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**MINUTES
REGULAR COUNCIL MEETING**

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

**May 12, 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 1:36 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:

Remove Item 8.A.2. and place before consent agenda for discussion.

Councilmember Quintana made a motion to approve the Agenda as amended. Councilmember Sanchez seconded the motion. The motion carried unanimously.

5. APPROVAL OF MINUTES:

A. Regular Meeting

April 14, 2009

Page 18, line 29, add word “not” after the first “to”.

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Mayor Pro Tem Abeyta made a motion to approve the Minutes of April 14, 2009, Regular 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.

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

Councilmember Silva made a motion to approve the Minutes of the April 28, 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.

6. AWARDS AND RECOGNITIONS:

A. Mayor Cordova presented a proclamation to the Boy Scouts of America declaring May 12th as Boy Scouts of America Day.

B. Star Department Presentation

Mayor Cordova recognized Dinah Gonzales, Chair of the Employee Awards & Recognition Team, to assist in the presentation of an award to the Star Department for the month May – Central Communications Division of the Taos Police Department.

C. Recognition of Town of Taos Employees

Representatives of the Employees Awards & Recognition Team recognized and presented Certificates of Appreciation to 4 employees, 1 department and 1 subcontractor for going above and beyond the call of duty and performing various random acts of kindness: Manuel Pacheco and Rachel Romero of the Buildings Department; Mark Fratrack of the Airport Department; Michelle Medina of the Utility Billing Division; Finance Department; and Paul Pacheco-janitorial services.

7. CITIZENS FORUM

A. Judith Tamm, Taos Housing Corporation, presentation of quarterly report.

Ms. Tamm explained the projects they are working on at Chamisa Verde.

B. Polly Raye

Ms. Raye stated the Mayor and Council are doing wonderful things for the downtown area and wants to keep the topic of parking meters open. She stated she and a committee are continuing to work on a plan and feels they have a solution with no cost to the town.

C. Cynthia Spray

Ms. Spray read solutions to the parking meter program which included training for parking enforcement staff. She stated the plan is supported by the Chief of Police.

D. Steven Ortiz

Mr. Ortiz stated he sent proposals to Mayor and Council for a Yale intern to do grant writing for the Town of Taos. Mayor Cordova asked Mr. Miera to meet with Mr. Ortiz about the internship program.

8. CONSENT AGENDA**A. Tina Torres, Purchasing Agent**

2. Consideration and approval to purchase water service connection equipment from HD Supply WaterWorks. Water service connection equipment is needed to complete the ongoing water replacement program. Water service connection equipment is on State contract # 80-000-00-00024 through HD Supply Waterworks. The total purchase price is in the amount of \$23,534.78 which includes NMGRT and delivery. *(With Amos Torres, Public Utilities Director)*

Daniel Miera, Town Manager, asked Council to table this item because there is a possibility that other businesses can compete. He stated staff will re-bid the project.

Councilmember Silva made a motion to table the item. 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.

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

A. Tina Torres, Purchasing Agent

1. Consideration and approval to award RFP No. 08-09-14 to The Library Corporation (TLC) in the amount \$78,543 for the purchase of an Electronic On-Line Integrated Library System. The system will handle the management of the library collection, circulation records, inventory control, statistical data, and patron records for the Taos Public Library along with providing functionalities that currently cannot be handled such as digital files. Funding for the purchase is shared between the NM State Bond Grant (\$38,121) and Town of Taos (\$51,121) remaining funds will be used toward second year maintenance costs. *(With George Jaramillo, Pubic Library Director)*

B. Francella Garcia, Grants Administrator

Request for consideration and approval of Fiscal Agent Sponsor Application from Collaborative Green.

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

5
6 **9. PUBLIC HEARINGS**

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

- 8 1. Consideration and approval of Transfer of Ownership and Location of Liquor
9 License Application 589768 for Walgreen Co. dba Walgreens #12751 located
10 at 811 Paseo del Pueblo Sur.

