



# County of Los Alamos

Los Alamos, NM 87544  
www.losalamosnm.us

## Minutes

### County Council – Regular Session

**Randall Ryti, Council Chair, Denise Derkacs, Council Vice-Chair,  
Melanee Hand, David Izraelevitz, Keith Lepsch, David Reagor, and Sara Scott,  
Councilors**

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Tuesday, April 5, 2022

6:00 PM

Council Chambers – 1000 Central Avenue  
TELEVISED

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#### 1. OPENING/ROLL CALL

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

Councilor Keith Lepsch was appointed to fill the vacant county seat and joined the meeting during the discussion of Item 7.A.

The following Councilors were in attendance:

Present: 7 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Izraelevitz,  
Councilor Lepsch, Councilor Reagor, and Councilor Scott

#### 2. PLEDGE OF ALLEGIANCE

Led by: All.

Council Chair Ryti made opening remarks regarding the procedure of the meeting due to COVID-19.

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

#### 3. STATEMENT REGARDING CLOSED SESSION

Councilor Scott, read the following statement to be included in the minutes: "The matters discussed in the closed session of County Council held on April 5, 2022 at 5:00 p.m. were limited only to the topics specified in the notice of the closed session, and no action was taken on any matter in the closed session and requested that the statement be included in the meeting minutes.

#### 4. PUBLIC COMMENT

Ms. Brandi Engeman thanked Council for protecting public comment.

5. **APPROVAL OF AGENDA**

Councilor Ryti requested Item 9.B be removed from the Consent Agenda and added under 12.D. There were no objections.

A motion was made by Councilor Derkacs, seconded by Councilor Scott, that the agenda be approved as revised.

The motion passed with the following vote:

Yes: 6 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Izraelevitz, Councilor Reagor, and Councilor Scott

6. **COUNCIL BUSINESS**

A. Appointment of Councilor to Fill Vacant Councilor Seat

Chair Ryti outlined the procedure for this item.

Each applicant made an opening statement then was asked three questions by Council.

Public Comment:

Ms. Brandi Engeman spoke.

Ms. Lauren Coupland spoke.

Mr. Grant Harding spoke.

A motion was made by Councilor Scott, seconded by Councilor Derkacs, to nominate James Hall, Keith Lepsch, and Aaron Walker to fill one vacancy on the County Council and move that Council appoint one nominee to the vacant position as follows:

By roll call vote, Councilors vote for one nominee and the nominee with the highest vote total of four or more be appointed to fill the remainder of the term beginning on January 1, 2021 and ending on December 31, 2024.

Councilor Ryti called for a roll call vote to appoint a member to the County Council:

**Councilors Reagor and Izraelevitz voted for:**

James Hall

**Councilors Scott, Hand, and Derkacs voted for:**

Keith Lepsch

**Councilor Ryti voted for:**

Aaron Walker

**RECESS**

Councilor Ryti called for a recess at 6:53 p.m. The meeting reconvened at 6:54 p.m.

Councilor Ryti called for a second roll call vote to appoint a member to the County Council:

**Councilor Reagor voted for:**

James Hall

Councilors Scott, Hand, Derkacs, Izraelevitz, and Ryti voted for:  
Keith Lepsch

After a second roll call vote, Mr. Keith Lepsch was appointed to the County Council.

## RECESS

Councilor Ryti called for a recess at 6:56 p.m. The meeting reconvened at 7:05 p.m.

Councilor Lepsch joined the meeting.

## 7. PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

### A. Presentation by A.J. Forte, Executive Director, New Mexico Municipal League

Mr. A.J. Forte, Executive Director of the New Mexico Municipal League, presented.

**No action taken.**

### B. Overview of County Owned Lands Available for Development and Discussion of Disposition Policy

Mr. Steven Lynne, County Manager, presented.

**No action taken.**

### C. Chapter 18 Nuisance Code Update

Mr. Paul Andrus, Community Development Director, spoke.  
Mr. Will Gleason, D/P/S Principal Urban Planner, presented.  
Ms. Jessica Lawlis, D/P/S Designer, presented.

**No action taken.**

## 8. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

None.

