

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 24, 2017.

The meeting was called to order by Mayor Pro Tempore Allan Landavazo.

Upon roll call, the following were present:

Mayor Pro Tempore	Allan Landavazo
Councilors:	Linda Garcia Yogash Kumar Fran Palochak
Absent:	Jackie McKinney, Mayor
Also present:	Maryann Ustick, City Manager George Kozeliski, City Attorney

Mayor Pro Tem Landavazo said Mayor McKinney's absence shall be recorded as an excused absence.

Presented to the Mayor Pro Tem and Councilors was the Minutes of the Regular Meeting of January 10, 2017.

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

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

1. **Public Hearing:** Proposed Issuance of a Restaurant (Beer & Wine) License to JJSST, LLC d/b/a Coal Street Pub, 303 West Coal; Gallup, New Mexico – George Kozeliski, City Attorney

Mr. Kozeliski presented the information relative to conducting the public hearing on the proposed issuance of the restaurant license. The business had a restaurant license under the previous ownership and the new owners, JJSST, LLC, have applied to the State for a new restaurant license. The only criteria the Mayor Pro Tem and Councilors could disapprove the issuance of the license is if the issuance of the license would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the Mayor Pro Tem and Councilors on public health, safety or morals must be based on evidence pertaining to the specific applicant and location.

Mayor Pro Tem Landavazo asked if there was anyone present to speak on behalf of the

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new owners of Coal Street Pub. Jay Mason, Attorney at Law, said he represents Jayson Gomez of JJSST, LLC and will speak on behalf of his client if necessary.

Mayor Pro Tem Landavazo asked if there was anyone present to speak in favor of the issuance of the license. There was none.

Mayor Pro Tem Landavazo asked if there was anyone present to speak against the issuance of the license. There was none.

Councilor Kumar made the motion to approve the issuance of a restaurant license to JJSST, LLC d/b/a Coal Street Pub, 303 West Coal, Gallup, New Mexico. Seconded by Councilor Palochak. Roll call: Councilors Kumar, Palochak, Garcia and Mayor Pro Tem Landavazo voted yes.

2. Request for In-Kind Assistance with UNM-Gallup's Fundraising Efforts for Improvements to UNM-Gallup Lion's Hall – Ralph Richards, Chairman, UNM-Gallup Local Board

Mr. Richards presented an overview of the capital campaign to raise funds for rebuilding the UNM-Gallup Lion's Hall to expand the Middle College High School Program. He asked for a waiver of the \$2,200 fee for use of Red Rock Park for the Hoedown Celebration, which is one of the fund raising events for the campaign. Mr. Richards introduced Olin Kieyoomia, one of the members of the UNM-Gallup Local Board, who was also in attendance. Mr. Richards also answered questions concerning the capital campaign and the amount of funds required for the building improvements.

Councilor Palochak made the motion to waive the \$2,200 fee for use of Red Rock Park for the Hoedown Celebration scheduled for April 28, 2017. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar and Mayor Pro Tem Landavazo all voted yes.

3. Request for Street Closures for the Do or Dye Fun Run to be Held on Sunday, May 7, 2017 – Michaela Henry, UNM-Gallup

Ms. Henry provided a summary of the fun run which will be held in connection with the fund raising efforts for improving the UNM-Gallup Lion's Hall. The route for the fun run will be in the downtown area and will consist of participants being sprayed with colored corn meal during the run. Ms. Henry answered questions concerning advertising for the event, the route of the fun run and the cleanup of the dye following the event.

Councilor Kumar asked if there were lodger's tax funds available for advertising the

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event. Ms. Ustick said she will contact the City's Tourism and Marketing Manager regarding the possibility of providing lodger's tax funds for advertising the event.

Councilor Kumar made the motion to approve the request for street closures for the Do or Dye Fun Run to be held on Sunday, May 7, 2017. Seconded by Councilor Palochak. Roll call: Councilors Kumar, Palochak, Garcia and Mayor Pro Tem Landavazo all voted yes.

4. Ordinance No. S2017-3; Vacation of a Portion of the Barbara Avenue and Truman Street Rights-of-Way – Clyde Strain, Planning and Development Director

Mr. Strain said Viro Corporation, property owner, has petitioned the City with a request for vacation of a portion of unimproved rights-of-way known as Barbara Avenue and Truman Street. Both Barbara Avenue and Truman Street were dedicated by a street dedication in 1962; however, the streets were never improved and have remained vacant since being dedicated. The property is currently for sale and the potential buyer is requesting vacation of the rights-of-way to allow for commercial development of the property. Under the proposed vacation, there are existing electrical utilities and drainage within the rights-of-way; however, public utilities and drainage easements will be dedicated to allow the City to maintain the infrastructure. The proposed vacation will also relieve the property owner from utility, street or pedestrian infrastructure improvements. The Planning and Zoning Commission has reviewed the proposed request for vacation and they send a positive recommendation for approval to the City Council. Mr. Strain answered questions regarding the public hearing that was held at the Planning and Zoning Commission Meeting on the proposed request for vacation, the comments submitted by the Gallup Task Force on the vacation request and the electrical lines that are located on the property.

