



# Los Alamos County Council

## Minutes

February 16, 2010

7:00 P.M. – White Rock Town Hall

**These minutes have been approved by the Los Alamos County Council.  
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### Regular Session

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#### 1. OPENING

Councilor Wismer called the meeting to order at 7:00 p.m. The following were present:

Michael E. Wismer, Chair  
Sharon Stover, Vice-Chair  
Nona Bowman, Councilor  
Vincent Chiravalle, Councilor  
Ralph L. Phelps, Councilor  
Michael G. Wheeler, Councilor  
Michael G. Wheeler, Councilor

Anthony J. Mortillaro, County Administrator  
C. Brian James, Asst. County Attorney  
Deni Fell, Deputy Clerk  
Members of the Media, Public  
and County Staff

Councilor Robert B. Gibson was absent from the meeting.

#### 2. PUBLIC COMMENT - None

#### 3. APPROVAL OF AGENDA

Councilor Chiravalle requested removal of Council Business Item 8.A.1 to be tabled and heard at some future meeting. There were no objections.

Councilor Bowman requested removal of Consent Agenda Items A & B to be heard as the first items of Business. There were no objections.

**Councilor Chiravalle moved, seconded by Councilor Phelps,** that Council approve the agenda, as amended. **The motion passed 6 - 0, by acclamation; Councilor Gibson was absent.**

#### 4. PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS - None

#### 5. APPROVAL OF MINUTES FROM PREVIOUS MEETING(S)

Approval of County Council Minutes for January 23, 2010, January 26, 2010, and January 28, 2010.

**Councilor Phelps moved, seconded by Councilor Stover,** that Council approve the County Council Minutes from January 23, 2010, January 26, 2010, and January 28, 2010, as amended. **The motion passed 6 – 0, Councilor Gibson was absent.**

#### 6. CONSENT AGENDA

A. Los Alamos County Assessor Valuation Plan. ***(This item was moved to be heard as the first item under Business)***

- B. Approval of Increases to the Library Division Budget Totaling \$46,219 From the Following Sources: Donation from the Friends of Mesa Public Library in the Amount of \$35,850; Additional Donations to the Library Gift Fund for Library Resources and Programs in the Amount of \$2,500; Revenues Collected for Lost and Damaged Books in the Amount of \$6,813; and State-Aid Grant From the New Mexico State Library in the Amount of \$1,056 and Approval of Budget Revision 2010-19. ***(This item was moved to be heard under Business)***
- C. Re-Adoption of the Memorandum of Agreement Between the Department of Energy, National Nuclear Security Administration, the Pueblo of San Ildefonso, the Pueblo of Santa Clara, the Incorporated County of Los Alamos and the New Mexico State Historic Preservation Officer Regarding Management of the Rendija Canyon Traditional Cultural Properties Districts Listed in the New Mexico State Register of Cultural Properties.
- D. Incorporated County of Los Alamos Resolution No. 10-07; A Resolution Authorizing the County to Submit an Application to the New Mexico Department of Finance and Administration, Local Government Division, to Participate in the Local DWI Grant and Distribution Program.

**Councilor Stover moved, seconded by Councilor Bowman,** that Council approve Items C and D on the Consent Agenda, as amended; and that the motions in the staff reports be included for the record.

6.C. I move that Council re-adopt the Memorandum of Agreement (MOA) Between the Department of Energy (DOE), National Nuclear Security Administration, the Pueblo of San Ildefonso, the Pueblo of Santa Clara, the Incorporated County of Los Alamos and the New Mexico State Historic Preservation Officer (SHPO) Regarding Management of the Rendija Canyon Traditional Cultural Properties Districts Listed in the New Mexico State Register of Cultural Properties and Authorize the County Administrator to sign the Agreement.

6.D. I move that Council adopt Incorporated County of Los Alamos Resolution No. 10-07; A Resolution Authorizing the County to Submit an Application to the New Mexico Department of Finance and Administration, Local Government Division, to Participate in the Local DWI Grant and Distribution Program.

