

Minutes of the Regular Meeting of the Gallup City Council, City of Gallup, New Mexico, held in the Council Chambers at Gallup City Hall, 110 West Aztec Avenue, at 6:00 p.m. on Tuesday, May 14, 2019.

The meeting was called to order by Mayor Jackie McKinney.

Upon roll call, the following were present:

Mayor:	Jackie McKinney
Councilors:	Linda Garcia Allan Landavazo Yogash Kumar Fran Palochak
Also present:	Maryann Ustick, City Manager Curtis Hayes, City Attorney

Mr. Hayes certified for the record that the matters discussed during the closed session at the Special Meeting of May 14, 2019 was litigation; specifically Athens, LLC v. Alcohol and Gaming Division and City of Gallup and that no action was taken by the Mayor and Councilors during the closed session.

Presented to the Mayor and Councilors for their approval were the Minutes of the Regular Meeting of April 23, 2019 and the Special Meeting of April 25, 2019.

Councilor Palochak made the motion to approve the aforementioned minutes. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar, Landavazo and Mayor McKinney all voted yes.

The Mayor and Councilors presented awards to the following winners of the 2019 Water and Energy Awareness Day T-Shirt Contest: Tie for 3<sup>rd</sup> Place – Juan Vidales and Kyra David; 2<sup>nd</sup> Place – Clarice Lynch and 1<sup>st</sup> Place – Robert Rivera.

Presented to the Mayor and Councilors for their approval were the following Discussion/Action Topics:

1. Request for Street Closures for Closing Ceremony at Roosevelt Elementary School to be Held on Friday, May 17, 2019 – Ron Triplehorn, Assistant Principal, Roosevelt Elementary School

Mr. Triplehorn presented the request to close Logan Avenue from Woodrow Drive to Cliff Drive for the event. The school will be closing on May 31, 2019 after being in operation for the past 60 years. The students from Roosevelt Elementary School will be joining the students at the new Lincoln Elementary School at the next school year.

## MINUTES

Regular City Council Meeting – 5/14/2019

Page 2

Councilor Garcia made the motion to approve the request for street closures for the closing ceremony at Roosevelt Elementary School to be held on Friday, May 17, 2019. Seconded by Councilor Kumar. Roll call: Councilors Garcia, Kumar, Landavazo, Palochak and Mayor McKinney all voted yes.

2. Request for Street Closures for the Annual Memorial Day and Veterans Day Parades – Randal Henry, Gallup McKinley County Veterans Day

Mr. Henry presented the request for the closure of Aztec Avenue from Hillcrest Cemetery to the Courthouse Plaza for both parades and ceremonies. Mr. Henry and Mayor McKinney provided an overview of both events, including the grand opening of the new Veterans Cemetery on Hasler Valley Road, which will take place on Memorial Day.

Councilor Palochak made the motion to approve the request for street closures for the Annual Memorial Day and Veterans Day Parades. Seconded by Councilor Landavazo. Roll call: Councilors Palochak, Landavazo, Kumar, Garcia and Mayor McKinney all voted yes.

3. Request for Street Closures for the Gallup Lions Club Rodeo Parade to be Held on Saturday, June 15, 2019 – John Sakasitz and Linda Hite, Gallup Lions Club

Mr. Sakasitz and Dr. Hite presented the request for the street and parking lot closures for the event. They asked for the closure of Aztec Avenue between Second and Third Streets from 8:00 a.m. to 4:00 p.m. for the activities at the Courthouse Plaza. They also provided an overview of the activities that will take place during the event.

Discussion followed concerning the number of hours needed for the closure of Aztec Avenue between Second and Third Streets for the event and placement of the barricades in order for customers to have access to the parking lots at Washington Federal and Camille's Sidewalk Café.

Councilor Kumar made the motion to approve the request for street closures for the Gallup Lions Club Rodeo Parade to be held on Saturday, June 15, 2019 from 10:00 a.m. to 4:00 p.m. and to ensure the barricades are placed past the entrances to Washington Federal and Camille's Sidewalk Café. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Landavazo, Palochak and Mayor McKinney all voted yes.

