

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, September 13, 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 August 23, 2016.

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

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

1. Request for Street Closures for the Gallup High School Homecoming Parade to be Held on Friday, September 23, 2016 – Debra Trujillo, Gallup High School

Ms. Trujillo presented the request to close Coal Avenue from Ninth Street to First Street for the parade.

Councilor Garcia made the motion to approve the request for street closures for the Gallup High School Homecoming Parade to be held on Friday, September 23, 2016. Seconded by Councilor Kumar. Roll call: Councilors Garcia, Kumar, Landavazo, Palochak and Mayor McKinney all voted yes.

2. Request for Street Closures for the Miyamura High School Homecoming Parade to be Held on Friday, September 16, 2016 – Ruth Vidal

Ms. Vidal presented the request to close Coal Avenue from Ninth Street to First Street for the parade.

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Councilor Landavazo made the motion to approve the request for street closures for the Miyamura High School Homecoming Parade to be held Friday, September 16, 2016. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Garcia, Kumar and Mayor McKinney all voted yes.

3. Statistics on the Shelter Component of NCI – Dr. Kevin Foley, Na’Nizhoozhi Center, Inc.

Dr. Foley presented updated information concerning the number of admissions for shelter at the Gallup Detox Center. A copy of the statistics presented by Dr. Foley are attached hereto, marked as “Exhibit A” and are made a part of these official Minutes. When the Liquor Excise Tax Accountability Report was presented to the Mayor and Councilors a few weeks ago, questions were raised about the admission numbers for shelter during the frigid winter months which were similar to the admission numbers during the warm summer months. Dr. Foley provided a number of examples and reasons why sober and intoxicated individuals seek shelter throughout the year. He also answered questions regarding the services that are provided and not provided by NCI under their shelter program; the data that is recorded and kept tracked by NCI; and the housing of sober and intoxicated individuals.

Following discussion, Councilor Kumar made the motion to accept the report presented by Dr. Foley. Seconded by Councilor Palochak. Roll call: Councilors Kumar, Palochak, Landavazo, Garcia and Mayor McKinney all voted yes.

4. Ordinance No. C2016-10; Allowing Members of the City Council to Attend Meetings by Telephone or Similar Communications Equipment When it is Difficult or Impossible for the Council Member(s) to Attend in Person – George Kozeliski, City Attorney

Mr. Kozeliski said the proposed Ordinance would allow up to two members of the City Council to participate at a meeting by telephone or similar communications equipment when it is difficult or impossible for the Council member(s) to attend the meeting in-person. By allowing up to two members of the Council to participate at a meeting remotely, the Ordinance requires a quorum of three members of the City Council to be present in-person for the meeting. As provided by the New Mexico Open Meetings Act, the Ordinance requires each member participating by telephone to be identified when speaking, all participants in the meeting are able to hear each other at the same time, and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting, including the member(s) participating remotely.

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Discussion followed concerning the advance notice that would need to be provided by the Council member(s) planning to participate at a meeting by telephone or other means and the technological accommodations that will need to be made for such occurrences.

Councilor Palochak said she requested the proposed Ordinance since there were times when it was difficult or impossible for her to be at meetings when she was away on City business and another time when her family had a medical issue. During both occurrences, she had time to participate at the meetings by telephone or other means; however, the proposed Ordinance was not in place to allow her to participate remotely.

Following discussion, Councilor Landavazo made the motion to approve Ordinance No. C2016-10. Seconded by Councilor Kumar. Roll call: Councilors Landavazo, Kumar, Palochak, Garcia and Mayor McKinney all voted yes.

5. Acceptance of an Easement from Guido and Joann Zecca, Lying in Lot 2 of Zecca East Aztec Subdivision No. 1 – George Kozeliski, City Attorney

Mr. Kozeliski said the proposed easement is being obtained to re-route a new sewer line to replace a sewer line that extends over the Perretti Wash and has a history of collapsing. Once the new sewer line is constructed, the bridge pipe and the old sewer line will be abandoned.

Councilor Kumar made the motion to accept the easement from Guido and Joann Zecca, lying in Lot 2 of Zecca East Aztec Subdivision No. 1. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Landavazo, Palochak and Mayor McKinney all voted yes.

6. Acceptance of an Easement from the Roman Catholic Church of the Diocese of Gallup, Lying in Lot 1 of the St. John Vianney Subdivision – George Kozeliski, City Attorney

Mr. Kozeliski said the proposed easement is for electrical service to St. John Vianney Church. Although the electric work was completed several years ago, there was difficulty obtaining the easement due to the Diocese of Gallup's bankruptcy case. The bankruptcy is now concluded and Bishop James Wall is able to sign the easement.

Councilor Palochak made the motion to accept the easement from the Roman Catholic Church of the Diocese of Gallup, lying in Lot 1 of the St. John Vianney Subdivision. Seconded by Councilor Kumar. Roll call: Councilors Palochak, Kumar, Garcia, Landavazo and Mayor McKinney all voted yes.

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7. Approval of Letter Agreement with the United States Department of the Interior, Bureau of Reclamation Concerning the Upfront Application of the New Mexico Cost-Share Balance for the Navajo-Gallup Water Supply Project – George Kozeliski, City Attorney

Mr. Kozeliski presented the proposed Letter Agreement which is based on a meeting with Estevan Lopez, Bureau of Reclamation (BOR) Commissioner. The City expressed concerns with the BOR utilizing State funds to pay the federal governments' settlement with the Navajo Nation. The City believes the State's share should be split between the Jicarilla Tribe and the City since the federal government is responsible and obligated to the Navajo Nation for its settlement. As a result, the BOR agreed with the City and has recalculated the credit for the New Mexico cost share. In accordance with the proposed Agreement, the City will be given an additional credit in the amount of \$11,910,676 for the project. Rather than spreading the credit over the life of the project, the BOR agreed to the City's request to provide the \$11,910.676 credit up-front and to be applied to the payments due from the City of Gallup for its share of the project.

Discussion followed concerning the credits received from the State and the additional credits from the State to be applied to the project.

Following discussion, Councilor Landavazo made the motion to approve the Letter Agreement with the United States Department of the Interior, Bureau of Reclamation, concerning the upfront application of the New Mexico cost-share balance for the Navajo-Gallup Water Supply Project. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Garcia, Kumar and Mayor McKinney all voted yes.

8. Approval of Budget Transfer to Fund One Full-Time Police Administrative Assistant and One Full-Time Police Secretary – Chief Phillip Hart, Gallup Police Department

Chief Hart said the command staff at the Gallup Police Department currently has no administrative/secretarial support. He proposed that the Police Administrative Assistant's position be assigned to provide support to the Chief, Deputy Chief and command staff and to also assist officers on patrol with administrative paperwork. He also proposed that the Police Secretary be assigned to provide support to the Investigations Unit. The proposed position would be funded by transferring general funds in the amount of \$66,044.16 from two vacant Community Service Aide (CSA) positions.

Discussion followed concerning the number of CSA positions that are currently filled, the current CSAs that are testing to fill vacant police officer positions, the hiring process

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to fill the vacant positions, the demand for services that must be provided by the Police Department with limited resources to a community with vast population increases that occur at any given time and the experience gained by CSAs transitioning to become police officers.

Following discussion, Councilor Palochak made the motion to approve the budget transfer to fund one full-time Police Administrative Assistant and one full-time Police Secretary. Seconded by Councilor Kumar. Roll call: Councilors Palochak, Kumar, Garcia, Landavazo and Mayor McKinney all voted yes.

9. Budget Adjustment to Fund Geographic Information Systems (GIS) Technician Position – Brian Archuleta, Information Technology Director

Mr. Archuleta said the proposed GIS Technician's position was previously frozen to help balance the City's budget for Fiscal Year 2017. The City has experienced significant savings with the Mitel phone contract, which has made funding available for the GIS Technician's position. Mr. Archuleta recommended reinstating the position and to fund it by transferring \$39,000 (3/4 of a year) from the Information Technology Department's operational budget to the GIS budget this fiscal year. The cost for funding the position will be \$52,000 annually which will be covered by the Mitel contract savings.

Councilor Kumar made the motion to approve the budget adjustment to fund the Geographic Information Systems Technician's position. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Landavazo, Palochak and Mayor McKinney all voted yes.

