



Office of the City Clerk
 P.O. Box 1293
 Albuquerque, NM 87103
 Phone (505) 924-3650 Fax (505) 924-3660
 www.cabq.gov/clerk

Katy Duhigg, City Clerk

State of New Mexico)
) s.s.
 County of Bernalillo)

COMPLAINT FORM

1. Complainant's Information			
Last Name AYCOCK		First Name COLLEEN	
Mailing Address [REDACTED]		City ABQ	State NM
Daytime Phone Number (include area code) [REDACTED]		Email Address cka13705@aol.com	

2. Respondent's Information			
Last Name YOUNG		First Name JUDY	
Mailing Address [REDACTED]		City ABQ	State NM
Daytime Phone Number (include area code) [REDACTED]		Email Address youngjudy@ymail.com	

3. If Respondent is a Candidate, the office or position sought
City Councilor DON HARRIS, Dist. 9 Current

4. Has this complaint been filed with any law enforcement agencies? If so, list all agencies and attach copies of all complaints submitted. Additional pages may be attached to this form if the space provided below is not adequate.

City IG - who told us that the appropriate to file was Board of Ethics - so we are rewriting & submitting to you.

5. Describe in reasonable detail the alleged violation(s), including the Section(s) or Part(s) of the Election Code, Code of Ethics, Open and Ethical Elections Code, or Rules and Regulations of the Board of Ethics or City Clerk that you believe were violated, explain how you believe the Election Code, Code of Ethics, Open and Ethical Elections Code, or Rules and Regulations of the Board of Ethics or City Clerk were violated, the date of the alleged violation(s), and include any other pertinent information. Additional pages may be attached to this form if the space provided below is not adequate.

see print out attached.
for 546

6. Describe the inquiry undertaken regarding the alleged violation. Additional pages may be attached to this form if the space provided below is not adequate.

see 5+6

7. List and attach evidence that supports your allegations, including but not limited to:
- a. The names/telephone numbers of persons whom you believe may be witnesses to the facts;
 - b. A copy or picture of any political advertisement(s) Complainant references;
 - c. A copy of each document the Complainant references; and
 - d. Any other evidence supporting your allegations.

Additional pages may be attached to this form if the space provided below is not adequate.

we have attached files to email to
M. diemer@cabq.gov.
on April 20, 2020

Shanks
Colleen Cyplock

See scanned Ethics 2000-3-
Notarized

I, _____, hereby swear and affirm under penalty of perjury that, to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this Complaint is supported by evidence.

Complainant (Signature)

Print or type name of Complainant

Sworn or affirmed before me, the undersigned authority by _____ this _____ day of _____ 20__.

Notary Public

If, after a reasonable inquiry under the circumstances, you are unable to certify that certain specifically identified factual contentions of the Complaint are supported by evidence, you may certify as follows:

I, _____, hereby swear and affirm under penalty of perjury that, to the best of my knowledge, information, and belief, there are grounds to conclude that the specifically identified factual contentions of this Complaint are likely to be supported by evidence after a reasonable opportunity for further inquiry

Complainant (Signature)

Print or type name of Complainant

Sworn or affirmed before me, the undersigned authority by _____ this _____ day of _____ 20__.

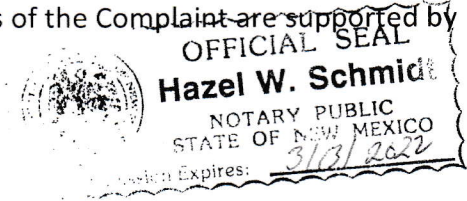
Notary Public

All exhibits or attachments referenced in the complaint must be included with the Complaint.

I, Colleen Aycock, hereby swear and affirm under penalty of perjury that, to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this Complaint is supported by evidence.

Colleen Aycock Complainant (Signature)
Colleen Aycock Print or type name of Complainant

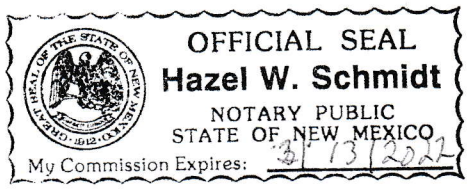
Sworn or affirmed before me, the undersigned authority by Hazel W. Schmidt this 13th day of April 2020 Notary Public
If, after a reasonable inquiry under the circumstances, you are unable to certify that certain specifically identified factual contentions of the Complaint are supported by evidence, you may certify as follows:



I, Judy Young, hereby swear and affirm under penalty of perjury that, to the best of my knowledge, information, and belief, there are grounds to conclude that the specifically identified factual contentions of this Complaint are likely to be supported by evidence after a reasonable opportunity for further inquiry

Judy Young Complainant (Signature)
JUDY YOUNG Print or type name of Complainant

Sworn or affirmed before me, the undersigned authority by Hazel W. Schmidt this 13th day of April 2020 Notary Public
Hazel W. Schmidt



To: The Board of Ethics and Campaign Practices

From Complainants: Colleen Aycock, [REDACTED], ABQ, NM [REDACTED],
cka13705@aol.com and Judy Young, [REDACTED], ABQ, NM [REDACTED],
youngjudy@ymail.com,

Against: Don Harris, Albuquerque City Councilor Dist. 9, an elected employee of the City of Albuquerque, address: 1 Civic Plaza, ABQ, NM., dharris@cabq.gov; 505.768-3123

Dated: April 15, 2020

To the best of our knowledge, information, and belief formed by a reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence. And, to the best of our knowledge, information, and belief, that there are grounds to conclude that these specifically identified factual contentions are likely to be supported by evidence. This single document with attachments attempts to answer all question (3-7) requested on the internet form.

Definition:

Don Harris has served as an “elected official” as Councilman of Dist. 9 of the City of Albuquerque since 2005 and has acted in that capacity on official “boards, committees, and commissions” and is thereby governed by the Board of Ethics, according to City’s Charter Code of Ethics, Art. XII.

History of Previous Ethical Violations, Complaints to ABQ Boards, and Legal filings:

Councilor Don Harris (a former City/State lawyer currently working as a practicing attorney and who has worked as such throughout his term of public office) has a published record of ethical violations directly related to his public service as City Councilor:

- 9/25/2007 fined \$2500 by City’s Ethics Board for violating 5 sections of the election code, with auditor taking issue with 72 contributions and items of campaign purchases,
- 2/6/2010 Letter to Don Harris and City Council from David Garibaldi, drummer of Tower of Power after a concert in ABQ in which he alleges theft of property by Harris: “That "protocol" you mentioned isn't really protocol...it's my property, and you had no right whatsoever to my property. You're a lawyer and should know this. Obviously, the rules don't apply to you. The dressing room was our private area, and you had no right to be there without permission. Again, I guess you thought because you're a city council member, you can go where you want, and take what you want. Sorry. You took my property without my permission, and thought it was ok. Your now son thinks it's ok too. Where did you get this idea that you could take what's mine without asking?” It was published that Harris acknowledged taking the articles above but volunteered to return them. Outcome unknown.
- 9/4/2018 lawsuit filed with Dist. Court, Bernalillo County, alleging Don Harris violated the Privacy Protection Act of NMSA when he hired Robt. Caswell Investigations to locate private information (soc. sec. no., criminal record, DOB, address and other information) which was published to a public website allegedly arranged by Harris to slur Plaintiff Byron Powdrell in his campaign to run against Harris in the last Dist. 9 election.

Request for Sanction: After due hearing and upon finding that the cumulative nature of Don Harris’ unethical actions, violations of MRA policy, mis-appropriation of funds, and the attempt to cover-up and/or deceive the public, other elected officials, and/or city employees and in considering that such harmful actions may not easily be corrected by the city or the City Council

and have continued over time, we request that according to City Charter, **that the Board of Ethics recommend to the Council that Don Harris be removed from office.**

Overview:

Albuquerque Stakeholders in District 9 have invested money, resources, and confidence in the following legal documents of promises for planned future revitalization through millions of dollars in Metropolitan Redevelopment Area Plan federal funds that Councilor Don Harris has willfully and maliciously failed to follow:

- The 2007 East Gateway Metropolitan Redevelopment Area (the earliest adopted in Albuquerque)
- The 2010 East Gateway Sector Development Plan adopted by the City Council
- The 2013 Market Analysis for East Central Revitalization Implementation
- The 2014 Implementation of Route 66 Action Plan by the City Council
- The 2016 East Gateway MRA Plan update encompassing 2007 and further expanding businesses, beautifications, and safety.

Instead of using MRA funds as promised (and as other U.S. cities such as Tulsa, Oklahoma City, San Francisco, etc. had successfully fulfilled) City Councilor Harris followed his own plans which totally contradicted these expensive, well-thought-out, researched community- involved plans.

The following roadmap will show how City Councilor Don Harris veered off the Route 66 East Gateway Revitalization into the ditch of deception and corruption leading District 9 into advanced decay and crime. As a result of his unethical actions and violations of public policies, he has caused a serious decline in our quality of life and in our financial investments. Most importantly, Councilor Harris created a dangerous environment for innocent children at the current Singing Arrow Community Center when he failed to remediate the dilapidated temporary structure (the only one in Albuquerque that has not been brought up to the standards of a solid permanent structure community center). This dereliction of duty by City Councilor Don Harris has left children (EPC testimony of 5th graders on 12.13.18) in harms' way for nine years. The actions of City Councilor Don Harris give the appearance that Councilor Harris discriminated and devalued children of less privilege, all the while continuing to tell his constituents that there is no money available for repairs; yet he plans to use the unrepaired existing CC building in the future for early childhood care, a direct harm to the community and liability for the city.

The documentation will show:

- that City Councilor Harris refused to either meet with or provide stakeholders with vital information,
- that City Councilor Harris avoided transparency and detection of malfeasance at all costs in order to carry out **his** plans as opposed to those cited in city council MRA adopted plans,
- that City Councilor Harris overreached and misused his position and authority to strong-arm public employees in various city and state departments, Tijeras Land Grant representative, seller of the parking lot he bought for **his** new plan for Singing Arrow Park, witnesses at hearings, and others who fear retaliation,
- that City Councilor Harris used MRA funds illegally in a non-MRA boundary; and after-the-fact, illegally redefined the boundary to include Singing Arrow Park (a property that does not meet the criteria to be included in the MRA boundary because it is already

developed and the legal criteria explicitly stated in the “Whereas” enumerations in R-19-146 would exclude it,)

- that City Councilor Harris willfully violated city procedures in such acts as a) failing to notify Singing Arrow Neighborhood Association and East Gateway Coalition or ANY NAs of his intent to include Singing Arrow Park in MRA boundary, and b) failure to follow city inter-departmental procedures for approval and required by law.
- that City Councilor Harris willfully intends to destroy a park which is comprised of an historic archeological site listed on the state and national registers, violating state and national statutes for the preservation of historic and cultural properties with a NEW, 2nd building constructed on the historic property, over ruins outside the fenced area, in areas the city doesn’t even own according to a study Don Harris commissioned in 2016, which states the ownership of the archeological sites (plural) has “reverted back to the private owners.”

Complaint:

Don Harris poses an on-going harmful threat to the public and public trust as enumerated in frequent violations of ethics stemming from abuses, intimidations, and manipulations of citizens and public servants; in failing to follow policy; and in his illegal fiduciary acts related to GO Bonds and for violating MRA (Metropolitan Redevelopment Area) Redevelopment Law, misusing monies derived from federal HUD Grants. These specific ethical violations, identified after the listing of the facts and evidence herein and attached to this complaint, began in 2011 and continue to the present in such actions as the expansion of the Metropolitan Revitalization Area (MRA) boundary, unethically manipulated and a violation of NM State Law, to include Singing Arrow Park and Archeological Site (the ONLY entirely separate property to be added to the MRA since its inception in 2007) resulting in its imminent demise, economic cost to taxpayers, and cultural loss to the citizens of Albuquerque and the state of New Mexico. Like the first tenet of medicine in which medical doctors take an oath: “First, do no HARM,” this ethical law should be the first measure of these findings. Don Harris has harmed the Singing Arrow Park and the value of it as given to the city for the safekeeping of its historic artifacts and ruins by building a second community center near/onto the historic site. He continues to bring liability to the City in refusing to repair, demolish or replace in its location, the original building in the SAP, long known for its repair needs where children are being entertained in temporary, modular, mobile-home-like wings not grounded to slab(s). Don Harris’ disregard and latent demise of the city’s cultural property in SAP has led to unethical acts of cronyism, retaliation intimidation, favoritism, dishonesty, obstruction and discrimination of women in his district.

Filing Deadline:

It is impossible to identify or adhere to the 120-day notice of ethical violations because our concerns have been routinely blocked by Don Harris, become exceedingly protracted in answered and unanswered appeals to the IG, AG, and state Auditor, IPRA requests, in addition to the fact that we are still waiting for emails to be returned to us from Don Harris’ office, the city, and MRA Dept. In other words, Don Harris’ manipulation of MRA funds is an **on-going event** that we have painstakingly been forced to ferret out from among these various sources. Only this past week did we discover the thread of connection to previous acts identified in this complaint as being related to the unethical, illegal manipulation of MRA funds to cover up his

previous misdeeds. We are still sending emails to various individuals and departments to document these unethical on-going activities and arrangements.

Facts in the Timeline (with documents attached):

July 7, 2019, Judy Young sent the following IPRA request: “Even though I made a request March 26, 2019 (#19-1912) that should have included these documents, but were denied, I am making yet another request. I am requesting all of Don Harris’ emails regarding the MRA expansion to include the Singing Arrow Park and the archaeological site to date. Again, even though this documentation should have been included in IPRA #19-1912 because ADC meeting was on Mar. 21, 2019, I am requesting the application and all other documentation of Singing Arrow Park and archaeological site being included in the MRA expansion. I am requesting that this IPRA be addressed to all departments of the city that are pertinent to this issue.” The documents referred to in this complaint come from this request.

July 2, 2019: Petra Morris at City responds to an email from Judy Young who asks questions about how Don Harris could have “legally” added Singing Arrow Park to the MRA map without public notification. Ms. Morris’ email (attached) recounts and corroborates facts and allegations mentioned below that Don Harris’ improper public notifications, notifications to public officers and departments in his attempt to add Singing Arrow Park without reasonable public notification or hearings and while acting against the city’s departmental professional, collective judgements, wills, and code directives deceived the public and destroyed public trust.

1. Judy Young’s email in July for IPRA documents triggered a verification of Bill No. R-19-146 and Don Harris’ amendment to add Singing Arrow Park and the Archeological Site to the MRA boundary. A one-page document, awkwardly titled: **“This Amendment Was Approved By a Vote of 9-0** (dated June 17, 2019) was identified as a **“Floor Amendment to R-19-146**

--**This amendment was** never given to any city officers prior to Harris’ insertion of the amendment in the late hours into the city council meeting on June 17, 2019.

--The statement in this amendment that the park and archeological site **“could include the redevelopment** and expansion of **the Singing Arrow Community Center”** refers only to the “original existing community center” and NOT any NEW CC elsewhere in the park or in the archeological site that he is scheduling to build illegally and without being identified in proper city resolutions.

--The last paragraph of this document under EXPLANATION makes absolutely NO SENSE as stated: “However, while the plan (what plan?) recommended enhancements and improvements to the site (which site?), it did not include those areas (which areas?) within the plan boundaries. This revision would include those areas within the plan boundary **and allow for MR funds to be spent on such enhancements and improvements.**” Why did this amendment need to state specifically that it would allow for “MR funds to be spent on such enhancements and improvements” when NO OTHER legislative resolutions/bills regarding MRA boundary changes use this specific language?

Herein is the evidence: Don Harris **consciously and conspicuously** writes this language into his amendment to cover up his past and future financial and illegal dealings because he needed to cover his spending tracks. Don Harris realized he did NOT have the authority to spend

ANY money on his proposed 2nd Singing Arrow CC building in the park opposite the original CC that would consume all but 10% of the entire park. He had already spent money under MRA to buy property (a violation of State Statute, attached), order architectural plans that were in violation of MRA Code, and spent GO Bond funds when the property was never even IN THE MRA boundary. All the rewrites and amendments to City Resolutions itemized below could not have been used for his purposes legally if the SAP was never in the MRA boundary.

It took Don Harris 12 years to realize that all his jury-rigged bills in the past regarding the SAP, ‘rescoping’ legislation, etc. did NOT APPLY to or cover any of his spending, and were, in fact, violations of the law because the Park was NEVER in the East Gateway MRA Plan.

When the legitimate amendment to the East Gateway MRA boundary that was recommended to the City Council by the MRA (one that proposed adding the legitimate commercial property on Juan Tabo) fell into his lap, Don Harris saw the amendment as a way to give him ACCESS TO MRA funds that he didn’t previously have when he was spending money under the guise of MRA. And while Don Harris could, through the power granted by City Charter, alter or amend the legitimate Resolution of the “Subject Site” (the Darden Property on Juan Tabo) R-19-146, he had a responsibility to provide transparency to the citizens, mayor, and council (which he did NOT do) and to follow the laws of public hearings before adding a public property as “significant” as SAP into his resolution. Don Harris’ amendment as written into Resolution 146 contradicts the Reasons (Whereas statements of facts) in the actual Resolution, and this is NOT an insignificant violation. And, the fact that he never informed the Mayor, Council President, or MRA of his actions, or the public (in anything but an obscure, poorly written, and falsely attributed newspaper ad) is enough proof that he should be removed from office.

2. **In an UNDATED Interoffice Memorandum from the ABQ City Council (but hand dated as June 27, 2019),** From: Stephanie Yara, Dir. Council Services, signed by Council Pres. Klarissa Pena, To: Mayor Tim Keller, Subject: **“Transmittal of Legislation” R-19-146** noting that “by City Charter,” the Mayor is to “authorize and direct The Metropolitan Redevelopment Agency to Update the Metropolitan Redevelopment Plan for the East Gateway Metropolitan Redevelopment Area. However, this letter ONLY authorizes ONE PROPERTY when it refers to **“AN AREA”, the “Subject Site” of the Resolution attached: Darden Property at Juan Tabo Consistent with This Resolution (Harris)”**.

This legislation/ resolution sent to the Mayor is flawed/inaccurate/and illegal as written:

--The resolution refers to ONLY one designated area **“an additional area”** for inclusion within the MRA.” This resolution as stated only adds the Darden property and refers to that split property as **the “Subject Site”** which again refers back to the one, “an additional area”.

In addition, there would have been NO findings in the language of this resolution that would be acceptable or legal to the MR Code if the SAP and Archeological Site were added.

--Only the Darden property would have been considered “a blighted area” or a “slum area” as quoted in the second paragraph of this resolution “Whereas, Section 3-60A08 NMSA 1978 of the MR Code (Section 3060A01 through 48, NMSA 1978). It simply doesn’t apply to a park.

--There was **no governing body** (mentioned in lines 13-14 of this resolution) that CONSIDERED the SAP added to this Resolution (25-29) “to be a slum area” by law, See Section 3-60A08 NMSA 1978. Is an historic archeological ruin, by definition, a “slum”? Hardly.

--In lines 25-29 referring to a park and the Rancho de Carnue Archeological site. These two sites do not “suffer from blight” but rather, this document says that they suffer “deterioration obsolete

or impractical planning and platting, underutilization and low levels of activity or redevelopment.” That is NOT blight. How can an archeological RUIN be impractically planned or platted? City planners would have to take that matter up with the native or Spanish planners responsible for the site centuries ago. What an absurd argument for “redevelopment.” How can a ruin suffer from “deterioration” other than what was done by the City Councilor who promised to protect, preserve, and display it properly by burying it over with sand? How can a park suffer from “underutilization/” Why would anyone “redevelop” a park? Isn’t that why we have grassy, open, green areas with trees? This is the only green area in this vast part of town. Obviously, none of the language in this amendment merits inclusion in the MRA map of blighted commercial property. It is simply incompatible with the MRA code.

--In Sec. 3 of the Resolution, the MR Agency is ONLY instructed (in lines 18-21) to amend the East Gateway MR Plan addressed “at the Subject Site.” There is ONLY ONE SUBJECT SITE (the Darden property) identified in this resolution, with the reference to Subject Site being repeated throughout the document. SAP is only plopped into this document without reasonable explanation that would define it as “blighted” “slum” property in need of “redevelopment” according to Code.

