

AGENDA

GALLUP CITY COUNCIL REGULAR MEETING TUESDAY, JANUARY 24, 2023; 6:00 P.M. CITY COUNCIL CHAMBERS



Louie Bonaguidi, Mayor

Linda Garcia, Councilor, Dist. 1

Michael Schaaf, Councilor, Dist. 2

Sarah Piano, Councilor, Dist. 3

Fran Palochak, Councilor, Dist. 4

Maryann Ustick, City Manager

Curtis Hayes, City Attorney

The meeting will be accessible through the City of Gallup's Facebook Page:

[City of Gallup, New Mexico Government - Home | Facebook](https://www.facebook.com/CityofGallup)

Members of the public may submit comment either in person or by telephone. To submit comment by telephone, please call 505-863-1254 to leave your name and a return phone number.

A. Pledge Of Allegiance

The members of the body and the public are invited to recite the Pledge of Allegiance.

B. Roll Call

C. Certification For The Record Of The Matters Discussed During The Closed Session Of January 17, 2023

D. Consent Agenda

These items are placed on the Consent Agenda so City Council can designate by unanimous consent those routine items they wish to be approved or acknowledged by one motion. If any item does not meet the approval of all Council members or if a citizen so requests, it will be heard as a separate item.

Action Needed:

Motion to approve or acknowledge Items 1-11 on the Consent Agenda by unanimous

vote:

1. Approval Of Minutes

Regular Meeting of December 13, 2022

Fiscal Impact: None.
Recommendation: Approve the minutes.
Speaker's Name None.

Documents:

[DRAFT MINUTES DEC 13 2022 REG MTG.PDF](#)

2. Amendment To Memorandum Of Understanding With GGEDC For Implementation Of US EDA Grant

On November 10, 2020, City Council approved acceptance of a US EDA Grant in the amount of \$750,000 (\$600,000 with \$150,000 local match). Council also approved an MOU between the city and GGEDC for GGEDC to provide administrative oversight for development of an Autonomous Plan and to provide planning assistance to develop an Airport Master Plan related to economic development (see attached MOU). Due to FAA restrictions on the development of an autonomous vehicles testing track on airport property, the EDA Grant was amended to allow analysis of potential sites for an autonomous testing track and potential sites for hydrogen fueling stations. The amendment also allows for preliminary engineering studies for a new or reconstructed airport terminal that may include space for an FTZ/User Fee Airport facility at the airport.

Due to the amendment and extension of the EDA grant to June 30, 2023, GGEDC has requested that \$67,000 in the EDA Grant funding be transferred from the professional services line item to the personnel line item to fund GGEDA staff time to conduct the additional planning work needed to support the city in completing the amended EDA Grant. (see attached draft letter to EDA.) EDA allows up to 10 percent of the total grant amount (\$750,000) to be moved between line items in the grant budget.

Unencumbered funds are available in the EDA professional services EDA Grant line item budget. City Staff supports this amendment to the EDA Grant to transfer \$67,000 in EDA grant funds to GGEDC to assist the city in completing the additional work to complete the EDA Planning Grant. MOU amount to GGEDC personnel funding will be increased from \$250,000 to \$317,000 (see attached line item budget).

Recommendation:

Approve amendment to MOU with GGEDC to increase the funding for personnel services by \$67,000 for EDA Planning Grant implementation.

Fiscal Impact: None. Funds are available in the EDA Planning Grant.
Recommendation: See recommendation in the summary.

Speaker's Name Maryann Ustick, City Manager & Michael Sage, GGEDC

Documents:

[MOU_CITY OF GALLUP_GGEDC_EDA GRANT.PDF](#)
[LETTER TO EDA.PDF](#)
[EDA BUDGET.PDF](#)

3. Budget Adjustment Approval For A Temporary Procurement Specialist

Purchasing Department is requesting a budget adjustment in the amount of \$14,500 from fund balance to the Purchasing Department's Salaries Account line item 101-1019-411-41.20. The purpose of the adjustment is to cover costs related to hiring a temporary Procurement Specialist to stand in for the current Procurement Specialist while on medical leave, starting February 15, 2023 through June 15, 2023. The temporary employee will carry out daily administrative tasks such as answer phone calls and maintain the front desk; in addition to reconciling and reviewing vendor invoices for all purchase orders over \$1000. made by all departments, preparation of bid and RFP packets, works with other departments on recurring monthly services and invoices, etc.

