

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 W. Aztec Ave. at 6:00 p.m. on Tuesday, April 24, 2018.

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

Upon roll call, the following were present:

Mayor Pro Tem:	Allan Landavazo
Councilors:	Linda Garcia Yogash Kumar Fran Palochak
Absent:	Jackie McKinney, Mayor
Also present:	Maryann Ustick, City Manager Curtis Hayes, City Attorney

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

Presented to the Mayor and Councilors for their approval were the Minutes of the Special and Regular Meeting of April 10, 2018.

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.

The Mayor Pro Tem and Councilors presented a Proclamation proclaiming the month of April 2018 as Child Abuse Prevention Month. Charles Reado, New Mexico Children Youth and Families Department Representative, accepted the Proclamation.

The Mayor Pro Tem and Councilors presented a Proclamation proclaiming May 1, 2018 as International Workers Day. Rosa Regollo, Representative from Somos Un Pueblo Unido, accepted the Proclamation.

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

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1. Resolution No. R2018-12; National Economic Development Week – Michael Sage, Deputy Director, Greater Gallup Economic Development Corporation

Mr. Sage presented the Resolution recognizing the week of May 7 -12, 2018 as National Economic Development Week in the City of Gallup to recognize the achievements of economic developers and to showcase Gallup as a proactive community.

Councilor Garcia made the motion to approve Resolution R2018-12, recognizing the week of May 7-12, 2018 as “National Economic Development Week,” in the City of Gallup. Seconded by Councilor Palochak. Roll Call: Councilors Garcia, Palochak, Kumar and Mayor Pro Tem Landavazo all voted yes.

2. PMV Real Estate Ltd. Public Utility Easement Vacation and Dedication – Clyde (C.B.) Strain, Planning Director

Mr. Strain said Alberto Villegas, a representative for PMV Real Estate Limited, property owner, has petitioned the City for a request of vacation of an existing public utility easement and dedication of a new public utility easement on the frontage of 3205 Industry Drive. Mr. Strain stated there is an existing water line which serves a private fire hydrant that will remain in place. The Planning and Zoning Commission has reviewed the proposed request for vacation and dedication and sent a positive recommendation to the City Council.

Councilor Kumar made the motion to approve PMV Real Estate Limited Public Utility Easement Vacation and Dedication. Seconded by Councilor Palochak. Roll Call: Councilors Kumar, Palochak, Garcia and Mayor Pro Tem Landavazo all voted yes.

3. Approval of Fiscal Year 2019 Chamber of Commerce Contracts – Jennifer Lazarz, Tourism and Marketing Manager

Ms. Lazarz said the amount for the Nightly Indian Dances contract in which the dollar amount should have read \$65,000 and not \$60,000, pending approval; a revised copy will be submitted.

Ms. Lazarz presented the Contractual Service Agreement in the amount of \$185,000 and the Summer Nightly Indian Dances Services Agreement in the amount \$65,000, an increase from last year for the purpose of expanding the marketing program.

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Bill Lee, Gallup McKinley County Chamber of Commerce, provided handouts encompassing the social media results from January 2017 through April 2018, tourism Profit and Loss statement from July 1, 2018 through April 24, 2018, Visitor Packet Distribution, Fun and Games Delivery Report and Nightly Indian Dances Profit and Loss statement from May 1, 2017 through April 8, 2018.

Discussion followed regarding the progressive partnership between the City and the Chamber of Commerce, the upcoming conferences Mr. Lee and Ms. Lazarz will be attending and recent activity on social media.

Mr. Lee praised Teri Frazier for her work with the Nightly Indian Dances and provided a brief update on the nightly events.

Councilor Palochak made the motion to approve Fiscal Year 2019 Chamber of Commerce Contracts. Seconded by Councilor Garcia. Roll Call: Councilors Palochak, Garcia, Kumar and Mayor Pro Tem Landavazo all voted yes.

4. Memorial Day 5k Lodgers Tax Request – Jennifer Lazarz, Tourism and Marketing Manager

Ms. Lazarz presented the request for the proposed allocation of \$5,000 in lodger's tax funding to the Manuelito Children's Home for their Memorial Day 5k Fun Run annual fundraiser. Ms. Lazarz said the request is being presented directly to the City Council due to timing constraints of the event and the next Lodger's Tax Committee meeting.

