

MISSOURI STATE PENITENTIARY REDEVELOPMENT COMMISSION
Final
MEETING MINUTES
Open Session
November 28, 2007

Call to Order: Chairman Dan Carr called the MSP Redevelopment Commission meeting to order at 1:00 p.m.

Roll Call: The Following Commission members were present. Michael Berry, Gene Bushmann, Dan Carr, Bob Meyer, Pam Neugebauer, Kathy Peerson, James Wunderlich. Quorum present. (Six members must be present to constitute a quorum - 1 vacancy.)

The Following Commission members were absent: Darrell Roegner, John Sheehan

The Following Facilities Management, Design and Construction staff members were present: Lisa Cavender, Charlie Brzuchalski, Dianne Beasley.

Under the direction of Chair, Dan Carr, Charlie Brzuchalski provided a PowerPoint presentation to present the meeting agenda items.

- I. Approval of Minutes/Agenda
 - The minutes from the October 24, 2007, (October) Open meeting were presented. Since the members had not had a chance to review prior to the meeting, the minutes will be discussed for approval at the next meeting. There was not a closed session at the October meeting.

- II. Status Update on MSP Caretaking / Interim Uses Management
 - Since this is the winter season, the only activities on the MSP grounds are keeping the lights on for security.
 - Training exercises are slowing down. The Highway Patrol is doing some limited training on the site.
 - Dan Carr asked if the buildings were being maintained adequately for the winter weather. Charlie B. stated that the buildings are closed. The snow crew plows the lot during the winter. Everything is in good shape.

- III. Review and Update on MSP Redevelopment Project Status – Federal Courthouse Project
 - Demolition Status – Charlie Brzuchalski
 - Charlie B. informed the commissioners that demolition project is almost complete. Charlie shared photos to show the status of the site.
 - The stockpiles of debris will be used as fill for the Lafayette Street project. There are still a few pallets of building stone and salvaged items that need to be addressed. Most of the salvaged items have already been put into storage.
 - The last piece of hazardous materials have left is the stone piece and some asbestos and lead caulking. This is delicate work to

expose. This should be gone by the first of the year. The stone is exposed on Housing Unit # 1.

- GSA Project Planning:
 - Charlie B. advised that GSA awarded the Geo Tech contract. A review is scheduled in Washington D.C. Geo Tech surveys types of rock to determine the type of foundation for the building. The soil is not strong in the area and will not support a five story building. There is some lead, but no big deposits, that has been there since the 1930s. The Memorandum of Understanding (MOU) states that the State and the Commission are responsible for the removal of any environmental problems.
 - Gene Bushmann asked if there was a drop from State Street. Charlie B. advised that the situation is not that dramatic. There are some low spots. Charlie pointed these out on the screen.
 - The Federal Courthouse Project is on schedule. The estimate of the construction costs has been reconciled.
 - Dan Carr asked if a date has been discussed to present to the Commission. Charlie B. advised that they are looking for a date but none has been selected at this point.
 - Dan Carr asked about the property lines on the site plan. Charlie B. pointed out the property lines on the plan. The property has a general slope. The Housing Authority owns part of the property.
 - Gene Bushmann asked whether or not GSA had decided to accept the lower lot. Charlie B. advised that GSA is having internal discussions about what is needed.
 - Dan Carr stated that Charlie B. had some surgery recently causing some unavoidable delays. We are in the process of getting back on target.

IV. Pending Items from Previous Meetings

- Master Developer Selection Process
 - The RFQ/RFP Process: Charlie B. advised the group of the status of the RFQ and RFP process. Charlie presented slides to differentiate between the RFQ and the RFP.
 - Following is an overview of the RFQ Phase:
 - Appropriate Experience and Qualification
 - Expression of interest in project
 - Description and organization of form
 - Credentials
 - Experience and qualifications of firm
 - Past and current projects of corporate size
 - General project approach
 - Business references
 - Financial capacity of firm

- Dan Carr commented that the letter that Michael Berry prepared and the RFQ containing more information and data have both been prepared.
- Charlie B. provided an overview of the RFQ and RFP Phases:
- The forms expend a large amount of time to make sure the firm can make the project happen and when. Extensive questions are being worked on now to ask these pertinent questions.
- Dan Carr stated that the Commission needs to be somewhat flexible when submitting.
- Gene Bushmann stated that there could be two or three winners and not just one best firm. Charlie B. advised that we will have a contract and select someone to enter into an agreement with or it could be with multiple entities.
- Dan Carr stated that once we make a selection and enter into the contract phase, we then negotiate an agreement.
- Pam Neugebauer asked how we are composing the questions. Charlie B. stated that we are looking at two types of entities.
- The question was asked of John Kuebler whether an evaluation discussion could be done closed session. The answer was yes.
- Review revisions to Master Developer RFQ: Planning and Design Studios and Design Strategies discussed the subject of providing consulting services for the project with Charlie B. They are discussing pricing.
- Trade Magazines: Current list has over 500 trade magazines on it. Added firms that look at projects not normally looked at for the State.
- Bob Meyer stated that assuming everything is sent out and we receive responses by 20 entities, we then narrow this down to five. Charlie B. advised that the plan is to evaluate the 20 and move forward with the process. A short list of reputable and qualified applicants will then be determined based on references stated.
- Dan Carr stated that once we see the packages, most applicants will fall off of the list. We may have to ask for responses.
- Bob Meyer asked the plan was to piecemeal the project or send out the requests for the entire project. Charlie B. said that this could be a circumstance that some may do a piece of the entire project, but it is doubtful that we will have different developers doing different buildings.
- Dan Carr stated that the plan is to have a Master Developer that can pull the whole plan together. Charlie B. stated that we could get a developer that will find specific developers to do each piece, which becomes the Master Developer.
- Gene Bushmann asked if there is anyone with the State that wants to claim a building in the future. The Department of Corrections wants their headquarters building on the grounds. Charlie B. advised that the Division of Facilities Management, Design and Construction already asked the question whether or

- not specific areas or buildings will be used for State agencies. These will be identified as we move through the project.
- Dan Carr asked if the Commission wants to limit what areas the State wants to use in the proposals. Developers may want something different.
 - Michael Berry stated that this is done and asked how much. Charlie B. stated that we need to be flexible on the site for State buildings to be placed.
 - Michael Berry asked that while on the subject of commitment, the Commission is interested in what goes on with the property and its impact on the community. There are 60/64 acres of green space. Look at planning phase instead of an ad hoc situation. May later find out the green space gets turned into something else later on if we do not specify the intent for the space now. Charlie B. stated that green space identified on the Master Plan is for parks, hiking trails, etc. There has been some discussion with City Parks and Recreation about having some space for a park. They are interested but can not do anything at this time. Michael Berry asked where the path is located. Charlie B. stated that no one knows at this time. Michael Berry advised that this needs to be discussed further. Charlie B. pointed out the proposed trails on the site plan. In order to be proactive, Michael Berry asked that this issue be added into the overall discussion. Charlie B. advised that this issue is in the design guidelines and has been discussed in detail. If the Commission wants changes, we may need to discuss hypothetical scenarios.
 - Charlie B. handed out a draft of the introduction letter that will sent.
 - Gene Bushmann stated that the document needs to be upfront about the green space. Dan Carr added that this was discussed in the meetings with the City and County. They are both open for discussion and interest.
 - The Bluff area offsets some land. May discuss taking this area out of the redevelopment.
 - Michael Berry asked if some areas are designed for no building. Charlie B. stated that there is a strip set back from the bluff for a trail. Michael Berry asked what the options are. Dan Carr added that we need to determine the no build areas or is there already a document that states this as a no build area. Commissioner Carr asked the amount of land designated for no build for a trail.
 - The question was asked on whether or not to change the document. Michael Berry stated that he did not see a need to change the document. Pam Neugebauer stated that the document reads that the area is a no build area. Kathy Peerson asked if the language was too strong. Pam Neugebauer commented that the language is fine.

- Gene Bushmann stated that there will be one major player that wants to build something overlooking the river. Charlie B. stated that the site area is a mile long, which is not a lot of area with no significant utility structures. The developer would have significant utility costs, if they want to build on the no build site.
- Charlie B. stated referred to the handout and that the document is ready to go to press but can be changed if necessary. Michael Berry stated that the document is good but asked if there was a way to get the RFQ information electronically and if this is explained in the document. Charlie B. advised that the document is available electronically. When the letter of interest is received back, the interested party will be given a hardcopy of the packet and the web site. All information will be posted on the web site. Michael Berry suggested adding the electronic address on the web in the letter. Dan Carr stated that we may not get any responses. Charlie B. stated that the document will be posted but not mentioned in the document for a reason. Dan Carr asked if there were any disclosure issues relating to the letter. John Kuebler stated that this is not a binding contract. When the RFPs are received, the Commission can then go into closed session and will be able to keep these considerations, take notes, and have them available for disclosure. Right now all that is happening is to inform people of the project.
- Michael Berry asked the timeframe for mailing in advance of making any motions.
- Dan Carr stated that a milestone calendar is being put together. Charlie B. stated that the document is nearly ready and will be available for review soon. The document will do out by December 10 and issue the RFQ document. Dates were debated..
- Proposed Timeline for Selection Process – (everything that must be considered)
 - November 29 – letter by Michael Berry will be embellished by Charlie B.
 - December 10 – Issue RFQ document, larger packet in the 15 to 16 page arena will be sent out
 - January 11 – RFQ responses
 - January 23 – Short list selected
 - January 28 – Issue RFP document
 - March 11 – Allow time for them to do analysis of property for redevelopment
 - March 26 – Master Developer selected
 - March 28 – MSP Commission agreement
- Will not accept documents received after the deadline; these documents will be returned unopened. Pam Neugebauer advised that this is not a bid opening. Charlie B. stated that the line will be removed from the document.
- Bob Meyer stated that if we put in a date, we need to be in compliance. John Kuebler stated that we want to acknowledge

the integrity of the process if accept documents after the date. Charlie B. stated that it is far more important for the RFP to be tied to a date but not so much for the RFQ. Dan Carr asked if we can accept electronic copies. Charlie B. stated that he is inclined to accept hardcopies only but could accept electronic copies after the hardcopy is received.

