



County of Los Alamos

Minutes

County Council - Regular Session

Los Alamos, NM 87544
www.losalamosnm.us

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

Tuesday, December 18, 2018

6:00 PM

Council Chambers - 1000 Central
Avenue
STREAMED

1. OPENING/ROLL CALL

The Council Chair, David Izraelevitz, called the meeting to order at 6:10 p.m.

The following Councilors were in attendance:

Present 6 - Councilor Maggiore, Councilor Izraelevitz, Councilor Sheehey,
Councilor Chandler, Councilor Reiss and Councilor Pongratz

Absent 1 - Councilor O'Leary

2. PLEDGE OF ALLEGIANCE

Led by: All.

3. STATEMENT REGARDING CLOSED SESSION

December 18, 2018 Closed Session Motion

A motion was made by Councilor Chandler, seconded by Councilor Pongratz, that Council approve the following statement for inclusion in the minutes: "The matters discussed in the closed session held on December 18, 2018 that began 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: 6 - Councilor Maggiore, Councilor Izraelevitz, Councilor Sheehey,
Councilor Chandler, Councilor Reiss and Councilor Pongratz

Absent: 1 - Councilor O'Leary

4. PUBLIC COMMENT

Mr. Patrick Serran, No address given, expressed gratitude to Council for their service to the community.

Ms. Irene Powell, 1732 Ponderosa, spoke regarding the Pueblo Canyon Rim Trail; thanked outgoing Councilors, and wished everyone a happy holiday.

5. APPROVAL OF AGENDA

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

The motion passed by acclamation with the following vote:

Yes: 6 - Councilor Maggiore, Councilor Izraelevitz, Councilor Sheehey, Councilor Chandler, Councilor Reiss and Councilor Pongratz

Absent: 1 - Councilor O'Leary

6. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

None.

7. CONSENT AGENDA**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 in the staff reports be included for the record.

- A. [11357-18](#) County Council Minutes for November 27, 2018 and December 4, 2018

I move that Council approve the County Council Minutes for November 27, 2018 and December 4, 2018.

- B. [11465-18](#) Vacation of Utility Easement within Lot 251B, a Subdivision of North Community No. 1.

I move that Council approve the vacation of utility easement within lot 251B, a Subdivision of North Community No. 1.

December 18, 2018 Consent Motion:

The motion passed with the following vote:

Yes: 6 - Councilor Maggiore, Councilor Izraelevitz, Councilor Sheehey, Councilor Chandler, Councilor Reiss and Councilor Pongratz

Absent: 1 - Councilor O'Leary

8. INTRODUCTION OF ORDINANCE(S)

- A. [CO0542-18](#) Incorporated County of Los Alamos Code Ordinance No. 02-293 Revision No. 2018-01 In Textual Form To The Official Zoning Map of Los Alamos County by Rezoning One (1) County Owned Parcel Consisting Of Approximately 0.739 Acres Or Land And One (1) Privately Owned Parcel Consisting of Approximately 0.447 Acres Of Land: 1) Tract MM-1 From P-L (Public Land) TO C-1 (Light Commercial and Professional Business District); And 2) Tract HH-1B, From R-3-H (Multi Family High Density) To C-1 (Light Commercial and Professional Business District).

Councilor Maggiore introduced, without prejudice, Incorporated County of Los Alamos Ordinance No. 02-293 and ask staff to assure that it is published as provided in the County Charter.

9. PUBLIC HEARING(S)

- A. [OR0840-18b](#) Incorporated County of Los Alamos Ordinance No. 690; An Ordinance Authorizing the Donation of County-Owned Land Being Tract A-8-b at 135 DP Road to Bethel Development, Inc. Conditional to County Approval of Affordable Housing Project "The Bluffs"

Mr. Paul Andrus, Community Development Director, spoke.

Mr. Dan Terlecki, CEO Bethel Development Corporation, spoke.

Public Comment:

None.

