

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
JULY 12, 2004

The Council of the City of Ruidoso Downs met in regular session on July 12, 2004. Mayor Miller called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance. Upon roll call, the following were present:

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| 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
Ken Mosley, Public Works Director
Robert Logan, Department of Public Safety Director
Tom Armstrong, Planning, Licensing & Permits Supervisor

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES OF JUNE 28, 2004 REGULAR MEETING

Motion was made by Councilor Morales and seconded by Councilor Garrett to approve the Minutes of the June 28, 2004 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 Payable. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

MONTHLY REPORTS

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

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|--------------|--------------------------|-------------------------|
| Fire Report | Animal Control Report | Public Works Report |
| Court Report | Permits/Licensing Report | Code Enforcement Report |
| DPS Report | Maintenance Report | |

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

PUBLIC HEARING

MAYOR MILLER STATED THE PUBLIC HEARING IS FOR ORDINANCE NO. 2004-03 - AN ORDINANCE ADOPTING THE 2004 UNIFORM TRAFFIC ORDINANCE BY REFERENCE.

- SECTION 1. ADOPTION BY REFERENCE
- SECTION 2. EFFECTIVE DATE
- SECTION 3. REPEALER

I HEREBY OPEN THE PUBLIC HEARING TO COMMENTS.

INTERESTED PERSONS MUST APPROACH THE PODIUM, ONE AT A TIME, STATE THEIR NAME AND PRESENT THEIR TESTIMONY. A LIMIT OF 3 MINUTES WILL BE ALLOWED PER PERSON.

ARE THERE ANY PERSONS HERE TO SPEAK ON THE ORDINANCE?

AS THERE WERE NO COMMENTS, MAYOR MILLER CLOSED THE PUBLIC HEARING.

MAYOR MILLER ENTERTAINED A MOTION TO APPROVE.

COUNCILOR MILLER MOVED TO APPROVE ADOPTING ORDINANCE NO. 2004-03 - AN ORDINANCE ADOPTING THE NEW MEXICO 2004 UNIFORM TRAFFIC ORDINANCE BY REFERENCE. SECONDED BY COUNCILOR OLIVO. ROLL CALL VOTES: COUNICLOR OLIVO, AYE; COUNICLOR MILLER, AYE; COUNICLOR MORALES, AYE; COUNICLOR GARRETT, AYE. MOTION CARRIED.

MAYOR MILLER STATED NEXT ITEM ON THE AGENDA IS A PUBLIC HEARING FOR ORDINANCE NO. 2004-04 - AN ORDINANCE AMENDING CHAPTER 9 ZONING AND LAND USE ARTICLE 10, DIVISION 2. ADMINISTRATION SECTION 31 TITLED "PLANNING COMMISSION".

9-10-31 PLANNING COMMISSION

- B) MEMBERSHIP; APPOINTMENT OF MEMBERS;
COMPENSATION OF MEMBERS
- C) TERMS OF MEMBERS
- D) OFFICERS; MEETINGS AND RULES OF PROCEDURE.

INTERESTED PERSONS FIRST, THOSE WHO OPPOSE THE ORDINANCE AND SECOND THOSE WHO SUPPORT THE ORDINANCE, MUST APPROACH THE PODIUM, ONE AT A TIME, STATE THEIR NAME AND PRESENT THEIR TESTIMONY. A LIMIT OF 3 MINUTES WILL BE ALLOWED PER PERSON.

I HEREBY OPEN THIS PUBLIC HEARING TO COMMENTS.

ARE THERE ANY PERSONS HERE TO SPEAK IN OPPOSITION OF ACTION?

ARE THERE ANY PERSONS HERE TO SPEAK IN SUPPORT OF ACTION?

AS THERE WERE NO COMMENTS MAYOR MILLER CLOSED THE PUBLIC HEARING AND ENTERTAINED A MOTION TO APPROVE.

