

AGENDA

GALLUP CITY COUNCIL REGULAR MEETING TUESDAY, MAY 23, 2023; 6:00 P.M. CITY COUNCIL CHAMBERS



Louie Bonaguidi, Mayor

Linda Garcia, Councilor, Dist. 1

Michael Schaaf, Councilor, Dist. 2

Sarah Piano, Councilor, Dist. 3

Fran Palochak, Councilor, Dist. 4

Maryann Ustick, City Manager

David Eason, City Attorney

The meeting will be accessible through the City of Gallup's Facebook Page:

[City of Gallup, New Mexico Government - Home | Facebook](#)

Members of the public may submit comment either in person or by telephone. To submit comment by telephone, please call 505-863-1254 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. Legislative Updates

1. Senator George Munoz

2. AJ Forte, New Mexico Municipal League

D. Consent Agenda

These items are placed on the Consent Agenda so City Council can designate by unanimous consent those routine items they wish to be approved or acknowledged by one motion. If any item does not meet the approval of all Council members or if a citizen so requests, it will be heard as a separate item.

Action Needed:

Motion to approve or acknowledge Items 1-9 on the Consent Agenda by unanimous vote:

1. Request For Street Closures For The Annual Memorial Day And Veterans Day Parades

Veterans Helping Veterans/Brothers In Arms will present the request for the closure of Aztec Avenue from 8th Street to Puerco Drive for both parades.

Fiscal Impact: TBD - staff to provide support services for both City sponsored events.
Recommendation: Staff recommends approval of the requested street closure.
Speaker's Name Randal Henry or Tully Brown

Documents:

[EVENT PERMIT - 2023 MEMORIAL DAY VETERANS DAY PARADES.PDF](#)

2. Request For The Closure Of Churchrock Street For The Chris Johnson Memorial Parade To Be Held On Wednesday, May 24, 2023

Bob Ippel, Executive Director of Rehoboth Christian School, will present a request to close Churchrock Street from the Red Rock 10 Theaters to Rehoboth Christian School for the parade route. The purpose of the parade is to honor fallen soldier Chris Johnson whose memorial fund started the school's Pre K program. The parade is scheduled to begin at 5:30 p.m.

Fiscal Impact: TBD - City staff to provide support services for the event.
Recommendation: Rehoboth Christian School recommends approval of the request.
Speaker's Name Bob Ippel

Documents:

[EVENT PERMIT - CHRIS JOHNSON MEMORIAL PARADE.PDF](#)

3. Capital Projects Budget Transfers For Dash Camera Installation

Transfer \$7,000.00 from police vehicle purchases project CP2322 to the dash camera project CP2352 is needed to pay for the installation costs of the dash camera systems. They received \$100,000 for the cameras but did not take into account installation fees. These cameras are for all Gallup police department units. The cost on the new police units came in a bit less than anticipated, and leaves enough to transfer to help cover the cost of the camera installation.

Fiscal Impact: None. Internal transfer between projects
Recommendation: To allow transfers between projects.
Speaker's Name Erin Toadlena-Pablo

Documents:

[PROJECT CP2352.PDF](#)

[EST_425313_FROM_ELECTRONIC_CENTER_INC._15180.PDF](#)

[COUNCIL TRANSFER REQUEST 05232023.PDF](#)

4. Approval To Adjust Pay Out For The Police Department

The Gallup Police Department has received 1.3 Million in funds from house bill 68 to spend over three years. The first year we have to spend 750,000 towards recruitment and retention. This was on the November 8, 2022, City Council agenda, presented by former Chief Franklin Boyd. The Gallup Police Department currently has \$97,377.79 left of the \$750,000. We respectfully request to utilize the \$97,377.79 towards retention to our current officers. The amount that would be given to eligible officers would be 2,213.13. If we do not utilize these remaining funds, they will revert back to the state. There is a higher anticipated balance because we have had four officers leave the Gallup Police Department, and we have had non-certified and laterals not make it through the process.

House Bill 68 Distribution of funds stated: The department of finance and administration established a program to distribute funds for local law enforcement agencies to provide recruitment and retention stipends to law enforcement officers. The program established criteria for distribution of funds appropriated for the purpose of prioritizing recruitment and retention of personnel.

The Gallup Police Department has successfully hired five officers and paid 10,000 dollars to each of the five newly hired officers. We have a remainder of 97,377.79 dollars that can be utilized for retention pay on the last paycheck in June 16, 2023, that would be a pay out of 2,213.13 dollars before taxes or deductions to officers that are eligible to receive the retention, which is 44 officers.

