



County of Los Alamos

Los Alamos, NM 87544
www.losalamosnm.us

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, November 19, 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.

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: 5 – Councilor Derkacs, Councilor Cull, Councilor Havemann,
Councilor Reagor, and Councilor Ryti**

Remote: 1 – Councilor Lepsch

Absent: 1 – Councilor Hand

2. **PLEDGE OF ALLEGIANCE**

Led by: All:

3. **PUBLIC COMMENT**

Ms. Katie Rosenbaum spoke.

Mr. Gary Stradling spoke.

Mr. Antonio Maggiore spoke.

Ms. Carol Bronisz spoke.

Mr. Aaron Walker spoke.

See eComments attachment for this item.

4. APPROVAL OF AGENDA

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

The motion passed with the following vote:

**Yes: 6 – Councilor Derkacs, Councilor Cull, Councilor Havemann,
Councilor Lepsch, Councilor Reagor, and Councilor Ryti**

Absent: 1 – Councilor Hand

5. PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

A. Proclamation Designating November 30, 2024, as "Small Business Saturday"

Councilor Havemann read and presented the proclamation.

Ms. Sandy Jones, Chamber of Commerce Director, spoke.

B. Proclamation Designating December 3rd, 2024, as Giving Tuesday

Councilor Cull read and presented the proclamation.

Mr. Pat Soran, Los Alamos County Community Foundation President, spoke.

C. Briefing to Council by Jen Olsen, Chair of the Lodgers' Tax Advisory Board

Ms. Jennifer Olsen, Chair of the Lodgers' Tax Advisory Board, presented.

Public Comment:

Mr. Allan Saenz spoke.

Ms. Brandi Engeman spoke.

Ms. Irene Powell spoke.

No action taken.

6. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

Mr. Antonio Maggiore commented on Items 7.A and 7.B.

7. CONSENT AGENDA

Consent Motion:

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

Mr. Cory Styron, Community Services Director, commented on Item 7.A.

- A. Award of Bid No. 25-18 in the Amount of \$3,516,908.00, plus Applicable Gross Receipts Tax, to Rio Grande Landscapes, LLC for the Renovation of Athletic Fields Project and the Related Budget Revision No. 2025-20

I move that Council approve Bid IFB No. 25-18 in the Amount of \$3,516,908, plus Applicable Gross Receipts Tax, to Rio Grande Landscapes, LLC for the Renovation of Athletic Fields and I further authorize the County Manager to execute the annual Job Orders for the applicable project year in accordance with the terms and conditions detailed in IFB No. 25-18.

I further move that Council approve the related Budget Revision No. 2025-20 as summarized on Attachment C and the attachment be made a part of the minutes of this meeting.

- B. Approval of Amendment No. 1 of Agreement No. AGR23-53 with LSP Data Solutions to Increase the Original Amount not to exceed Three Hundred Fifty Thousand (\$350,000) to Six Hundred Thirty Thousand (\$630,000), plus applicable New Mexico Gross Receipts Taxes (NMGRT), for e-Discovery Services and Expertise in Response to Information of Public Request Act (IPRA) and of IPRA: NMSA 1978, 14-2-1

I move that Council approve Amendment No. 1 to Agreement No. AGR23-53 with LSP Data Solutions to Increase the total compensation amount not to exceed Six Hundred Thirty Thousand (\$630,000), plus applicable New Mexico Gross Receipts Taxes (NMGRT), for e-Discovery services and expertise in response to Information of Public Request Act (IPRA) and of IPRA: NMSA 1978, 14-2-1.

The motion passed with the following vote:

Yes: 6 – Councilor Derkacs, Councilor Cull, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

Absent: 1 – Councilor Hand

8. PUBLIC HEARING(S)

- A. Incorporated County of Los Alamos Ordinance No. 02-363, an Ordinance to amend minor errors and omissions in Chapter 16: Development Code, Article I, Division 4 (r) and Division 12 (b) and (c); and Article IV, Sections 16-20(e), 16-30(a)(2) and (a)(4), 16-45(d) and (e), 16-48(a) and (b), 16-53(d), 16-58, 16-61(b), and 16-66(d)

Ms. Jane Mathews, Senior Planner, presented.

Public comment:

See eComments attachment for this item.

A motion was made by Councilor Cull, seconded by Councilor Havemann, that the County Council adopt Incorporated County of Los Alamos Ordinance No. 02-363 as presented in Attachment D.

The motion passed with the following vote:

Yes: 6 – Councilor Derkacs, Councilor Cull, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

Absent: 1 – Councilor Hand

9. BUSINESS

- A. Contract for General Services, Agreement No. AGR24-46a with Bonfire Engineering & Construction LLC in the Amount of \$35,000,000, plus Applicable Gross Receipts Tax, for the Purpose of Designing and Building a County-Owned Fiber-to-the-Premise Open Access Network

Ms. Anne Laurent, County Manager, spoke.

Mr. Jerry Smith, Broadband Manager, presented.

Mr. Derrill Rodgers, Deputy Chief Purchasing Officer, spoke.

Ms. Helen Perraglio, Administrative Services Department Director, spoke.

Mr. Brian Hollister, CEO, Bonfire Fiber LLC, spoke.

RECESS:

Chair Derkacs called for a recess at 8:35 p.m. The meeting reconvened at 8:47 p.m.

Public comment:

Mr. Andy Fraser spoke.

Ms. Dianne Lindstrom spoke.

Mr. Antonio Maggiore spoke.

Mr. Ovidiu Viorica spoke.

Mr. Mark Devolder spoke.

Ms. Alice Skehan spoke.

Dr. Lisa Shin spoke.

Mr. Aaron Walker spoke.

Mr. Allan Saenz spoke.

Mr. Gary Stradling spoke.

Mr. Kevin Holsapple spoke.

Ms. Shannon C'de Baca spoke.

Ms. Brandi Engeman spoke.

Ms. Anna Dillane spoke.

Mr. Scott Lopez spoke.

Ms. Akkana Peck spoke.

Mr. James Wernicke spoke.

Mr. Lawrence Bronisz spoke.

See eComments attachment for this item.

A motion was made by Councilor Cull, seconded by Councilor Havemann, that Council approve Contract for General Services, Agreement No. AGR24-46a with Bonfire Engineering & Construction LLC in the Amount of \$35,000,000, plus Applicable Gross Receipts Tax, for the Purpose of designing and building a county-owned fiber-to-the-premise open access network.

The motion passed with the following vote:

**Yes: 6 – Councilor Derkacs, Councilor Cull, Councilor Havemann,
Councilor Lepsch, Councilor Reagor, and Councilor Ryti**

Absent: 1 – Councilor Hand

- B.** Contract for General Services, Agreement No. AGR 24-46b with Bonfire Fiber LLC in the Amount of \$15,900,000, plus Applicable Gross Receipts Tax, for the Purpose of Managing the Fiber-to-the-Premise Open Access Network

The presentation for Item 9.A included information about this item.

Public Comment:

Included in Public Comment for Item 9.A.

See eComments attachment for this item.

A motion was made by Councilor Cull, seconded by Councilor Havemann, that Council approve Contract for General Services, Agreement No. AGR 24-46b with Bonfire Fiber LLC in the Amount of \$15,900,000, plus Applicable Gross Receipts Tax, for the Purpose of managing the Fiber-to-the-Premise open access network.

The motion passed with the following vote:

Yes: 6 – Councilor Derkacs, Councilor Cull, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

Absent: 1 – Councilor Hand

- C.** Consideration of Purchase Agreement for Real Property Located at 1183, 1377, and 1399 Diamond Drive in the Amount \$9,850,000

Ms. Anne Laurent, County Manager, presented.

Mr. Alvin Leaphart, County Attorney, spoke.

Public Comment:

Ms. Carolyn Cowan spoke.

Ms. Shannon C'de Baca spoke.

Mr. Mark DeVolder spoke.

Ms. Brandi Engeman spoke.

Ms. Elizabeth Jacob spoke.

Mr. Aaron Walker spoke.

Mr. Antonio Maggiore spoke.

Mr. Phil Gursky spoke.

Dr. Lisa Shin spoke.

Mr. Gary Stradling spoke.

Mr. Kevin Holsapple spoke.

Mr. Allan Saenz spoke.

Ms. Anna Dillane spoke.

Mr. Lawrence Bronisz spoke.

Mr. James Wernicke spoke.

See eComments attachment for this item.

A motion was made by Councilor Reagor, seconded by Councilor Cull, that Council reject the Purchase Agreement for real property located at 1183, 1377 and 1399 Diamond Drive.

The motion failed with the following vote:

Yes: 1 – Councilor Reagor

No: 5 – Councilor Derkacs, Councilor Cull, Councilor Havemann, Councilor Lepsch, and Councilor Ryti

Absent: 1 – Councilor Hand

A motion was made by Councilor Cull, seconded by Councilor Ryti, that Council continue this hearing at the next Council meeting.

The motion passed with the following vote:

Yes: 6 – Councilor Derkacs, Councilor Cull, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

Absent: 1 – Councilor Hand

10. COUNCIL BUSINESS

Items 10 A-H and 11 were scheduled for consideration at this time. Chair Derkacs proposed skipping these items due to the late hour. There were no objections.

11. COUNCILOR COMMENTS

Skipped due to the late hour.

Ms. Anne Laurent, County Manager, commented that if Councilors want to attend the Better Informed Public Officials training being held December 10th – 12th to let her, Jackie Salazar, or Linda Matteson know.

12. ADJOURNMENT

The meeting adjourned at 11:20 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

Denise Derkacs
Denise Derkacs, Council Chair

Attest:
Naomi D. Maestas
Naomi D. Maestas, County Clerk



Meeting Transcribed by: Casey Salazar, Deputy Clerk



LOS ALAMOS COUNTY, NM
NAOMI D. MAESTAS COUNTY CLERK
LACF24-0925 Pages: 27
12/04/2024 04:44:22 PM
Allison Collins

County Council - Regular Session on 2024-11-19 6:00 PM

Meeting Time: 11-19-24 18:00

eComments Report

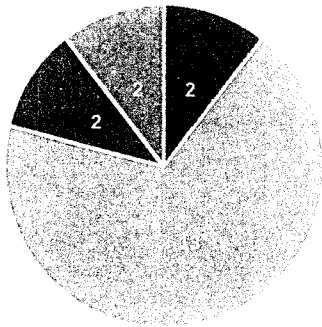
Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
County Council - Regular Session on 2024-11-19 6:00 PM	11-19-24 18:00	35	19	2	13	2

Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment

Support (10%) Oppose (68%) Neutral (10%)
 No Response (10%)



