

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
May 28, 2019, 6:00 p.m.**

Present:

Ken Ladner, Mayor
Cynthia Ann Bettison, District 1
Lynda D. Aiman-Smith, District 2
Jose A. Ray, Jr., District 3
Guadalupe E. Cano, District 4

Also Present:

Alex C. Brown, Town Manager – Finance Director
Robert L. Scavron, Town Attorney
Ann L. Mackie, Town Clerk
Priscilla Arredondo, Town Planner/Mapper

- 1. CALL TO ORDER / PLEDGE OF ALLEGIANCE** – Mayor Ladner called the meeting to order at 6:00 p.m.
- 2. CHANGES TO AGENDA** – None.
- 3. CEREMONIES** – None.
- 4. PROCLAMATIONS** – **“First NM Bank Wild, Wild West Pro Rodeo Week” – June 12-15, 2019.** Mayor Ladner read the proclamation and presented it to Tyler Brown, President of the Southwest Horseman’s Association. Mr. Brown thanked the Town and the community for their ongoing historic support and their support going in to the future. He invited everyone to the rodeo.
- 5. COUNCIL COMMENTS** – Councilor Ray thanked two police officers that were very observant during the recent Blues Festival and he thanked the crew at the Recycling Plant that gave the Sixth Street Elementary students a tour of their facility. He commented that he planned to have a Notice of Intent Ordinance for side by side vehicles on the next agenda and would ask that it be approved for a trial basis of six months to a year. He also announced there would be a rededication of Jaurequi Park on Spring Street on June 8. Councilor Aiman-Smith reminded the public that there would be lots of summer activities at the Recreation Center, Public Library, and Public Pool. She said the District 2 Territorial Charter Volunteer Day would be on July 13 from 10:00 a.m. to 2:00 p.m. and the activity would be to install a parklet behind the Historic Waterworks Building. Councilor Bettison thanked Sergeant Joseph Arredondo and his officers for facilitating a parking area during the Blues Festival for Representative Torres Small when she visited Silver City during her extensive tour of her district. She also recognized the Mimbres Region Arts Council (MRAC) for another great Blues Festival. Councilor Cano also recognized MRAC for doing an amazing job. She also thanked the Quintana family at Q’s Southern Bistro for doing the ninth annual bike run and said she was impressed by what their business does for the community.
- 6. APPROVAL OF MINUTES - Regular Meeting – May 14, 2019 - Councilor Aiman-Smith moved to approve the Minutes of the Regular Town Council Meeting of the Town of Silver City of May 14, 2019.** Councilor Bettison seconded. The Mayor asked all those in favor to approve the minutes to say aye, and all four Councilors said aye. He asked if any were opposed to say nay, and there was no opposition. Motion carried.
- 7. PUBLIC INPUT** – Ken Sexton waited to speak during Unfinished Business, Item B.
- 8. REPORTS** –
 - A. Gary Stailey to report on Silver City High School’s Shop Class tent project.** Manager Brown said Mr. Stailey requested to do the report after the class was back in school.
 - B. Staff Reports.** None.
- 9. PUBLIC HEARINGS** –

