

**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, June 13, 2023.**

**The meeting was called to order by Mayor Bonaguidi.**

**Upon roll call, the following were present:**

**Mayor: Louie Bonaguidi**

**Councilors: Linda Garcia  
Michael Schaaf  
Fran Palochak  
Sarah Piano**

**Also present: Maryann Ustick, City Manager  
David Eason, City Attorney**

**Ms. Ustick invited Adrian Marrufo, Acting Water, Wastewater and Solid Waste Director and Kurt Spolar, DePauli Engineering and Surveying, to provide an update regarding the recent water break.**

**Mr. Marrufo provided an overview with regard to a 30" water line break that took place on Wednesday, June 7<sup>th</sup> on the northside of town after being hit by dozer clearing the land to build a new well. He said the line was isolated, the water was shut off, parts were ordered to make necessary repairs and was repaired by Friday evening, however the amount of water loss will take about two weeks to get back to normal, including water discoloration caused by minerals in the pipes and not contaminated water and requested continued efforts to conserve water. Mr. Marrufo thanked Ferguson Waterworks Company for their assistance obtaining the necessary parts, all City staff who helped, especially Water Department staff and DePauli Engineering.**

**Mr. Spolar provided logistical information regarding the pipelines, other areas experiencing issues, lack of funding, water usage and deficit and recognized the citizens who adhered to the water restrictions proven by the usage and requested the community members continue to do so, acknowledging fire protection in the Grandview pressure zone with regard to to the 4<sup>th</sup> of July and the much-needed infrastructure.**

**Discussion followed regarding water discoloration, investigative efforts to find out how the line was hit and how to prevent this in the future, specific effected areas and the notable team effort by the Water Department.**

**Mayor Bonaguidi presented a commendation honoring Maryann Ustick for her exemplary service to the City of Gallup, participation in multiple community organizations, her credentials as a City Manager and sincere appreciation for her service and well wishes in future endeavors.**

**Ms. Ustick expressed appreciation to all staff and plans to stay and serve the city in other roles.**

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### **Legislative Updates**

- 1. Senator George Munoz said Albuquerque, which owns two thirds of the legislative vote, received about \$100 million; whereas Gallup received about \$75 million in Capital appropriations, including approximately \$45 million for drinking water, \$30 million to replace lead pipes, \$15 million for infrastructure and an additional \$8 million for lead pipe or water line replacement. Senator Munoz stated the City will also get about \$650 million to reurf fields, \$7.5 million for the Senior Center, \$11.8 million through the Water Trust Board for water wells and supply improvements. He advised the revert of LFC Funding in the amount of around \$800,000 on July 1<sup>st</sup> for unexpended funds received by the City in 2019 and \$3.5 million transferred from the County to the City, which was unaccounted for and suggested the City's preparation for both. He said the intent at the Legislative Session was to distribute money throughout the City where critical infrastructure is needed and highlighted number one priority of retaining a functional hospital with the allocation of \$3 million, adding funding for indignant care and the importance of critical access care with regard to grant opportunities. He urged the administration to use the received funding wisely, stressed the objective to disperse funding where it is needed, funding for the airport and requested a route switch with Silver City that would increase usage.**

**Discussion followed regarding prioritizing the allocation of funding, Budget and Finance Committee's intent at the Legislative Sessions, concerns regarding roads to Mentmore, the Drinking Water Revolving Fund, difficulty meeting the current needs with limited funding, details regarding the revert of LFC emergency funding and appreciation to Senator Munoz for his efforts and commitment to the City.**

- 2. AJ Forte, Executive Director of the New Mexico Municipal League, provided an overview of the League's legislative involvement, including a 30-year policy update to IPRA, law enforcement funding including body camaras. He said Mr. DeYoung's position as President of the City Manager's Association and his participation as a board member of the Self Insurers Fund, provides opportunity to express needs to the League directly. He also mentioned additional funding to the Grant Council for Municipal Fire Departments, funding for Municipal Airports, a vetoed bill for changes to the Motor Vehicle Revenue Fund. He briefly explained Truth in Taxation, the continued efforts on road and EMS funding and Water Trust Board initiatives.**

