

AGENDA

GALLUP CITY COUNCIL REGULAR MEETING TUESDAY, MARCH 10, 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 February 18, 2020

Regular Meeting of February 25, 2020

(Draft minutes will be available on Monday, March 9th).

D. **Discussion/Action Topics**

1. **Budget Adjustment For Alleyway Beautification Project**

Project No. JU1903 is the Alleyway Beautification project funded through Account No. 307-6061-442-48-99 which had an original budget allocation of \$300,000 to complete the project. We have attempted to bid this project out over several months and have received no viable bids. We have tried tying projects together to make them more attractive to bidders and still nothing. I have been working with Bixby Electric of Albuquerque to get them to give us a quote which they finally did.

This quote will complete the alley electrical work from 1st Street to the walkway between 2nd and 3rd Street.

We are requesting a budget adjustment in the amount of \$680,121.98 plus a 5%

contingency of \$35,000.00 for a total of \$715,121.98.

Fiscal Impact: We are requesting a budget adjustment in the amount of \$715,130 from Fund Balance 507 into account number 307-6061-442.48-99, Project No. JU1903.

Recommendation: Staff is recommending approval of a contract with Bixby Electric in the Amount of \$980,121.98

Speaker's Name John Wheeler

2. **Wood Pole Inspection Program Contract**

Wood poles are susceptible to rot from the elements and especially below ground. The industry standard for testing wood poles for decay is at least every ten years. The poles in Gallup have not been tested for 16 years.

There are 8,242 wood poles in the electric system infrastructure. We developed an RFP which was posted on the City website and also contacted Companies that do this type work. We received proposals from three companies, Alamon, Davey Tree and Osmose. An RFP review committee was established to rank the proposals and Osmose received the highest rating.

Their quoted price per pole was \$36.27 which would bring the total cost to \$298,937.34. Since there are several facets to a pole test, not every pole will receive all facets of testing, such as a pole set in concrete will not receive below ground level excavation, and a new pole will only receive a couple of tests. Therefore the cost will be somewhat less than quoted.

This project is one that was anticipated to be done with funds that were previously diverted from projects of less priority.

We are requesting a budget adjustment in the amount of \$298,937.34 from Account No.507-0000-101-10-01 to Account No. 307-6061-442.45-30

Fiscal Impact: A budget adjustment in the amount of \$298,940 from Fund Balance 507 into account number 307-6061-442.45-30.

Recommendation: Staff recommends approval of the contract with Osmose in the amount of \$298,937.34

Speaker's Name John Wheeler

3. **Request For A Budget Transfer To Purchase An Arena Groomer.**

Staff recommends the purchase of an arena groomer for Red Rock Park in the amount of \$8,000.00 . The funding will come from Councilor Allan Landavazo's discretionary fund.

Fiscal Impact: \$8,000.00 - From Councilor Allan Landavazo's discretionary fund.

Recommendation: Staff recommends approval of the budget adjustment from this account.

Speaker's Name Vince Alonzo

4. **Acceptance Of Land Donation For NGWSP Pumping Station And Storage Tank**

The next section of the Gallup Regional Water Supply Project to be constructed is Reach 27.10. This reach will consist of 16" and 12" pipelines running from Mendoza Blvd. to the intersection of HWY 602 and Dee Ann St. An additional

component will be a pumping station with a storage tank and other appurtenances. A family trust comprised of Linda Sue Lyons, Maureen Barnes, and Kathleen Baughman are willing to donate 4.85 acres of land on which to construct that facility. This agenda item is to approve the acceptance of the special warranty deed transferring ownership of the tract of land to the City.

Fiscal Impact: None
Recommendation: Approval for the City to accept the donation of land
Speaker's Name: Curtis Hayes

Documents:

[REACH 27.10.PDF](#)
[SPECIAL WARRANTY DEED-LYONS ET. AL..PDF](#)

5. **Park Ave And NM 602 Traffic Impact Analysis**

Summary: By attachment (a), NMDOT has directed a traffic impact analysis by the City for Park Ave and NM 602. To this end, a proposal has been solicited from Terry O. Brown P.E. of Albuquerque, NM (TOB). See attachment (b).

Fiscal Impact: Proposed study is an unprogrammed budget, and it is not part of the 2019-2020 Community Improvement Plan. TOB has submitted a proposal for \$24,250 + \$1,909.69 (7.875% ABQ NMGR) = \$26,159.69; say \$26,200. (See attachment (b).) Funding has been identified in the General Fund balance.

Recommendation:

- Create a project line item within the City's 19-2020 budget.
- Approve the transfer of \$26,200 from the General Fund balance into the project line item.
- Approve the expenditure of \$26,200 for the project as identified above.

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

Documents:

[20-03-10_1A NMDOT D6 LTR_20-02-14.PDF](#)
[20-03-10_1B CTI PROPOSAL TIA_20-03-02.PDF](#)

6. **Budget Increase For Octavia Fellin Public Library (OFPL)**

The City has been awarded funding from the State of New Mexico, Department of Cultural Affairs, State Library Division in the amount of **One-Hundred Thirty-Thousand, One-Hundred and Sixty-One Dollars, and Ninety Cents (\$130,161.90)** contingent on the sales of General Obligation Bonds. The GO Bond funds can be used for "equipment, library furniture, fixtures, and supplemental library resource acquisitions, including print, non-print, and electronic resources." Approved purchases made by the OFPL will be reimbursed through the Library Development Bureau after submission of the Notice Of Obligation (NOO) pursuant to the New Mexico Administrative Code (NMAC) 4.5.8. Supplemental funds are not intended to replace any, or all, of the library's regular budget.