--This resolution is not poorly written; **it is illegal as written.**

IMPORTANT NOTE: It must be noted that included in these IPRA documents was a second Resolution with the EXACT same cover: InterOffice Memorandum To: Timothy M. Keller, Mayor, From: Stephanie M. Yara, with a hand-written date of 6-27-19 with the Subject: **Transmittal of Legislation.** However, this document, similarly identified as Bill No. R-19-146, with the same 5 pages as Transmittal of Legislation above, is **WIHTOUT ANY MENTION of Singing Arrow Park and Archeological Site.** This legislation only mentions the “Subject Site” commercial property at Juan Tabo. To the casual observer this appears to be the original Resolution prior to any amendment. Was this merely a secretarial error in distribution of IPRA’s, or was the Mayor deceived in receiving ONLY this document? Such appears to be the case, especially since attached to the Resolution that DOES include Singing Arrow Park and the Archeological Site is the Mayor’s letter of approval for *the (Darden property) amendment*, along with the approval by the MRA and signed by the City Atty back in April of 2019, prior to any amendment that would add Singing Arrow Park. The problem is that these signatures ONLY approve the Subject Site of the Darden property and NOT the SAP! It is evident from these documents the Mayor and others never saw the final Resolution until it was sent after the fact. This is a clear professional infraction of ethics. (These documents are available upon request in person.)

3. **June 17, 2019: Don Harris proposes resolution for MRA Amendment in which there is NO MENTION OF SAP published in or announced to the public in the notice of Agenda submitted prior to the City Council meeting, days earlier, or AT THE MEETING in the formal Agenda that Don Harris submitted for his Resolution R-19-146.** His public agenda item stated that only “an additional area” was being designated for inclusion (suggesting only one, which aligned with the approved Darden property, the original “minor” change to the MRA map): Harris cannot/should not/and must not be allowed to explain these egregious actions away as sloppiness or assigning the blame to someone else: it is HIS name on these bills and amendments. He is, after all, an attorney, an

official officer of the law, whose job it is to cite and follow the law carefully and as such should be held to a higher standard as per the NM bar code of Professional Standards.

Agenda item reads: R-19-146: Amending The Boundary Of The East Gateway Metropolitan Redevelopment Area To Designate **An Additional Area** For Inclusion Within The MRA, Making Certain Findings And Determinations Pursuant To The Metropolitan Redevelopment Code, And Authorizing And Directing The Metropolitan Redevelopment Agency To Update The Metropolitan Redevelopment Plan For The East Gateway Metropolitan Redevelopment Area Consistent With This Resolution (Harris) see also www.cabq.gov/council/documents/6-17-19-council-agenda-final.pdf

4. **Prior to May 23 & 26, 2019** there was **NO approval** from ANYONE that would include SAP or the Archeological Site to the EG MRA boundary. **However, Don Harris had Crystal Ortega place a “legal notice” in the Albuquerque Journal with 2 amendments added to the MRA boundary change.** The ad was actually written by the MRA and sent over to Council office. The ad announces the designation of “An Additional Area for Inclusion within the MRA.” It identifies “an Area” using that language twice-and never mentioning “two areas” (because the MRA and ADC did not agree to add the second area, SAP). After the body of the ad identifies the property at 601 Juan Tabo, and buried within the paragraph unexpectedly and written by Don Harris, is the addition of SAP and Archeological Site. The long paragraph continues with “Any interested party...” And it is signed by Karen Iverson, City of ABQ Metropolitan Redevelopment Agency. But did Ms Iverson really write this ad to include the SAP? NO she did not. (See email to C. Aycock, dated 4/14/2020) In the ad was an announcement of a public hearing, buried in the small print of Gov. Legals in the newspaper which no one would read, to be held during the City Council Mtg. June 17, 2019 that few neighbors of the area ever attend. Don Harris had done the minimum required by law. He did not cause to be notified any NAs through any other public channels. It was **NOT ETHICAL** for Don Harris to cause to rewrite an official ad by the MRA and attribute the modification to someone else--Karen Iverson. The ad is so small that it is almost unreadable. It is unreasonable to think that this ad would be the sole source of information for adding such a “significant” change to policy when notifications went out to another group ECG for the “insignificant” modification.
5. **May 21, May 21, 8:29 am, 2019: Crystal Ortega, Clerk of the Council (505.768.3100) by Credit Card** sends legal notice to the ABQ Journal, MRA wrote and submitted the notice for Darden property, but Don Harris buried in the ad SAP. It was posted for 2 days on May 23 & 26 as what was minimally defined by law. Don Harris had the duty to do more for his constituents and the Singing Arrow Neighborhood.

Two months pass. Don Harris does NOT bring the ‘Minor Modification’, his amendment to EGC, the MRA, Karen Iverson, the ADC or Mayor Keller. NO inter-departmental policy is followed after May 15. And NOTHING prior to May is posted on the CABQ website of legislative action. It looks like a simple 1., 2. 3. Process after May 15, but this is not what happened, and NO City Council Action on this Resolution is posted PRIOR to May 15, 2019 to document when the City Council President sent this Resolution to the Mayor. This record from the City Council and others, TO the City Council, of the “Notification of Decision” March 22, 2019, and the Letter by Darden Properties to K. Pena, City Council back in February 2019 have been scrubbed from the official city record site. See

<https://cabq.legistar.com/LegislationDetail.aspx?ID=3938568&GUID=D48798E9-1C5F-4539-B135-24DF94807D1D&Options=ID%7CText%7C&Search=east+gateway>

6. **March 25, 2019: Council Pres. Klarissa Pena sends Mayor Tim Keller (which he initials) Subject Memo: “Minor Modification to the East Gateway Metropolitan Redevelopment Area Boundary”** (with 5.1 acres of Darden property—only the first amendment and *without* Singing Arrow Park. This notification was officially signed on April 12, 2019 by Sarita Nair, CAO; **April 1, 2019 by Esteban Aguilar, City Atty**; and March 27, 2019 by David Campbell, Planning Dept. Dir. Were without knowledge of any 2nd amendment of “significance”; only the one “minor” change to the boundary) It is believed, as corroborated in this and other documents, **that the Mayor only received a copy of R-19-146 (Resolution I) which never included Singing Arrow Park and the City Atty only signed off on this Resolution which did NOT include SAP.** Even after Judy and Colleen gave testimony to City Council, on challenging the **illegality of the (second-amended) Resolution**, Ken Sanchez (now deceased) asked the city attorney during the Aug. 19 meeting, if the City Council’s actions (paperwork) were in any way illegal? **Atty Aguilar replied “No.”** After the City Council meeting, Judy Young sent a written request on Aug. 19, to Atty Aguilar asking him to explain how the City Council’s actions (to add SAP to the MRA) *were legal*, and Aguilar **refused to respond.**
Instead of answering her directly, he sent her request to IPRA. IPRA responded with: NO records available and her request was closed. The reason given from IPRA was that the records were considered closed to the public under “Atty-Client Privilege”. **What communications between Don Harris and Atty Aguilar regarding Harris’ amendment could have been privileged and hidden from the public?** This would certainly give the appearance of someone hiding something. City Councilors (Harris) are not individually represented or privileged by the City’s atty or there could not be ANY transparency whatsoever over their actions by the people who pay their salaries. Such responses only make the public want to know: What could these city employees and public servants be hiding with regard to an amendment to the MRA? This matter deserves additional investigation to restore public trust.
7. **March 22, 2019 Karen Iverson, Dir. of MRA sends “Notification of Decision” of Minor Modification of MRA boundary to City Council (Harris’ bill). There is NO inclusion of SAP. She notes prominently to the City Council that: “The recommendation from the ADC to City Council is not appealable” (Yet Don Harris proceeds to amend this decision.)** She cites statute 14—8-4—8 quoting “A recommendation to AMEND the Metropolitan Redevelopment Area boundary is not a ...redevelopment of land.” Thus, Don Harris is in violation of “amending” the MRA boundary AND “redeveloping” the land of the established park for a new and “rescoped” purpose: a building he says is for homeless and refugee services. (See Notification attached.)
8. **March 21, 2019: Notification of Decision by ADC, Case No 2019-002, Request: Minor Modification to the EG MRA to included approx. 5.1 acres (Darden property) (There is NO MENTION OF SAP in boundary change) based upon 5 qualifications for MRA property inclusion (which would by qualification exclude SAP): “blighted commercial**

activity,” “consistent with Code 60A”, “commercial property...in need of repair,” “contributes to the recommendations of the EGMRA Plan.” Signed by Karen Iverson, Manager, MRA

9. **March 21, 2019 from: Matthew Butkus in final “Staff Report” from MRA, regarding the “Minor Modification” of Juan Tabo Blvd. Case no. 2019-00.** (NO MENTION OF SAP in boundary change, only completing the split Darden property in the existing MRA boundary.)
10. **Sometime before the MRA & ADC meeting, Don Harris went to MRA** to influence or strong-arm the Dept. into adding Singing Arrow Park to the MRA boundary change. **They discussed and refused** his request to add the property because it failed to meet the MRA Code criteria.
11. **Prior to March 21, 2019 ADC meeting,” Petra Morris (email July 2, 2019 above) states incorrectly that “The MRA Staff report (page 2—the exact ref. appears on pg. 1 of the report attached) notes that the East Gateway Coalition of Neighborhoods** was sent notification via certified mail prior to the ADC meeting on March 21.” However, the ref. of the Staff report and the notice to EGC only addressed the Darden property on Juan Tabo and there was **NO MENTION OF SAP was included in the Staff Report or letter to the EGC.** This can also be corroborated by EGC Pres. Michael Brasher, (505) 382-2964) who states that he does not remember any mention of the park in the certified notice because it would have been an alert in that the group had published a resolution against Don Harris’ proposed 2nd building in the Singing Arrow park. **No notice went to Singing Arrow Neighborhood Association or any stakeholders within the immediate area.** (Confirmed by calls to this and other NAs)
12. **Dec. 7, 2017 letter to Don Harris from Andrew Wakefield, Archaeologist with Dept of Cultural Affairs Historic Preservation Division, Santa Fe (505) 827-6320.** (This letter is identified as Attachment B in the upper right-hand corner. Where is A or the rest of the document? All else is missing from this IPRA response.)
 This letter clearly shows that **Don Harris inserted himself in the process without going through proper channels and following proper legal procedures,** and instead, contacted Wakefield (who does not have the authority to grant permission or to bypass the law) directly **to use his elected office to influence a public employee** in order to get a letter of permission from State Historic Properties to build a new CC in the park, permission Wakefield did not have the authority to grant. (See 17 below: (Sections 18-8-1 through 18-8-8, NMSA 1978)
Analysis: In the letter, Wakefield is confused about the new building and identifies only “the Singing Arrow Community Center.” It appears he is not aware of Harris proposing a second center, assuming THE existing CC is being replaced. In the letter Wakefield states that the archeological site is not threatened by vandalism because the CC is not “easily visible by the casual visitor” and “protected by a chain link fence.” Nothing could be further from the truth. The old CC is excluded to view at the end of the street Singing Arrow; however, a NEW CENTER off Wenonah, a location clearly not identified in the letter would be VERY VISIBLE and has not been certified that the location is not OVER an existing ruin. (See “Archaeological

Testing near LA 12315 for the Proposed New Singing Arrow Community Center, City of ABQ, Bernalillo Co., NM, July 2016, pg. 13.) Wakefield also states incorrectly (at Don Harris' direction) that "the Community Center is currently a public park, and the proposed CC "(referring to the existing CC that everyone thought was being replaced) would not be a substantial change in the area." This, too, is not true, which underscores either the omission of the facts or the arm-twisting by Harris—a 2nd building taking up a total 50,000 sq. footprint, will destroy all but 10 % of the improved park land available as a park, and "would..." substantially "change the area." Such a "**substantial**" change would require and activate public hearings, both from the Parks & Rec division and the State Historic Properties.

The omission of material facts (in public notices, IPRA requests, Intra-Departmental Memos, city websites, citizen's questions, etc.) were not a lack of attention to detail, they were intentional acts violating transparency and perpetrated by Don Harris to improperly add the SAP to his agenda, even when this act went against departmental recommendations, MRA rules, and legal requirements to notify the public.

13. **Other violations of policy and laws** regarding the inclusion of SAP in the MRA boundary:

Don Harris Failed to notify and apply for proper **Certificate** for "New Construction" **from the Landmarks Commission**, a certification that also must post "bright green signs on properties notifying the public and a pending application and the date of the LUCC public hearing." (924-3927 for questions)

14. May 18, 2016 Don Harris sponsors an amendment R-16-37, enacted as No. R-2016-038 "Amending the adopted Capital Implementation Program of the City of ABQ by changing the SCOPE of existing Metropolitan Redevelopment Projects. Whereas, the 2005, 2007, 2009, 20011 and 2013 Capital Improvement Plans of the City of Albuquerque as approved by the City Council to appropriate GO Bond funding (see below) to various street projects for the East Gateway MRA...Whereas, the voters approved the repurposing of the MR bonds during the 2015 Municipal Election; and Whereas There are unencumbered balances in the previously approved MRA projects which total \$6.5 million. Be it Resolved by the Council, the governing body of the city of Albuquerque: Sec. 1 that the following project scopes are amended as indicated." Then he lists: items 1-5 from the **East Gateway MRA 07, EG MRA 09, EG MRA Plan '11 and EG MRA Plan '13 all from GO Bonds**. This re-write of "scope of these projects is hereby expanded to include acquiring land (which is clearly a violation of MRA CODE), planning, designing, demolishing, renovating and constructing infrastructure and facilities (which would have included the renovation of the EXISTING SAP CC, **but not a mutually exclusive second building on the opposite side of the park**). It is questionable whether or not the city's "infrastructures" can be included in this "expanded" "scope" change since it is **virtually impossible to get a question from the public answered by the City Attorney**.

15. **Aug.14, 2015, Don Harris sponsored another amendment R-15-233 enacted as R-2015-072** "amending special election resolution amending FS R0150206 (R-2015-059" to change the City Charter and upon public election to allow for "**reallocation general obligation bonds in the amount of \$6,500,000 for public purposes.**" ... "Whereas

general obligation bonds were issued with a more limited scope, and this revised Bond Reallocation Question will reallocate the prior issuance with **a broader scope that will better promote the best interests of the City and its inhabitants.**” This is all very general and illegal. The SCOPE of existing bonds cannot be CHANGED or REALLOCATED. Whenever Don Harris needs money for his project, **he “reallocates” and “changes SCOPE.” He cannot do this. See MRA CODE and HUD funds.** Luckily, for the taxpayers, Sec. 3 Severability. States “If any section, paragraph, sentence, word, or phrase of this Resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Resolution. Sec. 4 then authorizes the officers of the City to “effectuate” the provisions. So, Don Harris would have been able to tap into GO BOND funds from 2009, 2011, 2013 to “reallocate” any bond funds for his project. This is quite illegal. You cannot “back-date” the law.

Narrative of Facts:

The addition of the SA park to the MRA boundary by City Councilor Don Harris was part of a process that was misleading by omission, illegal and unethical in that it was intended to cover up his long list of previous illegal financial actions regarding monies already spent and misspent in the Singing Arrow park through federal GO Bonds to be used in MRAs. Don Harris proposed a second property an entirely new entity to be added to the map, the Singing Arrow Park and archeological site, a public property NOT on Central Ave., and a property which was NOT recommended by the MRA, ADC, or endorsed by the Mayor. While this public property WAS discussed by the MRA and ADC in their meetings, their decision was NOT to recommend the property because it didn’t fit the definition of “blighted”, commercial properties. It was fully improved park land with an archeological site on the premises, the only park of its type in the city.

While the East Gateway Coalition (a collection of Neighborhood Associations in SE ABQ) was notified of the first amendment change (to add the private Darden property at 601 Juan Tabo) to the MRA map, organizations like the EGC who are notified through city addresses from the ONC, were never sent or informed about Harris’ decision to add the Singing Arrow Park to the MRA map because Don Harris bypassed formal channels to intentionally obscure the fact. **NO individual Homeowners or Neighborhood Associations were sent any notice (required for public input of any boundary change or proposed boundary change to the MRA) to include the park.** No neighbors were notified and **NO PUBLIC HEARING** was made or held required for a “substantial” change in the MRA which an entire park and archeological site would be by State Law [NM Stat § 3-60A-9B C2 \(2013\)](#) (This was verified by calling various HOAs and NAs and neighbors see C2 of law.) No neighborhood group recognized by the city received ANY notice of the 2nd change to the map which added a perfectly good, “unblighted” public park.

This violation of policy/state law was an unethical affront to all city taxpayers and neighbors to the proposed boundary change. NO NOTIFICATIONS were sent to any individual neighbors (such as Judy Young) bordering the property on Rachel. Property owners should have been adequately apprised of any zoning, building, or other change that a single city councilor wanted to make with city property. It is beyond logic why or how Councilman Don Harris singularly believes he can declare and incorporate a fully established, outdoor park facility with a protected archeological site in its midst of a green park and listed on both the State and National

Historic Registers into a commercial MRA “blighted” area. The park was never “blighted” in the first place or it might have been considered for such in the original map. But it was not. The park has been fully maintained as a public park—not a “blighted” *business* in an area defined by MRA policy and State Statute as quoted requirements for addition to the MRA: “the proposed activities will aid in the elimination or prevention of slum or blight, or the conditions which lead to the development of slum or blight” [NM Stat § 3-60A-9C1 \(2013\)](#)

So why did Don Harris do this? Why did he exclude obtaining the Mayor’s approval to “sign off” on the second amendment which the Mayor did for the initial amendment change? Why did Don Harris avoid proper notifications of both amendments to the neighbors and NAs? Why would he add a second property to the MRA boundary at the 11th hour of a City Council meeting that would deliberately bypass and circumvent the proper channels of information to provide maximum transparency? Why would Atty Aguilar consider these actions to be Atty-Client privileged?

The simple answer is that Don Harris had run out of legal money for his second \$5.6 million CC building proposed in SAP that he was already incurring expenses for, and the only way he could cover his previous premature and illegal expenditures on his new park project from as yet an unapproved source was with a “slight of hand” over City Council and the public. In doing so, he would be able to syphon off *all* of the MRA monies designated for the East Gateway MRA Plan along E. Central Ave., leaving \$0 dollars left for any legitimate project needs along E. Central Ave (we are in the process of corroborating this amount remaining with Don Harris office.) AND in the manipulations of amendments Don Harris could off-put any blame for his actions by pointing to his final shenanigan to say: “The entire City Council voted for this.” His reckless, and after-the-fact calculated actions to play a shell game with city, state, and federal tax-payer funds were deceptive, illegal, and ethical violations **in the disbursement of public monies (See #4 under Ethical Violations below).**

Note. The MRA boundary is a designation established by city policy according to its definition of “blighted” commercial properties in a concentrated metropolitan area that is unlikely to be revitalized without the help of federal grant money. An archeological site hundreds of years old, can hardly be called “blighted.” It is a registered historic site intended for an historic interpretive “Mock-up Build” similar to the National Coronado Monument in Bernalillo in the 2010 East Gateway Sector Plan. Yet, Don Harris has named this historic site as a “blighted” area needing “revitalization.” Made into a proper museum, perhaps, but not for any other possible destruction that a second CC building would bring and possibly destroy. The only “blight” in the SA park currently is the original community center located at one end of the park on the West side built in 2000. (This need for repairs is documented in the 2013 SA Needs Assessment that Don Harris requested but which neighbors did not see formally.) To address the needed building repairs, the public voted in both 2011 and again in 2013 to approve GO Bonds for city community centers, and from those bonds the City Council designated and budgeted (\$1.5 m and \$1-m) funds to cover the costs of repairs to the SAP CC. However, from those well-documented budgeted monies, *no repairs* were made to the existing building in the park over the years. One **unethical consequence** of Harris’ failure to act to make the necessary repairs to this structure is that the City remains to this day liable for potential harm to the building’s users.

There are 3 ethical violations identified here surrounding the park:

(1) failure to authorize (Don Harris' responsibility) and to make budgeted repairs to the existing building that citizens thought they were voting to approve with bond money. However, upon recognizing that he could not add an additional, second, community center building on the East side of the park that he began proposing in 2014 because the bond money from 2011 and 2013 was devoted *only* to the repairs of the existing sole or first CC built in 2000:

(2) Don Harris sponsored a city resolution in 2015 to “repurpose” the scope of the Bond money (which is illegal), regardless, knowing those bond monies were soon to expire,

(3) Don Harris realized that he had NO money and had already spent money for his 2nd new building for the remaining park space in the Singing Arrow Park which was NEVER in the MRA boundary to begin with and ALL of his bond money proposals and Scope changes were illegal in the first place and couldn't be spent on a fully developed park. Through a labyrinth of misdeeds in 2019 with the MRA boundary, Don Harris arbitrarily and hidden to public and mayoral view, put the SA park into the MRA boundary without public input— a violation of OMA—a violation of MRA policy, a deceptively underhanded move of unethical behavior to a) avoid advice of and bypass MRA, ADC and the mayor, and b) to cover-up, after the fact, money he had already illegally misspent using federal MRA funds on a property that was never included in the MRA boundary.

