

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, April 26, 2022.

The meeting was called to order by Mayor Bonaguidi.

Upon roll call, the following were present:

Mayor: Louie Bonaguidi

Councilors: Linda Garcia  
Michael Schaaf  
Sarah Piano  
Fran Palochak

Also present: Maryann Ustick, City Manager  
Curtis Hayes, City Attorney

The Mayor and Councilors presented a Proclamation declaring the week of April 24-30, 2022 as National Crime Victim's Rights Week. Sabrina Martine, Battered Families Clinical Director, accepted the Proclamation and provided information regarding the award of the Community Awareness Project Grant of \$5,000 to raise awareness for victim's rights, available services to ensure equity and the inclusion of all victims.

The Mayor and Councilors also presented a Proclamation declaring May 2022 as Motorcycle Awareness Month. Frank Chiapetti accepted the Proclamation, provided information regarding the conception of the program, their campaign to raise awareness including the initiative "Ghost Fight," and motorist safety. Mr. Chiapetti acknowledged the Gallup Police Department for their efforts to reduce drunk driving.

Presented to the Mayor and Councilors were the following Consent Agenda Items:

1. Approval or Minutes from the Special Meetings on April 5, 2022, April 12, 2022 and April 19, 2022 and the Regular Meeting on April 12, 2022
2. Approval of Resolution No. R2022-9 to Accept a State of New Mexico Department of Economic Development Grant for the Downtown Alley Project
3. Award of Contract to DePauli Engineering for Professional Services for West Logan Avenue Street Reconstruction Community Development Block Grant (CDBG) Project
4. Youth Conservation Corps (YCC) Grant Award & Budget Adjustment

## MINUTES

City Council Regular Meeting – 04/26/2022

Page 2

### 5. Budget Adjustment for the Vactor Purchase in Fund 202 – Environmental Surcharge Fund

Councilor Piano requested Item #4 to be pulled from the Consent Agenda and to be discussed separately.

Councilor Schaaf made the motion to approve Consent Agenda Items 1-3 and 5. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Piano, Garcia and Mayor Bonaguidi all voted yes.

Presented to the Mayor and Councilors for discussion and approval was Consent Agenda Item #4:

### 4. Youth Conservation Corps (YCC) Grant Award & Budget Adjustment – Vincent Alonzo, Parks and Recreation Director

Mr. Alonzo presented the grant award in the amount of \$149,999.04 for the State of New Mexico's FY22/FY23 YCC Program and budget adjustments. He provided copies of the grant and details regarding the summer youth program, including the tentative start date of May 23<sup>rd</sup> through October 28<sup>th</sup>, the age eligibility requirements and the City's intentions to fill 15 vacancies. He also provided a list of trails comprised in the program, including Pyramid Rock, Church Rock Trail, High Desert, Hogbacks/Jagged Edge, Bike Park, Ramah Pioneer Trail, Climbing Rock, Sports Complex, Gallup Flag Trail and I-40 Park. He also mentioned a partnership with the U.S. Forestry to help maintain Zuni Mountains Milk Ranch, Hilso, McGaffey-Strawberry Canyon and McKenzie Ridge. He also elaborated on the criteria and work-plan submittal.

Brief discussion followed regarding maintenance, such as litter and erosion control.

Councilor Schaaf made the motion to approve the grant award and budget adjustments in the amount of \$149,999.04. Seconded by Councilor Piano. Roll call: Councilors Schaaf, Piano, Garcia, Palochak and Mayor Bonaguidi all voted yes.

Presented to the Mayor and Councilors were the following Discussion Action Items:

### 1. Ordinance No. S2022-1; Gallup Christian Center, Inc. Request for Final City Council Approval for Vacation of an Existing Utility Easement – C.B. Strain, Planning and Development Director

Mr. Strain presented the proposed Ordinance on behalf of the Gallup Christian Center, Case #2022-01000001, who petitioned the City of Gallup for final approval for vacation of a fourteen feet (14') wide one hundred eighty-eight point two one foot (188.21') long

## MINUTES

City Council Regular Meeting – 04/26/2022

Page 3

utility easement within their property, located at 2133 Cipriano Avenue. He explained the property owner's intentions to construct a new structure on the property; however, the existing utility easement limits the buildable area for the proposed new structure. The utility easement was dedicated to give access to the City to maintain an electric line, which was removed; therefore, negating the necessity of the utility easement. Mr. Strain said the Gallup Task Force (GTF) reviewed and provided comments regarding the request and have no issues with the proposed vacation of utility easement. The Gallup Planning and Zoning Commission also reviewed the request at their regular meeting on April 13, 2022 and provided a positive recommendation to the City Council for approval with Resolution of Recommendation No. RP2022-4.

