

Meeting No. 1,096

THE MINUTES OF THE BOARD OF REGENTS  
OF  
THE UNIVERSITY OF TEXAS SYSTEM

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December 18, 2012

Austin, Texas

MEETING NO. 1,096

TUESDAY, DECEMBER 18, 2012.--The members of the Board of Regents of The University of Texas System convened this special called meeting via telephone conference call at 2:02 p.m. on Tuesday, December 18, 2012, in the Chairman's Office on the Ninth Floor, Ashbel Smith Hall, 201 West Seventh Street, Austin, Texas, with the following participation:

ATTENDANCE.--

Present

Chairman Powell  
Vice Chairman Hicks  
Vice Chairman Dannenbaum  
Regent Cranberg  
Regent Gary  
Regent Hall  
Regent Pejovich  
Regent Stillwell  
Regent Purgason, Student Regent, nonvoting

Absent

Vice Chairman Foster

In accordance with a notice being duly posted with the Secretary of State and there being a quorum present, Chairman Powell called the meeting to order.

RECESS TO EXECUTIVE SESSION.--At 2:03 p.m., Chairman Powell said the Board would recess to convene in Executive Session pursuant to *Texas Government Code* Sections 551.071 and 551.074 to consider the matters listed on the Executive Session agenda.

RECONVENE IN OPEN SESSION.--At 2:27 p.m., the Board reconvened in open session for the following action taken on the matter discussed in Executive Session.

1a. U. T. Arlington: Approval to interview candidates for the position of president and possible naming of finalists

Regent Cranberg moved that the Board invite candidates to interview for The University of Texas at Arlington presidency, as discussed in Executive Session, at a Board meeting at a later date. The motion was premised on the understanding that the names of finalists for the presidency will be made public at least 21 days before the vote to name a president.

The motion was seconded by Regent Hall and carried by acclamation.

- 1b. U. T. System: Discussion and appropriate action regarding individual personnel matters relating to appointment, employment, evaluation, compensation, assignment, and duties of presidents (academic and health institutions), U. T. System Administration officers (Executive Vice Chancellors and Vice Chancellors), other officers reporting directly to the Board (Chancellor, General Counsel to the Board, and Chief Audit Executive), and U. T. System and institutional employees

No action was taken on this item.

- 2a. U. T. System Board of Regents: Discussion with Counsel on pending legal issues

No action was taken on this item.

- 2b. U. T. Pan American: Discussion and appropriate action on legal issues related to authorization concerning athletic conference membership

See Item 2 on Page 4 related to action taken on this matter in Open Session.

#### AGENDA ITEMS

1. U. T. System Board of Regents: Approval of Consent Agenda

The Board approved the Consent Agenda set forth below. In approving the Consent Agenda, the Board expressly authorized that any contracts or other documents or instruments approved therein may be executed by the appropriate officials of the respective U. T. System institution involved.

- 1a. Contract - U. T. Brownsville: Campus Master Plan - Cannon Design to provide professional services and to appropriate funds

Agency: Cannon Design, St. Louis, Missouri

Funds: Total fees charged by vendor for all services under Agreement will not exceed \$3,000,000 without prior written authorization from the Board of Regents.

Source of Funds: Local Funds

Period: The term of this Agreement will commence on December 21, 2012, and continue through completion of authorized services as described below.

Description: Cannon Design shall provide services associated with master planning for the new U. T. Brownsville campus, including the following:

- Campus site evaluation services
- Facilitating development of new academic goals and programs
- Technology, architectural, infrastructure, transportation, and landscaping master planning
- Cost estimating services for short-term and long-term phasing of facilities
- Facility programming for transition

Due to the time-critical nature of planning the future campus of U. T. Brownsville, Cannon Design began work upon its selection in November 2012; the \$3 million fee limit includes that work. This contract also establishes terms and conditions for programming, architectural, and engineering services for initial utilities, infrastructure, and buildings. Fees for these services, if required, will be negotiated at a later date and included as part of approved Capital Improvement Program project(s). This contract was competitively bid.

