion carried by unanimous roll call vote as follows: Aye: Councilor Miller, Councilor Lundquist, Councilor Lacewell, Councilor Walker.

**APPROVAL OF CONSENT AGENDA**

Mayor Holman stated next item on the agenda was Approval of Consent Agenda. Councilor Lacewell moved to approve Agenda. Councilor Lundquist seconded and motion carried by unanimous roll call vote as follows: Aye: Councilor Miller, Councilor Lundquist, Councilor Lacewell, Councilor Walker.

**PUBLIC INPUT**

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

Bonnie Richardson wished to Mayor Holman and Councilors a Happy Valentine's Day.



Mayor Holman stated to Bonnie thank you.

### **COUNCILORS COMMENTS**

Mayor Holman stated next item on the agenda was Councilors Comments.

Councilor Miller stated to Mayor Holman and Councilors Happy Valentine's Day to everyone and wishes everyone well.

### **MAYORS COMMENTS**

Mayor Holman stated next item on the agenda was Mayors Comments. No Mayor's Comments.

### **NEW BUSINESS**

**A.** Mayor Holman stated next item on the agenda was Discussion and Possible Action on Prior Fiscal Year 2020-2021 Expenditure for Mission Communications in the Amount of \$407.40.

Joe stated this prior fiscal year budget item from Mission Control Communication system that controls our Spring for the water in order to monitor our pumps remotely and was not paid due to unknown reasons however there is money in the budget to pay it and have another bill due.

Councilor Miller moved to approve the Prior Fiscal Year 2020-2021 Expenditure for Mission Communications in the Amount of \$407.40. Councilor Lundquist seconded and motion carried by unanimous roll call vote as follows: Aye: Councilor Miller, Councilor Lundquist, Councilor Lacewell, Councilor Walker.

**B.** Mayor Holman stated next item on the agenda was Discussion and Possible Action on Adoption of Resolution 2022-01 a Resolution Approving the submission of a NM DOT COOP Funding Application for Park Lane Paving and Drainage Improvements.

Joe stated that he would like to thank Ally Giron for assisting him with filling the Resolutions out as they are technical. This is a Resolution approving the submission for one of our two DOT projects we get to apply for every year for the MAP and a COOP. The Coop must be a road that can be for a bypass. These are the grants that are 75% paid by the grant and 25% the city has to match. The city has never had to completely meet the match due to the Public Works doing some of the labor themselves. The road that will be used for the bypass is the Parker Road and River Lane and is the third year he has applied for it.

Councilor Lundquist asked Joe what a bypass road is.

Joe stated that if there is an accident on the highway then there would need to be another road that would give access to the people to get around if the highway was closed.



Councilor Walker asked Joe how much the project will cost.

Joe stated that from last year they used \$346,00.00 and the city has to put the 25% cash match in the budget and if we do get the award, we do have to show that money available and has spoken to our Finance Director that we have the money and we don't have to use it until we have to but we should be ok.

Councilor Lundquist moved to adopt Resolution 2022-01 a Resolution Approving the submission of a NM DOT COOP Funding Application for Park Lane Paving and Drainage Improvements. Councilor Walker seconded and motion carried by unanimous roll call vote as follows: Aye: Councilor Miller, Councilor Lundquist, Councilor Lacewell, Councilor Walker.

C. Mayor Holman stated next item on the agenda was Discussion and Possible Action on Adoption of Resolution 2022-02 a Resolution Approving the submission of a NM DOT MAP funding application for Harris Lane and S. Parnell Paving and Drainage Improvements.

Joe stated the MAP funding agreement its initial estimate is \$550,000.00 and they usually give a lower sum to get it done. So, if he could get \$150,000.00 then we could make this work.

Councilor Walker asked Joe that it is from Harris down to the highway and asked him if he was doing pretty much North to South and doing East to West this summer.

Joe stated that is correct, it's from Reservoir down past to Spring Road and from Harris south central down by the body shop. He stated to Councilor Walker that we are trying to do maintenance on the roads from North to South and are trying to do East to West this summer. He stated that we already received the money to pave from Reservoir down to Zia Gas and down Short Drive and Downs Drive.

Councilor Miller moved to adopt Resolution 2022-02 a Resolution Approving the submission of a NM DOT MAP funding application for Harris Lane and S. Parnell Paving and Drainage Improvements. Councilor Walker seconded and motion carried by unanimous roll call vote as follows: Aye: Councilor Miller, Councilor Lundquist, Councilor Lacewell, Councilor Walker.

