

AGENDA

GALLUP CITY COUNCIL REGULAR MEETING TUESDAY, JULY 12, 2016; 6:00 P.M. CITY COUNCIL CHAMBERS

Jackie McKinney, Mayor

Linda Garcia
Councilor, District #1

Allan Landavazo
Councilor, District #2

Yogash Kumar
Councilor, District #3

Fran Palochak
Councilor, District #4

Maryann Ustick, City Manager
George Kozeliski, City Attorney

A. Pledge of Allegiance

B. Roll Call

C. Approval of Minutes

Regular Meeting of June 28, 2016

D. Presentation of Award

Presentation of Overall Driving Award to Orlando Tom and Recognition of Finalists of the Roadrunner Chapter of the Solid Waste Association of North America (SWANA) Road-E-O Driving Competition

E. Discussion/Action Topics

1. Request for Street Closures for the Gallup Inter-Tribal Indian Ceremonial Parades to be Held on Thursday, August 11, 2016 and Saturday, August 13, 2016 – Stewart Barton III, Gallup Inter-Tribal Indian Ceremonial
2. Appointment of Jeremy Boucher to the Lodgers Tax Committee – Mayor Jackie McKinney
3. Appointment of Chief Phillip Hart to the Metro Dispatch Authority Board – Mayor Jackie McKinney

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Discussion/Action Topics, continued

4. Month to Month Extension of Agreement with Severn Trent Environmental Services for Operation of the City of Gallup's Wastewater Treatment Plant, Effluent Reuse Pumping Facilities and Collection System Lift Stations Dated May 27, 2010 – Richard Matzke, Electric Director

F. Presentation and Information Items

1. Discussion on Proposed Ordinance to Allow Off-Highway Motor Vehicles on City Streets – George Kozeliski, City Attorney

G. Comments by Public on Non-Agenda Items

H. Comments by Mayor and City Councilors

I. Comments by City Manager and City Attorney

J. Motion to Adjourn

Auxiliary aides for the disabled are available upon request. Please contact Alfred Abeita, City Clerk, at 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.

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.

Minutes

Regular Meeting of June 28, 2016

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, June 28, 2016.

The meeting was called to order by Mayor Jackie McKinney.

Upon roll call, the following were present:

Mayor:	Jackie McKinney
Councilors:	Linda Garcia Allan Landavazo Yogash Kumar Fran Palochak
Also present:	Maryann Ustick, City Manager George Kozeliski, City Attorney

Mayor McKinney said the Oath of Office was administered to the newly appointed Chief of Police Phillip Hart prior to the current meeting.

Presented to the Mayor and Councilors were the Minutes of the Regular Meeting of June 14, 2016.

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

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

1. Request for Street, Alleyway and Parking Lot Closures and Request for a Special Dispenser's Permit for the Annual Freedom Ride, Flight and Cruise Event to be Held Beginning Friday, July 29, 2016 – Francis Bee, Gallup Business Improvement District

Mr. Bee presented the requests and an overview of the activities to be held during the entire event. As an addition to this year's event, Gallup Arts will also have an art exhibit and festival in the alley way between Second and Third Streets on Saturday, July 30, 2016.

Discussion followed concerning the serving of alcoholic beverages during last year's event and how the process was handled.

Mayor McKinney read a portion of a letter from Steve Gurley, one of the event organizers, confirming that only beer and wine will be served during this year's event.

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Regular City Council Meeting – 6/28/2016

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To avoid any conflicts with the event, Ms. Ustick said the Land of Enchantment Opera scheduled a matinee on Saturday, July 30, 2016, instead of the regular evening performance at El Morro Theater. She asked that the parking lot at First Street and Aztec Avenue be reserved for parking for the opera from 3:30 p.m. to 5:30 p.m.

Councilor Palochak made the motion to approve the request for street, alleyway and parking lot closures and the request for a special dispenser's permit for the Annual Freedom Ride, Flight and Cruise Event to be held beginning Friday, July 29, 2016. Seconded by Councilor Kumar. Roll call: Councilors Palochak, Kumar, Garcia, Landavazo and Mayor McKinney all voted yes.

2. Contract Award for Construction of NTUA–Twin Lakes Well / Navajo Gallup Water Supply Project (NGWSP) Reach 12A Connection; Formal Bid No. 1612 – Richard Matzke, Electric Director

Mr. Matzke provided an overview of the project to connect the NTUA Twin Lakes Well to Reach 12A of the NGWSP. The project is funded by Water Trust Board Grant #111. Based on the bids submitted for the project, Mr. Matzke recommended award of the construction contract to Gandy Dancer, LLC of Albuquerque in the amount of \$77,478.56.

Councilor Landavazo made the motion to approve the contract award for construction of NTUA–Twin Lakes Well / Navajo Gallup Water Supply Project Reach 12A Connection; Formal Bid No. 1612, as presented. Seconded by Councilor Garcia. Roll call: Councilors Landavazo, Garcia, Kumar, Palochak and Mayor McKinney all voted yes.

3. Contract Award for Construction of Navajo Gallup Water Supply Project Reach 27.6; Formal Bid No. 1608 – Richard Matzke, Electric Director

Mr. Matzke provided a summary of the proposed project which includes the installation of about 33,000 feet of water line, a new pump station and abandoned mine remediation. The project is partially funded by Water Trust Board Grant/Loan #283 and the Repayment Agreement with the Bureau of Reclamation (BOR). The City's repayment obligation for this project will be about \$1.2 million. Based on the bids submitted for the project, Mr. Matzke recommended award of the construction contract to TLC Plumbing & Utility of Albuquerque, in the amount of \$7,678,224.97.

