

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

**MINUTES
REGULAR COUNCIL MEETING**

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

**April 14, 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 Sanchez led the audience in the pledge of allegiance.

4. APPROVAL OF AGENDA:

- Delete Item 8.C. Judith Tamm, Taos Housing Corporation, presentation of quarterly report. *Item will be heard on May 12, 2009, at the Regular Council Meeting.*
- Switch Items 11.C.1.a. and 11.C.1.b.
- Add to Item 13. Executive Session to discuss limited personnel matters regarding the benefits of the Mayor and Manager as it relates to Town of Taos Ordinance 03-17 (use of Town-owned vehicles vs. personal vehicles) pursuant to NMSA 1978 10-15-1-H.2.

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

4
5 **5. APPROVAL OF MINUTES:**

6
7 **A. Regular Meeting**
8 **March 10, 2009**

9
10 **Mayor Pro Tem Abeyta made a motion to approve the Minutes of March 10,**
11 **2009, Regular Meeting as presented. Councilmember Sanchez seconded the**
12 **motion. The motion was approved by an affirmative vote. Those voting**
13 **AYE were: Mayor Pro Tem Abeyta and Councilmembers Sanchez,**
14 **Quintana and Silva.**

15
16 **B. Special Meetings**
17 **February 19, 2009**

18
19 **Mayor Pro Tem Abeyta made a motion to approve the Minutes of the**
20 **February 19, 2009, Special Meeting as presented. Councilmember Quintana**
21 **seconded the motion. The motion was approved by an affirmative vote.**
22 **Those voting AYE were: Mayor Pro Tem Abeyta and Councilmembers**
23 **Sanchez, Quintana and Silva.**

24
25 **February 24, 2009**

26
27 **Page 6, line 34, change "\$60 million" to "\$6 million."**
28 **Page 7, line 13, change "gravel road" to "asphalt paved road."**
29 **Page 7, line 36, change "Cair" to "Kejr."**

30
31 **Mayor Pro Tem Abeyta made a motion to approve the Minutes of the**
32 **February 24, 2009, Special Meeting as amended. Councilmember Sanchez**
33 **seconded the motion. The motion was approved by an affirmative vote.**
34 **Those voting AYE were: Mayor Pro Tem Abeyta and Councilmembers**
35 **Sanchez, Quintana and Silva.**

36
37 **March 5, 2009**

38
39 **Mayor Pro Tem Abeyta made a motion to approve the Minutes of the March**
40 **5, 2009, Special Meeting as presented. Councilmember Quintana seconded**
41 **the motion. The motion was approved by an affirmative vote. Those voting**
42 **AYE were: Mayor Pro Tem Abeyta and Councilmembers Sanchez,**
43 **Quintana and Silva.**

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

March 18, 2009

Page 2, line 29, change “nott” to “not.”

Councilmember Quintana made a motion to approve the Minutes of the March 18, 2009, Special Meeting as amended. 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.

6. Staff requests action on the following items. These items are for the purpose of taking action on the matters considered at the Public Hearing held on March 17, 2009.

A. Discussion and approval of Minutes of March 17, 2009 (regarding the Neem Karoli Baba Ashram Case)

Mayor Pro Tem Abeyta made a motion to approve the Minutes of the March 17, 2009, Special Meeting as presented. 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.

B. Decision & Order including Findings of Facts & Conclusions of Law (regarding the Neem Karoli Baba Ashram Case). Vote on this item will be preceded by consideration of points made in the parties’ briefs (if any are filed).

Page 4, paragraph 14, change 144 to 163.

Page 8, line 7, change 144 to 163.

Councilmember Quintana made a motion to approve the Decision & Order including Findings of Facts & Conclusions of Law (regarding the Neem Karoli Baba Ashram Case) as amended. 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.

C. (This is not a new public hearing) Action on Ordinance 09-05A concerning Council rejection of annexation of land applied for by Neem Karoli Baba Ashram.

Councilmember Sanchez made a motion to approve Ordinance 09-05A concerning Council rejection of annexation of land applied for by Neem Karoli Baba Ashram as presented. Councilmember Quintana 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.

1 **7. AWARDS AND RECOGNITIONS:**

2 **A. NEW HIRES, by Loretta Trujillo, Human Resources Director**

3 Christopher Calhoun

4 Communications Equipment Operator Trainee

5 Full Time Employee

6 Communications Department

7 Effective: 03/08/2009

8 Heather LeDoux

9 Communications Equipment Operator Trainee

10 Full Time Employee

11 Communications Department

12 Effective: 03/09/2009

13
14
15 **B.** Mayor Cordova presented a Proclamation declaring the month of April, 2009, as
16 National Fair Housing Month.

17
18 **C. Star Department Presentation**

19 Mayor Cordova recognized Dinah Gonzales, Chair of the Employee Awards &
20 Recognition Team, to assist in the presentation of an award to the Star
21 Department for the month April, 2009 - Buildings Safety Division of Buildings
22 Department.

23
24 **D. Recognition of Town of Taos Employees**

25 Representatives of the Employees Awards & Recognition Team recognized and
26 presented certificates of appreciation to 3 employees for going above and beyond
27 the call of duty and performing various random acts of kindness - Rueben
28 Martinez, Mat Hollingshead, and Derek Sharp of the Information Technology
29 Division.

