

EXECUTIVE DIRECTOR
Edward L. Johnson



CHAIR
Betty Reinbeck

COMMISSIONERS
Stuart S. Coleman
James S. Duncan
Victor E. Leal
Barkley J. Stuart

Texas Facilities Commission

Minutes No. 5 Minutes of the January 29, 2008, 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 Tuesday, January 29, 2008, commencing at 10:10 a.m. The following were present, and Chair Reinbeck presided:

Members Present

Betty Reinbeck	Chair
Victor Leal	Commissioner
Barkley J. Stuart	Commissioner
James S. Duncan	Commissioner
Stuart S. Coleman	Commissioner

Staff Present

Edward Johnson	Executive Director
Luis Arellano	Chief Financial Officer
David Barker	Deputy Executive Director for Facilities
Stephen Thomas	Deputy Executive Director for Administration
Gregg Werkenthin	Deputy Executive Director for Space Management
Mark Scott	Director, Internal Audit
Richard Ehlert	Manager, Procurement
John Goodrich	Procurement
Mark Widaski	Director, Facilities Design and Construction
Paulinda Mackie	Facilities Design and Construction
Rob Roy Parnell	Facilities Design and Construction
John Schietinger	Facilities Design and Construction
Thursten Simonsen	Facilities Design and Construction
Kay Molina	General Counsel
Tiffany Chinnners	Legal Services Division
Susan Maldonado	Legal Services Division
Crystal Nelson	Legal Services Division
Afreen Devani	Legal Services Division
Mark Trott	Facilities Design & Construction
Ashley Holt	Leasing Division

James Barrington	Facilities Management Division
Courtney Lamza	Executive Administration
Kristen Blank	Executive Administration
Kristy Wheeler	Internal Audit
Patricia Perme	Internal Audit

Guests

Demetrio Hernandez	Legislative Budget Board
Debbie Parpounas	Texas Board of Architectural Examiners
Priscilla Pipho	Texas Board of Architectural Examiners
David Ancira	Texas Comptroller of Public Accounts
Christina Bryant	TIBH Industries Inc.

Former Commission Chair Brenda Pejovich was present and recognized by the Commissioners for her service to the Texas Facilities Commission.

I. Call to Order

Chair Reinbeck called the meeting to order at 10:10 a.m.

II. Approval of the Minutes from the December 6, 2007 Open Meeting.

The Commission unanimously approved the minutes with the motion made by Commissioner Leal 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.

(1). Leases and/or Amendments Pending Execution with Commencement Date on or after January 29, 2008.

Renewals

1. #303-5-11076 – Health and Human Services Commission: Marble Falls, TX.
2. #10119 – Health and Human Services Commission/Department of State Health Services: Rockport, TX.
3. #8661 – Health and Human Services Commission/Department of Aging and Disability Services: Houston, TX.
4. #10616 – Health and Human Services Commission/Department of Family and Protective Services: Houston, TX.
5. #7260 – Health and Human Services Commission: Houston, TX.
6. #7313 – Health and Human Services Commission: El Paso, TX.
7. #7641 – Health and Human Services Commission/Department of Family and Protective Services: Fort Worth, TX.
8. #8087 – Comptroller of Public Accounts/Texas Lottery Commission: Laredo, TX.

9. #8017 – Health and Human Services Commission/Department of Family and Protective Services: Harlingen, TX.
10. #7927 – Health and Human Services Commission: Hearne, TX.
11. #8883 – Health and Human Services Commission/Department of Family and Protective Services/Department of Assistive and Rehabilitative Services: Bastrop, TX.
12. #9873 – Texas Lottery Commission: Dallas, TX.
13. #10506 – Comptroller of Public Accounts: Lufkin, TX.
14. #7320 – Health and Human Services Commission/Department of Family and Protective Services: Edinburg, TX.
15. #1758 – Health and Human Services Commission/Department of Family and Protective Services/Secretary of State: Edinburg, TX.
16. #1655 – Health and Human Services Commission/Department of Family and Protective Services: Canton, TX.
17. #1764 – Health and Human Services Commission/Department of Family and Protective Services: Houston, TX.
18. #7929 – Health and Human Services Commission/Department of Family and Protective Services: Aransas Pass, TX.
19. #10205 – Texas Railroad Commission: Tyler, TX.
20. #1543 – Department of Family and Protective Services: Brownsville, TX.
21. #20041 – Texas Department of Criminal Justice: Austin, TX.
22. #6844 – Health and Human Services Commission: Brownsville, TX.
23. #7661 – Department of Family and Protective Services/Health and Human Services Commission: Caldwell, TX.
24. #5871 – Health and Human Services Commission/Department of Family and Protective Services/Department of State Health Services: Harlingen, TX.
25. #8138 – Health and Human Services Commission/Department of Family and Protective Services: Roma, TX.

Add Space

26. #303-6-10233 – Department of Family and Protective Services/Health and Human Services Commission/Department of Aging and Disability Services/Department of Assistive and Rehabilitative Services: Brownwood, TX.
27. #10545 – Health and Human Services Commission/Department of Family and Protective Services/State Office of Administrative Hearings: Corpus Christi, TX.
28. #1610 – Office of the Attorney General: Fort Worth, TX.

New Leases

29. #20169 – Texas Department of Public Safety: Austin, TX.
30. #20188 – Texas Department of Criminal Justice: Conroe, TX.
31. #20174 – Office of the Attorney General: Houston, TX.
32. #20176 – Office of the Attorney General: Houston, TX.
33. #303-7-11910 – Office of the Attorney General: Midland, TX.
34. #20179 – Texas Residential Construction Commission: Austin, TX.
35. #20180 – Texas Department of Licensing and Regulation: Austin, TX.

Item #34 regarding a new lease for the Texas Residential Construction Commission in Austin, Texas and Item #35 regarding a new lease for the Texas Department of Licensing and Regulation in Austin, Texas were pulled from the agenda.

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

V. Consideration and possible action to award a construction contract to Imperial Construction Ltd. for \$6,174,000 for the New District Office for the Texas Department of Public Safety, Project No. 06-003-0405, Bryan, Texas. The Commission unanimously voted to approve the award of a construction contract to Imperial Construction Ltd. for the amount of \$6,174,000 for a New District Office for the Texas Department of

Public Safety, in Bryan, Texas, Project No. 06-003-0405, with the motion made by Commissioner Duncan and a second to approve the motion made by Commissioner Coleman.

VI. Consideration and possible action to award a construction contract to Harvey-Cleary Builders for \$367,897 for renovations to the Texas Board of Architectural Examiners Offices, Project No. 07-003-0459, Austin, Texas. The Commission unanimously voted to approve the award of a construction contract to Harvey-Cleary Builders for the amount of \$367,897 for renovations to the Texas Board of Architectural Examiners Offices, in Austin, Texas, Project No. 07-003-0459, with the motion made by Commissioner Duncan and a second to approve the motion made by Commissioner Leal.

VII. Consideration and possible action to award a contract to HMG & Associates, Inc. to perform professional engineering services for deferred maintenance projects at the Child Care Facility, E.O. Thompson, Fort Worth State Office, L.B. Johnson, Promontory Point, T.J. Rusk, Tyler State Office, Wheless Ln. Lab, W.B. Travis, W.P. Clements, and W.P. Hobby Buildings. The Commission unanimously voted to approve the award of a contract to HMG & Associates, Inc. to perform professional engineering services for deferred maintenance projects at the Child Care Facility, E.O. Thompson, Fort Worth State Office, L.B. Johnson, Promontory Point, T.J. Rusk, Tyler State Office, Wheless Ln. Lab, W.B. Travis, W.P. Clements, and W.P. Hobby Buildings, with the motion made by Commissioner Duncan and a second to approve the motion made by Commissioner Stuart. The Facilities Design and Construction (FDC) staff clarified that upon the completion of a pre-design investigation (Phase 1), staff would then present a final scope of work and a mutually agreed upon guaranteed maximum price for the overall project to the Commission for approval. In responding to questions by Commissioner Stuart it was clarified by Commissioner Duncan and staff that should the guaranteed maximum price be unreasonably high, the Commission could then decide to put out a new Request for Qualifications (RFQ) for the project at that time.

VIII. Consideration and possible action to award a contract to Stanley Consultants, to perform professional engineering services for deferred maintenance projects at the Central Services Annex, Credit Union, Disaster Recovery Operations Center, Elias Ramirez State Office, G.J. Sutton, Insurance Annex, J.E. Rudder, J.H. Winters, Price Daniel Sr., Sam Houston, State Finance, State Records Center, Supreme Court, T.C. Clark, and Waco State Office Buildings. The Commission unanimously voted to approve the award of a contract to Stanley Consultants, to perform professional engineering services for

deferred maintenance projects at the Central Services Annex, Credit Union, Disaster Recovery Operations Center, Elias Ramirez State Office, G.J. Sutton, Insurance Annex, J.E. Rudder, J.H. Winters, Price Daniel Sr., Sam Houston, State Finance, State Records Center, Supreme Court, T.C. Clark, and Waco State Office Buildings, with the motion made by Commissioner Duncan and a second to approve the motion made by Commissioner Coleman. FDC staff clarified that upon the completion of a pre-design investigation, staff would present a final scope of work and mutually agreed upon guaranteed maximum price for the overall project to the Commission for approval. In responding to questions by Commissioner Stuart it was clarified by Commissioner Duncan and staff that should the guaranteed maximum price be unreasonably high, the Commission could then decide to put out a new Request for Qualifications (RFQ) for the project at that time.

IX. Consideration and possible action to award a contract to Tom Green & Company Engineers, Inc. to perform professional engineering services for deferred maintenance projects at the Brown Heatly, Central Services, DSHS Annex, DSHS Building F, DSHS Building G, DSHS Building K, DSHS Headquarters, DSHS Old Plant, DSHS Records, DSHS Service, DSHS Tower, and Robert D. Morton Buildings.

The Commission unanimously voted to approve the award of a contract to Tom Green & Company Engineers, Inc. to perform professional engineering services for deferred maintenance projects at the Brown Heatly, Central Services, DSHS Annex, DSHS Building F, DSHS Building G, DSHS Building K, DSHS Headquarters, DSHS Old Plant, DSHS Records, DSHS Service, DSHS Tower, and Robert D. Morton Buildings, with the motion made by Commissioner Duncan and a second to approve the motion made by Commissioner Coleman. FDC staff clarified that upon the completion of a pre-design investigation, staff would present a final scope of work and mutually agreed upon guaranteed maximum price for the overall project to the Commission for approval. In responding to questions by Commissioner Stuart it was clarified by Commissioner Duncan and staff that should the guaranteed maximum price be unreasonably high, the Commission could then decide to put out a new Request for Qualifications (RFQ) for the project at that time.

Chair Reinbeck recessed the meeting at 11:40 AM for lunch.

Chair Reinbeck re-convened the meeting at 12:50 PM.

X. Report from the Executive Director and executive staff on facilities design and construction projects, facilities operations and maintenance, and strategic planning.

Executive Summaries

Gregg Werkenthin gave the Commissioners a monthly leasing status report that included information regarding extensions, renewals, and add space. Mr. Werkenthin informed the Commissioners that the leasing staff plans to continue with site visits, and increase those if possible.

David Barker updated the Commissioners on the Facilities Design & Construction Division's current and future projects status. Mr. Barker reported to the Commissioners that there are a total of 23 current Department of Public Safety (DPS) projects in 16 cities throughout Texas with a total approximate budget of \$245.5 million. Mr. Barker stated that there are currently 6

ongoing projects with the Department of State Health Services (DSHS) with an approximate budget of \$48 million. In addition, Mr. Barker gave a brief overview of the current IDQ assignments and amendments for the month of December 2007.

Jamie Barrington from the Facilities Management Division gave a brief overview and update to the Commissioners regarding staffing, current projects, and overall progress. Mr. Barrington informed the Commissioners that there were 40,000 work orders completed in 2007 and 10,000 work orders already completed for 2008. In addition, Mr. Barrington reported to the Commissioners that there are currently \$1.6 million in pending contracts with regards to preventative maintenance.

Edward Johnson gave the Commissioners an upcoming timeline for strategic planning and discussed the issue regarding the agency's performance measures and the need to make them more in-line with agency business. In Addition, Mr. Johnson discussed the Commission's Legislative Appropriations Request and indicated that official instructions will be issued in March 2008 for preparation.

XI. Report from the Deputy Executive Director of Administration on staffing trends and human resources activities.

Stephen Thomas discussed current staffing levels of the Commission and provided an overview of employee attrition for the last two years. Mr. Thomas discussed the reduction of Worker's Compensation Claims. Mr. Thomas recognized the Risk Management staff and their efforts in acquiring a gold award for the agency for FY 2006 from the State Office of Risk Management due to their efforts. Mr. Thomas stated to the Commission that the Information Technology (IT) division has updated the agency website and is currently working to update the agency's intranet. In addition, Mr. Thomas informed the Commissioners that the records management program has completed an agency record inventory that involved transferring over 2200 boxes of records to storage.

XII. Report from the Chief Financial Officer on the December 2007 Financial Report and the Fiscal Year 2007 Year End Financial Report.

Luis Arellano presented the financial report for the month ending December 31, 2007 and for Fiscal Year 2007. Mr. Arellano's report included the agency's FTE count, revenue forecasts, and revenue transfers. Mr. Arellano informed the Commissioners that there was a FY2008 budget adjustment increase in December for Facilities Maintenance totaling \$25,643 for recovery of costs for additional services provided to tenants.

XIII. Recess into CLOSED session pursuant to the Texas Government Code under chapter 551 for the following purposes:

A. Pending and potential litigation, Section 551.071.

B. Personnel matters, Section 551.074.

C. The duties, roles, and responsibilities as Commissioners of the Texas Facilities Commission pursuant to Government Code, Section 551.074.

D. 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, Government Code Section 551.0726.

E. Any matters identified in this agenda where the Commissioners seek the advice of their attorney, Section 551.071.

The Commission did not conduct Executive Session.

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

The Commission did not conduct Executive Session.

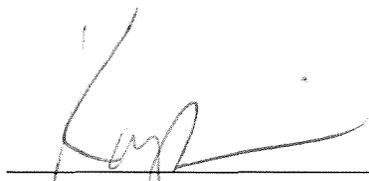
XV. Consideration and possible action, if necessary, on any issue discussed during Executive Session.

The Commission did not conduct Executive Session.

XVI. Adjournment.

Chair Reinbeck adjourned the meeting at 1:57 p.m.

Reviewed and
Submitted by:



Kay Molina
General Counsel

Approved by the Commission on the 20th day of February, 2008.

By:



Betty Reinbeck
Chair