

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. 17 Minutes of the May 20, 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, May 20, 2009, commencing at 10:00 a.m. Chair Reinbeck recessed the meeting briefly at 10:31 a.m. and reconvened the meeting at 10:35 a.m. The following were present, and Chair Reinbeck presided:

Members Present

Betty Reinbeck	Chair
Malcolm E. Beckendorff	Commissioner
Derek Darby	Commissioner
Virginia Hermosa	Commissioner
Barkley Stuart	Commissioner
Brant C. Ince	Commissioner (Arrived 10:31 a.m.)

Staff Present

Edward Johnson	Executive Director
Kay Molina	General Counsel
Mark Scott	Director, Internal Audit
Stephen Thomas	Deputy Executive Director, Administration
Luis Arellano	Chief Financial Officer
Gregg Werkenthin	Deputy Executive Director, Space Management & State Leasing Services
Richard Ehlert	Internal Procurement
John Goodrich	Internal Procurement
Jamie Barrington	Director, Facilities Management Division
Bill Bonham	Deputy Executive Director, Facilities Design & Construction
Tiffany Harry	Legal Services Division
Susan Maldonado	Legal Services Division
Crystal Nelson	Legal Services Division
Lisa Calem-Lindstrom	Legal Services Division
Kristy Fierro	Internal Audit
Trish Perme	Internal Audit
Mike Blackwell	Publications & Media
Jorge Ramirez	Director, Energy Management & Plant Operations
Mark Trott	Facilities Design & Construction
Mary Jo Ingram	Facilities Design & Construction
Sarah English	Facilities Design & Construction

John Raff	Facilities Design & Construction
Mike Holeman	Facilities Design & Construction
Tom Forrest	Facilities Design & Construction
Dennis Petras	Facilities Design & Construction
Mike Holeman	Director of A/E Tech Support
Kelsey Peeler	Executive Administration
Ashley Holt	Space Management & State Leasing Services
Gayla Davis	Space Management & State Leasing Services
Michael Lacy	Space Management & State Leasing Services
Aundre Dukes	Space Management & State Leasing Services
Lisa Hardin	Executive Administration

Guests

David Ancira	Texas Comptroller of Public Accounts (CPA)
Wendy Hernandez	TIBH

- I. Call to Order.** Chair Reinbeck called the meeting to order.
- II. Approval of the Minutes from the April 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 Darby.
- 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 May 20, 2009.

Renewals

- 1. #8548 – Department of Family and Protective Services: Corpus Christi, TX.

Add Space

- 2. #20209 – Department of Family and Protective Services: Houston, TX.

New Lease

- 3. #303-9-10833 – Department of Family and Protective Services/Department of State Health Services: Seven Points, 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 Hermosa.

- V. Consideration and possible action to approve the Child Care Operations and Management Agreement with Rosewood Oaks, LLC d/b/a Rosewood Oaks Primary and extension of the accompanying lease of the 0.7 acre facility located at 1507 Lavaca Street, Austin, Texas 78701 for the operation of the**

State of Texas day-care center. The Commission voted unanimously to approve the Child Care Operations and Management Agreement with Rosewood Oaks, LLC d/b/a Rosewood Oaks Primary and extension of the accompanying lease of the 0.7 acre facility located at 1507 Lavaca Street, Austin, Texas 78701, for the operation of the State of Texas day-care center for a four year term with a motion to approve made by Commissioner Stuart and a second to approve the motion made by Commissioner Darby.

- VI. Consideration and possible action to adopt amendments to various administrative policies for the Texas Facilities Commission.** The Commission voted unanimously to adopt amendments to the current administrative policies in order to better clarify the original intent of the approved contract amounts for professional services and construction contracts with a motion to adopt made by Commissioner Beckendorff and a second to approve the motion made by Commissioner Darby.
- VII. 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.** Facilities Design & Construction Project Manager, Dennis Petras, gave a presentation and update on three completed Department of Public Safety (DPS) projects located in Waxahachie, Bryan, and Garland, Texas.
- VIII. 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. In addition, he stated that there is a projected shortfall for the month due to utilities. Budget adjustments have been made throughout the month to increase budgets due to cost recovery. The revenue forecast is on target. Mr. Arellano also informed the Commission that TFC currently has 324 FTE's (Full Time Employees).
- IX. Monthly Status Report from Internal Auditor, Mark Scott.** Mark Scott gave a brief update to the Commissioners on the Implementation Status of Prior Internal Audit Recommendations for the TFC. Overall, TFC management has initiated steps to address most of the recommendations.
- 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 a determination in writing, Section 551.0726.

- F. Any matters identified in this agenda where the Commissioners see the advice of their attorney, Section 551.071.**

There was no Executive Session.

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

There was no Executive Session.

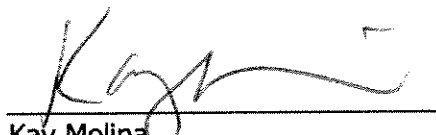
- XII. Consideration and possible action, if necessary, on any issue discussed during Executive Session.**

No action taken.

- XIII. Adjournment.**

Chair Reinbeck adjourned the meeting at 11:08 a.m.

Reviewed and
Submitted by:



Kay Molina
General Counsel

Approved by the Commission on the 15th day of July, 2009.

By:



Betty Reinbeck
Chair