

EXECUTIVE DIRECTOR  
Terry Keel



## Texas Facilities Commission

CHAIR  
Betty Reinbeck

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

### **Minutes No. 28      Minutes of the May 19, 2010, 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, May 19, 2010, commencing at 10:00 a.m. The following were present, and Chair Reinbeck presided:

#### **Members Present**

Betty Reinbeck	Chair
Barkley Stuart	Commissioner
Malcolm Beckendorff	Commissioner
Brant Ince	Commissioner
Derek Darby	Commissioner
Doug Hartman	Commissioner (Arrived at 10:04 a.m.)

#### **Members Absent**

Virginia Hermosa	Commissioner
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#### **Staff Present**

Terry Keel	Executive Director
Catherine Camp	Director of Human Resources
Tiffany Harry	Legal Services Division
John Raff	Deputy Executive Director, Facilities Design & Construction
Kay Molina	General Counsel
Susan Maldonado	Assistant General Counsel
Mark Scott	Director, Office of Internal Audit
Luis Arellano	Chief Financial Officer
Gregg Werkenthin	Deputy Executive Director, Space Management & State Leasing Services
Michael Phillips	Chief Information Officer
Susan Maldonado	Legal Services Division
Lisa Calem-Lindstrom	Legal Services Division
Sandy Williams	Legal Services Division
Kristy Fierro	Office of Internal Audit
Trish Perme	Office of Internal Audit
Jorge Ramirez	Deputy Executive Director, Facilities & Energy Management Division
Mike Greene	Surplus

Willie Thomas	Custodial Operations
John Goodrich	Procurement
Paul Fowler	Facilities & Energy Management Division
Karl Oberlander	Facilities Design & Construction
Chris Mansour	Facilities Design & Construction
Paul Medrano	Facilities Design & Construction
Ashley Cuellar	Space Management & State Leasing Services
Amanda Diebel	Space Management & State Leasing Services
Gayla Davis	Space Management & State Leasing Services
Bob Bugnand	Space Management & State Leasing Services
Michael Lacy	Space Management & State Leasing Services
Aundre Dukes	Space Management & State Leasing Services
Stephen Huber	Space Management & State Leasing Services
Christina Ramirez	Space Management & State Leasing Services

### **Guests**

Justin Jones	Texas Comptroller of Public Accounts (CPA)
Milton Turnipseed	TIBH Industries
Bonny Gray	Graeber Simmons & Cowan, Inc.
Geoff Howland	Chevron Energy Solutions
David Anciria	Texas Comptroller of Public Accounts (CPA)
Melissa Nelson	Legislative Budget Board (LBB)
Ed Robertson	Office of the Governor
Dorothy Turner	Texas State Auditor's Office (SAO)
Steve McNiff	Siemens
Brad Boorgose	Chevron Energy Solutions

### **I. Call to Order.**

Chair Reinbeck called the meeting to order at 10:00 a.m.

### **II. Presentation of Service Awards.**

The following employees were recognized by the Commission for their state service:

Jorge Ramirez	Five Years	Energy Management
Lisa Birchfield	Five Years	Minor Construction
Willie Ockelberry	Five Years	Grounds Maintenance
Carlos Woolf	Five Years	Grounds Maintenance
Christopher Pankratz	Five Years	Grounds Maintenance
Grytch Smoot	Five Years	Building Management
Stanton Korn	Ten Years	Fiscal
Shannon Slusser	Ten Years	Maintenance & Plant Operations
Frank Linden	Ten Years	Maintenance & Plant Operations
Israel Hinojosa	Fifteen Years	Grounds Maintenance
Mike Greene	Twenty Years	Minor Construction
Felix Cardenas	Twenty Years	Information Systems
Mark Scott	Twenty Years	Internal Audit

### **III. Approval of the Minutes from the April 21, 2010 Open Meeting.**

The Commission voted unanimously to approve the minutes from the previous meeting with a motion made by Commissioner Stuart and a second to approve the motion made by Commissioner Hartman.

**IV. Public Comment.**

There were no public comments.

