

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, January 10, 2023.

The meeting was called to order by Mayor Bonaguidi.

Upon roll call, the following were present:

Mayor: Louie Bonaguidi

Councilors: Linda Garcia
Michael Schaaf
Fran Palochak
Sarah Piano

Also present: Maryann Ustick, City Manager
Lynn Isaacson, Acting City Attorney

Presented to the Mayor and Councilors were the following Consent Agenda Items:

1. Resolution No. R2023-1; Annual Determination of Notice Under the Open Meetings Act – Alfred Abeita, City Clerk
2. West Logan Avenue (6th to 9th Street) and Drainage Project Construction Contract Award – Clyde (C.B.) Strain Planning & Development Director
3. Acceptance of Sky City Right-of-Way Dedication for NGWSP Connection – Adrian Marrufo, Water and Wastewater Director
4. Budget Adjustment for a Sub-Grant Agreement for the McKinley County DWI Task Force Naming the Gallup Police Department as the Sub-Grantee in the Amount of \$24,000 – Erin Toadlena-Pablo, Police Captain
5. Budget Adjustment for Acting Deputy Chief Position for the Gallup Police Department – Franklin Boyd, Police Chief
6. Acceptance of Award of Funding from the Department of Finance and Administration in the Amount of \$50,000 for Grants Management for Local Governments and Local Councils of Governments – Maryann Ustick, City Manager
7. Best of the Best Rodeo Budget for the Current Fiscal Year – JM DeYoung, Assistant City Manager
8. Promotion Contract with Walt Eddy for the Best of the Best Rodeo – JM DeYoung, Assistant City Manager

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9. Approval of Budget Adjustment and FTE Legal Assistant Position – Maryann Ustick, City Manager

Councilor Piano requested Items 5 and 7 be pulled from the Consent Agenda for discussion.

Ms. Ustick requested Item 8 pulled from the Consent Agenda for the purpose of making a minor correction.

Councilor Schaaf made the motion to approve Items 1-4, Item 6, and Item 9 of the Consent Agenda. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Piano, Garcia and Mayor Bonaguidi all voted yes.

5. Budget Adjustment for Acting Deputy Chief Position for the Gallup Police Department – Franklin Boyd, Police Chief

Chief Boyd said his last day as Chief of Police will be January 20, 2023. He provided a brief overview of the Deputy Chief's position, which was vacated upon his promotion to Chief; however, the position was never filled. He explained applications are being accepted for a permanent Police Chief and staff's recommendation to create an Acting Chief of Police position, the reintroduction of an Acting Deputy Chief's position and the flow chart organizational structure in place at the time he took over. He explained the incoming Chief would oversee the entire Police Department, Internal Affairs Division Narcotics Unit and Budget Technician, while the Deputy Chief would oversee the two main divisions including the Patrol Division and the Supervisor of Support Services.

Following discussion, Councilor Schaaf made the motion to approve the budget adjustment for the Acting Deputy Chief position. Seconded by Councilor Piano. Roll call: Councilors Schaaf, Piano, Garcia, Palochak and Mayor Bonaguidi all voted yes.

7. Best of the Best Rodeo Budget for the Current Fiscal Year – JM DeYoung, Assistant City Manager

Mr. DeYoung responded to questions regarding the estimated budget income compared to the budget expenses. He also explained certain operational cost increases, the number of days participants intend to stay for the event and the request for lodgers tax funds for marketing the event.

Councilor Piano made a motion to approve the Best of the Best Rodeo budget for the current fiscal year. Seconded by Councilor Palochak. Roll call: Councilors Piano, Palochak, Schaaf, Garcia and Mayor Bonaguidi all voted yes.

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8. Promotion Contract with Walt Eddy for the Best of the Best Rodeo – JM DeYoung, Assistant City Manager

Mr. DeYoung pointed out two errors within the contract terms, including Walt Eddy being listed as a corporation rather than an individual and reference to the event as the 8th Annual event, not the 7th. He said all terms are the same as the previous year's contract and it will be paid from the rodeo budget.

Councilor Schaaf made a motion to approve the contract with Walt Eddy. Seconded by Councilor Garcia. Roll call: Councilors Schaaf, Garcia, Piano, Palochak and Mayor Bonaguidi all voted yes.

The Mayor and Councilors presented a Proclamation recognizing the month of January in the City of Gallup, as National Human Trafficking Prevention Month and encouraged everyone to report suspicious activity to law enforcement officials. Kimberly Wahpepah accepted the proclamation and commented on her personal experiences as well as her contributions and support of the cause over the past decade. She thanked the Mayor and Councilors for their support of the recent closures of certain motels located on Historic Highway 66.

The Mayor and Councilors presented a Commendation honoring Curtis G. Hayes, retiring City Attorney, for his outstanding contributions to the City of Gallup. Mr. Hayes said all elected members he has served with throughout the years have been honorable and dedicated men and women. He said citizens are fortunate to have elected officials working to do what is best for the community.

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

1. Request for Street, Parking Lot and Alleyway Closures for a Film Shoot to be held on January 20, 2023 – John Lucas, Stalwart Productions, LLC

Mr. Lucas, location manager, presented the proposed closures needed to film interstitials for the AMC series *Dark Winds* for one day on 5th Street. He said the film crew would include about 30 people, contain no actors and only include brief scenes of the city intercut with the episode.

Discussion followed regarding use of Historic Highway 66, New Mexico Department of Transportation permitting, communication with businesses and religious organizations located on the affected streets and collaborative efforts of City staff members, Ben Welch, Events Coordinator and Matt Robinson, Marketing & Tourism Manager

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Mr. Welch provided a brief summary regarding initial communication with Mr. Lucas and some businesses regarding the areas on 5th Street and Coal Avenue to Historic Highway 66 and the alleyway and parking spaces along 3rd Street; however, further communication including letters, would be dependent on action taken. He also provided an overview of the permitting process and communication with the Diocese of Gallup and Rico Auto Complex.

Councilor Schaaf made a motion to approve the street closures. Seconded by Councilor Garcia. Roll call: Councilors Schaaf, Garcia, Piano, Palochak and Mayor Bonaguidi all voted yes.

2. Ordinance No. S2023-1; Text Amendment Revising Certain Zoning Regulations Regarding Cannabis by Amending Sections 10-3-C-C, 10-3-C-J, 10-3-C-K, 10-3-C-U, 10-4-A-A and 10-6 of the City of Gallup Land Development Standards – Nikki Lee, Planning and Zoning

Ms. Lee presented the proposed text amendment initiated by Rodney Curnutt, owner of The Green Scene LLC, who was in attendance and Joseph Hyde, owner of Hydroponics Indoor Garden Center. She provided an overview regarding the use specific standards prohibiting the sale of cannabis because of the proximity to a residential use, which resulted in both applicants filing an appeal. She said Mr. Curnutt filed with the Planning and Zoning Commission disagreeing with staff's interpretation of the code, which was tabled and Mr. Hyde's appeal filed an appeal with the City Council to reverse the Planning and Zoning Commission's denial of a Conditional Use Permit, which was denied. After further review, staff found the only way to allow cannabis sales at these locations would be to amend the code by filing a text amendment appeal to remove or revise the term residential use. Ms. Lee outlined the Land Development Standards as it pertains to the text amendment appeal process, staff's opinion that the applicants have met all code requirements; City Council, Staff and Planning and Zoning Commission's acknowledgment of the Code's necessary revisions and two work sessions held to address the changes. She listed the changes, including the removal of the 300' requirement of a residential use, add clarity to the use specific standards, reduce parking standards for cannabis cultivation and additions to the cannabis definitions. Ms. Lee reminded the Council of their decision to restrict cannabis cultivation in the Downtown Overlay District and explained Green Scene LLC at 202 S. Third Street still did not meet specific standards because it was also within 300' of a museum; therefore, staff recommended to remove the term museum as a protected use. Ms. Lee provided details regarding protected use, apologized for the initial oversight and stated approval of the amendments will allow for the business owners to operate, provided compliance with local and state regulations. She further explained the Conditional Use Permit Process whereas, Mr. Curnutt is scheduled to appear before the Planning and Zoning Commission to request approval, however Mr. Hyde made the

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decision to close his business. With a positive recommendation from the Planning and Zoning Commission and recommended approval by staff, Ms. Lee requested approval of Ordinance No. S2023-1, which would go into effect in 5 days due to the urgent public need and thanked the Council for their patience while staff and experts reviewed the matter to develop a more manageable code.

Discussion followed regarding the permitted use for cannabis cultivation, the intent of the Downtown Overlay District, the potential to remove Industrial Zone Districts from the Downtown Overlay District, regulation with pure residential zoned districts, exclusion of Mixed-Use Districts, the City's intent to increase flexibility and daycare facility regulations.

Rick Murphy, Murphy Builders, mentioned potential site locations for a large project involving cannabis cultivation, the potential benefits to the City with this type of project and issues with restrictions in the Downtown Overlay District. He provided copies of existing codes, explained challenges with utility infrastructure, preference to remove industrial use from the Downtown Overlay District, the current protected uses, his concerns with the 300' rule which limits opportunity and requested additional changes to the current code.

Additional discussion followed regarding the religious institution definition, motives for prohibiting cannabis cultivation within the Downtown Overlay District, the importance of following proper procedures to amend the code, proposed library locations, the potential to modify the boundaries of the Downtown Overlay District, the multiple meetings held regarding the proposed changes, the Council's responsibility to discuss and comment on those matters listed on the agenda, which were advertised.

Councilor Palochak requested a call of order and explained the matters permitted for discussion and briefly explained how to request additional changes to the code.

Lucia DeSantis, property owner, explained the stringent processes related to amending the code, including collaborative efforts with the City Attorney, Planning and Zoning Commission and City Council, the multiple advertised meetings since October 2022 and knowledge of state law.

Further discussion followed regarding what was advertised compared to the proposed changes, the legal notice publication and permitted changes to the back-up documentation.

Mr. Strain illustrated changes that can be made to the language proposed in the ordinance presented, however the Downtown Overlay District is not included, therefore it cannot be changed during this meeting, additional changes would have to go through

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proper procedures. He provided reasons for the distance requirements and the difference between manufacturing and cultivation.

Councilor Palochak made a motion to approve Ordinance S2023-1, as presented. Seconded by Councilor Schaaf. Roll call: Councilors Palochak, Schaaf, Garcia, Piano and Mayor Bonaguidi all voted yes.

Presented to the Mayor and Councilors were the following Presentation and Information Items:

1. Report on the 100th Annual Gallup Inter-Tribal Indian Ceremonial – Kyle Tom, Inter-Tribal Ceremonial

Mr. Tom, via Zoom, presented an overview of the 100th Annual event that started August 4 through August 14, 2022. He thanked everyone involved in ensuring the events were as safe as possible after the traumatic event that took place at the parade. He provided a breakdown of the total number of attendees, the number of art show entries, the economic impact and the enormous amount of interest he received since the event took place. He also provided information regarding the 101st Annual Ceremonial event that will take place on August 4th through August 13, 2023 and thanked the City for their continued support.

Brief discussion followed regarding appreciation to everyone who helped organize the well-attended and successful event.

Mr. Byerly said the figures provided are the first draft and do not include the Inter-Tribal Ceremonial Association's amounts. He also pointed out financial constraints that limited certain plans, 2023's proposed expenses and complexity in determining a proposed income amount and explained all income from the event goes to fund the following event with the exception of the Centennial Club, which was used for the most current event and potential plans to continue the Centennial Club.

2. Hasler Valley Road Extension and Improvements – Michael Daly

Mr. Daly provided information regarding the McKinley County project to extend Hasler Valley Road including Navajo Gallup Pipeline funds, City's right-a-way, waterline construction, primary benefits to the county and substantial benefits to the city and improvements to traffic management in certain areas.

Frank Kozeliski, commented on work scheduled to start on a new bridge, the dangerous road conditions it may pose during construction and how to help minimize the risk with a graded road that would eventually be made permanent.

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Vesta Henry said a promise was made to her family in 1966 for a road on Hasler Valley. She explained the economic benefits, the dangerous amount of traffic in the area, utility infrastructure, and encouraged City staff to work with the County and State to help get drivers in and out of the area safely.

Mayor Bonaguidi pointed out key discussions regarding road construction during negotiations with McKinley County on the Red Rock Park Agreement and concerns with the waterline.

Discussion followed regarding the Hasler Valley Reach 27.9 design, bid and the County's agreement to do a Class C Road along the waterline.

Janice Peterson urged the Council to include the Tribal Delegates in discussions regarding road construction and mentioned the importance working collaboratively, rehabilitation facilities, homelessness and worker's rights.

3. Information Regarding Neighboring Water Systems – Michael Daly

Mr. Daly requested postponement of the item.

4. Tiny Art Project Proposal – Rose Eason, GallupArts 123 Executive Director and Michael Bulloch, Gallup MainStreet and Cultural District Executive Director

Ms. Eason presented a PowerPoint Presentation comprised of the project overview including six miniature public art projects, anticipated timeframe, planning members and support partners, intentions on using local artists through the RFP process and plans to open during the April ArtsCrawl event. Ms. Eason said the locations have been identified, are on City property or in a City right-a-way, discussions with City staff and safety precautions.

Mr. Bulloch provided the proposed locations including El Morro Theatre, pointing out the historical façade requiring additional approval; parking meter stubs along the sidewalk, near Jerry's Café; missing bricks at Court House Square bench, Cultural Center planters, metal post base at the corner of 4th Street and Aztec Avenue and the missing fence post cap along the City lot at the corner of 1st Street and Aztec Avenue. He also provided an aerial map depicting the locations and the project logistics including the timeline, budget and deliverables.

Ms. Eason elaborated on the proposed timeline, budget information including \$1,000. from Creative New Mexico and an additional \$3,000 needed to pay artists for time and materials, highlighted additional benefits such as media coverage, online map and walking tour, distribution guides for scavenger hunt participation and potential growth.

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Brief discussion followed regarding the potential for additional locations provided by the community.

Comments by the Public on Non-Agenda Items

A Representative of Somos un Pueblo Unido addressed the Council regarding collaborative efforts with Janice Peterson to inform all communities of worker's rights by speaking at Chapter Houses and other government agencies.

Ms. Peterson provided an overview of their achievements and goals to provide information relative to worker's rights in an effort to improve quality of life for all and encouraged all business owners to follow labor laws.

Comments by the Mayor and Councilors

Councilor Palochak wished Mr. Hayes well, congratulated Sheriff James Mariano on his successful election and thanked all City employees for all they do.

Councilor Schaaf thanked all who participated in the Secret Santa Food Giveaway, thanked Mr. Hayes and Chief Boyd for all they have done for the community, announced Miyamura's High School Junior ROTC participation in a 26-mile run and thanked all City employees for their hard work.

Councilor Garcia also thanked Mr. Hayes for his contributions, mentioned the success of the annual Shop with a Cop and thanked all involved in the event, provided details of the annual Toy Drive orchestrated with Councilors Palochak and Schaaf, expressed eagerness to work with Sheriff Mariano and the new incoming Chief of Police. She also expressed appreciation to Dr. Kevin Foley for his production of the well-attended 21st Annual NCI Sobriety Dance Gourd and Pow Wow.

Councilor Piano echoed the other Councilors comments regarding Mr. Hayes' retirement and recent events and reminded everyone about Gallup McKinley Day at the Legislature in Santa Fe on January 26th to advocate for the city and county for State funding.

Mayor Bonaguidi mentioned the spirit of Christmas, his attendance at Hershey Miyamura's funeral, announced Senator James Henderson's funeral and attended the inauguration of Dr. Buu Nygren, Navajo Nation President, at the impressive Bee Hótdzil Fighting Scouts Events Center.

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Comments by the City Manager and City Attorney

Ms. Ustick congratulated Sheriff Mariano, personally thanked Mr. Hayes for supporting management and thanked Chief Boyd for all he's done for the Police Department throughout his tenure.

Mr. Isaacson mentioned working with many Police Chiefs throughout the years and praised Chief Boyd for a job well done.

There being no further business, Councilor Schaaf made the motion to adjourn. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Piano, Garcia and Mayor Bonaguidi all voted yes.

Louie Bonaguidi, Mayor

ATTEST:

Alicia Palacios, Deputy City Clerk