



LOS ALAMOS

County of Los Alamos

Los Alamos, NM 87544
www.losalamosnm.us

Minutes

County Council – Regular Session

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

Tuesday, November 29, 2022

6:00 PM

Council Chambers – 1000 Central Avenue
TELEVISED

1. OPENING/ROLL CALL

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

Councilor Lepsch joined the meeting via zoom during Item 2 at 6:02 p.m.

The following Councilors were in attendance:

**Present: 5 - Councilor Rytí, Councilor Derkacs, Councilor Reagor, Councilor Scott,
and Councilor Hand**

Remote: 2 - Councilor Lepsch and Councilor Izraelevitz

2. PLEDGE OF ALLEGIANCE

Led by: All.

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

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

3. PUBLIC COMMENT

Ms. JoAnn Temple commented on the Los Alamos County Horse Stables.

Ms. Carol Bronisz commented on the Los Alamos County Horse Stables.

Ms. Brandi Engeman commented on public hearing requirements.

Ms. Jody Schwartz commented on Los Alamos County governance.

4. APPROVAL OF AGENDA

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

The motion passed with the following vote:

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

5. PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

A. Proclamation Recognizing Los Alamos County Election Officials, Poll-workers and Volunteers

Councilor Reagor read and presented the proclamation to Naomi Maestas, County Clerk and Los Alamos County Poll Workers.

Ms. Naomi Maestas, County Clerk, spoke.

No action taken.

6. CITIZENS PETITION

A. Citizen Petition Requesting Action Concerning Chapter 18 Revision and Community Development Advisory Board (CDAB)

Mr. Aaron Dennis Winter Walker presented.

Ms. Katie Thwaits, Deputy County Attorney, spoke.

Mr. Steven Lynne, County Manager, spoke.

Public Comment:

Ms. Carol Bronisz spoke.

Ms. Brandi Engeman spoke.

Mr. George Chandler spoke.

Mr. Eduardo Santiago spoke.

Ms. Margaret Meier spoke.

Mr. John Courtright spoke.

Mr. Joshua Muck spoke.

Mr. Antonio Maggiore spoke.

Ms. Lauren Coupland spoke.

Mr. John Bloodwood spoke.

Ms. Amy Rogers spoke.

A motion was made by Councilor Ryti, seconded by Councilor Reagor, that Council thank the petitioners for their request and take the following actions, #1 review all of the actions recommended by CDAB during the public hearing that's Item 10A, #2 develop a schedule for obtaining the additional public input and the schedule for adoption of the ordinance, and #3 take no action to dissolve CDAB until a revised Chapter 18 is in effect and has been evaluated for impacts on the community for a period of no less than one year.

A SUBSTITUTE motion was made by Councilor Izraelevitz, seconded by Councilor Derkacs, that Council thank the petitioners for their request and take the following action which is to discuss the petition as part of Item 10A in tonight's meeting.

The SUBSTITUTE motion failed with the following vote:

Yes: 3 - Councilor Derkacs, Councilor Izraelevitz, and Councilor Scott

No: 4 - Councilor Ryti, Councilor Hand, Councilor Reagor, and Councilor Lepsch

The ORIGINAL motion passed with the following vote:

Yes: 4 - Councilor Rytí, Councilor Hand, Councilor Reagor, and Councilor Lepsch

No: 3 - Councilor Derkacs, Councilor Izraelevitz, and Councilor Scott

7. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

None.

8. CONSENT AGENDA

Consent Motion:

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

- A. Approval of County Council Minutes for November 15, 2022, Regular Session**

I move that Council approve the County Council Minutes for November 15, 2022, Regular Session.

- B. Approval of Services Agreement No. AGR23-917 with DUB-L-EE, LLC in the amount of \$500,000, plus applicable gross receipts tax, for the purpose of On-Call and Emergency Utility Repair Services**

I move that the County Council approve Services Agreement No. AGR23-917 with DUB-L-EE, LLC in the amount of \$500,000, plus applicable gross receipts tax, for the purpose of On-Call and Emergency Utility Repair Services.

