

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. 4      Minutes of the December 6, 2007, 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 Thursday, December 6, 2007, commencing at 10:02 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

#### **Members Absent**

Stuart S. Coleman	Commissioner
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#### **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
Peter Maass	Facilities Design and Construction
John Raff	Facilities Design and Construction
Mary Jo Ingram	Facilities Design and Construction
Stan Korn	Budget & Finance
Mike Blackwell	Communications & Marketing
Kay Molina	General Counsel
Tiffany Chinnners	Legal Services Division

Susan Maldonado	Legal Services Division
Crystal Nelson	Legal Services Division
Mark Trott	Facilities Design & Construction
Ashley Holt	Leasing Division
James Barrington	Facilities Management Division
Mike Lacy	Space Management
Kenneth R. Garthune	Space Management
Courtney Lamza	Executive Administration
Kristen Blank	Executive Administration
Judy Beers	Facilities Design & Construction
Robert Yarbrough	Facilities Management

**Guests**

Kay Koehler	Jamail & Smith Construction
Chris Loflante	Texas State Library & Archives Commission

**I. Call to Order**

Chair Reinbeck called the meeting to order at 10:02 a.m.

**II. Presentation of Service Awards**

Service Awards were presented to the following TFC employees:

Robert Lopez	Five Years of Service (Federal Surplus)
Mary Hopper	Ten Years of Service (Federal Surplus)
Judy Beers	Fifteen Years of Service (Facilities Management)
Mary Jo Ingram	Twenty Years of Service (Facilities Design & Construction)
Mike Lacy	Fifteen Years of Service (Facilities Design & Construction)
Larry Smith	Fifteen Years of Service (Custodial)
Brenda Washington	Twenty Years of Service (Custodial)
Robert Yarbrough	Twenty Years of Service (Facilities Management)

**III. Approval of the Minutes from the October 17, 2007 Open Meeting**

The Commission unanimously approved the minutes with a motion made by Commissioner Stuart and a second to approve the motion made by Chair Reinbeck.

**IV. Public Comment**

There was no public comment.

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

**(1) Leases and/or Amendments Pending Execution with Commencement Date on or after December 6, 2007.**

#### Renewals

1. #6205 – Department of Assistive and Rehabilitative Services: Beaumont, TX.
2. #10523 – Department of Aging and Disability Services/Department of Family and Protective Services/Department of State Health Services: Beaumont, TX.
3. #1385 – Department of Family and Protective Services: Center, TX.
4. #7229 – Texas Department of Criminal Justice: Mineral Wells, TX.
5. #9094 – Health and Human Services Commission/Department of Family and Protective Services/Department of Assistive and Rehabilitative Services: San Marcos, TX.
6. #9148 – Office of the Attorney General: San Antonio, TX.
7. #8682 – Health and Human Services Commission/Department of Family and Protective Services: San Antonio, TX.
8. #7346 – Health and Human Services Commission: Crystal City, TX.
9. #20011 – General Land Office: Austin, TX.
10. #7310 – Health and Human Services Commission/Department of Family and Protective Services/Department of State Health Services: Pearsall, TX.
11. #1790 – Department of Assistive and Rehabilitative Services: McAllen, TX.

#### Add Space

12. #20130 – Department of Family and Protective Services: Austin, TX.
13. #10289 – Health and Human Services Commission/Texas Department of Agriculture: Austin, TX.
14. #20032 – Office of the Attorney General: Fort Worth, TX.

#### New Leases

15. #303-8-10031 – Department of Family and Protective Services: Athens, TX.
16. #303-8-10030 – Department of Family and Protective Services: Jacksonville, TX.

### **(2) Leases and/or Amendments Pending Execution with Commencement Date before December 6, 2007.**

#### Renewals

1. #8912 – Health and Human Services Commission/Department of State Health Services: Dallas, TX.
2. #9848 – Department of Assistive and Rehabilitative Services: Beaumont, TX.
3. #9778 - Railroad Commission: Houston, TX.

#### New Leases

4. #20164 – Department of Family and Protective Services: Pearland, TX.

Mr. Werkenthin introduced and highlighted leases # 6205 in Beaumont, Texas and #1790 in McAllen, Texas to inform the Commission that both of these leases include a consolidation of another lease and are determined the best value for the state.

The Commission unanimously voted to approve the following leases and/or amendments with a motion to approve made by Commissioner Leal and a second to approve the motion made by Commissioner Stuart. Item A (1) #14 regarding add space for the Office of the Attorney General in Fort Worth, Texas was pulled from the agenda at the request of the Attorney General's office.

**VI. Consideration and possible action to award a contract to Robles & Sons, Inc., in the amount of \$136,650 for the Lorenzo de Zavala Library and Archives Asbestos Abatement, Project No. 06-001-4005, Austin, Texas.** The Commission unanimously voted to approve the award of the contract to Robles & Sons, Inc. for the amount of \$136,650 for the Lorenzo de Zavala Library and Archives Asbestos Abatement, Project No. 06-001-4005, with a motion made by Commissioner Leal and a second to approve the motion made by Commissioner Stuart.

**VII. Consideration and possible action to adopt a resolution authorizing a request for financing of \$32,000,000 of various capital improvement projects authorized by the 80<sup>th</sup> Texas Legislature and financed through the Texas Public Finance Authority (TPFA).** Mr. Johnson introduced and reminded the Commission that the financing is for the remaining deferred maintenance funds appropriated to the Texas Facilities Commission by the 80<sup>th</sup> Texas Legislature and that the resolution is a part of the formal process of requesting the G.O. Bond financing from the Texas Public Finance Authority.

The Commission unanimously voted to adopt the resolution authorizing a request for financing of \$32,000,000 of various capital improvement projects authorized by the 80<sup>th</sup> Texas Legislature and financed through the Texas Public Finance Authority (TPFA), with a motion made by Commissioner Stuart and a second to approve the motion made by Commissioner Duncan.

**VIII. Consideration and possible action to approve commencement of a statutory 4-year rule review related to Texas Administrative Code, Title 1, Part 5, Chapter 111, entitled *Executive Administration Division*; Chapter 115, entitled *Facilities Leasing Program*; and Chapter 122, entitled *Facilities Space Planning*, and publication of required notice of the proposed rule reviews in the *Texas Register*.** Mr. Johnson stated that the law requires the Texas Facilities Commission to review its rules every four years and the posting in the Texas Register notifies the public of that review.

The Commission unanimously voted to approve commencement of the statutory rule review with a motion made by Commissioner Leal and a second to approve the motion made by Commissioner Duncan.

**IX. Consideration and possible action to award a construction contract for the New District Office for the Texas Department of Public Safety, Project No. 06-003-0405, Bryan, Texas.** This item was pulled from the agenda.

**X. Consideration and possible action to amend the current professional services contract for Architectural/Engineering services with Ford, Powell & Carson for the renovation of Floors 4 through 8 and various deferred maintenance items for the Stephen F. Austin Building Renovation, Project No. 08-022-6101, Austin, Texas.** Mr. Johnson introduced and clarified that the Architectural and Engineering work would not last the entire 24 months of the project but that the A/E work with Ford, Powell & Carson would be completed within the early months of the project.

The Commission unanimously voted to approve the amendment to the current professional services contract for Architectural/Engineering services with Ford, Powell & Carson for the renovation of Floors 4 through 8 and various deferred maintenance items for the Stephen F.

Austin Building Renovation, Project No. 08-022-6101, with a motion made by Commissioner Duncan and a second to approve the motion made by Commissioner Stuart.

**XI. Consideration and possible action to award a construction contract for renovations for the Texas Board of Architectural Examiners (TBAE) Offices, Project No. 07-003-0459, Austin, Texas.** This item was pulled from the agenda.

**XII. October 2007 Financial Report.** Luis Arellano informed the Commissioners that utility costs are rising but that the Commission was looking at ways to conserve energy in the Capitol Complex. However, he pointed out that the rising costs are rising due to fuel charge cost and not consumption. Commissioner Leal stated that he has ideas to share with the staff regarding conservation. Mr. Arellano gave a breakdown of full time employee [FTE] numbers and the FTE breakdown for each division of the agency. In addition, he stated that he will provide a hard copy of this breakdown in future financial reports. Mr. Arellano also discussed the agency revenue forecast and stated that 40% of the Commission budget is either earned or collected. In addition, he pointed out that salaries and utilities make up 75% of that budget.

**XIII. THE FOLLOWING MAY BE DISCUSSED IN EXECUTIVE SESSION OR OPEN MEETING AND HAVE ACTION TAKEN IN AN OPEN MEETING:**

**(1) Government Code §551.074(a)(1) The Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of the Executive Director**

**(2) Government Code §551.074(a)(1) The Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of the Internal Auditor**

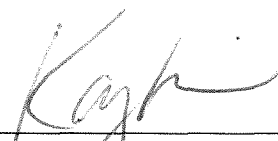
**(3) Government Code §551.071(2) All Matters Identified in This Agenda Where the Commission Seeks the Advice of Their Attorney as Privileged Communications under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas and to Discuss the Open Meetings Act and the Administrative Procedures Act.**

**(4) Government Code §551.0726 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.**

Chair Reinbeck recessed the open meeting at 11:32 a.m. to convene in Executive Session pursuant to the Texas Government Code, Sections 551.071 and 551.074 of the Open Meetings Act. Chair Reinbeck reconvened the open meeting at 12:55 p.m.

**XIV. Adjournment.** Chair Reinbeck adjourned the meeting at 12:56 p.m.

Reviewed and  
Submitted by:

  
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Kay Molina  
General Counsel

Approved by the Commission on the 23<sup>rd</sup> day of January, 2007.

By: Betty Reinbeck  
Betty Reinbeck  
Chair