VILLAGE OF QUESTA
REGULAR MEETING MINUTES
TUESDAY, JUNE 13, 2017
VILLAGE OF QUESTA COUNCIL CHAMBERS
7:00PM

I. CALL TO ORDER BY MAYOR MARK L. GALLEGOS
Mayor Gallegos called the meeting to order at 7:00pm.

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

Present:
Councilor Lawrence Ortega
Councilor Brent Jaramillo
Councilor John Ortega arrived at 7:01pm.

Not Present:
Councilor Julian Cisneros

Also Present:
Village Clerk Renee Martinez
Finance Director Karen Shannon

III. PLEDGE OF ALLEGIANCE
Mr. David Henry led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA
Mayor Gallegos asked to strike the minutes of May 18, 2017, May 23, 2017 and May 30, 2017. Ms. Martinez stated she was still working on them. Councilor Lawrence Ortega asked what the reason was that the minutes weren’t done and stated that we ran into this problem several years ago and it took a while for Ms. Martinez to catch up. Ms. Martinez stated that she is working on them as she gets the chance to as well as coming in on the weekend; it’s the current workload. Councilor Lawrence Ortega stated that basically then, it’s the doubling up as Administrator and Clerk. Ms. Martinez stated yes.

Motion: Councilor Lawrence Ortega
Second: Councilor Brent Jaramillo

In Favor: All
Opposed: None

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

V. APPROVAL OF MINUTES –

*Regular Meeting, May 09, 2017

Motion: Councilor Lawrence Ortega
Second: Councilor Brent Jaramillo

Village of Questa Regular Meeting
JUNE 13, 2017
In Favor: All
Opposed: None

To approve the minutes of May 09, 2017 - Regular Meeting, as presented. All voted yes. Motion carried.

**Special Meeting, May 18, 2017**

Removed from Agenda.

**Regular Meeting, May 23, 2017**

Removed from Agenda.

**Special Meeting, May 30, 2017**

Removed from Agenda.

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.)

There were no Public Comments.

VII. **PRESENTATIONS** -

A. LEAP Organization - Ms. Clair Cote

Ms. Cote was not present.

VIII. **ACTION ITEMS** -

A. Review and Approval of Change Order #003 - Mr. David Henry, Henry Architects

Mr. Henry updated the Council on the Youth Center project. Mr. Henry stated that the contractor’s contract ends on June 15th. They are at a standstill right now with the exterior portal for the reason that the local lumber suppliers are having great difficulty getting material out of the forest due to mud. He suggested the contractor’s look for another source such as out of Albuquerque, but it would double the cost. The lumber should arrive on Monday and the contractor has committed to a quick turn-around for the erection of the portal. The inside of the building looks great.

Change Order proposal #003 is a new refrigerator, it is stainless steel and NSF certified for use in a commercial food facility. Due to the nature of the grant, Mr. Henry has asked the contractor to project until the end of the month to get the paperwork going. He wants the Village to have all the paperwork needed to close out the grant. The change order amount is $1,769.00 plus GRT. If this change order is approved, it brings our total expenditures to $89,904.00.

Motion: Councilor Brent Jaramillo
Second: Councilor Lawrence Ortega

In Favor: All
Opposed: None

To approve the Change Order #003. All voted yes. Motion carried.

Village of Questa Regular Meeting
JUNE 13, 2017
B. Review and Approval of Pay Applications #003 - Mr. David Henry, Henry Architects

Mr. Henry stated that the pay application #003 is for $19,232.50 plus tax which represents the remaining balance inclusive of all change orders. Total construction sum is at $64,566.50 and the remaining costs are 1% for the arts, architecture and engineering fees, GRT’s and reimbursable costs which has already been paid for. Mr. Henry stated that he was overpaid and will be reimbursing the Village soon.

Councilor Lawrence Ortega asked who will supply the Village with the record drawings. Mr. Henry stated that it is the responsibility of the contractor to provide these. But since it was such a small project the only thing that will be included in the record drawings is the portal which he will provide.

Motion: Councilor Lawrence Ortega
Second: Councilor John Ortega

In Favor: All
Opposed: None

To approve Pay Applications #003. All voted yes. Motion carried.

C. Consideration of Pay Application No. 1, Wastewater Collection System Improvements, CDBG Grant Agreement 15-C-RS-1-01-G-09

Ms. Martinez suggested that we hold off on this pay application until Mr. Joe Moore can be reached by telephone and allow Mr. Isely to do his update. Councilor John Ortega stated this was a good idea; he would like to hear from Mr. Moore.

Motion: Councilor John Ortega – Move item VIII C to become Item IX F.
Second: Councilor Brent Jaramillo

In Favor: All
Opposed: None

To amend the agenda by moving item VIII C to become Item IX F. All voted yes. Motion carried.

IX. UPDATES

A. Business Park Update - Mr. Christian Isely, Economic Development Advisor, CEMC

Mr. Isely updated the Governing Body on the grant application that was submitted on behalf of the Village to the Economic Development Administration last week. He stated that Mr. Elmer Salazar and Mr. Amalio Madueno will provide more information at a later date. It was done via the Grants.gov website; it is officially in the system. The grant amount is for about 1.5 million dollars that the Village is asking for and then there is the match of half a million dollars that Chevron will provide. One of the obstacles we had a year ago was providing the match. Mr. Isely stated that in going forward with such a large project he hopes the Administrator slot is filled soon for the success of this project.

Mayor Gallegos asked that the letter presented be addressed to the Village as well and would like a copy.

Mr. Isely stated that they would like to set up a workshop on July 19 & 20, with the QEDFB and the Village Council. It would be held here at the Village in the evening. Mr. Isely stated that he will get an agenda together.

** A motion to take a 5-minute break was made by Councilor John Ortega, seconded by Councilor Lawrence Ortega.

Village of Questa Regular Meeting
JUNE 13, 2017
In Favor: All
Opposed: None

To approve a 5-minute break. All voted yes. Motion carried.

B. CDBG Wastewater System Improvements Project Update – Wilson & Co.

**Mr. Joe Moore of Wilson & Co. was present via telephone to update the Council on items B through F.

Mr. Moore apologized that he was not present at the meeting this evening.

Mr. Moore updated the Council on the following regarding the CDBG Wastewater System Improvements Project:

- Cabresto Rd. project should be substantially complete by Thursday, June 15th. Adame Construction is planning on starting on Abra Rd. with a substantial completion date of June 30th.

Councilor Lawrence Ortega stated that the substantial completion dates were changed; is that something that was agreed to by everyone or how were these dates changed from the original dates. Mr. Moore stated that these were the realistic dates that the contractor gave us. Obviously they were way over on the completion date of May 3rd, one of the things we asked for was a realistic date for completion of the construction because of our concern with the expiration of the grant which expires on May 18, 2018. This does not preclude over runs and the potential liquidated damages due to the over runs. This is something we will put together and recommend upon substantial completion as we put together the final closeout documentation. Regarding the cut telephone lines and driveway issues; the majority of these issues have been taken care of. We are continuing to coordinate with the contractor and century link to get it rectified. Councilor Lawrence Ortega stated that there were a couple of locations that PVC pipe had deflected during the test and wants to make sure that Brian gets this correct as well as a brief report to Ms. Martinez telling us that it has been corrected. Mr. Moore stated that Brian will get the report to us. Councilor John Ortega stated there were a couple of areas that the acequia was blocked and people were unable to get water; was this corrected? Mr. Moore stated that it is his understanding that it has. Councilor John Ortega also asked about the deadline and who agreed to it. Mr. Moore stated that what the contractor has provided a date of completion. The approvals will be determined by the Council. This was not approved by anyone. This will have to come in the form of a change order and acted on by the Council. Mr. Moore stated that they would like to have the close-out documents ready for the July 11th meeting and at worst case the last meeting in July. Councilor Lawrence Ortega asked if the contractors are currently working on Abra Road. Mr. Moore stated that he understands that they have mobilized.

C. Status report on Cabresto Road MAP project; field work survey – Wilson & Co.

Mr. Moore stated that this project was started back in May with the field survey and right of way verifications. The field work is complete. He anticipates having this phase completed by the 16th.


Mr. Moore informed the Council that this project’s design was completed last summer and was updated this year. We will go with state purchasing on this project. Plans are done, we will use the contract documents we used on the Old Red River Road project with some modifications. The project certs will be submitted to the NMDOT this week and should get approval by June 23rd. Then we will negotiate with the Northern Mountain Constructors during the week of June 26th and bring it to Council at the first meeting in July with an award on July 12th followed by a notice to proceed on July 17th. Construction is anticipated at 45 days. Mr. Moore stated that they are anticipating to do a minor payment improvements on Cabresto because of the upgrade planned for the spring of 2018. He asked if Abra Road will be paved by Abra Road. He also included the cost estimate for Abra Road at about 388,000.00 at a 4” think pavement overlay. Mr. Tommy Lyles of Chevron stated that he would like to confirm their commitment to

Village of Questa Regular Meeting
JUNE 13, 2017
this and were waiting on the estimate. He would like to take this back and review it and then come up with an equitable cost that we would be willing to participate on.


Discussed above.

