

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, May 24, 2011.

The meeting was called to order by Mayor Jackie McKinney.

At such meeting, the following were present, constituting a quorum:

Mayor:	Jackie McKinney
Councilors:	Mike Enfield Cecil Garcia Allan Landavazo E. Bryan Wall
Also present:	Dan Dible, City Manager R. David Pederson, City Attorney

Presented to the Mayor and Councilors were the following discussion items:

1. Economic Development – Dan Dible, City Manager

Mr. Dible recommended the creation of a non-profit corporation to handle the economic development interests of the City rather than having a City department handling such functions. He presented the following reasons for shifting the City's economic development functions to a non-profit corporation:

- Confidentiality is very important. Municipal economic developers have a harder time conceptualizing and explaining their limited ability to keep things confidential.
- Politics can damage an economic development effort. Even if the Economic Development Director in a municipality is doing a good job, he/she can get caught in the crossfire.
- Many economic development prospects have had negative experiences with numerous City departments; particularly building inspection and planning/zoning in the past. The economic developer has a better chance of success if he/she is not seen as a part of the same organization.
- City officials have suffered a lot of bad publicity lately. Corruption (Bell, CA), job security, lavish pensions, and unions have contributed to a relatively low popularity rating.
- There are times when the City's best interests may not be the best for overall economic development goals. In these instances you don't want the City Manager directly supervising the Economic Development Director.
- The leading bankers, lawyers, engineers, chief executive officers, contractors, developers, etc. in the community are much more willing to join the board of a

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non-profit economic development corporation than run for public office. If these board members are “in the loop” they are a critical asset to enticing, reassuring and successfully negotiating with a prospect.

Based on a comparison with other economic development organizations in the state, Mr. Dible expressed concerns with grouping economic development, tourism and quality of life issues under the Gallup Community Leadership Commission, which was created last September, since each group has a wide range of undefined issues. The proposed membership make-up of the Gallup Community Leadership Commission is comprised of only 27% representing the private sector and municipal officials, which needs to be increased. Economic development should primarily be a private sector concept. Overall, Mr. Dible recommended the establishment of the non-profit corporation by initially funding it until it becomes established and to strongly consider the membership make-up of the Commission.

Councilor Enfield shared his experience as the Economic Development Director a few years ago. Many times he was caught in the middle with directives from the Gallup Development Commission consisting of 22 members and directives from the City Manager. He agreed with Mr. Dible concerning the need for confidentiality in dealing with economic development efforts.

Councilor Wall supports the concept of establishing a non-profit organization for economic development. He also supports Mr. Dible’s recommendation for the makeup of the Commission.

Councilor Garcia asked Mr. Dible for his recommendation on the number of members to be appointed to the Commission. Mr. Dible said the certification requirements may allow the Commission to have a working group of about 15-20 members plus an executive committee of five members to handle sensitive matters. Councilor Enfield concurred.

Councilor Landavazo said the appointments to the Commission were never ratified by the Council. Mr. Dible concurred.

Mayor McKinney expressed concerns with the City having nothing posted under Gallup Economic Development on the internet. Other cities have their history, demographics, available infrastructure, and utility information posted on their economic development websites. Mayor McKinney said the non-profit organization will be required to utilize the City’s technological capabilities to promote Gallup.

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2. Annual Community Clean-Up – Dan Dible, City Manager

Mr. Dible presented recommendations for a community clean-up program for Gallup. Based on his experience in Hobbs, Mr. Dible said every fall the community was divided into zones and the City would place roll-off containers at specified locations within the zone where the waste could be disposed and hauled-off by Waste Management to a landfill 40 miles away. The program, which was conducted on specified Saturdays, involved the use of City employees and City equipment to pick-up waste material placed at the curbside of local residents. The disposal of hazardous materials (oils and paints) and the recycling components were also built into the program. He recommended refraining from sending City employees onto private property due to liability issues and church groups and service organizations would be encouraged to pick-up litter. He recommended implementing a similar clean-up plan as the City of Hobbs on a trial basis.

Councilor Enfield recommended having volunteer organizations assisting residents with moving their waste to the curb. Mr. Dible said the City of Hobbs had a specified telephone number that residents could call if they had problems getting their waste to the curb.

Mayor McKinney said the program recommended by Mr. Dible would bring more awareness to community in comparison to the current open truck program.

Councilor Wall said the recent community clean up was beneficial to residents since they were able to have their tree trimmings hauled away by the City. He recommended having community clean-ups during spring time also.

3. Northside Neighborhood Center Revitalization Project – Ben Welch, Recreation/Special Projects Director

Mr. Welch presented a tentative timeline for the review of the project design and construction documents, the solicitation and opening of bids for the project, award of the construction contract and the commencement of construction. He said construction should be completed by the end of March 2012.

Councilor Wall asked how many days is given to the contractor once the bid is awarded. Mr. Welch said construction will begin 10 days after the bid is awarded, which will be late July 2011. Councilor Wall asked if there was a time limitation for the construction of the project. Ron Caviggia, Purchasing Director, said the construction timeline will be included in the contract. Mayor McKinney said construction is estimated to be about 8 months.

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4. Regulations Concerning Controlled Burning – R. David Pederson, City Attorney

Mr. Pederson said a recommendation that emerged during the recent community clean-up is to have controlled burns in problem arroyos where the removal of weeds and trash are difficult. The New Mexico Environment Department has regulations that prohibit the burning of household wastes (garbage and trash derived from households) with limitations on the burning of vegetative material (plant material). The regulations also contain distance limitations for open burning from solid waste transfer stations and occupied structures or buildings.

Councilor Enfield said he would like to have controlled burns of vegetative material rather than trash. Mr. Pederson said there are distance limitations that are involved in the open burning of vegetative material.

Councilor Landavazo asked if the City could utilize the emergency burning provisions of the regulations for purposes of eliminating an imminent danger to the public health, safety or the environment. Mr. Pederson said the emergency burning provision could be used provided that no other practical and lawful method of abatement or disposal is available, an emergency response specialist has determined that the situation requires immediate and expeditious action, the burning is in compliance with all other applicable state laws and regulations and notice is provided to the department as soon as practical, but at least within two weeks after the burn. Mr. Pederson said he also reviewed the provisions for the burning of materials for firefighter training; however, the provision provides for the burning of structures.

Councilor Garcia said the City has the workforce and the equipment to clean up the arroyos behind Corley's Auto Sales. Mr. Pederson said the City may be able to utilize the emergency burning provision; however, if the Environment Department determines that the burn was not an emergency after the burn has taken place the Environment Department may impose a \$10,000 per day fine for violation of the regulations.

For the record, McKinney said the City does intend to have any planned or scheduled open burning.

Councilor Landavazo said the Energy, Minerals and Natural Resources Cabinet Secretary and the Environment Department Cabinet Secretary recently said there was a new spirit of cooperation under the new administration at the state level. He said City officials should see if State officials are willing to work together to resolve this issue.

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Councilor Garcia said this past year there were nine exposure deaths in open fields where there are weeds and bushes. He said this type of situation should fall under the emergency burning provisions.

Mayor McKinney instructed Mr. Pederson to contact the newly appointed Cabinet Secretaries to see if the City is able to have a controlled burn. Mr. Pederson said if State officials are willing to have a broader interpretation of the regulations then an agreement on the matter will need to be in place up front since the State may back peddle if anyone challenges the regulations after the fact.

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

Mr. Pederson said the proposed Ordinance was requested by Councilor Enfield as a result of the recently conducted community clean-up campaign. There are a limited number of local governments that have enacted absolute bans on plastic shopping bags for environmental reasons. Research has shown that 80% of the high and low density polyethylene plastic shopping bags cannot be recycled due to contamination. The proposed Ordinance would allow a window period which would provide a tax on plastic shopping bags to help pay for the disposition of the bags and to give businesses an opportunity to make the transition from the non-recyclable bags to reusable bags and other mechanisms. The proposed Ordinance also provides for a credit to be given to a person or business entity if they freely distribute bags that are recyclable or reusable. After the expiration of the temporary time period, the absolute ban of use and the distribution of non-recyclable bags would be imposed. Mr. Pederson provided statistical information on the ban of non-recyclable bags, information on plastic bags versus paper bags, and pending lawsuits concerning the ban of non-recyclable bags.

Councilor Enfield said he would like to obtain the public's input on the matter. He also said Costco and Sam's Club utilize boxes rather than plastic bags for their customers' use and suggested that local grocery stores follow suit by utilizing boxes which are recyclable rather than providing plastic bags.

James Rich of Taira's, Inc., said he belongs to a board that evaluates paper goods for the fast food (quick service) industry. He is also concerned with the litter of plastic bags throughout town; however, he believes it would be premature to impose a tax for the use and distribution of plastic bags. He said there would be significant increased costs to the customer since the businesses pay 1.2 cents for each plastic bag versus 2.4 cents per paper bag. Small businesses are also facing higher costs for fuel, commodities, and insurance and such costs which will most likely be passed on to their

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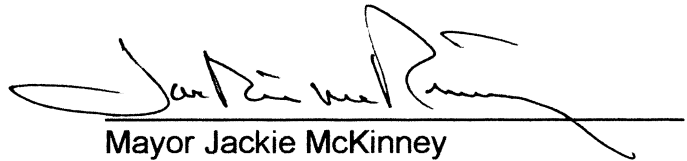
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customers since the businesses cannot absorb the high costs. He believes the litter of plastic bags throughout town is due to the lack of enforcement for the neglected use of commercial solid waste dumpsters that overflow and exceed capacity. He provided information to the Mayor and Councilors concerning plastic bags versus paper bags. He recommended better enforcement on the proper use of commercial dumpsters and the provision of additional bins and dumpsters throughout the city for public use.

Councilor Enfield said some of the regulations of other cities had distinctions in the use of plastic bags, such as grocery stores versus food establishments. Mr. Pederson concurred as some of the ordinances have regulations pertaining to single-use carryout bags for food establishments and point-of-sale checkout bags for grocery stores and department stores.

Due to time limitations, the Work Session adjourned.



Mayor Jackie McKinney

ATTEST:



Alfred Abeita, City Clerk

Approved 6/14/2011