# 1 VILLAGE OF QUESTA

#### SPECIAL MEETING MINUTES

3 WEDNESDAY, AUGUST 30, 2017

# 4 VILLAGE OF QUESTA COUNCIL CHAMBERS

## 7:00PM

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

Mayor Gallegos called the meeting to order at 7:01pm.

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## II. ROLL CALL

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

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#### 15 Present:

- 16 Councilor John Ortega
- 17 Councilor Lawrence Ortega
- 18 Councilor Brent Jaramillo

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#### 20 Not Present:

21 Councilor Julian Cisneros

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#### 23 Also Present:

- 24 Village Administrator Nicholas Maestas
- 75 Village Clerk Renee Martinez

Finance Director Karen Shannon

- 27 Admin Assistant/CPO Dina Coleman
- 28 Attorney Lance Hough

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#### III. PLEDGE OF ALLEGIANCE

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Village Administrator Nicholas Maestas led the Pledge of Allegiance.

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## IV. APPROVAL OF AGENDA

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Councilor Lawrence Ortega requested Item VIII A be moved to Executive Session as Item X B. Mayor Gallegos asked Attorney Lance Hough if meets the requirements for Personnel Matters. The Attorney stated it meets the personnel matters requirement if we are discussing the employee and not the RFP.

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Councilor John Ortega requested adding item VII D; Ms. Lindsey Mapes of the QEDF would like to present on the Community Clean-Up day.

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43 Motion:

Councilor John Ortega

44 Second:

Councilor Lawrence Ortega

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46 In Favor:

Opposed:

All None

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

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## V. <u>APPROVAL OF MINUTES</u>

• July 18, 2017 – Special Meeting

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Motion:

Councilor Lawrence Ortega

ی Second:

Councilor Brent Jaramillo

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In Favor:

All

59 Opposed:

None

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To approve the July 18, 2017 – Special Meeting minutes as presented. All voted yes. Motion carried.

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• July 25, 2017 – Work Study

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Motion:

Councilor John Ortega

Second:

Councilor Brent Jaramillo

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In Favor:

All

Opposed:

None

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To approve the July 25, 2017 – Work Study minutes as presented. All voted yes. Motion carried.

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• July 25, 2017 – Regular Meeting

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Councilor Lawrence Ortega stated that there is a correction on line 412.

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Motion:

Councilor John Ortega

Second:

Councilor Lawrence Ortega, with discussion.

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Councilor Lawrence Ortega asked the Attorney if we have to state for the record what the correction is. The Attorney stated that yes.

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Councilor Lawrence Ortega stated for the record that the correction on line 412 is that the wrong Councilor was recorded as seconding a motion.

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In Favor:

All

Opposed:

None

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To approve the July 25, 2017 – Regular Meeting minutes as corrected. All voted yes. Motion carried.

91 92 • August 8, 2017 – Regular Meeting

93 94 Councilor John Ortega asked if these minutes need to be approved since there was no quorum. Councilor Lawrence Ortega stated that he imposed this question before and was told that they needed to be approved.

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Motion: Second:

Councilor Brent Jaramillo Councilor Lawrence Ortega

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99 In Favor:

All

100 Opposed:

None

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To approve the August 8, 2017 – Regular Meeting minutes as presented. All voted yes. Motion carried.

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August 22, 2017 – Regular Meeting

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Motion: Councilor Lawrence OrtegaSecond: Councilor Brent Jaramillo

109 In Favor: All110 Opposed: None

To approve the August 22, 2017 – Regular Meeting minutes as presented. All voted yes. Motion carried.

VI. <u>PUBLIC COMMENTS</u> - (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.)

• Municipal Judge Michael Rael – Judge Rael stated that he attended the Municipal League conference in Clovis and that one of the speakers spoke about unity and working with the people that you work with. He realized that he has never taken the time publicly to thank the hard working staff for the work that they do. He also thanked Mr. Maestas for coming on and looks forward to working with him and moving things forward. He stated it takes everyone to keep thing running.

