

Meeting No. 1,097

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

Pages 1 -14

January 23, 2013

Austin, Texas

MEETING NO. 1,097

WEDNESDAY, JANUARY 23, 2013.--The members of the Board of Regents of The University of Texas System convened this special called meeting at 9:30 a.m. on Wednesday, January 23, 2013, in the Board Meeting Room on the Ninth Floor, Ashbel Smith Hall, 201 West Seventh Street, Austin, Texas, with the following participation:

ATTENDANCE.--

Present

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

JOINT MEETING OF THE ACADEMIC AFFAIRS COMMITTEE AND THE FACILITIES PLANNING AND CONSTRUCTION COMMITTEE.--In accordance with a notice being duly posted with the Secretary of State and there being a quorum present, the joint meeting of the Academic Affairs Committee and the Facilities Planning and Construction Committee convened at 9:31 a.m.

AGENDA ITEM

U. T. System: Approval of academic institutions' list of projects as submitted to the Texas Legislature for Tuition Revenue Bond funding

The Committees approved the following projects for The University of Texas System academic institutions, as submitted to the Texas Legislature for Tuition Revenue Bond (TRB) funding (motions are set forth on Page 3). If approved for TRB funding by the Legislature, each project (unless already approved by the Board as indicated) will be submitted to the Board of Regents for addition to the Capital Improvement Program and design development approval. Each project was presented by the respective institutional president ([presentations](#) are on file in the Office of the Board of Regents), and a brief description of each project is provided on Pages 5 - 7.

## ACADEMIC INSTITUTIONS

**U. T. Arlington:** Life Science Building and Animal Research Facility

**U. T. Austin:** Engineering Education and Research Center (previously approved by the Board)

Chairman Powell said that he agreed there is a need for a new engineering building. He noted that in June 2011, approximately \$100 million in TRBs were requested for this project, but no TRBs were granted that Legislative Session. Therefore, he and Chancellor Cigarroa offered \$105 million of Revenue Financing System (RFS) to U. T. Austin to replace the TRBs. Noting there was also a plan to seek \$100 million of donations, Chairman Powell asked President Powers if the \$100 million of RFS money would still be available for this project if TRBs are not granted this Legislative Session.

President Powers answered affirmatively, and noted this project had a great deal of interest among many Legislators in the last Session, is the furthest along, and is the highest priority project on the campus. He said there are other construction needs and other projects on campus that the RFS funding could help put forward at an earlier date if TRB funding is approved by the Legislature rather than coming back to the Board to request more Permanent University Funds (PUF).

In reply to a question from Chairman Powell about the status of fundraising for the project, President Powers said about one-third (approximately \$30 million) of the gifts have been received. While a number of requests are out for a lead gift, President Powers commented on the difficulty of raising money for bricks and mortar.

Noting the importance of the building, Chairman Powell proposed that if TRBs are not granted or not granted for this project, the U. T. System could contribute \$100 million toward the project to replace the TRB request and U. T. Austin could proceed to raise \$100 million in gifts. He asked if U. T. Austin still had the ability to produce this building, and President Powers agreed that this project will go forward when the fundraising is complete even if the Legislature does not grant any TRBs.

Vice Chairman Dannenbaum proposed that if a source other than TRBs becomes available, that this project be designated as the Board's highest priority project. If none of the funds come through, he suggested that President Powers could use RFS financing to fund the project.

**U. T. Brownsville:** Construction of New UTB Campus

In response to a question from Vice Chairman Dannenbaum about the budget for the project, President García said the budget does not include acquisition cost for real property. Regent Gary asked about alternatives other than TRBs for debt financing. President García answered that Higher Education Assistance Funds (HEAF) are available, but the amount is small and funds are allocated for equipment on the campus. RFS funds are also available but the amount is small.

