



# City of Albuquerque

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

## Action Summary

### City Council

*Council President, Dan Lewis, District 5*  
*Vice-President, Klarissa J. Peña, District 3*

*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*

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Wednesday, September 7, 2016

5:00 PM

Vincent E. Griego Chambers  
One Civic Plaza NW

Albuquerque/Bernalillo County Government Center

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### TWENTY-SECOND COUNCIL - SEVENTEENTH MEETING

#### 1. ROLL CALL

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

#### 2. MOMENT OF SILENCE

**Pledge of Allegiance - Boy Scout troop 750**

#### 3. PROCLAMATIONS & PRESENTATIONS

#### 4. ECONOMIC DEVELOPMENT DISCUSSION

#### 5. ADMINISTRATION QUESTION & ANSWER PERIOD

#### 6. APPROVAL OF JOURNAL

**August 15, 2016**

#### 7. COMMUNICATIONS AND INTRODUCTIONS

##### Deferrals/Withdrawals

- a. [EC-16-108](#) Priority Objective Report, FY/16 Goal 7, Objective 4, Regarding a Feasibility Study to Determine the Economic Benefits of Holding a Major Regional Folk Festival in Albuquerque

**A motion was made by Councilor Harris that this matter be Withdrawn by**

**Administration. The motion carried by the following vote:**

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

**c. [R-16-36](#)**

Establishing A Goal Of Generating Twenty Five Percent Of The Energy Consumed By City Of Albuquerque Facilities From Solar Energy By 2025 (Davis, Benton)

**A motion was made by Councilor Davis that this matter be Postponed to September 19, 2016. The motion carried by the following vote:**

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

**d. [R-16-50](#)**

Amending Policy Established In F/S R-88-404, Requiring A Traffic Signal Location Engineering Study And The Installation Of Traffic Signals On Coal And Lead Avenues At Walter Street (Benton)

**A motion was made by Councilor Benton that this matter be Postponed to September 19, 2016. The motion carried by the following vote:**

**For:** 9 - Lewis, Peña, 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-16-139](#)**

Belly Freight Building Lease and Agreement between City of Albuquerque and Global Aviation Services, LLC

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

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

**b. [EC-16-142](#)**

Purchase of Event League Scheduling Software for the Parks and Recreation, Family and Community Services, Cultural Affairs and Senior Affairs Departments

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

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

**c. [EC-16-162](#)**

Declaring Tract B-2 J Group Addn. Plat of TRS B-1A & B-2 J Group Addn. Cont. 31,551 Sq. ft., Non-Essential for Municipal Purposes

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

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

**d. [EC-16-175](#)**

Mayor's Appointment of Dr. Alfred C. Emmel to the EMS Medical Control Board

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

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

e. [EC-16-176](#)

Mayor's Appointment of Ms. Gabriela Pineda- Gutierrez to the Youth Advisory Council

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

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

f. [EC-16-177](#)

Mayor's Reappointment of Dr. T. Zane Reeves to the Personnel Board

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

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

g. [EC-16-178](#)

Mayor's Appointment of Mr. Joshua A. Padilla to the Youth Advisory Council

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

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

i. [EC-16-180](#)

Mayor's Appointment of Ms. Naima L. Johnson to the Youth Advisory Council

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

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

j. [EC-16-183](#)

Mayor's Appointment of Mr. Harris A. Balkin to the Transit Advisory Board

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

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

k. [EC-16-184](#)

Mayor's Appointment of Ms. Breanna Kwan to the Youth Advisory Council

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

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

m. [R-16-65](#)

Approving And Authorizing The Filing Of Grant Applications And The Acceptance Of Potential Grant Awards For Multiple Albuquerque Police Department Law Enforcement Programs From Associated Grantor Agencies And Providing For An Appropriation To The City Of

Albuquerque (Sanchez, by request)

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

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

n. [R-16-66](#)

Approving And Authorizing The Acceptance Of State Of New Mexico Litter Control And Beautification Grant Funds, A Grant Under The New Mexico Litter Control And Beautification Act With The New Mexico State Tourism Department; And Providing For An Appropriation To The City Of Albuquerque Solid Waste Management Department (Peña, by request)

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

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

o. [R-16-70](#)

Approving And Authorizing The Acceptance Of Grant Funds Based On The Notice Of Grant Award For A Senior Companion Program Grant With The Corporation For National And Community Service And The New Mexico Aging And Long Term Services Department And Providing For An Appropriation To The Department Of Senior Affairs Senior Companion Program In Fiscal Year 2017 (Sanchez, by request)

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

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

p. [R-16-73](#)

Approving And Authorizing The Acceptance Of Grant Funds Based On The Notice Of Grant Award For A Retired And Senior Volunteer Program From The Corporation For National And Community Service And The New Mexico Aging And Long Term Services Department And Providing For An Appropriation To The Department Of Senior Affairs Retired And Senior Volunteer Program In Fiscal Year 2017 (Peña)

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

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

q. [R-16-74](#)

Authorizing The Mayor To Execute A Contract Agreement With The New Mexico Department Of Children, Youth And Families And Providing An Appropriation To The Department Of Family And Community Services/Division Of Child And Family Development, Pre-Kindergarten Program (Peña)

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

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

- r. [R-16-75](#) Authorizing The Mayor To Execute A Contract Agreement With The New Mexico Department Of Children, Youth And Families And Providing An Appropriation To The Department Of Family And Community Services/Division Of Child And Family Development, Early Pre-Kindergarten Program (Jones, by request)
- A motion was made by Vice-President Peña that this matter be Passed. The motion carried by the following vote:**
- For:** 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- s. [R-16-78](#) Authorizing A Grant Agreement With The U.S. Department Of Health And Human Services, Early Head Start Program And Providing An Appropriation To The Department Of Family And Community Services (Davis, by request)
- A motion was made by Vice-President Peña that this matter be Passed. The motion carried by the following vote:**
- For:** 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- t. [R-16-79](#) Making An Appropriation To The Albuquerque Police Department For A 2016 National Crime Statistics Exchange (NCS-X) Implementation Assistance Program In The Operating Grants Fund (265) (Jones, by request)
- A motion was made by Vice-President Peña that this matter be Passed. The motion carried by the following vote:**
- For:** 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- u. [R-16-80](#) Authorizing The Mayor To Execute A Grant Agreement With The New Mexico Aging And Long-Term Services Department, And Providing An Appropriation To The Department Of Family And Community Services/Area Agency On Aging (AAA) (Harris, by request)
- A motion was made by Vice-President Peña that this matter be Passed. The motion carried by the following vote:**
- For:** 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- v. [R-16-81](#) Approving And Authorizing The Acceptance Of Grant Funds Based On The Notice Of Grant Award For A Foster Grandparent Program With The Corporation For National And Community Service And The New Mexico Aging And Long Term Services Department And Providing For An Appropriation To The Department Of Senior Affairs Foster Grandparent Program In Fiscal Year 2017 (Gibson, by request)
- A motion was made by Vice-President Peña that this matter be Passed. The motion carried by the following vote:**
- For:** 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

## 14. FINAL ACTIONS

- I. [R-16-64](#) Amending The Adopted Capital Implementation Program Of The City Of Albuquerque By Approving New Projects, Supplementing Current Appropriations And Changing The Scope Of Existing Projects (Davis, by request)
- A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved Amendment No. 1. Councilor Benton withdrew his motion on Amendment No. 1.**
- 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 - Lewis, Peña, 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 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

## 13. APPROVALS

- h. [EC-16-179](#) Mayor's Appointment of Mr. Hugh Curtas to the Library Advisory Board
- A motion was made by President Lewis that this matter be Confirmed. The motion carried by the following vote:**
- For:** 7 - Lewis, Peña, Sanchez, Winter, Gibson, Jones, and Harris
- Excused:** 1 - Benton
- Recused:** 1 - Davis

## 10. GENERAL PUBLIC COMMENTS

## 11. ANNOUNCEMENTS

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

- a. [AC-16-7](#) Matt Myers, agent for Guardian Storage, Appeals the Zoning Board of Appeal's (BOA's) decision to Grant the Appeal, thereby Reversing the Zoning Hearing Examiner's (ZHE's) Approval of a special exception to section 14-16-2-16(B)(21): a Conditional Use to allow storage of household goods, equipment or material reasonable to neighborhood function, in a C-1(SC) zone for all or a portion of Lot 1, Bosque Plaza, zoned C-1(SC), located on 3600 Bosque Plaza Lane NW
- A motion was made by Councilor Jones for Adoption of Findings. The motion carried by the following vote:**

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

b. [AC-16-9](#)

Timothy Flynn O'Brien Esq., Agent of Greater Gardner Neighborhood Association, appeals the June 10, 2016, declaratory ruling issued by Code Compliance Official, Andrew Garcia, regarding the operation of a solid waste transfer station and convenience center

**A motion was made by Councilor Benton that this matter be To Reject the Land Use Hearing Officer's Recommendation and schedule this matter for a full hearing on October 17, 2016 and direct that the Zoning Enforcement Officer provide a detailed written analysis to the Council and the parties by October 7, 2016 justifying the original Declaratory Ruling that the transfer station is permissible in M-1. The motion carried by the following vote:**

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

**Against:** 1 - Peña

c. [AC-16-10](#)

Peggy Norton, Agent for North Valley Collation, appeals the June 10, 2016 declaratory ruling issued by Code Compliance Manager Andrew Garcia, regarding the Edith Solid Waste Transfer Station and Convenience Center

**A motion was made by Councilor Benton that this matter be To Reject the Land Use Hearing Officer's Recommendation and schedule this matter for a full hearing on October 17, 2016 and direct that the Zoning Enforcement Officer provide a detailed written analysis to the Council and the parties by October 7, 2016 justifying the original Declaratory Ruling that the transfer station is permissible in M-1. The motion carried by the following vote:**

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

**Against:** 1 - Peña

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

b. [EC-16-169](#)

Mayor's Appointment of Mr. Brian L. White to the Cable Franchise & Hearing Board

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

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

### 14. FINAL ACTIONS

a. [O-16-17](#)

F/S Amending The Accountability In Government Ordinance, Chapter 2, Article 10 Of The Revised Ordinances Of Albuquerque (Gibson)

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

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

- b.**     [O-16-21](#)           Establishing Reasonable Charges For Homeowners And Condominium Associations For The Preparation Of Disclosure Certificates, Disclosure Statements, Or Resale Certificates As Required By The New Mexico Homeowner Association Act And The New Mexico Condominium Act (Harris)
- A motion was made by Councilor Gibson that this matter be Postponed to October 5, 2016. The motion carried by the following vote:**
- For:** 7 - Lewis, Peña, Sanchez, Benton, Davis, Gibson, and Harris
- Against:** 2 - Winter, and Jones
- e.**     [R-16-68](#)           C/S Establishing The City Of Albuquerque's Management Of Revenues Generated By The ABQ Biopark Municipal Capital Outlay Gross Receipts Tax To Be Known As The ABQ Biopark Master Plan Implementation; Identifying Rules For Expenditures And Interest, Prohibitions, Creating A New Biopark Tax Fund 336, And Providing An Appropriation To The Cultural Services Department (Jones, by request)
- A motion was made by Councilor Jones that this matter be Passed. The motion carried by the following vote:**
- For:** 8 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, and Jones
- Excused:** 1 - Harris
- f.**     [R-16-85](#)           C/S Requiring The Administration To Provide An Amended Design And Finance Plan For The Bus Rapid Transit Project Known As Albuquerque Rapid Transit (ART) And To Convene A Summit Of Business And Property Owners To Identify Recommendations (Sanchez)
- A motion was made by Councilor Sanchez that this matter be Passed. The motion carried by the following vote:**
- For:** 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

*There being no further business, the meeting adjourned at 10:18 p.m.*