

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 25, 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 David Eason, City Attorney

The Mayor and Councilors presented a commendation to Antonio Reyna, a former Gallup resident, recognizing his successful career as a mariachi vocalist.

Mr. Reyna accepted the commendation, expressed pride in being born and raised in Gallup, expressed appreciation in the foundation he was provided and gratitude to the City, Mayor and Councilors for their acknowledgement.

The Mayor and Councilors presented a commendation to Jesus "Chuy" Morales in honor of his tenure with the Gallup Fire Department, his recent retirement as the Gallup Fire Chief and thanked him for his dedication and significant contribution to the community.

Mr. Morales accepted the commendation and thanked the Mayor and Councilors for allowing him to serve the community.

The Mayor and Councilors presented a Proclamation to the Gallup Lions Club for their advocacy to the blind and visually impaired communities through youth programs by screening and providing glasses to elementary school children. May 6, 2023 was proclaimed by the Mayor and Councilors as Gallup Lions Day.

Gallup Lions Club Northern District Governor thanked the City of Gallup and all the businesses for their continued support. She introduced the Gallup Lions Club members in attendance and announced the State Convention that will be held on May 5th and 6th here in Gallup.

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

1. Approval of Minutes from the Regular Meeting held on April 11, 2023
2. Resolution No. R2023-7; 3rd Quarter FY 2023 Budget Adjustments and Report of Actuals
3. Budget Adjustment for Playground Improvement
4. Recommendation of Award for Formal Bid No. 2306 – 2nd Street Waterline Replacement from BNSF Railroad to Interstate 40 to H.O. Construction Inc. and Approval of Related Budget Transfers and Closeouts
5. Approval of Amendment with NCI for Detox Administration and Operation and Budget Adjustment
6. Approval of Budget Adjustment and Third Amendment to the Agreement with NCI for Social Detox, Expanded Shelter and Services
7. Budget Adjustment Request for Promotion & Marketing
8. Lodger's Tax Grant Recommendations
9. Interdepartmental Budget Transfer from Facilities to Fleet and Aquatic Center
10. Approval of Revenue and Expenditures for Eligible Activities as Defined in Law Enforcement Retention Fund for the Gallup Police Department in the Amount of \$23,159.07

Councilor Garcia requested removal of Item 3 from the Consent Agenda for additional discussion.

Mayor Bonaguidi requested Item 6 be moved to the Discussion/Action Topics, following Discussion/Action Item 2.

Councilor Schaaf made a motion to approve Items 1, 2, 4, 5 and 7 through 10 of the Consent Agenda. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Piano, Garcia and Mayor Bonaguidi all voted yes.

3. Budget Adjustment for Playground Improvement – Vince Alonzo, Parks and Recreation Director

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Mr. Alonzo presented the proposed budget adjustment for playground equipment at the Joe Vargas Veterans Memorial Complex in the amount of \$170,000 from the Cannabis Tax Fund; including \$75,000 for new equipment, \$25,000 for repairs, \$6,000 for shipping costs, \$20,000 for surfacing and \$40,000 for installation.

Discussion followed regarding the status of a previously discussed Resolution to secure funding for the foreseeable future, the amount of funding currently available, a guarantee cannabis tax funding will continue to help fund the Parks Department and park evaluations which resulted in the selection of Joe Vargas Veterans Memorial Complex as a priority.

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

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

1. Request by Hozho Academy for a Proposed Text Amendment to Allow an Eighty-Foot (80') Tall Air Supported Athletic Dome Structure within the General Commercial (GC) Zone District – Nikki Lee, Planning and Development Manager

Ms. Lee presented the proposed text amendment on behalf of Cyle Balok of Hozho Academy to allow for placement of an eighty-foot (80') tall, 115,200 square foot air supported athletic dome structure at the Hozho Academy property located at 515 Park Avenue, located within the General Commercial (GC) Zone District. Ms. Lee explained because of the size and nature of the proposed use the structure would be considered a principal use, not an accessory use to the school; therefore, limiting the maximum height to thirty-five feet (35') and exceeding the maximum height by forty-five feet (45'). She said the proposed structure is two hundred forty feet (240') wide and four hundred eighty feet (480') long, totaling 115,200 square feet and according to the principal use, would require a minimum of 346 off street parking spaces which is not possible due to the limited buildable area. Ms. Lee explained language cannot be amended to benefit only one property and if amended would be permitted on any property within the GC Zone District, provided all other requirements are met, a new use would have to be created with use specific standards. Ms. Lee encouraged Council's consideration of the pros and cons, potential adverse effects this could have on surrounding properties or neighborhoods in the City and the overall health safety and welfare of the public. Staff recommended additional research to ensure the best interest of the City and guidance from Council on how to proceed with implementation into the City of Gallup Land Development Standards. The Planning and Zoning Commission reviewed the request and provided a positive recommendation to the City Council to consider the amendment

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in allowing the new use but with the appropriate standards. Ms. Lee also highlighted the text amendment procedure according to the code with regard to a citizen-initiated request, which was completed by Mr. Balok and included slides of the proposed structure.

