

## AGENDA

**GALLUP CITY COUNCIL  
REGULAR MEETING  
TUESDAY, JANUARY 30, 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. 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.

**D. 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 1-6 on the Consent Agenda by unanimous vote:

**1. Resolution No. R2024-4; 2nd Quarter FY 2024 Budget Adjustments And Report Of Actuals**

Each quarter, the Finance department reviews any changes to the budget and submits these changes to council for approval. The following areas are reviewed: personnel, operations, capital outlay and transfers in and out of each fund. The Department of Finance and Administration (DFA) requires Council to pass a resolution for all budget increases, decreases, and transfers between funds.

DFA further requires approval of the report of actuals showing cumulative activity for the fiscal year. The report to DFA regarding budget revisions is due January 31, 2024.

We had four funds that ended the quarter with a negative cash balance. We are required to provide a temporary cash transfer to fully fund this:

Airport Improvement fund (308) \$700,000

NMFA Loan SSGRT 2022 (380) \$2,400,000

Legislative Appropriations fund (391) \$5,150,000

02/11 GO Bond Refunding (498) \$300,000

Fiscal Impact: None  
Recommendation: Approval of Resolution R2024-4, the budget adjustments, report of actuals and temporary cash loans  
Speaker's Name Patty Holland

**Documents:**

[QUARTERLY REPORT RECAP - FY2024 - Q2 TO CERTIFY.PDF](#)  
[QUARTERLY REPORTING SUMMARY - GALLUP \(CITY\) - FY2024 Q2 - TO CERTIFY.PDF](#)  
[RESOLUTION\\_FOR\\_BUDGET\\_ADJUSTMENT TO APPROVE.PDF](#)  
[LODGERS TAX REPORT - GALLUP \(CITY\) - FY2024 Q2 - TO CERTIFY.PDF](#)  
[BAR 2024 Q2 TO CERTIFY.PDF](#)  
[BAR RECAP FOR FY2024 - GALLUP \(CITY\) TO CERTIFY.PDF](#)

**2. Budget Adjustment Request For Operating Accounts & Project JU1510**

The Electric Department is requesting (2) budget adjustments for the operating accounts and (1) budget adjustment to Project JU1510:

**1. Street Light Maintenance (Account 507-6061-442.44-95):**

**Increase Needed: \$90,000**  
**Details:**

- Currently, there are (9) aluminum street lights awaiting repairs.
- The complete assembly cost for replacing these lights has increased by 30%, totaling \$5,000 per light replacement.
- We need \$45,000 to replace the existing (9) lights, and an additional (9) lights are anticipated to be replaced before the fiscal year ends.

**2. Capital Overhead (Account 507-6061-442.48-91):**

**Increase Needed: \$25,000**  
**Details:**

- A reconductoring project was initiated three months ago to reroute the main backbone line, increasing capacity from #2 ACSR to 336 ACSR.
- An additional \$10,000 is required to complete this project.
- Preparations are underway for the Rivian Electrical Charging Station in the American Heritage Plaza, with an estimated project cost of \$15,000.

**3. SCADA Improvement Project (Project JU1510 - Noe Relay Replacement - Phase 3):**

**Increase Needed: \$94,050**  
**Details:**

- The proposal for the project's last phase is \$85,500 (non-taxed).
- An additional 10% (\$8,550) is requested for taxes and contingency due to new contract rates from T&D services.
- The SEL equipment and new substation doors are expected to arrive in mid-late March of this year.
- The Noe substation will be taken offline in mid-April for a 2-week period to replace the new station doors and install new SEL equipment.

Fiscal Impact: Budget Adjustment from the Operating Cash in Fund 507 to the following accounts: 507-6061-442.44-95 in the amount of \$90,000 507-6061-442.48-91 in the amount of \$25,000 Project JU1510 in the amount of \$94,050

Recommendation: Approval of budget adjustments from Operating Cash in 507 in the amount of \$209,050

Speaker's Name Chuck Nourse

Documents:

[240111 GALLUP NOE STATION RELAY UPGRADE PHASE 3 PROPOSAL.PDF](#)

**3. Request For Street Closures For The Annual Memorial Day And Veterans Day Parades**

Veterans Helping Veterans/Brothers In Arms along with the City of Gallup are recommending the approval of the closure of Aztec Avenue from 8th Street to Puerco Drive for both parades. The proposed street closures are set in accordance with the standardized parade route established by the City Council.

Fiscal Impact: TBD - staff to provide support services for both City sponsored events.

Recommendation: Approve the request for street closures

Speaker's Name Ben Welch, Community Services Coordinator

Documents:

[EVENT PERMIT - 2024 MEMORIAL DAY AND VETERANS DAY PARADES.PDF](#)

#### 4. **2024 CDBG Fair Housing Proclamation**

For CDBG funding each local government must certify that it will affirmatively further fair housing. To that end, a "Fair Housing Proclamation" must be adopted by the local governing body at an open public meeting which publicizes the community's commitment to fair housing.