Stan Henderson, Public Works Director, answered questions concerning the proposed improvements within the drainage easement that will be dedicated.

Councilor Kumar made the motion to approve Ordinance No. S2017-3. Seconded by Councilor Palochak. Roll call: Councilors Kumar, Palochak, Garcia and Mayor Pro Tem Landavazo all voted yes.

5. Resolution No. R2017-3; A Resolution Supporting a Road Safety Assessment for the Area of Second Street, Third Street and NM Highway 118 by the New Mexico Department of Transportation – George Kozeliski, City Attorney

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Mr. Kozeliski said the New Mexico Department of Transportation requires a resolution of support for the road safety assessment for the Second Street and Third Street railroad crossings. The study will help determine if the closure of the Third Street crossing is required while converting the Second Street crossing into a two-way street for the implementation of the proposed quiet zone. In addition to the proposed resolution, Mr. Kozeliski also said the State will need to find funding for the study, which is expected to cost about \$100,000.

Councilor Garcia spoke in opposition of the proposed resolution. Although she supports the implementation of a quiet zone, she said her constituents oppose the closure of the Third Street crossing due to the volume of traffic that exists in the area.

Councilor Kumar said he supports the road safety assessment to determine the possibilities for the subject area.

Councilor Palochak said she has received many complaints from constituents regarding the disruptive train noises. She said many are in favor of the proposed quiet zone and asked if the wording expressing support of the closure of one of the crossings could be changed in the resolution. Mr. Kozeliski said he originally omitted the language expressing support of closing one of the railroad crossings; however, the NMDOT prescribed certain language for the resolution. Councilor Palochak said the proposed assessment will help determine if the quiet zone is feasible. Ms. Ustick said the extensive safety audit may include recommendations for safety enhancements other than implementing the quiet zone and the proposed resolution does not bind the City to close a railroad crossing.

Mayor Pro Tem Landavazo said he agreed with the comments expressed by Councilors Kumar and Palochak that the road safety assessment is only a study to determine the feasibility of the quiet zone and does not bind the City to close the Third Street crossing. He also said the Metropolitan Redevelopment District has to be considered in the decision making process if the closure of a railroad crossing is ever be considered.

Discussion followed concerning the possibility of changing the wording in the proposed resolution and the language in the resolution that was requested by the NMDOT.

Councilor Palochak made the motion to approve Resolution No. R2017-3. Seconded by Councilor Kumar. Roll call: Councilors Palochak, Kumar and Mayor Pro Tem Landavazo all voted yes. Councilor Garcia voted no. Motion carried.

6. Resolution No. R2017-2; 2<sup>nd</sup> Quarter Fiscal Year 2017 Budget Adjustments and Report of Actuals – Patty Holland, Chief Financial Officer

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Ms. Holland presented the proposed resolution which encompasses all budget changes processed October 1, 2016 through December 31, 2016. She provided an overview of the budget adjustments as well as the Report of Actuals for the quarter.

Councilor Kumar made the motion to approve Resolution No. R2017-2. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Palochak and Mayor Pro Tem Landavazo all voted yes.

7. Resolution No. R2017-4; 2017 Community Development Block Grant (CDBG) Residential Anti-Displacement and Relocation Assistance Plan – Stan Henderson, Public Works Director

Mr. Henderson said when federal funds, such as CDBG funds are used in a project involving the acquisition, rehabilitation, or demolition of real property, the Uniform Relocation Assistance and Real Properties Acquisition Policies Act (URA) may apply. The purpose of the URA is to provide fair and equitable treatment for persons whose real property is acquired or for persons displaced as a result of a CDBG funded project or activity. The proposed resolution and Residential Anti-Displacement and Relocation Assistance Plan must be adopted on an annual basis regardless of whether the City is undertaking relocation activities.

Discussion followed concerning the City's utilization of its Residential Anti-Displacement and Relocation Assistance Plan when CDBG funds were used on a repair project on private property several years ago.

Councilor Garcia made the motion to approve Resolution No. R2017-4. Seconded by Councilor Palochak. Roll call: Councilors Garcia, Palochak, Kumar and Mayor Pro Tem Landavazo all voted yes.

8. Resolution No. R2017-5; 2017 CDBG Citizens Participation Plan – Stan Henderson, Public Works Director

Mr. Henderson said a Citizen Participation Plan is a federal requirement for grantees receiving CDBG funds. The Citizen Participation Plan states that citizens will be provided with reasonable notice and timely access to local meetings to solicit their input and project ideas for the CDBG program. The proposed Resolution and Citizen Participation Plan must be adopted on an annual basis for CDBG projects.

Councilor Palochak made the motion to approve Resolution No. R2017-5. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar and Mayor Pro Tem Landavazo all voted yes.

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9. 2017 CDBG Fair Housing Proclamation – Stan Henderson, Public Works Director

Mr. Henderson said as a requirement for CDBG funding, each local government must annually certify that it will affirmatively further fair housing. He presented the proposed Fair Housing Proclamation which publicizes the City's commitment to fair housing and proclaims Tuesday, February 21, 2017 as Fair Housing Day in Gallup.

Councilor Garcia made the motion to approve the 2017 CDBG Fair Housing Proclamation. Seconded by Councilor Kumar. Roll call: Councilors Garcia, Kumar, Palochak and Mayor Pro Tem Landavazo all voted yes.

10. Resolution No. R2017-6; 2017 CDBG Housing and Urban Development (HUD) Section 3 Plan – Stan Henderson, Public Works Director

Mr. Henderson said Section 3 is a provision of the Housing and Urban Development (HUD) Act of 1968 that helps foster local economic development, neighborhood economic improvement and individual self-sufficiency. The program requires recipients of certain HUD financial assistance such as CDBG funds, to provide job training, employment and contracting opportunities for low or very low income residents in connection with projects and activities in their community to the greatest extent feasible. The proposed Resolution and HUD Section 3 Plan must be adopted on an annual basis for CDBG projects.

Councilor Palochak made the motion to approve Resolution No. R2017-6. Seconded by Councilor Kumar. Roll call: Councilors Palochak, Kumar, Garcia and Mayor Pro Tem Landavazo all voted yes.

11. Resolution No. R2017-7; 2017 CDBG Procurement Policy Adoption – Stan Henderson, Public Works Director

Mr. Henderson said the New Mexico Department of Finance and Administration requires the City to annually adopt a procurement policy for CDBG projects. The proposed resolution would certify the City's compliance with the Federal and New Mexico Procurement Codes.

Councilor Kumar made the motion to approve Resolution No. R2017-7. Seconded by Councilor Palochak. Roll call: Councilors Kumar, Palochak, Garcia and Mayor Pro Tem Landavazo all voted yes.

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### 12. Appointment of Precinct Officials for the March 14, 2017 Regular Municipal Election – Alfred Abeita, City Clerk

Mr. Abeita presented the names of qualified electors of the City to serve as precinct officials for the upcoming special election. The proposed precinct officials are experienced individuals that have worked various elections in the past and will be required to attend election training which is tentatively scheduled for March 9, 2017. The total costs for the compensation of precinct officials will be \$6,652.00.

Councilor Palochak made the motion to approve the appointment of precinct officials for the March 14, 2017 Regular Municipal Election as presented. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar and Mayor Pro Tem Landavazo all voted yes.

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

#### 1. Quarterly Film Liaison Activity Report – Lisa Rodriguez

Ms. Rodriguez provided an overview of her activities during the past quarter, including the recent production of *Continental Divide* at Red Rock Park, the forums she attended during the New Mexico Film and Media Conference in Albuquerque, plans to create a blog for local film productions, marketing Gallup as a film destination by the Chamber of Commerce and the proposed filming of a documentary for the Gallup Inter-Tribal Indian Ceremonial for its 100 year anniversary.

Discussion followed concerning the need to obtain economic impact data from film production crews.

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

None.

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

Councilor Kumar said Gallup-McKinley County Day at the Legislature will held on February 9, 2017.

Councilor Garcia said she will hold a Neighborhood Meeting on Thursday, January 26, 2017 at 6:30 p.m. at the Northside Senior Center.

Mayor Pro Tem Landavazo shared his experience in meeting a taxicab driver from Afghanistan during a recent trip. The individual said he was grateful for being able to

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work in America because his county is in an impoverished condition. Mayor Pro Tem Landavazo also read a Proclamation declaring the week of January 22-28, 2017 as Gallup-McKinley County Public School Week. Mayor Pro Tem Landavazo thanked all of the City's employees for the work they do.

**Comments by City Manager and City Attorney**

Ms. Ustick said the reception for the Gallup-McKinley County Day at the Legislature will be held at 6:00 p.m. at the El Dorado Hotel in Santa Fe. Ms. Ustick said the City received the New Mexico Water and Wastewater Association's Most Improved Facility Award for the Yah-ta-hey Pump Station. The Notice to Proceed for the Fifth Street Waterline Replacement Project will be issued on February 6, 2017.

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

  
Mayor Jackie McKinney

ATTEST:

  
Alfred Abeita II, City Clerk

Approved 2/14/2017