



# City of Albuquerque

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

## Action Summary City Council

*Council President, Ken Sanchez, District 1*  
*Vice-President, Trudy E. Jones, District 8*

*Isaac Benton, District 2; Klarissa J. Peña, District 3*  
*Brad Winter, District 4; Dan Lewis, District 5*  
*Rey Garduño, District 6; Diane G. Gibson, District 7*  
*Don Harris, District 9*

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Monday, April 21, 2014

5:00 PM

Vincent E. Griego Chambers  
One Civic Plaza

Albuquerque/Bernalillo County Government Center

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### TWENTY-FIRST COUNCIL - TENTH MEETING

#### 1. ROLL CALL

**Present** 8 - Dan Lewis, Ken Sanchez, Isaac Benton, Klarissa Peña, Rey Garduño,  
Diane Gibson, Trudy Jones, and Don Harris

**Excused** 1 - Brad Winter

#### 2. MOMENT OF SILENCE

Pledge of Allegiance - Trudy E. Jones, Vice-President, District 8

#### 3. PROCLAMATIONS & PRESENTATIONS

#### 4. ECONOMIC DEVELOPMENT DISCUSSION

#### 5. ADMINISTRATION QUESTION & ANSWER PERIOD

#### 6. APPROVAL OF JOURNAL

April 7, 2014

#### 7. COMMUNICATIONS AND INTRODUCTIONS

#### 8. REPORTS OF COMMITTEES

Internal Operations Committee - April 7, 2014

Land Use, Planning & Zoning Committee - April 16, 2014

**Deferrals/Withdrawals**

- d. [O-14-12](#) Amending Chapter 6, Article 9, ROA 1994, Regarding Public Improvement Districts, To Provide For The Establishment Of Candidate Election Policies And Procedures For Public Improvement Districts Located Within The City (Lewis, by request)
- A motion was made by Councilor Lewis that this matter be Postponed to May 19, 2014. The motion carried by the following vote:**
- For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris
- Excused:** 1 - Winter
- i. [R-14-34](#) Establishing That The City Council Intends To Review The Downtown Albuquerque Business Improvement District At Its Next Opportunity To Consider Changes To Its Structure And Management Committee (Lewis)
- A motion was made by Councilor Lewis that this matter be Postponed to May 19, 2014. The motion carried by the following vote:**
- For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris
- Excused:** 1 - Winter
- e. [R-13-236](#) Amending The Downtown 2010 Sector Development Plan For An Approximately 3,550 Acre Area, Which Is Generally Located South Of Marble/Slate Streets, North Of Coal Avenue, East Of 10th/9th/7th Streets, And West Of The Rail Road/Broadway Boulevard (Benton, by request)
- A motion was made by Councilor Benton that this matter be Postponed to May 19, 2014. The motion carried by the following vote:**
- For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris
- Excused:** 1 - Winter
- f. [R-13-1](#) A Residential Substandard Dwelling, Or Structure In Need Of Abatement At 1620 6th St NW Within The City Limits Of Albuquerque, New Mexico Is So Ruined, Damaged And Dilapidated As To Be A Menace To The Public Comfort, Health, Peace Or Safety And That It Is To Be Required To Be Removed (Benton, by request)
- A motion was made by Councilor Benton that this matter be Postponed to May 5, 2014. The motion carried by the following vote:**
- For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris
- Excused:** 1 - Winter
- a. [O-13-58](#) Amending Section 13-12-5 ROA 1994 To Establish A Criminal Penalty

For The Violation Of The Albuquerque Minimum Wage Ordinance, And To Clarify The Enforcement And Implementation Of The Minimum Wage Ordinance (Sanchez)

**A motion was made by President Sanchez that this matter be Postponed to May 5, 2014. The motion carried by the following vote:**

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

**g.** [R-13-2](#)

F/S Creating A Task Force To Review The Charter Of The City Of Albuquerque And Make Recommendations On Certain Potential Revisions; And Adopting A Proposition To Be Submitted To The Voters On The Sooner Of The Next City-Wide Special Election, Or The General Election Ballot Of November 4, 2014, That Amends Article III, Section 3 Of The Charter Of The City Of Albuquerque, Concerning Direct Legislation By Voter Initiative To Create A Ballot Initiative Review Committee To Review Proposed Measures For Constitutional Or Other Legal Defects; Specifying That Proposed Measures Shall Be Submitted To The City's Electors Only At General Or Regular Municipal Elections (Sanchez, Winter)

**A motion was made by President Sanchez that this matter be Postponed to May 5, 2014. The motion carried by the following vote:**