4. Request for the Waiver of Fees for the Use of Red Rock Park and to Retain Parking Fees Assessed for the Gallup Lions Club Rodeo – Dr. Linda Hite, Gallup Lions Club

## MINUTES

Regular City Council Meeting – 5/14/2019

Page 3

Dr. Hite presented documentation concerning the value of their community service projects conducted over the past twelve months as required by the Agreement Waiver for Red Rock Park fees between the City and the Lions Club. The value of the community service projects total \$37,909. She also asked that the Lions Club be permitted to retain all of the parking fees collected at this year's rodeo. The parking fee revenue is projected to be about \$4,300.

Councilors Landavazo and Garcia thanked the Gallup Lions Club for their service to the community.

Councilor Landavazo made the motion to approve the request for the waiver of fees for the use of Red Rock Park and to retain parking fees assessed for the Gallup Lions Club Rodeo. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Garcia, Kumar and Mayor McKinney all voted yes.

### 5. Lease Agreement for Cultural Center with Southwest Indian Foundation – Curtis Hayes, City Attorney

Mr. Hayes presented the proposed lease agreement with the Southwest Indian Foundation (SWIF) for the operation of the Gallup Cultural Center. The proposed agreement continues most of the terms of the previous lease; however, the provisions of the new agreement ties the in-kind contribution towards rent solely to the payment of salaries of SWIF personnel that work at the Cultural Center rather than being applied to a number of items in the agreement. The new agreement also allows the City to terminate the lease by providing 24 months notice to SWIF to provide flexibility for future administrations concerning the use of the facility, removes the east parking lot from the area being leased by SWIF due to the location of the City's new skate park and requires SWIF to maintain the Cultural Center to be opened to the public a minimum of 50 hours per week.

Regarding the 24 month notice requirement the City would need to provide SWIF should the City terminate the lease, Councilor Landavazo recommended language in the agreement that would allow SWIF to be involved in discussions concerning future opportunities for use of the building.

Bill McCarthy, Director of SWIF, said he feels SWIF would be opened to situations that may arise if the City needed the building for a higher project or an opportunity that would have a better impact to the city. He recommended language in the agreement requiring the City to have cause to terminate the lease and to allow dialog between both parties. He also recommended having an evaluation period every two years to assess their partnership for managing the facility.

## MINUTES

Regular City Council Meeting – 5/14/2019

Page 4

Discussion followed concerning the mandated use of the facility for transportation purposes, the historical preservation of the building and the low possibility for other uses for the facility during the term of the proposed lease.

Following discussion, Councilor Landavazo made the motion to table the lease agreement with the Southwest Indian Foundation and to allow the City Attorney to include language in the agreement to allow SWIF to be involved in discussions concerning the future use of the building in advance of the City terminating the lease agreement. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Garcia, Kumar and Mayor McKinney all voted yes.

Mayor McKinney asked Mr. Hayes to meet with Mr. McCarthy regarding the proposed change to the lease agreement.

### 6. Resolution No. R2019-17; Local Liquor Excise Tax Distribution Resolution – Curtis Hayes, City Attorney

Mr. Hayes presented the Joint Resolution with McKinley County which includes the recommendations of the Liquor Excise Tax Task Force for the allocation and distribution of liquor excise tax funds for Fiscal Year 2020. The amount of liquor excise tax funds that are available for allocation is \$1,486,544.00. The Task Force recommended the following: \$835,000 for the operations at Gallup Detox; \$150,000 for the Protective Custody program; \$200,000 for the County's JSACC program; \$100,000 for the County's DWI program; \$150,000 for the Jail Treatment program; \$50,000 to be retained as a reserve; and \$1,544.00 as unexpended. Both the City Council and the County Commission must approve the Joint Resolution to implement the recommendations of the Liquor Excise Tax Task Force.

Councilor Kumar made the motion to approve Resolution No. R2019-17; Local Liquor Excise Tax Distribution Resolution. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Landavazo, Palochak and Mayor McKinney all voted yes.

### 7. Appeal of Athens LLC v. Alcohol and Gaming Division and the City of Gallup – Curtis Hayes, City Attorney

Mr. Hayes reminded the Mayor and Councilors about the public hearing they conducted in 2017 on the application filed by Athens LLC to transfer a dispenser's license from West Coal to 820 West Maloney. Based on the evidence presented during the hearing, the City Council voted unanimously to deny the application which was upheld by the Alcohol and Gaming Division. Athens LLC appealed the decision to District Court in Santa Fe and as a result, the District Judge issued an opinion on April 25, 2019 which overturned

## MINUTES

Regular City Council Meeting – 5/14/2019

Page 5

the decision of the Alcohol and Gaming Division and the City to deny the application. The City has thirty days to appeal the District Court's decision to the New Mexico Court of Appeals. Mr. Hayes said the District Judge's opinion to overturn the application denial did not discuss the strongest pieces of evidence that the City Council relied upon to make its decision. Counsel for the Alcohol and Gaming Division has indicated that it plans to appeal the decision. Mr. Hayes asked for permission to file a petition for writ of certiorari and to ask the Court of Appeals to hear the case.

