VILLAGE OF QUESTA
REGULAR MEETING MINUTES
TUESDAY, APRIL 25, 2017
VILLAGE OF QUESTA COUNCIL CHAMBERS
6:00PM

I. CALL TO ORDER BY MAYOR MARK L. GALLEGOS
Mayor Gallegos called the meeting to order at 6:06pm.

II. ROLL CALL
Mayor Gallegos asked Village Clerk Renee Martinez to take roll.

Present:
Councilor Brent Jaramillo
Councilor John Ortega
Councilor Lawrence Ortega – Arrived at 6:34pm.
Councilor Julian Cisneros – Called in at 7:20pm

Also Present:
Village Clerk Renee Martinez
Attorney Randy Autio
Utilities Clerk Nadine Herrera
Admin Assistant Dina Coleman

III. PLEDGE OF ALLEGIANCE
Mr. French Espinoza led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA
Mayor Gallegos requested the minutes of April 11, 2017 be removed from the agenda.
Councilor John Ortega moved to strike Item VII. B – Mr. Salazar has requested to be on the agenda of May 23rd.

Motion: Councilor Brent Jaramillo
Second: Councilor John Ortega

In Favor: All
Opposed: None

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

V. APPROVAL OF MINUTES –
*Special Meeting, April 10, 2017

Motion: Councilor Brent Jaramillo
Second: Councilor John Ortega

In Favor: All
Opposed: None

To approve the minutes of April 10, 2017 as presented. All voted yes. Motion carried.

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*Regular Meeting, April 11, 2017

Removed from agenda.

*Special Meeting, April 18, 2017

Motion: Councilor John Ortega
Second: Councilor Brent Jaramillo

In Favor: All
Opposed: None

To approve the minutes of April 18, 2017 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.)

Mr. French Espinoza, Director of Public Works, Town of Taos: Informed the Governing Body that they have submitted a proposal to the Landfill Board that they take under their wing the operations of the recycling center which is currently under the operation of the town of Taos. It was proposed that a subsidy be considered by the Landfill Board broken up into the different memberships based on the tonnage from the different communities. The cost to Questa would be $10,000.00+, about $1.13/month per customer. Councilor Brent Jaramillo asked if they anticipate this going into effect on July 1st. Mr. Espinoza stated that this is the direction they would like to take; which is why we are coming before the landfill members at this time to submit the information. He would like to come back and present a power point presentation at a future meeting. Councilor Brent Jaramillo asked legal counsel if we have to amend our ordinance or build it into our base fee; we are able to change our fee structure by Resolution. Mr. Autio stated that this would be an additional fee under the Solid Waste Ordinance; since it is related to the function. Mr. Espinoza stated that they would like to do this through the JPA since there is an environment tax that each member contributes. Councilor Brent Jaramillo stated we would still have to raise our base rate to keep us whole.

Art & Rosie Gonzales: Expressed their concerns regarding arrears on their 2016 utility bill for their property on Cabresto Road in which they were billed for 365,000 gallons of water in one month for one household. He stated that per their request the Village went to go check the meter in which nothing operationally wrong was found. They are requesting that the Village help them in working something out. They are willing to meet the Village halfway. They have also been trying to get a 2” meter installed since 2014. It was agreed to allow staff to work with the Gonzales’s to get this resolved.

VII. **PRESENTATIONS / UPDATES**

A. Critical Access Hospital Conversion – Mr. Bill Patten, CEO, Holy Cross Hospital

Mr. Bill Patten presented handouts to the Governing Body explaining the transition of Holy Cross Hospital converting to a critical access hospital designation.

B. Questa Business Park – Mr. Elmer Salazar

Removed from agenda.

VIII. **PUBLIC HEARING**

A. USDA Rural Development for financial assistance / Questa EMS Department

Mayor Gallegos opened the Public Hearing at 7:10pm.

