

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 24, 2023.

The meeting was called to order by Mayor Bonaguidi.

Upon roll call, the following were present:

Mayor:	Louie Bonaguidi
Councilors:	Linda Garcia Michael Schaaf Fran Palochak Sarah Piano
Also present:	Maryann Ustick, City Manager Lynn Isaacson, Acting City Attorney

Mr. Isaacson certified for the record that the matters discussed during the closed session of January 17, 2023 were limited to personnel matters relative to the hiring of a City Attorney.

The Mayor and Councilors presented a Commendation to Franklin Boyd, former Chief of Police, for his commitment, dedication and service to the City of Gallup. Mr. Boyd retired from employment on January 20, 2023.

Mr. Boyd expressed appreciation to the City of Gallup and its citizens for their support.

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

1. Approval of Minutes from the Regular Meeting on December 13, 2022
2. Amendment to Memorandum of Understanding with GGEDC for Implementation of US EDA Grant
3. Budget Adjustment Approval for a Temporary Procurement Specialist
4. Budget Adjustment for a Rebuilt A/B Blower at the Wastewater Treatment Plant (WWTP)
5. Closing of Electric Capital Projects
6. Budget Adjustment for Project JU1510 SCADA Improvement

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7. Budget Adjustment for the Grant Agreement Between the NM Dept of Transportation and the City of Gallup (Contract Number TS05093)
8. Budget Adjustment in the Amount of \$5000.00 from Fund Balance for Warehouse Truck Purchase
9. Lodger's Tax Budget Adjustment for Red Rock Park Improvements
10. Capital Transfer for Roof Replacement at Vehicle Shop and Award of Contract
11. Resolution No. R2023-2; 2<sup>nd</sup> Quarter FY 2023 Budget Adjustments and Report of Actuals

Councilor Piano requested Items 5 and 9, moved from the Consent Agenda for additional discussion.

Councilor Schaaf made the motion to approve Items 1 through 4, Items 6 through 8 and Items 10 and 11 of the Consent Agenda. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Piano, Garcia and Mayor Bonaguidi all voted yes.

### 5. Closing of Electric Capital Projects – Chuck Nourse, Electric Director

Mr. Nourse provided reasons for closing the projects, noted a typo listed for Project #JU2210 which should have been excluded from the list because it was never used and provided additional information regarding the proposed closure for each of the 8 projects.

Discussion followed regarding the solar farm, the terms of the Memorandum with Mangum Renewables, the efforts made to contact Mangum Renewables regarding the solar farm maintenance and the transfer of funds to the operating cash fund.

Councilor Schaaf made a motion to approve the closing of electric capital projects, as presented. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Piano, Garcia and Mayor Bonaguidi all voted yes.

### 9. Lodgers Tax Budget Adjustment for Red Rock Park Improvements – Matt Robinson, Tourism and Marketing Manager

Mr. Robinson provided information regarding a budget adjustment in the amount of \$500,000 approved in February 2022 for Red Rock Park improvements; however, when the new fiscal year hit, the project rolled over but funding did not, resulting in a negative

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balance. Mr. Robinson said the project was complete and approval would correct the negative balance left.

Brief discussion followed regarding the lodgers tax fund balance.

Councilor Schaaf made the motion to approve the lodgers tax budget adjustment in the amount of \$441,573. Seconded by Councilor Piano. Roll call: Councilors Schaaf, Piano, Garcia, Palochak and Mayor Bonaguidi all voted yes.

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

1. Recommendation of Bid Award for Formal Bid No. 2225 to Adame Construction Inc. for the 2<sup>nd</sup> Street Trademart Square Sewer Line Realignment and Related Budget Adjustments – Adrian Marrufo, SW/W/WW Acting Director

Mr. Marrufo presented the recommendation to award Formal Bid No 2225 to Adame Construction Inc. of Los Lunas, New Mexico, which was the only bid received in the amount of \$1,176,214 including Gross Receipts Tax (GRT). He said the project consists of sewer line realignments on 2<sup>nd</sup> Street (NM Highway 610) right-of-way and the Trademart Square shopping center parking lot. He provided information regarding American Rescue Plan funds set aside when the line originally broke in August 2022. Staff reevaluated the area with the engineers when problems continued and made the decision to replace the line in addition to increasing the line size. He said staff received approval from the State to bore across 2<sup>nd</sup> Street and provided a map depicting the location.