Fiscal Impact: None
Recommendation: Approve payout adjustment
Speaker's Name Erin Toadlena-Pablo Police Chief

5. Budget Adjustment For Project JU1903 Alleyway Electric Conversion

The Electric Department is requesting a budget adjustment of \$40,000 for Project JU1903 to begin utility bore work starting from the Washington Federal Parking Lot and ending to the fenced area North of West Aztec Ave. We received a quote for \$38,000(taxes included) and included a contingency to bring the total to \$40,000. This work is required to connect a small handful of businesses North of West Aztec Ave to a new source of power that were not included in the underground electric conversion. We were able to reach out to Washington Federal and gain a public utility easement allowing us to access the single phase electrical transformers to serve from.

Fiscal Impact: Budget Adjustment in the amount of \$40,000 from the operating cash fund 507.
Recommendation: Approval of budget adjustment in the amount of \$40,000
Speaker's Name Chuck Nourse

Documents:

[DOWNTOWN PROJECT BORE WASHINGTON FED.PDF](#)

[WARREN POWER SERVICES ESTIMATE.PDF](#)

6. Approval Of Resolution No. R2023-11 To Allow For Application To The NMDOT Transportation Project Fund For Phase IV Of The Nizhoni Boulevard Reconstruction Project

Staff is requesting approval of Resolution No. R2023-11 authorizing submittal of an application to the New Mexico Department of Transportation, Transportation Project Fund for a grant request in the amount of \$2,010,000.00 to complete Phase IV of the Nizhoni Boulevard reconstruction project. If approved the local match amount will be equal to 5% of the grant amount or \$100,500.00. City Council has already approved matching funds for this project for previous applications. Matching funds are still set aside for this project. This application is due by May 30, 2023.

Fiscal Impact: None at this time, application only. Matching funds are set aside for this project in Project No. CP2211.

Recommendation: Staff recommends approval of Resolution No. R2023-11

Speaker's Name C.B. Strain

Documents:

[RESOLUTION NO. R2023_11.PDF](#)
[TPF COVER LETTER DTD 05232023.PDF](#)

7. Approval Of Budget Adjustment Of The Playground Of Dreams Funding

In July 2019, the City of Gallup entered into the Department of Finance and Administration (DFA) Fund 93100 Capital Appropriation 19-D3081 grant agreement in the amount of \$75,000.00. In 2020 the city disencumbered \$32,334.78 on the State's purchase order as unapproved vendors were used to purchase items for the picnic shelter Therefore, the grant money cannot be used for reimbursement of the unapproved vendors. As of May 1, 2023, the city has spent \$42,665.22 there is a current balance of \$32,334.78 remaining on the grant.

The agreement reverts on June 30, 2023. The city has an adjusted Notice of Obligation (NOO) for \$31,508.87 to purchase tables and trash receptacles. The vendor has a turn around time of 2-3 weeks making this expenditure possible to meet the deadline for grant reimbursement.

Fiscal Impact: A budget adjustment in the amount of \$32,335 from the General Fund for Project LA1930 unapproved vendors.

Recommendation: Approval of budget adjustment in the amount of \$32,335 for the Playground of Dreams grant

Speaker's Name Vince Alonzo, Director Parks & Recreation

Documents:

[19D3083 NOO3 02252020.PDF](#)

8. Lodger's Tax Grant Recommendation

The Lodger's Tax Committee has approved several applications for consideration by the City Council. The Tourism Office respectfully requests approval to fund the

marketing plans of these events through the Lodger's Tax Grant Program.

Friday Night Rides - Ongoing Event - \$5,845.62

This is an ongoing event, held Friday evenings until October. The applicant has requested \$5,845.62 for event marketing. This is a family friendly event with music, cars, activities, and food. The is free to attend and open to the public. It is held at the parking lots around Camille's café. This is the first time this event has requested Lodger's Tax funds for marketing.

73rd Annual Lions Club Rodeo - June 15-17 - \$30,000

This is one of Gallup's most longstanding events and organizers anticipate over 20,000 in attendance. The applicant has requested \$30,000 for event marketing. This is also a family friendly event with activities for people of all ages. A youth rodeo will be held on June 15, followed by the Open Show Rodeo on June 16 and 17, among the other activities at the event. This request is a small increase from \$28,103 in FY22.

Lions Club Downtown Celebration - June 10 - \$8,000

This is another family friendly event being hosted by the Gallup Lions Club. The applicant expects approximately 2,500 in attendance and is requesting \$8,000 in funding for their marketing plan. It will include Battle of Bands, barbecue food, a "Legends" autograph session, and over 25 non-profit booths providing information. This is the same amount requested as FY22.

