

1 **VILLAGE OF QUESTA**
 2 **REGULAR MEETING MINUTES**
 3 **TUESDAY, JUNE 13, 2017**
 4 **VILLAGE OF QUESTA COUNCIL CHAMBERS**
 5 **7:00PM**

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

8 Mayor Gallegos called the meeting to order at 7:00pm.

10 II. **ROLL CALL**

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

14 Present:

- 15 Councilor Lawrence Ortega
- 16 Councilor Brent Jaramillo
- 17 Councilor John Ortega arrived at 7:01pm.

19 Not Present:

- 20 Councilor Julian Cisneros

22 Also Present:

- 23 Village Clerk Renee Martinez
- 24 Finance Director Karen Shannon

26 III. **PLEDGE OF ALLEGIANCE**

27 Mr. David Henry led the Pledge of Allegiance.

29 IV. **APPROVAL OF AGENDA**

30 Mayor Gallegos asked to strike the minutes of May 18, 2017, May 23, 2017 and May 30, 2017. Ms. Martinez stated
 31 she was still working on them. Councilor Lawrence Ortega asked what the reason was that the minutes weren't done
 32 and stated that we ran into this problem several years ago and it took a while for Ms. Martinez to catch up. Ms.
 33 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
 34 current workload. Councilor Lawrence Ortega stated that basically then, it's the doubling up as Administrator and
 35 Clerk. Ms. Martinez stated yes.

- 37 Motion: Councilor Lawrence Ortega
- 38 Second: Councilor Brent Jaramillo

- 40 In Favor: All
- 41 Opposed: None

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

45 V. **APPROVAL OF MINUTES –**

47 ***Regular Meeting, May 09, 2017**

- 48 Motion: Councilor Lawrence Ortega
- Second: Councilor Brent Jaramillo

51 In Favor: All
 52 Opposed: None

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

56 ***Special Meeting, May 18, 2017**

58 Removed from Agenda.

60 ***Regular Meeting, May 23, 2017**

62 Removed from Agenda.

64 ***Special Meeting, May 30, 2017**

66 Removed from Agenda.

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

72 There were no Public Comments.

74 VII. **PRESENTATIONS** -

75 A. LEAP Organization - Ms. Clair Cote

76 Ms. Cote was not present.

78 VIII. **ACTION ITEMS** -

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

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

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

94 Motion: Councilor Brent Jaramillo

95 Second: Councilor Lawrence Ortega

97
 98 In Favor: All
 99 Opposed: None

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

102

103
104
105 B. Review and Approval of Pay Applications #003 - Mr. David Henry, Henry Architects

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

110
111 Councilor Lawrence Ortega asked who will supply the Village with the record drawings. Mr. Henry stated that it is
112 the responsibility of the contractor to provide these. But since it was such a small project the only thing that will be
113 included in the record drawings is the portal which he will provide.

114
115 Motion: Councilor Lawrence Ortega

116 Second: Councilor John Ortega

117
118 In Favor: All

119 Opposed: None

120
121 To approve Pay Applications #003. All voted yes. Motion carried.

122
123 C. Consideration of Pay Application No. 1, Wastewater Collection System Improvements, CDBG Grant
124 Agreement 15-C-RS-1-01-G-09

125
126 Ms. Martinez suggested that we hold off on this pay application until Mr. Joe Moore can be reached by telephone
127 and allow Mr. Isely to do his update. Councilor John Ortega stated this was a good idea; he would like to hear from
128 Mr. Moore.

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

131 Second: Councilor Brent Jaramillo

132
133 In Favor: All

134 Opposed: None

135
136 To amend the agenda by moving item VIII C to become Item IX F. All voted yes. Motion carried.

137
138 IX. **UPDATES**

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

140
141 Mr. Isely updated the Governing Body on the grant application that was submitted on behalf of the Village to the
142 Economic Development Administration last week. He stated that Mr. Elmer Salazar and Mr. Amalio Madueno will
143 provide more information at a later date. It was done via the Grants.gov website; it is officially in the system. The
144 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
145 dollars that Chevron will provide. One of the obstacles we had a year ago was providing the match. Mr. Isely stated
146 that in going forward with such a large project he hopes the Administrator slot is filled soon for the success of this
147 project.

148
149 Mayor Gallegos asked that the letter presented be addressed to the Village as well and would like a copy.

150
151 Mr. Isely stated that they would like to set up a workshop on July 19 & 20, with the QEDFB and the Village Council.
152 It would be held here at the Village in the evening. Mr. Isely stated that he will get an agenda together.

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

155 In Favor: All
 156 Opposed: None

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

159
 160 B. CDBG Wastewater System Improvements Project Update – Wilson & Co.

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

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

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

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

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

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

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

195 D. Status report on NMDOT Coop Project - Pothole repair Cabresto/Upper Embargo/Abra – Wilson & Co.

197 Mr. Moore informed the Council that this project's design was completed last summer and was updated this year.
 198 We will go with state purchasing on this project. Plans are done, we will use the contract documents we used on the
 199 Old Red River Road project with some modifications. The project certs will be submitted to the NMDOT this week
 200 and should get approval by June 23rd. Then we will negotiate with the Northern Mountain Constructors during the
 201 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
 202 to proceed on July 17th. Construction is anticipated at 45 days. Mr. Moore stated that they are anticipating to do a
 203 minor payment improvements on Cabresto because of the upgrade planned for the spring of 2018. He asked if Abra
 204 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

206 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.

209
 210 E. Review of Abra Road Pavement Overlay cost estimate – Wilson & Co.

211
 212 Discussed above.

213
 214 F. Consideration of Pay Application No. 1, Wastewater Collection System Improvements, CDBG Grant
 215 Agreement 15-C-RS-1-01-G-09

216
 217 Mr. Moore stated that this pay application is dated May 31st and is for just under \$220,000.00 with \$170,000.00
 218 balance. Mr. Moore stated that they feel comfortable with recommending this pay application after verifying the
 219 work. Their recommendation is to approve pay application No. 1. Councilor Lawrence Ortega asked that there will
 220 be a final adjustment of quantities before the final pay application is approved. Mr. Moore stated yes. Councilor
 221 Lawrence Ortega stated that there were a couple of allowance items listed; does the contractor get paid the entire
 222 amount on his unit price or does he have to justify it with invoices. Mr. Moore stated the contractor has to submit
 223 invoices from the suppliers that would apply to that balance specifically. Councilor Lawrence Ortega stated that he
 224 is asking because the contractor is requesting 100% with this pay request. Mr. Moore stated that he does not have a
 225 breakdown of what each of these items were but knows that Brian was working with the contractor on these items.

226
 227 Motion: Councilor Brent Jaramillo

228 Second: Councilor Lawrence Ortega

229
 230 In Favor: All

231 Opposed: None

232
 233 To approve Pay Application No. 1, Wastewater Collection System Improvements, CDBG Grant Agreement 15-C-
 234 RS-1-01-G-09. All voted yes. Motion carried.

235
 236 X. **FINANCIALS** – Ms. Karen Shannon, Finance Director

237 A. Approval of Unpaid Vouchers

238
 239 Ms. Shannon stated that she has been emailing the attorney's for their invoices and is hoping to get them soon.

240
 241 Ms. Martinez stated they she asked the attorney's to document how we are able to use the rapid action fund and a
 242 letter was sent explain how it can be used. It states that it can be used on all staff and elected officials for training
 243 and seminars related to economic development. It is not restricted to the mayor and council only. Ms. Shannon
 244 stated that since the freeze is still in effect and there are upcoming trainings in July she will submit these in the next
 245 packet for approval regarding the costs and other information. Councilor Lawrence Ortega asked who makes the
 246 decision regarding the rapid action fund if it is related to economic development. Ms. Martinez stated that it is up to
 247 the Village to make that decision. As long as we can justify it, we can use it.

248
 249 Judge Michael Rael stated that he was here at the meeting because it was brought to his attention that all travel has
 250 been frozen. He stated that he has an issue with this. He does not believe that there is an issue with his budget, in
 251 fact he came in under budget for the year. He has a problem with the Council micro managing his budget. Councilor
 252 John Ortega stated that he doesn't believe they are micro managing his budget; he stated that they had to freeze travel
 253 across the board. Councilor Lawrence Ortega stated that he is sure that Judge Rael is aware that the Council is
 254 responsible for the Village budget including the judicial budget; so for us to take a back seat to you leaving the
 255 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
 257 about it. Councilor Lawrence Ortega stated that it needs to be understood that the Governing Body is the only body

258 that can change that budget; we can make budget adjustments. Judge Rael stated that he prefers that we all work
 259 together. Councilor Lawrence Ortega stated that nothing was done outside of the council's authority. Judge Rael
 260 stated that he wants to be involved in anything pertaining to his budget.

261
 262 Ms. Shannon stated that on page 4 there is an error regarding the travel for Ms. Raynelle Cordova. Also and invoice
 263 to Hobby Lobby that was paid with the credit card and was not noted.

264
 265 A motion was made by Councilor John Ortega to approve the presented vouchers as amended as well as with the
 266 exception of the Adame Construction invoice. Seconded by Councilor Lawrence Ortega.

267
 268 In Favor: All
 269 Opposed: None

270
 271 To approve the presented vouchers with the exception of the invoice from Adame Construction. All voted yes.
 272 Motion carried.

273
 274 B. Discussion regarding Homeland Security Grant

275
 276 Ms. Shannon stated that the total allowable expenditures are \$287,891.20; 75% of this is \$215,918.40; minus the
 277 \$50,000.00 they have already given us, the total grant amount comes to \$165,918.40. In the interim budget that was
 278 submitted the difference was \$8,974.00, so we came close. The volunteer work ended up being \$30,945.12; which
 279 is not calculated in the cash funding they give us, it is used in another way. The also only give us credit for the
 280 overtime hours paid, not the total payroll amounts. The final grant agreement will be sent this week and has to be
 281 signed by the Mayor and sent back immediately. It will then be turned over to DFA for payment. Councilor John
 282 Ortega requested a copy of the interim budget with the correct number.

283
 284 C. Discussion and Approval of Board of Finance Loan Amount for \$71,972.80.

285
 286 Ms. Shannon stated that the State Board of Finance was waiting for the document from Homeland Security to finalize
 287 the loan. A discussion was held regarding the board of finance resolution. Ms. Shannon was informed that we will
 288 be receiving \$71,972.80. The original \$130,000.00 was going to come from 2 sources. Part of it was coming from
 289 the emergency operating fund and part from the emergency water fund. It will be coming now solely from the
 290 emergency operating fund for \$71,972.80. We need to move quickly on these documents to get the money by June
 291 30th. We have 6 months from the day we accept the loan to meet the criteria for converting over to a grant. Our first
 292 payment will be due April 1, 2018. A discussion was held regarding if the loan is needed.

293
 294 Motion: Councilor Lawrence Ortega - Contingent upon receiving a hard copy from Ms. Maestas as to the correct
 295 total loan amount of \$71,972.80.

296
 297 Second: Councilor Brent Jaramillo

298
 299 In Favor: All
 300 Opposed: None

301
 302 To approve the Board of Finance Loan Amount for \$71,972.80. All voted yes. Motion carried.

303
 304 XI. MATTERS FROM MAYOR AND COUNCIL

305
 306 Councilor John Ortega expressed his concern with procurement and having to go out for quotes on items \$1,000.00
 307 or less. Ms. Shannon stated that from what she understands procurement wasn't being followed at all and Ms.
 308 Trujillo put very tight reigns over purchasing and that everything needed to have 3 quotes. It has not been lifted.
 309 Ms. Shannon stated that if the Council is comfortable in following our current purchasing policy, we can probably

310 lift this. Councilor Jaramillo stated that the current policy is still in effect because it was never changed. Councilor
 311 John Ortega stated that if it is work on an emergency vehicle it needs to get done. We need to put trust in our
 312 department heads to get the best price. A discussion was held regarding the purchase of items under \$1,000.00.

313
 314 It was decided to follow the current procurement policy and get the best obtainable price.

315
 316 Councilor Lawrence Ortega inquired about the Miracle Road issue. Ms. Martinez stated that in the future this road
 317 will be recognized as a private road. Ms. Martinez stated that she is working on a list of Village Roads so that a
 318 Resolution can be passed so there is no question and it is finalized. There seems to be some confusion as to what
 319 roads are Village roads. Councilor John Ortega asked if the road has been fixed. Ms. Martinez stated that it will get
 320 fixed. Councilor Lawrence Ortega stated that in the future if we are unsure, we just need to find out.

