

**CHAIR**  
Robert D. Thomas

**COMMISSIONERS**  
William Allensworth  
Steven D. Alvis  
Patti C. Jones  
Mike Novak  
Rigoberto Villarreal



**INTERIM EXECUTIVE DIRECTOR**  
**John Raff**

## **TEXAS FACILITIES COMMISSION**

Minutes No. 101: Minutes of the April 18, 2018 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 April 18, 2018, commencing at 9:00 a.m. Chairman Thomas presided, and Commissioners Novak, Jones, Alvis, and Allensworth were also present. Commissioner Villarreal was absent

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

Chair Thomas called the meeting to order at 9:00 a.m.

### **II. Approval of the minutes from the March 21, 2018, Open Meeting.**

The Commission voted unanimously to approve the March 21, 2018 minutes with a motion made by Commissioner Allensworth and a second to approve the motion made by Commissioner Alvis.

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

There was no public comment.

### **IV. Consent Agenda for Award of Lease Recommendations and Summaries.**

**Leases and/or Amendments Pending Execution with Commencement Date on or after April 18, 2018.**

**New:**

- 1. Lease #303-9-20620 – Department of Public Safety: La Joya, TX.**

**Replacements:**

- 2. Lease #303-9-20621 – Health and Human Services Commission/Department of Family and Protective Services/ Department of State Health Services: Beeville, TX.**

The Commission voted unanimously to approve the above Consent Agenda for Award of Lease Recommendations and Summaries with a motion to approve made by Commissioner Novak and a second to approve the motion made by Commissioner Alvis.

### **V. Consideration and possible action to award an engineering professional services contract for TFC's 2018-19 deferred maintenance on six buildings in the Capitol Complex, Project No. 18-010-5193 in Austin, Texas.**

The Commission voted unanimously to award an engineering professional services contract to Tom Green and Company Engineers in the amount of \$4,680,000.00 for the for TFC's 2018-19 deferred maintenance on six buildings

in the Capitol Complex, Project No. 18-010-5193 in Austin, Texas., with a motion made by Commissioner Allensworth and a second to approve the motion made by Commissioner Jones.

**VI. Consideration and possible action to award a construction manager-at-risk contract for the Texas School for the Deaf Toddler Learning Center and Central Services Center, Project No. 18-004-8803 in Austin, Texas.**

The Commission voted unanimously to approve a construction manager-at-risk contract to Chasco Constructors Ltd., LLP in the amount of \$10,793,955 for the Texas School for the Deaf Toddler Learning Center and Central Services Center, Project No. 18-004-8803 in Austin, Texas, with a motion made by Commissioner Allensworth and a second to approve the motion made by Commissioner Novak.

**VII. Discussion and possible action to approve the rate increase for purchaser's fee charged to recover costs associated with the sale of state surplus property.**

The Commission voted unanimously to approve the rate increase for purchaser's fee charged to recover costs associated with the sale of state surplus property, with a motion made by Commissioner Jones and a second to approve the motion made by Commissioner Novak.

**VIII. Discussion of the redevelopment of the G.J. Sutton State Office Building site in San Antonio, Texas.**

1. Fiscal note update.
2. Critical path schedule.

Mr. Richard Ehlert, Procurement Director, informed the Commission that they are on schedule with the critical path of the RFP and that they conducted two interviews on Tuesday April 17, 2018. Mr. Ehlert is hoping to have it to the Commission by June, if not in July.

Commissioner Novak made brief comments on the timeline of the critical path schedule. Commissioner Novak also let the Commission know that he's willing to help in any way he can to keep the progress on track.

**IX. Discussion of Capitol Complex Phase I Development by Balfour Beatty Construction, L.L.C.**

Mr. Lou Saksen, Project Executive for Balfour Beatty, gave a report on the construction budget summary and the schedule summary. Commissioner Alvis made brief comments on Change Order Fee's and requested if TFC could negotiate into the contract a no fee charge for change orders. Mr. John Raff said he would look into adding a provision in the contract regarding the change order.

**X. Discussion of North Austin Complex Phase I Development by Facilities Design & Construction – Project Management.**

Mr. Mark Diaz, Project Manager, gave an update on the recent solicitation, changes to contracts, coordination with City Departments, and schedule mile stones regarding the North Austin Complex Phase I Development. Mr. Diaz also informed the Commission that people can go onto the TFC-NAC.com website for the North Austin Complex and see all the updates on the project.

Chairman Thomas asked that the website links be added to the executive summary report and to please (re-add) the exceptions section on the Capitol Complex document. Commissioner Novak reiterated that the one page executive summary should also reflect the budget and the timeline of the project. Mr. John Raff, Interim Executive Director informed the Commission that he will be conforming all the reports to the same format and will also accommodate the color coding dashboard on the report.

**XI. Discussion of Texas School for the Deaf Toddler Learning Center and Central Services Center project by Facilities Design & Construction – Project Management**

Ms. Lissi Riedel, Project Manager gave a brief update on the Texas School for the Deaf Toddler Learning Center and Central Services Center project. Thereafter, Mr. John Raff, Interim Executive Director touched upon the deferred maintenance as a whole.

**XII. Report from the Executive Director on facilities design, construction projects, facilities leasing, facilities operations, maintenance, energy management, HUB and legislation.**

Mr. John Raff, Interim Executive Director, reported on the Strategic Plan process which is due in early June and informed the Commission that the budget structure change recommendations were due on April 13<sup>th</sup>. Mr. Raff stated to the Commission that there were no substantial necessary changes. Mr. Raff informed the Commissioners that they will have the draft for the Strategic Plan by the end of April to review so that it can be presented at the May Commission meeting for approval. Next, Mr. Raff reported that staff is working on the Operational Plan accountability frame work, which is due at the end of April. Mr. Raff has asked all Program areas to submit their organizational charts that includes all personnel, developing the performance plans for all personnel and performance reviews and through this Mr. Raff will be able to develop key metrics that come off those performance plans. Mr. Raff then gave short update on the key posting of the General Counsel and the Human Resources Director position and is beginning to pull them and will start the screening process. In addition, Mr. Raff reported on the posting of the live streaming of the meeting and is hoping to have this in place by the June Commission meeting. Lastly, Mr. Raff informed the Commission that the second energy contract is actually out for solicitation. Thereafter Chairman Thomas thanked Mr. Raff for all his hard work.

**XIII. Report on the Executive Director search efforts.**

Chairman Thomas gave a brief update the Commission on the Executive Director's search efforts. As of Friday April 13<sup>th</sup> there were a total of fifty-nine applicants for the Executive Director position and that number has been reduced to a total of nine candidates. On Monday April 16<sup>th</sup>, the Chairman, Vice Chair Novak and Commissioner Alvis interviewed all nine applicants. The goal is to have a set number of applicants to recommend to all the Commissioners and thereafter they can call a special meeting for the interviews. Shyra Darr will continue to send Chairman Thomas, Vice Chair Novak and Commissioner Alvis new submitted applications as long as the job posting is open. The Executive Director Position is open until filled.

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

**1. Consideration and possible action to approve the Audit Work Group Charter.**

Ms. Amanda Jenami, Director of Internal Audit gave a report on the Audit Work Group Charter; thereafter, the Commission voted unanimously to approve the Audit Work Group Charter, with a motion made by Commissioner Allensworth and a second to approve the motion made by Commissioner Alvis.

**2. Discussion and review of the agency's proposed implementation plan for the 2017 External Quality Assurance Review.**

Ms. Amanda Jenami, Director of Internal Audit gave a report on the agency's proposed implementation plan for the 2017 External Quality Assurance Review. Ms. Jenami touched upon quality assurance review recommendations for the Agency and the quality assurance review recommendations for the Office of Internal Audit. Next, Ms. Jenami gave a quick update on the SAO audit.

**3. Discussion of the results of Office of Internal Audit's Review of Internal Architectural Engineering and Construction (AEC) Services.**

Ms. Donna Steadman, Senior Auditor, gave the report on the Review of Internal Architectural Engineering and Construction (AEC) Services. Ms. Steadman touched upon the overview, strengths, recent technology, and opportunities for improvement of this audit.

**XV. Program Presentations.**

**1. Leadership Training Initiative.**

Mr. Troy Arambula, Warehouse Asset Fleet Manger, gave an overview of the Leadership Training Initiative that will be conducted by the University of Texas at Austin Center for Professional Development and will be conducted once a month over a five month span. The training will begin in May and will go till September 1, 2018. Mr. Arambula informed the Commission that the Division Directors of the agency will make the decision of which supervisors will be attending the training.

**XVI. Division/Program Dashboard Reports.**

No report was given for this agenda item.

**XVII. Report from the Commission Work Groups.**

**May include Work Groups for Energy, Administration, Child Care, Surplus Property, Real Estate Management, P3, Facilities Design & Construction and Audit.**

**1. Energy Work Group Report**

Commissioner Novak informed the Commission that Energy Work Group did not meet this month and that the RFP for another project is out for solicitation.

**2. Administration Work Group Report**

Commissioner Allensworth informed the Commission that the Administration Work Group met on Tuesday April 17, 2018, and the meeting was very successful. Also, going forward the Senior Staff plan to meet weekly and that one of the goals is to keep the channels of communication open with all Divisions across the agency. Chairman Thomas made brief comments and he also thinks it's a great idea that Senior Staff meet on a regular basis.

**3. Child Care Work Group and the Surplus Work Group**

Commissioner Jones informed the Commission that the Work Group met on Tuesday April 17, 2018, and they toured the Child Care Facility, she stated that the Child Care Staff was very complementary of all the renovations that have taken place. Commissioner Jones also informed the Commission that they had a meeting with the Child Care staff and that it was very informative. Lastly, the Work Group will be working on getting the Child Care Advisory back on track.

**4. Surplus Work Group.**

Commissioner Jones informed the Commission that the Work Group discussed the rate increase for purchaser's fee charged to recover costs associated with the sale of state surplus property and it was discussed under agenda item VII. Next, they are planning a tour of the State Surplus Facilities on Bolm Road on Tuesday before the May meeting and anyone is welcome to join the tour. Lastly, that they discussed upcoming issues that they will be working on regarding Legislation and the Legislative Appropriation Request.

**5. Real Estate Management Work Group Report.**

Commissioner Alvis informed the Commission that the Work Group is exploring some best practices in the private sector, also looking at ways to improving efficiency, response time, and accountability. Commissioner Alvis also informed the Commission that they will be touring a private sector company that is known to be at the top of the class to seek ideas.

**6. P3 Work Group Report**

The P3 Work Group did not meet this month.

**7. FDC Work Group Report.**

Commission Allensworth informed the Commission that the FDC Work Group met regarding the Capitol Complex and the interest that Leadership has on the Capitol Complex process and progress. Commissioner Allensworth also informed the Commission that the work group met with the University of Texas Facility Department staff to discuss and to get their thoughts on the Capitol Complex project. Mr. John Raff informed the Commission that UT should be done reviewing the Capitol Complex project by Friday, April 20, 2018, and TFC is looking forward to reviewing their thoughts on the Capitol Complex project. Lastly, Chairman Thomas informed the Commission that he, Commissioner Novak, Mr. John Raff, Senior Staff, Mr. Lou Saksen and a few of his staff met with Senator Hancock to update the Senator on the progress and process of the Capitol Complex project.

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

Mr. Daniel Benjamin, Interim CFO, 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.

**XIX. Consideration and possible action to settle pending litigation, Melanie Wille v. Texas Facilities Commission; Cause No. D-1-GN-15-002184, In the 201st District Court; Travis County, Texas.**

The Commission voted unanimously to approve the recommendation of the Acting General Counsel to settle pending litigation, Melanie Wille v. Texas Facilities Commission; Cause No. D-1-GN-15-002184, In the 201st District Court; Travis County, Texas, with a motion made by Commissioner Alvis and a second to approve the motion made by Commissioner Allensworth.

**XX. Consideration and possible action to settle pending litigation, Cathy Ashby v. Texas Facilities Commission; Cause No. D-1-GN-16-005828; 200th Judicial District Court; Travis County.**

No discussion/motion was taken for this agenda item.

**XXI. 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.

Commissioner Novak recessed the meeting to convene in Executive Session at 12:01p.m.

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

Chair Thomas reconvened the open meeting at 12:34 p.m. Thereafter a motion was made for Agenda Item XIX. Chairman Thomas informed the Commission that Commissioner Jones was not present when the meeting was reconvened.

**XXIII. Adjournment.**

Chair Thomas adjourned the meeting at 12:35 p.m.

**Reviewed and Submitted:**

By:   
Naomi R. Gonzalez, Acting General Counsel

Approved by the Commission on May 16, 2018.

By:   
Robert D. Thomas, Chair