



County of Los Alamos

Minutes

County Council - Regular Session

Los Alamos, NM 87544
www.losalamosnm.us

*Randall Ryti, Council Chair; James Robinson, Vice-Chair; Denise Derkacs; David Izraelevitz;
David Reagor; Sara Scott, and Sean Williams, Councilors*

Tuesday, August 31, 2021

6:00 PM

Council Chambers - 1000 Central
Avenue
TELEVISION

1. OPENING/ROLL CALL

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

Councilor Scott joined the meeting remotely during the discussion of item 10.A at 7:21 p.m. and left the meeting after the discussion of item 11.A at 7:55 p.m.

The following Councilors were in attendance:

Present 4 - Councilor Robinson, Councilor Ryti, Councilor Derkacs and Councilor Williams

Absent 2 - Councilor Izraelevitz and Councilor Reagor

Remote 1 - Councilor Scott

2. PLEDGE OF ALLEGIANCE

Led by: All.

3. STATEMENT REGARDING CLOSED SESSION

August 31, 2021 Closed Session Motion

Councilor Ryti advised that a closed session did not occur, therefore, this item was not heard.

4. PUBLIC COMMENT

None.

5. APPROVAL OF AGENDA

Councilor Ryti asked to move item 12.A.1 after item 10.C. There were no objections.

A motion was made by Councilor Williams, seconded by Councilor Robinson, that the agenda be approved as amended.

Yes: 4 - **Councilor Robinson, Councilor Ryti, Councilor Derkacs and Councilor Williams**

Absent: 3 - **Councilor Scott, Councilor Izraelevitz and Councilor Reagor**

6. PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

- A. [14675-21](#) Proclamation declaring 2021-2022 a "Year of Asset Building" in Los Alamos County and September 10, 2021 as "College Day/Military Day" (accepted by Bernadette Lauritzen)

Councilor Robinson read the proclamation.

- B. [14629-21](#) Discussion Regarding the Scope, Schedule and Budget of the Los Alamos Public Schools and Community Joint-Use New Recreation Facility at the North Mesa Middle School Campus Project

Ms. Anne Laurent, Public Works Director, spoke.

Mr. Cory Styron, Community Services Director, spoke.

Ms. Suzanne Lynne, Los Alamos Middle School Principal, spoke.

Ms. Jennifer Guy, Los Alamos Public Schools (LAPS) Interim Superintendent, spoke.

Ms. Ellen Specter, LAPS Board Member, spoke.

Public Comment:

None.

No action taken.

7. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

None.

8. CONSENT AGENDA

Consent Motion -

A motion was made by Councilor Robinson, seconded by Councilor Derkacs, 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. [AGR0768-21](#) Acceptance of FAA Airport Improvement Program (AIP) Grant in the amount of \$1,207,700 and Award of Bid No. 21-60 in the amount of \$880,200 plus Applicable Gross Receipts Tax to Maxwell Asphalt, Inc. for the Airport Pavement Preservation Project; Establish a Project Budget in the Amount of \$1,207,700; and Approve Related Budget Revision 2022-14

I move that Council approve Acceptance of FAA Airport Improvement Program (AIP) Grant in the amount of \$1,207,700 and authorize the County Manager to execute the agreement, and approve Award of Bid No. 21-60 in the amount of \$880,200 plus Applicable Gross Receipts Tax to Maxwell Asphalt, Inc. for the Airport Pavement Preservation Project; and Establish a Project Budget in the Amount of \$1,207,700; and Approve Related Budget Revision 2022-14 for services as summarized in the attachments and the attachments be made part of the minutes of the meeting.

- B. [AGR0779-21](#) **Approval of Final Payment to AGR19-39 with Wagner Equipment for the Natural Gas Engine Replacement at Pajarito Well No. 4.**

I move that County Council Approve Final Payment in the amount of \$121,047.89, to Wagner Equipment for work completed under Services Agreement No. AGR19-39 for the purpose of the Pajarito Well No. 4, Natural Gas Engine Replacement Project.

