

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, August 23, 2022

The meeting was called to order by Mayor Louie Bonaguidi.

Upon roll call, the following were present:

Mayor: Louie Bonaguidi

Councilors: Linda Garcia
Michael Schaaf
Sarah Piano
Fran Palochak

Also present: Maryann Ustick, City Manager
Lynn Isaacson, Acting City Attorney
Curtis Hayes, City Attorney

Presented to the Mayor and Councilors were the following Consent Agenda Items:

1. Approval of Minutes from the Regular Meeting of July 26, 2022
2. Appointment of John Beck to the Gallup Housing Authority Board of Commissioners
3. Budget Increase Approval for EMS Transport Billing
4. Budget Adjustment for Change Order No. 1 for NGWSP Reach 27.11
5. Budget Adjustment for Change Order for Phase 2 Alleyway Project No. JU1903
6. Approval of Resolution No. R2022-28; Accepting New Mexico Department of Transportation Local Government Road Fund Cooperative Agreement No. L600211 for the City's Mill and Overlay Program
7. City of Gallup Senior Program FY 22-23 Contract/Budget Approvals
8. Resolution No. R2022-29; Acceptance of State of New Mexico DFA Fund 89200 Capital Appropriation Project Grant Agreement 22-G2904 for Artificial Turf for Ford Canyon Park and Gallup Sports Complex
9. Resolution No. R2022-30; Acceptance of State of New Mexico DFA Fund 89200 Capital Appropriation Project Agreement for New Regional Animal Shelter
10. Request for Street Closures for 2022-2023 Arts Crawl Events

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Councilor Garcia requested Item 5 and Councilor Piano requested Item 7 removed from the Consent Agenda for further discussion.

Councilor Schaaf made the motion to approve items 1 through 4, Item 6 and Items 8 through 10 of the Consent Agenda. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Piano, Garcia and Mayor Bonaguidi all voted yes.

The following items were removed from the Consent Agenda to be discussed and voted on separately:

5. Budget Adjustment for Change Order for Phase 2 Alleyway Project No. JU1903
Charles Nourse, Acting Electrical Director

Brief discussion followed regarding repairs completed by Bixby Electric due to defective installation initiated by Dallago Construction and legal consultation on the matter.

Councilor Schaaf made a motion to approve budget adjustment in the amount of \$62,308 for Project No. JU1903. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Piano, Garcia and Mayor Bonaguidi all voted yes.

7. City of Gallup Senior Program FY 22-23 Contract/Budget Approvals – Kimberly Ross-Toledo, Senior Program Coordinator

Ms. Ross-Toledo provided clarification regarding the intended use of additional funding to supplement direct services impacted by payroll increases. She explained the Families First Corona Virus Response Act funding and provided information on the hours of operation and the availability of grab and go lunch options.

Funding Included:

Contract No. 2022-2023-60013 Title III Federal and State Sub-Award:

- \$57,977.07 Title IIIB of the OAA (Transportation)
- \$98,643.69 – Title III-C1 of the OAA (Congregate Meals)
- \$29,997.19 – Title III-C2 of the OAA (Home Delivered Meals)
- \$199,597.75 – NMGAA – State/HB-2

- \$45,646.00 Nutrition Service Incentive Program (NSIP)
- \$1,305.76 – C2 Supplemental Extended Contract 07/1/2022-09/30/2022
- \$14,954.76 – FY 21 FFCRA Extended Contract 07/01/2022-09/30/2022
- \$310,000. City Match FY 2022

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Senior Program Capital Outlay Grants:

- \$75,000. for Handicap accessible fleet vehicle
- \$20,000. for meals and other equipment

Councilor Piano made a motion to approve the City of Gallup Senior Program FY 22-23 Contract budget. Seconded by Councilor Garcia. Roll call: Councilors Piano, Garcia, Schaaf, Palochak and Mayor Bonaguidi all voted yes.

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

Mayor Bonaguidi said Discussion Action Topic #3 would be moved to Topic #4 and Topic #4 to Topic #3. There was no objection by the Councilors.

1. Ordinance No. S2022-4; Loan for Effluent Line Replacement – Patty Holland, Chief Financial Officer

Ms. Holland introduced Chris Muirhead of the Modrall Sperling law firm and Erik Harrigan of RBC Capital Markets.

Mr. Muirhead presented the proposed ordinance related to a loan with New Mexico Finance Authority (NMFA) to replace a temporary waste reclamation line with a permanent water supply line in the amount of \$6,075,000. He stated the Finance Authority will consider the loan agreement on Thursday, August 25th authorized by Ordinance No. S2022-4. He explained the special limited obligation of the net system revenue in the event of a deficiency and NMFA's capacity to request a rate increase, provided information on additional outstanding loans including a 2012 bond, a loan used for electric system upgrades in 2019 and nine other subordinate Water Trust Board loans including a drinking water loan. Provided most of the City's debt is with the NMFA, Mr. Muirhead explained their responsibility to ensure loan agreements are consistent and requested delegating the Mayor and City Manager authority to accept the final terms and interest rate of around 3.65% and an expected closing date of September 30, 2022, at which time funding for the project will be made available.

Mr. Muirhead provided the benefits of the springing reserve and details regarding the environmental surcharge pledge.

Discussion followed regarding details of the pledge modification, fee calculations and clarification with regard to the debt service charged to the environmental surcharge, interest rate comparisons and the loan's duration.

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Councilor Schaaf made the motion to approve Ordinance No. S2022-4; Loan for Effluent Line Replacement. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Piano, Garcia and Mayor Bonaguidi all voted yes.

2. Ratification of Collective Bargaining Agreement with the Gallup Police Officers Association (GPOA) – Alfred Abeita II, City Clerk/Acting Human Resources Director

Mr. Abeita presented the terms and conditions of the agreement, future reopeners intended to take place in March 2023 and March 2024 for the purpose of economic issues and a complete reopening of negotiations April 2025. Mr. Abeita said Section 15 of the new agreement provides an increase of 5% in compensation, which will commence the first pay period upon approval. The new agreement was ratified by GPOA on Friday, August 19, 2022.

Discussion followed regarding the contract reopeners to be held prior to budget hearings, appreciation extended to all Gallup officers for their work and dedication, the clothing allowance increase and union's recruitment of a new president.

Councilor Schaaf made the motion to approve the Collective Bargaining Agreement with the GPOA. Seconded by Councilor Garcia. Roll call: Councilors Schaaf, Garcia, Piano, Palochak and Mayor Bonaguidi all voted yes.

3. Award of After Hours Dispatch Service BID and Budget Adjustment – Charles Nourse, Acting Electric Director

Mr. Nourse provided a brief history regarding discussions with Georgene Dimas, McKinley County Metro Dispatch Director, regarding the division of utility calls and emergency service calls due to staffing issues. He said a bid for service was opened and solicited on August 9, 2022 with the City receiving one response from After Hours Dispatching Services with Central New Mexico Electric Cooperative Inc. Mr. Nourse explained the benefits the new service will provide to address the issues Metro Dispatch is experiencing. Mr. Nourse briefly described the contract terms and payment plans for services to be included from October 1, 2022 through June 30, 2023, which will be paid by the Electric Department, providing the Water Department time to budget for services in next fiscal year. Thereafter, the Electric Department will pay the monthly costs for electric meters and the Water Department will pay the monthly costs for water meters. He requested approval of the Bid and a budget adjustment in the total amount of \$31,461.79, including NMGR from their operating cash fund.

Discussion followed regarding After Hours Dispatching Services and other areas they provide service to in New Mexico, the importance of dividing emergency service calls

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and utility services, clarification regarding services rendered afterhours and on holidays and how calls will be rerouted through a toll-free number. Councilor Piano requested the contact phone number upon availability.

Councilor Palochak made the motion to approve award of the bid and budget adjustment, as presented. Seconded by Councilor Schaaf. Roll call: Councilors Palochak, Schaaf, Garcia, Piano and Mayor Bonaguidi all voted yes.

