

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

**MINUTES  
REGULAR COUNCIL MEETING**

**Taos Town Council  
Town Council Chambers  
120 Civic Plaza Drive  
Taos, New Mexico**

**March 10, 2009  
1:30 p.m.**

**1. CALL TO ORDER: The Regular Meeting of the Taos Town Council was called to order by the Honorable Mayor Darren M. Cordova at 1:35 p.m.**

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

**Those present were:**

Mayor	Darren M. Cordova
Mayor Pro Tem	Rudy C. Abeyta
Councilmember	A. Eugene Sanchez
Councilmember	Amy J. Quintana
Councilmember	Michael A. Silva

**Also present were:**

Town Manager	Daniel Miera
Asst. Town Manager	Abigail Adame
Town Clerk	Renee Lucero
Town Attorney	Allen Ferguson

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

**4. APPROVAL OF AGENDA:**

**Move Item 8.C to 9.C.3.**

**Add before 8.F.1. Executive Session to discuss threatened litigation regarding BID 08-09-05 - Taos Pediatric Clinic for Children & Youth.**

**Mayor Pro Tem Abeyta made a motion to approve the Agenda as amended. Councilmember Quintana seconded the motion. The motion carried unanimously.**

**5. APPROVAL OF MINUTES:**

**A. Regular Meeting  
February 10, 2009**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

**Councilmember Quintana made a motion to approve the Minutes of February 10, 2009, Regular Meeting. Mayor Pro Tem Abeyta seconded the motion. The motion carried unanimously.**

**B. Special Meetings  
January 28, 2009**

**Page 2, line 29: Delete second “he”.**

**Councilmember Quintana made a motion to approve the Minutes of the January 28, 2009, Special Meeting as amended. Councilmember Silva seconded the motion. The motion carried unanimously.**

**February 9, 2009**

**Councilmember Quintana made a motion to approve the Minutes of the February 9, 2009, Special Meeting as presented. Councilmember Silva seconded the motion. The motion carried unanimously.**

**6. AWARDS AND RECOGNITIONS:**

**A. Mayor’s recognition of the Taos Charter School students.**

Mayor Cordova stated the Taos Charter School Math Class has shown excellence in math scores and academic performance.

**B. Star Department Presentation**

Mayor Cordova will recognize Dinah Gonzales, Chair of the Employee Awards & Recognition Team, to assist in the presentation of an award to the Star Department - Fleet Division of Public Works Department.

**C. Recognition of Town of Taos Employees**

Representatives of the Employees Awards & Recognition Team will recognize and present certificates of appreciation to 6 employees for going above and beyond the call of duty and performing various random acts of kindness-Tanya Chavez, Jacob Padilla, Officer David Weaver, Cyndee Perez, Officer Robert Salazar, and Officer Gilbert Atencio.

**7. CITIZENS FORUM**

**No one came forward.**

Mayor Pro Tem Abeyta stated the Taos School Board Administration held a meeting the night before and removed the Citizen’s Forum from the agenda. He assured the listening audience that he believes the citizens have a right to be heard; therefore, Citizens Forums will always remain on the agenda.

1 Mayor Cordova reminded the citizens that the Council holds Quarterly Citizens  
2 Forums on a quarterly basis which provide a regular venue, not limited by an agenda,  
3 where constituents can present different ideas, air grievances or bring up any other  
4 issues they may have.

5  
6  
7 **8. MATTERS FROM STAFF**

8 **A. Cathy Connelly, Public Relations Director**

9 Joan Griffin, Griffin & Associates, update on marketing contract.

10  
11 Ms. Griffin stated there are several events planned for Summer of Love. Her  
12 office receives 5-10 phone calls per day from people who want to get involved.  
13 Their goal is to increase Lodgers Tax by 57% which may be difficult given the  
14 state of the economy. She thanked Mayor and Council for their continued  
15 support.

16  
17 **B. Matthew Spriggs, Community & Economic Development Director**

- 18 1. Fair Trade Steering Committee update to the Town Council regarding the  
19 activities of the Steering Committee to date, acknowledgement of the one year  
20 anniversary of being designated a Fair Trade Town, and projects the Steering  
21 Committee will be working on for the coming year.

