

AGENDA

GALLUP CITY COUNCIL REGULAR MEETING TUESDAY, JULY 27, 2021; 6:00 P.M. EL MORRO EVENTS CENTER



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

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. 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 July 13, 2021

Documents:

[DRAFT MINUTES JULY 13, 2021 REG MTG.PDF](#)

D. Discussion/Action Topics

1. Request For Street Closures For Ceremonial Parade

Kyle Tom, President of the Gallup Inter-Tribal Indian Ceremonial Association, will present a request for street closures for a parade on Saturday, August 14, 2021 at 10:00 a.m. The standard parade route on Aztec Avenue from 8th Street to 1st Street is the proposed route for this parade. **The parade is pending at this time and is subject to the additional funding needed for holding the parade.**

Fiscal Impact: TBD.

Recommendation: Local Ceremonial Board recommends approval of the request for street closures.

Speaker's Name: Kyle Tom

Documents:

[EVENT PERMIT - LOCAL CEREMONIAL BOARD.PDF](#)

2. Approval Of Visit Gallup Logo/Brand Refresh

The Tourism and Marketing Department seeks approval from City Council to move forward with incorporating the Visit Gallup logo proposed on July 13th across all platforms and marketing.

Fiscal Impact: None

Recommendation: Approval of Visit Gallup Logo

Speaker's Name: Jennifer Lazarz

Documents:

3. Budget Adjustment For Prizes For Best Of The Best 2021

At the time the initial Best of the Best budget was approved prizes were not stipulated as a portion of lodgers tax. With the last few months of discussion at Council and with the Lodgers Tax Committee, it is recommended that the prizes for Best of the Best receive Lodger's tax funding.

The prizes include: ipads engraved with "Best of the Best", I-pad covers, and buckles.

Fiscal Impact: \$8,000 from Lodgers Tax fund balance added to project SA2104 to cover the prizes
Recommendation: Approval of \$8,000 Best of the Best Budget Adjustment
Speaker's Name Jennifer Lazarz

4. Resolution R2021-22; 4th Quarter FY2021 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, 2021.

This revision encompasses all budget changes processed April 1, 2021 thru June 30, 2021 (Quarter 4 of FY2021).

Fiscal Impact: None
Recommendation: Staff recommends approval of Resolution R2021-22 and the budget adjustments and report of actuals.
Speaker's Name Patty Holland

Documents:

[RESOLUTION_FOR_BUDGET_ADJUSTMENT.PDF](#)
[BAR 10-170-8786.PDF](#)
[ADJUSTMENT RECAP FOR FISCAL YEAR 2020-2021 - GALLUP \(CITY\).PDF](#)
[REPORT RECAP - FISCAL YEAR 2020-2021 - GALLUP \(CITY\).PDF](#)
[FY2021 Q4 CC REPORT.PDF](#)

5. Budget Adjustment Request For \$8,000.00 To The Animal Control Operations Budget For Veterinary Services Taxes.

The Planning and Development Department is requesting an operations budget adjustment for Animal Control in the amount of \$8,000.00. As a part of the Professional Services Agreement between Clinton J. Balok and the City of Gallup, the City is required to pay for Veterinary Services. The Professional Services Agreement was approved on September 1, 2020 and the City began paying a flat fee of \$8,000.00 monthly, \$96,000.00 annually. The agreement states that taxes shall be shown as a separate line item. In error, the amount for taxes was not budgeted as part of the FY2022 Animal Control budget.

Mr. Balok will be billing the City \$665.00 per month for taxes which leaves a budget shortage of \$7,980.00 for the year. In order to cover the additional tax amount for veterinary services for FY2022 a budget adjustment in the amount of \$8,000.00 is needed from Fund 101 to the Animal Control Operations budget, Professional Services account.

Fiscal Impact: \$8,000.00 from Fund 101 to Animal Control Operations budget, Professional Services account.
Recommendation: Staff recommends approval of said budget adjustment request.
Speaker's Name C.B. Strain

Documents:

[EXECUTED CONTRACT- CLINTON J. BALOK 2020.PDF](#)

6. Budget Adjustments To Electric Enterprise Operating Accounts

Staff is requesting Budget adjustments to the following Electric department operating accounts: These adjustments and others that may follow in ensuing months are the result of my misunderstanding of how Encumbrances affect the next Fiscal Years budget.

507-6061-442-44-94 (Maintenance Traffic Signals) in the amount of \$90,000.00. I had originally asked for \$75,000, was granted \$45,000. and then that was reduced by an Encumbrance of \$39,818.92.

507-6061-442-45-20 (Attorney Fees) in the amount of \$150,000.00. I had originally asked for \$35,000, was granted \$38,501 and then that amount was reduced by an Encumbrance of \$108,633.71 which but us in the hole in the amount of \$70,132.71.

507-6061-442-47.08 (Printing and Publishing) in the amount of \$80,000.00. I had originally asked for \$86,000, was granted \$88,085 which was then reduced by an Encumbrance of \$80,000.

507-6061-442-48-21 (Transformers) in the amount of \$125,000.00. I somehow missed this one altogether during the budget process and it was hit by a \$21,200 Encumbrance.

507-6061-442-48-90 (Street Light Signals Sign) in the amount of \$50,000.00. This one was not on my requesting sheet so I missed it

also. My fault, I should have known I needed funding there.

Fiscal Impact: Fiscal impact is \$495,000 from available operating funds in account 507.
Recommendation: Staff recommends approval of the aforementioned budget adjustments.
Speaker's Name John Wheeler

7. Milsoft Engineering Software

Staff is recommending a budget adjustment to the 2022 CIP for the purpose of purchasing software and hardware to enable the Department to have specific engineering capabilities. The cost of the software and servers etc. is \$60,371.75. In addition, each year there will be a \$6,000 annual cost for continuing license agreements We are requesting to include a contingency amount which would bring the total requested to \$65,000.00 in the event of increases in the server cost. This particular endeavor will give our department the ability to accomplish "what if" scenarios for establishment of new load requirements from the substation to the load center. We are suggesting this program replace what was budgeted for the Lucy program which is strictly an asset management program without engineering capabilities, and which the Electric Department has already spent tens of thousands of dollars on and was originally in the 2021 CIP for an additional expenditure of \$103,000.

In addition to the above, this program will allow us to communicate more effectively in every aspect with our contract Engineering firm out of Albuquerque.

Fiscal Impact: Fiscal impact will be an adjustment of \$65,000.00 from the Operating Cash in Fund 507 into the necessary Expenditures of Fund 307
Recommendation: Staff recommends approval of this budget adjustment.
Speaker's Name John Wheeler

Documents:

[GALLUP_JOINT_UTILITIES_GISTRAININGMOBILE_MILSOFT_QUOTE 50258 R1 \(1\).PDF](#)
[US_QUOTE_3000081098701.2.PDF](#)
[MILSOFT HW REQUIREMENTSV47 SERVERS.PDF](#)

8. Request To Award Bid For Coal-Aztec Alley Utility Improvements - Formal Bid 2107

Work for the project will be in the alleyway between Coal Avenue and Aztec Avenue from 2nd Street west to 4th Street. Work in this project shall include new eight (8) inch PVC waterline and eight (8) inch PVC sewer line, and appurtenances to existing systems. Other items shall include removal and replacement of existing surfaces, temporary water service lines, 16 inch steel casing for waterline and 18 inch PVC casing for electrical conduit under an existing concrete box culvert at 3rd Street.

Bids were opened on June 29, 2021. Lowest qualified bidder was DUB-L-EE, LLC, of Albuquerque, NM, with a bid of \$882,464.49, which was under the engineer's estimate of \$1,027,100.22 (Attachments 1 and 2).

Due to delays in this project over the past three years, as well as the fact that the original scope of work for engineering services written by the previous public works director limited construction management to a smaller scope (from 2nd St to 3rd St vice 2nd St to 4th St) , the engineering budget (Purchase Order 90509) needs to be increased by \$49,509.64 (Attachment 3).

