

MINUTES OF THE RESCHEDULED REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
DECEMBER 29, 2003

The Council of the City of Ruidoso Downs met in regular session on December 29, 2003. Mayor Miller called the meeting to order at 5:30 p.m. and asked Shane Garner to lead the Pledge of Allegiance. Upon roll call, the following were present:

Councilor Miller Councilor Morales
Councilor Garrett Councilor Olivo

Administrator Waters informed Mayor Miller there was a quorum.

Also present were:

Dan Bryant, City Attorney
John P. Waters, City Administrator
Carol Virden, City Clerk/Treasurer
Tom Armstrong, Licensing/Permits Supervisor
Robert Logan, Department of Public Safety Director

APPROVAL OF AGENDA

Mayor Miller entertained a motion to approve the agenda. Motion was made by Councilor Olivo and seconded by Councilor Garrett to approve the Agenda. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF CONSENT AGENDA

Mayor Miller entertained a motion to approve the consent agenda. Councilor Morales moved to approve the consent agenda. Seconded by Councilor Miller. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF DECEMBER 8, 2003 WORKSHOP

Motion was made by Councilor Morales and seconded by Councilor Miller to approve the Minutes of the December 8, 2003 Workshop. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

APPROVAL OF MINUTES OF DECEMBER 11, 2003 REGULAR MEETING

Motion was made by Councilor Morales and seconded by Councilor Miller to approve the Minutes of the December 11, 2003 Regular Meeting. Roll call votes: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

ACCOUNTS PAYABLE

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

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Motion was made by Councilor Morales and seconded by Councilor Miller to award RFP No. 04-01 Design and Construction Management Services for 2004 CDBG Community Infrastructure Emergency Water System Improvement Phase I b 2: Water Lines/PRV's/Hydrants to ASCG, Inc. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye, Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Motion was made by Councilor Morales and seconded by Councilor Miller to award RFP No. 04-02 Design and Construction Management Services for 2004 CDBG Colonias Emergency Water System Improvement Phase I c: New 2.5 MG Spring Reservoir to ASCG, Inc. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye, Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving Cooperative Agreement and Lease - Ruidoso Downs Senior Citizens Center. Councilor Garrett moved to approve the agreement and lease of the Ruidoso Downs Senior Citizens Center. Councilor Miller seconded but said Councilor Morales has a question.

Councilor Morales said we have this agreement that is entered into on the 12th day of July 1994. This contract is a contract for ten years. My thought is that on paragraph 3., where it says the term of this lease shall be for a period of ten years beginning on the July 1, 1994 and ending on July 1, 2003 is a typo. Mr. Bryant can you advise us; isn't this still a valid contract if this agreement was entered into on the 12th day of July 1994.

Attorney Bryant said that is what I thought. That is why when we brought up the extension matter that the auditor asked us to do, I couldn't understand the issue because the lease hadn't expired, the lease also has a provision in it that extends it. However, our auditors started something that started the communication, we negotiated with the County and now we have a new lease with expanded use in it that starts a year early pursuant the terms of that document.

Councilor Morales said so you are saying we have a valid lease but we also have a new lease and Attorney Bryant said yes, a new proposal from the County that has already been run through their County Commission, signed and approved. And, it expands our ability to use the facility, not all the way as far as we asked, Councilor Olivo, but a significant amount of that direction. Groups like the Gymnastics

Academy and other civic organizations would be able to use the facility under this lease agreement as it is presented in the packet today. Councilor Garrett said we can still look at this again; I still think we need to pursue checking into what Rene is concerned about. I think we need to check into transportation. Mayor Miller said annually. Councilor Olivo said you guys keep saying Rene, Rene, Rene; some of the citizens have asked me to ask these questions. It is not Rene's idea. Rumors are around that Rene wants to close the center. It is the citizens and I am their representative. Councilor Garrett said and we represent citizens too. Attorney Bryant said I certainly wasn't trying to suggest anything. You have brought the concerns to me on behalf of your constituents. Because you are my boss then I respond to you and that is all I intended. Councilor Olivo said all I was asking on this contract is why is the City paying for items that we are not supposed to be paying. There is a rumor, one lady in particular at the Center that says I am trying to close the center and we are going to close it if we don't sign the contract tonight. That is ridiculous. The only thing I am concerned about is why do we have a contract if we are not going to abide by it. By that I mean, the County is supposed to pay for maintenance; we are paying for it. It is not fair for our citizens to be paying all of that money. That is the only concern I have. The rest, I am agreeable. I think Tommy is doing a good job. I am not trying to close the Center.

Councilor Morales asked could we ask that Councilor Garrett amend her motion to approve the contract with the amendment that we will continue to look at the transportation issues or whatever other issues we may have. Is that acceptable? Councilor Garrett said I don't think that has to be done in the contract. Attorney Bryant said if it will make the Council feel better, certainly you can do that. As I indicated in our last discussion, paragraph 3 is really a formality. The County attorney and the City attorney are lazy lawyers. We provide for a ten year term; it is renewable every year. Every year we get to negotiate the whole thing if we would like to. Essentially it is a function of the saying "if it is not broke don't fix it". If some part needs to be amended then we take care of that. Every contract you sign has an annual termination provision in it because the Bateman Act says you can't bind yourselves beyond the current fiscal year. The expression of these terms is more as a convenience primarily to your staff so they don't have to mess with it unless something comes up that you would like for us to deal with. Councilor Garrett said the only thing that this contract states is the van. When we get ready for budget time that is the time to bring up the other expenses people are concerned with. I think we need to approve this contract and then go forward and look at the other things we need to look at. I think we need to do a questionnaire. I would like to know how many people are interested in using transportation. I would like to see more people use it. The only way for us to do that is for all of us on this Board to take responsibility, try to advertise it, show that it is available and get the seniors to come. I think the only way to do that is to let the seniors know that the program exists, that it is open to them and we want them to use it. I would just like us to at least settle the contract problem which really has nothing to do with the other things we are discussing. Councilor Miller said I seconded it because I feel like this has worked really well for the last ten years. I don't want to see anything at all

jeopardize that but I do want to look into better transportation or more availability for our seniors whether it is just getting the message out to them. I believe like Dan said there is nothing in the contract that we can't talk about on an individual basis with the County.

Mayor Miller asked for roll call. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Abstain; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approval to adjust utility bill for Randy Cassingham. Mr. Cassingham said somewhere after the 17th of November your guys were working on the water system and somebody either left it off too long. We have a pump under the house that runs the hot water thoroughly all through the house constantly so when there is no water coming through, the pump could go out. This time it didn't, thank goodness but when they turned it back on they turned it on too fast so it blew out my pipe that comes from under the ground into the house. Underneath the trailer was all right but I have a box and the pipe comes up out of the ground and goes in. It is a wooden box with 2 x 6 inch installation stuffed in there and wrapped around the pipe so I know it wasn't me. It happened before when Mayor Harris was here but then we didn't have to go to the City Council to do it; he just sent someone out to fix it right away. So what I am saying, can you adjust my bill to where it was before the 17th of November. We weren't home and I didn't notice it because I don't go downstairs anymore because I broke my leg. My wife noticed it when she was putting boxes back in the shed and told me there was a leak. I said that was impossible because I just shored the faucet up for the wintertime and there was no cold weather or we would have left the faucets on. Any time it get below 15 degrees I do that every night ever since I have been here because I used to live in Lake Tahoe and it gets a lot colder there.

Councilor Miller asked how much did it may your bill go up. Mr. Cassingham said it must have been about two weeks but I don't know because I haven't gotten the bill yet. I figured we would have the bill before we came today. Councilor Olivo said I believe you said you could fix it yourself. Mr. Cassingham said I fixed it myself. Administrator Waters said when this was reported to us late last month, we did send Ken Mosley out to meet with Mr. Cassingham. There is a phenomenon known as air hammering on the lines when you shut something off too quickly. The air compresses within a pipe and it blows. We have had a couple of instances of that and it could be considered as the City's fault specifically if we turned it off too quick. Mr. Mosley judged that this type of break did look like an air hammer break the way the pipe was busted open and splintered. There were City crews working on the line at that particular time period. The thing we don't have in place right now is what the bill is and what the difference in usage is between that time. In order to accurately and fairly do this we would have to see what this month was, compare it to the month prior to that and year prior to that in the same month and then adjust the bill accordingly if it is the Council's wish above, say the average of those two months. Of course, the sewer is something we have already talked about and that can be adjusted fairly simply as well.

Motion was made by Councilor Miller and seconded by Councilor Morales by comparing his usage to last month and the same month in the prior year to adjust Randy Cassingham's water and sewer bill accordingly. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving personnel recommendation for Parks and Recreation Building Maintenance Caretaker position.

Administrator Waters said I am pleased and happy to bring before you the name of Leonard Sanchez. For those of you who don't know Leonard, Leonard currently sits on the City's Parks and Recreation Board and then asked Leonard to come forward. Mr. Sanchez went through the interview process; he was the most qualified individual. He currently works for the Village of Ruidoso and is a very good employee; his references are very good. He cares a lot about the City as is evident by volunteering his time to be on the Parks and Rec Board. Even before that he was continuously approaching the City asking about projects in the All American Park so it is something near and dear to his heart. He is qualified for the job. In addition to that he also has water operator certifications as well. He can work on irrigation systems and even occasionally help out the water department if they are in a bind. He is a very good employee and I am happy to bring his name before the Mayor and Council for the Caretaker position.

Councilor Garrett moved to hire Leonard Sanchez as Parks Recreation Building Maintenance Caretaker. Seconded by Councilor Miller. Councilor Morales asked Leonard when he would be joining us and Leonard answered January 5th. Councilor Olivo said you have a very good man working with you, Bill; he's a very hard working guy so treat him nice. Mr. Sanchez said I will and thank you for taking me in. Mayor Miller asked for roll call. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Administrator Waters said I would like to point out now that Mr. Sanchez is a member of staff he is no longer eligible to be on our Parks and Recreation Board. Certainly if there are individuals that are interested in participating on that Board, contact the Mayor and we can look at filling that vacancy. I am sure Mr. Sanchez will be approaching the Parks and Rec Board regularly to give them updates as his predecessor, Mr. Dunigan, would do on occasions.

Mayor Miller stated next item on the agenda, consider approving Resolution No. 2003-32, Granting authority to Administrator to adjust utility bills. Attorney Bryant said at our last meeting when the subject of the utility adjustment that we just dealt with came up during public discussion, Councilor Morales asked why don't we have a rule in place that allows the Administrator to take care of these so people don't have to come before the Council. I drafted the resolution; there are blanks in it in terms of how much money you want to put in there. Certainly there is some

threshold at which you would want those requests to come before you. Councilor Morales said I think \$500; hopefully it wouldn't get that high. Mayor Miller asked if she wanted to make that a motion. Administrator Waters said as a person who you pay to think evil thoughts, I want to make sure there are adequate protections built into this. One more protection I would ask you to include is that this be a once a year occurrence. Ten or fifteen years from now when all of us are gone somebody makes a sweetheart deal with somebody to dismiss it on an annual basis. You get a large company with a large water bill that gets dismissed quarterly; \$500 payments amounts to a lot of money. I would ask that this be an annual thing for any one individual or company that comes forward that I have the authority to do this once but if it is multiple times it really needs to come before the Council because that may present another problem the Council needs to be aware of in that area. Councilor Garrett said how many times have we adjusted more than \$250. Councilor Morales said we have in previous years come close to \$500. I think \$500 is a little bit high but I also think it is a safe ground and I do agree with you it should be on an annual basis.

Mayor Miller entertained a motion to grant the Administrator the authority. Councilor Morales moved to approve Resolution No. 2003-32 to grant the Administrator the authority to adjust utility bills up to \$500 once annually per customer. Seconded by Councilor Garrett. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, Presentation of calling for a Special Election beer wine license for Shane Garner and Steven Snidow.

Shane Garner said we found out late this afternoon that we cannot have the election in March as we intended to. Rather than waste your time we are going to have to come back when we have a set date. If I understood it right the way it is written that is all you could vote on tonight anyway. Steven Snidow said we were given formal guidance from the Bureau of Elections two weeks ago and they said we could hold a Special Election on the question of local option for beer and wine for restaurants concurrent with the March election. What we found out late today that is not accurate. It has to be done according to certain provisions; waiting periods between municipal elections and the primary election in June. Based on that we are not able to come and ask as the agenda states for a Special Election on March 2. Instead of wasting your time as Shane said we will come back in the very near future with a clear idea as to when that date could be. Our apologies for jumping the gun a little bit.

Attorney Bryant said this is one of those circumstances that the teddy bear has turned into a gorilla in less than one day. First of all, I am not entirely satisfied that you have to come to us to ask us to hold an election. In 1994 the Board of County Commissioners passed a resolution authorizing beer and wine licenses in Lincoln County. I am having to pull session laws from several sets of amendments to the

Liquor Control Act that had been made since 1981 when it was passed but it is my belief at that time the only people that were excepted from the authority of the County Commission were municipalities with a population of greater than 5,000. In Lincoln County in 1994 the only municipality with a population greater than 5,000 was Ruidoso. It is my opinion that if all of that is true about the law, when Lincoln County authorized beer and wine licenses in 1994 in the county outside the jurisdictional limits of municipalities of 5,000 or more, they also authorized it inside the city limits of Ruidoso Downs, Corona, Capitan and Carrizozo. The problem is if we are wrong about that and if we have to hold an election we are too close to the March election and then there are conflicting statutory provisions in the Election Code. When you talk to election people you get one answer and when you talk to alcohol people you get another so you have to look at the whole thing. In the Alcohol Act there is a provision that says if we have to have an election and if that election cannot be held coincident with the Municipal Election, and that question is still open in my mind legally because just as a matter of coincidence when the Lincoln County Commissioners did it they did it in conjunction with the New Mexico general election to be held on November 8, 1994. The provision in the statute that is being sited for us was still in when this was done in 1994 and I understand there is another municipality in the state that has this election scheduled. I don't know what the state is going to do with them. Here is the rub, if they are right and you can't do it with a municipal election and we have to have an election, we can't do it for sixty days after March 2nd by provisions in the Liquor Control Act and that sixty days is too close to the June primary election. If we really have to do all of this you are looking at late summer before we can even do the election. That is why it is worth looking at both of the other questions to find out whether we can change the decision. We also have some disagreement between the director and the assistant director of Alcohol and Gaming. One thinks this is ridiculous; we ought to be able to do this and the other one says no, we are not letting it be done elsewhere and we cannot let it be done here. They are all working on that over the next several days because now we are affecting more municipalities than just Ruidoso Downs.

Clerk Virden said I did suggest to Mr. Garner and Mr. Snidow that I would assist both of them in developing a draft election calendar for a possibility of a window in April sometime; I think there could be a ten-day window of opportunity there.

Attorney Bryant said under the Election Code, there is a ten-day window because of the forty-two days. The only thing that throws a monkey in it is that goofy sentence in that one provision in the Liquor Act that says you have to wait sixty days.

Clerk Virden said I argued the point with both the New Mexico Municipal League as well as with Larry Dominguez who is the Bureau of Elections for the State of New Mexico and also with Lillian Martinez, the Assistant Deputy Director for the Gaming and Alcohol Division. I cannot understand why we are not allowed to put just a plain question during our regular municipal election even if it is a liquor issue

because we can go to the bars on election day. Just to inform the Council, they did change a portion of Chapter 157 in January, 2003. There was a provision to eliminate the petition process for beer and wine license and giving the authority to the governing body to call for an election. If you read the rest of the state statutes under Chapter 60, the petition process is still in there so they need to clean up all of their sections within that statute.

Councilor Garrett moved to table until further notice New Business Item G., Presentation of calling for a Special Election - Beer and Wine License for Shane Garner and Steven Snidow and Item H., Consider approving Resolution No. 2003-33, Special Election Beer and Wine License Question. Roll call votes: Councilor Miller, Aye; Councilor Olivo; Aye, Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider approving Resolution No. 2003-34 - Condemnation on 1008 Highlands Lane.

Chief Logan said code enforcement and the police department has been working on property at 1008 Highlands Lane. This property is not only an eyesore but contains dangerous buildings and/or debris. We are asking for a resolution to have the tenants and property owner get the place cleaned up or the City will clean it up and put a lean on the property.

Attorney Bryant said this is a piece of property that is located on the north side of the river. There are some dwellings located on the property. What we discovered about three weeks ago was that the electrical wiring was not put in with accordance to code and there was an electrical exterior box with household extension wires running across the top of the ground serving several dwellings on one piece of property in close proximity to the river, in close proximity to tress and their neighbors creating a significant fire hazard. In addition to that there was open sewage being discharged into the river. The property was extremely dirty. The inside of one of the two mobile homes was also wired by somebody tying into the extension cord, stapling it to the roof and running it to various rooms in the home. There were exposed wires inside the mobile home. We began finding out who is the property owner, who is living there, identifying those folks and communicating with them. The good news is everybody is cooperating with us. We have the sewer pipes plugged. The parties who were living on the property are no longer living there. We don't have any discharge going into the river and we don't have anybody living in an unsafe fire hazard. In order to keep the process rolling the next step is for us to pass this resolution that condemns the property. That starts a thirty day timeframe within which the property owner has to get back with us and make arrangements to correct the problems or do an agreement with us to get the property torn down. Then we would go through the process the Chief describes, place a lien on the property and collect the lien back from the property owner. We have two kinds of ownership interests in this property. The legal owner as reflected by the records in the Lincoln County Clerk's office is a person in Amarillo, Texas. In my

conversations with that man during which he agreed to cooperate and has given us a letter giving us permission to cap the lines and correct these problems, I learned there is another "owner" out there who may have an equitable interest in the property and we are working with that person as well. I would ask the Council to pass this resolution. It is extremely important that whenever we find these conditions we jump on them and get them corrected as quickly as we can. This will keep the clock moving and keep the pressure on so we are able to exert the influence we need to get the situation cleaned up and eliminate both a health hazard and a fire danger.

Councilor Miller said my one concern is if they don't go in and clean it themselves, we go in and clean it up and whatever it costs, we put as a lien on the property. Attorney Bryant said that is right and the lien will stay there until they sell the property. We also have the ability to foreclose on the lien to collect the funds due. What ordinarily happens is the owner cleans it up. In most cases where we clean it up, a payment schedule is agreed upon and a promissory note signed. In the worst case scenario where someone is just ignoring the municipality then you clean it up, impose the lien, try to negotiate a payment schedule and if you don't get that, foreclose the lien, sale the property at auction and collect your fees back.

Councilor Morales moved to approve Resolution No. 2003-34. Seconded by Councilor Olivo. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated next item on the agenda, consider capital outlay for the Police Department. Chief Logan said during the 2003-2004 year budget, Council did approve \$28,000 for a purchase of a new police vehicle. I am asking Council to consider purchase of a 2004 Dodge Durango. By purchasing this Dodge Durango it will of course match the fleet we have. The State Contract price is \$24,719. With the added emergency equipment for police work, I believe we can stay under the budgeted amount of \$28,000. I am just requesting approval of the purchase of this new vehicle.

Councilor Olivo moved to approve expenditure in capital outlay for purchase of 2004 Dodge Durango in the amount of \$24,719. Seconded by Councilor Garrett. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

OTHER BUSINESS

Councilor Morales asked the Mayor if he would consider closing City Hall at noon on Wednesday so the employees could leave at noon on New Year's Eve. After discussion, Mayor Miller declared City Hall closed all day on December 31, 2003, New Year's Eve.

