

AGENDA

**GALLUP CITY COUNCIL
REGULAR MEETING
TUESDAY, MAY 26, 2026; 6:00 P.M.
CITY COUNCIL CHAMBERS
GALLUP CITY HALL, 110 WEST AZTEC AVENUE**



Marc DePauli, Mayor

Linda Garcia, Councilor, Dist. 1
Sarah Piano, Councilor, Dist. 3

Sierra Yazzie Asamoah-Tutu, Councilor, Dist. 2
Ron Molina, Councilor, Dist. 4

Frank Chiapetti, City Manager
Erika Pirotte, Deputy City Attorney

This meeting will be accessible through YouTube:
<https://youtube.com/@cityofgallup>

Members of the public may submit comment either in person or by telephone. To submit comment by telephone, please call 505-863-1254 to leave your name and a return phone number.

A. Roll Call

B. Pledge Of Allegiance

The members of the body and the public are invited to recite the Pledge of Allegiance.

C. Comments By Public On Non-Agenda Items

Members of the public are invited to comment on matters not appearing on the meeting agenda.

D. Presentation/Information Items

1. Presentation By Purpose Focused Alternative Learning

Purpose Focused Alternative Learning Center is a school dedicated to educating

a workforce for solar and renewable energy. Presentation for the council and community to learn about their initiatives.

Fiscal Impact: None, Presentation only
Recommendation: Presentation Item Only
Speaker's Name Frank Chiapetti

2. Recommendations From The Gallup West I-40 Interchange Study (Exit 16) And The Gallup East I-40 Interchange Study (Exit 26)

Bohannon Huston, Inc. (BHI) has completed a study to analyze two interchanges on Interstate 40 (I-40) at Exit 16 and Exit 26. The study was completed with funding secured by the City of Gallup and the Northwest New Mexico Council of Governments (NWNMCOG) from the legislature's local interstate funding dedicated in 2022. BHI would like to present the recommended improvements to the interchanges with the aim of improving safety, operations, access and economic development opportunities at both interchange areas. This is a follow-up from a presentation provided to the City Council in March, 2025.

Fiscal Impact: None - presentation item.
Recommendation: None - presentation item.
Speaker's Name David Wilson, P.E., Bohannon Huston

Documents:

[CITY COUNCIL PRESENTATION NO 2.PDF](#)

3. Report On Resolution No. R2026-5 – City Staff Attempt To Obtain And/Or Pass Title To Property Located At 3402 Blue Hill Ave.

As set forth in Resolution No. R2026-5 SECTION SIX, attached, City Staff were to attempt to obtain and/or pass title to the property located at 3402 Blue Hill Ave to a person who will rehabilitate the property. City Staff have been unable to obtain and/or pass title to the subject property and therefore will proceed with removal of the building or structure.

Fiscal Impact: Cost of removal, lien, and foreclosure.
Recommendation: None. This is a report, not an action item.
Speaker's Name C.B. Strain, Planning and Development Director / Erika Pirotte, Deputy City Attorney

Documents:

[R2026-5 CONDEMNATION 3402 BLUE HILL AVE.PDF](#)

E. Consent Agenda

These items are placed on the Consent Agenda so City Council can designate by unanimous consent those routine items they wish to be approved or acknowledged by one motion. If any item does not meet the approval of all Council members or if a citizen so requests, it will be heard as a separate item.

Action Needed:

Motion to approve or acknowledge Items 1- 5 on the Consent Agenda by unanimous vote:

1. Approval Of Minutes

Regular Meeting of April 14, 2026

Fiscal Impact: None.
Recommendation: Approve the minutes.
Speaker's Name None.

Documents:

[DRAFT MINUTES APR 14 2026 REG MTG.PDF](#)

2. Budget Adjustment From Senior Fund Cash Balance Into 219 For The Amount Of \$15,000 To Cover Food Costs For The Remainder Of The Fiscal Year.