A motion was made by Councilor Sheehey, seconded by Councilor Reiss, that Council adopt Incorporated County Of Los Alamos Ordinance No. 690; An Ordinance Authorizing Donation of County-Owned Land Being Tract A-8-b at 135 DP Road to Bethel Development, Inc. Conditional to County Approval of Affordable Housing Project "The Bluffs".

The motion passed with the following vote:

Yes: 6 - Councilor Maggiore, Councilor Izraelevitz, Councilor Sheehey, Councilor Chandler, Councilor Reiss and Councilor Pongratz

Absent: 1 - Councilor O'Leary

10. BUSINESS

- A. [11384-18](#) Contract for General Services, Agreement No. AGR19-29 with Los Alamos Commerce and Development Corporation in the Amount of \$682,690.26, plus Applicable Gross Receipts Tax, for the Purpose of Visitor Center Operation and Management

Ms. Linda Matteson, Assistant to County Manager, spoke.

Public Comment:

Ms. Melissa Arias, 2168 44th Street, spoke.

A motion was made by Councilor Pongratz, seconded by Councilor Reiss, that Council approve Contract for General Services, Agreement No. AGR19-29 with Los Alamos Commerce and Development in the Amount of \$682,690.26, plus Applicable Gross Receipts Tax, for the Purpose of Visitor Center Operation and Management.

The motion passed with the following vote:

Yes: 6 - Councilor Maggiore, Councilor Izraelevitz, Councilor Sheehey, Councilor Chandler, Councilor Reiss and Councilor Pongratz

Absent: 1 - Councilor O'Leary

- B. [AGR0603-18](#) Approval of Services Agreement AGR19-912 with Ferguson Incorporated in the Amount of \$5,559,480.00, Plus Applicable Gross Receipts Tax for Advanced Metering Infrastructure (AMI) Equipment and Services; Approval of the License and Technical Support Agreement with Sensus Incorporated; and Approval of Related Budget Revision 2019-04

Mr. Bob Westervelt, Deputy Utilities Manager, spoke.

Mr. Bob Furlich, AMI Specialist Ferguson Incorporated, spoke.

Mr. Kyle Kopsick, Power Systems Engineering, spoke.

Mr. Alvin Leaphart, County Attorney, spoke.

RECESS

Councilor Izraelevitz called for a recess at 8:28 p.m. The meeting reconvened at 8:41 p.m.

Public Comment:
None.

A motion was made by Councilor Sheehey, seconded by Councilor Pongratz, that Council approve Services Agreement AGR19-912 with Ferguson Incorporated in the amount of \$5,559,480, plus a contingency in the amount of \$971,950 for a total project budget of \$6,531,430.00, plus applicable gross receipts tax; and further moved that Council approve execution of the License and Technical Support Agreement between The Incorporated County of Los Alamos and Sensus Incorporated, funding for which is included in and payable through the Ferguson agreement; and further moved that Council approve budget revision 2019-04 and that it be included in the minutes as an attachment. In addition, further moved at the conclusion of Phase 1 of the project Department of Public Utilities (DPU) analyze and present to Board of Public Utilities and Council the results of the average change in kilowatt hours billed for phase 1 AMI residences compared to change at non AMI residences for the same time periods; and opt out policy developed by DPU must be presented for approval to County Council.

A SUBSTITUTE motion was made by Councilor Maggiore, seconded by Councilor Chandler, that Council approve Services Agreement AGR19-912 with Ferguson Incorporated in the amount of \$5,559,480, plus a contingency in the amount of \$971,950 for a total project budget of \$6,531,430.00, plus applicable gross receipts tax; and further moved that Council approve execution of the License and Technical Support Agreement between The Incorporated County of Los Alamos and Sensus Incorporated, funding for which is included in and payable through the Ferguson agreement; and further moved that Council approve budget revision 2019-04 and that it be included in the minutes as an attachment. In addition, further moved at the conclusion of Phase 1 of the project Department of Public Utilities (DPU) analyze and present to Board of Public Utilities and Council the results of the average change in kilowatt hours billed for phase 1 AMI residences compared to the change at non AMI residences for the same time periods; and an opt out policy developed by Board of Public Utilities must be approved by County Council before the contract goes into effect or can be executed.

