



AGENDA
July 13, 2010
Regular Meeting
Town Council Chambers - 120 Civic Plaza Drive
1:30 PM

1. CALL TO ORDER BY THE HONORABLE MAYOR DARREN M. CORDOVA

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

5. APPROVAL OF MINUTES

A. June 22, 2010 Regular Town Council Meeting Minutes

B. June 22, 2010 Town Council Workshop Meeting Minutes

C. June 25, 2010 Special Town Council Meeting Minutes

6. AWARDS AND RECOGNITIONS

A. Loretta Trujillo, Human Resources Director

New Hires (June 2010)

06/09/2010 Josh Parken - Lifeguard, Pool Division -
Temporary employee through August 31, 2010

06/09/2010 Zachary Romero-Lifeguard, Pool Division - Temporary
employee through August 31, 2010

B. Loretta Trujillo, Human Resources Director

Appointments/Re-assignments

05/29/2010 Vanessa Martinez - from Receptionist/Lifeguard I to
Lifeguard III

06/12/2010 Suzette Garley Salazar - from Temporary Lifeguard to

Part-time Lifeguard

06/28/2010 Nick Ault - from Police Office II to Sergeant

C. Presentation of Certificate of Recognition of Angelica Sanchez

Mayor Cordova will present a Certificate of Recognition to Angelica Sanchez who is the 2010 USA National Junior Olympic Boxing Champion.

7. CITIZENS FORUM

A. Presentation by Rocky Mountain Youth Corps

Presentation by Tia Trujillo, Rocky Mountain Youth Corps, regarding safe transportation options in Taos.

8. PUBLIC HEARINGS

A. Loretta Trujillo, Human Resources Director

Consideration and approval of Ordinance 10-13; An Ordinance of the Town Council repealing Section 3.76.130 of the Town Code in its entirety with respect to "Pay at Termination", and replacing it with a new Section 3.112.190; and amending Section 3.112.190 with respect to "Disbursal of Final Paycheck". The Ordinance would allow for the Town Code to be in compliance with New Mexico State Statutes Annotated 50-4-4 and 50-4-5 which set guidelines determining when a final paycheck must be disbursed to employees based on whether the employee is discharged or if the employee resigns his/her position.

B. Loretta Trujillo, Human Resources Director

Consideration and approval of Ordinance 10-15; An Ordinance of the Town Council amending Section 3.92.020 of the Town Code as it applies to "Public Conduct". The proposed changes to Town Code include verbiage that applies to standards of professional conduct while working with minor employees and/or patrons.

9. MATTERS FROM STAFF

A. Amos Torres, Public Utilities Director

Consideration and approval of Resolution 10-36; Waiver of employee or immediate family member contracting with the Town of Taos. The waiver is to allow the Town of Taos to contract with Alex Abeyta of Abeyta Engineer Inc. for engineering services. Alex Abeyta is related to Rudy Abeyta, Town of Taos Councilmember.

B. Loretta Trujillo, Human Resources Director

Consideration and approval of Resolution 10-33; Waiver of employee or immediate family member contracting with the Town of Taos. The Town of Taos Human Resources Department is contracting with Ms. Alicia Esparza dba Northern New Mexico Job and Drug Screening/Taos Physical Therapy to provide pre-employment and after hour drug screenings. Ms. Esparza is the spouse of Town Employee Matthew Spriggs. Although Resolutions 09-07 and 09-08 were approved last year for the same purpose, this is a new contract for Fiscal Year 2010-

2011 and requires approval of a new resolution.

C. **Marietta Fambro, Finance Director**

Approval of Resolution 10-27; Approving the disposition of obsolete vehicles and equipment owned by the Town of Taos. Property identified are 3 vehicles, bobcat with attachments, ditchwitch, copier, direction traffic arrow trailer, flatbed trailer, lockers, and miscellaneous building materials.

D. **Rick Anglada, Chief of Police**

Consideration and approval of Resolution 10-37; A resolution adding to the Town of Taos Police Department Policy a section regarding Racial/Bias Based Profiling by reiterating our strong stance against any form of discrimination.

10. MATTERS FROM THE MAYOR AND COUNCIL/YOUTH COUNCILMEMBER

A. **Appointment of Members to Acequia Preservation Task Force**

Recommendation and approval of five members to the Town of Taos Acequia Preservation Task Force.

B. **Resolution 10-34**

Consideration and adoption of Town of Taos Resolution 10-34 settings rules for the use of Kit Carson Park by Commercial Events and setting the associated fees for the use of public property.

11. EXECUTIVE SESSION

Executive Session

The Council will adjourn to go into executive session to discuss limited personnel matters regarding the Town Manager's evaluation pursuant to NMSA 1978 10-15-1-H.2.

12. ADJOURNMENT

APPROVED:

Darren M. Cordova, Mayor

ATTEST:

Renee Lucero, Town Clerk

- *To request details on an agenda item please contact the Town Clerk at 400 Camino de la Placita, Taos New Mexico, 87571 (575) 751-2005.*
- *If you are an individual with a disability who is in need of aid or service to attend and/or participate in a meeting of the Town of Taos Council, please contact the office of the Town Clerk at 400 Camino de la Placita, Taos New Mexico, 87571 (575) 751-2005 at least 24 hours in advance.*
- *For copies of this agenda please pick-up at Town Hall.*



July 13, 2010

Title:

June 22, 2010 Regular Town Council Meeting Minutes

Summary:

Background:

Attachments:

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APPROVALS:

Date/Time:

7/6/2010 8:27 AM

Approval:

Approved

Department:

Town Clerk



MINUTES
June 22, 2010
Regular Meeting
Town Council Chambers - 120 Civic Plaza Drive
1:30 PM

1. CALL TO ORDER BY THE HONORABLE MAYOR DARREN M. CORDOVA

The Regular Meeting of the Taos Town Council was called to order by the Honorable Mayor Pro Tem Abeyta at 1:33 p.m.

2. ROLL CALL

Ms. Renee Lucero, Town Clerk, called roll and a quorum was present.

Those present were:

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 Clerk, Renee Lucero
Town Attorney, Allen Ferguson

Absent was:

Mayor, Darren M. Cordova (out of town on business)

3. PLEDGE OF ALLEGIANCE

Councilmember Silva led the audience in the pledge of allegiance.

4. APPROVAL OF AGENDA

Delete Item 7.B. Tracy Olson; Discussion regarding Summer Mural Project.

Delete Item 10.A. Matthew Spriggs, Community & Economic Development Director; Consideration and approval of the Preliminary Memorandum of Understanding between the Town of Taos and the Taos Community Foundation supporting the application for the "Promise Neighborhood" planning grant and committing to participating in the planning process and to provide staff time to the planning effort and implementation which will include existing services and the provision of affordable housing already underway by the Town.

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

5. APPROVAL OF MINUTES

A. May 25, 2010 Regular Town Council Meeting Minutes

Councilmember Sanchez made a motion to approve the Minutes of May 25, 2010, as presented. Councilmember Quintana seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Councilmembers Sanchez, Quintana and Silva.

B. June 8, 2010 Regular Town Council Meeting Minutes

Page 6, line 41 through 43, change the sentence to read as follows: "Mayor Cordova directed Mr. Miera to present another resolution to the Town Council at the first Regular Council Meeting in July, 2010 that would address the issues raised by Mayor Pro Tem Abeyta".

