

HELIX

The Masonry Magazine of Texas

Volume 26, No. 3

Fall 2022

A Work of Art: Brockman Hall for Opera, Rice University

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In This Issue:

Cover Story:

**Brockman Hall for Opera at
Shepherd School of Music:**

Rice University

pg. 4

Texas Governor Greg Abbott declares
disaster in response to Chalk Mountain Fire **pg. 10**

TMC New Members **pg. 12**

2022 Golden Trowel Honorable Mentions **pg. 14**

2022 Golden Trowel Winners **pg. 16**

Employees by Kent Bounds **pg. 22**

Construction Law **pg. 25**

Material Costs and Supply Chain Woes **pg. 28**

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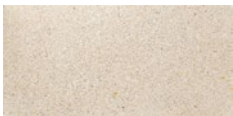
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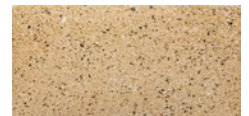
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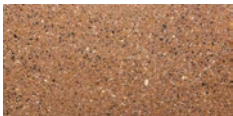
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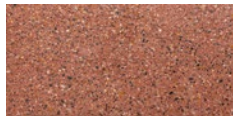
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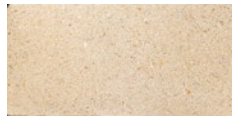
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TEXAS BUILDING PRODUCTS

Fall 2022

A Message From Our Executive Director: *Mr. Tony Topping*

This Fall looks to be another busy season for our growing organization. From continuing the workforce development efforts across the state with the new regional showcase style, to reviving efforts to influence city and state legislation, and of course always growing our reach to contractors and suppliers around the state to create a strong unified voice.

Connecting with architects and building strong working relationships is key; after bringing back our architect courses to the 2022 Texas Masonry Convention the door is open to grow those relationships rapidly. This Fall our Education Committee focusing on architect education is meeting to establish a strategy throughout the year to provide continuing education credits and opportunities to Texas Architects.

The Golden Trowel awards, although an honor for our contractors, are truly an opportunity to celebrate beautiful design. We hope with the continuing education opportunities provided we see architectural design that highlights masonry and stone for being aesthetically pleasing while recognizing its durability.

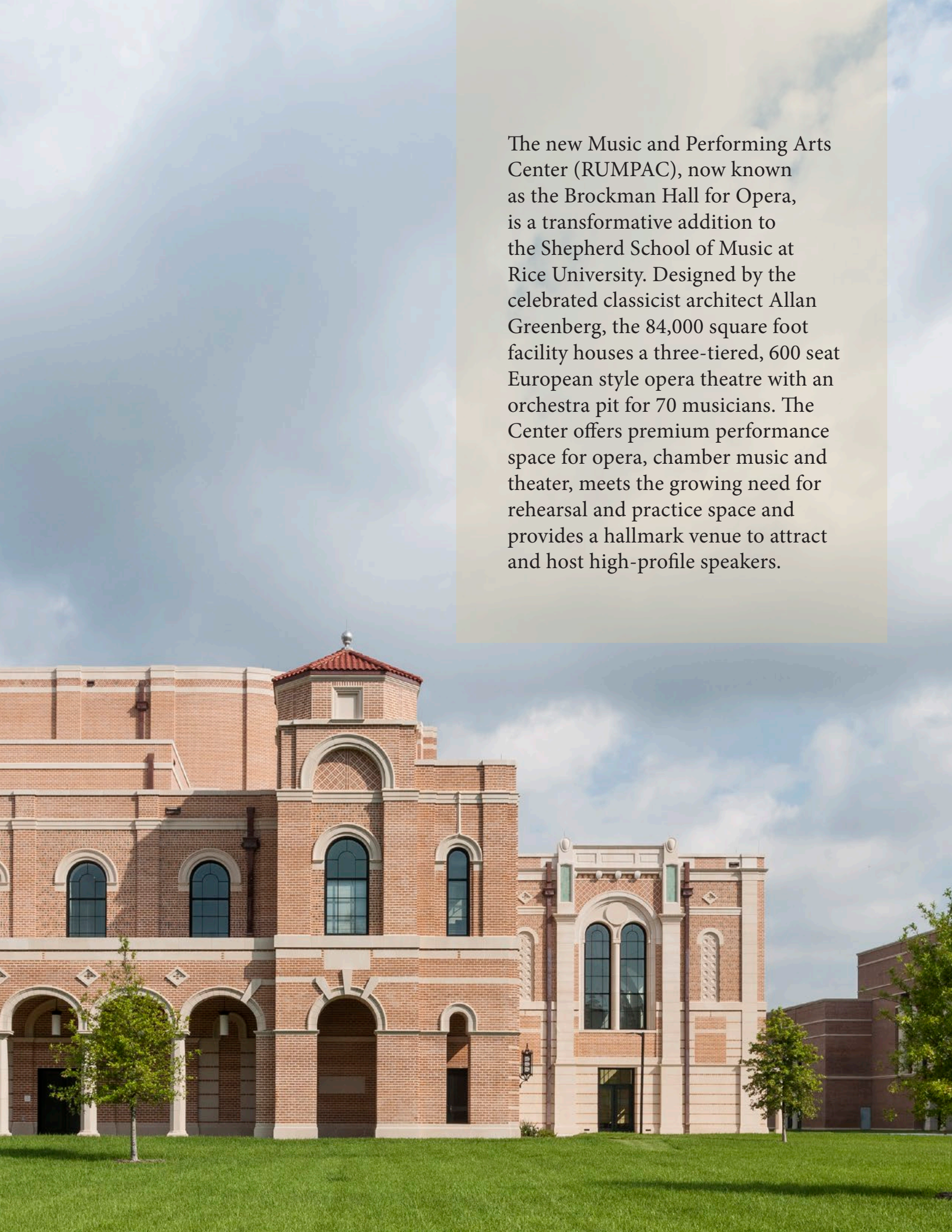
We, as the only masonry association of the state, take great pride in serving multiple segments of the industry from contractors, distributors, and suppliers – we are always looking for fresh ideas and ways to serve better. If you have interest in serving the masonry industry and getting involved, don't hesitate to connect with the Texas Masonry Council team!

