

AGENDA

GALLUP CITY COUNCIL REGULAR MEETING TUESDAY, JUNE 27, 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

Jon DeYoung, Interim 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. Presentation And Information Item

1. Library Advisory Board Presentation

Lynn Isaacson and Janet Li-Tempest of the Library Advisory Board, will provide a presentation on the Octavia Fellin Public Library.

Fiscal Impact: None - presentation item.
Recommendation: None - presentation item.
Speaker's Name Lynn Isaacson and Janet Li-Tempest

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 1-4 on the Consent Agenda by unanimous vote:

1. Approval Of Annual Chamber Of Commerce Contract For Tourism Related Services

This agreement, if approved, will continue funding tourism related services performed by the Gallup-McKinley County Chamber of Commerce. These services include operations of the year-round Visitor's Center, advertising and promotional services, and production of the annual Visitor's Guide. The agreement is the same as the agreement approved in FY23, but the proposed funding levels have increased due to increased costs for advertising, supplies, and printing, as well as an initiative to give Visitor's Center staff a pay increase due to increased cost of living and economic conditions.

This is the proposed funding breakdown:

- a) \$20,000 for advertising and promotional services
- b) \$85,000 for operation of the year-round Visitor Information Center
- c) \$35,000 for the 2023 Visitor's Guide production (Lodger's Tax funds only pay for printing of the guide; the Chamber sells advertising for the building and distribution of the guide)

Fiscal Impact: Budget adjustment from fund balance in the amount of \$21,000
Recommendation: Respectfully request approval
Speaker's Name Matt Robinson - Tourism & Marketing Manager

Documents:

[CHAMBER CONTRACT FY24.PDF](#)

2. Approval Of FY24 First Responders Comprehensive Addictions Recovery Act(FR-CARA) Agreement And Budget Adjustment

In collaboration with the Gallup Fire Department, and the City of Gallup Behavioral Health Department we received an additional year of First Responders-Comprehensive Addiction and Recovery Act Funding (Short Title: FR-CARA). We will train and provide resources to first responders on carrying and administering Narcan (naloxone) for emergency reversal of known or suspected opioid overdose. This program aims to administer Narcan (naloxone) Nasal Spray for emergency reversal of known or suspected opioid overdose. We will assist the client in making a referral to appropriate treatment and recovery support services, and safety around fentanyl, carfentanil, and other dangerous licit and illicit drugs.

Fiscal Impact: FR-CARA Agreement includes revenue and expenditures in the amount of \$153,206.
Recommendation: Approval of Agreement and Budget Adjustment for FR-CARA
Speaker's Name: Debra L Martinez, Behavioral Health Manager

3. Budget Adjustment To Cover Expenses For The BOR Grant #R18AP00264 Project GR2064

September 24, 2019, The City of Gallup was awarded a \$60,000 grant from the US Bureau of Reclamation for the selection, purchase and installation of Industrial, Commercial and Institutional (ICI) water meters with newer, more accurate Automatic Meter Reading (AMR) devices. Staff also requested an additional \$60,000 as an in-kind match.

September 14, 2021, City Council awarded formal bid #2112 to the lowest qualified bidder was Barraza & Sons, LLC of Belen, NM in the amount of \$79,393.06 including New Mexico Gross Receipts Tax. Work for the project consisted of replacing 17 existing mechanical water meters with more accurate and reliable water meters. Existing project GR2064 had a balance of \$27,092.05, after purchasing the meters. Staff requested an additional budget adjustment of \$52,302 from the Water Enterprise Fund 506 to increase the BOR project #GR2064.

March 8, 2022, there was a change order to the project for additional work in the amount of \$2,843.85, staff requested an additional budget adjustment of \$2,900 from Operating Cash in the Water Enterprise Fund 506 into account # 306-6063-444.48-99 project GR2064.

Finance has recently advised that a portion of the grant for administrative fees were not reimbursed and there were spending exceedances, therefore, additional funding in the amount \$3,332 is needed to close out the grant.

