

Minutes of the Regular Meeting of the Gallup City Council, City of Gallup, New Mexico, held in the Council Chambers at Gallup City Hall, 110 West Aztec Avenue, at 6:00 p.m. on Tuesday, May 8, 2018.

The meeting was called to order by Mayor Jackie McKinney.

Upon roll call, the following were present:

Mayor:	Jackie McKinney
Councilors:	Allan Landavazo Yogash Kumar Fran Palochak
Absent:	Linda Garcia, Councilor
Also present:	Maryann Ustick, City Manager Curtis Hayes, City Attorney

Mayor McKinney said Councilor Garcia's absence shall be considered an excused absence.

Presented to the Mayor and Councilors for their approval were the Minutes of the Regular Meeting of April 24, 2018 and the Special Meeting of April 25, 2018.

Councilor Palochak made the motion to approve the aforementioned Minutes. Seconded by Councilor Kumar. Roll call: Councilors Palochak, Kumar, Landavazo and Mayor McKinney all voted yes.

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

1. Request for Street Closures for the Gallup Lions Club Downtown Hoedown Parade and Barbeque to be Held on Saturday, June 9, 2018 – Dr. Linda Hite, Gallup Lions Club

Johnty Cresto, Gallup Lions Club, presented the request for the street and parking lot closures for the event. He provided an overview of the activities that will take place during the event.

Councilor Landavazo made the motion to approve the request for street closures for the Gallup Lions Club Downtown Hoedown Parade and Barbeque to be held on Saturday, June 9, 2018. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Kumar and Mayor McKinney all voted yes.

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2. Request for Amendment to the Agreement Between the Gallup Lions Club and the City of Gallup Concerning Red Rock Park Fees – Dr. Linda Hite, Gallup Lions Club

Crystal Nelson, Gallup Lions Club, presented the request for an amendment to the agreement executed by both parties in June 2015. The agreement allows the City to receive one-half of the parking fees charged by the Lions Club or its parking vendor during the Annual Lions Club Rodeo at Red Rock Park. The Lions Club is requesting an amendment to the agreement to allow them to retain all of the parking fees collected by applying the value of their community service against the collected parking fees. If the amendment to the agreement is approved, the City would lose approximately \$4,300 in parking fee revenue.

Discussion followed concerning the fees historically assessed for the use of Red Rock Park, the new fees under the new rate structure and the discounted fees assessed for providing an economic impact report as well as to non-profit organizations.

Councilor Kumar made the motion to approve the request for an Amendment to the Agreement Between the Gallup Lions Club and the City of Gallup concerning Red Rock Park Fees. Seconded by Mayor McKinney. Roll call: Councilor Kumar, Mayor McKinney, Councilor Landavazo and Councilor Palochak all voted yes.

3. Hasler Valley Solid Waste Facility Bid - Recommendation of Award and Budget Adjustment – Adrian Marrufo, Solid Waste Superintendent

Mr. Marrufo presented the bid results for the construction of the new Solid Waste Department headquarters on Hasler Valley Road. He recommended award of the bid to Murphy Builders, Inc. in the amount of \$2,988,789.21. The current project fund balance is \$2,124,569 which results in a budget shortfall of \$864,220. Mr. Marrufo recommended a budget transfer of \$95,793 from the remaining balance from the FY 18 capital account and to transfer \$868,054 from the Solid Waste Enterprise Fund towards the project costs.

Discussion followed concerning the estimated timeframe for construction; the potential use of the current solid waste facility once it becomes vacant when the new facility is constructed; and the design of the new facility, which will be aesthetic to the new Veterans Cemetery and will include the wiring for the potential installation of solar panels on top of the truck bays.

Councilor Palochak made the motion to approve the Hasler Valley solid waste facility bid, recommendation of award and budget adjustment as presented. Seconded by Councilor Landavazo. Roll call: Councilors Palochak, Landavazo, Kumar and Mayor McKinney all voted yes.

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4. Approval of Two Part-Time Seasonal Park Laborer Positions for Downtown – Maryann Ustick, City Manager

Ms. Ustick presented the proposal to hire two part-time seasonal workers to clean in the downtown business district during the tourist season. In the past, the Business Improvement District (BID) hired laborers from an outside entity to perform the cleanup work; however, the program is no longer available. At a recent BID Board meeting, a recommendation was made for the City to hire two part-time seasonal laborers, for a period of twelve weeks and to be reimbursed by the BID. Ms. Ustick said the proposed hiring of the two part-time laborers are subject to final approval by the BID Board.

