



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, April 1, 2019

5:00 PM

Vincent E. Griego Chambers

One Civic Plaza NW

Albuquerque/Bernalillo County Government Center

TWENTY-THIRD COUNCIL - THIRTY-THIRD 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 - Don Harris, Councilor, District 9

3. PROCLAMATIONS & PRESENTATIONS

4. ECONOMIC DEVELOPMENT DISCUSSION

5. ADMINISTRATION QUESTION & ANSWER PERIOD

6. APPROVAL OF JOURNAL

March 18, 2019

March 21, 2019 Special meeting

7. COMMUNICATIONS AND INTRODUCTIONS

8. REPORTS OF COMMITTEES

Deferrals/Withdrawals

- e. [M-19-5](#) Expressing The Councils' Support For The Issuance Of A Postage Stamp Commemorating The Fiftieth Albuquerque International Balloon

Fiesta (Winter, Davis, Peña)

A motion was made by Councilor Davis that this matter be Withdrawn by Sponsor.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

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

- a. [EC-19-345](#) Mayor's Appointment of Mr. Waylon Chavez to the Urban Enhancement Trust Fund

A motion was made by President Peña that this matter be Postponed to May 6, 2019. The motion carried by the following vote:

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

- b. [EC-19-355](#) Mayor's Appointment of Ms. Jane Volkmer to the Americans with Disabilities Act Advisory Council

A motion was made by President Peña that this matter be Postponed to April 15, 2019. The motion carried by the following vote:

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

- d. [RA-19-2](#) Amending The City Council Rules Of Procedure Article III, Section 23, Relating To The Allocation Of Councilor Expenses (Peña)

A motion was made by President Peña that this matter be Postponed to May 6, 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-19-334](#) Extension to Lease Agreement and Right of First Negotiation between Ayala Properties, LLC and the City of Albuquerque for the DWI Seizure Lot located at 5048 Edith NE

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

- b. [EC-19-339](#) Small Business Regulatory Advisory Board (SBRAC) Quarterly Reporting - FY'19 Second and Third Quarter Report and Recommendations

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-19-340](#) Lodgers' Tax Advisory Board 2nd Quarterly Reporting - FY'20 Program Highlights & Recommendations

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-19-343](#) 64th Street Right of Way Vacation Project# PR-2018-001890 / SD-2018-00122 Sammy Macias requests Vacation of Public Right-of-Way for all or a portion of Lot 15, Block 2, Sloan's Acres, zoned R-1D, located on Everitt Road NW, east of 64TH Street NW, containing approximately 2.0 acres

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

- e. [EC-19-346](#) Mayor's Appointment of Dr. Stephen D. Burd to the Information Services Committee

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

- f. [EC-19-351](#) Mayor's Appointment of Mrs. Nancy Ann Walton to the ABQ Volunteers Advisory 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

- g. [EC-19-352](#) Mayor's Appointment of Ms. Lucy Lopez to the Senior Affairs 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

- h. [EC-19-353](#) Mayor's Appointment of Mr. Lanny Tinning to the Greater Albuquerque Bicycling Advisory Committee

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

- i. [EC-19-356](#) Mayor's Reappointment of Mr. Juan B. Montoya to the Labor-Management 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

- j. [EC-19-357](#) Mayor's Reappointment of Mr. Ted C. Baca to the Labor-Management 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
- k. [R-19-124](#) Approving A Grant Application For The FY19 Andeavor Foundation Grant And Providing For An Appropriation To Albuquerque Fire Rescue 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
- l. [R-19-130](#) Approving A Grant Application For The FY19 Fire Prevention And Safety Grant In Compliance With The New Mexico Department Of Homeland Security Federal Emergency Management Agency And Providing For An Appropriation To The Albuquerque Fire Rescue 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
- m. [R-19-131](#) Amending The Adopted Capital Implementation Program Of The City Of Albuquerque By Supplementing Current Appropriations (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
- n. [R-19-134](#) Amending C/S R-18-18, As Amended By R-18-56 And R-18-106, To Extend The Deadline For A Committee Of Public And Private Entities To Conduct An Analysis Of The 2015 And 2018 International Energy Conservation Code With Intentions To Replace The Currently Adopted 2009 Energy Conservation Code (Benton, Davis)
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

10. GENERAL PUBLIC COMMENTS

11. ANNOUNCEMENTS

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

- a. [AC-19-1](#) Project #2018-001763, VA-2018-00186, 00187, 00188: William Sabatini, appeals the Zoning Hearing Examiner (ZHE) decision to approve a conditional use to allow auto sales for all or a portion of Lot 18, 19, 20, Block 7, Stronghurst Addition, zoned MX/L, located at 3015 and 3017 Edith Blvd NE

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

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

- b. [AC-19-2](#) Project #2018-001760 SI-2018-00223: Judy Young on behalf of other property owners, appeal the decision of the Environmental Planning Commission (EPC) to Approve a Site Plan for Building Permit for all or a portion of Tract A Singing Arrow Park, Canada Village Second Unit, zoned NR-PO-A, located at 13,001 Singing Arrow Ave. SE, between Dorado Pl. SE, and Four Hills Rd. SE, containing approximately 16 acres. (L-22)

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: 7 - Peña, Borrego, Sanchez, Benton, Winter, Davis, and Jones

Recused: 2 - Gibson, and Harris

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

- *c. [EC-19-358](#) Approving The Agreement Between Albuquerque Fire Rescue And Albuquerque Ambulance Service For The Provision Of Ambulance Services

