



County of Los Alamos

Minutes

County Council - Regular Session

Los Alamos, NM 87544
www.losalamosnm.us

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

Tuesday, April 3, 2018

6:00 PM

Council Chambers - 1000 Central
Avenue
TELEVISED

1. OPENING/ROLL CALL

The Council Chair, David Izraelevitz, called the meeting to order at 6:02 p.m.

The following Councilors were in attendance:

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

Absent: 1 - Councilor Chrobocinski

2. PLEDGE OF ALLEGIANCE

Led by: All

3. PUBLIC COMMENT

Mr. Greg White, 600 San Ildefonso, spoke regarding suits against the County.

Ms. Helen Milenski, 1651 36th Street, spoke regarding the purchase of an unmanned aerial vehicle.

Ms. Dawn Trujillo Voss, 256 Canada Way, spoke regarding the carbon free project.

Ms. Anne Dillane, 1247 Central, spoke regarding weed nuisance.

4. APPROVAL OF AGENDA

The motion passed by acclamation with the following vote:

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

Absent: 1 - Councilor Chrobocinski

5. PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

- A. [10474-18](#) Proclamation declaring the Month of April as "Donate Life Month" in Los Alamos County (accepted by Cathy Walters and representatives of the local Donate Life Committee)

Councilor Reiss read and presented the Proclamation to Ms. Cathy Walters, Donate Life Committee.

- B. [10515-18](#) Proclamation Declaring Saturday, April 28, 2018, as "Clean Up Los Alamos Day" (accepted by Angelica Gurule, Environmental Services Manager).
Councilor Sheehey read and presented the Proclamation to Ms. Angelica Gurule, Environmental Services Manager.
- C. [10559-18](#) Proclamation designating the Week of April 8-14, 2018 as "Crime Victims' Rights Week" in Los Alamos County (accepted by Adele McKenzie, LAPD)
Councilor Maggiore read and presented the Proclamation to Chief Dino Sgambellone, Los Alamos Police Department.
- D. [10657-18](#)
Recognition - Los Alamos Police Department Official Earns National Accreditation
Mr. Harry Burgess, County Manager, spoke and recognized Chief Dino Sgambellone, Los Alamos Police Department.
No action taken.
- E. [10554-18](#) Scope of Action for Regional Coalition of LANL Communities (RCLC) Investigation
Mr. Alvin Leaphart, County Attorney, spoke.
Ms. Samantha Adams, Adams + Crow Law Firm, spoke.
Mr. Billy Jimenez, Adams + Crow Law Firm, spoke.
No action taken.
- F. [10635-18](#)
Public Health Office Presentation
Mr. Brian Brogan, Community Services Department Director, presented.
Mr. Harry Burgess, County Manager, spoke.

Public Comment:
None.
No action taken.

6. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

Mr. Brady Burke, 2310 39th Street, spoke regarding the Tourism Strategic Plan.

7. CONSENT AGENDA

May 1, 2018 Consent Motion:

Consent Motion -**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. [AGR0562-18](#) Approval of Amendment No. 4 to Services Agreement No. AGR 12-3838 with John & Hengerer for a Revised Total Agreement Amount of \$395,000.00, plus Applicable Gross Receipts Tax for the Purpose of Providing Legal Services to the Incorporated County of Los Alamos Relating to Matters Pending Before the Federal Energy Regulatory Commission and/or Other Federal Agencies Involved in Energy Regulation

I move that Council approve, Amendment No. 4 to Services Agreement No. AGR 12-3838 with John & Hengerer for a Revised Total Agreement Amount of \$395,000.00, plus Applicable Gross Receipts Tax for the Purpose of Providing Legal Services to the Incorporated County of Los Alamos Relating to Matters Pending Before the Federal Energy Regulatory Commission and/or Other Federal Agencies Involved in Energy Regulation.