A second building that would destroy the only nearby existing park and infringe on a historic archeological site was already a hot button that had deeply divided the surrounding neighborhoods. Don Harris knew that if he publicly identified the second amendment change to the MRA boundary (the addition of Singing Arrow Park and its archeological site) it would cause a public uproar and bring attention to a matter that would expose his previous financial wrongdoings. He knew that no neighbor or neighborhood organization (because he had been a Councilor for years and had lived in the neighborhood) would get a notice of any change if he kept his addition of the park until the last possible minute—thereby avoiding public detection. He was aware that only one notice to one association, the East Gateway Coalition had been sent notice of the addition of the Darden property at 601 Juan Tabo. It wasn't until he intercepted the notice from the MRA to be posted in the newspaper that he added his “amendment” required for the 20 days notice prior to the City Council meeting, that the park was going to be mentioned as a “proposed” addition. The problem was that he didn't correct the language in the government notice and he made it look like the recommendation came from the Dir. Of the MRA. Nothing could be further from the truth. Neighbors/citizens deserve to have adequate prior knowledge of such immense changes to city-owned property that surrounds them such that they can have adequate and reasonable public notice and adequate and reasonable public input to the decisions being made in their behalf. The least Don Harris could have done because he had the time was to post his “agenda” of an amendment to the official public Agenda for the City Council meeting. But he did not.

In short, Don Harris used his position, covertly and with pre-meditation, to insert language in a Resolution to coverup his mis-spending money and rigging and broadening bills and resolutions over the years to bring his already spent money into compliance. The public deserves transparency in how monies are being spent by elected representatives, such that the public can provide oversight of any unethical actions by public servants.

Did Councilor Harris attempt to coerce, manipulate or influence the MRA Dept. to include the SAP in this boundary change? **The evidence overwhelming proves he did. He refused to accept their denial to his request, so he usurped and replaced their recommendation and the 2016 MRA Plan and replaced those with a plan of his own plan.**

The MRA Dept. told him that a park had never before been declared blighted, especially one where an archeological site (the only park to have one in the city of ABQ) was under protected statutes. Why didn't Don Harris want the Mayor to know about the addition of the park? (See Letter to Mayor from Klarissa Pena 3/25/19 attached). The simple answer is that the MRA and the ADC had already put their stamp of "NO" approval to the project—and if the mayor had had that knowledge might he have questioned the action? All procedures of oversight were omitted even though Don Harris had plenty of time to do that. Why was he so pressured to avoid transparency? Because failure to get the amendment passed would bring attention to the fact that he could not draw from MRA grants for a project that he had already authorized and for which he had already spent MRA money (according to documents provided herein).

When Don Harris saw a request to add private property to the MRA map, he saw the opportunity to cover up his financial malfeasance regarding his disbursement of public monies through his illegal sponsorship of resolutions and in this last act by "sneaking in" the park. While the request from a private property owner to amend the boundary with a "minor" change of a split property that was already included in the MRA was deemed acceptable to the MRA Dept., Harris saw the opportunity after-the-fact to "attach onto a legal change" his illegal/unethical "significant change." He couldn't very well spend MRA money in the park (which he had already done) when the park wasn't even in the MRA boundary.

Thus Don Harris:

- 1) Went against the recommendations of the MRA
- 2) Went against the written and verbal recommendations of the ADC
- 3) Omitted the addition of the park from the Mayor and the formal document the Mayor signed and submitted to City Council for vote in both the proposed resolution and enacted bill
- 4) Failed to notify any Neighborhood Association in the park area of the change to MRA
- 5) Failed to notify any direct neighbors to the park change
- 6) Published (through the City Council and website) that he was going to use Go Bond funds voted on in 2011 to repair the original Community Center building on the west end of the park thus deceiving the public by decree and to illegally spend MRA funds in the park which wasn't in the boundary
- 7) Published (through the City Council and website) that he was going to use GO Bond funds voted on in 2013 for named repairs to the original, existing CC on the west end of the park, when he didn't and couldn't,
- 8) In 2015, changed "the scope" of those GO Bond funds voted on in 2011 and 2013 (which is illegal) to be transferred to his new 2nd building project which didn't qualify for MRA GO Bonds in the first place,
- 9) Purchased in 2016 with illegal funds a parking lot adjacent to the park but which has been closed and fenced off to the public for 5 years and for which the public had no knowledge of its use until 2017, a lot he tried to strong-arm the sellers (see emails between Don Harris and P. Daskalos-Lycou attached) into endorsing his project so that he could unethically use a list of meeting attendees with which to persuade or intimidate those opposed to the building (the majority of attendees) at least 4 violations of ethics here,
- 10) When the GO Bonds were nearing expiration, Harris sponsored a City Resolution that repurposed Bond money in 2015 away from repairs voted on in 2011 and 2013 for the original building to monies used for a different scope (as yet unknown to the public and

- illegal) and even he didn't know that his "expansion bill" wouldn't allow him to use these funds for his proposed building in a park that wasn't even in the MRA boundary.
- 11) When neighbors began questioning the rezoning of the park from residential to commercial use in Jan. 2017, they learned of Harris' plan to construct a second building over the park greens. They began to question the funding sources (in that GO Bonds of 2011 were expired after 5 years) for Don Harris' plans to build a 2nd entirely different CC on the opposite end of the park. At that point, he coerced the City's COA in Feb. 2017 to commit money via a written document of support allowing him to repurpose "MRA Bonds" [HUD Grants] for his "new" 2nd CC building in the park. The problem was: the park was still a park and NOT under the Dept. of Family & Community Services, and, more importantly, the park was NOT within the current MRA boundary to qualify for MRA funding.
 - 12) Strong-armed the Parks & Rec Dept to sign over the park to Family & Community Services for a second building for uses which have never been explicitly defined and should have been kept as a fully established park,
 - 13) Failed to give accurate design plans to the public and LUHO officer for the second building to the public (see LUHO transcript)
 - 14) Obstructed the dissemination of information to the entire City Council by not allowing Crystal Ortega to put Colleen Aycock's "History of the property" dated April 1, 2019, in their mailboxes. She first put them in the boxes and then Colleen was called back to the office to come get them. See attached, and thus prevented communication with elected officials,
 - 15) Failed to explain where the money was coming from for his 2nd, new building on the east end, 100 feet from the west building and again when C. Aycock challenged the LUHO officer. See her report. The LUHO lawyer said that it wasn't his job to question where the money was coming from only whether or not a second building would fit on the lot. Thus, you can see that Colleen Aycock and Judy Young have been trying to bring these fiduciary matters and destruction of a historic park to everyone's attention for years now.
 - 16) Failed to maintain the land donated to the City (Singing Arrow Park) for use as a protected historic site and a "mock up" of the Early Territorial Spanish ruin according to **the East Gateway MRA 2008, the EG Sector Plan in 2010, East Central Market Analysis 2013, and adopted into the Rt 66 action plan in 2014, and EG MRA, updated 2016.**
 - 17) Disregarded State policy regarding Historic Properties and side-stepped policy by getting a sole individual at the state to sign off on his project without going through the proper channels.
 - 18) Disregarded ownership status when he spent money for architectural and other plans to build a second Community Center that will extend into land the city doesn't even own, according to the study Don Harris commissioned in 2016 which states that all ruins, including those outside the fenced area, reverted back to the private owner following litigation with the City.

Instead of being a caretaker of funds, property, integrity, and well-fare of the children, Don Harris perpetrated just the opposite.

Note: these ethical violations were previously filed with: 1) ABQ Inspector General, July 8, 2019— who instructed Colleen Aycock in person to file these complaints with the City’s Ethics Commission, and 2) State AG’s office—by Judy Young attached; City’s response, Sept 13, 2019, is attached in which their facts of the case (many of them *false*) are highlighted in red. AG responded that J. Young’s application was not on a form—she replied but did not hear back. 3) Complaint to State Auditor, with no response.

Supporting Documents:

- 1) And 2) See attachment MRA Staff Report, M. Butkus (Case Number: 2019-002) (*also in 8 above*) in which NO mention was made or approved by MRA Dept. for the second amendment of Singing Arrow Park in the proposed amendment for boundary change, See ADC recommendation at end of document; NO document exists from ADC regarding approval for the addition of Singing Arrow Park to MRA boundary which would have been a “significant change” to the MRA boundary and require action by the MRA. See also attach: “Harris adds S.A to MRA, at timeline of actions”
 - 1) See attachment (East Gateway MRA 2016, for boundaries of, definitions, uses, etc.) Does not include Singing Arrow Park. No Development Review Application for Adding Singing Arrow Park was done by Don Harris, a violation of MRA CODE and State Statute: [NM Stat § 3-60A-8 \(2013\)](#)
 - 3) See Mayor’s signature on document recommending addition of only one private property to the MRA boundary change. He signed no document which would have included the SAP or any other change before sending his recommendation to the City Council for vote
 - 4) and 5). See attachment (EGC Questions sent to Don Harris). Jan 29, 2019, Don Harris was scheduled to speak at the 2019 Annual Meeting of the East Gateway Coalition. After being sent a list of questions to address at the meeting, Don Harris cancelled the meeting and never met with them again to address any of their questions. (See questions in bold in that document that apply here). See also, attached, the cancellation of the meeting in “Request for Meetings with Don Harris” attached which illustrate his failure to meet with constituents.
- See additional supporting documents for 4 and 5): email below from Judy Young to Petra Morris, City Council Planning Manager:

To: "Morris, Petra" <pmorris@cabq.gov>
 Cc: "Suter, Bonnie B." <bsuter@cabq.gov>
 Subject: **Re: Expanded East Gateway MRA**

Petra,

Please be advised that the Singing Arrow Neighborhood Association was never notified of the proposed addition of the Singing Arrow Park and archaeological site to this MRA expansion resolution.

The city has a legal obligation to notify all nearby property owners of such a change. No notifications were made.

In addition, it appears that the commissions, subcommittees, MRA staff, and other entities were never notified that Singing Arrow Park and the archaeological site would be included in this resolution because according to your records, it was a 20 Day last minute addition.

These oversights make the City Council vote to ratify this resolution invalid and illegal.

In addition, the park and archaeological site should never have even been considered as part of the MRA because it is already developed. **The standards of basic MRA criteria were violated.**

From all of the fact gathering mentioned above, we have no other alternative than to conclude that this action was **willful deception on the part of City Councilor Don Harris, violating public trust on his part.**

Sent from my iPhone

Judy Young

- 6) See attachment (2011 Go Bond Family Scope, see bottom of page) The allocations for these funds were never used to repair the existing SAP community Center so as to honor the wishes of the voters and to avoid liability to the city; see also attachment “Ken Sanchez 2011, 2-year city budget & decade plan”; See also City’s response to Judy’s Complaint to AG which defines the original building as in need of repairs
- 7) See attachment (2013 Go Bond FamilyCommServices Scope) Funds which identified the need for city repairs but were never used to make repairs to existing SAP Community Center which brought on-going liability to the city for failure to maintain a building; See City’s response to AG’s report establishing the need for repairs of existing building, Even at the EPC public hearing Dec. 13, 2018, children from a nearby elementary school testified that the building was full of “mold” and for lack of necessary repairs they had been left in harm’s way. See also, EPC Dec. Appeal Jan. 10, 2019 regarding the safety issues involving children left in harm in an unrepaired building.

Supporting 6) and 7) See attached (Dr. Valles Resolution from Intra-Coalition, Panel of Coalitions of Neighborhood Associations encompassing all city associations) recommending 2nd building be put on hold until first repairs of the first building are completed.

- 8) See attachment “Change of Scope 2015, 21st council resolution sponsored by Don Harris- illegal SCOPE of Bond Money; Projects cannot be reallocated or “rescoped” once funded, according to MRA Dept.; See also City’s Response by Atty Aguilar to AG filing that acknowledges the “re-scoping” of GO BONDS, See “2016 Resolution to Change Scope by Don Harris”

See also NM Stat: 3-60A-47. Sufficiency of code. (1979) which states:

- A. The Metropolitan Redevelopment Code [3-60A-1 to 3-60A-13, 3-60A-14 to 3-60A-48 NMSA 1978], without reference to other statutes of the state, constitutes full authority for the exercise of powers granted herein, including but not limited to the authorization and issuance of bonds under that code.
- B. No other act or law with regard to the authorization of issuance of bonds that provides for an election requiring an approval or in any way impeding or restricting the carrying out of the acts authorized in the Metropolitan Redevelopment Code to be done **shall be construed as applying** to any proceedings taken under or acts done pursuant to that code, **except for laws to which reference is expressly made in that code or**

by necessary implication of that code. (Politicians cannot “rescope” Bonds or use them for any other purpose other than stated, and they can’t be given to areas not in the MRA.)

6-10) See attachment: for the City’s historical timeline of activities around Singing Arrow Park: “City’s response to OMA violations from AG” see items in red which indicate that City Lawyer uses language to describe actions of City Council in 2011 & 2013 which “rewrite” those Bond allocations away from “repairs” of “the CC” or “existing CC” to later call those changes to a “NEW CC” which WAS NOT a thought or a concept in 2011 and 2013. You cannot rewrite history (as City Atty does in 2019) or “repurpose” GO BONDS as Att. Don Harris does in 2015. According to these documents, the public was not aware that a “new” “duplicate” “second” building in a residential zone was being added to the park that would destroy the park. Jan. 2017.

9) See attached email between Don Harris and Peggy Daskalos-Lycou regarding parking lot and intent to use Daskalos for unethical mailings to influence or intimidate private citizens who attended a meeting and who were clearly not in favor of the 2nd building; See also City Atty’s Response to AG in that property was acquired for “new construction”—it was NOT; it was a parking lot and ever intended to any new construction; No announcement to the neighborhood in 2016 that any property was being purchased. Public thought all construction being planned was for the first, original CC built in 2000. Community members thought that funds that they voted on in 2011 and 2013 were going to be used to remediate the current dilapidated temporary structure (the only CC in ABQ that has not been brought up to Standards of a permanent structure). It wasn’t until Jan. 17, 2017 neighbors were introduced to Don Harris’ plans. Once Don Harris moved this park into the MRA his purchase of “real property” was a violation of State Law [NM Stat § 3-60A-8C \(2013\)](#)

10) See attachment “Request for proposal for Architects for NEW Community Center”

11) See attached “Don Harris letter Jan 2017” indicating a second building was already selected, the site was selected, the architects were selected with building design—before any of the community was notified. This was the first notice—and Don Harris had already selected everything before he got ANY input from the neighboring community. The community was soundly against this proposal/that was already set in stone without public input.

12) Colleen Aycock’s conversation with lawyer at Parks & Recreation saying that Parks “handed over the park to Family and Community Services”

13) At LUHO presentation C. Aycock asked why the exact measurement of the new CC building keeps changing and Jim Strozier of Consensus Planning responsible for new project acknowledged that it had changed/increased, indicating their testimony was questionable.

14) see C. Aycock’s LUHO presentation attached which was made part of official document. LUHO Lawyer said, the origin of funding, ie. “money was not his concern”.

15) Obviously a new building taking 90 percent of the park will not maintain the archeological site or allow to be built a “mock up” of site for historic preservation or interpretation.

16) In 1975, the City of Albuquerque moved to have the Singing Arrow park site listed on the New Mexico State Register of Cultural Properties. It was added to the NM Register. In 1977 the City moved to apply for National Register of Historic Places for the park site. It was duly included in the Register.

Don Harris has violated State Statute, The Prehistoric and Historic Sites Preservation Act of 1989 (Sections 18-8-1 through 18-8-8, NMSA 1978), which prohibits the use of state funds for projects or programs that would adversely affect sites on the State or National Registers unless the state agency or local government **demonstrates that there is no feasible and prudent alternative** and that all possible planning has been done to minimize the harm to the register site.

Don Harris has violated The Prehistoric and Historic Sites Preservation Act of 1989 by allowing the use of the limited remaining acreage of Singing Arrow Park to be adversely affected by the construction of a building that **may bring harm to the property without considering other prudent and feasible alternatives.**

Don Harris has an obligation to build an historic model of the property with appropriate interpretation of the property for its cultural and historic relevance to the state of New Mexico, the purpose of which the park was originally planned and funded **for the entire site, not merely a portion of the buried ruin.**

Whether or not the Don Harris through the City is required to build a model or living history museum (according to the East Gateway MR), he should not be allowed to destroy the property without full consultation and hearings in the State with regard to its Prehistoric and Historic Sites, especially **since he sponsored R-14-113** which states: **Recognizing The Significance Of The Historic Site Adjacent To The Singing Arrow Community Center, Known As Rancho De Carnué, In Order To Recognize And Preserve The Archaeological And Cultural Significance Of The Site, And Designate It Worthy Of Additional Archaeological Investigations, Preservation, And Interpretation; Making An Appropriation To The Open Space Division Of The Parks And Recreation Department (Harris)**

17) See Wakefield letter attached

18) In the archeological survey and testing Don Harris ordered, *Archaeological Testing near LA 12315 for the Proposed New Singing Arrow Community center, City of Albuquerque, Bernalillo county, New Mexico*, Prepared for INTERA Incorporated, Prepared by SWCA Environmental Consultants, July 2016, Chapter 4: LA 12315 Site Summary, p. 13, the authors **conclude** that City plans were abandoned earlier for the archeological sites because: **“litigation between the private landowner and the City of Albuquerque have left the archaeological site reverting ownership back to the private landowners, and the site remains fenced to this day. There are three previous investigations outside LA 12315, and two sites beside LA 12315 within 500 m (1,640 feet) of the project area [for the building only], detailed in Appendix A.”** This report should have given a heads-up, red flag warning to the City, Don Harris, the EPC, and LUHO that the building as proposed with its surrounding cement walkway footprint will

extend **into and over the archeological sites outside (the fenced area) of LA 12315** as illustrated in this report. (Even as late as 1982, Ward declared that a building should only be allowed on the west side of the property and Harris is clearly proposing a building on the East side.) Since there are no studies commissioned since this one in 2016, this shows how **Don Harris has violated the legal information provided him from his own survey which specifically states that this property reverted back to the private owner.**

Don Harris says and promises one thing and then does another that completely negates and compromises the first. He simply cannot be entrusted to plan, spend finances correctly, sponsor resolutions, and to govern legally and ethically in a position of authority as a City Councilor.

How actions by Don Harris enumerated above are violations of ETHICS:

Quoted pg. 2 from: *Ethics Code of Conduct Training Module, City of Albuquerque, NM.*

And attached to this complaint: “Public Service Ethics is different 1) Perception is as important as reality 2) Laws play a bigger role 3) Key Concept: Making decisions in the public’s interest.” p. 3, “Public service is about doing the right thing and The Public’s confidence that the right things has been done.”

p. 4, “The Process: Step 1. Figure out what the “right thing to do” is. Step 2. Figure out what the public’s perception of the “right thing to do” is. Step 3: Follow the path that best supports public service values.” Don Harris has not only failed to “do the right thing,” but he has taken steps to cover up his actions regarding what the public perceives is the “right thing to do” for the safety of children, the preservation and study of historic lands donated to the city for safe-keeping and that can never be recovered once lost, and for the proper use of tax-payers’ money for the purpose of redeveloping the blight on E. Central Ave. Don Harris has violated the law which dictates what “he must do” and he has violated the ethics of his job “in doing what he ought to do,” as stated in the manual.

