

**Notice of Decision  
City Council  
City of Albuquerque  
November 18, 2015**

**AC-15-5** (Project#1008203/15EPC-40020) Emilio Chavez and Matthew Archuleta Appeal the Environmental Planning Commission's (EPC's) Approval of a Zone Map Amendment (zone change), for Tracts A2, A3, A4, Unser and Sage Market Place, located on Unser Street between Sage Road SW and Arenal Road SW

**Decision**

On November 2, 2015, by a vote of 5 FOR, 3 AGAINST, and 1 RECUSED, the City Council voted to grant the appeal and reverse the EPC's decision to approve the zone change.

For: Benton, Garduño, Gibson, Lewis, Peña  
Against: Harris, Jones, Winter  
Recused: Sanchez

On November 16, 2015, by a vote of 5 FOR, 2 AGAINST, 1 RECUSED, and 1 EXCUSED the City Council voted to adopt the following findings in support of its decision to grant the appeal:

For: Benton, Garduño, Gibson, Lewis, Peña  
Against: Harris, Jones  
Recused: Sanchez  
Excused: Winter

**FINDINGS**

1. This is a request for a zone map amendment for tracts A-2, A-3, A-4 of Unser Sage Marketplace located on Unser Boulevard SW, between Sage Road SW and Arenal Road SW and containing approximately 3.5 acres, from C-1 (Neighborhood Commercial) to SU-1 for C-2 (Special Use Zone for Permissive and Conditional Community Commercial uses), excluding the sale of distilled spirits, as defined in the New Mexico Liquor Control Act, in any package that contains less than 450 milliliters and fortified wines with a volume of alcohol of more than 13.5% (the "ZMA").
2. The existing Neighborhood Commercial Zoning permits a wide variety of lower intensity commercial land uses, while the requested Special Use for Community Commercial zoning is more intensive zoning in that it permits more intensive land uses including, among others, the sale of packaged liquor for off-premise consumption; and also permits those community commercial uses usually

considered “conditional” because of their increased intensity, without the typical requirement that they first be evaluated by the City’s Zoning Hearing Examiner for their potential to be “injurious to the adjacent property, the neighborhood, or the community.”

3. The Environmental Planning Commission (the “EPC”) approved the requested ZMA after finding that the request satisfied R-270-1980, the resolution which embodies the City’s policies for deciding zone map amendment applications.
4. The Stinson Tower and Westgate Heights Neighborhood Associations jointly appealed the EPC’s decision to the City Council.
5. Among other criteria, R-270-1980 provides in subsection ‘D’ that, in order for a ZMA to be approved, it must be demonstrated that “the existing zoning is inappropriate because: (1) There was an error when the existing zone map pattern was created; or (2) Changed neighborhood or community conditions justify the change; or (3) A different use category is more advantageous to the community, as articulated by the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.”
6. The applicant’s justification for this ZMA was based on the “more advantageous to the community” criteria found in R-270-1980(D)(3). **[R. 83]** The EPC accepted this justification based on its analysis and application of policies from the Comprehensive Plan, the West Side Strategic Plan (the “WSSP”), the Southwest Albuquerque Strategic Action Plan (the “SASAP”), and the Tower Unser Sector Development Plan (the “TUSDP”), all of which were incorporated by reference into the EPC’s decision. **[R. 9-14]** However, the EPC erred in its application of these plans and policies because:
  - a. The applicant was required to demonstrate, and the EPC was required to find, that the existing zoning is “inappropriate” and that the increased intensity to Community Commercial would be more advantageous than the existing zoning because it is more consistent with applicable plans and their relevant policies;
  - b. However, the existing Neighborhood Commercial zoning appears at least as consistent with the policies relied upon by the EPC as the proposed ZMA, and the applicant did not specifically demonstrate, nor did the EPC identify, how these policies justify the increased intensity associated with the ZMA such that the existing zoning, which already permits a wide variety of lower intensity commercial uses, is “inappropriate,” and
  - c. Although several policies and objectives were cited by the EPC, they deal largely with the citing of new growth, physical site development criteria, and the desire for a mix of land uses and employment opportunities in “neighborhood activity centers” – none of which directly support an

increase to community commercial land use intensities when the existing neighborhood commercial zoning already appears consistent with these same policies.

