

Minutes of the Regular Meeting of the Gallup City Council, City of Gallup, New Mexico, held in the Council Chambers at Gallup City Hall, 110 West Aztec Avenue, at 6:00 p.m. on Tuesday, February 12, 2019.

The meeting was called to order by Mayor Jackie McKinney.

Upon roll call, the following were present:

Mayor:	Jackie McKinney
Councilors:	Linda Garcia Yogash Kumar Fran Palochak (via Skype)
Absent:	Allan Landavazo, Councilor
Also present:	Maryann Ustick, City Manager Curtis Hayes, City Attorney

Mayor McKinney said Councilor Landavazo's absence shall be recorded as an excused absence.

Presented to the Mayor and Councilors for their approval were the Minutes of the Regular Meeting of January 22, 2019. Councilor Garcia made the motion to approve the aforementioned minutes. Second by Councilor Kumar. Roll Call: Councilor Garcia, Kumar, Palochak and Mayor McKinney all voted yes.

Ms. Ustick requested item 10 of the Discussion/Action Topics be withdrawn from the agenda because staff was not ready to present the item. Mayor McKinney stated the item would be brought back at a later date for consideration by the Council.

Acting Police Chief Franklin Boyd introduced Leon Wollschläger, an international intern from Germany. Officer Wollschläger provided a brief introduction about himself and his duties as an intern within the Gallup Police Department.

Presented to the Mayor and Councilors was the following Discussion/Action Topics:

1. Resolution No. R2019-7; Resolution Adopting the "Municipal Officer Election Day" for City Elections – Curtis Hayes, City Attorney

The New Mexico Local Election Act, which took effect July 1, 2018, establishes the first Tuesday in March of even numbered years as the date for municipal elections. Municipalities must hold their elections on that date unless they, by ordinance, adopt the "Regular Local Election Day," which coincides with the state's November election day

MINUTES

Regular City Council Meeting – 2/12/2019

Page 2

in odd numbered years. The Local Election Act supersedes the City's charter and Election code.

Councilor Palochak mentioned questions she received from her constituents regarding the basis for opting out of conducting elections in November.

Ms. Ustick stated when she and Senator Ivey-Soto presented the information under the Local Election Act to Council, they were given the choice to request the item be put on an agenda. However, if a request was not received, elections would be moved to March of even numbered years automatically. Since a request was not received, elections will be moved to even numbered years with the next election to be held on March 3, 2020.

Councilor Kumar made the motion to approve Resolution No. R2019-7, Adopting the Municipal Officer Election Day for City Elections. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Palochak and Mayor McKinney all voted yes.

2. Resolution No. R2019-9; Resolution Requesting Support for Essential Air Service Funding – Curtis Hayes, City Attorney

Mr. Hayes presented the request for the Essential Air Service (EAS) program, which pays subsidies to airline carriers to serve markets that would not be profitable through ticket revenues alone. Mr. Hayes explained the different levels of subsidies and the process that takes place if a community is determined to be eligible.

Mayor McKinney commented on past practices and his communication with Representative Lundstrom and Congressman Ben Ray Lujan who will help to obtain federal funding to offset the cost. He also expressed his support, the benefits and the need for air service in the City.

Councilor Garcia made the motion to approve Resolution No. R2019-7, Requesting Support for Essential Air Service Funding. Seconded by Councilor Kumar. Roll call: Councilors Garcia, Kumar, Palochak and Mayor McKinney all voted yes.

3. Ordinance No. C2019-2; Amendments to Delinquent Utility Accounts – Curtis Hayes, City Attorney

Mr. Hayes presented the amendment to the current ordinance, which does not provide for any flexibility regarding the collection of delinquent utility accounts. The amendment would authorize the City Manager to implement policies and procedures for the collection process, including those account balances that are too small to pursue a collections lawsuit.

MINUTES

Regular City Council Meeting – 2/12/2019

Page 3

Brief discussion followed regarding the collection of delinquent accounts when the customer needs service at a different location, which has been proven to be the most successful method of collecting past due utility accounts.

Councilor Kumar made the motion to approve Ordinance No. C2019-2, Amendments to Delinquent Utility Accounts Ordinance. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Palochak and Mayor McKinney all voted yes.

4. Ordinance No. C2019-3; Amendments to Penalty Assessment Ordinance – Curtis Hayes, City Attorney

Mr. Hayes presented the amendment to the New Mexico Uniform Traffic Ordinance Penalty Assessment Program, adopted by Mayor and Councilors last October. The amendment would give the person a choice of either going to court or paying the fine within 30 days. Under the amended ordinance, if the fine is not paid within the 30 days, the offender can be charged with an additional crime.

Councilor Garcia made the motion to approve Ordinance No. C2019-3, Amendments to the Penalty Assessment Ordinance. Seconded by Councilor Kumar. Roll call: Councilors Garcia, Kumar, Palochak and Mayor McKinney all voted yes.

5. Acceptance of Utility Easement from McKinley County – Curtis Hayes, City Attorney

Mr. Hayes presented the proposed easement to service the County's new building located at 2105 East Aztec Avenue.

Councilor Kumar made the motion to approve the Acceptance of Utility Easement from McKinley County. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Palochak and Mayor McKinney all voted yes.

6. Resolution No. R2019-3; 2019 CDBG Procurement Policy Adoption – Stan Henderson, Public Works Director

Mr. Henderson said the New Mexico Department of Finance and Administration requires the City to annually adopt a procurement policy for Community Development Block Grant (CDBG) projects. The proposed resolution would certify the City's compliance with Federal and New Mexico Procurement Codes.

Councilor Garcia made the motion to approve Resolution No. R2019-3. Seconded by Councilor Kumar. Roll call: Councilors Garcia, Kumar, Palochak and Mayor McKinney all voted yes.

MINUTES

Regular City Council Meeting – 2/12/2019

Page 4

7. Resolution No. R2019-4; 2019 CDBG Housing and Urban Development (HUD) Section 3 Plan – Stan Henderson, Public Works Director

Mr. Henderson said Section 3 is a provision of the Housing and Urban Development (HUD) Act of 1968 that helps foster local economic development, neighborhood economic improvement and individual self-sufficiency. The program requires recipients of certain HUD financial assistance such as CBGB funds, to provide job training, employment and contracting opportunities for low or very low income residents in connection with projects and activities in their community to the greatest extent feasible. The proposed Resolution and HUD Section 3 Plan must be adopted on an annual basis for CDBG projects.

Mayor McKinney clarified that the City has been in compliance with HUD regulations.

Councilor Kumar made the motion to approve Resolution No. R2019-4. Seconded by Councilor Garcia. Roll Call: Councilors Kumar, Garcia, Palochak and Mayor McKinney all voted yes.

8. Resolution No. R2019-5; 2019 CDBG Residential Anti-Displacement and Relocation Assistance Plan – Stan Henderson, Public Works Director

Mr. Henderson said when federal funds, such as CDBG funds are used in a project involving the acquisition, rehabilitation, or demolition of real property, the Uniform Relocation Assistance and Real Properties Acquisition Policies Act (URA) may apply. The purpose of the URA is to provide fair and equitable treatment for persons whose real property is acquired or for persons displaced as a result of a CDBG funded project or activity. The proposed resolution and Residential Anti-Displacement and Relocation Assistance Plan must be adopted by resolution on an annual basis regardless of whether the City undertaking relocation activities.

Councilor Garcia made the motion to approve Resolution No. R2019-5. Seconded by Councilor Kumar. Roll call: Councilors Garcia, Kumar, Palochak and Mayor McKinney all voted yes.

9. Resolution No. R2019-6; 2019 CDBG Citizens Participation Plan – Stan Henderson, Public Works Director

Mr. Henderson said the Citizen Participation Plan is a federal requirement for grantees receiving CDBG funds. The Citizen Participation Plan states that citizens will be provided with reasonable notice and timely access to local meetings to solicit their input and project ideas for the CDBG projects. The proposed Resolution and Citizen Participation Plan must be adopted on an annual basis for CDBG projects.

MINUTES

Regular City Council Meeting – 2/12/2019

Page 5

Councilor Kumar made the motion to approve Resolution No. R2019-9. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Palochak and Mayor McKinney all voted yes.

11. Downtown Alley Reconstruction Project PH II Design Award – Stan Henderson, Public Works Director

Mr. Henderson proposed starting the design for the reconstruction of the alley including underground utilities, due to multiple water line breaks in the Coal Ave alley, between 2nd and 3rd Street. Mr. Henderson said there are (2) two separate proposals from DePauli Engineering & Surveying (DES); one for the utility reconstruction and one for the surface reconstruction of storm drainage. Both proposals include design, bidding assistance and construction administration. The electric design is a specialty engineering that will be addressed as a separate action by the Electric Department. This project is listed on the 18-2019 Community Improvement Plan. \$35,000 was previously budgeted for the design under Project #C11730. DES' proposal is \$78,234.12 for the surface reconstruction and \$80,075.43 for the water and wastewater reconstruction.

Mr. Henderson requested an additional \$43,235 from the General Fund cash balance for the surface reconstruction design, an additional \$45,076 for the utility reconstruction design from Gallup Joint Utilities Water Fund and budget adjustments of \$17,500 from Fund 506 reserves and \$17,500 from Fund 508 reserves.

Discussion followed regarding the General Fund balance, location of Phase I and Phase II of the project, importance of getting the project completed, the location of utility lines, the use of environmental funds and commence time for the project.

Ms. Ustick said the proposal for design services for the electrical improvements will be presented at the next City Council meeting so the entire project will be designed at one time. She is hopeful all work will be done at once depending on funding for the project.

Mayor McKinney and Mr. Henderson clarified the requested funds are for professional services including the design, bid assistance and the inspection for the project; not construction, which will be brought back to the Council for approval at a later date.

Mayor McKinney commented on the problems experienced this winter and the added aesthetic value once completed.

Councilor Garcia made the motion to approve Downtown Alley Reconstruction Project Phase II Design Award and the Transfer of Funds as identified under "fiscal impact" into the project budget. Seconded by Councilor Kumar. Roll call: Councilors Garcia, Kumar, Palochak and Mayor McKinney all voted yes.

MINUTES

Regular City Council Meeting – 2/12/2019

Page 6

12. Approval of Alleyway Project Change Order – Eric Babcock, Acting Electric Director

Mr. Babcock presented a project change order including an increase in the length of the project, overhead and underground construction and additional CAD drawings due to issues that arose during construction of the original design.

Brief discussion followed regarding funding for the change order.

Councilor Kumar made the motion to approve the Alleyway Project Change Order in the amount of \$35,000. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Palochak and Mayor McKinney all voted yes.

13. Request Approval to Award Design Contract to T & D for \$69,943 to Address Safety and Reliability Concerns at the Allison Road Photo Voltaic Solar Project – Eric Babcock, Acting Electrical Director

Mr. Babcock presented the contract from Transmission & Distribution Services, LLC (T&D) to design and project manage a permanent installation of equipment needed to mitigate safety and reliability concerns related to the Allison Road Photo Voltaic Solar Project. Mr. Babcock ensured the safety of the current design but are following recommendations by industry standards. Upon completion of the design, bid proposals will be sent to contactors for the installation of the required safety and reliability controls.

Councilor Kumar made the motion to approve the Award Design Contract to T & D for \$69,943. to Address Safety and Reliability Concerns at the Allison Road Photo Voltaic Solar Project. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Palochak and Mayor McKinney all voted yes.

14. Request Budget Adjustment to Make Major Facility Repairs to Building 1898 Warehouse Lane – Eric Babcock, Acting Electrical Director

Mr. Babcock presented the proposed budget adjustment in the amount of \$65,000 to repair the leaking roof, replace aging floor tile and repaint aging interior walls.

Brief discussion followed regarding the funding that was previously set aside for the maintenance of the facility.

Councilor Garcia made the motion to approve the Budget Adjustment to Make Major Facility Repairs to the Building at 1898 Warehouse Lane. Seconded by Councilor Kumar. Roll Call: Councilors Garcia, Kumar, Palochak and Mayor McKinney all voted yes.

MINUTES

Regular City Council Meeting – 2/12/2019

Page 7

Comments by Public on Non-Agenda Items

None

Comments by Mayor and City Councilors

Councilor Palochak encouraged everyone to keep up the good work and commended the Police Department for their professionalism and efforts in keeping the community safe.

Councilor Garcia also thanked the Police Department and congratulated Detective Hoffman on his new position.

Councilor Kumar commented on an incident involving the Police Department and the noticeable increase in Police Officer presence.

Mayor McKinney thanked all City staff especially those having to work in the recent inclement weather. He said the 60-day legislative session is currently taking place and encouraged everyone to keep up with our local legislators and to contact them if they have a passion for anything that is being considered during the session. He also invited everyone to Gallup-McKinley Day on Thursday, February 19, 2019.

Comments by City Manager and City Attorney

Ms. Ustick said staff intended to have the El Morro Theater Stage Reconstruction Project on the current meeting agenda; however, the information was not turned in on time. In order to proceed with the project in a timely manner, Ms. Ustick said a special meeting will be held on February 19, 2019 at 10:00 a.m. for the purpose of allowing the Mayor and Councilors to award the contract for the work to be done under the project.

There being no further business, Councilor Kumar made the motion to adjourn the meeting. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Palochak and Mayor McKinney all voted yes.

Jackie McKinney, Mayor

ATTEST:

Alicia Palacios, Deputy City Clerk