

Minutes

County Council – Regular Session

* Note – These minutes are **not the official minutes** and are subject to approval by the County Council.

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

Tuesday, October 24, 2017

6:00 PM

Council Chambers-1000 Central Avenue

TELEVISED

1. OPENING/ROLL CALL

The Chair, David Izraelevitz, called the meeting to order at 6:03 p.m.

The following Councilors were in attendance:

Present: 6 - Councilor Izraelevitz, Councilor O’Leary, Councilor Chandler, Councilor Chrobocinski, Councilor Reiss and Councilor Maggiore

Absent: 1 - Councilor Sheehey

2. PLEDGE OF ALLEGIANCE

Led by: All

3. PUBLIC COMMENT

None.

A motion was made by Councilor Izraelevitz, seconded by Councilor Maggiore, that Council approve the following statement for inclusion in the minutes: “The matters discussed in the closed session held on October 24, 2017 that began at 5:00 p.m. were limited only to those topics specified in the notice of the closed session, and no action was taken on any matter in that closed session.”

The motion passed by acclamation with the following vote:

Yes: 6 - Councilor Izraelevitz, Councilor O’Leary, Councilor Chandler, Councilor Chrobocinski, Councilor Reiss and Councilor Maggiore

Absent: 1 - Councilor Sheehey

4. APPROVAL OF AGENDA

A motion was made by Councilor Reiss, seconded by Councilor O'Leary, that the agenda be approved as presented.

The motion passed by acclamation with the following vote:

Yes: 6 - Councilor Izraelevitz, Councilor O'Leary, Councilor Chandler, Councilor Chrobocinski, Councilor Reiss and Councilor Maggiore

Absent: 1 - Councilor Sheehey

5. PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

- A. Proclamation celebrating October 25 as "Atomic City Transit Day" in Los Alamos County

Councilor Maggiore read and presented the proclamation to employees of Atomic City Transit.

6. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

None.

7. CONSENT AGENDA

Consent Motion:

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

- A. County Council Minutes for September 5, 2017, September 19, 2017 and September 26, 2017

I move that Council approve the County Council Minutes for September 5, 2017, September 19, 2017 and September 26, 2017.

- B. Approval of Amendment No. 1 to Existing Services Agreement No. AGR 14-4045 with Vision Service Plan for the Purpose of Providing Vision Insurance Benefits for Los Alamos County Employees

I move that Council approve Amendment No. 1 to existing Services Agreement No. AGR14-4045 with Vision Service Plan, in the form attached which has been approved by the County Attorney; and I further move that Council authorize the County Manager to execute the Agreement on behalf of the County.

- C. Consideration of Budget Revision 2018-06 Health Care Assistance

I move that Council approve Budget Revision 2018-06 as summarized on attachment A and that the attachment be made a part of the minutes of this meeting.

Approval of the Consent Agenda:

The motion passed with the following vote:

Yes: 6 - Councilor Izraelevitz, Councilor O'Leary, Councilor Chandler, Councilor Chrobocinski, Councilor Reiss and Councilor Maggiore

Absent: 1 - Councilor Sheehey

8. PUBLIC HEARING(S)

- A.** An Application to Rezone the Entrada Business Park, Consisting of 8 Lots, Approximately 15.886 Acres from C-3 (Heavy Commercial District) to MU (Mixed Use).

Ms. Tamara Baer, Senior Planner, spoke.

Mr. Kevin Powers, Assistant County Attorney, spoke.

Public Comment:

Mr. Brady Burke, 2310 39th Street, spoke.

A motion was made by Councilor Chrobocinski, seconded by Councilor O'Leary, that Council adopt Incorporated County of Los Alamos Ordinance No. 674 Revision No. 2017-02 in textual form to the official zoning map of Los Alamos County by rezoning eight (8) contiguous parcels with a total of approximately 15.84 acres of land located at Entrada Business Park, Lots 1, 2, 3, 4, 5, 6A, 6B1, and 6B2, from C-3 (Heavy Commercial District) to MU (Mixed Use); and further moved that, upon passage, the Ordinance be published in summary form.

The motion passed with the following vote:

Yes: 6 - Councilor Izraelevitz, Councilor O'Leary, Councilor Chandler, Councilor Chrobocinski, Councilor Reiss and Councilor Maggiore

Absent: 1 - Councilor Sheehey

9. BUSINESS-APPEAL

- A.** Appeal of Board of Adjustment Case No. WVR-2017-0042, 3522 Questa Request for a Five (5) foot Waiver From a Required Five (5) Foot Side Yard Setback for the Construction of a Carport Denial by the Board of Adjustment on July 17, 2017

Public Hearing for Case Number WVR-2017-0042.

