

Chair
William Allensworth

Commissioners
Steve Alvis
Brian Bailey
Patti C. Jones
Rigoberto "Rigo" Villarreal
C. Price Wagner



Executive Director
Mike Novak

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Minutes No. 114: Minutes of the January 16, 2020, 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 (TFC) held an open meeting at the Central Services Building, 1711 San Jacinto Boulevard, in Conference Room 401-C, Austin, Texas, on Thursday January 16, 2020, commencing at 9:00 a.m. Chairman Allensworth, and Commissioners Alvis, Jones, Villarreal, and Wagner were present. Commissioner Bailey was not present.

I. Call to Order.

Chairman Allensworth called the meeting to order at 9:00 a.m.

II. Approval of minutes from the October 2019 and the November 2019 Open Meetings.

The Commissioners voted unanimously to approve the minutes from October and November, 2019.

III. Public Comment.

There was no public comment.

TFC Executive Director, Mike Novak, introduced TFC's new Chief Operating Officer, Joel Speight, who was present at today's meeting. Mr. Novak gave Mr. Speight's brief professional biography.

Consent Agenda

IV. Award of Lease Recommendations and Summaries.

The leases on the Consent Agenda were recited by the Chairman. Commissioner Alvis made the motion to approve, Commissioner Wagner seconded the motion. The Commissioners voted unanimously to approve the consent agenda for leases.

Non-Consent

V. Consideration and possible action to award an architectural and engineering professional services contract for Project No. 20-004-5051, TFC's 2020-21 deferred maintenance on Capitol Complex Buildings, in Austin, Texas, with Tom Green & Company in the amount of \$1,510,000.00.

John Raff, TFC's Director of Facilities Design and Construction, gave a brief summary of the need for this professional services contract, and the qualifications of the selected contract, Tom

Green & Company. Mr. Raff also introduced Cameron Labunski, of Tom Green & Company, who was in attendance at the meeting.

Commissioner Wagner made the motion to approve, and Commissioner Jones seconded the motion. The Commissioners voted unanimously to approve the award of this contract.

VI. Consideration and possible action to approve a construction manager-at-risk contract amendment for Flintco, LLC in the amount of \$4,051,513.00 for the George H. W. Bush State Office Building (1801 Congress), in the Capitol Complex Phase I development, Project No. 17-018-8002 in Austin, Texas, to define the cost for the Contractor Controlled Insurance Program as a component of Cost of Work, and to supplement the Cost of Work component of the contract.

John Raff explained the need for this contract amendment, and the potential savings with this CCIP as a component of the Cost of Work. Mr. Raff introduced Kevin Moyes, of Flintco, LLC, who was in attendance at this meeting. Commissioner Alvis asked about the contingency funds, which Janie Gribble, TFC FDC Project Manager, addressed. Commissioner Jones made the motion to approve this amendment; Commissioner Villarreal seconded the motion. The Commissioners voted unanimously to approve.

VII. Consideration and possible action to award a construction material testing professional services contract for Project No. 17-017-8020, the 1601 Congress Building, in the Capitol Complex Phase 1 development, in Austin, Texas, with Kleinfelder, Inc., in the amount of \$968,597.00.

John Raff explained the need for this contract, the responses received during solicitation, and the reasons Kleinfelder is the recommended contractor for award. Mr. Raff introduced Kelly Daniel of Kleinfelder, Inc. Commissioner Alvis made the motion to approve this award, Commissioner Villarreal seconded the motion. The Commissioners voted unanimously to approve.

VIII. Consideration and possible action to approve an amendment to an Indefinite Delivery Indefinite Quantity professional services contract with Kleinfelder, Inc., increasing contract cap by \$100,000.00.

Mr. Raff discussed the increase in the IDIQ contract cap. Commissioner Alvis made the motion to approve; Commissioner Wagner seconded the motion. The Commissioners voted unanimously to approve.

IX. Discussion of Major Projects.

1. Capitol Complex. Lou Saksen, of Balfour Beatty, gave an update on the progress of the project.
2. North Austin Complex. Mark Diaz, TFC Project Manager, gave an update on progress at the NAC.
3. Texas School for the Deaf. Daniel Yen, TFC Project Manager, gave an update on the progress at the School.

X. Report from the Executive Director on Facilities: design, leasing, operations, maintenance, energy management, construction projects, the Surplus and HUB programs, and legislative affairs.

Mike Novak, TFC's Executive Director, introduced Francoise Luca, TFC's Communications Specialist, who presented a video highlighting programs and achievements at the Texas School for the Deaf.

Mr. Novak introduced TFC's Parking Program Manager, Laura Hall, and the UT Basketball tail-gating initiative she has started. Ms. Hall spoke about the new initiative, as well as the other parking programs, which generate revenue for the state.

XI. Report from Internal Auditor.

1. HUB Consulting Engagement.

Sonya Etheridge, TFC's Internal Auditor, provided the audit report to the TFC Commissioners and Executive Director, which details the recent HUB Consulting Engagement. She also announced that Internal Auditor, David Ramos, was retiring.

XII. Report from the Chief Financial Officer on the monthly financial update.

Diane Jackson, TFC's Chief Financial Officer, provided the monthly report.

XIII. Reports from Commission Work Groups.

1. Construction Work Group. Updates provided by Project Managers earlier in this meeting.
2. Energy Work Group. Commissioner Alvis spoke of the energy initiatives' \$3 million dollar savings thus far, and gave updates on progress made on current initiatives. TFC's Energy Project Manager, Farshad Shahsavary, was recognized for his efforts.
3. Audit Work Group. Commissioner Villarreal indicated the TFC's Internal Auditor, will undergo performance evaluation at the next meeting.
4. Surplus Work Group. Kristy Fierro, TFC's Surplus Program Director, gave an overview of vehicle sales and license plate issuance obstacles, as well as discussed gaming machine sales.

XIV. Recess into closed executive session at 10:16 a.m., pursuant to Texas Government Code Chapter 551 for the following purposes:

- a. Pending and potential litigation, Section 551.071, to include possible action concerning Williams v. TFC, Case No. 1:17-CV-000689 LY, United States District Court for the Western of Texas, Austin Division, and Medrano v. TFC, Case No. 1:19-CV-000643-LY, United States District Court for the Western of Texas, Austin Division.

- b. The appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director and executive management staff, or the duties, roles, and responsibilities as Commissioners of the Texas Facilities Commission, Section 551.074.
- c. The deliberation regarding purchase, exchange, lease, or value of real property, Section 551.072.
- d. 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.
- e. Any matters identified in this agenda where the Commissioners seek the advice of their attorney, Section 551.071.

IV. Adjournment.

During Executive/Closed Session, a power outage in downtown Austin and other areas occurred. The regular Commission Meeting was reconvened at 11:33 a.m. With a motion from Commissioner Alvis to adjourn; seconded by Chairman Allensworth, the meeting was adjourned at 11:34a.m.

Reviewed and Submitted:

By: 
A. J. Wilson Salazar, General Counsel

Approved by the Commission on February 20, 2020:

By: 
William Allensworth, Chair