4. Public Hearing: Appeal of Denial of Two Special Event Permit Applications by the Door Christian Fellowship Church – Curtis Hayes, City Attorney

Mayor Bonaguidi presented information regarding two Special Event Permit Applications, submitted by the Door Fellowship Church to conduct events at Viro Park and Bubany Park, the City Manager's denial of said permits based on Ordinance 2017-8; Section 5-6-9 of the Gallup Municipal Code and the appeal procedure according to Section 5-6-11, which was filed by The Fellowship Church on August 9, 2022 and instructed all citizens who wished to address Council to stand and raise their right hands.

Mr. Abeita administered the oath to all those wishing to testify during the hearing.

Mayor Bonaguidi provided information relative to conducting the public hearing, explained quasi-judicial procedures and the guidelines set forth for the hearing. Including, testimony and evidence provided by the church explaining why the administrative decision to deny the permits should be overturned and the questioning procedures. Upon conclusion of the presentation, City staff may ask questions only and no testimony will be allowed at that time. Mayor Bonaguidi said anyone else wishing to testify in support of the church's position will do so afterwards and he reminded everyone to avoid repetitive testimony. He explained the appropriate time for Council and City staff questioning of the witnesses. He said once all testimony in support of the church have been heard; City staff with relevant evidence will testify and provided direction for questioning by City staff, the appellant and any other witnesses testifying in support of the church. Mayor Bonaguidi said testimony by any witness in opposition of the appeal will then provide their testimony and reminded those testifying to avoid information that has already been provided and said upon completion of all testimonies a summary of each side's arguments may be requested if Council deems it necessary.

Mayor Bonaguidi clarified the Council's role to ensure the law was correctly applied based on the facts in accordance with the Special Events Ordinance, which states, "the location of the special event will cause undue hardship to adjacent businesses or residents," therefore, testimony should be relevant to that issue and not based on the

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applicant's message, religion, ethnicity, gender, political affiliation or other similar factors generally not relevant. Council must make their decision based solely on whether the facts show that the proposed event would cause undue hardship to businesses and residents in the area.

He asked if anyone had questions concerning the procedures of the hearing. No questions were raised.

Mayor Bonaguidi said Council members should not participate in this matter if their impartiality might reasonably be questioned, if they have a personal bias or prejudice, made a public comment that appears to show the member intends to vote a particular way, is closely related to a party or has a connection to a party that would tend to influence the member's decision. He asked if there are any Council members that wished to recuse themselves in this matter.

Councilor Palochak expressed intent to provide a statement and would recuse herself from any final decision.

Mayor Bonaguidi asked the appellant and City staff if they would like any other Council member not participate in the matter. No request was made by the appellate or City staff. He then instructed the church representative to approach the podium to provide testimony and evidence for Council's consideration.

Steven Annichiarico, The Door Christian Fellowship Church Assistant Pastor, duly sworn, provided binders including a written statement of the events that transpired on June 17, 2022, at Viro Park, eyewitness statements, permit request #1, email chain of 1st denial, permit request #2, email chain of 2nd denial, denial letter from Maryann Ustick and appeal letter. All documents from the binders are attached hereto and made a part of these official Minutes. He provided a history of the church's participation in the City of Gallup and surrounding areas for the past 45 years positively impacting family generations, the congregation's responsibility and presence of over 100 churches around the world and their goal to help the citizens of those communities do well. Mr. Annichiarico explained the church has been conducting small events in neighborhood parks for the past 25 years, such as Viro Park, Bubany Park, and Ford Canyon Park; however, the larger events might be more memorable where a semi-truck and music are set up and wanted to clarify the smaller neighborhood events are not the same and consist of music, a couple dozen hot dogs, the showing of a 20-minute Billy Graham video and a closing prayer. He said the smaller events have taken place for the past 25 years without issue, were never asked to obtain a permit for the smaller neighborhood events and past cooperation with permit requirements. He expressed willingness to work with the City and avoid making the Gallup Police Department's jobs any harder.