Senior Center is requesting a budget adjustment from Senior fund cash balance of \$15,000 into 219 so that we are able to purchase food items for the month of June and the first week of July. Currently we have funding to get us through the month of May, but due to rising food costs and transportation fees, we will need additional funding to complete the fiscal year and the first week of July.

Fiscal Impact: \$15,000 from Senior fund cash balance into 219 line items related to food in 3640 & 3641.
Recommendation: To approve budget adjustment.
Speaker's Name Steven Wargo

Documents:

[DEPLEATED FOOD LINE ITEMS.PDF](#)

3. Request For Street And Parking Lot Closures For The 76th Annual Gallup Lions Club Rodeo Parade, BBQ & Battle Of The Bands To Be Held On Saturday, June 13, 2026

The Gallup Lions Club is requesting the closure of Aztec Avenue from 8th Street to Puerco Drive for the route of the parade. The request also includes the closure of the GJU/Children's Library parking lot and the Courthouse Square north parking lots for the BBQ and Battle of the Bands.

Fiscal Impact: TBD - City staff to provide support services for the event.
Recommendation: Gallup Lions Club recommends approval of the street and parking lot closures.
Speaker's Name Roxana Yazzie / Dr. Linda Hite, Gallup Lions Club

Documents:

4. Final Review And Approval Of Vacation Of Existing Public Utility And Drainage Easements As Part Of Replat No. 1 Of Lot 2 Of Ortega Subdivision And Love Subdivision, And Two Unplatted Tracts Of Land

BACKGROUND

Case No. MNSB2026-00300002, request for final plat review and approval of Replat No. 1 of Lot 2 of Ortega Subdivision and Love Subdivision and Two Unplatted Tracts of Land.

Mr. Ronnald Bohannan, Tierra West, LLC, acting as agent on behalf of Love's Travel Stops & Country Stores Inc., ABA Land Ltd. Co., and AVA, LLC, property owners, has petitioned the Gallup Planning and Zoning Commission and Gallup City Council for final plat review and approval of Replat No.1 Lot 2 of Ortega Subdivision and Love Subdivision and Two Unplatted Tracts of Land.

The property is located at 3380 West Highway 66 along with three vacant lots immediately adjacent to and to the east of 3380 West Highway 66; further described as: A Tract of Land Lying Within the NE $\frac{1}{4}$ of Section 27 T15N R19W, A/K/A Love Subdivision, 4.908 Acres M/L; Lot 2 Ortega Subdivision Containing 7.5030 Acs; A Tract of Land in the NE $\frac{1}{4}$ of Section 27 T15N R19W, Containing 0.098 Acres M/L; A Tract of Land Within 22 15 19, The SE $\frac{1}{4}$ of Containing 5.29 Acres M/L.

DISCUSSION

Currently there is a combined total of four (4) lots at the subdivision location. Love's Travel Stops & Country Stores, ABA Land Ltd. Co. and AVA, LLC, property owners, wish to replat said properties from four (4) lots to one (1) lot thereby reducing the number of lots. Love's Travel Stops & Country Stores plans to purchase the properties to the east in order to develop a new truck stop facility on the new proposed Lot 2A containing 17.9652 acres.

Said properties lie within the Heavy Commercial (HC) Zone District. The proposed replat complies with all dimensional requirements for the Heavy Commercial (HC) Zone District per Table 10-2-21 "HC District Dimensional Standards". The site is fully serviced with utility, vehicular and pedestrian infrastructure. Typically, a subdivision that reduces the number of lots would be classified as an administrative subdivision and handled administratively without the need for a public hearing. In this case there are several existing public utility and public drainage easements that will no longer be needed as part of the new development and as such are being proposed to be vacated as part of this subdivision process. The fact that public utility and drainage easements are being vacated necessitates the need for two public hearings. The Planning and Zoning Commission has reviewed and approved the proposed replat and sends a positive recommendation the the Gallup City Council for vacation of the public utility and drainage easements identified on said subdivision plat. A copy of said subdivision plat is included in your agenda packet for your review.

