



City of Albuquerque

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

Action Summary

City Council

Council President, Isaac Benton, District 2
Council Vice-President, Dan Lewis, District 5

Louie Sanchez, District 1; Klarissa J. Peña, District 3
Brook Bassan, District 4; Pat Davis, District 6
Tammy Fiebelkorn, District 7; Trudy E. Jones, District 8
Renee Grout, District 9

Monday, April 4, 2022

5:00 PM

Vincent E. Griego Chambers
One Civic Plaza NW

Albuquerque/Bernalillo County Government Center

TWENTY-FIFTH COUNCIL - SEVENTH MEETING

1. ROLL CALL

Present 9 - Brook Bassan, Isaac Benton, Patrick Davis, Tammy Fiebelkorn, Renee Grout, Trudy Jones, Dan Lewis, Klarissa Peña, and Louie Sanchez

2. MOMENT OF SILENCE

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

3. PROCLAMATIONS & PRESENTATIONS

4. ECONOMIC DEVELOPMENT DISCUSSION

5. ADMINISTRATION QUESTION & ANSWER PERIOD

6. APPROVAL OF JOURNAL

March 21, 2022

7. COMMUNICATIONS AND INTRODUCTIONS

8. REPORTS OF COMMITTEES

Deferrals/Withdrawals

- e. [R-21-155](#) A Nuisance, Substandard Dwelling Or Structure In Need Of Abatement
At 1804 High St SE Within The City Limits Of Albuquerque, New Mexico

Is So Ruined, Damaged And Dilapidated As To Be A Menace To The Public Comfort, Health, Peace Or Safety And That It Is To Be Required To Be Removed (Benton, by request)

A motion was made by President Benton that this matter be Postponed to May 2, 2022. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

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

- a. [EC-22-8](#) Revenue & Expense Report for First Quarter Fiscal Year 2022

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

- b. [EC-22-11](#) Legal Department's Quarterly Litigation Report for the 1st Quarter of FY 2022 (Greater than 10,000)

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

- c. [EC-22-27](#) Report of FY/21 Outstanding Encumbrances Reappropriated in FY/22

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

- d. [EC-22-28](#) Sunport 2 Hangar Lease and Agreement between the City of Albuquerque and Eclipse Aerospace, Inc.

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

- e. [EC-22-29](#) Sunport 3 Hangar Lease and Agreement between the City of Albuquerque and Eclipse Aerospace, Inc.

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

- f. [EC-22-30](#) Sunport 4 Hangar Lease and Agreement between the City of Albuquerque and Eclipse Aerospace, Inc.
- A motion was made by Vice-President Lewis that this matter be Approved. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- g. [EC-22-31](#) Declaring a parcel on Sioux Street NW (Map 35 Tract 81A2), Albuquerque, NM 87107, Not Essential for Municipal Purposes
- A motion was made by Vice-President Lewis that this matter be Approved. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- h. [EC-22-32](#) Approval of FY21 Audit
- A motion was made by Vice-President Lewis that this matter be Approved. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- i. [EC-22-44](#) Mayor's re-appointment of Mr. Anthony Brian Gallegos to the Airport Advisory Board
- A motion was made by Vice-President Lewis that this matter be Confirmed. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- j. [EC-22-45](#) Mayor's appointment of Dr. Shana M. Judge to the Indicators Progress Commission
- A motion was made by Vice-President Lewis that this matter be Confirmed. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- k. [EC-22-46](#) Mayor's appointment of Ms. Sonya Patel to the Youth Advisory Council
- A motion was made by Vice-President Lewis that this matter be Confirmed. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- l. [EC-22-47](#) Mayor's appointment of Mr. Abhishek Narahari to the Youth Advisory Council
- A motion was made by Vice-President Lewis that this matter be Confirmed. The motion carried by the following vote:**

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

m. [EC-22-48](#)

Mayor's appointment of Mr. Ryan Mast to the Greater Albuquerque Active Transportation Committee

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

n. [EC-22-49](#)

Mayor's appointment of Dr. Naomi George to the Greater Albuquerque Active Transportation Committee

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

o. [OC-22-4](#)

2021 Civilian Police Oversight Agency (CPOA) Semi-Annual Report

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

p. [OC-22-5](#)

Appointing Judge Linda Vanzi (Retired) to the City Intragovernmental Conference Committee

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

q. [OC-22-7](#)

Appointing Chris Melendrez to the South Campus TIDD Board

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

r. [R-22-16](#)

Appropriating And Authorizing The Success Express: African American Youth Leadership Program And The Acceptance Of State Monies To The Office Of Equity And Inclusion And Providing An Appropriation To The City Of Albuquerque (Davis, by request)

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

10. GENERAL PUBLIC COMMENTS**11. ANNOUNCEMENTS****12. PUBLIC HEARINGS: {Appeals, SAD Protest Hearings}**

- a. [AC-22-6](#) PR-2021-0046303-VA-2021-00429-VA-2022-00044: Michael A. Lucero & Barbara J. Surbey, appeals the Zoning Hearing Examiners decision to Approve a Wall Permit-Major for a taller courtyard wall in the front yard for Lot 24, Block 54A, Four Hills Village, located at 1709 Conestoga Dr SE, zoned R-1D [Subsection 14-16-5-7(D)(3)(g)]

