

AGENDA

GALLUP CITY COUNCIL REGULAR MEETING TUESDAY, NOVEMBER 13, 2018; 6:00 P.M. CITY COUNCIL CHAMBERS



Jackie McKinney, Mayor

Linda Garcia, Councilor, Dist. 1 Allan Landavazo, Councilor, Dist. 2
Yogash Kumar, Councilor, Dist. 3 Fran Palochak, Councilor, Dist. 4

Maryann Ustick, City Manager
Curtis Hayes, City Attorney

A. **Pledge Of Allegiance**

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

B. **Roll Call**

C. **Approval Of Minutes**

Regular Meeting of October 23, 2018

Documents:

[DRAFT MINUTES OCT 23 2018 REG MTG.PDF](#)

D. **Discussion/Action Topics**

1. **Presentation Of The Greater Gallup Economic Development Corporation 2018 Annual Report**

Patrick Mason, Treasurer of the Greater Gallup Economic Development Corporation (GGEDC) Board of Directors, will present the GGEDC 2018 Annual Report. Supporting documentation will be presented at the meeting.

Fiscal Impact: None.

Recommendation: No action required - presentation item.

Speaker's Name Patrick Mason

2. Request For Street Closures For The Annual Christmas Parade To Be Held On Saturday, December 1, 2018

The Gallup-McKinley County Chamber of Commerce, in partnership with the Red Rock Balloon Rally, are requesting approval of the closure of Aztec Avenue from 8th Street to 1st Street for the Annual Christmas Parade. The proposed street closure is set in accordance with the standardized parade route approved by the City Council.

Fiscal Impact: TBD - City staff to provide support services for the event.

Recommendation: Approve the request for street closures.

Speaker's Name Bill Lee and Peter Procopio

Documents:

[EVENT PERMIT - 2018 ANNUAL CHRISTMAS PARADE.PDF](#)

3. Presentation Of The Business Improvement District Annual Report

Louie Bonaguidi and Steve Gurley of the Business Improvement District (BID) Board of Directors will present the Annual Report for the BID.

Fiscal Impact: None.

Recommendation: No action required - presentation item.

Speaker's Name Louie Bonaguidi and Steve Gurley

Documents:

- [1. BID RPT_COUNCIL.11.13.18.PDF](#)
- [2. BID PROJECTS 2013 - 2018.PDF](#)
- [3. BUSINESSES OPENED IN BID DISTRICT 2013-18.PDF](#)
- [4. FY 18-19 BUDGET BID.PDF](#)
- [5. BID FORM 990 2017.PDF](#)
- [6. BID ACTIVITIES.PDF](#)
- [7. PROJECT DEVELOPMENT.PDF](#)
- [7A. 4TH AND AZTEC - CONCEPTUAL RENDERINGS.PDF](#)
- [7B. 8TH AND AZTEC - SITE 1 AND 2 - CONCEPTUAL RENDERINGS - OVERALL COPY.PDF](#)
- [7C. SITE ANALYSIS AND SITE PLAN RENDERING PACKAGE.PDF](#)

4. Ordinance No. C2018-15; Ordinance Extending Term Of The Business Improvement District Until 2023

The current Business Improvement District sunsets on December 31, 2018. For the BID to continue, the Council must affirmatively take action. To the extent possible, this ordinance does not change the existing ordinance. However, the current BID ordinance requires some modifications to comply with the current state statute. Specifically, the statute provides that "the council shall appoint a management committee to administer and implement the business improvement district plan from nominees submitted by the owners of businesses and the owners of real property located in the district." Therefore, the provision on appointment of the BID Board has been substantially modified to comply with state statute and changes the city membership to two ex-officio, non-voting members. The current membership will "hold-over" in their positions until new appointments are made. The proposed ordinance achieves the current four year

staggered terms by appointing four members to three year terms and five to five year terms. Thereafter, if the BID is continued, terms would all be four years in length. The proposal also adds a provision setting a term length when vacancies are created before a term has expired such as by resignation of a member. The current ordinance has provisions that were relevant when the BID was first created, but are no longer relevant. For example, the reference in paragraph 2 to the "planning group" which became extinct when the BID was created. Also, the reference in paragraph 5 to the initial five year assessment rate. The remaining changes, other than to correct a statutory citation in paragraph 11, are simply to update the dates in the ordinance.

