

AGENDA

GALLUP CITY COUNCIL REGULAR MEETING TUESDAY, JUNE 25, 2019; 6:00 P.M. CITY COUNCIL CHAMBERS



Jackie McKinney, Mayor

Linda Garcia, Councilor, Dist. 1 Allan Landavazo, Councilor, Dist. 2
Yogash Kumar, Councilor, Dist. 3 Fran Palochak, Councilor, Dist. 4

Maryann Ustick, City Manager
Curtis Hayes, City Attorney

A. Pledge Of Allegiance

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

B. Roll Call

C. Approval Of Minutes

Regular Meeting of June 11, 2019

Documents:

[DRAFT MINUTES JUNE 11 2019 REG MTG.PDF](#)

D. Presentation Of Award

Bill Camarota and RMCHCS Residential Treatment Program

E. Discussion/Action Topics

1. Appointments To The Planning And Zoning Commission

Kent Wilson, Keegan Mackenzie-Chavez, Fran Pawlowski, and Loren Miller are recommended for reappointment to the Planning and Zoning Commission. The terms of these members expired on May 31, 2019 and the members have expressed an interest in serving another term. Commissioner Frank Kozeliski's term also expired on May 31st; however, he agreed not to have his term renewed and would appreciate the appointment of a new member to the Commission. To

fill Mr. Kozeliski's position, Johny Cresto is recommended for appointment to the Commission. The term for all 5 appointees is for 2 years.

Fiscal Impact: None.
Recommendation: Approve the appointments to the Planning and Zoning Commission.
Speaker's Name Mayor Jackie McKinney

Documents:

[APPTS TO PLANNING AND ZONING COMM.PDF](#)

2. Public Hearing: Proposed Transfer Of Ownership Of Existing Liquor License #0906 From The Estate Of Armand Ortega To K.A. Rose, LLC D/B/A Mesa Lights, 2915 West Highway 66

Alcohol and Gaming Division has granted preliminary approval for this application. According to the preliminary approval letter, "the applicant is seeking a transfer of ownership of dispenser liquor license 0906 with on premises consumption only." The license is currently held by the Estate of Armand Ortega and is currently not being used. The purchaser is "K.A.Rose, LLC doing business as Mesa Lights." The location is 2915 W. Highway 66, the former Howard Johnsons. "NMSA §60-6B-4 provides that a local governing body may approve or disapprove the transfer of a liquor license after holding a public hearing. "The governing body may disapprove the . . . transfer of the license if (1) the proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico; (2) the . . . transfer would be in violation of a zoning or other ordinance of the governing body; or (3) the . . . transfer would be detrimental to the public health, safety, or morals of the local option district." The location does not violate any laws or zoning code provisions concerning where alcohol may be sold. The New Mexico Supreme Court has held that "the discretion that the city council has to deny a transfer on moral grounds must be based on the moral effects of the operation by a specific applicant or at a particular location." Dick v. City of Portales, 1994-NMSC-092. Similarly, to deny a transfer based on safety issues, there must be substantial evidence that the transfer . . . would be detrimental to safety. City of Santa Fe v. Woodard, 1996-NMSC-098. Testimony concerning the negative effects of alcohol generally is not sufficient.

Fiscal Impact: None.
Recommendation: None. The council's decision must be based upon evidence presented at the public hearing.
Speaker's Name Curtis Hayes

Documents:

[LIQUOR LICENSE 0906.PDF](#)

3. Annual Request For Street Closures For Arts Crawl Held On The Second Saturday Of The Month

Rhonda Quintana, Arts Crawl Coordinator, will present the annual request for street closures for Arts Crawl.

Fiscal Impact: TBD - City staff to provide support services for the monthly event.

Recommendation: Approve the request for street closures.

Speaker's Name Rhonda Quintana

Documents:

[2019 EVENT PERMIT APPLICATION FOR ARTS CRAWL.PDF](#)

4. Request For Street And Parking Lot Closures And Request For Special Dispenser's Permit For The Route 66 Freedom Ride, Flight And Cruise Event And Gurley Motors Car Show

The Business Improvement District (BID) is requesting approval of various street and parking lot closures for both events. The events will take place during the last weekend of July 2019. The BID is also requesting approval of a Special Dispenser's Permit to be issued for the beer garden to be in place at the Courthouse Plaza on Saturday, July 27th.

