

Minutes of the Regular Meeting of the Gallup City Council, City of Gallup, New Mexico held virtually at Gallup City Hall, 110 W. Aztec Avenue, at 6:00 p.m. on Tuesday, February 9, 2021.

The meeting was called to order by Mayor Louie Bonaguidi. He provided instructions to the public viewing the meeting through Facebook Live on how to provide testimony during the public hearing for the transfer of ownership of liquor license #0572 and how to provide comment on non-agenda items.

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 Regular City Council Meeting of January 26, 2021.

Councilor Schaaf made the motion to approve the aforementioned minutes. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Garcia, Kumar and Mayor Bonaguidi all voted yes.

The Mayor and Councilors recognized and commended the Wastewater Collection Department who won the New Mexico Water and Wastewater Association West Central Section President's award for the most improved Facility in 2020.

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

1. **Public Hearing:** Proposed Transfer of Ownership of Existing Liquor License #0572, Located at 112 Arnold Street, from Allsup's Convenience Stores, Inc. to BW Gas and Convenience Retail LLC – Curtis Hayes, City Attorney

Mr. Hayes presented the information relative to conducting the public hearing on the proposed transfer of ownership, in accordance with NMSA §60-6B-4, which provides that a local governing body may approve or disapprove the transfer of a liquor license after holding a public hearing. The Alcoholic Beverage Control Division granted a preliminary approval of the application. He said the license has been at this location for a few years therefore, the proposed transfer does not violate the distance requirements under the State Liquor Control Act and is in compliance with City's zoning regulations. The only criteria the Mayor and Councilors could disapprove the transfer is if the new

MINUTES

Regular City Council Meeting – 2/9/2021

Page 2

license holder, BW Gas and Retail Convenience Retail Holdings, LLC dba Yesway, would be detrimental to the public health, safety or morals of the Local Option District.

There was no testimony or comments from the public regarding the proposed transfer.

Councilor Palochak expressed her opposition of the liquor license based on information provided by District 4 residents and her observation of the area, including an increase in public intoxication and other unpleasant activities since the liquor license has been active at the location. She also commented on the promise made by the previous owner to prevent this type of activity and the negative impact on low-income residential areas. She also made reference to statistics provided by the Gallup Police Department, which included 149 calls made over the last 6 months for a variety of issues to this location. Councilor Palochak stated she was not in favor of the liquor license being placed at this location from the beginning and is still not in favor of it.

Councilor Garcia concurred with Councilor Palochak's comments. Councilor Garcia stated that BW Gas and Retail Convenience Retail Holdings, LLC is based out-of-state; therefore, the company is not aware of the issues the City is experiencing, including the high number of calls for Police service at the location. She believes the current issues will continue to increase.

Councilor Schaaf mentioned the State's likelihood to approve the transfer of ownership of the license should the Council deny the transfer, similar issues in other areas of the City and his support of the transfer considering it was a change in ownership and not a change in location.

Councilor Kumar also mentioned the prior approval of the existing license and his support of the transfer.

Councilor Kumar made the motion to approve the transfer of ownership of existing Liquor License #0572, located at 112 Arnold Street, from Allsup's Convenience Stores Inc. to BW Gas and Convenience Retail LLC. Seconded by Councilor Schaaf. Roll call: Councilors Kumar, Schaaf and Mayor Bonaguidi voted yes. Councilors Palochak and Garcia voted no. Motion carried.

2. Commitment to Not Terminate Lions Club Rodeo Fee Waiver Contract – Curtis Hayes, City Attorney

Mr. Hayes presented the existing contract with the Lions Club which provides a waiver of fees for the use of Red Rock for their annual rodeo. However, a provision in the contract states that it may be terminated if the Lions Club fails to conduct the rodeo for two (2) consecutive years. Due to COVID-19 restrictions in place last year and the

MINUTES

Regular City Council Meeting – 2/9/2021

Page 3

inability to plan the rodeo this year, even if restrictions are lifted, Mr. Hayes requested a waiver of the termination provision in the contract, as previously specified, for calendar years 2020 and 2021.

Johnty Cresto of the Gallup Lions Club provided information regarding the cancellation of last year's rodeo, the decision to suspend this year event and the intention to reconvene next year.

Councilor Schaaf made the motion to grant a waiver of the contract provision for calendar years 2020 and 2021. Seconded by Councilor Garcia. Roll call: Councilors Schaaf, Garcia, Kumar, Palochak and Mayor Bonaguidi all voted yes.

