



# 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, October 30, 2018

6:00 PM

Fire Station No. 3  
129 State Road 4 - White Rock  
Streamed

#### 1. OPENING/ROLL CALL

The Council Chair, David Izraelevitz, called the meeting to order at 6:00 p.m.

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: Boy Scout Troop 222.

#### 3. STATEMENT REGARDING CLOSED SESSION

October 22 and October 30, 2018 Closed Sessions Motion

A motion was made by Councilor Chandler, 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 22, 2018 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: 7 - Councilor Chandler, Councilor Maggiore, Councilor Izraelevitz, Councilor Sheehey, Councilor Reiss, Councilor O'Leary and Councilor Pongratz

A motion was made by Councilor Chandler, 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 30, 2018 that began at 4:30 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 Chandler, Councilor Maggiore, Councilor Izraelevitz, Councilor Sheehey, Councilor Reiss and Councilor Pongratz

**Abstain: 1 - Councilor O'Leary**

**4. PUBLIC COMMENT**

Mr. James Whitehead, 200 Camino Encantado, expressed concern regarding complaints filed regarding the detention center and issues facing the youth in Los Alamos County.

**5. APPROVAL OF AGENDA**

A motion was made by Councilor Reiss, seconded by Councilor Sheehey, that the agenda be approved with the following modifications; Item 10.A. be changed to 10.B. and 10.B. changed to 10.A. and Consent Item 8.A. be pulled from consent and be discussed as Item 10.C.

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**

**6. PUBLIC HEARING(S)**

- A. [OR0826-18b](#) Incorporated County of Los Alamos Code Ordinance No. 687, An Ordinance Authorizing the Incorporated County of Los Alamos to Enter Into a Loan Agreement and Promissory Note With the New Mexico Environment Department for the Purpose of Obtaining Loan Funds for the Construction of a New Wastewater Treatment Facility, Declaring the Necessity for the Loan, Restricting the Use of the Loan Funds Solely for the Project, and Pledging Loan Will be Payable from the Revenues of the Wastewater System

Mr. Bob Westervelt, Deputy Utilities Manager-Finance and Administration, spoke.

Mr. James Alarid, Deputy Utilities Manager-Engineering, spoke.

Public Comment:  
None.

A motion was made by Councilor Reiss, seconded by Councilor Pongratz, that Council adopt Incorporated County of Los Alamos Ordinance No. 687, An Ordinance Authorizing the Incorporated County of Los Alamos to Enter Into a Loan Agreement and Promissory Note With the New Mexico Environment Department for the Purpose of Obtaining Loan Funds for the Construction of a New Wastewater Treatment Facility, Declaring the Necessity for the Loan, Restricting the Use of the Loan Funds Solely for the Project, and Pledging Loan Will be Payable from the Revenues of the Wastewater System and ask staff to assure that it is published in summary form.

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

## **7. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA**

None.

## **8. CONSENT AGENDA**

### **Consent Motion -**

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

- A. [AGR0592-18](#) Amendment No. 1 to Existing General Services, Agreement No. AGR18-704 with Blue Cross Blue Shield of New Mexico, A Division of Health Care Service Corporation, a Mutual Legal Reserve Company, an Independent Licensee of the Blue Cross and Blue Shield Association, in an amount not to exceed \$1,830,000.00, for the initial term plus first renewal term, plus Applicable Gross Receipts Tax, for the Purpose of providing medical insurance benefits to eligible Los Alamos County employees.

*Item pulled for further discussion under Business.*

- B. [AGR0600-18](#) Approval of Agreement AGR 19-08a to Allied 360 Construction LLC; AGR 19-08b to Cisneros Concrete; AGR 19-08c to GM Emulsion LLC; and AGR 19-08d to Los Alamos Landscaping and More LLC for On-Call Concrete Services in an Aggregate Amount Not to Exceed the combined sum of \$3,000,000.00 Excluding Applicable Gross Receipts Tax.

**I move that Council Approval of Agreement AGR 19-08a to Allied 360 Construction LLC; AGR 19-08b to Cisneros Concrete; AGR 19-08c to GM Emulsion LLC; and AGR 19-08d to Los Alamos Landscaping and More LLC for On-Call Concrete Services in an Aggregate Amount Not to Exceed the combined sum of \$3,000,000.00 Excluding Applicable Gross Receipts Tax.**

- C. [11374-18](#) Incorporated County of Los Alamos Resolution No. 18-18; A Resolution Authorizing the Utilities Manager to Execute Documents with the New Mexico Environment Department on Behalf of the Los Alamos County Relating to the White Rock Wastewater Treatment Plant, Project Number CWSRF 083 and Authorizes the Designation of Official Representatives and Signatory Authorities

**I move that Council adopt Incorporated County of Los Alamos Resolution No. 18-18; A Resolution Authorizing the Utilities Manager to Execute Documents with the New Mexico Environment Department on Behalf of the Los Alamos County Relating to the White Rock Wastewater Treatment Plant, Project Number CWSRF 083 and Authorizes the Designation of Official Representatives and Signatory Authorities.**

