

AGENDA

**GALLUP CITY COUNCIL
REGULAR MEETING
TUESDAY, JANUARY 16, 2024; 6:00 P.M.
CITY COUNCIL CHAMBERS
GALLUP CITY HALL, 110 WEST AZTEC AVENUE**



Louie Bonaguidi, Mayor

Linda Garcia, Councilor, Dist. 1

Michael Schaaf, Councilor, Dist. 2

Sarah Piano, Councilor, Dist. 3

Ron Molina, Councilor, Dist. 4

Jon DeYoung, Interim City Manager

David Eason, City Attorney

The meeting will be accessible through the City of Gallup's Facebook Page:

[City of Gallup, New Mexico Government - Home | Facebook](#)

Members of the public may submit comment either in person or by telephone. To submit comment by telephone, please call 505-863-1254 to leave your name and a return phone number.

A. Roll Call

B. Pledge Of Allegiance

The members of the body and the public are invited to recite the Pledge of Allegiance.

C. Certification For The Record Of The Matters Discussed During The Closed Session Held On December 26, 2023

D. Comments By Public On Non-Agenda Items

Members of the public are invited to comment on matters not appearing on the meeting agenda. A time limit of two (2) minutes per person will be allowed.

E. Consent Agenda

These items are placed on the Consent Agenda so City Council can designate by unanimous consent those routine items they wish to be approved or acknowledged by one motion. If any item does not meet the approval of all Council members or if a

citizen so requests, it will be heard as a separate item.

Action Needed:

Motion to approve or acknowledge Items 1-5 on the Consent Agenda by unanimous vote:

1. Approval Of Minutes

November 28, 2023 Regular Meeting,

December 8, 2023 Work Session

December 12, 2023 Regular Meeting

December 26, 2023 Special Meeting

Fiscal Impact: None.

Recommendation: Approve the minutes.

Speaker's Name None.

Documents:

[DRAFT MINUTES NOV 28 2023 REG MTG.PDF](#)

[DRAFT MINUTES DEC 8 2023 WORK SESSION.PDF](#)

[DRAFT MINUTES DEC 12 2023 REG MTG.PDF](#)

[DRAFT MINUTES DEC 26 2023 SP MTG.PDF](#)

2. Resolution No. R2024-1; Annual Determination Of Notice Under The Open Meetings Act

The New Mexico Open Meetings Act requires all public bodies to provide reasonable notice to the public of all its meetings. The Act also requires public bodies to determine its notice procedures at least once a year in a public meeting. While the Open Meetings Act itself does not impose any specific requirements, other than an agenda being available 72 hours in advance of each meeting, the New Mexico Attorney General will consider the following notice procedure as reasonable: 1) 10 days advance notice for regular meetings; 2) 3 days notice for special meetings; and 3) 24 hours notice for emergency meetings, unless the threat of personal property or property damage requires less notice. The proposed resolution contains the Attorney General's recommendations for providing notice to the public of all City Council meetings.

Fiscal Impact: None.

Recommendation: Approve Resolution No. R2024-1.

Speaker's Name Alfred Abeita II, City Clerk

Documents:

[R2024-1 ANNUAL OPEN MEETINGS RESOLUTION.PDF](#)

3. Acceptance Of Utilities Easement Grants For Self-Storage Development At 3198 W. Hwy. 66

Saba Rasheed, in her capacity as Trustee of the Rasheed and Saba Rasheed Revocable Trust, has submitted an application for a building permit (No. 23-0134) concerning a contemplated self-storage development at 3198 W. Hwy. 66. The land on which the development is planned (owned by the Trust) does not currently have electrical service, and the subject easements are provided to enable the installation, maintenance and repair of such service, together with communications facilities, thereby allowing issuance of the required permit. The easement grant forms (attached) have been reviewed and approved by personnel in the City's Electric Department and by the City Attorney, have been signed by the grantors, and are before the Council for acceptance by motion authorizing execution by the Mayor.

Fiscal Impact: None
Recommendation: Staff recommend approval of a motion authorizing execution of the grants by the Mayor
Speaker's Name David Eason

Documents:

[SABA RASHEED UTILITY EASEMENT GRANT.PDF](#)
[DEEPAK MEHTA UTILITY EASEMENT GRANT.PDF](#)

4. Budget Adjustment For Change Order No 3, Maloney Ave Sewer Line Ext

The "Maloney Sewer Line Extension" project was completed in the summer of 2023, installing approximately 660 linear feet of 18-inch SDR 35 PVC within Maloney Ave. The original City contracted amount for construction and project management was **\$789,239.09**. After two revisions by change orders No. 1 & 2, the City contracted amount was increased to **\$805,257.02**.

Change Order No. 3 was received by the City and issued by DePauli Engineering to revise the City contract to **\$907,269.31**, an increase of **\$102,012.29**. The change in the project scope was the result of repair to a collapsed portion of pavement asphalt and a revision of calculated material quantities installed by the project.

The Wastewater Department requests a budget adjustment of **\$22,800** to be transferred from the Operating Cash in Fund 202 Environmental Surcharge to Project Number GR2241. This budget transfer will be used to process the final change order amount of **\$102,012.29** and continue the closeout phase of the project.

Fiscal Impact: \$22,800 from the Available Cash in Fund 202 Environmental Surcharge will be transferred to Project Number GR2241
Recommendation: The Wastewater Dept recommends the budget adjustment.
Speaker's Name Clark Tallis

Documents:

[MALONEY AVE SEWER LINE FINAL CHANGE ORDER_SIGNED.PDF](#)

5. Budget Adjustment For Legal Services In Support Of City Water Wells

The City has contracted the services of Stein & Brockmann, a law firm, to support the City's legal work and endeavors in establishing City water wells in conformance with regulating agencies and City agreements. As a result, the City receives periodic invoices from this law firm.

This agenda item requests council approval for a budget adjustment of \$60,000 to be transferred from Capital Account 306-6063-444.45-30, Project Number CP0536 to Capital Account 306-6063-444.45-20, Project Number JU2101. These additional funds will be used to pay current and future invoices received from Stein & Brockmann, P.A..

Fiscal Impact: \$60,000 from Capital Account Project Number CP0536 will be transferred to Project Number JU2101.

Recommendation: The Water Dept recommends the budget adjustment.

Speaker's Name Clark Tallis

F. Presentation And Information Item

1. Presentation by Navajo Nation Council Delegate Seth Damon

G. Discussion/Action Topics

1. Budget Adjustment Request For Fire Truck Restoration

The Tourism Office is working with the Gallup Fire Department to restore the City's 1925 fire truck to working order. The fire truck, once restored, will be used for parades, community events, and for a Fire Department museum being developed. The fire truck will be an impressive asset for community pride and to show tourists part of what makes Gallup America's Most Patriotic Small Town.

The City attempted to solicit bids for this work during two rounds of request for proposals. No bids were submitted during these RFPs. After two rounds of failing to receive any bids, the City is allowed to directly work with a vendor. The City has received an estimate from Albuquerque-based Rebel Road Hot Rod Garage to restore the fire truck. The estimate came to \$190,889.58. Due to this being an estimate, \$200,000 is respectfully requested from the Fund Balance for this project, which will be placed into an operations account. Also, because the Tourism Office must follow the state mandate of spending Lodger's Tax in a 60% operations and 40% marketing/promotions ratio, \$80,000 is also requested from the Fund Balance for marketing and promotion. Sufficient budget exists for this request.

The following scope of work will be followed: Fire truck mechanical systems, including, but not limited to, engine, transmission, electrical system, brakes, and wheels, must be restored to working order. The fire truck's exterior must be repainted and decaled. The contractor will work with City to pick color scheme and decals. All fixtures and finishing, including, but not limited to, chrome, lights, door handles, windows, and railings, must be restored. Seating must be restored and reupholstered. Contractor will work with the City to pick materials. The fire truck must be equipped with seatbelts for passengers. Work will also replace the

“hose bed” area in back of the fire truck with a bench seat. Sirens and lights must be restored to working order. The contractor will be responsible for sourcing or creating all parts, materials, fixtures, and furnishing needed to restore the fire truck.

Fiscal Impact: \$280,000 from Fund Balance. This includes \$200,000 for the fire truck, and \$80,000 for marketing & promotions to maintain the mandated 60/40 ratio for operations and promotions expenditures. Sufficient funding exists.