**U. T. Dallas:** Engineering Building

In reply to a question from Regent Cranberg about contributions from private fundraising and RFS funds for construction of this building, President Daniel said that private fundraising will instead be targeted for endowed chairs, scholarships, and fellowships for students and, since the institution is essentially at its debt ceiling, RFS capacity would be insufficient for the construction of this project.

**U. T. El Paso:** Interdisciplinary Research Facility

Regent Cranberg asked if the additional research activity creates a revenue stream for use of facilities, and President Natalicio responded that research funds contribute instead to the operation of the building. Chancellor Cigarroa discussed indirect cost recoveries from federal research grants that could support infrastructure of research buildings. He also discussed the availability of PUF, TRBs, and/or HEAF funding that give U. T. System institutions a competitive advantage.

**U. T. Pan American:** New Science Building

**U. T. Permian Basin:** Engineering Building - Midland Campus

Regent Gary asked about accounting for potential cost increases in the escalating cost environment, and Associate Vice Chancellor O'Donnell responded that a larger contingency is included in the project budget. Vice Chairman Hicks asked if philanthropic and legislative support from Midland is expected, and President Watts said that local support from both Midland and Odessa is expected.

**U. T. San Antonio:** Experimental Science Instructional Building

President Romo agreed with Regent Cranberg that the design of classroom space will be aligned with changes in new educational technology, such as online options for large classes and collaborative spaces.

**U. T. Tyler:** STEM and Business Complex/Renovation of Business Building

MOTION.--Upon motion by Regent Stillwell, seconded by Vice Chairman Foster, the Academic Affairs Committee unanimously approved proposals for the academic institutions as presented.

On behalf of the Facilities Planning and Construction Committee, Vice Chairman Dannenbaum moved that the proposals of the Academic Affairs Committee be approved. Regent Stillwell seconded the motion, which carried unanimously.

Regent Gary asked about the cost of constructing vivariums at the U. T. System institutions. Mr. O'Donnell explained that the type of research determines the needed structure.

ADJOURN JOINT MEETING.--The Joint Meeting of the Academic Affairs Committee and the Facilities Planning and Construction Committee adjourned at 10:50 a.m.

RECESS.--The Board recessed from 10:50 - 11:10 a.m.

## Academic Institutions

### The University of Texas System Tuition Revenue Bond Requests

	New Construction or Repair & Rehab	Name of Proposed Tuition Revenue Bond Project	Requested TRB Authorization	Total Project Cost	TRB Debt Service Requested *			
					FY 2014	FY 2015	Total	
<b><u>U. T. Arlington</u></b>								
	New/	Life Science Building and Animal Research Facility	64,300,000	91,300,000	5,605,000	5,605,000	11,210,000	
	Repair & Rehab	Facilities include a 210,000 GSF renovation of the Life Science Building classrooms, instructional labs and research labs to improve student learning, support research activities, replace major systems, improve energy efficiency and upgrade to current codes. Replace existing animal research facility with a new 20,000 GSF vivarium to consolidate resources, expand capacity and capability in research and training in behavioral / biomedical sciences.	64,300,000	91,300,000	5,605,000	5,605,000	11,210,000	
<b><u>U. T. Austin</u></b>								
	New	Engineering Education and Research Center	95,000,000	310,000,000	8,285,000	8,285,000	16,570,000	
		Construct a 433,000 GSF facility to provide critically needed interdisciplinary and project-based education and research space for the Cockrell School of Engineering; site infrastructure; renovation of impacted engineering buildings; and a new Network Operations Center and Material Transfer Center.	95,000,000	310,000,000	8,285,000	8,285,000	16,570,000	
5	<b><u>U. T. Brownsville</u></b>							
	New	Construction of New UTB Campus	151,650,000	151,650,000	13,220,000	13,220,000	26,440,000	
		Construct a new campus of approximately 546,000 GSF. Facilities will include a classroom building; a library / information technology center; student and admin support services; space for music instruction and performance; a physical education building; physical plant with campus safety, security and emergency operations spaces; a thermal energy plant and infrastructure.	151,650,000	151,650,000	13,220,000	13,220,000	26,440,000	
<b><u>U. T. Dallas</u></b>								
	New	Engineering Building	95,000,000	95,000,000	8,285,000	8,285,000	16,570,000	
		Construct a 218,000 GSF facility to house the Mechanical Engineering Department. This facility will increase annual graduation rates by 120 Bachelor students, 75 Master students and 20 PhD graduates, all positioned for local employment and for developing start-up companies.	95,000,000	95,000,000	8,285,000	8,285,000	16,570,000	

\* Consistent with assumptions used by the Texas Public Finance Authority and other universities, TRB debt service has been estimated assuming 20-year level debt service at 6.0%. In accordance with the General Appropriations Act, any appropriations for TRB debt service may only be used to reimburse TRB debt service. To the extent actual TRB debt service is less than the appropriated amounts, any excess will be lapsed back to the General Revenue Fund at the end of each fiscal year.

Academic Institutions

The University of Texas System  
Tuition Revenue Bond Requests

New Construction or Repair & Rehab	Name of Proposed Tuition Revenue Bond Project	Requested TRB Authorization	Total Project Cost	TRB Debt Service Requested *		
				FY 2014	FY 2015	Total
<b>U. T. El Paso</b>						
New	Interdisciplinary Research Facility	99,000,000	110,000,000	8,630,000	8,630,000	17,260,000
	Construct a 250,000 GSF, five-story building to replace two inefficient and underutilized buildings, Burges Hall and Barry Hall. The project will provide facilities that integrate research, institutional research support and teaching spaces.	99,000,000	110,000,000	8,630,000	8,630,000	17,260,000
<b>U. T. Pan American</b>						
New	New Science Building	98,000,000	98,000,000	8,545,000	8,545,000	17,090,000
	Construct a 162,600 GSF facility to support various STEM disciplines, including biology, chemistry, math, pre-med and environmental studies. The facility will include 3 large lecture rooms, 30 research labs of various sizes, 19 instructional labs, 5 specialized labs, 2 BSL-3 labs, 6 environmental chambers, a vivarium, and associated support spaces.	98,000,000	98,000,000	8,545,000	8,545,000	17,090,000
<b>U. T. Permian Basin</b>						
New	Engineering Building - Midland Campus	60,000,000	60,000,000	5,230,000	5,230,000	10,460,000
	Construct an 80,000 GSF facility to provide space for a more efficient operation of the current bachelor degrees in petroleum and mechanical engineering. The facility, on the new Midland Campus, will include classrooms, instructional labs, faculty offices, admin offices and student support services.	60,000,000	60,000,000	5,230,000	5,230,000	10,460,000

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Academic Institutions

The University of Texas System  
Tuition Revenue Bond Requests

New Construction or Repair & Rehab	Name of Proposed Tuition Revenue Bond Project	Requested TRB Authorization	Total Project Cost	TRB Debt Service Requested *		
				FY 2014	FY 2015	Total
<b>U. T. San Antonio</b>						
New	Experimental Science Instructional Building	92,750,000	92,750,000	8,085,000	8,085,000	16,170,000
	Construct a 150,000 GSF facility to house the College of Sciences staff, faculty and administrators. The facility will include 24 laboratories, 17 classrooms, and 120 faculty offices and support space.	92,750,000	92,750,000	8,085,000	8,085,000	16,170,000
<b>U. T. Tyler</b>						
New /	STEM and Business Complex/Renovation of Business Building	48,500,000	48,500,000	4,230,000	4,230,000	8,460,000
Repair & Rehab	Construct and renovate 138,000 GSF of space to house the College of Business and Technology and the College of Arts and Sciences, adding classrooms and labs. Additionally, the facility will house UT Tyler's "University of Tomorrow," and space for new programs in Geology and Botany.	48,500,000	48,500,000	4,230,000	4,230,000	8,460,000
<b>TOTAL - ACADEMIC INSTITUTIONS</b>		<u>804,200,000</u>	<u>1,057,200,000</u>	<u>70,115,000</u>	<u>70,115,000</u>	<u>140,230,000</u>

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## AGENDA ITEM

JOINT MEETING OF THE HEALTH AFFAIRS COMMITTEE AND THE FACILITIES PLANNING AND CONSTRUCTION COMMITTEE.--In accordance with a notice being duly posted with the Secretary of State and there being a quorum present, the joint meeting of the Health Affairs Committee and the Facilities Planning and Construction Committee convened at 11:10 a.m.

### U. T. System: Approval of health institutions' list of projects as submitted to the Texas Legislature for Tuition Revenue Bond funding

The Committees approved the following projects for The University of Texas System health institutions, as submitted to the Texas Legislature for Tuition Revenue Bond (TRB) funding (motions are set forth on Page 9). If approved for TRB funding by the Legislature, each project (unless already approved by the Board as indicated) will be submitted to the Board of Regents for addition to the Capital Improvement Program and design development approval. Each project was presented by the respective institutional president ([presentations](#) are on file in the Office of the Board of Regents), and a brief description of each project is provided on Pages 10 - 11.

### **HEALTH INSTITUTIONS**

**U. T. Southwestern Medical Center:** North Campus Phase VI - Vivarium and Research Facilities

Vice Chairman Dannenbaum cautioned against building vivarium space below ground to prevent problems from storm surges and flooding.

**U. T. Medical Branch - Galveston:** Education Center

Vice Chairman Dannenbaum asked if the proposed space will accommodate da Vinci machine training, and President Callender replied that the technology is currently accommodated elsewhere on campus. He described the other types of simulation training that would be facilitated in the new space.

Regent Purgason spoke in support of the need for this project.

**U. T. Health Science Center - Houston:** Renovation and Modernization of Educational and Research Facilities

In reply to a question from Vice Chairman Hicks, President Colasurdo said if the Legislature fails to approve any TRBs, the institution will prioritize projects as they have done previously.

**U. T. Health Science Center - San Antonio, by region**

Region: San Antonio

Enhanced Performance Laboratory of the Barshop Institute on Aging

Region: South Texas

Diabetes Institute of South Texas

**U. T. M. D. Anderson Cancer Center:** Sheikh Zayed Bin Sultan Al Nahyan Building for Personalized Cancer Care (previously approved by the Board)

**U. T. Health Science Center - Tyler:** Building E - Riter Center: Primary Care Training Center

MOTION.--Upon motion by Vice Chairman Hicks, seconded by Vice Chairman Dannenbaum, the Health Affairs Committee unanimously approved proposals for the health institutions as presented.

On behalf of the Facilities Planning and Construction Committee, Regent Gary moved that the proposals of the Health Affairs Committee be approved. Vice Chairman Dannenbaum seconded the motion, which carried unanimously.

The joint meeting adjourned at 11:41 a.m.

RECESS.--The Board recessed from 11:42 a.m. - 12:01 p.m.

## Health Institutions

### The University of Texas System Tuition Revenue Bond Requests

New Construction or Repair & Rehab	Name of Proposed Tuition Revenue Bond Project	Requested TRB Authorization	Total Project Cost	TRB Debt Service Requested *		
				FY 2014	FY 2015	Total
<b><u>U. T. Southwestern Medical Center</u></b>						
New	North Campus Phase VI - Vivarium and Research Facilities	60,000,000	250,000,000	5,230,000	5,230,000	10,460,000
	Construct a 455,000 GSF research tower and interstitial courtyard, including 4 levels of critical vivarium and research space. The facility will provide efficiencies in automation and compliance oversight that would decrease staffing requirements and animal housing costs. Additionally, the space would be designed to incorporate room for expensive, shared equipment.	60,000,000	250,000,000	5,230,000	5,230,000	10,460,000
<b><u>U. T. MB Galveston</u></b>						
New	Education Center	40,000,000	80,000,000	3,485,000	3,485,000	6,970,000
	Construct 200,000 GSF of resilient and advanced technology education space to promote interprofessional education in the Schools of Medicine, Nursing, Health Professionals and Graduate Biomedical Sciences. The facility will feature a standardized patient and simulation center, classroom space, conference rooms, educational offices and administration space.	40,000,000	80,000,000	3,485,000	3,485,000	6,970,000
<b><u>U. T. HSC Houston</u></b>						
Repair & Rehab	Renovation and Modernization of Educational and Research Facilities	116,900,000	167,000,000	10,190,000	10,190,000	20,380,000
	Renovate spaces in the Medical School Building, School of Public Health Reuel A. Stallones Building and the University Center Tower totalling 1,459,000 GSF in order to improve student learning, support today's research activities, replace major systems, improve energy efficiency and upgrade to current codes.	116,900,000	167,000,000	10,190,000	10,190,000	20,380,000

\* Consistent with assumptions used by the Texas Public Finance Authority and other universities, TRB debt service has been estimated assuming 20-year level debt service at 6.0%. In accordance with the General Appropriations Act, any appropriations for TRB debt service may only be used to reimburse TRB debt service. To the extent actual TRB debt service is less than the appropriated amounts, any excess will be lapsed back to the General Revenue Fund at the end of each fiscal year.

## Health Institutions

### The University of Texas System Tuition Revenue Bond Requests

New Construction or Repair & Rehab	Name of Proposed Tuition Revenue Bond Project	Requested TRB Authorization	Total Project Cost	TRB Debt Service Requested *		
				FY 2014	FY 2015	Total
<b><u>U. T. HSC San Antonio</u></b>						
New	Enhanced Performance Laboratory of the Barshop Institute On Aging Construct a 20,000 GSF facility to house a research data processing room, research kitchen, electronics and instrument fabrication workshop, exercise physiology testing and training, offices and support space.	8,000,000	8,000,000	695,000	695,000	1,390,000
New	Diabetes Institute of South Texas Construct a 15,000 GSF facility at the Laredo Campus Extension to house Nutrition, Health and Wellness Research and Education programs.	6,000,000	6,000,000	525,000	525,000	1,050,000
		<u>14,000,000</u>	<u>14,000,000</u>	<u>1,220,000</u>	<u>1,220,000</u>	<u>2,440,000</u>
<b><u>U. T. MD Anderson Cancer Center</u></b>						
New	Sheikh Zayed Bin Sultan Al Nahyan Building for Personalized Cancer Care Construct a 625,000 GSF facility to provide flexible research, office and collaboration space in order to meet new and evolving technologies. The facility includes clinical labs, translational and basic science labs, clinical programs and support space to integrate the delivery of basic and clinical research in support of Personalized Cancer Care.	50,000,000	333,000,000	4,360,000	4,360,000	8,720,000
		<u>50,000,000</u>	<u>333,000,000</u>	<u>4,360,000</u>	<u>4,360,000</u>	<u>8,720,000</u>
<b><u>U. T. HSC Tyler</u></b>						
Repair & Rehab	UTHSCT Building E - Riter Center: Primary Care Training Center (PCTC) Build out remaining 4th floor shell space and renovate 2nd and 3rd floor space in the Riter Center (totaling 65,865 GSF) to create a multidisciplinary Primary Care Training Center, with state-of-the-art equipment and additional academic space to accommodate an interactive health care and distance learning opportunity for residents, students and other health care professionals.	5,005,000	6,005,000	435,000	435,000	870,000
		<u>5,005,000</u>	<u>6,005,000</u>	<u>435,000</u>	<u>435,000</u>	<u>870,000</u>
<b>TOTAL - HEALTH INSTITUTIONS</b>		<u>285,905,000</u>	<u>850,005,000</u>	<u>24,920,000</u>	<u>24,920,000</u>	<u>49,840,000</u>

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BOARD MEETING.--In accordance with a notice being duly posted with the Secretary of State and there being a quorum present, Chairman Powell convened the special called meeting at 12:02 p.m.

Chairman Powell called on Executive Vice Chancellor Kelley to review the process to evaluate debt capacity for institutions to issue additional RFS capacity. He explained the areas reviewed are expendable resources compared to debt, debt burden, and debt coverage.

In reply to a question from Regent Gary, Dr. Kelley said the U. T. System is maintaining a Triple A bond rating, largely due to the strength of the larger institutions. He noted that U. T. Austin and the health institutions have capacity.

Chairman Powell noted the new procedure this year for requesting TRBs, saying the TRB requests for the U. T. System institutions were sent through the Texas Higher Education Coordinating Board to the Legislature. He said he had notified the Coordinating Board that the Board of Regents may further review and modify the list of submissions. Due to the complexity of the issues, such as institutional debt capacity, campus need, and whether or not to prioritize projects in the event that there are not sufficient institutional resources or TRB funds, Members of the Board discussed whether to delay or move forward with a vote on the TRB requests. Ultimately, there appeared to be a desire for a coordinated U. T. System position and a suggestion to delegate authority to the Chairman and the Chancellor in their work with the Legislature to coordinate institutions' efforts with U. T. System priorities in mind and with input from Executive Vice Chancellor Kelley.

#### REPORTS AND RECOMMENDATIONS OF THE THREE STANDING COMMITTEES (ACADEMIC AFFAIRS COMMITTEE, HEALTH AFFAIRS COMMITTEE, AND FACILITIES PLANNING AND CONSTRUCTION COMMITTEE).--

Academic Affairs Committee Chairman Hicks then moved that the projects listed in the agenda item for the Academic Affairs Committee (Page 1) for the academic institutions be considered for TRB funding. He also modified the motion to give authority to the Chairman of the Board and the Chancellor to prioritize these projects as needed and as it relates to their work with the Texas Legislature. Regent Stillwell seconded the motion, which was carried unanimously by the full Board.

Health Affairs Committee Chairman Stillwell then moved that the projects listed in the agenda item for the Health Affairs Committee (Page 8) for the health institutions be considered for TRB funding. He also modified the motion to give authority to the Chairman of the Board and the Chancellor to prioritize these projects as needed and as it relates to their work with the Legislature. Vice Chairman Dannenbaum seconded the motion, which was carried unanimously by the full Board.

Regent Gary moved that the Facilities Planning and Construction Committee approve the actions of the Academic Affairs and the Health Affairs Committees. Vice Chairman Dannenbaum seconded the motion, which was carried unanimously by the full Board.

RECESS TO EXECUTIVE SESSION.--At 12:25 p.m., Chairman Powell said the Board would recess to convene in Executive Session pursuant to *Texas Government Code* Sections 551.071, 551.072, 551.073, 551.074, and 551.076 to consider the matters listed on the Executive Session agenda.

RECONVENE IN OPEN SESSION.--At 1:41 p.m., the Board reconvened in open session for the following action taken on the matters discussed in Executive Session.

1. 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. Dallas: Discussion and appropriate action concerning legal issues related to Waterview Park Apartments and the Utley Foundation

No action was taken on this item.

3. U. T. System: Deliberations regarding the purchase, exchange, lease, sale, or value of real property

No action was taken on this item.

4. U. T. Arlington: Approval of proposed negotiated gifts with potential naming features

Regent Pejovich moved that the Board authorize the President of The University of Texas at Arlington and the Vice Chancellor for External Relations to conclude negotiations necessary to finalize and accept gifts to benefit U. T. Arlington with potential naming features consistent with the terms outlined in Executive Session.

Regent Hall seconded the motion, which carried unanimously.

5. U. T. System Board of Regents: Discussion and appropriate action regarding safety and security issues, including security audits and the deployment of security personnel and devices

No action was taken on this item.

ADJOURNMENT.--There being no further business, the meeting was adjourned at 1:43 p.m.

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

February 12, 2013