



## PERALTA COMMUNITY COLLEGE DISTRICT

### REGULAR MEETING OF THE BOARD OF TRUSTEES

Tuesday, July 17, 2012

**Club Monteros**  
**1106 Solano Avenue**  
**(corner of San Pablo Avenue)**  
**Albany, CA 94706**

5:00 p.m. Closed Session

7:00 p.m. Public Session

Meeting agendas, background materials, minutes, and all open session reports are posted onto Granicus, and the meeting minutes will be timely posted after the meeting: <http://web.peralta.edu/trustees/meetings-votelog/>

**PLEASE TURN OFF YOUR CELL PHONES DURING THE MEETING - THANK YOU!**

### MINUTES

**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)), 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 (54956.9(a)), Jackson v. PCCD, Alameda County Superior Court, Case No. RG11601534.
- Conference with Legal Counsel (54956.9(a)), Kogo v. PCCD et al., Alameda County Superior Court, Case No. RG12613106.
- Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (8 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).

- Consider *Ratification* of Interim College President, Berkeley City College
- Consider Approval of Dean of Workforce Development and Applied Sciences, (categorically funded), Berkeley City College
- Consider Approval of Executive Vice President of Student Learning, Laney College
- Consider *Ratification* of Interim Executive Vice President, Student Learning, Laney College
- Consider Approval of Dean of Academics & Student Affairs (Math & Sciences), Laney College
- Consider *Ratification* of Interim Dean of Academics & Student Affairs (Math & Sciences), Laney College
- Consider *Ratification* of Interim Business & Administrative Services Manager, Merritt College
- Consider Board Approval of Associate Vice Chancellor for Information Technology, District Office
- Consider Approval of the Chancellor's recommendation to reclassify the position of Benefits Coordinator (Confidential) to Benefits Manager, District Office

**OPEN SESSION (7:00 P.M.)**

**ROLL CALL** Trustees González Yuen Pr\_ Ab\_, Guillén Pr\_ Ab\_, Handy Pr\_ Ab\_, Hodge Pr\_ Ab\_, Riley Pr\_ Ab\_, Withrow Pr\_ Ab\_, and Gulassa Pr\_ Ab\_, Student Trustees Clegg Pr\_ Ab\_ and Cervantes Pr\_ Ab\_.

**REPORT OF ACTION TAKEN IN CLOSED SESSION (7:01 P.M.)**

At tonight's closed session, the Board voted to approve the appointment of the following public employee contract, which is subject to contractual agreement by the Chancellor.

*Ratification* of Dr. Debbie Budd, Interim College President, Berkeley City College, effective June 4, 2012, \$165,000/year

AYES: 7      NOES:      0      ABSTAIN:      0      ABSENT: 0

Dr. Lilia Celhay, Dean of Workforce Development and Applied Sciences (categorically funded), Berkeley City College, July 18, 2012 through June 30, 2014, \$115,000/year.

AYES: 7      NOES:      ABSTAIN:      ABSENT:

Dr. Steven Cohen, Executive Vice President of Student Learning, Laney College, August 1, 2012 through June 30, 2014, \$150,000/year.

AYES: 7      NOES:      ABSTAIN:      ABSENT:

*Ratification* of Dr. Eileen White, Interim Executive Vice President, Student Learning, Laney College, July 1, 2012 through July 31, 2012, \$140,000/year.

AYES: 7      NOES:      ABSTAIN:      ABSENT:

Dr. Inger Stark, Dean of Academics & Student Affairs (Math & Sciences), Laney College, July 18, 2012 through June 30, 2014, \$117,500/year.

AYES: 7      NOES:      ABSTAIN:      ABSENT:

*Ratification* of Dr. Inger Stark, Interim Dean of Academics & Student Affairs (Math & Sciences), Laney College, July 1, 2012 through July 17, 2012, \$117,500/year.

AYES: 7      NOES:      ABSTAIN:      ABSENT:

*Ratification* of Dr. Dativa (Dettie) Del Rosario, Interim Business & Administrative Services Manager, Merritt College, July 1, 2012 through June 30, 2013 \$95,000/year, or until the permanent position is filled, whichever occurs first.

AYES: 7      NOES:      ABSTAIN:      ABSENT:

Calvin Madlock, Associate Vice Chancellor for Information Technology, District Office, July 18, 2012 through June 30, 2014, \$130,000/year.

AYES: 7      NOES:                      ABSTAIN:                      ABSENT:

The Chancellor’s recommendation to reclassify Jennifer Seibert from the position of Benefits Coordinator (Confidential) to Benefits Manager, District Office, July 1, 2012 through June 30, 2014, \$90,000/year.

AYES:7      NOES:                      ABSTAIN:                      ABSENT:

**APPROVAL OF THE AGENDA** (Please state the Agenda Item Number and Identify the Issue) (7:02 P.M.)

At this time, Board members or the Chancellor may request to modify the agenda. Board members may request that items on the consent calendar be removed to be addressed separately on the Action Calendar. Subsequent to the approval of the consent calendar, the items removed from the consent calendar are discussed and voted on separately. Changes to the agenda are to be approved by a majority of the Board.

**MOTION** Trustee Withrow, second Trustee Handy to Approve the Agenda, as amended.

Item 24 is moved to the Action Calendar.

Item 12 is removed from the agenda.

Item 19 is amended to include this list of names.

Last Name	From	Through	Position Title	Site
Linda Carroll	8/21/12	5/16/13	Instructional Assistant I/DSPS	M
Cathy Dang	8/20/12	6/30/13	Interpreter I	All
Robin Epitacio	8/20/12	6/30/13	Interpreter, Fully Certified	All
Laura Spencer Vacca	8/20/12	6/30/13	Interpreter, Partially Certified	All
Chelsea Whitfield	8/20/12	6/30/13	Interpreter, Fully Certified	All

**PASSED**

## **APPROVAL OF THE MINUTES (7:03 P.M.)**

1. Consider Approval of the Regular Board meeting Minutes of June 26, 2012.  
Consider approval of the regular Board meeting minutes of June 26, 2012. The minutes are posted on Granicus.