Recommendation: Respectfully request approval

Speaker's Name Matt Robinson - Tourism & Marketing Manager

Documents:

[UPDATED FIRE TRUCK ESTIMATE.PDF](#)

2. Approval Of Resolution No. R2024-2 To Accept State Of New Mexico Aging And Long-Term Services Department Fund 89200 Capital Appropriation Project Grant Agreement No. A22G-5331 For Gallup Senior Center

Staff is requesting that City Council approve Resolution No. R2024-2 to accept State of New Mexico, Aging and Long-Term Fund 89200 Capital Appropriation Project Grant Agreement A22G-5331 in the amount of \$5,415,300.00.

The project that is the subject of this Agreement is described as A22G-5331 in the amount of \$5,415,300.00 with an Appropriation Reversion Date of 30-June-2026 following Laws of 2022, Chapter 55, Section 10, Paragraph 32, to plan, design, construct, equip and furnish the Gallup senior center in Gallup in McKinley County.

Staff is requesting the City Council approve Resolution No. R2024-2 to accept Grant Agreement A22G-5331 and approve a revenue and expenditure budget in the amount of \$5,415,300.00 in Fund 391. This is 100% reimbursable grant with no required matching funds.

Fiscal Impact: Project revenue and expenditure budget in the amount of \$5,415,300.00 in Fund 391.

Recommendation: Approve Resolution No. R2024-2; approve requested revenue and expenditure budget in Fund 391

Speaker's Name Clyde "C.B." Strain, Planning & Development Director

Documents:

[A22G-5331 GALLUP SENIOR CENTER.PDF](#)
[RESOLUTION NO R2024-2 SENIOR CENTER.PDF](#)

3. Approval Of Resolution No. R2024-3 To Accept State Of New Mexico Department Of Finance & Administration Subrecipient Agreement For The Regional Recreation Centers Quality Of Life Program Agreement No. 23-ZH5053-21 For Artificial Turf

Staff is requesting that City Council approve Resolution No. R2024-3 to accept State of New Mexico, Department of Finance and Administration Subrecipient

Agreement for the Regional Recreation Centers Quality of Life Program Grant of Coronavirus State and Local Fiscal Recovery Funds Grant Agreement 23-ZH5053-21 in the amount of \$2,000,000.00.

The project that is the subject of this Agreement is described as 23-ZH5053-21 in the amount of \$2,000,000.00 with an Reversion Date of 30-June-2024 following the subrecipient agreement between the New Mexico Department of Finance and Administration and City of Gallup, to purchase, replace and install artificial turf at the Joe Vargas Veteran's Memorial Park in Gallup in McKinley County.

Staff is requesting the City Council approve Resolution No. R2024-3 to accept Grant Agreement 23-ZH5053-21 and approve a revenue and expenditure budget in the amount of \$2,000,000.00 in Fund 391. This is 100% reimbursable grant with no required matching funds.

Fiscal Impact:	Project revenue and expenditure budget in the amount of \$2,000,000.00 in Fund 391.
Recommendation:	Approve Resolution No. R2024-3; approve requested revenue and expenditure budget in Fund 218.
Speaker's Name	Clyde "C.B." Strain, Planning and Development Director

Documents:

[GALLUP 23-ZH5053-21.PDF](#)

[RESOLUTION NO R2024-3 JOE VARGAS VETERANS.PDF](#)

4. Ordinance No. S2024-1, City Council Approval Of The Lewis Annexation Into The City Of Gallup Corporate Limits.

BACKGROUND

The City of Gallup has initiated a request on behalf of majority property owners, before the Gallup City Council, for annexation of certain real property comprised of seventeen tracts of land, into the City of Gallup corporate boundaries by way of Ordinance No. S2024-1, and annexation plat titled Lewis Annexation, 45.5070 Acres Lying Within Section 28, T15N, R18W, N.M.P.M. McKinley County, New Mexico. Said properties are generally located south of Gallup, west of NM 602, along Cipriano Street.

