

**CHAIR**  
Betty Reinbeck

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



**EXECUTIVE DIRECTOR**  
Harvey Hilderbran

## **TEXAS FACILITIES COMMISSION**

Minutes No. 70: Minutes of the February 18, 2015 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, February 18, 2015 commencing at 10:00 a.m. Chair Reinbeck presided, and Commissioners Hermosa, Ince, Darby, Shaw, Novak and Perry were also present.

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

Chair Reinbeck called the meeting to order at 10:03 a.m.

### **II. Approval of the minutes from the January 20<sup>th</sup> and 21<sup>st</sup>, 2015 Open Meeting.**

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

### **III. Public Comment.**

There was no public comment.

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

**Leases and/or Amendments Pending Execution with Commencement dates on or after February 18, 2015.**

#### **Replacements**

- 1. #20456 – Comptroller of Public Accounts: San Antonio, TX.**
- 2. #20445 – Office of the Attorney General: El Paso, TX.**
- 3. #303-5-20472 – Office of the Attorney General: Rosenberg, TX.**

## **Renewals**

### **4. #9706 – Department of Assistive and Rehabilitative Services: Plano, TX.**

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

#### **V. Consideration and possible action to approve an amendment to the construction manager-at-risk contract for the 2012-13 Stephen F. Austin Deferred Maintenance, Project No. 12-020-6417 and the 2012-13 William B. Travis Deferred Maintenance, Project No. 12-018-6415, Austin, Texas.**

The Commission voted unanimously to approve an amendment to the construction manager-at-risk contract with Flintco, LLC in the amount of \$1,075,600 for the 2012-13 Stephen F. Austin Deferred Maintenance, Project No. 12-020-6417 and the 2012-13 William B. Travis Deferred Maintenance, Project No. 12-018-6415, in Austin, Texas, with a motion made by Commissioner Novak and a second to approve the motion made by Commissioner Hermosa.

#### **VI. Consideration and possible action to approve the re-transfer of jurisdiction of the Bull Creek Cemetery Annex to the Texas Department of Transportation (TxDOT).**

The Commission voted unanimously to approve the staff recommendation to re-transfer jurisdiction of the Bull Creek Cemetery Annex to the Texas Department of Transportation, 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 amendments to the Commission policies regarding contracting.**

The Commission voted unanimously to approve amendments to the new Commission policies regarding conflicts of interest, with a motion made by Commissioner Hermosa and a second to approve the motion made by Commissioner Ince.

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

Mr. Harvey Hilderbran, Executive Director, informed the Commission that TFC has had its budget hearings both in the Senate and House of Representatives and that both bills are very favorable for TFC. Mr. Hilderbran also had a brief discussion about capital funding, especially deferred maintenance and needs at the Texas School for the Deaf. He also discussed SB 429 by Senator Eltife and HB 1255 by Representative McClendon, regarding construction of buildings in Austin and San Antonio. Thereafter, Mr. Hilderbran spoke on Governor Abbott's memo to all agency heads outlining contracting reforms and informed the Commission TFC's is in compliance with exiting law as well as with a majority of the reforms outlined in the Governor's letter. Finally, Mr. Hilderbran informed the Commission on the status of key staff vacancies.

**IX. 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 on the review of utility bills to verify their accuracy and to identify anomalies, with collaboration with FDC project management staff on deferred maintenance projects, and on the load cooperative agreement with Austin Energy. Commissioner Novak informed the Commission that the Energy Workgroup did meet on Tuesday February 17, 2015, and he continues to be pleased with its progress.

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

Mr. Rob Ries, Manager 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.

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

Amanda Jenami, Director of Internal Audit informed the Commission that Audit's reviewing TFC's current Audit Program.

**XII. Election of the Vice Chair.**

The Commission unanimously voted to elect Commissioner Mike Novak as Vice Chair, with a motion made by Commissioner Hermosa and a second to approve the motion made by Commissioner Darby.

**XIII. 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.

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

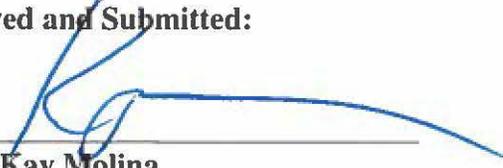
**XIX. Adjournment.**

Before adjournment, Commissioner Novak congratulated Chair Betty Reinbeck on her anniversary of 50 years of marriage.

Chair Reinbeck adjourned the meeting at 11:00 a.m.

**Reviewed and Submitted:**

By: \_\_\_\_\_

  
Kay Molina  
General Counsel

**Approved by the Commission on March 18, 2015.**

By: \_\_\_\_\_

  
Betty Reinbeck  
Chair