

Minutes

County Council – Regular Session

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

Tuesday, March 20, 2018

6:00 PM

Council Chambers-1000 Central Avenue

TELEvised

1. **OPENING/ROLL CALL**

The Council Vice-Chair, Christine Chandler, called the meeting to order at 6:01 p.m.

The following Councilors were in attendance:

Present: 6 - Councilor Chandler, Councilor Chrobocinski, Councilor Maggiore,
Councilor O'Leary, Councilor Reiss, and Councilor Sheehey

Absent: 1 - Councilor Izraelevitz

2. **PLEDGE OF ALLEGIANCE**

Led by: All

3. **PUBLIC COMMENT**

Ms. Troy Lewis, 974 Alamo Road, thanked Council for supporting the Teen Center.

Ms. Myra Kuropatwinski, 937 Capulin, thanked Council for supporting the Teen Center.

Mr. Ignatius Kuropatwinski, 937 Capulin, thanked Council for supporting the Teen Center.

Mr. Maxwell Goettee, 57 Valle Vista, thanked Council for supporting the Teen Center.

Ms. Helen Milenski, 1651 36th Street, expressed concern with the length of time for resolving code enforcement issues and commended Ms. Tamara Baer relative to the sign ordinance.

Mr. Mark Voss, 256 Canada Way, expressed concern with the length of time for resolving code enforcement issues.

4. **APPROVAL OF AGENDA**

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

The motion passed by acclamation with the following vote:

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

Absent: 1 - Councilor Izraelevitz

5. PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

A. Briefing to Council by County Lobbyist Scott Scanland Providing an Overview of the 2018 Legislative Session

Mr. Scott Scanland, County Lobbyist, presented.

No action taken.

B. Presentation of 2018 Ballfield Assessment at Overlook Park and North Mesa Sports Complex

Mr. Brian Brogan, Community Development Director, presented.

Ms. Stephanie Nakhleh, Parks and Recreation Board Chairperson, presented.

Public Comment:

Mr. Frank Montoya, 45th Street, spoke.

No action taken.

6. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

None.

7. CONSENT AGENDA

Consent Motion:

A motion was made by Councilor Reiss, 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. Incorporated County of Los Alamos Resolution No. 18-05, a Resolution for Support of Fiber Connection Line Through National Forest Property

I move that Council adopt Incorporated County of Los Alamos Resolution No. 18-05, A RESOLUTION URGING THE UNITED STATES FOREST SERVICE TO CONDUCT AN ENVIRONMENTAL STUDY AND GRANT CENTURYLINK A PERMIT TO BEGIN CONSTRUCTION OF AN ALTERNATIVE FIBER-OPTIC PATH FOR THE BENEFIT OF THE INCORPORATED COUNTY OF LOS ALAMOS, ITS RESIDENTS, AND THE LOS ALAMOS NATIONAL LABORATORY.

B. Approval of Revisions to the following Personnel Rules:

1. Rule 309 - Re-employment
2. Rule 311.2 - Non-Exempt Employees Overtime Compensation
3. Rule 312 - Exempt Employees Overtime Compensation
4. Rule 315 - Night Differential Pay
5. Rule 703 - Annual Leave
6. Rule 709 - Sick Leave Accruals

I move that Council approve the revisions to Personnel Rules and Regulations 309, 311.2, 312, 315, 703 and 709 as set out herein.

- C. Approval of Easement No. M18NA70208 Granted by the Department of Energy National Nuclear Security Administration to the Incorporated County of Los Alamos for the Purpose of the Canyon Rim Trail Phase 3 Project

I move that Council approve Easement No. M18NA70208 Granted by the Department of Energy National Nuclear Security Administration to the Incorporated County of Los Alamos for the Purpose of the Canyon Rim Trail Phase 3 Project.

- D. Approval of Easement No. M18NA70207 Granted by the Department of Energy National Nuclear Security Administration to the Incorporated County of Los Alamos for the Purpose of a Bus Stop on East Jemez Road

I move that Council approve Easement No. M18NA70207 Granted by the Department of Energy National Nuclear Security Administration to the Incorporated County of Los Alamos for the Purpose of a Bus Stop on East Jemez Road.

