

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, March 22, 2011

The meeting was called to order by Mayor Jackie McKinney

Mayor: Jackie McKinney

Councilors: Cecil Garcia
Mike Enfield
Allan Landavazo
E. Bryan Wall

Also present: R. David Pederson, City Manager/City Attorney

Presented to the Mayor and Councilors were the Minutes of the Work Session and Regular Session of February 15, 2011.

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

Discussion from the previous Work Session continued on the item listed under the Consent Agenda for the current Regular Meeting.

3. Formal Bid No. 1024; Construction Contract Award for the Washington Park TDFL Artificial Turf Project – Stan Henderson, Executive Director, Public Works Division

Councilor Wall had asked who was listed as the subcontractors. Mr. Caviggia said the subcontractors were Field Turf who is also the turf supplier. The Councilors thought their work was excellent referring back to a job they had done in Taos and had excellent references.

4. Resolution No. R2011-10; A Resolution Authorizing Submission of an Application for United States Department of Agriculture Grant Funding to Initiate an M & L Programs Pilot Project to Prevent DWI – Tim Hagaman, Region 1 Community Development Representative, New Mexico Economic Development Department

Mr. Hagaman introduced Mike Wiley, CEO and Laura McCall, Co-founder of the program. Mr. Hagaman spoke about the work that they did to take this software company forward. They patented the software and spent a lot of money on getting the software programmed to work with the existing credit card machines. This software is to be used as a pilot test program during point of sale with regards to second time (DWI) Drinking While Intoxicated offenders.

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The program has been incorporated with the (NMPRC) New Mexico Public Regulation Commission. Mr. Hagaman said the company is looking for additional funding for the installation of the pilot project within the City of Gallup. Mr. Hagaman also requested if it was possible for the City Grant Writer, Kevin Killough, to make an application to the United States Department of Agriculture (USDA) on their behalf including having the City of Gallup act as a fiscal agent for this project. As the fiscal agent the City of Gallup would be able to purchase and receive reimbursement on the equipment and installation for this project. The software will be able to collect data from the point of sale at the liquor establishments who are willing to participate in this pilot project.

Councilor Enfield asked if the City would have to pay up front and get reimbursed for this equipment through the USDA grant. Mr. Hagaman responded yes. Councilor Enfield also asked if he had a list of volunteers for the project. Mr. Wiley said that although the local liquor establishments had been interested they did not have an actual list as yet. Mr. Wiley went on to explain how the program would work. The program is designed to detect people with alcohol restrictions, fake driver's license, and age restrictions. The person will be denied the sale if any of these alcohol infractions showed up on the system once the driver's license is swiped through the machine.

Councilor Enfield asked if there are any problems with this program. Mr. Pederson explained that the problem with this program is that it has to be strictly voluntary with the retailers until the State Law is changed. Mr. Pederson noted that the City would need to get reimbursed one hundred percent from the USDA grant especially if the City has to appropriate the necessary funds of \$50,000 up front. Mayor McKinney said that since the City is only authorizing the submission of the grant at this point, the City would not have any financial liabilities at this time until the grant was approved, at which time the Council could revisit the issue.

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

1. Memorandum of Understanding with Gallup BID, Inc. for the Implementation of a Downtown Clean-up Project – Mary Jean Christensen, President, Gallup BID, Inc
2. Formal Bid No. 1025; 2011 Water and Sewer Improvements – Lance Allgood, Executive Director, Gallup Joint Utilities
3. Formal Bid No. 1024; Construction Contract Award for the Washington Park TDFL Artificial Turf Project – Stan Henderson, Executive Director, Public Works Division

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4. Resolution No. R2011-10; A Resolution Authorizing Submission of an Application for United States Department of Agriculture Grant Funding to Initiate an M & L Programs Pilot Project to Prevent DWI – Tim Hagaman, Region 1 Community Development Representative, New Mexico Economic Development Department

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

Discussion/ Action Topics:

5. Ordinance C2011-2; An Ordinance Concerning Utility Billing and the Collection of Payments for Services – R. David Pederson, City Manager/City Attorney

Mr. Pederson presented the finalized version of the Utility Ordinance that was brought before the council at the end of February. This ordinance sets up the time frames for the utility billing and the procedures that the City will follow for collecting delinquent accounts. Councilor Wall thought that Mr. Pederson did a great job. Mr. Pederson thanked Ross Feagin and Richard Snider for their help and said that they were still working on the updated policies for the collections and would probably have them ready in about two weeks.