- C. Award of Bid No. 23-41 in the Amount of \$3,364,769.80 plus Applicable Gross Receipts Tax to TLC Plumbing & Utility for Construction of the 33rd/34th and Arkansas Road and Utility Improvements Project; Establish a Project Budget in the Amount of \$4,062,462.54 for Roadway and Utility Work, and Approve Related Budget Revision 2023-24**

I move that Council award Bid No. 23-41 in the Amount of \$3,364,769.80 plus Applicable Gross Receipts Tax to TLC Plumbing & Utility for Construction of the 33rd/34th and Arkansas Road and Utility Improvements Project; Establish a Project Budget in the Amount of \$4,062,462.54 for Roadway and Utility Work, and Approve Related Budget Revision 2023-24 as summarized on Attachment D.

- D. Approval of Agreement No. AGR23-911, Collection Agreement Between the Incorporated County of Los Alamos and the U.S. Department of Agriculture, U.S. Forest Service Santa Fe National Forest**

I move that Council approve Agreement No. AGR23-911, Collection Agreement Between the Incorporated County of Los Alamos and the U.S. Department of Agriculture, U.S. Forest Service Santa Fe National Forest in an amount not to exceed \$208,111.43, plus Applicable Gross Receipts Tax, the costs to be shared equally between the Department of Public Utilities and the General County, for the purpose of clearance surveys and land appraisals prior to conveyance of lands to Los Alamos County.

E. Approval of Agreement AGR 23-36a to Allied 360 Construction, LLC., and Agreement AGR 23-36b to JJ Excavation, Inc., for On-Call Snow Removal Services and Emergency Equipment Services in an Amount Not to Exceed \$600,000 Combined for both Agreements Plus Applicable Gross Receipts Tax Over a Seven Year Period

I move that Council approve Agreement AGR 23-36a to Allied 360 Construction, LLC., and Agreement AGR 23-36b to JJ Excavation, Inc., for On-Call Snow Removal Services and Emergency Equipment Services in an Amount Not to Exceed \$600,000 Combined for both Agreements Plus Applicable Gross Receipts Tax Over a Seven Year Period.

Approval of the Consent Agenda:

The motion passed with the following vote:

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

9. INTRODUCTION OF ORDINANCE(S)

A. Introduction of Ordinance No. 722 Authorizing the Execution and Delivery of a Water Fund Project Loan/Grant Agreement for Construction of Phase II of the Bayo New Non-Potable Water Tank and Existing Tank Upgrades

Councilor Derkacs introduced, without prejudice, Ordinance No. 722 Authorizing the Execution and Delivery of a Water Fund Project Loan/Grant Agreement for Construction of Phase II of the Bayo New Non-Potable Water Tank and Existing Tank Upgrades.

B. Introduction of Incorporated County of Los Alamos Ordinance No. 02-335 A Code Ordinance Amending Chapter 8 to Repeal Article XV of Chapter 8 to Remove the Community Development Advisory Board as a Permanent Board of the County

Councilor Izraelevitz introduced, without prejudice, Incorporated County of Los Alamos Ordinance No. 02-335 A Code Ordinance Amending Chapter 8 to Repeal Article XV of Chapter 8 to Remove the Community Development Advisory Board as a Permanent Board of the County and asked staff to assure that it is published as provided in the County Charter.

10. PUBLIC HEARING(S)

A. Incorporated County of Los Alamos Ordinance No. 02-334 An Ordinance Repealing and Replacing in Its Entirety the Text of Article II, Chapter 18, "Nuisances"

Mr. Paul Andrus, Community Development Director, presented.

Mr. Will Gleason, Dekker/Perich/Sabatini (D/P/S), Principal Urban Planner, presented.

Ms. Jessica Lawlis, Dekker/Perich/Sabatini (D/P/S), Urban Planner, presented.

Ms. Katie Thwaits, Deputy County Attorney, spoke.

Mr. Steven Lynne, County Manager, spoke.

Mr. Kevin Powers, Assistant County Attorney, spoke.

RECESS

Councilor Rytí called for recess at 9:02 p.m. The meeting reconvened at 9:15 p.m.

Public Comment:

Mr. John Gustafson spoke.

Mr. Aaron Walker spoke.

Ms. Brandi Engemen spoke.