Thanks!



Brockman Hall for
Opera at Shepherd
School of Music:
Rice University





The new Music and Performing Arts Center (RUMPAC), now known as the Brockman Hall for Opera, is a transformative addition to the Shepherd School of Music at Rice University. Designed by the celebrated classicist architect Allan Greenberg, the 84,000 square foot facility houses a three-tiered, 600 seat European style opera theatre with an orchestra pit for 70 musicians. The Center offers premium performance space for opera, chamber music and theater, meets the growing need for rehearsal and practice space and provides a hallmark venue to attract and host high-profile speakers.

Camarata Masonry Systems, Ltd. (CMS) provided the engineering for cast stone, stone anchorage, and support elements; shop drawings for the brick and cast stone; design, erection and dismantling of the scaffolding; the supply and installation of the concrete masonry unit structural walls, brick, cast stone units, terrazzo, waterproofing and flashing for the project.

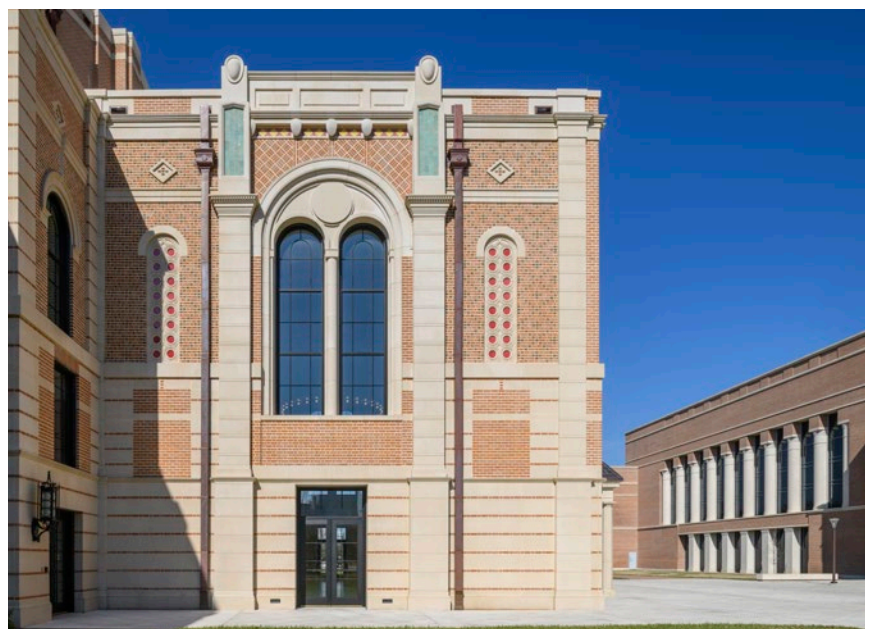
The masonry portion consisted of 172,000 concrete masonry units grouted solid at the perimeter and partition walls. In keeping with many of the campus building facades, 360,000 modular size brick manufactured by St. Joe Brick Works were installed on the exterior veneer. Much of the brick was installed in a running bond pattern with several different accent bonds. A modified herringbone pattern was installed at the frieze panel, a Flemish bond was used at the corners of the building and a garden wall pattern was used on the 2nd floor on the north and south side of the building. In addition, basket weave was used extensively inside, below and above many of the arches and stack bond strips were utilized to separate bonds throughout the façade. Approximately 9,960 pieces of cast stone were used as accents at the wall base, water tables, window

and door surrounds, parapet caps, chevron panels, lunettes, finials, columns, arches, vestibules, front main entry, and as banding pieces.

Material procurement for this project required careful planning. The brick supplier, St. Joe Brick Works in Pearl River, Louisiana, was founded in 1891 and is one of the oldest family-owned brick manufacturers east of the Mississippi River. They are a small batch plant making brick as it was made in the early colonial period utilizing the soft mud process where the clay is formed into individual bricks by pressing it into wood molds. The bricks are fired at different temperatures to create distinct colors, inclusive of the three colors required on this job. Such a time-consuming process performed in a small plant creates delivery challenges on a façade of this magnitude. In contrast to the brick, the highly ornate cast stone profiles, and shapes, are extremely fragile. Given their delicate nature, long lead time, and the sheer amount of stone required, storing the material onsite was not an option, therefore CMS, with close coordination with its cast stone supplier, released the cast stone in phases.



CMS utilized several innovative installation techniques on this project. One of them was used on the cast stone arch and soffit pieces throughout the project which commonly weighed over 300 lbs. Since our workforce could not physically lift these pieces and a forklift could not be used due to the web of scaffolding, CMS built cribbing on custom-made hydraulic jacks which cradled the stone at its required angle/position until the engineered anchorage could be installed. The pieces were attached to CMS designed and installed miscellaneous steel backup for load transfer to the structure. Another innovative installation technique occurred at the four finial assemblies, which weighed over 10,617 lbs. each and were located on the roof. These finial assemblies were prefabricated on the ground with lifting accommodations built into each such that they could be safely lifted ninety feet above grade by the tower crane with no damage to the stones. Another challenge on the project was the size and shape of the mortar joints. The horizontal or 'bed' joint was 1" tall and had a reverse weathered strike. This required that the jointer be recessed in on the bottom of the bed joint and lean out towards the top (opposite of a normal water shedding joint). Then, to compound the difficulty, the vertical or 'head' joint is struck flush. So, you have a condition where the top of a flush head joint intersects with the bottom of an indented reverse weathered bed joint. On a façade of this size, this condition occurred constantly. To execute this jointing smoothly, custom made jointers were issued to all masons and special instruction was given to each to ensure proficiency. One of the most unusual features on the project was the requirement for CMU and brick shop drawings. While it is common to prepare shop drawings for cast or dimensional stone, this project had intricate details with 2" to 4" offsets in both the CMU back up and the brick





and cast stone pilasters. Shop drawings had to be prepared for all materials so that the offsets and corresponding wall cavity could be maintained. Every brick and piece of brick had a specific location on the facade that was indicated and checked via the shop drawings.

While this was an extremely complex project requiring highly skilled craftworkers, CMS completed its work in keeping with an ambitious schedule. At peak, CMS had over 120 employees onsite inclusive of three full time foremen, two designated full time safety supervisors and a host of bricklayers, marble setters, scaffold builders, operators, marble setter helpers and laborers. The bulk of our work was completed in approximately twelve months with zero recordable or lost time accidents. The building's complex Byzantine Romanesque architectural language was faithfully executed by our tradesmen and has garnered seven awards, including three national awards, for craftsmanship.



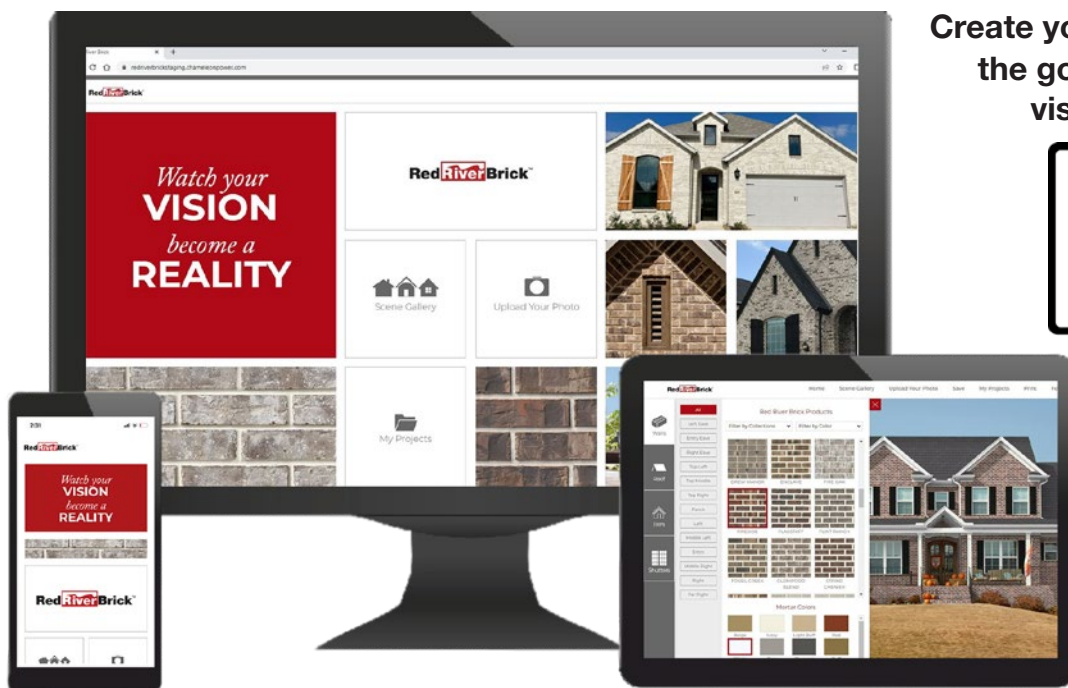
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Texas Governor Greg Abbott declares disaster in response to Chalk Mountain Fire

By James Hartley

GLEN ROSE, TEXAS

July 19, 2022

Thousands of acres of Somervell County, once farmland and woods and fields, are now a mosaic of black earth and pale ash-covered land. Monday, July 18, Jace Bridges stood outside his cousin's house watching flames 20 feet above the treetops, licking at the sky and spitting smoke while he and other family members worked to get whatever they could from the house. That house isn't there now. Some family members were able to get the dogs out, along with guns and some other property while others used garden hoses, a chain saw and rakes to work to keep the flames at bay a little longer.

Gov. Greg Abbott quickly signed a disaster declaration for Somervell County in response to the Chalk Mountain Fire near Glen Rose, the largest currently burning wildfire in the state, opening up more resources for fighting the fire and assisting with recovery even as the flames still send plumes of smoke into the sky, some miles apart, in the middle of the affected area. The fire, which is officially 10% contained, has burned more than 6,700 acres since Monday in an area about 50 miles southwest of Fort Worth. There were two minor injuries and 16 homes destroyed, Abbott said at a news conference Saturday in Glen Rose. At least five more homes were damaged and dozens were evacuated.

Lee Anderson, a chief with the Texas A&M Forest Service, called the 10% containment measurement "conservative" and said the public should expect that number to increase soon. Anderson told the Star-Telegram the current timeline for the fire to be fully extinguished is two weeks, but that could change depending on weather conditions and if other fires in the area pop up. Lines of fire retardant and trenches dug by bulldozers should help prevent the fire from spreading further. While the fire is still burning, Abbott said, some residents who evacuated can now return to begin assessing the damages to their homes and property. Insurance claims should be filed as soon as possible, Abbott said, and any residents whose property has been damaged should self-report at damage.tdem.texas.gov.

Anybody whose property was affected can go to the Somervell Expo Center for resources, including help from the Red Cross and the local organization LDL Foundation. The shelter at the center is now empty and will be closing Saturday. New donations of money and clothes delivered to the Expo Center will end at 11:59 p.m. Saturday, Abbott said, but financial donations can be made to LDL at any First Financial Bank branch.

Texas Department of Emergency Management Chief Nim Kidd said the local fire-fighting agencies should be commended for calling for help from the state as early as they did. "We see this a lot, that a lot of local agencies think they can handle this alone and then they can't," Kidd said. He said the fact that the local fire departments called for help from the state so quickly kept the fire from getting even more out of hand and gave them access to more resources that helped curtail the spread earlier on.

