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**Special Meeting  
Taos Town Council  
Town Council Chambers  
120 Civic Plaza Drive  
Taos, New Mexico  
February 4, 2008  
4:00 p.m.**

**MINUTES**

**SPECIAL MEETING**

**1. CALL TO ORDER:** The Special Meeting of the Taos Town Council was called to order by the **Honorable Mayor Bobby F. Duran** at 4:15 p.m.

**2. ROLL CALL:** Ms. Renee Lucero, Town Clerk called roll and a quorum was present.

Those present were Mayor Bobby F. Duran, Councilmembers Meliton Struck, Rudy Abeyta and Darren Cordova. Also present were Town Manager Tomas Benavidez, Town Attorney Renee Barela Gutierrez and Town Clerk Renee Lucero.

**3. PLEDGE OF ALLEGIANCE:** Councilmember Abeyta led the audience in the pledge of allegiance.

**4. APPROVAL OF AGENDA:** Councilmember Abeyta made a motion to approve the Agenda as presented. Councilmember Cordova seconded the motion. The motion carried unanimously.

**5. PUBLIC HEARING**

Consideration and decision in Appeal by Acequia de los Sanchez, Los Lovatos Ranchitos Ditch and El Molino Ditch Association; Fred Waltz, Agent, appealing the decision of the Planning and Zoning Commission approving P&Z case number 2007-21, Valverde Commons LLC, a 14.23 acre project located at 600 Valverde Street within the R-4 and R-A zone of the Town of Taos. Issues appealed are:

1. Proposed relocation of Malaria Ditch
2. Proposed Development fails to meet the Land Use Development Code Requirements regarding;
  - a. Zone change
  - b. Annexation
  - c. Preliminary Plat Subdivision
  - d. Planned Unit Development

Councilmember Cordova stated for the record that he has received numerous calls and emails from opponents and proponents.

1 Councilmember Abeyta stated this is a critical decision tonight. He has vowed to be open  
2 and transparent and has been available by phone, mail and email. He also received  
3 numerous emails and phone calls and his decision will be based on law.  
4

5 Rudy Perea presented the issue to the Mayor and Council before taking testimony.  
6

7 Fred Waltz, agent for the appeal, came forward. He stated that the appeal should not be  
8 heard due to ex-parte communications going on and doesn't feel this would be a fair  
9 hearing. He stated that this is wrong. After nearly 30 years of being a lawyer he knows  
10 that if there is ex-parte communication, the procedure is for the decision makers to deny  
11 or recuse themselves from the hearing.  
12

13 Councilmember Abeyta stated that they are public officials and are here to listen to  
14 everyone. An email was sent to him, but he did not solicit this info. He has loyalty and  
15 integrity and takes offense to these accusations.  
16

17 Mayor Duran stated that he talks to many people. He welcomes people to come to speak  
18 to him on these matters. He doesn't turn people away.  
19

20 Councilmember Cordova stated he is a little troubled by Mr. Waltz's comments that they  
21 should recuse themselves. He has an email from Mr. Waltz to his secretary to get on the  
22 radio to discuss this matter. He will not be biased one way or another. He reviewed the  
23 document thoroughly.  
24

25 Councilmember Struck stated he feels the same way. He's heard both pros and cons for  
26 this case.  
27

28 Fred Waltz stated he didn't accuse any of the Council. He accused Steve Rose for trying  
29 to tell the Council how to vote.  
30

31 He continued and stated that this is an appeal to the Planning & Zoning meeting on  
32 December 5, 2007. The issues keep changing. The merits of the appeal should be  
33 considered  
34

35 Mayor Duran asked the Town Attorney for her opinion.  
36

37 Town Attorney Barela-Gutierrez stated the Council needs to hear the appeal and make  
38 decision on whether or not appeal should be granted, denied or remanded back to  
39 Planning & Zoning.  
40

41 Councilmember Cordova asked has if the plat been modified?  
42

43 Rudy Perea stated yes it has been.  
44

45 Councilmember Cordova asked since it has been changed do we need to refer it back to  
46 Planning & Zoning.

1 Town Attorney Barela-Gutierrez stated she still feels the Council needs to go through  
2 with making a decision on the appeal and move forward with the Public Hearing.

3  
4 *Public Hearing*

5 Mayor Duran opened the public hearing. The following people came forward:

6  
7 Rudy Perea stated there have been very substantial modifications to the lot.

8  
9 Fred Waltz was sworn in and began his testimony. He presented Exhibit 3, a map of the  
10 location. The development will allow 28 houses to be built in the middle of a marsh.

11  
12 Fred Waltz handed out Exhibit 4 and stated that the land is used for grazing. He urged  
13 the Council to keep this land beautiful and open the way it's been for 400 years. He stated  
14 that the staff report pages 7-9 reads "amendment is not consistent with direction and  
15 intent of ..." We need to preserve that land.