7. The EPC also suggested that this ZMA may be justified based on the “changed community conditions” criteria found in R-270-1980(D)(2), because the existing Neighborhood Commercial zoning was established by the TUSDP in 1989, and significant population growth had occurred in this area through 2010 which may render the zoning outdated. **[R. 14]** However, to the extent that the EPC relied on this justification for its decision it did so in error because:
  - a. Although the existing zoning was first established in 1989 under the TUSDP, the EPC did not address that the TUSDP was updated as recently as 2009 (Enactment R-2009-037);
  - b. The 2009 update identified the subject site as part of a potential “neighborhood activity center” and established an associated “Neighborhood Activity Center Zone” which incorporates and permits (with certain limitations) only those commercial uses permitted in the existing Neighborhood Commercial zone – suggesting that lower intensity, neighborhood commercial uses remained appropriate at least through 2009; and
  - c. The EPC did not make any findings relating to changed community conditions since the 2009 update that may have otherwise justified this ZMA.
8. The record includes testimony before the EPC from real estate professionals and the property owner that the subject property would not be as economically viable without the allowance for increased intensity associated with community commercial zoning and associated alcohol sales. **[R. 124, 125, 133]** This issue was also discussed before the City Council on appeal. However, the EPC did not rely on this information in making any of its findings, and it is not a determinative factor in this ZMA request: R-270-1980(G) specifically states that “economic considerations pertaining to the applicant shall not be the determining factor for a zone change.”
9. As outlined above, the EPC’s decision to approve this ZMA is reversed because the EPC erred in applying City plans and policies.

For: Benton, Garduño, Gibson, Lewis, Peña  
Against: Harris, Jones  
Recused: Sanchez  
Excused: Winter

**IT IS THEREFORE ORDERED THAT THE APPEAL IS GRANTED, THE EPC'S  
DECISION IS REVERSED, AND THE ZONE CHANGE IS DENIED**

**Attachments**

1. Action Summary from the November 2, 2015 City Council Meeting
2. Action Summary from the November 16, 2015 City Council Meeting

A person aggrieved by this decision may appeal the decision to the Second Judicial District Court by filing in the Court a notice of appeal within thirty (30) days from the date this decision is filed with the City Clerk.

Rey Garduño Date: 11/18/15  
Rey Garduño, President  
City Council

Received by: Andra Paralelo Date: 11-19-15  
City Clerk's Office

RECEIVED  
ALBUQUERQUE CITY CLERK

2015 NOV 19 PM 3:20



# City of Albuquerque

Albuquerque/Bernalillo  
County  
Government Center  
One Civic Plaza  
Albuquerque, NM 87102

## Action Summary

### City Council

*Council President, Rey Garduño, District 6*

*Vice-President, Brad Winter, District 4*

*Ken Sanchez, District 1; Isaac Benton, District 2*

*Klarissa J. Peña, District 3; Dan Lewis, District 5*

*Diane G. Gibson, District 7; Trudy E. Jones, District 8*

*Don Harris, District 9*

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Monday, November 16, 2015

5:00 PM

Vincent E. Griego Chambers

One Civic Plaza NW

Albuquerque/Bernalillo County Government Center

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### TWENTY-FIRST COUNCIL - FIFTY-SECOND MEETING

#### 1. ROLL CALL

**Present** 9 - Rey Garduño, Brad Winter, Ken Sanchez, Isaac Benton, Klarissa Peña,  
Dan Lewis, Diane Gibson, Trudy Jones, and Don Harris

#### 2. MOMENT OF SILENCE

**Pledge of Allegiance - Brad Winter, Vice-President, District 4**

#### 3. PROCLAMATIONS & PRESENTATIONS

#### 4. ECONOMIC DEVELOPMENT DISCUSSION

#### 5. ADMINISTRATION QUESTION & ANSWER PERIOD

#### 6. APPROVAL OF JOURNAL

**November 2, 2015**

#### 7. COMMUNICATIONS AND INTRODUCTIONS

#### 8. REPORTS OF COMMITTEES

**Internal Operations Committee - November 2, 2015**

**Finance & Government Operations Committee - November 9, 2015**

**Deferrals/Withdrawals**

- \*b. R-15-258 A Nuisance Dwelling Or Structure In Need Of Abatement At 7919 Victoria Dr NW 87120 Within The City Limits Of Albuquerque, New Mexico Is So Ruined, Damaged And Dilapidated As To Be A Menace To The Public Comfort, Health, Peace Or Safety And That It Is To Be Required To Be Removed (Sanchez)