Over the past several years, a number of appropriations have been approved via the capital budgeting process, as follows:

Project No	Budget Available	Fund
CI1613	\$ 250,000	506 - Water
JU1989	\$ 950,000	507 - Water
JU2220	\$ 300,000	508 - Wastewater
Total	\$ 1,500,000	

Staff requests approval of contract award to DUB-L-EE, LLC. of Albuquerque, NM, for \$882,464.49, and an increase in the engineering budget, for construction management services in the amount of \$49,509.64 for Purchase Order 90509 to DePauli Engineering And Surveying.

Recommendation:

- Contract award to DUB-L-EE, LLC, of Albuquerque, NM, in the amount of \$882,464.49 for construction using the budgeted amounts above.
- Expenditure of \$49,509.64 to increase Purchase Order 90509 to DePauli Engineering and Surveying for construction management services using the amounts listed above.

Fiscal Impact: Expenditures from budgeted projects as shown above.
Recommendation: Please see above.
Speaker's Name Dennis Romero

Documents:

[ATTACHMENT 1 - RECOMMENDATION OF AWARD.PDF](#)

[ATTACHMENT 3 - COAL AZTEC ALLEY WATER AND SEWER CM PO 90509 - INCREASE.PDF](#)

[ATTACHMENT 2 - BID TABULATIONS-CORRECT.PDF](#)

9. Request To Award Bid For NM118-Ford Sewer, Water And Street Improvements - Formal Bid No. 2109

The project consists of installing approximately 1,330 linear feet of 6-inch C900 AWWA PVC waterline within NM 118 (US HWY 66), concrete pavement patch, approximately 160 linear feet of 10-inch SDR-35 PVC sewer lines, and the resurfacing of a portion of Ford Drive. Work will also include the installation and replacement of gate valves, fittings, fire hydrant assemblies, manholes, tie-ins to existing waterlines and sewer lines, transfer of existing water and sewer services, trenching, bedding, backfilling, compaction and existing waterline removal and disposal in NM 118 (US HWY 66). Resurfacing of the intersection of Ford Drive and Aztec Avenue includes the installation of concrete pavement, asphalt pavement, sidewalks, drive pads, fillets, and curb and gutter. Removal and disposal of concrete pavement, asphalt pavement, curb and gutter, sidewalk removal and disposal within NM Highway 118 and Ford Drive right of way is included in this work. Traffic control for all work will also be required.

The 6-inch waterline is located in the right-hand lane of the west bound traffic in NM Highway 118. The waterline runs from the east wye intersection with Coal Avenue, west through Ford Drive, to Luis Lane. The gate valve replacement is located at the intersection of NM Highway 118 and Will Street. The 10-inch sewer line and street resurfacing is located in Ford Drive between NM Highway 118 and Aztec Avenue.

Per Council direction during a January 12, 2021, City Council meeting Staff combined the scopes of work for the waterline, sewer line and road work into one bid package. Lowest responsive bid was from H.O. Construction, Inc., of Albuquerque, NM, with a bid of \$962,371.73. Low bid was under the engineer's estimate of \$1,094,511.35 (Attachments 1 and 2).

As this project straddles three different funding sources, the table below provides bid detail, as it relates to each portion of the project, listed by bid lot:

LOT	Amount	Percentage of Subtotal	Portion of NMGRT	Portion of total
1 - Waterline	\$ 619,344.00	69.71%	\$ 51,482.97	\$ 670,826.97
2 - Sewerline	\$ 123,640.00	13.92%	\$ 10,277.58	\$ 133,917.58
3 - Road	\$ 145,530.00	16.38%	\$ 12,097.18	\$ 157,627.18
Subtotal	\$ 888,514.00			
NMGRT	\$ 73,857.73			
Total	\$ 962,371.73			

Please note that the road work portion of the project (Lot 3) came in at \$216,408, which resulted in a savings of \$58,780.81 with this work when compared to the November 2020 bid for this work.

