



BOARD OF TRUSTEES
OF THE
PERALTA COMMUNITY COLLEGE DISTRICT
MINUTES
DECEMBER 6, 2011

CALL TO ORDER (5:00 p.m.)

CLOSED SESSION (5:01 p.m.)

Topics to be discussed include:

Conference with Labor Negotiator Largent, Peralta Federation of Teachers, Local 39, and SEIU 1021 (Government Code § 54957.6)

Conference with Legal Counsel, Multiple Cases: (Government Code § 54956.9)

- * Conference with Legal Counsel (54956.9(a)), Johnson v. PCCD, U.S. District Court, Northern District of CA Case No. C08-4152
- * Conference with Legal Counsel (54956.9(a)), Payne v. PCCD, United States District Court, Case No. C08-03133.
- * Conference with Legal Counsel (54956.9(a)), Abdur-Rasheed v. PCCD, United States District Court, Case No. CV 11-1744.
- * Conference with Legal Counsel (54956.9(a)), Vogt v. PCCD, Alameda County Superior Court, Case No. RG11-573757.
- * Conference with Legal Counsel (54956.9(a)), Abboud v. PCCD, Alameda County Superior Court, Case No. RG11-572374.
- * Conference with Legal Counsel (54956.9(a)), Block v. PCCD, Alameda County Superior Court, Case No. RG11570116.
- * Conference with Legal Counsel (54956.9(a)), In re Municipal Derivatives Antitrust Litigation, U.S. District Court, Southern District of New York, Case No. 1:08-cv-02516-VM-GWG.
- * Conference with Legal Counsel (54956.9(a)), PCCD v. KYJ Associates, Alameda County Superior Court, Case No. RC08376707.
- * Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (7 cases).

Conference with Real Property Negotiator (Government Code § 54956.8):

- * Negotiator Ikharo, 2120 University Avenue, Berkeley, California, 94704.
- * Negotiator Ikharo, 2025 Center St, Berkeley, California, 94704.
- * Negotiator Ikharo, 1950 Addison Street, Berkeley, California, 94704.

Public Employee Appointment - Employment, Performance, Evaluation, Discipline, Dismissal, Release - All Employees (Government Code § 54957 and BP 3.62 Temporary Assignments - Interim and Acting definitions).

- * Consider Public Employment Appointment, Acting Associate Vice Chancellor for Finance, District Office.
- * Consider Public Employment Appointment, Acting Interim Director of Special Projects, Berkeley City College
- * Consider Public Employment Appointment, Interim Dean, Special Programs and Grants,

Merritt College.

OPEN SESSION (7 p.m.)

PLEDGE OF ALLEGIANCE 7:00 P.M.

ROLL CALL

Trustees González Yuen Pr Ab Gulassa Pr Ab Handy Pr Ab Hodge Pr Ab Guillén Pr Ab Withrow Pr Ab and Riley Pr Ab , Student Trustees Brumfield Pr Ab and Copenhagen Pr Ab .

REPORT OF ACTION TAKEN IN CLOSED SESSION

At tonight's closed session, the Board voted to approve the appointment of the following public employee contracts, which are subject to contractual agreement by the Chancellor: 1. Horace Graham as Interim Dean of Special Programs and Grants, a grant funded position at Merritt College at an annual salary of \$110,000 effective December 6, 2011 through December 6, 2012 or until the permanent position is filled, whichever occurs first, and subject to grant funding. AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1- Hodge 2. Eva Denise Jennings as the Interim Director of Special Projects, Berkeley City College at an annual salary of \$85,000 effective January 4, 2012 through January 4, 2013 or until the permanent position is filled, whichever occurs first. AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1- Hodge 3. Sara Schrader as Acting Associate Vice Chancellor for Finance, District Office, at an annual salary of \$130,000 from December 6, 2011 through June 6, 2011 or until the permant position is filled, whichever occurs first. AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1- Hodge

APPROVAL OF THE AGENDA (Please state the Agenda Item Number and Identify the Issue)

Meeting agenda

MOTION: Motion by Trustee Abel Guillén, second by Trustee Cy Gulassa to approve.

AYES: Trustee Bill Riley, Trustee Bill Withrow, Trustee Abel Guillén, Trustee Linda Handy, Trustee Marcie Hodge, Trustee Cy Gulassa, and Trustee Nicky González Yuen .
NOES: None
ABSTAIN: None
ABSENT: None

The motion passed.

Item 38 is removed from the agenda.

ANNUAL ORGANIZATIONAL MEETING

Election of President of the Board of Trustees, 2012

Election of Vice President of the Board of Trustees, 2012

Appointment of Secretary of the Board of Trustees, 2012

Presentation of Awards to outgoing President Riley and Vice President Gulassa, 2011

MOTION: Motion by Trustee Abel Guillén, second by Trustee Linda Handy elect Trustee Gulassa as President of the Board for 2012.

AYES: Trustee Bill Riley, Trustee Bill Withrow, Trustee Abel Guillén, Trustee Linda Handy, Trustee Marcie Hodge, Trustee Cy Gulassa, and Trustee Nicky González Yuen .
NOES: None
ABSTAIN: None
ABSENT: None

The motion passed.

MOTION: Motion by Trustee Nicky González Yuen to nominate Trustee Guillén as Vice President of the Board for 2012. Trustee Guillén declined the nomination. The motion failed for lack of a second.

MOTION: Motion by Trustee Linda Handy, second by Trustee Bill Withrow to approve elect Trustee Riley as Vice President of the Board for 2012.

AYES: Trustee Bill Riley, Trustee Bill Withrow, Trustee Abel Guillén, Trustee Linda Handy, Trustee Marcie Hodge, Trustee Cy Gulassa, and Trustee Nicky González Yuen .
NOES: None
ABSTAIN: None
ABSENT: None

The motion passed.

MOTION: Motion by Trustee Bill Riley, second by Trustee Abel Guillén nominate Chancellor Allen as the Board Secretary for 2012.