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Ms. Raynelle Cordova, EMS Coordinator informed the Governing Body that she is applying for a grant that gives financial assistance to better communities. She is applying for this grant to purchase a cardiac monitor for the ambulance; their monitor is 12 years old. The monitor is used regularly and imperative to our department. Councilor John Ortega asked how much they cost. Ms. Cordova stated that they cost a little over $29,000.00. Councilor Lawrence Ortega asked if this was a 100% grant; no loan involved. Ms. Cordova stated there is no loan involved if it is under $30,000.00.

Mayor Gallegos asked if there were any questions or concerns from the public. There were none.

Mayor Gallegos closed the Public Hearing at 7:16pm.

IX. ACTION ITEMS –

A. Approval of submission of application to the USDA by the Questa EMS Dept. for financial assistance

Motion: Councilor John Ortega
Second: Councilor Lawrence Ortega

In Favor: All
Opposed: None

To approve the submission of application to the USDA by the Questa EMS Dept. for financial assistance. All voted yes. Motion carried.

B. Approval of Change Order #001-Wastewater Collection System Improvements
   Re: CDBG Project No. 15-C-RS-1-01-G-09

Mr. Mario Juarez-Infante of Wilson & Co., went over the change order documents.

***At this time Ms. Martinez informed the Governing Body that Councilor Julian Cisneros would like to join the meeting via telephone.***

Councilor Lawrence Ortega stated that one of his concerns was that on the onset that we learned that the contractors left the project, we did not get anything in writing from the contractors directly or through your office requesting a suspension of time. Mr. Infante stated that it is very important that the communication protocol be established. From what he understands, there was a conversation between Village staff and the contractor regarding the stoppage of the work, which should have never happened. Also, in looking through the document, the completion date is May 3rd. Mr. Infante stated that the substantial completion date is May 1st, final acceptance is May 30th. Councilor Lawrence Ortega asked Mr. Infante that in looking at the invoice from the contractor, is it appropriate for the Village to pay the stand by charges of $17,000.00. Mr. Infante stated that based on the information provided, the costs are reasonable to the blue book rates. Councilor Lawrence Ortega stated that his concerns are not the rates but the stand by charges for 4 months; we’re paying for standby time and then for re-mobilizing. Mr. Infante stated moving forward we need to make sure to adhere to the communication protocol to minimize any potential exposure to the Village.

Councilor John Ortega asked Mr. Infant who from the Village authorized the stop order. Mr. Infante stated that it is his understanding that it was Ms. Loretta Trujillo. Councilor John Ortega asked what her reasoning was for stopping it. Mr. Infante stated that it is his understanding that it was because of weather conditions; does not know the details. Councilor John Ortega stated that he has an issue with this.

A motion to table this item until the meeting of May 9th was made by Councilor Lawrence Ortega, seconded by Councilor Brent Jaramillo.

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In Favor: All
Opposed: None

To approve the tabling of Change Order #001-Wastewater Collection System Improvements - CDBG Project No. 15-C-RS-1-01-G-09. All voted yes. Motion carried.

X. DISCUSSION ITEMS –

A. Consideration of NMDOT MAP-7655(907) Cabresto Road Engineering Design proposal – Task Order No. 032117 – Mr. Mario Juarez-Infante, PE - Wilson & Company, Inc., Engineers & Architects

Mr. Infante stated that they have been working with staff to submit the MAP application for Cabresto Road. He presented a proposal for the engineering and design of the total roadway, just over 12,000 linear feet. Total contract amount is $164,231.02. Should the NMDOT not fund the remaining of the project, we will have to look at phasing the project.

Councilor Lawrence Ortega commented that this proposal is for the entire project. Mr. Infante stated yes. Councilor Lawrence Ortega also inquired about the CES portion; Mr. Infante stated that essentially CES is a procurement mechanism. They put out bids and RFP’s and go through a vendor process; Participating communities can utilize CES to procure professional services. Councilor Lawrence Ortega stated he wants to make sure we are doing this correctly. Councilor Lawrence Ortega stated that the fee for CES is 1%, correct? Mr. Infante stated yes.

Councilor John Ortega asked what area of Cabresto Road this project covers. Mr. Infante stated it covers from SR 38 by the Visitor’s Center to Llano Road.

