



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, January 5, 2021

6:00 PM

Due to COVID-19 concerns, meeting will
be conducted remotely.
Public can view proceedings at
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<https://zoom.us/j/91398194983>
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1. OPENING/ROLL CALL

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

The following Councilors were in attendance:

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

2. PLEDGE OF ALLEGIANCE

Led by: All.

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

Mr. Harry Burgess, County Manager, listed the County employees in attendance.

3. PUBLIC COMMENT

Mr. Andrew Fraser, 197 Taos, spoke regarding broadband.

4. APPROVAL OF AGENDA

Councilor Scott requested item 8.I be removed from the Consent Agenda and
added under Business. There were no objections.

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

The motion passed with the following vote:

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

5. COUNCILOR CHAIR COMMENTS

Chair Scott reported on the Middle DP Road project, the Racial Equity Initiative, and the State of the County report.

6. ELECTION OF CHAIR & VICE CHAIR

- A. [13593-20](#) Election of Council Chair and Vice Chair for 2021.

Councilor Robinson nominated Councilor Ryti for Chair.

The nomination passed with the following vote:

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

Councilor Williams nominated Councilor Robinson for Vice-Chair.

The nomination passed with the following vote:

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

7. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

None.

8. CONSENT AGENDA**Consent Motion -**

A motion was made by Councilor Izraelevitz, 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. [AGR0731-20](#) Approval of Amendment No. 7 to Services Agreement AGR16-4289 with Paymentus Corporation in the Amount of \$75,000 for a Revised Total Agreement Amount of \$325,000, plus Applicable Gross Receipts Tax for the Purpose of Credit Card and Electronic Bill Payment Services

I move that Council approve Amendment No. 7 to Services Agreement AGR16-4289 with Paymentus Corporation in the amount of \$75,000.00 for a revised total contract value of \$325,000.00 plus applicable gross receipts tax.

- B. [RE0451-20](#) Incorporated County Of Los Alamos Resolution No. 21-01; A Resolution Establishing Minimum Standards Of Reasonable Notice To The Public For All Meetings Of The Council, The County Indigent Hospital And County Health Care Board And Of All Standing County Boards, Commissions And Policymaking Bodies.

I move that Council adopt Incorporated County Of Los Alamos Resolution No. 21-01; A Resolution Establishing Minimum Standards Of Reasonable Notice To The Public For All Meetings Of The Council, The County Indigent Hospital And County Health Care Board And Of All Standing County Boards, Commissions And Policymaking Bodies.

- C. [13595-20](#) Ratification of Council Chair and Vice Chair as Chair and Vice Chair, Respectively, of the County Indigent Hospital and County Health Care Board.

I move that County Council ratify the newly elected Council Chair, and Vice Chair as the Chair and Vice Chair, respectively, of the County Indigent Hospital and County Health Care Board.

- D. [13618-20](#) Award of Bid No. IFB 21-25 for the Purpose of Pajarito Road 16 Inch Transmission Waterline Rehabilitation with AUI, Inc. in the Amount of \$688,485, plus Applicable Gross Receipts Tax.

I move that Council approve the Award of Bid No. 21-25 for the Purpose of Pajarito Road 16 Inch Transmission Waterline Rehabilitation with AUI, Inc. in the Amount of \$688,485, and a 10% contingency in the amount of \$68,849, for a total of \$757,334, plus Applicable Gross Receipts Tax.

- E. [13636-20](#) Approval of Agreement No. AGR21-933, the San Juan-Chama Project Water Purchase Contract Between the Incorporated County of Los Alamos and the Rio de Chama Acequia Association, Inc. for Purchase of the 2021 Allocation of San Juan-Chama Project Water

I move that Council approve Agreement No. AGR21-933, the San Juan-Chama Project Water Purchase Contract Between the Incorporated County of Los Alamos and the Rio de Chama Acequia Association, Inc. for Purchase of the 2021 Allocation of San Juan-Chama Project Water.

- F. [13663-20](#) Vacation of Utility Easement Within Lot 144, a Subdivision of North Community No. 1

I move that Council approve the vacation of easement within Lot 144, a Subdivision of North Community No. 1.

