

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, July 9, 2019.

The meeting was called to order by Mayor Jackie McKinney.

Upon roll call, the following were present:

Mayor:	Jackie McKinney
Councilors:	Allan Landavazo Yogash Kumar Fran Palochak
Absent:	Linda Garcia, Councilor
Also present:	Jon DeYoung, Assistant City Manager Curtis Hayes, City Attorney

Mayor McKinney said Councilor Garcia's absence shall be recorded as an excused absence.

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

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

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

1. Request for Street and Roadway Closures for the Gallup Inter-Tribal Indian Ceremonial Parades and 5K Run/Walk – Hilda Bowman, Gallup Inter-Tribal Indian Ceremonial

Ms. Bowman presented the request as well as an overview of the events. She answered questions regarding the request for the closure of Mendoza Road for the 5K Run/Walk to be held on August 3, 2019. Due to the increased participation at the 5K Run/Walk and for safety reasons, Ms. Bowman said this is the first year they are requesting full closure of the road.

Chief Franklin Boyd, Gallup Police Department, provided an overview of the services provided by the Police Department for the 5K Run/Walk. He also pointed out that part of the roadway is in the county. Mayor McKinney asked Ms. Bowman to request permission from the County to close Mendoza Road for the 5K Run/Walk.

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Discussion followed regarding the new route for the parades, including the newspaper and radio advertisements for advising the public about the new route and the reason for changing the route for the parades. The route and the event logistics for the 5K Run/Walk were also discussed

Councilor Palochak said she has participated in the 5K Run/Walk in the past and spoke in favor of the full closure of Mendoza Road for safety reasons.

Following discussion, Councilor Palochak made the motion to approve the request for street and roadway closures for the Gallup Inter-Tribal Indian Ceremonial Parades and 5K Run/Walk. Seconded by Councilor Landavazo. Roll call: Councilors Palochak, Landavazo, Kumar and Mayor McKinney all voted yes.

2. Request for a Budget Adjustment in the Amount of \$30,000 for Two Construction Projects – Eric Babcock, Interim Electric Director

Mr. Babcock presented the request for the \$30,000 budget adjustment from Fund 507. An additional \$1,500 is needed for the first project to remove and replace contaminated asphalt behind one of the utility buildings where electrical transformers were stored. \$25,000 is needed for the second project, which is currently unfunded, to construct a 20' x 20' containment area to hold out-of-service electrical transformers. The transformers will be placed in haz-mat bags and stored in the new containment area when the project is completed. An additional \$3,500 is needed for contingencies for the second project. Mr. Babcock answered questions regarding the parking lot where the contaminated asphalt is located and the City's plan to recycle old electrical transformers in the future.

Councilor Landavazo made the motion to approve the request for a budget adjustment in the amount of \$30,000 for two Electric Department construction projects as presented. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Kumar and Mayor McKinney all voted yes.

3. Ordinance No. C2019-7; Amendment to the Lodgers Tax Ordinance – Curtis Hayes, City Attorney

Mr. Hayes said the New Mexico Legislature amended the State's Lodgers Tax Act earlier this year to remove the lodgers tax exemption for premises having less than three rooms or three other units of accommodation. Previously, facilities such as short-term rentals (less than 30 days) with less than three rooms, were exempt from having to pay lodgers tax to a municipality or county. The proposed ordinance is based on the amendment to the State Lodgers Tax Act. The proposed ordinance would become effective on January 1, 2020 and would allow the City to begin imposing lodgers tax on facilities having less

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than three rooms or three other units of accommodation. Mr. Hayes also recommended that the City enter into an agreement with Airbnb to charge lodgers tax on behalf of the City in the future. Mr. Hayes and Clyde (C.B.) Strain, Planning and Development Director, answered questions regarding the enforcement of the City's ordinances pertaining to Airbnbs or short-term rentals in the city. They also provided information on property owners who are advertising their properties on websites for short-term rental claiming to rent their properties for a long period of time (more than 30 days) to avoid compliance with City regulations.

Councilor Landavazo made the motion to approve Ordinance No. C2019-7; Amendment to the Lodgers Tax Ordinance. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Kumar and Mayor McKinney all voted yes.

4. Approval of Contract with American Medical Response – Curtis Hayes, City Attorney

Mr. Hayes said the Gallup Fire Department serves as the backup ambulance service for Med-Star, which is now part of American Medical Response (AMR). Although the Fire Department does not need a license (referred to as a certificate of necessity) from the New Mexico Public Regulation Commission (PRC), it cannot get reimbursed from insurance providers without the certificate of necessity. The Fire Department has an application for a certificate of necessity pending with the PRC; however, AMR has offered to allow the Fire Department to operate under its license as a subcontractor and will take care of the billing process for a 20% fee. If the Fire Department were to obtain a certificate of necessity from the PRC, it would have to contract with a billing company and pay a similar fee. The proposed agreement also provides for AMR to reimburse the Fire Department for calls when a Fire Department EMT rides in a Med Star Ambulance while transporting a patient to the hospital. AMR would also reimburse the Fire Department a flat \$50 fee when the Fire Department responds to a call at Med-Star's request which does not result in a transport. Mr. Hayes responded to questions concerning the liability of both parties of the agreement.

Michael Hoffman, Assistant Chief, Gallup Fire Department, said both parties will work together as they have done in the past; however, the Fire Department will be able to get reimbursed for its services under the proposed agreement. Discussion followed regarding the practices of both parties in responding to calls for indigent care in which they may not get reimbursed.

Following discussion, Councilor Kumar made the motion to approve the contract with American Medical Response. Seconded by Councilor Palochak. Roll call: Councilors Kumar, Palochak, Landavazo and Mayor McKinney all voted yes.

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Presented to the Mayor and Councilors was the following Presentation and Information item:

1. Presentation: Plastic Bag Ordinance – Curtis Hayes, City Attorney

Mr. Hayes presented the results of a survey conducted through Survey Monkey to gather input from the community on whether to ban single use plastic bags. A copy of the survey questions and results are attached hereto, marked as Exhibit A and made a part of these official Minutes.

Discussion followed regarding the Mayor and Councilors' position on whether to ban single use plastic bags, whether to impose the use of heavier plastic bags or paper bags as an alternative, the public's ability to adapt to new regulations, the amount of the tax or fee to charge for the use of heavier plastic bags or paper bags if imposed, a recommendation to ban plastic straws, the Mayor's opposition to government mandates on the private sector, the problem with litter in the community and the need for public education to encourage people not to litter.

Chief Boyd answered questions regarding the enforcement of the City's ordinance prohibiting littering. Mayor McKinney instructed Chief Boyd to advise police officers to issue citations to those who litter.

Mayor McKinney asked the Councilors to contact the City Manager and City Attorney if they want to pursue an action item to ban single use plastic bags.

Comments by Public on Non-Agenda Items

Justin Benson said the Business Improvement District (BID) Ordinance requires the BID's Management Committee to submit an operation plan for the BID to the City Council within 120 days following the adoption of the ordinance last November. He asked the Mayor and Councilors to hold the BID accountable by requiring them to submit the operation plan as mandated by the Ordinance. Mayor McKinney asked Mr. DeYoung to advise the BID Board at their next meeting to comply with the requirements of the BID Ordinance and to submit the operation plan to the City Council.

Comments by Mayor and City Councilors

Councilor Palochak commented on the dedication of the ball fields in honor of David "Amos" Schmaltz last weekend and the beautiful artwork of the memorial which was done by Prentice Archuleta.

Councilor Landavazo commended the Solid Waste, Parks and Recreation and Public Works Departments for their work during the community cleanup on the east side of town

last weekend. He also commended City staff and local organizations for their work in hosting the Best of the Best Rodeo which was very successful. Councilor Landavazo advised Patty Holland, Chief Financial Officer, that a line item for contingency is needed in the budget for additional help at the rodeo due to the increased growth of the event.

Councilor Kumar said he hoped everyone enjoyed the Independence Day holiday and looks forward to the Wild Thing Bull Riding event this weekend.

Mayor McKinney commented on his invitation and attendance at the 50th Gallup High School reunion that was held recently. The reunion committee invited the Pink Flamingos from Albuquerque to their event as they function to promote the arts with the youth of the community. He provided information about the Pink Flamingos to Tammi Moe, Library Director, for a potential event to be held in the future. Mayor McKinney commented on the improvements made by Murphy Builders on the drainage at the southeastern portion of the golf course to correct problems with flooding which usually occurs during the monsoon season. He asked Matthew Alcala, Director of Golf, to have the piles of construction debris removed from the area near Hole #16. Mayor McKinney encouraged everyone to attend the Wild Thing Bull Riding event.

Comments by City Manager and City Attorney

At the request of Mr. DeYoung, Mr. Babcock provided information concerning a planned electrical outage to allow City crews to make improvements to the Mendoza substation. There will be one fifteen minute outage on July 22nd to bring the substation offline and to reroute power distribution. There will be another fifteen minute outage to bring the substation back online on July 23rd.

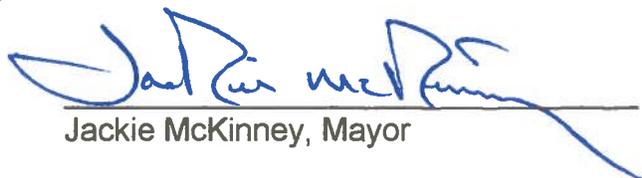
Mayor McKinney commented on the increased growth of the Best of the Best Rodeo and the impact the event has on the community.

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



ATTEST:

Alfred Abeita II, City Clerk



Jackie McKinney, Mayor

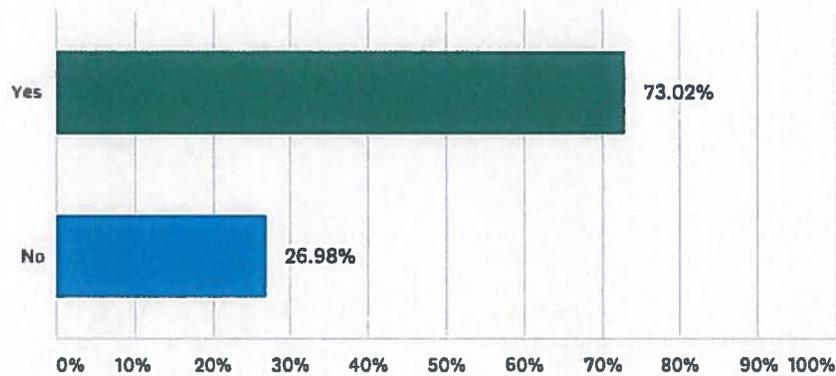
EXHIBIT A

Plastic Bag Ordinance

Q1 Some cities and the state of California have banned the use of single use high density polyethylene (HDPE) plastic bags by most businesses. Arguments in favor of such bans include: Plastic bags are a large portion of visible litter. Plastic bags are rarely recycled. Plastic bags are harmful to birds and marine life. The alternatives, such as heavy plastic or paper bags, cost only pennies more and are less likely to end up as litter.

Arguments against such bans include: Single use bags are recyclable. Plastic bags are less than 1% of landfill waste. While there is significant research showing harm to marine life, the research on the harm to birds is less conclusive. The alternatives are 2-15 times more expensive and they could also end up as litter. Should the City of Gallup institute a ban on the use of high density polyethylene (HDPE) for most businesses?

Answered: 126 Skipped: 0

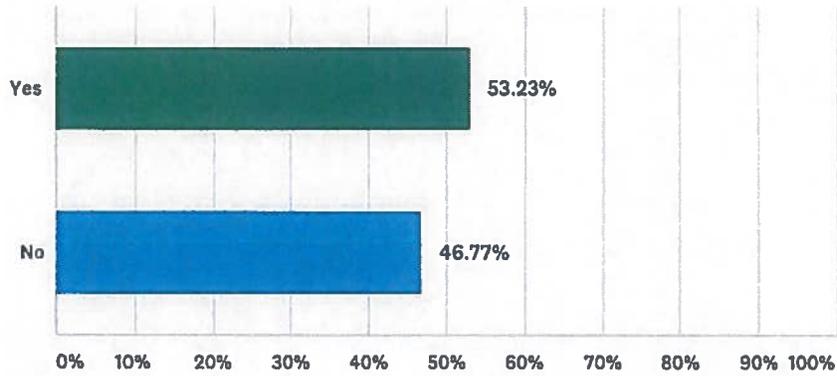


ANSWER CHOICES	RESPONSES	
Yes	73.02%	92
No	26.98%	34
Total Respondents: 126		

Plastic Bag Ordinance

Q2 Prior to imposing a state-wide ban on single use bags in 2016, California required that retailers with more than 10,000 square feet and a licensed pharmacy and supermarkets, take in single use bags for recycling. Should the City of Gallup require large retailers that use single use plastic bags to accept them for recycling rather than instituting a ban on single use plastic bags?

Answered: 124 Skipped: 2

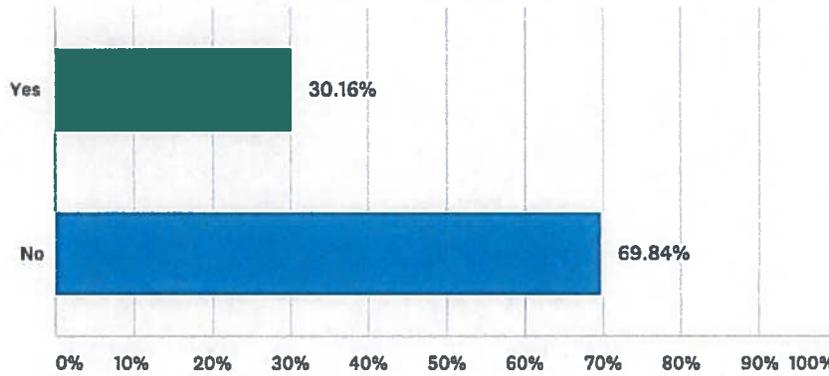


ANSWER CHOICES	RESPONSES	
Yes	53.23%	66
No	46.77%	58
TOTAL		124

Plastic Bag Ordinance

Q3 Single use “bioplastic” bags can be manufactured from starches or polylactic acid (PLA), often called “corn plastics” as corn is often used in their manufacture. Arguments in favor of using bioplastics instead of HDPE include: That they are manufactured using a renewable resource. They are compostable (however only in commercial composting landfills which are relatively uncommon). They are as harmful to birds and marine life. Arguments against their use include: That they are more expensive. That manufacturing process requires the use of energy produced by non-renewable resources. They are just as likely to end up as litter. Should the City of Gallup require large retailers that use single use bags to use “bioplastic” bags rather than HDPE plastic bags?

Answered: 126 Skipped: 0

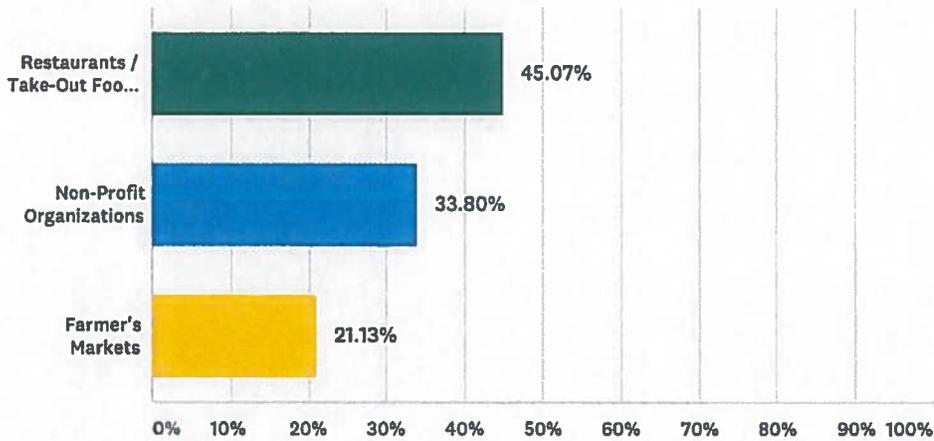


ANSWER CHOICES	RESPONSES	
Yes	30.16%	38
No	69.84%	88
TOTAL		126

Plastic Bag Ordinance

Q4 The bans that have be instituted in other parts of the country generally exempt some businesses from the ban. Common exemptions include: Businesses under a certain size based on either square footage or gross sales, restaurants, take-out food establishments, and farmers' markets and non-profit organizations.If the City of Gallup adopts a ban on single use plastic bags, which businesses, if any, should be exempt from the ban?

Answered: 71 Skipped: 55



ANSWER CHOICES	RESPONSES	
Restaurants / Take-Out Food Establishments	45.07%	32
Non-Profit Organizations	33.80%	24
Farmer's Markets	21.13%	15
TOTAL		71

Question 4: Showing 45 responses

▮

Reusable bags across the board.

No expemption

No exceptions!

no one should be exempt

none

None

grocery stores

Flea market

None - all should be required to use alternatives like paper.

No business unless we figure out how to recycle all to that place in SLC

Utah

No one should be exempt

All

Pharmacies, non-profits, farmer's markets

all should be included

No one should be exempt

None

none. no bags PERIOD!!!!

No exemptions. Ban plastic bags!

No exemptions

No exemptions

none

All of the above

Small businesses

Grocery stores

No exemptions

none

general mdse.

none

all. for the love of god please don't ban plastic bags.

none of them

All businesses should be enforced to recycle or not use HDPE bags

None, though non-profits should be able to reuse already existing plastic bags.

This ban is stupid. Don't require businesses to use a certain type of bag.

none

Small businesses

If you are going to exempt one organization, you should exempt them all. Why do we have to follow what some of the other cities in the country do? This is another way the California legislature are able to add another tax on its citizens under the fake feel good policy of I am saving the environment. How can this be good for the environment if some, but not all are following the rules. There is always someone more influential who will be exempt because of who they are or who they know while those of us who are the little guy will get to bear the burden for them.

Everyone

All of the above

Large retailers

Don't ban any plastic bags

All listed categories

All three of these.

No business should be exempt

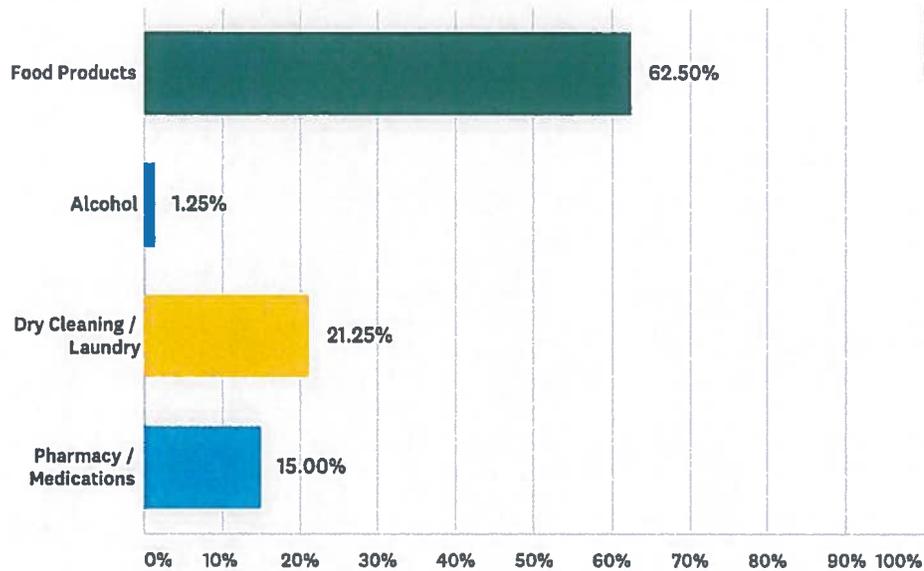
No business should be exempt

N/A

Plastic Bag Ordinance

Q5 The bans that have be instituted in other parts of the country generally exempt some products from the ban. Common exemptions include: Food products such as unwrapped produce and meats where the product touches the bag, dry cleaning and laundry, alcohol, medications, newspapers, phone books, other “door hanger” items. If the City of Gallup adopts a ban on single use plastic bags, which products, if any, should be exempt from the ban?

Answered: 80 Skipped: 46



ANSWER CHOICES	RESPONSES	
Food Products	62.50%	50
Alcohol	1.25%	1
Dry Cleaning / Laundry	21.25%	17
Pharmacy / Medications	15.00%	12
TOTAL		80

Question 5: Showing 41 responses

▣

America did quiet well with out plastics.

None

None

And Dry Cleaning/Laundry

None

For things like raw meat or ice, not necessarily all food products.

NONE, we are out of time to truly do something for the present and future

No one should be exempt

None

All

dry cleaning, food products

None

all should be included

No one should be exempt

None. Eradicate ALL !!!

None

I'm not sure about this.

newspapers

none

none

All above

Why ban bags, why not ban all the trash thrown on the roads like beer cartons!

No exemptions

none

no ban

none

all

none of them

none

ALL

none

Why can't I choose more than one option on this question?

Restraunt

Exempt them all. If you exempt some, but not all products, we will have to have a long, confusing list of what will and what will not be allowed. There should not be a ban on these plastics, period. When you decide to add an additional cost for using the bags that are allowed, we are being punished twice. We have to pay for those who are exempt because of who they are. What about those who can little afford food, much a bag to carry it in? You will tax the business who will pass it on to us. Cloth bags will cause illness. Not everyone washes their shopping bags after every use. We were asked (told) a few years ago to stop using paper, it will save the trees. Now we have to stop using plastic, it will save the birds. When will we start caring about the PEOPLE? If you charge a tax and it goes to the city, what will you do with it?

Meat only

All

All of the above

Don't turn us into California

All of these.

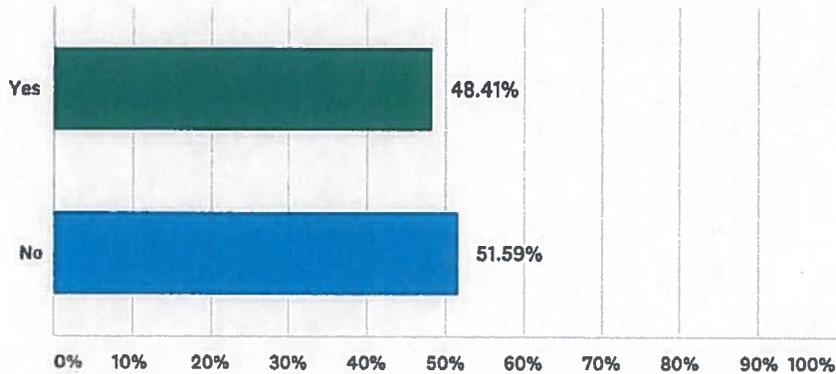
None of these should be exempt

n/a

Plastic Bag Ordinance

Q6 Some cities that have adopted a ban have also instituted a fee system whereby customers of certain businesses are charged a fee, most commonly \$0.10. Arguments in favor of such a fee include: It encourages use of customer provided bags. It offsets additional cost to merchants to use heavier plastic bags or paper bags. Additional cost to customers is minimal and SNAP/WIC customers can be exempted. There is very little research that shows any negative health consequences associated with reusable bags and washing eliminates the germs. Arguments against fee systems include: It discriminates against the poor. Research shows that reusable bags are germ laden. It adds administrative burden to merchants to track the fee. It is slower for checkout personnel to use customer provided bags. If the City of Gallup adopts a ban on single use plastic bags, should it also adopt a fee system whereby certain business would be required to charge a fee to the customer for a bag or container that is supplied by the business?

Answered: 126 Skipped: 0

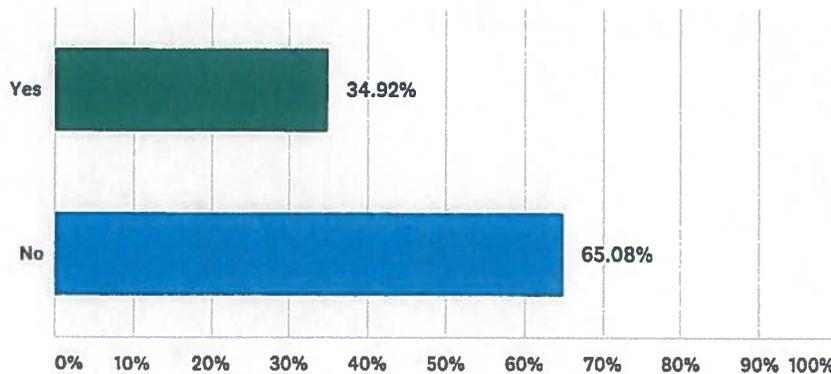


ANSWER CHOICES	RESPONSES	
Yes	48.41%	61
No	51.59%	65
TOTAL		126

Plastic Bag Ordinance

Q7 A few cities that have adopted a fee system have the fee that is collected from customers go to the city rather than the merchant. It is essentially a tax on the use of merchant provided bags. The arguments for and against such a tax include the arguments for and against a fee system where the merchant keeps the fee. An additional argument for a tax on merchant provided bags is that the city can use the money to provide free reusable bags to consumers and for other anti-litter and recycling efforts. An additional argument against a tax on merchant provided bags is that it is raising taxes and that business are bearing the additional cost of providing alternative types of bags to customers. If the City of Gallup adopts a ban on single use plastic bags, should it also adopt a tax whereby certain business would be required to charge a tax to the customer for a bag or container that is supplied by the business?

Answered: 126 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	34.92%	44
No	65.08%	82
TOTAL		126