Councilmember Silva made a motion to approve the Minutes of June 8, 2010 as amended. Councilmember Quintana seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Councilmembers Sanchez, Quintana and Silva.

6. AWARDS AND RECOGNITIONS

A. Recognition of Annette Montoya, Taos Public Library Children's Librarian

Mayor Pro Tem Abeyta presented Annette Montoya with a certificate in recognition of her service in promoting the importance of reading through the Reading is Fundamental (RIF) grant program. The RIF organization recently honored her work at a national recognition dinner in Washington, DC.

Ms. Montoya stated it is a great honor to receive this recognition and thanked George Jaramillo, Taos Public Library Director, for the nomination.

1
2
3 B. Recognition of Police Department Employees

4 Mayor Pro Tem Abeyta and Police Chief Rick Anglada presented
5 certificates and the Chief's Challenge Coin to the following
6 employees: Officer Gilbert Atencio, Officer David Weaver, Valorie
7 Mondragon and Crystal Griego who volunteered their time and
8 helped at the First Annual Special Olympics Basketball
9 Tournament which was coordinated by Officer Atencio.

10 Officer Atencio thanked Mayor Pro Tem Abeyta and Chief Anglada for the
11 recognition and stated Officer Weaver, Ms. Mondragon and Ms. Griego are
12 always available to assist when needed. He thanked each of them for their
13 help.

14 **7. CITIZENS FORUM**

15 A. Lorrie Bortner

16 Discussion regarding Summer Mural Project.

17 Ms. Bortner explained her intent was to have a mural placed at the Town's
18 water tower; however, there is not enough time before school begins to
19 complete the mural because the tower will not be ready for painting. Ms.
20 Bortner proposed that the mural be placed at the Youth & Family Center.
21 She stated the mural will be about 25 feet x 56 feet and presented a drawing
22 of the proposed mural.

23
24 Mayor Pro Tem Abeyta asked Daniel Miera, Town Manager, if he is
25 satisfied with the layout of the mural. Mr. Miera stated the layout was
26 previously presented to him and it meets his satisfaction. He believes this
27 location is a good alternative to the water tower site, which can be
28 considered next year.

29
30 The Councilmembers concurred that the placement of the mural at the
31 Youth & Family Center is acceptable.

32 B. ITEM DELETED

33 C. Trent McClendon, Cactus Aviation

34
35 Mr. McClendon introduced himself to the Mayor Pro Tem and
36 Councilmembers and stated his company is now offering aerial tours from
37 Taos Regional Airport. He stated he is aware of areas in Taos which he is
38 not allowed to fly over and looks forward to working with the community.

39 **8. CONSENT AGENDA**

40
41 A. Marietta Fambro, Finance Director (with Miranda Quintana, Grants
42 Administrator)

43 Authorization and acceptance of 2009 Supportive Housing
44 Program Renewal Grant Agreement No. NM0038B6B010901

between the United States Department of Housing and Urban Development (Grantor) and the Town of Taos/Community Against Violence (Grantee) in the amount of \$450,000.

B. Marietta Fambro, Finance Director (with Miranda Quintana, Grants Administrator)

Consideration and approval of Contract TT-11-26 with the Community Against Violence in the amount of \$450,000 inclusive of GRT to provide emergency residential shelter for displaced or homeless victims of domestic violence in Taos County contingent upon available funding. Funded by the 2009 Supportive Housing Program Renewal Grant Agreement No. NM0038B6B010901 between the United States Department of Housing and Urban Development (Grantor) and the Town of Taos/Community Against Violence (Grantee).

C. Marietta Fambro, Finance Director (with Miranda Quintana, Grants Administrator)

Acceptance and approval of Grant Agreement 11-418-6000-0049 with New Mexico Clean and Beautiful. The grant amount is \$2,500 for the purpose of enhancing local litter control and beautification projects.

D. Matthew Spriggs, Community & Economic Development Director (with Matthew Foster, Long Range Planner)

Consideration and approval of Resolution 10-32; Approving the Application to the United States Department of Agriculture for the Rural Business Opportunity Grant Program in the amount of \$250,000 with in-kind match from the Town. This grant will provide business training classes to emerging and established artists at no cost to the participants.

E. Rick Anglada, Chief of Police

Consideration and approval of Contract TT-11-05 with Stray Hearts - Humane Society for the intake of animals. The contract is in the amount of \$90,000 for the 2010-2011 fiscal year ending June 30, 2011; line item 11-14-44005. This is the first renewal from RFP# 08-19-12 which we have the option to renew for 4 years.

Item 8.D. was removed from the Consent Agenda for discussion.

Councilmember Quintana made a motion to approve the Consent Agenda as amended. Councilmember Silva seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Councilmembers Sanchez, Quintana and Silva.

Item 8.D.: Councilmember Sanchez asked what type of in-kind services will be provided by the Town to fulfill the grant requirements. Matthew

Spriggs, Community & Economic Development Director, stated the Town will provide in-kind services such as staff time, mapping, facility usage, etc. He emphasized that the Town will not provide a cash match.

Councilmember Silva made a motion to approve Resolution 10-32 as presented. Councilmember Quintana seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Councilmembers Sanchez, Quintana and Silva.

9. PUBLIC HEARINGS

A. Allen Ferguson, Town Attorney (with Mark Fratrack, Taos Regional Airport Manager)

Consideration and approval of Ordinance 10-12A; An Ordinance of the Town Council of the Town of Taos authorizing and approving a Lease Agreement for a hangar located at the Taos Regional Airport.

Mark Fratrack, Airport Manager, presented Ordinance 10-12A to the Mayor and Council and stated the lease is for the gray hangar at the Taos Regional Airport which is owned by the Town of Taos. He stated the lease has been negotiated between the tenants and town management and all terms of the lease have been agreed upon.

Public Opinion

Mayor Pro Tem Abeyta opened the public hearing. **No one came forward.**

After closing the public hearing, Mayor Pro Tem Abeyta asked for questions from the Council.

Councilmember Quintana made a motion to approve Ordinance 10-12A as presented. 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. Allen Ferguson, Town Attorney (with Assistant Town Attorney Jack Clough)

Consideration and approval of Ordinance 10-14; Repealing Town of Taos Ordinance 07-05 [An Ordinance approving a Project Participation Agreement entered into between the Town of Taos and the Taos Plaza Theatre and Arts Center, LLC pursuant to the New Mexico Local Economic Development Act and Town Ordinance, codified at 4.20 Economic Development Plan] and the related Lease Agreement in their entirety.

Jack Clough, Assistant Town Attorney, presented Ordinance 10-14 to the Mayor and Council and stated this ordinance is one of the last items to be

settled as part of the settlement agreement between the Town of Taos and Taos Plaza Theatre and Arts Center, LLC. In addition, he stated a portion of the agreement, a \$30,000 payment from Taos Plaza Theatre and Arts Center, LLC, has also been settled.

Public Opinion

Mayor Pro Tem Abeyta opened the public hearing. **No one came forward.**

After closing the public hearing, Mayor Pro Tem Abeyta asked for questions from the Council.

Councilmember Sanchez made a motion to approve Ordinance 10-14 as presented. 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. Renee Lucero, Town Clerk

Consideration and approval of a new Restaurant Beer & Wine Liquor License Application No. 633683 for Powell Orchard Enterprises Inc. dba Taos Diner II located at 216-B Paseo del Pueblo Sur.

