



City of Albuquerque

Albuquerque/Bernalillo
County
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, March 21, 2022

5:00 PM

Vincent E. Griego Chambers
One Civic Plaza NW

Albuquerque/Bernalillo County Government Center

TWENTY-FIFTH COUNCIL - SIXTH MEETING

1. ROLL CALL

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

2. MOMENT OF SILENCE

3. PROCLAMATIONS & PRESENTATIONS

4. ECONOMIC DEVELOPMENT DISCUSSION

5. ADMINISTRATION QUESTION & ANSWER PERIOD

6. APPROVAL OF JOURNAL

7. COMMUNICATIONS AND INTRODUCTIONS

8. REPORTS OF COMMITTEES

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

- a. [EC-22-37](#) Mayor's Recommendation of Engineering Consultants for City Wide On-Call Engineering for Hydrology, Hydraulics and Storm Drainage Work

(Exhibit 14)

A motion was made by Vice-President Lewis 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-22-38](#)

Mayor's appointment of Ms. Raven Begay to the Commission on American Indian and Alaska Native Affairs

(Exhibit 15)

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

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

c. [EC-22-40](#)

Mayor's appointment of Mr. Marc Limmany to the Airport Advisory Board

(Exhibit 16)

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

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

d. [EC-22-41](#)

Mayor's appointment of Ms. Jane L. McGuigan to the Cable, Internet and PEG Advisory Board

(Exhibit 17)

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

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

e. [EC-22-42](#)

Mayor's appointment of Mr. Christopher Maestas to the Information Services Committee

(Exhibit 18)

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

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

f. [EC-22-43](#)

Reconfirmation of Executive Appointments

(Exhibit 19)

A motion was made by Vice-President Lewis that this matter be Withdrawn by Administration.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

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

- g. [R-21-209](#) Amending The Declaration Of Local Emergency Due To Novel Coronavirus COVID-19 To Require Vaccination Of Certain City Employees (Benton)

(Exhibit 20)

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

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

10. GENERAL PUBLIC COMMENTS

- Tammy Cockrell addressed the Council regarding the plastic bag ban.
- Ashley McKenna addressed the Council regarding her desire for a clean environment.
- Anni Hanna addressed the Council regarding water protection.
- Andrea Humphrey addressed the Council regarding the Bio Park accident.
- Connie Monahan addressed the Council regarding the sexual assault kits.

11. ANNOUNCEMENTS

Councilor Bassan announced there will be an Albuquerque/Bernalillo County Government Commission + APS meeting on Thursday, March 24th at 5pm via Zoom.

Councilor Jones announced there will be a Land Use, Planning and Zoning Committee meeting on Wednesday, March 30th at 5pm in the Vincent E. Griego Chambers. Public participation for this meeting is via Zoom.

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

- a. [AC-21-17](#) PR-2021-005442, SI-2021-01714: Modrall Sperling Law Firm, agent for Columbus Pacific Properties Ltd., appeals the decision of the Development Review Board (DRB) to approve an EPC Site Plan Final Sign-Off for all or a portion of LOT A-2-A-A, The Plaza At Paseo Del Norte zoned MX-M, located on Eagle Ranch Rd between Paradise Blvd And Irving Blvd NW containing approximately 7.12 acre(s). (C-13)

A motion was made by President Benton to Accept the Withdrawal by Appellant. The motion carried by the following vote:

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

- b. [AC-22-1](#) PR-2019-002496, SI-2019-00180, VA-2021-00456: Hessel E. Yntema III Law Firm P.A., agent for Karen Baehr, and others as set out in the appeal application, appeals the decision of the Development Review Board (DRB) to approve a site plan for all or a portion of Lots 1 - 4 Block 4 Tract 3 Unit 3 North Albuquerque Acres, zoned MX-L, located at the SEC of Barstow St NE and Alameda Blvd NE, containing approximately 3.38 acres

A motion was made by Councilor Peña that this matter be To Accept the Land

Use Hearing Officer Recommendation and Findings. The motion carried by the following vote:

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

Recused: 1 - Bassan

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

14. FINAL ACTIONS

- *a. [O-22-12](#) Approving A Project Involving Pajarito Powder, 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 Leasing, Renovation And Improvement Costs For A Renewable Energy Technology Company And Catalyst Manufacturing Facility Located 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 (Bassan, by request)

(Exhibit 21)

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

- *b. [O-22-13](#) Approving A Project Involving Aspen & Autumn, 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, Construction And Improvement Of A Warehouse And Office Facility For Distribution Of New Mexico Related Foods And Tourist Items, Which Facility Will Be Located 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 (Bassan, by request)

(Exhibit 22)

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

- c. [O-22-14](#) Establishing A Business Improvement District, To Be Known As The Albuquerque Tourism Marketing District (Benton, Bassan)
(Exhibit 23)
- 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
- d. [O-21-83](#) Amending Chapter 9, Article 5, Part 5 Of The Revised Ordinances Of Albuquerque (The "Albuquerque Clean Indoor Air Ordinance") Regarding Public Consumption Of Cannabis Following The Enactment Of The New Mexico Cannabis Regulation Act, NMSA 1978, Section 26-2C-1 Et Seq. (Benton)
- A motion was made by Councilor Bassan that this matter be Postponed to April 18, 2022. The motion failed by the following vote:**
- For:** 4 - Bassan, Benton, Fiebelkorn, and Peña
- Against:** 4 - Grout, Jones, Lewis, and Sanchez
- Recused:** 1 - Davis
- A motion was made by Councilor Bassan that this matter be Postponed to April 4, 2022. The motion carried by the following vote:**
- For:** 5 - Bassan, Benton, Fiebelkorn, Jones, and Peña
- Against:** 3 - Grout, Lewis, and Sanchez
- Recused:** 1 - Davis
- e. [O-22-1](#) C/S Amending Enactment No. O-2018-001 (Council Bill No. O-18-9) To Rescind One Eighth Of One Percent (.125%) Of The Overall Three Eighths Of One Percent (.375%) Gross Receipts Tax Imposed Thereby (Lewis)
- A motion was made by Vice-President Lewis that this matter be Postponed to April 4, 2022. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- f. [O-22-9](#) C/S Amending Enactment No. O-2018-001 (Council Bill No. O-18-9) Which Imposed A Three Eighths Of One Percent (.375%) Gross Receipts Tax (Benton, Davis, Fiebelkorn)
- A motion was made by President Benton that this matter be Postponed to April 4, 2022. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

- g. [R-22-2](#) F/S Setting City Policy Banning COVID-19 Vaccine Requirements For City Employees (Lewis)

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

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

Against: 1 - Fiebelkorn

A motion was made by Vice-President Lewis that the rules be suspended for the purpose of allowing R-22-2 to be adopted the same evening it is substituted. The motion carried by the following vote:

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

Against: 3 - Davis, Fiebelkorn, and Peña

[Veto of F/S R-22-2 was sustained on 4/4/22 via EC-22-56. Override attempt failed. See Journal of 4/4/22 for vote details.]

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

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

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

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

- a. Approval of Revised Committee Appointments

A motion was made by President Benton that the Committee Appointments (Exhibit 24) dated March 21, 2022 be Approved. The motion carried by the following vote:

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

- b. [EC-22-50](#) Veto Of O-22-2, Updating The Civil Emergency Powers Ordinance Relating To Public Health Orders

(Exhibit 25)

A motion was made by Vice-President Lewis that this matter be Overridden [Override attempt failed]. The motion failed by the following vote:

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

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