

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 23, 2019.

The Meeting was called to order by Mayor 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

Presented to the Mayor and Councilors for their approval were the minutes of the Regular Meeting of July 9, 2019.

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

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

1. Public Hearing Regarding Transfer of Ownership of Liquor License 0330 Held by El Rancho Hotel, Inc. – Curtis Hays, City Attorney

Mr. Hayes explained the same corporation will continue to hold the license, however, there have been some changes to the stockholders. He also presented the information relative to conducting the public hearing on the proposed transfer of ownership of the license. He said the current location does not violate the distance requirements under the State Liquor Control Act and City Ordinance and the only criteria the Mayor and Councilors could disapprove the transfer of the license is if the proposed license transfer would be detrimental to the public health, safety or morals of the residents of the Local Option District.

Amelia Ortega-Crowther was duly sworn and said her father purchased the license in 1989 and has owned it ever since. The change in ownership consists of two family members to be removed and one younger family member will be added as well as one business partner. 70% of the corporation is owned by previous owners, while 20% will be owned by the new member and 10% will be owned by the business partner, therefore, 90% of the corporation will continue to be owned by the Ortega Family. Ms.

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Ortega-Crowther said the restaurant and bar now have a full time manager, while she is the resident agent for the license. She recommended approval of the license transfer so that they can continue to operate the business and the community can continue to utilize the available amenities.

Councilor Kumar made the motion to approve transfer of ownership of Liquor License #0330 held by El Rancho Hotel Inc. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Palochak, Landavazo and Mayor McKinney all voted yes.

2. City of Gallup MOU with Gallup Inter-Tribal Indian Ceremonial for FY20 – Maryann Ustick, City Manager

Ms. Ustick provided information regarding the State of New Mexico Tourism Department and the contract with McKinley County to ensure certain information is provided with regards to funding provided by the Department of Tourism to the Ceremonial. In addition, McKinley County is also executing an MOU mirroring the State contract. Ms. Ustick said the proposed MOU reflects that of the State and County requirements with the addition of ten high resolution photographs for marketing of the event. She clarified the current amount of approximately \$55,000 and the MOU amount of “up to \$65,000,” is to avoid having to bring it back to Mayor and Councilors for minor changes in the amount.

On behalf of Dudley Byerley, Ceremonial Board President, Ms. Ustick recommended a parking fee waiver to be included in the agreement although parking fees are not currently being collected.

Mr. Byerley introduced Kyle Tom, who will succeed Mr. Byerley effective August 12, 2019. He also said he will continue to work with Mr. Tom through the 2019 Ceremonial due to the 2018 audit currently in progress as well as the upcoming 2019 audit. He also thanked the City for their continued support.

The Mayor and Councilors commended Mr. Byerley for all he has done within the organization.

A brief discussion followed regarding the future of the Ceremonial Association including the hiring of a full-time director, the performers' quarters and Mr. Byerley's continued efforts in working with the Ceremonial.

Mr. Tom thanked the Mayor and Councilors for their support and provided clarification on an amendment made to the parade route, in which the parade will switch directions, going clockwise rather than counter-clockwise to follow Native Cultures. Ben Welch, Events Coordinator, stated the changes were reviewed and cleared at a public safety meeting.

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Councilor Palochak made the motion to approve the City of Gallup MOU with the Gallup Inter-Tribal Indian Ceremonial for FY 20. Seconded by Councilor Kumar. Roll call: Councilors Palochak, Kumar, Landavazo, Garcia and Mayor McKinney all voted yes.

3. Approval of FY 20 Lodger's Tax Grants- Part 2 of 5 – Jennifer Lazarz, Tourism and Marketing Manager

Ms. Lazarz presented the recommendations of the Lodger's Tax Committee for lodger's tax funding based on the requested amounts of the remaining \$103,263.02 in un-allocated grant funds, pending the Mayor and Councilors approval, as follows:

Recommended Part 2 of 5

Red Rock Balloon Rally	\$37,500
Friends of Hubbell Spring Auction	\$4,100
Arizona Inter-Scholastic Cycling League	\$5,000
24 Hours in the Enchanted Forest	\$6,300

Discussion followed regarding the proposed funding for the Arizona Inter-Scholastic and concerns with the event taking place outside of Gallup. The reduction of funds granted to the 24 Hours in the Enchanted Forest was also discussed.

Councilor Garcia expressed her support of the Arizona Inter-Scholastic Cycling League based on a meeting she had with the event organizer and plans he has for creating a local league.

