



BOARD OF TRUSTEES  
OF THE  
PERALTA COMMUNITY COLLEGE DISTRICT  
MINUTES  
NOVEMBER 18, 2014

**CALL TO ORDER (7:13 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)), Williams v. PCCD, Alameda County Superior Court, Case No. HG-14730396.**

**\* 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)), Liao v. PCCD, Alameda County Superior Court Case No. RG14717733**

**\* Conference with Legal Counsel (54956.9(a)), BAP Events LLC v. PCCD, Alameda County Superior Court, Case No. RG14-728878.**

**\* Conference with Legal Counsel (54956.9(a)), Nichols v. PCCD, Alameda County Superior Court, Case No. RG14739161.**

**\* Conference with Legal Counsel (54956.9(a)), Adcock v. PCCD, Alameda County Superior Court, Case No. RG14733487.**

**\* Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (13 cases)**

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

**\* 2118 Milvia Street, Berkeley (District Negotiators: Ikharo and Budd)**

**Public Employee Appointment - Employment, Performance, Evaluation, Discipline, Dismissal, Release - All Employees (Government Code § 54957).**

**\* Recommendation to appoint Dean of Special Programs and Grants, Merritt College.**

**\* Recommendation to appoint Dean of Enrollment Services, College of Alameda.**

**\* Recommendation to extend the appointment of Interim Dean of Academic Pathways and Student Success, College of Alameda.**

**\* Recommendation to appoint Director of Economic and Workforce Development.**

**\* Decision regarding an employee disciplinary matter.**

**Public Employee Appointment - Employment, Performance, Evaluation, Discipline, Dismissal, Release - All Employees (Government Code § 54957).**

**\* Chancellor's Evaluation**

## 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 Oliver Pr\_ Ab\_ and Rolley Pr\_ Ab\_.

Present: Student Trustee Oliver, Trustee Brown, Trustee Gonzalez Yuen, Trustee Guillen, Trustee Handy, Trustee Riley, Trustee Withrow, and Trustee Gulassa.

Absent: Student Trustee Rolley.

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

The Board voted to approve the appointment of the following public employee contracts, which are subject to contractual agreement by the Chancellor. Salaries are for informational purposes only, and are not voted by the Board: Recommendation to appoint Lasana Hotep as Dean of Special Programs and Grants, Merritt College, effective November 19, 2014 through June 30, 2016, at \$118,651 annually.

AYES: 6 NOES: 0 ABSTAIN: 1 (Handy) ABSENT: 0

Recommendation to appoint Amy H. Lee as Dean of Enrollment Services, College of Alameda, effective November 19, 2014 through June 30, 2016, at \$123,810 annually.

AYES: 6 NOES: 0 ABSTAIN: 1 (Handy) ABSENT: 0

Recommendation to extend the appointment of Myron Jordan as Interim Dean of Academic Pathways and Student Success, College of Alameda, effective December 24, 2014 through January 30, 2015, or until the position is filled on a regular basis, at \$113,493 annually.

AYES: 6 NOES: 0 ABSTAIN: 1 (Handy) ABSENT: 0

Recommendation to appoint Karen Engel as Director of Economic and Workforce Development, effective November 19, 2014 through June 30, 2016, at \$144,445 annually.

AYES: 4 NOES: 3 (Brown, Handy & Riley) ABSTAIN: 0 ABSENT: 0

The Board adopted the Arbitrator's decision in the disciplinary matter of a classified employee.

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

(Any public employee contracts are subject to contractual agreement by the Chancellor, and provided salaries are for informational purposes only.)

### 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 may move to the Action Calendar items with public speakers.

[Agenda - 11/18/14](#)

MOTION: Motion by Trustee Gonzalez Yuen, second by Trustee Riley to approve Agenda with the

following amendments:

Agenda Item 9 will be removed from the agenda to be considered at a future board meeting.

Agenda Items 24, 25, & 26 being moved to the Action Calendar.

AYES: Trustee Brown, Trustee Gonzalez Yuen, Trustee Guillen, Trustee Handy, Trustee Riley, Trustee Withrow, and Trustee Gulassa.  
NOES: None  
ABSTAIN: None  
ABSENT: None

The motion passed.