22  
23 Rocky Schuester, Fair Trade Steering Committee member, thanked Mayor  
24 and Council for their support and explained the committee has just completed  
25 their logo. The logo will be placed at businesses supporting fair trade. The  
26 committee is educating businesses and citizens about buying local.

- 27  
28 2. Consideration and approval of Resolution 09-17 to waive Policy 9 of the  
29 Town of Taos regarding the contracting of professional services for a drainage  
30 alternatives analysis with Gannet Fleming West.

31  
32 **Councilmember Quintana made a motion to approve Resolution 09-17.**  
33 **Mayor Pro Tem Abeyta seconded the motion. The motion was approved**  
34 **by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta**  
35 **and Councilmembers Sanchez, Quintana and Silva.**

36  
37 **D. Francisco "French" Espinoza, Public Works Director**

- 38 1. Consideration and approval to amend Contract No. TT-09-216 issued to  
39 Abeyta Engineering for the purpose of engineering the Salazar Road  
40 Extension. The amendment shall include Design Task No. 2 in the amount of  
41 \$12,000 (for engineering of Salazar Rd. from the proposed Roy Rd. extension  
42 to the Este Es Road extension) and Design Task No. 3 in the amount of  
43 \$16,000 (for engineering of the proposed Este Es Rd. extension up to Chamisa  
44 Rd.). Amendment will also include a time extension from March 31, 2009 to  
45 April 30, 2009, for a total contract price of \$46,000 plus NMGRT.

1           **Councilmember Silva made a motion to approve Contract No. TT-09-216**  
2           **issued to Abeyta Engineering. Councilmember Sanchez seconded the**  
3           **motion. The motion was approved by an affirmative vote. Those voting**  
4           **AYE were: Councilmembers Sanchez, Quintana and Silva. Mayor Pro**  
5           **Tem Abeyta abstained because Alex Abeyta, from Abeyta Engineering, is**  
6           **his brother.**

- 7  
8           2. Consideration and approval to allow the Town of Taos Public Works  
9           Department to submit for consideration a letter of intent for the 2009/2010  
10           Cooperative funding cycle offered by the New Mexico Department of  
11           Transportation. Our proposal is for roadway improvements to Este Es Road  
12           east of Maestas Road, construction is estimated at \$168,666.67.

13  
14           **Councilmember Quintana made a motion to approve the item as**  
15           **presented. Councilmember Silva seconded the motion. The motion was**  
16           **approved by an affirmative vote. Those voting AYE were: Mayor Pro**  
17           **Tem Abeyta and Councilmembers Sanchez, Quintana and Silva.**

18  
19           **E. Marietta Fambro, Finance Director**

- 20           1. Consideration and approval of Resolution 09-15 Mid-Year Budget  
21           Adjustment Request for various departments. *(Continued from February 24,*  
22           *2009 Special Meeting)*

23  
24           Mayor Cordova stated that last May the budget indicated a projected growth  
25           of 3% in expenditures for this fiscal year; however, due to the economic crisis  
26           the budget is experiencing a \$1 million shortfall.

27  
28           There was a discussion regarding an approximate \$120,000 shortfall on the  
29           overall budget due to the Parking Meter Program.

30  
31           **Mayor Pro Tem Abeyta made a motion to approve Resolution 09-15 as**  
32           **presented. Councilmember Quintana seconded the motion. The motion**  
33           **was approved by an affirmative vote. Those voting AYE were: Mayor**  
34           **Pro Tem Abeyta and Councilmembers Sanchez, Quintana and Silva.**

- 35  
36           2. Review and approval of Audit Report for the Town of Taos – 2007/2008  
37           Fiscal Year prepared by Pattillo, Brown & Hill, L.L.P.

38  
39           Cindy James, Pattillo, Brown & Hill, L.L.P., stated the Town currently has  
40           very good internal procedures. She reviewed the findings on page 95 and 96  
41           which were carried over from the prior year.

42  
43           **Mayor Pro Tem Abeyta made a motion to approve Audit Report for the**  
44           **Town of Taos - 2007-2008 Fiscal Year. Councilmember Silva seconded**  
45           **the motion. The motion was approved by an affirmative vote. Those**

1           **voting AYE were: Mayor Pro Tem Abeyta and Councilmembers**  
2           **Sanchez, Quintana and Silva.**

3  
4       **F. Tina Torres, Purchasing Agent**

- 5       1. **EXECUTIVE SESSION: at 3:10 p.m., Councilmember Quintana made a**  
6       **motion to go into Executive Session to discuss threatened litigation**  
7       **regarding procurement of construction services. Pursuant to NMSA 1978**  
8       **10-15-1-H.7.**

9  
10           **Councilmember Silva seconded the motion. The motion was confirmed**  
11           **by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta**  
12           **and Councilmembers Sanchez, Quintana and Silva.**

13  
14           **At 3:25 p.m., Councilmember Silva excused himself from the Executive**  
15           **Session because he is a subcontractor for several of the bidders listed on**  
16           **Bid 08-09-05.**

17  
18           **At 4:26 p.m., Mayor Pro Tem Abeyta made a motion to come out of**  
19           **Executive Session and stated that discussion in the Executive Session was**  
20           **limited to the item as it was called for and no decisions were made.**  
21           **Councilmember Quintana seconded the motion. The motion was**  
22           **confirmed by an affirmative vote. Those voting AYE were: Mayor Pro**  
23           **Tem Abeyta and Councilmembers Sanchez and Quintana.**  
24           **Councilmember Silva abstained from the vote for the reason stated**  
25           **above.**

- 26  
27       2. **Consideration and approval to award BID 08-09-05 Taos Pediatric Clinic for**  
28       **Children & Youth and authorize the Mayor to enter into a contract with**  
29       **Wayne Rutherford General Contractor Inc. in the amount of \$ 898,505, plus**  
30       **GRT as applicable, and exercising deductive alternates #1, #3, and #5. The**  
31       **bid award is contingent upon the approval of the Planning and Zoning**  
32       **Commission for alternate #1 and approval of deductive Alternate #3 by a**  
33       **qualified hydrologist and meeting the Town's drainage ordinance.**

34  
35           **Mayor Cordova stated, for the record, that he reviewed the architect's**  
36           **recommendations which were Option C, alternates 1, 3, 4, 5, and 9. Based on**  
37           **the Town's review, the Town decided it was in the best interest to receive a**  
38           **finished floor, thus he agrees with the recommendation of the architect with**  
39           **the exception of receiving a finished floor.**

40  
41           **Councilmember Quintana made a motion to award BID 08-09-05 Taos**  
42           **Pediatric Clinic for Children & Youth and contingently authorize the**  
43           **Mayor to enter into a contract with Wayne Rutherford General**  
44           **Contractor Inc. in the amount of \$ 898,505, plus GRT as applicable, and**  
45           **exercising deductive alternates #1, #3, and #5. Further, the bid award is**  
46           **contingent upon the approval of Planning & Zoning Commission for**

1           **alternate #1 and approval of deductive alternate #3 by a qualified**  
2           **hydrologist in meeting the Town's drainage ordinance. Councilmember**  
3           **Sanchez seconded the motion.**  
4

5           Mayor Pro Tem Abeyta stated the Pediatric Clinic is very important and he is  
6           happy to see this coming to fruition and that Alternative 4 is very important  
7           because the clinic needs a finished floor.  
8

9           **The motion was approved by an affirmative vote. Those voting AYE**  
10          **were: Mayor Pro Tem Abeyta and Councilmembers Sanchez, and**  
11          **Quintana. Councilmember Silva abstained from the vote because he is a**  
12          **subcontractor for several of the bidders.**  
13

## 14   **9. PUBLIC HEARINGS**

### 15   **A. Erik Oiesen-Vreeke, Taos Fire Department**

16          Consideration and adoption of Ordinance 09-04 - Fire Lane Parking Violation.  
17          Adoption of this ordinance is needed to give the Town Police Department  
18          enforcement power of fire lane and fire hydrant parking violations.  
19

20          **Erik Oiesen-Vreeke, Taos Fire Department, presented Ordinance 09-04 to**  
21          **the Mayor and Council.**  
22

#### 23          *Public Opinion*

24          **Mayor Cordova opened the public hearing. No one came forward.**  
25

