CITY OF ALBUQUERQUE

City Council

P.O. Box 1293
Albuquerque, NM 87103
Tel: (505) 768-3100
Fax: (505)768-3227
www.cabq.gov/council

President Klarissa J. Peña
District 3

Vice President Dan Champine
District 8

Isaac Padilla
Council Director

Stephanie W. Telles	Joaquín Baca	Brook Bassan	Dan Lewis	Nichole Rogers	Tammy Fiebelkorn	Renée Grout
District 1	District 2	District 4	District 5	District 6	District 7	District 9

September 10, 2026

To all interested parties:

The following appeal is on the agenda of the **Monday, September 21, 2026** City Council meeting, which will begin at 5:00 p.m. in the Vincent E. Griego Chambers, Basement Level, 1 Civic Plaza NW. Final details and instructions will be available on the published agenda, which can be found at https://cabq.legistar.com/Calendar.aspx on the Friday prior to the meeting date.

AC-26-06 - Jolynn Maestas ("Appellant") appeals the Zoning Hearing Examiner's decision to Approve a Permit - Wall/Fence - Major on the front property line for the property located at 637 Solar Rd NW, zoned R-1

The City Council will have a full hearing on the subject appeal.

If you have any questions, I can be reached at 505-768-3100.

Sincerely,
Michelle Montoya
Clerk of the Council

Attachments:
Excerpt from Council Rules of Procedure

Excerpt from the City Council's Rules of Procedure (12/2025)*

B. Appeals of Land Use Regulation Decisions.

(1) Appeal procedures and special majorities required shall be as specified in applicable ordinances. (See the Integrated Development Ordinance, Section 14-16-4-4-6-4(U) ROA 1994.

(2) Notice for any full hearing on an appeal shall be given at the City Council meeting at which the City Council votes to reject the recommendation of its Land Use Hearing Officer.

(3) Time allowed for appeal hearings shall be as follows:

(a) The sequence and normal maximum times allowed shall be as follows:

8 minutes for appellant;
10 minutes for party opponent(s) of the appeal;
3 minutes for city staff, unless that staff spoke as opponents;
2 minutes for appellant rebuttal;
discussion among Councilors.

(b) If there are no party opponents of the appellant, the appealed board or commission is allowed up to 8 minutes in the appeal hearing.

(c) The City Council may combine separate appeals of the same action, in which case each appeal will receive an equal share of the appellant's time. The Presiding Councilor shall indicate in advance the division of opponent time if more than one private party is shown by the record to be in opposition.

(d) The Presiding Councilor shall follow the above maximum times unless, based on the complexity of the issues, the Presiding Councilor gives notice of differing times to all parties. In all cases, the maximum time available to proponents and opponents shall be equal, in accordance with the pattern in (a) above.

(e) The parties shall decide on the speakers to use the time assigned to the appellant and the opponents of the appeal.

(4) Evidence:

(a) The City Council will make its decision and findings exclusively on the record of the decision appealed including any supplemental material that was accepted by its Land Use Hearing Officer.

(b) Parties to an appeal and their representatives shall be sworn: "Do you swear (or affirm) that you will tell the truth, the whole truth, and nothing but the truth?" Attorneys may testify on their attorney's oath.

(5) With regard to any appeal that has been filed with and is pending before the City Council:

(a) Communication with Parties. No Councilor shall communicate outside a hearing with a party or representative of the party about the appeal, and no party or representative of a party shall communicate outside a hearing with a Councilor about the appeal. Any facts or documents not in the record before the City Council when the appeal is filed are subject to the rules regarding new evidence that are set forth herein;

(b) Communication with Persons other than Parties. No Councilor shall knowingly communicate with a member of the public or an organization about the subject of the appeal, and persons or organizations not parties to the appeal shall not communicate with any Councilor about the subject of the appeal and attempt to influence the outcome of the appeal. Information and correspondence that is not in the record at the time the appeal is filed is not evidence and should not be considered in making a decision regarding the outcome of the appeal unless accepted as new evidence.

(c) Any correspondence regarding the subject of an appeal that is an ex parte communication and is inadvertently received by a Councilor shall be delivered to the Clerk of the Council and be available for review by the parties. Any correspondence received by Council Services regarding the subject of an appeal shall be held by the Clerk of the Council and not distributed to the Councilors until the City Council has finally decided the appeal and the time for filing an appeal of the City Council decision has run. All such correspondence shall be available for review by the parties upon request.

(d) Notwithstanding the above, staff of the Council Services and other City departments (other than employees of a City department which is the appellant or appellee, or employees who have a personal or pecuniary interest in the outcome of the appeal) may, upon the request of a Councilor, communicate with that Councilor at any time and by any means. Copies of any written materials from City staff shall be distributed to all parties.

(6) A Councilor or City Council Hearing Officer shall withdraw from any proceedings in which he or she has a direct or indirect financial conflict of interest or otherwise cannot accord a fair and impartial hearing.

(7) Votes on appeals shall be as follows:

(a) At a meeting of the City Council, an action to grant or deny an appeal must be in accordance with Section 14-16-6-4(U)(3)(e) of the Integrated Development Ordinance. A motion to defer, continue, or remand is adopted by a majority of the Councilors present.

*For the complete set of rules that apply to land use appeals, see the City Council Rules of Procedure, which can be viewed on the Council's website at http://www.cabq.gov/council