- B. [AGR0563-18](#) Approval of Amendment No. 1 to Services Agreement No. AGR 16-4270 with Virtue & Najjar, P.C. in an Amount of \$200,000.00 for the period commencing July 1, 2018 through June 30, 2021, resulting in a Revised Total Agreement Amount of \$400,000.00, plus Applicable Gross Receipts Tax, for the Purpose of Providing Legal Services in Connection with the Incorporated County of Los Alamos' Utilities Operations

I move that Council approve Amendment No. 1 to Services Agreement No. AGR 16-4270 with Virtue & Najjar, P.C. in an Amount of \$200,000.00 for the period commencing July 1, 2018 through June 30, 2021, resulting in a Revised Total Agreement Amount of \$400,000.00, plus Applicable Gross Receipts Tax, for the Purpose of Providing Legal Services in Connection with the Incorporated County of Los Alamos' Utilities Operations.

- C. [RE0366-18](#) Incorporated County of Los Alamos Resolution No.18-07. A Resolution Supporting Continued Service by the New Mexico Rail Runner Express

I move that Council adopt Incorporated County of Los Alamos Resolution No. 18-07, a Resolution Supporting Continued Service by the New Mexico Rail Runner Express.

- D. [10300-18](#) Approval of AGR18-41, San Juan Generating Station Decommissioning Trust Agreement.

I move that Council approve AGR18-41 with Bank of Albuquerque for establishment of a Trust for the purpose of fulfilling the County's funding obligation under the San Juan Generating Station Decommissioning Trust Funds Agreement.

- E. [10569-18](#) County Council Minutes for March 5, 2018, March 6, 2018, and March 20, 2018

I move that Council approve the County Council Minutes for March 5, 2018, March 6, 2018, and March 20, 2018.

- F. [10591-18](#) Approval of the Tourism Implementation Task Force Charter

I move to approve the Tourism Implementation Task Force Charter and direct staff to begin recruitment of members.

- G. [10647-18](#) Approval of the North Central Regional Transit District Intergovernmental Contract.

I move that Council approve the North Central Regional Transit District Intergovernmental Contract Agreement that is an update with addition of Village of Chama to this contract thereby confirming and awarding the membership and voting rights of all the members listed in this agreement.

Approval of the Consent Agenda:

The motion passed by acclamation with the following vote:

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

Absent: 1 - Councilor Chrobocinski

8. INTRODUCTION OF ORDINANCE(S)

- A. [CO0530-18](#) Incorporated County of Los Alamos Code Ordinance No. 02-285, A Code Ordinance amending Chapter 8 To Add An Article XV to Create A Community Development Advisory Board.

Councilor O'Leary introduced, without prejudice, Incorporated County of Los Alamos Code Ordinance No. 02-285, a Code Ordinance amending Chapter 8 to Add an Article XV to Create a Community Development Advisory Board.

- B. [CO0531-18](#) Incorporated County of Los Alamos Code Ordinance No. 02-286, A Code Ordinance amending Chapter 18, Section 36, To Increase The Minimum Number of Day a Notice Provided to a Landowner to Correct a Violation Prior to Issuance of a Citation.

Councilor Reiss introduced, without prejudice, Incorporated County of Los Alamos Code Ordinance No. 02-286, a Code Ordinance amending Chapter 18, Section 36, to Increase the Minimum Number of Days a Notice Provides to a Landowner to Correct a Violation Prior to Issuance of a Citation.

- C. [OR0809-18](#) Incorporated County Of Los Alamos Ordinance No. 02-281; An Ordinance Repealing Ordinances 571 and 664 in their Entirety and Enacting and Amending Certain Affordable Housing Provisions Into the Los Alamos County Code of Ordinances

Councilor Chandler Introduced, without prejudice, Incorporated County Of Los Alamos Ordinance No.02-281; An Ordinance Repealing Ordinances 571 and 664 in their Entirety and Enacting and Amending Certain Affordable Housing Provisions Into the Los Alamos County Code of Ordinances.

9. PUBLIC HEARING(S)

- A. [OR0805-18b](#) Incorporated County of Los Alamos Ordinance No. 681, An Ordinance Amending Section 6 of Incorporated County of Los Alamos Ordinance No. 534 to Extend to January 1, 2024, The Time in Which an Election May be held to Reauthorize the Regional Gross Receipts Tax.

Mr. Philo Shelton, Public Works Director, spoke.

Public Comment:

None.