Renee Lucero, Town Clerk, presented Application No. 633683 for a new Restaurant Beer & Wine Liquor License for Taos Diner II and stated all publication requirements have been complied with in accordance with Alcohol & Gaming Division regulations. She further stated that the Planning & Zoning Division has approved the license for zoning.

Public Opinion

Mayor Pro Tem Abeyta opened the public hearing. **No one came forward.**

After closing the public hearing, Mayor Pro Tem Abeyta asked for questions from the Council.

Councilmember Quintana made a motion to approve the new Restaurant Beer & Wine Liquor License for Taos Diner II as presented. 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.

10. MATTERS FROM STAFF

A. ITEM DELETED

B. Marietta Fambro, Finance Director (with Miranda Quintana, Grants Administrator)

Approval and acceptance of Grant Agreement 03996 for the continuation of the original Grant Agreement number 09-L-G-3908

in the amount of \$800,000; to plan, design and construct a pediatric clinic in Taos, Taos County. This agreement shall be effective retroactive to October 31, 2009 and shall terminate on August 29, 2013.

Ms. Fambro stated this is a continuation of a legislative project the Town of Taos has with the State of New Mexico and under the Laws of the 2009 Special Session, the old agreements have been terminated with the balance amounts awarded back to the Town of Taos under these new agreements. She explained that funding for this project was initially provided through the State's General Fund in the amount of \$1,100,000; however, SB 29 changed the funding source to Severance Tax Bonds with the balance of \$800,000.

Mr. Miera stated Town staff worked very hard to ensure that the Town did not lose funding.

Councilmember Silva made a motion to approve Grant Agreement 03996 as presented. Councilmember Sanchez seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Councilmembers Sanchez, Quintana and Silva.

C. Eric Montoya, Administrative Fire Chief

Approval of Resolution 10-35; A resolution of the Town Council imposing Fire Restrictions (Burn Ban) for the protection of the Town of Taos and its citizens and their property.

Administrative Fire Chief Montoya read Resolution 10-35 and explained that due to the increase in fires in recent weeks he strongly recommends approval of the resolution in an effort to protect the citizens and their property. He emphasized the use of fireworks will be strictly prohibited upon passage of the resolution and reminded the community that the Taos Fire Department will hold its Annual 4th of July Fireworks Display for all to enjoy. In addition, he stated Volunteer Fire Chief Jim Fambro has been in contact with two Taos County Commissioners regarding this resolution and he is confident the County will also pass a resolution imposing fire restrictions throughout Taos County.

Mayor Pro Tem Abeyta asked how difficult it is to restrict the use of fireworks. Administrative Fire Chief Montoya stated it is not difficult at all when the community is well educated on the drought conditions and the fire dangers. His goal is to educate the community as much as possible through the Town's Public Relations Office, the newspaper, and radio announcements.

Councilmember Quintana made a motion to approve Resolution 10-35 as presented. Councilmember Sanchez seconded the motion. The

1
2 **motion was approved by an affirmative vote. Those voting AYE**
3 **were: Councilmembers Sanchez, Quintana and Silva.**

4
5 **11. MATTERS FROM THE TOWN ATTORNEY**

6 A. Resolution 10-19A

7 Consideration and approval of Resolution 10-19A; Amendment to
8 Town of Taos Purchasing Policy. This amendment adds a new
9 section of the recently adopted Purchasing Policy covering legal
10 and contractual requirements regarding conflicts of interest and
11 makes certain other, minor changes to the Policy.

12 Allen Ferguson, Town Attorney, reviewed the proposed changes to the
13 purchasing policy and explained that the changes will address conflicts of
14 interest.

15
16 Councilmember Quintana referred to paragraph B on page 20 which
17 addresses "Financial Interest" and asked if an elected official must recuse
18 themselves from all discussions and motions when an immediate family
19 member conducts business with the Town of Taos as a contractor. Mr.
20 Ferguson stated yes, the policy states an elected official shall recuse
21 themselves from any Town action or decision-making process that affects
22 them or their immediate family members.

23 Mr. Ferguson referred to the last two paragraphs on page 21 and
24 recommended replacing the paragraphs with the following paragraphs to
25 include the underlined verbiage for clarification:

26
27 **"Cross-Reference:** This Policy incorporates by reference the Town's
28 special procurement policy for Community Development Block Grant
29 (CDBG) projects set forth in Town of Taos Resolution 09-21 adopted by
30 the Town Council on April 28, 2009. Please refer to that policy for
31 procurement under CDBG grants.

32 **PURCHASING POLICY APPROVAL**

33 This Town of Taos Purchasing Policy was originally adopted by the Town
34 Council of the Town of Taos at its Special Meeting on April 29, 2010 and
35 was amended by the Town Council at its Regular Meeting on June 22,
36 2010."

37
38 Councilmember Silva asked if the completion date of a contract is when the
39 contractor is paid in full or when the project is completed. He stated he did
40 not find anything in the policy which addresses the completion date. Mr.
41 Miera stated the contractual relationship between the Town and the
42 Contractor can sometimes go on beyond the last payment to the Contractor
43 and he believes the Town should be mindful not to conclude a contract
44 upon final payment.

1
2
3 A discussion ensued about whether language regarding contract completion
4 dates should be added to the policy or contract documents. Mayor Pro Tem
5 Abeyta recommended approving the policy before the Council today and
6 instructed the Town Manager to evaluate the concern raised by
7 Councilmember Silva and address it at a later date either by amending the
8 policy or by including language in contract documents.
9

10 **Councilmember Silva made a motion to approve Resolution 10-19A as**
11 **amended with the Town Attorney's recommendations. Councilmember**
12 **Quintana seconded the motion. The motion was approved by an**
13 **affirmative vote. Those voting AYE were: Councilmembers Sanchez,**
14 **Quintana and Silva.**

15 12. MATTERS FROM THE TOWN MANAGER

16 A. Budget Message

17 Annual Budget Presentation by Daniel R. Miera, Town Manager.

18
19 Mr. Miera presented the Budget Message and stated the financial plan was
20 crafted with several important goals in mind as follows: 1) The budget must
21 be a balanced budget and the Town cannot spend more than the Town can
22 afford; thus continuing the tradition of strong fiscal stability and
23 accountability; 2) The budget must meet all financial policies that have
24 been established by Town Council; and, 3) the budget must directly address
25 Council priorities to the greatest extent possible.

26 He continued with the presentation and pointed out that the cost of living
27 adjustment of one percent will be instituted within the Town of Taos pay
28 scale for FY 2010-2011 and will be implemented July 1, 2010. He stated
29 that the total budgeted expenditures in all funds for FY 2010-2011 are
30 estimated at \$39,796,308 from an overall estimated revenue total of
31 \$46,713,155.

32
33 Mr. Miera thanked the Mayor and Council for providing leadership and
34 guidance to the Management Team and staff during the budget process and
35 he also thanked the department heads and the Finance Director for the long
36 hours spent in developing the budget.

37 Mayor Pro Tem Abeyta stated he is pleased that the Town is able to give a
38 provide one percent cost of living increase given the downturn in our
39 economy and, furthermore, the town is fortunate to have a balanced budget
40 and is not facing lay-offs, furloughs or pay cuts.

41 B. Resolution 10-22

42 Approval of Resolution 10-22; Compensation and Benefits for
43 Fiscal Year 2010-2011.
44

Councilmember Sanchez asked if funding does become available to provide additional salary increases that the Town Manager authorize such increases with the consent and approval of the Town Council. Mr. Miera stated, if Council agrees, he can amend the resolution to address Councilmember Sanchez's concern.