#### VII. PRESENTATIONS / UPDATES -

 Mr. Tommy Lyles, Policy, Government and Public Affairs Manager for Chevron Mining, stated that he spoke to his management team regarding Abra road and the facilitation of the pavement for that that road; they would like to create a MOU between Chevron and the Village that basically will say this is what the money will be used for, once the agreement is signed, a check will be given to the Village. Mr. Lyles also stated that Chevron will be doing some work at Eagle Rock Lake soon; Councilor John Ortega asked about the dry hydrant that is not working and asked if this would be taken care of.

A. Chevron Pipeline Removal (Embargo Road) - Mr. Gabe Herrera, Project Manager

 Mr. Gabe Herrera informed the Governing Body that on August 8<sup>th</sup> he attended a meeting and had a brief conversation concerning the tailing pipeline removal on Embargo Road. In this conversation Mayor Gallegos indicated that it was the Village's preference to remove the pipeline along the road. Mr. Herrera passed out some illustrations and information to the Governing Body to explain the impact of this. Mr. Herrera went over the maps pointing out the gas lines and irrigation ditches, etc. He stated that there are two sets of pipeline.

Due to the depth of the pipeline which they believe to be about 14ft deep, a good majority of the trees along that stretch of 522 will have to be removed. Councilor Lawrence Ortega stated that on Map #3, there is tailing pipe running along the south side of the road; does it just end right there? Mr. Herrera stated no, these are not engineering documents, only informational. The pipe continues on. Councilor Brent Jaramillo stated that he thought back in 2007, or earlier, Chevron (Molycorp) replaced the pipelines, cut across Felimon Rael's property, and under Embargo Road. It was a repaving job.

Mr. Herrera stated that based on the estimates from the contractor they would be looking at construction duration of 6-7 months, targeting the March through September time frame. The affected section of Embargo Road would be closed for that timeframe. The section between where the Chevron gate is and the residents at 140 Embargo Road would be shut down for 6-7 weeks. The remaining of the road would be closed for the remaining time. Haul traffic would be increased. Due to the fact that the pipeline and the utility lines are so close together along this stretch of road, there would be a number of utility outages. Intermittent and constant throughout the project. There is a gas line that is located immediately above one of the two lines; they would have to undermine the gas line in order to access the pipeline below it.

Mr. Herrera stated that the other scenario would be to fill the entire length of pipeline between roughly the hillside and downstream, with cement grout. The two main benefits of this are that the grout will prevent any kind of

structural collapse of the pipeline in the future; the second benefit would prevent the transmission or conveyance 158 of ground water from one point to another. This would take maybe 2-3 weeks with minimal impact to traffic. Pipeline is abandoned all the time across the country. Chevron's recommendation is to consider the second \_ .J scenario of filling and abandoning the pipeline. 161

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Councilor Lawrence Ortega asked where the shallowest point of tailings pipe is. Mr. Herrera stated that the shallowest point is near the hillside at about 4 feet.

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Councilor John Ortega asked if the pipeline removal was part of the ROD. It is not part of the ROD but a requirement under the state NMED closure plans. Councilor Brent Jaramillo asked if the removal of the pipeline on highway 38 part of the ROD. It was stated that the pipeline removal is not part of the ROD at all.

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Mr. Herrera stated that they would like to give the Council some time to consider the two proposals.

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Mayor Gallegos stated it is a big project and we will have to evaluate the options.

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Mr. Lyles stated that regarding the hydrant earlier in the discussion, it will be repaired in the work Chevron is completing.

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# B. NRDA Update – Attorney Lance Hough

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Attorney Lance Hough stated that there were three proposals:

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River Restoration Project \$1,600,564.88

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New Municipal Water Supply well \$335,000.00

Improvements to the Sanitary Sewer System \$1,900,063.00

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The trustees came to visit on November 2, 2016 for a walkthrough. He stated that he believes we have a strong chance of getting these projects funded. They are currently working on the restoration plan environmental assessment which is a long comprehensive document which should be available in October for public comment. Once it is available, he will go through it and bring it back to Council for an update as well as if there are any questions or concerns the Council would like him to bring up.

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Councilor Lawrence Ortega requested a copy of the revised proposal regarding the infrastructure. Mr. Hough stated he will get copies for the Council tomorrow.