INTRODUCTION:

Councilor Izraelevitz spoke.

CONFIRMATION THAT NOTICE REQUIREMENTS HAVE BEEN MET:

Councilor Izraelevitz spoke.

Ms. Tamara Baer, Senior Planner, confirmed that notice requirements have been met.

DISCLOSURE OF ANY CONFLICTS:

Councilor Izraelevitz spoke.

All Councilors present confirmed they did not have any conflicts.

DISCLOSURE OF EX PARTE COMMUNICATIONS:

Councilor Izraelevitz spoke.

All Councilors present confirmed they did not have any Ex Parte Communications.

ABSTENTION OF COUNCILORS:

Councilor Izraelevitz spoke.

All Councilors present confirmed they had not reached a decision on the merits of the case that would justify abstaining from further participation.

REVIEW CRITERIA AND STANDARD OF REVIEW:

Councilor Izraelevitz spoke.

PRESENTATIONS BY PARTIES AND QUESTIONS BY COUNCIL:

Councilor Izraelevitz spoke.

Mr. Ari Swartz, property owner, presented.

Mr. Kevin Powers, Assistant County Attorney, presented.

There were no questions of either party by Council.

REBUTTAL:

Councilor Izraelevitz spoke.

Mr. Ari Swartz, property owner, spoke.

CLOSING OF THE APPEAL HEARING; COUNCIL DISCUSSION AND DECISION:

Councilor Izraelevitz spoke.

A motion was made by Councilor Chandler, seconded by Councilor Maggiore, that Council find that the decision of the Board of Adjustment was in accordance with adopted County plans, policies and ordinances and that the facts on which the decision was based are supported by the record and that the decision was not arbitrary, capricious, or a manifest abuse of discretion; and further moved that Council affirm the decision of the Board of Adjustment in Case No. WVR-2017-0042.

A SUBSTITUTE motion was made by Councilor Chrobocinski, seconded by Councilor Izraelevitz, that Council find that the decision of the Board of Adjustment was not based upon sufficient evidence that the decision was in accordance with adopted County plans, policies and ordinances nor was the decision supported by sufficient evidence in the record that the decision was not arbitrary, capricious, or a manifest abuse of discretion; and further moved that Council remand Case No. WVR-2017-0042 to the Board of Adjustment for further development of the facts and the record and to reconsider its decision.

The SUBSTITUTE motion failed with the following vote:

Yes: 1 - Councilor Chrobocinski

No: 5 - Councilor Izraelevitz, Councilor O'Leary, Councilor Chandler, Councilor Reiss and Councilor Maggiore

Absent: 1 - Councilor Sheehey

The ORIGINAL motion passed with the following vote:

Yes: 5 - Councilor Izraelevitz, Councilor O'Leary, Councilor Chandler, Councilor Reiss and Councilor Maggiore

No: 1 - Councilor Chrobocinski

Absent: 1 - Councilor Sheehey

10. COUNCIL BUSINESS

A. Appointments

None.

B. Board, Commission and Committee Liaison Reports

None.

C. County Manager's Report

1) County Manager's Report for October 2017

Mr. Harry Burgess, County Manager, spoke.

Mr. Paul Andrus, Community Development Director, spoke.

Ms. Tamara Baer, Senior Planner, spoke.

D. Council Chair Report

Councilor Izraelevitz advised the Land Use Committee met and recommendations will be forthcoming.

E. General Council Business

None.

F. Approval of Councilor Expenses

A motion was made by Councilor Chandler, seconded by Councilor Reiss, to approve travel expenses for Councilor Izraelevitz to attend the Municipal Officer Leadership Institute training in November.

The motion passed by acclamation with the following vote:

Yes: 6 - Councilor Izraelevitz, Councilor O'Leary, Councilor Chandler, Councilor Chrobocinski, Councilor Reiss and Councilor Maggiore

Absent: 1 - Councilor Sheehey

G. Preview of Upcoming Agenda Items

None.

11. COUNCILOR COMMENTS

None.

12. PUBLIC COMMENT

None.