3. Application for Private Security Guard Business License by Whelan Security Co DBA GardaWorld Security Services – Franklin Boyd, Police Chief

Chief Boyd said Whelan Security Co. dba GardaWorld Security has submitted the proper application and supporting documentation for the business license. In accordance with Section 3-11-4 of the City Code, Chief Boyd certified his determination that the public convenience and necessity would be served by the issuance of the license. He introduced Eric Orona, GardaWorld Security Representative, who provided a brief overview of the business.

Brief discussion followed regarding additional New Mexico cities the company provides service in, their main office based in Albuquerque and the hiring of local citizens.

Councilor Palochak made the motion to approve the application for a Private Security Guard Business License to Whelan Security Co dba GardaWorld Security Services. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Schaaf, Kumar and Mayor Bonaguidi all voted yes.

4. Approval of Police Officer Recruitment and Retention Plan – Franklin Boyd, Police Chief

Chief Boyd presented the proposal and provided information regarding the challenges the Police Department has faced retaining and attracting qualified applicants, details regarding the current number of authorized Police Officers and results of an inter-departmental survey conducted among staff regarding their concerns, which proved rate of pay as a top concern. Chief Boyd also presented current salary comparisons, reduction stats and police staffing over a five-year average and explained the new pay plan increase to \$21.45 for new certified and lateral officers. This will also allow competitive starting pay based on the lateral applicants' years of experience as a certified officer. Chief Boyd recommended approval of the Memorandum of

MINUTES

Regular City Council Meeting – 2/9/2021

Page 4

Understanding with the Gallup Police Officers Association, the reduction of five certified police officers to implement the new pay plan and elimination of current hiring incentives.

Discussion followed regarding the disparity of pay in comparison to other Police Departments, the importance of staying competitive and keeping up with pay-rates, the difficulty in hiring police officers and the Council's appreciation of the City's police officers for the work they do.

Councilor Kumar made the motion to approve the Memorandum of Understanding between the City of Gallup and the Police Officers Association, the reduction of five certified police officer positions to implement the new pay plan and the elimination of current hiring incentives. Seconded by Councilor Schaaf. Roll call: Councilors Kumar, Schaaf, Palochak, Garcia and Mayor Bonaguidi all voted yes.

5. New Regional Library Site Selection – Tammi Moe, Library Director

Ms. Moe provided an overview regarding the history of discussion for a new regional library, including details of the Gallup Arts and Cultural Plan and the Gallup Redevelopment Plan; the current facility's lack of amenities provided to the community and results of a Planning and Feasible Study conducted in 2013. Ms. Moe introduced Dr. Janet Tempest to provide information regarding the Library Board's approval of an alternative site selection at their meeting held on January 15, 2021.

Dr. Tempest provided a brief history regarding the current library facilities' history, presented an aerial map of the proposed site, in addition to the previously approved site and advantages of the proposed site, including the elimination of land acquisition, reduction in building size, improved parking and accessibility.

Ms. Moe further explained the location of the proposed site, statistical information regarding the library's usage amongst community members. Ms. Moe said approval would have no current fiscal impact, however, cost of the conceptual design in the amount of \$32,840 would be included in the next budget cycle.

Councilor Palochak expressed her concerns regarding the implementation of a quiet zone and the complexity involved, concerns regarding the amount of money already spent on the previous design and the changes of Library Board Members. She emphasized the need for a new library facility; however, she expressed her concerns about continuing changes regarding the site location.

Dr. Tempest provided clarification regarding Library Board members and the limited input they had concerning the previous site location, inadequacies of the original design,

MINUTES

Regular City Council Meeting – 2/9/2021

Page 5

assurance the proposed site would not be contingent upon a quiet zone and noted the reduction of levels of the structure in the proposed site, which would make up for the added cost of an additional conceptual design.

Councilor Schaaf provided comments regarding feasibility and the issue of flooding in the area.

Ms. Ustick provided details regarding progress made and the importance of implementing a quiet zone.

Councilor Garcia expressed support of the site pending the conceptual design.

Councilor Kumar expressed his concerns about the land's intended purpose and the limited use it would provide if the library was built there. He also stressed the importance of McKinley County's financial participation, considering the facility's design plan accommodates McKinley County residents in addition to City of Gallup residents.

Further discussion followed regarding the size of the proposed site, the potential to create a multi-use facility, requesting assistance from McKinley County and the obligation to collect differential costs.