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C. River Stewardship Grant – Attorney Lance Hough with Mr. Abe Franklin, NMED

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Attorney Lance Hough presented a power point regarding the project budget. He stated that he has been working with Mr. Chris Philips and Mr. Abe Franklin on this. The original proposal was \$168,048.00; \$110,000.00 was to be for construction; \$54.000.00 for engineering and project management which includes construction oversight. The agreement was originally executed on 02/23/2017 at \$158,000.00. We have a reversion date of 2020.

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Councilor Lawrence Ortega expressed his concern with the amount of the project money that was going to the engineering and project management.

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D. Community Clean Up Day – Ms. Lindsay Mapes

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Ms. Mapes stated that she and Councilor John Ortega are working on a clean-up day. It has been suggested at several different meetings she has attended that Questa could use a cleanup day. She proposed that the cleanup day be Saturday, September 23rd. There will be a yard cleanup contest and a community cleanup to get volunteers to come out and maybe some staff from different organizations to come out and clean up some of the roadways.

Councilor Joh Ortega suggested a yard cleanup contest with prizes and pictures put on face book for most beautiful yard and most improved yard. If there is collaborative action with other entities such as Taos County and Kit Carson to use roll offs, chippers and other equipment to make a big impact.

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Councilor John Ortega stated this is important since we are trying to promote Questa as a tourist destination and the first impression is not good because it's not very clean. He has been an advocate for this for years. We can get a lot done in one day with a collaborative effort. We need some beautification in Ouesta.

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Councilor Lawrence Ortega stated it is a great idea and congratulated Councilor John Ortega for taking on that effort. Councilor Brent Jaramillo stated that it is important to clean up our town.

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Ms. Shannon stated that there is money left over in the beautification project.

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Councilor Lawrence Ortega recommended that Mr. Maestas get with Councilor John Ortega and Ms. Mapes and coordinate this and move forward to make this happen.

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Councilor Brent Jaramillo stated that we can get the roll offs from the County and possibly use that left over money from the beautification to use for the tonnage fees on the landfill side.

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Councilor John Ortega strongly suggested to Mr. Maestas that he put our Utility crew to work that day as well, if they don't already have plans.

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Mayor Gallegos stated that there has been staff and elected officials who have volunteered their time in the past.

He stated that it is important that we get involved and not depend on others to volunteer and we don't step forward.

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Councilor Brent Jaramillo asked Christian Isely and some of the mine contractors to participate as well. Monetary or equipment would be helpful.

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Mr. Maestas stated that he will see if there is any staff that would like to volunteer their time and other paid staff that we may require to be there.

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#### VIII. ACTION ITEMS

A. Discussion, Consideration & Decision regarding the approval of 2017-2018 Lease Agreement with North Central Food Pantry

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245 Motion: Councilor Lawrence Ortega246 Second: Councilor Brent Jaramillo

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Roll Call:

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250 Councilor Brent Jaramillo YES
 251 Councilor John Ortega YES
 252 Councilor Lawrence Ortega YES

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To approve the 2017-2018 Lease Agreement with North Central Food Pantry. All voted yes. Motion carried.

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D. Discussion, Consideration & Decision regarding the approval of the agreement between the Village of Questa and NM Rural Water Association

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Mr. Maestas stated that the NMRWA has agreed to assist us for a period of time at the Waste Water Treatment Plant and Water Department. The cost is \$1,500.00 per month and will offer the services through January if needed.

Councilor Lawrence Ortega asked if this is budgeted for. Mr. Maestas stated yes.

Motion: Councilor John Ortega
 Second: Councilor Lawrence Ortega

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Roll Call:

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269 Councilor Brent Jaramillo YES
 270 Councilor John Ortega YES
 271 Councilor Lawrence Ortega YES

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To approve the agreement between the Village of Questa and NM Rural Water Association. All voted yes. Motion carried

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E. Discussion, Consideration & Decision regarding the approval of lifting the hiring freeze

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Mr. Maestas requested that the hiring freeze be lifted now that he has been hired on and is getting familiar with the needs of the Village and the needs of the staff. Councilor John Ortega stated that he feels confident in Mr. Maestas to do the hiring from here on out and bringing them to the Council to know who they are. He doesn't want to find out about a new hire on face book. Councilor Lawrence Ortega asked Mr. Maestas for his recommendation. Mr. Maestas stated that he would like to have the freeze lifted. If the Council feels comfortable with him going through the process he is comfortable with that. If there is a position that is going to be created, he would do his due diligence to come and present it to the Council first.

