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**Special Meeting
Taos Town Council
Town Council Chambers
120 Civic Plaza Drive
Taos, New Mexico
September 22, 2009
1:30 p.m.**

MINUTES

1. CALL TO ORDER: The Special 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
Assistant Town Manager	Abigail Adame
Town Attorney	Allen Ferguson
Town Clerk	Renee Lucero

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

4. APPROVAL OF AGENDA:

Councilmember Silva made a motion to approve the Agenda as presented. Councilmember Quintana seconded the motion. The motion carried unanimously.

5. APPROVAL OF MINUTES

A. *August 25, 2009*

Page 4, line 6, change “Silva” to “Quintana”.

Councilmember Silva made a motion to approve the Minutes of August 25, 2009, Special Meeting, as amended. Councilmember Quintana seconded the motion. The motion was approved by an affirmative vote. Those voting

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

3

4 **6. CITIZENS FORUM**

- 5 • Francisco “French” Espinoza, Public Works Director, came forward to inform the
- 6 community about a Plastic Recycling Drive on October 16th and 17th, 2009 from 9
- 7 a.m. to 1 p.m. at the Taos Recycling Center located at 201 Bertha Street and at
- 8 Taos County Solid Waste Transfer Stations.
- 9 • Mayor Cordova announced that Town Council Meetings can be listened to live
- 10 via the Town’s website at www.taosgov.com.

11

12 **7. CONSENT AGENDA**

13

A. Amos Torres, Public Utilities Director

14

Consideration and approval to award contract #TT-10-56 to L.C.I.2, Inc. for the construction of the Composting Facility to be located at the Taos Regional Wastewater Treatment Facility. L.C.I.2, Inc. was the lowest bidder. The total amount of the contract is \$149,642 plus NMGRT. Total project amount including NMGRT is \$162,548.62.

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B. Daron Syling, Chief of Police

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Approval of new Lease Agreement No. TOT-10-67 with Xerox for a 48 month period in the amount of \$102.21 monthly plus \$.0204 printing rate.

21

22

C. Francella Garcia, Grants Administrator

23

Approval of Resolution 09-48 authorizing the Mayor to execute FAA grant agreement for Airport Improvement Program (AIP) Project No. 3-35-0041-020-2009 in the amount of \$141,511 for the rehabilitation of Taxiway "A" to include associated apron and the installation of taxiway reflectors at the Taos Regional Airport.

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D. Francella Garcia, Grants Administrator

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Consideration and approval to enter into a contract between the Town of Taos and Dismuke Construction in the amount of \$71,055.49 exclusive of NMGRT for the application of crack sealing on Runway 4/22 at the Taos Regional Airport. Armstrong Consultants, Inc., engineers for the Taos Regional Airport, has made the recommendation to enter into a contract with Dismuke Construction for the crack sealing of Runway 4/22 per New Mexico State Price Agreement #91-805-00-04408. The Town of Taos was awarded State grant agreement No. SKX 10-002 for the purpose of crack sealing the runways at the Taos Regional Airport.

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E. Francella Garcia, Grants Administrator

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Consideration and approval to enter into a contract between the Town of Taos and Armour Pavement in the amount of \$39,995.20 exclusive of NMGRT for pavement maintenance work using the State of New Mexico Price Agreement No. 61-805-09-18569. Armstrong Consultants, Inc., engineers for the Taos Regional Airport, has made the recommendation to enter into a contract with Armour Pavement for the pavement maintenance. The Town of Taos was awarded FAA grant agreement No. 3-35-0041-020-2009 and State grant agreement No. SKX-10-001 for the maintenance of the pavement at the Taos Regional Airport.

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F. Francella Garcia, Grants Administrator

Consideration and approval to enter into a contract between the Town of Taos and Dismuke Construction in the amount of \$49,805.00 exclusive of NMGRT for the application of asphalt rubber crack sealing using State Price Agreement No. 91-805-00-04408. Armstrong Consultants, Inc., engineers for the Taos Regional Airport, has made the recommendation to enter into a contact with Dismuke Construction for the application of the sealer. The Town of Taos was awarded FAA grant agreement No. 3-35-0041-020-2009 and State grant agreement No. SKX -10-001 for pavement maintenance at the Taos Regional Airport.