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Mr. Annichiarico provided a detailed layout of the events starting June 17, 2022: There was an incident at Viro Park and brought it up because he believes it relates to the denial of the permits as there was never an issue before. He introduced 15-year-old Carlo Vitali who coordinated the event in an effort to encourage teenagers to stay away from drugs, violence, gangs etc. and Mr. Annichiarico was the adult supervisor on site. Mr. Vitali was in attendance with his parents. Mr. Annichiarico said he was approached at the event by a woman who unequivocally represented herself as a representative of the City and made statements he believes tie in with the denial, quoting her as saying, "Are you from a church? Are you from the church on the Street?" Mr. Annichiarico said he responded by telling her they were from The Door, to which she responded by saying, "Your property is big enough. Why don't you do this there?" He indicated the size of their property is irrelevant as it pertains to their rights as citizens to use a public park. He said he explained to her they would be cleaned up and finished within about 10 to 15 minutes at around 8:38 p.m. He said he is a veteran and knows what it is like to obey authority as he was a sergeant in the United States Marine Corps and would not cause problems for the City of Gallup or representatives of the City. He went on to explain, as the video was concluding, Franklin Graham, Billy Graham's son was making closing remarks, the video was off and Franklin Graham invited people to pray. Mr. Vitali stood up and mentioned the name of Jesus, at which point, Mr. Annichiarico quoted the Councilwoman crying out, "Shut up! Shut up! You can't do this to people." He said she aggressively approached the young man telling him to go back to Ellis Tanner, which is the building across from their church, while unknowingly standing next to the young man's mother, Cynthia Vitali. Mr. Annichiarico said he intercepted her at that moment, instructed her to call the police and told her that if she is, who she says she is, her behavior is unacceptable and unbecoming of a City official. She then went to her vehicle and the event was cleaned up by 9:00 p.m. as he promised. At this time, he said Vince Alonzo, Parks and Recreation Director, was on site; in a marked City of Gallup vehicle, approached him professionally, shook his hand, said permits will be needed in the future and advised Mr. Annichiarico to speak with the City Manager regarding the events that took place. Mr. Annichiarico spoke with Mr. Alonzo the following day and expressed appreciation to Mr. Alonzo for his professionalism. He explained within the week he had a meeting with the City Manager and Ben Welch, Special Events Coordinator, where he notified them of the behavior of the Councilwoman. Both seemed shocked by the church's side of the story and concerned by the eyewitness accounts. Ms. Ustick apologized for the behavior of the Councilwoman and reassured Mr. Annichiarico their events would be allowed at various parks with the completed permits. He said with the reassurances, he proceeded to get permit #1 of the binder, purchased advertising, obtained New Mexico Environmental Department permits, food and drinks as well as notifying their congregation of the events. He mentioned a notation indicating the events would be blocking fire hydrants, however, the Police Department and Fire Department approved the permits. While picking up the permits from the Fire Department, Mr. Welch was also at the Fire

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Department and offered to take the permits to the City of Gallup, stating the permits would be good to go. Assistant Pastor Annichiarico said shortly thereafter, he received an email notifying him the permits were denied, after following-up a response from the City was not received until July 26th or 27th. Another set of permits were submitted and denied with an obscure ordinance referencing undue hardships. He made it clear, the church never intended to cause any hardship to the City and requested a potential list of stipulations; such as crowd reduction and/or noise reduction and willingness to comply but feels he was provided an arbitrary statement of undue hardship to businesses and residents and expressed confusion as to the approval of the Father Dunston Park permit, which has less parking than Viro Park. He voiced concern due to the cancellation of 8 events and the fact that serving hot dogs while showing a Billy Graham video would be considered an undue hardship. He stressed their goals reaching the community, helping the needy, encourage the broken in spirit which must be done outside the 4 walls of the church and concerns this has caused irreparable harm. In closing, he expressed wonder in the number of kids, single parents and the hungry that could have been helped this summer at those events, the importance of meeting the needs throughout the City and not relegated to one location and seeking to get along with the City but the invocation of an obscure passage in an ordinance reveals the motive of a smoke screen for religious discrimination and desire to seek a resolution, which is too late for these events but for the future of the community and moving forward, denying these events at all parks would be a big mistake. He said if a satisfactory resolution cannot be made, intentions on filing a religious discrimination lawsuit. He thanked Council for their time and looks forward to working with the City in the future.