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286 Motion:

Councilor Brent Jaramillo

`7 Second:

Councilor John Ortega

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Roll Call:

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291 Councilor Brent Jaramillo YES
 292 Councilor John Ortega YES
 293 Councilor Lawrence Ortega YES

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295 In Favor:

: All

296 Opposed:

None

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To approve the lifting of the hiring freeze. All voted yes. Motion carried.

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## IX. **FINANCIALS** – Ms. Karen Shannon, Finance Director

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Councilor Lawrence Ortega asked if the vouchers from the August 8, 2017 meeting approved. Ms. Shannon stated no, they were not approved but they had due dates so they were paid. They were all within the budget. Councilor Lawrence Ortega asked if she planned on bringing them back for ratification; he does realize she had to pay them.

Ms. Shannon stated that they will be part of the July and August financial reports.

A. Discussion, Consideration & Decision regarding the approval of Unpaid Vouchers

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308 Motion: Councilor John Ortega309 Second: Councilor Lawrence Ortega

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Roll Call:

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313 Councilor John Anthony Ortega YES

314 Councilor Julian Cisneros YES
Councilor Brent Jaramillo YES

To approve the Unpaid Vouchers. All voted yes. Motion carried.

B. Discussion, Consideration & Decision regarding approval of Out of State Travel – EMS Department

The travel voucher is for training for the EMS in house billing system which is located in Pennsylvania. It is currently budgeted. Councilor John Ortega asked if the collections are still going well. Ms. Shannon stated yes. Councilor John Ortega stated he did not have any problem with sending this person to training he just wants to make sure we are making the best decision since the collections are currently going well. He does not want to see the collection rate drop like it did in other municipalities when they brought their billing in house. Ms. Shannon stated that the plan is to phase in the billing. Councilor Brent Jaramillo questioned the line item. Ms. Shannon stated it should come out of the ambulance budget.

Motion: Councilor John Ortega Second: Councilor Brent Jaramillo

332 Roll Call:

Councilor John Anthony Ortega
 Councilor Julian Cisneros
 Councilor Brent Jaramillo

To approve the Out of State Travel – EMS Department. All voted yes. Motion carried.

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C. Discussion, Consideration & Decision regarding the approval of Resolution No. 2017-12 - Authorizing the Closing of EMS Account at Centinel Bank

Ms. Shannon informed the Council that we have one account left at Centinel Bank. There has been no activity in this account. Ms. Shannon recommended we move the money from Centinel to the EMS account at People's Bank.

347 Motion: Councilor John Ortega348 Second: Councilor Lawrence Ortega

350 Roll Call:

352 Councilor John Anthony Ortega
 353 Councilor Julian Cisneros
 354 Councilor Brent Jaramillo

To approve Resolution No. 2017-12 - Authorizing the Closing of EMS Account at Centinel Bank. All voted yes. Motion carried.

D. Discussion, Consideration & Decision regarding the approval of Resolution No. 2017-13 - Authorizing Change of Signers on all Accounts

Ms. Shannon stated that now that Mr. Maestas is on board we would like to place him as a signer on all accounts.

Motion: Councilor John OrtegaSecond: Councilor Lawrence Ortega

366 Roll Call:

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Councilor John Anthony Ortega
 Councilor Julian Cisneros
 Councilor Brent Jaramillo

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To approve Resolution No. 2017-13 - Authorizing Change of Signers on all Accounts. All voted yes. Motion carried.

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Ms. Shannon informed the Governing Body that the 4<sup>th</sup> QTR report was approved DFA as well as the 2017-2018 budget. She stated that there is some information on the anti-donation clause. Also the General Fund cash balance is being depleted.

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Councilor John Ortega inquired about the rate study and that he would never vote on an increase in rates without it. Mr. Maestas stated that he is trying to figure out where we are in the process. He plans to follow up on this.