Councilor Garrett said all this discussion over the Senior Center and we own the van. One of the things that we talk about all of the time as people get into out van

they have to stand on a milk carton. I think that is really unsafe and not very comfortable. Since it is our van can we look at pricing what portable steps would cost for the van so it would be safer. This is something that came up in July when we had the meeting. I have talked to several seniors; that is the biggest complaint. The ladies feel rally unsafe. I spoke to the driver and he feels it is really unsafe. Councilor Miller said for safety issues we need to look into this. Attorney Bryant said we can look into the options and report back to you at your next meeting. Mayor Miller said we will consider that strongly as a safety feature.

PUBLIC INPUT

Chief Logan said I would like to introduce Chief Bolan from Mescalero. The Chief wants to talk to you about an item he and I have been discussing and may ask the Council for future action.

Chief Bolan said esteemed members of the Council I appreciate your time this evening. What I approached Chief Logan about is I am in the process of trying to close the jail in Mescalero. It is in deplorable condition and it is unsafe for my inmates as well as my staff. I found an alternative source to take my inmates but I can only do so if I find an interim holding facility for up to five hours. I am making a trip tomorrow to Spur, Texas where they have a detention facility with a very affordable cost of \$40 a day that would take my adult inmates both female and male. The problem is it takes them between four and five hours to get here. The only way I can feasibly close my jail is if I can find a holding facility that can hold them safely and adequately for four to five hours in the time it takes the van to get here. I think Chief Logan is working out some numbers to bring to you and I would just like to offer that up for consideration at a later date.

Attorney Bryant said contact Virginia Blansett at Otero County. She has a facility in Texas at \$35 a day. Chief Bolan said it is the same facility and federally it is \$40.

Mayor Miller asked are you planning on replacing the facility. Chief Bolan said that is what is in the works right now. I have been working on it for about the last eight months. I did not get the action I had hoped for out of the prior council and president. I intend to reintroduce it with the new council and president that takes place in January. The long term affect of what I am looking at doing as far as the placement goes if they go with the option I have developed, it would take any where from twelve to eighteen months to get the facility built. Right now the critical situation is the heating and cooling, water, sewage is very inadequate and unsafe for everybody involved so I am looking for the best interim position that I can find. Mayor Miller asked is this just temporary or are you looking at long term. Chief Bolan said I would hope that it would be temporary; this is going to take a big hit on my budget if I have to extend this out for a long period of time. My ultimate goal is to hopefully get in there with the new council and president of Mescalero and convince them the option for the new jail is the best for everybody's interest. I am looking at a timeframe of twelve of eighteen months that I am going to have to do this. You would just be a drop off facility to hold until they could come and pick

them up. The nice thing about the facility that Ms. Blansett has spoken to Dan about, they will come and pick them up, they bring them back to court, they provide all of those additional services so I don't have officers tied up doing all of those transportation duties so I can leave my officers on the street. Right now I am having to take officers off of the street and run my jail because I have an inadequate number of staff. I haven't been able to hire qualified staff that meets the requirements federally that I have to have to put them to work. Thank you for your time.

EXECUTIVE SESSION

Mayor Miller stated I would like to entertain 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.

Councilor Morales made a motion to go into Executive Session to consider action on threatening and or pending litigation and consider action on real property and water rights. Seconded by Councilor Miller. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated I would like to invite Attorney Dan Bryant, Administrator Waters, Clerk Virden and Chief Logan to attend the Executive Session and closed the regular meeting at 6:27 p.m.

Mayor Miller called the regular meeting back to order at 7:04 p.m.

Councilor Morales moved to go back into regular session. Seconded by Councilor Garrett. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Councilor Morales declared that nothing was discussed except threatening and or pending litigation and real property and water rights and no action for was taken during Executive Session.

Mayor Miller asked for a motion to consider action 10-15-1(H)8, Real Property and Water Rights.

Councilor Morales moved to approve the purchase from Mr. Hill for \$10,000 of property on Wood Lane. Seconded by Councilor Miller. Roll call being: Councilor Olivo, Aye; Councilor Miller, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller entertained a motion to adjourn.

Motion was made by Councilor Morales and seconded by Councilor Miller to adjourn at 7:06 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer