

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 24, 2021.

The meeting was called to order by Mayor Louie Bonaguidi. He provided instructions to the public viewing the meeting through Facebook Live on how to provide comment on the proposed Ordinance concerning cannabis zoning regulations and on non-agenda items.

Upon roll call, the following were present:

Mayor:	Louie Bonaguidi
Councilors:	Linda Garcia Michael Schaaf Yogash Kumar (via Zoom) Fran Palochak
Also present:	Maryann Ustick, City Manager Curtis Hayes, City Attorney

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

1. Approval of Minutes from the August 6, 2021 Joint Work Session with the McKinley County Board of Commissioners and the August 10, 2021 Regular Meeting
2. Appointment of Tracy Lassiter and Adrian Armijo to the Keep Gallup Clean & Beautiful Board – Mayor Louie Bonaguidi
3. Fire Fund FY22 Budget Adjustment – Jesus “Chuy” Morales, Fire Chief
4. EMS Operations Funding – Jesus “Chuy” Morales, Fire Chief
5. Fiscal Year 2020-2021 Law Enforcement Protection Fund (LEPF) Carryover – Franklin Boyd, Chief of Police
6. Budget Adjustment for Lodger Tax Event Grants – Jennifer Lazarz, Tourism and Marketing Manager

Councilor Schaaf made the motion to approve Consent Agenda Items 1 through 6. Seconded by Councilor Garcia. Roll call: Councilors Schaaf, Garcia, Palochak, Kumar and Mayor Bonaguidi all voted yes.

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

- 1. Ordinance No. S2021-6; Ordinance Concerning Zoning, Regulating Cannabis for Recreational use by Amending Sections 10-2B-D-I-C, 10-3-B, 10-3C-C, 10-3-C-J, 10-3-C-K, 10-3-C-U, 10-3-C-V, 10-5-B-D-iii and 10-6, of the Land Development Standards of the City of Gallup and Declaring an Emergency – Clyde (C.B.) Strain, Planning and Development Director**

**Mr. Strain presented the Ordinance and explained the urgency in implementing the proposed regulations. He provided information regarding the Planning and Zoning Commission's process in reviewing and establishing changes to the ordinance at their regular board meeting held on August 11, 2021. Mr. Strain introduced Jessica Lawlis, Urban Planner for Dekker Perich Sabatini, who assisted the Planning and Development staff in drafting the language of the ordinance.**

**Ms. Lawlis presented a PowerPoint presentation containing final recommendations for recreational cannabis updates in the Land Development Standards (LDS), including the use of categories and definitions, allowances, prohibitions and specific standards; in addition to use regulations such as cultivation, manufacturing, sales and consumption as it pertains to each of the categories. She also provided conditions of the Conditional Use, highlighted the intended purpose of the regulations as a guide and not a final document and recapped changes per the Planning and Zoning Commission.**

**Discussion followed regarding home cultivation with regard to landlords and tenants, concerns regarding consumption within the downtown area especially during family oriented events, levels of impairment, potential server permits, permissible areas for consumption, lawfully limiting the number of sellers within an area, separation conditions and distance requirements from other establishments, the absence of a home cultivation registration system, avoiding the implementation of more stringent regulations in accordance with the State and provisions of the "Grandfather Clause."**

**Mayor Bonaguidi expressed his disdain towards the legalization of cannabis for recreational use.**

**Councilor Schaaf made the motion to approve Ordinance No. S2021-6; Ordinance Concerning Zoning, Regulating Cannabis for Recreational use by Amending Sections 10-2B-D-I-C, 10-3-B, 10-3C-C, 10-3-C-J, 10-3-C-K, 10-3-C-U, 10-3-C-V, 10-5-B-D-iii and 10-6, of the Land Development Standards of the City of Gallup and Declaring an Emergency, with the inclusion of a minimum restriction of 300 feet from civic use facilities, cemeteries, rehabilitation centers and prohibition of on-site consumption areas**

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in the City. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Garcia and Kumar voted yes. Mayor Bonaguidi voted no. Motion carried.

- 2. Request for Street Closures for Leadership McKinley and Gallup McKinley County Chamber of Commerce Business Expo – Tommy Haws, Leadership McKinley Event Chairman**

Mr. Haws presented the request to host a business expo with the Gallup McKinley County Chamber of Commerce on Saturday, September 18, 2021 from 8:00 a.m. to 3:00 p.m. at the Courthouse Square, the nearby parking lots and the Downtown Walkway. He requested the closure of Aztec Avenue from Second Street to Third Street, while allowing access to Washington Federal Savings Bank to avoid business interference. Mr. Haws provided a list of planned events and possible in-kind services which Ben Welch, Community Events Coordinator, has been assisting with.

Brief discussion followed regarding the scheduled event time as well as set-up and teardown, importance of showcasing the City and security presence.

Councilor Palochak made the motion to approve street closures on Aztec Avenue from Second Street to Third Street, as presented. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Schaaf, Kumar and Mayor Bonaguidi all voted yes.

- 3. Request for Street Closures for the 2021-2022 Arts Crawl Events – Frances Bee, Business Improvement District Executive Director**

Mr. Bee presented the request for street closures from First Street to Third Street on Coal Avenue for the monthly ArtsCrawl events beginning October 9<sup>th</sup> and every second Saturday of the month through September 2022. Mr. Bee requested additional time to set-up on August 9, 2022 to accommodate a large band and their equipment and said security will be increased for said event. Mr. Bee said Arts Crawl staff are monitoring the trajectory of COVID and expressed appreciation to the City for their continued support of the events.