Mayor McKinney commented on the event organizer's intent on having an event in the City and the potential for granting lodger's tax funding at that time and the revenue gained from the Enchanted Forest event.

Councilor Landavazo recommended an impact study on the 24 Hours in the Enchanted Forest event.

Councilor Landavazo made the motion to approve FY 20 Lodger's Tax Grants, Part 2 of 5, with the exception of the proposed funding of \$5,000 for the Arizona Inter-Scholastic Cycling League and to include the Red Rock Balloon Rally, Friends of Hubbell Spring Auction and 24 Hours in the Enchanted Forest. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak and Mayor McKinney voted yes. Councilor Kumar abstained. Councilor Garcia voted no. Motion carried.

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4. Certification of the Results of the Initiative Petition Submitted Regarding a Proposed Measure to Provide a Dual Stream Curbside Recycling Program – Alfred Abeita, City Clerk

In accordance with the City Charter, Mr. Abeita presented the results of the examination of the petition, which required 1,145 signatures by qualified voters for a sufficient petition. 616 signatures were determined as being valid, leaving 529 signatures short of the required amount.

Mr. Abeita said in accordance with the City Charter, the City Clerk shall certify the result of the examination of the petition to City Council and also allows the committee to amend the petition by filing a supplementary petition containing the additional signatures within 10 days, following the notification.

Brief discussion followed regarding the deadline for additional signatures and what happens to the petition if the amount is not met within the 10 days.

Councilor Palochak made the motion to approve certification of the results of the initiative petition submitted regarding a proposed measure to provide a dual stream curbside recycling program. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Landavazo, Kumar and Mayor McKinney all voted yes.

5. Resolution No. R2019-32; Designating Polling Locations for Municipal Officer Election Day – Alfred Abeita, City Clerk

In accordance with the Local Election Act, Mr. Abeita presented the proposed resolution allowing the governing body to act as the Board of County Commissioners in setting polling places and consolidating precincts for the Municipal Officer Election to be held on Tuesday, March 3, 2020. Mr. Abeita recommended the following locations as voter convenience centers for the election:

- South Side Fire Station No. 1, 1800 S. Second Street;
- North Side Fire Station No. 2, 911 West Lincoln Avenue;
- East Side Fire Station No. 3, 3700 Church Rock Street;
- West Side Fire Station No. 4, 707 Rico Street;
- Larry Brian Mitchell Recreation Center, 700 Joseph M. Montoya Boulevard and
- McKinley County Courthouse, 207 W. Hill Avenue

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Mr. Abeita mentioned the use of Harold Runnels Athletic Complex as a polling location in the past, however, due to better parking and accessibility, he recommended the use of Larry Brian Mitchell Recreation Center.

Brief discussion followed regarding the option of voting at any one of the locations and not being restricted to a specific polling location, the use of the ballot on demand system and the use of City Hall for early voting.

Councilor Garcia made the motion to approve Resolution No. R2019-32, Designating Polling Locations for Municipal Officer Election Day. Seconded by Councilor Kumar. Roll call: Councilors Garcia, Kumar, Palochak, Landavazo and Mayor McKinney all voted yes.

6. Resolution No. R2019-34; Opposing the Secretary of State's Proposed Rule on Runoff Elections – Curtis Hays, City Attorney and Alfred Abeita, City Clerk

Mayor McKinney stated that although the item is listed as a presentation it is in fact an action item.

Mr. Hayes presented the Secretary of State's proposed rule regarding run-off elections, requiring a run-off election if no single candidate receives at least 50% of the votes. Due to discrepancies within the Statute and the City Charter which requires 40% plus one vote for a candidate to win, Mr. Hayes recommended approval of the resolution to express opposition to the Secretary of State's proposed rule.

Councilor Kumar made the motion to approve Resolution No. R2019-34, Opposing the Secretary of State's Proposed Rule on Run-off Elections. Seconded by Councilor Palochak. Roll call: Councilors Kumar, Palochak, Landavazo, Garcia and Mayor McKinney all voted yes.

7. Ordinance No. C2019-8; Amendments to the Business Registration Fee Ordinance – Curtis Hays, City Attorney

Mr. Hayes explained the current procedures when registering a business as well as failing to register. He explained amending the ordinance would mandate that a review by staff be completed as part of the process, would provide a simpler enforcement procedure by filing a complaint in Municipal Court and would require non-profit organizations to register while remaining exempt from the registration fee.

