

Minutes of the Regular Meeting of the Gallup City Council, City of Gallup, New Mexico held in the Council Chambers at Gallup City Hall, 110 West Aztec Avenue at 6:00 p.m. on Tuesday, February 10, 2026.

The meeting was called to order by Mayor DePauli.

Upon roll call, the following were present:

Mayor: Marc DePauli

Councilors: Linda Garcia
Sierra Yazzie Asamoa-Tutu
Sarah Piano
Ron Molina

Also present: Frank Chiapetti, City Manager
David Eason, City Attorney

Comments by Public on Non-Agenda Items:

Erina Begay, resident, spoke in support of utilizing the Opioid Settlement Housing Trust Fund for NOVA 3 residents and expressed opposition to the deployment of the National Guard for domestic purposes.

Jean Phillips, resident, spoke in support of the Opioid Settlement Housing Trust Fund and the Council's efforts on the matter. She expressed opposition to National Guard deployment in Gallup and requested that the Council table any decision regarding the demolition of the Lexington building due to its historical significance.

Presented to the Mayor and Councilor was the following presentation / Information Item:

1. Presentation on Proposed North Hogback Trail – Brian Leddy, Adventure Gallup and Greg Kavanagh, Gallup Trails

Mr. Kavanagh and Mr. Leddy presented an informational PowerPoint regarding the proposed expansion of the North Hogback Trails, specifically focusing on the area between Interstate 40 (I-40), Hasler Valley and the Transfer Station. The presentation detailed the topography, prominent trail features and the role of trail advocacy groups, emphasized the project's potential impact on regional tourism, economic development and quality of life. The proposal outlined two primary objectives: expanding trail access for residents and developing a destination-worthy experience for visitors in alignment with Gallup's outdoor recreation identity. The presenters provided a list of potential stakeholders, noting that no formal commitments have been established to date. While the proposed trails are located on city-owned land, the presenters requested City support to secure permission for construction on adjacent state-owned property. They included technical details including a two-mile non-motorized adventure route on The Razor's Edge designed to balance high-quality adventure with accessibility. They explained the project is intended for phased planning and construction, beginning with the restoration of existing trails, requested City assistance in coordinating with the Council of Governments (COG) for planning, Gallup Trails for design and the YCC for

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their assistance, alongside a recommendation to hire a professional trail builder for specialized adventure routes.

Discussion followed regarding the status of the Mentmore Trails, specifically the necessity of a bridge installation for safety, available parking and the potential for a fitness course at the former soccer field. Concerns were raised regarding residents living east of the hogback, with an emphasis on maintaining regular project updates for those neighbors; Councilor Yazzie offered to accompany the presenters to meet with local residents. Further discussion clarified that the trails are intended for walking and hiking. Councilor Piano suggested incorporating informative signage along the trail and noted that if assistance from the COG is required the matter would return to Council. Mayor DePauli shared observations regarding his experience in the area and discussed accessibility through the Motocross site.

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

1. Approval of Minutes from the Special Meeting held on December 22, 2025
2. Library Board Appointment
3. Approval of Use and Budget Adjustment of Opioid Settlement and housing Trust Fund in the amount of \$70,000.
4. Permit Application – St. Patrick's Day Event
5. Approval of Resolution No. R2026-9 to Accept State of New Mexico Animal Welfare Fund Grant Agreement 25-J9503-08

Councilor Molina made the motion to approve Items 1, 4 and 5 of the Consent Agenda. Seconded by Councilor Piano. Roll call: Councilors Molina, Piano, Garcia, Yazzie and Mayor DePauli all voted yes.

Councilor Piano requested Item 2 and 3 removed from the Consent Agenda for additional discussion.

2. Library Board Appointment – Mayor DePauli

Mayor DePauli recommended the appointments of Rebecca Bertinetti and Ben Welch, noting they are both longtime Gallup residents. The mayor highlighted Ms. Bertinetti's background in education and her career with Gallup-McKinley County Schools, as well as Mr. Welch's recent retirement from the City of Gallup and his advocacy for veterans.

Discussion followed regarding a review of the appointment process in accordance with the current ordinance. Suggestions included modifying procedures to allow for more interaction and input from existing board members. Councilor Piano recommended providing greater public clarity regarding selection criteria and including additional background information for each recommended appointee. Further discussion addressed term lengths and a request from Councilor Yazzie for more information on

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the application process, the appointees' specific interest in library services and concerns regarding the current use of the library by the selected individuals.

Mayor DePauli provided additional rationale for the selections for Ms. Bertinetti and Mr. Welch, stating his confidence that both individuals would be significant assets to the board and are very much interested in serving.

