The Board of Trustees of the Houston Community College System held a Regular Meeting on Tuesday, September 18, 2007 at the System Administration Building, Second Floor Auditorium, 3100 Main, Houston, Texas.

BOARD MEMBERS PRESENT
Christopher Oliver, Chairman
Yolanda Navarro Flores, Vice Chairman
Diane Olmos Guzman, Secretary
Mills Worsham, Deputy Secretary
Jay K. Aiyer
Bruce A. Austin
Abel Davila
Richard M. Schechter
Dr. Michael P. Williams

ADMINISTRATION
Mary Spangler, Chancellor
Art Tyler, Deputy Chancellor/COO
Doretha Eason, Executive Assistant to the Chancellor
Miles LeBlanc, General Counsel
William Carter, Vice Chancellor, Information Technology
Charles Cook, Vice Chancellor for Instruction
Irene Porcarello, Vice Chancellor, Student Success
Gloria Walker, Vice Chancellor, Finance and Administration
Winston Dahse, Interim President, Southwest College
Margaret Ford, President, Northeast College
Fena Garza, President, Southeast College
William Harmon, President, Central College
Zachary Hodges, President, Northwest College
Marsal Stoll, President, Coleman College of Health Science
Willie Williams, Associate Vice Chancellor, Human Resources
Dan Seymour, Associate Vice Chancellor, CTCE
Dan Arguijo, Associate Vice Chancellor, Communications
Mike Kyme, Executive Director, Purchasing and Procurement

OTHERS PRESENT
Jarvis Hollingsworth, System Counsel, Bracewell & Giuliani
Julie Gilbert, Consultant, Locke, Liddell & Sapp
Dwight Boykins, Federal Consultant, dBoykins
Linda Koffel, President, Faculty Senate Association
Other administrators, citizens and representatives from the news media

CALL TO ORDER
Mr. Oliver, Chair, called the meeting to order at 4:28 p.m. and declared the Board convened to consider matters pertaining to the Houston Community College System as listed on the duly posted meeting notice.

(Mr. Davila stepped out at 4:28 p.m.)

PRAYER AND PLEDGE OF ALLEGIANCE
Mr. Aiyer led the prayer and pledge of allegiance to the flag.

APPROVAL OF MINUTES
Approval of Minutes from the Community Outreach Committee Meeting of August 14, 2007, Board Governance & Policy Committee Meeting of August 14, 2007, and Regular Board Meeting of August 23, 2007.

Motion – Mrs. Flores moved approval of the minutes as presented. Mr. Aiyer seconded the motion. The motion carried 6-0.

(Mr. Worsham stepped out at 4:29 p.m.)

HEARING OF CITIZENS
Mr. Oliver gave preface to the Hearing of Citizens and asked if there were any registered speakers to come forward. There were no Citizens signed up to speak before the Board.

(Mr. Davila returned at 4:30 p.m.)

(Mr. Worsham returned at 4:31 p.m.)

AWARDS, PRESENTATION, AND RECOGNITION

HARCO Insurance Services – announced that HCC qualified for a 2007 dividend payment from Texas Mutual Insurance Company for $223,239.47 as a reward for low Workers Compensation claims/losses. HARCO congratulated the Risk Management Department for their on-going professional efforts that contributed to the premium savings on behalf of HCC.

March of Dimes Donation – HCC presented a donation to the March of Dimes in the amount of $18,227.00. Mr. Jennings with March of Dimes expressed appreciations to HCC for its annual contributions. John Guess, Chairman of HCC Committee announced Central College as the Champion winner for the March of Dimes and noted that Central College has been the winner for the past three years.

CHAIRMAN REPORT
Mr. Oliver expressed appreciation to those Trustees who attended the Board Retreat on Friday, September 14, 2007.
CHANCELLOR’S REPORT

Dr. Spangler introduced students from the Honors College. The students were asked to introduce themselves and provide their planned majors.

(Dr. Williams arrived at 4:42 p.m.)

(Mrs. Guzman arrived at 4:45 p.m.)

