



# 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, August 21, 2023

5:00 PM

Vincent E. Griego Chambers  
One Civic Plaza NW

City of Albuquerque Government Center

---

#### TWENTY-FIFTH COUNCIL - THIRTY-FIFTH 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 Jones 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

August 7, 2023

#### 6. COMMUNICATIONS AND INTRODUCTIONS

#### 7. REPORTS OF COMMITTEES

Finance and Government Operations Committee - August 14, 2023

Land Use, Planning and Zoning Committee - August 16, 2023

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

- a. [EC-23-318](#) Approval of the Risk Third Supplemental Agreement to add funds for Outside Counsel Legal Services between YLaw P.C. 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:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- b. [EC-23-319](#) Approval of the Risk Second Supplemental Agreement to add funds for Outside Counsel Legal Services Between Modrall Sperling Roel Harris & Sisk, 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:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- c. [EC-23-320](#) Legal Department's Quarterly Litigation Report for the 3rd Quarter of FY 2023 (Greater than 10,000)
- A motion was made by Vice-President Grout 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-23-321](#) Mayor's Recommendation of Engineering Consultants to INTERA, Tetra Tech, and Wilson & Co for City Wide On-Call Environmental Engineering Services
- A motion was made by Vice-President 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
- e. [EC-23-322](#) Mayor's Recommendation of Award (ROA) to First Nations Community HealthSource for "Assisted Outpatient Treatment Program"
- A motion was made by Vice-President 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
- f. [EC-23-323](#) David Moya requests Extension of Right of Way Vacation at 9700 Central Avenue within all or a portion of: Lots 19 Thru 27 Block 10 zoned MX-M, located at 9700 Central SW between 98th/Central and 94th/Central containing approximately 0.11 acre(s)
- A motion was made by Vice-President 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

**g.**     [EC-23-324](#)     Age-Friendly Quarterly Update for Q3 FY 2023

**A motion was made by Vice-President Grout 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

**h.**     [EC-23-325](#)     Mayor's Recommendation of Award for Architectural Consultants to H+M Design Group, SMPC, and Wilson & Co. for City Wide On-Call Architectural Services

**A motion was made by Vice-President 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

**i.**     [EC-23-326](#)     Approval of the Third Supplemental Agreement to add funds for Outside Counsel Legal Services between Robles, Rael & Anaya, P.C. 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:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

**j.**     [EC-23-327](#)     Approval to increase the maximum contract amount for Strategic Planning Services for the Aviation Department

**A motion was made by Vice-President 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

**k.**     [EC-23-328](#)     Mayor's appointment of Mrs. Dagney Townsend to the Old Town Portal Market Advisory Board

**A motion was made by Vice-President Grout 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-23-329](#)     Mayor's re-appointment of Mr. Darrell Kundargi to the Water Protection Advisory Board

**A motion was made by Vice-President Grout 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-23-330](#)

Mayor's appointment of Ms. Saige Stewart to the ABQ Volunteers Advisory Board

**A motion was made by Vice-President Grout 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-23-331](#)

Mayor's appointment of Ms. Melani Buchanan Farmer to the ABQ Volunteers Advisory Board

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

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

o. [EC-23-333](#)

Mayor's appointment of Ms. Harper Correia-Kuehn to the Biological Park Board

**A motion was made by Vice-President Grout 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-23-334](#)

Mayor's appointment of Ms. Celina A. Martinez to the Youth Advisory Council

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

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

q. [EC-23-335](#)

Mayor's re-appointment of Ms. Keely Frazier to the Para Transit Advisory Board

**A motion was made by Vice-President Grout 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-23-336](#)

Mayor's appointment of Ms. Winifred Whiteman-Jennings to the Biological Park Board

**A motion was made by Vice-President Grout 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-23-340](#) Authorization to Supplement a Professional Technical Agreement with Albuquerque Behavioral Health to Provide Substance Use Treatment

**A motion was made by Vice-President 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

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

- t. [OC-23-37](#) Appointment of Mr. James M. Collie to the Board of Ethics & Campaign Practices

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

- u. [R-23-121](#) Directing The Department Of Family And Community Services To Enter Into A Memorandum Of Understanding With Bernalillo County To Allocate Funds To The Metropolitan Detention Center For Opioid Treatment And Recovery (Peña)

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

**For:** 1 - Peña

**Against:** 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, and Sanchez

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

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

**Against:** 2 - Davis, and Fiebelkorn

### 9. ANNOUNCEMENTS

### 10. FINANCIAL INSTRUMENTS

### 11. GENERAL PUBLIC COMMENTS

### 14. FINAL ACTIONS

- b. [O-23-82](#) Amending Certain Portions Of Chapter 2, Article 6 Of The City's Code Of

Ordinances, Known As The Commission On Domestic Violence And Sexual Assault (Jones, Fiebelkorn, Grout, and Peña by request)

**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

## 12. APPEALS

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

- a. [EC-23-332](#) Appointment of Matthew Whelan to the position of Deputy Chief Administrative Officer

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

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

**Against:** 1 - Sanchez

## 14. FINAL ACTIONS

- a. [O-23-69](#) Amending The Short-Term Rental Ordinance, Section 13-19-1 Through 13-19-8 Of The Albuquerque City Code, In Order To Require All Short-Term Rental Units To Have A Local Property Manager Available To Respond To Maintenance And Security Concerns; Limit Short-Term Rental Permits To Three Per Natural Person; Limit The Number Of Short-Term Rental Permits Issued City-Wide To No More 1,200; And Increasing The Civil Penalties For Noncompliance With This Ordinance, As Amended (Benton, Fiebelkorn by request)

**A motion was made by Councilor Benton that this matter be Substituted. 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 Benton that this matter be Passed. The motion failed by the following vote:**

**For:** 3 - Benton, Davis, and Fiebelkorn

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

- c. [R-23-152](#) Directing The Transit Department To Establish A Policy For Removing Bus Wraps From Buses And Developing A Plan To Provide Adequate Advertising Space Inside Of Buses, At Bus Stops, And Other Locations Where It Is Most Appropriate (Benton)

**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, Davis, Fiebelkorn, Grout, Jones, Lewis, and Peña

**Against:** 1 - Sanchez

**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, Davis, Fiebelkorn, Grout, Jones, Lewis, and Peña

**Against:** 1 - Sanchez

**\*d.** [R-23-158](#)

Amending The Level A Community Framework Plan For Mesa Del Sol To Change The Allowable Maximum Building Height In The 92 -Acre Urban Center From 60-Feet To 80-Feet And Up To 128-Feet With Applicable Height Bonuses And Would Not Change The Maximum Building Height In The 88-Acre Community Center Of 60-Feet, But Would Allow Up To 84-Feet With Applicable Height Bonuses (Davis, by request)

**A motion was made by President 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

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