

Minutes of the Regular Meeting of the Gallup City Council, City of Gallup, New Mexico, held in the Council Chambers at Gallup City Hall, 110 West Aztec Avenue, at 6:00 p.m. on Tuesday, January 14, 2020.

The meeting was called to order by Mayor Jackie McKinney.

Upon roll call, the following were present:

Mayor:	Jackie McKinney
Councilors:	Linda Garcia Allan Landavazo Yogash Kumar Fran Palochak
Also present:	Maryann Ustick, City Manager Curtis Hayes, City Attorney

Presented to the Mayor and Councilors for their approval were the Minutes of the Joint Work Session with the McKinley County Commission of December 6, 2019 and the Regular Meeting of December 10, 2019.

Councilor Palochak made the motion to approve the aforementioned minutes. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar, Landavazo and Mayor McKinney all voted yes.

Presented to the Mayor and Councilors for their approval were the following Discussion/Action Topics:

1. Discussion of Nightly Indian Dance Program Options – Bill Lee, Chief Executive Officer, Gallup-McKinley County Chamber of Commerce

As a follow up to the discussion from the November 12, 2019 Regular Meeting, Mr. Lee presented options for the Nightly Indian Dance Program for 2020. Originally, the proposed budget for this year's program was reduced from \$65,000 to \$55,000 and to reduce the number of days for the program by ending it after the Gallup Inter-Tribal Indian Ceremonial due to decreased attendance. He presented graphs illustrating the decreased number of spectators during the 25 days after ceremonial for the past two years out of the four years illustrated. Mr. Lee said the Chamber of Commerce stands ready to serve in accordance with the direction provided by the Mayor and Councilors. The grant provided by the Levitt Foundation to Gallup MainStreet will impact the Nightly Indian Dance program because MainStreet will need to have ten concerts at the Courthouse Plaza over the course of the summer. Mr. Lee said if the dance program is shorted this year, there will be entertainment provided by the concert series.

Councilor Palochak asked about obtaining and retaining vendors for the dance program.

## MINUTES

Regular City Council Meeting – 1/14/2020

Page 2

Mr. Lee said the Chamber of Commerce has concerns about obtaining quality vendors for the program. Mr. Lee said they are also working with GallupARTS concerning the possibility of having their approved artists to be a part of the vendors at the Nightly Indian Dances this year. Mr. Lee also said they will have a fry bread vendor available at this year's dances.

Discussion followed concerning the unsuccessful attempts made through increased advertising and social media presence as a way to attract more people to attend the nightly Indian dances from Ceremonial time to Labor Day. Councilor Landavazo recommended pursuing alternative solutions for increasing attendance at the Indian dances until Labor Day.

Kara Smith, Executive Director, Gallup MainStreet, provided information regarding the proposed concert series to be held free of charge to the public with the funds provided by the Levitt grant.

Mr. Lee said if the Nightly Indian Dance Program will be conducted this year from Memorial Day through Labor Day, the budget for the program will need to be addressed.

Mayor McKinney asked Mr. Lee to meet with Ms. Ustick to prepare an action item for the Council to consider at the next regular meeting for two scenarios for this year's Nightly Indian Dance Program.

2. Approval and Acceptance of the Quarterly Local Liquor Excise Tax Accountability Reports for 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Quarters of Calendar Year 2019 – Maura Schanefelt, McKinley County DWI Program Manager

Ms. Schanefelt presented the reports which summarizes the use of liquor excise tax funds by local programs and agencies during the above referenced quarters for 2019. The reports are prepared on a calendar basis to comply with State requirements. Ms. Schanefelt answered questions posed regarding the numbers provided for admissions and transports to detox and the DWI Intensive Outpatient Program.

Councilor Palochak made the motion approve and accept the Quarterly Local Liquor Excise Tax Accountability Reports for the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Quarters of Calendar Year 2019. Seconded by Councilor Landavazo. Roll call: Councilors Palochak, Landavazo, Kumar, Garcia and Mayor McKinney all voted yes.

3. Best of the Best Rodeo Budget – Jon DeYoung, Assistant City Manager

## MINUTES

Regular City Council Meeting – 1/14/2020

Page 3

Mr. DeYoung presented the proposed budget for hosting this year's event. He recommended a budget adjustment for revenue in the amount of \$412,694 and expenditures in the amount of \$390,930 from and to Fund 590.

Walt Eddy, the coordinator and promoter of the event, and Mr. DeYoung answered questions regarding the amounts included in the budget to support the growth of the event.

Councilor Landavazo made the motion to approve the Best of the Best Rodeo Budget. Seconded by Councilor Kumar. Roll call: Councilors Landavazo, Kumar, Garcia, Palochak and Mayor McKinney all voted yes.

#### 4. Promotion Contract with Walt Eddy for the Best of the Best Rodeo – Jon DeYoung, Assistant City Manager

Mr. DeYoung presented the proposed contract with Mr. Eddy for promoting and coordinating the event. Changes to the contract from the previous contract include the addition of a Tuesday morning slack and a performance on Tuesday night, moving the payment terms from the middle of the month to the end of the month and allowing the City to control the RV park during the event.

Councilor Palochak commended Mr. Eddy for his expertise and coordination of the event. Mr. Eddy thanked Mayor McKinney for his support with initiating the event seven years ago.

Councilor Palochak made the motion to approve the Promotion Contract with Walt Eddy for the Best of the Best Rodeo. Seconded by Councilor Kumar. Roll call: Councilors Palochak, Kumar, Garcia, Landavazo and Mayor McKinney all voted yes.

#### 5. Youth Conservation Corps (YCC) Budget Adjustment – Jon DeYoung, Assistant City Manager

Mr. DeYoung said the City was awarded \$114,915.59 from the State for the FY 2020/2021 YCC program year. He recommended an adjustment to budget revenues and expenditures for tasks performed or expenses directly related to the scope of work for the projects outlined in the grant.

Discussion followed concerning the work to be performed with the proceeds from the grant, including the maintenance of trails.

## MINUTES

Regular City Council Meeting – 1/14/2020

Page 4

Councilor Landavazo made the motion to approve the Youth Conservation Corps budget adjustment. Seconded by Councilor Kumar. Roll call: Councilors Landavazo, Kumar, Garcia, Palochak and Mayor McKinney all voted yes.

6. Ordinance No. S2020-1; Text Amendment Increasing the Maximum Number of Accessory Structures for Residential Zoning Districts – Clyde (C.B.) Strain, Planning and Development Director

Mr. Strain presented the proposed Ordinance which would increase the number of accessory structures from one to three per lot within the Rural Residential (RR), Single Family Residential (SFR-A,B&C) Multi-Family Residential Low (MFRL) and Multi-Family Residential Medium (MFRM) zone districts. He said it is staff's opinion that limiting the number of accessory structures to one within these districts is too restrictive. Mr. Strain said there was much debate regarding the proposed text amendment by the Planning and Zoning Commission since Commissioners do not want lots to be cluttered with dilapidated structures. To address the Commissioners concerns, Mr. Strain informed them that the Land Development Standards require accessory structures to match the house in color and style. As a result, the Planning and Zoning Commission sent a positive recommendation to the City Council for approval of the proposed ordinance.

Councilor Garcia made the motion to approve Ordinance No. S2020-1; Text Amendment Increasing the Maximum Number of Accessory Structures for Residential Zoning Districts. Seconded by Councilor Palochak. Roll call: Councilors Garcia, Palochak, Landavazo, Kumar and Mayor McKinney all voted yes.

7. Approval of Acceptance of M102 Howitzer from the US Army – Mayor Jackie McKinney

Mayor McKinney said he originally presented the proposal to the Councilors at the May 14, 2013 regular meeting to submit an application to the Department of the Army for a piece of surplus military artillery to place on display at the Veterans Memorial. At the time the Council approved a range of \$1,000 to \$5,000 to cover the freight charges for transporting the surplus equipment. On December 10, 2019, he received an E-mail advising that the City's application for a conditional loan of M102 Howitzer was approved. Based on input from the Veterans Helping Veterans and a contractor, they are proposing a site on the south side of the pillars at the Veterans Memorial to display the equipment. The conditional loan requires the construction of a concrete pad 8" thick, 8' x 19' slab to place the equipment on. Also required is approval by the Council of a contractor's bid to construct the slab and to furnish documentation from a freight company to transport the equipment from the Sierra Army Depot at Herlong, California. The City will also need to

## MINUTES

Regular City Council Meeting – 1/14/2020

Page 5

cover the processing and release cost in the amount of \$117.25. A proposal was submitted by Murphy Builders to construct the concrete slab in the amount of \$6,425 and to transport the M102 Howitzer from Sierra Army Depot in the amount of \$4,808. The total cost of the project is \$12,283.99 which includes the processing and release cost and gross receipts tax. The total cost of the project will be provided by General Fund reserves.

As a Vietnam Veteran, Councilor Palochak thanked Mayor McKinney for honoring Veterans for their service.

Joann Benenati express her concerns about the proposed project. Although everyone should honor, respect and support Veterans, she said no one should ever aggrandize war, weaponry and violence. She also said the Mayor and Councilors could find a better use of the money than on the proposed project.

Another audience member addressed the Mayor and Councilors to express support of the project.

Following discussion, Councilor Palochak made the motion to approve the acceptance of the M102 Howitzer from the US Army and the budget adjustment for the project. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar, Landavazo and Mayor McKinney all voted yes.

### 8. Nizhoni Boulevard Reconstruction Design Contract Award – Stan Henderson, Public Works Director

Mr. Henderson presented the fee proposal submitted by DePauli Engineering and Surveying for the engineering design of the East Nizhoni Boulevard Reconstruction Project from South Second Street to College Drive. The project will include a dedicated northbound turn lane off Nizhoni onto Second Street for traffic motivation facilitation, relocation of the traffic signal at Nizhoni and Second Street for the northbound turning movement, concrete anti-shoving pad at Second Street to match the concrete pad on the opposite side of the intersection, storm drainage improvements, reconstruction of the ADA compliant sidewalks (6 feet wide) on both sides of the street from Hospital Drive to Second Street, mill and overlay of the street pavement, pavement striping and traffic control and geometry improvements of the Hospital Drive intersection. The proposed fee is solely for the roadway reconstruction design. It does not include professional services for construction management or inspection. The proposed fee does not include any utility reconstruction. The utility reconstruction will be address as a separate effort by the Water Department. Mr. Henderson recommended the award of the contract to DePauli Engineering and Surveying in the amount of \$362,196.50. The City recently received a

## MINUTES

Regular City Council Meeting – 1/14/2020

Page 6

grant from the New Mexico Department of Transportation in the amount of \$350,000 for the project. He recommended a budget adjustment in the amount of \$12,500 from the General Fund to cover the remaining costs of the contract.

Councilor Landavazo made the motion to award the Nizhoni Boulevard Reconstruction Design Contract to DePauli Engineering and Surveying in the amount of \$362,196.50 and a budget adjustment in the amount of \$12,500 for the project funding. Seconded by Councilor Kumar. Roll call: Councilors Landavazo, Kumar, Garcia, Palochak and Mayor McKinney all voted yes.

### 9. Resolution No. R2020-3; MainStreet Funding Acceptance for Coal Avenue Commons Construction Project – Stan Henderson, Public Works Director

Mr. Henderson said Gallup MainStreet and the Northwest New Mexico Council of Governments secured an \$800,000 grant from the New Mexico MainStreet Program for the construction of the Coal Avenue Commons Construction Project. The grant has a 20% match requirement in the amount of \$160,000 and the allocation of the match will be presented to the Mayor and Councilors' consideration when the construction contract for the project is awarded at a later time. Mr. Henderson recommended acceptance of the \$800,000 grant from the State, approval of Resolution No. R2020-3 and the budget increase in revenue and expenditure of the grant in the amount of \$800,000.

Discussion followed concerning the estimated \$3 million in funds that were set aside and were accumulated for the project. Mayor McKinney said the 20% match in the amount of \$160,000 is an insignificant amount.

Councilor Kumar made the motion to approve Resolution No. R2020-3; MainStreet Funding Acceptance for the Coal Avenue Commons Construction Project, to accept the State grant in the amount of \$800,000 and to approve the budget increase in revenue and expenditures of \$800,000 for the project. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Palochak, Landavazo and Mayor McKinney all voted yes.

Mr. Henderson said the construction of the project is currently being advertised and the contract may be presented to the Mayor and Councilors for award in February, with construction scheduled to begin in March. Originally, the project was scheduled to be suspended during the summer months for the tourist season; however, there is discussion with MainStreet with interest from the affected business owners to continue with construction of the project during the tourist season in order to complete the project.

## MINUTES

Regular City Council Meeting – 1/14/2020

Page 7

10. Budget Adjustment for a Sub-Grant Agreement for the McKinley County DWI Task Force Naming the Gallup Police Department as the Sub-Grantee in the Amount of \$48,000 – Chief Franklin Boyd, Gallup Police Department

Chief Boyd presented the request for a budget adjustment for revenue and expenditure of the grant in the amount of \$48,000. The Gallup Police Department will utilize the proceeds of the grant to implement DWI sobriety checkpoints and saturation patrols in partnership with the following law enforcement agencies: New Mexico State Police, McKinley County Sheriff's Department, Navajo Nation Police Department, Zuni Police Department and the Ramah Police Department.

