



# City of Albuquerque

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

## Action Summary

### City Council

*Council President, Isaac Benton, District 2*

*Vice-President, Brad Winter, District 4*

*Ken Sanchez, District 1; Klarissa J. Peña, District 3*

*Dan Lewis, District 5; Patrick Davis, District 6*

*Diane G. Gibson, District 7; Trudy E. Jones, District 8*

*Don Harris, District 9*

---

Monday, December 19, 2016

5:00 PM

Vincent E. Griego Chambers

One Civic Plaza NW

Albuquerque/Bernalillo County Government Center

---

### TWENTY-SECOND COUNCIL - TWENTY-FOURTH MEETING

#### 1. ROLL CALL

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

#### 2. MOMENT OF SILENCE

**Pledge of Allegiance - Don Harris, Councilor, District 9**

#### 3. PROCLAMATIONS & PRESENTATIONS

#### 4. ECONOMIC DEVELOPMENT DISCUSSION

#### 5. ADMINISTRATION QUESTION & ANSWER PERIOD

#### 6. APPROVAL OF JOURNAL

**December 5, 2016**

#### 7. COMMUNICATIONS AND INTRODUCTIONS

#### 8. REPORTS OF COMMITTEES

**Finance and Government Operations Committee - December 12, 2016**

**Land Use, Planning and Zoning Committee - December 14, 2016**

**Deferrals/Withdrawals**

- a. [R-16-89](#) Moving The Office Of Neighborhood Coordination From The Planning Department To The Council Services Department; Making An Appropriation (Peña)  
**A motion was made by Councilor Peña that this matter be Postponed to January 18, 2017. The motion carried by the following vote:**  
**For:** 9 - Benton, Winter, Sanchez, Peña, Lewis, Davis, Gibson, Jones, and Harris
- b. [R-16-123](#) Making An Appropriation To The Albuquerque Police Department To Provide For Additional Police Service Aide Positions (Sanchez)  
**A motion was made by Councilor Sanchez that this matter be Postponed to January 4, 2017. The motion carried by the following vote:**  
**For:** 9 - Benton, Winter, Sanchez, Peña, Lewis, Davis, Gibson, Jones, and Harris
- c. [R-16-125](#) Establishing A Property Crime Reduction Pilot Program (Winter, Davis)  
**A motion was made by Vice-President Winter that this matter be Postponed to January 4, 2017. The motion carried by the following vote:**  
**For:** 9 - Benton, Winter, Sanchez, Peña, Lewis, Davis, Gibson, Jones, and Harris

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

- a. [EC-16-235](#) Mayors Appointment of Dr. Gurujot Khalsa to the EMS Medical Control Board  
**A motion was made by Vice-President Winter that this matter be Confirmed. The motion carried by the following vote:**  
**For:** 9 - Benton, Winter, Sanchez, Peña, Lewis, Davis, Gibson, Jones, and Harris
- b. [EC-16-236](#) Mayors Appointment of Ms. Alaina E. Wiwi to the Arts Board  
**A motion was made by Vice-President Winter that this matter be Confirmed. The motion carried by the following vote:**  
**For:** 9 - Benton, Winter, Sanchez, Peña, Lewis, Davis, Gibson, Jones, and Harris
- c. [EC-16-237](#) Mayor's Reappointment of Mr. Harold G. Behl to the Albuquerque Museum Board of Trustees  
**A motion was made by Vice-President Winter that this matter be Confirmed. The motion carried by the following vote:**  
**For:** 9 - Benton, Winter, Sanchez, Peña, Lewis, Davis, Gibson, Jones, and Harris

