



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Special Meeting Minutes
March 8, 2012**

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1. Call to Order and Roll Call

Chairman Eichenberg called the Special Board Meeting to order at 8:38 a.m. Thursday, March 8, 2012. Roll was noted as follows:

Directors present:	Chairman Tim Eichenberg Director Ronald D. Brown Director Daniel F. Lyon
Directors excused:	Director Danny Hernandez Director Bruce M. Thomson
Others present:	Jerry M. Lovato, P.E., Executive Engineer Attorney Marcus Rael, Jr. Staff Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Director Lyon made a motion to approve the agenda. Director Brown seconded the motion, which passed (3-0).

3. Meetings Scheduled

- a. **Thursday, March 22, 2012, 10:00 a.m. – Regular Meeting**
- b. **Thursday, April 26, 2012, 10:00 a.m. – Regular Meeting**
- c. **Thursday, May 24, 2012, 10:00 a.m. – Regular Meeting**
- d. **Thursday, June 28, 2012, 10:00 a.m. – Regular Meeting**

There were no changes to the meeting schedule as set forth.

4. Items from the Floor/Public Comment

None.

5. Consideration of Award of Construction Contract for La Presa Project

Kurt Wagener, AMAFCA Field Engineer, stated that five contractors submitted bids on the La Presa Project on March 1, 2012. Results were checked by Wilson and Company and no errors were found. Staff and Wilson and Company recommend award of the construction contract to



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the low bidder, Salls Brothers Construction, Inc., in the amount of \$2,019,361.27 plus New Mexico Gross Receipts Tax. The required AMAFCA Campaign Contribution Disclosure Form was completed and copies provided to the Board.

His memo noted that the dam bid lot is fully funded by AMAFCA, and the City of Albuquerque is funding the multi-use trail. It also stated that the City is in concurrence with the award recommendation.

Mr. Wagener introduced Charlie Alcorta, of Salls Brothers Construction, and Tyler Ashton and Breck Vernon, of Wilson and Company, the design engineers. He stated that Wilson and Company will also perform Construction Management on the project.

In response to a question from Chairman Eichenberg, Mr. Wagener stated that Salls Brothers' bid was less than the others in part because they have their own source of basalt rock, and did not need to purchase it on the open market.

Director Lyon made a motion that the Board accept Salls Brothers Construction, Inc., as the lowest responsible bidder and authorize the Chair to execute the contract with them for the construction of La Presa Project in the amount of \$2,019,361.27 plus New Mexico Gross Receipts Tax. Director Brown seconded the motion, which passed (3-0).

6. Financial Advisor – Selection Advisory Committee (Committee of the Whole)

Chairman Eichenberg stated that the Selection Advisory Committee (SAC) for Financial Advisor would be held as a Committee of the Whole. He queried those present about delaying the SACs to the March 22, 2012 Board meeting. Mr. Lovato stated that the existing contracts would need to be extended one or two months, if that were to be done. After discussion, Chairman Eichenberg elected to continue with the SACs. He also suggested that the Board consider "term limits," as are in place for Auditor, for the Financial Advisor and Bond Counsel services.

The Board discussed ranking the two firms, George K. Baum & Company and RBC Capital Markets, with a ranking of 1 or 2. The firm with the lowest score would be the SAC's recommendation. The Board shared their rankings of the proposals for Financial Advisor. George K. Baum & Company had the lowest total score and therefore the SAC will recommend selection of George K. Baum & Company to the Board at the March 22, 2012 Board meeting.

Chairman Eichenberg recognized that Mark Valenzuela, Vice President of George K. Baum and Company, was present and asked if he would like to address the Board. Mr. Valenzuela thanked the Board, and stated that they look forward to working with the Board and staff.



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7. Bond Counsel – Selection Advisory Committee (Committee of the Whole)

Chairman Eichenberg stated that the Selection Advisory Committee (SAC) for Bond Counsel would be held as a Committee of the Whole.

The Board discussed ranking the three firms, Sutin Thayer Browne, Modrall Sperling, and Brownstein Hyatt Farber Schreck, with a ranking of 1, 2, or 3. The firm with the lowest score would be the SAC's recommendation. The Board shared their rankings of the proposals for Bond Counsel. Modrall Sperling had the lowest total score and therefore the SAC will recommend selection of Modrall Sperling to the Board at the March 22, 2012 Board meeting.

8. Legal

a. Pending Litigation (closed session)

Attorney Rael stated that discussion of pending litigation should be in closed session.

Director Brown made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in *“The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens,”* seventh edition, 2010, to discuss pending litigation. Director Lyon seconded the motion.

Chairman Eichenberg stated that the closed session would be for purposes of discussion only, regarding pending litigation. The motion passed (3-0), on a roll call vote.

Chairman Eichenberg closed the meeting at 8:52 a.m.

Director Brown made a motion that the meeting be re-opened. He stated that the Board had taken no action during the closed meeting, but had discussed pending litigation. Director Lyon seconded the motion, which passed (3-0), on a roll call vote.

Chairman Eichenberg reopened the meeting at 9:30 a.m. He noted that the agenda had already been set for the March 22, 2012 Regular Board Meeting. Mr. Lovato stated that staff will be recommending that they be allowed to advertise for construction for a project on the westside.

9. Unfinished Business

None.



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10. New Business

None.

11. Adjourn

There being no further business to come before the Board, Chairman Eichenberg adjourned the meeting at 9:31 a.m.

Bruce M. Thomson, Secretary-Treasurer, 3/22/2012

Recorded by Pamela Woodruff, Executive Administrative Assistant