Discussion followed regarding the easement survey listing the 14' easement to be vacated and an underground 10' easement which is already in existence.

Councilor Palochak made the motion to approve Ordinance No S2022-1. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Piano, Schaaf and Mayor Bonaguidi all voted yes.

2. Approval of Resolution No. R2022-10 to Accept a New Mexico Department of Transportation Rural Air Service Enhancement Grant Agreement - Robert Hamblen, Public Works Director

Mr. Hamblen presented the proposed resolution to support and authorize acceptance of the New Mexico Department of Transportation – Aviation Divisions Rural Air Service Enhancement (RASE) Grant Agreement (GUP-22-02) in the amount of \$3,500,000.; \$1,750,000. per year, for two years to support Regional Air Transportation Services pursuant to the Rural Air Service Enhancement Program and to state the terms, conditions and mutual understandings of the parties' agreement. He said the City has a required 10% match of \$350,000,000; \$175,000,000 per year for two years, which will bring the total to \$3,850,000. Mr. Hamblen also requested approval of a revenue and expenditures budget in the amount of \$350,000. from funds previously allocated in project #AP2202.

Discussion followed regarding the terms of the contract including the reimbursement process.

Ms. Ustick said Advanced Air will present details at the Regular Meeting of May 10, 2022, and announced the City of Gallup is the first city in New Mexico to receive the Rural Air Service Enhancement Grant.

Ms. Hunt of Advanced Air, provided information related to services and expressed pleasure in presenting to the Mayor and Councilors on May 10<sup>th</sup>.

## MINUTES

City Council Regular Meeting – 04/26/2022

Page 4

Mark Fleisher, City of Gallup Lobbyist, mentioned the grant's economic impact and said he will also be in attendance on May 10<sup>th</sup>.

Councilor Piano made a motion to approve Resolution No. R2022-10. Seconded by Councilor Garcia. Roll call: Councilors Piano, Garcia, Schaaf, Palochak and Mayor Bonaguidi all voted yes.

### 3. Professional Services Agreement for Construction Mitigation, GallupARTS, Coal Ave Commons Phase 2 – C.B. Strain, Planning & Development Director

Mr. Strain presented the Professional Services Agreement with GallupARTS in the amount of \$15,000 to provide office space to Sydney Norris Imagery staff and to provide two (2) art events/projects within the construction zone to drive pedestrian traffic downtown and offset the impact on businesses, including Art on the Fence: 100<sup>th</sup> Ceremonial Celebration and Holiday Windows Project, thematically organized window art.

Councilor Schaaf made the motion to approve the Professional Services Agreement with GallupARTS. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Piano, Garcia and Mayor Bonaguidi all voted yes.

### 4. Professional Services Agreement for Construction Mitigation, Sydney Norris Imagery, Coal Avenue Commons Phase 2 – C.B. Strain, Planning & Development Director

Mr. Strain presented the Professional Services Agreement with Sydney Norris Imagery for the purpose of meeting with City Project Manager and Murphy Builders about the project, communicating information with the general public with regard to the project's progression, communication with downtown businesses impacted by construction and promotion and marketing of downtown businesses during and after construction.

Discussion followed regarding mitigation efforts, terms of the contract, available office space as well as window space to advertise information relevant to the construction.

Ms. Norris provided a brief introduction about herself and plans to mitigate concerns and release information utilizing her experience with graphic design and imagery, as well as her flexible schedule, allowing her to provide a quick response time.

Ms. Ustick mentioned additional partners including Gallup Mainstreet, the Business Improvement District (BID) and Rose Eason; who was instrumental throughout the construction of Phase 1, as well as regular weekly meetings and an upcoming kick-off meeting where office hours will be discussed.

## MINUTES

City Council Regular Meeting – 04/26/2022

Page 5

Councilor Palochak made the motion to approve the Professional Services Agreement with Sydney Norris. Seconded by Councilor Schaaf. Roll Call: Councilors Palochak, Schaaf, Garcia, Piano and Mayor Bonaguidi all voted yes.

### 5. Ordinance No. C2022-1; Amendments to the Procurement Code of the City of Gallup – Frances Rodriguez, Purchasing Director

Ms. Rodriguez presented the proposed ordinance to align more closely with the standard practices contained in the State of New Mexico's Procurement Code, allowing for more efficient processes and procedures and expedite smaller purchases. She highlighted some of the changes including professional services from \$50,000 to \$60,000; exemptions; the acceptance of bids electronically and increasing small purchases from \$15,000 to \$40,000.

