Los Alamos, NM 87544
www.losalamosnm.us

County of Los Alamos

Minutes

County Council – Regular Session

Denise Derkacs, Council Chair, Theresa Cull, Council Vice-Chair,
Melanee Hand, Suzie Havemann, Keith Lepsch,
David Reagor, and Randall Ryti, Councilors

Tuesday, May 7, 2024	**6:01 PM**	**Council Chambers – 1000 Central Avenue**

1. OPENING/ROLL CALL

The Council Chair, Denise Derkacs, called the meeting to order at 6:01 p.m.

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

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

The following Councilors were in attendance:

Present: 3 – Councilor Derkacs, Councilor Hand, and Councilor Reagor

Online: 3 – Councilor Cull, Councilor Lepsch and Councilor Ryti

Absent: 1 – Councilor Havemann

2. PLEDGE OF ALLEGIANCE

Led by: All.

3. APPROVAL OF AGENDA

A motion was made by Councilor Hand, seconded by Councilor Reagor, that Council approve the agenda as presented.

The motion passed with the following vote:

Yes: 6 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

Absent: 1 – Councilor Havemann

4. PUBLIC COMMENT

None.

5. PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

A. Proclamation Declaring the Month of May as "Bike Month" and May 16, 2024, as "Bike to Work Day".

Councilor Reagor presented the Proclamation to Juan Rael, Public Works Director.

Mr. Juan Rael spoke.

B. Proclamation declaring the Month of May as "Motorcycle Awareness Month" in Los Alamos County.

Councilor Reagor presented the Proclamation to Richard Sturgeon.

Mr. Richard Sturgeon spoke.

C. Proclamation Declaring the Week of May 19 - 25, 2024, as Emergency Medical Services Week.

Chair Derkacs presented to Acting EMS Chief Manuel Pacheco.

Mr. Manuel Pacheco spoke.

D. Proclamation Declaring the Month of May as "Building Safety Month".

Councilor Hand presented the Proclamation to David Martinez, Chief Building Official.

Mr. Paul Andrus spoke.

E. Proclamation Declaring the week of May 19 - 25, 2024 as "Public Works Week".

Councilor Hand presented the Proclamation to Juan Rael, Public Works Director.

Mr. Juan Rael spoke.

RECESS

Councilor Derkacs called for a recess at 6:28 p.m. The meeting reconvened at 6:33 p.m.

6. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

None.

7. CONSENT AGENDA

A. Approval of Agreement AGR 24-957 with San Bar Construction Company for On-Call Services for Reflectorized Pavement Markings for Public Works Traffic and Streets Division in an Amount Not to Exceed $500,000 Plus Applicable Gross Receipts Tax

I move that Council approve Agreement AGR 24-957 with San Bar Construction Company for On-Call Services for Reflectorized Pavement Markings for Public Works Traffic and Streets Division in an amount not to exceed $500,000 plus applicable gross receipts tax.

B. Approval of Amendment No. 1 to Services Agreement No. AGR22-18a with All-Rite Construction, Inc.; AGR22-18c with GME General Building, LLC; AGR22-d with Pluma, LLC; and AGR22-18e with R and M Construction LLC for On-Call Facility Construction Services in an Aggregate Amount Not to Exceed $10,000,000.00 Excluding Applicable Gross Receipts Tax

I move that Council approve Amendment No. 1. to Services Agreement No. AGR22-18a with All-Rite Construction, Inc.; AGR22-18c with GME General Building, LLC; AGR-22-18d with Pluma, Inc.; and AGR22-18e with R and M Construction LLC for On-Call Facility Construction Services in an Aggregate Amount Not to Exceed $10,000,000.00 Excluding Applicable Gross Receipts Tax. 2024-42.

C. Approval of Amendment No. 1 to Services Agreement No. AGR23-54 with Delta Airport Consultants, Inc. to Clarify Task Order Pricing for On-Call Professional Engineering, Architectural, Planning and Project Management Services for Los Alamos County Airport

I move that Council approve Amendment No. 1 to Agreement No. AGR23-54 with Delta Airport Consultants, Inc. to clarify task order pricing for on-call professional engineering, architectural, planning and project management services for Los Alamos County Airport.

D. Approval of Budget Revision 2024-60 Uniper Settlement

I move that Council approve Budget Revision 2024-60 as summarized in attachment A and that the attachment be made a part of the minutes of this meeting.

E. Approval of Sunset Date for Tourism Implementation Task Force

I move that Council sunset the Tourism Implementation Task Force as of May 7, 2024.

F. Approval to Submit 2026-2030 Capital Outlay Infrastructure Capital Improvement Plan (ICIP) for Senior Centers to the New Mexico Department of Finance and Administration (DFA)

I move that Council approve the submission of the 2026 Capital Outlay Infrastructure Capital Improvement Plan (ICIP) to the New Mexico Department of Finance and Administration (DFA).

G. Approval of County Council Minutes for the April 22, 2024, Regular Session

I move that Council approve the County Council Minutes for the April 22, 2024, Regular Session.

H. Approval of the Submission of the 2025 Capital Outlay Grant Application to the Aging & Long-Term Services Department (ALTSD)

I move that Council approve the submission of the 2025 Capital Outlay Grant Application to Aging and Long-Term Services Department (ALTSD).

Consent Motion:

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

Approval of the Consent Agenda:

The motion passed with the following vote:

Yes: 6 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

Absent 1 – Councilor Havemann

8. INTRODUCTION OF ORDINANCE(S)

A. Incorporated County of Los Alamos Code Ordinance No. 02-355 Modifications to Chapter 6, Animal Code

Councilor Hand introduced, without prejudice, Incorporated County of Los Alamos Code Ordinance No. 02-355 and ask the staff to assure that it is published as provided in the County Charter.

B. Incorporated County of Los Alamos Code Ordinance 02-357 - A Code Ordinance Amending Chapter 26 (Municipal Court), Article I, Section 6 to Abolish the Corrections Fee, the Mandatory Judicial Education Fee, and the Mandatory Court Automation Fee to Comply with Amendments to State Law that Take Effect July 1, 2024

Councilor Hand introduced, without prejudice, Incorporated County of Los Alamos Ordinance No. 02-357 A Code Ordinance Amending Chapter 26, Municipal Court, Article I, Section 6 to Abolish the Corrections Fee, the Mandatory Judicial Education Fee, and the Mandatory Court Automation Fee to Comply with Amendments to State Law that Take Effect July 1, 2024 and ask the staff to assure that it is published as provided in the County Charter.

C. Incorporated County of Los Alamos Code Ordinance 02-358 - A Code Ordinance Amending Chapter 38, Traffic and Vehicles, Article V, Section 293, to Abolish Certain Fee Assessments Associated with a Conviction for Operating a Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs to Comply with Amendments to State Law that Take Effect July 1, 2024

Councilor Reagor introduced, without prejudice, Incorporated County of Los Alamos Code Ordinance 02-358 - A Code Ordinance Amending Chapter 38, Traffic and Vehicles, Article V, Section 293, to Abolish Certain Fee Assessments Associated with a Conviction for Operating a Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs to Comply with Amendments to State Law that Take Effect July 1, 2024 and ask the staff to assure that it is published as provided in the County Charter.

D. Incorporated County of Los Alamos Code Ordinance 02-353 - A Code Ordinance Amending Chapter 20, Article IV, Regarding the Deposit and Investment of County Funds

Councilor Ryti introduced, without prejudice, Incorporated County of Los Alamos Code Ordinance No. 02-353: A Code Ordinance Amending Chapter 20, Article IV, Regarding the Deposit and Investment of County Funds and ask the staff to assure that it is published as provided in the County Charter.

