



AGENDA

VILLAGE OF QUESTA SPECIAL COUNCIL MEETING

THURSDAY, MARCH 21, 2019

**VILLAGE OF QUESTA COUNCIL CHAMBERS
2500 OLD STATE ROAD 3**

7:00 P.M

Mayor Mark L. Gallegos

Mayor Pro-Tem John A. Ortega

Councilmember Brent P. Jaramillo | Councilmember Louise T. Gallegos | Councilmember Charlie I. Gonzales

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

II. **ROLL CALL**

III. **PLEDGE OF ALLEGIANCE**

IV. **APPROVAL OF AGENDA**

V. **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.)*

VI. **ACTION ITEMS**

- A) Discussion, Consideration & Decision – Resolution No. 2019-06
Re: NMDOT Municipal Arterial Program Grant application for Cabresto Road
- B) Discussion, Consideration & Decision - Rescind the award of RFP 2019-01 / Based on procedures used in non-compliance with the Procurement Code.
- C) Discussion, Consideration & Decision - Revoke RFP 2019-01 and direct Administrator to re-advertise and notice a new RFP.

VII. **DISCUSSION ITEM**

- A) Questa Fire Department

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

IX. **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.

**VILLAGE OF QUESTA
SPECIAL MEETING MINUTES
THURSDAY, MARCH 21, 2019
VILLAGE OF QUESTA COUNCIL CHAMBERS
7:00PM**

I. CALL TO ORDER BY MAYOR MARK L. GALLEGOS

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

II. ROLL CALL

Village Clerk Renee Martinez called roll in which a quorum was present.

Those present were:

Councilman Charlie I. Gonzales
Councilman John Anthony Ortega
Councilwoman Louise T. Gallegos

Councilman Brent P. Jaramillo was not present.

Also Present:

Administrator Nicholas Maestas
Finance Director Karen Shannon
Clerk Renee Martinez
Village Attorney Chris DeFillippo
CPO Dina Coleman

III. PLEDGE OF ALLEGIANCE

Village Attorney Chris DeFillippo led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

Motion: Councilwoman Gallegos
Second: Councilman Gonzales

In Favor: All
Opposed: None

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

V. 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.

VI. ACTION ITEMS

- A) Discussion, Consideration & Decision – Resolution No. 2019-06
Re: NMDOT Municipal Arterial Program Grant application for Cabresto Road

Mr. Maestas stated that the application has been submitted to the NMDOT. This Resolution is a requirement from the State as part of the application.

Motion: Councilman Ortega

Second: Councilman Gonzales

With discussion:

Councilman Ortega questioned the scope of work reflected on the Resolution. Mr. Maestas stated that the wording is similar to the last MAP project. He stated that the entire project will be from Llano Road to the intersection of SR38. Councilman Ortega stated that he just wants to make sure it reads correctly and we are not requesting funding for something that we have already asked for.

Roll Call:

Councilman John Ortega YES

Councilwoman Louise Gallegos YES

Councilman Charlie Gonzales YES

To approve Resolution No. 2019-06 regarding the NMDOT Municipal Arterial Program Grant application for Cabresto Road. All voted yes. Motion carried.

B) Discussion, Consideration & Decision - Rescind the award of RFP 2019-01 / Based on procedures used in non-compliance with the Procurement Code.

Mr. DeFillippo stated that at the March 12, 2019 Council Meeting there was a decision to provide WHPacific the contract for the Water System Improvement Project. The evaluation committee scored these firms as follows:

1st Souder Miller & Assoc.

2nd WHPacific

3rd Wilson & Co.

He stated that despite the scores, the committee decided to award the RFP to Wilson & Co., who scored last in the evaluation. The committee then presented Wilson & Co. as their recommendation. They explained that they wanted Wilson & Co. to work this project since they had already worked on a previous project on that road; however, the Council disagreed with the committee and chose WHPacific as the firm. After further review and before the award was given to WHPacific, legal counsel reviewed this decision and is advising the Council to now rescind that decision; reason being that the procurement code basically states that this is improper. The Council cannot override the committee. Mr. DeFillippo stood for questions.

