

**Notice of Decision
City Council
City of Albuquerque
January 5, 2023**

AC-22-20 PR-2019-003120 -RZ-2022-00039 & SI-2022-01513: Todd Megrath, President, Mack ABQ 1 LLC, appeals the Environmental Planning Commission (EPC) decision to Deny a zoning map amendment from MX-T to PD and an associated Site Plan-EPC, for all or a portion of Tract A-1, Plat of Tracts A-1 through A-6 Unser & Sage Marketplace (being a Replat of Tract A Unit 1-B, Lands of Albuquerque South), located on Sage Rd. SW, between Unser Blvd. SW and Secret Valley Dr. SW, approximately 5.0 acres (M-10).

Decision

On January 4, 2023, by a vote of 9 FOR 0 AGAINST the City Council voted to accept the withdrawal by the Appellant.

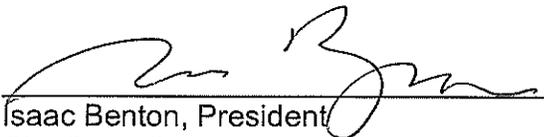
FOR: Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, Sanchez

IT IS THEREFORE ORDERED THAT THIS APPEAL IS WITHDRAWN.

Attachments

1. Action Summary from the January 4, 2023 City Council Meeting

A person aggrieved by this decision may appeal the decision to the Second Judicial District Court by filing in the Court a notice of appeal within thirty (30) days from the date this decision is filed with the City Clerk.


Isaac Benton, President
City Council Date: 1/20/2023

Received by: Gabriella Williams Date: 1-20-2023
City Clerk's Office

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City of Albuquerque

City of Albuquerque
Government Center
One Civic Plaza
Albuquerque, NM 87102

Action Summary

City Council

Council President, Pat Davis, District 6
Council Vice-President, Renee Grout, District 9

Louie Sanchez, District 1; Isaac Benton, District 2
Klarissa J. Peña, District 3; Brook Bassan, District 4
Dan Lewis, District 5; Tammy Fiebelkorn, District 7
Trudy E. Jones, District 8

Wednesday, January 4, 2023

5:00 PM

Vincent E. Griego Chambers

One Civic Plaza NW

City of Albuquerque Government Center

TWENTY-FIFTH COUNCIL - TWENTY- SECOND MEETING

1. ROLL CALL

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

2. MOMENT OF SILENCE

Councilor Grout led the Pledge of Allegiance in English.
Councilor Peña led the Pledge of Allegiance in Spanish.

3. PROCLAMATIONS & PRESENTATIONS

4. ECONOMIC DEVELOPMENT DISCUSSION

5. ADMINISTRATION QUESTION & ANSWER PERIOD

6. APPROVAL OF JOURNAL

December 5, 2022

7. COMMUNICATIONS AND INTRODUCTIONS

8. REPORTS OF COMMITTEES

Finance and Government Operations Committee - December 12, 2022

DEFERRALS/WITHDRAWALS

- f. [R-22-70](#) Requiring A Transit System Security Incident Response Tactical Plan, Quarterly Reporting Of Security Calls For Service In The Transit System, And Development Of A Long-Term Security Plan, For The Operations And Facilities Of The Albuquerque Transit Department (Peña)
- A motion was made by Councilor Peña that this matter be Postponed to January 18, 2023. The motion carried by the following vote:
- For: 9 - Bassan, Davis, Grout, Jones, Peña, Sanchez, Benton, Fiebelkorn, and Lewis
9. **CONSENT AGENDA: {Items may be removed at the request of any Councilor}**
- a. [EC-22-177](#) Approval of the Route 66 Flats Development Agreement for Rental Housing with High Desert Housing to Utilize Workforce Housing Trust Funds Towards the New Construction a Permanent Supportive Housing Project
- A motion was made by Vice-President Lewis that this matter be Approved. The motion carried by the following vote:
- For: 9 - Bassan, Davis, Grout, Jones, Peña, Sanchez, Benton, Fiebelkorn, and Lewis
- b. [EC-22-178](#) Approval of the Knotts Landing Court/60th Street Development Agreement for Rental Housing with Albuquerque Housing Authority to Utilize Workforce Housing Trust Funds Towards the Rehabilitation and New Construction a Public Housing Project
- A motion was made by Vice-President Lewis that this matter be Approved. The motion carried by the following vote:
- For: 9 - Bassan, Davis, Grout, Jones, Peña, Sanchez, Benton, Fiebelkorn, and Lewis
- e. [AC-22-20](#) PR-2019-003120 -RZ-2022-00039 & SI-2022-01513: Todd Megrath, President, Mack ABQ 1 LLC, appeals the Environmental Planning Commission (EPC) decision to Deny a zoning map amendment from MX-T to PD and an associated Site Plan-EPC, for all or a portion of Tract A-1, Plat of Tracts A-1 through A-6 Unser & Sage Marketplace (being a Replat of Tract A Unit 1-B, Lands of Albuquerque South), located on Sage Rd. SW, between Unser Blvd. SW and Secret Valley Dr. SW, approximately 5.0 acres (M-10).
- A motion was made by Vice-President Lewis that this matter be Withdrawn by Appellant. The motion carried by the following vote:
- For: 9 - Bassan, Davis, Grout, Jones, Peña, Sanchez, Benton, Fiebelkorn, and Lewis
- *g. [R-22-96](#) Accepting An Award From Bernalillo County To Increase Emergency

