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**Special Meeting
Taos Town Council
Town Council Chambers
120 Civic Plaza Drive
Taos, New Mexico
March 17, 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 1:40 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:** Mayor Pro Tem Abeyta led the audience in the pledge of allegiance.

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

5. **PUBLIC HEARINGS**

Matthew Spriggs, Community & Economic Development Director

Consideration of Town of Taos Ordinance 09-05; Neem Karoli Baba Ashram, property owner; David B. DiCicco, agent requesting Annexation, Zone designation of R-4, and Planned Unit Development Overlay Zone on 8.856 (+-) acre property located at 416 Geronimo Lane.

1 STAFF PRESENTATION

2 Matthew Spriggs, Community & Economic Development Director, was sworn in by
3 Allen Ferguson, Town Attorney.

4
5 Rudy Perea, Senior Planner, was sworn in. Mr. Perea gave a PowerPoint presentation
6 (attached to minutes) which outlines where the property is to be annexed and rezoned.
7 The presentation detailed the property's entrance and exit, parking and the road
8 width, and other features.

9
10 Mr. Spriggs explained the contents of revised Conditions of Approval. He stated the
11 property has a long history of religious use and has had a Special Use Permit since
12 1984. In addition, he stated the property has been subject to private lawsuits dealing
13 with the Special Use Permit. Mr. Spriggs informed the Council there is discussion
14 regarding a current easement which will affect La Lomita Road, however, this is a
15 private matter and it is not the Town's or the staff's position to become involved in
16 the matter as staff is asking the Ashram to address the issue. Mr. Spriggs further
17 stated that notice has been complied with for this hearing as well as for the Planning
18 & Zoning Commission meetings. He stated the intent is for the former temple to be
19 abandoned for ancillary use and not to be used for worship. He explained that, due to
20 the form of worship on the site, there is no scheduled worship time and people come
21 and go freely from the property to worship at a time they feel is appropriate to them.
22 Furthermore, Mr. Spriggs stated the property will be improved to accommodate the
23 Temple's use and the Town cannot mandate them to improve Town roadways. He
24 read the Conditions of Approval into the record and stated all conditions will be
25 strictly enforced. Mr. Spriggs stressed the importance of Condition 11 which states
26 "The Temple to be developed and the existing homes on the site shall not be required
27 to connect to Town of Taos domestic water service due to religious restrictions on the
28 purity of water used in the religion". He also stressed the importance of Condition 12
29 which states "The applicant shall place two fire hydrants on the site in compliance
30 with the requirements of the Town of Taos Fire Department".

31
32 APPLICANT PRESENTATION

33 David Diccio, Applicant's Agent, was sworn in and gave a PowerPoint presentation
34 (attached to minutes) which included photos, maps of annexation and designs of the
35 proposed expansion. Mr. Diccio reviewed the original area of notice map that was
36 produced to show the extent to which the applicants made notice to the properties in
37 the area. Additionally, Mr. Diccio reviewed the annexation tracts that are being
38 requested. He pointed out that the Ashram is dedicating 4.84 acres of 8.56 acres for a
39 conservation easement which will permanently remain undeveloped in the future. He
40 mentioned that the Ashram maintains the acequia that runs through the property and
41 nothing will be done to that acequia.

42
43 Mr. Spriggs stated he received letters regarding this case and would like to read them
44 into the record during the Public Hearing.

1 PUBLIC HEARING

2 Mayor Cordova opened the public hearing.

3
4 Mr. Spriggs read a letter from Ms. Juanita Lavadie, 412/414 Trujillo Lane, who
5 opposes the annexation and stated she was not properly noticed. (Attached to
6 minutes)

7
8 Mr. Dicicco stated he has a certified mail return-receipt from Ms. Lavadie indicating
9 she did receive notice of the hearing.

10
11 Mr. Spriggs read a letter from Mr. Rameshwar Das, out-of-town board member for
12 the Ashram, who supports the applicants. (Attached to minutes)

13
14 Mayor Cordova stated he received a letter from Vishu Magee, founder of the Ashram
15 temple, and asked him to come forward to read the letter. (Attached to minutes)

16
17 Mr. Magee was sworn in and stated he opposes the application and that his original
18 intent was not to expand the temple. Mr. Magee stated he left the Ashram in early
19 1988; however he regrets that the temple has caused unhappiness to the neighbors.

