



# City of Albuquerque

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

## Action Summary City Council

*Council President, Ken Sanchez, District 1  
Vice-President, Trudy E. Jones, District 8*

*Isaac Benton, District 2; Klarissa J. Peña, District 3  
Brad Winter, District 4; Dan Lewis, District 5  
Rey Garduño, District 6; Diane G. Gibson, District 7  
Don Harris, District 9*

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Wednesday, September 3, 2014

5:00 PM

Vincent E. Griego Chambers  
One Civic Plaza

Albuquerque/Bernalillo County Government Center

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### TWENTY-FIRST COUNCIL - TWENTIETH MEETING

#### 1. ROLL CALL

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

#### 2. MOMENT OF SILENCE

**Pledge of Allegiance - Klarissa J. Peña, Councilor, District 3**

#### 3. PROCLAMATIONS & PRESENTATIONS

#### 5. ADMINISTRATION QUESTION & ANSWER PERIOD

#### 6. APPROVAL OF JOURNAL

**August 18, 2014**

#### 7. COMMUNICATIONS AND INTRODUCTIONS

##### Deferrals/Withdrawals

- g. [R-14-69](#) Amending The West Side Strategic Plan To Update The Volcano Mesa Road Network, Recognize The Volcano Heights Major Activity Center, And Designate A Neighborhood Activity Center In Volcano Cliffs (Lewis, by request)

**A motion was made by Councilor Lewis that this matter be Postponed to September 15, 2014. The motion carried by the following vote:**

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

- h. [R-14-70](#) Amending The Volcano Cliffs Sector Development Plan To Update The Road Network, Reconcile Amendments Made To Adjacent Plans, And Make Minor Clarifications To Development Standards (Lewis, by request)

**A motion was made by Councilor Lewis that this matter be Postponed to September 15, 2014. The motion carried by the following vote:**

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

- i. [R-14-71](#) Amending The Volcano Trails Sector Development Plan To Update The Road Network, Reconcile Amendments Made To Adjacent Plans, And Make Minor Clarifications To Development Standards (Lewis, by request)

**A motion was made by Councilor Lewis that this matter be Postponed to September 15, 2014. The motion carried by the following vote:**

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

- j. [R-14-72](#) Amending The Volcano Heights Sector Development Plan To Update The Road Network, Reconcile Amendments Made To Adjacent Plans, And Make Minor Clarifications To Development Standards (Lewis, by request)

**A motion was made by Councilor Lewis that this matter be Postponed to September 15, 2014. The motion carried by the following vote:**

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

- b. [R-13-240](#) Reaffirming The Policy Of The City That Any And All Improvements In The Rio Grande Valley State Park That Are Not Listed As Specific Projects In The Middle Rio Grande Ecosystem Bosque Biological Management Plan, The Bosque Action Plan For The Rio Grande Valley State Park And The Middle Rio Grande-Albuquerque Reach Watershed Restoration Action Strategy For The Middle Rio Grande Watershed Are Prohibited (Sanchez)

**A motion was made by President Sanchez that this matter be Postponed to September 15, 2014. The motion carried by the following vote:**

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

## 9. GENERAL PUBLIC COMMENTS

## 10. ANNOUNCEMENTS

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

- a. [EC-14-77](#) FY/12 Priority Objective Report, Goal 7, Objective 1, 3rd Thursdays  
“Night at the Museum”
- A motion was made by President Sanchez that this matter be Receipt Be Noted. The motion carried by the following vote:**
- For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris
- Excused:** 1 - Winter
- b. [EC-14-78](#) FY13 Priority Objective Report, Goal 7, Objective 2 - Cultural and Creative Offerings at the KiMo Theatre
- A motion was made by President Sanchez that this matter be Receipt Be Noted. The motion carried by the following vote:**
- For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris
- Excused:** 1 - Winter
- c. [EC-14-79](#) FY13 Priority Objective Report, Goal 7, Objective 1 - Portable Technology and Devices
- A motion was made by President Sanchez that this matter be Receipt Be Noted. The motion carried by the following vote:**
- For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris
- Excused:** 1 - Winter
- d. [EC-14-94](#) Status FY14, Economic Vitality, Goal 6, Objective 3 - Implement a pilot program for smart parking technologies (sensors, upgraded single head meters, automated self-park) at either an on street, surface, or parking garage facility by end of the FY14
- A motion was made by President Sanchez that this matter be Receipt Be Noted. The motion carried by the following vote:**
- For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris
- Excused:** 1 - Winter
- e. [EC-14-133](#) Mayor's Appointment of Mr. Ron W. Spanswick to the Arts Board
- A motion was made by President Sanchez that this matter be Confirmed. The motion carried by the following vote:**
- For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

- f. [EC-14-134](#) Mayor's Appointment of Mr. Jonathan M. Sanchez to the Arts Board

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

- g. [EC-14-135](#) Mayor's Appointment of Mrs. Ariel E. Macpherson to the Indicators Progress Commission

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

- h. [EC-14-136](#) Mayor's Appointment of Mrs. Cindy Hernandez-Wall to the Balloon Museum Board of Trustees

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

- i. [EC-14-137](#) Mayor's Recommendation of Parsons Brinckerhoff, Inc. for Engineering Consultants for Ladera Drive Improvements from Gavin Drive to Coors Boulevard

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

- j. [EC-14-138](#) Mayor's Appointment of Mr. Ted O. Humphreys to the Metropolitan Parks and Recreation Advisory Board

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

- k. [EC-14-139](#) Mayor's Appointment of Mr. Harry L. Tipton to the Lodgers' Tax Advisory Board

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

- I. [R-14-68](#) Approving And Authorizing Acceptance Of Grant Award From The New Mexico Workforce Connection Of Central New Mexico And The City Of Albuquerque, Human Resources Department And Providing An Appropriation To The Human Resources Department (Sanchez, by request)

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

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

- a. [AC-14-5](#) (Project#1009962/14BOA-20004/13ZHE-80026) Jack Thompson appeals the Zoning Board of Appeals (BOA) decision to Grant the Appeal, thereby Overturning the Zoning Hearing Examiner's (ZHE's) Approval with Conditions of a special exception to Section 14-16-2-22(A)(25)(a) and 14-16-2-6(E)(5)(a): a Variance of 10' to the required 15' rear yard setback for a proposed addition for all or a portion of Lot 17, Block 2, East Range Addition, zoned SU-1 PRD, located at 14,353 Marquette Dr. NE

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

**For:** 8 - Lewis, Sanchez, Benton, Peña, Garduño, Gibson, Jones, and Harris

**Excused:** 1 - Winter

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

- d. [EC-14-129](#) Approving a Contract for ABQid to Develop and Implement a Business Accelerator Program

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

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

- a. [EC-14-86](#) Second Quarter 2013 Independent Review Office Report

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

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

- b. [EC-14-87](#) Third Quarter 2013 Independent Review Office Report
- A motion was made by President Sanchez that this matter be Receipt Be Noted. The motion carried by the following vote:**
- For:** 9 - Lewis, Sanchez, Benton, Peña, Winter, Garduño, Gibson, Jones, and Harris

- c. [EC-14-88](#) Fourth Quarter 2013 Independent Review Office Report
- A motion was made by President Sanchez that this matter be Receipt Be Noted. The motion carried by the following vote:**
- For:** 9 - Lewis, Sanchez, Benton, Peña, Winter, Garduño, Gibson, Jones, and Harris

