



City of Albuquerque

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

Action Summary

City Council

Council President, Cynthia D. Borrego, District 5
Vice-President, Diane G. Gibson, District 7

Lan Sena, District 1; Isaac Benton, District 2
Klarissa J. Peña, District 3; Brook Bassan, District 4
Pat Davis, District 6; Trudy E. Jones, District 8
Don Harris, District 9

Wednesday, September 8, 2021

3:00 PM

Via Zoom Video Conference

TWENTY-FOURTH COUNCIL - FORTIETH MEETING

1. ROLL CALL

Present 8 - Brook Bassan, Isaac Benton, Cynthia Borrego, Patrick Davis, Diane Gibson, Trudy Jones, Klarissa Peña, and Lan Sena
Excused 1 - Don Harris

2. MOMENT OF SILENCE

Councilor Jones led the Pledge of Allegiance in English.
Councilor Peña 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

August 16, 2021

7. COMMUNICATIONS AND INTRODUCTIONS

8. REPORTS OF COMMITTEES

Finance and Government Operations Committee - August 23, 2021

Land Use, Planning and Zoning Committee - August 25, 2021

DEFERRALS/WITHDRAWALS

- a. [O-21-50](#) Amending Chapter 2, Article 11, Of The Revised Ordinances Of Albuquerque, The "City Budget Ordinance" Relating To The Preparation And Adoption Of The Annual Operating Budget Of The City (Davis, Benton)

A motion was made by Councilor Davis that this matter be Postponed to September 20, 2021. The motion carried by the following vote:

For: 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena

Excused: 2 - Harris, and Peña

- g. [R-21-130](#) Establishing A City Healthy Communities, Public Health, And Sustainability Policy Committee (Borrego)

A motion was made by President Borrego that this matter be Postponed to December 6, 2021. The motion carried by the following vote:

For: 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena

Excused: 2 - Harris, and Peña

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

- a. [EC-21-375](#) Report on Resolution R-18-59 - Wells Park Neighborhood

A motion was made by Vice-President Gibson that this matter be Withdrawn by Administration.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

For: 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena

Excused: 2 - Harris, and Peña

- b. [EC-21-396](#) Mayor's Recommendation of Award to db Production Services LLC for "Concert Productions and Backline Services"

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

For: 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena

Excused: 2 - Harris, and Peña

- c. [EC-21-397](#) 3rd Supplemental Agreement with Troy Luna, dba Comprehensive Counseling, LLC

A motion was made by Vice-President Gibson that this matter be Approved.

The motion carried by the following vote:**For:** 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena**Excused:** 2 - Harris, and Peña

- d. [EC-21-398](#) Mayor's Recommendation of Award to Copper Law Firm, P.C., and Rita G. Siegel LLC for "Personnel Hearing Officers"

A motion was made by Vice-President Gibson that this matter be Approved.**The motion carried by the following vote:****For:** 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena**Excused:** 2 - Harris, and Peña

- e. [EC-21-399](#) Freeman Avenue Right of Way Vacation - Project# PR-2020-004812, SD-2020-00220, Tim Nisly requests Vacation of Public Right-of-Way for all or a portion of the alley adjacent to Lot 12, Block 6 Belmont Place Lot 12 & 13 & 14, located south of Freeman Avenue between 5th St and 6th St, containing approximately .03 acre(s). (G-14)

A motion was made by Vice-President Gibson that this matter be Approved.**The motion carried by the following vote:****For:** 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena**Excused:** 2 - Harris, and Peña

- f. [EC-21-400](#) Approval of Springer Square Sky Link Development Agreement with Zydeco 66, LLC

A motion was made by Vice-President Gibson that this matter be Approved.**The motion carried by the following vote:****For:** 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena**Excused:** 2 - Harris, and Peña

- g. [EC-21-401](#) Mayor's Recommendation of Award for "Rental Car Concessions at Albuquerque International Sunport"

A motion was made by Vice-President Gibson that this matter be Approved.**The motion carried by the following vote:****For:** 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena**Excused:** 2 - Harris, and Peña