D. Mayor Holman stated next item on the agenda was Discussion and Possible Action on Agreement with TLC Plumbing through State Price Agreement #90-00000-18-073 for Qualified HVAC & Plumbing Services for the Museum Sewer Line replacement in the amount of \$353,622.14 including Gross Receipts Tax.

Joe this proposal amount will cover the North and South sewer line came back after the initial proposal for the complete package came back at over three quarters of a million dollars. He



stated we have \$290,000.00 available, there is \$100,000.00 that Council moved in, and we need \$50,000.00 to complete that project.

Councilor Lundquist asked Joe what the meaning of when they have to cut out the concrete meant in the proposal, and she asked if all the material is going to be new.

Joe responded that they aren't responsible for any damages underneath as nobody knows what's underneath the concrete. He also stated that everything except the fixtures will be new.

Councilor Walker asked Joe if this figure includes the estimate, they had received from White Mountain glass.

Joe responded that White Mountain glass isn't interested in the job anymore and Mary will put out just the glass replacement out for bid and if not, we will maybe try to attempt this in house.

Councilor Lundquist asked Joe if we could eliminate the sky light all together and if they could just cover it up.

Joe stated that he has asked the architect what it would take to do that, and they said the initial rough estimate was about \$300,000.00 and he stated that they can't cover it due to an engineer needing to sign off on it and they will not. The sky lights will have to be resealed every so often to keep up with maintenance.

Councilor Miller that she does like the sky lights and asked when will the sky lights be resealed hopefully before the rain season.

Joe stated that he is not sure at this time.

Councilor Walker asked Joe to try to ask White Mountain glass one more time.

Joe stated that he will reach out to them again.

Councilor Miller moved to approve the Agreement with TLC Plumbing through State Price Agreement #90-00000-18-073 for Qualified HVAC & Plumbing Services for the Museum Sewer Line replacement in the amount of \$353,622.14 including Gross Receipts Tax. Councilor Walker seconded and motion carried by unanimous roll call vote as follows: Aye: Councilor Miller, Councilor Lundquist, Councilor Lacewell, Councilor Walker.

**E.** Mayor Holman stated next item on the agenda was Discussion and Possible Action on Change Order No. 7 with File Construction, LLC, for the Riverside Waterline and Spring Replacement, Requesting for an Extension of 24 Calendar Days.



Joe stated this is to cover for the extra days that File Construction had used due to the inclement weather, there was a gas line that was discovered and unknown as to where it was, and the enormous amount of rock at no cost.

Councilor Lacewell asked Joe that where did the gas come from.

Joe stated that it was to PNM that was a dead gas line.

Councilor Walker asked Joe why there wasn't a rock clause in there.

Joe responded that the bore samples that were taken did not foresee any rock.

Councilor Lacewell moved to approve Change Order No. 7 with File Construction, LLC, for the Riverside Waterline and Spring Replacement, Requesting for an Extension of 24 Calendar Days. Councilor Lundquist seconded and motion carried by unanimous roll call vote as follows: Aye: Councilor Miller, Councilor Lundquist, Councilor Lacewell, Councilor Walker.

**F.** Mayor Holman stated next item on the agenda was Discussion and Possible Action on Amendment No.1 to Task Order 20-04 with Dennis Engineering for Engineering Services for Construction of the East Distribution System Expansion Project, Requesting an Increase in the amount of \$36,925.00, Excluding NMGRT.

Joe stated this Task Order is to cover the continuation of the permits. The contractor and the engineers had to delay the project under the State's denial for the projects due to the projects that the State had.

Councilor Lundquist asked Joe why the contractor didn't wait until the time was done before they kept continuing to resubmit on the permits for us to be paid.

Joe stated that he had asked the same question and even though they were aware of the time they have to resubmit the permits to continue with the project.

Councilor Lundquist asked Joe why they charge for each meeting.

Joe stated the process of the request for funding.

Councilor Walker asked Joe who is causing the delays and that they should pay for the delays and all the state should not charge us.

Joe responded that the State is causing the delays and he agrees with Councilor Walker that he has told the state that and they told him that they gave the City the money in the first place.



Councilor Lacewell asked Joe what type of recourse we have for them.

Joe stated that there is no recourse and that the engineer is just charging us for his time due to the delay.

Councilor Lundquist asked Joe if they could change the contractor.

Joe responded that at this point of the project they cannot because it is about a month away from finishing.