## 9. CONSENT AGENDA

Consent Motion:

**A motion was made by Councilor Izraelevitz, seconded by Councilor Scott, that Council approve the items on the Consent Agenda and that the motions contained in the staff report as amended be included for the record.**

### A. Approval of Amendment No. 1 to AGR17-939 with Tyler Technologies, Inc. in the Amount of \$726,261.00, plus Applicable Gross Receipts Tax, for the Purpose of extending the current contract for the licenses, services and support of the EnerGov permitting software for an additional 5 years

I move that Council approve Amendment No. 1 to AGR17-939 with Tyler Technologies, Inc. in the Amount of \$726,261.00 plus Applicable Gross Receipts Tax, for the Purpose of extending the current contract for the licenses, services and support of the EnerGov permitting software for an additional 5 years.

- B. Approval to Purchase Worker's Compensation Insurance Coverage from New Mexico Counties for Fiscal Year 2023 in the Amount of \$418,416

*Item pulled for further discussion under Business.*

- C. Approval of New Location for Art in Public Places painting, "Fuller Lodge", by Fran Stovall

I move that the County Council approve the new location of Betty Ehart Senior Center for the Art in Public Places painting "Fuller Lodge" by Fran Stovall.

- D. Approval of Recommendation to Accept the Santa Clara Jar Donation from Susan Hall

I move that the County Council approve the recommendation to accept the donation from Susan Hall of the Santa Clara Jar, by Polly Rose Folwell, for a cost of \$0 into the Art in Public Places Collection, and the location placement of the art be determined later.

- E. Planning and Zoning Commission Appointment - Benjamin Hill

I nominate Benjamin Hill to fill a vacancy on the Planning and Zoning Commission and move that Council appoint Benjamin Hill to the vacant position.

- F. Approval of Budget Revision 2022-53, for Transit Section 5311 Administration and Operations Grant for Fiscal Year 2022 and Carryover of \$8,000 of Employee Recognition Available Budget from 2021 to 2022

I move that Council approve Budget Revision 2022-53 as summarized on Attachment A and that the attachment be made a part of the minutes of this meeting.

Approval of the Consent Agenda:

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Izraelevitz, Councilor Lepsch, Councilor Reagor, and Councilor Scott

RECESS

Councilor Ryti called for a recess at 8:52 p.m. The meeting reconvened at 9:02 p.m.

## 12. BUSINESS (*Heard out of order*)

- B. Action on Inclusion/Exclusion of Mesa Meadows in a Study to Evaluate Possible Locations for Additional Tennis Courts and Consideration of Citizen Petition Requesting that Council Vote to Cease Consideration of Urban Park as a Site for Additional Tennis Courts

A motion was made by Councilor Scott, seconded by Councilor Hand, that Council eliminate Mesa Meadows and Urban Park from consideration for the expanded tennis court for the community and move expeditiously to accomplish it at this meeting.

Public Comment:  
Mr. Raymond Joggerst spoke.  
Mr. Thomas Fairbanks spoke.  
Ms. Jennifer Leon spoke.  
Mr. Rober Walsh spoke.  
Mr. Patrick Mockler Wood spoke.  
Ms. Andrea Cunningham spoke.  
Mr. Nelson Hoffman spoke.  
Ms. Lauren Coupland spoke.  
Ms. Julie Wiens spoke.

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Izraelevitz,  
Councilor Lepsch, Councilor Reagor, and Councilor Scott

## 10. INTRODUCTION OF ORDINANCE(S)

- A. Incorporated County of Los Alamos Ordinance No. 716, An Ordinance Amending An Economic Development Project For Public Support From the State of New Mexico For the Benefit of Pebble Labs, Inc., A Delaware Corporation

Councilor Izraelevitz introduced, without prejudice, Incorporated County of Los Alamos Ordinance No. 716; An Ordinance Amending an Economic Development Project for Public Support from the State of New Mexico for the Benefit of Pebble Labs, Inc., A Delaware Corporation, and asked staff to assure that it is published as provided in the County Charter.

## 11. PUBLIC HEARING(S)

- A. Incorporated County of Los Alamos Resolution No. 22-04; A Resolution Requesting the Department of Energy to Vacate the 1954 Decision of the Atomic Energy Commission to Not Reinstate the Security Clearance of Dr. J. Robert Oppenheimer

Councilor Izraelevitz presented.

Public Comment:  
None.

A motion was made by Councilor Izraelevitz, seconded by Councilor Scott, that Council adopt Incorporated County of Los Alamos Resolution No. 22-04; A Resolution Requesting the Department of Energy to Vacate the 1954 Decision of the Atomic Energy Commission to Not Reinstate the Security Clearance of Dr. J. Robert Oppenheimer.

