

## AGENDA

### GALLUP CITY COUNCIL REGULAR MEETING TUESDAY, FEBRUARY 12, 2019; 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 January 22, 2019

Documents:

[DRAFT MINUTES JAN 22 2019 REG MTG.PDF](#)

#### D. **Discussion/Action Topics**

##### 1. **Resolution No. R2019-7; Resolution Adopting The "Municipal Officer Election Day" For City Elections**

Last year, the New Mexico Local Election Act became law. It establishes the first Tuesday in March of even numbered years as the date for municipal elections. Municipalities must hold their elections on that date, unless they, by ordinance adopt the "Regular Local Election Day" which coincides with the state's November election day in odd numbered years. While the Gallup City Charter and the Gallup City Election Code set the election day as the first Tuesday in March of odd numbered years, the state statute supersedes the City's Charter and Election Code.

Fiscal Impact: Cost of conducting an election will be deferred to next fiscal year.  
Recommendation: Adoption of the resolution.  
Speaker's Name: Curtis Hayes

Documents:

[ELECTION DAY RESOLUTION.PDF](#)

**2. Resolution No. R2019-9; Resolution Requesting Support For Essential Air Service Funding**

The Essential Air Service (EAS) program pays subsidies to airline carriers to serve markets that would not be profitable through ticket revenues alone. There are different levels of subsidies. If a community is less than 210 miles from an airport with airline service, the subsidy cannot exceed \$200 per ticket. If a community is determined to be eligible, a competitive bidding process is put in place to select a carrier. Contracts between the US Dept of Transportation and a carrier are for either two or four years. Once selected, the carrier then invoices the Federal government for reimbursement for each passenger. There are currently three airports in New Mexico served by carriers that receive EAS subsidies: Grant County, Clovis, and Carlsbad. This resolution requests support from the New Mexico Congressional delegation to have the Dept of Transportation select the Gallup Municipal Airport as eligible to receive EAS subsidies and to select a carrier through the competitive bidding process.

Fiscal Impact: None.  
Recommendation: Adopt the resolution.  
Speaker's Name: Jackie McKinney and Curtis Hayes

Documents:

[EAS RESOLUTION.PDF](#)

**3. Ordinance No. C2019-2; Amendments To Delinquent Utility Accounts Ordinance**

The audit team suggested that the City needs more definitive policies and procedures regarding the collection process for delinquent utility accounts. Staff is working on creating such policies and procedures, however the current ordinance has language that does not provide for any flexibility regarding the collection of delinquent utility accounts. For example, some delinquent accounts are simply too small to pursue a collections lawsuit such as when the account was in the name of a tenant who has no assets and where the owner filed a disclaimer. However, the current ordinance mandates the filing of a lien and a lawsuit for all delinquent accounts. This ordinance amends the current ordinance to authorize the City Manager to implement policies and procedures for the collections process.

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

Documents:

[UTILITIES LIENS REDLINE.PDF](#)  
[UTILITY LIENS ORDINANCE.PDF](#)

**4. Ordinance No. C2019-3; Amendment To Penalty Assessment Ordinance**

Last October, the City adopted the New Mexico Uniform Traffic Ordinance Penalty Assessment Program. One section of that ordinance makes it a misdemeanor crime to fail to pay a citation. However, the section didn't specify how many days an offender has to pay. This ordinance corrects that oversight and sets the time limit to pay a traffic citation at thirty days.

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

Documents:

[UTO PENALTY ASSESSMENT AMENDMENT.PDF](#)

**5. Acceptance Of Utility Easement From McKinley County**

This item is to accept a utility easement being granted by McKinley County to the City to service the County's new building located at 2105 E. Aztec.

Fiscal Impact: None.  
Recommendation: Acceptance of the easement.  
Speaker's Name Curtis Hayes

Documents:

[MCKINLEY COUNTY EASEMENT.PDF](#)

**6. Resolution No. R2019-3; 2019 CDBG Procurement Policy Adoption**

**Summary:** NMDFA requires that the City annually adopt a procurement policy by resolution for CDBG programs. As such, the City is certifying that it complies with Federal Procurement Code (24 CFR Part 85.36) and NM Procurement Code (13-1-120 NMSA 1978).

**Recommendation:** Approve the attached resolution for adoption of a 2019 City Procurement Policy.

Fiscal Impact: None. Annual CDBG grant administration and documentation requirement.  
Recommendation: See "description" above.  
Speaker's Name Stanley Henderson - Public Works Director

Documents:

[19-01-22\\_2A RESOLUTION RE CDBG 2019 PROCUREMENT POLICY.PDF](#)

**7. Resolution No. R2019-4; 2019 CDBG Housing And Urban Development (HUD) Section 3 Plan**

**Summary:** Section 3 is a provision of the HUD Act of 1968 that helps foster

local economic development, neighborhood economic improvement, and individual self-sufficiency. The Section 3 Program requires that recipients of certain HUD financial assistance - to the greatest extent feasible - provide job training, employment, and contracting opportunities for low or very low income residents in connection with projects and activities in their community. Every CDBG grantee is required to annually adopt a "Section 3 Plan" by resolution for CDBG projects.