20
21 Punya Upadhyaya was sworn in and stated the Ashram wants to be part of the
22 community. He stated a large part of the land is being kept as open space. He further
23 stated the temple is important to people around the world and is an important
24 economic venue for the community as many people who come to visit the temple will
25 return. He assured the Mayor and Council that the Ashram plans to address the issues
26 mentioned in the staff's Conditions of Approval.

27
28 Mr. Dicicco asked Mr. Upadhyaya if he was here in the summer of 1995. Mr.
29 Upadhyaya stated yes. Mr. Dicicco asked if there was a problem with the Rainbow
30 gathering that infiltrated the Ashram property. Mr. Updhyaya stated there were
31 problems but the Ashram was very strict by making Rainbow members leave the
32 Ashram grounds.

33
34 Sharon Hall asked how many people usually come to the major gatherings. Mr.
35 Upadhyaya stated that 400 people are expected to attend the major gatherings.

36
37 NEIGHBORS' PRESENTATION

38 George Chacon, 502 La Lomita and spokesperson for neighborhood residents, was
39 sworn in. He read a letter into the record from Robert & Monica Ghattas who state
40 they oppose the expansion. (Attached to minutes)

41
42 Mr. Chacon stated Geronimo Lane and La Lomita Road are substandard roads and
43 improvements to these roads are going to cost the taxpayers. He believes the number
44 of attendees at the major gatherings are closer to 1,000. He stated at the January 7,
45 2009 Planning & Zoning Commission Meeting numbers of attendees went from 1,000
46 to 600 to 400 then to 300 as stated by the applicant. He stated neighbors have

1 tolerated many intrusions and safety hazards; additionally shuttles and busses will be
2 driving through the community, if this is approved, adding to the danger. Mr. Chacon
3 stated neighbors are asking that this temple be moved to a more appropriate location.
4 The staff report indicates the applicant has only partially met some of the criteria and
5 Mr. Chacon asked why applicant should be allowed to only “partially” meet criteria.
6

7 Mr. Chacon submitted a packet to the Mayor containing a petition with 64 signatures
8 from residents of the neighborhood opposing the expansion of the temple. He read
9 the petition letter into the record. (Attached to minutes)
10

11 Mr. Diccico stated he offered to meet with Mr. Chacon and Mr. Chacon didn't want
12 to meet with him. Mr. Chacon stated there was nothing to discuss because the
13 neighborhood is against the application.
14

15 Alissa Sydell aka Annapurna Sydell, 401 Burch Street, Secretary of the Ashram
16 Board, was sworn in and stated she supports the application. She stated Hanuman is a
17 symbol of active service, therefore, it is particularly painful to hear neighbors refer to
18 temple members as people who roam and commit crimes. She stressed they have
19 been good neighbors and are only trying to provide space for the people already
20 attending services.
21

22 Mr. Chacon asked Ms. Sydell if she lives in the neighborhood. Ms. Sydell stated she
23 lived on Burch Street which is located east of Taos Plaza.
24

25 Eugene A. Sanchez, 443 Trujillo Lane, was sworn in and opposes the application. He
26 stated there are two substandard roads and Geronimo Lane is one of them. He
27 doesn't feel the Town can approve this until the civil matter regarding the easement is
28 resolved. He stated he has issues with Condition 2, regarding parking enforcement,
29 because traffic is a great concern. Traffic on Valverde Street is already a problem and
30 during religious events cars are parked on Trujillo Lane and Valverde Street creating
31 a safety hazard. He has found evidence of people sleeping in ditches and feels they
32 may be people from the Ashram.
33

34 Mr. Diccico asked Mr. Sanchez if the people sleeping in the ditches are the Ashram
35 members. Mr. Sanchez stated there is evidence of people sleeping in the ditches,
36 however, he doesn't know for a fact that Ashram members do sleep there.
37

38 Colleen Durocher, 129 Lower Las Colonias, was sworn in and supports the
39 application. She stated she has been coming to the temple since 1997. She feels the
40 temple is very sacred. She stated the development proposed is for church members.
41 The parking issues are clear and providing additional parking will benefit both the
42 neighbors and the worshippers. The Ashram is not intending on expanding its
43 membership and there is no advertising anywhere for the temple.
44

45 Mr. Chacon stated the website does provide advertising and promotion for more
46 members to come.

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Ms. Durocher stated that almost every organization has a website for informational purposes and there is also a video on the website.

