

Minutes of the Regular Meeting of the Gallup City Council, City of Gallup, New Mexico held at the El Morro Events Center, 210 South Second Street at 6:00 p.m. on Tuesday, July 27, 2021.

The meeting was called to order by Mayor Louie Bonaguidi. He provided instructions to the public viewing the meeting through Facebook Live on how to provide comment on non-agenda items.

Upon roll call, the following were present:

Mayor:	Louie Bonaguidi
Councilors:	Linda Garcia Michael Schaaf Yogash Kumar Fran Palochak
Also present:	Maryann Ustick, City Manager Curtis Hayes, City Attorney

Presented to the Mayor and Councilors for their approval were the Minutes of the Regular Meeting of July 13, 2021.

Councilor Schaaf made the motion to approve the aforementioned minutes. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Garcia, Kumar and Mayor Bonaguidi all voted yes.

Presented to the Mayor and Councilors for their approval were the following Discussion/Action Topics:

- 1. Request for Street Closures for Ceremonial Parade – Kyle Tom, Gallup Inter-Tribal Ceremonial Association President**

Mr. Tom thanked the Mayor and Councilors for their time and consideration, however despite their best efforts, they were unable to obtain adequate group participation for the event. Therefore, a decision was made to forego the parades this year. Mr. Tom provided a list of scheduled events during the Ceremonial. There was no action taken by the Mayor and Councilors.

- 2. Approval of Visit Gallup Logo/Brand Refresh – Jennifer Lazarz, Tourism Marketing Manager**

Ms. Lazarz explained the intentions for changing the logo, including business retention and promotion as well as public relations. She said use of the word “visit,” within the tourism logo was based on her experience searching certain terms on the internet and accessing information more easily pertaining to Gallup. She also provided information

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regarding the importance and purpose of a logo, including the creative process and color scheme for the design.

Discussion followed regarding the significance of recognition, phasing out the “Gallup, Real True,” phrase, monetary cost for the change, recent social media posts regarding the logo, color modifications and clarification regarding approval of the shape and wording with the option to approve the color of the logo at a later date.

Councilor Kumar made the motion to approve the Visit Gallup Logo/Brand refresh shape, as presented. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Palochak and Bonaguidi all voted yes. Councilor Schaaf voted no. Motion carried.

3. Budget Adjustment for Prizes for Best of the Best 2021 – Jennifer Lazarz, Tourism and Marketing Manager

In light of recent recommendations from the Lodger’s Tax Committee and Council approval, Ms. Lazarz requested a budget adjustment in the amount of \$8,000 from the Lodger’s Tax Fund balance for the purchase of rodeo prizes, including engraved iPads, iPad covers and buckles.

Councilor Palochak made the motion to approve the budget adjustment for prizes in the amount of \$8,000, as presented. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Schaaf, Kumar and Mayor Bonaguidi all voted yes.

4. Resolution R2021-22; 4th Quarter FY2021 Budget Adjustments and Report of Actuals – Patty Holland, Chief Financial Officer

Ms. Holland presented the proposed resolution, encompassing all budget changes processed April 1, 2021 through June 30, 2021, noting closed project processes, general fund transfers and project rollovers. She provided an overview and explained certain budget revisions made during the quarter and the required report to be submitted to the Department of Finance and Administration (DFA). Ms. Holland stated General Fund Revenue succeeded the budget by over \$8.9 million for the year. She said unspent expenditures in the amount of \$6.8 million will go to the Vehicle Replacement Fund, subject to the Mayor and Councilors’ approval.

Councilor Schaaf made the motion to approve Resolution No. R2021-22; 4th Quarter FY2021 Budget Adjustments and Report of Actuals. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Garcia, Kumar and Mayor Bonaguidi all voted yes.

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- 5. Budget Adjustment Request for \$8,000 to the Animal Control Operations Budget for Veterinary Services Taxes – C.B. Strain, Planning and Development Director**

Mr. Strain presented the proposed budget as part of the Professional Services Agreement, approved by the Mayor and Councilors on September 1, 2020, between Clinton J. Balok for veterinary services. According to the agreement, taxes must be shown as a separate line item, however, the taxes were inadvertently left out of the Animal Control FY2022 budget, leaving a shortage of \$7,980 for the year.

Brief discussion followed regarding the Joint Powers Agreement with McKinley County, presenting the matter at the next County Commission Meeting and the process for which their portion is paid.

Councilor Garcia made the motion to approve budget adjustment in the amount of \$8,000 for veterinary services taxes, as presented. Seconded by Councilor Kumar. Roll call: Councilors Garcia, Kumar, Schaaf, Palochak and Mayor Bonaguidi all voted yes.