30
31 **8. CITIZENS FORUM**

32 **A. Jamie Rodenbaugh, Rocky Mountain Youth Corps, presentation on Earth
33 Day events.**

34 Ms. Rodenbaugh, of Rocky Mountain Youth Corps, informed Council of an Earth
35 Day event on Friday, April 24, 2009, from 2-4 pm at the Taos Charter School.
36 She stated the event will be open to the public and that food and live music will
37 be available.

38
39 **B. Jose "Tino" Romero, Executive Director of Ancianos Inc., request for
40 funding in the amount of \$30,422 for Fiscal Year 2009-2010.**

41 Mr. Romero stated the funding requested will be used for feeding the senior
42 citizens in the community. Mayor Cordova stated the Town of Taos has supported
43 increases in funding over the past several years and due to the decline in the
44 economy the town may not be able to approve more than the budgeted amount of
45 \$20,000. Mr. Romero invited Mayor and Council to the grand opening of the
46 Amalia Senior Center on April 23, 2009, 2-5 pm.

1
2 **C. Sandra Richardson, presentation on plastic water bottles and plastic bags.**

3 Ms. Richardson requested that the Town discourage the use of water bottles and
4 plastic bags and also requested that the Town encourage the use of multi-use,
5 reusable bags, by creating and distributing flyers for merchants. She suggested 50
6 cents be charged per bag at stores for either a one-time use disposable plastic bag
7 or a reusable bag.
8

9 **9. CONSENT AGENDA**

10 **The Mayor presented the following consent agenda to the Council. He read each**
11 **item on the agenda and advised the Council they could request any item be**
12 **removed from the consent agenda if they desired to discuss such item:**

13 **A. Tina Torres, Purchasing Agent**

- 14 1. Consideration and approval to purchase Neptune water meters and remote
15 readouts from HD Supply WaterWorks. Water meters are to complete the
16 ongoing water replacement program. Neptune water meters are the only type
17 that is compatible to the reading equipment and software used currently by
18 Utility Billing. HD Supply WaterWorks is the sole authorized provider of
19 Neptune Meters and equipment in the State of New Mexico. The total
20 purchase price is in the amount of \$76,714.01 which includes GRT and
21 delivery. *(With Amos Torres, Public Utilities Director)*
- 22 2. Approval of Purchase of new telephone system from Advanced Network
23 Management, Inc. Total amount is \$58,330.72 inclusive of Gross Receipts
24 Tax. The company is on state contract. State of New Mexico Contract No.
25 ESS 90-000-00-01008BB - LAN/WAN Data Systems. *(With Reuben*
26 *Martinez, IT Manager)*
- 27 3. Approval of ContractTT-09-273 with TaosNet, LLC for equipment and
28 internet service for 18 months. Total cost \$18,035.68 plus GRT in the amount
29 of \$1,431.58. Contract includes DSL and wireless service. *(With Reuben*
30 *Martinez, IT Manager)*
- 31 4. Consideration and approval to award Bid No. 08-09-18 to Ed Corley Dodge
32 (from Grants, New Mexico) in the amount of \$23,599 for the purchase of a
33 2009 Dodge Grand Caravan. Town of Taos is the fiscal agent for Casa de
34 Corazon, a non-profit community based organization serving the youth of
35 Taos County. The Town of Taos shall own the vehicle and Casa de Corazon
36 shall lease the vehicle in accordance with the terms and conditions of Lease
37 Agreement No. TT-08-48 between the Town of Taos and Casa de Corazon.
38 Legislative appropriation No. 07-L-G-3508 will fund purchase of vehicle.
39 *(With Francella Garcia, Grants Administrator)*

40 **B. Francella Garcia, Grants Administrator**

- 41 1. Authorization to submit an application in the amount of \$356,901 to the
42 Federal Aviation Administration (FAA) which will provide funding to
43 continue work to the original Environmental Impact Statement (EIS) for the
44 Taos Regional Airport. Based on the most recent schedule developed by FAA
45 an additional \$375,685 inclusive of GRT is needed to complete Phase 3 and

1 Phase 3A of the EIS project. Funding breakdown is as follows: FAA 95%
2 (\$356,901); State 2.5% (\$9,392); Town Match 2.5% (\$9,392).

- 3 2.. Authorization to submit an application in the amount of \$9,392 to the New
4 Mexico Department of Transportation (DOT), Aviation Division which will
5 provide funding to continue work to the original Environmental Impact
6 Statement (EIS) for the Taos Regional Airport. Based on the most recent
7 schedule developed by FAA an additional \$375,685 inclusive of GRT is
8 needed to complete Phase 3 and Phase 3A of the EIS project. Funding
9 breakdown is as follows: FAA 95% (\$356,901); State 2.5% (\$9,392); Town
10 Match 2.5% (\$9,392).
- 11 3. Consideration and approval of contract TT 09-283 with URS Corporation in
12 the amount of \$347,655 exclusive of GRT to mature June 30, 2010. URS
13 Corporation Southern scope of services primarily involves assisting FAA with
14 the preparation of an Environmental Impact Statement (EIS) for the proposed
15 expansion of the Taos Regional Airport. The most recent schedule developed
16 by FAA is to complete the final phase of the EIS.
- 17 4. Approval of Resolution 09-19 to re-adopt the Fair Housing Plan conforming
18 with the Fair Housing Act. In accordance with CDBG Regulations the Town
19 must update their Fair Housing Resolution annually. The approval of
20 Resolution 09-19 implements any necessary updates in order for the Town to
21 be in compliance with the federal, state and local laws, regulations and
22 guideline.
- 23 5. Authorization to accept Amendment No. 1 to grant agreement No. SAP-08-
24 1266-GF from the New Mexico Environment Department Construction
25 Programs Bureau for Town of Taos refuse container cleaning, deodorizing
26 and sanitizing. Due to state shortfalls and economic downfall appropriation
27 was amended to reduce the original appropriation of \$19,000 to \$17,600. All
28 other terms and conditions of the grant agreement shall remain unchanged.

29
30 **Mayor Pro Tem Abeyta recommended removing Item 9.A.4. from the Consent**
31 **Agenda for discussion.**

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

37
38 **Item 9.A.4.** Consideration and approval to award Bid No. 08-09-18 to Ed Corley Dodge
39 (from Grants, New Mexico) in the amount of \$23,599 for the purchase of a 2009 Dodge
40 Grand Caravan. Town of Taos is the fiscal agent for Casa de Corazon, a non-profit
41 community based organization serving the youth of Taos County. The Town of Taos
42 shall own the vehicle and Casa de Corazon shall lease the vehicle in accordance with the
43 terms and conditions of Lease Agreement No. TT-08-48 between the Town of Taos and
44 Casa de Corazon. Legislative appropriation No. 07-L-G-3508 will fund purchase of
45 vehicle. *(With Francella Garcia, Grants Administrator)*

46

1 Mayor Pro Tem Abeyta and Councilmembers Sanchez and Silva were concerned that a
2 local vendor was not selected. Marietta Fambro, Finance Director, stated that none of the
3 3 local businesses responded with a bid. She stated the Finance Department notified each
4 of the local vendors individually about the bidding opportunity and a couple of the
5 vendors did respond with questions, but neither of them submitted a bid. She also stated
6 only two bids were submitted, one from Grants, New Mexico and the other from
7 Alamogordo, New Mexico.

8
9 Daniel Miera, Town Manager, stated that seeking bids from local dealers placed an
10 additional expense on the Town through advertising; however, he feels the additional
11 expense was for a good cause in that it allowed the locals to decide whether they could
12 compete.

13
14 Councilmember Silva stated it did not make sense that the local vendors did not even
15 submit bids. He is curious about the specifications of the vehicle because he does not
16 understand why they did not submit a bid. Mayor Cordova asked Mr. Miera to do an in-
17 house survey as to why the local bidders did not bid. Mr. Miera stated he would follow
18 up with a survey and inform Council about the results.

19
20 **Mayor Pro Tem Abeyta made a motion to award Bid No. 08-09-18 to Ed Corley**
21 **Dodge (from Grants, New Mexico) in the amount of \$23,599 for the purchase of a**
22 **2009 Dodge Grand Caravan. Councilmember Quintana seconded the motion. The**
23 **motion was approved by an affirmative vote. Those voting AYE were: Mayor Pro**
24 **Tem Abeyta and Councilmembers Sanchez, Quintana and Silva.**

25 26 27 **10. MATTERS FROM STAFF**

28 **A. Francisco "French" Espinoza, Public Works Director**

29 Melissa Larson, Taos Recycling Committee, ten minute presentation regarding
30 general recycling issues.

31
32 Ms. Larson stated this was a follow up on communication of December, 2008 in
33 which she wrote a letter to Mayor and Council and sent a draft resolution
34 regarding community recycling.

35
36 Councilmember Sanchez stated that he wholeheartedly believes in the Recycling
37 Committee's efforts. He stated the Town needs to be educated on the plastic bags
38 ban.

39
40 Mr. Miera stated he understood Taos County has secured a bailer for Plastics 1 &
41 2. He further stated the Town had leased Taos County five acres of land in order
42 to facilitate recycling for the community.

43
44 Mr. Espinoza clarified the classification of Plastics 1 & 2. He stated Plastics 1 are
45 soft bottles, such as water and soda bottles and Plastics 2 are rigid plastic
46 containers, such as laundry detergent and motor oil bottles.

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

Ms. Larson stated having an endorsement from the Town will help greatly in moving forward with the Recycling Committee's efforts.

Mayor Pro Tem Abeyta stated he supports a resolution; however, he thinks the language the Recycling Committee proposes is too aggressive. He stated the resolution should recognize the committee, implement a plastic bag ban by 2010, and encourage recycling of Plastics 1 & 2.

Mayor Cordova stated he did not want a resolution outlining too many initiatives. He recommends the Council adopt a resolution recognizing a Recycling Committee at the May 12, 2009, Regular Council Meeting.

Mr. Miera asked if the Town would be recognizing a non-profit. Mayor Cordova stated the Council would want a committee advising them. He recommends appointing a committee specifically to research and advise Mayor and Council on recycling issues. He asked Ms. Larson to provide a list of names of interested parties. Mr. Miera stated that it would be logical for Melissa Larson to be the first appointment.

Ms. Larson stated that she wished to see action, not just words.

Ms. Richardson asked for clarification regarding who will draft the resolution.

Mayor Cordova stated that the resolution will be prepared by Town staff and will be ready for the May 12, 2009, Regular Council Meeting. Mayor Cordova stated he will set up a meeting with Mr. Richardson to review the plastic bottle and plastic bag ban initiative.