- h. [EC-21-402](#) Revenue & Expense Report for Third Quarter Fiscal Year 2021

A motion was made by Vice-President Gibson that this matter be Receipt Be Noted. The motion carried by the following vote:**For:** 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena**Excused:** 2 - Harris, and Peña

- i. [EC-21-404](#) Approval of Nuevo Atrisco Commercial Development & Disposition Agreement with Nuevo Atrisco, LLC
- A motion was made by Vice-President Gibson that this matter be Approved. The motion carried by the following vote:**
- For:** 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena
- Excused:** 2 - Harris, and Peña
- j. [EC-21-405](#) Early Head Start Quarterly Report for April, May and June 2021
- A motion was made by Vice-President Gibson that this matter be Receipt Be Noted. The motion carried by the following vote:**
- For:** 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena
- Excused:** 2 - Harris, and Peña
- k. [EC-21-407](#) Mayor's Recommendation of Award to C & S Companies for "Aviation Sustainability Consultation Services"
- A motion was made by Vice-President Gibson that this matter be Approved. The motion carried by the following vote:**
- For:** 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena
- Excused:** 2 - Harris, and Peña
- *l. [EC-21-424](#) Mayor's Recommendation of Award to SWCA, Incorporated for "Rio Grande Bosque Wildfire Mitigation Services"
- A motion was made by Vice-President Gibson that this matter be Approved. The motion carried by the following vote:**
- For:** 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena
- Excused:** 2 - Harris, and Peña
- *m. [EC-21-425](#) Mayor's Recommendation of Award for "Language Interpretation and Translation Services"
- A motion was made by Vice-President Gibson that this matter be Approved. The motion carried by the following vote:**
- For:** 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena
- Excused:** 2 - Harris, and Peña
- p. [OC-21-39](#) Recommendation of Award for "On-Call Planning Services for City Council"
- A motion was made by Vice-President Gibson that this matter be Approved. The motion carried by the following vote:**
- For:** 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena

Excused: 2 - Harris, and Peña

- q. [OC-21-40](#) Re-Appointment of Mary E. Moskal to the Library Advisory Board
- A motion was made by Vice-President Gibson that this matter be Confirmed. The motion carried by the following vote:**
- For:** 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena
- Excused:** 2 - Harris, and Peña
- r. [OC-21-41](#) Re-Appointment of Mr. Robert Joshua Bacon to the Balloon Museum Board of Trustees
- A motion was made by Vice-President Gibson that this matter be Confirmed. The motion carried by the following vote:**
- For:** 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena
- Excused:** 2 - Harris, and Peña
- s. [R-21-183](#) Approving The FY 2022 Audit Plan As Submitted By The Accountability In Government Oversight Committee (Gibson, by request)
- A motion was made by Vice-President Gibson that this matter be Passed. The motion carried by the following vote:**
- For:** 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena
- Excused:** 2 - Harris, and Peña
- t. [R-21-185](#) Approving And Authorizing The Acceptance Of Grant Funds From The New Mexico State Highway And Transportation Department And Providing An Appropriation To The Parks And Recreation Department In Fiscal Year 2022 (Benton)
- A motion was made by Vice-President Gibson that this matter be Passed. The motion carried by the following vote:**
- For:** 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena
- Excused:** 2 - Harris, and Peña
- u. [R-21-186](#) Approving And Authorizing The Mayor To Execute A One-Time Grant Agreement With The U.S. Department Of Health And Human Services, Early Head Start Program And Providing An Appropriation To The Department Of Family And Community Services Retroactively For Fiscal Year 2021 (Sena, by request)
- A motion was made by Vice-President Gibson that this matter be Passed. The motion carried by the following vote:**
- For:** 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena
- Excused:** 2 - Harris, and Peña

- v. [O-21-72](#) Amending The Metropolitan Redevelopment Agency Ordinance To Create A Metropolitan Redevelopment Commission And Add Clarifying Definitions (Benton, by request)

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

For: 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena

Excused: 2 - Harris, and Peña

- w. [O-21-73](#) Amending The Development Commission Ordinance To Remove Reference To The State Metropolitan Development Code And End The Development Commission's Role Regarding The Metropolitan Redevelopment Agency And Urban Development Agency (Benton, by request)