**Discussion followed regarding the Water Trust Board, details regarding the Law Enforcement Protection Fund and the Motor Vehicle Excise Tax.**

**Presented to the Mayor and Councilors were the following Consent Agenda Items:**

- 1. Approval of Minutes from the Regular Meetings of May 9, 2023 and May 23, 2023.**

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- 2. Request for Street Closure for the Grand Opening of Champion Ford to be Held on July 15, 2023**
- 3. Appointment of Dr. Sabrina Ezzell to the Planning and Zoning Commission**
- 4. Approval of Professional Services Agreement with SBS Evaluation & Program Development Specialist**
- 5. NMDOT Grant for Gallup Trade Port**
- 6. Approval of Resolution No. R2023-14 to Accept the Federal Aviation Administration's Grant Agreement, the New Mexico Department of Transportation Aviation Division Grant Agreement and Award of Contract to Armstrong Consultants, Inc. for Task Order "A" Airport Master Plan**
- 7. Lodger's Tax Recommendation**
- 8. City of Gallup Senior Budget Adjustment Request**

Councilor Piano requested Item 5 removed from the Consent Agenda for additional discussion.

Councilor Schaaf made a motion to approve Consent Agenda Items 1 through 4 and Items 6 through 8. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Piano, Garcia and Mayor Bonaguidi all voted yes.

### **5. NMDOT Grant for Gallup Trade Port – Maryann Ustick, City Manager**

Discussion followed regarding terms, requirements and complexity of the grant application, utilization of funding, application for the FTZ/User Fee Airport and Service Agreement and customization of the facility for necessary accommodations.

Ms. Ustick requested approval of the budget adjustment in revenue and expenditures.

Councilor Piano made a motion to approve the NMDOT Grant for Gallup Trade Port and budget adjustments. Seconded by Councilor Garcia. Roll call: Councilors Piano, Garcia, Schaaf, Palochak and Mayor Bonaguidi all voted yes.

Presented to the Mayor Councilors were the following Discussion /Action Items:

### **1. Appointment of an Interim City Manager – Mayor Bonaguidi**

Mayor Bonaguidi said the current City Manager, Maryann Ustick, will be retiring effective June 19, 2023 and in accordance with the Gallup City Charter, recommended the appointment of Jon DeYoung as the Acting City Manager, effective June 20, 2023 until a City Manager is hired.

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Councilor Palochak made a motion to approve the appointment of Mr. DeYoung as Interim City Manager. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Piano, Schaaf and Mayor Bonaguidi all voted yes.

### **2. Resolution No. R2023-13; Approving the FY 2024 Initial Budget – Patty Holland, Chief Financial Officer**

Ms. Holland referenced discussions that occurred at the Work Session on April 12, 2023 regarding details of the budget, approval of the preliminary presentation on May 9, 2023 and in accordance with the Department of Finance's secondary approval, presented the Initial Budget. She said there were no changes were made since the preliminary presentation, provided overall budget totals including revenue, operating expenditures, capital expenditures and emphasized accomplishments, the projected use of cash, Navajo Gallup Water Supply Project funding, and Funds 505 and 507. She said once approved staff will prepare reports for submittal to DFA on July 1, 2023.

Discussion followed regarding Electric Department Fund 507, the overall amendments made, total unencumbered amount in the General Fund, additional budget adjustments forthcoming in July 2023 and an initiative for more transparency.

Councilor Schaaf made a motion to approve Resolution No. R2023-13. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Piano, Garcia and Mayor Bonaguidi all voted yes.

### **3. Indigenous Dance & Arts Program Agreement – Matt Robinson, Tourism and Marketing Manger**

Mr. Robinson presented the proposed agreement with Southwest Indian Foundation (SWIF), provided a brief overview regarding a couple efforts to bid the program through an RFP while moving the program back to Courthouse Square, however no responses were received therefore staff reached out to Teri Fraizer for assistance. Mr. Robinson explained the urgency to get the program started, provided program details and a schedule of events.