Councilor Garcia made the motion to approve the Memorial Day 5k Run Lodgers Tax request. Seconded by Councilor Palochak. Roll Call: Councilors Garcia, Palochak, and Mayor Pro Tem Landavazo all voted yes. Councilor Kumar abstained. Motion carried.

5. Fourth of July Event Funding – Jennifer Lazarz, Tourism and Marketing Manager

Ms. Lazarz presented the request and provided a brief background of the event from previous years under the direction of iHeart Media as the City would now be responsible for the event. In an effort to focus on America's Most Patriotic Small Town and reduce City resources, all festivities will be held at the Court House Square including hosting the Black Creek Gourd Society Dancers, in which McKinley County has offered to fund. To alleviate the Police Department, Security Services will be hired for the event. For safety purposes, the fireworks will continue to be launched from the Sports Complex.

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Discussion followed regarding the lodger's tax funding of the event, the dances that will take place at the event, the decrease in attendance at the event over the past few years, the potential start and end time and whether vendors will be invited to set up.

Councilor Landavazo recommended the possibility of launching the fireworks from a different location that is in close proximity to the downtown area so patrons would not have to leave the downtown area to view the fireworks. He also recommended the playing of patriotic music during the event.

Discussion followed regarding different locations and necessary precautions to be taken for the fireworks display.

Councilor Palochak made the motion to approve the Fourth of July event funding. Seconded by Councilor Garcia. Roll Call: Councilors Garcia, Palochak, Garcia and Mayor McKinney all voted yes. Councilor Kumar abstained. Motion carried.

6. 2018 Quarter 3 Budget Adjustment and Report of Actuals (Resolution No. R2018-13) – Patty Holland, Chief Financial Officer

Ms. Holland presented the proposed Resolution which encompasses all budget changes processed January 1, 2018 through March 31, 2018. She provided an overview of the budget adjustments as well as the Report of Actuals for the quarter.

Discussion followed regarding the Business Improvement District (BID) account receivables, property ownership changes and the expiration of the BID on December 31, 2018. Ms. Ustick stated a request was submitted to the BID for an annual report prior to the expiration of the BID.

Councilor Palochak made the motion to approve Resolution No. R2018-13; 3rd Quarter Fiscal Year 2018 Budget Adjustments and Report of Actuals. Seconded by Councilor Kumar. Roll Call: Councilors Palochak, Kumar, Garcia and Mayor Pro Tem Landavazo all voted yes.

7. CDBG Vista Avenue Reconstruction Project; Construction Contract Award – Stanley Henderson, Executive Director, Public Works

Mr. Henderson provided an overview of the project which includes reconstruction of Vista Avenue including new water and sewer mains; curb and gutter, sidewalks,

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roadway; and ADA handicap ramps. In partnership with the Gallup Housing Authority (GHA), GHA will also replace the sidewalk accesses to all the housing units fronting Vista Avenue. Due to the time required for the Community Development Block Grant (CDBG) administration overhead by New Mexico Department of Finance (NMDFA), between the CDBG grant award in 2015 and now, it led to a substantial cost overrun. The overrun is seen primarily in the cost of concrete and ADA ramp construction as part of the retaining walls in the amount of \$579,749.46. To make up for the overrun, Mr. Henderson requested the transfer of \$187,424 from fund 202 for utilities reconstruction, \$392,326 from general cash fund for roadway reconstruction and the award of the project to Murphy Builders for \$1,175,479.79 including New Mexico Gross Receipts Tax (NMGRT).

Discussion followed regarding the CDBG grant amount and an increase in future grant amounts, the obligation to complete the project in order to reapply the grant extension authorized by CDBG, the time frame for the project and local contractors verses non-local contractors which have been awarded contracts throughout the process.

Councilor Palochak expressed her concerns with the drainage problems in the Chihuahuita area over the past 20 years and the need to utilize the next CDBG grant to fix the problems.

