

## AGENDA

### GALLUP CITY COUNCIL REGULAR MEETING TUESDAY, AUGUST 23, 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. 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 1-10 on the Consent Agenda by unanimous vote:

**1. Approval Of Minutes**

Regular Meeting of July 26, 2022.

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

Documents:

[DRAFT MINUTES JULY 26 2022 REG MTG.PDF](#)

**2. Appointment Of John Beck To The Gallup Housing Authority Board Of Commissioners**

Earlier this year, John Hartog resigned from the Gallup Housing Authority Board of Commissioners due to unforeseen circumstances. The Chairman of the Board has recommended the appointment of John Beck to fill the vacancy on the Board. Please refer to the attached memorandum.

Fiscal Impact: None.  
Recommendation: Approve the appointment of John Beck to the Gallup Housing Authority Board.  
Speaker's Name Mayor Louie Bonaguidi

Documents:

[MEMO APT JOHN BECK TO GHA BOARD.PDF](#)

**3. Budget Increase Approval For EMS Transport Billing**

The Gallup Fire Department is steadily seeing a rise in EMS transports. Monthly revenue trends for the past eight months indicate that a budget increase will be needed to inadvertently cover the increased cost that Quick Med Claims charges the fire dept. for billing.

Year to date, EMS transports have yielded \$185,068 in revenue. The Gallup Fire Department is requesting a budget increase in expenditure of account 101-2541-422-25-40 to cover an estimate budget shortfall of \$30,000.

Fiscal Impact: General Budget Increase of Expenditure of \$35,000  
Recommendation: Staff recommends approval  
Speaker's Name Jesus "Chuy" Morales, Fire Chief

**4. Budget Adjustment For Change Order No. 1 For NGWSP Reach 27.11**

Reach 27.11 is under construction by DUB-L-EE, LLC Construction for the Navajo Gallup Water Supply Project.

Change Order 1 is necessary due to higher cost of fuel, transportation costs, labor costs and global price increases due to COVID 19 many of the products used in the construction industry have increased substantially. This contract was put out to bid on 11/4/2021 with most submittal approvals taking place in the month of February 2022. During this time the materials for the above stated

project increased at about 8% and 50% in fuel cost. Fuel costs were projected to be double as Dub-I-ee LLC is about halfway through the project. Dub-I-ee LLC was unable to foresee the amount of increase that occurred during this time and is respectfully requesting a change order to refund these unforeseen price increases.

Change Order 1 in the amount of \$24,706.91 including New Mexico Gross Receipts Tax will be reimbursed via the WTB / NMFA and USBR Cooperative Agreement.

Fiscal Impact: Budget adjustment of revenues and expenditures in the amount of \$24,707

Recommendation: Staff recommends approval of the requested budget adjustment and Change Order No 1

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

Documents:

[CO 1 MATERIAL PRICE CHANGES.PDF](#)  
[CO 1 REACH 27.11 SIGNED.PDF](#)

**5. Budget Adjustment For Change Order For Phase 2 Alleyway Project No. JU1903**

Budget Adjustment for Project No. JU1903 in the amount of \$62,308.00 (taxes included). We have an outstanding change order that needs to be paid from the Alleyway Phase 2. In October of 2021 Bixby electric had to close off 2nd street, between Aztec and Coal, and dig six feet down to repair four (4) damaged conduits due to defective installation from Dallago.

Fiscal Impact: A Budget Adjustment in the amount of \$62,308 from the Operating Cash in Fund 507.

Recommendation: Approval of budget adjustment in the amount of \$62,308

Speaker's Name Charles Nourse

**6. Approval Of Resolution No. R2022-28; Accepting New Mexico Department Of Transportation Local Government Road Fund Cooperative Agreement No. L600211 For The City's Mill And Overlay Program**

Staff is requesting that City Council approve Resolution No. R2022-28 to accept the New Mexico Department of Transportation (NMDOT) Grant No. L600211 in the amount of \$213,839.00 for the City's annual Mill and Overlay Program Project. NMDOT's share is 75% equaling \$160,379.00 in Local Government Road Funds (COOP) to the City of Gallup with a local match share of 25% equaling \$53,460.00. Funding is used by the Public Works Streets Department for it's annual Mill and Overlay Program. Matching funds in the amount of \$53,460.00 has been budgeted and will be taken from Fund 216. Staff is requesting that City Council approve a revenue and expenditure budget in the amount of \$213,839.00 in Fund 218 and an expenditure budget in the amount of \$53,460.00 in Fund 216 for the required 25% matching funds for this project. Matching funds have already been budgeted in the City's CIP and placed in Fund 216 for this project.