1b. Interlocal Agreement - U. T. Dallas: Reauthorization to enter into an interlocal agreement with the City of Plano, Texas, for road and drainage improvements and related right-of-way conveyance and drainage easement

Description: Interlocal Agreement whereby the City of Plano will design, construct, and maintain an approximately 1,700-foot extension of Mapleshade Lane, a four-lane divided arterial, a deceleration lane where Mapleshade Lane intersects with the President George Bush Turnpike, and underground drainage improvements through an approximately 70-acre parcel of U. T. Dallas' off-campus trust land, in exchange for \$150,000, a conveyance of roadway right-of-way, and a drainage easement. On August 22, 2012, the Board of Regents approved the Interlocal Agreement, but at that time, an easement, rather than a conveyance, of the roadway right-of-way was proposed. Since then, the City of Plano has advised the Real Estate Office that it will require a conveyance of the roadway right-of-way.

Agency: City of Plano, Collin County, Texas, a home-rule municipal corporation

Total Area: Approximately 3.62 acres for the roadway right-of-way and approximately 0.29 of an acre for the drainage easement

Consideration: The City of Plano will construct the public roadway improvements and drainage improvements at its expense, estimated at \$1.5 million. In exchange, the institution will contribute \$150,000 and will convey the right-of-way and provide a drainage easement to the City of Plano. Based on recent and current sales transactions, the value of the land conveyed is estimated to be less than or equal to the cost of the improvements to be borne by the City of Plano. In addition, the remaining adjoining U. T. Dallas land will become more marketable and will require less on-site detention as a result of the improvements.

Source of Funds: The total project cost of \$150,000 will be funded from unrestricted local funds.

2. U. T. Pan American: Authorization to accept invitation from the Western Athletic Conference and to negotiate and finalize terms of athletic conference membership

The Board authorized The University of Texas-Pan American to accept an invitation from the Western Athletic Conference (WAC) and, subject to approval of the Vice Chancellor and General Counsel, finalize terms for athletic conference membership.

Officials of the WAC contacted U. T. Pan American in October 2012 to initiate a discussion about the possibility of U. T. Pan American leaving the Great West Conference to join the WAC.

On November 19, 2012, Mr. Jeff Hurd, Interim Commissioner of the WAC, notified President Nelsen that the presidents of the universities comprising the current WAC membership had voted unanimously to extend an invitation to U. T. Pan American to join the conference. The effective date of the move will be July 1, 2013.

The current members of the WAC are: Texas State University, The University of Texas at Arlington, The University of Texas at San Antonio, University of Denver, University of Idaho, New Mexico State University, San José State University, Seattle University, Louisiana Tech University, and Utah State University. However, the composition of the WAC will be quite different next year as it transforms into a non-football playing conference. The new WAC will consist of the following teams: California State University Bakersfield (Bakersfield, CA), Chicago State University (Chicago, IL), Grand Canyon University (Phoenix, AZ), New Mexico State University

(Las Cruces, NM), Seattle University (Seattle, WA), Utah Valley University (Orem, UT), and U. T. Pan American. The WAC is actively seeking additional universities to complete its membership roster.

The U. T. Pan American Department of Intercollegiate Athletics expects a major increase in revenue due to WAC membership. The WAC provides additional NCAA and conference revenue, including the ability to generate additional revenue through private funding and external initiatives due to automatic qualification of each sport-specific NCAA tournament (e.g., additional ticket revenue, concessions, and merchandise sales at WAC basketball games).

U. T. Pan American believes that the WAC will provide increased branding and exposure for athletics as WAC membership will include all of U. T. Pan American's intercollegiate athletic programs under one conference membership. Therefore, competing in the WAC will leverage U. T. Pan American's efforts to upgrade the competitiveness of its sports teams, particularly in men's and women's basketball. Further, the continued viability of the Great West Conference is in doubt as current members Chicago State University and Utah Valley University have already accepted invitations to join the WAC.

There is no exit fee payable to the Great West Conference. The entrance fee into the WAC is \$450,000 to be paid in three annual \$150,000 installments starting on July 1, 2013. These payments will be funded through a combination of Athletic Department funds, institutional funds (reserves from auxiliary operations in the bookstore and food services), and revenues generated through private funding, such as corporate sponsorships, the Bronc Athletic Fund, ticket sales, and other private revenue generation.

ADJOURNMENT.--There being no further business, the meeting was adjourned at 2:33 p.m.

/s/ Carol A. Felkel  
Secretary to the Board of Regents

January 2, 2013