Councilor Garcia made the motion to approve the new Regional Library site selection. Seconded by Councilor Schaaf. Roll call: Councilors Garcia, Schaaf, Palochak, Kumar and Mayor Bonaguidi all voted yes.

6. Resolution No. R2021-3; Adoption of the Finalized McKinley County Hazard Mitigation Plan – Jesus (Chuy) Morales, Fire Chief

Chief Morales presented the proposed resolution required by the Federal Emergency Management Association (FEMA). The proposed plan is a revision of the 2014 Mitigation Plan, developed by local authorities, including the public school district, municipal jurisdictions and the State of New Mexico. The effort was led by the McKinley County Office of Emergency Management in coordination with the City of Gallup Office of Emergency Management. Hazard mitigation planning helps reduce the loss of life and property by minimizing the impact of disasters, identifying natural disaster risks in addition to common vulnerabilities, while developing long-term strategies for protecting people and property from similar events, which are key to breaking the cycle of disaster damage and reconstruction and will also provide grant funding opportunities.

Councilor Palochak made the motion to approve Resolution No. R2021-3; Adoption of the Finalized McKinley County Hazard Mitigation Plan. Seconded by Councilor Garcia.

MINUTES

Regular City Council Meeting – 2/9/2021

Page 6

Roll call: Councilors Palochak, Garcia, Kumar, Schaaf and Mayor Bonaguidi all voted yes.

7. Approval of Adjustment to NCI Preventing Alcohol Related Deaths Agreement – Debra Martinez, Behavioral Health Investment Zone Manager

Ms. Martinez said the FY 2021 Preventing Alcohol-Related Deaths (PARD) Grant allocated funding for services to include enhanced treatment services, which was originally budgeted under the NCI contract. The amendment will adjust the NCI Agreement to enable the City to contract licensed qualified substance abuse providers and clinical supervision. NCI supports this approach to providing treatment services and clinical supervision at the Detox Center.

Councilor Palochak made the motion to approve the adjustment to NCI Preventing Alcohol Related Deaths Agreement, as presented. Seconded by Councilor Schaaf. Roll call: Councilors Palochak, Schaaf, Kumar, Garcia and Mayor Bonaguidi all voted yes.

8. Request for Budget Adjustment-Ford and Aztec Sewer Rehabilitation – Dennis Romero, Water and Sanitation Director

Mr. Romero said during the January 12, 2021 Regular Meeting, the City Council directed staff to ensure that there were no outstanding utility issues with respect to the Ford and Aztec Road Reconstruction Project. City staff inspected a sewer manhole and wastewater collection line on Ford Drive, north of Aztec Avenue and determined that the manhole and a section of the wastewater line needed to be replaced, prior to moving forward with the roadwork. Upon consulting with the Public Works and Purchasing Departments, staff recommends bundling the Ford and Aztec Road Reconstruction Project with the proposed sewer rehabilitation in the road project area and the NM 118 Waterline Replacement Project. This will create a more favorable bid environment by enticing additional contractors to submit bids for this combined project, since there was only one bid submitted for the road reconstruction project. The sole bid amount for the roadway project came in higher than the engineer's estimate. Although the NM 118 Waterline Replacement Project has been designed, Mr. Romero recommended proceeding with the design of the sewer rehabilitation project consisting of the manhole replacement and sewer line run and to prepare a bid package for bundling the road project, waterline replacement project and sewer rehabilitation. He recommended a budget adjustment in the amount of \$16,600 from Fund 508 for professional services for the design work and bid bundle preparation.

Councilor Kumar made the motion to approve the request for a budget adjustment for the Ford and Aztec Sewer Rehabilitation in the amount of \$16,600 from Fund 508.

MINUTES

Regular City Council Meeting – 2/9/2021

Page 7

Seconded by Councilor Palochak. Roll call: Councilors Kumar, Palochak, Garcia, Schaaf and Mayor Bonaguidi all voted yes.

- 9. Request for Budget Adjustment in the Amount of \$88,750 for Change Order No. 1 for Navajo Water Supply Project (NGWSP) Reach 27.10 Construction – Dennis Romero, Water and Sanitation Director**

Mr. Romero said Smithco Construction, the contractor for Reach 27.10, submitted a change order for additional material, labor and equipment to bore through rock underneath Highway 602 and along a 12-inch line between two stations. The rock was an unforeseen site condition and outside the original scope of the work solicited for bid. The total cost of the change order is \$88,738.75, which represents an increase of 1.21% to move to a revised contract amount from \$7,321,201.84 to \$7,409,940.59. The costs for Change Order No. 1 will be covered by the City's Financial Assistance Agreement with the U.S. Bureau of Reclamation. Mr. Romero recommended approval of a budget adjustment in the amount of \$88,750 from Fund 306 to cover the costs of the change order.