Discussion followed concerning the proposed work schedule of the part-time workers and the supervision of the workers to be provided by the City.

Councilor Kumar made the motion to approve the two part-time seasonal park laborer positions for downtown, subject to approval by the BID Board. Seconded by Councilor Palochak. Roll call: Councilors Kumar, Palochak, Landavazo and Mayor McKinney all voted yes.

5. Ordinance No. C2018-6; An Ordinance Concerning an Increase to the Rates for Wastewater Service, Repealing and Replacing Title 8, Chapter 6, Section 6 of the Municipal Code of the City of Gallup in its Entirety – Dennis Romero, Director, Water and Sanitation Department

Mr. Romero presented the proposed ordinance which would increase the rates, fees and other charges for wastewater service by an average of 20%. He provided an overview of the following corrections that need to be made in the draft copy of the proposed ordinance: subsection B of the ordinance should read 5/8 inch meter, rather than 518 inch meter and the wording in subsection A of the ordinance needs to clarify the monthly service charge is based on meter size. Mr. Romero said the Mayor and Councilors may want to consider removing subsection N from the current ordinance since it requires the adjustment of wastewater rates by a similar percentage when the water rates are adjusted by ordinance. Mr. Romero also presented a chart with a comparison of monthly sewage bills for residential and commercial customers in other communities in the region. Overall, the proposed 20% increase in wastewater rates will result in an increase in the average ratepayer's bill of approximately \$6.00 per month.

Discussion followed concerning the service connection fee for wastewater service, the comparison of wastewater rates in other communities, the effective date of July 1, 2018 for the proposed wastewater rates and reasons for removing subsection N from the proposed ordinance.

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Following discussion, Councilor Landavazo made the motion to adopt Ordinance No. C2018-6 and to remove subsection N from the Ordinance. Seconded by Councilor Kumar. Roll call: Councilors Landavazo, Kumar, Palochak and Mayor McKinney all voted yes.

6. Proclamation Declaring Extreme or Severe Drought Conditions; Restricted Sale and Use of Fireworks – Jacob LaCroix, Fire Marshal

Fire Marshal LaCroix presented a power point presentation concerning the sales of fireworks and the steps to be taken to restrict the sales and use of certain fireworks based on the existing extreme and severe drought conditions. The proposed proclamation would be in effect for 30 days, beginning May 13, 2018 through June 12, 2018. If the severe and extreme drought conditions have not changed, a succeeding proclamation may be issued by the Mayor and Councilors at their regular meeting on June 12, 2018 for another 30 days. The proclamation may be rescinded or modified by the Mayor and Councilors upon conducting an emergency hearing. The proclamation bans the sale or use of display fireworks, except those associated with events approved through the City permitting process.

Discussion followed concerning the sale and use of aerial shells, which cannot be banned or restricted while the proclamation is in effect, and the enforcement problems under the City's previous fireworks ordinance which banned fireworks that were not considered "safe and sane."

Councilor Landavazo made the motion to approve the Proclamation Declaring Extreme or Severe Drought Conditions; Restricted Sale and Use of Fireworks. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Kumar and Mayor McKinney all voted yes.

7. Adopt Resolution No. R2018-14 to Approve Contract 17-SLC-0888 Between the City of Gallup and Western Area Power Administration (WAPA) For Firm Electric Service – Richard Matzke, Electric Director

Mr. Matzke said the City's current contract with WAPA became effective October 1, 1989 and continues through September 30, 2024. Under the current contract, the City purchases about 12% of its annual requirement from WAPA at about \$0.025 per kilowatt hour. The new contract continues the same power delivery allotments as provided under the current contract through September 30, 2057. There is no rate change proposed at this time; however, WAPA can initiate a change of the rate during the current contract term or the new contract term through the federal rulemaking process. WAPA has the option of adjusting the contract delivery amounts due to changes in long term hydrology

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or river operations, upon five years' notice to the City. The new contract provides for WAPA to allocate to the City any environmental attributes of the power purchased by the City in the form of Renewable Energy Credits. The new contract references new General Power Contract Provisions and new Creditworthiness Procedures.