Councilor Garcia made the motion to approve the budget adjustment for a Sub-Grant Agreement for the McKinley County DWI Task Force naming the Gallup Police Department as the sub-grantee in the amount of \$48,000. Seconded by Councilor Palochak. Roll call: Councilors Garcia, Palochak, Landavazo, Kumar and Mayor McKinney all voted yes.

11. Recommendation of Bid Award for Coal Avenue and Ninth Street Waterline Replacement and Budget Adjustment – Dennis Romero, Water and Sanitation Director

Mr. Romero said there was a break in a 6-inch waterline along Coal Avenue near the Eighth and Ninth Street intersections. The Water Department repaired the line as best as they could; however, a section of waterline is severely degraded and needs to be replaced. Staff attempted an emergency procurement; however, the sole source bid that was submitted was not considered responsive or reasonable. The bid for the waterline replacement was advertised in which the City received a low responsive bid submitted by Dallago Corporation in the amount of \$105,496.38. Mr. Romero recommended award of the bid to Dallago Corporation in the amount of \$105,496.38 and approval of a budget adjustment in the amount of \$106,000 from the Water Enterprise Fund to cover the cost of the project.

Councilor Kumar made the motion to approve the recommendation of the bid award for the Coal Avenue and Ninth Street waterline replacement and the budget adjustment of \$106,000 from the Water Enterprise Fund. Seconded by Councilor Landavazo. Roll call: Councilors Kumar, Landavazo, Palochak, Garcia and Mayor McKinney all voted yes.

12. Request for Budget Adjustment for Change Order No. 2 for Reach 27.9 Construction of the Navajo Gallup Water Supply Project – Dennis Romero, Water and Sanitation Director

## MINUTES

Regular City Council Meeting – 1/14/2020

Page 8

Mr. Romero said there was typographical error in the summary description of the agenda for this item. The dollar amount the City Council approved for the construction of Reach 27.9 by Adame Construction should read \$5,840,388.72 instead of \$8,840,388.72. Change Order No. 2 involves an increase in the size of a manhole for the project, as well as changes to the number of flanges, struts and supports to the pipes in the area. The total cost of the change order is \$28,385.73. He recommended approval of Change Order No. 2 and a budget adjustment in the amount of \$28,400 to fund the change order. As a side note, in response to an inquiry by the Mayor asked for a summary of funds expended and what the City owes for its share of the Navajo Gallup Water Supply Project. He prepared a draft summary of those figures and would like the City Manager and the Chief Financial Officer to review the draft prior to providing the information to the Mayor and Councilors.

Councilor Palochak made the motion to approve the request for budget adjustment for Change Order No. 2 for Reach 27.9 construction of the Navajo Gallup Water Supply Project in the amount of \$28,400 from Fund 306. Seconded by Councilor Kumar. Roll call: Councilors Palochak, Kumar, Garcia, Landavazo and Mayor McKinney all voted yes.

Mr. Romero said the Reach is complete and is currently in service.

Presented to the Mayor and Councilors for discussion is the following Presentation and Information Item:

### 1. Earth Day 2020 – Matthew Hornback

Mr. Hornback and Kathy Morse addressed the Mayor and Councilors regarding their proposal for hosting an Earth Day event on the afternoon of Saturday, April 18, 2020 at the Courthouse Plaza. During their event they are proposing to hold breakout groups to have discussions based on educational topics and to formulate an action plan for the next year. They are also proposing a film event at El Morro Theater in the evening and are considering asking Arts Crawl to switch nights with their event to help boost the event. Mayor McKinney asked Mr. Hornback to meet with Ms. Ustick after the meeting to obtain the contact information for Ben Welch, Community Services Coordinator. Mr. Welch will provide assistance to Mr. Hornback and his group to obtain a permit for their event.

### **Comments by Public on Non-Agenda Items**

Angela Olive expressed her concerns about the problems with transients and intoxicated individuals in and around the businesses on Second Street, the rash of break-ins in the downtown area and the lack of snow removal on the sidewalks in the downtown area by business owners. She also asked about the benefit to residents from the solar farm.