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**Special Meeting  
Taos Town Council  
Town Council Chambers  
120 Civic Plaza Drive  
Taos, New Mexico  
March 18, 2009  
3:30 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 3:39 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	Amy J. Quintana

**Also present were:**

Assistant Town Manager	Abigail Adame
Town Clerk	Renee Lucero
Town Attorney	Allen Ferguson

**Absent/Excused were:**

Councilmember	A. Eugene Sanchez (due to a procedural matter)
Councilmember	Michael Silva (due to paving at Town Hall)
Town Manager	Daniel Miera (due to a meeting with Federal Aviation Administration regarding the Environmental Impact Statement)

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

4. **PUBLIC HEARINGS**

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

Appeal to Case No. P&Z 2007-21 Acequia de los Sanchez, Acequia Los Lovatos, Ranchitos Ditch and El Molino Acequia Association, Appellants, Alan H. Maestas, Maestas & Boothby, P.C., agent; appealing the Planning and Zoning Commission decision to approve the Final Plat for the Valverde Commons 28-lot Subdivision. The property is located at 400 Valverde Street within the R-4 Residential zone of the Town of Taos.

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Matthew Spriggs, Community & Economic Development Director, stated he recommends delaying this appeal due to several issues that came up when staff conducted research into last year's hearing regarding the Valverde Commons case. He would like to have the hearing for annexation/rezoning conducted on a separate date from the appeal.

Mayor Cordova read the following statement: "This matter was scheduled and duly noticed for public hearing today, March 18, 2009. However, because the Council must hold a public hearing on ordinances concerning annexation and rezoning of Valverde Commons before proceeding with the public hearing on the final plat appeal, the Council cannot actually proceed to take testimony today on the final plat appeal. In order to preserve the appellants' procedural appeal rights, this matter is being opened today, as noticed, and should be continued to a date certain in the future. At this time, I will ask for a motion to continue this final plat appeal matter to the Special Meeting of the Town Council to be held on May 26, 2009."

Mayor Cordova allowed the appellants to dialogue with the Council on procedural matters.

Allen Maestas, appellant's attorney, stated he does not have a problem with the scheduled meeting, however, he thinks an appeal meeting should be scheduled in June. He stated that he is concerned because the appellant cannot appeal until after the minutes are approved in May.

Allen Ferguson, Town Attorney, stated he would like to hear from the applicant.

Mayor Pro Tem Abeyta said the Council had failed to follow proper procedures. He believes the meeting can still be held in April of 2009. He stated he does not think that Planning & Zoning needs to go back to Step 1, as they did their part.

Stephen Rose, representative of Valverde Commons LLC, stated that this was a difficult situation for them to be in. They have a group of elderly people who need a place to live including some residents of Plaza de Retiro. He feels having the hearings on separate dates would be problematic, as Council may approve the ordinance, and then appellants may appeal, which takes 30 days.

Mr. Ferguson clarified that he spoke to Bruce Kelly, attorney for Valverde Commons LLC, and confirmed that the time to appeal begins when the ordinance is approved, adopted and signed. He stated there is a separate statute (annexation statute) that is more complex and an appeal date for an ordinance begins when the ordinance is filed with the County Clerk, which would most likely not be the same date it is approved, adopted and signed.

Mr. Rose stated the hearing could be held one or two months later, as an appeal can be filed after they have the final plat. He stated that the Town loses jurisdiction to

1 proceed with a case while the appeal is in court. The entire process can last six  
2 months to a year, or more. There is no reason the final plat hearing cannot be done at  
3 the same time as annexations/zone change hearings. He requested the Council  
4 schedule this matter all on one date having three separate hearings all on the same  
5 day. This would help all parties involved. He further stated he was hoping they  
6 would be scheduled before the end of April of 2009, but hearing everything on one  
7 day is more important. He stated that Town staff has had the plans since August of  
8 2008 for review and Mr. Maestas had raised the question (in a letter) that it was  
9 inappropriate for the Council to have reviewed the final plat last year, since Planning  
10 & Zoning had not approved it yet. Mr. Rose stated that he feels having the hearings  
11 in June is too late as they need to have their residents in their homes soon.

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13 Bob Draper, representative of Valverde Commons LLC, stated this matter would be  
14 in front of a Judge sooner or later. Even if both hearings occur on same day, the  
15 appellants will appeal. He stated that this matter should go directly to the courts, as  
16 justice delayed is justice denied.

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18 Mayor Cordova asked Mr. Spriggs if he was confident we can schedule all these  
19 issues in one hearing. Mr. Spriggs stated it is a matter of time and priorities. His  
20 department can provide Mayor and Council with a decent understanding of issues and  
21 asked that Mayor and Council understand that both his department and the Legal  
22 departments are under a lot of stress at this time.

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24 Mr. Ferguson stated his professional opinion is he disagrees with Mr. Maestas. The  
25 appellants have agreed to schedule the three hearings in early May, 2008, and doing  
26 this will not deprive anyone of their rights. He advised scheduling all three hearings  
27 in one day, subject to a change of date of a third hearing.

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29 Mayor Pro Tem Abeyta stated he has no problem with scheduling all three hearings in  
30 one day, but they need to begin at 9:00 a.m., perhaps on May 12, 2009, with the  
31 public hearings on the following: 1) annexation; 2) rezoning; and 3) final plat  
32 approval.

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34 Mayor Cordova recommended continuing this meeting on May 13, 2009, at 9:00 a.m.

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36 **Mayor Pro Tem Abeyta made a motion to continue this hearing on May 13,**  
37 **2009, at 9:00 a.m. at the Town Council Chambers. Councilmember Quintana**  
38 **seconded the motion. The motion was approved by an affirmative vote. Those**  
39 **voting AYE were: Mayor Cordova, Mayor Pro Tem Abeyta and**  
40 **Councilmember Quintana.**

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42 Mayor Pro Tem Abeyta stated this matter should be top priority for staff.

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44 Mayor Cordova encouraged the attorneys to work with the Town's attorney on this  
45 issue, pointing out any potential issues in order to expedite the process. He stated the

1 scheduled public hearings would be for annexation, rezoning and the final plat  
2 approval, which is contingent upon approval of the annexation.

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4 **6. ADJOURNMENT:** A motion was made by **Councilmember Quintana** and  
5 seconded by **Mayor Pro Tem Abeyta** to adjourn the meeting. The motion carried  
6 unanimously and the meeting adjourned at **4:30 p.m.**

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10 **APPROVED:**

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13 **Darren M. Cordova, Mayor**

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16 **ATTEST:**

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19 **Renee Lucero, Town Clerk**

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