



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, November 13, 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 6:04 p.m.

The following Councilors were in attendance:

Present 4 - Councilor Chandler, Councilor Maggiore, Councilor Sheehey and Councilor Pongratz

Absent 2 - Councilor Reiss and Councilor O'Leary

Remote 1 - Councilor Izraelevitz

Councilor Izraelevitz arrived remotely during the discussion of Item 10.A. at 6:20 p.m.

2. PLEDGE OF ALLEGIANCE

Led by: All.

3. STATEMENT REGARDING CLOSED SESSION

December 18, 2018 Closed Session Motion

A motion was made by Councilor Maggiore, seconded by Councilor Pongratz, that Council approve the following statement for inclusion in the minutes: "The matters discussed in the closed session held on November 5, 2018 that began at 12:00 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: 4 - Councilor Chandler, Councilor Maggiore, Councilor Sheehey and Councilor Pongratz

Absent: 3 - Councilor Izraelevitz, Councilor Reiss and Councilor O'Leary

4. PUBLIC COMMENT

Mr. Greg White, 600 San Ildefonso Apt. 225, thanked the County Clerk's office for their work on the General Election and congratulated all candidates that were successful for the election.

5. APPROVAL OF AGENDA

A motion was made by Councilor Sheehey, seconded by Councilor Pongratz, that the agenda be approved with the following modification; Item 11.C. be moved after Item 9.A.

The motion passed by acclamation with the following vote:

A motion was made by Sheehey, seconded by Pongratz, that the Agenda be approved, as resented/amended.

The motion passed, by acclamation, with the following vote:

Yes: 4 - Councilor Chandler, Councilor Maggiore, Councilor Sheehey and Councilor Pongratz

Absent: 3 - Councilor Izraelevitz, Councilor Reiss and Councilor O'Leary

6. PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

- A. [11275-18](#)** Proclamation declaring Saturday, November 24, 2018 as "Small Business Saturday" in Los Alamos County (accepted by Ryn Herrmann, Chamber of Commerce Director)

Councilor Maggiore read and presented the proclamation to Ms. Ryn Herrmann, Chamber of Commerce Director.

Ms. Herrmann spoke.

7. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

None.

8. CONSENT AGENDA**Consent Motion -**

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

- A. [RE0390-18](#) Incorporated County of Los Alamos Resolution No. 18-26, A Resolution of the Incorporated County of Los Alamos Council Authorizing Application to the New Mexico Department of Transportation (NMDOT) for Federal Fiscal Year 2020/2021 Transportation Alternatives Program (TAP) Funds for the County Wide School Flasher Speed Sign Upgrade Project.

I move that Council approve Incorporated County of Los Alamos Resolution No. 18-26, A Resolution of the Incorporated County of Los Alamos Council Authorizing Application to the New Mexico Department of Transportation (NMDOT) for Federal Fiscal Year 2020/2021 Transportation Alternatives Program (TAP) Funds for the County Wide School Flasher Speed Sign Upgrade Project.

- B. [11355-18](#) County Council Minutes for October 30, 2018

I move that Council approve the County Council Minutes for October 30, 2018.

- C. [11387-18](#) Vacation of Easement Within Lot 264, a Subdivision of Eastern Area No. 2

I move that Council approve the vacation of easement within lot 264, a subdivision of Eastern Area No. 2.

- D. [11391-18](#) Consideration of Budget Revision 2019-25

I move that Council approve Budget Revision 2019-25 as summarized on attachment A and that the attachment be made a part of the minutes of this meeting.

- E. [11400-18](#) Approval of Agreement No. AGR19-921, Los Alamos County, New Mexico Legal Services Agreement between Gallagher & Kennedy, P.A., and the Incorporated County of Los Alamos

I move that the County Council approve Agreement No. AGR19-921, Los Alamos County, New Mexico Legal Services Agreement between Gallagher & Kennedy, P.A., and the Incorporated County of Los Alamos authorizing Gallagher & Kennedy, P.A. to assist the County in its claims for recovery of sums from the State of New Mexico, Taxation and Revenue Department, for unlawful reductions of distributions and transfers of gross receipts tax revenue collected by the State on behalf of the County as provided for in Agreement No. AGR19-921.

