

## AGENDA

### GALLUP CITY COUNCIL REGULAR MEETING TUESDAY, JANUARY 12, 2021; 6:00 P.M.



Louie Bonaguidi, Mayor

Linda Garcia, Councilor, Dist. 1      Michael Schaaf, Councilor, Dist. 2  
Yogash Kumar, Councilor, Dist. 3      Fran Palochak, Councilor, Dist. 4

Maryann Ustick, City Manager  
Curtis Hayes, City Attorney

**PUBLIC NOTICE: In accordance with the public health order issued by the New Mexico Department of Health, the meeting will be physically closed to the public; however, the meeting will be accessible via the following technology service:**

Facebook Live stream through the City of Gallup's Facebook Page:  
<https://www.facebook.com/CityOfGallup/>

**Members of the public may submit comment on non-agenda items. Please call 863-1254 to leave your name and a return phone number.**

**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**

Special and Regular Meetings of December 8, 2020  
Special Meeting of December 14, 2020

Documents:

[MINUTES SP MTG DEC 8 2020.PDF](#)  
[MINUTES REG MTG DEC 8 2020.PDF](#)  
[MINUTES SP MTG DEC 14 2020.PDF](#)

## D. Discussion/Action Topics

### 1. Ordinance No. S2021-2; Paul M. & Kimberly E. Madrid, Public Utility Easement Vacation

Paul M. and Kimberly E. Madrid, property owners, have petitioned the Gallup Planning and Zoning Commission to review a request and give recommendation to the Gallup City Council for vacation of a five foot (5') wide, seventy six foot (76') long public utility easement (P.U.E.) on the property located at 402 Jeff King Street; more particularly described as Lot 1, Block 6, Mentmore East Subdivision Unit Two.

See attached briefing memo.

Fiscal Impact: None  
Recommendation: Recommend approval of Ordinance No. S2021-2 for vacation of subject Public Utility Easement  
Speaker's Name C.B. Strain

Documents:

[PAUL M. KIMBERLY E. MADRID PUE VACATION MEMO CITY COUNCIL.PDF](#)  
[PAUL M. KIMBERLY E. MADRID, PUE VACATION ORDINANCE S2021 2.PDF](#)  
[RP2020-13.PDF](#)  
[GTF COMMENTS.PDF](#)  
[SURVEY.PDF](#)

### 2. Wesley Jones Proposed Text Amendment To Allow Open Outdoor Storage Of Miscellaneous Items As A Permissive Principal Use Within The Heavy Commercial (HC) Zone District.

Mr. Wesley Jones is proposing to amend the City of Gallup Land Development Standards by creating a new "Open Outdoor Storage" use as a permissive principal use within the Heavy Commercial (HC) Zone District to allow for the storage of miscellaneous materials upon vacant lots within the Heavy Commercial (HC) Zone District throughout the City with no required improvements to the lots.

See attached briefing memo.

Fiscal Impact: None  
Recommendation: No Recommendation  
Speaker's Name C.B. Strain

Documents:

[WESLEY JONES PROPOSED TEXT AMENDMENT MEMO, CITY COUNCIL.PDF](#)  
[TEXT AMENDMENT APPLICATION.PDF](#)  
[W. JONES STATEMENT.PDF](#)  
[WESLEY JONES SITE PHOTOS.PDF](#)

### 3. Clean And Lien Program Budget Increase

The Planning and Development Department is requesting a budget increase in the amount of \$75,000.00 from 202 fund balance to account #202-1525-474.45-90 (Contractual Services), Project No. EX-1950. This line item and project number is utilized for the City's Clean and Lien program. City Council approved a budget increase of \$75,000.00 on August 24, 2020 in order to continue with the clean up of properties and transient camps. The current balance is \$13,365.67 which will not be enough to carry us through to the next budget cycle.

