

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, May 24, 2011.

The meeting was called to order by Mayor Jackie McKinney.

Upon roll call, the following were present:

Mayor: Jackie McKinney

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

Also present: Dan Dible, City Manager  
R. David Pederson, City Attorney

Discussion from the previous Work Session continued on the following item:

5. Proposed Ordinance Banning and Taxing Plastic Shopping Bags – R. David Pederson, City Attorney

Bill Lee, Executive Director of the Gallup-McKinley County Chamber of Commerce, offered the assistance of the Chamber of Commerce to conduct a survey by E-mailing a questionnaire on the proposed Ordinance to all of the local businesses. Mr. Pederson recommended a question on the survey that inquires about the number of plastic bags used by each business to determine the cost impact to each business by imposing the proposed Ordinance.

Councilor Wall said he understands how plastic bags can be a nuisance; however, he would prefer having the State Legislature impose the restrictions as set-forth in the proposed Ordinance so the City would not be liable in potential lawsuits as a result of such legislation. He agrees with the comments made by James Rich of Taira's Inc., during the previous Work Session, concerning the neglected use of commercial dumpsters. Councilor Wall recommended additional community clean-ups and public education on the matter.

Mayor McKinney thanked Mr. Pederson for his work in developing the proposed Ordinance. Mayor McKinney said the discarded plastic shopping bags were extremely difficult to remove from weeds and bushes during the recent community clean-up. The problem with overflowing dumpsters will need to be researched as well as gathering information concerning the matter.

Presented to the Mayor and Councilors were the Minutes of the Work Session and Regular Session of May 10, 2011.

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

Jay Dee Pfannenstiel presented a petition to the Mayor and Councilors on behalf of concerned patrons of the Northside Neighborhood Senior Center. Mayor McKinney asked Mr. Pfannenstiel to read the language on the petition into the record. Mr. Pfannenstiel presented copies of his presentation to the Mayor and Councilors and asked them to read along. Mayor McKinney said the Council will adjourn into closed session concerning the matter and asked Mr. Pfannenstiel to only read the language of the petition into the record. Mr. Pfannenstiel said the petition contains 84 signatures that were gathered about three weeks ago. Mr. Pfannenstiel introduced Johnny Espinosa and Helen Regensberg of the Northside Neighborhood Senior Center Board. Following a third request from Mayor McKinney, Mr. Pfannenstiel read the following language into the record:

We the seniors at the Neighborhood Center with the presentation of this petition for Mr. Welch's removal from Director of the Gallup Senior Centers state the causes by the Neighborhood Senior Centers for signing this petition as follows:

Mayor McKinney interjected and asked Mr. Pfannenstiel to read the language on the petition that was submitted to the Council for inclusion on the meeting agenda. Mr. Pfannenstiel read the following language from the petition into the record:

We the undersigned of the Neighborhood Senior Center are respectively requesting that Mr. Ben Welch be removed from the existing Director of the Senior Centers due to the fact that he has not governed the two City of Gallup Senior Centers equally. He has shown preference to the Ford Canyon Senior Center on numerous occasions and neglecting the Neighborhood Senior Center

Mayor McKinney said the language of the petition has been entered into the record and the remaining documentation, which was presented to the Council during the current meeting, will be reviewed during the closed session. Mayor McKinney also said there will be comments made by the City Manager following the closed session based on the matters discussed during the closed session. Mayor McKinney thanked Mr. Pfannenstiel for submitting his documentation.

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

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1. Ordinance No. S2011-1; An Ordinance Granting or Denying a Request by Mark and Diann Yoder for Vacation of a Ten Foot (10') Public Utility Easement on the Eastern Property Boundary Line of the Property Located at 804 Burke Drive – Clyde (C.B.) Strain, Planning Director

Mr. Strain presented the Ordinance and provided an overview of the vacation request. He said when the subject property was platted in 1958 the ten foot public utility easement was dedicated on the eastern property line to accommodate electrical power poles and an overhead electrical line. For safety reasons caused by a sagging power line and limited access to the affected area, Gallup Joint Utilities removed and relocated the overhead power lines and power poles from the easement. The City no longer has any need for the easement and by vacating the entire ten foot public utility easement will not have a negative impact to the existing utilities and utility easements in the area. The Planning and Zoning Commission has reviewed the request and sends a positive recommendation for adoption of the proposed Ordinance granting the request to vacate the ten foot public utility easement.

Councilor Enfield made the motion to adopt Ordinance No. S2011-1 by granting approval of the request to vacate the ten foot public utility easement. Seconded by Councilor Landavazo. Roll call: Councilors Enfield, Landavazo, Garcia, Wall and Mayor McKinney all voted aye.

Mayor McKinney said the comments by the public on non-agenda items and comments by the Mayor, City Councilors and City Manager will be postponed until after the closed session.

Mr. Dible advised that the closed session for threatened or pending litigation, as indicated on the agenda, was not necessary since the matter had been resolved.

Councilor Garcia made the motion to adjourn into closed session for the purpose of discussing personnel matters concerning the City Attorney and the Recreation/Special Projects Director. Seconded by Councilor Enfield. Roll call: Councilors Garcia, Enfield, Wall, Landavazo and Mayor McKinney all voted aye.

The Mayor and Councilors adjourned into closed session, pursuant to Section 10-15-1-H.(2) of the Open Meetings Act, NMSA 1978.

Following the closed session, Councilor Landavazo made the motion to reconvene the Regular Session. Seconded by Councilor Garcia. Roll call: Councilors Landavazo, Garcia, Wall, Enfield and Mayor McKinney all voted aye.

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Mr. Pederson certified for the record that the only matters discussed during the closed session were limited personnel matters concerning the Recreation/Special Projects Director and his compensation as City Attorney. Mr. Pederson further certified that there was no official action taken during the closed session. The certification by Mr. Pederson is made pursuant to Section 10-15-1-J of the Open Meeting Act, NMSA 1978.

Presented to the Mayor and Councilors were the following Discussion/Action Topics:

2. Compensation of the City Attorney – Mayor Jackie McKinney

Since Mr. Pederson has ended his assignment as Acting City Manager, Mayor McKinney recommended compensating Mr. Pederson at his regular salary with the 3% cost of living adjustment implemented on January 24, 2011 based on his adjusted salary as of February 22, 2010.

Councilor Enfield made the motion to approve Mayor McKinney's recommendation as previously stated. Seconded by Councilor Wall. Roll call: Councilors Enfield, Wall, Landavazo, Garcia and Mayor McKinney all voted aye.

3. Comments by City Manager Concerning Public Petition – Dan Dible, City Manager

In his career as a City Manager, Mr. Dible said he has never been approached with a public petition concerning the employment of an individual employee. He said public employment is regulated by law and is not based on public petitions or opinion polls. Disciplinary measures are based on factual incidents and he will always receive comments from the public concerning the conduct of City employees in specific situations. He said he will never respond or take disciplinary action against a City employee based on a petition which will mostly like result in litigation against the City.

Since the individuals that were to receive commendations from the Mayor and Councilors were not present, Mayor McKinney said he will ensure that the individuals receive the commendations later in the week.

### **Comments by Public on Non-Agenda Items**

Walt Eddy said the lodgers' tax funding applications are due June 3, 2011; however, his organization has an event in July 2011 with advertising deadlines on June 1, 2011. He asked the Mayor and Councilors for their assistance in securing lodgers' tax funds for the event so he can proceed with the advertising and other preparations for hosting the event. Mr. Dible said City staff will look into the matter.

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Debbie Garcia, Convention and Visitor's Bureau Specialist, and Mr. Lee thanked the Mayor and Councilors for the City's assistance with the Route 66 Freedom Ride and Flight which was held this past weekend. They commended the Parks Department staff and Street Department staff for their hard work and commitment during the event. Jim Smith said the event also consisted of joining an American Legion group from Alamogordo in escorting Pfc. Herrera to his home in Window Rock. Councilor Enfield commended Mayor McKinney for his work with the Run for the Wall event and the Route 66 Freedom Ride and Flight.

Mayor McKinney asked if the Route 66 Freedom Ride and Flight was dedicated to a specific date. Mr. Smith said the event is dedicated to Armed Forces Day. Mayor McKinney said the activities during the event were very enjoyable and he thanked Ms. Garcia, Mr. Lee and Mr. Smith for their hard work and efforts in hosting the event.

### **Comments by Mayor and City Councilors**

Councilor Garcia also commended Ms. Garcia, Mr. Lee and Mr. Smith for their work. For the next Council Meeting, Councilor Garcia requested an update on the burned-out Days Inn building on West Highway 66. He also requested an update on revisions to the City's Nuisance Ordinance which focuses on eliminating drug houses and properties with illegal activities. He stressed the need for protecting the city's residents, especially seniors.

Councilor Enfield said he also received a phone call from a constituent concerning a problem property which needs to be addressed.

Councilor Wall said the recent events were very enjoyable and commended the organizers of the events.

Mayor McKinney commended the local car clubs which participated during the recent events. He also said Councilor Garcia has the Council's attention concerning the nuisance problems in the community and will focus on ways to resolve the problems.

### **Comments by City Manager**

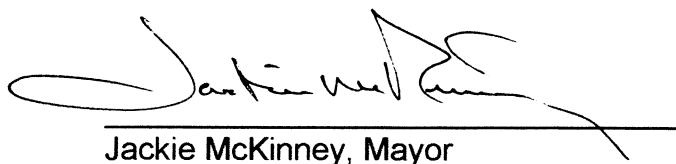
None.

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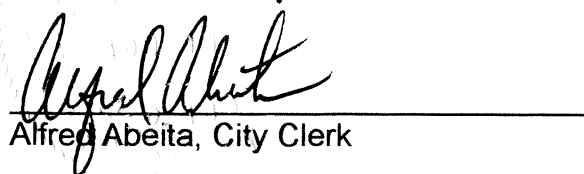
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There being no further business, Councilor Enfield made the motion to adjourn the meeting. Seconded by Councilor Garcia. Roll call: Councilors Enfield, Garcia, Landavazo, Wall and Mayor McKinney all voted aye.



Jackie McKinney, Mayor

ATTEST:



Alfred Abeita, City Clerk

Approved 6/14/2011