



Rail Yards Advisory Board

March 8, 2010, 11:30 AM
Albuquerque/Bernalillo County Government Center
Council Committee Room
9th Floor, Suite 9081

FACILITATED MEETING NOTES

Members Present:

David Campbell, CAO, for Mayor Berry
Isaac Benton, City Councilor, District 3
Art De La Cruz, County Commissioner, District 2 (Dolores Herrera)
Rep. Miguel Garcia
Rep. Rick Miera
Diana Dorn-Jones, South Broadway
Janice Convery, South Broadway alternate
Leba Freed, Wheels Museum
Sen. Eric Griego
Jay Rembe, ULI – New Mexico
Ron Romero, Barelás
Yasmin Kahn, Barelás alternate

Members Absent:

Sen. Jerry Ortiz y Pino
Rep. Gail Chasey

Staff Resources:

Tim Karpoff, facilitator
Lawrence Kline, consultant
John Vigil, Purchasing Officer
Paula West, Purchasing attorney
Kara Shair-Rosenfield, Council Services
Michael Mehling, DFCS
Petra Morris, Planning Dept.
Ed Boles, Planning Dept.
Cynthia Borrego, Planning Dept.
Will Consuegra, Economic Development Dept.

Others Present:

Chuck McCune – South Broadway resident
Homer Robinson
Sarah Gentry – S. Broadway
Tony Mata
Dave Chavez
Christopher Frechette
Javier Benavidez
Daniel Gutierrez
Sam Markwell
Brian Morris

Councilor Benton: Call meeting to order – 11:40 AM. Discuss RFP, get overview of City Purchasing process, then discussion on organizational framework. Turn it over to Tim.

Tim Karpoff: Good morning, welcome. March meeting of RYAB. It's been two months! Senator, Representative, you've had an eventful month-and-a-half. Welcome back to local politics.

AGENDA – guests here today to provide context before we review what was drafted so far. City's process for "purchasing". Will probably have to undertake other "process" issues: Selection committee, Q&A (pre-proposal conference?), Interviews of potential offerors? Have not yet drafted "Evaluation" section of the RFP. Have Intro, Response Format, Scope of Work – all the non-boiler plate stuff other than Evaluation. We have a considerable number of observers today. Let's all introduce ourselves.

Tim Karpoff: First up – to ask Paula and John help us understand the background behind the City's RFP process and provide context for how the "drafting committee" came up with the first draft.

Paula West: Short and sweet overview process. RFP is a competitive process that the City uses when we're planning to select a company or group of companies that is not necessarily a "low-bid" situation. Looking more for qualifications. That was our original term – RFQ – but we don't have a process in place for that, so we've decided to use the RFP process. Prepare a document that contains information to all the proposers as to generally what the City's requirements are. Don't need to be too specific – providing minimum requirements. We're looking for creativity on their part – give us their great ideas of what they can do. Once the RFP has been written, we advertise it – nationally, locally, whatever the Board wants. After the proposal is advertised, we generally set up a pre-proposal meeting about two weeks into the time period. Pre-proposal to take questions, refine the RFP as needed, and to provide a site visit for potential offerors. Generally questions are submitted in writing so that we can craft responses and provide them to all offerors. After the site visit, allow a certain amount of time for proposers to get proposals together – generally 4 weeks, but depends on complexity of the RFP. Set a deadline in the RFP. Proposals are accepted as sealed proposals in the Clerk's office. Copies of proposals will be distributed to the Selection Committee. Need to form the SC before the RFP goes out. Committee members are required to keep proposals confidential and read every proposal from start to finish and not reveal any content of proposals and attend all meetings set up for evaluation. Have to be consistent during evaluation process to create a fair process.

Councilor Benton: Pre-proposal conference – could be mandatory or optional, correct?

Paula West: Yes.

Councilor Benton: I think we should still make site accessible.

Ron Romero: Would Board members be allowed to attend p-p conference?

