

## AGENDA

### GALLUP CITY COUNCIL REGULAR MEETING TUESDAY, APRIL 11, 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

David Eason, 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 Sessions Held On March 27, 2023, April 4, 2023 And April 11, 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 1-3 on the Consent Agenda by unanimous vote:

**1. Approval Of Minutes**

Regular Meeting of March 28, 2023

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

Documents:

[DRAFT MINUTES MAR 28 2023 REG MTG.PDF](#)

**2. Approval Of Resolution No. R2023-6 & New Mexico MainStreet Capital Outlay Grant**

The City of Gallup has received a New Mexico MainStreet Capital Outlay Grant in the amount of \$600,000.00, to plan, design, construct and improve infrastructure in downtown main street districts and in local arts and cultural districts in accordance with attachment A of the grant agreement. This funding will continue to support construction of Coal Avenue Commons Alley / Paseo Project improvements from 2nd-3rd Streets.

Recommendation:

Approval of Resolution No. R2023-6 and acceptance of New Mexico MainStreet Capital Outlay Grant No. 419-A22G2074-2306.

Fiscal Impact: Revenue and expenditures budget adjustment in the amount of \$600,000.00. There is a 20% match required by the city.  
Recommendation: See Recommendation in the summary.  
Speaker's Name Maryann Ustick, City Manager

Documents:

[RESOLUTION NO R2023-6.PDF](#)  
[FINAL GALLUP FY23 CO GRANT AGREEMENT.PDF](#)

**3. Budget Adjustment For Motor Replacement Expense For The Electric Department**

Budget Adjustment for Account 507-6061-442.48-92 [Capital Underground] in the amount of \$15,000. We have been upgrading our Maxwell Switchyard this year and have been testing and replacing failed motor controls. There is still one more motor that needs to be replaced in the amount of \$7,993.75 (cost of labor included). This account is shared with other large underground projects that come up that are over \$5,000, so I am asking for an additional \$7,006.25 to make the budget transfer an even \$15,000.

Fiscal Impact: Budget Adjustment in the amount of \$15,000 from the operating cash fund 507.

Recommendation: Approval of budget adjustment in the amount of \$15,000

Speaker's Name Chuck Nourse

Documents:

[QUOTE 2061328.PDF](#)

## E. Item For Discussion Only

### 1. Discussion Regarding Rehoboth McKinley Christian Health Care Services (RMCHCS)

Discussion requested by McKinley County officials.

Fiscal Impact: None - discussion only.

Recommendation: None - discussion only.

Speaker's Name Anthony Dimas, McKinley County Manager

## F. Discussion/Action Topics

### 1. Request For Parking Lot Closures For Cars & Coffee Friday Night Rides Events To Be Held On The First Friday Of The Month From April To October 2023

Camille's Sidewalk Cafe will present a request to close the City parking lots located in the northern section of the Courthouse Square for their car show. The monthly event will take place on the first Friday of every month, from April to October 2023, beginning as early as 6:00 p.m. Each event will conclude by 9:00 p.m.

Fiscal Impact: None.

Recommendation: Camille's Sidewalk Cafe recommends approval of the parking lot closures.

Speaker's Name Bryanny Rich

Documents:

[EVENT PERMIT - CAMILLES SIDEWALK CAFE CAR SHOW.PDF](#)

### 2. Budget Adjustment Request For Red Rock Park Agreement

This budget adjustment is requested to ensure the Contractual Services account is properly setup to pay for invoices from McKinley County. The county has begun invoicing the city for its part in the Red Rock Park agreement, which was signed in August 2022. The agreement stipulates the county can request reimbursement from the city for operating RRP. The county has already submitted an invoice for reimbursement of approximately \$146,000 for its operating RRP from October 2022-December 2022. These reimbursements are to be paid with Lodger's Tax funds.

When the agreement was approved by the City Council during its regular August 9, 2022 meeting, the necessary budgetary actions were not taken to establish an account to pay for the reimbursements. The Tourism & Marketing Office has taken administrative steps to budget for paying for the first invoice, but further

funds are needed from the cash fund balance to pay for the remaining anticipated invoices from the county for the remainder of FY23.

The first year of the agreement began in October 2022 and was prorated for the year at \$337,500. Council approval is needed to draw the remaining funds from the cash balance and budget it in the Contractual Services account. The Tourism Office respectfully requests Council approval to move \$197,197 from the cash balance into the Contractual Services account, No. 214-3550-432.45-90, to pay for the invoices.

The \$197,197 was calculated by using the overall prorated figure of \$337,500 minus the \$140,303 which has already been moved through an administrative budget adjustment. If this request is approved by Council, the account will have enough to pay for the anticipated invoices until the end of this fiscal year.

As of 3/30/23, Naviline indicated the Lodger's Tax cash balance was approximately \$1.68 million.

In the budgeting process for FY24, the Tourism Office has already planned and budgeted \$450,000 to pay for a full year of anticipated invoices from the county requesting reimbursement for RRP.

In addition, attached is a letter sent to the County Manager, dated April 4, 2023, indicating that the city cannot use its Lodger's Tax funds to reimburse the purchase of a new truck for the County. However a resolution is proposed in the attached letter which will allow the city to reimburse the county for this cost (title needs to be transferred to the city but the truck will remain at and an asset of Red Rock Park.) This does not affect the need for the full amount of the budget adjustment requested above. The County also sent the City an invoice, dated March 30, 2023, requesting the full amount of the city's funding for Red Rock Park operations and management in advance. Just as is the case with Liquor Excise Tax and Animal Protection /Shelter Services, the city reimburses for services rendered and not in advance.

Fiscal Impact:	Budget adjustment to expenditures of 197,197 from fund balance.
Recommendation:	Respectfully request approval
Speaker's Name	Matt Robinson - Tourism & Marketing Manager

Documents:

[RED ROCK PARK AGREEMENT\\_EXECUTED.PDF](#)  
[2023, 3-9 RRP REIMBURSEMENT REQUEST.PDF](#)  
[2022, 8-9 CITY COUNCIL MTG MINUTES.PDF](#)  
[LETTER DATED APRIL 4 2023 USTICK TO DIMAS.PDF](#)  
[INVOICE FROM MCKINLEY COUNTY DATED MARCH 30 2023.PDF](#)

- Award Of Formal Bid #2307 To File Construction, LLC Of Albuquerque, New Mexico For 14" Effluent Waterline Replacement Phase I**  
File Construction Inc., LLC of Albuquerque, New Mexico was the low bidder in

the amount of \$1,097,044.19 including New Mexico Gross Receipts Tax.

This project is located within the City of Gallup, New Mexico, north of NM Highway 118. The 14" effluent waterline begins at the end of an existing 14" effluent waterline located inside of the City of Gallup Wastewater Treatment Plant. The effluent waterline then runs east across Breadsprings Wash and then south along the Puerco River. The effluent waterline crosses US Interstate 40 and BNSF railroad and terminates just north of the NM highway 118 and Mendoza Boulevard intersection after tying into existing 14" effluent waterline.

The project consists of installing approximately 2,860 linear feet of 14" Cl. 350 ductile iron effluent waterline. The effluent waterline runs through Breadsprings Wash, intersects US Interstate 40, and crosses BNSF railroad. Work will include air release stations, valves, fittings, specials, jack and boring, grading, excavation, trenching, backfilling, and compaction.

Funding for this project is through loan proceeds by the New Mexico Finance Authority (NMFA) PPRF#5859, in the amount of \$5,000,000 approved by City Council on May 10, 2022.

Fiscal Impact: None see above. Revenues and expenditures in Fund 304  
Recommendation: Approval of Bid Award  
Speaker's Name: Adrian Marrufo - Acting Director SW/W/WW / Kurt Spolar - DePauli Engineering

Documents:

[14 INCH EFFLUENT WATERLINE PH. 1 BID TABULATIONS.PDF](#)  
[RECOMMENDATION OF AWARD 14-INCH EFFLUENT WATERLINE REPLACEMENT PH. I.PDF](#)

**4. Ordinance No. S2023-3; Request By Rick Murphy To Reconfigure The Downtown Overlay District Boundaries By Removing His Property Located At 101 North Third Street From The Downtown Overlay District In It's Entirety**

Mr. Murphy owns property within the city's Downtown Overlay District, said property is located at 101 North Third Street and is further described as Lot 7, Station Grounds Subdivision, containing 1.8518 acres M/L, lying within the Industrial (I) Zone District. Currently Cannabis Cultivation and Manufacturing establishments are prohibited within the Downtown Overlay District. Mr. Murphy is requesting an amendment to reconfigure the Downtown Overlay District boundaries by removing his property described above from said district. This would allow a Cannabis Cultivation and Manufacturing establishment to be located on his property.

Fiscal Impact: None  
Recommendation: Staff recommends that City Council review the request and take appropriate action.  
Speaker's Name: C.B. Strain

Documents:

## **G. Presentation And Information Item**

### **1. Presentation Of The Business Improvement District Annual Report**

Anna Biava of the Business Improvement District (BID) Board of Directors will present the Annual Report for the BID.

Fiscal Impact:           None.  
Recommendation:       No action required - presentation item.  
Speaker's Name         Anna Biava

Documents:

[06 2022 FINANCIALS BID.PDF](#)  
[ANNUAL BID REPORT 2022.PDF](#)

## **H. Comments By Public On Non-Agenda Items**

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

## **I. Comments By Mayor And City Councilors**

## **J. Comments By City Manager And City Attorney**

## **K. 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.