

1 **VILLAGE OF QUESTA**  
 2 **REGULAR MEETING MINUTES**  
 3 **TUESDAY, APRIL 24, 2018**  
 4 **VILLAGE OF QUESTA COUNCIL CHAMBERS**  
 5 **6:00PM**

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7 I. **CALL TO ORDER BY MAYOR MARK L. GALLEGOS**

8  
 9 Mayor Gallegos called the meeting to order at 6:12pm.

10  
 11 II. **ROLL CALL**

12 Mayor Gallegos asked Village Clerk Renee Martinez to take roll.

13 Present:

- 14  
 15 Councilwoman Louise T. Gallegos  
 16 Councilman Charlie I. Gonzales  
 17 Councilman John Anthony Ortega  
 18 Councilman Brent P. Jaramillo

19 Also Present:

- 20 Administrator Nicholas Maestas  
 21 Village Clerk Renee Martinez  
 22 Finance Director Karen Shannon  
 23 Fire Chief Mark Ortega  
 24 Attorney Lance Hough

25  
 26 III. **PLEDGE OF ALLEGIANCE**

27 Mr. Gabriel Cisneros led the Pledge of Allegiance.

28  
 29 IV. **APPROVAL OF AGENDA**

30 Councilman Ortega inquired if Mr. Juan Cisneros was going to be present. Mayor Gallegos stated no.  
 31 Councilman Ortega requested to remove Item VII. B. Councilman Ortega also requested Limited Personnel  
 32 Matters be added to Executive Session.

33  
 34 Motion: Councilwoman Gallegos  
 35 Second: Councilman Gonzales

36 In Favor: All  
 37 Opposed: None

38 To approve the agenda as amended. All voted yes. Motion carried.

39  
 40 V. **APPROVAL OF MINUTES**

- 41  
 42  
 43 • Regular Meeting, April 10, 2018

51 Motion: Councilman Ortega  
 52 Second: Councilwoman Gallegos

53  
 54 In Favor: All  
 55 Opposed: None

56  
 57 To approve the April 10, 2018 meeting minutes as presented. All voted yes. Motion carried.

58  
 59 VI. **PUBLIC COMMENTS** - (It is the policy of the Governing Body to accept public comment. Because  
 60 your particular issue is not on the agenda the Governing Body cannot respond immediately, but may direct staff  
 61 to address issues at a future Council Meeting. Public comments are limited to a maximum of three minutes.)

- 62  
 63 • Ms. Patricia Michael spoke on behalf of the Questa Little League Board – Ms. Michaels thanked the  
 64 Mayor and Council for their support and requested the following:  
 65  
 66 ○ Power and water at the field.  
 67 ○ Want to know what repairs are needed on the announcer booth and concession stand.  
 68 ○ The league is willing to provide portable restrooms for the next two seasons and would like the  
 69 Village to look into fixing the restroom facilities that are already in place.  
 70 ○ Village keep the field cut throughout the season.  
 71 ○ They would have volunteers to water the field when not in use.  
 72 ○ They would like permission to cut down the small trees along the fence line.  
 73 ○ Requested the Village sign off on community hours for junior high and high school students  
 74 who come out and volunteer.  
 75 ○ Scheduled a clean-up day with parents and coaches on Sunday, April 29<sup>th</sup> at 1:00pm – would  
 76 like members of the Council to come out to assess and address any issues concerning the field.  
 77 ○ Would like to schedule a boot drive to raise money.

78  
 79 Councilman Jaramillo stated that we need to act quicker; we can put the recreation money back into Molycorp  
 80 Field. A home plate was requested last meeting; we have the money to buy some of these needed items.  
 81 Councilwoman Gallegos stated that she and Ms. Santistevan are working together on seeking a grant from  
 82 Chevron with either some funding or in-kind; we are going to see how they can help us best. We should know  
 83 within the next few days. Mayor Gallegos stated that he appreciates the little league members attending the  
 84 Council Meeting. Councilman Gonzales suggested that Ms. Michael get the list to Mr. Maestas. Ms. Michael  
 85 inquired about whom they would have to get permission from to hold a boot drive in the middle of town as well  
 86 as requesting emergency vehicles to be present. Councilwoman Gallegos stated that when they held a boot drive  
 87 for the church, they were a non-profit and had to get permission from the NMDOT to hold the drive as well as  
 88 their own liability insurance; she suggested to check with the NMDOT to see what their requirements are.  
 89 Councilman Ortega asked why they are not able to get water to the field. Mayor Gallegos stated that there are a  
 90 few reasons why but the Village will look into getting the water going.