11
12 **Renee Lucero, Town Clerk, presented the application to the Mayor and**
13 **Council and stated all publication requirements have been met.**

14
15 ***Public Opinion***

16 **Mayor Cordova opened the public hearing. The following person came**
17 **forward:**

18
19 Sandra Stuart, owner of Yellow Rose at 117 Cruz Alta Road, handed out a
20 petition opposing the application. She stated she is concerned about safety
21 issues in the neighborhood, including loitering, and feels a liquor license will
22 add to crime.

23
24 **After closing the public hearing, Mayor Cordova asked for questions**
25 **from the Council.**

26
27 Councilmember Sanchez stated there is no legal reason for Council to deny
28 the application and informed Ms. Stuart that he understands her concerns.

29
30 Councilmember Abeyta asked Mr. Miera to draft an ordinance to address
31 loitering. He believes loitering is a problem that needs to be addressed.

32
33 Mayor Cordova stated the Town is in the process of acquiring the Mary D.
34 Medina building, which is located at the corner of Gusdorf and Cruz Alta
35 Road, to house the Police Department and that should help with the safety
36 concerns of the area.

37
38 Scott Corley, Manager of Walgreens, stated he will work with the
39 neighborhood to ensure their safety.

40
41 Allen Ferguson, Town Attorney, stated the only way the Council could deny
42 the application is if it endangers public health, safety and welfare.

43
44 **Councilmember Silva made a motion to approve the Transfer of**
45 **Ownership and Location of Liquor License Application 589768 for**
46 **Walgreen Co. dba Walgreens #12751 located at 811 Paseo del Pueblo Sur.**

1 **Councilmember Quintana seconded the motion. The motion was**
2 **approved by an affirmative vote. Those voting AYE were: Mayor Pro**
3 **Tem Abeyta and Councilmembers Sanchez, Quintana and Silva.**
4

- 5 2. Consideration and approval of New Restaurant Beer/Wine License
6 Application 591204 for Powell Orchard Enterprises, Inc. dba Taos Diner
7 located at 908 Paseo del Pueblo Norte. *(This Public Hearing is continued from*
8 *the Regular Town Council Meeting held on April 14, 2009)*
9

10 Matthew Spriggs, Community and Economic Development Director, gave a
11 presentation and stated he met with the neighbors and property owners.
12

13 Allen Vigil, Chief Planner, read a letter dated May 12, 2009 outlining
14 conditions the building owner and restaurant owner must meet in order for the
15 application to be considered.
16

17 Mayor Pro Tem Abeyta asked Mr. Vigil to elaborate on condition number 3
18 regarding striping of the parking lot.
19

20 Mr. Vigil stated the code requires all businesses to stripe their parking lots.
21 He stated they do have a commitment from the business owner and the
22 building owner to comply with this and all other conditions. He also stated
23 the Public Works Director and the Chief of Police are both committed to
24 monitoring this area and Fred Robbins, building owner, has agreed to
25 designate the side of the building as a loading/unloading zone in the interest of
26 public safety.
27

28 ***Public Opinion***

29 **Mayor Cordova opened the public hearing. The following people came**
30 **forward:**
31

32 Julian Garcia, who lives in the neighborhood, was sworn in and stated he
33 opposes the application. He stated he would like the curb to go further down
34 Peacock Lane. He stated the striping would be difficult because the parking
35 lot is dirt.
36

37 Mr. Vigil stated the striping would need to be done on a permanent surface.
38 He stated Mr. Robbins has found a contractor who will do a seal coat and
39 stripe the lot.
40

41 Cynthia Fugman, who lives in the neighborhood, was sworn in and stated she
42 opposes the application and is still concerned about signage.
43

44 Bertina Fernandez, who lives in the neighborhood, was sworn in and opposes
45 the application. She showed pictures of the road situation and stated she
46 wants to make sure the issues are addressed.

1
2 Edward Black, who lives in the neighborhood, was sworn in and stated he
3 opposes the application. He stated he doesn't feel the Town needs another
4 liquor license.

