

1 **VILLAGE OF QUESTA**
 2 **REGULAR MEETING MINUTES**
 3 **TUESDAY, APRIL 25, 2017**
 4 **VILLAGE OF QUESTA COUNCIL CHAMBERS**
 5 **6:00PM**

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

8 Mayor Gallegos called the meeting to order at 6:06pm.

10 II. **ROLL CALL**

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

13 Present:

- 14 Councilor Brent Jaramillo
- 15 Councilor John Ortega
- 16 Councilor Lawrence Ortega – Arrived at 6:34pm.
- 17 Councilor Julian Cisneros – Called in at 7:20pm

19 Also Present:

- 20 Village Clerk Renee Martinez
- 21 Attorney Randy Autio
- 22 Utilities Clerk Nadine Herrera
- 23 Admin Assistant Dina Coleman

25 III. **PLEDGE OF ALLEGIANCE**

26 Mr. French Espinoza led the Pledge of Allegiance.

28 IV. **APPROVAL OF AGENDA**

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

- 33 Motion: Councilor Brent Jaramillo
- 34 Second: Councilor John Ortega
- 36 In Favor: All
- 37 Opposed: None

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

41 V. **APPROVAL OF MINUTES** –

43 *Special Meeting, April 10, 2017

- 45 Motion: Councilor Brent Jaramillo
- 46 Second: Councilor John Ortega
- 48 In Favor: All
- Opposed: None

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

51
52 *Regular Meeting, April 11, 2017
53 Removed from agenda.

54
55 *Special Meeting, April 18, 2017
56 Motion: Councilor John Ortega
57 Second: Councilor Brent Jaramillo

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59 In Favor: All
60 Opposed: None

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62 To approve the minutes of April 18, 2017 as presented. All voted yes. Motion carried.

63
64 VI. **PUBLIC COMMENTS** - (It is the policy of the Governing Body to accept public comment. Because your
65 particular issue is not on the agenda the Governing Body cannot respond immediately, but may direct staff to address
66 issues at a future Council Meeting. Public comments are limited to a maximum of three minutes.)

67
68 Mr. French Espinoza, Director of Public Works, Town of Taos: Informed the Governing Body that they have
69 submitted a proposal to the Landfill Board that they take under their wing the operations of the recycling center
70 which is currently under the operation of the town of Taos. It was proposed that a subsidy be considered by the
71 Landfill Board broken up into the different memberships based on the tonnage from the different communities. The
72 cost to Questa would be \$10,000.00+, about \$1.13/month per customer. Councilor Brent Jaramillo asked if they
73 anticipate this going into effect on July 1st. Mr. Espinoza stated that this is the direction they would like to take;
74 which is why we are coming before the landfill members at this time to submit the information. He would like to
75 come back and present a power point presentation at a future meeting. Councilor Brent Jaramillo asked legal counsel
76 if we have to amend our ordinance or build it into our base fee; we are able to change our fee structure by Resolution.
77 Mr. Autio stated that this would be an additional fee under the Solid Waste Ordinance; since it is related to the
78 function. Mr. Espinoza stated that they would like to do this through the JPA since there is an environment tax that
79 each member contributes. Councilor Brent Jaramillo stated we would still have to raise our base rate to keep us
80 whole.

81
82 Art & Rosie Gonzales: Expressed their concerns regarding arrears on their 2016 utility bill for their property
83 on Cabresto Road in which they were billed for 365,000 gallons of water in one month for one household. He stated
84 that per their request the Village went to go check the meter in which nothing operationally wrong was found. They
85 are requesting that the Village help them in working something out. They are willing to meet the Village halfway.
86 They have also been trying to get a 2" meter installed since 2014. It was agreed to allow staff to work with the
87 Gonzales's to get this resolved.

88
89 VII. **PRESENTATIONS / UPDATES**

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

91
92 Mr. Bill Patten presented handouts to the Governing Body explaining the transition of Holy Cross Hospital
93 converting to a critical access hospital designation.