10. Resolution No. R2016-37; Imagine a Day Without Water – Dennis Romero, Water and Sanitation Director

Mr. Romero presented the proposed Resolution to recognize and advocate the "Imagine a Day Without Water" national campaign to highlight the critical importance of reliable access to clean water and the investment in water and wastewater infrastructure that is needed to protect this valuable resource.

Councilor Garcia made the motion to approve Resolution No. R2016-37. Seconded by Councilor Kumar. Roll call: Councilors Garcia, Kumar, Landavazo, Palochak and Mayor McKinney all voted yes.

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11. Construction Contract Award for Runway 6/24 Rehabilitation Project; Award of Construction Quality Assurance Services for the Project; and Resolution No. R2016-38 to Authorize Acceptance of Federal Aviation Administration (FAA) and New Mexico Department of Transportation (NMDOT) Funding for the Project – Stan Henderson, Public Works Director

Mr. Henderson provided an overview of the project as well as the bid results for award of the construction contract. The time for completion of the project is 50 calendar days; however, the project will most likely go into suspension due to the upcoming winter months. The commencement of the project will take place towards the end of March/beginning of April next year. The total construction cost is \$3,856,766.05, with 90% of the project to be funded by the FAA in the amount of \$3,471,089.44, 5% to be funded by the State in the amount of \$192,838.00 and 5% by the City, also in the amount of \$192,838.00. The City's matching amount has been budgeted through the City's Community Improvement Plan (CIP). Mr. Henderson recommended award of the construction contract to FNF Construction in the amount of \$3,471,089.44, pending receipt of federal and state funding. He recommended award of the associated construction quality assurance work to Armstrong Consultants in the amount of \$198,211.88 including NMGRT, pending receipt of federal and state funding. Mr. Henderson recommended approval of Resolution No. R2016-38 and to authorize the Mayor to execute all grant documents related to this project.

Discussion followed concerning the meeting that was conducted to notify air ambulances and other tenants at the airport regarding the project, the need to close the runway to fixed-wing aircraft use and the usage of the taxiways for helicopters during construction.

Councilor Palochak made the motion to approve the construction contract award for the Runway 6/24 Rehabilitation Project, award of construction quality assurance services for the project and Resolution No. R2016-38 as presented. Seconded by Councilor Kumar. Roll call: Councilors Palochak, Kumar, Garcia, Landavazo and Mayor McKinney all voted yes.

12. Construction Contract Award for 2016-2017 Neighborhood Curb, Gutter and Sidewalk Improvements and Award of Construction Administration and Quality Assurance Services for the Project – Stan Henderson, Public Works Director

Mr. Henderson provided an overview of the proposed project, including the scope of work for whole block reconstruction with no property owner participation to solve

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problems with sidewalk gaps, time completion and competitive costs. The streets identified in District 1 for the project includes Lincoln Avenue and Strong Avenue from North First Street to East Adams Avenue. This segment will complement the planned reconstruction of the Sky City Park retaining wall and provide a pedestrian friendly path up Lincoln Avenue hill to the park. The streets identified in District 3 include Country Club Drive from Philipina to Logan Avenue. This will complete the curb and gutter project started on the south end of the Country Club Drive last year. The Street Department will follow up with an asphalt mill and overlay project after completion of the concrete work. The streets identified in District 4 include Saguaro Drive from Day Street to Red Bluff Court. This segment addresses sidewalks that are essentially set at street level and should be raised. The streets identified in District 2 include Churchrock Street from Toltec Drive to Vandebosch. This segment addresses pedestrian safety concerns that will only be heightened by the pending completion of the Churchrock Extension paving project by the Street Department. The streets identified in District 3 include Red Rock Drive from Country Club Drive to Edith Avenue. This segment addresses a safe route to school issue for Red Rock Elementary School walkers. Based on the bid results, Mr. Henderson recommended award of the bid to H.O. Construction in the amount of \$1,465,236.34 including NMGRT. He recommended approval of \$78,334.56 including NMGRT to DePauli Engineering & Surveying for construction administration and quality assurance services for the project. The Finance Department also requested approval of the consolidation of the revenue streams for the project into two streams in Funds 311 and 202.

Discussion followed concerning letters sent by the City to all of the affected property owners on County Club, the lack of participation by a property owner in District 1 which creates a problem with granting a right-of-way for the project and the current problem with students having to walk out into the street on their way to school at Red Rock Elementary.

Following discussion, Councilor Garcia made the motion to approve the construction contract award for the 2016-2017 Neighborhood Curb, Gutter and Sidewalk Improvements and the award of the construction administration and quality assurance services for the project as presented. Seconded by Councilor Kumar. Roll call: Councilors Garcia, Kumar, Landavazo, Palochak and Mayor McKinney all voted yes.

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

Mr. Henderson provided an overview of the improvements that were done to the exterior of the Ford Canyon Senior Center earlier this year. Unfortunately, funding was not available within the project to complete the parking lot as desired to address an area in

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the parking lot where ice forms. Mr. Henderson recommended the transfer of \$118,658.95 from the Risk Management Fund to the project budget and to approve the change order with Albuquerque Asphalt to address the potential ice hazard in the parking lot.

Councilor Palochak made the motion to approve the change order for the construction contract award for the Ford Canyon Senior Center Improvements Project as presented. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar, Landavazo and Mayor McKinney all voted yes.

14. Resolution No. R2016-39; 2018-2022 City of Gallup Infrastructure Capital Improvement Plan (ICIP) Submission – Stan Henderson, Public Works Director

Mr. Henderson presented the proposed Resolution, the 2018-2022 City of Gallup ICIP and a spreadsheet consisting of the City's 2016 Draft Legislative ICIP Priority Addendum. A copy of the 2016 Draft Legislative ICIP Priority Addendum is attached hereto, marked as "Exhibit B" and made a part of these official Minutes. The New Mexico Department of Finance and Administration (DFA) requires local governments to systematically develop and annually submit a 5-year ICIP as a means of defining development needs and identifying funding sources. The ICIP is then used by all State agencies involved in funding local government projects as a means of analyzing proposed capital outlay bills during the State legislative sessions. Mr. Henderson asked the Mayor and Councilors for their final input and direction for prioritization of the projects, tentative identification of the 2017 top five legislative priorities, and approval of the projects listed in the form of a resolution. Based on public input at a meeting on July 27, 2016, interest was expressed for the reconstruction of the TDFL running track. In addition, the Northwest New Mexico Council of Governments submitted the Coal Avenue Event Street Reconstruction Project to the ICIP. Mr. Henderson reminded the Mayor and Councilors that the ICIP is aligned with the City's fiscally constrained Community Improvement Plan (CIP) and is no longer in a wish list format.

Discussion followed concerning the projects and the conceptual project estimates listed in the 2016 Draft Legislative ICIP Priority Addendum, the potential lack of capital outlay funding from the State due to their current budget crisis, funding for the Downtown Coal Avenue Alley Reconstruction Project Phase 2 and the possibility of issuing bonds in the future to finance some of the projects.

Mr. Henderson proposed listing the 8 projects included under "other project considerations" on the Addendum as project numbers 6-13. There was no objection from the Mayor and Councilors.

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Following discussion, Councilor Kumar made the motion to approve Resolution No. R2016-39; 2018-2022 City of Gallup Infrastructure Capital Improvement Plan Submission. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Landavazo, Palochak and Mayor McKinney all voted yes.

Councilor Palochak made the motion to adjourn into closed session for the purpose of discussing the possible acquisition of real property located near the former Alpine Lumber property and the possible acquisition of real property to settle the G-22 litigation. Seconded by Councilor Landavazo. Roll call: Councilors Palochak, Landavazo, Kumar, Garcia and Mayor McKinney all voted yes.

The Mayor and Councilors adjourned into closed session pursuant to §10-15-1-H(8) NMSA 1978 Comp. (as revised).

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

Mr. Kozeliski certified for the record that the matters discussed during the closed session were limited to the possible acquisition of real property located near the former Alpine Lumber property and the possible acquisition of real property to settle the G-22 litigation.

### **Comments by Public on Non-Agenda Items**

Sandra McKinney asked the Mayor and Councilors to consider the future construction of curbs, gutters and sidewalks along Valley View Drive.

### **Comments by Mayor and City Councilors**

Councilor Kumar said he looks forward to all of the City's projects coming to fruition.

Councilor Landavazo commended Mr. Henderson, Rusty Swatzell, Streets Superintendent and their staff for their work in paving the Churchrock Street extension to Rehoboth. Councilor Landavazo also complemented Councilor Palochak for her work and involvement in the 9/11 Remembrance Service last Sunday. Councilor Landavazo also encouraged everyone to keep believing in Gallup.

