

Minutes

County Council – Regular Session

*David Izraelevitz, Council Chair; Susan O’Leary, Council Vice Chair;
Christine Chandler, James Chrobocinski, Antonio Maggiore,
Rick Reiss, and Pete Sheehey, Councilors*

Tuesday, July 25, 2017

6:00 PM

Council Chambers-1000 Central Avenue

TELEVISED

1. OPENING/ROLL CALL

The Chair, David Izraelevitz, called the meeting to order at 6:00 p.m.

The following Councilors were in attendance:

**Present: 7 - Councilor Izraelevitz, Councilor O’Leary, Councilor Chandler, Councilor Chrobocinski,
Councilor Reiss, Councilor Maggiore and Councilor Sheehey**

Councilor Izraelevitz called for a moment of silence for Trevor Matuszak, who recently passed away.

2. PLEDGE OF ALLEGIANCE

Led by: All

3. PUBLIC COMMENT

Mr. Gregory White, 600 San Ildefonso Road, spoke on Resolution 17-08.

4. APPROVAL OF AGENDA

Councilor Sheehey requested item 6A be removed from the Consent Agenda, and added under Business. There were no objections.

Councilor Maggiore requested item 6B be removed from the Consent Agenda, and added under Business. There were no objections.

A motion was made by Councilor Sheehey, seconded by Councilor Maggiore, that the agenda be approved as amended.

The motion passed by acclamation with the following vote:

**Yes: 7 - Councilor Izraelevitz, Councilor O’Leary, Councilor Chandler, Councilor Chrobocinski,
Councilor Reiss, Councilor Maggiore and Councilor Sheehey**

5. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

Mr. Brady Burke, 2310 39th Street, asked if there would be public comment on Consent Item 6A.

6. CONSENT AGENDA

Consent Motion:

A motion was made by Councilor Maggiore, seconded by Councilor Sheehey, that Council approve the items on the Consent Agenda as *amended* and that the motions in the staff reports be included for the record.

- A. General Services Agreement No. AGR18-702 with Los Alamos Housing Partnership, Inc., in an Amount Not to Exceed \$80,685.60 for the Purpose of Administering a Homebuyer Assistance Program for a Term Beginning July 26, 2017 through June 30, 2020 and the Option of Two Two-year Extensions

Item pulled for further discussion under Business.

- B. Approval of Services Agreement No. AGR17-41 with Viking II, Inc. in the amount of \$250,000.00 plus Applicable Gross Receipts Tax, for the Purpose of Professional Services for Water Distribution Back Flow Prevention (BFP)/ Cross Connection Control (CCC) Program Development and Maintenance

Item pulled for further discussion under Business.

- C. Authorize enrollment in the Microsoft Enterprise Enrollment Agreement (EA) for a term of three (3) years and approve a purchase in an amount not to exceed \$698,450.22 plus Applicable Gross Receipts Tax, for purpose of procuring products and licensing through a Microsoft Software Assurance Enterprise Subscription and Microsoft Office 365 with the Microsoft Enterprise Mobility Suite and Azure

I move that Council authorize enrollment in the Microsoft Enterprise Enrollment Agreement (EA) for a term of three (3) years and approve a purchase in an amount not to exceed \$698,450.22 plus Applicable Gross Receipts Tax, for the purpose of procuring products and licensing through a Microsoft Software Assurance Enterprise Subscription and Microsoft Office 365 with the Microsoft Enterprise Mobility Suite and Azure.

- D. Approval of Incorporated County of Los Alamos Resolution No. 17-15. A Resolution Removing Uncollectible Utility Accounts from the Incorporated County of Los Alamos' Accounts Receivable List for Fiscal Year 2012 and Fiscal Year 2013

I move that Council approve Incorporated County of Los Alamos Resolution No. 17-15. A Resolution Removing Uncollectible Utility Accounts from the Incorporated County of Los Alamos' Accounts Receivable List for Fiscal Year 2012 and Fiscal Year 2013 and forward to the Council with a recommendation for approval.

- E. County Consolidated Proposed Action on Incorporated County of Los Alamos Resolutions No. 17-11, 17-12, and 17-13, Resolutions of Support for County Participation in the 2017-2018 New Mexico Department of Transportation Local Government Road Fund for Reconstruction and Pavement Rehabilitation/Improvements of Various County Roads in Los Alamos, New Mexico Under the County Arterial Program, Cooperative Agreement Program, and the School Bus Route Program

I move that Council approve Incorporated County of Los Alamos Resolutions No. 17-11, 17-12, and 17-13, Resolutions of Support for County Participation in the 2017-2018 New Mexico Department of Transportation Local Government Road Fund for Reconstruction and Pavement Rehabilitation/Improvements of Various County Roads in Los Alamos, New Mexico Under the County Arterial Program, Cooperative Agreement Program, and the School Bus Route Program.