- D. [11261-18](#) Acceptance of Property Transfer from DOE/NNSA - Parcel A-16-b

**I move that the County accept the quitclaim deeds for the transfer of Parcel A-16-b from the United States Department of Energy / National Nuclear Security Administration. I further move that the County Manager be directed to execute the relevant quitclaim deeds for this parcel.**

- E. [11277-18](#) Consideration of Budget Revision 2019-18

**I move that Council approve Budget Revision 2019-18 as summarized on attachment A and that the attachment be made a part of the minutes of this meeting.**

- F. [11282-18](#) Approval to Submit a E911 Grant Application to the New Mexico Department of Information Technology to Upgrade the 911 System Equipment In The Amount of \$196,758.90.
- I move that Council approve the request to submit a grant application to the New Mexico Department of Information Technology in the amount of \$196,758.90. I further move that Council direct the County Manager to execute the grant agreement upon award by New Mexico Department of Information Technology.
- G. [11291-18](#) County Council Minutes for October 16, 2018
- I move that Council approve the County Council Minutes for October 16, 2018.
- H. [11333-18](#) Award of Bid No. 19-12 for the Purpose of Pajarito Well #5 Motor Control Center Replacement Project with Allied 360 Construction in the Amount of \$337,897.00, plus Applicable Gross Receipts Tax.
- I move that Council approve the Award of Bid No. 19-12 for the Purpose of Pajarito Well #5 Motor Control Center Replacement Project with Allied 360 Construction in the Amount of \$337,897.00 and a contingency in the amount of \$50,000, for a total of \$387,897.00, plus Applicable Gross Receipts Tax.
- I. [11375-18](#) Board/Commission Appointment(s) - Personnel Board.
- I nominate the following individual to the Personnel Board:
1. Kenneth Cleveland {D}, new appointment.
- December 18, 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

## 9. INTRODUCTION OF ORDINANCE(S)

- A. [OR0834-18](#) Introduction of Incorporated County Of Los Alamos Code Ordinance No. 02-290, an Ordinance Amending Chapter 14, Article III, of the Code of the Incorporated County of Los Alamos Pertaining to Cemeteries
- Councilor Chandler introduced, without prejudice, Incorporated County of Los Alamos Ordinance No. 02-290, an Ordinance Amending Chapter 14, Article III, of the Code of the Incorporated County of Los Alamos Pertaining to Cemeteries.

## 10. BUSINESS

A. [P0058-18](#) **Citizen Petition Registering Opposition to the Location of the Bicycles-only Flow Trail Project in Bayo Canyon**

Mr. Louis Schulte, 893 Pine Street, spoke.

Public Comment:  
None.

**A motion was made by Councilor Sheehey, seconded by Councilor Chandler, that Council acknowledge the petition, thank the petitioners for their recommendation and take the action requested.**

**After further discussion Councilor Sheehey withdrew the motion.**

**A motion was made by Councilor Pongratz, seconded by Councilor O'Leary, that Council acknowledge the petition, thank the petitioners for their recommendation and take no further action.**

**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. [RE0387-18](#) Incorporated County of Los Alamos Resolution No. 18 - 25. A Resolution Approving the Application and Petition of Site A-19-A-1 Acquisition Group, LLC, for Formation of the Mirador Public Improvement District**

Mr. Paul Andrus, Community Development Director, spoke.  
Mr. Adam Thornton, Developer, spoke.  
Mr. Mitch Mosesman, 30 Three Sixty Group, spoke.  
Mr. Justin Horowitz, Rodey Law Firm, spoke.  
Mr. Alvin Leaphart, County Attorney, spoke.

**Public Comment:**

Mr. David Sherrill, 201 Canada Way, spoke.  
Mr. Patrick Sullivan, Los Alamos Commerce and Development Corporation, spoke.  
Mr. James Hall, 129 Monte Rey, spoke.  
Ms. Kristy Ortega, 4955 S Sol, spoke.  
Ms. Stacy Gartz, 4 Acoma Lane, spoke.  
Mr. Tony Fox, 428 Cheryl, spoke.  
Mr. David North, 111 La Senda, spoke.

**A motion was made by Councilor Reiss, seconded by Councilor Pongratz, that Council adopt Incorporated County of Los Alamos Resolution No. 18-25, a Resolution Approving the Application and Petition Of Site A-19-A-1 Acquisition Group, LLC, for Formation of the Mirador Public Improvement District.**

**A SUBSTITUTE motion was made by Councilor Sheehey, seconded by Councilor Pongratz, that Council adopt Incorporated County of Los Alamos Resolution No. 18-25, a Resolution Approving the Application and Petition of Site A-19-A-1 Acquisition Group, LLC for Formation of the Mirador Public Improvement District with the following modifications; A1, A2, and A3 be stricken and replaced by 3 members shall be elected Los Alamos County Councilors as appointed by the Council Chair with the initial appointees being Councilor Pongratz, Councilor Reiss, and Councilor Sheehey; section B is amended to state Councilor Reiss, Councilor Sheehey, and Adam Thornton shall serve 6 year terms; and Section C amended to state Councilor Pongratz and Scott Grady shall serve 4 year terms.**

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

**Yes: 5 - Councilor Izraelevitz, Councilor O'Leary, Councilor Pongratz, Councilor Reiss, and Councilor Sheehey**

**No: 2 - Councilor Chandler and Councilor Maggiore**

**The SUBSTITUTE motion passed with the following vote:**

**Yes: 4 - Councilor Sheehey, Councilor Reiss, Councilor O'Leary and Councilor Pongratz**

**No: 3 - Councilor Chandler, Councilor Maggiore and Councilor Izraelevitz**

**RECESS**

Councilor Izraelevitz called for a recess at 8:56 p.m. The meeting reconvened at 9:09 p.m.

Mr. Harry Burgess, County Manager, spoke.

Public Comment:  
None.

A motion was made by Councilor Reiss, seconded by Councilor Sheehey, that Council approve Amendment No. 1 to existing Services Agreement No. AGR18-704, with Blue Cross Blue Shield of New Mexico for Employee Medical Insurance Benefits, in the form attached, and further authorize the use of the Medical Plan Fund to absorb the increase to employee medical insurance premiums for calendar year 2019 only.

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

**11. COUNCIL BUSINESS**



A. [11259-18](#) RCLC Update and Review of Activity

Mr. Eric Vasquez, Executive Director Regional Coalition of LANL (Los Alamos National Lab) Communities spoke.

Public Comment:

None.

A motion was made by Councilor Pongratz, seconded by Councilor Sheehey, that Los Alamos County affirm its support for the Regional Coalition of LANL Communities (RCLC) and direct staff to assist RCLC in its efforts to effect the changes recommended in the State Auditor's report.

The motion passed with the following vote:

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

A motion was made by Councilor O'Leary that Los Alamos County shall cease its role as Fiscal Agent of the RCLC not later than January 1, 2019.

The motion failed for the lack of a second.

A motion was made by Councilor Reiss, seconded by Councilor O'Leary, that Los Alamos County will assist in transferring fiscal agent duties to the RCLC by modification of the JPA (Joint Powers Agreement) should it choose to do so.

After further discussion Councilor Reiss withdrew his motion.

A motion was made by Councilor Izraelevitz, seconded by Councilor Chandler, that the Los Alamos County representative pursue removal of LAC as fiscal agent of the RCLC.

The motion passed with the following vote:

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

A motion was made by Councilor O'Leary that Los Alamos County immediately adopt the State of New Mexico travel, mileage and per diem policies as the sole county policy for travel, mileage and expense reimbursement.

The motion failed for the lack of a second.

A motion was made by Councilor O'Leary, seconded by Councilor Sheehey, that Los Alamos County investigate RCLC expense reimbursements made to Los Alamos County Employees and Elected Representatives since the inception of the RCLC; and further moved when this investigation is concluded, the County Manager will contact any employee or official who received a reimbursement that is not consistent with the travel policy and seek to recover the money; and further moved the County Manager will provide the County Council with a status report every month during his monthly update with the names of the individuals and the amounts due until all funds have been recovered.

The motion passed with the following vote:

Yes: 5 - Councilor Chandler, Councilor Maggiore, Councilor O'Leary, Councilor Pongratz, and Councilor Sheehey

No: 2 - Councilor Izraelevitz and Councilor Reiss

A motion was made by Councilor O'Leary that the County Council Rules Subcommittee recommend modifications to Council Rules to clarify the communication and other responsibilities of any County Councilor who obtains material information about county business; with particular focus on requirements regarding communication to all other County Councilors. These rule amendments will be presented by the County to the full County Council for vote not later than the November 28, 2018 meeting.

The motion failed for the lack of a second.

A motion was made by Councilor Chandler, seconded by Councilor Reiss, that the Council develop and adopt policies that outline the roles of both employees and elected officials regarding their participation in boards and committees external to the regular operations of Los Alamos County; and further moved that Council direct the County Manager to develop materials specific to each of these external boards/committees that will inform the assigned personnel as to the history of the parent organization, any agreements that exist between the organization and the County, the administrative policies of the organization, and any additional information relevant to the participation of County employees and elected officials on such boards/committees.

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

**A. Appointments**

None.

**B. Board, Commission and Committee Liaison Reports**

None.

**C. County Manager's Report**

1) [11297-18](#) County Manager's Report for October 2018

County Manager Harry Burgess reported that staff has worked to address issues with the Library construction.

**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**

None.

**14. ADJOURNMENT**

The meeting adjourned at 10:28 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

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David Izraelevitz, Council Chair

Attest:

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Naomi D. Maestas, County Clerk

Meeting Transcribed by: Victoria L. Martinez, Deputy Clerk