Fiscal Impact:	Friday Night Rides - \$5,845.62 73rd Annual Lions Club Rodeo - \$30,000 Lions Club Downtown Celebration - \$8,000 Total: \$43,846
Recommendation:	Respectfully request approval for all applications
Speaker's Name	Matt Robinson

Documents:

[FRIDAY NIGHT RIDES 2023.PDF](#)
[LIONS CLUB RODEO 2023.PDF](#)
[LIONS DOWNTOWN CELEBRATION 2023.PDF](#)

9. Budget Adjustment Request For Lodger's Tax Grant Program

The Lodger's Tax Grant Program has received new applications this fiscal year, and increasing costs have resulted in several returning applicants requesting higher amounts than in previous years. The amount budgeted going into FY23 is not sufficient to fund all requests, should they be approved by the City Council. This is a budget adjustment request to move \$87,000 from the Lodger's Tax fund balance into the Grants to Subrecipients account. The two new applications received this fiscal year were: Friday Night Rides at \$5,846, and \$10,000 for the Kicker Monster Truck show in May 2023.

The Lodger's Tax Grant applications currently on the Council agenda for May 23, if approved, are able to be fully funded without any budgetary action. However, in June, the Tourism Office will ask the Council to consider approving more

applications that will need this budget adjustment to be fully funded. These upcoming applications for consideration include: Inter-Tribal Ceremonial in August, and July events, including Arenacross, Freedom Ride Flight, and Wild Thing. The Inter-Tribal application request, for example, is over twice as much as FY22 (approximately \$18,000 to now, \$50,000), as it is now under local control. The Lodger's Tax Committee was happy to vote unanimously in support of this important community event.

These funds are also considered part of promotional expenditures in terms of compliance with the state spending mandates for Lodger's Tax funds.

Fiscal Impact: \$87,000 from Lodger's Tax fund balance
Recommendation: Respectfully request approval
Speaker's Name Matt Robinson

E. Items For Discussion Only

1. Gallup Express Services And Funding

Tommy Mims, Director of Gallup Express, will provide a presentation on the services provided by Gallup Express and the funding needed for their operation.

Fiscal Impact: None - discussion only.
Recommendation: None - discussion only.
Speaker's Name Tommy Mims

2. Proposal To Opt In To The Regular Local Elections Held In November Of Odd Numbered Years

Last April, City Clerk Al Abeita originally planned to present a proposal for the City of Gallup to opt in to the Regular Local Elections in November of odd numbered years. City Attorney David Eason analyzed the proposal and raised concerns with implementing it under the current provisions of the City Charter. The proposal will be presented to the City Council for discussion regarding options for holding future elections.

Fiscal Impact: None - discussion only.
Recommendation: None - discussion only.
Speaker's Name Alfred Abeita, II and David Eason

Documents:

[MEMO TO COUNCIL RLE OPT IN PROPOSAL FOR MAY 23RD.PDF](#)

F. Discussion/Action Topics

1. Ordinance No. S2023-5, Mr. Rick Murphy, Proposed Text Amendment, Amending Certain Text Regulating Proximity Distance Requirements For Cannabis Land Uses And Prohibited Uses Within The Downtown Overlay District

Mr. Rick Murphy is proposing an amendment to the City of Gallup Land Development Standards by allowing certain protected land uses that are required to be separated a certain minimum distance from cannabis land uses to be

within the minimum required separation distance provided there is an adequate barrier separating the protected land uses and the cannabis land uses from each other. Mr. Murphy is also requesting to amend the code to allow certain prohibited uses within the Downtown Overlay district for areas of the Downtown Overlay district that lie within an underlying Industrial (I) base zone district.

Currently the City of Gallup Land Development Standards requires residential zone districts (RR, SFR, MFRL, MFRM, MFRH & MHP), cemeteries, community/recreation centers, correctional facilities, day care centers (>7 children), educational facilities (including training centers, post-secondary, primary/secondary), libraries, parks and open space, and religious institutions to be separated a minimum distance of three hundred feet (300') from any Cannabis Cultivation, Cannabis Manufacturing or Cannabis Sales business. Mr. Murphy's property at 101 North Third Street is located within three hundred feet (300') of the Iglesia Hispana Pentecostal El Pueblo De Dios Church at 403 W. Historic Hwy 66, which prohibits him from operating a Cannabis Cultivation and Manufacturing business at that location.

Mr. Murphy is proposing to amend the regulations to the listed protected uses to be within the three-hundred-foot (300') distance provided there is an adequate barrier such as an interstate or railroad right-of-way separating said uses from each other. Staff recommends the following amendment language to achieve this request.