DISCUSSION

The proposed annexation is necessary to accommodate a new water mainline within Cipriano Street. The proposed Cipriano Street waterline will connect Reach 27.10 of the Navajo Gallup Water Supply Project (NGWSP) to the City of Gallup's water distribution system. The waterline will provide a looped water system for NGWSP Reaches 27.10, 27.11, and 27.12. In addition, the waterline will provide additional hydraulic capacity and redundancy to maintain an uninterrupted water supply for the City of Gallup and the regional water system of the Navajo Gallup Water Supply Project. Existing homes adjacent to Cipriano Street can be connected to the proposed waterline for water service after Cipriano Street is dedicated as a right-of-way to the City of Gallup, which will happen

following the annexation by way of subdivision plat, along with any required Public Utility Easements (PUE's) as identified by the Gallup Task Force.

The proposed annexation lies within the Annexation Priority 1 Area as identified in the Gallup Annexation Priorities Map within the City of Gallup Growth Management Master Plan. Furthermore, the request for annexation meets the General Criteria for Consideration of Annexation Requests per Section 13-1-C of the City of Gallup Annexation Procedures and as such is favorable for annexation.

The City is annexing the subject property under the petition method as identified in Article 7, Section 3-7-17, NMSA 1978. Section 3-7-17A(2) states that as long as the petition (application) is signed by the owners of a majority of the number of acres in the contiguous territory, meaning a minimum of 51%, the remaining acreage may be included in the annexation. In this case the total number of acres included within the proposed annexation equals 45.5070 acres. Land owners within said annexation that have signed the petition equal 27.9251 acres which is well over the required 51%, therefore, per state statute, the remaining acreage may be included in the annexation.

Said tracts of land within the Lewis Annexation, 45.5070 Acres Lying Within Section 28, T15N, R18W, N.M.P.M. McKinley County, New Mexico. are being placed in the Rural Residential (RR) Zoning District which is consistent with existing development within the annexation area, except for Tract 1 of said annexation which will be placed in the Heavy Commercial (HC) Zone District to accommodate an existing commercial warehouse use on said tract.

The Gallup Task Force reviewed this request and as a result of their review sends a positive recommendation for approval with no additional requirements at this time. A copy of the Gallup Task Force comments is included in your agenda packet for review.

FINDINGS

In staff's consideration of the annexation, it is apparent that the request is in conformance with the City's Annexation Procedures and Article 7 "Annexation of Territory" of the New Mexico Statutes 1978 Annotated, thus providing an orderly, economical and environmentally sound pattern of growth as well as providing for the installation of critical water infrastructure necessary to serve the citizens of Gallup. Therefore, staff supports approval for said annexation subject to Task Force comments.

The Planning and Zoning Commission heard this request during their regular meeting on December 13, 2023 and sends a positive recommendation for approval with Resolution or Recommendation No. RP2023.12, included in your agenda packet.

Fiscal Impact:	None
Recommendation:	Staff recommends approval of Ordinance No. S2024-1, Lewis Annexation

Speaker's Name C.B. Strain

Documents:

[AS620_FINAL.PDF](#)

[LEWIS ANNEXATION, ANNEXATION ORDINANCE REVISED.PDF](#)

[RP2023-12.PDF](#)

[GTF COMMENTS.PDF](#)

5. Ordinance No. C2024-2, Adoption Of The New Mexico Administrative Code Title 14 NMAC Housing And Construction Chapters 5-10, 12 And The Accessible And Usable Buildings And Facilities ICC A117.1-2017 American National Standard As The Official Building And Accessibility Code For The City Of Gallup.

The City of Gallup, has submitted a request to the Mayor and Council for consideration of adoption of the New Mexico Administrative Code, Title 14 NMAC Housing and Construction, Chapters 5-10,12 as the official Building Code of the City of Gallup and the Accessible and Usable Buildings and Facilities ICC A117.1-2017 American National Standard as the official Accessibility Code of the City of Gallup.

The State of New Mexico has recently undergone adoption of the New Mexico Administrative Code Title 14, Chapters 5-10,12 and the Accessible and Usable Buildings and Facilities ICC A117.1-2017 American National Standard. Adoption of the New Mexico Administrative Code (NMAC) adopts by reference the following:

- 2021 New Mexico Commercial Building Code
- 2021 New Mexico Residential Building Code
- 2021 New Mexico Earthen Building Materials Code
- 2018 New Mexico Residential Energy Conservation Code
- 2021 New Mexico Existing Building Code
- 2021 New Mexico Historic Earthen Buildings
- 2018 New Mexico Commercial Energy Conservation Code

Adoption of the NMAC also adopts by reference Construction Industries General Provisions, Construction Industries Licensing all Plumbing, Mechanical and Electrical Codes, Other Building Codes and Standards and Manufactured Housing Codes currently adopted by the State of New Mexico. These codes must be adopted by each municipality in order to be enforced within that municipality even though the State of New Mexico Construction Industries Division permits and inspects all plumbing, mechanical and electrical work performed within the City of Gallup.

