

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, March 13, 2018.

The meeting was called to order by Mayor Jackie 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 February 27, 2018.

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

Mayor McKinney said one of the presenters for Discussion/Action Topic #1 was traveling to Gallup from Albuquerque and would be late for the meeting; therefore, he moved Discussion/Action Topic #1 down the agenda until the presenter was in attendance. There was no objection from the Councilors.

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

2. Ordinance No. C2018-2; An Ordinance Providing for a Criminal Penalty for Violation of the Property Maintenance Code – Curtis Hayes, City Attorney

Mr. Hayes said the purpose of the proposed Ordinance was to make the Property Maintenance Code consistent with the City's Fire and Building Codes which have provisions for criminal penalties for violations of the Codes. The City's Property Maintenance Code incorporated the provisions of the International Property Maintenance Code which stipulates that violations are a misdemeanor or civil infraction as determined by the municipality. The City's current Ordinance does not specify whether violations of the International Property Maintenance Code are a misdemeanor or a civil infraction. The proposed Ordinance would designate violations as a misdemeanor.

Discussion followed concerning the prosecution of property owners in Municipal Court for

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property maintenance violations and the filing of liens on properties through the City's Clean and Lien Program.

Councilor Kumar made the motion to adopt Ordinance No. C2018-2. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Landavazo, Palochak and Mayor McKinney all voted yes.

1. Acceptance of Fiscal Year 2017 Audit Report – Patty Holland, Chief Financial Officer

Ms. Holland said the City's audit report has been approved by the State Auditor. As a result of the audit, Ms. Holland said the City received an unmodified report with no material weaknesses identified. Ms. Holland introduced Farley Vener, President and Managing Shareholder of Hinkle + Landers, the firm who conducted the City's audit. Mr. Vener presented a power point presentation on the 2017 Audit Summary for the City and the Gallup Housing Authority (component unit of the City). The summary included the scope of the audit procedures, the auditor's communications with those charged with governance, a summary of the audit results, a table of findings and a balance sheet analysis. Mr. Vener said all of the prior year findings have been resolved; however, the majority of the current year findings were discovered during a special audit of the Utility Department that was conducted during the year at the City's request. The results of the special audit must be included in the final audit report.

Mayor McKinney commended Mr. Vener and Ms. Holland for their work on the audit.

Councilor Palochak made the motion to accept the Fiscal Year 2017 Audit Report. Seconded by Councilor Landavazo. Roll call: Councilors Palochak, Landavazo, Kumar, Garcia and Mayor McKinney all voted yes.

Councilor Landavazo commended Richard Kontz, Executive Director, Gallup Housing Authority, for his work in addressing numerous issues at the Housing Authority, which have resulted in no audit findings in the City's audit report.

3. Ordinance No. C2018-3; An Ordinance Amending Section 5-1-25 of the Gallup City Code by Enacting the Pedestrian Safety Ordinance – Curtis Hayes, City Attorney

Mr. Hayes said he advised the Gallup Police Department to cease enforcement of the City's current Solicitation Ordinance because the Ordinance is not defensible under the First Amendment of the United States Constitution. He provided an overview of how aggressive panhandling ordinances were adopted by various cities, including Gallup, and

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how the ordinances may be deemed unconstitutional based on a ruling by the United States Supreme Court on a case from Gilbert, Arizona. The proposed Ordinance would address prohibited behaviors and would decouple the behaviors from panhandling and soliciting on the streets. The proposed Ordinance would also cover other types of problematic behavior directed at, or committed by pedestrians that pose a legitimate threat to public safety and are not adequately covered by existing ordinances. Mr. Hayes answered questions posed by the Mayor and Councilors about the legality of individuals approaching others for any reason and the appropriate enforcement action to be taken by police officers for violations of the new ordinance.

Councilor Landavazo made the motion to adopt Ordinance No. C2018-3. Seconded by Councilor Garcia. Roll call: Councilors Landavazo, Garcia, Kumar, Palochak and Mayor McKinney all voted yes.

4. Ordinance No. C2018-4; An Ordinance Repealing the City's Solicitation Ordinance – Curtis Hayes, City Attorney

As previously stated, Mr. Hayes said the City's current Solicitation Ordinance is not legally defensible under the First Amendment of the United States Constitution. Mr. Hayes also said the City's Solicitation Ordinance is overly broad, the Ordinance covers behavior that may not be threatening to others and the Ordinance is not "content neutral" because the Ordinance is tied to a specific category of speech.

Councilor Kumar made the motion to adopt Ordinance No. C2018-4. Seconded by Councilor Palochak. Roll call: Councilors Kumar, Palochak, Landavazo, Garcia and Mayor McKinney all voted yes.

5. Ordinance No. C2018-5; An Ordinance Creating an Indigenous Peoples Commission – Mayor Jackie McKinney

Mayor McKinney presented the proposed Ordinance which would create a six member Commission with the responsibility of advising the City Council and the community concerning matters of cultural diversity, fairness, equal opportunity and respect for indigenous peoples and cultures. He provided an overview of the meetings held by the Native Women's Task Force concerning the development of the proposed Commission.

Councilor Palochak commended Mayor McKinney for his work as well as the individuals who are willing to serve on the Commission. She said the proposed Commission will help to advise and bring awareness to the issues that have existed for a long time.

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Councilor Garcia made the motion to adopt Ordinance No. C2018-5. Seconded by Councilor Kumar. Roll call: Councilors Garcia, Kumar, Palochak, Landavazo and Mayor McKinney all voted yes.

Mayor McKinney recognized Larry Anderson, former Navajo Nation Council Delegate, who was present in the audience. Mayor McKinney said Mr. Anderson provided guidance on many things over the years, including the creation of the Native Women's Task Force.

6. Approval of Appointments to the Indigenous Peoples Commission – Mayor Jackie McKinney

Mayor McKinney recommended the appointments of Emerson Toledo, Sonlatsa Jim-Martin, Larry Foster, Virginia Yazzie Ballenger and Dominique Dosedo to the newly created Indigenous Peoples Commission.

Councilor Landavazo extended his appreciation to the proposed appointees who are willing to serve on the Commission.

Mayor McKinney also commended and recognized Mattie Foster, Bobby Martin, Vicky Anderson, Anna Rondon and Debra Martinez for their support and assistance. Ms. Martinez will serve as the Commission's ex-officio member.

Mr. Anderson commended the Mayor and Councilors for establishing the Indigenous Peoples Commission. He offered an honor song of greatness, happiness and unity.

Mr. Hayes said a decision will need to be made in the future regarding the staggering of terms of the appointed Commissioners.

Councilor Palochak made the motion to approve the appointments to the Indigenous Peoples Commission as presented. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Landavazo, Kumar and Mayor McKinney all voted yes.

7. Resolution No. R2018-9; A Resolution Proclaiming Wyland National Mayor's Challenge for Water Conservation Pledge During the Month of April 2018 – Dennis Romero, Director, Gallup Water and Sanitation Department

Mr. Romero and Elizabeth Barriga, Environmental Program Coordinator, presented the proposed Resolution supporting the 2018 Wyland National Mayor's Challenge for Water Conservation. Ms. Barriga provided an overview of the program where residents may enter the national challenge by making simple pledges to decrease their water use for a

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period of one year. With the encouragement of the Mayor and Councilors, residents may make their pledges online at www.mywaterpledge.com.

Mayor McKinney provided an overview of how citizens answered the call to conserve water during past administrations. For example, many residents removed their grass lawns and replaced them with xeriscaping.

Mr. Anderson conveyed the following message: water is life.

Councilor Kumar recommended the inclusion of information concerning the water conservation challenge in the utility bills. Councilor Palochak recommended having an article published in the newspaper concerning the water conservation challenge. Ms. Barriga said she will comply with the Councilors' recommendations.

Councilor Kumar made the motion to approve Resolution No. R2018-9. Seconded by Councilor Landavazo. Roll call: Councilors Kumar, Landavazo, Palochak, Garcia and Mayor McKinney all voted yes.

Comments by Public on Non-Agenda Items

Sonlatsa Jim-Martin, Priscilla Manuelito, Larry Foster, Anna Rondon, Mattie Foster and Bobby Martin addressed the Mayor and Councilors and commended them for establishing the Indigenous Peoples Commission.

Justin Benson, owner of the Gallup Coffee Company, expressed his concerns with last weekend's Arts Crawl event. He asked to address the matter with City officials in the future.

Comments by Mayor and City Councilors

Councilor Garcia said history was made with the establishment of the Indigenous Peoples Commission and she was proud to be a part of it.

Councilor Kumar commended Ms. Holland and her staff for the audit report. He also thanked the newly appointed members of the Indigenous Peoples Commission.

Councilor Landavazo said although there are challenges with Arts Crawl, he experienced people weaving cultures together during last weekend's event. He also thanked those who were present to express their support of the newly created Indigenous Peoples Commission.

Councilor Palochak agreed with the Councilors' comments regarding the Indigenous Peoples Commission. She also shared the positive experience she had at Arts Crawl

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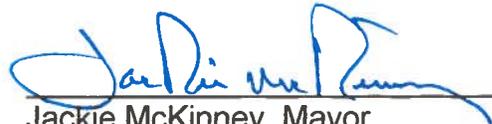
and the Youth Water and Energy Awareness Day. Her neighborhood meeting will be held on Thursday, March 15, 2018 at 6:00 p.m. at Tobe Turpen Elementary School.

Mayor McKinney commented on Arts Crawl and the concerns expressed by Mr. Benson regarding the lack of trash removal after the event. Mayor McKinney also thanked those who were present to express their support of the Indigenous Peoples Commission.

Comments by City Manager and City Attorney

Ms. Ustick said the Strategic Planning Work Sessions with the Mayor and Councilors will be held on March 20 and 21, 2018 from 11:30 a.m. to 6:00 p.m.

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



Jackie McKinney, Mayor


ATTEST:


Alfred Abeita II, City Clerk

Approved 3/27/2018