Mr. Hayes said the proposed contract with WAPA is not a power purchase agreement but a contract that allows the City to become part of the consortium that allows the City to obtain its allotment of available hydroelectric power. There is no commitment on the City's part to purchase any power pursuant to the proposed agreement.

Mr. Matzke answered questions posed by the Mayor and Councilors regarding the rates and purchase options under the proposed contract.

Councilor Palochak made the motion to adopt Resolution No. R2018-14 to approve Contract 17-SLC-0888 Between the City of Gallup and Western Area Power Administration for Firm Electric Service. Seconded by Councilor Landavazo. Roll call: Councilors Palochak, Landavazo, Kumar and Mayor McKinney all voted yes.

8. Police Department New Officer Hire On Incentive – Phillip Hart, Chief of Police

Chief Hart presented the following hiring incentive proposal for the recruitment of newly hired police officers and police officers hired as lateral transfers from other departments:

New Hires:

1. Gallup PD will offer a \$5,000 bonus for all newly hired officers.
2. The bonus would be paid out as follows:
 1. \$1,000 payment at successful completion of State Law Enforcement Academy
 2. \$4,000 payment upon successful completion of the probation period. This will also include the signing of a three (3) year commitment contract. (Reimbursement will be calculated based on time served and time remaining on the contract)

Lateral Transfer New Hires (Out Of State Certification)

1. Gallup PD will offer the same \$7,500 bonus for lateral transfers.
 1. \$2,500 payment at successful completion of State Law Enforcement Academy Certification By Waiver Course.

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2. \$5,000 payment upon successful completion of the probation period. This will also include the signing of a three (3) year commitment contract. (Reimbursement will be calculated based on time served and time remaining on the contract)

Lateral Transfer New Hires (State of New Mexico Certification)

1. Gallup PD will offer the same \$7,500 bonus for lateral transfers.
 1. \$2,500 payment 30 days following hire date.
 2. \$5,000 payment upon successful completion of the probation period. This will also include the signing of a three (3) year commitment contract. (Reimbursement will be calculated based on time served and time remaining on the contract)

Chief Hart said the Farmington Police Department offers a \$15,000 sign-on bonus, the State Police offers approximately \$10,000 and the Hobbs Police Department is increasing their sign-on bonus to \$30,000 for the recruitment of police officers. Chief Hart recommended approval of the proposed incentive plan in order to complete with other cities in the hiring of police officers. To fund the proposed incentive plan, the Gallup Police Department will temporarily relinquish one full-time certified police officer's position in order to allow approximately \$50,000 to be utilized for the sign-on incentives. There are currently 15 or 16 open police officer positions at the Gallup Police Department.

Discussion followed concerning the starting pay and employment benefits for police officers in other cities; the difficulties in hiring and maintaining police officers in other cities; the criteria for newly hired police officers to be eligible for the sign-on bonus at the Farmington Police Department; the sign-on bonus for lateral transfers under the proposed plan, the shorter amount of time it takes for a lateral transferred police officer to go on duty versus an entry level police officer; the hindrance to police departments across the state caused by the lack of police academy sessions offered; the certification requirements for entry level police officers and lateral transfer police officers; the reduction in funds provided by insurance companies to the Law Enforcement Protection Fund; the proposed conditions to be implemented to prevent "job-jumping" and "money grabbing" under the proposed incentive plan; and the retention of existing police officers which is currently being negotiated with the Gallup Police Officers Union.

Following discussion, Councilor Kumar made the motion to approve the Police Department New Officer Hire-On Incentive Plan. Seconded by Councilor Landavazo. Roll call: Councilors Kumar, Landavazo, Palochak and Mayor McKinney all voted yes.

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9. Agreement with the New Mexico High School and Junior High School Rodeo Associations – Brian Archuleta, Acting Assistant City Manager

Mr. Archuleta said the City was successful in its response to the Request for Proposals (RFP) from the High School Rodeo and Junior High School Rodeo Associations and has been awarded the State High School and Junior High School Rodeo Finals. The terms of the proposed agreement are identical to last year's dual hosted championships. The finals will be held at Red Rock Park over the Memorial Day weekend. Mr. Archuleta recommended approval of the agreement and the use of \$50,000 in lodger's tax funds for hosting the state finals.

