

## AGENDA

### GALLUP CITY COUNCIL REGULAR MEETING TUESDAY, MAY 26, 2020; 6:00 P.M.



Louie Bonaguidi, Mayor

Linda Garcia, Councilor, Dist. 1      Michael Schaaf, Councilor, Dist. 2  
Yogash Kumar, Councilor, Dist. 3      Fran Palochak, Councilor, Dist. 4

Maryann Ustick, City Manager  
Curtis Hayes, City Attorney

**PUBLIC NOTICE: In accordance with the public health order issued by the New Mexico Department of Health, the meeting will be physically closed to the public; however, it will be accessible to the public via the following technology service:**

Facebook Live stream through the City of Gallup's Facebook Page:  
<https://www.facebook.com/CityOfGallup/>

**Members of the public may submit comments on non-agenda items toward the end of the meeting. Please call 863-1254 to leave your name and a return phone number.**

**A. Pledge Of Allegiance**

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

**B. Roll Call**

**C. Approval Of Minutes**

Regular Meeting of May 12, 2020  
Special Meeting of May 18, 2020

(Draft minutes of the May 18, 2020 Special Meeting will be available by Tuesday, May 26th)

Documents:

[DRAFT MINUTES MAY 12 2020 REG MTG.PDF](#)

## D. Discussion/Action Topics

### 1. Resolution No. R2020-14; Resolution For Submitting CDBG Program Application

**Summary:** Attached for the City Council's consideration is a resolution authorizing Staff to submit the West Logan Ave Reconstruction Project for Community Development Block Grant funding. This project was previously preselected by the City Council for a CDBG funding application at its meeting of 28 January 2020.

**Fiscal Impact:** By enclosure (1), the project cost is currently estimates \$1.56M. See attachment (2). Since no engineering design work has been done yet, this is a "conceptual" order of magnitude estimate of -15% to +75% of final project costs.

Staff is applying for maximum CDBG funding of \$750K. This funding requires a 10% match or \$75K. Balance required is \$735K including utility reconstruction.

**Recommendation:** Approved the attached resolution for submission.

Fiscal Impact: See Comments Above.  
Recommendation: See Comments Above.  
Speaker's Name Stanley Henderson - Public Works Director

Documents:

[20-05-26\\_1A RESOLUTION RE 2020 CDBG PROJECT SELECTION.PDF](#)  
[20-05-26\\_1B PRJ BUDGET ESTIMATE RE WEST LOGAN AVE  
RECSTRN PRJ\\_20-05-19.PDF](#)

### 2. Funding For The FY21 Levitt Amp Gallup Concert Series

The Gallup Mainstreet Arts & Cultural District (GMSACD) was awarded the Levitt Amp Music Series grant in December of 2019. Due to the concerns for public health and safety the event has been modified and postponed now creating a two part event- virtual programming and live concerts.

The virtual programming will take place in late summer of 2020 with residents of Gallup and the surrounding community invited to join in online from home, and the live concert series will take place in the summer of 2021.

In order to maintain grant funding, the GMSACD needs a match and additional funding to support the series and to begin planning and booking of the 2020-2021 event. The City of Gallup has already supported this endeavor in the original grant application that secured the base funding.

City sponsorship in the amount of \$25,000 would be applied toward the 1:1 matching portion of the program, as well as advertising and public health and safety measures. GMSACD has met with the City Manager and Tourism Department and is working cohesively to ensure the event serves both the local community and tourism as a strategic event for bolstering public image.

Fiscal Impact: \$25,000 from the Lodgers Tax Reserve  
Recommendation: Approval of budget adjustment for sponsorship in the amount of \$25,000 of the music series  
Speaker's Name Jennifer Lazarz and Kara Smith

Documents:

[LEVITT AMP GALLUP-OVERVIEW.PDF](#)  
[LEVITT AMP 2020-EVENT-BUDGET-DRAFT.PDF](#)

**3. Ordinance No. S2020-5; Matthew K. & Geri Hughbanks Public Utility & Drainage Easement Vacation Request**

Case No. 2020-01000003, Matthew K. Hughbanks request for vacation of a 10' public utility (P.U.E.) and drainage easement. See attached briefing memo.

Fiscal Impact: None  
Recommendation: Recommend approval of vacation Ordinance No. S2020-5  
Speaker's Name C.B. Strain

Documents:

[MATTHEW K. HUGHBANKS VACATION CITY COUNCIL MEMO.PDF](#)  
[MATTHEW K. HUGHBANKS, 10 FOOT PUE VACATION ORDINANCE S2020-5.PDF](#)  
[HUGHBANKS PUE VACATION RESOLUTION OF RECOMMENDATION NO. RP2020-5.PDF](#)  
[HUGHBANKS PUE VACATION PROPERTY SURVEY AND EASEMENT SURVEY.PDF](#)  
[MATTHEW K. HUGHBANKS GTF COMMENTS.PDF](#)

**4. Joseph Sanchez, Red Rock Self Storage, Final Subdivision Plat Approval**

Case No. 2020-00300002, request for final plat review and approval of Replat No. 1 of the Cedar Pine Subdivision Unit 1. See attached briefing memo.

Fiscal Impact: None  
Recommendation: Recommend approval of Replat No.1 of the Cedar Pine Subdivision  
Speaker's Name C.B. Strain

Documents:

[RED ROCK SELF STORAGE MNSB CITY COUNCIL MEMO.PDF](#)  
[RED ROCK SELF STORAGE FINAL PLAT 04.27.2020.PDF](#)  
[RED ROCK SELF STORAGE MNSB GTF COMMENTS.PDF](#)

**5. Gallup Housing Authority Replat No.1 Ford Hwy. 66 Addition, Final Plat Approval**

Case No. 2020-00300003, request for final plat review and approval of Replat No. 1 of Lots 21 through 36, Block 20 and Lots 5 through 20, Block 21, Ford Highway 66 Addition. See attached briefing memo.

Fiscal Impact: None  
Recommendation: Recommend approval of Replat No.1, Ford Highway 66 Addition Final Plat  
Speaker's Name C.B. Strain

Documents:

[GHA REPLAT NO. 1 OF THE FORD HWY. 66 ADDN..PDF](#)  
[GHA MORGAN FINAL PLAT 05.05.2020.PDF](#)  
[GHA MORGAN MNSB GTF COMMENTS.PDF](#)

**6. Gallup Housing Authority Replat No.1 La Loma Subdivision, Final Plat Approval**

Case No. 2020-00300004, request for final plat review and approval of Replat No. 1 of Lots 1 through 42, Block 4, La Loma Subdivision. See attached briefing memo.

Fiscal Impact: None  
Recommendation: Recommend approval of Replat No.1 La Loma Subdivision, Final Plat  
Speaker's Name C.B. Strain

Documents:

[GHA REPLAT NO. 1, LA LOMA SUBDIVISION.PDF](#)  
[GHA VEGA FINAL PLAT 05.05.2020.PDF](#)  
[GHA VEGA MNSB GTF COMMENTS.PDF](#)

**7. Budget Adjustment For Bond Payment**

It has been determined that we need to adjust the principal payment budget for a June payment on our Series 2011 GO bonds. The amount currently budgeted is \$160,000 and the payment will be \$330,000 leaving a need for an adjustment of \$170,000. The funding is in the form of debt service tax and is adequate to cover this adjustment.

The payment reflects an early payment on the bond in order to utilize funding proceeds to protect the mil levy rate calculation. If we do not demonstrate a cash need for bond the state will lower the rate to accommodate our cash needs.

It is also a recommendation that the next step is to restructure the 2017 bond supported by GO funding in order to leverage our rate and provide cash for much needed projects.

Fiscal Impact: A budget adjustment to 498-1026-470.49-10 in the amount of \$170,000 is needed.  
Recommendation: Approval of a budget adjustment in the amount of \$170,000.  
Speaker's Name Patty Holland

**8. Budget Adjustment For COVID-19 FFCRA Federal Sub-Award**

Attached for the City Council's review and approval is the COVID-19 FFCRA FEDERAL SUB-AWARD Contract from the Non-Metro Area Agency on Aging (NMAAA). This funding is to be used pursuant to the Families First Coronavirus Response Act, for Congregate Meals and Home Delivered Meals.

Fiscal Impact: \$25,578.76 will be awarded to the Gallup Senior Program to cover expenses related to Covid-19 responses from March 13, 2020 – September 30, 2020.

Recommendation: Approve contract for COVID-19 FFCRA FEDERAL SUB-AWARD.

Speaker's Name Jon DeYoung

Documents:

[COVID 19 FFCRA SUB-AWARD\\_5-4-2020.PDF](#)

**9. Purchase Of Long Lead Items For The Construction Of The New Allison Substation**

This request is for the purchase of items needed for the new Allison Substation. Most of these items take a while to be shipped after being ordered and we want to complete the construction of this substation in December. The needed items are insulators, Circuit switchers, air break switches, lightning arrestors as well as many low voltage items.

Bids were requested and there were three qualified responses, they being Graybar, Western United and Stuart Irby, all of Albuquerque, NM. The low bidder being Western United in the Amount of \$167,985.50.

Fiscal Impact: There is no fiscal impact as funds for this equipment is budgeted under Project No. C11771 in Account No. 307-6061-442-48-99.

Recommendation: Staff recommends the award of the purchase of this equipment to Western United.

Speaker's Name John Wheeler

Documents:

[TABULATION BID 2010 \(1\).PDF](#)

**10. Solar Farm Capacitor Bank Purchase**

This is a request to purchase a capacitor bank under State Contract Number 70-000-17-00010 for the Gallup Solar Farm. This piece of equipment conditions the voltage output of the Solar Farm into our distribution system.

Fiscal Impact: There is no fiscal impact since the funds for this equipment is budgeted in Project No. JU2018 in account 307-6061-442-48-99.

Recommendation: Staff recommends approval of this purchase from Eaton Corporation in the amount of \$93,816.64

Speaker's Name John Wheeler

**E. Presentation And Information Items**

**1. 2020 Fireworks Season Regarding City Municipal Code Related To Declaration Of Drought Or Other Emergency**

Discussion and direction regarding Municipal Code 4-8-1 Declaration of Drought or Other Emergency; should the city determine that conditions exist as set forth in New Mexico Statue section 60-2C-8.1 to ban or restrict the sale of fireworks.

Fiscal Impact:  
None

Recommendation:

Monitor current weather conditons and if applicable restrict or ban firworks sales by June 9, 2020, City Council Meeting.

Fiscal Impact: No fiscal impact  
Recommendation: See above description  
Speaker's Name Jesus "Chuy" Morales, Fire Chief

Documents:

[C2013-10 FIREWORKS ORDINANCE REVISED FINAL.PDF](#)  
[FIREWORKS INFORMATION 2020.PDF](#)

**F. Comments By Public On Non-Agenda Items**

The public is invited to comment on matters not appearing on the published meeting agenda.

**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.

Minutes of the Regular Meeting of the Gallup City Council, City of Gallup, New Mexico, held at the El Morro Events Center, 210 South Second Street, at 6:00 p.m. on Tuesday, May 12, 2020.

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 comment on non-agenda items later in the meeting.

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 Special Meetings of April 22 & 23, 2020.

Councilor Schaaf made the motion to approve the Minutes of the Special Meetings of April 22 & 23, 2020. Seconded by Councilor Palochak. Roll call: Councilors Schaaf, Palochak, Kumar, Garcia and Mayor Bonaguidi all voted yes.

Presented to the Mayor and Councilors for their approval were the Minutes of the Regular Meeting of April 28, 2020.

Councilor Schaaf made the motion to approve the Minutes of the Regular Meeting of April 28, 2020. Seconded by Councilor Garcia. Councilors Schaaf, Garcia, Kumar, Palochak and Mayor Bonaguidi all voted yes.

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

1. Resolution No. R2020-13; Fiscal Year (FY) 2021 Preliminary Budget Adoption – Patty Holland, Chief Financial Officer

Ms. Holland presented a power point presentation on the proposed budget for Fiscal Year 2021. A copy of the power point presentation is attached hereto and made a part of these official Minutes. Ms. Holland recommended approval of the proposed Resolution.

Councilor Palochak made the motion to approve Resolution No. R2020-13; Fiscal Year 2021 Preliminary Budget Adoption. Seconded by Councilor Schaaf. Roll call: Councilors Palochak, Schaaf, Garcia, Kumar and Mayor Bonaguidi all voted yes.

## MINUTES

Regular City Council Meeting – 5/12/2020

Page 2

### 2. Ordinance No. S2020-4; Emergency Mask and Face Covering Ordinance – Curtis Hayes, City Attorney

Mr. Hayes presented the proposed ordinance which would create three mandates intended to aid in preventing the spread of the COVID-19 virus. First, the ordinance would require anyone over the age of two to wear a mask or face covering while in a public place. The face covering requirements would not apply to: 1) persons traveling alone in motor vehicles or with immediate family members unless it is necessary to roll down the window to interact with someone who is not an intermediate family member; 2) the owner, operator, manager, or employees of a business while within a facility owned, operated, or managed by the business (the public health order issued by the New Mexico Department of Health effective May 11, 2020 already requires face coverings to be worn by employees of essential businesses); and 3) persons engaged in outdoor recreation activities that does not place the person within six feet of another person that is not an immediate family member. Second, the ordinance would require members of the public to wear face coverings while inside a business or when they are interacting with someone operating a business at a drive-up window or curbside pick-up service. Third, the ordinance would require businesses and local government entities to post a notice advising the public that they must wear a mask or face covering while within the business or while utilizing the drive-up window or curbside pick-up service. The business will be required to deny anyone access into the business premises if they are not wearing a face covering. The penalty for violating the proposed ordinance will be a fine of a minimum of \$100 but not more than \$500. If approved, the ordinance will become effective five days after publication on the City's website and will expire when the Governor revokes the Declaration of a Health Emergency unless revoked sooner by the Mayor and Councilors.

Councilor Palochak spoke in favor of the proposed ordinance based on information she obtained from the Centers for Disease Control and Prevention (CDC).

Councilor Schaaf asked if the penalty under the proposed ordinance would apply to businesses or individuals in violation of the ordinance. Mr. Hayes said the penalty under the ordinance could potentially apply to both businesses and individuals. Mr. Hayes said the City is trying to put the onus of enforcing the ordinance on businesses rather than the City to minimize the resources that the City devotes to enforcement.

Councilor Kumar asked if information concerning the ordinance could be disseminated to the public. Ms. Ustick said a press release with information regarding the ordinance will be posted on the City's website and social media outlets and the Fire Department will deliver notices to businesses.

Councilor Garcia asked about enforcement of the ordinance with the transient and

## MINUTES

Regular City Council Meeting – 5/12/2020

Page 3

homeless population who do not have masks to wear. Ms. Ustick said the City received a significant amount of face masks from the Governor's office and the masks will be disseminated to the homeless by the police officers.

Mayor Bonaguidi said it is evident that the Council is taking this situation very seriously. He said Gallup and McKinley County are leading the state in the number of virus infections and the number must come down.

Councilor Kumar made the motion to approve Ordinance No. S2020-4; Emergency Mask and Face Covering Ordinance. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Schaaf, Palochak and Mayor Bonaguidi all voted yes.

3. Approval of Quitclaim Deed to the Pueblo of Zuni – Curtis Hayes, City Attorney and Dennis Romero, Water and Sanitation Director

Mr. Romero presented the proposed quitclaim deed to transfer a one-acre abandoned well site that is adjacent to the Pueblo of Zuni. The proposed transfer is in accordance with the City's settlement agreement with Zuni Pueblo over the Pueblo's protest of the City's G-22 water rights application with the State Engineer. The City acquired the property in 1982 in an attempt to drill test wells at the location; however, Zuni Pueblo filed a lawsuit against the City in federal court and was successful in obtaining an injunction to prevent the City from drilling the wells. As a result, the State Engineer's Office closed the water basin. Since the State Engineer approved the City's G-22 water rights application, City staff recommends transferring the well site to Zuni Pueblo to comply with the settlement agreement.

Councilor Palochak made the motion to approve the quitclaim deed to the Pueblo of Zuni. Seconded by Councilor Kumar. Roll call: Councilors Palochak, Kumar, Garcia and Mayor Bonaguidi all voted yes. Councilor Schaaf voted no. Motion carried.

4. Request to Award Navajo Gallup Water Supply Project (NGWSP), Reach 27.10-Formal Bid No. 2007 – Dennis Romero, Water and Sanitation Director

Mr. Romero said the proposed project consists of the construction of a 3 million gallon welded steel reservoir, a pump station, an altitude valve station and an altitude valve vault at the Cresto Water Tank along with installing approximately 9,450 linear feet of 16" ductile iron waterline, 3,380 linear feet of 12" PVC waterline, a 212 linear foot jack and bore crossing at State Road 602 with a 12" carrier pipe in a 20" steel casing and tie-ins to existing waterlines. The work will also include air release stations, valves, fittings, grading, excavation, trenching, backfilling and compaction. The 16" waterline will begin on the south side of Mendoza Road immediately south of the airport, running southeast

## MINUTES

Regular City Council Meeting – 5/12/2020

Page 4

to the tank and pump station site. The site is located along the Old Zuni Road east of the intersection of Dusty Road and Cipriano Street. The 12" waterline runs east from the tank and pump station site, crosses State Road 602 and ends at the intersection of Dee Ann Avenue and State Road 602. He recommended award of the contract to the lowest qualified bidder, SmithCo Construction, in the amount of \$7,321,204.84. The Water Trust Board Grant/Loan #4823 will cover \$2,868,106 of the project cost and the remaining \$4,453,095.84 will be funded by U.S. Bureau of Reclamation Cooperative Agreement.

Councilor Schaaf made the motion to award the Navajo Gallup Water Supply Project Reach 27.10, Formal Bid No. 2007 as presented. Seconded by Councilor Kumar. Roll call: Councilors Schaaf, Kumar, Garcia, Palochak and Mayor Bonaguidi all voted yes.

5. Request to Approve Budget Adjustment for Navajo Gallup Water Supply Project (NGWSP) Reach 27.9, Change Order No. 4 – Dennis Romero, Water and Sanitation Director

Mr. Romero provided a summary of the three previous change orders for Reach 27.9. He also provided an overview of the items included in Change Order No. 4, which are required to meet the City's obligation to an easement agreement with landowners for the construction of a 24-inch waterline along Kachina Road. The items include the installation of meters to allow the landowners to connect to the water system, the costs for early delivery of ductile iron pipe to avoid additional costs imposed under a tariff effective March 2018 and the installation of a new meter display unit at the Kachina pressure relief valve station. The total cost for Change Order No. 4 is \$85,798.50. Mr. Romero also provided a total cost summary for the construction of Reach 27.9, which includes the original bid of \$5,840,388.72, total change orders in the amount of \$158,598.96, cost savings in the amount of \$450,000 due to the early delivery of ductile iron pipe, which results in a total project cost of \$5,998,987.68. The change orders are about 2.7% of the original bid and the cost savings due to the early delivery of ductile iron pipe are about 7.7% of the original bid.

Councilor Palochak made the motion to approve the request for a budget adjustment for Navajo Gallup Water Supply Project Reach 27.9, Change Order No. 4 in the amount of \$85,798.50. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Schaaf, Kumar and Mayor Bonaguidi all voted yes.

6. Approval of Northwest New Mexico Council of Governments (NWNMCOG) Contract – Maryann Ustick, City Manager

Ms. Ustick said the NWNMCOG has submitted a contract to extend the City's membership for an additional year at the same cost as the previous year, in the amount of \$65,000.

## MINUTES

Regular City Council Meeting – 5/12/2020

Page 5

The proposed contract will continue the services by the NWNMCOG as outlined in the two year Direct Services Work Program which will be updated in July. Ms. Ustick also recommended the appointment of Mayor Bonaguidi, Councilor Palochak, Councilor Schaaf and her as the City's representatives to the NWNMGCOG Board. Ms. Ustick also recommended the appointment of Jon DeYoung as the City's alternate to the Board.

Councilor Palochak commented on the professional services provided by the NWNMCOG.

Councilor Kumar made the motion to approve the Northwest New Mexico Council of Governments Contract in the amount of \$65,000. Seconded by Councilor Schaaf. Roll call: Councilors Kumar, Schaaf, Palochak, Garcia and Mayor Bonaguidi all voted yes.

### 7. Appointment of Mayor Louie Bonaguidi to the Jail Authority Board – Mayor Louie Bonaguidi

Mayor Bonaguidi said former Mayor Jackie McKinney previously held one of the two positions representing the City on the Jail Authority Board. He recommended the appointment of himself to fill the vacancy on the Board.

Councilor Schaaf made the motion to appoint Mayor Louie Bonaguidi to the Jail Authority Board. Seconded by Councilor Garcia. Roll call: Councilors Schaaf, Garcia, Kumar, Palochak and Mayor Bonaguidi all voted yes.

