

AGENDA

GALLUP CITY COUNCIL REGULAR MEETING TUESDAY, DECEMBER 11, 2012; 6:00 P.M. CITY COUNCIL CHAMBERS

Jackie McKinney, Mayor

Mike Enfield
Councilor, District #1

Allan Landavazo
Councilor, District #2

E. Bryan Wall
Councilor, District #3

Cecil Garcia
Councilor, District #4

Dan Dible, City Manager
George Kozeliski, City Attorney

A. Pledge of Allegiance

B. Roll Call

C. Approval of Minutes

Special Meeting of November 27, 2012
Regular Meeting of November 27, 2012
Emergency Meeting of December 5, 2012

D. Presentation and Informational Items

1. Presentation of the Business Improvement District's Annual Report – Lindsay Mapes, Executive Director, Gallup BID, Inc.
2. Update on the City's Clean and Lien Program – Clyde "C.B." Strain, City Planner
3. Presentation on the Allison Road Corridor Study – Kurt Thorsen, Bohannon Huston, Inc.

E. Discussion/Action Topics

1. Resolution No. R2012-51; Allison Road Bridge Replacement Project – Stan Henderson, Executive Director, Public Works Department
2. Resolution No. R2012-52; Establishing the 2013 New Mexico Legislative Capital Outlay Priorities – Stan Henderson, Executive Director, Public Works Department

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Discussion/Action Topics, continued

3. Pre-Planning Library Building Feasibility Study Contract Award, RFP #2012/2013/01 – Mary Ellen Pellington, Library Director
4. Resolution No. R2012-50; Election Resolution for the March 12, 2013 Regular Municipal Election – Alfred Abeita, City Clerk
5. Grant of Easement from Gallup NewCo Limited Partnerships/Gamerco Associates to the City of Gallup – George Kozeliski, City Attorney
6. Quitclaim Deed from Gallup NewCo Limited Partnerships/Gamerco Associates to the City of Gallup – George Kozeliski, City Attorney
7. Agreement Between Na’Nizhoozhi Center, Inc./Gallup Express and the City of Gallup for the Operation of a Public Transportation Service – George Kozeliski, City Attorney
8. Fitness Center Management Contract Award – Rick Snider, Executive Director, General Services Department
9. Appointments to the Gallup Housing Authority Board of Commissioners – Mayor Jackie McKinney
10. Action to Cancel or Reschedule the December 25, 2012 Regular City Council Meeting

F. Comments by Public on Non-Agenda Items

G. Comments by Mayor and City Councilors

H. Comments by City Manager

I. Motion to Adjourn

Auxiliary aides for the disabled are available upon request. Please contact Alfred Abeita, City Clerk, at 863-1254 at least one (1) week prior to the meeting or as soon as possible in advance of the meeting to make any necessary arrangements.

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 24 hours in advance of the scheduled meeting.

Minutes

Special Meeting of November 27, 2012
Regular Meeting of November 27, 2012
Emergency Meeting of December 5, 2012

Minutes of the Special Meeting of the Gallup City Council, City of Gallup, New Mexico, held in the Council Chambers at City Hall, 110 West Aztec Avenue, at 4:00 p.m. on Tuesday, November 27, 2012.

The meeting was called to order by Mayor Jackie McKinney.

Upon roll call, the following were present:

Mayor:	Jackie McKinney
Councilors:	Mike Enfield Allan Landavazo Cecil Garcia E. Bryan Wall
Also present:	Dan Dible, City Manager George Kozeliski, City Attorney

Presented to the Mayor and Councilors was the following presentation and informational item:

1. Presentations Concerning the Proposed Quiet Zone

Mayor McKinney introduced the following presenters: Carolyn Cook, Senior Crossing and Trespass Prevention Regional Manager, Federal Railroad Administration, United States Department of Transportation (USDOT), Austin, Texas; Kamalah Minor, Manager Public Projects, Burlington Northern Santa Fe (BNSF) Railroad, Kansas City, Kansas; Richard Barnitz, Project Engineer, BNSF, Belen, New Mexico; John Whatley, Engineering Coordinator, Transit & Rail, New Mexico Department of Transportation (NMDOT), Santa Fe, New Mexico; and Abiel Carrillo, Molzen-Corbin, Consulting Engineers on the Proposed Quiet Zone Study, Albuquerque, New Mexico. Mr. Kozeliski said Ed Zendel, Risk Services Director, New Mexico Self-Insurers' Fund (NMSIF), Santa Fe, New Mexico, was available by telephone, if needed.

Ms. Cook presented a power point presentation on the proposed quiet zone to be established at the Second and Third Street railroad crossings. A copy of the power point presentation is attached hereto, marked as "Exhibit A", and made a part of these official Minutes.

Ms. Minor said she did not have a presentation to offer; however, she was present to answer any questions concerning the establishment of a quiet zone and BNSF's role in the process.

Mr. Barnitz also said he did not have a presentation to offer but was available to answer any questions regarding the technical aspects of establishing a quiet zone and BNSF's role in the process. Mayor McKinney asked if BNSF was supportive of quiet zones. Mr. Barnitz responded yes.

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Mr. Whatley said his primary function with the NMDOT is to administer the Section 130 program, which consists of the use of federal funds for safety improvements at railroad crossings. Section 130 funds may be used for the median improvements as previously described in Ms. Cook's presentation; however, the funds may not be used for quiet zone improvements. Mr. Whatley said he is working with the City's Public Works Director to install median improvements at the Mentmore and Allison railroad crossings.

Mr. Carrillo said his company conducted a feasibility study on the proposed quiet zone for Gallup. He said the study provides information on the Locomotive Horn Rule as alternatives for maintaining the existing supplemental safety measures, maintaining one-way streets with pedestrian enhancements and the implementation of way-side horns with pedestrian enhancements. Way-side horns would not be a recommended alternative since the nearby businesses would continue to experience the high decibel levels from the way-side horns at the railroad crossings. He said the primary factor that needs to be considered in all of the alternatives presented is the pedestrian activity that occurs in the vicinity of the railway. He mentioned the "grade separation" option that has been reviewed by City officials; however, the option is very costly. Pedestrian gates at the railroad crossings would be ineffective since pedestrians may easily walk around the gates.

Since Mr. Zendel was not in attendance at the meeting, Mayor McKinney made reference to a memorandum from Mr. Zendel that was disseminated to the Mayor and Councilors. A copy of Mr. Zendel's memorandum is attached hereto, marked as "Exhibit B", and made a part of these official Minutes. Mr. Kozeliski said the memorandum states that from a liability standpoint, the NMSIF is concerned that the City of Gallup may be increasing its liability exposure by creating a quiet zone. Mr. Kozeliski said the NMSIF needs additional information regarding the matter to determine the additional risk the City may be exposed to and to provide a quote for liability coverage.

Councilor Wall asked if the City pays the NMSIF for insurance coverage. Mr. Kozeliski said the City pays a premium to the NMSIF for insurance coverage based on the City's risk factor. Mr. Kozeliski said the City currently has no risk factor or liability for trains; however, if the City establishes a quiet zone, the NMSIF will need to establish a risk factor for the City to determine the City's insurance premium for coverage. In order to determine the risk factor for the quiet zone, Mr. Kozeliski said the NMSIF will need to know the safety enhancements that will be implemented at the railroad crossings. Mr. Dible said the NMSIF may not be able to provide liability coverage for the quiet zone at all.

Councilor Enfield said the most efficient, cost effective way to address the situation may

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be to close the railroad crossings. Councilor Enfield asked Mr. Whatley if the construction of a pedestrian overpass could be funded with Section 130 federal funds. Mr. Whatley said a pedestrian overpass could be considered a luxury as there are other safety funds available through the State that could be applied for and obtained for a pedestrian overpass. Mr. Whatley said there are insufficient funds in the Section 130 program for an overhead pedestrian crossing which would cost about \$2 million to \$5 million. For about \$10 million, Mr. Whatley said the City could construct an underpass at Second Street, transform Second Street from a one-way to a two-way street and close the Third Street railroad crossing. Mr. Whatley said the problem is not with the railroad crossings but with the pedestrians trespassing along the railroad right-of-way. He said unless Gallup finds a way to solve the pedestrian trespassing problem, there will always be a train horn sounding in Gallup.

Councilor Landavazo asked Ms. Cook if train horns are required to be sounded due to the foot traffic and the work being done within the train yard west of Third Street. Ms. Cook said the train yard could always be the reason for the sounding of train horns twenty-four hours a day. Councilor Landavazo said if the City closes the Second and Third Street crossings, will the train horns continue to be sounded due to the work being done within the train yard west of Third Street. Ms. Cook said the train horns will not be sounded if the railroad crossings are closed; however, the sounding of the horns in the yards fall under BNSF's operating rules. Mr. Barnitz said most of the signal indications for the switch work that is being done in the yard are currently being done by radio rather than by sounding the train horns. Mr. Barnitz said all train horns will be sounded when maintenance workers are working on the railway. Councilor Landavazo said he wanted to make sure everyone understood that a quiet zone is not a "quiet" zone as train horns would continue to be sounded for safety reasons. Councilor Landavazo also said a determination needs to be made to see if the sounding of the train horns will be reduced enough to warrant the major expenses of implementing the changes required for the quiet zone. In addition to the sounding of train horns during the switch work being done at the train yard and to alert maintenance workers working along the railway, Mr. Barnitz said trespassing pedestrians will always be the issue in Gallup as train horns will always be sounded to warn pedestrians near the railway.

Councilor Garcia asked if train horns are required to be sounded 15-20 seconds prior to reaching a railroad crossing. Ms. Cook concurred. Councilor Garcia said when there is no pedestrian or vehicle traffic train horns will be sounded 15 to 20 times beginning one-quarter of a mile away. Councilor Garcia expressed concerns with businesses losing customers due to the abusive sounding of the train horns and asked if there were laws governing the sounding of horns by train engineers. Ms. Cook reiterated the federal rule from her earlier presentation and said the railroad company may have their own rules for sounding train horns. Mr. Barnitz said federal law and the operating practices

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of the railroad requires the sounding of train horns at each individual crossing as well as any trespassing pedestrians or maintenance workers working along the railway. Mr. Barnitz said it may seem excessive when there are crossings at Allison Road, Second Street, Third Street and a private crossing near Baskin Robbins.

Councilor Landavazo asked if there were a certain number of horn blast required at each crossing. Mr. Barnitz said the usual horn pattern for a railroad crossing is two short blasts, one long blast and one short blast; however, he was uncertain of how many cycles of the horn pattern is sounded at each crossing.

Mayor McKinney said he previously worked at a business located at the Second Street crossing. He said when the railroad performs its switch work, the crossings at Second and Third Streets are blocked by the railroad for 30 to 45 minutes at a time. Unfortunately, Mayor McKinney has witnessed many pedestrian accidents and deaths as a result of impatient pedestrians climbing over or under the trains to get to the other side of the tracks. He asked BNSF officials to address the problem with blocking the railroad crossings for an excessive amount of time, especially during the noon and one o'clock hours every day. By shortening the time of blocking the railroad crossings, Mayor McKinney believes it would resolve about 75% of the pedestrian accidents. He has also heard of train engineers sounding their horns to let their wives know they are passing through town. Mayor McKinney also asked BNSF officials to instruct their engineers on the proper use of sounding train horns. Ms. Minor said the railroad crossing should not be blocked longer than ten minutes and she encouraged residents to call the toll free number to contact BNSF regarding potential problems. Ms. Minor also recommended holding a public meeting to discuss community issues with the railroad. Ms. Cook said there are no federal rules regarding the trains blocking railroad crossings. Discussion followed concerning whether BNSF's ten minute rule applied to non-moving trains blocking the crossing for more than ten minutes or for railroad traffic blocking the railroad crossing for a period of ten minutes. Ms. Minor confirmed that the ten minute rule applied to vehicles being stopped and blocked at a crossing for a period of ten minutes; however, a longer time period is required for the switching of railroad cars. Mayor McKinney asked BNSF officials to conduct their company's switch work during the evenings when traffic volumes are down. Mr. Barnitz said he does not have the authority to alter the local operations of BNSF; however, he will inform BNSF's Gallup operations concerning Mayor McKinney's requests. Mayor McKinney said he would like to meet with representatives from BNSF's Gallup operations to discuss issues concerning the railroad crossings.

Councilor Wall said when he owned a nursery, he and his cousin used to install an underground electric wire along a new lawn they installed to keep animals off the grass. Although the animals would receive a warning shock, the shock would not harm the

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animals. Since the matter with railroad is a safety issue, Councilor Wall recommended installing an electric wire that would give pedestrians a harmless warning shock to prevent them from crossing the tracks when the arms of the gates come down. Councilor Wall asked if the proposed quiet zone would be joint venture between the City and the County. Mr. Kozeliski said the proposed quiet zone would not include the County; however, he discovered earlier in the day that Second Street is a State highway and Third Street is a City street. Mr. Kozeliski said if a quiet zone is to be implemented the State will need to request the quiet zone for the Second Street crossing and the City will need to request the quiet zone for the Third Street crossing. Councilor Wall presented varying cost estimates and alternatives for implementing a quiet zone, which ranged from \$70,000 to \$270,000. The cost estimates and alternatives were prepared by Molzen-Corbin originated from the material that was distributed at previous meetings. Councilor Wall said he does not believe the costs for implementing a quiet zone is outrageous and the City should move forward with the project since it has excess funds in reserve that could be used for the project. Councilor Wall said he believes the City has \$75 million or \$84 million in reserve, but was uncertain of the exact amount of funds since he has not received the information he requested from the City Manager five weeks ago. Councilor Wall said questions need to be answered concerning the City's liability exposure if a pedestrian is harmed a certain distance from a railroad crossing. Mayor McKinney said the City does not have \$75 million or \$84 million in cash reserves and directed Mr. Dible to meet with Councilor Wall concerning the City's cash reserves and financial status. Mr. Dible said he would like to inform the representatives of the state and federal agencies present that the majority of the City's cash reserves is dedicated to the City's utility funds. Councilor Wall asked about the amount of cash reserves in the City's utility funds as well as funds in savings accounts, bonds and other investments. Mr. Dible said he will respond to Councilor Wall in writing.