Ms. Carol Bronisz spoke.

Mr. Robert Day spoke.

Mr. Peter Ladelfa spoke.

Ms. Lauren Coupland spoke.

Mr. John Bloodwood spoke.

Ms. Margaret Dare spoke.

Ms. Elizabeth Daly spoke.

Mr. George Chandler spoke.

Mr. Ronald Nelson spoke.

Mr. Grant Harding spoke.

A motion was made by Councilor Scott, seconded by Councilor Derkacs, that Council adopt Incorporated County of Los Alamos Ordinance No. 02-334; an Ordinance repealing and replacing in its entirety the text of Article II, Chapter 18, "Nuisances"; and asked staff to assure that it is published in summary form, and I would like to add to that the statement regarding the stables to make it clear that those and the airport are not to be considered under the purview of this code.

Councilor Scott revised the motion to remove "and I would like to add to that the statement regarding the stables to make it clear that those and the airport are not to be considered under the purview of this code" from the motion and no objections were made.

The motion passed with the following vote:

Yes: 4 - Councilor Izraelevitz, Councilor Derkacs, Councilor Scott, and Councilor Lepsch

No: 3 - Councilor Reagor, Councilor Ryti, and Councilor Hand

11. COUNCIL BUSINESS

A. Appointments

None.

B. Board, Commission, and Committee Liaison Reports

Skipped.

C. County Manager's Report

1) County Manager's Report for November 2022

Mr. Steven Lynne, County Manager, reported on the Golf Course Site Development Improvements and an appeal request.

D. COVID-19 Situational Report

Ms. Linda Matteson, Deputy County Manager, provided an update.

E. Council Chair Report

Skipped.

F. General Council Business

None.

G. Approval of Councilor Expenses

A motion was made by Councilor Scott, seconded by Councilor Derkacs, that Council approve expenses for councilors and councilors elect to attend the Better Informed Public Officials (BIPO) training in December in Albuquerque.

The motion passed with the following vote:

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

H. Preview of Upcoming Agenda Items

None.

12. COUNCILOR COMMENTS

Councilor Izraelevitz congratulated Councilor Ryti on being elected as treasurer of the Energy Communities Alliance.

Councilor Ryti commented on the Text of Article II, Chapter 18, "Nuisances", Item 10.A.

13. PUBLIC COMMENT

Mr. Aaron Walker commented on Text of Article II, Chapter 18, "Nuisances", Item 10.A.

Mr. Robert Day commented Text of Article II, Chapter 18, "Nuisances", Item 10.A.

Ms. Brandy Engeman commented on the actions of council members.

Mr. Antonio Maggiore commented on the actions of council members.

Mr. David Hampton commented on the actions of council members.

Ms. Charlene Hutchison commented on the action of council members.

Mr. John Bloodwood commented on the county Home Renewal Program.

Mr. Grant Harding commented on Text of Article II, Chapter 18, "Nuisances", Item 10.A.

Ms. Lauren Coupland commented on Covid-19 testing and Text of Article II, Chapter 18, "Nuisances", Item 10.A.

Ms. Catherine Ozment commented on Text of Article II, Chapter 18, "Nuisances", Item 10.A.

14. ADJOURNMENT

The meeting adjourned at 10:45 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

Randall T. Rytí, Council Chair

Attest:

Naomi D. Maestas, County Clerk

Meeting Transcribed by: Ubaldo Barela, Deputy Clerk

Budget Revision 2023-24

Council Meeting Date: November 29, 2022

	Fund & Department	Org	Object	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
	CIP/ 33rd/34th and Arkansas Road Project	CP5029	8369		\$ 500,000		\$ (500,000)
	CIP/ Canyon Road Project	CP5030	8369		\$ (470,000)		\$ 470,000
	CIP/Cumbres Del Norte Road Project	CP5031	8369		\$ (30,000)		\$ 30,000

Description: The purpose of this budget revision is to Fund the 33rd/34th and Arkansas Street project as bid received was greater than the engineers estimate for the project. Additional funding is required to award contract for Bid No. 23-41. Savings from two prior projects will be utilized to fund the shortfall.

Fiscal Impact: The net impact on the FY2023 Budget is 0.00