A. Approval / Disapproval of Ordinance No. 1279: An Ordinance to amend the Official Zoning Map for several tracts of land from a Rural District to Open Space District of Town owned property on Boston Hill for tracts of land described as: Portions of: Quarter: NE S: 09 T: 18S R: 14W APEX MS 1725 15.80 AC; Quarter: NE S: 09 T: 18S R: 14W FIERRO NO 2 MS 1725 20.60 AC; Quarter: NE S: 09 T: 18S R: 14W FIERRO NO 5 MS 1725 11.60 AC; Quarter: NE S: 09 T: 18S R: 14W FIERRO NO 6 MS 1725 9.60 AC; Quarter: NE S: 04 T: 18S R: 14W PAR VALUE MS 1589 20.30 AC; Quarter: NE S: 04 T: 18S R: 14W PT SILVER PICK MS 1494 11.363 AC; Quarter: NE S: 09 T: 18S R: 14W SAM JOHNSON MS 1581 20.60 AC; All of: Quarter: NE S: 10 T: 18S R: 14W VIRGIN MS 1581 20.60 AC; Quarter: NE S: 10 T: 18S R: 14W MIKADO MS 1725 20.60 AC; Quarter: NE S: 10 T: 18S R: 14W ADONIS MS 1725 20.600 AC; Quarter: NE S: 10 T: 18S R: 14W CALIFORNIA MS 1725 20.60 AC; Quarter: NE S: 09 T: 18S R: 14W PLYMOUTH ROCK MS 1725 20.60 AC; Quarter: NE S: 09 T: 18S R: 14W COVE MS 1725 20.60 AC; Quarter: NE S: 10 T: 18S R: 14W NORTH EXT VOLCANO MS 154 15.18 AC; S: 10 T: 18S R: 14W PT NORTH EXTENSION VOLCANO M S 154 2.00 AC (CEMETERY TANK SITE); Quarter: NE S: 10 T: 18S R: 14W ATLANTIC MS 1585 10.721 AC; Quarter: NE S: 09 T: 18S R: 14W INEVITABLE MS 1521 20.648 AC; Quarter: NE S: 10 T: 18S R: 14W ATLAS MS 1784 18.300 AC; Quarter: NE S: 03 T: 18S R: 14W KING BOLT MS 1784 18.70 AC; Quarter: NE S: 04 T: 18S R: 14W MOLLIE GIBSON'S COUSIN MS 1494 17.938 AC; Quarter: NE S: 04 T: 18S R: 14W NAID QUEEN MS 1589 15.40 AC; S: 04 T: 18S R: 14W PT SILVER KING MS 1494 5.164 AC; and the applicant is the Town of Silver City. Mayor Ladner explained what some of the terms meant in the legal description of the property described in the ordinance and he read the entire description. He read the public hearing procedures and stated the Town Council would serve as the hearing board and he would serve as the presiding officer. The Town Clerk swore in one witness, Priscilla Arredondo, Town Planner/Mapper. Ms. Arredondo presented a PowerPoint for Case #ZC 19-01 for an amendment to the Official Zoning Map from Rural to Open Space of Town owned property on Boston Hill. She said there was a Zoning District for Open Space that was not currently being utilized to reflect the current use, and there were many acres of open space within Town limits which should be preserved. She said the zone change would help to accommodate that. She said Section 3.1.12 of the Land Use Code 2010 defined the Open Space District and said it was intended to preserve and enhance public open space. She said it was currently zoned rural which was intended for low density single-family residences and staff thought it should be preserved and zoned as Open Space. She showed a map of all the parcels of Boston Hill that were owned by the Town and said in the upcoming months they would work with the Town Attorney to file an updated deed. She said the Planning and Zoning Commission recommended that the Town find out who owned the three parcels in the middle of the map that were not included in the zone change. She said they found out that the two triangles were owned by the Bureau of Land Management and the other sliver of land was owned by the Town. She said she thought it was a mapping error of the past and had not been reported. She said when the Planning and Zoning Commission makes a recommendation to the Town Council, and when the Town Council makes the final decision, they shall at a minimum make at least one of seven findings, and she read the seven findings from the Land Use Code. She concluded her presentation by stating the recommendation of the Planning and Zoning Commission was to approve the zone change based on Findings 1, 2, 4, and 7 and she read them. There was further discussion with the Council about the following: the differences between Rural District and Open Space District; whether the Town would contact the Bureau of Land Management to try to acquire the other two parcels; how the use of open space was preservation-minded and the Land Use Code was very specific about what was permitted on Open Space; how the majority of the area was acquired by a donation to the Town for Open Space; etc. Mayor Ladner asked if there were any questions of staff, and there were none. He asked for a motion. Councilor Ray moved to approve Ordinance No. 1279 to amend the Official Zoning Map for several tracts of land as described in Appendix A of the proposed Ordinance from Rural District to Open Space District and further to adopt the finding as recommended by the Planning and Zoning Commission as Finding No. 4 “the proposed amendment would not adversely impact the public health, safety or general welfare and will promote the original purposes of the Land Use Code. This proposed change will stay in line with particular purposes of the Land Use Code, specifically Purpose 1.2.5 which states, “To encourage a more efficient use of land and public services and to reflect changes in technologies of land development.” Councilor Cano seconded. The Mayor asked for a roll call vote. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye. Motion carried.

10. UNFINISHED BUSINESS –

A. Approval / Disapproval of a waiver of NMSA 1978 60-6B-10 for alcohol sales near a church for a Restaurant Beer and Wine Liquor License with on premises consumption only with Sunday sales by the drink and patio

service. Application # 1118720, Name of Applicant: Leah Allen, LLC, DBA Adobe Springs Café, 4109 N. Silver St., Silver City, NM. Proposed Location: 614 N. Bullard St., Silver City, NM 88061. Clerk Mackie apologized for overlooking the necessity of the waiver during the last Council meeting; that it should have been listed in the description of the agenda item. She said the package from the Alcohol and Gaming Division included a letter from The Episcopal Church of the Good Shephard, and they had no objection to the service of alcohol within 300 feet of their church. She asked for their approval of the waiver. There were no questions. Mayor Ladner asked for a motion. Councilor Ray moved to approve a waiver of NMSA 1978 60-6B-10 for alcohol sales near a church for a Restaurant Beer and Wine Liquor License with on premises consumption only with Sunday sales by the drink and patio service. Application # 1118720, Name of Applicant: Leah Allen, LLC, DBA Adobe Springs Café, 4109 N. Silver St., Silver City, NM. Proposed Location: 614 N. Bullard St., Silver City, NM 88061. Councilor Cano seconded. There was no further discussion. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

B. Approval / Disapproval of Superceding Notice of Intent Ordinance No. 1272: An Ordinance amending Chapter 6 (Animals), Section 6-1 (Definitions); adding a New Section 6-15 (Keeping of Honey Bees); and a New Section 32-7 (Permitting Undesirable Bee Behavior) of the Code of Ordinances of the Town of Silver City.

Councilor Aiman-Smith began by describing an incident of a bee attack upon two citizens who were reported stung, one of which was hospitalized with over 200 bee stings, and several dogs were also stung at the dog park at Virginia and 12th Streets in August 2018 by an urban honey bee hive. She said the Town had no ordinance addressing bee keeping specifically. She said this very simple Superceding Notice of Intent Ordinance (NOI) would replace the NOI that the Council approved in the Fall of 2018. She said when it was approved several members of the Council said it was so detailed that they did not feel comfortable considering it further, so she really simplified it to address undesirable bee behavior as a nuisance and that it only related to bee keeping. She explained further why it was important that honey bee keepers have good management practices for their hives, and how Africanized honey bees were more aggressive, etc. She said Grant County was considered to be heavily hybridized with Africanized honey bees based on her numerous conversations with the Director of the State Apiarist as well as the State Etymologist, and how both really emphasized that urban honey bee keepers needed to be vigilant about good hive practices to prevent hybridization. She commented on her discussions with various bee keeper groups to get their input. She asked Attorney Scavron to address the issue of civil liability. Attorney Scavron said there were different levels of tort and he gave examples. He said any activity that caused harm to another which reasonably could have been foreseen would make a person civilly liable, and an ordinance was not needed for that. Councilor Aiman-Smith said the Center of Disease Control's statistics said it was likely that in any human population five percent of people were allergic to bee stings and about half are allergic enough that bee stings would cause a trip to the hospital and potential death. She said it was their role as Councilors to introduce legislation that even if imperfect would take steps to guard the public health and safety. She described the content of the NOI and stated it included the following: in the nuisance section the definition of an animal included one that can bite or sting; how it required urban bee keepers to register their hives with the Town Manager; urban bee keepers were supposed to post that they have a bee hive; and bee keepers should manage their hives to prevent nuisance and undesirable behavior. Councilor Aiman-Smith and Attorney Scavron reviewed some small changes to the NOI.

There was further discussion by the Council about the following: how bees were invertebrates; how the animal control officer and all the police officers would need training; how posting a sign in the yard could cause harm to residents from thefts, etc.; how bee keepers would have to safeguard their valuable bee hives from people; whether bee keepers that registered their hives would be liable if their bees swarmed to create another hive; how bee keepers have good practices and many techniques to prevent their bees from swarming to create their own queen, move her out and follow her to a new hive; how they did not want queens to be developed and mated with Africanized bees and bee keepers knew how to prevent that from happening; how good bee keeping practices included the purchase of a verified impregnated European queen bee and they replaced their old queen with a new queen every two years to assure more gentle bees; how some bee keepers thought hybridization was important and planned to have their bees fly free which could result in Africanized bees; how some people with strong objections to the NOI may not live in Silver City; concern that the ordinance could stretch the police personnel too much; how police personnel would be responding to a nuisance; how it was important for the city to have some sort of regulation for bee keeping for the citizens health, safety and welfare; and how it was not always easy to know where bees come from and bees are wild insects.