Mayor McKinney recognized State Senator George Munoz who was present in the audience.

Mayor McKinney opened the floor for public comments and questions.

Mary Ann Armijo, former City Councilor, said she is married to an engineer and understands the issues concerning the railroad. She said the pedestrian problem needs to be addressed and remembers a time when four pedestrians were killed during a period of 1 ½ weeks. One of the four fatalities that occurred involved Ms. Armijo's husband as the train's engineer. She said her husband currently operates a switch engine and has witnessed the daily traffic and pedestrians at the railroad crossings. She conveyed her husband recommendations to close the railroad crossings and to construct a pedestrian bridge over the railway.

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Chuck Van Drunen asked Ms. Cook if it was true if Gallup would qualify for a quiet zone with the existing gates at the railroad crossings. Ms. Cook responded “technically true.” Mr. Van Drunen said technically the City could have a quiet zone with no additional cost since the risk index would be significantly reduced with the current use of “SSM 14.” Mr. Van Drunen said he is not proposing the implementation of a quiet zone with the existing gates due to the current problems with pedestrians. Mr. Van Drunen asked Mr. Whatley to verify the costs for constructing a foot bridge over the railway. Mr. Whatley said it would cost \$3 million to \$5 million to construct a pedestrian bridge in accordance with Americans with Disabilities Act (ADA) standards. Mr. Van Drunen expressed his concerns with the high costs for constructing a foot bridge. Regarding the option of closing the railroad crossings, he said the problem would be solved; however, there are currently 10,000 cars crossing the intersections at Second and Third Streets on a daily basis and residents would need to use either the Miyamura or the Munoz overpasses to get from one side of town to the other. Mr. Van Drunen said the overpasses already sustain 10,000 cars on a daily basis. He also said if the railroad crossings are closed it would be detrimental to the downtown business activity. Mr. Van Drunen asked Mr. Carrillo if the proposed pedestrian upgrades would be considered ASMs (Alternative Safety Measures). Mr. Carrillo said by upgrading the railroad crossings from a two gate system to a four gate system is an SSM (Supplementary Safety Measure); however, the four gate system is intended for motorists. Mr. Van Drunen said the current risk assessment at the local crossings with the train horns is 106,000. With the implementation of the safety measures, Mr. Van Drunen said the risk assessment is reduced to 31,000 thus making the railroad crossings safer by 340%. If a quiet zone was implemented, Mr. Van Drunen said the City would be liable for accidents only if the City was negligent in some capacity. Mr. Kozeliski disagreed and said he received information from BNSF concerning their success with winning lawsuits against them; however, it costs BNSF \$100,000 to \$150,000 per lawsuit which also figured into their insurance premium. Mr. Kozeliski also said the cost for defending a case is enormous which is also figured into the cost for insurance coverage. Based on his research, Mr. Van Drunen said quiet zones across the country pay \$1,000 per crossing per year for liability insurance. Mr. Van Drunen said the Village of Milan, having a risk index of 30,000, does not pay anything to the NMSIF for the added coverage for their quiet zone.

Labor Persinger, downtown business owner, said the future of Gallup depends on the decisions made by the Mayor and Councilors. Although the downtown area is very noisy, he asked the Mayor and Councilors for their help in making a “better zone”, rather than a quiet zone, in the downtown area.

Mayor McKinney said the purpose of the meeting is to conduct an open forum on the proposed quiet zone. No action will be taken by the Council during the current meeting.

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Lindsay Mapes, Executive Director of the Business Improvement District, asked the Mayor and Councilors not to consider the closure of the Second Street and Third Street railroad crossings. She said closing the crossings would negatively impact the business climate in the downtown area and adversely affect gross receipts tax revenues.

Fitz Sargent, downtown business owner, said he personally likes the train noise but does not want to compromise the future of downtown Gallup where it is difficult to do business. He said there are two benefits for resolving the issue: saving lives and giving downtown Gallup an opportunity to move ahead. He said he cannot imagine a city not spending \$400,000 or \$500,000 to save 5 lives over a ten year period and to give downtown an opportunity to move ahead.

Martin Neal thanked the Mayor and Councilors for holding the public forum. He said the matter is a business issue for downtown Gallup and a quality of life issue for local residents that have to deal with the train noise 24 hours a day, 7 days a week. Overall, the matter is not just a business issue or a resident issue, the matter is a community issue.

Ms. Armijo asked if a quiet zone is implemented, if all of the liability would fall on the City and not BNSF. Mr. Kozeliski said the engineers and BNSF are immune to any liability and liability is left to the courts to decide.

Mayor McKinney reiterated his request to the representatives from BNSF if they could direct the local trainmaster to meet with him to discuss community issues with the railroad and to provide a refresher course for train personnel on the proper sounding of the train horns.

There being no further business, Councilor Wall made the motion to adjourn the meeting. Seconded by Councilor Garcia. Roll call: Councilors Wall, Garcia, Landavazo, Enfield, and Mayor McKinney all voted aye.

Jackie McKinney, Mayor

ATTEST:

Alfred Abeita, City Clerk

Minutes of the Regular Meeting of the Gallup City Council, City of Gallup, New Mexico, held in the Council Chambers at City Hall, 110 West Aztec Avenue, at 6:00 p.m. on Tuesday, November 27, 2012.

The meeting was called to order by Mayor Jackie McKinney.

Upon roll call, the following were present:

Mayor:	Jackie McKinney
Councilors:	Mike Enfield Allan Landavazo Cecil Garcia E. Bryan Wall
Also present:	Dan Dible, City Manager George Kozeliski, City Attorney

The Mayor and Councilors presented a commendation to Richard Acevedo of the Police Athletic League, honoring him for his years of dedication and outstanding contributions made to the youth of McKinley County and the Police Athletic League.

Presented to the Mayor and Councilors were the Minutes of the Regular Meeting of November 13, 2012.

Councilor Wall said he wanted to make changes to his statements from the November 13, 2012 Regular Meeting Minutes. On page 4, regarding his statements concerning the cost of receptacles for 1,200 commercial accounts, the cost should be \$1,350,000 instead of \$135,000. On the same page, Councilor Wall's statements on the inventory cost of about \$3.8 million was based on the figures he had at the time and the new figure should be \$6,150,282, based on his additional research. Further down the same page, regarding his statements concerning the City's profit of \$598,000 last year, Councilor Wall said in 2012, the City made \$846,000; 2011, \$1 million; 2010, \$1.2 million; 2009, \$945,000; 2008, \$726,000 and 2007, \$1.1 million. Councilor Wall said the reason for the erroneous figure was due to the "transfers out" that were made and he asked about a transfer fee. Mayor McKinney said discussion should only be made about the Minutes. Councilor Wall said he wanted to provide an explanation about the difference in the figures he presented at the meeting. Councilor Wall also asked for the new figures to be included in the Minutes. Mayor McKinney said the numbers are not being validated but the comments made by Councilor Wall during the meeting were being clarified.

Following discussion, Councilor Wall made the motion to accept the aforementioned Minutes. Seconded by Councilor Landavazo. Roll call: Councilors Wall, Landavazo, Garcia, Enfield and Mayor McKinney all voted aye.

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

1. Acceptance of a Letter from Waste Management of New Mexico, Inc. Withdrawing Contract Proposal – Dan Dible, City Manager

Mr. Dible recommended the acceptance of the letter from Waste Management of New Mexico, Inc. withdrawing their contract proposal.

Councilor Enfield made the motion to accept Waste Management of New Mexico's letter withdrawing their contract proposal. Seconded by Councilor Landavazo. Roll call: Councilors Enfield, Landavazo, Garcia, Wall, and Mayor McKinney all voted aye.

2. Appointment of Rhonda L. Gishi-Chicharello to the Octavia Fellin Public Library Advisory Board – Mayor Jackie McKinney

Mayor McKinney recommended the appointment of Ms. Gishi-Chicharello to fill an existing vacancy on the Board.

Councilor Enfield made the motion to approve the appointment of Rhonda L. Gishi-Chicharello to the Octavia Fellin Public Library Advisory Board. Seconded by Councilor Wall. Roll call: Councilors Enfield, Wall, Landavazo, Garcia, and Mayor McKinney all voted aye.

3. Addendum to the Current Tourism Marketing Contract with the Gallup-McKinley County Chamber of Commerce – Bill Lee, Executive Director, Gallup-McKinley County Chamber of Commerce and Dan Dible, City Manager

Mr. Lee presented the proposed contract addendum which will provide an additional \$20,000 per year for the City's tourism marketing expenditures. He said the Chamber of Commerce has handled the City's billboard advertising campaigns as well as the branding campaign with the New Mexico Tourism Department. He also said the additional \$20,000 will go towards the City's marketing budget totaling \$100,000 per year and the additional funds will not be used for any administrative costs.

Mr. Dible said he is pleased with the value the City receives from the work performed by the Chamber of Commerce.

Following discussion, Councilor Enfield made the motion to approve the addendum to the current tourism marketing contract with the Gallup-McKinley County Chamber of Commerce. Seconded by Councilor Landavazo. Roll call: Councilor Enfield, Landavazo, Garcia, Wall, and Mayor McKinney all voted aye.

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4. Purchase Agreement with the Estate of George C. and Lorene B. Hight for the Purchase of Real Property Located at 206 to 212 South Second Street – George Kozeliski, City Attorney

Mr. Kozeliski said the City has been interested in the property since 2004. At that time, the property was originally appraised at \$108,000; however, the City could not reach an agreement with the Hights on the purchase of the property. Since Mr. Hight has passed, Mrs. Hight is now interested in selling the property to the City. The property was recently appraised at \$110,000 with the appraisal being done by Hix Appraisal in Albuquerque. Mr. Kozeliski said the property is in unsatisfactory condition; however, the purpose of purchasing the property is to construct a combination of dressing rooms and meeting rooms for El Morro Theater.

Councilor Garcia made the motion to approve the purchase agreement with the Estate of George C. and Lorene B. Hight for the purchase of real property located at 206 to 212 South Second Street. Seconded by Councilor Enfield. Roll call: Councilors Garcia, Enfield, Wall, Landavazo and Mayor McKinney all voted aye.

5. Resolution No. R2012-49; Directing the Allocation and Distribution of the Fiscal Year 2013 Liquor Excise Tax Revenue – George Kozeliski, City Attorney

Mr. Kozeliski said that during the Joint Meeting with the McKinley County Board of Commissioners, City and County officials were to conduct a follow-up meeting prior to December 1, 2012 to determine the distribution of liquor excise tax revenues. The meeting was conducted over one week ago and the recommendations made are as follows: the City will receive \$430,000 of the \$1.1 million in liquor excise tax revenues, with \$380,000 being used for the City's Protective Custody Program and \$50,000 for the Juvenile Drug Court at District Court; the County will receive a total of \$350,000 with \$150,000 being used for the Juvenile Substance Abuse Crisis Center, \$100,000 for the County's DWI program and administration, and \$100,000 for other programs, specifically, \$20,000 for the Thoreau Community Center, \$30,000 for the Boys and Girls Club and \$50,000 for Battered Families. Mr. Kozeliski said the City previously had concerns with the situation at the Na'Nizhoozhi Center, Inc. (NCI) and the potential loss of all federal funding; therefore, the remainder of liquor excise tax revenues of approximately \$320,000 will be held in reserve for future discussion and determination by City and County officials. If NCI does not receive the anticipated funding from either the federal or state governments, City and County officials may discuss and possibly allocate the reserved funds of \$320,000 for NCI. If NCI receives its anticipated funding from the federal or state governments, the \$320,000 may be used for other educational programs.

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Councilor Landavazo asked if the County was supportive in using the \$320,000 in reserve for NCI should NCI not receive its anticipated funding from the federal or state governments. Mayor McKinney said there was a consensus made at the liquor excise tax meeting with County officials to set aside funds in the event emergency funding is needed for NCI. Mayor McKinney said the consensus was made based on the request that was made to the State for emergency funding for NCI, based on a request made to the Navajo Nation for funding assistance for NCI, and based on discussions with federal officials. Mayor McKinney said the County Commissioners who were present at the meeting did not want to obligate the \$320,000 for NCI at this time; however, the Commissioners were supportive of allocating the \$320,000 if NCI needed the funds at a future time.

Councilor Wall said the County Commissioners were to consider the proposed Resolution at their meeting held earlier in the day. John McBreen, news reporter with Millennium Media, Inc., confirmed that the County Commissioners approved the Resolution.

Following discussion, Councilor Wall made the motion to approve Resolution No. R2012-49. Seconded by Councilor Enfield. Roll call: Councilors Wall, Enfield, Landavazo, Garcia, and Mayor McKinney all voted aye.

6. Ordinance No. C2012-11; Pedestrian Infrastructure Improvements Text Amendments – Clyde (C.B.) Strain, Planning Director

Mr. Strain said throughout the city, the City Code requires all pedestrian infrastructure to be maintained and improved, if needed, by the property owner in which the pedestrian infrastructure is adjacent to. Pedestrian infrastructure is defined as concrete curb and gutter, sidewalks, drive pads and handicap ramps constructed within the public right-of-way. Currently, the City Code requires any additions, renovations, or aboveground structural modifications to existing buildings with a project valuation greater than \$25,000 to improve the existing pedestrian infrastructure when said infrastructure is in a deteriorated state. The City Code gives a priority ranking for staff to utilize when determining which portions of the pedestrian infrastructure need to be improved first. Projects less than \$25,000 are exempt from the requirement. The City recognizes the current state of the economy and the need for flexibility when enforcing certain regulations when flexibility can be justified. To encourage development the City is proposing to increase the project valuation threshold requiring improvements to existing pedestrian infrastructure from "greater than \$25,000" to "equal to or greater than \$50,000" in valuation. The proposed Ordinance would also exempt projects with a valuation less than \$50,000 for requiring pedestrian infrastructure improvements. A minimum of 20% of the project valuation must continue to go towards the pedestrian

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infrastructure improvements. The Planning and Zoning Commission reviewed the proposed changes and were reluctant to send a favorable recommendation to the Mayor and Councilors since the Commission felt that the existing regulations provides a mechanism to have existing pedestrian infrastructure improved throughout the city. Mr. Strain said he explained to the Planning and Zoning Commission that improvements in the amount of \$25,000 were not considered major and improvements in the amount of \$50,000 were significant. Once the 20% requirement is applied to the project valuation equal to or greater than \$50,000, it will at least double the pedestrian infrastructure improvements to be made in contrast to a project valuation threshold of \$25,000. The Planning and Zoning Commission sends a positive recommendation to the Mayor and Councilors to approve Ordinance No. C2012-11.

Councilor Landavazo asked if the 20% rule would apply to projects with a valuation of \$50,000 or more if the existing pedestrian infrastructure is in satisfactory condition. Mr. Strain said the pedestrian infrastructure improvements would be required only if improvements were needed to the existing pedestrian infrastructure. If the existing pedestrian infrastructure is in satisfactory condition, 100% of the valuation would go towards the project.

Councilor Wall said he brought the matter before the Council a few weeks ago and said \$25,000 was worth more five or ten years ago. He said people do not want to improve their homes if they have to pay the additional 20%. He recommended the use of property tax revenues to be used for street or curb repairs rather than having the revenues going into the General Fund.

Councilor Wall made the motion to approve Ordinance No. C2012-11. Seconded by Councilor Enfield. Roll call: Councilors Wall, Enfield, Landavazo, Garcia, and Mayor McKinney all voted aye.

7. Construction Contract Award for the Sports Complex Synthetic Turf Project – Stan Henderson, Executive Director, Public Works Department

Mr. Henderson said the project will consist of the following upgrades at the Sports Complex: placing synthetic turf on 3 of the 4 ball fields; constructing new dugouts, fencing and scoreboards at each field; improving the facility storm drainage of the complex, reducing the rock outcrop in the maintenance road and the filling of the existing irrigation storage pond. The engineer of record and construction quality assurance is DePauli Engineering & Surveying and time for the completion of the project is 150 calendar days. Staff opened bids on November 9, 2012. The apparent low bidder #1, Lone Mountain Contracting, was deemed nonresponsive for submitting an incomplete subcontractors listing. Low bidder #2, Gerald Martin, did not submit a

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New Mexico resident contractor's preference certificate. Staff considers RMCI to be the responsive low bidder and their bid of \$3,918,159.30 to be a fair and reasonable price. The Mayor and Councilors budgeted \$4,591,630 for the project on July 26, 2011. Mr. Henderson recommended award of the construction contract to RMCI from Albuquerque in the amount of \$3,918,159.30, including gross receipts tax.

Councilor Landavazo asked if RMCI was the same company that performed work at the TDFL Field. Ron Caviggia, Purchasing Director, said Mountain States Contractors performed the work at the TDFL.

Councilor Garcia asked when the commencement of the project would be. Mr. Henderson said the projects typically begin 30 days after the award of the contract. In this case, the project will most likely begin after the Christmas and New Year's Holidays.

Councilor Wall asked if the bond proceeds that will be used for the project generated any interest income since the bonds were issued two years ago. Karla Newberry, Acting Executive Director, Administrative Services Department, said the bond proceeds have been received and are currently collecting interest.

Following discussion, Councilor Garcia made the motion to approve the construction contract award to RMCI for the Sports Complex Synthetic Turf Project. Seconded by Councilor Landavazo. Roll call: Councilors Garcia, Landavazo, Wall, Enfield, and Mayor McKinney all voted aye.

Comments by Public on Non-Agenda Items

None.

Comments by Mayor and City Councilors

Councilor Landavazo reminded everyone to "buy, build and believe Gallup."

Councilor Wall said hot air balloons were recently added to one of the murals on the building of City Hall in time for the Red Rock Balloon Rally. He said the improvement to the mural will show out-of-town balloonists the support local residents have for the event. He thanked Steve Heil for his work on the enhancements made to the existing mural.

Councilor Garcia said on November 2 and 23, 2012 he called Severn Trent Environmental Services to complain about the odor at the waste water treatment plant. He said he left a message on the hotline for Dennis Wing; however, Mr. Wing never returned Councilor Garcia's phone calls. He asked Mr. Dible to contact Mr. Wing concerning the odor problems at the plant. Councilor Garcia said there is a severe

MINUTES

Regular City Council Meeting – 11/27/2012

Page 7

trash and litter problem in the Allan George Canyon and asked Mr. Strain to address the problem. Mr. Strain said he will address the problem. Councilor Wall recommended having Severn Trent Environmental Services address the Council at a future meeting regarding the status of the waste water treatment plant. Mr. Dible said he will look into the matter.

Mayor McKinney said he is pleased to see everyone doing well after the Thanksgiving Holiday. He echoed Councilor Landavazo's comments since the Christmas Season is already upon us.

Comments by City Manager

Mr. Dible said "long live black Friday."

There being no further business, Councilor Garcia made the motion to adjourn the meeting. Seconded by Councilor Landavazo. Roll call: Councilors Garcia, Landavazo, Wall, Enfield, and Mayor McKinney all voted aye.

Jackie McKinney, Mayor

ATTEST:

Alfred Abeita II, City Clerk

Minutes of the Emergency Meeting of the Gallup City Council, City of Gallup, New Mexico, held in the Council Chambers at City Hall, 110 West Aztec Avenue, at 2:30 p.m. on Wednesday, December 5, 2012.

The meeting was called to order by Mayor Jackie McKinney.

Upon roll call, the following were present:

Mayor:	Jackie McKinney
Councilors:	Mike Enfield Allan Landavazo E. Bryan Wall
Absent:	Cecil Garcia, Councilor
Also present:	Dan Dible, City Manager George Kozeliski, City Attorney

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

1. For-Cause Termination of the Gallup Housing Authority Board of Commissioners

Mayor McKinney read the following letter into the record which was received early in the morning and addressed to Mayor McKinney:

Re: Resignation of the Housing Authority Board

Dear Mayor McKinney,

*It is with fairly mixed feelings that I submit this letter of resignation from my position of Gallup Housing Board Member. With immediate effect, I wish to be excluded from any future matters coming before the Board. It is apparent that the fiscal practices of the organization and the practices of the former Executive Director were improper and questionable and felt that my concerns were not addressed. I wish the organization the very best and hope it will emerge from these difficulties. Respectfully yours,
Louie Leyba.*

Mayor McKinney said he also received a letter of resignation two weeks ago from Daniel Diaz, resigning from the Gallup Housing Authority Board. Mayor McKinney also read a letter into the record from the United States Department of Housing and Urban Development (HUD). A copy of said letter is attached hereto and made a part of these official Minutes. Mayor McKinney said HUD feels the City has a Board that is insufficient in answering the needs of the community. He recommended approval of the

MINUTES

Emergency City Council Meeting – 12/5/2012

Page 2

for-cause termination of the Gallup Housing Authority Board of Commissioners, with the exception of those submitting letters of resignation from the Board.

Councilor Enfield made the motion to approve the for-cause termination of the remaining Gallup Housing Authority Board of Commissioners with the exception of those resigning their positions from the Board. Seconded by Councilor Landavazo. Roll call: Councilors Enfield, Landavazo, Wall, and Mayor McKinney all voted aye.

2. Appointment of an Acting Chairman for the Gallup Housing Authority Board of Commissioners

Mayor McKinney said he had a conference call with representatives from HUD advising that the City Council has the authority to appoint one Interim Chairman for the Gallup Housing Authority Board. The Interim Chairman could work in a sole capacity until such time the remaining positions on the Board are filled. The Interim Chairman would be responsible for all of the actions at the Housing Authority with support from City staff. Mayor McKinney recommended the appointment of Alfred "Porky" Abeita, Sr. as the Interim Chairman of the Gallup Housing Authority Board. Mayor McKinney said Mr. Abeita is a retired federal government employee who was previously in charge of facilities maintenance.

Following discussion, Councilor Wall made the motion to appoint Alfred "Porky" Abeita, Sr. as Interim Chairman of the Gallup Housing Authority Board. Seconded by Councilor Enfield. Roll call: Councilors Wall, Enfield, Landavazo, and Mayor McKinney all voted aye.

There being no further business, Councilor Enfield made the motion to adjourn the meeting. Seconded by Councilor Landavazo. Roll call: Councilors Enfield, Landavazo, Wall, and Mayor McKinney all voted aye.

Jackie McKinney, Mayor

ATTEST:

Alfred Abeita II, City Clerk

Presentation and Informational Item 1

Presentation of the Business Improvement District's Annual Report

Lindsay Mapes, Executive Director, Gallup BID, Inc.

(Supporting documentation will be provided before the meeting)

Presentation and Informational Item 2

Update on the City's Clean and Lien Program

Clyde "C.B." Strain, City Planner

(Information will be provided at the meeting)

Presentation and Informational Item 3

Presentation on the Allison Road Corridor Study

Kurt Thorsen, Bohannon Huston, Inc.

(Information will be provided at the meeting)

Discussion/Action Topic 1

Resolution No. R2012-51;
Allison Road Bridge Replacement Project

Stan Henderson, Executive Director, Public Works Department



CITY OF GALLUP
COUNCIL STAFF SUMMARY FORM

MEETING DATE: 11 December 2012

SUBJECT: Allison Road Bridge Replacement Project;
Engineering Design Funding Request For
DEPT. OF ORIGIN: Public Works/City Engineering
DATE SUBMITTED: 4 December 2012
SUBMITTED BY: Stanley Henderson, Public Works Director

Summary: Allison Road Bridge is a timber frame construction built across the Puerco River in 1940:



It is rated "Structurally Deficient" with a structural rating of 43.8 out of 100, and it is considered "Functionally Obsolete." It has been identified for replacement; since, the City's 1992 Master Transportation Plan.

By enclosure (1), NMDOT has requested City funding of the engineering design for the bridge replacement as Phase I of the planned improvements to the Allison Road Corridor. NMDOT itself cannot directly fund the replacement of a City bridge that is not part of the Federal/State highway system.

Fiscal Impact:

Reviewed By: 
Finance Department

Currently an unfunded line item. Estimated cost for the engineering design is \$250,000. An additional \$50,000 will also be needed at a later date in order to complete the environmental documentation for the Allison Corridor.

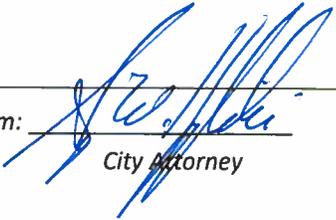
NMDOT still has approximately \$250,000 remaining from Representative Lundstrom's 2007/2008 legislative grants for the Allison Road Corridor Study that can be applied toward design. **City would only need make up the \$50,000 balance.**

Last, project funding from 3rd party agencies in today's austere fiscal climate is depending more and more on projects being "shovel ready" for construction. Replacing the Allison Road Bridge Completion of the engineering design will meet that criteria for leveraging future project funding. (For the City Council's information, construction costs are conceptually estimated at +\$3.8 million.)

Enclosures: (1) NMDOT/Larry Maynard ltr dtd 10/11/12
(2) Resolution 2012-___ IRT Allison Road Bridge Replacement Prj

Legal Review:

Approved As To Form:


City Attorney

Recommendation: Replacement of the Allison Bridge is the required first step in improving the Allison Corridor. It is severely structurally and functionally deficient, and it needs replacement (as, the minimum corridor improvement). However, this bridge is a non-system bridge which means that the Local Agency (i.e. City) is responsible for its funding and replacement.

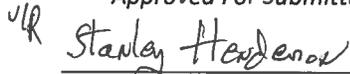
NMDOT has committed funds on the State Transportation Improvement Program for the development and construction of the two Allison Corridor projects - an overpass of NM118/BNSF and an overpass of I-40 - that will follow, but those two NMDOT projects are contingent upon the City's funding and replacement of the Allison Road Bridge across the Rio Puerco.

To that end, City Staff recommends approval of the resolution attached as enclosure (2) and:

- City take project lead (with NMDOT support) for Phase I of the planned improvements to the Allison Corridor including the design and construction of the Allison Road Bridge Replacement Project.
- City accept \$250,000 or thereabouts legislative grant balance for the Allison Corridor from NMDOT.
- City make up the estimated \$50,000 difference required for funding the engineering design of the Allison Road Bridge Replacement Project and the associated completion of the Allison Corridor environmental documentation.

Construction funding will be determined at a later date.

Approved For Submittal By:


Stanley Henderson
Department Director


Stan Smith
City Manager

CITY CLERK'S USE ONLY
COUNCIL ACTION TAKEN

Resolution No.:	_____	Continued To:	_____
Ordinance No.:	_____	Referred To:	_____
Approved:	_____	Denied:	_____
Other:	_____	File No.:	_____



New Mexico DEPARTMENT OF
TRANSPORTATION



October 11, 2012

Mayor Jackie McKinney
City Of Gallup
P.O. Box 1270
Gallup, NM 87305

Dear Mayor McKinney:

The purpose of this letter is to provide you with an update on the status of the Allison Road Corridor Study that is currently being conducted by the New Mexico Department of Transportation (NMDOT). This project has been identified in the City of Gallup's Long Range Transportation Plan as a high priority for the City, and we at the NMDOT understand the importance of this corridor for your community.

The purpose of the proposed Allison Road Corridor improvements is to mitigate existing geometric, physical, and operational deficiencies, improve safety, and provide system connectivity to the existing NMDOT and City of Gallup transportation network. Further, the project is envisioned to develop a corridor improvement project that is compatible with long range local and regional planning goals in order to facilitate economic growth.

We have worked closely with your staff through the evaluation of alternatives, and we have completed the engineering studies for the corridor. We have selected a preferred alternative and identified a project implementation phasing plan for the corridor. The first phase is for the replacement of the Allison Road Bridge over the Rio Puerco.

The Allison Corridor project is currently in the environmental assessment stage of development. This phase of the project is focused on investigating, documenting, and defining the environmental impacts and benefits associated with construction within this corridor. The culmination of this work is the Environmental Assessment (EA) document that is forwarded to Federal Highways (FHWA) for approval. However, the FHWA will not approve the EA for the project; until, funding is identified and committed for the first priority project (i.e. phase).

The NMDOT has programmed partial funding for two future phases that will make improvements to Allison Road at NM 118 and where it crosses Interstate 40. But funding for replacement of the Rio Puerco/Allison Road Bridge has yet to be identified.

Susana Martinez
Governor

Alvin C. Dominguez, P.E.
Cabinet Secretary

Commissioners

Pete K. Rahn
Chairman
District 3

Dr. Kenneth White
Secretary
District 1

Ronald Schmeits
Commissioner
District 4

Butch Mathews
Commissioner
District 5

Jackson Gibson
Commissioner
District 6

Mayor McKinney
October 11, 2012
Page 2

Replacement of this bridge is the required first step in improving this corridor. It is severely structurally and functionally deficient and needs replacement. However, this bridge is a non-system bridge which means that the Local Agency is responsible for its funding and replacement. As mentioned above, NMDOT has committed funds to begin development and construction of the two projects - an overpass of NM118/BNSF and an overpass of I-40 - that would follow, but funding to begin development for those two NMDOT projects are contingent upon the City's funding and replacement of the Rio Puerco/Allison Road Bridge.

The current Corridor study includes preliminary design plans for the project, but engineering is required to finalize the construction plans for replacing the Rio Puerco Bridge. Final design is estimated at \$250 thousand and the construction cost for the new bridge crossing is estimated at \$3.8 million.

We know that the City has other funding issues on its plate and cannot yet fund the bridge construction. However, funding for this project is needed now for it to continue. If at all possible within the City's budget, respectfully request your consideration for funding the bridge replacement project design as soon as possible. When designed, other funding opportunities – that are not available now such as FHWA TIGER funds - may then become available as a “shovel ready” project.

We have worked closely with your Staff on this project. If you have any questions that they cannot answer, please feel free to contact me at (505) 285-3206.

Sincerely,



Larry Maynard, PE
District Six Engineer

CC: Patty Lundstrom, State Representative
Stanley Henderson, City Public Works Director
Alvin Dominguez, Cabinet Secretary
Paul Gray, Deputy Secretary
file

RESOLUTION R2012-__

A RESOLUTION ADVANCING ALLISON ROAD CORRIDOR IMPROVEMENTS WITH CITY PROJECT LEAD FOR
ALLISON ROAD BRIDGE REPLACEMENT PROJECT

WHEREAS, the 1992 Master Transportation Plan for the City Of Gallup recommends reconstructing and improving the Allison Road Corridor from West NM 118 to U.S. Highway 491;

WHEREAS, the Allison Road Bridge is a timber frame construction built across the Puerco River in 1940;

WHEREAS, the Allison Road Bridge is now "Structurally Deficient" with a structural rating of 43.8 out of 100, and it is considered "Functionally Obsolete;"

WHEREAS, the City sought and obtained \$800,000 in 2007 legislative funding from Governor Richardson and Representative Lundstrom and \$250,000 in 2008 legislative funding from Representative Lundstrom and Senator Rainaldi for a feasibility study by New Mexico Department Of Transportation (NMDOT) to evaluate existing conditions of the Allison Road Corridor and propose planned improvements;

WHEREAS, NMDOT has a funding balance from those legislative grants that can be applied for planning, design, and construction of the Allison Road Bridge Replacement Project;

WHEREAS, the Allison Road Bridge Replacement Project is the required first step in improving the Allison Corridor;

WHEREAS, NMDOT itself cannot directly fund the replacement of a bridge that is not part of the Federal/State highway system;

WHEREAS, NMDOT has committed funds on the State Transportation Improvement Program for the development and construction of the two Allison Corridor projects - an overpass of NM118/BNSF and an overpass of I-40 - that will follow, but those two NMDOT projects are contingent upon the City's funding and replacement of the Allison Road Bridge across the Rio Puerco;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GALLUP, NEW MEXICO that:

- City take project lead (with NMDOT support) for Phase I of the planned improvements to the Allison Corridor including the design and construction of the Allison Road Bridge Replacement Project.

Enclosure (2)

- City requests and accepts the balance of the 2007 and 2008 legislative grants for the Allison Corridor from NMDOT.

It respectfully requests the New Mexico Department Of Transportation continue providing project support and assistance for the aforementioned Allison Corridor improvements.

PASSED, APPROVED, and ADOPTED this 11th day of December 2012.

CITY OF GALLUP, NEW MEXICO

By: _____
Jackie McKinney, Mayor

ATTEST:

Al Abeita, City Clerk

Discussion/Action Topic 2

Resolution No. R2012-52;

Establishing the 2013 New Mexico Legislative Capital Outlay Priorities

Stan Henderson, Executive Director, Public Works Department



CITY OF GALLUP

COUNCIL STAFF SUMMARY FORM

MEETING DATE: 11 December 2012

SUBJECT: 2013 Legislative Priorities For Capital Improvements
DEPT. OF ORIGIN: Public Works/City Engineering
DATE SUBMITTED: 3 December 2012
SUBMITTED BY: Stanley Henderson, Public Works Director

Summary: At the City Council's meeting of 25 September 2012, City Council approved the City's ICIP project listing and submission to the State for CY 2014 to 2018. Staff also requested that the City Council consider and prioritize projects in a future meeting for the 2013 State Legislature. Typically, the City provides its legislative delegation with its top five projects for their funding consideration.

Immediate unfunded needs proposed by City Staff for consideration then included:

- **D4|Allison Corridor Improvements – Phase I** \$4,600,000
for replacement of the Allison Bridge across the Rio Puerco.

Status: Active. NMDOT has all but completed the associated corridor studies.

- **D3|Aquatic Center Fitness Addition** \$ 460,000
including locker, steam, and weight rooms.
- **D4|Aztec Avenue Reconstruction & Improvements Phase I** \$2,300,000
from Marguerite Street to Munoz Blvd.

Status: Councilor Garcia has proposed a reduced project scope (~\$270,000) for sidewalk reconstruction.

- **D4|Carbon Coal Industrial Park Infrastructure Development** \$5,900,000
- **D3|College Drive Pedestrian Safety Improvements** \$2,300,000
- **D1|Downtown Sidewalk Reconstruction** \$ 500,000
- **D3|Hospital Drive Reconstruction** \$ 425,000

Status: Funding backlog. Design all but complete.

- **D1|Motocross Park Access Road** \$ 920,000
- **D4|New Airport Terminal** \$3,000,000

Other City needs include:

- **D1|BID Downtown Highway 66 Pedestrian Safety Improvements** \$ 460,000

Status: Active. Design in progress.

- **D1|Black Diamond Canyon Cul-De-Sac Construction** \$ 172,500
- **D1|Chairamonte Mine Storm Drainage Diversion** \$ 440,000
for compliance with a NMED "cease and desist" order.

Status: Hold. Feasibility study is completed.

- **D2|Ciniza Drive Reconstruction** \$1,725,000
- **D1|Country Club Storm Drainage Improvements** \$2,300,000

Status: Hold. Feasibility study is completed.

- **D1|Downtown Coal Avenue Alley Reconstruction – Phase I** \$ 440,000
for the alley between Aztec Avenue and Coal Avenue from 1st to 2nd Street.
- **D1|Downtown Railroad Quite Zone Improvements** \$ 534,750

Status: Hold. Feasibility study is completed.

- **D4|Father Dunstan Park Restrooms Reconstruction** \$ 230,000
- **D3|Fire Station #1 Renovation** \$ 345,000
- **D4|Hillcrest Memorial Veterans Cemetery** \$1,100,000

Status: Active. Design pending with 2012 Legislature funding.

- **D4|Industrial Drive Bridge Reconstruction** \$2,300,000

Status: Hold. Feasibility study is completed.

- **D2|New Rocky View Park & Playground** \$ 575,000
- **D4|Old Zuni Road Bridge Reconstruction** \$ 172,500
- **D2|Sandstorm Place Storm Drainage Channel Improvements** \$1,150,000
- **D1|West Jefferson Avenue Pavement Reconstruction** \$ 635,000

Status: Funding backlog. Design all but complete.

In addition, City needs a new:

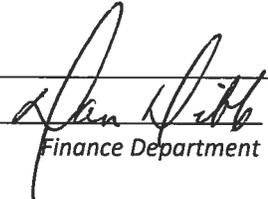
- **City Master Transportation Plan** \$ 300,000

Last:

- City's current (i.e. total) ICIP project listing is also provided as enclosure (1) for the City Council's consideration.

Please note that project estimates herein are "**conceptual**" in nature (within -25% to +75% of completed project costs) and are not exact. See attachment (2) - "Estimating Accuracy Trumpet – for an illustration of project estimating accuracy. As a project

Fiscal Impact:

Reviewed By: 
Finance Department

Fiscal impact is undetermined at this time. Some Legislative grants may require a funding match from the City or the State appropriated funding may be less than required. If so, this balance must be funded in the City's 2013-2014 budget or made up from other 3rd party funding sources.

- Attachments:** (1) CIP Project Summary
(2) Estimating Accuracy Trumpet
(3) Resolution #2012-___

Legal Review:

Approved As To Form: _____


City Attorney

Recommendation: Staff recommends that the City Council select no more than five – preferably three - projects for funding consideration by the State Legislature in January 2013. To that end, **Allison Corridor continue as the City's #1 legislative priority**, and the City request design and construction funding for the replacement of the Allison Bridge.

As for the remaining four projects, Staff awaits the City Council's pleasure in the form of a resolution. Said resolution is enclosed as attachment (3).

v/r Approved For Submittal By: _____
 12/3/12
Department Director

City Manager

CITY CLERK'S USE ONLY
COUNCIL ACTION TAKEN

Resolution No.:	_____	Continued To:	_____
Ordinance No.:	_____	Referred To:	_____
Approved:	_____	Denied:	_____
Other:	_____	File No.:	_____

