

**Notice of Decision
City Council
City of Albuquerque
May 18, 2023**

AC-23-9 PR-2021-006366, VA-2023-00021, BP-2022-30010: Peggy Norton, on behalf of the North Valley Coalition, appeals the Site Plan-Administrative decision to approve a Site Plan for all or a portion of LOT 1, TRACT 112-A-2 BLOCK 2, Douglas MacArthur Subdivision zoned MX-M, located at 5307 4th Street, NW containing approximately 1.4319 acre(s). (F-14)

Decision

On May 15, 2023, by a vote of 9 FOR 0 AGAINST the City Council voted to remand this matter to the City Planning Department with the following remand instructions:

1. City Planning Staff shall evaluate and make a specific written finding as to whether the layout of street elements along 4th Street satisfy applicable criteria and guidelines, including the "landscape buffer" definition contained in the DPM.
2. City Planning Staff shall make a specific written finding regarding justification for the placement of the landscape buffer and shall identify any special circumstances that may justify deviation from the preferred layout of street elements.
3. City Planning Staff shall identify any evidence in support of the finding required by paragraph 1 and 2, above, together with any other relevant evidence in support of its administrative decision on the Site Plan application.

**IT IS THEREFORE ORDERED THAT THIS MATTER IS REMANDED TO THE CITY
PLANNING DEPARTMENT.**

Attachments

1. Land Use Hearing Officer's Findings and Recommendation
2. Action Summary from the May 1, 2023 City Council Meeting
3. Action Summary from the May 15, 2023 City Council Meeting



Pat Davis, President
City Council

Date: 5/18/23

Received by: 

City Clerk's Office

Date: 5-18-23

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CITY OF ALBUQUERQUE
LAND USE APPEAL UNDER THE IDO
BEFORE AN INDEPENDENT
LAND USE HEARING OFFICER

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APPEAL NO. AC-23-9

PR-2022-007712; VA-2022-00334;
VA-2023-00021; BP-2022-30010

Peggy Norton on behalf of the North Valley Coalition, Appellants

and,

7B Building and Development, LLC, Party Opponents, Appellees

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PROPOSED DECISION

INTRODUCTION

ISSUES PRESENTED

RELEVANT BACKGROUND

STANDARD OF REVIEW

DISCUSSION

PROPOSED FINDINGS

I. INTRODUCTION

This appeal concerns an administrative decision by City Staff who approved a site plan for a building permit to construct an automatic car wash land use, including surrounding landscaping and onsite infrastructure, on a 1.439-acre lot located at 5307 Fourth Street, NW. The appellant is Peggy Norton, an officer with the North Valley Coalition, Inc. (NVC) [R. 049]. Ms. Norton filed the appeal on behalf of herself and on behalf of the NVC. The

undisputed facts demonstrate that the site on which the building permit is applicable is within the boundaries of the NVC [R. 014]. The appellees are the applicants for the building permit, 7B Building & Development, LLC [R. 012]. The crux of the appeal concerns the locations of the approved landscape buffer and the sidewalk elements in relation to Fourth Street, NW—the street frontage of the lot.

After reviewing the record, including the applicable regulatory framework, listening to arguments, and sworn testimony during the administrative, quasi-judicial appeal hearing on this matter, I respectfully find that the appeal should be denied. As discussed in more detail below, I find that City Staff did not abuse the discretion permitted under the applicable provisions of the Integrated Development Ordinance (IDO) and in the Development Process Manual (DPM). I therefore recommend that the appeal be denied and that the findings below be adopted by the City Council.

II. ISSUES PRESENTED

In this appeal, appellants specifically claim that the IDO together with the DPM “requires a landscape/buffer zone of 6-8 feet and this should be placed between the street and the sidewalk” on the Fourth Street frontage of the lot [R. 014]. In this regard, appellants claim that City Staff acted arbitrarily and or capriciously in approving the site plan contrarily to what they contend is required in the IDO and DPM. Appellants also generally argue that the decision approving the building permit is not supported by substantial evidence. However, other than the general allegation, appellants failed to support this contention as required in IDO, § 6-4(V)(3)(a)3. Thus, this appeal issue should be denied summarily.

62 **III. RELEVANT BACKGROUND**
63

64 The record shows that on February 8, 2022, the applicants requested approval from the
65 Development Review Board (DRB) of a proposed preliminary final plat for the site which is
66 the subject of this appeal [R. 161].¹ See also the plat in the record at page 164. Apparently, on
67 February 16, 2022, in a public hearing, the DRB reviewed and approved a replat application
68 at the site with conditions [R. 006]. One of those conditions requires that the applicants
69 construct a 10-foot-wide sidewalk along the Fourth Street frontage [R. appeal Tr. 51:20]. In
70 addition, there are City Staff comments in the record from the City Transportation Engineer
71 dating back to January 6, 2021, through the February 16, 2022 approval indicating that the
72 applicants must provide a 10-foot-wide sidewalk along the Fourth Street frontage because it is
73 classified as a “Main Street” [R. 158-160 and 164-166].² There is additional evidence in the
74 record demonstrating that a 10-foot-wide sidewalk along Fourth Street was included in the
75 subsequential February 2022 approved Final Plat [R. 168]. Finally, the Infrastructure List that
76 was approved for the Preliminary/Final Plats also references the 10-foot sidewalk element
77 along Fourth Street [R. 176]. The DRB’s February 16, 2022, decision was not appealed and
78 the appeal period for that decision ended over a year ago.

79 Then on April 13, 2022, in a public hearing, the DRB approved another infrastructure
80 list which also included reference to the 10-foot-wide sidewalk element on Fourth Street NW
81 at the site [R. 179]. Appellants have not alleged, nor is there evidence, that the NVC was not

1. The application indicates that the applicants proposed to adjust a lot line, identify and dedicate easements, and extend right-of-way [R. 161, 164].

2. In this appeal the sidewalk location on the intersecting street, Douglas Macarthur Rd., NW is not at issue.

82 sent notice of these earlier formative DRB hearings. As with the DRB's February decision, the
83 April 13, 2022, decision was also not appealed.

84 The evidence further establishes that as early as July 2022, the applicants started
85 constructing infrastructure at the lot pursuant to the plat and the infrastructure list [R. 053-
86 057]. In addition, there was testimony from City Staff at the appeal hearing establishing that
87 the 10-foot-wide sidewalk element along Fourth Street, NW was constructed when Staff
88 reviewed the decision that is the subject of this appeal---the site plan for building permit.³

89 Subsequently, on August 17, 2022, the applicants sent notice to the NVC of their site
90 plan application for a building permit [R. 036, 062]. Thereafter, appellants requested a
91 facilitated meeting which was held on September 14, 2022 [R. 027]. Throughout the record
92 there are numerous emails between the appellant Peggy Norton, City Planning Staff, and the
93 applicants' consultant regarding various elements of the site plan for building permit
94 application. After the facilitated meeting, it appears that the applicants agreed to change the
95 non-native species of trees and shrubs proposed on the site plan with native species [R. 152].
96 Then on December 23, 2022, the site plan for building permit was administratively approved
97 by City Staff [R. 016].

98 Appellants filed their timely appeal on January 6, 2023 [R. 012]. An administrative
99 quasi-judicial appeal hearing was held on March 29, 2023. The IDO, amended through July
100 2022 is applicable to this appeal.

3. I note that there is no evidence in the record, nor have appellants claimed, that the applicants were not authorized to construct the 10-foot-wide sidewalk element along Fourth Street before the building permit for the use was approved.

IV. STANDARD OF REVIEW

A review of an appeal under the IDO is a whole record review to determine whether the decision administratively approving the site plan for building permit was fraudulent, arbitrary, or capricious under the IDO; or whether the decision is not supported by substantial evidence; or if in approving the application, City Staff erred in applying the requirements of the IDO, DPM, a plan, policy, or regulation [IDO, § 6-4(V)(4)]. The Land Use Hearing Officer (LUHO) has been delegated the authority by the City Council to make findings and to propose a disposition of an appeal, including whether the decision should be affirmed, reversed, or otherwise modified to bring the decision into compliance with the standards and criteria of the IDO. The City Council has further delegated authority to the LUHO to remand appeals independently and directly for reconsideration or for further review if a remand is necessary to clarify or supplement the record or *if* a remand will expeditiously dispose of the matter [IDO, § 14-16-6-4(V)(1)(c)4].

In addition, in an administrative, quasi-judicial appeal, the standard for judging how city Staff interpreted any particular provision, rule, standard, or policy is a question of whether the interpretation is reasonable and rational under the evidence in the record, and not whether there is substantial evidence that may exist to support Appellants' interpretation. *Huning Castle Neighborhood Ass'n v. City of Albuquerque*, 1998-NMCA-123, ¶ 15. If Staffs' interpretation is rational such that a reasonable mind can accept it as adequate, it will be accorded deference. *Regents of the Univ. of N.M. v. N.M. Fed'n of Teachers*, 1998-NMSC-456 020, ¶ 17. Finally, it is the general rule in New Mexico that when there are several sections of any comprehensive framework of rules is involved, all sections must be read together so that

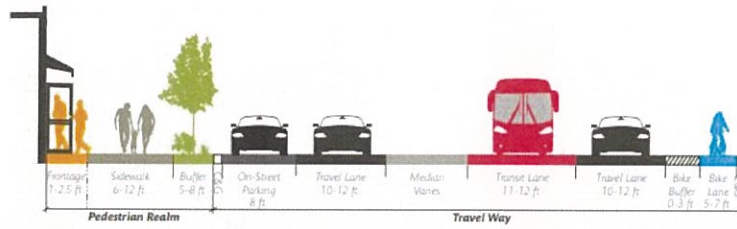
all parts are given effect. *High Ridge Hinkle Joint Venture v. City of Albuquerque*, 1998-NMSC-050, ¶ 5. The DPM is the consequence of administrative rulemaking within City Government [DPM, p. 1-2]. Thus, its application is regulatory in nature, and it must be read as a whole and with the IDO when applying it. With these principals in mind, the substantive merits of the appeal are discussed next.

V. DISCUSSION

There is no dispute that the lot which is the subject of this appeal is in a MX-M zone and that a car wash use is a permissive use therein. In addition, it is undisputed that Fourth Street is a designated multi-modal corridor and a main street corridor under the Comprehensive Plan. In the IDO, the building permit site is within the North 4TH Corridor Character Protection Overlay zone 9 (CPO-9). In addition, the DPM is applicable to all the various design elements for sidewalks and the street elements.

