

Minutes of the Regular Meeting of the Gallup City Council, City of Gallup, New Mexico, held in the Council Chambers at City Hall, 110 West Aztec, at 6:00 p.m. on Tuesday, June 26, 2012.

The meeting was called to order by Mayor Jackie McKinney.

Upon roll call, the following were present:

Mayor: Jackie McKinney

Councilors: Mike Enfield
Cecil Garcia
Allan Landavazo
E. Bryan Wall

Also present: Rick Snider, Acting City Manager
George Kozeliski, City Attorney

Councilor Enfield made the motion to adjourn into closed session for the purpose of discussing bargaining strategy preliminary to collective bargaining negotiations and threatened or pending litigation. Seconded by Councilor Wall. Roll call: Councilors Enfield, Wall, Landavazo, Garcia and Mayor McKinney all voted aye.

The Mayor and Councilors adjourned into closed session, pursuant to §10-15-1-H(5) and §10-15-1-H(7) NMSA 1978 Comp. (as revised).

Following the closed session Councilor Garcia made the motion to reconvene the regular meeting. Seconded by Councilor Landavazo. Roll call: Councilors Garcia, Landavazo, Wall, Enfield, and Mayor McKinney all voted aye.

Mr. Kozeliski certified for the record that the matters discussed during the closed session was limited to bargaining strategy preliminary to collective bargaining negotiations and threatened or pending litigation. The certification by Mr. Kozeliski is made pursuant to §10-15-1-J of the Open Meetings Act, NMSA 1978 Comp. (as revised).

Mayor McKinney advised that Rick Snider, Executive Director, General Services Department, will act in the capacity of Acting City Manager during City Manager Dan Dible's absence.

Presented to the Mayor and Councilors were the Minutes of the Regular Meeting of June 12, 2012.

Councilor Wall said he received information from Chief Johnny Greene, Gallup Fire Department, concerning Councilor Wall's recommendation during the June 12, 2012 Regular Meeting concerning the possibility of the Gallup Fire Department offering

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assistance with the firefighting efforts at the wild land fires near Ruidoso. Councilor Wall said Chief Greene advised that Gallup firefighters lack the certifications and the applications required to suppress wild land fires. Councilor Wall also said he has not received any information from the City Manager concerning Councilor Wall's recommendation for a local celebration for New Mexico's Centennial. Councilor Wall said he would like to receive feedback from City staff regarding his proposals and recommendations.

Following discussion, Councilor Enfield made the motion to approve the June 12, 2012 Regular Meeting Minutes. Seconded by Councilor Wall. Roll call: Councilors Enfield, Wall, Landavazo, Garcia and Mayor McKinney all voted aye.

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

1. Business Improvement District (BID) Presentation – James Rich and Michael Byrne, Gallup BID, Inc.

Mr. Byrne provided an update of the current activities of the BID. He presented brochures on the free walking tours and the outdoor murals located in historic downtown Gallup. He asked for permission to create electronic versions of the old brochures that were purchased by the City years ago and to publish the information on the BID's website. He thanked the Mayor, Councilors and Stan Henderson, Executive Director, Public Works Department, for the City's work with the State on proposed improvements to Highway 66. He also thanked the City for the improvements being made to El Morro Theater and would like discuss future possibilities for use of the facility. Since the monthly Arts Crawl events have been successful, he asked for the City's approval to close a portion of Second Street which would allow the closure of Coal Avenue from First Street to Third Street.

Mr. Rich said he believes the BID is providing an atmosphere for small business owners to run a successful business in the downtown area. He requested the City's assistance in collecting the delinquent tax assessments that have not been paid by 17 downtown commercial property owners. Mr. Kozeliski said state law allows the placement of liens on the properties of the delinquent property owners.

Councilor Enfield made the motion to authorize the BID to place liens on the delinquent assessed properties. Seconded by Councilor Landavazo. Roll call: Councilors Enfield, Landavazo, Garcia, Wall and Mayor McKinney all voted aye.