Discussion followed concerning the project, which will move water from the north side of the city eastward towards Indian Hills and Rehoboth.

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Councilor Kumar made the motion to approve the contract award for construction of Navajo Gallup Water Supply Project Reach 27.6; Formal Bid No. 1608, as presented. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Landavazo, Palochak and Mayor McKinney all voted yes.

4. Resolution No. R2016-30; Reinstating the Water High Efficiency Rebate Incentive Programs – Richard Matzke, Electric Director
5. Resolution No. R2016-31; Reinstating the High Efficiency Refrigerator Residential Rebate Program – Richard Matzke, Electric Director

Elizabeth Barriga, Environmental Program Coordinator, presented the proposed resolutions to extend the rebate programs for customers installing Energy Star certified refrigerators and qualified high-efficiency toilets, showerheads, clothes washers, rain barrels and xeriscaping. She provided information concerning the annual budgets for the rebate programs and the reimbursements provided to the City by the BOR. The proposed resolutions would extend the rebate programs to June 30, 2018.

Councilor Garcia made the motion to approve Resolution No. R2016-30. Seconded by Councilor Kumar. Roll call: Councilors Garcia, Kumar, Palochak, Landavazo and Mayor McKinney all voted yes.

Ms. Barriga provided information concerning the Consortium of Energy Efficiency Program and the products that qualify for the rebate program.

Councilor Palochak made the motion to approve Resolution No. R2016-31. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar, Landavazo and Mayor McKinney all voted yes.

6. Approval of Contracts, Rights of Entry and Deed for New Mexico Department of Transportation (NMDOT) Project on Boardman Drive – George Kozeliski, City Attorney

Mr. Kozeliski presented three contracts, three temporary construction permits and one quitclaim deed from the NMDOT for the project. He also asked the Council to authorize the Mayor to sign any other documentation required by the NMDOT that are needed for this project.

Councilor Landavazo made the motion to approve the contracts, rights of entry and deed for the New Mexico Department of Transportation Project on Boardman Drive. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Garcia, Kumar and Mayor McKinney all voted yes.

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7. Approval of Membership Agreement with the Northwest New Mexico Council of Governments (NWNMCOG) for Fiscal Year 2017 and the Re-appointment of Current Representatives to the Board of Directors – Maryann Ustick, City Manager

Ms. Ustick presented the proposed annual membership agreement with the NWNMCOG in the amount of \$65,000. The NWNMCOG also submitted a list of current board members representing the City of Gallup as follows: Louis Bonaguidi, Councilor Landavazo, Councilor Kumar and Ms. Ustick.

Councilor Landavazo made the motion to approve the Membership Agreement with the Northwest New Mexico Council of Governments for Fiscal Year 2017 and the Re-appointments of the current representatives of the City of Gallup to the Board of Directors. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Garcia and Mayor McKinney all voted yes. Councilor Kumar abstained. Motion carried.

8. Appointment of Precinct Officials for the August 9, 2016 Special Municipal Election – Alfred Abeita, City Clerk

Mr. Abeita presented the names of qualified electors of the City to serve as precinct officials for the upcoming special election. The proposed precinct officials are experienced individuals that have worked various elections in the past and will be required to attend election training which is tentatively scheduled for August 3, 2016. The total costs for the compensation of precinct officials will be \$9,480.

Discussion followed concerning the assignment of polling officials for each polling location.

Councilor Palochak made the motion to approve the appointment of precinct officials for the August 9, 2016 Special Municipal Election as presented. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar, Landavazo and Mayor McKinney all voted yes.

Presented to the Mayor and Councilors was the following Presentation and Information Item:

1. Proposed Metal Detector for City Council Chambers – Maryann Ustick, City Manager

Ms. Ustick said staff was asked to provide information on the cost and use of a metal

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detector to ensure the safety of participants and the public at City Council meetings. Staff has obtained a cost estimate, in the amount of \$4,598.12, for a TSA certified metal detector that is battery operated and portable. The City's current security provider, Blackstone Security, will be able to staff the metal detector for City Council meetings with no increased cost to the current security services contract. The proposed equipment is a walk-through metal detector which does not include x-ray capabilities to examine personal items. Ms. Ustick asked if the intended use of the metal detector will be only for City Council meetings or if the equipment will be used on a daily basis.

Discussion followed concerning the County's use of their metal detector at the McKinley County Courthouse; the proposed posting of notices at the entrance to City Hall stating that no firearms are allowed and personal items are subject to be searched; and the proposed purchase and use of supplemental equipment, such as wand metal detectors and x-ray equipment.

Mayor McKinney asked Ms. Ustick to gather additional information on the matter and to bring the item back for the Council's consideration in one month.

Councilor Kumar made the motion to adjourn into closed session for the purpose of discussing personnel matters concerning the City's at-will employees. Seconded by Councilor Palochak. Roll call: Councilors Kumar, Palochak, Landavazo, Garcia and Mayor McKinney all voted yes.

The Mayor and Councilors adjourned into closed session, pursuant to §10-15-1-H(2) NMSA 1978 Comp. (as revised).

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

Mayor McKinney certified for the record that the matters discussed during the closed session was limited to personnel matters concerning the City's at-will employees.

Comments by Public on Non-Agenda Items

Patsy Ann Dixon presented her personal concerns to the Mayor and Councilors.

Comments by Mayor and City Councilors

Councilor Palochak welcomed the newly appointed Chief of Police Phillip Hart. Based on the rape kit audit that was conducted by the State Auditor, Councilor Palochak commended the Gallup Police Department for their work in transmitting rape kits to be tested by the proper authority. Councilor Palochak said she was proud to represent Mayor McKinney and to participate at the Quilts of Valor event last Friday.

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Councilor Landavazo also welcomed Chief Hart to the City of Gallup. He also commended Mayor McKinney, Mr. Kozeliski and Vince Alonzo, Parks and Recreation Director, and his crew for their work to conduct a successful Best of the Best Rodeo. Councilor Landavazo encouraged everyone to keep believing in Gallup.

Councilor Kumar thanked Capt. Franklin Boyd for his work in serving as Interim Chief of Police. Councilor Kumar also welcomed Chief Hart and looks forward to working with him. Councilor Kumar commended City staff for all their work to support the numerous events that are taking place in Gallup. He believes Gallup has changed for the better and has seen the differences that have taken shape in the community.

Councilor Garcia welcomed Chief Hart and also looks forward to working with him. She said Chief Hart will find that the staff at the Gallup Police Department goes above and beyond the call of duty. Councilor Garcia thanked Capt. Boyd for his accomplishments during his short tenure as Acting Chief of Police. Councilor Garcia congratulated Sgt. Billy Padavich for his promotion to the rank of Lieutenant. She also will hold her Neighborhood Association Meeting tomorrow at 6:30 p.m. at the Northside Senior Center.

Mayor McKinney thanked Capt. Boyd for his service as Interim Chief of Police. Mayor McKinney said it is a busy time of year with the number of events taking place in Gallup and commended the City's employees for their hard work. The Best of the Best Rodeo was successful as the event becomes larger with increased participants from year to year. He looks forward to reviewing the forthcoming financial report of the rodeo. Mayor McKinney also commended Mr. Alonzo, Mr. Kozeliski and their staffs for their work to support the event.

Comments by City Attorney and City Manager

Mr. Kozeliski commended Ben Welch, Community Services Coordinator and Tanya Martinez, Legal Assistant, for their work in conducting the Best of the Best Rodeo. Mr. Kozeliski welcomed Chief Hart to meet with him as needed. Mr. Kozeliski said the Mayor received notification that the City received a grant from the Federal Aviation Administration (FAA) in the amount of \$3.3 million to reconstruct the runway at the airport.

Ms. Ustick expressed her appreciation to Capt. Boyd for his service as Interim Police Chief and said it was a pleasure working with him. Ms. Ustick also said she is excited about the future of the Police Department under Chief Hart's command. Ms. Ustick previously disseminated information about the upcoming Special General Obligation Bond Election and asked that the Mayor and Councilors share the information at community meetings. Ms. Ustick said the lodger's tax report will be prepared and

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presented to the Mayor and Councilors after the close of the current fiscal year. The improvements to the El Morro Theater will be completed soon and the theater will re-open on July 1, 2016. Ms. Ustick also said the World Changers Project was successful as five homes in Gallup were repaired and improved. She commended Mr. Welch for his work in coordinating City resources for the project. The strategic plan will be disseminated to the Mayor and Councilors as soon as possible. Quarterly updates on the plan will be presented to the Mayor and Councilors, with the first update being conducted after September 30, 2016.

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

Jackie McKinney, Mayor

ATTEST:

Alfred Abeita II, City Clerk

Presentation of Award

Presentation of Overall Driving Award to Orlando Tom
and Recognition of Finalists of the Roadrunner Chapter of
the Solid Waste Association of North America (SWANA)
Road-E-O Driving Competition



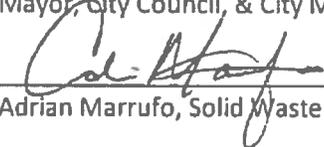
Mayor Jackie McKinney
Councilor Linda Garcia, District 1
Councilor Allan Landavazo, District 2
Councilor Yogash Kumar, District 3
Councilor Fran Palochak, District 4

Maryann Ustick, City Manager
George W. Kozeliski, City Attorney

June 30, 2016

MEMORANDUM

TO: Mayor, City Council, & City Manager

FROM: 
Adrian Marrufo, Solid Waste Superintendent

RE: SWANA ROAD-E-O

BACKGROUND

In 1961, a small group of local government solid waste program supervisors in the Los Angeles area formed the Governmental Refuse Collection and Disposal Association (GRDA) to provide a way for solid waste professionals to share information and promote training. In 1992 GRDA changed its name to the Solid Waste Association of North America (SWANA) to show how the fields broadened from refuse collection and disposal to all areas of municipal Solid Waste Management. SWANA is now the largest member-based solid waste association in the world with 45 Chapters in the U.S., Canada and the Caribbean with over 8,300 members.

DISCUSSION

In June 2007, the Solid Waste Department began participating in the NM SWANA Road Runner Chapter Road-E-O driving competition. This event continued annually through August 2010 when unfortunately it was discontinued due to lack of support and budget funding. During this four (4) year tenure, the City of Gallup Solid Waste Collector / Drivers had showcased their driving abilities while attending this event and placed in the top three (3) every year. The Road Runner Chapter decided to resurrect the event this year and on May 7th, 2016, four (4) City of Gallup Solid Waste Collector / Drivers went and competed in Santa Fe at the state SWANA truck Road-E-O. This event brought together twenty solid waste truck drivers and landfill equipment operators throughout the state to compete in various tests of precision and skill. The first and second place winners for each division are eligible to compete in the International Competition, which will be held September 3, 2016, in Dublin, GA.

