



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, Antonio Maggiore,
Susan O'Leary, Morris Pongratz, Rick Reiss, and Pete Sheehey, Councilors*

Tuesday, June 12, 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 6:03 p.m.

Councilor Reiss participated, via telephone.

The following Councilors were in attendance:

Present 7 - Councilor Chandler, Councilor Maggiore, Councilor Izraelevitz,
Councilor Sheehey, Councilor Reiss, Councilor O'Leary and
Councilor Pongratz

2. PLEDGE OF ALLEGIANCE

Led by: All.

3. PUBLIC COMMENT

None.

4. APPROVAL OF AGENDA

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

The motion passed by acclamation with the following vote:

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

5. PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

- A. [10704-18](#) Proclamation Declaring Extreme Fire Conditions Exist in Los Alamos County and Imposing Restrictions on the Use of Fireworks
- Councilor Pongratz read and presented the proclamation to Fire Chief Troy Hughes and Fire Marshall Jeff Wetteland, Los Alamos Fire Department.

A motion was made by Councilor Chandler, seconded by Councilor Maggiore, that Council affirm Proclamation declaring extreme fire conditions exist in Los Alamos County and imposing restrictions on the use of fireworks.

The motion passed with the following vote:

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

- B. [10722-18](#) Recognition of 2018 Recycler of the Year
- Ms. Angelica Gurule, Environmental Services Manager, presented the recognition to Ms. Suzanne Lynne, Chamisa Elementary School for Educational Institution. Cortex & Co Salon won the award for Business/Non-Profit; the award was presented at the Chamber of Commerce Awards Ceremony.

Mr. James Robinson, Environmental Sustainability Board Member, spoke.

6. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

None.

7. CONSENT AGENDA

Consent Motion -

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

- A. [AGR0542-18](#) Collection Agreement Between The Incorporated County Of Los Alamos And The Vendor Awarded The Ambulance Billing Contract. Not To Exceed The Amount of \$420,000 For The Collection Of EMS Ambulance Services For The Period Of Four (4) Years With Option For Three (3) Consecutive Renewals.

I move that Council authorize the County Manager to execute a four year collection agreement between Los Alamos County and the vendor awarded the ambulance billing contract, not to exceed the amount of \$420,000 in a form acceptable to the County Attorney, as amended.

- B. [AGR0575-18](#) Award of Bid No. 18-042 in the Amount of \$886,805.00 plus Applicable Gross Receipts Tax to Star Paving Company for Construction of the North Mesa Phase 2 Improvements Project and Establish a Project Budget in the Amount of \$1,115,000 for Roadway Improvements.

I move that Council award Bid No. 18-042 in the Amount of \$886,805.00 plus Applicable Gross Receipts Tax to Star Paving Company for Construction of the North Mesa Phase 2 Improvements Project and Establish a Project Budget in the Amount of \$1,115,000 for Roadway Improvements.

- C. [AGR0578-18](#) Amendment 3 for Contract for General Services, Agreement No. AGR 15-4178 with Los Alamos Commerce and Development Corporation in the Amount of \$112,476.00, plus Applicable Gross Receipts Tax, for the Purpose of Visitor Center Operation and Management

I move that Council approve Amendment 3 for Contract for General Services, Agreement No. AGR 15-4178 with Los Alamos Commerce and Development Corporation in the Amount of \$112,476.00, plus Applicable Gross Receipts Tax, for the Purpose of Visitor Center Operation and Management for the first half of FY2019 (July 1, 2018 through December 31, 2018).

- D. [RE0373-18](#) Incorporated County of Los Alamos Resolution No. 18-13 Endorsing the North Central Regional Transit District's (NCRTD) FY2019 Budget Proposal, Approval of the FY2019 Los Alamos County Regional Transit Plan and Directing Staff to Submit the FY2019 Los Alamos County Regional Transit Plan to the North Central Regional Transit District Board of Directors for Consideration and Approval.