Staff requests award of contract to H.O. Construction, with the following funding sources and/or budget adjustments:

LOT	Bid Amount	Funding Source	Budget Available	Budget Adjustment Needed	Budget Adjustment	Action Requested
1 - Waterline	\$ 670,826.97	Proj JU1884	\$ 264,327.14	Yes	\$ 406,499.83	B.A. - Fund 506
2 - Sewerline	\$ 133,917.58	Fund 508	\$ -	Yes	\$ 133,917.58	B.A. - Fund 508
3 - Road	\$ 157,627.18	Proj CI1732	\$ 216,408.38	No	\$ -	Contract Approval

Due to combining three projects, the majority of the engineering budget has been expended. Because of this, staff asked DePauli Engineering Services to provide a cost proposal (Attachment 2) to detail remaining costs on this project bundle. Staff proposes the following breakdown of costs for construction management:

LOT	Percentage	Amount	Source	Budget Adjustment
1 - Waterline	69.71%	\$ 86,026.68	Fund 506	\$ 86,026.68
2 - Sewerline	13.92%	\$ 17,173.56	Fund 508	\$ 17,173.56
3 - Road	16.38%	\$ 20,214.07	CI1732	\$ -
CM Total =		\$ 123,414.30		

Staff requests the following:

- 0 Award of Formal Bid No. 2109 to H.O. Construction in the amount of \$962,371.73.
- 0 Budget Adjustment of \$492,526.51 from Fund 506 into Project No. JU1884 for both construction and construction management costs.

- 0 Budget Adjustment of \$151,091.13 from Fund 508 for both construction and construction management costs.
- 0 Expenditure of funds from Project C11732, as detailed above.

Fiscal Impact:

- 0 Budget Adjustment of \$492,526.51 from Fund 506 into Project No. JU1884 for both construction and construction management costs.
- 0 Budget Adjustment of \$151,091.13 from Fund 508 for both construction and construction management costs.
- 0 Expenditure of funds from Project C11732, as detailed above.

Recommendation:

Staff recommends -

- 0 Award of Formal Bid No. 2109 to H.O. Construction in the amount of \$962,371.73.
- 0 Budget Adjustment of \$492,526.51 from Fund 506 into Project No. JU1884 for both construction and construction management costs.
- 0 Budget Adjustment of \$151,091.13 from Fund 508 for both construction and construction management costs.
- 0 Expenditure of funds from Project C11732, as detailed above.

Fiscal Impact: Please see above.

Recommendation: Please see above.

Speaker's Name Dennis Romero

Documents:

[ATTACHMENT 1 - RECOMMENDATION OF AWARD.PDF](#)
[ATTACHMENT 2 - BID TABULATIONS NM 118 - FORD DRIVE.PDF](#)
[ATTACHMENT 3 - NM 118 WATER FORD SEWER CM.PDF](#)

10. Request For Budget Adjustment For Change Order No. 3 For Reach 27.10 Construction

Reach 27.10 is under construction by Smithco Construction for the Navajo Gallup Water Supply Project.

Change Order 3 is for a total of \$38,399.62 and includes installation of one water service connection along the 12-inch PVC waterline on Dusty Road. Connection includes up to 60-feet of 3/4-inch Type K copper service line, double strap brass handle with corporation stop, meter, valves, fittings, appurtenances and a 5-foot tall curb box key. Any excess material will be delivered to the City. Change order includes trenching, granular bedding, rock free backfill, blocking and concrete collar. Disinfection, set up and calibration of meter assembly is included in this item.

Change order also includes three 20-foot driveway culverts and 6-culvert ends to be utilized in bar ditches across access roads. In addition, 80 tons of asphalt millings will be placed upon base course road and culverts.

Total cost of Change Order 3 is \$38,399.62 and will be paid for via Financial Assistance Agreement with USBR.

Fiscal Impact: A budget adjustment in the amount of \$38,410 to the necessary expenses and revenues.

Recommendation: Staff recommends approval of Change Order No. 3 and necessary budget adjustments.

Speaker's Name Dennis Romero

Documents:

[CHANGE ORDER 3 - SMITHCO CONSTRUCTION SIGNED.PDF](#)

11. Resolution No. R2021 -23; Designating Polling Locations For Municipal Officer Election Day In The City Of Gallup, New Mexico

The next City Election will take place on Municipal Officer Election Day on Tuesday, March 1, 2022. The election will be held to elect one Councilor in District 1 and one Councilor in District 3. The Local Election Act allows the governing body of a municipality to act in relation to the duties of the Board of County Commissioners in setting the polling places and consolidating precincts for the election.