A motion was made by President Benton that this matter be to accept the Withdrawal by Appellant. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

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

- *a. [EC-22-52](#) Approval of the Sixth Supplemental Agreement to add funds to Outside Counsel Legal Services between Atler Law Firm, P.C. and the City of Albuquerque

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

14. FINAL ACTIONS

- a. [O-21-83](#) Amending Chapter 9, Article 5, Part 5 Of The Revised Ordinances Of Albuquerque (The "Albuquerque Clean Indoor Air Ordinance") Regarding Public Consumption Of Cannabis Following The Enactment Of The New Mexico Cannabis Regulation Act, NMSA 1978, Section 26-2C-1 Et Seq. (Benton)

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

For: 8 - Bassan, Benton, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

Recused: 1 - Davis

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

For: 8 - Bassan, Benton, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

Recused: 1 - Davis

- b. [O-22-1](#) C/S Amending Enactment No. O-2018-001 (Council Bill No. O-18-9) To Rescind One Eighth Of One Percent (.125%) Of The Overall Three Eighths Of One Percent (.375%) Gross Receipts Tax Imposed Thereby (Lewis)

A motion was made by Vice-President Lewis that this matter be Passed. The motion failed by the following vote:

For: 1 - Lewis

Against: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Peña, and Sanchez

- c. [O-22-9](#) C/S Amending Enactment No. O-2018-001 (Council Bill No. O-18-9) Which Imposed A Three Eighths Of One Percent (.375%) Gross Receipts Tax (Benton, Davis, Fiebelkorn)

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

For: 5 - Bassan, Grout, Jones, Peña, and Sanchez

Against: 4 - Benton, Davis, Fiebelkorn, and Lewis

A motion was made by Vice-President Lewis that this matter be Postponed to May 2, 2022. Vice-President Lewis withdrew his motion.

A motion was made by Councilor Jones for reconsideration of Amendment No. 1. The motion carried by the following vote:

For: 5 - Benton, Davis, Fiebelkorn, Jones, and Lewis

Against: 4 - Bassan, Grout, Peña, and Sanchez

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

For: 4 - Bassan, Grout, Peña, and Sanchez

Against: 5 - Benton, Davis, Fiebelkorn, Jones, and Lewis

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

For: 4 - Benton, Davis, Fiebelkorn, and Jones

Against: 5 - Bassan, Grout, Lewis, Peña, and Sanchez

A motion was made by President Benton that the rules be suspended to extend the meeting to 11:00 p.m. The motion carried by the following vote:

For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Peña, and Sanchez

Against: 1 - Lewis

- d. [O-22-8](#) Rescinding Enactment No. O-2021-025 (Council Bill No. O-21-80) Which Required The Use Of Project Labor Agreements On Certain Public Works Construction Projects In The City Of Albuquerque (Bassan, Jones, Lewis, Grout)

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

For: 5 - Bassan, Grout, Jones, Lewis, and Sanchez

Against: 4 - Benton, Davis, Fiebelkorn, and Peña

- f. [R-22-8](#) Enabling And Directing The Parks And Recreation Department To Review And Make Recommendations For The Management Of The Open Space Trust Fund, Review And Recommend Updates To Sections One And Two Of The Rank 2 Albuquerque Major Public Open Space Facility Plan, And Make Recommendations For Increasing Equitable Access To Parks, Open Space, And To Provide Outdoor Environmental Education Programs (Benton)

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

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

- g. [M-22-2](#) The City Of Albuquerque City Council Urges The U.S. Federal Government To Support The United Nations Treaty On The Prohibition Of Nuclear Weapons, Reaffirming Albuquerque As A Nuclear Weapons Free Zone (Fiebelkorn, Davis, Benton)

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

For: 4 - Benton, Davis, Fiebelkorn, and Jones

Against: 5 - Bassan, Grout, Lewis, Peña, and Sanchez

A motion was made by President Benton that the rules be suspended to extend the meeting to 11:20 p.m. The motion carried by the following vote:

For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Peña, and Sanchez

Against: 1 - Lewis

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

- a. [EC-22-51](#) Veto of O-22-3, Repealing Enactment No. O-2019-008 (Council Bill No. O-19-48) Which Enacted Article 17, Chapter 13, ROA 1994, "The

Albuquerque Clean & Green Retail Ordinance" Which Limited The Use Of Plastic Single-Use Carryout Bags, Created A Clean & Green Business Program, And Provided For Administrative Enforcement Regulations

A motion was made by Councilor Bassan to Override. The motion carried by the following vote:

For: 6 - Bassan, Grout, Jones, Lewis, Peña, and Sanchez

Against: 3 - Benton, Davis, and Fiebelkorn

b. [EC-22-56](#)

Veto of R-22-2, F/S Setting City Policy Banning COVID-19 Vaccine Requirements for City Employees

A motion was made by Councilor Jones to Override [Override attempt failed]. The motion failed by the following vote:

For: 5 - Bassan, Grout, Jones, Lewis, and Sanchez

Against: 4 - Benton, Davis, Fiebelkorn, and Peña