

**CHAIR**  
Betty Reinbeck

**COMMISSIONERS**  
William D. Darby  
Virginia Hermosa  
Brant C. Ince  
Michael Novak  
Jack W. Perry  
Alvin Shaw



**EXECUTIVE DIRECTOR**  
Terry Keel

## **TEXAS FACILITIES COMMISSION**

Minutes No. 64: Minutes of the July 16, 2014 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, July 16, 2014 commencing at 10:00 a.m. Chair Reinbeck presided, and Commissioners Shaw, Novak and Perry were also present. Commissioners Hermosa, Darby and Ince were absent.

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

Chair Reinbeck called the meeting to order at 10:05 a.m.

### **II. Approval of the minutes from the June 18, 2014 Open Meeting.**

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

### **III. Service Awards.**

The following employees were recognized for their state service by the Commission.

Matthew Coy	Twenty-five years (State Surplus/Program Specialist I)
Daniel Schoen	Twenty-five years (PREM/Maintenance Specialist IV)

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

There was no public comment.

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

**Leases and/or Amendments Pending Execution with Commencement Date on or after July 16, 2014.**

#### **Replacement Leases**

**#20379 – Texas Department of Public Safety: Dallas, TX.**

**#303-6-20437 – Health and Human Services Commission: Brownsville, TX.**

The Commission voted unanimously to approve the replacement leases with a motion to approve made by Commissioner Shaw and a second to approve the motion made by Commissioner Perry.

**VI. Consideration and possible action to approve the award of indefinite delivery indefinite quantity contracts for professional civil engineering and land surveying services.**

The Commission voted unanimously to approve the award of seven indefinite delivery indefinite quantity contracts for professional civil engineering and land surveying services to the following firms: EJES, Inc., Frank X. Spencer & Associates, Inc., Freese and Nichols, Inc., Landmark Surveying, LP, MWM Design Group, Surveying and Mapping, LLC, Walter P. Moore and Associates, Inc., with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Perry.

**VII. Consideration and possible action to approve an IDIQ assignment for architectural services for the Texas Department of Public Safety, Project Analyses for Florence Training Academy and Firing Range Enhancements, Project No. 14-042-0405, in Florence, Texas.**

Agenda Item VII was pulled.

**VIII. Consideration and possible action to approve an architectural/engineering professional services contract for the 2014-15 Deferred Maintenance Various Accessibility Upgrade Project at TCEQ Park 35 Building D and E and the William B. Travis State Office Building, Project No. 14-017-4105, in Austin, Texas.**

The Commission voted unanimously to approve an architectural/engineering professional services contract to McKinney York Architects in the amount of \$299,975.00 for the various building accessibility project at William B. Travis State Office Building and The Texas Commission on Environmental Quality Buildings D and E; Project No. 14-017-4105 in Austin, Texas., with a motion made by Commissioner Novak and a second to approve the motion made by Commissioner Perry.

**IX. Consideration and possible action to adopt new rule, Texas Administrative Code, Title 1, Section 111.33, entitled “Alternative Dispute Resolution,” as proposed in 39 Tex. Reg. 4325, 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 111.33, entitled “Alternative Dispute Resolution,” as proposed in 39 Tex. Reg. 4325, and to approve publication of the adopted rule in the Texas Register, with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Perry.

**X. 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, informed the Commission that TFC staff will be having a meeting with the Sunset Commission staff on August 7, 2014, regarding the limited re-review of the agency. Mr. Keel also gave a brief update on the Federal Surplus Property Program Policy change and the effect it may have on the TFC program.

**XI. Report on the Energy Management and Water Conservation Program.**

Mr. John Raff, Deputy Executive Director of Facilities Design and Construction, informed the Commission that the Energy Management program continues to focus more rigorous review of utility bills to verify their accuracy and to identify anomalies, on collaboration with project management staff on deferred maintenance projects, and on the load cooperative agreement with Austin Energy. In addition the Energy Management program is working with Fiscal on the request for an additional FTE.

In addition, Commission Novak informed the Commission that the energy Workgroup is meeting every other month and thanked Mr. Terry Keel, Executive Director, for his June 23<sup>rd</sup> memo to all State agencies encouraging tenants to embrace conservation practices outlined in the TFC Tenant Manuel.

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

Ms. Diana Warner, Chief Financial Officer, 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.

**XIII. Consider and take appropriated action to approve the FY15 Operating Budget and the FY16-17 Legislative Appropriation Request.**

The FY 15 Operating Budget was presented by Ms. Diana Warner, Chief Financial Officer. Thereafter, the Commission voted unanimously to approve the FY 15 Operating Budget with a motion to approve made by Commissioner Shaw and a second to approve the motion made by Commissioner Novak.

The FY 16-17 Legislative Appropriations Request was presented by Ms. Diana Warner, Chief Financial Officer along with three additional exceptional items to be included to the list approved by the Commission at its June meeting. Mr. John Raff, Deputy Executive Director of Facilities Design and Construction, and Mr. Peter Maass, Deputy Executive Director of Planning and Real Estate Management, informed the Commission on additional maintenance issues regarding the Texas School for the Deaf campus and outlined two of the additional exceptional item requests to be added to the FY16-17 Legislative Appropriations Request resulting from these issues.

Thereafter, the Commission voted unanimously to approve the FY16-17 Legislative Appropriations Request with a motion to approve made by Commissioner Perry and a second to approve the motion made by Commissioner Shaw, allowing staff to make necessary changes and adjustments based on the final base reconciliation numbers provided to TFC.

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

**a. The Implementation Status of Prior Internal Audit Recommendations.**

Mr. Mark Scott, Director of Internal Audit, updated the Commission on The Implementation Status of Prior Internal Audit Recommendations. In addition, Mr. Scott gave the Commission a brief update on the Audit Work Group meeting.

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

No update was given.

**XVI. 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.

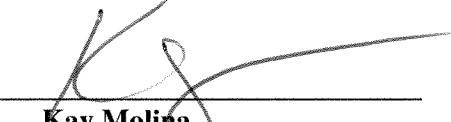
**XVII. Reconvene in open meeting and consider action on matters discussed in Executive Session**

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


**XIX. Adjournment.**

Chair Reinbeck adjourned the meeting at 11:03am

**Reviewed and Submitted:**

By:   
Kay Molina  
General Counsel

**Approved by the Commission on August 20, 2014.**

By:   
Betty Reinbeck  
Chair