

EXECUTIVE DIRECTOR
Terry Keel



CHAIR
Betty Reinbeck

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

TEXAS FACILITIES COMMISSION

Minutes No. 39 Minutes of the October 19, 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, October 19, 2011, commencing at 10:00 a.m. The following were present, and Vice-Chair Hermosa-Boissonneault presided. Commissioners Darby, Shaw, Ince and Hartman were also present. Chairman Reinbeck was absent.

I. Call to Order.

Vice-Chair Hermosa-Boissonneault called the meeting to order at 10:00 a.m.

II. Approval of the Minutes from September 21, 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.

III. Public Comment.

There were no public comments.

IV. Award of Lease Recommendation and Summaries.

A. Leases and/or Amendments Pending Execution with Commencement Date before October 19, 2011.

Renewal

1. #303-7-10130 - Department of Family and Protective Services: Amarillo, TX.

B. Leases and/or Amendments Pending Execution with Commencement Date on or after October 19, 2011.

New Leases

1. #20288 - Department of Public Safety: Austin, TX.

Replacement Leases

2. #20278 - Texas Department of Criminal Justice: Waco, TX.

3. #20284 - Department of Public Safety: Austin, TX.

4. #20295 - Health and Human Services Commission/Department of Family and Protective Services/Department of Assistive and Rehabilitative Services: Bay City, TX.

Renewal

5. #20062 - Health and Human Services Commission/Department of Family and Protective Services: San Antonio, TX.

The Commission 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 Shaw. Commissioner Darby abstained.

- V. **Consideration and possible action to approve an Architectural/Engineering Indefinite Delivery Indefinite Quantity (IDIQ) contract assignment amendment for professional services in association with elevator replacements, repairs, and retrofits for the following projects in Austin, Texas: Insurance Annex Bldg., Project No. 10-009-6307; John H. Winters Bldg., Project No. 10-010-6308; William B. Travis Bldg., Project No. 10-011-6309; Thomas J. Rusk Bldg., Project No. 10-012-6310; and Park 35 Campus, Project No. 10-013-6311.**

The Commission voted unanimously to approve a contract assignment amendment to McKinney York Architects in the amount not to exceed \$51,195 for professional services in association with elevator replacements, repairs, and retrofits for the following projects in Austin, Texas: Insurance Annex Bldg., Project No. 10-009-6307; John H. Winters Bldg., Project No. 10-010-6308; William B. Travis Bldg., Project No. 10-011-6309; Thomas J. Rusk Bldg., Project No. 10-012-6310; and Park 35 Campus, Project No. 10-013-6311 with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Darby.

- VI. **Consideration and possible action to adopt proposed rule amendments to Texas Administrative Code, Title 1, Chapter 123 (Texas Facilities Commission; Facilities Construction and Space Management Division) and to approve publication of the required notice related to the adoption in the *Texas Register*.**

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

- VII. **Consideration and possible action to adopt proposed rule repeal and new rules to Texas Administrative Code, Title 1, Chapter 126 (Texas Facilities Commission; Surplus and Salvage Property Programs) and to approve publication of the required notice related to the adoption in the *Texas Register*.**

The Commission unanimously voted to adopt proposed rule repeal and new rules to Texas Administrative Code, Title 1, Chapter 126 (Texas Facilities Commission; Surplus and Salvage Property Programs) and to approve publication of the required notice related to the adoption in the *Texas Register* with a motion to approve made by Commissioner Darby and a second to approve the motion made by Commissioner Shaw.

- VIII. **Consideration and possible action to adopt guidelines regarding the evaluation of proposals for long-term leases of public grounds pursuant to Texas Government Code Section 2165.151.**

The Commission unanimously voted to adopt guidelines regarding the evaluation of proposals for long-term leases of public grounds pursuant to Texas Government Code Section 2165.151 with a motion to approve made by Commissioner Shaw and a second to approve the motion made by Commissioner Hartman. The Commissioners discussed that the process: (i) is to be one in which there is full

disclosure of all projects and relevant information to the public; (ii) that allows for participation and fair competition by all; and (iii) that the Commissioners will have final approval of any leased property and improvements thereon as overseen or directed by the TFC pursuant to Texas Government Code Section 2165.151.

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

Mr. Keel informed the Commission that there was nothing to discuss at this time.

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

Mr. Keel informed the Commission that there was nothing to discuss at this time.

XI. Report from the Director of Budget and the Director of Accounting 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 results of operations, the revenue forecast, and the financial transactions and appropriations not included in the operating budget.

XII. Monthly Status Report from the Internal Auditor.

a. Consideration and Possible Approval of the FY 2012 Internal Audit Annual Plan.

Mr. Mark Scott, Director of Internal Audit, gave the Commission an overview of the *FY 2012 Internal Audit Annual Plan*. The Commission unanimously voted to approve the *FY 2012 Internal Audit Plan* with a motion to approve made by Commissioner Hartman and a second to approve the motion made by Commissioner Shaw.

In addition, Mr. Scott informed the Commission that he met with Commissioners Hartman and Hermosa to discuss audit issues.

XIII. 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.**

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

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

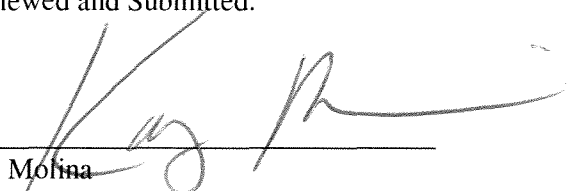
XVI. Consideration and possible action to propose new rules and related preamble as well as approve publication of required notice in the *Texas Register* related to Texas Administrative Code, Title 1, Part 5 (Texas Facilities Commission) concerning leases of public grounds for public comment.

The Commission passed this item.

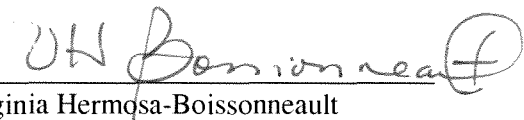
XVII. Adjournment.

Vice-Chair Hermosa-Boissenneault adjourned the meeting at 10:34 a.m.

Reviewed and Submitted:

By: 
Kay Molina
General Counsel

Approved by the Commission on the November 16, 2011

By: 
Virginia Hermosa-Boissonneault
Vice-Chair