Fiscal Impact: TBD - City staff to provide support services for the events.

Recommendation: The BID recommends approval of their requests.

Speaker's Name Francis Bee, Executive Director, Gallup BID

Documents:

[2019 EVENT PERMIT APP FOR RT 66 FREEDOM RIDE.PDF](#)

[2019 EVENT PERMIT APP FOR GURLEY MOTOR CAR SHOW.PDF](#)

5. Approval And Acceptance Of The Quarterly Local Liquor Excise Tax Accountability Report For 1st Quarter Calendar Year 2019

Maura Schanefelt, McKinley County DWI Program Manager, will present the report to the City Council for their review and approval. The report summarizes the use of liquor excise tax funds by local programs and agencies during the past quarter. The report is submitted on behalf of the County Commission and City Council to the New Mexico Department of Finance and Administration to comply with state law.

Fiscal Impact: None.

Recommendation: County recommends approval and acceptance of the report.

Speaker's Name Maura Schanefelt

Documents:

[1ST QTR CY 2019 LET ACCOUNTABILITY REPORT.PDF](#)

6. Presentation Only: City Of Gallup Behavioral Health Quarterly Reports

A quarterly update on the City of Gallup Behavioral Health Programs.

Fiscal Impact: None

Recommendation: Presentation Only

Speaker's Name Debra L. Martinez and Sindy Bolanos-Sacoman

Documents:

7. Approval Of Agreement With NCI For Detox Administration And Operation

The FY20 Liquor Excise Tax has allocated \$835,000 for the Administration of Detox Services.

Fiscal Impact: The Detox Center Administration and Operations Agreement will be funded by Liquor Excise Tax (LET) revenue in the amount of \$835,000.

Recommendation: Approval of Agreement for Administration and Operations for the Detox

Speaker's Name Debra L. Martinez

Documents:

[GALLUP DETOX CONTRACT FY20 835K 6.17.19.PDF](#)

8. Approval Of Gallup Detoxification Center Intensive Services Agreement

The FY20 BHIZ Budget allocates a total of \$141,000 in funding for NCI intensive counseling and case management services. Services will be tracked in order to evaluate the effectiveness. This contract is effective July 1, 2019.

Fiscal Impact: Intensive Service Agreement will be funded with Behavioral Health Investment Zone(BHIZ) funds in the amount of \$141,000.

Recommendation: Approve the Gallup Detoxification Center Intensive Services Agreement in the amount of \$141,000

Speaker's Name Debra L. Martinez

Documents:

[GALLUP DETOX INTENSIVE SERVICES CONTRACT FY20 141K.PDF](#)

9. Professional Services Agreement For Rehoboth McKinley Christian Health Care Services Behavioral Health

The FY20 BHIZ budget allocates a total of \$105,000 in funding for RMCHCS Aftercare and GED services. Services will be tracked in order to evaluate effectiveness. This contract is effective July 1, 2019.

Fiscal Impact: Professional Services Agreement will be funded with Behavioral Health Investment Zone (BHIZ)funds in the amount of \$105,000. No input of general funds.

Recommendation: Approve Professional Services Agreement in the amount of \$105,000 with RMCHCS

Speaker's Name Debra L. Martinez

Documents:

[RMCH FY20 105K .1.2.PDF](#)

10. Cultural Center Lease Agreement With Southwest Indian Foundation

The lease agreement with SWIF regarding the Cultural Center has expired. The

attached proposal generally tracks the expired lease, however there are some new provisions including:

1. The City may terminate the lease if it determines there is a better use for the building, regardless of whether SWIF has breached the lease, by providing 24 months notice. There is a requirement that the City meet and confer with SWIF prior to such a termination. The previous lease only allowed the City to terminate if SWIF was in breach. This allows future administrations flexibility regarding the use of the Cultural Center.
2. Ties the in-kind contribution towards rent solely to the payment of salaries of SWIF personnel that work at the Cultural Center. The previous agreement had a number of items that could be applied towards the rental obligation.
3. Requires SWIF to maintain the Cultural Center as open to the public a minimum of 50 hours per week.
4. Removes the east parking lot from the area that SWIF is leasing.