I move that the County Council approve Resolution No. 18-13 endorsing the North Central Regional Transit District's FY2019 budget proposal, approving the FY2019 Los Alamos County Regional Transit Plan and directing staff to submit the FY2019 Los Alamos County Regional Transit Plan to the North Central Regional Transit District Board of Directors, as amended.

- E. [RE0374-18](#) Incorporated County of Los Alamos Resolution No. 18-12 to authorize the application to Federal Transit Administration (FTA) for a Bus and Bus Facilities 5339(b) Discretionary Program 2018 Funding Opportunity for the 2018 Federal Fiscal Year; committing to the local match in the amount of \$ 371,874; \$185,937 for the 2019 Fiscal Year and \$185,937 for the 2020 Fiscal year toward the estimated grant amount of \$1,859,370, to fund the capital needs of the system.

I move to approve Incorporated County of Los Alamos Resolution No. 18-12 to authorize the application to Federal Transit Administration (FTA) for a Bus and Bus Facilities 5339(b) Discretionary Program 2018 Funding Opportunity for the 2018 Federal Fiscal Year; committing to the local match in the amount of \$371,874; \$185,937 for the 2019 Fiscal Year and \$185,937 for the 2020 Fiscal year toward the estimated grant amount of \$1,859,370, to fund the capital needs of the system.

- F. [RE0376-18](#) Incorporated County Of Los Alamos Resolution No. 376-08; A Resolution Authorizing The County To Submit An Application To The Department Of Finance And Administration, Local Government Division To Participate In The Juvenile Adjudication Program.

I move that Council adopt Incorporated County of Los Alamos Resolution No. 376-08; a Resolution Authorizing The County To Submit An Application To The Department Of Finance And Administration, Local Government Division To Participate In The Juvenile Adjudication Program.

- G. [RE0377-18](#) Incorporated County of Los Alamos Resolution No. 18-10: A Resolution Removing Uncollectible Utility Accounts from the Incorporated County of Los Alamos' Accounts Receivable List for Fiscal Year 1999 Through Fiscal Year 2013

I move that Council approve Incorporated County of Los Alamos Resolution No. 18-10: A Resolution Removing Uncollectible Utility Accounts from the Incorporated County of Los Alamos' Accounts Receivable List for Fiscal Year 1999 Through Fiscal Year 2013.

- H. [10744-18](#) County Council Minutes for May 15, 2018 and County Council Minutes for May 22, 2018

I move that Council approve the County Council Minutes for May 15, 2018 and May 22, 2018.

- I. [10851-18](#)

I nominate Susan Barns [D], and Lisa Bakosi [D] to fill two vacancies on the Environmental Sustainability Board and move that Council re-appoint these applicants for terms ending on July 31, 2020.

- J. [10869-18](#) Grant and Vacation of Utility Easement Within Tract G-A, of Tract G, a subdivision of Eastern Area No. 3

I move that Council approve a grant of utility easement within Tract G-A, of Tract G, a subdivision of Eastern Area No. 3. I further move that Council approve a vacation of utility easement within Tract G-A, of Tract G, a subdivision of Eastern Area No. 3.

July 10, 2018 Consent Motion:

The motion passed with the following vote:

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

8. PUBLIC HEARING(S)

- A. [OR0810-18b](#) 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.

Mr. Paul Andrus, Community Development Director, spoke.

A motion was made by Councilor Chandler, seconded by Councilor Maggiore, that Council adopt Incorporated County of Los Alamos 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.

The motion passed with the following vote:

9. BUSINESS

- A. [AGR0569-18](#) Approval of Services Agreement AGR18-39 with FBT Architects in the Amount of \$459,315.00 and a contingency in the amount of \$50,000, for a total of \$509,315.00, plus Applicable Gross Receipts Tax, for the Purpose of Designing the Kiddie Pool Addition to the Los Alamos County Aquatics Center.

Mr. Eric Martinez, County Engineer, spoke.

Mr. Harry Burgess, County Manager, spoke.

Mr. Alvin Leaphart, County Attorney, spoke.

