

1 **VILLAGE OF QUESTA**
 2 **REGULAR MEETING MINUTES**
 3 **TUESDAY, MARCH 27, 2018**
 4 **VILLAGE OF QUESTA COUNCIL CHAMBERS**
 5 **6:00PM**

6
 7 I. **CALL TO ORDER BY MAYOR MARK L. GALLEGOS**
 8

9 Mayor Gallegos called the meeting to order at 6:05 pm.
 10

11 II. **ROLL CALL**
 12

13 Mayor Gallegos asked Village Clerk Renee Martinez to take roll.
 14

15 Present:

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

20
 21 Also Present:

- 22 Administrator Nicholas Maestas
- 23 Village Clerk Renee Martinez
- 24 Finance Director Karen Shannon
- 25 Utilities Clerk Nadine Herrera
- 26 Administrative Assistant/CPO Dina Coleman
- 27 Attorney Lance Hough
- 28 Municipal Judge Michael Rael

29
 30 III. **PLEDGE OF ALLEGIANCE**
 31

32 Ms. Dina Coleman led the Pledge of Allegiance.
 33

34 IV. **APPROVAL OF AGENDA**
 35

36 Councilman Ortega requested that Item IX. E be moved down the agenda after the Executive Session item.
 37

38 Councilman Jaramillo requested that a discussion item be added regarding a Governing Body retreat.
 39

- 40 Motion: Councilman Ortega
- 41 Second: Councilman Jaramillo

- 42
- 43 In Favor: All
- 44 Opposed: None

45
 46 To approve the agenda as amended. All voted yes. Motion carried.
 47

48 V. **APPROVAL OF MINUTES**

- 49 • Regular Meeting, February 13, 2018

50 Motion: Councilman Gonzales – Stated that although he did not attend this meeting he will motion to approve
 51 the minutes in order to get them filed and on the record.

52

53 Second: Councilman Ortega

54

55 In Favor: All

56 Opposed: None

57

58 To approve the February 13, 2018 meeting minutes as presented. All voted yes. Motion carried.

59

- 60 • Regular Meeting, February 27, 2018

61

62 Motion: Councilman Gonzales – Stated that the same motion applies to these minutes as the ones prior.

63 Second: Councilman Ortega

64

65 In Favor: All

66 Opposed: None

67

68 To approve the February 27, 2018 meeting minutes as presented. All voted yes. Motion carried.

69

- 70 • Regular Meeting March 13, 2018

71

72 Motion: Councilwoman Gallegos

73 Second: Councilman Gonzales

74

75 Councilman Ortega stated that there was a typo on line 163.

76

77 In Favor: All

78 Opposed: None

79

80 To approve the March 13, 2018 meeting minutes as amended. All voted yes. Motion carried.

81

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

85

86 Mr. Christian Isely –Economic Development Advisor, Chevron:

87

- 88 • The annual economic development planning workshop will be held on April 17th and 18th in the

89

- 90 • Offered to meet with the new Councilmembers one on one to brief them on all of the economic

91

- 92 • The Questa Land and Water Non-Profit Corporation - We are waiting on the QEDF and Village to

93

94 VII. **PRESENTATIONS** -

95 A) Questa Economic Development Fund Board Update - Mr. Malaquias Rael, Board Chairman

96

97 Mr. Malaquias Rael stated that also representing the QEDF is Executive Consultant Ms. Lindsey Mapes. Mr.

98

99 Rael updated on the following:

100

- 101 • Lodging/Housing Project
- QEDF role regarding the Business Park

102
 103 • Resolana Light Post Project - Mr. Rael inquired if the Governing Body would consider entering into a
 104 possible agreement regarding the decorative lighting in town. Banners could be placed to highlight some
 105 events and the different seasons. He is aware that the Village does not have the resources to do this.
 106 They would like to assume the responsibility of the light posts to place a new type of banner. They would
 107 like to put some artist's retablo type images as well as photographs onto a vinyl-like form and hang them
 108 as banners. Also, possibly purchase some brackets for the larger light posts.
 109

110 Councilman Jaramillo inquired if there was another group also interested in taking over the banners. Mr. Rael
 111 stated that he has had some conversations with some private individuals but not with any particular group. Mr.
 112 Rael stated the individuals from the Questa Creative Council did offer their assistance.
 113

114 Councilman Gonzales stated that these are all great ideas and asked how they would get around the anti-donation
 115 requirements regarding the Housing/Lodging Project idea. He stated that if the Village was to give funding or a
 116 match for this how would it work. Mayor Gallegos stated that the QEDF will have to go to Chevron to request
 117 the funding for loan capabilities for individuals. The funding would go through the QEDF fund. Mr. Rael stated
 118 that they really want to seek out funding and grants that would help carry this project as well as a revolving loan
 119 fund.
 120

