

Minutes of the Work Session of the Gallup City Council, City of Gallup, New Mexico, held in the Council Chambers at City Hall, 110 West Aztec, at 6:00 P.M. on Tuesday, May 25, 2010.

The meeting was called to order by Mayor Harry Mendoza.

At such meeting, the following were present, constituting a quorum:

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

Presented to the Mayor and Councilors were the following discussion item:

1. Proposed Changes to the Gallup Municipal Code Regulating Itinerant Vendors – Councilor E. Bryan Wall

Councilor Wall expressed his concerns with a vendor conducting business out of a trailer at the corner of Second Street and Nizhoni Boulevard. He said the business set-up is an eyesore, takes business away from permanently established business owners and questioned whether itinerant vendors pay taxes.

Clyde (C.B.) Strain, Community Planner, said the vendor in question has complied with the City's Ordinance concerning itinerant vending. He informed the Mayor and Councilors a few weeks ago about the conflict in the City Code concerning itinerant vendor regulations and the City's zoning regulations which require corner vending and flea markets to be regulated as conditional uses. He recommended amending the portion of the City Code which allows vendors to set-up stands on lots with permission granted by the property owner. Regarding the vending activity at Earl's Restaurant, Alfred Abeita, City Clerk, said the City Code provides an exemption where vendors may sell their own handcrafted, handmade goods without obtaining a business license.

Councilor Enfield asked about vendors for special events. Mr. Abeita said the City Code allows the issuance of licenses to itinerant vendors to set-up stands or push carts for events in which vending will be conducted on a daily basis.

Councilor Azua asked if utilities or restrooms were required for itinerant vendors to sell on lots. Mr. Strain said the vendor in question has a self contained unit that is being used to conduct business. Councilor Azua asked if the property owner is required to provide utilities for the self contained unit or restrooms for the public. Mr. Strain said business owners conducting business from their own building must provide restrooms

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for their customers. Mr. Strain also said utilities are not required for itinerant vendors and the owner of the self contained unit is not required to provide restrooms for his customers. Councilor Azua asked if flea markets are required to have utilities. Mr. Strain responded no but portable potties or restrooms within a permanent structure must be provided.

Councilor Wall recommended an amendment to the City Code that provides fines and penalties for itinerant vendors conducting business illegally. Mr. Pederson said there have been problems in trying to avoid the unintended consequences of over-regulating itinerant vendors whether the vendors are from out of town to sell for special events or local native crafts people traditionally selling their handmade goods on private property. Mr. Pederson said the City will need to determine how much regulation it wants to impose for the manner in which itinerant vendors conduct business and how property owners manage their own property. Mr. Pederson said staff will work on amendments to the existing code to address and rectify the problem.

The following items that will be considered during the next Regular Session were presented to the Mayor and Councilors for discussion only:

1. Approval of the Re-Appointment of Carol Sarath and the New Appointments of Angelica Cumberbatch and Jacob Trickey to the Octavia Fellin Public Library Board – Mayor Harry Mendoza

Mayor Mendoza recommended the aforementioned appointments to the Board.

2. Approval of Street Closures for the Run for the Wall Event Held on Thursday, May 20, 2010 – R. David Pederson, City Manager/City Attorney

Mr. Pederson asked the Mayor and Councilors to formally approve the street closures based on the consensus reached during the last regular meeting.

3. Resolution R2010-19; A Resolution Endorsing the High Efficiency Toilet (HET) Distribution Program and Partnership with the Bureau of Reclamation for Implementation of the Program – Lance Allgood, Executive Director, Gallup Joint Utilities

Mr. Allgood said the proposed Resolution would endorse the City's application for a grant in the amount of \$52,000 with the Bureau of Reclamation's Water Smart Program. The grant would require a match from the City in the amount of \$28,600 to retro-fit existing toilets with high efficiency toilets. It is anticipated that the grant will allow the replacement of toilets for about 100 homes depending on the cost for the amount of work required at each location.

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Rather than implementing the program on a first come first serve basis, Councilor Azua recommended having a lottery. Mr. Allgood said a lottery could be a way of implementing the program; however, it will need to be determined if there are any restrictions under the proposed grant agreement.

Councilor Wall asked why would there be a fluctuation in cost for installing a toilet. Mr. Allgood said some homes may require additional work depending on the type of plumbing system at each home. For example, if a home has galvanized plumbing, a plumber will need to go inside the wall to make the proper connections.

4. Navajo Gallup Pipeline Project, New Mexico Environment Department (NMED) Grant #SAP 06-1021-GF:
 - a. Approval of New Grant Agreement with NMED
 - b. Resolution R2010-20; A Resolution Authorizing the Assignment of Signatory Authorities and Grantee Representatives for the Navajo Gallup Pipeline Project
 - c. Resolution R2010-21; A Resolution Designating Grantee Representatives and Authorizing an Agreement with the Northwest New Mexico Council of Governments (NWNMCOG) for Implementation of a \$19,965.12 Special Appropriation Grant from the 2006 New Mexico State Legislature in Connection with the Navajo Gallup Water Supply Project

– Lance Allgood, Executive Director, Gallup Joint Utilities

Mr. Allgood said the \$25,000 grant was initially approved in 2007, frozen and finally cut over one year ago by the State. The grant was recently reinstated by the State last month and will expire on June 30, 2010. In order to receive the funds from the State a new grant agreement with the NMED along with the aforementioned Resolutions and a new Memorandum of Understanding with the NWNMCOG will need to be executed with the current signatories. There is currently a balance \$19,965.12 remaining from the grant.

Mr. Pederson said the signatory authorities and grantee representatives will be listed by title rather by the names of individuals since the Mayor and the City's work force change from time to time.

5. Construction Contract Award for the Reconstruction of the Northside Community Center Gymnasium Roof – Stan Henderson, Executive Director, Public Works Division

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Mr. Henderson presented the results of the bids submitted for the project. He recommended approval of the contract to Blue Sky Builders in the amount of \$150,951.67.

Councilor Landavazo asked about the scope of work to be performed. Mr. Henderson said the City will receive all of the requested improvements including the replacement of the entire roof, replacement of the old wooden trusses and the installation of a new HVAC system. Mr. Henderson also said the project consists of the roof replacement for the gymnasium itself and not the entire facility. Mr. Pederson said all of the three bids submitted came in below the estimated cost of the project.

Councilor Wall asked about the use of the excess funds for the project. Mr. Henderson said the excess funds of about \$8,600 will be used towards any change orders for the project.

Councilor Azua asked if other parts of the facility was closed. Mr. Henderson said the gymnasium is currently closed; however, the remaining portion of the facility will also require renovations. Mr. Pederson said the renovations would be included on the project list for the proposed bond issue.

Councilor Wall said the City had \$1.2 million to replace the entire roof of the Northside Community Center as well as other roofing projects for the City. Councilor Wall asked about the money that was allocated for the City's roofing projects. Mr. Henderson said since the cost to replace the entire roof at the Northside Community Center is over \$500,000, staff recommended proceeding with a bond issue and to use part of the proceeds to renovate the entire facility, which will cost about \$2 million. Councilor Wall said there should be excess money left over for the City's remaining roofing projects. Mr. Pederson said the funds in question have been accumulated through the ¼ cent tax increment which was imposed over the past 19 months. Mr. Pederson said if the City did not proceed with a bond issue, the money would be available for infrastructure improvements. Councilor Wall said the City had extra money available for the roofing projects which would not require a bond issue. Mr. Pederson said funds in question is not extra money and is separate and apart from the money allocated for the four major projects and the bond issue. Mr. Pederson said the City will have the capacity to proceed with the roofing projects and the four major projects under the bond issue. Councilor Wall asked about the status of the funds in question. Mr. Pederson and Mayor Mendoza said the money is still available. Mr. Henderson said the roof of the Senior Center and the Boys and Girls Club section of the Northside Community Center and the roofing improvements of the work to be done at Red Rock Park could be rolled into the bond issue pending direction from the Mayor and Councilors. Mr. Henderson said the money received from the State for the roofing project at the Northside Community Center must be spent by June 30, 2010 as directed by the Mayor and Councilors.

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6. Ordinance C2010-5; An Ordinance Related to Driving Under the Influence of Intoxicating Liquor or Drugs; Increasing the Fee Charged to Defray the Costs of Chemical and Other Tests; Amending Section 6-1-2-(G) of the Gallup Municipal Code – R. David Pederson, City Manager/City Attorney

Mr. Pederson said the 2010 Legislature increased the mandatory chemical test fee for driving while under the influence of intoxicating liquor or drug convictions by \$10.00 effective July 1, 2010. Since municipal courts are separate from state courts the City has to change the amount of the chemical test fee in its own ordinance to conform to state law.

Councilor Wall asked if the chemical testing includes both drug and alcohol testing. Mr. Pederson said the fees help defray the costs for any of the chemical testing, breath or blood, which are needed to determine the influence of liquor or drug on any individual. Mr. Pederson said most of the money goes to the state's scientific laboratory for services involved in calibrating breath testing machines. Councilor Wall asked about the number of people arrested for Driving While Intoxicated (DWI) that are also under the influence of drugs. Mr. Pederson said unless a blood test is administered on an individual, it is unknown if the person is also under the influence of drugs.

7. Ordinance S2010-1; An Ordinance Authorizing the Issuance of Two Series of City of Gallup Bonds (A) City of Gallup, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2010A and (B) City of Gallup New Mexico Gross Receipts Tax Refunding Revenue Bonds, Series 2010B – Mark Valenzuela, George K. Baum & Company and R. David Pederson, City Manager/City Attorney
8. Resolution R2010-18; Fiscal Year 2011 Budget Approval – Judi Starkovich, Executive Director, Administrative Services Division

Due to time limitations, Mayor Mendoza recommended discussing items 7 and 8 during the next regular session.

9. Approval of the Appointments of Individuals to Serve on the Following City Council Task Forces:
 - a. Major City Facilities – Mayor Mendoza
 - b. Utility Policy – Councilor Wall
 - c. Golf Course – R. David Pederson, City Manager
 - d. Senior Citizens and Veterans Issues – Councilor Enfield
 - e. Sports and Recreational Facilities – Councilor Azua
 - f. Business Regulation and Promotion – Councilor Landavazo

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Mr. Pederson recommended tabling item 9 until the next regular session in order to allow for additional time to finalize the list of appointments to the Task Forces.

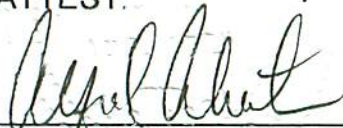
Councilor Wall said he would like to be appointed to the following Task Forces: Major City Facilities, Golf Course and Business Regulation and Promotion. Mr. Pederson said he would like to each Council member to chair a Task Force and has no objections for Council members participating in the other Task Forces. Mr. Pederson said he would like to allow a certain time period for each Task Force to conduct public meetings and to gather information needed for strategic planning for the City with the assistance from the NWNMCOG.

Due to time limitations, the Work Session adjourned.



Mayor Harry Mendoza

ATTEST:



Alfred Abeita, City Clerk