



# City of Albuquerque

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

## Action Summary

### City Council

*Council President, Pat Davis, District 6*  
*Vice-President, Diane G. Gibson, District 7*

*Lan Sena, District 1; Isaac Benton, District 2*  
*Klarissa J. Peña, District 3; Brook Bassan, District 4*  
*Cynthia D. Borrego, District 5; Trudy E. Jones, District 8*  
*Don Harris, District 9*

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Monday, September 21, 2020

3:00 PM

Via Zoom Video Conference  
See Special Procedures below  
for viewing this meeting.

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### TWENTY-FOURTH COUNCIL - EIGHTEENTH MEETING

#### 1. ROLL CALL

**Present** 9 - Brook Bassan, Isaac Benton, Cynthia Borrego, Patrick Davis, Diane Gibson, Don Harris, Trudy Jones, Klarissa Peña, and Lan Sena

#### 2. MOMENT OF SILENCE

**Pledge of Allegiance in English and Spanish and any other language as determined by the Council**

#### 3. PROCLAMATIONS & PRESENTATIONS

**Presentation from the Abandoned and Dilapidated Abatement Property Team (ADAPT)**

#### 4. ECONOMIC DEVELOPMENT DISCUSSION

#### 14. FINAL ACTIONS

- f. [O-20-32](#) Approving A Project Involving Advanced Optical Technologies Incorporated Pursuant To The Local Economic Development Act And City Ordinance F/S O-04-10, As Amended, The City's Implementing Legislation For That Act, To Support The Operations Of Advanced Optical Technologies Incorporated, A Business Operating In Albuquerque, New Mexico; Authorizing The Execution Of A Project Participation Loan 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 (Harris)

**A motion was made by President Davis 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

**g.** [O-20-33](#)

Approving A Project Involving 3D Glass Solutions, Incorporated Pursuant To The Local Economic Development Act And City Ordinance F/S O-04-10, As Amended, The City's Implementing Legislation For That Act, To Support The Operations Of 3D Glass Solutions, Incorporated, A Business Operating In Albuquerque, New Mexico; Authorizing The Execution Of A Project Participation Loan 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)

**A motion was made by Councilor Bassan 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.** [O-20-34](#)

Approving A Project Involving Bayotech Incorporated Pursuant To The Local Economic Development Act And City Ordinance F/S O-04-10, As Amended, The City's Implementing Legislation For That Act, To Support The Operations Of Bayotech Incorporated, A Business Operating 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)

**A motion was made by Councilor Bassan 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

## **5. ADMINISTRATION QUESTION & ANSWER PERIOD**

## **6. APPROVAL OF JOURNAL**

September 9, 2020

September 16, 2020 Special Council Meeting

## 7. COMMUNICATIONS AND INTRODUCTIONS

## 8. REPORTS OF COMMITTEES

Finance and Government Operations Committee - September 14, 2020

Public Safety Committee - September 15, 2020

### Deferrals/Withdrawals

- d. [O-20-18](#) Imposing A Municipal Gasoline Tax Of Two Cents Per Gallon Conditional Upon Voter Approval; Dedicating The Revenue Generated By The Municipal Gasoline Tax To Rehabilitate Public Streets And Roadway Systems For The Benefit Of The City (Benton)

**A motion was made by Councilor Benton that this matter be Postponed to October 5, 2020. The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

- i. [R-20-18](#) A Nuisance, Substandard Dwelling Or Structure In Need Of Abatement At 5609 Everitt Rd NW 87120 Within The City Limits Of Albuquerque, New Mexico Is So Ruined, Damaged And Dilapidated As To Be A Menace To The Public Comfort, Health, Peace Or Safety And That It Is To Be Required To Be Removed (Borrego, by request)

**A motion was made by Councilor Sena that this matter be Postponed to October 5, 2020. The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

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

- b. [EC-20-6](#) Report on Uses of 3/8 Hold Harmless Tax

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

- c. [EC-20-139](#) Mayor's Recommendation of SMPC Architects for Architectural Consultants for AIS Air Cargo Expansion

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

- d. [EC-20-140](#) Mayor's Recommendation of Parametrix for Engineering Consultants for Unser Blvd. Widening - Kimmick Dr. to Paradise Blvd.

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

**The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

- e. [EC-20-141](#) Mayor's Recommendation of Wood for Engineering Consultants for City Wide On-Call Geotechnical Services

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

**The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

- f. [EC-20-142](#) Mayor's Recommendation of Bohannon Huston for On-Call Engineering Consultants for the Albuquerque BioPark

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

**The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

- g. [EC-20-143](#) Mayor's Recommendation of Consensus Planning, Groundwork Studio, and Sites Southwest for City Wide On-Call Landscape Architectural Design for the Department of Parks and Recreation

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

**The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

- h. [EC-20-145](#) Mayor's Recommendation of FBT Architects for Architectural Consultants for AIS Concessions, Checkpoint, and TSA Secure Side Renovations

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

**The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

- i. [EC-20-146](#) Sole Source Purchase of Digital Radiography Machines and Required Accessories

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

**The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

- j. [OC-20-5](#) 2018 Civilian Police Oversight Agency (CPOA) Semi-Annual Reports

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

For: 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

## 10. GENERAL PUBLIC COMMENTS

## 11. ANNOUNCEMENTS

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

- a. [AC-20-8](#) (AC-20-6, AC-19-18, Project PR-2018-002811 SI-2019-00158 VA-2019-00288) Richard Chavez, appeals the decision of the Environmental Planning Commission (EPC) to deny an appeal of the Development Review Board's (DRB) decision to deny of a variance for sidewalk installation for all or a portion of Lots 7-10, Block 44, Perea Addition, zoned R-1A, located at the northeast corner of 15th St. NW and Granite Ave. NW, containing approximately 0.32 acres

**A motion was made by Vice-President Gibson that this matter be To Accept the Land Use Hearing Officer Recommendation and Findings. The motion carried by the following vote:**

For: 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

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

- a. [EC-19-487](#) Transmitting Year End Status Report on FY/19 Priority Objectives for the Albuquerque Police Department (APD)

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

For: 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

- a. [EC-20-112](#) FY20 Status Update for Goal 7, Objective 4 (Council Bill No. R-19-139, Enactment No. R-2019-037) - Completed New Sidewalk Notices

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

For: 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

- b. [EC-20-115](#) Declaring 1701 5th Street NW, Albuquerque NM 87102 Not Essential for Municipal Purposes

**A motion was made by Councilor Benton that this matter be Approved. The motion carried by the following vote:**

For: 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

## 14. FINAL ACTIONS

- a. [O-19-82](#) Adding A New Section To Chapter 12, Article 2 Of The Revised

Ordinances Of Albuquerque Relating To Responsible Firearm Storage  
(Davis)

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

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

**Against:** 6 - Bassan, Borrego, Harris, Jones, Peña, and Sena

b. [O-19-83](#)

Adding A New Section "31" To Chapter 12, Article 2 Of The Revised Ordinances Of Albuquerque To Prohibiting Firearms At City Facilities  
(Davis, Benton, Gibson)

**A motion was made by President Davis that this matter be Postponed to October 19, 2020. The motion failed by the following vote:**

**For:** 4 - Benton, Davis, Gibson, and Sena

**Against:** 5 - Bassan, Borrego, Harris, Jones, and Peña

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

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

**Against:** 6 - Bassan, Borrego, Harris, Jones, Peña, and Sena

c. [O-19-84](#)

Amending Chapter Twelve, Article Two, Section Twenty-Nine Of The Revised Ordinances Of Albuquerque Offenses Relating To Public Order And Safety Within The Criminal Code Of Albuquerque To Proscribe Criminal Threats Of Mass Violence (Davis)

**A motion was made by President Davis 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

e. [O-20-27](#)

Establishing Community Policing Councils; Community Policing Council Membership; Requirements And Duties (Peña)

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

**For:** 6 - Bassan, Benton, Davis, Gibson, Harris, and Jones

**Against:** 3 - Borrego, Peña, and Sena

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

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

**Against:** 1 - Peña

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**j. [R-20-81](#)**

A Nuisance, Substandard Dwelling Or Structure In Need Of Abatement At 8411 Central Ave NE 87108 Within The City Limits Of Albuquerque, New Mexico Is So Ruined, Damaged And Dilapidated As To Be A Menace To The Public Comfort, Health, Peace Or Safety And That It Is To Be Required To Be Removed (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, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**k. [R-20-86](#)**

Creating A Task Force To Explore Options For Implementing Minimum Sick Leave Requirements In The City (Gibson)

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

**For:** 5 - Benton, Davis, Gibson, Peña, and Sena

**Against:** 4 - Bassan, Borrego, Harris, and Jones

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

**For:** 4 - Benton, Davis, Gibson, and Sena

**Against:** 5 - Bassan, Borrego, Harris, Jones, and Peña

**l. [R-20-89](#)**

Creating A Grace Period For The Implementation Of The 2018 International Energy Conservation Code; And Designating Fiscal Year 2021 Appropriations To Provide For An Energy Efficiency Retrofit Assistance Program For Low Income Households (Peña)

**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:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

- m. [R-20-92](#) Approving Fiscal Year 2021 Appropriations To Provide Economic Relief To Small And Local For-Profit Organizations Negatively Impacted By The COVID-19 Pandemic Through The Coronavirus, Aid, Relief, And Economic Security Act (CARES Act) (Bassan, Jones)

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**A motion was made by President Davis that this matter be Postponed as Amended. The motion failed by the following vote:**

**For:** 4 - Borrego, Davis, Peña, and Sena

**Against:** 5 - Bassan, Benton, Gibson, Harris, and Jones

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

- n. [R-20-96](#) Amending The Adopted Capital Implementation Program Of The City Of Albuquerque By Approving New Projects, Supplementing Current Appropriations And Changing The Scope Of Existing Projects (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:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

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

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

**Against:** 1 - Gibson

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 4. The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

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



**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**o.** [R-20-100](#)

Approving And Authorizing The Acceptance Of Grant Funds From The Department Of Commerce Minority Business Development Agency And Providing An Appropriation To The Economic Development Department For Fiscal Years 2021 And 2022 (Peña)

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena

**p.** [M-20-4](#)

Urging The Legislature Of The State Of New Mexico To Repeal Statutory Provisions Preempting Stricter County And Municipal Regulation Of The Sale Of Cigarettes, Tobacco Products, And Electronic Smoking Devices (Benton, Borrego)

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

**For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena