

AGENDA

GALLUP CITY COUNCIL REGULAR MEETING TUESDAY, FEBRUARY 11, 2020; 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 January 28, 2020

(Draft minutes will be available on Monday, February 10th).

D. **Discussion/Action Topics**

1. **Resolution No. R2020-8; Accepting The Fiscal Year 2019 Audit**

The Audit for Fiscal Year 2019 was conducted by Hinkle + Landers. The report was filed timely and has been approved for release by the Office of the State Auditor. We are proud to inform you that an unmodified opinion was issued for both the financial statements and the federal awards. All prior year findings have been resolved and there are no findings for the 2019 report.

Finance and City Management will continue to work hard at ensuring we continue this with good controls, policies and adherence to those controls and policies.

Fiscal Impact: Having an unmodified opinion and no findings is crucial to ensure no difficulties in state or federal funding as we have

seen in prior years.

Recommendation: Staff recommends approval of Resolution No. R2020-8.

Speaker's Name Patty Holland

Documents:

[CITY OF GALLUP PUBLIC PRESENTATION 2019.PDF](#)
[6076 CITY OF GALLUP AUDIT REPORT 2019 FINAL UPDATED.PDF](#)
[AUDIT RESOLUTION FY 2019.PDF](#)

2. **Summer Nightly Indian Dances Contract**

The staff recommends a contract for 75 days for the annual Summer Nightly Indian Dances (NID) Program in the amount of \$55,000. This recommendation is based on the new Levitt-Amp Concert Series program, which will begin immediately after the Gallup Inter-tribal Indian Ceremonial. The City will be responsible for matching funds for the Levitt-Amp Concert Series Grant, and staff recommends using the cost savings from the NID program to apply as part of the Levitt Amp Concert Series Grant match.

An additional option for City Council determination is that the 100 day program is chosen instead, with a contracted amount of \$83,000, and increase from the previously contracted \$65,000 due to rising security costs.

Fiscal Impact: Either A) \$55,000 in Lodgers Tax funding or B) \$83,000 in Lodgers Tax Funding

Recommendation: Staff recommends approval of the contract in the amount of \$55,000 for the Nightly Indian Dance Prog

Speaker's Name Jennifer Lazarz and Bill Lee

Documents:

[NID CONTRACT 2020.PDF](#)

3. **Ordinance No. C2020-1; Business Improvement District Ordinance Amendments**

At the December 10, 2019 Council meeting, the Council affirmatively decided to continue management and oversight of the BID under the existing BID Board but directed staff to present and prepare amendments to the existing BID ordinance to mandate compliance with the specific requirements set forth the New Mexico statute enabling the creation of BID Districts. Additional direction was given by councilors to include the requirement for a monthly report, individual contact with BID members by the Executive Director, and that an annual meeting with the members be held.

Changes to existing BID ordinance in the attached proposed ordinance include:

1. The entire BID Ordinance is currently contained in the Land Development Standards where it was placed when the first BID Ordinance was adopted in 2009. Other than the description of the BID District boundaries, there is no reason for the rest of the Ordinance to be located in the Land Development Standards which are not in the City Code published by American Legal Publishers. Therefore, the substantive portions of the Ordinance are being relocated to Title III, Chapter 2 of the City Code which is where other taxes and the GRIP ordinance are located.

2. Adds a new section (3-2F-2) that incorporates the language in the state statute outlining the purposes of the state statute.

3. Adds a new section (3-2F-3) that incorporates definitions from the state statute.
4. Lowers the number of board members from nine to seven. (3-2F-4A)
5. Inserts language stating the BID management committee must comply with the applicable requirements of the Nonprofit Corporation Act. (3-2F-4B) Some provisions are not applicable such as the Nonprofit Corporation Act's provisions on how board members are chosen.
6. Inserts a requirement that the management committee hold an annually meeting prior to March 1 to obtain input from the BID members. (3-2F-4D)
7. Requires the Executive Director communicate with property owners individually and send out a monthly report. (3-2F-4D)
8. Inserts the authority found in the state statute for Council to use an existing non-profit organization to administer. However, unlike the state statute, this would only be done if the existing management committee were terminated by Council. (3-2F-4E)
9. Inserts the statutory requirement that Council, by ordinance, adopt a list of improvements to be provided by the district, the amount of benefit estimated to be conferred on each tract or parcel of real property, a description of the real property or businesses to be assessed a business improvement benefit fee, and the amount of the assessment to be imposed on each real property owner. (3-2F-6A)
10. Establishes the following annual timeline of activities:
 - BID management committee conducts annual meeting on or before MARCH 1 (3-2F-4D)
 - BID management committee submits recommended projects and improvements and proposed budget to Council on or before MARCH 30 (3-2F-6B)
 - Council determines valuation year (currently 2006) every other year on or before APRIL 30 (3-2F-5C)
 - BID management committee submits annual report to Council on or before AUGUST 15 (3-2F-6D)
 - City Clerk mails out first half assessment notices during the LAST WEEK IN AUGUST (3-2F-5B) -First half assessment payments due by SEPTEMBER 10 (3-2F-5B)
 - Council determines percentage of the City match and whether to continue the BID management committee or find an existing nonprofit to act as the management committee on or before SEPTEMBER 30 (3-2F-6C&E)
 - disbursement from City to the BID for first half assessments plus City match during JANUARY (3-2F-6C)
 - City Clerk mails out second half assessment notices during the LAST WEEK IN FEBRUARY (3-2F-5B)
 - Second half assessment payments due by MARCH 10 (3-2F-5B)
 - disbursement from City to the BID for first second half assessments plus City match during JULY (3-2F-6C)
11. Makes the City match discretionary up to 100% of revenue from assessment payments. (3-2F-6C)
12. Makes clear that the City, not the BID, has the authority to issue bonds. (3-2F-7)

Fiscal Impact: None
 Recommendation: Adoption of the amended ordinance
 Speaker's Name Maryann Ustick and Curtis Hayes

Documents:

[BID ORDINANCE 2020.PDF](#)

4. Replacement Of Electric Pedestals In Red Rock Park Campground

An RFB was posted requesting bids to replace the existing Electric pedestals in Red Rock Park Campground with new pedestals already purchased by the Parks Department. These new pedestals will better meet the requirements of Electric Codes as they incorporate a grounded leg which will be connected to a driven ground rod.

