

AGENDA

GALLUP CITY COUNCIL REGULAR MEETING TUESDAY, JULY 26, 2022; 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

Curtis Hayes, 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 on non-agenda items 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. Certification For The Record Of The Matters Discussed During The Closed Session Of July 26, 2022

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 1-6 on the Consent Agenda by unanimous

vote:

1. Approval Of Minutes

Regular Meetings of June 28 and July 12, 2022

Fiscal Impact: None.
Recommendation: Approve the minutes.
Speaker's Name None.

Documents:

[DRAFT MINUTES JUNE 28 2022 REG MTG.PDF](#)
[DRAFT MINUTES JULY 12 2022 REG MTG.PDF](#)

2. Budget Adjustment For Fire Tax Award FY2023

The Gallup Fire Department was approved to receive Fire Tax funds by the McKinley County Fire Tax Board in the amount of \$55,000 for training and fire equipment. Allocated funds to be utilized as noted:

1. CAP 5 EMS Vending Machine - \$11,000
2. RAD 57 Monitors x 2 - \$10,000
3. Roll-N-Rack Hose Management System - \$8,500
4. Ceiling Breach Prop - \$8,000
5. Workout Equipment - \$7,500
6. Camera for Fire Prevention - \$5,000
7. Extrication Gloves - \$5,000

Fiscal Impact: Budget increase in revenue and expenditure of \$55,000. Fire Department will coordinate with Finance Department to assign to appropriate accounts.
Recommendation: Staff recommends approval.
Speaker's Name Nathan Emerson- Deputy Fire Chief

Documents:

[GFD - FIRE TAX FUNDING - FY23 - 13 JUN 22.PDF](#)

3. Approval Of Budget Adjustment For FY 2023 New Mexico Municipal League Membership Dues

The city pays annual dues to the New Mexico Municipal League. The cost in membership had an increase from \$47,350 to \$53,625. An increase in dues was expected, however the cost of membership exceeded the budgeted amount of \$50,000. A budget adjustment in the amount of \$3,625 will be needed to cover the balance for the FY2023 membership.

Fiscal Impact: Budget increase of \$3,625 from the General Fund.
Recommendation: Approve budget adjustment and expenditure in the amount of \$3,625 from the General Fund.
Speaker's Name Maryann Ustick, City Manager

Documents:

[NMML FY23 PRELIM DUES.PDF](#)

4. **Resolution No. R2022-25; 4th Quarter FY 2022 Budget Adjustments And Report Of Actuals**

Each quarter, the Finance department reviews any changes to the budget and submits these changes to council for approval. The following areas are reviewed: personnel, operations, capital outlay and transfers in and out of each fund. The Department of Finance and Administration (DFA) requires Council to pass a resolution for all budget increases, decreases, and transfers between funds.

DFA further requires approval of the report of actuals showing cumulative activity for the fiscal year. The report to DFA regarding budget revisions is due July 31, 2022.

We had three funds that ended the year with a negative cash balance. We are required to provide a temporary cash transfer to fully fund these and they are:

Detox fund \$325,000

Airport Capital Projects fund \$1,400,000

Legislative appropriations fund \$1,100,000

The temporary transfer was done from General Fund cash and will be reverted in FY23 period 1. These are all grant funded items and reimbursements are expected as early as July to replenish the cash.

Fiscal Impact: None
Recommendation: Approval of Resolution R2022-25, the budget adjustments, report of actuals and temp cash loans
Speaker's Name Patty Holland

Documents:

[RESOLUTION_FOR_BUDGET_ADJUSTMENT TO APPROVE.PDF](#)
[REPORT RECAP Q4 TO CERTIFY.PDF](#)
[BAR RECAP Q4 TO CERTIFY.PDF](#)
[REPORT RECAP Q4 TO CERTIFY.PDF](#)
[FY2022 4TH QTR RECAP.PDF](#)

5. **Approval Of Cost Of Living Adjustment (COLA) For City Manager And City Attorney**

A five (5) percent Cost of Living Adjustment (COLA) has been provided for the

City Manager and the City Attorney positions in the FY 2023 Budget. However, as they are contract positions, the increase will need Council approval.

Recommendation:

Approve five (5) percent Cost of Living Adjustment (COLA) for the City Manager and City Attorney included in the FY 2023 General Fund Budget.

Fiscal Impact: None, included in the FY2023 budget.

Recommendation: See recommendation in the summary.

Speaker's Name Maryann Ustick, City Manager

6. Recommendation Of Award For Formal Bid No. 2203 - Maloney Avenue Sewer Line Extension

Adame Co. Inc. of Los Lunas, NM was the sole bidder in the amount of \$768,239.44 including New Mexico Gross Receipts Tax.

This project will consist of installing 18-inch sewer lines in Maloney Avenue in Gallup, NM. Contractor shall be responsible for maintaining traffic control as approved by the State. In addition, Contractor shall remove existing manholes and install new manholes as indicated. Contractor shall anticipate the removal and disposal of asbestos concrete pipe.

Work shall consist of installing 18-inch SDR 35 (PS 46) PVC sewer line from Carver Street to Tenth Street (L= 650 LF) within Maloney Avenue including work to bore underneath the Gamercro Wash (concrete box) with new 18-inch HDPE sewer line with couplings as required. Placement of base course under the asphalt wear surface, curb, gutter and sidewalk complete and in place, NMDOT asphalt pavement patch complete and in place, concrete for sidewalks, ADA ramps, NMDOT curb and gutters and valley gutters with reinforcing steel complete and in place,

Engineering Design & Construction Management estimated costs in the amount of \$ 116,290.79

Total project costs in the amount of \$884,530.23

Current funding for project:

ARP Funding in the amount of \$ 250,000

Project transfer in the amount of \$ 724,000

Total amount \$ 974,000

Fiscal Impact: None, funding has already been allocated.

Recommendation: Staff recommends approval of bid award and budget expenditures

Speaker's Name Adrian Marrufo - Acting Director SW/W/WW

Documents:

[MALONEY REVISED LTR OF AWARD.PDF](#)
[BID TABS NEW TAX RATE.PDF](#)
[BID TABULATION 2203.PDF](#)

E. Discussion/Action Topics

1. Revision To Lodgers Tax Reimbursement Policy

Based on Lodgers Tax regulations, the Lodgers Tax Committee and City Council developed policies as to what event activities qualify as “Promotion and Marketing” for reimbursement by Lodgers Tax. One of the activities that was deemed to be an operations expense and therefore not eligible for Lodgers Tax reimbursement was “back numbers” for contestants. Larry Peterson has requested that the back numbers for the Wild Thing Championship Building event (see attached copy of the back numbers for this event) be qualified as promotion and marketing and therefore be eligible for reimbursement by Lodgers Tax funds. The design for these back numbers actually function as a marketing flyer for this event and were widely seen on social media. They also include the City’s Visit Gallup logo. It is recommended that if contestant numbers meet the design requirements for marketing flyers and this design is approved by the city, that they be eligible for reimbursement by Lodgers Tax. This would not apply to back numbers that do not contain any marketing design approved by the city.

Recommendation:

Approve revision to Lodger’s Tax Reimbursement Policy to include contestant back numbers for Lodger’s Tax funding that meet design requirements for marketing purposes.

Fiscal Impact: No fiscal impact.
Recommendation: See recommendation in the summary.
Speaker's Name Maryann Ustick, City Manager & Larry Peterson, Producer

Documents:

[2019 WILD THING BACK NUMBERS.PDF](#)
[2021 WILD THING BACK NUMBERS.PDF](#)
[2022 WILD THING BACK NUMBERS.PDF](#)

2. Ordinance No. S2022-3 Being A Request By Rhett & Sarah Renoud For Vacation Of A Five Foot (5') Utility Easement For The Property Located At 3302 Chee Dodge Boulevard

Rhett & Sarah Renoud, property owners, have petitioned the Gallup City Council to review and approve Ordinance No. S2022-3 being a request for vacation of a five foot (5') wide utility easement located along the northern and western property boundary lines on the property located at 3302 Chee Dodge Boulevard; more particularly described as Lot 13, Block 4, Mentmore East Subdivision Unit Two.