Councilor Palochak made the motion to approve the Agreement with the New Mexico High School and Junior High School Rodeo Associations. Seconded by Councilor Landavazo. Roll call: Councilors Palochak, Landavazo and Mayor McKinney all voted yes. Councilor Kumar abstained. Motion carried.

10. Ordinance No. C2018-7; An Ordinance Amending Title 4 of the Gallup City Code by Adding a New Chapter 11 Which Prohibits the Use of Single Use Plastic Carryout Bags by Retailers, Establishing Exemptions from the Ordinance's Requirements, Establishing a Penalty, and Providing for an Operative Date Six Months from the Date of Adoption – Curtis Hayes, City Attorney

Mr. Hayes presented the proposed ordinance as previously discussed at the last regular meeting. Based on input from the meeting, Mr. Hayes prepared an amendment to include a definition and a provision for the use of compostable (biodegradable) bags in the ordinance as recommended by Councilor Landavazo. Mr. Hayes said there are advantages for the use of compostable bags since they are made from a renewable resource; however, there are concerns with the use of compostable bags well. For example, the compostable bags are just as thin as plastic (petrochemical based) bags and can still be blown around with other litter. Compostable bags become problematic if the bags become mixed and deposited with standard plastic bags at recycling centers; therefore, cities that have allowed compostable bags require the bags to be a different color, or marked in a way where they are visibly different than standard plastic bags. Compostable bags are compostable in a commercial landfill that is designed for composting with the proper environmental conditions; however, compostable bags are not compostable in a household compost system which lacks suitable environmental conditions. Another issue that was raised at the last meeting was a recommendation from an audience member to have the ordinance apply to certain businesses based on their size. Mr. Hayes said he received concerns about potential litigation against the City for targeting specific businesses based on their size and whether the City could come up

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with a defensible threshold for a business size in the ordinance. He said if the Mayor and Councilors would like to see such provisions in the ordinance, he will follow their guidance; however, it increases the chance for litigation against the City.

Discussion followed concerning the need to educate local businesses and consumers about the ordinance requirements during the next six months, should the ordinance be adopted; limiting the use of compostable bags only to businesses that are exempted under the proposed ordinance and to require the compostable bags to be brown in color; the different types of fee systems for businesses to charge for the use of plastic bags, the provision of paper bags or as a tax to the customer; amending the ordinance to ban the provision of plastic bags by take-out food establishments; and the overall problem with the litter of plastic bags in the community.

Mayor McKinney asked if there was anyone in the audience who would like to address the Council regarding the proposed ordinance. There was none.

Mr. Hayes recommended tabling the proposed Ordinance so he can re-write sections of the ordinance, as directed by the Mayor and Councilors, to include a total ban on the use of plastic bags and to eliminate the definition and provisions for the use of compostable bags. Mayor McKinney also suggested for each Councilor to submit their recommendations for the ordinance to Mr. Hayes during the next two weeks.

Councilor Palochak made the motion to table Ordinance No. C2018-7. Seconded by Councilor Landavazo. Roll call: Councilors Palochak, Landavazo, Kumar and Mayor McKinney all voted yes.

The following Presentation and Information Items were presented to the Mayor and Councilors:

1. FY 18 Quarterly Behavioral Health Program Reports – Debra Martinez, Behavioral Health Investment Zone (BHIZ) Program Manager

Ms. Martinez provided an update on the BHIZ Program for the 3rd Quarter FY 2018, including the conduct of trainings sessions in motivational interviewing and CRAFT; the information concerning the enactment of an ordinance by both the City and County which changed the hours alcohol is sold, was presented at the Office of Substance Abuse and Prevention recipient meeting by Sindy Sacoman, SBS Consulting; the presentation that was made before the State during McKinley/Gallup Day concerning the leverage of BHIZ funds to obtain the Preventing Alcohol Related Deaths (PARD) grant; and the work being done to bring in a drug court to reduce recidivism. Ms. Martinez also presented the Quarterly PARD Service Report for the 3rd Quarter FY 2018, which includes information

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on work being done to increase the shelter capacity; transportation of individuals from the Emergency Department to Na’Nizhoozhi Center, Inc. (NCI); the creation of forms needed for the High Risk Unit; the search for a certified counselor for outpatient therapy; the contracts that have been signed within the PARD and are being drawn down; the development of a shelter care form which was reviewed by officials at Gallup Indian Medical Center; the installation of security cameras at NCI; the purchase of nightstands and game tables for clients; the installation of kitchen equipment; and preparation for two site visits during the current week with Indian Health Service officials and the State Legislative Finance Committee.