A motion was made by Councilor Sanchez that this matter be Postponed to December 9, 2015. The motion carried by the following vote:

For: 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**9. GENERAL PUBLIC COMMENTS****10. ANNOUNCEMENTS****11. CONSENT AGENDA: {Items may be removed at the request of any Councilor}**

- a. EC-15-443 Mayor's Appointment of Ms. Terri O'hare to the Americans with Disabilities Act Advisory Council
- A motion was made by Vice-President Winter that this matter be Confirmed. The motion carried by the following vote:
- For: 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris
- b. EC-15-444 Mayor's Reappointment of Mr. Frank Roth to the Indicators Progress Commission
- A motion was made by Vice-President Winter that this matter be Confirmed. The motion carried by the following vote:
- For: 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris
- c. EC-15-445 Mayor's Appointment of Ms. Kathleen A. Rhoad to the Greater Albuquerque Recreational Trails Committee
- A motion was made by Vice-President Winter that this matter be Confirmed. The motion carried by the following vote:
- For: 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris
- d. EC-15-446 Mayor's Recommendation of Mullen Heller Architecture, PC for Citywide On-Call Architectural Services
- A motion was made by Vice-President Winter that this matter be Approved. The motion carried by the following vote:

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**e.** EC-15-447

Mayor's Recommendation of Weston Solutions, INC. for City Wide - On Call NPDES and MS4 Engineering Compliance

**A motion was made by Vice-President Winter that this matter be Approved. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**f.** EC-15-448

Mayor's Appointment of Mr. Travis Davis to the Americans with Disabilities Act Advisory Council

**A motion was made by Vice-President Winter that this matter be Confirmed. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**g.** EC-15-449

Mayor's Reappointment of Mrs. Holly K. Carey to the Albuquerque Energy Council

**A motion was made by Vice-President Winter that this matter be Confirmed. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**h.** EC-15-451

October 6, 2015 Regular Municipal Election Canvass

**A motion was made by Vice-President Winter that this matter be Receipt Be Noted. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**\*i.** R-15-259

Approving And Authorizing The Filing Of A Grant Application With The FY2016 Fire Protection Grant With The New Mexico State Fire Marshal's Office And Providing For An Appropriation To The Fire Department In Fiscal Year 2016 (Garduño)

**A motion was made by Vice-President Winter that this matter be Passed. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

## **12. PUBLIC HEARINGS: {Appeals, SAD Protest Hearings}**

- a. AC-15-5 (Project#1008203/15EPC-40020) Emilio Chavez and Matthew Archuleta Appeal the Environmental Planning Commission's (EPC's) Approval of a Zone Map Amendment (zone change), for Tracts A2, A3, A4, Unser and Sage Market Place, located on Unser Street between Sage Road SW and Arenal Road SW

**A motion was made by Councilor Peña that this matter be Adoption of Findings. The motion carried by the following vote:**

**For:** 5 - Garduño, Benton, Peña, Lewis, and Gibson

**Against:** 2 - Jones, and Harris

**Abstain:** 1 - Sanchez

**Excused:** 1 - Winter

### 13. APPROVALS: {Contracts, Agreements, and Appointments}

### 14. FINAL ACTIONS

- a. R-15-171 F/S(2) Establishing Procedures For Implementing Improvements And Expending Funds Within The Rio Grande Valley State Park By The City Of Albuquerque (Benton, Sanchez)

**A motion was made by Councilor Benton that this matter be Passed. The motion carried by the following vote:**

**For:** 5 - Garduño, Sanchez, Benton, Peña, and Gibson

**Against:** 4 - Winter, Lewis, Jones, and Harris

- \*c. R-15-263 F/S Authorizing The Issuance And Sale Of \$2,080,000 City Of Albuquerque, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2015C (The "Bonds"), Authorized To Be Issued By City Ordinance Twenty-First Council Bill No. O-15-64 Adopted On November 2, 2015; Making Certain Appropriations; And Ratifying Certain Actions Previously Taken (Jones, by request)

**A motion was made by Councilor Jones that this matter be Substituted. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**A motion was made by Councilor Jones that this matter be Passed as Substituted. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris



**\*d.**    R-15-266

Adjusting Fiscal Year 2015 Appropriations For Certain Funds And Program Strategies To Provide For Actual Expenditures And Adjusting Fiscal Year 2016 Operating And Capital Appropriations (Peña, by request)

**A motion was made by Councilor Jones that this matter be Amended. Councilor Jones moved Amendment No. 1. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**A motion was made by Councilor Jones that this matter be Amended. Councilor Jones moved Amendment No. 2. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**A motion was made by Councilor Peña that this matter be Passed as Amended. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**\*e.**    R-15-267

C/S Relating To Capital Projects; Amending The Adopted Capital Implementation Program (CIP) Of The City Of Albuquerque By Designating Funding For A New Project (Peña)

**A motion was made by Councilor Peña that this matter be Passed. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris



# City of Albuquerque

Albuquerque/Bernalillo  
County  
Government Center  
One Civic Plaza  
Albuquerque, NM 87102

## Action Summary

### City Council

*Council President, Rey Garduño, District 6*

*Vice-President, Brad Winter, District 4*

*Ken Sanchez, District 1; Isaac Benton, District 2*

*Klarissa J. Peña, District 3; Dan Lewis, District 5*

*Diane G. Gibson, District 7; Trudy E. Jones, District 8*

*Don Harris, District 9*

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Monday, November 2, 2015

5:00 PM

Vincent E. Griego Chambers

One Civic Plaza NW

Albuquerque/Bernalillo County Government Center

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### TWENTY-FIRST COUNCIL - FIFTY-FIRST MEETING

#### 1. ROLL CALL

**Present** 9 - Rey Garduño, Brad Winter, Ken Sanchez, Isaac Benton, Klarissa Peña, Dan Lewis, Diane Gibson, Trudy Jones, and Don Harris

#### 2. MOMENT OF SILENCE

**Pledge of Allegiance - Klarissa J. Peña, Councilor, District 3**

#### 3. PROCLAMATIONS & PRESENTATIONS

#### 4. ECONOMIC DEVELOPMENT DISCUSSION

##### Deferrals/Withdrawals

- a. O-15-43 Amending The Merit System Ordinance Relating To Classified And Unclassified Service (Jones, Sanchez)

A motion was made by Councilor Sanchez that this matter be Postponed to February 1, 2016. The motion carried by the following vote:

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

#### 5. ADMINISTRATION QUESTION & ANSWER PERIOD

#### 6. APPROVAL OF JOURNAL

October 19, 2015

## 7. COMMUNICATIONS AND INTRODUCTIONS

**A motion was made by President Garduño that the Letter of Introduction be approved. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

## 14. FINAL ACTIONS

- I. R-15-261 Establishing Policy For The Recognition Of Indigenous People's Day In The City Of Albuquerque (Garduño)

**A motion was made by President Garduño that this matter be Passed. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

## 8. REPORTS OF COMMITTEES

## 9. GENERAL PUBLIC COMMENTS

## 10. ANNOUNCEMENTS

## 11. CONSENT AGENDA: {Items may be removed at the request of any Councilor}

- a. EC-15-413 Proposed Parking Agreement between the City of Albuquerque and Historic Hotel, LLC (dba Hotel Andaluz)

**A motion was made by Vice-President Winter that this matter be Approved. The motion carried by the following vote:**

**For:** 6 - Garduño, Winter, Benton, Peña, Lewis, and Jones

**Excused:** 3 - Sanchez, Gibson, and Harris

- b. EC-15-414 Third Amendment to the Food and Beverage Concession Lease and Agreement for Black Mesa Coffee Co., Inc. to Adjust Support Space

