

CHAIR
Betty Reinbeck

COMMISSIONERS
William D. Darby
Douglas M. Hartman
Brant C. Ince
Virginia Hermosa
Michael Novak
Alvin Shaw



EXECUTIVE DIRECTOR
Terry Keel

TEXAS FACILITIES COMMISSION

Minutes No. 57: Minutes of the October 16, 2013 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, August 21, 2013 commencing at 10:00 a.m. Chair Reinbeck presided, and Commissioners Hermosa, Darby, Hartman, Ince, Shaw, and Novak were also present.

I. Call to Order.

Chair Reinbeck called the meeting to order at 10:01 a.m.

II. Presentation of State Service Awards.

The following employee was recognized for her state service by the Commission.

Elma Velasco Twenty years (Facilities Maintenance)

III. Approval of the minutes from the August 21, 2013 Open Meeting.

The Commission voted unanimously to approve the minutes from the previous meeting with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Hartman. Commissioners Darby abstained.

IV. Public Comment.

Barbie Grissom, Property Manager representing Century Tower, LTD and Tom Flanagan, made comments on Agenda Item V, Replacement Lease #303-4-20359A – Health and Human Services Commission/Department of Family and Protective Services/Department of Aging and Disability Services: Beaumont, TX.

V. Award of Lease Recommendations and Summaries. Leases and/or Amendments Pending Execution with Commencement Date on or after October 16, 2013.

Replacement Lease

1. **#303-4-20359-A - Health and Human Services Commission/Department of Family and Protective Services/Department of Aging and Disability Services: Beaumont, TX.**
2. **#20397 – Texas Department of Criminal Justice: Sherman, TX.**

New Lease

3. **#303-4-20374-A – Department of Public Safety: Corpus Christi, TX.**

Renewal/Add Space

4. **#1790 – Department of Assistive and Rehabilitation Services: McAllen, TX.**
5. **#20197 – Texas Department of Criminal Justice: Horizon City, TX.**
6. **#1758 – Health and Human Services Commission/Department of Family and Protective Services/Secretary of State: Edinburg, TX.**

The Commission voted unanimously to approve the above leases with a motion to approve made by Commissioner Shaw and a second to approve the motion made by Commissioner Hartman. The Commission received comments from Barbie Grissom, Property Manager representing Century Tower, LTD and Tom Flanagan, and Mr. Steve Halpin, TFC Planner, regarding Replacement Lease #303-4-20359A.

VI. Consideration and possible action to approve the award of indefinite delivery indefinite quantity contracts for professional architectural services.

The Commission voted unanimously to approve the award of fifteen indefinite delivery indefinite quantity contracts for professional architectural services to the following firms: ARTchitecture 1, L.P., Bennett Benner Pettit Architects & Planners, Carter Design Associates, CasaBella Architects, Coffee Crier Schenck & Hammond Architects, PC, GSC Architects, Hellmuth, Obata & Kassabaum (HOK), L.P., J.Robinson & Associates Architects, Inc., Madeline Anz Slay Architecture, PLLC, McCall & Associates Architects-AIA-Architects, McKinney York Architects, RVK, Inc., The Lawrence Group Architects of Austin, Inc., WHR Architects, Inc., and Wiss, Janney, and Elstner (WJE) Associates, Inc., with a motion made by Commissioner Darby and a second to approve the motion made by Commissioner Hermosa.

VII. Consideration and possible action to approve the award of indefinite delivery indefinite quantity contracts for professional mechanical, electrical and plumbing (MEP) engineering services.

The Commission voted unanimously to approve the award of ten indefinite delivery indefinite quantity contracts for professional mechanical, electrical and plumbing engineering services to the following firms: DBR Engineering Consultants, Inc., E & C Engineering Consultants, Inc., Encotech Engineering Consultants, Inc., FAI Engineers, Inc., HMG & Associates, Inc., Huitt-Zollars, Inc., Jacobs Engineering Group, Inc., O'Connell Robertson, Stanley Consultants, Inc., and TTG Goetting, with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Hartman.

VIII. Consideration and possible action to approve an architectural/engineering professional services contract amendment for the Texas Department of Public Safety Crime Lab, Project No. 08-003-0405, Corpus Christi, Texas.

The Commission voted unanimously to approve an architectural/engineering professional services contract amendment to Page Southerland, LLP in the amount of \$66,937.16 for the Texas Department of Public Safety Crime Lab, Project No. 08-003-0405 Corpus Christi, Texas, with a motion made by Commissioner Hermosa and a second to approve the motion made by Commissioner Darby.

IX. Consideration and possible action to approve an architectural/engineering professional services contract amendment for the Texas Department of Public Safety Area Office, Project No. 08-014-0405, Rio Grande City, Texas.

The Commission voted unanimously to approve an architectural/engineering professional services contract amendment to Negrete & Kolar Architects in the amount of \$50,757.00 for the Texas Department of Public Safety Area Office, Project No. 08-014-0405, Rio Grande City, Texas, with a motion made by Commissioner Hermosa and a second to approve the motion made by Commissioner Ince.

X. Consideration and possible action to approve an architectural/engineering professional services contract amendment for the Texas Department of Public Safety Crime Lab, Project No. 10-036-0405, Laredo, Texas.

The Commission voted unanimously to approve an architectural/engineering professional services contract amendment to WHR Architects in the amount of \$8,190.00 for the Texas Department of Public Safety Crime Lab, Project No. 10-036-0405, Laredo, Texas, with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Hartman.

XI. Consideration and possible action to adopt new rule, Texas Administrative Code, Title 1, Section 111.25, entitled "Negotiated Rulemaking," and to approve publication of the adopted rule in the Texas Register.

The Commission unanimously voted to adopt new rule, Texas Administrative Code, Title 1, Section 111.25, entitled "Negotiated Rulemaking," and to approve publication of the adopted rule in the Texas Register, with a motion made by Commissioner Darby and a second to approve the motion made by Commissioner Hartman.

XII. Report from the Executive Director and executive staff on facilities design, construction projects, facilities leasing, facilities operations, maintenance, energy management and legislation.

Mr. Terry Keel, Executive Director gave the Commissioners a brief update on the review and adjustment of the FCD project management fee rate schedule. In addition, Mr. Keel gave an update on the transfer of facilities maintenance services from the Texas School for the Deaf (TSD) and the meeting between TFC staff and the Superintendent, a TSD board member and TSD staff on September 26, 2013. With regard to the TSD issues, the Commission discussed the request by Mr. Keel to have TFC's Internal Audit Division conduct an audit of functions that have been transferred by the legislature from TSD to TFC, and determined that an outside audit or review may be more appropriate. Thereafter, Mr. Keel gave the Commission an update on the flooding of the DARS Administration Building and TFC efforts towards restoration of the building. Mr. Keel also informed the Commission of meetings with the French Legation Chair of the museum and the past President of the Daughters of the Republic of Texas, Mr. Jim Bayless, the Speaker's appointee to the Cemetery Committee, Mr. John Opperman and staff of the Lieutenant Governor, and Mr. Jesse Ancira, Chief of Staff of the Speaker of the House of Representatives. Lastly Mr. Keel informed the Commission that TFC's Deputy Executive Director of Planning Real Estate Management, Mike Lacy will be retiring at the end of the month.

XIII. Report on the Energy Management and Water Conservation Program.

John Raff, Deputy Executive Director of Facilities Design and Construction, gave a brief update on the Energy Management and Water Conservation Program.

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

Ms. April Bacon, Director of Procurement & Inventory Control, 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. Monthly Status Report from the Director of Internal Audit.

- a. Management Letter – Preliminary Review of the Parking and Tailgating Activities.**
- b. Review and Possible Approval of the Office of Internal Audit “Fiscal Year 2014 Annual Audit Plan”.**

Mr. Mark Scott, Director of Internal Audit, updated the Commission on the Preliminary Review of the Parking and Tailgating Activities audit and presented to 2014 Annual Audit Plan. The Commission unanimously voted to approve the Office of Internal Audit “Fiscal Year 2014 Annual Audit Plan, with a motion made by Commissioner Hermosa and a second to approve the motion made by Commissioner Shaw. Commissioner Hartman reported that the Audit Work Group met on October 15, 2013 and discussed the audits discussed above.

XVI. Election of the Vice Chair.

The Commission unanimously voted to re-elect Commissioner Virginia Hermosa as Vice Chair, with a motion made by Commissioner Hartman and a second to approve the motion made by Commissioner Darby.

XVII. Review of the Executive Director.

XVIII. Briefing and possible direction to the Executive Director on the conduct of the Superintendent of the Texas State Cemetery Committee.

XIX. Briefing on *Harvey-Cleary Builders v. TFC*, OAG No. 133436535.

XX. 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 Reinbeck recessed the meeting to convene in Executive Session at 12:22 p.m

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

Chair Reinbeck reconvened the meeting at 2:31 p.m.

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

A motion was made by Commissioner Darby in regards to Agenda Item 18 to direct the TFC Executive Director to continue with the TFC grievance process involving the Superintendent of the Texas State Cemetery Committee.

XXIII. Adjournment.

Chair Reinbeck adjourned the meeting at 2:32 p.m.

Reviewed and Submitted:

By: _____


Kay Molina
General Counsel

Approved by the Commission on November 20, 2013.

By: _____


Betty Reinbeck
Chair