



PERALTA COMMUNITY COLLEGE DISTRICT

REGULAR MEETING OF THE BOARD OF TRUSTEES

Tuesday, April 9, 2013

5:00 p.m. Closed Session

7:00 p.m. Public Session

333 East 8th Street
Oakland, CA 94606

Welcome to a meeting of the Peralta Community College District Board of Trustees. Meetings of the Peralta Community College District Governing Board are Broadcast Live on Peralta TV – Cable Channel 27 – Alameda and Berkeley, Cable Channel 28 – Oakland, Emeryville, and Piedmont. Listed agenda times are estimates. Live stream video of the meetings, agendas, minutes, and all open session reports and meeting materials are available for viewing on Granicus:

Link on the Peralta Board Website: <http://web.peralta.edu/trustees/meetings-votelog/>

Per CA Government Code 54953(b)(1),
Trustee Nicky González Yuen will be participating in the meeting
via teleconference location Eden, Pego Amarelo,
Ribeira de Gafa, East Algarve, Portugal, 8900-055.

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

AGENDA

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

CLOSED SESSION (5:00 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)), Vogt v. PCCD, Alameda County Superior Court, Case No. RG11-573757.
- 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 (54956.9(a)), Burk v. PCCD, Alameda County Superior Court Case No. RG12633720.
- Conference with Legal Counsel (54956.9(a)), Chabala v. PCCD; Opong-Mensah, Alameda County Superior Court Case No. RG12655323.
- Conference with Legal Counsel (54956.9(a)), First National Insurance Co. v. PCCD, U.S. District Court, Northern District of CA, Case No. CV12-5943.
- Conference with Legal Counsel (54956.9(a)), Kimberly Alexander v. Peralta Community College District, etc., Case No. RS12657695.
- Conference with Legal Counsel (54956.9(a)), Emmanuel Tril v. Laney College et al., U.S. District Court, Northern District of CA, Case No. C131464 LB
- Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (6 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).

OPEN SESSION (7:00 P.M.)

PLEDGE OF ALLEGIANCE

ROLL CALL Trustees Brown, Pr_ Ab_, González Yuen Pr_ Ab_, Guillén Pr_ Ab_, Handy 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.)

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. The Board will move to the Action Calendar items with public speakers.

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

1. Consider Approval of the Regular Board meeting Minutes of March 26, 2013.
Consider approval of the regular Board meeting minutes of March 26, 2013. The minutes are posted on Granicus.

PUBLIC COMMUNICATION (7:05 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.)

PUBLIC HEARING (7:20 P.M.)

2. Sunshining of Initial Proposal for Contract Re-Openers for SEIU Local 1021 to Peralta Community College District **Presenter: Vice Chancellor Largent**

Pursuant to Government Code 3547 (a), the public shall have an opportunity to comment upon the Service Employees International Union (SEIU) Local 1021's notice for Permanent and Hourly Employees, received at the March 26, 2013 Board meeting for the purpose of public notice, for re-openers for Articles IX (Pay and Allowance), X (Health and Welfare, and XIX (Reopeners) as well as three non-economic re-openers, for the Successor Agreement dated July 1, 2012 - June 30, 2015. The initial proposal suggested that if any represented/unrepresented employee group/and or other bargaining unit receive a wage increase, Peralta Community College District agrees to increase the salary schedule for SEIU Local 1021 members. All Board recommended

contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends the adoption of the Service Employees International Union (SEIU) Local 1021's initial proposal.

3. Sunshining of Contract Reopeners for Negotiations for Peralta Community College District to the Service Employees International Union Local (SEIU) 1021

Presenter: Vice Chancellor Largent

Pursuant to Government Code 3547 (a), the public shall have an opportunity to comment upon the District's notice of its contract reopeners with the Service Employees International Union Local (SEIU) 1021. This item, received at the March 26, 2013 Board meeting, introduced the re-opening proposals for the 2012-2015 Successor Agreement on Articles 5 (Employee Evaluations) and Article 21 (Grievance Procedures) to the Service Employees International Union Local (SEIU) 1021 for the purpose of public notice. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends the adoption of the District's initial proposal.