Mr. Upadhyaya stated there is a website, however it is against their beliefs to market or expand and they have no desire to market or expand.

Eloy Jeantete, 204 Valverde Street, was sworn in and opposes the application. He stated he has a copy of the original petition from 1984 which was circulated by Vishu Magee. He signed the petition believing that there would be no expansion, however, traffic has increased year after year. He is concerned because Geronimo Lane and Valverde Street are already very dangerous. He feels a lot of improvements to infrastructure will be needed on the surrounding roads.

Susan Haugen, 312 Valverde Street, was sworn in and supports the application. She stated the petitioners didn't go to her house. She stated she moved to Taos 20 years ago. She and her husband left Taos to further their education and chose to come back because of the Ashram's spirituality. She stated many people who come to the events stay at hotels and furthermore, anyone in the community is welcome to attend the festivities.

Mr. Chacon asked Ms. Haugen what is her husband's relation to the Ashram. Ms. Haugen stated her husband is a member.

Alfred Peralta, lives adjacent to the Ashram property, was sworn in and stated that he opposes the application. He stated the minutes of the Planning & Zoning Commission are full of inconsistencies and changes. He stated this is the only temple in this hemisphere and it is bound to expand. He further stated there is currently a legal dispute about the roads for entrance and exit to the property as well as a lot of easement problems.

Mr. Diccico asked Mr. Peralta if he has recently looked at the deeds and easements for the property. Mr. Peralta replied that he had not looked at them recently. Mr. Diccico asked if Mr. Peralta has seen the easements that cross his property and the one outside of the Ashram's property - the 13 foot easement outside of the Ashram's property and the 15 foot ingress/egress on his property. Mr. Peralta stated the Ashram doesn't have egress on his property because they relinquished the easement.

Mr. Spriggs asked Mayor and Council if staff will be allowed time for rebuttal because their performance was questioned during Mr. Peralta's testimony.

Mayor Cordova stated staff will be allowed time for rebuttal later in the hearing.

Sharon Hall, 425 La Lomita, was sworn in and opposes the application. She stated her mother's family is from India. She has been to the Ashrams in India and the one here in Taos and the sacredness is not limited to any religion. She stated due process

1 has been challenging. She stated the wide angle photos presented earlier in the
2 meeting are not accurate. Her fence was destroyed last year and she feels the
3 expansion is not safe for the public. She submitted a copy of her property survey for
4 the record. (Attached to minutes)

5
6 Mr. Diccico asked Ms. Hall to allow him to look at the survey and asked her who
7 destroyed her fence. She stated she does not know who it was. Mr. Diccico stated
8 the Ashram does not have access near her property. Ms. Hall stated she sees them use
9 that entrance all the time.

10
11 Mike Janeczko, 417 La Lomita, submitted a copy of the Declaration of Restrictive
12 Covenants (attached to minutes) from Vishu Magee dated October 17, 1982. Mr.
13 Janeczko said the covenants state no commercial activity of any kind shall be
14 conducted on the property. He stated he does support the Ashram, but his driveway is
15 very close and he disagrees with the plans. He feels there is a conflict between
16 religious purposes and commercial purposes.

17
18 Mr. Diccico stated the Council doesn't have any authority to enforce covenants.

19
20 Mr. Spriggs concurred that the Town does not have jurisdiction over covenants
21 because they are agreements between properties. He stated staff can set a condition
22 on the applicant.

23
24 Mr. Diccico stated he spent most of the morning at the County Clerk's office and
25 reviewing the title company's files on the transfer of the property to the Ashram and
26 he could not find any covenants relating to the Ashram's property.

27
28 Swamee Rahntere, was sworn in and opposes the application. He stated he is an
29 ordained minister who helped build the temple and served the community for 20
30 years.

31
32 Kate Harris, 414 La Lomita, was sworn in and opposes the application. She read a
33 section from the Access Management Manual and stated existing traffic is increased
34 by 25% on Sundays. She stated the roads have safety concerns for citizens and
35 children, and moreover, the expansion will create a danger to public health. She feels
36 the Ashram should be located in a better location.

37
38 Mr. Diccico asked Ms. Harris if she read the access manual. She stated she did not
39 read the entire manual, just the specific areas she mentioned in her presentation.

