



TEXAS SOUTHMOST COLLEGE DISTRICT

THE UNIVERSITY OF TEXAS AT BROWNSVILLE and TEXAS SOUTHMOST COLLEGE

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Texas Southmost College District

Minutes of the Regular Meeting of the Board of Trustees

March 24, 2011

The Board of Trustees of the Texas Southmost College District convened in open session on March 24, 2011, at 5:30 p.m., in the Gorgas Board Room at The University of Texas at Brownsville and Texas Southmost College. Board members present were Francisco G. Rendon, Chair; Adela G. Garza, Secretary; Trey Mendez; Dr. Robert A. Lozano; David Oliveira and René Torres. Board member Dr. Roberto Robles, Vice Chair and Dr. Juliet V. García, President of The University of Texas at Brownsville and Texas Southmost College was absent. Dr. Alan Artibise, Provost of The University of Texas at Brownsville and Texas Southmost College was present representing Dr. García.

Call to Order

The meeting was called to order by Chairman Rendon at 5:33 p.m.

1. Announcements

There were no announcements.

2. Transition Team Status Report

Chairman Rendon introduced Dr. Robert Furgason, Consultant for the TSC Transition Team. Mr. Rendon reminded the Board that Dr. Furgason was hired at the February 17, 2011 Board meeting to lead the TSC Transition Team.

Dr. Furgason gave a status report on the Transition Team and informed the Trustees on how the transition team will assist in separating both institutions. He reported that his position on the Transition Team is to help implement policy

determined by the Board. Those retained as part of the Transition Team are aiding in the transition, giving advice, and setting into motion different programs necessary for that activity. The situation between UTB/TSC is quite unique in that the process of dividing and developing the two autonomous institutions will involve unweaving and recreating the two separate institutions and entities. It must be undone and recreated with a mutual game plan of the future of the two institutions once the separation has been implemented. This is why it is so important for both teams to work closely together to create the best things for the Brownsville Community.

From a perspective of a community, it is important that the community look at both institutions for accessibility and affordability. Dr. Furgason expressed the important first step of hiring a permanent president for TSC.

Dr. Furgason also recommended that the Board engage Dr. John Anthony. Dr. Anthony has worked and has been President of several community colleges in his career. It is very beneficial to a community to have a strong working relationship to the community college as well as the four year institution. Dr. Anthony also brings another important credential, which is his experience as an evaluator of community college accreditation systems with SACS. Dr. Anthony will be an asset to the Board and the community in having the insights of how the community colleges operate and what is necessary to maintain a high quality community college.

Dr. Furgason reported that if acted upon positively this evening, both he and Dr. Anthony will attend a SACS workshop on accreditation issues in Atlanta. The Transition Team will then be able to ascertain from the accreditation agency what they want to happen as the process moves forward. Dr. Furgason also reported that another meeting is scheduled with Dr. Prior and the Transition Team for UT System on April 4th in Austin. This will be the first face to face meeting with the transition team with UT System.

Dr. Furgason informed the Trustees that another ongoing item for the Transition Team is setting out an action plan that delineates a timeline. The Transition Team will be determining this timeline and it will be an ongoing activity. Dr. Furgason emphasized that the ultimate objective is to establish two institutions in this community that the whole community is proud of and support in every regard.

Mr. Oliveira asked about the terms and fees of Dr. Furgason's contract. Dr. Furgason stated the compensation level is \$ 150.00 per hour with a cap of \$10,000 per month. If it exceeds \$10,000, it will need Board approval. The length of the contract is at the pleasure of the board. The scope of work is to lead the transition team and recruit other members of the team, and to work with UT System to address issues as far as separation is concerned. The activities of the transition team have not been highly delineated, however, the assumption of working on behalf of TSC and dealing with the issues it faces in reference to separation has been accepted. Dr. Furgason emphasized that it is expected that

when a president is hired, the consultant work would diminish, shifting the responsibility to the president. The Transition Team would be prepared to assist the board in developing a Presidential job description as well as making recommendations on how to recruit the proper individual for that position.