5
6 Thelma Black, who lives in the neighborhood, was sworn in and stated she
7 opposes the application. She stated she is concerned about the blockage of the
8 road entrance and feels the road entrance should be kept clear in case of an
9 emergency.

10
11 **After closing the public hearing, Mayor Cordova asked for questions**
12 **from the Council.**

13
14 Councilmember Silva asked Mr. Robbins how he would address the striping.

15
16 Fred Robbins, building owner, was sworn in and state the parking lot has oil
17 and base and is no longer mud or dirt. He stated the business owners have a
18 striping machine and stated the striping will be maintained.

19
20 Mr. Vigil stated the Town Code requires that the lot be paved and sealed.

21
22 Mayor Pro Tem Abeyta stated the Fire Department and Police Department
23 need to commit to enforcing fines at the location.

24
25 Mr. Ferguson asked Jay Powell, owner of Taos Diner, if he expects business
26 to increase if the beer and wine license were approved. Mr. Powell stated yes
27 by 10% to 16%.

28
29 There was a brief discussion on the over-flow parking lot which is being used
30 to address the parking issue.

31
32 Mayor Cordova asked what staff recommends. Mr. Spriggs stated staff
33 recommends approval with conditions as read by Mr. Vigil and stated even if
34 Council chooses to deny the application the conditions should still be
35 addressed.

36
37 Councilmember Silva asked if the conditions are not met at a later date, can
38 the Council ask Alcohol & Gaming Division to rescind the license. Mr. Vigil
39 recommended asking Alcohol & Gaming Division to approve the license with
40 the Town's recommended conditions.

41
42 **Mayor Pro Tem Abeyta made a motion to approve New Restaurant**
43 **Beer/Wine License Application 591204 for Powell Orchard Enterprises,**
44 **Inc. dba Taos Diner located at 908 Paseo del Pueblo Norte subject to the**
45 **following conditions due to substantial safety problems that the Town**
46 **Council finds would otherwise result from the anticipated increase in**

business and traffic at the Taos Diner if the owner is permitted to serve beer and wine:

1. **No parking will be allowed on the south side of the building and the owner will provide striping on a hard durable surface and sign this area as a “Loading Zone Only”.**
2. **The Town will install “No Parking” and “Dead End” signs along Peacock Lane.**
3. **The owner will provide striping on a hard durable surface for the parking lot for the Taos Diner and include a sight-triangle with twenty-five foot (25’) legs at the intersection of Paseo del Pueblo Norte and Peacock Lane pursuant to the Town’s Land Use Development Code. Owner will also ensure private ingress/egress to the lot will be properly striped. Striping will be properly maintained indefinitely.**
4. **The owner will provide informational signs directing overflow parking to an off-site parking lot at the northwest corner of the Hail Creek Road traffic signal.**

These conditions must be met within 30 days of governing body approval.

Furthermore, if the applicant expands service of beer & wine beyond 2:30 p.m. the following conditions must be met:

1. **The first fifty feet (50’) of Peacock Lane must be paved.**
2. **A roll curb or valley gutter must be provided along the edge of the pavement to preserve the asphalt and to further define the roadway for motorists.**

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.

10. MATTERS FROM STAFF

A. Francisco “French” Espinoza, Public Works Director

Update on E-Waste Drive at Recycling Center.

Mr. Espinoza stated he would like to schedule an E-Waste Drive on June 20 from 9 a.m. to 1 p.m. at the recycling center.

Mayor Cordova asked Cathy Connelly, Public Relations Director to promote this event as much as possible.

B. Cathy Connelly, Public Relations Director

Consideration and approval of Griffin & Associates advertising/marketing contract renewal (Contract TT-09-308) for fiscal year 2009-2010. Contact amount available as of July 1, 2009 is \$84,322 inclusive of Gross Receipts Tax (GRT)

1 from Lodgers Tax. Total contract amount may be \$400,000 inclusive of GRT
2 contingent upon funding availability and final budget approval.