- C. [14644-21](#) Committee Appointment(s) - Los Alamos Resiliency, Energy and Sustainability Task Force

I nominate Oral Saulters to fill one (1) vacancy on the Los Alamos Resiliency, Energy and Sustainability Task Force and move that Council appoint Mr. Saulters to the vacant position to serve the remainder of the term which ends on February 20, 2022. I further move that Council acknowledge and approve Mr. Sautler's concurrent service on the Los Alamos Resiliency, Energy and Sustainability Task Force and the Racial Equity and Inclusivity Task Force.

- D. [14661-21](#) Approval of Modification 22 to the Electric Energy and Power Coordination Agreement (ECA) Between the Incorporated County of Los Alamos and the United States Department of Energy (DOE).

I move that County Council approve Modification 22 to the Electric Coordination Agreement as presented.

- E. [14691-21](#) Consideration of Budget Revision 2022-08 (Programs, Specific Carryovers, and Administrative Corrections)

I move that Council approve Budget Revision 2022-08 as summarized on attachment A and that the attachment be made a part of the minutes of this meeting.

- F. [14778-21](#) Board/Commission Appointment - Environmental Sustainability Board

I move that Council appoint Wendy Staples to fill one (1) current vacancy, on the Environmental Sustainability Board, which is a partial ESB term that began on August 1, 2020 and will end July 31, 2022.

- G. [14783-21](#) Amendment to the FY22 Compensation & Classification Plan, for the addition of 2 new job descriptions: Plans Examiner and Senior Plan Examiner and the re-grading of the Planning Manager because additional duties and responsibilities have been added to the job description.

I move that Council approve the amendments to the FY22 Compensation & Classification Plan, to include the new Plans Examiner positions and the re-grade of the Planning Manager.

Approval of Consent Agenda:

I move that Council approve the items on the Consent Agenda as presented and that the motions in the staff reports be included for the record; or,

I move that Council approve the items on the Consent Agenda and that the motions contained in the staff reports, as amended, be included for the record.Approval of Consent Agenda:

Yes: 4 - Councilor Robinson, Councilor Ryti, Councilor Derkacs and Councilor Williams

Absent: 3 - Councilor Scott, Councilor Izraelevitz and Councilor Reagor

9. INTRODUCTION OF ORDINANCE(S)

- A. [CO0614-21](#) Incorporated County of Los Alamos Ordinance No. 02-313_IFC_Amended, An Ordinance of the Incorporated County of Los Alamos, New Mexico, Adding, Amending, and Deleting Certain Sections of Chapter 22, Articles II, III, and IV.

Councilor Derkacs introduced, without prejudice, Incorporated County of Los Alamos Ordinance No. 02-313_IFC_Amended, adding, amending, and deleting certain sections of Chapter 22, Articles II, III and IV; and asked staff to assure that it is published as provided in the County Charter.

- B. [CO0615-21](#) Incorporated County Of Los Alamos Code Ordinance No. 02-318, An Ordinance Amending The Text Of Chapter 16, Article I Section 9, And Article Vii Section 287 And Adding New Sections 288 And 289, To Adopt Local Regulations For Cannabis Cultivation, And Manufacturing.

Councilor Williams introduced, without prejudice, Incorporated County of Los Alamos Code Ordinance No. 02-318 and asked staff to assure that it is published as provided in the County Charter.

- C. [OR0909-21](#) Incorporated County Of Los Alamos Code Ordinance No. 02-319; Revision No. 2021-03 In Textual Form To The Official Zoning Map Of Los Alamos County By Zoning Tract F-2, Western Area 1, Consisting Of Approximately 0.39 Acres Of Land To Public-Land (P-L).