Peter Zelasko, Aequitas Education Managing Director, expressed support of the structure, requested a change in the code to include air supported structures, provided details regarding use of the facility during and after school hours, listed the benefits of these types of structures which are becoming more common throughout communities and highlighted it would not include an arena or seating for spectators.

A lengthy discussion followed regarding the approximate number of available parking spaces, current traffic congestion in the area, the precedent that would be set if amended, a current agreement with the City for use of the Sport Complex for additional parking, the occupancy of the structure, the possible effects on other properties, current code requirements as it relates to the size of the structure and parking spaces, buildable area issues, height requirements, lack of air supported structures referenced in the current code, high usage of the Sports Complex, limited space of athletic spaces in the community, proposed language of the code, current research of other New Mexico cities related to these types of structures, General and Heavy Commercial Zoned Districts, height requirements on State and Federal property, request for an actual plan for parking, potential to allow air supported structures in General and Heavy Commercial Zoned Districts, limiting occupancy, parking space calculation methods used according to the code and sporting events in the area occurring simultaneously.

Mr. Boucher explained the structure's permanence, the facility's functionality, potential community use, however stressed the necessary steps needed to proceed to the design phase, at which point parking would be addressed and said permit requirements are according to New Mexico State Guidelines.

Ms. Lee summarized staff will create a new use in the Gallup Land Development Standards, adding use specific standards to set minimum requirements for schools. She said they will provide the consultants the information, draft the language, at which point it would go back to the Planning and Zoning Commission for recommendation and then to Council for final approval. If approved, a 30-day appeal period would follow.

Mr. Zelasko requested consideration of high and low occupancy with regard to the facility type.

The item was discussed only. No action was taken by Council.

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2. Approval of Budget Adjustment and Agreement with Indian Health Services to Extend PARD Services – Debra Martinez, Behavioral Health Manager

Ms. Martinez provided the updated contract with Indian Health Services (IHS) to continue PARD Services through May and June 2023 in the amount of \$244,270. which would be split between two months. Funding was stopped and then extended to December and then again to February, thereafter the 115-page grant application was released and with the help of Sindy Sacoman and Dr. Kevin Foley, was submitted on March 31, 2023. Ms. Martinez said they are hopeful to hear back by June 2023.

Discussion followed regarding appreciation to IHS for their help, clarification regarding the approval amount and funding distribution.

Councilor Piano made a motion to approve the budget adjustment and agreement with IHS in the amount of \$244,270. Seconded by Councilor Garcia. Roll call: Councilors Garcia, Schaaf, Palochak, and Mayor Bonaguidi all voted yes.

6. Approval of Budget Adjustment and Third Amendment to the Agreement with NCI for Social Detox, Expanded Shelter and Services – Debra Martinez, Behavioral Health Manger

Ms. Martinez presented the corrected budget adjustment in the amount of \$182,000, not \$192,000 as listed in the agenda.

Councilor Palochak made the motion to approve the budget adjustment and third amendment in the amount of \$182,000. Seconded by Councilor Schaaf. Roll call: Councilors Palochak, Schaaf, Garcia, Piano and Mayor Bonaguidi all voted yes.

3. Approval of Agreement and Budget Adjustment for the ReCAST – Debra Martinez, Behavioral Health Manager and Sindy Sacoman, Program Evaluator

Ms. Sacoman said the ReCAST Grant was a collaborative effort with City staff and UNM staff at the request of the New Mexico Department of Health and Human Services. The work was in response to the traumatic event at the Gallup Inter-Tribal Centennial parade to identify program components to address trauma and promote resiliency.

Ms. Martinez presented the proposed budget adjustment in the amount of \$70,000 to provide services until June and implementation next fiscal year to work with a variety of programs and treatment providers in an effort to change mental health stigmas.

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Discussion followed regarding appreciation to Ms. Martinez, Ms. Sacoman and UNM staff, the subcontractor's involvement, stipends for Behavioral Health Internships and the expansion of the "Grow Your Own" curricula.

Councilor Palochak made a motion to approve the agreement and budget adjustment. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Piano, Schaaf and Mayor Bonaguidi all voted yes.

4. Ordinance No. C2023-2 An Ordinance Relating to Fireworks, Removing Permit Requirements for the Use, Discharge or Detonation of Permissible Fireworks within the City Limits, Repealing Title 4, Chapter 8, Section 10 of the Municipal Code of the City of Gallup, New Mexico – Jon Pairett, Acting Fire Chief

Acting Chief Pairett presented the proposed Ordinance to eliminate the permit requirements for individuals, which currently costs \$15 in addition to the \$25 permit fee for civic organizations to discharge fireworks. Fire Marshal Pairett said the intention of the ordinance was to increase safety and promote the use of permissible fireworks, however, calls continue to occur leaving no time for officials to check proper permits. He said the amendments would not affect the public display permitting process, would cause a reduction in revenue of about \$1,000 - \$1,500 and Fire Department staff would continue to educate and promote safety to the community.

