



City of Albuquerque

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

Action Summary

City Council

Council President, Dan Lewis, District 5
Vice-President, Klarissa J. Peña, District 3

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

Wednesday, October 5, 2016

5:00 PM

Vincent E. Griego Chambers
One Civic Plaza NW

Albuquerque/Bernalillo County Government Center

TWENTY-SECOND COUNCIL - NINETEENTH MEETING

1. ROLL CALL

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

2. MOMENT OF SILENCE

Pledge of Allegiance - Brad Winter, Councilor, District 4

3. PROCLAMATIONS & PRESENTATIONS

4. ECONOMIC DEVELOPMENT DISCUSSION

5. ADMINISTRATION QUESTION & ANSWER PERIOD

6. APPROVAL OF JOURNAL

September 19, 2016

7. COMMUNICATIONS AND INTRODUCTIONS

Deferrals/Withdrawals

- c. [R-16-28](#) A Nuisance Dwelling Or Structure In Need Of Abatement At 373 64th St NW 87105 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 November 7, 2016. The motion carried by the following vote:

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

- d. [R-16-72](#) A Nuisance Dwelling Or Structure In Need Of Abatement At 244 Smith St 87102 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 Postponed to October 17, 2016. The motion carried by the following vote:

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

- f. [R-16-93](#) Designating The Coronado Metropolitan Redevelopment Area, Making Certain Findings And Conclusions Pursuant To The Metropolitan Redevelopment Code, And Authorizing And Directing The Metropolitan Redevelopment Agency To Prepare A Metropolitan Redevelopment Plan For The Coronado Metropolitan Redevelopment Area (Winter, by request)

A motion was made by Councilor Winter that this matter be Postponed to November 7, 2016. The motion carried by the following vote:

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

- g. [R-16-94](#) Approving The Coronado Metropolitan Redevelopment Area Plan (Winter, by request)

A motion was made by Councilor Winter that this matter be Postponed to November 7, 2016. The motion carried by the following vote:

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

Excused: 1 - Harris

8. REPORTS OF COMMITTEES

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

- a. [EC-16-119](#) FY16 Priority Objective Report: Sustainable Community Development Goal 4, Objective 1 Implement the YARDI work order system and develop a preventative maintenance program. Submit a report to the Mayor and City Council by the end of FY/14

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

For: 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones

Excused: 2 - Winter, and Harris

- b. [EC-16-120](#) FY16 Priority Objective Report: Sustainable Community Development Goal 4, Objective 1-Restructure the Park Management Division to create a more efficient operational crew with well-trained Area Supervisors and crew able to function at a higher level using a ""one-stop-shop"" approach. Submit a status report to the Mayor and City Council by the end of FY/15

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

For: 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones

Excused: 2 - Winter, and Harris

- c. [EC-16-140](#) Revenue Report for Third Quarter Fiscal Year 2016

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

For: 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones

Excused: 2 - Winter, and Harris

- d. [EC-16-141](#) Quarterly reporting of expenditures by the Albuquerque Police Department related to the implementation of the Settlement Agreement negotiated with the United States Department of Justice

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

For: 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones

Excused: 2 - Winter, and Harris

- e. [EC-16-147](#) Approval of the FY16 Outside Counsel for Legal Services Agreement between Kennedy Moulton & Wells PC and the City of Albuquerque

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

For: 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones

Excused: 2 - Winter, and Harris

- f. [EC-16-148](#) Approval of the FY16 First Supplemental Agreement to the Legal Services Agreement between the Law Offices of Jonlyn M. Martinez, LLC and the City of Albuquerque

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

For: 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones

Excused: 2 - Winter, and Harris

- g.** [EC-16-149](#) Approval of the FY16 Outside Counsel for Legal Services Agreement between Yenson, Allen & Wosick PC and the City of Albuquerque
- A motion was made by Vice-President Peña that this matter be Approved. The motion carried by the following vote:**
- For:** 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones
- Excused:** 2 - Winter, and Harris
- h.** [EC-16-150](#) Approval of the FY16 Outside Counsel for Legal Services Agreement between Wiggins Williams & Wiggins PC and the City of Albuquerque
- A motion was made by Vice-President Peña that this matter be Approved. The motion carried by the following vote:**
- For:** 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones
- Excused:** 2 - Winter, and Harris
- i.** [EC-16-151](#) Approval of the FY16 First Supplemental Agreement to the Legal Services Agreement between Lorenz Law and the City of Albuquerque
- A motion was made by Vice-President Peña that this matter be Approved. The motion carried by the following vote:**
- For:** 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones
- Excused:** 2 - Winter, and Harris
- j.** [EC-16-152](#) Approval of the FY16 Outside Counsel for Legal Services Agreement between Conklin Woodcock & Ziegler PC and the City of Albuquerque
- A motion was made by Vice-President Peña that this matter be Approved. The motion carried by the following vote:**
- For:** 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones
- Excused:** 2 - Winter, and Harris
- k.** [EC-16-153](#) Approval of the FY15 Outside Counsel for Legal Services Agreement between Walz & Associates PC and the City of Albuquerque
- A motion was made by Vice-President Peña that this matter be Approved. The motion carried by the following vote:**
- For:** 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones
- Excused:** 2 - Winter, and Harris
- l.** [EC-16-154](#) Approval of the FY16 Outside Counsel for Legal Services Agreement between Walz & Associates PC and the City of Albuquerque
- A motion was made by Vice-President Peña that this matter be Approved. The motion carried by the following vote:**
- For:** 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones

Excused: 2 - Winter, and Harris

- m. [EC-16-155](#) Approval of the First Supplemental Agreement to the Legal Services Agreement between Stelzner, Winter, Warburton, Flores, Sanchez & Dawes, PA and the City of Albuquerque
- A motion was made by Vice-President Peña that this matter be Approved. The motion carried by the following vote:**
- For:** 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones
- Excused:** 1 - Harris
- Recused:** 1 - Winter
- n. [EC-16-156](#) Approval of the FY16 Outside Counsel for Legal Services Agreement between Butt, Thornton & Baehr, PC and the City of Albuquerque
- A motion was made by Vice-President Peña that this matter be Approved. The motion carried by the following vote:**
- For:** 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones
- Excused:** 2 - Winter, and Harris
- o. [EC-16-157](#) Approval of the FY16 Outside Counsel for Legal Services Agreement between Robles, Rael & Anaya, PC and the City of Albuquerque
- A motion was made by Vice-President Peña that this matter be Approved. The motion carried by the following vote:**
- For:** 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones
- Excused:** 2 - Winter, and Harris
- p. [EC-16-159](#) Pre-Security Terminal Building and Landside Improvements for the Aviation Department
- A motion was made by Vice-President Peña that this matter be Receipt Be Noted. The motion carried by the following vote:**
- For:** 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones
- Excused:** 2 - Winter, and Harris
- r. [EC-16-181](#) Early Head Start Quarterly Report for January, February and March of 2016
- A motion was made by Vice-President Peña that this matter be Receipt Be Noted. The motion carried by the following vote:**
- For:** 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones
- Excused:** 2 - Winter, and Harris
- s. [EC-16-182](#) 2016 Bi-Annual Home Owner Rehabilitation Program Status Report

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

For: 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones

Excused: 2 - Winter, and Harris

t. [EC-16-191](#)

Approval of Supplement to Jarmie and Associates Professional/Technical Contract

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

For: 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones

Excused: 2 - Winter, and Harris

u. [EC-16-199](#)

Appointment of Mr. Ted C. Baca to the Labor-Management Board

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

For: 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones

Excused: 2 - Winter, and Harris

v. [EC-16-200](#)

Mayor's Appointment of Mr. James Pendergast to the Personnel Board

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

For: 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones

Excused: 2 - Winter, and Harris

w. [EC-16-201](#)

Mayor's Appointment of Mr. James Fordice to the Greater Albuquerque Bicycling Advisory Committee

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

For: 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones

Excused: 2 - Winter, and Harris

x. [EC-16-202](#)

Mayor's Reappointment of Mr. Christopher A. Holland to the Personnel Board

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

For: 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones

Excused: 2 - Winter, and Harris

y. [R-16-95](#)

Approving A Grant Application For The Workforce Opportunity

Investment Act Training Grant With The New Mexico Workforce Connection And Providing An Appropriation To The Department Of Finance And Administrative Services In Fiscal Year 2017 (Sanchez, by request)

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

For: 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones

Excused: 2 - Winter, and Harris

13. APPROVALS

- q. [EC-16-160](#) Pre-Security Terminal Building and Landside Improvements for the Aviation Department

A motion was made by President Lewis that this matter be Withdrawn by Administration. The motion carried by the following vote:

For: 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Jones

Excused: 2 - Winter, and Harris

10. GENERAL PUBLIC COMMENTS

11. ANNOUNCEMENTS

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

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

- a. [EC-16-158](#) Legal Department's Quarterly Litigation Reports for 1st, 2nd, 3rd, and 4th Quarters of FY 2015 and 1st, 2nd, and 3rd Quarters of FY 2016

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

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

14. FINAL ACTIONS

- a. [O-16-21](#) Establishing Reasonable Charges For Homeowners And Condominium Associations For The Preparation Of Disclosure Certificates, Disclosure Statements, Or Resale Certificates As Required By The New Mexico Homeowner Association Act And The New Mexico Condominium Act (Harris)

A motion was made by Vice-President Peña to Call the Question. The motion failed by the following vote:

For: 6 - Peña, Sanchez, Benton, Davis, Jones, and Harris

Against: 3 - Lewis, Winter, and Gibson

A motion was made by Councilor Gibson that the rules be suspended to allow O-16-21 to be Postponed to April 3, 2016. The motion failed by the following vote:

For: 2 - Lewis, and Gibson

Against: 7 - Peña, Sanchez, Benton, Winter, Davis, Jones, and Harris

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

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

Against: 1 - Lewis

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

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

Against: 2 - Lewis, and Gibson

b. [O-16-23](#)

Amending The Albuquerque Zoning Code To Clarify The Acreage Required For A Private Commons Development In §14-16-2-2 (RO-1, Rural And Open Zone), §14-16-2-4 (RA-1, Residential And Agricultural Zone, Semi-Urban Area) And §14-16-2-5 (RA-2, Residential And Agricultural Zone) To Remove Inconsistency Within §14-16-3-16 (Private Commons Development Regulations) (Lewis, by request)

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

For: 8 - Lewis, Peña, Sanchez, Winter, Davis, Gibson, Jones, and Harris

Excused: 1 - Benton

e. [R-16-76](#)

Adopting The City Of Albuquerque Comprehensive Emergency Management Plan (CEMP) (Winter, by request)

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

For: 8 - Lewis, Peña, Sanchez, Winter, Davis, Gibson, Jones, and Harris

Excused: 1 - Benton

h. [R-16-96](#)

Amending The Adopted Capital Implementation Program Of The City Of Albuquerque By Changing The Scope Of Existing Projects To Allow For Improvements To The Tijeras Arroyo Biological Zone (Harris)

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

For: 8 - Lewis, Peña, Sanchez, Winter, Davis, Gibson, Jones, and Harris

Excused: 1 - Benton