



AGENDA

VILLAGE OF QUESTA
REGULAR COUNCIL MEETING
TUESDAY, AUGUST 11, 2020
VILLAGE OF QUESTA COUNCIL
CHAMBERS
2500 Old State Road 3 Questa, NM
6:00 P.M

~ NOTICE TO THE PUBLIC ~

Mayor Mark L. Gallegos
Mayor Pro-Tem Brent P. Jaramillo
Councilmember Charlie I. Gonzales | Councilmember John A. Ortega | Councilmember Louise T. Gallegos

NOTE This tele-conference meeting will follow the Attorney General's guidelines and observe the Governor and Secretary of Health's public health orders. This format will allow the Village Council to conduct the meeting without all Council members being physically present and in accordance with the NM Open Meetings Act. There will be no live audience present. Members of the public wishing to participate can do so by calling **1-866-899-4679** and entering access code **822-951-069** or from a computer, tablet, or smartphone at <https://gotomeet.me/ReneeMartinez1/voq-regular-meeting-08112020>. Those wishing to comment before or during the meeting may submit comments or questions to Interim Village Administrator Renee Martinez at rmartinez@villageofquesta.org.

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

II. **ROLL CALL**

III. **PLEDGE OF ALLEGIANCE**

IV. **APPROVAL OF AGENDA**

V. **APPROVAL OF MINUTES** – July 28, 2020 – Regular Meeting

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.)*

VII. **ACTION ITEMS**

- A) Discussion, Consideration & Decision – Resolution 2020-16 - Participation in Local Government Road Fund Program administered by the NM Department of Transportation
- B) Discussion, Consideration & Decision – Resolution 2020-17 - Extension request from the NM Department of Transportation for Coop Project #SP-5-19(196)
- C) Discussion, Consideration & Decision – Zoning Variance Request regarding Mr. Flavio Cisneros
- D) Discussion, Consideration & Decision – Zoning Variance Request regarding Ms. Susie Pacheco
- E) Discussion, Consideration & Decision – Zoning Variance Request regarding Michael & Cynthia Twillman

VIII. **MATTERS FROM ATTORNEY**

IX. **MATTERS FROM ADMINISTRATION** - Renee Martinez, CMC / Interim Administrator

X. **MATTERS FROM MAYOR & COUNCIL**

XI. **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. Limited Personnel Matters - (§ 10-15-1(H)(2))

XII. **ADJOURNMENT**

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid of service to attend or participate in the hearing or meeting, please contact the Village Clerk at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Village Clerk at 575-586-0694 if a summary or other type of accessible format is needed.

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 2 **REGULAR COUNCIL MEETING MINUTES**
 3 **TUESDAY, AUGUST 11, 2020**
 4 **VILLAGE OF QUESTA COUNCIL CHAMBERS**
 5 **6:00PM**

6 **NOTE** This tele-conference meeting will follow the Attorney General's guidelines and observe the Governor and
 7 Secretary of Health's public health orders. This format will allow the Village Council to conduct the meeting without all
 8 Council members being physically present and in accordance with the NM Open Meetings Act. There will be no live
 9 audience present. Members of the public wishing to participate can do so by calling 1-877-309-2073 and entering access
 10 code 616-433-605 or from a computer, tablet, or smartphone at
 11 <https://www.gotomeet.me/ReneeMartinez1/villageofquesta-regularcouncilmeeting>. Those wishing to comment before or
 12 during the meeting may submit comments or questions to Interim Village Administrator Renee Martinez at
 13 rmartinez@villageofquesta.org.

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

15 Mayor Gallegos called the meeting to order at 6:02pm.

16
 17 **II. ROLL CALL**

18 Village Clerk Renee Martinez called roll where a quorum was present.

19
 20 Those present in the virtual meeting were:

21 Councilman Charlie Gonzales

22 Councilman John Anthony Ortega – entered the meeting at

23
 24 Those present in-person were:

25 Councilman Brent Jaramillo

26 Councilwoman Louise Gallegos

27
 28 Staff:

29 Renee Martinez – CMC / Interim Administrator

30 Dina Coleman – CPO / Deputy Clerk

31
 32 Others present virtually:

33 Karen Shannon – Finance Director

34 Chris DeFillippo – Attorney

35 Christian Isely, Public Affairs Advisor, Chevron

36 Cynthia Twillman – Zoning Variance Requestor

37
 38 **III. PLEDGE OF ALLEGIANCE**

39 Village Councilman Brent Jaramillo led the Pledge of Allegiance.

40
 41 **IV. APPROVAL OF AGENDA**

42 Motion: Councilman Jaramillo

43 Second: Councilwoman Gallegos

44
 45 **Roll Call:**

46 Councilman John Anthony Ortega YES

47 Councilman Brent P. Jaramillo YES

48 Councilman Charlie Gonzales YES

49 Councilwoman Louise Gallegos YES

50
51 To approve the agenda as presented. All voted yes. Motion carried.