**MOTION** Trustee Withrow, second Trustee Riley to Approve the Minutes. **PASSED**

2. Welcoming Remarks from Albany Superintendent of Schools Marla Stephenson  
(7:04 P.M.)

## **PUBLIC COMMUNICATION (7:10 P.M.)**

At this time, the Board of Trustees will listen to communication from the public on matters that are not on the agenda and are within the Board's jurisdiction. Under provisions of the Brown Act, the Board and District staff are prohibited from discussing or taking action on oral requests that are not part of the agenda, but may respond briefly. A maximum of 15 minutes (3 minutes per individual maximum) will be provided for speakers under this agenda section. A speaker's card must be completed to request to address the Board. Requests to speak which cannot be honored within the time limit will be scheduled for subsequent meetings in the order received. Persons addressing items included on the agenda will be heard at the time the item is considered, and comments on tangential issues not directly related to the item may be ruled out of order. Cards must be received prior to the Board's consideration of the item and are honored in the order the cards are received. A speaker may yield time to another speaker, where both have completed a speaker's card, and the yielder must identify him/herself to the Board. Written statements can be submitted for inclusion into the Board minutes to the Board Clerk, and members of the public are asked to submit any materials to the Board Clerk and shall not approach the dais during meetings. (Please line-up when your name is called.)

Speaker Spencer, Laney College, is concerned about the night services for students, and that there's a lack of offices open to meet their needs. She suggested 2 days/month for these offices to be opened in the evenings, so that counseling and financial aid are open for them for business.

Speaker Alvarez, ASLC student body president at Laney, asked that students be made aware of ahead of time about any facility changes in the future. There is a Friday summer closure schedule, but not everyone knows of this, and she asked for bigger signs to communicate this. She wants to ensure the students get the best services available.

Speaker Goldstein, PFT President, welcomed Chancellor Ortiz onto the job. He is disappointed about the ACCJC news that we are to remain on warning. Most observers are aware that Peralta has made significant improvements. The District has issued checks for parity and retro pay for part-timers related to steps, with no drama this year. It was a long fight for a number of faculty members. He thanked Janelle Hampton and Sara Connors would worked on this, and thanked payroll and finance for their help.

## REPORTS (7:25 P.M.)

The Board requests that constituent group reports be brief and concise, and that only electronic copies be provided for posting.

All open session reports and meeting materials have been submitted to the Board electronically, and are available for public viewing on Granicus.

### 3. 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 Alvarez reported that Laney College students had a retreat a few weeks ago, with another one scheduled in August. She invited everyone to participate if available.

### 4. Chancellor's Reports

Accreditation Report

Dr. José M. Ortiz (7:45 P.M.)

Vice Chancellor's Reports

Budget Update

Vice Chancellor Gerhard

Enrollment Update

Associate Vice Chancellor Orkin

Student Services Update

Vice Chancellor Ng

General Services Update

Vice Chancellor Ikharo

College Reports

Merritt College

Interim President Herring

Laney College

President Webb

College of Alameda

President Jackson

Berkeley City College

Interim President Budd

The Chancellor spoke about our accreditation letter. He read from the letter, and reviewed the recommendations. We will continue on warning, and are required to complete a follow-up report in March, followed by a visit.

The commission is very precise in what they want. He will respond specifically to all of their concerns. He will create a team to reconcile these recommendations. He feels we are very close to getting off warning status, and we will all work very hard to do the necessary work to get there.

All of the Chancellor's management team reports are available in written form and available to the public, posted electronically on Granicus.

**BOARD COMMUNICATION (7:35 P.M.)**

**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.**

Trustee Hodge is honored to be here in the City of Albany, and thanked the officials for attending and their hospitality.

Trustee Guillén would like to work on a local Oakland problem. Merritt College has an excellent admin of justice program, and asked that we create a police training academy. He hopes future police officers can come from our district. He'd like to train our students for those jobs.

Trustee Riley invited everyone to the August 2<sup>nd</sup> retirement party for Wise Allen at Scott's Restaurant.

Trustee Gulassa reminded people about the reception for Jack Scott on August 15<sup>th</sup> in Sacramento. President Obama will be in Oakland on August 23<sup>rd</sup> at the Fox theatre. He announced that August 10<sup>th</sup> is the last day to file for trustee positions. He hopes there will be a future retreat for the Board to meet with the Chancellor.

Trustee Withrow spoke about the cost of textbooks. He asked that be reported on in the future to the Board.

Student Trustee Cervantes announced a September 9<sup>th</sup> districtwide student government workshop, that he'll attend the CCLC student trustee workshop, and that former student Trustee Rich Copenhagen was elected Board President of the Student Senate.

- 5. District Academic Senate Report **Presenter: DAS President Karolyn van Putten**
- 6. Recognition of Leadership Succession Graduation Class **Presenter: General Counsel Nguyen (7:45 P.M.)**

	<b>Leadership Succession Class III</b>		
Armstead, Paula	EOPS/CARE Program Specialist	COA	Classified (1021)
Brooke, Sean	Dir. of International Ed.	District	Manager
Delrosario, Dettie	Finance Supervisor	District	Classified (1021)
Greene, Terrance C.	Counselor	Laney	Faculty
Kitchen, Herb	Marketing Coordinator	District	Classified (1021)
Nunley, Patricia	Adjunct Faculty	Merritt	Faculty (Part-time)
Pendleton, Gail	SS Personnel Specialist	BCC	Classified (1021)
Richardson, Denise	Political Science Instructor	Laney	Faculty
Seibert, Jennifer	Dist. Benefits Coordinator	District	Confidential
Siegal, Meryl	English Instructor	Laney	Faculty

7. 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:

- BP 3430 **Prohibition of Harassment** (replaces BP 3.04 Sexual Harassment Policy)
- BP 3501 **Campus Security and Access** (replaces BP 2.45 Crime Awareness and Campus Security)
- BP 5030 **Student Fees** (new policy)
- BP 5140 **Disabled Student Programs and Services** (replaces BP 5.24 Academic Accommodations for Students with Disabilities)
- BP 6330 **Purchasing** (replaces BP 6.30 and 6.31 on Purchasing)
- BP 6340 **Contracts** (replaces BP 6.82, 6.84, 6.85, 6.88, 6.90 & 6.91 on Contracts)
- BP 6600 **Capital Construction** (replaces BP 6.80, 6.81, & 6.83 on Capital Construction)
- BP 6740 **Citizens Oversight Committee** (new policy)
- BP 7100 **Commitment to Diversity** (new policy)

Relative to the accreditation process and concerns, Mr. Grivich gave the Board an update. Our original project was to rewrite all Board policies, and to separate out APs, which started about one year ago. At this time, we're about 2/3rds finished, which is on track by the end of this year. There is a risk if things don't continue to progress to finish the project, but he is hopeful. He will write them all, but they need to work their way through the entire process. He is optimistic that we'll complete the task timely, but we have to be diligent along the way.