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# X. <u>EXECUTIVE SESSION</u> – (Pursuant to Open Meetings Act)

- **A.** Pending and/or Threatening Litigation (Exemption 10-15-1(H) (7), which allows for discussion of pending or threatened litigation.)
  - 1.) Tort Claims Act Notice Antonio Cintas vs. Police Chief Nicholas Lamendola and Village of

386 Questa

- **B.** Limited Personnel Matters (Exemption 10-15-1(H) (2), which allows for discussion of limited Personnel Matters.)
  - 1.) Questa Police Department Vacancies
  - 2.) Wastewater Treatment Plant and Water System Vacancy
  - 3.) On-Call Engineer Personnel Issue

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

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Roll Call:

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399 Councilor John Anthony Ortega
 400 Councilor Lawrence Ortega
 401 Councilor Brent Jaramillo
 YES

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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 8:46pm.

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A motion was made to reconvene from Executive Session at 10:08pm by Councilor John Ortega, seconded by Councilor Lawrence Ortega.

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Roll Call:

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411 Councilor Lawrence Ortega
 412 Councilor Brent Jaramillo
 413 Councilor John Ortega
 YES
 YES

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Attorney Lance Hough stated that the items discussed were:

- Pending and/or Threatening Litigation regarding a Tort Claims Act Notice from Antonio Cintas vs.
  Police Chief Nicholas Lamendola and Village of Questa Examined potential exposure and how this will be addressed.
  - Limited Personnel Matters
    - 1.) Questa Police Department Vacancies -potential changes in employment in the department.
    - 2.) Wastewater Treatment Plant and Water System Vacancy potential changes in employment.
  - 3.) On-Call Engineer Personnel Issue involving the approach to the RFP process regarding the on-call engineer, the RFP process involving personnel and the execution of the RFP process, and/or address potential protests.
    - A possible employee retirement how to address the void it may create.

Mayor Gallegos called for a motion to accept our attorney's report.

430 Motion: Councilor John Ortega431 Second: Councilor Lawrence Ortega

433 In Favor: All 434 Opposed: None

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To accept Attorney Lance Hough's report regarding Executive Session. All voted yes. Motion carried.

#### XI. ACTION ITEM

A. Possible Action regarding Police Department employee positions

Mr. Maestas stated that the recommendation is for the full-time employment position to be divided into two part time 40 hour/week positions as well as the consolidation of two 10 hour/week positions into one part time 20 hour/week position.

Motion: Councilor John Ortega Second: Councilor Brent Jaramillo

448 In Favor: All 449 Opposed: None

To accept Mr. Maestas recommendation as stated above regarding the Police Department employee positions. All voted yes. Motion carried.

B. Discussion, Consideration & Decision regarding the approval of an On-Call Engineer – RFP 2017-01

Mr. Maestas stated that this item is on the agenda for the reason that our in house CPO has convened a committee to review the submitted nine RFP's and have made their determination based on the criteria and tallied up all scores. The Council can make the decision on how to proceed with the determination of the committee. The selection is not public information until the decision has been made and agreed upon.

Councilor John Ortega sked Ms. Shannon what the budget is for the on-call engineer. Ms. Shannon stated that it is not budgeted.

A Motion to table this item until next year's budget was made by Councilor John Ortega.

Councilor John Ortega if the Village is in need of an on-call engineer. Mr. Maestas stated that when the village has projects coming up, they help with various engineering services under one contract. They assist with locating funds and getting contractors to carry out the services. Councilor John Ortega asked if we need one. Mr. Maestas

stated that when he took this position he knew there a big need for infrastructure. He is not sure that an on-call engineer is the answer but he believes there is a need for this type of service. Councilor Lawrence Orte ga stated that we need help with seeking money and providing technical assistance from an engineering standpoint, but to do full-fledged design for all our projects, we may have to consider doing it on a per project basis. A discussion was held.

Ms. Dina Coleman, CPO, stated that because it is an active RPF a determination has to be made. We can either cancel and start over or move forward with it. Councilor Lawrence Ortega asked if it can be postponed and hold the proposals for 2-3 months. Ms. Coleman stated that protest has to be addressed.

Councilor John Ortega made a friendly amendment to his motion to table this item indefinitely. The motion was seconded by Councilor Lawrence Ortega.

Mr. Maestas stated that he would then ask our Attorney to help draft a letter to the bidders explaining the situation.

Roll Call:

486 Councilor Lawrence Ortega
 487 Councilor Brent Jaramillo
 488 Councilor John Ortega
 YES

To approve the tabling the above referenced RFP indefinitely. All voted yes. Motion carried.

Councilor Lawrence Ortega stated that he wants to make sure that the proposers know that we are not abandoning this RFP; it is just being put on hold.

## XII. MATTERS FROM ATTORNEY – Attorney Lance Hough

A. Discussion regarding CDBG Public Hearing

Mr. Hough informed the Governing Body that he has been working with the Administrator and Clerk in getting the proper notices out for the public hearings. He stated that he will make sure to present the final version to the Council.

#### XIII. MATTERS FROM ADMINISTRATOR – Mr. Nicholas Maestas

A. 2019-2023 Infrastructure Capital Improvement Plan (ICIP)

Mr. Maestas informed the Governing Body that he has requested an extension to the original September 1st deadline, and was approved. The deadline will be September 15, 2017.

Mr. Maestas presented the ICIP from last year for Council review and will have it for approval at the September 12, 2017 regular meeting.

Councilor John Ortega asked if the ICIP had any impact on the LEDA finding.

B. Discussion regarding employee Recruitment & Advancement

Mr. Maestas stated that he would like to talk about his observations since he has been here. He's met with the directors and leaders trying to get good ideas about what works and what does not. Recognizing staff is something he plans to do and to continue to do. He wants to encourage staff and recognize those who want to take on new opportunities and challenges. He is planning an appreciation BBQ for the staff and invited the Mayor and Council. He would like to get to know the employees in a different setting. Also, in addition he would like to support higher education and getting certifications for our employees. Cross training is important with a small staff.

- Councilor John Ortega stated that we have been talking about cross-training and pay advancements. It is good to promote from within. There should be something in writing regarding the raises and how they are given.
- Mr. Maestas stated he met with Wilson & Co., to get updated on projects; it was very helpful and informative.

Councilor Lawrence Ortega inquired about the CDBG project and that there are a couple of manholes that the lines did not pass the testing. He requested a project breakdown regarding the total costs and all change orders; construction and engineering costs.

Mr. Maestas requested feedback and direction from the Council on a possible retreat in the near future. Councilor John Ortega stated that the key is getting everyone together at the same time. Councilor Lawrence Ortega suggested having it in October sometime. It was decided that Mr. Maestas get some dates together and send them to the Council.

# XIV. MATTERS FROM MAYOR AND COUNCIL

Councilor Lawrence Ortega asked how many locals are employed at Taos Mountain Energy Foods. Mayor Gallegos stated that there are about five. They are working on a grand opening for the public. Councilor Lawrence Ortega asked what the status was on the beautification project. Ms. Martinez stated that it was complete. He asked if there was a final inspection held. Ms. Martinez stated that there was not a formal one. He asked that one be scheduled. He also asked that the discussion items he requested at a previous meeting be included on the agenda for the September 12th meeting.

Councilor John Ortega asked that on the corner of 522 and Embargo Rd. across from Berlina Trujillo's residence, there was a diversion ditch there; the road got redone and the pipe was not put back in. Mr. Maestas stated that he can talk with Mr. Rael. He also inquired about the vacant MVD position. Mr. Maestas stated that interviews were held and a recommendation will come to him from Ms. Trujillo and HR tomorrow. Councilor John Ortega asked about the street lights. A discussion was held; Mr. Maestas stated that they have looked into it and are continuing to work on it.

Councilor Brent Jaramillo inquired about Molycorp Park and heard there was graffiti after the RMYC worked on it. Mr. Maestas stated yes, that was true. He also requested a calendar be created for the Council for all events and meetings.

#### XV. ADJOURNMENT

Motion: Councilor John Ortega Second: Councilor Lawrence Ortega

In Favor: All Opposed: None

 There being no further business to discuss, the meeting was adjourned at 11:43pm.

ATTEST:

Renee Martinez CMA

APPROVED:

Mark Gallegos Mayo