3
4 Ms. Connelly passed out April's report on activity and explained the success of
5 the marketing campaign.

6
7 Councilmember Quintana commended Griffin & Associates for the great job they
8 do.

9
10 Mr. Ferguson recommended approving the concept of renewing the contract for
11 an additional year and include language that Council is delegating authority to the
12 Town Attorney, Town Manager and Public Relations Director to negotiate the
13 contract. He had also recommended using the current form for professional
14 services, as it is much more detailed in regards to deliverables and accountability.

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

20
21 **C. Amos Torres, Public Utilities Director**

22 Consideration and approval to allow Norbert Mondragon to connect to Town
23 sewer main line. The property is located at Camino de la Merced and the sewer
24 line is located on the roadway adjacent to the property. The owner will be
25 responsible for all costs associated with the connection and all applicable fees.
26 The connection will be a 6" private main line with 6-4" service connections to that
27 main line. All connections should occur within the next 10 years.

28
29 **Councilmember Quintana made a motion to approve the item as presented.**
30 **Councilmember Silva seconded the motion. The motion was approved by an**
31 **affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta and**
32 **Councilmembers Sanchez, Quintana and Silva.**

33
34 **D. Brian Greer, Youth & Family Center Director**

35 Consideration and action to approve construction of a bicycle pump track at Taos
36 Youth and Family Center. The Parks and Recreation Advisory Board
37 recommends approval. The pump track will be built on the vacant land just north
38 of the skate park and will serve as an exercise venue and fun addition to the
39 complex. The primary costs for the project will be paid by private funds. The
40 Town is asked to contribute dirt, a bobcat and driver for two days, and liability
41 insurance coverage.

42
43 **Councilmember Sanchez made a motion to approve the item as presented.**
44 **Councilmember Quintana seconded the motion. The motion was approved**
45 **by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta**
46 **and Councilmembers Sanchez, Quintana and Silva.**

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11. MATTERS FROM THE TOWN ATTORNEY

Consideration and approval of a Joint Powers Agreement (JPA) between the Town of Taos and the Taos Municipal School District and associated lease of 23.813 +/- acres of undeveloped real property located generally north of the intersection of St. Frances Lane and Salazar Road in Taos, New Mexico.

Mr. Ferguson discussed his concerns about this version of the Lease Agreement which states 6 million dollars shall be paid over a period of 5 years.

Mr. Spriggs asked the Council not to approve the documents because there have not been direct discussions with the school on the amount of compensation. Mr. Miera informed the Council that this information was provided to staff last night and the main issue is that payments are not feasible for the Town.

Councilmember Sanchez stated Taos Municipal School District is on board and plan to get a loan. He feels the agreement is very lenient and feels the park will pay for itself after a year.

Mayor Cordova asked Mr. Miera to meet with Mr. Spriggs and Ms. Fambro on this and recommended evaluating how much the Town can afford.

Councilmember Quintana made a motion to table the item for further review by staff and Taos Municipal Schools and bring back to the table at a later date and before the May 26, 2009, Special Town Council Meeting. 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.

12. MATTERS FROM THE TOWN MANAGER

A. Consideration and approval of Resolution 09-22 - Establishing the Town of Taos Recycling Advisory Committee.

Councilmember Quintana made a motion to approve the item as presented. Mayor Pro Tem Abeyta 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. Report from the Town Manager.

Mr. Miera stated he did not have any items to report on because many items were covered during this meeting. Mayor Cordova asked Mr. Miera to continue with the cleaning efforts of the streets in the historic district.

1 **14. ADJOURNMENT: A motion was made by Councilmember Silva and seconded**
2 **by Councilmember Quintana to adjourn the meeting. The motion carried**
3 **unanimously and the meeting adjourned at 5:29 p.m.**
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10 **APPROVED:**
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14 _____
14 **Darren M. Cordova, Mayor**
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17 **ATTEST:**
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21 _____
21 **Renee Lucero, Town Clerk**
22
23

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.