



City of Albuquerque

City of Albuquerque
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, November 21, 2022

5:00 PM

Via Zoom Video Conference

TWENTY-FIFTH COUNCIL - TWENTIETH MEETING

1. ROLL CALL

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

2. MOMENT OF SILENCE

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

3. PROCLAMATIONS & PRESENTATIONS

4. ECONOMIC DEVELOPMENT DISCUSSION

10. GENERAL PUBLIC COMMENTS

5. ADMINISTRATION QUESTION & ANSWER PERIOD

6. APPROVAL OF JOURNAL

November 7, 2022

7. COMMUNICATIONS AND INTRODUCTIONS

8. REPORTS OF COMMITTEES

Finance and Government Operations Committee - November 14, 2022

Public Safety Committee - November 15, 2022

Land Use, Planning, and Zoning Committee - November 16, 2022

DEFERRALS/WITHDRAWALS

- b. [O-22-41](#) **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 Priorities Resolutions, Review Of Obligations (Fiebelkorn, Peña, Bassan)**
- A motion was made by Councilor Fiebelkorn that this matter be Postponed to December 5, 2022. The motion carried by the following vote:
- For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- e. [O-22-50](#) **Approving A Project Involving Craftworks, LLC 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 Improvement Of A Beverage Manufacturing And Distribution Facility In Albuquerque, New Mexico; 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 (Benton, by request)**
- A motion was made by President Benton that this matter be Postponed to December 5, 2022. The motion carried by the following vote:
- For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- h. [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 December 5, 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-22-136](#) Legal Department's Quarterly Litigation Report for the 1st Quarter of FY 2021 (Greater than 10,000)
- A motion was made by President Benton 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-22-140](#) Approval of the Housing and Neighborhood Economic Development Fund 2022 Ten Year Plan
- 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
- c. [EC-22-142](#) Age-Friendly Quarterly Update for May, June and July 2022
- A motion was made by President Benton 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-22-143](#) Transmitting the Year End Status Report on Fiscal Year 2022 Objectives
- A motion was made by President Benton 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
- e. [EC-22-144](#) Legal Department's Quarterly Litigation Report for the 4th Quarter of FY 2022 (Greater than 10,000)
- A motion was made by President Benton 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
- f. [EC-22-162](#) Lease Agreement between City of Albuquerque and Albuquerque AMG Specialty Hospital, LLC
- 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

- g.** [EC-22-163](#) Mayor's Recommendation of Engineering Consultants for Developing Operating and Maintenance Manuals
- 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
- h.** [EC-22-164](#) Mayor's Recommendation of Engineering Consultants for City Wide On-Call Engineering Services
- 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
- i.** [EC-22-166](#) Mayor's appointment of Mr. Sean M. Cunniff to the Board of Ethics
- A motion was made by President Benton 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-22-169](#) Mayor's appointment of Ms. Olivia Fadul to the Americans with Disabilities Act Advisory Council
- A motion was made by President Benton 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-22-170](#) Mayor's appointment of Mr. Joaquin J. Baca to the Albuquerque Development Commission
- A motion was made by President Benton 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-22-171](#) Mayor's appointment of Ms. Deann S. Griego to the Americans with Disabilities Act Advisory Council
- A motion was made by President Benton 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-22-172](#) Mayor's appointment of Dr. Michael Patrick M. Martin to the Transit Advisory Board
- A motion was made by President Benton 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-22-173](#)

Mayor's appointment of Mr. Ben Garland to the Transit Advisory Board

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

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

p. [EC-22-176](#)

Mayor's Recommendation of Architectural Consultants RMKM Architecture for Brillante Explora Early Learning Center

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

q. [EC-22-179](#)

Mayor's appointment of Mrs. Jessie Hunt to the Balloon Museum Board of Trustees

A motion was made by President Benton 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. [EC-22-180](#)

Mayor's appointment of Mr. Joseph Perez to the Transit Advisory Board

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

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

s. [EC-22-181](#)

Mayor's appointment of Ms. Katherine Sullivan to the Transit Advisory Board

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

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

t. [OC-22-17](#)

A motion was made by President Benton 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

u. [OC-22-18](#)

A motion was made by President Benton 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

v. [OC-22-21](#)

Citizens' Independent Salary Commission Appointments

A motion was made by President Benton 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

w. [R-22-68](#)

Approving And Authorizing The Acceptance Of Grant Funds From U.S. Department Of Agriculture/Natural Resources Conservation Service (NRCS) And Providing An Appropriation To The Parks And Recreation Department In Fiscal Year 2023 (Davis, by request)

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

x. [R-22-69](#)

Approving And Authorizing The Acceptance Of Grant Funds Based On The Application From The New Mexico Aging And Long Term Services Department For State Assistance From The New Mexico Local Grown Produce Grant For The Purpose Of Providing Seniors With Nutritious Meals From Food That Is Grown In New Mexico And Providing For An Appropriation To The Department Of Senior Affairs In Fiscal Year 2023 (Jones, by request)

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

y. [R-22-71](#)

Approving The FY2023 Audit Plan As Submitted By The Accountability In Government Oversight Committee (Bassan, by request)

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

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

o. [EC-22-174](#)

Naser Alikhani/Alikhani RVT Requests 1200 Hideaway Ln Se Right Of Way Vacation Project# Pr-2022-006708, SD-2022-00117, Vacation Of Public Right-Of-Way For All Or A Portion Of Lot 6, Four Hills Village 21st

Installment Zoned R-1D, Located On 1200 Hideaway LN SE Between Stagecoach Rd SE And I-40 Containing Approximately 3.0791 Acre(s)

A motion was made by Councilor Grout that this matter be Approved. 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}

a. [AC-22-19](#)

PR-2022-007294-VA-2022-00200-VA-2022-00270: Jack C Skinner appeals the Zoning Hearing Examiners decision to Deny a variance of 3 to the required 8 residents in a community residential facility for Lot 1, Block B, Monterey Manor, located at 12105 Sierra Grande Ave NE, zoned R-1C [Subsection 14-16-4-3(B)(8)]

A motion was made by President Benton To Accept the Land Use Hearing Officer Recommendation and Findings. The motion carried by the following vote:

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

Against: 1 - Lewis

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

*a. [EC-22-191](#)

Approval of FY23 Contracts to Provide Supportive Housing Vouchers for Families and Individuals Experiencing Homelessness

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

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

Excused: 1 - Sanchez

14. FINAL ACTIONS

a. [O-22-37](#)

Adding A New Part To Chapter 9, Article 6 ROA 1994, Food And Beverages, To Be Known As The “Albuquerque Market Food Vendor Ordinance”, And Establishing A Permitting Fee. (Fiebelkorn)

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

A motion was made by Councilor Fiebelkorn 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

c. [O-22-43](#)

Adopting A New Article In Chapter 9 Of The Revised Ordinances Of Albuquerque 1994, “Health, Safety And Sanitation,” To Be Known As The “Safe Outdoor Space Operator’s Permit,” Establishing A Permit And Permitting Fee (Sanchez, Jones)

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 Davis that this matter be Amended. Councilor Davis moved Amendment No. 2. 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 Sanchez that this matter be Amended. Councilor Sanchez withdrew Amendment No. 3.

A motion was made by Councilor Fiebelkorn that this matter be Amended. Councilor Fiebelkorn moved Amendment No. 4. 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 Fiebelkorn that this matter be Amended. Councilor Fiebelkorn moved Amendment No. 5. 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 Sanchez that this matter be Amended. Councilor Sanchez moved Amendment No. 6. 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 Jones that this matter be Amended. Councilor Jones moved Amendment No. 7. 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 Jones that this matter be Amended. Councilor Jones moved Amendment No. 8. 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 Jones that this matter be Amended. Councilor Jones moved Amendment No. 9. 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 Jones that this matter be Amended. Councilor Jones moved Amendment No. 10. 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 Jones that this matter be Amended. Councilor Jones moved Amendment No. 11. 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 Jones that this matter be Amended. Councilor Jones moved Amendment No. 12.

A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 1 to Amendment No. 12. The motion carried by the following vote:

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

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

A motion was made by Councilor Jones that this matter be Withdrawn. Councilor Jones withdrew Amendment No. 12.

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

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

Against: 3 - Benton, Davis, and Lewis

d. [O-22-44](#)

Amending Chapter 8, Article 2, Part 7 Of The Traffic Code, Relating To Pedestrian Safety In Medians And Pedestrian-Vehicle Interactions (Bassan, Benton, by request)

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: 7 - Bassan, Benton, Davis, Grout, Jones, Lewis, and Sanchez

Against: 2 - Fiebelkorn, and Peña

- f. [O-22-51](#) **Authorizing The Issuance And Sale Of The City Of Albuquerque, New Mexico Short-Term Lodgers' Tax Improvement Revenue Bonds, Taxable Series 2022 In An Aggregate Principal Amount Not To Exceed \$3,000,000 For The Purpose Of Studying, Designing, Developing, Constructing, Reconstructing, Rehabilitating, Renovating, Modernizing, Signing, Enhancing And Otherwise Improving Tourist-Related Facilities And Attractions; Providing For The Payment Of The Series 2022 Bonds From Lodgers' Tax Revenues; Providing For The Collection Of Certain Lodgers' Tax Revenues; 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 Terms And Other Details Concerning The Series 2022 Bonds; Providing For Certain Documents Pertaining To The Series 2022 Bonds; Ratifying Action Previously Taken; Repealing All Actions Inconsistent With This Ordinance; Authorizing The Taking Of Other Actions In Connection With The Issue And Sale Of The Series 2022 Bonds (Benton and Bassan, by request)**

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. [O-22-52](#) **Authorizing The Execution And Delivery Of A Water Project Fund Loan/Grant Agreements By And Between The New Mexico Finance Authority ("Finance Authority") And The City Of Albuquerque (The "Borrower/Grantee"), Evidencing An Obligation Of The Borrower/Grantee To Utilize The Loan/Grant Amounts Solely For The Following Projects: (1) Relining Of Irrigation Pond At Ladera Golf Course, In The Total Amount Of One Hundred Twenty Thousand Dollars (\$120,000), Including A Loan In The Amount Of Twelve Thousand Dollars (\$12,000); (2) Renovating The Irrigation System At Netherwood Park, In The Total Amount Of Three Hundred Thousand Dollars (\$300,000), Including A Loan In The Amount Of Thirty Thousand Dollars (\$30,000); And (3) Renovating The Irrigation System At Phil Chacon Park, In The Total Amount Of Nine Hundred Fifty Thousand Dollars (\$950,000), Including A Loan In The Amount Of Ninety-Five Thousand Dollars (\$95,000), And Solely In The Manner Described In The Loan/Grant Agreements; Providing For The Pledge And Payment Of The Loan Amount And An Administrative Fee Solely From The Revenues Of The Tax Distributions Received By The**

Governmental Unit Pursuant To NMSA 1978, § 7-1-6.1, NMSA 1978, § 7-1-6.4, NMSA 1978, § 7-1-6.15, And NMSA 1978, § 7-9-4, As Amended; Certifying That The Loan/Grant Amount, Together With Other Funds Available To The Borrower/Grantee, Is Sufficient To Complete The Project; Approving The Form Of And Other Details Concerning The Loan/Grant Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent With This Resolution; And Authorizing The Taking Of Other Actions In Connection With The Execution And Delivery Of The Loan/Grant Agreement (Davis, Fiebelkorn, and Sanchez, 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

i. [R-22-73](#)

Directing The Animal Welfare Department To Work With The University Of New Mexico Science Center College Of Nursing To Collect Otherwise Disposed-Of Animal Tissues In City-Owned Or City-Sponsored Spay And Neuter Clinics For Donation To The UNM Health Science Center (Fiebelkorn)

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

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

j. [R-22-79](#)

Establishing The City Council's Budget Priorities And Strategies For The Fiscal Year 2024 Operating Budget And The 2023 General Obligation Program (Bassan)

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

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

*k. [R-22-82](#)

Formalizing The City's Urban Tree Canopy Grant Program (Fiebelkorn, 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: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by President Benton 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

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