B. George Jaramillo, Library Director

Judy Hofer, UNM Literacy Center, request for continuation of funding.

Ms. Hofer presented a short video presentation and requested that the Town continue to fund their program. She also announced their program was the recipient of the Best Literacy Program in New Mexico. George Jaramillo, Library Director, stated he serves on the board as the Town representative and that he supports their efforts.

Mayor Cordova asked Mr. Miera to look into the possibility of continuing funding of the program. He stated that he not only wants to support Town of Taos infrastructure, but the community as well because education is at the core of economic development.

C. Daron Syling, Chief of Police

Approval of police assistance for the annual Taos High School Prom scheduled for May 2, 2009, at the Taos Convention Center. Taos High School Student Senate is asking the Taos Police Department to close Civic Plaza Drive from the

1 hours of 8:00 p.m. to 12:00 a.m. on May 2. This will help to deter any risk for
2 pedestrians crossing to attend the Prom. They also ask for police presence to
3 ensure the safety of the students and staff at their event.
4

5 **Councilmember Quintana made a motion to approve the item as presented.**
6 **Mayor Pro Tem Abeyta seconded the motion. The motion was approved by**
7 **an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta and**
8 **Councilmembers Sanchez, Quintana and Silva.**
9

10 **D. Amos Torres, Public Utilities Director**

- 11 1. Consideration and approval to allow Marcos A. Martinez to connect to Town
12 sewer main line. The property is located at Rim View Road and the sewer line
13 is within the property. The owner will be responsible for all costs associated
14 with the connection and all applicable fees. The connection is one 4" gravity
15 flow line.
16
- 17 2. Consideration and approval to allow Martin Maes to connect to Town sewer
18 main line. The property is located at 155 State Road 240 and the sewer line is
19 within the property. The owner will be responsible for all costs associated
20 with the connection and all applicable fees. The connection is one 4" gravity
21 flow line.
22
- 23 3. Consideration and approval to allow Rosanna Bowman to connect to Town
24 sewer main line. The property is located at 401 Ranchitos Road and the sewer
25 line is within 300' of the property line. The owner will be responsible for all
26 costs associated with the connection and all applicable fees. The connection is
27 one 4" gravity flow line.
28

29 *(Items 10.D.1, 2, and 3, were discussed together)*
30

31 Amos Torres, Public Utilities Director, stated the Town does have the
32 capacity to allow for these additional connections.
33

34 Mayor Pro Tem Abeyta stated there is plenty of capacity on our sewer plant to
35 allow these hookups and he would rather hook up these three lines than have
36 three septic tanks possibly contaminating the aquifer. He asked why the cost
37 to connect is 50% more than customers within the Town limits. He stated that
38 the charge seems excessive and feels it is inappropriate to charge more to
39 citizens who live outside the Town limits. Councilmember Quintana stated
40 perhaps it is because they do not pay Town of Taos taxes. Councilmember
41 Silva stated that even though they pay more for connection fees, they still save
42 a great deal of money in the end.
43

44 Mayor Pro Tem Abeyta asked Mr. Miera to evaluate the sewer connection
45 fees. Daniel Miera stated the cost is based on jurisdiction, and the Town needs

1 to be cognizant of growth. He also stated the Town sewer rate is one of the
2 lowest in the region and that he will evaluate the fees.

3
4 Councilmember Sanchez agrees with Mayor Pro Tem Abeyta that the rates do
5 need to be evaluated.

6
7 Councilmember Quintana asked if the three residences will be connected to
8 the same line. Amos Torres replied that two would be connected to one line
9 and the other would be connected to a different line. He stated the cost also
10 depends on the house size, number of bathrooms, etc.

11
12 **Councilmember Sanchez made a motion to approve the three sewer**
13 **connections as presented. Mayor Pro Tem Abeyta seconded the motion.**
14 **The motion was approved by an affirmative vote. Those voting AYE**
15 **were: Mayor Pro Tem Abeyta and Councilmembers Sanchez, Quintana**
16 **and Silva.**

17
18 **E. Marietta Fambro, Finance Director**

19 Resolution No. 09-20 Authorizing and approving submission of a completed
20 application for financial assistance and project approval to the New Mexico
21 Finance Authority (NMFA). The amount of financing is \$2,000,000 for a 15 year
22 period with an average debt service payment of \$211,088 for each year. The loan
23 will be used for the Alexander Gusdorf Eco Park on Salazar Road.

24
25 Ms. Fambro stated the loan is for 16 years rather than 15 years as stated in the
26 agenda item. She stated the loan will be used for Phase 1 of the Eco Park to
27 include construction of one soccer field with lighting, grandstands, restrooms,
28 playground, scoreboard and a parking lot.

29
30 Mayor Pro Tem Abeyta asked Ms. Fambro if, as Finance Director, she was
31 comfortable with this. She replied she feels the Town is financially able to move
32 forward with the loan.

33
34 Mayor Pro Tem Abeyta asked if Taos Municipal Schools are still in agreement to
35 lease the property. Councilmember Sanchez stated he is certain they are still
36 committed to the lease. Ms. Fambro stated NMFA is requiring this approval be
37 contingent upon the lease with Taos Municipal Schools. Allen Ferguson, Town
38 Attorney, stated he and the school's attorney are meeting to discuss minor
39 changes to the lease agreement.