County Council - Regular Session on 2024-11-19 6:00 PM
 11-19-24 18:00

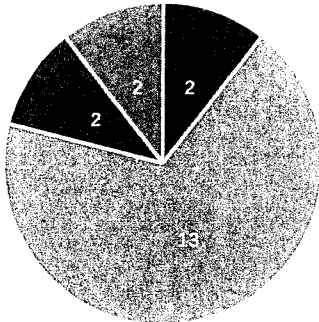
Agenda Name	Comments	Support	Oppose	Neutral
3. PUBLIC COMMENT	1	1	0	0
B. CO0704-24b Incorporated County of Los Alamos Ordinance No. 02-363, an Ordinance to amend minor errors and omissions in Chapter 16: Development Code, Article I, Division 4 (r) and Division 12 (b) and (c); and Article IV, Sections 16-20(e), 16-30(a)(2) and (a)(4), 16-45(d) and (e), 16-48(a) and (b), 16-53(d), 16-58, 16-61(b), and 16-66(d).	2	0	2	0
A. AGR1082-24 Contract for General Services, Agreement No. AGR24-46a with Bonfire Engineering & Construction LLC in the Amount of \$35,000,000, plus Applicable Gross Receipts Tax, for the Purpose of Designing and Building a County-Owned Fiber-to-the-Premise Open Access Network	6	1	4	1
B. AGR1083-24 Contract for General Services, Agreement No. AGR 24-46b with Bonfire Fiber LLC in the Amount of \$15,900,000, plus Applicable Gross Receipts Tax, for the Purpose of Managing the Fiber-to-the-Premise Open Access Network	3	0	2	0
C. 19365-24 Consideration of Purchase Agreement for Real Property Located at 1183, 1377, and 1399 Diamond Drive in the Amount \$9,850,000	7	0	5	1

Sentiments for All Agenda Items

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment

Support (10%) Oppose (68%) Neutral (10%)
 No Response (10%)

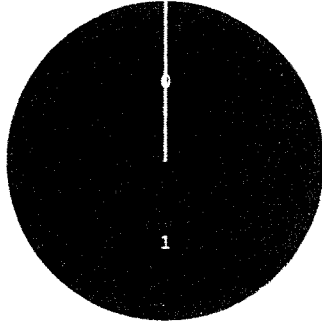


Regular Session
November 19, 2024
eComments for Items 3, 8.A, 9.A,
9.B, & 9.C

Agenda Item: eComments for 3. PUBLIC COMMENT

Overall Sentiment

Support (100%) Oppose (0%) Neutral (0%)
No Response (0%)



dean decker

Location:

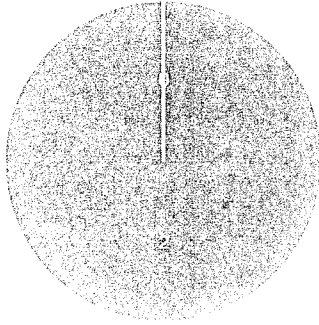
Submitted At: 1:12am 11-18-24

The purchase of the properties across from the high school and close to UNM – LA seems like a good Idea and good spot in town to consolidate social services activities.

Agenda Item: eComments for B. CO0704-24b Incorporated County of Los Alamos Ordinance No. 02-363, an Ordinance to amend minor errors and omissions in Chapter 16: Development Code, Article I, Division 4 (r) and Division 12 (b) and (c), and Article IV, Sections 16-20(e), 16-30(a)(2) and (a)(4), 16-45(d) and (e), 16-48(a) and (b), 16-53(d), 16-58, 16-61(b), and 16-66(d).

Overall Sentiment

Support (0%) Oppose (100%) Neutral (0%)
No Response (0%)



Paul Cunningham

Location:
Submitted At: 11:13am 11-19-24

There has been little or no public involvement in this proposed action. Is there a plan for the use of this property other than a vague reference to social services. Why is this the preferred site for consolidated social services. What are the benefits of this site compared too other options with regard to cost and community accessibility? It is not clear that any real thought has gone into this proposal.

Kevin Holsapple

Location:
Submitted At: 5:52pm 11-16-24

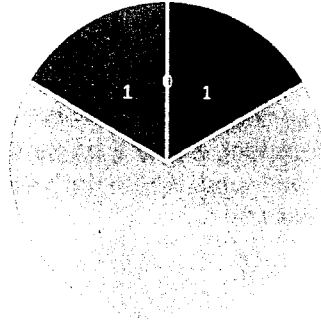
I oppose making it easier to rezone open space. If anything, it should be more difficult to do.

Los Alamos County Council
Regular Session
November 19, 2024
eComments for Items 3, 8.A, 9.A,
9.B, & 9.C

Agenda Item: eComments for A. AGR1032-24 Contract for General Services, Agreement No. AGR24-49a with Bonfire Engineering & Construction LLC in the Amount of \$35,900,000, plus Applicable Gross Receipts Tax, for the Purpose of Designing and Building a County-Owned Fiber-optic/Fiber-to-the-Home Open Access Network

Overall Sentiment

Support (16%) Oppose (66%) Neutral (16%)
No Response (0%)



Chris Olsen

Location:

Submitted At: 11:48am 11-19-24

Overall I am a proponent of this effort. Our community is underserved by our current internet providers - the exception being LANet which I believe provides excellent service given the lack of network infrastructure in our county. However, this project has been decades in the making and the attached proposal lacks a lot of details I would like to see. What are the absolute goals and deliverables? The agenda packet is 119 pages of mostly circuit and utility pole details.

Akkana Peck

Location:

Submitted At: 7:17pm 11-18-24

I hope you will vote to move this forward. It's been years in the making. Let's not lose this chance to move our county's network connections into the 21st century.

Several people have expressed concern about taking revenues away from local businesses; but there are no local businesses that provide broadband (federally defined as 100+ Mbps) to homes throughout the county. In response to Es Daly, you can't choose a house based on available connection speed: that information isn't available.

Jason Morris

Location:

Submitted At: 6:14pm 11-18-24

Oppose, this is a major investment that needs to be well planned before implementation. Other communities have attempted to install local area broadband and it has negatively affected tax payers with increased taxes to support ongoing maintenance and operations once the install is complete. I would put forward if this is being done to fix a "digital divide" in Los Alamos, let's take a more nuanced approach with specific goals and objectives,

focused on the areas that need the support.

Es Daly

Location:
 Submitted At: 3:38pm 11-18-24

What problem are we solving that would require \$2000 per man, woman, and child based on a 20,000 population? This directly competes with existing businesses. Given that the infrastructure will be reused outages during wind events and tree cutting and removal will continue. For areas not served by cable remember people chose to live there and Starlink is an option for them. The county offers free internet in all its public buildings. Bury the infrastructure, not increase the internet speed.