- E. 2018 Annual Road Mileage Certification for the New Mexico Department of Transportation

I move that Council certify the 2018 Road Mileage Certification as presented and authorize submittal to the New Mexico Department of Transportation.

- F. Approval to purchase Fire Mobile Data Terminals and associated mounting and peripheral equipment in the amount of \$283,266

I move that Council approve the request to purchase Fire Mobile Data Terminals (MDTs) and associated mounting equipment and peripherals in the amount of \$283,266.

- G. Vacation of Easement Lot 149A, North Community No. 1

I move that Council approve the vacation of easement within Lot 149A, North Community No. 1.

- H. Consideration of Budget Revision 2018-13 Fire Marshal Grant

I move that Council approve Budget Revision 2018-13 as summarized on attachment A and that the attachment be made a part of the minutes of this meeting.

- I. County Council Minutes for February 13, 2018 and February 27, 2018

I move that Council approve the County Council Minutes for February 13, 2018 and February 27, 2018.

- J. Approval to allow the County to submit a grant application to the New Mexico Environment Department (NMED) Solid Waste Bureau for FY19 Recycling and Illegal Dumping (RAID) grant program for an estimated total amount of \$276,488.00 to fund roll carts for the yard trimming curbside collection program and recycle roll carts

I move to allow the County to submit a grant application to NMED for FY19 Recycling and Illegal Dumping (RAID) Grant for the amount of \$276,488.00 to fund roll carts for the yard trimming curbside collection program and recycle roll carts.

- K.** Approval to Submit a Letter of Intent to the New Mexico Department of Transportation in Support of the 20th Street Signalization Project for Funding Assistance through the Municipal Arterial Program (MAP) in the Amount of \$400,000

I move that the County Council approve the County Manager Submitting a Letter of Intent to the New Mexico Department of Transportation in Support of the 20th Street Signalization Project for Funding Assistance through the Municipal Arterial Program (MAP) in the Amount of \$400,000.

Approval of Consent Agenda:

The motion passed with the following vote:

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

Absent: 1 - Councilor Izraelevitz

8. INTRODUCTION OF ORDINANCE(S)

- A.** Incorporated County of Los Alamos Code Ordinance No. 02-283, an ordinance amending Chapter 8, Article III of the Los Alamos County Code of Ordinances to clarify membership eligibility and duties and responsibilities assigned to the Historic Preservation Advisory Board

Councilor Maggiore asked that a spelling error in item 6 be corrected to read "complementary."

Councilor Maggiore introduced, without prejudice, Incorporated County of Los Alamos Code Ordinance No. 02-283, an ordinance amending Chapter 8, Article III of the Los Alamos County Code of Ordinances to clarify membership eligibility and duties and responsibilities assigned to the Historic Preservation Advisory Board and ask the staff to assure that it is published as provided in the County Charter.

9. PUBLIC HEARING(S)

- A.** Incorporated County of Los Alamos Ordinance No. 675 An Ordinance Adopting An Economic Development Project For Public Support From The State of New Mexico For The Benefit Of UbiQD, Inc. A New Mexico Corporation

Ms. Joanie Ahlers, Economic Development Administrator, spoke.
Dr. Hunter McDaniels, CEO UBIQD, spoke.

Public Comment:

Ms. Therese Rivera, State of New Mexico Economic Development Program, spoke.

A motion was made by Councilor Sheehey, seconded by Chrobocinski, that Council adopt Incorporated County of Los Alamos Ordinance No. 675 An Ordinance Adopting An Economic Development Project For Public Support Of UbiQD, Inc. A New Mexico Corporation; and further moved that the Ordinance be published in summary form.

