

**Notice of Decision
City Council
City of Albuquerque
August 21, 2019**

AC-19-10 PR-2019-002175 VA-2019-00075 VA-2019-00177: JAG Planning & Zoning, Agent for Pamela L. Wiley, appeals the Zoning Hearing Examiner's (ZHE's) decision to approve a variance of 5 ft to the required 5 ft side yard setback ("Application") upon the real property located at 6140 Full Moon Ave NW

Decision

On August 5, 2019, by a vote of 7 FOR, 1 AGAINST, the City Council voted to grant the appeal by accepting and adopting the recommendation and findings of the Land Use Hearing Officer.


Against: Sanchez
Excused: Winter

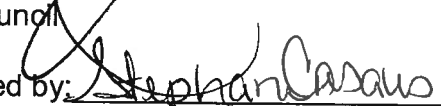
**IT IS THEREFORE ORDERED THAT THE APPEAL IS GRANTED, THE DECISION OF
THE ZHE IS REVERSED, AND THE VARIANCE IS DENIED**

Attachments

1. Land Use Hearing Officer's Recommendation
2. Action Summary from the August 5, 2019 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.

 Date: 8-21-19
Klarissa J. Peña, President
City Council

Received by:  Date: 8/21/19
City Clerk's Office

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2019 AUG 21 PM 4:29

**BEFORE THE CITY OF ALBUQUERQUE
LAND USE HEARING OFFICER**

APPEAL NO. AC-19-10

PR-2019-002175; VA-2019-00075; VA-2019-00177

PAMELA L. WILEY, Appellant,

RAMON OROZCO, Party Opponent.

I. BACKGROUND & HISTORY

This is an appeal from a decision of the ZHE granting a five-foot variance to the five-foot side-yard setback requirement in the IDO. The two properties at issue in this appeal concern two abutting single-family homes, one owned by the variance applicant (Ramon Orozco) and the other owned by the Appellant (Pamala Wiley). The Orozco and Wiley properties are located at 6140 and 6136 Full Moon Ave NW, respectively. The two homes are separated by approximately 10-feet, each sit approximately five feet from the boundary-line between their properties. The two properties are in a RT zone. In an RT zone, the IDO requires a minimum of a five-foot setback for side yard separation from the boundary line [IDO, Table 5-1-1].

Apparently, Mr. Orozco had a handy-man construct, an extension to the pitched roof that extends to or near the property line. It is undisputed that Mr. Orozco failed to obtain a building permit for the extension. As a result, the City Building and Safety Division Staff filed a criminal complaint against Mr. Orozco, ostensibly to compel dismantling of the

15 extension. That process is pending. In the interim, Mr. Orozco applied for the variance.

16 At the April 16, 2019 ZHE hearing on the variance, Mr. Orozco claimed that the
17 purpose of the extension was to extend the patio roof on the side-yard to protect their family
18 dog from the sun, snow, and rain. In addition, Mr. Orozco testified that he is disabled and
19 cannot clear the accumulation of snow himself, so he had the extension constructed [R. 53].
20 However, Mrs. Wiley testified that the extension alters the flow of water drainage from Mr.
21 Orozco's roof and yard onto her property. There is substantial evidence in the record to
22 support a finding that drainage from Mr. Orozco's roof ends up on Mrs. Wiley's property
23 and that this is caused by the roof extension [R. 19, 28, 41, 45, 48, 50, 56-57]. In fact, the
24 ZHE found that the extension "creates an adverse impact" to Mrs. Wiley's property [R. 16].
25 The ZHE nevertheless found that Mr. Orozco's justifications are "special circumstances" and
26 approved the variance. In doing so, the ZHE set a somewhat vague condition requiring that
27 the extension be modified to prevent drainage onto Mrs. Wiley's property. The ZHE erred.

28 A review of an appeal is a whole record review to determine whether the ZHE acted
29 fraudulently, arbitrarily, or capriciously; or whether the ZHE's decision is not supported by
30 substantial evidence; or if the ZHE erred in applying the requirements of the IDO, a plan,
31 policy, or regulation [IDO, § 14-16-6-4(U)(4)]. At the appeal level of review, the decision
32 and record must be supported by substantial evidence to be upheld.

33 After reviewing the record and hearing arguments at the July 3, 2019 LUHO hearing
34 on this appeal, I find that the ZHE erred in several significant ways. First, the ZHE erred
35 because he misapplied the Review and Decision Criteria for a variance, namely IDO § 6-
36 6(N)(3)(a)(1) requiring that the ZHE determine if the *property* for which the variance applies

meets the “special circumstances” criteria therein. Without applying all parts of § 6-6(N)(3)(a)(1), the ZHE found that Mr. Orozco’s handicap and water draining from Mr. Orozco’s roof onto his yard are both special circumstances [R. 16].

In the IDO, a variance under §14-16-6(N)(3)(a) is an exception (§14-16-7-1) to the development standards in the IDO. Under the IDO, a variance:

shall be approved if it meets *all* of the following criteria:

1. There are *special circumstances applicable to the subject property* that are not self-imposed and that *do not apply generally to other property* in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, and physical characteristics, and such special circumstances were created either by natural forces or by government eminent domain actions for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.
2. The Variance will not be materially contrary to the public safety, health, or welfare.
3. The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
4. The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district.
5. The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties (emphasis added) [§14-16-6(N)(3)(a)].

There can be no dispute that an applicant must fulfill “*all*” of the benchmarks or requirements of §14-16-6(N)(3)(a) to be eligible for a variance. Mr. Orozco’s handicap may be a special circumstance, but it is not a special circumstance justifying a variance under IDO § 6-

6(N)(3)(a)(1). To qualify as a special circumstance under § 6-6(N)(3)(a)(1), the circumstance must be “applicable to the subject property,” and it must “not apply generally to other property” in the area. Mr. Orozco’s handicap is applicable to him not to the property and it does not qualify as a special circumstance that is applicable to the property. Second, virtually every home in Albuquerque has rooftop drainage. This is so because roofs are impervious space. Drainage from a rooftop is not unique to Mr. Orozco’s home. It was clearly erroneous and irrational for the ZHE to find that it is.

There is evidence that prior to the LUHO hearing, but after the ZHE’s decision, Mr. Orozco has made progress in redirecting water drainage from the extension to his own yard by adding drainage gutters. Appellant agreed that Mr. Orozco’s efforts were made in good faith. But the evidence demonstrates that his efforts are not enough. The extension still causes water to run on Mrs. Wiley’s property.

It is apparent that the parties desire to resolve their neighborly dispute in good faith. At the LUHO hearing the parties agreed to work out a stipulated agreement to resolve the appeal. After the hearing, the parties agreed to the following agreement which can dispense with this appeal:

1. The variance shall be truncated from a five-foot variance to a 6-inch variance. That is the constructed overhang extension shall be reduced to not extend closer than 4.5 feet from the adjoining boundary-line;¹
2. If the Council accepts the agreement to resolve the appeal, Mr. Orozco shall modify the roof extension to meet the new 4.5-foot setback (6-in. variance) within 30-days

¹ Note that in IDO Table 5-1-4, the roof overhang, as shade structure, can extend as close as 3-feet from any lot boundary line without requiring a variance.

94 of the City Council's decision;

95 3. Within 30-days of the City Council's decision on this matter, Mr. Orozco shall
96 assure that water drainage from his roof is directed and kept out of Mrs. Wiley's
97 property.

98 4. In return, Appellant will dismiss her appeal.

99 In the alternative, if the City Council rejects the above referenced stipulated agreement
100 between the Appellant and the variance applicant, I respectfully recommend that the City
101 Council grant the appeal, overturn the ZHE's decision and deny the variance application in
102 full. The ZHE erred.

