



BOARD OF TRUSTEES  
OF THE  
PERALTA COMMUNITY COLLEGE DISTRICT  
MINUTES  
FEBRUARY 17, 2015

**CALL TO ORDER (7:00 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)), 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)**

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

**\* Ratification of the Chancellor's approval to appoint the Interim Dean of Academic and Student Affairs, Laney College.**

**\* Recommendation to appoint the Interim Dean of Student Success and Equity, District Office.**

**\* Recommendation to extend the appointment of the Interim Director of Deputy Sector Navigator Program (a grant-funded position).**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Trustees Bonilla Pr Ab\_, Brown, Pr\_ Ab\_, González Yuen 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: Trustee Brown, Trustee Gonzalez Yuen, Trustee Bonilla, Trustee Handy, Trustee Gulassa, Trustee

Riley, Trustee Withrow, Student Trustee Oliver, and Student Trustee Rolley.  
Absent: None.

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

At tonight's closed session, the Board voted to approve the appointment of the following public employee contracts, which are subject to contractual agreement by the Chancellor:

1. Ratification of the Chancellor's approval to appoint Gregory Granderson as Interim Dean of Academic and Student Affairs, Laney College, February 9, 2015 through May 8, 2015, at \$128,969 annually.

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

2. Recommendation to appoint Lasana Hotep as Interim Dean of Student Success and Equity, District Office, effective February 18, 2015 through September 30, 2015, or until the position is filled on a regular basis, at \$118,651 annually.

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

3. Recommendation to extend the appointment of Petural Shelton as Interim Director of Deputy Sector Navigator Program (a grant-funded position) from December 24, 2014 through June 30, 2015 at \$98,016 annually.

**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](#)

MOTION: Motion by Trustee Riley, second by Trustee Withrow to approve Board Agenda with the following amendments:

Item 31, page 2., first paragraph "Change Order No. 1" makes reference to a board approved date of November 18, 2015. The date should read November 18, 2014.

Item 11 was moved to the March 10, 2015 board meeting.

Item 14 was pulled as an action item.

Item 16 was pulled as an action item.

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

The motion passed.

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

1. Consider Approval of the Regular Board meeting Minutes of January 27, 2015 and the Special Board meeting Minutes of February 3, 2015. Consider approval of the regular Board meeting minutes of January 27, 2015 and the Special Board meeting minutes of February 3, 2015. The minutes are posted on Granicus.

[Minutes - 1/27/15](#)

[Minutes - 2/3/15](#)

MOTION: Motion by Trustee Riley, second by Trustee Gulassa to approve the Special Board Meeting Minutes of February 3, 2015 and the Board Meeting Minutes of January 27, 2015 with the following amendments:

Under Board of Trustees' Reports, Trustee Oliver's remarks should be changed to "Trustee Oliver expressed disappointment that the student government funds were not on the agenda and under Title 5 expressed that the District should not take action on a matter having a significant effect on students."

Under Chancellor's Reports, Vice Chancellor Rinne's remarks should be changed to "VC Rinne says not as of yet but it is something they are proposing to the students. This was part of the conversation with Merritt and they are continuing to discuss the process."

AYES: Trustee Brown, Trustee Bonilla, Trustee Handy, Trustee Gulassa, Trustee Riley, and Trustee Withrow.  
NOES: None  
ABSTAIN: and Trustee Gonzalez Yuen.  
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 Blake spoke on his concerns as classified president with the student funds and supports students and encouraged administration to look at the processes to make sure we dispense the student funds in the most expedient ways possible and hopes this issue is addressed soon.

### **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 Jackson, Associated Students of Merritt College (ASMC), spoke on events at the Merritt campus.

Speaker Heard, spoke about second hand smoke and distributed pamphlets and a DVD to the board members regarding second hand smoke.

3. Chancellor's Reports      Chancellor's Report Dr. José M. Ortiz      Interim Deputy Chancellor Dr. Eric Gravenberg

### [Merritt Report](#)

Interim Deputy Chancellor Gravenberg provided a Chancellor's report in the absence of Chancellor Ortiz at the board meeting. Deputy Chancellor Gravenberg spoke on the decommission of the legacy mainframe and gave kudos to all that were involved.

Vice Chancellor Rinne shared that there will be a meeting to come to closure about the progress with the student funds discussion.

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

### **College of Alameda President Blake**

### **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 Bonilla thanked the students for their reports.

Trustee Handy attended the national legislative summit which was represented by the bay area very well in terms of needs especially with veteran affairs.

Trustee Brown also traveled to Washington and was pleased with the effective meeting with the Department of Labor. There is a \$100 million grant issued by Department of Labor with a deadline of March 30<sup>th</sup>. Trustee Brown thanked colleagues for attending.

Trustee Gulassa thought the legislative summit in Washington D.C. was one of the best, most well organized trip and agrees that the visit to the Department of Labor was a gold mine. Corrine Brown was happy and concerned with all our issues with veteran affairs.

Trustee Gonzalez Yuen was appreciative of the report from Berkeley City College. This past weekend Trustee Gonzalez Yuen organized an advocacy training and encouraged everyone to attend the FAC march in March.

Student Trustee Oliver thanked President Webb for empowering him as a student president. He almost resigned from his position three weeks ago as he felt marginalized as a student trustee. One of the reasons for resigning was because of Title 5.

Trustee Withrow also attended the legislative meeting in Washington DC. The speakers were all staff members and were candid with their comments and is now re-looking at the initiative for student loan policies.

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

[DAS Report](#)

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

6. Student Success Scorecard Report (10 minutes) Presenter: Nathan Pelegrin, Director of Institution Research The Student Success Scorecard Report will be presented to the Governing Board of Trustees.

[Background Material](#)

Trustee Withrow asked what kind of cause and effect relationship do we investigate (i.e. why are we below the state level across the board or why is one particular college high in one category and low in another category) so that administratively within the faculty and shared governance we can take actions to improve? Mr. Pelegrin said these metrics are a starting point and has not heard of a way to go directly from the metrics to a cause and effect analysis and serves an initial point to direct our attention towards a more in depth analysis about what the cause and effect relationships are. Furthermore, it is also difficult to gauge when a difference is a meaningful difference.

Trustee Gonzalez Yuen asked a question in regards to the tracking of the five co-horts and based on the data from 2007-08 asked where they are right now and roughly how many of those people are in the system and if it was useful as historical data? Trustee Gonzalez Yuen commented on how this is an enormously flawed tool

from a student services view. What else are we doing that is more meaningful for our own practices? Mr. Pelegrin said that time lag effect is commonly raised and in the planning cycle, results are 1 term to 1 year later., If you want to identify your trends, we have to follow co-horts. Both perspectives are necessary.

Trustee Brown asked what factors are leading to in terms of one campus differing?

Mr. Pelegrin said we rely on district to interpret the data. On a operational level, we have mechanisms in following up from any given point and can generate these figures with persistence and completion rates. We are relying on what the knowledge is on people working with the students to bring this together with the data and the results.

Trustee Gulassa commented that this is technically a crude tool for modulating and that from the state perspective, this data is very useful but from institutional perspective, we have to count on data from year by year. We need the existing contemporary here and now data with this as a background of where we have been. California has most sophisticated score card in the system.

Trustee Gonzalez Yuen said if we can figure out research design structure, thinks we can change quite a bit.

7. Update on Career Technical Education and Workforce Development at the Peralta Colleges and District Office. (10 minutes) Presenter: Karen Engel, Director of Workforce and Economic Development The District Director of Economic & Workforce Development will give a presentation providing an update on Career Technical Education programs, grants, and initiatives at the Peralta Colleges. This will include an update on the District's activities with respect to Career Pathways Trust, AB 86 Adult Education regional planning, and related activities and outcomes.

#### [Background Material](#)

Trustee Withrow asked if we are achieving what we are trying to achieve. Dr. Engel says yes.

Trustee Brown asks how are we hearing this from the actual employers? Dr. Engel says this is work that is ongoing. CTE faculty has taken it on themselves.

Trustee Bonilla wanted to hear more about the phases because much of what happened the last year is the planning phase and asked how this ties in with the role of the sector navigator. Dr. Engel says in terms of phasing, it is true. AB 86 has been in a planning year. In terms of pathway grant, it is a four year grant and we are halfway through it. In terms re: DSN, market places are directed by the sector navigators and deputy sector navigators. We are tracking the apprenticeship grant closely.

Trustee Gulassa says it is difficult to see how productive these plans are. The human element would be very welcome in student success.

Dr. Engel agrees that a feasible time to come back will be during the March or April board meeting.

8. Measure 'A' Bond Funds Drawdown Presentation (10 minutes) Presenter: Vice Chancellor Ikharo The drawdown for Measure 'A' bond funds will be presented to the Governing Board of Trustees.

#### [Background Material](#)

Trustee Gonzalez Yuen says it looks like each campus has major project. Are the funds that are committed, is that enough to build a library? (\$33 million)

Dr. Ikharo says we are waiting for bond money.

Trustee Withrow asked how much do we need over and above the \$390 million in order to complete the projects we need? Dr. Ikharo answered that for Laney, a decision will have to be made on the student center and determine what type of transfers are needed because the state is not looking to go out on a facility bond anytime soon. At Laney college, we have the cross of the issue and Laney will need at least \$70 million to build the library resource center. The remaining \$115 million is already allocated.

Trustee Brown asked of those 76 projects that are ongoing, which of those projects address maintenance or deferred projects? Dr. Ikharo says all together for this school year, we are looking for \$5.3 million for the 2015-16 school year.

### **CONSENT CALENDAR (8:15 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: Motion by Trustee Riley, second by Trustee Withrow to approve Consent Calendar Agenda Items 1 - 10, 12 - 13, 15 & 17 - 34.

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

The motion passed.

9. Consider approval of Resolution 14/15-29, Excusing Trustee Absence Presenter: Board President Brown It is recommended that Trustees approve Resolution 14/15-29 excusing Trustee Gulassa from the January 27, 2015 Board meeting due to a previous long-standing engagement. The Chancellor recommends approval.

#### [Background Material](#)

10. Consider Approval of the Chancellor Search Timeline Presenter: Board President Brown Consider Approval of the Chancellor Search Timeline.

#### [Background Material](#)

11. Consider Approval of Nominations from Constituency Groups to Form the Chancellor Selection Committee in accordance with Board Policy 2431 Chancellor Selection. Presenter: Board President Brown In accordance with Board Policy 2431, the following constituency groups have submitted nominations of representatives to serve on the Chancellor Selection Committee, which will be representative of the District and all four colleges for the Board's consideration: Academic Senate and Peralta Federation of Teachers jointly nominated four (4) representatives; SEIU Local 1021, IUOE Local 39, and the Classified Senate jointly nominated three representatives. The Chancellor nominated two administrators; Student Trustees nominated 1-2 students; and, three (3) community members at

large were nominated by the Board. Upon the approval of the nominations by the Board of Trustees, the Chancellor Selection Committee will begin its work by attending an orientation meeting, which will be held between April 8 - 15, 2015.

[Background Material](#)

12. 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 Sean Brooke Boston, MA May 23, 2015 - May 29, 2015 Sharon Coleman Minneapolis, MN April 8, 2015 - April 12, 2015 Amany Elmasry Nashville, TN March 15, 2015 - March 18, 2015 Derrick Gardner Las Vegas, NV February 18, 2015 - February 21, 2015 Drew Gephart Boston, MA May 23, 2015 - May 29, 2015 Matt Jones Boston, MA May 23, 2015 - May 29, 2015

[Background Material](#)

**CHANCELLOR'S OFFICE**

13. Consider Approval of a Contract Addendum to Increase Independent Contractor's Agreement for Professional Services for Curls-Bartling P.C. Presenter: Interim Deputy Chancellor Gravenberg District administration requests Board authorization to increase an existing professional services agreement with Curls-Bartling, PC to provide legal services to the District. The current contract approaches its limit of \$25,000, therefore, the District requests an increase by an additional \$20,000 for a contract not to exceed \$45,000 limit for fiscal year ending June 30, 2015. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Legal Services.