### **Comments by Public on Non-Agenda Items**

None.

### **Comments by Mayor and City Councilors**

Councilor Palochak thanked all City employees, first responders and medical service professionals who are diligently working during the COVID-19 pandemic. She thanked everyone for their service and asked them to follow all health and safety protocols.

Councilor Kumar expressed his concerns with the recent lockdown of Gallup by reading the following statement: Driving on Interstate 40, we have an orange freeway message sign displaying that Gallup is locked down due to the COVID-19 virus outbreak and no services are available. We made national news. I'm sure we all received calls from friends and family. It feels like we turned things around in Gallup and then we shoot ourselves in the foot. Gallup was known as drunk town USA for many years. We had the hantavirus in the four corners region. Once again we made news and now we're a hotspot for the COVID-19 virus. We do not seem to get a break. We have the Indian Health Service in town. We have a regional hospital. We are going to continue to get patients.

## MINUTES

Regular City Council Meeting – 5/12/2020

Page 6

We are going to have people come into town. We are a major hub for the surrounding area. All we did during this time was to push everyone to the other border towns. My businesses in Grants and Farmington were at capacity and we turned people away. In my opinion, there were other steps we could have taken, such as a passing a mask ordinance, which we did today. Making sure our elderly were protected. Having stricter guidelines for them and for visitors if one was not in place. People with underlying conditions were well cared for and also protected. Making sure that our panhandlers and inebriates were tested and if positive, quarantined for the fourteen days. This was not happening as they were allowed to leave the hotels, even when they tested positive thereby continuing to spread the virus in our community, infecting our officers and the staff and other people at NCI. Now we have taken a big step backwards for many years. We're a stopping place for many snowbirds going back and forth. We're a natural stop for many travelers heading to California or to the east coast. Instead, we posted a big billboard on I-40, to avoid Gallup. Since there is no cure for this yet, people will avoid Gallup for the foreseeable future. If we were going to do a lockdown, we should have initiated constructive measures in place to make sure we use the time that we are shut down, like making sure we have test kits to test our residents, finding asymptomatic carriers, putting in measures to protect our residents and businesses, contacting Gilead for the Remdesivir drug for clinical trials and contacting Abbott Laboratories for their ability to detect the COVID-19 virus in five minutes for positive results and thirteen minutes for negative results. If we are a hotspot for the virus, we should have priority to these products. That is what we should be contacting our State of New Mexico to help us acquire these products to make Gallup a safer place.

### **Comments by City Manager and City Attorney**

Ms. Ustick said the annual community cleanup program will be postponed until a later date due to the COVID-19 pandemic since the process requires large groups of employees to work in close proximity of one another. The City will continue to offer free coupons to its utility customers in good standing. At the recommendation of Councilor Schaaf, the City will allow customers to combine their coupons for the tipping fees for large loads of refuse at a single visit, rather than being able to use one coupon with a value of \$7.00 per visit at the transfer station.

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

MINUTES  
Regular City Council Meeting – 5/12/2020  
Page 7

---

Louie Bonaguidi, Mayor

ATTEST:

---

Alfred Abeita II, City Clerk

**A RESOLUTION BY THE CITY COUNCIL OF GALLUP, NEW MEXICO AUTHORIZING CITY STAFF TO SUBMIT A NEW MEXICO COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO THE LOCAL GOVERNMENT DIVISION OF THE NEW MEXICO DEPARTMENT OF FINANCE ADMINISTRATION FOR THE WEST LOGAN AVENUE RECONSTRUCTION PROJECT.**

**WHEREAS**, the need exists within the **City Of Gallup, NM** for improvement projects in several low and moderate income neighborhoods, and the **City Of Gallup, NM** desires to apply to the Housing and Urban Development's Community Development Block Grant (CDBG) Program to obtain funding for neighborhood improvement projects; and

**WHEREAS**, the **City Of Gallup, NM** has held two public hearings for public input and comment on 7 January 2020 and 21 January 2020 during the 2020 CDBG application process; and

**WHEREAS**, the **Gallup City Council** itself held a third public meeting on 28 January 2020 for public input, comment, and project preselection; and

**WHEREAS**, the **Gallup City Council** finds that there is a significant need to undertake the **West Logan Avenue Reconstruction Project** to provide adequate services to the Chihuahuita low to moderate income neighborhood; and

**WHEREAS**, the **Gallup City Council** has determined that the **West Logan Ave Reconstruction Project** meets the requirements of the CDBG Programs.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GALLUP, NEW MEXICCO THAT:**

1. City Staff is hereby authorized to prepare and submit a CDBG application to the Local Government Division of the New Mexico Department Of Finance And Administration for the **West Logan Avenue Reconstruction Project**;
2. **Gallup City Council** directs and designates Ms. Maryann Ustick (City Manager) or her delegatee as the authorized City representative to act in all matters in connection with this application and the City Of Gallup, NM's participation in the New Mexico CDBG Program.
3. Per the New Mexico CDBG program, **City Of Gallup, NM** is required to submit an application for a full and phased version of the project:

- a. Full project grant application request amount is **\$750,000**, and **City Of Gallup, NM** will commit the required cash amount of **\$75,000** for the **West Logan Avenue Reconstruction Project**.
- b. Phased project grant application request amount is **\$400,000**, and **City Of Gallup, NM** will commit the required cash amount of **\$40,000** for the **West Logan Avenue Reconstruction Project**.

**PASSED, ADOPTED, AND APPROVED THIS 26<sup>th</sup> DAY OF MAY 2020.**

CITY OF GALLUP, NEW MEXICO

By: \_\_\_\_\_

Louie Bonaguidi,  
Mayor

ATTEST:

\_\_\_\_\_  
Al Abeita  
City Clerk

WEST LOGAN AVE RECONSTRUCTION PRJ  
Estimated Project Budget

Line Item Description	Weight	Estimated Amounts	SubTotals	Comments	
<b>PROJECT REVENUE</b>			<b>\$ 1,560,000.00</b>		
City General Funds		\$ 420,000.00			
Fiscal Agency Costs		\$ -		N/A - Required Expense By NMDFA.	
City Enterprise Funds		\$ 315,000.00			
City Bond Funds					
Legislative Funding					
Other Public Funding					
Community Dvlpmnt Block Grant		\$ 750,000.00			
City Match		\$ 75,000.00		City General Fund	
Private Sector Funding		\$ -			
<b>PROJECT EXPENDITURES</b>					<b>COST PRORATION</b>
<b>Project Planning</b>	<b>0.0000%</b>		<b>\$ -</b>		
Grant Administration					
Feasibility Study					
Special Reports					
= ... Boundary Survey					
= ... Geotechnical Investigation					
Public Participation					
<b>NM Gross Receipt Tax</b>	<b>8.3125%</b>	\$ -		Gallup GRT	
Cooperative Educational Services SIOH	<b>0.0000%</b>	\$ -			
Property Acquisition		\$ -			
<b>Project Development</b>	<b>14.0469%</b>		<b>\$ 157,415.11</b>		
Independent Cost Estimate				N/A - FAA Funding Requirement.	
Grant Administration					
A/E Design Proposal					
= ... Roadway:		\$ 96,768.20		DES Fee Proposal dtd 05-08-20.	\$ 96,768.20
..... 9th To 8th Street					\$ 38,715.02
..... 8th To 7th Street					\$ 38,715.02
..... 7th To 6th Street					\$ 19,338.15
= ... Utilities:		\$ 31,566.00		DES Fee Proposal dtd 05-08-20.	\$ 31,566.00
..... 9th To 8th Street					\$ 7,855.79
..... 8th To 7th Street					\$ 7,855.79
..... 7th To 6th Street					\$ 15,854.42
A/E Design Changes					
Public Participation/Input					
Project Certifications					
= ... Categorical Exclusion		\$ 15,000.00		DES Fee Proposal dtd 05-08-20.	\$ 15,000.00
..... Roadway:					
..... 9th To 8th Street					
..... 8th To 7th Street					
..... 7th To 6th Street					
..... Utilities:					
..... 9th To 8th Street					
..... 8th To 7th Street					
..... 7th To 6th Street					
= ... Historic Preservation					
= ... Railroad					
= ... Right-Of-Way					
= ... Intelligence Transportation Systems					
= ... Utilities					
Special Reports					
= ... Aerial Photography		\$ 2,000.00		DES Fee Proposal dtd 05-08-20.	\$ 2,000.00
= ... Boundary Survey					

WEST LOGAN AVE RECONSTRUCTION PRJ  
Estimated Project Budget

=	... <b>Geotechnical Investigation</b>						
	Public Participation/Input						
	Material Submittal Review						
	<b>NM Gross Receipt Tax</b>	<b>8.3125%</b>	\$ 12,080.91		Gallup GRT		
	<b>Cooperative Educational Services SIOH</b>	<b>0.0000%</b>	\$ -				
	<b>Project Delivery</b>	<b>15.0961%</b>		<b>\$ 169,173.08</b>			
	Independent Cost Estimate				N/A - FAA Funding Requirement.		
	Contract/Grant Administration		\$ 15,000.00		DES Fee Proposal dtd 05-08-20.		\$ 15,000.00
=	... <b>Roadway:</b>		\$ 99,415.00		DES Fee Proposal dtd 05-08-20.		\$ 99,415.00
=	..... <b>9th To 8th Street</b>						\$ 39,773.95
=	..... <b>8th To 7th Street</b>						\$ 39,773.95
=	..... <b>7th To 6th Street</b>						\$ 19,867.09
=	... <b>Utilities:</b>		\$ 31,757.00		DES Fee Proposal dtd 05-08-20.		\$ 31,757.00
=	..... <b>9th To 8th Street</b>						\$ 7,903.33
=	..... <b>8th To 7th Street</b>						\$ 7,903.33
=	..... <b>7th To 6th Street</b>						\$ 15,950.35
	Bid Assistance						
=	... <b>Roadway:</b>		\$ 5,788.00		DES Fee Proposal dtd 05-08-20.		\$ 5,788.00
=	... <b>Utilities:</b>		\$ 4,229.80		DES Fee Proposal dtd 05-08-20.		\$ 4,229.80
	QA Inspections						
	QA Material Testing						
	IA Material Testing						
	Additional Professional Services						
=	<b>NM Gross Receipt Tax</b>	<b>8.3125%</b>	\$ 12,983.28		Gallup GRT		
	<b>Cooperative Educational Services SIOH</b>	<b>0.0000%</b>	\$ -				
	<b>Construction</b>	<b>100.0000%</b>		<b>\$ 1,120,639.16</b>		\$1,034,635.12	
	Base Bid (Roadway)					\$810,648.64	100.00%
=	..... <b>9th To 8th Street</b>		\$ 324,324.32		Ref DES eM 05/01/20 15:45.		40.01% \$ 324,324.32
=	..... <b>8th To 7th Street</b>		\$ 324,324.32		Ref DES eM 05/01/20 15:45.		40.01% \$ 324,324.32
=	..... <b>7th To 6th Street</b>		\$ 162,000.00		Ref DES eM 05/01/20 15:45.		19.98% \$ 162,000.00
	Bid Additives (Utilities)					\$223,986.48	100.00%
=	..... <b>9th To 8th Street</b>		\$ 55,743.24		Ref DES eM 05/01/20 15:45.		24.89% \$ 55,743.24
=	..... <b>8th To 7th Street</b>		\$ 55,743.24		Ref DES eM 05/01/20 15:45.		24.89% \$ 55,743.24
=	..... <b>7th To 6th Street</b>		\$ 112,500.00		Ref DES eM 05/01/20 15:45.		50.23% \$ 112,500.00
	<b>NM Gross Receipt Tax</b>	<b>8.3125%</b>	\$ 86,004.04		Gallup GRT		
	<b>Cooperative Educational Services SIOH</b>	<b>0.0000%</b>	\$ -				
	<b>Construction Changes</b>	<b>0.0000%</b>		<b>\$ -</b>			
1							
2							
	<b>NM Gross Receipt Tax</b>	<b>8.3125%</b>	\$ -		Gallup GRT		
	<b>Cooperative Educational Services SIOH</b>	<b>0.0000%</b>	\$ -				
	<b>Incidental Costs</b>	<b>10.0000%</b>	<b>\$ 112,063.92</b>	<b>\$ 112,063.92</b>			
	Total Estimated Costs					\$ 1,559,291.26	
	Collateral Equipment	<b>0.0000%</b>	\$ -			\$ -	
	Construction Mitigation	<b>0.0000%</b>	\$ -		For Business Inconvenience.	\$ -	
	NWCOG Fiscal Agency SIOH	<b>0.0000%</b>	\$ -		N/A - Required Expense By NMDFA.	\$ -	
	Grand Total Estimated Costs					\$ 1,559,291.26	
	<b>PROJECT BALANCE</b>			<b>\$ 708.74</b>			
123	Soft Number (Estimate)						
123	Hard Number (PO or Contract)						
	<b>COST RECAP</b>						
	Indirect Costs	<b>10.8770%</b>	\$ -	<b>\$ 157,415.11</b>			
	Project Planning	<b>0.0000%</b>	\$ -		Architect/Engineer		
	Project Development	<b>10.8770%</b>	\$ 157,415.11		Architect/Engineer		

WEST LOGAN AVE RECONSTRUCTION PRJ  
Estimated Project Budget

Direct Costs	89.1230%		\$ 1,289,812.24			
Project Delivery	11.6895%	\$ 169,173.08		Architect/Engineer		
Construction Award	77.4335%	\$ 1,120,639.16		Construction Contractor		
Construction Changes		\$ -		Construction Contractor		
<b>Total Project Costs</b>	<b>100.0000%</b>		<b>\$ 1,447,227.35</b>			
Collateral Equipment		\$ -				
Construction Mitigation		\$ -				
Incidental Costs		\$ 112,063.92				
		<b>\$ 1,559,291.26</b>	CHECKSUM			
Architect/Engineer	22.5665%	\$ 326,588.18				
Construction Contractor	77.4335%	\$ 1,120,639.16				
	<b>100.0000%</b>	<b>\$ 1,447,227.35</b>	CHECKSUM	Does Not Include Incidental Costs		
Roadway Costs:	77.05818%		\$ 1,115,206.99		\$1,029,619.84	
9th To 8th Street		\$ 425,601.30				
8th To 7th Street		\$ 402,813.30				
7th To 6th Street		\$ 201,205.24				
<b>NM Gross Receipt Tax</b>	<b>8.3125%</b>	\$ 85,587.15				
Utility Costs:	22.9418%		\$ 332,020.36		\$306,539.28	
9th To 8th Street		\$ 86,502.36				
8th To 7th Street		\$ 75,732.16				
7th To 6th Street		\$ 144,304.77				
<b>NM Gross Receipt Tax</b>	<b>8.3125%</b>	\$ 25,481.08				
	<b>100.0000%</b>	<b>\$ 1,447,227.35</b>	<b>\$ 1,447,227.35</b>	Does Not Include Incidental Costs		



## Levitt AMP Gallup Music Series 2020/21

### **Presented by:**

Gallup MainStreet Arts & Cultural District, in partnership with City of Gallup

### **Overview:**

The purpose of the Levitt AMP Music Series, funded in part by the Mortimer & Mimi Levitt Foundation, is to bring the joy of free, live music to people of all ages and backgrounds, transforming underused public spaces into thriving community destinations. As a result of winning this grant (one of only 20 communities selected in part by a national vote), Gallup is part of a national network of Levitt AMP concert sites in 2020 strengthening communities through the power of FREE music. At Courthouse Square, we will bring area residents together and activate this public place for all to enjoy 10 free concerts. The Levitt AMP Gallup Music Series is a perfect way to make our downtown a vibrant space for our community and the entire region.

### **Event at a glance**

Target audience: residents; day-travelers from Four Corners region

Attendance (10 concerts): 5,000

Volunteers: 100

### **COVID-19 Postponement:**

Due to the public health crisis and the uncertainty of mass gatherings and restriction throughout the summer and fall of 2020, and in order to support a successful first concert series, the event has been postponed by one year. Thanks to the support of Levitt Foundation, Gallup will not need to reapply for the grant. The concerts will take place July – October 2021.

### **COVID-19 Additional Support from Levitt Foundation:**

In an effort to support communities during this time – when most have had to postpone, shorten, or move to virtual concert series – Levitt Foundation is offering financial and programmatic support by:

- 1) Hosting a national virtual concert series, offering support to Gallup to pay a regional musician to perform for the series
- 2) Write and promote dedicated digital content about Gallup on Levitt's platforms, highlighting arts, culture, and resiliency
- 3) Offering a \$5,000 grant to organize a creative, community-focused event that will bring people together and support the arts – however it is safe to do so

### **Funding + Partner Support for Concert Series**

Levitt Foundation: \$25,000

City of Gallup (Lodger's Tax): \$40,000

\*Additional grants, donations, and sponsorships to offset city match to be secured and solicited by Gallup MainStreet Arts & Cultural District.

Concert series organization & administration: GMSACD

Marketing & promotion: City of Gallup, with GMSACD

Site logistics: City of Gallup, with GMSACD

Evaluation & reporting: GMSACD

### **City of Gallup Funds Disbursement**

--TK--

GMSACD will put funds in a restricted account and will track and report on all used funds.

### **Levitt Foundation Funds Disbursement**

The Grant will be disbursed in three (3) payments, in the following order: 25% will be disbursed upon Grantee providing Levitt with proof of matching funds and the confirmed artist roster for the Series, subject to the approval of Levitt per Section IV.I. of this Agreement; 50% will be disbursed no earlier than six (6) weeks prior to the launch of the Series and upon Grantee providing Levitt with proof of insurance; and the final 25% will be disbursed upon submission of the Report. Grantee understands that delivery of any portion of the Grant will take up to four (4) weeks following submission of the required documents to Levitt.

# LEVITT AMP GALLUP BUDGET - WORKING DOCUMENT

## INCOME

<u>Funders</u>	<u>Name</u>	<u>Amount</u>
	Levitt Foundation	\$25,000.00
	Lodger's Tax	
	<b>TOTAL</b>	<b>\$ 25,000.00</b>

<u>Sponsorships</u>	<u>Name</u>	<u>Contact</u>	<u>Amount</u>
	Business 1		
		2	
		3	
		4	
		5	
		6	
		7	
	<b>TOTAL</b>		

<u>Donations</u>			
		1	
		2	
		3	
		4	
	<b>TOTAL</b>		

<u>Vendor Fees</u>		<u>Contact</u>	<u>Amount</u>
	Beer Vendor	TK	\$ 1,200.00
	Food Vendors	TK	\$ 250.00
		3	
		4	
		5	
		6	
		7	
	<b>TOTAL</b>		<b>\$ 1,450.00</b>

<u>Misc.</u>	<u>TOTAL</u>	

## INCOME TOTAL \$ 26,450.00

## EXPENSE

<u>Logistics</u>		
Venue Rental		\$0.00 In kind
Green Room Rental		\$0.00 In kind
Permit Fees		\$0.00 In kind
Security		\$7,000.00 700/night estimate
Insurance		\$600.00 Bubany quote - must provide lineup first
Event wayfinding signage		\$500.00
Custodial		\$0.00 In kind
Photography		\$1,000.00
Tent/fencing		\$0.00 In kind
<b>TOTAL</b>		<b>\$9,100.00</b>

<u>Personnel</u>		
Administrative		\$0.00 In kind
Personnel non-production		\$0.00 In kind
Personnel production		\$20,000.00 Avg \$2k/night
<b>TOTAL</b>		<b>\$20,000.00</b>

<u>Entertainment</u>		
10 Headliners		\$25,000.00
10 openers		\$5,000.00
Hospitality - Rooms		\$2,500.00 Hopefully get some in kind/reduced rate
Hospitality - Food & Drink		\$2,500.00 Hopefully get in kind, donated

TOTAL \$35,000.00

Marketing

Print Ads	\$7,488.00	see breakdown in google drive
Radio Ads	\$3,000.00	30 second ads, 5x a day, 30 days
Stage banners	\$500.00	One vertical, one horizontal, Vistaprint pricing
Light pole banners	\$250.00	10, bannerbuzz.com
Facebook Ads	\$1,000.00	
T-shirts	\$1,000.00	For volunteers and sale
Posters	\$200.00	Butler's
TOTAL	\$13,438.00	

d

Contingency

EXPENSE TOTAL \$77,538.00

Profit/Loss \$51,088.00

IN-KIND DONATIONS

<u>BUSINESS</u>	<u>DONATION</u>	<u>VALUE</u>
Gallup MainsStreet, City of Gallup, Volunteers	Personnel Non-Production	\$40,000.00
Gallup MainStreet	Administrative Building materials, build out of fencing and canopy	\$10,000.00
GGEDC Workforce Development	structures, set upu and take down	\$TK
4		
5		
6		
7		
8		

IN\_KIND DONATION TOTAL \$50,000.00



Mayor Louis O. Bonaguidi  
Councilor Linda Garcia, District 1  
Councilor Michael W. Schaaf, District 2  
Councilor Yogash Kumar, District 3  
Councilor Fran Palochak, District 4

Maryann Ustick, City Manager  
Curtis Hayes, City Attorney

May 22, 2020

## MEMORANDUM

TO: Gallup City Council

FROM: Clyde (C.B.) Strain, Planning & Development Director 

REF: Case No. VAC2020-01000003, Matthew K. Hughbanks request for vacation of a 10' public utility (P.U.E.) and drainage easement

### BACKGROUND

Matthew K. and Geri Hughbanks, property owners, have petitioned the Gallup City Council for vacation of a 10' wide, 98.07' long public utility (P.U.E.) and drainage easement on the property located at 3735 Maya Drive; more particularly described as Lot 10, Doug Alan Development Subdivision.

