Notice of Decision
City Council
City of Albuquerque
February 11, 2020

AC-19-17 Project PR-2019-002663, RZ-2019-00043: Sharon & Bill Stepler, Sandy & Bob Lujan, Westside Coalition of NAs, Dr. Joe L. Valles, appeal the Environmental Planning Commission (EPC) decision to approve a Zone Map Amendment for all or a portion of the northerly 436.01 feet of Lot 1, Block 2, Volcano Cliffs Unit 26 and Lot 1-A-1, Block 3, Volcano Cliffs Unit 26, zoned MX-L to MX-M, located at the southwestern corner and the southeastern corner of the intersection of Paseo del Norte Blvd. NW and Kimmick Dr. NW, containing approximately 16 acres

Decision

On February 3, 2020, the City Council entertained motions to both reverse and affirm the decision of the EPC, but both motions failed as the result of a vote of 4 FOR, 4 AGAINST.

For Reversal: Benton, Peña, Borrego, Davis
Against: Bassan, Gibson, Jones, Harris

For Affirmance: Bassan, Gibson, Jones, Harris
Against: Benton, Peña, Borrego, Davis

With a majority of the membership of the City Council having failed to reverse the decisions of the EPC:

IT IS THEREFORE ORDERED THAT THE DECISION OF THE EPC REMAINS IN EFFECT AND THE ZONE MAP AMENDMENT IS APPROVED

Attachments

1. Action Summary from the February 3, 2020 City Council Meeting

A person aggrieved by this decision may appeal the decision to the Second Judicial District Court by filing in the Court a notice of appeal within thirty (30) days from the date this decision is filed with the City Clerk.

_____ Date: 2/12/20
Patrick Davis, President
City Council

Received by: _____ Date: 2/12/20
City Clerk's Office

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City of Albuquerque

Action Summary

City Council

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

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

Vacant, 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, February 3, 2020 **5:00 PM** **Vincent E. Griego Chambers**
One Civic Plaza NW
Albuquerque/Bernalillo County Government Center

TWENTY-FOURTH COUNCIL - SECOND MEETING

1. ROLL CALL

2. MOMENT OF SILENCE

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

3. PROCLAMATIONS & PRESENTATIONS

4. ECONOMIC DEVELOPMENT DISCUSSION

5. ADMINISTRATION QUESTION & ANSWER PERIOD

6. APPROVAL OF JOURNAL

January 22, 2020

7. COMMUNICATIONS AND INTRODUCTIONS

8. REPORTS OF COMMITTEES

Finance and Government Operations Committee - January 27, 2020

Deferrals/Withdrawals

a. EC-19-436 Tony Sanchez Drive Right of Way Vacation (Project# PR-2019-002296 SD-2019-00072) Willow Wood Homeowner's Association requests

Vacation Of Public Right-Of-Way for all or a portion of Tony Sanchez Drive SE located south of Jewel Cave Rd SE and north of Gibson Ave SE, containing approximately .154 acres

A motion was made by Councilor Harris that this matter be Postponed to March 2, 2020. The motion carried by the following vote:

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

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

*a. EC-19-533 Mayor's Recommendation of Award to Southwestern HR Consulting Inc. for "Internal Sexual Harassment/Harassment Prevention Training"

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

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

*b. EC-19-534 Mayor's Recommendation of Award for "Enterprise Resource Planning (ERP) Consulting"

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

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

c. EC-20-2 Mayor's Recommendation of HDR Engineering Inc., and Parametrix, and RESPEC Inc. for City Wide On-Call Engineering Services (Transportation and Storm Drainage)

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

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

d. EC-20-3 Mayor's Recommendation of Lee Gamelsky Architects P.C. for Engineering/Architectural Services for Restoration of the Albuquerque Rail Yards

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

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

e. EC-20-7 Grove Street Right Of Way Vacation - Project# PR-2019-002544, SD-2019-00190 High Mesa Consulting, agent for City of Albuquerque requests Vacation of Public Right-Of-Way for all or a portion of Grove between Chico Road NE and Central Avenue NE., part of a larger site containing approximately 4.7 acres

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

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

f. EC-20-8

Walter Street SE Right Of Way Vacation - Project# PR-2019-002519, SD-2019-00193 JAG Planning and Zoning, LLC agent for Porfie Maldonado requests Vacation of Public Right-Of-Way for all or a portion of Walter Street SE between Gibson Boulevard SE and Ross Avenue SE, part of a larger site containing approximately 0.7364 acres

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

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

g. EC-20-9

Approval of the Luminaria Senior Community Development Agreement with Greater Albuquerque Housing Partnership (GAHP) to Utilize HUD HOME Funding Towards the Development of a Multi-Family Rental Housing Project

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

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

h. EC-20-10

Mayor's Appointment of Mr. Rodney E. Bowe to the Public Safety 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 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, and Harris

i. EC-20-11

Mayor's Appointment of Mr. Travis Davis 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 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, and Harris

j. EC-20-12

Mayor's Appointment of Daniel J. Hedges 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 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, and Harris

k. EC-20-13

Mayor's Appointment of Ms. Christine A. Grover 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 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, and Harris

l. EC-20-14 Mayor's Appointment of Ms. Deborah Kuidis to the Public Safety 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 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, and Harris

m. EC-20-15 Mayor's Appointment of Ms. Pamela M. Chavez 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 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, and Harris

n. EC-20-16 Mayor's Appointment of Dr. Ali Bidram to the Albuquerque Energy Council