FINDINGS

It is the findings of staff that the proposed subdivision complies with the City of Gallup Subdivision Regulations for a minor subdivision including all dimensional requirements for the Heavy Commercial (HC) Zone District.

The applicant has submitted the required information and has paid all fees necessary in order to testify before the Gallup City Council. The decision now falls upon the City Council to approve or deny vacation of the public utility and drainage easements identified on said subdivision plat.

Fiscal Impact: None

Recommendation: Review and approve or deny the request for vacation of easements identified on said subdivision plat

Speaker's Name C.B. Strain

Documents:

[FINAL PLAT RECD 05082026.PDF](#)

5. Budget Adjustment From Non-Capital To Capital For Vehicle Purchase

The Gallup Fire Department is requesting to move \$45,000 from the 209 Fire Fund 46-30 Safety Equipment to the 209 Fire Fund 48-70 Capital Vehicles.

In FY26 the Fire Department received \$400,000 for the purchase of a new ambulance from the vehicle replacement fund. We have finished the processing of building the specifications of the ambulance. The new specs will now be used for all future purchases on ambulances cutting down the time of redoing specs. Also the new units are designed to have the boxes remounted which allows us to extend the life of the patient compartment by placing it on a new chassis, this also dramatically will reduce costs.

The cost of the ambulance came out to \$444,030.00. The movement of the \$45,000 is to allow the purchase of the unit.

Fiscal Impact: \$400,000 from Vehicle Replacement Fund and \$45,000 from Fire Funds.

Recommendation: Staff Recommends Approval

Speaker's Name Fire Chief Jon C Pairett

Documents:

[GALLUP FIRE DEPARTMENT 1 BRAUN SPEC.PDF](#)

[GALLUP FD SELECT - CPQ 13874.PDF](#)

[PROPOSAL BRAUN 4 X 4 F550 4 16 26.PDF](#)

F. Discussion/Action Topics

1. Arts & Cultural District Pilot Grant - Grant Agreement And Budget Adjustment

The City of Gallup MainStreet Arts & Cultural District recently applied for, and was awarded, funding through the New Mexico Creative Industries Division Arts & Cultural District Pilot Grant. This is a new grant program offered by the state's Creative Industries Division. The City, in partnership with Southwest Indian Foundation, applied for funds to launch a new artist exhibition project. This multi-faceted program is intended to use art exhibitions to promote tourism as well as build capacity among local artists. Through the program, artists will hold daily art

exhibitions at the Multicultural Center to accomplish: A) Create opportunities for tourists and other visitors to see the creative process up-close, ask questions, and learn; B) Provide artists with a space to create art and engage with the public; and C) Create opportunities for artists to learn from each other. The program also places a strong emphasis on building capacity among artists by providing trainings and workshops on financial literacy, marketing, business practices, and other skills to help participants grow as an artist and contribute to the local economy. In a nutshell, this program is an effort to support artists, increase tourism, and enhance economic development using the arts.

The grant award is \$100,000 and upon acceptance, the City will have one year after funding is received to complete the pilot program. The City may invoice up to two times to receive the grant award following the execution of this agreement. Council approval is required to accept the agreement and perform the necessary budget actions to establish revenue and expenditure accounts.

Fiscal Impact:	\$100,000 in revenue and expenditures pursuant to the grant agreement
Recommendation:	Respectfully request acceptance of grant award and approval of budget adjustment
Speaker's Name	Matt Robinson - Tourism & Marketing Manager

Documents:

[GALLUP ACD PILOT GRANT AGREEMENT EDD CID 5.12.26.PDF](#)

2. Approval Of FY27 Preventing Alcohol Related Deaths Notice Of Award And Budget Adjustment And Authorization For City Manager To Execute Contracts.

The City, in partnership with NCI and SBS Consulting, applied for Preventing Alcohol-Related Deaths (PARD) continuing grant funds in the amount of \$2,000,000. This funding supports the expanded and enhanced social detox, treatment, transportation, and peer support services/case management services.