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

For: 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena

Excused: 2 - Harris, and Peña

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

- o. [OC-21-36](#) 2020 Civilian Police Oversight Agency (CPOA) Semi-Annual Report

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

For: 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena

Excused: 2 - Harris, and Peña

- *n. [EC-21-426](#) Mayor's Recommendation of Award to Guidehouse Inc. for "ARPA Fund Management Services"

A motion was made by Councilor Benton that this matter be Postponed to September 20, 2021. The motion carried by the following vote:

For: 5 - Bassan, Benton, Davis, Jones, and Sena

Against: 3 - Borrego, Gibson, and Peña

Excused: 1 - Harris

11. ANNOUNCEMENTS

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

- a. [AC-21-9](#) Project-2020-004657, VA-2020-00379, VA-2021-00147: Nob Hill Neighborhood Association, appeals the Zoning Hearing Examiners

decision to approve a variance of 3 feet to the 3 foot maximum wall height for Lot 1, Block 39, University Heights, located at 202 Richmond DR SE, zoned MX-T [Section 14-16-5-7-D]

A motion was made by Councilor Benton that this matter be to Grant the Appeal and Adopt Findings at the next meeting. The motion failed by the following vote:

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

Against: 4 - Bassan, Borrego, Gibson, and Peña

Excused: 1 - Harris

A motion was made by Councilor Bassan that this matter be to Deny the Appeal and Adopt Findings at the next meeting. The motion failed by the following vote:

For: 2 - Bassan, and Gibson

Against: 6 - Benton, Borrego, Davis, Jones, Peña, and Sena

Excused: 1 - Harris

A motion was made by Councilor Benton that this matter be Continued to the September 20, 2021 meeting. The motion carried by the following vote:

For: 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

Excused: 1 - Harris

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

14. FINAL ACTIONS

- b. [O-21-67](#) Amending Sections 7-2-1-2, Of The Transit System Ordinance To Provide For A Zero Fare Pilot Project And Creating A New Section 7-2-1-3 (Davis, Sena, Peña, Benton)
- A motion was made by Councilor Davis that this matter be Amended. Councilor Davis moved Amendment No. 1. The motion carried by the following vote:**
- For:** 7 - Bassan, Borrego, Davis, Gibson, Jones, Peña, and Sena
- Excused:** 2 - Benton, and Harris
- A motion was made by Councilor Benton that this matter be Postponed as Amended to September 20, 2021. The motion carried by the following vote:**
- For:** 6 - Bassan, Benton, Borrego, Davis, Gibson, and Jones
- Against:** 2 - Peña, and Sena
- Excused:** 1 - Harris
- c. [R-21-173](#) Amending Resolution-21-148, Establishing One-Year Objectives For The City Of Albuquerque In Fiscal Year 2022; To Include A Zero Fare Transit

Pilot Objective To Meet Five-Year Goals (Davis, Sena, Peña, Benton)

A motion was made by Councilor Davis that this matter be Postponed to September 20, 2021. The motion carried by the following vote:

For: 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena

Against: 1 - Peña

Excused: 1 - Harris

- d. [R-21-178](#) Amending The City Operating Budget Language To Clarify The Intent Of The City Council To Implement A Comprehensive Zero Fare Pilot (Sena, Peña, Davis)

A motion was made by Councilor Sena that this matter be Postponed to September 20, 2021. The motion carried by the following vote:

For: 7 - Bassan, Benton, Borrego, Davis, Gibson, Jones, and Sena

Against: 1 - Peña

Excused: 1 - Harris

- e. [O-21-68](#) Amending Section(s) 4-8-8 And 4-8-13 Of The City Of Albuquerque Hospitality Fee Ordinance (Gibson, by request)

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

For: 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

Excused: 1 - Harris

- f. [O-21-75](#) Amending Section(S) 4-4-9 And 4-4-14 Of The City Of Albuquerque Lodgers' Tax Ordinance (Gibson)

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

For: 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

Excused: 1 - Harris

- h. [R-21-171](#) Concerning The Future Management Of Candelaria Nature Preserve And The Approval Of The 2020 Resource Management Plan (Benton, by request)

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

For: 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

Excused: 1 - Harris

A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved Amendment No. 2. The motion carried by the

following vote:

For: 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

Excused: 1 - Harris

A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved Amendment No. 3. The motion carried by the following vote:

For: 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

Excused: 1 - Harris

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

For: 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

Excused: 1 - Harris

i. [R-21-184](#)

F/S Approving The Application And Petition Of Success Land Holdings, LLC And Heritage Trails Development I, LLC, For Formation Of The Aspire Public Improvement District Pursuant To The Public Improvement District Act, NMSA 1978, §§ 5-11-1 To -27 (2001, As Amended Through 2019) And City Ordinance Enactment No. 0-2003-12, Council Bill No. FS 0-03-84; Making Findings In Connection With The Application And Petition And Supporting Documentation Requesting Approval Of The Formation Of The District; Determining The Real Property To Be Included Within The District And The Purposes For Which The District Is Being Formed; Approving The General Plan, Feasibility Study, Rate, Method Of Apportionment And Manner Of Collection Of A Special Levy To Be Imposed Upon Real Property Within The District, And Approving A Development Agreement For The District; Establishing Parameters For The Issuance Of Special Levy Bonds; Authorizing The District To Issue Subordinate Obligations; Providing For Governance Of The District; Providing That Bonds And Other Obligations Of The District Shall Not Be Obligations Of The City; Waiving And Cancelling Certain Requirements To Formation Of A Public Improvement District; Ratifying Certain Actions Heretofore Taken; Repealing All Actions Inconsistent With This Formation Resolution; Directing The Mailing Of A Notice Of Adoption Of This Formation Resolution By The City Clerk; And Taking Related Action (Peña)

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

For: 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

Excused: 1 - Harris

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

For: 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

Excused: 1 - Harris

*k. [O-21-69](#)

Enacting The Albuquerque Automated Speed Enforcement Ordinance To Monitor The Speed Of Travel And Enforce The Speed Limit Through Speed Enforcement Cameras (Peña, Sena, Bassan, Benton)

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

For: 7 - Bassan, Borrego, Davis, Gibson, Jones, Peña, and Sena

Against: 1 - Benton

Excused: 1 - Harris

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

For: 8 - Bassan, Benton, Borrego, Davis, Gibson, Jones, Peña, and Sena

Excused: 1 - Harris

A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 3. The motion failed by the following vote:

For: 3 - Bassan, Peña, and Sena

Against: 5 - Benton, Borrego, Davis, Gibson, and Jones

Excused: 1 - Harris

A motion was made by Councilor Davis that this matter be Postponed as Amended to September 20, 2021. The motion carried by the following vote:

For: 6 - Bassan, Benton, Borrego, Davis, Gibson, and Jones

Against: 2 - Peña, and Sena

Excused: 1 - Harris

j. [M-21-10](#)

Reaffirming The City Of Albuquerque's Commitment To Decrease Crime, And Recidivism, And Advocating Criminal Justice Reform In Metro Albuquerque And Bernalillo County (Borrego)

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

For: 7 - Bassan, Benton, Borrego, Davis, Gibson, Peña, and Sena

Against: 1 - Jones

Excused: 1 - Harris

*l. [M-21-11](#)

The City Of Albuquerque Reaffirms Its Strong Commitment To End The Drivers Of Crime, Including Criminal Firearm Use And Recidivism (Borrego)

A motion was made by President Borrego that this matter be Postponed to September 20, 2021. The motion carried by the following vote:

For: 6 - Bassan, Benton, Borrego, Davis, Peña, and Sena

Against: 2 - Gibson, and Jones

Excused: 1 - Harris

j. [M-21-10](#)

Reaffirming The City Of Albuquerque’s Commitment To Decrease Crime, And Recidivism, And Advocating Criminal Justice Reform In Metro Albuquerque And Bernalillo County (Borrego)

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

For: 7 - Bassan, Benton, Borrego, Davis, Jones, Peña, and Sena

Excused: 2 - Gibson, and Harris

A motion was made by President Borrego that this matter be Postponed to September 20, 2021. The motion carried by the following vote:

For: 7 - Bassan, Benton, Borrego, Davis, Jones, Peña, and Sena

Excused: 2 - Gibson, and Harris