13. ADJOURNMENT

The meeting adjourned at 7:45 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

**AMENDMENT NO. 1
INCORPORATED COUNTY OF LOS ALAMOS
SERVICES AGREEMENT NO. AGR14-4045**

This **AMENDMENT NO. 1** is entered into by and between the **Incorporated County of Los Alamos**, an incorporated county of the State of New Mexico ("County"), and **Vision Service Plan Insurance Company**, a California corporation ("Contractor"), to be effective for all purposes January 1, 2018.

WHEREAS, County and Contractor entered into Agreement No. AGR14-4045 dated January 1, 2014, for fully insured Vision Insurance services for Los Alamos County Employees; and

WHEREAS, both parties wish to amend the Agreement to extend the term for the final two (2) year period as allowed for under the same terms and conditions; and

WHEREAS, all Group Vision Care Policy provisions remain the same; and

WHEREAS, the County Council ("Council") approved this Amendment at a public meeting held on October 24, 2017.

NOW, THEREFORE, for good and valuable consideration, County and Contractor agree as follows:

I. To delete **SECTION B. TERM** in its entirety and replace it with the following:

SECTION B. TERM: The term of this Agreement shall commence January 1, 2013 and shall continue until December 31, 2019, unless sooner terminated, as provided herein.

II. To add Subparagraph (a) to Paragraph 1 of **SECTION C. COMPENSATION**, as follows:

(a)

**LOS ALAMOS COUNTY
VISION: FULLY INSURED RATES**

**Proposed Effective Dates:
JANUARY 1, 2018 THROUGH DECEMBER 31, 2019**

| FULLY INSURED VISION PLAN | YEARS 5 & 6 |
|----------------------------|-----------------------|
| MONTHLY RATES: | |
| CURRENT PLAN DESIGN | Signature Plan |
| EE Only | \$7.43 |
| EE + 1 | \$10.80 |
| EE + 2 or more | \$19.37 |

Except as expressly modified by this Amendment, the terms and conditions of the Agreement remain unchanged and in effect.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 1 on the date(s) set forth opposite the signatures of their authorized representatives to be effective for all purposes on the date first written above.

ATTEST

INCORPORATED COUNTY OF LOS ALAMOS

NAOMI D. MAESTAS
COUNTY CLERK

BY: _____
HARRY BURGESS **DATE**
COUNTY MANAGER

Approved as to form:

J. ALVIN LEAPHART
COUNTY ATTORNEY

VISION SERVICE PLAN INSURANCE COMPANY, A
CALIFORNIA CORPORATION

BY: _____
NAME: _____ **DATE**
TITLE: _____

Exhibit "A"
Rate Schedule
AGR14-4045-A1

RENEWAL AGREEMENT

Group Name/Number: **Los Alamos County / #12064388**

Current Plan Design

| | |
|----------------------|--------------------------|
| Plan Type: | Signature - B |
| Frequency: | 12/12/24 |
| Copays: | \$20 Exam/\$20 Materials |
| RFA & ECL Allowance: | \$200 & \$200 |
| Current Rates: | \$7.08/10.29/18.45 |
| Renewal Rates: | \$7.43/10.80/19.37 |

Open AccessSM Allowances: Examination up to \$50, Single Vision up to \$50, Lined Bifocal up to \$75, Lined Trifocal up to \$100, Lenticular up to \$125, Frame up to \$70, Elective Contact Lenses up to \$105 & Necessary Contact Lenses \$210.

Renewal Options

X Renew with current plan design

Contract Period for all Options: January 1, 2018 through December 31, 2019.

Budget Revision 2018-06 Health Care Assistance Fund

| # | Fund/Dept | Brass Org | Revenue (decrease) | Expenditures (decrease) | Transfers In(Out) | Fund Balance (decrease) |
|---|-----------------------------|--------------------|-----------------------|----------------------------|----------------------|-------------------------------|
| 1 | Health Care Assistance Fund | 151-M40110 8369 | | \$ 191,908 | | \$ (191,908) |
| <p>Description: The purpose of this budget revision is to increase spending authority for the Health Care Assistance Fund. The need for the increase is due to notification from the Human Services Department relating to an increase in the County's Safety Net Care Pool obligation to the state.</p> <p>Fiscal Impact: This revision to the Health Care Assistance Fund (HCAP) increases expenditures and decreases fund balance by \$191,908. There is adequate fund balance to accommodate this revision.</p> | | | | | | |

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| Los Alamos County Council Regular Meeting October 24, 2017 Item 7.C. |
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