

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, February 15, 2011.

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

The following items were presented to the Mayor and Councilors for discussion only:

1. New Regional Non-Profit Corporation – Jeff Kiely, Director and Billy Moore, Board Chairman, Northwest New Mexico Council of Governments

Mr. Moore presented a request to the Mayor and Councilors for \$15,000 in support of the formation of a regional non-profit economic development organization in northwest New Mexico. The newly created independent corporation would work towards attracting regional funding from the private sector to focus on economic development in the following three areas: energy, healthcare and wealth creation.

Mayor Mendoza asked about the commitment to the project from the remaining membership of the Council of Governments. Mr. Moore said McKinley County, Cibola County, City of Grants and the Village of Milan have contributed funds for the project. Mr. Moore said the Council of Governments will be contacting the remaining membership within San Juan County to request their contribution and involvement in the project. Mayor Mendoza asked if the \$15,000 allocation will be a one time contribution for the project. Mr. Moore responded yes.

Councilor Enfield asked about the current status of the non-profit organization. Mr. Moore said the business plan for the organization is currently being worked on as well as the required paper work to legally establish the non-profit corporation. Mr. Moore said a foundation based in Santa Fe is currently working as the fiscal agent for the corporation. Councilor Enfield asked who the fiscal agent will be once the non-profit corporation is established. Mr. Kiely said the Regional Development Corporation from Santa Fe will serve as the fiscal agent for the independent organization until the non-profit status has been granted by the Internal Revenue Service. Once the organization

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receives its non-profit status, the organization will act as its own fiscal agent. Mr. Kiely also said the non-profit status for the organization is vital to receive funds from the private sector and philanthropic foundations in order to allow the contributors to receive tax deductions for their contributions. Mr. Moore said the electric cooperatives and the New Mexico Gas Company are interested in the project since the non-profit organization may be able to provide assistance with intergovernmental relations on utility matters.

Councilor Wall said the project will be beneficial to Gallup and northwestern New Mexico.

Councilor Landavazo said the non-profit organization will be able to obtain contributions for the project as the Council of Governments is legally prohibited from doing so.

Councilor Azua asked if the Council of Governments have taken any precautions for the project with regards to the Hatch Act. Mr. Kiely responded yes.

2. Proposed Amendments to the Gallup Municipal Code Concerning Itinerant/Temporary Vendors – C.B. Strain, Community Planner

Mr. Strain said the City's current Itinerant/Street Vendor Ordinance does not address the wide range of vending within the city limits. He presented an overview of the draft of the proposed ordinance which would regulate civic, charitable, educational, commercial, mobile/non-permanent, prepared food, produce and temporary vendors. A copy of the proposed draft ordinance is attached hereto and made a part of these official Minutes.

Councilor Enfield asked about the issuance of only two licenses per year for up to 14 days per license under the proposed Ordinance. Mr. Pederson said most of the vending under the provision is done by out-of-town commercial vendors and civic, charitable, and educational vendors that conduct sales a few days at a time. Councilor Enfield said the civic, charitable and educational vendors should be given as many opportunities to sell their goods for their fund raising efforts. Mr. Strain said the proposed Ordinance authorizes the City Manager to grant written waivers from the Ordinance to civic, charitable and educational organizations for specific activities to be conducted on specific dates.

Councilor Landavazo asked if the vending restrictions in the proposed Ordinance would prohibit the outdoor sales activity at Earl's Restaurant. Mr. Strain said Native American

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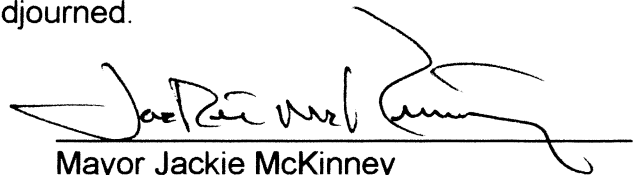
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jewelry, arts and crafts vendors are exempt from the proposed Ordinance. Mr. Pederson said the City does not want to disrupt the traditional and customary sales practices with the local Native American artisans and vendors. Councilor Landavazo asked about the licensing of food vendors during the National Junior High School Rodeo at Red Rock Park. Alfred Abeita, City Clerk and Mr. Pederson said licenses are not issued to the vendors during the rodeo since the regulation of vendors is covered under the contract with the National High School Rodeo Association. Councilor Landavazo asked how Party in the Park vendors would be handled under the proposed Ordinance during the Independence Day Celebration. Mr. Strain said the vendors would be covered under the special event permit from the City. Councilor Landavazo asked how carnivals would be addressed in the fee structure under the Ordinance. Mr. Strain said carnivals are not considered vendors and would be addressed by a different section in the Municipal Code. Councilor Landavazo recommended shortening the number of days required to issue a license to a vendor. Under the proposed Ordinance, there is a time frame of 25 days to provide notice to the applicant whether the license will be issued or denied. Following discussion, staff recommended a time period of no more than 14 days to issue a license to a vendor, which is similar to the time period imposed for the issuance of licenses to vendors for special events.

Councilor Azua asked how the Ordinance would affect individuals wanting to conduct recycling and bio-fuel operations in private residential areas. Mr. Strain said the activities and operations specified by Councilor Azua are not allowed in residential areas. Councilor Azua asked if the language in §3-4-1(B) of the proposed Ordinance would lead to complications with interpreting the section concerning commercial activities. Mr. Pederson said the purpose of the section is to protect door to door political and religious activities.

Warren Wright, a local produce vendor, asked why he would only be allowed to work six months out of the year. Mr. Pederson said the provisions of the proposed Ordinance would allow Mr. Wright, as a produce vendor, to obtain two additional 90-day licenses per year as long as he moves his operation 300 feet.

Due to time limitations, the Work Session adjourned.



Mayor Jackie McKinney

ATTEST:



Alfred Abeita, City Clerk

Approved 3/22/2011