The motion passed with the following vote:

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

Absent: 1 - Councilor Izraelevitz

10. BUSINESS

- A. Three Recommendations from the Art in Public Places Board: 1) Acceptance of a Cash Donation from Charles Bowman to Purchase a Kinetic Wind Sculpture in Honor of His Late Wife, Nona Bowman and Approval of Project Budget; 2) Disposal of Artwork from the Public Collection; 3) Acceptance of an Artwork Donation from Valentina Devine

Ms. Libby Carlsten, Community Service Department, spoke.
Mr. Jeremy Smith, Art in Public Places Chair, spoke.
Ms. Britton Donharl, Art in Public Places Board Member, spoke.
Mr. Harry Burgess, County Manager, spoke.

Public Comment:
None.

A motion was made by Councilor Chrobocinski, seconded by Maggiore, that Council accept a cash donation from Charles Bowman for the purchase of a Kinetic Wind Sculpture from the Mark White Gallery in Santa Fe; and further moved approval of an Art in Public Places project budget of up to \$25,000 to purchase two additional wind sculptures to create a coordinated grouping plus cover delivery, installation, plaques, a dedication event, lighting and contingency funding. The location of the wind sculptures will be determined at a later date by the APPB (Art in Public Places Board) and appropriate County staff in consultation with Mr. Bowman; and further moved that Council approve the disposal of "Inside Out" and APP funding of up to \$100 to pack and ship the artwork back to the artist; and further moved that Council accept the donation offer from Valentina Devine of "Berlin," a 10 ft. by 10 ft. knitted fiber piece currently installed in the Mesa Public Library.

The motion passed with the following vote:

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

Absent: 1 - Councilor Izraelevitz

RECESS

Councilor Chandler called for a recess at 8:03 p.m. The meeting reconvened at 8:15 p.m.

B. Mirador (A-19) Proposed Public Improvement District

Mr. Paul Andrus, Public Works Director, spoke.

Mr. Adam Thorne, Mirador, spoke.

Mr. Harry Burgess, County Manager, spoke.

No action taken.

11. COUNCIL BUSINESS

A. Appointments

1) Board/Commission Appointment-Parks & Recreation Board

A motion was made by Councilor Maggiore to nominate Dianne Wilburn, Christina Olds, Evan Rose, and Lisa Reader to fill one vacancy on the Parks and Recreation Board and move that Council appoint one nominee to the vacant position as follows:

By roll call vote, Councilors vote for one nominee and the one with the highest vote total of four or more be appointed to fill a term beginning on December 1, 2017 and ending on November 30, 2019.

Councilor Chandler called for a roll call vote to appoint a member to the Parks & Recreation Board.

Councilor's Chrobocinski, Maggiore, O'Leary, Sheehey, and Reiss voted for:
Dianne Wilburn

Councilor Chandler voted for:
Christina Olds

After a roll call vote, Dianne Wilburn was appointed to the Parks & Recreation Board to fill the term beginning on December 1, 2017 and ending on November 30, 2019.

B. Board, Commission and Committee Liaison Reports

Councilor Chandler reported that there is a meeting on April 10th with Utilities to discuss small nuclear reactors.

C. County Manager's Report

- 1) County Manager Harry Burgess reported on the July 1, 2018 implementation of PRISM (Planning Resource Integration + Systems Management), Mr. Harry Burgess, Mr. Dino Sgambellone, Chief of Police and several of the Police staff will be attending a conference regarding the Police Department CALEA (Commission on Accreditation for Law Enforcement) application, efforts to secure Pajarito Cliff side buildings has been implemented, RFP for kiddie pool and splash pad due tomorrow and RFP for Golf Course due next week, RFP will be issued for ice rink when shade study is complete, Wildfire Conference will be in town and he will forward email to Councilors with information, final plat for Mirador Subdivision will be presented to Planning And Zoning next week, there is public meeting tomorrow regarding The Hill Development at the Golf Course, the Mesa Public Library will be advertised this Sunday, Discovery Actions team will have a public meeting April 10th at Fuller Lodge from 11 am-12 pm , and a review of the Flow Trail RFP responses is being done and a recommendation is forthcoming.