52

53 **V. APPROVAL OF MINUTES – July 28, 2020 – Regular Meeting**

54

55 Motion: Councilwoman Louise Gallegos

56 Second: Councilman Brent Jaramillo

57

58 **Roll Call:**

59 Councilman John Anthony Ortega YES

60 Councilman Brent P. Jaramillo YES

61 Councilman Charlie Gonzales YES

62 Councilwoman Louise Gallegos YES

63

64 To approve the July 28, 2020 Regular Meeting minutes as presented. All voted yes. Motion carried

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66

67 **VI. PUBLIC COMMENTS - *(It is the policy of the Governing Body to accept public comment. Because***

68 *your issue is not on the agenda the Governing Body cannot respond immediately but may direct staff to address*

69 *issues at a future Council Meeting. Public comments are limited to a maximum of three minutes.)*

70

71 Mr. Christian Isely, Public Affairs Advisor for Chevron Mining, called to notify the Mayor and Council of a

72 payment that Chevron gave to the Village as the first installment to the Questa Business Park Project as per

73 the agreement and in response to an invoice sent from the Village of Questa to Chevron.

74

75 **VII. ACTION ITEMS**

76 **A) Discussion, Consideration & Decision – Resolution 2020-16 – Participation in Local Government**

77 **Road Fund Program administered by the NM Department of Transportation**

78

79 Ms. Martinez stated that the Resolution is for participation in the 2020-2021 NMDOT Road Fund program.

80 The Village has received \$80,000 that will go towards the planning, design and construction for Shirley Dr

81 and the resolution is requirement to enter into the agreement.

82

83 Motion: Councilman Gonzales

84 Second: Councilman Ortega

85

86 **Roll Call:**

87 Councilman Charlie Gonzales YES

88 Councilman John Anthony Ortega Yes

89 Councilman Brent P. Jaramillo Yes

90 Councilwoman Louise Gallegos Yes

91

92 To approve the Resolution 2020-16 as presented. All voted yes . Motion carried.

93

94 **B) Discussion, Consideration & Decision – Resolution 2020-17 - Extension request from the NM**

95 **Department of Transportation for Coop Project #SP-5-19(196)**

96

97 Ms. Martinez stated that a request has been made to NMDOT regarding the COOP project for Cabresto

98 Road that was to expire in December of 2020 and the extension request, the request was approved and will

99 extend the project until December of 2021. This resolution is a requirement per the request approval.

100

101 Motion: Councilman Ortega
 102 Second: Councilwoman Gallegos

103

104 **Roll Call:**

105 Councilman Charlie Gonzales YES
 106 Councilman John Anthony Ortega YES
 107 Councilman Brent P. Jaramillo YES
 108 Councilwoman Louise Gallegos YES

109

110 To approve the Resolution 2020-17 as presented. All voted yes . Motion carried

111

112 **C) Discussion, Consideration & Decision – Zoning Variance Request regarding Mr. Flavio Cisneros**

113

114 Ms. Coleman stated Mr. Cisneros' variance request was brought forth to council due to the status of the Zoning
 115 ordinance Mr. Cisneros' structure is not in compliance with the current Zoning ordinance as it reads. A
 116 variance approval is needed due to the zoning district identified as agricultural and the size of structure being
 117 changed from its original non - conforming structure size and use.

118

119 Councilwoman Gallegos asked 1.9 acres is that is stated on his paperwork enough property to erect the
 120 carport. Ms. Coleman stated the staff believes that property size is sufficient, however, the need for variance
 121 approval is to address the zoning area and change of non-conforming structure size.

122

123 Motion: Councilman Gonzales

124 Second: Councilman Ortega

125

126 **Roll Call:**

127 Councilman Charlie Gonzales YES
 128 Councilman John Anthony Ortega YES
 129 Councilman Brent P. Jaramillo YES
 130 Councilwoman Louise Gallegos YES

131

132 To approve the Zoning Variance request for Mr. Flavio Cisneros as presented. All voted yes. Motion carried

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134 **D) Discussion, Consideration & Decision – Zoning Variance Request regarding Ms. Susie Pacheco**

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136 Ms. Coleman stated Ms. Pacheco and her siblings are requesting to place a 22x30 carport structure on their
 137 property. The family has two half acre lots and would like to place the carport structure in a manner that would
 138 take up space on both sides of the properties. A variance approval is needed due to the size of the structure
 139 and the lack of property size for use due to its non-compliance with the Zoning ordinance as it reads.

140

141 Councilor Jaramillo asked Village Attorney Mr. DeFillippo if there would be any type of set back issues since
 142 the family is wanting to place the structure on both pieces of property. Mr. DeFillippo stated that the ordinance
 143 does address setbacks in both the front and rear and the sides of the property.

144

145 A question was raised by Councilor Gonzales regarding the approval from family members of the property
 146 and if they have signed off in agreement of the structure. Ms. Coleman stated that Ms. Pacheco and her siblings
 147 were requested to provide this paperwork and signatures in agreement. The family did so with proper notarized
 148 documents.

149

150 Mr. DeFillippo had a concern with the future of the property. He believes that the carport being on two potential
 151 properties could be an issue should either party want to sell property in the future.

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With further discussion a motion was made to approve.

Motion: Councilman Ortega
Second: Councilman Gonzales

Roll Call:

Councilman Charlie Gonzales	YES
Councilman John Anthony Ortega	YES
Councilman Brent P. Jaramillo	YES
Councilwoman Louise Gallegos	NO

To approve the Zoning Variance request for Ms. Pacheco as presented. Majority voted yes. Motion carried

E) Discussion, Consideration & Decision – Zoning Variance Request regarding Michael & Cynthia Tillman

Ms. Coleman Stated that the property .233of an acre is located on Hwy 522 next to the EMS building within in the business district. The variance request is to allow temporary use of a 34-foot RV for occasional camping and a future storage unit to be built and possibly a carport. . A variance approval is needed due to the lack of property size, requested use of property and its non-compliance with the Zoning ordinance as it reads.

Mayor Gallegos asked Ms. Coleman if our ordinance addresses allowable use and length of stay in an RV on a property. Ms. Coleman stated that our ordinance does not and they the Village staff has relied on the county for guidance with these issues prior. Mayor Gallegos further discussed the many issues with our ordinance and the challenges of variance approvals.

Ms. Twillman called in to explain how she purchased the property and her intentions on using the property. She also explained that she came to the Village to request utility services which was approved by Village staff because it can be provided, however, she did not know that she could not use it as she wanted, since her deeds states that there are no restrictions to the property. Mayor Gallegos addressed Ms. Twillman and further explained the requirements to the property and understands her confusion as it pertains to the use regulations.

Councilor Gonzales asked for further information such as a drawing of the pad that Ms. Twillman has mentioned putting on the property, but she stated that the pad is already there.

Mr. DeFillippo questioned the location of the property. After learning that it in the business district he stated that one of the permitted uses to the property is parking lot or parking garage and a carport can possibly qualify.

After further discussion, a decision was made.

Motion: Councilman Ortega
Second: Councilman Jaramillo

Roll Call:

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

203 To approve the Zoning Variance request for Michael and Cynthia Twillman as presented. All voted yes.
204 Motion carried

205

206 **VIII. MATTERS FROM ATTORNEY**

207

208 Mr. DeFillippo stated that he has two updates. First, he is still working with Mr. Autio at Taos County to
209 finalize the MOU between the Village of Questa and Taos County Sherriff's Office. He hopes to complete
210 the agreement and present to the Mayor and Council by next council meeting if Mr. Autio's schedule allows.
211 Secondly, he is currently working on the final stages of the Red River Restoration project contract that has
212 many parties involved, which has caused some challenges to the contract creation. There have been many
213 dramatic changes to the document that must be reviewed and agreed upon. He anticipates having this
214 contract final in the coming weeks.

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216 **IX. MATTERS FROM ADMINISTRATION**

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218 Ms. Martinez informed the Mayor and Council of the recent change in the Administrative and MVD office
219 with staff. Ms. Sarah White is no longer with the Village Administrative staff and since her departure Ms.
220 Martinez has moved Ms. Samantha Mascarenas into the Village Administrative office to do receptionist
221 duties, and Ms. Sara Trujillo, MVD Supervisor will work fulltime as the Motor Vehicle Clerk.

222 Ms. Martinez also informed the Mayor and Council that the ICIP is due September 18 and she intends to
223 start that process soon.

224 Ms. Martinez gave an update regarding the Cares Act funding application and the Small Business Continuity
225 grant and the process and steps taken on behalf of these two items.

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227 Councilor Jaramillo inquired on the amount of funding that the Village requested from the Cares Act and
228 Small business grant. Mayor Gallegos stated that the Village requested \$200,000.00 or the Cares Act and
229 \$100,000.00 for the Small Business Grant.

230

231 **X. MATTERS FROM MAYOR & COUNCIL**

232

233 A discussion was held regarding the option of a Moratorium due to the lack of validity to the current Zoning
234 Ordinance. This topic will be on the next Council Meeting agenda and a decision to adopt a Moratorium will
235 be made.

236

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

239 **A. Limited Personnel Matters - (§ 10-15-1(H) (2))**

240

241 A motion to enter Executive Session was made by Councilwoman Gallegos. Seconded by Councilman
242 Jaramillo.

243

243 **Roll Call:**

244 Councilman John Anthony Ortega YES

245 Councilman Brent P. Jaramillo YES

246 Councilman Charlie Gonzales YES

247 Councilwoman Louise Gallegos YES

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249 The Governing Body entered Executive Session at 7:10 pm.

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251 A motion was made to reconvene from Executive Session at 7:28 pm by Councilman Ortega, seconded by
Councilman Gonzales.

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XVI. ADJOURNMENT

Motion: Councilwoman Gallegos
Second: Councilman Ortega

Roll Call:


Councilman John Anthony Ortega YES
Councilman Brent P. Jaramillo YES
Councilman Charlie Gonzales YES
Councilwoman Gallegos YES

There being no further business to discuss, the meeting was adjourned at 7:32 pm.

ATTEST:


Dina Coleman, Deputy Clerk

APPROVED:


Mark Gallegos, Mayor