Mayor McKinney said that the BID's request for additional street closures would need to be presented as a Discussion and Action Topic at a future Council meeting. He

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recommended input on the matter from the Police Department and would like to give notice to the public concerning the BID's request.

2. Ordinance No. C2012-6; An Ordinance Relating to Public Health and Safety, Authorizing the Clean-Up of Private Nuisance Property and Holding the Owner or Responsible Party Liable for the Cost – George Kozeliski, City Attorney

Mr. Kozeliski said Councilor Garcia requested an additional provision to the City's Nuisance Ordinance that would address the problems with weeds, litter, rubbish, etc., on private properties within the City. Under the proposed Ordinance, the City would give 10-days written notice to the property owner to abate the nuisance and the property owner would have a right to appeal and request a hearing on the matter. If the City's position is upheld, the City has the right to hire a contractor to abate the nuisance and charge the property owner for the cost incurred for the cleanup of the property. The City would also have the option of filing a lien on the property or to seek remedies to recover the costs incurred for the nuisance abatement. Section 8 of the Ordinance provides an alternative method of abatement by allowing a private citizen to petition District Court to seek action against the property owner and to order said owner to abate the nuisance.

Councilor Wall asked about the time limit for a property owner to abate the nuisance after being served notice by the City. Clyde "C.B." Strain, City Planner, explained the current process of providing first, second and third notices to the property owner. Mr. Kozeliski said the City will provide a 10-day notice as the initial notice to property owner, followed-up by a 14-day notice and a 5-day notice. Mr. Kozeliski also explained the property owner's hearing rights as set forth in the proposed Ordinance. Mr. Strain also said the City currently provides an option to the property owner by allowing them to enter into an agreement for a time extension to abate the nuisance.

Councilor Garcia asked how the City will address the situation with the abandoned car on Freedom Drive. Mr. Strain said a complaint has been filed in Municipal Court and a subpoena will be issued to the property owner to respond to the complaint.

Following discussion, Councilor Garcia made the motion to adopt Ordinance No. C2012-6. Seconded by Councilor Wall. Roll call: Councilors Garcia, Wall, Enfield, Landavazo, and Mayor McKinney all voted aye.

3. Donation Contract and Grant of Easement for Reach 12A of the Navajo-Gallup Water Supply Project, San Juan Lateral – George Kozeliski, City Attorney

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Mr. Kozeliski said the Bureau of Reclamation is requesting an easement, located within the Junker #1 well-site north of Gallup, for the purpose of constructing the Navajo-Gallup Water Supply Project.

Councilor Wall made the motion to approve the Donation Contract and Grant of Easement for the Navajo-Gallup Water Supply Project, San Juan Lateral Reach 12A, to the Bureau of Reclamation. Seconded by Councilor Enfield. Roll call: Councilors Wall, Enfield, Landavazo, Garcia, and Mayor McKinney all voted aye.

4. Utility Relocation Agreement with CHEV3307W, LLC, SPEED3303W, LLC and TRAVEL3275W, LLC – George Kozeliski, City Attorney

Mr. Kozeliski said the Marra family has three properties located on the west side of town where the Travelodge and two gas stations are located along Highway 66. The existing power line on the subject properties was installed without an easement a long time ago. The Marra family requested the City to relocate the power line and have agreed to grant the City the necessary easements at no charge. It has been agreed that, in the best interest of the City and owners, to delay any relocation of the power line until such time future development of the properties occurs.

Councilor Landavazo made the motion to approve the Utility Relocation Agreement with CHEV3307W, LLC, SPEED3303W, LLC and TRAVEL3275W, LLC. Seconded by Councilor Enfield. Roll call: Councilors Landavazo, Enfield, Wall, Garcia, and Mayor McKinney all voted aye.