REPORTS (7:30 P.M.)

The Board requests that constituent group reports and presentations 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.

4. 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.)

5. Chancellor's Reports

Chancellor's Report

Dr. José M. Ortiz

Vice Chancellor's Reports

Budget Update

Vice Chancellor Gerhard

Enrollment and

Interim Vice Chancellor Orkin

Student Services Update

General Services Update

Vice Chancellor Ikharo

Human Resources

Vice Chancellor Largent

College Reports

Berkeley City College

President Budd

College of Alameda

President Jackson

- Intent to Apply for Deputy Navigator Sector Grant

Laney College

President Webb

Merritt College

President Ambriz-Galaviz

6. Board of Trustees' Reports

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.

7. District Academic Senate Report **Presenter: DAS President Karolyn van Putten**

PRESENTATIONS (8:00 P.M.)

8. Presentation on Open Educational Resources (OER) and Reducing Student Textbook Costs **Presenters: Interim Vice Chancellor Orkin and Fabian Banga, Ph.D.** (30 minutes)

This presentation will review Open Education Resources (OER) initiatives in California: S.B.1052 California OER Council and SB-1053 Public postsecondary education: California Digital Open Source Library

CONSENT CALENDAR (8:30 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.

BOARD MATTERS

9. Consider Approval of Resolution 12/13-27 supporting Oakland Vegetarian Week
Presenter: President Guillén

Consider approval of Resolution 12/13-27 supporting Oakland Vegetarian Week. The Chancellor recommends approval.

EDUCATIONAL AND STUDENT SERVICES

10. Consider an Amendment Regarding Continued Probationary Status of Tenure Track Faculty **Presenter: Interim Vice Chancellor Orkin**

Consider an amendment regarding continued probationary status of Tenure Track Faculty. Six faculty members were inadvertently omitted from the agenda item on March 12. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

11. Consider Approval of a Contract with LifeLong Medical Care for Mental Health Services at Merritt College **Presenter: Interim Vice Chancellor Orkin**

Consider approval of a contract with LifeLong Medical Care for mental health services at Merritt College not to exceed \$50,000 per year for one year. In the original contract with Asian Health Services, AHS was responsible for sub-contracting with community agencies to meet all service needs. **Funding Source: Student Health Fees.** The original contract changed as of July 1, 2012. Peralta will now provide the subcontracting for certain health services, including mental health services at specific campuses. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

FINANCIAL SERVICES

12. Review of Purchase Order Report **Presenter: Vice Chancellor Gerhard**

The Purchase Order Report is being presented for review in accordance with Education Code Section 81656 which states, "All transactions entered into by the officer or employee (designated employees enumerated in AP 6330) shall be reviewed by the governing board every 60 days." This Purchase Order Report contains all orders issued from March 9, 2013 through March 18, 2013 which have been issued in accordance with applicable policies, procedures and laws by an authorized officer of the District. The Purchase Order Report is brought to the Board for informational purposes only.

13. 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 from March 9, 2013 through March 18, 2013. Recent AP, Travel and Consulting Contract warrant registers are brought to the Board for *ratification* purposes only. The Chancellor recommends *ratification*.

14. Consider Approval of Budget Transfer Report **Presenter: Vice Chancellor Gerhard**

Consider approval of budget transfer report covering the period from March 9, 2013 through March 18, 2013. California Code of Regulations Section 58307 limits the District's expenditures to the amount appropriated for each major expenditure classification as approved by the Board of Trustees through the adoption of the District's annual budget or as amended by subsequent budget transfers or revisions. Due to this statutory control language, budget transfers that move budget authority between major object codes or classifications must be approved by the Board of Trustees. The budget transfers presented are requests originating from the Colleges' or District's departments during the ordinary course of operations and do not significantly alter the final budget that was approved by the Board of Trustees on September 11, 2012. The Chancellor recommends approval.

HUMAN RESOURCES

15. 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. The Chancellor recommends approval.