COUNCILOR GARRETT MOVED TO APPROVE ORDINANCE NO. 2004-04 AMENDING CHAPTER 9 ZONING AND LAND USE ARTICLE 10, DIVISION 2. ADMINISTRATION SECTION 31 TITLED "PLANNING COMMISSION (B, C & D). SECONDED BY COUNCILOR MILLER. COUNCILOR MORALES SAID I WOULD LIKE TO MENTION THAT THE MEMBERSHIP IS GOING FROM FIVE TO SEVEN ON THE PLANNING AND ZONING COMMISSION FOR ANYONE THAT MAY NOT BE AWARE. ROLL CALL VOTES: COUNCILOR OLIVO, AYE; COUNCILOR MILLER, AYE; COUNCILOR MORALES, AYE; COUNCILOR GARRETT, AYE. MOTION CARRIED.

UNFINISHED BUSINESS

Mayor Miller stated next item on the agenda is Troy Parker, 120 Escalante, Fence and Building Permit issues and asked Tom Armstrong if he had any comments. Mr. Armstrong said it is going to be handled through the department. There have been corrective actions done on this. I have given you some information that shows what has transpired from May until to this date over newly annexed areas versus zoning ordinance for fences. Everything is being handled and I will keep you up-to-date on anything that goes on from here. Mayor Miller asked are you going to turn this over to administrative and Mr. Armstrong answered yes Sir. Councilor Morales asked Mr. Armstrong how long are we were looking at before getting the matter resolved. Mr. Armstrong said there is a fifteen day period of accountability. I have given fifteen days to make the correction on this fence from the time they pick up their

certified letter. I also sent one regular mail. I think things are going to be worked out. I have also visited with the party.

NEW BUSINESS

Mayor Miller stated next item on the agenda is consider approving Resolution No. 2004-13 - Authorizing removal of uncollectible utility accounts.

Administrator Waters said there are some dead accounts, some literally are deceased and some are bankruptcies where we can't collect certain amounts. Some of these have been on the books for two and a half years. We have tried to collect a lot of these and there are some that we cannot collect. It needs to be cleaned up and taken care of because as they sit on the books they continue to collect late fees which you know are pretty significant. We are asking the Council at this time to approve the resolution to clear up the books.

Councilor Olivo moved to approve Resolution No. 2004-13 authorizing removal of uncollectible utility accounts. Seconded by Councilor Miller. Councilor Garrett asked is there any way this can be flagged if these people come back into town; I don't want to turn around and give them a water bill in town if they come back. Administrator Waters said I don't think we can collect it once the Council approves this resolution. There may be something by ordinance that can be done at a future date where we address the people that return that have outstanding bills. Currently no mechanism exists to allow us to do that. Councilor Garrett asked did these people put up a deposit. Clerk Virden said the deposits have been applied to the accounts. 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 2004-14, Removal of certain dangerous buildings or debris. Attorney Bryant said this is one of those rare occasions when I can smile about a condemnation resolution because the property owner actually came to my office and asked us to do this resolution so she can resolve some unknown title issues with respect to the dilapidated motor homes that on the property. Once this resolution is passed she then has the power pursuant to the resolution to finish the clean up of the property. She has been cooperating with us through the entire process. The property that is in question is the old Cowboy Trailer Park. There are a couple of homes there despite thirty days of searching for who might be the owners; we can't find any record with DVM or anybody else who owns those trailer houses.

Councilor Miller moved to approve Resolution No. 2004-14, Removal of certain dangerous buildings or debris. 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 approving budget adjustment in the 2004-2005 Fiscal Year Budget for new position of Supervisory for the Police Department.

Administrator Waters said as I have been instructed, I have sat down with staff and reviewed the budget for a police supervisory position. You have the spreadsheets provided to you that has the relative cost of the different positions as well as a proposed job description. The Chief can go more into it but the Mayor has had a chance to review it. It is the Council's prerogative to look at this and make any decisions. Essentially a salary range needs to be set for this position. There needs to be a decision if this is an added or replacement position and how to come up with that position. There is a very large list of suggestions but by no means all inclusive. These are areas you can look at for possible funds to be moved. The last thing would be the job title and description.