State law requires the governing body to designate the polling places of each precinct or consolidated precinct in June or July of each odd-numbered year. Staff is recommending the consolidation of all precincts and to designate the following locations as voter convenience centers for the March 1st election:

- 1) South Side Fire Station No. 1, 1800 South Second Street.
- 2) North Side Fire Station No. 2, 911 West Lincoln Avenue.
- 3) Larry Brian Mitchell Recreation Center, 700 Joseph M. Montoya Boulevard.
- 4) McKinley County Courthouse, 207 West Hill Avenue.

Fiscal Impact: None at this time.

Recommendation: Approve Resolution No. R2021 -23.

Speaker's Name Alfred Abeita, II

Documents:

12. Resolution No. R2021 -24; Establishing Rules And Procedures Regarding Council Meetings And Agendas

At its June 22 meeting, the Council discussed a draft resolution that addressed several issues related to how the Council conducts its business. The primary purpose of the draft resolution was to gather input from councilors regarding the use of regularly scheduled "work sessions" and the rules and procedures that would be used if council decided to do that. Based on comments made at the June 22 meeting, four proposed Resolutions are attached that address the issues in different manners.

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.

There are several issues that should be discussed and considered by Council in regards to work sessions. First is whether to have regularly scheduled works sessions, and if so, what day and time should they occur. A work session agenda must be made available to the public at least 72 hours prior to the meeting. Therefore, if work sessions are used to discuss items that will be on a subsequent regular meeting as an action item, this adds an additional period of lead time for items to be placed on the regular meeting agenda. The amount of additional lead time will depend on how closely the work session is scheduled to the regular meeting. If the work session is one week prior to the regular session, the agenda for the work session would have to be published at least ten days prior to the regular meeting.

A second issue is establishing the process to be used to determine what items will be placed on the work session agenda. This is also an issue relevant to regular council meetings. Currently, there is no ordinance, resolution, or procedural rule in place regarding how an item is put on a council meeting 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. Whether to use a consent agenda is not dependent on having work sessions. A consent agenda can be used without having work sessions.

The four Resolution options also address 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. An alternative would be to allow this to be decided by majority vote. That would require an ordinance revision.

The proposals also address the issue of how disputes about parliamentary procedure are resolved. They appoint the City Attorney as the Parliamentarian and, consistent with Robert's Rules of Order, clarify that the Parliamentarian does not rule on matters of parliamentary procedure, but merely advises the chair and the body.

The four attached proposals can be summarized as follows:

Version 1. Schedules a work session twice a month on Tuesdays that a regular council meeting is not held; provides for use of a consent agenda; establishes rules for building the agendas for work and regular sessions, determining who can speak to agenda items, and how work sessions are conducted.

Version 2: Is essentially the same as Version 1 except that regularly scheduled work sessions are held once a month on the first Tuesday of the month.

Version 3: Provides that work sessions are scheduled on an as needed basis. Otherwise, it is identical to Versions 1 and 2.

Version 4: Is the same as Version 3 except that it eliminates the section allowing for the use of consent agendas.

Fiscal Impact: None
Recommendation: There is no staff recommendation on this item
Speaker's Name Curtis Hayes, Maryann Ustick, and Alfred Abeita

Documents:

[WORK SESSION MEETINGS RESOLUTION VERSION 1.PDF](#)
[WORK SESSION MEETINGS RESOLUTION VERSION 2.PDF](#)
[WORK SESSION MEETINGS RESOLUTION VERSION 3.PDF](#)
[WORK SESSION MEETINGS RESOLUTION VERSION 4.PDF](#)

E. Item For Discussion

1. Discussion Of Proposed Small Cell Wireless Ordinance

Small cell wireless transmitters are low power, short range transmission systems designed to cover a much smaller geographic area than traditional cell towers, but they fill in gaps in coverage and add capacity to existing cell tower networks without building additional large cell towers. Small cell wireless transmitters will be used to support 5G (5th Generation) cell phone technology. They will use higher frequencies than 3G,4G, and LTE transmitters and will be able to transmitter data at much higher speeds than those technologies. 5G will supplement, not replace existing cell phone technologies and will allow much wider use of mobile internet devices.

In advance of the deployment of 5G, the industry began lobbying at the state and Federal level to impose laws and regulations that limit the ability of local governments to regulate small cell transmitters through zoning and other types of regulation. The industry also lobbied for laws and regulations requiring governmental entities with utility poles within their right of ways to allow small cell transmitters to be placed on existing utility poles, traffic signal poles, and light poles.

New Mexico adopted such a law in 2018 known as the Wireless Consumer Advanced Infrastructure Investment Act. That law mandates time limits or “shot clocks” that cities and counties must follow in reviewing applications to install small wireless transmitters and limits the application fees that may be charged by local governments, and the rates that local governments may charge for the continued use of right of ways in which small cell transmitters are located.

In October of 2018 the Federal Communications Commission adopted FCC Order 18-133 which became effective January 14, 2019. Like the NM statute, it has “shot clocks” that local governments must meet in reviewing applications to install small wireless technology. They are generally shorter than those contained in the NM statute, however they do not have a “deemed approved” provision meaning that the application is not “deemed approved” if the local government does not act within the prescribed time period. The shot clocks in the NM law do have a deemed approved provision.

The FCC Order limits application fees and annual rates for use of right of ways. It also requires local governments to allow the use of its right of ways and poles for the placement of small cell wireless transmitters.

The FCC Order, the NM law, and this ordinance address two categories of applications for installation of small cell wireless transmitters. First are transmitters which are proposed to be installed on “an existing utility pole or on an existing tower or other wireless support structure.” For these, the FCC Order imposes a 60 day shot clock and the NM law imposes a 90 day shot clock. Second, are applications for installation of small cell wireless transmitter on “a new or replacement pole.” The FCC shot clock is 90 days and the NM law shot clock is 150 days. The ordinance also adds installations on “a building or structure other than an existing utility pole or tower.” The ordinance addresses the differences in the Federal and state shot clocks by stating that the City must act on an application within the applicable FCC imposed shot clock. If the City does not act within that shot clock, the applicant’s remedy would be to ask for a court injunction. However, if the City does not act within the NM law imposed shot clock, the application is deemed approved.

This ordinance also address a third category of applications that are not covered by the FCC Order or the New Mexico law, but which are covered by an existing Federal law, the Spectrum Act of 2012. These are “eligible facilities requests.” An eligible facilities request is an application “for modification of an existing tower or base station involving the collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment; that does not substantially change the physical dimensions of such tower or base station.” The Spectrum Act imposes a 60 day shot clock on these applications so that is the shot clock contained in the ordinance.

The ordinance sets the following application fees:

- Eligible Facilities Request application fee is \$100 for each Eligible Facilities Request.
- Small Cell Wireless installation application fee is \$100 for each of up to five (5) small wireless facilities and \$50 for each additional small wireless facility whose collocation is requested in a single application.
- The application fee for installation of a new or replacement utility pole located in a right-of-way is \$500.

The annual rate for a small wireless transmitter that is located within a City right of way is \$250. There is an additional \$20 annual charge of the transmitter is located on a city owned pole.

As with macro cell towers, one of the most contentious issues regarding small cell wireless transmitters are aesthetic standards. The FCC Order requires that aesthetic standards be“(1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) objective and published in advance.” The ordinance contains aesthetic standards in Section 14 that are similar to those contained in the existing Land Development Standards. The City cannot outright ban installation of small cell wireless transmitters in neighborhoods where undergrounding of utilities is required. Therefore, the ordinance provides that new poles with small wireless transmitters are allowed if they meet the aesthetic standards of the Downtown Commercial District.

Other issues addressed by the ordinance include: the supporting documentation that must be submitted with an application, reasons for which an application may be denied, the maximum height and location of new poles, and requirements for repairing and removing small wireless equipment.

Fiscal Impact: None
Recommendation: None as this is a discussion item.
Speaker’s Name Curtis Hayes

Documents:

[GALLUP SMALL WIRELESS FACILITIES ORDINANCE FINAL DRAFT 6-20-21.PDF](#)
[60-DAY FLOW CHART.PDF](#)
[90-DAY FLOW CHART.PDF](#)
[EFR FLOW CHART.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.