



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, March 7, 2022

5:00 PM

Via Zoom Video Conference

TWENTY-FIFTH COUNCIL - FIFTH 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

10. GENERAL PUBLIC COMMENTS

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
- 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
- b. [EC-21-485](#) FY21 Budget Objective #14 Regarding Parks & Recreation Department Golf Course Study
- 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-21-486](#) FY 2021 and FY 2022 State Certification of Budget
- 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-21-487](#) Belly Freight Building Lease and Agreement between the City of Albuquerque and Southwest Airlines Co.
- 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-22-21](#) Mayor's appointment of Mr. Willard Hunter to the Cable, Internet and PEG 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
- f. [EC-22-22](#) Mayor's appointment of Mr. Mathias A. Gibbens to the Cable, Internet and PEG 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
- g. [EC-22-23](#) Mayor's re-appointment of Ms. Denise M. Foor to the Municipal Golf 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

h. [EC-22-24](#)

Mayor's re-appointment of Dr. Kristina M. Chongsirawatana to the Biological Park 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

i. [EC-22-25](#)

Mayor's appointment of Mr. Patrick Frias to the Information Services 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

j. [EC-22-26](#)

Mayor's re-appointment of Mr. Timothy Thackaberry to the Information Services 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

k. [EC-22-33](#)

Mayor's appointment of Mr. Manuel J. Baca Sr. to the Americans with Disabilities Act 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. [OC-22-2](#)

Reappointment of Ms. Patricia French to the Civilian Police Oversight Agency 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

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)

A motion was made by Vice-President Lewis that this matter be Withdrawn by Sponsors.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

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

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)

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

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)

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

p. [R-22-6](#)

Establishing City Policy For Evaluating Competing Cannabis Retail Location Approval Requests Within 600 Feet Of One Another (Benton, Jones)

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

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

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

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

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

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

b. [EC-22-34](#)

Communication Appointing Ethan Watson as City Clerk

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

For: 7 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, and Peña

Against: 2 - Lewis, and Sanchez

c. [EC-22-35](#)

Appointing Esteban A. Aguilar, Jr. to the position of City Attorney

A motion was made by Councilor Davis 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

14. FINAL ACTIONS

a. [R-22-7](#)

F/S 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 \$23,615,000 General Obligation Refunding Bonds, Series 2022C (Davis, by request)

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

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

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

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

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)

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

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

c. [O-21-78](#)

F/S Amending Chapter 9, Article 4, Part 1 ROA 1994, The Police Oversight Ordinance (Bassan, Benton, Davis)

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

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

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

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

d. [O-21-81](#)

Repealing Chapter 11, Article 14, Of The Revised Ordinances Of Albuquerque (The "Marijuana Possession Ordinance") (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

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)

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

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.; Amending Restrictions in Public Outdoor Areas (Benton)

A motion was made by Councilor Jones that this matter be Amended. Councilor Jones Withdrew Amendment No. 1.

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

For: 3 - Benton, Fiebelkorn, and Peña

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

Recused: 1 - Davis

A motion was made by Councilor Jones that this matter be Amended. Councilor Jones moved Amendment No. 2. The motion carried by the following vote:

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

Against: 2 - Fiebelkorn, and Peña

Recused: 1 - Davis

A motion was made by President Benton that this matter be Postponed as Amended to March 21, 2022. The motion carried by the following vote:

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

Against: 2 - Fiebelkorn, and Peña

Recused: 1 - Davis

g. [O-22-2](#)

Updating The Civil Emergency Powers Ordinance Relating To Public Health Orders (Lewis)

A motion was made by Vice-President Lewis 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

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)

A motion was made by President Benton that this matter be Continued to June 6, 2022. The motion failed by the following vote:

For: 3 - Benton, Davis, and Fiebelkorn

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

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

Against: 3 - Benton, Davis, and Fiebelkorn

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

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

Against: 3 - Benton, Davis, and Fiebelkorn

A motion was made by President Benton that the rules be suspended to extend the meeting to 11:15 p.m. The motion carried by the following vote:

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

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)

A motion was made by Councilor Peña that Amendment No. 1 be Do Not Pass. The motion carried by the following vote:

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

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

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

Against: 3 - Benton, Davis, and Fiebelkorn

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)

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

For: 7 - Bassan, Davis, Grout, Jones, Lewis, Peña, and Sanchez

Against: 2 - Benton, and Fiebelkorn

k. [R-21-209](#)

Amending The Declaration Of Local Emergency Due To Novel Coronavirus COVID-19 To Require Vaccination Of Certain City Employees (Benton)

A motion was made by President Benton that this matter be Postponed to March 21, 2022. The motion carried by the following vote:

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

A motion was made by President Benton that the rules be suspended to extend the meeting to 11:25 p.m. The motion carried by the following vote:

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

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)

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

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

Against: 1 - Fiebelkorn

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)

A motion was made by Vice-President Lewis that this matter be Postponed to March 21, 2022. The motion carried by the following vote:

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