



City of Albuquerque

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

Action Summary

City Council

Council President, Klarissa J. Peña, District 3

Vice-President, Cynthia D. Borrego, District 5

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, December 17, 2018

5:00 PM

Vincent E. Griego Chambers

One Civic Plaza NW

Albuquerque/Bernalillo County Government Center

TWENTY-THIRD COUNCIL - TWENTY-FIFTH MEETING

1. ROLL CALL

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

2. MOMENT OF SILENCE

Pledge of Allegiance - Ken Sanchez, Councilor, District 1

3. PROCLAMATIONS & PRESENTATIONS

4. ECONOMIC DEVELOPMENT DISCUSSION

5. ADMINISTRATION QUESTION & ANSWER PERIOD

6. APPROVAL OF JOURNAL

December 3, 2018

7. COMMUNICATIONS AND INTRODUCTIONS

8. REPORTS OF COMMITTEES

Finance and Government Operations Committee - December 10, 2018

Deferrals/Withdrawals

- b. [R-18-78](#) A Nuisance, Substandard Dwelling Or Structure In Need Of Abatement At 115 Charleston St SE 87108 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 (Davis, by request)

A motion was made by Councilor Davis that this matter be Postponed to January 23, 2019. The motion carried by the following vote:

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

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

- a. [EC-18-236](#) Transmitting the Year End Status Report on FY/18 Objectives

A motion was made by Vice-President Borrego that this matter be Receipt Be Noted The motion carried by the following vote:

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

- b. [EC-18-237](#) Legal Department's Quarterly Litigation Reports for 2nd, 3rd and 4th Quarters of FY 2018

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

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

- c. [EC-18-240](#) FY18 Goal #1 Priority Objective #5 - Status Report Vehicle Wrap Program

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

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

- d. [EC-18-241](#) Reporting of expenditures by the Albuquerque Police Department related to the implementation of the Court Approved Settlement Agreement (CASA) - Fourth Quarter Fiscal Year 2018

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

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

- e. [EC-18-242](#) FY 2019 State Certification of Budget

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

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

- f. [EC-18-266](#) Approval of the Third Supplemental Agreement for Professional Technical Contract- Route 66 Veterinary Emergency
- A motion was made by Vice-President Borrego that this matter be Approved.**
The motion carried by the following vote:
- For:** 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- *g. [EC-18-270](#) State of New Mexico Department of Public Safety (“DPS”) Lease and Agreement
- A motion was made by Vice-President Borrego that this matter be Approved.**
The motion carried by the following vote:
- For:** 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- h. [EC-18-272](#) Mayor's Recommendation of Dekker/Perich/Sabatini for On Call Architectural Services for the Albuquerque International Airport and Double Eagle II Airports
- A motion was made by Vice-President Borrego that this matter be Approved.**
The motion carried by the following vote:
- For:** 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- i. [EC-18-273](#) Mayor's Recommendation of Dekker/Perich/Sabatini for Architectural Consultants for Construction of a Hangar Facility at the Albuquerque International Sunport and the Double Eagle II Airport
- A motion was made by Vice-President Borrego that this matter be Approved.**
The motion carried by the following vote:
- For:** 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- j. [EC-18-274](#) Mayor's Appointment of Mr. Mark L. Allison to the Albuquerque Energy Council
- A motion was made by Vice-President Borrego that this matter be Confirmed.**
The motion carried by the following vote:
- For:** 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- k. [EC-18-275](#) Mayor's Appointment of Mr. Mason L. Cannon to the Youth Advisory Council
- A motion was made by Vice-President Borrego that this matter be Confirmed.**
The motion carried by the following vote:
- For:** 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- l. [EC-18-276](#) Mayor's Reappointment of Ms. Rebecca G. Robinson to the Albuquerque Housing Authority Board
- A motion was made by Vice-President Borrego that this matter be Confirmed.**
The motion carried by the following vote:

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

m. [EC-18-277](#)

Mayor's Appointment of Ms. Tammy Fiebelkorn to the Albuquerque Energy Council

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

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

n. [EC-18-278](#)

Mayor's Appointment of Ms. Jo C. Martin to the Urban Enhancement Trust Fund

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

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

o. [EC-18-279](#)

Mayor's Appointment of Mr. Zackary A. Quintero to the Albuquerque Energy Council

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

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

p. [EC-18-280](#)

Mayor's Appointment of Ms. Vera L. Berger to the Youth Advisory Council

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

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

q. [EC-18-281](#)

Mayor's Appointment of Mr. John R. Castillo to the Personnel Board

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

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

r. [R-18-89](#)

Approving A Grant Application For The FY19 Tesoro Foundation Grant And Providing For An Appropriation To The Fire Department In Fiscal Year 2019 (Harris, by request)

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

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

s. [R-18-90](#)

Approving A Grant Application For The FY2019 Hazardous Materials Emergency Preparedness Grant In Compliance With The US Department Of Transportation And Pipeline And Hazardous Materials Safety Administration With The New Mexico Department Of Homeland

Security And Providing For An Appropriation To The Fire Department In Fiscal Year 2019 (Peña, by request)

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

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

t. [R-18-91](#)

Approving And Authorizing The Mayor To Execute A Grant Application For A Food Service Program For Children With The New Mexico Department Of Children, Youth And Families And Providing An Appropriation To The Department Of Family And Community Services, Beginning In Fiscal Year 2019 (Jones, by request)

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

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

u. [R-18-92](#)

Approving And Authorizing The Execution Of A Grant Agreement 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, Beginning Fiscal Year 2019 (Winter, by request)

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

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

v. [R-18-93](#)

Establishing A Quarterly Reporting Process For The Three Eighths Of One Percent (.375%) Municipal Hold Harmless Gross Receipts Tax (Jones)

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

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

w. [OC-18-13](#)

Office of Internal Audit's Annual Report for Fiscal Year 2018

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

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

x. [OC-18-14](#)

Office of Inspector General's Annual Report for Fiscal Year 2018

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

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

y. [OC-18-19](#)

Nominations for Public Improvement District (PID) Board Elections

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

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

14. FINAL ACTIONS

- d. [R-18-109](#) Establishing A Standard City-Wide Policy And Fee Structure For Renting Space In City Owned Community Centers, Senior Centers, And Multigenerational Centers (Winter)

A motion was made by Councilor Winter that this matter be Postponed to January 7, 2019. The motion carried by the following vote:

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

10. GENERAL PUBLIC COMMENTS

11. ANNOUNCEMENTS

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

- a. [AC-18-14](#) Project #1005206/17EPC-40054 & 17EPC-40067: Dayan Hochman, of Roybal-Mack & Cordova, P.C., agents for Larry Tucker, appeal the decision of the Environmental Planning Commission (EPC) on remand to Approve a Sector Development Plan Map Amendment (Zone Change) and an associated, As-Built Site Development Plan for Building Permit for an approximately 0.6 acre site known as Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Huning's Highlands Addition

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

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

Against: 1 - Gibson

Excused: 1 - Winter

- b. [AC-18-18](#) Project #2018-001417 (1003699) RZ-2018-00023: The Group, agents for Vermont Hills Properties LLC, appeal the decision of the Environmental Planning Commission (EPC) to Deny a Zoning Map Amendment (Zone Change) for all or a portion of Tract B, Block 2 (less 27 ft out to R/W), Wells Sandia Manor, zoned PD to R-1D, located on Camino de La Sierra NE, between Trimble Blvd. NE and Camino de La Sierra NE, containing approximately 4 acres

A motion was made by President Peña that this matter be Withdrawal be

Approved. The motion carried by the following vote:

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

Excused: 1 - Winter

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

14. FINAL ACTIONS

- a. [O-18-37](#) Amending The Merit System; Personnel Policy Ordinance To Include Paid Parental Leave (Davis)
- A motion was made by Councilor Sanchez that this matter be Amended. Councilor Sanchez moved Amendment No. 1. The motion carried by the following vote:**
- For: 8 - Peña, Borrego, Sanchez, Benton, Davis, Gibson, Jones, and Harris
- Excused: 1 - Winter
- A motion was made by Councilor Davis that this matter be Passed as Amended. The motion carried by the following vote:**
- For: 8 - Peña, Borrego, Sanchez, Benton, Davis, Gibson, Jones, and Harris
- Excused: 1 - Winter
- c. [R-18-105](#) Urging The Newly Elected Honorable Governor Of New Mexico And The New Mexico State Legislature To Petition The United States Congress To Re-Authorize The Rail Passenger Services Act With Amendments Addressing Discontinuing, Modifying Or Suspending Services (Borrego, Benton)
- A motion was made by Vice-President Borrego that this matter be Passed. The motion carried by the following vote:**
- For: 8 - Peña, Borrego, Sanchez, Benton, Davis, Gibson, Jones, and Harris
- Excused: 1 - Winter
- e. [R-18-110](#) F/S Consenting To The Assignment Of The Master Development Agreement For The Mesa Del Sol Tax Increment Development Districts 1 Through 5, By And Among The City Of Albuquerque, New Mexico, Mesa Del Sol, LLC And The Districts Recorded In The Bernalillo County, New Mexico Real Estate Records On June 19, 2008, As Amended And Supplemented, And Certain Other Related Agreements, In Connection With The Purchase Of The Property Underlying The Districts By MDS Investments, LLC, For The Purpose Of Financing Public Infrastructure Improvements Within The Districts (Davis)
- A motion was made by Councilor Davis that this matter be Substituted. The motion carried by the following vote:**

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

Excused: 1 - Winter

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

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

Excused: 1 - Winter

f. [R-18-111](#)

F/S Consenting To The Assignment Of The Master Development Agreement For Mesa Del Sol Public Improvement Districts 1 Through 5, By And Among The City Of Albuquerque, New Mexico, Mesa Del Sol, LLC, And The Districts Recorded In The Bernalillo County, New Mexico Real Estate Records On March 3, 2008, As Amended And Supplemented, And Certain Other Related Agreements, In Connection With The Purchase Of The Property Underlying The Districts By MDS Investments, LLC, For The Purpose Of Financing Public Infrastructure Improvements Within The Districts (Davis)

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

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

Excused: 1 - Winter

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

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

Excused: 1 - Winter

*g. [R-18-115](#)

Establishing Legislative And Budget Priorities For The City Of Albuquerque For The 2019 New Mexico State Legislature (Benton)

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

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

Excused: 1 - Winter

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

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

Excused: 1 - Winter

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

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

Excused: 1 - Winter

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

a. Approval of Committee Appointments

A motion was made by President Peña that the Committee Appointments dated December 17, 2018 be approved. The motion carried by the following vote:

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

Excused: 1 - Winter