### DISCUSSION

When the Doug Alan Development Subdivision was platted in 1997 there was a ten foot (10') public utility (P.U.E.) and drainage easement dedicated along the northern property boundary line of lot 10. Utilities were never installed within this easement and there is no plan to install utilities within this easement anytime in the future. Also there is no drainage contained within this easement. Said property lies within an established neighborhood and all properties within the subdivision are currently serviced with all city utilities therefore the existing ten foot (10') public utility (P.U.E.) and drainage easement is not needed by the City of Gallup for any additional utility or drainage improvements.

After reviewing this request the Gallup Task Force (GTF) had no issues with the proposed vacation of the public utility and drainage easements. GTF comments are included in your agenda packet for review.

### FINDINGS

It is the findings of staff based on Gallup Task Force (GTF) comments that there are no issues with vacation of the described 10' wide 98.07' long public utility (P.U.E.) and drainage easement along the northern property boundary line of said property.

The Gallup Planning and Zoning Commission reviewed this request during their regular meeting on May 13, 2020 and sends positive recommendation to City Council for vacation of said utility and drainage easement with Resolution of Recommendation No. RP2020-5.

**ORDINANCE NO. S2020-5**

**AN ORDINANCE [ ] APPROVING [ ] DENYING A REQUEST BY MATTHEW K. AND GERI HUGHBANKS, PROPERTY OWNERS, FOR VACATION OF A TWELVE FOOT (12') WIDE PUBLIC UTILITY (P.U.E) AND DRAINAGE EASEMENT ALONG THE NORTHERN PROPERTY BOUNDARY LINE BEGINNING ON THE WEST PROPERTY BOUNDARY CORNER THEN COMMENCING EAST 98.07' TO THE EASTERN PROPERTY CORNER ON THE PROPERTY LOCATED AT 3735 MAYA DRIVE.**

**WHEREAS**, Matthew K. and Geri Hughbanks, property owners, have petitioned the Gallup City Council for vacation of a twelve foot (10') wide public utility (P.U.E) and drainage easement along the northern property boundary line beginning on the west property boundary corner then commencing east 98.07' to the eastern property corner on the property located at 3735 Maya Drive.; more particularly described as Lot 10, Doug Alan Development Subdivision; and

**WHEREAS**, the aforementioned public utility (P.U.E) and drainage easement as shown on the Easement Survey being made part of this ordinance, that is being vacated shall be described as follows:

A STRIP OF LAND 10' IN WIDTH, LYING WITHIN LOT 10, DOUG ALAN DEVELOPMENT SUBDIVISION, GALLUP, MCKINLEY COUNTY, NEW MEXICO, AS THE SAME AS SHOWN ON THE PLAT OF SAID SUBDIVISION FILED IN THE OFFICE OF THE CLERK OF MCKINLEY COUNTY, NEW MEXICO ON MAY 22, 1997, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 10, AND BEING THE REAL POINT OF BEGINNING,  
THENCE N87°52'15"E, 98.07' TO A POINT;  
THENCE S00°01'30"W, 10.00' TO A POINT;  
THENCE S87°52'15"W, 98.07' TO A POINT;  
THENCE N00°01'30"E, 10.00' TO THE POINT OF BEGINNING

CONTAINING 0.0225 AC.; and

**WHEREAS**, a public hearing was held before the Gallup City Council after notice as required by law; and

**WHEREAS**, The Governing Body deems it in the best interest of the public that this request be [ ] approved [ ] denied.

**NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GALLUP, NEW MEXICO that:**

**SECTION ONE:** CASE NO. 2020-01000003; the application to vacate a ten foot (10') wide, public utility (P.U.E.) and drainage easement along the northern property boundary line of said property as described above, is hereby [ ] approved [ ] denied; and

**SECTION TWO:** If the request to vacate the described public utility (P.U.E.) and drainage easement is approved, the public utility (P.U.E.) and drainage easement as described above is hereby vacated, closed, discontinued and withdrawn from City use as a public utility (P.U.E.) and drainage easement.

**PASSED, ADOPTED, APPROVED ON THIS 26th DAY OF MAY, 2020**

**ATTEST:**

**CITY OF GALLUP, MCKINLEY COUNTY**

\_\_\_\_\_  
**ALFRED ABEITA, CITY CLERK**

**BY:** \_\_\_\_\_  
**LOUIS O. BONAGUIDI, MAYOR**

**RESOLUTION NO. RP2020-5**

**A RESOLUTION FOR A  POSITIVE [ ] NEGATIVE RECOMMENDATION TO THE GALLUP CITY COUNCIL FOR APPROVAL OF A REQUEST BY MATTHEW K. AND GERI HUGHBANKS, PROPERTY OWNERS, FOR VACATION OF A TEN FOOT (10') WIDE PUBLIC UTILITY (P.U.E) AND DRAINAGE EASEMENT ALONG THE NORTHERN PROPERTY BOUNDARY LINE BEGINNING ON THE WEST PROPERTY BOUNDARY CORNER THEN COMMENCING EAST 98.07' TO THE EASTERN PROPERTY CORNER ON THE PROPERTY LOCATED AT 3735 MAYA DRIVE.**

**WHEREAS, Matthew K. and Geri Hughbanks, property owners, have petitioned the Gallup City Council for vacation of a ten foot (10') wide public utility (P.U.E) and drainage easement along the northern property boundary line beginning on the west property boundary corner then commencing east 98.07' to the eastern property corner on the property located at 3735 Maya Drive.; more particularly described as Lot 10, Doug Alan Development Subdivision; and**

**WHEREAS, the aforementioned public utility (P.U.E) and drainage easement as shown on the Easement Survey being made part of this ordinance, that is being vacated shall be described as follows:**

**A STRIP OF LAND 10' IN WIDTH, LYING WITHIN LOT 10, DOUG ALAN DEVELOPMENT SUBDIVISION, GALLUP, MCKINLEY COUNTY, NEW MEXICO, AS THE SAME AS SHOWN ON THE PLAT OF SAID SUBDIVISION FILED IN THE OFFICE OF THE CLERK OF MCKINLEY COUNTY, NEW MEXICO ON MAY 22, 1997, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 10, AND BEING THE REAL POINT OF BEGINNING,  
THENCE N87°52'15"E, 98.07' TO A POINT;  
THENCE S00°01'30"W, 10.00' TO A POINT;  
THENCE S87°52'15"W, 98.07' TO A POINT;  
THENCE N00°01'30"E, 10.00' TO THE POINT OF BEGINNING**

**CONTAINING 0.0225 AC.; and**

**WHEREAS, a public hearing was held by the Planning and Zoning Commission after notice as required by law; and**

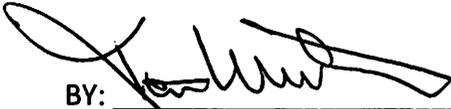
**WHEREAS, the Planning and Zoning Commission deems it in the best interest of the public and recommends to the Gallup City Council that this application be  approved [ ] denied.**

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF GALLUP, SITTING AS THE BOARD OF ADJUSTMENT, that:**

- 1. The City of Gallup Planning and Zoning Commission hereby sends to the Gallup City Council a  POSITIVE [ ] NEGATIVE recommendation for approval of Ordinance No. S2020-5, to vacate a ten foot (10') wide, public utility (P.U.E.) and drainage easement along the northern property boundary line of said property as described above.

**PASSED, ADOPTED AND APPROVED THIS 13<sup>TH</sup> DAY OF MAY 2020**

CITY OF GALLUP, MCKINLEY COUNTY



BY: \_\_\_\_\_  
KENT WILSON, CHAIRMAN  
PLANNING AND ZONING COMMISSION

ATTEST:

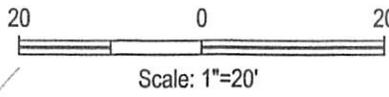
  
\_\_\_\_\_  
Clyde (C.B.) Strain, Planning & Development Director  
Secretary Planning and Zoning Commission



# EASEMENT SURVEY OF THE NORTH 10' OF LOT 10 DOUG ALAN DEVELOPMENT SUBDIVISION

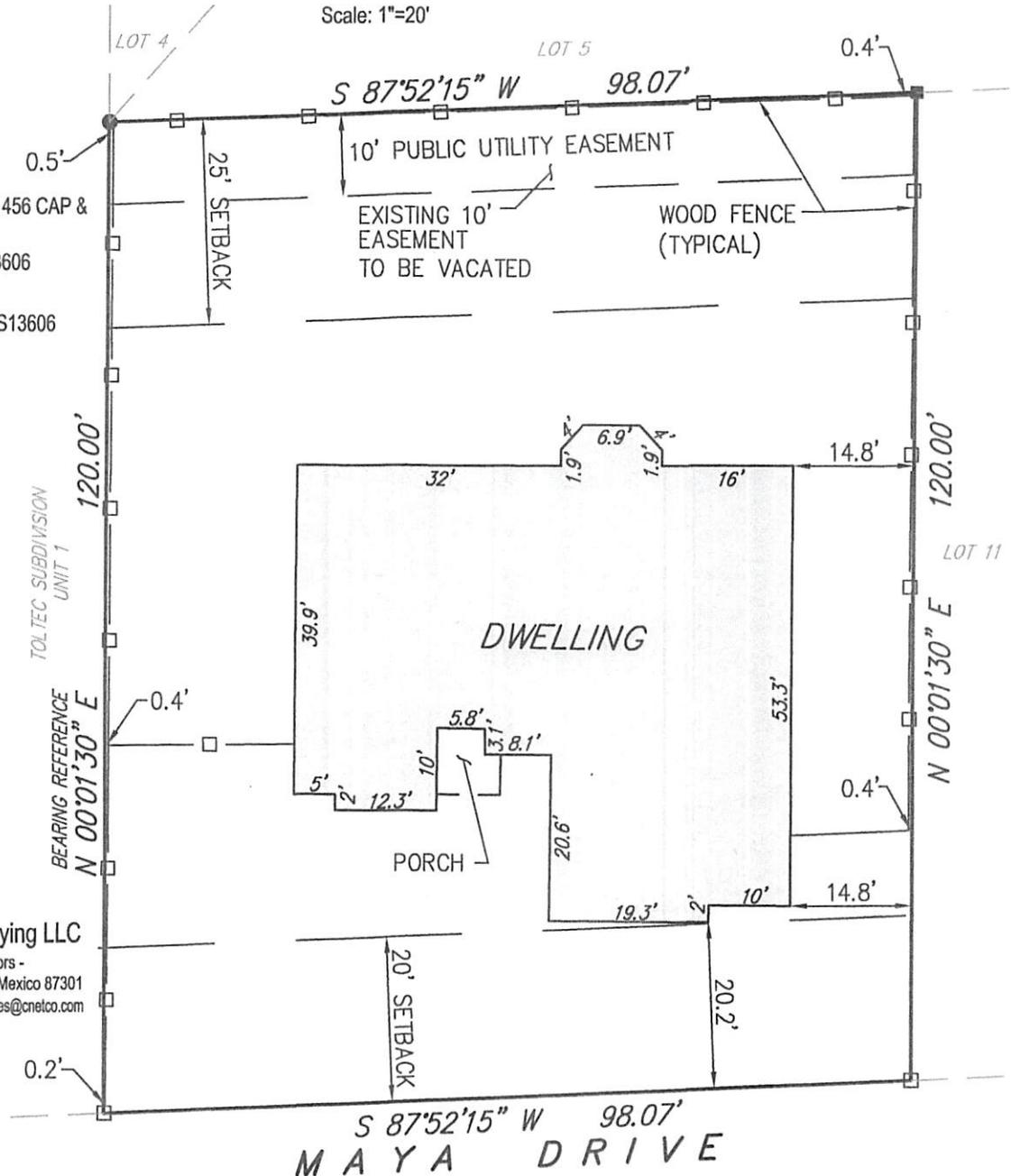
GALLUP, MCKINLEY COUNTY, NEW MEXICO

AS THE SAME IS SHOWN ON THE PLAT OF SAID SUBDIVISION FILED IN THE OFFICE OF THE CLERK OF MCKINLEY COUNTY, NEW MEXICO ON MAY 22, 1997.



## LEGEND

- FOUND 1/2" REBAR w/PS11456 CAP & PS13606 WASHER
- FOUND 1/2" REBAR w/PS13606 ALUMINUM CAP
- FOUND 1/2" REBAR, SET PS13606 ALUMINUM CAP



Prepared by:  
**DePauli Engineering & Surveying LLC**  
- Civil Engineers and Land Surveyors -  
102 West Hill Avenue Gallup, New Mexico 87301  
Tel: (505) 863-5440 Fax: (505) 863-1919 Email: des@cnelco.com

## NOTES:

- 1) OWNER: RICHARD WORCESTER & JULIE FARRELL  
BK. 23 COMP., PG. 1854
- 2) ADDRESS: 3735 MAYA DRIVE, GALLUP, NM.
- 3) FIELD SURVEY PERFORMED: DECEMBER 9, 2009
- 4) TITLE COMMITMENT PROVIDED BY GALLUP TITLE COMPANY,  
COMMITMENT No. 280, FILE NO. 09110630, EFFECTIVE DATE: NOVEMBER 24, 2009.  
SCHEDULE B - PART II:  
ITEM 12: EASEMENTS AND SETBACKS SHOWN HEREON.  
ITEM 13: WOOD FENCE SHOWN HEREON.
- 5) DRIVEWAY, INTERIOR WALLS, LANDSCAPING AND SIDEWALKS NOT SHOWN.
- 6) ACCORDING TO THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 350042 0015D, EFFECTIVE DATE: DECEMBER 16, 1988, THE LOT SHOWN HEREON LIES WITHIN ZONE "X", AREAS DETERMINED TO BE OUTSIDE OF THE 500-YEAR FLOOD PLAIN.

## DESCRIPTION OF A STRIP OF LAND - TO BE VACATED

A STRIP OF LAND 10' IN WIDTH, LYING WITHIN LOT 10, DOUG ALAN DEVELOPMENT SUBDIVISION, GALLUP, MCKINLEY COUNTY, NEW MEXICO, AS THE SAME AS SHOWN ON THE PLAT OF SAID SUBDIVISION FILED IN THE OFFICE OF THE CLERK OF MCKINLEY COUNTY, NEW MEXICO ON MAY 22, 1997, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 10, AND BEING THE REAL POINT OF BEGINNING,  
THENCE N87°52'15"E, 98.07' TO A POINT;  
THENCE S00°01'30"W, 10.00' TO A POINT;  
THENCE S87°52'15"W, 98.07' TO A POINT;  
THENCE N00°01'30"E, 10.00' TO THE POINT OF BEGINNING.

CONTAINING 0.0225 AC.

I, Marc A. DePauli, New Mexico Registered Surveyor, do hereby certify that this Plat was prepared from an actual ground survey performed by me or under my direct supervision, that I am responsible for this survey, that this survey is true and correct to the best of my knowledge and belief, that this Plat and the field survey upon which it is based meet the Minimum Standards for Surveying in New Mexico and that this survey is not a land division or subdivision as defined in the New Mexico Subdivision Act.

Marc A. DePauli N.M.P.S. Lic. No. 13606

Date

MAR 10 2020

we 125 pm



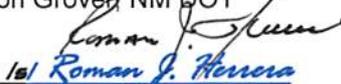
C:\Users\Public\Survey\ROW-1034 (3735 MAYA DRIVE)\ROW-1034.dwg DRAWN: MRP/0 2:44:00 CHECKED: MRP/0T DATE: MARCH 6, 2020.

March 12, 2020

**MEMORANDUM**

**TO: GALLUP TASK FORCE {GTF}**

- C.B. Strain, Community Planner
- Stan Henderson, Executive Director, Public Works Division
- Mike DeClercq, Water/Waste Water Superintendent
- Marita Joe, Senior Electrical Engineer
- Adrian Marrufo, Solid Waste Director
- Jacob LaCroix, GFD, Fire Inspector
- Diane Willato, CenturyLink Engineer
- Irma Bustamante, NM Gas Co. Distribution Superintendent
- John Ortiz & Matthew Baca, Comcast
- Jayson Grover, NM DOT

**FROM:**  Roman J. Herrera  
Roman J. Herrera, Development Review Coordinator

**cc:** Dennis Romero, Water & Wastewater Executive Director  
John Wheeler, Electric Director

<b>CASE #:</b> 20-01000003
<b>PROJECT NAME:</b> Vacation
<b>PROPERTY OWNER:</b> Matthew Hughbanks
<b>PROJECT LOCATION:</b> 3735 Maya Drive
<b>DESCRIPTION:</b> <b>VACATION:</b> The property owner is requesting that the 98.07' x 10' Public Utility Easement located in his rear yard be vacated. The request will be scheduled to be heard at Public Hearing as soon as possible, any conditions for approval should be included in staff recommendation to the Commission.
<b>ELECTRONIC COMMENTS ARE DUE BY 18 MARCH 2020</b>

**NO TASK FORCE MEETING HAS BEEN SCHEDULED**

**COMMUNITY PLANNER COMMENTS:**

P1.) Request is to vacate an unused 10'x98.07' Public Utility Easement (PUE) and Drainage Easement.

P2.) There are no utilities or drainage within said easement and the subject property and surrounding properties are currently serviced with all required utilities therefore the existing Public Utility Easement (PUE) and Drainage Easement is not needed and can be vacated without impacting subject and surrounding properties.

P3.) Ok to proceed to Planning and Zoning Commission meeting for recommendation and then to City Council for final approval.

**CITY ENGINEER COMMENTS:** No concerns with PUE vacation.

**WATER DEPARTMENT COMMENTS:** No comments

**WASTEWATER DEPARTMENT COMMENTS:** No comments

**ELECTRIC DEPARTMENT COMMENTS:** No issue with vacation. There is no City owned electric poles, lines or equipment within the easement.

**FIRE DEPARTMENT COMMENTS:** No issues with vacation.

**SOLID WASTE COMMENTS:** No solid waste issues at this time

**CENTURYLINK COMMENTS:** It looks like our main line cable is in the alley to the west of this lot, I don't see any conflicts.

**NM GAS COMPANY COMMENTS:** No comments received from NM Gas.

**COMCAST COMMENTS:** No comments received from Comcast.

**NM D.O.T.:** No comments received from NM DOT.



May 22, 2020

## MEMORANDUM

TO: Gallup City Council

FROM: Clyde (C.B.) Strain, Planning & Development Director 

REF: Case No. MNSB2020-00300002, request for final plat review and approval of the Red Rock Self Storage Subdivision.

## BACKGROUND

Joseph Sanchez, dba Red Rock Self Storage, Inc., property owner, has petitioned the Gallup City Council for final plat review and approval of the Replat No. 1 of Lots 12 through 17, Block 1, and Lots 30 through 37, Block 2, Cedar Pine Subdivision Unit 1. The property is generally located north of Nizhoni Boulevard and west of Mesquite Drive; containing 1.9307 acres. The subdivision also includes vacation of an unnamed, undeveloped land locked dedicated street right-of-way containing 0.4016 acres.

## DISCUSSION

Currently the property consists of fourteen (14) lots containing a total of 1.9307 acres. The property also includes an unnamed, undeveloped land locked dedicated street right-of-way containing 0.4016 acres. The purpose of this subdivision is to replat the existing lots from fourteen (14) individual lots into one (1) individual lot, and to vacate the above referenced street right-of-way in order to allow for commercial development of said property. Proposed Lot 12A meets the minimum dimensional requirements for the General Commercial (GC) Zone District.

The property is also presently fully serviced with water/wastewater and electric infrastructure therefore no additional infrastructure improvements are required at this time.

The Gallup Planning and Zoning Commission reviewed this request at its regular meeting on May 13, 2020 and approved the subdivision portion. The request is now coming before the Gallup City Council for vacation of the above mentioned dedicated street right-of-way which will complete the subdivision process for this request.