**V. Award of Lease Recommendations and Summaries.**

**Lease and/or Amendments Pending Execution with Commencement Date on or after May 19, 2010.**

**New Lease**

**1. 303-0-10303 – Office of the Attorney General: Fort Worth, TX.**

The Commission unanimously voted to approve the above lease with the motion to approve made by Commissioner Darby and a second to approve the motion made by Commissioner Stuart.

**VI. Consideration and possible action to approve a construction contract change order for the Texas Department of Public Safety, Houston Crime Lab Expansion, Project No. 08-007-0405, Houston, Texas.** The Commissioners unanimously voted to approve a construction contract change order to Satterfield & Pontikes Construction, Inc. in an amount not to exceed \$887,258 for the Texas Department of Public Safety, Houston Crime Lab, Project No. 08-007-0405, Houston, Texas with a motion to approve made by Commissioner Ince and a second to approve the motion made by Commissioner Hartman.

**VII. Consideration and possible action to approve an architecture/engineering professional services contract amendment for the Texas School for the Blind and Visually Impaired Campus Improvements II, Project No. 08-013-0771, Austin, Texas.** The Commissioners unanimously voted to approve a contract amendment to Graeber Simmons & Cowan, Inc. for supplementary construction administration services and additional architectural and engineering design services in the amount of \$738,714 for the Texas School for the Blind and Visually Impaired Campus Renovations Stage III, Project No. 08-013-0771, Austin, Texas, with a motion to approve made by Commissioner Stuart and a second to approve the motion made by Commissioner Hartman.

**VIII. Consideration and possible action to enter into energy saving loans with the State Energy Conservation Office pursuant to the Request for Application for the Building Efficiency and Retrofit Revolving Loans Program of the Texas Comptroller of Public Accounts.** Jorge Ramirez gave a brief presentation on this agenda item. No motions were made.

**IX. 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.** Terry Keel gave the Commission a brief update with regards to the TFC participation and presentation before the House Select Committee on Government Efficiency & Accountability Hearing and the House Committee on State Affairs that took place on May 12, 2010.

- X. 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. Mr. Arellano informed the Commission that TFC currently has 319 FTE's (Full Time Employees) as of April 30, 2010.
- XI. Monthly Status Report from Internal Auditor, Mark Scott.** Mark Scott gave the Commission an update on TFC's migration of the current accounting system GFAS to ISAS. Internal Audit staff is finalizing the Facilities Design & Construction (FDC) division audit and will then continue the Leasing audit that was put on hold. In keeping with the 2010 audit plan, the staff will also start preliminary work on the Micro-main system audit.
- 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.**  
*Strybos & Texas Division, Sons of Confederate Veterans, Inc. v. Wallace Jefferson et al.; Third Court of Appeals, Austin, Case No. 03-07-00073-CV.*
  - 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.**

Chair Reinbeck recessed the meeting to convene in Executive Session at 10:43 a.m.

- XIII. Reconvene in open meeting and consider action on matters discussed in Executive Session.**

Chair Reinbeck reconvened the meeting at 12:22 p.m.

- XIV. Consideration and possible action, if necessary, on any issue discussed during Executive Session.**

The following action was taken as a result of Executive Session:


The Commissioners voted unanimously to delegate all legal litigation decisions that arise before the next scheduled commission meeting on *Strybos (Sweeny) & Texas Division*,

*Sons of Confederate Veterans, Inc. v. Jefferson, Perry, & Johnson, in their official capacities: 3<sup>rd</sup> Court of Appeals, Austin, Case No. 03-07-00073-CV* to Chair Reinbeck with a motion to approve made by Commissioner Stuart and a second to approve the motion made by Commissioner Beckendorff.

**XV. Adjournment.**

Chair Reinbeck adjourned the meeting at 12:23 p.m.

Reviewed and  
Submitted by:

  
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Kay Molina  
General Counsel

Approved by the Commission on the 21<sup>st</sup> day of July, 2010.

By:

  
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Betty Reinbeck  
Chair