- G. [13678-20](#) Consideration of Budget Revision 2021-28 (Grants)

I move that Council approve Budget Revision 2021-28 as summarized on attachment A and that the attachment be made a part of the minutes of this meeting.

- H. [13696-20](#) Approval of County Council Minutes for December 15, 2020

I move that Council approve the County Council Minutes for December 15, 2020.

- I. [13699-20](#) Amendment 5 to the Purchase, Sale and Development Agreement with LAH Investors, LLC ("The Hill")
Item pulled for further discussion under Business.

Approval of Consent Agenda:

The motion passed with the following vote:

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

9. INTRODUCTION OF ORDINANCE(S)

- A. [OR0879-20](#) Incorporated County of Los Alamos Ordinance No. 703; Authorizing the Execution and Delivery of a Water Project Fund Loan/Grant Agreement with the New Mexico Finance Authority for the Construction of a New One Million Gallon Effluent Water Storage Tank

Councilor Robinson introduced, without prejudice, Incorporated County of Los Alamos Ordinance No. 703; Authorizing The Execution And Delivery Of A Water Project Fund Loan/Grant Agreement By And Between The New Mexico Finance Authority ("Finance Authority") And The Incorporated County Of Los Alamos, New Mexico (The "Borrower/Grantee"), In The Total Amount Of \$900,000, Evidencing An Obligation Of The Borrower/Grantee To Utilize The Loan/Grant Amount Solely For The Purpose Of Financing The Costs Of Construction Of A New One Million Gallon Effluent Water Storage Tank And Paying An Administrative Fee, And Solely In The Manner Described In The Loan/Grant Agreement; Providing For The Pledge And Payment Of The Loan Amount Solely From Net Revenues Of The Water Utility Fund; Certifying That The Loan/Grant Amount, Together With Other Funds Available To The Borrower/Grantee, Is Sufficient To Complete The Project; Approving The Form Of And Other Details Concerning The Loan/Grant 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/Grant Agreement, and ask staff to assure that it is published as provided in the County Charter.

- B. [OR0881-20](#) Introduction of Incorporated County of Los Alamos Ordinance No.702; An Ordinance Making Available a Personal Income Tax Rebate to Eligible Low-Income Los Alamos County Property Taxpayers for Taxable Years 2021, 2022, 2023 and 2024.

Councilor Derkacs introduced, without prejudice, Incorporated County of Los Alamos Ordinance No. 702; An Ordinance Making Available a Personal Income Tax Rebate to Eligible Low-Income Los Alamos County Property Taxpayers for Taxable Years 2021, 2022, 2023 and 2024 and ask the staff to assure that it is published as provided in the County Charter.

10. PUBLIC HEARING(S)

- A. [OR0882-20b](#) Incorporated County of Los Alamos Ordinance No. 705; an Ordinance authorizing the sale of certain County-owned real property commonly known as 3661 and 3689 Trinity Drive.

Mr. Harry Burgess, County Manager, spoke.
Mr. Paul Andrus, Community Development Director, spoke.
Ms. Cyndi Wells, Owner Pet Pangea, spoke.
Mr. Stephen Teeter, Formative Architecture, spoke.
Mr. Alvin Leaphart, County Attorney, spoke.
Mr. Phil Dabney, Council for Pet Pangea, spoke.

Public Comment:

Ms. Pauline Flynn, 3705 Trinity, spoke.
Ms. Hester Lowe, 720 Jeffrey, spoke.
Mr. Joseph Schaumberg, 3745 Trinity, spoke.

A motion was made by Councilor Scott, seconded by Councilor Robinson, that Council approve Incorporated County Of Los Alamos Ordinance No. 705; An Ordinance Authorizing the Sale of Certain County-Owned Real Property Commonly Known as 3661 and 3689 Trinity Drive to Pet Pangea, LLC, a New Mexico Limited Liability Company, and ask staff to assure that it is published as provided in the County Charter.

The motion passed with the following vote:

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

- B. [13586-20](#) New Liquor License Application No.1176652, A Craft Distiller 1st Off-Site Location Liquor License with On-Premises Consumption and Package Sales, filed by Applicant, Boese Brothers Brewing, LLC d/b/a Long Pour, 144 Central Park Square, Los Alamos, NM 87544.