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

**k.** [P-14-1](#)

To Be Submitted To The Voters On The General Election Ballot Of November 4, 2014, Amending Article V, Section 4 Of The Charter Of The City Of Albuquerque, Concerning The Duties Of The Mayor; Specifying That The Appointment Of The Chief Of Police And Fire Chief Will Require The Advice And Consent Of The City Council (Sanchez, Winter)

**A motion was made by President Sanchez that this matter be Postponed to May 5, 2014. The motion carried by the following vote:**

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

**l.** [OC-14-1](#)

Adopting a Statement of the Issue for filing with the City Clerk Pursuant to the Intragovernmental Conference Committee Article; Appointing a member to the Intragovernmental Conference Committee; Appointing the Council's designee for presentation to the Intragovernmental Conference Committee

**A motion was made by President Sanchez that this matter be Postponed to May 5, 2014. The motion carried by the following vote:**

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

Excused: 1 - Winter

**9. GENERAL PUBLIC COMMENTS**

**10. ANNOUNCEMENTS**

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

- a. [EC-14-26](#) FY14 Goal #1 Priority Objective #3 Status Report

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

- b. [EC-14-28](#) FY14 Priority Objective Report: Public Safety Goal 2, Objective 5 -  
Enhanced Methods of Communication, 2nd Qtr Report

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

- e. [EC-14-32](#) FY13 Priority Objective Report: Goal 8, Objective 1 - Applicant  
Tracking System

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

- f. [EC-14-59](#) Mayor's Reappointment of Dr. Erik K. Webb to the Water Protection  
Advisory Board

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

- g. [EC-14-60](#) Mayor's Reappointment of Mr. Tyler Ashton to the Greater  
Albuquerque Recreational Trails Committee

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

**h.** [EC-14-61](#)

Mayor's Appointment of Mr. Frank Roth to the Indicators Progress Commission

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

**i.** [EC-14-62](#)

Mayor's Reappointment of Dr. Elizabeth H. Richards to the Water Protection Advisory Board

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

**j.** [EC-14-63](#)

Mayor's Appointment of Mr. K. Lee Peifer to the Personnel Board

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

**k.** [EC-14-64](#)

Mayor's Reappointment of Ms. Roxanne A Turley to the Parks and Recreation Advisory Board

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

**\*l.** [EC-14-65](#)

Mayor's Appointment of Mr. Victor E. Beserra to the Environmental Planning Commission

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

**m.** [EC-14-66](#)

Mayor's Recommendation of Morrow Reardon Wilkinson Miller, Ltd. For Landscape Architectural Consultants for Citywide On-Call Landscape Architectural Services

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

- \*n. [EC-14-67](#) Mayor's Appointment of Mr. Derek R. Bohannon to the Environmental Planning Commission

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

## 14. FINAL ACTIONS

- c. [O-14-8](#) F/S Authorizing The Issuance And Sale Of \$65,660,000 City Of Albuquerque, New Mexico General Obligation Bonds, Consisting Of \$57,060,000 General Purpose General Obligation Bonds, Series 2014A And \$5,375,000 General Obligation Storm Sewer Bonds, Series 2014B and \$3,225,000 Short-Term General Obligations Bonds, Series 2014C, Authorized At An Election Of The City Held On October 8, 2013 To Finance Projects Relating To Public Safety, Citizens' Centers, Parks And Recreation, Facilities And Equipment, Library, Public Transportation, Affordable Housing, Zoo, Biological Park And Museum Facilities, Storm Sewers, And Streets (Garduño)

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

- n. [M-14-4](#) Calling For Fair Representation And Use Of Responsible Speech Toward Marginalized Groups In The Media Including Television, Print, Radio, Cable, Internet, Billboards, And Other Forms Of Media (Garduño)

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

**For:** 5 - Sanchez, Benton, Peña, Garduño, and Gibson

**Against:** 3 - Lewis, Jones, and Harris

Excused: 1 - Winter

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

- c. [EC-14-30](#) FY14 Priority Objective Report: Public Safety Goal 2, Objective 1 - Select and Acquire a Larger DWI Seizure Lot
- A motion was made by President Sanchez that this matter be Receipt Be Noted. The motion carried by the following vote:**

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

**Against:** 1 - Garduño

**Excused:** 1 - Winter

- d. [EC-14-31](#) FY14 Priority Objective Report: Public Safety Goal 2, Objective 7 - Deployment of New Technology, 2nd Qtr Report
- A motion was made by President Sanchez that this matter be Receipt Be Noted. The motion carried by the following vote:**