- 6. Budget Adjustments to Electric Enterprise Operating Accounts – John Wheeler, Electric Director**

Mr. Wheeler presented the proposed budget adjustments from Fund 507 in the following amounts and line items due to a misunderstanding of how encumbrances affect the succeeding fiscal years.

- \$90,000 for Maintenance Traffic Signals**
- \$150,000 for Attorney fees**
- \$80,000. for Printing and Publishing**
- \$125,000 for Transformers**
- \$50,000 for Street Light Signals Sign**

Councilor Palochak made the motion to approve all budget adjustments from Fund 507, as presented. Seconded by Councilor Schaaf. Roll call: Councilors Palochak, Schaaf, Kumar, Garcia and Mayor Bonaguidi all voted yes.

- 7. Milsoft Engineering Software – John Wheeler, Electric Director**

Mr. Wheeler presented the proposed budget adjustment to the 2022 CIP for the purchase of software and hardware enabling specific engineering capabilities, in the amount of \$60,371.75 and a contingency amount totaling \$65,000. He provided information regarding annual costs. Mr. Wheeler briefly explained the system's functionality and departmental benefits.

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Discussion followed concerning the integration of data into the GIS system for the purpose of providing a complete schematic, often requested by housing developers. Councilor Palochak requested Mr. Wheeler look into an engineering program with those capabilities to better serve potential developers.

Councilor Schaaf made the motion to approve the budget adjustment in the amount of \$65,000 to the 2022 CIP for engineering software. Seconded by Councilor Garcia. Roll call: Councilors Schaaf, Garcia, Palochak, Kumar and Mayor Bonaguidi all voted yes.

8. Request to Award Bid for Coal-Aztec Alley Utility Improvements – Formal Bid 2107 – Dennis Romero, Water and Wastewater Director

Mr. Romero said the lowest qualifying bid was submitted by DUB-L-EE, LLC out of Albuquerque, New Mexico, in the amount of \$882,464.49, including Gross Receipt Tax (GRT). He said the project will be located between Coal and Aztec Avenues from 2nd Street to 4th Street and includes water and sewer. He presented a table depicting the budget available by fund and project. Project JU1989 includes additional projects that have not gone out to bid meaning the project must remain open despite completion of this project. Mr. Romero requested approval of the contract award and an increase of \$48,509.64 with regard to PO #90509 for DePauli Engineering for construction management services and alignment changes.

Councilor Palochak made the motion to approve contract award to DUB-L-EE, LLC in the amount of \$882,464.49 including GRT and an increase to PO #90509 in the amount of \$49,509.64, as presented. Seconded by Councilor Schaaf. Roll call: Councilors Palochak, Schaaf, Kumar, Garcia and Mayor Bonaguidi all voted yes.

9. Request to Award Bid for NM118-Ford Sewer, Water and Street Improvements – Formal Bid No. 2109 – Dennis Romero, Water and Wastewater Director

Mr. Romero said H.O. Construction responded with a low bid of \$962,371.73, provided a project scope and clarified areas affected. He presented a table detailing a breakdown of the project's funding sources including waterline, sewer line and roadway and requested approval of the award. He also asked for the approval of budget adjustments in the amount of \$492,526.51 from Fund 506 into Project No. JU1884 and \$151,091.13 from Fund 508 for construction and construction management in addition to the expenditure of funds from Project CI1732.

Councilor Kumar made the motion to approve the award of Formal Bid 2109 to H.O. Construction, budget adjustments and expenditures, as presented. Seconded by Councilor Schaaf. Roll call: Councilors Kumar, Schaaf, Palochak, Garcia and Mayor Bonaguidi all voted yes.

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10. Request for Budget Adjustment for Change Order No. 3 for Reach 27.10 Construction – Dennis Romero, Water and Wastewater Director

Mr. Romero presented a map depicting Reach 27.10. He explained the need to alter the alignment and obtain an easement from the property owner, resulting in Change Order 3. He provided a sketch and explanation of the work completed, which was reviewed by the Water Trust Board, New Mexico Environmental Department (NMED) as well as the Bureau of Reclamation. Total amount for the project was \$38,392.62 and will be paid for by the Financial Assistance Agreement with the United States Bureau of Reclamation (USBR) with the City paying approximately \$10,000.

Councilor Schaaf made the motion to approve budget adjustment for Change Order No. 3, in the amount of \$38,410, as presented. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Garcia, Kumar and Mayor Bonaguidi all voted yes.