103



Steven M. Chavez, Esq.
Land Use Hearing Officer

July 12, 2019

Copies to:

Appellant
Party Opponent
City Staff



City of Albuquerque

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

Action Summary

City Council

Council President, Klarissa J. Peña, District 3

Vice-President, Cynthia D. Borrego, District 5

Ken Sanchez, District 1; Isaac Benton, District 2

Brad Winter, District 4; Patrick Davis, District 6

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

Don Harris, District 9

Monday, August 5, 2019

5:00 PM

Vincent E. Griego Chambers

One Civic Plaza NW

Albuquerque/Bernalillo County Government Center

TWENTY-THIRD COUNCIL - FORTIETH MEETING

1. ROLL CALL

Present 9 - Klarissa Peña, Cynthia Borrego, Ken Sanchez, Isaac Benton, Brad Winter, Patrick Davis, Diane Gibson, Trudy Jones, and Don Harris

2. MOMENT OF SILENCE

Pledge of Allegiance - Diane G. Gibson, Councilor, District 7

3. PROCLAMATIONS & PRESENTATIONS

4. ECONOMIC DEVELOPMENT DISCUSSION

5. ADMINISTRATION QUESTION & ANSWER PERIOD

6. APPROVAL OF JOURNAL

June 17, 2019

7. COMMUNICATIONS AND INTRODUCTIONS

Deferrals/Withdrawals

- a. R-18-79 A Nuisance, Substandard Dwelling Or Structure In Need Of Abatement At 113 Eubank Blvd NE 87123 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 (Davis, by request)

A motion was made by Councilor Davis that this matter be Postponed to August 19, 2019. The motion carried by the following vote:

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

b. R-19-152

A Nuisance, Substandard Dwelling Or Structure In Need Of Abatement At 516 Kentucky St SE 87108 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 (Davis, by request)

A motion was made by Councilor Davis that this matter be Postponed to August 19, 2019. The motion carried by the following vote:

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

c. R-19-153

A Nuisance, Substandard Dwelling Or Structure In Need Of Abatement At 247 Espanola St NE 87108 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 (Davis, by request)

A motion was made by Councilor Davis that this matter be Postponed to August 19, 2019. The motion carried by the following vote:

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

d. R-19-155

A Nuisance, Substandard Dwelling Or Structure In Need Of Abatement At 600 Dallas St NE 87108 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 (Davis, by request)

A motion was made by Councilor Davis that this matter be Postponed to August 19, 2019. The motion carried by the following vote:

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

e. R-19-156

A Nuisance, Substandard Dwelling Or Structure In Need Of Abatement At 8400 Chico Rd NE 87108 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 (Davis, by request)

A motion was made by Councilor Davis that this matter be Postponed to August 19, 2019. The motion carried by the following vote:

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

8. REPORTS OF COMMITTEES

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

- a. EC-19-348 Declaring the SE corner of Tower and 97th Street Not Essential for Municipal Purposes
- A motion was made by Vice-President Borrego that this matter be Withdrawn by Administration. The motion carried by the following vote:**
- For:** 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- b. EC-19-377 Reporting of expenditures by the Albuquerque Police Department related to the implementation of the Court Approved Settlement Agreement (CASA) - Second Quarter Fiscal Year 2019
- A motion was made by Vice-President Borrego that this matter be Receipt Be Noted. The motion carried by the following vote:**
- For:** 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- c. EC-19-417 Mayor's Appointment of Mr. James Souter to the Metropolitan Parks & Recreation Advisory Board
- A motion was made by Vice-President Borrego that this matter be Confirmed. The motion carried by the following vote:**
- For:** 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- d. EC-19-418 Mayor's Appointment of Mrs. Karla K. Degroft to the Municipal Golf Advisory Board
- A motion was made by Vice-President Borrego that this matter be Confirmed. The motion carried by the following vote:**
- For:** 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- e. EC-19-419 Mayor's Appointment of Mr. David W. Arms to the Para Transit Advisory Board
- A motion was made by Vice-President Borrego that this matter be Confirmed. The motion carried by the following vote:**
- For:** 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- f. EC-19-420 Mayor's Appointment of Ms. Guillermina Osoria to the Area Agency on Aging/Older Americans Act Advisory Council
- A motion was made by Vice-President Borrego that this matter be Confirmed. The motion carried by the following vote:**
- For:** 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- g. EC-19-421 Mayor's Reappointment of Mr. Adam Silverman to the Biological Park Board

