

Minutes of the Regular Meeting of the Gallup City Council, City of Gallup, New Mexico, held in the Council Chambers at City Hall, 110 West Aztec, at 7:00 p.m. on Tuesday, September 27, 2011.

The meeting was called to order by Mayor Jackie McKinney.

Upon roll call, the following were present:

Mayor: Jackie McKinney

Councilors: Mike Enfield
Cecil Garcia
Allan Landavazo
E. Bryan Wall

Also present: Dan Dible, City Manager

Mayor McKinney called for a moment of silence in observance of the passing of former Mayor Emmett "Frankie" Garcia. Jerry Garcia presented a brief commemoration of his brother, Mayor Garcia.

Presented to the Mayor and Councilors were the Minutes of the Work Session and Regular Session of September 13, 2011.

Councilor Landavazo made the motion to approve the aforementioned Minutes. Seconded by Councilor Enfield. Roll call: Councilors Landavazo, Enfield, Wall, Garcia and Mayor McKinney all voted aye.

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

1. Appointments of Tom Devlin to the Labor Management Relations Board – Mayor Jackie McKinney

Mayor McKinney asked the Councilors for their ratification to appoint Mr. Devlin to the Board.

2. Appointments to the Board of Directors of the Gallup BID, Inc. – Mayor Jackie McKinney

Mayor McKinney said the City's Ordinance and the By-Laws of the Business Improvement District (BID) require the appointment of three new citizen members by January, 2012. In order to complete the viability study of the BID which is also due in January, 2012, he recommended the appointments of George Malti, Archie Baca, Jr., and Louie Bonaguidi as the new citizen members on the Board. Mayor McKinney also recommended the appointment of George Kozeliski (which is contingent on the pending employment contract for the City Attorney's position), and Brenda Romero, Deputy City

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Clerk, as City staff members on the Board. He thanked the outgoing members of the Board for their service and dedication.

3. Appointment of Councilor E. Bryan Wall to the Sustainable Energy Board – Mayor Jackie McKinney

Mayor McKinney asked the Councilors for their ratification to appoint Councilor Wall to the Board.

4. Request for the Closure of Wilson Avenue Between Second and Third Streets for the St. Francis Parish Fiesta to be Held Sunday, October 2, 2011 – Rick Macias, St. Francis Parish Council

Klo Abeita, St. Francis Parish Council, presented the request for the street closure for the annual event.

5. Resolution No. R2011-29; 2013-2017 City Infrastructure Capital Improvement Plan (ICIP) Submission – Stan Henderson, Executive Director, Public Works Division

Mr. Henderson said the State Department of Finance and Administration (DFA) requires local governments to develop and annually submit a five-year ICIP listing as a means of defining development needs and identifying sources. The ICIP list is used by all State agencies associated with funding local government projects as a means of analyzing proposed State legislative funding. Two projects were added by members of the public during a public hearing on September 20, 2011; one project being a proposed Waste Water Treatment Plant for the east side of the city and the second project, a line item for City facility energy efficiency improvements. He requested the Mayor and Councilors direction for the prioritization of projects, tentative identification of the top legislative priorities for 2012 and approval of the proposed Resolution and ICIP list.

Mayor McKinney asked about the prioritization of the projects. Mr. Henderson said the projects are listed in a tentative priority order by department and the projects are not in a priority order by department against department. Mr. Henderson also asked for the Mayor and Councilors top five priorities prior to November 1, 2011.

6. Construction Contract Award for the Red Rock Park Arena Rehabilitation Project – Stan Henderson, Executive Director, Public Works Division

Mr. Henderson said the project is a major upgrade and facelift of the Red Rock Park Arena and consists of the following improvements: construction of an Americans with

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Disabilities Act (ADA) accessible pathway from the ticket gates to the arena seating; construction of handicapped viewing areas with companion seating for ADA compliance; reconstruction of the arena's public restrooms for ADA compliance; reconstruction of the concession area for ADA compliance and installation of a grease trap; rehabilitation of the arena parapet walls and seating benches; construction of a new retaining wall for the south arena entrance; replacement of the arena lighting including the light stand foundations; upgrade the arena's data network; installation of an emergency lighting system; replacement of the west sanitary sewer line; and replacement of the stucco exterior of the museum. The engineer of record and construction quality assurance is Bohannon Huston. The time for completion is seven calendar months from October 2011 through April 2012. In reviewing the bid results for the project, he recommended award of the construction contract to Jaynes Corporation in the amount of \$1,613,366.64. Since the bid for the project is below the engineer's estimate, he projects a cost savings to the City of about \$200,000.