Fiscal Impact: The Octavia Fellin Public Library budget (revenue and expenditure) will increase by One-Hundred Thirty-Thousand, One-Hundred, and Sixty-One Dollars and Ninety Cents (\$130,161.90) Funding must be used prior to June 30, 2022.

Recommendation: Increase Octavia Fellin Public Library's budget by \$130,161.90.

Speaker's Name Tammi Moe

7. Official Results Of The March 3, 2020 Municipal Officer Election

Summary: The canvass of the election returns will take place on Tuesday, March 10, 2020 at 10:00 a.m. before the McKinley County Board of Commissioners who will act as the Canvassing Board in accordance with the State Election Code. Submitted for inclusion in the official Minute Book of the City will be the Certificate of Canvass of the election, which will be disseminated prior to the Council meeting.

Fiscal Impact: Final costs of the election to be determined.

Recommendation: No action required - information only.

Speaker's Name Al Abeita, City Clerk

8. Resolution No. R2020-9; Runoff Election Resolution

Summary: The City Charter requires a candidate to receive 40% of the votes, plus one vote cast to be elected to a particular office. At the March 3, 2020 Municipal Officer Election, none of the candidates for Mayor received the requisite percentage of the votes needed to be elected Mayor. The City Charter requires a runoff election to be held between the two qualified candidates who received the highest number of votes cast for the office. The Charter also requires the election to be held within thirty days after the certification of the results of the election.

The runoff election will be held on Tuesday, March 31, 2020. The date was established by the Mayor and Councilors when the resolution for the Municipal Officer Election was adopted on October 22, 2019. Resolution No. R2020-9 specifies the offices to be filled, the names of the candidates to be on the ballot, the locations of the voting convenience centers and the timeframe for holding absentee and early voting for the runoff election.

Resolution No. R2020-9 will be disseminated on Tuesday, March 10th once the official canvass of results of the Municipal Officer Election are certified by the McKinley County Board of Commissioners.

Fiscal Impact: Costs for conducting the election are estimated to be about \$28,000. There are sufficient funds available in the City Clerk's election expense account.

Recommendation: Approve Resolution No. R2020-9.

Speaker's Name Al Abeita, City Clerk

E. Presentation And Information Items

1. Proposed DWI Memorial Wall

Jennifer Bates, President of A Hope and a Future, Inc., will provide a presentation on her organization's proposal to construct a DWI Memorial Wall near the "We the People" sculpture.

Fiscal Impact: Presentation item.
Recommendation: None - presentation item.
Speaker's Name Jennifer Bates

Documents:

[DWI MEMORIAL WALL PROPOSAL.PDF](#)

F. Comments By Public On Non-Agenda Items

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

G. Comments By Mayor And City Councilors

H. Comments By City Manager And City Attorney

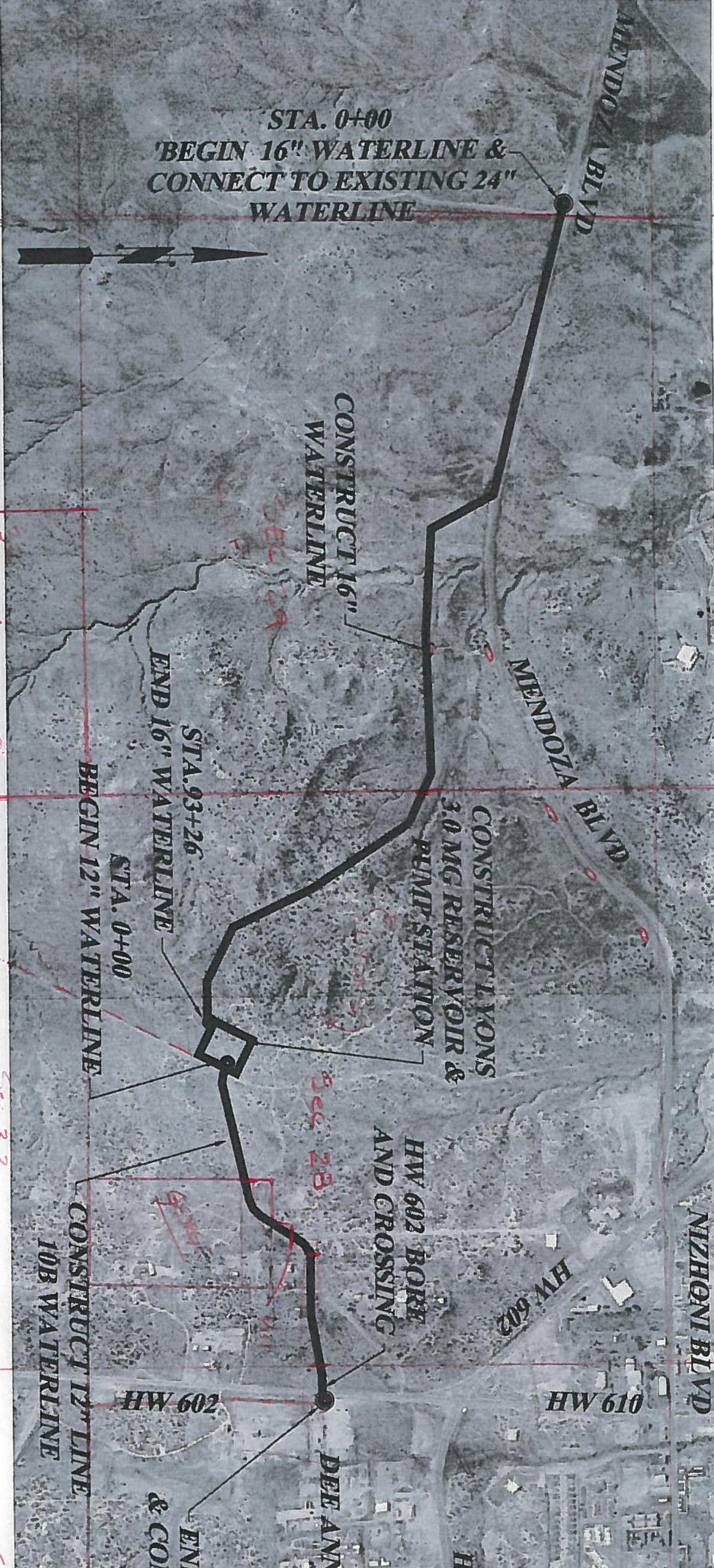
I. Motion To Adjourn

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.

GALLUP, NM

GALLUP, NM



STA. 0+00
 'BEGIN 16" WATERLINE &
 CONNECT TO EXISTING 24"
 WATERLINE

CONSTRUCT 16"
 WATERLINE

CONSTRUCT LYONS
 3.0 MG RESERVOIR &
 PUMP STATION

HW 602 BORE
 AND CROSSING

STA. 0+00
 BEGIN 12" WATERLINE

CONSTRUCT 12" LINE
 10B WATERLINE

STA. 93+26
 END 16" WATERLINE

SEC 29
 CITY OF GALLUP

SEC 23
 REACH 27.11

SEC 21

SEC 28

EC 31

IA

NA VAJO GALLUP WATER SUPPLY PROJECT
 REACH 27.10 - 12" & 16" WATERLINES,
 3.0MG RESERVOIR & PUMP STATION

T15N
 MM P. 2

SPECIAL WARRANTY DEED

LINDA SUE LYONS, A TRUSTEE, MAUREEN BARNES, A TRUSTEE AND KATHLEEN BAUGHMAN, for consideration paid, grants 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:

A PARCEL OF LAND LYING IN THE SOUTH HALF OF SECTION 28, T15N, R18W, N.M.P.M., MCKINLEY COUNTY, NEW MEXICO MORE PARTICULARLY DESCRIBED WITH NEW MEXICO v STATE PLANE WEST ZONE GRID BEARINGS AND GROUND DISTANCES AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER OF SAID SECTION 28; THENCE N10°04'13"E, 817.30' TO THE REAL POINT OF BEGINNING:

- THENCE N63°14'49"W, 251.96' TO A POINT;
- THENCE N89°56'54"W, 159.05' TO A POINT;
- THENCE N00°03'06"E, 80.00' TO A POINT;
- THENCE N26°45'14"E, 434.99' TO A POINT;
- THENCE S63°14'49"E, 534.29' TO A POINT;
- THENCE S12°26'14"E, 80.00' TO A POINT;
- THENCE S77°33'56"W, 199.78' TO A POINT;
- THENCE S26°45'11"W, 246.75' TO THE REAL POINT OF BEGINNING.

CONTAINING 4.8488 ACRES.

SUBJECT TO all Easements, Conditions, Restrictions, and Reservations of record.

WITNESS my hand and seal this 14 day of February, 2020.

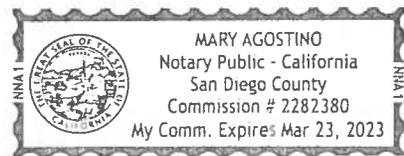
Linda Sue Lyons
Linda Sue Lyons, Trustee

California
STATE OF ~~NEW MEXICO~~)
San Diego) ss.
COUNTY OF ~~MCKINLEY~~)

The foregoing instrument was acknowledged before me this 14 day of February 2020, by Linda Sue Lyons, A Trustee.

Mary Agostino
NOTARY PUBLIC

My commission expires:
3-23-23



[Handwritten Signature]

Maureen Barnes, Trustee

N.C.
STATE OF ~~NEW MEXICO~~)
Mc)
COUNTY OF ~~MCKINLEY~~) ss.

Burcombe
The foregoing instrument was acknowledged before me this *3rd* day of *Feb.*, 2020, by Maureen Barnes.

[Handwritten Signature]

NOTARY PUBLIC

My commission expires:
12/1/2020

[Handwritten Signature]

Kathleen Baughman

STATE OF NEW MEXICO)
) ss.
COUNTY OF MCKINLEY)

The foregoing instrument was acknowledged before me this ____ day of _____, 2020, by Kathleen Baughman.

SEE ATTACHED
NOTARY CERTIFICATE

NOTARY PUBLIC

My commission expires:

ACCEPTANCE

Comes now the CITY OF GALLUP, NEW MEXICO and hereby accepts the above Special Warranty Deed this ____ day of _____, 2020.

CITY OF GALLUP

Jackie McKinney, Mayor

ATTEST:

Alfred Abeita II, City Clerk

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Placer)
On 02/10/2020 before me, Julie Hammond, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Kathleen Baughman
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Julie Hammond
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Special Warranty Deed Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____



February 14, 2020

City of Gallup
110 West Aztec Avenue
Gallup, NM 87301

ATTN: Gallup City Manager Maryann Ustick and Gallup City Council

RE: Wilson Development Park, corner of NM 602 and Park Avenue

Ms. Ustick,

The New Mexico Department of Transportation (NMDOT), District 6, has been in discussion with Gallup Public Works Director, Mr. Stan Henderson, regarding the proposed Wilson Development Park, located at the north-east corner of the intersection of Park Avenue and NM State Route 602, within the City of Gallup, New Mexico. In these discussions, the need for a NMDOT Access Permit, supported by a Site Threshold Analysis (STA) and possibly a Traffic Impact Analysis (TIA) was reviewed and determined to be necessary in order to 1) bring the NM 602/Park Avenue intersection into conformance with rules outlined in the NM Administrative Code (NMAC), and to 2) identify and mitigate potential impacts of the Wilson Development Park development on the highway system.

The intersection of NM 602 and Park Avenue is not currently a NMDOT permitted access. This city street and its connection to NM 602 predates NM Access Management Standards and many of the rules outlined in NMAC 18.31.6 State Highway Access Management Requirements. With the coming of the Wilson Development Park, it will be necessary for the City of Gallup to obtain a permit for this access and ensure that its design will meet traffic demand projected for this new development.

As provided in New Mexico Administrative Code 18.31.6.6 (A), "Rule 18.31.6 NMAC, and its associated *state access management manual* which is attached to and filed concurrently with this rule, provides procedures and standards to preserve and protect the public health, safety and welfare, to maintain smooth traffic flow, and to protect the functional level of state highways while considering state, regional, local, and private transportation needs and interests."

**Michelle Lujan
Grisham**
Governor

Michael R. Sandoval
Cabinet Secretary

Commissioners

Jennifer Sandoval
Commissioner, Vice-Chairman
District 1

Bruce Ellis
Commissioner
District 2

**Hilma Espinoza
Chynoweth**
Commissioner
District 3

Walter G. Adams
Commissioner, Chairman
District 4

Thomas C. Taylor
Commissioner
District 5

Charles Lundstrom
Commissioner, Secretary
District 6

NMAC 18.31.6.14(F)(1) sets forth the requirement that local governments provide notice to the NMDOT of all developments that will have a direct or indirect impact on a state highway:

- (a) Local governmental agencies shall provide notice of all developments that will direction or indirectly impact the state highway, and shall request Department participation in the administration of an access permit if it is determined by the Department that an access facility will directly or indirectly impact the operation and function of a state highway. The local governmental agencies may also require sub-dividers to provide additional notice of all proposed developments that will directly or indirectly impact the state highway.
- (b) Where a private development accessing the roadway of an appropriate local authority necessitates access improvements where the local roadway connects to a state highway, the permittee shall be the local jurisdiction.
- (c) Local governmental agencies may be required to submit a traffic engineering evaluation with a permit application. The traffic engineering evaluation requirement shall be determined according to the procedures described in 18.31.6.15 NMAC and 18.31.6.16 NMAC. Local governmental agencies may require developers to assist in preparing and providing this information for submission to the state.

The NMDOT has determined that access improvements at the intersection of Park Avenue and NM State Route 602 will likely be warranted due to traffic generation expected by the Wilson Development Park. At a minimum, a Site Threshold Analysis (STA) “shall be required of all developing or redeveloping properties that directly or indirectly access a state highway. The STA should examine existing roadway volumes and trip generation estimates to determine if additional traffic analysis is required.”(NMAC 18.31.6.16(C)). Pursuant to the results of the STA, “[a] TIA (Traffic Impact Analysis) **shall** be conducted for each new development or property redevelopment when: (a) the results of a STH indicate that the proposed development is expected to generate 100 or more peak-hour total trips” (NMCA18.31.6.16(D)(1), emphasis added).

A significant increase in traffic is expected as a result of the proposed development. The Lumber Store by itself is to be 55,429 S.F. in size. Utilizing established Trip Generation Rates (ITE Trip Generation Manual, 9th Edition), NMDOT estimates that this development could generate **527 trips in the Saturday Peak Hour** (Average rate of 9.58 trips per 1,000 SF gross floor area). That’s potentially 500 more turning movements from NM 602 onto Park Ave. in a single hour. This projected traffic generation far exceeds the 100 peak hour trip threshold found in NMAC 18.31.6.16(D)(1) for a TIA. Traffic generation of this volume may in turn cause expected Level of Service (LOS) standards to fall below applicable standards for the

intersection and for Park Avenue, thus adversely impacting the state highway system and public safety. The completion of a full Traffic Impact Analysis will be necessary to evaluate this possibility and to identify ways to mitigate these impacts.

As per NMAC 18.31.6.14:

(C) Applications for access permits shall be made by the property owner; the property owner's authorized representative; or, the local governmental agency requesting access from a state highway. Applications are required for all new access types, for modification or transfer of existing lawful access permits, and for upgrading an existing illegal access to a lawful access.

(1) Changes in Property Use: Where additional traffic is projected due to expansion or redevelopment of a property, the property owner shall contact the Department to determine if a new permit application and modifications to existing access points will be required. If the Department determines that the increased traffic generated by the property does not require modifications to the existing permitted access, according to the procedures of 18.31.6.16 NMAC, a new permit application will not be required.

The City of Gallup should consider itself as the owner of the access to State Route (SR) 602 from Park Avenue. Due to the increase in traffic to be generated by the proposed development, NMAC 18.31.6 requires the City of Gallup to complete the following actions:

1. Pursue an state approved Access Permit for the intersection of Park Avenue and NM 602.
2. Complete a Traffic Impact Analysis (TIA) to support the City's Access Permit Request.

Again, as per NMAC 18.31.6.14(F)(1)(b), "Where a private development accessing the roadway of an appropriate local authority necessitates access improvements where the local roadway connects to a state highway, the permittee shall be the local jurisdiction." However, the City may require developers to assist in preparing and providing this information.

Please consider this letter as official notice of the City's responsibility to seek an approved Access Permit for the intersection of Park Ave. and NM 602 and complete a full Traffic Impact Analysis in support of the newly proposed development.

Respectfully,


Jayson L. Grover, P.E

An Agreement for the Provision of Limited Professional Services

Design Professional Firm: Terry O. Brown, P.E.
P. O. Box 92051
Albuquerque, NM 87199

Client: City of Gallup
110 W. Aztec
Gallup, NM 87301
Albuquerque, NM 87109

Date: March 2, 2020

Project No.: 20-03-02

Project Name / Location: Wilson Industrial/Construction Supply – Gallup (Park Ave. / NM 602)

Scope of Services:

- Coordinate with Jayson Grover, P.E. from the New Mexico Department of Transportation District 6 Office to obtain outline of report criterion.
- Calculate Trip Generation volumes based on site plan provided by the developer or developer's representative (square footage of building proposed and other land uses on site shall be defined on site plan.) Developer and/or developer's architect/engineer shall notify me of any significant updates to the proposed site plan that would change the nature of the Traffic Impact Study (i.e., changes in land use, square footage of buildings, locations and numbers of access driveways, etc.) The current project is described as the development of a proposed 68,348 s.f. of Home Improvements Superstore, a 3,200 s.f. Gas House, a 1,950 s.f. Wash Bay, and approximately 25,000 s.f. of retail commercial uses including the hard northeast corner of Park Ave. / 602 ByPass Rd. building.
- Perform Weekday AM and PM Peak Hour Traffic Counts (demand volumes) for the existing intersections of Nizhoni Blvd. (Mendoza Rd.) / NM S.R. 602, W. Aztec Ave. / NM S.R. 602, and Park Ave. / NM S.R. 602. Also perform Saturday Peak Hour Traffic Counts (10 AM to 1 PM). Perform six day tube counts on NM State Rd. 602 north of Park Ave. and on Park Ave. east of NM State Rd. 602. Tube counts will be used to establish weekday and weekend peak hour periods and volumes and will aid in Traffic Signal Warrant Analysis.
- Determine Trip Distribution and Trip Assignments of the newly generated traffic based on Mid-Region Council of Governments' Socioeconomic Forecasts for the implementation year (± 2022) and for the horizon year (2032) as agreed upon in the scoping meeting. Trip Distribution / Trip Assignments will be calculated based on directional trends of existing traffic derived from recent traffic counts.
- Determine "NO BUILD" and "BUILD" traffic intersection volumes for the implementation year (2022) and for the horizon year (2032).
- Utilize the implementation year "NO BUILD" and "BUILD" traffic volumes to perform signalized and / or unsignalized intersection analyses (AM and PM weekday Peak and Saturday Peak) for the following intersections:
 1. Nizhoni Blvd. (Mendoza Rd.) / NM S.R. 602
 2. W. Aztec Ave. / NM S.R. 602
 3. Park Ave. / NM S.R. 602
 4. Access Driveways (2)
- Perform queuing analysis for each lane group for each approach for every intersection analyzed in this study.
- Evaluate access intersections and driveways to determine warrants for auxiliary deceleration lanes (right turn and left turn).
- Perform safety analysis based on Highway Safety Manual for Traffic Impact Study area of analysis (intersections and roadway links).
- Write a report of analysis and findings to present to the New Mexico Department of Transportation for review and comment.
- Make recommendations for necessary measures to mitigate impact of this development on the adjacent transportation system.
- Address comments from the New Mexico Department of Transportation regarding technical aspects of the Traffic Impact Study.

An Agreement for the Provision of Limited Professional Services

Design Professional Firm: Terry O. Brown, P.E.
P. O. Box 92051
Albuquerque, NM 87199

Client: City of Gallup
110 W. Aztec
Gallup, NM 87301
Albuquerque, NM 87109

Date: March 2, 2020

Project No.: 20-03-02

Project Name / Location: Wilson Industrial/Construction Supply – Gallup (Park Ave. / NM 602)

Terms and Conditions

The Firm shall perform the services outlined in this agreement for the stated fee arrangement.

Access To Site:

Unless otherwise stated, the Firm will have access to the site for activities necessary for the performance of the services. The Firm will take precautions to minimize damage due to these activities, but has not included in the fee the cost of restoration of any resulting damage.

Dispute Resolution:

Any claims or disputes made during design, construction or post-construction between the Client and Firm shall be submitted to non-binding mediation. Client and Firm agree to include a similar mediation agreement with all contractors, subcontractors, subconsultants, suppliers and fabricators, thereby providing for mediation as the primary method for dispute resolution between all parties.

Billings/Payments:

Invoice(s) for the Firm's services shall be submitted upon submittal of the report or plans to the reviewing agency. Invoices shall be payable by Client upon receipt. If the invoice is not paid within 30 days, the Firm may, without waiving any claim or right against the Client, and without liability whatsoever to the Client, terminate the performance of the service. Retainers shall be credited on the final invoice.

Late Payments:

Accounts unpaid 60 days after the invoice date may be subject to a monthly service charge of 1.0% (or the legal rate) on the then unpaid balance. In the event any portion or all of an account remains unpaid 90 days after billing, the Client shall pay all costs of collection, including reasonable attorney's fees.

Indemnification:

The Client shall, to the fullest extent permitted by law, indemnify and hold harmless the Firm, his or her officers, directors, employees, agents and subconsultants from and against all damage, liability and cost, including reasonable attorney's fees and defense costs, arising out of or in any way connected with the performance by any of the parties above named of the services under this agreement, excepting only those damages, liabilities or costs attributable to the sole negligence or willful misconduct of the Firm.

Certifications:

Guarantees and Warranties: The Firm shall not be required to execute any document that would result in its certifying, guaranteeing or warranting the existence of conditions whose existence the Firm cannot ascertain.

Limitation of Liability:

In recognition of the relative risks, rewards and benefits of the project to both the Client and the Firm, the risks have been allocated such that the Client agrees that, to the fullest extent permitted by law, the Firm's total liability to the Client for any and all injuries, claims, losses, expenses, damages or claim expenses arising out of this agreement from any cause or causes, shall not exceed the amount of the fee as stated in this Agreement or \$ 50,000, whichever is greater. Such causes include, but are not limited to, the Firm's negligence, errors, omissions, strict liability, breach of contract or warranty.

Termination of Services:

This agreement may be terminated by the Client or the Firm should the other fail to perform its obligations hereunder. In the event of termination, the Client shall pay the Firm for all services rendered to the date of termination, all reimbursable expenses, and reimbursable termination expenses.

Ownership of Documents:

All documents produced by the Firm under this agreement shall remain the property of the Firm and may not be used by the Client for any other endeavor without the written consent of the Firm.



A HOPE AND A FUTURE, INC.

805 ½ Country Club dr.
Gallup, NM 87301
505-409-1046

ahopeandafutureinc@gmail.com

Alfred L. Abeita, II
City Clerk

110 W. Aztec Avenue
Gallup, NM 87301
aabeita@gallupnm.gov

Via email and hand delivered February 18, 2020

Dear Mr. Alfred L. Abeita II, and the City of Gallup Council members,

Good morning, thank you for taking the time to look at our idea. We are writing this letter to request to be added to the agenda for the ~~February 25, 2020~~ City Council Meeting.

March 10, 2020

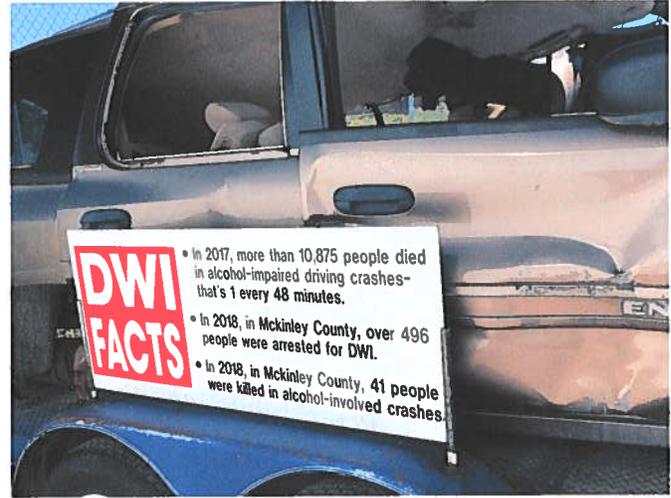
I, Jennifer Bates, started a non-profit organization in May of 2019, called "A Hope and a Future, Inc." The mission statement is:

"To improve the quality of life in our community by praying regularly, meeting together, and organizing different projects that promote God's Hope and God's plan for people's lives."

We have 6 Board members,

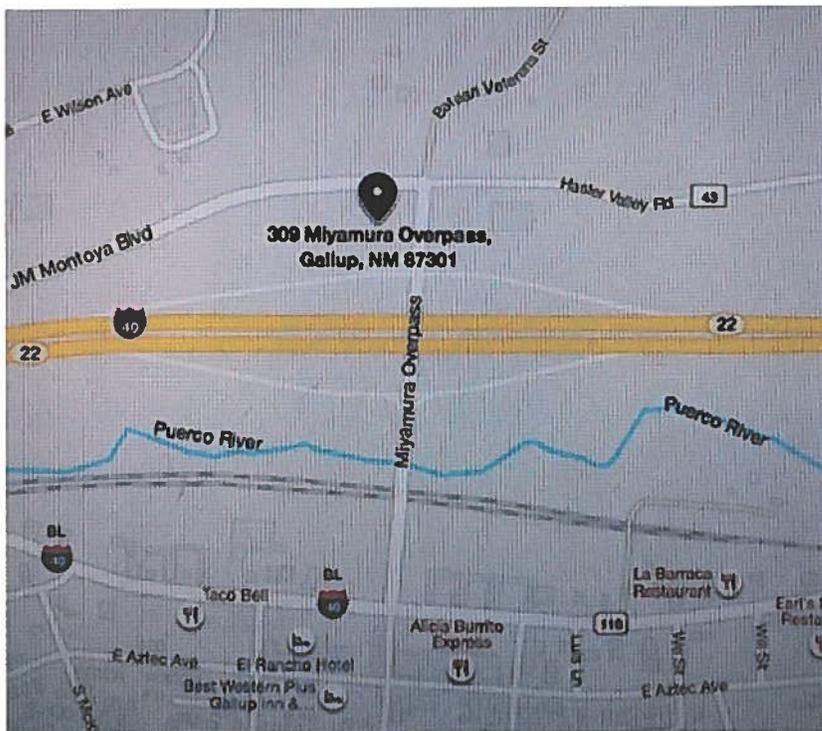
Jennifer Bates, President
Merle Bates, Vice President
Brandon Watchman, Treasurer
Phyllis Kerr, Secretary
Bob Kerr, Member
Kari Ippel, Member

One of the projects we did was the "DWI crash vehicle" pictured below. We have not only been able to park it in different places like the Rio West Mall and Aztec Laundry on 2nd street, but it has also been requested at many events like Gallup High School right before graduation, DWI prevention events, and other community events around Gallup and the Navajo Nation. We believe it has a big effect on people, and starts conversations between parents and their children about the dangers of drinking and driving. It was funded by the McKinley County Sheriff's Office, ABQ Auto Salvage, and our non-profit. Hinkley Signs provided the signs.



The reason we are reaching out to you, the City Council, is because we have an idea to put up a "DWI Memorial Wall" here in Gallup to memorialize and honor those killed in drunk driving crashes. When I first talked to the Mayor, Jackie McKinney in December of 2019, he thought it was a good idea and told me what steps to take next.

Rick Murphy, owner of Murphy Builders here in Gallup has given me a rendering of what the wall would look like and how much it would cost. (Attached) The location we were looking at is the corner of Miyamura overpass and JM Montoya Blvd., west of the "We the People" site.

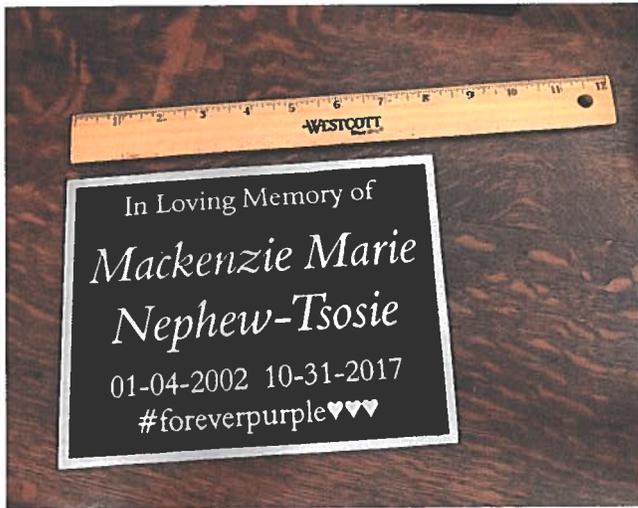
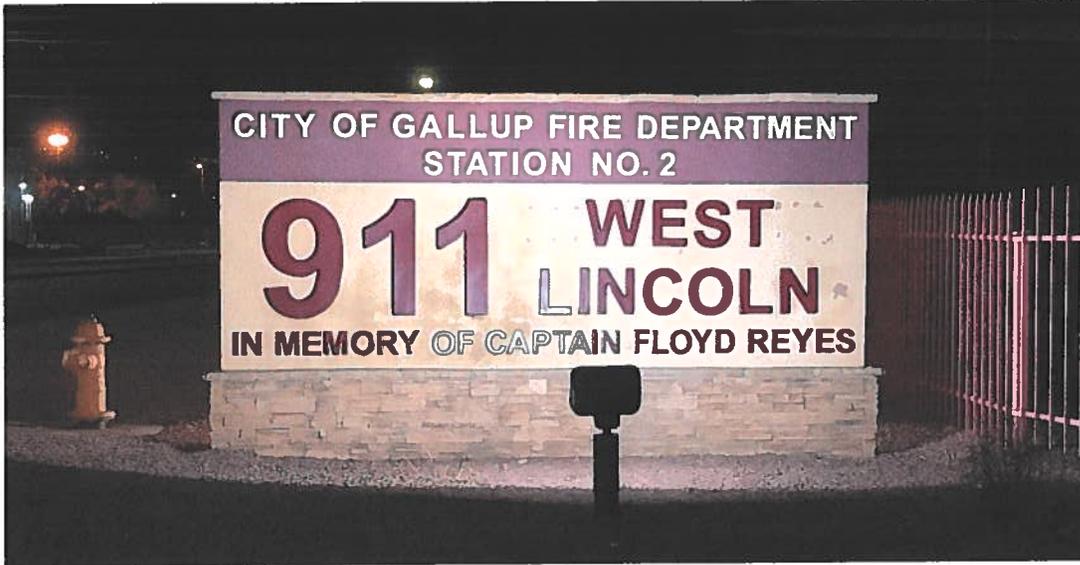


	<u>Low:</u>	<u>High:</u>
Architectural & engineering	2,500 to	5,000
Build monument	25,000 to	35,000
Site Gravel & landscaping	<u>5,000</u> to	<u>10,000</u>
	32,500 to	50,000

Our plan is to build the wall, then have families buy plaques for their loved ones like the one pictured below. The cost for each plaque is \$195, and families might be able to qualify for some assistance in purchasing the plaques if they cannot afford the whole cost from A Hope and a Future, Inc. Mackenzie was 16 when she was killed by a drunk driver getting off the bus to her house. Her dad was driving the bus and witnessed her death. The plaque is 8 in. by 6 in., weather resistant and has 4 holes for mounting. The family is looking forward to being able to honor Mackenzie in this way.

The initial wall would allow for 60 plaques on each side for a total of 120 plaques. We would add each plaque individually as they are purchased. We would then be able to build another, similar wall next to the first one if we needed to. Below is an example of the plaque.

