

**MEETING OF THE  
COMMITTEE OF THE WHOLE MEETING  
OF THE BOARD OF TRUSTEES  
HOUSTON COMMUNITY COLLEGE**

**April 11, 2012**

**Minutes**

The Committee of the Whole Meeting of the Board of Trustees of Houston Community College held a meeting on Thursday, April 11, 2013 at the HCC Administration Building, 3100 Main, 2nd Floor, Seminar Room A, Houston, Texas.

**COMMITTEE MEMBERS PRESENT**

Bruce A. Austin, *Chair*  
Sandie Mullins, *Vice Chair*  
Eva Loreda, *Secretary*  
Leila Feldman  
Yolanda Navarro Flores  
Herlinda Garcia  
Christopher W. Oliver  
Carroll G. Robinson  
Neeta Sane

**ADMINISTRATION**

Renee Byas, Acting Chancellor  
Art Tyler, Deputy Chancellor/COO  
Destinee Waiters, Acting General Counsel  
Shantay Grays, Executive Officer to Chancellor  
William Carter, Vice Chancellor, Information Technology  
Charles Cook, Vice Chancellor, Instruction  
Diana Pino, Vice Chancellor, Student Success  
Margaret Ford Fisher, President, Northeast College  
Fena Garza, President, Southwest College  
William Harmon, President, Central College  
Zachary Hodges, President, Northwest College  
Irene Porcarello, President, Southeast College  
Betty Young, President, Coleman College  
Remmele Young, Executive Director, Government Relations & Sustainability  
Karen Edwards, Interim Chief Human Resources Officer

**OTHERS PRESENT**

Jarvis Hollingsworth, System Counsel, Bracewell & Giuliani  
Tom Sage, Bond Counsel, Andrews Kurth  
Todd Bisch, President, Faculty Senate  
Other administrators, citizens and representatives from the news media

**CALL TO ORDER**

Mr. Austin, Chair called the meeting to order at 4:18 p.m. and declared the Committee convened to consider matters pertaining to Houston Community College as listed on the duly posted Meeting Notice.

**METHOD OF PROJECT DELIVERY FOR CONSTRUCTION BUILD-OUT (ALIEF BISSONNET CAMPUS)**

Motion – Mrs. Sane motioned and Mr. Robinson seconded. The motion passed with a vote of 9-0.

**ADJOURNED TO CLOSED SESSION**

Mr. Austin adjourned the meeting to Executive Session at 4:21 p.m., notice having previously been given and reiterated in accordance with Sections 551.071, 551.072, and/or 551.074 of the Open Meetings Law. Mr. Austin stated that any final action, vote or decision on any item discussed in Executive Session would be taken up in Open Session or in a subsequent Public Meeting.

Mr. Austin reconvened the meeting in Open Session at 6:36 p.m. and entertained motions on pending matters.

*(Present: Trustees Austin, Feldman, Flores, Garcia, Loreda, Mullins, Oliver, and Robinson)*

Motion – Mrs. Garcia moved and Mr. Oliver seconded to approve the following real estate transactions:

- Real Estate Transaction Located In Acres Home Near West Little York
- Real Estate Transaction Located Near Central College at Alabama and Almeda Road
- Real Estate Transaction Located Near Southeast College at Rustic Street

Vote – The motion passed with a vote of 8-0.

**POLICE DEPARTMENT ELECTRONIC CITATION SYSTEM**

Motion – Mr. Oliver moved and Ms. Mullins seconded.

Ms. Mullins inquired about the staffing regarding security. Dr. Tyler noted that Chief Cunningham is in the process of hiring 20 new police officers.

Mrs. Garcia informed that there was a discussion regarding a security plan and noted that the purpose of the plan was to drive the budget. She apprised that there needs to be information regarding the full plan because the budget needs to be tied to the plan.

Mr. Oliver noted that there was a discussion regarding the security measure. He informed that there needs to be a timeline regarding the plan as discussed.

Dr. Tyler apprised that the item presented relates to enforcement of what is currently in place.

Mr. Austin noted that there has been discussion regarding the need for the plan as well as desktop security training.

Vote – The motion passed with a vote of 5-3-0 with Trustees Flores, Garcia, and Mullins opposing.

**ADOPTION OF FORT BEND AND HARRIS COUNTY LOCAL OPTION EXEMPTIONS TAX YEAR 2013**

Motion – Mr. Oliver moved and Ms. Mullins seconded. The motion passed with a vote of 8-0.

**DATAVOX DONATION OF CISCO VIDEO SURVEILLANCE AND VIDEO CONFERENCING SOFTWARE AND EQUIPMENT**

Motion – Mr. Oliver moved and Ms. Mullins seconded. The motion passed with a vote of 8-0.

Motion – Mr. Oliver moved and Mrs. Garcia seconded to pull agenda items II.A.7, IIA.8, IIA.9, IIA.10, and IIA.11 and moved to a subsequent meeting.

