

EXECUTIVE DIRECTOR
Terry Keel



CHAIR
Betty Reinbeck

COMMISSIONERS
Malcolm E. Beckendorff
William D. Darby
Douglas M. Hartman
Brant C. Ince
Virginia Hermosa

Texas Facilities Commission

Minutes No. 35 Minutes of the April 20, 2011, 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 20, 2011, commencing at 10:00 a.m. The following were present, and Chair Reinbeck presided: Commissioners Hermosa, Darby, Beckendorff, Ince and Hartman were also present.

I. Call to Order.

Chair Reinbeck called the meeting to order at 10:01 a.m.

II. Presentation of State Service Awards.

Mr. Ken Hulin was acknowledged for his 25 years of State service.

III. Approval of the Minutes from the March 16, 2011 Public Meeting

The Commission voted unanimously to approve the minutes from the previous meeting with a motion made by Commissioner Ince and a second to approve the motion made by Commissioner Darby. Commissioner Hartman abstained from voting due to his absence from the March 16, 2011 Public Meeting.

IV. Public Comment.

There were no public comments.

V. Award of Lease Recommendations and Summaries.

Leases and/or Amendments Pending Execution with Commencement Date on or after April 20, 2011.

New Leases

1. #303-1-20263 - Health and Human Services Commission/Department of Family and Protective Services/Department of Aging and Disability Services/Department of State Health Services: Gainesville, Texas.

Add Spaces

2. #20169 - Department of Public Safety: Austin, Texas.

The Commission unanimously voted to approve the above leases with a motion to approve made by Commissioner Ince and a second to approve the motion made by Commissioner Hartman.

- VI. **Consideration and possible action to approve the award of a construction manager-at-risk contract for the Texas Department of Public Safety Building B Renovation; Project No. 08-002A-0405, Austin, Texas.** The Commissioners unanimously voted to award a construction contract for the Texas Department of Public Safety Building B Renovation, Project No. 08-002A-0405, Austin, Texas, with a motion to approve made by Commissioner Hermosa and a second to approve the motion made by Commissioner Hartman.
- VII. **Consideration and possible action to approve an amendment to the current architectural/engineering professional services contract for the Texas Department of Public Safety (DPS) Emergency Vehicle Operation Course Facilities, Project No. 08-006B-0405, Florence, Texas.** The Commissioners unanimously voted to award an amendment to the current architectural/engineering professional services contract for the Texas Department of Public Safety Emergency Vehicle Operation Course Facilities, Project No. 08-006B-0405, Florence, Texas, with a motion to approve made by Commissioner Ince and a second to approve the motion made by Commissioner Beckendorff.
- VIII. **Consideration and possible action to approve an amendment to the current architectural/engineering professional services contract for the William B. Travis State Office Building 10th & 11th Floor Renovation, Project No. 10-027-6144, Austin, Texas.** The Commissioners unanimously voted to award an amendment to the current architectural/engineering professional services contract for the William B. Travis State Office Building 10th & 11th Floor Renovation, Project No. 10-027-6144, Austin, Texas, with a motion to approve made by Commissioner Hartman and a second to approve the motion made by Commissioner Hermosa.
- IX. **Consideration and possible action to approve a Comptroller of Public Accounts Grant Agreement for Distributed Renewable Energy Program for the William B. Travis State Office Building Solar Array Project, No. 11-011-1216, Austin, Texas.** The Commissioners unanimously voted to approve the Comptroller of Public Accounts Grant Agreement for Distributed Renewable Energy Program for the William B. Travis State Office Building Solar Array Project, No. 11-011-1216, Austin, Texas, with a motion to approve made by Commissioner Darby and a second to approve the motion made by Commissioner Hermosa. Commissioner Hartman noted that staff should include language in the contracts for design and installation of the solar panels, that these third party contractors shall be financially liable if the timelines required to meet the timelines set forward in the grant are not met.
- X. **Consideration and possible action to approve a Comptroller of Public Accounts Grant Agreement for Distributed Renewable Energy Program for the Lyndon B. Johnson State Office Building Solar Array Project, No. 11-012-1217, Austin, Texas.** The Commissioners unanimously voted to approve the Comptroller of Public Accounts Grant Agreement for Distributed Renewable Energy Program for the Lyndon B. Johnson State Office Building Solar Array Project, No. 11-012-1217, Austin, Texas, with a motion to approve made by Commissioner Hartman and a second to approve the motion made by Commissioner Darby. Commissioner Hartman noted that staff should include language in the contracts for design and installation of the solar panels, that these third party contractors shall be financially liable if the timelines set forward in the grant are not met.