94
95 B. Questa Business Park – Mr. Elmer Salazar
96 Removed from agenda.

97
98 VIII. **PUBLIC HEARING**

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

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

102

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.

155 In Favor: All
 156 Opposed: None

157 /
 158 To approve the tabling of Change Order #001-Wastewater Collection System Improvements - CDBG Project No.
 159 15-C-RS-1-01-G-09. All voted yes. Motion carried.

160
 161 X. **DISCUSSION ITEMS** –

162 A. Consideration of NMDOT MAP-7655(907) Cabresto Road Engineering Design proposal – Task Order No.
 163 032117 – Mr. Mario Juarez-Infante, PE - Wilson & Company, Inc., Engineers & Architects

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

169
 170 Councilor Lawrence Ortega commented that this proposal is for the entire project. Mr. Infante stated yes. Councilor
 171 Lawrence Ortega also inquired about the CES portion; Mr. Infante stated that essentially CES is a procurement
 172 mechanism. They put out bids and RFP's and go through a vendor process; Participating communities can utilize
 173 CES to procure professional services. Councilor Lawrence Ortega stated he wants to make sure we are doing this
 174 correctly. Councilor Lawrence Ortega stated that the fee for CES is 1%, correct? Mr. Infante stated yes.

175
 176 Councilor John Ortega asked what area of Cabresto Road this project covers. Mr. Infante stated it covers from SR
 177 38 by the Visitor's Center to Llano Road.

178
 179 Mr. Infante asked for approval this evening to meet the schedule that he has proposed. Because this item is not listed
 180 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.

181
 182
 183 B. Consideration of NMDOT COOP SP-5-16(195) CN: L500192 FY2017 Engineering Design proposal –
 184 Mr. Mario Juarez-Infante, PE - Wilson & Company, Inc., Engineers & Architects

185
 186 Mr. Infante requested that this item also be placed on the next agenda or formal approval. He stated that the task
 187 order that Mr. Joe Moore put together for the pavement patchwork for various roads, which he believes includes
 188 Cabresto Road; he suggested we don't spend any of the Coop money on Cabresto. Councilor Lawrence Ortega
 189 stated that this project also includes Abra Road and Embargo Road. Mr. Infante stated that the task order that Mr.
 190 Moore submitted is for updating the certifications, drawings and bid forms. He stated we will be utilizing the State
 191 price agreement to secure a contract. Councilor Lawrence Ortega stated Mr. Moore had indicated that he had prepared
 192 some details and drawings already. Mr. Infante stated that Ms. Martinez does have a copy of those. Ms. Martinez
 193 stated that Mr. Moore indicated that we could not use those specific drawings. Mr. Infante stated that they need to
 194 be updated. Councilor Lawrence Ortega asked when we can start construction. Mr. Infante stated that we can have
 195 it on a June meeting agenda for approval of the contractor and price so the contractor can move forward.

196
 197 Councilor John Ortega stated for clarification that the roads are Abra Road and Upper Embargo Road; not Lower
 198 Embargo Road. He stated that all 3 roads are really bad and the sooner we can get them done the better.

199
 200 C. Discussion of On-call Engineering Services RFP – Mr. Mario Juarez-Infante, PE - Wilson & Company, Inc.,
 201 Engineers & Architects

202
 203 Mr. Infante stated that he wanted to talk a little bit about on-call engineering services. The State of NM does have a
 204 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
 206 \$600,000.00 per any project. Councilor Lawrence Ortega stated up to 4 years, correct? Mr. Infante stated yes.