**The motion passed 6 – 0, Councilor Gibson was absent.**

## 7. BUSINESS

**Item 6.A.** - Los Alamos County Assessor Valuation Plan.

Councilor Bowman asked to verify that Los Alamos County is rated 21<sup>st</sup> out of 33 counties in the State for property taxes.

Mr. Joaquin Valdez, Chief Deputy Assessor, verified the rating.

**Councilor Stover moved, seconded by Councilor Bowman,** that Council approve the Los Alamos County Assessor Valuation Plan.

Councilor Wismer called for public comment. There was none.

**The motion passed 6 – 0, Councilor Gibson was absent.**

**Item 6.B.** - Approval of Increases to the Library Division Budget Totaling \$46,219 From the Following Sources: Donation from the Friends of Mesa Public Library in

the Amount of \$35,850; Additional Donations to the Library Gift Fund for Library Resources and Programs in the Amount of \$2,500; Revenues Collected for Lost and Damaged Books in the Amount of \$6,813; and State-Aid Grant From the New Mexico State Library in the Amount of \$1,056 and Approval of Budget Revision 2010-19.

Councilor Bowman recognized and thanked the Friends of the Library for the generous donation.

Councilor Wismer called for public comment. There was none.

**Councilor Bowman moved, seconded by Councilor Chiravalle,** that Council approve the increases to the Library Division Budget from the following sources: donation from the Friends of Mesa Public Library in the amount of \$35,850; additional donations to the Library Gift Fund in the amount of \$2,500; revenues collected for lost and damaged books in the amount of \$6,813; and State-Aid grant from the New Mexico State Library in the amount of \$1,056; and approve Budget Revision 2010-19 in the amount of \$46,219.

Councilor Phelps commented that after having visited many libraries in the Pacific Northwest last week as a part of the Smart Growth conference, Mesa Public Library ranks at the top.

**The motion passed 6 – 0, Councilor Gibson was absent.**

**A. Report from Historic Sculptures Master Plan Committee.**

Ms. Stephani Johnson, Community Services Director, stated the purpose for the agenda item is to seek acceptance of the Master Plan as prepared by the Historic Sculptures Master Plan Committee. Both the Fuller Lodge Historic District Advisory Board (FLHD) and the Art in Public Places Board (APP) have approved the report. She briefly reviewed background on the historic sculpture projects. Council asked that work begin for a Master Plan as a series of historic sculptures was anticipated. It would encompass two five-year phases with special attention given to significant historical context; and as an aggressive plan, it is intended as a guide for funding artwork. Commission of the sculptures will be partially funded by the Capital Improvement Project Fund and it is hoped that donations will help to supplement the costs.

Ms. Nancy Bartlit, Historic Sculptures Master Plan Committee Chair, thanked members of the Committee, APP and FLHD for dedication and support. She said the Committee spent three months deciphering guidelines that were put to a final vote. Decisions and recommendations were based on historic downtown buildings and the historic walking tour with focus on five era periods.

Ms. Katy Korkos, Member Services Coordinator Los Alamos Chamber of Commerce, thanked the Council for direction and selection of the Committee. She said a blue ribbon panel resulted with published historians, directors of the Bradbury Science Museum and the Historical Museum, graphic design artists, APP and Historical Society members.

Mr. Ron Wilkins, FLHD Chair, said the Master Plan lays out a vision for celebrating the rich history of Los Alamos. It is a step toward making the downtown more interesting and vital, not only to visitors, but to residents as well. He urged Council to accept the Plan as a guide and to approve the recommended site location for the sculptures.

Ms. Linda Deck, Committee member, said the group considered the unique history of Los Alamos. Recommendations were given based on earliest Pueblo times to Cold War times. The sculptures will highlight place-based

history that ought to be celebrated, draw visitors, and promote a sense of pride for local citizens.

Councilor Bowman asked how fund raising efforts were envisioned. She was hopeful a citizen group might help raise the estimated \$500K needed.

