



## PERALTA COMMUNITY COLLEGE DISTRICT

### REGULAR MEETING OF THE BOARD OF TRUSTEES

Tuesday, March 26, 2013

5:00 p.m. Closed Session

7:00 p.m. Public Session

333 East 8<sup>th</sup> 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/>

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

### MINUTES

**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, 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.

**MOTION Trustees Guillén, Riley**

Item 19 also includes permanent employees.  
Item 6 is removed from the agenda.

## **APPROVED**

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

1. Consider Approval of the Regular Board meeting Minutes of March 12, 2013.  
Consider approval of the regular Board meeting minutes of March 12, 2013. The minutes are posted on Granicus.

### **MOTION Trustees Withdraw, Riley APPROVED**

### **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.)

Speaker Kisshauer and Garcia, Interim Director of the Foundation, distributed details on their golf fundraising tournament scheduled for July 22<sup>nd</sup> at the Sequoyah Country Club, with current sponsorships listed. The Board and public are asked to assist to find other sponsors and to support our student scholarship programs.

Speaker Blake asked the Board to look at data on manpower and classified support staff. The data is helpful for us to plan for future classified hirings. The State Chancellor's office data trends were also reviewed. He asked for the Board to review how the data impacts our students with their transfer and completion rates, and how we're serving our students.

### **REPORTS (7:20 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.**

## 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.)

None.

## 3. 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

The Chancellor shared that we've been working on our progress reports to the Accreditation Commission, and that we'll be having a site visit next week. We will then hear from them in July after their June meeting. The Chancellor will send the team member list to the Board. He is very optimistic as we proceed.

An actuarial report update was given by Vice Chancellor Gerhard. Our liability is \$182.7M liability which is down 17% from the 2010 actuarial report. Three negotiated Collective Bargaining Agreements and the restructuring of our health benefits have significantly reduced our costs. The overall head count of participating retirees has declined 10%. There were also changes in assumptions used by the actuarial firm, a new discount factor of 6.75%, changes in medical trends, and the annual percentage increase used a constant and not a fluctuating rate. This report went before the Retirement Board and Planning and Budget Counsel. It will now move forward to change our long-term funding structure to fully fund this liability in our trust.

Trustee Withrow commented that it's a very positive report, and much credit goes to our Vice Chancellor of Finance and his team. Trustee Guillén asked why the discount rate changed, and why we're not using the same company, as he feels it's hard to compare the methodology. The discount rate was an anticipated change in our return-on-investment in the trust. In the past it was 7%, similar to the CalPers discount factor funding model. The previous firm had been retained since 2005. The current principle has conducted many OPEB funded actuarial reports, so offers us greater knowledge in this unique area. Trustee Guillén asked about the different funding models of either pay-as-you-go compared to a revocable trust model. Our assets are \$186M. In the last year, we received a 14% rate of return. Pay-as-you-go funding in the trust fully funds the liability, and excess funds can help the District with the related debt service. The payment is over 22 years for our current retirees. The trust is a long-term pot of funds, and the pay-as-you-go model addresses the current available funds.

College Reports

Berkeley City College	President Budd
College of Alameda	President Jackson
Laney College	President Webb
Merritt College	President Ambriz-Galaviz

4. 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.

Trustee Brown congratulated Laney College for their culinary competition bronze medal award. Trustee Guillén read a quote he came across reminding everyone to keep students first in our minds in our work. Trustee González Yuen shared that the California Federation of Teacher's convention issued a resolution supporting CalSTRS and CalPERS divestment from carbon stock funds, and he congratulated them. He'll be calling-in to the next two meetings as he'll be on sabbatical and out of the country.

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

None.

6. Study Session on Proposed Board Policy **Presenter: Chancellor Ortiz**  
(10 minutes)

The Board will conduct a study session on the Board Policy and Administrative Procedure Project. The following policy is presented for review, and will return to a future Board meeting for adoption:

- BP 7370 Political Activity (amended)

(This item was later pulled off of the agenda.)