40
41 **Councilmember Quintana made a motion to approve Resolution No. 09-20.**
42 **Mayor Pro Tem Abeyta seconded the motion.**

43
44 Mr. Miera stated in the event any changes are needed to the application he would
45 like to have the authority to make the changes.

46

1 **Councilmember Quintana amended her motion to include that the Town**
2 **Manager has the authority to make changes to the application if necessary.**
3 **Mayor Pro Tem Abeyta seconded the motion. The motion was approved by**
4 **an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta and**
5 **Councilmembers Sanchez, Quintana and Silva.**
6

7 **9. PUBLIC HEARINGS**

8 **A. Renee Lucero, Town Clerk**

- 9 1. Consideration and approval of Wine Grower (Off-site) Liquor License
10 Application 590259 for Vivac Winery, LP dba Vivac Winery located at 623
11 US 64 (NM 68) (Paseo del Pueblo Norte), which is the location for Cid's
12 Food Market.
13

14 **Renee Lucero, Town Clerk, presented the application to the Mayor and**
15 **Council and stated all publication requirements have been met.**
16

17 *Public Opinion*

18 **Mayor Cordova opened the public hearing. No one came forward.**
19

20 **After closing the public hearing, Mayor Cordova asked for questions**
21 **from the Council.**
22

23 **Councilmember Sanchez made a motion to approve Wine Grower (Off-**
24 **site) Liquor License Application 590259 for Vivac Winery, LP as**
25 **presented. Mayor Pro Tem Abeyta seconded the motion. The motion was**
26 **approved by an affirmative vote. Those voting AYE were: Mayor Pro**
27 **Tem Abeyta and Councilmembers Sanchez, Quintana and Silva.**
28

- 29 2. Consideration and approval of New Restaurant Beer/Wine License
30 Application 591204 for Powell Orchard Enterprises, Inc. dba Taos Diner
31 located at 908 Paseo del Pueblo Norte.
32

33 **Ms. Lucero presented the application to the Mayor and Council and**
34 **stated all publication requirements have been met.**
35

36 *Public Opinion*

37 **Mayor Cordova opened the public hearing.**
38

39 Bertina Fernandez, who lives on Peacock Lane, was sworn in and stated she is
40 against the liquor license as she lives behind the Diner and they have
41 problems with customers parking in the road, turning in their driveway, and
42 have had Taos Diner's customers wreck their car and garage door.
43

44 Julian Gutierrez, who lives on Peacock Lane, was sworn in and stated he is
45 against the liquor license. He stated that there is a problem with congested

1 traffic. He provided photos of a recent snowy day showing parking problems
2 and stated that delivery trucks also add to the problem.

3
4 Cynthia Fugman, who lives on Peacock Lane, was sworn in and stated she is
5 against the liquor license. She stated she often has to drive through the
6 parking lot to access their road as Peacock Lane is often totally blocked. She
7 feels Taos Diner has made no effort to see to the safety of their clients and
8 neighbors. She has lived in Taos for twenty years and feels this is the most
9 dangerous intersection in Taos. Ms. Fugman stated there are currently two
10 businesses in the building and the parking area is overcrowded. She is
11 concerned that if beer and wine are added, it will be a lot more dangerous.

12
13 Fred Robbins, owner of the building at 908-910 Paseo del Pueblo Norte, was
14 sworn in and stated the property is code compliant. He stated there is
15 overflow parking at the NW corner of Hail Creek Road. He stated all of the
16 businesses that have liquor licenses in the El Prado area have residences
17 behind them. He further stated traffic is safer and slower since improvements
18 were made by the State Highway Department.

19
20 J.T. Powell, owner of Taos Diner, was sworn in and stated parking issues have
21 been addressed by adding the additional lot for overflow of parking. He offers
22 his customers a free cup of coffee if they park at the overflow parking area.
23 He stated there are eight residences behind Taos Diner and that only three
24 representatives came forward today. He feels that the other neighbors do not
25 take issue with the license. He assured Mayor and Council that all his servers
26 would be required to take classes regarding serving beer and wine.

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

30
31 Councilmember Sanchez asked if there are a lot of traffic accidents in that
32 area. Chief Syling stated since the addition of road improvements and the
33 traffic light, they have not seen a problem there; however, there were quite a
34 few before. In the past, accidents were usually caused by vehicles turning left
35 on southbound traffic being rear ended or t-boned due to the previous road
36 design. He does not recall accidents on Peacock Lane.

37
38 Mayor Pro Tem Abeyta asked Fred Robbins for the survey details regarding
39 road easements. Mr. Robbins stated Peacock Lane was a utility easement and
40 became a road. He stated he has 10 feet of vacant land next to his building.
41 He agreed Peacock Lane is tight, but selling beer and wine has nothing to do
42 with it. He reiterated the restaurant owners lease property from a neighbor for
43 overflow parking. Mayor Pro Tem Abeyta asked Mr. Robbins why he had not
44 built a fence to prevent parking on property line to Peacock Lane. Mr.
45 Robbins replied there was a fence at one point and it did not work.

46

1 Councilmember Sanchez recommended Mr. Robbins put a fence on a 16 foot
2 line, encroaching 4 feet on his property. Mr. Robbins stated that he does not
3 want fences on his property. He recommended the Town place 'No Parking'
4 signs at the head of Peacock Lane and at both sides of the curb cut.

