

EXECUTIVE DIRECTOR
Edward L. Johnson



CHAIR
Betty Reinbeck

COMMISSIONERS
Malcolm E. Beckendorff
William D. Darby
Virginia Hermosa
Barkley J. Stuart

Texas Facilities Commission

Minutes No. 16 Minutes of the April 15, 2009, Public Meeting of the Texas Facilities Commission in Austin, Travis County, Texas.

After providing notice as required by the Texas Open Meetings Act, the Texas Facilities Commission held an open meeting at the Central Services Building, 1711 San Jacinto Boulevard, in Conference Room 402, Austin, Texas, on Wednesday, April 15, 2009, commencing at 10:00 a.m. The following were present, and Chair Reinbeck presided:

Members Present

Betty Reinbeck	Chair
Malcolm E. Beckendorff	Commissioner
Derek Darby	Commissioner
Virginia Hermosa	Commissioner
Barkley Stuart	Commissioner

Staff Present

Edward Johnson	Executive Director
Kay Molina	General Counsel
Mark Scott	Director, Internal Audit
Stephen Thomas	Deputy Executive Director, Administration
Luis Arellano	Chief Financial Officer
Gregg Werkenthin	Deputy Executive Director, Space Management & State Leasing Services
Richard Ehlert	Internal Procurement
John Goodrich	Internal Procurement
Jamie Barrington	Director, Facilities Management Division
Bill Bonham	Deputy Executive Director, Facilities Design & Construction
Jorge Ramirez	Energy Management
Tiffany Harry	Legal Services Division
Susan Maldonado	Legal Services Division
Crystal Nelson	Legal Services Division
Kristy Fierro	Internal Audit
Trish Perme	Internal Audit
Mike Blackwell	Publications & Media
Jorge Ramirez	Director, Energy Management & Plant Operations
Mark Trott	Facilities Design & Construction
Mary Jo Ingram	Facilities Design & Construction

David Mascorro	Facilities Design & Construction
Karl Oberlander	Facilities Design & Construction
Paul Medrano	Facilities Design & Construction
John Raff	Facilities Design & Construction
James Woods	Facilities Design & Construction
Mike Holeman	Facilities Design & Construction
Tom Forrest	Facilities Design & Construction
David Carlton	Facilities Design & Construction
Marti Walsh	Facilities Design & Construction
Victor Gooding	Facilities Design & Construction
Mike Greene	Facilities Design & Construction
Dennis Petras	Facilities Design & Construction
Mike Holeman	Director of A/E Tech Support
Lois Bingham	Fiscal
Meghan Ruffo	Facilities Design & Construction
Kelsey Peeler	Executive Administration
Ashley Holt	Space Management & State Leasing Services
Gayla Davis	Space Management & State Leasing Services
Buddy Miller	Space Management & State Leasing Services
Lisa Hardin	Executive Administration

Guests

Lee Lewis	Lee Lewis Construction
David Meadows	Lee Lewis Construction
David Ancira	Texas Comptroller of Public Accounts (CPA)

- I. Call to Order.** Chair Reinbeck called the meeting to order.
- II. Presentation of Service Awards.** The following individuals were recognized for their state service:

Victor Gooding	Ten Years (Property Management)
Buddy Miller	Ten Years (Space Management & State Leasing)
Lois Bingham	Ten Years (Fiscal)
Gayla Davis	Twenty Five Years (Space Management & State Leasing)
Daniel Kerr	Thirty Years (Property Management)

- III. Approval of the Minutes from the March 18, 2009 Open Meeting.**
The Commission voted unanimously to approve the minutes from the previous meeting with a motion made by Commissioner Beckendorff and a second to approve the motion made by Commissioner Stuart.

IV. Public Comment. There were no public comments.

V. Award of Lease Recommendations and Summaries.

Leases and/or Amendments Pending Execution with Commencement Date on or after April 15, 2009.

Renewals

1. #10373 – Department of Assistive and Rehabilitative Services: Dallas, TX.

New Lease

2. #303-9-10404-B – Health and Human Services Commission/Department of Aging and Disability Services/Department of State Health Services/Texas Department of Agriculture: Lubbock, TX.

The Commission unanimously voted to approve the above leases and/or amendments with the motion to approve made by Commissioner Stuart and a second to approve the motion made by Commissioner Darby.

- VI. Consideration and possible action to adopt amendments to various administrative policies for the Texas Facilities Commission.** This item was pulled from the agenda and will be on the agenda again for May 2009 Commission Meeting. Draft policy amendments were distributed to the commissioners for review.
- VII. Consideration and possible action to approve a Construction Manager-At-Risk contract award for the Texas Department of Public Safety Lubbock Regional Office, Project No. 08-009-0405, Lubbock, Texas.** The Commission unanimously voted to award a construction manager-at-risk contract to Lee Lewis Construction, Inc. in an amount not to exceed \$25,324,330 consisting of \$25,000 for the pre-construction of management fee, \$575,000 for the construction management fee, \$998,560 for construction general conditions, and a balance not to exceed \$23,725,770 for all other plant, labor, and materials necessary to complete the construction of a new Regional Office in Lubbock for the Texas Department of Public Safety, Project No. 08-009-0405 with a motion made by Commissioner Beckendorff and a second to approve the motion made by Commissioner Stuart.
- VIII. Report from the Executive Director and executive staff on facilities design and construction projects, facilities leasing, facilities operations and maintenance, energy management, and legislative update.**

Executive Director

Edward Johnson informed the Commissioners that the agency is tracking several hundred bills and that most of the Legislative focus right now has been on the budget.

Facilities Design & Construction (FDC)

Project Manager Karl Oberlander gave a presentation and update to the Commission on the schematic design phase progress on the Texas School for the Blind & Visually Impaired (TSBVI) campus improvements in Austin, Texas which is being designed by architect Half Associates, Inc. and constructed by Walton Construction Company.

Project Manager David Carlton gave a presentation and update on the Department of Public Safety (DPS) Regional Office Project in Weslaco, Texas which is being designed by architect Page Southerland Page and constructed by Skanska.

Project Manager Marti Walsh gave a presentation and update on the Department of Public Safety (DPS) Dacoma Drivers License remodel in Houston, Texas which is being designed by architect PBS&J and constructed by Walton Construction.

Project Manager Marti Walsh gave a presentation and update on the Department of Public Safety (DPS) Dacoma Drivers License remodel in Houston, Texas which is being designed by architect PBS&J and constructed by Walton Construction.

Project Manager Marti Walsh also gave an update on the Department of Public Safety (DPS) Crime Laboratory in Houston, Texas which is being designed by architect Kirksey Architecture.

Project Manager Paul Medrano gave a presentation and update on the construction phase progress of the Texas Center for Infectious Disease (TCID) new 75 bed hospital in San Antonio, Texas which is being designed by architect O'Connell Robertson and constructed by JE Dunn Construction.

Project Manager Paul Medrano also gave an update on the construction phase of the Department of State Health Services (DSHS) new outpatient clinic in Harlingen, Texas which is being designed by architect Marmon Mok and constructed by D. Wilson Construction.

IX. Report from the Chief Financial Officer on the monthly financial report update.

Luis Arellano provided the monthly financial report including the agency forecast, monthly operating expenditures, year-to-date budgeted adjustments, cost recovery program results, revenue forecast, and a list of financial transactions that are not included in the operating budget with no major changes. In addition, he stated that there is a projected shortfall for the month due to utilities that should be made up with a supplemental appropriation. Budget adjustments have been made throughout the month to increase budgets due to cost recovery. The Minor Construction program has stepped up their billings and collections and had a positive increase in revenue from last month. The revenue forecast is on target. Eighty-five (85) percent of the agency's receivables are 0-60 days. Mr. Arellano also informed the Commission that TFC currently has 324 FTE's (Full Time Employees).

X. Monthly Status Report from Internal Auditor, Mark Scott.

A. Audit Report – TFC Public Information Request Methodology

B. Follow-up Review - TFC Warehouse Operations

Mark Scott gave a brief update to the Commissioners on the TFC Public Information Request Methodology Audit that found that management has established adequate procedures for educating the public and TFC employees regarding the Texas Public Information Act. The follow-up review of the TFC Warehouse Operations included addressing risks associated with materials and supplies purchased and routed through TFC's warehouse operations. Purchasing and inventory procedures were tested. Mr. Scott stated that management has implemented six (6) of the nine (9) recommendations from the 2007 audit. Mr. Scott and staff have begun work on the annual follow-up of open internal audit recommendations. Mr. Scott also reported that the State Auditors Office (SAO) continues to work on classification audits.

XI. Quarterly Administration Briefing from the Deputy Executive Director for Administration. Stephen Thomas informed the Commission that agency attrition has stabilized and that workforce injuries are down for the year. Mr. Thomas stated that injury expenses are up for the fiscal year as a result of several injuries occurring at the end of last fiscal year. Mr. Thomas also updated the Commission on the Administration

Division Initiatives in areas that included Records Management, Information Technology, Human Resources, Communications, and Risk Management.

XII. Recess into CLOSED session, if necessary, pursuant to the Texas Government Code under Chapter 551 for the following purposes:

- A. Pending and potential litigation, Section 551.071.**
- B. The Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of the Executive Director and Executive Management Staff, Section 551.074.**
- C. The duties, roles, and responsibilities as Commissioners of the Texas Facilities Commission, Section 551.074.**
- D. The deliberation regarding purchase, exchange, lease, or value of real property, Section 551.072.**
- E. All matters identified in this agenda where the commission votes unanimously that deliberation in an open meeting of business and financial issues relating to a contract being negotiated would have a detrimental effect of the position of the State in negotiations with a third person and in which the General Counsel has issued a determination in writing, Section 551.0726.**
- F. Any matters identified in this agenda where the Commissioners seek the advice of their attorney, Section 551.071.**

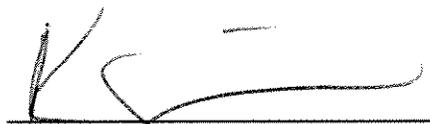
There was no Executive Session.

XIII. Reconvene in open meeting and consider action on matters discussed in Executive Session. There was no Executive Session.

XIV. Consideration and possible action, if necessary, on any issue discussed during Executive Session. There was no Executive Session.

XV. Adjournment. Chair Reinbeck adjourned the meeting at 11:20 a.m.

Reviewed and Submitted by:



Kay Molina
General Counsel

Approved by the Commission on the 20th day of May, 2009.

By:



Betty Reinbeck
Chair