Mr. Infante asked for approval this evening to meet the schedule that he has proposed. Because this item is not listed as an action item, the Governing Body gave direction to move forward with the submittal to CES. This item will be placed on the next agenda for formal approval.

B. Consideration of NMDOT COOP SP-5-16(195) CN: L500192 FY2017 Engineering Design proposal – Mr. Mario Juarez-Infante, PE - Wilson & Company, Inc., Engineers & Architects

Mr. Infante requested that this item also be placed on the next agenda or formal approval. He stated that the task order that Mr. Joe Moore put together for the pavement patchwork for various roads, which he believes includes Cabresto Road; he suggested we don’t spend any of the Coop money on Cabresto. Councilor Lawrence Ortega stated that this project also includes Abra Road and Embargo Road. Mr. Infante stated that the task order that Mr. Moore submitted is for updating the certifications, drawings and bid forms. He stated we will be utilizing the State price agreement to secure a contract. Councilor Lawrence Ortega stated Mr. Moore had indicated that he had prepared some details and drawings already. Mr. Infante stated that Ms. Martinez does have a copy of those. Ms. Martinez stated that Mr. Moore indicated that we could not use those specific drawings. Mr. Infante stated that they need to be updated. Councilor Lawrence Ortega asked when we can start construction. Mr. Infante stated that we can have it on a June meeting agenda for approval of the contractor and price so the contractor can move forward.

Councilor John Ortega stated for clarification that the roads are Abra Road and Upper Embargo Road; not Lower Embargo Road. He stated that all 3 roads are really bad and the sooner we can get them done the better.

C. Discussion of On-call Engineering Services RFP – Mr. Mario Juarez-Infante, PE - Wilson & Company, Inc., Engineers & Architects

Mr. Infante stated that he wanted to talk a little bit about on-call engineering services. The State of NM does have a boiler plate RFP that it utilizes. Under this RFP, State legislation allows for a four year contract for multiple projects under one contract not to exceed 4 years; State legislation has upped it to a $6 million dollar cap, not to exceed $600,000.00 per any project. Councilor Lawrence Ortega stated up to 4 years, correct? Mr. Infante stated yes.

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Councilor Lawrence Ortega asked if it has to be renewed annually. Mr. Infante stated that you may renew it annually. Mr. Infante informed the Governing Body that they may have heard that you cannot utilize on-call contracts. This is not true. You can utilize a multiple award project contract under those thresholds. Councilor Lawrence Ortega stated that he would be ok with Mario providing a sample RFP to look at and then we can see from there. Councilor John Ortega agreed with Councilor Lawrence Ortega and asked if, for example, regarding the water emergency; would this on-call engineer be sent to assist with this type of situation? Mr. Infante stated yes. It is important to have one point of contact so that they are familiar with the community and the on-going projects. Councilor Brent Jaramillo agreed that an on-call engineer was a good idea and suggested to staff to build in the language of the engineering fees so we can see the fee rate. Mayor Gallegos stated that he is also in favor.

D. Project status report FY2018 MAP funding application – Mr. Mario Juarez-Infante, PE - Wilson & Company, Inc., Engineers & Architects

Mr. Infante stated that we did not get all the funding for the MAP project the first time around but are hopeful that we will be successful in getting awarded this funding year. If we are not successful, he will come back and work with staff and report to the Council of what the next steps might be. We do have some contingency plans in place.

The Council thanked Mario for his presentation.

XI. FINANCIALS – Ms. Karen Shannon, Finance Director
   Approval of Unpaid Vouchers

Councilor Lawrence Ortega – All American Waste – is this the entire amount? Mayor Gallegos stated that this is half of the total bill. Page 3, King Industries – Ms. Martinez stated half was paid. Page 4, Adame Construction, we had decided to hold off on this until change order is approved. Councilor John Ortega – La Yucca Landscaping – Monitor this project so we are not paying outside of the bid amount. Ms. Martinez stated that this invoice is included in the scope. Inquired if Mayor Gallegos has spoken with Century Club Construction to work with us on their invoice amount. Mayor Gallegos stated that there are still some negotiations going on.