[Background Material 1](#)

[Background Material 2](#)

**EDUCATIONAL AND STUDENT SERVICES**

14. Consider Approval of the Measure A Laney College Instructional Classroom Wireless Project Upgrade Presenter: President Webb

Consider approval of the Measure A instructional classroom wireless project upgrade. The goal is to replace and expand the existing wireless infrastructure to a comprehensive controller based platform and provide student access. The new wireless campus will allow Laney students to have internet access while in the instructional classrooms and student service areas as well as facilitate the use of technology in classrooms, conference rooms, offices and the library. Funding Source: Measure A.

[Background Material](#)

Speaker Cook, faculty member, Laney College, says this is good news for Laney College. Currently, some classrooms have wireless and some don't. This has been in our technology plan since 2009 and wants to make sure the board is aware of faculty support. When it appeared on the board agenda, she notice it did not indicate that "The Chancellor recommends approval" was not on the item and hopes that the board shares their sense that this is good news and passes the item.

Student Trustee Oliver says this is a breath of fresh air and from the students' perspective, they can't go anywhere without Wi-Fi and it can't be used the way it is currently set up.

Trustee Gonzalez Yuen asked in Finance approved this item? What are the piggy back contracts for this? If we have approvals from Finance, he would like to move to amend this item pending Finance approval and would also like information on principals of this company.

MOTION: Motion by Trustee Gonzalez Yuen, second by Trustee Gulassa to approve Agenda Item 14.  
Consider Approval of the Measure A Laney College Instructional Classroom Wireless Project Upgrade with the following contingency:

Confirmation of Finance approval and the names of the principles of the owners of the company to the Board. The information on the owners will be provided with a week.

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

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

15. Consider Approval of the Renewal Contract with Department of Rehabilitation Laney College Workability III Program (WAIII) Presenter: President Webb The Laney College Workability III Program (WAIII) will provide pre-employment services such as career planning, employment preparation, job search instruction, employment services, technical job search training and on-going support activities for up to 90 days after job placement to Department of Rehabilitation (DOR) students/consumers. Referred students to the WAIII program may be seeking full-time or part-time job placements and will have an Individual Plan for Employment (IPE) developed by a DOR counselor. WAIII students may enroll in work preparation classes to get the training necessary for attaining their employment goals. The primary focus will be on Laney's matriculated students. All services, funded directly or through certified expenditures, provided in this agreement shall be exclusively for students who have been referred by a DOR counselor as part of their IPE. The total certified amount over a 3 year period is \$654,300 to be disbursed over the 2015-2016, 2016-2017 and 2017-2018 fiscal years. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Department of Rehabilitation.

#### [Background Material](#)

16. Consider Approval of a \$750,000 Contract with NE-Systems, Inc. to Purchase Equipment and Services for the Merritt College Science and Allied Health Building Project Presenter: Associate Vice Chancellor Madlock Approval is requested to purchase equipment and services for the Merritt College Science and Allied Health Building Project from NE-Systems using the piggyback compliant contract California Multiple Awards Schedules (CMAS) and General Services Administration (GSA) in the not-to-exceed amount of \$750,000. District IT (IT), in collaboration with Merritt College IT (MIT), has designed a solution to meet the network and wireless needs for the upcoming Science and Allied Health building. The building is estimated to have over 1,700 network ports. The building must also have 100% wireless coverage within the building as well as support a highly dense wireless user base. The network infrastructure must also support Voice over IP telecommunication services. The solution presented will accommodate the network and wireless needs of the building with room for growth. Bandwidth capacity can be upgraded as the bandwidth needs of the College increase. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor

recommends approval. Funding Source: Measure A.