26          **After closing the public hearing, Mayor Cordova asked for questions from**  
27          **the Council.**  
28

29          There was a discussion about the fines. Daniel Miera, Town Manager asked  
30          Council to consider adding language in the ordinance that a fine between \$100  
31          and \$500 is discernable by the Municipal Judge because the fines are  
32          discretionary.  
33

34          **Councilmember Quintana made a motion to approve Ordinance 09-04 as**  
35          **with additional language as recommended by Mr. Miera. Councilmember**  
36          **Silva seconded the motion. The motion was approved by an affirmative vote.**  
37          **Those voting AYE were: Mayor Pro Tem Abeyta and Councilmembers**  
38          **Sanchez, Quintana and Silva.**  
39

### 40   **B. Matthew Spriggs, Community & Economic Development Director**

41          Appeal to Case No. P&Z 2007-21 - Eugene A. Sanchez and Thomas B. Hatcher,  
42          respectfully appeal the Planning and Zoning Commission decision to approve the  
43          Final Plat for the Valverde Commons 28-lot Subdivision. The property is located  
44          at 400 Valverde Street within the R-4 Residential zone of the Town of Taos. *(Item*  
45          *will be republished and continued to a Special Meeting scheduled for March 18,*  
46          *2009, at 3:30 p.m.)*

1  
2 Mr. Spriggs stated this item was prematurely advertised to hold a public hearing  
3 today. Staff conducted research for the hearing and discovered the annexation  
4 and rezoning, which was approved over one year ago, was not done properly. On  
5 March 18, 2009 the item will be continued to another specific date.  
6

7 **Councilmember Quintana made a motion to continue the item to March 18,**  
8 **2009 at 3:30 p.m. at the Town Council Chambers. Mayor Pro Tem Abeyta**  
9 **seconded the motion. The motion was approved by an affirmative vote.**  
10 **Those voting AYE were: Mayor Pro Tem Abeyta and Councilmembers**  
11 **Sanchez, Quintana and Silva.**  
12

13 **C. Matthew Foster, Long Range Planner**

- 14 1. Consideration and adoption of Town of Taos Ordinance 09-01 - An ordinance  
15 of the Town of Taos adding the Traditional Neighborhood Development  
16 District zoning classification to the Land Use Development Code.  
17

18 **Matthew Foster, Long Range Planner, presented Ordinance 09-01 to the**  
19 **Mayor and Council.**  
20

21 *Public Opinion*

22 **Mayor Cordova opened the public hearing. The following people came**  
23 **forward:**  
24

25 **David Diccico read a letter of support and thanked the Council for their**  
26 **vision.**  
27

28 **After closing the public hearing, Mayor Cordova asked for questions**  
29 **from the Council.**  
30

31 **Mayor Pro Tem Abeyta asked staff if the public supports the zone**  
32 **change. Mr. Foster stated the public has expressed this is what they**  
33 **want.**  
34

35 **Mayor Pro Tem Abeyta made a motion to approve Ordinance 09-01 as**  
36 **presented. Councilmember Silva seconded the motion. The motion was**  
37 **approved by an affirmative vote. Those voting AYE were: Mayor Pro**  
38 **Tem Abeyta and Councilmembers Sanchez, Quintana and Silva.**  
39

- 40 2. Consideration and adoption of Town of Taos Ordinance 09-02 - An ordinance  
41 of the Town of Taos amending the Town of Taos Official Zoning Map, adding  
42 the Traditional Neighborhood Development District.  
43

44 **Matthew Foster, Long Range Planner, presented Ordinance 09-02 to the**  
45 **Mayor and Council.**  
46

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

**Public Opinion**

**Mayor Cordova opened the public hearing. No one came forward.**

**After closing the public hearing, Mayor Cordova asked for questions from the Council.**

**Councilmember Sanchez made a motion to approve Ordinance 09-02 as presented. Councilmember Silva seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta and Councilmembers Sanchez, Quintana and Silva.**

**3. Matthew Foster, Long-Range Planner**

Consideration and approval of Resolution 09-13 adopting the Rules of Procedure of the Consolidated Review Committee (CRC) and Appointing Members to the CRC.