Last Name	First Name	Date of Hire	End Date	Position Title	Site
Bryant	Marguerite	4/15/13	6/28/13	Clerical Assistant I	D
Crumpton	Pamela	4/10/13	6/28/13	Inst Asst/Computer Info Sys	L
Dalton	Stephanie	4/10/13	6/28/13	Facilities Services Spec.	L
Huynh	Duy-hoa	4/10/13	5/31/13	Inst Asst I/DSPS	A
Ingle	Harris	4/10/13	6/28/13	Staff Asst/Admin	M
LaBadessa	Nino	4/10/13	6/28/13	Principal Clerk	D
Scott	Gareth	4/10/13	6/28/13	Library Technician I	B
Seraphin	Raymond	4/10/13	6/28/13	Inst Asst/English	B

FACILITIES

16. Consider Approval to Enter into a Contract for Architectural Design Services with Gould-Evans for the District-wide Track and Field Replacement Project **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into a contract with Gould-Evans for architectural design services for the District-wide Track and Field Replacement Project, not-to-exceed \$100,000. **Funding Source: Measure E Bond Funds.** Architectural services are needed to replace the tracks at College of Alameda and Merritt Colleges, and replace the track and football field at Laney College. On April 2, 2013, Gould-Evans submitted a firm fee proposal to the District. Gould-Evans will serve as the architect of record and also act as the prime for project coordination. Also under this agreement, Lloyd Civil & Sports will provide civil engineering and sports field consultation.

The following are reasons why this service is important:

- The replacement of the tracks and fields is a high priority issue for the District that addresses health and safety needs while mitigating potential injury to any athletes that may use the existing facilities.
- Mondo Tracks, the District's previous track and field service provider, utilized an active chemical agent that accelerated the deterioration of the tracks and fields before its anticipated lifecycle and lost its estimated useful life.

As shown below, four (4) architectural firms submitted a proposal for this project. The District interviewed and evaluated each architectural firm based on the following

District’s evaluative criteria: 1) qualifications and experience, 2) client references, 3) price on the service, 4) submittal requirements for product recommendation, 5) environmentally sustainable procurement, and 6) Small Local Business Enterprise (SLBE) qualification. Based on this assessment, Gould-Evans received the highest points of 265 on their interview. Additionally Gould-Evans provided the lowest total cost fee for these services, in the not-to-exceed amount of \$100,000, if awarded all three campuses.

Firm	Price	Evaluation Committee			
		1	2	3	Total
Gould-Evans	\$100,000	94	82	89	265
Byrens-Kim	\$201,819	91	72	82	245
Murakami-Nelson	\$173,200	89	57	79	225
Gelfand Partners	\$180,260	73	38	75	186

Pursuant to the Public Contract Code (PCC), the District can award this contract to the lowest responsible bidder whose proposal is determined to be the best value to the District based solely on the criteria set forth in the request for proposal. The anticipated completion date for all projects is September 30, 2013. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

- 17. Consider Approval to Expand the Existing Contract with Preston Pipelines for their Emergency Performance over the March 29 – 31, 2013 Weekend, Upgrading the Plumbing Infrastructure at the College of Alameda **Presenter: Vice Chancellor Ikharo**

Approval is requested to replace the existing contract with Preston Pipelines to upgrade the mechanical plumbing infrastructure piping in the vicinity of the (COA) Library from an amount of \$14,999 to an amount of \$27,522.79. **Funding Source: Measure A Bond Funds.** The College of Alameda has been losing water at approximately \$2,500 per month this year through a leak outside the Library, which has been extremely difficult to pinpoint. Three companies have tried to locate the leak, unsuccessfully. Locating the leak had been unsuccessful since in the vicinity of the leak, the drawings showed that three (3) large 4 – 6 inch water lines overlapped under the pavement of the Campus Loop Road closest to Atlantic Avenue. Finally on Thursday, March 28, 2013, Subdynamic, Inc. using a sophisticated underground apparatus, while filling each pipe line independently with compressed air, was able to pinpoint the line of the break and its specific location. With this information, Preston Pipelines was able to give us a not-to-exceed (NTE) estimate of \$14,999 for its repair with the caveat that the required repair was understood as being “minor” and that “additional funds might be necessary arising from a change in the condition in the field or the addition of scope.” This original contract was approved by the Chancellor on Thursday, March 28, 2013.