- Michael Berry and Pam Neugebauer expressed concern about advertising. Charlie B. stated that the dates may need to be changed. Dan Carr stated that we need to establish dates and stick to them. The date will be changed to January 11.
- Bob Meyer stated that we are looking at people that have to go through the process. There is no reason if they are interested that they can not meet these dates.
- Dan Carr discussed the timeframe further. Jan 28 to March 19. Three months to turn in a document. Charlie B. stated that this is because of the magnitude of analysis required by the firms. Dan Carr advised that if too much time is given the firms will not focus on responding to the project. Gene Bushmann stated that interested parties need to come and visit the site. Charlie B. stated that we could adjust a couple of weeks but that a month is not enough time for parties to respond adequately. Will try to keep everyone on schedule with monthly meetings. Two or three of these documents to review in one meeting is enough. Will not try to schedule for end of January. Flexible after January 23 depending on what responses we receive. The intent is to come up with three to five to evaluate in the RFP Phase.
- Dan Carr again stated that we need to select dates and stick to them and asked if there is enough tie for the RFP document.
- A motion was made to accept the RFQ with changes. Kathy Peerson made a motion to accept the RFQ with changes for a final draft document. Further discussion:
 - Gene Bushmann questioned the phrase “respond by certain date or return unopened’. Charlie B. stated that late respondents could still be in the mix but will not be one of the short list firms. Commissioner Bushmann asked why we would exclude them. Dan Carr stated that this is to protect the integrity of the process. John Kuebler stated that some may wait to see who is in the playing field before responding. We need to set a date and stick to it. Charlie B. added that at 5 p.m. on Friday, January 11, received documents will be opened and will become public information at that point. Gene Bushmann asked if we gain anything by doing this. Charlie B. stated that we go back to Bob Meyer’s point that people in the business will meet the deadline. Pam Neugebauer stated that they are in competition. Charlie B. agreed but stated that they are not in competition with

each other. Gene Bushmann stated that he was satisfied with these comments.

- Dan Carr stated that the verbiage is being questioned. Charlie B. stated that he will make sure the information is clear and not confusing with firm work plans.
 - Kathy Peerson again made a motion to accept the RFQ document. Gene Bushmann seconded the motion. All in favor. The motion carried. The RFQ document was accepted.
- MSPRC Budget Committee Report
 - No report from the Budget Committee.
 - City/County Commitments for Financial Support of MSP
 - Dan Carr stated that the City/County meetings were held on November 16. A letter was submitted from the County and is in the meeting packets. The County committed to \$2 Million and the City will commit to \$2 Million. The County committed to Lafayette Street and only that street. Their commitment does not include utilities from Highway 50 to the river. No other street improvements around MSP are included. This is how the \$2 Million will be paid. The money is already in the budget. Jim Wunderlich added that the disbursement is over a period of time but is not detailed out like it was supposed to be. Charlie B. noted that the County allocated their sales tax using 85% for roads and 15% for everything else.
 - MSP redevelopment project for roads – County does not incur any cost for utility relocation and infrastructure costs since this is not part of the project as seen in the long run. Looks like they only allocated money to that specific area (Lafayette to Highway 50). Money in bank accumulated and has not been spent. Thus the County is able to spend the money; part of this becomes important to understand. When does the project need to identify with pavement and roadwork and whether it is worth that money spent on that part?
 - Dan Carr stated that we need to understand what infrastructure will cost. Charlie B. is working on numbers to see where to spend the money. At this point, we don't know.
 - Gene Bushmann stated that we need to understand that when a structure is put in Jefferson City, utilities go under street and right of way. The County has agreed to cooperate with the City in redoing this street. Commissioner Bushmann stated that this requires utilities and asked if it was certain that the commitment only pays for pavement. Dan Carr stated that this is how it went to voters. Gene Bushmann stated that the vast majority of voters will have no idea that the City and County cooperate with to build the street. Charlie B. stated that this costs a certain amount and the line items have to be broken out. Lafayette is the focus.

- Dan Carr stated that the purpose of getting these letters from the County and the City is to get a commitment. A meeting was also held with the Jefferson City Mayor with a follow-up on Wednesday. The Mayor is putting forth a resolution at the next City Council Meeting. This resolution will be available by the next meeting. The City's \$2 Million is much more flexible. After Lafayette Street, the next priority is Chestnut Street, if successful.
- Charlie B. stated that he will draft a letter of agreement with the City, County and the State committing to putting money in the project and the intent to do this project and itemize how the project gets done. This document will be an Intergovernmental agreement on who does what. The County is interested in the Expressway. MoDOT is very aggressive.
- Dan Carr asked about the RFP for engineering for Lafayette. Charlie B. stated that this has already been selected. The reason is that the civil engineer for the Courthouse was used on other projects. They are familiar with the area. The County selection process is similar to the State's process. The City commitment talked about financing and implications and discussions taken up with the School Board. No tax collection now, no loss in money generated.
- Environmental Site Assessment Report Update and Budget Estimate
 - Charlie B. stated that he received a draft proposal but was unable to schedule a meeting with them. Charlie will push forward and get a list of costs of the project. They will estimate a cost for abatement.
- Project Schedule / Timeline Review
 - Review of timeline - handout.
 - Two scenarios being considered for the Department of Corrections with the Legislators. Will follow the same timeline. Calling it Building 2.0. Depends on Legislative approval. Identifying scenarios with dates to get an idea. This is a moving target.
 - Gene Bushmann asked about the Surplus Property site. Charlie B. stated that everything depends on Legislative approval. Jim Wunderlich stated that he heard that Surplus Property was going to the Algoa area. Gene Bushmann stated that it worked out.
- Status of Request for Attorney General's Question
 - Dan Carr talked to Dave Mosby. It is doubtful that a letter will be received from the Attorney General's office.
 - Charlie B. stated that the answers to most of the questions in the letter were yes.
 - Whether upon transferring title to the former Missouri State Penitentiary site to the Commission, the Office of

Administration may continue to lawfully spend state funds to maintain and improve the premises in a condition suitable for redevelopment under Sections 217.900-910, RSMo.?

- Upon the Commission taking title to the former Missouri State Penitentiary site, whether the State Tort Defense Fund would continue to provide liability coverage for claims arising against the members of the Commission under Section 105.711.2(2), RSMo.?
- Upon the Commission taking title to the former Missouri State Penitentiary site, whether the Commission as an entity would continue to have sovereign immunity under Sections 537.600-610, RSMo.?
- Upon the commission taking title to the former Missouri State Penitentiary site, whether the State Tort Defense Fund would continue to provide liability insurance to the Commission as an entity under Section 105.77.2(1), to the extent sovereign immunity is waived under Section 537.600.1(1,2), RSMo.?
- The MSP Redevelopment Commission is a sovereign entity and can have liability from State. HB 58 clarified this two or three years back.
- The issue is resolved and will be removed from future agendas.
- Gene Bushmann asked if the State was comfortable that when title is transferred to still be able to spend funds on the project. Charlie B. stated that the State is comfortable but will be careful how this is done.

V. Upcoming Agenda Items

- “Due Diligence” Web-Forum
 - Set up web forum for disclosable documents for the Missouri Open Records Law (Sunshine).
 - Look at setting up parallel to the current MSP Web Forum. Will be set up with passwords and closed until completed.
- Economic Development Incentives / Opportunities
 - Schedule meeting to look at what is available and how the program works.
 - Chamber is also looking at this. Possibly make this a joint meeting with MSP Commission, Chamber, and DED. Charlie B. made contact with DED to get a meeting scheduled during one of the Commission’s regularly scheduled meetings. Dan Carr advised that this meeting needs to be held prior to the interview process with firms.

- MSP Historic Tours
 - Setting up tours with the Jefferson City Convention and Visitors Bureau is on hold. There are several obstacles they are looking at to resolve such as restroom facilities, water, liability, logistics, etc. Hoping to have something in place by spring.
 - This item will become an active agenda item.

- Commercial Banking Provider Selection Process – on hold

- Draft policy for training, photo and video production usage of MSP Property – not yet drafted. This is becoming more and more a need. Receiving inquiries.
 - Two (2) video project inquiries
 - Bio Sonny Listen
 - Bio James Earl Ray

- Recommendations for MSPRC Staff Position Descriptions – next 30 days

Dan Carr asked if there was any further discussion.

The December Meeting is being moved to December 19 which is the Wednesday before Christmas week (3rd Wednesday of the month).

Pam Neugebauer asked if a committee will be chosen to review the RFPs. Dan Carr stated that it depends on how many are received

The minutes will be posted to the MSPRC web forum for review prior to the next meeting.

With no further business, the meeting was adjourned. No closed session.

Next Meeting: **December 19 meeting** from 1:00 p.m. to 4:00 p.m. at the Truman Building Room 493/494, Jefferson City, Missouri