Councilor Kumar made the motion to approve the request for a budget adjustment in the amount of \$88,750 for Change Order No. 1 for Navajo Water Supply Project Reach 27.10 Construction. Seconded by Councilor Schaaf. Roll call: Councilors Kumar, Schaaf, Garcia, Palochak and Mayor Bonaguidi all voted yes.

- 10. Request for Budget Adjustment in Overtime in Wastewater – Dennis Romero, Water and Sanitation Director**

Mr. Romero said due to issues related to the COVID-19 pandemic and deteriorating manholes and wastewater collection lines, there has been an increase in overtime costs for Wastewater Department. Originally, overtime was budgeted at \$105,000 for this fiscal year; however, \$107,750 has been spent to date. A budget transfer of \$7,295 was made in October, 2020 and the remaining balance in the overtime line item is \$7,295. Mr. Romero recommended approval of a budget adjustment in the amount of \$50,000 from Fund 508 to cover overtime costs for the remainder of the fiscal year.

Councilor Palochak made the motion to approve the budget adjustment in overtime in wastewater in the amount of \$50,000 from fund balance in Enterprise Fund 508. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Schaaf, Kumar and Mayor Bonaguidi all voted yes.

- 11. Request for Approval of Transmission Construction Items – John Wheeler, Electric Director**

MINUTES

Regular City Council Meeting – 2/9/2021

Page 8

Mr. Wheeler said staff is recommending approval of construction contracts to build a temporary re-route of the existing transmission line which is directly over the site where the new substation is being built. The temporary re-route, called a “shoofly,” is primarily a safety issue to provide adequate clearance for construction activities. The second part of this process is to construct a new transmission line that will align more appropriately with the entrance to the new substation. Following construction, the shoofly will need to be removed. Bids for the project were opened earlier in the day and based on the results, Bixby Electric has been determined to be the lowest responsive bidder, in the amount of \$403,484.95.

Councilor Schaaf made the motion to approve the construction contract with Bixby Electric in the amount of \$403,484.95, to build a temporary re-route called a shoofly of the existing transmission line. Seconded by Councilor Kumar. Roll call: Councilors Schaaf, Kumar, Palochak, Garcia and Mayor Bonaguidi all voted yes.

Comments by Public on Non-Agenda Items

None.

Comments by Mayor and City Councilors

Councilor Palochak commended the employees of the Wastewater Collection Department for their award. She also provided comments regarding her recent tour of the Lexington Hotel, the improvements made to the hotel by City staff and how appreciative the hotel residents are to the City for implementing the transitional housing program. She thanked all those who were involved in acquiring and improving the hotel and those who were involved in implementing and maintaining the transitional housing program.

Councilor Garcia congratulated the City’s wastewater collection team for their award and commended them for the work they do, especially after hours and during freezing weather conditions. She also commended City staff for their team work in upgrading the Lexington Hotel as families at the hotel are appreciative of the City’s efforts.

Councilor Kumar also commended the Wastewater Collection Department. He also commended Chief Boyd for his presentation and proposal for police officer recruitment and retention.

Councilor Schaaf also applauded the wastewater collection employees as well as the City’s police officers for the work they do.

Mayor Bonaguidi said the meeting was very interesting as there are five members on the Council with individual personalities and thoughts. He praised the wastewater crew members for their award and the tremendous work they do for the City. He also

MINUTES

Regular City Council Meeting – 2/9/2021

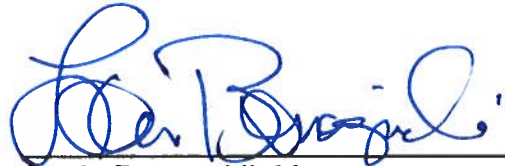
Page 9

commended Chief Boyd for his recruitment and retention proposal and finding a way to give police officers a pay raise.

Comments by City Manager and City Attorney

Ms. Ustick expressed her appreciation to the Mayor and Councilors regarding their comments about the Lexington Hotel. She also said staff is working on a forthcoming grand opening celebration.

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



Louie Bonaguidi, Mayor



ATTEST:



Alicia Palacios, Deputy City Clerk

Approved 2/23/2021