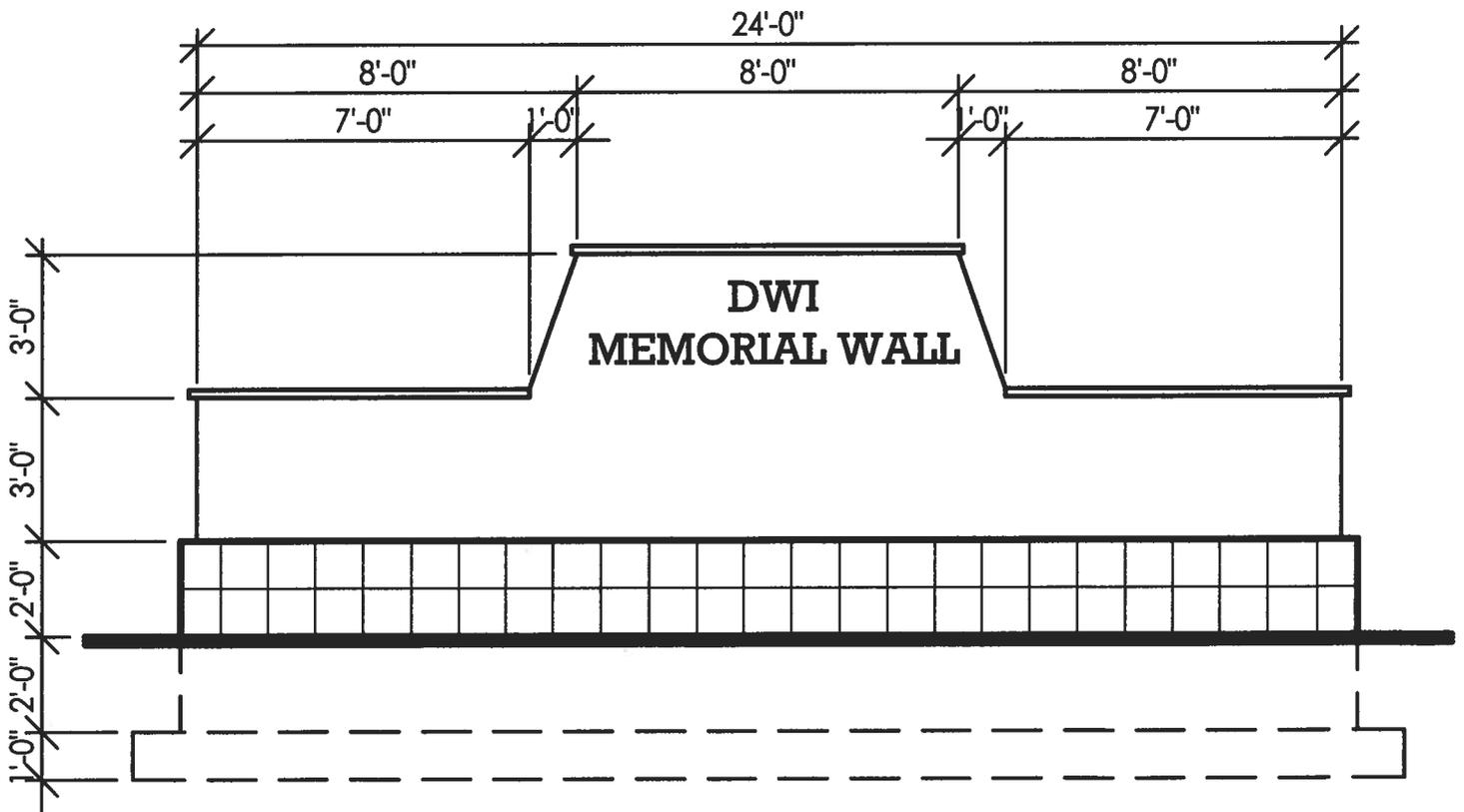
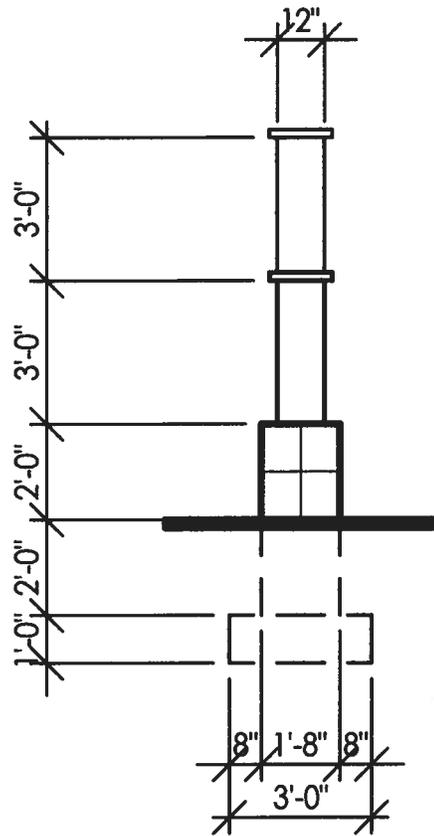
The sign at the Fire Station on the North Side of Gallup is similar to the DWI wall, here is a picture of it.



As you are all aware, the DWI crisis is a very serious problem especially here in McKinley County. As we are fighting every day to prevent DWI, we should also honor those who have lost their lives in such a senseless and preventable way. We hope that you will support our idea and if you have any questions please do not hesitate to ask.

Thank you in advance for your consideration,

Jennifer Bates and the Board Members of A Hope and a Future, Inc.



DWI MEMORIAL WALL

1/4" = 1'-0"