- 91  
 92 • Mr. Daryl Ortega, Resident of Questa, President of the Questa School Board – Stated that there was an  
 93 issue today with some of the Questa Police Officers being at the school without any advanced notice.  
 94 Four officers in full tactical gear entered the school without any notice to the district. The school board  
 95 or the superintendent were not aware of the training. He stated that if the Village is going to be doing  
 96 trainings like these, they need to notify the school so that they can prepare for it.

97  
 98 VII. **PRESENTATIONS -**

99 A) Questa High School Cheerleaders State Championship Recognition

100  
 101 Mayor Gallegos and Council presented the Questa High School Cheerleaders with certificates. Coach Kathy  
 102 Gonzales thanked everyone for the recognition and support.

103 A five minute recess was motioned by Councilman Ortega, seconded by Councilman Jaramillo.

104

105 In Favor: All

106 Opposed: None

107

108 To approve a five minute recess. All voted yes. Motion carried.

109

110 Mayor Gallegos reconvened the meeting at 6:47pm.

111

112 **B) Proposed Dirt Track – Mr. Juan Cisneros**

113

114 **\*\*Removed from agenda.**

115

116 **C) Village of Questa Lobbyist Update – Mr. Gabriel Cisneros, Universal Professional Services**

117

118 Mr. Gabriel Cisneros updated the Governing Body on the following:

119

120 • Current CDBG project is closed.

121 • Business Park

122 • Next CDBG project – application due on June 22<sup>nd</sup>. Need to begin public hearings to identify a project.

123 • NMDOT Coop & MAP projects – looking for required matches

124 • Working on getting a local certified contractor that meets chevron requirements when we bid out projects

125

126 Mayor Gallegos stated that we may want to consider using Mr. Cisneros throughout the next CDBG project  
127 process. Mayor Gallegos stated that we are seeking the \$100,000.00 and the \$257,000.00 for the MAP projects.

128 We would like to know if there is any funding opportunities out there that could possibly support these projects.

129 Mr. Cisneros stated that Mr. Maestas has already requested a match waiver. Mr. Maestas stated if approved they  
130 would only be able to approve \$75,000.00. We would not know until May if this will be possible. He also asked

131 for information on an extension since one of the projects expires on June 30<sup>th</sup> of this year. Mr. Cisneros stated

132 that he will set up a meeting with Senator Cisneros and Representative Gonzales to request assistance; or get a  
133 full extension until next year so we can get the funding. Councilman Jaramillo stated that we had discussed not

134 taking the waiver. Councilman Ortega told Mr. Cisneros that yes, we needed an ambulance and police units, but  
135 our legislative priority this year was that match, for this specific reason; how did it get changed around? He

136 stated that to him, accepting the waiver and shortening the work on Cabresto is unacceptable. Mayor Gallegos  
137 stated that we gave Mr. Cisneros direction to seek funding for emergency vehicles. Mr. Cisneros stated that the

138 Senator was getting pressure on getting a new ambulance here and rather than losing any funding we decided to  
139 use what they gave us. Yes, we could have been adamant and pursued only that one priority, but weighing the

140 issues and pressures we did our best to get the funding we did. He stated that we can get Cabresto done with the  
141 help of Chevron or from the next legislative session. Councilman Ortega stated that he agrees that we needed

142 the emergency vehicles, but he believed that we were going to get both the vehicles and the match; he is  
143 disappointed because Cabresto Road is in dire need of repair.

144

145 Councilman Gonzales stated that there was a request from Senator Cisneros to the legislature for \$42 million  
146 dollars; he received \$875,000.00 along with Representative Gonzales who received \$475,000.00 to distribute.

147 This is how the Senator made this determination. You take what you get when it come to the legislature. The  
148 Governor has the last say so. Councilman Gonzales is worried about the project with the June deadline.