Councilwoman Gallegos commented that she is upset because she was asked for her opinion and her vote when we have to go with what the evaluation committee decides. Mr. DeFillippo stated that there are 5 options which he explained in his memo to the Council. 1) The Council could have approved it, 2) tabled it, 3) appointed a new selection committee, 4) disqualified the top ranked bidder based on new information or, 5) reject all bids and re-advertise for proposals. However, it is not the Council's position to make the decision for the committee; that's the purpose of the committee and the procurement code. It's a separation of the Council and the firms that are being decided upon. Mr. DeFillippo stated that in his opinion the committee was not proper in deciding the 3rd place firm as their recommendation. At that point it would have been in the Council's best decision to table the vote rather than vote on their own. Mayor Gallegos stated that this is a lesson learned and that there should have been more information given as to what the options were.

Councilman Gonzales stated that he has a problem with receiving conflicting information from the administrator regarding the decision. He stated that the half of the people on the committee don't even know where the location of the project is; they are not familiar with Questa. He is upset that the Attorney wasn't present and involved in the process.

Councilman Ortega asked Mr. DeFillippo if he has reviewed our procurement policy. Mr. DeFillippo stated yes, he has reviewed it. This is something that does not usually happen; where the lowest scoring firm becomes the recommendation. He stated that we will be revising the procurement policy to address this issue. Councilman Ortega asked Mr. DeFillippo that after review of our procurement policy, would he recommend an elected official be on the evaluation committee. Mr. DeFillippo stated absolutely not. Councilman Ortega asked Mr. DeFillippo his opinion about the committee put together by Mr. Maestas. Mr. DeFillippo stated that he does not have an opinion on the committee; he did not review who the members were.

Ms. Dina Coleman, CPO of the Village asked to address the Council. Ms. Coleman stated that although she was not involved in this particular RFP process, she stated that she has to uphold the process; that is her job. She feels that the current procurement policy and the process we follow works and does not need to be changed. There has never been an issue with it prior to this one. When she works an RFP, there is a specific process she works out. She stated that it is important for the Governing Body to understand that although there may be a preference or past history with a specific firm, she has to always remain neutral and strictly follow the process. The committee should not be aware, to an extent of any history of our past projects whether they were good or bad because it skews them. The recommendation truly has to be based off of the numbers scored first, and then what we find to be most advantageous for the Village. She stated that if this RFP gets handed over to her, which she stated for the record, she is not comfortable with, because she feels it is already a tainted procurement. We are currently at a place with this RFP where a protest is possible because of what happened and it makes us appear bias and unfair and unethical. She stated that if she has to do it, she will move forward with it, but she wanted to let the Council know where she is with it. She stated that although it may come to you and you may not agree with the numbers, please understand that she is going to do what the law states she has to do

Mayor Gallegos stated that we are all frustrated; for us to adjust to the new procurement rules is going to take some time. He stated he wished he would have known about the 5 options at that time. We have learned from this.

Councilman Ortega thanked Ms. Coleman for answering his questions.

Councilman Gonzales asked Ms. Coleman, looking back now, does she think she should have gone out to see the project and if not, does she think she should. Ms. Coleman stated that she did not. She stated that she does not believe she should have gone out, solely for the reason that the Procurement Officer's responsibility is to make sure the project is procured correctly.

A discussion was held regarding previous Cabresto Road projects.

Motion: Councilman Ortega
Second: Councilwoman Gallegos

Roll Call:

| | |
|------------------------------|-----|
| Councilman John Ortega | YES |
| Councilwoman Louise Gallegos | YES |
| Councilman Charlie Gonzales | YES |

To approve the rescinding of the award of RFP 2019-01 / Based on procedures used in non-compliance with the Procurement Code. All voted yes. Motion carried.

C) Discussion, Consideration & Decision - Revoke RFP 2019-01 and direct Administrator to re-advertise and notice a new RFP.

Motion: Councilman Ortega
Second: Councilwoman Gallegos

Councilman Gonzales asked the Attorney if he agreed with this item. Mr. DeFillippo stated yes. Councilman Gonzales asked how long it would be advertised. Mr. DeFillippo stated it will be noticed for 10 days.

Roll Call:

| | |
|------------------------------|-----|
| Councilman John Ortega | YES |
| Councilwoman Louise Gallegos | YES |
| Councilman Charlie Gonzales | YES |

To approve the revocation of RFP 2019-01 and direct Administrator to re-advertise and notice a new RFP.
All voted yes. Motion carried.