Lawrence Kline: Could we hold a p-p conference electronically?

Paula West: We've never done that before.

Tim Karpoff: You mentioned national distribution – what about international?

Paula West: You can advertise internationally. Our database isn't set up internationally, but can mail the RFP anywhere. It will also be posted on the City's website.

Jay Rembe: You don't have a problem if we facilitate distribution?

Paula West: No, the more competition the better.

Dolores Herrera: Commissioner is fully supportive of this process. Scoring system? One of the agenda items coming out of our office is trying to keep our dollars local. Will preference be given to local?

Tim Karpoff: Paula, can you address that?

Paula West: The RFP will contain specific Evaluation Criteria. It is up to the drafters of the RFP to decide what is most important to them in terms of evaluation criteria.

Diana Dorn-Jones: Have seen in previous RFPs, use local people as part of the team.

Paula West: Preferences – local and small business preferences that are part of City ordinance. Wasn't sure that with a proposal of this size, that would apply, but it could. That is a possibility that that would apply to this RFP. Also wanted to mention that in terms of the size of the committee, we recommend that the committee be of a smaller size than the entire RYAB. We've noticed that smaller committees get things done more efficiently and more quickly. Members of the SC have to be able to attend ALL meetings.

Tim Karpoff: Advice on optimal size?

Paula West: 5, but have had committees of 7 or larger. Should be an odd number.

Tim Karpoff: Possibility of having SC to review all proposals and narrow it down to top few, then refer to whole RYAB?

Paula West: Difficulty is being subject to Open Meetings Act. Not sure if there is an exception to State Law that would allow the whole board to meeting in closed meetings. We can look at that issue further.

Councilor Benton: I think what Tim is driving as is that, in a perfect world, we might have a SC that was a subcommittee of the board and have the subcommittee report back to the whole board.

Paula West: It is possible and recommended that you have interviews with your proposers in the evaluation part of the process. We've often tried to keep the cost proposal an objective criteria. That might be something that would come up.

Tim Karpoff: Thank you, Paula and John.

Leba Freed: On the RFP – it's a fabulous beginning – for WHEELS Museum, only a few mentions. How do we get more information in the RFP?

Paula West: Probably put it in an addendum.

Tim Karpoff: Jay, you asked for Lawrence Kline to lay out how we arrived at the draft RFP. A brief intro to start discussion.

Lawrence Kline: This project reminds me of Lew Wallace – he said if it worked somewhere else, it won't work here. This hasn't been done anywhere else. No one else in the country has ever succeeded in doing this. Basic structure – this is eyes only for the board until it's issued publicly. Three sections: 1) charge to the Board in the enabling legislation; 2) qualifications – people who have done other redevelopment/mixed use/brownfield projects. We want the people who know how to do this and have done it before. The aim is to get qualifications; 3) purposes and goals. That's the basic structure.

Tim Karpoff: Thought we should engage in a substantive discussion, section-by-section. Introduction, the response format, then scope of work. This is an RFQ in all but name only.

Jay Rembe: Thought it was broad enough that it will attract a wide group of developers. Provides flexibility.

Tim Karpoff: Breadth is something you would support.

Leba Freed: In general in reading this, it really covers what we talked about. Do we feel that it has enough juicy meat, appeal to a potential developer? Talks about neighborhoods in not most glowing of terms sometimes. Does it provide enough appeal to get people to come to Albuquerque?

Jay Rembe: That's a good point. I think we could do much better.

Diana Dorn-Jones: I thought that when I originally read this. But there's a small field of people who will respond to this. I want to know how well you figure this out. We're not going to have just anybody doing this. They're going to need to do some homework.

Leba Freed: Would like to dress this up a little bit.

Councilor Benton: I agree somewhat with what Leba's saying. But any developer worth their salt is going to come in regardless of the challenges if they're interested in proposing. They're going to have to share an optimistic view of the future of Albuquerque.

Leba Freed: Will this go with publicity from ACVB? Is it sent as just a hard copy? What if people don't know where Albuquerque is? Don't think it would hurt to have a paragraph.

Jay Rembe: Need to pitch this in the best light.

Councilor Benton: I agree – we need a pitch at the beginning. I don't think we need to go way beyond into a PR pitch.

Diana Dorn-Jones: To Leba's point – I'd like to see the richness of the two neighborhoods built up. I don't see that here yet. Whatever happens needs to be in concert with the neighborhoods around.

Sen. Griego: Agree with a lot of this. Some language that is not the most positive. This isn't a turnkey project – there are challenges. Need the three C's: 1) working with the community – putting a premium on developers who have worked with communities. This is the closest we're going to get in NM to a big-time urban project like Eastern Market in DC and Lexington Market in Baltimore. Emphasis on working directly with the community. 2) Collaborating with local firms. As much as I support women-owned businesses, we should emphasize a collaborative approach. 3) Capacity for redevelopment. Tried a few years back to train folks to do public-private infill projects. This could be an opportunity to create capacity in the community. Doesn't have to be a big social experiment, but it's an opportunity to create long-term capacity.

Dolores Herrera: Wasn't it a female architect who did the ____? You could highlight that.

Tim Karpoff: In general, sounds the RYAB is requesting that the RFP have more language that talks about the opportunity that this project represents. Maybe frame using the three C's that EG is talking about.

Leba Freed: It doesn't stress tourism. Our studies show 1 million people per year to the site if we do it right. Not a big enough happiness.

Jay Rembe: If we were going to add an addendum for the WHEELS, need to add the studies you've done, too.

Tim Karpoff: Addenda or appendices are going to be a useful thing.

Councilor Benton: Third paragraph – SEE SMART BOARD EDIT.

Diana Dorn-Jones: SEE SMART BOARD EDIT – PAGE 8.

Jay Rembe: Start with a very specific description of the location. Paragraph about advantage of location.

Tim Karpoff: Need a whole new first page. We're missing something substantial.

Leba Freed: Are we going to have photographs? What about section 4. The Challenge – do we want to have that section at all?

Commissioner De La Cruz: That's a great point. In the broader context of the area, it should be mentioned that you have the NHCC, BioPark, Tingley. If I'm a developer, I'm going to know that those things are there.

Councilor Benton: Speaking about amenities of surrounding area. Describe the site itself in the introduction – acreage of site, square footage. I would caution us against having more than 1 page of that kind of stuff.

Diana Dorn-Jones: Going to do a re-do of first page – take a "Chamber" kind of approach. But I don't want to give so much that this person doesn't have to do any work. I want people to study our city and understand it and put in their own effort.

Jay Rembe: I come from a different perspective. I would rather have the most accurate data and best data possible. As a developer, you're going to get in there and do a lot of work. I'd rather give them the best information to get them excited and get them here. There are plenty of things they're going to have to figure out.

Tim Karpoff: Going to have to address "Constraints" and Scope of Work. LSK, TK, and KSR will come up with an additional page or revised first page with history and opportunity without "overselling" it. Provide more info about what this place is and what the aspiration is.

Sen. Griego: I don't care where that goes – maybe the right place isn't in the introduction. I want to be somewhere between the ACVB approach. If I'm a developer trying to figure out which of these uses I have a track record on, what you want to do is have a hook for people who have done different kinds of projects. Near high-density area, near river, near cultural amenities. People need to know where they are physically – near airport, on a rail line.

Leba Freed: Land available to north and south – is that brought out in here?

Councilor Benton: It mentions that a developer could bring additional land to the deal.

Tim Karpoff: This gets back to Diana's point – we need to see

Jay Rembe: Need an aerial of the site. What's typical of an RFP?

David Campbell: Nothing typical about this. Where I hear this swaying is, too much sales. I'd be concerned that selected developer would say, this isn't how you told me it was going to be. Keep to facts and be objective. Try to limit qualifiers.

Tim Karpoff: Rationale about "The Challenge" section.

David Campbell: "insurmountable" – don't need to say that.

Leba Freed: Section 5.3 – wouldn't put in "only".

Rep. Miera: Did we agree about whether or not we are going to have access from east and west? How are we going to link the tracks between the neighborhoods? Are we asking them to bring us things on both east and west sides of tracks? Do we give them guidelines?

Tim Karpoff: Are you saying east and west sides of tracks?

Rep. Miera: Yes. How do we connect the two sides of the tracks? One side or both sides?

Tim Karpoff: I have been advocating that we try to get this RFP out as quickly as possible and that in order to get a partner selected and then take up substantive design issues. If we try to do too much design ahead of time, we'll never get the RFP out. I don't know if that's your question?

Rep. Miera: My issue is what are we asking them to design – east and/or west? Are we asking them to help mitigate that problem?

Ron Romero: Ask for a maximum amount of connectivity between the three parcels of land? They were at one time one big community.

Diana Dorn-Jones: Ron is absolutely right. That is a challenge that we'd like to see addressed.

Councilor Benton: Don't want to narrow responders, but we want them to understand that they cannot create a closed campus.

Tim Karpoff: Add a fourth C – Connectivity.

Leba Freed: Section 7 – the Opportunity – that should be on page 1.

Tim Karpoff: What about Section 8 – move to page 1, too?

Leba Freed: Looks like it to me.

Diana Dorn-Jones: Bold on 1st page – move that to the end. Does this mean environmental risks?

Lawrence Kline: Mostly addresses financial risk. Wasn't intended to mean environmental.

Diana Dorn-Jones: Might want to say something like that. Clarify what "risks" you're talking about.

Ron Romero: From environmental summary – seem to be some challenges still. At what point will it be clear to the developer in the RFP what the challenges are and when they'll be solved?

Tim Karpoff: Concurrent effort – environmental work. There's a 2005 TerraCon report. An environmental assessment going on right now being managed by EPA. That info will need to go in an appendix.

Ron Romero: Part of my concern is that in a couple places it says that it hasn't been brought up to residential standards. We in the community want to see residential on the site.

Commissioner De La Cruz: If I'm a developer and you're offering me this land, I'd want a clean slate there. Has anyone looked at the costs of environmental remediation? Will this be an impediment to the project? Secondly, is there boilerplate language that would go on the first page bold?

Councilor Benton: I would like to speak to the environmental issue. ULI said the public entity should bring it up to a certain level, but most developers should be prepared to take it beyond – either beyond commercial to residential on a building-by-building basis. Try to do as much as possible up front, but not everything.

Michael Mehling: Have separated site into three sections that can be cleaned and released separately. Our application assumes taking the entire site to residential. North end has been assessed and report being written. EPA just approved assessment of south end. Part of the assessment is that they give you a work plan and an estimated cost. Should have north end in a month or two. South end will be later.

Jay Rembe: ULI recommendations at end of study – address easements, identify responsibility for enviro remediation, advisory board, selection of master developer. Seems to me that the City is willing to clean the site but not the individual buildings.

Tim Karpoff: Should that distinction go in the RFP.

Diana Dorn-Jones: Does developer need to know the timeline and phasing for remediation?
Mehling: The City and the Board could make that decision. We split it out to allow maximum options/flexibility.

David Campbell: Assessment of environmental being done right now?

Michael Mehling: Yes. Can be cleaned and/or cleaned and released for development.

Tim Karpoff: There's a certain concurrent nature of this. Planning and Design will take a certain amount of time anyway.

Dolores Herrera: Wanted clarification – Phase I and Phase II done on the property?

Michael Mehling: Current document based on old EAs. We're redoing all assessments to new current standards and by breaking up the site into three areas.

Dolores Herrera: With those, EPA is going to put a plan together?

Michael Mehling: We received targeted brownfields money to do the EAs. They will provide assessment about what's there, a work plan, and estimated costs.

Dolores Herrera: When City purchased the property, did they hold harmless BNSF?

Councilor Benton: No, they're still potentially responsible parties.

Tim Karpoff: Getting close to 1:00. What are some key points and questions to raise now?

Diana Dorn-Jones: Given discussion about environment, seems like developer needs to have more information. We need to discuss how the phasing is going to work.

Jay Rembe: As a developer, I would want to know that the City is going to do their part.

Tim Karpoff: Additional addendum – the "What We Know" document?

Diana Dorn-Jones: Yes, but need to clarify some language in that document.

Sen. Griego: Agree with DC that we want language to be as objective as possible. Also agree about keeping things moving. Maybe need a subcommittee? Don't want to study this thing to death. Phasing idea – agree that we need to discuss that further. May make a lot more sense to get a piece of the project moving more quickly.

Councilor Benton: In order to get a MD, that person does not have to have the entire environmental figured out. We don't want to say that the City is committed to pay for X amount of remediation. We want to get qualified people to the table with us. There will likely be sub-developers doing smaller pieces of the project.

Leba Freed: On the City side, possible funding sources – is it made clear that the City is really going to work with the MD to make the project happen?

David Campbell: Don't think it is. Gives a menu of financing alternatives. Certainly doesn't say that the City is going to step in and do this.

Tim Karpoff: Is this a topic for further discussion? Do you have a recommendation, DC? What can the City say about "partnering."

David Campbell: The City owns the property, so you start with that proposition. The ownership is already there. Different financing mechanisms are possible. With respect to development of site, someone is going to have to propose both land uses and financing for development. Don't want to make a commitment of City resources up front that we cannot make. I think we are clear that they City is offering partnership.

Commissioner De La Cruz: Without being too specific, need to allow for creativity, in keeping with what we've been saying we want. What is the target date for releasing the RFP?

Tim Karpoff: May.

Commissioner De La Cruz: How far away are we?

Tim Karpoff: We'll put together a new draft before next meeting.

Diana Dorn-Jones: I wanted to get some thoughts about conceptual development (p.11, section 2.7). What are we expecting to receive back from them? Are we going to ask for a minimum of a site plan?

Lawrence Kline: That is in there to a certain degree. You're right – it seems to say "don't give us any pictures of all." We ought to say clearly that we want to see something.

Councilor Benton: Some developers may not have that all figured out at this stage. We're telling them that they have to go through a planning process with us.

Diana Dorn-Jones: Do we want to see how they'd lay things out on the site?

Councilor Benton: I might want to ask for a "program" but not a site plan.

Diana Dorn-Jones: I'd like to have general ideas presented about planning principles. It could just be an idea – doesn't have to be something we evaluate.

Tim Karpoff: What if they talked about, here's what we did in three other places, here are the dilemmas we faced, here's how we approached them. Not necessarily talk about this site.

Jay Rembe: Knowing the group that's here and the process that everyone wants, I think everyone wants to be involved in the design process. I think if they submit three examples from other experience.

Diana Dorn-Jones: Can we ask them to transfer their experience from other places to this site?

Councilor Benton: I'd suggest that, since we're out of time, we have a central conduit to continue this discussion.

Jay Rembe: Question – we are going to select A master developer. What if there are two great firms out of ten? Can we bring them both in?

Tim Karpoff: That's a perfect discussion for discussion of the Evaluation Section next time.

Lawrence Kline: We probably have to have A focal point.

Jay Rembe: We could select the top two and have them go to a "next round."

Ron Romero: Under project goals – add Barelvas and S. Broadway SDPs.

Rep. Miera: How do we convey to MDs what we really want? (Pre-proposal conference?)

Rep. Garcia: When is next meeting?

Tim Karpoff: April 12.

Lawrence Kline: Can't be here – APA conference in New Orleans.

Tim Karpoff: Will get next draft out a week ahead of the meeting.