Library Director, Tammi Moe, addressed the City Council regarding the library board appointment process, urging that the Board's recommendations be given meaningful weight to ensure capacity for a five-year, \$25 million capital campaign. While acknowledging the Mayor's nominees, Ms. Moe expressed that the candidates recommended by the library, Matt and Christina, were strategically selected for their readiness to lead on high-stakes fundraising and the library's role as essential, active civic infrastructure. Ms. Moe stated that if the Mayor's nominees are appointed, she is committed to partnering with them and trusts they will serve with integrity and requested a partnership-driven process that treats the Library Advisory Board's expertise as a strategic asset rather than a formality.

Councilor Yazzie expressed concern regarding a perceived breakdown in trust and collaboration between City leadership and department heads. While acknowledging the Mayor's authority to appoint diverse community representation to governing bodies, she stated she could not support the appointments at this time. Councilor Yazzie clarified that her position was not based on the qualification of the individuals selected but rather on her discomfort with the current appointment process and organizational dynamics.

Councilor Piano expressed agreement regarding the current appointment process and stated that the existing ordinance should be reviewed. He suggested that such review would allow the Council to discuss nominees more thoroughly and enhance overall transparency.

Library Advisory Board President, Carolyn Kuchera, noted that her involvement began after a staff member observed her utilizing library services and highlighted her professional background as an English Professor at Gallup Literacy. Ms. Kuchera stated her willingness to work with any appointed members, while noting her support for the candidates originally recommended by the board.

Additional discussion addressed the current number of members service on the board, the sue of staggering terms and the specific requirements for member selection as defined in the existing ordinance.

Councilor Garcia made the motion to approve the Mayor's appointments to the Library Advisory Board. Seconded by Councilor Molina. Roll call: Councilors Garcia, Molina, Mayor DePauli voted yes. Councilors Piano and Yazzie voted no. Motion carried.

3. Approval of Use and Budget Adjustment of Opioid Settlement and housing Trust Fund in the amount of \$70,000 – Debra Martinez, Behavioral Health Manager

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Councilor Piano stated she pulled the item to express support and the public's comments regarding the matter. She requested additional information pertaining to the matter.

Ms. Martinez requested \$70,000 in stop-gap funding for NOVA 3 to maintain housing for 40 adults and 10 children currently enrolled in the Recovery Housing Program. She noted that while the organization continues to generate income through its intensive Outpatient Program (IOP), funding for the residential component was lost in June. However, with assistance of city staff, these funds were identified to provide temporary operational support, allowing Hozo time to develop a program and implement contracts to hopefully ensure the long-term sustainability of the program.

Discussion followed regarding the operational transition to Hozo scheduled for March. Ms. Martinez clarified that the \$70,000 request serves as a stop-gap for February to maintain program management, food and lodging while rental agreements are reviewed. She noted that while some residents previously paid rent under NOVA 3, the objective is to implement a formal, self-sustaining rental structure moving forward. Ms. Martinez submitted an application to the Office of Housing, noting that while no funding is currently available, follow-up is scheduled for March. She emphasized the importance of building administrative capacity to move the program away from emergency funding cycles. Additional discussion detailed that the housing portion of the program is funded through the Housing Trust Fund, while services are supported by Opioid Settlement funds. The funding will facilitate a contract with Howard Johnson to determine specific room rates. Plans also include contracting with Ken Collins for the peer-run program, though it was noted his team currently lacks the capacity to manage the Intensive Outpatient, though it was noted his team currently lacks the capacity to manage the Intensive Outpatient Program (IOP). Collaboration with Capacity Builders was also mentioned, noting they will charge a fee to rent space for service delivery. Ms. Martinez expressed confidence in the team managing the housing matter and stated she would return to the Council with further updates as logistics are finalized.

Councilor Yazzie made the motion to approve the budget adjustment. Seconded by Councilor Garcia. Roll call: Councilors Yazzie, Garcia, Piano, Molina and Mayor DePauli all voted yes.

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

1. Budget Adjustment for Animal Control Capital Purchase – Tiffany Hubbard, Animal Protection Director

Ms. Hubbard stated that the Animal Control Department requires 28 kennel bank cages, two surgical exam lights and two anesthesia machines from the Humane Society to maintain daily operations following the City's assumption of shelter management. She noted that the purchase price was negotiated and agreed upon by both entities. To cover the cost of the equipment, a budget adjustment of \$58,417 was requested to transfer funds from the supplies budget into capital purchases and machinery. She

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added the funding was previously budgeted for and only need approval to move the funds.