Discussion followed concerning the process and the amount of time it would take for the Court of Appeals to hear the case and to render a decision.

Councilor Garcia made the motion to approve the appeal of Athens LLC v. Alcohol and Gaming Division and the City of Gallup. Seconded by Councilor Palochak. Roll call: Councilors Garcia, Palochak, Landavazo, Kumar and Mayor McKinney all voted yes.

### 8. Management Agreement: Grandview Water Tank Property - Joint Use – Brian Archuleta, Technology Services Director

Mr. Archuleta presented the proposed Joint Use Management Agreement with Sacred Wind to allow usage of the City's Grandview water tank property located at 1400 South Grandview. The City requires internet services at several remote locations and a couple of downtown locations that would require substantial construction costs to get internet services to the locations or limited internet speeds that would not meet the needs of the City, depending on the internet provider. One of the locations requiring internet services is the new Solid Waste Department headquarters on Hasler Valley Road. Sacred Wind is able to place equipment on a utility pole within the Grandview property and setup a point to multi-point service to several sites of the City where internet services are needed. As a result, the City will receive a reduced cost for the internet services and Sacred Wind will be able to provide internet services local businesses in the area. The term of the proposed agreement is 5 years with a 30-day written notice to opt-out for any reason by both parties. Mr. Archuleta responded to questions regarding the internet speeds to be provided by Sacred Wind, the internet services at Red Rock Park and the City's funding sources to pay for internet service at various City facilities.

Sean Cooper, Sacred Wind Communications, responded to questions regarding the services provided by Sacred Wind, including internet service redundancy for the area.

Councilor Kumar made the motion to approve the Management Agreement between the City of Gallup and Sacred Wind for the use of the Grandview water tank property. Seconded by Councilor Landavazo. Roll call: Councilors Kumar, Landavazo, Palochak, Garcia and Mayor McKinney all voted yes.

## MINUTES

Regular City Council Meeting – 5/14/2019

Page 6

### 9. Approval of Two Part-Time Seasonal Park Laborer Positions for Downtown – Vince Alonzo, Parks and Recreation Director

Mr. Alonzo presented the request for two laborer positions to be funded by the Business Improvement District (BID) for clean-up services for the downtown area. The proposal is contingent on the BID Board's formal approval at their monthly meeting to be held on May 16, 2019. If approved, the laborers will work during the summer tourist season.

Councilor Landavazo made the motion to approve two part-time seasonal park laborer positions for downtown as presented. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Garcia, Kumar and Mayor McKinney all voted yes.

### 10. Approval of Budget Adjustment for \$67,993 for Eighteen (18) Panasonic Tough-Books and \$12,300 for the Public Safety Building Utility Balance – Chief Franklin Boyd, Gallup Police Department

Chief Boyd presented the request for the budget adjustment with funds coming from the Police Department operational accounts for the purchase of the tough-books and to cover utility expenses. A spreadsheet with the Police Department proposed budget adjustment is attached hereto, marked as Exhibit A and made a part of these official Minutes.

Discussion followed regarding the 68 tough-books that are needed for the Police Department with 18 of them being funded in this fiscal year's budget and the remaining balance to be funded in next year's budget.

Councilor Palochak made the motion to approve the budget adjustment for \$67,993 for eighteen Panasonic tough-books and \$12,300 for the public safety building utility balance. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar, Landavazo and Mayor McKinney all voted yes.

### 11. Approval Annual Audit Contract for FY 2019 – Patty Holland, Chief Financial Officer

Ms. Holland said a Request for Proposals (RFP) was issued for audit services. Based on the evaluation of the RFPs, the firm of Hinkle + Landers, PC, was selected for a term of three years. The cost for the FY 2019 audit will be \$70,119.