Mr. Oliveira expressed his concerns for the student transitions during this process. Dr. Furgason agreed and explained that this was the main reason for meeting with Dr. Garcia earlier today. We are of one mind that the transition goes on and the student barely knows that it is happening to them. The objectives of both institutions are both on the same page in that students need to move through the programs as seamlessly as possible.

Dr. Furgason explained that the community college normally has open admissions and the university usually has certain admissions requirements. In other areas, the community college student is encouraged to transfer to the four year university as they have completed certain elements of their curriculum through articulation agreements. These agreements and transferability issues between both institutions will certainly be on the agenda.

Mr. Oliveira expressed his concerns for the financial plan. Dr. Furgason explained that this issue is linked to so many other areas already discussed especially student enrollment. The best strategy is to make some assumptions and decide which avenue seems to be the most reasonable based on those assumptions. Dr. Anthony will certainly be able to help with this issue, however, a financial person should be hired to deal with those issues directly.

Mr. Oliveira inquired as to who will be leading the Accreditation process. Dr. Furgason reported that it will be a joint effort between both he and Dr. Anthony. Dr. Furgason explained that both have a great deal of knowledge about the accreditation process. Mr. Oliveira inquired as to the rate set forth in the contract for Dr. Anthony. Dr. Furgason reported that Dr. Anthony will be hired at \$100 per hour.

Dr. Lozano welcomed Dr. Furgason to TSC. Mr. Rendon confirmed that the current accreditation will exist until the new one is in place. Dr. Furgason reported that his conversation with Dr. Garcia confirmed that the current accreditation will exist until the new accreditations are approved.

Mr. Torres requested more definition, clarity and the criteria as we move forward. Dr. Furgason agreed that those are the responsibilities as the Transition Team moves forward.

3. Opening Statement by Trustees

Chairman Rendon gave an opening statement. He stated that the Board has chartered a new direction for TSC. The implementation effectiveness needs the

commitment and contribution of the entire Board. We all need to start contributing to the vision of TSC the way it is going to be not the way some wish it were. We must obtain closure on this tough issue and bring the community back together again. We must effect alignment and action to implement the vision of the majority of the Board and create the two autonomous institutions.

4. Donation

Consideration and Possible Action on Acceptance of Sculpture Donation

Chairman Rendon stated that this item will not be acted on this evening because the donors withdrew the donation. There was no action taken.

5. Speakers to Agenda Items and Public Discussion

Chairman Rendon called on Baltazar Acevedo Junior, resident of the district. He was concerned on the Board decision on item number eleven consulting services. He requested that no action be taken on this proposal until further diligence has been conducted which demonstrates an effort to identify and expand a diverse pool of individuals.

6. Approval of Minutes of Previous Meeting

Consideration and Possible Action on Approval of Minutes of the Regular Meeting on February 17, 2011

A motion was made by Mr. Torres to approve the Minutes of the Regular Meeting on February 17, 2011 as presented. The motion was seconded by Mr. Oliveira and carried unanimously.

7. Executive Session

as provided by Government Code,
Chapter 551.071 and 551.074.

The Board convened in Executive Session at 6:24 p.m.

The Board reconvened in Regular Session at 7:25 p.m.

8. Consideration and possible action on matters discussed in Executive Session

**Approval of TSC
Legal Counsel Invoices**

Dr. Lozano reported that Dan Rentfro has resigned as TSC District Counsel. He also requested that a resolution be presented to the Board to recognize his years of service to the TSC District. Mr. Oliveira agreed and stated that Mr. Rentfro's law firm has been as the TSC District Counsel since 1974.

A motion was made by Mr. Mendez to approve invoices for TSC Legal Counsel as presented. The motion was seconded by Dr. Lozano and carried unanimously. *Exhibit "A"*

**Authorizing the TSC Transition Team to
Enter into Discussions and Negotiations with the Texas
State Technical College (TSTC) System for Future Joint Venture
Opportunities Beneficial to the Texas Southmost College District**

A motion was made by Mr. Torres to authorize the TSC Transition Team to enter into discussion and negotiations with TSTC for future joint venture opportunities as presented. The motion was seconded by Dr. Lozano and carried unanimously.