Items 7.A., 7.D., 7.E., and 7.F. were removed from the agenda.

Mayor Pro Tem Abeyta made a motion to approve the consent agenda as amended. 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.

Item 7.A. Consideration and approval to award contract #TT-10-56 to L.C.I.2, Inc. for the construction of the Composting Facility to be located at the Taos Regional Wastewater Treatment Facility. L.C.I.2, Inc. was the lowest bidder. The total amount of the contract is \$149,642 plus NMGRT. Total project amount including NMGRT is \$162,548.62.

Mayor Pro Tem Abeyta asked Amos Torres, Public Utilities Director, how much was the engineers estimate for the total project. Mr. Torres stated the estimate was \$304,426. Mayor Pro Tem Abeyta stated he is concerned that the bid came in at half of the engineer’s estimate and he wants to ensure there are no change orders to bring the amount back up to \$300,000.

Councilmember Silva asked Mr. Torres what is the difference in the amounts for using concrete and asphalt for Additive Alternate No. 1. Mr. Torres stated the concrete is \$168,902 and asphalt is \$149,642. Councilmember Silva stated concrete is a more durable surface than asphalt. He asked Alex Abeyta, of Abeyta Engineering, for his opinion. Mr. Abeyta agreed with Councilmember Silva and stated a 4 inch concrete pad is more durable than asphalt.

Councilmember Quintana made a motion to award Contract #TT-10-56 to L.C.I.2, Inc. to include Additive Alternative No. 1 (4” concrete pad) in the amount of \$168,902 plus GRT. 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.

The following items were discussed at once and were voted on with one vote:

1 Item 7.D. Consideration and approval to enter into a contract between the Town of Taos
2 and Dismuke Construction in the amount of \$71,055.49 exclusive of NMGRT
3 for the application of crack sealing on Runway 4/22 at the Taos Regional
4 Airport. Armstrong Consultants, Inc., engineers for the Taos Regional
5 Airport, has made the recommendation to enter into a contract with Dismuke
6 Construction for the crack sealing of Runway 4/22 per New Mexico State Price
7 Agreement #91-805-00-04408. The Town of Taos was awarded State grant
8 agreement No. SKX 10-002 for the purpose of crack sealing the runways at the
9 Taos Regional Airport.

10
11 Item 7.E. Consideration and approval to enter into a contract between the Town of Taos
12 and Armour Pavement in the amount of \$39,995.20 exclusive of NMGRT for
13 pavement maintenance work using the State of New Mexico Price Agreement
14 No. 61-805-09-18569. Armstrong Consultants, Inc., engineers for the Taos
15 Regional Airport, has made the recommendation to enter into a contract with
16 Armour Pavement for the pavement maintenance. The Town of Taos was
17 awarded FAA grant agreement No. 3-35-0041-020-2009 and State grant
18 agreement No. SKX-10-001 for the maintenance of the pavement at the Taos
19 Regional Airport.

20
21 Item 7.F. Consideration and approval to enter into a contract between the Town of Taos
22 and Dismuke Construction in the amount of \$49,805.00 exclusive of NMGRT
23 for the application of asphalt rubber crack sealing using State Price Agreement
24 No. 91-805-00-04408. Armstrong Consultants, Inc., engineers for the Taos
25 Regional Airport, has made the recommendation to enter into a contact with
26 Dismuke Construction for the application of the sealer. The Town of Taos was
27 awarded FAA grant agreement No. 3-35-0041-020-2009 and State grant
28 agreement No. SKX -10-001 for pavement maintenance at the Taos Regional
29 Airport.

30
31 Mayor Pro Tem Abeyta stated he believes Council should pass a resolution
32 stating staff will exhaust all efforts to purchase locally before purchasing out of
33 town. He also stated during these hard economic times, the Town needs to
34 keep money local as much as possible.

35
36 Abigail Adame, Assistant Town Manager, stated staff is aware of the Council's
37 concerns and will do their best to buy locally.

38
39 Mayor Cordova stated the Town will shop locally whenever possible and urged
40 local business owners to be as competitive as possible.