E. Incorporated County of Los Alamos Ordinance No. 732; An Ordinance Authorizing the Execution and Delivery of a Loan Agreement ("Loan Agreement") By and Between the Incorporated County of Los Alamos, New Mexico (the "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special Limited Obligation of the Governmental Unit to Pay a Principal Amount of No More Than $2,020,000, Together with Interest, Expenses, and Administrative Fees Thereon, for the Purpose of Financing the Costs of Construction of a Water Booster Station, Electrical and Mechanical Upgrades to Several Booster Stations and Related Appurtenances of the Project; 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

Councilor Hand introduced, without prejudice, Incorporated County of Los Alamos Ordinance No. 732; An Ordinance Authorizing the Execution and Delivery of a Loan Agreement ("Loan Agreement") By and Between the Incorporated County of Los Alamos, New Mexico (the "Governmental Unit") and the New Mexico Finance Authority, and asked staff to assure that it is published as provided in the County Charter.

F. Introduction of Incorporated County of Los Alamos Ordinance No. 733 An Ordinance Authorizing the Incorporated County of Los Alamos (County) to Submit an Amendment No. 2, to the New Mexico Environment Department (NMED) Clean Water State Revolving Fund (CWSRF) for the Purpose of Increasing the Funding of Loan Number CWSRF 110 by $1,200,000 for the Bayo Lift Station Elimination Project

Councilor Reagor introduced, without prejudice, Incorporated County of Los Alamos Ordinance No. 733 An Ordinance Authorizing the Incorporated County of Los Alamos (County) to Submit an Amendment No. 2, to the New Mexico Environment Department (NMED) Clean Water State Revolving Fund (CWSRF), for the Purpose of Increasing the Funding of Loan Number CWSRF 110 and asked staff to assure that it is published as provided in the County Charter.

9. PUBLIC HEARING(S)

A. Incorporated County of Los Alamos Ordinance No. 731, an Ordinance Authorizing the Incorporated County of Los Alamos (Borrower) to Enter Into a Loan Agreement With the New Mexico Environment Department (NMED) for the Purpose of Obtaining Project Loan Funds in the Principal Amount of $800,000 Plus (0.01%) Accrued Interest; and Loan Subsidy Grant Funds in the Amount of $200,000 for a Total Funded Amount of $1,000,000; Designating the Use of the Funds for the Bayo Non-potable Booster Station Refurbishment As Approved by NMED; Declaring the Necessity for the Loan; Providing That the Loan Will Be Payable and Collectible Solely From the Borrower's Pledged Revenues Defined Below; Prescribing Other Details Concerning the Loan and the Security Therefore

Mr. James Alarid, Deputy Utility Manager - Engineering, presented.

Public comment:
None.

A motion was made by Councilor Hand, seconded by Councilor Reagor, that Council adopt Incorporated County of Los Alamos Ordinance No. 731, an Ordinance Authorizing the Incorporated County of Los Alamos (Borrower) to Enter Into a Loan Agreement With the New Mexico Environment Department (NMED) for the Purpose of Obtaining Project Loan Funds in the Principal Amount of $800,000 Plus (0.01%) Accrued Interest; and Loan Subsidy Grant Funds in the Amount of $200,000 for a Total Funded Amount of $1,000,000; Designating the Use of the Funds for the Bayo Non-potable Booster Station Refurbishment As Approved by NMED; Declaring the Necessity for the Loan; Providing That the Loan Will Be Payable and Collectible Solely From the Borrower's Pledged Revenues Defined Below; Prescribing Other Details Concerning the Loan and the Security Therefore; she further moved that, upon passage, the Ordinance be published in summary form.

The motion passed with the following vote:

Yes: 6 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

Absent 1 – Councilor Havemann

B. Incorporated County of Los Alamos Resolution No. 24-08 - A Resolution Making Certain Findings and Determinations Pursuant to the Metropolitan Redevelopment Code and Designating the East Downtown Los Alamos County Metropolitan Redevelopment Area.

Ms. Helen Ganahl, Community Planner, presented.
Mr. Paul Andrus, Community Development Director, spoke.
Ms. Sobia Sayeda, Planning Manager, spoke.
Ms. Anne Laurent, County Manager, spoke.
Mr. Alvin Leaphart, County Attorney, spoke.
Mr. Juan Rael, Public Works Director, spoke.

RECESS
Councilor Derkacs called for a recess at 7:57 p.m. The meeting reconvened at 8:12 p.m.

Public comment:
Mr. John Tauxe spoke.
Mr. George Chandler spoke.
Mr. Robert Gibson spoke.
Ms. Barbara Carlos spoke
Ms. Sandy Walters spoke.
Ms. Lisa Shin spoke.
Ms. Susie Schillaci spoke.
Ms. Laura McDaniel spoke.

A motion was made by Councilor Hand, seconded by Councilor Cull, that Council adopt Incorporated County of Los Alamos Resolution No. 24-08, a Resolution making certain findings and determinations pursuant to the Metropolitan Redevelopment Code, and designating the East Downtown Los Alamos County Metropolitan Redevelopment Area.

The motion passed with the following vote:

Yes: 5 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Lepsch, and Councilor Ryti

No: 1 – Councilor Reagor

Absent 1 – Councilor Havemann

10. COUNCIL BUSINESS

A. General Council Business

None.

B. Appointments

None.

C. Boards and Commission Vacancy Report

1) Board and Commission Vacancy Report

Councilor Cull mentioned that they will be interviewing DPU candidates for an upcoming vacancy starting next week or the week after.

D. Board, Commission, and Working Group Reports

Councilor Hand reported she attended the Transportation and Library Board meetings.

Councilor Ryti reported on the Parks and Recreation Board meeting, and mentioned the Environmental Sustainability Board did not meet due to lack of Quorum.

Councilor Cull reported the Los Alamos High School Eco club and a presentation by the New Mexico Economic Development and Los Alamos National Lab on the chromium plume presented at the Board of Public Utilities meeting.

E. County Manager's Report

County Manager Anne Laurent reported on recognition of Team Oppenheimer and the Los Alamos Chamber and Development Cooperation Board. She recognized Victoria De Vargas and Stephanie Stancil for all the employees meeting mandatory training requirements, and recognition of Leadership Los Alamos Academy Class Number 13. She reported Early Voting has begun in the Council Chamber and introduced Public Works Department update on the Golf Course Project.

Mr. Harold Anthony String, Project Manager for Golf Course Project, presented.

F. Council Chair Report

Chair Derkacs reported on the Kickoff Brunch for the First Internation Film Festival, presented.

G. Approval of Councilor Expenses

None.

H. Preview of Upcoming Agenda Items

1) Tickler Report of Upcoming Agenda Items

Chair Derkacs noted that the public hearing on the Chapter 6 Animal Code will be held on June 11, 2024. There will be an update on the County Dashboard and a final report from the Nuisance Code Implementation Review Task Force at the May 21, 2024, Council Meeting.

Councilor Ryti thanked Councilor Cull for requesting a discussion of the charter, board, or taskforce for Diversity Equity and Inclusion Racial Equity and said it may be coming back for Council review.

Councilor Hand reported on the North Central Regional Transit District Board and Finance Sub-Committee budget meeting, the North Central New Mexico Economic Development District meeting, and the Firefighter for a Day event.

Councilor Reagor noted that he attended Firefighter for a Day event and said that he wished people who advocate for the Metropolitan Redevelopment Area would speak at Council Meetings.

Councilor Ryti reported on National Association of Counties Committee on Environment Energy Land Use meeting, the Resilient Counties meeting, Main Street Futures meeting, the EM Cleanup Forum, the Earth Day event, the Energy Community Alliance forum, Technical Workgroup Day meeting, and his trip to the Nuclear Forum. He commented on the Golf Course renovation project and Social Services.

11. COUNCILOR COMMENTS

None.