321
 322 Councilor John Ortega asked if there was any oversight on the side of the Village for the ATV track. Mayor Gallegos
 323 stated that the proposal that Mr. Cisneros presented was what should have been done. Councilor John Ortega stated
 324 that he does not have a problem with it; his concern is that there was no oversight. Mayor Gallegos stated that we
 325 can ask Mr. Cisneros to come in and give us an update as well as a representative from the Mud Boggs. Councilor
 326 Lawrence Ortega agreed that we need to take a handle things like this.

327
 328 Ms. Martinez informed the Council that the request for the EMS funding was submitted as well as the MOU. Also,
 329 the RFP for the Multiple Engineering Contract closed on Friday. Nine sealed bids were received and an evaluation
 330 committee needs to be formed. Councilor Lawrence Ortega inquired if we can just have the Mayor and Council be
 331 the evaluation committee. Ms. Martinez stated not if they are going to vote on the recommendation. The
 332 recommendation is at least 3 members. It is recommended that if a Mayor or a Councilmember is on the committee
 333 they should not vote on the recommendation. Councilor Lawrence Ortega stated that it recommended but it is not
 334 required.

335
 336 Mayor Gallegos informed the Council that La Yucca is close to completing the beautification project. Councilor
 337 Jaramillo stated that he understood the project was for the entire island area. Councilor Lawrence Ortega and
 338 Councilor John Ortega agreed. A discussion regarding the contract and scope of work was held. The plans were
 339 located by Ms. Shannon and reviewed and it was concluded that the area completed was correct.

340
 341 XII. **EXECUTIVE SESSION** – (The Governing Body may convene into Executive Session at this time
 342 pursuant to the NM Open Meetings Act NMSA 1978 10-15-1)

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

344
 345 A motion to enter into Executive Session was made by Councilor John Ortega, seconded by Councilor Lawrence
 346 Ortega.

347
 348 Roll Call:

349
 350 Councilor John Anthony Ortega YES
 351 Councilor Lawrence Ortega YES
 352 Councilor Brent Jaramillo YES

353
 354 Mayor Gallegos stated that the Governing Body will go into Executive Session to discuss only the items listed. The
 355 Governing Body entered into Executive Session at 9:49pm.

356
 357 A motion was made to reconvene from Executive Session at 10:16 pm by Councilor John Anthony Ortega, seconded
 358 by Councilor Lawrence Ortega.

359
 360 Roll Call:

361
 Village of Questa Regular Meeting
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362 Councilor Lawrence Ortega YES
 363 Councilor Brent Jaramillo YES
 364 Councilor John Anthony Ortega YES

365
 366 Mayor Gallegos stated that only the item listed were discussed during closed session. There was no action taken.

367
 368 XIII. **ACTION ITEM** – Village Administrator Selection

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

370
 371 Mayor Gallegos state that he will not be making any recommendations at this time. Direction was given to Ms.
 372 Martinez to contact the remaining applicants from the first round that were not interviewed and ask them if they are
 373 still interested in the position at the salary cap of \$60,000.00. Mayor Gallegos also asked that Ms. Martinez contact
 374 Ms. Catherine McKinley and inquire if she is still interested in the position. It is expected that these calls be made
 375 tomorrow with an email to the Governing Body of who is interested and who is not. If anyone is interested,
 376 interviews are to be set up on Monday or Tuesday of next week depending on the agenda notice requirements. If
 377 there is no interest, a special meeting may have to be set up as soon as possible.

378
 379 XIV. **ADJOURNMENT**

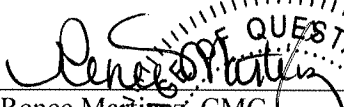

380
 381 Motion: Councilor John Ortega
 382 Second: Councilor Lawrence Ortega

383
 384 In Favor: All
 385 Opposed: None

386
 387 There being no further business to discuss, the meeting was adjourned at 10:20pm.

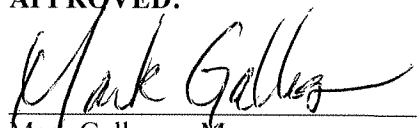
389
 390 **ATTEST:**

391
 392
 393
 394

Renee Martinez, CMC

APPROVED:



Mark Gallegos, Mayor