



AGENDA
VILLAGE OF QUESTA
REGULAR COUNCIL MEETING
TUESDAY, JULY 28, 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 **1-877-309-2073** and entering access code **616-433-605** or from a computer, tablet, or smartphone at <https://www.gotomeet.me/ReneeMartinez1/villageofquesta-regularcouncilmeeting>. Those wishing to comment during Public Comments and/or the Public Hearing may call the above toll free number or 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**
 1. June 23, 2020 - Regular Meeting
 2. July 14, 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. **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))
- VIII. **ACTION ITEMS**
 - A) Discussion, Consideration & Decision – Reconsideration of 12 Oaks Planning & Zoning Request
- IX. **FINANCIALS** – Karen Shannon, Finance Director
 - A) Discussion, Consideration & Decision - FY2020 4th Quarter Local BARs
 - B) Discussion, Consideration & Decision - Resolution No. 2020-13 / FY2020 4th Quarter State BARs
 - C) Review of June Financials
 - D) Review of 4th Quarter Financial Reports
 - E) Discussion, Consideration & Decision - Resolution No. 2020-14 FY2020 4th Quarter Report Adoption
- X. **PUBLIC HEARING** – Fiscal Year 2021 Budget
- XI. **ACTION ITEMS**
 - A) Discussion, Consideration & Decision – Resolution No. 2020-15 – FY 2021 Final Budget Adoption
 - B) Discussion, Consideration & Decision – Engineering Design & Construction Administration Contract for Cabresto Road Improvements – Phases I, II & III
 - C) Discussion, Consideration & Decision – Construction Agreement between the Village of Questa and Cordova

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VILLAGE OF QUESTA COUNCIL CHAMBERS
6:00PM

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I. CALL TO ORDER BY MAYOR MARK L. GALLEGOS

Mayor Gallegos called the meeting to order at 6:08pm.

II. ROLL CALL

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

Those present in the virtual meeting were:

Councilman Brent P. Jaramillo

Councilman John Anthony Ortega

Those present in-person were:

Councilman Charlie I. Gonzales

Councilwoman Louise Gallegos arrived at 6:37pm

Staff:

Renee Martinez – CMC / Interim Administrator

Karen Shannon – Finance Director

Dina Coleman – CPO / Deputy Clerk

Marcus Rael – Attorney

Others:

Joseph Karnes – 12 Oaks Development

Christian Isely, Public Affairs Advisor, Chevron

III. PLEDGE OF ALLEGIANCE

Village Attorney Marcus Rael led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

Mayor Gallegos requested that Item XIII be moved to follow item VIII.

Motion: Councilman Gonzales

Second: Councilman Jaramillo

Roll Call:

Councilman John Anthony Ortega YES

Councilman Brent P. Jaramillo YES

Councilman Charlie Gonzales YES

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

V. APPROVAL OF MINUTES –

- June 23, 2020 – Regular Meeting

Motion: Councilman Ortega

Second: Councilman Gonzales

Roll Call:

Councilman John Anthony Ortega YES

Councilman Brent P. Jaramillo YES

Councilman Charlie Gonzales YES

Councilwoman Louise Gallegos Not Present

To approve the June 23, 2020 Regular Meeting minutes as presented. All voted yes. Motion carried

- July 14, 2020 – Regular Meeting

Motion: Councilman Ortega

Second: Councilman Gonzales

Roll Call:

Councilman John Anthony Ortega YES

Councilman Brent P. Jaramillo YES

Councilman Charlie Gonzales YES

To approve the July 14, 2020 Regular 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 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.)*

Mr. Christian Isely, Public Affairs Advisor for Chevron Mining, commended the Village on the business park contingency plan. Chevron will be moving forward with their funding regardless of the CDBG funding and he encourages the Village to move forward with the business park project. He assured the Village that Chevron will be providing funding to the Village very soon. Attorney Marcus Rael will be reaching out to Mr. Isely to talk in more detail about the amount of funding being provided based off agreements that have been signed.

VII. 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))

A motion to enter Executive Session was made by Councilman Ortega. Seconded by Councilman Gonzales.

Roll Call:

Councilman John Anthony Ortega YES

Councilman Brent P. Jaramillo YES

Councilman Charlie Gonzales YES

The Governing Body entered Executive Session at 6:23pm.

100 A motion was made to reconvene from Executive Session at 6:33pm by Councilman Ortega, seconded by
101 Councilman Gonzales.

102 Mr. Rael addressed Mr. Karnes to confirm to the Governing Body an update in regards to conversations that were
103 had a week prior between Mr. Rael, Mr. DeFillippo and Mr. Karnes. Mr. Rael was appreciative to Mr. Karnes for
104 following up and providing answers to questions that have been asked. He also wanted to confirm to the Village
105 a solution to the conversations.

106 Mr. Karnes stated that he and his client stand behind the letter that has been provided. He also stated that his
107 client is prepared to commit to both of the two specific items that have been addressed as well as the provisions
108 of the flats and the fence that is are also addressed in the letter.
109

VIII. ACTION ITEMS

A) Discussion, Consideration & Decision – Reconsideration of 12 Oaks Planning and Zoning Request

113 Motion: Councilman Ortega
114 Second: Councilman Jaramillo
115

Roll Call:

117 Councilman Charlie Gonzales	No
118 Councilman John Anthony Ortega	Yes
119 Councilman Brent P. Jaramillo	Yes
120 Councilwoman Louise Gallegos	Yes arrived at 6:37pm

122 To approve the Reconsideration of 12 Oaks Planning and Zoning Request. With a majority vote. Motion carried.
123

XIII. MATTERS FROM ATTORNEY – Attorney Marcus Rael

126 Mr. Rael addressed the following matters.
127

- 128 • Mr. Real invited the Governing Body to attend a Zoom meeting being held on Friday July 31, 2020.
129 Those in attendance will be NMED, EPA and Chevron.
- 130 • Mr. Rael has had some discussions with the owners of the cell phone tower located on the Village property
131 and they have acknowledged that there is enough space for 4G equipment on the tower. This means that
132 Village will update to 4G service availability in the next couple of months.
133

134 Councilman Ortega – Asked if he can attend the meeting by Zoom. He also asked if it is possible to move to 5G
135 on the tower.

136 Mr. Rael stated that it would be very expensive, and the Village would need to have multiple towers.

137 Councilor Gonzales inquired on the status of the Red River Restoration contract. Mr. Rael stated that the contract
138 will be brought back to council next regular meeting for approval.

B) Discussion, Consideration & Decision – Engineering Design & Construction for Cabresto Road Improvements – Phase I, II, & III

142 Mr. Rael stated that he has reviewed the contract and had requested some changes to be made to the proposed
143 contract. Those corrections were made, and he supports the contract approval by the Governing Body.
144

Councilman Gonzales asked when the groundbreaking would be, Mayor Gallegos stated that it would take place next spring after the design is complete. Councilman Gonzales also asked about funding for the Cabresto project and Mayor Gallegos assured him that funding will be secure, and he anticipates project completion next year.

Motion: Councilman Gonzales

Second: Councilman Jaramillo

Roll Call

Councilman John Anthony Ortega YES

Councilman Brent P. Jaramillo YES

Councilman Charlie Gonzales YES

Councilwoman Louise Gallegos YES

To approve the Engineering Design & Construction for Cabresto Road Improvements – Phase I, II, & III
All voted yes. Motion carried.

C) Discussion, Consideration & Decision – Construction Agreement between the Village of Questa and Cordova Contracting & Development, LLC. For Questa Public Library Expansion Project

Mr. Rael stated he created the contract and sent it over to the contractors Attorney who reviewed it and requested some minor changes, those changes were made. The contract has been accepted by both parties. Mr. Rael supports the contract approval by the Governing Body.

Motion: Councilwoman Gallegos

Second: Councilman Gonzales

With discussion.

Councilman Ortega inquired into the role that Mr. Gabe Cisneros, Village Lobbyist – played in this project. Mayor Gallegos responded that Mr. Cisneros played an active role in the early stages by securing the \$580,000.00 through the legislative session. Councilman Ortega then asked about Mr. Cisneros's role with business park project, referencing the two contractors WHPacific and Cordova. Mayor Gallegos stated that it was Mr. Cisneros's role to help secure the CDBG funding for the Village during the transitioning out of Mr. Rick Lopez at CDBG. There was also a lack of grant administration assistance to the project due to CDBG changes. Mr. Cisneros assisted the Village staff with administrating this project. The Village had the support of QEDF to pay fees to Mr. Cisneros to move the project along.

Dina Coleman / CPO addressed the Governing Body to provide insight into why the Cordova Contract is most advantageous to the Village. She also stated that the approval of this contract will allow for a groundbreaking in the next few weeks. Councilman Ortega needed clarification on Mr. Cisneros's administrative role on these projects and Ms. Coleman explained that although Mr. Cisneros has assisted in the past, it is not expected for him to provide administration assistance and the staff in-house will handle this task.

Roll Call:

Councilman John Anthony Ortega YES

Councilman Brent P. Jaramillo YES

Councilman Charlie Gonzales YES

Councilwoman Louise Gallegos YES

To approve the Construction Agreement between the Village of Questa and Cordova Contracting & Development, LLC. For Questa Public Library Expansion Project. All voted yes. Motion carried.

IX. **FINANCIALS** – Karen Shannon

A. Discussion, Consideration & Decision – FY2020 4th Quarter Local BARs

Council Ortega inquired if there is anything out of the ordinary.

Ms. Shannon responded that there is not anything out of the ordinary.

Motion: Councilman Gonzales

Second: Councilwoman Gallegos

Roll Call

Councilman John Anthony Ortega YES

Councilman Brent P. Jaramillo YES

Councilman Charlie Gonzales YES

Councilwoman Louise Gallegos YES

To approve FY2020 4th Quarter Local BARs as presented. All voted yes. Motion carried.

