

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, July 26, 2011.

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

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

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

The following items that will be considered during the next Regular Session were presented to the Mayor and Councilors for discussion only:

1. Appointment of Kent Wilson to the Planning and Zoning Commission – Mayor Pro Tem Allan Landavazo

Mayor Pro Tem Landavazo presented the recommendation to appoint Mr. Wilson to fill the unexpired term of Ali Haider on the Commission.

2. Appointment of John Fortunato to the Octavia Fellin Public Library Advisory Board – Mayor Pro Tem Allan Landavazo

Mayor Pro Tem Landavazo presented the recommendation to appoint Mr. Fortunato to the Board.

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

Mayor Pro Tem Landavazo said the documentation for the Event Permit is in proper order.

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

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Mayor Pro Tem Landavazo said the requirements for the Event Permits are in proper order for both parades and the fun walk.

Councilor Wall asked if the fun walk is a new event. Mayor Pro Tem Landavazo said the fun walk is part of the new Gallup Family Fitness Series consisting of the Gallup Triathlon, Ceremonial Fun Walk, Squash Blossom Classic and Pack the Peak events. Stu Barton of the Gallup Inter-Tribal Indian Ceremonial Association provided at description of the parade route and said the starting time for the fun walk will be at 8:45 A.M.

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

Mayor Pro Tem Landavazo said the documentation for the Event Permit is in proper order.

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

Mr. Henderson presented the current status of the City's bond projects and the current budget estimates as follows:

Project Title/Status	Approved Budget	Proposed Budget (Total Project Est.)	Balance
New Eastside Fire Station Construction in Progress. Target Sept. 2011 Completion	\$2,400,720	\$1,476,422.82	+\$924,297.18
Northside Neighborhood Center Reconstruction Design in Progress. Target Aug. 2011 Bid Opening	\$2,572,380	\$2,163,910.19	+\$408,469.81
Red Rock Park Arena Reconstruction Design in Progress. Target Oct. 2011 Bid Opening	\$1,000,000	\$2,354,740.65	-\$1,354,740.65
Sports Complex Artificial Field Turf Design in Progress. Winter Bid Opening	\$3,242,030	\$4,591,622.91	-\$1,349,592.91
TDFL Artificial Field Turf Construction in Progress. Target Aug. 2011 Completion	\$1,053,860	\$800,000.00	+\$253,860.00
Bond Contingency	\$1,731,000		+\$1,731,010.00
Bond Total Balance			+\$613,303.43

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The bid for the Northside Neighborhood Center Reconstruction Project was delayed due to the discovery of asbestos in the building. The asbestos abatement for the building is scheduled for the first week in August, 2011.

Councilor Enfield asked about the \$1.8 million estimate for the Northside Neighborhood Center Reconstruction Project by Jack Harris of Jack Harris-Architects, Inc. Mr. Henderson said Mr. Harris' estimate plus a construction contingency of \$114,465.00 results in the total estimated project amount of about \$2 million. The additional \$163,910.19 is for the design costs of the project.

Mr. Henderson also said staff will close Red Rock Park during the reconstruction of the arena from October 2011 through March 2012. Since Red Rock Park is a lower priority project, only \$1 million was originally budgeted for the project. He recommended approval of the additional appropriation of \$1.3 million for the Red Rock Park Arena Project. Regarding the project at the Sports Complex, he recommended increasing the scope of work to include the installation of artificial turf on an additional ball field, irrigation and storm drainage improvements, closure of the effluent pond to comply with State environmental regulations and miscellaneous repairs and renovations. The TDFL Artificial Field Turf Project is 95% complete and final inspection is scheduled within the next few days. As a result of the updated project estimates, the bond contingency would change from \$1,731,000.00 to \$613,303.43. He asked the Mayor Pro Tem and the Councilors for their approval of the revised budget for the bond projects and to hold the remaining \$613,303.43 in contingency until the bids for the three remaining projects have been awarded.

Mayor Pro Tem Landavazo asked if the Eastside Fire Station is on schedule for completion in time to hold the 9-11 Service and Dedication Ceremony. Johnny Greene, Acting Fire Chief, said the construction of the project will be concluded in time for the ceremony. Mayor Pro Tem Landavazo asked if the TDFL fields will be ready for the upcoming football season. Mr. Henderson said the field is currently ready to be used as issues pertaining to the drainage, fencing and overlay of millings at the location need to be addressed. Mayor Pro Tem Landavazo asked if all of the American with Disabilities Act compliance issues at Red Rock Park will be addressed. Mr. Henderson responded no since the project focuses on improvements at the arena. Mr. Henderson said the project does not address areas in the outlining vicinity of the Park, such as the campsites and the trading post.

Councilor Enfield commended Mr. Henderson for the report.

Councilor Garcia asked if the fields at the Sports Complex will be ready by next summer. Mr. Henderson was not able to answer the question since the construction

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start date has not been determined and the design of the additional improvements has not been completed.

Councilor Wall asked about the funding for the asbestos abatement at the Northside Neighborhood Center. Mr. Henderson said the bond proceeds from the \$114,465.00 construction contingency will be used for the asbestos abatement of the project. Councilor Wall asked if the cost estimate for the Indian Hills Park concession stand and restroom facility was included in the bond report. Mr. Henderson said conceptual projects were included in the packet for informational purposes as the conceptual projects could be possibly funded by the remaining \$613,303.43 at a later time.