2014-18 Infrastructure Capital Improvement Plan
City Of Gallup, NIM

DRAFT

1	2	3	4	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	ALL COSTS ARE CONCEPTUAL ESTIMATES											
																																																						A	B	C	D	E	F	G	H	I	J	K	L
PRI	SubCode	Priority	Project Title	Funding Source	LCL	STA	FED	CY 2014 Cost	CY 2015 Cost	CY 2016 Cost	CY 2017 Cost	CY 2018 Cost	Total Cost	SPON	STAT																																																		
	JU/Solid Waste	2014-03	Replacement Metal Trash Containers	X	X			\$65,000	\$65,000	\$65,000	\$65,000	\$65,000	\$325,000																																																				
	JU/Solid Waste	2014-04	Landfill Cap Maintenance & Monitoring	X	X	X		\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$130,000																																																				
	JU/Solid Waste	2014-05	New Solid Waste Administrative Facility	X				\$0	\$250,000	\$250,000			\$1,750,000																																																				
	JU/Solid Waste	2015-01	New Roll Off/Open Combination Truck	X					\$210,000				\$210,000																																																				
	JU/Wastewater	2014-01	WC - Collections System Odor Assessment	X				\$500,000					\$500,000																																																				
	JU/Wastewater	2014-02	WC - Downtown Sewer Line Reconstruction (1st To Puerco)	X				\$140,000					\$140,000																																																				
	JU/Wastewater	2014-03	WC - BNSF Sewer Line Crossing Reconstruction	X	X			\$340,000					\$340,000																																																				
	JU/Wastewater	2014-04	WC - Mentmore Sewer Line Rehabilitation	X	X			\$500,000					\$500,000																																																				
	JU/Wastewater	2014-05	WMTP Septage Receiving Station Reconstruction	X	X	X		\$620,000					\$620,000																																																				
	JU/Wastewater	2014-06	WC - Wastewater Manholes Rehabilitation	X	X			\$100,000		\$100,000		\$100,000	\$500,000																																																				
	JU/Wastewater	2015-01	PS - L-40 Lift Station Rehabilitation	X	X			\$15,000		\$100,000			\$115,000																																																				
	JU/Wastewater	2015-02	PS - Tomada Lift Station Rehabilitation	X	X			\$15,000		\$100,000			\$115,000																																																				
	JU/Wastewater	2015-03	WC - Hwy-66 Sewer Main Reconstruction	X	X			\$900,000		\$6,000,000			\$6,900,000																																																				
	JU/Wastewater	2015-04	PS - Indian Hills Lift Station Rehabilitation	X	X			\$37,500		\$250,000			\$287,500																																																				
	JU/Wastewater	2016-01	WC - 2nd Street Sewer Main Reconstruction	X	X			\$225,000		\$37,500			\$1,725,000																																																				
	JU/Wastewater	2016-02	PS - Red Rock Lift Station Rehabilitation	X	X			\$37,500		\$1,500,000			\$1,537,500																																																				
	JU/Wastewater	2017-01	WC - Rio Puerco Sewer Main Relocation	X	X			\$300,000		\$300,000		\$2,000,000	\$2,300,000																																																				
	JU/Wastewater	2017-02	WWTP Nitrification/Denitrification Improvements	X	X			\$750,000		\$300,000		\$5,000,000	\$5,750,000																																																				
	JU/Wastewater	2018-01	WC - Neighborhood Sewer Line Rehabilitation Phase 3	X	X			\$2,300,000		\$2,300,000		\$2,300,000	\$2,300,000																																																				
	JU/Wastewater	2018-02	Golf Course Effluent Pump Station	X	X			\$2,300,000		\$2,300,000		\$2,300,000	\$2,300,000																																																				
	JU/Wastewater	2018-03	New Eastside Wastewater Treatment Plant	X	X			\$40,000,000		\$40,000,000		\$40,000,000	\$40,000,000																																																				
	JU/Water	2014-01	WD - Downtown Water Line Reconstruction (1st To Puerco)	X				\$190,000					\$190,000																																																				
	JU/Water	2014-02	WD - BNSF/Puerco River Water Line Crossing Reconstruction	X	X			\$500,000					\$500,000																																																				
	JU/Water	2014-03	WS - Grandview Tank Meter Vault Reconstruction	X	X			\$98,000					\$98,000																																																				
	JU/Water	2014-04	WD - Grandview Water Line Replacement (Philippina To Logan)	X	X			\$478,500					\$478,500																																																				
	JU/Water	2015-01	WD - Caltaipa Wash Water Line Crossing Reconstruction	X	X			\$500,000					\$500,000																																																				
	JU/Water	2015-02	WD - Country Club Wtr Line Replacement (Philippina To Red Rock)	X	X			\$420,000		\$500,000			\$920,000																																																				
	JU/Water	2015-03	WD - Neighborhood Water Line Replacement Ph 1	X	X			\$41,250		\$275,000			\$316,250																																																				
	JU/Water	2016-01	WD - Neighborhood Water Line Replacement Ph 2	X	X			\$500,000		\$82,500			\$582,500																																																				
	JU/Water	2017-01	WS - Water Tank Rehabilitation (Twin Buttes)	X	X			\$550,000		\$112,500			\$662,500																																																				
	JU/Water	2017-02	WP - Well #12 Building Rehabilitation	X	X			\$30,000		\$30,000		\$750,000	\$810,000																																																				
	JU/Water	2017-03	WD - Neighborhood Water Line Replacement Ph 3	X	X			\$82,500		\$82,500		\$200,000	\$285,000																																																				
	JU/Water	2017-04	WS - Water Tank Rehabilitation (Rehoboth)	X	X			\$600,000		\$90,000		\$690,000	\$690,000																																																				
	JU/Water	2017-05	WS - Water Tank Rehabilitation (Southwest)	X	X			\$37,500		\$37,500		\$250,000	\$287,500																																																				
	JU/Water	2018-01	WP - Building Rehabilitation For Wells & Pump Station	X	X			\$100,000		\$100,000		\$100,000	\$100,000																																																				
	JU/Water	2018-02	WD - Neighborhood Water Line Replacement Ph 4	X	X			\$632,500		\$632,500		\$632,500	\$632,500																																																				
	JU/Water	2018-03	WD - Neighborhood Water Line Replacement Ph 5	X	X			\$632,500		\$632,500		\$632,500	\$632,500																																																				
	JU/Water	2018-04	WS - Water Tank Rehabilitation (Grandview)	X	X			\$316,250		\$316,250		\$316,250	\$316,250																																																				
	PK/Golf Course	2014-01	Upper Effluent Storage Pond Spillway Reconstruction	X				\$143,750					\$143,750																																																				
	PK/Golf Course	2014-02	Lower Effluent Storage Pond Reconstruction	X	X			\$143,750					\$143,750																																																				
	PK/Golf Course	2014-03	Golf Cart Solar Charging System Installation	X	X			\$37,500					\$37,500																																																				
	PK/Golf Course	2015-01	Storm Drainage Improvements	X	X			\$250,000					\$250,000																																																				
	PK/Golf Course	2015-02	New Effluent Irrigation Storage Ponds	X	X			\$75,000		\$500,000			\$575,000																																																				
	PK/Golf Course	2016-01	Front 9 Irrigation System Reconstruction	X	X			\$75,000		\$500,000			\$575,000																																																				
	PK/Golf Course	2016-02	Front 9 Fairway & Green Reconstruction	X	X			\$480,000		\$480,000			\$480,000																																																				
	PK/Golf Course	2017-01	Back 9 Irrigation System Reconstruction	X	X			\$112,500		\$750,000			\$862,500																																																				
	PK/Golf Course	2018-01	Back 9 Fairway & Green Reconstruction	X	X			\$480,000		\$480,000			\$480,000																																																				

1	2	3	4	A	B	C	D	E	F	G	H	ALL COSTS ARE CONCEPTUAL ESTIMATES					M	N	O	P		
												PRI	SubCode	Priority	Project Title	Funding Source LCL STA FED					CY 2014 Cost	CY 2015 Cost
105	PK/Golf Course	2018-02	New Equipment Storage Facility	X																\$287,500		
106	PK/Golf Course	2018-03	New Golf Course Pro Shop & Club House	X																\$3,450,000		
107	PK/Golf Course	2018-04	Effluent Irrigation Line Replacement	X																\$575,000		
109	PK/Parks	2014-01	Father Dunstan Park Rest Room Reconstruction	X	X															\$230,000		
110	PK/Parks	2014-02	Father Dunstan Park Parking Lot Reconstruction	X	X															\$115,000		
111	PK/Parks	2014-03	Hillcrest Cemetery Veterans Memorial Improvements	X	X				\$1,000,000											\$1,100,000		
112	PK/Parks	2014-04	Gallup Soccer Complex Irrigation System Reconstruction	X	X				\$200,000											\$230,000		
113	PK/Parks	2014-05	City Landscaping & Beautification	X	X				\$50,000											\$50,000		
114	PK/Parks	2015-01	Ford Canyon Rest Room Reconstruction	X	X				\$45,000											\$0		
115	PK/Parks	2015-02	Gallup Soccer Complex Parking & Storm Drng Improvements	X	X				\$45,000											\$345,000		
116	PK/Parks	2015-03	Sports Complex ADA & Playground Improvements	X	X				\$30,000											\$230,000		
117	PK/Parks	2015-04	Sports Complex Parking Lot Pavement & Lighting	X	X				\$60,000											\$460,000		
118	PK/Parks	2016-01	Ford Canyon Upper Parking Lots Reconstruction	X	X				\$30,000											\$230,000		
119	PK/Parks	2016-02	Ford Canyon Lower Parking Lot Reconstruction	X	X				\$30,000											\$230,000		
120	PK/Parks	2016-03	Washington Park (TDFL) Loop Road	X	X				\$250,000											\$250,000		
121	PK/Parks	2016-04	Washington Park (TDFL) Storm Drainage Improvements	X	X				\$45,000											\$345,000		
122	PK/Parks	2016-05	Hillcrest Cemetery Storm Drng Improvements	X	X				\$37,500											\$287,500		
123	PK/Parks	2017-01	Westside Cemetery Storm Drng Improvements	X	X				\$37,500											\$287,500		
124	PK/Parks	2017-02	Gallup Soccer Complex Field Artificial Turf Installation	X	X															\$1,150,000		
125	PK/Parks	2018-01	New Rocky View Park & Playground	X	X															\$575,000		
126	PK/Parks	2018-02	Mentmore Climbing Rock Area Improvements	X	X															\$345,000		
127	PK/Parks	2018-03	Junker Bridge Open Space Park Development	X	X															\$1,150,000		
128	PK/Parks	2018-04	Public Rifle & Pistol Shooting Range Renovations	X	X				\$50,000											\$50,000		
130	PK/Recreation	2014-01	LBM Recreation Center Renovation	X	X				\$75,000											\$575,000		
131	PK/Recreation	2014-02	Aquatic Center Locker/Steam/Weight Room Addition	X	X				\$60,000											\$460,000		
132	#5B PK/Recreation	2014-03	Gurley Fitness Center HVAC Renovation	X	X				\$250,000											\$250,000		
133	PK/Recreation	2014-04	Motocross Park Access Road	X	X				\$120,000											\$920,000	CTP	
134	#4 PK/Recreation	2014-05	Harold Rummels Building Renovation	X	X				\$75,000											\$50,000		
135	PK/Recreation	2015-01	Skate Park Concrete Reconstruction	X	X				\$45,000											\$345,000		
136	PK/Recreation	2015-02	New Parks & Recreation Administration Building	X	X				\$150,000											\$1,150,000		
137	PK/Recreation	2016-01	Gurley Fitness Center Addition & Renovation	X	X															\$1,495,000		
138	PK/Recreation	2017-01	New Senior Citizens Center	X	X															\$3,910,000		
139	PK/Recreation	2018-01	Park ADA Improvements	X	X				\$575,000											\$575,000	ADA	
140	PK/RRSP	2014-01	Park Concession Stand Reroof	X	X				\$15,000											\$115,000		
141	PK/RRSP	2014-02	Performers' Quarters Improvements	X	X				\$45,000											\$345,000		
142	PK/RRSP	2015-01	Park Electric Distribution System Upgrade	X	X				\$112,500											\$862,500		
143	PK/RRSP	2015-02	Park Storm Drainage Improvements	X	X															\$3,450,000		
144	PK/RRSP	2016-02	Trail Maintenance & Repair	X	X				\$100,000											\$500,000		
145	PK/RRSP	2017-01	Highway 66 Bikeway Ph 2 (West)	X	X				\$250,000											\$250,000		
146	PK/Trails	2014-01	Little Puerto Wash Trail (Hope Trail)	X	X				\$150,000											\$150,000		
147	PK/Trails	2014-02	North Hogback Trail	X	X															\$250,000		
148	PK/Trails	2014-03	West Rio Puerto Pathway	X	X				\$250,000											\$250,000		
149	PK/Trails	2014-04	East Rio Puerto Pathway	X	X				\$250,000											\$250,000		
150	PK/Trails	2015-01	Aztec Avenue Bikeway Ph 1 (East)	X	X				\$100,000											\$500,000		
151	PK/Trails	2015-02	Stagecoach Neighborhood Loop Trail	X	X				\$100,000											\$250,000		
152	PK/Trails	2015-03		X	X															\$500,000		
153	PK/Trails	2015-04		X	X															\$250,000		
154	PK/Trails	2015-04		X	X															\$100,000		

