

EXECUTIVE DIRECTOR  
Terry Keel



CHAIR  
Betty Reinbeck

COMMISSIONERS  
Malcolm E. Beckendorff  
William D. Darby  
Douglas M. Hartman  
Brant C. Ince  
Virginia Hermosa  
Alvin Shaw

## TEXAS FACILITIES COMMISSION

### **Minutes No. 37 Minutes of the August 17, 2011, 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 17, 2011, commencing at 10:00 a.m. The following were present, and Chair Reinbeck presided: Commissioners Darby, Ince, Hermosa, Shaw and Hartman were also present. Commissioner Beckendorff was absent.

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

Chair Reinbeck called the meeting to order at 10:01 a.m. and introduced the Commission's newest Commissioner, Commissioner Alvin Shaw.

#### **II. Presentation of State Service Awards.**

Mr. Michael Phillips was acknowledged for his 20 years of State service. Ms. Connie Moy was also acknowledged for her 25 years of State service.

#### **III. Approval of the Minutes from the June 15, 2011 Open Meeting.**

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

#### **IV. Public Comment.**

There were no public comments.

#### **V. Award of Lease Recommendations and Summaries.**

A. Leases and/or Amendments Pending Execution with Commencement Date on or after August 17, 2011.

##### Renewal

1. #8809 - Health and Human Services Commission/Department of Family and Protective Services/ Department of State Health Services/Department of Aging and Disability Services: Sulphur Springs, TX.

The Commission unanimously voted to approve the above leases with a motion to approve made by Commissioner Hartman and a second to approve the motion made by Commissioner Hermosa.

**VI. Consideration and possible action to approve a construction contract change order for the Texas Health and Human Services Commission (HHSC) Austin State Hospital Campus, Renovations and Repairs of Buildings 552, 555, 633 and 634, Project No. 08-085A-7094, Austin, Texas.**

The Commissioners unanimously voted to approve a construction contract change order for the Texas Health and Human Services Commission (HHSC) Austin State Hospital Campus, Renovations and Repairs of Buildings 552, 555, 633 and 634, Project No. 08-085A-7094, Austin, Texas with a motion to approve made by Commissioner Hermosa and a second to approve the motion made by Commissioner Shaw.

**VII. Consideration and possible action to approve proposed rule repeal and new rules and related preambles as well as publication of required notices in the *Texas Register* related to Texas Administrative Code, Title 1, Chapter 126 (Texas Facilities Commission; Surplus and Salvage Property Programs) for public comment.**

The Commissioners unanimously voted to approve a proposed rule repeal and new rules and related preambles as well as publication of the required notices in the *Texas Register* related to Texas Administrative Code, Title 1, Chapter 126 (Texas Facilities Commission; Surplus and Salvage Property Programs) for public comment with a motion to approve made by Commissioner Hartman and a second to approve the motion made by Commissioner Darby.

**VIII. Consideration and possible action to approve proposed rule amendments and related preamble as well as publication of required notice in the *Texas Register* related to Texas Administrative Code, Title 1, Chapter 123 (Texas Facilities Commission; Facilities Construction and Space Management Division) for public comment.**

The Commissioners unanimously voted to approve proposed rule amendments and related preamble as well as publication of the required notice in the *Texas Register* related to Texas Administrative Code, Title 1, Chapter 123 (Texas Facilities Commission; Facilities Construction and Space Management Division) for public comment with a motion to approve made by Commissioner Shaw and a second to approve the motion made by Commissioner Ince.

**IX. Consideration and possible action to adopt a resolution authorizing the request for financing various capital improvement projects through the Texas Public Finance Authority.**

The Commissioners unanimously voted to adopt a resolution authorizing the request for financing of various capital improvement projects through the Texas Public Finance Authority with a motion to approve made by Commissioner Ince and a second to approve the motion made by Commissioner Hermosa.

**X. Consideration and possible action to adopt a resolution authorizing the request for financing of a new recycling truck through the Texas Public Finance Authority's Master Lease Program.**

The Commissioners unanimously voted to adopt a resolution authorizing the request for financing of a new recycling truck through the Texas Public Finance Authority's Master Lease Program with a motion to approve made by Commissioner Shaw and a second to approve the motion made by Commissioner Hermosa.

**XI. Consideration and possible action to approve amendments to the Commission policy regarding the review of unsolicited proposals.**

The Commissioners unanimously voted to approve amendments to the current Commission policy regarding the review of unsolicited proposals with a motion to approve made by Commissioner Darby and a second to approve the motion made by Commissioner Ince.

**XII. Consideration and possible action to adopt guidelines pursuant to the Public and Private Facilities and Infrastructure Act.**

Mr. Steve Halpin, Senior Planner in the Planning and Asset Management Division, provided the Commission with an overview of the Public and Private Facilities and Infrastructure Act and the resulting guidelines prepared by staff. Thereafter, the Commissioners unanimously voted to adopt guidelines pursuant to the Public and Private Facilities and Infrastructure Act with a motion to approve made by Commissioner Ince and a second to approve the motion made by Commissioner Hermosa.

**XIII. Update from the Planning and Asset Management Division on facilities strategy and space utilization.**

Mr. Andre Dukes, Portfolio Manager in the Planning and Asset Management Division, reported that the Commission has received many inquiries about the Facilities Master Plan and commented that the newly adopted Public-Private Facilities and Infrastructure Guidelines will assist staff in reviewing related proposals.

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

Mr. Terry Keel, Executive Director, informed the Commission that the Solar Array Project, previously approved by the Commission at the June meeting, has been canceled. In addition, Mr. Keel shared a press release with the Commission issued by the Texas Real Estate Commission (TREC) in July that referenced the Texas Facilities Commission's role in moving TREC from leased space into State-owned space in the Stephen F. Austin Building. Finally, Mr. Keel commended Mr. Jamie Barrington, Director of the Surplus Property Programs, and his staff for their continued hard work and noted that the State Surplus Program was recently featured on *Good Morning America* regarding the disposition of airport property.

**XV. Report from the Director of Budget on the monthly financial report update.**

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

**XVI. Consideration and possible action to approve the FY 2012 Operating Budget.**

Mr. Korn gave a brief overview of the proposed operating budget for Fiscal Year 2012. Thereafter, The Commissioners unanimously voted to approve the Operating Budget for FY 2012 with a motion to approve made by Commissioner Shaw and a second to approve the motion made by Commissioner Hartman.

**XVII. Monthly Status Report from the Internal Auditor.**

Mr. Mark Scott, Director of Internal Audit, provided the Commission an overview of: (i) the Review of TFC's Facilities Service Center Operations, and (ii) the Review of TFC's Business Continuity Planning Document. Thereafter, he briefly discussed his review of the agency's Self-Evaluation Report to be submitted to the Sunset Advisory Commission at the end of the month.

**XVIII. Consideration and action to approve the Commission's Self-Evaluation Report for submittal to the Sunset Advisory Commission by August 31, 2011.**

Ms. Kay Molina, General Counsel, briefly discussed the contents of the Self-Evaluation Report and related attachments and provided an overview of the process utilized by staff in its preparation. Thereafter, the Commissioners unanimously voted to approve the Commission's Self-Evaluation Report as presented to the Commission for submittal to the Sunset Advisory Commission by August 31, 2011, and authorized staff to make any non-substantive changes that may be needed during final editing and printing of the final document, with a motion to approve made by Commissioner Darby and a second to approve the motion made by Commissioner Hartman.

**XIX. 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.
- 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.

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

No items were considered.

**XXI. Adjournment.**


Chair Reinbeck adjourned the meeting at 11:42 a.m.

Reviewed and Submitted:

By: 

Kay Molina  
General Counsel

Approved by the Commission on the 9/21/2011

By:   
Betty Reinbeck  
Chair