David Hampton

Location:
 Submitted At: 4:37pm 11-17-24

Chair Derkacs and Councilors, I propose that we delay a decision on this contract by at least 6 months until we better understand what LANL funding will look like under our new government, and the consequential reduction in NMGRT from LANL to LAC. It seems there are possibilities that DOGE will reduce funding, plus there are thoughts that all non-pit work might be relocated from Los Alamos. Thank you.

Kevin Holsapple

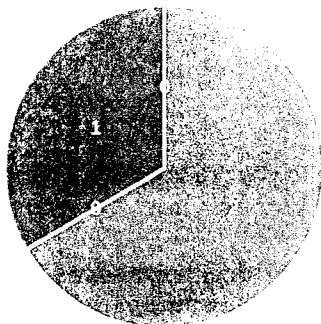
Location:
 Submitted At: 5:55pm 11-16-24

I oppose approval without any serious attempt at engaging public discussion and input. I emailed the Council to explain my concerns and suggest the need for public engagement prior to taking action.

Agenda Item eComments for B. AGR 1007-24 Contract for General Services, Agreement No. AGR 24-48b with Frontier Fibert LC in the Amount of \$15,900,000, plus Application Gross Receipts Tax, for the Purpose of Managing the Fiber-to-the-Premise Open Access Network

Overall Sentiment

Support (0%) Oppose (66%) Neutral (0%)
 No Response (33%)



Jason Morris

Location:

Submitted At: 6:16pm 11-18-24

Opposed for the reason that this is a significant outlay of funds that needs more time to be reviewed by the tax payers.

David Hampton

Location:

Submitted At: 4:38pm 11-17-24

Chair Derkacs and Councilors, I propose that we delay a decision on this contract by at least 6 months until we better understand what LANL funding will look like under our new government, and the consequential reduction in NMGR from LANL to LAC. It seems there are possibilities that DOGE will reduce funding, plus there are thoughts that all non-pit work might be relocated from Los Alamos. Thank you.

Kevin Holsapple

Location:

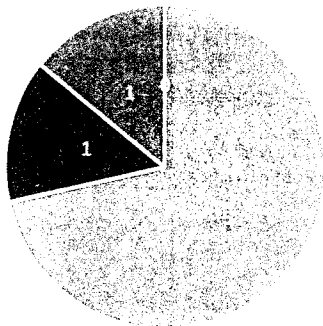
Submitted At: 5:55pm 11-16-24

I oppose approval without any serious attempt at engaging public discussion and input. I emailed the Council to explain my concerns and suggest the need for public engagement prior to taking action.

Agenda Item 9.C Comments for C. 1936-21 Consideration of Purchase Agreement for Real Property Located at 1183, 1277, and 1399 Diamond Drive in the Amount \$9,650,000

Overall Sentiment

Support (0%) Oppose (71%) Neutral (14%) No Response (14%)



Chris Olsen

Location:

Submitted At: 11:57am 11-19-24

I feel like this proposal came out of nowhere and now is being voted on in a hurry. I am unclear as to what a "Social Services Hub" is and I don't understand why it's important for it to be located on these plots of property. What is lacking in this area of our community is retail space and services. What used to be a grocery store/gas station/garage/restaurant/etc shouldn't just be converted to another "county owned facility". Converting LAPS owned property to this purpose makes more sense.

Paul Cunningham

Location:

Submitted At: 11:14am 11-19-24

There has been little or no public involvement in this proposed action. Is there a plan for the use of this property other than a vague reference to social services. Why is this the preferred site for consolidated social services. What are the benefits of this site compared too other options with regard to cost and community accessibility? It is not clear that any real thought has gone into this proposal.

Jason Morris

Location:

Submitted At: 6:27pm 11-18-24

This is a significant outlay of funds and this decision needs more time for taxpayer review. Currently, Los Alamos already has issues supporting established businesses in that we have little to no available staff to run them. I would much rather see these funds spent on the current businesses in Los Alamos to revitalize their buildings, ADA compliance, and more. Downtown revitalization and renovation should be the focus, at a minimum.

Ann Perkins

Location:

Submitted At: 5:04pm 11-18-24

The public needs more information- Please Council members ask questions! What is the plan? How much will it cost- not only the land purchase but the development? Why is this now for sale? Morning Glory was put out of business and now the County is supposed to buy from whom? What kind of profit will they make? Is this the same as with CB Fox and Reel Deal theater? Outside party buys and then wants to sell back to the County at a profit? Where will the other remaining businesses go?

Frank Zan

Location:

Submitted At: 1:01pm 11-18-24

Last minute notice, a 30 day agreement already drafted, 7 "pages" of bare minimum presentation & a 1 line item Budget entry. Where is the cash flow analysis of what amounts to a commercial real estate transaction with tenants? Where are projections to account for potential reduction in GRT? Where is the analysis of a retail/housing component & impact on neighborhood residents? Maybe I missed it but I haven't seen any information or public engagement on this proposal. So many questions.

David Hampton

Location:

Submitted At: 4:39pm 11-17-24

Chair Derkacs and Councilors, I propose that we delay a decision on this contract by at least 6 months until we better understand what LANL funding will look like under our new government, and the consequential reduction in NMGRT from LANL to LAC. It seems there are possibilities that DOGE will reduce funding, plus there are thoughts that all non-pit work might be relocated from Los Alamos. Thank you.

Kevin Holsapple

Location:

Submitted At: 6:05pm 11-16-24

I am unaware of any attempt by the County to explain this proposal or engage public opinion and input. This showed up out of the blue late on Friday and the staff seems to suggest that the Council rubber stamp it. Nothing in the staff report provides any useful information about how why use of economic development funds is rational and those funds are not appropriate for this purpose. There is no economic development project described. The County does not belong in the landlord business.

