

Minutes

County Council – Regular Session

*Sara Scott, Council Chair; Randall Ryti, Council Vice-Chair;
David Izraelevitz, Antonio Maggiore, Katrina Martin, James Robinson,
and Pete Sheehey, Councilors*

Tuesday, February 25, 2020

6:00 PM

Council Chambers – 1000 Central Avenue
TELEvised

1. **OPENING/ROLL CALL**

The Council Chair, Sara Scott, called the meeting to order at 6:03 p.m.

The following Councilors were in attendance:

**Present: 6 - Councilor Scott, Councilor Ryti, Councilor Izraelevitz, Councilor Maggiore,
Councilor Martin, and Councilor Sheehey**

Absent: 1- Councilor Robinson

Councilor Maggiore arrived during item 8.B at 6:22 p.m.

2. **PLEDGE OF ALLEGIANCE**

Led by: All.

3. **PUBLIC COMMENT**

Ms. Cortni Nucklos, 1793 Deacon Street, UnQuarked, spoke regarding the issues facing UnQuarked.

4. **APPROVAL OF AGENDA**

**A motion was made by Councilor Sheehey, seconded by Councilor Martin, that the agenda
be approved, as presented.**

The motion passed by acclamation with the following vote:

**Yes: 5 - Councilor Scott, Councilor Ryti, Councilor Izraelevitz,
Councilor Martin, and Councilor Sheehey**

Absent: 2 - Councilor Maggiore and Councilor Robinson

5. PRESENTATIONS PROCLAMATIONS AND RECOGNITIONS

A. Presentation of Top 50 Kids Coach to Michael Phillips

Ms. Linda Matteson, Acting Community Services Director, presented.

Mr. Phillips spoke.

6. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

None.

7. CONSENT AGENDA

A motion was made by Councilor Izraelevitz, seconded by Councilor Martin, 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. 20-02: A resolution authorizing the County to submit an application to the Department of Finance and Administration, Local Government Division, to participate in the Local DWI Grant and Distribution Program

I move that Council adopt Incorporated County of Los Alamos Resolution No. 20-02, a resolution authorizing the County to submit an application to the Department of Finance Administration, Local Government Division, to participate in the Local DWI (LDWI) Grant and Distribution Program. As part of the LDWI application, I move that Council approve the Council Chair to also sign the MOU and Statement of Assurances.

B. Approval of Exemption from Site Plan Application and Planning and Zoning Approval for the White Rock Wastewater Treatment Plant Project

I move Council Approve the Exemption from Site Plan Application and Planning and Zoning Approval for the White Rock Wastewater Treatment Plant Project.

C. Approval of New Mexico Department of Homeland Security and Emergency Management Disaster Assistance Grant for Emergency Response and Snow Removal Operations from the 2018 / 2019 Severe Winter Weather in the Amount of \$425,873.00 and Authorization for the County Manager to Execute the Grant Agreement

I move that Council approve the New Mexico Department of Homeland Security and Emergency Management (NMDHSEM) Disaster Assistance Grant for emergency response and snow removal from the 2018 / 2019 severe winter weather in the amount of \$425,873.00 and authorize the County Manager to execute the grant agreement.

D. Consideration of Budget Revision 2020-20 (Various Funds)

I move that Council approve Budget Revision 2020-20 as summarized on attachment A and that the attachment be made a part of the minutes of this meeting.

E. Approval of County Council Minutes for February 11, 2020

I move that Council approve the County Council Minutes for February 11, 2020.

Approval of the Consent Agenda:

The motion passed with the following vote:

**Yes: 5 - Councilor Scott, Councilor Ryti, Councilor Izraelevitz,
Councilor Martin, and Councilor Sheehey**

Absent: 2 - Councilor Maggiore and Councilor Robinson

8. PUBLIC HEARING(S)

- A.** Incorporated County Of Los Alamos Code Ordinance No. 02-303 An Ordinance Amending Article II, Section 31(1) Of Chapter 14 Of The Los Alamos County Code Of Ordinances To Include Property Transfers Pursuant To The Local Economic Development Act And The Metropolitan Redevelopment Code

Mr. Steven Lynne, Deputy County Manager, spoke.

Public Comment:
None.

A motion was made by Councilor Sheehey, seconded by Councilor Martin, that Council adopt Incorporated County Of Los Alamos Code Ordinance No. 02-303 An Ordinance Amending Article II, Section 31(1) Of Chapter 14 Of The Los Alamos County Code Of Ordinances To Include Property Transfers Pursuant To The Local Economic Development Act And The Metropolitan Redevelopment Code and ask staff to assure that it is published as provided in the County Charter.

