

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, July 27, 2010.

The meeting was called to order by Mayor Pro Tem John J. Azua.

Upon roll call, the following were present:

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

The Mayor Pro Tem and Councilors presented a proclamation declaring Friday, July 30, 2010 as Chief Manuelito Scholars' Day.

Presented to the Mayor Pro Tem and Councilors were the Minutes of the Work Session and Regular Session of July 13, 2010.

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

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

1. Appointments of Anna Dallago, Nash Khalaf, Yogash Kumar, Cynthia Tanner and Karen Fultz to the Lodgers' Tax Committee – Mayor Harry Mendoza
1. Request for Street Closure for the Gallup High School Homecoming Parade to be Held on Friday, September 17, 2010 – Carrie Ames or Steven Wargo, Gallup High School
3. Request for Street Closures for the Gallup High School Bengal Girls Dance Team 5K Fun Run/Walk to be Held on Sunday, September 12, 2010 – Mike & Kristy Tiley
4. Award of Construction Contract for the All Terrain Vehicle/Off Highway Vehicle (ATV/OHV) Facility Improvements – Clyde (C.B.) Strain, Community Planner

MINUTES

Regular City Council Meeting – 7/27/2010

Page 2

5. Resolution R2010-25; Final Fiscal Year 2010 Budget Adjustment – Judi Starkovich, Executive Director, Administrative Service Division

Councilor Wall made the motion to approve Consent Agenda Items 1-5. Seconded by Councilor Landavazo. Roll call: Councilors Wall, Landavazo, Enfield and Mayor Pro Tem Azua all voted aye.

Presented to the Mayor Pro Tem and Councilors was the following Discussion/Action Topic:

6. **Public Hearing:** Proposed Issuance of a Restaurant (Beer and Wine) License to Tommy and Michelle Duckett d/b/a Aurelia's Diner, 2502 East Highway 66 – R. David Pederson, City Manager/City Attorney

Mr. Pederson advised that the New Mexico Alcohol and Gaming Division has given its preliminary approval and presented the information relative to the proposed issuance of the license. The proposed location for the license is in compliance with the City's zoning regulations and does not violate the distance requirements set forth by the State Liquor Control Act. Mr. Pederson recommended approval of the license.

Mayor Pro Tem Azua asked if anyone would like to present testimony for or against the issuance of the license. There was no testimony presented.

Councilor Enfield made the motion to approve the issuance of a Restaurant Liquor License to Tommy and Michelle Duckett d/b/a Aurelia's Diner, 2502 East Highway 66. Seconded by Councilor Wall. Roll call: Councilors Enfield, Wall, Landavazo and Mayor Pro Tem Azua all voted aye.

Comments by Public on Non-Agenda Items:

None.

Comments by Mayor and City Councilors:

None.

Comments by City Manager:

Mr. Pederson said he met with Gary Giron, Cabinet Secretary, State Department of Transportation, in Santa Fe concerning the American Recovery and Reinvestment Act (ARRA) funding for the Clay Street Bridge Project. The purpose of the meeting was to discuss the City's concerns and misunderstanding of the ARRA for not being able to use federal funds in the amount of about \$250,000 for the construction management and inspection of the project. As a result of the meeting, it was discovered that the City is not eligible for the reimbursement of about \$30,000 of expended funds before the

MINUTES

Regular City Council Meeting – 7/27/2010

Page 3

bids were issued for the project; however, the ARRA funds in question (\$250,000) will be available for qualified expenditures of the project.

As mentioned during the previous work session, Mr. Pederson said the City has not received any information from the New Mexico Taxation and Revenue Department and the New Mexico Municipal League concerning the deduction of the fourth quarter gross receipts tax distribution in the amount of over \$500,000 based on the amended gross receipts tax returns submitted by Bradbury Stamm. He intends to send a letter of inquiry on the matter to Cabinet Secretary Rick Holmans and Bill Fulginiti, Executive Director of the Municipal League, and to request their assistance to minimize the adverse fiscal impact to the City. If there is not a prompt resolution to the problem, cuts will need to be made to the budget this fiscal year.

Mr. Pederson said the City received letters from the New Mexico Environment Department and the New Mexico Energy, Minerals and Natural Resources Department concerning the storm drainage issue with the abandoned Chiaramonte Mine. Although the City spent over \$30,000 to develop engineering plans to correct the problem caused by the State, he said the letters indicate a misunderstanding by both state agencies with the Environment Department threatening litigation against the City and the Energy, Minerals and Natural Resources Department offering very little assistance. He will contact the Cabinet Secretaries of both agencies concerning the engineering plans that were developed and to offer the City's cooperation without committing additional City funds to address the State's drainage problem.

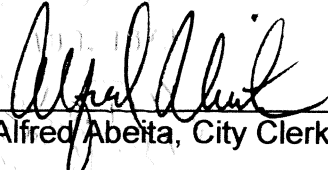
Mr. Pederson said the City will host a luncheon for the Navajo Code Talkers Day Celebration after the Inter-Tribal Indian Ceremonial Parade on August 14, 2010 at the Courthouse Square. He will also encourage City staff to wear traditional native attire and jewelry during the upcoming Ceremonial.

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



Harry Mendoza, Mayor

ATTEST:



Alfred Abeita, City Clerk

Approved 8/10/2010