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

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

- a. [AC-13-8](#) (Project# 1009548-13BOA-20021/13ZHE-80398) Cadigan Law Firm, agent for Jonathan Pohl, Appeals the Zoning Board of Appeals Request to Deny the Appeal, Thereby Upholding the Zoning Hearing Examiner's Denial of a Special Exception to Section 14-16-2-16(B)(6) and Page 4, Paragraph B1 of the Huning Highland Sector Development Plan: a Conditional Use for an Existing Drive Thru for Lot 11, Block 22, Huning Highlands Addn, Zoned SU-2 CRZ, Located at 501 Central Ave NE

**A motion was made by Vice-President Jones that this matter be To Accept the Land Use Hearing Officer Recommendation. The motion carried by the following vote:**

**For:** 7 - Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Against:** 1 - Lewis

**Excused:** 1 - Winter

- b. [AC-14-1](#) Timothy V. Flynn-O'Brien, Esq., Agent For Wells Fargo Bank, Trustee For Betty Higgins (Owner), Appeals The January 24, 2014, Declaratory Ruling Issued By The Code Compliance Manager, Brennon Williams, Regarding The Expiration Period For Nonconforming Uses

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

**For:** 7 - Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Against:** 1 - Lewis

**Excused:** 1 - Winter

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

- a. [EC-14-29](#) FY14 Priority Objective Report: Public Safety Goal 2, Objective 2 - Real Time Crime Center Analytics, 2nd Qtr Report
- A motion was made by President Sanchez that this matter be Receipt Be Noted. The motion carried by the following vote:**
- For:** 6 - Sanchez, Benton, Peña, Gibson, Jones, and Harris
- Against:** 1 - Garduño
- Excused:** 2 - Lewis, and Winter

### **14. FINAL ACTIONS**

- b. [O-13-63](#) Amending Chapter 14, Article 16, Part 4, Section 4(A)(2) ROA 1994 To Remove The Exception In The Appeals Process That Requires Zone Map Amendments To Be Heard Only By The City Council And Not By The Land Use Hearing Officer (Jones)
- A motion was made by Vice-President Jones that this matter be Passed. The motion carried by the following vote:**
- For:** 7 - Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris
- Excused:** 2 - Lewis, and Winter
- h. [R-14-30](#) Amending The Nob Hill Highland Sector Development Plan To Add A Demolition Review Process For Certain Structures; Add An Approval Procedure For New Structures That Cannot Meet Plan Standards; Clarify The Measurement Of The Building Façades; Increase Front Setbacks For Commercial Zones; Amend Building Height And Stepback Regulations; Clarify And Amend Off-Street Parking Requirements; And Clarify Regulations For Walls And Carports In The Historic Residential Zones (Garduño, by request)
- A motion was made by Councilor Garduño that this matter be Postponed to May 19, 2014. The motion carried by the following vote:**
- For:** 7 - Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris
- Excused:** 2 - Lewis, and Winter



- j. [R-14-39](#) Amending The City Of Albuquerque Code Of Resolutions Sections Pertaining To The Consumption Of Alcohol In City Parks, Recreational Facilities And Open Space Lands (Winter)
- A motion was made by President Sanchez that this matter be Amended. Councilor Sanchez moved Amendment No. 1. The motion carried by the following vote:**
- For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris
- Excused:** 1 - Winter
- A motion was made by President Sanchez that this matter be Passed as Amended. The motion carried by the following vote:**
- For:** 7 - Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris
- Against:** 1 - Lewis
- Excused:** 1 - Winter
- m. [M-14-2](#) Requesting Tesla Motors To Select Albuquerque New Mexico As The Location For The Company's Lithium-Ion Battery Manufacturing Facility (Sanchez)
- A motion was made by President Sanchez that this matter be Passed. The motion carried by the following vote:**
- For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris
- Excused:** 1 - Winter
- \*o. [R-14-46](#) Evaluating And Updating The Comprehensive Plan Vision For Growth And Development In The City Of Albuquerque; Revising Land Use, Transportation, And Development Regulations To Implement The Comprehensive Plan Vision (Jones, Benton)
- A motion was made by Councilor Benton that this matter be Passed. The motion carried by the following vote:**
- For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris
- Excused:** 1 - Winter
- \*p. [R-14-54](#) Appropriating El Encanto Funds Within The Housing And Neighborhood Economic Development Fund And Designating Certain Projects Within The Barelás Neighborhood (Benton)
- A motion was made by Councilor Benton that this matter be Passed. The motion carried by the following vote:**
- For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris
- Excused:** 1 - Winter