Discussion followed regarding Ms. Rodriguez' expertise and knowledge, importance of following State processes and procedures, clarification regarding professional service purchases versus non-professional service purchases, the elimination of Section 1-9-3-B1 and provided a description of relevant exemptions.

Councilor Schaaf made the motion to approve Ordinance C2022-1, as presented. Seconded by Councilor Garcia. Roll call: Councilors Schaaf, Garcia, Palochak, Piano and Mayor Bonaguidi all voted yes.

### 6. Resolution R2022-11; Approval of Local Liquor Excise Tax Distributions – Curtis Hayes, City Attorney

Mr. Hayes presented the proposed resolution and explained past practices of the LET Task Force; however, this year the Task Force was unable to reach an agreement regarding the allocations for the current fiscal year (FY22) until April 5, 2022. Due to the delay, \$835,000 was used to fund the operation of Gallup Detox. Mr. Hayes provided the recommendations for distribution including:

- \$835,000 City to pay for the operation of Gallup Detox
- \$200,000 County for the operation of JJASC, juvenile case management and prevention programs
- \$100,000 County to operate the County DWI Program
- \$100,000 County to pay for detox and substance abuse treatment in the jail
- \$400,000 County to contract with Santa Fe Recover to provide detox services

Total allocations of \$1,635,000.

## MINUTES

City Council Regular Meeting – 04/26/2022

Page 6

Mr. Hayes explained past practices of the Task Force to limit initial allocations for an upcoming fiscal year to no more than the total of the carryover balance in the fund at the beginning of the current fiscal year and the projected total amount of Local LET revenue to be collected in the current fiscal year. The Task Force was provided with the actual revenue of \$1,412,438. from FY21. He further explained, there is sufficient balance carried into FY21 from FY20 to allow that amount to be allocated this year, it is more than \$300,000 higher than the average annual revenue for the past four years; therefore, without significant increase in revenue, that amount will not be available to distribute in the future. He provided information regarding the LET's expiration, McKinley County Commissioner's plans to include the Joint Resolution on the agenda for their meeting on April 26, 2022 and the Gallup Task Force's plans to meet prior to the beginning of FY23 to make recommendations for next fiscal year.

Discussion followed regarding the ballot for the November 2022 Election with regard to the tax and the County's approval.

Ms. Ustick clarified this funding would balance this fiscal year; however, another meeting will be scheduled before July 1 to discuss and approve a resolution for next year.

Councilor Garcia made the motion to approve resolution R2022-11, as presented. Seconded by Councilor Schaaf. Roll call: Councilors Garcia, Schaaf, Palochak, Piano and Mayor Bonaguidi all voted yes.

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

Paul Kinsel expressed concerns regarding the City of Gallup's streets, economic growth and railroad crossings.

Shirley Gomez addressed Council regarding a red tag she received for a fence she recently built on her property for safety.

### **Comments by Mayor and City Councilors**

Councilor Garcia said recycle drop-offs at Larry Brian Mitchell Recreation Center and Ford Canyon Park are once again accepting mixed paper, Monday through Saturday from 9:00 am to 1:00 pm and 2:00 pm to 6:00 pm and at the Regional Solid Waste Authority Transfer Station Monday through Saturday from 7:00 am to 4:30 pm.

Councilor Palochak mentioned a walk-through of the Adult Detention Center and recognized the facilities Warden, Karen De La Roch, for the projects and re-entry programs she has implemented. She also announced a Congressional Delegation with U.S. Senator Ben Ray Lujan and U.S. Representative Teresa Fernandez on May 13, 2022 at 10:00 am to discuss the possible closure of the Veteran's Clinic urging

MINUTES

City Council Regular Meeting – 04/26/2022

Page 7

everyone to attend to voice their concerns and demonstrate support.

Councilor Schaaf expressed his appreciation to all City employees for all they do.

**Comments by City Manager and City Attorney**

Ms. Ustick said Coal Avenue Commons Construction Phase 2 will start on May 2<sup>nd</sup> at the intersection at Second Street and Coal Avenue, closing the intersection for up to 2 months. City staff are currently working on notifications in an effort to minimize disruptions.

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

The Mayor and Councilors adjourned into closed session, pursuant to §10-15-1(H)(7) NMSA 1978 Comp. (as revised)

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

Mr. Hayes certified for the record the only matter discussed during the closed session was the acquisition of real property and no action was taken by the Mayor and Councilors during the closed session.

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

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Louie Bonaguidi, Mayor

ATTEST:

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Alicia Palacios, Deputy City Clerk