Ms. Sacoman provided an overview of her work as the evaluator for the BHIZ Program during the past quarter. Included in the presentation was data pertaining to Rehoboth McKinley Christian Health Care Services (RMCHCS), including the aftercare program, case management services, the relapse data for client follow-ups and the number of clients enrolled in the GED Program as well as the number of GED graduates. Ms. Sacoman also provided data pertaining to NCI, including the demographics and employment data of the clients at NCI, the percentage of staff assisted referrals and the percentage of NCI case management services.

2. Geographic Information System (GIS) Strategic Plan – Brian Archuleta, Director of Technology Services

Due to time constraints, Ms. Ustick recommended moving the presentation of the GIS Strategic Plan to the next regular meeting.

Councilor Palochak made the motion to adjourn into closed session for the purpose of discussing the acquisition of real property. Seconded by Councilor Landavazo. Roll call: Councilor Palochak, Landavazo, Kumar and Mayor McKinney all voted yes.

The Mayor and Councilors adjourned into closed session, pursuant to NMSA 10-15-1(H)(8).

Following the closed session, Councilor Palochak made the motion to reconvene the regular meeting. Seconded by Councilor Kumar. Roll call Councilors Palochak, Kumar, Landavazo and Mayor McKinney all voted yes.

Mr. Hayes certified for the record that the matters discussed during the closed session were limited to the possible acquisition of real property and no action was taken by the Mayor and Councilors during the closed session.

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Comments by Public on Non-Agenda Items

Paula Pakkala, District Attorney, commented on the discussion that took place earlier in the meeting concerning the City's efforts to recruit police officers and the information presented on the City's behavioral health programs.

Gerald O'Hara commented on news concerning the list of the 15 most crime ridden cities in the country. Gallup was listed as #15. Discussion followed concerning the optional reporting conducted by the Gallup Police Department to the Federal Bureau of Investigation (FBI) and the inaccurate polls and surveys that are conducted and reported by the media.

Comments by City Manager and City Attorney

As reported by Ms. Martinez, Mr. Hayes commented on the work being done on reinstating a drug court to address the substance abuse issues in the community.

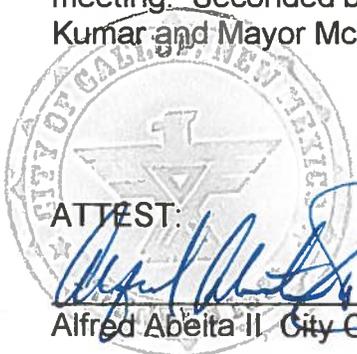
Ms. Ustick reminded the Mayor and Councilors of the Special City Council Meeting on May 15, 2018 at 5:00 p.m. The purpose of the meeting is to consider action on the Fiscal Year 2019 Preliminary Budget.

Comments by Mayor and City Councilors

Councilor Palochak said there will be a Women's, Veterans and Family Support Group meeting on Wednesday, May 9, 2018 at 6:00 p.m. at the Veterans Post. The Gallup McKinley County Women's Summit will take place on June 8-9, 2018 at Kennedy Mid School. Workshops on domestic violence, sexual assault, finance, health and self-defense will be provided at the Summit.

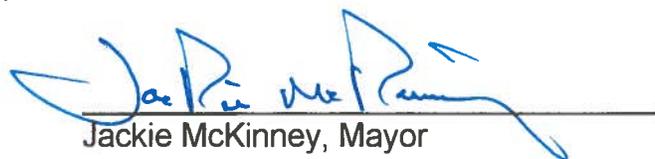
Councilor Landavazo said the first weekend of the 8th Annual Community Cleanup took place in his district last weekend. He commended all City staff and District 2 for their work to beautify the community. Councilor Landavazo encouraged everyone to keep buying, to keep building and to keep believing in Gallup.

There being no further business, Councilor Landavazo made the motion to adjourn the meeting. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Kumar and Mayor McKinney all voted yes.



ATTEST:


Alfred Abeita II, City Clerk


Jackie McKinney, Mayor

Approved 5/22/2018