



# City of Albuquerque

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

## Action Summary

### City Council

*Council President, Pat Davis, District 6*  
*Vice-President, Diane G. Gibson, District 7*

*Lan Sena, District 1; Isaac Benton, District 2*  
*Klarissa J. Peña, District 3; Brook Bassan, District 4*  
*Cynthia D. Borrego, District 5; Trudy E. Jones, District 8*  
*Don Harris, District 9*

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Monday, June 1, 2020

5:00 PM

Via Zoom Video Conference  
See Special Procedures below  
for viewing this meeting.

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#### TWENTY-FOURTH COUNCIL - ELEVENTH MEETING

#### 1. ROLL CALL

**Present** 9 - Isaac Benton, Klarissa Peña, Brook Bassan, Cynthia Borrego, Patrick Davis, Diane Gibson, Trudy Jones, Don Harris, and Lan Sena

#### 2. MOMENT OF SILENCE

**Pledge of Allegiance in English and Spanish and any other language as determined by the Council**

#### 3. PROCLAMATIONS & PRESENTATIONS

#### 4. ECONOMIC DEVELOPMENT DISCUSSION

#### 5. ADMINISTRATION QUESTION & ANSWER PERIOD

#### 6. APPROVAL OF JOURNAL

May 18, 2020

#### 7. COMMUNICATIONS AND INTRODUCTIONS

#### 8. REPORTS OF COMMITTEES

##### Deferrals/Withdrawals

- a. [EC-19-436](#) Tony Sanchez Drive Right of Way Vacation (Project# PR-2019-002296)

SD-2019-00072) Willow Wood Homeowner's Association requests Vacation Of Public Right-Of-Way for all or a portion of Tony Sanchez Drive SE located south of Jewel Cave Rd SE and north of Gibson Ave SE, containing approximately .154 acres

**A motion was made by President Davis that this matter be Postponed to August 3, 2020. The motion carried by the following vote:**

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

- d. [M-20-1](#) Urging The United States Congress To Amend The National Trails System Act To Designate The Route 66 National Historic Trail (Harris, Davis, Peña, Benton)

**A motion was made by Councilor Harris that this matter be Postponed to August 3, 2020. The motion carried by the following vote:**

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

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

- \*a. [EC-20-32](#) FY/20 Goal #1, Priority Objective #6 - Status on Survey of Senior Meals

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

- \*b. [EC-20-33](#) Status of FY2020, Goal 3, Objective 3 - Substantially Complete Construction of Paradise Improvements

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

- \*c. [EC-20-34](#) Legal Department's Quarterly Litigation Report for the 1st Quarter of FY 2020 (greater than 10,000)

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

- \*d. [EC-20-38](#) Legal Department's Quarterly Litigation Report for the 2nd Quarter of FY 2020 (greater than 10,000)

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

- \*e. [EC-20-50](#) Early Head Start Quarterly Report for October, November, and

December 2019

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

\*f. [EC-20-54](#)

Submission of the Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2019

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

\*g. [EC-20-57](#)

FY20 Status Update for Goal 3, Objective 4 - Pay Increase for Electricians, Plumbers, Heating, Air-conditioning Technicians (HVAC Tech)

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

\*h. [EC-20-58](#)

FY 2020 State Certification of Budget

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

\*i. [EC-20-59](#)

Revenue & Expense Report for First Quarter Fiscal Year 2020

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

\*j. [EC-20-63](#)

Submission of the Five-Year Forecast

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

k. [EC-20-72](#)

Mayor's Recommendation of WHPacific, Inc. for Engineering Consultants for Wyoming Boulevard Improvements - Alameda Boulevard to Beverly Hills Avenue

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

l. [EC-20-75](#)

Mayor's Recommendation of Award to P & A Administrative Services, Inc. for "COBRA Administration Services"

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

**m.** [EC-20-76](#)

Approving a Supplemental Agreement with Atler Law Firm, P.C.

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

**\*n.** [EC-20-77](#)

Legal Department's Quarterly Litigation Report for the 3rd Quarter of FY 2020 (greater than 10,000)

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

**\*o.** [EC-20-78](#)

Approval of the First Supplemental Agreement to add monies for FY20 Outside Counsel Legal Services between Atler Law Firm, P.C. and the City of Albuquerque

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

**p.** [R-20-52](#)

Approving And Authorizing A Grant Application For, And Acceptance Of, Grant Funds From The Cities For Financial Empowerment Fund, Inc. And Providing An Appropriation To The City Of Albuquerque Legal Department For A COVID Financial Navigators Program For Fiscal Years 2020 And 2021 (Benton, by request)

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

**q.** [R-20-53](#)

Accepting And Appropriating A Federal Aviation Administration Grant Of Coronavirus Aid, Relief, And Economic Security Act Funding For The City Of Albuquerque Aviation Department Operational Expenses (Borrego, Davis)

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

**r.** [R-20-55](#)

Approving And Authorizing The Filing Of A Grant Application For A Fine Particulate Matter Air Monitoring Grant With The U.S. Environmental Protection Agency And Providing An Appropriation To The Environmental Health Department In Fiscal Year 2020 (Jones, by

request)

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

- s. [R-20-56](#) Approving And Authorizing A Grant Application To The U.S. Department Of Housing And Urban Development For A 2020 Continuum Of Care Grant; And Providing An Appropriation To The Department Of Family And Community Services Beginning In Fiscal Year 2020 (Gibson)