The procedural motion regarding the substitute motion passed with the following vote:

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

No: 1 - Councilor Reiss

Absent: 1 - Councilor O'Leary

A SECOND SUBSTITUTE motion was made by Councilor Chandler, seconded by Councilor Pongratz, that Council approve Services Agreement AGR19-912 with Ferguson Incorporated in the amount of \$5,559,480, plus a contingency in the amount of \$971,950 for a total project budget of \$6,531,430.00, plus applicable gross receipts tax; and further moved that Council approve execution of the License and Technical Support Agreement between The Incorporated County of Los Alamos and Sensus Incorporated, funding for which is included in and payable through the Ferguson agreement; and further moved that Council approve budget revision 2019-04 and that it be included in the minutes as an attachment. In addition, further moved that the contract not be executed until Council has approved the Board of Public Utilities opt out policy for this program.

The procedural motion regarding the **SECOND** substitute motion passed with the following vote:

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

No: 1 - Councilor Sheehey

Absent: 1 - Councilor O'Leary

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

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

No: 1 - Councilor Chandler

Absent: 1 - Councilor O'Leary

RECESS

Councilor Izraelevitz called for a recess at 9:59 p.m. The meeting reconvened at 10:11 p.m.

C. [11383-18](#) 2019 State Legislative Agenda.

Mr. Harry Burgess, County Manager, spoke.

Public Comment:
None.

A motion was made by Councilor Reiss, seconded by Councilor Pongratz, that Council adopt the 2019 State Legislative Agenda.

The motion passed with the following vote:

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

Abstain: 1 - Councilor Chandler

Absent: 1 - Councilor O'Leary

11. COUNCIL BUSINESS

A. Appointments

1) [11448-18](#) Board/Commission Appointment(s) - Parks and Recreation Board

A motion was made by Councilor Sheehey to nominate Angela Bratton, William Dai, Robbie Harris, Timothy Johnson, Kendra Keady, Ashley Mathews, and Dina Pesenson to fill four (4) vacancies on the Parks and Recreation Board and move that Council appoint four nominees to the vacant positions as follows:

By roll call vote, Councilors vote for four (4) nominees and the four (4) with the highest vote total of four or more be appointed to fill Parks and Recreation Board terms beginning December 1, 2018, and ending on November 30, 2020.

Councilor Izraelevitz called for a roll call vote to appoint members to the Parks and Recreation Board:

Councilor Pongratz voted for:
Angela Bratton

Councilor's Sheehey, Maggiore, Reiss, Chandler, Izraelevitz, and Pongratz voted for:
Robbie Harris

Councilor's Sheehey, Maggiore, Reiss, Chandler, Izraelevitz, and Pongratz voted for:
Timothy Johnson

Councilor Maggiore voted for:
Kendra Keady

Councilor's Sheehey, Reiss, Chandler, and Izraelevitz voted for:
Ashley Mathews

Councilor's Sheehey, Maggiore, Reiss, Chandler, and Izraelevitz voted for:
Dina Pesenson

After a roll call vote Mr. Robbie Harris, Mr. Timothy Johnson, Ms. Ashley Mathews, and Ms. Dina Pesenson were appointed to the Parks and Recreation Board.

B. Board, Commission and Committee Liaison Reports

None.

C. County Manager's Report

1) [11299-18](#) County Manager's Report for December 2018

County Manager Harry Burgess reported on the orientation for newly elected officials and the swearing in ceremony that will follow.

D. Council Chair Report

Council Chair David Izraelevitz advised that he will be meeting with Mr. Bill Fulingeti, New Mexico Municipal League.

E. General Council Business

- 1) [11382-18](#) Recognition of Outgoing Councilors Chris Chandler, Rick Reiss, Susan O'Leary, and Morris Pongratz.
Councilor Izraelevitz spoke.
Councilor Pongratz spoke.
Councilor Reiss spoke.
Councilor Chandler spoke.

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 10:45 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