

EXECUTIVE DIRECTOR  
Edward L. Johnson



## Texas Facilities Commission

CHAIR  
Betty Reinbeck

COMMISSIONERS  
Malcolm E. Beckendorff  
James S. Duncan  
Virginia Hermosa  
Victor E. Leal  
Barkley J. Stuart

### **Minutes No. 8      Minutes of the April 16, 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 Wednesday, April 16, 2008, commencing at 10:00 a.m. The following were present, and Chair Reinbeck presided:

#### **Members Present**

Betty Reinbeck	Chair
Malcolm E. Beckendorff	Commissioner
James S. Duncan	Commissioner
Virginia Hermosa	Commissioner
Victor Leal	Commissioner
Barkley J. Stuart	Commissioner

#### **Staff Present**

Edward Johnson	Executive Director
Kay Molina	General Counsel
Mark Scott	Director, Internal Audit
Patricia Perme	Internal Audit
Kristy Fierro	Internal Audit
Luis Arellano	Chief Financial Officer
Stephen Thomas	Deputy Executive Director for Administration
Gregg Werkenthin	Deputy Executive Director for Space Management
James Barrington	Director, Facilities Management Division
David Mascorro	Facilities Management Division
Richard Ehlert	Procurement Manager/HUB Coordinator
Bill Bonham	Director, Facilities Design and Construction
Susan Maldonado	Legal Services Division
Lisa Calem-Lindström	Legal Services Division
Crystal Nelson	Legal Services Division
Tiffany Chinnors	Legal Services Division
Mike Blackwell	Marketing
Mark Trott	Facilities Design & Construction
Marty Walsh	Facilities Design & Construction
Dennis Petras	Facilities Design & Construction

Ronnie Hardin	Facilities Design & Construction
James Wood	Facilities Design & Construction
Paul Medrano	Facilities Design & Construction
Ashley Holt	Leasing Division
Courtney Lamza	Executive Administration
Kristen Blank	Executive Administration
Paul Botello	Fiscal Administration
Amy Schoenfeld	Fiscal Administration
Jose Capurro	Grounds Maintenance

**Guests**

David Ancira	Texas Comptroller of Public Accounts (CPA)
Christina Bryant	TIBH Industries Inc.
Chief Lester Mills	Department of Public Safety (DPS)
Tavia Wendlandt	Department of Public Safety (DPS)
Dorothy Turner	State Auditors Office (SAO)

**I. Call to Order.**

Chair Reinbeck called the meeting to order.

**II. Approval of the Minutes from the March 19, 2008 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.**

**(1). Leases and/or Amendments Pending Execution with Commencement Date on or after April 16, 2008.**

**Extensions**

1. #10068 – Health and Human Services Commission: Austin, TX.
2. #8524 – Office of the Attorney General: Tyler, TX.

**Renewals**

3. #8922 – Health and Human Services Commission: Killeen, TX.
4. #20035 – Department of State Health Services: Canyon, TX.
5. #10623 – Texas Department of Criminal Justice: Denton, TX.
6. #1048 – Department of Family and Protective Services: Angleton, TX.
7. #20050 – Office of the Attorney General: Temple, TX.

8. #1469 – Department of Assistive and Rehabilitative Services: Clear Lake, TX.
9. #20036 – Texas Department of Criminal Justice: Huntsville, TX.
10. #1684 – Health and Human Services Commission: Fabens, TX.
11. #10298 – Texas Department of Criminal Justice: Haltom City, TX.

### **New Leases**

12. #303-8-10985 – Department of Family and Protective Services: McAllen, TX.

### **(2). Leases and/or Amendments Pending Execution with Commencement Date before April 16, 2008.**

### **Renewals**

13. #6728 – Comptroller of Public Accounts/Railroad Commission: Austin, TX.

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 Beckendorff.

**V. Consideration and possible action to approve a contract award to Clinical Image Management Systems, LLP in the amount of \$466,330 for the purchase and installation of digital radiology equipment for the Department of State Health Services Texas Center for Infectious Disease, Project No. 04-011B-0537, San Antonio, Texas.** Edward Johnson explained to the Commission that this contract is for radiology equipment to be used in an existing radiology lab. In addition, staff answered questions regarding the procurement of the services as well as payment after final installation and testing. The Commission unanimously voted to approve the award of a construction contract to Clinical Image Management Systems, LLP for the amount of \$466,330 for the purchase and installation of digital radiology equipment for the Department of State Health Service Texas Center in San Antonio, Texas, Project No. 04-011B-0537, with the motion made by Commissioner Stuart and a second to approve the motion made by Commissioner Hermosa.

**VI. Consideration and possible action to approve a construction contract award to Brazos Valley Services in the amount of \$178,211 for the Texas Department of Public Safety Bryan District Office waterline extension, Project No. 06-003-0405, Bryan, Texas.** Edward Johnson explained the necessity of this contract to get water to the site and Chief Lester Mills of DPS addressed the Commission to further explain the layout of the site for the project. The Commission unanimously voted to approve the award of a construction contract to Brazos Valley Services in the amount of \$178,211 for the Texas Department of Public Safety Bryan District Office waterline extension in Bryan, Texas, Project No. 06-003-0405, with the motion made by Commissioner Stuart and a second to approve the motion made by Commissioner Duncan.

**VII. Consideration and possible action to approve a contract award for architectural and engineering design for the Texas Department of Public Safety Abilene Crime Laboratory Expansion, Project No. 08-001-0405, Abilene, Texas.** This item was pulled from the agenda.

**VIII. Consideration and possible action to approve a contract award for architectural and engineering design for the Texas Department of Public Safety Corpus Christi Crime Laboratory, Project No. 08-003-0405, Corpus Christi, Texas.** This item was pulled from the agenda.

**IX. Consideration and possible action to approve a contract award for architectural and engineering design for the Texas Department of Public Safety Hidalgo County Regional Office, Project No. 08-011-0405, Hidalgo County, Texas.** This item was pulled from the agenda.

**X. Consideration and possible action to approve a contract award for architectural and engineering design for the Texas Department of Public Safety El Paso Crime Laboratory, Project No. 08-004-0405, El Paso, Texas.** This item was pulled from the agenda.

**XI. Consideration and possible action to approve a contract award for architectural and engineering design for the Texas Department of Public Safety Lubbock Regional Office, Project No. 08-009-0405, Lubbock, Texas.** This item was pulled from the agenda.

**XII. Consideration and action to approve publication of notices in the Texas Register concerning completion of agency rule review of Title 1, Chapter 115 (Texas Facilities Commission; Facilities Leasing Program) of the Texas Administrative Code by readoption with amendment and proposed rule amendments for public comment.** The Commission unanimously voted to approve the publication of the notices in the *Texas Register* concerning completion of agency rule review of Title 1, Chapter 115 (Texas Facilities Commission; Facilities Space Planning) of the Texas Administrative Code by readoption with amendment and proposed rule amendments for public comment, with the motion to approve made by Commissioner Stuart and a second to approve the motion made by Commissioner Hermosa.

**XIII. Consideration and possible action to adopt administrative policies for the Texas Facilities Commission.** Chair Reinbeck informed the staff and Commission that the administrative policy discussion would not result in an action taken by the Commission today and further stated that she had tasked Commissioners Stuart and Beckendorff to work directly with staff to gain a better understanding of the policies and rationale as purposed by staff and then prepare draft policies for the Commission to consider and review for approval by the Commission.

**XIV. Status Report from Internal Auditor, Mark Scott.** Mark Scott gave the Commissioners a status update on the agency's audits. He stated that the Performance Measure Audit Report was issued on March 19, 2008 and found that the Commission met its performance targets and reports performance measures correctly. In addition, Mr. Scott informed the Commission that his staff is currently undergoing a Required Maintenance and Warranty Retention Audit which will address whether maintenance projects are scheduled in a timely manner to ensure warranty retention, prevent loss of warranty benefits, and avoid additional cost to the State for repair and replacement of building components. Mr. Scott also informed the Commissioners that there will be an audit of the agency's contracting processes with an emphasis on the procurement of such contracts.

**XV. Report from the Executive Director and executive staff on facilities design and construction projects, facilities leasing, and facilities operations and maintenance.**

*Executive Summaries*

Edward Johnson recommended to the Commission that with the next legislative session beginning in January and the agency's Legislative Appropriations Request due in August, the Commission needed to start preparing recommendations for the next biennium.

Gregg Werkenthin gave the Commission a brief summary of the growth in the State's leasing portfolio and what he anticipates to be a continuing trend.

Bill Bonham from Facilities Design & Construction presented the Commissioners with a status report on current and upcoming projects. In addition, Mr. Bonham pointed out the ongoing recruiting effort for their division and stated that they have been interviewing qualified candidates to fill their ten vacant positions.

Jamie Barrington gave the Commission a brief report of the status of the Facilities Maintenance Division and stated that the agency continues to explore various methods to reduce energy consumption.

**XVI. Report from Deputy Executive Director of Administration on staffing trends and human resources activities.** Stephen Thomas reported to the Commission that at this time the agency is authorized to staff 330.5 employees and answered questions about authorizing additional FTEs. In addition, Mr. Thomas stated that there are currently 25 vacant positions that are posted. Mr. Thomas summarized his report by stating that the work force has stabilized, the attrition rate has dropped off, recruitment efforts are going well, and workers compensation claims have dropped off.

**XVII. Report from the Chief Financial Officer on the March 2008 Financial Report.** Luis Arellano presented a brief financial update to the Commission. Mr. Arellano summarized the monthly operating expenditures and reported that the agency continues to suffer a shortfall in the utility budget. In response to questions from the Commissioners, Mr. Arellano informed the Commission that he anticipates that shortfall will be at least \$1.5 million and that the agency will run out of funds to cover utilities by June of next year but stated to cover such shortfall that the Commission would seek a supplemental appropriation during the next legislative session.

**XVIII. Discussion regarding the purchase, exchange, lease and value of real property located in Austin, Travis County, listed on the real property inventory of the Commission.** This agenda item was discussed during Executive Session and no action was taken.

**XIX. 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. Personnel matters, 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 at 12:17 p.m. for the Commissioners to convene in Executive Session.

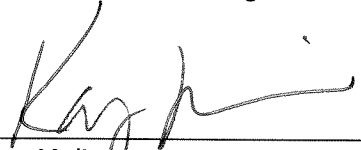
**XX. Reconvene in open meeting and consider action on matters discussed in Executive Session.** Chair Reinbeck reconvened the meeting at 1:50 p.m.

**XXI. Consideration and possible action, if necessary, on any issue discussed during Executive Session.** No action was taken.

**XXII. Adjournment.**

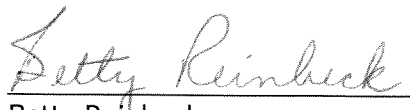
Chair Reinbeck adjourned the meeting at 1:53 p.m.

Reviewed and  
Submitted by:

  
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Kay Molina  
General Counsel

Approved by the Commission on the 21<sup>st</sup> day of May, 2008.

By:

  
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Betty Reinbeck  
Chair