



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

Monday, December 7, 2020

3:00 PM

Via Zoom Video Conference

TWENTY-FOURTH COUNCIL - TWENTY-THIRD 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

The Pledge of Allegiance was led by President Davis in English and Spanish.

3. PROCLAMATIONS & PRESENTATIONS

14. FINAL ACTIONS

- *m. [O-20-44](#) Approving A Project Involving A Multinational Company, Netflix Studios 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, Improvement And Rehabilitation Of Entertainment Production Facilities And Related Real Property Located In Albuquerque, New Mexico; Authorizing The Execution Of A Project Participation Agreement And Other Documents In Connection With The Project Including The Incorporation Of The Company's Existing Project Participation Agreement Into The New Agreement; Making Certain Determinations And Findings Relating To The Project; Ratifying Certain Actions Taken Previously; And Repealing All Actions Inconsistent With This Ordinance (Davis)

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

- *n. [O-20-45](#) Authorizing The Issuance And Sale Of The City Of Albuquerque, New Mexico Taxable Industrial Revenue Bonds (Netflix Studios Project), Series 2020 In One Or More Series Which When Combined Would Be In The Maximum, Aggregate Principal Amount Of \$500,000,000 To Provide Funds To Finance The Acquisition, Construction, Improvement, Rehabilitation And Equipping Of Entertainment Production Facilities; Authorizing The Execution And Delivery Of An Indenture, Lease Agreement, Bond Purchase Agreement, Bonds, Infrastructure Improvements Agreement And Other Documents In Connection With The Issuance Of The Bonds And The Project; Making Certain Determinations And Findings Relating To The Bonds And The Project; Ratifying Certain Actions Taken Previously; And Repealing All Actions Inconsistent With This Ordinance (Davis)

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

10. GENERAL PUBLIC COMMENTS

5. ADMINISTRATION QUESTION & ANSWER PERIOD

6. APPROVAL OF JOURNAL

November 16, 2020

7. COMMUNICATIONS AND INTRODUCTIONS

Deferrals/Withdrawals

- a. [EC-19-436](#) Tony Sanchez Drive Right of Way Vacation (Project# PR-2019-002296 SD-2019-00072) Willow Wood Homeowner's Association requests Vacation Of Public Right-Of-Way for all or a portion of Tony Sanchez Drive SE located south of Jewel Cave Rd SE and north of Gibson Ave SE, containing approximately .154 acres

A motion was made by President Davis that the rules be suspended for the purpose of preventing EC-19-436 from expiring, extending its expiration, and it be postponed until February 1, 2021. The motion carried by the following vote:

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

- b. [O-20-40](#) Prohibiting Persons From Interfering With Or Impeding The City's Enforcement Of Public Health Laws, Orders Or Restrictions (Benton, Borrego)

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

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

- e. [R-20-113](#) Establishing Federal Programming And Policy Priorities For The City Of Albuquerque For Federal Fiscal Years 2021/2022 (Peña)

A motion was made by Councilor Peña that this matter be Postponed to January 4, 2021. The motion carried by the following vote:

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

8. REPORTS OF COMMITTEES

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

- a. [EC-20-192](#) Early Head Start Quarterly Report for January, February and March 2020

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

- b. [EC-20-193](#) Early Head Start Quarterly Report for April, May and June 2020

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-20-194](#) Early Head Start Quarterly Report for July, August and September 2020

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

- d. [EC-20-197](#) Approval of Parametrix, Inc. Other Government Contract

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-20-199](#) 10 Tanker Air Carrier Lease and Operating Agreement

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-20-200](#) Revenue & Expense Report for Third Quarter Fiscal Year 2020
- 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
- g. [EC-20-202](#) Mayor's Appointment of Ms. Jennifer Roth to the Senior Affairs Advisory Council
- A motion was made by Vice-President Gibson that this matter be Confirmed. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena
- h. [EC-20-203](#) Mayor's Appointment of Dr. Bernadine Hernández to the Arts Board
- A motion was made by Vice-President Gibson that this matter be Confirmed. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena
- i. [EC-20-204](#) Mayor's Appointment of Mr. James L. Hartogensis to the Albuquerque Housing Authority Board
- A motion was made by Vice-President Gibson that this matter be Withdrawn by Administration. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena
- j. [EC-20-205](#) Mayor's Appointment of Ms. Dubra F. Karnes-Padilla to the Senior Affairs Advisory Council
- A motion was made by Vice-President Gibson that this matter be Confirmed. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena
- k. [EC-20-206](#) Approval of the First Supplemental Agreement to add monies for FY21 Outside Counsel Legal Services Between Lorenz Law and the City of Albuquerque
- 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
- l. [EC-20-207](#) Approval of the Agreement for FY21 outside Counsel Legal Services between Walz & Associates, P.C. and the City of Albuquerque
- 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
- m. [EC-20-208](#) Approval of the Second Supplemental Agreement to add monies for

FY21 outside Counsel Legal Services between YLaw P.C. and the City of Albuquerque

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

n. [EC-20-209](#)

Approval of the First Supplemental Agreement to add monies for FY21 outside Counsel Legal Services between John Stiff and Associates and the City of Albuquerque

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

o. [EC-20-210](#)

Approval of the Hiland Plaza Development Agreement with Greater Albuquerque Housing Partnership (GAHP) to Utilize HUD HOME Funding Towards the Development of a Multi-Family Rental Housing Project

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

p. [EC-20-211](#)

Lease Agreement between the Albuquerque Hispano Chamber of Commerce and the City of Albuquerque

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

q. [EC-20-213](#)

Approval of the First Supplemental Agreement to add monies for FY21 outside Counsel Legal Services between German * Burnette & Associates, LLC and the City of Albuquerque

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

r. [OC-20-13](#)

Office of Inspector General's Annual Report for Fiscal Year 2020

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

s. [OC-20-14](#)

Office of Internal Audit's Annual Report for Fiscal Year 2020

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

t. [OC-20-16](#)

2020 Update of Neighborhood Sign Manual

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

u. [R-20-110](#)

Approving The FY2021 Audit Plan As Submitted By The Accountability In Government Oversight Committee (Gibson, by request)

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

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

11. ANNOUNCEMENTS

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

a. [AC-20-10](#)

Project PR-2020-003911, VA-2020-00143, VA-2020-00313: Los Altos Civic Association, Appeals The Decision Of The Zoning Hearing Examiners Decision To Approve A Conditional Use To Allow For A Light Vehicle Fueling Station Adjacent To A Residential Zone District For Commercial Tract, Block 5, Los Altos, Located At 99999 Bridge Blvd SW, Zoned MX-M [Section 14-16-4-3(D)(17)(i)]

A motion was made by Councilor Jones that this matter be Remanded to the Zoning Hearing Examiner. The motion carried by the following vote:

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

b. [AC-20-11](#)

Project PR-2020-003911, VA-2020-00144, VA-2020-00315: Los Altos Civic Association, Appeals The Zoning Hearing Examiners Decision To Approve A Conditional Use To Allow For Liquor Sale Within 500 Feet Of Residential For Commercial Tract, Block 5, Los Altos, Located At 99999 Bridge Blvd SW Zoned MX-M [Section 14-16-4-3(D)(36)(c)]

A motion was made by Councilor Jones that this matter be Remanded to the Zoning Hearing Examiner. 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}

b. [EC-20-189](#)

Metropolitan Redevelopment Agency 2020 Annual Report

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

- c. [EC-20-198](#) Mayor's Recommendation of Award to CAA ICON for "Multi-Purpose Soccer Stadium Feasibility Study"
- A motion was made by President Davis 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-20-212](#) Albuquerque Arts Board Recommendation to Support Race Healing and History Project (RHHP) Community Solutions Table Recommendations regarding La Jornada
- 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

14. FINAL ACTIONS

- a. [O-20-39](#) Enacting The Healthy Families And Workplaces Ordinance To Require That Employers In The City Provide Paid Leave To Employees (Sena, Davis)
- 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:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena
- A motion was made by Councilor Jones that this matter be Postponed as Amended to February 1, 2021. The motion carried by the following vote:**
- For:** 5 - Bassan, Borrego, Gibson, Harris, and Jones
- Against:** 4 - Benton, Davis, Peña, and Sena
- c. [O-20-41](#) Amending Sections 14-7-1-1, 14-7-1-2, 14-7-1-3, 14-7-1-4, 14-7-1-5, 14-7-2-2, And 14-7-2-3 Of The Selection Advisory Committee Ordinance To Incorporate Design-Build Services Into The Selection Advisory Committee Process (Benton, by request)
- A motion was made by Councilor Benton that this matter be Postponed to January 4, 2021. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena
- d. [R-20-108](#) Revising The Reporting Requirements Regarding The Efforts Of The Homeless Coordinating Council (Bassan)
- A motion was made by Councilor Bassan that this matter be Passed. The motion carried by the following vote:**
- For:** 9 - Bassan, Benton, Borrego, Davis, Gibson, Harris, Jones, Peña, and Sena
- f. [R-20-114](#) Establishing Legislative And Budget Priorities For The City Of

Albuquerque For The 55th New Mexico State Legislature (Peña)

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: 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

g. [R-20-115](#)

Requesting That The Congress Of The United States Of America Continue The Public Health Emergency Leave Provisions Of The Emergency Family And Medical Leave Expansion Act Through December 31st, 2021 (Bassan, Gibson, Borrego)

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 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

h. [R-20-116](#)

Amending R-17-233, Enactment Number R-2017-095, To Extend The Effective Date Of The Interim Procedures While The Neighborhood Association Recognition Ordinance Is Updated (Benton)

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

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

i. [R-20-117](#)

Adjusting Fiscal Year 2020 Appropriations For Certain Funds And Programs To Provide For Actual Expenditures And Adjusting Fiscal Year 2021 Operating And One-Year Objectives (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 Sena that this matter be Amended. Councilor Sena moved Amendment No. 2. The motion carried by the following vote:

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

A motion was made by Vice-President Gibson that this matter be Amended. Vice-President Gibson 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 President Davis that this matter be Amended. President Davis 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 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

j. [R-20-118](#)

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 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 Councilor Sena that this matter be Amended. Councilor Sena moved Amendment No. 2. 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. 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 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

***k.** [O-20-42](#)

Amending The Labor Management Relations Ordinance To Ensure Compliance With Changes To State Law Regarding Public Employee Bargaining, Clarify Negotiation And Prohibited Practice Procedures, And More Accurately Reflect The Current Practices And Updated Department Names Of The City (Sena, by request)

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

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

***l.** [O-20-43](#)

Adopting A Zoning Map Amendment For A 19.67 Acre Site Known As Porters Replat Portion SW 1/4 SE 1/4 Sec 3 T10N R3E, 3000 Aztec Rd. NE, Changing Existing NR-C Zone To R-MC In Order To Codify A Conforming Use Status On The Site (Gibson, by request)

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

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