Discussion followed regarding the monthly pump fees, concerns with the receipt of only one bid significantly higher than the estimate and the increased cost of materials.

Frances Rodriguez, Purchasing Director, provided information regarding the Procurement Process, contractor's hesitancy in securing prices through the bid process and the potential risks in re-bidding the project.

Councilor Palochak noted those affected by the complications, the major issues that exist with the infrastructure and the importance of replacing lines.

Councilor Palochak made the motion to approve the bid award to Adame Construction. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Piano, Schaaf and Mayor Bonaguidi all voted yes.

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2. Ordinance No. C2023-1; Ordinance Restoring Municipal Court Jurisdiction Over 2<sup>nd</sup> and 3<sup>rd</sup> Offense DWIs – Lynn Isaacson, City Attorney and Erin Gutierrez, Court Administrator

Mr. Isaacson provided a history of the Municipal Court and the prosecution of DWI cases. On behalf of Judge Janell Griego, Mr. Isaacson requested returning 2<sup>nd</sup> and 3<sup>rd</sup> DWI offenses to the Municipal Court by approving the Ordinance to adopt the New Mexico Uniform Traffic Code in its entirety and repeal Gallup City Code Section 6-1-2. Mr. Isaacson noted the Council's recent approval of a Compliance Officer position to adequately supervise convicted defendants.

Discussion followed regarding Judge Griego's drive and familiarity with the community, the high dismissal rate of DWI cases, support of Judge Griego's intent to help remedy the situation and the status of the Compliance Officer position.

Councilor Garcia made the motion to approve Ordinance No. C2023-1. Seconded by Councilor Palochak. Roll call: Councilors Garcia, Palochak, Schaaf, Piano and Mayor Bonaguidi all voted yes.

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

None

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

Councilor Palochak commended Purchasing Department staff for their professionalism and efforts made to save taxpayer money. She mentioned Chief Boyd's well attended retirement party and congratulated Erin Toadlena-Pablo who is Acting Chief and Billy Padavich, Acting Deputy Chief. She announced her upcoming trip to Santa Fe for Gallup-McKinley Day at the Legislative Session and the number of events planned to request for funding.

Councilor Schaaf echoed Councilor Palochak's sentiments, thanked the Purchasing Department for allowing him to tour their departments, wished former Chief Boyd well and thanked all City employees for their efforts.

Councilor Piano mentioned Gallup McKinley Day, thanked Councilor Palochak and the committee for helping to organize the event, announced the Gallup Chamber of Commerce's Corn Hole event on February 5<sup>th</sup>, the Humane Society and Rez Dog Rescue's Vaccine Clinic this weekend and the online competition for Best Small Town for Adventure and encouraged everyone to vote. She addressed the issue with pot holes, thanked Robert Hamblin, Public Works Director and staff for working hard to fix them and clarified which roadways belong to the State of New Mexico.

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Councilor Garcia commented on her recent visits to the Purchasing Department and the Water Department and commended staff for their professionalism and hard work. She thanked all departments for their efforts, congratulated Franklin Boyd, Erin Toadlena-Pablo and Billy Padavich and mentioned her plans to be in Santa Fe for the Legislative Session.

Mayor Bonaguidi also commented on the increased calls regarding pot holes and the solar farm, welcomed Patty Holland, Chief Financial Officer, back and said he would also be going to Santa Fe for the Legislative Session.

**Comments by the City Manager and City Attorney**

Ms. Ustick acknowledged the Public Works staff, the Construction Management staff and the Parks Department staff and commended them for their work to remove snow after the recent storm despite staff shortages and long hours. She provided a brief update regarding Coal Avenue Phase II, recognized Councilor Palochak for helping to organize Gallup-McKinley Day and expressed appreciation to the Mayor and Councilors for their commitment to provide talking points that include wells, water and the Wastewater Treatment Plant at the upcoming Legislative Session.

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

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Louie Bonaguidi, Mayor

ATTEST:

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Alicia Palacios, Deputy City Clerk