Two bids were received to do the work and the bid was awarded to the low bidder, Laroc, Inc. of Gallup in the amount of \$33,511.45 which includes gross receipts taxes.

Fiscal Impact: There is no Fiscal Impact. Funds for this project are already budgeted in the necessary line item.

Recommendation: Staff recommends approval of award of contract to Laroc, Inc.

Speaker's Name John Wheeler

5. **Award Of Contract For The Navajo Gallup Water Supply Fiber Project**

The City of Gallup is required to have a secured connection between the City of Gallup and the Tohlakai water pump station as part of the Navajo Gallup Water Supply Project.

Requests for Proposals (RFP's) went out and two (2) vendors responded. The RFP evaluation committee evaluated each proposal and met on January 21st, 2020 to score proposals using criteria developed. After a thorough review and discussion, the evaluation committee selected Sacred Wind Communications as the vendor most qualified for the project. Sacred Wind is a local vendor with 10 years of experience installing and maintaining a fiber network. Sacred Wind's recent project was for the Gallup McKinley County Schools for \$2 million dollars.

These funds are partially or completely reimbursable from the Bureau of Reclamation. Once the project is approved and sent to them they will decide the reimbursement to the City of Gallup.

Fiscal Impact: Total: \$327,000 \$144,000 - Recurring monthly/60 mos \$140,000 - Special construction (GRT Included) \$30,000 - Equipment \$13,000 - GRT (Est taxes & fees for recurring) We have \$600,000 in an approved budget. Account 307-6061-443.48-99 Project # J

Recommendation: Recommend approval of award of contract to Sacred Wind Communications for \$327,000.

Speaker's Name Brian Archuleta

6. **Request For Budget Adjustment To Purchase An Excavation Shoring System**

A number of flaws were found in the current shoring equipment and system being used in the Water and Sanitation Department during a recent inspection.

After researching available systems and presenting options to the operations and maintenance staff, the department decided to request a cost proposal for a modular aluminum shoring system (Attachments 1 and 2) - ASG Shroing System 65100.

Attachment 3 lists the detailed cost proposal in the amount of \$17,991.34, making a potential purchase a capital item. Unexpended funding in Project CI1638 (Miscellaneous Repair of Wastewater Systems from FY 2016) in the amount of \$26,907.00 was not expended, has not reverted to its original funding source and is available for this purchase.

Staff requests approval of a budget transfer of \$17,991.34 from Project 1638, Miscellaneous Repair of Wastewater Systems from FY 2016 for this purchase, and approval to purchase the ASG Shoring System detailed in the attached documents.

Fiscal Impact: Budget transfer and expenditure of \$17,991.34 from Project CI1638.

Recommendation: Staff recommends approval of budget transfer and expenditure of \$17,991.34 from Project CI1638.

Speaker's Name Dennis Romero

Documents:

[ATTACHMENT 1 - SHORING SYSTEM ASG BROCHURE.PDF](#)
[ATTACHMENT 2 - SHORING SYSTEM ASG-TABULATED-DATA-WITH-INSTALL-AND-REMOVAL.PDF](#)
[ATTACHMENT 3 - SHORING SYSTEM COST PROPOSAL AND SOLE SOURCE JUSTIFICATION.PDF](#)

7. Request To Award Highway 491 16-Inch Waterline Project - Formal Bid No. 2001, With Budget Adjustment

During last year's budget cycle, \$1,190,853.25 was budgeted for expenditure this fiscal year for the replacement of a 16-inch water transmission line from Chino Loop off of Highway 491 to the Gibson Pressure Relief Valve Station (Budgeted item 202-1525-474.48-99, Project JU1846)..

A design was completed for the project and put out to bid in January 2020. Formal bid No. 2001 was opened on January 28th, with the low bid coming from Adame Construction, of Los Lunas, NM, at \$2,022,058.98, which was approximately \$50,000 higher than the updated Engineer's Opinion of Probable Construction Cost (OPCC) of \$1,973,589.92.

Due to a significant increase in materials costs due to federal tariffs on iron and steel, the Engineer of Record updated the OPCC prior to the bid opening. The difference between the low bid and the budgeted project is \$831,205.73.

Staff requests a budget adjustment from Fund 202 in the amount of \$832,000 to fund the project and award of project to Adame Construction.

Recommendation:

Staff recommends a budget adjustment from the Water Enterprise Reserve (Fund 202) in the amount of \$832,000 and award of project to Adame Construction.

Fiscal Impact: Budget adjustment of \$832,000 from Fund 202, along with expenditure of budgeted amount of \$1,190,853.25 from 202-1525-474.48-99.

Recommendation: See "Description" above.

Speaker's Name Dennis Romero

Documents:

[ATTACHMENT 1 - RECOMMENDATION OF AWARD.PDF](#)
[ATTACHMENT 2 - BID TABULATION.PDF](#)

E. Comments By Public On Non-Agenda Items

The public is invited to comment on matters no appearing on the published meeting agenda.

F. Comments By Mayor And City Councilors

G. Comments By City Manager And City Attorney

H. 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.