41
42 **Mayor Pro Tem Abeyta made a motion to Items 7.D., 7.E., and 7.F. as**
43 **presented. Councilmember Silva seconded the motion. The motion was**
44 **approved by an affirmative vote. Those voting AYE were: Mayor Pro**
45 **Tem Abeyta, and Councilmembers Sanchez, Quintana and Silva.**
46

1 **8. PUBLIC HEARINGS**

2 **Matthew Spriggs, Community & Economic Development Director**

3 Approval of Ordinance 09-28 - An ordinance which allows the Town of Taos to
4 accept the dedication of .207+- acres of property located at the intersection of Cruz
5 Alta Road and Paseo del Pueblo Sur from Bencor, LLC.

6
7 Rudy Perea, Senior Planner, stated the dedication is necessary because Cruz Alta
8 Road covers a portion of the owners land where the road intersects with Paseo del
9 Pueblo Sur (Walgreens location).

10
11 *Public Opinion*

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

13
14 After closing the public hearing, Mayor Cordova asked for questions from the
15 Council.

16
17 **Councilmember Quintana made a motion to approve Ordinance 09-28 as**
18 **presented. Councilmember Silva seconded the motion. The motion was**
19 **approved by an affirmative vote. Those voting AYE were: Mayor Pro Tem**
20 **Abeyta, and Councilmembers Sanchez, Quintana and Silva.**

21
22 **9. MATTERS FROM STAFF**

23 **A. Eric Montoya, Administrative Fire Chief**

24 Approval to award Bid 08-09-23 for a new garage at Fire Department Station #2
25 and authorize the Mayor to enter into a contract with Anissa Construction Inc. for
26 base bid in the amount of \$324,900 plus GRT in the amount of \$26,195.06 for a
27 total award amount of \$351,095.26. Budget line items; 51-49-45002 -
28 \$323,221.44 and 21-15-45002 - \$27,873.62.

29
30 Eric Montoya, Administrative Fire Chief, stated this project was approved in the
31 2009-2010 Capital Outlay Budget. He also stated Anissa Construction is using
32 two local subcontractors to complete the project.

33
34 **Mayor Pro Tem Abeyta made a motion to award Bid 08-09-23 for a new**
35 **garage at Fire Department Station #2 and authorize the Mayor to enter into**
36 **a contract with Anissa Construction Inc. Councilmember Sanchez seconded**
37 **the motion. The motion was approved by an affirmative vote. Those voting**
38 **AYE were: Mayor Pro Tem Abeyta, and Councilmembers Sanchez,**
39 **Quintana and Silva.**

40
41 **B. Francisco “French” Espinoza, Public Works Director**

42 Approval of Memorandum of Agreement TT-10-93 between the Town of Taos
43 and the New Mexico Department of Transportation Transit and Rail Division in
44 the amount of \$494,668 for Section 5311 Administrative and Operating assistance
45 for Fiscal Year 2010.

1 **Councilmember Quintana made a motion to approve Memorandum of**
2 **Agreement TT-10-93 between the Town of Taos and the New Mexico**
3 **Department of Transportation Transit and Rail Division. Councilmember**
4 **Silva seconded the motion. The motion was approved by an affirmative vote.**
5 **Those voting AYE were: Mayor Pro Tem Abeyta, and Councilmembers**
6 **Sanchez, Quintana and Silva.**

7
8 **C. Francisco “French” Espinoza, Public Works Director**

9 Consideration and approval to enter into Contract TT-10-94 with Don Templeton
10 dba Templeton Marketing Services, Inc. Agreement will allow Templeton
11 Marketing to place vinyl advertising on the Chile Line Buses.

12
13 Mr. Espinoza explained the paint surface of the buses will not be affected by the
14 vinyl wraps. Councilmember Silva stated he wants to ensure the contractor will
15 be responsible for the removal of the vinyl prior to the termination of the
16 agreement.

17
18 Mayor Pro Tem Abeyta supports vinyl covering of 70-80% of the bus as opposed
19 to 30% as previously decided by Council.

20
21 Councilmember Sanchez asked how much revenue will be generated from
22 wrapping the buses. Mr. Miera stated at this point he does not have any revenue
23 projections; however, once he can generate the figures he will share them with the
24 Council.

