



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, Renée 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

Monday, December 4, 2023

5:00 PM

Vincent E. Griego Chambers
One Civic Plaza NW

City of Albuquerque Government Center

TWENTY-FIFTH COUNCIL - FORTY-SECOND 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 Lewis led the Pledge of Allegiance in English.
Councilor Sanchez led the Pledge of Allegiance in Spanish.

3. PROCLAMATIONS & PRESENTATIONS

4. ADMINISTRATION QUESTION & ANSWER PERIOD

5. APPROVAL OF JOURNAL

November 20, 2023

6. COMMUNICATIONS AND INTRODUCTIONS

7. REPORTS OF COMMITTEES

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

- a. [EC-23-403](#) Veto Of R-23-176: Establishing A Moratorium For The
Albuquerque-Bernalillo County Air Quality Control Board To Act Under
Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control

Board Ordinance Until February 1, 2024 (Lewis)

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

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

Against: 2 - Benton, and Fiebelkorn

b. [EC-23-404](#)

Veto Of O-23-88: Repealing Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Board Ordinance; Abolishing The Current Albuquerque-Bernalillo County Air Quality Control Board; Adopting Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Ordinance; Creating The Albuquerque-Bernalillo County Air Quality Control Board (Lewis)

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

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

Against: 3 - Benton, Davis, and Fiebelkorn

14. FINAL ACTIONS

***a.** [R-23-198](#)

Creating A Joint Air Quality Control Board Working Group Between The City And County To Recommend Improvements To The Joint Air Quality Control Board (Fiebelkorn, Benton and Peña)

A motion was made by Vice-President Grout that this matter be Amended. Vice-President Grout 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 failed by the following vote:

For: 4 - Benton, Davis, Fiebelkorn, and Peña

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

***b.** [R-23-197](#)

Creating A Joint City/County Working Group To Improve The Operation Of The Albuquerque-Bernalillo County Joint Air Quality Control Board (Davis)

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

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

Against: 2 - Bassan, and Fiebelkorn

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

- a. [EC-23-389](#) Approval of the First Supplemental Agreement to add funds for Outside Counsel Legal Services Between Peifer, Hanson, Mullins & Baker P.A. and the City of Albuquerque.

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

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

Excused: 1 - Jones

- b. [EC-23-391](#) Mayor's appointment of Dr. Michael Wartell to the Personnel Board

A motion was made by Vice-President Grout that this matter be Postponed to January 8, 2024. The motion carried by the following vote:

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

Excused: 1 - Jones

- c. [EC-23-392](#) Mayor's re-appointment of Dr. Kimberly M. Pruett to the EMS Medical Control Board

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

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

Excused: 1 - Jones

- d. [EC-23-393](#) Mayor's appointment of Mrs. Lynette L. Gassner to the Commission on American Indian and Alaska Native Affairs

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

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

Excused: 1 - Jones

- e. [EC-23-394](#) Mayor's appointment of Heidi MacDonald to the Commission on American Indian and Alaska Native Affairs

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

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

Excused: 1 - Jones

- f. [EC-23-395](#) Mayor's reappointment of Ms. Kim Gleason to the Commission on American Indian and Alaska Native Affairs
- A motion was made by Vice-President Grout that this matter be Confirmed. The motion carried by the following vote:**

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

Excused: 1 - Jones

- h. [EC-23-397](#) Mayor's appointment of Ms. Chas L. Tso to the Commission on American Indian and Alaska Native Affairs
- A motion was made by Vice-President Grout that this matter be Confirmed. The motion carried by the following vote:**

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

Excused: 1 - Jones

- i. [EC-23-398](#) Mayor's appointment of Mr. James F. Pontzer to the Library Advisory Board
- A motion was made by Vice-President Grout that this matter be Confirmed. The motion carried by the following vote:**

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

Excused: 1 - Jones

- j. [EC-23-399](#) Mayor's appointment of Mr. Joseph R. Montoya to the Affordable Housing Committee
- A motion was made by Vice-President Grout that this matter be Confirmed. The motion carried by the following vote:**

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

Excused: 1 - Jones

- k. [EC-23-400](#) Mayor's appointment of Mrs. Laura Sandoval to the Commission on American Indian and Alaska Native Affairs
- A motion was made by Vice-President Grout that this matter be Confirmed. The motion carried by the following vote:**

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

Excused: 1 - Jones

- l. [EC-23-401](#) Mayor's appointment of Dr. Justin L. Hazen to the EMS Medical Control Board
- A motion was made by Vice-President Grout that this matter be Confirmed. The**

motion carried by the following vote:

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

Excused: 1 - Jones

m. [EC-23-402](#)

Mayor's appointment of Dr. Neal Aj Nettersheim to the EMS Medical Control Board

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

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

Excused: 1 - Jones

n. [OC-23-44](#)

Appointment of Mr. Zander Bolyanatz to the Civilian Police Oversight Advisory Board

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

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

Excused: 1 - Jones

o. [OC-23-45](#)

Appointment of Ms. Gail Oliver to the Civilian Police Oversight Advisory Board

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

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

Excused: 1 - Jones

p. [OC-23-46](#)

Re-Appointment of Ms. Gina Montoya to the Balloon Museum Board of Trustees

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

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

Excused: 1 - Jones

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

q. [R-23-179](#)

F/S Approving The Application And Petition Of Pulte Homes Of New Mexico, Inc. For Formation Of The Estates At La Cuentista Public Improvement District Pursuant To The Public Improvement District Act, NMSA 1978, §§5-11-1 To -27 (2001, As Amended Through 2019) And Chapter 5, Article 9, ROA 1994, As Amended; 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 Canceling Certain Requirements To Formation Of A Public Improvement District; Incorporating Contingencies Excluding Certain Land From The District If And To The Extent Not Acquired By The Applicant By A Date Certain; 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 (Lewis, by request)

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

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

Excused: 2 - Benton, and Jones

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

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

Excused: 1 - Jones

- g.** [EC-23-396](#) Mayor's re-appointment of Dr. Kerry J. Howe to the Water Protection Advisory Board

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

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

Excused: 1 - Jones

9. ANNOUNCEMENTS

10. FINANCIAL INSTRUMENTS

- *a.** [R-23-191](#) Relating To The Redevelopment, Leasing And Sale Of A Metropolitan Redevelopment Project Within The Central/Highland/Upper Nob Hill Metropolitan Redevelopment Area Consistent With The Terms Of The Central/Highland/Upper Nob Hill Metropolitan Redevelopment Plan; Approving The Metropolitan Redevelopment Application Entitled "The

Sixty-Six Redevelopment Tax Abatement Application"; Authorizing The Acquisition Of Land And Existing Improvements And Construction Of A Building Within The Central/Highland/Upper Nob Hill Metropolitan Redevelopment Area; Authorizing The Disposition By Lease And Sale Of The City's Interest In Such Project To Fundero Development, Inc., Its Successors And Assigns; Authorizing The Execution And Delivery Of A Lease Agreement, In Form, And Other Documents In Connection With The Project; Making Certain Determinations And Findings Relating To The Project; Ratifying Certain Actions Taken Previously; And Repealing All Actions Inconsistent With This Resolution (Davis, by request)

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

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

Excused: 1 - Jones

b. [O-23-94](#)

Approving A Project Involving Array Technologies, Inc. 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, Construction And Improvement Of A Manufacturing Facility To Manufacture Utility Scale Solar Tracker Technology And Related Products; Authorizing The Execution Of An Intergovernmental Agreement 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 (Grout, by request)

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

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

Excused: 1 - Jones

11. APPEALS

12. GENERAL PUBLIC COMMENTS

Please refer to the instructions at the beginning of this Council Agenda.

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

a. [EC-23-384](#)

Lease Agreement between United Association of Journeymen and Apprentices in the Plumbing and Pipefitting Industry, DBA: UA Local Union No. 412 of New Mexico, a non-profit company and the City of Albuquerque

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

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

Excused: 1 - Jones

b. [EC-23-390](#)

Community Planning Area Assessment Report - Southwest Mesa

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

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

Excused: 1 - Jones

***c.** [EC-23-405](#)

Approving the SOMOS Affordable Housing Development & Disposition Agreement for MRA-Owned Land at 7200 Central Ave SE

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

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

Excused: 1 - Jones

14. FINAL ACTIONS

c. [R-23-159](#)

Amending Bill Number R-13-220, Enactment Number R-2013-114, Titled: Establishing A Policy For The Timeframes For Purging Of License Plate Reader Records By The Albuquerque Police Department; To Extend The Time Period The Albuquerque Police Department May Keep Information From License Plate Readers Before Purging The Information (Grout, by request)

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

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

Against: 2 - Davis, and Fiebelkorn

Excused: 1 - Jones

d. [R-23-184](#)

F/S Amending Resolution R-23-152 To Establish A Policy Prohibiting Advertising On The Exterior Of Transit Buses And Paratransit Vehicles (Benton, Grout)

A motion was made by President Davis that the rules be suspended for the purpose of extending the meeting to 11:30 p.m. The motion carried by the following vote:

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

Excused: 1 - Jones

A motion was made by Vice-President Grout that this matter be Amended. Vice-President Grout moved Amendment No. 1. The motion carried by the following vote:

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

Excused: 1 - Jones

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

For: 3 - Bassan, Fiebelkorn, and Peña

Against: 5 - Benton, Davis, Grout, Lewis, and Sanchez

Excused: 1 - Jones

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

For: 6 - Bassan, Benton, Davis, Fiebelkorn, Grout, and Peña

Against: 2 - Lewis, and Sanchez

Excused: 1 - Jones

e. [R-23-187](#)

Approving And Authorizing The Filing Of The Attached Grant Application For The American Rescue Plan Air Quality Monitoring Grant With The U.S. Environmental Protection Agency And Providing An Appropriation To The Environmental Health Department In Fiscal Year 2023-2024. This Grant Was Applied For April 4, 2022, And The Funds Were Received July 1, 2022. No Grant Funds Have Been Spent (Fiebelkorn, by request)

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

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

Excused: 1 - Jones

f. [R-23-189](#)

Approving The Transit Department's 2023 Updated Public Transit Agency Safety Plan (Peña, by request)

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

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

Excused: 1 - Jones

g. [R-23-193](#)

Adjusting Fiscal Year 2023 Appropriations For Certain Funds And Programs To Provide For Actual Expenditures; And Adjusting Fiscal Year 2024 Operating, Grant, And Capital Appropriations (Bassan, by request)

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

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

Excused: 1 - Jones

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

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

Excused: 1 - Jones

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

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

Excused: 1 - Jones

A motion was made by Vice-President Grout that the rules be suspended for the purpose of extending the meeting to 12:00 a.m. The motion carried by the following vote:

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

Excused: 2 - Benton, and Jones

A motion was made by Vice-President Grout that this matter be Amended. Vice-President Grout moved Amendment No. 4.

A motion was made by Vice-President Grout that Amendment No. 4 be Tabled. The motion carried by the following vote:

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

Excused: 2 - Benton, and Jones

A motion was made by President Davis that Amendment No. 4 be Removed from Table. The motion carried by the following vote:

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

Excused: 2 - Benton, and Jones

A motion was made by President Davis to Call the Question. The motion carried by the following vote:

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

Against: 1 - Lewis

Excused: 2 - Benton, and Jones

A motion was made by Vice-President Grout that this matter be Amended. Vice-President Grout moved Amendment No. 4. The motion carried by the following vote:

For: 4 - Davis, Fiebelkorn, Grout, and Peña

Against: 3 - Bassan, Lewis, and Sanchez

Excused: 2 - Benton, and Jones

A motion was made by Councilor Bassan that this matter be Amended. Councilor Bassan moved Amendment No. 5. The motion carried by the following vote:

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

Excused: 2 - Benton, and Jones

A motion was made by Councilor Fiebelkorn that this matter be Amended. Councilor Fiebelkorn moved Amendment No. 6. The motion carried by the following vote:

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

Excused: 2 - Benton, and Jones

A motion was made by Councilor Fiebelkorn that this matter be Amended. Councilor Fiebelkorn moved Amendment No. 7. The motion carried by the following vote:

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

Excused: 2 - Benton, and Jones

A motion was made by President Davis that this matter be Amended. President Davis moved Amendment No. 8. The motion carried by the following vote:

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

Excused: 2 - Benton, and Jones

A motion was made by Vice-President Grout that this matter be Amended. Vice-President Grout moved Amendment No. 9. Vice-President Grout Withdrew Amendment No. 9.

A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 10. The motion carried by the following vote:

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

Excused: 2 - Benton, and Jones

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

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

Excused: 2 - Benton, and Jones

***h.** [R-23-195](#)

Appropriating Funds To The Capital Implementation Program For The 2023 General Obligation Program (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, Fiebelkorn, Grout, Lewis, Peña, and Sanchez

Excused: 2 - Benton, and Jones