Shelter Beds For Families With Children Experiencing Homelessness In Albuquerque And Providing An Appropriation To The Department Of Family And Community Services, Beginning In Fiscal Year 2023 (Fiebelkorn)

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

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

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

*f. [R-22-94](#)

F/S Approving And Authorizing The Acceptance Of Grant Funds From U.S. Department Of Treasury And Providing An Appropriation To The Parks And Recreation Department In Fiscal Year 2023 (Bassan by request)

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

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

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, Davis, Grout, Jones, Peña, Sanchez, Benton, Fiebelkorn, and Lewis

A motion was made by Councilor Bassan that this matter be Postponed as Substituted, as Amended to January 18, 2023. The motion carried by the following vote:

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

c. [EC-22-199](#)

Mayor's Recommendation of Award (ROA) to Employers Pro Advantage, Recruiting Source International, and David Gomez Partners Inc. for "Executive Search Services"

A motion was made by Councilor Sanchez that this matter be Postponed to January 18, 2023. The motion carried by the following vote:

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

Against: 2 - Benton, and Fiebelkorn

*d. [EC-22-212](#)

Approval of FY23 contract to operate shelter services for people experiencing homelessness at Gibson Health Hub including Emergency Winter Beds, Gateway Shelter, and 24/7 Receiving Area

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

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

Against: 3 - Davis, Jones, and Peña

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

b. Election of President and Vice-President

Councilor Benton opened the floor for nominations for Council President.

Councilor Lewis nominated Councilor Peña.

Councilor Fiebelkorn nominated Councilor Davis.

Councilor Davis was elected President by the following 5-4 vote:

Councilor Peña:

Brook Bassan

Renee Grout

Dan Lewis

Klarissa Peña

Councilor Davis:

Pat Davis

Trudy Jones

Louie Sanchez

Isaac Benton

Tammy Fiebelkorn

Election of President and Vice-President

Councilor Benton opened the floor for nominations for Council Vice-President.

Councilor Davis nominated Councilor Fiebelkorn.

Councilor Peña nominated Councilor Bassan.

Councilor Bassan nominated Councilor Grout.

Councilor Peña withdrew her nomination of Councilor Bassan.

Councilor Grout was elected Vice-President by the following 5-4 vote:

Councilor Fiebelkorn:

Pat Davis

Tammy Fiebelkorn

Trudy Jones

Isaac Benton

Councilor Grout:

Brook Bassan

Renee Grout

*Klarissa Peña
Dan Lewis
Louie Sanchez*

c. Election of Chair of the Committee of the Whole

Councilor Benton opened the floor for nominations for Chair of the Committee of the Whole.

Councilor Peña nominated Councilor Bassan.

Councilor Bassan was elected Chair of the Committee of the Whole by acclamation.

d. Approval of Committee Appointments

A motion was made by Councilor Benton that the rules be suspended for the purpose of postponing the Approval of the Committee Appointments to the January 18, 2023 Council meeting. The motion carried by the following vote:

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

10. GENERAL PUBLIC COMMENTS

11. ANNOUNCEMENTS

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

14. FINAL ACTIONS

a. O-22-41 F/S Amending The Intergovernmental Relations Ordinance To Update Intergovernmental Relations Committee Membership, The Ability Of The Committee To Convene, The Intergovernmental Coordination Responsibilities Of The Committee, Development Of The Federal And State Program Resolutions, Review Of Obligations (Fiebelkorn, Peña, Bassan)

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

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

***b. R-22-95** Approving The Transit Department’s Fare Equity Analysis Of The Proposal (O-22-47) To Resume Fare Collection And Provide Long-Term Free Passes (Peña, Lewis)

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

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

- c. O-22-47 F/S(2) Creating A Full Access For All Transit Fare Structure And Transit Security Process, Amending Sections 7-2-1-1 And 7-2-1-2 Of The Transit Fares Ordinance To Improve Transit Access To All Persons While Providing Accountability; Creating A New Section 7-2-1-3, Of The Transit System Ordinance To Modify The Zero Fare Pilot Project To A Pass-Based Zero Fair Program Beginning June 30th, 2023, Creating A Section 2-11-20 Of The Budget Ordinance To Create An Operating Fund For Motor Coach And Paratransit Vehicle Operator Salaries; Establishing Rules For Issuing Transit Passes, Requiring A Study To Develop A Transit Pass Management Program, Development Of A Short Term Tactical Plan And A Long-Term Security Plan, For The Operations And Facilities Of The Albuquerque Transit Department, Requiring A Transit System Security Incident Response Tactical Plan And Reporting Process, Directing The Administration To Identify Means To Assist Social Service Agencies To Provide Transit Passes And Making An Appropriation (Peña, Lewis)

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

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

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

A motion was made by Councilor Lewis that this matter be Postponed as Amended to January 18, 2023. The motion carried by the following vote:

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

Against: 2 - Davis, and Benton

- d. O-22-58 Approving A Project Involving Universal Hydrogen Co. Pursuant To The Local Economic Development Act And City Ordinance F/S O-04-10, The City's Implementing Legislation For That Act, To Support The Acquisition, Renovation, And Construction Of A Manufacturing Facility In Albuquerque, New Mexico To Manufacture Modular Fueling Capsules And Assemble Hydrogen Fuel Cell-Based Powertrains For Global Distribution To Airlines; Authorizing The Execution Of A Project Participation Agreement And Other Documents In Connection With The Project; Making Certain Determinations And Findings Relating To The Project Including The Appropriation Of Funds; Ratifying Certain Actions Taken Previously; And Repealing All Actions Inconsistent With This Ordinance (Davis, by request)

A motion was made by Councilor Fiebelkorn that this matter be Amended.

Councilor Fiebelkorn moved Amendment No. 1. The motion carried by the following vote:

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

Excused: 1 - Lewis

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

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

e. [O-22-62](#)

Appropriating Funds To Expand Transit Security; Making Adjustments To The Transit System To Improve Transit Security And Transit Equity; Adjusting The Definition Of Peace Officer To Include Transit Security And Metro Security; Adding Disobeying A Motor Coach Operator To The Definition Of Disorderly Conduct; Adjusting Public Transit Fares (Davis, Fiebelkorn)

A motion was made by Councilor Fiebelkorn that this matter be Postponed to January 18, 2023. The motion carried by the following vote:

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

g. [R-22-90](#)

Establishing Federal Programming And Policy Priorities For The City Of Albuquerque For Federal Fiscal Years 2023/2024 (Peña, Fiebelkorn, Bassan)

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

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

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

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

h. [M-22-8](#)

The City Of Albuquerque City Council Recognizes The Devastating Impacts Of COVID-19 (SARS-CoC-2); Honors The Sacrifices That Essential Workers Have Made To Protect And Save Lives In Their Communities; Declares Support For A Permanent COVID-19 Memorial To Be Located In Bernalillo County On State Trust Lands To Honor The Victims Of COVID-19 (Fiebelkorn, Jones)

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

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

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

a. EC-22-201

Veto Of O-22-33, Amending §14-16 The Integrated Development Ordinance To Remove All References To Safe Outdoor Spaces

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

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

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