Discussion followed regarding a \$200,000 grant received by the facility and the successful negotiations that resulted in lower equipment pricing. Members expressed appreciation to the Humane Society Board for their ongoing collaborations with the City during the transition of shelter operations.

Councilor Piano made the motion approve the budget adjustment. Seconded by Councilor Garcia. Roll call: Councilors Piano, Garcia, Yazzie, Molina and Mayor DePauli all voted yes.

Mr. Chiapetti encouraged everyone to donate any clean newspaper they may have to the Animal Shelter.

2. Community Development Department Budget Adjustment Request – Keegan Mackenzie-Chavez, Community Development Project Manager

Ms. Mackenzie-Chavez said upon her hire she was the only one in her department with a budget of \$27,000. However, as of January 2026 the department has grown by three more staff members, totaling 4 people that will need funding for travel and workshop attendance. She explained rather than making multiple requests at different times she reviewed the departments other accounts in need of funding. She said advertising and printing is very costly therefore she is requested funding in the publishing account. She presented a breakdown of events she and other staff members are interested in attending.

Discussion followed regarding the training requirements, specifically whether participation is mandatory and how each program contributes to staff specialization and expertise. The importance of professional networking was noted, alongside a request for staff to present a summary of their gained knowledge following completion of the training. Financial consideration includes searching for cost-effective travel and lodging alternatives, such as utilizing rewards programs or point systems for flights and accommodations. Further discussion emphasized the importance of supporting all local hotels rather than exclusively utilizing the facility currently designated as the city's primary hotel. Additionally, it was noted that while employees may transfer between department, the funding for their specific positions does not automatically follow.

Councilor Garcia made the motion to approve the budget adjustment. Seconded by Councilor Yazzie. Roll call Councilors Garcia, Yazzie, Molina, Piano and Mayor DePauli all voted yes.

3. Recommendation of Award for Bid No. ITB-2609 to H.O. Construction Inc. for the City of Gallup Carbon Coal McKinley County Industrial Park Waterline – Jan Darrel Boone, Water and Wastewater Superintendent

Mr. Boone presented a project proposal for waterline installations at the City of Gallup Industrial Park, totaling \$1,087,854.38, funded by the US Department of Commerce

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grant EDA08-79-05634; includes the installation of 12-in and 8-inch ductile iron pipes and associated infrastructure on Carbon Coal Road and Industrial Park Road.

Discussion followed regarding the project's funding and technical scope, the definition of Economic Development Administration (EDA) federal funding, water source locations, sewer line replacement, the proposed number of fire hydrants, the procurement process for formal bids and the specific criteria used in the selection of H.O. Construction, Inc.

Councilor Molina made the motion to award the Bid, as presented. Seconded by Councilor Piano. Roll call: Councilors Molina, Piano, Garcia, Yazzie and Mayor DePauli all voted yes.

4. Future of Lexington Hotel – Marcus Largo, Human Resources Director

Mr. Largo provided a status report regarding the Lexington Hotel based on assessments from the City's contracted engineer and insurance adjuster whose findings indicated that repair and remediation costs nearly exceeded the property's value. He explained the insurance provider declined repair coverage, offering \$300,000. restricted to demolition; however, demolition costs were estimated between \$700,000. to \$1.2 million. Mr. Largo emphasized the building's historical significance and requested guidance from Council regarding the settlement and the final disposition of the structure.

Mr. Chiapetti reported on discussions with Battered Families representatives from Gallup and Santa Fe regarding available funding for property acquisition, design and construction. He noted the organization's intent to request additional funding this year and recommended a 60-day postponement of action to allow for legislative requests and further coordination on building management. He highlighted the importance of historic preservation and the potential to obtain a historical engineer or architect through Gallup MainStreet. He stated an application has been submitted to Gallup MainStreet with a response expected soon.

Battered Families Executive Director Emily Ellison, expressed support of a partnership with the City to develop shelters, identified the Lexington Hotel as a viable youth shelter site under HUD specifications and noted the organization's experience with HUD housing programs and federal reimbursements requirements.

Discussion followed regarding additional funding sources, legislative support to create shelters, the City's role as fiscal agent, discussion with Secretary Propst and the lawyer for the New Mexico Department of Finance Administration (DFA) regarding anti-donation compliance and necessary forms detailing intended services, benefits to the community and organizations, issues and potential negotiations with New Mexico Self Insurer's Fund, the City's existing HUD funding obligations and efforts to rehab the property.

Ms. Ellison further noted the organization's domestic violence-specific HUD program, cited established relationships with state and regional HUD representatives, reported congressional legislatures familiarity with the current grant program and outlined

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procedural challenges regarding delays in the release of a Request for Proposal (RFP) and associated legal proceedings.

Further discussion followed regarding the scope of rehabilitation for safety compliance and the operational capacity of Battered Families for a project of this scale, clarification of residency fees, details regarding forms requested by DFA to support City interests, DFA grant requirements, property title retention, alternative lease structures used by other jurisdiction to mitigate City liability, the objective of providing a shelter sensitive to the needs of children, and an overview of Battered Families' current projects, grant management staffing and the role of the contracted accountant in ensuring tax compliance.

Councilor Yazzie made the motion to defer action. Seconded by Councilor Garcia. Roll call: Councilors Yazzie, Garcia, Piano, Molina and Mayor DePauli all voted yes.

5. Extend Contract for City Attorney & Contract for Selected Legal Issues – Mayor DePauli

Mayor DePauli presented the employment contract for David Eason with an initial term expiring 2/14/2026, an optional extension through March to assist with the transition of the Deputy City Attorney and provide professional service beyond March, specifically with regard to the Trade Port and Navajo Gallup Water Supply Project (NGWSP)

Mr. Chiapetti clarified fiscal impact of a 40-day salary allocation and the projected fees of the proposed contract, noting the distinction between budgeted amount and actual expenditures.

Discussion followed regarding the contract's duration, transition-related modifications, the scope of legal assistance for specific litigation.

Councilor Yazzie expressed support for the proposed contract and the continuation of services provided by Mr. Eason, noting his previous performance and the recommendations provided.

Councilor Piano spoke in favor of the transition-related contract terms and further inquired about established post-employment service restrictions and the intended length of the professional relationship.

Mr. Eason stated that former employees working on a contract basis have occurred without incident and was only an issue with regard to PERA when an employee was re-employed. He highlighted the established legal principle of at-will termination for legal counsel and his intent to transfer pending matters to City staff as soon as possible.

Mr. Largo addressed the reporting requirements for the contract, stating that PERA would evaluate the agreement to determine service credit eligibility. He further clarified the differences between the ERB and PERA systems and noted that retirees from the educational fund are permitted under state guidelines to work for municipal organizations while maintaining their service standing.

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Chief Financial Officer Patty Holland addressed the reciprocal agreement between the Educational Retirement Board (ERB) and the Public Employees Retirement Association (PERA), noting that the City must report the contract to ensure compliance with retirement eligibility rules. She cited potential risks regarding IRS regulations on employee versus contractor status and mentioned the auditors would review 1099 and W2 documentation for consistency. Additionally, she noted the need for a detailed proposal to evaluate purchasing requirements and determine if a formal Request for Proposals (RFP) is necessary.

Brief discussion followed regarding the extension of the existing contract through March as an alternative to a new contract, providing additional time for deliberation and a more comprehensive review of the terms.

Councilor Molina recognized Mr. Eason's professional contributions to the City, specifically citing his performance on several key projects and noted Mr. Eason is one of two attorneys he likes.

Deputy City Attorney Erika Pirotte provided a legal update noting that a cost cap has brought finality to the NGWSP matter, while Trade Port Authority rulemaking is proceeding with Mr. Eason's board expertise. She said the Jacobs litigation is currently in motions practice regarding subject matter jurisdiction, with prepared legal strategy in place for both federal and state court scenarios, indicating progress in finalizing key legal and procedural issues facing the municipality. Deputy City Attorney Erica Pirotte reported that while she is up to date on current matters, additional support is needed to handle the transition alongside the office's daily workload and recommended retaining Mr. Eason to ensure continuity of legal services.

Mayor DePauli expressed his appreciation for the excellent work performed by Mr. Eason but stated he cannot support extending the current contract, noted that the City has adequate legal coverage moving forward with Deputy City Attorney Erica Pirotte, the Winter Law Firm, specialized water rights attorneys, Lynn Isaacson for prosecutions and the Moran Flores group.

Further discussion followed regarding a one-month contract extension to avoid issues with PERA, with the possibility of revisiting the matter later.

Councilor Garcia said Mr. Eason's arrival was perfectly timed, expressed her lasting gratitude for his service and voiced her support for a one-month extension.

Councilor Garcia made the motion to extend Mr. Eason's current contract till the end of March with no additional contract for selected legal services. Seconded by Councilor Piano. Roll call: Councilors Garcia, Piano, Molina and Yazzie voted yes. Mayor DePauli voted no. Motion carried.