Mr. Harry Burgess, County Manager, spoke.
Mr. George Boese, Applicant, spoke.

Public Comment:

None.

A motion was made by Councilor Izraelevitz, seconded by Councilor Reagor, that Council approve New Liquor License and Application No. 1176652 Boese Brothers Brewing, LLC d/b/a Long Pour.

The motion passed with the following vote:

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

11. BUSINESS

- A. [13642-20](#) Consideration of the FY2020 Comprehensive Annual Financial Report with Auditor's Opinions.

Ms. Helen Perraglio, Chief Financial Officer, spoke.

Ms. Melissa Dadzie, Deputy Chief Financial Officer, spoke.

Ms. Janet Pacheco-Morton, Morton Accounting, spoke.

Mr. Harry Burgess, County Manager, spoke.

Public Comment:

None.

A motion was made by Councilor Derkacs, seconded by Councilor Izraelevitz, that Council accept the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2020.

The motion passed with the following vote:

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

Consent Item 8.I Amendment 5 to the Purchase, Sale and Development Agreement with LAH Investors, LLC ("The Hill")

Mr. Harry Burgess, County Manager, spoke.

Mr. Paul Andrus, Community Development Director, spoke.

Ms. Christine McDonald, LAH Investors, spoke.

Mr. Bill Enloe, LAH Investors, spoke.

Mr. Alvin Leaphart, County Attorney, spoke.

Public Comment:

None.

A motion was made by Councilor Izraelevitz, seconded by Councilor Scott, that Council approve Amendment 5 to PURCHASE, SALE AND DEVELOPMENT AGREEMENT FOR REAL PROPERTY LOCATED IN THE INCORPORATED COUNTY OF LOS ALAMOS COMMONLY REFERRED TO AS A-13-2 AND A-12 SITES, with LAH Investors.

The motion passed with the following vote:

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

12. COUNCIL BUSINESS

A. Appointments

None.

B. Board, Commission and Committee Liaison Reports

Councilor Robinson reported on the Rio Grande Water Fund and the Planning and Zoning Commission.

Councilor Ryti reported on the Department of Public Utilities Meeting and the Sister City Group meeting.

C. County Manager's Report

County Manager Harry Burgess thanked Councilor Scott and Councilor Ryti for services as Chair and Vice-Chair and welcomed new Councilors. He reported on curative testing by the National Guard for COVID-19, the DP Road lift station, the retirement of Denise Cassel and the succession plan with her replacement, the Strategic Planning Meeting, the preliminary screening plan for the middle DP Road site, and updates to the cleanup of the middle DP Road site.

D. Council Chair Report

Chair Ryti thanked Councilor Scott for her service as Chair and reported on enhanced vaccine sign-up.

E. General Council Business

None.

F. Approval of Councilor Expenses

None.

G. Preview of Upcoming Agenda Items

Councilor Reagor requested an item relating to Council authority to exempt restrictive rules on business be added to an upcoming agenda.

Councilor Ryti advised an item related to DPU keystone restoration ecology natural channels is on the tickler.

Councilor Robinson requested an item relating to the recent community survey be placed on an upcoming agenda.

Councilor Williams requested an item relating to broadband be placed on an upcoming agenda.

13. COUNCILOR COMMENTS

Councilor Robinson thanked former Chair Scott for her service and Chair Rytí for his service as Vice-Chair and thanked fellow Councilors for the nomination as Vice-Chair.

Councilor Izraelevitz thanked Councilor Scott for her service as Chair, congratulated Councilor Robinson on his election to Vice-Chair, and commented on a community survey regarding broadband quality.

Councilor Williams thanked the citizens on his election to Council.

Councilor Derkacs thanked Councilor Scott for services as Chair, Councilor Rytí for services as Vice-Chair, and congratulated the newly elected officials.

Councilor Rytí congratulated Councilor Robinson on Vice-Chair election.

14. PUBLIC COMMENT

Ms. Cyndi Wells, no address given, commented on curative COVID testing and thanked the Council for supporting local businesses.

15. ADJOURNMENT

The meeting adjourned at 8:54 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

Randall T. Rytí, Council Chair

Attest:

Naomi D. Maestas, County Clerk

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