

**MINUTES
of the
SIXTH MEETING IN 2009
of the
CAPITOL BUILDINGS PLANNING COMMISSION**

**Monday, November 16, 2009
Room 311, State Capitol
Santa Fe**

The sixth meeting of the Capitol Buildings Planning Commission (CBPC) for 2009 was called to order by Senator Timothy Z. Jennings, acting as chair, on Monday, November 16, 2009, at 10:20 a.m. in Room 311 of the State Capitol in Santa Fe. Secretary of General Services Arturo Jaramillo, co-chair, joined the meeting later in the morning.

Present

Arturo Jaramillo, Secretary of General Services, Co-Chair
Robert Apodaca, Designee for Katherine B. Miller, Secretary of Finance and Administration
Sen. Stuart Ingle, Senate Minority Floor Leader
Sen. Timothy Z. Jennings, Senate President Pro Tempore
Larry Kehoe, Designee for Patrick H. Lyons, Commissioner of Public Lands
James Lewis, State Treasurer
Emilio Martinez, Designee for Stuart Ashman, Secretary of Cultural Affairs
Patrick Simpson, Deputy Director, Administrative Office of the Courts
Rep. Thomas C. Taylor, House Minority Floor Leader
Max Valerio, Designee for Gary Giron, Secretary of Transportation

Absent

Rep. Ben Lujan, Speaker of the House, Co-Chair

Staff

Paula Tackett, Director, Legislative Council Service (LCS)
Roxanne Knight, LCS
Tom Pollard, LCS
Ric Gaudet, LCS
Bill Taylor, Director, Property Control Division (PCD), General Services Department (GSD)
Lemoyne Blackshear, Staff Architect, PCD

Guests

The guest list is in the meeting file.

Handouts

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

Monday, November 16

The minutes of the September 23, 2009 meeting of the commission were adopted without changes.

Property Control Division Updates, Capital Outlay Requests and Preliminary Review of Legislation for 2010

Mr. Taylor gave presentations to the commission regarding the activities of the PCD and upcoming legislative requests.

PCD Update

Santa Fe

- Executive Office Building — PCD staff have met with the design consultant Wilson & Co. to discuss the scope of work and contract execution for programming and design criteria for a design-build delivery method.

- Coughlin Building — The contractor has begun demolition of the building, which should be complete by January 31, 2010. Previous tenants of the building have been relocated to the Concha Ortiz y Pino building.

- Capitol Parking Structure — The parking facility is complete and in use.

State Treasurer Lewis asked if there are any outstanding issues with the parking structure. Mr. Taylor said that there are a few "punch list" items remaining, which will be resolved by the contractor. Mr. Simpson said that after 6:00 p.m., cars are unable to leave the facility, which has caused him problems in the past. Ms. Tackett said that problem is being addressed.

- South Capitol Campus Master Plan — The PCD selection committee chose Studio Southwest Architects to develop the master plan for the campus. The contract is being executed.

- Penitentiary of New Mexico Main Wastewater Treatment Facility — The PCD executed a two-year extension of the lease with Santa Fe County for operation of the facility. A 2007 cost analysis for bringing the facility into environmental compliance recommended building a new treatment plant and abandoning the existing lagoons. The cost estimated to bring the facility into compliance is approximately \$2.5 million.

- College of Santa Fe — The PCD is working with the City of Santa Fe in obtaining appraisals of various parcels. Additional planning for the use of certain parcels within the campus will require input from multiple entities, including the CBPC members, staff and master planners.

Albuquerque

- Old Metropolitan Court Building — Bernalillo County will seek to acquire the building from the state by transfer, sale or trade. The PCD has legislative authority to trade or sell the building.

- Tri-Lab Facility — The new scientific laboratory has reached substantial completion of construction. The actual move-in date will be early 2010. The existing laboratory building on the University of New Mexico (UNM) campus near North Lomas Boulevard is being reappraised, and the PCD and UNM are negotiating about the disposition of the building. A meeting about the appraisal is November 17, 2009.