The City of Gallup Task Force reviewed this request and has no issues with the subdivision or vacation of said right-of-way. Copies of the City of Gallup Task Force comments are included in your agenda packets for your review.

## **FINDINGS**

It is the findings of staff that the proposed subdivision complies with the City of Gallup Subdivision Regulations for a minor subdivision including all dimensional requirements for the General Commercial (GC) Zone District. Staff's recommendation is for approval of said subdivision.

# FINAL PLAT

## RED ROCK SELF STORAGE SUBDIVISION

GALLUP, MCKINLEY COUNTY, NEW MEXICO

Being a Replat of Lots 12 through 17, Block 1, Lots 30 through 37, Block 2, Amended Cedar Pine Subdivision, together with a part of the un-named public street right-of-way lying between said Blocks 1 & 2 which is more particularly described by metes & bounds hereon.

### OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT THE FOREGOING "RED ROCK SELF STORAGE SUBDIVISION", CITY OF GALLUP, MCKINLEY COUNTY, NEW MEXICO, BEING DESCRIBED TO WIT:

LOTS 12 THROUGH 17, BLOCK 1, LOTS 30 THROUGH 37, BLOCK 2, AMENDED CEDAR PINE SUBDIVISION, TOGETHER WITH A PART OF THE UN-NAMED PUBLIC RIGHT-OF-WAY LYING BETWEEN SAID BLOCKS 1 & 2 WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE WEST LINE OF LOT 12, BLOCK 1, CEDAR PINE SUBDIVISION, UNIT 1, WITH THE NORTH LINE OF THE UNRESTRICTED EASEMENT AND RIGHT-OF-WAY OF NIZHONI BOULEVARD WHERE THE NORTHWEST CORNER OF LOT 37, BLOCK 2 OF SAID SUBDIVISION BEARS N00°16'02"W (N.M.S.P.W.Z. GRID BRG.), 239.02' DISTANT; THENCE N00°16'02"W ALONG THE WEST LINE OF SAID LOT 12, 88.71' TO THE SOUTHWEST CORNER OF THE UN-NAMED PUBLIC RIGHT-OF-WAY AND THE REAL POINT OF BEGINNING; THENCE CONTINUE N00°16'02"W, 50.00' TO THE NORTHWEST CORNER; THENCE N89°45'02"E ALONG THE SOUTH LINE OF LOTS 37, 36, 35, 34, 33, 32, 31, 30, 29, 28, 27, 26 & 25, OF SAID BLOCK 2, 620.43' TO A POINT ON THE WEST LINE OF LOT 5, MESQUITE SUBDIVISION AND THE NORTHEAST CORNER; THENCE S00°34'42"W, 50.01' TO A POINT ON THE NORTH LINE OF LOT 24, BLOCK 1, CEDAR PINE SUBDIVISION AND THE SOUTHEAST CORNER; THENCE S89°45'02"W ALONG THE NORTH LINE OF LOTS 24, 23, 22, 21, 20, 19, 18, 17, 16, 15, 14, 13 & 12, OF SAID BLOCK 1, 619.69' TO THE POINT OF BEGINNING, CONTAINING 0.7177 ACRE.

CONTAINING 2.2408 ACRES, LOT 12A 1.9307 ACRES (WHICH INCLUDES VACATED R.O.W. OF 0.4016 ACRES) AND VACATED R.O.W. OF 0.3101 ACRE, MORE OR LESS, NOW SURVEYED AND PLATTED AS SHOWN HEREON, COMPRISING THE TRACT KNOWN AS "RED ROCK SELF STORAGE SUBDIVISION", CITY OF GALLUP, MCKINLEY COUNTY, NEW MEXICO, AS APPEARS ON THIS PLAT TO WHICH THIS DEDICATION IS ATTACHED AND MADE A PART HEREOF, AND THIS PLAT HAS BEEN SUBMITTED TO THE CITY OF GALLUP AS BY STATUTE PROVIDED IS WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS. ELECTRIC, TELEPHONE, GAS, WATER, SEWER AND CABLE TELEVISION FACILITIES AND OTHER FRANCHISED PUBLIC UTILITIES WILL BE INSTALLED UNDERGROUND OR OVERHEAD, IN OR ALONG STREETS AND ALLEYS, UTILITY EASEMENTS, PUBLIC AREAS AND IN OWNER'S FACILITIES. ALL INSTALLATIONS SHALL CONFORM WITH APPLICABLE LOCAL CODES IN EFFECT. THE STREETS, ALLEYS, PUBLIC WAYS OR OTHER PUBLIC PROPERTY AS SHOWN HEREON ARE DEDICATED TO THE PUBLIC FOR ITS USE FOREVER. THE EASEMENTS AS SHOWN HEREON ARE GRANTED FOR UNDERGROUND PIPELINES, OVERHEAD AND UNDERGROUND CABLES, POLES, ANCHORS, CONDUITS, TRANSFORMER INSTALLATION (INCLUDING PADMOUNT AND CONVENTIONAL) PULLBOXES, MANHOLES, SERVICE FACILITIES AND ALL OTHER NECESSARY EQUIPMENT FOR AN UNDERGROUND OR AERIAL DISTRIBUTION SYSTEM, TOGETHER WITH OVERHANG OR SERVICE WIRE AND WITH THE RIGHTS OF INGRESS AND EGRESS THERETO FOR THIS INSTALLATION, OPERATION, INSPECTION, REPAIR, MAINTENANCE, REPLACEMENT AND RENEWAL THEREOF AND ALSO THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS. PERMANENT STRUCTURES WILL NOT BE PERMITTED ON OR OVER ANY EASEMENT. FENCES, SIDEWALKS AND DRIVEWAYS ARE HEREBY EXEMPTED BUT MAY BE REMOVED BY RECIPIENT OF THIS EASEMENT DEDICATION.

WE, THE UNDERSIGNED OWNER WITH FREE CONSENT, HEREBY SET OUR HANDS AND SEALS.

RED ROCK SELF STORAGE, INC.  
JOSEPH SANCHEZ, DIRECTOR  
212 W. COAL AVE.  
GALLUP, NM 87301  
PH: (505) 863-8992

RED ROCK SELF STORAGE, INC.  
ELIZABETH SANCHEZ, DIRECTOR  
212 W. COAL AVE.  
GALLUP, NM 87301  
PH: (505) 863-8992

### ACKNOWLEDGMENT

STATE OF NEW MEXICO )  
COUNTY OF MCKINLEY ) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS  
DAY OF \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

### ACKNOWLEDGMENT

STATE OF NEW MEXICO )  
COUNTY OF MCKINLEY ) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS  
DAY OF \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

**RECEIVED**

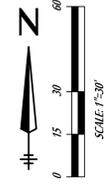
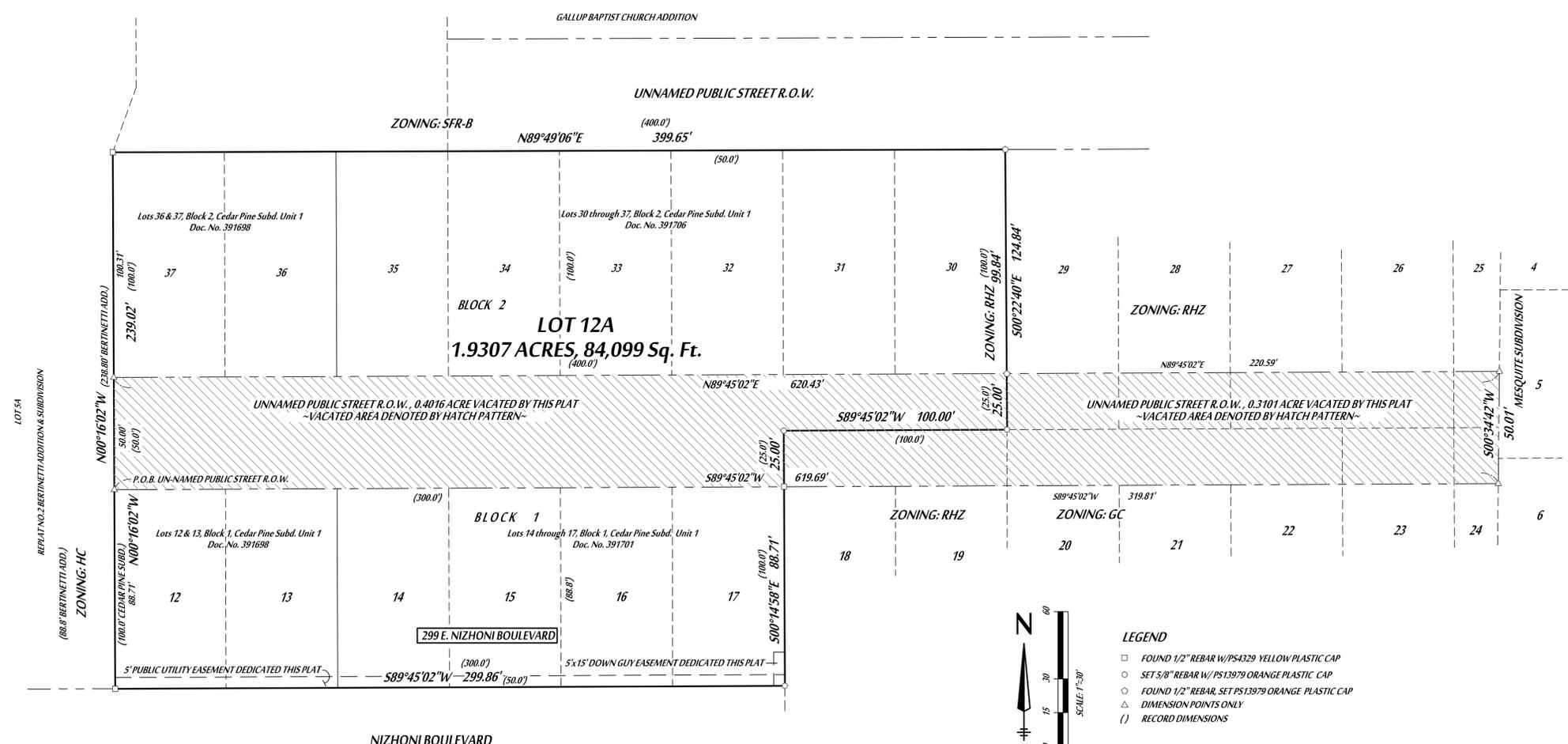
By Nikki Lee at 3:43 pm, Apr 27, 2020

### SURVEYOR'S CERTIFICATE

I, Clyde J. King, New Mexico Professional Surveyor No. 13979, do hereby certify that this Plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the Minimum Standards for Surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief. I further certify that this instrument is based upon a Boundary Survey of an existing tract or tracts.

*Clyde J. King*  
Clyde J. King, PS 13979

4-27-20  
Date



### LEGEND

- FOUND 1/2" REBAR W/PS4329 YELLOW PLASTIC CAP
- SET 5/8" REBAR W/PS13979 ORANGE PLASTIC CAP
- FOUND 1/2" REBAR, SET PS13979 ORANGE PLASTIC CAP
- △ DIMENSION POINTS ONLY
- ( ) RECORD DIMENSIONS

### CERTIFICATION OF ACCEPTANCE AND APPROVAL

The above described subdivision and conditional acceptance of the dedication of right-of-way, easements and sites for city use and the plat thereof upon which this certificate appears is hereby approved by the Planning and Zoning Commission of the City of Gallup, New Mexico, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST  
Secretary \_\_\_\_\_ Chairman, Planning & Zoning Commission \_\_\_\_\_

### VACATED RIGHT OF WAY CERTIFICATION OF APPROVAL

PORTION OF THE UN-NAMED PUBLIC RIGHT-OF-WAY SHOWN HEREON, LYING BETWEEN BLOCKS 1 & 2, CEDAR PINE SUBDIVISION, UNIT 1, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCE AT THE INTERSECTION OF THE WEST LINE OF LOT 12, BLOCK 1, CEDAR PINE SUBDIVISION, UNIT 1, WITH THE NORTH LINE OF THE UNRESTRICTED EASEMENT AND RIGHT-OF-WAY OF NIZHONI BOULEVARD WHERE THE NORTHWEST CORNER OF LOT 37, BLOCK 2 OF SAID SUBDIVISION BEARS N00°16'02"W (N.M.S.P.W.Z. GRID BRG.), 239.02' DISTANT; THENCE N00°16'02"W ALONG THE WEST LINE OF SAID LOT 12, 88.71' TO THE SOUTHWEST CORNER OF THE UN-NAMED PUBLIC RIGHT-OF-WAY AND THE REAL POINT OF BEGINNING; THENCE CONTINUE N00°16'02"W, 50.00' TO THE NORTHWEST CORNER; THENCE N89°45'02"E ALONG THE SOUTH LINE OF LOTS 37, 36, 35, 34, 33, 32, 31, 30, 29, 28, 27, 26 & 25, OF SAID BLOCK 2, 620.43' TO A POINT ON THE WEST LINE OF LOT 5, MESQUITE SUBDIVISION AND THE NORTHEAST CORNER; THENCE S00°34'42"W, 50.01' TO A POINT ON THE NORTH LINE OF LOT 24, BLOCK 1, CEDAR PINE SUBDIVISION AND THE SOUTHEAST CORNER; THENCE S89°45'02"W ALONG THE NORTH LINE OF LOTS 24, 23, 22, 21, 20, 19, 18, 17, 16, 15, 14, 13 & 12, OF SAID BLOCK 1, 619.69' TO THE POINT OF BEGINNING, CONTAINING 0.7177 ACRE.

THE RIGHT OF WAY THOUGH DEDICATED TO PUBLIC USE, ARE NOT NOW NEEDED FOR THE PUBLIC'S BENEFIT AND HEREOF UPON WHICH THIS CERTIFICATION APPEARS AND APPROVED FOR  
VACATION BY THE CITY OF GALLUP, NEW MEXICO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

ATTEST:  
CITY CLERK \_\_\_\_\_ MAYOR \_\_\_\_\_  
CITY OF GALLUP, NEW MEXICO CITY OF GALLUP, NEW MEXICO

### CERTIFICATE OF FILING

I, \_\_\_\_\_, COUNTY CLERK AND EX-OFFICIO RECORDER FOR MCKINLEY COUNTY, NEW MEXICO DO HEREBY CERTIFY THAT THE PLAT CONTAINED HEREON WAS FILED IN MY OFFICE AS PROVIDED BY LAW ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

CLERK AND EX-OFFICIO RECORDER  
MCKINLEY COUNTY, NEW MEXICO

### APPROVALS

- CITY OF GALLUP, CITY ENGINEER \_\_\_\_\_
- CITY OF GALLUP, ELECTRIC DIRECTOR \_\_\_\_\_
- CITY OF GALLUP, WATER & WASTEWATER, DIRECTOR \_\_\_\_\_
- NM GAS COMPANY \_\_\_\_\_
- QWEST CORPORATION DBA CENTURYLINK QC \_\_\_\_\_

### CERTIFICATE OF FILING

I, THE UNDERSIGNED CLERK AND EX-OFFICIO RECORDER OF THE CITY OF GALLUP, NEW MEXICO, A MUNICIPAL CORPORATION OF THE STATE OF NEW MEXICO WITHIN THE COUNTY OF MCKINLEY, DO HEREBY CERTIFY THAT THE ABOVE PLAT WAS DULY FILED IN MY OFFICE AS PROVIDED BY

LAW ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

CLERK AND EX-OFFICIO RECORDER  
CITY OF GALLUP, NEW MEXICO



VICINITY MAP  
NOT TO SCALE

### RECORD DOCUMENTS

1. AMENDED CEDAR PINE SUBDIVISION UNIT 1, FILED OCT. 08, 1923.
2. GALLUP JOINT UTILITIES INFRASTRUCTURE PANELS 58225W & 5827W.
3. REPLAT NO. 2 BERTINETTI ADD. & SUBD., DOC. 289204.
4. GALLUP BAPTIST CHURCH ADD., DOC. 231527.
5. MESQUITE SUBDIVISION, DOC. 185912.

### NOTES

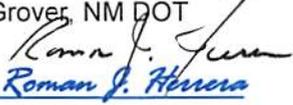
1. BOUNDARY SURVEY MADE NOVEMBER 06, 2018, UPDATED ON JAN. 02, 2020.
2. ADDRESS: 299 E. NIZHONI BOULEVARD, GALLUP, NM.
3. BEARINGS ARE REFERENCE TO THE N.M. STATE PLANE WEST ZONE GRID. DISTANCES ARE HORIZONTAL GROUND.
4. ALTHOUGH VISIBLE UTILITY APPURTENANCES WERE LOCATED AS PART OF THIS SURVEY, UNDERGROUND UTILITY LOCATIONS WERE NOT POTHOLED AND THE LOCATIONS SHOWN HEREON SHALL NOT BE RELIED UPON AS A DEFINITE LOCATION OF BURIED UTILITIES.
5. OWNER: RED ROCK SELF STORAGE INCORPORATED, A NEW MEXICO CORPORATION, SEE RECORD DOCUMENTS SHOWN ON DRAWING.
6. ZONING: RURAL HOLDING ZONE

MARCH 12, 2020

**MEMORANDUM**

**TO: GALLUP TASK FORCE {GTF}**

- C.B. Strain, Community Planner
- Stan Henderson, Executive Director, Public Works Division
- Gary Munn, GJU Chief Engineer
- Mike DeClercq, Water/Waste Water Superintendent
- Marita Joe, Senior Electrical Engineer
- Adrian Marrufo, Solid Waste Superintendent
- Jacob LaCroix, GFD, Fire Inspector
- Diane Willato, CenturyLink Engineer
- Irma Bustamante, NM Gas Co. Distribution Superintendent
- John Ortiz & Matthew Baca, Comcast
- Jayson Grover, NM DOT

**FROM:**   
 Roman J. Herrera, Development Review Coordinator

**cc:** Dennis Romero, Water & Wastewater Executive Director  
 John Wheeler, Executive Electric Director

<b>CASE #:</b> 20-00300002
<b>PROJECT NAME:</b> Replat of Block 1 & 2, Cedar Pine Subdivision
<b>PROPERTY OWNER:</b> Red Rock Self Storage Inc. / Joseph Sanchez
<b>PROJECT LOCATION:</b> Block 1, Lots 12 thru 17 & Block 2, Lots 30 thru 37, Cedar Pine Subdivision & Unnamed Street
<b>DESCRIPTION: MINOR SUBDIVISION – SKETCH PLAT REVIEW:</b> The property owner is requesting that the aforementioned Lots in Blocks 1 & 2 be replated into one (1) Lot, he is also requesting that a 400' x 25' x 100' x 299.88' x 50' section of the unnamed Street in between Blocks 1 & 2 be vacated as part of this replat. The site is presently zoned as Rural Holding Zone (RHZ), the property owner will be submitting a separate application for re-zone to Heavy Commercial (HC).
<b>ELECTRONIC COMMENTS ARE DUE BY: 20 MARCH 2020</b>

**NO TASK FORCE MEETING HAS BEEN SCHEDULED**

**COMMUNITY PLANNER COMMENTS:**

P1.) Change title of subdivision to "Red Rock Self Storage Subdivision".

P2.) Change vacation language in ROW to be vacated to "Unnamed Public Right-of-Way Vacated This Plat". Right of way is being vacated as part of the subdivision plat and not with a separate ordinance.

P3.) Add signature line for Mayor and City Clerk for vacation of ROW.

P4.) Entire unnamed ROW must be vacated as part of this plat and not just a portion, amend plat to include entire land locked ROW to be vacated.

P5.) Provide all required data on final plat per the City of Gallup Subdivision Regulations.

P6.) Schedule Task Force meeting with applicant and engineer to review all Task Force comments.

**CITY ENGINEER COMMENTS:** Upon development:

1. Storm drainage plan by a NM civil engineer will be required including compliance with said plan. See LDS for specific drainage plan requirements.
2. Nizhoni Blvd street frontage will require 6' wide ADA compliant sidewalks.

**WATER DEPARTMENT COMMENTS:** No comments

**WASTEWATER DEPARTMENT COMMENTS:** No comments

**ELECTRIC DEPARTMENT COMMENTS:** Electric department have no issues with replat or vacation of unnamed street. Need additional easement; 15' Wide PUE along Nizhoni.

**FIRE DEPARTMENT COMMENTS:** No fire department issues with replat or vacation of unnamed street.

**SOLID WASTE COMMENTS:** Solid Waste did not submit comments.

**CENTURYLINK COMMENTS:** The replat of Cedar Pine subdivision, I don't have any conflicts.

**NM GAS COMPANY COMMENTS:** NM Gas did not submit comments.

**COMCAST COMMENTS:** Comcast does not have any conflict with CASE 20-00300002 - Replat of Block 1&3 Cedar Pine Subdivision

**NM D.O.T.:** The NMDOT does not have any comments for the subject reviews, as they do not impact NMDOT Right of Way



May 19, 2020

**MEMORANDUM**

TO: Gallup City Council

FROM: Clyde (C.B.) Strain, Planning & Development Director 

REF: Case No. 2020-00300003, request for final plat review and approval of Replat No. 1 of Lots 21 through 36, Block 20 and Lots 5 through 20, Block 21, Ford Highway 66 Addition.