12. ADJOURNMENT

The meeting adjourned at 9:20 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

_____

Denise Derkacs, Council Chair

Attest:

_____

Naomi D. Maestas, County Clerk

Meeting Transcribed by: Marie Pruitt, Deputy Clerk

DocuSign Envelope ID: 691EC693-11DB-4AAD-9606-6F1A156F7101

Los Alamos County Council
Regular Session
May 7, 2024
Item 7.D

Budget Revision 2024-60

BPU Meeting Date: April 17, 2024 **Council Meeting Date: May 7, 2024**

	Fund & Department	Org	Object	Revenue (decrease)	Expenditures (decrease)	Transfers In(Out)	Fund Balance (decrease)
1	**Joint Utilities Fund - Electric Production**	51185195	6949	$ 58,000,000	$ -	$ -	$ 58,000,000
2	**Joint Utilities Fund - Electric Production**	51185195	6115	$ 470,000	$ -	$ -	$ 470,000

Description: The purpose of this budget revision is to budget for increase the budget for Other Judgement Settlements (6949) and Interest Income for FY2024 associated with the Uniper Settlement.

Fiscal Impact: The net fiscal impact to the Joint Utilities Fund is an increase in revenue and Fund Balance by $58,470,000.

Karen Kendall

04/10/2024

Preparer **Date**

Erika Thomas

Budget & Performance Manager

May 7, 2024, County Council – Regular Session For DAIS

9. PUBLIC HEARING(S)

B. RE0592-24

Incorporated County of Los Alamos Resolution No. 24-08 - A Resolution Making Certain Findings and Determinations Pursuant to the Metropolitan Redevelopment Code, and Designating the East Downtown Los Alamos County Metropolitan Redevelopment Area

Revised Motion

I move that Council adopt Incorporated County of Los Alamos Resolution No. 24-08, as amended, a Resolution making certain findings and determinations pursuant to the Metropolitan Redevelopment Code and designating the East Downtown Los Alamos County Metropolitan Redevelopment Area.

INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 24-08

A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS PURSUANT TO THE METROPOLITAN REDEVELOPMENT CODE, AND DESIGNATING THE EAST DOWNTOWN LOS ALAMOS COUNTY METROPOLITAN REDEVELOPMENT AREA

WHEREAS, Section 3-60A-8 NMSA 1978 of the Metropolitan Redevelopment Code (Sections 3-60A-1 through 3-60A-48 NMSA 1978) states, in relevant part: "A [municipality] shall not prepare a metropolitan redevelopment plan for an area unless the [governing body] has, by resolution, determined the area to be... a blighted area... and designated the area as appropriate for a metropolitan redevelopment project..."; and

WHEREAS, the Los Alamos County ("County"), Los Alamos MainStreet, and New Mexico MainStreet and its employees, have for some time engaged in a study of blighted areas and have submitted their findings and recommendations concerning the East Downtown Los Alamos County area in the Designation Report included in packets for the May 7, 2024, County Council meeting, a copy of which is attached hereto as Exhibit B; and

WHEREAS, pursuant to Section 3-60A-8 NMSA 1978 of the Metropolitan Redevelopment Code, the County Council caused to be published twice in the Los Alamos Daily Post, a newspaper of general circulation in Los Alamos County, a notice containing the time, date, place, and purpose of the hearing, a general description of the proposed East Downtown Los Alamos Metropolitan Redevelopment Area; and

WHEREAS, the boundaries of the East Downtown Los Alamos Metropolitan Redevelopment Area are explicitly delineated in Exhibit A; and

WHEREAS, the County Council held a public hearing on this Resolution on May 7, 2024; and

WHEREAS, the County Council has considered the findings and determinations of the Designation Report and all comments made at the public hearing concerning the conditions that exist in the proposed East Downtown Los Alamos County Metropolitan Redevelopment Area.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Incorporated County of Los Alamos that:

Section 1. The County Council finds and determines that there are blighted areas in East Downtown Los Alamos County, as delineated in Exhibit B, attached hereto, due to deteriorated structures, sites and other declining improvements, unsafe conditions, long term consequences of obsolete and impractical planning and platting, and low levels of commercial activity that substantially impair and arrest the sound growth and economic well-being of the area and the County.

Section 2. The County Council finds and determines that these blighted areas would benefit from a metropolitan redevelopment project or projects, that the designation of a Metropolitan Redevelopment Area is appropriate and necessary in the interests of public health, safety, and welfare of the residents of Los Alamos County, and it hereby designates the East

Section 2. The County Council finds and determines that these blighted areas would benefit from a metropolitan redevelopment project or projects, that the designation of a Metropolitan Redevelopment Area is appropriate and necessary in the interests of public health, safety, and welfare of the residents of Los Alamos County, and it hereby designates the East Downtown Los Alamos County Metropolitan Redevelopment Area.

Section 3. The County Council designates the boundaries of the East Downtown Los Alamos Metropolitan Redevelopment Area to be as delineated in Exhibit B.

Section 4. If any section paragraph, sentence, clause, word or phrase of this Resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The County Council hereby declares that it would have passed this Resolution and each section, paragraph, sentence, word, or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.

PASSED AND ADOPTED this 7th day of May 2024.

COUNCIL OF THE INCORPORATED
COUNTY OF LOS ALAMOS, NEW MEXICO

_____
Denise Derkacs,
Council Chair

ATTEST:

_____
Naomi D. Maestas,
Los Alamos County Clerk

Exhibit A: MRA Boundary
Exhibit B: MRA Designation Report

Los Alamos County Council
Regular Session
May 7, 2024
Item 7.D

MRA Boundary

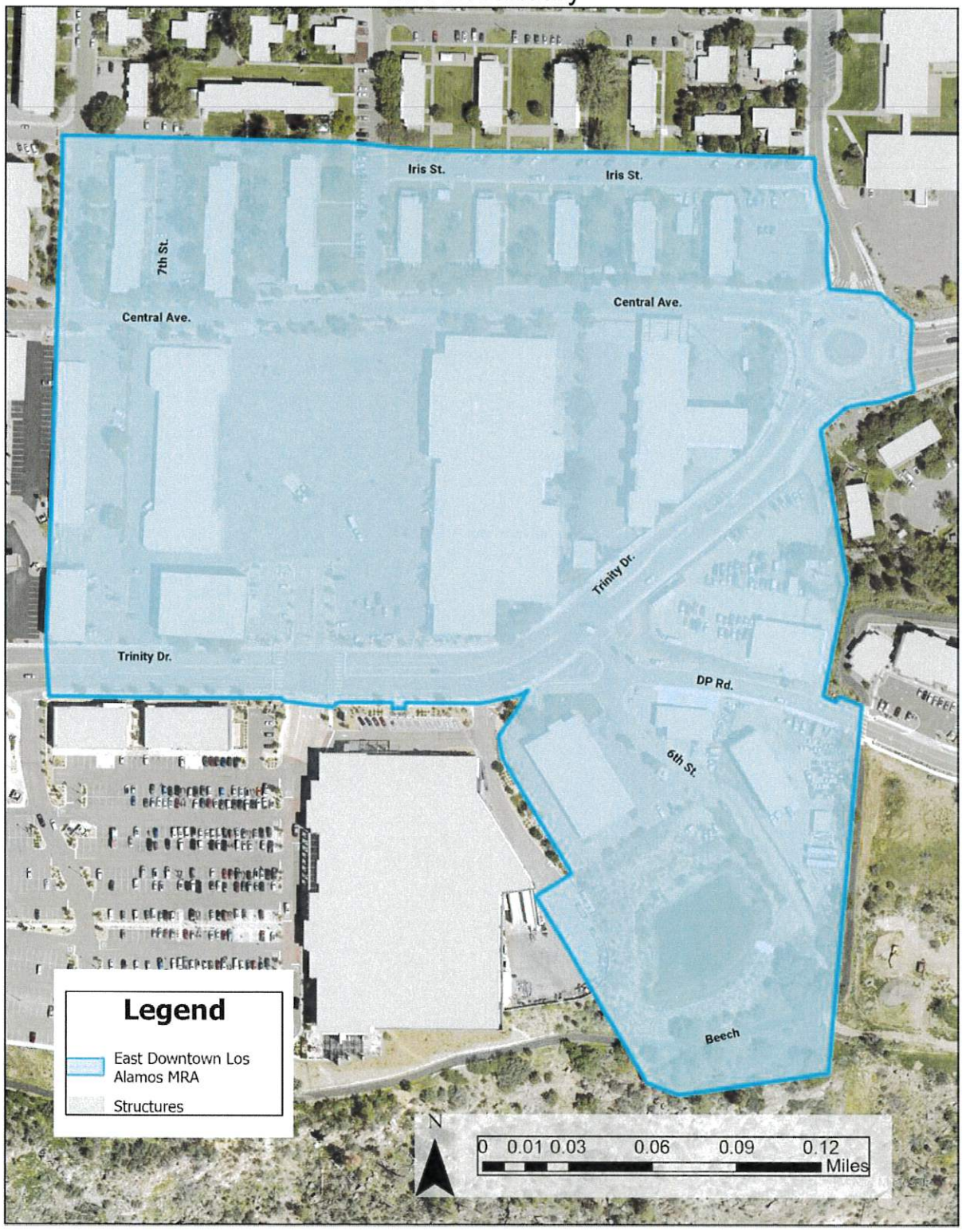

Exhibit A

Exhibit B

APPLICABLE METROPOLITAN REDEVELOPMENT CODE

Findings and Declarations of Necessity [NM Stat § 3-60A-2 (2020)]

A. It is found and declared that there exist in the state slum areas and blighted areas that constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the state; that the existence of these areas contributes substantially to the spread of disease and crime, constitutes an economic and social burden, substantially impairs or arrests the sound and orderly development of many areas of the state and retards the maintenance and expansion of necessary housing accommodations; that economic and commercial activities are lessened in those areas by the slum or blighted conditions, and the effects of these conditions include less employment in the area, lower property values, less gross receipts tax revenue and reduced use of buildings, residential dwellings and other facilities in the area; that the prevention and elimination of slum areas and blighted areas and the prevention and elimination of conditions that impair sound and orderly development is a matter of state policy and concern in order that the state shall not continue to be endangered by these areas that contribute little to the tax income of the state and its local governments and that consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization or other forms of public protection, services and facilities.

Definition of Blight [NM Stat §3-60-8)

As used in the Community Development Law [3-60-1 to 3-60-37 NMSA 1978] "blighted area" means an area, other than a slum area, which is found by the local governing body by reason of the presence of a substantial number of slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivisions or obsolete platting, or the existence of conditions which endanger life or property, or any combination of such factors to substantially impair or arrest the sound growth of the municipality, retard the provision of housing accommodations or constitute an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use.

Findings of Necessity by Local Government [NM Stat§ 3-60A-7 (2020)

No municipality shall exercise any of the powers conferred upon municipalities by the Redevelopment Law [3-60A-5 through 3-60A-13, 3-60A-14 through 3-60A-18 NMSA 1978] until after its local governing body shall have adopted a resolution finding that:

A. one or more slum areas or blighted areas exist in the municipality; and

B. the rehabilitation, conservation, slum clearance, redevelopment or development, or a combination thereof, of and in such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of the municipality.

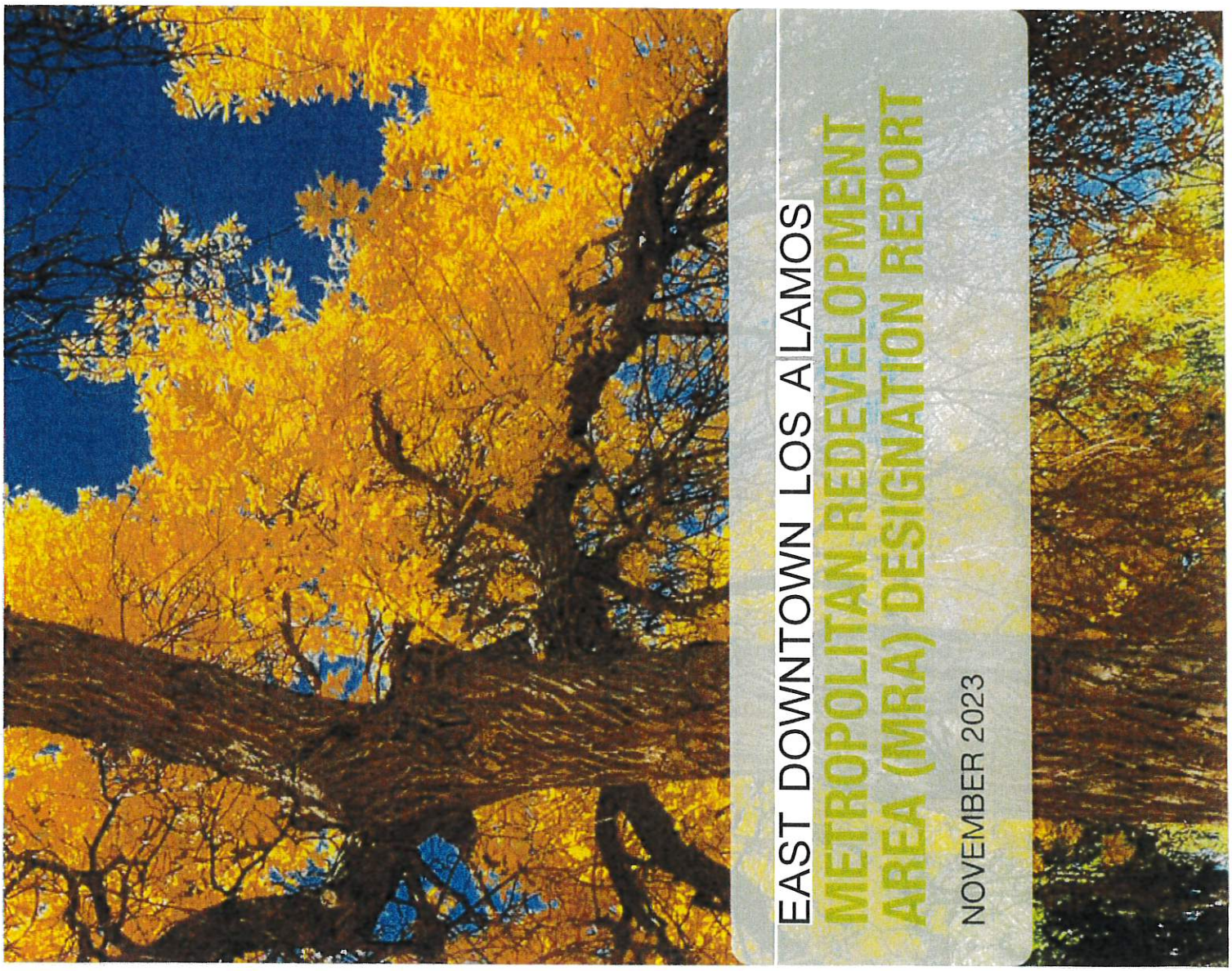
EAST DOWNTOWN LOS ALAMOS
METROPOLITAN REDEVELOPMENT AREA (MRA) DESIGNATION REPORT
NOVEMBER 2023

Exhibit B

Los Alamos County Council
Regular Session
May 7, 2024
Item 7.D

METROPOLITAN REDEVELOPMENT AREA (MRA) DESIGNATION REPORT

NOVEMBER 2023

Prepared for
THE COUNTY OF LOS ALAMOS, NEW MEXICO

l(S ALAM@S
where d1scoverie are mad

Prepared by

groundworl .studio

N'EW MEXICO
MAJNSTREET.