Mr. Robinson offered a friendly amendment to include item II.A.16 in the motion regarding the pulled items. Mr. Oliver accepted the amendment.

Vote - The motion passed with a vote of 8-0. The following items were tabled:

- Construction Audit Services
- Report Regarding Project Management of Bond Capital Improvement Plan (CIP)
- Program Management Services (Project No. 13-09)
- Project Management Services (Project No. 13-21)
- Bond Oversight Committee
- Resolution by the HCC Board of Trustees Authorizing the Chancellor to the Request and Accept Funds from the City of Houston Housing and Community Development Department through the Neighborhood Facilities Development and Renovation Program

**SIGN LANGUAGE INTERPRETER AND COMMUNICATION ACCESS REAL-TIME TRANSLATION (CART) SERVICES (PROJECT NO. 13-07)**

Motion – Mr. Robinson moved and Mr. Oliver seconded. The motion passed with a vote of 8-0.

**LABRANCH STREET SITE IMPROVEMENT AND SWITCHGEAR DUCT BANK INFRASTRUCTURE SERVICE FOR CENTRAL COLLEGE (PROJECT NO. 13-24)**

Motion – Mr. Oliver moved and Mrs. Garcia seconded. The motion passed with a vote of 8-0.

**FULLY REFURBISHED GE MILLENNIUM MG MULTI-GEOMETRY SCE DUAL DETECTOR SCINTILLATION CAMERA (PROJECT NO. 13-19)**

Motion – Mr. Oliver moved and Mr. Robinson seconded. The motion passed with vote of 8-0.

**FINANCIAL COLLECTION SERVICES (PROJECT NO. 12-46)**

Motion – Mr. Oliver moved and Mrs. Feldman seconded.

Dr. Tyler informed that the item is to engage a collection service for collecting outstanding or delinquent student tuition installments.

Mrs. Garcia inquired of the term of the previous contract. Mr. Anasagasti apprised that Southwest Credit was the previous firm, and noted that the term was three years. Mrs. Garcia inquired as to when was the Board notified of the contract expiration. Mr. Defalco informed that the contract expires in August 2013.

Mrs. Garcia noted that there has been previous discussion of allowing the first two firms to be listed for approval. She further inquired of the small business participation.

Mr. Anasagasti informed that the item is a best effort and apprised that there is no subcontracted listed. He noted that the work is self-performed because of the nature of the work.

Mrs. Flores inquired if precedence is being set to state that “best effort” is the only effort.

Mr. Anasagasti informed that the issue is a methodical process of the commodity. He apprised that there is public disclosure and transparency. He noted that there is a public process outlined by the state. He informed that all projects disclose a best effort or number.

Mrs. Flores inquired if percentage is identified with large contracts and the smaller contracts are denoted as best effort. Mr. Anasagasti noted that the large contracts could also do best efforts.

Mrs. Flores inquired of the code regarding the small business under the state. Mr. Anasagasti informed that he would provide the code information.

Mr. Robinson apprised that there was an authorization for a consultant to analyze the small business program and requested administration to provide a briefing on the small business program.

Mrs. Byas informed that the item was pulled previously. Mr. Robinson requested the date the item was pulled.

Mrs. Garcia noted that Southwest Credit had a contract for three years and now the procurement process has yielded the same firm. She inquired of the process and the evaluation team. She inquired of the number of committee members. Mr. Anasagasti informed that the procurement evaluation committee included three individuals with expertise in the area. He apprised that the rule requires that no more than one person reports to the same supervisor.

*(Mr. Robinson stepped out at 7:11 p.m.)*

Ms. Mullins inquired if there is a determination of the number of committee members before the solicitation goes out. Mr. Anasagasti noted that potential committee members may be identified; however, the final committee is not selected because there may be a conflict of interest with a respondent.

Mrs. Byas informed that the statute regarding the small business is Chapter 44.031(a) of the Texas Education Code as denoted under the recommendation of the action item.

*(Mr. Robinson returned at 7:15 p.m.)*

Mrs. Garcia inquired if Southwest Credit is a small business firm. Mrs. Flores inquired if there are boiler plates in place for the RFQ and RFPs. Mr. Anasagasti noted that there is a standard RFP and that Southwest Credit did not disclose that they are a small business firm.

Mrs. Garcia apprised that the Board members have a right to ask questions and noted that staff should be able to answer the questions. She informed that there continues to be scoring of 89 and 85 and noted that when administration is not able to answer questions, it causes concern.

Mr. Austin apprised that there needs to be a review of the process.

Vote – 5-2-1 with Mrs. Flores and Ms. Loreda opposing and Mrs. Garcia abstaining.

**RESOLUTION BY THE HCC BOARD OF TRUSTEES AUTHORIZING THE CHANCELLOR TO REQUEST AND ACCEPT FUNDS FROM THE CITY OF HOUSTON HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT THROUGH THE NEIGHBORHOOD FACILITIES DEVELOPMENT AND RENOVATION PROGRAM**

Motion – Mr. Oliver moved and Mr. Robinson seconded to reconsider the item.