121 Councilwoman Gallegos stated that she is very excited about the light project and the banners. They will be
 122 welcoming to people who are driving into town. She also stated that she was in favor of the Housing/Lodging
 123 project.
 124

125 Mayor Gallegos stated that the funding for the light posts will come out of the Resolana fund. He stated that
 126 the Village can research where the light posts and hardware were purchased.
 127

128 Mr. Rael stated that he is not sure how we go about getting approval for this. Mayor Gallegos stated that he
 129 believes if the money is already budgeted through the QEDF, he does not see why the Governing Body would
 130 be opposed to moving forward. Mr. Rael asked if the MOU between the Village and the QEDF would be able
 131 to take care of this issue; possibly a correspondence letter from the Mayor with the agreement of the Council.
 132 The actual light and fixture would still be the responsibility of the Village. The post and banners would be the
 133 QEDF's responsibility.
 134

135 Councilman Ortega stated that we need to get together and resolve the Questa Land and Water Trust issue in
 136 regards to the members of the Board. Mr. Rael stated that he agrees that we need to have more discussion
 137 regarding this and move forward. Councilman Gonzales stated that he believes this is an item for a separate
 138 meeting.
 139

140 Mr. Rael thanked the Governing Body and informed them that the QEDF has requested to be on the Village
 141 Agenda for updates at the 2nd meeting of every month.
 142

143 **B) Smart Procure Presentation (6:30pm)**
 144

145 A Webcast was presented by a Smart Procure representative.
 146

147 ****At this time, Mayor Gallegos requested the Council amend the Agenda to move up Item IX due to the weather**
 148 **conditions and Judge Rael needing to travel.**
 149

150 Motion: Councilman Gonzales

151 Second: Councilman Jaramillo
 152

153 In Favor: All

154 Opposed: None

155

156 To amend the agenda, all voted yes. Motion carried.

157

158 IX. **ACTION ITEMS**

159

160 A) Discussion, Consideration & Decision regarding Judge Michael Rael's appointment of Alternate Judge
161 / Bailiff

162

163 Judge Michael Rael respectfully requested that the Council approve his recommendation of Ms. Dina Coleman
164 to be appointed as the Questa Municipal Court Alternate Judge/Bailiff.

165

166 Councilman John Ortega asked if she will serve as both Alternate Judge and Bailiff. Judge Rael stated that how
167 it will work is Ms. Coleman will serve as the Judge in his absence and serve as his bailiff when he is sitting on
168 the bench. Judge Rael stated that he has budgeted for this appointment.

169

170 Councilwoman Gallegos asked if there are any specific skills or requirements needed. Judge Rael stated that
171 Ms. Coleman will need to attend the Judge's training conference in May. Councilwoman Gallegos asked Judge
172 Rael if he foresees any conflict between Ms. Coleman's position as the Alternate Judge and her current position.
173 Judge Rael stated that he checked with the attorney at the Municipal League and they did not have a problem
174 with the two positions. Councilwoman Gallegos stated as long as there are no conflicts that is good.

175

176 Councilman John Ortega asked what the procedure was in determining his appointment; was there an application
177 process. Judge Rael stated that since he lost Mr. Bates, he has been asking people who might be interested; not
178 many people want this type of job. You have to have a certain demeanor to be a judge and he believes Ms.
179 Coleman has it and will do a great job.

180

181 Motion: Councilwoman Gallegos

182 Second: Councilman Gonzales

183

184 Roll Call:

185

186 Councilwoman Louise Gallegos YES

187 Councilman Charlie Gonzales YES

188 Councilman John Ortega YES

189 Councilman Brent Jaramillo YES

190

191 To approve Judge Rael's appointment of Ms. Dina Coleman to the office of Alternate Judge / Bailiff. All
192 voted yes. Motion carried.

193

194 1. Swear-In of Alternate Judge / Bailiff

195

196 Judge Michael Rael administered the Oath of Office to newly appointed Alternate Judge / Bailiff, Ms. Dina
197 Coleman.

198

199 B) Discussion, Consideration & Decision regarding Memorandum of Understanding between NM Taxation
200 & Revenue Department; Motor Vehicle Division and the Village of Questa

201

202 Mr. Maestas stated that the NM Taxation and Revenue Department has sent over this MOU. It had previously
203 been a contract. MVD Supervisor Ms. Sara Trujillo has reviewed it as well as our legal counsel. They are now
204 requiring a safety plan for the MVD office which Ms. Trujillo will work on along with Chief Lamendola.