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

#### **Minutes**

1. Consider Approval of the Regular Board meeting Minutes of October 21, 2014. Consider approval of the regular Board meeting minutes of October 21, 2014. The minutes are posted on Granicus.

MOTION: Motion by Trustee Riley, second by Trustee Gulassa to approve The Regular Board meeting Minutes of October 21, 2014.

AYES: Trustee Brown, Trustee Gonzalez Yuen, Trustee Guillen, Trustee Handy, Trustee Riley, Trustee Withrow, and Trustee Gulassa.  
NOES: None  
ABSTAIN: None  
ABSENT: None

The motion passed.

### **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 (up to 3 minutes per individual) will be provided for speakers under this agenda section, at the Board President's discretion. 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 up to a limit of 6 additional minutes, with no more than 5 speakers on the issue, where both have completed a speaker's card, and the yielder must identify him/herself to the Board. Speakers 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.) Further direction is provided in Board Policy and Administrative Procedure 2345 Public Participation at Board Meetings. <http://web.peralta.edu/trustees/board-policies/>

Speaker Hampton spoke on the part-timer issue and urged the board and the Chancellor to reach a settlement.

Speaker Goldstein donated his time to Speaker Hampton.

Speaker Blake spoke on needing to be advocates of our mission and function so that we understand the principle and laws that we are under and feels that if Laney fails, Peralta fails. Speaker Blake would like to see it that our mission objectives are met.

Speaker Williams donated her time to Speaker Blake.

Speaker Lengel spoke on the process that Peralta has for investigating complaints that are happening within the workplace. Speaker Lengel says there are problems with the process and proposed a working group to see where there are deficiencies. Speaker Sealund donated her time to Speaker Lengel.

### **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.)

Speaker Miller, ASBCC, spoke on recent events at Berkeley City College.

Speaker Jackson, ASMC, spoke on recent events at Merritt College.

3. Chancellor's Reports Chancellor's Report Dr. José M. Ortiz Vice Chancellor's Reports Budget Update Interim Vice Chancellor Rinne Enrollment and Vice Chancellor Orkin Student Services Update General Services Vice Chancellor Ikharo Human Resources Vice Chancellor Largent College Reports

### [COA President's Report](#)

Chancellor Ortiz congratulated Trustee-elected Julina Bonilla, re-elected Trustee Handy, re-elected Trustee Riley and congratulated Trustee Guillen on his election to Oakland City Council. Chancellor Ortiz congratulated the district on its 50th celebration and attended the celebration at Merritt College and naming of the Barbara Lee Allied and Health Center. He also attended the celebration of the Unity Council. Lastly, Chancellor Ortiz spoke on entering into negotiations with UC Berkeley to participate in a special program for international students.

### **Berkeley City College President Budd**

### **College of Alameda Interim President Gravenberg**

\* Update on Vet Services Program

### **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 Guillen attended the graduation ceremony for the ATLAS program at College of Alameda.

Trustee Gulassa attended the 50th celebration at Merritt College and congratulated the college presidents for getting the accreditation reports together and is hopeful that the accreditation visit will find the institution in good order. Trustee Gulassa also congratulated the trustees on their re-election and Trustee-elected Bonilla.

Trustee Gonzalez Yuen congratulated Trustee Handy and Riley on re-election and Guillen on his seat and thanked him for his service at Peralta.

Student Trustee Oliver attended the Fall Student Senate Assembly. He also spoke on the continued issues with student funds. He raised concern on complaints he has received from students about law enforcement on campus and that to his understanding, law enforcement has been suspending students. Students will be holding a forum about this issue on December 3rd, 11am - 12:30p.m. and invited campus law enforcement to voice their opinion. Trustee Guillen asked that Chancellor Ortiz follow-up with the allegations that were brought up.

Trustee Withrow congratulated trustees on their re-election and Guillen on his election. He addressed a blog from Robert Reich who wrote that "College is a ludicrous waste of money". Trustee Withrow hopes that our strategic planning incorporates into the thrust at what Robert Reich addressed in his blog.