Emergency work continued over the weekend with unforeseeable, complicated circumstances. Preston Pipelines' work needed to continue so that the college would have domestic and fire water to each campus building when classes resumed on April 1st with successful resolution and added expenses of \$12,523.79. The work was successfully completed on April 1, 2013. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

18. Consider Approval to enter into a contract with Terraphase Engineers to Provide Topographic, Utility, and Geotechnical Surveys for the Laney College Building Efficiency for a Sustainable Tomorrow (B.E.S.T.) **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into a contract with Terraphase Engineers to provide topographic, utility, and geotechnical surveys for the Laney College Building Efficiency for a Sustainable Tomorrow (B.E.S.T.) Center, for a not-to-exceed fee of \$35,500. **Funding Source: Measure A Bond Funds.** A formal Request for Information (RFI) was advertised in a publication of general circulation on February 6 & 13, 2013. On February 26, 2013, the Purchasing Department received four (4) proposals from qualified firms that had licensed professionals to conduct environmental/geotechnical, topographical and utility surveys for the Laney College Building Efficiency for a Sustainable Tomorrow also known as the BEST Center.

A selection committee was formed comprising of representatives from the District and an observer from the Purchasing Department. As shown below, four (4) engineering firms submitted proposals and fees for this project. During the interview process, each engineering firm was evaluated by three evaluators and they provided points on their performance. Each engineering firm's performance was evaluated based on the following District's evaluative criteria: 1) qualifications and experience, 2) client references, 3) price on the service, 4) submittal requirements for product recommendation, 5) environmentally sustainable procurement, and 6) Small Local Business Enterprise (SLBE) qualification. Based on this assessment, Terraphase Engineers received the highest points of 293 on their interview. Additionally they provided the lowest total cost fee for the requested service, for a not-to-exceed amount of \$35,500 to provide engineering services for the B.E.S.T. Center.

Firms	Location	Price	Evaluation Committee			
			1	2	3	Total Points
Terraphase Engineers	Oakland, CA	\$35,500	98	100	95	293
BKF/Cornerstone Engineers/Surveyors/Planners	Oakland, CA	\$128,875	84	60	70	214
SANDIS Civil Engineers, Surveyors, and Planners	Oakland, CA	\$47,550	68	70	70	208
Geosphere Consultants Inc.	San Ramon, CA	\$82,700	91	73	83	247

Under this contract, Terraphase Engineers will produce for the District a Phase 1 Environmental Site Assessment (ESA) report to identify noticeable environmental conditions (RECs) of the project site. The Phase 1 ESA will be performed in general accordance with the American Society for Testing and Materials (ASTM) standard practice E 1527-05 and the U.S. Environmental Protection Agency (EPA) applicable inquiry standard effective November 6, 2006.

Additionally Terraphase Engineering environmental scope of services will include but is not limited to the following:

- Update the existing Geologic Hazards Assessment for Laney College. The final report will satisfy each applicable requirements of Note 48 of the California Geological Survey.
- Evaluate the presence of hazardous substances and/or petroleum products on the project site or near the site.
- Review of background information on site setting and history of site usage (e.g., topography, site drainage, local soil and geologic characteristics, groundwater and surface water sources, water and wastewater utilities, and land use.
- Complete reconnaissance-level site visit and visual observation of neighboring properties
- Review of regulatory records concerning the site and surrounding area
- Evaluate data and prepare the final report.
- Work with sub-consultant, Kister, Savio & Rei, Inc. to perform and complete the topographic survey.
- Provide a utility survey that will identify sub-surface utilities at future location of the BEST center.

The anticipated completion date for the Laney College Surveys for the BEST Center is May 30, 2013. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

ACTION CALENDAR ITEMS

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 move to the Action Calendar items with public speakers, and Board-sponsored Resolutions. The Board will hear public comments prior to taking any action on these items.

ANNOUNCEMENTS

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.