- d. [EC-16-243](#) Town Crossing Vacation (Project# 1006833/16DRB-70317) Bohannon Huston Inc agents for Ben E Keith Company request Vacation Of Public Right-Of-Way for Town Crossing Avenue NW, between Unser Blvd NW and Gallatin PI NW
- A motion was made by Vice-President Winter that this matter be Approved. The motion carried by the following vote:**
- For:** 9 - Benton, Winter, Sanchez, Peña, Lewis, Davis, Gibson, Jones, and Harris
- \*e. [EC-16-238](#) Approval of Lease Agreement Between City and Duke City BMX
- A motion was made by Vice-President Winter that this matter be Approved. The motion carried by the following vote:**
- For:** 9 - Benton, Winter, Sanchez, Peña, Lewis, Davis, Gibson, Jones, and Harris
- \*f. [EC-16-245](#) Approving a Supplemental Agreement with New Mexico Trade Alliance to Operate and Expand the International Trade Division Program
- A motion was made by Vice-President Winter that this matter be Approved. The motion carried by the following vote:**
- For:** 9 - Benton, Winter, Sanchez, Peña, Lewis, Davis, Gibson, Jones, and Harris
- \*g. [EC-16-246](#) Approving an Agreement with Innovate+Educate to Operate the TalentABQ Workforce Development and TechHireABQ Programs
- A motion was made by Vice-President Winter that this matter be Approved. The motion carried by the following vote:**
- For:** 9 - Benton, Winter, Sanchez, Peña, Lewis, Davis, Gibson, Jones, and Harris
- \*i. [EC-16-221](#) Lease Agreement between City of Albuquerque and First Choice Health Care, Inc. for the Alamosa Health and Social Services Center
- A motion was made by Vice-President Winter that this matter be Approved. The motion carried by the following vote:**
- For:** 9 - Benton, Winter, Sanchez, Peña, Lewis, Davis, Gibson, Jones, and Harris
- \*j. [EC-16-222](#) Lease Agreement for City Property between Albuquerque GED, Inc., DBA ABQ-GED and the City of Albuquerque
- A motion was made by Vice-President Winter that this matter be Approved. The motion carried by the following vote:**
- For:** 9 - Benton, Winter, Sanchez, Peña, Lewis, Davis, Gibson, Jones, and Harris
- \*k. [EC-16-223](#) Approval of First Supplemental Professional/Technical Contract with Catherine A. Offutt to Provide Program Management and Strategic Development for the Manage Your Chronic Disease Program (MyCD) for the Department of Senior Affairs
- A motion was made by Vice-President Winter that this matter be Approved. The**

**motion carried by the following vote:**

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

**\*l.**     [R-16-114](#)

Approving And Authorizing The Filing Of A Grant Application With The FY2017 Fire Protection Grant With The New Mexico State Fire Marshal's Office And Providing For An Appropriation To The Fire Department In Fiscal Year 2017 (Harris, by request)

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

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

**\*m.**     [R-16-115](#)

Approving And Authorizing The Filing Of A Grant Application For A Food Service Program For Children With The State Of New Mexico Children, Youth And Families Department And Providing An Appropriation To The Department Of Family And Community Services ( Peña, by request)

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

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

**\*n.**     [R-16-116](#)

Approving And Authorizing The Filing Of A Grant Application For A Food Service Program For Children With The State Of New Mexico Children, Youth And Families Department And Providing An Appropriation To The Department Of Family And Community Services (Gibson)

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

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

**\*o.**     [R-16-133](#)

Approving And Authorizing The Filing Of A Grant Application For Park And Ride Facilities With The Federal Transit Administration (FTA) Of The U.S. Department Of Transportation And Providing For An Appropriation To The Transit Department (Winter, by request)

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

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

**\*p.**     [R-16-136](#)

Approving And Authorizing The Filing Of A Grant Application For Bus And Bus Facility Rehabilitation 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 Winter that this matter be Passed. The motion carried by the following vote:**

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

**\*q.** [R-16-141](#)

Approving And Authorizing The Filing Of A Grant Application For Park And Ride Facilities With The Federal Transit Administration (FTA) Of The U.S. Department Of Transportation And Providing For An Appropriation To The Transit Department (Benton)

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

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

### 13. APPROVALS

**\*h.** [EC-16-247](#)

Approving a Contract for the Albuquerque Hispano Chamber of Commerce to recruit Hispanic and Native American tourists, conventions, trade shows, and corporate meetings to the Albuquerque Convention Center and Albuquerque Hotels

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

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

### 10. GENERAL PUBLIC COMMENTS

### 11. ANNOUNCEMENTS

### 14. FINAL ACTIONS

**\*j.** [R-16-130](#)

Making Appropriations To The Fire Department In Fiscal Year 2017 To Provide For A Rescue Unit At Fire Station 4 (Benton)

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

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

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

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

**\*i.** [O-16-29](#)

Authorizing The Issuance And Sale Of The City Of Albuquerque, New Mexico Tax Exempt Industrial Revenue Bond (Roadrunner Food Bank, Inc. Project), Series 2017 In The Maximum Principal Amount Of \$10,000,000 To Provide Funds To Finance And Refinance The Improvement Of An Office Building And Warehouse; Authorizing The Execution And Delivery Of A Financing Agreement, Bonds, And Other Documents In Connection With The Issuance Of The Bonds And The

Project; Making Certain Determinations And Findings Relating To The Bonds And The Project; Ratifying Certain Actions Taken Previously; And Repealing All Actions Inconsistent With This Ordinance (Winter, by request)