Councilor Landavazo made the motion to approve the annual audit contract for Fiscal Year 2019 by retaining the firm of Hinkle + Landers. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Garcia, Kumar and Mayor McKinney all voted yes.

## MINUTES

Regular City Council Meeting – 5/14/2019

Page 7

12. Request Approval to Transfer \$30,000 from Street Light Signals Sign #507-6061-442-48-90 to Light Maintenance Acct. #507-6061-442-44-95 – Eric Babcock, Interim Electric Director

Mr. Babcock presented the request to transfer funds from a capital outlay account to a maintenance account to fund street light repairs for the remainder of the fiscal year.

Councilor Garcia made the motion to approve the transfer of \$30,000 from street light signals sign account #507-6061-442-48-90 to light maintenance account #507-6061-442-44-95. Seconded by Councilor Kumar. Roll call: Councilors Garcia, Kumar, Landavazo, Palochak and Mayor McKinney all voted yes.

13. Request Approval to Transfer \$20,000 from Capital Vehicle Account to Transformer Account – Eric Babcock, Interim Electric Director

Mr. Babcock presented the budget transfer request for the emergency procurement of electric transformers. There are funds available in the capital vehicle account based on savings from the purchase of a bucket truck earlier this year.

Councilor Palochak made the motion to approve the transfer of \$20,000 from the capital vehicle account to the transformer account. Seconded by Councilor Landavazo. Roll call: Councilors Palochak, Landavazo, Kumar, Garcia and Mayor McKinney all voted yes.

14. Resolution No. R2019-19; Grant Approval for Courthouse Square Veterans Memorial – Stan Henderson, Public Works Director

Mr. Henderson presented the proposed resolution to accept the legislative grant in the amount of \$50,000 for new Veterans Memorial pillars and to change the designated grantee points of contact to Mr. Alonzo and Ms. Holland. No match is required for the grant; however, he requested a budget adjustment to include the revenue and expenditure of the funds in the City's budget.

Discussion followed concerning the names of 40 veterans to be added to the pillars at the Veterans Memorial and the need to publicize the City Clerk's Office as the designated location where Veterans Memorial Applications are to be submitted.

Councilor Landavazo made the motion to approve Resolution No. R2019-19; Grant Approval for the Courthouse Square Veterans Memorial, to accept the State grant in the amount of \$50,000, to change the designated grantee points of contact to Vince Alonzo and Patty Holland and to approve the budget adjustment as presented. Seconded by

## MINUTES

Regular City Council Meeting – 5/14/2019

Page 8

Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Garcia, Kumar and Mayor McKinney all voted yes.

### 15. Resolution No. R2019-20; Grant Approval for Indian Hills Park Lighting – Stan Henderson, Public Works Director

Mr. Henderson presented the proposed resolution to accept the legislative grant in the amount of \$100,000 for the new lighting project at the Indian Hills Ballpark and to change the designated grantee points of contact to Mr. Alonzo and Ms. Holland. No match is required by the City; however, the City Council allocated \$350,000 in the FY 2020 budget for a total project budget of \$450,000. The project has already been designed and the funds will be used toward the construction of the project. He also requested a budget adjustment to include the revenue and expenditure of the funds in the City's budget.

Councilor Palochak made the motion to approve Resolution No. R2019-20; Grant Approval for Indian Hills Park Lighting in the amount of \$100,000, to change the designated grantee points to contact to Vince Alonzo and Patty Holland and to approve the budget adjustment as presented. Seconded by Councilor Kumar. Roll call: Councilors Palochak, Kumar, Garcia, Landavazo and Mayor McKinney all voted yes.

### 16. Resolution No. R2019-21; Grant Approval for Playground of Dreams Picnic Shelter – Stan Henderson, Public Works Director

Mr. Henderson presented the proposed resolution to accept the legislative grant in the amount of \$75,000 for a new picnic shelter and to change the designated grantee points of contact to Mr. Alonzo and Ms. Holland. No match is required for the grant; however, he requested a budget adjustment to include the revenue and expenditure of the funds in the City's budget.

Discussion followed concerning the timeframe for construction of the project.

Councilor Garcia made the motion to approve Resolution No. R2019-21; Grant Approval for the Playground of Dreams Picnic Shelter, to accept the State grant in the amount of \$75,000, to change the designated grantee points of contact to Vince Alonzo and Patty Holland and to approve the budget adjustment as presented. Seconded by Councilor Kumar. Roll call: Councilors Garcia, Kumar, Landavazo, Palochak and Mayor McKinney all voted yes.

### 17. Resolution No. R2019-22; Grant Approval for Police Vehicles Procurement Funding – Stan Henderson, Public Works Director

## MINUTES

Regular City Council Meeting – 5/14/2019

Page 9

Mr. Henderson presented the proposed resolution to accept the legislative grant in the amount of \$455,000 for new police vehicles and to change the designated grantee points of contact to Chief Boyd and Ms. Holland. No match is required for the grant; however, he requested a budget adjustment to include the revenue and expenditure of the funds in the City's budget.

Councilor Palochak made the motion to approve Resolution No. R2019-22; Grant Approval for Police Vehicles Procurement Funding in the amount of \$455,000, to change the designated grantee points of contact to Chief Boyd and Ms. Holland and to approve the budget adjustment as presented. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar, Landavazo and Mayor McKinney all voted yes.

Mayor McKinney said as a result of the 60-day legislative session, the City was able to approve the acceptance of \$680,000 in appropriations when it usually takes a longer timeframe to obtain the allocations through the State's bond sale.

### **Comments by Public on Non-Agenda Items**

Daniel Francis Eggink addressed the Mayor and Councilors regarding issues pertaining to civil rights, public health and criminal justice. He asked to be placed on the next regular meeting agenda to provide a detailed presentation on his request to the City Council to declare that the prohibition of cannabis is illegal and unconstitutional.

### **Comments by Mayor and City Councilors**

Councilor Landavazo encouraged everyone to continue to buy, believe and build Gallup.

Councilor Kumar said the Run for the Wall event will take place later this week.

Councilor Garcia thanked the Mayor and Councilors for their approval to appeal the case pertaining to Athens LLC v. Alcohol and Gaming Division and the City of Gallup. She said citizens from the north side of town are against the proposed transfer and issuance of the liquor license. Councilor Garcia also said the Police Memorial will take place at the Larry Brian Mitchell Recreation Center on Wednesday, May 15, 2019 at 11:00 a.m. She thanked all of the City's police officers for what they do for the community.

Mayor McKinney said it will be a solemn day due to the Police Memorial. He thanked Chief Boyd and the Police Department for holding the event. The Run for the Wall will take place on Thursday, May 16, 2019 with the Black Creek Gourd Society holding a gourd dance at Red Rock Park beginning at noon. The motorcycle group traveling to Washington, D.C. are expected to be at Red Rock Park beginning at 3:30 p.m. He also said the Memorial Day Ceremony will begin at 10:00 a.m. at Hillcrest Cemetery, with the

MINUTES

Regular City Council Meeting – 5/14/2019

Page 10

parade to follow to the Courthouse Square. The grand opening of the new State Veterans Cemetery on Hasler Valley Road will take place at 1:00 p.m.

**Comments by City Manager and City Attorney**

None.

There being no further business, Councilor Kumar made the motion to adjourn the meeting. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Palochak, Landavazo and Mayor McKinney all voted yes.

---

Jackie McKinney, Mayor

ATTEST:

---

Alfred Abeita II, City Clerk

**Gallup Police Department**  
 Proposal  
 for May 14, 2019 Council Meeting  
 Revised 5/9/2019

**EXHIBIT A**

**A. Accounts below will be utilized for the Lap top Purchase of 18**

1	101-2011-421-43-10	Travel	(\$16,000)	
2	101-2011-421-45-30	Professional	(\$15,057)	
3	101-2011-421-46-20	Non-Cap furn	(\$19,000)	
4	101-2011-421-46-40	Uniform	(\$6,783)	
5	101-2011-421-47-04	Training	(\$11,153)	
			(\$67,993)	Overall Total to transfer
To	101-2011-421-48-20	Equipment & Mach	\$67,993	Quote attached

**B. Transfer from Sworn 2011 to 2013 Civilian/Building account**

1	101-2011-421-41-20	Full-Time Positions	(\$4,000)	
2	101-2011-421-47-15	Telephone	(\$3,000)	
3	101-2011-421-47-25	Confidential	(\$5,300)	
			(\$12,300)	Overall Total to Transfer
To	101-2013-421-47-16	Utilities	\$12,300	*pay negative balance Plus May/June charges