40
41 Cecilia Rael, 222 Valverde Street, was sworn in and opposes the application. She
42 stated her parents built the home where she lives in 1932. The traffic on Valverde is
43 very dangerous, leaving her in fear of collecting her mail. She stated people cross her
44 property and jump her fence and go toward the Ashram, however she cannot confirm
45 that they go to the Ashram.

46

1 Mr. Spriggs asked for a 30 minute break after the public hearing to allow staff to
2 review their notes.

3
4 Mayor Cordova stated he will allow a 15 minute break in respect for citizens who
5 have been sitting in the audience all day.

6
7 Norman Quenzler, 418 La Lomita, was sworn in and opposes the application. He
8 stated he received the notice regarding this hearing 6 days ago. He has lived in his
9 home for 30 years and has asked for a recent Ashram survey and has still not seen
10 one. He asked Council to take issues in order and separately and also to address the
11 acequias. He stated there could be more sewage as a result of the expansion and feels
12 the temple should be placed in the church zone. He is also concerned about the
13 additional wells on the property.

14
15 Mr. Diccico stated he did offer to meet with Mr. Quenzler and Mr. Quenzler replied
16 that he did not feel there was a reason to meet. Mr. Diccico stated there will not be
17 any additional wells added to the property – the Ashram has an existing commercial
18 well. Mr. Diccico asked Mr. Quenzler where the church zone he refers to is located.
19 Mr. Quenzler stated on Gusdorf Road.

20
21 Mayor Cordova stated for the record that there is no official church zone in the Town
22 of Taos.

23
24 Mr. Spriggs clarified that churches can apply for a Special Use Permit as essentially a
25 floating overlay zone to allow for certain special uses to be able to be developed in
26 any zone, therefore, Mayor Cordova is correct that there is no specific church zone.

27
28 Jennifer Ryan, 510 La Lomita, was sworn in and stated she is both in support of and
29 opposed to the application. She stated she is against the traffic congestion because
30 people do not abide by the speed limits leaving the streets incredibly dangerous. She
31 is, however, offended by hearing people refer to members as “these people”. She has
32 traveled to India and has never found the Ashram to be a problem. She feels that if
33 the expansion is legal, they should be allowed to do it.

34
35 Mayor Cordova closed the Public Hearing.

36
37 *BREAK 5:05 p.m. – 5:23 p.m.*

38
39 CLOSING STATEMENT FROM NEIGHBORHOOD SPOKESPERSON

40 Mr. Chacon stated that he has to make it clear that the neighbors’ frustration and
41 comments are not intended to offend anyone. He stated, they as neighbors, are not
42 against what exists right now. They’ve all had adverse affects from the temple and
43 have tolerated the issues, however they want the neighborhood to stay as it is. He
44 feels the project cannot move forward with all the issues regarding the deeds and
45 easements. He feels the photos presented are deceitful because they are taken during
46 quiet times, not when children are present or during festivals. He stated their

1 neighborhood is diverse. He further stated Taos is experiencing hard economic times
2 and there are a lot of vacant buildings in the community that can be used for this. He
3 hopes the Mayor and Council will consider the neighborhood's concerns.
4

5 Mr. Diccico stated he appreciates Mr. Chacon's statement about not wanting to
6 offend anybody. He stated photos were not wide-angled or deceitful. He stated that
7 everything that is coming is already happening, such as the traffic, the number of
8 people attending and parking during the events. The Ashram has had the intentions of
9 dealing with the parking issues during the festivities. The proposed temple is a new,
10 larger building and is meant to achieve more space for people to sit during
11 meditation. He stated the Ashram is unlike other churches in that their services are
12 held during different hours of the day. They do get 600 to 700 people, but not at the
13 same time. He stated the most they get at any one time is about 300 people twice per
14 year.
15

16 Mr. Diccico addressed the crime and traffic problems and stated he does not feel it is
17 fair to accuse the Ashram. He reminded Mayor and Council that they cannot place
18 additional requirements on a church that they do not place on other churches. In
19 regards to Condition 1 regarding shuttle service, Mr. Diccico stated the Ashram
20 doesn't have additional shuttle services as it would be hardship to create a shuttle
21 service. He doesn't understand why they would have to comply with Condition 13
22 regarding submitting the design of the Temple to the Planning & Zoning Commission
23 for review and approval. Mr. Diccico stated there is a possibility that the Ashram will
24 have the funding to complete the entire project so Condition 14 may not be
25 applicable, which states the applicant shall not receive a building permit until the
26 phase one development is complete.
27