Trustee Riley asked if an update could be provided during the next 24 hours regarding law enforcement suspension.

Trustee Yuen thinks it would be appropriate to get a report at the next meeting on student funds appropriations.

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

### **PRESENTATIONS (7:30 P.M.)**

6. Accreditation Presentation (40 minutes) Presenter: Chancellor Ortiz A ten-minute accreditation report will be provided by Berkeley City College, College of Alameda, Laney College and Merritt College.

[Berkeley City College Executive Summary](#)

[College of Alameda Executive Summary](#)

[Merritt College Executive Summary](#)

7. Clery Act Disclosure of Campus Security Presentation (15 minutes) Presenter: Vice Chancellor Ikharo and Lieutenant Craft In pursuant to the Clery Act, a federal statute, the District's annual security report, crime log, timely warning requirements, and crime statistics will be reported to the Governing Board of Trustees. All colleges and universities, participating in the federal financial aid programs are required to disclose information about crime incidents on and near their respective campuses. The United States Department of Education monitors this compliance. If, the District does not comply with the statute, the agency can impose civil penalties, up to \$35,000 per violation and can suspend the District from participating in the federal student financial aid programs.

Trustee Gonzalez Yuen asked about smoking on campus and asked how many warnings and citations that have been issued. Lieutenant Craft said there is data on this that will be emailed to Trustee Gonzalez Yuen. Peralta police services said that if they view someone smoking on campus, they will issue a

citation. As far as cigarette butts on campus, police services won't be aware of it unless they are notified or physically see this. Trustee Gonzalez Yuen asked Chancellor Ortiz to work with the sheriff's department to come up with a plan on this issue.

Trustee Handy asked if it is realistic not to have a designated smoking area and what other districts are doing around their campus and look at what other campaigns have been successful.

### **CONSENT CALENDAR (8:25 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

MOTION: Motion by Trustee Withrow, second by Trustee Gulassa to approve Moving Agenda Items 25 and 26 back to the consent calendar and approve Agenda Items 1 - 8, 10 - 23, 25 - 27.

AYES: Trustee Brown, Trustee Gonzalez Yuen, Trustee Guillen, Trustee Handy, Trustee Riley, Trustee Withrow, and Trustee Gulassa.

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

8. Consider approval of Baccalaureate Degree Pilot Program Memo and Certification of Interest Presenter: Chancellor Ortiz Consider approval of Baccalaureate Degree Pilot Program Memo and Certification of Interest.

[Background Material 1](#)

[Background Material 2](#)

9. Consider approval of Resolution 14/15-17, Excusing Student Trustee Absence Presenter: Trustee Guillén It is recommended that Trustees approve Resolution 14/15-17 excusing Student Trustee Rolley from the October 21, 2014 Board meeting due to illness. The Chancellor recommends approval.

[Resolution](#)

10. Consider Ratification for Out of State Travel pursuant to Board Policy 7400 Presenter: Chancellor Ortiz Consider ratification for Out of State Travel pursuant to Board Policy 7400 for the following faculty: Name Travel Location Travel Dates Maeve Bergman Washington, DC November 5, 2014 - November 9, 2014 Linnea Willis Summerlin, NV November 5, 2014 - November 9, 2014

[Background Material](#)

11. Consider Approval of Out of State Travel pursuant to Board Policy 7400 Presenter: Chancellor Ortiz Consider approval of Out of State Travel pursuant to Board Policy 7400 for the following faculty: Name Travel Location Travel Dates Mary Beth Benvenuti Nashville, TN March 14, 2015 - March 19, 2015 Sonja Franeta Toronto, CA March 24, 2015 - March 28, 2015 Amy Lee Atlanta, GA

December 1, 2014 - December 5, 2014 Susan Rinne Nashville, TN March 14, 2015 - March 18, 2015

[Background Material](#)

## **EDUCATIONAL AND STUDENT SERVICES**

12. Consider Approval of an ICC for Asian Health Services for FY 2014-15, not to exceed \$260,000 Presenter: Vice Chancellor Orkin Consider approval of an ICC for Asian Health Services for FY 2014-15, not to exceed \$260,000. Asian Health Services (AHS) has been providing medical and mental health services for all PCCD students since October 2010 at the Laney Peralta Wellness Center site. AHS will continue to serve all PCCD students until June 30, 2015, at a rate not to exceed \$260,000. All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: PCCD Health Fees.

[Background Material](#)

13. Consider Approval of a Childcare ICC with Bananas Inc., for Berkeley City College. Presenter: President Budd Consider Approval of a Childcare ICC with Bananas Inc., to administer the voucher program for Berkeley City College for \$50,519 from July 1, 2014 through June 30, 2015. Bananas Inc., has been providing childcare for Berkeley City College students on a categorically funded voucher system since Berkeley City College does not operate a child care center. All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: CalWORKs program.

[Background Material](#)

14. Consider Approval of GoverNET Contract to implement CurricUNET META, with modules Presenter: Vice Chancellor Orkin Consider Approval of GoverNET Contract to implement CurricUNET META, with modules. CurricUNET, a GoverNET product, is software used for data management of academic courses and programs sanctioned by the State Chancellor's Office. Peralta has been using CurricUNET since March, 2008. There is a need to update the features of this software and ensure that it meets the current standards of the State Chancellor's Office and the Accreditation Commission. In addition, GoverNET has introduced a compatible product, CurricUNET META, with modules, that link curriculum, assessment and program review as part of one software package. As a result of the CurricUNET upgrade, planning and assessment for new and existing courses, including student learning outcomes and program review, can be implemented efficiently within the same software system. This will allow faculty and administrators to better plan for student success and assist with long term course and program evaluation and management. As evidence for the need to upgrade CurricUNET, the current proposal was unanimously approved by shared governance, including the District Education Committee (DEC) and the Planning and Budget Council (PBC), along with the district wide curriculum and planning committee (CIPD). The shared governance groups have members from faculty, staff, and administration from all four colleges and the district. Total price not to exceed \$124,000. Work to be completed by June 30, 2015. All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: General Funds.

[Background Material 1](#)

[Background Material 2](#)

Speaker van Putten asked that the statement "It was also approved by the Academic Senate" be removed as this item was not approved by the Academic Senate.

15. Consider Approval of Course and Program Additions, Deactivations and Changes Presenter: Vice Chancellor Orkin Consider Approval of Course and Program Additions, Deactivations and Changes. Included for approval are proposed curriculum actions as recommended by the Council for Instruction, Planning and Development (CIPD). The spreadsheets entitled "CIPD October 6, 2014" and "CIPD November 3, 2014" contain course and program additions, changes and deactivations as approved by the colleges' curriculum committees and CIPD. The Chancellor recommends approval.

[Background Material 1](#)

[Background Material 2](#)

[Background Material 3](#)

[Background Material 4](#)

[Background Material 5](#)

16. Consider approval requesting Board action, on independent contractor agreement between Chad Thompson and Merritt College, in \$38,250 for the Financial Opportunity Center at Merritt College. Presenter: President Ambriz-Galaviz Consider Board approval of Independent Contractor Agreement for Chad Thompson in the amount of \$38,250 to provide services for the Financial Opportunity Center at Merritt College. The contract amount is \$38,250 for time period beginning 11/19/14 thru 05/31/15. Chad Thompson will assist in increasing student Success through financial literacy, to help students understand their credit report, banking, budgeting, money management, and bankruptcy. All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Peralta Accountability for Student Success (PASS) Grant.

[Background Material](#)

## **FINANCIAL SERVICES**

17. Review of Purchase Order Report Presenter: Interim Vice Chancellor Rinne 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 Board of Trustees every 60 days." This Purchase Order Report contains all orders issued from September 20, 2014 through October 31, 2014 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.

[Background Material 1](#)

[Background Material 2](#)

18. Consider Ratification of the AP, Travel, and Consulting Contract Warrant Register Presenter: Interim Vice Chancellor Rinne Consider ratification of the AP, Travel, and Consulting Contract Warrant Register from September 20, 2014 through October 31, 2014. Recent AP, Travel and Consulting Contract warrant registers are brought to the Board for ratification purposes only. The Chancellor recommends ratification.

[Background Material](#)

19. Consider Approval of Budget Transfer Report Presenter: Interim Vice Chancellor Rinne Consider approval of budget transfer report covering the period from September 20, 2014 through October 31, 2014. 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 9, 2014. The Chancellor recommends approval.

[Background Material 1](#)

[Background Material 2](#)

20. Consider Approval of the District's Fiscal Year 2014-15 First Quarter CCFS 311Q Report. Presenter: Interim Vice Chancellor Rinne Consider approval of the District's fiscal year 2014-15 first quarter CCFS 311Q report. The CCFS-311Q is the State Chancellor's Office Quarterly Financial Status Report summarizing and communicating the results of the budgetary decisions and transactions made by the District through the first quarter of fiscal year 2014-15. The Chancellor recommends approval.

[Background Material 1](#)

[Background Material 2](#)

## HUMAN RESOURCES

21. 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        |
|-----------|------------|--------------|----------|-------------------------------|-------------|
| Abai      | Alem       | 11/19/14     | 6/30/15  | Interpreter I                 | All Drakes  |
| Daniel    |            | 11/19/14     | 6/30/15  | Senior Clerical Asst/Typing   | D Grabelsky |
| Shira     |            | 11/19/14     | 6/30/15  | Master Interpreter            | All Hines   |
| Brittany  |            | 12/11/14     | 6/30/15  | Staff Asst/Human Resources    | D Huang     |
| Dingyao   |            | 12/1/14      | 6/30/15  | Staff Asst/EOPS               | L Hunt      |
| David     |            | 11/24/14     | 6/30/15  | Senior Clerical Assistant     | B Jones     |
| Donna     |            | 11/19/14     | 4/2/15   | Assistant Buyer               | D Koo       |
| Nancy     |            | 11/19/14     | 6/30/15  | Staff Asst/Employee Relations | D Levine    |
| Meg       |            | 12/1/14      | 6/30/15  | Interpreter, Fully Certified  | All Owens   |
| Shuntel   |            | 11/19/14     | 4/28/15  | Senior Clerical Assistant     | M Scottt    |
| Jessica   |            | 11/19/14     | 6/30/15  | Senior Clerical Asst/Typing   | D Selph     |
| Jacob     |            | 11/19/14     | 12/23/14 | Inst Asst/Diesel Mechanics    | A Shephard  |
| Ryan      |            | 11/19/14     | 6/30/15  | Master Interpreter            | All         |
22. Recommendation to approve the revised 2014-2015 PCCD Holiday Schedule, changing the date for the observance of Cesar Chavez Day from Tuesday, March 31, 2015 to Monday, March 30, 2015. Presenter: Vice Chancellor Largent Consider recommendation to approve the revised 2014-2015 PCCD Holiday Schedule, changing the date for the observance of Cesar Chavez Day from Tuesday, March 31, 2015 to Monday, March 30, 2015.

[Background Material](#)

23. Recommendation to approve Vladeta Djukich, to participate in the Reduced Workload Program. Presenter: Vice Chancellor Largent Recommendation to approve a request from Vladeta Djukich, a full-time faculty member at Berkeley City College, to participate in the Reduced Workload Program, also known as the "Willie Brown Act" in accordance with California Education Code Section 87483 and Article 27 of the Collective Bargaining Agreement between the District and the Peralta Federation of Teachers as follows: 70% effective Spring 2015 Semester 70% effective Fall 2015 Semester

[Background Material](#)

**FACILITIES**

24. Consider an Approval to Include a Side Letter to the Approved Project Labor Agreement (PLA) between the District and Alameda County Building and Construction Trade Council AFL-CIO and Related Signatory Unions. Presenter: Vice Chancellor Ikharo The administration is requesting to include the Side Letter to an approved Project Labor Agreement (PLA). The Governing Board of Trustees authorized the Chancellor to negotiate an extension of the Project Labor Agreement Terms on June 24, 2014 (Resolution 13/14-70). On July 15, 2014, the Governing Board of Trustees approved Resolution 14/15-06 to adopt an extension of the Project Labor Agreement (PLA), effective July 16, 2014 to June 30, 2019. After this Board approval, both parties can sign the Side Letter to be included in the approved PLA. This Side Letter modifies certain language in the previous PLA, to include four areas of mutual agreement: local hiring, committee structure, jurisdictional dispute and arbitration. All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Measure A.

