

**CHAIR**  
Robert D. Thomas

**COMMISSIONERS**  
William Allensworth  
Steve Alvis  
Patti C. Jones  
Mike Novak  
Jack W. Perry  
Rigoberto Villarreal



**INTERIM EXECUTIVE DIRECTOR**  
John Raff

## **TEXAS FACILITIES COMMISSION**

Minutes No. 98: Minutes of the January 25, 2018 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 Thursday January 25, 2018, commencing at 10:00 a.m. Chairman Thomas presided, and Commissioners Novak, Perry, Jones, Alvis, Villarreal and Allensworth were also present.

### **I. Call to Order.**

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

### **II. Approval of the minutes from the December 13, 2017, Open Meeting.**

The December 13, 2017 meeting minutes were pulled and will be brought back to the Commission at the February meeting.

### **III. Public Comment.**

There was no public comment.

### **IV. Consent Agenda for Award of Lease Recommendations and Summaries.**

**Leases and/or Amendments Pending Execution on or after January 25, 2018.**

#### **Replacements:**

- 1. Lease #303-8-20606 – Railroad Commission: Houston, TX.**
- 2. Lease #303-9-20616 – Health and Human Services Commission/Department of Family and Protective Services: Robstown, TX**

#### **Renewals:**

- 3. Lease #10289 – Health and Human Services Commission/Department of Family and Protective Services: Austin, TX.**
- 4. Lease #10497 – Office of the Attorney General: Austin, TX.**

The Commission voted unanimously to approve the above Consent Agenda for Award of Lease Recommendations and Summaries with a motion to approve made by Commissioner Alvis and a second to approve the motion made by Commissioner Villarreal.

**V. Consideration and possible action to approve an architectural and engineering professional services contract amendment for the Capitol Complex Phase I Development site services, Project No. 16-015-8000 in Austin, Texas.**

The Commission voted unanimously to approve an architectural/engineering professional services contract amendment for to Cobb, Fendley and Associates, Inc., in an amount not to exceed \$1,486,740.00 for the Capitol Complex Phase I Development site services, Project No. 16-015-8000 in Austin, Texas, with a motion made by Commissioner Novak and a second to approve the motion made by Commissioner Allensworth.

**VI. Consideration and possible action to approve an architectural and engineering professional services contract amendment for TFC's 2016-17 deferred maintenance on the William B Travis State Office Building, Project No. 16-004-5180 in Austin, Texas.**

The Commission voted unanimously to approve an architectural/engineering professional services contract amendment for Tom Green and Company Engineers, Inc. in an amount of \$425,000.00 for TFC's 2016-17 deferred maintenance on the William B Travis State Office Building, Project No. 16-004-5180 in Austin, Texas, with a motion made by Commissioner Jones and a second to approve the motion made by Commissioner Alvis.

**VII. Discussion of the redevelopment of the G.J. Sutton State Office Building site in San Antonio, Texas.**

1. Fiscal note update.
2. Critical path schedule.

There was no discussion on Agenda Item VII.

**VIII. Report from the Executive Director on facilities design, construction projects, facilities leasing, facilities operations, maintenance, energy management, HUB and legislation.**

No report was given for Agenda Item VIII.

**IX. Monthly Status Report from the Director of Internal Audit.**

Ms. Amanda Jenami, Director of Internal Audit, informed the Commission that she met with all three Commissioners during their New Commissioners Orientation and that it went very well and looks forward to working with everyone. Ms. Jenami also informed the Commission that Audit Division is starting the interviewing process for the position within the Internal Audit Division. In addition Ms. Jenami informed the Commission that Audit is currently performing a review of the internal AEC Services from the Facilities Design and Construction Division and should have the report to the Commission by March. Lastly Ms. Jenami touched upon the Facilities Maintenance audit and hopes to have this audit completed by the February meeting.

**X. Program Presentations.**

No presentations were given for Agenda Item X.

**XI. Division/Program Dashboard Reports.**

No report was given for Agenda Item XI.

**XII. Management's Monthly Report on management's implementation of audit recommendations.**

No report was given Agenda Item XII.

**XIII. Report from the Commission Work Groups.**

1. Energy Work Group report.

No report was given for Agenda Item XIII.

**XIV. Report from the Chief Financial Officer on the monthly financial report update.**

Mr. Daniel Benjamin, Director of Accounts Payable, provided the monthly financial report including the agency forecast, operating expense report, year to date budget adjustments, cost recovery programs results of operations, the revenue forecast, and the financial transactions and appropriations not included in the operating budget.

**XV. Discussion of Commission organization, policies, procedures and new initiatives.**

There was no discussion for Agenda Item XV.

**XVI. Consideration and possible action to settle pending litigation, Williams v. Texas Facilities Commission 1:17-CV-689, in the United States District Court for the Western District of Texas, Austin Division.**

**XVII. Discussion regarding the EEOC complaint by a former employee.**

There was no discussion for Agenda Item XVII.

**XVIII. Report on compensation issues for a certain member of Executive Staff.**

No report was given for Agenda Item XVIII.

**XXIV. Recess into CLOSED session, if necessary, pursuant to Texas Government Code 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 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.

Chair Thomas recessed the meeting to convene in Executive Session at 10:04 a.m.

Chair Thomas recessed the meeting at 10:24 a.m. to address administrative matters.

Chair Thomas recessed the meeting to convene in Executive Session at 11:48 a.m. to address Agenda Item XVI.

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

Chair Thomas reconvened the open meeting at 10:22 a.m. Thereafter a motion was made by Chairman Thomas to terminate the employment of the Executive Director, Harvey Hilderbran effective immediately, and for HR, IT and Security staff to start their normal out process. The Commission voted five to two, with a motion to approve made by Chairman Thomas and a second to approve the motion made by Commissioner Novak. Commissioner Jones and Perry voted against.

The Commission also voted unanimously to appoint Mr. John Raff as the Interim Executive Director, with a motion to approve made by Chairman Thomas and a second to approve the motion made by Commissioner Novak.

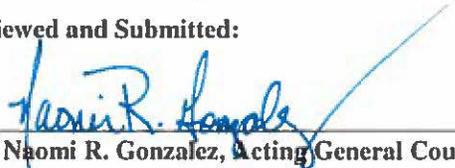
Chair Thomas called the meeting back to order at 11:48 a.m. after the discussion to address administrative matters as stated above and the open meeting continued with Agenda Item XVI.

Chair Thomas reconvened the open meeting at 12:25 p.m. after the discussion regarding Agenda Item XVI and the open meeting continued with Agenda Item III.

**XXVI. Adjournment.**

Chair Thomas adjourned the meeting at 12:57 p.m.

**Reviewed and Submitted:**

By:   
Naomi R. Gonzalez, Acting General Counsel

Approved by the Commission on February 28, 2018.

By:   
Robert D. Thomas, Chair