



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**

**July 28, 2011**

The Board of Trustees of the Texas Southmost College District convened in open session on July 28, 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; Dr. Roberto Robles, Vice Chair; Adela G. Garza, Secretary; Trey Mendez; Dr. Robert A. Lozano; René Torres and David Oliveira. Dr. Juliet V. García, President of The University of Texas at Brownsville and Texas Southmost College was absent. Mr. Irv Downing, Vice President for Economic Development and Community Services 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 5:35 p.m.

**1. Announcements**

There were no announcements.

**2. Transition Team Status Report**

Chairman Rendon called on Dr. Robert Furgason and Dr. John Anthony, TSC Consultants for the Transition Team. Dr. Furgason reported that the Texas Higher Education Coordinating Board has been contacted regarding the issues that are related to the development of specific programs within the Texas Southmost College structure.

Dr. Furgason reported that letters have been sent to each one of the organizations that have accredited programs through the UTB/TSC structure. The Texas Board of Nursing, who accredits the vocational nursing program, has expressed their willingness and openness to work with the Transition Team as have the Southern Association of Colleges and Schools.

Dr. Furgason reported that the Transition Team is examining space as programs go forward to have facilities to support the programs. The Transition Team has not dealt with student services.

Dr. Robles asked if they have spoken to the faculty on campus. Dr. Furgason responded that meetings will take place at the beginning of the fall semester. Each faculty group that will be programmed over to TSC will be invited to help with the development the programs.

Ms. Garza thanked Dr. Furgason for the work that the transition team has done. Dr. Furgason expressed that his objective is to display to the community that it is not a winner or loser business, but a situation that will raise the entire educational opportunity in this community.

Dr. Anthony reported that the majority of his time had been spent working on the presidential search. He reported his highest number of applicants for a presidential position of fifty-two. Sixteen were from Texas, eight of those with presidential experience, and twenty of the fifty-two did not meet the qualifications or did not submit all the required materials. Dr. Anthony reported that the screening committee did an outstanding job and worked diligently reviewing the twenty-eight applications. The screening committee narrowed down the applicants to ten. Dr. Anthony proceeded to check references and called fifty references of the ten people. Dr. Anthony reported that two withdrew their names to remain with their institution and that the presidential screening committee is recommending six finalists to the Board to interview. All six had been notified of their status.

Dr. Anthony explained the process for the presidential candidate interview to the Board. Each candidate would be invited to campus to tour, meet with the screening committee, faculty, staff, students and the community during their interview process.

Mr. Torres thanked the presidential screening committee for their hard work.

### **3. Opening Statement by Trustees**

Chairman Rendon thanked Dr. Anthony and Dr. Furgason for their outstanding work. He believes that the College and the community are well served as part of the TSC Transition Team and is very impressed with the great things that have been done in such short time. He also thanked the screening committee

members: Mr. Jeff Roerig, Mr. Dino Chavez, Mr. Ygnacio Garza, Mr. Ed Rivera, Ms. Leslie Bingham, Dr. Rey Garcia, Mr. Luis de la Garza, Ms. Nora Montalvo, Faculty, Ms. Laura Villarreal, Faculty, Ms. Blanca Bauer, UTB Staff, and Ms. Kim Sanchez, TSC Staff for all the work that was done.

Mrs. Garza also thanked the screening committee members for volunteering their personal time to research the candidates and make a recommendation to the Board.

#### **4. Speakers to Agenda Items and Public Discussion**

There were no speakers.

#### **5. Approval of Minutes of Previous Meetings**

##### **Consideration and Possible Action on Approval of Minutes of the Regular Meeting on June 16, 2011**

A motion was made by Mr. Torres to approve the Minutes of the Regular Meeting on June 16, 2011 as presented. The motion was seconded by Mrs. Garza and carried unanimously.

#### **6. Executive Session**

as provided by Government Code,  
Chapter 551.071, 551.072 and 551.074.

The Board convened in Executive Session at 6:07 p.m.

The Board reconvened in Regular Session at 8:35 p.m.

#### **7. Consideration and possible action on matters discussed in Executive Session**

##### **Approval of TSC Legal Counsel Invoices**

A motion was made by Mrs. Garza to approve TSC Legal Counsel Invoices as presented. The motion was seconded by Mr. Mendez and carried unanimously. *Exhibit "A"*

### **Update on Partnership Issues**

No action was taken.

