

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
MARCH 12, 2003

The Council of the City of Ruidoso Downs met in regular session on March 12, 2003. Mayor Miller called the meeting to order at 5:30 p.m. and asked Dr. Tate to lead the Pledge of Allegiance. Upon roll call, the following were present:

Councilor Miller Councilor Garrett
Councilor Olivo Councilor Morales

Administrator Waters informed Mayor Miller there was a quorum.

Also present were:

Dan Bryant, City Attorney
John Waters, City Administrator
Carol Virden, City Clerk/Treasurer
Tom Armstrong, CE/BI
Ken Mosley, Public Works Director
David Hightower, Deputy Chief of Police

APPROVAL OF AGENDA

Motion was made by Councilor Morales and seconded by Councilor Olivo to approve the Agenda. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Motion was made by Councilor Miller to approve the Consent Agenda unless someone wanted discussion. Councilor Olivo pulled Accounts Payable. Seconded by Councilor Morales to approve the Consent Agenda with Accounts Payable removed for discussion. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

MINUTES

Motion was made by Councilor Miller and seconded by Councilor Morales to approve the Minutes of the Regular Meeting on February 26, 2003. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

ACCOUNTS PAYABLE

Councilor Olivo said I have a question on page 3 on the Senior Citizens Building. I want to know why we are paying for building maintenance and repair of \$150.96 and vehicle maintenance and repair for a total of \$69.67. There was a ten year contract signed with the county in 1994 which states the county shall be responsible

for all routine repairs to the subject premises and shall keep and maintain in good order, condition and repair the premises and every part thereof, reasonable wear and tear excepted. In addition, the County shall be responsible for all routine repairs and maintenance on the van provided by the City. This is supposed to be a ten year contract but it says on the contract it expires July, 2003. Councilor Morales asked have we been paying for the upkeep on the Senior Center and the vehicle. Administrator Waters said if you will remember back at the last budget hearing session regarding the Senior Citizens Center, a county employee approached the city and asked for additional help to help defray the costs of running the facility. There were several things they asked for one of which was building maintenance and repair; the Council did approve a budget for that. The other thing was vehicle maintenance and repair on our van. I think one of the issues Councilor Olivo was pushing we need to get the windshield replaced and a tune up. Councilor Olivo said the County was supposed to get it repaired and they kept giving me the run around. They are driving that vehicle around and they can't even see. That is against vehicle code. The van right now is in Santa Fe and it belongs to the City of Ruidoso Downs. The door says Lincoln County and it is representing Lincoln County and not Ruidoso Downs. Administrator Waters said as you are aware this is a joint operation between the county and the city. The operations are and have been, as long as I can see in the records, underneath the county. Obviously if the county has the operations, they have their markings on the vehicles. The letterhead indicates the county. Their administrative staff runs it, they pay for the administration, they pay for the gasoline for the vehicles, they pay for everything. This is something that as Councilor Olivo has mentioned is going to come up during this next budget cycle. This is something the Council may want to revisit. This is not the only item. Another item approved unanimously by the Council is to have a new air conditioning system installed in the Senior Citizen's Center. Councilor Olivo said I wasn't aware we had a contract until I did some research and it seems to me we are in violation of the contract. Attorney Bryant said yes, except the manager of the center came to us during our budget cycle and said would you help with these things and we approved it in the budget. What we did was amended the contract without going into the contract and making a written amendment. Councilor Olivo asked is the city getting all of one dollar. Administrator Waters said it is a minimal amount. This is the time that the city and the county may want to revisit the arrangement. There are several issues on both sides. The county has some issues they want to bring forward and I think during the budget hearings would be a good time to do that. It is an opportune time when you are looking at your budget and what you can afford for extra items like the Senior Citizen's Center and they are looking at their budget as well. If there are items of concern, it might be good to have them sent into the Mayor and get one letter from the Mayor with all of our concerns on it to work the contract out for both the Council and Commission approval in the future. Councilor Olivo said I was on the budget committee and I was unaware of this contract. If I had known, I would never have voted to spend our people's money on the Senior Citizen's Center when they are making money off of senior citizens. Councilor Miller said I have had few calls about the Senior Citizen's Center especially transportation for our residents. I did come to

Administrator Waters and asked him to see about that. I know there are some of our residents that are not getting rides to where they need to go. Mrs. Garrett said I know they have schedules and they were sent to their homes so they would have something at home to look at to schedule rides. Councilor Miller asked where the letter went. Councilor Garrett said they were mailed to every resident in Ruidoso Downs that gives times to call the Center and schedule. Councilor Miller said I think it is about time. We have had a van for many years and we have been paying for a van driver for many years. I have heard from several people that they did not have rides to go places. Councilor Olivo said we pay a van driver \$22,280 and he transports two people a month and most of the time he is working in the kitchen. Councilor Garrett said I don't think we have control over what the van driver does. Administrator Waters said we don't have control over what that employee does even though it is the wish of the city when we give this money to them; it is essentially up to the county to do whatever they want with it. It is my understanding that it does go towards an employee at our local sight. What they do with him is entirely up to their discretion. We really have no say unless it is from a formal request from the Council. I am sure that would have some force if the Council wishes to do that. Councilor Miller said maybe we should change the contract and have an employee from Ruidoso Downs. Mayor Miller said about concerns of maintaining that vehicle, I am the one that said we will maintain that vehicle. It is our vehicle and I want to know that it will transport our senior citizens where they need to go safely. Councilor Olivo said they use it every day to go to the bank to make a deposit for the county; maybe they should use it to transport people to go to the bank. The county bought a brand new Blazer for Meals on Wheels. It was here for about a month, no one could use it, now I understand it is in Carrizozo. Mayor Miller asked if there was any more discussion.

Councilor Garrett said I have a question about Accounts Payable; I was wandering about the airline ticket under the Public Safety Department for \$333.00. Administrator Waters said this is an airline ticket that is reimbursable under the F.B.I. The F.B.I. reimburses up to \$600.00 for out-of-pocket expenses, travel. The airline ticket was issued on the condition that the F.B.I. reimbursable money go towards paying this. Mayor Miller asked if there was any more discussion.

Motion was made by Councilor Garrett and seconded by Councilor Olivo to approve the Accounts Payables. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

MONTHLY REPORTS

Motion was made by Councilor Miller and seconded by Councilor Morales to approve the following reports:

Fire Report	Animal Control Report	Public Works Report
Court Report	Code Enforcement Report	
Police Report	Maintenance Report	

Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Mayor Miller stated next on the agenda, Ruidoso Library Programs - Facts and Statistics - Sandra Scarborough. Sandra Scarborough introduced herself and said I am a member of the Board of the Ruidoso Public Library. I am here tonight with Dr. Howard Tate, another member, and the director of our library. We are here for two reasons. Number one, we want you to know more about our library and number two we want to ask for your help. I would like for the director of the library, Phyllis Reed, to give you some information that I think will be invaluable to you. Phyllis Reed said I am here to tell you about our library if you don't already know. I want to encourage the Ruidoso Downs citizens to use Ruidoso Public Library and I want you to encourage others to use it as you use it. At Ruidoso Public Library, Ruidoso Downs citizens can check out any library material they want to. They can check out best sellers, biographies, books on tape and CD's. We have an excellent reference collection for you and your citizens. We like to brag that we can get anything for you that we don't have because we have a national interlibrary loan program. I think many of your citizens take advantage of that. We also have computers that you can come in and use for free. We even subscribe to computer research databases so you can do authoritative research. We offer you many services that I have listed on a sheet that I will leave with you. The best part of our library is probably down stairs and that involves our children's library. We have a preschool story time that many of the Ruidoso Downs citizens bring their children to every week. We have after school teen time for your children, after school homework time, and after school movie time. We also have after school arts and crafts for all of the children. We also have a children's summer reading program that Ruidoso Downs children come to and are encouraged to come to. This summer we have Bill Martin and Swami Salami on our summer reading program. We partner with the art commission and we have art exhibits every month. We have an arts reception every month. We will even give you one on one tutorial on how to use our computers. We have included Ruidoso Downs families in our 21st century literacy grant that we want to make sure every Ruidoso Downs child has a library card. Ruidoso Downs citizens are very important to us at Ruidoso Public Library. I will leave with you some information on our children's programs and all of the services we have to offer. Thank you.

Mrs. Scarborough asked if everyone had the hand out we prepared. I know you have the facts and figures in front of you but there is just one thing I wanted to go over with you. As you see we get \$4,100 a year from the state for our library. We get \$1,000 a year from Wal-Mart. The rest is budgeted by the Village of Ruidoso, about \$326,000 a year. There is no county money that goes towards the library. To process a library card costs \$5.00. The cost of the average book is \$27.00. The cost of

a library assistant, which we need desperately, is \$18,000. Whatever you can see your way clear to do to help the library would really be appreciated. Does anyone have any questions for us?

Councilor Morales said I don't have any questions but I have a comment. I have sat on this Board for quite a while and I don't believe we have ever had anyone from the library come here and I really appreciate it. Mrs. Scarborough said thank you and we have had some changes. Mrs. Reed is a new librarian. There are some things we need at the library and we need help. I don't think a lot of people are aware that the county does not help us. Councilor Miller asked have you asked the county to help. There are a lot of county residents that live around Ruidoso and Ruidoso Downs. Mrs. Scarborough said there are a lot of them that use it. We don't want to put it that you have to pay to use the library; that is not the case. We feel it is so important and particularly for your children, that is where it starts. We just want your help if you can.

Councilor Garrett asked how you based your figures that you gave us. Mrs. Scarborough said it is my understanding that we used the zip code. Councilor Garrett said the only problem I have with that is I called the post office today and asked how many receive their mail at our post office that do not live in Ruidoso Downs because I looked at your figures. They told me anywhere from one fourth to one third do not even live here in the Downs. The figures were a little confusing because I don't think there is that many. We have all of Agua Fria and all of the surrounding areas using that post office. It would help us if the library would ask where they lived. Councilor Miller said if they have 1,800 people with library cards from Ruidoso Downs, we don't even have that many residents. Mrs. Scarborough said this was as close as we could figure. We want to offer this service to everybody.

Councilor Morales said our budget workshop is coming up very soon and we will look at it then. Mayor Miller thanked them for coming.

Mayor Miller stated next on the agenda, consider approval for destruction of Public Records Phase IV. Clerk Virden said I am going to sound like a broken record. We are in Phase IV of our destruction of public records. We have 29.5 cubic feet of records. I did not bring the records in here because these are really old, stinky records. If the Council wishes to table this matter to review the documents, you are more than welcome. If not, then I request the approval for destruction of those records.

Motion was made by Councilor Garrett and seconded by Councilor Olivo to approve destruction of Phase IV Public Records. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Clerk Virden said at the next Council meeting will be the last phase. I am pulling everything out of the storage room and what is left in here for destruction. I am

going to take care of it for previous years. Then we start again in July, 2003 for records six years ago and there will only be two or three boxes. That is the way it is going to be every year.

Mayor Miller stated next on the agenda, Planning and Zoning. Paul Van Gulick said there are three items and the first one I expect some discussion and reasonably so. There is a request for variance for temporary placement of an RV at 2051 Wood Lane requested by Javier and Josephine Cadena, property owners. In this case, we received three letters of protest out of seven adjoining properties. Since this came before planning and zoning, we have to reasonably request this be denied. At the same time there is some question in my mind of whether this is more properly a request for temporary placement and would normally go before the Council, not planning and zoning. Councilor Miller said I went up there and it is not really a great residential area. (Councilor Miller explained later in the discussion that she was referring that the neighborhood is not a congested area). I was unable to get in touch with Jackie Branum because she lives close by the Cadenas. I don't see anything wrong with a temporary placement; we have done it before for many people who work in town and don't want to drive through the construction as long as it is temporary. Councilor Garrett said I don't want to get into a place where now we accept one where before we didn't and have them come back and say now you are letting them do it. My other problem is the ordinance says we are not allowed to give a use variance. Mr. Van Gulick said that brings up the question of whether or not this is a variance or not. Mrs. Garrett said I have a problem giving a variance when the rules say you can't do that. We have made other people live up to that. Councilor Miller said I remember allowing summertime residents in Spaghetti Flats to use a little travel trailer outside of their home just a couple of years ago. Councilor Garrett asked was that before or after the rezoning because R-1 is for single family residents. Councilor Miller said every rule can be broken; I don't see anything wrong with it. Councilor Olivo said I went by there today and the man has the property real clean, I wish I had him as a neighbor. I don't see anything wrong with it. I checked the plumbing and nothing is visible. This is an emergency. They had a death in the family and they are hurting for money right now. I think it is our duty to help them. Councilor Garrett asked how long have they been there. Mr. Van Gulick said it is my understanding it was placed in the fall of last year. Councilor Garrett asked was a permit issued for the original placement. We just made all of these trailer parks pay separate and now they are connected through the house's plumbing and they are living there. What bothers me is we just told all these people they have to pay an individual hook up for sewer and yet we have someone now who is going to do it. Councilor Miller said an RV is not a permanent residence. We have discussed this over and over; an RV can be pulled out at anytime and put back in. Councilor Garrett said this is two residences on one lot. They have hooked up to sewer, water and a propane tank. You can't get much more permanent than that. We have already ruled on it once. Councilor Miller said we have given other people the same type of temporary use and that is all they are asking for. Councilor Garrett said they were asking for hookups so they could use it. They weren't asking for permanent residence, they were asking for a few days at

a time. To me that was a temporary use and we told them no and I think that would give them a legal issue. Mr. Van Gulick said I do see that as a little bit different but I do see what you are talking about. Councilor Garrett said I don't have a problem with changing this variance rule since this is the third time I can think of it has come before the Board.

Javier Cadena said I don't want it as a permanent residence either. We have an acre of land on Wood Lane and a family member has asked us because she goes to school in town. My wife has lost her mother and her father on that road coming in from the valley and that road is just horrible right now. Mrs. Cadena said she is trying to better herself as a resident of this community and she goes to community college. That road is dangerous. There is no way she can go from work at five o'clock, go home and come back in all that construction. What we are asking for is temporary. Councilor Morales asked how long are you asking for. Mrs. Cadena said we are asking for a year. Councilor Morales asked is she the only one living in the trailer. Mrs. Cadena said and her boyfriend stays with her. They are not loud; we have specific rules for them. There will be no loud music, there will be no parties. If you have visitors, it will be one at a time or you go somewhere else to visit. We are a neighborhood and we will respect our neighbors in that way. I know we have three letters of complaints but I know we have five neighbors that say go for it. Mr. Cadena said I wrote a letter saying please understand we are asking for a temporary variance and we are asking if it would be okay with our neighbors to allow this RV on our property. I specifically stated that it is not going to be a permanent thing. Councilor Garrett said I just have a problem because of the way the law is written for the city and making it different for different people. I understand how you feel but I think we need to visit these. Councilor Miller said I am an advocate for private property rights. Attorney Bryant asked can you tell the Council, and let's use the first of the month, if this use is approved it will end on the first day of what month and what year. The reason I am asking is because she is in school. If her school is going to end in December then you could do this as of the January 1, 2004. Councilor Morales said it is my understanding that she just wants this as temporary so possibly within a year, they may be gone. Attorney Bryant said Councilor Garrett I want to answer your concern. The ordinance says you cannot grant a variance for use. What that means is you can't be in an R-1 and grant the variance for commercial or industrial. This is not that kind of request. The use is residential; residential is appropriate within an R-1. This is a request to vary from a prohibited condition within an R-1 district, just the same if we were asking for a variance on a setback. This Council has the power, in its discretion, to grant or deny this. I recommend you pick a date that is certain. One year from today means one thing to me and means something else to everybody else in the room. Whatever is the appropriate time frame then you need to look for a date certain you are going to have the RV unhooked. That doesn't mean the RV has to disappear but it needs to not be lived in full time by whatever date you choose. The second reason I asked for the floor Mr. Mayor was when this matter was called to my attention about Wednesday of last week, the first thing I heard was that we had an allegation that we had RV's hooked up to utilities all over this town. I have requested Mike Walter