25
26 **Councilmember Quintana made a motion to enter into Contract TT-10-94**
27 **with Don Templeton dba Templeton Marketing Services, Inc. Mayor Pro**
28 **Tem Abeyta seconded the motion. The motion was approved by an**
29 **affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta, and**
30 **Councilmembers Sanchez, Quintana and Silva.**

31
32 **D. Manuel L. Pacheco, Buildings & Grounds Director**

33 Approval of Change Order # 9; submitted on Sept. 4, 2009 by Gerald A. Martin,
34 Ltd. for Taos Town Hall Phase I & II Additions and Remodeling in the amount of
35 \$110,369.64.

36
37 The Council had several concerns regarding missing invoices for the change
38 orders. Mr. Miera stated he has compiled a list of items missing from the
39 contractor and will follow up with him. He stated a lot of the change orders are
40 justifiable and can be paid out but some of the others still need to be considered.

41
42 Mayor Cordova stated he is very disappointed in the quality of work produced
43 during the latter stages of the project.

44
45 **Mayor Pro Tem Abeyta made a motion to approve Change Order #9**
46 **submitted on September 4, 2009 by Gerald A. Martin up to \$99,297.44**

1 **contingent upon staff approval of all the change orders and Gerald Martin**
2 **providing proper invoices. Councilmember Quintana seconded the motion.**
3 **The motion was approved by an affirmative vote. Those voting AYE were:**
4 **Mayor Pro Tem Abeyta, and Councilmembers Sanchez, Quintana.**
5 **Councilmember Silva abstained from the vote because his company is**
6 **involved in Change Order No. 22.**

7
8 **E. Marietta Fambro, Finance Director**

9 Approval of Resolution 09-52 Budget Adjustment Request: **1) Transportation**
10 **Fund (29) - a)** Increase revenues and expenditures in the amount of \$2,287,
11 \$1,830 grant and \$457 town match for video surveillance equipment at the transit
12 facility and busses. **b)** Transfer from operating to capital \$1,457 for above stated
13 project. **2) Capital Improvements Fund (51) - a)** Transfer 10,154 from capital
14 (51-43 & 51-44 FTA Buses, Bicycle Equip. & Maint. Facility) to operating for the
15 purchase of bicycle racks. **b)** Transfer \$3,000 from capital (51-66 FTA Transit
16 Assistance) to operating for the purchase of 2-way radios. **3) Community Grants**
17 **Fund (30) -** Increase revenues and expenditures for an additional award amount
18 of \$750 for the (30-75) Historic Preservation Grant 08-09. **4) Airport**
19 **Construction Fund (52) - a)** Decrease revenues and expenditures for the
20 Paving/Reflectors project (52-75;76;77); FAA-\$24,274, State \$613 and Town
21 Match \$613 due to actual grant amount received. **b)** Decrease unreserved fund
22 balance and increase capital in the amount of \$600 for (52-69) Snow Removal
23 Equipment final project costs. **c)** Increase revenues and expenditures for the RPZ
24 Land Acquisition (52-70,71,72); FAA-\$103,566, State \$2,725 and Town Match
25 \$2,725 due to additional grant amount received. **d)** Decrease expenditures for
26 Master Plan (52-82 - Town Match) in the amount of \$2,725 to cover the Town's
27 match for the RPZ project. **e)** Decrease unreserved fund balance and increase
28 operating in the amount of \$71 for (52-37 TM) EIS project to cover shortage to
29 URS contract.

30
31 **Councilmember Sanchez made a motion to approve Resolution 09-52.**
32 **Mayor Pro Tem Abeyta seconded the motion. The motion was approved by**
33 **an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta, and**
34 **Councilmembers Sanchez and Silva. Councilmember Quintana did not vote**
35 **because she stepped out of the meeting momentarily.**

36
37 **F. Matthew Foster, Long Range Planner**

38 Presentation on Rural Historic Landscape Nominations to the Federal Register of
39 Historic Places.

40
41 Mr. Foster gave a PowerPoint Presentation as a follow up to Ordinance 09-27
42 adding Rural Historic Landscape Preservation Overlay District Zoning
43 Classification to the Land Use Development Code which was passed two weeks
44 ago. He stated the Town was awarded a grant from the New Mexico Historic
45 Preservation Division to prepare nominations of Rural Historical Landscapes

1 (RHL) to the Federal Register of Historic Places, which are the Canon RHL, the
2 Ranchitos RHL, and the Couse RHL.