149

150 Mr. Cisneros stated that he is hoping to get the extension and match waiver. Councilman Ortega asked Mr.

151 Cisneros if he is saying that there is no way we are going to find the match at this point. Mr. Cisneros stated that

152 it is still possible. Councilman Ortega stated that he appreciates Mr. Cisneros' efforts.

153

154 Councilman Jaramillo stated that the clarification is that we want to go into construction on Cabresto Road this  
 155 calendar year so any cash money for a match has to be this year. Or, we come back and decide to extend the  
 156 project, which has already been extended for one year. If we can't come up with the money we need to get the  
 157 extension.

158  
 159 A discussion was held regarding transite lines on Cabresto Road before the paving project. Councilman  
 160 Jaramillo stated that the top of Cabresto Road is ready to be completed.

161  
 162 It was suggested that before action is taken on this that the meetings with the NMDOT commission and the  
 163 Senator and Representative take place. Mayor Gallegos also asked if we should continue using Mr. Cisneros on  
 164 the business park CDBG project. Mr. Cisneros is willing to sit and discuss this with the Village. Councilman  
 165 Gonzales stated that he has an issue with the QEDF doing the project for the reason that they will want ownership  
 166 of it; we have to have ownership.

167  
 168 VIII. **PUBLIC HEARING / FISCAL YEAR ENDING 2018-2019** – A Public Hearing allowing the  
 169 opportunity for public input to the Village of Questa 2018-2019 Budget.

170  
 171 Mayor Gallegos opened the Public Hearing at 7:29pm.

172  
 173 There was no public input at this time.

174  
 175 Mayor Gallegos closed the Public Hearing at 7:31pm

176  
 177 IX. **ACTION ITEMS**

178 A) Discussion, Consideration & Possible Action – Resolution No 2018-07 / Questa Fire Prevention  
 179

180 Mayor Gallegos asked Chief Mark Ortega to speak about the fire ban. Chief Ortega stated that due to weather  
 181 conditions and recent fire activity in communities around us, we are at the point right now where we need to ban  
 182 burning in the Village of Questa until we get some moisture. He stated that the outlook is looking good towards  
 183 the end of May. He is recommending that we keep the fire ban until the end of May. He stated that open fires  
 184 are prohibited throughout the Village. Only propane grills are allowed.

185  
 186 Councilman Jaramillo suggested the ordinance be amended to give the Fire Chief the ability to temporarily lift  
 187 the fire ban if there has been precipitation. Councilman Ortega stated that the ordinance should also read that  
 188 the Chief should have the discretion to enact a burn ban without having to come to the council. Mr. Maestas  
 189 stated that the ordinance was reviewed and right now states that it should be enacted by Resolution. Councilor  
 190 Jaramillo stated that section 2-B gives the fire chief that authority; which is what we have practiced in the past.  
 191 Section 2-D also gives the Mayor the authority to make the declaration. He suggested that the ordinance be  
 192 updated. Chief Ortega also stated that the reference to charcoal grills in the ordinance should be changed.  
 193 Councilor Gonzales asked Attorney Lance Hough if he had reviewed it. Mr. Hough stated that he has reviewed  
 194 it and is fine with the language. Mayor Gallegos stated that this Resolution gives the Village more teeth to  
 195 enforce it.

196  
 197 Motion: Councilman Gonzales

198 Second: Councilman Jaramillo

199  
 200 Roll Call:

201  
 202 Councilman Brent Jaramillo YES  
 203 Councilman John Ortega YES  
 204 Councilwoman Louise Gallegos YES  
 205 Councilman Charlie Gonzales YES

206 To approve Resolution 2018-07 / Questa Fire Prevention as presented. All voted yes. Motion carried.  
 207

208 **B) Discussion, Consideration & Possible Action – CA Cisneros Youth & Family Center Use Structure**  
 209

210 Mr. Maestas stated that he the attorney has reviewed the presented use structure information.  
 211

212 Motion: Councilwoman Gallegos

213 Second: Councilman Gonzales  
 214

215 Councilman Jaramillo stated that he had a concern with the fee structure. What if someone just wanted to use it  
 216 one time? Mr. Maestas stated that it would be \$80.00. A discussion was held. Councilwoman Gallegos asked  
 217 for clarification, how much the quilting club would be charged. Mr. Maestas stated that if they used the facility  
 218 outside of the regular hours, if we can get volunteers to come in and open the facility regularly, it will be  
 219 \$80.00/month. If they use the facility during these hours, there will not be a charge. The QCC and Vida Del  
 220 Norte are interesting in volunteering to open the facility. Councilman Ortega asked if one of the members of the  
 221 quilting club said they would volunteer to open for the days they were there, allowing the public to also use it at  
 222 the same time, would this work. Mayor Gallegos stated that the easiest thing to do right now is to use these 2  
 223 nonprofit groups to open the facility. Councilman Jaramillo stated that he is also concerned with the liability  
 224 and would feel better if these groups had insurance. A discussion regarding the insurance was held.  
 225

226 Councilwoman Gallegos withdrew her motion at this time until the Council comes to an agreement. Councilman  
 227 Gonzales withdrew his second to the motion.  
 228

229 Mr. Maestas stated that he will work with legal counsel regarding the insurance and the risk.  
 230

231 **C) Discussion, Consideration & Possible Action – River Stewardship / Riverbend Engineering Contract**  
 232

233 Attorney Lance Hough stated that Chevron will be deeding a portion of a larger parcel over to the Village. They  
 234 are asking a claim of exemption from Taos County. The attorney stated that because it is under \$60,000.00 it  
 235 does not have to go through the bid process. Riverbend Engineering has a certain understanding with the river  
 236 and the community. Councilor Gonzales inquired about the inspection and who will pay for it. Also, who will  
 237 pay the GRT's? A discussion was held regarding GRT's.  
 238

239 Motion: Councilman Ortega

240 Second: Councilman Jaramillo  
 241

242 Roll Call:

243  
 244 Councilman Brent Jaramillo YES

245 Councilman John Ortega YES

246 Councilwoman Louise Gallegos YES

247 Councilman Charlie Gonzales YES  
 248

249 To approve River Stewardship / Riverbend Engineering Contract as presented. All voted yes. Motion carried.  
 250

251 **D) Discussion, Consideration & Possible Action – Questa Land & Water**  
 252

253 Councilman Ortega stated that he has an issue with how the board came together. He stated that if we are going  
 254 to reevaluate one position we should evaluate the whole board. He does not like the idea that someone made the  
 255 change to one position and not the rest. He clarified that he is not being discriminant of his fellow Councilors  
 256 being on the board but he is angry that the decision was made beforehand without the Council.  
 257

258 Mayor Gallegos stated that the following members are being proposed:

259

260 Malaquias Rael  
 261 Charlie Gonzales  
 262 Louise Gallegos  
 263 Donald Gallegos  
 264 Juan Cisneros

265

266 Councilwoman Gallegos stated that she understands where Councilman Ortega is coming from and if there is a  
 267 better person to represent the Village then she will step aside and allow this person to take her place. She has no  
 268 problem with whatever they decided or whatever we decide here tonight.

269

270 Councilman Jaramillo stated that what he heard from Mr. Malaquias Rael last week was that Councilwoman  
 271 Gallegos is the Fund Board nomination and Councilman Gonzales is the Council representative. Councilman  
 272 Ortega stated that he would like to go on the record to say that he agrees that Mr. Juan Cisneros is a strong  
 273 member to the board, in fact he recommended him, but if we're going off of decisions that were made by the  
 274 QEDF beforehand, then why aren't they going along with the appointee that the Council made. Councilwoman  
 275 Gallegos stated that Councilman Gonzales is representing the Council instead of Lawrence Ortega and she would  
 276 still be representing the Fund Board. Councilman Ortega stated that since Councilwoman Gallegos is now  
 277 representing the Village, Lawrence Ortega should have fell into the at-large position. Councilman Gonzales  
 278 stated that he does not agree with that.

279

280 A motion to accept the five proposed members was made by Councilman Gonzales. Seconded by Councilwoman  
 281 Gallegos.

282

283 Roll Call:

284

285 Councilman Brent Jaramillo YES – With the understanding that Mr. Cisneros and Mr. Ortega have already  
 286 been contacted. Councilman John Ortega stated that this is what he has issue with; why wasn't he contacted and  
 287 whose decision was that?

288

289 Councilman John Ortega NO – For the record Councilman Ortega stated that he is voting no to the  
 290 process and how it was handled and not to the appointment of Mr. Juan Cisneros.

291

292 Councilwoman Louise Gallegos YES

293

294 Councilman Charlie Gonzales YES

295

296 Councilman Brent Jaramillo stated that for the record that he does have issues with the way this matter was  
 297 handled by Chevron. He does not believe it was mishandled by the Village.

298

299 To approve the Questa Land & Water Board members. With a three to one vote, motion carried.

300

301 X. **FINANCIALS** – Ms. Karen Shannon, Finance Director

302 A) Approval of Internal BARS (Budget Adjustment Requests)

303 Ms. Shannon stated that in their packet were three items for review. Please contact her with any questions.

304

305 Ms. Shannon asked if there were any questions regarding the Internal BARS.

306

307 Motion: Councilman Gonzales

308 Second: Councilman Ortega

309

310 In Favor: All  
 311 Opposed: None

312  
 313 To approve the Internal BARS as presented. All voted yes. Motion carried.

314  
 315 **B) Approval of DFA BARS – Resolution No. 2018-06**

316  
 317 Ms. Shannon stood for questions. Councilman Ortega asked if there is anything they should be concerned with.  
 318 Ms. Shannon stated no, not at this time. She stated that we did receive the \$25,000.00 for the Rapid Action Fund  
 319 from the QEDF for next fiscal year.

320  
 321 Motion: Councilman Ortega  
 322 Second: Councilman Gallegos

323  
 324 Roll Call:

325  
 326 Councilman Brent Jaramillo YES  
 327 Councilman John Ortega YES  
 328 Councilwoman Louise Gallegos YES  
 329 Councilman Charlie Gonzales YES

330  
 331 To approve DFA BARS – Resolution No. 2018-06 as presented. All voted yes. Motion carried.

332  
 333 **XI. MATTERS FROM ATTORNEY – Lance Hough**

334  
 335 Mr. Hough briefed the Council on the following:

- 336  
 337 • River Stewardship Restoration Project – In light of the approval this evening, he will work out the final  
 338 details with Mr. Chris Philips.  
 339 • Meeting Minutes – Will have recommendations for the next meeting.

340  
 341 Councilman Jaramillo asked when Dr. Miller and Marcus Rael will be doing a presentation. Mayor Gallegos  
 342 stated that Dr. Miller needs to give us her availability dates so we can schedule the meeting. Mr. Hough stated  
 343 that he will contact Dr. Miller and circulate the dates to everyone before the next meeting.

344  
 345 **XII. MATTERS FROM ADMINISTRATOR / MAYOR AND COUNCIL**

346  
 347 Councilman Ortega inquired about the corrals and asked how the quotes for the welders were gathered. Mr.  
 348 Maestas stated that they reached out to all local welders and had them meet out at the corrals to see what work  
 349 will be needed. Councilor Ortega stated that he would like to get Mr. Dale Cisneros's issue resolved. Mayor  
 350 Gallegos stated that we have reached out to Mr. Cisneros to set up meetings with him – we are not going to make  
 351 any changes to his bill until he comes in. We will do everything we can to continue to reach out to him. Mr.  
 352 Maestas recommended that the best route to take would be to get something set up. We need something in  
 353 writing in order to get the process moving.

354  
 355 Councilman Gonzales had no matters.  
 356 Councilwoman Gallegos had no matters.

357  
 358 Councilman Jaramillo inquired about the streetlights that are still out. Mr. Maestas made note of it.

359  
 360 Mayor Gallegos asked Chief Lamendola to come in and address the Council regarding today's events at the  
 361 school. Chief Lamendola stated that an action plan was set in place approximately 4 weeks ago before we

362 finished up all of our SWAT advanced training to get into the schools to set an action plan up for an active  
363 shooter. He met with Principal Dr. Mae La Bella this morning prior to the training, and cleared it with her as  
364 well as with acting superintendent Blea. They were cleared to go in at 10:30am to do a dry walk through to see  
365 how they would set up for an actual drill. The school officials did the walk through with them. They were  
366 approached by school board president Ortega who told us we needed to leave the school property. When he  
367 began making threatening comments we left the school grounds and met back here at the Village in which he  
368 thought they had resolved it at that time. Parents had been advised that there were going to be some sort of drills  
369 going on. It was not an actual drill today, just a walk through.

370  
371 Councilman Ortega asked Chief Lamendola if they entered the school with AR-15's. Chief Lamendola stated  
372 that they initially approached the school with AR-15's for our approach-there were no live rounds on their  
373 person; everything was left in their vehicles, secured. They did explain to school personnel; that they would be  
374 entering in full gear.

375  
376 Councilwoman Gallegos stated that from the way it was presented this evening from Mr. Ortega, it sounded like  
377 there was absolutely no communication to the schools regarding this. Knowing now that the school officials  
378 were involved and did know, it changes the entire picture. The school board being notified was not on the police  
379 department it was on the superintendent. With everything that is going on around us, we need to be prepared.  
380 She thanked the department for preparing our kids.

381  
382 Councilman Jaramillo thanked the Chief and stated that he figured they had gone in with a plan and didn't just  
383 go in on their own.

384  
385 Councilman Gonzales also thanked the Chief and his department also and stated that it brought back memories  
386 when he was Mayor when one day a lot of FBI agents came in to Questa. The city of Aztec is pretty close to us  
387 and we can't take any chances. It seems to him that everything was in order.

388  
389 Councilwoman Gallegos asked the Mayor is it possible to advise the Council ahead of time when these training  
390 are going to be held. Mayor Gallegos stated that this is one thing that he will make sure happens so that we are  
391 all aware.

392  
393 **XIII. EXECUTIVE SESSION** - (The Governing Body may convene into Executive Session at this time  
394 pursuant to the NM Open Meetings Act NMSA 1978 10-15-1)

- 395 A) Pending or Threatening Litigation - (§ 10-15-1(H) (7)) – Adame Construction
- 396 B) Antonio Cintas vs. Village of Questa
- 397 C) Personnel Matters

398  
399 A motion to enter into Executive Session was made by Councilman Ortega. Seconded by Councilwoman  
400 Gallegos.

401  
402 Roll Call:

403  
404 Councilman Brent Jaramillo YES  
405 Councilman John Ortega YES  
406 Councilwoman Louise Gallegos YES  
407 Councilman Charlie Gonzales YES

408  
409 Mayor Gallegos stated that the Governing Body will go into Executive Session to discuss only the items listed.  
410 The Governing Body entered into Executive Session at 8:51pm.

411  
412 A motion was made to reconvene from Executive Session at 9:37pm by Councilman Ortega, seconded by  
413 Councilman Gonzales.



414 Roll Call:

415

416 Councilwoman Louise Gallegos YES

417 Councilman Charlie Gonzales YES

418 Councilman John Ortega YES

419 Councilman Brent Jaramillo YES

420

421 Mayor Gallegos stated for the record that only the item listed was discussed during closed session. There was no  
422 action taken.

423

424 XIV. **OPEN SESSION ACTION ITEM** – Action on Potential Litigation

425

426 No action or discussion was taken on this item.

427

428 XV. **ADJOURNMENT**

429

430 Motion: Councilman Ortega

431 Second: Councilman Gallegos

432

433 In Favor: All

434 Opposed: None

435

436 There being no further business to discuss, the meeting was adjourned at 9:38pm.

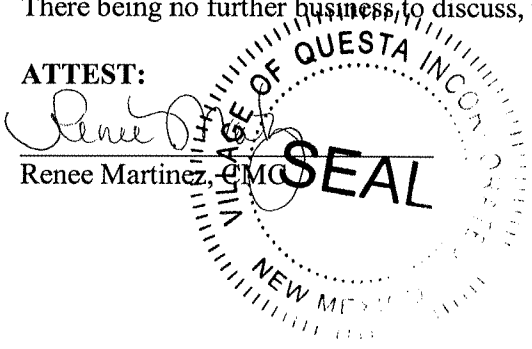
437

438 ATTEST:

439

440

441 Renee Martinez, EMC



APPROVED:

*Mark Gallegos*  
Mark Gallegos, Mayor