

EXECUTIVE DIRECTOR
Edward L. Johnson



Texas Facilities Commission

CHAIR
Betty Reinbeck

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

Minutes No. 18 Minutes of the July 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, July 15, 2009, commencing at 10:01 a.m. The following were present, and Chair Reinbeck presided:

Members Present

Betty Reinbeck	Chair
Malcolm E. Beckendorff	Commissioner
Brant C. Ince	Commissioner
Virginia Hermosa	Commissioner
Barkley Stuart	Commissioner

Members Absent

Derek Darby	Commissioner
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Staff Present

Edward Johnson	Executive Director
Kay Molina	General Counsel
Mark Scott	Director, Internal Audit
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
Michael Phillips	Chief Information Officer
Tiffany Harry	Legal Services Division
Susan Maldonado	Legal Services Division
Lisa Calem-Lindstrom	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
John Raff	Facilities Design & Construction
Paul Medrano	Facilities Design & Construction
Thursten Simonsen	Facilities Design & Construction

David Mascorro	Facilities Design & Construction
David Carlton	Facilities Design & Construction
Karl Oberlander	Facilities Design & Construction
Jim Overton	Facilities Design & Construction
Joel Fults	Facilities Design & Construction
Nathan Drees	Facilities Design & Construction
Mike Holeman	Facilities Design & Construction
Tom Forrest	Facilities Design & Construction
Ashley Holt	Space Management & State Leasing Services
Gayla Davis	Space Management & State Leasing Services
Amanda Diebel	Space Management & State Leasing Services
Michael Lacy	Space Management & State Leasing Services
Aundre Dukes	Space Management & State Leasing Services
Bob Bugnand	Space Management & State Leasing Services
Lisa Hardin	Executive Administration

Guests

David Ancira	Texas Comptroller of Public Accounts (CPA)
Denis Gee	C.F. Jordan, L.P.
Tom Wenkstern	UGL Equis
Wendy Hernandez	TIBH Industries, Inc.
Demetrio Hernandez	LBB (Legislative Budget Board)

- I. Call to Order.** Chair Reinbeck called the meeting to order at 10:01 a.m.
- II. Approval of the Minutes from the May 20, 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.
- III. Public Comment.** There were no public comments.
- IV. Award of Lease Recommendations and Summaries.**

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

Renewals

- 1. #1137 – Office of the Attorney General: Houston, TX.**
- 2. #10337 – Comptroller of Public Accounts/Office of the Attorney General: Austin, TX.**

New Leases

- 3. #20230 – Texas Housing and Community Affairs: Austin, TX.**
- 4. #20228 – Health and Human Services Commission: Houston, TX.**
- 5. #303-9-11205 – Office of the Attorney General: Tyler, TX.**
- 6. #20227 – Office of the Attorney General: Houston, 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 Hermosa.

- V. Consideration and possible action to approve a construction contract award for the Texas Department of Public Safety Tyler Crime Lab Expansion, Project No. 08-018-0405, Tyler, Texas.** The Commission voted unanimously to award a construction contract to C.F. Jordan, L.P. in an amount not to exceed \$4,737,500 for the construction of the Crime Lab Expansion in Tyler, Texas for the Texas Department of Public Safety, Texas Facilities Commission Project Number 08-018-0405 with a motion to approve made by Commissioner Beckendorff and a second to approve the motion made by Commissioner Ince.
- VI. Consideration and possible action to adopt resolutions authorizing requests for financing various capital improvement projects through the Texas Public Finance Authority (TPFA).** The Commission voted unanimously to adopt two resolutions authorizing requests for financing various capital improvement projects through the Texas Public Finance Authority (TPFA) in the amount of \$23,155,747 [Proposition 8] and \$5,786,253 [Proposition 4]. The resolutions are a necessary step in the process of receiving the funds and are in a format acceptable to TPFA. The motion to adopt the resolutions was made by Commissioner Stuart with a second to approve the motion made by Commissioner Hermosa.
- VII. 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.** Facilities Design & Construction Project Manager, Paul Medrano, gave a presentation and update on the Texas Center for Infectious Diseases (TCID) in San Antonio, Texas and the Department of State Health Services (DSHS) Rio Grande State Center New Outpatient Clinic in Harlingen, Texas. Facilities Design & Construction Project Manager, Karl Oberlander, gave a presentation and update on the Texas School for the Blind & Visually Impaired (TSBVI) Campus in Austin, Texas.
- VIII. 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 the long awaited utility supplemental appropriation was received in last month and will cover the ongoing utility shortfall. Three budget adjustments were made last month due to increases in revenue to the cost recovery areas. The revenue forecast continues to be on target. Mr. Arellano also informed the Commission that TFC currently has 327 FTE's (Full Time Employees).
- IX. Consideration and possible action on the 2010 Operating Budget.** Edward Johnson gave the Commission a brief summary of the planned Operating Budget for FY 2010. The Commission voted unanimously to approve the FY 2010 Operating Budget with a motion to approve made by Commissioner Beckendorff and a second to approve the motion made by Commissioner Stuart.
- X. Monthly Status Report from Internal Auditor, Mark Scott.**
- A. Review of Contracting Processes for Facilities Contracts**
Mark Scott gave the Commission a brief update and review of the Contracting Processes for Facilities Contracts Audit and determined that TFC generally conforms to appropriate contracting practices. Currently, the second phase of the Facilities Contracting Audit and the Human Resources Audit are taking place. There are currently no external audits.

XI. 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, OMG Section 551.072**
- E. All matters identified in this agenda where the commission vote 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.**

Chair Reinbeck recessed the meeting to convene in Executive Session at 11:35 a.m.

XII. Reconvene in open meeting and consider action on matters discussed in Executive Session.

Chair Reinbeck reconvened the meeting at 12:31 p.m.

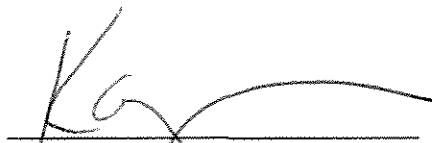
XIII. Consideration and possible action, if necessary, on any issue discussed during Executive Session.

No action was taken as a result of Executive Session.

XIV. Adjournment.

Chair Reinbeck adjourned the meeting at 12:32 p.m.

Reviewed and Submitted by:



Kay Molina
General Counsel

Approved by the Commission on the 19th day of August, 2009.

By:



Betty Reinbeck
Chair