F. Consideration of Pay Application No. 1, Wastewater Collection System Improvements, CDBG Grant Agreement 15-C-RS-1-01-G-09

Mr. Moore stated that this pay application is dated May 31st and is for just under $220,000.00 with $170,000.00 balance. Mr. Moore stated that they feel comfortable with recommending this pay application after verifying the work. Their recommendation is to approve pay application No. 1. Councillor Lawrence Ortega asked that there will be a final adjustment of quantities before the final pay application is approved. Mr. Moore stated yes. Councillor Lawrence Ortega stated that there were a couple of allowance items listed; does the contractor get paid the entire amount on his unit price or does he have to justify it with invoices. Mr. Moore stated the contractor has to submit invoices from the suppliers that would apply to that balance specifically. Councillor Lawrence Ortega stated that he is asking because the contractor is requesting 100% with this pay request. Mr. Moore stated that he does not have a breakdown of what each of these items were but knows that Brian was working with the contractor on these items.

Motion: Councillor Brent Jaramillo
Second: Councillor Lawrence Ortega

In Favor: All
Opposed: None

To approve Pay Application No. 1, Wastewater Collection System Improvements, CDBG Grant Agreement 15-C-RS-1-01-G-09. All voted yes. Motion carried.

X. FINANCIALS – Ms. Karen Shannon, Finance Director

A. Approval of Unpaid Vouchers

Ms. Shannon stated that she has been emailing the attorney’s for their invoices and is hoping to get them soon.

Ms. Martinez stated they asked the attorney’s to document how we are able to use the rapid action fund and a letter was sent explain how it can be used. It states that it can be used on all staff and elected officials for training and seminars related to economic development. It is not restricted to the mayor and council only. Ms. Shannon stated that since the freeze is still in effect and there are upcoming trainings in July she will submit these in the next packet for approval regarding the costs and other information. Councillor Lawrence Ortega asked who makes the decision regarding the rapid action fund if it is related to economic development. Ms. Martinez stated that it is up to the Village to make that decision. As long as we can justify it, we can use it.

Judge Michael Rael stated that he was here at the meeting because it was brought to his attention that all travel has been frozen. He stated that he has an issue with this. He does not believe that there is an issue with his budget, in fact he came in under budget for the year. He has a problem with the Council micro managing his budget. Councillor John Ortega stated that he doesn’t believe they are micro managing his budget; he stated that they had to freeze travel across the board. Councillor Lawrence Ortega stated that he is sure that Judge Rael is aware that the Council is responsible for the Village budget including the judicial budget; so for us to take a back seat to you leaving the judicial budget out of our hands, that is not correct. Judge Rael stated that what he is saying is that the Council approves the budget and once it’s approved, it is his budget. He is asking that if there is a problem, please go to him about it. Councillor Lawrence Ortega stated that it needs to be understood that the Governing Body is the only body
that can change that budget; we can make budget adjustments. Judge Rael stated that he prefers that we all work together. Councilor Lawrence Ortega stated that nothing was done outside of the council’s authority. Judge Rael stated that he wants to be involved in anything pertaining to his budget.

Ms. Shannon stated that on page 4 there is an error regarding the travel for Ms. Raynelle Cordova. Also an invoice to Hobby Lobby that was paid with the credit card and was not noted.

A motion was made by Councilor John Ortega to approve the presented vouchers as amended as well as the exception of the Adame Construction invoice. Seconded by Councilor Lawrence Ortega.

In Favor: All
Opposed: None

To approve the presented vouchers with the exception of the invoice from Adame Construction. All voted yes. Motion carried.

B. Discussion regarding Homeland Security Grant

Ms. Shannon stated that the total allowable expenditures are $287,891.20; 75% of this is $215,918.40; minus the $50,000.00 they have already given us, the total grant amount comes to $165,918.40. In the interim budget that was submitted the difference was $8,974.00, so we came close. The volunteer work ended up being $30,945.12; which is not calculated in the cash funding they give us, it is used in another way. The only only give us credit for the overtime hours paid, not the total payroll amounts. The final grant agreement will be sent this week and has to be signed by the Mayor and sent back immediately. It will then be turned over to DFA for payment. Councilor John Ortega requested a copy of the interim budget with the correct number.

C. Discussion and Approval of Board of Finance Loan Amount for $71,972.80.

Ms. Shannon stated that the State Board of Finance was waiting for the document from Homeland Security to finalize the loan. A discussion was held regarding the board of finance resolution. Ms. Shannon was informed that we will be receiving $71,972.80. The original $130,000.00 was going to come from 2 sources. Part of it was coming from the emergency operating fund and part from the emergency water fund. It will be coming now solely from the emergency operating fund for $71,972.80. We need to move quickly on these documents to get the money by June 30th. We have 6 months from the day we accept the loan to meet the criteria for converting over to a grant. Our first payment will be due April 1, 2018. A discussion was held regarding if the loan is needed.