Fiscal Impact:	Budget adjustment in the amount of \$2,000,000 in revenue and expenditures for related PARD services and expenditures.
Recommendation:	Approve PARD Cooperative Agreement, budget adjustment (revenue & expenditures) & CM contract approval
Speaker's Name	Debra L Martinez, Behavioral Health Manager

3. Approval Of Budget Adjustment For Use Of Opioid Settlement Funding And Authorization For City Manager To Execute Contracts

The FY26 Preventing Alcohol Related Deaths (PARD) grant expired on April 30, 2026. The renewal application is currently being reviewed. Due to additional approvals, the award has been delayed. This will require funding to fill in the gap until the FY27 PARD Grant application is awarded. I'm requesting \$140,000 to cover the funding gap. The funding covers 3 staff and contractual services: NCI detox, Evaluation, Outreach Services, the Grow Our Own Program, Public Safety Officers, and general operating costs.

Fiscal Impact:	\$140,000 in Opioid Settlement funding
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Recommendation: Approval of budget adjustment for Opioid Settlement funding & CM authority to execute contracts.

Speaker's Name Debra L Martinez, Behavioral Health Manager

4. Proclamation Declaring Extreme Or Severe Drought Conditions Within The City Of Gallup

The New Mexico Fireworks Licensing & Safety Act (Chapter 60 Article 2C) allows jurisdiction's to impose restrictions on fireworks if a proclamation declaring severe or extreme drought conditions exists. The Act also requires that proclamations be issued no less than 20 days prior to the start day of holiday sales. For the 4th of July, the sales of fireworks are allowed to begin on June 20th. If approved this proclamation will be in effect for 30 days, and if drought conditions do not improve will need to be extended in June.

If approved the restrictions will begin immediately and Fire Department staff will work with firework vendors to ensure they are not selling restricted fireworks.

Fiscal Impact: None

Recommendation: Staff Recommends Approval

Speaker's Name Fire Chief Jon C Pairett

Documents:

[2026 DROUGHT PROCLAMATION.PDF](#)
[2026 CITY OF GALLUP FIREWORKS RESTRICTIONS PRESENTATION.PDF](#)

5. Public Safety Building -- Reallocation

This item requests City Council approval to authorize the reallocation of fund from existing operational accounts in project number LA2503 to support the scope of the grant agreement.

The total funding to be transferred is **\$394,608**; reallocated as follows:

From Account 48-10 (Building & Structure) \$394,608

To the following accounts:

\$11,308 – 48.20 (Equipment & Machinery)

\$383,300 – 46.20 (Non-Capital Furniture Fixtures and Equipment)

Staff recommends that City Council approve and authorize the reallocation of \$394,608 from the existing operational account (48-10) into the appropriate operational accounts (48.20 and 46.20) in project number LA2503.

Fiscal Impact: This transfer will ensure that the project and grant is properly managed.

Recommendation: Staff recommends that City Council approve and authorize the reallocation of \$394,608.

Speaker's Name Keegan Mackenzie-Chavez, City Project Manager

Documents:

[24_I3014 LA2503 PSB_FURNISHING.PDF](#)
[CITY COUNCIL 07232024 DA_3.PDF](#)
[24_I3014 LA2503 PSB_FURNISHING.PDF](#)

6. Request For The Use Of \$134,809 From General Fund To Cover Project Shortfall For Project Nos. CP2205 (2nd Street) And CP2207 (3rd Street) Pedestrian Safety Projects

On July 26, 2022 City Council awarded Wilson & Company their contract for professional services to design pedestrian safety improvements at the Second and Third Street grade crossings. Projects were set up for Cooperative Project Agreement CN6101480; Project No CP2205 and for CN6101470; Project No. CP2207 with a termination date of September 30, 2025. Wilson & Company have not completed the design work due to delays with NMDOT and BNSF agreeing on the drainage. In addition, the project manager from NMDOT-Rail Division retired and correspondence cease with the City of Gallup thus hindering any possibility of an extension. Therefore, the city will need to cover the remaining balance of Wilson & Company's professional services.

Fiscal Impact:	\$134,809.00 from the General Fund to cover the remaining design costs and invoices for Wilson & Company. \$68,858 for project #CP2205 and \$65,951 for project #CP2207.
Recommendation:	Staff recommends the approval of fund from the General Fund to cover the remaining design balance.
Speaker's Name	Keegan Mackenzie-Chavez, City Project Manager

7. Resolution No. R2026-17; Amendment To The Transportation Project Fund (TPF) Agreement With The New Mexico Department Of Transportation For Phase IV Of The Nizhoni Blvd. Reconstruction Project By Requesting A Time Extension To 30 June 2027

Nizhoni Boulevard Phase IV is now fully designed and we have requested due to delays with traffic light hardware to complete light installation. To avoid losing the remaining grant balance, a TPF amendment is required, amending the grant reversion date to 30 June 2027.

Fiscal Impact:	None, anticipated. Match has been previously budgeted. However, City may lose part of the funding grant, if the time is not extended/amended.
Recommendation:	Approve Resolution R2026-17 requesting an extension to 30 June 2027 and First Amendment agreement
Speaker's Name	Keegan Mackenzie-Chavez, City Project Manager

Documents:

[RESOLUTION R2026-17 TPF 1ST AMENDMENT.PDF](#)
[LP60040 CITY OF GALLUP_1ST AMENDMENT.PDF](#)

8. Resolution No. R2026-18; Amendment To The Municipal Arterial Program (MAP) Agreement With The New Mexico Department Of Transportation For Phase IV Of The Nizhoni Blvd. Reconstruction Project By Requesting A Time Extension To 30 June 2027

Nizhoni Boulevard Phase IV is now fully designed and we have requested an extension due to delays with traffic light hardware to complete light installation. To avoid losing the remaining grant balance; a MAP amendment is required amending the grant reversion date to 30 June 2027.

Fiscal Impact: None, anticipated. Match has been previously budgeted. However, City may lose part of the funding grant, if the time is not extended/amended.

Recommendation: Approve Resolution R2026-18 requesting an extension to 30 June 2027 and First Amendment agreement.

Speaker's Name Keegan Mackenzie-Chavez, City Project Manager

Documents:

[RESOLUTION R2026-18 -- 1ST AMENDMENT_MAP.PDF](#)
[L600250 CITY OF GALLUP_1ST AMENDMENT.PDF](#)

9. Approval Of Resolution No. R2026-19 To Allow For An Application To The NMDOT Transportation Project Fund For The Mentmore Road Improvements Project

Staff is requesting approval of Resolution No. R2026-19 authorizing the submittal of an application to the New Mexico Department of Transportation, Transportation Project for a grant request in the amount of \$750,000 for the Mentmore Road Improvements for Planning and Design. The project is from Sanostee Drive to the end of city limits. If approved the local match will be equal to 5% of the grant amount of \$37,500. Once awarded City Council will have to approve the matching funds with the acceptance of the grant agreement. This application is due by May 30, 2026.

Fiscal Impact: None at this time, application only. Matching funds will have to be approved with the acceptance of the grant agreement.

Recommendation: Staff recommends the approval of Resolution No. R2026-19

Speaker's Name Keegan Mackenzie-Chavez, City Project Manager

Documents:

[RESOLUTION R2026-19_TPF APPLICATION.PDF](#)
[GALLUP FY27_TPF APPLICATION_MENTMORE ROAD.PDF](#)

10. Approval Of Resolution No. R2026-20 To Allow For An Application To The NMDOT Transportation Project Fund For The Mariyana Ave. Improvements Project

Staff is requesting approval of Resolution No. R2026-19 authorizing the submittal of an application to the New Mexico Department of Transportation, Transportation Project for a grant request in the amount of \$1,860,000 for the Mariyana Ave. Improvements for construction, construction management, and testing. The project is from Nizhoni Boulevard to Anton Street. If approved the local match will

be equal to 5% of the grant amount of \$93,000. Once awarded City Council will have to approve the matching funds with the acceptance of the grant agreement. This application is due by May 30, 2026.

