

AGENDA

GALLUP CITY COUNCIL REGULAR MEETING TUESDAY, MAY 11, 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

Special and Regular Meetings of April 27, 2021

Documents:

[DRAFT MINUTES APR 27 2021 SP MTG.PDF](#)

[DRAFT MINUTES APR 27 2021 REG MTG.PDF](#)

D. Presentation Of Proclamation

E. Discussion/Action Topics

1. Resolution R2021-16; Approving FY 2022 Preliminary Budget

Each year, the City of Gallup prepares an annual budget for the upcoming fiscal year. The Department of Finance and Administration (DFA) requires Council to pass a resolution to adopt the 2021 Preliminary Budget. The approved budget along with documentation of approval is due to DFA by June 1, 2021.

Fiscal Impact: This budget will define anticipated revenue as well as spending parameters for the coming fiscal year for each fund.

Recommendation: Approval of Resolution R2021-16 for the Preliminary Budget Adoption

Speaker's Name: Patty Holland

Documents:

[BUDGET RESOLUTION FY22 PRELIMINARY ADOPTION.PDF](#)
[BUDGET INITIAL.PDF](#)
[LEVEL 300 W NOTES INITIAL.PDF](#)
[BUDGET RECAP PRELIM 2022.PDF](#)
[PRELIMINARY BUDGET FY22.PDF](#)

2. Ordinance No. C2021-1; Amendments To The Gallup-Metro Animal Ordinance

The City's animal control ordinance currently has four overlapping categories of dangerous and vicious animals with different procedures that creates confusion. The animal control ordinance originally had two categories: dangerous and vicious animals. The New Mexico legislature adopted the Dangerous Dog Act in 2005 which created the categories of dangerous and potentially dangerous dogs. This state law authorizes a local animal control authority to petition to a court to obtain a warrant to seize such dogs and to require owners of such dogs to obtain a permit to keep such dogs. The Gallup City Council then amended the City's animal control ordinance which included inserting the "Dangerous Dog Section." This section essentially shoehorned the state's Dangerous Dog Act into the City's animal control ordinance without considering how it affected other sections of the ordinance.

There are several problems with how that was done. First, the definition of a dangerous dog is similar to the definition of a vicious animal (except that it only applies to dogs).

VICIOUS ANIMAL: An animal which kills or seriously injures a person or domesticated animal resulting in muscle tears or disfiguring lacerations, requiring multiple sutures or extensive corrective or cosmetic surgery.

DANGEROUS DOG: A dog that causes serious injury to a person or animal. Serious injury is an injury that results in broken bones, multiple bites or disfiguring lacerations requiring sutures or reconstructive surgery.

Similarly, the definition of a potentially dangerous dog is similar to the definition of a dangerous animal (again, except that it only applies to dogs).

"DANGEROUS ANIMAL: Any of the following:

A. An animal which, when unprovoked, engages in behavior that requires a defensive action by a person to prevent bodily injury to a person or another animal which is off the property of the owner of the animal in question.

B. An animal which, when unprovoked, injures a person in a manner which does not result in muscle tears or disfiguring lacerations, requiring multiple sutures or

extensive corrective or cosmetic surgery.

C. An animal which, because of its poisonous sting or bite, would constitute a significant hazard to the public.

POTENTIALLY DANGEROUS DOG: A dog that may reasonably be assumed to pose a threat to public safety as demonstrated by the following behaviors:

A. Causing an injury to a person or domestic animal that is less severe than a serious injury;

B. Chasing or menacing a person or domestic animal in an aggressive manner and without provocation; or

C. Acting in a highly aggressively [aggressive] manner within a fenced yard or enclosure and appearing able to jump out of the yard or enclosure;

The proposed ordinance deletes the current "Dangerous Dog Section" including the categories of dangerous dog and potentially dangerous dog. Animal Control Division could still utilize the procedures in the state's Dangerous Dog Act if it wants to do so, however the proposed ordinance replaces the procedures in the Dangerous Dog Section of our ordinance with an administrative procedure that is much simpler and expedites the process.

The Dangerous Dog Section requires a court determination that a dog is either potentially dangerous or dangerous. The proposed ordinance provides that the Animal Control Division makes the initial determination that an animal is either vicious or dangerous and a notice of that determination is served on the owner. The owner then has five days to file an appeal of that determination and request a hearing before a hearing officer appointed by the City Manager. Either the Animal Control Division or the owner may appeal the hearing officer's determination to City Council.

This administrative procedure already exists in the ordinance and applies to revocation of any kind of permit issued under the animal control ordinance. The proposed amendment does shorten the time frames for things to occur. For example, currently the hearing can occur up to sixty days after the appeal is filed and the hearing officer then has ten days to render a written decision. The proposed amendment shortens those to fifteen days to conduct the hearing and three days for the hearing officer to render a written decision.

The final component of the proposed ordinance is to allow the city manager to adopt rules concerning animals at city parks and recreation facilities and that violation of those rules can be cited into Municipal Court. This is primarily to address problems at the Dog Park where a handful of owners repeatedly disobey the posted rules. Currently, all that can be done is to request them to leave. These amendments were presented to the Animal Control Board on April 13 and it recommends adoption of the amendments.

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

Documents:

[2021 VICIOUS AND DANGEROUS ANIMALS AMENDMENTS.PDF](#)
[2021 ANIMAL CONTROL ORDINANCE REDLINE.PDF](#)

3. **Youth Conservation Corps (YCC) Grant Award & Budget Adjustment**

The City of Gallup has been awarded \$144,500.64 for the State of New Mexico's FY21/FY22 Youth Conservation Corps (YCC) Program year.

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| Fiscal Impact: | This budget adjustment will budget revenues and expenditures for tasks performed or expenses directly |
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related to the scope of work for the projects outlined in the grant.

Recommendation: Approval of the YCC grant award and budget adjustments
Speaker's Name JM DeYoung

Documents:

[ACCEPTANCE LETTER GALLUP.PDF](#)

4. **Budget Adjustment For 4th Of July Fireworks**

Every year the City of Gallup has a 4th of July firework display. The only difference this year is that we did not budget for the fireworks due to COVID-19. In the past we funded out of lodgers tax revenues. Due to revenues in the lodgers tax being down, staff is recommending taking \$15,000 from general fund cash reserves in order to fund the display.

Fiscal Impact: \$15,000 from general fund cash reserves into a 101 expense account
Recommendation: Approval of a budget adjustment in the amount of \$15,000 for 4th of July fireworks
Speaker's Name JM DeYoung

Documents:

[GALLUP PROPOSAL 21.PDF](#)

F. **Presentation And Information Items**

1. **Presentation On Lodgers Tax Funding For Events**

Cindy Tanner, Chairperson of the Lodgers Tax Committee, Anna Connell, Lodgers Tax Committee Member and Jennifer Lazarz, Tourism and Marketing Manager will provide a presentation regarding the use of lodgers tax funds for events. Backup documentation will be provided prior to the meeting.

Fiscal Impact: None - presentation item.
Recommendation: No action required - presentation item.
Speaker's Name Cindy Tanner, Anna Connell and Jennifer Lazarz

2. **Presentation On Drought Restrictions**

Presentation on the current drought conditions in preparation for possible restriction of fireworks.

Fiscal Impact: Presentation Only
Recommendation: See above description
Speaker's Name Jon Pairett, Fire Marshal

Documents:

[GALLUP FIRE DEPARTMENT DROUGHT PRESENTATION.PDF](#)

3. **Stronger Together Partnership**

Evan Williams, Executive Director, Northwest New Mexico Council of Governments, will provide a presentation on the Stronger Together Partnership.

Fiscal Impact: None - presentation item.
Recommendation: No action required - presentation item.
Speaker's Name Evan Williams

Documents:

[PARTNERSHIP LETTER \(1\).PDF](#)
[STRONGER TOGETHER PARTNERSHIP AGREEMENT.PDF](#)

G. Comments By Public On Non-Agenda Items

1. Gallup Inter-Tribal Indian Ceremonial Association
2. Additional public comment, if any

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

H. Comments By Mayor And City Councilors

I. Comments By City Manager And City Attorney

J. 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.