AYES: Trustee Bill Riley, Trustee Bill Withrow, Trustee Abel Guillén, Trustee Linda Handy, Trustee Marcie Hodge, Trustee Cy Gulassa, and Trustee Nicky González Yuen .
NOES: None
ABSTAIN: None
ABSENT: None

The motion passed.

Trustee Riley gave thanked the Board members and for their families for their service, all of the help received from the six cities, and everyone in the Peralta family for all of their support this last year.

Trustee Gulassa thanked the Chancellor for his leadership and hard work, and he shared his goals for the year.

Trustee Handy presented a certificate and gift to outgoing Board officers Trustees Riley and Gulassa.

APPROVAL OF THE MINUTES

MOTION: Motion by Trustee Abel Guillén, second by Trustee Nicky González Yuen to approve.

AYES: Trustee Bill Riley, Trustee Bill Withrow, Trustee Abel Guillén, Trustee Linda Handy, Trustee Marcie Hodge, Trustee Cy Gulassa, and Trustee Nicky González Yuen .

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

[11-15-11 Minutes](#)

[11-10-11 special meeting minutes](#)

1. [Consider approval of minutes of the special Board meeting of November 10, 2011, and the regular Board meeting of November 15, 2011.](#)

IDENTIFY ITEMS TO BE REMOVED FROM THE CONSENT CALENDAR FOR DEBATE OR DISCUSSION (Please make a separate motion to later discuss each removed item.)
IDENTIFY ITEMS WITH PUBLIC SPEAKERS

Items for Debate: None.

Items to Discuss: Item 8-10, 18, 19, 36.

2. [Associated Student Government Reports Representatives of the Associated Student Governments will be afforded an opportunity to address the Board. \(Please provide your Name, College, and Position, and line-up to speak.\)](#)

Speaker Albine shared that Ms. Martinez has resigned as Student Body President, so she will serve as President this year. She reported on the new cafeteria vendor situation. She reported on the harsh results on one student when her financial award was delayed. She congratulated Jurena Storm upon her Governing Board appointment. Speaker Anderson spoke for ASMC. She asked for help with the ASMC budget and invoices, and she asked for increased shared governance participation. Speaker Manuon spoke for ASBCC. He reported that there are added power strips for students, with TVs being added to broadcast information. He shared that homeless students need added help to stay supported in school.

Communications from Members of the Public

Speaker Dewey Merritt is concerned about the budget cuts and course reductions for the Merritt college real estate program. She doesn't feel it's fair for students to have to wait one year to complete the certificate program, and hopes that the Board will help to ensure that the program remains one of the best offered in the state. Speaker Omera, a part-time COA English instructor, read a letter that the unions sent to Morgan Stanley requesting their release from our interest rate SWAP agreement. Speaker Sancinci is disappointed with the Board for not putting the Save our School' group declaration on the Board agenda, and feels that the group has been ignored. Speaker Ortega spoke about the SWAP interest rate discussion. He feels that it's in the Board's best interest to collaborate with the students on this matter. He feels the Board has previously acted not in students' best interests, and that students want to work to ensure the SWAP funds return to fund more classes. He doesn't know how many more cuts or fees students can take, and so he asked that a student, staff, and faculty be present during any SWAP negotiations. Speaker Hampton feels that she will always have an opportunity to fight for social justice. She feels that priorities

for students are not being met and are failing. She asks for responsible spending, such as with consultants and budget transparency. She doesn't feel it's transparent if people don't receive information that goes out via email. She doesn't receive a consultant to help with her job, and she asked the Board to hire people to do their jobs rather than pay consultants. She asked for the background information the Board considers when hiring consultants. She asked that the Board negotiate hard and strong with Morgan Stanley and maintain our high credit rating. Speaker Brown asked that any funds saved from the SWAPS be redirected to the classroom. He feels big business is making money from poor students and teachers. He commended the Board for creating a socially responsible investing policy. Speaker Goldstein agrees that members of the groups speaking tonight should be able to attend any future SWAP meeting with Morgan Stanley. Speaker Weintraub asked what happened to the petitions the Board received with close to 6,000 signatures, and she asked for a comment back to the signatories. She applauded the students and audience for attending to ask for SWAP negotiations with Morgan Stanley. Speaker Heller, Merritt College student, asked that the Morgan Stanley SWAPs be renegotiated. He feels like waking up and thinking "enough!" of having to keep his tongue tied and fist clenched. He's tired of watching systems work and not respond to the needs of the people they are supposed to serve. He asked that \$1.6M from SWAP fees for 300 classes would go a long way to help our students. Speaker Doyle, BCC union representative, shared that he expects an aggressive stand from the Board on the SWAPs, and he asked that the groups have a seat in the negotiations. He asked what side of history the Board will be on, and he asked about the 6,000 signatures presented to the Board. Speaker Bell with Californian's for Justice feels the Morgan Stanley meeting is an opportunity to take an aggressive stand against the current SWAPs.

Board Comments

Trustee Guillén thanked the COA students for their consistent comments and attendance at Board meetings. He feels that our communities are suffering due the bank bailouts. He shared that there was no contact information on the distributed Board petitions. Student Trustee Copenhagen congratulated Jurena Storm and Joseph Bielanski upon their appointment to the Board of Governors. He introduced Ms. Emily Triner who is visiting our meeting from Foothill De-Anza. Tomorrow is the final meeting on the student task force meeting in Sacramento. He feels we have a negative culture with animosity, and he asked us all to try to work together as four colleges, rather than arguing only for individual colleges. He believes in Peralta, puts his effort here, and wants Peralta to survive. Student Trustee Brumfield congratulated Ms. Tenzin Silvan, former BCC student ambassador, upon becoming a Rhodes Scholar. He thanked the Financial aid director for meeting with the students. He's sorry to hear about students who have suffered from the process, but hopes it will improve.

