Minutes No. 28  Minutes of the May 19, 2010, 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 19, 2010, commencing at 10:00 a.m. The following were present, and Chair Reinbeck presided:

Members Present

Betty Reinbeck  Chair
Barkley Stuart  Commissioner
Malcolm Beckendorff  Commissioner
Brant Ince  Commissioner
Derek Darby  Commissioner
Doug Hartman  Commissioner (Arrived at 10:04 a.m.)

Members Absent

Virginia Hermosa  Commissioner

Staff Present

Terry Keel  Executive Director
Catherine Camp  Director of Human Resources
Tiffany Harry  Legal Services Division
John Raff  Deputy Executive Director, Facilities Design & Construction
Kay Molina  General Counsel
Susan Maldonado  Assistant General Counsel
Mark Scott  Director, Office of Internal Audit
Luis Arellano  Chief Financial Officer
Gregg Werkenthin  Deputy Executive Director, Space Management & State Leasing Services
Michael Phillips  Chief Information Officer
Susan Maldonado  Legal Services Division
Lisa Calem-Lindstrom  Legal Services Division
Sandy Williams  Legal Services Division
Kristy Fierro  Office of Internal Audit
Trish Perme  Office of Internal Audit
Jorge Ramirez  Deputy Executive Director, Facilities & Energy Management Division
Mike Greene  Surplus
I. Call to Order.

Chair Reinbeck called the meeting to order at 10:00 a.m.

II. Presentation of Service Awards.

The following employees were recognized by the Commission for their state service:

<table>
<thead>
<tr>
<th>Name</th>
<th>Years</th>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jorge Ramirez</td>
<td>Five</td>
<td>Energy Management</td>
</tr>
<tr>
<td>Lisa Birchfield</td>
<td>Five</td>
<td>Minor Construction</td>
</tr>
<tr>
<td>Willie Ockelberry</td>
<td>Five</td>
<td>Grounds Maintenance</td>
</tr>
<tr>
<td>Carlos Woolf</td>
<td>Five</td>
<td>Grounds Maintenance</td>
</tr>
<tr>
<td>Christopher Pankratz</td>
<td>Five</td>
<td>Grounds Maintenance</td>
</tr>
<tr>
<td>Grytch Smoot</td>
<td>Five</td>
<td>Building Management</td>
</tr>
<tr>
<td>Stanton Korn</td>
<td>Ten</td>
<td>Fiscal</td>
</tr>
<tr>
<td>Shannon Slusser</td>
<td>Ten</td>
<td>Maintenance &amp; Plant Operations</td>
</tr>
<tr>
<td>Frank Linden</td>
<td>Ten</td>
<td>Maintenance &amp; Plant Operations</td>
</tr>
<tr>
<td>Israel Hinojosa</td>
<td>Fifteen</td>
<td>Grounds Maintenance</td>
</tr>
<tr>
<td>Mike Greene</td>
<td>Twenty</td>
<td>Minor Construction</td>
</tr>
<tr>
<td>Felix Cardenas</td>
<td>Twenty</td>
<td>Information Systems</td>
</tr>
<tr>
<td>Mark Scott</td>
<td>Twenty</td>
<td>Internal Audit</td>
</tr>
</tbody>
</table>

III. Approval of the Minutes from the April 21, 2010 Open Meeting.
The Commission voted unanimously to approve the minutes from the previous meeting with a motion made by Commissioner Stuart and a second to approve the motion made by Commissioner Hartman.

IV. Public Comment.

There were no public comments.

V. Award of Lease Recommendations and Summaries.

Lease and/or Amendments Pending Execution with Commencement Date on or after May 19, 2010.

New Lease

1. 303-0-10303 — Office of the Attorney General: Fort Worth, TX.

The Commission unanimously voted to approve the above lease with the motion to approve made by Commissioner Darby and a second to approve the motion made by Commissioner Stuart.

VI. Consideration and possible action to approve a construction contract change order for the Texas Department of Public Safety, Houston Crime Lab Expansion, Project No. 08-007-0405, Houston, Texas. The Commissioners unanimously voted to approve a construction contract change order to Satterfield & Pontikes Construction, Inc. in an amount not to exceed $887,258 for the Texas Department of Public Safety, Houston Crime Lab, Project No. 08-007-0405, Houston, Texas with a motion to approve made by Commissioner Ince and a second to approve the motion made by Commissioner Hartman.

VII. Consideration and possible action to approve an architecture/engineering professional services contract amendment for the Texas School for the Blind and Visually Impaired Campus Improvements II, Project No. 08-013-0771, Austin, Texas. The Commissioners unanimously voted to approve a contract amendment to Graeber Simmons & Cowan, Inc. for supplementary construction administration services and additional architectural and engineering design services in the amount of $738,714 for the Texas School for the Blind and Visually Impaired Campus Renovations Stage III, Project No. 08-013-0771, Austin, Texas, with a motion to approve made by Commissioner Stuart and a second to approve the motion made by Commissioner Hartman.

VIII. Consideration and possible action to enter into energy saving loans with the State Energy Conservation Office pursuant to the Request for Application for the Building Efficiency and Retrofit Revolving Loans Program of the Texas Comptroller of Public Accounts. Jorge Ramirez gave a brief presentation on this agenda item. No motions were made.

IX. 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. Terry Keel gave the Commission a brief update with regards to the TFC participation and presentation before the House Select Committee on Government Efficiency & Accountability Hearing and the House Committee on State Affairs that took place on May 12, 2010.
X. **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. Mr. Arellano informed the Commission that TFC currently has 319 FTE’s (Full Time Employees) as of April 30, 2010.

XI. **Monthly Status Report from Internal Auditor, Mark Scott.** Mark Scott gave the Commission an update on TFC’s migration of the current accounting system GFAS to ISAS. Internal Audit staff is finalizing the Facilities Design & Construction (FDC) division audit and will then continue the Leasing audit that was put on hold. In keeping with the 2010 audit plan, the staff will also start preliminary work on the Micro-main system audit.

XII. **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.
   *Strybos & Texas Division, Sons of Confederate Veterans, Inc. v. Wallace Jefferson et al.; Third Court of Appeals, Austin, Case No. 03-07-00073-CV.*

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 to convene in Executive Session at 10:43 a.m.

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

Chair Reinbeck reconvened the meeting at 12:22 p.m.

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

The following action was taken as a result of Executive Session:

The Commissioners voted unanimously to delegate all legal litigation decisions that arise before the next scheduled commission meeting on *Strybos (Sweeny) & Texas Division,*...
Sons of Confederate Veterans, Inc. v. Jefferson, Perry, & Johnson, in their official capacities: 3rd Court of Appeals, Austin, Case No. 03-07-00073-CV to Chair Reinbeck with a motion to approve made by Commissioner Stuart and a second to approve the motion made by Commissioner Beckendorff.

XV. Adjournment.

Chair Reinbeck adjourned the meeting at 12:23 p.m.

Reviewed and Submitted by: Kay Molina
General Counsel

Approved by the Commission on the 21st day of July, 2010.

By: Betty Reinbeck
Chair