Board members are asked to get any policy revisions to the Chancellor.

Trustee Guillén suggested relative to our purchasing contracts that we examine who is actually getting our business in the community to conduct a disparity report. It could show where District funds are going, such as to local vendors, and to ensure local entities have access to our dollars. The Chancellor shared that we have legal restraints on bidding parameters. VC Ikhara shared that there is a policy on small local enterprise, which will be reviewed in the future with the Board. In past reviews of this data, 70% of bond contracting opportunities went to small local businesses in our service area. Trustee Handy is frustrated that those who live here and pay taxes should also be able to have more work opportunities. Trustee Gulassa reminded the Board that the policies are often very abstract, and that the APs provide more details than the intent. There are CA Code of Regulations that address hiring parameters. Trustee Gulassa had a suggestion on the purchasing policy. He feels it's been very convenient to receive purchase reports frequently, at almost every meeting, and he would suggest

that the policy reflect current practice, and that reports continue to be presented to the Board for review.

Trustee Guillén welcomed the Chancellor and asked for his comments for Peralta's future.

The Chancellor thanked everyone for being here in Albany, and thanked the Trustees. We have many challenges with accreditation issues, and financial issues, but there are many challenges in all CCDs serving students and our community. Peralta is ready to serve the community to bring it to the next level that truly serves the community. We are all a team and have to work together to move the District to the next level. He feels we are on the cusp of moving Peralta forward in a positive way, with all of us working hard together. He thanks everyone for the support.

### **CONSENT CALENDAR (for time-sensitive items only) (8:00 P.M.)**

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.

**MOTION** Trustee Withrow, second Trustee González Yuen to approve the Consent Calendar, including Agenda Items 8 – 11; 13 – 18; 19 as amended, 20 - 23; 25 - 26.

**PASSED**

### **BOARD MATTERS**

8. Consider Approval of Chancellor José M. Ortiz, Ed.D. as the Secretary of the Peralta Community College District Governing Board **Presenter: Trustee Gulassa**

Consider approval of Chancellor José M. Ortiz, Ed.D. as the Secretary of the Peralta Community College District Governing Board. The Chancellor recommends approval.

### **EDUCATIONAL AND STUDENT SERVICES**

9. Consider Approval of the Bridges to Baccalaureate Grant for Merritt College **Presenter: Associate Vice Chancellor Orkin**

Consider approval of the Bridges to Baccalaureate Grant for Merritt College not to exceed \$162,034 through March 31, 2016. **Funding Source: The Regents of the University of California.** Merritt College, in collaboration with the U.C. Berkeley

Transfer Alliance Project (TAP), will conduct several events to recruit and assist students about pursuing research careers in the biomedical and behavioral sciences. By giving students choices regarding research careers and supporting these students in their pursuit of these goals, students will persist in their courses longer, improve their academic standing, and transfer to a baccalaureate granting institution. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

Speaker Alvarez commented on Agenda Item 9, and she asked that this grant be considered for the other colleges, as well as for Merritt College.

10. Consider Approval to Submit an Application for the National Science Foundation Advanced Technological Education Grant (NSF ATE) for Berkeley City College  
**Presenter: Associate Vice Chancellor Orkin**

Consider approval to submit an application for the National Science Foundation Advanced Technological Education Grant (NSF ATE) for Berkeley City College not to exceed \$300,000 per year for up to three years. **Funding Source: National Science Foundation.** The Advanced Technological Education (ATE) program promotes improvement in the education of science and engineering technicians at the undergraduate and the secondary school levels. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

11. Consider Approval to accept the Alameda County Workforce Investment Board (ACWIB) One-Stop Career Centers Grant for College of Alameda **Presenter: Associate Vice Chancellor Orkin**

Consider approval of the Alameda County Workforce Investment Board One-Stop Career Centers Grant for College of Alameda not to exceed \$300,000 through June 30, 2013. **Funding Source: Alameda County Workforce Investment Board.** The Workforce Investment Act defines the nation's job training system and provides guidance for local workforce investment systems designed to increase the employment, retention and earnings of participants, and increase occupational skill attainment by participants. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

12. Consider Approval of a Contract Addendum for Ms. Srujana Tumu for Moodle and Websites Technical Support **Presenter: Associate Vice Chancellor Orkin**

Consider approval of a contract addendum for Ms. Srujana Tumu for moodle and website technical support not to exceed \$60,000. **Funding Source: General Funds.** All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. (This item was later removed from the agenda.)

13. Consider approval for Laney College to Apply for the California Community College Chancellor's Office Economic and Workforce Development Program Bay

Area Manufacturing Apprenticeship (BAMA) Industry Driven Regional Collaborative (IDRC) Grant **Presenter: Associate Vice Chancellor Orkin**

Consider approval for Laney College to apply for the California Community College Chancellor's Office EWD IDRC Grant for \$315,000 through December 31, 2013.

**Funding Source: Chancellor's Office, California Community Colleges, Economic and Workforce Development Program.** The objective of the BAMA IDRC is to strengthen the competitiveness of local manufacturing, design and product development firms by reconstituting apprenticeship programs in the Bay Area. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

## FINANCIAL SERVICES

14. 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*.

15. 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*.

16. 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.