5. Ordinance No. C2012-7; An Ordinance Concerning Labor Management Relations for the City of Gallup, Amending Section 1-12-15 of the Gallup Municipal Code by Enacting a New Subsection 1-12-15(D) of the Gallup Municipal Code; and Declaring an Emergency – Dan Dible, City Manager

Bob Brown of Management Associates, recommended approval of the proposed Ordinance which would provide language that was inadvertently left out when the Labor Management Relations Ordinance was amended in 2008. The language allows the unions and management to agree to an alternative impasse resolution procedure.

Councilor Enfield made the motion to adopt Ordinance No. C2012-7. Seconded by Councilor Garcia. Roll call: Councilors Enfield, Garcia, Landavazo, Wall, and Mayor McKinney all voted aye.

6. Resolution No. R2012-28; A Resolution Adopting an Official City Logo and Establishing a Logo Usage Policy – Rick Snider, Executive Director, General Services Department

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Mr. Snider said the proposed Resolution adopts an official logo for the City, authorizes the City Manager to develop administrative rules and regulations for the use of the logo, and authorizes the City Attorney to seek trademark and/or copyright protection of the logo artwork. Mr. Snider presented a power point presentation on the proposed City Logo and Identity System. A copy of said power point presentation is attached hereto and made a part of these official Minutes. The proposed Logo and Identity System will be used to enhance the appearance of the City's letterhead and stationery, business cards, vehicles, and website. Mr. Snider also said staff is working on a flag design for the City as well as a new corporate seal.

Councilor Enfield recommended the traditional thunderbird as the new logo for the City. Councilor Wall agreed; however, he recommended an eye to be included on the traditional thunderbird. Councilors Landavazo and Garcia also recommended the traditional thunderbird.

Councilor Landavazo made the motion to approve Resolution No. R2012-28 and to adopt the traditional thunderbird as the official logo for the City. Seconded by Councilor Garcia. Roll call: Councilors Landavazo, Garcia, Wall, Enfield, and Mayor McKinney all voted aye.

The Mayor and Councilors presented a Commendation and Certificate of Retirement to Linda Garcia, retiring Legal Assistant, for 25 years of service.

Comments by Public on Non-Agenda Items

Esco Chavez representing a group of members in the audience said his group would like to save the Harold Runnels Pool. He stressed that the Harold Runnels Pool was a promise to the people of Gallup for a recreational facility to be located on the north side of town when the Ceremonial Grounds and the Babe Ruth Park was replaced by Interstate 40. He said the Mayor and Councilors needs to uphold the promise that was made many years ago to the citizens of Gallup and to keep the pool open. He expressed concerns with the Council advising their group to raise funds for the pool when City crews have started to dismantle the pool facility. He recommended use of the ¼ cent gross receipts tax increment which was imposed by the Council in 2008. Mr. Chavez's son, Daniel, explained that the sales tax is a regressive form of taxation on the poor people and should be used for programs, such as the Harold Runnels Pool, that will benefit the lower income families of the community. Mr. Chavez recommended opening the pool on a limited schedule for only for 8 hours per day for 5 days a week and to allow their group to apply for grants and to obtain funding from the state and federal governments. He also said the \$490,000 that was questioned by Councilor Landavazo during a previous Council meeting could be used for the operation of the pool on a limited schedule. He said if the City closes the pool, it should transform the

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facility to a jail or a dialysis center since there will be a lack of recreational activities for the youth and a lack of health and wellness activities for the public.

Samatha Duran said she wanted her first job to be a lifeguard at the Harold Runnels Pool. She asked the Mayor and Councilors to keep the Harold Runnels Pool open since the Aquatic Center lacks a diving board and a steam room. She provided an overview of her public relations work in trying to get the community to work together and to generate funds for the pool. She displayed her collection jar used to collect change for the pool.

Mayor McKinney assured Mr. Chavez that the Harold Runnels Pool is not being dismantled and the City lacks the funds needed (a hard figure of \$750,000) to bring the pool up to the standards set forth by the New Mexico Health Department. Mr. Kozeliski also said chlorine levels at the pool are currently being maintained. Mr. Chavez said when he retired from the City in 2008 the water quality of the pool was the best in the state. Mayor McKinney said the pool is currently not at the standards as it was four years ago as the Health Department will not certify the pool to be open for use by the public. As a certified pool operator, Mr. Chavez offered his assistance to the City to bring the pool up to standards to get the pool certified. Mayor McKinney said none of the Council members want to close the pool; however, the City cannot afford the costs to bring the pool up to standard. Councilor Enfield also said there are new federal regulations under the Americans with Disabilities Act (ADA) that needs to be addressed at the pool. Mr. Chavez said the pool has a lift that meets ADA accessibility requirements. Mayor McKinney said he met with some of the members of the group last week regarding the pool and he assured the group that the pool was not being torn down. Mayor McKinney said he informed the group during the meeting that the City is still trying to find the money to open the pool. The pool has been closed since the pool does not meet the Health Department's requirements to operate. The City has approached the Navajo Nation and McKinley County; however, both entities were not able to provide funds for the pool. The City currently does not have the funds to re-open the Harold Runnels Pool at this time. Mayor McKinney welcomed Mr. Chavez to meet with him, the City Manager and the Finance Director to discuss this matter. Since the City's budget is out of balance by \$2 million, the budget would be an additional \$750,000 out of balance if it re-opened the pool. Mr. Chavez reiterated the need to re-open the pool, even on a limited schedule, since the staff members of the Northwest New Mexico Council of Government are having problems writing a grant on a closed facility. Mayor McKinney said it still takes \$750,000 to bring the pool up to standard in order to comply with state law. Mr. Chavez recommended having a tour of the facility to verify the problems that need to be addressed. Mayor McKinney said he will invite City personnel that are responsible for maintaining the facility to an initial meeting as well as officials at the state level to determine the problems that need to be addressed.

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Betta Duncan asked the Mayor and Councilors for access to the Harold Runnels Pool facility and to invite local contractors to evaluate the problems of the pool in order to be able to determine the exact costs for fixing the deficiencies. Mayor McKinney said the City has already accomplished an assessment of the problems at the pool and has the estimated dollar amounts required to bring the pool up to standard. Discussion followed the new federal handicap accessibility requirements needed at the pool, which requires the installation of a permanent wheelchair lift.

Mayor McKinney said the Council does not want to lose the public's trust; however, he takes offense if anyone is accusing the Council of misleading the public. The Council is not doing what it wants to do by closing the pool; the Council must do what it legally has to do to comply with state law and to ensure the safety of the public.

Steve Garcia said he has lived on West Morgan Avenue for more than 20 years and is experiencing problems with the changes made to his address by the City. He said the City has changed his address to Third Street and then to Second Street when he lives in an area where the alley is paved and the roadway is not named. Ever since the City first changed his address, he is experiencing problems with the loss of packages because delivery personnel cannot find his home. He recommended that the City name the paved alley where he lives so his home can be properly identified with a correct address. Mr. Kozeliski said he will look into the problem.

John Glen Harrington approached the podium to address the Mayor and Councilors. Mayor McKinney informed Mr. Harrington's that the proposal previously submitted by Mr. Harrington is another financing issue which cannot be addressed by the City at this time. Mr. Harrington provided information concerning his proposal entitled "The Alternative/Talents to Drugs/Alcohol and Violence." Mayor McKinney said he has looked at Mr. Harrington's proposal which was not presented in a professional format. Mayor McKinney asked Mr. Harrington to present his proposal to the Council in a properly typed format rather than submitting his proposal by handwritten correspondence.