B. Discussion, Consideration & Decision – Resolution No. 2020-13 / FY 2020 4th Quarter BARs

Ms. Shannon provided three pages of bars in the agenda packet . There is also a resolution included, she stated that many of these items are increased revenue items and a few increased expenditure items that were transferred in to cover grant payments to vendors that we had not received the reimbursement back by the end of the year.

Motion: Councilman Ortega

Second: Councilman Gonzales

Roll Call

Councilman John Anthony Ortega YES

Councilman Brent P. Jaramillo YES

Councilman Charlie Gonzales YES

Councilwoman Louise Gallegos YES

To approve Resolution No. 2020-13 / FY 2020 4th Quarter BARs as presented. All voted yes. Motion carried.

C. Review of June Financials

Ms. Shannon acknowledge that in the packet is a 33-page financial report from her accounting system and the paid invoice report for June. She stood for questions. There were no questions from the Governing Body.

D. Review of 4th Quarter Financial Reports

Councilwoman Gallegos acknowledged Ms. Shannon on the budget percentages and commended her on the good work.

E. Discussion, Consideration & Decision – Resolution No. 2020-14 FY2020 4th Quarter Report Adoption

Ms. Shannon stood for questions. There were no questions from the Governing Body.

Motion: Councilman Jaramillo

Second: Councilman Ortega

Roll call

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

To approve Resolution No. 2020-14 FY2020 4th Quarter Report Adoption as presented. All voted yes. Motion carried.

X. PUBLIC HEARING – Fiscal Year 2021 Budget

Mayor Gallegos opened the Public Hearing 7:07 pm.

Ms. Shannon provided a presentation regarding the FY 2021 budget. The Governing body received the presentation in their agenda packets. She stood for questions.

Councilman Ortega inquired into line item 20600 and asked whether funding for this line was transferred from the General Fund. Ms. Shannon answered yes and that some of the funding has come out of General Fund to help supplement.

Councilman Gonzales asked if there is funding available to work with CAV (Community Against Violence) in providing the Village community with services available from CAV. Ms. Shannon stated that she believes that there is funding available to work with CAV. Councilman Ortega agrees to work alongside CAV and would like to see an MOU and or agreement in support. Councilman Jaramillo mentioned the need to procure services - looking for a non-profit to provide services to the Village. He also stated that we look into the CARES ACT.

Mayor Gallegos asked if anyone from the public had any questions regarding the FY 2021 budget. There were none.

Mayor Gallegos closed the Public Hearing at 7:20pm.

XI. ACTION ITEMS**A) Discussion, Consideration & Decision – Resolution No. 2020-15 / FY 2021 Final Budget Adoption**

Motion: Councilman Gonzales
 Second: Councilwoman Gallegos

Roll call

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

To approve Resolution No. 2020-15 / FY 2021 Final Budget Adoption as presented. All voted yes. Motion carried.

XII. DISCUSSION ITEM**A) Taos Regional Landfill Board Update**

Mayor Gallegos notified the Governing Body that the Taos Regional Landfill Board has decided to move forward in supporting the recycling program, stating that the Village my need to entertain funding options.

Councilor Jaramillo provided more information explaining that the members of the landfill board and board of the Village of Eagle Nest voted to accept the recycling center into the authority of the landfill board. A study was done by Souder Miller. The Town of Taos and Taos County are going to have to have a rate increase to offset the cost of having the recycling center. Questa, Red River and Taos Ski Valley will also need to decide how they can contribute to the running of the recycling center if they actively participate in using it. The landfill tipping fees will increase, and the Village will need to look into a rate increase.

XIV. **MATTERS FROM ADMINISTRATION** – Renee Martinez, CMC / Interim Administrator

Ms. Martinez provided a written report and stood for questions.

Councilwoman Gallegos asked that Ms. Martinez check in with the public works director about branches that were cut on Gallegos Road but not picked up, as there are concerned residents. Councilwoman reluctantly also acknowledged Sarah Whites submittal of resignation.

XV. **MATTERS FROM MAYOR & COUNCIL**

- Councilman Jaramillo asked where Ms. Herrera was with the rate study? Ms. Martinez stated that it is being worked on by the Village staff and attorney and we will have something to the Governing Body sometime in August.
- Councilman Ortega asked if we are requiring constituents to get permits for building carports? Ms. Martinez stated that an ordinance/variance issue was brought to her attention and will be brought forth and addressed in the next regular council meeting.
- Mayor Gallegos reiterated the importance of the Governing Body participation of the EPA, Chevron Zoom meeting Friday. Mayor Gallegos notified the Governing Body about the recent vandalism at the MolyCorp Field. A portion of the chain link fencing has been removed. Mayor would like to reach out to Chevron and ask for landownership of the whole park. This is so we can look into fencing the park. Mayor Gallegos mention the need to repair streetlights and discussed other options to replacing those lights due to the challenges with maintaining them.

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 7:38 pm.

ATTEST:

Dina Aleman, Deputy Clerk

APPROVED:


Mark Gallegos, Mayor

Regular Council Meeting Minutes
July 28, 2020

