



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, August 5, 2019

5:00 PM

Vincent E. Griego Chambers

One Civic Plaza NW

Albuquerque/Bernalillo County Government Center

TWENTY-THIRD COUNCIL - FORTIETH 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 - Diane G. Gibson, Councilor, District 7

3. PROCLAMATIONS & PRESENTATIONS

4. ECONOMIC DEVELOPMENT DISCUSSION

5. ADMINISTRATION QUESTION & ANSWER PERIOD

6. APPROVAL OF JOURNAL

June 17, 2019

7. COMMUNICATIONS AND INTRODUCTIONS

Deferrals/Withdrawals

- a. [R-18-79](#) A Nuisance, Substandard Dwelling Or Structure In Need Of Abatement At 113 Eubank Blvd NE 87123 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 August 19, 2019. The motion carried by the following vote:

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

b. [R-19-152](#)

A Nuisance, Substandard Dwelling Or Structure In Need Of Abatement At 516 Kentucky 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 August 19, 2019. The motion carried by the following vote:

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

c. [R-19-153](#)

A Nuisance, Substandard Dwelling Or Structure In Need Of Abatement At 247 Espanola St NE 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 August 19, 2019. The motion carried by the following vote:

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

d. [R-19-155](#)

A Nuisance, Substandard Dwelling Or Structure In Need Of Abatement At 600 Dallas St NE 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 August 19, 2019. The motion carried by the following vote:

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

e. [R-19-156](#)

A Nuisance, Substandard Dwelling Or Structure In Need Of Abatement At 8400 Chico Rd NE 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 August 19, 2019. The motion carried by the following vote:

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

8. REPORTS OF COMMITTEES

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

- a. [EC-19-348](#) Declaring the SE corner of Tower and 97th Street Not Essential for Municipal Purposes
A motion was made by Vice-President Borrego that this matter be Withdrawn by Administration. The motion carried by the following vote:
For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- b. [EC-19-377](#) Reporting of expenditures by the Albuquerque Police Department related to the implementation of the Court Approved Settlement Agreement (CASA) - Second Quarter Fiscal Year 2019
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-19-417](#) Mayor's Appointment of Mr. James Souter to the Metropolitan Parks & Recreation 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
- d. [EC-19-418](#) Mayor's Appointment of Mrs. Karla K. Degroft to the Municipal Golf 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
- e. [EC-19-419](#) Mayor's Appointment of Mr. David W. Arms to the Para Transit 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
- f. [EC-19-420](#) Mayor's Appointment of Ms. Guillermina Osoria to the Area Agency on Aging/Older Americans Act 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
- g. [EC-19-421](#) Mayor's Reappointment of Mr. Adam Silverman to the Biological Park 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

h. [EC-19-422](#)

Mayor's Appointment of Ms. Cathryn McGill to the Bernalillo County/Albuquerque Census 2020 Complete Count 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-19-423](#)

Mayor's Appointment of Mr. Christopher B. MacQueen to the Arts Board

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

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

Recused: 1 - Davis

j. [EC-19-425](#)

Mayor's Appointment of Mr. Mark J. Holmen to the Municipal Golf 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

***k.** [EC-19-437](#)

Lease Agreement between the City of Albuquerque, a New Mexico municipal corporation, and The Savila Collaborative d.b.a. Centro Savila, a New Mexico nonprofit corporation

**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

l. [OC-19-28](#)

2017 CPOA Annual Report

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

***m.** [OC-19-32](#)

Clerk's Certification of Council Candidates' Nominating Petitions

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

10. GENERAL PUBLIC COMMENTS

11. ANNOUNCEMENTS

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

- a. [AC-19-6](#) Project #2018-001402/SI-2018-00171/VA-2019-00103: Thomas P. Gulley and Hessel Yntema III, Yntema Law Firm P.A., Agent for Taylor Ranch Neighborhood Association and surrounding property owners, appeal the decision of the Environmental Planning Commission (EPC) to approve a Site Plan-EPC for all or a portion of Lots 1 through 3, Block 1, Plat of West Bank Estates together with Tract A1, Lands of Suzanne H Poole, and Tracts C-1 and Lot 4-A of Plat of Tracts C-1, C-2 and Lot 4-A, Lands of Suzanne H Poole being a Replat of Tract C, Lands of Suzanne H Poole, Tract C, Annexation Plat Land in Section 25 and 36, T11N R2E, Lot 4, Block 1 West; zoned R-A, located at 5001 Namaste Road NW, between La Bienvenida Place NW and the Oxbow Open Space, containing approximately 23 acres

