

AGENDA

GALLUP CITY COUNCIL REGULAR MEETING TUESDAY, MAY 25, 2021; 6:00 P.M.



Louie Bonaguidi, Mayor

Linda Garcia, Councilor, Dist. 1 Michael Schaaf, Councilor, Dist. 2
Yogash Kumar, Councilor, Dist. 3 Fran Palochak, Councilor, Dist. 4

Maryann Ustick, City Manager
Curtis Hayes, City Attorney

PUBLIC NOTICE: In accordance with the public health order issued by the New Mexico Department of Health, the meeting will be physically closed to the public; however, the meeting will be accessible via the following technology service:

Facebook Live stream through the City of Gallup's Facebook Page:
<https://www.facebook.com/CityOfGallup/>

**Members of the public may submit comment on non-agenda items.
Please call 863-1254 to leave your name and a return phone number.**

A. Pledge Of Allegiance

The members of the body and the public are invited to recite the Pledge of Allegiance.

B. Roll Call

C. Approval Of Minutes

Regular Meeting of May 11, 2021

Documents:

[DRAFT MINUTES MAY 11 2021 REG MTG.PDF](#)

D. Discussion/Action Topics

1. Lodgers Tax Event Grant Awards Round 1

The Lodgers Tax Committee met on May 18th at 11:00 am to discuss applications for first round of event funding for FY22.

The Lodgers Tax Committee recommends approval of funding as follows:

- Kicker Arenacross: \$15,000
- Friends of Hubbell September Auction \$4,500
- Desert 100 Race \$9,200, allowing for funding for sweatshirts as awards
- 11th Annual TDFL \$20,000, allowing for funding for shirts as awards
- Wildthing Championship Bull Riding \$22,500, funding half the cost of the promotional items

The lodgers tax committee recommends approval in the amount of \$71,200 of the \$130,000 available in funding for FY22 events.

The next application deadline is August 6th at 5pm.

Fiscal Impact:	\$71,200 of \$130,000 allocated budget.
Recommendation:	Approval of grant awards in the amount of \$71,200
Speaker's Name	Jennifer Lazarz and Jeremy Boucher (Lodgers Tax Committee Member)

Documents:

[LT COMMITTEE PACKET APPLICATIONS ROUND 1.PDF](#)

2. Ordinance No. C2021-4; Wastewater Rate Increase

On April 27th, the City Council held a special meeting to discuss the financial state of the Wastewater Enterprise Fund.

The City's financial advisors, RBC - Albuquerque Office/Branch presented a financial analysis of the Wastewater Enterprise Fund (Fund 508) for consideration by the City Council during this workshop. Based upon the information in the presentation, the Council considered adjusting wastewater utility rates.

Based upon the analysis provided by RBC, a 25% across the board increase in wastewater utility rates is required to balance expenditures with revenues and begin building a cash reserve.

The attached ordinance presents a proposed increase up to 25% to current rates for Council consideration.

Fiscal Impact:	If approved, the Wastewater Enterprise Fund will cease operating at a deficit and begin to be able to cover operational expenses with its revenue and begin building a cash reserve.
Recommendation:	Staff recommends approval of Ordinance No. C2021-4 for a wastewater rate increase of up to 25%.
Speaker's Name	Dennis Romero

Documents:

[ATTACHMENT 1 - PROPOSED ORDINANCE - WASTEWATER RATE CHANGE - 25 PERCENT INCREASE.PDF](#)

[ATTACHMENT 2 - NEW WASTEWATER RATE CHANGE - 25 PERCENT.PDF](#)

3. Budget Adjustment And Project Authorization Of A Gallup-McKinley County Regional Senior Center

Staff is seeking a budget adjustment in the amount \$100,000 from the general fund cash reserves. This funding will be used along with funds from the State and County for the completion of the design as well as construction management services for a Gallup-McKinley County Regional Senior Center.

The City has received \$150,000 from the senior capital outlay process and \$250,000 from the County Commission on May 4, 2021. Design and contingency total \$500,000. Staff will come back to Council with a budget adjustment once we receive the grant award from the State.

Fiscal Impact: \$350,000 Expenditure. \$250,000 revenue adjustment from the County MOU and \$100,000 from general fund cash reserves

Recommendation: Approval of budget adjustment including revenue and expenditures and authorization of the project

Speaker's Name JM DeYoung

Documents:

[GALLUP SENIOR CENTER LETTER PROPOSAL.PDF](#)

4. Resolution No. R2021-17; Resolution In Support Of Senior FY 2022-2025 Capital Outlay Application

The Senior Program will be submitting the Aging and Long-Term Services Department Senior Capital Outlay Application FY 2022-2025. As part of the application, a Resolution of support must be adopted by the Gallup City Council. The application is due May 28, 2021.

Fiscal Impact: The Senior Capital Outlay funding will provide equipment and special projects funding (i.e. Gallup McKinley County Senior Center) through GOB Funding provided by the state legislature.

Recommendation: Adopt Resolution No. R2021-17 in support of the Senior FY 2022-2025 Senior Capital Outlay Applicatio

Speaker's Name Kimberly Ross-Toledo

5. Senior Center Budget Adjustment (NMAAA One-Time Special Appropriation Contract)

The Senior Program has received a \$3,000.00 NMAAA One-Time Special Appropriation Contract for the purchase of equipment/supplies in the areas of technology, kitchen, and/or safety. The funding must be utilized by June 30, 2021, and is reimbursed upon submittal of receipts.

Fiscal Impact: An adjustment to Revenue and Expenditures for \$3,000.00 into 219.

Recommendation: Accept adjustment to Revenue and Expenditures for

\$3,000.00 in Senior Center Budget.

Speaker's Name Kimberly Ross-Toledo

Documents:

[GALLUP CITY OF FY20-21 1XSPECAP.PDF](#)

6. Ordinance No. S2021-4; Repeal Of Face Covering Ordinance

Last May, the City adopted an emergency ordinance requiring the wearing of face coverings in public and that business require their customers to wear face coverings. This was done because the public health order then in effect only required that employees wear face coverings. There was no mandate to wear masks in outdoor settings. Shortly thereafter, the Department of Health did adopt a public health order requiring face masks in similar situations as is covered by our ordinance.

The public health order issued on April 28, 2021 contains a provision eliminating the requirement that individuals that have been fully vaccinated wear face masks at outdoor gatherings of 20 people or less. It is expected that future orders will further loosen the face mask requirements based upon CDC guidance. This will result in unnecessary confusion due to the differences in the City's ordinance and the public health orders which are guided by recommendations of public health officials that presumably have more expertise than the City's staff. Therefore, it is recommended that the City's face covering ordinance be repealed and that City enforcement personnel revert to enforcing only the public health orders.

Fiscal Impact: None

Recommendation: Adoption of the repeal ordinance

Speaker's Name Curtis Hayes

Documents:

[REPEAL OF MASK ORDINANCE.PDF](#)

7. Ordinance No. C2021-2; Prohibiting The Sale Of Package Liquor On Sunday Mornings

Among the many changes to the Liquor Control Act made by HB 255 is the removal of local option districts to prohibit the sale of package liquor on Sundays. The Gallup ordinance which prohibits the sale of package liquor between 7:00 a.m. and 9:59 a.m., as written, does not apply to Sundays. This amendment to the ordinance will extend that prohibition to Sundays.

Fiscal Impact: None

Recommendation: Approval of the ordinance

Speaker's Name Curtis Hayes

Documents:

[MORNING ALCOHOL SALES ORDINANCE.PDF](#)

8. Ordinance No. C2021-3; Repeal Of Marijuana Possession Ordinance And Adoption Of Smoking Cannabis In Public Ordinance

The "Cannabis Regulation Act," adopted in the 2021 Special Session

establishes a comprehensive scheme allowing for the distribution and sale of cannabis products in New Mexico. It includes creation of a "Cannabis Control Division" within the Regulation and Licensing Department which will be responsible for the licensing and regulation of businesses engaged in cannabis production, distribution, and sale. The Act also eliminates criminal penalties for the possession of two ounces or less of cannabis, or 800 milligrams or less of edible cannabis. Possession of cannabis by persons under the age of 21 remains illegal, however it is a civil rather than a criminal offense and the maximum penalty is "attendance at a four-hour evidence-based drug education and legal rights program at no cost to the person or four hours of community service." An additional civil violation in the Act is smoking cannabis in a public place which carries a \$50 civil fine.

The Cannabis Control Division must have a regulatory scheme in place that provides for retail sales to begin no later than April 1, 2022. However, the provisions of the Cannabis Regulation Act that do not have a designated effective date later than June 29, 2021 have an effective date of June 29, 2021 pursuant to Article 4, §23 of the New Mexico Constitution This includes those provisions decriminalizing possession of less than two ounces of cannabis. Therefore, the section of the Gallup City Code which prohibits possession of one ounce or less of marijuana will become null and void on June 29.

The Act allows local jurisdictions to adopt "time, place and manner rules that do not conflict with the Cannabis Regulation Act." Therefore, it is recommended that smoking cannabis in a public place be made a civil offense in the Gallup City Code with the same \$50 civil fine as the Act. Individuals smoking or vaping cannabis products in public areas could become a public nuisance and citations would be processed more efficiently in Municipal Court than in Magistrate Court.

Fiscal Impact: None
Recommendation: Approval of the ordinance
Speaker's Name Curtis Hayes

Documents:

[MARIJUANA ORDINANCE.PDF](#)

9. Appointments To The Planning And Zoning Commission

Kent Wilson, Keegan MacKenzie-Chavez, Fran Pawlowski, Loren Miller and Johny Cresto are recommended for reappointment to the Planning and Zoning Commission. The terms of these members will expire on May 31, 2021 and all five members have expressed an interest in serving another 2-year term.

Fiscal Impact: None.
Recommendation: Reappoint all five members to the Planning and Zoning Commission.
Speaker's Name Mayor Louie Bonaguidi

Documents:

[APTS PLANNING AND ZONING COMMISSION.PDF](#)

10. Appointment Of A Resident Member To The Gallup Housing Board Of Commissioners

The Gallup Housing Authority Board of Commissioners has a vacancy for a board

member who must be a resident of public housing. Clayton Macias, a resident of the Sunshine Canyon public housing development, is recommended for appointment to the board.

Fiscal Impact: None.
Recommendation: Appoint Clayton Macias to the Gallup Housing Authority Board of Commissioners.
Speaker's Name Mayor Louie Bonaguidi

Documents:

[APT RESIDENT MEMBER GHA COMMISSION.PDF](#)

E. Presentation And Information Items

1. Delinquent Account Collection Procedures

This item is informational for the Mayor and Council to ask questions about the procedures to be addressed regarding collection of delinquent accounts and possible disconnection of service for non-payment of accounts.

8-6A-3: RESIDENTIAL AND NONRESIDENTIAL CUSTOMERS:

B. Late Fee: If full payment has not been received by the City thirty six (36) calendar days after the bill date a late fee of twenty five dollars (\$25.00) will be assessed to the account. An automated phone system will attempt to reach the account customer at the phone number provided, to advise the customer to make a payment to avoid termination of service.

C. Payment Extension: Unless a payment extension is made within three (3) business days of the preliminary cutoff notice, the City will terminate all utility service to the subject location. Payment extensions are limited to three (3) occurrences per account, per year.

Fiscal Impact: None
Recommendation: This item is informational only
Speaker's Name John Wheeler

Documents:

[COLLECTION OF ACCOUNTS.PDF](#)
[ORD-C2018-01-2_27_2018.PDF](#)

F. Comments By Public On Non-Agenda Items

Members of the public are invited to comment on matters not appearing on the meeting agenda.

G. Comments By Mayor And City Councilors

H. Comments By City Manager And City Attorney

I. Motion To Adjourn

Pursuant to the "Open Meetings Act", NMSA 1978, Section 10-15-1 through 10-15-4 of the State of New Mexico, this Agenda was posted at a place freely accessible to the public 72 hours in advance of the scheduled meeting.