**BACKGROUND**

The Gallup Housing Authority, property owner, has petitioned the Gallup City Council for final plat review and approval of Replat No.1 of Lots 21 through 36, Block 20 and Lots 5 through 20, Block 21, Ford Highway 66 Addition. The property is generally located east of Morgan Avenue and Ford Drive and contains 3.3944 acres. This request also includes the vacation of a portion of the Morgan Avenue right-of-way containing 0.5503 acres.

**DISCUSSION**

Currently the property consists of thirty two (32) lots containing a total of 3.3944 acres. The property also includes a portion of the Morgan Avenue right-of-way containing 0.5503 acres. When the Ford Highway 66 Addition was originally platted the Morgan Avenue right-of-way was platted from Ford Drive through to Burke Drive but was never developed. When the Gallup Housing Authority constructed several residential housing units on the lots referenced above the units were constructed within and across the dedicated Morgan Avenue right-of-way.

The purpose of this subdivision is to reduce the number of lots from thirty two (32) lots to one (1) lot and to vacate the undeveloped portion of Morgan Avenue lying within the property boundaries of the subdivision in order to correct any encroachment issues with buildings within the Morgan Avenue right-of-way. The property lies within the Multi-Family Residential High (MFRH) Zone District. The proposed replat complies with all dimensional requirement for the MFRH Zone District.

The property is presently fully serviced with water/wastewater and electric infrastructure therefore no additional infrastructure improvements are required at this time. Public Utility Easements (P.U.E.'s) will be dedicated over all existing utility infrastructure located on proposed Lot 5A to allow city access for maintenance.

The Gallup Planning and Zoning Commission reviewed this request at its regular meeting on May 13, 2020 and approved the subdivision portion. The request is now coming before the Gallup City Council for vacation of the above mentioned Morgan Avenue right-of-way which will complete the subdivision process for this request.

Copies of the City of Gallup Task Force comments are included in your agenda packets for your review.

### **FINDINGS**

It is the findings of staff that the proposed subdivision complies with the City of Gallup Subdivision Regulations for a minor subdivision including all dimensional requirements for the Multi-Family Residential High (MFRH) Zone District. Staff's recommendation is for approval of said subdivision.

**OWNERS CERTIFICATE**

KNOW ALL MEN BY THESE PRESENTS, THAT THE FORGOING REPLAT NO. 1, SITUATED IN THE SOUTHWEST 1/4 OF SECTION 20, T19N, R18W, N.M.P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 AND 36 OF BLOCK 20 AND LOTS 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 AND 20 OF BLOCK 21, I.H. FORD HIGHWAY 66 ADDITION TO THE CITY OF GALLUP, MCKINLEY COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE MAP OF SAID ADDITION FILED IN THE OFFICE OF THE CLERK OF MCKINLEY COUNTY, NEW MEXICO, ON JULY 1, 1935.

CONTAINING 3.3944 ACRES, MORE OR LESS, INCLUDING THE 0.5503 ACRES FROM THE PORTION OF MORGAN AVENUE RIGHT-OF-WAY VACATED THIS PLAT.

NOW SURVEYED AND PLATED, THIS PLAT HAS BEEN SUBMITTED TO THE CITY OF GALLUP AS BY STATUTE PROVIDED WITH FREE CONSENT AND IS IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS. ELECTRIC, TELEPHONE, GAS, WATER, SEWER AND CABLE TELEVISION FACILITIES AND OTHER FRANCHISED PUBLIC UTILITIES WILL BE INSTALLED UNDERGROUND OR OVERHEAD, IN OR ALONG STREETS AND ALLEYS, UTILITY EASEMENTS, PUBLIC WAYS AND OTHER PUBLIC PROPERTY AS SHOWN HEREON ARE DEDICATED TO THE PUBLIC FOR ITS USE FOREVER. THE EASEMENTS AS SHOWN HEREON ARE GRANTED FOR UNDERGROUND PIPELINES, OVERHEAD AND UNDERGROUND CABLES, POLES, ANCHORS, CONDUCTORS, CONDUITS, TRANSFORMER INSTALLATION (INCLUDING PADMOUNT AND CONVENTIONAL), PULLBOXES, MANHOLES, SERVICE WIRE AND WITH THE RIGHTS OF INGRESS AND EGRESS THERETO FOR THE INSTALLATION, OPERATION, INSPECTION, REPAIR, MAINTENANCE, REPLACEMENT AND RENEWAL THEREOF AND ALSO THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS. PERMANENT STRUCTURES WILL NOT BE PERMITTED ON OR OVER ANY EASEMENT. FENCES, SIDEWALKS AND DRIVEWAYS ARE HEREBY EXEMPTED BUT MAY BE REMOVED BY THE RECIPIENT OF THIS EASEMENT DEDICATION. WE, THE UNDERSIGNED OWNERS, WITH FREE CONSENT, HEREBY SET OUR HAND AND SEAL.

RICHARD KONTZ, DIRECTOR  
GALLUP HOUSING AUTHORITY  
203 DEBRA DRIVE, GALLUP, NM 87301  
PHONE: 505-722-4388

**ACKNOWLEDGMENT**

STATE OF NEW MEXICO )  
  ) SS  
COUNTY OF MCKINLEY )

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
BY \_\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_

**VACATED RIGHT-OF-WAY CERTIFICATE:**

THE FOLLOWING DESCRIBED RIGHT-OF-WAY IS HEREBY VACATED BY THIS INSTRUMENT AND RECORDED WITH THIS PLAT:  
A PARCEL OF LAND BETWEEN BLOCKS 20 AND 21 OF I.H. FORD HIGHWAY 66 ADDITION TO THE CITY OF GALLUP, MCKINLEY COUNTY, NEW MEXICO, AS THE SAME ARE SHOWN AND DESIGNATED ON THE MAP OF SAID ADDITION FILED IN THE OFFICE OF THE COUNTY CLERK OF MCKINLEY COUNTY, NEW MEXICO, ON JULY 1, 1935, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID BLOCK 20, SAID POINT BEING THE REAL POINT OF BEGINNING, THENCE S85°17'48"E, 399.63' TO A POINT; THENCE S4°49'48"W, 60.00' TO A POINT;  
THENCE N85°17'48"W, 399.54' TO A POINT;  
THENCE N4°49'48"E, 60.00' TO THE SOUTHWESTERLY CORNER OF SAID BLOCK 20 AND THE REAL POINT OF BEGINNING.  
CONTAINING 0.5503 ACRES, MORE OR LESS.

MAYOR, CITY OF GALLUP \_\_\_\_\_ CITY CLERK \_\_\_\_\_  
P.O. BOX 1270 \_\_\_\_\_ CITY OF GALLUP, NM  
GALLUP, NM 87305

**SUBDIVISION AGREEMENT**

ANY IMPROVEMENTS TO THE LAND CONTAINED WITHIN THIS SUBDIVISION SHALL BE SUBJECT TO THE TERMS AND CONDITIONS CONTAINED WITHIN THE SUBDIVISION AGREEMENT APPROVED BY THE GALLUP PLANNING AND ZONING COMMISSION ON \_\_\_\_\_, 20\_\_\_\_ AND RECORDED SIMULTANEOUSLY WITH THIS PLAT.

**CERTIFICATE OF FILING:**

I, THE UNDERSIGNED CLERK AND EX-OFFICIO RECORDER FOR THE CITY OF GALLUP, NEW MEXICO, A MUNICIPAL CORPORATION OF THE STATE OF NEW MEXICO WITHIN THE COUNTY OF MCKINLEY, DO HEREBY CERTIFY THAT THE PLAT CONTAINED HEREON WAS DULY FILED IN MY OFFICE AS PROVIDED BY LAW ON \_\_\_\_\_ DAY OF \_\_\_\_\_.

CLERK AND EX-OFFICIO RECORDER  
CITY OF GALLUP, NEW MEXICO

**CERTIFICATE OF FILING:**

I, \_\_\_\_\_ COUNTY CLERK AND EX-OFFICIO RECORDER FOR MCKINLEY COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE PLOT CONTAINED HEREON WAS DULY FILED IN MY OFFICE AS PROVIDED BY LAW ON \_\_\_\_\_ DAY OF \_\_\_\_\_.

COUNTY CLERK AND EX-OFFICIO RECORDER  
MCKINLEY COUNTY, NEW MEXICO

**APPROVALS**

- \_\_\_\_\_  
CITY OF GALLUP ENGINEER
- \_\_\_\_\_  
CITY OF GALLUP WATER & WASTEWATER DIRECTOR
- \_\_\_\_\_  
CITY OF GALLUP ELECTRIC UTILITY DIRECTOR
- \_\_\_\_\_  
NM GAS COMPANY
- \_\_\_\_\_  
QWEST CORPORATION DBA CENTURY LINK QC

**RECEIVED**  
By Nikki Lee at 4:56 pm, May 05, 2020

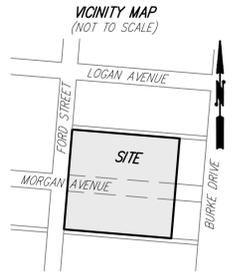
**CERTIFICATION OF ACCEPTANCE AND APPROVAL**

THE ABOVE DESCRIBED SUBDIVISION AND CONDITIONAL ACCEPTANCE OF THE DEDICATION OF RIGHTS OF WAYS, EASEMENTS AND SITES FOR CITY USE AND THE PLAT THEREOF UPON WHICH THIS CERTIFICATE APPEARS IS HEREBY APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF GALLUP, NEW MEXICO, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

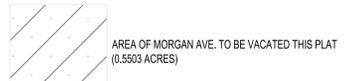
ATTEST: \_\_\_\_\_  
SECRETARY \_\_\_\_\_ CHAIRMAN OF PLANNING AND ZONING COMMISSION \_\_\_\_\_

I, Marc A. DePauli, New Mexico Professional Surveyor, do hereby certify that this Subdivision Plat was prepared from an actual ground survey performed by me or under my supervision, that I am responsible for this survey, that this survey is true and correct to the best of my knowledge and belief, that this Survey Plat and the field survey upon which it is based meet the Minimum Standards for Surveying in New Mexico.

Marc A. DePauli, N.M.P.S. Lic. No. 13626 Date \_\_\_\_\_

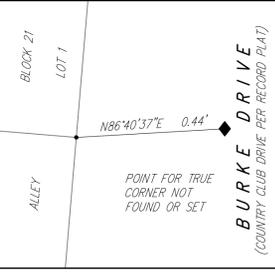


- LEGEND**
- SET 1/2" REBAR & PS13806 ALUM. CAP
  - ◇ FOUND 1/2" REBAR
  - ◆ FOUND 1/2" REBAR & PS4329 CAP
  - ◊ FOUND 1/2" REBAR & PS13879 CAP
  - ⊠ FOUND CHIS. "V"
  - ⊞ FOUND 1/2" REBAR & PS4478 CAP & PS13806 WASHER

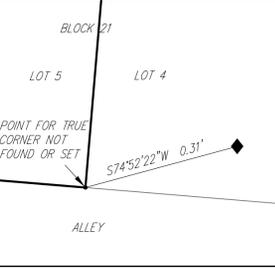


- DIMENSION POINT ONLY
- ( ) RECORD DIMENSION
- PROPORTIONED DISTANCE

**DETAIL "A" (NOT TO SCALE)**



**DETAIL "B" (NOT TO SCALE)**



- NOTES:**
- 1) OWNER: GALLUP HOUSING AUTHORITY, BK. 19 DEEDS, PG. 637, RECORDED, APRIL 7, 1971.
  - 2) ADDRESS: MORGAN AVENUE, GALLUP, NM.
  - 3) FIELD SURVEY PERFORMED: APRIL 12 - JULY 15, 2019.
  - 4) SEE SEARCH AND REPORT BY GALLUP TITLE COMPANY DATED MAY, 22, 2019, FILE NO. 19050169, PARCEL 1 & 2.
  - 5) SOME DRIVEWAYS AND SIDEWALKS NOT SHOWN.
  - 6) BEARINGS REFERENCED TO THE NEW MEXICO STATE PLANE WEST ZONE GRID OBTAINED USING GPS OBSERVATIONS (DELTA ALPHA = -0°31'10"). DISTANCES ARE GROUND.
  - 7) ZONING: MULTI-FAMILY RESIDENTIAL HIGH (MFRH)



**DePAULI ENGINEERING & SURVEYING LLC**  
- CIVIL ENGINEERS AND LAND SURVEYORS -  
307 S. 4TH STREET GALLUP, NM 87301  
TEL: (505)863-5440 DEPAULIENGINEERING.COM

OFFICE OF THE CLERK - MCKINLEY COUNTY, NEW MEXICO FILING INFORMATION

**REPLAT NO. 1**

OF LOTS 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 AND 36 OF BLOCK 20 AND LOTS 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 AND 20 OF BLOCK 21, I.H. FORD HIGHWAY 66 ADDITION TO THE CITY OF GALLUP, MCKINLEY COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE MAP OF SAID ADDITION FILED IN THE OFFICE OF THE CLERK OF MCKINLEY COUNTY, NEW MEXICO, ON JULY 1, 1935.

**FINAL PLAT**

**DRAWING No.: BT-1037 (AS-589)**  
DATE: 5/05/2020  
DRAWN BY: J  
CHECKED BY: MDP

SCALE: 1" = 30'  
GRAPHIC SCALE

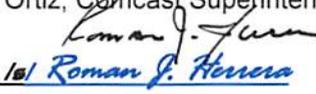
SHEET: 1  
OF: 1

February 26, 2020

**MEMORANDUM**

**TO: GALLUP TASK FORCE {GTF}**

- C.B. Strain, Community Planner
- Stan Henderson, Executive Director, Public Works Division
- Mike DeClerq, Water/Waste Water Superintendent
- Marita Joe, Senior Electrical Engineer
- Adrian Marrufo, Executive Director, Solid Waste Department
- Jacob LaCroix, GFD, Fire Inspector
- Diane Willato, CenturyLink Engineer
- Irma Bustamante, NM Gas Co. Distribution Superintendent
- John Ortiz, Comcast Superintendent

**FROM:**  Roman J. Herrera

Roman J. Herrera, Development Review Coordinator

**cc:** Dennis Romero, Water & Wastewater Executive Director  
John Wheeler, Electric Director

<b>CASE #:</b> 20-01000001
<b>PROJECT NAME:</b> Vacation
<b>PROPERTY OWNER:</b> Gallup Housing Authority
<b>PROJECT LOCATION:</b> The corner of Ford Drive & East Morgan Avenue
<b>DESCRIPTION: VACATION:</b> The property owner is requesting that a 60' x 399.54 +/- section of East Morgan Avenue; between Blocks 20 & 21 be vacated to accommodate the housing units already built in the Street Right of Way. There is presently a sewer line in the developed portion E. Morgan Ave. & a water line intersecting E. Morgan Avenue from north to south. The request for Vacation will be scheduled to be heard by the Planning & Zoning Commission at their next regularly scheduled meeting any conditions for approval should be included in staff recommendation to the Commission.
<b>ELECTRONIC COMMENTS ARE DUE BY 4 MARCH 2020</b>

**NO TASK FORCE MEETING HAS BEEN SCHEDULED**

**COMMUNITY PLANNER COMMENTS:**

P1.) Add required signature lines to plat.

P2.) Change title of plat to "Gallup Housing Authority, Morgan Avenue Vacation Plat".

P3.) Label portion of Morgan Avenue being vacated "Vacated This Plat"

P4.) Ok to proceed to public hearing.

**CITY ENGINEER COMMENTS:** No issues noted.

**WATER DEPARTMENT COMMENTS:** Water line crosses area, we will approve the vacation of easements if GHA assumes responsibility for water and sewer lines in easements.

**WASTEWATER DEPARTMENT COMMENTS:** Sewer line runs in area, we will approve the vacation of easements if GHA assumes responsibility for water and sewer lines in easements.

**ELECTRIC DEPARTMENT COMMENTS:** Gallup Housing owned electric. No issues with City Electric department.

**FIRE DEPARTMENT COMMENTS:** No Fire Department issues with Vacation.

**SOLID WASTE COMMENTS:** No issues with vacation

**CENTURYLINK COMMENTS:** No comments were submitted by CenturyLink.

**NM GAS COMPANY COMMENTS:** No comments were submitted by NM Gas.

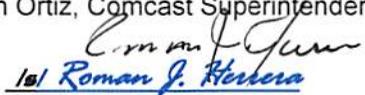
**COMCAST COMMENTS:** No comments were submitted by Comcast.

April 15, 2020

**MEMORANDUM**

**TO: GALLUP TASK FORCE {GTF}**

- C.B. Strain, Community Planner
- Stan Henderson, Executive Director, Public Works Division
- Mike DeDierqc, Water/Waste Water Superintendent
- Marita Joe, Senior Electrical Engineer
- Adrian Marrufo, Director, Solid Waste Department
- Jacob LaCroix, GFD, Fire Inspector
- Diane Willato, CenturyLink Engineer
- Irma Bustamante, NM Gas Co. Distribution Superintendent
- John Ortiz, Comcast Superintendent

**FROM:**   
Roman J. Herrera  
Roman J. Herrera, Development Review Coordinator

**cc:** Dennis Romero, Water & Wastewater Executive Director  
John Wheeler, Electric Director

<b>CASE #:</b> 20-00300003
<b>PROJECT NAME:</b> Ford Highway 66 Addition Subdivision
<b>PROPERTY OWNER:</b> Gallup Housing Authority
<b>PROJECT LOCATION:</b> East Morgan Avenue at Ford Drive & LOTS 21 THRU 36 BLOCK 20, LOTS 5 THRU 20, BLOCK 21 FORD HWY. 66 ADDN.
<b>DESCRIPTION: Minor Subdivision: Final Plat Review:</b> The property owner is requesting that a 60' x 399.54' +/- portion of E. Morgan Avenue be vacated to accommodate the housing units already built in the Street Right of Way. The vacation of the street via subdivision will allow the City access to the existing sewer line located on E. Morgan Ave. The subdivision request will be scheduled to be heard by the Planning & Zoning Commission as soon as possible, any conditions for approval should be included in staff recommendation to the Commission.
<b>ELECTRONIC COMMENTS ARE DUE BY: 23 APRIL 2020</b>

**NO TASK FORCE MEETING HAS BEEN SCHEDULED**

**COMMUNITY PLANNER COMMENTS:**

- P1.) Rename from Lot 1 to Lot 5A
- P2.) Call out vacated area: Morgan Avenue (60.0' Right-of-Way vacated this plat; 0.5503 acres M/L)
- P3.) Remove description below subdivision title being that it's already listed at the top right of plat.
- P4.) Rename from Preliminary Plat to Final Plat
- P5.) Add language to the Owner's Certificate identifying that this is Replat No. 1
- P6.) Add language to the Owner's Certificate calling out how 0.5503 acres vacated from Morgan Avenue right-of-way is now included in this subdivision.
- P7.) Correct property owner's information.
- P8.) The metes & bounds description have been verified as accurate.
- P9.) Add attest language under the Vacated Right-of-Way Certificate.

- P10.) Add the vicinity map.
- P11.) Correct property owner's information.
- P12.) Correct zoning information.
- P13.) Ok to proceed to final plat after all corrections are made.

**CITY ENGINEER COMMENTS:** As government sponsored subdivisions, PW/City Engr has no issues.

**WATER DEPARTMENT COMMENTS:** Need water line easements

**WASTEWATER DEPARTMENT COMMENTS:** Need sewer line easements

**ELECTRIC DEPARTMENT COMMENTS:** No issues with vacation. All electric infrastructure belongs to Gallup Housing Authority.

**FIRE DEPARTMENT COMMENTS:**

**SOLID WASTE COMMENTS:** No issues with subdivision

**CENTURYLINK COMMENTS:** CenturyLink did not submit comments.

**NM GAS COMPANY COMMENTS:** NM Gas did not submit comments.

**COMCAST COMMENTS:** Comcast Cable did not submit comments.



May 19, 2020

**MEMORANDUM**

TO: Gallup City Council

FROM: Clyde (C.B.) Strain, Planning & Development Director 

REF: Case No. 2020-00300004, request for final plat review and approval of Replat No. 1 of Lots 1 through 42, Block 4, La Loma Subdivision.

