

CHAIR
Robert D. Thomas

COMMISSIONERS
William D. Darby
Patti Jones
Mike Novak
Jack W. Perry
Betty Reinbeck
Joseph Slovacek



EXECUTIVE DIRECTOR
Harvey Hilderbran

TEXAS FACILITIES COMMISSION

Minutes No. 92: Minutes of the April 19, 2017 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 19, 2017, commencing at 10:00 a.m. Chairman Thomas presided, and Commissioners Novak, Perry, Jones and Slovacek were also present. Commissioners Reinbeck and Darby were absent.

I. Call to Order.

Chairman Thomas called the meeting to order at 10:01 a.m.

II. Service Awards.

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

Christina Cheatham	25 years (Property Management Services, PREM)
Christopher Flores	25 years, Property Management, (PREM)
Mark Asbill	25 years, Facilities Operations and Control, (PREM)
Martin Zapata	20 years, Facilities Maintenance, (PREM), Texas School for the Deaf

III. Approval of the minutes from the January 18, 2017, and the February 15, 2017, Open Meeting.

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

IV. Public Comment.

There was no public comment.

V. Consent Agenda for Award of Lease Recommendations and Summaries.

Leases and/or Amendments Pending Execution with Commencement Date on or after April 19, 2017.

Replacement:

1. Lease #303-8-20582 – Health and Human Services Commission; Department of Aging and Disability Services: Tyler, TX.

Renewals:

2. Lease #1435 – Texas Department of Criminal Justice: Dallas, TX.
3. Lease #10396 – Department of Family and Protective Services: Killeen, TX.

4. Lease #10538- Department of Family and Protective Services; Health and Human Services Commission; Texas Workforce Commission: Texas City, TX.
5. Lease #8017 – Health and Human Services Commission; Department of Family and Protective Services: Harlingen, TX.
6. Lease #303-1-20259 – Office of the Attorney General: San Antonio, TX.
7. Lease #303-3-20319 – Health and Human Services Commission: Houston, TX.
8. Lease #20157 – Texas Parks and Wildlife Department: Austin, TX.
9. Lease #10472 – Department of Family and Protective Services; Texas Workforce Commission: New Braunfels, TX.
10. Lease #7483 – Health and Human Services Commission; Department of Family and Protective Services: San Antonio, TX.
11. Lease #10224 – Texas Department of Insurance-Division of Workers' Compensation: Austin, TX.

Add Space:

12. Lease #303-7-20543 – Health and Human Services Commission; Department of Family and Protective Services; Department of State Health Services: Department of Aging and Disability Services: Texarkana, 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 Slovacek.

VI. Contract Consent Agenda.

1. Consideration and possible action to approve an architectural/engineering professional services contract for Phase II design and construction administration services for TFC's 2016-17 deferred maintenance on four buildings located on the Health and Human Services Commission Campus, Project No. 16-019-5530 in Austin, Texas.
2. Consideration and possible action to approve an architectural/engineering professional services contract for Phase II design and construction administration services for TFC's 2016-17 deferred maintenance on eight buildings, Project No. 16-020-5810 in Austin, Texas.
3. Consideration and possible action to approve an amendment to the outside counsel contract with Coats, Rose, Yale, Ryman and Lee, P.C.

The Commission voted unanimously to approve the above Contract Consent Agenda, with a motion to approve made by Commissioner Jones and a second to approve the motion made by Commissioner Perry.

VII. Consideration and possible action to award a construction manager-at-risk contract for the Capitol Complex New Buildings and Utility Infrastructure Project, Excavation Package (Package 1), Project No. 16-018A-8001 in Austin, Texas.

The Commission voted unanimously to approve a construction manager-at-risk contract to Zachary Construction Corporation, in the amount of \$24,102,019.00 for the Capitol Complex New Buildings and Utility Infrastructure Project, Excavation Package (Package 1), Project No. 16-018A-8001 in Austin, Texas, with a motion made by Commissioner Slovacek and a second to approve the motion made by Commissioner Novak.

VIII. Report by the Executive Director pursuant to Commission policy on the emergency delegation action for the month of March.

Ms. Kay Molina, General Counsel, informed the Commission that three contracts had been delegated to the Executive Director for review and approval in March due to the cancellation of the Commission meeting and pursuant to Commission policy. The Executive Director approved a construction manager-at-risk contract amendment for the Texas Department of Public Safety's 2014-15 Region 3 deferred maintenance, Project No. 14-

031K-6047 in Corpus Christi, Texas, an architectural/engineering professional services contract amendment for site engineering services for the Capitol Complex, Project No. 16-015-8000 in Austin, and the architectural/engineering professional services contract for retro-commissioning for TFC's 2016-17 deferred maintenance on the John H. Winters Complex, Project No. 16-009-5580 in Austin, Texas.