16  
17 He reviewed Exhibit 6 which was the Staff Report. Mr. Waltz asked if this development  
18 is a benefit to the neighborhood or community. No, it needs to be kept as open space.  
19 Additionally, there is a danger to the public. The intersection is off Valverde Street, not  
20 at the corner of the street, a dangerous location. Valverde Street is already dangerous.  
21 What will happen is that property taxes will go up. Our children won't be able to afford  
22 taxes. People will move out.

23  
24 There are 3 reasons why their application shouldn't be approved: 1) They suggest  
25 annexation 1.33 acres of county. You can't annex piece by piece. 2) This is not  
26 consistent with town master plan; and 3) it's a safety hazard.

27  
28 Councilmember Cordova stated per page 6 line 277 that Vision 2020 is advisory. It  
29 appears that our own code is contradictory.

30  
31 Fred Waltz stated that not only does he rely on Vision 2020 as a master plan, but so does  
32 the Town Planning and Zoning Department as well as the developers.

33  
34 Councilmember Abeyta responded concerning comments on page 7 line 320 which is  
35 contradictory to page 6 line 277. Current binding laws show there is contradiction.  
36 That's why we are here today.

37  
38 Next to speak was Thomas B. Hatcher, 341 Upper Ranchitos Rd.. After being sworn in,  
39 he stated that he has lived in Taos since 1945. He reviewed photos of the land in  
40 question (Exhibit 7 and 8). The photos showed a close-up of the drainage ditch.

41  
42 BREAK 6:15-6:45 p.m. -

43  
44 Sylvia Rodriguez came forward, was sworn in, and read a letter on behalf of the appeal.  
45 She gave a history of ditches.

46 Vicente Martinez came forward, was sworn in, and spoke on behalf of appeal.

1 Amy Maestas Hoffman, was sworn in, and spoke on behalf of the appeal. She is  
2 concerned with traffic.

3  
4 Luke Colombo, was sworn in, and spoke on behalf of appeal. He read a letter and  
5 reviewed Exhibit 10 (map) and Exhibit 4.

6  
7 William Burton, was sworn in, and handed out Exhibit 12. He spoke on behalf of the  
8 appeal. He raised concerns regarding safety.

9  
10 Alfred Peralta, was sworn in, and spoke on behalf of appeal.

11  
12 Manuel Manjo Trujillo, was sworn in, and stated his concern regarding the effects the  
13 development will have on acequias.

14  
15 Eugene A. Sanchez, was sworn in, and spoke on behalf of the appeal. He is also  
16 concerned about the acequias.

17  
18 Fred Waltz stated there is a choice. The Council has to decide whether they will allow  
19 this development and zone change, or allow the destruction of the open space.

20  
21 BREAK 8:17-8:35 p.m.

22  
23 APPLICANTS PRESENTATION

24  
25 Bob Draper, was sworn in, and explained the history of Valverde Commons and  
26 explained why they want this project in this location. He went over Exhibit 3. He spoke  
27 of proposed public park at no cost to Town. He reviewed Exhibit A and B. Malaria ditch  
28 will be used and left where it is. It is not an issue at all. He showed a map from 1935 in  
29 comparison with a map from today. A lot has been developed since 1935. More houses  
30 could be built on neighboring park property. He reviewed Exhibit E. The applicants will  
31 pay dues for the ditch and clean it. They will be good neighbors. He spoke regarding  
32 traffic and stated that senior citizens don't travel at the same time as others.

33  
34 Alex Abeyta was sworn in and spoke regarding traffic situation and mentioned a letter  
35 requesting that the speed limit be lowered down to 10 MPH. He grew up in La Loma and  
36 has seen drastic changes. He feels that 28 more homes will not be too drastic.

37  
38 Councilmember Abeyta stated that looking at the 1935 photo, if we wanted to restore the  
39 greenbelt we'd have to remove entire Trujillo Lane.

40  
41 Councilmember Struck asked if the park will be open 24 hours a day?

42  
43 Bob Draper stated the model is Sunset Park. There aren't any lights right now. If  
44 security becomes an issue we will deal with it.

45

1 Steven Rose, was sworn in, and spoke regarding design elements, community design and  
2 avoiding urban sprawl. The development is consistent with Vision 2020. He went over  
3 requirements to be met for a zone change. He explained how each requirement is being  
4 met. He also went over the current map that shows several new developments. He  
5 reviewed Exhibit F and stated that the developers are donating 3.8 acres. Houses  
6 consume 5.2 acres of land.

7  
8 Councilmember Abeyta asked what if lands become more wet.

9  
10 Steve Rose stated they have a drainage plan. It isn't complicated. He described the plan  
11 and the trenches.

12  
13 Bob Draper stated he will not do anything to endanger anybody's water.

14  
15  
16 **ADDITIONAL PUBLIC COMMENT (Each speaker was sworn in)**

17  
18 Seth Brown stated this is a priceless jewel. Against project.

19  
20 Leo Quintana - for project.

21  
22 Spencer Warlow - against project

23  
24 Christina Wilson, owner of sunset park, - for project,

25  
26 Suzanne Wolter - against project. No protection for farm land. Read a letter.

27  
28 Kristin Ulibarri - for project.

29  
30 Michael McGowen lives next to trailer park. Concerned about acequias needs. Neither  
31 for or against. They have complied with all requests.

32  
33 David Turnland - against project

34  
35 Susan Vernon, Cordillera Road, for project

36  
37 Gail Minden - against project

38  
39 Ross Ulibarri - for project

40  
41 Patti Navarette, Amadeo Lane, - against project

42  
43 BREAK 10:56 - 11:06 p.m.

44  
45 Steve Kenin - for project, consider 1 way street.

46

1 Mary Crane - against project

2

3 Steve Rose - for project.

4

5 Lawrence Vargas - against project

6

7 Anna May Patterson - for project

8

9 Amy Maestas Hoffman - against project

10

11 Kat Duff - for project

12

13 Douglass Patterson - for project

14

15 John Del Margo asked them not to drill a well.

16

17

18 **PUBLIC HEARING CLOSED**

19

20 Fred Waltz's closing statement was that the choice is to allow the development of 28  
21 housing units or not.

22

23 Councilmember Abeyta asked for a status on the 9 concerns and issues which were raised  
24 in the letter dated December 3, 2007 from Fred Waltz to Mr. Rose:

25

- 26 1) Regarding the Malaria Ditch not being moved from it's current location: Mr.  
27 Draper stated that this has been complied with;
- 28 2) Regarding the culverts not being smaller than 30": Mr. Draper stated that they  
29 will provide 30" culverts;
- 30 3) Regarding the issue of having all underground utilities: Mr. Draper stated he can  
31 guarantee this issue will be addressed;
- 32 4) Regarding retention ponds being 100 feet from the ditch, Mr. Draper stated that  
33 he is unsure of this request;
- 34 5) Regarding the number of culverts, Mr. Draper stated that they would comply with  
35 this issue;
- 36 6) Regarding the engineering and construction plans, Mr. Draper stated they would  
37 comply with this issue;
- 38 7) Regarding the Molino ditch draining into the Malaria Ditch, Mr. Draper stated he  
39 is not clear on this request. He understands that that the ditch will not be altered;
- 40 8) Regarding the final engineering plans addressing all above concerns and being  
41 reviewed by the Commissioners before they sign an easement agreement, Mr.  
42 Draper stated they would comply with this;
- 43 9) Regarding the attorney's fees being paid, Mr. Draper stated they do not agree with  
44 this request. Fred Waltz stated that most of the attorney's fees have been pro  
45 bono.

46

1 There was a discussion about the Vision 2020 being non-binding and LUDC being  
2 binding.

3  
4 Upon closing of the Public Hearing, the Council then considered the issues.

5  
6 Councilmember Abeyta went over letters from Georgia Page, Mr. Columbo, Robert  
7 Flowers, and the Trujillo Lane Neighborhood Association.

8  
9 Councilmember Abeyta gave a breakdown of staff report.

10  
11 Councilmember Abeyta asked Rudy Perea for justification on why the staff  
12 recommendations seemed neutral.

13  
14 Rudy Perea stated the LUDC and Vision 2020 contradict each other. The LUDC says we  
15 should follow vision 2020 and LUDC is legally binding.

16  
17 Town Attorney Barela-Gutierrez stated Rudy's task is to guide the council and Planning  
18 and Zoning. When it comes to policy making he leaves that to Council.

19  
20 There was a discussion on the way the LUDC and Vision 2020 are contradictory.

21  
22 **Councilmember Abeyta made a motion to deny the appeal based on fact that**  
23 **evidence shows the applicant has complied with the requirements of the LUDC.**  
24 **Councilmember Cordova seconded the motion. The motion was approved by an**  
25 **affirmative vote. Those voting AYE were: Councilmembers Struck, Abeyta and**  
26 **Cordova.**

27  
28 **Councilmember Abeyta read a statement.**

29  
30 Councilmember Cordova stated he grew up in La Loma and honors the green belt.  
31 Together we can unite on a solution. He reemphasized that the Town needs a Planning  
32 Director so that we can update our code and masterplan.

33  
34 Councilmember Struck thanked everyone for being here. We need to come together on  
35 these big issues. The acequias are an issue.

36  
37 Town Attorney Barela-Gutierrez read a letter from Councilmember Gonzales (attached).