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Izraelevitz,  
Councilor Lepsch, Councilor Reagor, and Councilor Scott

## 12. BUSINESS

### A. Los Alamos County Assessor Valuation and Maintenance Plan

Mr. Ken H. Milder, County Assessor, presented.  
Mr. Marty Martinez, Chief Deputy Assessor, spoke.

Public Comment:  
None.

**A motion was made by Councilor Scott, seconded by Councilor Izraelevitz, that Council approve the Los Alamos County Assessor Valuation and Maintenance Plan.**

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

**Yes: 7 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Izraelevitz, Councilor Lepsch, Councilor Reagor, and Councilor Scott**

### C. Amendment No. 2 to the Purchase, Sale and Development Agreement for Real Property Located in the Incorporated County of Los Alamos Commonly Referred to as 3661 and 3689 Trinity

Public Comment:  
None.

**A motion was made by Councilor Izraelevitz, seconded by Councilor Derkacs, that Council approve amendment No. 2 to the purchase, sale and development agreement for real property located in the incorporated County of Los Alamos commonly referred to as 3661 and 3689 Trinity.**

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

**Yes: 6 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Izraelevitz, Councilor Reagor, and Councilor Scott**

**Abstain: 1 - Councilor Lepsch**

### D. Consideration and possible action on next steps regarding Resolution No: 21-30 "A Resolution Declaring the Hotel Structure, Commonly Referred to as "The Hilltop House, located at 400 Trinity Drive, Los Alamos, New Mexico, a menace to the Public Comfort, Health, Peace, and Safety and Ordering Removal of the Hilltop House, and associated Ruins, Rubbish, Wreckage, and Debris from Los Alamos County"

Mr. Steven Lynne, County Manager, spoke.

Public Comment:  
None.

A motion was made by Councilor Derkacs, seconded by Councilor Izraelevitz, that Council direct the County Manager to proceed with the actions necessary to remove the Hilltop House, and its ruins, wreckage, and debris from Los Alamos County, and lien the parcel of land for the reasonable costs of the removal of the Hilltop House incurred by the County as provided for in NMSA § 3-18-5 and Los Alamos Resolution 21-30.

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Izraelevitz, Councilor Lepsch, Councilor Reagor, and Councilor Scott

#### **Consent Item 9.B**

Approval to Purchase Worker's Compensation Insurance Coverage from New Mexico Counties for Fiscal Year 2023 in the Amount of \$418,416

Public Comment:  
None.

A motion was made by Councilor Scott, seconded by Councilor Derkacs, that Council approve the purchase of Worker's Compensation insurance coverage from New Mexico Counties for fiscal year 2023 in the amount of \$418,416.

The motion passed with the following vote:

Yes: 6 - Councilor Derkacs, Councilor Hand, Councilor Izraelevitz, Councilor Lepsch, Councilor Reagor, and Councilor Scott

Abstain: 1 - Councilor Ryti

### **13. COUNCIL BUSINESS**

#### **A. Appointments**

None.

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

None.

#### **C. County Manager's Report**

Mr. Steven Lynne, County Manager welcomed Councilor Lepsch, congratulated the Los Alamos County Police Department for the reaccreditation, congratulated Ms. Norma Jean Valdez from the Los Alamos County Fire Department for her international recognition for her contribution to fire accreditation, reported on delays opening the Leisure Lagoon, and advised that Community Services is aware of the comments regarding ball field maintenance and gopher holes.

#### **D. Council Chair Report**

Chair Ryti reported on the Climate Conference presentation to the Rotary Club.

**E. General Council Business**

None.

**F. Approval of Councilor Expenses**

None.

**G. Preview of Upcoming Agenda Items**

Councilor Ryti mentioned the upcoming budget hearing, WAC Building discussion, and the Food Waste Composting.

**14. COUNCILOR COMMENTS**

Councilor Scott commented regarding the meeting with the Rio Arriba County Manager and Deputy County Manager.

Councilor Izraelevitz welcomed Councilor Lepsch.

Councilor Ryti commented on the Rotary Club sponsoring a fundraiser for Ukraine, the Federal Legislative Committee meeting, and congratulated Councilor Lepsch.

**15. PUBLIC COMMENT**

Mr. Grant Harding commented on a photo in the Community Development Department presentations.