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

Mr. Harvey Hilderbran, Executive Director, gave brief comments regarding the new TFC Vision Statement. Thereafter, Mr. Hilderbran gave a summary on the appropriations bill. Mr. Hilderbran informed the Commission that he sent a letter to the LBB requesting emergency funding for the French Legation building repairs and gave brief remarks regarding the RFP that will be issued for the proposed E. O. Thompson parking garage project on Lot 15. In addition, Mr. Hilderbran gave brief remarks regarding the Sutton Building and the phases of the study completed on the project. He also discussed the issuance of an RFI for a possible project and that Commissioner Novak was quoted in a newspaper article about the site. Mr. Hilderbran informed the Commission that TFC is waiting to hear from leadership regarding the groundbreaking for the new construction in the Capitol Complex and that a resolution had been filed to name one of the new buildings after George H. W. Bush.

Mr. John Raff, Deputy Executive Director of Facilities Design and Construction, gave a brief summary on TFC's 2016-17 new construction for the Capitol Complex Phase I and the North Austin Complex Phase I. Chairman Thomas and Commissioner Novak had a brief discussion on the timeline for updates for high level reports regarding construction project.

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

1. Review and discussion of the Annual Report on the Internal Audit Quality Assurance and Improvement Program.

Ms. Amanda Jenami, Director of Internal Audit, gave brief remarks regarding the Internal Audit assessment results and Ms. Donna Steadman gave the Commission a brief presentation on the Annual Report on the Internal Audit Quality Assurance and Improvement Program.

2. Review and discussion of OIA's Status Report for the quarter ended February 28, 2017.

Ms. Amanda Jenami, Director of Internal Audit gave brief report of the OIA's Status Report for the quarter ended February 28, 2017.

XI. Program Presentations.

1. Presentation of Phase One of the TFC Operational Plan.

Mr. Gerard Edimo, Director of Program Operations, gave a brief summary on the basic elements of the Operational Plan and the Internal Assessment Scorecard. Thereafter Chairman Thomas thanked Harvey, Gerard and all the TFC staff for all the hard work that was put into the TFC Operational Plan.

XII. Report from the divisions on facilities design and construction, leasing, facilities operations, maintenance and surplus property.

No report was given.

XIII. Report from the Commission Work Groups.

1. Audit Work Group

Commissioner Slovacek informed the Commission that the work group continues to focus on building trust within the organization, within management, Internal Auditing, Commission and Board Members, and it's an ongoing

project, listening to each other and supporting each other in these efforts. Chairman Thomas and Commissioner Jones agreed with Commissioner Slovacek comments.

2. P3 Work Group

Commissioner Novak informed the Commission that the work group met and discussed the Sutton Building.

3. Energy Work Group.

Commissioner Novak informed the Commission that the Energy Group met in March. In addition, Commissioner Novak also informed the Commission that the Work Group continues to make progress and that the Work Group is focusing on water and finding opportunities for water efficiency.

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

Mr. Daniel Benjamin, Director of Accounts Payable, 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. Mr. Hilderbran remind the Commission that they have asked Internal Audit about working on a consultant project on recycling Chairman Thomas asked staff to get the report information that Internal Audit needs to get the consultant project done.

XV. Discussion of Commission organization, policies, procedures and new initiatives.

There was no discussion.

XVI. Consideration and possible action to approve a consultant for Human Resources/Leadership training.

The Commission unanimously voted to approve a consultant for Human Resources/Leadership training, with a motion made by Commissioner Slovacek and a second to approve the motion made by Commissioner Novak.

XVII. Election of the Vice Chair.

The Commission unanimously voted to reelect Commissioner Mike Novak as Vice Chair, with a motion made by Commissioner Slovacek and a second to approve the motion made by Commissioner Jones.

XVIII. Recess into CLOSED session, if necessary, pursuant to Texas Government Code Chapter 551 for the following purposes:

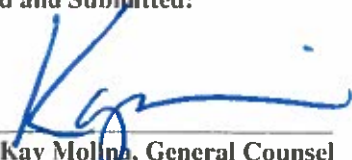
- a. Pending and potential litigation, Section 551.071.
- b. The appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director and executive management staff, Section 551.074 The duties, roles, and responsibilities as Commissioners of the Texas Facilities 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.

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

XX. Adjournment.

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

Reviewed and Submitted:

By: 
Kay Molina, General Counsel

Approved by the Commission on May 17, 2017.

By: 
Robert D. Thomas, Chairman