Councilor Garcia withdrew herself as a witness in order to ask questions. She referenced the events at parks that lack restrooms and suggested that if these events are allowed in the future, porta-potties be made available, at the church's expense. She mentioned she had not received any complaints regarding the events, parking not being a huge issue as it is mostly foot traffic that attend the events, asked questions as to the order of which the different activities occur and suggested starting earlier in the evening. Councilor Garcia said she is a member of Church on the Streets; therefore, she understands what they are doing and supports their efforts for reaching out to those who are in need. She also mentioned her experience as a single mother attending an outreach and the help it provided her.

Councilor Piano asked questions pertaining to the number of events held over the past 25 years, the total number of attendants at each event, the volume of the video shown as it pertains to the noise ordinance and past complaints received.

Assistant Pastor Annichiarico said there would normally be around 11 events per summer. He explained the number of attendees varies including one event at Bubany

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Park where they received around 20 people; however, the Viro Park event was well-attended with around 75-80 people, explained the measurement of noise is used with a decibel reader and is always kept below 85 decibels, which is what he was told in the past but was not entirely sure what the City Ordinance states and said he has received no other complaints up to this point.

Maryann Ustick, City Manager, duly sworn, addressed the Council clarifying Special Event Permits have been a requirement for the past 4 ½ years, referenced Ordinance C2017-8 pertaining to Special Event Permits which governs activity on public property that affects its ordinary use. She provided details with regard to the permitting process coordinated by Mr. Welch. She explained Police Department staff and Fire Department staff review and sign and, in some cases, Public Works and Parks Department are also included in the process, dependent on requested resources and is then approved by the City Manager or designee. Referring to the June 17th event, Ms. Ustick stated she received a call from Councilor Palochak Friday night at around 8:30 p.m. regarding complaints she had received by neighbors of the park. Ms. Ustick said she was unaware of any permits issued at that location on that night from there she said she contacted the Police Chief, however the event had already ended but no special event permit was ever obtained. She also referenced the meeting that took place on June 23rd with the Assistant Pastor and Mr. Welch where they went over the permit process and necessary food handlers permits. She said she also mentioned in that meeting, her thoughts on neighborhood parks not being an appropriate venue for events that size and made suggestions of alternative venues that might be more appropriate. She said the denial letter of permits for Bubany Park and Viro Park was included in their packets and explained undue hardships. She emphasized the fact that she, Mr. Welch or Mr. Alonzo were not at the event or arrived after and introduced Councilor Palochak to comment, who was in attendance. She also said from what she has gathered, the event included amplified voices, a band, large screen movie, numerous attendees, which the Assistant Pastor attested to and many cars, which tend to be disruptive in small neighborhood parks surrounded by residents. She also provided additional parks this may be an issue for including Hadden Park, Stagecoach Park and Golden Age Park would all fall under the same category for anyone wishing to have these types of events. Ms. Ustick said staff encourages these events and provided recommendations like the Playground of Dreams, Joe Vargas Veterans Memorial Park, the Sports Complex and Court House Square; the importance of restrooms; parking accommodations and less impact caused by noise.

Councilor Piano asked what the ordinance states with regard to noise and the decibel number.

Lynn Isaacson, Acting City Attorney, explained a specific decibel is not specified in the

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ordinance and is referenced by amplified voices and the time of day for which it is permitted; however, that was not the reason for denial in this case.

Councilor Garcia asked about the denial letter sent to the church regarding the reason for denial as it pertains to the section in the Municipal Code.

Ms. Ustick clarified Section 5-6-9 of the ordinance in the packet lists a number of reasons a permit for special use can be denied. The reason for the denial and her interpretation of the facts in this case was due to undue hardship to the adjacent residents due to the complaints and the design of the park intended for neighborhood scale events to accommodate those community members and not to draw in people from the outside and the intensity of the event.

Councilor Schaaf questioned the number of complaints received.

Ms. Ustick called Councilor Palochak to the podium to testify and clarified she will act as a witness and will not participate in the deliberations.

Councilor Palochak, duly sworn, said she received a call on June 17th from a resident of Viro Circle who stated there were cars parked along both sides of the street and partially blocking her driveway. The citizen was able to go over the curb to park in her driveway, this resident also reported loud noise coming from a movie. Shortly thereafter, she received another complaint regarding loud noise and a lot of people at the park and wanted to know what was going on. Councilor Palochak said she told the resident she was not aware of any permits but would drive to the park and check on it. She explained this is common practice for her when she receives complaints such as this. She said upon arriving at the park she witnessed many cars parked on both sides of the street, a sign that said party in the park, free music, hot dogs and a movie but did not indicate who the sponsor was. She explained this was around 8:35 pm, she tried contacting Mr. Welch but could not reach him. She stated she then contacted the City Manager and Mr. Alonzo who stated they were not aware of an event at Viro Park. She said Mr. Alonzo stated he was at Red Rock Park but would go by Viro Park after. She explained cars were parked all along the park and some of the side streets of Viro. She observed folding chairs lined up but was unaware of how many and a large TV with a movie playing attached to speakers. She said she asked a man about the event and was directed to another man standing under the canopy. She walked over and asked him if he had a permit for the event, to which he said no. She said she identified herself as Fran Palochak, Councilor of District 4 and that she had received complaints regarding the cars and noise and asked that they turn it down.

Councilor Garcia clarified the event was not approved by City officials and they were there illegally.

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Councilor Palochak confirmed the event was not approved and they were there illegally.

Councilor Piano asked if a band was present and the total number of complaints including the complaint about parking and the complaint regarding the noise.

Councilor Palochak said when she arrived there was no band present only the TV attached to speakers and verified the two complaints.

Mayor Bonaguidi asked if anyone else would like to testify on the denial of the permits.

Benina Maldonado, Viro Circle resident, duly sworn, provided testimony regarding two cars blocking her driveway. She said she asked the drivers of one of the vehicles to move their car so she can park in her driveway when she was told to mind her own business. She proceeded to park in the street and asked the other driver of the second vehicle to move and was cursed at. She then contacted Metro Dispatch regarding the cars blocking the driveways and the loud noise coming from the park. She said she waited awhile but an officer never showed up. She said a band was playing and she could hear testimony of rape, incest and people being abused. She expressed concerns as an educator at Stagecoach Elementary and for the children at the park. She expressed concerns with this type of event being held at a public park and stated the church's parking lot would accommodate the events. She said that with no officer, she decided to contact Councilor Palochak and informed her of all that was going on including the numerous cars, the loud noise and testimonies over the loud speaker. She said the noise was so loud it could be heard over her own personal surround sound and was rattling her windows. She stated her neighbor contacted her about the event also. Ms. Maldonado also said the advertisement for the event was false advertisement as the event should list who they are and what they are doing. She said another neighbor contacted her from down the street because they did not have access to their driveway. She said she should not have to deal with this while inside her own home after a long day of taking her mother, who has cancer, to the doctor and does not want to hear people discussing their problems, while she has problems of her own.

Councilor Piano questioned the presence of a band, the TV and requested a copy of the photo.

Ms. Maldonado confirmed there was a band and a TV and showed the Council the photo she had taken on her phone.

Rose Eason, duly sworn, stated she was in attendance to corroborate the testimony provided, her respect for everyone's First Amendment rights, everyone's rights to speak in public; however, she does not respect the rights of anyone speaking inside someone's home as was just described. She provided testimony as to her experience

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with The Door Christian Fellowship Church/180 and their constant violation of the City's noise ordinance. She stated when living on the corner of Ford and Hill their events held at Ford Canyon Park including graphic testimonies described that could be heard from inside her home. She explained she now lives in the hospital area where she can hear the outdoor events at the church and said they are not mild, movie watching gatherings as explained. She also described members of the church as unneighborly, aggressive and only respond when very specific precise enforceable limits are put in place. Ms. Eason provided a particular encounter with church members during her time as the ArtsCrawl Coordinator, at an event held in October, where members stormed the stage of the costume contest with megaphones, disrupting the properly permitted event. She requested approval of the permits be done so on the condition the permittee abide by a precise and enforceable decibel level limit under 50 decibels and measured from the sources closest to the noise to allow surrounding neighbors the right to privacy. She added there would only be evidence of religious discrimination if another religious group was denied a Special Event Permit under similar circumstances.