LOS ALAMOS
MAIN STREET
-CIUL ATPdi OISTRICI"

Exhibit B

Thispage intentionallylett blank

Los Alamos County Council
Regular Session
May 7, 2024
Item 7.D

Exhibit B

ACKNOWLEDGEMENTS

Denise Derkacs, Chair, Los Alamos County Council

Theresa Cull, Vice Chair, Los Alamos County Council

Melanee Hand, Councilor, Los Alamos County Council

Suzi Havemann, Councilor, Los Alamos County Council

Keith Lepsch, Councilor, Los Alamos County Council

David Reagor, Councilor, Los Alamos County Council

Randall Ryti, Councilor, Los Alamos County Council

Jacquelyn Connolly, Executive Director, Los Alamos MainStreet and Creative Director

Dan Ungerleider, Economic Development Administrator, Los Alamos County

TABLE OF CONTENTS

INTRODUCTION

Purpose of MRA Designation. 3

Boundaries of proposed Los Alamos MRA 5

Summary of findings. 8

EXISTING CONDITIONS ASSESSMENT

Existing Conditions 9

Existing Land Use. 11

Vacant & Underutilized Properties 13

Deteriorating Structures. 15

Deteriorating Infrastructure 17

SOCIAL AND ECONOMIC CONDITIONS

Housing Overview.. 19

Business Activity..... 20

CONCLUSIONS. 21

Applicable Code . 23

Los Alamos County Council
Regular Session
May 7, 2024
Item 7.D

Exhibit B

Introduction

This report provides justification for the designation of a Metropolitan Redevelopment Area (MRA) with intent to facilitate revitalization in East Downtown Los Alamos. The proposed MRA aligns with the 2021 Los Alamos Downtown Master Plan's identification ot the downtown boundary, which is as follows: East Iris Street (St.) to the north, 9th St. to the west, Trinity Drive (Dr.), 7th St. and Canyon Rim Trail to the south, and DP Road (Rd.). Trinity Dr., and East Rd. to the west.

An MRA designation in this area is intended to address the low economic activity, housing shortage, disproportionate number of vacant commercial properties, and blighted conditions present in East Downtown Los Alamos. Additionally, underground petrol tanks on the far eastern side of tl1e proposed MRA necessitate testing and environmental remediation prior to redevelopment of that parcel. Los Alamos will benefit from financial and technical assistance that is available for physical and economic improvements within an MRA designation.

East Downtown Los Alamos has experienced decline, despite Its location in an affluent county, due to a variety or factors including underinvestment by property owners, a fluctuating market base shaped by the Los Alamos National Laboratory's large commuter workforce, a housing shortage, and issues with the visual appearance and functionality of the area's streetscape and infrastructure.

Once the resolution to designate the MRA boundary is adopted by the Town, the next phase of the process is to develop an MRA Plan that will identify catalytic projects that address these factors. The 2021 Los Alamos Comprehensive Plan identified as the top priorities for this area:

- Redevelopment of the Mari Mac Village Shopping Center
- Creation of a Parking District to encourage a "Park Once and Walk" strategy for downtown
- Surface parking lot infill
- Multi-family housing development
- Pedestrian and cyclist improvements
- Creation of through streets for increased connectivity

The development of an MRA. which encourages public private partnerships (P3s) by enabling public investment of funds in private development projects, is a key strategy to accomplish these goals and support downtown revitalization

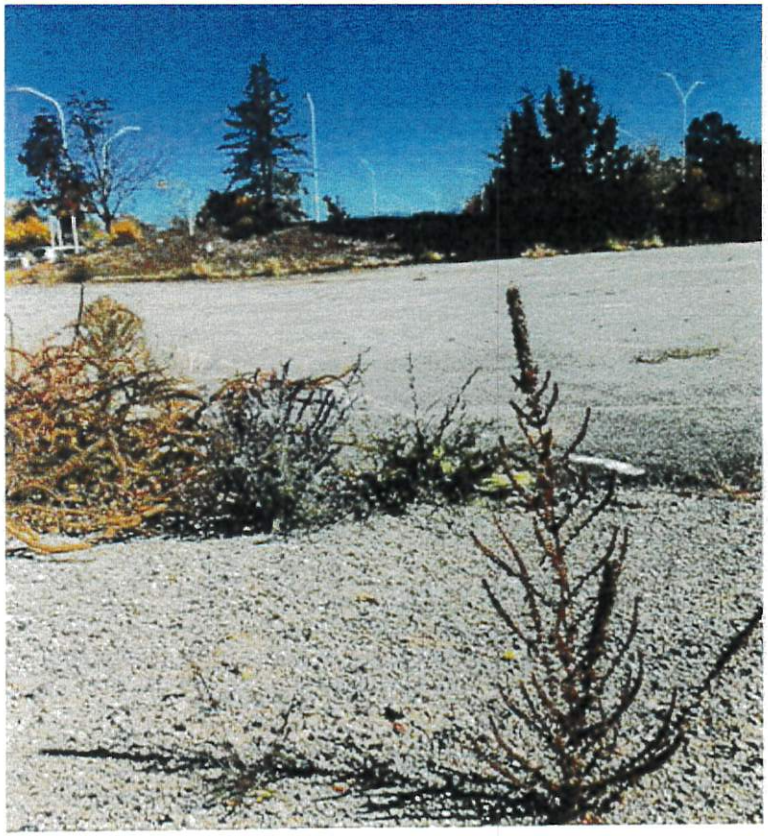

Figure 1. vacant lot in the NE corner of the proposed Los Alamos MRA

Los Alamos County Council
Regular Session
May 7, 2024
Item 7.D

Exhibit B

PURPOSE OF MRA DESIGNATION

The East Downtown Los Alamos MRA Designation Report is the culmination of an assessment of an approximately 55 acre area of downtown Los Alamos in which numerous vacant and underutilized commercial buildings and surface parking lots exhibit conditions of deterioration and blight This report evaluates the area to support designation or an MRA. MAA designation, followed by the development of an MRA plan, are the first steps in providing Los Alamos County with the tools needed to facilitate the redevelopment of this targeted area.

The New Mexico Metropolitan Redevelopment Code (§3-60A-1 to §3-60A-48 NMSA 1978) provides municipalities with the authority to implement strategies and projects to correct conditions that "substantially impair or arrest sound and orderly development" within the city. These powers can only be used within designated Metropolitan Redevelopment Areas (MAAs) after the adoption of an MRA plan.

The powers granted to municipalities in New Mexico through the Metropolitan Redevelopment Act are intended to enable municipalities to promote economic activity in areas designated as MRAs, where growth and development are hindered by physical, economic, and other conditions. The Metropolitan Redevelopment Act provides a number of tools for municipalities to help eliminate conditions of blight in designated areas, including the ability to acquire land, assist in land assembly, offer financial incentives, and provide public improvements to encourage and promote industry, trade, or other economic activity.

