

AGENDA

GALLUP CITY COUNCIL REGULAR MEETING TUESDAY, OCTOBER 25, 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 1-7 on the Consent Agenda by unanimous vote:

1. Approval Of Minutes

Work Session and Regular Meeting of September 27, 2022

Regular Meeting of October 11, 2022

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

Documents:

[DRAFT MINUTES SEPT 27 2022 WORK SESSION.PDF](#)
[DRAFT MINUTES SEPT 27 2022 REG MTG.PDF](#)
[DRAFT MINUTES OCT 11 2022 REG MTG.PDF](#)

2. Cancellation Of The November 22, 2022 Regular City Council Meeting

The next Regular Council Meeting falls on the week of Thanksgiving. Staff recommends the cancellation of the November 22, 2022 Regular Council Meeting.

Recommendation:

Approve the cancellation of the November 22, 2022 Regular City Council Meeting.

Fiscal Impact: None
Recommendation: See recommendation in the summary.
Speaker's Name Maryann Ustick, City Manager

3. Budget Adjustment To Revenue And Expenditure For The Octavia Fellin Public Library In The Amount Of \$2,152

The IF/THEN Initiative and the Association of Science and Technology Centers (ASTC) are awarding this grant in recognition of OFPL's commitment to gender equity in STEM and strong project proposal. This funding, made possible by Lyda Hill Philanthropies, must be used to create, and support your proposed project. We plan to create three interactive displays, including an informational backdrop and an interactive play/STEM activity. We will display these in a rotating format, with one display up at a time, each for approximately two months. The first display, Jessica Esquivel, will be up for the months of November and December 2022; the second display, Jasmine Sadler, will be up for the months of January and February 2023; and the third display, Ana Maria Porras, will be up for the months of March and April 2023. The display will be located in the central open area of our library that guests walk through when they first enter our building, near the front/circulation desk, of our Children and Youth library. Each of the three displays will consist of a table approximately 48" x 24". We will mount two foam board displays (48" x 72") along the back of each table, one facing forward and one facing backward. The forward (table-facing) foam board will consist of the information about the STEM hero, and the back (rear-facing) foam board will consist of the STEM/Play Workshop information and "keep learning" flyers. On the table surface in front of the forward-facing foam

board will be a play/STEM activity that goes along with the STEM hero, which viewers will be able to interact with. We plan to stick as closely to the project specifications provided as possible, so we don't plan any modifications. The goal of this display component of the project will be, to borrow the language of the project description, and give children who visit our library the "opportunity to engage in dramatic play and STEM-based activities that promote real-life innovation and exploration." In particular, we would like to inspire children with the idea that anyone--including women--can be STEM superheroes. The goal of these STEM programs is to give elementary and middle school-aged students a chance to explore STEM concepts through engaging, hands-on activities, and to inspire a love of learning through inquiry and experimentation. We also desire that students be inspired to possibly pursue STEM careers of their own. These activities from the Long Island Explorium, along with the Ambassador videos from IF/THEN fit very well in support of this goal.

Fiscal Impact: Budget adjustment in revenue and expenditures for OFPL in the amount of \$2,152

Recommendation: Staff recommends approval of the requested budget adjustment in revenue and expenditures.

Speaker's Name Phillip Nielsen

4. No Cost Extension And New End Date For Capital Purchase Using ARPA Funds

OFPL received \$26,742.00 from the American Rescue Plan Act. There is \$11,463 remaining. The council approved the capital purchase for a WideTEK 25 oversized flatbed scanner. The final CIP is attached (Page 26 of 59) The deadline for spending was originally September 30, 2022. The State Library has granted a no-cost extension until June of 2023. Correspondence with the state librarian Eli Guinnee's approval is attached. OFPL is seeking council approval to move forward with the capital purchase under the extension.

Fiscal Impact: The expenditure of 3rd party funding is estimated at \$10,000.

Recommendation: Approve expenditures of the remaining ARPA funds

Speaker's Name TBD

Documents:

[ARPA-EXTENSION.PDF](#)
[22-2023-2032CMNTYIMPRVMNTPLANV07_FINAL.PDF](#)

5. Budget Adjustment And Expenditure Approval To Purchase New Ambulance

The Gallup Fire Department respectfully requests Council support and approval to appropriate existing funds from fund 375 to purchase a new ambulance.

Fire Department is requesting an increase in expenditure of \$185,000 to replace a 2011 ambulance (Rescue 4) that is currently out of service due to mechanical engine and electrical problems. The fire dept will replace existing ambulance with a new unit that is currently in production and will be available January 2023.

Rescue 4- has ben taken out of service on many occasions for costly repairs due to mechanical and electrical issues, with the last repair costing over \$16,000.

The cost for the new unit is \$170,804, an additional 14,196 is requested for new radios and contingency for incidental expenses.

Fiscal Impact: Approval for Increase capital expenditure of fund 375 for \$185,000.

Recommendation: Staff recommends approval

Speaker's Name Jesus "Chuy" Morales, Fire Chief

Documents:

[AMBULANCE REPLACEMENT LETTER.PDF](#)

[GALLUP FIRE DEPARTMENT OFFER TETTER FIRSTAR TYPE 1 10-3-22 \(1\).PDF](#)

[ACADIAN F350 FIRSTAR TYPE 1 \(1\).PDF](#)

[ACADIAN F350 FIRSTAR INT \(1\).PDF](#)

[ACADIAN F350 FIRSTAR EXTERIOR \(1\).PDF](#)

6. Budget Adjustment For Roof Replacement At The Wastewater Treatment Plant (WWTP)

Back in June 2022, due to a heavy wind and rain storm event, portions of the roof to the belt press building at the WWTP blew off. At that time, the roof was temporarily repaired, but due to the ongoing storm events, it has been damaged further and needs a complete replacement due to the condition and deterioration of the roof.

This damage was unforeseen and not budgeted for, therefore, the City of Gallup Construction Department will be doing the work in-house to save on labor costs. Quotes received from Facilities Management are attached with Gallup Lumber & Supply Co submitting the lowest estimate in the amount of \$19,881.63.

Additional rental equipment will be necessary for this project, so requesting a total amount of \$25,000.

Fiscal Impact: \$25,000 from Fund 508 Operating Cash into the 508 operating budget. Note: Fund 508 Operating Cash is currently at 124 days cash on hand and Council approved policy is 180 days.

Recommendation: Staff recommends approval of the requested budget adjustment

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

Documents:

[WWTP ROOF QUOTES.PDF](#)

7. Resolution No. R2022-43; NMDOT Special I-10 & I-40 Planning Funds Application Submission

Attached for City Council consideration and approval is NMDOT Special I-10 & I-

40 Planning Funds Application for funding for planning and preliminary engineering for the Interstate 40 & NM118 East & West Interchanges to improve safety and provide seamless access to and from Interstate 40 and NM118. Total project cost is estimated at \$4,000,000 and no local match is required.

As part of the application, an approved resolution of project support is required by NMDOT from the City of Gallup.

Fiscal Impact: None at this time.
Recommendation: Staff recommends the approval of the attached resolution of support #R2022-43
Speaker's Name Brandon Howe, Planner, NWNMCOG

Documents:

[PFF I-10 I-40 EAST WEST INTERCHANGES 10042022.PDF](#)
[RESOLUTION NO R2022-43.PDF](#)

D. Item For Discussion Only

1. Proposed Foreign Trade Zone/User Fee Airport

The Economic Development Grant received by the city regarding Autonomous Vehicles, Mobility Hub and Testing Sites also allowed for funding a feasibility study and FTZ application for the Gallup Municipal Airport. A contract was executed with Miller and Company, based out of Kansas City, Missouri, to conduct this study and develop an application for a Foreign Trade Zone. Miller and Company determined that the City of Gallup is not eligible for a Foreign Trade Zone but identified an alternative that can provide the same benefits to businesses that import materials and assemble/export finished products. The challenge is that the cost of the US Customs and Border Patrol officer and facilities has to be born locally. This is estimated at \$200,000 per year for a five-year commitment.

A presentation was provided at the Chamber of Commerce on October 18 to potential users of this Foreign Trade Zone/User Fee airport. Marshall Miller and Bryan Brown will provide Council with an overview of the benefits of a User Fee Airport and respond to any questions. If Council wishes to proceed with an application for a Foreign Trade Zone/User Fee Airport, staff will bring back a Resolution for the November 8 Council agenda.

Fiscal Impact: \$200,000 annually. Funding source identified is a potential NMDOT Grant.
Recommendation: N/A - Information only
Speaker's Name Marshall Miller and Bryan Brown, Miller and Company

Documents:

[FOREIGN TRADE_ZONE_USER_FEE_AIRPORT_PRESENTATION.PDF](#)

E. Discussion/Action Topics

1. **Ordinance No. S2022-5; Text Amendment Concerning Signage, Increasing The Maximum Height And Maximum Sign Area Of A Freestanding Sign In The General Commercial (GC) And Heavy Commercial (HC) Zone Districts In Table 10-4-15: On-Premise Sign Standards Of The City Of Gallup Land Development Standards.**

Attached for the City Council's review is staff's briefing memo requesting approval of Ordinance No. S2022-5 draft language amending the sign regulations in the General Commercial (GC) and Heavy Commercial (HC) Zone Districts.

Fiscal Impact: None.
Recommendation: Staff recommends approval of Ordinance No. S2022-5
Speaker's Name Nikki Lee

Documents:

[CC MEMO TEXT AMENDMENT.PDF](#)
[ORDINANCE TEXT AMENDMENT S2022-5 REVISED.PDF](#)
[RESOLUTION NO. RP2022-13 SIGNED.PDF](#)
[TABLE AND APPENDIX FOR CC.PDF](#)
[AERIAL IMAGERY FOR CC.PDF](#)
[SITE PHOTOS FOR CC.PDF](#)

2. **Approval Of Agreement Regarding The Construction And Operation Of A Pilot Travel Center**

The City of Gallup Land Development Standards contain a variety of requirements regarding the development of real property. These standards often apply to a "lot" or to "the "property." The clear intent is that such standards are to be applied to single parcel of land held in fee simple that is platted in an approved subdivision or described in a metes and bounds description filed with the County Clerk. The legal issue presented by the proposed Pilot station is how to treat a parcel of land created by combining leases with two adjoining property owners.

The proposal is to develop a Pilot truck stop on the property outlined in pink on the attached map. Pilot has entered into conditional forty-year leases with two adjacent property owners. One property owner, Elizabeth D. Marra, owns the two lots that comprise the northern half of the proposed site. Another property owner, Rico Land and Cattle, owns the property that comprises the southern half of the proposed site. It is currently part of a larger parcel of land, but an application to subdivide the relevant portion out of the larger parcel has been submitted by the property owner.

The zoning of all the relevant parcels is Heavy Commercial. The LDS contain setback requirements of 10' on the front of a lot, 15' on the rear side of a lot, and 20' on the rear lot line. A strict and literal interpretation of the LDS would require a 20' setback on the north side of the line shown in yellow as this is the rear of the two lots that front on Highway 66. It would also require a setback of either 10' or 15' on the south side of the yellow line (depending on whether the yellow line is the side or the front of the southern parcel). This would effectively create a 30-35' strip across the middle of the proposed site on which no structures could be located.

A similar legal issue is created by the landscaping standards. For example, the standards require that at least half “of the area required to be landscaped must be within the front setback area of the property.” If “the property” means the same thing as “a lot” does in the setback standards, the developer would be required to place landscaping in areas that would make the development of the truck stop essentially impossible.

The LDS grants to the Planning Department the “authority and duty of interpreting” the Land Development Standards. (10-5-C-a-1.) When the standards are not clear, a property owner may request written interpretation of a provision of the LDS from the Planning Department. That interpretation can then be appealed to the Planning and Zoning Commission and, ultimately, to City Council.

This case presents an issue that the LDS does not address which is whether the concept of “a lot” or “the property” can only refer to a parcel of land that is legally defined and held in fee simple, or whether, within the intent and purposes of the LDS, can be created by leases with adjoining property owners. Because the resolution of this issue determines whether the proposed development is feasible or not, the parties have agreed to present it directly to Council by way of the proposed agreement attached to this agenda item.

Basically, the agreement provides that, for purposes of the setback standards and the landscaping standards, the area created by combining the areas subject to the two leases with the property owners, as a single “lot” or “property.” It also requires that the developer return the property to its original state at the end of the forty-year lease period (or sooner if the property is no longer being used as a truck stop), or obtain an extension of this agreement, or purchase the property from the two current owners.

Fiscal Impact:	None
Recommendation:	Approval of the Agreement
Speaker's Name	Curtis Hayes

Documents:

[PILOT AGREEMENT.PDF](#)
[EXHIBIT A PILOT AGREEMENT.PDF](#)
[PILOT PROPOSED SITE.PDF](#)

3. Amendment To Red Rock Park Management Agreement

In August, the City and County entered into an agreement transferring management of Red Rock Park to the County. That agreement excluded the museum building.

This amendment to the original agreement transfers management responsibility of the museum building to the County with the exception of three rooms where art and artifacts belonging to the City are stored. The amendment requires that the County install a single camera system at the main door, have an employee present when the building is open to the public, conduct daily walk-throughs of the building, and notify the City of the theft, disappearance, or removal of any art

or artifacts within 24 hours.

The County Commission did not agree to provisions proposed by the City requiring the County to install an alarm system and to indemnify the City for the theft, disappearance, or removal of any art or artifacts belonging to the City.