The results for this recent competition were as follows, Orlando Tom placed 1st in both Side-Load & Front-Load categories which resulted in him also getting the overall driving award. Randy Platero placed 2nd in Front-Load & 3rd in Side-Load categories. Jonathan Bowman placed 3rd in the Front-Load category and Anson Denetdale placed 7th in the Front-Load category.

DEPARTMENT IMPACT

The Solid Waste Staff is proud to announce that after a five (5) year break from this event, our employees placed in the top three (3) once again. This accomplishment is a big morale booster for the employees and the department as a whole. Most of the time we only hear the negative comments and rarely do we hear about the good things that our employees do. The City of Gallup Solid Waste Department is proud of our drivers accomplishments, driving skills, and dedication to the job. The citizens of the City of Gallup should be excited to know we have some of the best and knowledgeable drivers throughout the state, which helps our efforts to provide the best possible service to the customers.

SWANA ROAD-E-O COMPETITION

Competition categories include Front-load, Side-load,& Roll-off. Contestants compete in a driving course, which is similar to their daily job duties, for safety, accuracy and the quickest time. There is also a written knowledge test to decide on any tie-breakers.

06 / 02 / 07-- Santa Fe

Randy Platero 1st place SL / Overall Champ
Anson denetdale 2nd place SL
David Garcia 3rd place SL
Nelson Smith 3rd place FL
Raymond Davis
Delbert Arviso
David Fertig

09 / 28 / 07 -- International - Atlantic City, NJ

Attended - Did not place - no award received
Attended - Did not place - no award received

05 / 10 / 08-- Albuquerque

Randy Platero 1st place SL
David Garcia 2nd place SL / 3rd place FL
Raymond Davis 3rd place SL
David Fertig 3rd place Roll-Off
Nelson Smith

09 / 23 / 08 -- International - Louisville, KY

Did not attend - personal reasons
Did not attend - vacation leave

05 / 02 / 09-- Albuquerque

Randy Platero 1st place SL
Raymond Davis 2nd place SL
David Garcia 3rd place FL
David Fertig 3rd place Roll-Off
Delbert Arviso
Nelson Smith

09 / 18 / 09 -- International - Largo/Clearwater, FL

Attended - Received 4 th place SL
Attended - Received 12 th place SL

08 / 21 / 10-- Santa Fe

Randy Platero 1st place SL, FL, Overall Champ
David Fertig 2nd place Roll-off
Raymond Davis 3rd place SL
Anson Denetdale
Nelson Smith

09 / 04 / 10 -- International - Tempe, AZ

Travel Denied due to political issues
Travel Denied due to political issues

05 / 07 / 16-- Santa Fe

Orlando Tom 1st place SL, FL, Overall Champ
Randy Platero 2nd place FL / 3rd place SL
Jonathan Bowman 3rd place FL / 11th place SL
Anson Denetdale 5th place SL / 7th place FL

09 / 03 / 16 -- International - Dublin, GA

PENDING

2011 - 2015 Competition was discontinued by NMSWANA chapter due to budgeting cuts

International Competition remained, however contestants have to qualify in the local chapter to be eligible to compete

Discussion/Action Topic 1

Request for Street Closures for the Gallup Inter-Tribal Indian
Ceremonial Parades to be Held on Thursday, August 11, 2016
and Saturday, August 13, 2016

Stewart Barton III, Gallup Inter-Tribal Indian Ceremonial

(Information will be provided at the meeting)

Discussion/Action Topic 2

Appointment of Jeremy Boucher to the Lodgers Tax Committee

Mayor Jackie McKinney



CITY OF GALLUP
OFFICE OF THE MAYOR
STATE OF NEW MEXICO

June 29, 2016

MEMORANDUM

TO: City Councilors

FROM:



Jackie McKinney, Mayor

RE: Lodgers' Tax Committee

With the vacancy created by the resignation of Frances Richardson, I would ask for your approval to appoint Jeremy Boucher to the Lodgers' Tax Committee.

We would like to express our appreciation to Ms. Richardson for serving as a member of the committee. We also appreciate Mr. Boucher's for his willingness and commitment to serve as a committee member.

Thank you for your consideration of this request.

Discussion/Action Topic 3

Appointment of Chief Phillip Hart to the Metro Dispatch Authority Board

Mayor Jackie McKinney

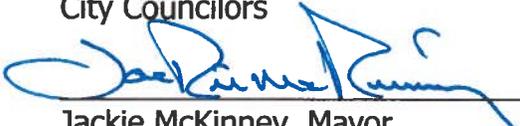


CITY OF GALLUP
OFFICE OF THE MAYOR
STATE OF NEW MEXICO

July 8, 2016

MEMORANDUM

TO: City Councilors

FROM: 
Jackie McKinney, Mayor

RE: Metro Dispatch Authority Board

The Joint Powers Agreement with McKinley County provides for the Chief of Police to serve as a member of the Metro Dispatch Authority Board. Accordingly, I would ask for your approval to appoint Chief Phillip Hart to the Board.

We appreciate Chief Hart's willingness and commitment to serve as a member of the Board. We also would like to express our gratitude and appreciation to Capt. Franklin Boyd for his service as a board member during his capacity as Acting Chief of Police.

Your consideration of this request is greatly appreciated.

