



City of Albuquerque

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

Action Summary

City Council

Council President, Dan Lewis, District 5
Vice-President, Klarissa J. Peña, District 3

Ken Sanchez, District 1; Isaac Benton, District 2
Brad Winter, District 4; Patrick Davis, District 6
Diane G. Gibson, District 7; Trudy E. Jones, District 8
Don Harris, District 9

Monday, May 2, 2016

5:00 PM

Vincent E. Griego Chambers
One Civic Plaza NW
Albuquerque/Bernalillo County
Government Center

TWENTY-SECOND COUNCIL - ELEVENTH MEETING

1. ROLL CALL

Present 9 - Dan Lewis, Klarissa Peña, Ken Sanchez, Isaac Benton, Brad Winter,
Patrick Davis, Diane Gibson, Trudy Jones, and Don Harris

2. MOMENT OF SILENCE

Pledge of Allegiance - Patrick Davis, Councilor, District 6

3. PROCLAMATIONS & PRESENTATIONS

4. ECONOMIC DEVELOPMENT DISCUSSION

5. ADMINISTRATION QUESTION & ANSWER PERIOD

6. APPROVAL OF JOURNAL

April 18, 2016

7. COMMUNICATIONS AND INTRODUCTIONS

Deferrals/Withdrawals

- a. [O-15-2](#) Amending The Balloon Fiesta Park Commission Ordinance, Chapter 10, Article 10 Of The Revised Ordinances Of Albuquerque (Jones)
- A motion was made by Councilor Jones that this matter be Postponed to May 16, 2016. The motion carried by the following vote:

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

- d. [O-16-12](#) C/S Amending Chapter 6 Article 6, ROA 1994, The Boards And Commissions Ordinance To Add A Part 12 To Establish A Central Avenue, Louisiana Boulevard And Uptown Merchants And Property Owners Transit Advisory Board (Sanchez, Winter)

A motion was made by Councilor Sanchez that this matter be Postponed to May 16, 2016. The motion carried by the following vote:

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

- k. [P-15-14](#) C/S Adopting A Proposition To Be Submitted To The Voters At The November 8, 2016 General Election Or Next Regular Municipal Election That Amends Article V Section 4 Of The Charter Of The City Of Albuquerque Concerning The Appointment And Reappointment Of The City Attorney And City Clerk (Harris)

A motion was made by Councilor Harris that this matter be Postponed to June 6, 2016. The motion carried by the following vote:

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

8. REPORTS OF COMMITTEES

9. GENERAL PUBLIC COMMENTS

10. ANNOUNCEMENTS

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

- a. [EC-16-51](#) Amendment to Lease of City Property between County of Bernalillo and City of Albuquerque

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

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

- b. [EC-16-64](#) CIT, Inc. Professional/Technical Contract

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

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

- d. [EC-16-88](#) Declaring Lot 8, Block 1, Atrisco Subdivision in Snow Vista, Non-Essential for Municipal Purposes

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

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

e. [EC-16-94](#)

Approving a Contract for the Grants Collective for the Creation of a Non-profit Business Incubator Support Program

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

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

f. [EC-16-100](#)

Mayor's Appointment of Ms. Sharon L. Harrington to the Municipal Golf Advisory Board

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

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

g. [EC-16-101](#)

Mayor's Appointment of Ms. Ceecee Montgomery to the Americans with Disabilities Act Advisory Council

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

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

h. [R-16-31](#)

Approving And Authorizing The Filing Of A Grant Application For Revenue Vehicle Purchase With The Federal Transit Administration (FTA) Of The U.S. Department Of Transportation And Providing For An Appropriation To The Transit Department (Gibson, by request)

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

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

i. [R-16-32](#)

Approving And Authorizing The Filing Of A Grant Application For Transit Enhancements, Facility Rehab And Technology Projects With The Federal Transit Administration (FTA) Of The U.S. Department Of Transportation And Providing For An Appropriation To The Transit Department (Sanchez, by request)

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

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

j. [R-16-33](#)

Approving And Authorizing The Filing Of A Grant Application For Bus Stop Facilities Improvements With The Federal Transit Administration (FTA) Of The U.S. Department Of Transportation And Providing For An Appropriation To The Transit Department (Peña)

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

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

- k. [R-16-35](#) Authorizing The Mayor To Execute The Albuquerque Business Education Compact Recommendations And Providing An Appropriation To The Department Of Family And Community Services (Gibson)

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

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

- l. [R-16-37](#) Amending The Adopted Capital Implementation Program Of The City Of Albuquerque By Changing The Scope Of Existing Metropolitan Redevelopment Projects (Harris)