Councilor Palochak expressed concerns regarding the location, the process in obtaining dancers and when or if other events will be held at the Courthouse Square.

Ms. Frazier explained apprehensions related to negative incidents at the Courthouse Square in addition to the heavy security guard presence and noted the Cultural Center's convenience with consideration to the existing museum.

William McCarthy, SWIF Executive Director spoke on behalf of Ms. Frazier's experience, knowledge, contributions to the Cultural Center and her repour with the dancers. He explained it would be unfeasible for Ms. Frazier to conduct dances at both locations and their commitment to collaborative efforts.

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James Rich, business owner, provided input regarding the RFP he received for the Dance Program, other citizens interested in hosting the program, safety concerns with having events at the Cultural Center and the intent and significance of the Courthouse Square.

An unidentified citizen and business owner expressed disappointment in not having the dances at the Courthouse Square and questioned road blocks in downtown area.

Mr. Robinson further explained the effort put into the RFP process to attract vendors, without a response and without approval of the agreement, there is no one else to provide the service and highlighted the limited amount of time to redevelop a program at Courthouse Square this late in the season.

Ms. Ustick explained the intent of sending the RFP's to as many people and businesses as possible, listed other events scheduled in the Courthouse Square and provided improvements currently underway to better accommodate participants.

In an effort to maintain the nightly dances for spectators, Councilor Schaaf suggested approval of the agreement and further examination to relocate them to Courthouse Square next year.

Councilor Garcia reiterated Councilor Palochak's sentiments, disappointment in the program's management, potential to host future events in-house, personal experience at the Cultural Center, intent of the Courthouse Square, approval of the agreement for lack of other options and questioned certain program events.

Councilor Piano clarified she personally reached out to a number of people she thought would be interested and emphasized the fact that City staff reached out to Ms. Frazier when nobody else responded, the importance for City staff to find someone who is willing to organize the events at Courthouse Square in order to move them back.

Councilor Schaaf made the motion to approve the program agreement. Seconded by Councilor Piano. Roll call: Councilors Schaaf, Piano, Garcia and Mayor Bonaguidi all voted yes. Councilor Palochak voted no. Motion carried.

#### 4. Approval of Preventing Alcohol Related Deaths Agreement and Budget Adjustment – Debra Martinez, Behavioral Health Manager

Ms. Martinez presented the proposed agreement regarding expired PARD funding that was granted this year, acknowledging Sindy Sacoman for her extraordinary efforts in obtaining funding to help with alcohol issues in the community, noted the number of grant applications, the amount of available funding and strategies with regard to the screening, brief intervention and referral to treatment program.

Discussion followed regarding the rigorous application process, effective dates, commendations to Debra Martinez and Sindy Sacoman for their efforts, dedication and

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the representation their work provides and extension of the grow your own initiative to help eliminate the wide shortage of behavioral health providers.

Ms. Sacoman highlighted certain components of the Indian Health Services Grant, explained necessary demonstration of the program's impact through comprehensive data and optimism in returning to the Council with information regarding the program's success.

Additional discussion followed regarding tracking details and execution of outreach and harm reduction using a collaborative effort, the potential to combine this with the Trauma Grant and the correlation of trauma and resilience.

Councilor Schaaf made the motion to approve the agreement and budget adjustment. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Garcia, Piano and Mayor Bonaguidi all voted yes.

### 5. Approval of NCI Preventing Alcohol Related Deaths Agreement – Debra Martinez, Behavioral Health Manager

Ms. Martinez presented the proposed contract for additional services offered by NCI for 6 months, pending the resolution of the Protective Custody Contract.

Brief discussion followed regarding funding of advanced services.

Councilor Palochak made a motion to approve the NCI agreement, as presented. Seconded by Councilor Schaaf. Roll call: Councilors Palochak, Schaaf, Garcia, Piano and Mayor Bonaguidi all voted yes.

