

Minutes of the Regular Meeting of the Gallup City Council, City of Gallup, New Mexico, held in the Council Chambers at City Hall, 110 West Aztec, at 7:00 p.m. on Tuesday, April 13, 2010.

The meeting was called to order by Mayor Harry Mendoza.

Upon roll call, the following were present:

Mayor:	Harry Mendoza
Councilors:	John J. Azua Mike Enfield Allan Landavazo E. Bryan Wall
Also present:	R. David Pederson, City Manager & City Attorney

Discussion from the previous Work Session continued regarding the following item:

5. Capital Improvement Project List:
 - a. Installation of Artificial Turf at the Sports Complex and TDFL Fields (Four Athletic Fields, Estimated Cost - \$3 Million)
 - b. New Eastside Fire Station (Estimated Cost - \$2 Million)
 - c. Repair and Remodel Northside Recreation and Senior Center (Estimated Cost - \$2 Million)
 - d. Red Rock Park (ADA Compliance & Structural Repairs, Estimated Cost - \$2 Million to \$4 Million)
- R. David Pederson, City Manager/City Attorney

Mr. Pederson suggested that the Mayor and Councilors conduct a site visit at each project site as recommended by Councilor Wall. Mr. Pederson said the proposed capital improvement projects coincide with item #7 of the Agenda concerning the creation of task forces to conduct long term strategic planning for the City, including the City's infrastructure. Mr. Pederson asked the Mayor and Councilors to consider the proposed projects which should be viewed as the City's own stimulus plan since it is most likely the City will not be receiving any large federal or state funds.

Councilor Azua said the projects have been on the table for a long time and to invest in the proposed projects will be money well spent. He said there are two projects that will benefit the youth and the seniors of the community and two projects that will benefit the entire community. He asked if there is a separate source for funding infrastructure improvements. Mr. Pederson responded yes; however, there are limited funds to be allocated over and above the proposed projects. Mr. Pederson said he would need to check with Lance Allgood, Executive Director, Gallup Joint Utilities, concerning the matter since most of the City's infrastructure needs are related to utilities.

MINUTES

Regular City Council Meeting – 4/13/2010

Page 2

Councilor Landavazo said it has been his position to refrain from proceeding with the projects until the end of this year's State Legislative Session to ensure that the decisions made by the Legislature would not affect any of the City's revenue streams. He is in favor of the projects that were presented; however, he recommended the installation of artificial turf on the four fields at the Gallup Soccer Complex, which would cost about \$1 million. He also recommended the installation of an elevator at the Gallup Joint Utilities Annex to comply with Americans with Disabilities Act (ADA) requirements, which would cost about \$800,000. He believes the elevator could be installed for about \$200,000 by a source specified by CARE 66.

Councilor Wall asked if there is additional money available after allocating funds for the City's roofing projects two months ago. Mr. Pederson responded yes because the money that was allocated was generated from the imposition of the ¼ cent tax increment. Mayor Mendoza recommended deferring discussion on the matter under item #7. Councilor Wall asked about unexpended funds for a project that is completed under the estimated cost. Mr. Pederson said the categories listed in a bond ordinance will be broad enough in which unexpended funds could be used for additional projects under said categories. Councilor Wall asked if another engineer could provide an estimate for the cooling system at the Fitness Center. Councilor Wall said he believes the City could save money by installing an evaporative cooling system rather than a refrigerated air system.

Mr. Pederson said it would be worth re-examining the issues concerning the elevator at the Gallup Joint Utilities Building and the cooling system at the Fitness Center since it is the City's responsibility to spend the public's money wisely.

Bill Bright said if the City condemns nuisance properties, the properties could be turned over to Habitat for Humanity for the purpose of creating decent housing for local families. Mayor Mendoza recommended the allocation of funds for the purpose of acquiring nuisance properties for Habitat for Humanity.

6. Division of the Parks and Recreation Department Into Two Separate Departments and/or the Appointment of Each Department Director – Councilor E. Bryan Wall and R. David Pederson, City Manager/City Attorney

Mr. Pederson said the Parks and Recreation Department is a very broad-based department. One problem that surfaced is the considerable amount of time it required for Ben Welch, Executive Director, Parks and Recreation Division, to convalesce and to return to work from his extended medical leave. Mr. Pederson said there is currently one executive director overseeing the division, which is sufficient; however, he recommended the recruitment of one department director for the Parks Department and

MINUTES

Regular City Council Meeting – 4/13/2010

Page 3

another department director for the Recreation Department which would report to Mr. Welch as executive director of the division. Mr. Pederson said he does not believe the Parks and Recreation Division is too significant for one executive director; however, he believes there should be additional personnel in the administrative structure of the division. In developing the budget for next year, he recommended the recruitment of the department directors around the beginning of the next calendar year.

Councilor Wall said he believes the Parks and Recreation Division is too large for one person to handle, even if the best person is in charge of the department. He said it would be beneficial to the City to have one director concentrate their efforts on the Parks Department and another director concentrating their efforts on the Recreation Department. He said two separate department directors would work better as a team rather than having one director running both departments in several different directions.

7. Formation of City Council Task Forces to Conduct Long Term Strategic Planning for the City in the Following Five Areas:
 - a. Major City Facilities (Red Rock Park, El Morro Theater, City Hall)
 - b. Utility Policy (Payment for the Navajo-Gallup Water Supply Project, G-22 Water Rights)
 - c. Golf Course
 - d. Senior Citizens and Veterans Issues (Hillcrest Cemetery)
 - e. Sports and Recreational Facilities (Athletic Fields, Fitness Center, Swimming Pools)

- R. David Pederson, City Manager/City Attorney

Mr. Pederson said he would like to add a sixth category entitled "Business Regulation and Promotion." He recommended assigning the chairmanship of each task force to each Council member with Mr. Pederson taking charge of one of the task forces. He also recommended the appointment of five to seven individuals to each task force in the following manner: each Council member would recommend the appointment of two individuals to their task force while Mayor Mendoza and Mr. Pederson would recommend the appointments of the remaining individuals. Mr. Pederson said he would like the final recommendations from each task force to be completed no later than July 1, 2010. He recommended Mayor Mendoza to chair the Major City Facilities Task Force, Councilor Wall to chair the Utility Policy Task Force, Councilor Enfield to chair the Senior Citizens and Veterans Task Force, Councilor Azua to chair the Sports and Recreational Facilities Task Force, Councilor Landavazo to chair the Business Regulation and Promotion Task Force and Mr. Pederson would chair the Golf Course Task Force. The purpose of the task forces is to conduct public meetings to discuss long term planning for the City in each of the respective five areas listed. After obtaining

MINUTES

Regular City Council Meeting – 4/13/2010

Page 4

input from the public, there may be a strong consensus of where the City should be headed, which may also develop into campaign issues for the next City election.

8. McKinley County Youth Water and Energy Awareness Days – Lance Allgood, Executive Director, Gallup Joint Utilities Division

Mr. Allgood said the event has become one of the largest water and energy awareness activities in the state by educating about 1,500 students in the community.

Elizabeth Barriga, Water Conservation Coordinator, provided an overview of the event which will be held Red Rock Park on May 5, 2010 and at Miyamura High School on May 6, 2010. Based on hosting this year's large event, the City was able to obtain a grant from the Bureau of Reclamation in the amount of \$23,000 which will be used for hosting the event during the next two years. She invited the Mayor and Councilors to participate in this year's event.

Mayor Mendoza called for a recess at 7:40 p.m.

Mayor Mendoza called the meeting back to order at 7:45 p.m.

Sanjay Choudhrie addressed the Mayor and Councilors and thanked them for the City's support of their affordable housing projects. Mr. Choudhrie said a funding application has been submitted for the completion of the Lexington Project and an application will be submitted tomorrow for a portion of the funding for the Carl's TV Project. He also thanked Mr. Pederson and Judi Starkovich, Executive Director, Administrative Services Division, for their work toward the projects.

The Mayor and Councilors presented a commendation to Steve Heil, an Art Teacher at Juan de Oñate Elementary School, for his outstanding work in the classroom and for being one of seven teachers in the state selected for the Golden Apple Award. The Mayor and Councilors also presented proclamations declaring Friday, April 16, 2010 as Golden Apple Foundation of New Mexico Tribute to Teacher Excellence Day; the week of April 11-17, 2010 at National Library Week; and the month of April, 2010 as Sexual Assault Awareness Month.

Presented to the Mayor and Councilors for their approval were the Minutes of the Work Session and Regular Session of March 11, 2010 and the Work Session and Regular Session of March 23, 2010.

Councilor Enfield made the motion to approve the aforementioned Minutes. Seconded by Councilor Landavazo. Roll call: Councilors Enfield, Landavazo, Azua, Wall and Mayor Mendoza all voted aye.

MINUTES

Regular City Council Meeting – 4/13/2010

Page 5

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

1. Request for the Closure of Aztec Avenue Between Second and Third Streets, for the 2nd Annual Route 66 Freedom Ride and Flight on May 16, 2010 – Bill Lee, Gallup-McKinley County Chamber of Commerce and Debbie Garcia, Gallup Convention and Visitors Bureau
2. Request for the Closure of Logan Avenue Between Woodrow Drive and Cliff Drive, for Roosevelt Elementary School 50th Birthday Celebration on May 27, 2010 – Mona Vining, Roosevelt Elementary School

Mayor Mendoza asked if there were any questions concerning the proposed street closures. There were none.

3. Resolution R2010-14; Fiscal Year 2009-10 Highway Street Improvement Program Funding Agreement – Stan Henderson, Executive Director, Public Works Division

Mr. Henderson said the New Mexico Department of Transportation (NMDOT) has made available \$1,168,000 in highway safety funds for the construction of sidewalks along south Second Street from Green Avenue to Nizhoni Boulevard. He recommended approval of the proposed Resolution in order to accept the safety funds from the State for the project.

4. Resolution R2010-15; Fiscal Year 2010-11 State Aviation Grant Agreement – Stan Henderson, Executive Director, Public Works Division

Mr. Henderson said the NMDOT Aviation Division has made \$5,875 available for the design of the airport drainage improvements for the west end of the runway at the Gallup Municipal Airport. The City will be required to match \$5,875 and the Federal Aviation Administration (FAA) will provide the balance of \$235,000 for the project.

Councilor Wall asked about future funding for the construction phase of the project. Mr. Henderson said the FAA will provide 90% of the funding towards the project costs and the State and the City will provide 5% each for the remaining balance of the costs. Councilor Wall asked when the construction phase of the project will begin. Mr. Henderson said the design phase will conclude this year with the construction phase expected to begin next calendar year. Mr. Henderson said the project may slip an additional calendar year since the FAA may not be able to allocate funds needed for the \$1 million plus project.

MINUTES

Regular City Council Meeting – 4/13/2010

Page 6

Following discussion, Councilor Azua made the motion to approve Consent Agenda Items 1-4. Seconded by Councilor Enfield. Roll call: Councilors Azua, Enfield, Wall, Landavazo and Mayor Mendoza all voted aye.

The following Discussion/Action Topic was presented to the Mayor and Councilors:

5. Proposed Charter Amendment to Repeal Article VI, Section 6 of the Gallup City Charter Pertaining to Runoff Elections – Councilor E. Bryan Wall and R. David Pederson, City Manager/City Attorney

Mr. Pederson said Councilor Wall asked about the possibility of repealing the section of the City Charter pertaining to runoffs in City elections. Mr. Pederson said the only runoff elections that take place in the state are conducted by municipalities based on their own charters or ordinances. The purported reason for runoff elections may be based on the fact that there are no primaries or partisan elections in municipal governments. Mr. Pederson recommended repealing the runoff provisions in the City Charter for the following reasons:

- There has only been one time where the candidate receiving the most votes in the initial election ever lost a runoff election.
- Most of the time, the gap between the first place candidate and the second place candidate has never been narrow.
- The high costs involved in conducting a runoff election.
- The time constraints imposed on the City Clerk's Office and the McKinley County Bureau of Elections since the runoff election must be conducted within 30 days after the initial election.

If a majority of the Council is in favor of the amendment, the amendment will be placed on the ballot for the 2011 Regular Municipal Election. If the voters approve the amendment, the amendment will not become effective until the 2013 Regular Municipal Election.

Councilor Wall said during the last municipal election, there was a problem concerning the use of one school as a polling site for the runoff election. If the polling site was changed, the information printed on his campaign material would have been incorrect. Councilor Wall also said a runoff election prolongs the winning candidate of the initial election by being able to take office by one month. He does not see the benefit of having runoff elections and would like to place the amendment on the ballot for the next Regular Municipal Election.

MINUTES

Regular City Council Meeting – 4/13/2010

Page 7

Councilor Azua said he disagreed with the proposed amendment based on the racial diversity of the community. He said it is very important that the runoff provisions remain in the City Charter.

Councilor Landavazo said the Mayor and Councilors should be prudent on spending the taxpayers' money. He said the money that is not spent on runoff elections could be used for improving the City's infrastructure or to help fund a project in the City. He recommended placing the amendment on the ballot for the next Regular Municipal Election. Councilor Enfield agreed.

Councilor Enfield made the motion to place an amendment repealing the section of the City Charter pertaining to runoff elections on the ballot for the next Regular Municipal Election. Seconded by Councilor Azua. Roll call: Councilors Enfield, Azua, Landavazo, Wall and Mayor Mendoza all voted aye.

Councilor Landavazo made the motion to adjourn into closed session for the purpose of discussing limited personnel matters concerning the City Manager's compensation. Seconded by Councilor Wall. Roll call: Councilors Landavazo, Wall, Azua, Enfield, and Mayor Mendoza all voted aye.

The Mayor and Councilors adjourned into closed session, pursuant to Section 10-15-1-H.(2) of the Open Meetings Act, NMSA 1978.

Following the closed session, Councilor Azua made the motion to reconvene the Regular Session. Seconded by Councilor Enfield. Roll call: Councilors Azua, Enfield, Wall, Landavazo and Mayor Mendoza all voted aye.

Mr. Pederson certified for the record that the only matter discussed during the closed session were limited personnel matters concerning a pay increase for Mr. Pederson, up to 10% of his base pay, for performing the positions of both City Manager and City Attorney. Mr. Pederson certified that there were no votes taken during the closed session. The certification was made pursuant to Section 10-15-1-J of the Open Meetings Act, NMSA 1978.

Comments by Public on Non-Agenda Items:

None.

Comments by Mayor and City Councilors:

Councilor Landavazo said he traveled to Dallas, Texas last week and during the flight, the pilot of the aircraft publicly recognized Congressional Medal of Honor recipient and Gallup resident Hershey Miyamura and his wife, who were also passengers on the

same flight. When they arrived in Dallas, there was a reception at the airport to greet, welcome and honor Mr. and Mrs. Miyamura. Mr. Pederson said the Congressional Medal of Honor has been awarded to 13 New Mexico residents and Mr. Miyamura is one of two individuals still living in New Mexico. Mr. Pederson said there is less than 100 Congressional Medal of Honor recipients living across the nation. He also said 80% of the Congressional Medal of Honor Awards were presented posthumously since there are 1 in 5 chances for a person to receive the honor while they are living.

Comments by City Manager:

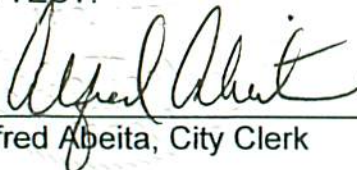
None.

There being no further business, Councilor Landavazo made the motion to adjourn the meeting. Seconded by Councilor Enfield. Roll call: Councilors Landavazo, Enfield, Wall, Azua, and Mayor Mendoza all voted aye.



Harry Mendoza, Mayor

ATTEST:



Alfred Abeita, City Clerk

Approved 4/27/2010