17. Consider Approval of a Contract Addendum for Christopher Akhidenor, CPA **Presenter: Vice Chancellor Gerhard**

Consider approval of a contract addendum with Christopher Akhidenor, CPA to provide general ledger, bank reconciliation, construction accounting and fiscal year end close services as needed. The previous contract ended on June 30, 2012 and was for a not-to-exceed amount was \$40,000. This addendum would extend the end date to July 31, 2012 and increase the not-to-exceed amount by \$20,000. The new total not-to-exceed cost of the contract would be \$60,000. **Funding Source: General Funds.** The existing contract with Mr. Akhidenor began on July 1, 2011. Since that time, Mr. Akhidenor's firm has successfully assisted the District with completing various reconciling activities that has resulted in meeting external reporting deadlines and audit deadlines. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

## STUDENT SERVICES

18. Consider Approval of an MOU Amendment between Alameda Unified School District and Peralta Community College District for Alameda Science and Technology Institute (ASTI) **Presenter: Vice Chancellor Ng**

Consider approval of an MOU amendment between Alameda Unified School District and Peralta Community College District for Alameda Science and Technology Institute (ASTI) effective June 30, 2012 through June 30, 2014. AUSD agrees to pay all of the total fees charged for the Spring 2012 semester for students who enroll in more than 11.0 units, as well as other appropriate and related fees. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

## HUMAN RESOURCES

19. 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. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. (Additional names were added to this list, read under approval of the agenda.)

Last Name	First Name	Date of Hire	End Date	Position Title	Site
Ahmed	Munira	7/18/12	6/30/13	Admissions and Records Clerk	M
Arbas	Diana	7/18/12	12/14/12	Instructional Assistant/English	B
Attaran	Cameron	7/18/12	12/14/12	Instructional Assistant/English	B
Barnett	Janet	8/20/12	5/24/13	Duplicating Technician II	A
Bruni	Michael	7/25/12	6/30/13	Science Lab Technician/Physical Science	M
Bynum	Lindsey	7/18/12	12/14/12	Instructional Assistant/English	B
Crumpton	Pamela	8/1/12	6/30/13	Instructional Assistant/English	L
Diouf	Madiou	7/18/12	6/30/13	Instructional Assistant/Accompanist	L
Dutton	William	7/18/12	6/30/13	Instructional Assistant/Photography	L

Fink	Matthew	7/18/12	6/30/13	Laundry Service Worker	L
Fischer	Caitlin	7/18/12	12/14/12	Instructional Assistant/English	B
Forlastro	Christana	8/20/12	12/14/12	Library Technician II	M
Hamilton	Darrian	7/18/12	6/30/13	Instructional Assistant/Diesel Mechanics	A
Harding	June	9/4/12	6/30/13	Academic Support Services Specialist	M
Ho	Pak	8/1/12	6/30/13	Senior Clerical Assistant	A
Lay	Siu	7/23/12	6/30/13	Senior Clerical Assistant	B
Lyons	Laura	9/5/12	11/9/12	Student Personnel Services Specialist	B
Murphy	Marcella	7/18/12	12/14/12	Instructional Assistant/English	B
Pang-Sagara	Pauline	7/23/12	6/30/13	Senior Clerical Assistant	B
Rehman	Uzma	7/18/12	9/1/12	Instructional Assistant III/DSPS	B
Riley	Jesse	7/18/12	6/30/13	Instructional Assistant/Accompanist	L
Solomon	Felix	7/18/12	6/30/13	Instructional Assistant/Journalism	L
Tobor	Tina	7/18/12	6/30/13	Admissions and Records Clerk	L
Washington-Diouf	Naomi	7/18/12	6/30/13	Instructional Assistant/Accompanist	L
White	Donald	7/18/12	8/31/12	Facilities Services Specialist	L
Yu	Zhi	7/18/12	6/30/13	Admissions and Records Clerk	L

## FACILITIES

### 20. Consider Approval to Submit 2014-18 Five-Year Construction Plan to State Chancellor's Office **Presenter: Vice Chancellor Ikharo**

In accordance with the provisions of Section 81820 of the California Education Code, each year community college districts are required to submit a Five-Year Construction Plan to the Chancellor of the California Community Colleges. **Funding Source: No fiscal impact.** The five-year plan communicates to the State Chancellor's Office and other State agencies the anticipated capital outlay needs of a district for the next five years. The five-year plan includes information on current enrollment, projected enrollment, and instructional staff. This information, together with actual college space utilization, is analyzed to develop load-capacity ratios, which are measures of a college's space utilization in certain areas. The load-capacity ratio is one factor that is considered in State funding of a capital project. The 2014-18 Five-Year Construction Plan for the District is due to the California Community Colleges Chancellor's Office by August 1, 2012. A component of the five-year plan is the project priority list for the five-year period. This list is presented to the Board of Trustees for review and approval

each year. The priority list includes all facilities needs of the District based on the Educational Master Plans and Facilities Master Plan, regardless of whether State funding will be requested. The proposed Project Priority List is included with Board members' materials. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

21. Consider Approval of Resolution 12/13-5, Authorization to Submit Three Final Project Proposals **Presenter: Vice Chancellor Ikharo**

The Administration plans to “roll over” the Final Project Proposals (FPPs) for three projects, which are due to the California Community Colleges State Chancellor’s Office on August 1, 2012. **Funding Source: Local bond funds for the District share.** The FPPs are the final step in the process to request State funding for the 2014-15 year. The District’s objective is to leverage local bond funds with State funding. Below are the projects and cost estimates, which will be finalized before the submittal date:

PROJECT	STATE SHARE	DISTRICT SHARE	TOTAL BUDGET
Learning Resource Center, Laney College	\$ 22,870,000	\$35,322,543	\$ 58,192,543
Child Development Center, Merritt College	\$ 5,504,000	\$12,544,000	\$ 18,048,000
Modernize Library Building 17, College of Alameda	\$ 13,153,000	\$22,770,000	\$ 35,923,000
<b>TOTALS:</b>	<b>\$41,527,000</b>	<b>\$70,636,543</b>	<b>\$112,163,543</b>

The State Chancellor’s Office requires a resolution substantiating approval of the FPPs and promising to fulfill the standard Project Terms and Conditions. All Board approved contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

22. Consider Ratification of Deductive Change Order No. 5, Laney Tower Modernization Project, AJF/BHM, A Joint Venture **Presenter: Vice Chancellor Ikharo**