Public Comment:

Mr. Chris Luchini, 121 La Senda, spoke.

A motion was made by Councilor Maggiore, seconded by Councilor Pongratz, that Council postpone approval of Services Agreement AGR18-39 with FBT Architects until such time as the taxable status of the new LANL (Los Alamos National Laboratory) M & O contract is clarified and we have a clearer picture of our GRT venues.

After further discussion the motion was restated to read:

A motion was made by Councilor Maggiore, seconded by Councilor Pongratz, that Council postpone consideration of Services Agreement AGR18-39 with FBT Architects until such time as the taxable status of the new LANL M & O contract is clarified.

The motion passed with the following vote:

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

- B. [10464-18b](#) Certification of the Canvassing Committee Results of the 2018 Primary Election.

Ms. Kyle Wheeler, 1855 Los Pueblos, Canvassing Committee, spoke.

Public Comment:

Mr. Chris Luchini, 121 La Senda, spoke.

A motion was made by Councilor Maggiore, seconded by Councilor Reiss, that Council accept the results of the Canvassing Committee and direct the County Clerk to certify the results to the State Canvassing Board in conformity with applicable New Mexico election law.

The motion passed with the following vote:

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

10. **COUNCIL BUSINESS**

A. **Appointments**

- 1) [10847-18](#) Presentation, Discussion and Possible Action relating to the Investigation by the Adams+Crow Law Firm into allegations of improprieties involving the Regional Coalition of LANL Communities' Travel Expenditures and Related Issues Including Los Alamos County's Role in Reviewing and Disclosing Such Issues.

Ms. Alana De Young, Partner, Adams+Crow Law Firm, and Mr. Billy Jimenez, Adams+Crow Law Firm, presented.

Mr. Harry Burgess, County Manager, spoke.

Mr. Alvin Leaphart, County Attorney, spoke.

Public Comment:

None.

A motion was made by Councilor O'Leary, seconded by Councilor Sheehey, that Council recommend to the County Manager that the professional services contract entered between the County and the Adams+Crow Law Firm be amended to increase the maximum amount of compensation payable from \$30,000 to \$50,000.

A SUBSTITUTE motion was made by Councilor Chandler, that Council recommend to the County Manager that the professional services contract entered between the County and the Adams+Crow Law Firm be amended to increase the maximum amount of compensation payable from \$30,000 to \$50,000, subject to a presentation to the County Manager of a detailed budget per task that supports the increased contract amount.

The procedural motion to consider the SUBSTITUTE motion passed by acclamation with the following vote:

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

The SUBSTITUTE motion passed with the following vote:

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

No: 1 - Councilor Reiss

B. Board, Commission and Committee Liaison Reports

None.

C. County Manager's Report

County Manager Harry Burgess reported on the PRISM project.

D. Council Chair Report

Councilor Izraelevitz reported that there may be a work session on July 11 regarding the LANL contract and budget impact; Transition Committee meeting took place; a debrief meeting held by the Department of Energy took place regarding the Pit Project, the initial study and the final analysis will be available in the Council work room.

E. General Council Business**1) [10763-18](#) Review of Unmanned Aerial Systems (aka Drones) Policies**

Mr. Harry Burgess, County Manager, spoke.
Ms. Julie Habiger, Public Information Officer, spoke.
Mr. Alvin Leaphart, County Attorney, spoke.

No action taken.

F. Approval of Councilor Expenses

A motion was made by Councilor Chandler, seconded by Councilor Pongratz, to approve travel expenses for Councilor Sheehey to attend the NMAC (New Mexico Association of Counties) Conference in June 2018.

The motion passed by acclamation with the following vote:

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

G. Preview of Upcoming Agenda Items

Councilor Chandler requested information about when an item relating to various audits of REDI Net is going to be on an agenda.

11. COUNCILOR COMMENTS

None.

12. PUBLIC COMMENT

None.

13. ADJOURNMENT

The meeting adjourned at 8:42 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