A motion was made by Councilor Reiss, seconded by Councilor Chandler, that Council adopt Incorporated County of Los Alamos Ordinance No. 681, an ordinance amending Section 6 of Incorporated County of Los Alamos Ordinance No. 534 to extend to January 1, 2024, the time in which an election may be held to reauthorize the Regional Gross Receipts Tax; 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 Chandler, Councilor Maggiore, Councilor O'Leary, Councilor Reiss, and Councilor Sheehey

Absent: 1 - Councilor Chrobocinski

- B. [10577-18](#) Public Hearing for the County Council to consider the Planning and Zoning Commission's recommendation to approve amending the Comprehensive Plan Future Land Use Map changing Two Parcels Totaling +/- 1.44 acres located at 555 and 557 Oppenheimer Drive, Owned by 555 Oppenheimer Condominium Association, Inc. and Los Alamos Professional Investment Partnership, Sub: Timber Ridge 2, Unit 2, Lot 1 and Lot 2, from "COMMERCIAL / OFFICE" To "MIXED-USE."

Mr. Paul Andrus, Community Development Director, spoke.

Public Comment:
None.

A motion was made by Councilor Maggiore, seconded by Councilor Reiss, that the County Council approve the Planning and Zoning Commission's recommendation to amend the Comprehensive Plan Future Land Use Map changing Two Parcels Totaling +/- 1.44 acres located at 555 and 557 Oppenheimer Drive, Owned by 555 Oppenheimer Condominium Association, Inc. and Los Alamos Professional Investment Partnership, Sub: Timber Ridge 2, Unit 2, Lot 1 and Lot 2, from "COMMERCIAL / OFFICE" To "MIXED-USE."

The motion passed with the following vote:

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

Absent: 1 - Councilor Chrobocinski

10. BUSINESS

- A. [RE0368-18](#) Resolution No. 18-01 Amending the Comprehensive Plan Future Land Use Map changing Two Parcels Totaling +/- 1.44 acres located at 555 and 557 Oppenheimer Drive, Owned by 555 Oppenheimer Condominium Association, Inc. and Los Alamos Professional Investment Partnership, Sub: Timber Ridge 2, Unit 2, Lot 1 and Lot 2, from "COMMERCIAL / OFFICE" To "MIXED-USE."

Public Comment:
None.

A motion was made by Councilor Maggiore, seconded by Councilor Reiss, that Council Adopt Resolution No. 18-01 Amending the Comprehensive Plan Future Land Use Map changing Two Parcels Totaling +/- 1.44 acres located at 555 and 557 Oppenheimer Drive, Owned by 555 Oppenheimer Condominium Association, Inc. and Los Alamos Professional Investment Partnership, Sub: Timber Ridge 2, Unit 2, Lot 1 and Lot 2, from "COMMERCIAL / OFFICE" To "MIXED-USE," and further moved that the Resolution be published in summary form.

The motion passed with the following vote:

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

Absent: 1 - Councilor Chrobocinski

RECESS

Councilor David Izraelevitz called for a recess at 7:46 p.m. The meeting reconvened at 7:57 p.m.

- B. [RE0369-18](#) Incorporated County of Los Alamos Resolution No. 18-08: A resolution declaring a Moratorium of sixty (60) days on the Enforcement of or Issuance of Various Notices and Citations of Article II of Chapter 18 and Chapter 16 of the Los Alamos County Code of Ordinances, Except for Violations Immediately Affecting Health, Safety, and Welfare.

Mr. Alvin Leaphart, County Attorney, spoke.
Mr. Harry Burgess, County Manager, spoke.
Mr. Paul Andrus, Community Development Director, spoke.
Mr. Michael Arellano, Building Safety Manager and Chief Building Official, spoke.
Mr. Kevin Powers, County Attorney, spoke.
Mr. Troy Hughes, Fire Chief, spoke.
Mr. Kelly Sterna, Wild Land Chief, spoke.