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

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

h. EC-19-422

Mayor's Appointment of Ms. Cathryn McGill to the Bernalillo
County/Albuquerque Census 2020 Complete Count Committee

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

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

i. EC-19-423

Mayor's Appointment of Mr. Christopher B. MacQueen to the Arts Board

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

For: 8 - Peña, Borrego, Sanchez, Benton, Winter, Gibson, Jones, and Harris

Recused: 1 - Davis

j. EC-19-425

Mayor's Appointment of Mr. Mark J. Holmen to the Municipal Golf
Advisory Board

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

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

***k.** EC-19-437

Lease Agreement between the City of Albuquerque, a New Mexico
municipal corporation, and The Savila Collaborative d.b.a. Centro Savila,
a New Mexico nonprofit corporation

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

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

l. OC-19-28

2017 CPOA Annual Report

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

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

***m.** OC-19-32

Clerk's Certification of Council Candidates' Nominating Petitions

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

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

10. GENERAL PUBLIC COMMENTS

11. ANNOUNCEMENTS

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

- a. AC-19-6 Project #2018-001402/SI-2018-00171/VA-2019-00103: Thomas P. Gulley and Hessel Yntema III, Yntema Law Firm P.A., Agent for Taylor Ranch Neighborhood Association and surrounding property owners, appeal the decision of the Environmental Planning Commission (EPC) to approve a Site Plan-EPC for all or a portion of Lots 1 through 3, Block 1, Plat of West Bank Estates together with Tract A1, Lands of Suzanne H Poole, and Tracts C-1 and Lot 4-A of Plat of Tracts C-1, C-2 and Lot 4-A, Lands of Suzanne H Poole being a Replat of Tract C, Lands of Suzanne H Poole, Tract C, Annexation Plat Land in Section 25 and 36, T11N R2E, Lot 4, Block 1 West; zoned R-A, located at 5001 Namaste Road NW, between La Bienvenida Place NW and the Oxbow Open Space, containing approximately 23 acres

A motion was made by Councilor Sanchez that this matter be Remanded to the Environmental Planning Commission to consider issues related to clustering and open space. The motion carried by the following vote:

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

- b. AC-19-7 Project #2018-001402/SI-2018-00171/VA-2019-00103: Thomas P. Gulley and Hessel Yntema III, Yntema Law Firm P.A., Agent for Taylor Ranch Neighborhood Association and surrounding property owners, appeal the decision of the Environmental Planning Commission (EPC) to approve a Site Plan-EPC for all or a portion of Lots 1 through 3, Block 1, Plat of West Bank Estates together with Tract A1, Lands of Suzanne H Poole, and Tracts C-1 and Lot 4-A of Plat of Tracts C-1, C-2 and Lot 4-A, Lands of Suzanne H Poole being a Replat of Tract C, Lands of Suzanne H Poole, Tract C, Annexation Plat Land in Section 25 and 36, T11N R2E, Lot 4, Block 1 West; zoned R-A, located at 5001 Namaste Road NW, between La Bienvenida Place NW and the Oxbow Open Space, containing approximately 23 acres

A motion was made by Councilor Sanchez that this matter be Remanded to the Environmental Planning Commission to consider issues related to clustering and open space. The motion carried by the following vote

For: 8 - Peña, Borrego, Sanchez, Benton, Winter, Gibson, Jones, and Harris

Excused: 1 - Davis

- c. AC-19-9 PR-2019-002184 VA-2019-00086 VA-2019-00176: Oso Grande Neighborhood Association, appeals the Zoning Hearing Examiner's (ZHE's) decision to approve a conditional use to allow self-storage for Lot G1, Academy Place, located at 4909 Juan Tabo Blvd NE, zoned

MX-L

A motion was made by Councilor Benton that this matter be To Accept the Land Use Hearing Officer Recommendation and Findings. The motion carried by the following vote:

