

Minutes

County Council – Regular Session

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

Tuesday, December 7, 2021

6:00 PM

Due to COVID-19 concerns, meeting will be
conducted remotely.
<https://us06web.zoom.us/j/85183087596>

1. **OPENING/ROLL CALL**

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

The following Councilors were in attendance:

Present: 7 - Councilor Ryti, Councilor Robinson, Councilor Derkacs, Councilor Izraelevitz,
Councilor Reagor, Councilor Scott, and Councilor Williams

2. **PLEDGE OF ALLEGIANCE**

Led by: All.

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

3. **STATEMENT REGARDING CLOSED SESSION**

Councilor Derkacs, read the following statement for inclusion in the minutes: "The matters discussed in the closed session held on November 22, 2021, that began at 5:00 p.m. were limited only to those topics specified in the notice of the closed session, and no action was taken on any matter in that closed session. We request that this statement be included in the meeting minutes."

4. **PUBLIC COMMENT**

None.

5. **APPROVAL OF AGENDA**

Councilor Ryti requested Item 7.B. be moved to Item 12.D. and Item 9.E. be removed from the Consent Agenda. There were no objections.

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

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Robinson, Councilor Derkacs, Councilor Izraelevitz,
Councilor Reagor, Councilor Scott, and Councilor Williams

6. COVID-19 SITUATIONAL UPDATE

Mr. Steven Lynne, County Manager, spoke.
Ms. Beverley Simpson, Emergency Manager, provided an update.
Ms. Julie Williams-Hill, Communications & Public Relations Administrator, spoke.

7. PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

A. Presentation of the 2021 Electric Reliability Plan

Mr. Philo Shelton, Utilities Manager, spoke.
Mr. Stephen Marez, Electrical Engineering Manager, presented.
Mr. Steve Cummins, Deputy Utilities Manager, spoke.

B. Report on United Nations Climate Change Conference in Glasgow

Item moved to Item 12.D.

Item not presented under 12.D.

8. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

None.

9. 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 amended and that the motions in the staff reports be included for the record.

A. Approval of County Council Minutes for November 9, 2021 and November 16, 2021

I move that Council approve the County Council Minutes for November 9, 2021 and November 16, 2021, as amended.

B. Approval of General Services Agreement No. AGR 21-57 with IC System in the amount of fourteen and one-half percent (14.5%) of any recovered amount on all referral accounts for the Purpose of Accounts Receivable Collection Services.

I move that Council approve General Services Agreement No. AGR 21-57 with IC System, not to exceed, fourteen and one-half percent (14.5%) of any recovered amount on all referral accounts for the purpose of Accounts Receivable Collection Services.

C. Approval of Services Agreement No. AGR 22-920 with Trane U.S. Inc. and the use of a State of New Mexico Statewide Price Agreement contract in the Amount of \$457,317.43 plus Applicable Gross Receipts Tax for installation of a Computer Room Air Conditioning System and Establish a Project Budget in the Amount of \$525,000

I move that Council approve Services Agreement No. AGR 22-920 with Trane U.S. Inc. and the use of a Statewide Purchasing Agreement contract in the Amount of \$457,317.43 plus Applicable Gross Receipts Tax for installation of a Computer Room Air Conditioning System and Establish a Project Budget in the Amount of \$525,000.

- D. Contract for General Services, Agreement No. AGR21-52 with The International City Management Association Retirement Corporation doing business as MissionSquare Retirement ("MissionSquare"), for 457(b), 457(b) Roth and 401(a) Money Purchase Plan Administration, Custodial Trustee, Recordkeeping, Investment Advisory, and Investment Management Services for Incorporated County of Los Alamos employees

I move that Council approve the Contract for General Services, Agreement No. AGR21-52 with MissionSquare for 457(b), 457(b) Roth and 401(a) Money Purchase Plan Administration, Custodial Trustee, Recordkeeping, Investment Advisory, and Investment Management Services for Incorporated County of Los Alamos employees. I further move that Council authorize the County Manager to execute the Agreement on behalf of the County.

- E. Approval of Task Order 9 under Services Agreement No. AGR 17-15b with FBT Architects in an amount not to exceed \$323,846 plus applicable Gross Receipts Tax for Planning and Design of the North Mesa Community Gymnasium Project

Item pulled from the agenda.