## **PRESENTATIONS (7:50 P.M.)**

7. Update on the IT Strategy Implementation **Presenter: Calvin B. Madlock, Associate Vice Chancellor (AVC), Information Technology** (20 minutes)

Trustee Brown asked about the implementation of multiple months of IT projects, how they be rolled out, and how long it will take for switch over to occur. She asked if there will be more financial aid issued and ease of inputting grades using an easier, more efficient process over time. People, process, and technology all need to be considered moving forward. IT first had to help to get oversight over the old legacy system. AVC Madlock would like to give quarterly updates to the Board as the plan is implemented over the next few years. The Chancellor shared that the educational and facility master plan updates will occur next year, and IT will be part of that review, looking at the existing IT strategy. Trustee Handy asked about the Hicks consultant group that has been running our legacy financial aid system, and IT has oversight of that project. Trustee Guillén asked about the hiring needs for programmers and classified staff. The

recently-filled management positions were for those who had retired or resigned. Two programmers are listed in the plan as software analysts. More staff will be needed as the financial aid system evolves. Trustee Guillén appreciates hearing that AVC Madlock is responsible and accountable for IT matters. Trustee González Yuen liked the presentation format to be able to see the progress made tied to a budget. He asked IT to look ahead 20 years into the future to ensure that we have program compatibility and can open currently stored document as current programs as replaced. A future plan is to also scan many older documents into a storage area within People Soft. It was also suggested that IT facilitate more educational support with online resources for students and in the classroom to facilitate learning, since faculty learning is also an emphasis. Trustee González Yuen suggested more training for faculty to keep pace with the learning needs of students and website management. A future technology trainer could assist with such projects and smart classroom training. Student Trustee Clegg is thankful as she hasn't heard any student complaints about Passport crashing or closing down. Trustee Gulassa shared that faculty members on the shared governance committees will also have helpful input into the plan.

## **CONSENT CALENDAR (8:10 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 Trustees Guillén, Yuen to approve the Consent Calendar, including agenda items 8 – 19, as amended, 20 – 25.**

**APPROVED**

## **BOARD MATTERS**

8. Consider Approval of Resolution 12/13-26, Excusing Trustee Absence  
**Presenter: Trustee Gulassa**

It is recommended that Trustees approve Resolution 12/13-26, excusing Trustee Handy from the January 22, 2013 Board meeting due to illness. The Chancellor recommends approval.

## **EDUCATIONAL AND STUDENT SERVICES**

9. Consider Approval of Independent Contractor Agreement Extension for Dania Beesley dba EcoVision to Render Services for Laney College's Carpentry Department, National Science Foundation BEST Center, and the CTE Career Day **Presenter: Interim Vice Chancellor Orkin**

Requesting Board action on independent contractor agreement extension for Dania Beesley dba EcoVision in the amount of \$10,000 in support of Laney College's Carpentry Department, NSF BEST Center, and CTE Career Day. **Funding Sources: Perkins, NSF, and SB 70.** The initial contract amounts totaled \$24,750. Increasing the contract amount by \$10,000 brings the total contract amount for the fiscal year to \$34,750. This contract is part of fulfillment of state and federal grant. Mr. Beesley will provide services as identified in and as part of the Peralta District/Laney College Perkins award, NSF Center award, and SB70 award. The scope of work for Mr. Beesley provides logistical support and support for several website projects. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

10. Consider Approval of Course and Program Additions, Deactivations and Changes **Presenter: Interim Vice Chancellor Orkin**

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 – March 2013" contains course and program additions, changes and deactivations as approved by the colleges' curriculum committees and CIPD. The Chancellor recommends approval.

11. Consider Approval of a Contract Agreement Extension for Tomoko Roudebush, TKO Consulting, the Asian American Native American Pacific Islander Serving Institution (AANAPISI) Grant Program, Laney College **Presenter: Interim Vice Chancellor Orkin**

Consider approval of a contract agreement extension for Tomoko Roudebush, TKO Consulting, for the Asian American Native American Pacific Islander Serving Institution (AANAPISI) Grant Program, Laney College not to exceed an additional \$39,000. **Funding Source: Federal grant funds from the Department of Education AANAPISI Program.** The original contract amount was \$25,000. Increasing the contract amount by \$39,000 brings the total contract amount for the fiscal year to \$64,000. The proposed contract extension will allow the Laney College AANAPISI Grant Program a successful completion of deliverables for the third project year. Timely completion of all existing federal grant deliveries and reporting is critical. Tomoko Roudebush-TKO Consulting's scope of work addresses the objectives of the AANAPISI program grant objectives, including reporting, outreach, assessment, enrolling, training and education for student success tracking and retention outcomes. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

12. Consider Approval of a Contract Agreement Extension for Linda Dowden, Dowden and Associates, Inc. for Asian American Native American Pacific

Islander Serving Institution (AANAPISI) Grant Program, Laney College

**Presenter: Interim Vice Chancellor Orkin**

Consider Board approval of a contract agreement extension for Linda Dowden, Dowden Associates not to exceed an additional \$10,000 for Laney College's Asian American Native American Pacific Islander Serving Institution AANAPISI Grant Program.