Councilor Garcia made the motion to approve the CDBG Vista Avenue reconstruction project and construction contract award as presented. Seconded by Councilor Kumar. Roll Call: Councilors Garcia, Kumar, Kumar and Mayor Pro Tem Landavazo all voted yes.

8. Security Cameras – Children’s Library, Octavia Fellin Library, Golf Course, Vehicle Maintenance and City Hall – Brian Archuleta, Director of Technology Services

Mr. Archuleta presented the request to install security cameras at certain City facilities including 7 cameras at the Children’s Library, 18 cameras at the Octavia Fellin Public Library, 6 cameras at the Fox Run Golf Course, 5 cameras at the Vehicle Maintenance Shop and an upgrade of cameras on the first floor of City Hall as well as the installation of new cameras on the second floor of City Hall. Mr. Archuleta recommended a budget transfer from Risk Management in the amount of \$28,700, which is the total amount of the project, within Fiscal Year 2018.

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Brief discussion followed regarding the competitive pricing and equipment obtained by Mr. Archuleta.

Councilor Palochak made the motion to approve the installation of security cameras at the Children's Library, Octavia Fellin Library, Golf Course, Vehicle Maintenance and City Hall. Seconded, by Councilor Kumar. Roll Call: Councilors Palochak, Kumar, Garcia and Mayor Pro Tem Landavazo all voted yes.

9. Approval of Budget Increase to Cover Cost of Point of Sale System – Matthew Alcala, Director of Golf Operations

Mr. Alcala presented the request for the purchase of the TeeSnap Point of Sale System, a Cloud based program to assist in standard operating procedures including inventory, online tee-time booking and expansion into food and beverage. Mr. Alcala requested a \$10,000 increase to line item 101-1023-432.45-90 from General Fund for the purchase.

Mr. Alcala answered questions regarding the \$10,000 annual cost which includes automatic software updates, 24/7 support service and replacement program.

Councilor Kumar made the motion to approve the budget increase to cover cost of Point of Sale system at the Golf Pro-shop. Seconded by Councilor Garcia. Roll Call: Councilors Kumar, Garcia, Palochak and Mayor Pro Tem Landavazo all voted yes.

10. Sulfur Burner for Fox Run Golf Course – Matthew Alcala, Director of Golf Operations

Mr. Alcala stated the current sulfur burner does not meet the output needs to treat the amount of water being used and is extremely outdated. The purchase of a new machine would be more cost effective and safer by limiting human contact with the sulfuric acid. Mr. Alcala recommended a budget adjustment of \$35,000 from general fund reserves for the purchase.

Ms. Ustick stated the amount for the sulfur burner was proposed in the CIP for next year; however, due to the length of time for the CIP process, a decision was made to purchase the equipment now.

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Councilor Kumar made the motion to approve the sulfur burner purchase for the Fox Run Golf Course. Seconded by Councilor Palochak. Roll Call: Councilors Kumar, Palochak, Garcia and Mayor Pro Tem Landavazo all voted yes.

1. Presentation on Single Use Bag Ordinance – Curtis Hayes, City Attorney

Mr. Hayes presented the ordinance to gather input from the Mayor Pro Tem and Councilors as well as the public concerning single use bags. The template used in the presentation is from Silver City, which was recommended by the Gallup Sustainable Board, which focuses primarily on visible litter. The Ordinance would ban flimsy plastic bags and require retailers to provide bags that are at least 2.25 mils in thickness. Another option would be encouraging the use of reusable bags, similar to an Ordinance adopted in Santa Fe. Enforcement of this type of ban is typically done by assessing some sort of fee for every bag that is supplied by the retailer. However, the Gallup Sustainable Board was not in favor of such a ban due to the burden it would impose on families especially those on a fixed income. The Gallup Sustainable Board decided it would be best to focus on the visible litter.

Councilor Palochak questioned the use of paper bags and expressed concerns with the City passing an Ordinance limiting plastic bags while the use of plastic bags would be permitted in McKinley County and therefore continue to pose an issue.

Mayor Pro Tem Landavazo invited the public to speak and also reminded everyone in attendance that no action would be taken.

Margaret Staller spoke in favor of reusable bags based on her experience in California, where some stores provided discounts to customers and offered reusable bags at a reasonable price.