Chief Greene presented an overview of the Fire Department's strategy for the current fireworks season under the existing drought conditions. The Fire Department's personnel have disseminated about 4,000 fliers to public as well as public service announcements and newspaper ads regarding illegal fireworks. The Fire Department will also be policing all four districts and will issue criminal summons to those violating the City's Fireworks Ordinance. Although 85% of the state is experiencing severe drought conditions, Councilor Garcia said Governor Susana Martinez attempted a state-wide ban on fireworks; however, it was too late to do so. Chief Greene provided a summary of how Fire Chief's across the state are addressing the problems with aerial

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fireworks and the extreme drought conditions. Mayor McKinney asked Mr. Kozeliski to arrange meetings between City and County officials in advance time of next year's fireworks season to address the problem with fireworks. Chief Greene also provided information addressing Councilor Wall's proposal of sending Gallup firefighters to assist with the firefighting efforts at the wild land fires burning near Ruidoso. Chief Greene said half of the Gallup firefighters possess their red card certifications to suppress wild land fires as the remaining half of the firefighters will be working towards their certifications. Councilor Wall asked if the certified Gallup firefighters could be sent to help with the firefighting efforts in Ruidoso. Chief Greene responded yes; however, there is extensive paperwork that needs to be reviewed by the City Attorney. Councilor Wall asked Mr. Kozeliski to keep him informed of the process. Councilor Wall also said he would like Gallup to be good neighbors since other cities would come to the aid of Gallup if it was needed. Chief Greene also said the City can help out other municipalities with structural firefighting; however, there are red card regulations in place when it comes to assisting the U.S. Forest Service with wild land firefighting.

Ted Pintarelli, owner of Black Diamond Mobile Home Park, said he is having difficulty in obtaining a police report from the Gallup Police Department. There have been 2 to 3 break-ins at a certain mobile home where the ownership of the trailer is questionable and needs to have a record of the incidents. He said the Chief of Police has advised that since the issue is a civil matter, the Police Department will not make a police report. He discussed the matter with Lance Allgood, Executive Director, Gallup Joint Utilities Department, as Mr. Allgood said he would meet with the Chief of Police on the matter. Following discussion, Mayor McKinney instructed Mr. Kozeliski to meet with Mr. Allgood and Chief Robert Cron concerning Mr. Pintarelli's request.

Comments by Mayor and City Councilors

Councilor Garcia asked Mr. Kozeliski if a police report is usually taken a person calls 911. Mr. Kozeliski responded yes since there should be an incident report made or the call being recorded on a log. Councilor Garcia said he has visited with a few people from out-of-town attending the National Junior High School Finals Rodeo and the people are excited to be here. Councilor Garcia encouraged local residents to attend and be a part of the rodeo.

Councilor Landavazo encouraged all citizens to "buy, build and believe Gallup," by shopping and obtaining services at local businesses. By having residents spend their payroll dollars in Gallup, it generates gross receipts tax revenue needed for operating facilities, such as the Harold Runnels Pool.

Councilor Wall thanked Mr. Snider for his work with the new City logo. Councilor Wall recommended having "Gallup" labeled on the side of the proposed flag since the new

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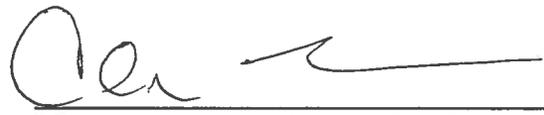
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flag can be displayed with the other cities' flags during the annual Municipal League conferences.

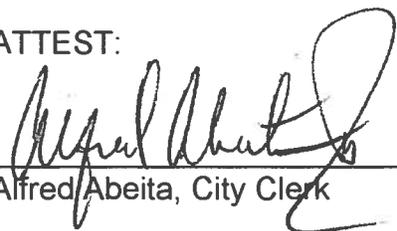
Mayor McKinney said the selection of a final redistricting plan will be presented for action at the next regular meeting. He asked the Councilors to review the proposed redistricting maps and to submit their preferences to the City Clerk. Mayor McKinney also encouraged local residents to attend the National Junior High School Finals Rodeo at the Red Rock Park. The dog park will have a "soft opening" this coming Sunday. The hours for the dog park will be from 6:00 a.m. to 10:00 p.m. during the summer months. There may be a grand opening for the dog park at a later date.

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



Allan Landavazo, Mayor Pro Tem

ATTEST:



Alfred Abeita, City Clerk

Approved: 7/10/2012