205

206 Motion: Councilman Ortega
 207 Second: Councilman Jaramillo

208

209 Roll Call:

210

211 Councilwoman Louise Gallegos YES

212 Councilman Charlie Gonzales YES

213 Councilman Brent Jaramillo YES

214 Councilman John Ortega YES

215

216 To approve the Memorandum of Understanding between NM Taxation & Revenue Department; Motor Vehicle
 217 Division and the Village of Questa. All voted yes. Motion carried.

218

219 C) Discussion, Consideration & Decision regarding Village of Questa Open Meetings Resolution No.
 220 2018-05

221

222 Mr. Maestas stated that this Resolution was discussed at the previous meeting in which the Council agreed upon
 223 holding our regular meetings at 6:00pm year round. This was the only change made to the previous Resolution.

224

225 Motion: Councilman Jaramillo

226 Second: Councilwoman Gallegos

227

228 Councilman Gonzales asked Ms. Martinez if this Resolution meets the needed criteria regarding the minutes.

229 Ms. Martinez stated that she would like to see in the future an item regarding the audio of the meeting minutes.

230 Councilman Gonzales asked if the requirement is to destroy them after they are officially approved or if we need
 231 to keep them a certain number of days after. Mr. Maestas stated that there is no policy currently that addresses

232 the audio version of the meeting minutes. He believes that this a good opportunity for us to look back at this

233 Resolution during our upcoming retreat. Councilman Gonzales asked Attorney Lance Hough what his legal

234 opinion was on this. Mr. Hough stated that he believes that from the Village's standpoint he believes the audio

235 should be kept for a time so that we can look back on them if needed. There should be some retention for a good

236 length of time. There are some Municipalities that use the 3 year rule because of the statute of limitations.

237

238 Councilman Jaramillo stated that he thought this might have been included in the Governing Body Rules of
 239 Procedure. Ms. Martinez stated that she would look into that. Councilman Jaramillo stated that in the current
 240 Executive Session item it is a good thing that we still have the audio available.

241

242 Councilman Gonzales stated that legally these minutes can be subpoenaed by the courts. He suggested that we
 243 really think about the time limit. He suggested Mr. Hough meet with the Clerk and discuss what needs to be
 244 recorded on paper.

245

246 Councilman John Ortega stated that the better record we have,

247

248 It was decided that Mr. Hough check into if the audio should be a part of the Open Meetings Resolution or a
 249 separate policy and will follow up at a later time.

250

251 Roll Call:

252

253 Councilwoman Louise Gallegos YES

254 Councilman Brent Jaramillo YES

255 Councilman Charlie Gonzales YES

256 Councilman John Ortega YES

257

258 To approve Village of Questa Open Meetings Resolution No. 2018-05, as presented. All voted yes. Motion
 259 carried.

260

261 **D) Discussion, Consideration & Decision / Engineer Recommendation regarding Construction Bid Award**
 262 **for Cabresto Rd.**

263

264 Mr. Maestas stated that the Village has gone through the procurement process with advertising, pre-bid meeting
 265 and bid opening. He stated that the low bid came from RL Leeder.

266

267 Councilman Ortega stated that he believed the paving was going to be from Cisneros Road to Llano Road; why
 268 did the scope of work change? Mr. Maestas stated that he did speak to Mr. Mario Juarez-Infante of Wilson &
 269 Co., and he stated that because of the work that had to be done and the funding we had; the project had to be
 270 scaled back. It is now from Cisneros Road to 800 ft. past North Kiowa. However, we are trying to do what we
 271 can to make the dollars go further. Councilman Ortega asked if we had the match for this project. Mr. Maestas
 272 stated that we do not have the match money right now. Councilman Ortega stated his concern is that we do not
 273 have the match on hand; how can we approve the project?

274

275 Councilman Jaramillo asked Mr. Hough if we award the bid and do not give the Notice to Proceed, how long
 276 will it lock in RL Leeder for the bid price. Mr. Hough stated that he would have to look at the bid contract.
 277 Councilman Jaramillo asked Mr. Maestas on the memo of May 27th states that the design is 30% complete; so
 278 we would still be waiting on the design to be completed. Ms. Claudia Diaz of Wilson & Co., stated that the goal
 279 is to pave all of Cabresto Road. All of the legwork and geotechnical work actually goes through that stretch;
 280 that is the 30% we are referring to as far as looking at the entire roadway. So if more project money is received
 281 from the NMDOT or other source, the Village has already paid for 30% of the design.

282

283 Councilman Gonzales suggested that maybe we can approve it pending the acquisition of the funding with a 90
 284 or 120 day window to acquire that funding.

285

286 Councilman Jaramillo stated we still have to come up with \$250,000.00. He is not sure how we got to this point
 287 as far as putting it out to bid without having the match.

288

289 A discussion was held where it was decided to table this item until we acquire monies for the match.

290

291 Councilman Ortega stated that we should reach out to the citizens on Cabresto Road and let them know of the
 292 delay. Ms. Diaz stated that when she went door to door to the residences and spoke to about 90% of the citizens,
 293 she let them know of the intent and told them it may be phased out. It all depended on the funding and how the
 294 bids came in.

295

296 Motion: Councilman Jaramillo – Table the recommendation regarding the bid award for Cabresto Road.

297 Second: Councilman Ortega

298

299 Roll Call:

300

301 Councilwoman Louise Gallegos YES

302 Councilman Charlie Gonzales YES

303 Councilman John Ortega YES

304 Councilman Brent Jaramillo YES

305

306 To table the recommendation regarding the construction bid award for Cabresto Rd. All voted yes. Motion
 307 carried.

308

309 E) Discussion, Consideration & Decision / Approval of Out of State Travel – 2018 NLC - City Summit
 310 Conference

311
 312 Councilman Jaramillo state that he requested this on the agenda. The current policy stated that all out of state
 313 travel needs to be approved by the Governing Body. His thought that it would be a good idea to start planning
 314 and take advantage of the early bird rates as well as flights and hotel reservations in order to save the Village
 315 money. The conference is in November 2018.

316
 317 Motion: Councilman Gonzales

318 Second: Councilman Jaramillo

319

320 Roll Call:

321

322 Councilwoman Louise Gallegos YES

323 Councilman Brent Jaramillo YES

324 Councilman Charlie Gonzales YES

325 Councilman John Ortega YES

326

327 To approve the possible out of state travel to the 2018 NLC - City Summit Conference. All voted yes. Motion
 328 carried.

329

330 **VIII. DISCUSSION ITEM**

331 A) C.A. Cisneros Youth & Family Center Use / Rental

332

333 Mr. Hough stated that he did provide the memorandum to the Council with some options and ideas. A discussion
 334 was held regarding anti-donation and fair market value.

335

336 Councilman Ortega stated that the Vida Del Norte Group would like to use the facility and we should allow them
 337 to do so. Our facilities should be available to them for the services they provide. Councilman Jaramillo suggested
 338 the idea that Ms. Amber Benavidez from Vida Del Norte maybe be able to utilize the facility for her meetings
 339 as well as utilize the office space while other groups or individuals are also using it. A discussion was also held
 340 regarding a rental amount for parties and other events on the weekends as well as a daily use fee to bring revenue
 341 in.

342

343 It was decided that Mr. Maestas and the Attorney work together on a proposal to present to the Council.

344

345 B) Clean-Up Day

346

347 Mayor Gallegos stated that he would hope that we could decide on a day in April for the annual clean-up day
 348 hopefully before Memorial weekend and Graduation.

349

350 Councilwoman Gallegos suggested we do household goods in the spring and roadways in the fall. Councilman
 351 Ortega stated that we should look for an avenue for the disposal of tires. Also, we need to make sure the Fire
 352 Department is available.

353

354 C) Village Retreat

355

356 Councilor Jaramillo stated we need to plan on having a Governing Body retreat soon to discuss certain agenda
 357 topics such as the water system priorities a few other things. We should start getting some dates set before too
 358 much time passes. A discussion was held about when and where it can be held. Proposed dates will be decided
 359 on; possibly April 14th.

360

361 X. **MATTERS FROM ATTORNEY** – Lance Hough

362

363 Mr. Hough briefly updated the Council on the following:

- 364 • Contract for River Stewardship Program – Currently waiting on status of the property where the work
- 365 will be conducted.
- 366 • Business Park – A contract for the administration of the EDA grant. Scope of services has been set out.
- 367 This will be coming down to the Council soon.
- 368 • Pending Litigation – Will have an update for the Council at the next meeting in Executive Session.

369

370 XI. **MATTERS FROM ADMINISTRATOR** – Mr. Nicholas Maestas

371

372 A written report was submitted.

373

374 Mr. Maestas informed the Council on the following:

375

- 376 • The Village Easter Egg hunt will be held this Saturday at the Municipal Park.
- 377 • Met with Local Government Division regarding the CDBG for the Business Park.