**Approval of ITECC Property
Lease Management Authorization**

A motion was made by Mr. Torres to authorize the Vice President for Economic Development and Community Services to execute standard leases and business incubator leases at the ITECC for the Texas Southmost College District that comply with standard lease format and meet the parameters as presented. The motion was seconded by Dr. Lozano and carried unanimously. *Exhibit "B"*

**Approval of Lease Agreement with ADS
Security Systems at the ITEC Center Business Incubator**

A motion was made by Mr. Torres to approve the Lease Agreement with ADS Security Systems and designate the TSC Chairman to execute the agreement as presented. The motion was seconded by Mrs. Garza and carried unanimously. *Exhibit "C"*

**Approval of Lease Agreement with Architecture
for Charity of Texas at the ITEC Center Business Incubator**

A motion was made by Mr. Torres to approve the Lease Agreement with Architecture for the Charity of Texas and designate the TSC Chairman to execute the agreement as presented. The motion was seconded by Mrs. Garza and carried unanimously. *Exhibit "D"*

**Approval of Lease Agreement with Fruit of
Wood at the ITEC Center Business Incubator**

A motion was made by Mr. Torres to approve the Lease Agreement with Fruit of Wood and designate the TSC Chairman to execute the agreement as presented. The motion was seconded by Mrs. Garza and carried unanimously. *Exhibit "E"*

**Approval of Lease Agreement with PSN
Green at the ITEC Center Business Incubator**

A motion was made by Mr. Torres to approve the Lease Agreement with PSN Green and designate the TSC Chairman to execute the agreement as presented. The motion was seconded by Mrs. Garza and carried unanimously. *Exhibit "F"*

**Approval of Lease Agreement with Rio Bravo
Wildlife at the ITEC Center Business Incubator**

A motion was made by Mr. Torres to approve the Lease Agreement with Rio Bravo Wildlife and designate the TSC Chairman to execute the agreement as presented. The motion was seconded by Mrs. Garza and carried unanimously. *Exhibit "G"*

**Approval of Lease Agreement with Consulting
Point, Inc. at the ITEC Center Business Incubator**

A motion was made by Mr. Torres to approve the Lease Agreement with Consulting Point, Inc. and designate the TSC Chairman to execute the agreement as presented. The motion was seconded by Mrs. Garza and carried unanimously. *Exhibit "H"*

**Approval of Lease Agreement
with Kactus Kafe at the ITEC Center**

A motion was made by Mr. Torres to approve the Lease Agreement with Kactus Kafe and designate the TSC Chairman to execute the agreement as presented. The motion was seconded by Mrs. Garza and carried unanimously. *Exhibit "I"*

**Approval of Lease Agreement
with Electric Control at the ITEC Center**

A motion was made by Mr. Torres to approve the Lease Agreement with Electric Control and designate the TSC Chairman to execute the agreement as presented. The motion was seconded by Mrs. Garza and carried unanimously. *Exhibit "J"*

**Contract and Resolution for purchase
of Lot 5-6, Block 12, Colonia Alta Vista Addition,
Brownsville, Texas**

A motion was made by Mr. Torres to approve the earnest money contract and resolution for the acquisition of Lot 5-6, Block 12, Colonia Alta Vista Addition in the amount of \$54,000 as presented and designate the Chairman to execute the contract and instruct the staff to stop pursuing property opportunities until further notice. The motion was seconded by Dr. Lozano and carried unanimously. *Exhibit "K"*

**Approval to Assign the Transition Team
to Draft a Job Description for a President
and to Advertise the Position**

A motion was made by Ms. Garza to assign the Transition Team to draft a job description for a President and to advertise the position as presented. The motion was seconded by Mr. Torres and carried unanimously.

**Approval of Re-Advertise for the
Assistant Vice President of Finance Position**

A motion was made by Mr. Torres to approve to Re-Advertise for the Assistant Vice President of Finance Position as presented. The motion was seconded by Mrs. Garza and carried unanimously.

Discussion of Candidates for Appointment to the Transition Team

There was no action taken

9. Business Affairs Partnership Committee

Report

Chairman Rendon called on Mrs. Garza to give the report. She reported that the Business Affairs Partnership Committee met on Monday, December 6, 2010 and discussed the following items:

Consideration and Possible Action on Approval of Proposal for General Property Insurance

The first item discussed was R. N. Jones Agency submitted the renewal for windstorm and hail insurance effective April 1, 2011 in the amount of \$838,563. Although there was a 5% rate increase, TSC was able to obtain a policy renewal at a \$30,545 reduction from last year's policy due to the removal of the Raymondville property from the policy and a decrease in value for The Arts Center.

A motion was made by Mrs. Garza to accept the renewal from R.N. Jones Agency, Inc. for windstorm and hail insurance covered through TWIA with a 1% deductible in the amount of \$838,563 as presented. The motion was seconded by Dr. Lozano and carried unanimously. Exhibit "L"

Consideration and Possible Action on Approval of Payment to UT System for participation in the Comprehensive Property Protection Plan for fire and all other perils and named windstorm and flood coverage

Mrs. Garza called on Mr. Phil Dendy, Director of the UT System Office of Risk Management to present the item. Mr. Dendy provided two options for the Board to decide on. The first option was to renew with \$2.5 million per occurrence deductible for fire and AOP, 5% per location for Named Windstorm with a renewal premium is \$275, 670. The second option was to renew with deductible buy-down to \$250,000 per occurrence deductible for fire and AOP, 2.5% per location for Named Windstorm with an estimated premium of \$750, 000.

A motion was made by Mrs. Garza to accept to renew with \$2.5 million per occurrence deductible for fire and AOP, 5% per location for Named Windstorm with a renewal premium is \$275,670 as presented. The motion was seconded by Mr. Mendez and carried unanimously.

Exhibit "M"

First Quarter Financial Statements and Investment Report for FY 2011

Mrs. Garza called on Ms. Nancy Saldaña, Director of Finance, to provide a brief report on the First Quarter Financial Statements and Investment Report for FY 2011. Ms. Saldaña stated that the reports are provided for informational purposes only, and no action is required by the Board.

Consideration and Possible Action on Approval of EBS Spectrum Lease Agreement for FCC Call Sign WLX945

Mrs. Garza stated the committee received an update from Mr. Dan Rentfro regarding the status of negotiations for this agreement.

A motion was made by Mrs. Garza to authorize the District's legal counsel to negotiate the best possible lease prior to the May 1, 2011 deadline as presented.

Mr. Oliveira requested an amendment to the motion to authorize Dan Rentfro to negotiate the best possible lease prior to the May 1, 2011 deadline.

An amended motion was made by Mrs. Garza to authorize Dan Rentfro to negotiate the best possible lease prior to the May 1, 2011 deadline as presented. The motion was seconded by Mr. Oliveira and carried unanimously. *Exhibit "N"*

10. Physical Facilities Committee

Report

Chairman Rendon called on Mr. Torres to give the report. He reported that the Physical Facilities Committee met on Monday, March 14, 2011. Committee members present were Mr. Kiko Rendon, Ms. Adela Garza and himself. Others present were Dr. Alan Artibise, Ms. Veronica Mendez, Mr. Irv Downing, Dr. Hilda Silva, Mr. Todd Lowery, Mr. Jose A. Gavito, Heritage Officer for the City of Brownsville, and Mr. Peter Goodman, Historic District Downtown Director for the City of Brownsville.

Consideration and Possible Action on Proposal for Locating the IDEA Public School Campus at the ITEC Center

The first item discussed was a proposal for locating an IDEA Public School campus at the ITEC Center. Mathew Randazzo, Chief Growth Officer, discussed three options being proposed by IDEA as per their Board's direction. The committee reviewed a letter provided by Legal Counsel. The committee requested an appraisal and more information from Legal Counsel. He called on Mr. Randazzo to explain the three proposals. The three proposals were a long term lease, lease to buy agreement, and to purchase the site.

A motion was made by Dr. Lozano to authorize Mr. Irv Downing to cooperate in developing the due diligence for the IDEA School project as presented. The motion was seconded by Mr. Torres and carried. Chairman Rendon abstained from the vote. Exhibit "O"

Consideration and Possible Action on Adoption of Resolution Granting Tax Exemptions to Certain Historic Sites Under the 2011 Heritage Plan

The second item discussed was the adoption of a resolution granting certain tax exemptions to certain historic sites under the 2011 heritage plan. The City of Brownsville is requesting that the Board of Trustees adopt a resolution granting tax exemptions to certain historic sites under the 2011 Heritage Plan. This would be the 25th year of continued commitment to the restoration and preservation of historic properties in Brownsville. Mr. Gavito and Mr. Goodman presented the potential 51 historic sites under consideration. The financial implications to the District would be a total of \$8,911.95 tax forgone for the 51 properties. These amounts will be taken into consideration in the development of the FY2012 budget.

