

## AGENDA

### GALLUP CITY COUNCIL REGULAR MEETING TUESDAY, JUNE 22, 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:  
[City of Gallup, New Mexico Government - Home | Facebook](#)

**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**

Regular Meeting of June 8, 2021

Documents:

[DRAFT MINUTES JUNE 8 2021 REG MTG.PDF](#)

**D. Presentation And Information Item**

**1. I-40/US 491/NM 602 Interchange Project, Phase 1A/B Study**

Derek Meier, Senior Project Manager and Jim Townsend,  
Community/Transportation Planning Manager of Wilson & Company, Inc., will

provide a presentation on this project.

Fiscal Impact: None - presentation only.  
Recommendation: No action required - presentation item.  
Speaker's Name: Derek Meier and Jim Townsend

Documents:

[CN 6101390\\_PUBLICMEETING\\_REVISED\\_6082021.PDF](#)

## E. Discussion/Action Topics

### 1. Ordinance No. S2021-5; Ordinance To Authorize Restaurant B Liquor Licenses

The 2021 legislative session resulted in a number of changes to the Liquor Control Act including the creation of new type of restaurant license. Currently, a restaurant license allows the sale, service and consumption of beer and wine on the premises of a restaurant. That type of license is now designated as a "restaurant A" license. A new type of license, designated as "restaurant B" license, will allow the sale, service, and consumption of spirituous liquor, in addition to beer and wine, on the premises of a restaurant beginning July 1, 2021.

Other than in McKinley County, the law provides that anyone that currently holds a restaurant license, may obtain a restaurant B license. A restaurant that does not have a liquor license may also apply for a restaurant B license after July 1, 2021. In McKinley County, the two local option districts (within the City of Gallup and the unincorporated area of the county) must affirmatively approve the issuance of restaurant B licenses by way of an ordinance. This ordinance "opts-in" the City of Gallup to the provision of the law allowing for restaurant B licenses.

Fiscal Impact: None  
Recommendation: None  
Speaker's Name: Curtis Hayes

Documents:

[RESTAURANT B LICENSES ORDINANCE.PDF](#)

### 2. Effluent Supply Pipeline And Budget Adjustment

Staff and Marc Depauli, owner of Depauli Engineering & Surveying LLC, will provide a brief history of the golf course and effluent supply line.

Option 1: \$460,000 for an above ground line to supply effluent water for 6 months.

Option 2: \$192,000 repair and replace fund for 6 months.

Staff needs a budget adjustment in the amount of \$70,000 from general fund reserves to cover the cost of repairs already made and to be made for the remainder of the fiscal year as well as engineering services provided by Depauli Engineering & Surveying, LLC.

Staff is also requesting that we move the secondary water supply valve project

forward. Mayor and Council approved this project in next fiscal year 2021-2022 ICIP and budget. \$30,000 was approved for this project.

It will cost \$5 million to replace the whole line and staff is looking into the potential of outside funding mechanisms.

Fiscal Impact: See above and fiscal impact depends on direction from Mayor and Council. Will defer to CFO, Patty Holland for the wording once direction is provided.

Recommendation: Seeking Mayor and Council direction on effluent supply line

Speaker's Name JM DeYoung, Matt Alcalá, Marc Depauli

### **3. Waiver Of Red Rock Park Usage Fees For Gallup Inter-Tribal Ceremonial Local Board Rodeo And Art Exhibit**

At the Council meeting on June 8, 2021, the Gallup Inter-Tribal Ceremonial Local Board requested a total waiver of the fees for usage of Red Rock Park for their Rodeo and Art Exhibit scheduled for August 6-15, 2021. Since this was not a posted item on the agenda and since there was no agreement between the city and Ceremonial on which to base a total fee waiver, staff was asked to bring this back to Council at the next meeting. Staff researched the prior Memorandum of Agreement (MOU) that was approved by City Council as a basis on which to waive fees for the Ceremonial event in 2019 (see attached). This previous MOU was based on the agreement between the New Mexico Tourism Department and McKinley County, which was at the time the fiscal agent for State funding for the Ceremonial event. The city's MOU mirrored the Department of Tourism's requirements for the event which required data, income and expenditure reports, an audit, economic impact and other information required to be provided to the state. The City's MOU also added a requirement to provide photos to the city, which were never provided.

Since the local Gallup Inter-Tribal Ceremonial organization is not statutorily created by or contracted with the state nor is it funded by the state, it is staff's determination that there is no legal basis upon which to contract for a total waiver of Red Rock Park usage fees. However, in 2017, City Council did approve by Resolution new policies and fees for Red Rock Park. These include a provision for providing a 50 % reduction in fees for 501 c3 organizations (see attached).

So city staff is already authorized to reduce the fees for the Gallup Inter-Tribal Ceremonial Local Board's use of Red Rock Park by 50% provided they are a 501c3 non-profit organization in good standing.

#### Recommendation:

Disapprove the request by the Gallup Inter-Tribal Ceremonial Local Board for a total waiver of Red Rock Park usage fees and approve reducing these fees by 50 percent in accordance with the Red Rock Park Policy and Fee Resolution regarding 501 c3 non-profit organizations.

Fiscal Impact: Estimated park usage fees are \$20,000 to \$25,000. So estimated fiscal impact would be between \$10,000 and \$12,500 depending on usage.

Recommendation: See recommendation in summary

Speaker's Name Maryann Ustick / Curtis Hayes

Documents:

[MEMORANDUM OF UNDERSTANDING - THE GALLUP INTER-TRIBAL CEREMONIAL ASS..PDF](#)

[RES. NO. R2017-23 RED ROCK PARK POLICY AND FEES.PDF](#)

**4. Cooperative Agreements With New Mexico Department Of Transportation (NMDOT) For Second And Third Street Railway Crossings Design**

Based on City Council's direction, city staff has been working with NMDOT Railway Division staff to design and construct pedestrian safety improvements for the Second and Third Streets railway grade crossings, and the approaches to it, including the addition of warning devices and a new widened crossing surface to accommodate pedestrian traffic. NMDOT Railway Division staff has budgeted Federal Highway Administration (FHWA) funding for the design of these pedestrian safety improvements, which includes a ten (10) percent state match.

Under the attached Cooperative Project Agreements for design work, the city agrees to procure a design consultant, to comply with all the federal and state requirements listed in the agreement, and to submit requests for reimbursement of design costs incurred by the city. The city is responsible for any project costs that exceed federal funding (and state match). Also, if the project is cancelled or not constructed within ten (10) years, certain costs will have to be repaid.

In order to proceed with procurement for a design consultant for these railway-highway crossing pedestrian safety improvements for Second and Third Street, staff is requesting that Council approve the attached Cooperative Project Agreements in the amount of \$45,000 for Second Street and \$45,000 for Third Street grade crossings and adjust the budget in order to fund and implement the Railway-Highway Crossings Program. CB Strain, Planning and Development Director, will be the Local Agency contact/manager for these projects. Any required project review costs incurred by BNSF Railroad will be funded by NMDOT.

Recommendation:

Approve a budget adjustment for revenues and expenditures in the amount of \$90,000 and approve the Cooperative Project Agreements with NMDOT for FHWA funding in the amount of \$45,000 for Second Street grade crossing (Project Control No. 6101480) and in the amount of \$45,000 for Third Street grade crossing (Project Control No. 6101470) and authorize the Mayor to execute these agreements.

Fiscal Impact: City will be reimbursed for project costs up to \$90,000 for design of both Railway crossings.

Recommendation: See recommendation in the summary

Speaker's Name Maryann Ustick

Documents:

[COOP-AGREEMENT CN 6101480 DESIGN.PDF](#)  
[COOP-AGREEMENT CN 6101470 DESIGN.PDF](#)  
[SECOND STREET DESIGN OF PED IMPROVEMENTS - DRAFT.PDF](#)  
[THIRD STREET DESIGN OF PED IMPROVEMENTS - DRAFT.PDF](#)

**5. Budget Adjustment For Purchases For Resale**

Staff is requesting a budget adjustment in the amount of \$400,000.00 from available funds in the Operating Cash in Fund 507 in order to cover a shortfall in funds to pay for power Purchases for Resale. This shortfall is the effect of the power price spikes, primarily caused by the debacle of the Texas cold snap.

Fiscal Impact: A budget adjustment in the amount of \$400,000.00 from the Operating Cash in fund 507.

Recommendation: Staff recommends approval of this budget adjustment.

Speaker's Name John Wheeler

**6. Approval Of Agreement With NCI For Detox Administration And Operation And Budget Adjustment**

The FY22 NCI Detox Administration and Operations Agreement and budget adjustment for \$835,000. This includes administrative cost and operation of the Protective Custody component.

Fiscal Impact: The Detox Center Administration and Operations Agreement will be funded by the City of Gallup General Fund until the Liquor Excise Tax revenue resolution is signed. A budget adjustment from the General Fund in the amount of \$835,000.

Recommendation: Approval of Agreement for Administration and Operations for the Detox and budget adjustment.

Speaker's Name Debra L. Martinez

Documents:

[FY22 GALLUP DETOXIFICATION CENTER LET 6.16.21.PDF](#)

**7. Approval Of Budget Adjustment For Wellness Hotel**

The City of Gallup worked with McKinley County and local providers to operate the Wellness Hotel. The Wellness Hotel was for individuals who were homeless and at high risk for Covid. The City had an unanticipated \$1,765.89 charge not reimbursed by the agreement.

Fiscal Impact: The City of Gallup will have to use \$1,765.89 in General funds to cover the cost.

Recommendation: Approval of Budget Adjustment for \$1,765.89 from General Funds.

Speaker's Name Debra L. Martinez

**8. Approval Of Contract For The Law Enforcement Assisted Diversion (LEAD) Grant**

The FY2022 LEAD budget allocates a total of up to \$200,000 for the City of Gallup to operate a LEAD Program. LEAD is a pre-arrest diversion program, rooted in harm reduction, in which police officers divert individuals to intensive Case Management in lieu of arrest for low-level nonviolent crimes driven by substance use disorder and other unmet behavioral health needs. Services will be tracked in order to evaluate effectiveness. This contract is effective July 1, 2021.

Fiscal Impact: A budget adjustment of revenue and expenditures for the project.

Recommendation: Approval of the FY22 LEAD Contract and budget adjustment for FY22 expenditures

Speaker's Name Debra L. Martinez

Documents:

[FY22 RFA 21-BHSD-03\\_AWARD LETTER\\_CITYOFGALLUP\\_JUNE2021TW.PDF](#)

#### 9. **Proposed Cost Of Living Adjustment (COLA) For City Manager And City Attorney**

The City Manager and the City Attorney positions were not included in the budgeted five (5) percent COLA in the FY 2022 Budget as they are contract positions. The City Manager has not had any salary adjustments since her hire in August 2014 and the City Attorney has not had any salary adjustments since his hire in July 2017. Also, neither the City Manager nor the City Attorney received the "hazard pay" adjustments funded by CARES Act funds. All other city employees received hazard pay adjustments and COLAs as approved by City Council.

##### Recommendation:

Approve a five (5) percent Cost of Living Adjustment (COLA) for the City Manager and City Attorney for FY 2022 and a budget adjustment in the amount of \$13,373.09 in the FY 2022 General Fund Budget.

Fiscal Impact: Increase in the FY 2022 General Fund Budget in the amount of \$13,373.09

Recommendation: See recommendation in summary

Speaker's Name Maryann Ustick

## F. **Item For Discussion**

### 1. **Discussion Of Proposed Resolution Regarding City Council Work Sessions**

The Mayor has proposed scheduling regular work sessions of the City Council on the Tuesdays a week prior to the regular Council meetings. The attached Resolution established rules and procedures regarding work sessions and related matters such as the use of a consent agenda at regular Council meetings. Regularly scheduled work sessions are often used by governing bodies that have lengthy agendas to save time at the regular meeting of the governing body by having the discussion of more complex agenda items at a separate meeting in

advance of the regular meeting. Work sessions also allow members of the governing body time to give such items more consideration prior to voting on the items at the regular meeting.

Work sessions are subject to all the requirements of the NM Open Meetings Act that apply to regular meetings. This raises several issues that should be discussed and considered by Council in adopting the proposed Resolution. First is the requirement that the agenda must be made available to the public at least 72 hours prior to the meeting. This will add one week of lead time for items that will be placed on the subsequent week's regular meeting agenda. A second issue is establishing the process to be used to determine what items will be placed on the work session agenda. A third issue is to decide whether to use a consent agenda at the regular meeting for items that have been presented at a work session and do not need further discussion at the regular meeting.

The Resolution also addresses some procedural matters relevant to regular meetings such as the process for determining when someone in the audience is allowed to speak on an agenda item. The current provision in the Gallup City Code requires unanimous consent before someone who is not a City Council member or city staff to speak on an agenda item. A second issue regarding procedure at regular meetings is the use of consent agendas. The Resolution spells out a procedure to be used if Council decides to use consent agendas.

Fiscal Impact:	Unknown
Recommendation:	None. This is a discussion only item.
Speaker's Name	Curtis Hayes, Maryann Ustick, and Alfred Abeita

Documents:

[WORK SESSION MEETINGS RESOLUTION.PDF](#)

#### **G. Comments By Public On Non-Agenda Items**

Members of the public are invited to comment on matters not appearing on the meeting agenda.

#### **H. Comments By Mayor And City Councilors**

#### **I. Comments By City Manager And City Attorney**

#### **J. 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.