28 Lastly, Mr. Diccico stated the Ashram has evidence that they do have easements on
29 La Lomita totaling eight feet in width. He stated the Ashram has not found evidence
30 that links the covenants directly to the Ashram property.
31

32 Mr. Spriggs stated he does not have any closing remarks because his role is to provide
33 the Council with support. He stated the first decision Council should make is whether
34 they will annex the subject property.
35

36 Mayor Pro Tem Abeyta stated this is a very important issue to the Community. He
37 thanked the Planning & Zoning Commission and staff for their hard work on this
38 issue.
39

40 Mayor Pro Tem Abeyta asked Mr. Perea how accurate is the map on Exhibit A and
41 the 300 foot notification area. Mr. Perea stated the map is very accurate and comes
42 from the Town's GIS database and parcel lines and property ownership is
43 continuously updated.
44

45 Mayor Pro Tem Abeyta asked Mr. Perea if he feels confident that people were
46 properly notified. Mr. Perea stated he is confident as staff sent out two notices

1 because they were told that some neighbors had not been notified. They also posted
2 signs in the area.

3
4 Mayor Pro Tem Abeyta stated this annexation would create two county “islands” that
5 will be surrounded by town limits.

6
7 Mayor Pro Tem Abeyta reviewed the staff report and called attention to page 3 of 21,
8 line 34 under Access to the Subject Property. Mayor Pro Tem Abeyta stated there is
9 a piece of property, which was owned by Steve and Laura Archuleta which was
10 conveyed to a gentleman from California, shows a 13 foot easement going to the
11 back. Further, he stated the survey does not show that the property accrues an
12 easement to La Lomita Road. Regarding Zone Change on page 4, Mayor Pro Tem
13 Abeyta asked why the applicant didn’t ask for R-2 zoning if they are only planning to
14 build 16 units. Mr. Diccico replied that under R-2 they could not do a cluster of the
15 Monastic units needed by the Ashram.

16
17 Mayor Pro Tem Abeyta continued reviewing the staff report and addressed page 5,
18 line 1, which states “The benefit to the neighborhood will outweigh any potential
19 adverse impact upon the surrounding properties”. He stated that during the public
20 hearing he didn’t hear one benefit to the neighborhood. He is concerned that parking
21 is available at the temple so traffic will increase diminishing public safety and
22 creating severe traffic problems. He believes the quality of life for the neighbors will
23 go down.

24
25 With regards to line 19 which states “The amendment to the Code will not create a
26 danger to the public health, safety, or welfare, nor cause an extraordinary public
27 expense, or create a nuisance”, Mayor Pro Tem Abeyta stated there will be increased
28 traffic and diminished public safety. He further stated the Town will be obligated to
29 improve Geronimo Lane and La Lomita Road, which creates concern about the other
30 roads in Taos that are not being improved. He expressed his concern about several
31 areas of the Staff Report where the applicant only partially meets criteria.

32
33 Mayor Pro Tem Abeyta referred back to the property that was owned by Steve and
34 Laura Archuleta. Mayor Cordova asked Mayor Pro Tem Abeyta to submit the survey
35 for the record (attached to minutes). Mr. Diccico stated the survey is a representation
36 of a sale that never occurred and there is a survey in Council’s packets from the
37 Archuletas to Bruce Margolin. Councilmember Abeyta asked Mr. Diccico if he
38 reviewed the survey and does the survey show that the property accrues an easement
39 onto La Lomita Road. Mr. Diccico stated yes.

40
41 Mayor Pro Tem Abeyta referred to the petition from the neighborhood and stated
42 100% are against the proposed growth of the temple. He stated they supported the
43 temple in 1984 because it was going to be small. He feels the church has a right to be
44 in the neighborhood but does not have a right to disrupt the neighborhood.

45

1 Mayor Cordova asked Erik Oiesen-Vreeke, Taos Fire Department, and Chief of
2 Police Daron Syling, to come to the podium and asked if the annexation could create
3 safety issues and affect their ability to respond to calls since it will create an island in
4 the County surrounded by Town limits.