A motion was made by Mr. Torres to adopt the resolution granting certain tax exemptions to certain historic sites under the 2011 Heritage Plan as presented. The motion was seconded by Ms. Garza and carried. Mr. Mendez abstained from the vote. Exhibit "P"

The third item discussed was an approval of a contract with Alpha Building Corporation, a TXMAS approved company, for installation of a Fire Suppression System at the Cortez Building in the amount of \$54,149.32. The Office for Facilities and Planning requested proposals for installation of a fire suppression system at Cortez Building side that currently houses Student Health Services which was renovated. The committee requested additional information regarding the proposal. The item will be brought back to the committee in the future.

**Consideration and Possible Action for
Approval of a Contract with Design Build Solutions, Inc.
(TX-MAS -46060-1) for Skylight Replacement at Tandy**

The next item discussed was the contract with Design-Build Solutions, a TXMAS company, for skylight replacement at Tandy. As part of Risk Management Assessment, Physical Plant personnel along with UT System office of Risk Management inspected the Tandy roof. The evaluation of the roof reflected that it was imperative to replace the existing skylights. The office for Facilities and Planning presented proposals for the skylight replacement at Tandy. A proposal was received from Design-Building Solutions, Inc. in the amount of \$23,899. Funding for the project is available as per approved FY 2011 as part of restricted insurance funding. Even though the amount is under the threshold requiring TSC Board approval, staff is requesting that the item be considered by the Board of Trustees due to the nature of renovation projects, if unexpected conditions are encountered during installation, the contract may potentially exceed \$25,000. If increase is required a change order would be presented to the Board.

A motion was made by Mr. Torres to award a contract to Design-Build Solutions, Inc. in the amount of \$23,899 and authorize the Provost to execute the contract as presented. The motion was seconded by Ms. Garza and carried unanimously. *Exhibit "Q"*

**Consideration and Possible Action to Award a Contract
to Lone Star Furnishing, LLC (BuyBoard #337-10) for design
and installation of a Bleacher System for the Garza Gym**

The next item discussed was an approval of a contract to Lone Star Furnishings, a Buy Board company, for design and installation of a bleacher system for the Garza Gym. In accordance to priorities requested by Athletic department, upgrades to the Garza Gym continue. Phase I was completed last fiscal year, including the renovation of the former weight room, the gym experienced a significant transformation with the painting of all existing walls, hallways, classrooms and offices. Phase II includes the remodeling of locker and shower rooms and installation of bleachers. A proposal was received from "Lone Star Furnishing, LLC" to provide a design-build solution for the bleachers in the amount of \$65,000. The design was based on the Athletic department's needs and recommendations. The bleacher system will be "pull out" style and will accommodate audience capacity of approximately 500 seats including VIP area and handicap accessible seating.

A motion was made by Mr. Torres to award a contract to Lone Star Furnishing, LLC in the amount of \$65,000 and authorize the Provost to execute the contract as presented. The motion was seconded by Ms. Garza and carried unanimously. *Exhibit "R"*

**Consideration and Possible Action for
Approval of a Contract for a Backstop Netting
System for the Scorpion Baseball Field**

The sixth item discussed an approval of a contract for a backstop netting system for the Scorpion Baseball Field. In accordance to priorities requested by Athletic department, a bid proposal was issued for new backstop netting along the perimeter of the Scorpion baseball field spectator seating area. The new netting system would allow for enhanced protection and visibility for the audience in attendance to practices and games at the baseball field. The design was based on the Athletic department's needs and recommendations. The scope of work includes material and installation of a 160 feet length and 35' tall backstop netting system along the perimeter of the Scorpion baseball field audience area. A competitive bidding process was conducted in accordance to Texas Southmost College Board policies for purchasing bids to supply and install a backstop netting system. Two bids were received. The recommendation is to accept the lowest bid proposal received from Net Connection, LLC in the amount of \$84,304. Ms. Patricia Sanchez, TSC Senior Buyer stated that there is a 2 year warranty.

A motion was made by Mr. Torres to accept the bid proposal from Net Connection, LLC in the amount of \$84,304 and authorize the Provost to execute the contract as presented. The motion was seconded by Ms. Garza and carried unanimously. *Exhibit "S"*

**Consideration and Possible Action for
Declaration of Brick Material as Surplus Property**

The next item discussed was the declaration of brick material as surplus property which The Office of Facilities and Planning is requesting in order for TSC to have the opportunity to sale the brick to BISD for use at the Early College High School Building.

A motion was made by Mr. Torres to table declaration of Brick Material as Surplus Property as presented. The motion was seconded by Mr. Mendez and carried unanimously. *Exhibit "T"*

The next item discussed was a report on ITECC leasing process. Mr. Irv Downing requested guidance from the Board of Trustees as to the process to be followed in reference to leases at the ITEC Center.

A motion was made by Mr. Torres to authorize Mr. Irv Downing the authority to execute the ITECC Leases within the perimeters as presented. The motion was seconded by Dr. Lozano and carried unanimously. *Exhibit "U"*

The Committee requested assistance from Mr. Downing in developing a leasing process to be followed at the ITEC Center. In addition, all leases on the agenda were reviewed by the Committee. This item was discussed in Executive Session and parameters were provided to Mr. Downing for execution of lease agreements.

11. Consulting Services

Consideration and Possible Action on Entering a Contract with Consultant Dr. John Anthony to Join the TSC Transition Team as per a Recommendation from Dr. Robert Furgason

Mrs. Garza expressed her approval of the hiring of Dr. Anthony to work closely with Dr. Furgason on the issues at hand. Mr. Mendez also agreed that his experience on working with SACS and as a Community College President would be an asset to our team. Dr. Furgason reported that Dr. John Anthony was referred to him by Dr. Reynaldo Garcia, Executive Director Texas Association of Community Colleges.

Mr. Oliveira questioned if Request for Proposals were submitted to find qualified consultants. They were not. Mr. Oliveira objected to the process, however, he agreed that Dr. Anthony was well qualified.

Dr. Lozano listed many of the accomplishments of Dr. Anthony that included an educator of the year award and many accolades on working with a diversity of groups within communities. Dr. Lozano expressed that the charge of Dr. Furgason was to form the Transition Team. Dr. Lozano also expressed that he agrees that Dr. Anthony would be an asset for the Transition Team.

A motion was made by Mrs. Garza on Entering a Contract with a Consultant Dr. John Anthony to Join the TSC Transition Team as per recommendation from Dr. Robert Furgason as presented. The motion was seconded by Mr. Torres and carried unanimously. Exhibit "V"

12. Arts Center Balcony Seating

Chairman Rendon called on Dr. Alan Artibise, Provost for an update on the Arts Center seating. He mentioned that Mr. Torres had some concerns on the balcony seating at the Arts Center. He stated that there was action taken to resolve some of the issues in the seating.

13. Proposed Meeting Dates

Thursday, April 28, 2011

Thursday, May 19, 2011

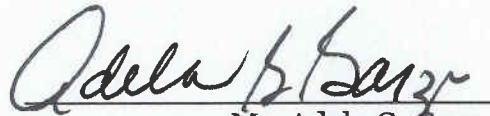
Thursday, June 16, 2011

Adjournment

The meeting was adjourned by Chairman Rendon at 9:22 p.m.



Mr. Francisco G. Rendon
Chairman, Board of Trustees



Ms. Adela G. Garza
Secretary, Board of Trustees

NOTE: The tape of the Regular Board of Trustees meeting held on March 24, 2011, is on file at the District Office of the Texas Southmost College District. The master tape is on file at UTB/TSC Media Services. These minutes were taken and transcribed by Max E. Roca, Administrative Secretary. Video taping of the Board of Trustees' meetings began on April 11, 1996. They are aired on Channel KBSD in cooperation with the Brownsville Independent School District.