

**Notice of Decision  
City Council  
City of Albuquerque  
September 14, 2020**

**AC-20-5** Project #2018-001402 SI-2018-00171 VA-2019-00100 VA-2020-00061 VA-2020-00064: AC-20-5- Project #2018-001402 SI-2018-00171 VA-2019-00103 VA-2020-00061 VA-2020-00064: Hessel Yntema III, Yntema Law Firm P.A, agent for the Taylor Ranch Neighborhood Association, eight other associations, and six other property owners and interested parties, appeals the decision of the Environmental Planning Commission (EPC) to approve a Site Plan 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 Rd. NW, between La Bienvenida Pl. NW and the Oxbow Open Space, containing approximately 23 acres

**Decision**

On August 17, 2020, by a vote of 4 FOR 3 AGAINST the Council voted to deny the appeal, and affirm the decision of the EPC

For: Bassan, Gibson, Harris, Jones

Against: Benton, Davis, Peña

Recused: Borrego, Sena

On September 9, 2020, by a vote of 5 FOR 2 AGAINST the Council voted to adopt its Land Use Hearing Officer's recommendation and findings in support of its decision

For: Bassan, Gibson, Harris, Jones, Peña

Against: Benton, Davis

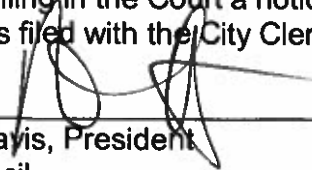
Recused: Borrego, Sena

**IT IS THEREFORE ORDERED THAT THE APPEAL IS DENIED, THE DECISION OF THE EPC IS AFFIRMED, AND THE SITE PLAN IS APPROVED**

**Attachments**

1. Action Summary from the August 17, 2020 City Council Meeting
2. Action Summary from the September 9, 2020 City Council Meeting
3. Land Use Hearing Officer's Recommendation and Findings

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.

  
\_\_\_\_\_  
Patrick Davis, President  
City Council

Date: 9/14/20

RECEIVED  
CITY CLERK  
SEP 15 AM 9:42

Received by: Alicea Nunery Date: 9/15/2020  
City Clerk's Office

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# City of Albuquerque

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

## Action Summary

### City Council

*Council President, Pat Davis, District 6*  
*Vice-President, Diane G. Gibson, District 7*

*Lan Sena, District 1; Isaac Benton, District 2*  
*Klarissa J. Peña, District 3; Brook Bassan, District 4*  
*Cynthia D. Borrego, District 5; Trudy E. Jones, District 8*  
*Don Harris, District 9*

Monday, August 17, 2020

3:00 PM

Via Zoom Video Conference  
See Special Procedures below  
for viewing this meeting.

#### TWENTY-FOURTH COUNCIL - FIFTEENTH MEETING

#### 1. ROLL CALL

**Present** 9 - Brook Bassan, Isaac Benton, Cynthia Borrego, Patrick Davis, Diane Gibson, Don Harris, Trudy Jones, Klarissa Peña, and Lan Sena

#### 2. MOMENT OF SILENCE

#### 3. PROCLAMATIONS & PRESENTATIONS

#### 10. GENERAL PUBLIC COMMENTS

#### 4. ECONOMIC DEVELOPMENT DISCUSSION

#### 5. ADMINISTRATION QUESTION & ANSWER PERIOD

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

a. [AC-20-7](#)

BP-2020-07262 - PR-2019-002524/VA-2020-00150, John J. Campbell Esq., Agent for Mike Gill & Sandy Levinson, appeals the Building Permit BP-2020-0726 for 7911 Kibo Dr. NW, Albuquerque NM 87120

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

b. [AC-20-4](#)

Project #2018-001402 SI-2018-00171 VA-2019-00100 VA-2020-00061 VA-2020-00064: Thomas P. Gulley, appeals the decision of the Environmental Planning Commission (EPC) to Approve a Site Plan 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 Rd. NW, between LaBienvenida Pl. NW and the Oxbow Open Space, containing approximately 23 acres

**A motion was made by President Davis to Grant the Appeal and Adopt Findings at the September 9, 2020 City Council Meeting. The motion failed by the following vote:**

**For:** 3 - Benton, Davis, and Peña

**Against:** 4 - Bassan, Gibson, Harris, and Jones

**Recused:** 2 - Borrego, and Sena

**A motion was made by Councilor Benton that this matter be Remanded to the Environmental Planning Commission. This motion failed for a lack of a second.**

**A motion was made by Councilor Jones to Deny the Appeal and Adopt Findings at the September 9, 2020 City Council Meeting. The motion carried by the following vote:**

**For:** 4 - Bassan, Gibson, Harris, and Jones

**Against:** 3 - Benton, Davis, and Peña

**Recused:** 2 - Borrego, and Sena

**c. [AC-20-5](#)**

Project #2018-001402 SI-2018-00171 VA-2019-00100 VA-2020-00061 VA-2020-00064: AC-20-5- Project #2018-001402 SI-2018-00171 VA-2019-00103 VA-2020-00061 VA-2020-00064: Hessel Yntema III, Yntema Law Firm P.A, agent for the Taylor Ranch Neighborhood Association, eight other associations, and six other property owners and interested parties, appeals the decision of the Environmental Planning Commission (EPC) to approve a Site Plan 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 Rd. NW, between La Bienvenida Pl. NW and the Oxbow Open Space, containing approximately 23 acres

**A motion was made by Councilor Jones to Deny the Appeal and Adopt Findings at the September 9, 2020 City Council Meeting. The motion carried by the following vote:**

**For:** 4 - Bassan, Gibson, Harris, and Jones

**Against:** 3 - Benton, Davis, and Peña

Recused: 2 - Borrego, and Sena

## 6. APPROVAL OF JOURNAL

August 3, 2020

## 7. COMMUNICATIONS AND INTRODUCTIONS

## 8. REPORTS OF COMMITTEES

Finance and Government Operations Committee - August 10, 2020

Land Use, Planning and Zoning Committee - August 12, 2020

### Deferrals/Withdrawals:

- a. [R-19-189](#) C/S Amending The Composition Of The Board Of Housing Commissioners For The Albuquerque Housing Authority (Peña, Benton)

A motion was made by Councilor Peña that this matter be Postponed to September 9, 2020. The motion carried by the following vote:

For: 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

Excused: 1 - Harris

- \*k. [O-20-29](#) Amending Article XVI Section 3 And Section 6 Of The City Charter; Chapter 2 Article 4, Section 13, ROA 1994 To: Change The Dates Of The Exploratory Period For Mayoral Candidates; Change The Dates Of The Qualifying Period For Mayoral And Council Applicant Candidates; Change The Timeframe For Gathering Seed Money; And Change The Time Frame For All Candidates To File Their Petitions (Davis, by request)

A motion was made by President Davis that this matter be Postponed to September 9, 2020. The motion carried by the following vote:

For: 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

Excused: 1 - Harris

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

- a. [EC-20-97](#) Mayor's Appointment of Ms. Kaatje E. Van Der Gaarden to the Americans with Disabilities Act Advisory Council

A motion was made by Vice-President Gibson that this matter be Confirmed.

**The motion carried by the following vote:**

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Excused:** 1 - Harris

**b. [EC-20-98](#)**

**Mayor's Appointment of Mr. Makai Salazar to the Youth Advisory Council**

**A motion was made by Vice-President Gibson that this matter be Confirmed.**

**The motion carried by the following vote:**

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Excused:** 1 - Harris

**c. [EC-20-99](#)**

**Mayor's Appointment of Ms. Joni K. Pierce to the Albuquerque Museum Board of Trustees**

**A motion was made by Vice-President Gibson that this matter be Confirmed.**

**The motion carried by the following vote:**

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Excused:** 1 - Harris

**d. [EC-20-100](#)**

**Mayor's Re-appointment of Mr. Kenneth J. Carson, Jr to the Small Business Regulatory Advisory Committee**

**A motion was made by Vice-President Gibson that this matter be Confirmed.**

**The motion carried by the following vote:**

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Excused:** 1 - Harris

**e. [EC-20-101](#)**

**Mayor's Appointment of Mr. Paul Mondragón to the Albuquerque Museum Board of Trustees**

**A motion was made by Vice-President Gibson that this matter be Confirmed.**

**The motion carried by the following vote:**

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Excused:** 1 - Harris

**f. [EC-20-102](#)**

**Mayor's Appointment of Mr. Taylor V. Bui to the Open Space Advisory Board**

**A motion was made by Vice-President Gibson that this matter be Confirmed.**

**The motion carried by the following vote:**

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Excused:** 1 - Harris

**g. [EC-20-103](#)**

**Mayor's Appointment of Mr. Michael J. Flowers, Jr., to the Greater Albuquerque Recreational Trails Committee**

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

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Excused:** 1 - Harris

- h.**     [EC-20-104](#)     Mayor's Appointment of Mr. Deepesh Kholwadwala to the Lodgers' Tax Advisory Board

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

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Excused:** 1 - Harris

- i.**     [EC-20-105](#)     Mayor's Appointment of Regina Dubay to the Municipal Golf Advisory Board

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

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Excused:** 1 - Harris

- j.**     [EC-20-106](#)     Mayor's Appointment of Ms. Tess V. Reynolds to the Youth Advisory Council

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

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Excused:** 1 - Harris

- k.**     [EC-20-107](#)     Mayor's Appointment of Ms. Sandra Nemeth to the Library Advisory Board

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

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Excused:** 1 - Harris

- l.**     [EC-20-108](#)     Mayor's Appointment of Ms. Theresa Carson to the Albuquerque Development Commission

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

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Excused:** 1 - Harris

- m. [EC-20-109](#) Mayor's Appointment of Ms. Maureen Skowran to the Albuquerque Housing Authority Board
- A motion was made by Vice-President Gibson that this matter be Confirmed.  
The motion carried by the following vote:**
- For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena
- Excused:** 1 - Harris
- n. [EC-20-110](#) Mayor's Re-appointment of Ms. Dorothy Stermer to the Arts Board
- A motion was made by Vice-President Gibson that this matter be Confirmed.  
The motion carried by the following vote:**
- For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena
- Excused:** 1 - Harris
- o. [EC-20-111](#) Mayor's Appointment of Ms. Valerie L. Martinez to the Metropolitan Parks and Recreation Advisory Board
- A motion was made by Vice-President Gibson that this matter be Confirmed.  
The motion carried by the following vote:**
- For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena
- Excused:** 1 - Harris
- p. [EC-20-118](#) Mayor's Appointment of Mrs. Jessica Cage to the Arts Board
- A motion was made by Vice-President Gibson that this matter be Confirmed.  
The motion carried by the following vote:**
- For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena
- Excused:** 1 - Harris
- q. [EC-20-119](#) Mayor's Appointment of Ms. Samantha Thackaberry to the Youth Advisory Council
- A motion was made by Vice-President Gibson that this matter be Confirmed.  
The motion carried by the following vote:**
- For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena
- Excused:** 1 - Harris
- r. [EC-20-120](#) Mayor's Appointment of Ms. Cathy Intemann, to the Greater Albuquerque Recreational Trails Committee
- A motion was made by Vice-President Gibson that this matter be Confirmed.  
The motion carried by the following vote:**
- For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena
- Excused:** 1 - Harris



- s. [EC-20-121](#) Mayor's Re-appointment of Mr. Juan Carrizales to the Airport Advisory Board
- A motion was made by Vice-President Gibson that this matter be Confirmed.  
The motion carried by the following vote:
- For: 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena
- Excused: 1 - Harris
- t. [EC-20-122](#) Mayor's Appointment of Mr. Jeremiah Gwin to the Biological Park Board
- A motion was made by Vice-President Gibson that this matter be Confirmed.  
The motion carried by the following vote:
- For: 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena
- Excused: 1 - Harris
- u. [EC-20-123](#) Mayor's Appointment of Mr. Agustin J. Leon-Saenz to the Youth Advisory Council
- A motion was made by Vice-President Gibson that this matter be Confirmed.  
The motion carried by the following vote:
- For: 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena
- Excused: 1 - Harris
- v. [EC-20-124](#) Mayor's Appointment of Ms. Mireya A. Macias to the Youth Advisory Council
- A motion was made by Vice-President Gibson that this matter be Confirmed.  
The motion carried by the following vote:
- For: 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena
- Excused: 1 - Harris
- w. [EC-20-125](#) Mayor's Appointment of Ms. Kamryn K. Johnson to the Youth Advisory Council
- A motion was made by Vice-President Gibson that this matter be Confirmed.  
The motion carried by the following vote:
- For: 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena
- Excused: 1 - Harris
- x. [OC-20-8](#) Appointment of Mr. Joshua S. Martinez to the Board of Ethics & Campaign Practices
- A motion was made by Vice-President Gibson that this matter be Confirmed.  
The motion carried by the following vote:
- For: 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

Excused: 1 - Harris

- \*y. [R-20-90](#) Amending Appropriations For The Coronavirus Support And Recovery Program (Sena, Gibson)

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

For: 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

Excused: 1 - Harris

## 11. ANNOUNCEMENTS

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

## 14. FINAL ACTIONS

- b. [R-20-47](#) Appropriating Funds To Implement Third Phase Of The Transportation Infrastructure Tax, And Amending The Capital Implementation Program Of The City Of Albuquerque By Approving New Projects (Benton, by request)

A motion was made by Councilor Benton that this matter be Postponed to September 9, 2020. The motion carried by the following vote:

For: 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

Excused: 1 - Harris

- c. [R-20-65](#) Prohibiting The Police Department From Applying For Or Receiving Surplus Military Equipment For Civilian Law Enforcement Use; Requiring The Police Department To Provide An Inventory Of Equipment (Davis, Sena)

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

For: 4 - Bassan, Borrego, Jones, and Peña

Against: 4 - Benton, Davis, Gibson, and Sena

Excused: 1 - Harris

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

For: 4 - Bassan, Borrego, Jones, and Peña

Against: 4 - Benton, Davis, Gibson, and Sena

Excused: 1 - Harris

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

**For:** 4 - Benton, Davis, Gibson, and Sena

**Against:** 4 - Bassan, Borrego, Jones, and Peña

**Excused:** 1 - Harris

**d. [R-20-75](#)**

**F/S Strengthening And Re-Affirming The City Of Albuquerque's Commitment To Addressing Racial And Social Inequity (Peña, Borrego, Sena)**

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

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Excused:** 1 - Harris

**A motion was made by Councilor Borrego that this matter be Postponed as Substituted to September 9, 2020. The motion carried by the following vote:**

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Excused:** 1 - Harris

**e. [R-20-79](#)**

**Extending 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 Passed. The motion carried by the following vote:**

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Excused:** 1 - Harris

**g. [R-20-83](#)**

**Directing That The City Of Albuquerque Explore Opportunities For Promoting Diversity And Decreasing Barriers To Serving On City Boards And Commissions (Peña, Borrego, Sena)**

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

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

**Against:** 1 - Bassan

**Excused:** 1 - Harris

**h. [R-20-84](#)**

**Directing The City Of Albuquerque's Office Of Equity And Inclusion, Human Resources Department, And The Small Business Office's Workforce Development Liaison To Collaborate With Local Disability Employment Providers To Explore Opportunities For Creating Supported Employment Opportunities Among Persons With Disabilities (Peña,**

Borrego, Gibson, Sena)

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

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Excused:** 1 - Harris

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

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Excused:** 1 - Harris

**i. [R-20-88](#)**

**Calling For A Stay-Of-Enforcement On The Prohibition Of Mobile Food Trucks And Mobile Vending Carts In The NR-PO-A Zone District (Bassan)**

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

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Excused:** 1 - Harris

**j. [M-20-3](#)**

**Expressing Support For The Albuquerque Police Department (Bassan)**

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

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Excused:** 1 - Harris

**\*m. [R-20-91](#)**

**Approving Fiscal Year 2021 Appropriations To Supplement Funding For Eviction Prevention Assistance Programs During The Public Health Emergency (Peña)**

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

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Excused:** 1 - Harris

**f. [R-20-82](#)**

**F/S Making Findings In Connection With The Juan Tabo Hills Estates Public Improvement District's Resolution Authorizing The Issuance And Sale Of Special Levy Revenue Bonds; Ratifying And Approving The Issuance And Sale Of The Juan Tabo Hills Estates Public Improvement District Special Levy Revenue Bonds, Series 2020, As Substantially Consistent With The Requirements Of City Ordinance Enactment No. 0-2003-12 And City Council Resolution Enactment No. R-2017-098 (Harris)**

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

**For:** 7 - Bassan, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Against:** 1 - Benton

**Excused:** 1 - Harris

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

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

**Excused:** 1 - Harris



# City of Albuquerque

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

## Action Summary

### City Council

*Council President, Pat Davis, District 6*  
*Vice-President, Diane G. Gibson, District 7*

*Lan Sena, District 1; Isaac Benton, District 2*  
*Klarissa J. Peña, District 3; Brook Bassan, District 4*  
*Cynthia D. Borrego, District 5; Trudy E. Jones, District 8*  
*Don Harris, District 9*

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Wednesday, September 9, 2020

3:00 PM

Via Zoom Video Conference  
See Special Procedures below  
for viewing this meeting.

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### TWENTY-FOURTH COUNCIL - SIXTEENTH MEETING

#### 1. ROLL CALL

Present 9 - Brook Bassan, Isaac Benton, Cynthia Borrego, Patrick Davis, Diane Gibson, Don Harris, Trudy Jones, Klarissa Peña, and Lan Sena

#### 2. MOMENT OF SILENCE

Pledge of Allegiance in English and Spanish and any other  
language as determined by the Council

#### 3. PROCLAMATIONS & PRESENTATIONS

#### 10. GENERAL PUBLIC COMMENTS

#### 4. ECONOMIC DEVELOPMENT DISCUSSION

#### 5. ADMINISTRATION QUESTION & ANSWER PERIOD

#### 6. APPROVAL OF JOURNAL

August 17, 2020

#### 7. COMMUNICATIONS AND INTRODUCTIONS

#### 8. REPORTS OF COMMITTEES

Finance and Government Operations Committee - August 24, 2020

**Public Safety Committee - August 25, 2020****Deferrals/Withdrawals**

- f. [R-20-18](#) A Nuisance, Substandard Dwelling Or Structure In Need Of Abatement At 5609 Everitt Rd 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 (Borrego, by request)
- A motion was made by Councilor Sena that this matter be Postponed to September 21, 2020. The motion carried by the following vote:
- For: 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena
9. **CONSENT AGENDA: {Items may be removed at the request of any Councilor}**
- b. [EC-20-113](#) Legal Department's Quarterly Litigation Report for the 4th Quarter of FY 2020 (greater than 10,000)
- A motion was made by Vice-President Gibson that this matter be Receipt Be Noted. The motion carried by the following vote:
- For: 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena
- c. [EC-20-114](#) Revenue & Expense Report for Second Quarter Fiscal Year 2020
- A motion was made by Vice-President Gibson that this matter be Receipt Be Noted. The motion carried by the following vote:
- For: 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena
- e. [EC-20-116](#) Lease Agreement between the Regents of the University of New Mexico, and the City of Albuquerque
- A motion was made by Vice-President Gibson that this matter be Approved. The motion carried by the following vote:
- For: 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena
- f. [EC-20-117](#) 2019 Workforce Housing Trust Fund Report
- A motion was made by Vice-President Gibson that this matter be Receipt Be Noted. The motion carried by the following vote:
- For: 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena
- g. [EC-20-126](#) Mayor's Appointment of Ms. Judith A. Goering to the Veterans and Military Affairs Advisory Board

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**h. [EC-20-127](#)**

**Mayor's Re-appointment of Ms. Hallee K. Nguyen (Kells) to the ABQ  
Volunteers Advisory Board**

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**i. [EC-20-128](#)**

**Mayor's Re-appointment of Mr. Adriano Lujan to the ABQ Volunteers  
Advisory Board**

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**j. [EC-20-129](#)**

**Mayor's Re-appointment of Ms. Lauren Meiklejohn to the Joint Air Quality  
Board**

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**k. [EC-20-130](#)**

**Mayor's Re-appointment of Ms. Tsiporah Nephesh to the ABQ  
Volunteers Advisory Board**

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**l. [EC-20-131](#)**

**Mayor's Appointment of Mr. Conor Stavoy to the Veterans and Military  
Affairs Advisory Board**

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**m. [EC-20-132](#)**

**Mayor's Appointment of Ms. Mary K. Hefferon to the Veterans and  
Military Affairs Advisory Board**

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**n. [EC-20-133](#)**

**Mayor's Appointment of Mr. C. Jack Emmons to the Accountability in  
Government Oversight Committee**



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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**o. [EC-20-134](#)**

**Mayor's Appointment of Mr. Bernard R. Toon to the Personnel Board**

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**\*p. [EC-20-135](#)**

**Agreement with Albuquerque Housing Authority Utilizing Community Development Block Grant (CDBG) Funds in the Amount of One Million Six Hundred Thirty-Nine Thousand Six Hundred Fifty-Five Dollars and 88/100 (\$1,639,655.88) to Complete the Roof Replacement Project for Public Housing Properties**

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**q. [O-19-78](#)**

**Amending 14-16-2-6-2(E) Of The Integrated Development Ordinance To Add Two At-Large Members To The Environmental Planning Commission (Peña)**

**A motion was made by Vice-President Gibson that this matter be Died on Expiration. The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**r. [R-19-178](#)**

**Amending The Adopted Capital Implementation Program Of The City Of Albuquerque By Supplementing Current Appropriations For The Arenal/Crestview Bluff Open Space Land Acquisition (Peña)**

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**s. [R-19-189](#)**

**C/S Amending The Composition Of The Board Of Housing Commissioners For The Albuquerque Housing Authority (Peña, Benton)**

**A motion was made by Vice-President Gibson that this matter be Died on Expiration. The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**t. [RA-20-2](#)**

**Amending Article II, Sub-Section 4(A)(3) Of The City Council Rules Of Procedure Relating To The Meeting Day Of The Public Safety Committee (Sena)**

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

### 13. APPROVALS:

- a. [EC-20-112](#) FY20 Status Update for Goal 7, Objective 4 (Council Bill No. R-19-139, Enactment No. R-2019-037) - Completed New Sidewalk Notices
- A motion was made by Councilor Benton that this matter be Postponed to September 21, 2020. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena
- d. [EC-20-115](#) Declaring 1701 5th Street NW, Albuquerque NM 87102 Not Essential for Municipal Purposes
- A motion was made by Councilor Benton that this matter be Postponed to September 21, 2020. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

### 11. ANNOUNCEMENTS

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

- a. [AC-20-4](#) Project #2018-001402 SI-2018-00171 VA-2019-00100 VA-2020-00061 VA-2020-00064: Thomas P. Gulley, appeals the decision of the Environmental Planning Commission (EPC) to Approve a Site Plan 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 Rd. NW, between LaBienvenida Pl. NW and the Oxbow Open Space, containing approximately 23 acres
- A motion was made by President Davis that this matter be Adopt the Findings of the Land Use Hearing Officer. The motion carried by the following vote:**
- For:** 5 - Bassan, Gibson, Harris, Jones, and Peña
- Against:** 2 - Benton, and Davis
- Recused:** 2 - Borrego, and Sena
- b. [AC-20-5](#) Project #2018-001402 SI-2018-00171 VA-2019-00100 VA-2020-00061 VA-2020-00064: AC-20-5- Project #2018-001402 SI-2018-00171 VA-2019-00103 VA-2020-00061 VA-2020-00064: Hessel Yntema III, Yntema Law Firm P.A, agent for the Taylor Ranch Neighborhood Association, eight other associations, and six other property owners and

interested parties, appeals the decision of the Environmental Planning Commission (EPC) to approve a Site Plan 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 Rd. NW, between La Bienvenida Pl. NW and the Oxbow Open Space, containing approximately 23 acres

**A motion was made by President Davis that this matter be Adopt the Findings of the Land Use Hearing Officer. The motion carried by the following vote:**

**For:** 5 - Bassan, Gibson, Harris, Jones, and Peña

**Against:** 2 - Benton, and Davis

**Recused:** 2 - Borrego, and Sena

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

- \*a.**     [OC-20-9](#)                    Reappointment of Ms. Twyla McComb to the Open Space Advisory Board
- A motion was made by Councilor Peña that this matter be Confirmed. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena
- \*b.**     [EC-20-136](#)                Blanket Amendments to the Rental Car Concession Lease and Agreement and Temporary Amendment to the Hotel Lease and Concession Agreement
- A motion was made by President Davis that this matter be Approved. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena
- \*c.**     [EC-20-138](#)                Mayor's Recommendation of Consensus Planning, Inc. for Landscape Architectural Consultants for Singing Arrow and Tijeras Arroyo Open Space Improvements
- A motion was made by Councilor Harris that this matter be Approved. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

### **14. FINAL ACTIONS**

- a.**       [O-19-72](#)                    Amending §14-20, The "Dilapidated Commercial Buildings And Properties Ordinance" To Implement Permanent Procedures Following The Conclusion Of A 24-Month Pilot Project (Harris)

**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 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**d. [O-20-29](#)**

**Amending Article XVI Section 3 And Section 6 Of The City Charter; Chapter 2 Article 4, Section 13, ROA 1994 To: Change The Dates Of The Exploratory Period For Mayoral Candidates; Change The Dates Of The Qualifying Period For Mayoral And Council Applicant Candidates; Change The Timeframe For Gathering Seed Money; And Change The Time Frame For All Candidates To File Their Petitions (Davis, by request)**

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**g. [R-20-22](#)**

**A Nuisance, Substandard Dwelling Or Structure In Need Of Abatement At 412 Georgia St SE 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 President Davis that this matter be Postponed to October 5, 2020. The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**\*e. [O-20-31](#)**

**F/S Authorizing The Issuance And Sale Of The City Of Albuquerque, New Mexico Transportation Infrastructure Gross Receipts Tax Improvement Revenue Bonds, Series 2020 In An Aggregate Principal Amount Not To Exceed \$50,000,000 For The Purpose Of (1) Financing The Cost Of Designing, Developing, Constructing, Reconstructing, Rehabilitating, Renovating, Modernizing, Signing, Enhancing And Otherwise Improving Transportation Systems, Including Road Infrastructure Improvements, Trails And Bikeways And Transit, For The Benefit Of The City (2) Funding The Capitalized Interest Fund, And (3) Paying Expenses Related To Issuance Of The Bonds; Providing For The Payment Of The Series 2020 Bonds From The Revenues Of A Municipal Gross Receipts Tax Imposed At A Rate Of 0.25% Pursuant To City Ordinance No.**

O-20-14 Enactment No. O-2020-016 Adopted On May 18, 2020;  
Approving The Delegation Of Authority To Make Certain Determinations  
Regarding The Sale Of The Series 2020 Bonds Pursuant To The  
Supplemental Public Securities Act; Providing For The Terms And Other  
Details Concerning The Series 2020 Bonds (Benton, by request)

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**h. [R-20-47](#)**

Appropriating Funds To Implement Third Phase Of The Transportation Infrastructure Tax, And Amending The Capital Implementation Program Of The City Of Albuquerque By Approving New Projects (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 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**i. [R-20-68](#)**

Urging The New Mexico Legislature To Authorize An Election On A Proposed Amendment To Article II, Section 6 Of The Constitution Of The State Of New Mexico (Benton, Gibson)

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

**For:** 4 - Benton, Davis, Gibson, and Sena

**Against:** 5 - Bassan, Borrego, Harris, Jones, and Peña

**j. [R-20-75](#)**

F/S Strengthening And Re-Affirming The City Of Albuquerque's Commitment To Addressing Racial And Social Inequity (Peña, Borrego, Sena)

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**A motion was made by Councilor Borrego to Reconsider the vote on Amendment No. 1. The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**k. [R-20-80](#)**

**Establishing A Community Based Process To Find Solutions For The La Jornada Installation (Peña)**

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

**For:** 5 - Bassan, Harris, Jones, Peña, and Sena

**Against:** 4 - Benton, Borrego, Davis, and Gibson

**\*m. [R-20-93](#)**

**Approving And Authorizing A Grant Agreement From The U.S. Department Of Justice, Office Of Community Oriented Policing Services (COPS Office) And Providing An Appropriation To The Albuquerque Police Department (APD) For Fiscal Year 2021 (Bassan, Gibson, Peña)**

**A motion was made by President Davis that this matter be Postponed to September 21, 2020. The motion failed by the following vote:**

**For:** 3 - Benton, Davis, and Sena

**Against:** 6 - Bassan, Borrego, Gibson, Harris, Jones, and Peña

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

**For:** 2 - Davis, and Sena

**Against:** 7 - Bassan, Benton, Borrego, Gibson, Harris, Jones, and Peña

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

**For:** 2 - Davis, and Sena

**Against:** 7 - Bassan, Benton, Borrego, Gibson, Harris, Jones, and Peña

**A motion was made by Councilor Bassan that this matter be Passed. The**

**motion carried by the following vote:**

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

**Against:** 2 - Davis, and Sena

**\*n.**     [R-20-94](#)

Delaying The Implementation Of Ordinance O-20-12 For A Time Period Of Two Months To Allow Time For The Correction Of Certain Administrative Items Associated With The Bill (Benton, by request)

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

**For:** 8 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, and Sena

**Excused:** 1 - Peña

**b.**     [O-20-10](#)

Adopting Text Amendments To The Integrated Development Ordinance §14-16 For The Annual Update In 2019 (Benton, Jones)

**A motion was made by Councilor Harris that this matter be Postponed to September 16, 2020. The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**c.**     [O-20-9](#)

Adopting A Zone Map Amendment To Establish A Character Protection Overlay Zone In The Integrated Development Ordinance For The North 4th Corridor With Regulations Related To Building Massing And Scale For Development In The Area And References To Street Cross Sections In The Development Process Manual (Benton)

**A motion was made by Councilor Benton that this matter be Postponed to September 16, 2020. The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena