

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, July 25, 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: Jon DeYoung, Interim City Manager
David Eason, City Attorney

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

1. Approval of Minutes from the Regular Meeting of July 11, 2023
2. Request for Street Closure for a Private Block Party to be Held on August 12, 2023 on Vanden Bosch Parkway
3. Resolution No. R2023-20; 4th Quarter FY 2023 Budget Adjustments and Report of Actuals
4. Lodger's Tax Grant Recommendation
5. Approval of Legislative Junior Bill Appropriations Grant – Community Health Services
6. Approval of Legislative Junior Bill Appropriations Grant – Industrial Workforce Programming
7. Approval of Legislative Junior Bill Appropriations Grant – Police Vehicles

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

Councilor Schaaf made a motion to approve Consent Agenda Items 1 through 4 and Items 6 and 7. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Piano, Garcia and Bonaguidi all voted yes.

5. Approval of Legislative Junior Bill Appropriations Grant – Community Health Services

MINUTES

Regular Meeting 7/25/2023

Page 2 of 5

Discussion followed regarding changes in the process used by the Department of Finance with regard to the State's procurement process.

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

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

1. Approval to Execute Additional New Mexico Opioid Settlements – Lynn Isaacson, Contract Attorney

Mr. Isaacson recalled the Mayor and Councilors' approval of the National and State Settlements. He presented the New Mexico settlement involving Walgreens in the amount of \$500,000,000, to be paid over 15 years and three generic manufacturers including Hikma Pharmaceuticals, Amneal Pharmaceuticals and KVK-Tech Inc. He explained the manufacturers settlement amounts are less but will include, "settlement products," like Naloxone, to be distributed to the communities, participation pursuant to the settlement agreement approved in 2022, the City's estimated settlement amount of \$1,750,577.32, the release of all claims against Walgreens and the generic distributors, submission of the executed Participation Agreements to the Attorney General's Office and necessary funding specific to remediation efforts.

In response to the Council's questions, Mr. Isaacson said there is no reason the City should abstain from participation in the settlement and further explained potential infrequent annual payment amounts over the allotted time period.

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

2. Coles Grey Effluent Agreement – David Eason, City Attorney

Mr. Eason presented the terms of the proposed Effluent Option Agreement between the City and Coles Gray LLC, who are negotiating with Gallup Land Partners for the purchase of property near Carbon Coal Road where Coles Gray, or its successor, intend to construct a steel recycling and manufacturing complex that will require effluent water. Mr. Eason provided components of the proposal Coles Gray will need from the City to construct and operate and summarized terms of the proposed agreement including the effective date, initial term, option to extend, safeguards and milestones, effluent costs, provisions of the system and annexation of properties.

Discussion followed regarding annexation, price rates after a potential 15-year extension, the timeframe to construct the line, payment obligations and potential utilization of the line by other parties.

MINUTES

Regular Meeting 07/25/2023

Page 3 of 5

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

Mayor Bonaguidi noted their observation of negotiations over the past couple of months, thanked Mr. Eason for his efforts and future negotiations with regard to this project.

3. Settlement Agreement Between the City of Gallup and the United Mine Workers of America (UMWA) – Alfred Abeita II, Acting Human Resources Director

Mr. Abeita presented the proposed settlement provided by the Collective Bargaining Agreement between the City and UMWA on the limited issue of wage rates including a 5% pay increase to each collective bargaining unit employee, effective the first day of the first full pay period after approval of the agreement, implementation of 3 additional holidays to be observed by City employees during the current fiscal year to include UMWA members and permission to reopen negotiations on the limited issue of wage rates in the month of March 2024 and 2025. Mr. Abeita noted UMWA ratified the proposed Settlement Agreement on July 14, 2023.

Brief discussion followed regarding affected employees and a recommendation by Councilor Piano to observe Indigenous Peoples Day.

Councilor Schaaf made a motion to approve the Settlement Agreement with the United Mine Workers of America. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Piano, Garcia and Mayor Bonaguidi all voted yes.

4. Resolution No. R2023-21; A Resolution Proposing an Amendment to the Gallup City Charter to Authorize the City Council to Adopt an “Opt-In” Ordinance Pursuant to Section 3.1 of the Local Election Act – David Eason, City Attorney

Mr. Eason presented the proposed Resolution to amend the Gallup City Charter. He said the City of Gallup is a home rule city with inherent legislative authority expressed through the City’s Charter. Mr. Eason said the Charter was clear with regard to the subject matter regarding siting members of the Council and the Municipal Judge elections were to occur in March of odd number of years for terms of four (4) years. However, in 2018 the New Mexico Legislature passed the Local Election Act, including two concerning provisions, a command that elections held in March would have to be in even number of years, thus the City moved their election from March 2019 to March 2020. The second provision provided the City an option to have elections in March of even number of years or in November of odd number of years. Mr. Eason explained that because a choice was given, the City must follow their Charter and in his opinion the Charter does not allow for Council to make that choice and commands that elections take place in March, in addition to terms of four years. He said the only solution, should

MINUTES

Regular Meeting 07/25/2023

Page 4 of 5

Council want to opt-in to November elections, is to amend the Charter, giving the Council the authority to make that choice. He emphasized the benefits of opting-in and the procedure of amending the Charter.

Discussion followed regarding clarification in the process and the option to opt-in, not the obligation to do so.

Councilor Schaaf made the motion to approve Resolution No. R2023-21. Seconded by Councilor Piano. Roll call: Councilors Schaaf, Piano, Garcia, Palochak and Mayor Bonaguidi all voted yes.

Comments by the Public on Non-Agenda Items:

Myra Northrup spoke in favor of an Ordinance making the City a sanctuary city for the unborn.

Comments by the Mayor and Councilors:

Councilor Palochak announced her resignation from the Council as of July 31, 2023. She thanked the citizens for allowing her to serve over 8 years, noted the hard work and best efforts put forth, commended those she has served with and praised City employees for their extraordinary work. She said she will continue to reside in Gallup and wished the Council the best.

Councilor Piano thanked Councilor Palochak for the dedication and knowledge she brought to the City and expressed appreciation for her hard work and commitments. She announced the upcoming weekend events and provided the Ceremonial calendar of events.

Councilor Garcia commended City staff including Chief of Police Erin Toadlena-Pablo, Deputy Chief of Police Billy Padovich, Public Works Director Robert Hamblen, Planning and Zoning Development Director C.B. Strain, Lt. Mark Spencer of the Gallup Police Department, Mr. DeYoung and Mr. Eason for attending her neighborhood meeting to address citizens' concerns regarding drug activity. She mentioned the clean-up on the northside and thanked Vince Alonzo, Parks and Recreation Director, Mr. Hamblen and Adrian Marrufo, Acting Director of the Water/Wastewater/Solid Waste Department.


Councilor Schaaf thanked Councilor Palochak for all she's done for the city and wished her well in her retirement. He thanked the motor cross representatives for the invitation to their event, acknowledged Mike DeClercq's recent retirement from the Water/Wastewater/Solid Waste Department and thanked all City employees for all they do.

Mayor Bonaguidi mentioned his attendance at the motor cross event, the significant growth in the area near the hogbacks and Adventure Gallup's efforts. He expressed appreciation to Councilor Palochak and the difficulty it will be to replace her.

Comments by the Interim City Manager and City Attorney

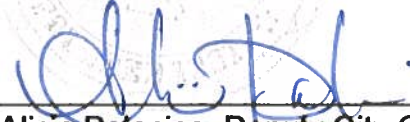
Mr. DeYoung and Mr. Eason thanked Councilor Palochak for all she has done.

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



Louie Bonaguidi, Mayor

ATTEST:



Alicia Palacios, Deputy City Clerk