38  
39 **ADJOURNMENT: A motion was made by Councilmember Abeyta and seconded**  
40 **by Councilmember Struck to adjourn the meeting. The motion carried**  
41 **unanimously and the meeting adjourned at 12:45 a.m..**

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45 **MINUTES**  
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1 **SPECIAL MEETING**

2 **1. CALL TO ORDER:** The Special Meeting of the Taos Town Council was called to  
3 order by the **Honorable Mayor Bobby F. Duran** at 12:45 A.m.

4  
5 **2. ROLL CALL:** Ms. Renee Lucero, Town Clerk called roll and a quorum was  
6 present.

7  
8 **Those present were Mayor Bobby F. Duran, Councilmembers Meliton Struck,**  
9 **Rudy Abeyta and Darren Cordova. Also present were Town Manager Tomas**  
10 **Benavidez, Town Attorney Renee Barela Gutierrez and Town Clerk Renee**  
11 **Lucero.**

12  
13 **3. APPROVAL OF AGENDA:**  
14 Change Item 4.3 from 22 to 28

15  
16 **Councilmember Cordova** made a motion to approve the Agenda as presented.  
17 **Councilmember Struck** seconded the motion. The motion carried unanimously.

18  
19 **4. PUBLIC HEARING**

20 Consideration and approval of P&Z case number 2007-21; Valverde Commons LLC,  
21 14.23 acres located at 600 Valverde Street within the R-4 and R-A zone of the Town  
22 of Taos. Issues to consider are:

- 23 1. Approval of proposed zone change from R-A to R-2;
- 24 2. Approval of proposed annexation of 1.33 acres into the Town of Taos;
- 25 3. Approval of the proposed preliminary Plat 28 unit Subdivision;
- 26 4. Approval of the proposed Planned Unit Development.

- 27
- 28
- 29 1. Approval of proposed zone change from R-A to R-2.

30  
31 *Public Hearing*

32 Mayor Duran opened the public hearing. The following people were sworn in and  
33 came forward:

34  
35 Steve Rose requested that all testimony and Exhibits from the appeal hearing be  
36 moved to this meeting for consideration by the Council.

37  
38 **Councilmember Cordova made a motion to approve the request.**  
39 **Councilmember Abeyta seconded the motion. The motion carried**  
40 **unanimously.**

41  
42 **Councilmember Cordova made a motion to approve zone change from R-A**  
43 **to R-2. Councilmember Struck seconded the motion. The motion was**  
44 **approved by an affirmative vote. Those voting AYE were: Councilmembers**  
45 **Struck, Abeyta and Cordova.**

- 1           2. Approval of proposed annexation of 1.33 acres into the Town of Taos.

2  
3           *Public Hearing*

4           Mayor Duran opened the public hearing. No one came forward.

5  
6           **Councilmember Abeyta made a motion to approve annexation of 1.33 acres**  
7           **into the Town of Taos with R-2 Zone. Councilmember Cordova seconded the**  
8           **motion. The motion was approved by an affirmative vote. Those voting**  
9           **AYE were: Councilmembers Struck, Abeyta and Cordova.**

- 10  
11          3. Approval of the proposed preliminary Plat 28 unit Subdivision.

12  
13          *Public Hearing*

14          Mayor Duran opened the public hearing. No one came forward.

15  
16          **Councilmember Struck made a motion to approve preliminary Plat 28 unit**  
17          **Subdivision with the following conditions: applicant continues to address the**  
18          **grade of the private road that enters Valverde Street from the development**  
19          **to satisfy the Fire Departments concerns for emergency access; and applicant**  
20          **agrees to provide a written grant of easement to the Taos Valley Acequia**  
21          **Association for maintenance of the existing Malaria acequia and easement**  
22          **should be 10 feet wide (5 feet on either side of the ditch). Councilmember**  
23          **Cordova seconded the motion. The motion was approved by an affirmative**  
24          **vote. Those voting AYE were: Councilmembers Struck, Abeyta and**  
25          **Cordova.**

- 26  
27          4. Approval of the proposed Planned Unit Development.

28  
29          *Public Hearing*

30          Mayor Duran opened the public hearing. No one came forward.

31  
32          **Councilmember Cordova made a motion to approve the Planned Unit**  
33          **Development. Councilmember Struck seconded the motion. The motion was**  
34          **approved by an affirmative vote. Those voting AYE were: Councilmembers**  
35          **Struck, Abeyta and Cordova.**

36  
37          **ADJOURNMENT: A motion was made by Councilmember Abeyta and seconded**  
38          **by Councilmember Cordova to adjourn the meeting. The motion carried**  
39          **unanimously and the meeting adjourned at 1:05 p.m..**

1

2 **APPROVED:**

3

4

5 \_\_\_\_\_  
6 **Bobby F. Duran Mayor**

6

7

8 **ATTEST:**

9

10

11 \_\_\_\_\_  
12 **Renee Lucero, Town Clerk**