*Ratification* is requested for Change Order No. 5 to the contract with AJF/BHM, A Joint Venture for the Laney Administration Tower Renovation Project, a deduction in the amount of (\$1,304). Including the previously Board approved Change Orders No. 1, 2, 3 and 4, the cumulative change order total to date is \$300,056, which is 7.5% of the original contract amount of \$3,997,351. **Funding Source: Bond Measure A.**

The cumulative total of Change Order No. 5 items is a deduction in the amount of (\$1,304). The change order items are primarily due to the following reasons:

- The result of unforeseen conditions, including:
  - Provision of temporary shoring in a stairway at the landings from the basement to the 8<sup>th</sup> floor to allow for coring on the fire sprinkler riser

- Skim coat the existing floor in fourteen restrooms to remove variances in the substrate to provide a continuous flat and level surface for the installation of ceramic tiles
- Install adhesive strips on exposed waterproofing membrane to allow for adhesion between the waterproofing membrane and ceramic tiles in fourteen restrooms
- Owner requested and code compliance changes, including:
- Installation of missing fire alarm monitoring (which was omitted from the contract documents) for new flow-tamper switches and new fire smoke dampers, as well as correction of hidden flooring conditions that did not meet ADA accessibility codes
- Credit for deletion of wall insulation in new partition walls and use of flexible ductwork instead of rigid ductwork

In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and deductive Change Order No. 5 is now brought before the Board for ratification. It is in the best interests of the District and financially prudent to authorize this change order. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends ratification.

23. Consider Approval to Purchase Furniture for the Learning Center/Library Renovation Project at Merritt College through a Piggyback-able Contract with Commercial Services Group/Sam Clar **Presenter: Vice Chancellor Ikharo**

Approval is requested to purchase furniture for the Learning Center/Library Renovation project at Merritt College in the amount of \$961,718.19 through a piggyback-able contract with Commercial Services Group/Sam Clar. **Funding Source: Bond Measure A.** The furniture purchase will complement the major remodel of the Learning Center and Library at Merritt College. Included in the purchase will be shelving stacks for library books, furniture for conference rooms, computer labs, and associated support offices and student study rooms. In order to minimize the disruption of the college's Library and Learning Center functions and to adhere to the construction schedule, the furniture purchase must be approved at this Board meeting.

Under Public contract Code Section 26652, when the governing board of any community college district has determined it is in the best interest of the district, it may, without advertising for bids, authorize purchase of materials and equipment utilizing piggyback-able contracts. Two furniture vendors who have competitively bid piggyback-able contracts were requested to provide quotes for the Library and Learning Center at Merritt College. Both vendors met with the users and the College Furniture Selection Committee to determine which furniture best met the college's needs. The resulting quotes were as follows:

VENDOR	LOCATION	TOTAL BID
Commercial Services Group/Sam Clar	San Francisco, CA	\$961,718.19
One Work Place	Milpitis, CA	\$709,067.03

Although the proposal from One Work Place was the lower of the two quotes, it was determined that approximately over \$250,000 worth of required equipment was omitted from the One Work Place bid, which would make the amount of the quotes comparable. The College Library and Learning Center Committee also determined that the package submitted by Commercial Services Group/Sam Clar, in the amount of \$961,718.19, best suited the needs for the Library and Learning Center, and recommended purchase of the required equipment from that vendor. Commercial Services Group/Sam Clar quoted under the following piggyback-able contracts: TCPN/Allsteel Contract #R4971 (TCPN is a national governmental purchasing cooperative), TCPN/Gunlocke Contract #R4859, CMAS (California Multiple Award Schedules) Contract #4-10-01-009B, FCCC (Foundation for California Community Colleges) Contract #CB#10-101 and NJPA (National Joint Powers Alliance) Contract #0529-10-KII. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

24. Consider Approval to Negotiate an Agreement with Cupertino Electric, Inc. to Provide Design-Build Project Services for the Rooftop Solar Photovoltaic Project at Laney College and Berkeley City College **Presenter: Vice Chancellor Ikharo**

Approval is requested for the Chancellor or his designee to negotiate an agreement with Cupertino Electric, Inc. to provide design-build project services to reroof Buildings C and G at Laney College and to install roof mounted solar photovoltaic systems at Laney College and Berkeley City College, at a not-to-exceed cost of \$4,325,000. **Funding Source: Measure A.** Under this project, rooftop solar photovoltaic systems will be installed on Buildings B, C, D, E, F, G, Forum, Gym and Theater at Laney College and on the roof of Berkeley City College. The roofs on Buildings C and G at Laney College have been assessed to have reached the end of their serviceable lives, so they will be replaced as part of this project prior to installing the rooftop solar photovoltaic systems.

When this project is completed, the benefits to the District will include:

1. Projected energy cost savings for Laney College:	\$90,000/year
Projected energy cost savings for Berkeley City College*:	<u>\$ 4,800/year</u>
Total:	\$94,800/year

\*The Berkeley City College building has limited roof space and can only accommodate a very small photovoltaic system. The facility is a LEED Silver certified building and is already more energy efficient than conventionally constructed buildings. Additionally, the District purchases renewable energy for this building.

2. Estimated California Solar Initiative Program Rebate: \$1,500,000
3. Carbon dioxide emission reduction is estimated to be 1,355,124 lbs/year
4. Total alternative energy generated is estimated to be 973,000 kWh/year

The District issued a Request for Proposals (RFP 11-12/5) on May 18, 2012. Although six potential bidders attended the mandatory pre-bid conference and bid walk, Cupertino Electric, Inc. submitted the only response. This vendor is recommended based on review of the proposal, which included experience and favorable references. To save the District time and to protect the District's eligibility for up to \$1.5 million in rebates through the California Solar Initiative Program, it is important for the Board to approve negotiation of the agreement with Cupertino Electric, Inc. at this meeting. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. (This item was later moved to the Action Calendar.)

**MOTION** Trustee González Yuen, second Trustee Riley to approve Agenda Item 24.

Trustee Withrow commended the VC and staff for their efforts to pursue sustainability initiatives. He calculates that there's a 35 year payback at the best. He can't see beyond a 7-10 year payback during this period of time. He feels the equipment would be obsolete within 10 years. Industry is overcapacity, with less demand. The prices should thus be better. The Trustees have a fiduciary responsibility for construction funds. He asks for the best deal we can get. He doesn't want there to be an impression that Measure A funds are unlimited. Property values have leveled off. He feels we just have the funds left that are recommitted to projects, and that we may not get future funds. He recommends that the Board not approve this, and wait for a complete evaluations of underway projects.

Trustee Yuen appreciates Trustee Withrow's diligence with the finances. He feels that the calculations are different. It's part of the facility master plan with years of planning. This project earns us funds from energy savings. He's also concerned about the environmental crisis we're in at this time. Our BP commits us to this work. Trustee Guillén is concerned that we haven't yet weatherized the facility, while our buildings are leaking energy, and he like us to review this, as well. Trustee Gulassa was disappointed by the returns of \$94,000/year.

VC explained the project. It is a design bid project. The roof has gone beyond it's serviceable life. The rooftops aren't as accessible for roofing. Roof panels are more expensive than ground units. Trustee Guillén also asked why we only got one bid. The students will get a return on the investment from this property. Students will be used as part of this project and contract. It will be a teachable moment for our students. Trustee Yuen shared that none of our buildings pay us back, and this is one of the many few where there is any payback. \$1.3 M pounds of CO2 omissions won't be expelled, and that it's worth something in a District with a sustainable energy policy by placing solar panels onto our building roofs.

Trustee Gulassa shared there's no opposition, but a business perspective. Trustee Withrow feels it's an investment, and that we're not saving enough funds. This is one part of a greater master plan. He asked what damage it does to the plan. Consequence will be a loss of \$600,000 over the next 5 years. Other projects take time

to develop which can take years to develop. The cost we get back, now 19 cents per unit, is going down. Other projects are being developed as part of the facility master planning started in 2009. Trustee Yuen shared that the Board accepted a DW facilities master plan with different priorities as a package. If particular parts of the package are reviewed after the fact, it undoes the deal.

**AYES: PASSED**

**NOES: Trustee Withdraw**

25. Consider Approval to Enter into an Agreement with Flad Architects for Architectural Services Required for the Building Efficiency for a Sustainable Tomorrow (BEST) Center at Laney College **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into an agreement with Flad Architects for architectural design services required for the Building Efficiency for a Sustainable Tomorrow (BEST) Center at Laney College, for a not-to-exceed fee of \$593,124. **Funding Source: Bond Measure A.** The Building Efficiency for a Sustainable Tomorrow (BEST) Center at Laney College will serve as a training center for sustainable construction practices and a test bed for sustainable technologies. BEST will function as a national model of excellence in the design and construction of high performance buildings. This project will entail two phases. Under this agreement, Flad Architects will provide complete design services through construction administration for the first phase of work, and provide programming and conceptual design for the second phase. Flad Architects has worked with the Laney College faculty and the District administration to define the conceptual program and project scope for the center. The results of that effort were presented to the Board at the meeting of June 12, 2012. The Board also approved a budget transfer that created a Measure A budget for the first phase. Phase 1 of the BEST Center will include two "test house" buildings, which are transformable structures that will support practical training for sustainable construction techniques. The "Passiv Classroom" will be constructed adjacent and is intended to meet the rigorous sustainable design criteria for "Passivhaus" certification. The Phase 2 program components will be identified as part of Flad's design services. They are likely to include additional classroom/instructional areas, energy testing laboratories and high-tech support spaces such as clean rooms. Flad Architects will develop a conceptual program for Phase 2, which will be used to develop a schematic level floor plan and cost estimates. Phase 2 of the BEST Center will be undertaken upon funding availability. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

26. Consider Approval of Bond Measure Budget Transfers and Appropriations (Nos. 43, 44, 45 and 46) **Presenter: Vice Chancellor Ikharo**

Approval is requested for four bond measure budget transfers and appropriations (Nos. 43, 44, 45 and 46). The budget actions have been approved by the appropriate College President, Vice Chancellor for General Services, Vice Chancellor for Finance &

Administration, and the Chancellor. With the intent of full disclosure, they are now presented to the Board of Trustees for approval. **Funding Source: Bond Measure A.** On June 23, 2009, the Board of Trustees approved the Bond Measure (A and E) Spending Plan, which included budget appropriations, cash flow projections and budget transfer procedures. The Measure A budget included all current and future projects totaling the \$390 million bond amount. At that time the Board also approved the process for future budget transfers from one project to another, which included District and College approvals and subsequent approval by the Board of Trustees. Since that time, project scopes have been refined, and some new projects have been created. In accordance with the Board approved Bond Measure Spending Plan, a budget transfer form has been prepared for each budget transaction. The four transactions indicate the current budget, revised or new budget and the transfer amount, for both the budget that is being increased (credit) and the budget that is being decreased (debit). Budget Transfer Nos. 44, 45 and 46 set up budgets for the Six-Month Modernization Projects at Merritt College, Laney College and the College of Alameda. It should be noted that the costs for these projects are estimates only. Actual costs will not be available until an architect is hired for the design and the construction work is bid out. If the budget estimates below are exceeded, they will be brought to the College President and Chancellor, and adjustments will be made contingent upon the availability of bond funding. Any budget increases will be taken back to the Board of Trustees for approval in the form of budget transfers. Following are the budget transfer summaries:

<b>Transfer Number</b>	<b>Project/Budget Name</b>	<b>Current Budget</b>	<b>Revised/New Budget</b>	<b>Transfer Amount</b>
43 (Measure A)	<b>To:</b> Project #2335 – BCC Build-Out, Phases 2 and 3	\$ 7,100,000.00	\$ 9,288,000.00	<b>\$2,188,000.00</b>
	<b>From:</b> Project #2396 – New Acquisitions	\$12,000,000.00	\$10,784,140.00	(\$1,215,860.00)
	Project #2413 – FF&E* & Computers, Phase 2	\$ 2,618,224.00	\$ 1,790,773.00	(\$ 827,451.00)
	Project # 2323 – Short-Term Renovations	\$ 1,660,000.00	\$ 1,515,311.00	(\$ 144,689.00)
	<b>Total:</b>			<b>(\$2,188,000.00)</b>
	<b>Description:</b> Increase in budget to accommodate bid prices and changes in scope of Berkeley City College Build-Out Phase 3 project. Transfer also provides funds for FF&E & Computers for BCC Build-Out Phase 2 project to cover expenditures.			