Councilor Robinson introduced, without prejudice, Incorporated County of Los Alamos Code Ordinance 02-319; Revision No. 2021-03 In Textual Form to the Official Zoning Map of Los Alamos County by Zoning Tract F-2, Western Area 1, Consisting of Approximately 0.39 Acres of Land to Public-Land (P-L) and asked staff to assure that it is published as provided in the County Charter.

10. PUBLIC HEARING(S)

Councilor Scott joined the meeting remotely during the discussion of this item at 7:21 p.m.

- A. [OR0901-21b](#) Adoption of Incorporated County of Los Alamos Ordinance No. 710, An ordinance to Authorize the Refinance and Re-issuance of Amended Loan and Promissory Note Agreements with the New Mexico Finance Authority to Increase Funding For the Otowi Well #2 Pumphouse and Equipment and Otowi Well #4 MCC Replacement Project Due To Project Bids Coming in with Amounts Exceeding Funds Available Under previous Loan Agreement DW-5456.

Mr. Philo Shelton, Utilities Manager, presented.
 Ms. Heather Garcia, Acting Deputy Utilities Manager-Finance and Administration, spoke.

Public Comment:
 None.

A motion was made by Councilor Robinson, seconded by Councilor Derkacs, that the County Council adopt Incorporated County of Los Alamos, New Mexico Ordinance No. 710 amending and replacing ordinance No. 706 adopted by the Incorporated County of Los Alamos (The "Governmental Unit") on February 23, 2021; authorizing the execution and delivery of an amended and restated loan and subsidy agreement ("Loan Agreement") by and between the Governmental Unit and the New Mexico Finance Authority, evidencing a special limited obligation of the Governmental Unit to pay a revised principal amount of no more than \$3,709,892, together with expenses, if any, and administrative fees thereon, and to accept a loan subsidy of no more than \$79,832 for the purpose of financing the costs of (I) designing and constructing a well house, pumps, and the associated equipment for Otowi Well #2 and (II) replacing the motor control center to Otowi Well #4; providing for the pledge and payment of the principal, administrative fees and interest due under the loan agreement solely from the net revenues of the joint utility system of the Governmental Unit; setting an interest rate for the loan, approving the form of and other details concerning the loan agreement, ratifying actions heretofore taken; repealing all action inconsistent with this ordinance; and authorizing the taking of other actions in connection with the execution and delivery of the loan agreement. He further moved that, upon passage, the Ordinance be published in its entirety.

The motion passed with the following vote:

- Yes: 5 - Councilor Robinson, Councilor Ryti, Councilor Scott, Councilor Derkacs and Councilor Williams**
- Absent: 2 - Councilor Izraelevitz and Councilor Reagor**

- B. [OR0907-21b](#) Incorporated County of Los Alamos Ordinance No. 709, An Ordinance Terminating the Economic Development Project of Pebble Labs Inc., A Delaware Corporation.

Councilor Williams recused himself from this item and left the room, at 7:26 p.m.

Mr. Steven Lynne, County Manager, presented.

Public Comment:
None.

A motion was made by Councilor Scott, seconded by Councilor Derkacs, that Council adopt Incorporated County of Los Alamos Ordinance No. 709, an ordinance terminating the Economic Development Project of Pebble Labs Inc., and asked staff to assure that it is published as provided in the County Charter.

The motion passed with the following vote:

Yes: 4 - Councilor Robinson, Councilor Ryti, Councilor Scott and Councilor Derkacs

Absent: 3 - Councilor Izraelevitz, Councilor Reagor and Councilor Williams

- C. [RE0473-21](#) Incorporated County of Los Alamos Resolution No. 21-19 Endorsing the North Central Regional Transit District’s FY2022 Budget Proposal, Approving the FY2022 Los Alamos County Regional Transit Plan and Directing Staff to Submit the FY2022 Los Alamos County Regional Transit Plan to the North Central Regional Transit District Board of Directors

RECESS

Councilor Ryti called for a recess at 7:34 p.m. The meeting reconvened at 7:41 p.m.