A motion was made by Councilor Sanchez that this matter be Remanded to the Environmental Planning Commission to consider issues related to clustering and open space. The motion carried by the following vote:

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

- b. [AC-19-7](#) Project #2018-001402/SI-2018-00171/VA-2019-00103: Thomas P. Gulley and Hessel Yntema III, Yntema Law Firm P.A., Agent for Taylor Ranch Neighborhood Association and surrounding property owners, appeal the decision of the Environmental Planning Commission (EPC) to approve a Site Plan-EPC for all or a portion of Lots 1 through 3, Block 1, Plat of West Bank Estates together with Tract A1, Lands of Suzanne H Poole, and Tracts C-1 and Lot 4-A of Plat of Tracts C-1, C-2 and Lot 4-A, Lands of Suzanne H Poole being a Replat of Tract C, Lands of Suzanne H Poole, Tract C, Annexation Plat Land in Section 25 and 36, T11N R2E, Lot 4, Block 1 West; zoned R-A, located at 5001 Namaste Road NW, between La Bienvenida Place NW and the Oxbow Open Space, containing approximately 23 acres

A motion was made by Councilor Sanchez that this matter be Remanded to the Environmental Planning Commission to consider issues related to clustering and open space. The motion carried by the following vote

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

Excused: 1 - Davis

- c. [AC-19-9](#) PR-2019-002184 VA-2019-00086 VA-2019-00176: Oso Grande Neighborhood Association, appeals the Zoning Hearing Examiner's (ZHE's) decision to approve a conditional use to allow self-storage for Lot G1, Academy Place, located at 4909 Juan Tabo Blvd NE, zoned

MX-L

A motion was made by Councilor Benton 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, Gibson, Jones, and Harris

Excused: 2 - Winter, and Davis

d. [AC-19-10](#)

PR-2019-002175 VA-2019-00075 VA-2019-00177: JAG Planning & Zoning, Agent for Pamela L. Wiley, appeals the Zoning Hearing Examiner's (ZHE's) decision to approve a variance of 5 ft to the required 5 ft side yard setback ("Application") upon the real property located at 6140 Full Moon Ave NW

A motion was made by Councilor Gibson 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, Benton, Davis, Gibson, Jones, and Harris

Against: 1 - Sanchez

Excused: 1 - Winter

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

a. [EC-19-383](#)

Report on Uses of 3/8ths Hold Harmless Gross Receipts Tax - FY2019 2nd Quarter

A motion was made by President Peña 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

14. FINAL ACTIONS

f. [O-19-67](#)

Amending Article VI, Section 4 And Article XVI, Sections 3, 6, 7, 12, And 20 Of The Charter, Amending Chapter 2, Article 4, Part 13, ROA 1994, The Filing Of Petitions Ordinance, And Amending Chapter 2, Article 4, ROA 1994, To Add The Limitations On Seed Money And Maintenance Of Campaign In Off Years Ordinances (Sanchez, by request)

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

A motion was made by Councilor Sanchez that this matter be Postponed as Amended to August 19, 2019. The motion carried by the following vote:

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

- g.** [R-19-160](#) Adopting A Proposition To Be Submitted To The Voters At The Next Municipal Election Concerning The Renewal Of A Quarter Of One Percent Transportation Infrastructure Gross Receipts Tax (Sanchez and Benton, by request)
- A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved 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 President Peña that this matter be Amended. President Peña moved Amendment No. 2. 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 Passed as Amended. The motion carried by the following vote:**
- For:** 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
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- h.** [R-19-164](#) Concerning A Bond Election To Be Held In The City Of Albuquerque At The Next Regular Local Election On November 5, 2019; Submitting To A Vote Of The Qualified Electors At Such Regular Local Election Certain Questions For Authorizing The Issuance Of General Obligation Bonds In Varying Principal Amounts And For Specified Public Purposes And, Providing The Form Of The Bond Questions And The Designation Clause For Such Questions On The Ballot; Prescribing Other Details In Connection With Such Bond Election And Bonds; And Ratifying Action Previously Taken In Connection Therewith (Sanchez, by request)
- 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 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- A motion was made by Councilor Sanchez 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
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- i.** [R-19-165](#) Adopting Propositions To Be Submitted To The Voters At The Next Local Election To Be Held In The City Of Albuquerque Concerning Questions Amending Article II, Sections 2 And 3; Article IV, Section 4; Article V, Section 2; And Article XVI, Sections 3, 4, 6, 7, 8, 10, 12, 15, And 21, Of The Albuquerque City Charter; And Adding Section 22 To Article XVI Of The Albuquerque City Charter, Providing The Form Of The Questions And The Designation Clause For Such Questions On The Ballot (Sanchez, by request)
- 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:** 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