**A motion was made by Vice-President Winter that this matter be Approved. The motion carried by the following vote:**

**For:** 6 - Garduño, Winter, Benton, Peña, Lewis, and Jones

**Excused:** 3 - Sanchez, Gibson, and Harris

- c. EC-15-422 Mayor's Appointment of Mr. Dan T. Serrano to the Environmental

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**Planning Commission**

**A motion was made by Vice-President Winter that this matter be Confirmed.  
The motion carried by the following vote:**

**For:** 6 - Garduño, Winter, Benton, Peña, Lewis, and Jones

**Excused:** 3 - Sanchez, Gibson, and Harris

**d.** EC-15-440

**Mayor's Appointment of Ms. Rebecca D. Velarde to the Affordable Housing Committee**

**A motion was made by Vice-President Winter that this matter be Confirmed.  
The motion carried by the following vote:**

**For:** 6 - Garduño, Winter, Benton, Peña, Lewis, and Jones

**Excused:** 3 - Sanchez, Gibson, and Harris

**e.** EC-15-441

**Mayor's Appointment of Mr. Paul D. Garver to the Balloon Fiesta Park Commission**

**A motion was made by Vice-President Winter that this matter be Confirmed.  
The motion carried by the following vote:**

**For:** 6 - Garduño, Winter, Benton, Peña, Lewis, and Jones

**Excused:** 3 - Sanchez, Gibson, and Harris

**f.** EC-15-442

**Mayor's Reappointment of Mr. Brian D. Leen to the Veterans and Military Affairs Advisory Board**

**A motion was made by Vice-President Winter that this matter be Confirmed.  
The motion carried by the following vote:**

**For:** 6 - Garduño, Winter, Benton, Peña, Lewis, and Jones

**Excused:** 3 - Sanchez, Gibson, and Harris

**g.** R-15-165

**C/S Requiring The Internal Operations Committee Of The City Council To Review And Approve Certain Council Staffing Decisions; Designating Certain Procedures For Internal Operations Committee And The Director Of Council Services (Winter)**

**A motion was made by Vice-President Winter that this matter be Withdrawn by Sponsor. The motion carried by the following vote:**

**For:** 6 - Garduño, Winter, Benton, Peña, Lewis, and Jones

**Excused:** 3 - Sanchez, Gibson, and Harris

## **12. PUBLIC HEARINGS: {Appeals, SAD Protest Hearings}**

**a.** AC-15-5

**(Project#1008203/15EPC-40020) Emilio Chavez and Matthew Archuleta Appeal the Environmental Planning Commission's (EPC's) Approval of a Zone Map Amendment (zone change), for Tracts A2,**

A3, A4, Unser and Sage Market Place, located on Unser Street between Sage Road SW and Arenal Road SW

**A motion was made by Councilor Jones to not accept submittal of new evidence by the appellant. The motion failed by the following vote:**

**For:** 3 - Winter, Jones, and Harris

**Against:** 5 - Garduño, Benton, Peña, Lewis, and Gibson

**Abstain:** 1 - Sanchez

**A motion was made by Councilor Harris to not accept submittal of new evidence by the appellant. The motion carried by the following vote:**

**For:** 8 - Garduño, Winter, Benton, Peña, Lewis, Gibson, Jones, and Harris

**Abstain:** 1 - Sanchez

**A motion was made by Councilor Jones that this matter be Denied. The motion failed by the following vote:**

**For:** 3 - Winter, Jones, and Harris

**Against:** 5 - Garduño, Benton, Peña, Lewis, and Gibson

**Abstain:** 1 - Sanchez

**A motion was made by Councilor Benton that this matter be Granted. The motion carried by the following vote:**

**For:** 5 - Garduño, Benton, Peña, Lewis, and Gibson

**Against:** 3 - Winter, Jones, and Harris

**Abstain:** 1 - Sanchez

### **13. APPROVALS: {Contracts, Agreements, and Appointments}**

### **14. FINAL ACTIONS**

**e. O-15-64**

Authorizing The Issue And Sale Of A Maximum Principal Amount Of \$2,500,000 City Of Albuquerque, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2015C To Be Issued For The Purpose Of Purchasing, Equipping And Making Improvements To Public Buildings And Real Property To Hold Impounded And Seized Cars For The Albuquerque Police Department; Providing For The Payment Of The Bonds From Gross Receipts Tax Revenues (Jones, by request)