#### **Discussion and Review of Golf Course Contract**

**A motion was made by Mr. Oliveira to appoint Mr. Chet Lewis, Interim Vice President for Administration and Finance to analyze and review the present Golf Course contract and report back to the Board in the next meeting as presented. The motion was seconded by Mr. Mendez and carried unanimously.**

#### **Approval of Property Appraiser to conduct Appraisal of the Dyna-Go Properties, Inc. dba Rivercentre Plaza Land of 7.4 acres and Authorization of Interim Vice President for Administration and Finance to Execute the Appraisal**

Dr. Lozano asked the Chairman to explain the difference from the last meeting. Mr. Rendon stated that the item at the last meeting included the appraisal for the Cueto and Dyna-Go properties combined. He reminded the board that the Cueto property was approved for an appraisal, but not the Dyna-Go property. Mr. Dennis Sanchez has removed his ownership of that land for consideration, therefore narrowing the acreage to from 9.2 to 7.4 acres.

Dr. Lozano expressed his concerns that he feels that the Board should wait until there is a president to help guide the future of TSC. Mr. Oliveira also agreed with Dr. Lozano in waiting for the president to decide on what property to acquire.

**A motion was made by Mr. Torres to authorize the Interim Vice President for Administration and Finance to obtain appraisals for Dyna-Go Properties, Inc. dba Rivercentre Plaza land of 7.4 acres with an appraiser and alternate. The motion was seconded by Mrs. Garza. Mr. Rendon, Mr. Mendez, Mrs. Garza and Mr. Torres voted in favor. Mr. Oliveira and Dr. Lozano voted nay. The motion passed.**

#### **Discussion Regarding the TSC Fort Brown Condos Villas I and II**

No action was taken.

### **Update on Presidential Search**

No action was taken.

#### **Approval of Finalist for Presidential Search**

Chairman Rendon called on Mrs. Garza to make the motion.

A motion was made by Mrs. Garza to approve Dr. Karen Bleeker, Dr. Nora Garza, Dr. Roberto Gutierrez, Dr. Daniel Holt, Dr. Robert Munoz, and Dr. Lily Tercero as the six finalist candidates for the Presidential position of TSC President as presented. The motion was seconded by Dr. Lozano and carried unanimously. *Exhibit "B"*

#### **Approval of Vice President of Instruction and Student Services and to Advertise the Position**

A motion was made by Mr. Torres to approve the job description for the Vice President of Instruction and Student Services and authorize Mr. Chet Lewis to advertise position as presented. The motion was seconded by Mrs. Garza and carried unanimously. *Exhibit "C"*

#### **Approval of Marketing and Communication Position and to Advertise the Position**

Mr. Oliveira expressed his concern that other positions need to be filled and the president should be actively involved in the hiring of those positions.

A motion was made by Mr. Torres to authorize the Transition Team to develop a job description for the position of marketing and communication and to authorize Mr. Chet Lewis to advertise the position as presented. The motion was seconded by Mrs. Garza. Mr. Oliveira voted nay. The motion passed.

## **8. TSC District Budget**

### **First Reading of the TSC District Budget for Fiscal Year 2011-2012**

Chairman Rendon called on Mr. Chet Lewis, Interim Vice President for Administration and Finance to present the item. Mr. Lewis reported to the Board

the first reading of the TSC District Budget Fiscal Year 2011-2012. He reported that the budget priorities are preparing the partnership for transition, continuing instructional services within the Partnership and with UTB, addressing infrastructure and maintenance needs, maintaining insurance coverage, and assisting students through scholarships.

Mr. Lewis reported that the TSC Scholarship had budgeted \$3.2 million dollars for the current year and in the previous year. The total amount used in the current year was \$3.0 million. The budget was lowered from \$3.2 million in the current year to \$2.8 million for FY 2012. The \$400,000 reduction was due to \$200,000 of unused budget in the current year and \$200,000 from the removal of the TSC Scholarship portion that is awarded to junior and senior level students. Mr. Lewis reminded the Board that this \$2.8 scholarship is still benefiting all qualifying UTB and TSC students who are taking freshman and sophomore classes.

Mr. Rendon confirmed that this reduction in budget will eliminate students taking the 3000 and 4000 level courses, and clarified that students taking the 1000 and 2000 level courses will continue to receive the scholarship. Mr. Lewis agreed and clarified that the \$2.8 million dollars will be eligible for any freshman or sophomore level courses either a UTB or TSC student. Mr. Lewis also reported that the Transition Team will be revisiting the TSC Scholarship with UT System in the coming year. When the Transition Team determines who is a UTB or TSC student, that will be a prudent time to re-examine the TSC Scholarship.

Mr. Rendon confirmed that the scholarship was not a contractual obligation through the partnership. Mr. Lewis agreed and supported the idea of acting in good faith to continue offering the scholarship. Mrs. Garza agreed that the scholarship continue to be given to students this year.

Mr. Torres also agreed to continue the scholarship but is considering revisiting the issue after a year. He knows that some students are currently enrolled in both institutions and when the TSC or UTB students are identified, then the issue should be revisited. Mr. Mendez agreed that continuing the scholarship for this year was acting in good faith.

### **Consideration and Possible Action on Budget Amendments for FY 2011**

**A motion was made by Mrs. Garza to approve Budget Amendments #11-007 for Fiscal Year 2011 presented. The motion was seconded by Mr. Torres and carried unanimously. Exhibit "D"**

## 9. Academic Programs

### **Consideration and Possible Action on Deactivation of Low Producing Programs**

Chairman Rendon called on Mr. Irv Downing, Vice President for Economic Development and Community Services to present the item. Mr. Downing reported that these items were presented at the TSC Workshop. He reported the following programs were flagged as Low-Producing by THECB:

- Certificate of Proficiency – Machine Shop Operations
- Associate of Applied Science – Machine Tool Technology
- Associate of Applied Science – Engineering Technology – Manufacturing (Mechatronics)
- Associate of Applied Science – Engineering Technology – Electronics

Mr. Downing reported that due to low historical enrollment of the programs, staff is recommending to deactivate the programs at the present time. If the Board wishes to reestablish the programs it will be able to be done in the future.

Dr. Lozano asked if there is a penalty if these programs are not deactivated. Mr. Downing did not know if there was any penalty related to this. Dr. Lozano and Mrs. Garza suggested that the new President be able to guide the process of deactivating programs. Mr. Oliveira agreed that this item possibly be tabled until the next meeting, unless there is a deadline or penalty that we could be facing. Mr. Downing reported that he is not aware of any specific penalties or deadlines related to this.

**A motion was made by Mr. Mendez to table the Deactivation of Low Producing Programs until the September meeting, unless there is a deadline specified by the Texas Higher Education Coordinating Board, which then should be discussed at the August meeting. The motion was seconded by Dr. Lozano and carried unanimously. Exhibit "E"**

### **Consideration and Possible Action on New and Revised Renewable Energy Programs**

Mr. Dowling reported that new programs can be added at any time to the TSC inventory by following the New Program Approval Process included in Chapter 5 of the 2010 GIPWE. The adopted rules allow automatic approval of a new associate of applied science degree or certificate program if an institution and governing board certify that the criteria are met and that current documentation is available to support the criteria.

The New and Revised Renewable Energy Programs are recommended as follows:

- Associate of Applied Science in Renewable Energy
- Revised certificates as building blocks toward new AAS in Renewable Energy
  - Construction Technology Certificate – Green Building
  - Commercial Electrician – Small Wind Turbine Technology
  - Plumbing Certificate – Solar Thermal Technology
  - Residential Electrician – Solar Photovoltaic Technology
- Consolidated certificates as building block toward new AAS in Renewable Energy
  - Current offerings with significant duplication: Air conditioning and Refrigeration Technology Certificates in Commercial, Domestic, and Residential
  - Consolidated offering: Geothermal Heating and Cooling Certificate

**A motion was made by Mr. Oliveira to approve the New and Revised Renewable programs and direct the Provost to forward to the Texas Higher Education Coordinating Board as presented. The motion was seconded by Dr. Lozano and carried unanimously. *Exhibit "F"***

## 10. Board Policies

**Consideration and Possible Action on Second Reading Board Policies: V.B.2 – Deposits to and Withdrawals from Depository, V.B.4 – Check Writing and Safety Deposit Box, V.B.5 – Checks, and V.F. 5 – Purchasing and Bids: Level of Approval**

Chairman Rendon called on Mr. Lewis present the item. Mr. Lewis stated that there are a number of policies that are being updated to identify who will be the responsible party on the transactions for the District. Mr. Lewis reported that the proposed language is "President or the Administrative Designee of the Board" rather than "UTB/TSC President or designee". At the last meeting, the Board approved that Mr. Lewis would be the Designee of the Board until a new president is hired.

**A motion was made by Mr. Mendez to approve second reading of the Board Policies as presented. The motion was seconded by Mr. Torres and carried unanimously. *Exhibit "G"***



### **Consideration and Possible Action Regarding Policy III.A-Board Authority**

Chairman Rendon called on Mr. Lewis to present the item. Mr. Lewis reported that under Policy III.A, we currently have partnership committees in existence. While we are navigating through the Transition process, and while we have the established protocol in place, TSC is moving forward with making decisions autonomously. The main reason these committees were established does not currently serve the same purpose as their original intent. Mr. Lewis suggested to the Board that we suspend the partnership committees at this time. He reported that UTB has agreed to this process until the transition process is complete. Mr. Lewis reminded the board that these committees consist of faculty, staff and community members and some of their decisions might be overlapping with those that are being made by the Transition Team.

**A motion was made by Mrs. Garza to approve the suspension of all current Partnership Committees as described in the TSC Board Policy III.A.F – Board Authority – Committees of the Board as presented. The motion was seconded by Mr. Torres and carried unanimously. Exhibit "H"**

### **Consideration and Possible Action Regarding Developing New Policy Manual for TSC District**

Chairman Rendon called on Mr. Lewis to present the item. Mr. Lewis stated that most of the current TSC policies are outdated and a new District policy manual needs to be developed. One of the initial suggestions was to have Mr. Perez draft the policies. However, there is a group that creates policy manuals specifically for community colleges called Texas Association of School Boards. They also have an affiliation with the Texas Association of Community Colleges. They have an entire policy division that will be able to provide the framework for the policy manual in the amount from \$7,000 to \$10,000. Mr. Lewis made a recommendation to hire TASB to develop a new Board Policy manual. Once this service is established, the service will provide constant updates to the manual for a small yearly fee. He also recommended that TSC Legal Counsel review the manual prior to its adoption. Mr. Torres suggested that final input to the policy manual should lie with Mr. Perez and the Trustees. Mr. Lewis informed them that the policies can be personalized to what TSC needs to accomplish. All ideas can be incorporated. It is a huge advantage to have a framework to work from.

**A motion was made by Mr. Torres to authorize Mr. Chet Lewis to negotiate a contract with TASB to develop the policy manual of the autonomous TSC and Mr. Frank Perez will be the point of contact with Board input to be scheduled at a workshop as presented. The motion was seconded by Mrs. Garza and carried unanimously. Exhibit "I"**

## 11. Physical Facilities Committee

### Report

Chairman Rendon called on Mr. Oliveira to make the report. Mr. Oliveira reported that the Physical Facilities Committee met on Tuesday, July 26, 2011. Board members present were Mr. Rene Torres, Ex-Officio Member Mr. Kiko Rendon, and himself. Other Trustees present were Dr. Robert Lozano and Mr. Trey Mendez. Others present were Mr. Chet Lewis, Mr. Michael Putegnat, Diana Bravo Gonzalez and Gilbert Gallegos of Broaddus and Associates.

**Consideration and Possible Action on Selection of a  
Construction Management Consulting Firm to conduct a review  
that will include but not limited to the Audit of: Change Orders, Plans,  
and Specifications, Consultant's Contracts, Contractor's Contracts, Bond  
Money Allocation, Project Close-Out Status, Project Allowances, and  
Project Warranties, Evaluation and Recommendations for Texas  
Southmost College District Bond Construction Projects**

The first item discussed was the selection of a construction management consulting firm to conduct a review of the Texas Southmost College District Bond construction projects. There were two presentations given by Prodigy Construction Management, LLC from McAllen, Texas, and Spire Consulting Group, LLC from Austin, Texas. Since all committee members were not present at the meeting, Mr. Torres and Mr. Oliveira thought it would be best to have the discussion with the full board present.

Mr. Oliveira called on Diana Bravo-Gonzalez, Broaddus and Associates to make a brief presentation on the Bond Projects. She presented an overview of their management of the bond construction projects indicating all the savings they were able to provide. Mr. Torres asked if it was uncommon for a company like Broaddus to do a post construction report on whether the process and procedures were followed or that all protocols were followed throughout all the projects that were managed. Mrs. Bravo reported that Broaddus was not asked to do one, however have done reports up to a year in a half after a project was completed.

Mr. Torres asked if the Arts Center warranty was still in place for the balcony. Mrs. Bravo reported that the construction warranty is over, but the building is still under warranty. Mrs. Bravo thought the balcony issue with the Arts Center is a design issue. She suggested that the architect be contacted and respond to the deficiency that was noted.

Mr. Mendez questioned the post construction report that would be prepared by Broaddus and if it will also address the deficiencies in design or construction. Mrs. Bravo reported that Broaddus can certainly look into the deficiency in design or construction question and can bring a third person expert to have an opinion on the balcony seating.

**A motion was made by Mr. Torres to recommend Spire Consulting Group, LLC to conduct a preliminary review of construction projects that will include but not be limited to the Audit of: Change Orders, Plans, and Specifications, Consultant's Contracts, Contractor's Contracts, Bond Money Allocation, Project Close-Out Status, Project Allowances, and Project Warranties, Evaluation and Recommendations for Texas Southmost College District Bond Construction Projects and authorize the Interim Vice President of Administration and Finance to enter contract negotiations to bring before the Board as presented. The motion was seconded by Mr. Mendez and carried. Mr. Oliveira voted nay. Exhibit "J"**

**Consideration and Possible Action on approval  
of a contract to George Cunningham Co., Inc., for the Mary Rose  
Cardenas North/South Chilled Water Piping Replacement**

The third item discussed was the chilled water replacement for the MRC North and South building. Mr. Lewis reported that this project has been indicated as a high priority project due to the potential failure of the existing piping that could produce damage to the facility and affect scheduling in the building if such a break were to occur. There are other HVAC issues that have also been tagged as important however, the chilled water piping replacement is a separate issue from the HVAC issue. Mr. Lewis recommended to proceed with the pipe replacement to address the immediate chilled water pipe issue, and take time to review the project scope of the HVAC issue.

**A motion was made by Mr. Oliveira to award the contract to George Cunningham Co., Inc., for the Mary Rose Cardenas North/South Chilled Water Piping Replacement, in the amount of \$389,250 and to authorize the Interim Vice President for Administration and Finance to execute the contract. The motion was seconded by Mr. Mendez and carried unanimously. Exhibit "K"**

**Consideration and Possible Action on  
acceptance of a Bid to Purchase Surplus Brick Material**

The final item discussed was the acceptance of a bid to purchase the surplus brick material. At the TSC Board meeting on March 24, 2011, the board declared the remaining brick inventory as surplus property allowing TSC to solicit competitive bids for the sale of the surplus cored and solid bricks. One bid for the purchase of 12,000 bricks was received at a purchase price of \$0.50 per brick in the amount of \$6,000.

A motion was made by Mr. Oliveira to accept the bid of 12,000 solid bricks at a purchase price of \$0.50 per brick in the amount of \$6,000.00 and to authorize the Interim Vice President for Administration and Finance to execute the contract. The motion was seconded by Mr. Torres and carried unanimously. *Exhibit "L"*

## 12. 3<sup>rd</sup> Quarter Financial Statements and Investment Report

Mr. Lewis provided a brief report on the Third Quarter Financial Statements and Investment Report for FY 2011. Mr. Lewis stated that the reports are provided for informational purposes only, and no action is required by the Board.

## 13. Proposed Meeting Dates

*Thursday, August 11, 2011 – First  
Public Hearing – If Necessary*  
*Monday, August 15, 2011 – Second  
Public Hearing – If Necessary*

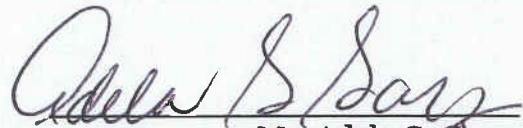
Thursday, August 25, 2011  
Thursday, September 15, 2011  
Thursday, October 20, 2011  
Thursday, November 17, 2011  
Thursday, December 15, 2011

## Adjournment

The meeting was adjourned by Chairman Rendon at 10:40 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 July 28, 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. Videotaping 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.