

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. 89: Minutes of the November 16, 2016 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, November 16, 2016, commencing at 10:00 a.m. Chairman Thomas presided, and Commissioners Novak, Reinbeck, Perry, Jones and Slovacek were also present. Commissioner Darby was absent.

I. Call to Order.

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

II. Approval of the minutes from the October 19, 2016 Open Meeting.

The Commission voted unanimously to approve the minutes from the previous meeting with a motion made by Commissioner Reinbeck and a second to approve the motion made by Commissioner Jones.

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 November 16, 2016.

NEW LEASE:

1. Lease #20537 – Department of Motor Vehicle: San Antonio, TX.

REPLACEMENTS:

2. Lease #303-7-20572 – Health and Human Services Commission: Arlington, TX.
3. Lease #20584 – Texas Department of Criminal Justice: Conroe, TX.

RENEWALS:

4. Lease #303-9-11663 – Office of the Attorney General: San Antonio, TX.
5. Lease #10276 – Department of Aging and Disabilities and the Health and Human Services Commission: San Antonio, 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 Reinbeck and a second to approve the motion made by Commissioner Jones.

V. Consent Agenda:

- 1. Consideration and possible action to increase the total contract amount for the TD Industries plumbing services contract, TFC Contract No. 14-035.**
- 2. Consideration and possible action to increase the total contract amount for the TD Industries HVAC services contract, TFC Contract No. 14-067.**
- 3. Consideration and possible action to increase the total contract amount for the Beard Integrated System Inc. plumbing services contract, TFC Contract No. 14-033.**
- 4. Consideration and possible action to increase the total contract amount for the Beard Integrated System Inc. HVAC services contract, TFC Contract No. 14-066.**
- 5. Consideration and possible action to approve an architectural/engineering professional services contract amendment for 2014-15 deferred maintenance on the William P. Hobby Towers I, II & III, Project No. 14-010-6460 in Austin, Texas.**

The Commission voted unanimously to approve the above Contract Consent Agenda, with a motion to approve made by Commissioner Novak 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 renovation of Texas Department of Public Safety facilities at Gessner Road and Townhurst Drive, Project No. 16-013-6077 in Houston, Texas.

The Commission voted unanimously to approve a construction manager-at-risk contract to Morganti Texas, Inc., in the amount of \$3,481,230.00 for the renovation of Texas Department of Public Safety facilities at Gessner Road and Townhurst Drive, Project No. 16-013-6077 in Houston, Texas, with a motion made by Commissioner Perry and a second to approve the motion made by Commissioner Reinbeck.

VII. Consideration and possible action to award a construction manager-at-risk contract for the Texas Department of Public Safety's deferred maintenance for a district office, Project No. 14-031R-6047, in Waco, Texas.

The Commission voted unanimously to approve a construction manager-at-risk contract to J.T. Vaughn Construction, LLC in the amount of \$1,864,997.00 for the Texas Department of Public Safety's deferred maintenance for a district office, Project No. 14-031R-6047, in Waco, Texas, with a motion made by Commissioner Slovacek and a second to approve the motion made by Commissioner Perry.

VIII. Consideration and possible action to award a construction manager-at-risk contract for the TFC's 2016-17 deferred maintenance on four buildings including the Department of State Health Services Buildings F, R, the Tower, and the Robert Bernstein Building, Project No. 16-019-5530 in Austin, Texas.

The Commission voted unanimously to approve a construction manager-at-risk contract to Flynn Construction, Inc., in the amount of \$11,123,811.00 for TFC's 2016-17 deferred maintenance on four buildings including the Department of State Health Services Buildings F, R, the Tower, and the Robert Bernstein Building, Project No. 16-019-5530 in Austin, Texas, with a motion made by Commissioner Reinbeck and a second to approve the motion made by Commissioner Perry.

IX. Consideration and possible action to award a construction manager-at-risk contract for TFC's 2016-17 deferred maintenance on eight buildings including Park 35 Buildings A through E, the Promontory Point Warehouse, the State Records Center and the Wheless Lane Laboratory, Project No. 16-020-5810 in Austin, Texas.

The Commission voted unanimously to approve a construction manager-at-risk contract to Kitchell Contractors, Inc., in the amount of \$6,314,744.00 for TFC's 2016-17 deferred maintenance on eight buildings including Park 35 Buildings A through E, the Promontory Point Warehouse, the State Records Center and the Wheless Lane Laboratory, Project No. 16-020-5810 in Austin, Texas, with a motion made by Commissioner Reinbeck and a second to approve the motion made by Commissioner Novak.