to do a thorough investigation and give a report to me. We are going to find every RV that is hooked up in town and if it is inappropriate, we are going to address that. We are not doing things piece-meal and we are not singling anyone out in this city for enforcement of our provisions. They are going to be enforced from the east to the west and from the north to the south to the extent we have jurisdiction. When we get that report and I want Mr. and Mrs. Cadena to know this, we are going take whatever action is appropriate in each one of those instances.

Councilor Olivo said I am reading a letter from one of the adjoiningers that is in support of you but they will give you six months and I don't know how much time you need. He mentioned some of the materials you have there are an eyesore and the only thing I saw was some railroad ties. Mr. Cadena said we are in the process of selling them and getting them off of the property. Councilor Morales said I had two from the area contact me and they were in support also of the temporary residence. Mr. Cadena said Mr. and Mrs. Bassett, Mr. and Mrs. Ritter, Yon Rue and Carina Baca, Ray Montes there is support. I am not trying to be bad neighbor, I am trying to be a good neighbor but I am also need to be a good family man.

Mayor Miller asked if there is anyone against this.

Motion was made by Councilor Miller to approve variance for temporary placement of RV at 2051 Wood Lane until January 31, 2004. Councilor Morales seconded.

Administrator Waters said the one concern I have from staff, and you can see that there are three items that are of concern, they are environmental and safety concerns with the utility connections to the trailer. They have to be of a legal nature otherwise we violate state law. Other words, the connections have to be permitted; you can't just run a cord from one place to another. This is for their safety as well as their neighbors. The sewer connection has to be a legal, inspected connection. As you all know, we are under very tight scrutiny by the EPA. If a sewer connection is installed improperly, there is a chance of sewer leaking onto the ground or running into the aquifer which ends up in the river. I would ask if this is something the Council wishes to approve, these items be looked at seriously because these items do affect the safety of the people living there. Mr. Cadena said as far as the connections are concerned, if you grant this variance, we will have them inspected. It was hooked up by a certified electrician and a journeyman plumber. They were done to meet code. We have also, through Judge Mansell because we were cited, have authority to relieve liability of the City of Ruidoso Downs in case anything would come back. Councilor Morales said I don't want to make it a motion but I would like to see on February 1, 2004, that somebody go out there and see if someone is still living in the RV. What tends to happen is we say you have a year to do this, we forget about it then we have the same thing going on either with or without permission.

Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Paul Van Gulick said next is a request for rezoning of property located at Armstrong Tract on Miriam Drive presently zoned R-1 to a C-1 zone requested by Carl and Betty Efur, property owners. Their property had been zoned C-1 in the past and has had commercial uses in the past although right now it is a residence. There were no letters of protest from the adjainers and we recommend approving the request.

Motion was made by Councilor Garrett and seconded by Councilor Olivo to approve request for rezoning of property located at Armstrong Tract on Miriam Drive presently zoned R-1 to a C-1 zone. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Paul Van Gulick said next is a request for rezoning 533 West Highway 70 from a C-1 zone to a C-2 zone requested by Dusty Beavers and Deannie Chappel, property owners. This property was originally a bank, which under our current zoning falls under C-2. It is zoned C-1 because presumably when we went through it and looked at the current uses, this is where it fit. The owners feel that the C-1 zone is too restrictive for their property. There were no protests to the requested change. The Commission recommends approval for the request.

Motion was made by Councilor Miller and seconded by Councilor Morales to approve rezoning 533 West Highway 70 from a C-1 zone to a C-2 zone.

Councilor Garrett asked if they are going to use the property for a bank. Mr. Beavers said right now we are thinking about a car lot. Councilor Garrett said even with the rezoning if you use it for a car lot, that is a conditional use and you will have to go back to planning and zoning. I just wanted you to be aware of that.

Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller said next item on the agenda; consider approving purchase recommendation - Change Order #1 - East Circle Sewer Extension Project. Administrator Waters asked Ken Mosley, Public Works Director, to discuss this issue. Ken Mosley said the original contract for the sewer extension covers the paving just 10 feet past each end of the sewer extension. What we would like to do is to pave this all the way out to Heights on both ends. On the north side of Heights we would like to grade that up to where the water actually drains into Heights to eliminate drainage through private property. These quotes came from Carl Kelley and what the extra amount would be. Clerk Virden said the grand total for that would be \$44,233.18 for the Change Order #1. Administrator Waters said this money would come from the Street Improvement Fund. This is budgeted money for improvements to streets. This isn't a part of the original sewer project; it is actually for improving streets and drainage and what it was originally budgeted for. We do have the money available in the budget right now and it comes from gas tax money for street improvement.

Mayor Miller entertained a motion to approve Change Order #1 - East circle Sewer Extension Project to Carl Kelley. Councilor Garrett moved to approve. Councilor Morales seconded. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

OTHER BUSINESS

There was no other business.

PUBLIC INPUT

Bonnie Richardson said I want to give you an update on the Parks and Recreation Committee. We met last Thursday and we had seven teenagers and a dad come to our meeting and ask us if we would consider moving our skateboard park from Phase III to Phase I of the All American Park redesign. They are very anxious to participate in a fund raising and we are trying to follow leads on some possible grants. The Committee is willing for this skateboard park to be moved up and the teens and preteens were really excited about doing it. Councilor Olivo asked are they the same kids that use the ramp here at the post office. I see Officer Hightower getting after them. Mrs. Richardson said I wouldn't be surprised but I don't know. Officer Hightower said I have been down there when they were skating but I haven't had to get after them because there have been no complaints from the post office. If no one complains about them it is public property so I left them alone. Administrator Waters said Public Works Director Mosley and I have looked at a possible grant source from the Tony Hocks Foundation. They are a private foundation that was started by a well known skateboard professional. He has a foundation for grants of \$35,000 if there is strong grassroots effort and if there are both public and private monies attached to help get this type of facility. This is something that could be moved up. It cannot be paid for through the Scenic Byways grant monies if we do receive those. We should find out within the next month if we receive those for the walkway. Here again, budget time is coming up. While we have a lot of projects, matching projects like this probably wouldn't be a major expense from the General Fund. If it is the Council's wish, we will include it when the budget committee meets. Councilor Olivo said I think we should do something for our kids. I will ask the Auxiliary to pitch in some money. Councilor Miller said I don't know who built it but Las Cruces has a beautiful skateboard park.

Pappy Bell said I would like to inform everyone that on the 18th we are having a future Ruidoso Downs Chamber of Commerce meeting. Our special guest speaker will be Art Peralta of the New Mexico Department of Economic Development. It will be Tuesday, March 18th in the Ramada Limited hospitality room at 7 p.m. I would like to invite all of the businesses and Council. You will be getting an invitation in the mail.

Councilor Morales said I want to comment on our table. It really looks great; it looks wonderful. Now we need a new Council Room.

EXECUTIVE SESSION

Mayor Miller stated next on the agenda, Executive Session pursuant to Section 10-15-1(H) 7, Threatening and or Pending Litigation and Section 10-15-1(H) 8, Real Property and Water Rights. I would like to invite Administrator Waters, Attorney Bryant and Clerk Virden to attend the Executive Session and closed the regular meeting at 6:37. I would like to entertain a motion to go into Executive Session.

Councilor Miller made a motion to go into Executive Session pursuant to Section 10-15-1(H) 7, Threatening and or Pending Litigation and Section 10-15-1(H) 8 Real Property and Water Rights. Seconded by Councilor Olivo. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller called for a motion to go back into Regular Session at 6:59p.m. Councilor Morales made a motion to go back into regular session and declared that the only matter discussed was Threatening and or Pending Litigation and Real Property and Water Rights and no action was taken. Seconded by Councilor Miller.

Motion was made by Councilor Olivo and seconded by Councilor Miller to adjourn at 6:59 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer