

EXECUTIVE DIRECTOR
Edward L. Johnson



CHAIR
Betty Reinbeck

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

Texas Facilities Commission

Minutes No. 19 Minutes of the August 19, 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, August 19, 2009, commencing at 10:03 a.m. The following were present, and Chair Reinbeck presided:

Members Present

Betty Reinbeck	Chair
Malcolm E. Beckendorff	Commissioner
Brant C. Ince	Commissioner
Derek Darby	Commissioner

Members Absent

Virginia Hermosa	Commissioner
Barkley Stuart	Commissioner

Staff Present

Edward Johnson	Executive Director
Kay Molina	General Counsel
Mark Scott	Director, Internal Audit
Luis Arellano	Chief Financial Officer
Stephen Thomas	Deputy Executive Director, Administration
Gregg Werkenthin	Deputy Executive Director, Space Management & State Leasing Services
Richard Ehlert	Internal Procurement
Stanton Korn	Fiscal
Jamie Barrington	Deputy Executive Director, Facilities Management Division
Dana Williams	Facilities Management Division
Michael Phillips	Chief Information Officer
Tiffany Harry	Legal Services Division
Crystal Nelson	Legal Services Division
Lisa Calem-Lindstrom	Legal Services Division
Kristy Fierro	Internal Audit
Mike Blackwell	Publications & Media
Jorge Ramirez	Deputy Executive Director, Energy Management & Plant Operations
Mark White	Energy Management & Plant Operations
Bill Bonham	Deputy Executive Director, Facilities Design & Construction

Mary Jo Ingram	Facilities Design & Construction
John Raff	Facilities Design & Construction
James Woods	Facilities Design & Construction
Thursten Simonsen	Facilities Design & Construction
David Carlton	Facilities Design & Construction
Dennis Petras	Facilities Design & Construction
Sonynora Points	Facilities Design & Construction
Paulinda Mackie	Facilities Design & Construction
Juana Reyes	Facilities Design & Construction
Mark Trott	Facilities Design & Construction
Marti Walsh	Facilities Design & Construction
Jim Overton	Facilities Design & Construction
Joel Fufts	Facilities Design & Constructio
Mike Holeman	Facilities Design & Construction
Tom Forrest	Facilities Design & Construction
Ashley Holt	Space Management & State Leasing Services
Gayla Davis	Space Management & State Leasing Services
Michael Lacy	Space Management & State Leasing Services
Lisa Hardin	Executive Administration

Guests

David Ancira	Texas Comptroller of Public Accounts (CPA)
Jessica Gomez	URS
Demetrio Hernandez	LBB (Legislative Budget Board)
Micheal Powers	Centera

- I. Call to Order.** Chair Reinbeck called the meeting to order at 10:03 a.m.
- II. Approval of the Minutes from the July 15, 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 Ince.
- 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 August 19, 2009.

Renewals

- 1. #8670 – Department of Family and Protective Services/Human and Human Services Commission: Borger, TX.

Add Space

- 2. #20152 – Texas Education Agency: Austin, TX.
- 3. #10352 – Texas Department of Criminal Justice: Austin, TX.

New Leases

- 4. #303-9-11663 – Office of the Attorney General: San Antonio, TX.

5. #303-9-11951– Health and Human Services Commission/Department of Assistive and Rehabilitative Services: Round Rock, TX.

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

V. Consideration and possible action to approve commencement of a statutory 4-year rule review related to Texas Administrative Code, Title 1, Part 5, Chapter 116, entitled Property Management Division, and publication of required notice of the proposed rule review in the Texas Register.

The Commission unanimously voted to approve commencement of a statutory 4-year rule review related to Texas Administrative Code, Title 1, Part 5, Chapter 116, entitled Property Management Division, and publication of required notice of the proposed rule review in the Texas Register with a motion to approve made by Commissioner Beckendorff and a second to approve the motion made by Commissioner Darby.

VI. 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.

John Raff (Facilities Design & Construction) gave a program overview and status update to the Commission on the Department of Public Safety current and ongoing projects. Jorge Ramirez (Energy Management & Plant Operations) gave a brief presentation to the Commission on the HHSC TIERS Data Center project.

VII. 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. Three budget adjustments were made last month due to increases in revenue to the cost recovery areas. All cost recovery programs are where they need to be or better with the exception of the recycling program. The revenue forecast continues to be on target. Mr. Arellano also informed the Commission that the TFC currently has 329.5 FTE's (Full Time Employees) which puts TFC at a 97% filled rate, the highest it has been all year. In addition, TFC has received approval for \$28.3 million from the LBB for deferred maintenance through GO (General Obligation) Bonds and are working with TPFA (Texas Public Finance Authority) to draw those funds.

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

Mark Scott gave the Commission a brief update on the ongoing audits by the Internal Audit Division including the Contract Administration and Monitoring and Human Resources audit. Mr. Scott also stated that he and his staff have begun work on an annual risk assessment and the development of the 2010 Annual Audit Plan.

IX. Appointment of Interim Executive Director.

Edward Johnson officially resigned his position as Executive Director effective August 28, 2009. Commissioner Beckendorff made a motion to appoint Tom Forrest as the Interim Executive Director effective August 28, 2009 at close of business with a second to approve the motion made by Commission Darby. All Commissioners present voted in favor of the motion.

X. 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 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.

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

Chair Reinbeck reconvened the meeting at 12:28 p.m.


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

Chair Reinbeck addressed the previous agenda item IX relating to the Appointment of Interim Executive Director. See discussion above.

XIII. 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 16th day of September, 2009.

By:


 Betty Reinbeck
 Chair