5
6 Mayor Pro Tem Abeyta told Mr. Powell his business traffic overflows onto
7 Peacock Lane, and he needs to address this important issue. Mayor Pro Tem
8 Abeyta stated he is not convinced that a fence will not work.

9
10 Councilmember Sanchez asked how people accessed their homes on Peacock
11 lane in the past. Mr. Robbins stated that they would turn on Archuleta Road.

12
13 Councilmember Sanchez stated if a fence was put up it would make the road
14 10 feet wide. Mr. Robbins stated he does not want to place a fence on his
15 property; however, he will if he has to, but only on his property line.

16
17 Councilmember Silva told Mr. Powell he was blessed to have a good business,
18 but the addition of a beer and wine license will add to traffic, impacting health
19 and safety of residents. He asked if Mr. Robbins has considered a mountable
20 curb instead of a fence. Mr. Robbins stated that is a good idea as a mountable
21 curb would help define the road and the parking lot.

22
23 Mayor Cordova stated the concern being brought up here is the parking issue,
24 and that it behooves Mr. Powell to get together with the neighbors and bring a
25 plan to the Council at a later time.

26
27 Councilmember Quintana asked if there was a sign at the overflow parking
28 lot, and if employees park next to the building on Peacock Lane. Mr. Powell
29 replied that employees are required to park at the overflow parking lot.

30
31 Mayor Pro Tem Abeyta asked Mr. Robbins and Mr. Powell if they are
32 agreeable to meeting with neighbors to resolve this problem. Mr. Robbins and
33 Mr. Powell agreed to meet with the neighbors. Mayor Pro Tem Abeyta then
34 asked the neighbors if they were agreeable to meeting with Mr. Robbins and
35 Mr. Powell. The neighbors also agreed to meet. Mayor Pro Tem Abeyta
36 recommended continuing this item to the April 28th or May 12th Council
37 meeting.

38
39 Mr. Powell stated the later date will give him an opportunity to post signs on
40 their lot and take more steps to resolve the parking issue. Councilmember
41 Silva asked that they bring their survey plats to the next meeting.

42
43 Mr. Miera asked what the current hours of operation are. Mr. Powell stated the
44 hours are 7:30 a.m. to 2:00 p.m. Mr. Miera then asked if they wish to extend
45 hours of operation into evening for dinner if the beer and wine license is
46 approved, and if the overflow parking is contiguous to the rest of the parking

1 lot. Mr. Powell stated that they do wish to extend into evening hours and that
2 overflow parking is located two buildings away from their diner.

3
4 Mr. Ferguson suggested the photos provided at this hearing as well as the
5 letters in the packet be admitted into evidence.
6

7 **Councilmember Silva made a motion to continue the public hearing to**
8 **the Regular Meeting on May 12, 2009 at 1:30 p.m. at the Town Council**
9 **Chambers. Mayor Pro Tem Abeyta seconded the motion. The motion**
10 **was approved by an affirmative vote. Those voting AYE were: Mayor**
11 **Pro Tem Abeyta and Councilmembers Sanchez, Quintana and Silva.**
12

13 **B. Francella Garcia, Grants Administrator (*With Lt. David Maggio*)**

14 Approval and authorization to submit a grant application in the amount of
15 \$31,792 to purchase and equip a police unit for the Town of Taos Police
16 Department from the U.S. Department of Justice, Recovery Act of the Bureau of
17 Justice Assistance (BJA). Funding was authorized by the American Recovery and
18 Reinvestment Act of 2009, the "Recovery Act" signed by President Obama on
19 February 17, 2009 to jumpstart our economy and to create or save millions of
20 jobs. Town of Taos is eligible to receive \$31,792 in grant funds. Town Match
21 funds are not required.
22

23 **Francella Garcia, Grants Administrator, presented the grant application to**
24 **the Mayor and Council.**

25
26 ***Public Opinion***

27 **Mayor Cordova opened the public hearing. No one came forward.**
28

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

31
32 Councilmember Quintana thanked Lieutenant David Maggio for locating this
33 \$31,792 grant that did not require matching funds.
34

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

40 **C. Allen Ferguson, Town Attorney**

41 1. David Sperry Matter:
42

43 b. **EXECUTIVE SESSION: Councilmember Quintana made a motion to**
44 **go into Executive Session to discuss possible litigation settlement on**
45 **the David Sperry v. Town of Taos case Pursuant to NMSA 1978 10-**
46 **15-1-H.7.**

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

At 5:39 p.m., Councilmember Silva made a motion to come out of Executive Session and stated discussion in the Executive Session was limited to item 9.C.1.a (possible litigation settlement on David Sperry vs. TOT) as it was called for. Councilmember Sanchez seconded the motion. The motion was confirmed by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta and Councilmembers Sanchez, Quintana and Silva.

- a. Public Hearing to consider the Dedication Agreement between Town of Taos and David Sperry dated August 2, 2006.

Mayor Cordova recommended continuing the Public Hearing to the Regular Council Meeting on June 9, 2009, at 1:30 p.m. at the Town Council Chambers. In addition, he asked the Council to allow the Town Manager and Mayor, via the Assistant Town Attorney, to enter into negotiations with Mr. Sperry.

Mayor Pro Tem Abeyta made a motion to continue the Public Hearing to the Regular Council Meeting on June 9, 2009 at 1:30 p.m. at the Town Council Chambers and allow the Town Manager and Mayor, Town Attorney, via the Assistant Town Attorney, to enter into negotiations with Mr. Sperry. 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.