5
6 Chief Syling was sworn in and stated they currently have that problem in the Cruz
7 Alta area. If they respond there and realize they've crossed the Town limits they'll
8 contact the correct agency. If the situation is life-threatening they'll ask all agencies
9 to be there and will deal with issues later. He stated there is a learning curve for the
10 Police Department and dispatch will help with that.

11
12 Mayor Cordova asked Eric Montoya, Administrative Fire Chief, if there were 600
13 people at the temple on Geronimo Lane, would it create a problem for fire trucks
14 responding to a fire. Chief Montoya, was sworn in and stated there have been
15 problems in the past and the Ashram has tried to address the issues. The property
16 needs fire access.

17
18 Mayor Cordova stated the expansion only accommodates 200 parking spaces,
19 however they expect 400 people to attend festivities. He asked if a car is parked on
20 Geronimo Lane and there is an emergency at the end of Geronimo Lane, not just the
21 temple, would they be able to pass through the road to access the emergency. Chief
22 Montoya stated that, as it is now, they will not be able to access the emergency,
23 however with the new plan, they will. The Ashram has given the Fire Department
24 access through La Lomita.

25
26 Mayor Cordova asked if the expansion will result in more traffic in or out of the
27 temple. Mr. Spriggs stated the future success of the church is not known.

28
29 Mr. Diccico stated he believes the new plan with additional parking and one-way
30 ingress/egress will alleviate traffic and parking in the roads. Additional parking is
31 being placed to accommodate current usage, not to expand services.

32
33 Mayor Cordova asked if there is a set schedule for festivities. Mr. Diccico stated
34 their schedule is over a period of several days.

35
36 Councilmember Sanchez stated there are weekly events and constant flow of traffic.
37 He asked Mr. Spriggs how wide is Geronimo Lane. Mr. Spriggs stated the road is
38 approximately 13 feet. Councilmember Sanchez stated the access manual states the
39 Town shall require a traffic study.

40
41 Mr. Spriggs stated this project falls under the threshold for requiring a traffic study
42 because it's less than 28 units.

43
44 Councilmember Sanchez asked if an analysis was conducted using the access manual.
45 Mr. Spriggs stated that they did use the guidelines.

46

1 Mr. Ferguson explained legal guidelines to Mayor and Council. He stated there are
2 both state and federal statutes that prohibit discrimination against religious
3 institutions or the free exercise of religions and furthermore, there is a Seventh Circuit
4 Court of Appeals opinion which states that an annexation decision is not subject to
5 that federal statute, but this case could be overruled by the Supreme Court, or the
6 Tenth Circuit could find differently. He advised the Council that they do need to be
7 careful, for constitutional reasons, not to interfere with the free exercise of religion.
8 He stated if the Council does make their decision on the basis of zoning as opposed to
9 annexation, then the federal statute clearly does apply. Mr. Ferguson explained
10 different factors for the Council to take into consideration when making their
11 decision. He also explained that, by statute, the governing body shall, by ordinance,
12 express their consent or rejection to the annexation. Consequently, if the Council
13 decides not to consent to the annexation, then an ordinance would need to be drafted
14 and approved by Council at the meeting where the minutes of this meeting are
15 approved.

16
17 Councilmember Sanchez stated it is necessary to go into Executive Session to discuss
18 either approving or denying the item and to make sure we have the proper legal
19 terminology on this decision.

20
21 Mayor Pro Tem Abeyta stated that given the information that was provided by the
22 Attorney moments ago, he would rather not go into Executive Session. He stated he
23 doesn't want the citizens to think the Council went into Executive Session to
24 persuade one another, and he believes the process should be transparent.

25
26 Councilmember Quintana asked Mr. Ferguson if the Council denies the annexation if
27 he would prepare an ordinance for approval at the next meeting. Mr. Ferguson stated
28 if the Council does deny the annexation an ordinance would be presented at next
29 month's Council meeting for adoption.

30
31 Councilmember Silva stated he believes the Council should be transparent and should
32 act without going into Executive Session.