**Councilmember Quintana made a motion to approve Resolution 09-13. Councilmember Sanchez seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta and Councilmembers Sanchez, Quintana and Silva.**

**D. Allen Ferguson, Town Attorney**

The purpose of the hearing is to consider the following matter: In the Matter of the Dedication Agreement between Town of Taos and David Sperry dated August 2, 2006.

**Mr. Ferguson requested this item be continued to the April 14, 2009, Regular Town Council Meeting. He stated Mr. Sperry’s legal Counsel has met with Mayor and Jack Clough, Assistant Town Attorney, and has stated there may be a possible agreement on that date.**

**Mayor Pro Tem Abeyta made a motion to continue the item to the April 14, 2009 Regular Town Council Meeting at 1:30 p.m. Councilmember Silva seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta and Councilmembers Sanchez, Quintana and Silva.**

**10. MATTERS FROM TOWN ATTORNEY**

Consideration and approval of Resolution 09-16 authorizing the Mayor and Town Attorney to certify to the Department of Finance and Administration the Town’s compliance with laws, including the anti-donation clause, to obtain general fund reimbursement for projects including the Pediatric Clinic.

1       **Councilmember Sanchez made a motion to approve Resolution 09-16 as**  
2       **presented. Mayor Pro Tem Abeyta seconded the motion. The motion was**  
3       **approved by an affirmative vote. Those voting AYE were: Mayor Pro Tem**  
4       **Abeyta and Councilmembers Sanchez, Quintana and Silva.**

5  
6  
7       **11. MATTERS FROM THE TOWN MANAGER**

8       **A. Report from the Town Manager.**

- 9           • Mr. Miera gave an overview of the loss of revenue in the amount of \$120,000  
10          due to the Parking Meter Program. Mr. Miera also stated that, since the  
11          implementation of the program, time spent on parking enforcement has  
12          increased.

13  
14          Councilmember Sanchez asked Council to allow him to work on a solution.  
15          He feels other technologies would assist with the efficiency.

16  
17          There was a lengthy discussion about the merits of the parking meter program  
18          and discontinuing the program due to budgetary constraints. Mayor Pro Tem  
19          Abeyta asked Councilmember Sanchez to work on his solution as soon as  
20          possible.

21  
22       **12. MATTERS FROM THE MAYOR AND COUNCIL**

23       There are two vacancies on the Planning and Zoning Commission. Michael Silva left  
24       to serve on the Town Council and Mark Gonzales resigned. The Commissioners are  
25       appointed under the provisions of the Taos Land Use Development Code Section 3-2  
26       for a two year term. The Mayor shall make the appointment with the consent of the  
27       Town Council (Section 3-2 A., B.). The recommendation is to appoint Doug  
28       Patterson and Justin Lea, who have submitted letters of interest to serve on the  
29       Planning and Zoning Commission to fill these vacancies.

30  
31       **Councilmember Quintana made a motion to approve the appointments as**  
32       **presented. Councilmember Silva seconded the motion. The motion was**  
33       **approved by an affirmative vote. Those voting AYE were: Mayor Pro Tem**  
34       **Abeyta and Councilmembers Sanchez, Quintana and Silva.**

35  
36       Mayor Cordova formally welcomed the new members.

37  
38       On another issue, Mayor Cordova stated the Town received an email from Taos  
39       County stating County officials have once again asked to switch the Town's Visitors  
40       Center with the County Courthouse. He feels at this time this is a dead issue because  
41       the Town's position is not to switch ownership of the buildings.

42  
43  
44       **13. ADJOURNMENT: A motion was made by Councilmember Quintana and**  
45       **seconded by Mayor Pro Tem Abeyta to adjourn the meeting. The motion**  
46       **carried unanimously and the meeting adjourned at 5:44 p.m.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

**APPROVED:**

---

**Darren M. Cordova, Mayor**

**ATTEST:**

---

**Renee Lucero, Town Clerk**

*PLEASE NOTE: The Town of Taos records most Town Council Meetings via audio, however, only Regular Town Council Meetings and some Special Town Council Meetings, with controversial issues, are video recorded. Copies are available upon request at the Town Clerk's Office located at 400 Camino de la Placita (575-751-2005) at a fee of \$5.00 for audio recordings and \$25.00 for video recordings.*