

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. 59: Minutes of the January 15, 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, January 15, 2014 commencing at 10:00 a.m. Chair Reinbeck presided, and Commissioners Hermosa, Darby, Ince, Shaw, Novak and Perry were also present.

I. Call to Order.

Chair Reinbeck called the meeting to order at 10:00 a.m.

II. Approval of the minutes from the November 20, 2013 Open Meeting.

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

III. Public Comment.

There was no public comment.

IV. Award of Lease Recommendations and Summaries.

Leases and/or Amendments Pending Execution with Commencement Date on or after January 15, 2014.

Replacement Leases

- 1. #20382 – Office of the Attorney General: San Antonio, TX.**
- 2. #303-5-20412 – Office of the Attorney General: Pharr, TX.**
- 3. #20349 – Texas Commission on Environmental Quality: Houston, TX.**
- 4. #303-5-20385-A – Health and Human Services Commission: Schertz, TX.**

New Lease

5. #303-4-20394 – Office of the Attorney General: San Marcos, TX.

Renewal/Add Space

6. #303-0-10303 – Office of the Attorney General: Fort Worth, TX.

The Commission voted to approve the above leases with a motion to approve made by Commissioner Novak and a second to approve the motion made by Commissioner Darby. Commissioner Perry abstained. Peter Maass, Deputy Executive Director informed the Commission that Replacement Lease #20349 Texas Commission on Environmental Quality: Houston, Texas was being pulled from the agenda.

- V. **Consideration and possible action to approve an architectural/engineering professional services contract amendment for deferred maintenance for the Lyndon B. Johnson Building (LBJ), Project No. 12-019-6416, in Austin, Texas.**

The Commission voted to approve an architectural/engineering professional services contract amendment for Tom Green & Company Engineer Inc., in the amount of \$155,300.00 for the design of the replacement of multiple air handling units as part of the heating, ventilation and air conditioning system for the Lyndon B. Johnson Building, Project No. 12-019-6416, in Austin, Texas, with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Hermosa. Commissioner Perry abstained.

- VI. **Consideration and possible action to approve an architectural/engineering professional services contract for the Texas School for the Deaf Campus Wide Improvements, Project No. 14-028-1440, in Austin, Texas.**

The Commission voted to approve an architectural/engineering professional services contract with GSC Architects in the amount of \$374,600.00 for campus wide improvements for the Texas School for the Deaf, Project No. 14-028-1440, in Austin, Texas, with a motion made by Commissioner Hermosa and a second to approve the motion made by Commissioner Shaw. Commissioner Perry abstained.

- VII. **Consideration and possible action to approve an amendment to the Child Care Operations and Management Agreement with Rosewood Oaks, LLC d/b/a Rosewood Oaks Primary and extension of the accompanying lease of the 0.7 acre facility located at 1507 Lavaca Street, Austin, Texas 78701 for the operation of the State of Texas day-care center.**

The Commission voted to extend the Child Care Operations and Management Agreement and the accompanying lease extension for the current child care facility to Rosewood Oaks, LLC until December 31, 2014, to accommodate deferred maintenance and renovations of the building prior to the development of a new solicitation for child care services at this location, with a motion made by Commissioner Hermosa and a second to approve the motion made by Commissioner Darby. Commissioner Perry abstained.

- VIII. **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 applauded the Risk Management Division for its investigative work which led to a restitution claim of \$15,000.00 that has been awarded by Travis County. In addition, Mr. John Raff, Deputy Executive Director of Facilities Design and Construction, updated the Commissioners on the Supreme Court building security issues being addressed by TFC.

IX. Report on the Energy Management and Water Conservation Program.

Mr. John Raff, Deputy Executive Director of Facilities Design and Construction, gave the Commission a brief update on TFC utility consumption, Austin Energy Load Cooperative Agreement and energy efficacy deferred maintenance system upgrades.

X. 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.

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

a. Review and possible approval of the updated Office of Internal Audit Charter

The Commission voted to approve the updated Office of Internal Audit Charter, with a motion made by Commissioner Ince and a second to approve the motion made by Commissioner Darby. Commissioner Perry abstained. In addition Mr. Mark Scott, Director of Internal Audit, reported that he and Commissioner Hermosa met on Tuesday January 14, 2014 to discuss on going audits.

XII. Review of the Executive Director.

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.**

Chair Reinbeck recessed the meeting to convene in Executive Session at 11:01 a.m.

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

Chair Reinbeck recessed the meeting to convene in Executive Session at 11:01 a.m.

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

Chair Reinbeck reconvened the meeting at 12:08 p.m.

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

The Commission voted unanimously to have Chair Reinbeck and Commissioner Hermosa discuss the review of Executive Director with Mr. Terry Keel, with a motion made by Commissioner Shaw and a second to approve the motion made by Commissioner Darby.

XVI. Adjournment.

Chair Reinbeck adjourned the meeting at 12:09 p.m.

Reviewed and Submitted:

By: _____


Kay Molina
General Counsel

Approved by the Commission on February 19, 2014.

By: _____


Betty Reinbeck
Chair