Councilor Wall asked if a penalty can be assessed if the project is not completed as scheduled. Mr. Henderson responded yes and the penalty would be about \$2,000 per day. Since the bid tabulation that was presented was in draft format, Councilor Landavazo asked if the bid submitted by Jaynes Corporation has been deemed "responsive." Mr. Henderson responded yes. Mayor McKinney said there is a 21% difference in the bid submitted by the lowest bidder and the second lowest bidder as the lowest bidder may not fully understand the scope of the work to be done. Mayor McKinney asked about the history of the contractors submitting bids for the project and if the City has any protection from the contractor submitting change orders for the project. Mr. Henderson said change orders are permitted for unforeseen conditions that may arise during the project which requires the approval of City staff. If City staff does not agree with the contractor on the requested change order, staff will debate the issue with the contractor. Mr. Henderson said he met with representatives from Jaynes Corporation on four different occasions to discuss every detail of the project to ensure the contractor understood the scope of work to be done. Mr. Henderson said he is not in the position to question the difference in the amounts of the bids submitted since the contractors are mandated to have their bonds and other requirements as provided by the Procurement Code. The \$200,000 savings is in addition to the 15% contingency in the project budget. Councilor Landavazo and Mr. Henderson said the bids for the Clay Street Bridge Project came in substantially lower than the engineer's estimate and the project was completed in satisfactory condition.

Following discussion, Councilor Enfield made the motion to approve Consent Agenda Items 1-6. Seconded by Councilor Wall. Roll call: Councilors Enfield, Wall, Landavazo, Garcia and Mayor McKinney all voted aye.

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

7. Fiscal Year 2012 Lodgers' Tax Appropriations – Judi Starkovich, Executive Director, Administrative Services Division

Ms. Starkovich presented the proposed lodgers' tax appropriations for the Mayor and Councilors' consideration.

Councilor Landavazo said he does not believe the proposed allocation of \$5,000 for Teach for America is eligible for funding under the State's Lodgers' Tax Act. There is also uncertainty that the Monster Truck National will take place in June 2012 as discussed. He recommended deleting the proposed allocations for Teach for America and the Monster Truck National from the list of recommended allocations. Councilors Enfield, Wall and Garcia agreed.

Councilor Landavazo asked if the proposed allocation of \$5,000 for Red Rock Team Roping was still on the table. Ms. Starkovich responded yes. Discussion followed concerning the Gallup Triathlon since the City did not receive a request for lodgers' tax funding this year. Councilor Landavazo recommended removing the proposed allocation for the Gallup Triathlon until a later time.

Following discussion, Councilor Landavazo made the motion to approve the lodgers' tax appropriations as amended. Seconded by Councilor Garcia. Roll call: Councilors Landavazo, Garcia, Wall, Enfield and Mayor McKinney all voted aye.

Mayor McKinney asked when the lodgers' tax applications are disseminated. Ms. Starkovich said the applications are distributed around February or March every year. She asked for the recommendations from the Mayor and the Councilors during the next few weeks regarding changes to the application process. Mayor McKinney said he would like to see the advertisements for the application process made on a timely basis next year. Mayor McKinney instructed Ms. Starkovich to meet with Mr. Dible concerning improvements to the application process.

8. Funding for Na'Nizhoozhi Center, Inc. (NCI) Public Transportation – Dan Dible, City Manager

Mr. Dible asked Mathew Ortiz, Director of Gallup Express, to address the Mayor and Councilors concerning the request for funding. Mr. Ortiz said Gallup Express is a division of NCI and is funded through a grant from the New Mexico Department of Transportation. Prior to Fiscal Year 2009, the City has provided matching funds in the amount of \$60,000; however, since the ridership of the service has increased from

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29,574 to over 42,000, Mr. Ortiz asked for funding from the City in the amount of \$85,000 for Gallup Express. Mr. Dible asked if the City's funding allocation is factor of how much funding is provided by the State to Gallup Express. Mr. Ortiz said if Gallup Express does not receive the full allocation of \$85,000 from the City, it will cost the program an undetermined amount of funds from the State.

Discussion followed concerning the financial condition of Gallup Express during the past few years, the issue of having to replace vehicles for Gallup Express in two years, the fiscal impact to the City if the full allocation of \$85,000 is provided to Gallup Express and the increased usage of services provided by Gallup Express.

Following discussion, Councilor Enfield made the motion to allocate \$85,000 to NCI for Gallup Express. Seconded by Councilor Wall. Roll call: Councilors Enfield, Wall, Landavazo, Garcia and Mayor McKinney all voted aye.