[Background Material](#)

Vice Chancellor Ikharo and Speaker Cluver updated the Board on the PLA update. The language is being finalized and the side letter to present a full consensus agreement by the December 9th Board meeting.

Trustee Gonzalez Yuen requested a discussion on questions he had including the number of apprentices that we will get, enforcement mechanism, and introducing building trades to our students. Can we begin to align our curriculum better with the trades union?

Speaker Cluver spoke to the three points Trustee Gonzalez Yuen raised and said that in terms of the language and bringing new apprentice, there is now a requirement for contractors to hire new apprentices. The challenge is to make sure that colleges are doing the workforce development. In terms of the enforcement mechanism, there are arbitration provisions to enforce that. The side letter has a lot of language about strengthening the relationship between the District's program and the trades to create a seamless pathway.

MOTION: Motion by Trustee Withrow, second by Trustee Gulassa to approve Moving Item 24 to the December 9th Board meeting.

AYES: Trustee Brown, Trustee Gonzalez Yuen, Trustee Guillen, Trustee Handy, Trustee Riley, Trustee Withrow, and Trustee Gulassa.

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

25. Consider the Approval to Purchase Two (2) Existing Portable Buildings Located at the District Administrative Center from Williams & Scotsman. Presenter: Vice Chancellor Ikharo Approval is

requested to purchase two (2) existing portable buildings located at the District Administrative Center from Williams & Scotsman, in the amount of \$67,090. This request is warranted because the vendor's lease extension will expire November 23, 2014. Originally, the Board of Trustees and administration recommended the purchase of these portable buildings at a cost of \$67,090 versus continuing to lease because it is more financially beneficial for the District to own the portables. The International Education currently occupies one existing portable building, while the Foundation for Peralta Colleges occupies the second portable. To renew another one year lease, the District will pay \$3,587.67/month or \$43,016.04/year for both buildings. Cost of One Year Lease (07/21/14 to 07/20/2015) Portable Serial Nos. Lease/Year Out Right Purchase Difference

CPX- 3 (SPI-27600001 & 002) \$43,016.04 \$67,090 \$24,073.96  
0782

CPX- 3 (SMC-00203-470 & 71)  
0298

### [Background Material](#)

26. Consider Approval of Resolution 4/15-16, Accept Bid and Award Contract for Laney College Building "A" Chemistry Labs #235B, #278, and #279, Alaska Refrigeration, Air Conditioning & Heating Company. Presenter: Vice Chancellor Ikharo Approval is requested to accept the bid and award a contract to Alaska Refrigeration, Air Condition & Heating Company, for the Laney College Building "A" Chemistry Labs #235B, #278, and #279, in the amount not-to-exceed \$27,084.00. Employees and students have experienced an uncomfortable environment because the existing chemical storage cabinets have poor ventilation. The vendor will install two new ventilation systems in these labs to effectively emit any buildup of chemical odors to the atmosphere. Proper ventilation of these labs is required to promote and maintain laboratory health and safety for faculty and students. Also, good ventilation will help prevent and control fumes, containment of hazardous fumes and contaminants in the labs. This project is one of the emergency projects that were approved by the Chancellor on February 26, 2014, and by the Board of Trustees on March 11, 2014. Pursuant to the District's Purchasing Procedures and Public Contract Codes, the Department of General Services conducted an informal bid; inviting three (3) HVAC vendors to attend a walkthrough of the Laney College Building "A." They met and received input from the Department Chair of Chemistry, Physics, and Astronomy prior to submitting their proposals. This project is scheduled to be completed within 30 calendar days from the Notice to Proceed date. A total of two (2) proposals were received, as follows:

N.S. Construction Danville, CA Declined to Bid Although, Marina Mechanical submitted the lowest bid; they excluded required project scopes out of their fee proposal (i.e., roof jack and roof sealant); therefore, making their bid non-compliant. The lowest responsible and responsive was submitted by Alaska Refrigeration, Air Conditioning, & Heating Company, in the amount of \$27,084.00. Dagoberto T. Sanchez is the President of the company. The company has a current and active contractor's license (No. 565401) with the California Contractors State License Board. All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Measure E.