Chief Logan said this position was proposed to add another supervisory layer to the police department in order to help us fill in some of the gaps that we feel we have. Depending on how this position is approved will play a great deal in the role of this supervisor. As to whether it is a new position or replacement position, currently all of our supervisors are required to cover shifts. This is just part of the requirement of a small department and many times they are not able to get to their supervisory duties. Even myself, I help to cover the day shift and provide backup of whatever they need which is one of the reasons I almost always wear a uniform. Depending on how the Mayor and Council decide to create this position whether it is creating a whole new officer position or a replacement position from within, that person will be assigned duties as described in the job description which I reviewed and I think is a very thorough job description. I will stand for any questions.

Councilor Miller said we need to decide what we are going to do. Councilor Garrett said we need to decide if it is a replacement or a new officer position. Councilor Miller said I don't believe we can afford to add another officer. I think we should make the position and not hire anybody else because of the tightness of our budget this year. Councilor Olivo said it is just a reclassification of an officer within the department, right? Chief Logan said yes Sir, we would open it up as a promotion within the department is my understanding. Councilor Garrett said if we look at their budget figures probably the easiest thing to do is to take it out of the police department operating expenses. Councilor Miller said can we discuss that when we adopt the final budget. Councilor Garrett said I think we need to fund it in order to do it. Mayor Miller said this position should be no more than the difference in the salary.

Councilor Morales moved to approve the budget adjustment in the fiscal year 2004-2005 budget for the new position, supervisory in the police department. Seconded by Councilor Garrett. Councilor Morales said I guess we should add to the motion to basically roll over the patrolman's salary. Administrator Waters said I think

Councilor Olivo had mentioned the reclassification of the position internally. What that would involve is a salary set and I believe the Council's desire was to see something halfway between the deputy chief of police and the police sergeant. You have a suggested salary if that is agreeable with the Council to create that level. The other issue is where is it going to come from; is it going to come from the operating police department budget and if not, there are other areas to take it from if the Council wishes to not take it entirely from the police department, you can look at these others. There are more if you wish to go any further than that. My understanding is the motion would have to include all four of those top questions so that we could fill that position.

Councilor Morales moved to amend her motion to include reclassification within the police department's budget with starting salary halfway between the deputy chief of police and the police sergeant and that we approve the job description. 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 is consider approving promotion in the Public Works Department. Public Works Director Mosley said we have a position open in the street department as a street laborer. Mr. Dunlap is the only one that applied internally. After reviewing his credentials he is suited for the job and I think this will be a promotion for him from his position in parks and recreation. I recommend Council promoting him up to the street laborer position.

Councilor Garrett moved to promote Bill Dunlap to the street laborer position. 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 awarding Bid No. 04-016 to rebid construction of concrete pad for skateboard park. Public Works Director Mosley said we had to rebid the concrete pad for the skateboard park due to some clerical mishaps with the former bidder. We have now received another bid with Carl Kelley Construction to put this concrete in place for our skateboard park so we can get it going. Councilor Olivo asked how long is it going to take them. Mr. Mosley said I think we gave them 45 days but quite honestly I think it will be done a lot quicker than that. Councilor Garrett asked how does this compare to the first bid. Administrator Waters said their bid is a little bit more; the first bid was a little over \$27,000. This one is at \$33,000; it is an increase. Councilor Garrett said it is still within budget. Administrator Waters said one of the issues Mr. Mosley referred to was the inability to make bond for the project due to some clerical issues. Obviously larger companies have more staff and more overhead to handle a project and find the bonding process a lot easier. Carl Kelley is a very quick contractor and we have found him to be pretty sufficient in our water projects. I agree with Mr. Mosley that this should go pretty quick.

Councilor Miller moved to award Bid No. 04-016 for the concrete pad for the skateboard park to Carl Kelley Construction in the amount of \$33,000. 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, consider approving Records for Destruction – Phase I 2004-2005. Clerk Virden said again I come before you to request destruction of records starting with various years. They have met the retention schedule. I also request the use of Total Destruction should the Council approve this destruction of records.

