

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, July 26, 2011.

The meeting was called to order by Mayor Pro Tem Allan Landavazo.

Upon roll call, the following were present:

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

Presented to the Mayor and Councilors were the Minutes of the Work Session and Regular Session of July 12, 2011.

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

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

1. Appointment of Kent Wilson to the Planning and Zoning Commission – Mayor Pro Tem Allan Landavazo
2. Appointment of John Fortunato to the Octavia Fellin Public Library Advisory Board – Mayor Pro Tem Allan Landavazo
3. Request for Street Closures for the 5th Annual Route 66 Car and Truck Show, Sponsored by Gurley Motor Company, to be Held Saturday, July 30, 2011 – Esco Chavez
4. Request for Street Closures for the Gallup Inter-Tribal Indian Ceremonial Parades to be Held Thursday, August 11, 2011 and Saturday, August 13, 2011 and a Fun Walk, Sponsored by the Gallup Journey, to be Held Prior to the Parade on August 13, 2011 – Stu Barton, Gallup Inter-Tribal Indian Ceremonial Association
5. Request for Street Closure for the Gallup High School Homecoming Parade to be Held Friday, September 9, 2011 – Steven Wargo, Athletic Director, Gallup High School

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Councilor Garcia made the motion to approve Consent Agenda Items 1-5. Seconded by Councilor Enfield. Roll call: Councilors Garcia, Enfield, Wall and Mayor Pro Tem Landavazo all voted aye.

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

6. City Bond Projects Funding Report – Stan Henderson, Executive Director, Public Works Division

Mayor Pro Tem Landavazo said Item 6 was discussed during the previous Work Session. He asked if there were any questions. There were none.

Councilor Wall made the motion to approve the Bond Projects Funding Report. Seconded by Councilor Garcia. Roll call: Councilors Wall, Garcia, Enfield and Mayor Pro Tem Landavazo all voted aye.

7. Ordinance No. C2011-6; An Ordinance Concerning Public Nuisances, Amending Title 4 (Public Health and Safety), Chapter 1 (Nuisance Abatement and Problem Property Forfeiture) of the Gallup Municipal Code and Declaring an Emergency – R. David Pederson, City Attorney

Mayor Pro Tem Landavazo said Item 7 was discussed during the previous Work Session.

Councilor Wall made the motion to amend subsection H.2 on page 11 of the Ordinance to read “not more than five hundred dollars” and to adopt Ordinance No. C2011-6 as amended. Seconded by Councilor Garcia. Roll call: Councilors Wall, Garcia, Enfield and Mayor Pro Tem Landavazo all voted aye.

8. Church Rock Tourism Land Use Agreement – R. David Pederson, City Attorney

Mr. Pederson said the City received a proposal from the Church Rock Tourism Association to use a portion of Red Rock Park as an Indian market. The area of interest would be approximately 12-16 acres in the southeastern corner of the Park off New Mexico State Highway 566. Mr. Pederson expressed his concerns with the land use agreement as originally proposed since the documentation appeared to be a lease agreement. He said the City finally cleared all of the land use and property restrictions of the Park as the City is considering multiple proposals for the expansion of the use of the Park. If the City proceeds with allowing the Church Rock Tourism Association to use the specified portion of Red Rock Park for an Indian market, he recommended

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proceeding with a Limited Temporary Licensing Agreement that will delineate the terms and conditions for renewal of the agreement; require written evidence of the tax exempt status of the Church Rock Tourism Association; define limited access to the area of the proposed Indian market from the Park entrance road; require all vendors to have New Mexico tax identification numbers; require all vendors to adhere to the requirements of all New Mexico state laws and City ordinances; include a "drop dead" clause for the City to have the unilateral right to cancel the agreement upon 14 days written notice; require the Church Rock Tourism Association to provide adequate port-a-potties and parking spaces; require vendors to sell only genuine Native American made arts and crafts, food, beverages and closely related retail sales of Native American themed products; require the removal of fixtures and personal property by the Church Rock Tourism Association at its own expense upon cancelation or expiration of the agreement; require the Church Rock Tourism Association to provide commercial liability, fire and casualty insurance policies; and to allow the use of utility services by the Church Rock Tourism Association at the City's commercial rate. Any extension or expansion of utility services for the Indian market shall be paid for by the Church Rock Tourism Association. He does not want to have any conflicts with the vendors participating in the proposed market and with the existing annual events at the Park. The proposed Limited Temporary Licensing Agreement would not convey any interest of any kind whatsoever in the real property of Red Rock Park to the Church Rock Tourism Association or any other entity. In addition to having the Church Rock Tourism Association President sign the agreement, he recommends having the President of the Church Rock Chapter endorse the agreement.

Councilor Enfield said the proposed licensing agreement is predicated on contracting with an entity that has a 501 (3)(c) tax exempt status. He recommended that the Mayor Pro Tem and Councilors approve the overall concept of the proposal and to allow the City Manager to work on finalizing the outstanding issues concerning the proposed licensing agreement with the tax exempt entity as the entity becomes a corporation. Mr. Pederson concurred since the City would need to enter into the proposed agreement with an entity that has a separate legal corporate status.

Edmund Yazzie, Navajo Nation Delegate, speaking on behalf of the Church Rock Chapter officials, spoke in favor of the proposed Indian market at Red Rock Park. He believes the proposed agreement would be favorable to nearby vendors and to give them an opportunity to sell their Native American arts and crafts, jewelry, and food.

Councilor Wall said he would like to table the matter and to obtain additional information from the Gallup Inter-Tribal Ceremonial Association, rodeo sponsors, etc. He said the draft Limited Temporary Licensing Agreement was provided to the Mayor Pro Tem and Councilors a few minutes prior to the current meeting and has not had the opportunity to

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review the proposed agreement nor were they able to consult with other individuals regarding the matter. He said it will require time to research the material and does not want to act in haste by voting on an agreement that was handed to the members of the Council minutes before the meeting started. The members of the Council should have sound judgment and have the best interest of the City and its citizens, event holders, and potential new event holders in this matter. The agreement would provide a lease to the Church Rock Chapter House for 16 acres of land at Red Rock Park for one dollar per year with the option to renew the agreement for four years. The City has worked diligently to remove the property restrictions at Red Rock Park as the Park was limited to hosting certain events. He said the City should work with all entities, including the Church Rock Tourism Association, on the use of Red Rock Park; however, he does not want to approve anything until the Council receives additional information on the matter.

Councilor Enfield disagreed and recommended initiating the process by approving the concept of the Limited Temporary Licensing Agreement and when the tax exempt corporation is formed the outstanding issues can be addressed. He said the draft agreement will be used as a tool to create the final document between the City and Church Rock Tourism Association.

Councilor Wall said the City entered into an agreement with another entity for the development of Red Rock Park and by entering into an agreement with another entity for the use of Red Rock Park, it may infringe on the contract with the potential developer. Mr. Pederson said the original agreement has expired with Red Stone, LLC which granted the developer exclusive rights to Red Rock Park. Councilor Wall said he would like to obtain input from other event sponsors that utilize Red Rock Park prior to proceeding with the matter.

Councilor Garcia agreed with Councilor Wall and recommended tabling the item and to obtain additional information on the matter.

Councilor Wall made the motion to table Item #8. Seconded by Councilor Garcia. Roll call: Councilors Wall and Garcia voted aye. Councilor Enfield and Mayor Pro Tem Landavazo voted nay. Motion failed.

Mr. Pederson said the Mayor Pro Tem and Councilors may consider a motion to approve the Draft Limited Temporary Licensing Agreement with the Church Rock Tourism Association as a conceptual document as opposed to approving the draft document as presented and to authorize the City Manager to continue negotiating the terms and conditions related to the agreement with the Church Rock Tourism Association.

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Councilor Enfield made the motion to approve the Draft Limited Temporary Licensing Agreement with the Church Rock Tourism Association as a conceptual document as opposed to approving the draft document as presented and to authorize the City Manager to continue negotiating the terms and conditions related to the agreement with the Church Rock Tourism Association. Seconded by Mayor Pro Tem Landavazo. Roll call: Councilor Enfield, Mayor Pro Tem Landavazo and Councilor Garcia voted aye. Councilor Wall voted nay. Motion carried.

9. Funding Agreement for Gallup Business Improvement District (BID) Sign – Dan Dible, City Manager

Mr. Dible said the proposed agreement would allow the purchase and the installation of poles to hang banners on Aztec Avenue downtown for promotional purposes. The agreement would also allow the installation of a billboard on the roof of the Gallup Joint Utility Administration Building to be illuminated by floodlights. The billboard will be covered by the City's insurance and the energy costs for the floodlights will be absorbed by the City unless the billboard is changed and requires additional energy consumption, which will result in a cost sharing provision between the City and the BID.

Mary Jean Christensen, President of the BID, said the billboard will enhance the revitalization of the downtown business area and will keep local citizens informed.

Councilor Enfield made the motion to approve the Funding Agreement for the Gallup BID Sign. Seconded by Councilor Wall. Roll call: Councilors Enfield, Wall, Garcia and Mayor Pro Tem Landavazo all voted aye.

10. Reimbursement of Business Improvement District (BID) Grant Funding – Dan Dible, City Manager

Mr. Dible said the Gallup Market Analysis Study which was conducted by Place Dynamics is an excellent report; however, the study is not relevant to the downtown business district. The City's staff previously proposed a 50% cost share for the study with the BID; however, the BID Board does not support its share of the funding for the project. Since the City is the fiscal agent for the BID's legislative appropriation, Mr. Dible recommended adjusting the legislative appropriation by reversing the charges of \$15,000 against the appropriation for the study and to pay for the total costs of the project from the City's general fund.

Councilor Enfield made the motion to approve the reimbursement of the BID's grant funding in the amount of \$15,000. Seconded by Councilor Wall. Roll call: Councilors Enfield, Wall, Garcia and Mayor Pro Tem Landavazo all voted aye.

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11. Resolution No. R2011-24; Fiscal Year (FY) 2011 Final Budget Adjustment – Judi Starkovich, Executive Director, Administrative Services Division

Mrs. Starkovich presented the proposed Resolution to close out the budget for previous fiscal year. The budget revision includes all of the budget adjustments for the fourth quarter of FY 2011 as budget revenues in the general fund increased by \$418,949 and budget expenditures in the general fund increased by \$30,409. The majority of the budget adjustments are due to the balancing of budgets to cash balances at the end of the fiscal year, to close out grants, and the close out of funds. The net use of cash to balance the budget was \$1,433,879 and the actual cash balance for the year ending June 30, 2011 was \$5,647,714.

Councilor Enfield made the motion to approve Resolution No. R2011-24. Seconded by Garcia. Roll call: Councilors Enfield, Garcia, Wall and Mayor Pro Tem Landavazo all voted aye.

Mr. Dible said he opposes the requirements set forth by the New Mexico Department of Finance and Administration concerning budget adjustments. He said the current process does not make sense since staff has to spend a great deal of time to work on line item transfers in order to make the budget match actual figures. Councilor Enfield asked if the process can be changed. Mr. Dible said the current requirements are in place since the process is compatible with the State's computer system. Mr. Dible said cities across the state spend a number of days on the needless exercise of making revisions which result in records that do not reveal the historical comparison of amounts that were originally budgeted with amounts that were expended.

Mr. Pederson said the gross receipts tax revenues for June 2011 were very strong, resulting in a substantially higher cash balance at the end of the year.

Comments by Public on Non-Agenda Items

John Harrington informed the Mayor Pro Tem and Councilors concerning his project, "The Alternative Talents to Drugs and Alcohol." He asked for the City's assistance in obtaining a building and an operational grant for his project, which focuses on bringing out the inter talents of young individuals in the areas of sports and fitness, music, art, writing and through fellowship meetings.

Comments by Mayor and City Councilors

Mayor Pro Tem Landavazo said if citizens want to raise the bar on quality of life issues in the community, he asked citizens to invest in the community by purchasing goods in Gallup rather than traveling out of town to do so. By purchasing goods in Gallup, it helps build the infrastructure and quality of life in the community. He also asked the

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local business owners to expand their businesses to provide additional goods and services in Gallup as a means encouraging citizens to spend their money in Gallup.

Councilor Enfield commended Mr. Henderson for his work on the TDFL Artificial Turf Project.

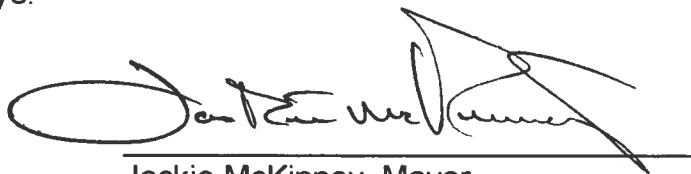
Councilor Wall commended Vince Alonzo, Executive Director, Parks Division, for his work in maintaining the City's parks.

Councilor Garcia said the Community Cleanup Program has been very successful during the past two weeks. He expressed his concerns with the illegal parking of vehicles in residential neighborhoods where residents have numerous vehicles parked in their front yards rather than on established driveways. He said the City needs to increase its enforcement efforts on the illegal parking of vehicles and the increased graffiti activity that has taken place in recent weeks.

Comments by City Manager

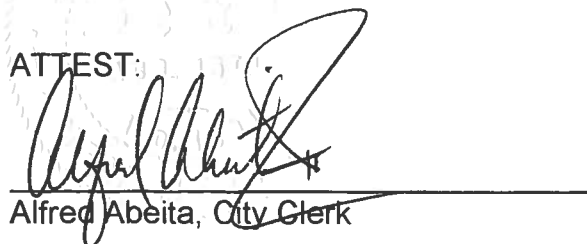
Mr. Dible provided an update on the Community Cleanup Program. He said the City collected almost 50 tons of waste on the north side of town two weeks ago and 60 tons of waste on the west side of town last weekend. Overall, 7 tons of metal has been recycled in the process. Mr. Dible said Councilor Garcia distributed program fliers by going door to door in his district. Mayor Pro Tem Landavazo said the Community Cleanup Program can be associated with Mayor McKinney's campaign slogan, "together we can." Councilor Garcia commended Mr. Dible initiating the Cleanup Program.

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



Jackie McKinney, Mayor

ATTEST:



Alfred Abeita, City Clerk

Approved 8/9/2011