Staff proposes proclaiming 12 February 2024 as Fair Housing Day.

Fiscal Impact: None. CDBG grant administration and documentation requirement.

Recommendation: Approval of the attached proclamation, proclaiming 12 February 2024 as Fair Housing Day.

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

Documents:

[EXHIBIT 1-O-1 FAIR HOUSING PROCLAMATION.PDF](#)  
[EXHIBIT 1-O-2 FAIR HOUSING SELF-ASSESSMENT.PDF](#)

#### 5. **Resolution No. R2024-6 Adoption Of Required Community Development Block Grant (CDBG) Certifications And Commitments**

For CDBG funding, each local government must annually certify the following:

Citizen Participation -- Developing a Citizen Participation Plan is a Federal requirement for grantees who receive CDBG funds. The Citizen Participation Plan states that citizens will be provided with reasonable notices and timely access to local meetings in order to solicit their input and project ideas for the CDBG program. Its adoption by resolution is a requirement for CDBG projects.

Fair Housing -- Certifies the City of Gallup's commitment to the Fair Housing Act of 1968 to affirmatively further fair housing, which prohibits discrimination in the sale, rental, leasing, and financing of housing or land to be used for the construction of housing on the basis of race, color, religion, sex, disability, familial status or nation origin.

Residential Anti-Displacement & Relocation Assistance -- Whenever Federal funds, such as CDBG, are used in a project involving the acquisition, rehabilitation, or demolition of real property, a Federal law known as the Uniform Relocation Assistance and Real Properties Acquisition Policies Act (URA) may apply. The purpose of the URA is to provide fair and equitable treatment for person whose real property is acquired or for persons displaced as a result of a CDBG funded project or activity.

Section 3 Plan -- Section 3 a provision of the HUD Act of 1968 that helps foster local economic development, neighborhood economic development, and individual self-sufficiency. The Section 3 Program requires that recipients of certain HUD financial assistance - to the greatest extent feasible - provide job training, employment, and contracting opportunities for low or very low income residents in connection with projects and activities in their community. Every CDBG grantee is required to adopt a "Section 3 Plan" by resolution for CDBG projects.

Procurement -- Certifies its compliance with Federal Procurement (24 CFR Part 85.36) and New Mexico Procurement Code (§13-1-120 NMSA 1978) by adopting a procurement policy for CDBG projects.

Fiscal Impact: None. CDBG grant administration and documentation requirement.

Recommendation: Staff recommends approval of Resolution No. R2024-6

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

Documents:

[EXHIBIT 1-Y RESOLUTION TO ADOPT CDBG REQUIREMENTS.PDF](#)

[EXHIBIT 1-Z FEDERAL REQUIREMENTS PLAN.PDF](#)

## 6. Youth Conservation Corps (YCC) Grant Award & Budget Adjustment

Youth Conservation Corps (YCC) Grant Award & Budget Adjustment. The City of Gallup has been awarded \$176,245.09 for the State of New Mexico's FY2024 / FY2025 Youth Conservation Corps (YCC) Program year. The County has agreed to support our matching requirement with a contribution of \$40,000.

Fiscal Impact: A budget adj. of \$176,245.09 in revenues & expenditures for tasks performed or expenses directly related to the scope of work for the projects outlined in the grant & revenue adj. of \$40,000 will be needed to recognize the County's contribution.

Recommendation: Staff recommends Approval of the YCC grant award and budget adjustments.

Speaker's Name Vincent Alonzo

Documents:

[MOU - YCC.PDF](#)

[YCC AGREEMENT.PDF](#)

## E. Discussion/Action Topics

### 1. Revenue And Expenditure Of \$300,000 For FY24 New Mexico Fire Protection Grant

The Gallup Fire Department was awarded \$300,000 from the New Mexico Fire Protection Grant Council to assist in the purchase of a new aerial ladder truck to replace Ladder 1 which is a 1995 Pierce. This new aerial ladder truck will assist the Gallup Fire Department in our ISO ratings. In addition the crews currently move between Ladder 1 and Engine 2 depending on the type of fire call that they are dispatched for. This new aerial ladder truck will take the place of the engine and will have the capability of performing functions as an aerial apparatus. This dual purpose unit will reduce response times and allow the responding crews to have additional abilities on the fire ground.

This \$300,000 grant will not fund the entire project as estimates for the new aerial ladder truck are between \$1.4 and \$1.6 million. The remainder of the funds to purchase the new fire apparatus will come from current approved City Vehicle Replacement Funds and Fire Protection Funds that we carryover for this project.

Staff will work with the Finance and Purchasing Department for account numbers once the funding is received.

Fiscal Impact: Revenue and expenditure of \$300,000 for the assistance in purchasing the new aerial ladder truck.