Councilor Landavazo made the motion to approve Ordinance No. C2019-8, Amending the Business Registration Fee Ordinance. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Kumar, Garcia and Mayor McKinney all voted yes.

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8. Resolution No. R2019-33; Concerning Animal Control Fees – Curtis Hayes, City Attorney

According to the Animal Control Ordinances with the City and the County, all fees charged must be approved by City Council and the County Commission. Mr. Hayes presented the proposed Resolution establishing impound fees and fees for licenses, permits and services at Gallup-Metro Animal Control which are identical to a resolution adopted by Council in 2013 with the exception of an increase for livestock impound fees from \$50 to \$150 and a \$100 after-hours' charge.

Mayor McKinney commented on the extensive charges when handling large animals.

Councilor Palochak made the motion to approve Resolution No. R2019-33, Concerning Animal Control Fees. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Landavazo, Kumar and Mayor McKinney all voted yes.

9. Best of the Best Rodeo 2019 Budget Adjustment – Patty Holland, Chief Financial Officer

Ms. Holland presented the proposed budget adjustment of \$48,992 to finish processing contestant fees and bills received as of this date and an additional \$10,000 for bills that have not yet been received, totaling \$58,992. Ms. Holland requested a total cash transfer of \$117,616 to allow payment of outstanding invoices and contestant winnings.

Discussion followed regarding the growth of the event, the increase in expenses and revenues, the project's potential close-out date of September 1 and the \$13,000 in contestant pay-outs pending approval of the adjustment.

Mayor McKinney mentioned one of the largest rodeo magazines containing 3 article reviews about the Best of the Best encouraging more youth to participate, the capacity of the event and the decisions that will need to be made upon completion of this year's financial reports to accommodate the event's growth.

Councilor Kumar commented on the significant increase in hotel occupancy through the duration of the event.

A brief discussion followed regarding the number of contestants and entries and the estimated refund amount for RV spaces and horse stalls.

Councilor Landavazo made the motion to approve the Best of the Best Rodeo 2019 Budget Adjustment. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Kumar, Garcia and Mayor McKinney all voted yes.

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10. Resolution No. R2019-31; 4th Quarterly FY 2019 Budget Adjustments and Report of Actuals – Patty Holland, Chief Financial Officer

Ms. Holland presented the proposed Resolution encompassing all budget changes processed January 1, 2019 through June 30, 2019 and provided an overview of budget adjustments and Report of Actuals for the Quarter. Also included, is a new Department of Finance Association (DFA) reporting system, Local Government Budget Management System (LGBMS) which ensures no line item is over expended.

Discussion followed regarding the rollover amount from projects not completed by June 2019 and the impact the budget adjustment has on the General Fund and Reserves.

Councilor Kumar made the motion to approve Resolution No. R2019-31, 4th Quarter FY2019 Budget Adjustment and Report of Actuals. Seconded by Councilor Landavazo. Roll call: Councilors Kumar, Landavazo, Palochak, Garcia and Mayor McKinney all voted yes.

11. Approval of Contract for Shared Cost of Communications Conduit for Alley Project – Brian Archuleta, Technology Services Director

Mr. Archuleta said as part of the alley beautification project, the City of Gallup has requested all entities, including the City of Gallup, CenturyLink; Comcast and Sacred Wind, move their communication lines from the electrical poles between Aztec Avenue and Coal Avenue, underground. All entities agreed to move the lines underground from 1st Street to 5th Street and to pay an equal cost share of the project. The estimated construction cost, provided by Comcast, is \$75,000; estimated material cost is \$25,000 and the estimated New Mexico Gross Receipts Tax (NMGRT) is \$6,726 totaling \$106,726 of the total cost share. The projected start date is August 1, 2019 and an estimated completion date of November 1, 2019.

Mr. Archuleta clarified the requested amount is 25% of the total project and is the City's share of the project, however, it was budgeted for as part of Phase 1 of the Alleyway Project.

Councilor Garcia made the motion to approve the Contract for Shared Cost of Communication Conduit for Alley Project. Seconded by Councilor Palochak. Roll call: Councilors Garcia, Palochak, Landavazo, Kumar and Mayor McKinney all voted yes.