Fiscal Impact: The ordinance provides for a city match of funds raised through the assessments levied in the district.

Recommendation: None

Speaker's Name Curtis Hayes

Documents:

[2018 BID ORDINANCE REDLINE.PDF](#)
[BID ORDINANCE 2018 FINAL.PDF](#)

5. Public Hearing: Resolution No. R2018-35; Larry's Auto Repair Shop Conditional Use Permit Revocation Appeal

Mr. Larry Sinnott, business owner of Larry's Automotive and Repair Shop, has submitted a request to the Gallup City Council to consider an appeal from the Planning and Zoning Commission's action revoking a conditional use permit {CUP} to operate an automotive servicing and mechanical repair shop in the General Commercial (GC) Zoning District due to violations of the terms and conditions of Resolution No. RP2012-02 and require that the business is discontinued at the location. The property is located at 203 Burke Drive, and is more particularly described as Lots 10 through 13, Block 27, Ford Highway 66 Addition.

See attached briefing memo.

Fiscal Impact: None

Recommendation: Recommendation to affirm Planning and Zoning Commission action for revocation.

Speaker's Name C.B. Strain

Documents:

[LARRY AUTO REPAIR SHOP CONDITIONAL USE PERMIT REVOCATION MEMO CITY COUNCIL.PDF](#)
[LARRY SINNOTT APPEAL RESOLUTION CC R2018-35.PDF](#)
[OCTOBER 10TH, 2018 TRANSCRIPT.PDF](#)
[OCTOBER 10TH 2018 PZ MINUTES DRAFT.PDF](#)
[RESOLUTION RP2018-10 CUP REVOCATION.PDF](#)
[LARRY AUTOMOTIVE EVIDENCE 1.PDF](#)
[SITE PHOTOS 10-3-18.PDF](#)
[2012 APRVD RESOLUTION MINUTES 1.PDF](#)

6. Ordinance No. C2018-16; Ordinance Creating Library Advisory Board

While the existing Library Advisory Board has been functioning for some time, it

has no official status as there is no ordinance creating it. This ordinance is to correct that. It also formalizes some things that are not in the existing board's by laws such as how members are appointed, term lengths, term limits, and a conflict of interest provision. It creates two non-voting members from the library's teen advisory board.

Fiscal Impact: None.
Recommendation: Adoption of the ordinance.
Speaker's Name Tammi Moe and Curtis Hayes

Documents:

[LIBRARY ADVISORY BOARD ORDINANCE 2.PDF](#)
[CURRENT LAB BY-LAWS.PDF](#)

7. Ordinance No. C2018-17; Ordinance Amending The Section Of The Animal Control Code Dealing With Chickens

The current Animal Control Ordinance allows chicken hens to be kept in "RS-1" and "RR" zoning districts. The new land development standards merged the former RS-1 and RS-2 districts into a single new zone, SFR (Single Family Residential). Therefore, the Animal Control Ordinance needs to be amended to reflect the current zoning designation.

The Animal Control Division and the Gallup McKinley County Animal Control Authority have also recommended that the annual \$20 permit fee to keep chicken hens be changed to a one-time, no-charge permit.

Fiscal Impact: Less than \$100 annual reduction in revenue due to elimination of \$20 fee.
Recommendation: Adoption of the ordinance.
Speaker's Name Curtis Hayes

Documents:

[ORDINANCE REVISION SECTION 5-3-44.PDF](#)
[REVISION SECTION 5-3-44.PDF](#)

8. Ordinance No. C2018-18; Ordinance To Amend Section Of Animal Control Ordinance Dealing With The Transport Of Animals

Increasingly, animal protection officers are being called to the scene of DWI arrests to impound animals in the vehicle. The Animal Control Division and Gallup McKinley County Animal Control Authority have therefore recommended that a new offense be created in the Municipal Code that would cover endangering an animal by driving while intoxicated or driving recklessly with an animal in the vehicle. It is analogous to the offense of child endangerment by driving while intoxicated or recklessly.

The ordinance also amends the section of the Animal Control Ordinance dealing with animals in vehicles to refer to the interior temperature of the vehicle rather than the ambient temperature. Animal protection officers now have equipment that can measure the interior temperature of a vehicle from outside the vehicle.

Fiscal Impact: None
Recommendation: Adoption of the ordinance.
Speaker's Name Curtis Hayes

Documents:

[ORDINANCE REVISION SECTION 5-3-34.PDF](#)
[REVISION 5-3-34.PDF](#)

9. Resolution No. R2018-33; Supporting 2019 Legislative Appropriations

The New Mexico Association of Counties, as part of its legislative priorities for the next legislative session, is asking for increased funding in three areas: housing state prisoners, transporting state prisoners, and emergency medical services. This resolution is similar to a resolution of the McKinley County Commission requesting increased appropriations in those three areas. As the City helps pay for the operation of the jail, the first two affect the city. The emergency services fund can be used to support EMS services for cities and counties.

Fiscal Impact: None.
Recommendation: Approval of the Resolution
Speaker's Name: Curtis Hayes

Documents:

[NMAC RESOLUTION.PDF](#)

10. Acceptance Of Easements For The Navajo Gallup Water Supply Project Reach 27.9

The City has acquired almost all of the easements required to construct Reach 27.9 of the Navajo Gallup Water Supply Project. Two remaining property owners must provide easements for the City to obtain funding from the Water Trust Board for this project. This agenda item is to approve an agreement to obtain the necessary easements and approval of the grant of easements from the property owners. This reach runs from Gamerco into the city limits in the area of Wal-Mart and Home Depot. It has a spur that runs to the east to 9th Street. The documents will be available prior to the meeting.

Fiscal Impact: Budget adjustment of \$18,200 to purchase easement from the Balok Revocable Trust from Fund 506.
Recommendation: Approval of the agreements and acceptance of the easements.
Speaker's Name: Curtis Hayes and Dennis Romero

11. 2018 Sewer Improvement Project - Formal Bid No. 1822- Request For Bid Award

This project consists of sewer line installations in Verdi Street, Jefferson Avenue, and Puerco Drive.

The Verdi Street sewer improvements consist of installing approximately 410 linear feet of 10 inch SDR 26 sewer line and connections to existing sewer lines. Work will also include manholes, fittings, specials, trenching, backfilling, compaction, bypass pumping, transfer of existing sewer services and traffic control. Sidewalk, curb/gutter, asphalt, and concrete fillet removal and replacement will be required. The Verdi Street portion of the project is located in Gallup, New Mexico within Verdi Street from Aztec Avenue to NM 118 (Historic Route 66). Access to the project is via the mentioned streets and highways.

The Jefferson Avenue sewer improvements consist of installing approximately 870 linear feet of 8 inch SDR 35 PVC sewer line. Work includes manholes, connection to existing sewer lines, fittings, specials, trenching, backfilling, compaction, traffic control, and the transfer of existing sewer services. Removal and replacement of curb/gutter and asphalt is also included. The

Puerco Drive sewer improvements consist of installing approximately 100 linear feet of 8-inch SDR 35 PVC sewer line. Work includes a manhole, connection to existing sewer line, fittings, specials, trenching, backfilling, compaction, and traffic control. Removal and replacement of curb and gutter and asphalt is also included. This Jefferson Avenue and Puerco Drive portion of the project is located on the north side of the City of Gallup, New Mexico within Jefferson Avenue from Victoria Avenue to Strong Drive, and within Puerco Drive near Adams Avenue. Access to the project is via the mentioned city streets.

Bids for Formal Bid No. 1822, Sewer Improvement Projects, were opened on October 31, 2018. The lowest qualified bidder was Adame Construction of Los Lunas, NM, with a bid of \$465,992.87.

Proposed funding for the project will come from three sources, as follows:

1. \$275,000 from 202-1525-474-48.45, which was approved as Project JU1977, Jefferson to Strong Sewer Replacement in the FY19 ICIP Budget;
2. \$194,560 from 508-6062-443.48-4, which was approved for Sewer Collection MNR Improvements in the FY19 ICIP Budget; and
3. \$10,500 from 508 Fund balance.

Recommendation: Staff recommends approving bid award of \$465,993 to Adame Construction using the funds listed above, which would include a budget adjustment of \$10,500 from 508 Fund Balance.

Fiscal Impact: A budget adjustment for expenditures in the amount of \$10,500 from the Wastewater Enterprise Fund Balance.

Recommendation: See Above.

Speaker's Name Dennis Romero

Documents:

[ATTACHMENT 1 - RECOMMENDATION OF AWARD.PDF](#)

[ATTACHMENT 2 - BID TABULATION.PDF](#)

12. **Overtime Budget Increase For PW/Building Construction**

Briefing Summary: PW/Building Construction's overtime was originally budgeted at \$2,500 for the 18-2019 fiscal year in keeping with past budget history. However, this budget has been exceeded after one quarter.

PW/BC's overtime budget overrun is attributable to the new traffic control and public safety requirements for the ArtsCrawl and downtown parades. PW is now required to man all traffic control points (i.e. intersections) during each event.

To this end, PW/BC's overtime budget requires another \$8,000 for the fiscal year's remaining events. BC cannot afford this amount out of their operations budget.

Fiscal Impact: \$2,600 has already been spent to date. However, there is still three remaining quarters in the fiscal year including 6 ArtsCrawls (including

November) and other downtown parades. To cover the remaining events plus overtime as needed for emergent construction projects, an additional \$8,000 is requested for PW/BC's overtime budget. Funding has been identified in the General Fund cash balance.

Note: After hour traffic control duties are shared with the Street Department. To date, the Street Department has spend over \$8,750 on overtime for the ArtsCrawl and downtown parades. They are not yet in the hole; simply because, they start out with a larger overtime budget for the year.

If we have a mild winter, Street Department can absorb their extra overtime costs in their original overtime budget.

The cost noted by the Street Department is for labor only. It does not include equipment and fuel costs.

Recommendation: Approve the increase in PW/BC's overtime budget by \$8,000 from the City's General Fund cash balance.

Fiscal Impact: Increase LI 101-1533-413-41-50 by \$8,000 from the City's General Fund cash balance. See Comments Above.

Recommendation: See Comments Above.

Speaker's Name Stanley Henderson - Public Works Director

13. Resolution No. R2018-34; Assistance To Fire Grant Award Acceptance

The City of Gallup Fire Department is requesting approval of Assistance to Firefighter Grant (AFG) award of \$37,800.00 for the purpose of purchasing 15 complete sets of personal protective equipment (PPE). The award will be applied to fund 218, Revenue and Qualified Expenditures.

Funds have been earmarked and are currently in-place to meet the AFG requirement of a 10% match of \$3,780.00 from the City of Gallup.

Fiscal Impact: Budget adjustment increase of AFG Award of \$37,800.00 to be placed in Fund 218, Revenue and Qualified Expenditures.

Recommendation: Staff recommends approval of AFG Grant Award.

Speaker's Name Jesus "Chuy" Morales - Acting/Deputy Fire Chief

Documents:

[RESOLUTION AFG AWARD.PDF](#)
[EXHIBIT A.PDF](#)

14. Budget Adjustment For 2018 Department Of Homeland Security & Emergency Management Grant Award

The City of Gallup Fire Department is requesting approval of 2018 Department of Homeland Security & Emergency Management Grant Award of \$25,185.00 revenue & expenditure for the replacement of emergency communication repeaters and equipment.

This grant award requires a 50/50 match from the city of Gallup. Match funds of \$25,185.00 will be transferred from existing approved Risk Management fund 603 earmarked for replacement of the city's emergency communication repeaters, equipment and systems.

Fiscal Impact: Budget adjustment of \$25,185.00 increase to fund 218

Revenue and Expenditures. Budget adjustment to transfer \$25,185.00 from fund 603 and transfer to fund 218.

Recommendation: Staff recommends approval

Speaker's Name Jesus "Chuy" Morales

Documents:

[EMPG.PDF](#)

15. Budget Adjustment For 2018 State Homeland Security Grant Award

The City of Gallup Fire Department is requesting approval of State Homeland Security Grant (SHSGP) Award of \$99,955.00 as revenue and expenditure for the replacement of emergency communication repeaters for fire and police departments.

The entirety of this SHSGP award will be used for the project.

Fiscal Impact: Budget increase adjustment of \$99,955.00 into Fund 218 as revenue and expenditures.

Recommendation: Staff recommends approval of SHSGP Grant

Speaker's Name Jesus "Chuy" Morales

Documents:

[COUNCIL.PDF](#)

E. Comments By Public On Non-Agenda Items

The public is invited to comment on items not appearing on the published meeting agenda.

F. Comments By Mayor And City Councilors

G. Comments By City Manager And City Attorney

H. Motion To Adjourn

Auxiliary aides for the disabled are available upon request. Please contact Alfred Abeita, City Clerk, at 505-863-1254 at least (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.