Councilor Morales moved to approve records for destruction Phase I 2004-2005. 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, appointment of Ruidoso Downs Beautiful Committee. Councilor Miller asked do you have the list of people that want to be on it. Mayor Miller said we have three people so we are short one. Councilor Miller asked do you have Cynthia Trujillo Garner down. She told me she was interested. Administrator Waters said we now have four names that have been brought before the Mayor. As is proper procedure, we will bring that before the next Council meeting with those names for the Council approval if it is the Mayor's wish to appoint them to that committee. Soon thereafter we can get our Keep Ruidoso Downs Beautiful status going. Councilor Miller asked would you like to have more than four and Mayor Miller said it is your decision. Councilor Miller said if anyone is interested in the Keep Ruidoso Downs Beautiful Committee, give your name to the Mayor. Councilor Morales asked does that four include Councilor Miller and Administrator Waters said it is five with a councilor.

Mayor Miller said next item on the agenda, Planning and Zoning report with Paul van Gulick.

Paul van Gulick said the first item on the planning and zoning report regards the Hill property. Just briefly, for the record, it is a tract of land that includes what is now the water tank site. The City has been intending to purchase a site for the new fire station. This is the time to get everything wrapped up. The senior Mr. Hill has died and the junior Mr. Hill is interested in selling the new tract for the fire station. This plat shows the fire station and water tank site becoming one tract. All of the easements that should pertain to any use of the land are on there. There were some old easements that we know exist but did not know in what form. With the filing of this plat all of those easements become certain as a matter of record. This seems like a pretty good thing to do right now. The City I believe has made an offer to Mr. Hill for the fire station tract. It gives it a legal description.

Councilor Garrett moved to approve P&Z recommendation to approve Alternate Summary Subdivision Plat, A tract of land known as the "SW/2 SW4" of Section 29, T11S, R14E, N.M.P.M. in to Tracts 1,2,3,4, and 5 for the Hill property. Seconded by Councilor Olivo. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Paul van Gulick said this next one regards a request for a conditional use for a new church building located on Lots 1, 2 and 3 of Block 5 of the Valley View Subdivision. There is already a church there on one of the lots. They want to expand the use on the property. This has been before the Council when they wanted to clear the lot and put up a fence and they were approved. Now they want approval to construct the new building. This is essentially an extension of the existing use. Operating a church in a residential district is a conditional use. We recommend you approve the use on this site.

Councilor Miller moved to approve the construction of the new Christ Church of the Downs new building. Seconded by Councilor Morales. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Paul van Gulick said this one is a request for a setback variance for Lot 50, Block 3, Unit 2, River Park Addition requested by Andres and Monica Prieto. I think there are some code issues on this. The bottom line is we really can't grant a variance for placement of a structure within a utility easement. This is something that would have to be vacated by the utilities. Our recommendation is to deny the request for this variance. Councilor Miller asked isn't the building already there. Mr. Van Gulick said it is relatively new construction that was placed there without a permit. Councilor Miller asked since it is already in the utility easement, what will happen. Mr. van Gulick said they have an option of filing a plat and having the easement vacated or filing some kind of instrument to have the easement vacated. Councilor Miller asked is the easement used regularly. Mr. van Gulick said it is a public utility easement; I understand it does has potential use for water lines and other things but it is also located on top of where the South Hale ditch is. The location is problematic at best. They do have the option of trying to vacate that easement. That would be between them, the surveyor and the utility companies to see if that easement could be moved somewhere. We don't really have the authority because we would be limiting the utility companies by simply granting a variance.

Councilor Garrett moved to approve P&Z recommendation to deny setback variance for lot 50, Block 3, Unit 2, River Park Addition requested by Andres and Monica Prieto. Seconded by Councilor Olivo. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller said next item on the agenda is consider approving to grant the requested zoning district change from R1 to C1 requested by Harlan and Rhonda Vincent. That item has been pulled and sent back to P&Z.