33
34 **Mayor Pro Tem Abeyta made a motion not to approve Town of Taos Ordinance**
35 **09-05; Neem Karoli Baba Ashram, property owner; David B. DiCicco, agent**
36 **requesting Annexation, Zone designation of R-4, and Planned Unit**
37 **Development Overlay Zone on 8.856 (+-) acre property located at 416 Geronimo**
38 **Lane for the following substantiated facts revealed in today's public hearing as**
39 **follows:**

40
41 First and foremost, the proposed annexation should be denied because under
42 NMSA 1978 Section 3-7-17, an annexation by petition, even if all other
43 requirements are met, is subject to either consent or rejection by ordinance. A
44 municipality has great discretion in making annexation decisions which are
45 fundamental to the very size and shape of the municipality and with that, the
46 obligations to provide police, fire, public works, public utilities and other

1 municipal services. There is not convincing evidence that the proposed
2 annexation will be advantageous to the Town of Taos. On the contrary, there is
3 evidence that the proposed annexation could result in substantial expense to the
4 Town, including improving public roads. It would also result in a County island
5 within the Town with resulting jurisdictional problems. There are also unresolved
6 easement issues in the land that would be annexed to the Town.
7

8 Second, the Land Use Development Code Section 3-6.2 has 6 criteria pertaining
9 to zone changes. Criteria 6 does not apply in this case. The applicant complies
10 with Criteria 1, 2 and 3, however the applicant does not comply with Criteria 4
11 and 5. Specifically Criteria 4 reads “The benefit to the neighborhood will
12 outweigh any potential adverse impact upon the surrounding properties”. Under
13 this criteria, traffic will dramatically increase on Geronimo Lane, Valverde Street,
14 La Lomita Street, La Loma, San Antonio, Don Fernando and so on. This increase
15 in traffic is substantiated by parking going from approximately 70 parking spots
16 today, to approximately 163 parking spots. This is indeed a severe adverse
17 impact upon the surrounding properties. Another severe impact to the
18 surrounding properties is the neighbors will experience a decreased quality of life,
19 i.e., public welfare, based on the increased noise resulting from increased traffic
20 and other related activities. There are no noted benefits to the neighborhood.
21 Criteria 5 reads “The amendment to the code will not create a danger to public
22 health, safety and welfare nor cause an extraordinary public expense or create a
23 nuisance”. Again, increased traffic will make the previously mentioned roads
24 more unsafe than they currently are, thus greatly diminishing public safety.
25 Furthermore, there will be decreased quality of life to the neighbors due to the
26 increased noise and this will diminish the public welfare of the neighbors and
27 visitors. The issue of potential adverse impacts to the neighborhood, public safety
28 and public welfare are indeed municipal interests that this public body cannot
29 disregard.
30

31 Finally, Land Use Development Code Section 4-18.1 has nine criteria pertaining
32 to the Planned Unit Development Overlay Zone. The applicant meets Criteria 1,
33 3, 4 and 5. Criteria 2 is not applicable. The applicant only partially meets
34 Criteria 6, 7, 8 and 9 as stated in the Town of Taos staff report.
35

36 **Councilmember Quintana seconded the motion.**
37

38 Councilmember Sanchez stated, for the record, that he believes the conditions
39 certainly show a compelling municipal interest based on all the issues that were
40 presented at the public hearing, therefore, he agrees with Mayor Pro Tem Abeyta.
41

42 Mr. Ferguson suggested that Mayor Pro Tem Abeyta amend his motion to include
43 direction that an ordinance will be drafted denying the annexation.
44

1 Mayor Pro Tem stated he amends his motion to include that an ordinance will be
2 drafted denying the annexation and will be presented for approval at the same
3 meeting where the minutes of this meeting are approved.
4

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

10 **6. ADJOURNMENT:** A motion was made by **Councilmember Silva** and seconded by
11 **Councilmember Quintana** to adjourn the meeting. The motion carried unanimously
12 and the meeting adjourned at **7:28 p.m.**
13
14
15

16 **APPROVED:**

17
18 _____
19 **Darren M. Cordova, Mayor**

20
21
22 **ATTEST:**

23
24 _____
25 **Renee Lucero, Town Clerk**
26
27
28

29 *PLEASE NOTE: The Town of Taos records most Town Council Meetings via audio,*
30 *however, only Regular Town Council Meetings and some Special Town Council Meetings,*
31 *with controversial issues, are video recorded. Copies are available upon request at the*
32 *Town Clerk’s Office located at 400 Camino de la Placita (575-751-2005) at a fee of \$5.00*
33 *for audio recordings and \$25.00 for video recordings.*
34
35