**Recommendation:** Approve the attached resolution for adoption of a HUD Section 3 Plan. Resolution is attached as attachment (a), and the proposed plan itself is attached as attachment (b).

Fiscal Impact: None. Annual CDBG grant administration and documentation requirement.

Recommendation: See "description" above.

Speaker's Name Stanley Henderson - Public Works Director

Documents:

[19-02-12\\_3A RESOLUTION RE CDBG 2019 HUD SECTION 3 PLAN.PDF](#)

[19-02-12\\_3B CDBG 2019 HUD SECTION 3 PLAN.PDF](#)

**8. Resolution No. R2019-5; 2019 CDBG Residential Anti-Displacement And Relocation Assistance Plan**

**Summary:** Whenever Federal funds, such as CDBG, are used in a project involving the acquisition, rehabilitation, or demolition of real property, a Federal law known as the Uniform Relocation Assistance and Real Properties Acquisition Policies Act (URA) may apply. The purpose of the URA is to provide fair and equitable treatment for persons whose real property is acquired or for persons displaced as a result of a CDBG funded project or activity. To that end, an anti-displacement and relocation assistance plan must be adopted by the City Council. This plan must be adopted by resolution annually whether or not the Grantee is undertaking relocation activities.

**Recommendation:** Approve the attached resolution for adoption of said residential anti-displacement and relocation assistance plan. Resolution is attached as attachment (a), and the plan itself is attached as attachment (b).

Fiscal Impact: None. Annual CDBG grant administration and documentation requirement.

Recommendation: See "description" above.

Speaker's Name Stanley Henderson - Public Works Director

Documents:

[19-02-12\\_1A RESOLUTION RE CDBG 2019 ANTI-DISPLACEMENT PLAN.PDF](#)

[19-02-12\\_1B CDBG 2019 ANTI-DISPLACEMENT PLAN.PDF](#)

**9. Resolution No. R2019-6; 2019 CDBG Citizens Participation Plan**

**Summary:** Developing a Citizen Participation Plan is a Federal requirement for grantees who receive CDBG funds. The Citizen Participation Plan states that citizens will be provided with reasonable notices and timely access to local meetings in order to solicit their input and project ideas for the CDBG program.

Its adoption by resolution annually is a requirement for CDBG projects.

**Recommendation:** Approve the attached resolution for adoption of a 2019 CDBG Citizens Participation Plan. Resolution is attached as attachment (a), and the proposed plan itself is attached as attachment (b).

Fiscal Impact: None. Annual CDBG grant administration and documentation requirement.

Recommendation: See "description" above.

Speaker's Name Stanley Henderson - Public Works Director

Documents:

[19-02-12\\_2A RESOLUTION RE CDBG 2019 CITIZEN PARTICIPATION PLAN.PDF](#)

[19-02-12\\_2B CDBG 2019 CITIZEN PARTICIPATION PLAN.PDF](#)

#### 10. **Electric Department Vehicle Storage Facility Design Award**

**Summary:** Electric Department has a severe shortage of covered storage for its vehicles and equipment including its bucket trucks. This shortage has been recognized by Staff, and this project is part of the City's 18-2019 Community Improvement Plan (CIP). Attached is a proposal from Wilson and Company (WCO) for the architectural design of covered storage for 13 equipment bays. Each bay is planned as accommodation for two utility vehicles. WCO proposal includes the architectural design, bidding assistance, and construction administration. Total proposal is \$97,650.61. Project is programmed within the current CIP for \$750,000 including design and construction. A current project budget estimate is also attached. For construction, it does forecasts an additional need for \$86,884. This balance will be programmed as part of the 19-2020 CIP.

Fiscal Impact: None. Project is programmed within the current CIP.

Recommendation: Approve the proposal from WCO for \$97,650.61 including NMGR.

Speaker's Name Stanley Henderson - Public Works Director

Documents:

[19-02-12\\_4A WCO ELECTRIC DEPT VEHICLE STORAGE DSGN PROPOSAL.PDF](#)

[19-02-12\\_4B PRJ BUDGET ESTIMATE RE ED VEHICLE STORAGE FACILITY.PDF](#)

#### 11. **Downtown Alley Reconstruction Project PH II Design Award**

**Summary:** Recently, we have suffered several water line breaks in the Coal Ave alley between 2nd and 3rd Street. As a result, Staff is proposing that the City start the design for the reconstruction of the alley including the underground utilities. To that end, we have two separate proposals from DePauli Engineering & Surveying (DES) - one for the utility reconstruction and one for the surface reconstruction. Both proposals include design, bidding assistance, and construction administration. The electric design is a specialty engineering that will be addressed as a separate action by the Electric Department. This project is listed on the 18-2019 Community Improvement Plan. \$35,000 has been previously programmed for the design under Project #CI1730. DES' proposal is

\$78,234.12 for the surface reconstruction and \$80,075.43 for the water and wastewater reconstruction.

**Recommendation:**

=> Transfer the funds identified in "Fiscal Impact" into the project budget.  
=> Award the project for professional services to DePauli Engineering & Surveying.

**Fiscal Impact:**

An additional \$43,235 from the General Fund cash balance is required for the surface reconstruction design. An additional \$45,076 is required for the utility reconstruction design from LI 506-6063-444.48-99. Finally, budget adjustments of \$17,500 from Fund 506 reserves and \$17,500 from Fund 508 reserves to Project No. CI1730 would provide complete funding.

Fiscal Impact:	Please see Fiscal Impact listed in Description.
Recommendation:	See "description" above.
Speaker's Name	Stanley Henderson - Public Works Director

**Documents:**

[19-02-12\\_5A DES ALLEY UTILITY RECONSTRUCTION DSGN PROPOSAL.PDF](#)

[19-02-12-5B DES ALLEY SURFACE RECONSTRUCTION DSGN PROPOSAL.PDF](#)

[19-02-12\\_5C PRJ BUDGET ESTIMATE RE DT ALLEY RECONSTRUCTION PHASE II.PDF](#)

**12. Approval Of Alleyway Project Change Order**

The City of Gallup Acting Electric Director is requesting approval of a \$35,000 change order to the original alleyway project between 1st and 2nd Street. Here are the list change orders to justify the price change:

1. Length of Project -- The original scope covered the alleyway between First Street and Second Street. The current design extends 125 feet east of First Street and 175 feet west of Second Street. The additional footage increased the 600 amp circuit's design length by 81%

2. Construction -- The original scope included the design of an aerial 600 amp circuit with pad mounted transformers fed with a minimal amount of underground construction. Multiple conflicts arose as the designs for the other utilities' infrastructure was examined. From this point, a mixed approach was taken and ESC began designing the circuit using both overhead and underground construction. The concrete poles were still an issue after our best efforts to mitigate the conflicts. The final design is 100% underground with pad-mounted construction.

3. CAD Drawings -- Originally, ESC budgeted to update the existing CAD drawings that had been started by DePauli Engineering. Additional drawings were required since the project moved to underground construction. The new requirements include:

- A. Profile and conduit layout drawings for the length of the project.
- B. Construction detail drawings such as the 600 amp riser poles

Fiscal Impact:	Change order funded through budgeted Capital Purchase
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Account 307-6061-442-48-99 for approved Alley Project JU 19-03.

Recommendation: Approve  
Speaker's Name Eric Babcock

Documents:

[GALLUP CHANGE ORDER.PDF](#)

**13. Request Approval To Award Design Contract To T & D Services For \$69,943 To Address Safety And Reliability Concerns At The Allison Road Photo Voltaic Solar Project**

The City of Gallup Electric Department is requesting approval to contract with T & D Services to design and project manage a permanent installation of equipment needed to mitigate safety and reliability concerns related to the Allison Road Photo Voltaic (PV) solar project. Upon completion of the design, the City of Gallup will send out for open bid to contractors for installation of required safety and reliability controls in accordance with T & D Services design specifications.

Fiscal Impact: Design will be paid for by approved funds from the Gallup Solar Project #307-6061-442-45-30.  
Recommendation: Approve  
Speaker's Name Eric Babcock

Documents:

[SOLAR PROPOSAL.PDF](#)

**14. Request Budget Adjustment To Make Major Facility Repairs To Building 1898 Warehouse Lane**

The City of Gallup Electric Director is requesting budget adjustment from fund balance to make major repairs to the building at 1898 Warehouse Lane. The following repairs will be accomplished:

Repair leaking roof: Estimate of \$30,000.  
Replace aging tile floor: Estimate is \$20,000.  
Repaint aging interior walls: Estimate is \$4,500.  
Remaining funds of \$10,500 will be held in contingency.

Fiscal Impact: Approve Budget increase of \$65,000 for building maintenance expenditures from 507 Fund Balance.  
Recommendation: Approve  
Speaker's Name Eric Babcock

Documents:

[ELECTRICAL SHOP FLOOR QUOTE.PDF](#)  
[FLOOR PLAN FROM MEASURE DTD 21 DEC 18.PDF](#)  
[IMG\\_2975.PDF](#)  
[PAINT BALL PARK \(1\).PDF](#)  
[FACILTY REPAIRS LETTER.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.