Recommendation: Staff Recommends Approval of Revenue and Expenditures

Speaker's Name Fire Chief Jon C Pairett

Documents:

[CITY OF GALLUP FY 2024 FIRE PROTECTION GRANT.PDF](#)

### 2. Approval Of Resolution No. R2024-5 To Accept State Of New Mexico Aging And Long-Term Services Department Fund 89200 Capital Appropriation Project Grant Agreement No. A23H-2031 For Gallup Senior Center

Staff is requesting that City Council approve Resolution No. R2024-5 to accept State of New Mexico, Aging and Long-Term Fund 89200 Capital Appropriation Project Grant Agreement A23H-2031 in the amount of \$7,487,974.00.

The project that is the subject of this Agreement is described as A23H-2031 in the amount of \$7,487,974.00 with an Appropriation Reversion Date of 30-June-2027 following Laws of 2023, Chapter 199, Section 4, Paragraph 28, to plan, design, construct, equip and furnish the Gallup senior center in Gallup in Gallup in McKinley County.

Staff is requesting the City Council approve Resolution No. R2024-5 to Grant Agreement A23H-2031 and approve a revenue and expenditure budget in the amount of \$7,487,974.00 in Fund 391. This is 100% reimbursable grant with no required matching funds.

Fiscal Impact: Project revenue and expenditure budget in the amount of \$7,487.974.00 in Fund 391

Recommendation: Approve Resolution No. R2024-5; approve requested revenue and expenditure budget in Fund 391

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

Documents:

[A23-H2031 GALLUP SENIOR CENTER.PDF](#)  
[RESOLUTION NO R2024-5 SENIOR CENTER.PDF](#)

### 3. **Gallup Sr. Center Capital Outlay Award A22G-5332 To Equip/Purchase Vehicle**

The senior program has received a Capital Outlay Award from the Aging & Long-Term Services Department to purchase and equip vehicles.

A. Contract No. A22G-5332 for a total of \$76,000.00 with a reversion date of 6-30-2026.

Fiscal Impact: ALTSD award will increase Revenue and Expenditures for Sr. Center Capital Purchases budget by \$76,000.00.

Recommendation: Accept the senior center ALTSD Capital Outlay Award No. A22G-5332.

Speaker's Name Kimberly Ross-Toledo, Senior Program Manager

Documents:

[SR CENTER\\_CAPITAL OUTLAY AWARD LETTER\\_8-28-2023.PDF](#)  
[CITY OF GALLUP\\_SOW\\_A22G-5332 CTR-VEH\\_9-8-2023.PDF](#)  
[IGA 5332 \(1\).PDF](#)

### 4. **Approval Of Settlement Agreement With Jordan Investments, LLC Respecting Resolution R2023-35**

On November 28, 2023, the Council approved and adopted Resolution R2023-35 (the "Resolution") making certain findings respecting the structures at 109 and 109B E. Hill Ave., Gallup, and ordering the demolition and removal of those structures.

On December 18, 2023, the Resolution was served upon the owner of the 109 and 109B E. Hill properties, Jordan Investments, LLC ("Jordan"), and its manager, David Jordan. On December 28, 2023, Mr. Jordan served the City with an objection to the Resolution, requesting a hearing. The City subsequently set and noticed a two hour hearing on the objection for the afternoon of February 7, 2023.

Following receipt of the objection, City Planning and Legal Staff, considering the Resolution and the costs and benefits of hearing and potential further proceedings, and in consultation with the Interim City Manager, determined that it would be advisable to offer a settlement to Jordan based upon the terms set forth in the attached Settlement Agreement. The offer was made and has been accepted by Jordan.

In summary, the settlement modifies the Resolution such that it no longer requires removal of the accessory dwelling structure located at 109B E. Hill Ave., Gallup. In all other respects, the Resolution remains unmodified. In exchange, Jordan withdraws its objection and waives further challenges to the Resolution, undertakes to demolish and remove the principal single-family structure at 109 E. Hill Ave. before or by February 29, 2024, and agrees to prohibit and prevent David

Chapman from occupying or using the 109 E. Hill Properties or any other Jordan owned property. Should Jordan fail to demolish and remove the principal single-family structure by February 29, 2024, the City will be entitled to do so, with all costs of demolition and removal constituting a lien against the Hill Properties.

Fiscal Impact: None, excepting cost savings resulting from the termination of proceedings relating to the Resolution.

Recommendation: Staff strongly recommends approval of the Settlement Agreement

Speaker's Name David Eason

Documents:

[SA\\_20231128\\_0001.PDF](#)

## **F. Presentation And Information Item**

### **1. 6-Month Work Program Report For Fiscal Year 2024**

Brandon Howe of the Northwest New Mexico Council of Governments will provide a presentation on their 6-Month Work Program Report for the City of Gallup.

Fiscal Impact: N/A - presentation item.

Recommendation: N/A - presentation item.

Speaker's Name Brandon Howe

Documents:

[NWNMCOG\\_6MO REPORT.PDF](#)

## **G. Comments By Mayor And City Councilors**

## **H. Comments By City Manager And City Attorney**

## **I. 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.