

APPROVED MINUTES
of the
SECOND MEETING FOR 2008
of the
CAPITOL BUILDINGS PLANNING COMMISSION

Thursday, March 27, 2008
Room 317, State Capitol
Santa Fe

The second meeting of the Capitol Buildings Planning Commission (CBPC) for 2008 was called to order by Arturo L. Jaramillo, secretary of general services, co-chair, on Thursday, March 27, 2008, at 1:08 p.m. in Room 317 of the State Capitol in Santa Fe.

Present

Arturo Jaramillo, Secretary, General Services Department (GSD), Co-Chair
Rep. Ben Lujan, Speaker of the House, Co-Chair
Stuart Ashman, Secretary, Cultural Affairs Department (CAD)
Rhonda Faught, Secretary, Department of Transportation (DOT)
Sen. Stuart Ingle, Minority Leader
Sen. Timothy Z. Jennings, President Pro Tempore
Patrick Lyons, Commissioner, State Land Office (SLO)
Katherine B. Miller, Secretary, Department of Finance and Administration (DFA)
Arthur W. Pepin, Director, Administrative Office of the Courts (AOC)
Clarence Smith, Chief Operating Officer, Designee for James B. Lewis, State Treasurer

Absent

Rep. Thomas C. Taylor, Minority Leader

Staff

Lemoyne Blackshear, Property Control Division (PCD), GSD
Roxanne Knight, Legislative Council Service (LCS)
Larry Miller, Deputy Director, PCD
Tom Pollard, LCS
Tamar Stieber, LCS
Paula Tackett, Director, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other materials provided to the commission are in the meeting file.

Minutes

Upon a motion made and seconded, the commission unanimously adopted the minutes from its January 8 meeting.

Capitol Parking Structure

Ms. Tackett, director, LCS, said the state received five substantial submissions in response to the PCD's request for proposals (RFP) for a 400- to 600-space parking structure near the State Capitol. She said the PCD narrowed down the submissions to two semifinalists and, following an extensive interviewing and ranking process, selected Gerald Martin General Contractor and Fanning Bard Tatum Architects, both of Albuquerque, for the design-build contract. She said negotiations have begun with the PCD as well as with the LCS on behalf of the Legislative Council, as contemplated under the design-build process.

Ms. Tackett indicated that Architectural Research Consultants, Inc. (ARC), prepared the qualifications-based design-build procurement documents and met with a number of individuals and groups from Santa Fe, including citizen groups and the Historic Design Review Board (HDRB), to receive input on the parking structure. She said the state does not believe it needs approval from the HDRB. She stressed that the RFP was clear; the structure has to be compatible with buildings in the area, which are primarily Territorial style. Noting that the project is still in the negotiation phase, she said the state wants to be a good neighbor and work collaboratively with stakeholders. She said city representatives have been very cooperative and that everyone involved wants to preempt the types of problems that occurred with the city and county over the courthouse project.

Archaeologists who examined the site of the proposed parking structure found a few relics from the late 1800s and early 1900s, including what they initially thought might have been old irrigation ditches, but which turned out to be old utility tunnels, and some other interesting items that the archaeologists indicated were not of great historical significance.

In response to a series of questions from Commissioner Lyons, Ms. Tackett reiterated that the parking structure will have four levels; the GSD owns the property and will transfer it to the Legislative Council after construction is completed; the structure will lie to the west of the State Capitol, near the National Education Association (NEA) building; the original estimate for the project was \$11.5 million to \$12.1 million; and the structure will contain approximately 600 parking spaces. When Commissioner Lyons expressed concern about the price, Speaker Lujan pointed out that the original plans were for only 406 parking spaces and that the designers were able to add another 194 spaces at little additional cost.

Mr. Pepin said he understands that construction is to be completed before the 2009 legislative session begins next January. Ms. Tackett confirmed that intention, though "changes may happen". She said the PCD is working with the contractor, the designer and the city to adhere to that schedule, but if the schedule changes, the commission will be so informed.

Mr. Pepin asked whether spaces will be segregated for staff or if they will be mostly for public parking. Ms. Tackett anticipates that there will be spaces set aside for the public and that every consideration will be given to parking for employees.

In response to a question, Ms. Tackett said she thought construction would begin in May. Speaker Lujan said that good faith among all stakeholders is contingent upon moving as fast as possible, particularly because the costs of building materials are likely to increase from month to month.

Other Legislative Initiatives

Ms. Tackett summarized the legislative initiatives endorsed by the commission for the 2008 legislative session, including amounts requested and amounts received, as outlined in a handout in the meeting file. The commissioners discussed in some detail the following items:

- **Parking Structure**

The commission endorsed an additional \$9 million in funding for the parking structure, which was requested in SB 298. The legislation passed both houses, but was pocket-vetoed.

- **Children, Youth and Families Department — Missouri Plan**

In response to questions from Commissioner Lyons, Ms. Tackett explained that the pilot "Missouri Plan", for which the commission endorsed a \$200,000 appropriation request, is a small pilot program that would take juvenile offenders out of a large, centralized, institutional setting and place them in smaller, regional facilities closer to their families and other support systems. She said the legislature, especially members of the judiciary committees, thought the program should be funded at a higher, \$600,000 level.

- **House Bill 352 — Crime Laboratory**

Ms. Tackett said House Bill 352, which would have removed the statutory requirement that a new state crime laboratory be located in Albuquerque, did not pass both houses of the legislature. For now at least, the new crime lab must be built in Albuquerque — near the state's "tri-lab" facility, which houses the Office of the Medical Investigator (OMI), the state laboratory of the DOH and veterinary diagnostic services — rather than in Santa Fe, where the Department of Public Safety (DPS) wants it.

- **Department of Health Tri-Lab**

The legislature passed HJR 9, providing for the trade, sale or other transfer of the state's old health facility to UNM.

- **Capitol Parking Structure**

Senator Jennings expressed concern that funding he thought was to be used for making the proposed parking structure larger and more aesthetically pleasing to the City of Santa Fe is instead going toward construction of non-state facilities through the CAD, referring to the Unser Museum. Secretary Ashman said the money for the museum is being channeled through a public-private partnership between the Village of Los Ranchos de Albuquerque, the Unser Children's Discovery Center and the racing museum. Senator Jennings asked how much of the

money is for bricks and mortar. Ms. Tackett replied that any money coming from capital outlay may only be used legally for bricks and mortar or planning for bricks and mortar.

- **Lease Purchases Agreement**

Ms. Tackett explained that Senate Bill 509, which the governor pocket-vetoed, would have given the CBPC authority to review certain lease-purchase agreements before they are submitted to the legislature for approval. The commission members responded in the affirmative.

Senator Jennings said that in looking at both Senate Bill 509 and the proposed capitol parking structure, the state should have increased oversight to avoid the "fiasco" surrounding the Bernalillo County Metropolitan Court project and the DOT's proposed commuter rail hub and agency headquarters. He stressed the need for checks and balances when employees have sole responsibility for making decisions, and he stressed that checks and balances would protect the employees as well as the public. He reminded the commission members that, among other problems, the new metro court in Albuquerque wound up with insufficient public parking.

Master Plan Review

Ms. Knight told the commission that the LCS received an additional \$350,000 in the 2007 legislative session to continue capitol buildings master planning. She said ARC, which was awarded the contract, has set up a preliminary schedule for deliverables, including preliminary and final inventories, strategies and recommendations; annual updates; and monthly status reports. She handed out summaries of how the schedule and process will work and explained that upcoming meeting dates have been proposed to coincide with ARC's deliverables. She added that there will likely be more coordination between ARC and the principal state agencies, including the PCD and the LCS.

John Petronis of ARC provided the following tentative schedule, stressing that the dates are just targets and can be adjusted as the commission desires:

- June 2008
 - preliminary Santa Fe area plan update
 - final Albuquerque area plan
- July 2008
 - final Santa Fe area plan update
- September 2008
 - preliminary Las Cruces area plan
 - preliminary statewide inventory
- December 2008
 - final Las Cruces area plan
- Spring 2009
 - final statewide inventory

- preliminary statewide strategy recommendations
- Summer 2009
 - final statewide strategy recommendations.

Mr. Petronis gave the following master plan updates:

- **Albuquerque and the Youth Diagnostic and Detention Center (YDDC) Site**

ARC has identified 300,000 square feet for a state "supercomplex" in Albuquerque along with other potential occupants at the site, including a DOT emergency management response center and a Rail Runner station.

Regarding a Rail Runner station at the proposed Albuquerque supercomplex, Secretary Faught noted that "the more stations you add, the less efficient the Rail Runner is". She said she wants to make sure such a plan gets looked into and discussed thoroughly. She said that if people think there will be a Rail Runner station on every block, it simply will not happen.

- **Los Lunas Site**

ARC identified three large state-owned parcels comprising nearly 2,000 acres in Los Lunas: a correctional facility, the former Los Lunas Hospital site and a grassland area. The latter two sites have had their water rights extended recently. Mr. Petronis said the state's challenge is to make beneficial use of the water at the current rates.

The Human Services Department (HSD) plans to put a substance abuse treatment and training center on the corrections site. ARC recommends adding a YDDC complex. ARC believes the site also offers opportunities to lease out some acreage for commercial or local government use, but Mr. Petronis said there has been no immediate demand indicated.

Mr. Petronis said a number of state and local governmental entities occupy buildings that used to house the former Los Lunas Hospital and that these entities are "not a very good fit" for future plans. He said that the buildings need a lot of work and that the site should be developed to support the usable buildings. Obsolete buildings should be demolished and open space should be preserved and contained.

Responding to questions, Mr. Petronis gave the following information:

- The statewide inventory and strategy will identify state-owned property and buildings throughout New Mexico, including their specific locations.
- A number of state activities are not housed in state facilities, including district courthouses, which are in county-owned facilities on county-owned property.
- ARC will try to determine through the PCD whether the state owns the water rights to its properties in Los Lunas and whether water rights are particularly problematic or likely to be forfeited.
- ARC talked with people at various levels in the agencies affected by the master plan, from cabinet secretaries to operational staff, and ARC considered their comments as

part of its master planning work. ARC is still awaiting a recommendation from the DOT and is hoping for a consensus there.

Both Secretary Faught and Commissioner Lyons took issue with ARC's conclusion that there is no immediate demand to lease the vacant land on the Los Lunas prison site. Secretary Faught said her department has demands "right now from numerous people who want to lease that land". Commissioner Lyons said the SLO has someone who is interested in a five-year lease, and it has also received numerous inquiries about leasing land with water rights on the grasslands site. That would be of benefit to the state, he said, because the state stands to lose its water rights there for lack of beneficial use. Speaker Lujan suggested that Commissioner Lyons and Secretary Faught talk with GSD/PCD about any concerns they have about the water rights.

Secretary Jaramillo said he was certain those matters would be considered by the planners and that the PCD will take its lead from the commission. Mr. Petronis responded that ARC's goal is to provide a long-range perspective for planning purposes that "keeps options on the table".

State Property Update and Status

Mr. Miller gave the following status report:

- **UNM Laboratory and Property Exchange**

The PCD is still in negotiations with the University of New Mexico (UNM) to trade, sell or transfer the state's current scientific laboratory on the UNM campus. The PCD has awarded the tri-lab construction contract to Jaynes Corporation, which Mr. Miller said was the most qualified of the bidders and came in at the lowest price (\$71.4 million), which he described as the best possible outcome. The new design-build or construction by RFP procurement process has been a success for the state. Construction should begin in April and conclude in 2010. (The commission endorsed HJR 9 (2008) for the exchange of the facility for land to allow for construction of the state crime lab adjacent to the tri-lab.)

- **South Capitol Campus**

The PCD continues to get requests from state agencies for additional space and to consolidate their operations in the South Capitol area. They include the Department of Environment (NMED), which pays approximately \$2 million annually to lease its current Santa Fe facilities; the Taxation and Revenue Department (TRD), which is housed in the Lujan and Montoya buildings and wants more and better quality space; and the GSD, which needs to vacate the Simms Building for the DOIT and then consolidate its offices in one location. The GSD requested \$1.5 million in the last session to do more planning for the South Capitol campus, but it was not funded. Mr. Miller said it is the GSD's intention to request the funding again in the next legislative cycle.

- **Las Cruces**

The PCD is under contract with Las Cruces to sell to the city land that the state had previously purchased for a Workers' Compensation Administration office. The PCD is waiting

for appraisal information and approval from the TRD to complete the transfer. The city will use the property for an intermodal transit hub.

The PCD received funds to construct a building at the Santa Teresa port of entry in southern New Mexico. The project is currently underfunded by about \$4 -5.5 million ; thus, it will be a phased project, with the first phase to involve infrastructure and substantial flat work (paving) for truck parking. The division will seek additional funding at the 2009 legislative session to finish the port of entry facility.

- **Albuquerque**

The Turquoise Lodge substance abuse treatment center is vacant, but the PCD is finalizing a request by the Probation and Parole Division of the Corrections Department to use the building.

The state is in discussions to transfer to Bernalillo County the old metro court building at 401 Roma to be used as a resource center for recently released prisoners. Mr. Miller said the site for the building has very little parking and that it would be a good fit to partner up with Bernalillo County. Secretary Jaramillo said he has been present at those negotiations, some of which have included Representative Rick Miera and Bernalillo County. Discussions involved educational programs for incarcerated youths. He said it would cost the state between \$7 million and \$11 million to turn the building into effective office space and that, with only 38 spaces, it has insufficient public parking. The state is looking for a higher and better use for the building, and an education center for parolees would serve that purpose because there are rooms large enough to serve as classrooms and the building's proximity to the jail would allow the county to carry on programs while maximizing security. Secretary Jaramillo indicated the transfer will be on the commission's future agenda for a recommendation.

Secretary Miller said she thought the state was in discussions to transfer to Bernalillo County the old jail across the mall from the old metro court in Albuquerque. Larry Miller said he was not aware that the state was trying to dispose of the facility.

Mr. Miller praised the new design/build selection processes the PCD used in the last quarter — RFPs — which he said were highly successful. He said he appreciated the legislature allowing the PCD to move beyond the old design/bid/build paradigm.

Senator Jennings asked Mr. Miller about adding a fourth lab, the proposed new crime lab, to the tri-lab site in Albuquerque, as originally envisioned. Mr. Miller concurred that the Albuquerque laboratory project was originally supposed to house the crime lab along with the OMI, the state laboratory and veterinary diagnostic services. He explained that during the design phase, the DPS decided that Albuquerque was not the best location for the crime lab.

Senator Jennings said New Mexico is the only place in the country that is splitting up its state-run laboratories. He noted that even television shows about forensics put all the laboratories in one location. Because a decision was made to shift the crime lab to Santa Fe, the senator indicated that it is going to create problems down the road, especially when there are significant questions and conflicts with having the state police running a crime lab.

Senator Jennings noted that Albuquerque is more centrally located and did not see any reason why the lab should not be located with the other three labs.

Secretary Jaramillo said that while the decision to separate the laboratories was made before his time, what he heard from DPS during the last legislative session made sense to him, including that: 1) Albuquerque already has a major forensics laboratory, which is operated by the Albuquerque Police Department; 2) the interchange between crime lab scientists and state prosecutors has been ongoing for years; and 3) DPS has reported that the majority of the state's expert testimony comes out of Santa Fe and the northern counties.

Secretary Jaramillo said the state must determine the program needs of the proposed regional forensics lab, regardless of where it will be located, and that the expertise generated from a programming study — such as where the scientists are located, who commutes, where the majority of testimony comes from, where the officers are that interact with the laboratory, etc. — will determine the best location. He said that until the commission visits with the DPS secretary and staff, and while those other factors remain unknown, he will reserve judgment.

Senator Jennings said the state is not building a crime lab for northern New Mexico, it is building a statewide crime lab and it should be centrally located. Senator Jennings suggested that if New Mexico is to have regional crime labs, then they should go to Las Cruces, Farmington, Hobbs and Española. He suggested that the way it was presented was as a statewide crime lab. Now, if it is a regional crime lab, then that is different from the original proposal.

Senator Jennings agreed wholeheartedly that Secretary Denko should appear before the commission as well as the Legislative Finance Committee (LFC) to answer questions about the crime lab.

Speaker Lujan said it was unfortunate to hear talk of a regional crime lab because the laboratory will serve the entire state, not just northern New Mexico. He pointed out that he carried the bill that would have removed the requirement to build the crime lab in Albuquerque. The speaker suggested letting the professionals decide between Albuquerque and Santa Fe. He commented that among the reasons not to build the lab in Albuquerque is the traffic congestion there. He acknowledged that the DPS is working with Hobbs to have a small regional crime lab there because Hobbs "is so far away from everybody". He extended congratulations that New Mexico will finally have state-of-the-art crime laboratories.

2008 Meeting Schedule

Ms. Knight announced the tentative meeting schedule for the 2008 interim: June 6*, July 29, September 30 and December 2, 2008. The members will review their schedules and determine their availability. Secretary Jaramillo directed staff to proceed with scheduling the meetings.

*This date has subsequently been changed to June 5.

Public Comment

Secretary Jaramillo asked if there was anyone wishing to comment. There was no public comment.

Adjourn

Secretary Jaramillo adjourned the meeting at 2:35 p.m.