**BACKGROUND**

The Gallup Housing Authority, property owner, has petitioned the Gallup City Council for final plat review and approval of Replat No.1 of Lots 1 through 42, Block 4, La Loma Subdivision. The property is generally located between Curtis Avenue and Vega Avenue and contains 3.2547 acres which includes an alley right-of-way to be vacated containing 0.2411 acres.

**DISCUSSION**

Currently the property consists of forty two (42) lots containing a total of 3.2547 acres. The property also includes an alley right-of-way containing 0.2411 acres. When the La Loma Subdivision was originally platted an alley right-of-way was in the middle of Block 4 running the entire length of the block from east to west. When the Gallup Housing Authority constructed several residential housing units on the lots referenced above the units were constructed within and across the dedicated alley right-of-way.

The purpose of this subdivision is to reduce the number of lots from forty two (42) lots to one (1) lot and to vacate the dedicated alley right-of-way in order to correct any encroachment issues with buildings within the alley right-of-way. The property lies within the Multi-Family Residential High (MFRH) Zone District. The proposed replat complies with all dimensional requirements for the MFRH Zone District.

The property is presently fully serviced with water/wastewater and electric infrastructure therefore no additional infrastructure improvements are required at this time. Public Utility Easements (P.U.E.'s) will be dedicated over all existing utility infrastructure located on proposed Lot 1A to allow city access for maintenance.

The Gallup Planning and Zoning Commission reviewed this request at its regular meeting on May 13, 2020 and approved the subdivision portion. The request is now coming before

the Gallup City Council for vacation of the above mentioned dedicated alley right-of-way which will complete the subdivision process for this request.

Copies of the City of Gallup Task Force comments are included in your agenda packets for your review.

**FINDINGS**

It is the findings of staff that the proposed subdivision complies with the City of Gallup Subdivision Regulations for a minor subdivision including all dimensional requirements for the Multi-Family Residential High (MFRH) Zone District. Staff's recommendation is for approval of said subdivision.

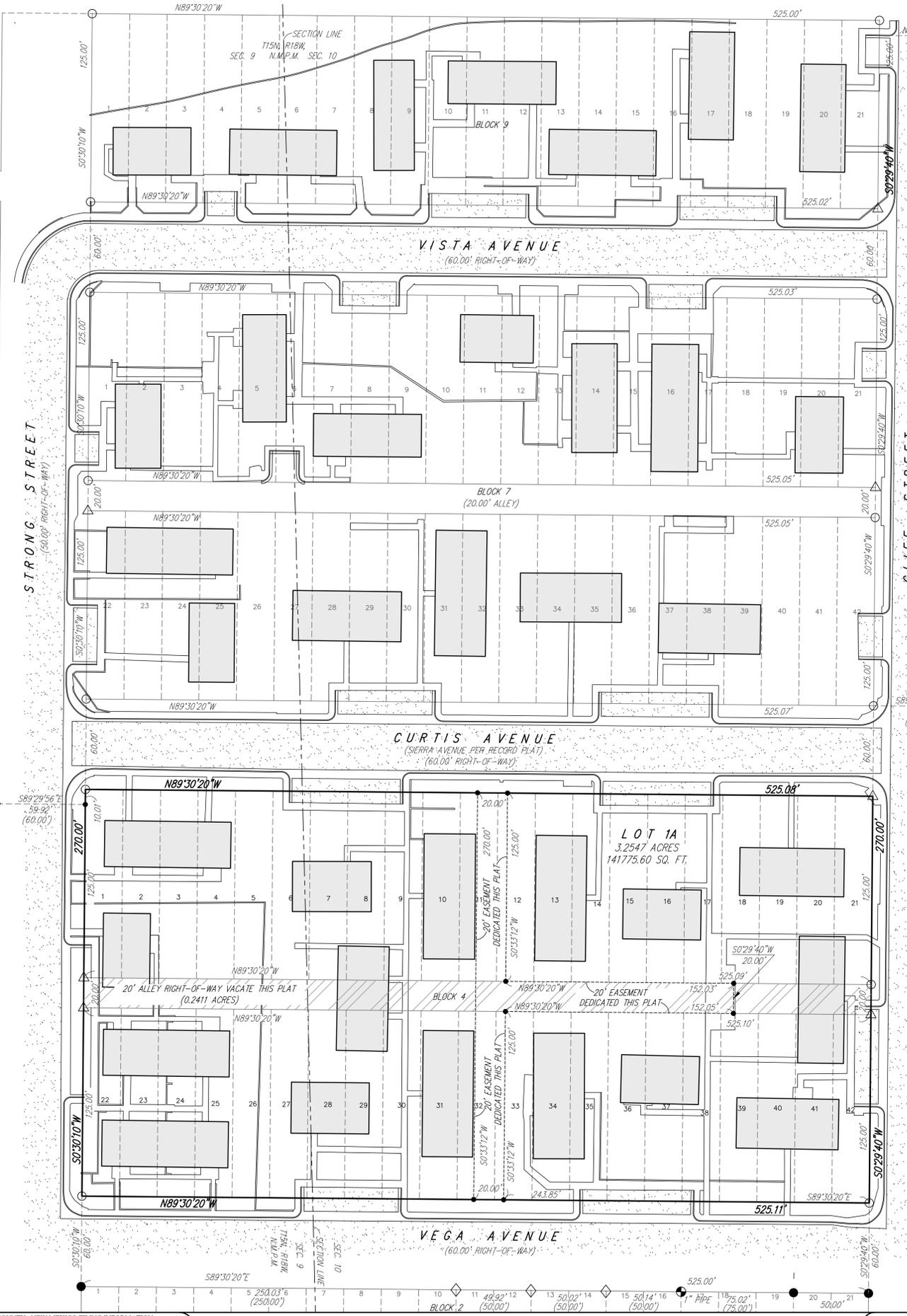


**LEGEND**

- SET 1/2" REBAR & PS13606 ALUM. CAP
- FOUND 1/2" REBAR w/ PS13606 ALUM. CAP
- ◇ FOUND 1/2" REBAR
- △ SET MAGNAIL & PS13606 WASHER
- ⊙ FOUND PIPE, SIZE NOTED ON PLAT
- FOUND 1/2" REBAR & PS13979 CAP
- DIMENSION POINT ONLY, NOT FOUND OR SET
- ( ) RECORD DIMENSION
- SECTION LINE
- ▨ AREA OF 20' ALLEY TO BE VACATED THIS PLAT (0.2411 ACRES)

**NOTES:**

- 1) OWNER: GALLUP HOUSING AUTHORITY. BK.11 DEED, PG. 167, RECORDED: FEBRUARY 23, 1962. BK. 18 DEED, PG. 338, RECORDED: FEBRUARY 23, 1962. BK. 19 DEED, PG. 750-751, RECORDED: JUNE 7, 1971.
- 2) ADDRESS: 203 DEBRA DRIVE, GALLUP, NM, 87301
- 3) FIELD SURVEY PERFORMED: APRIL 4 - JUNE 26, 2019.
- 4) NO TITLE COMMITMENT PROVIDED FOR THIS SURVEY.
- 5) SOME WALLS AND SIDEWALKS NOT SHOWN.
- 6) BEARINGS: REFERENCED TO THE NEW MEXICO STATE PLANE WEST ZONE GRID OBTAINED USING GPS OBSERVATIONS (DELTA ALPHA = -0°31'42"). DISTANCES ARE GROUND.
- 7) NO DEEDS OF RECORD FOR LOTS 1-5 & 22-26, BLOCK 4.
- 8) ALL LOTS WITHIN THIS BOUNDARY IN BLOCK 4, AS SHOWN HEREON, ARE 125' X 25' PER SAID SUBDIVISION PLAT.
- 9) ZONING: MULTIFAMILY RESIDENTIAL HIGH (MFRH)



**OWNERS CERTIFICATE**

KNOW ALL MEN BY THESE PRESENTS, THAT THE FORGOING REPLAT NO. 1, SITUATED PARTLY WITHIN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 10, AND PARTLY WITHIN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 9, T15N, R18W, N.M.P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BLOCK 4 OF LA LOMA SUBDIVISION, IN THE CITY OF GALLUP, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE MAP OF SAID SUBDIVISION, FILED IN THE OFFICE OF THE COUNTY CLERK OF MCKINLEY COUNTY, NEW MEXICO, ON DECEMBER 12, 1945, CONTAINING 3.247 ACRES, MORE OR LESS, INCLUDING THE 0.2411 ACRES FROM THE ALLEY RIGHT-OF-WAY WITHIN SAID BLOCK 4 VACATED THIS PLAT.

NOW SURVEYED AND PLATED, THIS PLAT HAS BEEN SUBMITTED TO THE CITY OF GALLUP AS BY STATUTE PROVIDED WITH FREE CONSENT AND IS IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS. ELECTRIC, TELEPHONE, GAS, WATER, SEWER AND CABLE TELEVISION FACILITIES AND OTHER FRANCHISED PUBLIC UTILITIES WILL BE INSTALLED UNDERGROUND OR OVERHEAD, IN OR ALONG STREETS AND ALLEYS, UTILITY EASEMENTS, PUBLIC WAYS AND OTHER PUBLIC PROPERTY AS SHOWN HEREON ARE DEDICATED TO THE PUBLIC FOR ITS USE FOREVER. THE EASEMENTS AS SHOWN HEREON ARE GRANTED FOR UNDERGROUND PIPELINES, OVERHEAD AND UNDERGROUND CABLES, POLES, ANCHORS, CONDUCTORS, CONDUITS, TRANSFORMER INSTALLATION (INCLUDING PADMOUNT AND CONVENTIONAL) PULLBOXES, MANHOLES, SERVICE WIRE AND WITH THE RIGHTS OF INGRESS AND EGRESS THERETO FOR THE INSTALLATION, OPERATION, INSPECTION, REPAIR, MAINTENANCE, REPLACEMENT AND RENEWAL THEREOF AND ALSO THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS. PERMANENT STRUCTURES WILL NOT BE PERMITTED ON OR OVER ANY EASEMENT, FENCES, SIDEWALKS AND DRIVEWAYS ARE HEREBY EXEMPTED BUT MAY BE REMOVED BY THE RECIPIENT OF THIS EASEMENT DEDICATION. WE, THE UNDERSIGNED OWNERS, WITH FREE CONSENT, HEREBY SET OUR HAND AND SEAL.

RICHARD KONTZ, DIRECTOR  
GALLUP HOUSING AUTHORITY  
203 DEBRA DRIVE, GALLUP, NM 87301  
PHONE: 505-722-4388

**ACKNOWLEDGMENT**

STATE OF NEW MEXICO )  
  ) SS  
COUNTY OF MCKINLEY )  
  
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
BY \_\_\_\_\_  
  
NOTARY PUBLIC \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_

**VACATED RIGHT-OF-WAY CERTIFICATE:**

THE FOLLOWING DESCRIBED RIGHT-OF-WAY IS HEREBY VACATED BY THIS INSTRUMENT AND RECORDED WITH THIS PLAT:  
A PARCEL OF LAND WITHIN BLOCK 4 OF LA LOMA SUBDIVISION, IN THE CITY OF GALLUP, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE MAP OF SAID SUBDIVISION, FILED IN THE OFFICE OF THE COUNTY CLERK OF MCKINLEY COUNTY, NEW MEXICO, ON DECEMBER 12, 1945, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 4, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF STRONG STREET; THENCE S0°30'10"W, ALONG SAID EAST RIGHT-OF-WAY LINE 125.00' TO THE POINT OF BEGINNING;

THENCE S89°30'20"E, 525.09' TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CLIFF STREET;  
THENCE S0°29'40"W, ALONG SAID WEST RIGHT-OF-WAY LINE 20.00' TO A POINT;  
THENCE N89°30'20"W, 525.10' TO A POINT ON THE EAST LINE OF STRONG STREET;  
THENCE N0°30'10"E, ALONG SAID EAST RIGHT-OF-WAY LINE 20.00' TO THE POINT OF BEGINNING.

CONTAINING 0.2411 ACRES, MORE OR LESS.

MAYOR, CITY OF GALLUP  
P.O. BOX 1270  
GALLUP, NM 87305

CITY CLERK  
CITY OF GALLUP, NM

**SUBDIVISION AGREEMENT**

ANY IMPROVEMENTS TO THE LAND CONTAINED WITHIN THIS SUBDIVISION SHALL BE SUBJECT TO THE TERMS AND CONDITIONS CONTAINED WITHIN THE SUBDIVISION AGREEMENT APPROVED BY THE GALLUP PLANNING AND ZONING COMMISSION ON \_\_\_\_\_, 20\_\_\_\_ AND RECORDED SIMULTANEOUSLY WITH THIS PLAT.

**CERTIFICATE OF FILING:**

I, THE UNDERSIGNED CLERK AND EX-OFFICIO RECORDER FOR THE CITY OF GALLUP, NEW MEXICO, A MUNICIPAL CORPORATION OF THE STATE OF NEW MEXICO WITHIN THE COUNTY OF MCKINLEY, DO HEREBY CERTIFY THAT THE PLAT CONTAINED HEREON WAS DULY FILED IN MY OFFICE AS PROVIDED BY LAW ON \_\_\_\_\_ DAY OF \_\_\_\_\_.

CLERK AND EX-OFFICIO RECORDER  
CITY OF GALLUP, NEW MEXICO

**CERTIFICATE OF FILING:**

\_\_\_\_\_, COUNTY CLERK AND EX-OFFICIO RECORDER FOR MCKINLEY COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE PLAT CONTAINED HEREON WAS DULY FILED IN MY OFFICE AS PROVIDED BY LAW ON \_\_\_\_\_ DAY OF \_\_\_\_\_.

COUNTY CLERK AND EX-OFFICIO RECORDER  
MCKINLEY COUNTY, NEW MEXICO

**APPROVALS**

- \_\_\_\_\_  
CITY OF GALLUP ENGINEER
- \_\_\_\_\_  
CITY OF GALLUP WATER & WASTEWATER DIRECTOR
- \_\_\_\_\_  
CITY OF GALLUP ELECTRIC UTILITY DIRECTOR
- \_\_\_\_\_  
NM GAS COMPANY
- \_\_\_\_\_  
QUEST CORPORATION DBA CENTURY LINK CO.

**RECEIVED**  
By Nikki Lee at 4:57 pm, May 05, 2020

**CERTIFICATION OF ACCEPTANCE AND APPROVAL**

THE ABOVE DESCRIBED SUBDIVISION AND CONDITIONAL ACCEPTANCE OF THE DEDICATION OF RIGHTS OF WAYS, EASEMENTS AND SITES FOR CITY USE AND THE PLAT THEREOF UPON WHICH THIS CERTIFICATE APPEARS IS HEREBY APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF GALLUP, NEW MEXICO, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

SECRETARY

CHAIRMAN OF PLANNING AND ZONING COMMISSION

I, Marc A. DePauli, New Mexico Professional Surveyor, do hereby certify that this Subdivision Plat was prepared from an actual ground survey performed by me or under my supervision, that I am responsible for this survey, that this survey is true and correct to the best of my knowledge and belief, that this Survey Plat and the field survey upon which it is based meet the Minimum Standards for Surveying in New Mexico.

**DePAULI ENGINEERING & SURVEYING LLC**  
- CIVIL ENGINEERS AND LAND SURVEYORS -  
307 S. 4TH STREET GALLUP, NM 87301  
TEL: (505)863-5440 DEPAULIENGINEERING.COM

OFFICE OF THE CLERK - MCKINLEY COUNTY, NEW MEXICO FILING INFORMATION

**REPLAT NO. 1**  
OF BLOCK 4 OF LA LOMA SUBDIVISION, IN THE CITY OF GALLUP, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE MAP OF SAID SUBDIVISION, FILED IN THE OFFICE OF THE COUNTY CLERK OF MCKINLEY COUNTY, NEW MEXICO, ON DECEMBER 12, 1945.

**FINAL PLAT**

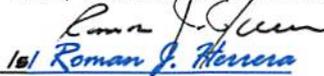
**DRAWING No.:** BT-1036 (AS-570)  
**DATE:** 5/05/2020  
**DRAWN BY:** J  
**CHECKED BY:** MDP  
**SCALE:** 1" = 40'  
**SHEET:** 1  
**OF:** 1

February 26, 2020

**MEMORANDUM**

**TO: GALLUP TASK FORCE {GTF}**

- C.B. Strain, Community Planner
- Stan Henderson, Executive Director, Public Works Division
- Mike DeClercq, Water/Waste Water Superintendent
- Marita Joe, Senior Electrical Engineer
- Adrian Marrufo, Solid Waste Executive Director
- Jacob LaCroix, GFD, Fire Inspector
- Diane Willato, CenturyLink Engineer
- Irma Bustamante, NM Gas Co. Distribution Superintendent
- John Ortiz, Comcast Superintendent

**FROM:**   
*Roman J. Herrera*

Roman J. Herrera, Development Review Coordinator

**cc:** Dennis Romero, Water & Wastewater Executive Director  
John Wheeler, Electric Director

<b>CASE #:</b> 20-01000002
<b>PROJECT NAME:</b> Vacation
<b>PROPERTY OWNER:</b> Gallup Housing Authority
<b>PROJECT LOCATION:</b> A section of Alley between Vega Avenue & Curtis Avenue (aka Sierra Ave.) – Block 4, La Loma Subdivision
<b>DESCRIPTION: VACATION:</b> The property owner is requesting that the alley in Block 4; approximately 20' x 525.10' +/- be vacated in order to accommodate the housing units already built in there. At present there is a water line intersecting the alley from north to south & a sewer line also intersecting the alley from north to south & running east from 307 Vega Ave. inside of the alley, there is also an electrical pole in the alley, also east of 307 Vega Ave. & in the alley. The request for Vacation will be scheduled to be heard by the Planning & Zoning Commission at their next regularly scheduled meeting any conditions for approval should be included in staff recommendation to the Commission.
<b>ELECTRONIC COMMENTS ARE DUE BY:</b> 4 March 2020

**NO TASK FORCE MEETING HAS BEEN SCHEDULED**

**COMMUNITY PLANNER COMMENTS:**

- P1.) Add required signature lines to plat.
- P2.) Change title of plat to "Gallup Housing Authority Alley Right-of-Way Vacation Plat"
- P3.) Label alley right-of-way being vacated "Vacated This Plat"
- P4.) Ok to proceed to public hearing.

**CITY ENGINEER COMMENTS:** No issues noted.

**WATER DEPARTMENT COMMENTS:** Water Line crosses alleyway, we will approve the vacation of easements if GHA assumes responsibility for water and sewer lines in easements.

**WASTEWATER DEPARTMENT COMMENTS:** Sewer line is in alleyway and runs part way into alleyway, we will approve the vacation of easements if GHA assumes responsibility for water and sewer lines in easements.

**ELECTRIC DEPARTMENT COMMENTS:** No issues with alley vacation. Note Gallup Housing owned Electric (Primary metered). Electric helps maintain the electric infrastructure.

**FIRE DEPARTMENT COMMENTS:** No fire department issues with vacation.

**SOLID WASTE COMMENTS:** No issues with vacation

**CENTURYLINK COMMENTS:** No comments were submitted by CenturyLink.

**NM GAS COMPANY COMMENTS:** No comments were submitted by NM Gas.

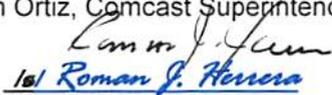
**COMCAST COMMENTS:** No comments were submitted by Comcast.

April 15, 2020

**MEMORANDUM**

**TO: GALLUP TASK FORCE (GTF)**

- C.B. Strain, Community Planner
- Stan Henderson, Executive Director, Public Works Division
- Mike DeClercq, Water/Waste Water Superintendent
- Marita Joe, Senior Electrical Engineer
- Adrian Marrufo, Director, Solid Waste Department
- Jacob LaCroix, GFD, Fire Inspector
- Diane Willato, CenturyLink Engineer
- Irma Bustamante, NM Gas Co. Distribution Superintendent
- John Ortiz, Comcast Superintendent

**FROM:**  Roman J. Herrera

Roman J. Herrera, Development Review Coordinator

**cc:** Dennis Romero, Water & Wastewater Executive Director  
John Wheeler, Electric Director

<b>CASE #:</b> 20-003000004
<b>PROJECT NAME:</b> La Loma Subdivision
<b>PROPERTY OWNER:</b> Gallup Housing Authority
<b>PROJECT LOCATION:</b> A section of Alley between Vega Avenue & Curtis Avenue (aka Sierra Ave.) – Block 4, La Loma Subdivision
<b>DESCRIPTION: MINOR SUBDIVISION: FINAL PLAT REVIEW:</b> The property owner is requesting that the alley in Block 4; approximately 20' x 525.10' +/- be vacated in order to accommodate the housing units already built in Right of Way. The vacation of the alley via subdivision will allow the City access to the existing sewer line located there. The subdivision request will be scheduled to be heard by the Planning & Zoning Commission as soon as possible, any conditions for approval should be included in staff recommendation to the Commission.
<b>ELECTRONIC COMMENTS ARE DUE BY:</b> 23 APRIL 2020

**NO TASK FORCE MEETING HAS BEEN SCHEDULED**

**COMMUNITY PLANNER COMMENTS:**

P1.) Rename from Lot 1 to Lot 1A. And switch the order of square footage and acreage.