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

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

o. EC-20-17 Approval of the Santana Apartments Development Agreement with Supportive Housing Coalition of New Mexico to Utilize Workforce Housing Trust Funds Towards the Development of a Multi-Family Rental Housing Project

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

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

p. OC-20-2 Staff Recommendation to Appoint Ms. Cathryn Starr to the Civilian Police Oversight Agency Board

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

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

q. OC-20-3 Staff Recommendation to Appoint Mr. Douglas Mitchell to the Civilian Police Oversight Agency Board

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

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

r. OC-20-4 Staff Recommendation to Reappoint Dr. William J. Kass to the Civilian Police Oversight Agency Board

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

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

*t. R-19-220 Appropriating Funds To The Capital Implementation Program For The 2019 General Obligation Program (Jones, by request)

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

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

u. R-20-8 Approving The Appointment Of Directors To Fill Vacancies On The Governing Body Of The Trails Public Improvement District Caused By The Resignation Of An Elected Director Before The End Of His Term Pursuant To The Public Improvement District Act, NMSA 1978, Sections 5-11-1 Through 27, As Amended, And City Enactment No. O-2003-012; And Repealing All Actions Inconsistent With This Resolution (Borrego)

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

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

v. R-20-10 Approving The Appointment Of A Director To Fill A Vacancy On The Governing Body Of Mesa Del Sol Public Improvement District 1 And To Fill A Vacancy On The Governing Body Of Mesa Del Sol Public Improvement Districts 2 Through 5 Caused By The Inability Of An Elected Director To Discharge The Duties Of Director For The Remainder Of His Unexpired Term; Taking Action Pursuant To The Public Improvement District Act, NMSA 1978, Sections 5-11-1 Through 27, As Amended, And City Enactment No. O-2003-012; And Repealing All Actions Inconsistent With This Resolution (Davis)

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

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

14. FINAL ACTIONS

*s. R-19-219 Establishing Priorities For The 2021 Capital Improvements Plan; Defining The Criteria To Be Used In Rating Project Proposals; Assigning Weights To The Criteria; Allocating Amounts For Different Purposes Within The 2021 General Obligation Bond Program (Benton, by request)

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

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

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

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

*d. R-20-14 Renaming Bridge Boulevard Within The Albuquerque City Limits, From 4th Street SW To The West Side Of The Rio Grande River, Avenida Dolores Huerta (Benton, Peña, Borrego)

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

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

10. GENERAL PUBLIC COMMENTS

11. ANNOUNCEMENTS

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

a. AC-19-17 Project PR-2019-002663, RZ-2019-00043: Sharon & Bill Stepler, Sandy & Bob Lujan, Westside Coalition of NAs, Dr. Joe L. Valles, appeal the Environmental Planning Commission (EPC) decision to approve a Zone Map Amendment for all or a portion of the northerly 436.01 feet of Lot 1, Block 2, Volcano Cliffs Unit 26 and Lot 1-A-1, Block 3, Volcano Cliffs Unit 26, zoned MX-L to MX-M, located at the southwestern corner and the southeastern corner of the intersection of Paseo del Norte Blvd. NW and Kimmick Dr. NW, containing approximately 16 acres

A motion was made by Councilor Borrego that this matter be to Grant the Appeal and Reverse the Decision of the Environmental Planning Commission, and adopt findings at a subsequent meeting. The motion failed by the following vote:

For: 4 - Benton, Peña, Borrego, and Davis

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

A motion was made by Vice-President Gibson that this matter be to Deny the Appeal and Uphold the Decision of the Environmental Planning Commission, and adopt the findings of the Land Use Hearing Officer. The motion failed by the following vote:

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

Against: 4 - Benton, Peña, Borrego, and Davis

14. FINAL ACTIONS

a. O-19-89 Adopting Zoning Conversion Rules For Properties In Batch 3 Of The Phase 2 Zoning Conversion Effort As Directed By City Council Resolution 18-29 And Updating The Official Zoning Map (Benton and Jones, 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: 8 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, and Harris

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

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

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

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

b. R-19-210

Directing The Administration To Prepare An Update To The City's International Energy Conservation Code (IECC) To Adopt The 2018 Version (Benton, Davis)

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

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

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

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

***c.** R-20-7

F/S Making Findings In Connection With The Resolution Of Winrock Town Center Tax Increment Development District 1 Authorizing The Issuance And Sale Of Senior Lien Tax Increment Bonds And Subordinate Lien Tax Increment Bonds; Ratifying And Approving The Issuance And Sale Of The Winrock Town Center Tax Increment Development District 1 Senior Lien Gross Receipts Tax Increment Bonds, Series 2020A And The Winrock Town Center Tax Increment Development District 1 Subordinate Lien Gross Receipts Tax Increment Bonds, Series 2020B, As Substantially Consistent With The Requirements Of City Ordinance Enactment No. O-2006-036 And City Council Resolution No. R-2008-126, Enactment No. R 2008-120; And Authorizing Amendments To The Operation Agreement And The Construction Agreement Previously Entered Into By The City With Respect To Such District (Gibson)

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

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

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

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