Councilmember Quintana made a motion to approve Resolution 10-22 as amended with Councilmember Sanchez's recommendation. Councilmember Sanchez seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Councilmembers Sanchez, Quintana and Silva.

C. Resolution 10-29

Approval of Resolution 10-29; Budget Policies for Fiscal Year 2010-2011.

Councilmember Sanchez recommended deleting the following verbiage from the end of Section 1 - Preparation and Submission of the Budget: "but shall in addition try to maintain up to an additional 1/12 that is possible based on budget constraints."

Councilmember Silva made a motion to approve Resolution 10-29 as amended. Councilmember Quintana seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Councilmembers Sanchez, Quintana and Silva.

D. Resolution 10-30

Approval of Resolution 10-30; Capital Improvements Program for Fiscal Year 2010-2011.

Councilmember Quintana made a motion to approve Resolution 10-30 as presented. Councilmember Silva seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Councilmembers Sanchez, Quintana and Silva.

E. Resolution 10-31

PUBLIC HEARING: Approval of Resolution 10-31; Annual Operating Budget for Fiscal Year 2010-2011.

Mr. Miera presented Resolution 10-31, Annual Operating Budget for Fiscal Year 2010-2011, to the Mayor Pro Tem and Council.

Public Opinion

Mayor Pro Tem Abeyta opened the public hearing. **No one came forward.**

After closing the public hearing Mayor Pro Tem Abeyta asked for questions from the Council.

Councilmember Silva made a motion to approve Resolution 10-31 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.

13. MATTERS FROM THE MAYOR AND COUNCIL

A. Councilmember Silva

Councilmember Silva stated the sidewalk project on NM 68 required 4" concrete according to the specifications and he measured the concrete and it was only 3 1/2". He stated the Council has a responsibility to their constituents and believes the Town should hold the contractor accountable.

Mayor Pro Tem Abeyta stated, at the direction of Mayor Cordova, staff has already been evaluating this issue and read a letter from Fernando Cordova, Project Inspector, and a letter from Glen Baker, New Mexico Department of Transportation District 5 Project Manager. Both individuals stated the sidewalks were completed with no discrepancies and the project is within compliance. Mayor Pro Tem Abeyta stated Mayor Cordova also contacted Alex Abeyta, Consulting Engineer, and Mr. Abeyta agreed that the sidewalks are in compliance.

Mayor Pro Tem Abeyta thanked Councilmember Silva for his concerns and reiterated that Mayor Cordova did his due diligence by contacting professionals to inspect the project for the benefit of the constituents. He assured the community that the Town will continue to be good stewards of tax dollars.

Mr. Miera stated in addition to the two letters Mayor Pro Tem Abeyta mentioned, he also received a letter from Robert Roybal, Engineer for WH Pacific, and a letter from Advantage asphalt. He stated both letters indicate that the project meets the required specifications and is in compliance. He further stated staff will continue to monitor this project.

Francisco Espinoza, Public Works Director, stated he also measured the concrete and took photos at the site. He stated his measurements indicate the concrete measures 4 1/4". He also presented photos of his findings.

Councilmember Silva stated he will continue to bring these issues for discussion and will hold all contractors accountable for the work they perform. He stated if the Town continues to question contractors, they will see a higher standard of quality. Mayor Pro Tem Abeyta agreed that these issues should be brought up and stated staff will continue to monitor these projects. He also stated the Town is close to hiring a certified engineer who will oversee projects such as this which will be a great benefit to the Town.

1
2 B. Mayor Cordova
3

4 Mr. Miera, on behalf of Mayor Cordova, stated the Mayor intends to work
5 with the Council on implementing a water conservation plan that would
6 specify the days of the week that individuals who live within the municipal
7 boundaries can water their vegetation. Additionally, Mayor Cordova asked
8 Mr. Miera to assure the community that the Town is taking the drought
9 conditions seriously and will take measures to protect the environment.

10 **14. ADJOURNMENT**

11 **A motion was made by Councilmember Silva and seconded by Councilmember**
12 **Quintana to adjourn the meeting. The motion carried unanimously and the**
13 **meeting adjourned at 4:12 p.m.**
14

15
16
17
18 **APPROVED:**
19

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

25 **ATTEST:**
26

27
28
29 _____
30 **Renee Lucero, Town Clerk**
31

32 *PLEASE NOTE: The Town of Taos records most Town Council Meetings via audio,*
33 *however, only Regular Town Council Meetings and some Special Town Council*
34 *Meetings, with controversial issues, are video recorded. Copies are available upon*
35 *request at the Town Clerk's Office located at 400 Camino de la Placita (575-751-2005)*
36 *at a fee of \$5.00 for audio recordings and \$10.00 for video recordings.*
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July 13, 2010

Title:

June 22, 2010 Town Council Workshop Meeting Minutes

Summary:

Background:

Attachments:

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APPROVALS:

Date/Time:

7/6/2010 8:28 AM

Approval:

Approved

Department:

Town Clerk

**Workshop Meeting
Taos Town Council
Town Hall Conference Room #109
400 Camino de la Placita
Taos, New Mexico
June 22, 2010
4:00 p.m.**

MINUTES

- 1. CALL TO ORDER: The Workshop Meeting of the Taos Town Council was called to order by the Honorable Mayor Pro Tem Rudy C. Abeyta at 4:26 p.m.**
- 2. ROLL CALL: Ms. Francella Garcia, Clerk's Assistant, called roll and a quorum was present.**

Those present were:

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
Clerk's Assistant	Francella Garcia
Town Clerk	Renee Lucero (arrived late)

Absent/Excused was:

Mayor	Darren M. Cordova (out of town on business)
Assistant Town Manager	Abigail Adame
Town Attorney	Allen Ferguson

- 3. APPROVAL OF AGENDA:**
Councilmember Sanchez made a motion to approve the Agenda as presented. Councilmember Quintana seconded the motion. The motion carried unanimously.
- 4. Presentation by Souder Miller & Associates regarding utility rate structures and asset management plans.**

Peter Fant, President of Souder Miller & Associate, gave a presentation on the Town of Taos Utility Rate Study. He explained that the Town has not increased the utility rates since 1997 and the expenses have risen about 6% faster than revenues over the past 10 years. He stated the Town recently received grants with the understanding that the Town would increase utility rates in order to cover loan components. Additionally, Mr. Fant stated Taos residents currently pay an average of 133% less than Española

Town of Taos Workshop Meeting Minutes

June 22, 2010

1 customers, 90% less than Santa Fe City and County customers and 64% less than City
2 of Las Vegas customers.

3
4 Mr. Fant presented three options for consideration by the Town as follows:

- 5 • **Option 1):** Implement aggressive increase now to catch up to CPI increases
6 with annual CPI (2.3%) increases after that (rates would still be significantly
7 lower than Espanola, Santa Fe, Las Vegas);
8
- 9 • **Option 2:** Implement moderate increase now with annual 6.3% (4% plus 2.3%
10 CPI) for next 5 years (**This option was recommended by Souder Miller &**
11 **Associates**);
12
- 13 • **Option 3:** Implement annual 11.3% increase (9% plus 2.3% CPI) for next 5
14 years then plan for 3.8% annually after that (2.3% CPI plus 1.5%).
15

16 Mayor Pro Tem Abeyta thanked Mr. Fant for his informative presentation and stated he
17 believes it makes sense to adjust the rates incrementally. He asked Daniel Miera, Town
18 Manager, to evaluate the direction the Town should take and begin the process of
19 preparing an ordinance to adjust the rates accordingly.
20

21 **5. ADJOURNMENT:** A motion was made by Councilmember Sanchez and
22 seconded by Councilmember Quintana to adjourn the meeting. The motion
23 carried unanimously and the meeting adjourned at 5:12 p.m.
24

25
26 **APPROVED:**

27
28
29 _____
30 **Darren M. Cordova, Mayor**
31

32 **ATTEST:**

33
34
35 _____
36 **Renee Lucero, Town Clerk**
37

38
39 *PLEASE NOTE: The Town of Taos records most Town Council Meetings via audio,*
40 *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.



July 13, 2010

Title:

June 25, 2010 Special Town Council Meeting Minutes

Summary:

Background:

Attachments:

Click to download

📎 [June 25, 2010 Special Meeting Minutes](#)

APPROVALS:

Date/Time:

7/6/2010 8:28 AM

Approval:

Approved

Department:

Town Clerk

**Special Meeting
Taos Town Council
Town Hall Executive Conference Room
400 Camino de la Placita
Taos, New Mexico
June 25, 2010
11:00 a.m.**

MINUTES

- 1. CALL TO ORDER: The Special Meeting of the Taos Town Council was called to order by the Honorable Mayor Pro Tem Rudy C. Abeyta at 11:05 a.m.**
- 2. ROLL CALL: Ms. Renee Lucero, Town Clerk, called roll and a quorum was present.**

Those present were:

Mayor Pro Tem	Rudy C. Abeyta
Councilmember	A. Eugene Sanchez
Councilmember	Amy J. Quintana
Councilmember	Michael A. Silva
Youth Councilmember	Feliz Vigil

Also present were:

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

Absent/excused:

Mayor	Darren M. Cordova
-------	-------------------

- 3. APPROVAL OF AGENDA:**
Councilmember Quintana made a motion to approve the Agenda as presented. Councilmember Sanchez seconded the motion. The motion carried unanimously.

4. MATTERS FROM STAFF

Amos Torres, Public Utilities Director (with Tina Torres, Purchasing Agent)

Recommendation to award Bid # 09-10-13 in the Amount of \$60,000 (inclusive of GRT) to Riley Industrial Services, Inc. the low bidder for Rehabilitation of the Million Gallon Tank. Services will include sandblasting, primer and paint of the million gallon tank located in the Weimer area.

Councilmember Silva asked what prompted the action to rehabilitate the water tank. Daniel Miera, Town Manager, stated the action began when the coordinator of the Taos Summer Mural Program, Lorrie Bortner, approached the Town to paint a mural on the

Town of Taos Special Meeting Minutes

June 25, 2010

1 water tank. In examining the tank for the mural, town officials discovered the exterior
2 paint was peeling. Mr. Miera stated they also discovered the paint contained lead and
3 needs to be removed.

4
5 Tina Torres, Purchasing Agent, indicated Riley Industrial Services, Inc., the low bidder,
6 was the only bidder from New Mexico while all of the others were from out of state.
7 The Mayor Pro Tem and Councilmembers were pleased that the low bidder was from
8 New Mexico.

9
10 **Councilmember Silva made a motion to award Bid # 09-10-13 in the Amount of**
11 **\$60,000 (inclusive of GRT) to Riley Industrial Services, Inc., the low bidder, for**
12 **Rehabilitation of the Million Gallon Tank. Councilmember Sanchez seconded the**
13 **motion. The motion was approved by an affirmative vote. Those voting AYE**
14 **were: Councilmembers Sanchez, Quintana and Silva.**

15
16 **5. ADJOURNMENT:** A motion was made by Councilmember Sanchez and
17 seconded by Councilmember Silva to adjourn the meeting. The motion carried
18 unanimously and the meeting adjourned at 11:15 a.m.

19
20
21 **APPROVED:**

22
23
24

Darren M. Cordova, Mayor

25
26
27 **ATTEST:**

28
29
30

Renee Lucero, Town Clerk

31
32
33 *PLEASE NOTE: The Town of Taos records most Town Council Meetings via audio,*
34 *however, only Regular Town Council Meetings and some Special Town Council Meetings,*
35 *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.



July 13, 2010

Title:

Loretta Trujillo, Human Resources Director

Summary:

New Hires (June 2010)

06/09/2010 Josh Parken - Lifeguard, Pool Division - Temporary employee through August 31, 2010

06/09/2010 Zachary Romero-Lifeguard, Pool Division - Temporary employee through August 31, 2010

Background:

Attachments:

Click to download

No Attachments Available

APPROVALS:

Date/Time:	Approval:	Department:
6/29/2010 3:48 PM	Approved	Town Manager
6/29/2010 3:48 PM	Approved	Town Clerk



July 13, 2010

Title:

Loretta Trujillo, Human Resources Director

Summary:

Appointments/Re-assignments

05/29/2010 Vanessa Martinez - from Receptionist/Lifeguard I to Lifeguard III

06/12/2010 Suzette Garley Salazar - from Temporary Lifeguard to Part-time Lifeguard

06/28/2010 Nick Ault - from Police Office II to Sergeant

Background:

Attachments:

Click to download

No Attachments Available

APPROVALS:

Date/Time:	Approval:	Department:
7/6/2010 8:29 AM	Approved	Town Manager
7/6/2010 8:29 AM	Approved	Town Clerk



July 13, 2010

Title:

Presentation of Certificate of Recognition of Angelica Sanchez

Summary:

Mayor Cordova will present a Certificate of Recognition to Angelica Sanchez who is the 2010 USA National Junior Olympic Boxing Champion.

Background:

Attachments:

Click to download

No Attachments Available

APPROVALS:

Date/Time:	Approval:	Department:
7/6/2010 8:30 AM	Approved	Town Manager
7/6/2010 8:31 AM	Approved	Town Clerk



July 13, 2010

Title:

Presentation by Rocky Mountain Youth Corps

Summary:

Presentation by Tia Trujillo, Rocky Mountain Youth Corps, regarding safe transportation options in Taos.

Background:

Attachments:

Click to download

No Attachments Available

APPROVALS:

Date/Time:	Approval:	Department:
6/29/2010 3:49 PM	Approved	Town Clerk



July 13, 2010

Title:

Loretta Trujillo, Human Resources Director

Summary:

Consideration and approval of Ordinance 10-13; An Ordinance of the Town Council repealing Section 3.76.130 of the Town Code in its entirety with respect to "Pay at Termination", and replacing it with a new Section 3.112.190; and amending Section 3.112.190 with respect to "Disbursal of Final Paycheck". The Ordinance would allow for the Town Code to be in compliance with New Mexico State Statutes Annotated 50-4-4 and 50-4-5 which set guidelines determining when a final paycheck must be disbursed to employees based on whether the employee is discharged or if the employee resigns his/her position.

Background:

Attachments:

Click to download

 [Ordinance No. 10-13](#)

APPROVALS:

Date/Time:	Approval:	Department:
6/21/2010 4:19 PM	Approved	Town Manager
6/21/2010 4:28 PM	Approved	Town Clerk



**TOWN OF TAOS
ORDINANCE 10-13**

**AN ORDINANCE AMENDING CHAPTER 3.76, SECTION 3.76.130, and
CHAPTER 3.112, SECTION 3.112.190 OF THE TAOS TOWN CODE**

**This ordinance amends the Taos Town Code with respect to Pay at Termination,
and Disbursal of Final Paycheck.**

WHEREAS, the Town Council, the Governing Body of the Town of Taos, in order to be in compliance with Federal and State laws, finds it would be advantageous to the Town to amend Section 3.76.130 of the Town Code as it applies to Pay at Termination, and Section 3.112.190 of the Town Code as it applies to Disbursal of Final Paycheck.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Town of Taos, meeting in Regular Session, this July 13th, 2010, and after having held a public hearing on the matter, and after having reviewed the recommendation made by the Human Resources Department that this ordinance is hereby adopted, approved and ratified:

SECTION 1: Town Code Section 3.76.130 is repealed in its entirety and replaced with the following new Section 3.76.130

3.76.130: Pay at Termination:

- A. An employee who is dismissed shall receive his/her paycheck in accordance with New Mexico State Statutes Annotated §§ 50-4-4; Discharges [Discharged] employees; which reads as follows:
 - 1. Whenever an employer discharges an employee, the unpaid wages or compensation of such employee, if a fixed and definite amount, and not based on a task, piece, commission basis or other method of calculation, shall, upon demand become due immediately, and the

employer shall pay such wages to the employee within five days of such discharge.

2. In all other cases of discharged employees, the settlement and payment of wages or compensation shall be made within ten days of such discharge.
- B. An employee who resigns shall receive his/her paycheck in accordance with New Mexico State Statute Annotated §§ 50-4-5; Employees quitting employment; which reads as follows:
1. Whenever an employee (not having a written contract for a definite period) quits or resigns his employment, the wages or compensation shall become due and be payable at the next succeeding payday.

A status change form must be submitted to the human resources director, by the department director, immediately upon receipt/notification of separation/termination from town employment. The human resource director will notify the payroll administrator immediately upon receipt of the status change to ensure compliance with State law.

SECTION 2: Town Code Section 3.112.190 is amended as follows:

3.112.190: DISBURSAL OF FINAL PAYCHECK:

- A. When an individual is ~~is laid off~~, resigns or retires, his/her earned salary or wage plus any other compensation (such as personal leave accrual) shall be ~~due and payable on the next regular payday~~; paid in accordance with Town Code Section 3.76.130(B).
- B. When an individual is laid off or dismissed from the municipal service, his/her earned salary or wage plus any other compensation (such as personal leave accrual) shall be ~~due and payable on the next regular payday~~; paid in accordance with Town Code Section 3.76..130(A).
- C. At the time of Resignation/termination, employees must return all tools, uniforms, keys, employee rules and regulations book and/or any other item of town property issued to them. Deductions from the employee's final pay may be made if town property is not returned.
- D. Arrangements shall be made for the personnel administrator to meet with the employee for an exit interview, paycheck disbursement and return of town property. (Ord. 06-02, 2006: Ord. 98-2 § 1, 1998: prior code § 2-291)

This ordinance shall become effective as provided by law.

ORDAINED, ADOPTED, APPROVED, AND RATIFIED this 13th day of July, 2010 by the following vote:

Mayor Pro Tem Rudy C. Abeyta	_____
Councilmember A. Eugene Sanchez	_____
Councilmember Amy J. Quintana	_____
Councilmember Michael A. Silva	_____

TOWN OF TAOS

Darren M. Cordova, Mayor

ATTEST:

APPROVED AS TO FORM

Renee Lucero, Town Clerk

Allen Ferguson, Jr., Town Attorney



July 13, 2010

Title:

Loretta Trujillo, Human Resources Director

Summary:

Consideration and approval of Ordinance 10-15; An Ordinance of the Town Council amending Section 3.92.020 of the Town Code as it applies to "Public Conduct". The proposed changes to Town Code include verbiage that applies to standards of professional conduct while working with minor employees and/or patrons.

Background:

Attachments:

Click to download

📎 [Ordinance 10-15](#)

APPROVALS:

Date/Time:	Approval:	Department:
6/21/2010 4:33 PM	Approved	Town Manager
6/21/2010 4:35 PM	Approved	Town Clerk



**TOWN OF TAOS
ORDINANCE 10-15**

**AN ORDINANCE AMENDING CHAPTER 3.92, SECTION 3.92.020 OF THE
TAOS TOWN CODE**

**This ordinance amends section 3.92.020 of the Taos Town Code
with respect to Public Conduct**

WHEREAS, the Town Council, the Governing Body of the Town of Taos, finds it would be advantageous to the Town to amend Section 3.92.020 of the Town Code as it applies to Public Conduct, to include verbiage that applies to standards of professional conduct while working with minor employees and/or patrons.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Town of Taos, meeting in Regular Session, this July 13th, 2010, and after having held a public hearing on the matter, and after having reviewed the recommendation made by the Human Resources Department that this ordinance is hereby adopted, approved and ratified:

Town Code Section 3.92.020 shall be amended as follows:

Town Code Section 3.92.020 PUBLIC CONDUCT: Employees shall deal with the public and all town employees courteously, efficiently and professionally. Employees are also expected to conduct themselves with ethical responsibility in association to their dealings with minor patrons and minor employees. To satisfy this obligation, the employee:

- A. Shall avoid using his/her position to exploit or unduly influence a minor patron and/or minor employee of the Town in any behavior that would subject him/her to discipline for misconduct whether or not he/she actually engaged in the behavior.

- B. Shall not give a gift, or the appearance of giving a gift by trading for something of value, or by any other means, to any minor patron and/or minor employee of the Town.
- C. Shall not have inappropriate contact with any minor patron and/or minor employee of the Town, whether or not on Town of Taos property which includes but is not limited to:
- a.) all forms of sexual touching, sexual relations or romantic relations;
 - b.) inappropriate touching which is any physical touching, embracing, petting, hand holding, or kissing that is inappropriate given the age, sex, and maturity of the minor patron and/or minor employee;
 - c.) any open display of affection toward mostly-boys or mostly-girls;
 - d.) offering or giving a ride to a minor patron and/or minor employee.

This ordinance shall become effective as provided by law.

ORDAINED, ADOPTED, APPROVED, AND RATIFIED this 13th day of July, 2010 by the following vote:

Mayor Pro Tem Rudy C. Abeyta	_____
Councilmember A. Eugene Sanchez	_____
Councilmember Amy J. Quintana	_____
Councilmember Michael A. Silva	_____

TOWN OF TAOS

Darren M. Cordova, Mayor

ATTEST:

APPROVED AS TO FORM

Renee Lucero, Town Clerk

Allen Ferguson, Jr., Town Attorney



July 13, 2010

Title:

Amos Torres, Public Utilities Director

Summary:

Consideration and approval of Resolution 10-36; Waiver of employee or immediate family member contracting with the Town of Taos. The waiver is to allow the Town of Taos to contract with Alex Abeyta of Abeyta Engineer Inc. for engineering services. Alex Abeyta is related to Rudy Abeyta, Town of Taos Councilmember.

Background:

Attachments:

Click to download

📎 [Resolution](#)

APPROVALS:

Date/Time:	Approval:	Department:
7/6/2010 8:26 AM	Approved	Town Manager
7/6/2010 8:26 AM	Approved	Town Clerk



RESOLUTION NO. 10-36

A RESOLUTION OF THE TOWN OF TAOS, WAIVER OF EMPLOYEE OR IMMEDIATE FAMILY MEMBER CONTRACTING WITH THE TOWN OF TAOS

WHEREAS, NMSA 1978, Section 13-1-190, makes it unlawful for a public employee to participate directly or indirectly in a procurement when the employee knows that the employee or any member of his/her immediate family has a financial interest in seeking or obtaining a contract; and

WHEREAS, NMSA 1978, Section 13-1-193, makes it unlawful for a public employee who participates directly or indirectly in the procurement process to become or to be the employee of any person or business contracting with the government body by whom he/she is employed; and

WHEREAS, pursuant to NMSA 1978, Section 13-1-194, the Town may waive restrictions set forth in the above Sections by publicly disclosing the contemporaneous employment and/or financial interest of an employee or their immediate family member when the procurement can be conducted and the contract can be performed without actual or apparent bias or favoritism, and participation by the employee or immediate family member is in the best interest of the Town; and

WHEREAS, the Town is proposing following selection pursuant to a Request for Proposal to contract with Alex Abeyta dba Abeyta Engineering, related to Councilmember Rudy C. Abeyta, an employee of the Town.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Taos:

The Town hereby waives Section 13-1-190 and 13-1-193 as they may relate to Alex Abeyta dba Abeyta Engineering by allowing him to contract with the Town of Taos as long as the Town complies with the Procurement Code in all applicable areas and the Town gives no apparent or actual bias or favoritism.

The Town hereby finds that Council Member Rudy Abeyta shall excuse himself from making any decision on or related to any contract or other agreement with the Town of Taos concerning Alex Abeyta dba Abeyta Engineering and thereby assures that there is no conflict.

BE IT FURTHER RESOLVED that the Town Council through adoption of this Resolution is publicly disclosing the contemporaneous employment and/or financial interest and relationship of an employee or his immediate family member in contracting with the Town of Taos;

It is in the best interest of the Town of Taos to contract with Alex Abeyta dba Abeyta Engineering to perform certain engineering services for the Town of Taos.

PASSED, RESOLVED and APPROVED this _____ day of _____, 2010 at the Regular Meeting of the Town of Taos Council.

Darren M Cordova, Mayor

ATTESTED:

Renee Lucero, Town Clerk

APPROVED AS TO FORM:

Allen R. Ferguson, Jr., Town Attorney



July 13, 2010

Title:

Loretta Trujillo, Human Resources Director

Summary:

Consideration and approval of Resolution 10-33; Waiver of employee or immediate family member contracting with the Town of Taos. The Town of Taos Human Resources Department is contracting with Ms. Alicia Esparza dba Northern New Mexico Job and Drug Screening/Taos Physical Therapy to provide pre-employment and after hour drug screenings. Ms. Esparza is the spouse of Town Employee Matthew Spriggs. Although Resolutions 09-07 and 09-08 were approved last year for the same purpose, this is a new contract for Fiscal Year 2010-2011 and requires approval of a new resolution.

Background:

Attachments:

Click to download

 [REsolution 10-33](#)

APPROVALS:

Date/Time:	Approval:	Department:
6/21/2010 4:17 PM	Approved	Town Manager
6/21/2010 4:18 PM	Approved	Town Clerk



RESOLUTION NO. 10-33

A RESOLUTION OF THE TOWN OF TAOS, WAIVER OF EMPLOYEE OR IMMEDIATE FAMILY MEMBER CONTRACTING WITH THE TOWN OF TAOS

WHEREAS, NMSA 1978, section 13-1-190, makes it unlawful for a public employee to participate directly or indirectly in a procurement when the employee knows that the employee or any member of the immediate family has a financial interest in seeking or obtaining a contract; and

WHEREAS, NMSA 1978, Section 13-1-193, makes it unlawful for a public employee who participates directly or indirectly in the procurement process to become or to be the employee of any person or business contracting with the government body by whom he/she is employed; and

WHEREAS, pursuant to NMSA 1978, Section 13-1-194, the Town may waive restrictions imposed by the above Sections by publicly disclosing the contemporaneous employment or the financial interest of the employee or their immediate family, when the procurement can be conducted and the contract can be performed without actual or apparent bias or favoritism, and the employee or his immediate family's participation is in the best interest of the Town; and

WHEREAS, the Town is proposing to contract with Alicia Esparza dba Northern New Mexico Job and Drug Screening/Taos Physical Therapy, related by marriage to Matthew Spriggs, an employee of the Town.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Taos:

The Town hereby waives Section 13-1-190 and 13-1-193 as they relate to Alicia Esparza dba Northern New Mexico Job and Drug Screening/Taos Physical Therapy by allowing them to contract with the Town of Taos as long as the Town complies with the Procurement Code in all applicable areas and the Town gives no apparent or actual bias or favoritism.

BE IT FURTHER RESOLVED that the Town Council through adoption of this Resolution is publicly disclosing the contemporaneous employment and/or financial

interest and relationship of an employee or his immediate family member in contracting with the Town of Taos;

It is in the best interest of the Town of Taos to contract with Alicia Esparza dba Northern New Mexico Job and Drug Screening/Taos Physical Therapy to perform certain drug testing related services for the Town of Taos.

PASSED, RESOLVED and APPROVED this _____ day of _____, 2010 at the Regular Meeting of the Town of Taos Council.

Darren M. Cordova, Mayor

ATTESTED:

APPROVED AS TO FORM:

Renee Lucero, Town Clerk

Allen R. Ferguson, Town Attorney



July 13, 2010

Title:

Marietta Fambro, Finance Director

Summary:

Approval of Resolution 10-27; Approving the disposition of obsolete vehicles and equipment owned by the Town of Taos. Property identified are 3 vehicles, bobcat with attachments, ditchwitch, copier, direction traffic arrow trailer, flatbed trailer, lockers, and miscellaneous building materials.

Background:

Attachments:

Click to download

📎 [Resolution 10-27](#)

APPROVALS:

Date/Time:	Approval:	Department:
7/6/2010 8:29 AM	Approved	Town Clerk



Resolution 10-27

A Resolution of the Town of Taos Council approving the disposition of obsolete vehicles and equipment owned by the Town of Taos.

WHEREAS, the Town of Taos owns certain personal property which the Town is no longer in need of; and

WHEREAS, the Town of Taos has specifically identified such property herein; and

WHEREAS, the Town of Taos believes it is in the best interest of the Town to dispose of said property pursuant to state and local requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Taos:

The property identified herein with current resale value of \$2500 or less is:

1. 1995 Chev Lumina vin# 2G1WL52MXS9346542
2. 1989 Chev Pickup vin#1GCDK14Z5KZ226320
3. 1997 Oldsmobile Cutlass vin# 1G3NB52M4V6315787
4. Xerox M15 copier/printer serial# PDE131266
5. 1983 Directional traffic arrow trailer
6. Flatbed Trailer
7. Lockers
8. Miscellaneous building materials removed from Town Hall during renovation (punched tin panels, doors, windows, cabinets, etc)

The property identified herein with current resale value of \$2500 or more is:

1. 1998 Bobcat-Model 943 and attachments (backhoe, forklift, and dirt bucket)
2. Ditchwitch

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the property:

1. is worn-out, unusable, and obsolete to the extent that the item is no longer economical for continued use by the Town; and

2. will be disposed by: 1) inter-governmental transfer to Taos County or other government entities; or 2) auction.

PASSED, APPROVED and ADOPTED, this 13th day of July, 2010, at the Regular Meeting of the Town Council.