Councilor Piano clarified, Ms. Eason was not at the event on June 17th. Ms. Eason confirmed she was not but has noticed a clear pattern of the organization that is not neighborly or community spirited.

Marissa Hutchison, Viro Circle resident testified in favor of the denials due to the loud noise, excessive cars and attendants walking by her home banging on her fence; in turn aggravating her dog. She read a statement reiterating the testimony she provided and requested, should the events be permitted, rules put in place by the organization so that the issues do not happen again and residents are not disturbed.

Councilor Piano asked Ms. Hutchison where her property is located.

Mr. Hutchison explained her property is located on a corner where her fence wraps around to her neighbor's property and stated she asked the attendants to stop touching her fence but felt they laughed it off. She explained nobody has the right to touch property that belongs to her, which she pays taxes on, or anyone else's property; nor do they have the right to block her or anyone else's driveway.

Mayor Bonaguidi asked the Council if they felt they needed a summation of evidence by both parties or if they had a complete understanding of the issue and could proceed to deliberations.

Councilor Piano questioned challenges in saying the events can't take place at one park but not the other park and must be allowed at all neighborhood parks or no neighborhood parks and when voting for the appeal how can certain stipulations be added such as controlled parking and crowd control.

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Mr. Isaacson clarified this forum is not to make policy but rather to determine whether the City Ordinance was followed with this particular application, not what the ordinance or policy should or shouldn't be, is not relevant to the June 17th event and only pertains to this application.

Ben Welch, duly sworn, explained he is the Community Services Coordinator who processes event permits for use of city properties. He apologized to Councilor Palochak for not being available the night of June 17th, as it was the same weekend as Lions Club Rodeo. He stated the event at Viro Park was not permitted, as the Pastor stated, they do not usually go through the municipality for these events, however have obtained permits in the past at Ford Canyon, Playground of Dreams and most recently, Father Dunstan Park. Mr. Welch testified there has been complaints made but mostly regarding Ford Canyon with regard to the noise, therefore the organization was asked to tone it down and they have complied but only after being asked to do so. He said he knows they mean well but the City has 15 parks, 3 of them are not contiguous to the residential areas, including Father Dunstan Park, which is located near an apartment complex. He compared setting up 75 chairs at Ford Canyon versus setting up 75 chairs at Viro Park.

Councilor Piano asked Mr. Welch which parks these events would be prohibited at.

Mr. Welch listed parks these types of events would not be permissible at including Henrietta, Viro, Bubany, Hadden, Golden Age, Sky City, Mossman and Indian Hills Park and explained they offered use of the 3 parks mentioned as well as the Court House Square.

Councilor Garcia asked if the 3 additional parks and Court House Square, offered would have complied with the off-street parking, restrooms and electrical service access.

Mr. Welch explained the matter at hand is the denial of the permits but did provide the only locations with restrooms are Court House Square, Ford Canyon and Sports Complex.

Mayor Bonaguidi stated there will be no summations.

Councilor Schaaf made the motion to adjourn into closed session for the purpose of deliberations, pursuant to Section 10-15-1(H)(3) of the New Mexico Open Meetings Act. Seconded by Councilor Garcia. Roll call: Councilors Schaaf, Garcia, Piano and Mayor Bonaguidi all voted yes.

Following the closed session, Councilor Schaaf made the motion to reconvene the Regular Meeting. Seconded by Councilor Piano. Roll call: Councilors Schaaf, Piano, Garcia and Mayor Bonaguidi all voted yes.

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Mr. Hayes certified for the record the only matter discussed during the closed session was the appeal on the denial of the special event permit applications, no other items were discussed and no votes were taken.

