

MINUTES

JOINT COMMITTEE ON STATE BUILDING CONSTRUCTION

May 22, 2007
Room 423-S—Statehouse

Members Present

Representative Joe Humerickhouse, Chairman
Senator Dwayne Umbarger, Vice-Chairman
Senator Pat Apple
Senator Greta Goodwin
Representative Steve Brunk
Representative Bill Feuerborn
Representative Bob Grant
Representative Jo Ann Pottorff

Members Absent

Senator Laura Kelly
Senator Stephen Morris

Staff Present

Audrey Dunkel, Legislative Research Department
Reagan Cussimano, Legislative Research Department
Heather O'Hara, Legislative Research Department
Amy VanHouse, Legislative Research Department
Mike Corrigan, Revisor of Statutes Office
Helen Abramson, Committee Secretary

Conferees

Richard Gaito, Department of Administration
Debbie Rosacker, Board of Indigents' Defense Services
Tom Rawson, Kansas State University
Charlie Thomas, Kansas State University

Others Attending

See attached list.

The meeting was called to order by Chairperson Joe Humerickhouse at 1:00 p.m. in Room 423-S of the Capitol.

Staff distributed to Committee members copies of the Department of Administration's report of change order (of less than \$75,000) and status of State construction projects for the month of April 2007.

Richard Gaito, Deputy Director, Division of Facilities Management, Department of Administration (DOA), presented four leases for Committee review as follows.

A five-year lease for the State Board of Indigents' Defense Services (SBIDS), Death Penalty Defense Office at 155 North Market, Wichita (Attachment 1). The SBIDS has been at its current location since 2004 and the lease expires May 31, 2007. The SBIDS published an advertisement for three days in the *Wichita Eagle* requesting proposals for office space. Four responses were received and the lease being presented today is the lowest one. It is a full service lease, with the only increase relating to the possible parking fee rates. The rates contain two options for two years with minimal increases. The lease rate includes a one-time payment of \$7,000 by the agency. This payment is for various fees. In the original proposal, this amount was included in the base lease amount, but in the new negotiations it was agreed that the agency would make a one-time payment up-front to reduce the base lease amount over the period of the lease.

It is noted in the comparison sheet that the current staff has 100 square feet per person, but will increase to 305 square feet (space standards are 210 - 250) under the proposed lease. Director Gaito distributed copies of photographs showing the extremely crowded conditions at the current location. Presently, staff offices are located in conference rooms, multiple staff members are in offices that were meant for one staffer, and case files are stored in hallways and conference rooms due to lack of space. The SBIDS appears to have followed all the proper leasing procedures for the procurement of this lease at 155 North Market. The lease is acceptable to the Department of Administration even though it exceeds the established state space standards.

Director Gaito remarked that there are other Indigent Defense offices in the current location, but there is not any vacant space available for expansion by the Death Penalty Office.

Discussion followed concerning: (1) the \$7,000 initial up-front payment (which is the fee for the landlord's broker); (2) the present number of staff and days spent in the office; (3) possible future employee increases; (4) cramped conditions at the agency's current location; and (5) if three days of advertising is adequate RFP response time.

Debbie Rosacker, Assistant Director, Board of Indigents' Defense Services, stated the current location originally was a satellite office for capital defense case work. The office was not originally this cramped, but two attorneys have been added who carry mass murder capital cases. Those cases can have between 20 - 50 boxes of discovery evidence. More cases have been acquired over the last two years which create additional space problems.

Senator Goodwin stated she was aware of increased case work that is occurring all over the state.

Senator Goodwin moved to recommend the Committee's approval of the five-year lease for the State Board of Indigents Defense Services (Death Penalty Office) in Wichita. Senator Umbarger seconded. Motion carried.

Director Gaito presented, for the Committee's review, a five-year lease for the State Board of Indigents' Defense Services, Public Defenders Office in Wichita at 604 North Main (Attachment 2). The lease is with the current landlord. The Public Defenders Office has been at their current location since 1994. The current lease expired in December 2006, and is current on a month-to-month lease. The SBIDS published an advertisement in the *Wichita Eagle* for three days in January for office space. Two responses were received and the lease being presented today is the lowest one. The proposed lease will increase the public defender's area by acquiring the death penalty department. It is a full service lease at an initial rate of \$14.75 a square foot for the first two years and a rate increase to \$15.00 per square foot for the last three years. The new lease includes three two-year options, which increases the cost per square foot by \$.25 if an option is exercised. The total cost of the lease will decrease over the current lease due to negotiations by the Department of Administration staff. The original lease proposed required the agency to pay all utility bills, but through negotiations the costs were included in the base lease, resulting in a savings to the State. The agency followed leasing procedures and this lease is acceptable to the DOA.

Representative Feuerborn moved for the Committee's recommendation for approval of the 5-year lease for the State Board of Indigents' Defense Services - Public Defenders Office at 604 North Main, Wichita. Representative Grant seconded. Motion carried.

Director Gaito presented a four-year lease for the Kansas Department of Health and Environment's (KDHE) office in Kansas City, Kansas for an abatement program (Attachment 3). The agency has been at its current location since 2004. The previous lease expired in December 2006, with a new proposed lease beginning in January 2007. The program is funded by a grant from Housing and Urban Development. The agency solicited for other lease space in the Kansas City area. The lease being submitted is the one selected. There were problems with the landlord as well as the signing and processing of the lease. Originally, an old lease form was used and, for this reason, it was rejected by DOA. A new form was used that the DOA executed. Thus, the delay in presenting this lease to the Committee. The proposed lease cuts the cost by half of the old lease price. The lease is acceptable to the DOA.

Representative Grant moved for the Committee's recommendation for approval of the four-year lease for the Kansas Department of Health and Environment, Kansas City, Kansas office. Senator Goodwin seconded. Motion carried.

Director Gaito presented a 5.13 year lease for the Adjutant General Recruiting Office in Wichita, Kansas at 4100 SE Harry Street (Attachment 4). This is a new lease. The Adjutant General received three quotes for office space for a recruitment center. The lease presented today is projected to be the lowest of the three proposals and best meets the Adjutant General's needs. The office will be in a retail area of Wichita that is located in the same environment as other military recruiting offices. The proposed lease is a full-service lease. In addition to the lease payment, the Adjutant General will make a one-time payment of \$18,309 for the remodeling of the facility. All costs are federally funded. The proposed lease contains a provision for a base rate increase to be determined by the Consumer Price Index (CPI). The Adjutant General's office followed the leasing procedures in procurement of the lease and it is acceptable to the Department of Administration.

Director Gaito noted that today a representative from the Adjutant Generals office is not present to answer questions due to other commitments.

Chairman Humerickhouse questioned the number of other existing state recruiting offices. Director Gaito did not know the answer.

Committee discussion followed concerning: (1) the price of the lease for this location compared to the Kansas Corporation Commission lease cost at 3450 North Rock Road; (2) the provision for a base rate increase determined by the CPI; (3) the 308 square foot space per employee; and (4) if the remodeling had commenced.

Representative Feuerborn remarked that he could not recommend approval of this lease as there are too many concerns unanswered at this time.

Chairman Humerickhouse announced that the Committee will not take any action today on the lease and it will be tabled until the next Committee meeting. Also, in the future Chairman Humerickhouse recommended that the Committee look undesirably at leases containing rate increases based on CPI.

Chairman Humerickhouse requested staff to obtain legislative permission for a meeting in June to address the Adjutant General's Recruiting Office lease in Wichita.

Dr. Tom Rawson, Vice-President of Administration and Finance, KSU, presented a program statement for Bramlage Coliseum (Attachment 5). Dr. Rawson expressed the University's appreciation of all the legislative work done on deferred maintenance issues during the 2007 Legislative Session.

Charlie Thomas, Director of Facilities, Kansas State University Athletic Department, presented testimony regarding the Bramlage Coliseum project. The Board of Regents passed this project last week. The project was delayed as the University wanted to make sure that the market was still there for a loge box addition and it is.

The Coliseum was opened in 1988. The Department of Intercollegiate Athletics is proposing the construction of 28 loge seats on the upper level of the east side of the Coliseum at a estimated cost of \$2.4 million. The Coliseum will lose 1,024 regular seats due to the loge seating. Construction will commence immediately after authorization. The completion is slated for October 2007. Funds for this project are on deposit at the Kansas State Foundation. All costs associated with the operation and maintenance of the proposed additions and renovation shall be borne by the Department of Intercollegiate Athletics. During the construction of the loge boxes other regular seating that does not meet ADA standards will be corrected.

Representative Brunk moved for the Committee's recommendation for approval of the Bramlage Coliseum project at Kansas State University. Representative Pottorff seconded. Motion carried.

Representative Feuerborn moved to approve the Committee minutes of the 2006 Interim Session, and January, February, and March 7, 2007 Legislative Session. Senator Goodwin seconded. Motion carried.

Committee members were informed of tentative dates of meetings during the 2007 Interim. During this time, members will set forth charges and challenges of the Committee.

Chairman Humerickhouse adjourned the meeting at 1:50 p.m.

The next meeting is scheduled for June 6, 2007.

Prepared by Helen Abramson
Edited by Audrey Dunkel

Approved by Committee on:

June 6, 2007
(Date)

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