Councilmember Rudy C. Abeyta _____
Councilmember A. Eugene Sanchez _____
Councilmember Amy J. Quintana _____
Councilmember Michael A. Silva _____

TOWN OF TAOS

Darren M. Cordova, Mayor

ATTEST:

APPROVED AS TO FORM:

Renee Lucero, Town Clerk

Allen Ferguson, Jr., Town Attorney



July 13, 2010

Title:

Rick Anglada, Chief of Police

Summary:

Consideration and approval of Resolution 10-37; A resolution adding to the Town of Taos Police Department Policy a section regarding Racial/Bias Based Profiling by reiterating our strong stance against any form of discrimination.

Background:

Attachments:

Click to download

 [Resolution 10-37](#)

APPROVALS:

Date/Time:	Approval:	Department:
7/9/2010 12:51 PM	Approved	Town Manager
7/9/2010 12:51 PM	Approved	Town Clerk



**TOWN OF TAOS
RESOLUTION 10-37**

This resolution adds to the Town of Taos Police Department Policy a section regarding Racial/Bias Based Profiling by reiterating our strong stance against any form of discrimination.

WHEREAS, the Town of Taos Police Department is proposing to amend Policies and Procedures OPR 208.01.01, which will reiterate a strong stance against any form of Racial/Bias Based Profiling or discrimination; and

WHEREAS, the Town of Taos recognizes that immigration into our country is what helped shape our existence today; and

WHEREAS, we realize that investigations and inquiries concerning a person's immigration status are the role of the United States Immigration and Customs Enforcement Department; and

WHEREAS, The Town of Taos Police Department has reviewed and recommended approval of the proposed addendum to the Town of Taos Police Department Policies and Procedures OPR 208.01.01.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Town of Taos, meeting in Regular Session, this July 13, 2010, and after having reviewed the recommendation made by the Taos Police Department that this resolution is hereby adopted, approved and ratified, and amends the Town of Taos Police Department Policies and Procedures OPR 208.01.01, Subsection A, as follows:

A. The Taos Police Department recognizes that the role of investigating or inquiring about a person's immigration status is a function of the United States Immigration and Customs Enforcement Department. The Taos Police Department will not inquire about a person's immigration status nor actively enforce

immigration laws.

The Town of Taos and Taos Police Department strongly reject racial profiling as a law enforcement tactic. We have not and will not encourage, tolerate, or condone the use of racial profiling. We are committed to using proven police strategies based upon reasonable suspicion, probable cause, fair and impartial police discretion, and the continued development of strong partnerships with all members of our community.

RESOLVED, ADOPTED, APPROVED, AND RATIFIED this 13th day of June, 2010 by the following vote:

Mayor Pro Tem Rudy C. Abeyta	_____
Councilmember A. Eugene Sanchez	_____
Councilmember Amy J. Quintana	_____
Councilmember Michael A. Silva	_____

TOWN OF TAOS

Darren M. Cordova, Mayor

ATTEST:

APPROVED AS TO FORM

Renee Lucero, Town Clerk

Allen Ferguson, Jr., Town Attorney



July 13, 2010

Title:

Appointment of Members to Acequia Preservation Task Force

Summary:

Recommendation and approval of five members to the Town of Taos Acequia Preservation Task Force.

Background:

Attachments:

Click to download

No Attachments Available

APPROVALS:

Date/Time:	Approval:	Department:
7/6/2010 12:01 PM	Approved	Town Manager
7/6/2010 12:01 PM	Approved	Town Clerk



July 13, 2010

Title:

Resolution 10-34

Summary:

Consideration and adoption of Town of Taos Resolution 10-34 settings rules for the use of Kit Carson Park by Commercial Events and setting the associated fees for the use of public property.

Background:

Attachments:

Click to download

📄 [Resolution 10-34](#)

📄 [Schedule of Fees](#)

APPROVALS:

Date/Time:	Approval:	Department:
7/6/2010 8:26 AM	Approved	Town Manager
7/6/2010 8:31 AM	Approved	Town Clerk



**TOWN OF TAOS
RESOLUTION 10-34**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TAOS
SETTING RULES FOR THE USE OF KIT CARSON PARK BY COMMERCIAL
EVENTS AND SETTING FEES FOR THE USE PUBLIC PROPERTY**

WHEREAS, the Town Council seeks to create orderly use of Kit Carson Park by Commercial Events; and

WHEREAS, the Town Council seeks to adjust the fees associated with the use of public property by private individuals and commercial events to ensure market rates are charged for said public property.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Town of Taos, meeting in Regular Session, this 14th of July, 2010, as follows:

Section 1: Commercial Events Defined: For the purposes of this resolution, a “Commercial Event” is defined as an organized gathering of individuals on publicly owned property or properties, having secured the proper permits and licenses from the Town of Taos to engage in hosting an event that charges for admission, is organized for the sale of goods and/or services, or similar type events.

Section 2: Location of Commercial Events: Commercial events shall be limited to the use of the sections of Kit Carson Park identified on the attached map entitled Kit Carson Park – Areas as “Area 2”, “Area 6”, and “Area 5”. However any non-commercial aspect of a commercial event or any educational, celebratory, or other non-commercial event that is free and open to the public may be placed in the area identified on the attached map as “Area 1”.

Section 3: Fees: The Town Council of the Town of Taos, after good and considerable deliberation, adopts the attached fee schedule for the use of public property as attached hereto as Exhibit A.

APPROVED AND ADOPTED this 13th day of July, 2010 by the following vote:

Councilmember Rudy C. Abeyta _____

Councilmember A. Eugene Sanchez _____

Councilmember Amy J. Quintana
Councilmember Michael A. Silva

TOWN OF TAOS

Darren M. Cordova, Mayor

ATTEST:

APPROVED AS TO FORM:

Renee Lucero, Town Clerk

Allen Ferguson, Town Attorney

Exhibit A

Schedule of Fees

Banners:

Highway – \$120.00 for 7 days
Kit Carson Park Entrance – \$50.00 for 7 days
Fence on Civic Plaza Extension – \$50.00 for 7 days
Plaza – \$50.00 for 7 days

Park Use (Kit Carson Park), Non-Commercial:

One Section – \$300.00 per day
Picnic Shelter – \$25.00 for the day
Electrical use: \$25.00 per day or by metered KWH, which ever is larger.

Park Use (Kit Carson Park), Commercial:

One Section – limited to areas 2, 6, and 5 - \$300 per day
Electrical use – \$25.00 per day or by metered KWH, which ever is larger.
Per Booth Fee – \$25.00 each, includes \$10.00 Itinerant Business License

Park Use (Fred Baca Park):

Whole Park – \$300.00 per day
Picnic Shelter – \$25.00 for the day
Electrical use – \$25.00 per day or by metered KWH, which ever is larger.
Per Booth Fee – \$25.00 each, includes \$10.00 Itinerant Business License

Plaza Use, Commercial:

\$200.00 per day
Electrical use – \$25.00 per day or by metered KWH, which ever is larger.
Per Booth Fee – \$25.00 each, includes \$10.00 Itinerant Business License

All deposits shall be returned by return mail within two weeks of completion with facility or return of equipment.



July 13, 2010

Title:

Executive Session

Summary:

The Council will adjourn to go into executive session to discuss limited personnel matters regarding the Town Manager's evaluation pursuant to NMSA 1978 10-15-1-H.2.

Background:

Attachments:

Click to download

No Attachments Available

APPROVALS:

Date/Time:	Approval:	Department:
7/6/2010 11:59 AM	Approved	Town Clerk