Ms. Johnson said that County staff or liaison to the APP could work in partnership with others to identify funding sources.

Councilor Wheeler was concerned with the scope of the projects. He believes consideration should be given to future plans to extend the work to 4<sup>th</sup> Street and into White Rock. He referred to the list of potential candidates for sculptures and believes it would be more informative if actual individuals were selected from the community rather than generic representation.

Mr. Anthony Mortillaro, County Administrator, said he does not support allocation of staff for fund raising functions. He suggested contracting with a private entity for such efforts.

Councilor Chiravalle mentioned other County projects slated for artwork: Camp May Amphitheater, the Justice Center, the new Municipal Building, the Eco Station and several locations in White Rock. He expressed concern for the amount of money available in the budget to accomplish all the tasks if Council were to adopt the Historic Sculptures Master Plan.

Ms. Johnson said it is hoped to complete one or two projects a year so as not to drain the funds for one particular area of art. APP money comes from a percentage of Capital Improvement Projects.

Councilor Wismer commented that the Historic Sculptures Master Plan is representative of the community's history. Five distinct eras represent the history of Los Alamos. He spoke in support of the Plan as a guide and called for public comment. There was none.

**Councilor Bowman moved, seconded by Councilor Phelps,** that the County Council accept the Master Plan developed by the Historic Sculptures Master Plan Committee and asked that the Art in Public Places Board use this Master Plan as a guide in selecting future life-size historic sculptures. **And further moved** that in light of the Master Plan that has been developed, that the location for the Oppenheimer and Groves sculptures be approved, that location being along the south wing of Fuller Lodge known as Site 6.

Councilor Phelps spoke in support of a Master Plan approach. As Council liaison to both APP committee and the FLHD, development of the Plan involved much research and involvement. He commended both groups for working together as models for putting together future master plans.

Councilor Chiravalle expressed his appreciation to the members of the Committee. He did not speak in support of the motion as he said it sets an unrealistic level and expectation for what the County can accomplish with available funds. He said \$500K for sculptures is an exorbitant amount of money to spend on sculptures in the downtown area.

Councilor Wismer said the process by which site selection was determined was thorough and viewed the Plan as a guide to proceed as funding sources become available. He spoke in support of the motion.

**The motion passed 5 – 1, Councilor Chiravalle was opposed; Councilor Gibson was absent.**

**B. Presentation on MainStreet Futures Program.**

Mr. Kevin Holsapple, Executive Director of the Los Alamos Commerce and Development Corporation (LACDC), provided an update to the work performed by the MainStreet Futures Committee under an accredited statewide program and the National Historic Preservation Trust. The Committee meets on the second Monday of each month at 8:30 a.m. He recognized many members present in the audience: Fran Berting, Patrick Sullivan, Steve Laurent, Gene Schmidt, Suzette Fox, Denise Lane, Roger Waterman, Dave Fox, Kendra Henning, and Council liaisons Sharon Stover and Nona Bowman. A retreat was held last year that focused on one question: what barriers stand in the way of achieving the vision of the County and the committee. Subsequent to the retreat, three key policy issue areas have been identified and are important to the future success for improving the downtown area: Public/Private Partnership, Decisions Timelines/Time Limits, and Land Assembly.

Mr. Roger Waterman, Committee member, spoke about Public/Private Partnership. He said the committee defined a process by which the public and private sector must define the same vision when entering into partnership. Early discovery of compatibility and identification of time schedules would help to minimize risks and optimize opportunities.

Councilor Phelps asked if money is involved when discussing public/private partnership processes.

Mr. Waterman said money is not always involved; optimally both parties can accomplish more by working together. The Council has made a commitment to invest in the downtown strategy on a 5-1 basis, but it has not yet been accomplished. He referenced the development of Oppenheimer Place and the Museum project. There was no monetary involvement, but instead there was extensive involvement for traffic studies and other sensitivities.

Councilor Phelps commented that openness and honesty is an integral part of public/private partnerships.