A motion was made by Councilor Sanchez that this matter be Postponed as Amended to August 19, 2019. The motion carried by the following vote:

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

- j. [R-19-166](#) Concerning The Local Election To Be Held In The City Of Albuquerque On November 5, 2019 (Sanchez, by request)

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

A motion was made by Councilor Sanchez 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

- k. [P-19-2](#) Adopting A Proposition To Be Submitted To The Voters At The November 5, 2019 Regular Local Election Proposing To Amend Article IV, Sections 1, 2, And 3 Of The Albuquerque City Charter Concerning Council Districts (Benton)

A motion was made by Councilor Benton that this matter be Postponed. Councilor Benton withdrew the motion.

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

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

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

A motion was made by Councilor Sanchez that the rules be suspended for the purpose of extending the City Council meeting until 11:30 p.m. The motion carried by the following vote:

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

- k. [P-19-2](#) Adopting A Proposition To Be Submitted To The Voters At The November 5, 2019 Regular Local Election Proposing To Amend Article IV, Sections 1, 2, And 3 Of The Albuquerque City Charter Concerning Council Districts (Benton)

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

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

- l. [P-19-3](#) Adopting A Proposition To Be Sent To The Voters At The November 5, 2019 Regular Local Election Proposing To Amend Article II, Section 8, Of The Albuquerque City Charter Concerning Ranked Choice Voting

(Harris)

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

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

Against: 1 - Gibson

A motion was made by Councilor Benton that the rules be suspended for the purpose of extending the City Council meeting until 11:45 p.m. The motion carried by the following vote:

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

m. [O-19-52](#)

Amending The Integrated Development Ordinance (IDO) Section §14-16-3-5(J)(3) Old Town HPO 5, Other Development Standards To Allow Increased Types And Amount Of Signage In Old Town And To Incorporate Outdoor Display And Demonstration Into Old Town HPO 5; And Amending Section §13-3-2-1 Old Town Solicitations Ordinance To Replace All References To The H1 Historic Old Town Zone With Old Town HPO 5 (Benton)

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

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

Against: 1 - Borrego

A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved Amendment No. 2. Councilor Benton withdrew the motion.

A motion was made by Councilor Benton that this matter be Postponed as Amended to September 4, 2019. The motion carried by the following vote:

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

n. [O-19-64](#)

Amending Certain Portions Of Chapter 6, Part 5, Article 6 Of The City's Code Of Ordinances Known As The "Complete Streets Ordinance" To Incorporate Higher Standards Related To The Implementation Of Complete Streets Within The City (Benton)

A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved 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 Benton that this matter be Amended. Councilor Benton moved Amendment No. 2. 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 for the purpose of extending the City Council meeting until 12:00 a.m. The motion carried by the following vote:

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

Against: 1 - Harris

n. [O-19-64](#)

Amending Certain Portions Of Chapter 6, Part 5, Article 6 Of The City's Code Of Ordinances Known As The "Complete Streets Ordinance" To Incorporate Higher Standards Related To The Implementation Of Complete Streets Within The City (Benton)

A motion was made by Councilor Benton 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

o. [O-19-65](#)

Adopting Zoning Conversion Rules For Properties In Batch 1 Of The Phase 2 Zoning Conversion Effort As Directed By City Council Resolution 18-29 And Updating The Official Zoning Map (Jones and Benton, by request)

A motion was made by Councilor Jones that this matter be Amended. Councilor Jones moved 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 Amendment No. 2. 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 for the purpose of extending the City Council meeting until 12:20 a.m. The motion carried by the following vote:

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

Against: 1 - Harris

o. [O-19-65](#)

Adopting Zoning Conversion Rules For Properties In Batch 1 Of The Phase 2 Zoning Conversion Effort As Directed By City Council Resolution 18-29 And Updating The Official Zoning Map (Jones and Benton, by request)

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

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

Against: 1 - Peña

p. [O-19-70](#)

Amending Chapter 9, Article 4, Part 1, Section 8 Of The Revised Ordinances Of Albuquerque (The "Police Oversight Ordinance") Regarding Case Review By Subcommittees Of The Board Of The Civilian Oversight Agency (Benton, Winter)

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

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

q. [R-19-162](#)

Adopting Interim Regulations For The North 4th Corridor To Implement Development Regulations Until The Integrated Development Ordinance Is Updated With Permanent Regulations For The Area (Benton)

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

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

Against: 1 - Borrego

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

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

Against: 2 - Peña, and Borrego