- F. Approval of Incorporated County of Los Alamos Resolution No. 17-14. A Resolution Removing Uncollectible Ambulance Billing Accounts from Accounts receivable List of Los Alamos County - Fiscal Year 1997 – 2012

I move that Council approve Incorporated County of Los Alamos Resolution No. 17-14, a Resolution; a Resolution Removing Uncollectible Ambulance Billing Accounts Receivable from the Accounts Receivable List of Los Alamos County for Fiscal Years 1997-2012.

- G. Approval of San Juan Generating Station (SJGS) Additional Ownership Restructuring Agreements Necessary to Reflect the Departure of the Existing Owners in December 31, 2017

I move that Council approve the Assignment, Assumption, Termination and Release Agreement; New Exit Date Amendment Amending and Restating the Amended and Restated San Juan Project Participation Agreement; Amended and Restated San Juan Project Designated Representative Agreement; and Amended and Restated Delegation Agreement and Acknowledgement.

Approval of the Consent Agenda:

The motion passed with the following vote:

Yes: 7 - Councilor Izraelevitz, Councilor O'Leary, Councilor Chandler, Councilor Chrobocinski, Councilor Reiss, Councilor Maggiore and Councilor Sheehey

7. INTRODUCTION OF ORDINANCE(S)

- A. The Incorporated County of Los Alamos, New Mexico Ordinance No. 672; Authorizing the Execution and Delivery of a Loan Agreement and Intercept Agreement by and Between the Incorporated County of Los Alamos, New Mexico (the "Governmental Unit") and the New Mexico Finance Authority (the "Finance Authority"), in the Principal Amount of \$4,443,047.00 for the Purpose of Refunding Finance Authority Loan No. 1898-PP for the Governmental Unit, Paying a Loan Processing Fee and Funding a Loan Agreement Reserve Account, and Evidencing the Special Limited Obligation of the Governmental Unit to Repay the Principal Amount of \$4,443,047.00, Together with Interest Thereon; Providing for the Pledge and Payment of the Principal and Interest Due Under the Loan Agreement Solely from the First One-Sixteenth of One Percent Increment of Environmental Services Gross Receipts Tax Imposed Pursuant to Section 7-20E-17, NMSA 1978, and Distributed to the Governmental Unit by the State Taxation and Revenue Department; Providing for the Distribution of Environmental Services Gross Receipts Tax to be Redirected by the State Taxation and Revenue Department to the Finance Authority or its Assigns for the Payment of Principal and Interest Due on the Loan Agreement Pursuant to an Intercept Agreement; Ratifying Actions Heretofore taken: Repealing all Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement and Intercept Agreement

Councilor O'Leary introduced, without prejudice, Incorporated County of Los Alamos Ordinance No. 672 and ask staff to assure that it is published as provided in the County Charter.

- B. Incorporated County of Los Alamos Ordinance No. 02-278 a Request to rezone five (5) County-owned parcels: A-13-2, A-12, A-9, A-8-A, and A-8-B

Councilor Reiss introduced, without prejudice, Incorporated County of Los Alamos Ordinance No. 02-278 a Request to rezone five (5) County-owned parcels: A-13-2, A-12, A-9, A-8-A, and A-8-B, and ask staff to assure that it is published as provided in the County Charter.

8. PUBLIC HEARING(S)

- A. Incorporated County of Los Alamos Ordinance No. 671 An Ordinance Adopting An Economic Development Project For Public Support Of UbiQD, A New Mexico Limited Liability Corporation and Related Project Participation Agreement

Mr. Steve Lynne, Deputy County Manager, spoke.
Mr. Hunter McDaniel, CEO UbiQD, spoke.

Public Comment:

Mr. Patrick Sullivan, Executive Director of Los Alamos Commerce and Development Corporation, spoke in support of UbiQD

A motion was made by Councilor Chandler seconded by Councilor Reiss, that Council adopt Incorporated County of Los Alamos Ordinance No. 671; An Ordinance Adopting An Economic Development Project For Public Support Of UbiQD, A New Mexico Limited Liability Corporation, and ask staff to assure that it is published as provided in the County Charter. She moved that Council approve the Project Participation Agreement in Attachment B and further moved that the transaction not close until the current property owners note and security interest agreement be accepted as satisfactory by the staff and the County Attorney.

The motion passed with the following vote:

Yes: 7 - Councilor Izraelevitz, Councilor O'Leary, Councilor Chandler, Councilor Chrobocinski, Councilor Reiss, Councilor Maggione and Councilor Sheehey

9. COUNCIL BUSINESS

Consent Item 6A.

General Services Agreement No. AGR18-702 with Los Alamos Housing Partnership, Inc., in an Amount Not to Exceed \$80,685.60 for the Purpose of Administering a Homebuyer Assistance Program for a Term Beginning July 26, 2017 through June 30, 2020 and the Option of Two Two-year Extensions

Mr. Paul Andrus, Community Development Director, spoke.

Public Comment:

Mr. Brady Burke, 2310 39th Street, presented questions and concerns to Council regarding this item.
Ms. Karen Parananandan, 4048 Sycamore, spoke in support of the motion.

A motion was made by Councilor O'Leary seconded by Councilor Maggiore that Council approve General Services Agreement No. AGR18-702 with Los Alamos Housing Partnership, Inc., in an Amount Not to Exceed \$80,685.60 for the purpose of administering a Homebuyer Assistance Program for a term beginning July 26, 2017 through June 30, 2020 and the option of two two-year extensions as amended.

The motion passed with the following vote:

Yes: 7 - Councilor Izraelevitz, Councilor O'Leary, Councilor Chandler, Councilor Chrobocinski, Councilor Reiss, Councilor Maggiore and Councilor Sheehey

Consent Item 6B.

Approval of Services Agreement No. AGR17-41 with Viking II, Inc. in the amount of \$250,000.00 plus Applicable Gross Receipts Tax, for the Purpose of Professional Services for Water Distribution Back Flow Prevention (BFP)/ Cross Connection Control (CCC) Program Development and Maintenance

Mr. Tim Glasco, Utilities Manager, spoke.

Public Comment:
None.

A motion was made by Councilor Maggiore seconded by Councilor Sheehey that Council approve Services Agreement No. AGR17-41 with Viking II, Inc. in the amount of \$250,000.00, plus applicable gross receipts tax, for the purpose of Professional Services for Water Distribution Back Flow Prevention (BFP)/ Cross Connection Control (CCC) Program.

The motion passed with the following vote:

Yes: 7 - Councilor Izraelevitz, Councilor O'Leary, Councilor Chandler, Councilor Chrobocinski, Councilor Reiss, Councilor Maggiore and Councilor Sheehey

A. Appointments

1) Board/Commission Appointments – Transportation Board

A motion was made by Councilor Chandler to nominate Julie Bennett, Ryan McIntyre, David Schiferl, and Marion Vance to fill one vacant position on the Transportation Board which began March 1, 2017, and will end on February 28, 2019.

By roll call vote, Councilors vote for one (1) nominee and the one with the highest vote total of at least four (4) votes will be appointed to fill the one (1) full term which will expire on February 28, 2019.

Councilor Izraelevitz called for a roll call vote to appoint a member to the Transportation Board:

Councilor's Sheehey; Reiss, Chandler, Izraelevitz, and O'Leary, voted for:
David Schiferl

Councilor Maggiore voted for:
Marion Vance

Councilor Chrobocinski voted for:
Julie Bennett

After a roll call vote, Mr. David Schiferl was appointed.

B. Board, Commission and Committee Liaison Reports

Councilor O'Leary Reported: The Tourism Working Group met in June and focus groups were held and reports would be submitted regarding gap analysis. The next meeting is on July 26, 2017 and on Thursday, July 27, 2017 there will be a meeting with the tourism secretary to discuss the project and their aspirations for Los Alamos.

Councilor Reiss Reported: The Planning and Zoning Commission has a vacancy due to a resignation, interested citizens are encouraged to apply.

Councilor Maggiore Reported: The Lodgers Tax Advisory Board currently is conducting interviews to fill hotelier spots. He also reported the Personnel Board met, encourages citizens to apply to fill the current vacancies.

Councilor Chandler Reported: The draft RFP has been released for the Los Alamos National Lab Management and Operations contract; and there has been a lot of coordination with the various community groups to ensure there is a broad array of input on the draft RFP.

C. County Manager's Report

1). County Managers Report for July 2017.

Mr. Harry Burgess, County Manager, reported.

D. Council Chair Report

Chairman Izraelevitz reported.

E. General Council Business

Councilor Sheehey shared that he received an email in regards to Resolution 17-08 asking questions which he answered. He stated he would share the questions and answers with all other Council members after the meeting.

F. Approval of Councilor Expenses

A motion was made by Councilor Sheehey, seconded by Councilor Maggiore, to approve travel expenses for Councilor Sheehey and Councilor Reiss to attend the Energy Communities Alliance (ECA) workshop in August.

The motion passed by acclamation with the following vote:

Yes: 7 - Councilor Izraelevitz, Councilor O'Leary, Councilor Chandler, Councilor Chrobocinski, Councilor Reiss, Councilor Maggiore and Councilor Sheehey

A motion was made by Councilor Chrobocinski, seconded by Councilor Chandler, to approve travel expenses for Councilor Chrobocinski, using the travel budget, to attend the Energy Communities Alliance (ECA) workshop in August.

The motion passed by acclamation with the following vote:

Yes: 7 - Councilor Izraelevitz, Councilor O'Leary, Councilor Chandler, Councilor Chrobocinski, Councilor Reiss, Councilor Maggiore and Councilor Sheehey

G. Preview of Upcoming Agenda Items

None.

10. COUNCILOR COMMENTS

Councilor Maggiore Commented: He attended the community wide branding unveiling at Fuller Lodge and that the attendance was primarily by County employees. He asked for support in promoting the new brand to the community.

11. PUBLIC COMMENT

Mr. Brady Burke, 2310 39th Street, stated that Congress takes a break in August, and asked if it wouldn't be better to make appointments in August instead of taking a separate trip to Washington DC.

12. ADJOURNMENT

The meeting adjourned at 8:09 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

David Izraelevitz, Council Chair

Attest:

Naomi D. Maestas, County Clerk

Meeting Transcribed by: Victoria L. Martinez, Deputy Clerk

**CORRECTION TO AGENDA ITEM NO. AGR0511-17
AGR18-702, Los Alamos Housing Partnership, Inc.**

Task 8	Produce annual statements for homeowners from a master spreadsheet including amount of principal and accrued interest, to be mailed to the homeowner by County.
Task 9	Review in conjunction with Loan Review Committee and County any subordination requests received.
Task 10	Review in conjunction with County an owner-occupancy status on annual basis to ensure compliance with loan conditions.
Task 11	Review requests for exercise of right of first refusal to purchase home.

As some actions in this process may be unnecessary or duplicative of other efforts, Contractor may skip certain steps herein. Conversely, Contractor may, at his or her own discretion or at the direction of the County, take any other necessary action to ensure that any Homebuyer Loan is validly issued or authorized.

Component 4. Programmatic Reporting. During the Term of the Agreement, Contractor shall provide, at minimum, the following Program reports or any other report(s) as may be requested by the County's Program Manager, as follows:

Component 4: Tasks/Deliverables with Timelines

Task:	Task/Deliverable:
Task 1	Provide a post-closing loan report for each home loan and deliver to the County's Program Manager.
Task 2	Provide periodic Project status updates both verbal and written.
Task 3	Coordinate reporting, scheduling, and assignments between stakeholders to ensure each project remains on schedule.

SECTION B. TERM: The term of this Agreement shall commence on July 26, 2017 and shall continue through June 30, 2020, unless sooner terminated, as provided herein. County, at its sole option, may extend the Agreement for up to two (2) consecutive two-year periods at prices as shown in Exhibit "A."

SECTION C. COMPENSATION:

- 1. Amount of Compensation.** County shall pay compensation for performance of the Services in an amount not to exceed ~~EIGHTY THOUSAND SIX HUNDRED AND SEVENTY TWO DOLLARS~~EIGHTY THOUSAND SIX HUNDRED EIGHTY-FIVE DOLLARS AND SIXTY CENTS (\$80,685.60) for a period of three (3) years, which amount does not include applicable New Mexico gross receipts taxes ("NMGR"). Compensation shall be paid in accordance with the rate schedule set out in Exhibit "A" attached hereto and made a part hereof for all purposes. Compensation associated with Components 2, 3 and 4, excluding Outreach, are on due only where a home purchase loan has been completed. Total compensation for the life of this Agreement, including any possible extensions, shall not exceed ~~ONE HUNDRED NINETY THOUSAND THREE HUNDRED FORTY TWO DOLLARS~~ONE HUNDRED NINETY THOUSAND FOUR HUNDRED THREE DOLLARS AND NINE CENTS (\$190,403.09), which amount does not include NMGR.
- 2. Monthly Invoices.** Unless provided otherwise herein or in Exhibit "A", Contractor shall submit itemized invoices to County's Project Manager showing amount of compensation due, amount

Los Alamos County Council
Regular Meeting
July 25, 2017
Item 6A