11. Resolution No. R2021-23; Designating Polling Locations for Municipal Officer Election Day in the City of Gallup, New Mexico – Alfred Abeita, City Clerk

Mr. Abeita presented the proposed Resolution in accordance with State Law requiring the governing body to designate the polling places of each precinct or consolidated precinct in June or July of each odd-numbered years. Staff recommended the consolidation of all precincts and to designate the following locations as voter convenience centers for the next election to be held on Tuesday, March 1, 2022 for Districts 1 and 3.

- 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**

Discussion followed regarding City Hall with regard to Early Voting and the inclusion of the location, which will be brought back for Council approval in October or November of this year.

Councilor Kumar made the motion to approve No. Resolution R2021-23. Seconded by Councilor Schaaf. Roll call: Councilors Kumar, Schaaf, Garcia, Palochak and Mayor Bonaguidi all voted yes.

12. Resolution No. R2021-24; Establishing Rules and Procedures Regarding Council Meetings and Agenda – Curtis Hayes, City Attorney

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Mr. Hayes presented the proposed Resolution to conduct regularly scheduled work sessions. Mr. Hayes provided a brief overview regarding Council's discussion at the June 22nd meeting related to a draft resolution addressing issues related to how the Council conducts business, the use of regularly scheduled work sessions, explanations for conducting work sessions and important issues to consider with regard to the options presented in four versions of the Resolution as follows:

- Version 1: Schedule a work session twice a month on Tuesday that a regular meeting is not held; provides for use of a consent agenda; establishes rules for building the agenda for work and regular sessions to determine who can speak to agenda items and how work sessions on conducted.**
- Version 2: Same as version 1, however a regularly scheduled work session 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 identical to version 1 and 2.**
- Version 4: Same as version 3, with the elimination of the section allowing for the use of a consent agenda.**

Discussion followed regarding public hearings, public comment on agenda items and the pros and cons of conducting work sessions including, consent agendas, time constraints, deadlines, the approval process, item compilation, additional work, council briefings, permissible items and providing a list of forthcoming agenda items.

Councilor Kumar made the motion to approve Version 3 of Resolution No. R2021-24, to schedule work sessions on an as needed basis and provide a list of forthcoming agenda items to Council. Seconded Councilor Schaaf. Roll call: Councilors Kumar, Schaaf, Palochak, Garcia and Mayor Bonaguidi all voted yes.

Presented to the Mayor and Councilors was the following Presentation and Information item:

- 1. Discussion of Proposed Small Cell Wireless Ordinance – Curtis Hayes, City Attorney**

Mr. Hayes provided a brief explanation of small cell wireless transmitters, their purpose and function. He presented charts detailing timeframes according to New Mexico and Federal law time restrictions upon receipt of an application for installation and potential legal ramifications. Mr. Hayes also gave an overview of the ordinance based on New Mexico and Federal Laws, including the use of right-of-ways and poles, existing pole

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use as well as new or replacement poles, eligible facility requests, application fees, aesthetic standards, supporting documentation, application denial, new pole size restrictions and the repair and removal of small cell wireless equipment.

Discussion followed regarding financial charges for the additional use of power, additional aesthetic standards with regard to downtown, average size of the equipment, departmental responsibilities and presentation of the final Ordinance for approval at the next meeting.

Comments by Public on Non-Agenda Items

None.

Comments by Mayor and City Councilors

Mayor Bonaguidi noted the time he spent reviewing the New Mexico State Cannabis Regulation Act

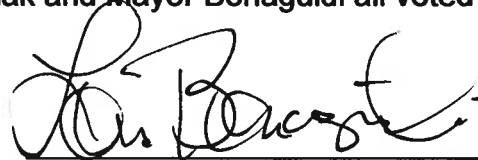
Councilor Palochak expressed concerns with recent damage of the City Cemetery caused by the storm and requested an update from Vince Alonzo, Parks and Recreation Department Director. She also expressed concerns with the audio problems within the El Morro Events Center causing difficulty hearing during the meeting.

Councilor Schaaf thanked Robert Hamblen, Jimmy Parrish and Street Department staff for work completed on Tocito Drive and reminded citizens of the east side city-wide clean-up.


Comments by City Manager and City Attorney

Ms. Ustick said Street Department staff recently experienced a mechanical failure with the milling machine which may cause delays in schedules and said she will provide updates on any schedule changes.

Councilor Schaaf made the motion to adjourn. Seconded by Councilor Kumar. Roll call: Councilors Schaaf, Kumar, Garcia, Palochak and Mayor Bonaguidi all voted yes.



Louie Bonaguidi, Mayor



Alicia Palacios, Deputy City Clerk