\*Furniture, fixtures and equipment.

Transfer Number	Project/Budget Name	Current Budget	Revised Budget	Transfer Amount
44 (Measure A)	<b>To:</b> Project #2372 - Building Modernizations – Merritt	\$9,429,000.00	\$9,471,500.00	\$ 42,500.00
	Project #2416 – FF&E	\$4,937,156.00	\$5,045,656.00	\$108,500.00
	<b>Total:</b>			<b>\$151,000.00</b>
	<b>From:</b> Project #2428 - Merritt – Unallocated Funds	\$1,000,000.00	\$ 849,000.00	<b>(\$151,000.00)</b>
	<b>Description:</b> Provide funding for ten (10) items for six-month projects at Merritt College.			

Transfer Number	Project/Budget Name	Current Budget	Revised Budget	Transfer Amount
45 (Measure A)	<b>To:</b> Project #2314 - Building Modernizations – Laney	\$23,744,716.00	\$24,042,216.00	<b>\$ 297,500.00</b>
	<b>From:</b> Project #2424 - Laney – Unallocated Funds	\$ 604,045.00	\$ 306,545.00	<b>(\$297,500.00)</b>
	<b>Description:</b> Provide funding for eight (8) items for six-month projects at Laney College.			

Transfer Number	Project/Budget Name	Current Budget	Revised Budget	Transfer Amount
46 (Measure A)	<b>To:</b> Project #2315 - Building Modernizations – Alameda	\$9,681,726.00	\$9,709,226.00	\$ 27,500.00
	Project #2410 – FF&E	\$4,012,408.00	\$4,080,408.00	\$ 68,000.00
	<b>Total:</b>			<b>\$ 95,500.00</b>
	<b>From:</b> Project #2420 - Alameda –	\$2,000,000.00	\$1,904,500.00	<b>(\$ 95,500.00)</b>

	Unallocated Funds			
	<b>Description:</b> Provide funding for six (6) items for six-month projects at College of Alameda.			

All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

**27. SPECIAL WORKSHOP STUDY SESSION (8:05 P.M.)**  
**The Board will conduct a special workshop study session on Facilities and Land Use matters.**  
**The Board requests that only electronic copies be provided.**  
**All open session reports and meeting materials are available for viewing on Granicus.**

VC Ikharo shared some words on facilities. PGE selected to participate in Laney college sustainability center grant. We have received PGE \$463,000 rebate checks, with \$45,000/month received over the summer. Merritt college allied service center will proceed. This is the largest part of measure A funding. There will be workshops to hear about bid opportunities for the project. COA buildings C&D are proceeding. A construction drawing will proceed. Laney college student center will be revised, with interim housing for other departments. BCC approved for their projects tonight. 45 smaller projects will proceed.

Trustee Withrow feels we can't sell more bonds, and that we've sold our max. Measure A \$115 M remain to be sold. We are close to the \$25/assessed \$100,000 of property. He asked if industry standards are used to evaluate bids, which are, but we also use a local index of Bay area economic numbers. The more we can do now, we get a bigger bang for our dollar. He asked for industry standards to know how we stand in comparison. For the Bay Area, there is a cost/square footage.

**ACTION CALENDAR ITEMS (8:20 P.M.)**

The Action Calendar lists non-routine items that the Board of Trustees may wish to discuss and/or debate. The list below may be supplemented by items removed from the Consent Calendar. The Board will hear public comments prior to taking any action on these items.

**Motion on each Action Calendar Item**

**Public Comments on each Action Calendar Item**

**Vote on each Action Calendar Item**

**FACILITIES**

<p><b>28. Public Hearing:</b> Notice of Intent to Adopt a Mitigated Negative Declaration for the Merritt College Center of Science and Allied Health Building <b>Presenter: Vice Chancellor Ikharo</b> In compliance with the provisions of section 15072 of the</p>
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California Environmental Quality Act (CEQA) Guidelines, public comment will be heard at tonight's meeting prior to consideration of Resolution 12/13-3 approving the Mitigated Negative Declaration/Initial Study for the Merritt College Center for Science and Allied Health Building Project, Adopting Findings Pursuant to the California Environmental Quality Act, and Approving the Mitigation Monitoring and Reporting Program; and consideration of Resolution 12/13-4 for the Approval of the Merritt College Center for Science and Allied Health Building Project. A Notice of Public Hearing was posted for a minimum of thirty days on the District website and was also available at the District's Department of General Services for review. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

29. Consider Adoption of Resolution 12/13-3 for the Mitigated Negative Declaration/Initial Study for the Merritt College Center for Science and Allied Health Building Project, Adopting Findings Pursuant to the California Environmental Quality Act (CEQA), and Approving the Mitigation Monitoring and Reporting Program **Presenter: Vice Chancellor Ikharo**

In accordance with the provisions of Public Resources Code Section 21081.6(a), all public agencies are required to adopt monitoring or reporting programs when they approve projects subject to Environmental Impact Reports (EIRs), Mitigated Negative Declarations or Negative Declarations that identify significant impacts. Six potentially significant impacts were identified in the MND/IS, which included aesthetics, air quality, cultural resources, geology/soils, hydrology/water quality, and noise. However, all potentially significant impacts would be mitigated to a less-than-significant level with the implementation of these recommended mitigation measures. The Mitigation Monitoring and Reporting Program prepared for the project is designed to ensure compliance during project implementation to mitigate or avoid any environmental effects. **Funding Source: Bond Measure A.** In compliance with Section 15072 of the CEQA guidelines, a public hearing will be held at this Board meeting, and adoption of Resolution 12/13-3 is recommended. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

**MOTION** Trustee Withrow, second Trustee Handy to approve Agenda Items 29 and 30.

Outside agencies complete the CEQA studies for us, and then the Department of General Services writes the report.