When the Mentmore East Subdivision Unit Two was platted in 1975 there was a five foot (5') utility easement dedicated along the northern and western property boundary lines of Lot 13, Block 4, Mentmore East Subdivision Unit 2. Utilities were never installed within these easements and there is no plan to install utilities within these easements anytime in the future. Said property lies within an established neighborhood and all properties within the subdivision are currently serviced with all city utilities therefore the existing five foot (5') utility easements are not needed by the City of Gallup for any additional utility improvements. Vacation of said easements will allow the property owners to locate a privacy fence on their property boundary lines without risk of blocking any dedicated utility easements.

After reviewing this request, the Gallup Task Force (GTF) has no issues with the proposed vacation of the public utility easements. GTF comments are included in your agenda packet for review.

The Gallup Planning and Zoning Commission heard this request at their regular meeting held on July 13, 2022 and sends a positive recommendation for approval with Resolution of Recommendation No. RP2022-8 to the governing body.

Fiscal Impact:	None
Recommendation:	Staff recommends approval of Ordinance No. S2022-3 for vacation of a five foot (5') utility easement
Speaker's Name	C.B. Strain

Documents:

[RHETT, SARAH RENOUD, PUE VACATION ORDINANCE S2022-3.PDF](#)
[RP2022-8 \(1\).PDF](#)
[GTF COMMENTS \(1\).PDF](#)

3. Award Of Contract To Wilson & Company For Professional Services To Design Pedestrian Safety Improvements At The Second & Third Street Grade Crossings.

City Staff is requesting the approval of City Council to award a professional services contract to Wilson & Company of Albuquerque, New Mexico to design pedestrian safety improvements for the Second Street and Third Street grade crossings and the approaches to them.

The Gallup City Council accepted New Mexico Department of Transportation Cooperative Project Agreements CN 6101480 and CN 6101470 at their regular meeting on June 22, 2021. These agreements provided funding to design pedestrian safety improvements for the Second Street and Third Street grade crossings and the approaches to them, including the addition of warning devices and a new widened crossing surface to accommodate pedestrian traffic.

Requests for Proposals (RFP's) went out twice with not responses to either. Because the City sent RPP's out twice with no responses the City of Gallup Purchasing Department, acting in conformance with state procurement rules and regulations, was able to solicit the open market for a qualified firm to provide the

requested services. Wilson & Company was selected as a qualified firm based on their performance record in designing these types of pedestrian safety improvements and working with BNSF Railroad.

A project was set up for Cooperative Project Agreement CN 6101480 and for CN 6101470. Project No. CP2205 was set up for the Second Street grade crossing with a budget of \$45,000.00 and Project No. CP2207 was set up for the Third Street grade crossing with a budget of \$45,000.00.

The total cost proposal for the Second Street grade crossing came in at \$56,225.60 leaving a budget shortage of \$11,225.60 for Project No. CP2205.

The total cost proposal for the Third Street grade crossing came in at \$55,684.66 leaving a budget shortage of \$10,684.66 for Project No. CP2207.

Staff is requesting that City Council approve a project budget adjustment in the amount of \$12,000.00 from general fund, fund balance to Project No. CP2205, and approve a project budget adjustment in the amount of \$11,000.00 from general fund, fund balance to Project No. CP2207. Both project budget adjustments are necessary to cover the funding shortages in each project.

Fiscal Impact:	Project budget adjustment in the amount of \$12,000.00 from general fund, fund balance to Project No. CP2205 Project budget adjustment in the amount of \$11,000.00 from general fund, fund balance to Project No. CP2207
Recommendation:	Staff recommends award of contract to Wilson & Co. and approval of said project budget adjustments.
Speaker's Name	C.B. Strain

Documents:

[COVER LETTER_CITY OF GALLUP PEDESTRIAN GRADE XING DESIGNREV01.PDF](#)
[COOPARTIVE AGREEMENT-CN 6101480 \(1\).PDF](#)
[COOPERATIVE AGREEMENT CN 6101470.PDF](#)

4. Award Of Contract To Wilson & Company For Professional Services To Assist The City In The Application Process For A Quiet Zone For The Existing Second & Third Street Grade Crossings.

The design and construction of pedestrian safety improvements at the Second Street and Third Street grade crossings qualifies the City of Gallup to apply for a quiet zone in the downtown area. The City of Gallup has retained Wilson and Company to assist in this process.

The Scope of Services will bring the project through the process of regulatory approval and permitting by the Public Utilities Commission (PUC) and the Federal Railroad Administration (FRA). At the completion of this phase, the city will have a bid document for construction of Supplemental Safety Measures required to implement a quiet zone. These services will include:

- On-Site Diagnostic Meeting

- Preliminary Engineering
- NM-PRC Application
- FRA Filings
- Final Engineering

A detailed scope of services and fee proposal is included in your agenda packet for your review. The total cost for these services come in at \$21,662.50 including NMGRT.

Staff is requesting that City Council award the contract for professional services to Wilson & Company to assist the City in the application process to apply for a Quiet Zone in the downtown area. Staff is also requesting that City Council approve a budget adjustment in the amount of \$22,000.00 from general fund, fund balance to the Planning and Development Department's Professional Services account.

Fiscal Impact: A budget adjustment in the amount of \$22,000.00, including NMGRT, from general fund, fund balance the Planning and Development Department's Professional Services account.

Recommendation: Staff recommends award of contract to Wilson & Co. and approval of budget adjustment.

Speaker's Name C.B. Strain

Documents:

[SCOPE AND FEE FOR RFP 2021.2022.13P QUIET ZONE APPLICATION FOR SECOND AND THIRD STREET CROSSINGS \(1\) \(1\).PDF](#)

F. Presentation And Information Items

1. American Rescue Plan Funding Options

The City of Gallup is scheduled to received the second of two installments of American Rescue Plan funding. The amount of the second installment is \$2,654,175. We received an identical installment during FY 2022. We are asking for budget authority to move forward with utilizing the funding. We are requesting approval of the following:

I. \$1,500,000 for water/wastewater

1. \$50,000 for Boardman Sewer realignment additional costs
2. \$540,000 Wastewater treatment rehabilitation
3. \$220,000 YTH VFD plus AC system
4. \$250,000 2nd street Water from Maloney to Wilson
5. \$200,000 2nd street Water from Coal/Aztec alleyway to railroad
6. \$240,000 Munoz well rehab

2. \$1,154,175 premium pay for City employees

A. Option 1, 2 tiers \$335.10 for tier 1 and \$167.55 for tier 2

B. Option 2, 1 tier \$231.15 per employee

C. Part time employees will receive 50% of approved level

D. Pay to begin with first pay period in August and will end when funds are expended

Fiscal Impact: \$2,654,175 in revenue and expenditure budget increase

Recommendation: Approve resolution R2022-26 and necessary budget adjustments at Aug. 9th Council meeting

Speaker's Name Patty Holland

Documents:

[RESOLUTION_FOR_BUDGET_ADJUSTMENT.PDF](#)

2. Presentation On City Investments

This is a discussion item only. I will present information on how the City invests funds, what our current policy and practice is and basics on how this is managed.

Fiscal Impact: None.

Recommendation: None

Speaker's Name Patty Holland

Documents:

[INVESTMENT PRESENTATION 2022.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.

