

Minutes of the Special Meeting of the Gallup City Council, City of Gallup, New Mexico, held in the Council Chambers at City Hall, 110 West Aztec Avenue, at 11:30 a.m. on Monday, April 4, 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

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

1. Construction Contract Award for Ford Canyon Senior Center Improvements Project – Stan Henderson, Public Works Director

Mr. Henderson said the proposed project consists of the following: 1) reconstruction of the west side parking lot and associated storm drainage (Bid Lot #1); 2) reconstruction of the handicap ramp into the building (Bid Lot #2); 3) exterior stucco and roof repairs (Bid Lot #3); and 4) secondary site drainage improvements (Alternative #1). Based on the bid results, Albuquerque Asphalt is the apparent low bidder. Staff has obtained three legislative grants for a total current project budget of \$307,600.00; however, the total bid submitted by the contractor is \$410,276.54. Mr. Henderson presented the following funding options for the Mayor and Councilors consideration: 1) full award, including Bid Lots #1 through #3 and Alternative #1, requires an additional \$103,000.00; 2) base bid award, including a project construction contingency and no Alternative #1, requires an additional \$18,000.00; and 3) base bid award, with no project construction contingency and no Alternative #1, requires an additional \$1,100.00. Staff recommends funding option #3 as previously stated and to award the base bid to Albuquerque Paving in the amount of \$260,724.59 including NMGRT.

Discussion followed concerning the work to be included under Alternative #1, the funding needed for the project budget shortfalls, the possibility of proceeding with the work under Alternative #1 under a separate project in the Capital Improvement Plan (CIP) with another funding source, the dollar amount of the grants received versus the cost of the work to be done under the project and if there were any future impacts to areas of the parking lot if Alternative #1 is not done.

MINUTES

Special City Council Meeting – 4/4/2016

Page 2

Following discussion, Councilor Landavazo made the motion to approve funding option #3 by awarding the base bid to Albuquerque Asphalt in the amount of \$260,724.59. Seconded by Councilor Kumar. Roll call: Councilors Landavazo, Kumar, Garcia, Palochak, and Mayor McKinney all voted yes.

2. Approval of Behavioral Health Investment Zone Funding Agreement – Maryann Ustick, City Manager

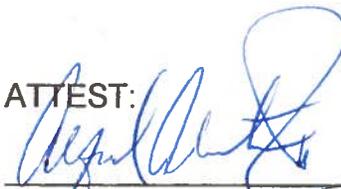
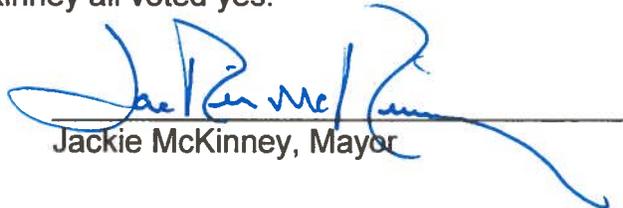
Ms. Ustick said the City, in partnership with the County, Na’Nizhoozhi Center, Inc. (NCI), Rehoboth McKinley Christian Hospital (RMCH), Northwest New Mexico Council of Governments (NWNMCOG) and behavioral health service providers applied for State Behavioral Health Investment Zone (BHIZ) designation and annual funding in the amount of \$500,000. The funding will support the creation and operation of a behavioral health collaborative and continuum of care in addition to providing funding for Detox Center services. In order to receive the funding, the City, as the fiscal agent for the BHIZ funding, must approve the attached agreement. During a review of the proposed agreement, Mr. Kozeliski drafted a proposed change to Article 12, Subcontracting, of the agreement. A copy of the proposed change is attached hereto and made a part of these official Minutes. Ms. Ustick recommended approval of the proposed agreement, including the proposed change to Article 12.

Discussion followed concerning the State’s requirements under the proposed agreement, including the use of the State’s funding for administrative costs, direct services, evaluation and data management for the program, and the evaluation of the program which will be done by a third party provider.

Following discussion, Councilor Palochak made the motion to approve the Behavioral Health Investment Zone Funding Agreement and the change to Article 12 of the Agreement as presented. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar, Landavazo, and Mayor McKinney all voted yes.

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

ATTEST:

  
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Alfred Abeita II, City Clerk  
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Jackie McKinney, Mayor

Approved 4/12/2016

**ARTICLE 12**  
**SUBCONTRACTING**

The Provider, as fiscal agent, shall be responsible for subcontractors that provide any portion of the services under this agreement. Provider will notify OHNM of any change in providers and obtain prior written approval for any change. This Agreement shall be binding upon any approved subsequent provider - assignee.



a) A complete detailed inventory of nonexpendable OHNM property as defined in the Property Article of this Agreement, and

b) A final closing of the financial records and books of accounts which were required to be kept by the Provider under the provision of this Agreement regarding financial records.

**B. TRANSITION OBLIGATIONS.** Upon termination of this Agreement, Provider agrees to comply with the "Transition Protocol" including but not limited to the appropriate transition of consumers and services that have been terminated, suspended or changed, as required by the State of New Mexico, applicable law, regulation and policy, and as set forth in the Provider Manual, as may be amended from time to time, including the transfer of relevant records.

**ARTICLE 10**  
**STATUS OF PROVIDER**

The Provider, its agents and employees, are independent contractors performing professional services for OHNM and are not employees of OHNM. Accordingly, the Provider, and its agents and employees, shall not be deemed an employee for any purpose within the meaning or application of any federal or state unemployment or insurance laws or workers compensation laws or otherwise. Provider, its agents and employees shall not be entitled to any of the benefits afforded employees of OHNM including but not limited to accruing leave, retirement, insurance, bonding, use of state property or state vehicles, or any consideration not specified in this agreement. The Provider acknowledges that all sums received hereunder are personally reportable by it for income tax purposes as self-employment or business income and are reportable for self-employment tax.

**ARTICLE 11**  
**ASSIGNMENT**

The Provider shall not assign or transfer any interest in this Agreement or assign any claims for money due or to become due under this Agreement without the prior written approval of OHNM.

**ARTICLE 12**  
**SUBCONTRACTING**

The Provider shall not subcontract any portion of the services to be performed under this Agreement without the prior written approval of OHNM; any such assignment without prior written approval shall be void. This Agreement shall be binding upon any approved assignee.

**ARTICLE 13**  
**CONSUMER RECORDS, INFORMATION & BILLING AUDITS**

**A. MAINTENANCE OF SERVICE RECORDS.** Provider shall maintain complete confidential records for the benefit of consumers, the State and OHNM, to document the services rendered and sufficient to fulfill the provisions of the Scope(s) of Work, applicable federal and state laws and regulations, policies and directive of the New Mexico Behavioral Health Collaborative, the Provider Manual, and any other federal and State requirements. All records maintained pursuant to this Agreement shall be available for inspection by OHNM.