Fiscal Impact: None
Recommendation: None without Council discussion of the County's removal of the two mentioned provisions.
Speaker's Name Maryann Ustick and Lynn Isaacson

Documents:

[2022 RED ROCK PARK AGREEMENT_EXECUTED.PDF](#)
[RRP MANAGMENT AGMT_AMENDMENT.PDF](#)

4. Approval Of The Revised Grant Agreement For Funding From The New Law Enforcement Fund In The Amount Of \$1,312,500.00 To Be Distributed Over The Next Three (3) Fiscal Years.

The New Mexico legislature in the 2022 regular session passed the Omnibus Crime Bill, HB 68. As part of this bill, on September 8, 2022, Chief of Police Franklin Boyd received a notice of award of funding from the Law Enforcement Fund for the City of Gallup. Chief Boyd presented the original grant agreement to council on October 11th which was then approved unanimously by Mayor and council.

The original purpose of this funding award was to cover the cost of hiring new officers. The amount allocated for Gallup is \$1,312,500.00. This funding will be distributed over the next three (3) fiscal years and is required to be fully expended each year.

On October 18th, 2022, Chief Boyd received a revised grant agreement identifying expenditures of eligible activities per HB68 to include "Recruitment and/or Retention".

It is now the intent of the Gallup Police Department to utilize this funding for recruitment and retention stipends for certified officers, officers currently in the police academy, and new recruits. The agreement also includes Exhibit A; Detail Expenditures of Eligible Activities per HB68: Recruitment and/or Retention. The Gallup Police Department will work with the finance department to develop a stipend budget for the referenced categories in compliance with the revised grant agreement.

The first allocations will be disbursed at 100% within 5 business days of acceptance of the attached agreement.

The allocated funds will be disbursed 100% up to \$750,000 the first year, 50% up to \$375,000 the second year, and 25% up to \$187,500 the third year. The Allocation Recipient will submit to the Department of Finance & Administration the attached signed document and evidence of approval of the local governing

body.

Funds for the first disbursement must be expended by June 30, 2023; the second disbursement will be made in July 2023 to be expended by June 30, 2024; and the last disbursement will be made in July 2024 to be expended by June 30, 2025. Any amount not expended in each of the three years will be returned to the State of New Mexico, Department of Finance and Administration in the year that it is scheduled for reversion. All expenditures must occur prior to the reversion date.

Attachments: HB 68, Detail Expenditures of Eligible Activities per HB68: Recruitment and/or Retention report (exhibit A).

Fiscal Impact:	No matching funding required. Budget adjustment for revenue and qualified expenditure in the amount of \$1,312,500.00.
Recommendation:	Acceptance of award of funding from the New Mexico Law Enforcement Fund in the amount of \$1,312,500.
Speaker's Name	Franklin Boyd - Chief of Police

Documents:

[_ HOUSEBILL 68.PDF](#)
[GALLUP 22-ZG1016-11_REVISED.PDF](#)

5. **Resolution No. R2022-44; 1st Quarter FY 2023 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 October 31, 2022.

Fiscal Impact:	None
Recommendation:	Approval of Resolution R2022-44, the budget adjustments, report of actuals
Speaker's Name	Patty Holland

Documents:

[R2022-4 FY 2023 QTR 1 BUDGET ADJUSTMENTS.PDF](#)
[BAR Q1 TO CERTIFY.PDF](#)
[REPORT RECAP Q1 TO CERTIFY.PDF](#)
[BAR RECAP Q1 TO CERTIFY.PDF](#)

F. **Presentation And Information Items**

1. **Presentation By The Community Health Action Group (CHAG)**

Dr. Connie Liu of the CHAG will provide a presentation before the City Council. Please refer to the attached power point presentation and the handouts disseminated to the City Council at their regular meeting on October 11, 2022.

Fiscal Impact: None.
Recommendation: No action required - presentation item only.
Speaker's Name Dr. Connie Liu

Documents:

[22_10_25 CITY COUNCIL.PDF](#)
[HANDOUT 1 DR LIU RE SAVE RMCHCS.PDF](#)
[HANDOUT 2 DR LIU RE STATE TAKEOVER STORY.PDF](#)

2. City Of Gallup Behavioral Health Update

Program update on the City of Gallup Behavioral Health Programs.

Fiscal Impact: none
Recommendation: none
Speaker's Name Debra L. Martinez, Behavioral Health Manager and Sindy Sacoman, Program Evaluator

Documents:

[BEHAVIORAL HEALTH 10.20.22.PDF](#)
[GALLUP LEAD STATS 10.17.22.PDF](#)
[GROW OUR OWN PRESENTATION-3.PDF](#)
[CRISIS RESPONSE GALLUP INTERTRIBAL IN COLOR-4\(0\) \(1\).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.