9. Resolution No. R2011-30; A Resolution Adopting an Administrative Organizational Plan – Dan Dible, City Manager

Mr. Dible said after conferring with City staff, the proposed Administrative Organizational Plan can be implemented without the creation of a new position in Customer Services. He said internal promotions and the reclassifications of existing City personnel can be done at a small fraction of the cost of hiring a manager. He said Vince Alonzo, Executive Director, Parks and Recreation Department, will need clerical support in which may be handled with existing personnel. By implementing the Administrative Organizational Plan, it will provide a clear rank structure of the City's departments and divisions. Mr. Dible prefers to have a relatively small number of executive directors and to increase their responsibility in the day to day management of the City. The executive directors will focus in their areas of expertise and administer the operations for the City Manager, Mayor and Councilors on a daily basis. The executive directors will oversee the City's seven departments and the division heads will be supervisors that report to the Executive Directors. Mr. Dible feels the administrative structure will facilitate a solution to some of the internal problems that are occurring within the City's departments.

Mayor McKinney commended Mr. Dible on the chain of command illustrated on the proposed organizational chart. Mayor McKinney said at the top of the chart is the citizens of Gallup. Although Mr. Dible previously had 25 relationships due to the number of personnel reporting to him, the Mayor and Councilors have 22,000 relationships with the citizens of Gallup whom the Mayor and Councilors represent. Mayor McKinney said the Council is committed to working for the citizens of Gallup as the City employees down the chain of command are expected to do the same.

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Councilor Wall made the motion to approve Resolution No. R2011-30 with an amendment to exclude the funding for a new Customer Services Manager from the Joint Utilities Fund. Seconded by Councilor Enfield. Roll call: Councilors Wall, Enfield, Landavazo, Garcia and Mayor McKinney all voted aye.

10. Employment Agreement with George Kozeliski as City Attorney – Mayor Jackie McKinney

Mayor McKinney said a contract was negotiated with Mr. Kozeliski and a copy of the contract was disseminated to the Councilors. Under the provisions of the contract, Mr. Kozeliski will begin his employment with the City on October 3, 2011. Mayor McKinney asked if there were any questions concerning the proposed contract. There were none.

Councilor Enfield made the motion to approve the Employment Agreement between George Kozeliski and the City of Gallup. Seconded by Councilor Wall. Roll call: Councilors Enfield, Wall, Landavazo, Garcia and Mayor McKinney all voted aye.

Comments by Public on Non-Agenda Items

None.

Comments by Mayor and City Councilors

Councilor Landavazo commended Mr. Dible for organizing and getting staff on board with the Residential Community Cleanup Campaign. Residents in his district actively participated during the cleanup program this past weekend as 53 tons of waste was collected. Councilor Landavazo commended City crews for their hard work in beautifying the City. Councilor Landavazo also said the Squash Blossom Classic, which is funded with lodgers' tax revenue, was a huge success this past weekend. Councilor Landavazo also encouraged citizens to "buy Gallup, believe Gallup."

Councilor Garcia said cleaning-up Gallup is not only about picking up trash but having residents complying with the City's ordinance on residential parking. He has received several phone calls from his constituents concerning the numerous parking violations. He said the City needs to enforce its ordinances.

Mayor McKinney said the New Mexico Emergency Management Conference is being held in Gallup at the Howard Johnsons. He encouraged the Councilors and the members of the public to pay a visit to the first responders attending the conference and to commend them for the work they are doing.

Comments by City Manager

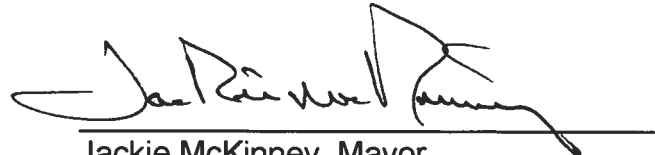
None.

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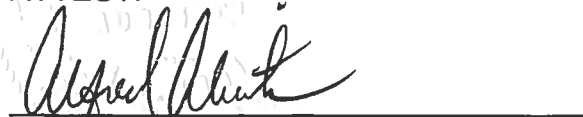
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There being no further business, Councilor Garcia made the motion to adjourn the meeting. Seconded by Councilor Landavazo. Roll call: Councilors Garcia, Landavazo, Wall, Enfield and Mayor McKinney all voted aye.



Jackie McKinney, Mayor

ATTEST:



Alfred Abeita, City Clerk

Approved 10/11/2011