Councilor Schaaf made the motion to deny the appeal filed by The Door Christian Fellowship Church. Seconded by Councilor Piano. Roll call: Councilors Schaaf, Piano, Garcia and Mayor Bonaguidi all voted yes.

Councilor Piano spoke on behalf of Council on the decision to deny the appeal for use of Viro Park and Bubany Park for these events, expressed willingness to work with The Door, clarified the reason for denial and intentions to discuss and gather input from the church with regard to ordinance amendments.

Presented to the Mayor and Councilors was the following Discussion Item:

1. Petition Policy for Speed Humps – Robert Hamblen, Public Works Director

Mr. Hamblen said the current policy pertaining to speed humps and the petition requirements to request speed humps, created by his predecessor, Stan Henderson, entails a 100% agreement of the entire block, where speed humps are installed. He provided a brief history of speed humps in the City and why the policy was implemented. He said since then, many speed humps have been installed under the policy, more specifically in District 3 where a petition has never failed in getting all the necessary signatures. However, in District 4 there is a current situation where one resident who is not in favor and will not sign the petition. He requested the Mayor and Councilors' input on changing the policy by lowering the necessary number of signatures, keeping in mind, where speed humps are installed, snow plow service will not be provided by the City because of potential damage to the trucks. He offered a potential alternative for snow removal; however, it may not be as effective.

Discussion followed regarding the required signatures based on the length of the street from intersection to intersection, plans to install 2 speed humps on Wilson Avenue from McKinley to Margaret Franco Street, researching policies in other New Mexico cities with similar weather, Mr. Hamblen's recommendation to maintain the policy as is, concerns regarding the majority versus the few with regards to petition requirements, speed traps, mobile radar units and alternative ways to slow traffic down.

The Council expressed their personal preference and experience with speed humps.

Further discussion followed regarding ineffective speed lights, specifically on Burke Drive, where a traffic study was conducted and suggestions to narrow the lanes or install medians. Mr. Hamblen felt the most effective way to slow people down is

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police enforcement of traffic laws. Further discussion followed regarding traffic enforcement grants and the immense research collected by a Mentmore citizen demonstrating speed humps to be ineffective in some cases and sometimes dangerous.

Mayor Bonaguidi expressed concerns with drainage ditches and the amount of damage they can do to vehicles. Mr. Hamblen said he will reach out to DePauli Engineering, who designed the ditches to handle the water flow and will do additional research to report back to the Mayor and Councilors.

Comments by the Public on Non-Agenda Items

Dennis Lorenzo presented information regarding the multi-cultural Red Ribbon Run held for the past 30 years, including its conception, history, participating communities, inclusivity, appreciation to the City and extended an invitation. Dr. Kevin Foley provided logistical details for the permitted event.

Chris Saucedo expressed his concerns with Councilor Palochak's actions at the event on June 17th event at Viro Park.

Comments by Mayor and City Councilors

Councilor Piano expressed her appreciation to those who attend the Council meetings, reiterated intentions on working with The Door to amend the Special Events Ordinance and address speeding issues.

Councilor Garcia noted the basis of the denial of The Door's permits and eagerness to work with all churches with regard to outreach.

Councilor Schaaf thanked everyone who helped with the success of this year's Ceremonial. He acknowledged all the heroes of the parade including Police, Fire, Parks, Streets, the State Police who helped to make the parade safe and appreciation to all other City Departments for their efforts.

Mayor Bonaguidi commented on the success of the Ceremonial and the police presence at the parade and the Arts Crawl Event. He said the Governor was in Gallup and was able to provide 20 State Police Officers to help with the event and mentioned funding she obtained for a bridge as well as \$8 million for water wells. He is looking forward to State and Congressional support in the future.

Comments by City Manager and City Attorney

None.

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



A handwritten signature in black ink, which appears to read "Louie Bonaguidi", is written over a horizontal line.

Louie Bonaguidi, Mayor

ATTEST:

A handwritten signature in blue ink, which appears to read "Alicia Palacios", is written over a horizontal line.

Alicia Palacios, Deputy City Clerk