

Minutes of the Regular Meeting of the Gallup City Council, City of Gallup, New Mexico, held virtually at Gallup City Hall, 110 West Aztec Avenue, at 6:00 p.m. on Tuesday, January 12, 2021.

The meeting was called to order by Mayor Louie Bonaguidi. Upon roll call, the following were present:

Mayor: Louie Bonaguidi

Councilors: Linda Garcia
Michael Schaaf
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 Special and Regular Meetings of December 8, 2020 and the Special Meeting of December 14, 2020.

Councilor Schaaf made the motion to approve the Minutes of the Regular and Special Meetings of December 8, 2020. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Garcia, Kumar and Mayor Bonaguidi all voted yes.

Councilor Schaaf made the motion to approve the Minutes of the Special Meeting of December 14, 2020. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Kumar, Garcia and Mayor Bonaguidi all voted yes.

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

1. Ordinance No. S2021-2; Paul M. and Kimberly E. Madrid, Public Utility Easement Vacation – Clyde (C.B.) Strain, Planning and Development Director

Mr. Strain presented the vacation of the five foot (5') wide, seventy-six foot (76') long, easement on behalf of Paul and Kimberly Madrid, located at 402 Jeff King Street, for the purpose of erecting a privacy fence around the property. Mr. Strain provided a brief history of the easement and utilities in the area. The Gallup Task Force reviewed the request and deemed the easement not needed by the City. He provided a survey of the property, which identified electrical, water and sewer lines around the property.

Councilor Palochak made the motion to approve Ordinance No. S2021-2; Paul M. and Kimberly E. Madrid, Public Utility Easement Vacation. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar, Schaaf and Mayor Bonaguidi all voted yes.

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2. Wesley Jones Proposed Text Amendment to Allow Open Outdoor Storage of Miscellaneous Items as a Permissive Principal use within the Heavy Commercial (HC) Zone District – Clyde (C.B.) Strain, Planning and Development Director

Mr. Strain provided background information regarding Mr. Jones' request to amend the City of Gallup Land Development Standards by creating a new, "Open Outdoor Storage" use as a permissive principal use within the Heavy Commercial (HC) Zone District. The proposal would allow outdoor storage of miscellaneous items within said districts throughout the City. Mr. Strain provided information regarding Mr. Jones' businesses located on the 3600 block of West Highway 66, including a mobile home park located in the front and storage rental space towards the back. Stored items include vehicles, mobile homes and shipping containers. The City of Gallup Land Development Standards does not allow for open storage of any kind, which is the reason for the proposed amendment. Mr. Strain also provided information needed to make these changes, however, Mr. Jones did not provide all of the necessary information. Therefore the Planning and Zoning Commission could not send a recommendation to the City Council after their review. Mr. Strain further explained specific issues regarding zoning of the lot, bringing it into compliance and the typical containment of storage facilities.

Mr. Jones explained his goal of becoming compliant with City regulations. He provided an explanation of the items being stored on his property, which belong to his tenants or are being used for the maintenance of the mobile home park. He also provided details on the verbal agreement between him and Mr. Strain regarding the outdoor storage of miscellaneous items.

Councilor Palochak expressed her concerns regarding the proposed amendment and the ripple effect it could have on other areas in the City, as well as the eyesore it could potentially create. She also commented on the number of phone calls she received from concerned community members.

Mr. Jones clarified his need for a place to store equipment for his U-Haul business as well as homes that are moved out of the park. He explained his hesitation in putting extra time, effort and money into the property until clarity is provided as to what is permitted by the City.

Mr. Strain clarified, the location is one lot and should have been zoned as a mobile home park. Once zoned correctly, the only business permitted there is a mobile home park. However, it is currently zoned commercial making it non-conforming and cannot be expanded on. Regardless of how it is zoned, an outdoor storage facility cannot

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operate at the location. Mr. Strain explained accessory storage for mobile homes and equipment related to the trailer park is permitted but not to customers outside of the mobile home park. Mr. Strain invited Mr. Jones to meet with him sometime next week to resolve the issue.

Councilor Palochak made the motion to deny Wesley Jones' proposed text amendment to allow open outdoor storage of miscellaneous items as a permissive principal use within the Heavy Commercial Zone District. Seconded by Councilor Kumar. Roll call: Councilors Palochak, Kumar, Schaaf, Garcia and Mayor Bonaguidi all voted yes.