Councilor Bowman asked how it is envisioned that County staff will help develop certain public/private projects.

Mr. Waterman said the biggest handicaps are surprises late in the process; early and accurate information is best for all parties.

Mr. Holsapple added that adoption of a public/private partnership process would outline clear steps and expectations.

Councilor Wismer asked how the Committee might recommend the County posture itself with a public/private partnership involving the Laboratory.

Mr. Waterman suggested early identification of deficiencies and opportunities in the community should be addressed by all parties involved. Consideration must also be given to the length of time a project would endure, such as impacts on traffic, snow removal, concrete availability by local merchants and accommodation to name a few.

Councilor Chiravalle believes the decision to engage in a public/private partnership framework should be made by the Council, not a private entity.

Councilor Stover described the proposed framework as refreshing; she spoke in support of any opportunity to work in partnership for mutual benefit.

Mr. Dave Fox, Committee member, said the notion of a public/private partnership framework should be a topic for ongoing discussions; he urged the Council to remain open about potential interchanges.

Councilor Wismer said the notion for diversifying the economy is appealing. Public/Private Partnership, Land Assembly and some policy changes are concrete ideas to help change the course of the economy. He believes the framework presented is worth pursuing.

Councilor Wheeler said he is a proponent of public/private partnership. The role of local government is to provide quality and essential services; beyond that its role is to fill niches that the community desires. He asked how a proposed policy would change or improve what the County already does to assist the private sector.

Mr. Waterman said the policy helps to clarify procedure as a more disciplined process from the top down. The difficulty lies with the private sector to identify opportunities and potentials when presenting ideas for partnership.

Mr. Holsapple said no such process under the implementation stage exists to address points of leadership or accountability on a project.

Councilor Chiravalle communicated a note of caution on behalf of his constituents about committing County resources to explore the potential of public/private partnerships.

Councilor Bowman said the County should consider more public/private partnerships in order for Los Alamos to move forward as a community.

Mr. Steve Laurent, Committee member, suggested that a certain amount of County participation through financing may be necessary in a government town as return on investments is somewhat uncertain. He then went on to discuss proposed policy for Decision Timelines/Time Limits. It has been suggested that the County adopt a "look once, decide once" or rather a "look wisely, decide once" policy with respect to approval of development projects. He highlighted three issues that appear to be barriers for timeliness: unaddressed unknowns that come out late in the process, lack of confidence in the vetting process, and unduly influence for decisions late in the process.

Councilor Phelps commented that a proposed timeline or time limit for decisions is appealing, but will be tough as a large component involves public education. The public will only be as educated as they want to be; the focus should be getting facts out early and being as straightforward as possible from the beginning.

Councilor Chiravalle did not agree with the suggestion for a "look once, decide once" policy. He believed it to be unrealistic to put such a constraint on any government entity; a democratic process with public input demands that the County look as often as necessary. He went on further to say that the three issues highlighted by Mr. Laurent about unknowns, lack of confidence and eleventh hour decisions degraded public opinion.

Mr. Laurent stated that the proposed policy was not intended to encourage Councilors not to listen to the public.

Mr. Holsapple added that public input is absolutely valuable, especially when linked to the public/private partnership issue as discussed above. There is value and responsibility in the public bringing forward ideas and opinions that might help the County to achieve and implement its vision.

Councilor Wismer summarized the intent of the proposed policy would be to arrive at an end result with a well informed public at the earliest stage of the development process by which Council would then make decisions.