Fiscal Impact: Revenue and expenditure budget for Fund 218 in the amount of \$213,839.00 - State 75% share. Fund 216 in the amount of \$53,460.00 in has bee approved on the CIP and set up in account 216-1534-454.48-81.

Recommendation: Staff recommends approval of Resolution No. R2022-28 and approval of revenue and expenditure budget.

Speaker's Name Robert Hamblen

Documents:

[L600211 GALLUP \(1\).PDF](#)  
[COOP RESOLUTION 2022-28.PDF](#)

## 7. City Of Gallup Senior Program FY 22-23 Contract/Budget Approvals

1. The Senior Program has received the Non-Metro Area Agency on Aging (NMAAA) State and Federal contracts for a total of **\$386,215.69**; the NSIP contract for **\$45,646**; C2 Supplemental extended contract July 1, 2022-Sept. 30, 2022 - **\$1,305.76**; and the FFCRA extended contract July 1, 2022-Sept. 30, 2022 - **\$14,954.76**. These awards will fund Salaries, Fringe, and Direct-Service costs for the Gallup Senior Center, and supercede the budget proposed in the FY 23 City of Gallup Budget Hearings.
  - A. Contract No. 2022-2023-60013 Title III Federal and State Sub-Award
    - a. \$57,977.07 – Title IIIB of the OAA (Transportation);
    - b. \$98,643.68 – Title III-C1 of the OAA (Congregate Meals);
    - c. \$29,997.19 – Title III-C2 of the OAA (Home Delivered Meals);
    - d. \$199,597.75 - from the NMGAA – State/HB-2;
  - B. Contract No. 60013 Nutrition Service Incentive Program (NSIP) - \$45,646.00
  - C. \$1,305.76 - C2 Supplemental Extended Contract (7/1/22-9/30/2022)
  - D. \$14,954.76 - FY 21 FFCRA Extended Contract (7/1/22-9/30/2022)
  - E. City Match total - \$310,000.00 for FY 2022-2022
2. The Senior Program has received two Senior Capital Outlay grants; **\$75,000** for a handicap accessible fleet vehicle (A20E5254); **\$20,000** for Meals/Other Equipment (A20E5253).

Fiscal Impact: Awards will increase revenue and expenditure budgets by \$76,231.00 as noted in general ledger worksheets. The NSIP Award will not change the planned FY 22-23 NSIP budget. Capital Outlay will increase revenue and expenditure budget by \$95,000.

Recommendation: To accept the contracts for the FY 2022-2023 and approve budget adjustments.

Speaker's Name Kimberly Ross-Toledo

Documents:

[FY 22-23 BUDGET\\_BUDGET HEARING APPROVED.PDF](#)  
[NMAAA\\_TITLE III CONTRACT\\_FY 22-23.PDF](#)  
[NMAAA\\_NSIP CONTRACT FY 22-23\\_8-4-2022.PDF](#)  
[NMAAA\\_CONTRACT AWARD LETTER\\_FY 22-23.PDF](#)  
[NMAAA CONTRACT\\_FY23 FFCRA.PDF](#)

**8. Resolution No. R2022-29; Acceptance Of State Of New Mexico DFA Fund 89200 Capital Appropriation Project Grant Agreement 22-G2904 For Artificial Turf For Ford Canyon Park And Gallup Sports Complex**

The Planning and Development Department is requesting City Council to accept the State of New Mexico Department of Finance and Administration Fund 89200 Capital Appropriation Project Grant Agreement 22-G2904 for \$350,000.00 and to change the designated grantee points of contact to Mr. Vince Alonzo, Parks and Recreation Director and Mrs. Patty Holland, Chief Financial Officer.

The project that is the subject of this agreement is 22-G2904 for a total of \$350,000.00, Appropriation Reversion Date: 30-June-2026 Laws of 2022, Chapter 53, Section 30, Paragraph 292, Three Hundred Fifty Thousand Dollars and Zero Cents (#350,000.00) to plan, design and construct artificial turf fields at Ford Canyon Park and the Gallup Sports Complex in Gallup in McKinley County.

Staff is requesting that City Council accept the grant agreement and approve a revenue and expenditure budget of #350,000.00. This is a 100% reimbursable grant with no required matching funds.