- F. Reissuance of Loan Agreement and Promissory Note for Clean Water State Revolving Fund (CWSRF) Loan 083 as amended in Ordinance No. 712, pending ordinance effective date, for the construction of the White Rock Water Resource Reclamation Facility (WRRF)

I move that County Council approve reissuance of the amended CWSRF 083 Loan Agreement and Promissory Note pending Ordinance No. 712 effective date, and authorize the County's Utilities Manager to sign the final documents.

- G. Consideration of Budget Revision 2022-26 and the associated additional limited term 0.75 FTE as the result of the receipt of the COVID-19 Community Resilience and Recovery Grant (\$100,000) and the State of New Mexico funds (\$9,461)

I move that Council approve Budget Revision 2022-26 as presented and approve one additional limited-term 0.75 FTE under Social Services who will be dedicated to the COVID-19 Community Resilience and Recovery grant (Kellogg) program of the New Mexico Department of Health through New Mexico Alliance of Health Councils.

- H. Council's Action to Affirmatively Elect to Continue to Operate Under the County's Local Labor Management Relations Board

I move that Council affirmatively elect to continue to operate under the County's Local Labor Management Relations Board, and direct staff to submit this decision to the County's Labor Management Relations Board for its submittal to the State Public Employees Labor Relations Board before December 31, 2021.

Approval of the Consent Agenda:

The motion passed with the following vote:

Yes: 7 – Councilor Ryti, Councilor Robinson, Councilor Derkacs, Councilor Izraelevitz, Councilor Reagor, Councilor Scott, and Councilor Williams

10. INTRODUCTION OF ORDINANCE(S)

- A. Incorporated County Of Los Alamos Code Ordinance No. 02-324, An Ordinance Amending Chapter 40, Article II, Division 2, Section 40-63 to Extend the Option of Redirecting Department of Public Utilities Profit Transfers by Council Action to the Joint Utility System Fund for Purposes designated by the Council

Councilor Scott introduced, without prejudice, Incorporated County of Los Alamos Code Ordinance 02-324 as presented.

11. PUBLIC HEARING(S)

- A. Incorporated County of Los Alamos Code Ordinance No. 02-321, An Ordinance Amending the text of Chapter 16, Article I Section 9, and Article VII Section 288 and adding a new Section 289, to adopt local regulations for cannabis retail sales and amending the text of Article VII Section 277 regarding home occupations

Mr. Bryce Ternet, Planning Manager, presented.
Mr. Alvin Leaphart, County Attorney, spoke.

Public Comment:

Mr. Antonio Maggiore, no address given, spoke.
Mr. Phil Gursky, no address given, spoke.
Mr. William Hunter, no address given, spoke.
Ms. Collete Hunter, no address given, spoke.
Mr. Jason Gochanour, 66 Loma Vista, spoke.
Mr. Aaron Walker, White Rock, spoke.
Ms. Brandi Engeman, 355 Kayenta, spoke.
Ms. Erin Green, no address given, spoke.
Ms. Cortni Nucklos, no address given, spoke.

RECESS

Councilor Ryti called for recess at 8:24 p.m. The meeting reconvened at 8:34 p.m.

A motion was made by Councilor Williams, seconded by Councilor Robinson, that Council amend Incorporated County of Los Alamos Code Ordinance No. 02-231 as follows: strike section 2 in its entirety which prohibits cannabis manufacturing retail in residential districts, and section 3 strike paragraph C. which prohibits cannabis retailers within three hundred feet from existing cannabis retailer, and strike paragraph E. which prohibits businesses from designating cannabis smoking areas, and section 4 modify the use index table to allow cannabis retail use a special use permit in residential areas, and that the amended Ordinance be reconsidered at the January 4, 2021 meeting for Los Alamos County Council.

The motion failed with the following vote:

Yes: 2 - Councilor Robinson and Councilor Williams

No: 5 - Councilor Derkacs, Councilor Izraelevitz, Councilor Reagor, Councilor Scott, and Councilor Ryti

A motion was made by Councilor Scott, seconded by Councilor Izraelevitz, that Council adopt Incorporated County of Los Alamos Code Ordinance No. 02-321 as recommended by the Planning and Zoning Commission, and asked staff to assure that the adopted ordinance is published in summary form.

The motion passed with the following vote:

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

No: 3 - Councilor Ryti, Councilor Robinson, and Councilor Williams

- B. Incorporated County of Los Alamos Ordinance No. 711: Loan/Grant Agreement with the New Mexico Finance Authority for Wastewater Plant Filtration System (Water Trust Board Loan/Grant)

Public Comment:
None.