Andy Gray and Robert Duggan, public information officers with Blue Incident Management Southern Division, said not only was the response by local firefighters more efficient than in many other places but the response from the community was more enthusiastic. "It's been something of a love fest," Gray said. "We haven't seen a community support in such an overwhelming manner." Team Blue is using resources from out of state, including "super scooper" planes that can gather water from lakes without landing to use to extinguish fires, and satellite and aircraft imagery to help fight the fire. The community is using donations and small business resources to support firefighters and those affected by the wildfire.

Marilyn Phillips is one of the Glen Rose and Somervell County residents who showed up at the Somervell Expo Center to volunteer. They've collected donations of clothes, groceries and money and passed it along to people who lost their homes and to the firefighters and paramedics working to stop the fire's spread. Saturday night, they served them steak dinners. The night before they prepared taco salads and homemade ice cream. On Friday, the whole space of the center, provided by the county but staffed and run by volunteers, was packed with donations. Boxes of clothes and non-perishable groceries were stacked up under the awning out front. By Saturday, hours before the donation center was set to shut down, all that was left was a couple of tables of groceries and healthy snacks and a few racks of clothes. Everything went to families in need and to first responders, Phillips said.

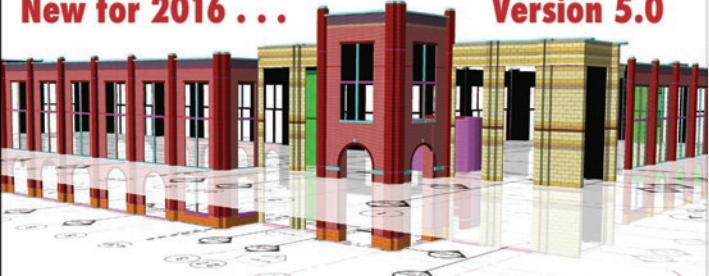
LDL, a local nonprofit organization, has been involved in helping collect and distribute donations. When the center goes back to its normal functions on Sunday, that organization will pair with the Red Cross to continue meeting the needs of firefighters and those displaced by the disaster.

WILDFIRES RAGING ACROSS TEXAS

The Texas A&M Forest Service has responded to 205 wildfires in the last seven days and seen 22,132 acres of Texas land burned. Since the first day of the year, Texas has seen 6,809 wildfires that have burned more than half a million acres of land. Last week, Abbott renewed a disaster declaration that included 73 counties affected by wildfire threats. The declaration he signed Saturday added 10 more counties, including Somervell. Abbott also renewed a disaster declaration for 189 counties affected by exceptional drought conditions.

The forest service currently has 43 fire suppression aircraft in use across the state, including one "very large" DC-10 air tanker, six Fire Boss Air Tractors, six single-engine air tankers and 12 helicopters. More than 800 personnel have come from out of state with 176 pieces of equipment to assist, according to forest service information. Little to no active fire remained in the 457-acre Possum Kingdom Lake Fire about 80 miles west of Fort Worth, according to statement from the Southern Area Blue, Type I Incident Management Team. However, "elevated potential for fire activity is present as fuels surrounding the fire's perimeter remain extremely dry and at an increased risk of ignition," according to the Friday statement. "Firefighters will remain diligent as the probability of ignition remains high, as does the potential for extreme fire behavior if activity increases."


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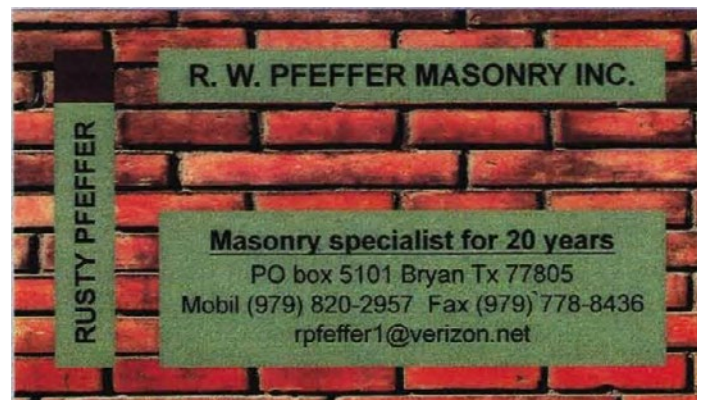
John Chrysler is the Executive Director of the Masonry Institute of America and has been a member of the masonry industry since 1968 as a contractor, licensed Civil Engineer and Certified Structural Masonry Inspector. He is a well known author of numerous books and articles, including the popular Reinforced Concrete Masonry Construction Inspectors Handbook.

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Email: pfeffermasonry@gmail.com



2022 Golden Trowel Winners Announced

Winners celebrated at Texas Masonry Convention

Local Architects, Masonry Contractors and General Contractors face off against their peers in an annual Competition to determine the best design and masonry work in the state of Texas – winners take home the trophy and honor of being a Golden Trowel award recipient.

The Golden Trowel competition starts at the regional levels in Dallas, Houston, San Antonio, and Central Texas which encompasses the Waco and Austin metro areas. A winner and runner up is selected in each category; those winners move forward to the state level competition for a second round of judging.

By bringing architects, general contractors, and masonry contractors in a room together we hope to inspire collaborative conversations, further develop working relationships, and to celebrate the progress and achievements of our industry's work!

2022 Golden Trowel competition: Honorable Mentions



Waterloo Park
Architect: Michael Van Valkenburgh Associates, Inc.;
Landscape Architects, PC
Mason Contractor: Clean Scapes



Goose Creek JHS #6
Architect: Pfluger Architects
General Contractor: Pogue Construction
Mason Contractor: City Masonry



Commodore Perry Estate
Architect: Moule & Polyzoides
General Contractor: Rogers-O'Brien Construction
Mason Contractor: Galindo & Boyd Wall Systems, LLC



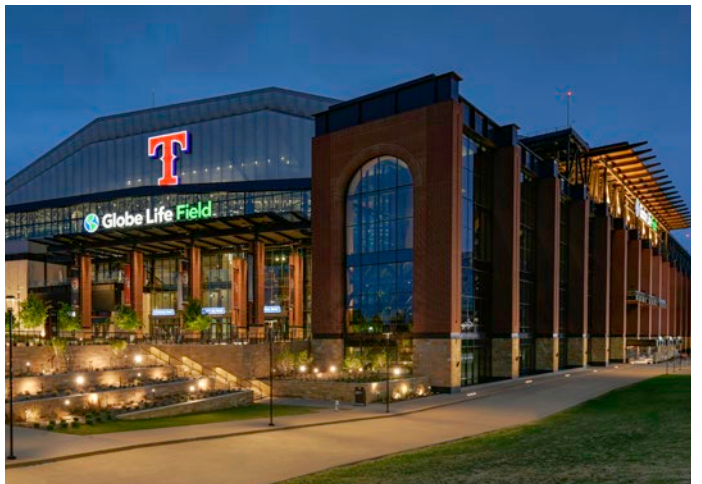
Dallas Records Building
 Architect: Gensler
 General Contractor: AECR Records Building JV
 Mason Contractor: Dee Brown Inc.



Doug Smith Performance Center
 General Contractor: Structura, Inc.
 Mason Contractor: CD Lone Star, Inc.



Texas A&M San Antonio Administration Building
 Architect: PBK Architects
 General Contractor: SpawGlass Contractors
 Mason Contractor: Shadrock & Williams



Globe Life Field at Texas Rangers
 Architect: HKS Inc.
 General Contractor: Manhattan Construction Group
 Mason Contractor: DMG Masonry



The Davis Residence
 Architect: Al Jones Architect
 Masonry Contractor: CD Lone Star, Inc.



McLennan County Venue-Expo Center
 Architect: Populous
 General Contractor: John W. Erwin
 Mason Contractor: Brazos Masonry
 Foreman: Juan Rameriz



2022 Texas Masonry





Golden Trowel Winners



Golden Trowel Winners



TCAL Mansfield

Architect: OWT Architects

General Contractor: Goff Companies

Mason Contractor: Smith Custom Masonry

Foreman: Pedro Zapata

Suppliers:

Acme Brick Company, Advanced Architectural Stone, Inc., Builders Equipment & Supply Co., Hohmann & Barnard, and Jewell, an Oldcastle Company.



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Golden Trowel Winners



The University of Texas Energy Engineering Building

Architect: Jacobs-Ennead

General Contractor: Beck

Mason Contractor: Legacy Masonry

Foreman: Victor Jaimes and Charlie Spitler

Suppliers: Best Block, San Antonio Masonry and Steel, Continental Cut Stone, Hohmann and Barnard, Acme Brick Company, Jewell, an Oldcastle Company, Mustang Metal & Supply Co., Upchurch Kimbrough, and White Cap Construction Supply

The Revere at River Oaks

Architect: Kirksey Architecture

General Contractor: Ludlow & Associates Construction, LLC

Mason Contractor: Camarata Masonry Systems, Ltd.

Suppliers: Best Block, Siteworks, Upchurch Kimbrough Company, Jewell, An Oldcastle Company, and Hohmann & Barnard.



The Foundry II

Architect: Studio 8

General Contractor: DPR

Mason Contractor: Legacy Masonry

Foreman: Charlie Spitler

Suppliers: Acme Brick Company, Hohmann & Barnard, Mustang Metal & Supply Co., San Antonio Masonry and Steel, Spec Rents, Upchurch Kimbrough Company, Best Block, and Jewell, an Oldcastle Company.



McNay Art Museum

Architect: Ford, Powell & Carson

General Contractor: G.W. Mitchell Construction

Masonry: Shadrock & Williams

Foreman: Abel Alderete

Suppliers: Best Block, Hilti North America, I-10 Building Materials and Stone Source.





Westcreek

Architect: WDG

General Contractor: Andres Construction

Mason Contractor: Galindo & Boyd Houston LLC.

Superintendent: Sabas Almanguer

Suppliers:

Acme Brick Company and SPECMIX

The Hamilton

Architect: LRK

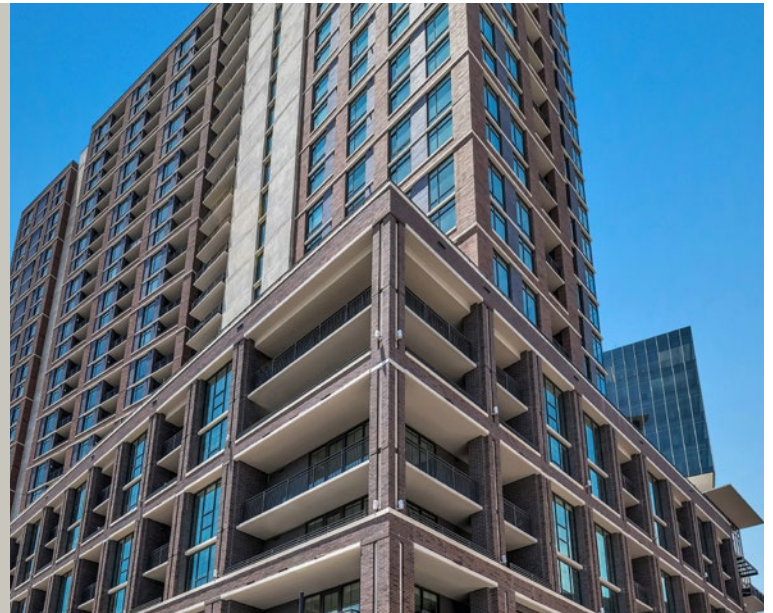
General Contractor: Streetlights Residential

Mason Contractor: C.W. Oates Masonry, Inc.

Foreman: Gerardo Hernandez

Suppliers:

Blackson Brick Company, Advanced Architectural Stone, Best Block, Hohmann and Barnard, Jewell, an Oldcastle Company, and TNT Equipment.



Fannin County Courthouse

Architect: Architexas

General Contractor: Turner Construction

Mason Contractor: GG&S Construction

Foreman: Jose Peña

Suppliers:

Advanced Architectural Stone, Builders Equipment & Supply Co., and Hohmann & Barnard



El Patron de la Gran Piedra

General Contractor: Kirksey Homes

Mason Contractor: Precision Development

Suppliers:

Apex Stone and Best Block

Cleburne High School & CTE

Architect: Corgan

General Contractor: Balfour Beatty

Mason Contractor: J&E Companies

Foreman: Armando Castillo

Suppliers:

Advanced Architectural Stone,
Blackson Brick Company, Builders Equip-
ment & Supply Co., Prosoco, SPECMIX,
and Texas Building
Products.



St. Martins Episcopal Church

Architect: Jackson & Ryan Architects

General Contractor: Tellepsen Builders

Mason Contractor: W. W. Bartlett, Inc.

Foreman: Luis Villanueva

Suppliers:

Acme Brick Company, Alamo Stone, Mustang
Metal and Supply Co., Siteworks, Inc, Up-
church Kimbrough Company and Holcim

Motivating Employees

Words and Photos: Kent Bounds, President at Brazos Masonry

We, in 2022, are living in a different time. A few short years ago, the number of individuals in the job market outweighed the number of open job positions. Motivating meant that your people still had the job from one week to the next. In today's economic climate, that is not the case. It is hard to find any good from the pandemic, but I believe it has made us realize the importance of engaging with our employees. We understand the pandemic years of 2020 and 2021 were disastrous for every worker and business unless you were into manufacturing of hand sanitizer, masks, and plexiglass. COVID left the economy in shambles, and it left workers shattered, depressed, and unmotivated. Where perhaps you were a tight, cohesive group at one time to where you see everyone occasionally through only a zoom meeting. The pressures of remote work, sickness, and uncertainty around only added to the chaos of managing people in the workplace. Yet, while it may sound even today like we are on the brink of an economic collapse, the glass is still half full. Winston Churchill said, "Never let a good crisis go to waste." So, in short, the companies who choose to change the way they treat their employees during these uncertain times will, without a doubt, see their efforts pay dividends down the road and for many years to come.

The most significant factor to understand as we navigate the road of motivating employees is to understand how important your relationship is with each employee. That relationship will allow you to cultivate motivation. Think about it, the most important emotion an employee brings to work is motivation. A motivated workforce is a holy grail that every organization aspires to have. That is awesome, but I find that we as leaders and managers have to be careful not to zap that emotion from the workplace. Our attitude is everything. As leaders, our attitude, seen or just perceived, has a tremendous effect on your team and your coworkers. We must understand that our attitude may determine your company's productivity, the ability to make wise decisions, find win-win solutions, and to get back up and do it again tomorrow despite setbacks.

For an example, if you come in this morning with a smile and engage your people immediately, you are sure to have a different effect than if you come in looking worried or disturbed and scurry quietly to your office with your head down. You have the power to listen with empathy, to encourage, to guide, to appreciate, and, yes, to inspire. From this solid foundation, motivation can and will take place.

I want to briefly share what we have done as a team at Brazos Masonry to help raise the level of motivation. I know there are more, and I know as a young leader, I am always learning. I believe it first starts with heartfelt gratitude. Remember, it's not about you!!! We must be truly thankful for our employees and what they do for us daily. Don't think that they owe you, but it is the other way around. We, as owners/management, started visiting a jobsite every other week several years back. When we visit the jobsite we don't just look for problems, but we bring a large grill and all the fixings for hamburgers. We set up and have a cookout for our people. We all talk to our people, we pass out swag and door prizes, but most of all, we each shake everybody's hand and say THANK YOU. It is amazing how far this gesture goes to our people in the field. Yes, it is time-consuming and hot out on jobsites, but it is worth every minute of the time spent. This opportunity allows us to profess our true gratitude to people who get it done. This gives us the power to lift people up, build their confidence, brighten their day, connect them to the purpose, engage them as part of a team, and in the end, motivation is achieved.



What else leads to motivation? What about rewarding your people? Acknowledging your people for a job well done. We at Brazos Masonry have a quarterly profit-sharing program with our in-house management people. We don't simply hand out their checks, but we make this a bid deal. We cater in a big lunch. We, as owners, put together a power point and give updates on the company. We recognize each department and their accomplishments. We, as owners, from our hearts, each say a few words thanking and acknowledging everyone's hard work. We don't stop there. We have two company-wide meetings with all our Field Superintendents and Office Staff. We use this time for team building, learning, and for more recognition. We have a large fall company picnic each year. This is another way to say thank you to all. We give surprise days off for different employees who put in long hours. We give personal thank you notes, gift cards, and take others out for lunch. We have a company newsletter that goes out monthly with a section that honors our employee's tenure. By simply letting your people be truly rewarded for a job well done, it cultivates and breeds motivation.

Learning how to motivate employees is easier in theory than in reality, mainly because knowledge is useless without application. With that being said, we must understand that there are ways to kill an employee's motivation. From experience, we must know micromanaging is not the answer. Micromanagement is a form of mistrust. The more you control, the safer you feel. However, the greater control you exert, the more your employees feel mistrusted, mistreated, and undervalued. When your employees feel like this, their motivation drops, and you feel the consequences. The lack of structure will destroy motivation. Effective, efficient, and motivated employees are created from solid structures and systems. The purpose of such systems is to create a work environment that builds motivation and promotes productivity. Unclear expectations are another pitfall to motivation. It is important to note that we all carry expectations on how things should work. Where I struggle is in how to effectively communicate those expectations to the employee. We get caught expecting our people to be at a high level without ever sharing what that level is. Motivated employees are those who know where the target is and know they can achieve that goal.

To genuinely move your company forward, systems need to be in place to reach goals and expectations. Motivation is a stepping stone to more productivity and maximizing your company's growth, profitability, and longevity. Therefore, as leaders, we need to always communicate our intentions with clarity to show that gratitude, appreciation, and the reward of doing a job well done. Action must take place from the top down. Your actions will speak volumes to your leadership and how employees are motivated. And last, be sure to stay consistent in any measures you take. Motivation is something like Thomas Edison said once; "Opportunity is missed by most people because it is dressed in overalls and looks like work."



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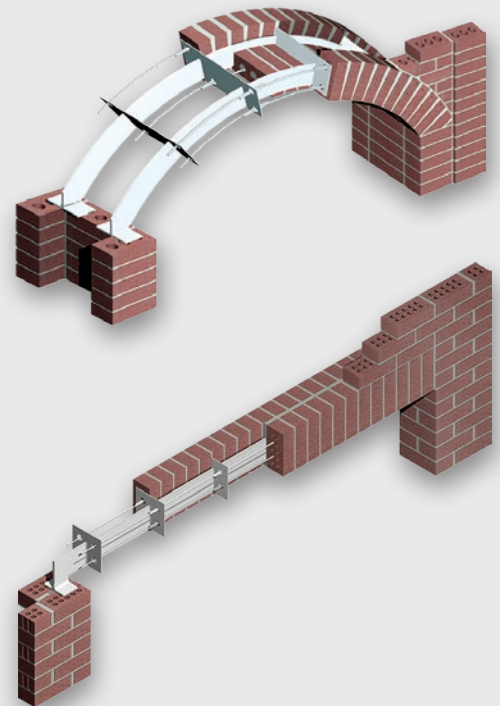
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Spike Cutler

Attorney Spike Cutler, and the firm of Cutler-Smith, P.C., are staunch advocates for the rights and interests of construction trade contractors. Cutler provides legal counsel to a number of trade organizations, including the Independent Electrical Contractors (IEC) of Texas, IEC- Dallas, IEC – Fort Worth, the Subcontractors Association of the Metroplex ("SAM"), the Texas Masonry Council, the United Masonry Contractors Association of DFW, and the North Texas Stone Fabricators Association. He is also a member of the Attorneys Council of the National Subcontractors Alliance.

For many years, Texas contractors have enjoyed the dubious distinction of working under one of the most ridiculous doctrines ever-the "Loneragan Doctrine."

In a truly bizarre 1907 Texas Supreme Court decision, *Loneragan v. Antonio Loan & Trust Co.*, the Texas Supreme Court held that, in the event a construction project failed, even if the failure resulted from owner-provided defective plans and specifications, the contractor, and not the owner, bore the risk of failure.

Federal courts, on the other hand, have long held that if a project failed a result of defective plans and specifications provided by the Owner of the project, the construction team is relieved of liability for the failure. This is the "Spearin" doctrine. Virtually every other state has followed Spearin and recognized that a contractor should not bear responsibility for building exactly what the owner asked for! But, after all, Texas has always been exceptional – just not always in ways we like!

Many masonry subcontractors have enjoyed the particular "pleasure" of being sued years after completion of the project, when "defects" complained of by the project's owner are nothing more than the natural consequence of deci-

sions made at the design phase; notwithstanding the trade contractor having provided materials and labor of excellent quality, fully complying with plans and specifications, the trade contractor ends up spending ridiculous sums on defending their work, and often paying extortionate settlements. It has long been a bone of contention.

After years of trying, legislative relief appeared, in the form of Senate Bill 219, passed in the 2021 legislative session. For the first time, through the statutory framework set forth in Chapter 59, Texas Business & Commerce Code, there is protection for contractors who follow the plans and specifications. This new law, effective September 1, 2021 has protection, but it is important to understand the limits of the protection, and the responsibility that comes with it.

WHO IS PROTECTED – AND WHO IS NOT

Most construction projects are included within the effect of Chapter 59, including most of the work which masonry contractors would consider to be "construction," but the biggest exception is likely to be the exclusion the projects which are "critical infrastructure facilities." The list of what is considered to be a "critical infrastructure facility" is long, but includes power generation, petroleum exploration, delivery and refining, telecommunications, freight transportation facilities, utilities and airports. The author will be glad to assist anyone who wonders if a particular project is protected, or not.

After years of trying, legislative relief appeared, in the form of Senate Bill 219, passed in the 2021 legislative session.

BEWARE OF DESIGN-BUILD AND DESIGN-ASSIST

In what should be a logical exception, if a contractor is supplying genuine design-build services (agreeing to be responsible for the construction, and for the development of the plans, specifications and other design documents used during the construction), the contractor remains responsible for the consequences of the design. This much is pretty straightforward.

The next trap, however, is one that could sneak up on you if you are not careful: if a contractor agrees to "... provide input and guidance on plans, specifications, or other design documents..." the input and guidance are provided

as signed and sealed work product of a licensed design professional (architect, engineer, etc.) and that work product is incorporated into the plans, specifications and other design documents used in the construction, the protections granted by Chapter 59 will not apply.

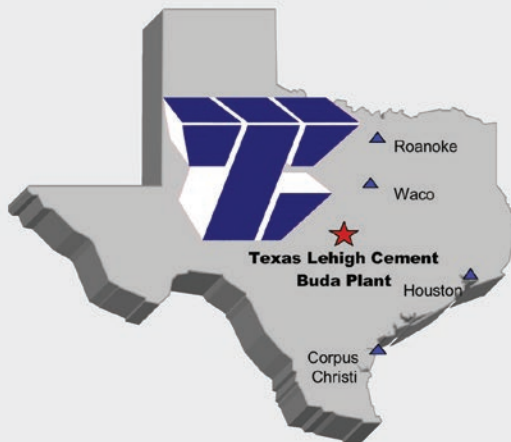
We think this "design assist" exception could be a trap for the unwary subcontractors. There is nothing wrong with providing suggestions to an owner or design team regarding ways to improve the masonry content and a project – after all, skilled masonry contractors possess a wealth of knowledge. If, however, you are not given the authority to provide a complete and comprehensive design (and the compensation that goes with it!), you should never agree to provide sealed documents to be incorporated into a final project design. In fact, anytime you are asked to offer design assistance, you should be certain that you remind the upstream parties, in every communication, that you are providing suggestions for the use by the licensed design professionals employed by the project Owner, and that you are not providing professional design services.

IF YOU SEE SOMETHING, SAY SOMETHING

Perhaps the most critical aspect of the new law is the requirement that, to be entitled to the protections granted by Chapter 59, a contractor must provide notice to whomever hired you (typically the general contractor) if, while reviewing the design and performing the work, you learn of a "...defect, inaccuracy, inadequacy, or insufficiency in the plans, specifications or other design documents." This notice must be provided in writing, and must be provided within "a reasonable time" of discovering the problem.

In addition, your obligation to provide this notice applies whether you discover a defect in the design, or the defect in the design is one which "... reasonably should have been discovered by the contractor using ordinary diligence, before or during construction." The law goes on to describe "ordinary diligence" as "... the observations of the plans, specifications, or other design documents or the improvement to real property that a contractor would make in the reasonable prepa-

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The protections granted by Chapter 59 are very valuable, indeed, but you should make sure you exercise the diligence in planning and performing your work to preserve the protections granted.

ration of a bid or fulfillment of its scope of work under normal circumstances.”

Be prepared, then, to provide written notice to whomever hired you to perform the work if you find what you believe to be defective conditions in plans, specifications and other design documents; you are not, of course, obligated to refuse to perform the work, after having given the notice, but the goal here is to ensure that the upstream parties have the benefit of your skill and knowledge, and hopefully, that they take advantage of it by correcting a defective design.

Note, also, that if you are relying upon a bid prepared by someone else, whether it be another trade contractor or an independent-contractor estimating service, you must still review the plans and specifications diligently for any errors which might lurk – because you’re responsible for notifying of anything you should have caught, anyway.

The protections granted by Chapter 59 are very valuable, indeed, but you should make sure you exercise the diligence in planning and performing your work to preserve the protections granted. It would be a shame to have a shield, then give it up needlessly.

Finally, and importantly, the protections granted by Chapter 59 cannot be waived by contract, and any such waiver is void; we are watching for subcontract provisions which might serve to pare down the protections granted by this important legislation, and we know will see them – is just what the contractors do. Also, these protections apply to all construction projects, whether they were initiated before or after the effective date of the new law.

Feel free to contact the author at scutler@cutler-smith.com if you would like clarification, or a copy of the entire statute, and we’ll be glad to assist.

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MATERIAL COSTS AND SUPPLY CHAIN WOES

The effect of the rising cost of materials is an unanimous issue for the commercial masonry sector, as well as the construction industry as a whole. Whether supplies and materials are stuck on a container ship or in the back of an Amazon delivery van, commercial contractors have become quite familiar with kinks in the supply chain. These factors, coupled with the industry wide skilled labor challenges, are responsible for a majority of delayed projects. Having an adequate masonry crew on the job-site, but a lack of materials, is bad for business. As is having adequate materials on the jobsite and a lack of qualified workers. The worst-case scenario is when it's both.

Despite these challenges, there's still plenty of reasons for renewed optimism for a productive year in 2022. The Associated Builders and Contractors Backlog Indicator for October—a predictive measurement of future work—rose to 8.1, up another half percent from September. And demand for construction services is up—and that was before the fate of the infrastructure bill was factored into play. Once the immense amount of federal funding is allocated at the state level, let's hope the promise of building back better was an accurate one.

Written by Christy Crook, Phoenix Masonry

Christy Crook is the president of Phoenix Masonry, a Denver-based commercial masonry firm she founded in 2010. Crook serves on the board of the American Subcontractors Association, the Rocky Mountain Masonry Institute, and Transportation and Construction GIRL, a nonprofit that encourages young women to explore careers in the transportation and construction industries. She's an active member of the American General Contractors Association, Associated Builders and Contractors, and the National Association of Women in Construction.



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If architecture can mirror musical composition, frozen in the creative moment as structure and function, then the new Music Center for the Texas Christian University School of Music is an elevating theme for an underutilized northeast corner of campus.

Folds of Acme Brick TCU Blend buff brick form perimeter walls that play a rhythm of shadows that rise and fall with the traveling sun. The central 717-seat Van Cliburn Concert Hall rises with chamfered corners and continuous brick for its 60-foot height, piercing the building's horizontal main volume to create a signature welcoming beacon to campus. Its functional spaces flank the hall to bring together disparate facilities in one location.

The backdrop for an outdoor porch features the traditional TCU brick blend to form a line that carries inside and frames ceremonial grand stairs and a mezzanine above that overlooks the glass-enclosed lobby. Beyond the façade is Creative Commons, a grand lawn and multipurpose natural space crafted and grown over former roadway and parking.

While the brick blend may be familiar to generations of alumni and visitors, its expansive planes and austere geometry make this expression singular. The building unfolds and entertains as it encloses and gently frames a symphony of design and future gatherings of patrons in a newly activated and inspiring gateway to the storied university grounds.



"The TCU Music Center was driven by the need for a concert hall and a campus 'front door' to welcome audiences from around the region. The lobby is the place of arrival, and we made the concert hall visible within strict acoustical requirements, like an island surrounded by circulation. We brought brick inside so that the concert hall reads as a building inside of a building, a precious space protected by a shell of brick. The material suggests permanence and an enduring presence."

Folded walls on the perimeter exterior were a specific response to acoustics that we decided to make visible. For rehearsal and performance spaces, the angled walls achieve the ideal acoustical environment inside. In bright Texas sun, their shadows are visually powerful as they change throughout the day.

TCU has a nice range of compatible brick colors—with variations across campus—that extend the campus character. We chose a more consistent blend, not so light or dark in range, to lend distinction to the exterior character, which reads more like one surface than a collection of colors. The brick provides welcome texture and richness."

*— Michael Tingley, FAIA, Principal,
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