**Funding Source: Federal grant funds from the Department of Education AANAPISI Program.**

The original contract amount was \$20,000. Increasing the contract amount by \$10,000 brings the total contract amount for the fiscal year to \$30,000. The proposed contract extension will allow the Laney College AANAPISI Grant Program a successful completion of deliverables for the third project year. Timely completion of all existing federal grant deliveries and reporting is critical. Linda Dowden, Dowden Associates, Inc.'s scope of work addresses the objectives of the AANAPISI program grant objectives for evaluations on student outcomes and federal reporting. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

## FINANCIAL SERVICES

13. 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 February 23, 2013 through March 8, 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.

14. 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 February 23, 2013 through March 8, 2013. Recent AP, Travel and Consulting Contract warrant registers are brought to the Board for *ratification* purposes only. The Chancellor recommends *ratification*.

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

Consider approval of budget transfer report covering the period from February 23, 2013 through March 8, 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.

16. Consider Acceptance of the ACCJC Special Report **Presenter: Vice Chancellor Gerhard**

Consider Acceptance of the ACCJC Special Report. This Special Report will be submitted to the ACCJC/WASC in response to the February 5, 2013 ACCJC letter requesting an update to the Commission on the current status of the resolution of audit findings and district plans for funding of Other Post-Employment Benefits (OPEB) obligations. This report provides the current status on the resolution to these financial concerns. This Special Report has been reviewed by the Chancellor, the four college Presidents, and the Planning and Budgeting Council (shared governance). The Chancellor recommends acceptance.

17. Receive and File Updated Actuarial Report Prepared by Total Compensation Systems, Inc. **Presenter: Vice Chancellor Gerhard**

Actuarial Study for Retiree Health Benefits and Liabilities

Receive and file the updated actuarial report prepared by Total Compensation Systems, Inc. Governmental Accounting Standards Board issued Accounting Standard 45 that requires public agencies to accrue the cost of retiree health benefits provided to employees and to record this liability on their financial statements. To this end, the District commissioned Total Compensation Systems, Inc. to conduct an actuarial study for the period ending June 30, 2013 that provides the liability valuation through the fiscal year. The Actuarial Accrued Liability for the fiscal year ending June 30, 2013 is projected to be \$182,776,103. This new report and actuarial liability reflects a reduction of 17% compared to the previous 2010 actuarial accrued liability of \$221 million. The Chancellor recommends receipt.

## HUMAN RESOURCES

18. 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.

<b>Last Name</b>	<b>First Name</b>	<b>Date of Hire</b>	<b>End Date</b>	<b>Position Title</b>	<b>Site</b>
Hayes	Neshawn	4/1/13	6/30/13	Staff Asst/Admin (Grants)	M

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

In accordance with the Collective Bargaining Agreement for Hourly Employees between the Peralta Community College District and Service Employees International Union (SEIU), Local 1021, SEIU Local 1021 hereby makes official 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 agreement dated July 1, 2012 - June 30, 2015. The initial proposal suggests 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. Pursuant to Government code Section 3547, public comments on such proposal shall be received at the next regular Board meeting on April 9, 2013. (It was announced under approval of the agenda that this item also includes permanent employees.)

20. Sunshining of Contract Reopeners for Negotiations for the District to the Service Employees International Union Local (SEIU) 1021 **Presenter: Vice Chancellor Largent**

Pursuant to Educational Employment Relations Act, Section 3547, the District hereby gives public notice of its contract reopeners with the Service Employees International Union Local (SEIU) 1021. This item will introduce the reopening 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 (sunshining). Pursuant to Government code Section 3547, public comments on such proposal shall be received at the next regular Board meeting on April 9, 2013.

## **FACILITIES**

21. Consider Approval of Resolution No. 12/13-25, Acceptance of Completed Work and Release of Retention for the District-Wide Drinking Fountain Project (Bid No. 11-12/24), JUV Inc. **Presenter: Vice Chancellor Ikharo**

Approval is requested for Resolution No. 12/13-25 for completed work and release of retention for the District-Wide Drinking Fountain Project (Bid No. 11-12/24). **Funding Source: Measure E & A Bond Funds.** On September 11, 2012, the Board of Trustees approved Bid No. 11-12/24, awarding a contract to JUV, Inc. for the District-Wide Drinking Fountain Project. The final completion date was on February 14, 2013 for the entire project. A Notice of Completion (NOC) has been filed with the County of Alameda, and project acceptance is recommended. This resolution accepts the project as complete and provides a retention payment of \$45,396.10, which is 10% of the contract price. There were no change orders on this project as the contract was implemented on time and budget. The sustainability benefit of this project other than providing fresh portable water is that an estimated total of 66,517 water bottles were

saved at both Berkeley City College (3,712 bottles) and Laney College (62,805 bottles), since the completion of this project.

This project required replacing 36 existing drinking fountains on four (4) campuses: Berkeley City College, Laney College, College of Alameda, and Merritt College. The District's standard of Haws high and low drinking fountains and the EL Kay Bi-Level drinking fountains with bottle filling stations that meet American with Disability Act (ADA) standards were used. The scope of work included the installation of sixteen (16) exterior and replacement of twenty (20) drinking fountains in new or existing locations. Stainless steel ADA compliant hand rails, extended plumbing and electrical utilities were installed at each location. Other completed construction work on this project included the following:

- Remove and dispose of existing drinking fountain fixtures
- Modify piping and install new ADA compliant drinking fountains with bottle fillers
- Modify existing, or extend from existing nearest available source as required to provide power to drinking fountains
- Provide structural backing and modification to existing wall framing to support

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

22. Consider Approval to Enter into an Agreement for Architectural Services with Noll Tam Architects and Planners (Noll & Tam) to Investigate the Deterioration of the Laney College Breezeways **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into an Agreement with Noll & Tam Architects and Planners (Noll & Tam) to investigate the Deterioration of the Laney College Breezeways for the amount of \$16,500.00. **Funding Source: Measure A Bond Funds.** Under this agreement, Noll & Tam will assemble a team of engineers to investigate the existing drainage problem which has created dangerous depressions in the pathways and severally uneven walkways with dangerous tripping hazards. This initial investigation is needed to determine the level of deterioration to the drainage system and associated infrastructure systems, and prioritize the severity of repairs at each location. This information will be compiled and submitted in a report immediately.

The Laney College drainage and associated infrastructure systems located in the walkways have not received a thorough upgrade. The District has only made periodic and needed patch repairs since the college opened over forty years ago resulting from the continuous sinking of the pavements and walkway, and movements of the tectonic plates (San Andres and Hayward Faults). Noll & Tam's team of consults includes Terraphase Engineering (Geotechnical Engineers), CSW/Stuber-Stroeh Engineering Group, Inc. (civil engineers), and Dan Bartlett (cost estimator) to provide the following scope of work:

- Reviewing existing "as built" documentation about existing conditions
- Attending site walk with the project team to review existing conditions

- Meeting with the project team to discuss issues affecting the areas in questions, and discussing preliminary ideas for repairs or replacement of drains and paving in these areas.
- Preparing a brief memorandum containing their observations, probable causes of problems affecting the paving and drains, and conceptual recommendations for correcting these problems
- Preparing a construction cost estimate for the proposed repairs and multiple options for the District

Noll Tam was selected from the previously Board approved short list of architectural firms and has provided architectural services and completed many successful projects for the District. This item is coming to the Board of Trustees for approval as the architect has exceeded the bid threshold for other projects on contract. Each college presented a list of needed repairs and small projects at the District-wide PBIM Meeting. Prior to the PBIM meeting, each college was fully vetted by their college counsels. The anticipated completion date is May 1, 2013. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

23. Consider Approval to Enter into an Agreement for Architectural Design Services with WLC Architects Inc. (WLC) for three short term Projects that are located at College of Alameda, Laney College and Merritt College **Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into an Agreement with WLC Architects Inc. (WLC) for the following three short term Projects for \$85,000:

1. Re-Design of Room A-152 at Laney College.
2. College of Alameda (COA) Soccer Field Restroom Upgrade.
3. Track and Field Scoreboard Upgrade at Merritt College.

**Funding Source: Measure A Bond Funds.** Under this Agreement WLC Architects will meet with the college leadership from Laney College, College of Alameda and Merritt College to provide feasibility analysis, project programming, and conceptual design services for each of the short term projects at each campus. The distribution of WLC's fee for all three projects that totals \$85,000 is allocated as follows:

<b>Professional Services</b>	<b>WLC Fees</b>
Laney College: Space A152 Re-Design	\$24,000.00
College of Alameda: Restroom Upgrades at Soccer Field	\$49,000.00
Merritt College: Scoreboard Upgrade	\$12,000.00
<b>TOTAL</b>	<b>\$85,000.00</b>

Regarding Re-Design of Room A-152 at Laney College, the college leadership has requested a redesign of Room A-152 to include three (3) individual classrooms to better serve students needs and accommodate courses. At College of Alameda, the Soccer Field restrooms initially received minimal modifications in order to comply with Americans

with Disability Act (ADA) requirements enforced for compliance during that time. Significant time has passed since then, new ADA upgrades are needed and noticeable deterioration had occurred at the facility. The college leadership has requested that improvements and upgrades be made to the existing Soccer Field Restroom facility. Improvements and upgrades will be and must be done in order to meet the current ADA standards. The existing scoreboard located at Merritt College Track and Field has failed. Without a fully operable scoreboard, the use of the facility is greatly limited. The college leadership has determined that a fully operating scoreboard is a priority and has included this item on their short term project list. The anticipated completion date for all three (3) projects is September 30, 2013. This item is coming to the Board of Trustees for approval as the architect has exceeded the bid threshold for other projects on contract. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

24. Consider Approval to Enter into a Contract with Applied Power Systems (APS) to perform an Electrical Infrastructure Upgrade at Merritt College for two (2) projects  
**Presenter: Vice Chancellor Ikharo**

Approval is requested to enter into a Contract with Applied Power Systems (APS) to perform Electrical Infrastructure Upgrade at Merritt College for the following two (2) projects, in the amount not-to-exceed \$85,456.

- 1) Required items within Substation 'C'
- 2) Required items in the main 13 kilovolt (kV) switchgear

**Funding Source: Measure A Bond Funds.** Both Substation C's and the main 13 kV switchgear's material conditions were assessed and tested on March 8, 2013 by APS after a) a crackling noise was heard within the substation on March 1, 2013 indicative of failed insulation; and, b) PG&E advised the District then of a compromised situation on the equipment at their Point of Entry (POE) which would require shutting down the entire campus. The testing of both problems by APS indicated a) significant insulation degradation within each of these substation's equipment lines, particularly in their high voltage switches; and item b) the determination was that large amounts of rust and moisture were evident in this POE switchgear potentially leaking to arcing. All the work can only be done through electrical shutdowns accomplished over the Spring Break, last week of March, 2013. **APS scope of work for Substation C includes the following:**

- Install a liquid temperature gauge on transformer C
- Install the pressure gauges of (4) transformers located in Substation C
- Install Shrader valves on four (4) transformers located in Substation C
- Install a bonding jumper on transformers C and D
- Install eight (8) medium voltage cable connections between the 12 kV switches and the oil-filled transformers
- Install eight (8) shrink kits for medium voltage cable terminations
- Install arc shields with fiber reinforced panels within each 12 kV switch enclosure.
- Install eleven (11) heat strips within each of the four (4) 12kV switch enclosures and each of the (4) distribution switchboards

- Install line stats and heat strips within four (4) 12kV switch enclosures, and four (4) immediate downstream distribution switchboards
- Install eleven (11) Line stats (thermostats) for temperature regulation
- Pull needed 120 Volt power to feed each line stat and heat strip. Utilize the existing panel (C1) for the 120V source. Workmanship to include galvanized conduit, wire, fittings, connectors, and penetrations needed in order to accomplish the scope
- Install 12kV fuse - single fuse per phase on switch "A" & "B." Switches "C" & "D" require two fuses per phase, for a total of eighteen (18) 14.4 kV rated fuses, applied voltage at 12.47kV.
- Address and reconcile code violations noted in Panels "C" and "C1" that pose an immediate safety hazard and/or business interruption possibility; and items noted during March 15, 2013 site observations, and provided to the District on March 16, 2013
- Test circuit breakers of thirty (30) molded case circuit breakers within the distribution switchboards
- Provide complete transformer testing on four (4) oil transformers at Substation C. Testing to include insulation resistance, winding resistance, turns test ratio and polarity test, and contact resistance. APS will also measure the dielectric absorption rate and polarization index.
- Provide temporary generator for testing

**APS scope of work for the Point of Entry 12 kV Switchgear includes the following:**

- Test the main switchgear and protective elements
- Install two (2) heat strips, line thermostat, and 5kV potential transformer (12kV:120/240V) in order to derive power from the bus bar
- Update associated hardware, wire, and fuse block protection

Pursuant to the Public Contract Code (PCC) Section 20654, unanimous Board approval is necessary because the project cost exceeds the contract threshold of \$15,000. The anticipated completion date is before June 30, 2013, but expected to be completed over Spring Break on Friday March 29, 2013. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

25. Consider Approval of Amendment No. 1 to the Agreement with Salas O'Brien for Engineering Design Services for Merritt College Chiller Plant Project **Presenter: Vice Chancellor Ikharo**

Approval is requested for Amendment No. 1 to the agreement for engineering services with Salas O'Brien for Engineering Design Services for Merritt College Chiller Plant Project, in the amount of \$48,000.00. **Funding Source: Measure A Bond Funds.** The following are reasons why additional services are needed from Salas O'Brien for the Merritt College Chiller Plant Project:

- Revisions to the site plan and utility location profiles, manhole relocation (MH-

16), and elimination of manhole (MH-17) to accommodate the final building foot print, of the New Science and Allied Health and Building, planned for construction later this year.

- Additional surveying of existing utilities to facilitate relocation of piping and manholes outside the New Science and Allied Health Building. The existing survey map does not include data of existing utility infrastructures outside the facility.
- Reanalysis of design due to the Division of State Architect's (DSA) required test results. Contract documents specified a soil level compaction that could not be achieved in the field through soil testing. As a result, Salas O'Brien inquired from DSA for another alternative solution to achieve an acceptable soil level compaction. Also, additional analysis is needed on the low concrete strength poured in the trench to stabilize the underground utility lines. The low concrete strength did not meet the design requirements as specified in the construction drawing and specification.
- The original contract called for an overlapping of construction schedules with the Merritt College Electrical Connections for Building L at Merritt College. Salas O'Brien also performed Engineering Design Service for the District. Utilizing this vendor's engineering services for both Electrical and Chiller Plant Projects will lead to savings for the District.

Under this Amendment No. 1, Salas O'Brien will make revisions to the construction drawings because the location of the New Science and Allied Health Building was shifted from where it was indicated on the bridging documents. On the grading plan, the building is situated over the new chilled water piping. Salas O'Brien's scope of work will include but is not limited the following:

- Investigation of existing conditions, taking measurements and verifying as-built drawings furnished by the District
- Making measured drawings from field investigations
- Revising drawings made based on information from the Science and Allied Health Building Design team
- Providing structural engineering analysis of concrete and geotechnical substrate as required by DSA and testing laboratory.

Pursuant to the Public Contract Code (PCC) Section 20656, Board approval is necessary because the project cost exceeds the contract threshold of \$83,400. The Chancellor recommends approval. The anticipated completion date for this project is June 30, 2014. 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.

26. Consider Approval of the Second Amendment to the Master Agreement between Peralta Community College District and the Peralta Colleges Foundation, an auxiliary to the PCCD **Presenter: Vice Chancellor Gerhard**

Consider approval of the second amendment to the Master Agreement between Peralta CCD and Peralta Colleges Foundation that would augment Peralta CCD's financial support during fiscal year 2012-13 from \$50,000 to \$100,000. **Funding Source: General Fund.** At its September 28, 2010 meeting, the Board of Trustees approved the first amendment to the Master Agreement between Peralta Community College District and Peralta Colleges Foundation. The Master Agreement was first amended in 2010 to reflect staffing and operational changes within the Foundation (transition of Foundation staff from the District to the Foundation with the intent of the Foundation becoming more self-sufficient) and, as a result of these changes, included financial support from the District to assist with this transition. The financial support at that time included \$100,000 per year for fiscal years 2010-11 and 2011-12 and \$50,000 in fiscal year 2012-13. This second amendment would increase the fiscal year 2012-13 financial support of \$50,000 to \$100,000, reflecting an augmentation of \$50,000. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

Speaker Garcia, Interim Director of the Peralta Foundation, gave a review on the agenda item. Their goal is to raise needed scholarship funds for our students. He shared his vision for finding future funding streams. With part of the San Francisco Foundation grant, they also plan to develop and purchase a database and staff for an alumni association director, and to engage alumni in programming, internships, and job placement programs. Other important goals concern grant writing, public relations, and marketing. This year will celebrate the 50<sup>th</sup> year anniversary of the foundation, with plans for the annual golf tournament, Gala dinner, donor fundraising, and appreciation events. Other Foundation grants will be pursued, such as with the Whittier Trust. Students met with recent donors to share their personal stories. The Gates Foundation is another possible connection supporting academic completion programs. Partnerships with the business community will continue to generate funds. Their Board is hard-working and motivated to continue this special partnership.

**MOTION Trustees Guillén, Handy to approve**

Trustee Riley asked for a clarification on the funding amounts. \$50,000 is requested through July 1<sup>st</sup>, 2013, and continued partnerships amounts will be brought back to the Board. The Foundation is confident that they can conduct more fundraising to become self-sufficient into the future. Alumni are a large area that often require a dedicated staff person, since the foundation has so much other work as well. Trustee Guillén suggested coordination between our IT system and any Foundation database. He would also like to ensure that the original master agreement conditions are fulfilled. Trustee Handy is happy to see all of the action and excitement occurring now in the Foundation, and feels that it now benefits the Foundation to again align closer with the District. The Chancellor was thanked for attending the Foundation meetings and is for his support. The Foundation is now responsible for all funding opportunities for both

students and faculty. She thanked the Board for supporting the Foundation for all these many years. Trustee Brown attended a conference with a presentation about Saddleback College Foundation's successes and alumni network. She appreciates the disciplined, well-thought out plan. Trustee Gulassa thanked Foundation President Karen Friedman and their Board for all their hard work, and he looks forward to seeing the master plan as it unfolds.

## **APPROVED**

### **27. Consider Board Vote for the CCCT Board Elections **Presenter: Trustee Gulassa****

Included in Trustee packets for consideration and action is a slate of candidates for the CCCT Board of the Community College League of California, due by April 25, 2013. The Board can vote for up to seven (7) CCCT Board candidates. No cumulative voting is allowed. Votes are recommended for the incumbents.

Incumbents: Cy Gulassa, Peralta CCD, Louise Jaffe, Santa Monica CCD, Isabel Barreras, State Center CCD, Jerry D. Hart, Imperial CCD

Non-incumbents: Dianne B. McKay, Ventura County CCD, Howard Rudd, Sierra Joint CCD, Adrienne Grey, West Valley-Mission CCD, Sally W. Biggin, Redwoods CCD, Greg Bonaccorsi, Ohlone CCD, Susan M. Keith, Citrus CCD, Garrett Yee, Ohlone CCD, Loren Steck, Monterey Peninsula CCD, Brent Hastey, Yuba CCD, Jeffrey Lease, San Jose-Evergreen CCD, Linda S. Wah, Pasadena Area CCD

### **MOTION Trustees Guillén, Yuen to approve**

Trustee Withrow asked why this Board is voting for Trustee Gulassa's competitors. Trustee Gulassa shared that he also highly endorses all of the incumbents.

## **APPROVED**

## **ANNOUNCEMENTS**

1. The next regular Board meeting will be held in two weeks on April 9th here at the District Offices.
2. Peralta will observe Cesar Chavez Day Holiday this Friday, March 29th with closed offices at the District and Colleges.
3. The Board wishes the community a Happy Easter, the Jewish community a happy Passover, and the Iranian community a happy Nowruz, Persian New Year.
4. Happy spring and spring break to our students.
5. Congratulations go to:
  - a. Laney College Culinary Arts' students for receiving a bronze medal in the prestigious Pacific Northwest Regional Chefs Competition;
6. The Board sends sympathy to the family and friends of:

- a. Caroline Chin Yee upon her passing. Caroline was the beloved wife of Gary Yee, former Peralta Vice Chancellor of Educational Services, and Oakland School Board member, and herself a retired principal and educator.
- b. Terry Alderete upon her untimely passing, a tireless champion of the Latino community and the Fruitvale District in Oakland.

The meeting was adjourned in their memories.

## 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.