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

216
 217 D. Project status report FY2018 MAP funding application –Mr. Mario Juarez-Infante, PE - Wilson & Company,
 218 Inc., Engineers & Architects

219
 220 Mr. Infante stated that we did not get all the funding for the MAP project the first time around but are hopeful that
 221 we will be successful in getting awarded this funding year. If we are not successful, he will come back and work
 222 with staff and report to the Council of what the next steps might be. We do have some contingency plans in place.
 223

224 The Council thanked Mario for his presentation.

225
 226 XI. **FINANCIALS** – Ms. Karen Shannon, Finance Director
 227 Approval of Unpaid Vouchers

228
 229 Councilor Lawrence Ortega – All American Waste – is this the entire amount? Mayor Gallegos stated that this is
 230 half of the total bill. Page 3, King Industries – Ms. Martinez stated half was paid. Page 4, Adame Construction, we
 231 had decided to hold off on this until change order is approved.

232 Councilor John Ortega – La Yucca Landscaping – Monitor this project so we are not paying outside of the bid
 233 amount. Ms. Martinez stated that this invoice is included in the scope. Inquired if Mayor Gallegos has spoken with
 234 Century Club Construction to work with us on their invoice amount. Mayor Gallegos stated that there are still some
 235 negotiations going on.

236
 237 A motion to approve the vouchers with the exception of the second half payment to all emergency vendors was made
 238 by Councilor John Ortega. Seconded by Councilor Lawrence Ortega.

239
 240 In Favor: All
 241 Opposed: None

242
 243 To approve the vouchers as stated above. All voted yes. Motion carried.

244
 245 XII. **EXECUTIVE SESSION** – (The Governing Body may convene into Executive Session at this time
 246 pursuant to the NM Open Meetings Act NMSA 1978 10-15-1)

247
 248 A. Limited Personnel Matters (Section 10-15-1(H) (2)) – Village Administrator Position

249
 250 A motion to enter into Executive Session to discuss Limited Personnel Matters was made by Councilor John Ortega,
 251 seconded by Councilor Lawrence Ortega.

252
 253 Roll Call:

254
 255 Councilor Brent Jaramillo YES
 256 Councilor John Anthony Ortega YES
 Councilor Lawrence Ortega YES

258

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

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

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

266 Roll Call:

267 Councilor Julian Cisneros YES

270 Councilor Brent Jaramillo YES

271 Councilor Lawrence Ortega YES

272 Councilor John Anthony Ortega YES

273 Mayor Gallegos stated that there was no action taken.

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

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

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

291 Councilor Julian Cisneros stated the following: We will do something about it; we will go to the paper and let the
292 people know what the Mayor is doing and this is not going to happen. This had got to change, this is not right. The
293 Governing Body is made up of 5 officials and we have every right as a Governing Body to choose who we need to
294 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
295 get away with this. It is not right, it is not fair.

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

300 XIV. **MATTERS FROM ATTORNEY** –

301 Mr. Autio had no matters at this time.

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

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

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

310

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

317
318 Ms. Martinez informed the Council that the contractors started at the Youth Center yesterday.
319

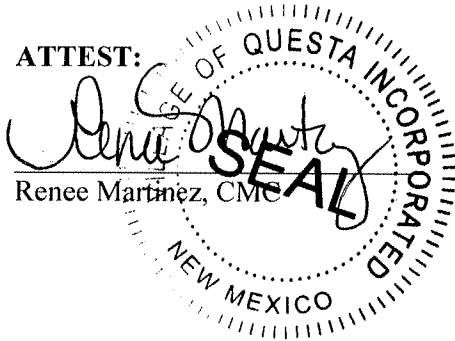
320 **XVI. ADJOURNMENT**

321
322 Motion: Councilor John Ortega
323 Second: Councilor Brent Jaramillo

324
325 In Favor: All
326 Opposed: None

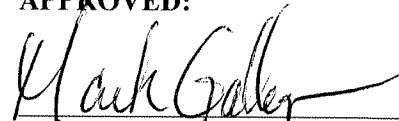
327
328 There being no further business to discuss, the meeting was adjourned at 8:47pm.
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330
331 **ATTEST:**



332
333
334 Renee Martinez, CMC
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APPROVED:


Mark Gallegos, Mayor