



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Special Meeting Minutes  
January 11, 2005**

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**1. Call to Order and Roll Call**

Chairman Eichenberg called the Special Board Meeting to order at 11:35 a.m. Tuesday, January 11, 2005. Roll was noted as follows:

Directors present: Chairman Tim Eichenberg  
Director Ronald D. Brown  
Director Danny Hernandez  
Director Daniel Lyon  
Director Janet Saiers

Others present: John Kelly, Executive Engineer  
Sam Bregman, Attorney  
Lisa Fenner and Kevin Powers, RBC Dain Rauscher,  
AMAFCA Financial Advisor  
Duane Brown, AMAFCA Bond Counsel

A quorum was present.

**2. Approval of Agenda**

Chairman Eichenberg stated that item 6, Unfinished Business, would be heard first. Director Lyon made a motion to approve the agenda as modified. Director Saiers seconded the motion, which passed unanimously (5-0).

**6. Unfinished Business**

Jerry Lovato, AMAFCA Field Engineer, gave the Board an update on the request for contract suspension from the West I-40 Diversion Channel Project's contractor. He stated that there were 12 items that needed to be completed before AMAFCA would consider suspending the contract for a 30 day period. The contractor had finished the final item that morning, with some minor paperwork to complete.

Mr. Lovato stated he will recommend that the Executive Engineer suspend the contract for 30 days. He also stated that there will be 8 items for the contractor to complete in the next 30 days for AMAFCA to consider extending the suspension another 30 days.

Mr. Kelly stressed that one of the most important items was to have a facilitated partnering session. During the session, the contractor's schedule for the remainder of the job would be analyzed, including the schedules of the subcontractors who would be working on the



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remainder of the job. He stated that based on the results of that meeting, AMAFCA will make a decision on extending the suspension another 30 days.

Mr. Kelly stated that Mr. Lovato had sent a letter to the contractor, who is aware of the items he will need to complete in order to have a maximum 60 day suspension of the contract. There will be another update for the Board at the January 27, 2005 Board Meeting.

Mr. Kelly stated that the partnering session will be held 25 days into the suspension, which will be after the January 27 Board meeting. Mr. Kelly stated that he could report back to the Board at the February meeting, or earlier if desired by the Board.

Discussion followed. Consensus was that since AMAFCA had been keeping the surety informed of the situation, and the basic flood control portions of the project had already been completed, AMAFCA should give the contractor every opportunity to complete the job.

Mr. Kelly stated that currently there is a valid performance bond and insurance certificate on the job, adequately covering AMAFCA's interests. Mr. Bregman pointed out a considerable amount of the project remains to be done in a limited amount of time after resumption of the contract.

Mr. Kelly also stated that part of the project is to extend an 84" storm drain under Unser Blvd. north of the Unser - I-40 Interchange. This item had had required coordination with NMDOT and ultimately, their approval to do a cut and cover instead of boring under Unser, saving AMAFCA approximately \$100,000. The NMDOT allowed AMAFCA's contractor two weeks to do the entire crossing, with the expectation it would have been complete before the Coors – I-40 Interchange Project started, which is not the case.

Mr. Kelly stated that he is trying to work out an agreement with NMDOT to coordinate work at Unser to minimize traffic congestion between both projects. He stated the draft agreement will be on the agenda for the January 27 Board Meeting.

In response to a question by Director Saiers, Mr. Lovato told the Board that he has spoken with both area Neighborhood Associations, which are keeping homeowners informed through their newsletters. He stated that a project update informational flyer will be prepared for the Neighborhood Associations to distribute to area residences as soon as the suspension, which the contractor requested, begins.



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**3. Meetings Scheduled**

- a. January 27, 2005, 9:00 a.m. – Regular Meeting**
- b. February 24, 2005, 9:00 a.m. – Regular Meeting**

There were no changes to the meeting schedule for the regular January and February meetings.

**4. Approval of Resolution 2005-1, Open Meetings Resolution**

Director Brown made a motion that the Board adopt Resolution 2005-1, Open Meetings Resolution. Director Hernandez seconded the motion, which passed unanimously (5-0).

**5. Approval of Resolution 2005-2, Authorizing the Issuance and Sale of General Obligation Bonds, Series 2005**

Mr. Kelly introduced Duane Brown of the Modrall Law Firm, AMAFCA's Bond Counsel, and Lisa Fenner and Kevin Powers of RBC Dain Rauscher, AMAFCA's Financial Advisor.

Ms. Fenner and Mr. Powers gave a presentation to the Board on the 11:00 a.m., January 11, 2005, bond sale results for the sale of \$9,750,000 in General Obligation Bonds, Series 2005. Legg Mason Wood Walker, Inc., was the low bidder with a true interest cost bid of 2.915434%. Ms. Fenner and Mr. Powers answered several questions from the Board during the presentation.

Ms. Fenner stated that AMAFCA had retained its bond rating of Aaa from Moody and AA+ from Standard & Poor's. Copies of these bond ratings would be provided to the Board at a later date. Mr. Powers pointed out that AMAFCA had received excellent bids for its Bonds due to this high bond rating.

Chairman Eichenberg thanked Ms. Fenner and Mr. Powers for an excellent bond sale and for their presentation.

Mr. Brown then walked the Board through Resolution 2005-2, Authorizing the Issuance and Sale of General Obligation Bonds, Series 2005.

Director Hernandez made a motion that the Board accept the bid of Legg Mason Wood Walker, Inc., as the best bid received for the Bonds. Director Lyon seconded the motion, which passed unanimously (5-0).



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Director Hernandez made a motion that the Board adopt Resolution 2005-2, Authorizing the Issuance and Sale of General Obligation Bonds, Series 2005. Director Brown seconded the motion, which passed unanimously (5-0). Chairman Eichenberg declared the motion carried and the resolution adopted.

**7. New Business**

None.

**8. Items from the Floor / Public Comment**

There were no public comments.

Director Saiers asked the Chairman if there were any regulations she should be aware of if she were in Santa Fe, talking to legislators about projects that are not related to AMAFCA.

Chairman Eichenberg and Mr. Bregman informed her that she would need to register with the Secretary of State as a lobbyist if she were to discuss AMAFCA-related items.

**9. Adjourn**

With no further business to discuss, Chairman Eichenberg adjourned the meeting at 12:19 p.m.

/s/  
Tim Eichenberg, Secretary-Treasurer 1/27/05

Recorded by Pam Woodruff, Secretary to the Executive Engineer