Fiscal Impact: Revenue and expenditures budget of \$350,000.00, 100% reimbursable with no required matching funds

Recommendation: Staff approval of Resolution No. R2022-29 and approval of revenue and expenditure budget.

Speaker's Name C.B. Strain

Documents:

[GALLUP 22-G2904.PDF](#)

[RESOLUTION R2022-29 20-TURF FIELDS, FORD CANYON, SPORTS COMPLEX.PDF](#)

**9. Resolution No. R2022-30; Acceptance Of State Of New Mexico DFA Fund 89200 Capital Appropriation Project Grant Agreement For A New Regional Animal Shelter**

The Planning and Development Department is requesting that City Council accept the State of New Mexico Department of Finance and Administration, Fund 89200 Capital Appropriation Project Grant Agreement 22-G2899 for \$150,000.00.

The project that is the subject of this agreement is 22-G2899 for a total of \$150,000.00, Appropriation Reversion Date: 30-June-2026 Laws of 2022, Chapter 53, Section 30, Paragraph 287, One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00) to acquire property and to plan, design, construct, furnish and equip an animal shelter in Gallup in McKinley County.

Staff is requesting that City Council accept the grant agreement and approve a revenue and expenditure budget in the amount of \$150,000.00. This is a 100% reimbursable grant with no required matching funds.

Fiscal Impact: Revenue and expenditure budget in the amount of \$150,000.00. 100% reimbursable with no required matching

funds.

Recommendation: Approve Resolution No. R2022-30 and approve revenue and expenditure budget.

Speaker's Name C.B. Strain

Documents:

[GALLUP 22-G2899.PDF](#)  
[RELOLUTION NO. R2022-30 DFA REGIONAL ANIMAL SHELTER GRANT.PDF](#)

#### 10. **Request For Street Closures For 2022-2023 Arts Crawl Events**

The Business Improvement District is requesting the closure of Coal Avenue from 2nd Street to 4th Street for the 2022-2023 Arts Crawl events.

Fiscal Impact: TBD - City staff to provide support services for the monthly event.

Recommendation: Business Improvement District recommends approval of the request.

Speaker's Name Francis Bee, Executive Director, Gallup BID

Documents:

[EVENT PERMIT APP ARTS CRAWL 2022-23.PDF](#)

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

#### 1. **Ordinance No. S2022-4; Loan For Effluent Line Replacement**

On May 10, 2022 Council approved Ordinance No. S2022-2 authorizing the execution and delivery of a loan agreement intercept agreement by and between the City of Gallup and the New Mexico Finance Authority for a principal amount of up to \$5,600,000 to be used for the cost of designing, constructing and equipping a water supply line and related improvements. This line is a portion of the effluent water line that flows from the waste water treatment plant to the golf course.

There are some necessary updates to the ordinance and we are requesting approval of Ordinance No. S2022-4 which will repeal Ordinance No. S2022-2 and replace it with S2022-4.

Fiscal Impact: None, the budget was approved on May 10, 2022.

Recommendation: Approve Ordinance No. S2022-4 and necessary budget adjustments to revenue and expenditures

Speaker's Name Patty Holland and Chris P. Muirhead of Modrall Sperling

Documents:

[AUTHORIZING ORDINANCE \(8-19-22\) \(W4484388X7A92D\).PDF](#)  
[LOAN AGREEMENT \(8-19-22\) \(W4484464X7A92D\).PDF](#)

## 2. **Ratification Of Collective Bargaining Agreement With The Gallup Police Officers Association (GPOA)**

The City of Gallup and the Gallup Police Officers Association have reached a successor Collective Bargaining Agreement for a term of 36 months. The new agreement affects positions in the bargaining unit comprised of full-time, non-probationary Certified Police Officers, Patrolman First Class and Sergeants.

There is currently a total of 38 police officers in the bargaining unit. Section 15 of the new agreement provides for an increase of 5% in compensation, effective the first day of the first pay period after the agreement is approved by the City Council. The attached summary of changes provides an overview of other modifications made to the collective bargaining agreement. Management is anticipating the ratification of the new collective bargaining agreement by GPOA's membership by Friday, August 19th.

