

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, December 14, 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

The Mayor and Councilors continued with the presentation of the following Regular Session Item from the previous Work Session:

6. Resolution No. R2010-39; Election Resolution for the March 8, 2011 Regular Municipal Election – Alfred Abeita, City Clerk

Mr. Abeita recommended that all city precincts be consolidated for the election with two polling sites per Council District. Regarding Councilor Landavazo's recommendations from the previous Work Session, Mr. Abeita said the reason for two polling sites per district is for the convenience of voters on election day. Mr. Abeita said the estimated costs for conducting the election will be about \$30,000.

Presented to the Mayor and Councilors were the Minutes of the Work Session and Regular Session of November 30, 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.

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

1. Resolution No. R2010-36; Bond Sale Resolution – Chris Muirhead, Modrall Spering Law Firm
2. Ordinance No. S2010-3; Adopting a Municipal Capital Outlay Gross Receipts Tax – R. David Pederson, City Manager/City Attorney
3. Ordinance No. S2010-4; Adopting a Municipal Quality of Life Gross Receipts Tax – R. David Pederson, City Manger/City Attorney

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4. Resolution No. R2010-37; A Resolution Proposing a Charter Amendment to the Existing Gallup City Charter Concerning the Provision of Run-Off Elections – R. David Pederson, City Manager/City Attorney
5. Resolution No. R2010-38; A Resolution Proposing a Charter Amendment to the Existing Gallup City Charter Concerning the Time of Holding Regular Municipal Elections – Alfred Abeita, City Clerk
6. Resolution No. R2010-39; Election Resolution for the March 8, 2011 Regular Municipal Election – Alfred Abeita, City Clerk

Councilor Wall made the motion to table Consent Agenda items 1, 2 and 3; to approve Consent Agenda items 4 and 5; and to approve Consent Agenda item 6 with an amendment to the Election Resolution by removing the questions concerning the imposition of the Municipal Capital Outlay Gross Receipts Tax and the Municipal Quality of Life Gross Receipts Tax. Seconded by Councilor Enfield. Roll call: Councilors Wall, Enfield, Landavazo, Azua and Mayor Mendoza all voted aye.

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

7. Task Force Recommendations:
 - a. Major City Facilities – Mayor Harry Mendoza

Mayor Mendoza thanked the following members of his task forces: Paul McCollum, Jackie McKinney and Mark Yoder. Mayor Mendoza said the City plans to solicit financial assistance from McKinley County since the majority of the users of City facilities are county residents. He said he met with Navajo Nation President-Elect Ben Shelly and asked him to consider a future partnership consisting of the Navajo Nation, McKinley County and the City of Gallup to assist in the funding and operation of the City's major facilities. He provided an overview of the task force recommendations that were submitted, marked as "Exhibit A" and made a part of the official Minutes of the Special Council Meeting of September 21, 2010.

Councilor Wall asked if Mayor Mendoza has solicited financial assistance from McKinley County. Mayor Mendoza responded no since the recommendations need to be reviewed, accepted and prioritized by the Council prior to soliciting financial assistance from the County.

Councilor Landavazo expressed concerns with potential liability issues at Harold Runnels Pool if there are no further investments made in the pool facility. Mayor Mendoza agreed; however, the recommendations of the task force are being presented

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to the Council to be accepted and further discussion and action concerning the recommendations will be made a later date.

Following discussion, Councilor Landavazo made the motion to accept the Major City Facilities Task Force recommendations. Seconded by Councilor Azua. Roll call: Councilors Landavazo, Azua, Wall, Enfield and Mayor Mendoza all voted aye.

b. Golf Course – R. David Pederson, City Manager/City Attorney

Mr. Pederson presented the results of the site assessments for a new public golf course, which was conducted by Molzen Corbin and Associates. The site owned by Gamerco and Associates located south of Mendoza Road was ranked the highest in the analysis; however, the City received notification from Gamerco and Associates that the company was not interested in a land swap or a land donation to the City at this time. Since the City does not have the funding to purchase the land for a new golf course, the City will need to consider renovating the existing Fox Run Golf Course, which will take an extended amount of time due to the low availability of funds. In renovating the golf course, the drainage problems and irrigation system will need to be addressed as well as relocating the golf shop to an access area off Boardman Drive. In researching the information concerning the title to the land at Fox Run Golf Course, there are reversionary clause issues in the documentation and the entity (Gallup Country Club) that gave title of the land to the City no longer exists. Since the Gallup Country Club no longer has share holder equity and if Gallup Country Club had reversionary rights, it is uncertain of who would possess the reversionary rights. It is also uncertain if the reversionary rights would be extinguished if the assets of the Gallup Country Club were not disposed of properly. In order to resolve the matter, the City will need to file quiet title action in District Court. The recommendation for public golf in Gallup is to gather as many resources as possible in continuing to improve and rehabilitate the Fox Run Golf Course unless additional outside funds for the golf course become available to the City.

Councilor Azua made the motion to accept the Golf Course Task Force recommendations. Seconded by Councilor Landavazo. Roll call: Councilors Azua, Landavazo, Wall, Enfield and Mayor Mendoza all voted aye.

Comments by Public on Non-Agenda Items

Don Hyde said he supports the Charter Amendment repealing the provision for run-off elections in the City Charter. He asked the Mayor and Councilors to consider the Preferential Voting with Elimination process for City elections, which is currently being used in several cities in California.

Comments by Mayor and City Councilors

None.

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Comments by City Manager

Mr. Pederson formally introduced Commander Raymond Ross as Acting Fire Chief and Ross Feagin as the new Information Technology Director. Commander Ross will serve as Acting Chief until the selection process for the Fire Chief's position has been completed. Mr. Pederson is hopeful to find two positions within the City's workforce for two other highly qualified applicants that applied for the Information Technology Director's position.

Mr. Pederson said he received preliminary approval from officials at the Gallup-McKinley County School District concerning a proposed Resolution for the School Board to consider that would eliminate the land use restrictions on the property to be used for the new Eastside Fire Station.

Mr. Pederson said President Barrack Obama signed a bill that would allocate \$180 million for the construction of the Navajo-Gallup Water Pipeline. The allocation will be \$60 million per year for the next three years which is about 20% of total costs for the project.

Mr. Pederson said he will be working with the City Planner and the City Clerk concerning revisions to the City's Business Regulation Ordinance pertaining to temporary vendors. Regulations and fees concerning small temporary vendors do not fall under the City's Itinerant Vendor Ordinance and need to be addressed.

Councilor Enfield made the motion to adjourn into closed session for the purpose of discussing the purchase, acquisition, or disposal of real property or water rights. Seconded by Councilor Landavazo. Roll call: Councilors Enfield, Landavazo, Azua, Wall and Mayor Mendoza all voted aye.

The Mayor and Councilors adjourned into closed session, pursuant to Section 10-15-1-H.(8) 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 matters discussed during the closed session were the purchase, acquisition, or disposal of real property or water rights. Mr. Pederson also certified that no action was taken during the closed session. The certification is made pursuant to Section 10-15-1-J of the Open Meeting Act, NMSA 1978.

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



Harry Mendoza, Mayor

ATTEST:



Alfred Abeita, City Clerk

Approved 1/11/2011