12. Budget Adjustment for Utility Asset Management Plan – Dennis Romero, Water and Sanitation Director

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Mr. Romero presented the proposed budget adjustment in the amount of \$20,000 per the Settlement Agreement with CDM Smith Inc. for failure to fulfill contractual obligations. Mr. Romero recommended approval of the adjustment in order to purchase Asset Management Software. He also explained plans to self-perform the work along with the Electric Department and provided details pertaining to the efforts made so far as well as plans to complete the first draft by the end of the year.

Councilor Palochak made the motion to approve budget adjustment for the Utility Asset Management Plan. Seconded by Councilor Landavazo. Roll call: Councilors Palochak, Landavazo, Kumar, Garcia and Mayor McKinney all voted yes.

The following Presentation and Information Item was presented to the Mayor and Councilors:

1. Indigenous Peoples Commission Update – Emerson Toledo, Commission Chairman

Mr. Toledo provided an update including efforts the Commission has made to gather information from the community. In doing so, the Commission found the main concerns of those they spoke to were issues with addiction, family values, community activities, public health, exploitation of native artisans, community beautification, the Liquor Excise Tax and how funds are spent, Community Centers, Information Centers, Domestic Violence, effects of the uranium mine spill, the degradation of human interaction and the importance of collaborating with the Navajo Nation.

The Councilors thanked Mr. Toledo and the commission members for their efforts in gathering information from the community and expressed the importance of working together to provide feedback.

Mayor McKinney provided feedback to some of the concerns listed, requested a meeting to go over the issues and his plans to attend the next meeting to provide available updates to the Commission.

Debra Martinez, Behavioral Health Investment Zone Manager, announced the next Indigenous Peoples Commission meeting will be held on August 15, 2019 and said she will provide the agenda to Mayor and Councilors when it becomes available. She also introduced Virginia Ballenger, Commission Member, who was in attendance.

Mayor McKinney also expressed his appreciation to Ms. Ballenger and Anna Rondon for their invaluable input and attendance at the commission meetings. Ms. Rondon had questions regarding grant funding, the Social Justice Institute and the potential of working with the City.

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Comments By The Public On Non-Agenda Items

Ray Reitzel addressed the Mayor and Councilors regarding teen suicide and his desire to host a community prayer event on Boardman Drive but has run into issues securing an approved location. Mayor McKinney advised Mr. Reitzel to schedule a meeting with him to work the logistics out.

Mr. Mervyn Tilden commented on the hospital being a top priority, the commemoration of the uranium spill in 1979 and reports from a survey he previously sent to Mayor and Councilors regarding important community issues. He also announced a meeting with McKinley County scheduled for today was rescheduled for August 30, 2019.

Mayor McKinney confirmed he reviews all information submitted by Mr. Tilden.

Comments By Mayor and City Councilors

Councilor Landavazo said Wild Thing Championship Bull Riding Event, which was held at Red Rock Park, had an enormous turn-out. He praised Vince Alonzo, Parks and Recreation Director and his staff for the park maintenance and encouraged everyone to keep building, doing good things and working towards Gallup.

Councilor Kumar commented on the Wild Thing Rodeo and the success of the event.

Councilor Garcia announced her neighborhood meeting will be held at the Northside Senior Center on Thursday, July 25, 2019 at 6:30 p.m. Her guest will be Stan Henderson, Public Works Director, who will conduct a public hearing on the City's Infrastructure Capital Improvement Plan (ICIP).

Mayor McKinney commented on the number of events in the community, including his attendance of the Swearing in Ceremony of Senator Sharon Pinto, who was selected by the Governor to replace her grandfather, Senator John Pinto.

Comments By City Manager and City Attorney

Curtis Hayes, City Attorney, provided an update regarding a denied liquor license application involving Ace Athens, LLC. Unfortunately, the decision was overturned by Santa Fe District Court, however, the City of Gallup and the State of New Mexico filed a petition asking the Court of Appeals to hear the appeal, which was granted earlier in the day.

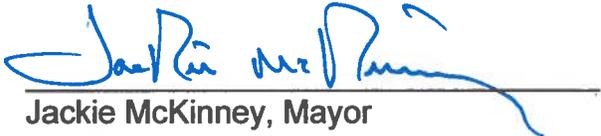
Ms. Ustick stated the interim improvements at the Fitness Center are coming to a close, however, the center will need to close from August 5 thru August 11, 2019. She will look into the matter of whether Fitness Center members may use other City facilities during that time frame.

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


Jackie McKinney, Mayor

ATTEST:


Alicia Palacios, Deputy City Clerk

Approved 8/13/2019