



County of Los Alamos

Minutes

County Council – Regular Session

*Denise Derkacs, Council Chair; Theresa Cull, Council Vice-Chair,
Melanee Hand, Suzie Havemann, Keith Lepsch,
David Reagor, and Randall Ryti, Councilors*

Tuesday, February 27, 2024

6:00 PM

Council Chambers – 1000 Central Avenue

1. OPENING/ROLL CALL

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

Moment of Silence in recognition of Former Los Alamos County Councilor, Francis Berting.

Council Chair Derkacs made opening remarks regarding the procedure of the meeting.

Ms. Linda Matteson, Deputy County Manager, listed the county employees in attendance via Zoom.

The following Councilors were in attendance:

**Present: 7– Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann,
Councilor Lepsch, Councilor Reagor, and Councilor Ryti**

2. PLEDGE OF ALLEGIANCE

Led by: All.

3. PUBLIC COMMENT

Ms. Kersti Rock, spoke about the Los Alamos Rose Garden.

Ms. Adelaide Jacobson, spoke.

4. APPROVAL OF AGENDA

A motion was made by Councilor Cull, seconded by Councilor Lepsch, that Council approve the agenda as presented.

The motion passed with the following vote:

**Yes: 7– Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann,
Councilor Lepsch, Councilor Reagor, and Councilor Ryti**

5. PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS

A. Recognition of Retiring County Manager Steven Lynne

Chair Derkacs presented.

Mr. Steven Lynne, County Manager, spoke.

Public Comment:

None.

No action taken.

6. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

Public Comment:

Ms. Joni Arends spoke about agenda items 7.C.

Mr. James Alarid, Deputy Utility Manager – Engineering, spoke.

Mr. Juan Rael, Public Works Director, spoke.

7. CONSENT AGENDA

Consent Motion:

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

A. Approval of Agreement AGR 24-49 to Jaypen Construction, LLC for On-Call Concrete and Other Related Services in an Amount Not to Exceed \$4,000,000.00 for the Agreement Plus Applicable Gross Receipts Tax Over a Seven Year Period.

I move that Council approve Agreement AGR 24-49 to Jaypen Construction, LLC, Inc. for On-Call Concrete and Other Related Services in an Amount Not to Exceed \$4,000,000.00 for the Agreement Plus Applicable Gross Receipts Tax Over a Seven Year Period.

B. Approval of Services Agreement No. AGR 24-14 with Brainier Solutions, Inc., in the total not-to-exceed amount of \$942,250.00, plus applicable gross receipts tax, for the purpose of an eLearning Management Software System.

I move that Council approve Services Agreement No. AGR 24-14 with Brainier Solutions, Inc., in the amount of \$942,250.00, plus applicable gross receipts tax, for the purpose of an eLearning Management Software System.

C. Approval of Services Agreement No. AGR24-39a with Transmission & Distribution Services, LLC.

I move that Council approve these on-call utilities construction services contracts in the following amounts, plus applicable gross receipts tax: AGR24-39a with Transmission & Distribution Services LLC., in an amount not to exceed \$7,000,000.00 over seven years; and AGR24-39b with SGS LLC., in an amount not to exceed \$7,000,000.00 over seven years.

D. Board/Commission Appointment (s) - Transportation Board.

I move that Council reappoint Michael Altherr to fill one of four vacancies on the Transportation Board that will expire on February 28, 2026.

E. Committee Appointment(s) - Los Alamos County Health Council.

I move that Council appoint Celeste Raffin to the Los Alamos County Health Council for a term beginning on February 27, 2024 and ending on January 6, 2026.

F. Boards and Commissions Appointments - Personnel Board.

I move that Council reappoint David Hampton to fill one vacancy on the Personnel Board to begin on April 1, 2024 and end on March 31, 2027 (his current appointment will expire on March 31, 2024); and that Council appoint Sarah Hoover to the Personnel Board for a term to begin on April 1, 2024 and end on March 31, 2027.

I further move Council acknowledge that David Hampton intends to continue serving on the Transportation Board and Planning and Zoning Commission while serving on the Personnel Board, Council finds these three positions are not incompatible, Council approves of him serving concurrently on three boards, and hereby reappoints David Hampton to the Personnel Board.