Mr. Denise Lane read from the County's vision statement, *"We will create a vibrant, buzzing, pedestrian-friendly downtown that includes a central*

*gathering place, nighttime entertainment, movie theaters and more retail stores and restaurants. A mixture of retail, office space and housing, an aesthetic face lift and the redevelopment of parking will help to create a compact and appealing downtown that people will use. A performing arts center can also serve as a convention center. . . Downtown Los Alamos includes a mixture of housing, retail, entertainment, office space and services that draw residents, visitors and commuters to downtown during weekday and weekend daytime and evening hours.”* She went on to discuss proposed policy addressing why the community has not achieved Council's vision. Development in Los Alamos occurred after dissemination of a military base. Land was then divided up without thought for a master plan. The problems of today are based upon the way in which the town began; and the private sector cannot solve these problems on its own. The County, as one of the largest landowners, has the ability to interact and examine land parcel relationships. The proposed policy would allow the County to potentially create a more meaningful use of land for the community. Currently, projects are the catalyst for redevelopment; instead, the County could examine opportunities to assemble land or potentially trade land for highest and best use to create an outcome for the citizens that relates to the vision and goals for the downtown.

Councilor Wheeler asked if the proposed policy suggests that the County should be aligning land parcels for the private sector to develop.

Ms. Lane said yes; she cited the Research Park as an example of the County allowing the Department of Energy to lease it to the LACDC which resulted in a very successful development.

Councilor Wheeler asked if it has been suggested that the County assist in financing development projects.

Mr. Holsapple said there are a number of financing mechanisms allowed by State law; Albuquerque, Clovis, Las Cruces and Farmington are developing Metropolitan Redevelopment Authorities (MRA) aimed at land assembly and financing for achieving County goals for development.

Mr. Anthony Mortillaro, County Administrator, said the County has issued Industrial Development Revenue Bonds (IDRBs) in the past, but not for private development. MRA discussions have taken place in the past as well, but timing was an issue. Tax increment financing has been discussed for the White Rock Master Plan as a funding mechanism, but the challenge involves approval by the State Legislature. The County needs to examine the way in which it spends money. It should consider taking risks to help further development of the private sector through public/private partnerships as the return on investment means a greater quality of life for the community.

Councilor Wheeler thanked the presenters and spoke in support of addressing needs for private sector funding.

Ms. Lane said collective resources must interface to come up with solutions to these problems. She commented that community strength comes from working together.

Councilor Chiravalle concurred that a principle challenge in the community is the assembly of land for a large scale development. He believes the County has accomplished this with the Trinity Site, but it must follow through more aggressively to put a big box store on the site. He suggested use of LEDA funds for economic development.

Councilor Phelps said that while attending a Smart Growth conference he observed a mix of public/private land ownership issues; some towns had established land trusts or some other arrangement for land assembly. He

urged Council not to reject the idea. He commended the presenters for examining a big picture approach and recommended an organized planning element be developed.

Councilor Stover encouraged the public to attend the MainStreet Futures Committee meetings. She believes an Economic Vitality Manager position will help to add expertise to the ideas presented.

Councilor Bowman thanked the Committee for its presentation. She said the County Council will need to provide more incentives and take greater risks to encourage private development.

Councilor Wismer said it is apparent to the Council that economic development must be approached differently. The Committee has offered three solutions that merit inclusion into the Economic Vitality Strategic Plan.

Ms. Kendra Henning, Committee member, believes Los Alamos is a capable community that could benefit from looking outside the community to further economic development.

**No action was taken.**

**C. Presentation of MainStreet Curb Appeal Project.**

Mr. Kevin Holsapple, Executive Director LACDC, said the project resulted from community assessment work commissioned by the Chamber of Commerce. A consultant from Destination Development provided feedback that included improvement of curb appeal. A \$5K grant fund was established for applicants to receive up to \$500 for improvements such as signage, lighting and landscape to their business. A committee of volunteers will review applications; three have been received to date. A curb appeal workshop has been scheduled for February 24<sup>th</sup>.

Councilor Phelps asked why the program has not been more successful as it was approved eight months ago.

Mr. Holsapple said applications were only made available in November and believes business owners are looking toward Spring to make improvements. Further success of the program will be assessed after improvements have been made.

Councilor Stover spoke in support of allowing White Rock businesses to participate in the program.

Councilor Chiravalle questioned the effectiveness of such a small investment.

Mr. Holsapple said the Chamber of Commerce spent a similar amount of its own funds to test the program with the addition of plants and installation of an afterhour's information board.

Mr. Anthony Mortillaro, County Administrator, said the LACDC pilot program is for small improvements. The County administers a larger Economic Development Program whereby \$250K has been allocated for facade improvements.

**No action was taken.**

**D. Authorization to Apply for Federal Funding for Proposed White Rock Visitors Center Under the National Scenic Byways Program.**



Mr. Steve Brugger, Housing Programs Manager, said the County seeks permission to apply for a grant request from the Federal Highway Administration (FHA) through the State Tourism Department to help build a visitors center in White Rock and to possibly provide orientation resources within the center. White Rock is located on the Jemez Mountain Trail Scenic Byway and the FHA grants funds for facilities improvements to enhance the travelers experience along scenic byways. A letter of intent is due February 19<sup>th</sup>.

Councilor Phelps asked if any special conditions exist that could cause the cost of the project to go up.

Mr. Brugger was not aware of any special conditions.

**Councilor Stover moved, seconded by Councilor Chiravalle,** that Council authorize staff to prepare a funding application for the White Rock Visitors Center to the Federal Highway Administration through the New Mexico Tourism Department's Scenic Byways Program.

Councilor Stover said the County should take advantage of opportunities to help fund this project.

Councilor Bowman asked if a deadline for grant money must be met.

Mr. Brugger said a deadline would be likely; higher priority will be given to projects that are ready for construction.

Councilor Wismer called for public comment. There was none.

**The motion passed 6 – 0, Councilor Gibson was absent.**

## 8. COUNCIL BUSINESS

### A. APPOINTMENTS

1. Board/Commission Appointments – Art in Public Places Board. ***(This item was tabled to a future Council meeting)***

### B. COMMITTEE REPORTS

Councilor Bowman attended the Espanola Basin Regional Issues Forum (EBRIF) this morning. Thurman Talley, Utilities Board member, and Tim Glasco, Deputy Utilities Manager, provided a report on the Buckman Project.

### C. CHAIRMAN'S REPORT

Councilor Wismer recently attended a dinner whereby a plaque was presented to Los Alamos County recognizing its annual fund drive for the United Way. He will attend the Special Council Meeting on February 25, 2010, via telephone due to work travel. Also on February 25<sup>th</sup>, Councilors have been invited to attend a seminar sponsored by LANL and Sandia Lab to showcase National Expertise Against the Global Threat of Cyber Warfare at Buffalo Thunder Resort from 11 a.m. – 12 p.m. A LANL Advocacy meeting will be held on February 24<sup>th</sup> at 4 p.m. in the County Administrator's Office to review the upcoming meeting in Espanola on February 26, 2010. Councilor Wismer also mentioned that a Japanese company is interested in investing in Los Alamos for photo voltaic and smart grid applications. Utilities Manager, John Arrowsmith, will provide Council with a memo summarizing the

negotiations to be presented at a future Council meeting. Council will meet in Closed Session on February 23, 2010 to discuss performance evaluation plans.

**D. GENERAL COUNCIL BUSINESS**

Councilor Wismer handed out a proposal, as prepared by Councilor Stover, for exploring avenues of information exchange with the public.

**E. LEGISLATIVE UPDATE**

Councilor Stover said agreement has not been reached at the Legislative Session. To date, only seven bills have been approved. Representative Jeannette Wallace presented a New Mexico Association of Counties priority bill for smaller communities to adopt a three 4-year term limit for elected officials.

**F. APPROVAL OF COUNCILOR EXPENSES – None**

**G. PREVIEW OF UPCOMING AGENDA ITEMS - None**

**10. COUNCILOR COMMENTS**

Councilor Phelps said he will provide Council with some information and a CD from the Smart Growth conference he recently attended.

**11. PUBLIC COMMENT – None**

**12. ADJOURNMENT**

The meeting adjourned at 10:26 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

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Michael E. Wismer, Council Chair

Attest:

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Janet Foster, County Clerk