Fiscal Impact: \$14,500 from fund balance to Purchasing Departments Salaries Account Line Item 101-1019-411-41.20

Recommendation: Approval of Budget Adjustment for a Temporary Procurement Specialist

Speaker's Name Frances Rodriguez, Purchasing Director

4. Budget Adjustment For A Rebuilt A/B Blower At The Wastewater Treatment Plant (WWTP)

The A/B blower has broke down and a budget adjustment is requested to rebuild the entire blower, that is roughly 20 years old. The **adsorption/bio-oxidation process** is a two-stage modification of the [activated sludge](#) process used for [wastewater treatment](#). It consists of a high-loaded A-stage and low-loaded B-stage. Both stages have separate settling tanks and sludge recycling lines, thus maintaining unique microbial communities in both reactors.

The Aeration blowers provide air in our Activated sludge process. This air helps with Microbial growth in the wastewater. These Microbes require oxygen to feed on the Organic material breaking it down and forming "Flocs" which will settle out creating the Activated sludge which are then recirculated in the system, and will increase the decomposition rates, stabilizing the sludge and performing the required treatment.

Fiscal Impact: Budget adjustment in the amount of \$75,000 from the Environmental Fund 202 into operating acct 202-1525-474.48-99.

Recommendation: Approval of budget adjustment

Speaker's Name Adrian Marrufo - Acting Director SW/W/WW

Documents:

5. **Closing Of Electric Capital Projects**

The Electric Department is requesting the transferring out and closing of the following capital projects:

- CI1610 (Asset Management Plan)
 - Electric and Water share this project. The system Water uses was not particularly designed for Electric and was one of the reasons Electric has moved forward with Milsoft.
 - **\$154,942.00** to be transferred out of this project and returned to Fund 507.
- CI1771 (Allison Substation)
 - The New Allison Substation was created to replace the old Allison Substation on Allison Road on the west end of Gallup. This project has been completed and all invoices have been paid.
 - **\$313,235.73**
- JU1367 (Fiber Optic [City Hall])
 - This project was created to connect a fiber optic line from City Hall to the departments stationed on Warehouse Lane. This project has been completed and all invoices have been paid.
 - **\$11,359.00**
- JU1651 (Gallup Solar Project)
 - The Gallup Solar Project was created to allow for a 8 MW PV Station to be installed and serve the Gallup community. This station would sell power to Gallup at cheaper rate than the current PPA. This project has been completed and all invoices have been paid.
 - **\$342,795.75**
- JU2018 (Solar Farm)
 - When the Gallup Solar Project came online, it did not have any protective equipment installed nor did it have capacitors to help regulate the outgoing voltage. This project was set up for the purchasing of the equipment and commissioning of the devices to operator correctly. All materials and commissioning of devices has been completed.
 - **\$61,142.00**
- JU2024 (Wood Pole Inspection)

- Records of the last system wide pole inspection was back in 2014 and another inspection of our systems pole life was due. This project has been completed and all invoices have been paid.
 - **\$52,222.00**
- JU2102 (System Modeling)
 - The System Modeling and Coordination Study was created to allow the Electric Department to view it's entire system and add large protective equipment to the City to help as an asset management, SCADA implementation, and reduce wide area electrical outages. The City is currently in the process of installing the protective devices on the electric grid. This project has been completed and all invoices have been paid.
 - **\$86,878.16**
- JU2210 (Transformer Inventory)
 - This project has been completed and all invoices have been paid.
 - **\$108,500.00**
- JU2224 (Engineering Software)
 - The engineering software that was purchased was Milsoft. This project has been completed and all invoices have been paid.
 - **\$2,862.00**

Fiscal Impact: Transfer of funds from Fund 307 to Operating Cash Fund 507 in the amount of \$1,133,936.64.

Recommendation: Approval to close all listed projects and move cash to Fund 507.

Speaker's Name Chuck Nourse

6. Budget Adjustment For Project JU1510 SCADA Improvement

Budget Adjustment to Project JU1510 SCADA Improvement for **\$135,547** for the completion of Phases 2 and 3 for the Noe Substation Relay Replacement.

- Phase 2 will be in the amount of **\$64,047** (NMGRT included) and will consist of updating the old Noe Station schematics, wiring diagrams and installation details. This phase will also handle the panel door fabrication design and preparation of the relay settings for all the SEL relay equipment that has been ordered.
- Phase 3 will be in the estimated amount of **\$65,000** and consist of the installation of the new SEL relays, the new panel doors, the commissioning of the new SEL relay settings as well as the SCADA integration.

- o 5% contingency has also been included in the amount of **\$6,500** (rounded up).

This project is needed to finish tying in the Noe substation feeders into the SCADA. This addition to the SCADA will greatly assist with our load forecasting. We have recently brought the project increase to council in the amount of \$115,000. The previous increase was requested for the City to purchase the equipment, this increase will be for the engineering services to install the materials and tie the new devices into our new SCADA.