Councilor Palochak thanked all of the City's employees who assisted with the 9/11 Remembrance Service and Gallup Remembers Event this past weekend. Councilor Palochak also said she will hold a Neighborhood Meeting on Thursday, September 15, 2016 at 6:00 p.m. at Tobe Turpen Elementary School.

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Mayor McKinney asked Ms. Ustick to include an item on the agenda of the next regular meeting, to establish an Indigenous Peoples' Day to honor Native Americans. Mayor McKinney also reflected on the documentaries shown at the El Morro Theater during the Gallup Remembers Event last weekend.

**Comments by City Attorney and City Manager**

None.

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



ATTEST

  
Alfred Abeita II, City Clerk

  
Jackie McKinney, Mayor

Approved 9/27/2016

# EXHIBIT A

## PC Monthly Admission 2016

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total
Males	1804	1962	1931	1953	1842	1917	1859	1934					
Females	380	218	340	341	383	349	327	339					
<b>TOTAL</b>	<b>2184</b>	<b>2180</b>	<b>2271</b>	<b>2294</b>	<b>2225</b>	<b>2266</b>	<b>2186</b>	<b>2273</b>					

## Individual Clients on 72 Hr Hold

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total
Males	206	240	257	247	252	247	111	283					
Females	33	40	42	39	41	52	44	47					
<b>TOTAL</b>	<b>239</b>	<b>280</b>	<b>299</b>	<b>286</b>	<b>293</b>	<b>299</b>	<b>155</b>	<b>330</b>					

## 72 Hours Admits

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total
Males	503	605	651	600	729	654	734	744					
Females	58	80	95	83	83	113	279	94					
<b>TOTAL</b>	<b>561</b>	<b>685</b>	<b>746</b>	<b>683</b>	<b>812</b>	<b>767</b>	<b>1013</b>	<b>838</b>					

## Shelter with .000 Admits

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total
Males	292	213	303	319	215	284	288	267					
Females	26	21	23	31	18	16	18	18					
<b>TOTAL</b>	<b>318</b>	<b>234</b>	<b>326</b>	<b>350</b>	<b>233</b>	<b>300</b>	<b>306</b>	<b>285</b>					

## Shelter with BrAC Reading

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total
Males	155	157	158	117	102	73	51	70					
Females	66	56	40	33	31	25	12	26					
<b>TOTAL</b>	<b>221</b>	<b>213</b>	<b>198</b>	<b>150</b>	<b>133</b>	<b>98</b>	<b>63</b>	<b>96</b>					

## Medical PHS

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total
Males	120	135	100	121	108	104	104	117					
Females	26	24	14	24	20	24	18	27					
<b>TOTAL</b>	<b>146</b>	<b>159</b>	<b>114</b>	<b>145</b>	<b>128</b>	<b>128</b>	<b>122</b>	<b>144</b>					

## Medical RMCH

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total
Males	2	9	17	3	4	6	3	5					
Females	0	1	0	0	1	2	0	1					
<b>TOTAL</b>	<b>2</b>	<b>10</b>	<b>17</b>	<b>3</b>	<b>5</b>	<b>8</b>	<b>3</b>	<b>6</b>					

## Agency

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total
GPD	1525	1562	1623	1685	1569	1574	1549	1613					
MCSO	118	141	95	102	133	137	122	114					
NNPD	5	7	3	2	6	1	1	2					
NMSP	10	19	13	9	18	19	20	8					
DOT NM	0	0	0	1	0	0	0	0					
DPS Az	1	0	0	0	0	0	0	0					
NCI	0	0	0	0	0	1	0	0					
Medstar	1	0	0	0	0	0	0	0					
NNBHS	0	0	0	0	0	0	0	0					
UNM	0	3	1	2	0	0	0	5					
ZUNi	0	0	0	1	0	0	0	0					
SELF	524	448	536	492	366	398	369	381					
<b>TOTAL</b>	<b>2184</b>	<b>2180</b>	<b>2271</b>	<b>2294</b>	<b>2225</b>	<b>2266</b>	<b>2186</b>	<b>2273</b>					