378

379

380 XII. **MATTERS FROM MAYOR AND COUNCIL**

381

382 Councilman Gonzales stated that we need to begin working on the Healing Field. He spoke with Ms. Martinez
 383 about it and asked that anyone who is available to help to please let her know. Ms. Martinez stated that this is a
 384 Village event and would like to see more involvement from the employees and Governing Body. She would like
 385 to have a committee formed to assign people different tasks. Mr. Maestas stated that the EMS department has
 86 been going through the flags to see how many we have to replace. Councilman Gonzales stated that he wants to
 387 know what Ms. Martinez needs help with; it is a Village effort. Ms. Martinez stated we need to have a meeting
 388 very soon.

389

390 Councilman Ortega would like to get the corral work started; they are in need of some work. Also, since
 391 Lawrence Ortega is no longer on the Council, who will be taking over the administering of the corrals. Mr.
 392 Maestas stated that he has had all requests come to the Village. We will be developing a process internally.
 393 Councilman Ortega stated that he would be willing to take on that role if necessary. Also, would like to see an
 394 action item on the next agenda regarding the water bill and property issue for Mr. Dale Cisneros. Councilman
 395 Jaramillo stated that this needs to be addressed but he believes the next meeting is too soon for staff to gather
 396 the information. Councilman Ortega stated he is fine with that as long as it gets addressed. Mayor Gallegos
 397 stated that Mr. Cisneros was to come before the Council regarding the water bill. A discussion was held
 398 regarding the property issue. Councilman Gonzales stated that this issue has been going on for about 10 years
 399 and suggested Attorney Marcus Rael be present in any discussions regarding this since he was involved from
 400 the beginning.

401

402 Mayor Gallegos suggested planning a date for a Chevron Mining meeting that would include all Village and
 403 County officials including all legal and geo-tech staff.

404

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

407

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

408

409 A motion to enter into Executive Session was made by Councilman Ortega, seconded by Councilman Gonzales.

410

411 Roll Call:

412 Councilman Brent Jaramillo YES

413 Councilman John Ortega YES
 414 Councilwoman Louise Gallegos YES
 415 Councilman Charlie Gonzales YES

416
 417 Mayor Gallegos stated that the Governing Body will go into Executive Session to discuss only the items listed.
 418 The Governing Body entered into Executive Session at 9:05pm.

419
 420 A motion was made to reconvene from Executive Session at 9:42pm by Councilman Ortega, seconded by
 421 Councilman Gonzales.

422
 423 Roll Call:

424
 425 Councilwoman Louise Gallegos YES
 426 Councilman Charlie Gonzales YES
 427 Councilman John Ortega YES
 428 Councilman Brent Jaramillo YES

429
 430 Mayor Gallegos stated fir the record that only the item listed was discussed during closed session. There was no
 431 action taken. Attorney Lance Hough concurred.

432
 433 IX. ACTION ITEMS

434 E) Discussion, Consideration & Decision / Construction Management Contract for Wilson & Company

435
 436 Mr. Maestas recommended that this item be tabled until such time the Village is ready to move forward with a
 437 contract.

438
 439 Motion: Councilman Ortega – Table until a contract is approved.

440 Second: Councilwoman Gallegos

441
 442 Roll Call:

443
 444 Councilman Brent Jaramillo YES
 445 Councilwoman Louise Gallegos YES
 446 Councilman Charlie Gonzales YES
 447 Councilman John Ortega YES

448
 449 To table this item until a contract is approved. All voted yes. Motion carried.


450
 451 XIV. ADJOURNMENT

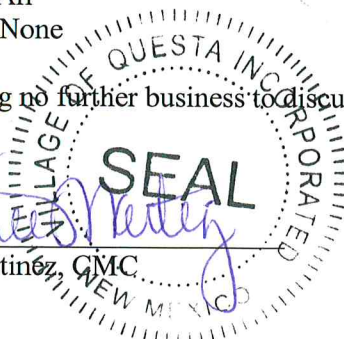
452
 453 Motion: Councilman Ortega
 454 Second: Councilman Jaramillo

455
 456 In Favor: All
 457 Opposed: None

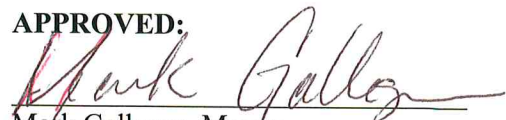
458
 459 There being no further business to discuss, the meeting was adjourned at 9:45pm.

460
 461 ATTEST:

462 
 463
 464 Renee Martinez, GMC



APPROVED:


 Mark Gallegos, Mayor