Fiscal Impact: Budget Adjustment to Project JU1510 in the amount of \$135,547 from the Operating Cash in Fund 507.
Recommendation: Approval of a Budget Adjustment in the amount of \$135,547
Speaker's Name: Chuck Nourse

Documents:

[230113 T_D GALLUP NOE RELAY UPGRADE PHASE 2 PROPOSAL.PDF](#)

7. Budget Adjustment For The Grant Agreement Between The NM Dept. Of Transportation And The City Of Gallup (Contract Number TS05093)

The Gallup Police Department was awarded the grant from the New Mexico Department of Transportation for the following projects and amounts: A) End Driving While Impaired: \$38,318 B) Buckle Up / Click it or Ticket: \$3,196 C) Selective Traffic Enforcement Program: 11,356.

The total award is \$52,870. All required signatures have been fully executed therefore the Gallup Police Department requests a budget adjustment in the revenue & expenditure for the total amount awarded.

See attachment: Grant Agreement Contract Number: TS05093

Fiscal Impact: Budget adjustment in revenue & expenditure for the following projects: A) End Driving While Impaired: \$38,318 B) Buckle Up / Click it or ticket: \$3,196 C) Selective Traffic Enforcement Program: \$11,356. Total awarded: \$52,870.
Recommendation: Acceptance & approval of a budget adjustment for the NM DOT grant in the amount of \$52,870.
Speaker's Name: Erin Toadlena-Pablo

Documents:

[ENDWI FY23.PDF](#)

8. Budget Adjustment In The Amount Of \$5000.00 From Fund Balance For Warehouse Truck Purchase

Requesting \$5,000.00 adjustment from fund balance to purchase a truck for the warehouse. The vehicle purchase was approved in FY22. Due to covid we are just now getting the unit. Since it took so long to get the unit the price has gone up. We will need an additional \$5,000.00 to complete the purchase of a GMC Sierra with a Tommy lift from Rico.

Project CI2243 total = \$42,000.00

Original Bid Price in FY22 \$35,017.50 truck and lift

New price \$44,236.75 for truck and lift

After market \$2,700.00 (vinyl, lightbar, sidesteps, ect)

Total cost \$46,936.75

Fiscal Impact: Adjustment of \$5,000.00 from fund balance 375 to 375-1025-411.48-20 to purchase a replacement unit approved in FY22

Recommendation: Staff recommends budget adjustment in the amount \$5,000

Speaker's Name Jon DeYoung

9. **Lodgers Tax Budget Adjustment For Red Rock Park Improvements**

This is a request for the City Council to consider a budget adjustment. This is an adjustment to cover a deficit due to funds that did not rollover to fiscal year 2023 on a purchase order. The transactions will be reversed once the budget adjustment is approved by the City Council.

On Feb. 8, 2022, the City Council considered and approved the following agenda item: "Budget Adjustment: Red Rock Park - Patty Holland, Chief Financial Officer and Jennifer Lazarz, Tourism and Marketing Manager". That was a request to fund Red Rock Park building updates and grounds maintenance using \$500,000 from Lodger's Tax, and \$7,500 from the General Fund for fiber optics. The RRP improvements funded by the Lodger's Tax fund included arena restroom repairs and plumbing, arena floor drain replacements, amphitheater plumbing repairs, electric repairs and lighting update at the convention center and hospitality building, and facility small-scale repairs.

Work on this project continued into FY23, but the funds were not carried over. Work continued on the project in the new fiscal year and the Lodger's Tax's Purchased Property / Maintenance - Buildings line was allowed to be spent into the negative. If approved, this adjustment will fix the negative line balance.

Fiscal Impact: The adjustment amount is \$441,573.

Recommendation: Respectfully request approval

Speaker's Name Matt Robinson - Tourism & Marketing Manager

Documents:

[2022, 12-30 BUDGET REQUEST SIGNED.PDF](#)

[FEB. 2022 COUNCIL MINUTES.PDF](#)

10. **Capital Transfer For Roof Replacement At Vehicle Shop And Award Of Contract**

Staff is requesting a transfer in the total of \$10,000 from project CI2313 into project CI2306. The existing CES contract expired on December 12th. Council

did not approve the award of contract until December 13th. The new CES pricing came out and as expected there was a price increase. We are also asking council to approve the award of contract to National Roofing for the replacement of the roof at the Vehicle Shop.

Fiscal Impact: None transfer only
Recommendation: Staff recommends budget adjust in the amount of \$10,000
Speaker's Name Jon DeYoung

Documents:

[GALLUP VEHICLE SHOP RECOVER 2023 UPDATE.PDF](#)
[TRANSFER REQUEST 01172023.PDF](#)

11. Resolution No. R2023-2; 2nd Quarter FY 2023 Budget Adjustments And Report Of Actuals

Each quarter, the Finance department reviews any changes to the budget and submits these changes to council for approval. The following areas are reviewed: personnel, operations, capital outlay and transfers in and out of each fund. The Department of Finance and Administration (DFA) requires Council to pass a resolution for all budget increases, decreases, and transfers between funds. DFA further requires approval of the report of actuals showing cumulative activity for the fiscal year. The report to DFA regarding budget revisions is due January 31, 2023.