**PASSED**

30. Consider Adoption of Resolution 12/13-4 for the Approval of the Merritt College Center for Science and Allied Health Project **Presenter: Vice Chancellor Ikharo**

The design and construction Merritt College New Science and Allied Health Building Project was approved by the Board of Trustees on June 12, 2012, under a contract with Clark & Sullivan/Walsh Construction. **Funding Source: Bond Measure A.** Adoption

of Resolution 12/14/4 will approve the implementation of this project in a manner consistent with the terms of the Mitigated Negative Declaration/Initial Study (MND/IS) and Resolution 12/13-3, adopted at this Board meeting. The environmental review undertaken for this project is in compliance with CEQA pursuant to California Public Resources Code Section 21082.1. Any significant impacts identified in the MND/IS will be mitigated during construction. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval.

**MOTION** Trustee Withrow, second Trustee Handy to approve Agenda Items 29 and 30.

**PASSED**

31. Consider Approval of Resolution 12/13-1, Approval of the Merritt College Trail Agreement **Presenter: Vice Chancellor Ikharo**

Approval is requested for Resolution 12/13-1, which will authorize the District to enter into the Merritt College Trail Agreement with the City of Oakland. This resolution required unanimous Board approval. **Funding Source: No fiscal impact. This is an agreement for an even property exchange between the District and the City of Oakland.** The existing 13-foot-wide pedestrian/equestrian trail located on Merritt College property has been owned and maintained by the City of Oakland since 1961. It is desired to re-route the trail to a new location uphill toward the edge of Parking Lot "C" to create a more unified parcel of land that is District owned property. The trail currently splits a parcel of land at Merritt College, rendering the property less desirable for potential future use. In 2005, the District made a request to the City to re-route the trail. The request has been under review by the City, and they have now agreed to re-route the trail as specified in this agreement. The agreement provides for relocation of the trail by an even exchange of identically sized land between the District and the City. Under the terms of the agreement, the City of Oakland will grant the property that comprises the existing trail to the District, and, in exchange, the District will grant the property that comprises the new trail location to the City of Oakland. The agreement will benefit the District by resulting in a unified parcel of land for potential future development. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

**MOTION** Trustee Withrow, second Trustee Handy

Trustee González Yuen explained that this trail was going through a portion of our property. We're moving the trail which we don't own, and swapping it with some other property that we do own, so the trail we'll own will edge our parking lot.

**PASSED**

32. Consider Approval of Resolution 12/13-2, Accept Bid and Award Contract, Berkeley City College Build-Out Phase 3 (Bid No. 11-12/19), E.F. Brett & Company, Inc. **Presenter: Vice Chancellor Ikharo**

Approval is requested to accept the bid and award a contract to E.F. Brett & Company, Inc., in the amount of \$2,377,704, for the Berkeley City College Build-Out Phase 3 (Bid No. 11-12/19). **Funding Source: Bond Measure A.** This project provides for the build-out of existing unimproved spaces into art studios on the 4<sup>th</sup> floor and improvements/alterations to labs, classrooms and offices on the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 5<sup>th</sup> floors at Berkeley City College. A formal bid was conducted for this project (Bid No. 11-12/19), and a bid opening was held on June 13, 2012. Five bids were received, as follows:

<b>CONTRACTOR</b>	<b>LOCATION</b>	<b>TOTAL BID</b>
E.F. Brett & Company, Inc.	Woodacre, CA	\$2,377,704
Cal Pacific Construction	Oakland, CA	\$2,329,000
D.L. Falk Construction	Hayward, CA	\$2,588,000
Angotti & Reilly	San Francisco, CA	\$2,849,308
Romkon Inc.	San Francisco, CA	\$2,892,824

Staff conducted a post-bid evaluation and interviews. It was found that the lowest apparent bid submitted by Cal Pacific Construction was non-responsive because certified audiovisual and controls subcontractors were not listed in the bid, as required by Public Contract Code 4104. Staff recommends that the contract be awarded to the next lowest responsible and responsive bidder, E.F. Brett & Company, Inc., in the amount of \$2,377,704. This resolution formally accepts the bid and authorizes the contract award to E.F. Brett & Company, Inc. for the Berkeley City College Build-Out Phase 3 (Bid No. 11-12/19). All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

**MOTION** Trustee González Yuen, second Trustee Withrow to approve Agenda Item 32

Woodacre is in Marin County. Trustee Guillén asked if the Oakland firm is a small local business. They did not meet the criteria of being a responsive vendor. We don't know their capacity or size, but a post-bid interview, such as a legal interview, was conducted to see if there was pending litigation. They have demonstrated the financial wherewithal and bonding to complete the work.

**PASSED**

**BOARD MATTERS**

- 33. Consider Approval of Resolution 12/13-5 In Support of Equitable Student Access for All Students **Presenter: Trustee González Yuen**

Consider approval of Resolution 12/13-5 in support of equitable student access for all students. The Chancellor recommends approval.

**MOTION** Trustees González Yuen, Trustee Guillén to approve Agenda Item 33.

Speaker Spencer commented on Agenda Item 33. She shared that the carpentry program is wonderful, but it now has no chair. None of the classes are transferable, and thus they are unable to compete for or go out for grants. She asked for adequate administration to support this program.

Trustee Guillén hopes that some classes will be restored in light of the parcel tax act passage. There will be a forthcoming report on how those funds will be spent.

**PASSED**

### **ANNOUNCEMENTS**

1. The next regular Board meeting will be held on June 26<sup>th</sup> at 7 p.m. at the District offices.
2. The next regular Board meeting will be held on September 11<sup>th</sup> at 7 p.m. here in the District Boardroom. The following Board meeting on September 25<sup>th</sup> will be held on the road in Berkeley. The Board will be on recess during the month of August.
3. The Board offers congratulations to:
  - a. Trustee Guillén for being named “Elected Official of the Year by Oakland Rising, a local non-profit organization.
  - b. Merritt's Coach Maurice Compton who was Elected to California Community College Track and Field Hall of Fame. Coach Compton has worked at Merritt.

## **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 8<sup>th</sup> Street, Oakland, CA, (510) 466-7203, [repstein@peralta.edu](mailto:repstein@peralta.edu) at least 48 hours prior to the meeting.