### [Background Material](#)

27. Consider Approval of Change Order No. 1 for the Laney Leaks Remediation for Laney College Buildings A, B, C, D, E & G at Laney College (Bid No. 13-14/22), Valentine Corporation. Presenter Vice Chancellor Ikharo. Approval is requested for Change Order No. 1 to the contract with Valentine Corporation, in the amount of \$49,854.00. Approval of this change order will bring the total contract

amount to \$2,389,223.00, which is 1.02% of the original contract amount of \$2,339,369.00. An increase in contract time of forty-six (46) calendar days from the Notice to Proceed date is also requested. Change Order No. 1 comprises of preliminary change orders #1, #2, and #3, which are based on field changes due to the following conditions: \*PCO-01: During demolition, wire mesh was found embedded in the topping slab. The disposal and demolition of concrete with wire mesh is more costly. \*PCO-02: The District requested for a change directive due to the recent rain condition, which showed the exterior wall of the Fitness Center required additional waterproofing to prevent infiltration of water. This is a unilateral change order, or modification, issued by the District without requiring the consent or signature of the contractor, as allowed under the bidding General Conditions. Although, there is not proposal for the price of the work, the contractor must abide by the District's unilateral directive. As a result, the District directed the contractor to proceed with the work. \*PCO-03: As discovered during the recent rain, Building "G" room #101E still contained water leaks despite completion of the work under contract. It has been determined that the leaking may be from the investigatory cores made in the courtyard. This work will remedy the leaking into this room. It is in the best interests of the District and financially prudent to approve this change order. The anticipated completion date for the Leaks Remediation Project is November 29, 2014. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Measure A Bond Funds.

### [Background Material](#)

#### **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 may 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.

28. Consider Approval of Purchase and Sale Agreement (Agreement) of Six Million One Hundred Eighty Thousand Dollars (\$6,180,000.00) for 2118 Milvia Street, located in the City of Berkeley (Property). Presenters: Vice Chancellor Ikharo and President Budd Consider Approval of Purchase and Sale Agreement (Agreement) of Six Million One Hundred Eighty Thousand Dollars (\$6,180,000.00) for 2118 Milvia Street, located in the City of Berkeley (Property) in substantially the same form as attached hereto, and, as a consequence of approval, authorization for the Chancellor to notify the City of Berkeley and execute the Agreement and direct the opening of escrow, making the initial deposit as required under the Agreement, and beginning due diligence inspection for final consideration and approval by the Board of Trustees (Board) at its regular board meeting on March 24, 2015, or sometime before the expiration of the applicable Due Diligence Period.

### [Background Material 1](#)

### [Background Material 2](#)

MOTION: Motion by Trustee Gonzalez Yuen, second by Trustee Brown to approve Agenda Item 28.

Consider Approval of Purchase and Sale Agreement (Agreement) of Six Million One Hundred Eighty Thousand Dollars (\$6,180,000.00) for 2118 Milvia Street, located in the City of Berkeley (Property).

AYES: Trustee Brown, Trustee Gonzalez Yuen, Trustee Guillen, Trustee Handy, Trustee Riley, Trustee Withrow, and Trustee Gulassa.  
NOES: None  
ABSTAIN: None  
ABSENT: None

The motion passed.

## **ANNOUNCEMENTS**

1. The next regularly scheduled Board meeting will be held on December 9<sup>th</sup> at the District Offices.
2. The Board wishes all a Happy Thanksgiving Holiday. As a reminder, Peralta will be closed on Thursday, November 27<sup>th</sup> and Friday, November 28<sup>th</sup> in observance.

## **ADJOURNMENT (9:22 P.M.)**

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, [bmartinez@peralta.edu](mailto:bmartinez@peralta.edu) at least 48 hours prior to the meeting.

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José M. Ortiz, Chancellor  
Secretary to the Board of Trustees  
PERALTA COMMUNITY COLLEGE DISTRICT