For: 7 - Peña, Borrego, Sanchez, Benton, Gibson, Jones, and Harris

Excused: 2 - Winter, and Davis

d. AC-19-10

PR-2019-002175 VA-2019-00075 VA-2019-00177: JAG Planning & Zoning, Agent for Pamela L. Wiley, appeals the Zoning Hearing Examiner's (ZHE's) decision to approve a variance of 5 ft to the required 5 ft side yard setback ("Application") upon the real property located at 6140 Full Moon Ave NW

A motion was made by Councilor Gibson that this matter be To Accept the Land Use Hearing Officer Recommendation and Findings. The motion carried by the following vote:

For: 7 - Peña, Borrego, Benton, Davis, Gibson, Jones, and Harris

Against: 1 - Sanchez

Excused: 1 - Winter

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

a. EC-19-383

Report on Uses of 3/8ths Hold Harmless Gross Receipts Tax - FY2019 2nd Quarter

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

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

14. FINAL ACTIONS

f. O-19-67

Amending Article VI, Section 4 And Article XVI, Sections 3, 6, 7, 12, And 20 Of The Charter, Amending Chapter 2, Article 4, Part 13, ROA 1994, The Filing Of Petitions Ordinance, And Amending Chapter 2, Article 4, ROA 1994, To Add The Limitations On Seed Money And Maintenance Of Campaign In Off Years Ordinances (Sanchez, by request)

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

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

A motion was made by Councilor Sanchez that this matter be Postponed as Amended to August 19, 2019. The motion carried by the following vote:

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

- g. R-19-160** Adopting A Proposition To Be Submitted To The Voters At The Next Municipal Election Concerning The Renewal Of A Quarter Of One Percent Transportation Infrastructure Gross Receipts Tax (Sanchez and Benton, by request)
- 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 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- A motion was made by President Peña that this matter be Amended. President Peña moved Amendment No. 2. The motion carried by the following vote:**
- For:** 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, 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 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
-
- h. R-19-164** Concerning A Bond Election To Be Held In The City Of Albuquerque At The Next Regular Local Election On November 5, 2019; Submitting To A Vote Of The Qualified Electors At Such Regular Local Election Certain Questions For Authorizing The Issuance Of General Obligation Bonds In Varying Principal Amounts And For Specified Public Purposes And, Providing The Form Of The Bond Questions And The Designation Clause For Such Questions On The Ballot; Prescribing Other Details In Connection With Such Bond Election And Bonds; And Ratifying Action Previously Taken In Connection Therewith (Sanchez, by request)
- A motion was made by Councilor Davis that this matter be Amended. Councilor Davis moved Amendment No. 1. The motion carried by the following vote:**
- For:** 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- A motion was made by Councilor Sanchez that this matter be Passed as Amended. The motion carried by the following vote:**
- For:** 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
-
- i. R-19-165** Adopting Propositions To Be Submitted To The Voters At The Next Local Election To Be Held In The City Of Albuquerque Concerning Questions Amending Article II, Sections 2 And 3; Article IV, Section 4; Article V, Section 2; And Article XVI, Sections 3, 4, 6, 7, 8, 10, 12, 15, And 21, Of The Albuquerque City Charter; And Adding Section 22 To Article XVI Of The Albuquerque City Charter, Providing The Form Of The Questions And The Designation Clause For Such Questions On The Ballot (Sanchez, by request)
- A motion was made by Councilor Sanchez that this matter be Amended. Councilor Sanchez moved Amendment No. 1. The motion carried by the following vote:**
- For:** 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

A motion was made by Councilor Sanchez that this matter be Postponed as Amended to August 19, 2019. The motion carried by the following vote:

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

- j. R-19-166** Concerning The Local Election To Be Held In The City Of Albuquerque On November 5, 2019 (Sanchez, by request)

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

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

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

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

- k. P-19-2** Adopting A Proposition To Be Submitted To The Voters At The November 5, 2019 Regular Local Election Proposing To Amend Article IV, Sections 1, 2, And 3 Of The Albuquerque City Charter Concerning Council Districts (Benton)

A motion was made by Councilor Benton that this matter be Postponed. Councilor Benton withdrew the motion.

A motion was made by Councilor Benton that this matter be Amended. The motion failed by the following vote:

For: 4 - Benton, Winter, Davis, and Gibson

Against: 5 - Peña, Borrego, Sanchez, Jones, and Harris

A motion was made by Councilor Sanchez that the rules be suspended for the purpose of extending the City Council meeting until 11:30 p.m. The motion carried by the following vote:

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

- k. P-19-2** Adopting A Proposition To Be Submitted To The Voters At The November 5, 2019 Regular Local Election Proposing To Amend Article IV, Sections 1, 2, And 3 Of The Albuquerque City Charter Concerning Council Districts (Benton)

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

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

- l. P-19-3** Adopting A Proposition To Be Sent To The Voters At The November 5, 2019 Regular Local Election Proposing To Amend Article II, Section 8, Of The Albuquerque City Charter Concerning Ranked Choice Voting

(Harris)

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

For: 8 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Jones, and Harris

Against: 1 - Gibson

A motion was made by Councilor Benton that the rules be suspended for the purpose of extending the City Council meeting until 11:45 p.m. The motion carried by the following vote:

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

m. O-19-52

Amending The Integrated Development Ordinance (IDO) Section §14-16-3-5(J)(3) Old Town HPO 5, Other Development Standards To Allow Increased Types And Amount Of Signage In Old Town And To Incorporate Outdoor Display And Demonstration Into Old Town HPO 5; And Amending Section §13-3-2-1 Old Town Solicitations Ordinance To Replace All References To The H1 Historic Old Town Zone With Old Town HPO 5 (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: 8 - Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

Against: 1 - Borrego

A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved Amendment No. 2. Councilor Benton withdrew the motion.

A motion was made by Councilor Benton that this matter be Postponed as Amended to September 4, 2019. The motion carried by the following vote:

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

n. O-19-64

Amending Certain Portions Of Chapter 6, Part 5, Article 6 Of The City's Code Of Ordinances Known As The "Complete Streets Ordinance" To Incorporate Higher Standards Related To The Implementation Of Complete Streets Within The City (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 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

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

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

A motion was made by Councilor Sanchez that the rules be suspended for the purpose of extending the City Council meeting until 12:00 a.m. The motion carried by the following vote:

For: 8 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, and Jones

Against: 1 - Harris

n. O-19-64

Amending Certain Portions Of Chapter 6, Part 5, Article 6 Of The City's Code Of Ordinances Known As The "Complete Streets Ordinance" To Incorporate Higher Standards Related To The Implementation Of Complete Streets Within The City (Benton)

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

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

o. O-19-65

Adopting Zoning Conversion Rules For Properties In Batch 1 Of The Phase 2 Zoning Conversion Effort As Directed By City Council Resolution 18-29 And Updating The Official Zoning Map (Jones and Benton, 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 - Peña, Borrego, Sanchez, Benton, Winter, Davis, 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 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

A motion was made by Councilor Sanchez that the rules be suspended for the purpose of extending the City Council meeting until 12:20 a.m. The motion carried by the following vote:

For: 8 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, and Jones

Against: 1 - Harris

o. O-19-65

Adopting Zoning Conversion Rules For Properties In Batch 1 Of The Phase 2 Zoning Conversion Effort As Directed By City Council Resolution 18-29 And Updating The Official Zoning Map (Jones and Benton, by request)

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

For: 8 - Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

Against: 1 - Peña

p. O-19-70

Amending Chapter 9, Article 4, Part 1, Section 8 Of The Revised Ordinances Of Albuquerque (The "Police Oversight Ordinance") Regarding Case Review By Subcommittees Of The Board Of The Civilian Oversight Agency (Benton, Winter)

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

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

q. R-19-162

Adopting Interim Regulations For The North 4th Corridor To Implement Development Regulations Until The Integrated Development Ordinance Is Updated With Permanent Regulations For The Area (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: 8 - Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

Against: 1 - Borrego

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

For: 7 - Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

Against: 2 - Peña, and Borrego