Fiscal Impact:	None for FY 2023. The 5% increase in compensation was already included in the FY 2023 budget. The increase for clothing allowance to be provided in August 2023 will need to be included in the FY 2024 budget.
Recommendation:	Approve the Collective Bargaining Agreement with the Gallup Police Officers Association.
Speaker's Name	Alfred Abeita II, Acting HR Director

Documents:

[CHANGES TO GPOA CBA AUG 2022.PDF](#)  
[GPOA UNION CONTRACT AUGUST 2022-2025.PDF](#)

## 3. **Public Hearing: Appeal Of Denial Of Two Special Event Permit Applications By The Door Christian Fellowship Church**

The Door Christian Fellowship Church filed two Special Event Permit Applications (attached) requesting permits to use Viro Park and Bubany Park to conduct events at those two parks at which would "consist of a one-hour live music session (from 7:30-8:30 pm), a short video projected on an inflatable screen,, and a brief religious message." On its applications, the Fellowship states that previous events have drawn approximately 30-45 attendees.

Both applications were returned to the Fellowship with the notation "Permit Disapproved per Ordinance No. C2017-8. Section 5-6-9, Standards for Denial." The City Manager wrote a follow-up letter to the Fellowship dated August 9, 2022 (attached) which explained the reason for the denial as "the location of the proposed special events would cause undue hardship to the adjacent businesses or residents."

The Fellowship filed an appeal by way of a letter dated August 9, 2022 (attached).

The Special Event Permit Ordinance provides that:

5-6-9: STANDARDS FOR DENIAL OF PERMIT:

Reasons for denial of a special event permit include: the event will disrupt traffic

within the City beyond practical solution; will interfere with access to fire stations and fire hydrants; the location of the special event will cause undue hardship to adjacent businesses or residents; the event will require the diversion of so many public employees that allowing the event would unreasonably deny service to the remainder of the City; the application contains incomplete or false information; the applicant fails to comply with all terms of this chapter including failure to remit all fees and deposits or failure to provide proof of insurance, bonds, and a save harmless agreement to the City.

#### 5-6-11: APPEAL PROCEDURE:

Any applicant whose application has been denied or revoked may appeal the decision of the City Manager, or his/her designee, to the City Council by filing a written notice of such appeal with the City Clerk within five (5) business days of receipt of the notice of denial or revocation. The City Council shall set a hearing date within fifteen (15) days of receiving such appeal request. At such hearing, the applicant is entitled to be heard and present evidence in support of the application.

Fiscal Impact: None  
Recommendation: None, Council decision must be based upon the testimony presented at the hearing.  
Speaker's Name Curtis Hayes

#### Documents:

[EVENT PERMIT\\_BUBANY PARK.PDF](#)  
[EVENT PERMIT\\_VIRO PARK.PDF](#)  
[DENIAL EXPLANATION LETTER.PDF](#)  
[DOOR\\_REQUEST FOR APPEAL.PDF](#)

#### 4. Award Of After Hours Dispatch Service Bid And Budget Adjustment

Requesting approval to award of Formal Bid 2213, After Hours Dispatching Services with Central New Mexico Electric Cooperative Inc. The after hour dispatch service bid was opened and solicited on August 9, 2022. CNMEC was the only company to respond to the Bid request. We are asking that this company be awarded for they have the services that are needed in accordance with the Bid request.

The contract will be good for (4) four years. The Electric department will absorb the total cost for the dispatching services from October 1, 2022 through June 30, 2023. This will give the Water department time to budget for the services for the next fiscal year. After June 30, 2023, Electric will pay the monthly cost for the electric meters and Water will pay the monthly cost for the water meters.

Budget adjustment needed for our after hour Dispatch Services. The base bid was \$29,080.80. NMGRT @ 8.1875% is \$2,380.99 which gives us the grand total of \$31,461.79.

We need a budget adjustment of \$31,465 from our Operating Cash in Fund 507 and will therefore go into the Other Services line item.

Fiscal Impact: Budget Adjustment in the amount of \$ 31,465 from Operating Cash Fund 507.  
Recommendation: Award of Contract and Budget Adjustment in the amount of \$31,465



Speaker's Name Charles Nourse - Acting Electric Director

Documents:

[TABULATION BID 2213 \(2\).PDF](#)

[DRAFT AFTER HOURS DISPATCH SERVICES CONTRACT 2.PDF](#)

## **E. Item For Discussion Only**

### **1. Petition Policy For Speed Humps**

The purpose of this agenda item is to discuss recommendations for the petition requirements to request speed humps in residential districts. The Current Administrative Policy requires a 100% of the residence within that block to agree prior to the installation of speed humps.

Fiscal Impact: None.

Recommendation: None - Discussion only.

Speaker's Name Robert Hamblen

## **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.