2014-18 Infrastructure Capital Improvement Plan
City Of Gallup, NM

DRAFT

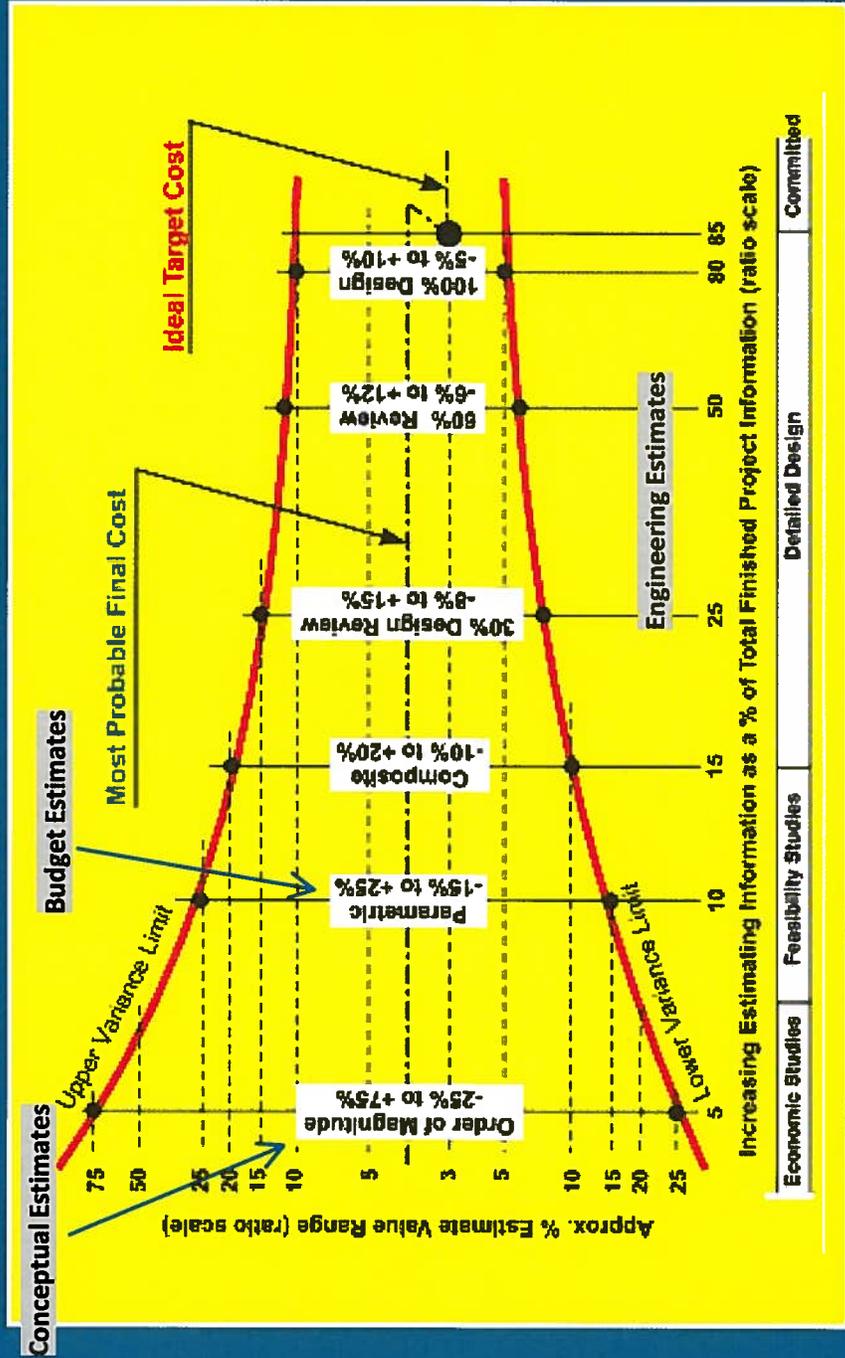
A	B	C	D	ALL COSTS ARE CONCEPTUAL ESTIMATES										M	SPON STAT						
				E		F		G		H		I			J		K		L		Total Cost
1	2	3	4	PRI	SubCode	Priority	Project Title	Funding Source	LCL	STA	FED	CY 2014 Cost	CY 2015 Cost	CY 2016 Cost	CY 2017 Cost	CY 2018 Cost	Total Cost				
155	PK/Trails	2016-01	Ford Canyon Loop Trail	X	X	X												\$200,000			
156	PK/Trails	2016-02	Sports Complex Trail	X	X	X												\$200,000			
157	PK/Trails	2017-01	Black Diamond Walking Trail	X	X	X												\$100,000			
158	PK/Trails	2017-02	Aztec Avenue Bikeway Ph 2 (West)	X	X	X												\$250,000			
159	PK/Trails	2017-03	Plateau Drive Trail	X	X	X												\$200,000			
160	PK/Trails	2018-01	High Desert Trail Improvements	X	X	X												\$500,000			
161	PK/Trails	2018-02	Mentmore Climbing Rock Trail	X	X	X												\$200,000			
162	PK/Trails	2018-03	Gilbert Ortega Memorial Trail	X	X	X												\$125,000			
163	PK/Trails	2018-04	Golf Course Trail	X	X	X												\$230,000			
164																					
165	PS/Fire	2014-01	Fire Station #1 Renovation	X	X	X						\$45,000	\$300,000					\$345,000			
166	PS/Fire	2015-01	Fire Prevention Building Renovation	X	X	X						\$45,000	\$300,000					\$345,000			
167	PS/Fire	2016-01	Airport Fire Station Renovation	X	X	X							\$45,000	\$300,000				\$345,000			
168	PS/Fire	2017-01	New 105' Platform Fire Engine	X	X	X												\$1,500,000			
169																					
170	PS/Police	2014-01	Public Safety Parking Lot Reconstruction	X	X	X						\$100,000						\$100,000			FND
171	PS/Police	2014-02	Public Safety Building Police Administration Renovation	X	X	X						\$100,000						\$100,000			CIP
172	PS/Police	2014-03	Law Enforcement Shooting Range Improvements	X	X	X						\$50,000						\$50,000			
173	PS/Police	2015-01	Public Safety Perimeter & Impound Fence Replacement	X	X	X						\$50,000						\$50,000			
174	PS/Police	2017-01	DVS Site Environmental Assessment & Clean-Up	X	X	X												\$75,000			
175	PS/Police	2018-01	New Domestic Violence Shelter (DVS) Construction	X	X	X												\$500,000			
176																		\$3,450,000			
177	PW/Airport	2014-01	Airport Storm Drainage Improvements Ph 1B - NW Corner	X	X	X						\$1,150,000						\$1,150,000			
178	PW/Airport	2014-02	Airport Storm Drainage Improvements Ph 2 - SW Corner	X	X	X						\$1,000,000						\$1,000,000			
179	PW/Airport	2014-03	Reconstruct Runway 24 Holding Area	X	X	X						\$150,000						\$150,000			
180	PW/Airport	2014-04	Update Airport Master Plan	X	X	X						\$115,000						\$115,000			
181	PW/Airport	2015-01	Terminal Parking Lot Reconstruction	X	X	X												\$250,000			
182	PW/Airport	2015-01	Separate Runway & PAPI Lighting Systems	X	X	X						\$175,000						\$175,000			
183	PW/Airport	2015-02	Electrical Service Entrance Upgrade	X	X	X						\$1,000,000						\$1,000,000			
184	PW/Airport	2015-03	Hwy 66 Light Pollution Abatement	X	X	X						\$1,000,000						\$1,000,000			
185	PW/Airport	2015-04	Runway & Taxiway LED Lights Conversion	X	X	X						\$115,000						\$115,000			
186	PW/Airport	2015-05	Facility Maintenance Hangar Roof Replacement	X	X	X												\$500,000			
187	PW/Airport	2016-01	Crack & Fog Seal All Airport Surfaces	X	X	X												\$75,000			
188	PW/Airport	2016-02	Implement GPS Vertically Guided Approach	X	X	X												\$300,000			
189	PW/Airport	2016-03	Refurbish Aircraft Beacon Tower	X	X	X												\$150,000			
190	PW/Airport	2016-04	Develop Wildlife Hazard Mitigation Plan	X	X	X												\$750,000			
191	PW/Airport	2017-01	Construct Airport Perimeter Security Road	X	X	X												\$100,000			
192	PW/Airport	2017-02	Improve Flight Line Security	X	X	X												\$400,000			
193	PW/Airport	2017-03	Construct Civil Air Patrol Hangar	X	X	X												\$250,000			
194	PW/Airport	2017-04	Construct Heliport (Apron & Lighting)	X	X	X												\$750,000			
195	PW/Airport	2017-05	Construct Additional Aircraft Hangar	X	X	X												\$500,000			
196	PW/Airport	2017-06	Extend Hangar Apron	X	X	X												\$500,000			
197	PW/Airport	2018-01	Upgrade Runway & Taxiway Lighting/Markings/Visual Aids	X	X	X												\$1,000,000			
198	PW/Airport	2018-02	Acquire Land On The South Side Of Airport	X	X	X												\$2,000,000			
199	PW/Airport	2018-03	Extend Utilities To Aviation Industrial Area	X	X	X												\$15,000,000			
200	PW/Airport	2018-04	Construct South Side Parallel Taxiway	X	X	X												\$1,500,000			
201	PW/Airport	2018-05	Construct Taxiways To Industrial Park	X	X	X												\$1,000,000			
202	PW/Airport	2018-06	Construct South Side Aircraft Apron	X	X	X												\$3,000,000			
203	PW/Airport	2018-07	Construct Aircraft Assembly Hangar	X	X	X												\$2,000,000			
204	PW/Airport	2018-08	Overlay All Airport Pavements	X	X	X												\$2,000,000			

Estimating Accuracy Trumpet

Tuesday, September 15, 2009
08:27

Project Management Issues and Considerations (Issacons) IAC #1331

The Estimating Accuracy Trumpet



Project Management Consulting AEW Services © January, 2002

Enclosure (2)

RESOLUTION NO. R2012- _____

A RESOLUTION ESTABLISHING 2013 NEW MEXICO LEGISLATIVE CAPITAL OUTLAY PRIORITIES

WHEREAS, the City of Gallup has many capital outlay projects that need funding; and

WHEREAS, the New Mexico State Legislature is an important source of funding to help the City of Gallup meet its obligation to serve the taxpayer; and

WHEREAS, it is customary for the City of Gallup to request funding from the New Mexico State Legislature to help fund needed capital outlay projects; and

WHEREAS, it is also customary to submit a funding request only for those capital outlay projects that are deemed highest in priority for each fiscal year; and

WHEREAS, the Gallup City Council desires to insure the most effective method of requesting New Mexico Legislative funding; and

WHEREAS, the Gallup City Council has reviewed the current desired capital outlay projects for the City of Gallup; and

WHEREAS, the Gallup City Council has ranked these capital outlay projects in order by priority.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GALLUP, NEW MEXICO, that the following capital outlay projects are deemed highest in priority and will be submitted to the New Mexico State Legislature in a request for funding:

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____

PASSED, ADOPTED AND APPROVED this 11th day of December, 2012.

CITY OF GALLUP, NEW MEXICO

By: _____
Jackie McKinney, Mayor

ATTEST:

Alfred Abeita, City Clerk

Discussion/Action Topic 3

Pre-Planning Library Building Feasibility Study Contract Award,
RFP #2012/2013/01

Mary Ellen Pellington, Library Director



CITY OF GALLUP
COUNCIL STAFF SUMMARY FORM

MEETING DATE: December 11, 2012

SUBJECT: Pre-Planning Library Building Feasibility Study RFP #2012/2013/01
DEPT. OF ORIGIN: Library
DATE SUBMITTED: December 11, 2012
SUBMITTED BY: Mary Ellen Pellington, Library Director

Summary This is a pre-planning library building feasibility study to develop a strategic plan through assessment of library facilities, services, programming and information technology. Due to the complex nature of this work the City/Library is requesting approval to contract with Godfrey's Associates. Throughout the development of this plan will include input from stakeholders and the community at large.

Fiscal Impact:

The funds for professional services for the pre-planning library building feasibility study are available under line item 101-5055.435.45-30.

Reviewed By: _____
Finance Department

Attachments: RFP Evaluation Summary

Legal Review:

Approved As To Form: _____
City Attorney

Recommendation: Staff Recommends Approval of award of this RFP to Godfrey's Associates.

Approved for Submittal By:

Mary Ellen Pellington

Department Director

Jan Pitts

City Manager

CITY CLERK'S USE ONLY
COUNCIL ACTION TAKEN

Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved: _____ Denied _____
Other: _____ File: _____

Discussion/Action Topic 4

Resolution No. R2012-50;

Election Resolution for the March 12, 2013 Regular Municipal Election

Alfred Abeita, City Clerk



COUNCIL STAFF SUMMARY FORM

MEETING DATE: December 11, 2012

SUBJECT: Resolution No. R2012-50; Regular Municipal Election Resolution
DEPT. OF ORIGIN: City Clerk
DATE SUBMITTED: November 30, 2012
SUBMITTED BY: Alfred Abeita, City Clerk

Summary: In accordance with Article VI Section 1 of the City of Gallup Charter, the next Regular Municipal Election will be held on Tuesday, March 12, 2013. The election will be for one District 1 Councilor and one District 3 Councilor. Both offices will be for a four-year term. Candidates for the election must file their Declarations of Candidacy with the City Clerk on Tuesday, January 15, 2013 between the hours of 8:00 a.m. and 5:00 p.m. Polls on election day will be open from 7:00 a.m. to 7:00 p.m. Absentee voting will begin on Tuesday, February 5, 2013 at 8:00 a.m. and will close on Friday, March 8, 2013 at 5:00 p.m. Early voting will begin on Wednesday, February 20, 2013 at 8:00 a.m. and will close on Friday, March 8, 2013 at 5:00 p.m. As with the previous City Elections, we are proposing that all city precincts be consolidated for the election with two polling sites per Council District, as follows: District 1 voters will vote at the Northside Fire Station #2 and the Octavia Fellin Public Library; District 3 voters will vote at Red Rock Elementary School and Jefferson Elementary School; and Absentee and Early Voting will be conducted at City Hall. The Election Resolution will specifically designate where voters from each consolidated precinct will vote on election day. The new redistricting plan which was adopted by the Council on September 11, 2012 will be in effect for this election. The last day to register to vote for this election will be Tuesday, February 12, 2013 at 5:00 p.m.

Fiscal Impact: The costs for conducting the election are estimated to be about \$23,000. There are sufficient funds available in the City Clerk's budget under line item 101-1020-414.47-15.

Reviewed By: Karla Newberry
Finance Department

Attachments: Resolution No. R2012-50.

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation: Staff recommends approval of Resolution No. R2012-50.

Approved for Submittal By:

[Signature]

Department Director

[Signature]
City Manager

CITY CLERK'S USE ONLY
COUNCIL ACTION TAKEN

Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved: _____ Denied: _____
Other: _____ File: _____

RESOLUTION NO. R2012-50

ELECTION RESOLUTION OF THE CITY OF GALLUP, NEW MEXICO

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GALLUP, NEW MEXICO, THAT:

- A. A regular municipal election for the election of municipal officers shall be held on March 12, 2013. Polls will open at 7:00 A.M. and close at 7:00 P.M.
- B. At the regular municipal election, persons shall be elected to fill the following elective offices:
 1. District 1, one (1) Councilor for a four-year term.
 2. District 3, one (1) Councilor for a four-year term.
- C. Precincts 34, 35, 38, 39, 40, 41, 42, 43, 44, 45, 46, 56 and 59 are consolidated for the regular municipal election.
- E. The following locations are designated as polling places for the conduct of the regular municipal election:
 1. District 1 voters in Consolidated Precincts 34, 35, 38 and Gallup resident voters from McKinley County Precinct 21 shall vote at the **Northside Fire Station #2, 911 West Lincoln Avenue.**
 2. District 1 voters in Consolidated Precincts 39, 40, and the portion of precinct 41 in the following described area:

Starting at the intersection of 8th Street and Green Avenue;
East on Green Avenue to the intersection of Green Avenue and 2nd Street;
South on 2nd Street to the intersection of 2nd Street and Park Avenue;
West on Park Avenue to the intersection of Park Avenue and 6th Street;
North on 6th Street to the intersection of 6th Street and Morgan Avenue;
West on Morgan Avenue to the intersection of Morgan Avenue and 8th Street; and
North on 8th Street to the intersection of 8th Street and Green Avenue; and

The portions of precinct 43 in the following described area:

Starting at the intersection of Cliff Drive and Green Avenue;

East on Green Avenue to the intersection of Green Avenue and Ford Drive;
South on Ford Drive to the intersection of Ford Drive and Logan Avenue;
West on Logan Avenue to the intersection of Logan Avenue and Cliff Drive; and
North on Cliff Drive to the intersection of Cliff Drive and Green Avenue.

shall vote at the **Octavia Fellin Public Library, 115 West Hill Avenue.**

3. District 3 voters in Consolidated Precincts 42, 44, 45, 59 and the remaining areas in precinct 43 not previously designated in District One shall vote at **Red Rock Elementary School, 1305 Red Rock Drive.**
4. District 3 voters in Consolidated Precincts 46 and 56 shall vote at **Jefferson Elementary School, 300 Mollica Drive.**

F. Absentee Voting. Applications for absentee ballots may be obtained only from the office of the Municipal Clerk. All applications for an absentee ballot must be completed and accepted by the Municipal Clerk prior to 5:00 p.m., March 8, 2013. After 5:00 p.m. on March 8, 2013, all unused absentee ballots will be publicly destroyed by the Municipal Clerk. The Municipal Clerk will accept completed absentee ballots delivered by mail, in person by the voter casting the absentee ballot, by a member of the voter's immediate family, or by the caregiver to the voter until 7:00 p.m. on March 12, 2013.