Discussion/Action Topic 4

Month to Month Extension of Agreement with Severn Trent
Environmental Services for Operation of the City of Gallup's
Wastewater Treatment Plant, Effluent Reuse Pumping Facilities
and Collection System Lift Stations Dated May 27, 2010

Richard Matzke, Electric Director



**CITY OF
GALLUP**

COUNCIL STAFF SUMMARY FORM

MEETING DATE: July 12, 2016

SUBJECT: Month-to-Month Extension of Agreement with Severn Trent Environmental Services ("Severn Trent") for Operation of the City of Gallup's Wastewater Treatment Plant, Effluent Reuse Pumping Facilities and Collection System Lift Stations dated May 27, 2010

DEPT. OF ORIGIN: Wastewater

DATE SUBMITTED: July 8, 2016

SUBMITTED BY: Richard Matzke

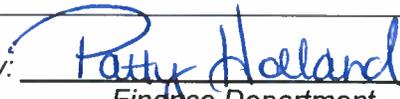
Summary: On June 23, 2015 City Council approved a one year extension of the subject agreement with Severn Trent for operating and maintaining the City's Wastewater Treatment Plant (WWTP) and related facilities resulting in a new expiration date of June 30, 2016. We are currently operating under of a letter of acknowledgement that the City has received an offer to extend the contract on a month-to-month basis and will present that offer to City Council for consideration on July 12, 2016.

During October through December 2015, the City performed a formal prequalification process and selected three vendors to participate in the Request For Proposal (RFP) process for a new Design, Build, Operate (DBO) Upgrades and Contract Operation and Management Services Agreement for the City's Wastewater Treatment Plant. Those vendors are Veolia, out of Walnut Creek, CA, CH2M, out of Portland, OR, and Severn Trent, out of Gilbert, AZ. The City issued RFPs to the qualified proposers in February 2016 with a due date of May 19, 2016. The due date was subsequently extended to June 9, 2016. On June 9, 2016, the City received one proposal in response to the RFP. This proposal is currently under review.

The City approached Severn Trent about the possibility of extending the current contract to allow time to review the proposal submitted, negotiate a new agreement, and transition to a new operator. Severn Trent has proposed an initial extension of sixty days, beginning July 1, 2016, with provision for monthly extensions subject to mutual written approval by both parties. Severn Trent has requested a five per cent monthly increase in the base operation cost during the extension period and no change to the monthly Maintenance and Repair Budget of \$12,500. Additionally Severn Trent has requested a waiver of the performance bond requirement and release from the Guarantees statement in Schedule 1 of the 2010 agreement.

Fiscal Impact:

Reviewed By:

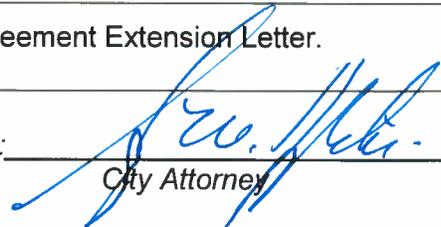

Finance Department

The additional monthly impact of this extension is \$4,363.51 plus NMGRS which can be accommodated by funding for operation of the WWTP in the FY 2017 budget.

Attachments: Proposed Wastewater Operation and Maintenance Agreement Extension Letter.

Legal Review:

Approved As To Form:

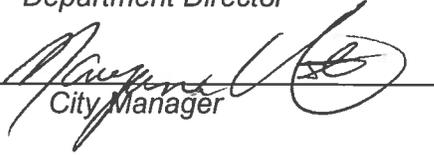

City Attorney

Recommendation: Staff recommends approval of the Month-to-Month Extension of Agreement with Severn Trent Environmental Services ("Severn Trent") for Operation of the City of Gallup's Wastewater Treatment Plant, Effluent Reuse Pumping Facilities and Collection System Lift Stations dated May 27, 2010 and requests authorization for the City Manager to sign the Wastewater Operation and Maintenance Agreement Extension Letter. Staff further requests that the City Manager be authorized to approve month-to-month extensions following the initial sixty day extension, as needed, under the same terms.

Approved for Submittal By:



Department Director



City Manager

CITY CLERK'S USE ONLY
COUNCIL ACTION TAKEN

Resolution No.	_____	Continued To:	_____
Ordinance No.	_____	Referred To:	_____
Approved:	_____	Denied:	_____
Other:	_____	File:	_____



Severn Trent – North America
Western US Regional Office
402 North Neely Street
Gilbert, AZ 85233
(623 572 8550)

July 8, 2016

Richard Matzke
Electric Director
City of Gallup
230 South 2nd Street
Gallup, NM 87301

Re: Wastewater Operation and Maintenance Agreement Extension

Dear Richard;

As we have discussed, the current Agreement with Severn Trent Environmental Services (“Severn Trent”) for Operation of the City of Gallup’s Wastewater Treatment Plant, Effluent Reuse Pumping Facilities and Collection System Lift Stations dated May 27, 2010 (“the Agreement”) is set to expire on June 30, 2016. This letter shall serve to memorialize our discussions in which the parties have agreed to extend the Agreement on a month to month basis to allow for additional time for the City to complete its procurement process transition to a new operator.

Subject to the following contract modifications, Severn Trent agrees to initially extend the Agreement for an additional 60 days beyond the current term:

1. The monthly base compensation shall be \$91,633.50;
2. The monthly Maintenance and Repair Budget shall be \$12,500 and the balance of any unused portion or overage shall be reconciled at the end of each month either through an additional payment to Operator or a credit to the City on its following invoice;
3. The Guarantee in Section 3.01(1) and Schedule 1 shall no longer be applicable or required; and,
4. Severn Trent shall not be required to renew or maintain the annual performance bond required under Section 10.07.

The extension shall be effective on July 1, 2016. Any additional extensions, as required, beyond this initial 60 day period shall be subject to further written approval by both parties. During this extended contract period and until transition is completed, except as otherwise noted herein, all other contract terms shall remain in full force and effect.

Kindly sign below to indicate the City of Gallup’s acceptance and agreement of the extension as noted below. Please return a copy to me at your earliest convenience.