3. [Chancellor's Reports Dr. Wise E. Allen Vice Chancellor's Reports Budget Update Vice Chancellor Gerhard Enrollment Update Vice Chancellor Budd Easy Pass, Financial Aid, Student Health Fees, and Health Services Initiative Updates Vice Chancellor Ng General Services Update Vice Chancellor Ikharo College Reports](#)

[Budget update](#)

[Financial Aid update](#)

The Chancellor announced that he has approved the retirement request for Dr. Adams from Merritt College. Dr. George Herring will be recommended as the Interim President, which will be brought to the Board at its next meeting. He is recommending Thuy Nguyen to be hired as the Interim Vice President of Instructions, which will also be brought to the Board for ratification at its next meeting. Dr. Ikharo announced a community small business outreach meeting on December 8th in the morning.

Merritt College President Adams

Laney College President Webb

College of Alameda President Jackson

[COA President Report](#)

Berkeley City College President Inclan

BOARD COMMUNICATION At this time, the Board of Trustees will report on matters related to attendance at conferences, professional affiliations, and community involvement directly related to their functions as Board members.

[BCC Report](#)

PUBLIC HEARING

At this time, the Board of Trustees will conduct a public hearing on the Redistricting Alternatives based upon 2010 Census Data drawn in compliance with California and Federal Law.

[Background materials - 1](#)

[Background Materials - 2](#)

Speaker Bradshaw reviewed the recommendations, and Marstell-Day is recommending that Alternative 5 be adopted by the Board.

A public speaker asked for a summary of the redistricting options, which was provided.

MOTION: Motion by Trustee Nicky González Yuen , second by Trustee Bill Withrow to approve Alternative 5 from agenda item 18, as presented.

AYES:	Trustee Bill Riley, Trustee Bill Withrow, Trustee Abel Guillén, Trustee Linda Handy, Trustee Cy Gulassa, and Trustee Nicky González Yuen .
NOES:	None
ABSTAIN:	None
ABSENT:	and Trustee Marcie Hodge.

The motion passed.

(A second motion and vote were made after the conclusion of the public hearing, to ensure that the motion and vote occurred after the conclusion of the public hearing.)

5. [State Lobbyist Update Presenter: Patrick McCallum \(30 minutes\)](#)

Trustee Riley asked for the analysis on the 600,000 students that the state isn't able to serve. Trustee Guillén asked if he can share how other Districts are working to reduce costs, such as in the areas of maintenance and procurement, or to share costs with OSUD.

[Background Material](#)

4. [Presentation on the Draft Emerging Plan on the Lake Merritt BART Station Area Presenter: City Planner Alicia Parker \(30 minutes\)](#)

[Background Materials re Peralta](#)

[Background Materials entire plan \(250 pages\)](#)

Trustee Guillén feels we need to consider all long-term possible revenue sources for District properties and to consider all options. Student Trustee Copenhagen shared that our international students need affordable and safe housing. Trustee Withrow asked about the Laney parking lot, which is fully utilized by our students. He asked about the possibility of closing 8th street to safely allow student access. A parking expert look at the option of closing 7th street, which is not feasible, but other options could be considered. Trustee Riley suggested reducing the area lanes to create a complex feel. The specific plan also has to include the funding source.

6. [Study Session on Proposed Board Policies Presenter Jim Grivich \(10 minutes\) The Board will conduct a study session on the Board Policy and Administrative Procedure Project. Based upon the Accreditation Commission's June 30, 2011 letter Recommendation 4, the Board will evaluate selected Board policies and implement actions to resolve deficiencies. The following policies are presented for review, and will return to a future Board meeting for adoption: Board Policy 4020 Program, Curriculum, and Course Development \(Replaces BP 5.11\) Board Policy 4025 Philosophy and Criteria for Associate Degree and General Education \(Replaces BP 5.20\) Board Policy 4040 Library Services \(Replaces BP 5.30\) Board Policy 4050 Articulation \(Replaces BP 5.12\) Board Policy 4070 Auditing and Auditing Fees \(New Policy\) Board Policy 4100 Graduation Requirements for Degrees and Certificates \(Replaces BP 5.20\) Board Policy 4220 Standards of Scholarship \(Replaces BP 4.32, 5.22, and 5.23\) Board Policy 4226 Multiple and Overlapping Enrollments \(New Policy\) Board Policy 4231 Grade Changes \(Replaces BP 4.43A\) Board Policy 4260 Prerequisites and Co-Requisites \(Replaces BP 9.01, 9.02, 10.01, and 10.02\) Board Policy 4300 Field Trips and Excursions \(Replaces BP 5.35\) Board Policy 5055 Enrollment Priorities \(New Policy\)](#)

[Background Materials](#)

Trustee Gulassa thanked him for his diligence to pull out Administrative Procedures into Board Policies. Trustee Gulassa asked that time limits for Board speakers be included within Board administrative procedures.

7. [District Academic Senate Presenter: DAS President Karolyn van Putten Public Comments on Consent Calendar Items](#)

[Background Material](#)

36. [Consider Recommendation to Approve Dr. Alexis Montevirgen's Request for a Management Leave of Absence from his position as Dean of Enrollment Services, College of Alameda Presenter: Vice Chancellor Largent In accordance with Board Policy 3.74 Leave of Absence without Pay, District administration requests Board approval to grant a leave of absence without pay for Dr. Alexis Montevirgen, Dean of Enrollment Services at College of Alameda from February 21, 2012 through May 1, 2012. Dr. Montevirgen will visit the University of the Philippines which has fourteen campuses throughout the Philippines. He will explore ways to internationalize College of Alameda through a student exchange program he hopes to establish. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.](#)

[Background Material](#)

Trustee Handy asked if President Jackson consulted with Dr. Ng about the request. Dr. Jackson explained the decision, which is a deliverable for the college to build their international student program. The opportunity presented itself to him at this time, and the spring is an easier time of the year for the student

services department.

37. Consider Approval of Short-Term Assignments - Hiring of Non-Academic Classified Short-Term Employees Presenter: Vice Chancellor Largent Pursuant to California Education Code Section 88003, the below list contains the name, date of hire, assignment end date, position title, and site location of candidates recommended for short-term assignments in non-academic classified positions. Each candidate's assignment will not exceed the position title into which the candidate is assigned. Last Name First Name Date of Hire End Date Position Title Site
 Alvarez Dorsy 1/1/12 6/30/12 Instructional Asst II/DSPS A Attarian Aram 1/1/12 6/30/12 Instructional Asst II/DSPS A Forlastro Christana 2/1/12 6/30/12 Library Tech I M Hamilton Darrian 12/6/11 1/19/12 Instructional Asst/Diesel Mechanics A Jacks-Young Alena 12/18/11 6/30/12 Staff Asst/Admin L Lee Kenneth 1/23/12 6/30/12 Lifeguard L Livsey Andrew 12/19/11 6/28/12 Instructional Asst IV/DSPS L Louie Joanna 12/18/11 6/30/12 Staff Asst/Admin L McCullough Gloria 1/1/12 6/30/12 Accounting Technician L Roudebush Tomoko 1/4/12 6/30/12 Program Specialist/AANAPISI L Sammel Chelsea 1/3/12 6/30/12 Instructional Asst/Welding L Seay Jamar 12/7/11 6/30/12 Financial Aid & Placement Asst. L Shaposhnikov Nikolay 12/18/11 6/30/12 Instructional Asst/Mathematics L Vilchis-Lent Leticia 1/1/12 6/30/12 Account Clerk II L Young Yolanda 1/2/12 6/30/12 Account Clerk I B

38. Consider Approval for the Chancellor or His Designee to Negotiate an Agreement with Turner Construction Company to Provide Design-Build Construction Project Delivery Services for the Merritt College Science and Allied Health Building Presenter: Vice Chancellor Ikharo Approval is requested for the Chancellor or his designee to negotiate an agreement with Turner Construction Company (Turner) to provide design-build construction project delivery services for the Merritt College Science and Allied Health Building. Funding Source: Bond Measure A. On June 24, 2011, the District issued a formal request for proposals (RFP 11-12/01) inviting design-build teams to participate in the District's multiple-step process to submit a pre-qualified bid proposal to design and construct the Merritt College Science and Allied Health Building. The RFP stated evaluation criteria, including price, technical expertise, life cycle cost, skilled labor force availability, key design-build members, acceptable safety record, architectural aesthetics and design innovation, and SLBE and SELBE program compliance. The District's process included attending mandatory pre-qualification meetings, completing the pre-qualification questionnaire, submitting a pre-qualified bid proposal, and conducting oral interviews. Staff also performed due diligence verifying work history of vendors, conducting legal reference checks to discover past and pending litigation with clients, verifying LEED and sustainability experience, and verifying past performance with SLBE and SELBE project participation with other governmental entities.

On August 19, 2011, the District received thirteen (13) pre-qualification questionnaires from various vendors to provide design-build construction project delivery services to the District. From the thirteen (13) submittals, seven (7) design-build teams successfully pre-qualified. Five (5) of the pre-qualified teams submitted a bid proposal on November 7, 2011. Those five firms were: Clark & Sullivan/Walsh Construction, Hensel Phelps, Rudolph & Sletten, Turner Construction Company, and Webcor/GKK Works. The proposals were evaluated by an executive committee comprised of representatives from the Department of General Services and Merritt College administrative leadership, and the following scores were given:

PROPOSALS

	Evaluators Total Score				Average Score
	A	B	C	D	
Turner Construction	92	93	80	89	89
Clark & Sullivan	90	91	81	95	89
Hensel Phelps	88	81	82	84	84

Webcor/GKK Works	81	75	88	71	79
Rudolph & Sletton	77	76	79	69	75

Interviews were conducted by the selection committee on November 16 and November 21, 2011, and the teams were scored as follows:

INTERVIEWS

	Evaluators				Total	Average
	A	B	C	D		
Turner Construction	75	89	74	95.5	333.5	83.38
Clark & Sullivan	84	83	71	92	330	82.50
Hensel Phelps	77	71	66	90	304	76.00
Rudolph & Sletten	60	72	69	82	283	70.75
Webcor/GKK Works	42	70	64	84	260	65.00

Based on the review of the proposals and the oral interviews, the committee recommends Turner Construction Company (general contractor), working with MVE Architects. Both firms operate local offices in Oakland. If the District and Turner Construction Company are unable to arrive at a design-build agreement that is acceptable to both parties, it is recommended that the Chancellor be authorized by the Board of Trustees to negotiate a contract with the next-highest scoring firm, Clark & Sullivan/Walsh Construction. After contract negotiations are complete, the Board of Trustees will be asked to approve the design-build agreement and budget at a subsequent Board meeting. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

[Background materials - part two](#)

39. Consider Ratification of Change Order No. 4, ADA Improvements at Laney College, Vertex Construction Services Presenter: Vice Chancellor Ikharo Ratification is requested for Change Order No. 4 to the contract with Vertex Construction Services for the ADA Improvements at Laney College, in the amount of \$73,242. Including the previously Board approved Change Order Nos. 1, 2 and 3, the cumulative total is \$302,586, which is 13.1% of the original contract amount (\$2,318,000). Funding Source: Bond Measure A. Approximately 82% of the project is complete, and the remaining 18% is expected to be completed by the end of February 2012. The original general contractor, IMR Contractor Corporation, filed bankruptcy in July 2011, and the Laney ADA project will be completed under IMR's surety bond. Vertex Construction Services has been hired by IMR's surety company to complete the project. Change Order No. 4 became part of the takeover agreement between the District and the bonding company. This project is comprised of nineteen (19) separate work increments with extensive demolition of concrete ramps, renovations to the Theater, Library and Women's Locker Room restrooms, accessible parking lots, the road crossing at Fallon Street and East 7th Street, various door closers, thresholds, eighteen (18) drinking fountains, and the construction of two new elevators and an inclined lift. Most of the items comprising this change order were necessary due to: * The complexity of scheduling construction work around the college educational requirements in various and numerous areas * Unforeseen conditions of our aged infrastructure and additional demolition of concrete foundations, footings and rebar for the new elevators. In some cases, such as the Women's Locker Rooms, the aged rebar crumbled and

work outside the original scope had to be done. * A significant change to the road crossing on East 7th Street by the City of Oakland, resulting in approximately 40% of this change order cost. Although every effort has been made to reduce the change order work on this project, because of the number of spaces throughout the campus that require ADA improvements and the age of the infrastructure, these changes were unavoidable. It was necessary for the contractor to perform this work so that the project schedule would not be delayed and the sequencing of the work would not be adversely affected. In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and Change Order No. 4 is now brought before the Board for ratification. It is in the best interests of the District and financially prudent to authorize and ratify this change order. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends ratification.

[Background Materials](#)

40. Consider Approval to Enter into an Agreement with Kitchell Corporation for Construction Management Services for the Merritt College Science and Allied Health Building. Presenter: Vice Chancellor Ikharo. Approval is requested to enter into an agreement with Kitchell Corporation for construction management services for the Merritt College Science and Allied Health Building project, in the not-to-exceed amount of \$1,212,327. Funding Source: Bond Measure A. A recommendation for the design-build contractor for this project will be made at this Board meeting. To help facilitate the construction process, the services of a construction manager are required for the project. The scope of services includes, but is not limited to: * Project management and support * Construction management services, including DSA project closeout * Review estimates for content and constructability reviews * Coordinate, attend and manage all project construction meetings
* Additional services as required by the District, such as cost negotiations with the contractor. Four construction management firms were requested to submit proposals for services. The firms were selected from the short list of construction management firms approved by the Board of Trustees at the meetings of December 11, 2007 and October 25, 2011. Two of the firms, Cordova and Bovis Lend Lease, declined to submit proposals for internal reasons. The proposals of the remaining firms, Kitchell Corporation and URS, were reviewed by a selection committee comprised of three members of the General Services Department staff and evaluated using the following criteria: Evaluation Criteria Weights Resources and Key Personnel 10 Knowledge and Experience 15 Plan and Approach 15 Proposed Costs 50 Environmental Sustainability 5

[Background Materials](#)

41. Consider Approval of Amendment No. 3 to the Independent Contract for Audio Visual Design Services with Rosen, Goldberg, Der & Lewitz, Inc. for the District-Wide Smart Media Classroom Initiative. Presenter: Vice Chancellor Ikharo. Approval is requested for Amendment No. 3 to the independent contract for Audio Visual Design Services with Rosen, Goldberg, Der & Lewitz, Inc. for the District-Wide Smart Classroom Initiative, in the amount of \$21,750. Funding Source: Bond Measure A. Rosen, Goldberg, Der & Lewitz, Inc. has provided the following additional audio visual design services required to complete the District-Wide Smart Classroom Initiative project, including Merritt College, Laney College, Berkeley City College and College of Alameda: * Changes in the design configuration to systems in order to accommodate numerous changes required to meet site specific conditions. The consultant provided additional construction administrative services to ensure the installations were completed in accordance with the plans and specifications.

[Background Materials](#)

42. Consider Approval of Amendment No. 1 to Agreement for Architectural Services with NBBJ, LP for the College of Alameda Swing Space (Expansion of Cougar Village). Presenter: Vice Chancellor

Ikharo Approval is requested for Amendment No. 1 to the agreement for architectural services with NBBJ, LP for services related to the College of Alameda Swing Space (Expansion of Cougar Village) project, in the amount of \$25,800. Funding Source: Bond Measure A. Following are the additional services to be provided by the architect and sub-consultants: * A revised submittal format required by the Division of the State Architect, for a phased/split submittal for their review. This requirement has been predicated by a combination of existing and new portable classrooms that are required for this project. Additional work is required by the architect to provide revised drawings and coordination as required by the Division of the State Architect. The additional fee is \$18,000. * The Division of the State Architect is requiring that the existing Cougar Village portables be reviewed by a structural engineer to determine structural compliance with current code versus the code under which they were constructed. The additional fee is \$7,800. Total Fee: \$25,800 It should be noted that most of the additional services requested in this amendment have been driven by changes and additional requirements requested by the Division of the State Architect. These changes are required to comply with unique submittal requirements of the base plans and special structural engineering assessment of the existing portable facilities in Cougar Village. The original agreement with Fisher-Friedman Associates (subsequently assigned to NBBJ, LP) to provide architectural services for the College of Alameda Swing Space (Expansion of Cougar Village), in the amount of \$340,000, was awarded at the Board meeting of March 9, 2010. Including this Amendment No. 1 in the amount of \$25,800, the agreement amount is \$365,800. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

43. Consider Approval of Amendment No. 2 to Agreement with Securitas Security Services USA, Inc. for Security Services (Graveyard Shift) at Laney College, Merritt College and College of Alameda. Presenter: Vice Chancellor Ikharo Approval is requested for Amendment No. 2 to the agreement for security services with Securitas Security Services USA, Inc. Amendment No. 2 will add an additional five (5) security guards to maintain security services for five months during the graveyard shift (11:00 p.m. - 7:00 a.m.), seven days a week, at Laney College, Merritt College and College of Alameda., at a cost not to exceed \$113,000. The term will be from December 1, 2011 to April 30, 2012. Funding Source: District General Funds. All of the terms and conditions of the original Board approved contract will remain in force, except for a slight reduction in the hourly rates. (The security guard hourly rate will be reduced from \$20.00 to \$19.70, and the holiday/overtime hourly rate will be reduced from \$30.00 to \$29.55). The five (5) additional security guards will provide on-site security services during the graveyard shifts at Laney College (two security guards), Merritt College (two security guards), and College of Alameda (one security guard). Securitas was originally selected through a formal Request for Proposals process (RFP 06-07/61). Securitas received the highest ranking from the six firms that responded to the RFP. The original contract for security services at Berkeley City College was for a three-year period from August 1, 2007 to July 31, 2010. Under Education Code Section 17596, a district may continue contracts for services for a maximum of five years, under the same pricing. The current Board approved contract added services District-wide at the same hourly rates as provided in the Berkeley City College contract. The current contract was a not-to-exceed amount of \$415,920.00 for a one-year term from July 1, 2010 through June 30, 2011 to provide District-wide security services. Amendment No. 1, approved by the Board on June 14, 2011, extended the term for the same services from July 1, 2011 through June 30, 2012.

[Background Materials](#)

[CONSENT CALENDAR](#)

All matters listed under the Consent Calendar are considered by the Board of Trustees to be routine or

sufficiently supported by back-up information as to not require additional discussion. Consent Calendar items will be enacted by one motion. There will be no separate discussion on these items prior to the time the Board votes on them, unless a Board member requests that a specific item be removed from the Consent Calendar for action and a separate vote. Public comment on Consent Calendar items from anyone completing a card will be heard prior to the Board's vote on the Consent Calendar. All Board approved contracts are subject to final negotiation and execution by the Chancellor. Vote on the Consent Calendar

BOARD POLICIES

MOTION: Motion by Trustee Bill Withrow, second by Trustee Abel Guillén to approve the consent calendar, including agenda items 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, and 43.

AYES: Trustee Bill Riley, Trustee Bill Withrow, Trustee Abel Guillén, Trustee Linda Handy, Trustee Cy Gulassa, and Trustee Nicky González Yuen .
NOES: None
ABSTAIN: None
ABSENT: and Trustee Marcie Hodge.

The motion passed.

8. Consider Approval of Board Policy 2345 Public Participation at Board Meetings (Revised) Presenter: Chancellor Allen Consider approval of Board Policy 2345 Public Participation at Board Meetings. (Replaces BPs 1.10 and 1.11) The Chancellor recommends approval.

[Background Materials](#)

9. Consider Approval of Board Policy 2350 Speakers and Decorum (Revised) Presenter: Chancellor Allen Consider approval of Board Policy 2350 Speakers and Decorum. (Replaces BP 1.10) The Chancellor recommends approval.

[Background Materials](#)

10. Consider Approval of Board Policy 2360 Minutes and Recording (Revised) Presenter: Chancellor Allen Consider approval of Board Policy 2360 Minutes and Recording. (Replaces BP 1.10) The Chancellor recommends approval.

[Background Materials](#)

11. Consider Approval of Board Policy 2410 Board Policy and Administrative Procedure (Revised) Presenter: Chancellor Allen Consider approval of Board Policy 2410 Board Policy and Administrative Procedure (Replaces BP 1.25) The Chancellor recommends approval.

[Background Materials](#)

12. Consider Approval of Board Policy 2430 Delegation of Authority to the Chancellor (New) Presenter: Chancellor Allen Consider approval of Board Policy 2430 Delegation of Authority to the Chancellor. Public Participation at Board Meetings. (Replaces BPs 1.10 and 1.11.) The Chancellor recommends approval.

[Background Materials](#)

13. Consider Approval of Board Policy 2432 Chancellor Succession (New) Presenter: Chancellor Allen

Consider approval of Board Policy 2432 Chancellor Succession. The Chancellor recommends approval.

[Background Material](#)

14. Consider Approval of Board Policy 3280 Grants (Revised) Presenter: Chancellor Allen Consider approval of Board Policy 3280 Grants. (Replaces BP 5.02) The Chancellor recommends approval.

[Background Materials](#)

15. Board of Trustees' Self-Evaluation Presenter: Trustee Riley The Board will discuss their updated annual self-evaluation at the January regular Board meeting. The self-evaluation form is posted on Granicus as background material.

[Background Materials](#)

16. (Item removed from the agenda.)
17. Consider Approval for Changing the July 2012 Board Meeting Date to July 17 Consider approval for changing the July 2010 Board meeting date to July 17. This will allow staff sufficient time to prepare for the Board meeting after the July 4th holiday. The Chancellor recommends approval.

[Background Materials](#)

18. Consider Approval of Redistricting Alternative Based on 2010 Census Data and Drawn in Compliance with California and Federal Law Presenter: Charles Bradshaw, Marstel-Day Consider approval of redistricting alternative based upon 2010 census data and drawn in compliance with California and Federal law. The Board of Trustees reviews, takes public comment on the draft redistricting alternatives and votes on a redistricting alternative. The Peralta Community College District is required to perform post 2010 Census decennial adjustments to its Trustee Areas to comply with federal and state requirements for compact, contiguous districts of near equal population. The first four of the proposed alternatives were presented, discussed and public input was invited at the Board of Trustees May 10, 2011 and at public hearings held at each of the colleges during the month of May. The fifth alternative, developed in response to comments from the original four alternatives, was presented and public input was invited at the September 27th 2011 Board of Trustees meeting. The Proposed Trustee Areas are included, and a report was drafted that compares the measures and weights of all of the alternatives. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.
EDUCATIONAL AND STUDENT SERVICES

[Background Materials](#)

[Alternatives](#)

19. Consider Approval of Independent Contractor Agreement Extension for EcoVision Consulting to Render Green Building Educational Program Support Services for Laney College's Employment Development Department Green Jobs Training Program Presenter: Vice Chancellor Budd Consider approval of an independent contractor agreement extension for EcoVision Consulting in the amount of \$27,825 for green building educational support services for Laney College's Employment Development Department Green Jobs Training Program. Funding Source: Federal Workforce Investment Act (WIA) funds via the California Employment Development Department Green Jobs Grant, categorical funds, with no fiscal impact on Peralta. The prior contract amount

was \$24,975. Increasing the contract amount by \$27,825 brings the total contract amount for the fiscal year to \$52,800. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

Background Materials

Trustee González Yuen shared that contracts require that the specific deliverables and scope of work, and the name of the principal or director, be included in the background materials. Trustee Guillén asked that company and individual names be provided, where relevant, to help identify any possible conflicts.

20. Consider Approval of an MOU between the Peralta Community College District, College of Alameda and Consumer Directed Services Network to support the goals and objectives of the Direct Support Workers Career Ladder Training and Employment Program Presenter: Vice Chancellor Budd Consider approval of an MOU between the Peralta Community College District, College of Alameda and Consumer Directed Services Network (CDSN) to support the goals and objectives of the Direct Support Workers Career Ladder Training and Employment Program for \$300,000. Budget shall not exceed \$36,000 from March 1, 2011 through June 30, 2012. Funding Source: California Community Colleges' Economic and Workforce Development Program. CDSN will be responsible for the following services: * College of Direct Support on-line text book access * Job development, placement, and support of recruitment services * Support implementation and success of the program * Provide leadership and technical support to program committees * Assist with curriculum development * Support acquisition of additional funding All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

Background Materials

21. Consider Approval of MOU and Contract with OD Network for Services Presenter: Vice Chancellor Budd Consider Approval of MOU and Contract with OD Network for Services, effective September 1, 2011 through February 14, 2012, not to exceed \$200,000. Funding Source: Department of Labor Grant, as approved by the California Department of Labor. Under funding from the Department of Labor Community Based Job Training Grant for the ATLAS Program College of Alameda, OD Network will provide recruitment, training/education and job placement services for students enrolled in the ATLAS program. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

Background Materials

22. Consider Approval of Consulting Agreement with William Gravelle for the ATLAS Program Presenter: Vice Chancellor Budd Consider approval of Consulting Agreement with William Gravelle from November 1, 2011 through June 30, 2012 not to exceed \$97,920.00. Funding Source: Department of Labor and CAA Grants, as approved by the California Department of Labor. Contract services includes fiduciary and programmatic oversight of the ATLAS Program and related projects to include planning, organizing and directing activities, functions and services including management, staffing, grant management and timely reports, budget and general administration. The scope of work includes:
 - Implement program objectives according to timeliness established in grant
 - Direct ATLAS program education and training activities
 - Oversee the convening of the ATLAS steering committee, sub-committees, advisory board, and transportation and logistics initiative meetings.
 - Implement strategies and oversee systems for management control, record

keeping, client tracking, reporting and other functions to manage the changing resources and responsibilities of the ATLAS program.

Represent the services of the ATLAS Program at meetings and before constituencies including employers, job seekers, government and community organizations.

Work with external and internal groups to establish effective working relationships with the ATLAS Program. Oversee the marketing of ATLAS Program's services to transportation and logistics employers and job seekers.

Oversee the dissemination of data, resources, and referrals to the business community including information in the labor market, tax credits, hiring incentives, and other human resources needs.

Remain in daily/weekly contact with Vice President of Instruction at College of Alameda. Submit weekly update reports to the VPI via email attachments. Phone, email, grants, finance reports, personnel, sector partners, faculty members, student concerns or needs, and programmatic needs.

Mr. Gravelle is responsible for the assurance of student success, and as such, he observes ATLAS students and faculty in the classroom setting, making programmatic decisions and adjustments to best serve students based upon anecdotal input, statistical data, and trend analysis. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

23. Consider Approval of Independent Contractor Agreement Extension for urban university to Render Case Management Services for Laney College's Employment Development Department Green Jobs Training Program Presenter: Vice Chancellor Budd Requesting Board action on independent contractor agreement extension for urban university in the amount of \$14,200 to Render Case Management Services for Laney College's Employment Development Department Green Jobs Training Program. The prior contract amount was \$24,950. Increasing the contract amount by \$14,200 brings the total contract amount for the fiscal year to \$39,150. Funding Source: Federal Workforce Investment Act (WIA) funds via the California Employment Development Department Green Jobs Grant. The proposed contract extension will allow the Laney Green Jobs Training Program a successful completion of deliverables for the second project year. As we are now becoming the recipient of additional federal ARRA and WIA funding via the EDD grant extensions, accordingly, timely completion of all existing grant deliverables is critical. urban university's scope of work addresses EDD Green Jobs Grant Project Work Plan Objectives, including Start Up, Assessment and Enrollment, Training and Education, as well as Job Placement, Retention and Tracking. urban university provides services to multiple cohorts of Green Job Program participants, including up to 200 students total, (approximately 140 at Laney College, 60 at Cypress Mandela) through the conclusion of the EDD Green Jobs All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

24. Consider Approval of a Consultant Agreement with Skyline College for the ATLAS Program Presenter: Vice Chancellor Budd Consider approval of an MOU with Skyline College for services that include recruitment, training/education and job placement services for the ATLAS program in the amount of \$75,000 from October 14, 2011 through February 14, 2012. Funding Source:

Department of Labor Grant, approved by the Department of Labor Employment and Training Services. This federally funded grant project is designed to train and employ workers in high growth and demand industries that are locally defined in the context of the regional economy. The program consists of training in Warehouse and Forklift Operations, Office Administration for the Logistics Industry. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

25. Consider Approval of a Consultant Agreement with the Unity Council (TUC) Presenter: Vice Chancellor Budd Consider approval of a consultant agreement with the Unity Council (TUC) for services that include recruitment, assessment, and case management, documentation for participant outcomes and job placement referrals for the ATLAS program in the amount of \$48,489, from November 16, 2011 through February 14, 2012. Funding Source: DOL grant, as approved by the Department of Labor Employment and Training Services. Requesting Approval, Acceptance of Independent Contractor/Consultant Agreement with the Unity Council (TUC) for services that include recruitment, assessment, and case management, documentation for participant outcomes and job placement referrals for the ATLAS program in the amount of \$48,489, from November 16, 2011 through February 14, 2012. Federally funded grant project designed to train and employ workers in high growth and demand industries that are locally defined in the context of the regional economy. The program consists of training in Warehouse and Forklift Operations, Office Administration for the Logistics Industry. The Unity Council, a key community-based partner in Oakland, will recruit the limited-English speaking participants for entry-level training for the ATLAS training program and incumbent workers to participate in advancement or additional skills training. TUC will be responsible for assessment of math and English proficiency (6th grade level) of participants to ensure appropriate skill levels of participants referred to the ATLAS program. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

26. Consider Approval of Consultant Agreement with the Workforce Collaborative (TWC) Presenter: Vice Chancellor Budd Consider approval of consultant agreement with the Workforce Collaborative (TWC) for services that include recruitment, assessment, enrollment, and documentation for participant outcomes and job placement referrals for the ATLAS program in the amount not to exceed \$70,174 from July 1, 2011 through February 14, 2012. Funding Source: Department of Labor Grant, as approved by the California Department of Labor. Federally funded grant project designed to train and employ workers in high growth and demand industries that are locally defined in the context of the regional economy. The program consists of training in Green Diesel, Warehouse and Forklift Operations, Office Administration for the Logistics Industry. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

27. Consider Approval, Acceptance of MOU and Independent Contractor Agreement with Academy of Truck Driving (ATD) Presenter: Vice Chancellor Budd Consider approval of an independent contractors agreement with Academy of Truck Driving (ATD) for services that include job readiness training, Commercial Driving License Training, job referral and placement for the ATLAS program in the amount of \$100,000.00, from November 1, 2011 through February 14, 2012. Funding Source: Department of Labor grant, as approved by the Department of Labor Employment and Training Services. Federally funded grant project designed to train and employ workers in high growth and

demand industries that are locally defined in the context of the regional economy. The program consists of training in Warehouse and Forklift Operations, Office Administration for the Logistics Industry. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

28. Consider Approval of Independent Contractor Agreement Extension for Maeve K. Bergman, LL.M. to Render Services for Laney College's Green Jobs Training Program Presenter: Vice Chancellor Budd Requesting Board action on independent contractor agreement extension for Maeve K. Bergman, LL.M. in the amount of \$28,800 for green building educational support services for Laney College's Green Jobs Training Program. Funding Source: Federal Workforce Investment Act (WIA) funds via the California Employment Development Department (EDD) Green Jobs Grant as well as funding from Department of Labor via the Clean Energy Commission. The prior contract amount was \$20,790. Increasing the contract amount by \$28,800 brings the total contract amount for the fiscal year to \$49,590. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

29. Consider Approval of a Resolution Granting Authority for an Extension of the Clean Energy Grant between the California EDD and Laney College Requesting Board consideration of a Resolution Granting Authority for an Extension of the Clean Energy Grant between the California EDD and Laney College. The prior EDD Clean Energy Grant was \$1,000,000, extending the grant will bring additional funding in the amount of \$230,400 to the Laney College Green Jobs Program. Funding Source: Federal American Recovery and Reinvestment Act (ARRA) funds via an extension of the California EDD Clean Energy Act Grant, categorical funds, with no fiscal impact on Peralta. The proposed grant extension will allow the Laney Green Jobs Training Program to provide graduates of our Clean Energy Grant Training Cohorts with On-the-Job Training opportunities. As we are current recipients of nearly half a million dollars in WIA funding via the EDD Green Jobs Grant, timely acceptance and delivery of services under this EDD extension of ARRA funding is critical as well as beneficial to our Clean Energy Grant program graduates. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

30. Consider Approval of Course and Program Additions, Deactivations and Changes Presenter: Vice Chancellor Budd Included for approval are proposed curriculum actions as recommended by the Council for Instruction, Planning and Development (CIPD). The packet entitled "Curriculum and Instruction Recommendations - November 2011" contains course and program additions, changes and deactivations as approved by the colleges' curriculum committees and CIPD. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

31. Consider Approval of the Toyota Technician Training Agreement and College of Alameda Presenter: President Jackson Consider approval of the Toyota Technician Training Agreement (the "T-TEN Agreement") and anticipated future donations by Toyota thereunder of Toyota parts, vehicles and tools in support of the Automotive Technology Program (the "ATech Program") at the College of Alameda, and of prior donations of Toyota parts, vehicles and tools by Toyota in support of the Program. No fiscal impact. All Board approved contracts are subject to final negotiation and

execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

32. Consider Approval of Granicus Contract Extension Presenter: Assistant Epstein Consider approval of Granicus contract extension for Media Manager Media Vault and Minutes Maker monthly managed services from November 2011 through October 2016 at a fee not to exceed \$13,338/year, totaling \$66,690. This is a five percent discount for a multi-year contract. Funding Source: General Funds. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Materials](#)

FINANCIAL SERVICES

33. Consider Ratification of Purchase Order Report Presenter: Vice Chancellor Gerhard Consider ratification of purchase order report. This item is for informational purposes only. This report is being presented for review in accordance with Education Code section 81656 which states, "All transactions entered into by the District shall be reviewed by the governing board every 60 days". All Purchase Orders listed have been issued in accordance with the District's policies and procedures by an authorized officer of the District and have been budgeted. The Chancellor recommends ratification.

[Background Materials](#)

34. Consider Ratification of the AP, Travel, and Consulting Contract Warrant Register Presenter: Vice Chancellor Gerhard Consider ratification of the AP, Travel, and Consulting Contract Warrant Register. Recent AP, Travel and Consulting Contract warrant registers are brought to the Board for ratification purposes only. The Chancellor recommends ratification.

[Background Materials](#)

35. Consider Approval of Budget Transfer Report Presenter: Vice Chancellor Gerhard Consider approval of budget transfer report. Budget transfers shall be made in accordance with California Code of Regulations Section 58307. The Chancellor recommends approval.

[Background Materials](#)

ADJOURNMENT

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours prior to the meeting to the Board Clerk, Chancellor's Office, 333 East 8th Street, Oakland, CA, (510) 466-7203, repstein@peralta.edu at least 48 hours prior to the meeting.

Wise E. Allen, Chancellor
Secretary to the Board of Trustees
PERALTA COMMUNITY COLLEGE DISTRICT