Councilor Landavazo made the motion to approve Ordinance C2011-2. Seconded by Councilor Garcia. Roll call: Councilors Landavazo, Garcia, Wall, Enfield, and Mayor McKinney all voted aye.

6. **Public Hearing:** Proposed Transfer of Ownership and Location of Existing License #343 from Gallup Holding and Investment Corp., Lot 1, Unit 6, Indian Hills Subdivision to George Athens d/b/a Joe's Discount Liquors & Convenience Store, 820 West Maloney – R. David Pederson, City Manager/City Attorney

Mr. Pederson said pursuant to state law whenever there is a proposed liquor license transferred within the Local Option District the local governing body shall hold a public hearing on the question of whether they should approve the proposed issuance or transfer. Mr. Pederson said the Mayor and Councilors will hear from the applicant and anyone who opposes the application and make a determination to approve or disapprove the transfer. The City has received a preliminary review from the Alcohol and Gaming Division and they have reviewed the application and indicated that the proposed location is not in violation of zoning or other ordinances. The City Planning and Zoning Division have also determined that this particular area is correctly zoned for this particular activity.

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Jay Mason, Attorney for George Athens and Joe Athens, were duly sworn in by Deputy City Clerk, Brenda Romero, came forward to give testimony in favor of the transfer.

Mr. Mason stated that pursuant to state law he came to seek the approval of the Mayor and Councilors for the transfer of existing license # 343 from Gallup Holding and Investment Corporation to George Athens who proposes to do business as Joe's Discount Liquor and Convenience Store at 820 West Maloney Avenue.

Mr. Mason handed out the following items as exhibits A through D:

- A. An aerial photo of the area of the proposed location showing a 300 foot perimeter that has been approved by Alcohol and Gaming.
- B. The proposed menu, detail security on the premises, and a list of what is not to be sold there.
- C. List of the 32 north side business people in favor of the transfer.
- D. A petition that was circulated by the applicant numbering 400 who support the transfer including the 32 business owners

A copy of the aforementioned exhibits are attached hereto and made a part of these official minutes.

Mr. Mason presented the applicant's side by reminding the Council that their job was to determine whether this liquor license would be a danger to the public health and safety of the community at this particular location. Mr. Mason talked about cases including Town and Country Food Stores vs. Hughes and the City of Santa Fe vs. Woodard in which it upheld the idea that it was not a general discussion about the pros and cons of alcohol. He reminded the Council that it was not their job to decide whether alcohol is good or bad, their job as a hearing body is to decide whether there is a specific problem with this location that is based on the history or if there a problem with the applicant. Mr. Mason spoke about the applicant George Athens, who has lived in Gallup his entire life or at least all but four years of his life. He has been in business in Gallup for 26 years. Mr. Athens has devoted his life to creating jobs and developing real estate and improving economic development in our community. He started with the laundromat business and developed strip mall centers he has bought and remodeled businesses such as Coal Street Pub, Quintana's Music Store, Sutherland Furniture and Good Fellas Sports Lounge; he has done this wherever he has gone. Mr. Athens has put money into developing businesses and tried to improve the neighborhood by keeping them in a clean and orderly fashion. This is an investment of about \$600,000 dollars with a large portion of that being the license itself. This building was an abandoned convenience store and has begun remodeling. This business is being developed for his first cousin

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Joe Athens who will be the general manager who is a licensed server for over 30 years and has never had a citation since the program began. The hours will be reasonable with the potential employment of four to six people. The whole area will be paved and will have live security and if the M & L Program starts up he will be one of the first to sign up for this volunteer program to stop any panhandling and have made a company policy decision not to sell any fortified wine, 12% beer, 40 ounce containers or sell in bulk to bootleggers and walkups. Mr. Mason said that there is a demand for this type of business by hard working people.

Joe Athens came forward to say that a bar and a package store are two completely different types of businesses. Their store will include food and security that stops intoxicated people from panhandling. He reiterated that they will not sell fortified wine or to bootleggers and their business will be built on trust and responsibility.

Mr. Mason again emphasized that there was no specific history to this specific location regarding the sale of alcohol. Mr. Athens had cleared the Alcohol and Gaming requirements with regards to his clean record; his history and track record is exemplary as an owner of this property.

Mayor McKinney then called for the opposing party and their attorney to state their case.

Mr. Robert Rosebrough a citizen of Gallup and the Attorney for the Gallup-McKinley County Schools was accompanied by Ray Arsenault, Superintendent, Tamara Allison, Principal of Washington Elementary, Bruce Tempest, President-Board of Education, Gallup McKinley County Schools and Joe Menini, Board Member.

Mr. Rosebrough began by clarifying that they were not contending that Washington Elementary is more than 300 feet away from 820 West Maloney, (as shown on exhibit B) in fact the school was precisely 32.6 ft beyond the line that would have resulted in automatic denial of the application, nor were they contending that Mr. Athens was an improper or disqualified applicant. In fact Mr. Mason is correct in saying that Messrs. George and Joe Athens are respected members of the community and respected business people. That is not disputed. With respect to their intentions of not selling 40 ounce bottles according to a company decision, that was the one aspect of their intentions that is legally enforceable, because that is prohibited within the City of Gallup. The other aspects of their business policy are not legally enforceable and the intentions are not being disputed. There have been applicants who stated their intentions that have not done or have decided for business reasons not to do later. Mr. Rosebrough asked the Council to consider what is of their policy enforceable when considering what is best for the health and safety of the citizens of the City. What they are contending to is the transfer of the license to this specific location where it would be detrimental to the public health and safety to the residents of this area. Mr. Rosebrough showed a aerial

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photo of the proposed transfer site, and Washington Elementary, the western side of the Gallup's North side, Washington softball park, the TDFL field, the rural area known as Hamburger Hill, the arroyos and Safeway. Mr. Rosebrough spoke about the existing licenses in the area, including Safeway, Giant, Class Act, Third Street Tavern, Applebee's and the Zen Restaurant. Also in this area also is the Casa San Martin which provides meals to the homeless and in some cases public inebriants. He said this area is known for systematic alcohol abuse. He read a statement from a decision issued by the Alcohol and Gaming division on May 2003 with respect to a denial of a transfer of a liquor license to Gallup's North side. It read "The northern portion of the City of Gallup is to describe it mildly beleaguered with chronic alcohol abuse and related problems. Public intoxication of pedestrians is common in this area and related consequences range from extensive amounts of alcohol related trash, panhandling, detox pickup, and arrests for public drunkenness to a significant number of pedestrian accidents and hypothermic deaths. Alcohol abuse is a common denominator in most of these deaths." Mr. Rosebrough said that this statement from the Alcohol and Gaming Division is consistent with his personal knowledge and observations of the area. After learning of this application Mr. Rosebrough requested and received public documents of this area, visited Washington Elementary School, ordered and received a survey and spoke to the principal and staff at Washington Elementary. Mr. Rosebrough presented the following Exhibits formatted with alphabetical tabs:

Exhibit #1

- A. Aerial Photo showing Washington Elementary and 820 West Maloney
- B. Survey showing distance from Washinton Elementary to 820 West Maloney
- C. NCI Statistics for 2010 – 4 of 5 top NCI pick up points located on Gallup's North side
- D. Gallup Police Department- 2010 NCI Facility Admissions
- E. 2010 Metro dispatch call from two Gallup North side locations –Safeway and Pep boys
- F. Photos – Washington Elementary from Wilson Avenue
- G. Photos – Home made Bridge over fence from the direction of 820 W Maloney
- H. Photos - Railroad Right of Way fence - hole in fence add alcohol bottles
- I. Photos – Washinton Elementary playground
- J. Photos – Old Washinton Softball Park

A copy of the aforementioned exhibits are attached hereto and made a part of these official minutes.

Mr. Rosebrough briefly reviewed the exhibits for the Mayor and Councilors. He said Exhibit A showed Washington Elementary and the proposed location of 820 West Maloney. Exhibit B is the survey depicting the 32.6 ft from the boundary. In Exhibit C, Mr. Rosebrough shows the top five pick up spots for the (NCI) Na' nizhoozhi Center, four of the pick up spots shown on are on the north side of Gallup. Exhibit D, shows

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that the number of admissions has increased by 11% in 2010. Exhibit E is the list of emergency calls made to the north side area by Pep Boys and Safeway. Exhibits F, includes five photos taken around Washington Elementary showing discarded bottles. Exhibit G, shows photos of a shopping cart was used to make a bridge over a fence to gain entry into the school yard which is littered by alcohol bottles. Exhibits H, I and J shows some more photos of the playground and a breach in the fence giving entry to the baseball dugouts. Mr. Rosebrough said one photo shows an intoxicated male who wondered over to talk to him while he was taking photos of the broken glass, and trash along the fence. In another photo there is a dark area shown in corner of the photo of the ground where he said the man in the photo urinated. In conclusion of he said in spite of the stated intentions of the applicant he was concerned with the name itself "Joe's Discount Liquors" based on his observations that's the problem with this area is package liquors and that's what is depicted in the photos, the sale of alcohol by volume.

Mr. Arsenault, came forward to say that his concern was not with liquor sales but where, the location was 32.6 ft away from the boundaries of the school he was concerned for the safety of the preschoolers and the kindergarten classes, the parents and staff of the school. The custodial staffs were having a hard time keeping up with picking up the bottles and cans in the area.

Tamara Allison, Principal of Washington School, spoke against the transfer because of the possibility of having more alcohol incidents increase at the school. She was also concerned about the traffic through the school grounds, and the school having to deal with the visible drinking in the area. She spoke about finding people convulsing in the weeds and having to continuously clean the area of trash. She also spoke about having people breaking into staff vehicles and the school itself.

Dr. Bruce Tempest, spoke against the transfer, because of the health and safety for the students. He described how he seen street people near the school and the distractions it causes for the staff including the protection of the students.

Mr. Menini spoke against the transfer referencing the area in question surrounding the location. Mr. Menini talked about a business named Super Smiths, Inc. where he went to talk to the owners and on his way out the back door he saw liquor bottles and found a shot glass that was on a back porch which he introduced as Exhibit # 2 to the Mayor and Council.

Testimony given by the Public:

The following people came forward to give testimony after being sworn in by Deputy City Clerk Brenda Romero

Larry Anderson Sr. – Opposed. A veteran, lives at Fort Defiance, Arizona but is

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opposed to the transfer because of ten deaths caused by alcohol usage that he is aware of in Gallup.

Samuel Flores – Opposed. Said alcohol has detrimental effects and enough is enough.

Rene Duckett – Opposed. She is a homeowner in the proposed area and spoke about the violence in the area caused by the effects of alcohol. She felt that the transfer would only create chaos in the area for the sake of money, and said the applicant had money and was going to be able to get the liquor license and make more money. She went on to say that there was nothing nice, clean or civilized about the liquor license.

Cassandra Lopez – For. (She refused to be sworn in). She was appalled at all the people who were mad because one person wanted to start a business. She stated since 1992, nothing has ever been done about the area, the broken bottles and etc. not even by past Mayors or Councilors and felt that with all the problems in this area why haven't they done anything about it until now when someone wants to start a business. Ms. Lopez said that Mr. Athens should not be held liable for people who can't handle their alcohol. She pointed out that his buildings are nice, he should be allowed to build his building and to open his Discount Liquor. She challenged other business owners to make their buildings look as nice.

Jason Gomez – For. He was born and raised in Gallup, attended Washington Elementary, and said the problems that exist from alcohol was a problem then and is still a problem now. As a local business owner on Maloney Ave. he was in favor of anyone who would take an abandoned building and make it into something nice. He thought that it would be nice to have a convenient store where local people could stop and pickup items. What he did not find nice was for someone to stop people from making a living, regardless of how much money they had. Safeway does the same thing and they are not bad people and felt that every city has a problem with panhandlers.

Vincent Lopez – Opposed. A concerned citizen who is against the community having another liquor license. He entered into evidence Exhibit # 3 a Petition to the City of Gallup with 509 signatures collected opposing the transfer of the license.

A copy of the aforementioned exhibits are attached hereto and made a part of these official minutes.

Sylvia Andrew – Opposed. Executive Director of the University of New Mexico-Gallup Campus, Ms. Andrew expressed her concerns about the proposed site being within walking distance from the North Campus of the University of New Mexico, Gallup Branch located at 425 North Seventh. The Campus serves about 300 students with 60% being women. Most of the students walk from the Rio West Mall bus depot to attend school. Their route to the campus passes by the proposed location, and she felt

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that the liquor store would only create a barrier to their participation of their adult education by maneuvering to avoid intoxicated individuals who may pose risks to them.

Deidra Dominguez – Opposed. Site Supervisor for the North Side Campus since 2001 and her only comment was that she thought that Gallup was moving forward but if this liquor license is passed we are moving a step backwards.

Chris Mazon – For. A retired police officer stated that testimony was given by Mr. Rosebrough about broken bottles. Broken bottles are all over the place including cities like Denver, and Albuquerque. Mr. Rosebrough testified about a liquor license that was denied because that location was right next to a highway, but four years later Club Zen received their license. He testified that he believed that Mr. Athens will stick to his guns.

Jay McCollum – Opposed. Pastor of the First Baptist Church, and citizen of Gallup, asked how many liquor license per capita are we suppose to have in the State of New Mexico and how many do we have at present. He does not think that question has ever been answered. He stated that every time he is present at the school there has been intoxicated people in the area. In his personal research there has been more than ten deaths, there has been eighteen; two in the proximity of Ninth Street and Maloney Avenue, eight killed by trains, and ten due to exposure. He said that we have a problem and would like the City to address it.

Perry Null – Opposed. Mr. Null said he came before the council thirty years ago with an article from the Wall Street Journal and it said there were over 3,000 counties in the United States and McKinley County was number # 2 in alcohol related deaths. Over the years there has not been much change. McKinley County remains in the top 2% of alcohol related deaths.

Anita Blum – Opposed. Teacher at Washington Elementary School for 17 years. Ms. Blum stated that she has observed that things had improved after the Cowboy's Bar closed on Ninth Street. She regularly sees broken bottles, articles of clothing, and the baseball diamond stinks from urine and the tables are filled with language not fit to be read by her students.

William Martinez – Opposed. He spoke about his involvement with the petition and the reason he decided to increase his efforts once he received a phone call from George Athens, the discussion included the sale of package liquor where Mr. Martinez stated that someone could get a DWI or go down the road and kill somebody. Mr. Martinez stated the answer he received from Mr. Athens was that that he had no control over that and that it was not his problem. He said anyplace else would be fine, but just not next to the school.

Louis Maldonado – Opposed. He stated that it was like a drowning man having a

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bucket of water poured on him. We don't need any more liquor licenses.

Alvin Bitsilly – Opposed. - Technology Support teacher at Wilson School. He does not live in Gallup but has seen instances of exposure deaths and his concern is for the children attending Washington Elementary.

Gilbert Shorty Sr. – Opposed. - A recovering alcoholic would like to look for solutions to solve the alcohol problem because alcohol is poison.

Don Good – For. Mr. Good talked about his own experience when trying to open up his establishment, how well meaning people came forward and stated how bad alcohol was in Gallup. Whether alcohol is bad or not, that has nothing to do with what Mr. Athens is trying to do, as Mr. Athens is trying to open a clean business and not serving any fortified wines or to anybody who is walking the streets. Mr. Good stated that Mr. Athens is not any different from Lowes and Safeway and he has the same rights as anybody else and he did not see anything wrong with what Mr. Athens was trying to do.

Tullian Brown Sr. – Opposed. A concerned citizen, he stated that he knew George and Joe Athens but was concerned about the location.

Angela Chavez – For. Ms. Chavez was not opposed to the liquor license because the problems that currently exist have existed for many years and another license is not going to affect what is going on. She stated that she serves beer and wine at her establishment and the people that come into her place drink responsibly. We need to give Mr. Athens a chance to develop his business.

George Galanis – For. Mr. Galanis said the applicant meets the criteria just like Safeway and told the Mayor and Councilors that when they took their oath to uphold the Laws of the State of New Mexico and Gallup, he said he was sure that's what they were going to do. Everyone agrees that alcohol is a sickness of the body, mind and soul. This building was an eyesore before, now the building looks nice and this should be given some consideration. He went on to describe the Athens's childhoods and said their characters are second to none.

Bryan MacDonald – For. Mr. MacDonald spoke in favor of the license, and said to give Mr. Athens a chance because he has met all the criteria and should be given the opportunity to prove himself so he can run a clean establishment.

Theresa Lowery – For. Ms. Lowery stated that even if Mr. Athens does not get his Liquor license none of the problems are going to go away. Mr. Athens deserves a chance.

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Jay Gomez – For. A business owner on the north and east side of Gallup, Mr. Gomez spoke in favor of the transfer. In his statement he believed that Mr. Athens had established a good record, stating that there are a lot of responsible liquor establishments in our area and the ones who were not responsible are no longer in business. He has known Mr. Athens most of his life and he is a man of his word.

Marion Lindymeyer- Opposed. Ms. Lindymeyer said the issue was the location and not a personality issue. She felt the issues like alcoholism, drugs, possible pedophilia were are some of the bigger issues that the Council should look at much more diligently or they have failed the people of Gallup.

Doug Bishop – For. Mr. Bishop spoke in favor of the transfer saying that the onsite security and eliminating the walkups helps and that's what Mr. Athens plans to do. He also stated that everything he operates stays clean such as his laundromats.

Brent Detsoi – For. Mr. Detsoi, a former City of Gallup officer testified that the broken bottles and trash are preexisting. He stated that Mr. Athens was innocent until proven guilty. He also stated that the City did have a panhandler problem but he believed it was because the City was not enforcing their panhandling law according to what he observed during his time with the City as a police officer.

Julianna Dooley – For. Ms. Dooley stated that Mr. Athens has taken this eyesore that's been there for many years and turned it into a viable business that will generate income which would a plus for the North side area. Mr. Athens has met all of the legal requirements.

Mayor McKinney thanked everyone for all their input and care. Mr. Pederson advised the Mayor and Councilors about the procedures in regards to what is required by the Alcohol and Gaming Division dependent on whether the governing body approves or disapproves the transfer. If the governing body fails to either approve or to disapprove within 30 days after the public hearing the Director of Alcohol and Gaming may give final approval for the transfer of the license. Mr. Pederson said that he did not think that there was a dispute on either side that the statutory criteria had been met, so the issue that the governing body need to determine was whether the transfer of the license is detrimental to the public health, safety or morals to the residences of the local option district. The approval of the governing body on public health, safety or morals must be based on and supported by substantial evidence pertaining to this specific applicant or location.

There being no further discussion on the matter, Mayor McKinney asked Ms. Romero to call for the votes from the Councilors on the transfer of ownership and location of the license. Mayor McKinney said an affirmative vote is a vote to approve the transfer of ownership and location of the license and a negative vote is a vote for the disapproval

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of the transfer of ownership and location of the license. Councilor Enfield voted nay, Councilor Wall voted nay, Councilor Landavazo voted nay, Councilor Garcia voted nay and Mayor McKinney voted nay. Mayor McKinney said his vote on the question that the issuance or transfer of the license would be detrimental to the public health, safety or morals of the residents of the local option district was weighed in by the 500 signatures on the petition from the district.

Comments by the public on Non-Agenda Items:

None.

Comments by Mayor and City Councilors:

Councilor Landavazo asked where the City was in reference to enforcing the assessments for the (BID) Business Improvement District and potential liens against properties on those that have not paid. Mr. Pederson said he had a list that was submitted by Mary Jean Christensen which will be verified by the City Clerk and Finance Offices as to who has not paid and a decision will have to be made on how to proceed. A mere filing of a lien does not automatically guarantee payment, the City is only guaranteed that the payment will be made in the event that the property is sold. The list of properties will be available for Mayor and Council before the next BID meeting.

Mayor McKinney had a comment on the decision for agenda item # 6 regarding the transfer of the liquor license. He stated that regardless of the vote, the problem that exists is evident in our community and the City can no longer turn our heads from it. Mayor McKinney asked that everyone dedicate themselves to finding solutions to the situations like public intoxication, panhandling and cleaning up our community. The public sent a strong message, so he urged the Council to take a personal initiative on changing and addressing these issues during his administration.

Comments by City Manager:

Mr. Pederson reminded the Mayor and Councilors that he and Mr. Allgood will be Santa Fe on March 31 and April 1, 2011 for the Law of the Rio Grande Water Conference. He will schedule a meeting with Ray Powell, State Land Commissioner, to discuss granting of the Pyramid Trails-Red Rock Park trails easement at a reduced or no fee.

Mr. Pederson said the he and Judi Starkovich will start the Budget process, once the numbers are in he will meet with Mayor and Councilors on how the budget will look like. He informed the Mayor and Councilors on July 1, 2011 there is going to be a reduction in revenues, because the City's share in the hold harmless distributions will be reduced from 1.22 % to 1.05 %. He said with the legislative session coming to an end he would like to give our Legislative delegation an opportunity to give the City a brief update on the laws that have been enacted or not been enacted in an upcoming Council meeting in April.

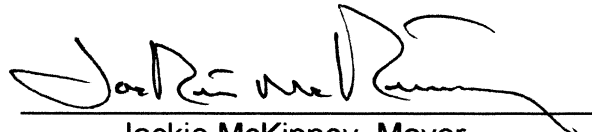
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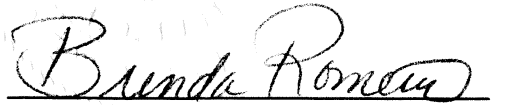
He also said there will be a special legislative session this fall, now that the census figures are in he would like to see if the City can retain Brian Sanderoff's Firm, Research and Polling to review the census data and to look at the our council districts, fortunately it looks like the census numbers have changed very little, and if need be, we might have to adjust the boundaries before the 2013 Council election.

There being no further business Councilor Enfield made a motion to adjourn. Seconded by Councilor Garcia. Roll call: Councilors Enfield, Garcia, Wall, Landavazo and Mayor McKinney all voted Aye.



Jackie McKinney, Mayor

ATTEST:



Brenda Romero, Deputy City Clerk

Approved 4/12/2011