Fiscal Impact: None at this time, application only. Matching funds will have to be approved with the acceptance of the grant agreement.

Recommendation: Staff recommends the approval of Resolution No. R2026-20

Speaker's Name Keegan Mackenzie-Chavez, City Project Manager

Documents:

[RESOLUTION R2026-20_TPF APPLICATION.PDF](#)
[GALLUP FY27_TPF APPLICATION_MARIYANA AVE.PDF](#)

11. Resolution No. R2026-21 And Resolution No. R2026-22; Joint Resolutions With McKinley County Directing The Allocation And Distribution For Fiscal Year 2026 & 2027 Of Liquor Excise Tax Revenue Projected And/Or Received

Local Liquor Excise Tax revenue is allocated to the City and County based on the recommendations of the Liquor Excise Tax (LET) Allocation Task Force, which is a committee comprised of City and County officials.

The LET Allocation Task Force recommended the following distribution for Fiscal Year (FY) 2026 & 2027:

\$835,000 to the City for operations of the Gallup Detox Center.

\$250,000 to the City for treatment, education, and prevention for alcohol and/or drug substance abuse as outlined and described in the statute, including the compensation of Public Service Officers (PSOs) for prevention and transportation services.

\$800,000 to the County, to be distributed as follows: \$300,000 for the JSACC program(s), \$100,000 for the County DWI program(s), and \$400,000 for operations at Santa Fe Recovery d/b/a Four Corners Detox Center.

\$250,000 to the County for treatment, education, and prevention for alcohol and/or drug substance abuse as outlined and described in the statute.

Fiscal Impact: Budget increase of \$1,085,000 in revenues

Recommendation: Approve Joint Resolution and related budget adjustment.

Speaker's Name Erika Pirotte

Documents:

[LET JOINT RESOLUTION_DRAFT - FY26 SAK EDITS \(1\).PDF](#)
[LET JOINT RESOLUTION_DRAFT - FY27 SAK EDIT.PDF](#)

12. Disciplinary Complaint Against Bernadine Martin, Former District Attorney

Bernadine Martin served as the elected District Attorney of the Eleventh Judicial District, Division II, from November 3, 2020 until her resignation on February 27, 2026. The City Council is to discuss and consider whether it will submit a

complaint against Bernadine Martin, former District Attorney, to the Disciplinary Board of the State of New Mexico for Ms. Martin's alleged misconduct while in office.

A lawyer's conduct is governed by the Rules of Professional Conduct, Rule 16 NMRA. Anyone can initiate a complaint, but all complaints must be in writing and cannot be submitted anonymously. A complaint initiates the investigation of alleged violations of the Rules of Professional Conduct. The investigation and outcome of a complaint is determined by the Office of Disciplinary Counsel.

On June 11, 2025, following calls for action from City officials, staff, and citizens, Governor Michelle Lujan Grisham requested the New Mexico Department of Justice ("NMDOJ") consider proceedings to remove District Attorney Martin from office pursuant to Sections 36-1-9 to -17 NMSA 1978. On August 18, 2025, the NMDOJ filed a petition for Ms. Martin's removal as District Attorney, Case No. S-1-SC-41063. NMDOJ alleged Ms. Martin failed, neglected, or refused to discharge the duties of her office, demonstrated gross incompetence or negligence in the discharge of her duties, and should be removed from office pursuant to Section 36-1-9 NMSA. NMDOJ further alleged Ms. Martin violated the prohibition against the private practice of law and provided alternative grounds for removal pursuant to Section 36-1-4 NMSA. In her October 3, 2025 answer and supplemental brief, Ms. Martin objected to the petition on jurisdictional grounds, argued the attempted removal for alleged misconduct during her previous term (2020 to 2024) was unlawful, and specifically and generally refuted all of the factual allegations made by the NMDOJ in its petition. The case was set for trial March 2-4, 2026 before the New Mexico Supreme Court. On February 27, 2026, the case was dismissed with prejudice after the parties entered a settlement agreement to resolve the matter.