November 27, 2018 Consent Motion:

The motion passed with the following vote:

Yes: 4 - Councilor Chandler, Councilor Maggiore, Councilor Sheehey and Councilor Pongratz

Absent: 3 - Councilor Izraelevitz, Councilor Reiss and Councilor O'Leary

9. INTRODUCTION OF ORDINANCE(S)

- A. [CO0539-18](#) **Incorporated County of Los Alamos Code No. 02-292: An Ordinance Repealing Article VII, Safety in Public Places, of Chapter 28, Offenses and Miscellaneous Provisions.**

Councilor Maggiore introduced, without prejudice, Incorporated County of Los Alamos Code Ordinance No. 02-292 and ask staff to assure it is published as provided in the County Charter.

Item 11.C. was to be heard at this point, all parties were not present. Councilor Chandler proposed hearing the item when all parties were present; there were no objections.

10. PUBLIC HEARING(S)

- A. [OR0832-18b](#) Incorporated County Of Los Alamos Ordinance No.688; an Ordinance authorizing the sale of certain County-owned real property within Tract RM to Thirty301, LLC.

Ms. Joanie Ahlers, Economic Development Administrator, spoke.

Mr. Alvin Leaphart, County Attorney, spoke.

Councilor Izraelevitz arrived remotely during the discussion of this Item at 6:20 p.m.

Public Comment:

Mr. Greg White, 600 San Ildefonso Apt. 225, spoke.

A motion was made by Councilor Pongratz, seconded by Councilor Maggiore, that Council adopt Incorporated County Of Los Alamos Ordinance No. 688; an ordinance authorizing the sale of certain county-owned real property within Tract RM to Thirty301, LLC and ask staff to assure it is published as provided in the County Charter.

The motion passed with the following vote:

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

Absent: 2 - Councilor Reiss and Councilor O'Leary

11. BUSINESS (Order changed per approval of agenda motion)

- C. [11405-18](#) Consideration of Resolution No. 18-28, a Resolution of the Incorporated County of Los Alamos In Support of the New Mexico Health Security Act.

Councilor Sheehey spoke.

Ms. Mary Feldblum, Executive Director Health Security Campaign, spoke.

Public Comment:

Dr. Tyler Taylor, 2011 23rd Street Apt. C, spoke.

Mr. Greg White, 600 San Ildefonso Apt. 225, spoke.

A motion was made by Councilor Sheehey, seconded by Councilor Maggiore, that Council approve Resolution No. 18-28, a Resolution in Support of the New Mexico Health Security Act.

The motion passed with the following vote:

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

Absent: 2 - Councilor Reiss and Councilor O'Leary

10. PUBLIC HEARING(S)

- B. [OR0834-18b](#) 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

Mr. Brian Brogan, Community Services Director, spoke.

Public Comment:

Mr. Vernon Kerr, 85 Chiquita, spoke.

A motion was made by Councilor Pongratz, seconded by Councilor Maggiore, that Council adopt 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.

The motion passed with the following vote:

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

Absent: 2 - Councilor Reiss and Councilor O'Leary

11. BUSINESS

- A. [10466-18b](#) Certification of the Canvassing Committee Results of the 2018 General Election.

Ms. Robyn Schultz, Canvass Committee Member, spoke.

A motion was made by Councilor Maggiore, seconded by Councilor Sheehey, that Council accept 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: 5 - Councilor Chandler, Councilor Maggiore, Councilor Izraelevitz, Councilor Sheehey and Councilor Pongratz

Absent: 2 - Councilor Reiss and Councilor O'Leary

- B. [P0059-18](#) **Citizen Petition Requesting Council to Address Reporting of Criminal Activity in Los Alamos County**

Mr. James Whitehead, 200 Camino Encantado, spoke.
Chief Dino Sgambellone, Chief of Police, spoke.

Public Comment:

Ms. Joanne Temple, 2231 34th Street, spoke.
Mr. Greg White, 600 San Ildefonso Apt. 225, spoke.
Mr. Paul Jaramillo, 303 Paige Loop, spoke.
Ms. Amy Storey, 70 Barranca, spoke.

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

The motion passed with the following vote:

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

Absent: 2 - Councilor Reiss and Councilor O'Leary

RECESS

Councilor Chandler called for a recess at 8:23 p.m. The meeting reconvened at 8:34 p.m.

D. [11373-18](#) Proposed Cemetery Fee Schedule

Mr. Brian Brogan, Community Services Director, spoke.

Mr. Alvin Leaphart, County Attorney, spoke.

Public Comment:

None.

A motion was made by Councilor Pongratz, seconded by Councilor Maggiore, that Council approve the Proposed Cemetery Fee Schedule as presented.

The motion passed with the following vote:

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

Absent: 2 - Councilor Reiss and Councilor O'Leary

12. COUNCIL BUSINESS

A. Appointments

1) [11366-18](#) Board/Commission Appointments - Library Board

Mr. Brian Brogan, Community Services Director, spoke.
Mr. Harry Burgess, County Manager, spoke.

A motion was made by Councilor Sheehey to nominate John Gustafson, Whitney Spivey, Kelly Dolejsi, Sarah Nichols and Dana Kline to fill three vacancies on the Library Board as follows:

By roll call vote, Councilors vote for three nominees and the three with the highest vote total of four or more be appointed to fill the vacancies.

Councilor Chandler called for a roll call vote to appoint members to the Library Board:

Councilor's Sheehey, Maggiore, Izraelevitz, Chandler, and Pongratz voted for: John Gustafson

Councilor's Sheehey, Maggiore, Izraelevitz, Chandler, and Pongratz voted for: Whitney Spivey

Councilor's Sheehey, Izraelevitz, and Pongratz voted for: Dana Kline

Councilor's Maggiore and Chandler voted for: Kelly Dolejsi

After a roll call vote Mr. John Gustafson and Ms. Whitney Spivey were appointed to the Library Board.

Councilor Chandler called for a second roll call vote to appoint a third member to the Library Board:

Councilor's Izraelevitz and Pongratz voted for: Dana Kline

Councilor's Sheehey, Maggiore, and Chandler voted for: Kelly Dolejsi

Councilor Chandler called for a third roll call vote to appoint a third member to the Library Board:

Councilor's Izraelevitz, Sheehey, Maggiore, Pongratz, and Chandler voted for: Kelly Dolejsi

After a roll call vote Ms. Kelly Dolejsi was appointed to the Library Board.

B. Board, Commission and Committee Liaison Reports

Councilor Pongratz reported that he will find out when the next Regional Coalition of LANL Communities meeting will be.

Councilor Sheehey reported on the New Mexico Counties Association and the New Mexico Municipal League Board.

C. County Manager's Report

County Manager Harry Burgess reported on the transfer of property to Bethel Development Corporation for affordable housing; a letter of interest from Bethel Development Corporation regarding senior affordable housing; the quarterly financial report; and the implementation of a Wellness Program for employees.

D. Council Chair Report

Council Chair David Izraelevitz advised that he will report on the Energy Communities Alliance meeting that he is attending now at the next meeting.

E. General Council Business

Councilor Pongratz inquired on when a meeting will be held to discuss Council's Legislative Agenda.

F. Approval of Councilor Expenses

None.

G. Preview of Upcoming Agenda Items

None.

13. COUNCILOR COMMENTS

None.

14. PUBLIC COMMENT

None.

15. ADJOURNMENT

The meeting adjourned at 9:07 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