VII. DISCUSSION ITEM

A) Questa Fire Department

Mayor Gallegos informed the Council that he received a phone call from Mr. Derrick Rodriguez from the Fire Services Support Bureau of the State Fire Marshal's Office. Mr. Rodriguez informed Mayor Gallegos that he felt that there was some urgency to contact him regarding some documents that need to be filed by our Fire Chief that had not been received by their office. Also, an inspection needs to be conducted and they have not been able to contact Chief Ortega. There is roughly a little over \$80,000.00 in funds that could be held until these documents are in order and received by their office. Mr. Rodriguez also informed Mayor Gallegos that if we do not comply we are in danger of losing our ISO rating. They will be conducting a walk through on Monday, March 25th at 9:00am. Chief Ortega will then provide an update of that meeting.

Councilman Ortega stated that this is the first time they have conducted inspections such as these; they've visited before but this is a first time thing for all departments. The new State Fire Marshal has instituted the inspections when he took office.

VIII. MATTERS FROM ADMINISTRATOR, MAYOR AND COUNCIL

Mr. Maestas updated the Council on the following:

- Clean-Up day for the roadways is Saturday; we will meet at the Visitor's Center at 9:00am. It was discussed to let the community how the clean-up day went and how many bags of trash were collected.
- The State provides procurement training for staff and elected officials; we are hoping to get them here soon.

Councilman Gonzales suggested that the council take a quick run up to the mine area to take a look at the river, especially at the head gates where the water is coming in gray-like again; we will need this information for the meeting with EPA on April 11th.

Councilwoman Gallegos stated that the bridge on South Kiowa Road needs some attention. Also, Councilwoman Gallegos turned her IPAD in and requested paper packets from now on; she was having a lot of problems with it.

Councilman Ortega inquired about the capital outlay. Mr. Maestas stated that we will more than likely be receiving the following:

- \$300,000.00 for Business Park
- \$500,000.00 for the library expansion
- \$50,000.00 for the Fire Department

He stated that he will have a final updated list at the next meeting.

Councilwoman Gallegos asked when the District 2 meeting will be held in Red River. Ms. Shannon stated it is scheduled for Monday, April 8th.

IX. **ADJOURNMENT**

Motion: Councilwoman Gallegos


Second: Councilman Ortega

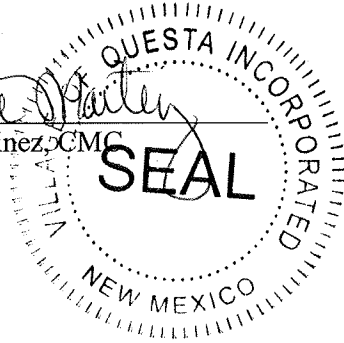
In Favor: All

Opposed: None

There being no further business to discuss, the meeting was adjourned at 7:59pm.

ATTEST:


Renee Martinez, CMC



APPROVED:


Mark Gallegos, Mayor



AGENDA
VILLAGE OF QUESTA
REGULAR COUNCIL MEETING
TUESDAY, FEBRUARY 26, 2019
VILLAGE OF QUESTA COUNCIL CHAMBERS
2500 OLD STATE ROAD 3
6:00 P.M

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

- 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) Regular Meeting, February 12, 2019
- 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. **PRESENTATIONS**
 - A) Questa Economic Development Fund Board Update
- VIII. **ACTION ITEMS**
 - A) Discussion, Consideration & Decision – Resolution No. 2019-04
Re: Acceptance & Approval of FY 2018 Audit
 - B) Discussion, Consideration & Decision - Library E-Rate Cat 1 Selection
 - C) Discussion, Consideration & Decision - Library E-Rate Cat 2 Selection
 - D) Discussion, Consideration & Decision - Joint Powers Agreement for the Taos Regional Landfill
 - E) Discussion, Consideration & Decision - Selection of a member to serve on the Nominating Committee for a one year term to select Holy Cross Hospital Board of Trustees
- IX. **MATTERS FROM ATTORNEY CHRIS DEFILLIPPO**
- X. **MATTERS FROM ADMINISTRATOR, MAYOR AND 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) Acquisition of Real Estate or Water Rights - (§ 10-15-1(H)(8))
 - B) Pending or Threatening Litigation - (§ 10-15-1(H) (7))
- XII. **ADJOURNMENT**

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