- c. Possible action to be taken regarding the David Sperry case.

No action taken.

- 2. Approval of Town of Taos Ordinance 09-08: An Ordinance to provide for joint Police and Fire Department enforcement of prohibition against parking in fire lanes; to set uniform fines for violations of prohibitions against parking in fire lanes, blocking fire hydrants, and parking in designated disabled parking spaces; and to provide for the towing or moving of vehicles blocking fire lanes or fire hydrants in a case of emergency, repealing and replacing Ordinance 09-04.

Eric Oisen Vreeke, Taos Fire Department, and Daron Syling, Chief of Police, presented Ordinance 09-08 to the Mayor and Council.

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. Councilmembers had no questions.

Chief Syling explained the fines are one hundred dollars (\$100.00) for the first offense and two hundred fifty dollars (\$250.00) for a second or subsequent offense. He stated if a vehicle is parked in front of a fire lane during an actual emergency, the fine can be up to \$500. He also stated violators of disability parking will be fined up to \$100 for the first offense, and \$250 for the second or subsequent offenses.

Mr. Ferguson stated the Ordinance needs to be amended as follows:

- Paragraph D on page 3 (grammatical error), third to the last word of paragraph is ‘of’ and should be ‘or’;
- Paragraph B on page 3 was meant to read ‘parking a vehicle within 15 ft of a fire hydrant or otherwise placing objects within 15 ft of a fire hydrant shall subject the owner or operator of the motor vehicle or other person responsible for the obstruction to a fine of one hundred dollars (\$100.00) for the first offense and a fine of two hundred fifty dollars (\$250.00) for a second or subsequent offense.’
- Paragraph A on page 3 (grammatical error), third to the last word of paragraph is ‘of’ and should be ‘or’.

Councilmember Quintana made a motion to approve Ordinance 09-08 as amended. Councilmember Silva seconded the motion.

Councilmember Sanchez stated implementing these fines should not be a problem if the Town properly marks locations, and asked if the Town needs to properly advertise. Mr. Ferguson stated staff has published a Notice of Proposed Ordinance Adoption and will publish a Notice of Adoption of Ordinance in the newspaper. Councilmember Sanchez recommended there be a large advertisement listing fine amounts. Mayor Cordova recommended there be a media blitz. Mr. Ferguson recommended that signage state, “No Parking, Fire Lane, \$100 minimum fine”.

The motion was approved by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta and Councilmembers, Sanchez, Silva and Quintana.

12. MATTERS FROM THE TOWN MANAGER

- A. Discussion of potential action regarding Town of Taos Parking Meter proposal.

1 Mr. Miera stated this item does not need any action other than administrative
2 direction as he is presenting the proposed Parking Meter plan for informational
3 purposes only. He stated there is currently free parking, mainly within the Loretto
4 parking lot. The Town of Taos leases the Loretto, Dunn Shops, and the McCarthy
5 parking lots at a cost of \$42,000 total per year. He explained the amount of
6 revenue lost due to the pilot free parking program is about \$300,000 per year,
7 \$150,000 for parking meters and \$150,000 for fines. Mr. Miera compared the
8 cost of downtown parking in Taos to the cost of similar parking in Santa Fe, New
9 Mexico and Albuquerque, New Mexico and pointed out that parking fines are
10 more severe in those areas. Mr. Miera also noted the Town sells parking permits
11 as well.

12
13 Mr. Miera stated he would like to discontinue the pilot program in order to
14 recapture the \$300,000 in lost revenue and dedicate the parking meter revenues to
15 public improvements within the historic district including but not limited to
16 parking issues, transportation improvements, infrastructure, programs such as
17 Taos Express Shuttle, and marketing and advertising. He stated half of the
18 revenues, or \$150,000, would be dedicated to those initiatives; the remaining
19 revenues would revert back to the general fund to help support the Judicial and
20 Police Departments in order to maintain the current level of service.

21
22 Mr. Miera also proposed reducing fees for the parking permit program by 25%,
23 and recommended posting additional signage in order to increase public
24 awareness of the free parking that is available.

25
26 Mayor Cordova asked if anybody in the audience would like to express their
27 opinions regarding the parking meter proposal.

28
29 Susan Bachrach feels strongly that the free two hour parking has helped, and she
30 has not seen much abuse – just very little. She has received compliments from
31 customers, although she does like the Town Manager’s plan.

32
33 Polly Raye, from the John Dunn Shops, stated the retail business is difficult. She
34 feels the free parking program has brought locals to town. The businesses on the
35 south side of town have free parking and she feels it is hard for the businesses on
36 the plaza to compete. She feels the long term increase of gross receipts is the best
37 way to increase town revenues. She stated the Town Manager’s suggestions are
38 harmful, because: 1) Parking permits are used by merchants and employees,
39 leaving no space for customers; and 2) Parking tickets are taken personally. She
40 stated the town spends a great deal of money on advertising to get people here,
41 and that receiving a parking ticket makes them not want to come back. She stated
42 for the \$150,000 the Town gets from parking tickets, the Town can subtract that
43 from the advertising budget. She would like to meet with Town staff to devise a
44 plan to maximize business and asks the Town to depend on gross receipts tax for
45 income, not nickels and dimes generated from the parking meters.