Don Harris has violated the basic principles of the Code of Ethics in his failure to carry out his obligations to the public “within the framework of federal, state, and local laws.” He has not served “the public with respect, courtesy and responsiveness.” He has acted with unprofessional conduct, made decisions that affect a large population of citizens behind closed doors, gone against policy decisions without revealing those decisions to city council and mayor, neighborhood associations, coalitions of neighborhood associations, while failing to protect city funds and property with negligent disregard of State Historic Properties and the appropriate city and state boards as defined below:

- 1) Employees shall serve the public with respect, concern, courtesy and **responsiveness, recognizing that service to the public is the reason for their employment.** (Employee Code of Conduct, Duty to the Public)
Don Harris is not responsive to the public and has frustrated the attempts or failed to **meet with his constituents when they have made requests** in his role as district councilor City of ABQ, (Charter, Sec. XII Code of Ethics, Part 2, Attendance)

Evidence: He has refused to meet or provide Stakeholders with vital information. (See attached email as an example from Judy Young to Bonnie Sutter.) He has NEVER attended a public meeting for anything he deems may be controversial (NO public meetings for his second building over 4 years regarding Singing Arrow Park);

He doesn't respond to email or requests for meetings by associations or individuals, he does not show up to public input meetings he is documented as scheduling, see "Requests for Meetings with Don Harris" attached; In addition, with regard to SAP CC, he should not use his position to influence his constituents beliefs or use another citizen's business dealings (Peggy Daskalos-Lycou) to aid in his power to use his position to influence other citizen's opinions about one of his projects, (Why didn't he send out a survey rather than a use a citizen for persuasion?) At least four violations here (1. Failure to meet with EGC to answer questions 2) written refusal to meet with Colleen Aycock 3) refusal to personally attend (he sent his assist to one meeting—and she couldn't answer questions). 4) failure to attend a public meeting, to address Judy Young's concerns, but tried to pressure Peggy Daskalos to change her opinion so he could use that information to his benefit and not the public's benefit)

2) Don Harris' **outside employment has a negative impact on his job performance**

(Charter, Part 2, Section 3-1-11 and 3-3-10 R.O. 1994 Personnel Rules and Regulations)

Evidence: See his excuse to East Gateway meeting in attached "Requests for Meetings with Don Harris" citing emails that show he refuses to meet various associations of his constituents, where he cites a business conflict with his law practice, see his two calendars: his law practice and his councilor calendar—neither allow for adequate meetings with his constituents because he always cites his "busy law practice" which his associates find to be questionable and convenient. (2 violations: EGC and Colleen Aycock citing his busy law practice for missing meetings.)

3) Don Harris **has failed to meet with his fellow city public servants** in that he failed to fully inform and disclose the written declaration of an official memo to and from the Mayor in the document the Mayor signed citing only 1 (one) amendment to the MRA boundary, when in actuality there were 2 (two) amendments

4) Don Harris has failed to comply with the honest and legal "**disbursement of public monies**" in 2007, 9, 11, 13 Go Bonds, failing to properly account for city and federal money over which he had control of (Charter, Sec XII, Code of Ethics Part 2: City Property) and even more alarming he has left children and others in Harm's way by failing to repair an infrastructure city property in his district (the original Singing Arrow CC) over the past 20 years.

Misuse of MRA funds to purchase parking lot, architectural plans, a Needs assessment and other expenses when NOT in an MRA area to qualify for spending,. See: State Law and the violation to purchase property NOT in an MRA designated area [NM Stat § 3-60A-8 C \(2013\)](#)

5)

Don Harris **violated the will of the people** by not complying with the enacted 2010 East Gateway Sector Plan which identified a visitor center and mock-up of the historic archeological site in Singing Arrow Park, and instead replaced the sector mock-up plan with **a councilor-driven** project to construct a 2nd building or community center extending into land protected by statutes of pre-territorial Spanish archeological ruins (the only park in the city with historic, cultural ruins, (Charter, Sec XII, Code of Ethics Part 2: City Property and established policies) See also attached: "**Oct 1, 2018, Revitalization a 10-year failure**" for leaving E. Central Ave. abandoned businesses for 10 years where Franklin Plaza proved to be

a home for a convicted Serial Rapist) failure to use MRA for their intended purpose, when people repeatedly called for demolishing those properties, C. Aycock visited specifically with MRA, APD, City, State Land Office repeatedly about these properties for the past 3 years—many documents can be provided. In short, Don Harris failed as a caretaker of funds and property to provide planned future revitalization through millions of dollars of MRA federal funds.

Councilor Harris is NOT responsive to his constituents in order to avoid transparency and detection of malfeasance in carrying out HIS plans instead of the City Council adopted MRA plans.

Don Harris has never met with and has refused to meet with the large group of individuals who want to protect the park and its archeological site (See “Requests for meetings”. He has never sent a survey to his constituents as requested to ascertain whether they want a park or a second CC.

At one of the public meetings in 2018, citizens were overwhelmingly against a 2nd building in the park that would serve “homeless” and “refugee” services with a food pantry and showers; citizens to this day have never seen a revision of the design plans or use for the final building and Don Harris has never attended one of these meetings because he knows his constituents are soundly against it.

As of this date, Don Harris has caused to be issued a building permit to be issued on the archeological property, currently green space, leaving only an isolated 10% of the available green space as public park which will destroy the park as a green space for outdoor use by the public.

Evidence: 4A, East Gateway Sector Plan,

- 6) Don Harris “**diminished the integrity of city service**” by going around the MRA and ADC departments and rewriting their recommendations for publication in a city newspaper; violating the city’s responsibility to protect historic property listed on the State and National historic/cultural properties Registers by failing to conduct adequate archeological tests on a historic property donated to the city by the Logan family of Four Hills for safekeeping. Such tests were requested by the City’s archeologist, but Don Harris deemed the tests to be a “deal killer”. It should also be noted that more modern tests such as Ground penetrating radar tests were available at the time but were not used. There was no attempt made to consult other experts regarding such tests before building over the APE area. (Charter, Sec XII, Code of Ethics Part 2: Standards of Conduct)

An adequate study would have cost \$40,000, but Harris said that would be a “deal killer;” Email to Dave Simon of Parks and Recreation.

- 7) Don Harris failed to follow state policy and **statues regarding Historic/Cultural properties (See attach NM Cultural Properties Act 2006)** and evidence above
- 8) Don Harris failed to prove that the **benefits of a second community center in the Singing Arrow Park did not outweigh the harm** to the **community** (especially the children left in the unrepaired building), when the original community center was left to decay without repairs, and **the harm to the existing park** (which will be torn up for the structure ruining the outdoor use of the park as a park), or to the **historic property**... all by leaving the first community center unrepaired and the archeological site’s APE infringed upon with a second community center building. (Charter, Sec. III)
- 9) Don Harris violated the Open Meetings Act by **failing to call for an open meeting for the addition of Singing Arrow Park to the MRA which** 1) was required because it was

a “significant” public property and not a “minor” private property according to MRA policy; and deceived his constituents by sending notice to the East Gateway Coalition of Neighborhood Associations that only a small private property was being added. (There was no mention of the large park in that memo and there was no mention of the park when the MRA change was sent to the Mayor). (see NMSA 1978, Open Meetings Act as amended: ART. IV, Sec. 7(v): Sec.2-6-1-4 (v) R.O. 1994 and Council Rules of Procedure, ART 1, Sec. 5,6,9.13)

- 10) Don Harris improperly added the existing Singing Arrow Park to the MRA although it did not meet the requirements of a “blighted” commercial property according to the MRA and ADC (which did not recommend its addition)
- 11) And other ethical violations referred to in this complaint

Addendum. 3-60A-8-9

Article 60A - Metropolitan Redevelopment

Section 3-60A-8 - Designation of a metropolitan redevelopment area. (1979)

Universal Citation: [NM Stat § 3-60A-8 \(2013\)](#)

3-60A-8. Designation of a metropolitan redevelopment area. (1979)

- A. A municipality **shall not prepare a metropolitan redevelopment plan for an area unless the governing body has by resolution determined the area to be a slum area or a blighted area, or a combination thereof**, and designated the area as appropriate for a metropolitan redevelopment project, which resolution may be adopted only after the governing body shall have caused to be published in a newspaper of general circulation within the area of operation of the municipality a notice which shall contain a general description of the area and the date, time and place where the governing body shall hold a public hearing to consider the resolution and a notice that any interested party may appear and speak to the issue of the adoption of the resolution.
- B. Such notice shall be published at least twice and the last publication shall be not less than twenty days before the hearing. The owner of any real property affected by the resolution shall have the right to file in the district court of the county within which the municipality is located, within twenty days after the adoption of the resolution, an action to set aside the determination made by the governing body of the municipality.
- C. A municipality **shall not acquire real property for a metropolitan redevelopment project unless the local governing body has approved a metropolitan redevelopment plan relating to the metropolitan redevelopment area in which the real property is located.**

History: Laws 1979, ch. 391, § 8.

See Don Harris' violations of MRA laws in **bold print below**:

2013 New Mexico Statutes
Chapter 3 - Municipalities
Article 60A - Metropolitan Redevelopment
Section 3-60A-9 - Preparation of a metropolitan redevelopment plan. (1979)

Universal Citation: [NM Stat § 3-60A-9 \(2013\)](#)

3-60A-9. Preparation of a metropolitan redevelopment plan. (1979)

A. When a municipality has complied with the provisions of the Redevelopment Law [3-60A-5 to 3-60A-13, 3-60A-14 to 3-60A-18 NMSA 1978] concerning public hearing and designation of an area as a metropolitan redevelopment area, it may prepare or cause to be prepared a metropolitan redevelopment plan; however, prior to final consideration of the plan by the local governing body, **the plan shall be the subject of at least one public hearing held by the mayor or his designee, or the municipal planning commission, at which time comments from the public as a whole can be gathered and considered by the municipality in its preparation of the final plan.** The local governing body may hold a public hearing for purposes of approval of the proposed plan, as provided in Subsection B of this section, only after the hearing required by this subsection.

B. The local governing body shall hold a public hearing on a metropolitan redevelopment plan **or substantial modification** of an approved plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the area covered by the plan and shall outline the general scope of the metropolitan redevelopment project under consideration. **Prior to the public hearing on this matter, notice of the public hearing shall be mailed by first class mail to the owners of real property in the metropolitan redevelopment area.** The mailing shall be to the owner's address as shown on the records of the county treasurer. If the notice by first class mail to the owner is returned undelivered, the municipality shall attempt to discover the owner's most recent address and shall re-mail the notice by certified mail, return receipt requested, to the address.

C. Following the public hearing, the local governing body may approve a metropolitan redevelopment plan if it finds that:

- (1) the proposed activities will aid in the elimination or prevention of slum or blight, or the conditions which lead to the development of slum or blight;
- (2) a feasible method is included in the plan to provide individuals and families who occupy residential dwellings in the metropolitan redevelopment area, and who may be

displaced by the proposed activities, with decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such individuals and families;

(3) the plan conforms to the general plan for the municipality as a whole; and

(4) **the plan affords maximum opportunity consistent with the needs of the community for the rehabilitation or redevelopment of the area by private enterprise** or persons, and the objectives of the plan justify the proposed activities as public purposes and needs.

D. A metropolitan redevelopment plan may be modified at any time; however, if the plan is modified after the lease or sale by the municipality of real property in the project area, the modification shall be subject to any rights at law or in equity a lessee or purchaser, or his successors in interest, may be entitled to assert. Any proposed modification which will **substantially change the plan as previously approved by the local governing body shall be subject to the requirements of this section, including the requirement of a public hearing, before it may be approved.**

History: Laws 1979, ch. 391, § 9.

Community Facilities

<u>Project Title</u>	<u>2011</u>	<u>Scope</u>
Family & Community Services		
Remediation, Renovations, Additions and Security Improvements: Existing FCSD Facilities	\$500,000	Design, renovate, demolish, construct, equip, furnish, provide security improvements and otherwise make improvements to existing FCSD facilities and sites. 100% of funding will be spent within the 1980 boundaries.
Los Duranes Community Center	\$850,000	Design, renovate, demolish, construct, equip, furnish, provide security improvements and otherwise make improvements to the existing Los Duranes Community Center.
Westgate Community Center	\$750,000	Acquire land, design, renovate, demolish, construct, equip, furnish, provide security improvements and otherwise make improvements to the existing Westgate Community Center.
Holiday Park Community Center	\$2,100,000	Design, acquire property, renovate, demolish, construct, equip, furnish, provide security improvements and otherwise make improvements to the Holiday Park Community Center.
East Central Health & Social Service Center	\$1,000,000	Design, renovate, demolish, construct, equip, furnish, provide security improvements and otherwise make improvements to the existing East Central Health & Social Service Center.
Dennis Chavez Community Center	\$700,000	Design, renovate, demolish, construct, equip, furnish, provide security improvements and otherwise make improvements to the existing Dennis Chavez Community Center.
Vehicle Replacement: FCSD	\$100,000	Purchase equipment needed by the Maintenance Division and replace aging FCS vehicles. All Community Centers use vans in delivery of youth programs, and they all need to be replaced periodically.
Singing Arrow Community Center Renovation	\$1,500,000	Design, acquire property, renovate, demolish, construct, equip, furnish, provide security improvements and otherwise make improvements to the existing Singing Arrow Community Center.
Total		

Community Facilities

<u>Project Title</u>	<u>2013</u>	<u>Scope</u>
Family & Community Services		
Renovation and Repair: Existing FCS and Health and Social Service Facilities	\$1,500,000	To design, renovate, demolish, construct, equip, furnish, purchase/replace playground equipment, provide security and technology upgrades and otherwise make improvements to existing FCS facilities, sites, and Health and Social Service Centers. Purchase related equipment and/or furnishings necessary for the operation of FCS facilities and Health and Social Centers.
Pat Hurley Community Center	\$250,000	Design, renovate, demolish, construct, equip, furnish, provide security and technology upgrades and otherwise make improvements to the existing Pat Hurley Community Center.
Dennis Chavez Community Center	\$600,000	Design, renovate, demolish, construct, equip, furnish, provide security and technology upgrades and otherwise make improvements to the existing Dennis Chavez Community Center.
Singing Arrow Community Center	\$1,000,000	Design, renovate, demolish, construct, equip, furnish, provide security and technology upgrades and otherwise make improvements to the existing Singing Arrow Community Center.
Westgate Community Center	\$500,000	To acquire land, design, renovate, demolish, construct, equip, furnish, provide security improvements and otherwise make improvements to the Westgate Community Center.
Vehicle and Equipment Replacement: FCS	\$150,000	Replace aging FCS vehicles and purchase equipment needed by the FCS maintenance division. All community centers use vans to transport participants.
Affordable Housing	\$2,500,000	Plan, design, acquire land, and construct affordable housing as provided in F/S(3) O-06-8.
Total		

Capital Appropriations

Appropriation ID: 15-0708

15-0708 Department of Finance and Administration Dept Code:A150708 Class Code:5A708	
Year	2015
Appropriation Title	LB SINGING ARROW COMMUNITY CTR IMPROVE
Fund Code	SEVERANCE TAX BONDS
0 2013-006 Eligibility	COMPLIANT
Bond Sale Date	8/12/2015
Bond Series Number	2015A
Amount of Bond Sale	\$150,000
Category	Local
Subcategory	Community Facility
County	Bernalillo
State Amount	\$150,000
Chapter/Section	3/ 28/ 56
Reversion Date	6/30/2019
SHARE/BOF Data	
Expended Amount (SHARE)	\$80,663
Appropriation Balance (SHARE)	\$67,837
Expended Amount (BOF)	\$80,663
IPP Amount (BOF)	\$1,500
Reversion Amount (BOF)	\$0
Appropriation Balance (BOF)	\$67,837
Last Update (SHARE/BOF)	12/17/2018
State Agenc Data	
CIP Project #	
CIP Priority #	
Local Fiscal Agent Code	02100 - Albuquerque
Amount from Prior Project	\$0
Amount Obligated	\$92,796
Project End Date	
Expended Amount	\$80,663
IPP Amount	\$1,500
Amount of Balance to New Project	\$0
Amount to Project #	
Reversion Amount	\$0
Project Status	<p>12/2018 - No other NOO or PR information received from Grantee. 11/2018 - Processed payment from Grantee. 10/2018 - No other NOO or PR information received from Grantee since payment processed on 07/12/2017 09/2018 - No other NOO or PR information received from Grantee since payment processed on 07/12/2017 08/2018 - No other NOO or PR information received from Grantee since payment processed on 07/12/2017. 08/21/2018 - GA Amendment No. 1 fully executed. 07/2018 - No other information received from Grantee since payment processed on 7/12/2017 06/2018 - No other information received from Grantee since payment processed on 7/12/2017. 05/2018 - No other information received from Grantee since payment processed on 7/12/2017. 04/2018 - No other information received from Grantee since payment processed on 7/12/2017. 03/2018 - Requested information from Grantee. No other information received from Grantee since payment processed on 07/12/2017. 02/2018 - Requested information from Grantee. No other information received from Grantee since payment processed on 07/12/2017. 01/2018 - Requested information from Grantee. No other information received from Grantee since payment processed on 07/12/2017. 12/2017 - Requested information from Grantee. No other information received from Grantee since payment processed on 07/12/2017. 11/2017 - No other information received from Grantee. 10/2017 - No other information received from Grantee. 09/2017 - No other information received from Grantee. 08/2017 - No other information provided by Grantee. 07/2017 - Processed payment for Grantee. 06/2017 - Provided Grantee with approved NOO. 03/2017 - Working with Grantee to provide Notice of Obligation documentation. 12/2016 - Third Party documentation not</p>

	provided by grantee to date. 09/2016 - Requested information from Grantee. No nformation provided to date 06/07/2016 - Requested information from Grantee. No information rovided to date 01/11/2016 - GA Issued. 02/23/2016 - GA fully executed. 0210-Design/Plan 6/16/2017 Grant Agreement Executed 02/23/2016 0150-Grant Agreement Issued 01/11/2016
oaI/Milestone achieved last quarter	A issued
oal/Milestone for next quarter	A fully executed. Get information from grantee.
roject Phase	0210 - Project In Design
alculated Balance	\$67,837
ast Agency Update	12/14/2018 AM
ast Submission Date	12/14/2018 AM
Local Data	
xpended Amount (Local Entity)	\$55,704
urrent Balance (Local Entity)	\$92,796
roject Status (Local Entity)	th Quarter 2018 - Reimbursement Request sent 10/26/18, 10/16/18. 3rd Quarter 2018 - Work has egun again, preparing RR for Sept. work. work pending resolution of appeal 2nd Quarter 2018 till going through appeal process. 1st Quarter 2018 - Community filed an appeal. Going through ppeal process 4th Quarter 2017 - Work continues. 3rd Quarter 2017 - Reimbursement received. 00 approved Reimbursement sent to State 2nd Quarter 2017 - Work Pending NOO approval, eing held by State Freeze 1st Quarter 2017 NOO sent 1/13/17 Work to start pending approved 00. 4th Quarter 2016 - Waiting for Arch approval. 3rd Quarter 2016 - Architect selected. 1st quarter 2016 - Grant agreement issued. Local match - the City purchased land 511 , 700 to be used or a portion of the center. Approximately 5 million from various local funding sources will go to onstruct the facility.
roject Phase (Local Entity)	0210 - Project in Design
oaI/Milestone achieved last quarter (Local Entity)	rd Quarter 2018 - Work has begun again, preparing RR for Sept. work. work pending resolution of

1regional sports complex in northwest Albuquerque in

2Bernalillo county;

35 1 . one hundred thirty-seven thousand dollars 4(\$137 ,
000) to plan, design, renovate and construct

5infrastructure improvements, including turf replacement, to

6the Roadrunner little league park and fields in Albuquerque

7in Bernalillo county;

852 . fifteen thousand dollars (\$15,000) to 9purchase,
install and construct a digital security camera 10system at
the San Pedro public library in Albuquerque in 1 1Bernalillo
county;

1253. ninety thousand dollars (\$90,000) to plan, 13design,
construct, renovate, equip, purchase and install

14improvements, including landscaping, demolition and
removal

15of materials, in Santa Barbara park in Albuquerque in

16Bernalillo county;

54 . thirty-five thousand dollars (\$35 , 000) to

18acquire rights of way and to plan, design, construct, furnish

19and equip an alternative response station in southeast

20Albuquerque in Bernalillo county;

2155 . one hundred thirty thousand dollars (\$130,000) 22to

acquire rights of way for and to plan, design, construct,

23furnish and equip a library in the Southeast Heights area of

24Albuquerque in Bernalillo county;

2556 . one hundred fifty _____ thousand dollars (\$150,000)

SB 1
Page 126

1 to acquire land and rights of way for and to plan,
design, 2 construct, furnish and equip improvements to the
Singing 3 Arrow community center in Albuquerque in Bernalillo
county; 4 57 . forty-five thousand dollars (\$45 , 000) to

plan, 5 design and construct a roof, including skylights,
at the 6 South Broadway public library in Albuquerque in

Bernalillo

7 county ;

8

9

10

11 59 . thirty thousand dollars (\$30,000) to purchase, 12 install
and construct improvements to the exterior lighting 13 and to
purchase and install a digital security camera system 14 at the
Special Collections public library in Albuquerque in 15
Bernalillo county;

16 60 . eleven thousand six hundred dollars (\$11 , 600) to purchase
and install a digital camera security system at 18 the Taylor Ranch
public library in Albuquerque in Bernalillo

19 county ;

20 61 . twenty-seven thousand dollars (\$27 , 000) to
21 replace windows in the Taylor Ranch public library
in

22 Albuquerque in Bernalillo county ;

23 62 . twenty thousand dollars (\$20,000) to repair
and improve the parking lot at the Tony Hillerman public

25 library in Albuquerque in Bernalillo county ;

Capital Appropriations

Appropriation ID: 15-0708

15-0708 - Department of Finance and Administration - Dept Code:A150708 - Class Code:5A708	
Year	2015
Appropriation Title	ALB SINGING ARROW COMMUNITY CTR IMPROVE
Fund Code	SEVERANCE TAX BONDS
EO 2013-006 Eligibility	COMPLIANT
Bond Sale Date	8/12/2015
Bond Series Number	2015A
Amount of Bond Sale	\$150,000
Category	Local
Subcategory	Community Facility
County	Bernalillo
State Amount	\$150,000
Chapter/Section	3 / 28/ 56
Reversion Date	6/30/2019
SHARE/BOF Data	
Expended Amount (SHARE)	\$80,663
Appropriation Balance (SHARE)	\$67,837
Expended Amount (BOF)	\$80,663
AIPP Amount (BOF)	\$1,500
Reversion Amount (BOF)	\$0
Appropriation Balance (BOF)	\$67,837
Last Update (SHARE/BOF)	12/17/2018
State Agency Data	
ICIP Project #	
ICIP Priority #	/
Local Fiscal Agent Code	02100 - Albuquerque
Reauth from Prior Project Amount	\$0
Amount Obligated	\$92,796
Project End Date	***
Expended Amount	\$80,663
AIPP Amount	\$1,500
Reauth of Balance to New Project	\$0
Reauth to Project #	
Reversion Amount	\$0
Project Status	12/2018 - No other NOO or PR information received from Grantee. 11/2018 - Processed payment for Grantee. 10/2018 - No other NOO or PR information received from Grantee since payment processed on 07/12/2017 09/2018 - No other NOO or PR information received from Grantee since payment processed on 07/12/2017 08/2018 - No other NOO or PR information received from Grantee since payment processed on 07/12/2017. 08/21/2018 - GA Amendment No. 1 fully executed. 07/2018 - No other information received from Grantee since payment processed on 07/12/2017 06/2018 - No other information received from Grantee since payment processed on 07/12/2017. 05/2018 - No other information received from Grantee since payment processed on 07/12/2017. 04/2018 - No other information received from Grantee since payment processed on 07/12/2017. 03/2018 - Requested information from Grantee. No other information received from Grantee since payment processed on 07/12/2017. 02/2018 - Requested information from Grantee. No other information received from Grantee since payment processed on 07/12/2017. 01/2018 - Requested information from Grantee. No other information received from Grantee since payment processed on 07/12/2017. 12/2017 - Requested information from Grantee. No other information received from Grantee since payment processed on 07/12/2017. 11/2017 No other information received from Grantee. 10/2017 No other information received from Grantee. 09/2017 - No other information received from Grantee. 08/2017 - No other information provided by Grantee. 07/2017 - Processed payment for grantee. 06/2017 - Provided grantee with approved NOO. 03/2017 - Working with Grantee to provide Notice of Obligation documentation. 12/2016 - Third Party documentation not provided by grantee to date. 09/2016 - Requested information from Grantee. No information provided to date 06/07/2016 - Requested information from Grantee. No information provided to date 01/11/2016 - GA Issued. 02/23/2016 - GA fully executed. 0210-Design/Plan 06/16/2017 Grant Agreement Executed 02/23/2016 0150-Grant Agreement Issued 01/11/2016
Goal/Milestone achieved last quarter	GA issued
Goal/Milestone for next quarter	GA fully executed. Get information from grantee.
Project Phase	0210 - Project In Design
Calculated Balance	\$67,837
Last Agency Update	12/14/2018 12:00:00 AM
Last Submission Date	12/14/2018 12:00:00 AM
Local Data	
Expended Amount (Local Entity)	\$55,704
Current Balance (Local Entity)	\$92,796
Project Status (Local Entity)	4th Quarter 2018 - Reimbursement Request sent 10/26/18, 10/16/18. 3rd Quarter 2018 - Work has begun again, preparing RR for Sept. work. work pending resolution of appeal 2nd Quarter 2018 - Still going through appeal process. 1st Quarter 2018 - Community filed an appeal. Going through appeal process 4th Quarter 2017 - Work continues. 3rd Quarter 2017 - Reimbursement received. NoO approved Reimbursement sent to State 2nd Quarter 2017 - Work Pending NoO approval, being held by State Freeze 1st Quarter 2017 NoO sent 1/13/17 Work to start pending approved NoO. 4th Quarter 2016 - Waiting for Arch approval. 3rd Quarter 2016 - Architect selected. 1st Quarter 2016 - Grant agreement issued. Local match - the City purchased land 511,700 to be used for a portion of the center. Approximately 5 million from various local funding sources will go to construct the facility.
Project Phase (Local Entity)	0210 - Project in Design
Goal/Milestone achieved last quarter (Local Entity)	3rd Quarter 2018 - Work has begun again, preparing RR for Sept. work. work pending resolution of

1 regional sports complex in northwest Albuquerque in
2 Bernalillo county;

3 51. one hundred thirty-seven thousand dollars
4 (\$137,000) to plan, design, renovate and construct
5 infrastructure improvements, including turf replacement, to
6 the Roadrunner little league park and fields in Albuquerque
7 in Bernalillo county;

8 52. fifteen thousand dollars (\$15,000) to
9 purchase, install and construct a digital security camera
10 system at the San Pedro public library in Albuquerque in
11 Bernalillo county;

12 53. ninety thousand dollars (\$90,000) to plan,
13 design, construct, renovate, equip, purchase and install
14 improvements, including landscaping, demolition and removal
15 of materials, in Santa Barbara park in Albuquerque in
16 Bernalillo county;

17 54. thirty-five thousand dollars (\$35,000) to
18 acquire rights of way and to plan, design, construct, furnish
19 and equip an alternative response station in southeast
20 Albuquerque in Bernalillo county;

21 55. one hundred thirty thousand dollars (\$130,000)
22 to acquire rights of way for and to plan, design, construct,
23 furnish and equip a library in the Southeast Heights area of
24 Albuquerque in Bernalillo county;

25 56. one hundred fifty thousand dollars (\$150,000) SB 1

1 to acquire land and rights of way for and to plan, design,
2 construct, furnish and equip improvements to the Singing
3 Arrow community center in Albuquerque in Bernalillo county;

4 57. forty-five thousand dollars (\$45,000) to plan,
5 design and construct a roof, including skylights, at the
6 South Broadway public library in Albuquerque in Bernalillo
7 county;

8 ~~58. two thousand dollars (\$2,000) to purchase and~~
9 ~~install a digital camera security system at the South~~
10 ~~Broadway public library in Albuquerque in Bernalillo county;~~

11 59. thirty thousand dollars (\$30,000) to purchase,
12 install and construct improvements to the exterior lighting
13 and to purchase and install a digital security camera system
14 at the Special Collections public library in Albuquerque in
15 Bernalillo county;

16 60. eleven thousand six hundred dollars (\$11,600)
17 to purchase and install a digital camera security system at
18 the Taylor Ranch public library in Albuquerque in Bernalillo
19 county;

20 61. twenty-seven thousand dollars (\$27,000) to
21 replace windows in the Taylor Ranch public library in
22 Albuquerque in Bernalillo county;

23 62. twenty thousand dollars (\$20,000) to repair
24 and improve the parking lot at the Tony Hillerman public
25 library in Albuquerque in Bernalillo county;

East Gateway MRA 2016

<http://www.cabq.gov/@@csesearch?q=MRA+Bonds>

Download Forms & Applications — City of Albuquerque

Metropolitan Redevelopment Agency Forms. **MRA** Appeal Form. Urban Design & Development Forms. Development Review Application (EPC) · Form A: Appeal ...
<https://www.cabq.gov/planning/online-forms>

Untitled

Dec 6, 2018 ... The East Gateway **MRA** Plan, which became effective in April 2016 (Council ... Arrow Park is not within the **MRA** boundaries. ... **bond** program.

<http://www.cabq.gov/singing-arrow-community-center>

Note: The above “Untitled” Document does NOT currently exist on the website but it was captured on the City’s website above.

The above quoted passage WAS REMOVED from the City’s website found above in 2018

When I attempted to locate through an IPRA—could not be found.

But this was all IPRA gave me:

Department Assignment Public

Added: Parks and Recreation.

July 12, 2019, 2:20pm

External Message Hide Requester + Staff

Hello Ms. Aycock,

As per our telephone conversation this afternoon, you clarified the following:

1. I am searching for the Dec. 6, 2018 document found on the cabq.gov website search for records. See below.

Portion #1 you are only seeking a document on why Singing Arrow Park is considered part of MRA and not just a park.

2. I am also searching for all staff or City Councilors' internal communications, emails, or documents pertaining to the addition of Singing Arrow Park to the East Gateway MRA.

Portion #2, you clarified you're not seeking emails, just a document or explanation on when Singing Arrow Park was proposed as part MRA.

3. I am also searching for any record of MRA funds spent on the planning, design, architectural designs, archeological studies, or any property purchases for/under Singing Arrow Park and the Family & Community Services Building there.

We are clear on portion #3.

Thank you for your time and clarification. We will continue to process your request.

Sincerely,
Kathleen Oney
IPRA Specialist
July 11, 2019, 2:49pm by Kathleen Oney (Staff)

Department Assignment Public

Added: Family and Community Services .

July 11, 2019, 2:37pm

Department Assignment Public

Added: City Council , Planning . Removed: Municipal Development Department .

July 11, 2019, 2:09pm

Department Assignment Public

Municipal Development Department

July 11, 2019, 11:06am

Request Opened Public

Request received via web

July 11, 2019, 11:06am

[HELP](#)

[PRIVACY](#)

[TERMS](#)

[CLICK HERE TO RETURN TO THE CITY CLERK'S WEBSITE](#)



[NextRequest](#)

[Powered by](#)

Staff

Point of Contact
Ashley Martinez

Hours
2 hours 41 minutes

Staff Cost
\$95.32

- **Send Message**

-

Uploading...

Timeline

External Message Requester + Staff

Cultural Services Department does not have any responsive records associated with this request.
July 30, 2019, 1:07pm by Karl Ortiz (Staff)

External Message Hide Requester + Staff

Please be advised that the web address you list for the Dec. 6, 2016 article does NOT exist. Please locate the complete sentence regarding "bond program" that is abbreviated in the note you can read. Colleen Aycock

July 30, 2019, 9:21am by the requester via email

External Message Hide Requester + Staff

Dear Ms. Aycock,

This correspondence concerns your IPRA request dated 07/11/2019, in which you requested to inspect the following:

1. I am searching for the Dec. 6, 2018 document found on the cabq.gov website search for records. See below.

Dr. Valles, Inter-Coalition of Neighborhoods to City Council

----- Forwarded message -----

From: <joevalles@aol.com>

Date: Mon, Feb 18, 2019 at 12:46 PM

Subject: Inter-Coalition Panel Resolution in support of East Gateway Coalition's opposition to the proposed Singing Arrow Community Center

To: <kensanchez@cabq.gov>, <ibenton@cabq.gov>, <kpena@cabq.gov>, <bwinter@cabq.gov>, <patdavis@cabq.gov>, <dgibson@cabq.gov>, <trudyjones@cabq.gov>, <dharris@cabq.gov>, <cdborrego@comcast.net>

Cc: <davidh.d7@comcast.net>, <dhc@zianet.com>, <michael@drpridham.com>, <couchman@zianet.com>, <dreganabq@gmail.com>, <wood_cpa@msn.com>, <mbfernandez1@gmail.com>, <rogerdhartman@gmail.com>, <jfworral@comcast.net>, <lmartin900@aol.com>, <brasher@aps.edu>, <johnnyepena@comcast.net>, <rmahoney01@comcast.net>, <jearnoldjones@aol.com>, <swent999@aol.com>, <joevalles@aol.com>, <jamesw.andrews01@gmail.com>

Greetings President Pena,

The Inter-Coalition Panel Resolution in support of East Gateway Coalition's opposition to the proposed Singing Arrow Community Center is as follows (and attached).

A meaningful dialogue with an informed - and engaged public - is essential and foremost.

Thank you for your consideration and deliberation.

Respectfully, Dr. Joe L. Valles

February 17, 2019

To: President Klarissa Pena, Albuquerque City Council

From: Inter-Coalition Panel of Neighborhood Associations

The Panel approved the following Resolution introduced by a Representative of the East Gateway Coalition of Neighborhood Associations.

Re: East Gateway Coalition of Neighborhood Associations Opposition to Proposed New Singing Arrow Community Center.

Whereas; The East Gateway Coalition of Associations met on January 29, 2019 for its Annual Meeting and

discussed the proposed new Singing Arrow Community Center. And, by a very heavy majority, the members

present passed the following Resolution:

“That the original General Obligation bond money be used for the original purpose, which was to renovate and expand the existing Singing Arrow Community Center, including the demolition of existing buildings, if necessary, using the original location; and that a moratorium be put on any new construction until a new comprehensive plan can be developed with community input.” and;

Whereas; The City Council assigned \$4,500,000 of Bond money approved by voters in 2011 and 2013 to refurbish and renovate the existing Singing Arrow Community Center, but later decided to use this money for a new facility and;

Whereas; A new Center is proposed to be constructed approximately 100 yards east of the existing Center, utilizing a very large portion of the existing Singing Arrow Park, much of which (approximately 50%) contains archaeological relics and;

Whereas; The proposed building design does not conform with the surrounding community architecture - so much of a beautiful park area will be lost - and where many better-suited places exist for a new community center site - and where this unwanted new community center site is 100 yards from the current center and with five or six others within a two-mile radius and;

Whereas; City representatives have been unresponsive to alternatives, stating several times that *“the City has decided and this is going to happen.”* And where most of the community’s input is being ignored and the community as a whole is understandably upset and unsupportive and;

Whereas; We are asking the City Council to place this project on hold, until the community can effectively express its concerns and work out a resolution that would minimize the impact on adjacent neighborhoods.

Therefore be it resolved; that members of the Inter-Coalition Panel of Coalitions of Neighborhood Associations support the East Gateway Coalition of Neighborhood Associations in its opposition to the proposed Singing Arrow Community Center as proposed and; request that the City Council put this project on hold until the community's concerns are meaningfully addressed.

Respectfully submitted,

Dr. Joe L. Valles, Chairman: Inter-Coalition Panel

For Don Harris and his address with the East Gateway Coalition, Jan 29, 2019:

We want and need to work with you, but there is an overall frustration among many voters in the area that can best be summarized by saying that we need you to respond to a greater list of concerns and to work with a larger number of your constituents in a more timely fashion with a greater sense of urgency. The impression out here is twofold: that by not attending meetings for public input, it is difficult for you to know personally what voters in your district who take the time to show up are feeling; and in the press you appear to represent only a very small number of people but people who are very vocal who support your limited agenda. We want you to broaden your scope of attention to more people and address their concerns.

Of the people queried for your attention (over 30) many of whom have worked with ABQ and other municipalities, the subjects they are most concerned about are: panhandling, crime, need for a police substation, and specific plans for the use of tax-payer monies to improve or revitalize the area. We hope these questions, concerns, and positive ideas help you plan your immediate agenda for “revitalizing the East Central Gateway 2019.” Specifically, we would hope that you could bring to this meeting your 5-year plan for revitalizing the East Central Gateway. We hope our questions below will provide you with a blueprint for such a plan and that our concerns would be among your top priorities. Please know that we would be glad to work with you to help you on any public task force you need in order to plan, write, develop or otherwise accomplish such goals.

Below are the specific questions in order of concern respondents want you to answer, not merely address, at the upcoming meeting, future City Council meetings and those with the Mayor and Police Chief in order to prevent the area from further degradation:

1) The out of control homeless and panhandling situation

- What kind of relief can you offer Four Hills area residents prior to the court case August 2019?
- Because certain panhandlers have occupied the same spaces for months at a time or longer to solicit money, can they be cited for operating a business without a license?
- Because we've been told this is the “richest” corner of the city with “amenities” for the panhandlers, what plan can you propose to encourage the drug-addicted panhandlers to move off the streets and into programs elsewhere in the city that

are already funded by government for their specific needs? (Comment: we don't want or need aid groups to come feed them on these corners. Note: Joy Junction has already stopped doing this. These professional panhandlers and others on the corner need to be taken to or convinced to go to drug treatment facilities. Please identify programs to do that.)

2) Police Substation:

Needed to help protect the public, the businesses, the bus stop, prevent hotel crimes and promote community policing

- How do we/you petition for a police and fire substation located near Central and Tramway?
- If you won't support a new building for a police substation (other districts are getting new buildings), will you at least support a rental space in the Four Hills Shopping Center to bring even a small degree of police presence here?
- When will you meet with Police Chief Grier to express citizens' desires to have a substation on Central?
- If we are not safe in our homes or a business, revitalization will not occur because no one will want to come here. Businesses already see this as a crime-filled area—How can you/we change that perception?

Note: Because questions about the “overall plan” for revitalizing East Central encompass plans for a new community center, the next 2 subjects are linked.

Comments: We need to get going on East Central, now!

3) Derelict Commercial Properties & Vacant Lots on East Central, i.e. “Revitalizing the East Gateway”: Previous and FUTURE Plans

- In October, 2013 in response to reelection questions by the *Albuquerque Journal* you stated, “I have been working for years to revitalize East Central. We have assembled \$3.8 million to be used for projects, and several small businesses have opened in the area.” What happened to the money, and why is East Central in worse shape now than it was 5 years ago?
- How much money do we have now for revitalization?
- How do we get started with an *active* plan to redevelop East Central?
- How can we get anchor businesses to the area, and what incentives can we offer them? In other words, how can we help them help us, which we see happening in Nob Hill, for ex.?
- What kind of business do we need/want? (Tractor Supply was a terrific idea.) Start with: a Police Station, really good Route 66 Museum, tortilla factory with tours, a neon shop, or other Rt 66-themed shops.
- How do we get rid of overhead out-dated power lines to underground to enhance area visibility, modernize, not look so blighted? (Most of central is underground except by 4 Hills Shopping Center.)
- Franklin Plaza has been red tagged for 6 months. When will it be condemned, razed, and turned into city owned property like the property on San Mateo and Katherine?

- We have heard that you have endorsed plans for Franklin Plaza to be turned into a basketball gym. Is there better use for Franklin Plaza with public input? Can Franklin Plaza be used as a community center police substation with meeting rooms and gym to encourage youth police programs and other community policing programs?
- What can you do to promote more businesses between Eubank and Tramway?
- Why are the recommendations of the East Gateway Sector Plan and the Metropolitan Redevelopment Plan not being followed? Jim Strozier stated in the November, 2018, public meeting that neither of these plans were ever considered when planning the current site plan of the 2nd community center.
- Of the 4,000 low-income housing vouchers that exist in ABQ, what percentage of that number goes to this district?
- Will you call for a moratorium on housing vouchers assigned to this area until such a study is done to make certain the city is in compliance with HUD criteria, making certain the vouchers are not being used in a concentrated area that forces the area into deeper poverty and blight?
- You have expressed your opinion that the new community center will help remove the “blight” in this area, but that specific “blight” associated with the park is only a small, overgrown parking lot purchased for \$500,000 (or less) and you are “improving those conditions” with \$5.5 million of taxpayer monies. Aren’t there better places to put a 15,000 square-ft public building that will do more to erase real “blight” in this area and that can accomplish the same ends?
- Why do you want to decrease green space in a park and plan a building, which is not compatible with an historical archaeological site by failing to have a Pueblo style facade and which is also incompatible with the style of the current community center) when there are so many vacant properties that could be used that would revitalize the property without all these *negative impacts*?
- Why is the Smoke Shop property not “red tagged” by the city and is allowed to violate safety regulations (i.e. not pulling the underground gas tanks, removing the above ground stations that are an eyesore and potential hazard, next to a car wash that needs to be torn down)?

4) Singing Arrow Park:

- What is the current status and plan for the funds approved for the Archaeological Site?
- I would like see the second Singing Arrow Community Center Vetoed
- When will the old Singing Arrow Community Center be renovated and will the first bond issue still be used for that renovation?
- Why is the community center being built on a location that has so many negatives (no street presence, increase traffic danger?
- Why are showers needed in the new center when there is total agreement since the EPC meeting that they should be removed from the plans?
- You have stated in the news that the new community center is for the “poor children” and “refugees.” Will ALL of the space inside the CC be used for those purposes, and can you be more specific? (You normally don’t build a large, expensive building without knowing those specifics.)

- Why do you propose and design such a large building for so few children in the area when area demographics and current use records for the original building don't support this purpose? The numbers of children per household are the lowest in this area of the SE corridor and those numbers increase substantially the farther west you go. It would seem such a purpose would be better served statistically elsewhere.

5) End of the Line BUS STOP at the corner of Tramway & Wenonah:

Due to the dangerous situation that exists (car accidents and deaths)

- What are the plans for moving the stop especially since the entrance to the new community center is directly across the street and will add another level of danger?
- Because the buses are mostly empty, why not have fewer buses come all the way up to Tramway and avoid the congestion of multiple buses being parked in a small space at the same time?
- Can there be a different "end" point or route—other than Wenonah & Tramway?
- District neighbors met with the city's traffic planner months ago to request a study for the corner of Wenonah and Tramway with regard to pedestrian traffic and the need for a traffic light at the corner and a cross-walk crossing the street to Smith's. We were told recently that "traffic lights and crosswalks cost money." Can you request such a study or funding, or better yet, an alternate location for a bus end-point?

City of Albuquerque Public Records

Hi there

Record request #19-5715 has been closed. The closure reason supplied was:

Hello Ms. Young:

On August 21, 2019, we received your public records request for the following records:

Dear Mr. Aguilar, On August 19, 2019, I testified regarding the Council's vote of June 17, 2019, which approved the MRA boundary expansion that included Singing Arrow Park with the designated archaeological site. Immediately following my testimony, Councilor Sanchez directed a question to you in which he asked, 'Have we done anything illegal?' (regarding the action taken by the City Council on June 17, 2019 on #R-19-146). You responded, "No." Please provide the complete background information and investigative report that supported your 'no' reply to Councilor Sanchez. Please provide this report at your earliest convenience. Many thanks, Judy Young

Thank you for your patience during this process. The City has completed our search and has found no records responsive to your request. Any potentially responsive records are exempt from

disclosure under the Inspection of Public Records Act pursuant to NMSA 1978 § 14-2-1(H) (as otherwise provided by law) because they are attorney client communications or attorney work product protected by New Mexico Supreme Court rules including, but not limited to, Rule 11-503 NMRA (Lawyer-Client Privilege).

This request will now be closed.

Sincerely,

Yvette Gurule

IPRA Specialist

[View Request 19-5715](#)

<http://nextrequest.caba.gov/requests/19-5715>

Karen Iverson

Colleen Aycock (cka13705@aol.com) To: you (Bcc) + 1 more [Details](#)

Thank you so much for responding. I knew that he was responsible for that, but when I saw your name attached to the newspaper ad back in May it seemed odd.

Thank you again,

Colleen Aycock

-----Original Message-----

From: Iverson, Karen R. <kiverson@cabq.gov>

To: 'Colleen Aycock' <cka13705@aol.com>

Sent: Tue, Apr 14, 2020 8:51 am

Subject: RE: East Gateway MRA Expansion

Ms. Aycock-

Council Harris introduced the amendment to add Singing Arrow Park and Archeological Site.

Sincerely,

KAREN IVERSON

o 505.924.3814

From: Colleen Aycock <cka13705@aol.com>

Sent: Monday, April 13, 2020 10:46 PM

To: Iverson, Karen R. <kiverson@cabq.gov>

Cc: youngjudy@ymail.com

Subject: East Gateway MRA Expansion

Ms. Iverson:

I have received the Notification of Decision regarding the Minor Modification to teh EG MRA to include the property at 601 Juan Tabo, back on March 22, 2019.

Did you or the MRA ever recommend that the Singing Arrow Park and Archeological Site be added to the East Gateway MRA BEFORE it was formally submitted by Don Harris to the City Council as an amendment to R-19-146 on June 17, 2019?

Sincerely,

Colleen Aycock

October 3, 2019

Councilor Klarissa Pena, President
Albuquerque City Council
P.O.Box 1293
Albuquerque, NM 87103

Dear President Pena:

We are writing to you for help. For the past several years we have been experiencing an absentee Councilor for District 9. Not only is Don Harris frequently absent at City Council meetings, he is never in his office. He does NOT respond to email, phone calls, or letters from many of his constituents. In fact, the group Women (and Associates) Taking Back Our Neighborhoods was formed because Don Harris would not meet with them individually. When he did schedule a meeting, it would be 3 months out so that he would not have to address any immediate needs or concerns.

Citizens in his district are very frustrated. He cancels meetings that he promises to attend. He was scheduled to meet with the East Gateway Coalition of neighborhood associations in December 2018. He cancelled at the last minute. He has not attended any meeting since. When we try to call various City Departments for answers to our concerns, we are told that we must go through our Councilor. How can we do that when he won't respond to us?

We have no representation in this District. We are asking you to assign us someone from the City who can respond to our needs or meet with us when our Councilor refuses to address our concerns about crime and revitalization efforts in District 9.

Sincerely,

R-19-146 City Website

<https://cabq.legistar.com/LegislationDetail.aspx?ID=3938568&GUID=D48798E9-1C5F-4539-B135-24DF94807D1D&Options=ID%7CText%7C&Search=east+gateway>



Details

Reports

File #: R-19-146
Type: Resolution **Status:** Enacted
File created: 5/6/2019 **In control:** [City Council](#)
Final action: 6/17/2019
Enactment date: 7/9/2019 **Enactment #:** R-2019-045

Title: Amending The Boundary Of The **East Gateway** Metropolitan Redevelopment Area To Designate An Additional Area For Inclusion Within The MRA, Making Certain Findings And Determinations Pursuant To The Metropolitan Redevelopment Code, And Authorizing And Directing The Metropolitan Redevelopment Agency To Update The Metropolitan Redevelopment Plan For The **East Gateway** Metropolitan Redevelopment Area Consistent With This Resolution (Harris)

Attachments: 1. [R-146](#), 2. [R-146 Exhibit A.pdf](#), 3. [R-146 Exhibit B.pdf](#), 4. [R-146Enacted](#)

History (12)

Text

12 records

Group

Export

Date	Action By	Action
7/9/2019	City Clerk	Published
7/2/2019	Mayor	Signed by the Mayor
6/27/2019	City Council	Sent to Mayor for Signature
6/17/2019	City Council	Passed as Amended
6/17/2019	City Council	Amended
5/20/2019	City Council	Accepted with a Recommen
5/20/2019	City Council	Postponed
5/15/2019	Land Use, Planning, and Zoning Committee	Sent to Council for Immedia
5/15/2019	Land Use, Planning, and Zoning Committee	Sent to Council with a recon
5/15/2019	Land Use, Planning, and Zoning Committee	Amended

5/6/2019	City Council	Introduced and Referred
5/6/2019	President	Referred

5/6/ Same for President and City Council

R-19-146

Type: Resolution

Title: Amending The Boundary Of The East Gateway Metropolitan Redevelopment Area To Designate An Additional Area For Inclusion Within The MRA, Making Certain Findings And Determinations Pursuant To The Metropolitan Redevelopment Code, And Authorizing And Directing The Metropolitan Redevelopment Agency To Update The Metropolitan Redevelopment Plan For The East Gateway Metropolitan Redevelopment Area Consistent With This Resolution (Harris)

Mover:

Secunder:

Result:

Agenda note:

Minutes note:

Action: Referred

Action text: Referred to the Land Use, Planning, and Zoning Committee

5/15

File #: R-19-146

Type: Resolution

Title: Amending The Boundary Of The East Gateway Metropolitan Redevelopment Area To Designate An Additional Area For Inclusion Within The MRA, Making Certain Findings And Determinations Pursuant To The Metropolitan Redevelopment Code, And Authorizing And Directing The Metropolitan Redevelopment Agency To Update The Metropolitan Redevelopment Plan For The East Gateway Metropolitan Redevelopment Area Consistent With This Resolution (Harris)

Mover:

Secunder:

Result:

Agenda note:

Minutes note:

Action: Introduced and Referred

Action text: Introduced and Referred to the Land Use, Planning, and Zoning Committee

- Votes (0:0)
5/15

File #: R-19-146

9 records

Group

Export

<u>Person Name</u>	<u>Vote</u>
Klarissa J. Peña	For
Cynthia D. Borrego	For
Ken Sanchez	For
Isaac Benton	For
Brad Winter	For
Patrick Davis	For
Diane G. Gibson	For
Trudy E. Jones	For
Don Harris	For

5/20 City Council

R-19-146

Type:

Resolution

Title:

Amending The Boundary Of The East Gateway Metropolitan Redevelopment Area To Designate An Additional Area For Inclusion Within The MRA, Making Certain Findings And Determinations Pursuant To The Metropolitan Redevelopment Code, And Authorizing And Directing The Metropolitan Redevelopment Agency To Update The Metropolitan Redevelopment Plan For The East Gateway Metropolitan Redevelopment Area Consistent With This Resolution (Harris)

Mover:

Secunder:

Result:

Agenda note:

Minutes note:

Action:

Accepted with a Recommendation Do Pass, as Amended (Immediate Action)

Action text:

Accepted with a Recommendation Do Pass, as Amended (Immediate Action)

- Votes (0:0)

6/17 City Council Harris Amends again?

R-19-146

Type:

Resolution

Title: Amending The Boundary Of The East Gateway Metropolitan Redevelopment Area To Designate An Additional Area For Inclusion Within The MRA, Making Certain Findings And Determinations Pursuant To The Metropolitan Redevelopment Code, And Authorizing And Directing The Metropolitan Redevelopment Agency To Update The Metropolitan Redevelopment Plan For The East Gateway Metropolitan Redevelopment Area Consistent With This Resolution (Harris)

Mover: Don Harris **Secunder:**

Result: Pass

Agenda note:

Minutes note:

Action: Amended

Action text: A motion was made by Councilor Harris that this matter be Amended. Councilor Harris moved Amendment No. 1 (Exhibit 55). The motion carried by the following vote:

- Votes (9:0)

9 records

Group

Export

<u>Person Name</u>	<u>Vote</u>
Klarissa J. Peña	For
Cynthia D. Borrego	For
Ken Sanchez	For
Isaac Benton	For
Brad Winter	For
Patrick Davis	For
Diane G. Gibson	For
Trudy E. Jones	For
Don Harris	For

6/17/ City Council passes Harris' amendment

R-19-146

Type: Resolution

Title: Amending The Boundary Of The East Gateway Metropolitan Redevelopment Area To Designate An Additional Area For Inclusion Within The MRA, Making Certain Findings And Determinations Pursuant To The Metropolitan Redevelopment Code, And Authorizing And Directing The Metropolitan Redevelopment Agency To Update The Metropolitan Redevelopment Plan For

The East Gateway Metropolitan Redevelopment Area Consistent With This Resolution (Harris)

Mover: Don Harris **Second:**
Result: Pass
Agenda note:
Minutes note: (Exhibit 56)
Action: Passed as Amended
Action text: A motion was made by Councilor Harris that this matter be Passed as Amended. The motion carried by the following vote:

- Votes (9:0)

9 records
Group
Export

<u>Person Name</u>	<u>Vote</u>
Klarissa J. Peña	For
Cynthia D. Borrego	For
Ken Sanchez	For
Isaac Benton	For
Brad Winter	For
Patrick Davis	For
Diane G. Gibson	For
Trudy E. Jones	For
Don Harris	For

6/27 City Council sends amendment to Mayor

R-19-146

Type: Resolution
Title: Amending The Boundary Of The East Gateway Metropolitan Redevelopment Area To Designate An Additional Area For Inclusion Within The MRA, Making Certain Findings And Determinations Pursuant To The Metropolitan Redevelopment Code, And Authorizing And Directing The Metropolitan Redevelopment Agency To Update The Metropolitan Redevelopment Plan For The East Gateway Metropolitan Redevelopment Area Consistent With This Resolution (Harris)

Mover: **Second:**
Result:
Agenda note:

Minutes note:

Action: Sent to Mayor for Signature

Action text: Sent to Mayor for Signature

- Votes (0:0)

7/2 Mayor signs?

Resolution

Title: Amending The Boundary Of The East Gateway Metropolitan Redevelopment Area To Designate An Additional Area For Inclusion Within The MRA, Making Certain Findings And Determinations Pursuant To The Metropolitan Redevelopment Code, And Authorizing And Directing The Metropolitan Redevelopment Agency To Update The Metropolitan Redevelopment Plan For The East Gateway Metropolitan Redevelopment Area Consistent With This Resolution (Harris)

Mover:

Secunder:

Result:

Agenda note:

Minutes note:

Action: Signed by the Mayor

Action text: Signed by the Mayor

- Votes (0:0)

7/9/ City Clerk publishes

R-19-146

Type: Resolution

Title: Amending The Boundary Of The East Gateway Metropolitan Redevelopment Area To Designate An Additional Area For Inclusion Within The MRA, Making Certain Findings And Determinations Pursuant To The Metropolitan Redevelopment Code, And Authorizing And Directing The Metropolitan Redevelopment Agency To Update The Metropolitan Redevelopment Plan For The East Gateway Metropolitan Redevelopment Area Consistent With This Resolution (Harris)

Mover:

Secunder:

Result:

Agenda note:

Minutes note:

Action: Published

Action text: Published

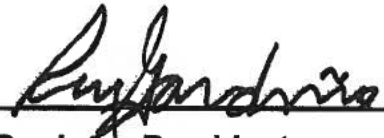
[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 **Section 1. The project scope for the 2009 Feasibility Study District 6 Library**
2 **Project, activity number 7505070, is expanded to include the acquisition of**
3 **land for the International District Library.**
4 **Section 2. The project scope for the 2011 Library Materials project, activity**
5 **number 7516050, is expanded to include the acquisition of land for the**
6 **International District Library.**
7 **Section 3. The project scope for the 2011 Singing Arrow Community Center**
8 **Renovation project, activity 7513070, is amended to read: to acquire land,**
9 **plan, design, construct, furnish, equip and otherwise improve the Singing**
10 **Arrow Community Center.**
11 **Section 4. The project scope for the 2013 Singing Arrow Community**
12 **Center project, activity 7528090, is amended to read: to acquire land, plan,**
13 **design, construct, furnish, equip and otherwise improve the Singing Arrow**
14 **Community Center.**

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

1 PASSED AND ADOPTED THIS 18th DAY OF May, 2015
2 BY A VOTE OF: 8 FOR 0 AGAINST.

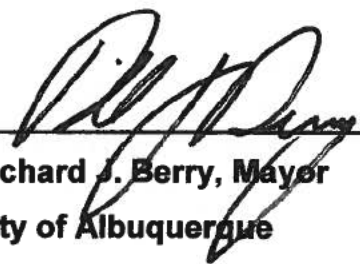
3
4 Excused: Peña

5
6 

7
8 Rey Garduno, President
9 City Council

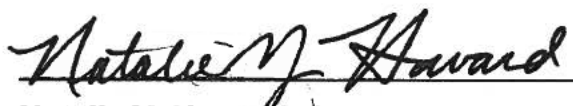
10
11
12 APPROVED THIS 27th DAY OF May, 2015

13
14
15 Bill No. R-15-201

16
17 

18 Richard J. Berry, Mayor
19 City of Albuquerque

20
21
22
23
24 ATTEST:

25
26 

27 Natalie Y. Howard, City Clerk

[+Bracketed/Underscored Material+] - New
[-Bracketed/Strikethrough Material-] - Deletion

Requests for Meetings with Don Harris, Evidence 1B

To:you (Bcc) + 58 more [Details](#)

Ms Suter:

Thank you for responding to both Judy Young and myself since we both sent individual requests to meet with our Councilor. It is because Councilor Harris has refused to meet with me and members of his District that we have been forced to seek other avenues to have our questions answered (such as IPRAs, the AG's office, and other City Departments etc.) We are only working to improve the district as has been demonstrated, and to have the policies and laws already on the books enforced. This was to be my last effort to make an appointment to see if Mr. Harris would meet with me regarding measures that he promised to take but did not, such as proposing an ordinance requiring IDs at all hotel/motel registrants or guests in the city and other such measures/proposals to ensure the safety of our neighborhoods and tourists. Since he has never met with me, ever, how can he be certain that we share no common ground? If we share no common ground on public law and neighborhood safety measures that is a very sad day indeed.

Quite frankly, I am baffled as to why Don Harris has been so obstinate in meeting with me these past two years. I'm sorry that Mr. Harris still refuses to meet with me or his constituents or any neighborhood associations where the people he has sworn to serve can ask him questions or register their concerns, or offer him their ideas for improving the District/City.

My position still remains that if Don Harris refuses to meet with us, then the city needs to appoint a mediator or representative who can address our concerns in his absence. SE AB is dying over here and Mr. Harris doesn't seem concerned; and his sour relationship with the neighborhoods was in play long before I moved here. In fact, this is the only city where my volunteerism has been met with a lack of engagement and outright hostility by an elected City representative. In fact, I don't have that relationship with any other current City Councilor. I fear the system is not irreparably broken in Dist. 9 and that is why we have asked for President Pena's intervention.

Sincerely,

Colleen Aycock, Ph.D.

And Judy Young's response:

Dear Mr. Harris,

What you have stated in your response through Ms Suter is, "Please don't contact me again."

You have a fiduciary with your constituents which was the contract you agreed to when you took your oath of office. This fiduciary is a contract with all of your constituents which includes both of us; Colleen Aycock and Judy Young. The fiduciary contract is that as our representative you are to make all of your decisions based on the best financial and physical safety interests of your constituents.

We believe that you have failed to provide for our physical and financial safety, and we have testified to this before the City Council. This failure has jeopardized our physical and financial safety and has blighted the historic Route 66 of District 9. And now you are threatening to blight our beautiful Singing Arrow Park. Most egregious, you have not provided the required archaeological reports and studies that identify artifacts and burial sites.

Because of these deep concerns, we attempted to meet with you. Your refusal to meet with us is curious. You call this "failure to have common ground." The goal of resolving any conflict is to first find common ground. We are again requesting to meet with you with a mediator who is trained in conflict resolution.

Please send back dates and times you are available for such a meeting and the name of the conflict resolution mediator.

Respectfully submitted,

Judy Young
Sent from my iPhone

On Oct 21, 2019, at 1:05 PM, Harris, Don <dharris@cabq.gov> wrote:

Good afternoon Ms. Young and Ms. Aycock,

On behalf of Councilor Harris and City Staff, I have been asked to relay this message to you:

-----Original Message-----

From: Harris, Don <dharris@cabq.gov>

To: 'youngjudy@ymail.com' <youngjudy@ymail.com>; 'Colleen Aycock' <cka13705@aol.com>

Cc: Suter, Bonnie B. <bsuter@cabq.gov>; Yara, Stephanie <syara@cabq.gov>

Sent: Mon, Oct 21, 2019 1:05 pm

Subject: RE: Request to meet with Don Harris

Good afternoon Ms. Young and Ms. Aycock,

On behalf of Councilor Harris and City Staff, I have been asked to relay this message to you:

In light of recent events wherein you have taken very strong positions against the Councilor and are seeking a citizen's grand jury and the like, it seems that common ground is not available at this time. The Councilor understands and supports your free speech rights, but will just agree to disagree with your positions at this time. However, if you let me know what you'd like to meet about I'll be happy to connect you with the appropriate city staff.

My kindest regards,
Bonnie

From: youngjudy=ymail.com@mailgun.org [<mailto:youngjudy=ymail.com@mailgun.org>] **On Behalf Of** youngjudy@ymail.com
Sent: Thursday, October 17, 2019 3:30 PM
To: Harris, Don
Subject: Request to meet with Don Harris

Please select one or more City Councilors.
Don Harris, District 9

Your First Name

Judy

Last Name

Young

Address Line 1

[REDACTED]

Address Line 2

City

Abq

State

NM

Email Address

youngjudy@ymail.com

Zip

[REDACTED]

Phone Number

[REDACTED]

Subject of your message

Request to meet with Don Harris

Enter Your Message Here

Please email me so that Colleen Aycock and I can meet with you at your earliest convenience.

=====
This message has been analyzed by Deep Discovery Email Inspector.

cka13705 (cka13705@aol.com) To: you (Bcc) + 1 more [Details](#)

Councilor Harris:

Do you have someone responsible for these duties when your assistant is out of the office?

Thank you for this attention,

Colleen Aycock

-----Original Message-----

From: Suter, Bonnie B. <bsuter@cabq.gov>

To: cka13705@aol.com <cka13705@aol.com>

Sent: Sat, Feb 23, 2019 1:59 pm

Subject: Automatic reply: Second Request for a Meeting with Councilor Harris

Good day,

I will be out of the office on Monday, the 18th of February and returning Monday, the 25th of February.

