
**AUSTIN COMMUNITY COLLEGE DISTRICT
PUBLIC FACILITY CORPORATION**

BOARD OF DIRECTORS

**Regular Meeting Agenda
Tuesday, September 8, 2009, 6:00 p.m.**

**Highland Business Center, Board Room (201)
5930 Middle Fiskville Road
Austin, Texas 78752**

**AUSTIN COMMUNITY COLLEGE DISTRICT
PUBLIC FACILITY CORPORATION
Austin, Texas**

BOARD OF DIRECTORS

Nan McRaven, President
Veronica Rivera, Vice President
Dr. Barbara Mink, Secretary
Jeffrey K. Richard, Treasurer
Raul Alvarez
John-Michael Cortez
Allen H. Kaplan
Tim Mahoney
Dr. James McGuffee

5:00 p.m., Highland Business Center (Board Room 201) - Reception Honoring Veronica Rivera, Vice Chair,
Austin Community College District Board of Trustees

**BOARD OF DIRECTORS
REGULAR MEETING**

Date/Time: Tuesday, September 8, 2009, 6:00 P.M.

Place: Highland Business Center
Board Room 201
5930 Middle Fiskville Road
Austin, Texas 78752

AGENDA

1. Call to Order

2. Consent Item(s)

(Estimated Time: 5 minutes)

0017 Minutes of August 4, 2008, Public Facility Corporation of the Austin Community College District.

3. Discussion/Action:

0018 Approval of Proposed Subdivision Plat Modifications and Grant of Easements for Round Rock Campus
[Action Requested]
(Estimated Time: 15 minutes)

4. Executive Session

Consultation with legal counsel regarding the purchase, exchange, lease or value of real property pursuant to Government Code §551.072; pending or contemplated litigation or a settlement offer pursuant to Government Code §551.071; and/or relating to personnel matters pursuant to Government Code §551.074. The Board may go into executive session to deliberate regarding real property, prospective gifts, personnel matters, and security devices as specifically listed on this agenda. The Board may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any item on this agenda.

5. Reconvene

6. Announcements

7. Adjournment

September 8, 2009

SUBJECT: Minutes of the August 4, 2008, Meeting of the Board of Directors of the Austin Community College District Public Facility Corporation

PROPOSED ACTION:

That the Board of Trustees approve the minutes as presented.

RELATED BOARD POLICY OR PLANNING DIRECTIVE

The item is consistent with the Bylaws of the Austin Community College District Public Facility Corporation.

BUDGETARY CONSIDERATION

None.

RESOURCE PERSONNEL

Stephen B. Kinslow, President/CEO

Pat Stubbs, Assistant to the Board of Trustees

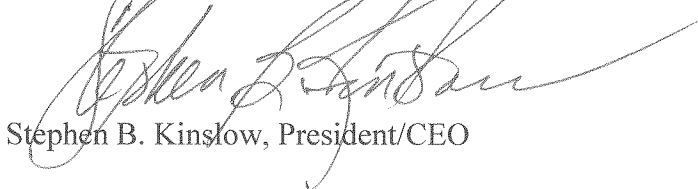
ATTACHMENTS:

Minutes of August 4, 2008, Meeting of the Board of Directors

Respectfully Submitted By:



Pat Stubbs, Assistant to the Board of Directors



Stephen B. Kinslow, President/CEO

MINUTES

Board of Directors – Austin Community College District Public Facility Corporation August 4, 2008

In accordance with the terms and provisions of the Texas Open Meetings Act, Chapter 551 of Texas Government Code, the Board of Directors of the Austin Community College District Public Facility Corporation convened in public session on Monday, August 4, 2008, at 6:06 p.m. in the Board Room (201) of the Highland Business Center of Austin Community College located at 5930 Middle Fiskville Road, Austin, Texas, with the following members present: Ms. Nan McRaven, President; Ms. Veronica Rivera, Vice President; Dr. James W. McGuffee, Secretary; Mr. Raul Alvarez [arrived at 6:10 p.m.]; Mr. John-Michael Cortez; Mr. Allen H. Kaplan; Mr. Tim Mahoney; and Dr. Barbara P. Mink. Mr. Jeffrey Richard, Treasurer, was absent from the meeting.

It is further found and determined that in accordance with the policies and orders of this Board, the notice of this meeting has been posted and return thereof made pursuant to the terms and provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and there has been full compliance with the terms and provisions of said act, including the timely posting of the subjects of this meeting.

CONSENT ITEM(S)

Agenda Item 0014

Minutes of July 7, 2008, Meeting of the Board of Directors of the Austin Community College District Public Facility Corporation

President Nan McRaven introduced the item.

Directors Veronica Rivera moved and James McGuffee seconded that:

MOTION: The Board of Directors approve the Minutes of the July 7, 2008, meeting of the Austin Community College District Public Facility Corporation.

VOTE: The motion passed on a unanimous vote of 7-0.

FOR: Mr. John-Michael Cortez, Mr. Allen H. Kaplan, Mr. Tim Mahoney, Dr. James W. McGuffee, Ms. Nan McRaven, Dr. Barbara P. Mink, and Ms. Veronica Rivera.

AGAINST: None.

ABSENT: Mr. Raul Alvarez and Mr. Jeffrey Richard.

DISCUSSION/POSSIBLE ACTION

[Director Raul Alvarez arrived at the meeting at 6:10 p.m.]

Agenda Item 0015

Approval of Resolution Authorizing the Issuance of Lease Revenue Bonds, the Execution and Delivery of a Lease Agreement and Related Documents, Authorizing the Lease of the Land and Building, a Purchase Agreement, an Official Statement, a Mortgage, a Security Agreement, and a Trust Agreement, and Containing Provisions Necessary and Incidental to the Purposes Hereof

President Nan McRaven introduced the item.

Mr. Ben Ferrell, Vice President for Business Services, provided information. He stated that Resolution authorizes the issuance of the Lease Revenue Bonds to purchase and construct the new Round Rock Campus. In approving the bonds, the Resolution also approves and authorizes the execution of the various financing documents needed for the transaction, including the lease purchase agreement with the District.

The first year debt service payments will be covered by capitalized interest. Thereafter, the District will include the debt services payments in its annual Budget and will include them as part of its operation and maintenance tax levy, so that the lease payments to the corporation can be used to make the debt service payments on the Bonds.

Mr. Jorge Rodriguez, College Financial Advisor, stated the sale of the bonds was very successful at \$118,980,000.

Mr. Tom Pollan, ACC Legal Counsel, distributed information and discussed the Resolution.

Directors James McGuffee moved and Raul Alvarez seconded that:

MOTION: The Board of Directors approve a Resolution Authorizing the Issuance of Lease Revenue Bonds, the Execution and Delivery of a Lease Agreement and Related Documents, Authorizing the Lease of the Land and Building, a Purchase Agreement, an Official Statement, a Mortgage, a Security Agreement, and a Trust Agreement, and Containing Provisions Necessary and Incidental to the Purposes Hereof

VOTE: The motion passed on a unanimous vote of 8-0.

FOR: Mr. Raul Alvarez, Mr. John-Michael Cortez, Mr. Allen H. Kaplan, Mr. Tim Mahoney, Dr. James W. McGuffee, Ms. Nan McRaven, Dr. Barbara P. Mink and Ms. Veronica Rivera.

AGAINST: None.

ABSENT: Mr. Jeffrey Richard.

Agenda Item 0016

Approval of Resolution of the Board of Directors of the Austin Community College District Public Facility Corporation Authorizing the President of the Austin Community College to Negotiate and Execute a Construction Manager at Risk Contract for the Construction of the First Phase of the Round Rock Campus with SpawGlass Constructors, Inc.

President Nan McRaven introduced the item.

Mr. Ben Ferrell stated the Resolution authorizes the President of the College to negotiate and execute a Construction Manager at Risk contract with SpawGlass Constructors, Inc., for the construction of the first phase of the Round Rock Campus. The actual contract for these services will be with the Board of Directors of the Austin Community College Public Facility Corporation. This item authorizes the President to negotiate the contract on behalf of the Public Facility Corporation.

Directors James McGuffee moved and Barbara Mink seconded that:

MOTION: The Board of Directors approve a Resolution of the Board of Directors of the Austin Community College District Public Facility Corporation Authorizing the President of the Austin Community College to Negotiate and Execute a Construction Manager at Risk Contract for the Construction of the First Phase of the Round Rock Campus with SpawGlass Constructors, Inc.

VOTE: The motion passed on a unanimous vote of 8-0.

FOR: Mr. Raul Alvarez, Mr. John-Michael Cortez, Mr. Allen H. Kaplan, Mr. Tim Mahoney, Dr. James W. McGuffee, Ms. Nan McRaven, Dr. Barbara P. Mink and Ms. Veronica Rivera.

AGAINST: None.

ABSENT: Mr. Jeffrey Richard.

Announcements

There were no announcements.

Adjournment

Having no motion before the Board, the August 4, 2008, meeting of the Board of Directors of the Austin Community College District Public Facility Corporation was adjourned at 6:27 p.m.

Approved By

James W. McGuffee, Secretary

September 8, 2009

SUBJECT: Approval of Proposed Subdivision Plat Modifications and Grant of Easements for Round Rock Campus

RECOMMENDATION

That the Board of Directors of the Corporation approve the Resolution. The Resolution authorizes the President of the Board to approve the plat amendments, grant the easements, and delegates to the President of the Board the authority in the future to grant such other easements and rights in connection with the development of the land for the District's campus as deemed necessary or advisable.

RELATED BOARD POLICY OR PLANNING PRIORITY

This item is consistent with Board Policy E-2, Provision of College Facilities, and G-2, Purchasing.

RATIONALE

The easements and the plat amendment in which the easements will be recorded are required for the construction of the new campus.

BUDGETARY CONSIDERATION

None

RESOURCE PERSONNEL

Ben Ferrell, Vice President Business Services
Bill Mullane, Executive Director, Facilities and Construction

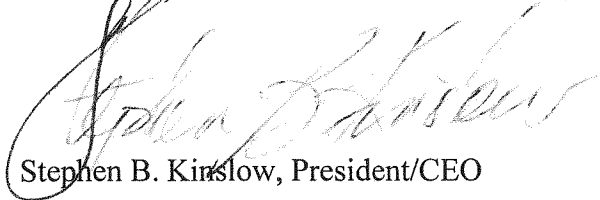
ATTACHMENT

- A) Resolution of the Board of Directors of The Austin Community College District Public Facility Corporation Authorizing the President of the Board of the Corporation to Approve the Proposed Subdivision Plat Modifications and Grant of Easements.

Respectfully Submitted By:



Ben Ferrell, Vice President Business Services



Stephen B. Kinslow, President/CEO

RESOLUTION

Whereas, the Austin Community College Public Facility Corporation (“Corporation”) is the owner of a 60 acre tract of land, more or less, in Round Rock, Williamson County, Texas, which the Corporation leased to the Austin Community College District (“District”) for the development of the District’s Round Rock Campus; and

Whereas the Corporation, acting in cooperation with the District, has subdivided the 60 acre tract of land (the “Land”) in accordance with the requirements of state law, and the land development ordinances of the City of Round Rock, Texas (the “City”) in order to develop the Land as a campus; and

Whereas, the District has informed the Corporation that further action is required in connection with the development of the Land, including the dedication of a .616 acre tract of land as a road easement through the amendment of the existing plat, and the grant of various public utility easements as hereinafter described, and

Whereas, at the duly called public meeting of the Board of Directors of the Corporation (“Board”) held on this date, the Board determined that it is in the best interest of the Corporation to approve the plat amendment and to grant the easements, and also delegate to the President of the Board the authority to approve in the future the grant of such other public utility easements and rights in connection with the development of the Land for the District’s campus as the President of the Board, in her discretion, may deem necessary or advisable, without the need for further Board action or authorization;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE AUSTIN COMMUNITY COLLEGE DISTRICT PUBLIC FACILITY CORPORATION THAT:

1. The above recitals are found to be true and correct; and
2. The Board authorizes the Corporation to:
 - a. Dedicate a .616 acre tract as a road easement for the Campus Village Drive extension by plat amendment to the existing subdivision plat in the location indicated in the plat amendment prepared by Baker-Aicklen;
 - b. Grant a gas easement to Texas Gas Service, and the conveyance of the pipelines and other facilities constructed within the easement in the approximate location shown on the concept plan prepared by Baker-Aicklen dated August 21, 2009;
 - c. Grant an electrical easement to Oncor Electric Delivery Company, and the conveyance of the feeders and other facilities constructed within the easement in the approximate location shown on the concept plan prepared by Baker-Aicklen dated August 21, 2009;

- d. Grant a water line easement to the City of Round Rock, and the conveyance of the pipelines and other facilities constructed within the easement in the approximate location shown on the concept plan prepared by Baker-Aicklen dated August 21, 2009;
 - e. Grant a sidewalk easement to the City of Round Rock at one or more locations parallel to College Park Drive where the public sidewalk crosses into private property due to grading constraints, if required by the City.
3. The Board authorizes the President of the Board, or her designee, to execute such documents, and take such further action as may be advisable or necessary to effectuate the said dedication and grants hereby authorized by the Board.
 4. The Board delegates to the President of the Board the authority to approve in the future, at the request of the District and on behalf of the Corporation, the grant of such other public utility easements and rights in connection with the development of the Land for the District's campus, as the President, in her discretion, may deem necessary or advisable, without the need for further Board action or authorization, provided that the President shall keep the Board informed of such actions taken by her. The Board further authorizes the President, or her designee, to execute such documents and take such further actions as she may deem necessary or advisable to effectuate the grant of easements and rights which she approves. The President of the Board may, at her discretion, determine that any requested action should be submitted to the Board for approval.
 5. The Board authorizes the Corporation to accept a Private Access Easement granted or to be granted by the District across a 24.66 acre tract of land owned by the District, which is adjacent to the Land, for the purpose of providing a private driveway from the campus to a publicly dedicated street across the 24.66 acre tract.

PASSED AND APPROVED this ____ day of September, 2009.

BOARD OF DIRECTORS

By: _____
Nan McRaven, President

Attest:

Secretary, Board of Directors