46

1 Mayor Cordova stated that it would be helpful to have a committee of plaza
2 merchants. Mr. Miera pointed out that based on the comments heard today, it
3 appears as though there is no free parking in the Plaza; however, right across the
4 street, there is more free parking than there is metered parking.

5
6 Kay Friedlow, owner of 130, 132, and 134 Bent St., stated her tenants have been
7 having a difficult time due to the troubled economy and she has lost one of her
8 tenants recently. She stated, in her experience, customers have been in the middle
9 of a sale and they leave to feed the meter, and do not come back. She feels with
10 the two hour free parking tourists have been more relaxed.

11
12 Councilmember Sanchez stated there is grant funding available and wants to see
13 the pilot project continue for a short time to allow Council to explore different
14 possibilities. He stated when he owned a business parking meters and fines did
15 impact his business. He stated several years ago he had a gallery customer buy a
16 \$10,000 painting and was furious when he received a parking ticket as he was
17 loading his painting into his car.

18
19 Councilmember Silva stated, as a merchant, he would have paid the ticket
20 himself. He went on to read some literature he retrieved on the internet regarding
21 the history of the parking meter. He researched other communities' methods of
22 handling parking as well.

23
24 Mr. Miera stated the Town is losing \$25,000 per month due to free parking
25 program.

26
27 Mayor Pro Tem Abeyta said he was one of the proponents of the pilot program;
28 however, due to the economic conditions, if he had to make a decision today, he
29 would vote to continue the pilot program. He needs to review the issue further,
30 and feels that a Town/Merchant committee could come to a resolution.

31
32 Councilmember Silva asked how the free parking program was monitored. Chief
33 Syling replied there are 244 meters in Town, and he has one Parking Enforcement
34 Officer who rides a bicycle in warm weather. The Parking Enforcement Officer
35 marks the tires with chalk when he does his rounds at meters. He stated the
36 program is difficult to monitor and an individual can receive anywhere from three
37 to five hours free parking, depending on when the Parking Enforcement Officer
38 marked tires in a specific area, as there are lags in time.

39
40 Councilmember Silva stated he saw someone on the plaza rub the chalk off of
41 their tire.

42
43 Chief Syling stated an option is for customers to use tokens sold by the merchants
44 to feed the meters. Councilmember Silva asked how the Police Department tracks
45 enforcement costs. Chief Syling stated that he can not track enforcement costs

1 because he assigns the Parking Enforcement Officer to other tasks if his
2 emergency equipment is needed elsewhere.

3
4 Mayor Pro Tem Abeyta stated the proposed plan is well organized. He referred to
5 the second bullet on page 2 which explains how the revenues from the parking
6 meters will be earmarked to other programs and asked if this is necessary. Mr.
7 Miera replied there is a substantiated need for improvements in the Historic
8 District, transportation infrastructure and marketing and advertising. He stated he
9 is trying to make this work for the area being affected.

10
11 Councilmember Sanchez said he has not looked at the budget recently, but does
12 not think the Town is hurting financially. He wants to delay the decision for a
13 couple of months.

14
15 Mr. Miera stated this decision has been delayed for 1 or 2 months, and he has
16 devoted several hours into the proposed plan already. He feels \$300,000 can be
17 used more wisely.

18
19 Mayor Cordova stated the Town has had to ask each department to cut back in
20 their budgets and the last thing we want to do is fund this program and have
21 shortfalls in the Police Department or other departments. He stated it is time to
22 try something else and he is not convinced Taos will lose the historic district due
23 to parking meters.

24
25 Councilmember Sanchez stated all departments have cut down their budgets by
26 11%, yet services have not been impacted. He agrees with Mayor Pro Tem
27 Abeyta that we do not need to collect parking revenues for other projects.

28
29 Mayor Cordova recommended a target date of reimplementation of the parking
30 meter program of May 1, 2009, in a creative way, with input of the committee.
31 He stated it is time to move forward.

32
33 Mayor Pro Tem Abeyta stated this project was implemented over one year ago,
34 and thinks the benefits need to be evaluated.

35
36 Mr. Miera said he is more than willing to meet with the business owners. He
37 reminded everybody he does not have a personal stake in this, but is looking at the
38 issue from a business perspective.

39
40 Mayor Cordova asked Mr. Miera to meet with the stakeholders and bring
41 recommendations to the Council at the April 28, 2009, Special Town Council
42 Meeting as an action item.

43
44 **B. Report from the Town Manager.**

45 Mr. Miera stated there are no further issues to report on.
46

1 **13. MATTERS FROM THE MAYOR AND COUNCIL**

2 Executive Session to discuss limited personnel matters regarding the benefits of the
3 Mayor and Manager as it relates to Town of Taos Ordinance 03-17 (use of Town-
4 owned vehicles vs. personal vehicles) pursuant to NMSA 1978 10-15-1-H.2.

5
6 There was no Executive Session. This item was moved to the Regular Meeting on
7 April 28, 2009, at 1:30 p.m. at the Town Council Chambers.
8

9 **14. ADJOURNMENT: A motion was made by Councilmember Silva and seconded**
10 **by Councilmember Quintana to adjourn the meeting. The motion carried**
11 **unanimously and the meeting adjourned at 6:54 p.m.**
12
13
14
15
16
17

18 **APPROVED:**
19
20
21

22 _____
23 **Darren M. Cordova, Mayor**
24

25 **ATTEST:**
26
27
28

29 _____
30 **Renee Lucero, Town Clerk**
31

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.