- X. Consideration and possible action to award a construction manager-at-risk contract for TFC's 2016-17 deferred maintenance on the Central Services Building, Insurance Annex, John H. Reagan Building, Robert E. Johnson Building, E.O. Thompson Building, Thomas J. Rusk Building and the William P. Clements, Jr. Building, Project No. 16-014-5192 in Austin, Texas.**

The Commission voted unanimously to approve a construction manager-at-risk contract to Balfour Beatty Construction, LLC in the amount of \$10,630,356.00 for TFC's 2016-17 deferred maintenance on the Central Services Building, Insurance Annex, John H. Reagan Building, Robert E. Johnson Building, E.O. Thompson Building, Thomas J. Rusk Building and the William P. Clements, Jr. Building, Project No. 16-014-5192 in Austin, Texas, with a motion made by Commissioner Jones and a second to approve the motion made by Commissioner Slovacek.

- XI. Consideration and possible action to approve an architectural/engineering professional services contract amendment for Phase 3 site services for the Capitol Complex and North Austin Complex, Project No. 16-015-8000 in Austin, Texas.**

The Commission voted unanimously to approve an architectural/engineering professional services contract amendment to Cobb Fendley and Associates, Inc., in the amount of \$2,924,506.00 for Phase 3 site services for the Capitol Complex and North Austin Complex, Project No. 16-015-8000 in Austin, Texas, with a motion to approve made by Commissioner Perry and a second to approve the motion made by Commissioner Slovacek.

- XII. Consideration and possible action to approve the 2016 Master Facilities Plan Report.**

The Commission voted unanimously to approve the 2016 Master Facilities Plan Report with a motion made by Commissioner Reinbeck and a second to approve the motion made by Commissioner Jones.

- XIII. Consideration and possible action to approve publication of notices in the Texas Register concerning rule review related to Texas Administrative Code, Title 1, Part 5, Chapter 123, Facilities Design and Construction.**

The Commission voted unanimously to approve the staff recommendation to close the rule review of Texas Administrative Code, Title 1, Part 5, Chapter 123, by readopting Chapter 123 with amendments and to publish in the Texas Register public notice of the adopted rule review and the proposed amendments for public comment, with a motion made by Commissioner Novak and a second to approve the motion made by Commissioner Reinbeck.

- XIV. 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 a brief summary on the agency's performance measures reported quarterly to the LBB. Eighteen of the performance measures were met or exceeded and six did not meet the target due to various factors outside of TFC's control. Commissioner Novak asked that a date be added to the chart, that it be color coded and that it be distributed in advance of Commission meetings in which it will be presented. Next, Mr. Hilderbran gave a status update on the FY 16-17 deferred maintenance projects, status of new construction projects in the Capitol Complex, and the new construction project in the North Austin Complex and informed the Commission that he plans to provide a quarterly update on such big projects. In addition, Mr. Hilderbran gave an update on the Austin Energy contract and informed the Commission that the Chair, Vice Chair and staff had a meeting with Austin Energy on Tuesday November 15, 2016. Mr. Hilderbran stated that Austin Energy made a serious first offer for the new contract terms but that staff was reviewing the proposal and has retained outside counsel and a rate analyst consultant who will also review the offer. Thereafter, Chairman Thomas gave brief remarks regarding Austin Energy and the contract negotiations.

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

Ms. Amanda Jenami, Director of Internal Audit, introduce the new Internal Audit staff member, Donna Steadman. In addition Ms. Jenami informed the Commission that the Internal Audit program information is now on the TFC website.

XVI. Program Presentations.

1. Commercial Parking and Events.

Mrs. Laura Hall, the Program Supervisor for Commercial Parking and Special Events, provided the Commission with an overview of the program including after-hours parking, tailgating, special events and film production coordination. Ms. Hall also gave a brief update on a pilot program that staff has proposed regarding use of the Sutton parking lot for parking and special events to generate revenue while the building is vacant. Commissioner Novak asked to be kept updated on the project.

2. Report by Surplus Divisions on audit implementation status.

Ms. Kristy Fierro, Director of State and Federal Surplus, gave a brief update on the audit implementation. Ms. Fierro reported that there was no formal audit findings but there were a few minor recommendations for improving outreach that staff has been working on.

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

No report was given.

XVIII. Report from the Commission Work Groups.

1. Energy Work Group

Commissioner Novak informed the Commission that the Energy Group met yesterday November 15, 2016 and continues to make great progress. Commissioner Novak also stated that the LED lighting for the garages is on schedule and that TFC is in the process of finalizing the energy performance contract.

XIX. 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.

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

There was no discussion on this 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.
- f. The deliberation regarding a security audit, Section 551.076.

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

There was no Executive Session.

XXIII Adjournment.

Chair Thomas adjourned the meeting at 11:38 a.m.

Reviewed and Submitted:

By: 
Kay Molina, General Counsel

Approved by the Commission on January 18, 2017.

By: 
Robert Thomas, Chair