TOPIC FOR DISCUSSION AND/OR ACTION

Motion – Mr. Aiyer moved and Mr. Davila seconded that the following items are approved as a consent agenda. The motion passed with a vote of 9-0.

ITEMS APPROVED BY CONSENSUS

1. Resolution and Order Canceling Elections for Unopposed Incumbent Trustee Candidates for HCCS Districts II and VI and Declaring the Unopposed Incumbent Candidates as Elected

2. Adult Education Grant-Funded Subcontracts for Fiscal Year 2007-2008

3. Selection of Vendor for Beverages, Food, Dairy, and Paper Products (Project #07-19)

4. Selection of Vendor for Television Production Services (Project #07-23)

5. One-Year Extension to Verizon Contract

6. Selection of Vendor for Auctioneering Services (Project #07-16)

7. General Services Administration Contract and US Communities Contract and Renewal of all Existing Interlocal and Cooperative Agreements for another Fiscal Year

8. Payment to Bracewell & Giuliani LLP for Professional Services


10. Effective, Rollback, and Debt Service Tax Rates Calculation and Public Hearing Dates for Proposed Tax Rates

(Mr. Oliver and Dr. Williams stepped out at 4:50 p.m.)

VISION, MISSION, AND GOALS 2008-2011

Dr. Spangler presented a brief summation of the strategic planning retreat that was held on Friday, September 14, 2007. She noted that over the last six months, efforts have been engaged to develop
the strategic plan with sources of input from HCC Board, multiple stakeholders, faculty/staff, administrative team, and students.

Dr. Spangler presented the strategic plan from 2008 through 2011, which included the mission, vision, and the six (6) strategic goals for 2008-2011 are: (1) effective leadership, (2) student success, (3) resource development and enhancement, (4) global perspective, (5) effective communications, and (6) accountability and strategic decision-making.

Mr. Austin expressed that it is significant, especially with academic affairs to see that the college is moving forward with a strategic vision.

(Mr. Oliver returned at 4:56 p.m.)

(Dr. Williams returned at 5:02 p.m.)

Motion – Mr. Aiyer moved approval and Mrs. Flores seconded.

Mr. Schechter noted that he did not see any mention of academic quality in the goals or subsets. Dr. Spangler noted that quality programs would be found under the student success goal. Mr. Austin noted that the Chancellor apprised at the retreat that the outcomes would be forthcoming as result of further interaction with the faculty and staff.

Mr. Schechter stated that he did not see any goals directed towards developing a technological infrastructure that would serve individuals at all different levels rather educational, effective service, or administratively. Dr. Spangler noted that technology would be used in the area of communications under effective communication. She noted that the focus has been placed on those goals that will assist in moving the college forward with the greatest impact.

Mr. Schechter further noted that there was no mention of aggressively pursuing programs with local school districts to develop articulation. Dr. Spangler noted that global perspective discusses diverse networking and partnership advancement.

Mr. Schechter apprised that he would vote on the item skeptically accepting administration’s representation.

Vote - The motion passed with a vote of 9-0.

NEW CERTIFICATE PROGRAM IN MASSAGE THERAPY

Motion – Dr. Williams moved to approve and Mrs. Guzman seconded.

Mrs. Flores asked how this program would work in conjunction with the current program downtown. Dr. Garza apprised that the program located on Dallas Street primarily focuses on medical segment of massage therapy and apprised that the proposed program at Southeast will focus more on a spa like massage therapy career path in connection with the cosmetology program.

Vote - The item passed with a vote of 9-0.
MEMORANDUM OF UNDERSTANDING WITH BARDOLI GLOBAL, INC.

Motion - Dr. Williams motioned and Mr. Aiyer seconded.

Dr. Williams asked administration to withdraw the Memorandum of Understanding until there is further discussion between the Chancellor, General Counsel, and appropriate administrators to review the deliverables before moving forward.

RENEWAL OF ALL FISCAL YEAR 2008 CONTRACT

Motion – Mr. Aiyer moved and Mr. Davila seconded to approve.

Mr. Schechter reiterated that he requested written objectives on certain contracts prior to approval of contracts. He asked for an explanation as to why some contracts were removed. Dr. Spangler apprised that those contracts were less than $50,000, which is within the signature authority of the Chancellor.

Mr. Aiyer asked that the Board be provided with a rolling calendar on contracts that are expiring since not all contracts have the same expiration date. He associated with Mr. Schechter’s request that measures are provided with the contracts.

Mr. Schechter requested that future contract renewal information be provided to the Board ahead of time and should include deliverables as well as a written evaluation. He also asked administration to review every contract over $500,000 to determine if it better out-sourced or provide the services in-house.

Mr. Oliver asked that Administration provide this information prior to asking for Board approval.

Mrs. Guzman asked why the Job Ordering Contract was not included. Mrs. Walker noted that it has not expired and will be included next year.

Vote – The motion passed with a vote of 9-0.

FISCAL YEAR 2008 TECHNOLOGY MAINTENANCE AND SERVICES CONTRACT RENEWALS

Motion – Mr. Aiyer and Mr. Davila seconded approval.

Mr. Schechter asked if there is a plan on how services will be handled once the upgrades are completed. Bill Carter apprised that the plan is to handle all services in-house once the upgrades have been completed.

Vote – Motion passed with vote of 9-0.

ONE OR MORE CONTRACTS FOR UTILITIES AUDIT, CONSERVATION MANAGEMENT, AND BROKERAGE SERVICES

Motion – Mr. Worsham motioned and Mr. Davila seconded.
Mr. Worsham inquired as to how the contract for the three recommended components was determined.

*(Mr. Oliver stepped out at 5:18 p.m.)*

*(Mr. Aiyer stepped out at 5:18 p.m.)*

Mrs. Walker stated that she would have to refer the item for a response to the inquiry; however, she noted that the evaluation team provided the recommendation and apprised that Dr. Tyler would be able to provide insight on the item.

*(Mr. Aiyer and Mr. Oliver returned at 5:19 p.m.)*

Dr. Tyler noted that there were two parts to the process and apprised that the team evaluated the respondents during the paper screening. He noted that the recommendation was made through process of oral evaluation.

Mr. Aiyer asked if the oral presentation was determining factor for the recommendation. Mr. Aiyer asked that the backup is provided in the future in order to provide full overview.

Mr. Aiyer inquired about the current contract and the reasons for the RFP on the item. Mrs. Walker noted that the current contract is with Choice Energy. Mrs. Walker noted that there was not a response from Choice Energy to the other components. Mr. Aiyer asked why the recommendation is providing a contract to a vendor who is not performing. Mrs. Walker noted that when a review is conducted without documentation and prior notice, the vendor is allowed to provide a bid.

Dr. Williams asked whether there a performance issued with Choice. Mrs. Walker noted that the answer is yes in two parts.

Dr. Williams asked if it is the practice for staff to complete the oral presentation as well as conduct the paper evaluation. He noted that in the past oral presentations were conducted by the Board. He also asked if there were other persons involved in the oral presentation. Dr. Tyler noted that he was present as well as Vice Chancellor Walker.

Mr. Oliver noted that the college does not normally award a contract to those who provide poor performance.

Mr. Austin asked which companies are Houston-based between Legacy and Chevron. Dr. Tyler noted that it is his understanding that Legacy and Choice are both Houston-based.

Mr. Austin moved to support Legacy.

Mr. Schechter noted that he was not on the Board when the original contract was approved three years ago. Mike Kyme apprised that an RFP was conducted two years ago and the current the contract expires in December 2007.
Mrs. Guzman noted that there is no backup information to determine what benefits the companies would provide to the college. She recommended tabling until additional information is provided.

Dr. Williams noted that his concern is that the Board has not had the opportunity to review the expertise of the vendors through oral presentation. He stated that he would like to be able to ask questions via an oral presentation. He noted that the Board’s fiduciary responsibility has been removed and a decision was made on behalf of the Board.

Mr. Aiyer noted that most of the Board desire to hear from the vendors via oral presentation. He recommended that the item is tabled and an oral presentation is made by the vendors or at least the detailed information is provided to the Board.

Mrs. Flores associated with both Dr. Williams and Mr. Aiyer and noted that the Board has previously requested to be provided with sufficient information. She also noted that an oral presentation is normally made by the vendors to the Board.

Mr. Worsham apprised that the college is under obligation to review the energy crisis and noted that he is not in support of extending to deliberation. He asked if there is an advantage of breaking the contracts into three components as well as the performance history of the three vendors recommended. Mrs. Walker apprised that there is no certain advantage. Mr. Kyme noted that on the paper review evaluation, all three ranked closely and all three companies could do all three components.

(Mr. Aiyer stepped out at 5:58 p.m.)

Amended Motion – Mr. Austin motioned that all services are awarded to Legacy. Mr. Davila seconded the motion.

Mr. Schechter asked if Legacy was stronger significantly. Mrs. Walker noted that Chevron presented more than what was requested during the oral presentation.

Amended Motion Withdrawn - Mr. Austin withdrew his amended and Mr. Davila withdrew his second.

Amended motion - Mr. Austin recommended Legacy is awarded the utility audit and brokerage services and Chevron perform the Conservation Management. Dr. Williams seconded.

Mrs. Flores requested that sufficient information be provided to the Board in the future. Mr. Oliver also asked that the Chancellor contact the Board as an inquiry to answer any concerns on various items.

Vote – The motion passed with a vote of 7-2 with Trustees Guzman and Flores opposing.

Vote on original motion - The motion passed with a vote of 8-1 with Trustee Flores opposing.
ADJOINED TO CLOSED SESSION
Mr. Oliver adjourned the meeting to Executive Session at 6:10 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. Oliver 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.

(Present: Trustees Austin, Davila, Guzman, Oliver, Schechter, Dr. Williams and Worsham)

Mr. Oliver reconvened the meeting in Open Session at 7:30 p.m. and entertained motions on pending matters.

CONSIDERATION OF SETTLEMENT PROPOSAL REGARDING GRIEVANCE FILED BY NORMA PEREZ
Motion – Mr. Schechter moved approval based on the terms discussed in Closed Session. Dr. Williams seconded the motion. The motion passed with a vote of 7-0.

PURCHASE OF BENNIGAN'S PROPERTY
Motion – Mr. Worsham moved to authorize the Chancellor to negotiate and execute a contract for the purchase of the Bennigan's Property as discussed in Closed Session. This constitutes final approval by the Board. Mrs. Guzman seconded. Motion passed 7-0.

PURCHASE OF LUMPKIN ROAD PROPERTY
Motion – Mr. Worsham motioned to authorize the Chancellor to negotiate and execute a contract with Spring Branch ISD to acquire property located at Lumpkin Road for a price not to exceed back taxes due on the property as follows:

1. $20,859 – Harris County Taxes
2. $145,046.37 – Spring Branch ISD Taxes
3. $55,235.50 – City of Houston

Additionally, authorize a waiver of tuition for Spring Branch Dual Credit students at a cost not to $40,000 in lieu of paying the Spring Branch ISD back taxes identified above. This is a one-time cost. The action constitutes final approval by Board of Trustees. Mrs. Guzman seconded the motion. The motion passed with a vote of 7-0.

PERSONNEL AGENDA FOR AUGUST 2007
Motion – Mr. Austin recommended approval of the personnel agenda. Dr. Williams seconded the motion. The motion passed with a vote of 7-0.

ADJOURNMENT
With no further business coming before the Board, the meeting adjourned at 7:33 p.m.
DINNER
Following adjournment, the Board of Trustees met for dinner in the Chancellor’s Conference Room on the 12th floor, where they may discuss System business but will not take action on such business.

Minutes recorded, transcribed & submitted by:
Sharon Wright, Executive Administrative Assistant, Board Services

Minutes Approved as Submitted: October 25, 2007