Severn Trent – North America
Western US Regional Office
402 North Neely Street
Gilbert, AZ 85233
(623 572 8550)

Thank you for your kind attention to this matter. Should you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,

Fred Kriess
Regional Manager

Acknowledged and Accepted

By: _____

Date: _____

Attest: _____

City Clerk

Presentation and Information Item 1

Discussion on Proposed Ordinance to Allow
Off-Highway Motor Vehicles on City Streets

George Kozeliski, City Attorney



CITY OF GALLUP

COUNCIL STAFF SUMMARY FORM

MEETING DATE: July 12, 2016

SUBJECT: Proposed Ordinance to allow Off-Highway Motor Vehicles on City Streets **(DISCUSSION ITEM ONLY)**

DEPT. OF ORIGIN: City Attorney's Office

DATE SUBMITTED: June 28, 2016

SUBMITTED BY: George W. Kozeliski, City Attorney

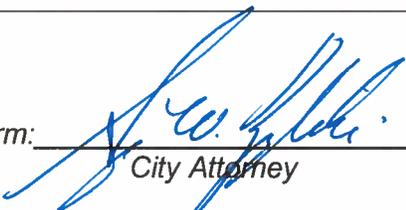
Summary: City has received inquiries regarding the newly passed state law allowing for Off-Highway vehicles to operate on City streets. Farmington, NM passed an ordinance and has limited it to "recreational off-highway vehicles", and require in addition to the state requirements, the following: speedometers, horn, illuminated dashboards, and turn signals. A draft of the City of Gallup proposed ordinance is attached as well as the pertinent provisions of State law, and a copy of the Farmington ordinance.

Financial Impact: None

Approved: 
Finance Department

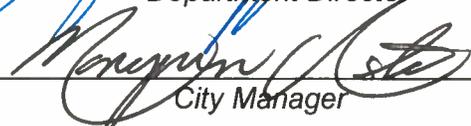
Attachments: Proposed Ordinance, three provisions of State Motor Vehicle law and Farmington ordinance.

Legal Review: Drafted proposed ordinance

Approved As To Form: 
City Attorney

Recommendation: Allow public input.

Approved for Submittal By:


Department Director

City Manager

CITY CLERK'S USE ONLY COUNCIL ACTION TAKEN

Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved: _____ Denied: _____
Other: _____ File: _____

ORDINANCE NO. C 2016 - _____

**AN ORDINANCE REGARDING OPERATION OF
OFF-HIGHWAY MOTOR VEHICLES ON CITY STREETS**

WHEREAS, the New Mexico Legislature amended the Off-Highway Motor Vehicle Act (“Act”) (Sections 66-3-1001 through 66-3-1020, NMSA 1978) during the 2016 Legislative Session permitting the operation of off-highway motor vehicles on streets; and

WHEREAS, the amendment to the Act went into effect on May 18, 2016; and

WHEREAS, Section 66-3-1011, NMSA 1978, the Act, by reference; and the Act, as amended, adopted the law which allows a municipality, by ordinance or resolution, to authorize off-highway motor vehicles to be operated on a paved street owned or controlled by the City and permits the City to legislate the use of off-highway motor vehicles in a way that fits with the community; and

WHEREAS, the area ATV/OHMV park is just outside the City limits and allows for open space and trails that create exceptional opportunities for the recreational use of off-highway vehicles, which opportunities improve the quality of life for residents and creates additional tourism and economic benefits to the City; and

WHEREAS, authorizing off-highway vehicles to be operated on certain paved streets owned or controlled by the City will increase access to, and participation in, these recreational opportunities; and

WHEREAS, the City desires to authorize off-highway vehicles to be operated on a paved street or highway owned or controlled by the City.

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GALLUP THAT:

A new section to the Gallup City Code which shall read as follows:

SECTION ONE. Vehicles Allowed

A. Definitions.

As used in this ordinance the following definitions shall apply, which are the same definitions as used in the Off-Highway Motor Vehicle Act of the State of New Mexico (Section 66-3-1011 NMSA 1978 comp.), and it is the intent of this ordinance to adopt any subsequent amendments made thereto and compiled therein from time to time, which are herewith adopted by reference:

B. "off-highway motor vehicle" means a motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:

- (1) "all-terrain vehicle", which means a motor vehicle fifty inches or less in width, having an unladen dry weight of one thousand pounds or less, traveling on three or more low-pressure tires and having a seat designed to be straddled by the operator and handlebar-type steering control;
- (2) "off-highway motorcycle", which means a motor vehicle traveling on not more than two tires and having a seat designed to be straddled by the operator and that has handlebar-type steering control;
- (3) "recreational off-highway vehicle", which means a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons, and having:
 - (a) a steering wheel for steering control;
 - (b) non-straddle seating;
 - (c) maximum speed capability greater than thirty-five miles per hour;
 - (d) gross vehicle weight rating no greater than one thousand seven hundred fifty pounds;
 - (e) less than eighty inches in overall width, exclusive of accessories;
 - (f) engine displacement of less than one thousand cubic centimeters; and
 - (g) identification by means of a seventeen-character vehicle identification number; or
- (5) by rule of the department, any other vehicles that may enter the market that fit the general profile of vehicles operated off the highway for recreational purposes;

SECTION TWO. Operation on streets or highways -- prohibited areas.

A. A person shall not operate an off-highway motor vehicle on any:

- (1) limited access highway or freeway at any time;
- (2) paved street or highway except as provided in Subsection B or C of this section;
- (3) walking and biking trails; or
- (4) city parks.

B. Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossings are made after coming to a complete stop prior to entering the roadway. Off-highway motor vehicles shall yield the right of way to oncoming traffic and shall begin a crossing only when it can be executed safely and then cross in the most direct manner as close to a perpendicular angle as possible.

C. An off-highway motor vehicle may be operated on a paved street owned and controlled by the City of Gallup if:

- (1) the vehicle has one or more headlights and one or more taillights that comply with the Off-Highway Motor Vehicle Act, Sec. 66-3-1001 through 66-3-1021, NMSA 1978;
- (2) The vehicle has brakes, side mirrors on the right and left side of the driver and mufflers;
- (3) The operator has a valid driver's license, instruction permit or provisional license and an off-highway motor vehicle safety permit;

- (4) The operator is insured in compliance with the provisions of the Mandatory Financial Responsibility Act, Sec. 66-5-201 through 66-5-248, NMSA 1978; and
- (5) A person shall not operate an off-highway motor vehicle or ride upon an off-highway motor vehicle without wearing eye protection and a safety helmet that comply with the Off-Highway Motor Vehicle Act.

SECTION THREE. Speed limit.

The speed limit for off-highway motor vehicles operated within the city shall be 35 miles per hour or the posted speed limit, whichever is less. An off-highway motor vehicle traveling on a paved street shall travel at a speed that complies with the Off-Highway Motor Vehicle Act.

SECTION FOUR. Passengers.

A person operating an off-highway motor vehicle shall ride only upon the permanent and regular seat attached thereto and such operator shall not carry any other person nor shall any other person ride on an off-highway vehicle unless such vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat.

SECTION FIVE. Obedience to traffic laws required.

Any person operating an off-highway motor vehicle shall obey all traffic laws, rules and regulations and shall be subject to the provisions of Articles 1 through 8 of Chapter 66 NMSA 1978 [except 66-7-102.1 NMSA 1978].

PASSED, ADOPTED AND APPROVED on this _____ day of August, 2016.

CITY OF GALLUP

Jackie McKinney, Mayor

ATTEST:

Alfred Abeita, City Clerk

§ 66-3-1001. Short title

Sections 66-3-1001 through [66-3-1016 NMSA 1978](#) may be cited as the "Off-Highway Motor Vehicle Act".

66-3-1001.1. Definitions

As used in the Off-Highway Motor Vehicle Act:

- A. "board" means the off-highway motor vehicle advisory board;
- B. "department" means the department of game and fish;
- C. "division" means the motor vehicle division of the taxation and revenue department;
- D. "fund" means the trail safety fund;
- E. "off-highway motor vehicle" means a motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:
 - (1) "all-terrain vehicle", which means a motor vehicle fifty inches or less in width, having an unladen dry weight of one thousand pounds or less, traveling on three or more low-pressure tires and having a seat designed to be straddled by the operator and handlebar-type steering control;
 - (2) "off-highway motorcycle", which means a motor vehicle traveling on not more than two tires and having a seat designed to be straddled by the operator and that has handlebar-type steering control;
 - (3) "snowmobile", which means a motor vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners or low-pressure tires;
 - (4) "recreational off-highway vehicle", which means a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons, and having:
 - (a) a steering wheel for steering control;
 - (b) non-straddle seating;
 - (c) maximum speed capability greater than thirty-five miles per hour;
 - (d) gross vehicle weight rating no greater than one thousand seven hundred fifty pounds;
 - (e) less than eighty inches in overall width, exclusive of accessories;
 - (f) engine displacement of less than one thousand cubic centimeters; and
 - (g) identification by means of a seventeen-character vehicle identification number; or
 - (5) by rule of the department, any other vehicles that may enter the market that fit the general profile of vehicles operated off the highway for recreational purposes;
- F. "staging area" means a parking lot, trailhead or other location to or from which an off-highway motor vehicle is transported so that it may be placed into operation or removed from operation; and
- G. "unpaved public roadway" means a dirt graveled street or road that is constructed, signed and maintained for regular passenger-car use by the general public.

§ 66-3-1011. Operation on streets or highways; prohibited areas

A. A person shall not operate an off-highway motor vehicle on any:

- (1) limited access highway or freeway at any time; or
- (2) paved street or highway except as provided in Subsection B, C or D of this section.

B. Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossings are made after coming to a complete stop prior to entering the roadway. Off-highway motor vehicles shall yield the right of way to oncoming traffic and shall begin a crossing only when it can be executed safely and then cross in the most direct manner as close to a perpendicular angle as possible.

C. If authorized by ordinance or resolution of a local authority or the state transportation commission, a recreational off-highway vehicle or an all-terrain vehicle may be operated on a paved street or highway owned and controlled by the authorizing entity if:

- (1) the vehicle has one or more headlights and one or more taillights that comply with the Off-Highway Motor Vehicle Act;
- (2) the vehicle has brakes, mirrors and mufflers;
- (3) the operator has a valid driver's license, instruction permit or provisional license and an off-highway motor vehicle safety permit;
- (4) the operator is insured in compliance with the provisions of the Mandatory Financial Responsibility Act; and
- (5) the operator of the vehicle is wearing eye protection and a safety helmet that comply with the Off-Highway Motor Vehicle Act.

D. By ordinance or resolution, a local authority or state transportation commission may establish separate speed limits and operating restrictions for off-highway vehicles where they are authorized to operate on paved streets or highways pursuant to Subsection C of this section.

E. A person shall not operate an off-highway motor vehicle on state game commission-owned, -controlled or -administered land except as specifically allowed pursuant to Chapter 17, Article 6 NMSA 1978.

F. A person shall not operate an off-highway motor vehicle on land owned, controlled or administered by the state parks division of the energy, minerals and natural resources department, pursuant to Chapter 16, Article 2 NMSA 1978, except in areas designated by and permitted by rules adopted by the secretary of energy, minerals and natural resources.

G. Unless authorized, a person shall not:

- (1) remove, deface or destroy any official sign installed by a state, federal, local or private land management agency; or
- (2) install any off-highway motor vehicle-related sign.

ORDINANCE NO. 2016-1286

AN ORDINANCE ENACTING A NEW CHAPTER 25, ARTICLE 3, DIVISION 5 OF THE FARMINGTON MUNICIPAL CODE REGARDING OFF-HIGHWAY MOTOR VEHICLES

WHEREAS, the New Mexico Legislature amended the Off-Highway Motor Vehicle Act (“Act”) (Sections 66-3-1001 through 66-3-1020, NMSA 1978) during the 2016 Legislative Session permitting the operation of off-highway motor vehicles on streets; and

WHEREAS, the amendment to the Act goes into effect on May 18, 2016; and

WHEREAS, Section 25-1-1 of the Farmington City Code adopts Section 66-3-1011, NMSA 1978, the Act, by reference; and the Act, as amended, adopted the law which allows a municipality, by ordinance or resolution, to authorize off-highway motor vehicles to be operated on a paved street owned or controlled by the City and permits the City to legislate the use of off-highway motor vehicles in a way that fits with the community; and

WHEREAS, the City and surrounding area are rich with the natural terrain, open space and trails that create exceptional opportunities for the recreational use of off-highway vehicles, which opportunities improve the quality of life for its residents and create additional tourism and economic benefits to the City; and

WHEREAS, authorizing recreational off-highway vehicles to be operated on certain paved streets owned or controlled by the City will increase access to, and participation in, these recreational opportunities; and

WHEREAS, the City desires to authorize recreational off-highway vehicles to be operated on a paved street or highway owned or controlled by the City.

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FARMINGTON THAT:

SECTION ONE: A new Division 5 shall be added to Article 3 of Chapter 25, Traffic and Vehicles, of the Farmington City Code which shall read as follows:

Division 5. Off-Highway Motor Vehicles.

Sec. 25-3-136. Definitions.

As used in this division, the following definitions shall apply:

"off-highway motor vehicle" means a motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:

(1) "recreational off-highway vehicle", which means a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons, and having:

- (a) a steering wheel for steering control;
- (b) non-straddle seating;
- (c) maximum speed capability greater than thirty-five miles per hour;
- (d) gross vehicle weight rating no greater than one thousand seven hundred fifty pounds;
- (e) less than eighty inches in overall width, exclusive of accessories;
- (f) engine displacement of less than one thousand cubic centimeters; and
- (g) identification by means of a seventeen-character vehicle identification number; or

(2) by rule of the state department of game and fish, any other vehicles that may enter the market that fit the general profile of vehicles operated off the highway for recreational purposes.

Sec. 25-3-137. Operation on streets or highways -- prohibited areas.

A. A person shall not operate an off-highway motor vehicle on any:

- (1) limited access highway or freeway at any time;
- (2) paved street or highway except as provided in Subsection B or C of this section;
- (3) walking trails; or
- (4) city parks.

B. Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossings are made after coming to a complete stop prior to entering the roadway. Off-highway motor vehicles shall yield the right of way to oncoming traffic and shall begin a crossing only when it can be executed safely and then cross in the most direct manner as close to a perpendicular angle as possible.

C. A recreational off-highway vehicle may be operated on a paved street owned and controlled by the city if:

- (1) the vehicle has one or more headlights and one or more taillights that comply with the Off-Highway Motor Vehicle Act, Sec. 66-3-1001 through 66-3-1021, NMSA 1978;
- (2) the vehicle has brakes, side mirrors on the right and left side of the driver, turn signals, horn, speedometer illuminated for nighttime operation and mufflers;
- (3) the operator has a valid driver's license, instruction permit or provisional license and an off-highway motor vehicle safety permit;
- (4) the operator is insured in compliance with the provisions of the Mandatory Financial Responsibility Act, Sec. 66-5-201 through 66-5-248, NMSA 1978; and
- (5) a person shall not operate an off-highway motor vehicle or ride upon an off-highway motor vehicle without wearing eye protection and a safety helmet that comply with the Off-Highway Motor Vehicle Act.

Sec. 12-3-138. Speed limit.

The speed limit for recreational off-highway vehicles operated within the city shall be 45 miles per hour or the posted speed limit, whichever is less. A recreational off-highway vehicle traveling on a paved street shall travel at a speed that complies with the Off-Highway Motor Vehicle Act.

Sec. 12-3-139. Passengers.

A person operating a recreational off-highway vehicle shall ride only upon the permanent and regular seat attached thereto and such operator shall not carry any other person nor shall any other person ride on a recreational off-highway vehicle unless such vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat, if designed for two persons, or upon another seat firmly attached to the recreational off-highway vehicle at the rear of the operator.

Sec. 12-3-140. Obedience to traffic laws required.

Any person operating an off-highway motor vehicle shall obey all traffic laws, rules and regulations and shall be subject to the provisions of Articles 1 through 8 of Chapter 66 NMSA 1978 [except 66-7-102.1 NMSA 1978].

PASSED, APPROVED, SIGNED AND ADOPTED this 10th day of May, 2016.

Tommy Roberts, Mayor

(SEAL)

ATTEST:

Dianne Smylie, City Clerk