The motion passed with the following vote:

**Yes: 5 - Councilor Scott, Councilor Ryti, Councilor Izraelevitz,
Councilor Martin, and Councilor Sheehey**

Absent: 2 - Councilor Maggiore and Councilor Robinson

- B.** Incorporated County Of Los Alamos Code Ordinance No. 02-304, A Code Ordinance Repealing Ordinances 501 And 543 In Their Entirety And Amending And Restating The Economic Development Plan Of The Incorporated County Of Los Alamos Into The Los Alamos County Code Of Ordinances

Mr. Steven Lynne, Deputy County Manager, spoke.
Mr. Alvin Leaphart, County Attorney, spoke.

Public Comment:
None.

Councilor Maggiore arrived during the discussion of this item at 6:22 p.m.

A motion was made by Councilor Izraelevitz, seconded by Councilor Ryti, that Council continue this hearing to the March 31, 2020 Council meeting.

The motion passed with the following vote:

Yes: 6 - Councilor Scott, Councilor Ryti, Councilor Izraelevitz, Councilor Maggiore, Councilor Martin, and Councilor Sheehey

Absent: 1 - Councilor Robinson

- C.** Incorporated County of Los Alamos Code Ordinance No. 02-305, An Ordinance Amending Chapter 31, Procurement, Of The Incorporated County Of Los Alamos Code Of Ordinances

Mr. Steven Lynne, Deputy County Manager, spoke.

Public Comment:
None.

A motion was made by Councilor Ryti, seconded by Councilor Maggiore, that Council adopt Incorporated County of Los Alamos Code Ordinance No. 02-305, An Ordinance Amending Chapter 31, Procurement, Of The Incorporated County Of Los Alamos Code Of Ordinances, and ask staff to assure that it is published in summary form.

The motion passed with the following vote:

Yes: 6 - Councilor Scott, Councilor Ryti, Councilor Izraelevitz, Councilor Maggiore, Councilor Martin, and Councilor Sheehey

Absent: 1 - Councilor Robinson

- D.** Incorporated County Of Los Alamos Code Ordinance No. 02-302, An Ordinance Amending Chapter 40, Article II, Division 2, Sections, 40-63, 40-65, And 40-67 To Clarify The Transfer Of Operating Profits From The County Department Of Public Utilities To The General Fund And To Clarify The Appropriate Procurement Code For The Department

Mr. Steven Lynne, Deputy County Manager, spoke.
Mr. Alvin Leaphart, County Attorney, spoke.

Public Comment:
Ms. Kathy Taylor, 557 Todd Loop, spoke.
Mr. David Hampton, 300 Aragon, spoke.

A motion was made by Councilor Izraelevitz, seconded by Councilor Sheehey, that Council adopt Incorporated County Of Los Alamos Code Ordinance No. 02-302, An Ordinance Amending Chapter 40, Article II, Division 2, Sections, 40-63, 40-65, And 40-67 To Clarify The Transfer Of Operating Profits From The County Department Of Public Utilities To The General Fund And To Clarify The Appropriate Procurement Code For The Department, and ask staff to assure that it is published as provided in the County Charter.

An AMENDED motion was made by Councilor Sheehey to adopt Incorporated County Of Los Alamos Code Ordinance No. 02-302, An Ordinance Amending Chapter 40, Article II, Division 2, Sections, 40-63, 40-65, And 40-67 To Clarify The Transfer Of Operating Profits From The County Department Of Public Utilities To The General Fund And To Clarify The Appropriate Procurement Code For The Department, and ask staff to assure that it is published as provided in the County Charter with an amendment to section III on page 4 to read FY 2020-2026.

The AMENDED motion failed for the lack of a second.

The ORIGINAL motion passed with the following vote:

Yes: 6 - Councilor Scott, Councilor Ryti, Councilor Izraelevitz, Councilor Maggiore, Councilor Martin, and Councilor Sheehey

Absent: 1 - Councilor Robinson

- E. Incorporated County of Los Alamos Resolution No. 19-29 a Resolution to Update a Payment in Lieu of a Franchise Fee for the Incorporated County of Los Alamos, Department of Public Utilities Pursuant to Charter Section 506

Mr. Steven Lynne, Deputy County Manager, spoke.

Mr. Robert Westervelt, Deputy Utility Manager-Finance and Administration, spoke.

Mr. Alvin Leaphart, County Attorney, spoke

Public Comment:

None.

A motion was made by Councilor Izraelevitz, seconded by Councilor Ryti, that Council adopt Incorporated County of Los Alamos Resolution No. 19-29, as revised, a Resolution to Update a Payment in Lieu of a Franchise Fee for the Incorporated County of Los Alamos, Department of Public Utilities Pursuant to Charter Section 506.

After further discussion Councilor Izraelevitz withdrew his motion.

An ALTERNATE motion was made by Councilor Izraelevitz, seconded by Councilor Maggiore, that Council adopt Incorporated County of Los Alamos Resolution No. 19-29, as revised, and as further revised to show that the following changes are included in the second to the last whereas we have increased the current in lieu franchise fee of 3% on the gross revenues sales of the electric distribution systems.

After further discussion Councilor Izraelevitz withdrew his ALTERNATE motion.