Since the August 24th budget increase the City has dismantled and cleaned up twenty four (24) transient camps. The cost for the camps alone was \$48,556.12. In addition there are the regular Code Enforcement clean and lien cases for properties other than transient camps which cost \$13,543.38 leaving the \$13,365.67 balance. Transient camps throughout the City are a constant issue and they seem to be increasing in size which explains the high cost in cleanup. That coupled with COVID 19 which requires a significant amount of PPE for the contractors when they go into these camps to dismantle them and clean them up drives the cost up as well. We are hoping that the \$75,000.00 increase will carry us through June at which point we will address the budget during the budget process.

Fiscal Impact: Fiscal impact is a budget increase of \$75,000.00 to expenditure from fund balance.

Recommendation: Staff recommends approval of a budget increase of \$75,000.00 in expenditure.

Speaker's Name C.B. Strain

### 4. Request For Budget Adjustment - Additional Cameras In Downtown Area In The Amount Of \$18,098.90

City staff have been working together on improving safety in the downtown. One suggestion from our police department was to add more cameras. We are requesting funds to purchase additional cameras and a video recorder system. These cameras will be installed on the exterior walls of our City Hall and Joint Utility buildings. A total of \$18,098.90 is required to purchase this system. Included in the cost are a 16-camera digital video recorder system, five (5) PTZ cameras, three (3) fixed cameras, additional mounting equipment, and installation labor.

These new cameras will provide a wider range of coverage throughout the downtown including: the walkway, dance arena, Aztec Avenue, Second Street, and the alleyways. Our Security staff working in City Hall and police officers working in our downtown substation can access these cameras. In addition, these cameras will provide much needed visual support in investigations by our Gallup Police Department Detectives.

Fiscal Impact: A budget increase of \$18, 098.90 from the General Fund balance.

Recommendation: Approve budge adjustment and expenditures for additional cameras in the Downtown Area

Speaker's Name Suzanne Begay

Documents:

[ATS QUOTE C99908.PDF](#)

**5. Contract Award For Ford And Aztec Reconstruction**

The subject project is for the reconstruction of Ford dr form intersection of Aztec to the first entrance of the Uptown Plaza. The scope of work is as follows:

- Remove all Street asphalt
- Remove curb and gutter and sidewalk on both east and westside of Ford dr.
- Replace asphalt with concrete for the new street surface.
- Install new curb and gutter and sidewalks and new ADA corner ramps.
- Install new ADA drive pad at entrance of the Uptown Plaza.

City Staff opened bids on November 17, 2020. There was one response. Staff considers HO Construction to be the "responsive low bidder" and their bid to be a "fair and reasonable" price.

See Attached bid tabulation sheet.

Fiscal Impact: \$216,408.38 From fund 312-1027-496.48-80 (Roadways/Bridges/Culverts)under project # C11732 to cover both Engineering and Construction costs.

Recommendation: Award contract to HO Construction for the described reconstruction project.

Speaker's Name Robert Hamblen

Documents:

[BID TABULATION 2034 FORD AND AZTEC RECONSTRUCTION.PDF](#)

**6. Ordinance No. S2021-1; Adoption Of Ordinance Authorizing And Executing The Delivery Of A Water Project Fund Loan/Grant Agreement By And Between The New Mexico Finance Authority (NMFA) And The City Of Gallup For Navajo Gallup Water Supply Project (NGWSP) Project 11 (Reach 27.11)**

An ordinance authorizing the execution and delivery of a water project fund loan/grant agreement by and between the New Mexico Finance Authority ("Finance Authority") and the City of Gallup (the "Borrower/Grantee"), in the total amount of five million seven hundred ninety-two thousand eight hundred twenty-nine dollars (\$5,792,829), including a loan amount of two million three hundred seventeen thousand one hundred thirty-two dollars (\$2,317,132) evidencing an obligation of the borrower/grantee to utilize the loan/grant amount solely for the purpose of financing the costs of construction of Reach 27.11 to connect to Reaches 27.5, 27.9, and 27.10, to deliver water to Navajo Nation Chapters south of Gallup, including 1.4± miles of 14" waterline, 1.3± miles of 12" waterline, and a meter station, and solely in the manner described in the loan/grant agreement; providing for the pledge and payment of the loan amount and an administrative fee solely from the net system revenues of the joint water and wastewater system of the borrower/grantee; certifying that the loan/grant amount, together with other funds available to the borrower/grantee, is sufficient to complete the project; approving the form of and other details concerning the loan/grant agreement; ratifying actions heretofore taken; repealing all action inconsistent with this ordinance; and authorizing the taking of other actions in connection with

the execution and delivery of the loan/grant agreement.

City Ordinance is required to approve this Water Trust Board Loan/Grant Agreement.

Fiscal Impact: Revenue and expenditure of \$5,792,829 for Reach 27.11 of the NGWSP. Repayment is shown in attached schedule.  
Recommendation: Staff recommends approval of Ordinance No. S2021-1.  
Speaker's Name: Dennis Romero

Documents:

WPF-5099. ORDINANCE. FINAL. 01.06.PDF  
WPF-5099. BOROWERS COUNSEL OPINION. FINAL. 01.06.PDF  
WPF-5099. LOAN.GRANT AGREEMENT. FINAL. 01.06.PDF  
WPF-5099. LOAN.GRANT AGREEMENT. FINAL. 01.06.PDF  
WPF-5099. GNL. FINAL. 01.06.PDF  
WPF-5099. DDCR. FINAL. 01.06.PDF  
WPF-5099. ROW CERTIFICATE. FINAL. 01.06.PDF  
WPF-5099. ROW MAP.PDF  
WPF-5099. VIRTUE NAJJAR OPINION. FINAL. 01.06.PDF

#### 7. Navajo Gallup Water Supply Project (NGWSP) Reach 27.9 - Final Change Order

The final change order (Change Order No. 5) for NGWSP Reach 27.9 is attached. Change Order No. 5 represents the following amounts:

Item	Description	Quantity	Unit Price	Amount
1	Spare Material purchased by City of Gallup and delivered to City Warehouse.	Lump Sum	\$23,784.89	\$23,784.89
2	Adjustment of Quantities	Lump Sum	\$6,052.44	\$6,052.44

Subtotal: \$29,837.33  
NMGRT @ \$2,480.22  
8.3125%:  
Total: \$32,317.55

Although the project was completed in early 2020, the final change order was not submitted until October 2020, as City Staff requested resolution on two issues involving adjacent property owners before agreeing to process the final change order.

Funds for Change Order No. 5 will be provided by a Financial Assistance Agreement with the U.S. Bureau of Reclamation.

Fiscal Impact: Revenue of \$32,317.55 and expenditure of \$32,317.55. There is no Fiscal Impact. Funding is available in the project.  
Recommendation: Staff recommends approval of Change Order No. 5.  
Speaker's Name: Dennis Romero

Documents:

[ATTACHMENT 1 - CO5 FINAL 27.9.PDF](#)

**8. Budget Adjustment For The Grant Agreement Between The NM Dept. Of Transportation And The City Of Gallup (Contract Number TSO4813)**

The Gallup Police Department was awarded a grant from the New Mexico Department of Transportation for the following projects and amounts: A) End Driving While Impaired \$38,318 B) Buckle Up / Click it or Ticket \$4,998 C) Selective Traffic Enforcement Program / 100 Days & Nights of Summer \$14,994. The total awarded is \$58,310. All required signatures have been fully executed and the Gallup Police Department therefore requests a budget adjustment in revenue & expenditure for the total amount awarded.

**Attachment:** Grant Agreement contract number: TSO4813

Fiscal Impact: Budget adjustment in revenue & expenditure for the following projects: A) End Driving While Impaired \$38,318 B) Buckle Up / Click it or Ticket \$4,998 C) Selective Traffic Enforcement Program / 100 Days & Nights of Summer \$14,994. Total awarded: \$58,310.

Recommendation: Acceptance and approval of a budget adjustment for the NM DOT grant in the amount of \$58,310.

Speaker's Name Chief Franklin Boyd

Documents:

[GRANT AGREEMENT.PDF](#)

**9. Budget Adjustment To Revenue And Expenditure For Octavia Fellin Public Library In The Amount \$6,108.50**

The City has been awarded funding from the State of New Mexico Department of Cultural Affairs in the amount of Six Thousand One Hundred Eight Dollars and Fifty Cents (\$6,108.50) to support Recipient's library collections; library staff salaries; library staff training; library equipment; or other operational expenditures associated with delivery of basic library services as defined in Section 4.5.2.7(B).

Fiscal Impact: A budget adjustment to revenue and expenditures in the amount of \$6,108.50

Recommendation: Approve budget adjustment to revenue and expenditures in the amount of \$6108.50

Speaker's Name Tammi Moe

Documents:

[1\\_LIBRARY\\_GRANT\\_AGREEMENT\\_FOR\\_NON-TRIBAL\\_AND\\_TRIBAL.DOCX.PDF](#)

**10. Budget Adjustment For The Grant Agreement Between New Mexico Tourism Department And City Of Gallup Tourism For Website**

The City of Gallup Tourism Department has been awarded a matching grant of \$12,000 toward the construction of the new Galluprealtrue.com. The City received the maximum amount available from the New Mexico Tourism Department toward the project.

Fiscal Impact: Budget adjustment to Revenue and Expenditure in the amount of \$12,000

Recommendation: Budget adjustment to Revenue and Expenditure in the amount of \$12,000

Speaker's Name Jennifer Lazarz

Documents:

[GALLUP FLEX AGREEMENT.PDF](#)  
[GALLUP FY21 EXHIBIT A.PDF](#)  
[GALLUP FY21 FLEX AWARD LETTER.PDF](#)

#### 11. **Resolution No. R2021-1; Annual Determination Of Notice Under The Open Meetings Act**

The New Mexico Open Meetings Act requires all public bodies to provide reasonable notice to the public of all its meetings. The Act also requires public bodies to determine its notice procedures at least once a year in a public meeting. While the Open Meetings Act itself does not impose any specific requirements, other than an agenda being available 72 hours in advance of each meeting, the New Mexico Attorney General will consider the following notice procedure as reasonable: 1) 10 days advance notice for regular meetings; 2) 3 days advance notice for special meetings; and 3) 24 hours advance notice for emergency meetings, unless threat of personal injury or property damage requires less notice. The proposed resolution encompasses the Attorney General's recommendations for providing notice to the public of all City Council meetings. Due to the current COVID-19 public health crisis and the State's restrictions on mass gatherings, the resolution also provides language for the City Council to comply with the Attorney General's guidelines for conducting virtual meetings.

Fiscal Impact: None.

Recommendation: Approve Resolution No. R2021-1.

Speaker's Name Al Abeita

Documents:

[R2021-1 OPEN MEETINGS RESOLUTION.PDF](#)

### E. **Presentation And Information Items**

#### 1. **City's Broadband Initiative**

Staff is informing the Mayor and Council about the possibility of the City entering into the Broadband internet business. Attached are two documents with information about this prospective business initiative. This study process is covered by an approved Professional Services contract.

Fiscal Impact: No fiscal impact, presentation only.

Recommendation: No recommendation, presentation only.

Speaker's Name      John Wheeler

Documents:

[CITY OF GALLUP - NOVEMBER UPDATE - PRELIMINARY STUDY  
ELEMENT RESULTS - FINAL.PDF](#)

**F. Comments By Public On Non-Agenda Items**

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

**G. Comments By Mayor And City Councilors**

**H. Comments By City Manager And City Attorney**

**I. Motion To Adjourn**

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.