Budget Revision 2025 -20

Council Meeting Date: 11/19/2024

	Fund & Department	Org	Object	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
1	Capital Improvement Project/Ball Fields	CP7020	7601			\$ 4,000,000	\$ 4,000,000
2	Capital Improvement Project/Ball Fields	CP7020	8369		\$ 4,000,000		\$ (4,000,000)
3	General Fund/Transfer Out	01140195	9631			\$ (4,000,000)	\$ (4,000,000)
4							
5							
6							
7							
8							
9							
10							
<p>Description: AGR25-18 is a three year contract to renovate 11 athletic fields. Projected funds from CP7020 for FY26 and FY27 need to be adjusted to FY25 to cover this contract as well as AGR24-75 Artificial Turf Study and the Task Order for the Water Study, reducing the projected CP7020 budget for FY26 and FY27 to zero.</p>							
<p>Fiscal Impact: \$4,000,000</p>							

Chelsea Ashcraft _____
Date

Anne W. Laurent _____
Signed

Cory Styron _____

Erika Thomas _____
Analyst

Los Alamos County Council
Regular Session
November 19, 2024
Attachment C for Item 7.A

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-363

**A CODE ORDINANCE AMENDING CHAPTER 16, DEVELOPMENT CODE,
ARTICLE I, DIVISION 4 (r), AND DIVISION 12 (b) AND (c), ARTICLE IV,
SECTIONS, 16-20(e), 16-30(a)(2) AND (a)(4), 16-45(d) AND (e), 16-48(a) AND
(b), 16-53(d), 16-58, 16-61(b), AND 16-66(d)**

WHEREAS, the Incorporated County of Los Alamos, New Mexico ("County") is a home rule county possessing the full power of local self-government pursuant to Article X, Sections 5 and 6 of the New Mexico Constitution, NMSA 1978, Chapters 3, 4 and 5, and County's Home Rule Charter; and

WHEREAS, pursuant to the New Mexico Statutes Annotated 1978, Chapter 3, Articles 19, 21, and 26, *et seq.* the New Mexico Legislature has given municipalities and counties in the state the authority to regulate land use within their territorial limits; and

WHEREAS, on December 13, 2022, County Council adopted a complete substitution for The Development Code, or Chapter 16, of the Los Alamos County Code of Ordinances ("Code"), to serve as the primary tool used by the County to implement the goals, policies, and strategies of the Comprehensive Plan, and to regulate the zoning, planning, and use of land within the borders of the County; and

WHEREAS, when in the time since the new Development Code became effective on January 23, 2023, Community Development Department staff, as well as staff from other County departments who regularly apply the Development Code to inform their job duties, noticed a number of typographical errors, as well as non-substantive omissions, as part of their interpretation and application of the new Development Code; and

WHEREAS, this Amendment corrects these typographical errors and omissions in an effort to improve the clarity, utility, and overall quality of the Development Code, and to better serve its intended purposes; and

WHEREAS, on October 9, 2024, County Staff presented the text amendment to the Planning and Zoning Commission for review and its recommendations to County Council for consideration and adoption; and

WHEREAS, the Planning and Zoning Commission followed a legislative process to recommend approval of amendments to Chapter 16 in order to correct text typos, errors, redundant language, and add omitted text; and

WHEREAS, Council has considered this amendment, and the Planning and Zoning Commission's recommendation in a public hearing where members of the public had further opportunity to make public comment; and

WHEREAS, Council's approval of the text amendment is based on the review criteria contained in Section 16-75(d) of the Development Code.

BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS, the Los Alamos County Code of Ordinances is hereby amended as follows:

Section 1. Chapter 16, Article I, Division 4, of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

DIVISION 4. PURPOSE

The purpose of the Development Code is to:

- (a) Implement the adopted goals, policies and strategies of Los Alamos County, including those set forth in the comprehensive plan and other adopted plans;
- (b) Protect the health, safety, and welfare of the county;
- (c) Provide adequate privacy, light, and air, and otherwise mitigate adverse impacts associated with development that occurs in the county;
- (d) Provide protection from fire, flood, and other dangers;
- (e) Facilitate adequate provision for transportation, utilities, schools, parks, and other public requirements;
- (f) Conserve the value of buildings and land pursuant to NMSA 1978, § 3-21-5.B, and to encourage the most appropriate use of land throughout the county;
- (g) Divide the county into zone districts according to the use of land and structures and the intensity of such use and provide for the appropriate regulation of land use within those districts;
- (h) Guide the location and use of structures and land for commercial, industrial, public, and residential uses where they are, or can be made to be, compatible with neighboring land uses;
- (i) Provide for harmonious development in the county;
- (j) Provide for coordination of street plans;
- (k) Provide for needed school and park lands;
- (l) Preserve the natural beauty, vegetation, and topography, and prevent the pollution of air, water, and the general environment;
- (m) Ensure adequate drainage and availability of utility resources and facilities;
- (n) Control and abate the unsightly use of buildings or land;
- (o) Provide flexible regulations which encourage compatible, creative, and efficient uses of land;
- (p) Provide for the administration and enforcement of this chapter; ~~and~~
- (q) Provide service to applicants and property owners in understanding and working with the provisions and procedures of this chapter;
- (r) Provide for the subdivision of land.

Section 2. Chapter 16, Article I, Division 12, of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

DIVISION 12. TRANSITIONS FROM PREVIOUS REGULATIONS

- (a) Any development approved before the effective date of this development code may be carried out in accordance of the terms and conditions of its approval and the development procedures and standards in effect at the time of approval, provided the approval has not expired and otherwise remains valid. If the prior approval expires, is revoked, or otherwise becomes invalid (i.e. for failure to comply with time limits or the terms and conditions of approval) any subsequent development of the site shall be subject to the procedures and standards of this development code.
- (b) To the extent a prior approved application proposes development that does not comply with this development code, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article V, & Division 4, Nonconformities.
- (c) If any use, lot, structure, sign, or site feature legally existed on the effective date of this development code (See "division 11, Effective Date"), but does not fully comply with the standards of the development code as amended, then that use, structure, lot, sign, or site feature shall be considered nonconforming and subject to the provisions of Article V, & Division 4, Nonconformities.

Section 3. Chapter 16, Article IV, Division 1, Section 16-20, of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

ARTICLE IV. DEVELOPMENT STANDARDS

DIVISION 1. DIMENSIONAL STANDARDS

Sec. 16-20. Required setback areas.

- (a) A setback is the minimum required distance between the established lot line and any building on the lot or, where the lot line is within a street or access easement, the edge of the street or easement and any building on the lot.
- (b) Front setback refers to the line that defines the depth of the required front setback area. The front setback shall be parallel with the street line or future right-of-way line.
- (c) Side setback refers to the line that defines the width or depth of the required side setback area. The side setback line shall be parallel with the property line or if abutting a street shall be parallel with the street line or future right-of-way line.
- (d) Interior side setback refers to the line that defines the width or depth of a required side setback area that is parallel with an adjacent property line that is not abutting a street or public right-of-way and is not defined as a front or rear setback area.
- (e) Street side setback refers to the line that defines the width or depth of a required side setback area that is parallel with the a-butting street line or future right-of-way line and is not defined as a front or rear setback area.
- (f) Rear setback refers to the line that defines the width or depth of the required rear setback area. The rear setback line shall be parallel with the property line or if abutting the street shall be parallel with the street line or future right-of-way line. The rear setback area is that which is furthest away from the front setback area.

- (g) Required setbacks shall be determined by the underlying base zone district pursuant to the standards in article II, Zone Districts, except if a multi-family, mixed-use or non-residential zone district lot abuts or is adjacent to any low-density residential lot when it shall comply with the standards of division 5, Neighborhood Protection Standards.
- (h) Except as allowed elsewhere in this chapter, no building or accessory structure shall be allowed within a required setback area between a property line and required front, side, or rear setback pursuant to the standard of the underlying base zone district in article II, Zone Districts.
- (i) Except as allowed elsewhere in this chapter, every required setback area shall remain open, unobstructed, and free of ruins, wreckage, rubbish, and debris.

Section 4. Chapter 16, Article IV, Division 3, Section 16-30, of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

Sec. 16-30. Parking alternatives and reductions.

- (a) *Shared parking reduction.*

- (1) Within DTLA, WRTC, and all Mixed Use and Non-Residential Zone Districts, two or more listed uses with opposite peak parking demand hours may share parking facilities. *Table 29 Shared Parking Reduction* indicates the percentage of the total off-street parking requirement that may be reduced by shared parking facilities.

Table 29: SHARED PARKING REDUCTION					
	MULTI-FAMILY	PUBLIC, CIVIC, AND INSTITUTIONAL	FOOD AND BEVERAGE, AND RECREATION AND ENTERTAINMENT	RETAIL SALES	OFFICE, BUSINESS, AND PROFESSIONAL SERVICES
Multi-family	N/A	30%	20%	20%	50%
Public, Civic, and Institutional	30%	N/A	30%	20%	20%
Food and Beverage, and Recreation and Entertainment	20%	30%	N/A	N/A	30%
Retail Sales	20%	20%	N/A	N/A	15%
Office, Business, and Professional Services	50%	20%	30%	15%	N/A

For example, when Multi-family, Retail Sales, and Food & Beverage uses can feasibly share parking facilities per Table 29, the total off-street parking requirement for the site may be reduced by a maximum of 50 percent in the DTLA Zone District and 25 percent in the WRTC and in all Mixed Use and Non-Residential Zone Districts.

A sample parking requirement calculation is shown below for a site in DTLA Zone District.

Use	Size	Parking Standard	Parking Requirement
Multi-family	40, 2 bedroom dwelling units	1 space per Dwelling Unit	40 spaces
Retail	10,000 square feet	50% of 4 spaces per 1,000 sf	20 spaces
Restaurant	5,000 square feet	50% of 6 spaces per 1,000 sf	15 spaces
	Total required parking prior to shared parking reductions		75 spaces
	Total allowed reduction		20% of 75 = 15 spaces
	Total required parking after allowed shared parking reduction		75-15 = 60 spaces

- (2) A parking study outlining with conformance Table 27: Minimum Off-Street Parking Requirements and Table 29: Shared Parking Reduction for the shared parking shall be prepared by a registered professional engineer and approved through the site plan approval process per section 16-74(i). Other shared uses not listed in the Table 29: Shared Parking Reduction may apply for parking reductions by submitting a parking study conducted by a registered professional engineer for approval through the site plan approval process.
- (3) Shared parking lots that are utilized to meet the required off-street parking spaces shall be located within 500 feet of the use to be served.
- (4) The sharing of any required off-street parking shall be guaranteed by a legally binding recordable parking agreement between the owner of the parking area and the owner of the building or use that is located on a different lot and served by the parking area. Such agreement shall address the issue of how parking will be shared if the parties change their business hours and peak business periods. Such agreement shall be submitted and reviewed through the site plan approval process per section 16-74(i).

Section 5. Chapter 16, Article IV, Division 6, Section 16-45, of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

Sec. 16-45. Applicability.

- (a) All new development shall meet the requirements of this section, applicable electrical and energy codes, and applicable sections of the building code.
- (b) Within non-residential zone districts, existing outdoor lighting that does not meet the provisions of this section shall be considered legal nonconforming for ten years from the adoption date of this chapter. After ten years, or unless otherwise specified within this chapter, all outdoor lighting fixtures that do not conform to the requirements of this chapter must be replaced with conforming fixtures, or existing fixtures must be retrofitted to comply. This requirement shall not apply to residential zone districts.
- (c) Whenever there is a new use for a property (e.g. zoning or variance change) all outdoor lighting on the property will meet the requirements of this section before the new use commences.