A SECOND ALTERNATE motion was made by Councilor Izraelevitz, seconded by Councilor Maggiore, that Council adopt Incorporated County of Los Alamos Resolution No. 19-29, as revised, and as further revised to show that the following changes are included in the second to the last whereas we have increased the current in lieu franchise fee of 2.5% on the gross revenues sales of the electric distribution systems.

The SECOND ALTERNATE motion passed with the following vote:

Yes: 6 - Councilor Scott, Councilor Ryti, Councilor Izraelevitz, Councilor Maggiore, Councilor Martin, and Councilor Sheehey

Absent: 1 - Councilor Robinson

- F. Incorporated County Of Los Alamos Resolution No. 19-30, A Resolution Repealing Incorporated County Of Los Alamos Council Resolution 97-07, A Resolution Establishing A Methodology For Computing Electric And Gas Operating Profits For Transfer To The County General Fund

Mr. Steven Lynne, Deputy County Manager, spoke.
Mr. Alvin Leaphart, County Attorney, spoke.

Public Comment:
None.

A motion was made by Councilor Izraelevitz, seconded by Councilor Ryti, that Council adopt Incorporated County of Los Alamos Resolution No. 19-30, as revised, a Resolution Repealing Incorporated County Of Los Alamos Council Resolution 97-07, A Resolution Establishing A Methodology For Computing Electric And Gas Operating Profits For Transfer To The County General Fund.

The motion passed with the following vote:

Yes: 6 - Councilor Scott, Councilor Ryti, Councilor Izraelevitz, Councilor Maggiore, Councilor Martin, and Councilor Sheehey

Absent: 1 - Councilor Robinson

9. BUSINESS

- A. Update of the County's Financial Policies Related to Changes in the Profit Transfer Between the Department of Public Utilities and the General Fund

Mr. Steven Lynne, Deputy County Manager, spoke.

Public Comment:
None.

A motion was made by Councilor Izraelevitz, seconded by Councilor Maggiore, that Council approve the updated financial policies as presented.

The motion passed with the following vote:

Yes: 6 - Councilor Scott, Councilor Ryti, Councilor Izraelevitz, Councilor Maggiore, Councilor Martin, and Councilor Sheehey

Absent: 1 - Councilor Robinson

RECESS

Council Chair Scott called for a recess at 8:00 p.m. and reconvened at 8:09 p.m.

10. COUNCIL BUSINESS

- A. **Appointments**

None.

B. Board, Commission and Committee Liaison Reports

Councilor Sheehey reported on the Historic Preservation Board; the Transportation Board; the Zero Waste Subcommittee; and the North Central Regional Transit District meeting.

Councilor Martin reported on the Parks and Recreation Board.

Councilor Izraelevitz reported on the Environmental Sustainability Board and the Regional Coalition of LANL Communities (RCLC) retreat.

Councilor Ryti reported on the upcoming Energy Community Alliance meeting; the Board of Public Utilities meeting; the Department of Public Utilities all hands meeting; the Small Business Development Center meeting; and the governor's prayer breakfast.

C. County Manager's Report

1) County Manager's Report for February 2020

County Manager Harry Burgess thanked Deputy County Manager, Steven Lynne for his work on the previously discussed ordinances and resolutions; he reported on the new 4 wheel drive vehicle purchased for snow removal; the ice rink closure; the dugouts for the girls softball fields; Budget updates; updates on the WAC building; updates on the water line to the ski hill; and updates on the DP road housing development.

D. Council Chair Report

Chair Scott reported on her continued efforts regarding OBGYN services for the community; a N3B meeting; a meeting with Governor Martinez from San Ildefonso Pueblo; and the Joint County Council and Los Alamos Public Schools meeting.

E. General Council Business

None.

F. Approval of Councilor Expenses

A motion was made by Councilor Sheehey, seconded by Councilor Maggiore, to approve travel expenses for Councilors Scott, Ryti and Robinson to travel to Washington D.C. the week of March 23, 2020.

The motion passed by acclamation with the following vote:

Yes: 6 - Councilor Scott, Councilor Ryti, Councilor Izraelevitz, Councilor Maggiore, Councilor Martin, and Councilor Sheehey

Absent: 1 - Councilor Robinson

Councilor Ryti advised he will be traveling to Portland for a New Mexico Municipal League conference May 6-8, there will not be any expenses.

Councilor Izraelevitz advised he will be attending a National League of Cities conference, expenses will be covered by the New Mexico Municipal League.

G. Preview of Upcoming Agenda Items

Councilor Sheehey asked that an item related to a request for proposal for makersspace be placed on an upcoming agenda.

11. COUNCIL COMMENTS

Councilor Ryti commented on the upcoming North Mesa Housing Study meeting.

12. PUBLIC COMMENT

None.

13. ADJOURNMENT

The meeting adjourned at 8:41 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

Sara C. Scott, Council Chair

Attest:

Naomi D. Maestas, County Clerk

Meeting Transcribed by: Victoria L. Martinez, Deputy Clerk