Mary stated that the engineer and architectures that we have created the specifications and the bid she stated if you go out for performance bid then there are other different criteria's but that was decided by the engineer.

Councilor Lacewell asked Joe if this is a non-declinable charge.

Joe stated it can be declined but then the project would not continue, and it would only hurt us.

Councilor Miller stated that these unforeseen costs happen in any project and in the long run we benefit.

Councilor Lundquist asked Joe if they contractors know of the balance of the grant.

Joe responded not that he knows.

Councilor Miller moved to approve Amendment No.1 to Task Order 20-04 with Dennis Engineering for Engineering Services for Construction of the East Distribution System Expansion Project, Requesting an Increase in the amount of \$36,925.00, Excluding NMGRT. Councilor Lacewell seconded and motion carried by unanimous roll call vote as follows: Aye: Councilor Miller, Councilor Lacewell; Abstained: Councilor Lundquist; Nay: Councilor Walker

**G.** Mayor Holman stated next item on the agenda was Discussion and Possible Action on Change Order No. 3 with File Construction, LLC, For East Distribution System Expansion, Requesting an Extension of 14 Calendar Days.

Joe stated the request for the Change order is for the additional 14 days due to the inclement weather.

Councilor Walker asked Joe how they charge for no work being done.

Joe stated that these charges are being done by the work the engineers have done.



Mary stated that the extra days are for both change orders are for charges on both projects.

Joe stated to that this job that was bid and a contractor bid on them. The engineer is being paid to protect the city and to oversee the specifications for the job.

Councilor Walker stated the contractor isn't going to charge us, and the work hasn't changed.

John stated that he suggests is for the engineer to appear before the Council to explain the reasons for the Change orders.

Councilor Miller asked Joe if the funding for the change orders and the task orders isn't paid then it will delay their project.

Joe responded that they will not continue working on the project.

John stated that he agrees with Councilor Miller that we will delay on our own project. He stated that our bargaining grounds is at the beginning of these things.

Councilor Lundquist moved to approve Change Order No. 3 with File Construction, LLC, For East Distribution System Expansion, Requesting an Extension of 14 Calendar Days. Councilor Miller seconded and motion carried by unanimous roll call vote as follows: Aye: Councilor Miller, Councilor Lundquist, Councilor Lacewell; Nay: Councilor Walker.

**H.** Mayor Holman stated next item on the agenda was Discussion and Possible Action on Proposal with BIXYELECTIC Traffic Signal Pole Replacement at HWY 70 and Downs Drive, in the amount of \$93,794.01 Exclusive NMGRT.

Joe stated the accident that took out the front stop light. He asked Councilors if they want a traffic light out there in the front place.

Councilor Miller stated to Mayor Holman that she would like to have a traffic signal pole and to possibly have a traffic slow sign.

Mayor Holman stated to Councilor Miller that he agreed and the children crossing the highway to the park have no safe way of passing from side to side.

Councilor Walker asked if we could get cameras on both sides of the light to catch the big trucks that take down the lights.

Joe stated that Chief Scott has caught a few of them in the past.



Councilor Lundquist asked Joe why the signal poles aren't going to be poles.

Joe responded that he did get a quote and it was about \$350,000.00.

Councilor Lacewell asked why the insurance isn't paying for it.

Councilor Miller asked Joe why the height couldn't be posted on the top of the light cables.

Joe responded that the insurance is paying for it to replace the light cables and the poles we would have to pay the difference out of pocket. The light cables are not strong enough to hold the height on it.

Mayor Holman requested that this item be on the next council meeting.

John stated that it might be beneficial to invite a commissioner from the Highway commission to attend the meeting to gain influence to benefit the City.

Councilor Miller moved to table the Proposal with BIXYELECTIC Traffic Signal Pole Replacement at HWY 70 and Downs Drive, in the amount of \$93,794.01 Exclusive NMGRT for the next council meeting. Councilor Lundquist seconded and motion carried by unanimous roll call vote as follows: Aye: Councilor Miller, Councilor Lundquist, Councilor Lacewell, Councilor Walker.


**ADJOURNMENT**

There being no further business to come before the Governing Body, Mayor Holman adjourned the regular meeting at 3:16 p.m.

**MINUTES ARE DRAFT UNTIL APPROVED ON:**

Passed and Approved on this 28<sup>th</sup> day of February 2022.

**APPROVED:**

  
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Dean Holman, Mayor

**ATTEST:**

  
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Alejandra L. Giron, CMC  
City Clerk/Treasurer