P2.) Call out vacated area: 20' alley Right-of-Way vacated this plat containing 0.2411 acres M/L)

P3.) Identify the lengths of the vacated alley.

P4.) Identify what the 152' measurements are for.

P5.) Remove description below subdivision title being that it's already listed at the top right of plat.

P6.) Add language to the Owner's Certificate identifying that this is Replat No. 1

- P7.) Add language to the Owner's Certificate calling out how 0.2411 acres vacated from alley right-of-way is now included in this subdivision.
- P8.) Correct the total acreage of subdivision.
- P9.) Correct property owner's information.
- P10.) The metes & bounds description have been verified as accurate.
- P11.) Add attest language under the Vacated Right-of-Way Certificate.
- P12.) Add the legend for area to be vacated.
- P13.) Add the vicinity map.
- P14.) Correct property owner's information.
- P15.) Complete address.
- P16.) What's the purpose of this language?
- P17.) Identify the name of this plat in the notes.
- P18.) Add zoning information.
- P19.) Ok to proceed to final plat after all corrections are made.

**CITY ENGINEER COMMENTS:** As government sponsored subdivisions, PW/City Engr has no issues.

**WATER DEPARTMENT COMMENTS:** Need water line easements

**WASTEWATER DEPARTMENT COMMENTS:** Need sewer line easements

**ELECTRIC DEPARTMENT COMMENTS:** Need a 10' wide easement along Cliff Drive. No issues with vacation. All electric infrastructure belongs to Gallup Housing Authority.

**FIRE DEPARTMENT COMMENTS:** NO issues with subdivision.

**SOLID WASTE COMMENTS:** No issues with subdivision.

**CENTURYLINK COMMENTS:** CenturyLink did not submit comments.

**NM GAS COMPANY COMMENTS:** NM Gas did not submit comments.

**COMCAST COMMENTS:** Comcast did not submit comments.

**North Central New Mexico Economic Development District  
Non-Metro Area Agency on Aging**

**COVID-19 FFCRA FEDERAL SUB-AWARD**

This Award is made and entered into by and between North Central New Mexico Economic Development District (NCNMEDD) Non-Metro Area Agency on Aging (Non-Metro AAA), hereinafter referred to as "Agency", and **City of Gallup**, hereinafter referred to as "Subrecipient", and is effective as of the date set forth below upon which it is executed by the Agency and collectively as the "Parties". This emergency award is specifically for: Program (CM-C2 and HD-C2) pursuant to the Families First Coronavirus Response Act (FFCRA), Older Americans Act Title III - Congregate Meals and Home-Delivered Meals awarded to New Mexico on March 20, 2020.

IT IS IN AGREEMENT BETWEEN THE PARTIES:

**1. Scope of Services.**

A. The Subrecipient shall perform the work outlined in Attachment 1, Scope of Work.

**2. Compensation.**

A. The Agency shall pay to the Subrecipient, in full, payment for services satisfactorily performed based upon deliverables as outlined in Attachment 1, Scope of Work. The amount payable to the Subrecipient under this Award, including gross receipts tax, shall not exceed \$25,578.76. The Subrecipient shall ensure that the COVID-19 Emergency funds are to be used exclusively as outlined in Attachment 1, Scope of Work. The Subrecipient is responsible for notifying the Agency when the services provided under this Award reach the total compensation amount. In no event will the Subrecipient be paid for services provided in excess of the total compensation amount without this Award being amended in writing prior to those services in excess of the total compensation amount being provided.

B. Payment for services shall be consistent with all applicable federal and state laws and regulations.

C. Payments to the Subrecipient will be made subsequent to receipt of funds by the Agency. Any expenditure made prior to the receipt of funds or pending the Agency's approval shall be made at the Subrecipient's own risk, and the Agency shall not be liable for such expenditures.

D. Payments to the Subrecipient may be withheld or denied by the Agency for expenditures which are not authorized by, or are in excess of, the regulations, terms and conditions contained in this Award or for expenditures which are not properly documented or substantiated by the Subrecipient. The Subrecipient agrees to hold the Agency harmless against all audit exceptions arising from the Subrecipient's violation and shall make restitution to the Agency of such amounts of money due to the Subrecipient's non-compliance.

- E. The total payments for services rendered by the Agency under the terms and conditions of this Award shall not exceed those listed in this Award.
- F. Payments to the Subrecipient will be made electronically through the Automated Clearing House (ACH) Network.

**3. Terms of the Award**

This Award shall become effective March 1, 2020 and shall terminate on September 30, 2021, unless terminated pursuant to the Families First Coronavirus Response Act (FFCRA), Older Americans Act Title III - Congregate Meals and Home-Delivered Meals awarded to New Mexico Aging and Long-Term Services Department on March 20, 2020.

**4. TERMINATION.**

- A. This Award may be terminated by the Agency without cause upon written notice delivered to the Subrecipient at least thirty (30) days prior to the intended date of termination. By such termination, neither party may nullify obligations already incurred for performance or failure to perform prior to the date of termination. This Award may be terminated immediately, upon written notice to the Subrecipient, if the Subrecipient becomes unable to perform the services contracted for, as determined by the Agency, or if, during the term of this Award, the Subrecipient or any of its officers, employees or agents is indicted for fraud, embezzlement or other crime due to misuse of state funds or due to the Appropriations paragraph herein, or if the Subrecipient fails to comply with any of the terms contained herein or is in breach of this Award as set forth in Paragraph 6, below. This provision is not exclusive and does not waive the Agency's other legal rights and remedies caused by the Subrecipient's default or breach of this Award. This Award may also be terminated by the Subrecipient upon thirty (30) days written notice to the Agency.
- B. Termination Management. Immediately upon receipt of notice of termination of this Award by either the Agency or the Subrecipient, the Subrecipient shall: 1) not incur any further obligations for salaries, services or any other expenditure of funds under this Award without written approval of the Agency; 2) comply with all directives issued by the Agency in the notice of termination as to the performance of work under this Award; and 3) take such action as the Agency shall direct for the protection, preservation, retention or transfer of all property titled to the Agency and client records generated under this Award and any non-expendable personal property or equipment purchased by the Subrecipient with award funds shall become property of the Agency upon termination. On the date the notice of termination is received, the Subrecipient shall furnish to the Agency a complete, detailed inventory of non-expendable personal property purchased with funds provided under the existing and previous Agency agreements with the Subrecipient; the property listed in the inventory report including client records and a final closing of the financial records and books of accounts which were required to be kept by the Subrecipient under the paragraph of this Award regarding financial records.

5. **Status of Subrecipient.**

The Subrecipients, its agents, and employees are independent contractors performing professional services for the Agency and are not employees of the Agency. The Subrecipient, its agents and employees shall not accrue leave, retirement, insurance, bonding, use of Agency vehicles, or any other benefits afforded to employees of the Agency as a result of this Award. The Subrecipient acknowledges that all sums received hereunder are reportable for income tax purposes.

6. **Assignment.**

The Subrecipient shall not assign or transfer any interest in this Award or assign any claims for money due or to become due under this Award without the prior written approval of the Agency.

7. **Subcontracting.**

The Subrecipient shall not subcontract any portion of the services to be performed under this Award without the prior written approval of the Agency. No such subcontract shall relieve the primary Subrecipient from its obligations and liabilities under this Award, nor shall any subcontract obligate direct payment from the Agency.

8. **Release.**

The Subrecipient acceptance of final payment of the amount due under this Award shall operate as a release of the Agency, its officers and employees from all liabilities, claims and obligations, whatsoever, arising from or under this Award. The Subrecipient agrees not to purport to bind the Agency unless the Subrecipient has express written authority to do so, and then only within the strict limits of that authority.

9. **Confidentiality.**

Any information provided to or developed by the Subrecipient in the performance of this Award shall be kept confidential and shall not be made available to any individual or organization, by the Subrecipient without the prior written approval of the Agency. Disclosure of confidential information shall only be made in accordance with the Inspection of Public Records Act or the applicable state or federal laws or regulations. Subrecipient shall establish a method to guarantee the confidentiality of all information relating to clients in accordance with applicable federal, state and local laws, rules and regulations, as well as the terms of this Award. However, this provision shall not be construed as limiting the rights of the Agency or any other federal or state authorized representative to access client case records or other information relating to clients served under this Award.

10. **Product of Service – Copyright.**

All materials developed or acquired, by the Subrecipient, under this Award, shall become the property of the Agency and shall be delivered to the Agency no later than the termination date of this Award. Nothing produced, in whole or in part, by the Subrecipient, under this Award, shall be the subject of an application for copyright or other claim of ownership, by or on behalf, of the Subrecipient.

11. **Conflict of Interest.**

The Subrecipient warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree, with the performance or services required under the Award. The Subrecipient certifies that the requirements of the Governmental Conduct Act, Sections 10-16-1 through 10-16-18, NMSA 1978, regarding contracting with a public officer or state employee or former state employee have been followed.

**12. Amendment.**

This Award shall not be altered, changed or amended, except by instrument in writing, executed by the parties hereto.

**13. Merger.**

This Award incorporates all the agreements, covenants and understandings between the parties hereto, concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into this written Award. No prior agreement or understanding, oral or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Award.

**14. Penalties.**

The Procurement Code, Sections 13-1-28 through 13-1-199, NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities and kickbacks.

**15. Applicable Law.**

The laws of the State of New Mexico shall govern this agreement.

**16. Workers Compensation.**

The Subrecipient agrees to comply with state laws and rules applicable to workers compensation benefits for its employees. If the Subrecipient fails to comply with the Workers Compensation Act and applicable rules when required to do so, this Award may be terminated by the Agency.

**17. Records and Financial Audit.**

The Subrecipient shall maintain detailed time and expenditure records, including, but not limited to, client records, books, supporting documents pertaining to services provided, that indicate the date, time, nature and cost of services rendered during the Award's term and effect and retain them for a period of three (3) years from the date of final payment under this Award. The records shall be subject to inspection by the Agency, the Department of Finance and Administration and the State Auditor. The Agency shall have the right to audit billings both before and after payment. Payment under this Award shall not foreclose the right of the Agency to recover excessive or illegal payments. If, pursuant to this Award, the Subrecipient receives federal funds subject to the Single Audit Act, the

The Agency shall be notified of changes in, and must concur with the selection process for, Key Personnel. The Agency considers the following positions as Key Personnel:

1. Program Director
2. Financial Manager

The Subrecipient will maintain full-time Key Personnel throughout the term of this agreement.

**22. Invalid Term Or Condition.**

If any term or condition of this Award agreement shall be held invalid or unenforceable, the remainder of this agreement shall not be affected and shall be valid and enforceable.

**23. Enforcement Of Award.**

A party's failure to require strict performance of any provision of this Award shall not waive or diminish that party's right thereafter to demand strict compliance with that or any other provision. No waiver by a party of any of its rights under this Award shall be effective unless expressed in writing, and no effective waiver by a party of any of its rights shall be effective to waive any other rights.

**24. Notices.**

Any notice required to be given to either party by this Award shall be in writing and shall be delivered in person, by courier service or by U.S. mail, either first class or certified, return receipt requested, postage prepaid, as follows:

**AGENCY:**

NCNMEDD  
Attn: Marcia A. Medina  
3900 Paseo Del Sol  
Santa Fe, NM 87507

**SUBRECIPIENT:**

City of Gallup - Gallup Sr. Program  
Attn: Maryann Ustick, Gallup City Mgr.  
PO Box 1270  
Gallup, NM 87301

**25. Insurance.**

The Subrecipient shall secure and maintain, during the term of this Award, at its own expense, comprehensive and general public liability insurance and/or other types of insurance as the Agency may require. The Subrecipient shall secure and maintain, during the term of this Award, at its own expense, workers' compensation insurance in the amounts required by the applicable laws of the State of New Mexico covering the Subrecipient's employees. All policies of liability insurance that Subrecipient is obligated to maintain, according to this Award, except for any policy of workers' compensation insurance, shall name Agency as an additional insured. The Subrecipient shall furnish to the Agency, directly from its insurance carrier, a memorandum or certification of all insurance carried, before the payment of any monies as consideration for the services rendered hereunder shall be made. Upon such certificates and/or memoranda being furnished to the Agency, the same shall be annexed to this Award and by reference made a part hereof.

Subrecipient shall submit to the Agency an audit conducted by a certified public accountant in compliance with the Single Audit Act.

**18. Indemnification.**

Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Award. Any liability incurred in connection with this Award is subject to the immunities and limitation of the New Mexico Tort Claims Act.

**19. Internal Dispute Mediation.**

The Subrecipient shall attempt to resolve all disputes with participants by negotiation in good faith and with such mediators as may be acceptable to the parties involved. The Subrecipient shall implement an internal grievance policy with procedures in place to effectively and fairly negotiate and resolve disputes with participants. The Subrecipient must provide all participants with notice, at the commencement of the contract year that disputes may be resolved in this manner. If negotiation and mediation through the grievance procedure fail, any party may submit the dispute to the ALTSD in accordance with the following provisions:

1. In any dispute submitted, the Agency and the Subrecipient hereby agree and consent to the ALTSD mediation of the dispute.
2. Mediation may only be instituted by written request, which request shall include a statement of the matter in controversy.
3. Initial contacts and negotiation shall be conducted by the appropriate Agency staff.
4. Any resolution of the matter shall be binding and final on the Subrecipient and the Subrecipient hereby agrees to be bound by said resolution.
5. Failure of the Subrecipient to resolve any dispute pursuant to the procedures set forth herein or to comply with a resolution ordered by the ALTSD shall amount to a material breach of this Award.
6. Internal Dispute Mediation does not supersede the appeal hearing policies and procedures.

**20. Participant Grievance.**

The Subrecipient will establish a system through which applicants for, and recipients of services, may present grievances about the operation of the service program. The Subrecipient will advise applicants and recipients of their right to appeal denial of service and their right to a fair hearing of these respects. The Subrecipient shall notify the Agency of termination of services, to a client, as part of a monthly service report, on any services funded by this Award. The Agency reserves the right to perform follow-up investigations with the client to determine adequate performance and adherence to due process.

**21. KEY PERSONNEL.**

**26. Authority.**

The individual(s) signing this Award on behalf of Subrecipient represents and warrants that he or she has the power and authority to bind Subrecipient, and that no further action, resolution, or approval from Subrecipient is necessary to enter into a binding contract.

**27. Signatures.**

For the faithful performance of the terms of this Award, the parties affix their signatures and bind themselves **retroactive to March 1, 2020.**

City of Gallup - Gallup Sr. Program  
*Legal Name of Subrecipient*

\_\_\_\_\_  
*Signature*

Maryann Ustick, Gallup City Mgr.  
*Printed/Typed Name of Signatory*

\_\_\_\_\_  
*Date*

NCNMEDD Non-Metro Area Agency on Aging  
*Name of Area Agency on Aging*

Monica Abeita  
*Signature*

Monica Abeita, Executive Director  
*Printed/Typed Name of Signatory*

04/30/2020  
*Date*

**North Central New Mexico Economic Development District  
Non-Metro Area Agency on Aging  
COVID-19 FFCRA FEDERAL SUB-AWARD**

**ATTACHMENT 1 –SCOPE OF WORK**

**A. Purpose.**

The purpose of this Scope of Work is to assure the delivery of home delivered and congregate meal services pursuant to and in accordance with the Family First Coronavirus Response Act, (FFCRA), Title III of the Older Americans Act of 1965 and all relevant amendments and state and federal enabling regulations, within the Service Area. The services provided shall support older adults in maintaining independent and healthy lifestyles, address food insecurity and nutrition.

**B. Target Population.**

1. Target populations include persons age 60 or older and their spouses of any age, younger disabled persons who reside with persons age 60 or older, caregivers of any age who care for persons age 60 or older, caregivers age 60 or older who care for children or younger disabled persons, and the recipients of their care.
2. Per the Older Americans Act, an effort must be given to serving eligible persons with the greatest social or economic need, with particular attention to minority individuals with low incomes. Efforts must also be given to targeting individuals residing in rural areas, individuals with limited English proficiency, and individuals with Alzheimer's disease and related disorders, with severe disabilities or at-risk of institutionalization and their caregivers.

**C. Guidelines for FFCRA funds.**

1. This Award acknowledges New Mexico's Major Disaster Declaration (MDD) (<https://www.fema.gov/disaster/4529>) which allows flexibility for use of the Families First Coronavirus Relief Act (FFRCRA) by subrecipients.
2. The MDD allows for maximum flexibility in FFCRA and does not need a separate application, transfer request, or request for a waiver --to use existing Title C-1 and C-2 for disaster relief. This means subrecipient contractors may use Title C-1 and C-2 funds **for any disaster relief activities** for older individuals or family caregivers served under the OAA.
3. The flexibility applies to funding awarded in current FY20 contracts, and any future contracts issued for FFCRA funding. **As of March 2020, all expenditures should be based upon actual expenditures and should not be tied to a unit or unit cost.** Please

note the reporting requirement below to use the COVID-19 SAMS roster to capture units of service.

4. Meals funded through FFCRA following a declaration of a major disaster, are not required to meet the DGAs and the DRIs, *however*, ACL recommends the use of these standards to help older adults maintain their health and manage their chronic conditions and to provide quality service.
5. When meals that meet the DRIs/DRAs are unavailable, subrecipients should try to provide meals that meet, at a minimum, no less than 1/3 of the recommended daily caloric intake for an older individual.

**D. Responsibilities of the Subrecipient.**

1. Allowable Activities
  - a. Increase the number of congregate and home delivered meals provided.
  - b. Restore or reinstate staff positions that have been eliminated or reduced.
  - c. Create jobs that will support the increase in number of meals provided.
2. Funding Requirements
  - a. FFCRA funding was originally granted specifically for C-1 and C-2 services. The MDD means this funding can be used for any disaster relief activities for older individuals or family caregivers served under the OAA.
  - b. FFCRA funds are transferable between Title III -C1 and Title III-C2
  - c. Subrecipients have flexibility on allocating funds.
3. Reporting Requirements
  - a. FFCRA funding will be tracked separately from the Older Americans Act program funds.
  - b. Subrecipients are required to submit separate reports specifically related to the Award.
  - c. Subrecipients shall utilize the COVID-19 SAMS roster to capture units of service – regardless of what they are.
  - d. Subrecipients must maintain a separate accounting fund for FFCRA dollars.
  - e. C-1 and C-2 reporting must be separate for both program and fiscal reports.
  - f. Subrecipients shall only be compensated for expenses itemized in their approved FFCRA budget form which is to be completed and returned each month per the reporting requirements.