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

For: 6 - Peña, Borrego, Sanchez, Winter, Gibson, and Jones

Excused: 3 - Benton, Davis, and Harris

- *d. [EC-19-359](#) Approval of Second Supplemental Agreement to add general fund monies to the FY19 Social Service Contract with Youth Development, Incorporated for job training stipends for high school students enrolled in the Job Mentor Program

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

For: 6 - Peña, Borrego, Sanchez, Winter, Gibson, and Jones

Excused: 3 - Benton, Davis, and Harris

- *e. [EC-19-360](#) Approval of a Contract Amendment for Peter Winograd, PhD

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

For: 6 - Peña, Borrego, Sanchez, Winter, Gibson, and Jones

Excused: 3 - Benton, Davis, and Harris

14. FINAL ACTIONS

- c. [RA-19-1](#) F/S Amending The City Council Rules Of Procedure Article II, Section 4 Relating To The Internal Operations Committee (Gibson)

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

For: 6 - Peña, Borrego, Sanchez, Winter, Gibson, and Jones

Excused: 3 - Benton, Davis, and Harris

A motion was made by Councilor Gibson that this matter be Postponed as Substituted to May 6, 2019. The motion carried by the following vote:

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

- a. [O-18-23](#) C/S(2) Amending Chapter 9, Article 4, Part 1 ROA 1994, The Police Oversight Ordinance (Benton, Winter)

A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved Amendment No. 1 to Floor Amendment No. 11. The motion carried by the following vote:

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

A motion was made by Councilor Davis that this matter be Amended. Councilor Davis moved Amendment No. 2 to Floor Amendment No. 11. The motion carried by the following vote:

For: 7 - Peña, Borrego, Winter, Davis, Gibson, Jones, and Harris

Against: 2 - Sanchez, and Benton

A motion was made by President Peña that this matter be Amended. President Peña moved Amendment No. 3 to Floor Amendment No. 11. The motion carried by the following vote:

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

Against: 2 - Winter, and Jones

A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved Floor Amendment No. 11 as Amended. The motion carried by the following vote:

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

Against: 1 - Sanchez

A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved Floor Amendment No. 12. The motion carried by the following vote:

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

A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved Floor Amendment No. 13. The motion carried by the following vote:

For: 7 - Peña, Borrego, Sanchez, Winter, Davis, Gibson, and Harris

Against: 2 - Benton, and Jones

A motion was made by Councilor Sanchez that this matter be Amended. Councilor Sanchez moved Floor Amendment No. 14. The motion carried by the following vote:

For: 6 - Peña, Borrego, Sanchez, Gibson, Jones, and Harris

Against: 3 - Benton, Winter, and Davis

A motion was made by Councilor Sanchez that this matter be Amended. Councilor Sanchez moved Floor Amendment No. 15. The motion carried by the following vote:

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

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

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

b. [R-19-120](#)

F/S(2) Approving The Programming Of Funds And Projects For The 2019-2028 Decade Plan For Capital Improvements Including The 2019 Two-Year Capital Budget (Jones)

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

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

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

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

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

For: 4 - Benton, Winter, Gibson, and Jones

Against: 5 - Peña, Borrego, Sanchez, Davis, and Harris

A motion was made by Vice-President Borrego that this matter be Amended. Vice-President Borrego moved Floor Amendment No. 3. The motion failed by the following vote:

For: 4 - Peña, Borrego, Sanchez, and Harris

Against: 5 - Benton, Winter, Davis, Gibson, and Jones

A motion was made by Councilor Benton that the rules be suspended for the purpose of modifying proposed Floor Amendment No. 4. The motion carried by the following vote:

For: 6 - Sanchez, Benton, Winter, Davis, Gibson, and Jones

Against: 3 - Peña, Borrego, and Harris

A motion was made by Councilor Benton that the rules be suspended to extend the meeting until 10:45 p.m. The motion carried by the following vote:

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

[R-19-120](#)

F/S(2) Approving The Programming Of Funds And Projects For The 2019-2028 Decade Plan For Capital Improvements Including The 2019 Two-Year Capital Budget (Jones)

A motion was made by Vice-President Borrego that this matter be Amended. Vice-President Borrego moved Amendment No. 1 to Floor Amendment No. 4. The motion carried by the following vote:

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

A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved Floor Amendment No. 4 as Amended. The motion carried by the following vote:

For: 7 - Borrego, Sanchez, Benton, Winter, Davis, Gibson, and Jones

Against: 2 - Peña, and Harris

A motion was made by Councilor Harris that this matter be Amended. Councilor Harris moved Floor Amendment No. 5. The motion carried by the following vote:

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

A motion was made by Councilor Sanchez that the rules be suspended to extend the meeting until 11:00 p.m. The motion carried by the following vote:

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

[R-19-120](#)

F/S(2) Approving The Programming Of Funds And Projects For The 2019-2028 Decade Plan For Capital Improvements Including The 2019

Two-Year Capital Budget (Jones)

A motion was made by Councilor Harris that this matter be Amended. Councilor Harris moved Amendment No. 6. The motion failed by the following vote:

For: 3 - Peña, Sanchez, and Harris

Against: 5 - Benton, Winter, Davis, Gibson, and Jones

Abstain: 1 - Borrego

A motion was made by Councilor Sanchez that the rules be suspended to extend the meeting until 11:15 p.m. The motion carried by the following vote:

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

[R-19-120](#)

F/S(2) Approving The Programming Of Funds And Projects For The 2019-2028 Decade Plan For Capital Improvements Including The 2019 Two-Year Capital Budget (Jones)

A motion was made by President Peña that this matter be Amended. President Peña moved Floor Amendment No. 7. President Peña withdrew the motion.

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

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