In this appeal, appellants expressly claim that “[f]or both multi-modal and main street corridors, table 7.2.29 (p. 7-21, DPM) requires a landscape/buffer zone of 6-8 feet and this should be placed between the street and the sidewalk” [R. 014]. The Table in the DPM that appellants claim supports their argument is labeled in the DPM as “Figure 7.2.41, Street Element Dimensions Along Major Roads” [DPM, p.7-21]. For clarity, Figure 7.2.41 and the accompanying applicable part of Table 7.2.29 are reproduced below.

FIGURE 7.2.41 Street Element Dimensions Along Major Roads



Corridor Type / Classification	Location	Design Speed (MPH)	Pedestrian Realm			Travel Way		
			Frontage Zone (ft.)	Sidewalk Width (ft.)	Landscape / Buffer Zone (ft.)	Bike Lane Width (ft.)	Bike Buffer (ft.)	Travel Lane Width (ft.)
Premium Transit	Inside Center	30-35	1-2.5	10-12	6-8	6-6.5	0-3	10-12
	Outside Center	35-40	1-2.5	8-10	6-8	6-7	1.5-3	10-12
Major Transit	Inside Center	30-35	1-2.5	10-12	6-8	5-6.5	0-3	10-12
	Outside Center	35-40	N/A	6-10	6-8	6-7	1.5-3	10-12
Multi-modal	Inside Center	30-35	1-2.5	10-12	6-8	5-6.5	0-3	10-11
	Outside Center	35-40	N/A	6-10	6-8	6-7	1.5-3	10-11
Commuter	Inside Center	30-35	1-2.5	10	6-8	5-6.5	1.5-3	10-12
	Outside Center	40-50	N/A	6	6-8	6-7	3-5	10-12
Main Street	Main Street	25-30	1-2.5	10-12	6-8	5-6.5	0-3	10-11

It is clear that the landscape buffer zone of the Fourth Street frontage depicted in the approved site plan is located between the sidewalk and the lot's car wash, not between the street curb and the sidewalk as depicted above in the street cross section of DPM, Figure 7.2.41. The crux of Appellants' grievance is that they believe that the various street elements that are depicted in DPM, Figure 7.2.41 are compulsory in the exact layout locations that is shown in that cross section for all new construction. Specifically, appellants contend that the applicants are required to place a landscape buffer zone between the sidewalk and street curb element to conform with what is depicted in DPM, Figure 7.2.41.

However, City Staff and the applicants through legal counsel contend that the DPM allows for "flexibility" and that the street elements depicted in DPM Figure 7.2.41 represent only a preferred outcome in urban design, not the only outcome. Specifically, Staff contend that not all lots and streets are the same, and each has constraints requiring flexibility in

designing urban street elements. They further argue that traffic engineers are expressly allowed to exercise discretion and that this flexible approach to designing street elements is expressly acknowledged in the DPM so that traffic engineers can account for any site constraints that exist at any specific site and on a case-by-case basis. Said another way, Staff assert that the street cross section depicted in DPM, Figure 7.2.41 is a guideline only, and the choice for traffic engineers regarding the dimensions and where these cross-section elements are located in relationship to one another involves prioritizing how the available right-of-way should be allocated. Prioritizing on a case-by-case basis, Staff contend, necessarily involves their expertise and reasonable discretion, based on the guidance from the DPM, the IDO, and from the Priority Street Element Matrix in Table 7.5 of the Comprehensive Plan. After reviewing the applicable provisions in the DPM and IDO, I agree with City Staff.

Starting with the IDO, as stated above, the site is within the CPO-9. The CPO-9 includes requirements for building setbacks, and design guidelines for development within its boundaries. The relevant design guideline applicable to the application site is encompassed in § 3-4(J)(4)(b) and it states:

Street Cross Sections

Development within the North 4th Corridor – CPO-9 shall comply with all requirements in the DPM related to transportation design standards, including but not limited to street cross sections.

[IDO, § 3-4(J)(4)(b)].

The applicable standards in the DPM related to “transportation design” and specifically relating to appellants’ claims with the sidewalks and landscape buffer are in DPM, Article 7-2. Article 7-2 defines the scope of the transportation chapter in the opening paragraphs, and it enunciates that it includes “standards” and “guidelines” which are distinguishable to ensure

183 that street designs meet “best practices” [DPM, p. 7-8 to 7-10]. DPM, § 7-2(C)(2) declares the
184 differences between “standards” and “guidelines” in the DPM within the myriad of its various
185 regulatory provisions. It states in full:

186 The DPM contains a combination of requirements and
187 recommendations for transportation infrastructure. In instances
188 where the term “shall” is used, the design information constitutes a
189 standard where implementation is mandatory. If the term “should”
190 is used, the design information constitutes a guideline and designers
191 are encouraged to apply the guidelines to the greatest extent feasible.
192
193 [DPM, § 7-2(C)(2)].

194 Notably, consistent with the testimony of City Planner Jay Rodenbeck and Traffic
195 Engineer, Ernest Armijo, DPM, § 7-3(B)(4)(iv) describes a process that allows flexibility in
196 deciding on the locations (zones) and dimensions of street elements (depicted in the cross
197 section of Figure 7.2.41) in relation to one another depending on existing facility “constraints.”
198 It states:

199 Limited right-of-way on existing facilities may provide constraints
200 on the available options and force designers to make choices and
201 tradeoffs among street elements. Corridor designations are therefore
202 useful in prioritizing how the available right-of-way should be
203 allocated. Additional right-of-way may be considered but is not
204 required for existing roadways if they are below the ranges provided
205 in the DPM.
206
207 [DPM, § 7-3(B)(4)(iv)].

208 Holistically, it is clear that the DPM allows for traffic engineers to exercise discretion
209 based on their expertise to assess street design elements based on the various competing
210 interests and constraints in the roadway designations established in Table 7-5: Priority Street
211 Element Matrix in the Comprehensive Plan. The Main Street elements that are given high

212 priority to consider in the Comprehensive Plan are wider than 6-foot widths of sidewalks and
213 landscape buffer zones [Comp. Plan, Table 7.5].

214 Another key section of the DPM that unambiguously describes flexibility in choosing
215 between priorities between the various street elements (specifically having to do with the
216 priorities set in Table 7.5 of the Comp. Plan) is in DPM, § 7-3(C)(5). It states respectively:

217 The ABC Comp Plan Table 7-5: Priority Street Element Matrix
218 takes the street design matrices a step further by providing guidance
219 on which travel modes and street elements to prioritize along
220 designated Corridors. As not all street elements can or should be
221 included along a particular roadway, the matrix provides direction
222 on how to balance and prioritize the available right-of-way with the
223 needs of various users in different locations and contexts.

224
225 [DPM, § 7-3(C)(5)].
226

227 The balancing of street elements, even with those designated as a high priority in the
228 Comprehensive Plan, is clearly contemplated in the DPM. Therefore, the street cross section
229 depicted in DPM, Figure 7.2.41 is a guideline encompassing a preferred street design.
230 Furthermore, it is no mistake that the experts, the traffic engineers, must use their expert
231 judgment based on well-defined criteria buried in the various layers of the DPM, the IDO, and
232 in the Comprehensive Plan. I find that to balance the competing “constraints” in assessing how
233 the various street element zones will be set and in what dimensions they will be set at, City
234 traffic engineer staff are clearly authorized to exercise reasonable discretion.

235 Next, we turn to whether Staff abused that discretionary authority in allowing the
236 applicants to place the landscape buffer zone between the sidewalk and the land use rather than
237 between the street curb and the sidewalk. I note that appellants did not present any expert
238 testimony from any traffic engineers to support their contention that the City traffic engineers

239 made an arbitrary or capricious decision. In addition, other than claiming that the approved
240 street element design depicted in the site plan for building permit is contrary to what is
241 precisely depicted in DPM, Figure 7.2.41 with regards to the landscape buffer zone, appellants
242 have not shown that there are no site constraints that prevent City Staff from using discretion
243 in the manner they did.

244 Conversely, City Traffic Engineer Ernest Armijo testified under oath that there are site
245 constraints with the street right-of-way on Fourth Street at the site. He testified that:

246 ...the right of way actually only went to the back of curb, which is as
247 Mr. Rodenbeck said, why we allowed them to put the sidewalk with an
248 easement. Typically, we would require right-of-way dedication, but we
249 allowed them to place it with an easement due to the setback
250 requirements for the lot.

251
252 [R. appeal Tr. 51:2-8].

253 This testimony was not rebutted. Perhaps more importantly though, Traffic Engineer Armijo
254 testified that when the City traffic engineers reviewed the application for building permit
255 approval (which is what is at issue in this appeal), the 10-foot-wide sidewalk had already been
256 constructed on Fourth Street. This apparently was another constraint which was considered in
257 ultimately approving the deviation from the preferred outcome depicted in DPM, Figure
258 7.2.41. Again, as shown above, the applicable DPM guidelines allow for this discretion.
259 Without evidence to the contrary, I find that Staff did not abuse their discretion in approving
260 the site plan for building permit allowing for the landscape buffer zone to be located not
261 between the sidewalk and the street curb.

VI. PROPOSED FINDINGS

1. The administrative decision appealed was a building permit issued on December 23, 2022 [R. 016].

2. The appellants filed their appeal on January 6, 2023 [R. 012].

3. The appellants' appeal is timely filed under § 6-4(V)(3)(a)1.

4. The appellants have standing under IDO, § 6-4(V)(2)(a) to appeal the building permit as they are a City recognized neighborhood association.

5. The appellants did not appeal the underlying earlier February 2022 DRB decision in which the DRB permitted the applicants to construct a 10-foot-wide sidewalk element on the Fourth Street lot frontage.

6. There was no evidence presented that the 10-foot-wide sidewalk was constructed without approval of the City.

7. The street cross section depicted in DPM, Figure 7.2.41 is a guideline to give general guidance to traffic engineers to assess site plans based on various priorities, actual site constraints, and priorities outlined in the Comprehensive Plan and in the IDO.

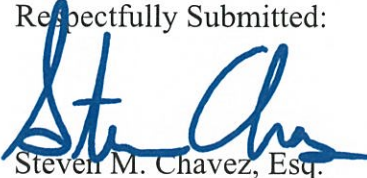
8. City Traffic Engineer Ernest Armijo testified that the subject site at the Fourth Street frontage has constraints making the preferred outcome (DPM, Figure 7.2.41) not a reasonable outcome in this case, including that the pre-DRB-approved 10-foot-wide sidewalk element had been constructed when the application for building permit was reviewed and approved.

9. Appellants' claim that City staff acted arbitrarily and or capriciously or otherwise abused their discretion was not shown with objective evidence.

10. There is substantial evidence in the record demonstrating that City Staff used sound discretion, good judgment, and acted reasonably under the circumstances of the actual site constraints when it granted the building permit in this case.

11. Appellants' appeal should be dismissed.

Respectfully Submitted:



Steven M. Chavez, Esq.
Land Use Hearing Officer
April 6, 2023

Copies to:

City Council
Appellants
Appellees/ Party Opponents
Planning Staff

Notice Regarding City Council Rules

When the Council receives the Hearing Officer's proposed disposition of an appeal, the Council shall place the decision on the agenda of the next regular full Council meeting provided that there is a period of at least 10 days between the receipt of the decision and the Council meeting. The parties may submit comments to the Council through the Clerk of the Council regarding the Hearing Officer's decision and findings provided such comments are in writing and received by the Clerk of the Council and the other parties of record four (4) consecutive days prior to the Council "accept or reject" hearing. Parties submitting comments in this manner must include a signed, written attestation that the comments being submitted were delivered to all parties of record within this time frame, which attestation shall list the individual(s) to whom delivery was made. Comments received by the Clerk of the Council that are not in conformance with the requirements of this Section will not be distributed to Councilors.



City of Albuquerque

City of Albuquerque
Government Center
One Civic Plaza
Albuquerque, NM 87102

Action Summary

City Council

Council President, Pat Davis, District 6
Council Vice-President, Renée Grout, District 9

Louie Sanchez, District 1; Isaac Benton, District 2
Klarissa J. Peña, District 3; Brook Bassan, District 4
Dan Lewis, District 5; Tammy Fiebelkorn, District 7
Trudy E. Jones, District 8

Monday, May 1, 2023

5:00 PM

Vincent E. Griego Chambers
One Civic Plaza NW

City of Albuquerque Government Center

TWENTY-FIFTH COUNCIL - THIRTIETH MEETING

1. ROLL CALL

Present 9 - Brook Bassan, Isaac Benton, Pat Davis, Tammy Fiebelkorn, Renee Grout,
Trudy Jones, Dan Lewis, Klarissa Peña, and Louie Sanchez

2. MOMENT OF SILENCE

Councilor Bassan led the Pledge of Allegiance in English.
Councilor Sanchez led the Pledge of Allegiance in Spanish

3. PROCLAMATIONS & PRESENTATIONS

4. ADMINISTRATION QUESTION & ANSWER PERIOD

5. APPROVAL OF JOURNAL

April 17, 2023

6. COMMUNICATIONS AND INTRODUCTIONS

7. REPORTS OF COMMITTEES

Land Use, Planning and Zoning Committee - April 26, 2023

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

- a. EC-23-258 Submission Of The Five-Year Forecast FY2023 To FY2027

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

For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, and Sanchez

Excused: 1 - Peña

b. [EC-23-275](#)

Revenue & Expense Report for Second Quarter Fiscal Year 2023

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

For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, and Sanchez

Excused: 1 - Peña

c. [EC-23-276](#)

Approval of Third Supplement to John Stiff and Associates Outside Legal Counsel Services

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

For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, and Sanchez

Excused: 1 - Peña

d. [EC-23-277](#)

Mayor's appointment of Mr. Dennis F. Armijo Sr. to the Joint Air Quality Board

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

For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, and Sanchez

Excused: 1 - Peña

e. [EC-23-278](#)

Mayor's re-appointment of Ms. Lovie McGee to the Albuquerque Housing Authority Board

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

For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, and Sanchez

Excused: 1 - Peña

f. [EC-23-279](#)

City Of Albuquerque, PRD Strategic Planning And Design Requests Wells Park Right Of Way Vacation Within All Or A Portion Of: Rosemont Ave From 5th St To 6th St, Portions Of Block 5 Moore Addition And Block 2 Romero Addition, Zoned NR-PO-A, Located At 6th Street NW, Between Mountain Rd NW And Summer Ave NW Containing Approximately 4.995 Acre(s)

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

For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, and Sanchez

Excused: 1 - Peña

- g. [EC-23-280](#) Tim Borrer Requests The Lead & Graceland Avenue SE Right Of Way Vacation Within All Or A Portion Of Lots 1 Thru 10, Block 17, Mesa Grande Addition, Zoned MX-L, Located At The Northwest Intersection Of Lead Ave. SE And Graceland Ave. SE, Between Coal Ave. SE And Lead Ave. SE Containing Approximately 0.8824 Acre(s)

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

For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, and Sanchez

Excused: 1 - Peña

- h. [EC-23-281](#) Mayor's appointment of Nalleli Reyes Garcia to the Airport Advisory Board

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

For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, and Sanchez

Excused: 1 - Peña

- i. [EC-23-282](#) Mayor's appointment of Ms. Kate C. Krous to the Youth Advisory Council

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

For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, and Sanchez

Excused: 1 - Peña

- j. [R-22-75](#) Establishing A Tip Line Program Specifically For The Reporting Of Illegally Used Or Possessed Firearms, Adjusting Fiscal Year 2023 Appropriations To Support The Program (Sanchez)

A motion was made by Vice-President Grout that this matter be Postponed to June 5, 2023. The motion carried by the following vote:

For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, and Sanchez

Excused: 1 - Peña

- k. [R-23-115](#) Adopting The 2023-2027 Consolidated Plan, Program Year 2023 Action Plan And Program Investment Summary For The Expenditure Of Community Development Block Grant (CDBG), Home Investment Partnerships Program (HOME) And Emergency Solutions Grant (ESG) Funds; Providing An Appropriation To The Department Of Family & Community Services For 2023 U.S. Department Of Housing And Urban Development (HUD) Entitlement Funds (Bassan, by request)

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

For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, and Sanchez

Excused: 1 - Peña

9. ANNOUNCEMENTS

10. FINANCIAL INSTRUMENTS

11. GENERAL PUBLIC COMMENTS

12. APPEALS

- a. AC-23-9 PR-2021-006366, VA-2023-00021, BP-2022-30010: Peggy Norton, on behalf of the North Valley Coalition, appeals the Site Plan-Administrative decision to approve a Site Plan for all or a portion of LOT 1, TRACT 112-A-2 BLOCK 2, Douglas MacArthur Subdivision zoned MX-M, located at 5307 4th Street, NW containing approximately 1.4319 acre(s). (F-14)

A motion was made by Councilor Jones that this matter be Remanded to the Planning Department and findings be adopted at the May 15, 2023 meeting. The motion carried by the following vote:

For: 7 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, and Sanchez

Against: 1 - Lewis

Excused: 1 - Peña

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

14. FINAL ACTIONS

- a. R-23-118 Declaring The City's Intent To Collaborate With Albuquerque Public Schools To Create A Program To Prevent Children's Exposure To Trauma And Violence, Mitigate Negative Effects Of Childhood Exposure To Trauma, And To Increase Knowledge And Awareness Of This Issue; Directing The Albuquerque Police Department, Albuquerque Fire And Rescue, And The Albuquerque Community Safety Department To Enact Protocols For First Responder Scenarios That Involve School-Aged Youth (Grout, Sanchez)

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

- b. [O-22-55](#) C/S(3) Amending The City Inspector General Ordinance, Chapter Two, Article Seventeen Of The Revised Ordinances Of Albuquerque (Bassan, by request)
- A motion was made by Councilor Bassan that this matter be Postponed to May 15, 2023. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- c. [O-22-56](#) C/S(3) Amending The Accountability In Government Ordinance, Chapter 2, Article 10 Of The Revised Ordinances Of Albuquerque (Bassan, by request)
- A motion was made by Councilor Bassan that this matter be Postponed to May 15, 2023. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- d. [O-22-59](#) C/S Adopting A New Article In Chapter 13 Of The Revised Ordinances Of Albuquerque 1994, "Business And Occupations," To Be Known As The "Residential Rental Database Ordinance," Establishing An Enrollment Requirement (Fiebelkorn)
- A motion was made by Councilor Fiebelkorn that this matter be Passed. The motion failed by the following vote:**
- For:** 2 - Davis, and Fiebelkorn
- Against:** 7 - Bassan, Benton, Grout, Jones, Lewis, Peña, and Sanchez
- e. [O-23-68](#) C/S Repealing And Replacing The Independent Hearing Office Ordinance And Providing For A Standardized Process For Administrative Appeals; Repealing Ordinances No Longer In Effect Or Superseded (ROA 1994, 6-1-4, 6-2, 7-6, 7-9, And 7-14); Repealing And Replacing The Contractor Debarment Ordinance (ROA 1994, 5-7); Designating The Zoning Hearing Examiner As The Review Body For Solar Rights Hearings; And Revising The Integrated Development Ordinance Related To Zoning Hearing Examiner Duties (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 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- A motion was made by Councilor Jones that this matter be Passed as Amended. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- f. [O-23-75](#) Amending The Nuisance Abatement Ordinance Chapter 11, Article 1

Of The Revised Ordinances Of Albuquerque, Amending Definitions And Penalties; Amending The Albuquerque Weed And Anti-Litter Ordinance, Chapter 9, Article 8 Of The Revised Ordinances Of Albuquerque, Amending Definitions And Penalties, And Appeal Procedure For Administrative Hearings; Amending The "Heart" Ordinance Chapter 9, Article 2, Amending Definitions, The Hearing Process, Adding A Civil Fine (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, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

g. O-23-78

Amending Chapter 7, Article 15, Section 4, Enabling The City To Create Parking Offense For Vehicles With Multiple Automated Speed Enforcement Fines Concurrently In Default; Amending Chapter 8, Article 5, Section 1 Creating A City Code Petty Misdemeanor Offense For Parking A Vehicle On City Streets With Multiple Automated Speed Enforcement Fines Concurrently In Default, And Amending Chapter 8, Article 1, Section 3, Subsection 12 Enabling The City To Immobilize Vehicles After One Outstanding Parking Violation Issued Pursuant To § 8-5-1-43 Repeated Nonpayment Of Automated Speed Enforcement System Fines (Bassan, Benton, and Peña, by request)

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

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, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

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

For: 7 - Bassan, Benton, Fiebelkorn, Grout, Jones, Lewis, and Peña

Against: 2 - Davis, and Sanchez

A motion was made by President Davis that the rules be suspended for the purpose of extending the meeting to 11:00 p.m. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

h. O-23-81

Amending The Capital Improvement Program Ordinance To Incrementally Increase The Council District Set Aside To \$18 Million

By 2029 (Peña, Bassan)

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by Councilor Bassan that this matter be Postponed as Amended to June 5, 2023. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

i. R-22-92

Approving The Menaul Metropolitan Redevelopment Area Plan (Fiebelkorn)

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

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

For: 7 - Bassan, Benton, Davis, Grout, Lewis, Peña, and Sanchez

Against: 2 - Fiebelkorn, and Jones

j. R-23-128

Declaring A Position On Albuquerque-Bernalillo County Air Quality Control Board Petition 2022-3 (Lewis)

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

For: 5 - Bassan, Grout, Jones, Lewis, and Sanchez

Against: 3 - Benton, Davis, and Fiebelkorn

Excused: 1 - Peña



City of Albuquerque

City of Albuquerque
Government Center
One Civic Plaza
Albuquerque, NM 87102

Action Summary

City Council

Council President, Pat Davis, District 6
Council Vice-President, Renée Grout, District 9

Louie Sanchez, District 1; Isaac Benton, District 2
Klarissa J. Peña, District 3; Brook Bassan, District 4
Dan Lewis, District 5; Tammy Fiebelkorn, District 7
Trudy E. Jones, District 8

Monday, May 15, 2023

5:00 PM

Vincent E. Griego Chambers
One Civic Plaza NW

City of Albuquerque Government Center

TWENTY-FIFTH COUNCIL - THIRTY-FIRST MEETING

1. ROLL CALL

Present 9 - Brook Bassan, Isaac Benton, Pat Davis, Tammy Fiebelkorn, Renee Grout,
Trudy Jones, Dan Lewis, Klarissa Peña, and Louie Sanchez

2. MOMENT OF SILENCE

Councilor Jones led the Pledge of Allegiance in English.
Councilor Peña led the Pledge of Allegiance in Spanish

3. PROCLAMATIONS & PRESENTATIONS

4. ADMINISTRATION QUESTION & ANSWER PERIOD

5. APPROVAL OF JOURNAL

May 1, 2023

6. COMMUNICATIONS AND INTRODUCTIONS

7. REPORTS OF COMMITTEES

Finance and Government Operations Committee - May 8, 2023

Committee of the Whole - May 11, 2023

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

- a. [EC-23-283](#) Mayor's appointment of Ms. Chiderah Ezims to the Youth Advisory Council
- A motion was made by Vice-President Grout that this matter be Confirmed. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- b. [EC-23-284](#) Mayor's appointment of Mr. Joseph D. Grasso to the Airport Advisory Board
- A motion was made by Vice-President Grout that this matter be Confirmed. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- c. [EC-23-285](#) Mayor's appointment of Mr. Anthony Harkness to the Para Transit Advisory Board
- A motion was made by Vice-President Grout that this matter be Confirmed. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- d. [EC-23-286](#) Mayor's reappointment of Mr. Sebastian Noel to the Cable, Internet and PEG Advisory Board
- A motion was made by Vice-President Grout that this matter be Confirmed. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- e. [EC-23-287](#) Mayor's Recommendation of Award (ROA) to DNA Labs International and Bode Cellmark Forensics, Inc. for "APD Forensic Biology Testing Services"
- A motion was made by Vice-President Grout that this matter be Approved. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- g. [OC-23-33](#) Recommendation of Award to TischlerBise, Inc for Impact Fee Update and Retroactive Ordinance Development
- A motion was made by Vice-President Grout that this matter be Approved. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- h. [O-22-54](#) Adopting Citywide Text Amendments To The Integrated Development

Ordinance §14-16 In Conjunction With The 2022 IDO Annual Update Process To Address The Need For More Housing Opportunities (Benton and Jones, by request)

A motion was made by Vice-President Grout that this matter be Postponed to June 5, 2023. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

i. [O-23-69](#)

Amending The Short-Term Rental Ordinance, Section 13-19-1 Through 13-19-8 Of The Albuquerque City Code, In Order To Require All Short-Term Rental Units To Have A Local Property Manager Available To Respond To Maintenance And Security Concerns; Limit Short-Term Rental Permits To Three Per Natural Person; Limit The Number Of Short-Term Rental Permits Issued City-Wide To No More 1,200; And Increasing The Civil Penalties For Noncompliance With This Ordinance, As Amended (Benton, Fiebelkorn by request)

A motion was made by Vice-President Grout that this matter be Postponed to June 21, 2023. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

j. [O-23-77](#)

Adopting Citywide Text Amendments To The Integrated Development Ordinance §14-16 For The 2022 IDO Annual Update (Benton and Jones, by request)

A motion was made by Vice-President Grout that this matter be Postponed to June 5, 2023. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

k. [R-23-121](#)

Directing The Department Of Family And Community Services To Enter Into A Memorandum Of Understanding With Bernalillo County To Allocate Funds To The Metropolitan Detention Center For Opioid Treatment And Recovery (Peña)

A motion was made by Vice-President Grout that this matter be Postponed to June 21, 2023. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

9. ANNOUNCEMENTS

10. FINANCIAL INSTRUMENTS

11. GENERAL PUBLIC COMMENTS

14. FINAL ACTIONS

- a. [O-22-55](#) F/S Amending The City Inspector General Ordinance, Chapter Two, Article Seventeen Of The Revised Ordinances Of Albuquerque (Bassan, by request)

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by Councilor Bassan that this matter be Postponed as Substituted to June 5, 2023. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

- b. [O-22-56](#) F/S Amending The Accountability In Government Ordinance, Chapter 2, Article 10 Of The Revised Ordinances Of Albuquerque (Bassan, by request)

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by Councilor Bassan that this matter be Postponed as Substituted to June 5, 2023. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

12. APPEALS

- a. [AC-23-9](#) PR-2021-006366, VA-2023-00021, BP-2022-30010: Peggy Norton, on behalf of the North Valley Coalition, appeals the Site Plan-Administrative decision to approve a Site Plan for all or a portion of LOT 1, TRACT 112-A-2 BLOCK 2, Douglas MacArthur Subdivision zoned MX-M, located at 5307 4th Street, NW containing approximately 1.4319 acre(s). (F-14)

A motion was made by President Davis to Adopt the Remand Instructions. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

13. APPROVALS: {Contracts, Agreements, and Appointments}**14. FINAL ACTIONS**

- c. [R-22-85](#) A Nuisance, Substandard Dwelling Or Structure In Need Of Abatement At 3709 Lombardy Rd NW 87105, AKA: 3711 Lombardy Rd 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 (Benton, by request)
- A motion was made by Councilor Peña that this matter be Postponed to June 21, 2023. The motion carried by the following vote:**
- For:** 6 - Benton, Fiebelkorn, Grout, Lewis, Peña, and Sanchez
- Against:** 3 - Bassan, Davis, and Jones
- d. [R-23-130](#) Declaring An Interim Stay-Of-Enforcement On Certain Temporary Use Restrictions In The Integrated Development Ordinances As They Apply To Film Production; Directing Staff To Propose An Amendment To The Integrated Development Ordinance To Create A Temporary Use For Film Production (Lewis)
- A motion was made by Councilor Lewis that this matter be Passed. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- e. [P-23-1](#) F/S Adopting A Proposition To Be Sent To The Voters At The 2023 Regular Local Election, Proposing To Amend The Albuquerque City Charter To Adopt A Council-Manager Form Of Government (Sanchez and Grout)
- A motion was made by Councilor Sanchez that this matter be Substituted. The motion carried by the following vote:**
- For:** 7 - Bassan, Benton, Davis, Grout, Lewis, Peña, and Sanchez
- Against:** 2 - Fiebelkorn, and Jones
- A motion was made by Vice-President Grout that this matter be Postponed as Substituted to June 5, 2023. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- f. [R-23-131](#) F/S Authorizing A Proposition To Be Submitted To The Voters At The Next Local Election To Be Held In The City Of Albuquerque Concerning Amendments To The Albuquerque City Charter; Providing The Form Of The Question And The Designation Clause For Such Question On The

Ballot (Sanchez, Grout)

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by Vice-President Grout that this matter be Postponed as Substituted to June 5, 2023. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

g. R-23-122*C/S Establishing One-Year Objectives For The City Of Albuquerque In Fiscal Year 2024; To Meet Five-Year Goals (Bassan)**

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, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

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 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by President Davis that this matter be Amended. President Davis moved Amendment No. 3. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by Councilor Bassan that this matter be Amended. Councilor Bassan moved Amendment No. 4. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved Amendment No. 5. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

h. R-23-123*C/S Appropriating Funds For Operating The Government Of The City Of Albuquerque For Fiscal Year 2024, Beginning July 1, 2023 And Ending June 30, 2024; Adjusting Fiscal Year 2023 Appropriations; And**

Appropriating Capital Funds (Bassan)

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

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, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by Councilor Fiebelkorn that this matter be Amended. Councilor Fiebelkorn moved Amendment No. 3. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by Councilor Fiebelkorn that this matter be Amended. Councilor Fiebelkorn moved Amendment No. 4. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by Councilor Fiebelkorn that this matter be Amended. Councilor Fiebelkorn moved Amendment No. 5. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by Councilor Fiebelkorn that this matter be Amended. Councilor Fiebelkorn moved Amendment No. 6. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by Councilor Bassan that this matter be Amended. Councilor Bassan moved Amendment No. 7. The motion carried by the following vote:

For: 8 - Bassan, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

Excused: 1 - Benton

A motion was made by Councilor Bassan that this matter be Amended. Councilor Bassan moved Amendment No. 8. The motion carried by the following vote:

For: 8 - Bassan, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

Excused: 1 - Benton

A motion was made by Vice-President Grout that this matter be Amended. Vice-President Grout moved Amendment No. 9. The motion carried by the

following vote:

For: 7 - Bassan, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

Against: 1 - Davis

Excused: 1 - Benton

A motion was made by Councilor Peña that the Rules be Suspended for the purpose of allowing a new amendment to be proposed. The motion carried by the following vote:

For: 8 - Bassan, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

Excused: 1 - Benton

A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 10. The motion carried by the following vote:

For: 8 - Bassan, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

Excused: 1 - Benton

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

For: 7 - Bassan, Davis, Fiebelkorn, Grout, Jones, Peña, and Sanchez

Against: 1 - Lewis

Excused: 1 - Benton

***i. R-23-138**

Establishing The City Council President Or Their Designee As The City Representative On The Albuquerque Regional Economic Alliance (AREA) Board Of Directors (Lewis)

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

For: 8 - Bassan, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

Excused: 1 - Benton

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

For: 8 - Bassan, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

Excused: 1 - Benton

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