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

Mr. Pederson presented the final version of the proposed amendments to the City's Public Nuisance Ordinance. The new Ordinance provides criminal penalties for any person found guilty of illegal dumping activities and civil penalties for any property owner possessing an illegal dumpsite on their property. The Ordinance provides remedies for a private cause of action to be filed by a private citizen residing within a zone of adverse effect; however, if the private citizen is successful in their own private cause of action, the City, not the private citizen, shall be allowed to take title of any real property subject to forfeiture under the Ordinance. The Ordinance is designed to cover residential properties as commercial properties would be covered by the City's existing Urban Blighted Structures Ordinance.

Councilor Enfield asked Robert Cron, Chief of Police, to present his concerns pertaining to domestic violence issues. Chief Cron said the proposed Ordinance could possibly create silent victims of domestic violence. Chief Cron explained that if a victim of domestic violence resides on a rental property, the landlord may evict the victim if the landlord is faced with the forfeiture of property due to the domestic violence offenses. Based on such situations, Chief Cron said the victim may not report domestic violence offenses and may continue to be abused for fear of being evicted. Mr. Pederson said there would have to be 3 or more calls for service within 180 days in responding to domestic violence situations at a specified location. Mr. Pederson said he appreciates Chief Cron's concerns; however, it is not the intent of the Ordinance to deter people from availing themselves of help when they are victims of crimes. Discussion followed concerning the pros and cons of having the domestic violence provision in the Ordinance. Mayor Pro Tem Landavazo asked if subsection B on page 9 of the Ordinance, Rules and Regulations, would be a solution in addressing Chief Cron's

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concerns. Mayor Pro Tem Landavazo said subsection B allows the City Manager or his designee authorization to make reasonable and necessary rules and regulations to carry out the provisions of the Ordinance. Mr. Pederson responded yes as the domestic violence provision sets the minimum, not the maximum number of calls for service to trigger the remedies provided in the Ordinance. Mr. Pederson said the City Manager with the input of the Police Department would have the discretion to examine such offenses on a case by case basis. Mr. Dible said he has the experience in dealing with the provisions as set forth under subsection B which is included in a wide variety of ordinances. Mr. Dible said it is very difficult to prepare an Ordinance that will address every conceivable situation that may occur and the provision under subsection B will provide a regulation to address matters in the overall spirit and intent of the Ordinance.

Councilor Wall asked if fines could be assessed to residents for having the Police Department respond to public nuisance calls after the third time at the same location. Chief Cron said police officers are paid to respond to calls for service and does not want to discourage citizens from calling the Police Department for assistance.

Councilor Garcia asked how many times the Police Department would have to respond to a location to abate a public nuisance. Mr. Pederson said it would depend on the situation. If the offense is a civil infraction, a single instance would trigger the remedies provided under the Ordinance as long as the infraction is proven. If the offense is a criminal infraction, a pattern of repeat offenses would trigger the remedies provided under the Ordinance. The more serious the adverse effect has on neighboring residents, the fewer repeat offenses required to trigger the remedies provided under the Ordinance. There are no convictions required for criminal offenses but documentation, such as police reports, are required to prove the number of times the Police Department is called to respond to public nuisances. Discussion followed concerning the overall intent of the Ordinance, property owners being unaware of the illegal activities of their tenants, enforcement of the Ordinance for civil and criminal offenses and the evidence required for prosecution in court.

Mayor Pro Tem Landavazo asked Chief Cron if the provisions of the Ordinance make sense in working with the City Manager on domestic violence situations. Chief Cron responded yes. Mayor Pro Tem Landavazo said the proposed Ordinance would change the name of the code to Gallup Quality of Life Residential Property Public Nuisance Abatement Remedies and Procedures.

Councilor Wall asked about the payment terms for the violations and penalties section of the Ordinance as specified under subsection H.2 on page 11 of the Ordinance. In the sentence: "... of not less than five hundred dollars", Mr. Pederson said the word "less" needs to be changed to "more." Mr. Pederson said under state law, the maximum limit

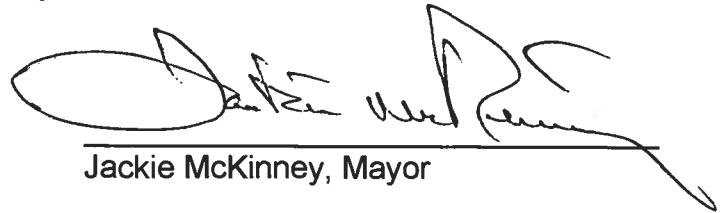
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is \$500 for misdemeanor civil sanctions. Councilor Wall asked if the penalties would be assessed on a monthly, quarterly or annual basis. Mr. Pederson said it would be difficult to convince the court to assess penalties on a daily basis; however, the Ordinance has a provision that once the City gives notice to the property owner concerning a nuisance, each day the nuisance persists, the nuisance is considered a new and separate infraction.

Due to time limitations, the Work Session adjourned.



Jackie McKinney, Mayor

ATTEST:



Alfred Abeita, City Clerk

Approved 8/9/2011