Mr. Gerald O'Hara, Gallup Sustainable Board Member, stated he was not speaking on behalf of Gallup Sustainable Board, but felt it was important to advise the Mayor Pro Tem and Councilors that the Gallup Sustainable Board decided that the Ordinance passed by Silver City was the best template to use due to the burden additional fees would put on families. Also, it was discussed that the ordinance would only be imposed on big box stores and not local business owners.

Mr. Lee expressed his concerns with the possibility of a ban due to the increased burden it would place on local businesses, who would in turn add that cost to consumers. He also provided statistical information and studies that have been

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conducted on reusable bags and the negative effects on the environment as well as the risk of cross contamination.

Ms. Joanne Beninati spoke in favor of reusable bags and emphasized the importance of the issue and passing an Ordinance pertaining to the matter. She also invited Mayor Pro Tem Landavazo and Council to visit Elizabeth Drive, between U.S. Highway 66 and Churchrock Street to view first-hand how significant the litter of plastic bags are in that area.

Ms. Beninati also read a letter on behalf of local resident, Betsy Windish, a longtime recycler. Ms. Windish commended the idea of a plastic bag ban and urged the Mayor Pro Tem and Councilors to proceed with implementation and careful consideration. She also recommended the City, in conjunction with McKinley County and Navajo Nation put together a learning initiative to educate the community on the dangers of plastic and the importance of recycling.

Mayor Pro Tem Landavazo asked about the potential for litigation in the event a ban is enacted and suggested research is done on a biodegradable, oil based bag.

Mr. O'Hara added certain negative effects on retailers when using reusable bags, explained the breakdown of the plastic bags and possible adverse effects of using oil based bags.

Councilor Palochak made the motion to adjourn into closed session for the purpose of discussing the purchase or acquisition of water rights and the acquisition of land in the vicinity of the Wastewater Treatment Plant. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar and Mayor Pro Tem Landavazo all voted yes.

The Mayor and Councilors adjourned into closed session pursuant to §10-15-1-H(8) NMSA 1978 Comp. (as revised).

Councilor Palochak made the motion to reconvene the Regular Meeting. Seconded by Councilor Garcia. Roll Call: Councilors Palochak, Garcia, Kumar and Mayor Pro Tem Landavazo all voted yes.

Mr. Hayes certified for the record that the matters discussed during the closed session were limited to the purchase or acquisition of water rights and the acquisition of land in the vicinity of the Wastewater Treatment Plant.

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Comments by Public on Non-Agenda Items

Ms. Lazarz thank all those who participated in the three community clean-ups, in conjunction with Earth Day, including Ancestral Lands, Red Rock Motor Sports and Labor Persinger.

Ms. Staller thanked City staff for addressing concerns she had at the Aquatic Center.

Comments by Mayor and City Council

Councilor Palochak thanked the Electric Department staff for all of their hard work during a number of recent power outages.

Councilor Kumar echoed Councilor Palochak's comments and encouraged everyone to have a fun and safe Cinco de Mayo.

Councilor Garcia also thanked all who helped during the recent power outages including Mayor McKinney, Ms. Ustick, Marita Joe, Dennis Romero, Marc Lujan and all department heads. The power outage affected 32 homes in the Northside area. She will be hosting her neighborhood meeting at the Senior Center at 6:30 P.M. on Thursday, April 26, 2018. Mr. Henderson will be in attendance to answer questions. In response to Councilor Garcia's question regarding the skate park project, Ms. Ustick said the subcontractor has postponed the project approximately two weeks due to scheduling issues.

Mayor Pro Tem Landavazo thanked the local motorcycle group who also participated in the community clean-up along East Highway 66. He also commended everyone who contributed to the 2018-19 budget.

Comments by City Manager and City Attorney

Ms. Ustick notified the Mayor Pro Tem and Councilors of a Special Meeting to be held on April 25, 2018 for the purpose of preparing the City's preliminary budget for submission to the New Mexico Department of Finance and Administration (DFA). She also thanked Councilor Garcia for her assistance with residents during the power outages.

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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.



Jackie McKinney, Mayor



ATTEST:



Alicia Palacios, Deputy City Clerk

Approved 5/8/2018