3. Clean and Lien Program Budget Increase – Clyde (C.B.) Strain, Planning and Development Director

Mr. Strain provided a brief description of the Clean and Lien Program. Due to the increase in volume, size and sophistication of the illegal transient camps throughout the city, the Planning and Development Department has utilized most of the \$75,000 budget increase approved in August 2020. There is currently one camp on hold with an estimated price quote of over \$21,000 to complete the clean-up and only \$13,365.67 is remaining in the budget. Mr. Strain explained the high cost of the clean-up, stressed the importance of the program's continuity and mentioned the additional properties included in the City's clean-up efforts, in addition to transient camps.

Councilor Kumar requested a breakdown of the total amount spent on each property in preparation for the new budget season.

Discussion followed regarding the importance of maintaining the program. Members of the Council expressed their appreciation to City's Code Enforcement staff and Gallup Police Department for their efforts in addressing the problem.

Councilor Garcia made the motion to approve the Clean and Lien Program Budget Increase in the amount of \$75,000, as presented. Seconded by Councilor Palochak. Roll call: Councilors Garcia, Palochak, Schaaf, Kumar and Mayor Bonaguidi all voted yes.

4. Request for Budge Adjustment - Additional Cameras in Downtown Area in the Amount of \$18,098.90 – Suzanne Begay, Acting Technology Services Director

Ms. Begay said in an effort to increase and improve safety in the downtown area, Gallup Police Department recommended the installation of additional cameras and a video recording system. The cameras would be installed on the exterior walls of City Hall and the Gallup Joint Utilities building, totaling \$18,098.90. The system includes a 16-camera

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digital video recorder, five (5) PTX cameras, three (3) fixed cameras, additional mounting equipment and installation labor. Ms. Begay explained the range of increased coverage, including the walkway, dance arena, Aztec Avenue, Second Street and the alleyways. The additional cameras will also provide visual support in investigations by the Gallup Police Department Detectives.

Councilor Kumar made the motion to approve a budget adjustment in the amount of \$18,098.90 for additional cameras in the downtown area, as presented. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Schaaf, Palochak and Mayor Bonaguidi all voted yes.

5. Contract Award for Ford and Aztec Reconstruction – Robert Hamblen, Acting Public Works Director

Mr. Hamblen presented the contract award for the reconstruction of Ford Drive from the Aztec Avenue intersection to the first entrance of the Uptown Plaza. The work will include:

- Removal of street asphalt;
- Removal of curb, gutter and sidewalk on the east and west side of Ford Drive;
- Replacement of asphalt with concrete for the street surface;
- Installation of new curb, gutter and sidewalks and new ADA corner ramps; and
- Installation of a new ADA drive pad at the entrance of the Uptown Plaza

Bids were opened on November 17, 2020 with one response from HO Construction. Mr. Hamblen presented a map of the location and requested approval of the contract in the amount of \$216,408.38 for engineering and construction costs.

Discussion followed regarding the utilities under the construction site, a review of any necessary utility repairs in the area and the start date and timeframe for completion of the project. Dennis Romero, Water and Sanitation Director, highlighted the areas that may be in need of repairs in response to concerns pertaining to past water breaks. He also mentioned future repairs that are needed, which are located outside of the construction site. He said public meetings are planned for discussing proposed utility improvements which are slated for this summer.

Councilor Kumar made the motion to approve the contract award for Ford Drive and Aztec Avenue Reconstruction Project to HO Construction in the amount of \$216,408.38, as presented, subject to a utility inspection. Seconded by Councilor Palochak. Roll call: Councilors Kumar, Palochak, Garcia, Schaaf and Mayor Bonaguidi all voted yes.

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6. Ordinance No. S2021-1; Adoption of Ordinance Authorizing and Executing the Delivery of a Water Project Fund Loan/Grant Agreement By and Between the New Mexico Finance Authority (NMFA) and the City of Gallup for Navajo Gallup Water Supply Project (NGWSP) Project 11 (Reach 27.11) – Dennis Romero, Water and Sanitation Director

Mr. Romero presented the proposed ordinance to authorize and execute a loan/grant agreement with the NMFA in the amount of \$5,792,829 for financing the costs of constructing Reach 27.11 of the NGWSP. 60% of this amount is a grant, which represents the State's commitment to the NGWSP and 40% of this amount is a loan in the amount of \$2,317,132. Mr. Romero presented an illustration of the Gallup Regional System of the NGWSP to show where Reach 27.11 is located. The project consists of the construction of more than 1.4 miles of a 14-inch waterline, approximately 1.3 miles of a 12-inch waterline and a meter station. Mr. Romero provided an overview of the ordinance and related documents included in the packet. He also recommended approval of the ordinance.

