

Meeting No. 1,212

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

Pages 1 - 7

December 21, 2020

Austin, Texas

MEETING NO. 1,212

MONDAY, DECEMBER 21, 2020.--The members of the Board of Regents of The University of Texas System convened in Open Session on Monday, December 21, 2020, at 10:04 a.m. via Zoom conference, with the below meeting participation. This special called meeting of the Board was held via video conference call as authorized by Governor Abbott's Executive Order temporarily suspending certain provisions of the Texas Open Meetings Act, effective March 16, 2020, to address and mitigate the effects of the COVID-19 pandemic.

ATTENDANCE.--

Present

Chairman Eltife
Vice Chairman Longoria
Vice Chairman Weaver
Regent Beck
Regent Crain
Regent Hicks
Regent Jiles
Regent Perez
Regent Warren
Regent Ojeaga, Student Regent, nonvoting

CONVENE THE BOARD IN OPEN SESSION TO RECESS TO EXECUTIVE SESSION.--

At 10:04 a.m., in accordance with a notice being duly posted with the Secretary of State and there being a quorum present, Chairman Eltife called the meeting to order in Open Session then recessed the Board to Executive Session, pursuant to *Texas Government Code* Sections 551.071, 551.072, 551.073, 551.074, 551.076, and 551.089 to consider the matters listed on the Executive Session agenda.

RECONVENE IN OPEN SESSION TO CONSIDER ACTION ON EXECUTIVE SESSION ITEMS AND AGENDA ITEMS.--Chairman Eltife reconvened the Board in Open Session at 10:59 a.m. to consider action on the following items.

1a. U. T. System Board of Regents: Discussion with Counsel on pending legal issues

No action was taken on this item.

1b. U. T. Austin: Discussion regarding legal issues related to the utilization of the Brackenridge Tract, including land bounded by Exposition Boulevard, Lake Austin Boulevard, and Enfield Road, Austin, Travis County, Texas, and discussion and appropriate action regarding legal issues associated with extension of the lease to the West Austin Youth Association and related finding of public purpose

See Item 5a.

- 1c. U. T. Austin: Discussion regarding legal issues related to the sale of 226 acres of unimproved land to Travis County for habitat conservation related to the Balcones Canyonlands Conservation Plan and retention with use restrictions of approximately 27 acres of improved land out of the approximately 253-acre Dobie Paisano Ranch, located at 11353 Rawhide Trail, Austin, Travis County, Texas

See Item 5b.

- 1d. U. T. Medical Branch - Galveston: Discussion and appropriate action regarding *KaZee, Inc. v. Dr. Ben Raimer, in his Official Capacity as President Ad Interim of UTMB, and Todd Leach, in his Official Capacity as Chief Information Officer of UTMB*; Civil Action No. 4:19-cv-0031; In the Eastern District of Texas, Sherman Division

Vice Chairman Longoria made the following motion:

I move that the U. T. System Board of Regents, acting on behalf of U. T. Medical Branch - Galveston, approve the terms of a proposed settlement of claims related to litigation, as recommended in Executive Session under Item 1d.

The motion was seconded by Regent Crain and carried unanimously.

- 2a. U. T. System Academic Institutions: Discussion and appropriate action regarding proposed negotiated gifts, including potential naming features

Vice Chairman Weaver made the following motion:

I move that the U. T. System Board of Regents authorize Chancellor Milliken, Vice Chancellor Safady, and the President of U. T. San Antonio to conclude negotiations necessary to finalize, approve, and accept gifts and to finalize and execute any agreements with potential naming features for the benefit of the institution consistent with the terms and conditions outlined and recommended in Executive Session.

The motion was seconded by Vice Chairman Longoria and carried unanimously.

- 2b. U. T. System Health Institutions: Discussion and appropriate action regarding proposed negotiated gifts, including potential naming features

No action was taken on this item.

- 3a. 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 including presidents ad interim); 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); Board members; and U. T. System and institutional employees

No action was taken on this item.

- 3b. U. T. Tyler and U. T. Health Science Center - Tyler: Discussion and appropriate action regarding individual personnel matters related to the presidency of the realigned Tyler entity

No action was taken on this item. See related Agenda Item 3 on Page 6 for action taken in Open Session.

4. 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.

- 5a. U. T. Austin: Discussion and appropriate action regarding the lease, uses, or value of property related to the Brackenridge Tract, including land bounded by Exposition Boulevard, Lake Austin Boulevard, and Enfield Road, Austin, Travis County, Texas, and discussion and appropriate action regarding extension of the lease to the West Austin Youth Association and related finding of public purpose

Vice Chairman Longoria made the following motion:

I move that the U. T. System Board of Regents take the following actions on behalf of U. T. Austin:

- a. authorize amending the lease to West Austin Youth Association, Inc., located at 1314 Exposition Boulevard, Austin, Travis County, Texas, on terms in accordance with the parameters recommended in Executive Session; and
- b. further authorize the Chancellor or designee to execute all documents, instruments, and other agreements, subject to approval of all such documents as to legal form by the Office of General Counsel, and to take all further actions deemed necessary to carry out the purpose and intent of the foregoing actions within the parameters recommended in Executive Session.

Finally, I move that the Board find that

1. such amendments serve a public purpose appropriate to the function of U. T. Austin;
2. the return benefit received by U. T. Austin is adequate; and
3. under the terms of the amendments, U. T. Austin will maintain sufficient controls to ensure the public purpose is achieved.

The motion was seconded by Regent Beck and carried unanimously.

- 5b. U. T. Austin: Discussion and appropriate action regarding the sale of 226 acres of unimproved land to Travis County for habitat conservation related to the Balcones Canyonlands Conservation Plan and retention with use restrictions of approximately 27 acres of improved land out of the approximately 253-acre Dobie Paisano Ranch, located at 11353 Rawhide Trail, Austin, Travis County, Texas

Regent Hicks made the following motion:

I move that the U. T. System Board of Regents take the following actions on behalf of U. T. Austin:

- a. authorize the sale of approximately 226 acres of unimproved land out of the approximately 253-acre Dobie Paisano Ranch, located at 11353 Rawhide Trail, Austin, Travis County, Texas, to Travis County, for habitat conservation related to the Balcones Canyonlands Conservation Plan, and retention of approximately 27 acres of improved land out of the same parent tract, with use restrictions on terms in accordance with the parameters outlined in Executive Session; and
- b. authorize the Chancellor or designee to execute all documents, instruments, and other agreements, subject to approval of all such documents as to legal form by the Office of General Counsel, and to take all further actions deemed necessary to carry out the purpose and intent of the foregoing actions within the parameters outlined in Executive Session.

The motion was seconded by Regent Jiles and carried unanimously.

AGENDA ITEM

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

Chairman Eltife noted the following related to the Consent Agenda:

- Item 1 requests approval of an agreement with Fanatics Retail Group Concessions, LLC, for certain retail and online sales for Intercollegiate Athletics at U. T. Austin.

- Item 2 is an amendment to the agreement with Bottling Group, LLC, for vending machine service at U. T. Austin.

Regent Perez moved approval, which was seconded by Regent Crain. The Board then approved the Consent Agenda, which is set forth on Page 7.

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

2. U. T. Austin: Allocation of \$8,409,000 of Permanent University Fund (PUF) proceeds for the Texas Advanced Computing Center (TACC) and \$300,000 of Available University Fund (AUF) proceeds for Cybersecurity Audits

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, and the Executive Vice Chancellor for Business Affairs that the U. T. System Board of Regents approve the allocation of \$8,409,000 of Permanent University Fund (PUF) proceeds for the Texas Advanced Computing Center (TACC) at U. T. Austin and \$300,000 of Available University Fund (AUF) proceeds for Cybersecurity Audits.

BACKGROUND INFORMATION

U. T. Austin requests additional support for the Texas Advanced Computing Center (TACC) to continue providing ongoing evolution of the U. T. Research Cyberinfrastructure with expanded support for Artificial Intelligence research to all U. T. System institutions. On November 14, 2013, the Board approved a \$10 million PUF allocation to design and construct an annex to the TACC and a \$2 million Available University Fund allocation to support TACC staff dedicated to the U. T. Research Cyberinfrastructure project.

TACC has provided and continues to provide world-class computing resources to the research enterprise across the U. T. System. TACC currently provides the largest university-based supercomputer in the world and has been selected by the National Science Foundation to be the site of the future national Leadership-Class Computing Facility. By opening up TACC research to users across the System, numerous students and faculty will benefit. Continuing the investment to maintain leadership in this critical technology area helps U. T. Austin attract top faculty across most science and engineering fields.

The \$8,409,000 in PUF proceeds will be used to fund capital costs of new hardware, which includes vendor maintenance and support. The \$300,000 in AUF proceeds will be used for required outside cybersecurity audits of TACC operations.

3. U. T. Tyler and U. T. Health Science Center - Tyler: Discussion and appropriate action to name Kirk A. Calhoun, M.D. as president of the realigned Tyler entity

Following brief comments regarding efforts made and support for changes to the structure of the two Tyler institutions, resulting in approval of the new structure by the accrediting organization, Chairman Eltife made the following motion:

I move that the U. T. System Board of Regents vote, consistent with previous authorizations related to the realignment and leadership of U. T. Tyler and U. T. Health Science Center - Tyler as a single institution, to name Kirk A. Calhoun, M.D., President of The University of Texas at Tyler effective January 4, 2021, without change in compensation.

I also move that the Minutes reflect, by approval of this motion, the Board has made a finding, as required by State law, that this appointment is in the best interest of U. T. System, U. T. Tyler, and U. T. Health Science Center - Tyler.

The motion was seconded by Regent Perez and carried unanimously.

ADJOURNMENT.--There being no further business, the meeting was adjourned at 11:06 a.m.

/s/
Tina E. Montemayor
Secretary to the Board of Regents
December 22, 2020



**THE UNIVERSITY OF TEXAS SYSTEM
BOARD OF REGENTS
CONSENT AGENDA**

Special Called Board Meeting:

December 21, 2020
Austin, Texas

1. Contract (funds coming in) - U. T. Austin: Retail Merchandising and E-Commerce Agreement with Fanatics Retail Group Concessions, LLC, to provide operations of certain retail venues and online stores for Intercollegiate Athletics

Agency: Fanatics Retail Group Concessions, LLC

Funds: Agreement provides for a minimum guaranteed payment of \$1,000,000 per year for a total of \$10,000,000

Period: July 1, 2020 through June 30, 2030

Description: Fanatics Retail Group Concessions, LLC, will operate and provide management, personnel, equipment, and merchandise necessary for successful operation of the Texas Longhorns official retail venues and online stores. Fanatics was selected through a competitive Request for Proposal process.

2. Contract (funds coming in) - U. T. Austin: Second Amendment to Agreement with Bottling Group, LLC, to provide beverage vending machines on campus

Agency: Bottling Group, LLC

Funds: \$1,190,000 over the term of this Amendment and all possible renewal options

Period: December 1, 2020 through December 31, 2021; with two three-year optional renewal periods

Description: Nonexclusive vending machine agreement for Bottling Group, LLC, to sell carbonated and non-carbonated beverages, bottled water, sports drinks, isotonic beverages, and fruit juices in machines located throughout campus. The First Amendment was not presented to the Board for approval due to an inadvertent administrative oversight. The underlying Agreement was approved by the U. T. System Board of Regents on November 9, 2019. This Second Amendment will increase the pricing of the vending machine items. Pursuant to *Texas Education Code* Section 51.945, students were provided an opportunity to comment prior to determination that this food service provider should be selected. This Agreement was competitively procured pursuant to a Request for Proposal.