VILLAGE OF QUESTA
REGULAR MEETING MINUTES
TUESDAY, APRIL 24, 2018
VILLAGE OF QUESTA COUNCIL CHAMBERS
6:00PM

I. CALL TO ORDER BY MAYOR MARK L. GALLEGOS

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

II. ROLL CALL

Mayor Gallegos asked Village Clerk Renee Martinez to take roll.

Present:

Councilwoman Louise T. Gallegos
Councilman Charlie I. Gonzales
Councilman John Anthony Ortega
Councilman Brent P. Jaramillo

Also Present:

Administrator Nicholas Maestas
Village Clerk Renee Martinez
Finance Director Karen Shannon
Fire Chief Mark Ortega
Attorney Lance Hough

III. PLEDGE OF ALLEGIANCE

Mr. Gabriel Cisneros led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

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

Motion: Councilwoman Gallegos
Second: Councilman Gonzales

In Favor: All
Opposed: None

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

V. APPROVAL OF MINUTES

- Regular Meeting, April 10, 2018
Motion: Councilman Ortega
Second: Councilwoman Gallegos

In Favor: All
Opposed: None

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

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

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

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

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

VII. PRESENTATIONS -
A) Questa High School Cheerleaders State Championship Recognition

Mayor Gallegos and Council presented the Questa High School Cheerleaders with certificates. Coach Kathy Gonzales thanked everyone for the recognition and support.
A five minute recess was motioned by Councilman Ortega, seconded by Councilman Jaramillo.

In Favor: All
Opposed: None

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

Mayor Gallegos reconvened the meeting at 6:47pm.

B) Proposed Dirt Track – Mr. Juan Cisneros

**Removed from agenda.

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

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

- Current CDBG project is closed.
- Business Park
- Next CDBG project – application due on June 22nd. Need to begin public hearings to identify a project.
- NMDOT Coop & MAP projects – looking for required matches
- Working on getting a local certified contractor that meets chevron requirements when we bid out projects

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

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

Mr. Cisneros stated that Mr. Maestas has already requested a match waiver. Mr. Maestas stated if approved they would only be able to approve $75,000.00. We would not know until May if this will be possible. He also asked for information on an extension since one of the projects expires on June 30th of this year. Mr. Cisneros stated that he will set up a meeting with Senator Cisneros and Representative Gonzales to request assistance; or get a full extension until next year so we can get the funding. Councilman Jaramillo stated that we had discussed not taking the waiver. Councilman Ortega told Mr. Cisneros that yes, we needed an ambulance and police units, but our legislative priority this was that match, for this specific reason; how did it get changed? He stated that to him, accepting the waiver and shortening the work on Cabresto is unacceptable. Mayor Gallegos stated that we gave Mr. Cisneros direction to seek funding for emergency vehicles. Mr. Cisneros stated that the Senator was getting pressure on getting a new ambulance here and rather than losing any funding we decided to use what they gave us. Yes, we could have been adamant and pursued only that one priority, but weighing the issues and pressures we did our best to get the funding we did. He stated that we can get Cabresto done with the help of Chevron or from the next legislative session. Councilman Ortega stated that he agrees that we needed the emergency vehicles, but he believed that we were going to get both the vehicles and the match; he is disappointed because Cabresto Road is in dire need of repair.

Councilman Gonzales stated that there was a request from Senator Cisneros to the legislature for $42 million dollars; he received $875,000.00 along with Representative Gonzales who received $475,000.00 to distribute. This is how the Senator made this determination. You take what you get when it come to the legislature. The Governor has the last say so. Councilman Gonzales is worried about the project with the June deadline.

Mr. Cisneros stated that he is hoping to get the extension and match waiver. Councilman Ortega asked Mr. Cisneros if he is saying that there is no way we are going to find the match at this point. Mr. Cisneros stated that it is still possible. Councilman Ortega stated that he appreciates Mr. Cisneros’ efforts.
Councilman Jaramillo stated that the clarification is that we want to go into construction on Cabresto Road this calendar year so any cash money for a match has to be this year. Or, we come back and decide to extend the project, which has already been extended for one year. If we can’t come up with the money we need to get the extension.

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

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


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

There was no public input at this time.

Mayor Gallegos closed the Public Hearing at 7:31pm.

IX. **ACTION ITEMS**

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

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

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

Motion: Councilman Gonzales
Second: Councilman Jaramillo

Roll Call:

 Councilman Brent Jaramillo     YES
 Councilman John Ortega         YES
 Councilwoman Louise Gallegos   YES
 Councilman Charlie Gonzales    YES

Village of Questa Regular Meeting
April 24, 2018
To approve Resolution 2018-07 / Questa Fire Prevention as presented. All voted yes. Motion carried.

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

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

Motion: Councilwoman Gallegos
Second: Councilman Gonzales

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

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

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

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

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

Motion: Councilman Ortega
Second: Councilman Jaramillo

Roll Call:

Councilman Brent Jaramillo YES
Councilman John Ortega YES
Councilwoman Louise Gallegos YES
Councilman Charlie Gonzales YES

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

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

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

Malaquias Rael
Charlie Gonzales
Louise Gallegos
Donald Gallegos
Juan Cisneros

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

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

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

Roll Call:

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

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

Councilwoman Louise Gallegos YES

Councilman Charlie Gonzales YES

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

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

X. FINANCIALS – Ms. Karen Shannon, Finance Director

A) Approval of Internal BARS (Budget Adjustment Requests)

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

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

Motion: Councilman Gonzales
Second: Councilman Ortega
In Favor: All  
Opposed: None  

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

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

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

Motion: Councilman Ortega  
Second: Councilman Gallegos  

Roll Call:

Councilman Brent Jaramillo YES  
Councilman John Ortega YES  
Councilwoman Louise Gallegos YES  
Councilman Charlie Gonzales YES  

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

XI. MATTERS FROM ATTORNEY – Lance Hough

Mr. Hough briefed the Council on the following:

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

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

XII. MATTERS FROM ADMINISTRATOR / MAYOR AND COUNCIL

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

Councilman Gonzales had no matters.  
Councilwoman Gallegos had no matters.

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

Mayor Gallegos asked Chief Lamendola to come in and address the Council regarding today’s events at the school. Chief Lamendola stated that an action plan was set in place approximately 4 weeks ago before we
finished up all of our SWAT advanced training to get into the schools to set an action plan up for an active shooter. He met with Principal Dr. Mae La Bella this morning prior to the training, and cleared it with her as well as with acting superintendent Blea. They were cleared to go in at 10:30am to do a dry walk through to see how they would set up for an actual drill. The school officials did the walk through with them. They were approached by school board president Ortega who told us we needed to leave the school property. When he began making threatening comments we left the school grounds and met back here at the Village in which he thought they had resolved it at that time. Parents had been advised that there were going to be some sort of drills going on. It was not an actual drill today, just a walk through.

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

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

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

Councilman Gonzales also thanked the Chief and his department also and stated that it brought back memories 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 and we can’t take any chances. It seems to him that everything was in order.

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

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

A) Pending or Threatening Litigation - (§ 10-15-1(H) (7)) – Adame Construction

B) Antonio Cintas vs. Village of Questa

C) Personnel Matters

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

Roll Call:

| Councilman Brent Jaramillo | YES |
| Councilman John Ortega | YES |
| Councilwoman Louise Gallegos | YES |
| Councilman Charlie Gonzales | YES |

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

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

Village of Questa Regular Meeting
April 24, 2018
Roll Call:

Councilwoman Louise Gallegos YES
Councilman Charlie Gonzales YES
Councilman John Ortega YES
Councilman Brent Jaramillo YES

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

XIV. OPEN SESSION ACTION ITEM — Action on Potential Litigation

No action or discussion was taken on this item.

XV. ADJOURNMENT

Motion: Councilman Ortega
Second: Councilman Gallegos

In Favor: All
Opposed: None

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

ATTEST:

Mark Gallegos, Mayor