Mayor Ladner asked for public comment and gave the floor to Kenneth Sexton. Mr. Sexton said he worked with Councilor Aiman-Smith previously, but not on the current version. He commented on the following: how the Grant County Bee Keepers thought it was important to have an ordinance that did not discourage bee keepers; how there were four to five bee keepers in Silver City; how the ordinance should address feral honey bees; how the registration would help first responders identify locations of bees; how the Grant County Bee Keepers would like to participate in the animal control officer's training; and how he would like to participate in developing the NOI. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Superceding Notice of Intent Ordinance No. 1272: An Ordinance amending Chapter 6 (Animals), Section 6-1 (Definitions); adding a New Section 6-15 (Keeping of Honey Bees); and a New Section 32-7 (Permitting Undesirable Bee Behavior) of the Code of Ordinances of the Town of Silver City with the following amendments: in Section 6-15 B. insert the phrase "and public nuisance" after the introductory words of the first sentence which reads, "It shall be unlawful . . .", delete Section 32-7 A. in its entirety, move and renumber Section 32-7 B. to be Section 6-15 C. and renumber the current Section 6-15 C. to be Section 6-15 D. Councilor Bettison seconded. Mayor Ladner asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted nay; and Councilor Cano voted aye. Motion carried.

Councilor Bettison moved for a short break at 7:16 p.m. Councilor Aiman-Smith seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. Motion carried. The Mayor called the meeting back to order at 7:22 p.m.

11. NEW BUSINESS -

A. Approval / Disapproval of Bid #18/19-3: 2018 CDBG Street Improvements. Manager Brown said they only received one bid and it was from Southwest Concrete and Paving, Inc. with a base bid of \$713,714.00 plus gross receipts taxes of \$57,097.12 for a total amount of \$770,811.12. He said it was for Chihuahua Hill and after this project there would only be one more phase to complete all the infrastructure on Chihuahua Hill. There were no questions. Mayor Ladner asked for a motion. Councilor Ray moved to approve Bid #18/19-3: 2018 CDBG Street Improvements. Councilor Cano seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

B. Discussion and Council direction on the future of the recycling program. Manager Brown said over the last couple of years the recycling markets had dwindled to nearly nothing, and the only remaining markets were for metal or cardboard. He said cardboard used to be sold for \$120 per ton, but the last time they only got \$60 per ton. He said the last company willing to take single-stream recycling was in El Paso and they were only paying \$28 per ton for the last few months. He said that company recently advised they would charge the Town \$45 per ton to accept recyclables. He said the local Southwest Solid Waste Authority (SWSWA) landfill charged \$48 per ton for all materials. He said after running the numbers of recycling collection, processing, and transporting it to El Paso, it had become extremely fiscally irresponsible to continue sending recyclables to El Paso because they were just bailing it and putting it in the El Paso landfills. He said the cost would be approximately \$177 per ton to take recycling so it was unmanageable. He said if they wanted to continue, they would have to raise rates substantially and it was not reasonable to take their trash to a different landfill and make people think they were recycling. He said he met with the SWSWA staff and that they can only recycle cardboard. He said they could discontinue the recycling collections in town, but they would like to leave the recycling containers out there to develop a new recycling program. He explained further and said the budget on the agenda was to continue doing what they were doing but they may have to add \$60,000 for tipping fees at the recycling center. He said if they suspended the program, they would have a big savings that could be redirected to educational programs and to find alternate uses in the area, and possibly set up a LEDA fund to make entrepreneurs who want to start up small recycling uses of materials. There was further discussion and Manager Brown said the recycling bins could be used as trash containers and cardboard could be taken to several locations. He said he would not change the rates and would not distribute more recycling containers.

C. Approval / Disapproval of Resolution No. 2019-15: a Resolution authorizing the Mayor to execute a certification of support for the accreditation of the Town of Silver City Museum. Manager Brown said as part of the reaccreditation of the museum they were required to have affirmation that the city supports the museum. He said when the museum was set up in 1967 there was no resolution setting it up; that it was just added to the budget. He said the accreditation required some sort of resolution or letter from the Town Council. Councilor Bettison said the letter

had to affirm the permanence of the museum as a Town department for the reaccreditation to be accepted. She said they may need a resolution in the future, but the letter would suffice. Manager Brown said the museum was accredited. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Resolution No. 2019-15: a Resolution authorizing the Mayor to execute a certification of support for the accreditation of the Town of Silver City Museum. Councilor Aiman-Smith seconded. Mayor Ladner asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

D. Approval / Disapproval of Resolution No. 2019-16: A Resolution to adopt a Municipal Records Retention Policy and Email Retention Guidelines. Clerk Mackie said in 2015 the State Records and Archives Division repealed their State records retention schedules which included the municipal records. She said the General Counsel of the New Mexico Municipal League told the municipal clerks that municipalities could adopt the repealed State schedules and use them as their own or they could create their own records schedules; that the State had no jurisdiction over municipal records and that whatever record a municipality created, they could destroy. She said in 2017 the Town Council approved a resolution to adopt the State's repealed records schedules as its own in order to continue records management. She said the Town normally did annual records destructions and wanted to continue that in order not to get backlogged. She stated the New Mexico Municipal Clerks and Finance Officers Association created a committee of clerks to work on creating their own municipal records schedules and started by pulling all of the municipal records from the repealed State schedules. She said the municipal schedules were reviewed by the department heads to get their feedback. She said the schedule could be fine tuned later because it would be a Town of Silver City Municipal Records Retention Schedule. She requested the Council's approval. There was further discussion. Councilor Aiman-Smith moved to approve Resolution No. 2019-16: A Resolution to adopt a Municipal Records Retention Policy and Email Retention Guidelines. Councilor Ray seconded. Mayor Ladner asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

E. Appointments to the Historic Design Review Committee. Mayor Ladner stated the Town received applications from Steven Shelendich and Suzanne Gershenson to continue their service on the Town's Historic Design Review Committee. He said the Chair and the Community Development Director recommended their reappointment. He said if there was no objection from the Council, he would like to reappoint them. There was no objection.

F. Approval / Disapproval of Notice of Intent Ordinance No. 1280: An Ordinance amending Chapter 34, Section 34-201(a), (b) and (c) relating to aggressive begging and prohibited solicitations upon Town-owned streets and public rights-of-way, and Chapter 10, Section 10-137 (Unsolicited entry onto private property prohibited) and Section 10-139 (Unlawful to enter upon posted premises) of the Town of Silver City Municipal Code. Councilor Bettison asked Attorney Scavron to give the background. Attorney Scavron provided information on how behaviors that were annoying to the public had been held to be the right of the expressor of the behavior and considered to be freedom of speech and could not be infringed on by government. He said the trend in the laws continue from 2010 to now when the laws started changing in the federal circuits leading to Supreme Court cases and New Mexico state cases. He said the ordinance was eliminating the stress on begging, aggressive panhandling, and solicitation to conform with the trend of the law. He discussed how the courts said the government had gone too far in dictating behavior on private property and how freedom of speech was more important than safety concerns, and he provided some examples of freedom of speech versus assault. He talked about the changes in the ordinance that eliminated certain language regarding prohibited solicitations, solicitation near a street or highway, and freedom of speech on private property. He commented further about the two sources that were the impetus for the ordinance. He said private property owners would need to post a sign stating, "No Peddlers, No Solicitation" or tell the individual(s) to get off their property; that it was not a city matter. There was further discussion about having a sign stating "Private Property, No Trespassing" which still allows the mailman, ambulance, etc. to come on the property, and how it also allows peddlers and solicitors to come on the property because they have the same status as the others. Councilor Bettison stressed that if the NOI passes and the ordinance comes to fruition, that they make sure to educate the public about posting "No Peddlers, No Solicitation" signs on their gate or property. Attorney Scavron said the word "solicitation" means proselytizing, asking for money, or a solicitation of anything. He said if a person told another person to get off their property, and they did not leave immediately it was a crime and they could call the cops. Councilor Bettison said the ordinance was about stating the behavior that would impact someone where there would be concern for their

health, safety, and welfare. She explained that they could not say a person could not have free speech, could not solicit or could not ask for funds, but in doing so the person could not touch someone aggressively or intentionally or recklessly block the safe or free passage of another, whether a pedestrian or an operator of a motor vehicle or a bicycle in public streets or right of ways, including bike lanes. She said everything was about aggressive manner which was a behavior, not the act of asking for assistance. Attorney Scavron agreed and said that someone's freedom of speech or right to walk down a sidewalk did not give them the right to knock another person over or obstruct another person's free passage; that the other person has rights as well. He talked about the concern about regulating free speech and that now everything you do is an expression of free speech, and how your own fundamental rights of free passage, freedom of intimidation, and freedom from assault would not be sacrificed. He said it was a delicate balance and the NOI attempted to meet the balance. He said maybe the trend will continue or maybe it will reverse to go backwards a little bit where public safety is viewed equally with the freedom of expression. There were no comments from the Council. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Notice of Intent Ordinance No. 1280: An Ordinance amending Chapter 34, Section 34-201(a), (b) and (c) relating to aggressive begging and prohibited solicitations upon Town-owned streets and public rights-of-way, and Chapter 10, Section 10-137 (Unsolicited entry onto private property prohibited) and Section 10-139 (Unlawful to enter upon posted premises) of the Town of Silver City Municipal Code. Councilor Aiman-Smith seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

G. Approval / Disapproval of Addendum No. 1 July 1, 2018 to June 30, 2020 Agreement between the Town of Silver City and the Fraternal Order of Police Silver City Police Officers Association. Manager Brown said the Addendum was negotiated with the Fraternal Order of Police for the Police Department and that both the Police Department and the union membership voted and approved the agreement. He said they did negotiations every year and he provided further details. Mayor Ladner asked for a motion. Councilor Cano moved to approve Addendum No. 1 July 1, 2018 to June 30, 2020 Agreement between the Town of Silver City and the Fraternal Order of Police Silver City Police Officers Association. Councilor Ray seconded. Mayor Ladner asked for a roll call vote. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye. Motion carried.

H. Approval / Disapproval of an Agreement between the Town of Silver City and American Federation of State, County and Municipal Employees (AFSCME) Council No. 18, Local No. 3370, from July 1, 2019 to June 30, 2022. Manager Brown said it was a brand-new agreement and he discussed the details. He said all the changes in the AFSCME agreement and the one for the Fraternal Order of Police were included in the preliminary budget that was discussed at the last Council meeting. Mayor Ladner asked for a motion. Councilor Cano moved to approve an Agreement between the Town of Silver City and American Federation of State, County and Municipal Employees (AFSCME) Council No. 18, Local No. 3370, from July 1, 2019 to June 30, 2022. Councilor Ray seconded. Mayor Ladner asked for a roll call vote. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye. Motion carried.

I. Approval / Disapproval of Preliminary Budget for Fiscal Year 2019-2020. Manager Brown said it was the preliminary budget that was presented at the last Council meeting and the only change was a slight change in the projected revenues which increased a little bit in the General Fund due to gross receipts taxes. Councilor Bettison reminded the public there was no hold harmless gross receipts tax increment in the budget; that they were not passing any nor was any requested. Manager Brown said the only increase was the water rates with a 30-cent increase per 1,000 gallons for everyone. There was further discussion. Mayor Ladner asked for a motion. Councilor Cano moved to approve the Preliminary Budget for Fiscal Year 2019-2020. Councilor Ray seconded. The Mayor asked for a roll call vote. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye. Motion carried.

J. Approval / Disapproval of Closed Session pursuant to NMSA 1978 Section 10-15-1(H)(8) for meetings for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body. Mayor Ladner asked for a motion. Councilor Bettison moved that the Town Council go in to Closed Session pursuant to NMSA 1978 Section 10-15-1(H)(8) for meetings for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body. Councilor Aiman-Smith seconded. The Mayor asked for a roll call vote.

Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried. The Mayor said the Council would convene in the conference room after a short recess. The Town Council came back in session at 8:36 p.m. The Mayor said no matters other than those matters included in the initial motion to go into Executive Session were discussed. He asked the Council members for their affirmation of that statement. He asked for a roll call. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye.

12. ADJOURNMENT – Mayor Ladner concluded the meeting and asked for a motion. Councilor Ray moved to adjourn at 8:38 p.m., and Councilor Aiman-Smith seconded. Mayor Ladner stated there was a motion and a second to adjourn. He asked for a vote of all those in favor, and all four Councilors said aye. Motion carried.

Ken Ladner, Mayor

Attest:

Ann L. Mackie, Town Clerk