- (d) Expansion, renovation, and modification to existing property that increases the developed square footage, occupant capacity, or parking spaces by 25 percent or more, shall cause the entire property to meet the requirements of this division. ~~section~~.
- (e) In the event an outdoor light fixture is not working or damaged to the extent repair costs equal at least 50 percent of replacement cost, the repair/replacement shall conform with the requirements of this division. ~~section~~.
- (f) Unless otherwise noted or exempt, existing outdoor lighting that does not meet the provisions of this section shall be considered legal nonconforming until natural maintenance, modifications, change of use, or complaint enforcement obligate meeting the requirements of this chapter.

Section 6. Chapter 16, Article IV, Division 6, Section 16-48, of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

Sec. 16-48. Lighting plan.

- (a) Site plan applications for new development and modifications shall include lighting plans, pursuant to section 16-~~73(f)~~ 46(f). Lighting required by federal, state, or county laws and regulations that conflict with this chapter will supersede and be exempt.
- (b) Lighting requiring a permit per section 16-55, Lighting Plan Only must obtain a lighting plan approval, pursuant to section 16-~~73(f)~~ 46(f).

Section 7. Chapter 16, Article IV, Division 6, Section 16-53, of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

Sec. 16-53. Right-of-way lighting.

- (a) Local and arterial roadway lighting shall be designed to the ANSI/IES RP-8-21 recommended practice for design and maintenance of roadway lighting for one of the county-designated, roadway lighting design categories (RLDC) listed in Table 44 below.

Table 44: ROADWAY LIGHTING	
ROADWAY LIGHTING DESIGN CATEGORY	ROADWAY ILLUMINATION
RLDC-1	Roadway with non-continuous lighting.
RLDC-3	Roadway with lighted intersections.
RLDC-4	Roadway with lighted intersections and non-continuous lighting between intersections.
RLDC-5	Continuously lighted roadway (IESNA RP-8).
	Partial lighting for the purpose of RLDC-2 and RLDC-4 means the additional lighting needed for a specific designated section of roadway where one or more streetlights would substantially improve public safety, but local conditions do not indicate the need for lighting based on a higher RLDC.
	These design categories specify only the target light levels for the lighting system design and are not intended to prevent a

	reasonable variation from the design criteria necessitated by public safety or the details of the topography of the roadway for which the lighting system is being designed.
--	--

- (b) The RLDC category for a roadway shall be determined by county council upon advice of the county engineer. The county engineer's RLDC category recommendation for a given roadway, or portion thereof, shall occur only after a study of local conditions and shall take into account the lighting purposes per section 16-44 including minimizing light pollution and light trespass, especially in residential zone districts.
- (c) The study of local conditions for a particular road or segment of road is to be prepared for the county by the roadway lighting designer.
- (d) New roadway lighting systems shall be designed to the lowest RLDC consistent with the lighting goals of the neighborhood or subdivision in which it is to be installed but shall not be a lower light level than the minimum ANSI/IES RP-8-21 48 recommendation needed for public safety as indicated by a study of local conditions.
- (e) Street lighting must conform to the standards outlined in Table 45: Lighting Standards for Roads.

Table 45: LIGHTING STANDARDS FOR ROADS			
LIGHT LOCATION	LUMEN LIMIT	COLOR TEMPERATURE	BUG RATING
Pedestrian pathway fixtures < 18 inches tall, such as bollards	300 lumen	2,700 K maximum	U2 B-N/A G1
Pedestrian pathway fixtures > 18 inches tall	3,500 lumen	2,700 K maximum	U0 B1 G1
Street lighting	N/A	2,700 K maximum	G2 (Arterials) G1 (Collector/Locals)

- (f) Street lighting must conform to the following maximum average illuminance limits in Table 46: Illuminance Limits for Roads. The spacing and lumen outputs of each street lighting luminaire shall be calculated so that these limits are not exceeded. The establishment of these limits shall not be construed to permit increasing existing levels of illuminance in any location.

Table 46: ILLUMINANCE LIMITS FOR ROADS	
ROAD	MAXIMUM AVERAGE ILLUMINANCE
Central Ave.	10 lux
Canyon Rd.	9 lux
Diamond Dr.	10 lux
Sherwood Blvd.	6 lux
Rover Blvd.	6 lux
Collector Roads	6 lux
Other Roads and Rights-of-way	5 lux

- (g) The county shall comply with requests supplied to the county traffic and streets division to install, move, or remove a publicly owned streetlight when the request is signed by the majority of property owners within 300 feet of that streetlight and the request is feasible and does not create a public safety hazard. The property owners requesting that change agree to bear the estimated cost of installing, moving, or removing that streetlight, said estimated cost to be provided by the county engineer upon a request for information.

Section 8. Chapter 16, Article IV, Division 7, Section 16-58, of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

Sec. 16-58. Fence and wall permits.

A fence/wall permit is required prior to commencing construction of any wall or fence, per the provisions of section 16-~~73(e)~~ ~~6(e)~~.

Section 9. Chapter 16, Article IV, Division 8, Section 16-61, of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

Sec. 16-61. Applicability.

- (a) Unless specifically exempted, the standards contained in this section shall apply to all signs within the county.
- (b) Any sign legally erected before the effective date of this chapter that is no longer in compliance with the standards in this section may be retained in use, subject to the provisions of Article V, and Division 4, Nonconformities.

Section 10. Chapter 16, Article IV, Division 9, Section 16-66, of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

Sec. 16-66. Building height.

- (a) The maximum building height for buildings is described in article II, Zone Districts for each zone district.
- (b) The height of a building shall be measured as the vertical distance from the lowest finished grade of the structure to the highest point on the building roof. The "highest point" means peak of roof for a building with a sloping roof, the top of the roof coping for a flat roof, or the top of the ridgeline of the highest gable of a pitched roof or hip roof.
- (c) On a stepped or sloped project site, the maximum height is to be measured as the vertical distance from the highest point of the structure to the average of the highest and lowest points of the finished grade.
- (d) Rooftop appurtenances such as belfry, church spire or tower, conveyor, cooling tower, elevator housing chimneys, antennas, smoke and ventilation stacks, mechanical equipment and related screening, rooftop solar collectors and flagpoles are exempt from the building height limitations of this chapter. Also see section 16-18(m) and section 16-18(o).
- (e) Rooftop shade structures or trellis or similar shading systems shall also be exempt from the building height limitations of this chapter, provided they shall not exceed 12 feet in height.

Los Alamos County Council
Regular Session
November 19, 2024
Attachment D for Item 8.A

Section 11. Severability. If any section, paragraph, clause or provision of this Code Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this Code Ordinance.

Section 12. Effective Date. This Code Ordinance shall become effective thirty (30) days after publication of its notice of adoption.

Section 13. Repealer. All other ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

ADOPTED this 19th day of November 2024.

**COUNCIL OF THE INCORPORATED COUNTY
OF LOS ALAMOS**

**Denise Derkacs,
Council Chair**

ATTEST:

**Naomi D. Maestas,
Los Alamos County Clerk**

November 29, 2024 County Council Regular Session

9.A. AGR1082-24 Contract for AGR24-46a with Bonfire Engineering & Construction, LLC ... for the Purpose of Designed and Building a County-Owned Fiber-to-the-Premise Open Access Network

Attachment E Budget Revision 2025-22 was inadvertently included in this agenda item but is for another agenda item. Therefore, the Recommended Action has been revised:

Revised Recommended Action

I move that Council approve Contract for General Services, Agreement No. AGR24-46a with Bonfire Engineering & Construction LLC in the Amount of \$35,000,000, plus Applicable Gross Receipts Tax, for the Purpose of designing and building a county-owned fiber-to-the-premise open access network.

Los Alamos County Council Regular Session November 19, 2024 Item 9.A

Public Outreach and Timeline on Broadband:

- **2013:** Broadband study and business plan completed by vendor Crestino.
 - Estimated cost: \$47.2M (8,000 passings).
- **February 2021:** Council adopts the 2021 Strategic Leadership Plan, identifying “Community Broadband” as a priority.
- **April 2021:** Council approves \$500,000 in the FY2022 budget to update the Community Broadband Network (CBN) study and assess necessary broadband infrastructure investments. They also approved an FTE for a new broadband manager.
- **November-December 2021:** Broadband manager job description created and position filled.
- **February 1, 2022:** Council adopts the 2022 Strategic Leadership Plan, reaffirming broadband as a strategic priority.
- **March 15, 2022:** Council awards an Agreement with Columbia Telecommunication Corporation (CTC) to update the CBN study.
- **June 28, 2022:** Update to Council from the broadband manager and consultant CTC on the DRAFT survey questions and the status of the project.
- **October 2022:**
 - **October 3:** Broadband survey packets mailed to a randomly selected sample with instructions to complete a survey and speed test.
 - **October 12:** Reminder postcards sent to sample group with survey deadline (Oct. 28) and an invitation to the Broadband Forum (Oct. 19).
 - **October 14:** Broadband survey and speed test open to all community members; closes Oct. 28. *(Press release issued on 10/14/22, advertisements, included in the County Line and posted on social media)*
 - **October 19:** Two Community Broadband Forums held:
 - 3 p.m.: Stakeholder forum (42 stakeholders invited via email, including LA Net, LAPS, UNM LA, LANL, and local businesses).
 - 5:30 p.m.: Public forum *(Press release issued on 10/14/22, advertisements, included in the County Line and posted on social media)*.
 - **October 25:** Follow-up emails sent to the 42 stakeholders with presentation materials and a reminder to complete the survey by Oct. 28.
- **December 2022:** National Community Survey results identify broadband as a high priority for promoting economic vitality.

- **January 24, 2023:**
 - Staff and consultants present to the Council broadband study findings, forum feedback, survey results, and speed test data (771 survey responses).
 - Draft Strategic Plan for Broadband shared.
 - Council adopts a policy declaring broadband an essential utility and prioritizes five characteristics for a Community Broadband Network:
 1. Likelihood of implementation.
 2. Open access.
 3. County ownership or option to acquire ownership.
 4. Fiber-to-the-premises availability.
 5. Prompt implementation.

- **February 2023:**
 - Council adopts the 2023 Strategic Leadership Plan with broadband as a strategic priority.
 - Town halls and survey conducted by County, gather citizen input to prioritize County Capital Improvement Projects (CIP) over the next 5 to 7 years (*Press release issued, advertisements, included in the County Line and posted on social media*):
 - **February 21:** Town hall at Council Chambers.
 - **February 23:** Town hall at White Rock Fire Station 3.
 - **Survey period:** Feb. 21 - March 9 (420 responses; broadband ranked highest priority).

- **April 2023:** Council FY2024 Budget Hearings result in \$35M allocated for Broadband as part of CIP.

- **December 15, 2023:** County issues an RFP (based on Council direction at the Jan. 24, 2023, Council meeting) to design, build, and operate a Community Broadband Network. RFP closes on January 12, 2024.

- **April 2024:** Council FY2025 Budget Hearings result in \$35M in GRT Revenue Bonds for Broadband implementation.

- **July 22, 2024:** Broadband listed in the FY2025 Budget in Brief under Government CIP funds (\$35M). (*Press release issued 7/30/2024 regarding this new "Budget in Brief" and included in the County Line.*)

- **August 1, 2024:** National Community Survey includes citizen input on Council's 22 strategic priorities, including broadband.