

Minutes of the Regular Meeting of the Gallup City Council, City of Gallup, New Mexico, held in the Council Chambers at City Hall, 110 West Aztec Avenue, at 6:00 p.m. on Tuesday, April 26, 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 Minutes of the Regular Meeting of April 12, 2016.

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

Mayor McKinney said a commendation will be presented to Michael J. Marquez at the next regular meeting. Mr. Marquez was unable to be in attendance for the current meeting.

The Mayor and Councilors presented a Proclamation honoring the Military Order of the Purple Heart and proclaiming the City of Gallup as a Purple Heart City. Lee Usrey and Ken Riege accepted the Proclamation on behalf of Purple Heart recipients.

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

1. Resolution No. R2016-20; Authorizing the Execution and Delivery of a Local Government Planning Grant Agreement with the New Mexico Finance Authority – Clyde (C.B.) Strain, Planning Director

Mr. Strain presented the proposed Resolution to close out the planning grant from the New Mexico Finance Authority to update the City's Growth Management Master Plan. The update to the Plan was completed and adopted by the Mayor and Councilors by approving Resolution No. R2016-16 on February 9, 2016. By approving Resolution No. R2016-20, the City will request full reimbursement of the \$50,000 grant amount from the State.

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Councilor Garcia made the motion to approve Resolution No. R2016-20. Seconded by Councilor Kumar. Roll call: Councilors Garcia, Kumar, Landavazo, Palochak, and Mayor McKinney all voted yes.

2. Request for Street Closures for the Annual Memorial Day Parade to be Held on May 30, 2016 and the Annual Veterans' Day Parade to be Held on November 11, 2016 – Joe Zecca, Chairman, Gallup-McKinley Veterans Committee

Mr. Usrey presented the request to close Aztec Avenue from Hillcrest Cemetery to the Courthouse Square for both events.

Councilor Landavazo made the motion to approve the request for street closures for the Annual Memorial Day Parade to be held on May 30, 2016 and the Annual Veterans' Day Parade to be held on November 11, 2016. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Garcia, Kumar, and Mayor McKinney all voted yes.

3. Ordinance No. C2016-5; An Ordinance Concerning the City of Gallup Liquor License Tax – Alfred Abeita, City Clerk

Mr. Abeita presented the proposed Ordinance which would change the City's annual license tax periods to coincide with the changes made to the State's Liquor Control Act last year. The changes will only affect businesses with restaurant and club licenses to reflect the new licensing period, which will now run from November 1st to October 31st of every year.

Councilor Kumar made the motion to adopt Ordinance No. C2016-5. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Landavazo, Palochak, and Mayor McKinney all voted yes.

4. Addendums to Water Service Agreements with Be Greene, LLC – George Kozeliski, City Attorney

Mr. Kozeliski presented the proposed Addendums to the existing Water Service Agreements with Be Greene, LLC. Under the existing agreements, the City is to provide water service to Be Greene for their property at the Yah-ta-hey junction north of Gallup. The owners are proposing to construct a housing project which will be funded by the Navajo Housing Authority (NHA). The NHA's Attorneys are requesting changes to the agreements pertaining to the following:

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- Charges for water supplied by the City – water rates and fees shall not exceed the lesser of commercial or residential rates and fees that would be charged by the City for service within the city limits.
- Water rights – language to state “nothing herein shall be construed to effectuate a waiver of either party’s water rights that have not already been settled or adjudicated or to supersede any other existing water rights settlement agreement.”

Mr. Kozeliski recommended approval of the changes to the Water Service Agreements.

Councilor Palochak made the motion to approve the Addendums to the Water Service Agreements with Be Greene, LLC. Seconded by Councilor Kumar. Roll call: Councilors Palochak, Kumar, Garcia, Landavazo, and Mayor McKinney all voted yes.

5. Joint Powers Agreement with McKinley County for Animal Control – George Kozeliski, City Attorney

Mr. Kozeliski provided an overview on the history between the City and County on animal control services. Under the current system, the City funds animal control and three employees. The City contracts with Dr. Clinton Balok, DVM, for veterinarian services; however, the City does not have a lease on any facility for sheltering animals. Dr. Balok was kind enough to provide a facility that is currently being used as an animal shelter, even though the provision of a facility was not required in the contract. The County currently contracts with the Humane Society for shelter services. There are many issues with the jurisdiction and employment of animal control officers as well as checks and balances in the system. County and City staffs believe the proposed Joint Powers Agreement (JPA), which is modeled after the Metro Dispatch Authority Board, will be the best solution to resolve jurisdictional issues, employee issues and any possible state audit issues. The proposed JPA consists of the following: 1) creation of a board with five members, three from the City and two from the County, with the City being the fiscal agent. The cost of operation under the JPA would be split 60% City and 40% County; 2) the City would lease the present facility from Dr. Balok; 3) the board would be in charge of issuing a Request for Proposals (RFP) for veterinarian services and animal shelter services; and 4) the board would hire an animal control director. The anticipated cost to the City during the first year of the JPA is \$270,000 to be funded by the General Fund. The County Commission will consider the proposed JPA at their next regular meeting.

Discussion followed concerning the advantages of leasing a facility for animal sheltering services.

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Councilor Garcia made the motion to approve the Joint Powers Agreement with McKinley County for Animal Control. Seconded by Councilor Landavazo. Roll call: Councilors Garcia, Landavazo, Palochak, Kumar, and Mayor McKinney all voted yes.

6. Approval of Corrective Quitclaim Deed to Joey L. and Donna J. Corley – George Kozeliski, City Attorney

Mr. Kozeliski said the City vacated an alley on Nizhoni Boulevard east of Red Rock Drive in 1969. In 1989, a quitclaim deed was given to the Corley's for the west half of the alley, when in fact it should have been for the east half of the alley. Mr. Kozeliski recommended approval of the proposed Corrective Quitclaim Deed to resolve the discrepancy.

Councilor Palochak made the motion to approve the Corrective Quitclaim Deed to Joey L. and Donna J. Corley. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar, Landavazo, and Mayor McKinney all voted yes.

7. Resolution No. R2016-19; 3rd Quarter Fiscal Year 2016 Budget Adjustments and Report of Actuals – Patty Holland, Chief Financial Officer

Ms. Holland presented the proposed Resolution which encompasses all budget changes processed January 1, 2016 through March 31, 2016. She provided an overview of the Report of Actuals showing cumulative activity as well as the budget changes for the third quarter.

Discussion followed concerning the available cash in the General Fund.

Councilor Palochak made the motion to approve Resolution No. R2016-19. Seconded by Councilor Landavazo. Roll call: Councilors Palochak, Landavazo, Kumar, Garcia, and Mayor McKinney all voted yes.

8. UNM-Gallup Intergovernmental Services Agreement Pertaining to Installation of Water Supply Facilities– Stan Henderson, Public Works Director

Mr. Henderson said City staff is planning Reach 27.13 of the Regional System of the Navajo Gallup Water Supply Project. The Reach consists of a 12-inch water line and 1.5 million gallon storage tank that will provide the future water supply for the Southland area and Navajo Chapters south of Gallup. As part of the Reach, UNM-Gallup requires a substantial increase in the water supplied by the City to the campus for fire protection and future campus growth. UNM will cover the project costs directly attributable to the

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campus' needs. The proposed Intergovernmental Services Agreement (ISA) provides the roles and responsibilities for each party. A Memorandum of Understanding with UNM-Gallup was approved on September 23, 2014 which laid out the framework for the proposed ISA. Since the Reach was originally planned for 2022 to 2023, UNM has agreed to cover the maintenance cost for a 5 to 6 year period.

Discussion followed concerning UNM's costs for the project, which are capped, and does not provide for any cost overruns. The funding streams from the U.S. Bureau of Reclamation, New Mexico Water Trust Board and UNM were also discussed.

Councilor Landavazo made the motion to approve the UNM-Gallup Intergovernmental Services Agreement Pertaining to the Installation of Water Supply Facilities. Seconded by Councilor Palochak. Roll call: Councilor Landavazo, Palochak, Garcia, Kumar, and Mayor McKinney all voted yes.

9. Resolution No. R2016-21; Approving Submission of a Bureau of Reclamation Grant Application for the Gallup/NGWSP "Water Commons" Drought Contingency Plan – Richard Matzke, Electric Director

Ms. Ustick asked that the proposed Resolution be tabled until the next regular meeting. Staff needs to obtain additional information regarding the City's match for the grant.

Councilor Palochak made the motion to table Resolution No. R2016-21 until the next regular meeting. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar, Landavazo, and Mayor McKinney all voted yes.

10. Mentmore Lift Station Rehabilitation Project – Richard Matzke, Electric Director

Mr. Matzke said the Mentmore lift station is roughly 15 years old and is currently in poor repair. The lift station was designed with two pumps to back each other up in the event of failure; however, one of the pumps has already failed. The former Water and Sanitation Director became aware of the situation late last year and felt that the problem with the lift station was a significant liability to the City should the lift station fail. The proposed rehabilitation project is based on a design-build proposal from Murphy Builders, Inc. Under the proposed project, both pumps will be replaced with submersible pumps with an improved design. The pump control systems will also be replaced with higher efficiency variable frequency drives. Replacement of existing piping will be required to accommodate the new pumps. The building exterior will be upgraded and sidewalks will be replaced. The project is complicated by the need to continue operation while the equipment is replaced which will require attention to task

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scheduling and performing work off peak hours. The proposal from Murphy Builders, Inc. is under the Cooperative Education Services program which utilizes previously awarded statewide pricing. The total cost of the project is \$334,499.84. The anticipated time to complete the renovation is 90 days, commencing 8 to 12 weeks after award of the contract to allow for delivery of major components. The project is considered to be part of the Odor Control Project; therefore, staff recommends utilizing \$334,499.84 from the Odor Control Project in the Environmental Surcharge Fund.

Discussion followed concerning the location of the Mentmore lift station, continuing the operation of the lift station as the improvements are being done and the condition of the other lift stations in the City's waste water system.

Following discussion, Councilor Palochak made the motion to approve the Mentmore Lift Station Rehabilitation Project. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar, Landavazo, and Mayor McKinney all voted yes.

Mayor McKinney recognized the students in the audience.

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

1. 6th Annual Community Cleanup – Adrian Marrufo, Solid Waste Superintendent

Mr. Marrufo presented information relative to this year's community cleanup campaign. He provided the dates and areas of when City crews will pick-up unwanted junk, bulk items, broken-down appliances, old furniture and related refuse from local residences. He also displayed photos and data from previous clean-up days in previous years.

2. Water and Energy Awareness Update – Elizabeth Barriga, Conservation Coordinator

Ms. Barriga provided an overview of the annual event which addresses water and energy conservation with the local youth. She invited the Mayor and Councilors to give welcoming addresses for the event on Wednesday, May 11, 2016 at 9:00 a.m. at the Red Rock Park Auditorium.

Comments by Public on Non-Agenda Items

Larry Tsosie of the Navajo Nation District Grazing Committee addressed the Mayor and Councilors concerning livestock grazing issues.

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Comments by Mayor and City Councilors

Councilor Garcia welcomed the students in attendance. She encouraged everyone to help with the Comcast Cares Day event on Saturday, April 30, 2016. The project will consist of cleaning the downtown area. Councilor Garcia will hold a Neighborhood District Meeting on Wednesday, April 27, 2016 at 6:30 p.m. at the Northside Senior Center.

Councilor Kumar also encouraged everyone to participate in the Comcast Cares Day project.

Councilor Landavazo will hold a District 2 Meeting on Thursday, April 28, 2016 at the East Side Fire Station #3 at 6:30 p.m. The purpose of the meeting is to obtain public input concerning the construction of the new Oliva Park at Basilio Drive. Last week, the official opening of the CARE 66 apartment project took place. Councilor Landavazo thanked Sanjay Choudhrie and his staff for their work with the project as well as the Navajo Housing Authority for their contribution to the development. Councilor Landavazo also encouraged everyone to keep believing in the community; buy, build and believe Gallup.

Councilor Palochak commended City workers for cleaning the Mentmore climbing area this past weekend. She expressed concerns with how the area has become a dumping site as 420 tires and large amounts of refuse were removed from the site. She asked for staff's assistance in addressing the matter. On Saturday, April 30, 2016, at 9:00 a.m., the Gallup-McKinley County Schools will have a walk to end childhood obesity. Also on Saturday, April 30th, a health fair will take place at Rio West Mall beginning at 10:00 a.m. and the Cinco de Mayo Celebration will be held at the Courthouse Square. Councilor Palochak encouraged everyone to shop at local stores rather than over the internet since the City does not receive any taxes from internet sales.

Mayor McKinney commended Red Rock Motorsports for their work in picking up trash and cleaning along Hassler Valley Road and the ATV Park. Mayor McKinney also reminded everyone that Wednesday, April 27, 2016 is Administrative Professionals' Day. He thanked all City staff for their work and dedication.

Comments by City Attorney and City Manager

Mr. Kozeliski encouraged the students in the audience to consider New Mexico State University to pursue their college education.

Ms. Ustick said the Administrative Professionals' Day event for City employees will be held at the El Morro Events Center on Wednesday, April 27, 2016. The event will consist of a luncheon and a training session in the afternoon. A "goodbye event" for the

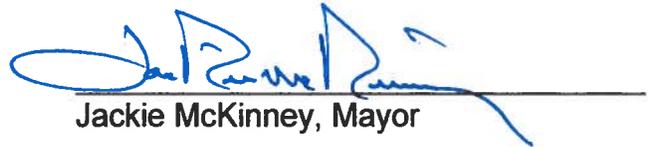
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old Jefferson Elementary School building will be held on Tuesday, May 10, 2016 at 1:00 p.m. The Gallup MainStreet Arts and Cultural District has been chosen to receive the Heritage Award from the New Mexico Department of Cultural Affairs/Historic Preservation Division, in the category of community preservation planning. On Wednesday, May 4, 2016, at 2:00 p.m. a special work session will be held to review and discuss the proposed budget for Fiscal Year 2017.

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



Jackie McKinney, Mayor

ATTEST:



Alfred Abeita II, City Clerk

Approved:
May 10, 2016