### 6. Approval of Agreement with NCI for Detox Administration and Operation and Budget Adjustment – Debra Martinez, Behavioral Health Manager

Ms. Martinez presented the proposed agreement and budget adjustment for basic protective custody services.

Discussion followed regarding Liquor Excise Tax (LET) funds received last year, projected amount for this year, discussion with County officials and repayment to the General Fund upon receipt of LET.

Councilor Palochak made a motion to the agreement with NCI for Detox Administration and Operation. Seconded by Councilor Schaaf. Roll call: Councilors Palochak, Schaaf, Garcia, Piano and Mayor Bonaguidi all voted yes.

### 7. NMDOT Grant for Interstate 40 East and West Interchanges Planning / Design – Maryann Ustick, City Manager

Ms. Ustick briefed the Mayor and Councilors regarding the approval of a resolution for submission of an application for a \$4 million grant to plan and design the east and west

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interchanges of I-40 with the intent that NMDOT would maintain the funds while the City would act as the applicant, however NMDOT required a Grant Agreement from the City. She said the City would not be able to front the \$4 million nor the staffing to oversee the contracts, therefore an Intergovernmental Services Agreement between the City and the Northwest New Mexico Council of Governments (NWNMCOG) was initiated.

Discussion followed regarding the terms of the agreement, grant funding provided to the NWNMCOG from NMDOT by invoice, the affected exits and the exit near Wal-Mart.

Councilor Schaaf made a motion to approve the NMDOT Grant. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Garcia, Piano and Mayor Bonaguidi all voted yes.

8. Amendment to Project Agreements for Second and Third Street Railway – Highway Crossings Design – Maryann Ustick, City Manager and Robert Hamblen, Public Works Director

Ms. Ustick emphasized the 20-year-old project, including consultant studies. After the completion of a Roadway Safety Audit, staff selected a plan for the Second and Third Street Railway Crossings, addressing pedestrian safety improvements. She said the City received a grant from NMDOT's Railway Division to help pay for safety improvements. After several meetings with NMDOT, BNSF and the city's design consultant, Wilson and Company, findings of additional improvements were discovered including warning signs, reduction in travel lanes at crossings, fencing and signal improvements. Ms. Ustick said NMDOT is willing to provide the additional funding for the improvements in the total amount of \$98,770 for each of the two Railway crossings at which point a Quiet Zone initiative can be pursued, however any additional requirements to qualify for a Quiet Zone Designation would be the City's responsibility.

Discussion followed regarding horns, and clarification regarding the number of lanes at the crossing.

Mr. Hamblen referenced the map depicting the reduction of three lanes to two lanes intended to increase safety and create a smaller space to work while minimizing the number of tracks vehicles travel over.

Councilor Piano made the motion to approve the amendment to project agreements for Second and Third Street Railways Crossings, as presented. Seconded by Councilor Garcia. Roll call: Councilors Piano, Garcia, Schaaf, Palochak and Mayor Bonaguidi all voted yes.

9. Ordinance No. C2023-3; Cannabis Tax Use Ordinance – David Eason, City Attorney

Mr. Eason requested Presentation, Information and Discussion Item 1 be deferred to the next regular meeting for additional discussion and preparation.

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With respect to proposed ordinance and its emergence from the Council's Strategic Plan emphasizing the primary resources for parks and recreation, he summarized the ordinance dedicating all Cannabis Excise Tax collected by the City on and after July 1, 2023 solely to obtain and install capital equipment for and improvements to Gallup and Recreation Facilities and/or to pay indebtedness incurred by the City to obtain and install capital equipment for and improvements to Gallup Parks and Recreation facilities and for no other purpose unless a future Council should decide to amend the ordinance.

Discussion followed regarding support and appropriateness of this funding going towards Parks and Recreation. Vince Alonzo, Parks and Recreation Director and his staff were recognized for all of their efforts.

Councilor Palochak made a motion to approve Ordinance No. C2023-3. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Piano, Schaaf and Mayor Bonaguidi all voted yes.