Discussion followed regarding enforcement issues, higher priority calls for service and last year's approval to rescind the permitting process.

Councilor Garcia made a motion to approve Ordinance No. C2023-2. Seconded by Councilor Schaaf. Roll call: Councilors Garcia, Schaaf, Palochak, Piano and Mayor Bonaguidi all voted yes.

5. Revenue and Expenditure Adjustment – Chuck Norris, Electric

Mr. Norris presented the proposed revenue adjustment in the amount of \$3,887,215 and provided a breakdown of costs for issues with Continental Divide Electric (CDEC)/Tri-State, PNM and Gallup Solar. He provided details regarding overscheduling issues by CDEC, which have been addressed, the corrected amount and a refund of \$738,750 which is owed to the City. He also explained issues with PNM and overcharges due to errors in the Energy Imbalance calculation, which has since been corrected and the City was issued a reimbursement in the amount of \$1,088,852.37. Mr. Norris said unreliable forecasting data in addition to solar performance has also been a contributor to the account's shortfall, however staff worked with Enchantment Energy and Standard Solar to gain access to the hourly production, corrected 90% of the solar panels and implemented a new maintenance program to improve generation production, reliability

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and predictability. Mr. Norris recognized a revenue adjustment which was not budgeted for this fiscal year in the amount of \$1,877,215, including the payment from PNM and supplemental payment from Guzman Energy. He said electric revenue is higher than projected and intends on requesting an increase of \$2,000,000 to reflect current expectations and recalculate days of cash-on-hand.

Brief discussion followed regarding clarification in the provided dollar amounts, monthly average calculations and exclusion of the amount owed by CDEC. Mr. Norris explained the budget adjustment will essentially be a wash.

Councilor Palochak made a motion to approve the revenue and expenditure adjustment. Seconded by Councilor Piano. Roll call: Councilors Palochak, Piano, Garcia, Schaaf and Mayor Bonaguidi all voted yes.

Comment by Public on Non-Agenda Items

None

Comments by Mayor and City Councilors

Councilor Palochak congratulated Acting Chief Pairett for winning Second Place at the District 23 Toast Masters Competition, encouraged everyone to attend Antonio Reyna's upcoming concert, announced a Housing Summit this Friday from 10:00 am to 3:00 pm and another housing event at the Chamber of Commerce on Saturday.

Councilor Piano provided information regarding Antonio Reyna's event on Sunday, April 23rd at El Morro Theater, the Lions Club's Battle of the Bands on June 10th at the Courthouse Square and the Humane Society's spay and neuter program encouraging everyone to spay and neuter their pets.

Councilor Garcia thanked Robert Hamblen, Public Works Director and County Commissioner Robert Baca for attending her neighborhood meeting last week and invited Mr. Hamblen to provide that information to the public. Councilor Garcia also requested an update on the July 4th Firework Show. She congratulated newly appointed Chief of Police Erin Toadlena-Pablo, mentioned Administrative Professionals' Day and thanked all administrative professionals for all they do.

Mr. Hamblen provided an update on the Maloney Sewer Line Project's expected completion date. He also provided an update on the replacement of the railway crossing on Maloney Avenue which is expected to start upon completion of the sewer line. A request by NMDOT and BNSF for a complete closure of Maloney Avenue for 2 to 3 weeks, proposed detours, a community meeting hosted by NMDOT prior to construction and pot hole repairs and striping provided by NMDOT.

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Mr. Welch said there will not be a fireworks show due to a limited number of pyrotechnicians throughout the United States and only two companies in New Mexico who are booked for the next five years. He mentioned plans to meet with Fire Department staff regarding the possibility of Fire Department staff's certification as a pyrotechnician, enabling the City to launch their own fireworks. He said Wild Thing Championship Bull Riding has someone to provide their fireworks show, however their range is much smaller than what the City would require.

Councilor Schaaf thanked everyone who came to Gallup to attend the Junior High Rodeo, Fire Department staff for the invitation to Jesus "Chuy" Morales' retirement party and to all City staff for all they do.

Comments by City Manager and City Attorney

Ms. Ustick announced Chief Toadlena Pablo's Swearing in Ceremony on May 2, 2023 at the El Morro Events Center, mentioned plans to reconvene the celebration of Administrative Professionals Day next year and an upcoming Proclamation on May 9th for Economic Development Week and provided details regarding a number events to promote the importance of economic development.

Mr. Eason thanked Chief Toadlena-Pablo and Robert Hamblen for addressing a parking issue near the Courthouse.

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

Louie Bonaguidi, Mayor

ATTEST:

Alicia Palacios, Deputy City Clerk