Councilor Williams returned to the meeting during the Recess.

Mr. Jon Bulthuis, Deputy Public Works Director, presented.

Public Comment:
None.

A motion was made by Councilor Williams, seconded by Councilor Robinson, that Council approve Incorporated County of Los Alamos Resolution No. 21-19 Endorsing the North Central Regional Transit District’s FY2022 Budget Proposal, Approve the FY2022 Los Alamos County Regional Transit Plan and Direct Staff to Submit the FY2022 Los Alamos County Regional Transit Plan to the North Central Regional Transit District Board of Directors.

The motion passed with the following vote:

Yes: 5 - Councilor Robinson, Councilor Ryti, Councilor Scott, Councilor Derkacs and Councilor Williams

Absent: 2 - Councilor Izraelevitz and Councilor Reagor

Council Business Item 12.A (heard out of order per approval of agenda)

- 1) [14580-21](#) Appointment of Racial Equity and Inclusivity Task Force Member.

Councilor Scott spoke.

Public Comment:
None.

A motion was made by Councilor Scott, seconded by Councilor Derkacs, to nominate Michael Adams and Bill Redmond to fill one vacancy on the Racial Equity and Inclusivity Task Force 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 total of four or more votes will be appointed to fill the remainder of the term which began March 31, 2021 and will end on March 30, 2022.

Councilor Ryti called for a roll call vote to appoint members to the Racial Equity and Inclusivity Task Force:

**Councilors Ryti, Robinson, Derkacs, and Scott voted for:
Michael Adams**

**Councilor Williams voted for:
Bill Redmond**

After a roll call vote, Mr. Michael Adams was appointed.

11. BUSINESS

- A. [14798-21](#) Land Development Agreement Amendment 1 by and between Bethel Development, Inc., and the County of Los Alamos to extend the contract completion date of the Bluffs Senior Housing project to December 31, 2022.

Mr. Paul Andrus, Community Development Director, presented.
Mr. Steven Lynne, County Manager, spoke.

Public Comment:
None.

A motion was made by Councilor Scott, seconded by Councilor Derkacs, that Council approve Land Development Agreement Amendment #1 by and between Bethel Development, Inc. and the County of Los Alamos to extend the contract completion date of the Bluffs Senior Housing project to on or before December 31, 2022.

The motion passed with the following vote:

Yes: 4 - **Councilor Robinson, Councilor Ryti, Councilor Scott and Councilor Derkacs**

No: 1 - **Councilor Williams**

Absent: 2 - **Councilor Izraelevitz and Councilor Reagor**

Councilor Scott left after the discussion of this item at 7:55 p.m.

B. [13901-21](#)

Mr. Cory Styron, Community Services Director, presented.

Public Comment:
None.

A motion was made by Councilor Derkacs, seconded by Councilor Robinson, that the County Council approve the revisions of the Charges and Fees Policy for the Community Services Department.

The motion passed with the following vote:

C. [14096-21](#)

Proposed Revisions to Cemetery Fee Schedule

Mr. Cory Styron, Community Services Director, presented.

Public Comment:
None.

A motion was made by Councilor Robinson, seconded by Councilor Derkacs, that Council approve the Proposed Revisions to the Cemetery Fee Schedule as presented.

The motion passed with the following vote:

D. [14505-21](#)

Approval of Policy 1735 "Use and Rental of County Facilities/Lands"

Mr. Cory Styron, Community Services Director, presented.

Public Comment:
Ms. Lisa Reader, 3217 Woodland, Equine and Livestock Advisory Committee (ELAS), spoke.
Ms. Melissa Arias, 2168 44th Street, Los Alamos Stable Owners Association, spoke.

A motion was made by Councilor Derkacs, seconded by Councilor Robinson, that the County Council approve the updated Policy 1735 "Use and Rental of County Facilities/Lands", effective October 1, 2021.

The motion passed with the following vote:

RECESS

Councilor Ryti called for a recess at 8:26 p.m. The meeting reconvened at 8:35 p.m.

