



City of Albuquerque

Agenda City Council

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

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, March 7, 2022

5:00 PM

Via Zoom Video Conference

TWENTY-FIFTH COUNCIL - FIFTH MEETING

Special Procedures for Monday, March 7, 2022 City Council Meeting

Attendance: The City Council meeting on Monday, March 7, 2022 at 5:00 pm will be held via Zoom video conference.

Viewing: Members of the public will have the ability to view the meeting through GOVTV on Comcast Channel 16, or to stream live on the GOVTV website at <https://www.cabq.gov/culturalservices/govtv>, YouTube at <https://youtu.be/ZbanbfIDNbg>, or Zoom Webinar. The live streams can be accessed at these addresses from most smartphones, tablets, or computers. This meeting is closed captioned and you may enable the closed captioning services on your television or device.

The video recording of this and all past meetings of the City Council will also remain available for viewing at any time on the City's website. Council Staff is available to help members of the public access pre-recorded Council meetings on-line at any time during normal business hours. Please call 505-768-3100 for assistance.

Instructions to Provide Public Comments

- **Written Comments:** The Council will take public comment on the meeting's specific agenda items in written form via email through 3:00 pm on Monday, March 7. Web form submission for written public comment can be found at <https://www.cabq.gov/mar-7-2022-written>. These comments will be distributed to all Councilors for review in advance of the meeting.

- **Virtual, Live Comments:** The Council will take general public comment on any topic, including agenda items, from up to a maximum of 30 people, on a first-come first-serve basis. To provide real time verbal public comment over Zoom, participants must sign up for public comment by 3:00 pm on Monday, March 7. The sign-up sheet can be accessed at this link: <https://www.cabq.gov/mar-7-2022-live>. Participants have the ability to select if they require Spanish language interpretation when signing up.
 - o **Note:** Participants must sign up for public comment with the Zoom username or phone number that you will use to enter the Zoom meeting so that you can be identified when accessing the meeting. Persons who do not provide this information will not be allowed into the meeting, but may still view the meeting via Zoom Webinar, YouTube live or through GOVTV.
- **Participants will be an Attendee in the Zoom Webinar until the public comment period begins.** The Zoom moderator will move you into the meeting room as Panelist when it's your turn to provide public comments.
 - o **Access the Zoom waiting room by following this link, entering the room information manually, or by calling in via telephone:**
 - <https://cabq.zoom.us/j/81580537770>
 - Webinar ID: 815 8053 7770
 - (669) 900-6833 // 815 8053 7770#
 - o **Participants will be able to view the meeting via Zoom while waiting for public comments, but participants can also watch on YouTube live or GOVTV.**
- **Once called upon for public comment, the participants will be able to unmute themselves and turn on their camera.**
- **If you are also watching on YouTube or GOVTV, please note that the online stream lags approximately 10 seconds behind the Zoom meeting. Please mute or pause the online stream once you are in the Zoom meeting room to avoid feedback between the Zoom meeting room and the online broadcast.**
- **Public comment will be limited to 2 minutes or less depending on the number of individuals signed up to speak. Your time starts when you begin speaking. You will be informed when your time has concluded, at which point your microphone will be muted and your camera will be turned off.**
- **Participants will be moved back to Attendee of Webinar once your comment period has ended.**

Public Comment ground rules:

- **Each participant has 2 minutes to present.**
- **Comments are to be addressed to the Councilors only, through the Council President.**
- **Any disruptive conduct will result in removal from the Zoom meeting room.**

1. ROLL CALL

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**

February 23, 2022

7. COMMUNICATIONS AND INTRODUCTIONS**8. REPORTS OF COMMITTEES****9. CONSENT AGENDA: {Items may be removed at the request of any Councilor}**

- a. [EC-21-484](#) Approval of the First Supplemental Agreement to add funds and extend time to Outside Counsel Legal Services between Robles, Rael & Anaya and the City of Albuquerque
Attachments: [EC-484](#)
- b. [EC-21-485](#) FY21 Budget Objective #14 Regarding Parks & Recreation Department Golf Course Study
Attachments: [EC-485.pdf](#)
- c. [EC-21-486](#) FY 2021 and FY 2022 State Certification of Budget
Attachments: [EC-486](#)
- d. [EC-21-487](#) Belly Freight Building Lease and Agreement between the City of Albuquerque and Southwest Airlines Co.
Attachments: [EC-487](#)
- e. [EC-22-21](#) Mayor's appointment of Mr. Willard Hunter to the Cable, Internet and PEG Advisory Board
Attachments: [EC-21](#)
- f. [EC-22-22](#) Mayor's appointment of Mr. Mathias A. Gibbens to the Cable, Internet and PEG Advisory Board

Attachments: [EC-22](#)

- g. [EC-22-23](#) Mayor's re-appointment of Ms. Denise M. Foor to the Municipal Golf Advisory Board
Attachments: [EC-23](#)
- h. [EC-22-24](#) Mayor's re-appointment of Dr. Kristina M. Chongsirirwatana to the Biological Park Board
Attachments: [EC-24](#)
- i. [EC-22-25](#) Mayor's appointment of Mr. Patrick Frias to the Information Services Committee
Attachments: [EC-25](#)
- j. [EC-22-26](#) Mayor's re-appointment of Mr. Timothy Thackaberry to the Information Services Committee
Attachments: [EC-26](#)
- k. [EC-22-33](#) Mayor's appointment of Mr. Manuel J. Baca Sr. to the Americans with Disabilities Act Advisory Council
Attachments: [EC-33](#)
- l. [OC-22-2](#) Reappointment of Ms. Patricia French to the Civilian Police Oversight Agency Board
Attachments: [OC-2](#)
- m. [R-21-190](#) Approving An Intergovernmental Agreement Between The City Of Albuquerque, The County Of Bernalillo, And The Albuquerque Public School District Board Of Education To Reform The Albuquerque Bernalillo County Government Commission As The Local Government Coordinating Commission To Include The City Of Albuquerque, The County Of Bernalillo, And The Albuquerque Public Schools As The Voting Members (Bassan, Peña)
Attachments: [R-190](#)
[Withdrawn by Sponsors]
- n. [R-21-232](#) Approving And Authorizing The Filing Of Grant Applications And The Acceptance Of Potential Grant Awards For Multiple City Departments From Associated Grantor Agencies And Providing For An Appropriation To The City Of Albuquerque (Bassan, by request)
Attachments: [R-232](#)
- o. [R-22-3](#) Approving And Authorizing The Acceptance Of Grant Funds From The New Mexico State Library For The Basic State Grants In Aid And Providing For An Appropriation To The Department Of Arts & Culture In Fiscal Year 2022 (Peña, by request)
Attachments: [R-3](#)

- p. [R-22-6](#) Establishing City Policy For Evaluating Competing Cannabis Retail Location Approval Requests Within 600 Feet Of One Another (Benton, Jones)

Attachments: [R-6](#)

[Withdrawn by Sponsors]

10. GENERAL PUBLIC COMMENTS

Please refer to the statement "Special Procedures for March 7, 2022 City Council Meeting" at the beginning of the Council Agenda.

11. ANNOUNCEMENTS

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

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

- a. [OC-22-3](#) Reappointment of Mr. Michael Wartell to the Civilian Police Oversight Agency Board

Attachments: [OC-3](#)

- b. [EC-22-34](#) Communication Appointing Ethan Watson as City Clerk

Attachments: [EC-34](#)

- c. [EC-22-35](#) Appointing Esteban A. Aguilar, Jr. to the position of City Attorney

Attachments: [EC-35](#)

14. FINAL ACTIONS

- a. [R-22-7](#) Authorizing The Giving Of Notices For Bids For The Sale Of City Of Albuquerque, New Mexico General Obligation Bonds Consisting Of \$76,395,000 General Obligation General Purpose Bonds, Series 2022A, \$4,305,000 General Obligation Storm Sewer Bonds, Series 2022B And \$25,000,000 General Obligation Refunding Bonds, Series 2022D (Davis, by request)

Attachments: [R-7.pdf](#)

- b. [O-22-11](#) Authorizing The Issuance And Sale Of (I) City Of Albuquerque, New Mexico General Obligation Bonds In Three Series In A Collective Par Amount Not To Exceed \$105,700,000, Consisting Of \$76,395,000 General Purpose General Obligation Bonds, Series 2022A, \$4,305,000 General Obligation Storm Sewer Bonds, Series 2022B, And \$25,000,000 Short-Term General Obligation Bonds, Taxable Series 2022C, Authorized At An Election Of The City Held On November 2, 2021 To Finance Projects Relating To Public Safety, Citizens' Centers, Parks And Recreation, Facilities And

Equipment, Library, Museum And Cultural Facilities, Storm Sewers, Streets, And Metropolitan Redevelopment, And (II) City Of Albuquerque, New Mexico General Obligation Refunding Bonds, Series 2022D In A Par Amount Not To Exceed \$25,000,000 (The Series 2022A Bonds, Series 2022B Bonds, Series 2022C Bonds And Series 2022D Bonds Are Collectively Referred To As The "Series 2022 Bonds"); Providing For The Levy And Collection Of Ad Valorem Taxes For The Payment Of The Series 2022 Bonds; Approving The Delegation Of Authority To Make Certain Determinations Regarding The Sale Of The Series 2022 Bonds Pursuant To The Supplemental Public Securities Act; Providing For The Forms, Terms, Purchase, Payment, Execution And Other Provisions Of And Concerning The Series 2022 Bonds; Authorizing The Sale Of The Series 2022C Bonds To The State Of New Mexico; Prescribing Other Details In Connection With The Series 2022 Bonds And The Payment Thereof; And Ratifying Prior Action Taken In Connection Therewith (Davis, by request)

Attachments: [O-11](#)

- c. [O-21-78](#) F/S Amending Chapter 9, Article 4, Part 1 ROA 1994, The Police Oversight Ordinance (Bassan, Benton, Davis)

Attachments: [O-78](#)

[O-78 Approved Floor Substitute.pdf](#)

[O-78 Approved Floor Amendment 1 to FS - Lewis.pdf](#)

[O-78 Approved Floor Amendment 2 to FS - Sanchez.pdf](#)

[O-78 Withdrawn Floor Amendment 3 to FS - Sanchez.pdf](#)

[O-78 Approved Floor Amendment 4 to FS - Bassan.pdf](#)

- d. [O-21-81](#) Repealing Chapter 11, Article 14, Of The Revised Ordinances Of Albuquerque (The "Marijuana Possession Ordinance") (Benton)

Attachments: [O-81](#)

- e. [O-21-82](#) Amending Chapter 12, Article 4, Section 10, Of The Revised Ordinances Of Albuquerque (Unlawful Advertisement, Manufacture, And Delivery Of Drug Paraphernalia) To Conform To The New Mexico Cannabis Regulation Act, NMSA 1978, Section 26-2C-1 Et Seq (Benton)

Attachments: [O-82](#)

- f. [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)

Attachments: [O-83](#)

[An amendment may be moved that adjusts the title to the following: 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.; Amending Restrictions In Public Outdoor Areas.]

- g. [O-22-2](#) Updating The Civil Emergency Powers Ordinance Relating To Public Health Orders (Lewis)
Attachments: [O-2.pdf](#)
- h. [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 (Bassan)
Attachments: [O-3](#)
- i. [O-22-7](#) Adopting A Zoning Map Amendment For An Approximately 14.1 Acre Site Located On The Southern Side Of Harper Road NE, Between Wyoming Boulevard NE And Ventura Street NE, From MX-L To R-1C In Order To Facilitate Future Development (Bassan, by request)
Attachments: [O-7.pdf](#)
- j. [R-22-1](#) Directing The City Administration To Evaluate Recent Attorney General Guidance And Assess Reopening And Renegotiating The Court Approved Settlement Agreement Between The City Of Albuquerque And The U.S. Department Of Justice (Lewis)
Attachments: [R-1.pdf](#)
- k. [R-21-209](#) Amending The Declaration Of Local Emergency Due To Novel Coronavirus COVID-19 To Require Vaccination Of Certain City Employees (Benton)
Attachments: [R-209.pdf](#)
- l. [R-22-2](#) Amending The Declaration Of Local Emergency Due To Novel Coronavirus COVID-19 To Ban Vaccine Requirements For City Employees; Setting Policy For Future Declarations (Lewis)
Attachments: [R-2.pdf](#)
- m. [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)
Attachments: [O-1.pdf](#)
[O-1 Approved Committee Substitute.pdf](#)
- [A motion may be made to pull O-22-1 out of the Finance and Government Operations Committee and place it on the March 21, 2022 Council Agenda for action.]*
- n. [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)

Attachments: [O-9.pdf](#)
[O-9 Approved Committee Substitute.pdf](#)

[A motion may be made to pull O-22-9 out of the Finance and Government Operations Committee and place it on the March 21, 2022 Council Agenda for action.]

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

ATTENTION: The Council will take a dinner break at approximately 7:00 p.m., unless otherwise decided by the Council.

*IF THE PROPER ACTION IS TAKEN BY THE COUNCIL, THESE ITEMS WILL BE PLACED ON TODAY'S AGENDA FOR FINAL ACTION OR DISCUSSION.

NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require special assistance to participate in this meeting, please contact the Council Office as soon as possible before the meeting date at 505-768-3100. Those in need of hearing assistance may call 711.

Visit our Website at <http://www.cabq.gov/council>