Fiscal Impact: \$3,332 from the Water Enterprise Fund into Fund 306, project #GR2064.
Recommendation: Approval of requested budget adjustment
Speaker's Name: Adrian Marrufo - Acting Director SW/W/WW

4. Recommendation Of Bid Award, Formal Bid No. 2310 For Water Distribution, Wastewater Collection, And Street Drainage System Improvements

Formal Bid 2310 - Water Distribution, Transmission Wastewater Collection, Streets and Drainage System Improvements was solicited with the intent to acquire on-call contracts for the construction, repair, replacement and improvements of the City of Gallup water distribution, transmission, wastewater collection, streets and drainage systems as regularly scheduled or on an emergency basis. Scheduled services shall be initiated by the City and shall be performed in accordance with the terms and conditions of bid and contract documents. In the event of an emergency, work may be initiated per the City's emergency procurement process and as authorized by City personnel.

Recommendation of award for this Formal Bid 2310 will incorporate a rotation of five (5) contractors based on availability and capabilities. See attached award letter from DePauli Engineering & Surveying, LLC

Fiscal Impact: Expenditures to the 506/508 Enterprise Funds. Funds were allocated in FY24 budget. No specific projects, as needed basis.
Recommendation: Approval of Bid Award 2310
Speaker's Name: Adrian Marrufo - Acting Director SW/W/WW

Documents:

[RECOMMENDATION OF AWARD - 2310.PDF](#)

E. Discussion/Action Topics

1. Request For Street And Roadway Closures For The Gallup Inter-Tribal Indian Ceremonial Parades And 5K Run/Walk

The Gallup Inter-Tribal Indian Ceremonial Association will present their request for roadway and street closures for the following events:

- 1) Ceremonial 5K Run/Walk to be held on Mendoza Road (see attached map) on Saturday, August 5, 2023 at 6:30 A.M.; and
- 2) Ceremonial Parades to be held in downtown Gallup on Thursday, August 10, 2023 at 7:00 P.M. and Saturday, August 12, 2023 at 10:00 A.M. The proposed route for both parades are similar to the one used for last year's Saturday parade: *beginning at 8th Street and Highway 66, east on Highway 66 to 1st Street, south on 1st Street to Coal Avenue and west on Coal Avenue to 8th Street where the parade will end.* The only change from last year's route to this year's route is rather than making the turn towards Coal Avenue at 2nd Street, the turn will be made at 1st street for this year's parade.

Fiscal Impact: TBD - City staff to provide support services for the events.
Recommendation: Approve street and roadway closures.
Speaker's Name: Kyle Tom or Hilda Bowman

Documents:

[EVENT PERMIT - CEREMONIAL PARADES AND 5K RUN WALK.PDF](#)

2. Ordinance No. S2023-6; Case No. TXT2023-0090002, Hozho Academy, Proposed Text Amendment To Allow Eighty-Foot (80') Tall 115,200 Square Foot Air Supported Athletic Dome Structure Within The General Commercial (GC) Zone District.

BACKGROUND

Mr. Cyle Balok of Hozho Academy has requested a text amendment to allow for placement of an eighty foot (80') tall, 115,200 square foot air supported athletic dome structure at the Hozho Academy property located at 515 Park Avenue and further described as LOT 1, REPLAT NO. 1 OF BERNARD T. ESPELAGE ADDITION WITHIN SECTION 21 T15N R18W AND LOTS 1-5 AND A PORTION OF LOT 6, BLOCK G, FIRST UNIT OF BURKE-GEORGE HEIGHTS, AND LOT 6, BLOCK F, REPLAT OF BLOCK F, H, AND J IN THE FIRST UNIT OF BURKE-GEORGE HEIGHTS ADDITION AND CITY TANK SITE PARCEL DESCRIBED AS A TRACT KNOWN AS THE SOUTHWESTERN HILL RESERVOIR SITE WITHIN SECTION 21 T15N R18W CONT. 26.1278 ACS. M/L.

DISCUSSION

Currently Air Supported Structures are not permitted as a principal, conditional or accessory use within the General Commercial (GC) Zone District. The Hozho Academy is pushing to allow a stand-alone, Air Supported Structure on the property where the school is located. The proposed structure is two hundred forty feet (240') in width and four hundred eighty feet (480') in length for an overall area of one hundred and fifteen thousand two hundred (115,200) square feet, with an overall structure height of eighty (80) feet.

Hozho Academy is claiming that the proposed structure will not generate a need for additional off-street parking spaces because of how they plan to utilize the structure. Hozho Academy claims that the structure will only be used for their physical education activities, however during the off season the structure will be made available to the public for sporting events.

Staff is proposing the following text amendment language to allow educational facilities located within the General Commercial (GC) and Heavy Commercial (HC) Zone Districts to place Air Supported Structures upon their property with certain use specific standards.

Amend Table 10-3-1: Use Table as follows:

Table 10-3-1: Use Table		Districts>										
		RR	SFR	MFRL	MFRM	MFRH	MHP	MXN	MXC	GC	HC	
Use Categories	Use Types											Supplemental Use Standards
Accessory Uses	<u>Air Supported Structures</u>									AC	AC	10-3-C-ii

Revise
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iii
Educational

Facility, Primary/Secondary to accommodate the Air Supported Structures as a conditional accessory use as follows:

10-3-C-b-iii Educational Facility, Primary/Secondary

1. In the RR, SFR, and MFRL districts, this use shall not exceed a total of twenty thousand (20,000) square feet of gross floor area or less.
2. Air Supported Structures are permissive as a conditional accessory use within the General Commercial (GC) and Heavy Commercial (HC) Zone Districts only, provided they obtain a Conditional Use Permit per Section 10-5-B-d-iii.
3. Uses accessory to the primary Educational Facility are not required to provide additional parking, provided the facility meets the minimum required off-street parking per Table 10-4-4 Required Off-Street Parking Supply.

Add new Use -Specific Standard Section 10-3-C-ii for Air Supported Structures as follows:

10-3-C-ii Accessory Uses: Air Supported Structures

1. Air Supported Structures shall be permitted as an Accessory Conditional Use to Educational Facilities located within the General Commercial (GC) and Heavy Commercial (HC) Zone Districts only.
2. Air Supported Structures shall not exceed a maximum structure height of eighty feet (80 ft) and shall comply with the building height standards of the underlying zone district to the maximum extent feasible.
3. Air Supported Structures shall comply with the setback standards of the underlying zone district except when abutting a residential zone district, including the RR, SFR, MFRL, MFRH, and MHP zone districts. When abutting these zone districts, Air Supported Structures shall be setback a minimum of twenty-five feet (25 ft) from any lot line shared with a residential zone district.
4. Air Supported Structures shall require a Type C buffer per Section 10-4-c-d-vii along any property lines that abut the RR, SFR, MFRL, MFRM, MFRH, and MHP zone districts.
5. This use shall not require independent off-street parking, parking for the primary Educational Facility shall comply with the minimum requirements of Table 10-4-4 Required Off-Street Parking Supply.

Revise Table 10-4-4 Required Off-Street Parking Supply minimum parking standard requirements for Educational Facilities to provide more flexibility as follows:

Table 10-4-4 Required Off-Street Parking Supply		
Use Types		
Educational Facility, Primary/Secondary	<u>5</u> spaces per 1,000 square feet	Revise Section 10 - 6 Definitions to

add a definition for Air Supported Structures as follows:

Air Supported Structures

A structure that uses internal pressurized air as the main support of the structure and is accessed via airlocks.

Under the current parking regulations, the Hozho Academy is required to have a minimum of 275 off-street parking spaces for the school. Hozho Academy currently has 176 off-street parking spaces leaving the school short 99 spaces from the minimum number of spaces required. Because of this the school is considered as non-conforming. Section 10-5-C-g-4-ci "Expansion of Nonconforming Use" states: No nonconforming use shall be enlarged or increased, not extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the Land Development Standards.

What this means is that the Hozho Academy, in its current state, would not be able to place the proposed Air Supported Structure on the property unless the principal school use comes into compliance with the current parking standard. The current standard would require an additional 99 off-street parking spaces to be added, however with the proposed text amendment to reduce the number of spaces from 5 spaces per 1,000 square feet of floor area to 4 spaces per 1,000 square feet of floor area, this would reduce the shortage from 99 spaces to 44 spaces. This would require Hozho Academy to provide a total of 220 off-street parking spaces (an additional 44 off-street paved parking spaces), bringing the school into compliance which in turn would allow placement of the proposed Air Supported Structure.

FINDINGS

It is the findings of staff that the proposed amendments to the City of Gallup Land Development Standards concerning Air Supported Structures would provide minimum health, safety and welfare standards to protect the general public from any adverse effects that the proposed Air Supported Structure may pose.

