

Minutes of the Regular Meeting of the Gallup City Council, City of Gallup, New Mexico, held at Gallup City Hall, 110 West Aztec Avenue, at 6:00 p.m. on Tuesday, January 11, 2022.

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 were the following Consent Agenda Items:

1. Approval of Minutes from the Work Session on November 2, 2021 and the Work Session and Special Meeting on December 7, 2021
2. Resolution No. R2022-1; Annual Determination of Notice Under the Open Meetings Act
3. Approval of Gallup Mobility Investment District Report and Delivery Plan
4. Approval of Funding for Professional Services for Depauli Engineering and Surveying LLC to Design the Kachina Sewer Line
5. Recommendation of Bid Award for Formal Bid No. 2118 to DUB-L-EE, LLC for the Navajo Gallup Water Supply Project Reach 27.11 and Related Budget Adjustment
6. Award of Contract for Alpine Redevelopment Plan

Sarah Piano requested the removal of Item #3 from the Consent Agenda for separate discussion.

Councilor Schaaf made a motion to approve Consent Agenda Items 1-2 and 4-6. Seconded by Councilor Kumar. Roll call: Councilors Schaaf, Kumar, Garcia, Palochak, Kumar and Mayor Bonaguidi all voted yes.

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Presented to the Mayor and Councilors was the following item for discussion:

3. Approval of Gallup Mobility Investment District Report and Delivery Plan – Maryann Ustick and Michael Sage, Greater Gallup Economic Development Deputy Director

Ms. Ustick clarified the 20% match and explained the breakdown of federal and state funding used to satisfy the match, including EDA Grant funding and Economic Development Emergency funds provided by the state. She also provided a brief overview of the initial plan to use the airport as a testing site for autonomous vehicles and mobility hub. However, due to certain FAA restrictions, staff is now looking at alternative sites and plans to amend the grant.

Councilor Kumar made the motion to approve the Gallup Mobility Investment District Report and Delivery Plan. Seconded by Councilor Schaaf. Roll call: Councilors Kumar, Schaaf, Garcia, Palochak and Mayor Bonaguidi all voted yes.

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

1. Approval of New Budget for Harold Runnels Athletic Complex – Vince Alonzo, Parks and Recreation Director

Mr. Alonzo requested a budget adjustment in the amount of \$35,000 from the General Fund; including \$15,000 for personnel and \$20,000 for operations. The plan is to reopen the facility that has been closed since March 13, 2020 due to the pandemic for the remainder of the current budget year 2022.

Discussion followed regarding intentions to reopen the facility at the end of March or beginning of April 2022, the amount of staffing to include one full-time employee and three part-time employees, setting the hours of operation from Tuesday through Saturday from 12:00 pm to 9:00 pm, shower restrictions to be imposed and available activities at the facility.

Councilor Schaaf made the motion to approve the budget adjustment for Harold Runnels Athletic Complex, as presented. Seconded by Councilor Garcia. Roll call: Councilors Schaaf, Garcia, Kumar, Palochak and Mayor Bonaguidi all voted yes.

2. Resolution No. R2022-3; A Resolution Authorizing the Gallup Electric Department to Affirm the Net Metering Program and Establishing and Adopting Associated Policy – John Wheeler, Electric Director

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Mr. Wheeler presented the proposed resolution authorizing the Gallup Electric Department to affirm the net metering program, including the continued implementation of Resolutions R2009-7 and R2011-18 and also allow commercial customers to install renewable generation systems up to 75 kw. He also explained the Gallup Sustainable Energy Board's request to remove the requirement for customers who have had delinquent payments to be precluded from applying for parallel connection of solar applications and provided the new methodology for calculating avoided costs.

Brief discussion followed regarding the sell back of unused energy, customer expenses; such as a safety switch, the avoided cost per kwh, conception of the 75 kw cap and the potential to make necessary adjustments to the policy in the future.

Councilor Garcia made the motion to approve Resolution No. R2022-3, as presented. Seconded by Councilor Schaaf. Roll call: Councilors Garcia, Schaaf, Kumar, Palochak and Mayor Bonaguidi all voted yes.

3. Approval of City Participation in the National Opioid Litigation Settlement Agreements – Curtis Hayes, City Attorney

Mr. Hayes requested approval to register the City with the "National Opioid Settlement" website established by the Federal District Court for the Northern District in Ohio and to file a participation agreement by which the City would be agreeing to the terms of a proposed settlement agreement with the three largest wholesale distributors of prescription opioids; whereby agreeing not to bring suit against those defendants for any damages the City may have incurred based upon their conduct. He also requested approval to file a participation agreement in the settlement agreement with one manufacturer, Janssen and its parent company, Johnson & Johnson, should the State of New Mexico decide to accept the J&J settlement agreement and become a "settling state" to that agreement. Mr. Hayes provided detailed information regarding the "multi-district litigation" (MDL), a consolidation of lawsuits filed by local and state governments against manufacturers and distributors of prescription opioids. He provided information concerning the payout amounts, deadlines for cities and counties to file participation agreements, the overall state allocation percentages and funding usage.

Brief discussion followed regarding the allocation of potential funds to the Gallup Police Department and Fire Department for incurred costs.

Councilor Kumar made the motion to approve the participation in the current National Opioid Litigation Settlement Agreement and participation in future J&J settlement agreement. Seconded by Councilor Schaaf. Roll call: Councilors Kumar, Schaaf, Garcia, Palochak and Mayor Bonaguidi all voted yes.

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Comments by Public on Non-Agenda Items

Navanit Patel, owner of Days Inn & Suites, addressed the Mayor and Councilors regarding ongoing water issues and the denial of multiple tort claims, concerns with marijuana usage within the hotel despite fines and the importance of working with hotel owners closed by Code Enforcement.

Councilor Schaaf made the motion to adjourn into closed session for the purpose of discussing the purchase, acquisition or disposal of two parcels of real property. Seconded by Councilor Kumar. Roll call: Councilors Schaaf, Kumar, Garcia, Palochak and Mayor Bonaguidi all voted yes.

The Mayor and Councilors adjourned into closed session, pursuant to §10-15-1(H)(8) NMSA 1978 Comp. (as revised)

Following the closed session, Councilor Schaaf made the motion to reconvene the regular meeting. Seconded by Councilor Garcia. Roll call: Councilors Schaaf, Garcia, Kumar, Palochak and Mayor Bonaguidi all voted yes.

Mr. Hayes certified for the record that the only matter discussed during the closed session was the purchase, acquisition or disposal of two parcels of real property. Mr. Hayes also certified that there was no action taken by Mayor and Councilors during the closed session.

Comments by Mayor and Councilors

The Mayor and Councilors congratulated Tammi Moe, Library and Museums Director on her recent win of the, "I Love My Librarian Award," from the American Library Association in which 1,300 nominations were received and only 10 winners selected.

Councilor Palochak recognized Water Department staff for all their hard work with the multiple water breaks throughout the City.

Councilor Schaaf wished everyone a Happy New Year and thanked all organizations that participated in the Secret Santa Gift Box just before Christmas, in which 120 gifts boxes were distributed to families. He also extended a special thanks to the anonymous donors who funded the event. He thanked Water Department staff for their work to address waterline breaks as well as Street Department staff for keeping the streets plowed during the last snow storm. He encouraged everyone to continue to follow COVID safe practices.

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Discussion followed regarding committee meetings and the upcoming Legislative Session being held in Santa Fe, mask and vaccination requirements and legislators being available by appointment only.

Comments by City Attorney and City Manager

Ms. Ustick congratulated Ms. Moe and mentioned a donation to the Library as a result of the award, which will be presented to Mayor and Councilors at a later time.

Mr. Hayes commended Ms. Moe for being recognized by the Library Association Board among 9 other award winners from exceptionally large libraries.

Councilor Schaaf made a motion to adjourn the meeting. Seconded by Councilor Garcia. Roll call: Councilors Schaaf, Garcia, Kumar, Palochak and Mayor Bonaguidi all voted yes.

Louie Bonaguidi, Mayor

ATTEST:

Alicia Palacios, Deputy City Clerk