Absentee ballots may be marked in person in the office of the Municipal Clerk during the regular hours and days of business, beginning on Tuesday, February 5, 2013, and closing at 5:00 p.m. on Friday, March 8, 2013.

Early Voting. Early voting on paper ballots counted by M100 electronic vote tabulators will be conducted in the office of the Municipal Clerk during the regular hours and days of business, beginning on Wednesday, February 20, 2013 and closing at 5:00 p.m. on Friday, March 8, 2013.

- G. Persons desiring to register to vote at the regular municipal election must register with the McKinley County Clerk not later than Tuesday, February 12, 2013 at 5:00 P.M., the date on which the County Clerk will close registration books.
- H. All Declarations of Candidacy shall be filed with the Municipal Clerk on Tuesday, January 15, 2013 between the hours of 8:00 A.M. and 5:00 P.M.
- I. The casting of votes by qualified municipal electors shall be recorded on paper ballots to be counted by M100 electronic vote tabulators.

PASSED, ADOPTED AND APPROVED this 11th day of December, 2012.

CITY OF GALLUP, NEW MEXICO

By: _____
Jackie McKinney, Mayor

ATTEST:

Alfred Abeita II, City Clerk

Discussion/Action Topic 5

Grant of Easement from Gallup NewCo Limited Partnerships/Gamerco Associates
to the City of Gallup

George Kozeliski, City Attorney



**CITY OF
GALLUP**

COUNCIL STAFF SUMMARY FORM

MEETING DATE: December 9, 2012

SUBJECT: Grant of Easement From Gallup NewCo Limited Partnerships/Gamerco Associates to City of Gallup

DEPT. OF ORIGIN: City Attorney

DATE SUBMITTED: December 6, 2012

SUBMITTED BY: George W. Kozeliski, City Attorney

Summary: This is the City's interconnection for regional water supply to run power to the water tank site at Twin Buttes.

Fiscal Impact:

Reviewed By: _____
Finance Department

Attachments: Grant of Easement from Gallup NewCo/Gamerco Associates to City of Gallup

Legal Review:

Approved As To Form: _____
City Attorney

Recommendation: Authorize Mayor to accept and sign the Grant of Easement.

Approved for Submittal By:

Department Director

City Manager

CITY CLERK'S USE ONLY
COUNCIL ACTION TAKEN

Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved: _____ Denied: _____
Other: _____ File: _____

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned GALLUP NEWCO NO. ONE LIMITED PARTNERSHIP, GALLUP NEWCO NO. TWO LIMITED PARTNERSHIP, GALLUP NEWCO NO. THREE LIMITED PARTNERSHIP, ESTATE OF CARL I. VIDAL, SR., PATIENCE VIDAL-MILLS, MARGARET CARLEEN COX, JESSIE L. HODGE, KATHERINE M. VIDAL, as tenants in common, f/k/a GAMERCO ASSOCIATES CURRENT INVESTMENT LIMITED PARTNERSHIP, NO. TWO and NO. THREE, New Mexico limited partnerships, hereinafter termed the Grantor hereby grants, and conveys unto the CITY OF GALLUP, NEW MEXICO, a municipal corporation, a perpetual, full and unrestricted easement for utility purposes, in, upon, over and across the following described strips, tracts and parcels of land located in McKinley County, New Mexico, hereinafter described as follows:

Legal Description – Strip 1

A 20' wide strip of land in Section 25, Township 15 North, Range 19 West, N.M.P.M., Gallup, McKinley County, New Mexico. The centerline being described as follows:

Commencing at the West Quarter corner of said Section 25, Thence N38°30'07"E on a New Mexico State Plane West Zone grid bearing, 358.79' to a point on the south right-of-way of Rollie Drive and the REAL POINT OF BEGINNING:

Thence S12°32'31"W, leaving said right-of-way, 42.45' to a point;

Thence S05°21'05"W, 181.89' to a Point

Thence S14°11'23"E, 483.47' to a Point "B"

Thence S62°20'34"E, 1536.94' to a Point and the Point of Ending.

The side lines shortened or extended so as to terminate at the easement lines & right-of-way-line.

Containing 1.03 acres more or less.

Legal Description – Down Guy 1

A 10' wide strip of land in Section 25, Township 15 North, Range 19 West, N.M.P.M., Gallup, McKinley County, New Mexico. The centerline being described as follows:

Commencing at Point "B" as described in the above "Strip 1" description being the real point of beginning:

Thence S51°44'01"W, 38.17' to a Point and the Point of Ending.

The side lines shortened or extended so as to terminate at the easement lines.

Containing 0.008 acres more or less.

Attached hereto as Exhibit "A" hereof is a copy of the Survey Plat for said easement.

Together with the free and unrestricted rights to the City of Gallup to place therein and there under the same water, sewer lines and pipes, electric power lines, and the necessary appurtenances of such lines, and to grant the use thereof to others for such purposes, and to prohibit the use of such land and right of way for purposes which are or which may become, inconsistent with the use hereby granted. Together with the right to enter in, upon, over and across the aforesaid lands for the purpose of construction, operation, maintenance, repair, and removal of said utility lines.

To have and to hold the said easement and for the purposes aforesaid, to the City of Gallup, its successors and assigns.

Dated this 27th day of March, 2012.



The Honorable John A. Dean, District Judge &
Special Master pursuant to Order dated March 11,
2009 in Charles High, et al. vs. Carl I. Vidal, Sr., et
al., Cause No. D-1113-CV-200600370

ACCEPTANCE

Comes now the CITY OF GALLUP, NEW MEXICO and hereby accepts the above Grant of

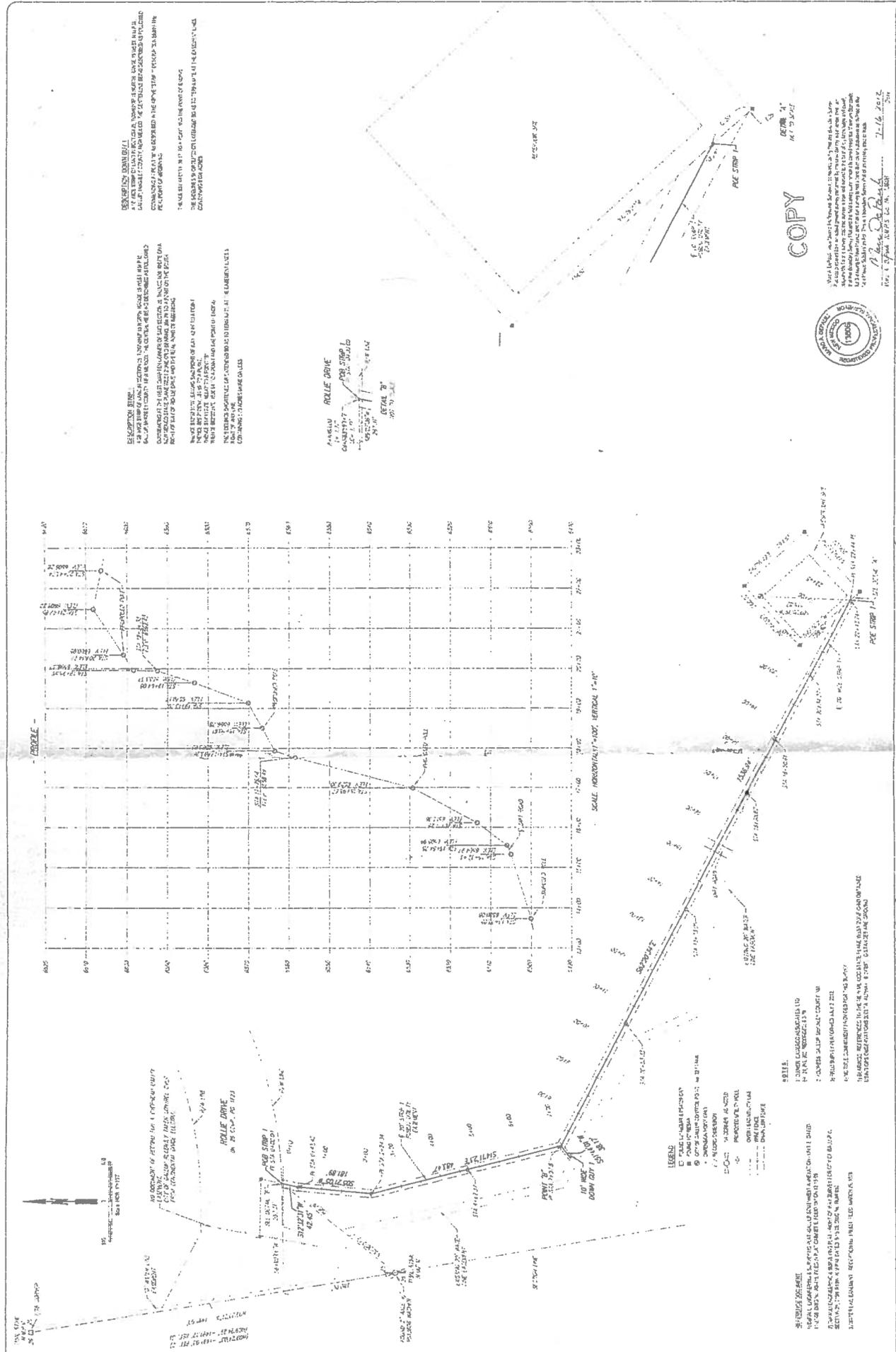
Easement this ___ day of _____, 2012.

CITY OF GALLUP

By _____
Jackie McKinney, Mayor

ATTEST:

Alfred Abeita, City Clerk



DESCRIPTION: THIS SURVEY WAS CONDUCTED TO DETERMINE THE EXISTING EASEMENT AND RIGHT OF WAY FOR ROLLE DRIVE. THE SURVEY WAS CONDUCTED ON 7/16/2012. THE SURVEY WAS CONDUCTED BY DEPAUL ENGINEERING & SURVEYING, LLC. THE SURVEY WAS CONDUCTED AT THE REQUEST OF THE CITY OF CHICAGO. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1984. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1984. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1984.

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COPY



DATE	7/16/12	SCALE	1" = 10' HOR 1" = 10' VERT
DRAWN BY	J. Doe	NO.	123456789
CHECKED BY	J. Doe	DATE	7-16-2012

EASEMENT SURVEY

FOR THE CITY OF CHICAGO
SITING IN ACCORDANCE WITH THE SURVEYING ACT OF 1984

DEPAUL ENGINEERING & SURVEYING, LLC
1100 N. LAUREL AVENUE, CHICAGO, IL 60642
TEL: 773-375-1234
WWW.DEPAUL-ES.COM



Discussion/Action Topic 6

Quitclaim Deed from Gallup NewCo Limited Partnerships/Gamerco Associates
to the City of Gallup

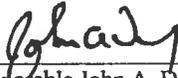
George Kozeliski, City Attorney

QUITCLAIM DEED

GALLUP NEWCO NO. ONE LIMITED PARTNERSHIP, GALLUP NEWCO NO. TWO LIMITED PARTNERSHIP, GALLUP NEWCO NO. THREE LIMITED PARTNERSHIP, ESTATE OF CARL I. VIDAL, SR., PATIENCE VIDAL-MILLS, MARGARET CARLEEN COX, JESSIE L. HODGE, KATHERINE M. VIDAL, as tenants in common, f/k/a GAMERCO ASSOCIATES CURRENT INVESTMENT LIMITED PARTNERSHIP, NO. TWO and NO. THREE, New Mexico limited partnerships, for consideration paid, hereby quitclaims to the CITY OF GALLUP, NEW MEXICO, a municipal corporation, whose address is P.O. Box 1270, Gallup, New Mexico 87305, the following described real estate in McKinley County, New Mexico that is located at the south end of Hillcrest Cemetery and more particularly described as follows:

**Lot One (1) of
PARK SUBDIVISION as the same is shown on the Plat of said Subdivision in
the office of the County Clerk of McKinley County recorded on December 8,
2011 as Doc# 356546.**

IN WITNESS WHEREOF I have hereunto set my hand and seal this 27th day of November, 2012.



The Honorable John A. Dean, District Judge &
Special Master pursuant to Order dated March 11,
2009 in Charles High, et al. vs. Carl I. Vidal, Sr., et
al., Cause No. D-1113-CV-200600370

ACCEPTANCE

Comes now the CITY OF GALLUP, NEW MEXICO and hereby accepts the above
Quitclaim Deed this ____ day of _____, 2012.

CITY OF GALLUP

By _____
Jackie McKinney, Mayor

ATTEST:

Alfred Abeita, City Clerk

Discussion/Action Topic 7

**Agreement Between Na’Nizhoozhi Center, Inc./Gallup Express and the
City of Gallup for the Operation of a Public Transportation Service**

George Kozeliski, City Attorney



**CITY OF
GALLUP**

COUNCIL STAFF SUMMARY FORM

MEETING DATE: December 11, 2012

SUBJECT: Agreement Between the Na'Nizhoozhi Center, Inc./Gallup Express and the City of Gallup
DEPT. OF ORIGIN: City Attorney's Office
DATE SUBMITTED: December 5, 2012
SUBMITTED BY: George W. Kozeliski, City Attorney

Summary: Council has approved \$85,000 in the budget for NCI match for Gallup Express. NCI is requesting a formal agreement to use with their funding sources with the State and Federal government.