Presented to the Mayor and Councilors was the following Presentation, Information and Discussion Item

1. Discussion Regarding the City's Current DWI Ordinance – David Eason, City Attorney, requested postponement to a later date.
2. Presentation on the New Mexico National Guard Challenge Academy – Sean Begaye, New Mexico National Guard Youth Challenge Admissions Advisor

Mr. Begaye briefly explained his personal experience within the Marine Corp and education. He provided detailed information regarding the program, administrators, functionalities, intentions, location, participation and overall mission. He noted funding provided by the State and no financial cost to the City. He also mentioned difficulty he has experienced in reaching out to Gallup McKinley County Schools and surrounding schools. Contact made with Children Youth and Families Division as well as the State Police and intentions to extend the program to northern New Mexico.

Discussion followed regarding their location and assistance in disseminating the information.

### **Comments by the Public on Non-Agenda Items**

Mr. Eason provided his legal assessment regarding a pending case with the New Mexico Supreme Court concerning ordinances banning abortions, previously adopted by other New Mexico counties and/or cities, however as it stands the ordinances are not to have any affect until the Supreme Court rules. Until then, the City of Gallup will not move forward until the New Mexico Supreme Court hands down their ruling. He conveyed in any case there will likely be a substantial period of legal uncertainty and in his legal opinion adoption of such ordinance could lead to litigation against the City.



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Citizens spoke on the matter of a Sanctuary City brought up at the Regular City Council meeting held on May 27, 2023.

Pablo Martinez, Sig Martinez, Deborah Yellowhorse, Natalie Overton and an unknown citizen spoke in favor of legally prohibiting abortions in the City of Gallup.

Jennifer Knight, Skylar Stevens, Althea Yazzie, an unknown citizen and Joanne Benanti spoke in opposition of banning abortion and how it would negatively affect the community.

**Comments by Mayor and Council**

Councilor Piano provided the phone number for after-hours water emergency calls at 833-863-1212.

Councilor Schaaf thanked Water Department staff for their efforts after the large waterline break.

Councilor Garcia announced the 15<sup>th</sup> Annual Clean-up, her attendance at the Lions Club Parade and the Arts Crawl event. She acknowledged Teri Frazier's work in the community and praised Maryann Ustick for all she did during her tenure as City Manager.

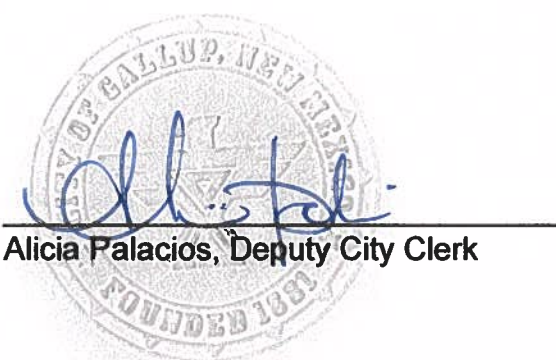
Mayor Bonaguidi highlighted an invitation he received to attend the dedication of the San Juan Generating Station to the Bureau of Reclamation in Farmington as it pertains to the Navajo Gallup Water Supply Project and described working with Maryann Ustick, City Manager, through the pandemic and over the past three years.


**Comments by City Manager and City Attorney**

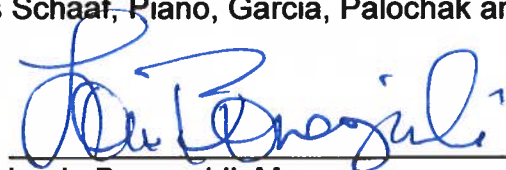
Ms. Ustick said she plans to stay and serve the community in other ways and offered her assistance should the Mayor and Councilors need anything in the future.

Acting City Manager Jon DeYoung announced the Best of the Best Rodeo events scheduled next week and encouraged everyone to attend the free event.

There being no further business, Councilor Schaaf made a motion to adjourn. Seconded by Councilor Piano. Roll call: Councilors Schaaf, Piano, Garcia, Palochak and Mayor Bonaguidi all voted yes.



  
Alicia Palacios, Deputy City Clerk

  
Louie Bonaguidi, Mayor