Approval of the Consent Agenda: The motion passed with the following vote:

Yes: 7 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

8. INTRODUCTION OF ORDINANCE(S)

- A.** Introduction of Incorporated County of Los Alamos Ordinance No. 730 An Ordinance Ratifying and Authorizing Amendment of a Lease with Cellco Partnership, d/b/a Verizon Wireless for Replacement of Existing Antenna Collocation and Facilities at 280 North Mesa Road, Los Alamos, on the North Mesa Water Tower

This item has been moved to the March 5, 2024 Council Meeting.

9. PUBLIC HEARING(S)

- A.** Incorporated County of Los Alamos Ordinance No. 24-728, An Ordinance Authorizing the Execution and Delivery of a Water Project Fund Loan/Grant Agreement By and Between the New Mexico Finance Authority (“NMFA”) and the Incorporated County of Los Alamos, New Mexico.

Mr. James Alarid, Deputy Utility Manager – Engineering, spoke.

Public Comment:
None.

A motion was made by Councilor Ryti, seconded by Councilor Cull, that Council adopt Incorporated County of Los Alamos Ordinance No. 24-728; An Ordinance Authorizing the Execution and Delivery of a Water Project Fund Loan/Grant Agreement By and Between the New Mexico Finance Authority ("NMFA") and the Incorporated County of Los Alamos, New Mexico and ask staff to assure that it is published as provided in the County Charter. I further move that, upon passage, the Ordinance be published in summary form.

The motion passed with the following vote:

Yes: 7 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

- B. Incorporated County of Los Alamos Resolution No. 24-05; A Resolution Certifying the 2023 Annual Road Mileage for the New Mexico Department of Transportation.

Mr. Juan Rael, Public Works Director, presented.

Public comment:
None.

A motion was made by Councilor Cull, seconded by Councilor Ryti, that Council certify the Incorporated County of Los Alamos Resolution No. 24-05; A resolution certifying the 2024 Road Mileage as presented and authorize submittal to the New Mexico Department of Transportation.

The motion passed with the following vote:

Yes: 7–Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

- C. New Liquor License Application, Restaurant A Liquor License, filed by Applicant, China Palace Zhang, LLC. d/b/a China Palace Restaurant, 121 Central Park Square, Los Alamos, NM 87544.

Mr. Steven Lynne, County Manager, spoke.

Public comment:
None.

A motion was made by Councilor Ryti, seconded by Councilor Lepsch, that Council approve New Liquor License and Application, filed by Applicant China Palace Zhang, LLC. dba China Palace Restaurant.

The motion passed with the following vote:

Yes: 7– Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

10. BUSINESS

- A. Award of Bid No. 24-43 in the Amount of \$633,835 plus Applicable Gross Receipts Tax to Summit Electric Supply for the Wayfinding Sign Poles and Hardware project, Establish a Project Budget in the Amount of \$700,000, and Approve Related Budget Revision 2024-53.

Mr. Eric Ulibarri, County Engineer, presented.
Mr. Juan Rael, Public Works Director, spoke.

Public Comment:
None.

A motion was made by Councilor Ryti, seconded by Councilor Hand, that Council award Bid No. 24-43 in the Amount of \$633,835 plus Applicable Gross Receipts Tax to Summit Electric Supply for the Wayfinding Sign Poles and Hardware project; Establish a Project Budget in the Amount of \$700,000, and Approve Related Budget Revision 2024-53.

The motion passed with the following vote:

Yes: 7–Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

- B. Regional Activities Update and Possible Action

Mr. Steven Lynne, County Manager, spoke.
Ms. Danielle Duran, Intergovernmental Affairs Manager, presented.

Public Comment:
None.

Chair Derkacs moved that Council direct the County Manager to further develop the regional activities recommended budget options as part of the FY25 Proposed Budget.

After further Councilor discussion, the motion was restated as follows. There were no objections.

An amended motion was made by Chair Derkacs, seconded by Councilor Hand, that Council direct the County Manager to include the regional activities recommended budget options as discussed and modified tonight as part of the FY25 Proposed Budget.

The amended motion passed with the following vote:

Yes: 7– Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

Councilor Derkacs called for a recess at 8:10 p.m. The meeting reconvened at 8:21 p.m.

- C. Approval of the Power Purchase Agreement between Foxtail Flats Solar, LLC, and the Incorporated County of Los Alamos, New Mexico, and approval of the Energy Storage Agreement between Foxtail Flats Storage, LLC, and the Incorporated County of Los Alamos, New Mexico.

Mr. Ben Ulrich, Deputy Utility Manager for Power Supply, presented.
Mr. Noah Eckert, Director D. E. Shaw Renewal Energy Investments, presented.

Public Comment:

Mr. Philip Gursky, Los Alamos County Health Council, spoke.

Mr. Robert Gibson, Chairman of the Public Utilities Board, spoke.

Mr. James Wernicke, spoke.

Ms. Joni Arends, spoke.

A motion was made by Councilor Cull, seconded by Councilor Havemann, moved that Council approve the Power Purchase Agreement between Foxtail Flats Solar, LLC, and the Incorporated County of Los Alamos, New Mexico, and approve the Energy Storage Agreement between Foxtail Flats Storage, LLC, and the Incorporated County of Los Alamos, New Mexico.

Yes: 7–Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Rytí

D. Discussion and Possible Action on the 2023 Market Study and Updated FY2024 Salary Plan

Mr. Steven Lynne, County Manager, spoke.

Public Comment:

None

A motion was made by Councilor Lepsch, seconded by Councilor Cull, that Council approve the updated FY2024 Salary Plan.

The motion passed with the following vote:

Yes: 7–Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Rytí

11. COUNCIL BUSINESS

A. General Council Business

None.

B. Board/Commission Appointments - Historic Preservation Advisory Board.

Councilor Havemann presented.

Ms. Sobia Sayeda, Planning Manager, spoke.

Public Comment:

None.

A motion was made by Councilor Cull, seconded by Councilor Rytí, to nominate Patrick Moore, Carrie Gregory, Stephanie Yeaman and Patrick Cruz to fill three vacancies on the Historic Preservation Advisory Board with two term positions beginning on September 30, 2023 and ending on October 1, 2026; and one term position beginning on May 1, 2023 and ending on April 30, 2026.

By roll call vote, Councilors will vote for three (3) nominees and the two [2] with the highest votes total of four or more will be appointed to fill terms beginning on September 30, 2023 and ending on October 1, 2026; and the nominee receiving the next highest votes of four [4] or more will be appointed to the term beginning on May 1, 2023 and ending on April 30, 2026;

Councilor Cull seconded by Councilor Ryti called for a roll call vote to appoint members to the Historic Preservation Advisory Board:

Councilors Cull; Reagor, Hand, Derkacs, Lepsch, Ryti and Havemann, voted for:
Patrick Moore

Councilors Cull; Hand, Derkacs, Lepsch, Ryti and Havemann, voted for:
Carrie Gregory

Councilors Cull; Reagor, Hand, Derkacs, Lepsch, Ryti and Havemann, voted for:
Patrick Cruz

Councilor Reagor voted for:
Stephanie Yeamans

After a roll call vote, Mr. Patrick Moore, Ms. Carrie Gregory and Mr. Patrick Cruz were appointed. Ms. Carrie Gregory was appointed to the term beginning on May 1, 2023 and ending on April 30, 2026.

C. Board and Commission Vacancy Report

No report.

D. Board, Commission and Working Group Reports

Councilor Reagor reported on the Planning and Zoning Board.

Councilor Havemann reported on the Historic Preservation Advisory Board.

Councilor Cull reported on the Nuisance Code Implementation Review Taskforce.

Councilor Ryti reported on the Environmental Sustainability Board and the Parks and Recreation Board.

E. County Manager's Report for January 2024

Mr. Steven Lynne, County Manager, reported on the New Mexico Environment Department, Los Alamos Housing Project changes, Los Alamos Day at the Legislature, the Bee City National Organization application approval, and the transition to new County Manager Anne Laurent.

F. Council Chair Report

Councilor Derkacs reported about the State and Regional Working Group participated in the preview of the Council's portion of the FY25 budget, previewed the Legistar comment feature, participated in the agenda setting meeting, and participated in the Los Alamos Day at the Legislature.

G. Approval of Councilor Expenses

None.

H. Preview of Upcoming Agenda Items

Councilor Derkacs announced there will be an Update on Greenhouse Gas Emissions Study and Climate Action Plan and March 19, 2024, and an update on the North Mesa Housing project.

12. COUNCILOR COMMENTS

None.

13. ADJOURNMENT

The meeting adjourned at 10:28 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

Denise Derkacs, Council Chair

Attest:

Naomi D. Maestas, County Clerk

Meeting Transcribed by: Marie Pruitt, Deputy Clerk