Public Comment:

Mr. James Whitehead, 200 Camino Encantado, spoke.
Mr. Mark Voss, 256 Canada Way, spoke.
Ms. Heather Ortega, 40 Santolina, spoke.
Mr. Warren Mazanec, 298 Bryce Ave, spoke.
Mr. Tom Houlton, no address given, spoke.
Mr. Chris Luchini, 121 La Senda Road, spoke.
Ms. Monika Charters Maclean, 925 Estates Drive, spoke.
Ms. Lori Vanlyssel, 742 47th Street, spoke.
Ms. Coen Schamaun, 538 Paul Place, spoke.
Ms. Paula Schmidt, 4851 Trinity, spoke.
Mr. Brady Burke, 2310 39th Street, spoke.
Ms. Helen Milenski, 1651 36th Street, spoke.
Ms. Dawn Trujillo Voss, 256 Canada Way, spoke.

Councilor Sheehey left during discussion at 10:05 pm; rejoined the meeting at 10:06 p.m.

A motion was made by Councilor Maggiore, seconded by Councilor Sheehey, that Council adopt Incorporated County of Los Alamos Resolution No. 18-08, a resolution declaring a Moratorium of sixty (60) days on the Enforcement of or Issuance of Various Notices and Citations of Article II of Chapter 18 and Chapter 16 of the Los Alamos County Code of Ordinances, Except for Violations Immediately Affecting Health, Safety, and Welfare.

After further discussion, Councilor Maggiore withdrew the motion.

A motion was made by Councilor Maggiore, seconded by Councilor Sheehey, that Council adopt Incorporated County of Los Alamos Resolution No. 18-08, a resolution declaring a Moratorium of sixty (60) days on the Enforcement of or Issuance of Various Notices and Citations of Article II of Chapter 18 and Chapter 16 of the Los Alamos County Code of Ordinances, Except for Violations Immediately Affecting Health, Safety, and Welfare with the following changes: in Section 1 should be changed to read: that upon the effective date of this resolution and for a period of 60 days or until such time as the Community Development Advisory Board is appointed and has their first meeting whichever is less, the Community Development Department and code enforcement staff shall not be barred from acting on citizen complaints but shall operate solely based on citizen complaints; further more Section 1 should be expanded to include any complaint received or issuance of a notice or citation prior to the effective date of this resolution shall be excluded from this moratorium. Section 2 we will add at the end of sentence appropriate action will be taken to address any situations involving a perceived increased fire risk and add a new Section 2 upon the lifting of the moratorium as provided in Section 1, any notice of violation or citations under Section 18 Article II shall clearly identify the conditions alleged to be violated and the actions necessary to resolve the alleged violation and the issuance of more than one citation shall not be issued for a single alleged violation of section.

The motion passed with the following vote:

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

Absent: 1 - Councilor Chrobocinski

Councilor O'Leary left after this item, at 10:46 p.m.

C. [10388-18](#)

Los Alamos County Assessor Valuation and Maintenance Plan.

Mr. Ken Milder, County Assessor, spoke.

Mr. Joaquin Valdez, Chief Deputy Assessor, presented.

Public Comment:

None.

The motion passed with the following vote:

Yes: 5 - Councilor Chandler, Councilor Maggiore, Councilor Izraelevitz, Councilor Sheehey and Councilor Reiss

Absent: 2 - Councilor O'Leary and Councilor Chrobocinski

11. COUNCIL BUSINESS**A. Appointments**

None.

B. Board, Commission and Committee Liaison Reports

Councilor Maggiore reported on the Planning and Zoning Board.

C. County Manager's Report

County Manager, Harry Burgess, provided a detailed response regarding the drone that Community Development Department (CDD) has purchased to address safety concerns when staff conducts inspections and the intent to develop a policy for its use.

D. Council Chair Report

None.

E. General Council Business

None.

F. Approval of Councilor Expenses

None.

G. Preview of Upcoming Agenda Items

None.

12. COUNCILOR COMMENTS

None.

13. PUBLIC COMMENT

Ms. Coen Schamaun, 538 Paul Place, spoke regarding drones.

14. ADJOURNMENT

The meeting adjourned at 11:22 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

David Izraelevitz, Council Chair

Attest:

Naomi D. Maestas, County Clerk

Meeting Transcribed by: Francella M. Montoya, Senior Deputy Clerk