Adoption of the Accessible and Usable Buildings and Facilities ICC A117.1-2017 American National Standard will be done as part of this ordinance but will be a separate standalone document.

Chapter 3, Article 17, Section 3-17-6A (11) of the New Mexico Statutes Annotated 1978 requires all municipalities within the State of New Mexico to adopt codes at least equal to the state requirements on the same subject. The last code update was performed in 2017 at which time the City adopted the minimum state standards as required by law. This latest code update and adoption is consistent with the State of New Mexico Construction Industries Division's latest update and adoption of the most current regulations.

Fiscal Impact: None

Recommendation: Staff recommends approval and adoption of Ordinance No. C2024-2

Speaker's Name C.B. Strain

Documents:

[2021 NMAC ADOPTION ORDINANCE NO. C2024-2.PDF](#)

6. Ordinance No. C2024-3, Adoption Of The 2021 International Property Maintenance Code

The City of Gallup, has submitted a request to the Mayor and City Council for consideration of adoption of the 2021 International Property Maintenance Code as the official Property Maintenance Code of the City of Gallup and for the repeal of the 2015 International Property Maintenance Code.

The City of Gallup adopted the 2015 International Property Maintenance Code (IPMC) in March of 2017. The City stays on the same schedule for adopting new codes as the State of New Mexico Construction Industries Division. The City is now ready to adopt the most recent 2021 International Property Maintenance Code (IPMC) publication for enforcement.

The 2021 International Property Maintenance Code (IPMC) is founded on principles intended to establish provisions consistent with the scope of a property maintenance code that adequately protects public health, safety and welfare. It is an excellent code in that it covers all aspects of property maintenance such as unsafe structures and equipment, exterior property areas, exteriors of structures, interiors of structures, rubbish and garbage on properties, extermination (pest control), etc. The IPMC also provides the procedures and tools necessary to bring problem properties into compliance. Adoption of the 2021 International Property Maintenance Code will provide the City with an excellent tool that can be utilized to address the City's many code enforcement and property maintenance issues. Staff highly recommends adopting the 2021 International Property Maintenance Code as the official property maintenance code for the City of Gallup.

Fiscal Impact: None

Recommendation: Staff recommends approval and adoption Ordinance No. C2024-3.

Speaker's Name C.B. Strain

Documents:

[2021 IPMC ADOPTION ORDINANCE NO. C2024-3.PDF](#)

7. Ordinance No. C2024-1 An Ordinance Adopting The 2021 Edition Of The International Fire Code As The Official Fire Code Of The City Of Gallup

The New Mexico State Fire Marshal's Office has adopted the 2021 edition of the International Fire Code as noted in NMAC 10.25.5. In NMAC 10.25.5 Section D it states that AHJ's may adopt fire protection requirements that are more stringent, provided such requirements do not conflict with this rule. To meet this

requirement the City of Gallup Fire Department is requesting the adoption of the 2021 edition of the International Fire Code as the Official Fire Code for the City of Gallup. This adoption comes with certain revisions; repealing and replacing Title 9, Chapter 2, Section 1 of the Gallup City Code in its entirety.

Fiscal Impact: None
Recommendation: Staff recommends adoption of the 2021 edition of the International Fire Code
Speaker's Name Fire Chief Jon C Pairett

Documents:

[DRAFT ORDINANCE.PDF](#)
[ORDINANCE WITH CHANGES.PDF](#)

8. Approval Of 2 FTE To The Behavioral Health Department And Budget Transfer

The Behavioral Health Department was awarded Resiliency in Communities After Stress and Trauma (ReCAST) funding for one full-time Coordinator. The funding was budgeted when we were awarded the grant. I now need approval for the position. The Behavioral Health Department was also awarded Preventing Alcohol-Related Deaths (PARD) Funding for an Outreach Coordinator. The position will be transferred from Contratual to a City Employee.

