

CHAIR
Robert D. Thomas

COMMISSIONERS
William D. Darby
Patti Jones
Mike Novak
Jack W. Perry
Betty Reinbeck



EXECUTIVE DIRECTOR
Harvey Hilderbran

TEXAS FACILITIES COMMISSION

Minutes No. 82: Minutes of the April 20, 2016 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, April 20, 2016, commencing at 10:00 a.m. Chairman Thomas presided, and Commissioners Novak, Reinbeck, Jones, and Perry were also present. Commissioner Darby was absent.

I. Call to Order.

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

II. Approval of the minutes from the March 23, 2016 Open Meeting.

The Commission voted unanimously to approve the minutes from the previous meetings with a motion made by Commissioner Reinbeck and a second to approve the motion made by Commissioner Perry. Commissioner Jones abstained.

III. Public Comment.

There was no public comment.

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

Leases and/or Amendments Pending Execution with Commencement Date on or after April 20, 2016.

New Lease

- 1. Lease #303-7-20528 – Texas Department of Public Safety: Amarillo, TX.**

Replacement Leases

- 2. Lease #20548 – Department of Family and Protective Services: Temple, TX.**
- 3. Lease #303-7-20531 – Department of Family and Protective Services: Houston, TX.**

Renewals

- 4. Lease #7730 – Texas Department of Criminal Justice: Houston, TX.**
- 5. Lease #10154 – Health and Human Services Commission/Department of Aging and Disability Services: Cleburne, 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 Novak and a second to approve the motion made by Commissioner Jones.

V. Contract Consent Agenda.

1. **Consideration and possible action to approve an indefinite delivery indefinite quantity professional services contract assignment for the Teacher Retirement System Heating Ventilation & Air Conditioning Renovations & Replacements, Project No. 15-015-6071 in Austin, Texas.**
2. **Consideration and possible action to award a construction manager-at-risk contract for the John H Winters Water Remediation Project; Project No. 15-025-4115 in Austin, Texas.**
3. **Consideration and possible action to award an architectural/engineering professional services contract for Site Services Engineering for the Capitol Complex and North Austin Complex, Project No. 16-015-8000 in Austin, Texas.**
4. **Consideration and possible action to award a construction contract for the Texas Department of Public Safety Headquarters Data Center Remodel, Project No. 13-011-6041 in Austin, Texas.**
5. **Consideration and possible action to award an architectural/engineering professional services contract for TFC's 2016-17 deferred maintenance on Parking Garages A, B, F, G, H, J, M, N, and P for elevator replacement and repairs, Project No. 16-006-5730 in Austin, Texas.**
6. **Consideration and possible action to award a construction manager-at-risk contract for the Texas School for the Deaf and the Texas School for the Blind and Visually Impaired 2016-17 Campus Wide Improvements (deferred maintenance), Project No. 16-001-8801 in Austin, Texas.**
7. **Consideration and possible action to approve an architectural/engineering professional services contract for the TFC 16-17DM Various Fire Protection Systems Repair/Replacement, Project No. 16-008-5400, a statewide project.**
8. **Consideration and possible action to award an architectural/engineering professional services contract for the 2016-17 deferred maintenance for the Insurance Building, Price Daniel Sr. Building, Supreme Court Building, Sam Houston Building, and the Tom C. Clark Building, Project No. 16-021-5051, in Austin, Texas.**

The Commission voted unanimously to approve the above Contract Consent Agenda item numbers One through Five, Seven and Eight, with a motion to approve made by Commissioner Novak and a second to approve the motion made by Commissioner Perry.

Contract Consent Agenda item Six was pulled for discussion; thereafter, the Commission voted unanimously to approve the above Consent Agenda item number Six, with a motion to approve made by Commissioner Reinbeck and a second to approve the motion made by Commissioner Perry.

VI. Consideration and possible action to approve publication of notices in the Texas Register concerning completion of agency rule review related to Texas Administrative Code, Title 1, Part 5, Chapter 115, Facilities Leasing Program, by readoption with amendment and concurrent publication of proposed rule amendments for public comment.

The Commission voted unanimously to approve the staff recommendation to close the rule review of Texas Administrative Code, Title 1, Part 5, Chapter 115, by readopting Chapter 115 with amendments and new rules, and

to publish notice of the amendment and new rules for public comment in the Texas Register, with a motion made by Commissioner Reinbeck and a second to approve the motion made by Commissioner Jones.

VII. Consideration and possible action to approve commencement of a rule review related to Texas Administrative Code, Title 1, Part 5, Chapter 123, Facilities Design and Construction, and publication of required notice of intent to review in the Texas Register.

The Commission voted unanimously to approve staff recommendation to commence a rule review of Texas Administrative Code, Title 1, Part 5, Chapter 123 and to publish in the Texas Register public notice of the proposed review, with a motion made by Commissioner Reinbeck and a second to approve the motion made by Commissioner Perry.

VIII. Program Presentations.

1. Overview of TFC Energy Management.

Mr. Farshad Shahsavary, Energy and Engineering Manager, gave an overview of the TFC Energy Management Program. Commissioner Novak asked that the presentation be placed on the TFC website.

2. Project Implementation Plan for the Capital Complex.

Mr. Peter Maass, Deputy Executive Director of the Planning and Real Estate Management Division, gave a presentation on the Project Implementation Plan for the Capital Complex.

3. State Strategic Planning Process.

No presentation was given.

IX. Division Reports.

1. Executive.

No report was given.

2. Facilities Design & Construction.

No report was given.

3. Planning & Real Estate Management.

No report was given.

4. Surplus Property Program.

No report was given.

X. Report from the Commission Work Groups.

No report was given.

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

Mr. Bill Monroe, Chief Financial Officer, made a presentation on 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. Mr. Monroe also informed the Commission that the State Strategic Plan is due to all the statewide offices by the end of June.

XII. Audit Implementation Reports.

1. Human Resources Audit

No report was given.

2. Plant Operations Audit.

No report was given.

XIII. Discussion of Commission organization, policies, procedures and new initiatives.

There was no discussion on this item.

XIV. Consideration and possible action to approve settlement for Journeyman Construction, Inc. v. TFC; OAG No. 143498996.

The Commission voted unanimously not to approve the settlement for Journeyman Construction, Inc. v. TFC; OAG No. 143498996, with a motion made by Commissioner Reinbeck and a second to approve the motion made by Commissioner Perry.

XV. Discussion of potential claim by a current employee.

Discussion was held in Executive Session.

XVI. Consideration and possible action to approve a merit increase for the Director of Internal Audit.

The Commission voted unanimously to approve a five percent merit increase for the Director of Internal Audit, with a motion made by Commissioner Reinbeck and a second to approve the motion made by Commissioner Jones.

XVII. Recess into CLOSED session, if necessary, pursuant to Texas Government Code Chapter 551 for the following purposes:

Chair Thomas recessed the meeting to convene in Executive Session at 11:45 a.m.

- 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.
- f. The deliberation regarding a security audit, Section 551.076.

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

Chair Thomas reconvened the meeting at 2:17 p.m.

XXII. Adjournment.

Chair Thomas adjourned the meeting at 2:29 p.m.

Reviewed and Submitted:

By: 
Kay Molina, General Counsel

Approved by the Commission on May 18, 2016.

By: 
Robert Thomas, Chair