A motion to approve the vouchers with the exception of the second half payment to all emergency vendors was made by Councilor John Ortega. Seconded by Councilor Lawrence Ortega.

In Favor: All
Opposed: None

To approve the vouchers as stated above. All voted yes. Motion carried.

XII. 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 (Section 10-15-1(H) (2)) – Village Administrator Position

A motion to enter into Executive Session to discuss Limited Personnel Matters was made by Councilor John Ortega, seconded by Councilor Lawrence Ortega.

Roll Call:

Councilor Brent Jaramillo      YES
Councilor John Anthony Ortega   YES
Councilor Lawrence Ortega      YES

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Councilor Julian Cisneros requested to be present by phone at this time.

Mayor Gallegos stated that the Governing Body will go into Executive Session to discuss only the item listed. The Governing Body entered into Executive Session at 8:18pm.

A motion was made to reconvene from Executive Session at 8:36pm by Councilor Brent Jaramillo, seconded by Councilor Lawrence Ortega.

Roll Call:

Councilor Julian Cisneros       YES
Councilor Brent Jaramillo       YES
Councilor Lawrence Ortega       YES
Councilor John Anthony Ortega   YES

Mayor Gallegos stated that there was no action taken.

XIII. **ACTION ITEM** – Approval / Disapproval of Mayor’s Recommendation for Village Administrator Position.

Mayor Gallegos stated that his recommendation for the Administrator position is Mr. Anthony Martinez. Mayor Gallegos asked if there is a motion for this recommendation. There was no motion. Recommendation was not approved.

Councilor John Ortega requested a Special Meeting within the allowable posting time. Councilor John Ortega asked Mr. Autio since the Mayor made a recommendation, does he need to make a second. Mr. Autio stated that the way that the law is stated is that the recommendation must come from the Mayor. If the Mayor believes there is another qualified candidate that he wished to recommend, he can bring forth that person. The Mayor is not mandated to bring you another person if he does not believe that they are qualified or fit for the said office, in his opinion. The Council may require him to keep looking for a candidate that he would recommend to you if you are not willing to accept his first recommendation. This is the way the law is set up.

Councilor Julian Cisneros stated the following: We will do something about it; we will go to the paper and let the people know what the Mayor is doing and this is not going to happen. This had got to change, this is not right. The Governing Body is made up of 5 officials and we have every right as a Governing Body to choose who we need to put in there. The Mayor shouldn’t be able to do this, I will go to the paper with this. Mayor, you are not going to get away with this. It is not right, it is not fair.

It was decided to have a Special meeting. All agreed. Councilor Brent Jaramillo stated he could be present by telephone.

XIV. **MATTERS FROM ATTORNEY** –

Mr. Autio had no matters at this time.

XV. **MATTERS FROM ADMINISTRATOR, MAYOR AND COUNCIL**

Councilor Lawrence Ortega requested having our Regular Meetings at 7:00pm in the summer. Ms. Martinez stated that we do have that as part of our Open Meetings Act and we can start in May.

Councilor Brent Jaramillo requested the trenches be covered off SR 522 near Ms. Nadine Varela’s home.

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Councilor John Ortega stated that there was a planned water outage that the Council was not aware of and he did not have any answers for his constituents. He wanted to know why they were not informed of that. Yet, he goes to the Village’s Facebook page and it is on there. He does not feel that he should find out about this from Facebook which he rarely even pays attention to. It should have been communicated to us. He hates to be uninformed in front of the constituents by saying, I don’t know. Ms. Martinez stated that it is understood. Mayor Gallegos stated that he apologizes for this.

Ms. Martinez informed the Council that the contractors started at the Youth Center yesterday.

XVI. ADJOURNMENT

Motion: Councilor John Ortega
Second: Councilor Brent Jaramillo

In Favor: All
Opposed: None

There being no further business to discuss, the meeting was adjourned at 8:47pm.

ATTEST:  

[Signature]
Renee Martinez, CMC

APPROVED:  

[Signature]
Mark Gallegos, Mayor

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