Fiscal Impact: \$85,000.00 for administration, operating and capital cost annually, previously approved by Council.

Reviewed By: *Karla Newberry*
Finance Department

Attachments: Agreement Between the Na'Nizhoozhi Center, Inc./Gallup Express and the City of Gallup

Legal Review:

Approved As To Form: *[Signature]*
City Attorney

Recommendation:

Approved for Submittal By:

Department Director
[Signature]
City Manager

CITY CLERK'S USE ONLY
COUNCIL ACTION TAKEN

Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved: _____ Denied: _____
Other: _____ File: _____

AGREEMENT
BETWEEN THE
NA' NIZHOOZHI CENTER, INC./GALLUP EXPRESS
AND
THE CITY OF GALLUP

THIS AGREEMENT is entered into this ____ day of December, 2012, by and between Na'Nizhoozhi Center, Inc. ("NCI/Gallup Express") and the City of Gallup, collectively referred to as "Parties."

WITNESSETH

WHEREAS, NCI/Gallup Express is a provider of public transportation services funded in part by the Federal Transit Administration, under 49 U.S.C. §5311; and,

WHEREAS, the City of Gallup seeks a public transportation service ("Routes"); and,

WHEREAS, the NCI/Gallup Express and the City of Gallup want to enter into and execute this Agreement for the purpose of establishing a public transportation route and to share funding; and,

NOW THEREFORE, in consideration of the foregoing recitals, the mutual covenants, promises, agreements and representations herein, the Parties agree as follows:

SECTION 1: RESPONSIBILITY OF THE PARTIES

A. NCI/Gallup Express Shall:

1. Establish and operate a public transportation bus route for the City of Gallup.
2. Be responsible for the operations and administration of the Routes.
3. Provide training for all drivers, which includes but is not limited to the following courses: defense driving, CPR; sensitive training, crisis management, behind the wheel training, Drivers Handbook review and preventive maintenance. The training shall include basic training, orientation, and any additional training needed for the drivers and/or dispatchers.
4. Partially fund the Route with 49 U.S.C. §5311 funds.
5. Handle all necessary state and federal review, approval and reporting requirements.

B. The City of Gallup Shall:

1. Provide \$85,000.00 for administration, operating and capital cost to operate the Routes, to be paid to NCI/Gallup Express by December 31, 2012.
2. All performance by the City under this Agreement is subject to available funding and is subject to budget approval of the City Council of the City of Gallup.

SECTION 2: TERM

This Agreement shall become effective when fully executed by all Parties and the City of Gallup's contribution is paid to NCI/Gallup Express and shall remain in effect for subsequent years, unless terminated by either party on proper notice to the other.

SECTION 3: TERMINATION

Either party has the option of canceling this Agreement by giving the other party 120 days written notice. This Agreement may be terminated without cause. By such termination, neither party may nullify obligations already incurred for performance or failure to perform prior to termination of this Agreement. Upon termination, NCI/Gallup Express shall determine its costs, on services provided up to the time of termination, and it shall return the unused portion of the City of Gallup contribution for the operation of the Routes. If any party has any property in its possession belonging to the other, each party will account for the property and dispose of it in the manner the other party directs.

SECTION 4: LIABILITY

NCI/Gallup Express shall defend, indemnify and hold harmless the City of Gallup, acting through its agents, representatives and employees, from and against liability, claims, damages, losses or expenses (including but not limited to attorneys' fees, court costs and the cost of appellate proceedings) arising out of or resulting from the negligence, act, omission or default of NCI/Gallup Express, its agents, representatives or employees.

SECTION 5: NO GOVERNMENT OBLIGATION TO THIRD PARTIES

NCI/Gallup Express and the City of Gallup acknowledge and agree that the federal government and the State of New Mexico is not a party to this Agreement and shall not be subject to any obligations or liabilities to NCI/Gallup Express, City of Gallup, or any other party (whether or not a party to this Agreement) pertaining to any matter resulting from this Agreement.

SECTION 6: INDEPENDENT CONTRACTOR

MCI/Gallup Express is an independent contractor and nothing herein shall be construed or interpreted to create an employment relationship between or among the parties hereto, or their respective employees/agents. It is acknowledged and agreed that NCI/Gallup Express shall have full control over the conduct and performance of their respective service operations described herein.

SECTION 7: COMPLIANCE WITH LAW

Each party agrees to comply with all applicable federal, state, and local laws and regulations related to the services set forth herein. Furthermore, parties must comply with licensure requirements and meet all FTA and New Mexico Department of Transportation – Transit and Rail Division standards.

SECTION 8: CHARTER BUS REQUIREMENTS

NCI/Gallup Express agrees to comply with 49 U.S.C. §5323(d) and 49 C.F.R. Part 604, which provides any recipient or sub-recipient of FTA assistance is prohibited from providing charter service using federally funded equipment or facilities if there is at least one private charter operator willing and able to provide the service, except under one of the exceptions at 49 C.F.R. Part 604.9. Any charter service provided under one of the exceptions must be "incidental." (For example, it must not interfere with or detract from the provision of mass transportation).

SECTION 9: SCHOOL BUS REQUIREMENTS

NCI/Gallup Express agrees to comply with 49 U.S.C. §5323(f) and 49 C.F.R. Part 605, recipients and sub-recipients of FTA assistance may not engage in school bus operations exclusively for the transportation of students and school personnel in competition with private school bus operators unless qualified under specified exemptions. When operating exclusive school bus service under an allowable exemption, recipients and sub-recipients may not use federally funded equipment, vehicles, or facilities.

SECTION 10: ENERGY CONSERVATION

NCI/Gallup Express agrees to comply with mandatory standards and policies relating to energy efficiency, which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

SECTION 11: CLEAN WATER AND AIR REQUIREMENTS

NCI/Gallup Express agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, 33U.S.C. §§1251 et seq., and the Clean Air Act, 42 U.S.C. §§7401 et seq. NCI/Gallup Express agrees to report each violation to the New Mexico Department of Transportation – Transit and Rail Division and to the appropriate United States Environmental Protection Agency Regional Office.

SECTION 12: CIVIL RIGHTS (EEO, TITLE VI & ADA)

Nondiscrimination - In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, Section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332, the NCI/Gallup Express agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. In addition, NCI/Gallup Express agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.

SECTION 13: EQUAL OPPORTUNITY COMPLIANCE

NCI/Gallup Express agrees to abide by federal and state laws and rules and regulations, and executive orders of the President of the United States and the Governor of the State of New Mexico, pertaining to equal employment opportunity. The NCI/Gallup Express agrees to assure that no person in the United States shall, on the grounds of race, color, religion, national origin, ancestry, sex, sexual preference, age or handicap, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If NCI/Gallup Express is found to be not in compliance with these requirements during the life of this Agreement, NCI/Gallup Express agrees to take appropriate steps to correct these deficiencies.

A. Equal Employment Opportunity – The following equal opportunity requirements apply to this Agreement:

1. Race, Color, Creed, National Origin, Sex – In accordance with Title VII of the Civil Rights Act, 42 U.S.C. §2000e, and Federal Transit Laws at 49 U.S.C. §5332, NCI/Gallup Express agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor regulations: Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor, 41 C.F.R. Parts 60 et seq., (which implement Executive Order No. 11246, “Equal Employment Opportunity,” as amended by Executive Order No. 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” 42 U.S.C. §2000e note), and with any applicable federal

statutes, executive orders, regulations, and federal policies that may in the future affect construction activities undertaken in the course of the Program. NCI/Gallup Express agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, NCI/Gallup Express agrees to comply with any implementing requirements FTA may issue.

2. Age – In accordance with Section 4 of the Age Discrimination in Employment Act of 1967, 29 U.S.C. §623 and Federal Transit Laws at 49 U.S.C. §5332, NCI/Gallup Express agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, NCI/Gallup Express agrees to comply with any implementing requirements FTA may issue.
3. Disabilities – In accordance with Section 102 of the Americans with Disabilities Act, 42 U.S.C. §12112, NCI/Gallup Express agrees that it will comply with the requirements of the U.S. Equal Employment Commission, “Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act,” 29 C.F.R. Part 1630. In addition, NCI/Gallup Express agrees to comply with any implementing requirements FTA may issue.

SECTION 14: ACCESS REQUIREMENT FOR INDIVIDUALS WITH DISABILITIES

NCI/Gallup Express shall, at all times, be in compliance with all statutory requirements imposed by or pursuant to Section 504 of the rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990 at 49 CFR parts 27, 37 and 38, as well as any additional requirements which may be placed into effect during this Agreement.

SECTION 15: ADA ACCESS

Facilities to be used in public transportation service must comply with 42 U.S.C. Sections 12101 et seq. and DOT regulations, “Transportation Services for Individuals with Disabilities (ADA),” 49 CFR Part 37; and Joint ATBCB/DOT regulations, “Americans with Disabilities (ADA) Accessibility Specifications for Transportation Vehicles,” 36 CFR Part 1192 and 49 CFR Part 38. Notably, DOT incorporated reference the ATBCB’s “Americans with Disabilities Act Accessibility Guidelines” (ADAAG), revised July 2004, which include accessibility guidelines for buildings and facilities, and are incorporated into Appendix A to 49 CFR Part 37. DOT also added specific provisions to Appendix A modifying the ADAAG, with the result that buildings and facilities must comply with both the ADAAG amendments thereto in Appendix A to 49 CFR Part 37.

SECTION 16: RESOLUTION OF DISPUTES, BREACHES OR OTHER LITIGATION

All disputes and causes of action shall be brought before the Eleventh Judicial District Court of Gallup, New Mexico.

SECTION 17: CONTACTS

In the event either party hereto perceives difficulties in the conduct of the terms of this Contract, they will contact:

NCI/ Gallup Express Contact:

Name of Contact	Title	Phone Number	E-mail Address
Matthew Ortiz	Transit Director	505-720-5918	Gallupexpress.matthewortiz@Yahoo.com

City of Gallup Contact Person:

Name of Contact	Title	Phone Number	E-mail Address
Dan Dible	City Manager	505-863-1221	manager@ci.gallup.nm.us

SECTION 18: AMENDMENT

This Agreement shall not be altered, modified, or amended except by an instrument in writing executed by the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Contract.

NCI/GALLUP EXPRESS

CITY OF GALLUP

Signature

Jackie McKinney, Mayor

Name/Title (please print)

Date

Date

Attest:

Alfred Abeita, City Clerk

Discussion/Action Topic 8

Fitness Center Management Contract Award

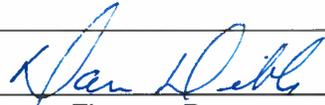
Rick Snider, Executive Director, General Services Department



SUBJECT: Fitness Center Management Contract Award
DEPT. OF ORIGIN: General Services
DATE SUBMITTED: 6 December 2012
SUBMITTED BY: Rick Snider

Summary: The Fitness Center was originally built and operated as a private sector business. The city acquired it in 2000 and has operated it as a city facility. As a result of community/customer feedback and pursuant to Council discussion/direction, staff has explored alternatives to improving the quality and efficiency of operations over the past 18 months. Despite extensive advertising and solicitation efforts, our first two attempts at RFPs yielded only one offeror, which was rejected by the review committee. A third RFP round has resulted in one respondent, who was deemed qualified for Council consideration.

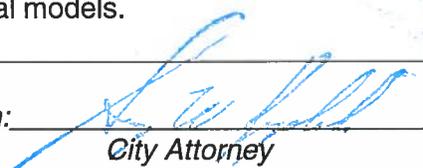
Fiscal Impact:

Reviewed By: 
Finance Department

The current FY 2013 personnel and operations budget is \$264,181, with a planned transfer-in (subsidy) of \$39,582. Under the proposal, the city's responsibilities will be limited to payment of management fees, building maintenance, minor repairs and utilities, total estimated at \$215,000. All existing equipment remains city property. The offeror shall be responsible for other expenses and will retain ownership of any equipment they purchase.

Attachments: Fitness Center RFP, Fitness Center budget and financial models.

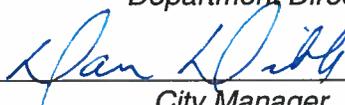
Legal Review:

Approved As To Form: 
City Attorney

Recommendation: The RFP Review Committee has recommended forwarding this proposal to Council for consideration.

Approved for Submittal By:


Department Director


City Manager

CITY CLERK'S USE ONLY
COUNCIL ACTION TAKEN

Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved: _____ Denied _____
Other: _____ File: _____



City Purchasing Division
Ronald M. Caviggia, Director

December 7, 2012

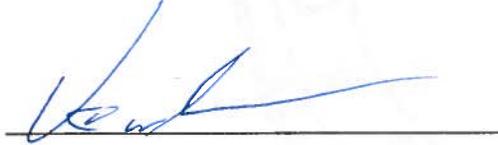
From: Ronald M. Caviggia, Purchasing Director and Procurement Manager for the RFP 

Re: Evaluation Committee Report; RFP No 2012/2013/03/P; Manage and Operate the Gallup Fitness Center

The City of Gallup solicited proposals for the above referenced services. One response to the Request for Proposals was received, submitted by Gallup Fitness Club.

Based on the contents of the RFP as submitted, our evaluation and the final summary score, the committee is unanimous in not recommending award of the contract.

Evaluation Committee Members:



Vince Alonzo, Parks & Recreation Director



Jon DeYoung, Risk Management Administrator



Rick Snider, General Services Director

Discussion/Action Topic 9

Appointments to the Gallup Housing Authority Board of Commissioners

Mayor Jackie McKinney

(Information will be provided at the meeting)

Discussion/Action Topic 10

Action to Cancel or Reschedule the December 25, 2012 Regular City Council Meeting

(No supporting documentation)