Fiscal Impact: Funding for the FTE has been budgeted. A budget transfer will need to be made if approved.
Recommendation: Approval for 2 FTE in the Behavioral Health Department and the required budget transfer.
Speaker's Name Debra L Martinez, Behavioral Health Manager

9. Ordinance S2024-2 - Authorizing Execution And Delivery Of Water Project Loan/Grant Agreement With NMFA (WPF-5959)

The WPF-5959 Loan/Grant Agreement (attached) provides a total of \$10,800,000 (\$1,080,000 loan/\$9,720,000 grant) to fund storage, conveyance and delivery of water to the City's end users (the "Project"), in particular, the design and construction of permit G-80 water wells, including related work and revisions necessary to complete the Project. The loan amount of \$1,080,000, together with an administrative fee of 0.25% is be payable by the City in twenty (20) annual installments, beginning June 1, 2026 and ending June 1, 2045. As in other cases of WTB funding, the loan amount is pre-payable at the close of the "interim period" (24 months from the date of the loan/grant) without penalty. The administrative fee is due and payable annually on June 1 of each year while any portion of the loan is outstanding. Payment of the loan amount and the administrative fee is to be secured by the net revenues generated by the City's water utility system as defined in the Loan/Grant Agreement.

The Loan/Grant Agreement requires the City to commit an "Additional Funding Amount" of \$1,620,000, and to warrant that the loan/grant amount, together with the Additional Funding Amount and other moneys reasonably expected to be available to the City, is sufficient to complete the Project in its entirety.

Accordingly, although the loan/grant amount may be sufficient to complete the Project, the City will be obligated to advance up to an additional \$1,620,000 towards completion if that is not the case. It is currently expected that the Additional Funding Amount will be obtained through a WaterSmart Grant.

Other terms of the Loan/Grant Agreement are summarized in the proposed

Ordinance (attached). As indicated by the Ordinance, the City has requested changes to Sections 16 and 17 to correct provisions in the draft supplied by WFA counsel that are inconsistent with the City's Charter and Code.

As indicated by the attached documents, the Loan/Grant Agreement and related instruments are complex and require detailed review. Staff review is ongoing, and has yet to be completed. (The Loan/Grant Agreement currently contemplates a closing date of February 23, 2024.) However, at this time, Staff believe the City should proceed with the Loan/Grant Agreement and related documents. At base, the Loan/Grant is needed to drill and complete wells that will augment and help assure the City's supply of potable water in light of delays and uncertainties attending the NGWSP.

Fiscal Impact:	The City will undertake a \$1,080,000 debt obligation. The debt will not constitute a general obligation and will be repaid solely from pledged sources. It is anticipated, but not certain, that Additional Amount will be funded by grant proceeds.
Recommendation:	Staff recommends adoption of the Ordinance as attached (containing the City's requested changes)
Speaker's Name	Clark Tallis/David Eason

Documents:

[WPF-5959 DEBT SERVICE SCHEDULE.PDF](#)
[FINAL ORDINANCE S2024-2 - GALLUP REV.PDF](#)
[PAYMENT SCHEDULE.PDF](#)
[FINAL TRANSCRIPT LIST.PDF](#)
[FINAL SUTIN OPINION.PDF](#)
[FINAL RIGHT OF WAY CERTIFICATE.PDF](#)
[FINAL LOAN-GRANT AGREEMENT.PDF](#)
[FINAL GENERAL AND NO LITIGATION CERTIFICATE.PDF](#)
[FINAL DDCR.PDF](#)

10. New Regional Library Concept Design Presentation

John Quinn Pate, Vice President of Architecture for Molzen Corbin & Associates presents the concept design for the New Regional Library.

Fiscal Impact:	None
Recommendation:	Approve concept design with possible modifications
Speaker's Name	John Quinn Pate & Associates

H. Comments By Mayor And City Councilors

I. Comments By City Manager And City Attorney

J. Motion To Adjourn

Pursuant to the "Open Meetings Act", NMSA 1978, Section 10-15-1 through 10-15-4 of the State of New Mexico, this Agenda was posted at a place freely accessible to the public 72 hours in advance of the scheduled meeting.