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

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

- m. [OC-16-14](#) Reappointment of Mr. Michael J. Jensen to the Open Space Advisory Board

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

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

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

- c. [EC-16-69](#) Quarterly Reporting of Expenditures by the Albuquerque Police Department Related to the Implementation of the US Department of Justice Settlement Agreement

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

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

14. FINAL ACTIONS

- n. [P-15-12](#) C/S Adopting A Proposition To Be Submitted To The Voters At The November 8, 2016 General Election Or Next Regular Municipal Election That Amends Article XVI Of The Charter Of The City Of Albuquerque Concerning Open And Ethical Elections (Harris)

A motion was made by Councilor Benton that this matter be Postponed to May 16, 2016. The motion failed by the following vote:

For: 2 - Peña, and Benton

Against: 7 - Lewis, Sanchez, Winter, Davis, Gibson, Jones, and Harris

A motion was made by Councilor Harris that this matter be Withdrawn by Sponsor. The motion carried by the following vote:

For: 8 - Lewis, Peña, Sanchez, Winter, Davis, Gibson, Jones, and Harris

Against: 1 - Benton

- o.** [P-15-13](#) C/S Adopting A Proposition To Be Submitted To The Voters At The November 8, 2016, General Election Or Next Regular Municipal Election That Amends Article XIII Of The Charter Of The City Of Albuquerque Concerning Election Code (Harris)

A motion was made by Councilor Harris that this matter be Withdrawn by Sponsor. The motion carried by the following vote:

For: 8 - Lewis, Peña, Sanchez, Winter, Davis, Gibson, Jones, and Harris

Against: 1 - Benton

- p.** [P-16-1](#) Adopting A Proposition To Be Submitted To The Voters At The November 8, 2016 General Election Or Next Regular Or Special Municipal Election, To Allow Amendments Of Article XVI Of The Charter Of The City Of Albuquerque Relating To Open And Ethical Elections By Ordinance Adopted By A Majority Plus Two Of The Entire Membership Of The Council (Harris)

A motion was made by Councilor Harris that this matter be Withdrawn by Sponsor. The motion carried by the following vote:

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

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

A motion was made by Councilor Sanchez to take EC-16-69 from the Table. The motion carried by the following vote:

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

- c.** [EC-16-69](#) Quarterly Reporting of Expenditures by the Albuquerque Police Department Related to the Implementation of the US Department of Justice Settlement Agreement

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

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

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

- a.** [AC-16-4](#) Henry Chan appeals the decision of the Zoning Board of Appeal's (BOA's) decision to uphold the Zoning Hearing Examiner's (ZHE's)

denial of a special exception to Section 14-16-3-19(A)(2)(a): a variance of 3 feet to the maximum 3 foot height allowed in the front yard setback for an existing fence for all or a portion of Lot 8C2, Block 4, Broad Acres Subdivision, zoned R-2, located at 3101 Pennsylvania St. NE (G-19)

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

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

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

14. FINAL ACTIONS

- b. [O-16-9](#) Amending Section §2-12-1 To Reserve 3% Of The General Obligation Bonds Of The Capital Implementation Program For Open Space Land Acquisition, And Requiring The Mayor On Even Number Years To Submit To The City Council A List Of Properties Identified For Acquisition (Harris)

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

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

A motion was made by Councilor Winter that this matter be Postponed as Amended to June 6, 2016. The motion carried by the following vote:

For: 6 - Lewis, Peña, Sanchez, Benton, Winter, and Jones

Against: 3 - Davis, Gibson, and Harris

- h. [R-16-41](#) Establishing Minimum Staffing Requirements For Albuquerque Fire Department Engine Apparatus, Rescue Apparatus, Ladder Apparatus, Hazardous Materials Squads, Heavy Technical Rescue Squads, Quality Assurance Units, Battalion Commander Units And Support Divisions (Benton, Lewis)

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

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, 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 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, and Harris

Against: 1 - Jones

- c. [O-16-10](#) F/S Amending Section 9-17-1 et seq. Of The City Of Albuquerque

Code Of Ordinances, Angel's Law (Jones, by request)

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

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

A motion was made by Councilor Jones that this matter be Postponed as Substituted to May 16, 2016. The motion carried by the following vote:

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

e. [R-16-15](#)

C/S Establishing The Policy Of Implementation For The Public Service Ethics And Code Of Conduct Training Program For The City Of Albuquerque And Directing The City Human Resources And Legal Departments To Oversee The Program (Lewis)

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

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

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 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