The MRA designation, to be followed by an MAA Plan, will assist the community in achieving the following goals:

- Improvement and expansion of commercial building stock
- Expansion of commercial activity
- Improvement and expansion of available housing stock to address housing shortage
- Improvement of economic conditions through coordinated public and private investment
- Elimination of detrimental public health and welfare conditions

Definition of Blight

"Blighted area" means an area within the area of operation other than a slum area that, because of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or lack of adequate housing facilities in the area or obsolete or impractical planning and platting or an area where a significant number of commercial or mercantile businesses have closed or significantly reduced their operations due to the economic losses or loss of profit due to operating in the area, low levels of commercial or industrial activity or redevelopment or any combination of such factors, substantially impairs or arrests the sound growth and economic health and well-being of a municipality or locale within a municipality or an area that retards the provisions of housing accommodations or constitutes an economic or social burden and is a menace to the public health, safety, morals or welfare in its present condition and use. NM Stat §3-60A-4-F (2020)

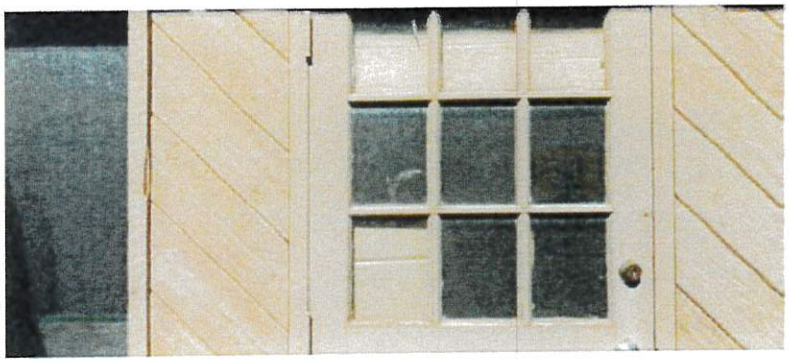

Figure 2. Vacant buildings throughout the proposed MRA otter opportun ies for renovation, redevelopment

Los Alamos County Council
Regular Session
May 7, 2024
Item 7.D

Exhibit B

BOUNDARIES OF PROPOSED LOS ALAMOS MRA

The proposed Los Alamos MRA, visualized in Figure 3 as a blue polygon, represents approximately 55 acres, made up of 19 parcels. The proposed MRA boundary was selected to include the greatest concentration of vacant and distressed commercial properties within the downtown boundaries identified in the 2021 Downtown Los Alamos Master Plan.

Beginning at the intersection of Iris St. and 4th St and heading South to follow the parcel lines along 4th St., the legal description of the proposed MRA boundary, inclusive of ROW is:

1. Follows parcel lines South along 4th St to the roundabout at Central Ave.
2. From Central Ave., follows parcel lines south to intersect DP Rd.
3. From DP Rd., follows Canyon Rim Trail and Beech St., south and west
4. From Canyon Rim Trail and Beech St., follows parcel lines north to meet 7th St.
5. North along 7th St. to meet Trinity Or.
6. West along Trinity Drive
7. Follows parcel lines north from Trinity Dr. to Central Ave.
8. From Central Ave, follows the parcel lines from just west of 9th St. North to Iris St.
9. Follows parcel lines East along Iris St., intersecting 7th St. and 6th St.
10. Concludes at Iris St. and 4th St.

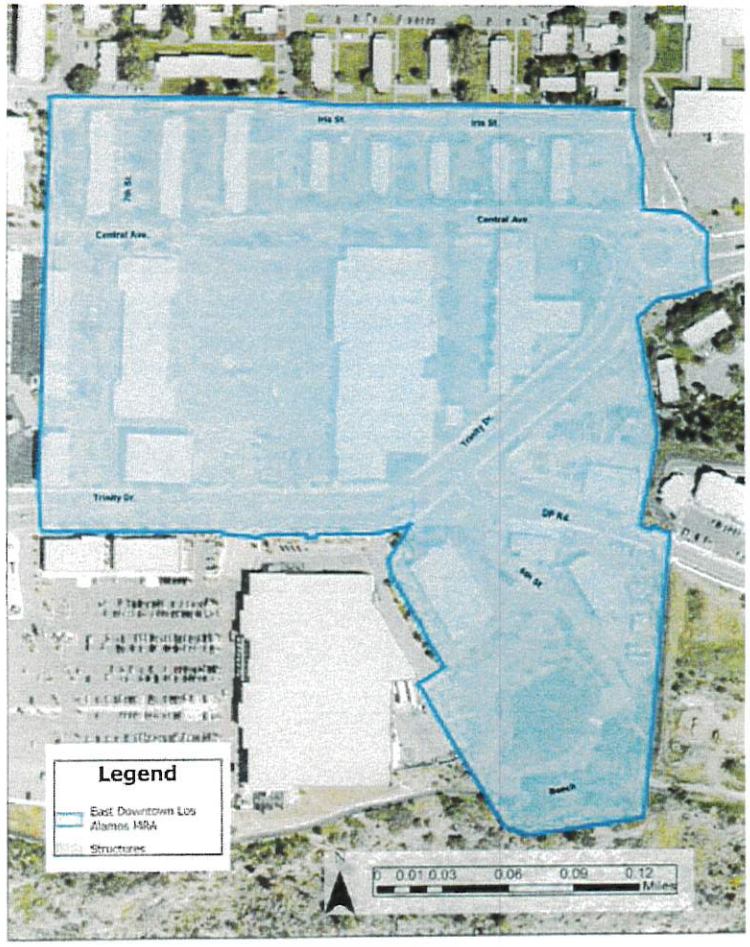

Figure 3. Proposed MRA Designation boundaries

Los Alamos County Council
Regular Session
May 7, 2024
Item 7.D

Exhibit B

Figure 4. & 5. Extensive underutilized and vacant commercial properties are present throughout the MRA

Figure 6. Extensive underutilized and deteriorating surface parking lots are present throughout the MRA

SUMMARY OF FINDINGS

Assessments were conducted in May and December 2023 to document the physical conditions of buildings and lots within the proposed MRA. The assessments, combined with business and housing data, demonstrate that the properties included in the proposed MRA boundary exhibit a combination of factors that contribute to blight. Because current conditions within the area inhibit sound development, the redevelopment of the proposed MRA is necessary and in the interest of the prosperity of the residents of downtown Los Alamos and of Los Alamos County more broadly.

The analysis summarized below shows that the following conditions have inhibited new development and redevelopment in the proposed MRA Area, impairing sustained, thoughtful growth and economic health in what is otherwise an affluent county.

HIGH LEVELS OF VACANT OR UNDERUTILIZED PROPERTIES

There are numerous vacant storefronts within the proposed East Downtown Los Alamos MRA. These include grocery, restaurant, and retail and service-oriented commercial spaces. Vacant properties are found in the highest concentration in the former Mari Mac Shopping Village.

LOW LEVELS OF COMMERCIAL ACTIVITY AND REDEVELOPMENT

Stakeholders report that, for years, commercial properties throughout the Mari Mac Village Shopping Center have had persistent challenges attracting and retaining tenants. In 2014, the shopping center's anchor business, Smiths Food and Drug, owned by Kroger, relocated to a larger building across Trinity Drive. Rental or sale of the building to tenants perceived as competing with Smith's has historically been disallowed. Neighboring businesses have been detrimentally impacted by the continued presence of vacancies and majority empty parking lots.

DETERIORATING STRUCTURES AND BUILDINGS

Many of the buildings in the proposed MRA are in poor condition, out-of-date, or otherwise in disrepair and will need improvements and infrastructure updates to attract new tenants. The poor condition of the buildings contributes to ongoing, low levels of commercial activity, and creates a disincentive for private investment. Multifamily housing constructed in the 1950s and in need of renovation is included in the Northern segment of the proposed MRA.

DETERIORATING INFRASTRUCTURE

Within the proposed MRA, there is a general deterioration of public infrastructure. This includes poor pavement conditions in side streets and surface parking lots, narrow sidewalks not in compliance with ADA requirements, unmaintained landscaping and amenities, and drainage issues.

Los Alamos County Council
Regular Session
May 7, 2024
Item 7.D

Exhibit B

Existing Conditions Assessment

In May and December 2023, assessments conducted by the New Mexico MainStreet consultant team Groundwork Studio assessed physical conditions in the proposed East Downtown Los Alamos MRA. These determinations build on observations and recommendations made in the 2021 Los Alamos Downtown Master Plan.

The following narrative summarizes the predominate physical conditions of the proposed MRA which may contribute to blight and disinvestment. Additional information on land use and housing in Los Alamos Is also included to support the creation of a Metropolitan Redevelopment Area (MRA) District and MRA Plan.

Figure 7. Amenities outside vacant commercial prope111es display evidence o1 neglect and disuse

Figure 8. Vacant buildings throughout the MRA offer opportunity for redevelopment

Figure 9. Deteriorating parking lots are prevalent throughout the MRA

Los Alamos County Council
Regular Session
May 7, 2024
Item 7.D

Exhibit B

EXISTING LAND USE

The proposed Los Alamos MRA boundary prioritizes an area with a high number of commercial vacancies. Commercial development in the area is concentrated between Central Ave to the North and Trinity Drive to the South. Existing land use within the proposed MRA is primarily commercial with large dedicated parking fields. Despite this. retail. office. and business activity in the 55-acre area remains low. Subsequently, there are few amenities available to residents of the Multi-family housing in the NE portion of the MRA.

Land use within the proposed MRA designation is primarily commercial but in recent years Los Alamos County has made zoning changes to accommodate future land-use goals. Zoning changes to all but the parcel between 6th St and DP Road allow mixed-use development throughout the entirety of the proposed MRA. Mixed-use zoning makes possible the development of housing downtown, as well as the creation of amenities and retail that can serve area residents.

Figure 10. Entirely vacant building in the Mari Mac Shopping Center

Figure 11. One of two large vacant units in the former Smiths building

Figure 12. Area possibly requiring brownfield remediation to the NE of the proposed MRA

Los Alamos County Council
Regular Session
May 7, 2024
Item 7.D

Exhibit B

VACANT AND UNDERUTILIZED PROPERTIES

The Proposed MRA contains a high proportion of vacant lots and buildings. Of the seven commercial buildings within the MRA, most are subdivided into multiple units, many of which are vacant. Two out of four units in the former Smith's building are vacant; The adjacent I-shaped building, former home to restaurant China Palace and other businesses, is entirely vacant.

Vacant and underutilized properties can have negative effects on neighboring businesses and residences. Underutilized properties indicate lots that have buildings or structures which are partially occupied for temporary uses and community space but do not have commercial viability without major improvements. High rates of vacancy and non-commercial use can have negative Impacts on local property values, create a burden on town resources, and discourage reinvestment in the area. Businesses have closed and many of these properties have struggled to attract and retain tenants for years.

Figure 13. petrol tanks remain underground at the former gas station within the proposed MRA

Figure 14. Map indicating vacant units and demolished buildings w1thln the proposed MRA boundaries

Los Alamos County Council
Regular Session
May 7, 2024
Item 7.D

Exhibit B

DETERIORATING STRUCTURES

Throughout the proposed MRA, aging and deteriorating buildings need repair, rehabilitation and possible removaL Both the commercial buildings and multifamily housing are of a post World War II aesthetic and may include inadequate floor layouts, or internal issues such as outdated electrical, telecommunications, and other equipment that limits their commercial viability as attractive spaces for new tenants. Rehabilitation of these buildings may involve expensive upgrades that current owners may not be ready to invest, given current market conditions.

The poor condition of these buildings contributes to ongoing, low levels of commercial activity in East Downtown Los Alamos and creates a disincentive to new private investment. It should be noted that not every property within the MRA exhibits blight conditions, however there is a concentration of these types of properties, and without action, the area will likely experience further disinvestment and deterioration.

Figure 15. Deteriorating buildings are prevalent throughout the proposed MRA

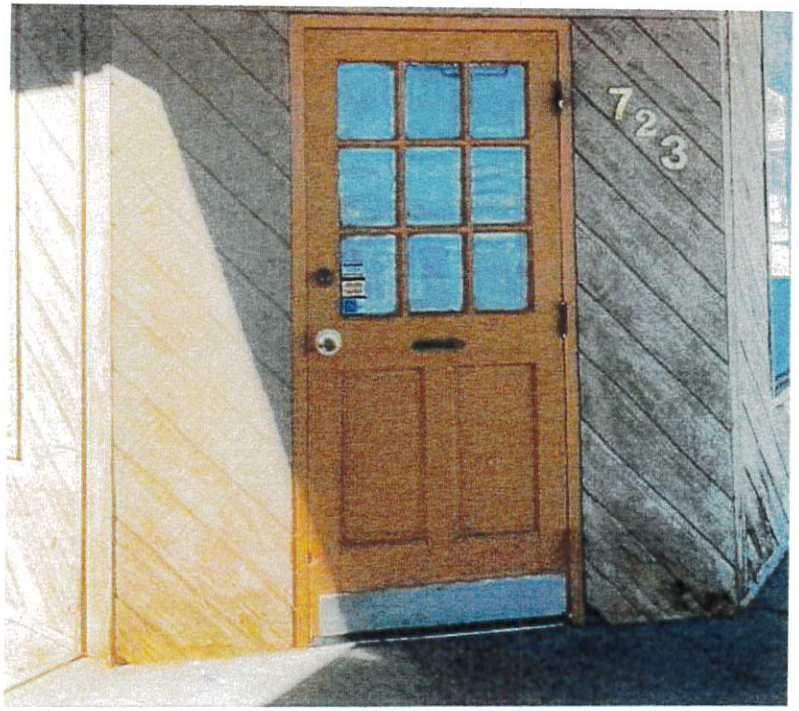

Figure 16. Deteriorating wood paneling is prevalent in the proposed MRA

Los Alamos County Council
Regular Session
May 7, 2024
Item 7.D

Exhibit B

DETERIORATING INFRASTRUCTURE

Deteriorating infrastructure and poor vehicular, cyclist, and pedestrian circulation constrain access throughout the proposed MRA. Pedestrian and cyclist connectivity is limited by non-continuous streets, underutilized alleyways, narrow sidewalks, and sprawling parking lots. Weeds are growing in sidewalk seams and edges in several locations. Present throughout but not representative of the entire proposed MRA, there are damaged and/or non-ADA compliant sidewalks, weeds growing in cracks in walkways and roads, drainage issues, and unmaintained landscaping. Recent infrastructure investments in the roundabout at the intersection of Trinity Dr and Central Ave, inclusive of widened sidewalks and ADA compliant curb ramps with Truncated Dome Pads, offer a great example of improvements that could be extended throughout the MRA to improve the pedestrian experience and promote economic activity.

Figure 17. Deteriorating pavement on roadways and side streets Is present throughout the proposed MRA

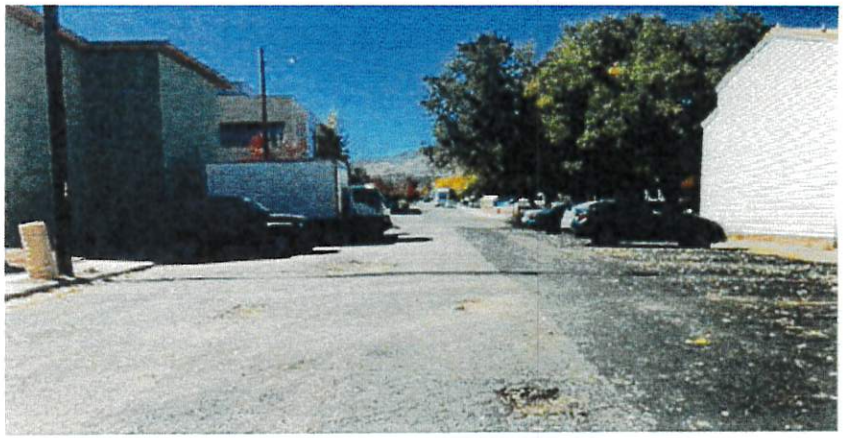

Figure 18. DGtsnoratmg pavement on roadways and side strGSts IS present throughout the proposed MRA