Motion: Councilor Lawrence Ortega - Contingent upon receiving a hard copy from Ms. Maestas as to the correct total loan amount of $71,972.80.

Second: Councilor Brent Jaramillo

In Favor: All
Opposed: None

To approve the Board of Finance Loan Amount for $71,972.80. All voted yes. Motion carried.

XI. MATTERS FROM MAYOR AND COUNCIL

Councilor John Ortega expressed his concern with procurement and having to go out for quotes on items $1,000.00 or less. Ms. Shannon stated that from what she understands procurement wasn’t being followed at all and Ms. Trujillo put very tight reigns over purchasing and that everything needed to have 3 quotes. It has not been lifted. Ms. Shannon stated that if the Council is comfortable in following our current purchasing policy, we can probably

Village of Questa Regular Meeting
JUNE 13, 2017
Councilor Jaramillo stated that the current policy is still in effect because it was never changed. Councilor John Ortega stated that if it is work on an emergency vehicle it needs to get done. We need to put trust in our department heads to get the best price. A discussion was held regarding the purchase of items under $1,000.00.

It was decided to follow the current procurement policy and get the best obtainable price.

Councilor Lawrence Ortega inquired about the Miracle Road issue. Ms. Martinez stated that in the future this road will be recognized as a private road. Ms. Martinez stated that she is working on a list of Village Roads so that a Resolution can be passed so there is no question and it is finalized. There seems to be some confusion as to what roads are Village roads. Councilor John Ortega asked if the road has been fixed. Ms. Martinez stated that it will get fixed. Councilor Lawrence Ortega stated that in the future if we are unsure, we just need to find out.

Councilor John Ortega asked if there was any oversight on the side of the Village for the ATV track. Mayor Gallegos stated that the proposal that Mr. Cisneros presented was what should have been done. Councilor John Ortega stated that he does not have a problem with it; his concern is that there was no oversight. Mayor Gallegos stated that we can ask Mr. Cisneros to come in and give us an update as well as a representative from the Mud Boggs. Councilor Lawrence Ortega agreed that we need to take a handle things like this.

Ms. Martinez informed the Council that the request for the EMS funding was submitted as well as the MOU. Also, the RFP for the Multiple Engineering Contract closed on Friday. Nine sealed bids were received and an evaluation committee needs to be formed. Councilor Lawrence Ortega inquired if we can just have the Mayor and Council be the evaluation committee. Ms. Martinez stated not if they are going to vote on the recommendation. The recommendation is at least 3 members. It is recommended that if a Mayor or a Councilmember is on the committee they should not vote on the recommendation. Councilor Lawrence Ortega stated that it recommended but it is not required.

Mayor Gallegos informed the Council that La Yucca is close to completing the beautification project. Councilor Jaramillo stated that he understood the project was for the entire island area. Councilor Lawrence Ortega and Councilor John Ortega agreed. A discussion regarding the contract and scope of work was held. The plans were located by Ms. Shannon and reviewed and it was concluded that the area completed was correct.

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 was made by Councilor John Ortega, seconded by Councilor Lawrence Ortega.

Roll Call:

Councillor John Anthony Ortega      YES
Councillor Lawrence Ortega          YES
Councillor Brent Jaramillo          YES

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 9:49pm.

A motion was made to reconvene from Executive Session at 10:16 pm by Councilor John Anthony Ortega, seconded by Councilor Lawrence Ortega.

Roll Call:

Village of Questa Regular Meeting
JUNE 13, 2017
Mayor Gallegos stated that only the item listed were discussed during closed session. There was no action taken.

XIII. **ACTION ITEM** – Village Administrator Selection

   B. Approval/Disapproval of Mayor’s Recommendation for Village Administrator Position

Mayor Gallegos stated that he will not be making any recommendations at this time. Direction was given to Ms. Martinez to contact the remaining applicants from the first round that were not interviewed and ask them if they are still interested in the position at the salary cap of $60,000.00. Mayor Gallegos also asked that Ms. Martinez contact Ms. Catherine McKinley and inquire if she is still interested in the position. It is expected that these calls be made tomorrow with an email to the Governing Body of who is interested and who is not. If anyone is interested, interviews are to be set up on Monday or Tuesday of next week depending on the agenda notice requirements. If there is no interest, a special meeting may have to be set up as soon as possible.

XIV. **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 10:20pm.

**ATTEST:**

Renee Martinez, CMC

**APPROVED:**

Mark Gallegos, Mayor

Village of Questa Regular Meeting
JUNE 13, 2017