My kindest regards,
Bonnie

No reply ever came from Don Harris or Bonnie Suter

Begin forwarded message:

From: Judy Young <youngjudy@ymail.com>
Date: January 9, 2019 at 3:36:37 PM MST
To: dharris@cabq.gov

Subject: Fwd: Meeting Request with Don Harris

Dear Mr. Harris,

Singing Arrow residents repeatedly requested a meeting with you a year ago. We have similar emails denying us such meetings.

We also have emails indicating that you granted Mark Burton and his cohorts meetings during this time in which we were denied access to our city councilor, you Mr. Harris! You have supported and maintained strong communication with one Mark Burton even though it was reported to you and publicly to the city council that Mr. Burton sonically assaulted members of the neighborhood association after he was voted out as president of Singing Arrow Neighborhood Association on 4/26/18. In addition to using public funding for an event in the park by Mr. Burton's nonrecognized group (SANE Coalition), you have continually and intentionally sewn discord among members of your district.

We presented evidence of the #1 safety hazard in Albuquerque at the Singing Arrow Task Force Meeting on 4/6/18 which is the bus turnaround at Tramway and Wenonah. Page 8 of The Metropolitan Redevelopment Plan in 2013 called for a designated bus transfer station to be built (Juan Tabo & Central but later recommendations were Wyoming & Central or even further west to make it more centralized to buses going north and south).

On 9/21/18 over a dozen constituents met with Principal Planner Andrew de Garmo of Albuquerque Transit at Alvarado Transit Main Station to sound the alarm yet again because we do not have access to our city councilor nor do we have representation for any of these matters. In that meeting, one resident stated that he remembers a meeting 10 years ago being promised relief of this death trap. Ilena Estrella stated in that meeting, "Is someone going to have to die before something is done about this?"

That day came January 7, 2019.

Mr. Harris I hold you and the city directly responsible for this unnecessary and clearly avoidable death.

Mr. Harris I am calling for your immediate resignation so that this area can be responsibly represented.

Respectfully submitted,

Judy Young
Sent from my iPhone

Begin forwarded message:

Sent: Wed, Jan 23, 2019 5:28 pm
Subject: Re: Meeting Request with Don Harris

Our group is not looking back. We are looking to the future. **Considering your busy law** and other schedules that take you months out, It is more efficient for you to meet with several of us rather than one on one. We look forward to your scheduling a meeting with us at your earliest convenience

cka13705 (cka13705@aol.com)**To:waltpunke** [Details](#)

What makes him look so bad when it comes to meeting with his constituents is that I requested a meeting with him BEFORE the East Gateway requested a meeting and he scheduled theirs but not mine. Hummmm.

Colleen Aycock

From: <cka13705@aol.com>
Date: January 9, 2019 at 2:15:56 PM MST
To: bsuter@cabq.gov
Cc: dharris@cabq.gov,

Subject: Re: Meeting Request with Don Harris

Bonnie:

This is unacceptable. Mr. Harris manages to meet with any number of people and groups when he chooses to. The Women Taking Back Our Neighborhoods are working hard to make his district a better place for all residents and yet he refuses to meet with us? He has not attended any meetings for the Singing Arrow Community Center. I have only seen him once at a City Council meeting downtown this past year. In fact, I have no problem getting appointments or personal calls back from and with ANY OTHER city councilor, yet my own district representative refuses to meet with me or our group.

If Don Harris' schedule doesn't permit his attendance at city council meetings or meetings in his own district over his one \$5+ million project in 10 years, and he can't meet with his constituents, and when he DOES throw out a token of disrespect, he schedules a district meeting for as far out as a quarter of year hoping he won't have to meet with the people he should be meeting with, then he should RESIGN.

It's a simple choice. Either meet with the constituents you represent to hear their positive comments or continue your negative representation and get out of the way of progress in the depressed area you have left.

Colleen Aycock

-----Original Message-----

From: Suter, Bonnie B. <bsuter@cabq.gov>
To: cka13705@aol.com <cka13705@aol.com>
Cc: Harris, Don <dharris@cabq.gov> Sent: Mon, Jan 7, 2019 4:55 pm

Subject: Re: Meeting Request with Don Harris

Good afternoon Ms. Aycock,

Please forgive the delay in getting back to you. I've been working on Councilor Harris's calendar to find a time in which we could set up a meeting. Unfortunately his January calendar is quite booked due to the start of the budget season for all Districts. Councilor Harris did mention that he wants to schedule a

District Wide meeting sometime in February/March timeframe. I will contact all once I've been able to secure a date and time.

My kindest regards,
Bonnie

Sent from my iPad

On Jan 7, 2019, at 1:13 PM, "cka13705@aol.com" <cka13705@aol.com> wrote:

Dear Mr. Harris:

I recently requested a meeting with you at the Lomas/Tramway branch library but did not hear back.

Again i am requesting a meeting with you and the group Women Taking Back Our Neighborhoods. We would like to hear about your agenda for the new year and tell you about initiatives we would like to see.

Colleen Aycock

Colleen Aycock (cka13705@aol.com)To:you (Bcc) + 40 more [Details](#)
Mr. Harris:

Below is the letter I sent to Lia Armstrong the commercial realtor for the owners of Franklin Plaza. This location has been a source of blight in our area for 10 years now. The location was red-tagged by you and the mayor 6-8 months ago. Since then, the situation has not improved only worsened there. In fact, the entire Central Ave. between Juan Tabo and Tramway is now an extended homeless camp with tents and shopping carts. Litter, drugs, and human waste fill the properties.

What are you doing about this situation? I know you do not live in the Four Hills area, but when was the last time you drove Central Ave. over here? Did you know we are fighting a meth lab, with drug addicts on all corners, a bus stop where 4 units of APD were called in last night at 7, an undercover operation last week that made contact with 11 gang members? Do you want everyone in this area to move? The new nightclub next to KFC is NOT an improvement.

Did you read Debbie Owen's editorial in today's paper?

I look forward to hearing what you are doing to improve the situation--not plans for the future--what you are doing NOW!

Sincerely,

C. Aycock
Women Taking Back Our Neighborhoods

Letter to Franklin Square

Hi Lia:

I didn't know if you are aware of the situation at Franklin Plaza, but since last Wed., June 26th, there has been one large tent with numerous homeless/drug campers at the front of the building on the sidewalk. Sunday, at 7 pm when I was returning from a downtown event, I again saw the tent and 5 cars/pickups with tents alongside them camping out. This morning another tent was added to the tents along the front of the building.

Please let me know what the owners/sellers are doing to ameliorate the situation,

Thank you,

Colleen Aycock
Women Taking Back Our Neighborhoods

Bonnie

-----Original Message-----

From: Judy Young [<mailto:youngjudy@ymail.com>]

Sent: Monday, June 17, 2019 3:01 PM

Subject: Eubank & Central (old ponderosa RV Park Community Center) just burned down & being pillaged

This property was reported to Don Harris through Bonnie Sutter on May 30 as a fire hazard because wires were exposed.

RESULT: The property burned on June 17—we reported it May 30. The property remains in its burned-out condition.

Walt Punke (waltpunke@gmail.com) To: you [Details](#)

Serving the constituents of District Nine is of lower priority to this councilor!

Walt Punke (waltpunke@gmail.com) To: you + 2 more [Details](#)

Thank you so much, Ms. Sutter for your advisement regarding the eminent distribution of a Councilor Harris newsletter to the constituents of this district.

The taxpayers of ABQ deserve to be informed of happenings and intentions affecting their areas.

Appreciate the promise of newsletter with pertinent information!

**Thanks again,
Walt Punke**

The further a Society drifts from the Truth, the more it will hate those who speak it. George Orwell

<http://cwpunke.wixsite.com/walt-punke-photos>

<https://cwpunke.wixsite.com/charpunkefiberartist>

On Fri, Apr 26, 2019 at 3:28 PM Harris, Don <dharris@cabq.gov> wrote:

Good afternoon Mr. Punke,

Thank you kindly for contacting the Councilor. Per Councilor Harris's request, I will be putting information together for a newsletter which should be ready for distribution by Friday, the 3rd of May or at the latest Monday, the 6th of May.

My kindest regards,

Bonnie

From: Walt Punke [mailto:waltpunke@gmail.com]

Sent: Wednesday, April 24, 2019 8:11 PM

To: Harris, Don; Suter, Bonnie B.

Subject: Councilor Harris, do you care?

The following message and request for more openness and transparency about activities in your District is a mutual feeling among many of the residents in the district.

Please inform us of happenings in our district.

Thank you,

Walt Punke

Repeat communication:

Dear Councilor Harris:

Your constituents would greatly appreciate if you would undertake something like Councilor Davis has done to communicate with his constituents!

It would be helpful if we knew what you were doing for the residents of your district!

Please give consideration to providing such information to your constituents.

Thanks,

Walt Punk

Note: No newsletter like that of Councilor Davis has come in the mail or has been published on the City's Councilor website.

---Original Message-----

From: Jessica Dyer <jdyer@abqjournal.com>

To: cka13705 <cka13705@aol.com>

Sent: Tue, Jan 29, 2019 11:12 am

Subject: Re: EAST GATEWAY COALITION meeting, Jan. 29

Hi Colleen,

I don't know what process, if any, exists to settle issues between constituents and their sitting city councilor.

As far as appeals, have opponents formally appealed the EPC's site plan approval for the new Singing Arrow community center?

-Jessica

From: cka13705@aol.com

To: jdyer@abqjournal.com

Sent: Monday, January 28, 2019 3:11:06 PM

Subject: Fwd: EAST GATEWAY COALITION meeting, Jan. 29

Hi Jessica:

I just returned from Denver where the library introduced my new biography of Max Baer. Unfortunately, I have learned that Councilor Don Harris backed out of this meeting only days ago. This was the East Gateway Coalition, a group that has been in existence for I think at least a decade. **Not only has he refused to meet with my group Women Taking Back our Neighborhoods, he refuses to meet with ANY group where he might be asked questions. I understand that he did meet briefly and spoke 5 min. at the Four Hills Neighborhood Assoc. breakfast Sat., but he left saying he didn't have time to answer questions due to a meeting.** It is so frustrating to want to develop our area of ABQ, when the City Councilor won't meet with you. Who can we appeal to?

Colleen Aycock

-----Original Message-----

From: Eileen Mahn <eamahn@gmail.com>
To: Judy Young <youngjudy@ymail.com>; ILENA ESTRELLA <ilenaestrella@hotmail.com>; Aycock, Colleen <cka13705@aol.com>
Sent: Fri, Jan 25, 2019 4:11 pm
Subject: Fwd: EAST GATEWAY COALITION

Hope you got notified that Don Harris has cancelled on Tuesday, the 29th.
Eileen Mahn

----- Forwarded message -----

From: **Jeffrey Mahn** <jamahn47@gmail.com>
Date: Fri, Jan 25, 2019, 3:45 PM
Subject: Fwd: EAST GATEWAY COALITION
To: Eileen Mahn <eamahn@gmail.com>

----- Forwarded message -----

From: **James Andrews** <jamesw.andrews01@gmail.com>
Date: Fri, Jan 25, 2019 at 2:29 PM
Subject: Fwd: EAST GATEWAY COALITION
To:

January 25, 2019

Hello Everyone!

As you can see by his letter below, Don Harris has backed out of speaking to our Annual Meeting next Tuesday, January 29. Although our invitation for him to speak was issued more than a month ago, which he accepted, he now claims he has a conflict which precludes him from doing so. He has waited until the last moment to back out, thus eliminating any chance to find another speaker. Councilor Harris promised to attend Neighborhood Association meetings at the debate the Coalition sponsored in October, 2017, but he has refused to accept invitations to attend.

So what is to be done? Shall we, his constituents, be content to only hear from Mr. Harris when another election looms? Shall we really believe he will answer our questions when he gets around to it, in piecemeal bits, doled out at his whim? When will our City Councilor show some interest in the plight of the City's East Gateway or introduce legislation which is in his constituents' interests? Is it his sheer stubbornness which precludes reason that we are facing construction of an unnecessary expenditure of \$5.5 million on an unwanted additional Singing Arrow Community Center? Is it an example of his childish behavior that he won't meet with anyone until the building has been completed?

East Central Avenue is full of empty signs, vacant lots, car lots, RV lots, closed businesses, hookers, transients, beggars and homeless people, but our City Councilor's priorities are his law practice.

Please join us on Tuesday to discuss what must be done to our blighted East Central neighborhoods and how to achieve our goal of being treated like the rest of the City.

Most sincerely,

Jim Andrews
Vice President

Don Harris' letter:

----- Forwarded message -----

From: **Harris, Don** <dharris@cabq.gov>
Date: Wed, Jan 23, 2019 at 8:04 PM
Subject: RE: EAST GATEWAY COALITION
To: James Andrews <jamesw.andrews01@gmail.com>
Cc: Suter, Bonnie B. <bsuter@cabq.gov>

Dear Mr. Andrews:

Not only are we in the middle of budget season, but I have a very important hearing in Valencia County District Court on the morning of January 30, and my client lives in the Denver, Colorado area. The only time we can meet and prepare for the hearing is on the evening of January 29. I will not be attending the meeting on the evening of January 29 of the East Gateway Coalition.

Broadly, your questions require quite a bit of research and analysis from different City agencies, and I will be reaching out to them and give careful answers to your varied questions in batches as we hear back.

Finally, there are a lot of argumentative statements that are not questions at all, repetition of rumors, and statements based on flatly false premises. I do not believe it is productive to engage in such quarrels here, let alone in a meeting designed for such purpose. Otherwise, I attend public meetings all the time.

Much of the hard feelings relate to the new Singing Arrow Community Center, which is a terrific project, and I stand behind it and will continue to do so. I believe most of this tension will dissipate once the Center is built in the near future. I suggest your group and I take a break from getting together until this issue dissipates after the Center is constructed.

If you or any other member of your organization wants to meet with me one on one, I am open to that. Of course, I have no intention of meeting someone who has demanded my resignation or has accused me of causing someone's death.

As stated above, I will be carefully considering your questions, and I will be responding after communicating with the appropriate agencies in the City so I can give you the best information available.

Best regards,
Don Harris

Don Harris NEVER got back to the East Gateway Coalition of Neighborhood Associations with any information or any meetings rescheduled.

cka13705 (cka13705@aol.com) To: **dharris** + 1 more [Details](#)

On October 15, 2018, you announced at the ABQ City Council meeting that you would be introducing an ordinance (or bill) requiring all hotels to obtain identification of their guests. We think this will help APD if/when there is a crime.

Has this been done?

Colleen Aycock

He never proposed this ordinance before the City Council, yet he told Officer Ferris he would. She suggested that this would help keep the criminals from using the vouchers in the motels that has been a big source of the criminal activity in SE ABQ.

-----Original Message-----

From: Suter, Bonnie B. <bsuter@cabq.gov>

To: cka13705 <cka13705@aol.com>

Sent: Mon, Dec 18, 2017 2:38 pm

Subject: RE: Economic Redevelopment plans

Hi Ms. Aycock,

I apologize for the delay in setting up a time and date. Councilor Harris has two calendars that I view (**his law firm and the City's**) I'm trying to make sure that I don't over book him. I am confirming his calendar for this week and I should have an answer by tomorrow morning. My apologies for the delay.

**CITY of ALBUQUERQUE
TWENTY-FIRST COUNCIL**

COUNCIL BILL NO. R-15-201 ENACTMENT NO. R.2015-043

SPONSORED BY: Rey Garduño, Don Harris

1 RESOLUTION
2 AMENDING THE ADOPTED CAPITAL IMPLEMENTATION PROGRAM OF THE
3 CITY OF ALBUQUERQUE BY CHANGING THE SCOPE OF EXISTING
4 PROJECTS RELATING TO THE INTERNATIONAL DISTRICT LIBRARY AND
5 SINGING ARROW COMMUNITY CENTER.

6 WHEREAS, in the 2009-2018 Decade Plan for Capital Improvements, the
7 City Council appropriated \$100,000 to conduct a feasibility study to determine
8 the best location for a new public library to be located in Council District 6
9 (International District Library), and for the development of conceptual plans
10 for the library; and

11 WHEREAS, in the 2011-2020 Decade Plan for Capital Improvements, the
12 City Council appropriated \$3,000,000 for general library materials; and

13 WHEREAS, in the 2011-2020 Decade Plan for Capital Improvements, the
14 City Council appropriated \$1,500,000 for improvements to the existing Singing
15 Arrow Community Center; and

16 WHEREAS, in the 2013-2022 Decade Plan for Capital Improvements, the
17 City Council appropriated an additional \$1,000,000 for improvements to the
18 existing Singing Arrow Community Center; and

19 WHEREAS, there is a need to make the remaining funds for the
20 International District Library described above available for the acquisition of
21 land for the library; and

22 WHEREAS, there is a need to make the remaining funds for the Singing
23 Arrow Community Center described above available for the acquisition of
24 land, planning, and construction of a new Singing Arrow Community Center.

25 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
26 ALBUQUERQUE:

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

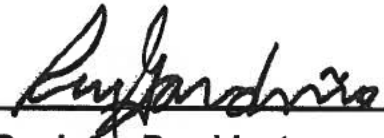
[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 **Section 1. The project scope for the 2009 Feasibility Study District 6 Library**
2 **Project, activity number 7505070, is expanded to include the acquisition of**
3 **land for the International District Library.**
4 **Section 2. The project scope for the 2011 Library Materials project, activity**
5 **number 7516050, is expanded to include the acquisition of land for the**
6 **International District Library.**
7 **Section 3. The project scope for the 2011 Singing Arrow Community Center**
8 **Renovation project, activity 7513070, is amended to read: to acquire land,**
9 **plan, design, construct, furnish, equip and otherwise improve the Singing**
10 **Arrow Community Center.**
11 **Section 4. The project scope for the 2013 Singing Arrow Community**
12 **Center project, activity 7528090, is amended to read: to acquire land, plan,**
13 **design, construct, furnish, equip and otherwise improve the Singing Arrow**
14 **Community Center.**

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

1 PASSED AND ADOPTED THIS 18th DAY OF May, 2015
2 BY A VOTE OF: 8 FOR 0 AGAINST.

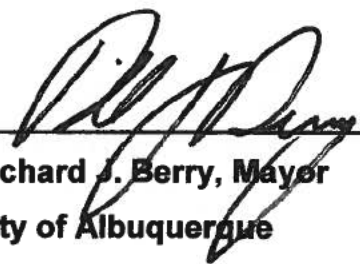
3
4 Excused: Peña

5
6 

7
8 Rey Garduno, President
9 City Council

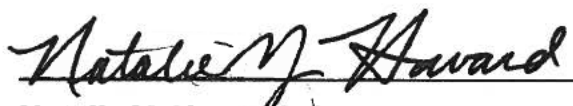
10
11
12 APPROVED THIS 27th DAY OF May, 2015

13
14
15 Bill No. R-15-201

16
17 

18 Richard J. Berry, Mayor
19 City of Albuquerque

20
21
22
23
24 ATTEST:

25
26 

27 Natalie Y. Howard, City Clerk

28
29
30
31
32
33
[+Bracketed/Underscored Material+] - New
[-Bracketed/Strikethrough Material-] - Deletion

Singing Arrow Community Center

LUHO Appeal

City Council Appeal #: AC-19-2

Planning Department Case File #: 2018-001760

SI-2018-00223

March 7, 2019

Why LUHO should reverse the EPC's approval of the proposed site plan

The Site plan does not meet the City's legal project description as stated in the state's funding guidelines, the city's legal description per resolution, or satisfy the language of public record.

When the EPC questioned where the funding was coming from, the answer given them was ambiguous and misleading, false and inaccurate, and the amount of misinformation should be grounds for denial. In simple terms: This site plan does not hold legal standing and should be reversed.

This site plan is based on the premise that the proposed planned Wenonah Community Center (a mutually exclusive building, unattached to the "existing Singing Arrow Community Center") satisfies previously funded project goals. But it does NOT. In fact, the EPC's plan violates the law by proposing a separate, distinct building, failing to renovate or extend the existing Singing Arrow Community Center as determined in the legal guidelines. The EPC erred by applying previously adopted city and state funded plans for its purposes without following the direction or intent of the law.

There are other salient reasons for reversing the EPC's approval:

- EPC procedural mistakes;
- EPC violation of its own rules;
- EPC mistakes over officiation of testimonies;
- Undue influence upon EPC members;

Where does the funding for this project come from?

Transcript from the Hearing dated Dec. 13, 2018 (pg. 414): When asked this very question:

Jim Strozier replied: “They do have funds for some improvements to the existing community center and will let them use that center for Early Childhood Development more efficiently. So right now, its competing for different things.” WHAT?

Shouldn't this competition for funding have been resolved before the approval of the site plan?

The EPC failed to examine what “improvements” to “the existing community center” exist by law for renovation. (Next slides address this)

EPC should have referred to State's 2015 Capital Appropriations of Funds for Improvements for SACC –
 No mention
 Of a 2nd
 Center

Capital Appropriations

Appropriation ID: 15-0708

15-0708 - Department of Finance and Administration - Dept Code:A150708 - Class Code:5A708	
Year	2015
Appropriation Title	ALB SINGING ARROW COMMUNITY CTR IMPROVE
Fund Code	SEVERANCE TAX BONDS
EO 2013-006 Eligibility	COMPLIANT
Bond Sale Date	8/12/2015
Bond Series Number	2015A
Amount of Bond Sale	\$150,000
Category	Local
Subcategory	Community Facility
County	Bernalillo
State Amount	\$150,000
Chapter/Section	3 / 28/ 56
Reversion Date	6/30/2019
SHARE/BOF Data	
Expended Amount (SHARE)	\$80,663
Appropriation Balance (SHARE)	\$67,837
Expended Amount (BOF)	\$80,663
AIPP Amount (BOF)	\$1,500
Reversion Amount (BOF)	\$0
Appropriation Balance (BOF)	\$67,837
Last Update (SHARE/BOF)	12/17/2018
State Agency Data	
ICIP Project #	
ICIP Priority #	/
Local Fiscal Agent Code	02100 - Albuquerque
Reauth from Prior Project Amount	\$0
Amount Obligated	\$92,796
Project End Date	***
Expended Amount	\$80,663
AIPP Amount	\$1,500
Reauth of Balance to New Project	\$0
Reauth to Project #	
Reversion Amount	\$0

The EPC failed to realize under the law that in 2016, the city of Albuquerque entered into a contract for state funds (amounting to \$150,000) to be allocated specifically for *improvements*, as highlighted in yellow in the following slide, to the Singing Arrow Community Center. Both of these documents (2015 and 2016) are consistent with funding “improvements” to the “existing” Singing Arrow CC.

2016 City Contract with State

ARTICLE I. PROJECT DESCRIPTION, AMOUNT OF GRANT AND REVERSION DATE

A. The project that is the subject of this Agreement is described as follows:

15-0708 \$150,000.00 Appropriation Reversion Date: 30-JUN-19

Laws of 2015, Chapter 3, Section 28, Paragraph 56, one hundred fifty thousand dollars (\$150,000) to acquire land and rights of way for and to plan, design, construct, furnish and equip improvements to the Singing Arrow community center in Albuquerque in Bernalillo county;

(iv) The Grantee shall not at any time convert any property acquired or developed with the Project's funds to uses other than those specified in the Project Description without the Department's express, advance written approval.

In this 2016 Contract the State noted:

decisively (Section IV above), the Grantee (the City of ABQ) cannot “at any time convert any property...developed with the Project's funds to uses other than those specified in the Project Description,” (which is to design, furnish and equip *improvements* to **the Singing Arrow community center in ABQ.**”

The EPC also failed to go back to the City's 2015 legal Resolution.

2015 Resolution R-15-201 Repurposing GO Bonds

CITY of ALBUQUERQUE TWENTY-FIRST COUNCIL

COUNCIL BILL NO. R-15-201 ENACTMENT NO. R.2015-043

SPONSORED BY: Rey Garduño, Don Harris

1 RESOLUTION
2 AMENDING THE ADOPTED CAPITAL IMPLEMENTATION PROGRAM OF THE
3 CITY OF ALBUQUERQUE BY CHANGING THE SCOPE OF EXISTING
4 PROJECTS RELATING TO THE INTERNATIONAL DISTRICT LIBRARY AND
5 SINGING ARROW COMMUNITY CENTER.

Underscored Material] - N
#kethrough-Material] - De]

13 WHEREAS, in the 2011-2020 Decade Plan for Capital Improvements, the
14 City Council appropriated \$1,500,000 for improvements to the existing Singing
15 Arrow Community Center; and
16 WHEREAS, in the 2013-2022 Decade Plan for Capital Improvements, the
17 City Council appropriated an additional \$1,000,000 for improvements to the
18 existing Singing Arrow Community Center; and

This 2015 Resolution:

- Summarizes: that in 2011, voters approved \$1.5 million bonds for the renovation of the **existing** Community Center.
- In 2013, another \$1-million was added to the **existing** Center.
- The purpose of this 2015 resolution approved unanimously by the City Council was to amend “the scope (identified here as adding the acquisition of land, planning, and *furnishing* the improvements) regarding the existing and ongoing project at “the Singing Arrow Community Center.”
- The words “Improvements”, “renovate” & “existing” are the same words used by, and have the same meaning, in planning commissioner-speak, architect-speak & everyday speak. There is no “hidden” jargon here. In addition, this Resolution must be read consistent to and with the legal contract that the city entered with the state the next year.
- It should be noted for the record that had this Resolution and this project, sponsored by Ray Garduno and Don Harris, been started when the funds were appropriated, the renovation would have been completed, the residents would have had a **new, renovated building** on the original site, and we would not be at this hearing today trying to determine what funds would be left over for this new site plan.
- To be clear: please consider the referential language adopted in this resolution to fund the Center: line 5 refers to the Singing Arrow Community Center; (there is only one center); lines 14 & 15 refer to the specifically identified “existing Singing Arrow Community Center”; lines 17 & 18, refer specifically to the appropriation of funds to the “existing Singing Arrow Community Center”
- As you will see, in EVERY resolution point after “Whereas”, all references to the project refer specifically to the “existing Singing Arrow Community Center” and there has been no new resolution passed since by the City Council regarding this project and its directions.

This next slide shows the Language, purpose, and scope of the 2015 Resolution as it Continues.

Did the EPC understand this language?:

**CITY of ALBUQUERQUE
TWENTY-FIRST COUNCIL**

COUNCIL BILL NO. R-15-201 ENACTMENT NO. R-2015-043

SPONSORED BY: Rey Garduño, Don Harris

LE
[BFR]

22 WHEREAS, there is a need to make the remaining funds for the Singing
23 Arrow Community Center described above available for the acquisition of
24 land, planning, and construction of a new Singing Arrow Community Center.

25 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
26 ALBUQUERQUE:

7 Section 3. The project scope for the 2011 Singing Arrow Community Center
8 Renovation project, activity 7513070, is amended to read: to acquire land,
9 plan, design, construct, furnish, equip and otherwise improve the Singing
10 Arrow Community Center.

11 Section 4. The project scope for the 2013 Singing Arrow Community
12 Center project, activity 7528090, is amended to read: to acquire land, plan,
13 design, construct, furnish, equip and otherwise improve the Singing Arrow
14 Community Center.

45

Line 24 speaks to any remaining funds being used for “a new Singing Arrow Community Center.” But how is this language to be read? Does this indicate an entirely different Community Center?

- No, In the context of this Resolution, with 3 references above this line referring to the *improvements* to the “existing” Community Center, and 2 references below line 24 referring to the same word “*improvement*” of **the Singing Arrow C.C. (Notice the language used in line 9 below 24 is the determinative adj. “the”)** pointing to only one Singing Arrow Community Center (as identified in the project description) which is the “existing” Singing Arrow Community Center. it is impossible to read the word “new” as a mutually exclusive, distinct, separate, second Singing Arrow Community Center because a second one was not proposed in 2015. At this time, 2019, and in this governing resolution, “new” can only refer to the improvements as a **newly renovated community center** intended to replace the current portable structures with a more permanent structure. (You *can't* go back and imbue a different meaning to a word used in a specific context at a specific time. And you can't go back and ask the author, what he meant. You must accept the language at face value, especially in light of the fact that this is the exact language that will be used again the next year when the city enters into a contract with the State. (If the city and state are not wrong in the wording of their plans, then something must be wrong with the EPC's use.) There appears no referential language anywhere in this Resolution that indicates a second Singing Arrow Community Center.
- Let me emphasize: THERE IS NO LANGUAGE THAT INDICATES A SEPARATE AND NEW BUILDING. This resolution was written by an attorney. If a second building was to be included in the definition of a new scope in time with a different purpose, then it would have been included in this resolution and a public hearing should have been called to approve it. It was not.

As per published guidelines for general obligation bond funding, a hearing is required to inform stakeholders of repurposing GO bond funds. A hearing was not held and stakeholders were totally unaware of the unrelated development of the park that the EPC was proposing in this site plan, a development (not defined in the Resolution that is supposed to govern or define the plan.

GENERAL OBLIGATION BOND FUNDING

General obligation bonds may be used to finance any capital improvement approved by the voters. These bonds are called "General Obligation" because the City's general income from all sources is pledged to the payment of principal and interest on the bonds. As a matter of policy, however, the City redeems its general obligation bonds with property tax revenue. **Approval of the projects contained in the 2015 general obligation bond program will not require a City property tax rate increase.**

- **Bond Rating and Repayment**

Generally, the City's policy is to issue general obligation bonds for a 13-year, or shorter, period. Most recently, some types of equipment have been paid off in as little as one year. This rapid debt retirement schedule is looked upon favorably by the bond rating agencies and contributes to the high bond ratings enjoyed by the City: Moody's Aa1; Standard & Poors AAA; Fitch AA*, all with a stable outlook for the future.

- **Bond Capacity**

The amount of G.O. bond funds for capital projects that may be funded in any particular planning cycle is dependent on the available bonding capacity. Bonding capacity results from the amount of revenue available from property taxes, based on a statutory formula. The amount of revenue available is determined not only by tax payments, but also by the bond repayment schedule, tax collection rate and the growth in the tax base. Due to low interest rates, the cost to the taxpayers for the issuance of bonds has been at historically low levels, enabling the City to pay down bond indebtedness in an average of six to seven years, rather than the planned 13 years.

- **Bond Purpose**

It is required by law that voters approve general obligation bonds by purpose. A "purpose", sometimes also called a bond question, may be understood as the grouping of like projects into one question for the voters to consider. For example, all parks, open space and recreation projects are grouped together in the Parks and Recreation bond question, or all projects that will be undertaken in the street right-of-way are grouped together in the Street question.

Note the fine print here: If the City Council holds a public hearing, and if a majority of Councilors approve, funds may be transferred within the same purpose from one project to another.”

The purpose of the bond question must be stated so that the voters have the option of approving, or not approving, each purpose individually. Once a question has been approved by the voters, it must be used for that purpose only. Funds may not be transferred to another purpose. For example, streets purpose funds may not be transferred to the parks and recreation purpose. However, if the City Council holds a public hearing, and if a majority of Councilors approve, funds may be transferred within the same purpose from one project to another.

But the city council never held a public hearing to allow the transfer of funds within the same purpose: from the original project (the renovation of the current community center) to another project (the building of a separate second community center at Wenonah). Does the EPC not recognize this law?

The EPC had only 1 law to follow, and it ignored that law

- The EPC site plan does NOT reflect the renovation of this community center, and councilors never approved the transfer of funds from one project to another designed to build a second building.
- Thus this current site plan under question today, does not reflect the same “purpose” or the same “project” approved by the voters, contracted in the states’ original grant, and as “resolved” by the city council.
- It is not on the onus of the public to have to parse the legal language of public documents and City Council resolutions as we have had to do. This should have been done by the EPC. It is however VERY CLEAR to the public what the language they read actually says . The public is asking you to simply abide by the contractual language approved over the past ten years by state and city leaders and to rule this site plan null and void—direct them to go back to the drawing board if necessary to ensure that the EPC’s site Plan legally renovates and expands the one and only Singing Arrow Community Center that currently exists.

Note the language of Public Record: From the City’s website, 2019, Go Bonds were listed (2011, 2013, 2015, 2017, 2019) identifying this project as “the Singing Arrow Community Center Renovation” (nothing more, nothing less)

G.O. Bond Summary

<u>Department / Division / Project Title</u>	<u>2011</u>	<u>2013</u>	<u>2015</u>	<u>2017</u>	<u>2019</u>	<u>Totals</u>
Community Facilities						
Family & Community Services						
Remediation, Renovations, Additions and Security Improvements: Existing FCSD Facilities	\$500,000	\$1,500,000	\$1,000,000	\$500,000	\$1,000,000	\$4,500,000
Los Duranes Community Center	\$850,000	\$1,500,000	\$750,000			\$3,100,000
Westgate Community Center	\$750,000	\$2,500,000	\$1,250,000			\$4,500,000
Holiday Park Community Center	\$2,100,000	\$1,500,000				\$3,600,000
East Central Health & Social Service Center	\$1,000,000	\$2,000,000				\$3,000,000
Dennis Chavez Community Center	\$700,000	\$1,000,000	\$2,500,000	\$2,500,000		\$6,700,000
Vehicle Replacement: FCSD	\$100,000	\$250,000	\$250,000	\$100,000	\$100,000	\$800,000
Singing Arrow Community Center Renovation	\$1,500,000	\$3,000,000				\$4,500,000
Loma Linda Community Center		\$300,000	\$500,000			\$800,000
Jack Candelaria Community Center			\$500,000			\$500,000
Snow Park Community Center			\$500,000			\$500,000
Whittier Community Center			\$350,000			\$350,000
Totals	\$7,500,000	\$13,550,000	\$7,600,000	\$3,100,000	\$1,100,000	\$32,850,000

Other salient reasons for reversing the EPC's approval of this site plan . . .

- It leaves the existing SACC building unsafe,
- It violates the City's Requirement for Major Public Open Space (5-2H2V p. 225) obscuring the view of the Open Space;
- It vies for the same space as the Archaeological mockup plan and visitor's center (which was already funded in 2017);
- Its design and purpose do not fit into a comprehensive plan

Torte law of 1975 reinforces the position that a government building cannot be left in disrepair. Have the lawyers for the EPC and Dept. of Family & Community Services missed something here?

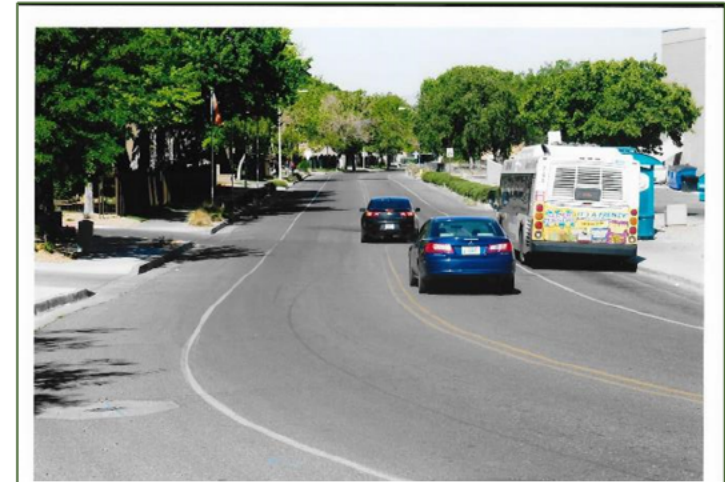
- 2013 Needs Assessment

“Existing Singing Arrow Community Center consists of two portable buildings connected by a CMU constructed entrance hub and fronted by a partially uncovered portico. A third attached portable houses a City Child Development Center and playground. The facility is old and in need of repair or replacement. The roof sometimes leaks. Its facilities are substandard.” Page 1

The Proposed Building Doesn't Fit the Parking Lot

- Jim Strozier stated on pg. 261, 6-6H3e that “Entry of the Community Center will be located with clear view into the parking area,” but only 25% of the building in the proposed plan clearly faces the parking lot.

Traffic: Given the density and congestion of this corner of Wenonah and Tramway, the newly purchased parking lot would accommodate the vehicular traffic for a park and an archaeological visitor's center; but it could NOT accommodate the increased traffic of what the EPC proposes for 2 community centers comprising over 20,000 sq. ft.



This corner accommodates the same number of buses as Alvarado Main transport center on a residential 2-lane street with bicycle path.

Comprehensive Plan Needed



Is these buildings compatible?
What is the overall plan?

In a facilitated meeting in November, 2018, Jim Strozier, of Consensus Planning, answered, “No” when asked if the Metropolitan Redevelopment Plan had been considered in this site plan. Mr. Strozier answered that he had only done his job which was to develop a new site plan for this location.



This EPC Plan Creates A BIG
CONFLICT:
EPC site plan
(with questionable funds)
prevents the plan for the
archeological site
(already funded)

- Metropolitan Redevelopment Plan(Route 66 Action Plan unanimously approved by City Council in 2014) suggests an Archeological mockup for the Rancho de Carnue- Singing Arrow site similar to Coronado National Monument.
- Council Resolution 17-254 Allocated \$500,000 for the Singing Arrow Archeological Mockup
- 2019 State Capital Outlay requests have been made for Interpretive Signage for Feasibility study to develop and purchase identified lands and to plan, design, construct, purchase, equip and install interpretive signage for the Singing Arrow-San Miguel de Carnue archaeological site

The EPC ignored the position statements and Resolutions passed by Neighborhood and Homeowners Associations .

Seven neighborhood associations and the Inter-Coalition say, “A second, separate construction next to the un-renovated existing community center would be irresponsible to the well being of all individuals using the existing community center.”

The Inter-Coalition of Neighborhood Associations has submitted its Resolution to the City Council voicing its strong support to renovate and expand (or replace) the existing community center; **and its strong opposition** to a new and separate building next to the existing community center (see next slide)

**STRONG SUPPORT TO RENOVATE AND EXPAND (OR REPLACE) EXISTING COMMUNITY CENTER
STRONG OPPOSITION TO BUILD A NEW AND SEPARATE BUILDING NEXT TO THE EXISTING COMMUNITY
CENTER**

- **From:** Inter-Coalition Panel of Neighborhood Associations
- The Panel approved the following Resolution introduced by a Representative of the East Gateway Coalition of Neighborhood Associations.
- **Re:** East Gateway Coalition of Neighborhood Associations Opposition to Proposed New Singing Arrow Community Center.
- **Whereas;** The East Gateway Coalition of Associations met on January 29, 2019 for its Annual Meeting and
- discussed the proposed new Singing Arrow Community Center. And, by a very heavy majority, the members
- present passed the following Resolution:
- *“That the original General Obligation bond money be used for the original purpose, which was to renovate and expand the existing Singing Arrow Community Center, including the demolition of existing buildings, if necessary, using the original location; and that a moratorium be put on any new construction until a new comprehensive plan can be developed with community input.”* and;
- **Whereas;** The City Council assigned \$4,500,000 of Bond money approved by voters in 2011 and 2013 to refurbish and renovate the existing Singing Arrow Community Center, but later decided to use this money for a new facility and;
- **Whereas;** A new Center is proposed to be constructed approximately 100 yards east of the existing Center, utilizing a very large portion of the existing Singing Arrow Park, much of which (approximately 50%) contains archaeological relics and;
- **Whereas;** The proposed building design does not conform with the surrounding community architecture - so much of a beautiful park area will be lost - and where many better-suited places exist for a new community center site - and where this unwanted new community center site is 100 yards from the current center and with five or six others within a two-mile radius and;
- **Whereas;** City representatives have been unresponsive to alternatives, stating several times that *“the City has decided and this is going to happen.”* And where most of the community’s input is being ignored and the community as a whole is understandably upset and unsupportive and;
- **Whereas;** We are asking the City Council to place this project on hold, until the community can effectively express its concerns and work out a resolution that would minimize the impact on adjacent neighborhoods.
- **Therefore be it resolved;** that members of the Inter-Coalition Panel of Coalitions of Neighborhood Associations support the East Gateway Coalition of Neighborhood Associations in its opposition to the proposed Singing Arrow Community Center as proposed and; request that the City Council put this project on hold until the community’s concerns are meaningfully addressed.
- Respectfully submitted,
- Dr. Joe L. Valles, Chairman: Inter-Coalition Panel

- By law, the city council has already voted and funded to renovate and expand the existing community center. The EPC plan has failed to address, account for, or follow the legal funding and purpose of the law.
- If the EPC approval of the site plan is reversed:
 1. The archaeological site and historical character will be preserved for future Route 66 revitalization.
 2. The limited green space will be preserved.
 3. The children and adults in the newly renovated community center will be protected “in a safe and well maintained” facility (to quote the city web site as mission of community centers).

In light of the failure of the EPC to understand, address, and hence prevent all the conflicts this plan creates (legal, funding, historical, and safety) I urge you to reverse the EPC’s approval of the site plan.