Senator Jennings asked whether the existing laboratory building could be used for a crime laboratory for the Department of Public Safety (DPS). Mr. Taylor said the UNM board of regents would have to change the current contract that allows the state to use the building, and the building would require significant renovations.

Los Lunas

- Substance-Abuse Treatment Center — Gerald Martin/THE Design Group has been selected as the design-build team. The treatment center is expected to be completed in January 2011.

- Los Lunas Hospital Site — The PCD is obtaining new quotes for the demolition of buildings located on the hospital site, as the previous quotes made were over \$200,000 for asbestos removal only. State agencies and local community groups have expressed interest in using facilities on the site. The PCD is investing money for renovation of the natatorium and may renovate a building to house Department of Health (DOH) staff. The DOH is looking at the possibility of moving back to this site. Mr. Taylor reported that planning money is needed to help the PCD determine whether to keep the property or dispose of it.

- Central New Mexico Correctional Facility — The PCD recently completed a full research and assessment of state-owned water rights in Los Lunas.

Representative Taylor asked if the study included an assessment of water rights at the grasslands site. Mr. Taylor said that the PCD is currently studying the water rights at that location.

Las Cruces

- Land Acquisition — The land acquisition from the federal Bureau of Land

Management is proceeding. The John Paul Taylor Juvenile Justice Facility and the Southern New Mexico Correctional Facility (SNMCF) are located on the property being purchased.

- DPS District Office — The schematics for the new state police building are complete, and the PCD is currently awaiting results of archaeological studies.
- Camunez Building — The request by the Children, Youth and Families Department (CYFD) in July to vacate the Camunez building and occupy leased space was initially denied by the PCD, pending more thorough budgetary analysis. In October, the PCD approved the request, and a request for proposals for a lease was issued.
- SNMCF — The PCD completed the connectivity of the wastewater system to the City of Las Cruces wastewater treatment system. The existing ponds will be evaporated and filled in, with an estimated completion cost of \$200,000.
- Santa Teresa Inspection and Weigh Station Facility — Construction drawings for the facility are 95 percent complete, and the project will be ready to bid in January 2010. A land transfer between the state and Verde Realty, as well as various environmental clearances, need to be completed before the U.S. Department of Transportation will approve the bid to be issued.

Las Vegas

- DPS District Office — The schematics for the building are 95 percent complete. Utility access from the city will be expensive, so the PCD has been discussing with city representatives the possible trade of the current DPS building for city utility connections. Thus far, the City of Las Vegas is interested in the trade.

Senator Jennings asked why utility connection costs will be so high. Mr. Taylor said that city utilities will need to be extended some distance to the new DPS district office. Because the new building will also have a sprinkler system for fire suppression, the city will charge an additional fee for water usage.

- New Mexico Behavioral Health Institute — The Meadows Hospital replacement Phase I project is scheduled to bid in November 2009. This phase will see the construction of administrative offices and a 36-bed unit.

Roswell

- New Rehabilitation Center — Construction of the new facility has begun, with completion expected in September 2010. The Jaynes Corporation was awarded the construction contract. The current facility will be vacated, and no future use has been identified by the state. Mr. Taylor reported that planning funds are needed to determine what to do with the existing building.

Silver City

- New Fort Bayard Medical Center — The new facility is scheduled to be completed in early 2011, and the existing historic hospital building will be vacated. There is no future use identified by the state for the building yet, and planning funding is needed to determine its future use or disposition.

Fort Stanton and Camp Sierra Blanca

- The PCD has held meetings with staff from the federal Bureau of Land Management regarding possible recreational use of Fort Stanton. Camp Sierra Blanca is being used by the Corrections Department for its women's reintegration program, which has raised some concern with local residents.

GSD Capital Outlay Requests

Mr. Taylor presented a list of capital outlay requests the GSD is making this year. The list has been reduced from original requests, due to the severe budget crisis facing the state. State agencies have requested \$454 million in capital outlay projects this year, but only \$70 million is expected to be available in severance tax bonding capacity.

- Statewide Deferred Maintenance — \$2 million
- Statewide Demolition and Decommissioning of Buildings — \$1 million
- Lujan Building Renovations — \$2 million
- Statewide Planning and Design — \$500,000

Representative Taylor asked what percentage of the \$454 million in requests by state agencies are critical needs. Mr. Taylor said that he only has information on needs of agencies under the jurisdiction of the PCD. He said that he wants to pare down the state agency requests to \$70 million. Some state agencies need to do a better job of planning before they ask for capital outlay dollars, he said. Linda Kehoe, capital outlay coordinator for the Legislative Finance Committee, said that of the state agency requests, \$177 million is from higher education institutions and \$7 million is for senior centers, both of which tend to be funded from general obligation bonds every other year.

GSD 2010 Legislative Initiatives

Mr. Taylor offered a brief, preliminary review of seven legislative proposals to be presented to the 2010 legislature. Mr. Taylor did not present any bill drafts.

- Expand the purpose of two appropriations made in 2007 to include the acquisition of property within the former College of Santa Fe campus. The appropriations currently authorize funding for the purchase of land at the West Capitol Campus.
- Amend Section 13-1-124 NMSA 1978 to allow state agencies the use of the construction

manager at-risk project delivery method, currently allowed for school districts.

- Amend Section 13-1-154.1 NMSA 1978 to increase from \$200,000 to \$500,000 over a four-year period the maximum allowable amount on contracts for architectural and engineering services for multiple design projects.

Senator Jennings cautioned that such a change could be seen as benefiting friends of a particular administration. Mr. Taylor agreed but said that the process for selecting a contractor follows very strict qualifications-based procedures. The current limit of \$200,000 over a four-year period is too low to achieve the efficiencies anticipated when the legislation was originally enacted in 2007, he said.

- Require agency preventative maintenance plans as a prerequisite for new construction or major renovation projects. The legislation would be modeled after current language found in Section 22-24-5.3 NMSA 1978 requiring such plans for school districts. The PCD submitted similar legislation (HB 358) during the 2009 session, which failed to pass.

- Amend Section 13-1-119.1 NMSA 1978 to eliminate the \$10 million minimum threshold for the use of the design-build project delivery method.

Senator Jennings said that design-build projects have caused problems in the past, citing as an example the construction of U.S. Highway 70. The highway now has serious maintenance problems, just a few years after the highway was built.

- Granting the PCD approval to exchange state-owned land for private land for the completion of the Santa Teresa inspection station. Mr. Taylor said that an additional 3.7 acres is needed to construct drainage systems for the station.

- Removing the requirement that the State Board of Finance approve all remodeling, renovation and construction contracts costing more than \$500,000. Mr. Taylor said that there is sufficient oversight of construction contracts in the Procurement Code. He said that he believed the current language in statute was enacted before the state had a Procurement Code, and he believed that the board's approval was required in lieu of adequate procurement statutes. He said that the State Board of Finance agrees with the proposed change in legislation.

State Records and Archives — Final Report

John Petronis and Andy Aguilar of Architectural Research Consultants, Inc., presented to the commission findings and recommendations of their study of long-term needs of the State Records Center and Archives (SRCA). It was noted that Sandra Jaramillo, state records administrator, was also in attendance. The study attempted to project long-range records and archives growth by record type, agency and general location in the state; identify space requirements to meet projected demand; identify capacity of existing facilities to meet current and projected demand; and identify alternatives and strategies to meet needs in the Santa Fe, Albuquerque and Las Cruces metropolitan areas.

The SRCA is an independent state agency that provides at no cost to state agencies storage facilities for inactive and permanent records. The SRCA currently operates a records center in Santa Fe and in Albuquerque and has about 74,000 square feet devoted to records and archives. The Santa Fe site, located in the state-owned Carruthers Building within the West Capitol Campus, has about 63,000 square feet of space for records and archives. The SRCA also leases a building in Albuquerque for records storage, at an annual cost of about \$83,000 or approximately \$7.00 per square foot.

The existing SRCA facilities are at about 85 percent capacity and will be full in six to seven years. Space in the records center can be made available for an additional two years by transferring some records to archives, but that will merely accelerate the filling of the archives facilities. Given current trends, the state will need an additional 5,300 gross square feet of storage space by 2020 to meet projected demand, which corresponds to a growth of 24,000 cubic feet of stored records.

There are a number of factors that influence the demand for record storage at the SCRA. Factors that tend to decrease demand include state agencies' lack of understanding of records storage rules and laws; the gradual adoption of electronic content-management systems, which will, however, increase the need for electronic media storage; and the lack of sufficient agency resources for records management. Factors that may increase demand include growth in state government and the provision of additional storage options convenient to users, especially for potential users in the southern and southeastern portions of the state.

The demand for records storage could increase dramatically in areas of the state if the SRCA were to establish facilities in those regions. Initial estimates for constructing records facilities in the southern and southeastern regions of the state to house records of state agencies are between \$1 million and \$2 million, not including the additional operational costs required to staff the facilities. However, the master planners did not find any significant potential operational savings that would offset capital expenditures for new facilities. For example, the cost to continue leasing the space for the records center in Albuquerque is significantly less than the cost of building a new facility, said Mr. Petronis.

The state has several compelling reasons to consider providing additional records facilities, including the promotion of adherence to state statutes; the promotion of public access to records; the preservation of important documents; and the decrease in liability risk to the state from improper records management practices. Mr. Petronis mentioned one New Mexico court case in which the plaintiff was awarded \$117,000 in legal fees for illegally withholding requested records.

In conclusion, the master planners made several recommendations for policymakers to consider, including:

- increase the education and training of state agencies so that only appropriate records are sent to the records center;

- invest in electronic records-management systems to provide more efficient access and protection of records;
- ensure that the SRCA primarily serve state agencies and only accept local government records if space permits;
- improve the storage efficiency of records within existing facilities, including purchasing high-capacity storage shelving at the Albuquerque records center;
- lease additional storage space in Albuquerque;
- create additional record storage space in Santa Fe;
- create additional records centers in other parts of the state to encourage proper record storage convenient to user agencies. Additional storage space will probably create more demand for records storage rather than relieve current space issues in Albuquerque or Santa Fe;
- maintain one central archives facility in Santa Fe for efficient research, document security and longevity and staffing reasons; and
- expand the archive vault to meet expected demands in the long-term, which will require some modifications to the existing records and state library building.

Senator Jennings suggested creating a records facility for the southeastern region of the state in the soon-to-be-vacant rehabilitation center in Roswell. Mr. Taylor said that could be possible, but the current building would require significant renovations and asbestos remediation.

Mr. Apodaca asked if state statutes require paper copies of records, and said that he does not understand why more storage space is necessary, as most agencies are using electronic media for their storage. Ms. Jaramillo said that records can be in any medium. She said, however, that paper records will always be used in many circumstances, and that electronic scanning of documents already in existence is usually too expensive to be justified. Mr. Petronis said that the cost of initiating electronic records-management systems is a factor in state agencies' difficulty in switching to electronic records.

State Treasurer Lewis asked who will provide additional training to state agencies on better records management. Mr. Petronis said that the SRCA can provide the training, but that it is limited in its staff to do so. Ms. Jaramillo said that the SRCA is currently putting records management training online.

Mr. Kehoe asked why the rate of records stored at the SRCA increased, beginning in 2002. Ms. Jaramillo said that legislation requiring longer storage of records was enacted that year. The change is mostly associated with district courts storing records longer. In addition, the current budget pressure on state agencies has increased the use of the SRCA's services.

New Court of Appeals Facility Update

Mr. Simpson gave a brief report on the new Court of Appeals building in Albuquerque that is nearing completion. The new facility is due to be open in early December. Three judges will be moving from Santa Fe to Albuquerque, which will increase space for the Administrative Office of the Courts in the Supreme Court building. The new building is in close proximity to the UNM School of Law, and students will have access to the facility. In addition, judges will be able to use the unparalleled legal research facilities at the law school. He said there should be enough money in the appropriation for furniture and furnishings. Ms. Kehoe said she believed that the appropriation for construction of the building would need to be reauthorized if the appropriation were to be used for furniture.

There being no further business, the commission adjourned at 11:45 a.m.