D. Council Chair Report

None.

E. General Council Business

None.

F. Approval of Councilor Expenses

None.

G. Preview of Upcoming Agenda Items

Councilor O'Leary noted she had previously requested an item regarding the Kroger space be placed on the May 15 work session.

Councilor Chrobocinski requested that an item regarding the disposition of 1010 Central be placed on a future agenda.

Councilor Maggiore advised that the code enforcement issues will be on April 3rd meeting.

Councilor Chandler requested that an item regarding the Public Health Office be placed on the April 3rd agenda.

12. COUNCILOR COMMENTS

None.

13. PUBLIC COMMENT

None.

14. ADJOURNMENT

The meeting adjourned at 10:05 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

Budget Revision 2018-13 Fire Marshal Grant

Council Meeting Date: March 20, 2018

	Fund/Dept	Brass Org	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
1	Fire Marshal Fund	144-641510 3425 8369	\$ 177	\$ (9,564)		\$ 9,387
<p>Description: The purpose of this budget revision is to decrease the expenditure budget by \$9,564 and increase the revenue budget by \$177 for the Fire Marshal Fund. This revision is based on receipt of actual grant agreement for FY2018.</p> <p>Fiscal Impact: The net fiscal impact to the Fire Marshal Fund is an increase to revenue of \$177 and a decrease in expenditures of \$9,564.</p>						

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INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-283

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE III OF THE LOS ALAMOS COUNTY CODE OF ORDINANCES TO CLARIFY MEMBERSHIP ELIGIBILITY AND DUTIES AND RESPONSIBILITIES ASSIGNED TO THE HISTORIC PRESERVATION ADVISORY BOARD

WHEREAS, Section 305 of the Charter of the Incorporated County of Los Alamos ("County"), provides that the County Council may by ordinance create standing boards and commissions; and

WHEREAS, on May 2, 2017, County Council adopted Code Ordinance No. 02-271, which changed the name of the Historic Preservation Advisory Board ("Board") and adjusted membership and term years to enhance the functionality of the Board; and

WHEREAS, County is pursuing the designation of a Certified Local Government ("CLG") in a Historic Preservation program of the State of New Mexico, which provides a process enabling County to participate in the national historic preservation partnership and benefit from the technical expertise and grant opportunities offered through the New Mexico State Historic Preservation Division ("NMHPD"); and

WHEREAS, CLG designation and partnership with NMHPD expands County's involvement in preservation issues and participation in grant opportunities for *archaeological* and architectural surveys of buildings, landmarks, trails, districts, etc., for historic preservation designation and maintenance and preservation projects; and

WHEREAS, the emphasis on historic preservation activities supports County Council's goal and priority in Economic Vitality – Build the local tourism economy, and Quality of Life – Implement a comprehensive range of recreational and cultural amenities that enhance the Los Alamos community; and

WHEREAS, the Code Ordinance No. 02-271 is hereby revised to include language required for CLG eligibility.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS, as follows:

Section 1. Section 8-52 of Article III, of Chapter 8 is hereby amended as follows:

Sec. 8-52. - Membership, terms and qualifications.

The historic preservation advisory board shall be composed of five (5) citizens, all of whom have a demonstrated positive interest, competence or knowledge in the competent and informed in the historic, architectural, and cultural traditions of the community. The county shall use its best efforts to ensure that two (2) members of the five are professionals whom meet the professional qualifications standards set forth in 36 CFR 61 as may be amended. Members shall be appointed for staggered terms of three (3) years. Vacancies on the board shall be filled within ninety (90) days through recruitments published in local newspapers and public service announcements.

Section 2. Section 8-53, of Article III, of Chapter 8, is hereby amended as follows:

Sec. 8-53. - Duties and responsibilities.

The historic preservation advisory board shall serve in an advisory capacity to the county council and shall have the following functions, responsibilities and duties:

- (1) Inspections, investigations and recommendations regarding any sites, buildings, structures or areas within the county which the historic preservation advisory board has reason to believe are or will become important historic, architectural or cultural landmarks; and

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Item 8 A

- (2) Making of recommendations to the county council regarding:
 - a. Policies for the use and management of Fuller Lodge, including: user fees, charges, control of events during which alcoholic beverages are served, security, replacement of fixtures and furnishings, and maintenance of Fuller Lodge;
 - b. Compliance with all federal, state and county laws, regulations, codes, ordinances and resolutions applicable to Fuller Lodge and other important historic, architectural or cultural landmarks owned or controlled by the county;
 - c. Use of proceeds from grants or any historic building improvement tax approved by voters of the county at any general election or special election called for that purpose following the adoption of a resolution pursuant to the Historic Building Improvements Act, NMSA 1978, §§ 4-55b-1 to 4-55b-5 (1993 Supp.);
- (3) Make such recommendations as reasonably necessary on historic preservation issues to the planning and zoning commission, ~~variance board~~ **board of adjustment**, and county council, including but not limited to, site plans and variance requests in historic districts.
- (4) Provide citizen input to staff and council on ways and means for improving the county's historic preservation program. For this purpose, the board shall gather public input in ways appropriate to the circumstances, which may include public hearings dedicated to specific topics.
- (5)
 - a. ~~Recommend ways to involve and educate the community on historic preservation issues. The board will hold regular meetings each month. The agenda will be posted for public information in the local newspaper, on the county bulletin board of legal public postings, and on the county web page site. The minutes will be posted or made available for public review after approval by the board on the county web site. The agenda will be provided to the State Historic Preservation Division.~~
 - b. One regular meeting may be set aside each year for informational or educational purposes pertaining to the work and functions of the HPAB. The NM Historic Preservation Division staff are invited to attend all meetings.
 - c. The board shall call for special meetings as required to review an application for Historic Property Alteration within 10 days of receiving the request. Also, the board shall call for special meetings within 40 days of receiving an application for new construction over 200 square feet in gross floor area, or the relocation or demolition of a historic property. The final recommendation from HPAB will be presented to the county's Planning and Zoning Board Commission.
- (6) ~~Such other activities, duties and responsibilities related to Fuller Lodge or the historic districts as may be assigned by the county council. The HPAB shall undertake ongoing survey and research efforts to identify historic, architectural, and archaeological resources within the community. As part of the survey, the Board shall review and evaluate prior surveys and studies. Surveys shall be completed according to guidelines established by the Survey Standards in NMCA Title 4, Chapter 10, Part 10.13, as may be amended. The survey shall be coordinated with and complementary to the New Mexico Cultural Resources Information System (NMCHRIS) which is the State Historic Preservation Division's archaeological records management and historic cultural properties inventory system. Survey and inventory documents shall be maintained and shall be open to the public. The survey shall be updated at least every ten years or in accordance with state law.~~
- (7) Review proposed nominations for listing in the National Register of Historic Places. The HPAB shall review and comment to the State Historic Preservation Officer on all proposed nominations for listing in the National Register for properties within the boundaries of the county. When the HPAB considers a National Register nomination which is normally

evaluated by professional in a specific discipline and that discipline is not represented on the board, the board shall **seek** expertise in that area before rendering its decision.

- (8) Notice of public hearings, substantially in the same form as set forth in subsection (b)(1) of Chapter 16-192, shall be posted in a conspicuous place at the county municipal building at least ten days prior to the public hearing.
- (9) Such other activities, duties, and responsibilities related to Fuller Lodge or the historic districts **or properties** as may be assigned by county council.

Section 3. Effective Date. This Ordinance shall become effective thirty (30) days after notice is published following its adoption.

Section 4. Severability. Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 5. Repealer. All ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

ADOPTED this 3rd day of April, 2018.

**COUNCIL OF THE INCORPORATED
COUNTY OF LOS ALAMOS**

David Izraelevitz, Council Chair

ATTEST: (Seal)

Naomi D. Maestas
Los Alamos County Clerk

