

**Chair**  
William Allensworth

**Commissioners**  
Steve Alvis  
Brian Bailey  
Patti C. Jones  
Rigoberto "Rigo" Villarreal  
C. Price Wagner



**Executive Director**  
Mike Novak

*Mailing address:*  
P. O. Box 13047  
Austin, TX 78711-3047  
(512) 463-3446  
[www.tfc.state.tx.us](http://www.tfc.state.tx.us)

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**Minutes No. 117: Minutes of the April 16, 2020, 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 (TFC), in accordance with section 418.016 of the Texas Government Code, after Governor Abbott suspended various provisions of the Open Meetings Act that require government officials and members of the public to be physically present at a specified meeting location, held an open meeting virtually, on Thursday April 16, 2020, commencing at 9:00 a.m. The meeting was recorded. Chairman Allensworth, and Commissioners Alvis, Jones, Bailey, and Wagner were present by audio and video. Commissioner Villarreal joined the meeting by audio and video after the Call to Order.

**I. Call to Order.**

Chairman Allensworth called the meeting to order at 9:00 a.m.

**II. Approval of minutes from the February 20, 2020 Open Meeting.**

The Commissioners voted unanimously to approve the minutes from February 20, 2020 meeting.

**III. Public Comment.**

There was no public comment.

**Consent Agenda**

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

Gayla Davis, TFC's Leasing Director, recited the leases for consideration and discussed the tenant agency needs, lessor improvements, and the lease rates. Commissioner Jones moved to approve, Commissioner Bailey seconded the motion. The Commissioners voted unanimously to approve the consent agenda for leases.

**Non-Consent**

**V. Consideration and possible action to award a construction materials testing professional services contract to Terracon Consultants, Inc. in the amount of \$1,000,000.00 for the Capitol Complex Pedestrian Mall and Underground Garage Project, Phase One (Package 6), Project No. 17-018-8030 in Austin, Texas.**

Commissioner Alvis abstained from voting on this matter, and Chairman Allensworth also abstained from voting. Commissioner Villarreal joined the meeting at this point, both on audio and video.

TFC's Director of Facility Design & Construction, John Raff, was present in the videoconference to provide information and answer questions from the Commission. Commissioner Jones made the motion to approve, Commissioner Villarreal seconded the motion. Commissioners Jones, Bailey, Villarreal and Wagner voted to approve; Chairman Allensworth and Commissioner Alvis abstain.

**VI. Consideration and possible action to approve a construction contract amendment for Veit & Company, Inc. in the amount of \$1,372,263.34 for the G.J. Sutton Complex Demolition, Project No. 18-009-8455 in San Antonio, Texas.**

Commissioner Villarreal questioned the need for the amendment to the contract. TFC's Director of Facility Design & Construction, John Raff, explained that, during the demolition, underground tanks, portions of an old foundation, and contaminated soils were discovered. TFC, with concurrence from the General Land Office (GLO), opted to remediate the contamination on the site and attain TCEQ certification for a clean site, which necessitated this amendment. John Raff explained Veit was mobilized on site, as they performed the demolition, and that Veit is experienced in this type of remediation. Mr. Raff confirmed there is no groundwater contamination and that, even with this added scope, the project remains on budget. Commissioner Alvis moved to approve, Commissioner Wagner seconded the motion. The Commissioners voted unanimously to approve the amendment.

**VII. Consideration and possible action to approve an amendment to an architectural and engineering professional services agreement with HKS, Inc. in the amount of \$2,244,983.00 for the Capitol Complex Phase I Development, the 1801 Congress Building (Package 4), Project No. 17-016-8002 in Austin, Texas.**

TFC's Director of Facility Design & Construction, John Raff, outlined the project and stated this amendment will provide architectural and engineering services is for interior finish-out and tenant improvements on floors seven (7) through fourteen (14), which is approximately 580,000 square feet or a little over half the building. Commissioner Alvis made the motion to approve, Commissioner Wagner seconded the motion. The Commissioners voted unanimously to approve.

**VIII. Report from Executive Director.**

TFC's Executive Director, Mike Novak, gave an updated on the current COVID-era operations. Mr. Novak presented a slide which provided current statistics for TFC's staffing plans, tenant occupancy rates, the closure of the state surplus store operations, and the TFC COVID Task Force, as well as handling the additional costs and reporting requirements associated with the pandemic. Mr. Novak also spoke about the additional duties on TFC's Facilities Management Operations Program, Fiscal program, the IT team, and on the Facilities Design & Management program. Directors from each of these groups spoke briefly about their efforts to maintain TFC services, projects, budgets, and reporting. Mr. Novak noted TFC's Chief Operating Officer, Joel Speight, has made immense contributions to the reports and data required during this time.

**IX. Report from Internal Audit.**

Sonya Etheridge, TFC's Internal Auditor, stated that the Office of Internal Audit's current consultations are presently on hold, secondary to the pandemic. Ms. Etheridge states OIA is finishing up the report for the North Austin Complex consultation. Ms. Etheridge also discussed the reassignment of an Internal Auditor from her staff to the Fiscal program, to assist in the

increased requirements on that department. Ms. Etheridge has safeguards in place to ensure that Internal Auditor will not, in the future, audit any of the work in which he was involved. Once operations begin to return to normal, this Internal Auditor will return full-time to the OIA staff and assume regular duties. Ms. Etheridge stated she is confident that the agency audit plan for this year will be on track, despite the current situation.

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

TFC's CFO, Diane Jackson, provided the monthly financial update and spoke briefly on the COVID-associated costs and the capture of data for those costs.

**XI. Reports from Commission Work Groups.**

1. Construction Work Group.

Lou Saksen, of Balfour Beatty, discussed the Capitol Complex project packages. Mr. Saksen discussed the 18<sup>th</sup> and San Jacinto water utility/Waller Creek issue, which is in the resolution stage at present. He spoke about the job-site measures the contractors are taking to ensure a safe workplace environment for their employees, including temperature monitoring and PPE.

John Raff, TFC FDC Director, gave updates on the North Austin Complex, which remains on schedule, and is dried-in with exterior cladding. The parking garage is topped-out. He states the project is still on schedule for completion in December of 2020.

For the School for the Deaf project, Mr. Raff reported a Notice to Proceed has been issued for the utility package portion of the project, and bidding is in progress for the construction portion. Although the COVID pandemic has somewhat delayed the start of the project, completion is still expected in August of 2021.

**XII. Recess into closed executive session with the live stream suspended at 11:08 a.m., pursuant to Texas Government Code Chapter 551 for the following purposes:**

Recess into closed executive session, if necessary, pursuant to Texas Government Code Chapter 551, for one or more of the following purposes:

- a. Pending and potential litigation, Section 551.071.
- b. The employment, appointment, dismissal, evaluation, discipline, reassignment, or duties of the Executive Director and Internal Auditor, or 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.

XV. The regular Commission Meeting was reconvened at 11:38 a.m. by Chairman Allensworth; the meeting was then adjourned at 11:41 a.m.

**Reviewed and Submitted:**

DocuSigned by:  
*A. J. WILSON SALAZAR*  
By: \_\_\_\_\_  
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**A. J. Wilson Salazar, General Counsel**

**Approved by the Commission on May 21, 2020:**

DocuSigned by:  
*William Allensworth*  
By: \_\_\_\_\_  
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**William Allensworth, Chair**