## 14. FINAL ACTIONS

- a. [O-14-18](#) Adopting A Uniform Administrative Code And Technical Codes Prescribing Minimum Standards Regulating The Construction, Alteration, Moving, Repair And Use And Occupancies Of Buildings And Structures And Building Service Equipment And Installations Including Plumbing, Swimming Pools, Electrical, Mechanical, Signs, Solar, Energy Conservation, Building Conservation And The Abatement Of Dangerous Buildings Within The City Of Albuquerque; Providing For The Issuance Of Permits And Collecting Fees Therefore; Repealing Chapter 14, Article 1, ROA 1994, The Present Uniform Administrative Code And Technical Codes; Providing For Penalties For Violation Of The Code (Jones, by request)
- A motion was made by Vice-President Jones that this matter be Passed. The motion carried by the following vote:**
- For:** 9 - Lewis, Sanchez, Benton, Peña, Winter, Garduño, Gibson, Jones, and Harris
- c. [R-14-101](#) F/S Setting Policy Relating To The Circumstances In The Matter Of The City Of Albuquerque v. American Federation Of State, County And Municipal Employees (AFSCME) Local 624; Albuquerque Police Officers' Association; And International Association Of Fire Fighters Local 244; Directing The City Attorney To Dismiss This Matter (Gibson)
- A motion was made by Councilor Gibson that this matter be Substituted. The motion carried by the following vote:**
- For:** 9 - Lewis, Sanchez, Benton, Peña, Winter, Garduño, Gibson, Jones, and Harris
- A motion was made by Councilor Harris that this matter be Postponed as Substituted to September 15, 2014. The motion carried by the following vote:**
- For:** 8 - Lewis, Sanchez, Benton, Peña, Winter, Gibson, Jones, and Harris
- Against:** 1 - Garduño

- \*d. [R-14-106](#) To Submit The Following Proposition And Authorization To The Voters Of The City Of Albuquerque: 1) A Proposition To Amend Article V, Section 4 Of The City Charter To Specify That Appointment Of The Chief Of Police And Fire Chief Will Require The Advice And Consent Of The City Council And That The Chief Of Police Or Fire Chief May Be Removed By The Council For Cause; 2) A Proposition To Amend Article III Section 3 Of The City Charter Relating To The Voter Initiative Process; 3) A Bond Question For The Issuance Of General Obligation Bonds In Certain Principal Amount For Metropolitan Redevelopment Purposes; And Prescribing Other Details In Connection With The Special Municipal Election (Sanchez, Benton, Winter, Harris)

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

**For:** 5 - Sanchez, Benton, Peña, Garduño, and Gibson

**Against:** 4 - Lewis, Winter, 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:** 8 - Lewis, Sanchez, Benton, Peña, Winter, Garduño, Gibson, and Harris

**Against:** 1 - Jones

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

- a. [OC-14-5](#) Vote of No Confidence in Management Associates, Inc. as the City's Collective Bargaining Negotiator

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

**For:** 6 - Lewis, Sanchez, Benton, Peña, Garduño, and Gibson

**Against:** 3 - Winter, Jones, and Harris

- b. [EC-14-151](#) Mayor's Veto Message on R-14-91 To Submit The Following Proposition And Authorization To The Voters Of The City Of Albuquerque: 1) A Proposition To Amend Article V, Section 4 Of The City Charter To Specify That Appointment Of The Chief Of Police And Fire Chief Will Require The Advice And Consent Of The City Council And That The Chief Of Police Or Fire Chief May Be Removed By The Council For Cause; 2) A Bond Question For The Issuance Of General Obligation Bonds In Certain Principal Amount For Metropolitan Redevelopment Purposes; 3) A Proposition To Impose A 1/8 Gross Receipts Tax For Essential Services; 4) A Question On Whether To Reduce Penalties For Possession Of Less Than 1 Ounce Of Marijuana; 5) A Proposition To Amend Article III Section 3 Of The City Charter Relating To The Voter Initiative Process; And Prescribing

## Other Details In Connection With The Special Municipal Election

**A motion was made by Councilor Garduño that this matter be Overridden [Override attempt failed]. The motion failed by the following vote:**

**For:** 5 - Sanchez, Benton, Peña, Garduño, and Gibson

**Against:** 4 - Lewis, Winter, Jones, and Harris

c. [EC-14-152](#)

Mayor's Veto Message on O-14-14 F/S Imposing An Excise Tax Equal To One-Eighth Of One Percent (0.125%) Of Gross Receipts To Be Used For The Purpose Of Funding Essential Services

**A motion was made by President Sanchez that this matter be Overridden [Override attempt failed]. The motion failed by the following vote:**

**For:** 5 - Sanchez, Benton, Peña, Garduño, and Gibson

**Against:** 4 - Lewis, Winter, Jones, and Harris

*There being no further business, the meeting adjourned at 10:25 p.m.*