

**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. 63: Minutes of the June 18, 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, June 18, 2014 commencing at 10:00 a.m. Chair Reinbeck presided, and Commissioners Hermosa, Darby, Ince, Novak and Perry were also present. Commissioner Shaw was absent.

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

Chair Reinbeck called the meeting to order at 10:02am.

### **II. Approval of the minutes from the May 21, 2014 Open Meeting.**

The Commission voted to approve the minutes from the previous meeting with a motion made by Commissioner Perry and a second to approve the motion made by Commissioner Hermosa. Commissioner Ince 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 June 18, 2014.**

#### **Replacement Leases**

- 1. #303-5-20429 – Department of Family and Protective Services: San Antonio, TX.**
- 2. #303-6-20435 – Texas Department of Public Safety: Georgetown, TX.**

The Commission voted unanimously to approve replacement lease #303-5-20429 with a motion to approve made by Commissioner Ince and a second to approve the motion made by Commissioner Darby. Replacement lease #303-6-20435 was pulled.

**V. Consideration and possible action to approve the award of a construction contract for deferred maintenance on the State Records Center, Project No. 10-008-6306, in Austin, Texas.**

The Commission voted unanimously to approve a construction contract to Trimbuilt Construction, Inc. in the amount of \$2,269,370.00, for deferred maintenance on the State Records Center Project #10-008-6306, in Austin, Texas, with a motion made by Commissioner Ince and a second to approve the motion made by Commissioner Perry.

**VI. Consideration and possible action to approve the 2014 Master Facilities Plan Report.**

The 2014 Master Facilities Plan Report was presented by Mr. Peter Maass, Deputy Executive Director of Planning and Real Estate Management Division. Thereafter, the Commission voted unanimously to approve the 2014 Master Facilities Plan Report with a motion to approve made by Commissioner Hermosa and a second to approve the motion made by Commissioner Darby.

**VII. Presentation by staff on agency service contracts and consideration and possible action to direct staff to review and propose amendments to the Commission policies regarding maintenance, grounds, utility and service contracts.**

Kay Molina, General Counsel gave a brief update on the agency service contracts, their purpose and the concurring policy. Chair Reinbeck said that the Policy Work Group would continue to review the issues and no further action was taken.

**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, gave the Commission a brief summary report on the Texas School for the Deaf campus wide power outage that occurred on Monday June 2, 2014.

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

Commissioner Novak gave a brief update on the last Energy Work Group meeting. In addition, John Raff, Deputy Executive Director of Facilities Design and Construction, informed the Commission that Energy Management staff has been working on the process for the review of TFC electric bills.

**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. Consideration and possible action to approve the FY16-17 Legislative Appropriations Request Exceptional Items.**

The FY 16-17 Legislative Appropriations Request Exceptional Items was presented by Ms. Diana Warner, Chief Financial Officer. Thereafter, the Commission voted unanimously to approve the FY 16-17 Legislative Appropriations Request Exceptional Items with a motion to approve made by Commissioner Hermosa and a second to approve the motion made by Commissioner Novak. In addition the Commission

asked staff to prepare an exceptional item request for an additional FTE to review ongoing electric bills, to be presented and considered at the July meeting.

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

**a. Review of TFC Recycling Program.**

Mr. Mark Scott, Director of Internal Audit, updated the Commission on the Review of the TFC Recycling Program Audit. In addition, Mr. Scott informed the Commission that Commissioner Perry will be joining the Audit Work Group.

**XIII. Consideration and possible action to approve the Agency Strategic Plan Fiscal Years 2015-2019.**

The Commission voted unanimously to approve the submission of the Agency Strategic Plan Fiscal Years 2015-2019, as presented to the Commission, and further authorized staff to make any non-substantive changes that may be needed during final editing and printing of the final document, with a motion made by Commissioner Darby and a second to approve the motion made by Commissioner Perry.

**XIV. Briefing on *Harvey-Cleary Builders v. TFC*, OAG No. 133436535.**

**XV. 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 11:31 a.m.

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

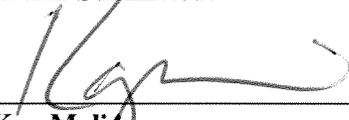
Chair Reinbeck reconvened the meeting at 12:12 p.m.

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

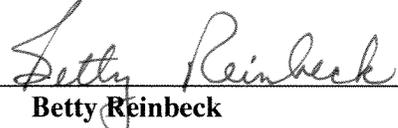
**XVIII. Adjournment.**

Chair Reinbeck adjourned the meeting at 12:13 p.m.

**Reviewed and Submitted:**

By:   
**Kay Molina**  
**General Counsel**

**Approved by the Commission on July 16, 2014.**

By:   
**Betty Reinbeck**  
**Chair**