Mr. Robinson noted that the request is to approve submitting an application for a partnership grant through the city to provide the money for the Brays Oak bond project.

Vote to Reconsider – The motion passed with vote of 8-0.

Motion – Mr. Robinson moved and Mr. Oliver seconded to approve the item. The motion passed with vote of 8-0.

Mrs. Flores informed that METRO is ready to proceed with giving the college a grant for \$3 million and requested that administration move expeditiously.

**10 AND 20 YEAR LEVY WRITE-OFFS PER TEXAS PROPERTY TAX CODE SECTION 33.05 REGARDING LIMITATION ON COLLECTION OF TAXES FOR STAFFORD AND MISSOURI CITY JURISDICTIONS**

Motion – Mr. Oliver moved and Mr. Robinson seconded.

The motion passed with vote of 5-2-1 with Trustees Garcia and Loreda opposing and Mrs. Flores abstaining.

**REAL ESTATE APPRAISAL SERVICES (PROJECT NO. 13-15)**

Motion – Ms. Mullins moved and Mr. Oliver seconded.

Dr. Tyler apprised that the item provides appraiser services for the District.

Mr. Robinson inquired of the current vendor. Dr. Tyler noted that CBRE Ellis has been used on an ad hoc basis. Mr. Austin inquired why the list only yielded three vendors. Mr. Anasagasti informed that it was based on the responses received. He apprised that normally limited elements would have been identified by the vendors.

Mr. Robinson inquired of the amount of money the firm is scheduled to make from the business. Dr. Tyler noted that the average would be approximately \$7,500 per appraisal, which also depends on the location of the property. He informed that there are four properties that the firm would appraise during the bond project.

Mr. Robinson asked for clarification that there would be only four properties purchased under the bond and noted that the fee should not exceed \$50,000 according to the response received from administration.

Mrs. Garcia inquired if CBRE Ellis re-submitted and inquired of the number of years they were with the college. Mr. Anasagasti noted that they did not respond. Dr. Tyler informed that the information would be provided regarding the number of years the firm provided services.

Mr. Oliver noted that if due diligence has been done, then that is all that could be done. He informed that on a go forth basis, an effort should be made to make certain more than three vendors are yielded.

Mrs. Flores apprised that she does not agree with the contract term. She noted that five (5) years is too long and the subcontractor has a P.O. Box address. Mr. Anasagasti noted that the advertisement was for three years plus a two-year term.

Mr. Hollingsworth apprised that the term of the contract could be negotiated.

Mrs. Garcia noted that the RFQ was sent out in December 2012 and reviewed in April. Mr. Anasagasti informed that it has been in the evaluation process.

Ms. Mullins inquired of the average length of time for procurement. Mr. Anasagasti noted that average procurement takes approximately ninety days.

Vote – The motion passed with a 5-1-2 with Trustees Flores opposing and Trustees Garcia and Robinson abstaining.

**GROUND LEASE WITH TEXAS MEDICAL CENTER**

Motion – Mr. Robinson moved and Mr. Oliver seconded to pull the item and requested that it be moved to a subsequent meeting. The motion passed with a vote of 8-0.

**INVESTMENT REPORT FOR THE MONTH OF JANUARY 2013 AND FEBRUARY 2013  
MONTHLY FINANCE REPORT FOR MARCH 2013**

Motion – Mr. Oliver moved and Mr. Robinson seconded.

Ms. Mullins inquired of the schedule for spending the bond funds. Dr. Tyler apprised that the requirement is to expend 85% within 5 years of the closing date of March 19, 2013 and provided the following spending timeline:

Year 1 – 10% (\$42.5 million)  
Year 2 – 30% (\$135 million)  
Year 3 – 60% (\$270 million)  
Year 5 – 80% (\$380 million)

Mr. Tom Sage with Andrews Kurth apprised that if money is not expended the following could happen:

- Deemed to have overburdened the market
- Conducted an abusive transaction under the Internal Revenue Code
- Audit conducted
- Imposed sanctions
- Bonds could be deemed taxable from date of issuance
- Class action lawsuit

Mr. Robinson informed that the timeline needs the Board's consideration and noted that there needs to be a discussion with both the Board and Administration. He apprised that the document provided by Dr. Tyler is a working document.

Mr. Austin informed that there needs to be a Board discussion regarding efficiencies, maximizing efficiencies and execution of the bond program. He noted that efforts should be made to secure commodities that will be utilized across the system to be purchased in volume to lock down the cost.

Dr. Tyler provided a report regarding the ratios of the college and noted that there has been significant improvement from last year. He informed that the reserves need to continue to increase to improve the viability ratio of the college. Mr. Austin apprised that there are plans to discuss the reserve increase at the budget meeting

Vote – The motion passed with vote of 8-0.

**ADJOURNMENT**

With no further business, the meeting adjourned at 7:53 p.m.

*Recorded, transcribed and submitted by:*  
Sharon R. Wright, Manager, Board Services

Minutes Approved:           May 16, 2013