

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. 9 Minutes of the May 21, 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, May 21, 2008, commencing at 10:02 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 (Arrived at 10:10 a.m.)
Victor Leal	Commissioner (Arrived at 10:30 a.m.)
Barkley J. Stuart	Commissioner

Staff Present

Edward Johnson	Executive Director
Kay Molina	General Counsel
Mark Scott	Director, Internal Audit
Kristy Fierro	Internal Audit
Luis Arellano	Chief Financial Officer
Gregg Werkenthin	Deputy Executive Director for Space Management
James Barrington	Director, 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 Harry	Legal Services Division
Mike Blackwell	Marketing & Communications
Mark Trott	Facilities Design & Construction
Marti Walsh	Facilities Design & Construction
Peter Maass	Facilities Design & Construction
Thursten Simonsen	Facilities Design & Construction

John Raff	Facilities Design & Construction
Tom Forest	Facilities Design & Construction
James Wood	Facilities Design & Construction
Dennis Petras	Facilities Design & Construction
Carl Oberander	Facilities Design & Construction
Ashley Holt	Leasing Division
Courtney Lamza	Executive Administration
Kristen Blank	Executive Administration

Guests

David Ancira	Texas Comptroller of Public Accounts (CPA)
Mark Nelson	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)
Andy Mokry	Department of Public Safety (DPS)
Dorothy Turner	State Auditors Office (SAO)
Greg Conaway	Randall Scott Architects
Demetrio Hernandez	Legislative Budget Board (LBB)
Jessica Gomez	LopezGarcia Group
Juan Sierra	LopezGarcia Group
Joe Rapier	Parkhill, Smith, and Cooper
Jeff Bricker	PageSoutherlandPage

I. Call to Order.

Chair Reinbeck called the meeting to order.

II. Approval of the Minutes from the April 21, 2008 Open Meeting.

The Commission voted unanimously to approve the minutes from the previous meeting with the addition of a minor wording revision to item XIII requested by Commissioner Duncan with a motion made by Commissioner Beckendorff and a second to approve the motion made by Commissioner Stuart. Commissioner Leal was not present for the vote.

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 May 21, 2008.

Renewals

1. #7313 – Health and Human Services Commission: El Paso, TX.
2. #20011 – General Land Office: Austin, TX.

3. #1055 – Department of Assistive and Rehabilitative Services: Houston, TX.
4. #1094 – Department of Family and Protective Services: Boerne, TX.
5. #10134 – Health and Human Services Commission: Mathis, TX.
6. #9959 – Department of Family and Protective Services: Bryan, TX.
7. #9518 – Texas Animal Health Commission: Austin, TX.
8. #10168 – Health and Human Services Commission: Port Isabel, TX.
9. #10150 – Department of Aging and Disability Services: Harlingen, TX.
10. #8497 – Texas Department of Criminal Justice: Midland, TX.
11. #20012 – State Securities Board: Houston, TX.

Add Space

12. #6119 – Office of the Attorney General: Houston, TX.
13. #9094 – Health and Human Services Commission/Department of Family and Protective Services/Department of Assistive and Rehabilitative Services: San Marcos, TX.

New Leases

14. #20194 – Health and Human Services Commission: Hempstead, TX.
15. #20192 – General Land Office: Austin, TX.
16. #303-8-11007 – Health and Human Services Commission: San Antonio, TX.

The Commission unanimously voted to approve the above leases and/or amendments with the motion to approve made by Commissioner Stuart and a second to approve the motion made by Commissioner Beckendorff. Commissioner Leal was not present for the vote.

V. Consideration and possible action to approve a contract amendment to Halff Associates, Inc. for architectural and engineering design services for the Texas School for the Blind and Visually Impaired Independent Living Facilities Site Adaptation, Project No. 06-006-0771, Austin, Texas. The Commission unanimously voted to approve the award of the architectural and engineering contract to Halff Associates, Inc. in the amount of \$640,401 for the Texas School for the Blind and Visually Impaired Independent Living Facilities Site Adaptation, Project No. 06-006-0771, Austin, Texas, with a motion made by Commissioner Beckendorff and a second to approve the motion made by Commissioner Duncan.

VI. Consideration and possible action to approve a contract award to the Fercam Group for professional environmental engineering and asbestos abatement project management services for the Stephen F. Austin Renovation and Deferred Maintenance Project, Project No. 08-022-6101, Austin, Texas. The Commission unanimously voted to approve the award of the contract to Fercam Group in the amount of \$169,676 for professional environmental engineering and asbestos abatement project management services for the Stephen F. Austin Renovation and Deferred Maintenance Project, Project No. 08-022-6101, Austin, Texas with a motion made by Commissioner Duncan and a second to approve the motion made by Commissioner Hermosa.

VII. Consideration and possible action to approve a contract award to Jacobs Carter Burgess for architectural and engineering design services for the Lyndon B. Johnson Data Center Relocation, Project No. 08-077-7086, Austin, Texas. Thursten Simonsen addressed the Commission and gave a brief summary of the data center move and needs of the Texas Comptroller of Public Accounts (CPA). Commissioner Duncan requested staff to include in the briefing materials provided to the Commissioners the name of the project manager assigned to this project and the percentage of that individual's time that will be dedicated to the project. The Commission unanimously voted to approve the award of the architectural and engineering design services contract to Carter & Burgess, Inc. in the amount of \$394,104 for the Lyndon B. Johnson Data Center Relocation, Project No. 08-077-7086, Austin, Texas, with a motion made by Commissioner Duncan and a second to approve the motion made by Commissioner Beckendorff. Commissioner Leal was not present for the vote.

VIII. Consideration and possible action to approve a contract award to the LopezGarcia Group for architectural and engineering design services for the Texas Department of Public Safety Emergency Vehicles Operations Course, Project No. 08-004A-0405, Florence, Texas. The Commission unanimously voted to approve the award of the architectural and engineering design services to LopezGarcia Group in the amount of \$1,843,399.50 for the Texas Department of Public Safety Emergency Vehicles Operations Course, corrected Project No. 08-006A-0405, Florence, Texas, with a motion made by Commissioner Duncan and a second to approve the motion made by Commissioner Leal.

IX. Consideration and possible action to approve a contract award to Randall Scott Architects, Inc. for architectural and engineering design services for the Texas Department of Public Safety Emergency Vehicles Operations Course (Facilities), Project No. 08-004B-0405, Florence, Texas. The Commission unanimously voted to approve the award of the architectural and engineering design services contract to Randall Scott Architects, Inc. in the amount of \$948,789 for the Texas Department of Public Safety Emergency Vehicles Operations Course (Facilities), corrected Project No. 08-006B-0405, Florence, Texas with a motion made by Commissioner Beckendorff and a second to approve the motion made by Commissioner Stuart.

X. Consideration and possible action to approve a contract award to PageSoutherlandPage, LLP for architectural and engineering design services for the Texas Department of Public Safety Abilene Crime Laboratory Expansion, Project No. 08-001-0405, Abilene, Texas. In response to a question from Commission Duncan, Jeff Bricker from PageSoutherlandPage stated that Darrell Komo will be the Project Manager on this project and the Corpus Christi (XI) and Hidalgo County (XII) projects and in charge of all day to day operations. The Commission unanimously voted to approve the award of the architectural and engineering design services contract to PageSoutherlandPage, LLP in the amount of \$317,000 for the Texas Department of Public Safety Abilene Crime Laboratory Expansion, Project No. 08-001-0405, Abilene, Texas with a motion made by Commissioner Hermosa and a second to approve the motion made by Commissioner Leal.

XI. Consideration and possible action to approve a contract award to PageSoutherlandPage, LLP for architectural and engineering design services for the Texas Department of Public Safety Corpus Christi Crime Laboratory, Project No. 08-003-0405, Corpus Christi, Texas. The Commission unanimously voted to approve the award of the architectural and engineering design services contract to PageSoutherlandPage,

LLP in the amount of \$783,544 for the Texas Department of Public Safety Corpus Christi Crime Laboratory, Project No. 08-003-0405, Corpus Christi, Texas with a motion made by Commissioner Beckendorff and a second to approve the motion made by Commissioner Stuart.

XII. Consideration and possible action to approve a contract award to PageSoutherlandPage, LLP for architectural and engineering design services for the Texas Department of Public Safety Hidalgo County Regional Office, Project No. 08-011-0405, Hidalgo County, Texas. The Commission unanimously voted to approve the award of the architectural and engineering design services contract to PageSoutherlandPage in the amount of \$2,311,700 for the Department of Public Safety Hidalgo County Regional Office, Project No. 08-011-0405, Hidalgo County, Texas, with a motion made by Commissioner Stuart and a second to approve the motion made by Commissioner Hermosa.

XIII. Consideration and possible action to approve a contract award to Parkhill, Smith and Cooper for architectural and engineering design services for the Texas Department of Public Safety El Paso Crime Laboratory, Project No. 08-004-0405, El Paso, Texas. In response to a question from Commissioner Duncan, Joe Rapiere from Parkhill, Smith and Cooper stated that Gary D. Paquette will be the Project Manager in charge of this and the Lubbock (XIV) project and in charge of day to day operations. The Commission unanimously voted to approve the award of the architectural and engineering design services contract to Parkhill, Smith and Cooper in the amount of \$504,776 for the Texas Department of Public Safety El Paso Crime Laboratory, Project No. 08-004-0405, El Paso, Texas, with a motion made by Commissioner Leal and a second to approve the motion made by Commissioner Beckendorff.

XIV. Consideration and possible action to approve a contract award to Parkhill, Smith and Cooper for architectural and engineering design services for the Texas Department of Public Safety Lubbock Regional Office, Project No. 08-009-0405, Lubbock, Texas. The Commission unanimously voted to approve the award of the architectural and engineering design services contract to Parkhill, Smith and Cooper in the amount \$2,353,772 for the Texas Department of Public Safety Lubbock Regional Office, Project No. 08-009-0405, Lubbock, Texas, with a motion made by Commissioner Beckendorff and a second to approve the motion made by Commissioner Hermosa.

XV. Consideration and possible action to adopt Title 1, Chapter 122 (Texas Facilities Commission; Space Management) of the Texas Administrative Code, as proposed in 33 Tex. Reg. 2763, and to approve publication of the adopted rules in the Texas Register. The Commission unanimously voted to adopt Title 1, Chapter 122 of the Texas Administrative code as proposed in 33 Tex. Reg. 2763, and publish the adopted rules in the Texas Register with a motion made by Commissioner Leal and a second to approve the motion made by Commissioner Stuart. Commissioner Duncan was not present for the vote.

XVI. Consideration and possible action to approve publication of notice in the Texas Register concerning completion of agency rule review of Title 1, Chapter 111 (Texas Facilities Commission; Executive Administration Division) of the Texas Administrative Code by repeal and publication of concurrent notices in the Texas Register of proposed repeal of Chapter 111 and proposed new Chapter 111 for public comment. The Commission unanimously voted to approve the publication of notice in the Texas Register of the completion of the agency rule review of Title 1, Chapter 111 of the

Texas Administrative Code by repeal and publication of concurrent notices in the Texas Register of proposed repeal of Chapter 111 and proposed new Chapter 111 for public comment with a motion made by Commissioner Stuart and a second to approve the motion made by Commissioner Leal.

XVII. Consideration and possible action to adopt administrative policies for the Texas Facilities Commission. Commissioners Stuart and Beckendorff reported that they continue to work directly with staff to gain a better understanding of the policies in order to begin preparing a revised draft of the policies for the Commission to review and consider.

XVIII. Status Report from Internal Auditor, Mark Scott. Mark Scott gave a brief overview of the most recent TFC Audit results on Warranty Management throughout the agency.

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

Edward Johnson reported to the Commission that the FMD reports were updated and that he is working with staff to update the standard monthly report in order to bring more useful information to the Commission meeting.

Thursten Simonsen addressed the Commission, providing an update on the Deferred Maintenance program. He informed the Commission that initial reports from the contracted A/E firms should be received by the Commission at the end of the month and then negotiations for full design and construction administration services will begin. It is the intent of the staff to award the design contract and/or amendments at the July 2008 Commission meeting. The proposed method of construction and implementation was also presented and discussed.

Gregg Werkenthin reiterated to the Commissioners that the goal when leasing is always to secure a full service lease, if possible, because it allows an agency to pay one rent that includes utilities and janitorial services. Mr. Werkenthin also informed the Commission that brokers were not used in any of the lease transactions approved today, and that they were all coordinated in-house through his staff of regional leasing officers which nets a zero charge to an agency because there is no commission.

Bill Bonham answered questions regarding the reports on IDQ Contracts, project status, and total project costs.

XX. Report from the Chief Financial Officer on the April 2008 Financial Report.

Luis Arellano gave the Commissioners a brief overview of expenditures for the month including utility shortfalls, the data consolidation contract with DIR, the Facilities Master Plan, and budget adjustments. Mr. Arellano informed the Commission that all past accounts receivables have been collected. Mr. Arellano also updated the Commission that the \$32 million in GO bonds for deferred maintenance has not yet been approved by the Legislative Budget Board.

XXI. 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. No discussion was held regarding this item.

XXII. 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 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 12:38 p.m. for the Commissioners to convene in Executive Session.

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

Chair Reinbeck reconvened the meeting at 1:40 p.m.


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

No action was taken.

XXV. Adjournment.

Chair Reinbeck adjourned the meeting at 1:41 p.m.


Reviewed and
Submitted by:



Kay Molina
General Counsel

Approved by the Commission on the 18th day of June, 2008.

By:


Betty Reinbeck
Chair