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

- t. [O-20-15](#) Relating To The Local Economic Development Act Plan Of The City Of Albuquerque; Temporarily Suspending Section 2-14-1-9(D) Of The Albuquerque Code Of Ordinances For The Limited Purpose Of Assisting The State Of New Mexico With Its COVID-19 Relief Zero Interest Loan Program (Davis, Harris)

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

## 10. GENERAL PUBLIC COMMENTS

## 11. ANNOUNCEMENTS

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

- a. [AC-20-1](#) Project #2018-001402, SI-2018-00171, VA-2020-00004: Hessel Yntema III, Yntema Law Firm P.A, Agent for Taylor Ranch Neighborhood Association, and property owners appeal the April 22, 2019 declaratory ruling that a single site plan may show multiple project sites and that each proposed Dwelling, Cluster Development shall meet the requirements established by Integrated Development Ordinance §14-16-4-3(B)(2).

**A motion was made by President Davis that this matter be Postponed to August 3, 2020. The motion carried by the following vote:**

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

**Recused:** 1 - Sena

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

- b. [EC-20-74](#) Mayor's Recommendation of MRWM Landscape Architects for Landscape Architectural Consultants for Los Altos Park Renovation

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

## 14. FINAL ACTIONS

a. [O-20-13](#)

F/S Amending Article XII, Section XIII, Section 1 Of The City Charter; Article XIII, Sections 4, 5, 9, And 10 Of The City Charter; Article XVI, Sections 6 And 16 Of The City Charter; Chapter 2, Article 3, Section 8, ROA 1994; And Chapter 2, Article 4, Section 13 ROA 1994 To: Modify The Frequency The Board Of Ethics Must Meet; Eliminate The Board Of Ethics Required Report Submitted To The Mayor And City Council And The Need For The Board To Contract With Outside Counsel To Write Advisory Opinions; Grant The Board Of Ethics Chairman Authority To Avoid Dismissal Of An Unresolved Complaint Upon A Showing Of Good Cause; Remove The Mandatory Meeting Between Candidates And The Board Of Ethics And Campaign Practices On The Friday Before An Election; Update When And With Whom Campaign Material Is To Be Filed; Changing The Requirements For The Campaign And Election Auditor; Update The Enforcement Provisions To Remove Duplication With The Rules Of The Board Of Ethics And To Clarify That A Candidate Is Subject To The Enforcement Provisions For Failure To Pay A Penalty To The City Clerk; Clarifying When Applicant Candidates Can Accept Seed Money; Removing The Matching Funds Provision Of The City Charter; Aligning Lobbyist Disclosures With Their Required Quarterly Activity Reports; Adjusting Deadline For Mayoral And Councilor Candidates To Submit Qualifying Petitions To The City To Account For Changes In State Law (Gibson, by request)

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

**A motion was made by Vice-President Gibson that this matter be Postponed as Substituted to June 15, 2020. The motion carried by the following vote:**

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

b. [R-20-51](#)

Approving The First Amendment To The Resolution Approving The Formation Of Winrock Town Center Tax Increment Development Districts 1 And 2 (The "Districts"), Pursuant To The Tax Increment For Development Act, Sections 5-15-1 Through 5- 15-29 NMSA 1978, As Amended By Senate Bill 566 Of The First Session Of The Fifty Fourth Legislature (Collectively, The "TIDD Act"); Approving The Amended And Restated Development Agreement By And Among The City Of Albuquerque, New Mexico, Winrock Partners, LLC, And The Districts, Pursuant To The TIDD Act; Consenting To The Second Amendment To

Tax Increment Development Plan Ratified In Connection With The Formation Of Districts, Pursuant To The TIDD Act; Ratifying Certain Actions Heretofore Taken; And Repealing All Actions Inconsistent With This Resolution (Gibson)

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

**c.** [R-20-54](#)

Urging The New Mexico Department Of Regulation And Licensing To Provide A Method For Temporary Expansion Of Liquor Service Areas For Restaurants And Bars; Establishing Policy For The City To Similarly Authorize Such Expansions Through Its Local Option Authority (Bassan, Jones)

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

**\*e.** [R-20-57](#)

Adopting City Policy To Allow For The Establishment Of Parklets (Borrego, Gibson)

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

**\*f.** [O-20-16](#)

Adopting The Temporary Outdoor Dining Ordinance; Authorizing Temporary Amendments To Site Plans For Existing Restaurants To Allow For Outdoor Dining For The Duration Of The Current Occupancy And Gathering Limitations Associated With The COVID-19 Public Health Emergency; Establishing A Permitting Fee (Borrego, Gibson)

**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:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

**A motion was made by Councilor Borrego that this matter be Passed as Substituted, as Amended and as an emergency. The motion carried by the following vote:**

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

**\*g.** [R-20-59](#)

Directing The Administration To Create An "Active Streets Initiative" To Facilitate Safe, Socially-Distanced Outdoor Recreation And Active

Transportation Opportunities On Neighborhood Streets During Health Emergencies (Benton)

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

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena

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

### **a. Approval of Final Committee Assignments**

**A motion was made by President Davis to approve the Final Committee Appointments. The motion carried by the following vote:**

**For:** 9 - Benton, Peña, Bassan, Borrego, Davis, Gibson, Jones, Harris, and Sena