We had one fund that ended the year with a negative cash balance. We are required to provide a temporary cash transfer to fully fund this:

Legislative Appropriations fund \$1,000,000

Fiscal Impact: None
Recommendation: Approval of Resolution R2023-2, the budget adjustments, report of actuals and temporary cash loan
Speaker's Name Patty Holland

Documents:

[BAR Q2 TO CERTIFY.PDF](#)
[BAR RECAP Q2 TO CERTIFY.PDF](#)
[REPORT RECAP Q2 TO CERTIFY.PDF](#)
[RESOLUTION_FOR_BUDGET_ADJUSTMENT TO APPROVE.PDF](#)
[BAR DETAIL 2023 Q2 TO CERTIFY.PDF](#)

E. Discussion/Action Topics

1. Recommendation Of Bid Award For Formal Bid No. 2225 To Adame Construction Inc. For The 2nd St. Trademart Square Sewer Line Realignment And Related Budget Adjustments

The 2nd St. sewer realignment project was bid out with only one (1) bid received, in which Adame Construction, Inc of Los Lunas, New Mexico was the sole bidder

in the amount of \$1,176,214 including New Mexico Gross Receipts Tax.

This project consists of sewer line realignments in 2nd Street (NM Highway 610) right of way and the Trademart Square shopping center parking lot in Gallup, New Mexico.

The sewer realignment consists of installing approximately 1075 linear feet of 8 inch SDR 35 sewer line, an 82 linear foot jack and bore crossing of 2nd Street with an 8 inch carrier pipe and 14 inch steel casing, and abandonment of existing sewer lines and manholes. Work will also include manholes, fittings, specials, trenching, backfilling, compaction, bypass pumping, transfer of existing sewer services and traffic control. Sidewalk, curb/gutter, asphalt, and parking lot striping removal and replacement will be required.

Project Costs:

Bid Tab - \$1,176,214

Contingency 10% - \$117,621.40

Total Project Cost: \$1,293,836

ARP Funding:

2nd St. Sewer Rehab - Acct: 260-6063-443.48-99 - GR2304 - \$361,252

Transfers into above project:

ARP YTH VFD Plus AC - Acct: 260-6063-444.48-99 - GR2303 - \$157,159

Remaining balance paid from the Environmental Fund 202 - \$775,425

Fiscal Impact: Expenditures from ARP Funding and budget transfers.
Expenditures in fund 202. See above

Recommendation: Approval of bid award, budget transfer and 202 funding

Speaker's Name Adrian Marrufo - Acting Director SW/W/WW

Documents:

[RECOMMENDATION OF AWARD 2ND STREET SEWER LINE REPLACEMENT.PDF](#)
[BID TABULATION 2225.PDF](#)

2. Ordinance No. C2023-1; Ordinance Restoring Municipal Court Jurisdiction Over 2nd And 3rd Offense DWIs

In 2017, Ordinance 2017-1 removed Municipal Court jurisdiction over 2nd and 3rd offense DWI cases by providing that "second and subsequent offenses shall be prosecuted under state law in magistrate or district court." (Gallup City Code Section 6-1-2) The agenda item description stated that there was a concern that

the County was considering defunding the compliance program that the Municipal Court used to supervise defendants convicted of those offenses.

Last month, Council approved the creation of a compliance officer position to be housed in the Municipal Court which will allow the court to adequately supervise defendants convicted of not just 1st offense, but also 2nd and 3rd offense DWI. Therefore, the Municipal Judge is requesting that jurisdiction over 2nd and 3rd offenses be returned to the court.

The New Mexico Uniform Traffic Ordinance (UTO) contains provisions regarding 2nd and 3rd offense DWIs. By adopting the entire UTO and by repealing Gallup City Code Section 6-1-2, this ordinance restores jurisdiction over 2nd and 3rd offenses to Municipal Court.

This ordinance does not mandate that DWI cases be filed in Municipal Court. It gives officers of any department the option of filing 1st, 2nd, and 3rd offenses that occur within the city limits in either Magistrate Court or Municipal Court.

| | |
|-----------------|---------------------------------|
| Fiscal Impact: | None |
| Recommendation: | Approval of the ordinance |
| Speaker's Name | Lynn Isaacson and Janell Griego |

Documents:

[2ND AND 3RD OFFENSE DWI.PDF](#)

F. Comments By Public On Non-Agenda Items

Members of the public are invited to comment on matters not appearing on the meeting agenda.

G. Comments By Mayor And City Councilors

H. Comments By City Manager And City Attorney

I. Motion To Adjourn

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 72 hours in advance of the scheduled meeting.