Comments by Mayor and Councilors

Mayor DePauli reported on a discussion with the Governor in Santa Fe regarding potential State Police and National Guard assistance, noting that any such aid would be

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administrative and subject to specific rules and commented on the various officials they spoke with in Santa Fe in an effort to secure funding for several municipal projects.

Councilor Yazzie recognized Project Manager Keegan Mackenzie-Chavez and her team for organizing the well-attended Community Meet'N Greet. She also reported on her first-time attending the series of legislative events at the State Capital, noted widespread support for the City of Gallup and McKinley County and mentioned meeting with Tribal Council Members and Representatives.

Ms. Mackenzie-Chavez provided information regarding the next event.

Councilor Garcia reported that she and Councilor Piano attended the Legislative Sessions in Santa Fe and consulted with local representatives. She stated that representatives from Roswell New Mexico were extended an invitation to hold an upcoming conference in Gallup and announced Senior Day at the Round House where Senator Pinto and Representative Johnson will be present to greet them.

Councilor Piano recognized Robert Hamblen, Public Works Director, for a discussion with a resident regarding a street issue, expressed appreciation for all representatives and senators for continuous support of the community in addition to all City Staff and Council Members and wished Mr. Chiapetti a happy birthday.

Comments by City Manager and City Attorney

Mr. Chiapetti reported on a meeting with the governor regarding a potential state of emergency declaration for the City of Gallup, noting the impact on Albuquerque, Espanola's denial and Tribal Government's request for service. He summarized the responsibilities and restrictions of the National Guard when deployed cities, as well as the option to utilize State Police for additional community patrols to assist local law enforcement. Mr. Chiapetti noted staffing constraints with the Gallup Police Department and outlined plans to meet with the state secretary, State Police Chief, National Guard Colonel, Gallup Police Chief and Gallup Fire Chief to discuss critical safety issues. He highlighted the matter would be brought to Council before any decisions were made.

Mr. Eason expressed appreciation for the council's remarks. He identified the multi-year absence of a District Attorney as a primary obstacle to enforcing criminal law, statutes and public safety measures. Mr. Eason expressed confidence in Ms. Martin's removal and recommended allowing time to reconstitute and evaluate the effectiveness of the district attorney's office before initiating a National Guard deployment. He stated that deployment would negatively impact economic development, signal a failure of local systems and emphasize the necessity of engaging stakeholders first.

Councilor Molina cited a lack of council action beyond requesting State Police and voiced support for bringing in the National Guard to assist the Gallup Police Department with patrolling. He stated that the city faces a severe drug problem and requested community input on how to resolve it. Councilor Molina expressed gratitude to Ms.

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Mackenzie-Chavez for the community meeting and thanked Mr. Hamblen and his staff for their cleanup efforts. He concluded by calling on Deputy Chief for comments.

Deputy Chief of Police Billy Padavich declined to state a position on the potential deployment of the National Guard to Gallup. He reported that the Gallup Police Department maintains proactive operations despite high workloads relative to current staffing levels. Deputy Chief Padavich stated that the State Police should provide more assistance within the municipality and outlined scenarios where their aid is requested. He attributed the rearrest of repeat narcotics offenders to the Bail Reform Act rather than the performance of the Drug Task Force. Additionally, he identified non-competitive pay compared to other agencies as a barrier and expressed concerns regarding judicial decisions. He encouraged residents with suggesting or complaints to contact the police department directly.

Councilor Garcia voiced her backing of the Gallup Police Department and whatever they need to do their jobs. She noted the need for legislative changes aimed at retaining offenders in custody to improve safety.

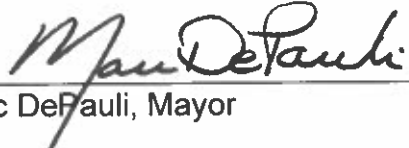
Mr. Chiapetti specified that comments were complaints against the Gallup Police Department. He cited current staffing levels as insufficient relative to the city's increased weekend population, while acknowledging that officers are performing at maximum capacity.

Chief of Police Erin Toadlena-Pablo said that no one from the Gallup Police Department was present during the conversation with the governor and felt very insulted listening to some of the comments that were initially made. She provided information regarding statistical information, what the Police Department is doing, information that gets out to the public, and efforts to put out more positive information. She said staff will make time for anyone that would like additional information and expressed appreciation for Council's support.

There being no further business, Councilor Molina made the motion to adjourn the meeting. Seconded by Councilor Piano. Roll call: Councilors Molina, Piano, Garcia, Yazzie and Mayor DePauli all voted yes




Alicia Martinez, Deputy City Clerk


Marc DePauli, Mayor