The NMDOJ petition (without exhibits), Ms. Martin's answer and supplemental brief, and the settlement agreement are attached. A blank complaint form is also attached.

Fiscal Impact:	None.
Recommendation:	None.
Speaker's Name	Erika Pirotte, Deputy City Attorney

Documents:

[PETITION.PDF](#)
[ANSWER.PDF](#)
[SUPPLEMENTAL ANSWER.PDF](#)
[FINAL SETTLEMENT AGREEMENT SIGNED 1.PDF](#)
[25DISC-BOARD-NM-COMPLAINT-AGAINST-ATTORNEY-FORM-1.PDF](#)

13. A Public Hearing On The Proposed Transfer Of Ownership Of Dispenser Liquor License No. DIS-000388 To Burnt Corn Holdings, LLC D/B/A Paramount Liquor & Lounge

Burnt Corn Holdings, LLC seeks the transfer of Dispenser Liquor License No. DIS-000388 located at 3090 W. Historic Highway 66, Gallup, New Mexico. The City Council is to decide whether to approve or disapprove the transfer of the license.

The Director of the Alcoholic Beverage Control Division has granted preliminary approval. Legal Notice of the Public Hearing was published in the Gallup Sun on April 24, 2026 and May 22, 2026, and posted on the City's website. The Application, the Director's preliminary approval, the Zoning Certification Letter, and Legal Notice are attached.

New Mexico law provides that a local governing body shall hold a public hearing on the question of whether the Alcoholic Beverage Control Division should approve the transfer of the license. The City Council may disapprove the transfer if: (1) the proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico; (2) the issuance would be in violation of a zoning or other ordinance of the governing body; or (3) the issuance would be detrimental to the public health, safety or morals of the residents of the City. The location is not in a prohibited area and the issuance would not be in violation of a zoning or other City ordinance. To disapprove the transfer on public health, safety or moral grounds, the City Council must find the issuance of the license would be detrimental to the public health, safety or morals of City residents by substantial evidence presented during the Public Hearing. Testimony concerning the negative effects of alcohol alone is not sufficient to justify such a finding.

Within thirty (30) days after the Public Hearing, the City must notify the Alcoholic Beverage Control Division of the Council's decision to approve or disapprove the transfer of the license. If the City Council fails to approve or disapprove the transfer within thirty (30) days after the Public Hearing, the Director of the Alcoholic Beverage Control Division may give final approval to the transfer of the license. If the City Council approves the transfer, the Director shall approve the transfer. If the City Council disapproves the transfer, the Director shall disapprove the transfer. The New Mexico Court of Appeals has initial jurisdiction of appeals from Division decisions.

Legal references: Section 60-6B-4 NMSA 1978; *City of Santa Fe v. Woodard*, 1996-NMSC-058

Fiscal Impact:	Section 3-3-3 of the Code imposes an annual license tax upon persons holding state licenses; Gross Receipts Tax revenue from the sale of alcoholic beverages
Recommendation:	None. This is a quasi-judicial hearing.
Speaker's Name	Tanisha T. Cooke, Burnt Corn Holdings, LLC / Jerry A. Hamm, Transfer Agent, Liquor License Brokerage

Documents:

[PARAMOUNT CHANGE OF OWNERSHIP DISPENSER LICENSE.PDF](#)
[LIQLEGAL-CHG OWNER PARAMOUNT.PDF](#)

G. Comments By Mayor And City Councilors

H. Comments By City Manager And City Attorney

I. Motion To Adjourn

Pursuant to the "Open Meetings Act", NMSA 1978, Section 10-15-1 through 10-15-4 of the State of New Mexico, this Agenda was posted at a place freely accessible to the public 72 hours in advance of the scheduled meeting.

Auxiliary aides for the disabled are available upon request. Please contact Alfred Abeita, City Clerk, at (505) 863-1254 at least one (1) week prior to the meeting or as soon as possible in advance of the meeting to make any necessary arrangements.