**A motion was made by Councilor Jones that this matter be Amended. Councilor Jones moved Amendment No. 1. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**A motion was made by Councilor Jones that this matter be Passed as Amended. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**b. O-15-48**

**C/S(3) Amending The Open Space Trust Fund And Land Administration Ordinance (Benton, Sanchez)**

**A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved Amendment No. 1. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**A motion was made by Councilor Benton that this matter be Passed as Amended. The motion carried by the following vote:**

**For:** 8 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, and Jones

**Excused:** 1 - Harris

**c. O-15-55**

**F/S Amending The Health, Safety And Sanitation Ordinance (Harris)**

**A motion was made by Councilor Harris that this matter be Passed. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**d. O-15-63**

**Amending The Appointment Method, Membership Requirements, And The Duties Of The Open Space Advisory Board (Benton)**

**A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved Amendment No. 1. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**A motion was made by Councilor Benton that this matter be Passed as Amended. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**f. R-15-171**

**F/S(2) Establishing Procedures For Implementing Improvements And Expending Funds Within The Rio Grande Valley State Park By The City Of Albuquerque (Benton, Sanchez)**

**A motion was made by Councilor Benton that this matter be Substituted. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**A motion was made by Councilor Benton that this matter be Postponed as Substituted to November 16, 2015. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**g.** R-15-186

A Nuisance Dwelling Or Structure In Need Of Abatement At 3005 Sioux St NW 87107 Within The City Limits Of Albuquerque, New Mexico Is So Ruined, Damaged And Dilapidated As To Be A Menace To The Public Comfort, Health, Peace Or Safety And That It Is To Be Required To Be Removed (Benton, by request)

**A motion was made by Councilor Benton that this matter be Passed. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**h.** R-15-222

C/S Amending The Northwest Mesa Escarpment Plan To Allow The Height Of Light Poles (Luminaries) To Exceed 40 Feet For The Athletic Fields On The City-Owned Property Located At 118th Street And Arroyo Vista Boulevard (Sanchez)

**A motion was made by Councilor Sanchez that this matter be Passed. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**i.** R-15-255

Setting Policy For The City That City Sponsored Events Where Alcohol Is Served Offer And Serve Local Microbrew From Albuquerque Based Small Brewers; And Encouraging That Contractors And Lessees Under City-Owned, Governmental Liquor Licenses Follow Suit (Harris)

**A motion was made by Councilor Harris that this matter be Passed. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**j.** R-15-256

Amending The Tower/Unser Sector Development Plan (The "TUSDP") To Change The Zoning For Tract 2A, Westgate Mobile Home Park (The "Subject Property"), Approximately 14.5 Acres, From R-T Residential Zone To SU-1 For Mobile Home Development (Peña, by request)

**A motion was made by Councilor Peña that this matter be Passed. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**k.** R-15-257

Directing That The City Pursue A Partnership With Bernalillo County And Potentially Other Local Governments For Energy Representation Before The PRC In The Current PNM Rate Case, And Reconsider Its Relationship With The New Mexico Industrial Energy Consumers

**Association (NMIEC) (Benton)**

**A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved Amendment No. 1. The motion carried by the following vote:**

**For:** 9 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, Jones, and Harris

**A motion was made by Councilor Benton that this matter be Passed as Amended. The motion carried by the following vote:**

**For:** 8 - Garduño, Winter, Sanchez, Benton, Peña, Lewis, Gibson, and Jones

**Against:** 1 - Harris

**15. OTHER BUSINESS: {Reports, Presentations, and Other Items}**

**A motion was made by Councilor Lewis to Reconsider the Letter of Introduction. The motion carried by the following vote:**

**For:** 5 - Winter, Peña, Lewis, Jones, and Harris

**Against:** 4 - Garduño, Sanchez, Benton, and Gibson

**A motion was made by Councilor Lewis that the rules be suspended to allow the removal of R-15-265 from the Letter of Introduction. The motion failed by the following vote:**

**For:** 5 - Winter, Peña, Lewis, Jones, and Harris

**Against:** 4 - Garduño, Sanchez, Benton, and Gibson

*There being no further business, the meeting adjourned at 10:48 p.m.*