Fiscal Impact: None, The lease retains the City's obligation to provide janitorial services to some of the interior of the building and to maintain the exterior, parking lots, and landscaping. These items are covered by the existing budget for facilities maintenance.

Recommendation: Approval of the lease

Speaker's Name Curtis Hayes

Documents:

[SWIF LEASE AGREEMENT 2019 FINAL.PDF](#)

11. Ordinance No. C2019-6; An Ordinance Amending The Special Events Ordinance To Remove Two References To Section 7-1-1 Of The Gallup Municipal Code Which Has Been Amended And No Longer Deals With Street Obstructions

In January, City Council approved amendments to what was then called the "Street Obstruction Ordinance." The amendments removed references to street obstructions as they are dealt with in other parts of the Code and limited its scope to sidewalk obstructions. The Special Events Ordinance, however, still refers to the old Street Obstruction Ordinance. This amendment merely corrects that.

Fiscal Impact: None

Recommendation: Approval of the amendments

Speaker's Name Curtis Hayes

Documents:

[SPECIAL EVENTS AMENDMENT.PDF](#)

12. FY 2019 Final Budget Adjustment Request

A final review of the budget for fiscal year 2019 has revealed several items that need to be increased as we close out the year. Historically, as long as each fund was appropriately funded overall, we would close the year and submit required reporting to DFA. With updated reporting to the DFA, the new system recognizes each line. The impact of this is that we now ensure each line is appropriately funded prior to closing the year to ensure approval from the DFA.

The attached schedule identifies the lines/items in need of an adjustment and the

description as to what caused the need.

Fiscal Impact: Overall expenditure increase of \$906,360 across multiple funds. Overall revenue increase of 688,681 across multiple funds.

Recommendation: Approve budget revenue and expenditure increases.

Speaker's Name: Patty Holland

Documents:

[FY 2019 YEAR END BUDGET REQUESTS.PDF](#)

13. Construction Contract Award For FY 2019-2020 Whole Block Sidewalk Reconstruction Project

Summary: Subject project includes whole block curb, gutter, and sidewalk reconstruction for:

- Marguerite Franco Street including a segment of Wilson Avenue;
- Bike Park periphery including South Cliff Drive and Mesa Avenue;
- Church Rock Street west from Toltec Drive to Tocito Drive;
- Linda Drive including Nizhoni Boulevard segment; and
- Viro Circle south from Aztec Ave to Copper Avenue.

Bids were opened for the subject project on 21 May 2019. There was only one bidder. H.O. Construction of Albuquerque, NM submitted a total bid for \$1,690,855. See attachment (a).

Engineer of record is DePauli Engineering and Surveying of Gallup, NM. Their proposal for construction management and quality assurance is \$196,786.70. See attachment (b).

Fiscal Impact: Project has been budgeted in the City's community improvement plan. However, to award the project in its entirety, the project budget is still short \$550,000. See attachment (c).

This shortfall can be attributed to the high risk inherent in such reconstruction efforts. As such, the work is not considered attractive by contractors, and there is little to no bid competition for this work.

Among the myriad of issues facing a contractor, he will need mobilize and demobilize in five different neighborhoods and will need five different neighborhood outreach meetings. Affected property owners will require personal hands-on communication and coordination. Roadway and driveway grades will require constant adjustment to prevent any exasperating or causing any storm drainage issues. Sidewalks will require ADA compliance. And local traffic control must be maintained. In short, neighborhoods will be disrupted, and that neighborhood inconvenience requires continuous on-site management.

Staff proposes making up the \$550,000 shortfall by:

- Taking \$250,000 from Fund 202 balance; and
- Taking \$300,000 from General Fund balance.

Recommendation:

1) Award DePauli Engineering and Surveying \$196,786.70 including NMGR for

construction management and quality assurance services.

2) Award H.O. Construction \$1,831,407.32 including NMGR for reconstruction of the street curb, gutter, and sidewalks in the above neighborhoods.

3) Approve the budget adjustment for an additional \$550,000 in project funding as described above.

Fiscal Impact: See Comments Above.

Recommendation: See Comments Above.

Speaker's Name Stanley Henderson - Public Works Director

Documents:

[19-06-25_6C PRJ BDGT ESTIMATE RE 2019-2020 WHOLE BLOCK SW RECNRCTN.PDF](#)

[19-06-25_6B DES LTR 06-10-10 IRT WHOLE BLOCK SW RECNRCTN CM PROPOSAL.PDF](#)

[19-06-25_6A BID TABULATIONS IRT WHOLE BLOCK SW RECNRCTN PRJ.PDF](#)

14. Resolution No. R2019-28; Coal Avenue Commons 2019 Legislative Grant Approval

Summary: As part of the 2019-2020 State budget, the State Legislature appropriated the City \$677,000 for the Coal Avenue Commons Construction Project.

Fiscal Impact: None. No match is required of the City.

Recommendation:

- Accept the State grant for \$677,000; and approve the attached resolution.
- Approve budget adjustment for the project funding as identified above.

Fiscal Impact: See Comments Above.

Recommendation: See Comments Above.

Speaker's Name Stanley Henderson - Public Works Director

Documents:

[19-06-25_1A COAL AVE COMMONS 2019 LGLTV GRANT.PDF](#)

[19-06-25_1B RESOLUTION RE COAL AVE COMMONS 2019 LGLTV GRANT.PDF](#)

15. Resolution No. R2019-29; Coal Avenue Commons 2019 MAP Grant Approval

Summary: New Mexico Department Of Transportation has approved the City's Municipal Arterial Program (MAP) grant application for \$950,833. Funding is for the Coal Avenue Commons Construction Project.

Fiscal Impact: MAP funding requires a 25% match from the City in the amount of \$316,944 for a total grant funding of \$1,267,777. Propose taking this money from the Fund 202 cash balance.

Recommendation:

- Accept NMDOT's MAP funding in the amount of \$950,833, and approve the

attached resolution.

- Approve the City's 25% match in the amount of \$316,944 from the City's Fund 202 cash balance.
- Approve appropriate budget adjustments for the project funding identified above.

Fiscal Impact: See Comments Above.
Recommendation: See Comments Above
Speaker's Name Stanley Henderson - Public Works Director

Documents:

[19-06-25_2A COAL AVE COMMONS 2019 MAP GRANT.PDF](#)
[19-06-25_2B RESOLUTION RE COAL AVE COMMONS 2019 MAP GRANT.PDF](#)

16. **Mill And Overlay 2019 COOP Grant Approval**

Summary: New Mexico Department Of Transportation has approved \$145,157 in Local Government Road Funds (COOP) to the City Of Gallup. Funding is used by PW/Street Department for its annual mill and overlay program.

Fiscal Impact: COOP funding requires a 25% match from the City in the amount of \$48,386 for a total grant funding of \$193,543. This match has been budgeted within next year's Community Improvement Plan as part of the PW/Street Department's budget.

Recommendation:

- Accept NMDOT's COOP funding in the amount of \$145,157.
- Approve the City's 25% match in the amount of \$48,386.
- Approve appropriate budget adjustments for the project funding identified above.

Fiscal Impact: See Comments Above.
Recommendation: See Comments Above
Speaker's Name Stanley Henderson - Public Works Director

Documents:

[19-06-25_4A MILL N OVRLY 2019 COOP GRANT AGREEMENT.PDF](#)

17. **Resolution No. R2019-30; West Aztec Ave Storm Drainage 2019 Legislative Grant Approval**

Summary: As part of the 2019-2020 State budget, the State Legislature appropriated the City \$150,000 for the West Aztec Avenue Storm Drainage Project.

Fiscal Impact: None. No match is required of the City.

Recommendation:

- Accept the State grant for \$150,000; and approve the attached resolution.
- Approve a budget adjustment for the project funding as identified above.

Fiscal Impact: See Comments Above.
Recommendation: See Comments Above

Speaker's Name Stanley Henderson - Public Works Director

Documents:

[19-06-25_3A W AZTEC AVE STORM DRNG 2019 LGLTV GRANT.PDF](#)
[19-06-25_3B RESOLUTION RE W AZTEC AVE STORM DRNG 2019 LGLTV GRANT.PDF](#)

18. State Aviation 2018 Maintenance Funding Approval

Summary: New Mexico Department Of Transportation (State Aviation) has approved \$19,777 in funding for the Gallup Municipal Airport. Funding is for airfield maintenance and associated consumable items.

Fiscal Impact: None. No match is required for this grant.

Recommendation:

- Accept NMDOT's aviation funding in the amount of \$19,777.
- Approve appropriate budget adjustments for the project funding identified above.

Fiscal Impact: See Comments Above.

Recommendation: See Comments Above

Speaker's Name Stanley Henderson - Public Works Director

Documents:

[19-06-25_5A STATE AVIATION 2018 MAINTENANCE FUNDING.PDF](#)

19. Resolution No R2019-25; Acceptance Of The FY20 Keep Gallup Clean & Beautiful Grant Between The NM Tourism Department And The City Of Gallup

Acceptance of, the FY20 Keep Gallup Clean & Beautiful Grant Award and implementation of this grant; the Partnering between the City of Gallup and the New Mexico Tourism Department.

Recommendation:

Approve Resolution No R2019-25 accepting the FY20 Keep Gallup Clean & Beautiful grant award in the amount of \$8,950. Approval of the revenue and expenditures of the budget increase.

Fiscal Impact: Grant is fully funded, no match required. Budget Adjustment of \$8,950 for FY20 Keep Gallup Clean & Beautiful grant award revenue and expenditures of the same amount. (see attached budget table)

Recommendation: See Description

Speaker's Name Elizabeth Barriga

Documents:

[GALLUP FY20 BUDGET TABLE.PDF](#)
[R2019-25 FY 20 KEEP GALLUP CLEAN BEAUTIFUL GRANT.PDF](#)

20. Resolution No. R2019-27; Directing The City Manager To Put The United States Of America, Acting Through The Secretary Of The Interior Through The Bureau Of Reclamation On Notice That The City Of Gallup Will Not Approve Any NGWSP Project Operations Agreement Unless Certain Conditions And Requirements Are Met

The City and the Navajo Nation, acting through the Navajo Tribal Utility Authority (NTUA), have been attempting to negotiate the terms and conditions of an operating agreement concerning Project facilities under the operational control of either the City or NTUA or both since at least 2013.

NTUA has consistently declined to address not only the conditions and requirements required under the Navajo Settlement Act, but, also concerns of the City regarding, among other things, governance of Project facilities, joint operation of facilities critical to the City's compliance with the Safe Drinking Water Act (SDWA) and New Mexico Environment Department Drinking Water Bureau requirements, and the need for a qualified operator of the Project facilities.

This resolution would direct the City Manager to put the United States of America, acting through the Secretary of the Interior through the Bureau of Reclamation on notice that the City of Gallup will not approve any NGWSP Project operations agreement(s) unless and until any such agreement(s) or related agreement(s) include provision for at least:

1. a governing committee concerning Project facilities under the operational control of either the City or Navajo Nation or both with authority to, among other things, develop rates, budgets and operating procedures;
2. operating procedures relevant to jointly utilized facilities (e.g. Tolakai Pumping Station);
3. selection of a qualified operator of any Project facilities selected after and in accordance with a competitive process;
4. recognizes the City's and State of New Mexico's Environment Department Drinking Water Bureau requirements; and
5. provides reasonable formulas for calculating rates including funding for emergency and routine repair and maintenance funds.

City Staff have made every reasonable effort to negotiate terms with NTUA, and by and large, have a good working relationship with every other project entity representing the Navajo Nation and the Bureau of Reclamation. However, NTUA isn't willing to approach negotiations with the same reasonable views and perspectives required for successful negotiation.

It is Staff's hope that this resolution will bring this issue to the attention of the Navajo Nation and United States, so that all project participants can come to a fair, reasonable and mutually acceptable agreement.

Fiscal Impact: None at this time.
Recommendation: Staff recommends approval of Resolution R2019-27
Speaker's Name: Dennis Romero

Documents:

F. Comments By Public On Non-Agenda Items

The public is invited to comment on items not appearing on the published meeting agenda.

G. Comments By Mayor And City Councilors

H. Comments By City Manager And City Attorney

Electric Rate Ordinance Power Purchase Adjustment.

I. Motion To Adjourn

Auxiliary aides for the disabled are available upon request. Please contact Alfred Abeita, City Clerk, at 505-863-1254 at least (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 72 hours in advance of the scheduled meeting.