3
4 Mayor Pro Tem Abeyta stated this is an excellent initiative. He asked Mr. Foster
5 to keep the County Commissioners involved in the process.
6

7 Mr. Foster stated he has invited the County's Community & Economic
8 Development Director and the Long Range Planner to the meetings. He further
9 stated the Town has a statutory obligation to plan for the 3 mile buffer outside of
10 Town limits.

11
12 *This item was for informational purposes. No action was taken.*

13
14 **G. Matthew Foster, Long Range Planner**

15 Approval of Town Council Priorities for the 2011-2015 Infrastructure Capital
16 Improvements Plan (ICIP). The ICIP is a list of unfunded capital projects
17 scheduled for completion in the fiscal years 2011 through 2015. The list is
18 intended to help coordinate infrastructure projects, identify funding sources and
19 project costs, and select priorities for capital outlay requests. The ICIP is
20 necessary for receiving additional points on the Town's Community Development
21 Block Grant applications and other state funding determinations.
22

23 Following is a list of proposed Council Priorities for the 2011-2015 Infrastructure
24 Capital Improvements Plan:

- 25
26 1. Architectural Design and Construction of Police Department Building;
27 2. High Altitude Sports Training Facility Feasibility Study;
28 3. Este Es Roadway Improvements;
29 4. Salazar Road Extension;
30 5. Weimer Area Sewer Line; and
31 6. Land Use Master Plan.
32

33 **Councilmember Quintana made a motion to approve the Town Council**
34 **Priorities for the 2011-2015 Infrastructure Capital Improvements Plan**
35 **(ICIP). . Councilmember Silva seconded the motion. The motion was**
36 **approved by an affirmative vote. Those voting AYE were: Mayor Pro Tem**
37 **Abeyta, and Councilmembers Sanchez, Quintana and Silva.**
38
39

40 **H. Matthew Spriggs Community & Economic Development Director**

41 Discussion of the proposed "Busker Activity" ordinance to be heard by the Town
42 Council on October 13, 2009.
43

44 Allen Vigil, Chief Planner, and Cindy Spray, owner of Kimosabe shop on the
45 Plaza, came forward to address the Council. Ms. Spray is working with the Town
46 under contract as a coordinator for the Arts & Cultural District.

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Ms. Spray offered to be the point person on Taos Plaza regarding buskers. Ms. Spray explained she has worked with the buskers and thinks it is great that the Council asked that the ordinance be less restrictive.

There was a discussion regarding private property owners’ rights. Allen Ferguson, Town Attorney stated he believes the ordinance needs more work and must consider the citizens freedom of expression rights.

Mayor Cordova stated the Town is on the right path and also stated the ordinance needs further legal review before it comes back to Council.

10. MATTERS FROM TOWN MANAGER

Mayor Cordova welcome Mr. Miera back from his trip to Canada where he attended the International City Managers Association Annual Conference. Mr. Miera thanked Mayor and Council for the opportunity to attend the conference and gave a brief review of the presentation he gave which focused on youth and new city managers.

Mr. Miera informed Mayor and Council that GRT was down by 6.9% from May – June, 2009; however, the revenues for the parking meters are up by 72%.

11. MATTERS FROM MAYOR AND COUNCIL

Mayor Cordova stated he is working on an appointment of a youth member to serve on the Council. He is trying to get a meeting scheduled with the superintendent.

Mayor Cordova commended staff on the application process for applying for stimulus funds.

Mayor Pro Tem Abeyta asked Mr. Miera to make sure the Town moves forward with the annexation of the Este Es Road area.

12. ADJOURNMENT: A motion was made by **Councilmember Quintana** and seconded by **Councilmember Silva** to adjourn the meeting. The motion carried unanimously and the meeting adjourned at **4:10 p.m.**

APPROVED:

Darren M. Cordova, Mayor

ATTEST:

Renee Lucero, Town Clerk

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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.