{end}

**NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT  
NOTIFICATION OF GRANT AWARD  
(NGA)**

<b>GRANTEE:</b> Gallup, City of <b>ADDRESS:</b> <b>PHONE:</b>		<b>APPROVED BUDGET PERIOD</b> FROM: 4/1/2020 TO: 9/30/2021				<b>Grant/Action</b> New/Cont:		<b>NGA DATE</b> 4/30/2020
						Revision: BAR: Other:		
<b>DESCRIPTION</b>		<b>FEDERAL</b>	<b>STATE</b>	<b>LOCAL</b>	<b>IN-KIND</b>	<b>PROJ. INC.</b>	<b>TOTAL</b>	
AAA Administration	Title IIIB	0	0	0	0	0	0	
	Title IIIC1	8525.96	0	0	0	0	8525.96	
	Title IIIC2	17052.8	0	0	0	0	17052.8	
	Title IIID	0	0	0	0	0	0	
	Title IIIE	0	0	0	0	0	0	
<b>Subtotal</b>		\$ 25,578.76	\$ -	\$ -	\$ -	\$ -	\$ 25,578.76	
Title IIIB	Access	\$ -			\$ -		\$ -	
	In-Home				\$ -		\$ -	
	Community All Other	\$ -			\$ -		\$ -	
<b>Subtotal</b>		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Title IIIC1	Meal Costs	\$ 8,525.96					\$ 8,525.96	
<b>Subtotal</b>		\$ 8,525.96	\$ -	\$ -	\$ -	\$ -	\$ 8,525.96	
Title IIIC2	Meal Costs	\$ 17,052.80					\$ 17,052.80	
<b>SubTotal</b>		\$ 17,052.80	\$ -	\$ -	\$ -	\$ -	\$ 17,052.80	
Title IIID	Health Promotion	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
<b>Sub Total</b>		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Title IIIE	Alzheimer Care Giver Support	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
<b>Sub Total</b>		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
<b>DEMONSTRATON DEMO GRANT</b>								
ALZHEIMER	Respite Care	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
<b>Sub Total</b>		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
<b>ALL STATE OTHER</b>								
<b>Sub Total</b>		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
<b>SUB TOTALS</b>								
	Title IIIB	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	Title IIIC1	\$ 8,525.96	\$ -	\$ -	\$ -	\$ -	\$ 8,525.96	
	Title IIIC2	\$ 17,052.80	\$ -	\$ -	\$ -	\$ -	\$ 17,052.80	
	Title IIID	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	Title IIIE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	Alzheimer Respite Care	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	All State Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
<b>GRAND TOTAL</b>		\$ 25,578.76	\$ -	\$ -	\$ -	\$ -	\$ 25,578.76	
<b>COMPUTATION OF GRANT</b>								
1. Estimated Total Cost.....	\$ 25,578.76	8. Federal/State Shares will be comprised of:						
2. LESS Anticipated Proj. Inc. ....	\$ -	a. Federal/State		FY 20	Federal	0		
3. Estimated Net Cost.....	\$ 25,578.76	grant unearned			State	0		
		In previous project year(s)				0		
4. Non-federal and Non-state Share of Net Cost.....		b. Carry Over		FY 20	Federal	0		
5. Proj. Inc. (Used as Match).....	\$ -				State	0		
6. Federal Share of Net Cost.....	\$ 25,578.76	c. New Obligational		FY-2020	Federal	0		
7. State Share of Net Cost....	\$ -	Authority Herein Awarded			State	0		
						\$ 25,578.76		
						\$ -		
<small>All accounting records are to be kept in accordance with federal and state policy and readily available for submission by Area Agency personnel or other federal and/or state officials authorized to review any or all financial and programmatic records. Such records shall be retained in accordance with the following:                  1. Keep separately and complete financial records, and be report promptly and fully to the Area Agency.                  2. If a federal and/or state audit has not been made within three (3) years after project termination, project records may then be destroyed, on approval of the Agency.                  3. In all cases, an overriding requirement exists to retain records until resolution of any audit questions relating to individual grants.                  4. Non-federal resources must be contributed equitably to the percentage of the non-federal share of actual net costs for a project year. If a Grantee reports federal and/or state cash received but unearned on the final project report for a project year, the Grantee then owes the Area Agency this amount. This amount may constitute a cash advance on any funds awarded to the Grantee by the Area Agency for the following project year.                  5. The disposition of unearned portions of federal and/or state funds at the end of the project year shall be made in accordance with current state policies.                  6. Unearned federal and/or state cash at the time the project is terminated shall be returned in full to the Area Agency.                  7. All obligations will be liquidated within 30 days after the end of the project year and before final program and financial reports are submitted.                  8. Inventory of project equipment will be maintained and submitted as requested.                  9. Project records will be preserved and kept available to federal and state auditors at the primary office of the Grantee.</small>								
Signature of Area Agency on Agency Authorizing Official: Monica Abaita, Executive Director				Yes, the undersigned officials of the Grantee organization, certify that we are in agreement with the terms and conditions of this award:				
Signature: <i>Monica Abaita</i> 04-30-20				Date: _____				

**CITY OF GALLUP**  
**PURCHASING DEPARTMENT -- TABULATION SHEET(S)**  
 Bid No. 2010 BID ON: Long Lead Materials - Allison Substation

Open Date: May 15, 2020 at 2:00 P.M. (Local)

Item No.	Items and Descriptions	Quantity	GrayBar Albuquerque NM	Western United Albuquerque NM	Stuart Irby Albuquerque NM	
<b>115kV High Side Bus Material</b>						
1	Insulator, 138kV, 650kV bil, ansi gray, porcelain, station post, TR288, 5" bolt circle	3	\$245.01 \$735.03	\$245.00 \$735.00	\$255.72 \$767.16	
2	Circuit switcher, 145kV, 650kV bil, 1200 AMP, 125VDC operating, vertical interrupter w/o disconnect	1	\$46,256.68	\$44,590.00	<b>NO BID</b>	
3	Switch, group operated, V-type, air break, 138kV, 650kV bil, 1200A w/insulators	1	\$6,417.11	\$6,300.00	\$6,684.80	
4	Arrestor, lighting, station class, polymer, 90kV rated, 70kV mcov, type 3EL2, 10"B.C.	3	\$890.81 \$2,672.43	\$870.00 \$2,610.00	\$916.00 \$2,748.00	
<b>Low Voltage (15kV) Material</b>						
5	Insulator, 23kV, 150kV bil, ansi gray, porcelain, station post, TR 208, 3" B.C.	54	\$34.42 \$1,858.68	\$33.00 \$1,782.00	\$37.28 \$2,013.12	
6	Switch, group operated, 3 phase, horizontal mount, 23kV, 150kV bil, 1200A (8 1/4"-12"x8 1/4")	2	\$3,368.98 \$6,737.96	\$3,300.00 \$6,600.00	\$3,556.52 \$7,113.04	
7	Switch, recloser bypass, single pole, vertical mount, 23kV, 150kV, 1200A, Type BT	15	\$737.97 \$11,069.55	\$395.00 \$5,925.00	\$855.52 \$12,832.80	
8	Switch, disconnect, single pole, vertical mount, 23kV, 150kV bil, 1200A straight configuration, type BT (3"x23")	15	\$401.07 \$6,016.05	\$725.00 \$10,875.00	\$509.65 \$7,644.75	
9	Circuit breaker, feeder, vacuum, 27.6kV, 150kV bil, 1200A	5	\$17,018.18 \$85,090.90	\$16,450.00 \$82,250.00	\$17,295.00 \$86,475.00	
10	Transformer, potential, 15kV, 110kV bil, 63.5:1 ratio, 1200VA, dual ratio, type VOG-11 (10"x7 3/4" or 10"x9 1/2")	3	\$2,661.27 \$7,983.81	\$872.00 \$2,616.00	\$943.00 \$2,829.00	
11	Surge arrester, optima PDV class, 10kV duty cycle, 8.4MCOV	15	\$33.73 \$505.95	\$33.50 \$502.50	\$46.00 \$690.00	
	Freight - Gallup NM		\$3,600.00	\$3,200.00	<b>No Indication of Freight Charge</b>	

**CITY OF GALLUP  
PURCHASING DEPARTMENT -- TABULATION SHEET(S)**

Bid No. 2010 BID ON: Long Lead Materials - Allison Substation

Open Date: May 15, 2020 at 2:00 P.M. (Local)

Item No.	Items and Descriptions	Quantity	GrayBar Albuquerque NM	Western United Albuquerque NM	Stuart Irby Albuquerque NM	
	Total Bid Amount Line Items 1-10 Plus Freight		\$178,944.15	\$167,985.50	\$129,797.67	
	Adjust for New Mexico Resident Preference		\$178,944.15	Res-5% \$159,586.23	Res-5% \$123,307.79	

**CITY OF GALLUP**  
**PURCHASING DEPARTMENT -- TABULATION SHEET(S)**  
 Bid No. 2010 BID ON: Long Lead Materials - Allison Substation

Open Date: May 15, 2020 at 2:00 P.M. (Local)

Item No.	Items and Descriptions	Quantity	GrayBar Albuquerque NM	Western United Albuquerque NM	Stuart Irby Albuquerque NM	
	Acknowledge of Amendments		Yes	Yes	Yes	
	NM State Resident/Veteran's Preference		No	Yes - NM	Yes - NM	
	F.O.B.		Destination	Destination	Destination	Destination

**ORDINANCE NO. C2013-10**

**AN ORDINANCE REPEALING THE CITY OF GALLUP'S  
CURRENT FIREWORKS ORDINANCE IN ITS ENTIRETY AND ENACTING A NEW  
FIREWORKS ORDINANCE**

**WHEREAS**, the present fireworks ordinance was adopted June 9, 2009; and,

**WHEREAS**, amendments of these certain sections are necessary to revise language in order to provide consistent interpretation and enforcement of the City Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GALLUP THAT:**

The present Fireworks Ordinance adopted June 9, 2009, is repealed and the following is enacted:

**4-8-1: FINDINGS AND PURPOSE:**

- A. The use of illegal fireworks and misuse of permissible fireworks has resulted in the disturbance of city residents, injury to animals and persons, damage to or the destruction of personal and real property, caused increased expenditure of city funds and use of city resources, and increased fire insurance rates and claims for private and public entities, and generally are a public nuisance.
- B. The sale, possession and use of fireworks within the city shall be prohibited and made illegal, except as provided herein and in keeping with state law at section 60-2C-1 et seq., New Mexico Statutes Annotated, 1978 compilation (as revised), the state fireworks licensing and safety act, and the provisions of the federal regulations adopted by the consumer product safety commission and department of transportation.

**4-8-2: DEFINITIONS:**

- A. The definitions of terms as set forth in section 60-2C-2 New Mexico Statutes Annotated, 1978 compilation (as revised), are incorporated herein by reference, as they now exist, or as they may be amended in the future by the New Mexico legislature. Attached to the ordinance codified herein as an appendix are the current state statutes applicable to this chapter.

**4-8-3: PERMISSIBLE FIREWORKS:**

- A. Permissible fireworks within the city shall be limited to those items set forth in section 60-2C-7 New Mexico Statutes Annotated, 1978 compilation (as revised) including aerial devices.

**4-8-4: MISUSE OF FIREWORKS:**

- A. Misuse of permissible fireworks is the use of the same contrary to the manufacturer's use instructions, and by using illegal or permissible fireworks by directing the discharge of the same at any animal, person, structure, dwelling, vehicle, personal property, vegetation or tree, in a negligent, reckless or intentional manner that causes injury, damage to or loss of property due to ignition or burning caused by fireworks.
  
- B. Any person in possession of illegal fireworks within the city shall be cited into the municipal court. Conviction of possession of illegal fireworks shall carry a penalty of a fine, no less than two hundred fifty dollars (\$250.00) and no more than five hundred dollars (\$500.00), plus the imposition by the court of up to sixteen (16) hours of community service, or both. A person convicted under this section may be placed on probation by the court for a period not to exceed ninety (90) days on such conditions and terms the court deems appropriate. The court may not substitute community service for the fine enumerated herein and a mandatory minimum fine of two hundred fifty dollars (\$250.00) shall be imposed for violation of this ordinance.
  
- C. Any person, who's negligent, reckless, or intentional misuse of permissible fireworks or the use of illegal fireworks that causes personal injury to another person or damage to or loss of the personal or real property of another person shall be cited into municipal court. Conviction under this section shall carry a penalty of a fine, no less than two hundred fifty dollars (\$250.00) and no more than five hundred dollars (\$500.00), plus the imposition of eighty (80) hours of community service, and imposition of a period of probation of ninety (90) days. A person convicted under this section, in addition to the aforesaid penalties, may be ordered by the court to pay restitution to an injured party for medical expenses and property damage upon satisfactory proof to the court documenting said financial loss, for the actual amount of the loss, no less than two hundred fifty dollars (\$250.00) and no more than five hundred dollars (\$500.00). The court may not substitute community service for the fine enumerated herein and a mandatory minimum fine of two hundred fifty dollars (\$250.00) shall be imposed for violation of this ordinance.

**4-8-5: SEIZURE AND DISPOSITION OF CONTRABAND FIREWORKS:**

- A. Illegal fireworks and misused permissible fireworks are deemed to be contraband subject to immediate confiscation by officers of the city police and fire departments. A person so cited may only contest the legality or misuse of the seized fireworks by filing a written notice within ten (10) days of being cited with the municipal court requesting a hearing to determine those issues. A hearing shall be held by the court within ninety (90) days of the filing of the notice. If the court determines the subject fireworks to be legal or that no misuse occurred, then said fireworks shall be forthwith returned to the cited person. If the court determines that the subject fireworks were illegal or were misused, then said fireworks shall be promptly destroyed.

#### **4-8-6: DECLARATION OF DROUGHT OR OTHER EMERGENCY:**

- A. Should the city determine that conditions exist as set forth in section 60-2C-8.1 New Mexico Statutes Annotated, 1978 compilation (as revised), it may effect the limitations allowed by state law under section 60-2C-8.1 on the possession, use, and sale of all fireworks within the city, until and unless said conditions abate to the extent that said ban should be rescinded. Upon rescission of any ban the usual provisions of this chapter governing the possession, use, and sale of fireworks shall be reinstated.

#### **4-8-7: PUBLIC DISPLAYS:**

- A. Public displays of fireworks shall comply with all provisions of sections 60-2C-9 and 60-2C-9.1 New Mexico Statutes Annotated, 1978 compilation (as revised). In addition to the terms of the aforesaid statutes and entity desiring to conduct a public fireworks display shall apply for and be issued a permit by the city fire chief or his designee and pay a fee of one hundred dollars (\$100.00) to the city clerk. The city fire chief may establish regulations and procedures for the issuance of permits and the conduct of public fireworks displays in accordance with this chapter. Any entity wishing to conduct a public fireworks display shall provide to the city fire chief and city clerk a certificate of general liability insurance coverage in an amount of one million dollars (\$1,000,000.00) designating the city as a named insured in addition to the entity staging the public display.
- B. The entity staging or conducting a public fireworks display shall make suitable advance arrangements for the presence of city fire department personnel and equipment during any such display. The city may impose a reasonable fee for the actual cost of said standby firefighting service, not to exceed two thousand five hundred dollars (\$2,500.00). Said fee may be waived for civic or charitable organizations under the express written authority of the city manager.
- C. Any fireworks which are not fired off during the public display shall either be disposed of in a safe manner by city authorities or returned to the display organizer in the discretion of the city fire chief.

#### **4-8-8: SALES AND STORAGE OF FIREWORKS:**

- A. All fireworks shall be sold and stored in accordance with section 60-2C-8 New Mexico Statutes Annotated, 1978 compilation (as revised). All federal and state law and regulations governing the sale and storage of fireworks must be strictly complied with and violations of those laws or regulations shall subject those fireworks which are not in compliance with those provisions to be seized and destroyed as provided by section 4-8-5 of this chapter.

**4-8-9: PERMIT REQUIRED FOR DISPLAY AND SALE:**

A. Any person intending to sell, offer to sell or store for sale any safe and sane fireworks shall first obtain a permit by:

(1) Filing a written application on a form approved by the fire department which shall include the name and address of the wholesaler or jobber selling the fireworks and by paying a fee to the city clerk in the following amounts:

(a) Wholesalers, twenty-five dollars (\$25.00); and

(b) Retailers, twenty-five dollars (\$25.00);

(2) Demonstrating to the satisfaction of the fire department that the items to be handled under the permit comply with the terms and intent of this section; and

(3) Certifying that no person under the age of sixteen (16) years shall be permitted by the applicant to sell or offer to sell any fireworks.

B. Any permit granted under this subsection to any person, wholesaler or jobber shall be for a period of one (1) year.

C. Any permit granted under this subsection to any person other than a wholesaler or jobber shall authorize the possession of safe and sane fireworks for the period of June 10 through July 15 of each year and the sale and display of such fireworks for the period of June 20 through July 6 of each year, and during other periods allowed by 60-2C-8L, NMSA 1978 Comp.

D. Any permit granted hereunder shall be valid only for the calendar in which issued and only for the premises or location for which issued. No permit shall be transferable, assignable or automatically renewable.

E. It is unlawful to sell, offer to sell or give any fireworks to any person under sixteen (16) years unless he is accompanied by a parent or guardian.

**4-8-10: PERMIT REQUIRED FOR DISCHARGE/DETONATION:**

A. Any person or entity who desires to shoot permissible fireworks in the city limits of City of Gallup is required to obtain a permit from the City of Gallup for the discharge/launching of fireworks. The Gallup City Council shall set the costs of such permits by resolution after consultation with the Gallup Fire Department.

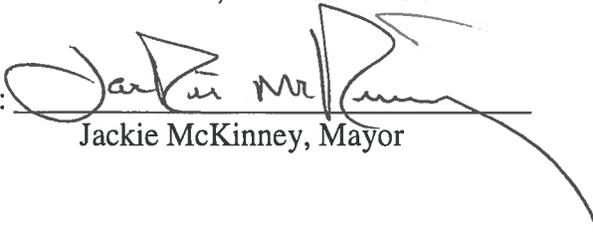
B. Any person who detonates fireworks within the City of Gallup in violation of this section shall be fined no less than two hundred fifty dollars (\$250.00) and no more than five hundred dollars (\$500.00).

**4-8-11: USE OF PERMISSIBLE FIREWORKS:**

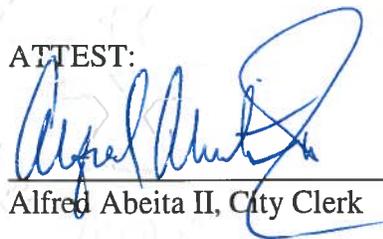
The use of any permissible fireworks not prohibited by this article should be confined to areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or the general public.

PASSED, ADOPTED, AND APPROVED THIS 10<sup>TH</sup> DAY OF DECEMBER, 2013.

CITY OF GALLUP, NEW MEXICO

By:   
Jackie McKinney, Mayor

ATTEST:

  
Alfred Abeita II, City Clerk



(short version)

## **60-2C-8.1. Extreme or severe drought conditions; restricted sale and use.**

Statute text

A. The governing body of a municipality may hold a hearing to determine if fireworks restrictions should be imposed within the boundaries of the incorporated municipality affected by extreme or severe drought conditions. The findings of the governing body shall be based on current drought indices published by the national weather service and any other relevant information supplied by the United States forest service.

B. Pursuant to any hearing under Subsection A of this section, the governing body of a municipality shall issue a proclamation declaring extreme or severe drought conditions within the boundaries of the incorporated municipality if the governing body determines such conditions exist. The governing body's proclamation:

(1) shall ban the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices within the affected drought area; and

(2) shall give the governing body the power to:

(a) limit the use within its jurisdiction of any fireworks not listed in Paragraph (1) of this subsection to areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or the general public;

(b) ban the use of all fireworks within wildlands in its jurisdiction, after consultation with the state forester; and

(c) ban or restrict the sale or use of display fireworks.

C. The municipal governing body's proclamation declaring an extreme or severe drought condition shall be issued no less than twenty days prior to a holiday for which fireworks may be sold. The proclamation shall explain restrictions on the sale or use of fireworks and permitted sales or uses of fireworks.

D. A municipal governing body's proclamation shall be effective for thirty days and the governing body may issue succeeding proclamations if extreme or severe drought conditions warrant. A proclamation may be modified or rescinded within its thirty-day period by the governing body upon conducting an emergency hearing to determine if weather conditions have improved.

## Sale Dates:

1. Permissible fireworks may be sold at retail between June 20 and July 6 of each year, six days preceding and including New Year's day, three days preceding and including Chinese New Year, the sixteenth of September and Cinco de Mayo of each year, except that permissible fireworks may be sold all year in permanent retail stores whose primary business is tourism.

## Steps to restrict the sale:

1. Proclamation declared by June 14, 2014.
2. Proclamation shall be in effect for thirty days, governing body may issue a succeeding proclamation if extreme weather condition warrants.
3. Thirty day proclamation may be rescinded or modified by governing body upon conducting an emergency hearing.

## Municipalities may only ban:

A. missile-type rockets - means a device similar to a stick-type rocket in size, composition and effect that uses fins rather than a stick for guidance and stability and that contains no more than twenty grams of chemical composition;

B. helicopters / aerial spinners - means a tube containing no more than twenty grams of chemical composition with a propeller or blade attached that spins rapidly as it rises into the air with a visible or audible effect sometimes produced at or near the height of flight.

C. Stick-type rockets - means a cylindrical tube containing no more than twenty grams of chemical composition with a wooden stick attached for guidance and stability that rises into the air upon ignition and produces a burst of color or sound at or near the height of flight;

D. ground audible devices

1. chasers - means a paper or cardboard tube venting out the fuse end of the tube that contains no more than twenty grams of chemical composition and travels along the ground, often producing a whistling effect or other noise; an explosive composition not to exceed fifty milligrams may be included to produce a report

2. firecrackers - means a small, paper-wrapped or cardboard tube containing no more than fifty milligrams of explosive composition that produces noise and a flash of light; provided that firecrackers used in aerial devices may contain up to one hundred thirty milligrams of explosive composition per report

All other permissible Fireworks can still be sold such as fountains, aerial shells, roman candles, and so on. These fireworks per the definition would not fall under "Display Fireworks," Which cannot be banned or restricted.

"display fireworks" means devices primarily intended for commercial displays that are designed to produce visible or audible effects by combustion, deflagration or detonation, including salutes containing more than one hundred thirty milligrams of explosive composition; aerial shells containing more than forty grams of chemical composition exclusive of lift charge; and other exhibition display items that exceed the limits for permissible fireworks