[Background Material](#)

Trustee Handy read through the proposal and questions came up and asked to get the scope of work. She understands that in order to make this project work, it needs to be piggyback compliant however, what is the difference with the \$200,000 and she is still not able to figure out through brief view of the scope who is doing it and who the principles are why there is such a big difference. Dr. Gravenberg assured the trustees that future items will have information like this and get that information to the Trustees within twenty four hours.

Trustee Oliver add that this item also does not seem to have finance approval.

MOTION: Motion by Trustee Gonzalez Yuen, second by Trustee Riley to approve Agenda Item 16. Consider Approval of a \$750,000 Contract with NE-Systems, Inc. to Purchase Equipment and Services for the Merritt College Science and Allied Health Building Project with the following contingency:

A scope of work is provided for this item.

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

The motion passed.

**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 December 20, 2014 through January 30, 2015 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 December 20, 2014 through January 30, 2015. 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 December 20, 2014 through January 30, 2015. 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 CCFS-311 (Q2) Report Presenter: Interim Vice Chancellor Rinne Consider approval of the District's fiscal year 2014-15 second 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 second 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	Assignment End Date	Position Title	Site
Amonoy	Karl	2/18/15	4/21/15	Inst Asst/Diesel Mechanics	A
Arevalo	Mayra	3/2/15	5/18/15	Program Spec/EOPS	L
Bertuso	Jeejun	2/18/15	6/30/15	Staff Asst/Student Services	B
Cain	Cynthia	2/18/15	5/26/15	Fin Aid & Placement Asst	L
Chan	Cindy	2/18/15	5/22/15	Inst Asst/EMT	M
Edinburgh	Emunah	2/24/15	6/30/15	Inst Asst/Wood Technology	L
Fukuchi	Daniel	2/23/15	6/30/15	Inst Asst IV/DSPS	A
Garcia	Veronica	3/2/15	6/22/15	Staff Asst/Student Services	A
Germain	David	2/23/15	3/31/15	Inst Asst/Diesel Mechanics	A
Iniguez	Israel	2/18/15	5/22/15	Inst Asst/English	L
Koo	Constance	2/18/15	6/30/15	Staff Asst/Employee Relations	D
McWhorter	Quentin	2/18/15	5/22/15	Inst Asst/EMT	M
Omar	Said	2/18/15	5/22/15	Inst Asst/Mathematics	A
Rhone	Josephine	2/18/15	5/18/15	Staff Asst/Admin	D
Serpa	Luis	2/23/15	6/30/15	Student Employment Spec	M
Smith	Brian	2/18/15	5/22/15	Inst Asst/EMT	M
Spikes	Ayanna	2/18/15	6/30/15	Staff Asst/Employee Relations	D
Williams	Shalita	2/18/15	5/6/15	Clerical Assistant II	M
Wong	Moria	2/18/15	6/5/15	Inst Asst/Psychology	L
York	Brandon	2/18/15	6/30/15	Inst Asst/English	B

22. Request Board Authorization to increase the amount of the Independent Contractor Agreement for Professional Services with Community College Search Services. Presenter: Vice Chancellor Largent On November 18, 2014, the District entered into an Independent Contractor/Consultant Agreement with Community College Search Services (CCSS) in the amount of \$2,000 to conduct background and reference checks for the final candidates for the regular position of Deputy Chancellor. On February 3, 2015, at its special Board meeting, the Board also authorized the District to enter into an agreement with CCSS to assist the District in its search for the next Chancellor. The November 18, 2014 and February 3, 2015 contracts for services covered two separate and unrelated scopes of services. However, due to the fact that the amount of the two agreements taken together totals \$27,000, which exceeds the \$25,000 maximum amount for Fiscal Year 2014-2015, Board approval is required to increase the total amount of the 2014-2015 agreements with CCSS from \$25,000 to \$27,000.

[Background Material](#)

23. Consider Approval of request from Nikki Sarita Ellman, a full-time faculty member at Laney College, to participate in the Reduced Workload Program. Presenter: Vice Chancellor Largent Recommendation to approve a request from Nikki Sarita Ellman, a full-time faculty member at Laney 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: 80% effective Fall 2015 Semester 80% effective Spring 2016 Semester

[Background Material](#)

24. Consider Approval of request from Deidre Baker, a full-time faculty member at College of Alameda, to participate in the Reduced Workload Program Presenter: Vice Chancellor Largent Recommendation to approve a request from Deidre Baker, a full-time faculty member at College of Alameda, 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: 100% effective Fall 2015 Semester 0% effective Spring 2015 Semester

[Background Material](#)

25. Consider Approval of request from Kathleen Pappert, a full-time faculty member at Laney College, to participate in the Reduced Workload Program Presenter Vice Chancellor Largent Recommendation to approve a request from Kathleen Pappert, a full-time faculty member at Laney College, to participate in the Reduced Workload Program (also known as "Willie Brown Act") in accordance with California Education Code Section 87483 and Article 17 of the Collective Bargaining Agreement between the District and the Peralta Federation of Teachers as follows: 80% effective Fall 2015 Semester 80% effective Spring 2015 Semester

[Background Material](#)

26. PUBLIC HEARING (8:00P.M.) and ACTION ITEM: Sunshining of Contract Reopeners for Negotiations for the SEIU Local 1021 to the District. Sunshining of Contract Reopeners for Negotiations for the SEIU Local 1021 to the District. Pursuant to Government Code 3547 (a), the public shall have an opportunity to comment upon SEIU Local 1021's notice of its contract reopeners with the District. This item, received at the January 27, 2015 Board meeting, introduced SEIU Local 1021's proposal for full contract negotiations for the Agreement between the District and the Union effective July 1, 2012 - June 30, 2015. All Board-recommended contracts are subject to negotiations

and execution by the Chancellor. The Chancellor recommends adoption of the District's initial proposal.

### [Background Material](#)

## **FACILITIES**

27. Consider Approval of Resolution 14/15-28 to Exempt the Property at 2118 Milvia Street, Berkeley, California, from the city's zoning ordinance per the Government Code 53094. Presenter: Vice Chancellor Ikharo. Approval is requested of Resolution 14/15-28 to exempt the Property at 2118 Milvia Street, Berkeley, California, from the city's zoning ordinance per the Government Code 53094. Pursuant to Government Code section 53094 and any other applicable laws, it is requested for the Board to approve by at least two-thirds (2/3) vote that the District hereby renders inapplicable the adopted City of Berkeley zoning ordinances, including any future amendments thereto, to the District's use of the above Property for classroom / student support purposes. The District has completed its due diligence and analysis concerning the proposed use of the above property. The District determined that the proposed property use for classroom facilities to support instructional programs:

(i) is compatible with the surrounding uses and buildings;

(ii) will not be detrimental to the health, safety, peace, morals, comfort or general welfare of individuals residing or working in the surrounding area or neighborhood; and,

(iii) will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City. In compliance with the Government Code Section 53096, the Chancellor, or his designee, is required to notify the City of Berkeley within ten (10) days of the adoption of this Resolution, whose zoning ordinance has been rendered inapplicable and take all other actions necessary to affect the intent of this Resolution. Compliance with the City of Berkeley's zoning ordinances would make it difficult for the District to accomplish its goal of using the Property for classroom/student support purposes on a predictable timeline and within the constraints of an already strained budget. It is in the public interest to render the City zoning ordinances inapplicable to the proposed use of the Property for classroom purposes.

### [Background Material 1](#)

### [Background Material 2](#)

### [Background Material 3](#)

28. Consider Approval of Resolution 14/15-24, to Accept Bid and Award Contract for the Laney College Tower Entry Doors Replacement Project (Bid No. 14-15/26), T. Amaral's Done Right Construction. Presenter: Vice Chancellor Ikharo. Approval is requested to accept the bid and award a contract to T. Amaral's Done Right Construction for the Laney College Tower Entry Doors Replacement Project (Bid No. 14-15/26), in the amount not-to-exceed \$75,696. The existing entry doors to the Laney College Tower must be replaced and renovated to comply with the Americans with Disability Act (ADA) regulations. Under this construction contract, the contractor will replace three (3) storefront entry doors, two (2) power operated bi-part sliding doors, one (1) manual double doors with sidelights; and all related demolition, patch/repair, and electrical work per the construction documents prepared by Byrens Kim Design Works. This project is being initiated, after additional ADA requirements were identified follow the modernization of this Tower. In compliance with the

Public Contract Codes, Section 20651, a formal request for Bids (Bid No. 14-15/26) was conducted for this project, and a bid opening was held on January 29, 2015. A total of four (4) bids were received, as follows:

- T. Amaral's Done Right Construction has been in business since 2000 and is owned by Tom Amaral. The company has a current and active contractor's license (no. 809233), in California with good standing. The firm is registered with the California Department of Consumer Affairs - Contractors State License Board. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Measure A.

#### [Background Material](#)

29. Consider Approval to Purchase Furniture and Equipment for the staff offices and classrooms in the Barbara Lee Science and Allied Health Building at Merritt College from KI through a Piggyback Compliant Contract. Presenter: Vice Chancellor Ikharo. Approval is requested to purchase furniture and equipment for the staff offices and classrooms in the Barbara Lee Science and Allied Health Building at Merritt College from KI through a piggyback compliant contract, in the amount not-to-exceed \$566,645. The Foundation for California Community Colleges (FCCC) Administrative Services Agreement allows the District and any or all public agencies, public and private school districts, public and private colleges or universities Nationwide, or the Foundation, (collectively, "Participating Public or Private Agencies") to purchase products at prices stated in the Request for Proposal (RFP) #13-002. As permitted under this agreement and under Public Contract Code 20652, the District, without advertising bids, will purchase furniture and equipment utilizing this piggyback compliant FCCC Contract #CB13-017 for the staff offices and classrooms in the Barbara Lee Merritt College Science and Allied Health Building from KI.

#### [Background Material](#)

30. Consider Approval to Purchase Audiovisual Systems for Classrooms Throughout the Barbara Lee Science And Allied Health Center at Merritt College. Presenter: Vice Chancellor Ikharo. Approval is requested to purchase audiovisual systems for classrooms throughout the Barbara Lee Science and Allied Health Center at Merritt College from Digital Networks Group, in the amount not-to-exceed \$1,300,723. This purchase consists of both interactive and non-interactive projectors, document cameras, audiovisual cabinets, assistive listening systems, wireless microphone systems, speakers and cameras for video-conferencing and lecture archiving. In compliance with the Public Contract Codes, Section 20651, a formal request for Bids (Bid No. 14-15/19) was conducted for this project, and a bid opening was held on January 20, 2015. A total of four (4) bids were received, as follows:  
CONTRACTOR LOCATION TOTAL BID Digital Networks Group Aliso Viejo, CA \$1,300,723  
Pro Media / Sound Martinez, CA \$1,404,209 PCD Santa Rosa, CA \$1,432,590 Conti Corporation Sacramento, CA \$1,599,747

#### [Background Material](#)

31. Consider Approval to Pay and Reduce the Retention Payment to the Contract with Valentine Corporation for Laney College Library/LRC Skylights and Buildings A, B, C, D, E, and G. Presenter: Vice Chancellor Ikharo. Approval is requested to reduce the retention payment from 5% to 2.5% to the Contract with Valentine Corporation for Laney College Library / LRC Skylights and Buildings A, B, C, D, E, and G (Bid No. 13-14/22). Unfortunately, during the last rains, many areas of the campus suffered leaks, including areas under the approved contract. After investigation of all leaks associated with the project area, the Design team of Gale Associates issued Architectural Supplemental Instructions no. 5 (ASI 05) for Building G. The ASI 05 required additional work not originally included in the contract. The long period to investigate and provide the cost for additional scope of

services caused the District to request the contractor's retention payment to reduce from 5% (\$119,461.15) to 2.5% (\$59,730.56). The contractor has successfully completed all original contract construction work. The Governing Board of Trustees approved the original contract (\$2,339,369) on May 13, 2014, and Change Order No. 1 (\$49,854) on November 18, 2015. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Measure A.

#### [Background Material](#)

32. Consider Approval of Change Order No. 1 for the Laney College Child Care Remodel (Bid No. 13-14/29), OnPoint Construction. Presenter Vice Chancellor Ikharo. Approval is requested for Change Order No. 1 to the contract with OnPoint Construction, in the amount not-to-exceed \$21,429. The amount of \$21,429 is 5 percent (5%) of the original contract amount of \$397,546.34. Including Change Order No. 1, their construction service contract to date will be \$418,975.34 for all contracts. The project final completion date increased to 97 calendar days due to the difficulty in acquiring the selected materials. This Change Order resulted from unplanned activities and conditions and District requested changes. The change order items are primarily due to the following reasons: \* After hours labor expenses for two subcontractors to perform work during the evening hours to prevent disruption to the children center activities and rest time. All work was originally bid for regular work hours of Monday thru Friday; \* Furnish, install and paint wood trim to the bottom of the existing wall surfaces that were fraying and deteriorated throughout - unplanned condition; \* Removal of large tree roots that were hidden under the existing covering of the play area; \* Furnish and install two (2) new water heaters under the counter water heaters that were no longer working for licensing requirements; \* Removed base rock, increase the dimension of the header board, and provide additional sand in the east yard - owner requested change. \* Relocate the existing washer and dryer to provide a safe disposal and operation of the appliances; and \* Provide additional framing to the structure as required by DSA. It is in the best interests of the District and financially prudent to approve this change order. The anticipated completion date for the Laney Child Care Remodel is February 28, 2015. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Child Development Fund (Fund 68).

#### [Background Material](#)

33. Consider Approval of Resolution 14/15-26 to Accept the Alameda College Sitework Project (Bid No. 14-15/12) as Complete, Approve a Deductive Change Order, and Release 5% Retention to Dryco Construction Inc. Presenter Vice Chancellor Ikharo. Approval is requested of Resolution 14/15-26 to Accept the Alameda College Sitework Project (Bid No. 14-15/12) as complete, approve a deductive change order of (\$7,062), and release 5% retention to Dryco Construction Inc. A contract was awarded to Dryco Construction Inc. for \$97,531.00 for the Alameda Sitework Improvements Project at the December 9, 2014 Board Meeting. The District issued a notice to proceed on December 22, 2014, with a final completed date of February 13, 2015. There was a deductive change order of (\$7,062), which is -7.2% of the original contract amount. The contractor will reimburse this deductive change order to the District. The District requested for this deductive change order because the contractor completed the construction work under the base bid and contractual amount. Acceptance of the project completion is requested. The administration requests to pay the 5 percent (5%) retention payment (\$4,876.55) to the contractor. The total contract amount is \$90,469. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. Funding Source: Measure E.

#### [Background Material](#)

## HUMAN RESOURCES

34. Sunshining of Contract Reopeners for Negotiations for the Stationary Engineers, Local 39 to the District. Pursuant to Government Code 3547 (a), Article 29 of the Collective Bargaining Agreement, and the Educational Employment Relations, Section 3575, the Union hereby gives public notice of its proposed contract revision for a new Successor Agreement for both regular and hourly employees. This Agreement is to be negotiated in 2015. In order to satisfy the Sunshine requirements, the Union wishes to open and negotiate the following articles of the Memorandum of Understanding: The Union reserves the right to add to or modify its proposal during the negotiation process. \* Article 26, Pay and Allowances - The Union will propose fair and equitable wage increases for all employees.

### [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.

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

## ANNOUNCEMENTS

1. The next regular Board meeting will be held on March 10<sup>th</sup> here at the District Offices.
2. The Board wishes the community a Happy Black History month in February, and a Happy Chinese New Year of the Goat.
3. Daylight Savings Time begins on Sunday March 8<sup>th</sup> with spring forward, moving clocks forward one hour.
4. The Board wishes to send the following Condolences and adjourn the meeting in memory of Dr. Martena "Smokey" Wilson, beloved retired Laney faculty member.

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