Councilor Palochak made the motion to approve Ordinance No. S2021-1; Adoption of Ordinance Authorizing and Executing the Delivery of a Water Project Fund Loan/Grant Agreement By and Between the New Mexico Finance Authority and the City of Gallup for Navajo Gallup Water Supply Project, Project 11, Reach 27.11, in the amount of \$5,792,829. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar, Schaaf and Mayor Bonaguidi all voted yes.

7. Navajo Gallup Water Supply Project (NGWSP) Reach 27.9, Final Change Order – Dennis Romero, Water and Sanitation Director

Mr. Romero presented the final change order for Reach 27.9, which includes excess spare material purchased by the City in the amount of \$23,784.89 and the adjustment of quantities for the excavation of rock in the amount of \$6,052.44. Although the project was completed in early 2020, the final change order was not submitted until October 2020, as City staff requested resolution on two issues involving adjacent property owners before agreeing to process the final change order. Mr. Romero recommended approval of the change order in the total amount of \$32,217.55, which includes gross receipts tax.

Councilor Kumar made the motion to approve the Navajo Gallup Water Supply Project Reach 27.9 Final Change Order in the amount of \$32,217.55. Seconded by Councilor Schaaf. Roll call: Councilors Kumar, Schaaf, Palochak, Garcia and Mayor Bonaguidi all voted yes.

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8. Budget Adjustment for the Grant Agreement Between the New Mexico Department of Transportation and the City of Gallup (Contract Number TSO4813) – Chief Franklin Boyd, Gallup Police Department

Chief Boyd said the Gallup Police Department was awarded a grant from the Department of Transportation for the following projects and amounts: 1) \$38,218 for End Driving While Impaired; 2) \$4,998 for Buckle Up/Click it or Ticket; and 3) \$14,994 for Selective Traffic Enforcement Program/100 Days & Nights of Summer. The total amount awarded for the previously stated programs is \$58,310. Chief Boyd requested a budget adjustment in revenue and expenditures for the total amount of the grant award.

Councilor Schaaf made the motion to approve the budget adjustment for the Grant Agreement Between the New Mexico Department of Transportation and the City of Gallup, Contract Number TSO4813 and acceptance and approval of the budget adjustment in the amount of \$58,310. Seconded by Councilor Garcia. Roll call: Councilors Schaaf, Garcia, Palochak, Kumar and Mayor Bonaguidi all voted yes.

9. Budget Adjustment to Revenue and Expenditure for Octavia Fellin Public Library in the Amount of \$6,108.50 – Tammi Moe, Director, Octavia Fellin Public Library

Ms. Moe said the City has been awarded funding from the State of New Mexico Department of Cultural Affairs in the amount of \$6,108.50. The funding may be used for library collections, staff salaries, staff training, equipment and other operational expenditures associated with the delivery of library services. Ms. Moe said the library intends to use the funds for professional development of the library staff.

Councilor Palochak made the motion to approve the budget adjustment to revenue and expenditure for the Octavia Fellin Public Library in the amount of \$6,108.50. Seconded by Councilor Schaaf. Roll call: Councilors Palochak, Schaaf, Garcia, Kumar and Mayor Bonaguidi all voted yes.

10. Budget Adjustment for the Grant Agreement Between the New Mexico Tourism Department and City of Gallup Tourism for Website – Jennifer Lazarz, Tourism and Marketing Manager

Ms. Lazarz said the City received \$12,000 from the New Mexico Tourism Department for the construction of the new Gallup Real True website. She asked for approval for a budget adjustment to revenue and expenditure in the amount of \$12,000.

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Councilor Kumar made the motion to approve the budget adjustment for the Grant Agreement Between the New Mexico Tourism Department and City of Gallup Tourism for website development in the amount of \$12,000. Seconded by Councilor Palochak. Roll call: Councilors Kumar, Palochak, Schaaf, Garcia and Mayor Bonaguidi all voted yes.

11. Resolution No. R2021-1; Annual Determination of Notice Under the Open Meetings Act – Alfred Abeita, City Clerk

Mr. Abeita said the New Mexico Open Meetings Act requires all public bodies to provide reasonable notice to the public of all its meetings. The Act also requires public bodies to determine its notice procedures at least once a year in a public meeting. The proposed resolution has the notice requirements that are recommended by the New Mexico Attorney General's Office for public bodies to hold their meetings. The resolution sets forth the regular meetings of the Gallup City Council to be held on the second and fourth Tuesday of every month at 6:00 p.m. Due to the public health crisis and the State's restrictions on mass gatherings, the resolution also provides language that the City Council will comply with the Attorney General's guidelines for conducting virtual meetings.