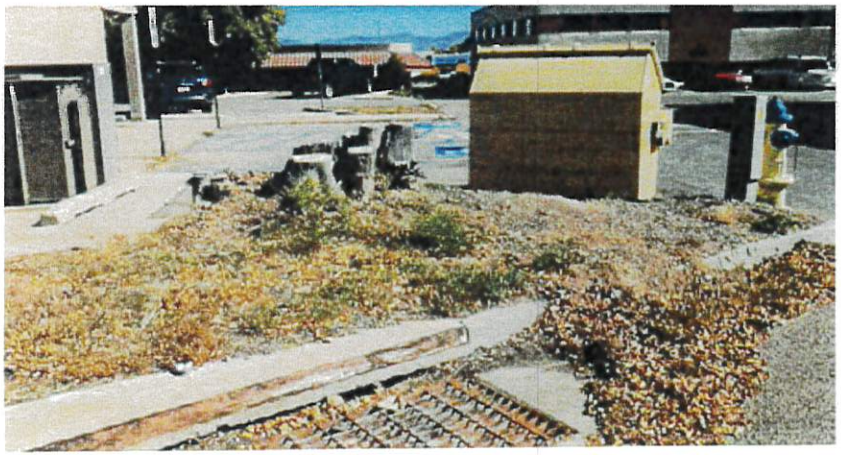

Figure 19. Unmaintained and deteriorating infrastructure are present throughout the proposed MRA

Exhibit B

HOUSING OVERVIEW

According to the 2019 Los Alamos Housing needs Analysis Report, "more than 3,700 housing units in the county" are greater than 50 years old (20). In addition to the physical conditions present within the proposed Los Alamos MRA, the area is impacted by a county-wide housing shortage of 3,000 units (anecdotal, 2019 Los Alamos Housing Needs Analysis, 76). Insufficient housing to meet local need contributes to the applicability of an MRA designation for East Downtown Los Alamos.

According to the Downtown Los Alamos 2021 Master Plan, 56% of the Los Alamos National Lab (LANL)'s employees commute to work in the county while maintaining residences in a different county. Los Alamos has a low poverty rate compared to the rest of the State of New Mexico and 50% higher educational attainment than the state at large. The growing LANL workforce indicates that the County need for increased housing is in fact dire, and, despite high Area Median Income (AMI), inclusion of affordable housing for retail and service workers is an important consideration. Mixed-use housing developments create an opportunity for dynamic mixed-income housing development.

F1gurs 20. Multi-family housing facilities in need of renovation and repair

BUSINESS ACTIVITY & REGIONAL ECONOMY

Outside of Los Alamos National Labs (LANL), the Los Alamos downtown environment has historically proliferated and maintained office parks and service-oriented businesses. As Los Alamos County attempts to capitalize on nuclear technology-related tourism following the 2023 release of the Oppenheimer movie, they must contend with the lacking density of goods and services to draw regional residents or travelers. A source of revenue that could be further tapped but the proposed MRA are the visitors to nearby outdoors attractions such as the neighboring Valles Caldera National Preserve. Were Downtown Los Alamos to focus on mixed-use development that includes housing, amenities, and retail targeting locals and visitors, they might be able to sustain successfull economic development within the proposed MRA.

At present, the cost of redeveloping deteriorating buildings with large footprints and the proposed MRA's accompanying and surrounding infrastructure cannot be carried strictly by private developers. Redevelopment in this context is out of reach for both small business owners and larger developers. Private re-development that has not occurred in the past decade is now even further out of reach due to the rising cost of building materials and contractor services. Public-Private partnerships (P3s) are likely the only way that redevelopment can occur in the proposed MRA. An MRA designation makes P3's possible by creating an exemption to the State of New Mexico Anti-Donation Clause.

LANL is by far the largest employer within the Los Alamos Townsite. According to the American Community Survey, 68.7 percent of the workforce is employed in management, business, science, and arts occupations. An additional 14.1 percent are employed in service occupations, 10.9 percent are employed in sales and office occupations, 3.6 percent in production, transportation, and material moving occupations and 2.7 percent in natural resources construction and maintenance occupations (American Community Survey). According to the New Mexico Finance Authority, in 2020, retail trade accounted for only four percent (4%) of GRT-based revenues by NA/CS sector (Los Alamos Downtown Master Plan, 15). Infill development within the proposed MRA could capture a greater share of sales by travelers while also providing a greater diversity of goods, services and employment opportunities to Town residents.

Exhibit B

Conclusions

This report demonstrates the existing conditions in the proposed Los Alamos MRA meet the criteria for "blighted" area designation as defined by the Metropolitan Redevelopment Code (NM Stat§ 3-60A (2020)).

The area may be designated as "blighted" due to the combination of factors detailed in this report and summarized below:

- A high level of vacant, abandoned and underutilized lots and buildings
- A substantial number of buildings which are deteriorated or deteriorating
- Infrastructure and site improvements show signs of deterioration
- Low levels of commercial activity and redevelopment are present throughout the area

Analysis of the existing conditions leads to the conclusion that these blight conditions inhibit economic activity, discourage private investment, and lessen opportunities for gross receipts tax and other revenue for the County.

Based on the findings of this report, the designation of the East Downtown Los Alamos Metropolitan Redevelopment Area will assist the community in pursuing its goals of downtown revitalization. After adoption of the MRA designation, a Metropolitan Redevelopment Area Plan should be carried out.

Figure 20. Tenacious and hopeful growth in a vacant lot within the proposed MRA

Exhibit B

APPLICABLE METROPOLITAN REDEVELOPMENT CODE

Findings and Declarations of Necessity [NM Stat § 3-60A-2 (2020)]

A. It is found and declared that there exist in the state slum areas and blighted areas that constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the state; that the existence of these areas contributes substantially to the spread of disease and crime, constitutes an economic and social burden, substantially impairs or arrests the sound and orderly development of many areas of the state and retards the maintenance and expansion of necessary housing accommodations; that economic and commercial activities are lessened in those areas by the slum or blighted conditions, and the effects of these conditions include less employment in the area, lower property values, less gross receipts tax revenue and reduced use of buildings, residential dwellings and other facilities in the area; that the prevention and elimination of slum areas and blighted areas and the prevention and elimination of conditions that impair sound and orderly development is a matter of state policy and concern in order that the stale shall not continue to be endangered by these areas that contribute little to the tax income of the state and its local governments and that consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization or other forms of public protection, services and facilities.

Definition of Blight [NM Stat §3-60-8)

As used in the Community Development Law [3-60-1 to 3-60-37 NMSA 1978] "blighted area" means an area, other than a slum area, which is found by the local governing body by reason of the presence of a substantial number of slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivisions or obsolete platting, or the existence of conditions which endanger life or property, or any combination of such factors to substantially impair or arrest the sound growth of the municipality, retard the provision of housing accommodations or constitute an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use.

Findings of Necessity by Local Government [NM Stat§ 3-60A-7 (2020)

No municipality shall exercise any of the powers conferred upon municipalities by the Redevelopment Law [3-60A-5 through 3-60A-13, 3-60A-14 through 3-60A-18 NMSA 1978] until after its local governing body shall have adopted a resolution finding that:

A. one or more slum areas or blighted areas exist in the municipality; and

B. the rehabilitation, conservation, slum clearance, redevelopment or development, or a combination thereof, of and in such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of the municipality.

May 7, 2024, County Council – Regular Session For DAIS

8. INTRODUCTION OF ORDINANCE(S)

A. CO0685-24

Incorporated County of Los Alamos Code Ordinance No. 02-355 Modifications to Chapter 6, Animal Code

Body:

Reads: Proposed Public Hearing Scheduled for May 28, 2024

Should be: Proposed Public Hearing is scheduled for June 11, 2024: