



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, April 3, 2023

5:00 PM

Vincent E. Griego Chambers
One Civic Plaza NW

City of Albuquerque Government Center

TWENTY-FIFTH COUNCIL - TWENTY- EIGHTH 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 Peña led the Pledge of Allegiance in Spanish.

3. PROCLAMATIONS & PRESENTATIONS

4. ADMINISTRATION QUESTION & ANSWER PERIOD

5. APPROVAL OF JOURNAL

March 20, 2023

6. COMMUNICATIONS AND INTRODUCTIONS

7. REPORTS OF COMMITTEES

DEFERRALS/WITHDRAWALS

- *i. [R-23-119](#) Calling For Additional Community Input And A Good Neighbor Commitment By The City For The Proposed Westside Emergency Housing Center Drop Off Located In The Southwest Area Of The City (Peña)

A motion was made by Councilor Peña that this matter be Withdrawn.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

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

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

- a. [EC-23-229](#) Report of FY/22 Outstanding Encumbrances Reappropriated in FY/23

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

- b. [EC-23-230](#) Revenue & Expense Report for First Quarter Fiscal Year 2023 and Quarterly Savings Use Report

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

- c. [EC-23-234](#) Department of Arts & Culture/Progress Report on R-22-53

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-23-237](#) The Near Heights Community Planning Area (CPA) Assessment Report

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

- e. [EC-23-260](#) Mayor's appointment of Dr. Joseph Galewsky to the Joint Air Quality 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

- f. [EC-23-261](#) Mayor's appointment of Dr. Anna N. Nelson to the Metropolitan Parks and Recreation 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

g. [EC-23-262](#)

Mayor's appointment of Ms. Corrina Jaramillo-Feldman to the Open Space 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

h. [EC-23-263](#)

WSP USA Inc. Uptown Transit Center Joint Development

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-23-264](#)

Approval of the First 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 Withdrawn by Administration. The motion carried by the following vote:

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

***j.** [EC-23-270](#)

Approval of the First 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

***k.** [EC-23-272](#)

Lease Agreement between City of Albuquerque and National Alliance on Mental Illness, a non-profit

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

l. [OC-23-31](#)

Appointment of Ms. Rowan Wymark 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: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

m. [OC-23-32](#)

Appointment of Ms. Leslie Dozzo 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: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

n. [AC-23-2](#)

PR-2022-007490, VA-2022-00366: Santa Barbara Martineztown Neighborhood Association, appeals the Planning Department granting Dawn Legacy Pointe approval of a Temporary Use Permit for a Safe Outdoor Space (SOS) located at 1250 Menaul Blvd. NE, zoned NR-LM

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

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

o. [AC-23-3](#)

PR-2022-007490, VA-2022-00367: Albuquerque Boca Limited DBA Crowne Plaza, Agent Rodey Law Firm, appeals the Planning Department granting Dawn Legacy Pointe Temporary Use approval for a Safe Outdoor Space (SOS) located at 1250 Menaul Blvd. NE, zoned NR-LM

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

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

p. [AC-23-4](#)

PR-2022-007490, VA-2022-00368: Life ROOTS Inc. NM non-profit corp. Appeals the Planning Department granting Dawn Legacy Pointe Temporary Use approval for a Safe Outdoor Space (SOS) located at 1250 Menaul Blvd. NE, zoned NR-LM

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

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

q. [AC-23-5](#)

PR-2022-007490, VA-2022-00370: Sunset Memorial Park, appeals the Planning Department granting Dawn Legacy Pointe Temporary Use approval for a Safe Outdoor Space (SOS) located at 1250 Menaul Blvd. NE, zoned NR-LM

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

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

r. [AC-23-6](#)

PR-2022-007490-VA-2022-00373: Greater Albuquerque Hotel and Lodging Association (GAHLA): appeals the Planning Department granting Dawn Legacy Pointe Temporary Use approval for a Safe Outdoor Space (SOS) located at 1250 Menaul Blvd. NE, zoned NR-LM

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

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

s. [AC-23-7](#)

PR-2022-007490, VA-2022-00375: Menaul School appeals the Planning Department granting Dawn Legacy Pointe a Temporary Use approval for a Safe Outdoor Space (SOS) located at 1250 Menaul Blvd. NE, zoned NR-LM

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

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

t. [AC-23-8](#)

PR-2022-007490, VA-2022-00377: Albuquerque Hotel Project LLC, Yntema Law firm P.A. appeals the Planning Department granting Dawn Legacy Pointe Temporary Use approval for a Safe Outdoor Space (SOS) located at 1250 Menaul Blvd. NE, zoned NR-LM

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

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

u. [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 Vice-President Grout that this matter be Postponed to April 17, 2023. The motion carried by the following vote:

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

v. [R-22-75](#)

Establishing A Tip Line Program Specifically For The Reporting Of Illegally Used Or Possessed Firearms, Adjusting Fiscal Year 2023

Appropriations To Support The Program (Sanchez)

A motion was made by Vice-President Grout that this matter be Postponed to April 17, 2023. The motion carried by the following vote:

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

w. [R-23-102](#)

Approving And Authorizing The Acceptance And Use Of The Department Of Justice, Office For Victims Of Crime, Byrne Discretionary Community Project Funding/Byrne Discretionary Grants Program Award Providing An Appropriation To The Albuquerque Community Safety Department Beginning In Fiscal Year 2023 (Sanchez by request)

A motion was made by Vice-President Grout 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-23-117](#)

Approving And Authorizing The Filing Of A Grant Application For The Route 66 Corridor Preservation Program, For Fiscal Year 2023 Through Fiscal Year 2024 (Peña, Grout)

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

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

9. ANNOUNCEMENTS

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

a. [EC-23-265](#)

Albuquerque Energy Council FY 2021 and FY 2022 Annual Report

A motion was made by Councilor Fiebelkorn 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

14. FINAL ACTIONS

h. [R-23-103](#)

F/S Directing The Human Resources And Finance And Administrative Departments To Evaluate Bilingual Pay Differential Programs For City Employees (Peña)

A motion was made by Councilor Peña that this matter be Substituted. 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 Peña that this matter be Postponed as Substituted to April 17, 2023. The motion carried by the following vote:

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

Excused: 1 - Lewis

10. FINANCIAL INSTRUMENTS

11. GENERAL PUBLIC COMMENTS

12. APPEALS

14. FINAL ACTIONS

- a. [O-23-70](#) C/S Amending The Albuquerque Alcoholic Liquor Ordinance (Davis)

A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 1. 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 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

- *b. [R-23-120](#) Approving The Transit Department's Fare Equity Analysis Of The Proposal (O-23-71) For Permanent Zero Fares For Art And Sunvan Service (Davis, Fiebelkorn, 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

- c. [O-23-71](#) C/S Amending Chapter 7 Article 2, Section 1 Of The Transit Ordinance To Establish The Permanent Zero Fare On Albuquerque Rapid Transit And Zero Fare For Sun Van Service Through The Transit Department's Qualification Process; Expanding Chapter 12 Article 2, Section 19 Of The Criminal Code Related To Offenses Relating To Public Order And Safety (Davis, Fiebelkorn, Peña)

A motion was made by Councilor Jones that this matter be Postponed to April 17, 2023. The motion failed by the following vote:

For: 4 - Grout, Jones, Lewis, and Sanchez

Against: 5 - Bassan, Benton, Davis, Fiebelkorn, and Peña

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

For: 7 - Bassan, Benton, Davis, Fiebelkorn, Jones, Peña, and Sanchez

Against: 2 - Grout, and Lewis

d. [O-23-72](#)

Adopting A Text Amendment To The Integrated Development Ordinance For The North 4th Corridor Character Protection Overlay Zone (CPO-9) Small Mapped Area Related To The Applicability Setback And Stepback Requirements (Benton by request)

A motion was made by Councilor 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

e. [O-23-73](#)

Adopting A Text Amendment To The Integrated Development Ordinance For The Northwest Mesa Escarpment View Protection Overlay Zone (VPO-2) Small Mapped Area Related To The Applicability Of Height Restrictions Applied To Structures That Exist Outside Of The VPO-2 Boundary (Lewis by request)

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

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

Against: 2 - Davis, and Fiebelkorn

Recused: 1 - Sanchez

A motion was made by President Davis that the rules be suspended for the purpose of extending the meeting to 11:00 p.m. The motion carried by the following vote:

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

f. [O-23-76](#)

Applying A Historic Protection Overlay Zone To The East End Addition; Identifying The Distinctive Cultural Significance Of The Area And Providing General Preservation Guidelines (Fiebelkorn 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

g. [R-23-100](#)

C/S Approving The Programming Of Funds And Projects For The 2023-2032 Decade Plan For Capital Improvements Including The 2023

Two-Year Capital Budget (Bassan, by request)

A motion was made by Councilor Benton that this matter be Postponed to April 17, 2023. The motion failed by the following vote:

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

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

A motion was made by President Davis 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

Against: 2 - Benton, and Jones

g. [R-23-100](#)

C/S Approving The Programming Of Funds And Projects For The 2023-2032 Decade Plan For Capital Improvements Including The 2023 Two-Year Capital Budget (Bassan, by request)

A motion was made by Councilor Lewis that this matter be Substituted. Councilor Lewis withdrew his motion to Substitute.

A motion was made by President Davis that this matter be Postponed to April 17, 2023. The motion failed by the following vote:

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

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

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

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

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

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

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

Against: 1 - Benton

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

A motion was made by Councilor Lewis that this matter be Amended. Councilor Lewis 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 President Davis that the rules be suspended for the purpose of extending the meeting to 1:00 a.m. The motion failed 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 Bassan that the rules be suspended for the purpose of extending the meeting to 12:30 a.m. The motion failed by the following vote:

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

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