Paul van Gulick said I have a map that is ready to be signed this evening for the newly annexed areas so that it can be filed in Lincoln. The next thing, in the zoning process as we are going to be looking at zoning the newly annexed area, it is actually problematic to do it without a Comprehensive Master Plan. I know that is in the works and is under review. We are looking forward of having an approved copy of that.

OTHER BUSINESS

Mayor Miller stated next item on the agenda, Wastewater Treatment Plant report. Administrator Waters stated it was requested to put this on the agenda to give an update to the Council of the Wastewater Treatment Plant. We are continuing to wait for the administrative order on the plant from the EPA. We have not, to this date, received anything from them on this administrative order. As a history, we started violating our permit in January of 2004. I understand we exceed our phosphorus limit on a daily basis. The plant was just not designed to take phosphorus down to the level they are talking about. This is not a shock to anybody; we knew this was coming. However, the EPA has been working on it and they assure us they will be getting together with us soon. The engineers are working on a preliminary report to get us started in the direction of getting the first stages of the design complete towards our new upgrade. The only other thing we are waiting on, and we anticipate getting a report in August, is going to be a first year update on our monitoring program of the river. As you are aware we have been monitoring sites throughout the valley for phosphorus contribution to the watershed along with a bunch of other characteristics that might indicate pollution. We also have the contract now with Eddie Livingston to take a look at that and correlate that data with ground water data in the area so that we can tie the surface and ground water together to see just exactly what is happening in our watershed and why the river continues to be polluted both up and downstream of the wastewater plant. That first year report will be forthcoming at the August meeting of the Wastewater Joint Use Advisory Board I am told by my colleague in Ruidoso, Lori McKnight. That should be an interesting report to look at the entire year's cycle to see how our visitation affects us. It is interesting to note that even when no one is here we are seeing pollution. It is certainly something the environmental community will be interested in as well, the regulatory agencies and the EPA.

Attorney Bryant said we should also mention that the Mescalero Apache Tribe has opened negotiations with the Joint Use Advisory Board to put Inn of the Mountain Gods, the Travel Center and the subdivision just west of the Inn of the Mountain Gods into the system. In terms of watershed health and watershed cleanup getting this partner involved in the process is incredibly important. I was elated and think

we are looking at a new age of cooperation between all of the local governing authorities here and I think the watershed will benefit dramatically.

PUBLIC INPUT

Martha Ordorica said I am here to request that you do something to expedite the move of the Lincoln County Solid Waste. I live adjacent to it and the smell is horrible. The flies and the noise pollution that comes out of that place is incredible. It is not fair to all of the residents living around the area. I don't know whose idea it was to put a solid waste right in the middle of the residential area. I had called Councilors Garrett, Morales, Miller and Olivo to come to my house this past weekend and smell how bad it is. I am at my wits end with these people. I have called and spoke with Ms. Ingle today and she informed me that there is some paperwork that has to be submitted to the Environmental Department. I called the Environmental Department and they say that paperwork has not been submitted yet. I spoke with Fred Bennett and he referred me to Mr. Hanson. I spoke with him and he called Ms. Ingle. He called me back and told me I guess there is an agency that has been hired to produce this document that has to be submitted to the Environmental Department so they can expedite the document through to start putting the trash at the new property that they bought. Is there anything you can do to expedite this?

Councilor Morales said the only comment I would make is when Councilor Garrett and I went over there yesterday, some of that garbage is exposed. It is not covered and I understand where the smell comes from. I don't understand why it is not covered.

Ms. Ordorica said I understand Don Coleman is one of the Board members for the Lincoln County Solid Waste. He can testify that I have called him on many, many occasions on weekends where the smell is so bad that we can't open our doors or windows. We don't have air conditioning in my house. It is not fair for us; we are locked up inside because we can't go outside, we can't cook out on our patio area because the smell is so bad. I shouldn't ever have to call to tell them to stay on top of it.

Councilor Garrett said I was concerned that the neighbor said they had gone out Sunday and taken one of the big garbage trucks and dumped it into an open container on the property. I know that made the smell that much more. That is one of the things I would like the City to check into because I don't know why we would be moving garbage at 7:00 on Sunday morning waking up the neighborhood.

Councilor Miller said I have viewed open containers from her back porch. To me that was suppose to be a recycling center. I don't know that they ever got permission to store garbage there. I thought as the trucks picked it up they took it down to Alamogordo. They have no right to store it in the City limits. I know that; but it is stored there.

Ms. Ordorica said no one knows or can tell me who is responsible for it being located where it is today. As a property owner I was never notified that it was going to be placed there or I would not have allowed it. My father has had petitions signed and turned in to Steve Pearce to see if we can get something done.

Councilor Miller said I know it started out just as a recycling center and then they started to take in garbage.

Ms. Ordorica said in the past they have been working and waking us up at 3 and 4 o'clock in the morning.

Councilor Olivo said if they put lime on it doesn't that help the odor a little bit. Ms. Ordorica said it does but the point being I shouldn't have to call them or suffer through the weekend for them to do their job. As far as I am concerned we shouldn't have trash in the middle of a residential area. That place should never have been placed there.

Councilor Morales said I agree with Councilor Miller that it was to be only a recycling center; not to be a garbage disposal.

Attorney Bryant said the Solid Waste Authority is working hard to get moved to the new site. The agency you were referred to by the Environmental Department is a private contractor that has been hired to prepare a document to fulfill legal requirements for the move. The first document is called an Environmental Assessment and that does a low level analysis of the new site; what is the environmental impact of moving its operation. If it results in a "Finding of No Significance Impact", then it's over. If the Environmental Assessment finds there is an impact, then the Solid Waste Authority has to do a full-blown EIS. The good news is the E.A. should be wrapped up very quickly but if an EIS has to be done, it will take a long time. On the other issues that you have raised, there is no reason the City can't communicate with the Solid Waste Authority, talk about the exposed garbage and arrive at a written plan to see that stuff doesn't happen. I think we should start with Mr. Armstrong or Mr. McArthur to start negotiations there and then work up to Mr. Waters' office or my office if we need to. I think we can significantly solve the problem until we get them moved by reaching an agreement with them that the garbage will not be allowed to accumulate.

Ms. Ordorica said I would appreciate anything you could do to help our situation.

Councilor Morales said I would like to have that drawn and that the garbage will be covered.

Juan Ordorica, Martha Ordorica's father, reiterated the same complaints.

EXECUTIVE SESSION

Mayor Miller stated I would like to entertain a motion to go into Executive Session pursuant to Section 10-15-1(H)2, Limited Personnel Matters, Section 10-15-1(H)7, Threatening and or Pending Litigation and pursuant to Section 10-15-1(H)8, Acquisition of Real Property and Water Rights.

Motion was made by Councilor Morales to go into executive session pursuant to Section 10-15-1(H)2, Limited Personnel Matters, Section 10-15-1(H)7, Threatening and or Pending Litigation and Section 10-15-1(H)8, Acquisition of Real Property and Water Rights. Seconded by Councilor Garrett. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Mayor Miller stated I would like to invite City Attorney Bryant, City Administrator Waters and City Clerk Virden to attend the Executive Session and closed the regular meeting at 6:36 p.m.

Mayor Miller called the regular meeting back in session at 7:30 p.m. Motion was made by Councilor Morales to go back into open session. Seconded by Councilor Olivo. Roll call votes: Councilor Miller, Aye; Councilor Olivo, Aye; Councilor Morales, Aye; Councilor Garrett, Aye. Motion carried.

Councilor Morales declared that nothing was discussed in executive session except Limited Personnel Matters, Threatening and or Pending Litigation, Acquisition of Real Property and Water Rights and no action was taken.

Mayor Miller entertained a motion to adjourn. Motion was made by Councilor Garrett and seconded by Councilor Miller to adjourn at 7:31 p.m. Motion passed unanimously.

Bob A. Miller, Mayor

ATTEST:

Carol Virden, City Clerk/Treasurer