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

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

f. [R-16-29](#)

A Nuisance Dwelling Or Structure In Need Of Abatement At 923 3rd St. SW 87102 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 Passed. The motion carried by the following vote:

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

g. [R-16-38](#)

C/S Directing The Administration To Defer And Discontinue Any Retention Incentive Program, Longevity Pay, Or Salary Increases For All Albuquerque Police Department Officers Above The Rank Of Commander Unless The Department Is Reported As Compliant With The Requirements Of The Court Approved Settlement Agreement (The "Casa") Within The Established Deadlines; Directing That The Chief Of Police Designate A Project Manager To Oversee APD's Casa Compliance Efforts And That Such Person Provide A Progress Update Toward Compliance With The Casa At Each Meeting Of The City Council (Gibson, Benton)

A motion was made by Councilor Gibson that this matter be Amended.

Councilor Gibson moved Amendment No. 1. The motion carried by the following vote:

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

Against: 2 - Lewis, and Winter

A motion was made by Councilor Gibson that this matter be Postponed as Amended to May 16, 2016. The motion failed by the following vote:

For: 4 - Benton, Davis, Gibson, and Harris

Against: 5 - Lewis, Peña, Sanchez, Winter, and Jones

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

For: 3 - Benton, Davis, and Gibson

Against: 6 - Lewis, Peña, Sanchez, Winter, Jones, and Harris

i. [R-16-46](#)

Naming Children's Park Being Developed At The Corner Of Copper And Wyoming As Officer Daniel Webster Albuquerque Children's Park In Honor Of Former Albuquerque Police Officer And 20-Year U.S. Army Veteran Daniel Webster's Distinguished Service To The Citizens Of South Los Altos Neighborhood Association And The City Of Albuquerque (Davis, Harris)

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

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

I. [P-16-2](#)

F/S Adopting A Proposition To Be Submitted To The Voters At The November 8, 2016 General Election Or Next Regular Or Special Municipal Election, Proposing To Amend Article XVI, Sections 3(Q), 7(B), 12(B), And 15 (A)(1) Of The Albuquerque City Charter Concerning Public Financing Available To Mayoral Candidates (Davis, Harris)

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

For: 8 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, and Harris

Against: 1 - Jones

A motion was made by Councilor Harris that this matter be Amended.

Councilor Harris moved Amendment No. 1. The motion carried by the following vote:

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

Against: 2 - Winter, and Jones

A motion was made by Councilor Davis that this matter be Postponed as Substituted, as Amended to May 16, 2016. The motion carried by the following vote:

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

j. [R-16-47](#)

Authorizing And Directing The City Of Albuquerque, New Mexico To Hedge A Maximum Of 1,447,324 Gallons Of Its Gasoline Price Risk And A Maximum Of 1,875,297 Gallons Of Its Diesel Fuel Price Risk Within Certain Parameters For The Purposes Of Stabilizing The City's Fuel Costs And Paying Associated Fuel Hedging Transaction Costs; Authorizing The Execution Of International Swap And Derivative Association Documents; Authorizing The Taking Of All Other Actions Necessary To The Consummation Of The Fuel Hedging Transaction Contemplated By This Resolution; Ratifying Prior Actions Consistent With This Resolution And Repealing Prior Inconsistent Action; Making An Appropriation; And Declaring An Emergency (Benton, by request)

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

For: 8 - Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

Recused: 1 - Lewis

m. [RA-16-1](#)

Amending The City Council Rules Of Procedure Relating To Article I, Section 8, Addressing Meetings; And Article III, Section 4, Order Of Business (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, Winter, Davis, Gibson, Jones, and Harris

Against: 1 - Peña

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

- a. Executive Session to discuss 1) litigation in the matter of Keeran 1, LLC, Robert Keeran and Cynthia Keeran v. the City of Albuquerque (D-202-CV-2014-07331); and 2) matters relating the Court Approved Settlement Agreement with the U.S. Department of Justice in the matter of United States v. City of Albuquerque.

A motion was made by President Lewis to go into Executive Session pursuant to Section 10-15-1(H)(7) of the Open Meetings Act, to discuss litigation in the matter of Keeran 1, LLC, Robert Keeran and Cynthia Keeran v. the City of Albuquerque (D-202-CV-2014-07331); and to discuss matters relating the Court Approved Settlement Agreement with the U.S. Department of Justice in the matter of United States v. City of Albuquerque. The motion carried by the following vote:

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

President Lewis affirmed that matters discussed in Executive Session were limited to those specified in the motion for closure.

There being no further business, the meeting adjourned at 10:56 p.m.