The Gallup Planning and Zoning Commission reviewed this request at their regular meeting on June 14, 2023 and sends a positive recommendation for approval with Resolution of Recommendation No. RP2023-5. Staff is now requesting that the City Council either approve or deny the proposed text amendment request based on the above testimony and any testimony provided by the applicant.

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

Documents:

[ORDINANCE S2023-6 HOZHO ACADEMY, TEXT AMENDMENT, AIR SUPPORTED STRUCTURES JUNE.PDF](#)
[RP2023-5 SIGNED.PDF](#)
[AERIAL IMAGERY.PDF](#)
[SITE PHOTOS \(2\).PDF](#)

3. Budget Adjustment To Cover Monthly Environmental Gross Receipts Tax (EGRT) For The Northwest New Mexico Regional Solid Waste Authority (NWNMRWSA)

Back on December 13, 2022 the Gallup City Council approved a Resolution No.R2022-50, confirming the Financial Operating Commitment pursuant to the Joint Powers Agreement (JPA) with the NWNMRWSA.

The Northwest New Mexico Regional Solid Waste Authority (NWNMRWSA) is a legally and regularly created, established, organized and existing joint powers authority created pursuant to Sections 11-1-1 through 11-1-7 NMSA 1978; A Joint Powers Agreement (JPA) was created and established in 1993 with the following: City of Gallup, McKinley County, Cibola County, City of Grants and Village of Milan. The agreement by all parties funds the Authority by contributing fifty percent (50%) of each parties annual Environmental Gross Receipts Tax (EGRT) for operations support. The JPA is to be reevaluated every five (5) years in which revisions, amendments or changes can be made as deemed necessary.

The Authority had an EGRT Intercept Agreement with the parties and the New Mexico Finance Authority (NMFA) that covered the Authority's debt service. The agreement was terminated upon the full execution of the debt May 2022 and the New Mexico Taxation and Revenue has been remitting the full EGRT amount back to each entity as of May 2022.

During the above mentioned City Council, FY 2022 - FY 2023 distribution amounts were estimated at \$20k per month. With the EGRT taxes going up, which is unforeseen, the reimbursements have increased more to the \$25-30k range. Current EGRT payouts from July 2022 - February 2023 have totaled \$212,180 and with distribution payouts of two (2) months from FY2022 to be paid from FY 2023 budget, the Solid Waste operating budget will have a shortfall with a remaining balance of only \$10k.

Distribution months owed to NWNMRWSA are as follows: Total amount owed \$129,306.36
May 2022 - \$27,694.96, June 2022 - \$24,908.28
March 2023 - \$24,198.26, April 2023 - \$24,205.59, May 2023 - \$28,299.27

Fiscal Impact: \$120,000 from Enterprise Fund 504 into Solid Waste Operating budget 504-6064-445.45-90
Recommendation: Approval of requested budget adjustment
Speaker's Name Adrian Marrufo - Acting Director SW/W/WW

Documents:

[GRT - MAY-JUNE 2022.PDF](#)
[EGRT - MARCH THRU MAY 2023.PDF](#)

4. Resolution No. R2023-15 New Electric Rate For Groundwater Wells

Resolution R2023-15 is the creation of a new electrical rate to pass on the cost savings from WAPA contract No. 22-SLC-1099 to the Water Department. The Water Accounts associated with the groundwater wells in exhibit B of the contract are currently being charged at the Municipal Service Joint Utilities Rate - \$0.0950 / kWh. With the new rate of \$0.0207 / kWh the Water Department electrical cost to run the wells can see a savings around \$90,000 per month. The WAPA contract has an energy cap of 1,250,000 kilowatt hours per month. Any electrical usage past this energy cap will need to be charged at the Municipal Service Joint Utilities Rate. At the beginning of each fiscal year the Electric Department will reevaluate the transmission cost associated with the delivering of this power and adjust this rate if this rate needs to be increased.

Fiscal Impact: See Description Above
Recommendation: Approval of Resolution No. R2023-15
Speaker's Name Charles Nourse

Documents:

[RESOLUTION R2023-15.PDF](#)
[CONTRACT 22-SLC-1099.PDF](#)

F. Comments By Public On Non-Agenda Items

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