XI. Consideration and possible action to approve an amendment to a current architectural/engineering professional services contact for the William B. Travis State Office Building Solar Array Project, No. 11-011-1216, Austin, Texas, the Lyndon B. Johnson State Office Building Solar Array Project, No. 11-012-1217, Austin, Texas, and, the El Paso State Office Building Envelope Project, No. 08-047-6114, El Paso, Texas. The Commissioners unanimously voted to award an amendment to a current architectural/engineering professional services contact for the William B. Travis State Office Building Solar Array Project, No. 11-011-1216, Austin, Texas, and the Lyndon B. Johnson State Office Building Solar Array Project, No. 11-012-1217, Austin, Texas. and the El Paso State Office Building Envelope Project, No. 08-047-6114, El Paso, Texas, with a motion to approve made by Commissioner Hermosa and a second to approve the motion made by Commissioner Hartman.

XII. Update from the Planning and Asset Management Division on facilities strategy and space utilization.

No Presentation was made on this agenda item.

XIII. Legislative update and, if necessary, consideration and possible action on legislation and/or legislative appropriation issues.

Kay Molina, General Counsel, provided the Commission an update on bills filed during the 82nd Legislative Session, including bills filed on behalf of the Texas Facilities Commission, merger bills and fiscal matter related legislation.

XIV. Report from the Executive Director and executive staff on facilities design and construction projects, facilities leasing, and facilities operations, maintenance, and energy management.

Terry Keel, Executive Director invited the Commissioners to attend a fundraising “Political Ties Auction” being held by the Daughters of the Republic of Texas at the French Legation on April 27, 2011 from 5:00-8:00 p.m.

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

Luis A. Arellano, Chief Financial Officer, provided the monthly financial report including the agency forecast, operating expense report, year to date budget adjustments, cost recovery programs the results of operations, the revenue forecast, and the financial transactions, and appropriations not included in the operating budget. Mr. Arellano informed the Commission that TFC has 261 FTE’s as of March 31, 2011. In addition, Mr. Arellano informed the Commission about available balances as of the end of the reporting period.

XVI. Monthly Status Report from the Internal Auditor.

Review of Operations in TFC’s Information Technology Section

Mr. Scott, Director of Internal Audit, gave the Commission a follow-up on the IT audit of last month. Topics discussed at the first meeting of the IT Steering Committee included: (i) planning and allocation for the IT resources including hardware, software, and programming staff; (ii) coordination of training for both IT staff and users of information resources; (iii) protocol for communication among program areas, IT, and management with regard to system implementation, and; (iv) IT security including the training for an Information Security Officer designee. In addition, Mr. Scott informed the Commission that he met with Commissioners Hartman and Hermosa to discuss audit related issues.

XVII. Overview of a proposed electric service contract with Austin Energy and direction to the Executive Director to finalize and execute the contract.

Chairman Reinbeck asked to discuss this proposal in Executive Session with a motion to approve made by Commissioner Hermosa and a second to approve the motion made by Commissioner Hartman. Kay Molina, General Counsel, provided the written finding necessitated by law.

XVIII. Recess into CLOSED session, if necessary, pursuant to the Texas Government Code under 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 10:51 a.m.

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

Chair Reinbeck reconvened the meeting at 12:16 p.m.

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

In consideration of Article Item XVII, the Commissioners unanimously voted to direct the Executive Director to continue negotiations with Austin Energy and to finalize and execute an electric service agreement on behalf of the State of Texas as soon as possible.

XXI. Adjournment.

Chair Reinbeck adjourned the meeting at 12:17 p.m.

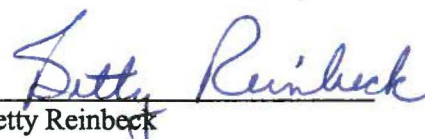
Reviewed and
Submitted by:



Kay Molina
General Counsel

Approved by the Commission on the 15th day of June, 2011.

By:



Betty Reinbeck
Chair