Councilor Garcia made the motion to approve street closures for the ArtsCrawl events as presented. Seconded by Councilor Palochak. Roll call: Councilors Garcia, Palochak, Schaaf, Kumar and Mayor Bonaguidi all voted yes.

- 4. Request for Street Closures for Miyamura High School Homecoming Parade to be Held on Friday September 10, 2021 – Melinda Alderete, Patriot Booster President**

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**Ms. Alderete presented the request for street closures from 8<sup>th</sup> Street to 1<sup>st</sup> Street on Aztec Avenue, in accordance with the standardized parade route for the Miyamura Homecoming Parade on September 10, 2021 at 3:00 p.m.**

**Brief discussion followed regarding the standardized parade route policy previously approved by Mayor and Council for standardization and safety purposes.**

**Councilor Schaaf made the motion to approve the request for street closures on September 10, 2021 for the Miyamura High School Homecoming Parade, as presented. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Garcia, Kumar and Mayor Bonaguidi all voted yes.**

### **5. Ordinance No. C2021-5; Small Cell Wireless Ordinance – Curtis Hayes, City Attorney**

**Mr. Hayes presented the proposed ordinance detailing the significance of small cell wireless transmitters and explained the intent of the provisions set forth by the State of New Mexico and the Federal Communications Commission (FCC) including utility pole access, time limits, application fees, eligible facility requests and penalties.**

**Councilor Schaaf made the motion to approve Ordinance No. C2021-5; Small Cell Wireless Ordinance. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Garcia, Kumar and Mayor Bonaguidi all voted yes.**

### **6. Lodger Tax Event Grant Awards Round 2 – Jennifer Lazarz, Marketing and Tourism Manager**

**Ms. Lazarz presented the Lodgers Tax Committee's recommendations for funding as discussed at their meeting on August 17, 2021 as follows: Turquoise Roping, \$3,500 and the 40<sup>th</sup> Annual Red Rock Balloon Rally, \$35,000; totaling \$38,500.**

**Peter Procopio of the Red Rock Balloon Rally Association, thanked Jennifer Lazarz and the Lodgers Tax Committee for disbursing the entire requested amount. He noted the cancelation of last year's event due to the pandemic and the loss of Marathon Petroleum's sponsorship. He requested a meeting with City staff to discuss the possibility of obtaining additional funding and/or in-kind services and thanked City staff for their long time support of the event.**

**Councilor Palochak made the motion to approve Lodgers Tax Event Grant Awards Round 2. Seconded by Councilor Schaaf. Roll call: Councilors Palochak, Schaaf, Garcia, Kumar and Mayor Bonaguidi all voted yes.**

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### 7. Final Multi-Color Logo Approval of Visit Gallup Logo – Jennifer Lazarz, Marketing and Tourism Manager

Ms. Lazarz presented a PowerPoint consisting of three primary logo options and a secondary logo palate.

Following discussion, Councilor Garcia made the motion to approve all three color options, to be used discretionally. Seconded by Councilor Schaaf. Councilors Garcia, Schaaf, Palochak, Kumar and Mayor Bonaguidi all voted yes.

### 8. City of Gallup Senior Program Budget Approvals – Kimberly Ross-Toledo, Senior Center Program Manager

Ms. Ross-Toledo presented contracts from the American Rescue Plan, which will cover the top three administrative salaries, the Non-Metro Agency on Aging (NMAA), Federal and State Sub Awards; which will fund remaining payroll, program services and equipment and the Nutrition Supplemental Incentive Program; with a total budget of \$686,276.

Brief discussion followed regarding the General Fund and required matches.

Councilor Palochak made the motion to approve the Senior Program contracts, as presented. Seconded by Councilor Garcia. Roll call: Councilor Palochak, Garcia, Schaaf, Kumar and Mayor Bonaguidi all voted yes.

### **Comments by Public on Non-Agenda Items**

Barry Klopfer expressed his disappointment in the Mayor and Councilor's decision to ban onsite consumption of cannabis throughout the City as it pertains to Ordinance No. S2021-6 in the City's Land Development Standards.

### **Comments by Mayor and City Councilors**

Mayor Bonaguidi requested flags be flown at half mass on August 31<sup>st</sup> in remembrance of former Mayor George Galanis, who recently passed away. He also explained his reasoning and perspective with regard to the legalization of the recreational use of cannabis.

Councilor Palochak expressed her gratitude to the Quilts of Valor for a quilt, she and 9 other veterans were recently presented with and urged citizens to run for office.

Councilor Schaaf mentioned the grand opening of the Coal Avenue Commons area and thanked all City staff, including Parks, Golf Course and Solid Waste who took part in the most recent city-wide clean-up.

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Councilor Garcia commented on the Coal Avenue Commons renovation and success of the events held by the local Ceremonial Association as well as the State Ceremonial Board. She encouraged everyone to view the free concerts being held on Thursday nights. She also reminded everyone about National Night Out which could not take place due to the pandemic and encouraged everyone to show their appreciation for public safety personnel and all they do for the community.

**Comments by City Manager and City Attorney**

Jon DeYoung, Assistant City Manager, provided information regarding the Emergency Rental Assistance Program for households experiencing financial hardship due to the COVID-19 outbreak. He said the Customer Care office will be accepting applications and submitting them to the State for review and approval. Funding is dependent on availability and is for renters only.

Councilor Schaaf made the motion to adjourn. Seconded by Councilor Palochak Roll call: Councilors Schaaf, Palochak, Garcia, Kumar and Mayor Bonaguidi all voted yes.

  
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Louie Bonaguidi, Mayor

**ATTEST:**

  
  
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Alicia Palacios, Deputy City Clerk