**16. ADJOURNMENT**

The meeting adjourned at 10:14 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

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Randall T. Ryti, Council Chair

Attest:

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Naomi D. Maestas, County Clerk

Meeting Transcribed by: Victoria N. Montoya, Senior Deputy Clerk



**Budget Revision 2022-53**

Council Meeting Date: April 5, 2022

	<b>Fund/Dept</b>	<b>Munis Org</b>	<b>Object</b>	<b>Revenue</b> (decrease)	<b>Expenditures</b> (decrease)	<b>Transfers</b> In(Out)	<b>Fund Balance</b> (decrease)
	General Fund - HR - Employee Recognition	01130110	8559		\$ 8,000		\$ (8,000)
	Tranist Fund- 5311 Grant	65173291	3329	\$ 1,793,960			\$ 1,793,960
	Tranist Fund- 5311 Grant	65173291	8369		\$ 3,464,714		\$ (3,464,714)

**Description:** The purpose of this budget revision is to carry over part of the available balance in the Employee Recognition budget from 2021 to 2022. It also recognizes the revenue and expenditures of the Transit Section 5311 2022 grant for administration and operations

**Fiscal Impact:** The fiscal impact is a \$8,000 decrease to the General Fund and a \$1,670,754 decrease which is the County match under the grant.

Monther Jubran                      04/01/2022  
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 Preparer                              Date  
*Monther Jubran*  
 \_\_\_\_\_  
 Budget & Performance Manager

**Montoya, Victoria**

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**Subject:** FW: [EXTERNAL]Email

**From:** John Rizzo <[john.rizzo@nmit.net](mailto:john.rizzo@nmit.net)>  
**Sent:** Tuesday, April 5, 2022 4:49 PM  
**To:** Lynne, Steven <[steven.lynne@lacnm.us](mailto:steven.lynne@lacnm.us)>  
**Subject:** [EXTERNAL]Email

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Steve -

I hope this is useful.

Thanks

John

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I've not yet participated in County Council meetings and Mr. Lynne has been gracious to read my comments during the public input session.

The New Mexico Innovation Triangle was created to bring 25,000 incremental technology and innovation jobs to New Mexico and the 150,000 additional jobs that support such tech and innovation workers. This effort would be transformational for our economy and the kids and families that live in New Mexico.

As a veteran of Silicon Valley for nearly 40 years after my father, a U.S. Air Force Colonel, ran the AFRL in Albuquerque and we moved to Livermore California where he worked at Lawrence Livermore labs, I am retired and now live full time in Santa Fe. I worked on the first Macintosh at Apple and managed flash memory at Intel and have started and run successful tech startups. Thus, I know something about our premier labs, Los Alamos, job creation, technology, and startups, which is what the NMIT is.

We acquired the Hilltop Hotel property with the intent to create housing to ease the housing crisis in Los Alamos. That was the start of a more aggressive project to build an Innovation Village in Los Alamos to cater to the science and technology professionals there.

Our original plan was to design, finance, demolish and then build on the site - which is the normal order of things. The capital required to complete a development like this is in the 10's of millions of dollars and thus is non-trivial. The hotel has been abandoned for 10 years and county officials, rightly so, deemed that we demolish the property first, prior to the financing of the project.

This change in approach frankly threw our plans into turmoil and we've been attempting to adjust rapidly to complete the demolition sooner than planned and the substantial cost that it required.

While we've made some progress in that regard, we haven't made enough progress and I'm not satisfied with the outcomes to date. As a member of the community who lives in the area, I find it critical in situations like this to consider what the right thing to do is, first, for the community. In this situation, and it pains me greatly to say this, is that having the County take the ball from here is the best course forward. This creates a series of financial and legal complexities for the NMIT, but in the end, the building will be demolished, and this is the right thing to do.

While I'm not pleased with this outcome and apologize for the energy surrounding it, it is not for lack of trying or effort. We've found that the Fire Marshal, Wendy Servey, officials in the County in Steve Lynne's office have been a pleasure to deal with and have been measured but clear in moving us along. We look forward to a long relationship with them.

Our focus now is getting the financing in place get the building into the air, help address the housing challenges in Los Alamos and to, at some point in the future, snatch victory from the jaws of defeat. In startups, you never give up and we haven't. We appreciate the support from the community and look forward to the next chapter.

**John F. Rizzo**

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