"Waiver: A Waiver of the proximity distance requirements outlined above may be granted by the Planning and Zoning Commission if an adequate barrier exists between the protected uses listed above, or similar uses and the proposed Cannabis Cultivation, Cannabis Sales, or Cannabis Manufacturing use. For the purposes of this section, an adequate barrier is defined as: an interstate highway or a railroad right-of-way that is in current and consistent use by freight and/or passenger carriers and that separates the Cannabis Cultivation, Cannabis Sales, and Cannabis Manufacturing use from any residential zone district, including the RR, SFR, MFRL, MFRM, MRFH, and MHP zone districts, and cemetery, community/recreational center, correctional facility, day care center (≥7 children), educational facility (training center, post-secondary, primary/secondary), library, parks and open space, and religious institution, and existing Cannabis Cultivation, Cannabis Sales, or Cannabis Manufacturing facility location and the proposed Cannabis Cultivation, Cannabis Sales, or Cannabis Manufacturing facility location."

"Said waiver shall be obtained pursuant to Section 10-5-B "General Procedures" if an adequate barrier exists."

Mr. Murphy's property also lies within the city's Downtown Overlay District with the underlying base district being Industrial (I). Currently Cannabis Cultivation and Cannabis Manufacturing establishments are prohibited within the Downtown Overlay District, however these uses are permitted within the underlying Industrial (I) Zone District. Staff recommends the following amendment language in order to allow Cannabis Cultivation and Cannabis Manufacturing, along with Heavy Manufacturing and Special Manufacturing at this location, thus staying

consistent with what is allowed within the underlying Industrial (I) Zone District.

“Exception: The provisions of this Section shall not apply to the areas of the Downtown Overlay (DO) District that lie within an underlying Industrial (I) base zone district where Cannabis Cultivation, Cannabis-related Manufacturing, Heavy Manufacturing, and Special Manufacturing shall be permitted.”

There is also a provision in the Downtown Overlay District that requires “a minimum of fifty (50) percent of the total ground floor area of buildings in the DO shall be occupied by uses in the residential, civic, and institutional, food and beverage, recreational and entertainment, lodging, office and services, or retail sales categories of Table 10-3-1: Use Table.” Being that the underlying base zone district is Industrial (I), and this district primarily caters to industrial uses such as manufacturing and warehousing, the fifty (50) percent requirement should not apply, however in other areas of the DO that do not lie within the Industrial (I) base zone district, this requirement should remain. That being said it is staff’s opinion that the fifty (50) percent requirement is a bit excessive so that percentage should be reduced from fifty (50) percent to thirty (30) percent. With that staff recommends the following amendment language.

1. A minimum of ~~fifty (50)~~ thirty (30) percent of the total ground floor area of buildings in the DO shall be occupied by uses in the residential, civic, and institutional, food and beverage, recreational and entertainment, lodging, office and services, or retail sales categories of Table 10-3-1: Use Table.

“Exception: The provisions of this Section shall not apply to areas of the Downtown Overlay (DO) District that lie within the Industrial (I) base zone district.”

Finally, there is a provision for Cannabis Cultivation and Cannabis-related Manufacturing uses that requires “street facing property lines that do not contain a building frontage, shall be screening by a solid eight (8) foot privacy wall setback a minimum of five (5) feet from the property line with landscaping in front of the wall.”

The intent of this provision was to provide screening between outdoor Cannabis Cultivation and Cannabis Manufacturing facilities and the adjacent properties. During the public hearings when the proposed cannabis regulations were being reviewed both the Planning and Zoning Commission and the City Council decided to not allow outdoor Cannabis Cultivation or Cannabis Manufacturing uses therefore this language needs to be deleted from the regulations. Staff recommends the following amendment language.

7. This use shall be screened from view from each property line not facing a public street using a Type C buffer as described in Section 10-4-C-d-vii Required Landscape Buffers and Screens. ~~Street facing property lines that do not contain a building frontage, shall be screening by a solid eight (8) foot privacy wall setback a minimum of five (5) feet from the property line with~~

landscaping in front of the wall.

The Gallup Planning and Zoning Commission reviewed this request at their regular meeting on May 10, 2023 and sends a positive recommendation for approval with Resolution of Recommendation No. RP2023-4.

Fiscal Impact: None
Recommendation: Staff recommends that City Council review the request and take appropriate action.
Speaker's Name C.B. Strain

Documents:

[ORDINANCE DOWNTOWN OVERLAY \(DO\) DISTRICT TEXT AMENDMENT S2023-5 REVISED DAVID.PDF](#)
[RP2023-4.PDF](#)

G. Presentation And Information Item

1. Presentation On The 2023 Drought Conditions

Presentation on the current drought conditions in preparation for the upcoming firework sales.

Fiscal Impact: Presentation only
Recommendation: Presentation only
Speaker's Name Fire Marshal Jon Pairett

Documents:

[2023 DROUGHT PRESENTATION.PDF](#)

H. Comments By Public On Non-Agenda Items

1. Concerns with the City's Vending Ordinance - Billy Newton

I. Comments By Mayor And City Councilors

J. Comments By City Manager And City Attorney

K. 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.