A motion was made by Councilor Izraelevitz, seconded by Councilor Robinson, that Council adopt Incorporated County of Los Alamos Ordinance No. 711, an Ordinance authorizing the execution and delivery of a Water Project Fund Loan/Grant Agreement between the New Mexico Finance Authority and the County in the total amount of \$2,500,000 for the purpose of constructing a filtration treatment process at the Los Alamos Wastewater Treatment Plant.

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Robinson, Councilor Derkacs, Councilor Izraelevitz, Councilor Reagor, Councilor Scott, and Councilor Williams

- C. Incorporated County of Los Alamos Resolution No. 21-31; A Resolution Amending Resolution No. 21-09; Adjusting Precinct Boundaries in the Incorporated County of Los Alamos, New Mexico

Public Comment:
None.

A motion was made by Councilor Robinson, seconded by Councilor Derkacs, that Council adopt Incorporated County of Los Alamos Resolution No. 21-31; A Resolution Amending Resolution No. 21-09; Adjusting Precinct Boundaries in the Incorporated County of Los Alamos, New Mexico.

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Robinson, Councilor Derkacs, Councilor Izraelevitz, Councilor Reagor, Councilor Scott, and Councilor Williams

12. COUNCIL BUSINESS

E. General Council Business

Consent Item 9.E. (Heard out of order)

Approval of Task Order 9 under Services Agreement No. AGR 17-15b with FBT Architects in an amount not to exceed \$323,846 plus applicable Gross Receipts Tax for Planning and Design of the North Mesa Community Gymnasium Project

Mr. Eric Martinez, County Engineer, presented.
Ms. Anne Laurent, Assistant County Manager, spoke.

Public Comment:

Ms. Erin Green, no address given, spoke.
Mr. Antonio Maggiore, no address given, spoke.
Mr. Aaron Walker, White Rock, spoke.
Ms. Brandi Engeman, 355 Kayenta, spoke.

A motion was made by Councilor Izraelevitz seconded by Councilor Scott, that Council approve Task Order 9 under Services Agreement No. AGR 17-15b with FBT Architects in an amount not to exceed \$323,846 plus applicable Gross Receipts Tax for Planning and Design of the North Mesa Community Gymnasium Project.

After further discussion Councilor Izraelevitz withdrew his motion.

A motion was made by Councilor Izraelevitz, seconded by Councilor Scott, that council withdraw Item 9.E. from the agenda.

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Robinson, Councilor Derkacs, Councilor Izraelevitz, Councilor Reagor, Councilor Scott, and Councilor Williams

A. Appointments

Skipped.

B. Board, Commission, and Committee Liaison Reports

Skipped.

C. County Manager's Report

Skipped.

D. Council Chair Report

Presentations, Proclamations and Recognitions Item 7.B.

Report on United Nations Climate Change Conference in Glasgow

Item not presented

E. General Council Business

1) Discussion and Possible Action on Council Meeting Format

Public Comment:

Mr. Antonio Maggiore, no address given, spoke.
Ms. Brandi Engeman, 355 Kayenta, spoke.
Mr. Jason Gochanour, 66 Loma Vista, spoke.

A motion was made by Councilor Reagor, seconded by Councilor Robinson, that Council change the council meeting format to hybrid starting on the first meeting in January.

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Robinson, Councilor Derkacs, Councilor Izraelevitz, Councilor Reagor, Councilor Scott, and Councilor Williams

F. Approval of Councilor Expenses

Skipped.

G. Preview of Upcoming Agenda Items

Skipped.

1) COUNCILOR COMMENTS

Skipped.

2) PUBLIC COMMENT

Mr. Aaron Walker, White Rock, commented on the Council process regarding reliable public input.

Mr. Antonio Maggiore, no address given, commented on an article by Councilor Izraelevitz.

Mr. Jason Gochanour, 66 Loma Vista, commented on the cannabis ordinance.

Ms. Brandi Engeman, 355 Kayenta, commented on the Council process regarding reliable public input and the cannabis ordinance.

Mr. William Hunter, no address given, commented on Council actions and the cannabis ordinance.

Ms. Collete Hunter, no address given, commented on public input.

Mr. Bob Day, no address given, commented on Council actions and home business.

Ms. Cortni Nucklos, no address given, commented on an item related to the cannabis ordinance.

3) ADJOURNMENT

The meeting adjourned at 10:35 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

Randall T. Ryti, Council Chair

Attest:

Naomi D. Maestas, County Clerk

Meeting Transcribed By: Victoria N. Montoya Senior Deputy Clerk