E. [14602-21](#) Presentation and Recommendation on the American Rescue Plan Act (ARPA) Allocation of Uses Plan

Ms. Helen Perraglio, Chief Financial Officer, presented.
Mr. Philo Shelton, Utilities Manger, spoke.

Public Comment:
None.

I move that Council approve the ARPA Allocation of Uses Plan described in Attachment A as recommended by staff.

A motion was made by Councilor Derkacs, seconded by Councilor Robinson, that Council approve the ARPA Allocation of Uses Plan with the proposed higher allocation for utilities but otherwise as recommended by staff.

After further discussion Councilor Derkacs withdrew her motion.

A SECOND motion was made by Councilor Derkacs, seconded by Councilor Robinson, that Council approve the ARPA Allocation of Uses Plan described in attachment A but amended to address the percentage allocations to 70% to 75% for category A and 25% to 30% for category D.

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

Yes: 4 - Councilor Robinson, Councilor Ryti, Councilor Derkacs and Councilor Williams

Absent: 3 - Councilor Scott, Councilor Izraelevitz and Councilor Reagor

12. COUNCIL BUSINESS

A. Appointments

Heard after Item 10.C per approval of agenda.

B. Board, Commission and Committee Liaison Reports

Councilor Williams reported on the Environmental Sustainability Board and the North Central Regional Transit District.

C. County Manager's Report

- 1) [14418-21](#) County Manager's Report for August 2021

County Manager Steven Lynne reported on the new COVID testing requirement for County Employees, a possible deployment exercises by staff from Fort Bliss, and current recruitments of high-level positions.

D. Council Chair Report

Chair Ryti reported on the Annual Meeting of the Coalition of Sustainable of Community New Mexico, the Mayor's Task Force, a tour of Rendija Canyon, the Julie Habiger Retirement, the Los Alamos County Resiliency, Energy and Sustainability (LARS) Task Force, a ribbon cutting for the Richard Swenson Art at the Nature Center, a Federal Legislative Committee Meeting, and he put his name in for consideration as an observer for the Coalition.

E. General Council Business

- 1) [14769-21](#) Consideration of Regularly Scheduled Town Halls

Public Comment:
None.

A motion was made by Councilor Robinson, seconded by Councilor Derkacs, that Council direct staff to schedule periodic Town Halls quarterly and return to Council with a schedule.

After further discussion Councilor Robinson withdrew his motion.

A SECOND motion was made by Councilor Williams, seconded by Councilor Derkacs, that Council direct staff to schedule periodic informal public sub-quorum meetings at which Councilors can mingle with the public ideally with catering, to be held quarterly, and that staff return to Council with the schedule.

Councilor Derkacs suggested a friendly amendment eliminating the wording on catering and leaving it vague. The friendly amendment was accepted.

The SECOND motion as amended passed with the following vote:

Yes: 4 - Councilor Robinson, Councilor Ryti, Councilor Derkacs and Councilor Williams

Absent: 3 - Councilor Scott, Councilor Izraelevitz and Councilor Reagor

F. Approval of Councilor Expenses

None.

G. Preview of Upcoming Agenda Items

Councilor Ryti advised he was contacted by a woman that wants to do a presentation at the next meeting, but he has not received the information yet, and he outlined the tickler for the September 21st work session.

Councilor Robinson requested an item related to the use of vacant land vacated by the Pebble LEDA deal to be placed on an upcoming agenda.

13. COUNCILOR COMMENTS

Councilor Ryti commented on the upstairs Mesa Library Exhibit space that will be on display until September 21st.

14. PUBLIC COMMENT

None.

15. ADJOURNMENT

The meeting adjourned at 9:53 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

Randall T. Ryti, Council Chair

Attest:

Naomi D. Maestas, County Clerk

Meeting Transcribed by: Victoria L. Martinez, Senior Deputy Clerk