Councilor Palochak made the motion to approve Resolution No. R2021-1; Annual Determination of Notice Under the Open Meetings Act. Seconded by Councilor Schaaf. Roll call: Councilors Palochak, Schaaf, Kumar, Garcia and Mayor Bonaguidi all voted yes.

The following Presentation and Information Item was presented to the Mayor and Councilors:

1. City's Broadband Initiative – John Wheeler, Electric Director

Mr. Wheeler said the City is considering the possibility of going into the broadband internet business. City staff is in the process of determining whether the proposed venture is needed and is a feasible endeavor. The main initiative is to provide high-speed internet service to the entire community at a competitive price. Mr. Wheeler provided an overview of this initiative, including the services to be offered to customers under the proposed plan and the proposed pricing for the services provided by the City. He said the City has an established neighbor, Sacred Wind Communications, who has offered technology services to the City, including the pathway to the outside world. The City's broadband consultants will conduct a survey to determine the need and desires of citizens for this new broadband offering.

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Councilor Kumar spoke in favor of the City's broadband initiative. He also commented on the advanced services he was able to obtain for one of his properties in the Grants area at a low cost and the considerable costs he had to pay for to extend fiber optic communications to two of his properties in Gallup.

Councilor Palochak said the proposed initiative falls under the City's five-year strategic plan. She understands the need for high-speed internet with increased redundancy.

Mayor Bonaguidi said the proposed initiative is an enterprise the City can benefit from. He commented on a call he received from officials at Sacred Wind Communications who offered their assistance to the City with this endeavor.

Adriana Badal, Special Projects Coordinator/Liaison with Sacred Wind Communications, congratulated the City on its proposed endeavor and offered their assistance to the City in accomplishing its goals under this initiative.

Comments by Public on Non-Agenda Items

None.

Comments by Mayor and City Councilors

Councilor Schaaf wished everyone a Happy New Year. He thanked Chief Boyd and the Gallup Police Department for their assistance in distributing 60 baskets of food during the Christmas season. He thanked the police officers who gave money out of their own pockets to purchase Christmas trees and toys for needy families. Councilor Schaaf also thanked the anonymous donor who provided the 60 baskets of food.

Councilor Palochak thanked the Gallup Police Department for their work and generosity. She also thanked all City employees for the work they do, especially to those who work in the freezing weather. Councilor Palochak wished everyone a Happy New Year.

Councilor Garcia commended the Gallup Police Department for their efforts at Christmas time. She thanked Chee and Tamaris Montano for providing their assistance to the Police Department as well. Councilor Garcia thanked the Water Department for their hard work in repairing the numerous water breaks on the north side of town since Thanksgiving. She also commended all City employees for the work they do.

Councilor Kumar thanked all City employees for their work in dealing with the issues related to the COVID-19 pandemic, homelessness and code enforcement violations with encampments. He also would like to revisit regulations in the City's Land Development

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Standards for zoning mixed-use development and other uses, as well as building permit requirements for constructing fences.

Mayor Bonaguidi agreed with the comments expressed by the Councilors and said the City's employees have done an outstanding job. He commended City staff members for being resourceful in finding grants for their departments, especially when the City's budget was cut by 30% when he first came into office.

Comments by City Manager and City Attorney

Ms. Ustick thanked the Mayor, Councilors, the Governor's Office and City staff for their support in acquiring the Lexington Hotel for a transitional housing program. City staff has been working on repairs and improvements to the hotel in preparation of reopening it by the end of January or the first part of February. City staff is also working on budget preparations for the next fiscal year and will disseminate a calendar to the Mayor and Councilors with dates for departmental budget hearings and work sessions with the City Council. Strategic planning with the City Council will be held during the week of March 29, 2021. Since the City has received inquiries regarding special events and indoor recreation for the upcoming months, City staff has contacted the Governor's Office for their guidance on how the State's public health restrictions may be in the upcoming months. This information is needed as City staff prepares the budget for the next fiscal year.

There being no further business, Councilor Palochak made the motion to adjourn the meeting. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Schaaf, Kumar and Mayor Bonaguidi all voted yes.

Louie Bonaguidi, Mayor

ATTEST:

Alicia Palacios, Deputy City Clerk