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

**For:** 6 - Benton, Winter, Lewis, Davis, Jones, and Harris

**Excused:** 3 - Sanchez, Peña, and Gibson

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

### [AC-16-15](#)

(Project #1008952/16EPC-40034 & 40035) Timothy Flynn-O'Brien Appeals the Environmental Planning Commission's Approval of a Sector Development Plan Map Amendment (Zone Change) & Site Development Plan for Building Permit for all or a portion of Tract A, Morningstar at Palomas, zoned SU-2 for O-1 to SU-2 C-1, located on Palomas Ave. NE between Wyoming Blvd. NE, and Barstow St. NE, containing approximately .9 acre

**A motion was made by Councilor Jones to accept new evidence. The motion carried by the following vote:**

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

**A motion was made by Councilor Jones to accept new evidence. The motion carried by the following vote:**

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

**A motion was made by Councilor Jones that this matter be Remanded to the Environmental Planning Commission. The motion failed by the following vote:**

**For:** 4 - Benton, Winter, Davis, and Gibson

**Against:** 5 - Sanchez, Peña, Lewis, Jones, and Harris

**A motion was made by Councilor Jones to affirm the decision of the EPC but approve a more limited zoning designation of SU-2/SU-1 for O-1 with a branch bank with drive-up service windows pursuant to the Council's own findings. The motion carried by the following vote:**

**For:** 6 - Sanchez, Peña, Lewis, Gibson, Jones, and Harris

**Against:** 3 - Benton, Winter, and Davis

## 14. FINAL ACTIONS

### d. [R-16-127](#)

C/S Amending The Northwest Mesa Escarpment Plan To Allow Exceptions To The Maximum Allowed Building Height Of 19 Feet Above The Natural Grade For Lots That Would Be Undevelopable If The Existing Height Restriction Is Applied; Establishing A Process For Exceptions (Sanchez, by request)

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

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

**e.**     [R-16-129](#)

C/S Amending The Seven Bar Ranch Sector Development Plan Zone Map From SU-1 For Housing For Older Persons With Limited Medical Facilities, SU-1 For C-1 Permissive Uses With No Drive Up Service Windows, And SU-1 For R-2 Uses To R-2, SU-1 For City Of Albuquerque Community Facilities And Related Uses, And SU-1 For C-1 Permissive Uses With The Addition Of Retail Sales Of Alcohol For Off-Premise Consumption As An Ancillary Use To A Grocery Store And The Addition Of On-Premise Liquor Sales Associated With A Sit Down Restaurant (Lewis, by request)

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

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

**f.**     [R-16-132](#)

Establishing Federal Priorities For The City Of Albuquerque (Lewis)

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

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

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

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

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

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

**g.**     [R-16-140](#)

F/S Creating New Priority Objectives Within The Public Safety Goal And Establishing Additional City Policy Relating To The Processing Of Untested Sexual Assault Evidence Kits In The Possession Of The Albuquerque Police Department (Lewis)

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

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

**A motion was made by Councilor Lewis that this matter be Postponed as Substituted to January 4, 2017. The motion carried by the following vote:**

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

**\*h.**    [R-16-138](#)

Designating The Inspector General And The Director Of Council Services, Or Their Designees, To Be Part Of The Team Overseeing Any Independent Investigation(s) Into Allegations Of Lapel Camera

Video Tampering By APD Officer(s) (Davis)

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

**For:** 7 - Benton, Winter, Lewis, Davis, Gibson, Jones, and Harris

**Against:** 2 - Sanchez, and Peña

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

### **a. Approval of Committee Appointments**

**A motion was made by President Benton that the Committee Appointments be approved. The motion carried by the following vote:**

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

### **b. Executive Session to discuss pending litigation in the matters of 1) Seymour v. City of Albuquerque, Alexander Lewis, and State of New Mexico, D-202-CV-2016-02705; and 2) Healthy Workforce ABQ, et al. v. The City of Albuquerque, et al., D-202-CV-2016-05539.**

**A motion was made by President Benton to go into Executive Session pursuant to Section 10-15-1(H)(7) of the Open Meetings Act, to discuss litigation in the matters of Seymour v. City of Albuquerque, Alexander Lewis, and State of New Mexico (D-202-CV-2016-02705); and Healthy Workforce ABQ, et al. v. The City of Albuquerque, et al., (D-202-CV-2016-05539). The motion carried by the following vote:**

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

*President Benton 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 10:30 p.m.*