



PERALTA COMMUNITY COLLEGE DISTRICT

REGULAR MEETING OF THE BOARD OF TRUSTEES

Tuesday, May 12, 2015

5:15 p.m. Closed Session

7:00 p.m. Public Session

333 East 8th Street

Oakland, CA 94606

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

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

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

AGENDA

CALL TO ORDER (7:00 p.m.)

CLOSED SESSION (5:15 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)), Adcock v. PCCD, Alameda County Superior Court, Case No. RG14733487.
- Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (3 cases)

Public Employee Appointment (Government Code Section 54957)

- Recommendation to appoint Interim Vice President of Student Services, College of Alameda.

Public Employee Evaluation (The Board is provided respective salaries in closed session for information purposes only, if any. The Board is reminded not to discuss personnel matters outside of closed session.)

Public Employee Discipline/Dismissal/Release (The Board is provided respective salaries in closed session for information purposes only, if any. The Board is reminded not to discuss personnel matters outside of closed session.)

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_.

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

(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.

APPROVAL OF THE MINUTES (7:08 P.M.)

1. Consider Approval of the Regular Board meeting Minutes of April 28, 2015.

Consider approval of the regular Board meeting Minutes of April 28, 2015. The minutes are posted on Granicus.

PUBLIC COMMUNICATION (7:10 P.M.)

At this time, the Board of Trustees will listen to communication from the public on matters that are not on the agenda and are within the Board's jurisdiction. Under provisions of the Brown Act, the Board and District staff are prohibited from discussing or taking action on oral requests that are not part of the agenda, but may respond briefly. A maximum of 15 minutes (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/>

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.)

3. Chancellor's Reports

Chancellor's Report
Interim Deputy Chancellor
Vice Chancellor's Reports

Dr. José M. Ortiz
Dr. Eric Gravenberg

Budget Update
Enrollment and
Student Services Update
General Services
Human Resources

Interim Vice Chancellor Rinne
Vice Chancellor Orkin
Vice Chancellor Ikharo
Vice Chancellor Largent

College Reports

Berkeley City College
College of Alameda
Laney College
Merritt College

President Budd
President Blake
President Webb
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.

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

CONSENT CALENDAR (7:40 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

6. 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
Roxanne Rivas	Silverton, OR	May 13, 2015 – May 15, 2015
Jennifer Shanoski	Dubuque, IA	July 12, 2015 – July 17, 2015

EDUCATIONAL AND STUDENT SERVICES

7. Consider Approval of an Increase in the Contract Amount for Independent Air Quality Testing Services provided by Environmental Technical Services Inc. (ETS), Industrial Hygienists. **Presenter: Director Greg Valentine, Office of Risk Management**

Consider approval to increase the ETS contract for Air Quality Testing from **\$50,000** to **\$75,000** (an increase of **\$25,000**) to perform statutory air quality testing. The Office of Risk Management commissions independent Air Quality Testing to ensure a healthy work and learning environment. Independent Air Quality tests are ordered either proactively and on-demand to ensure that air quality meets or exceeds air quality standards set by regulatory agencies, United States

Department of Labor, Occupational Safety and Health Administration (OSHA), Centers for Disease Control (CDC) National Institute for Occupational Safety and Health (NIOSH) and the California Department of Industrial Relations, Division of Occupational Safety and Health (DOSH), better known as Cal/OSHA.

In response to employee complaints and unsafe conditions, Risk Management orders air quality tests to ensure proper air quality throughout District facilities. Environmental Technical Solutions Inc., (ETS), a vendor with extensive industry experience and several years of District-wide testing performs our independent analysis.

At the beginning of the fiscal year, the contract amount for ETS was set at \$50,000 to handle projected testing needs. While this initial contract amount is based on the historical average, Risk Management experienced increased demand for air quality test. This request is in response to the increased demand.

The Chancellor recommends approval. **Funding Source: General Fund (Performance Based Rebate from workers' compensation insurance company)**

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

Included for approval are proposed curriculum actions as recommended by the Council for Instruction, Planning and Development (CIPD). The spreadsheet entitled "CIPD April 2015" contains course and program additions, changes and deactivations as approved by the colleges' curriculum committees and CIPD. The Chancellor recommends approval.

9. Consider Approval of contract with Flying A Media, Fall 2015 Enrollment Campaign in the amount of \$150,000 **Presenter: Executive Director Heyman.**

Consider approval of a contract for Flying A Media, a media buying company for the advertising campaign needed for Fall 2015 enrollment, consisting of the following elements: postcards mailed w/in Peralta service area; outdoor billboards throughout the District service area, AC Transit bus and shelter ads on key routes; targeted radio spots on five (5) Bay Area radio stations; and cable television spots aimed at key demographic groups. This is a coordinated campaign developed by the District Department of Public Information, Communication & Media, featuring general enrollment advertising funding not to exceed \$150,000.

All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: General Funds.**

10. Consider approval of Peralta Community College District 2015 Strategic Plan
Presenter: Associate Vice Chancellor Sanford

The PCCD 2015 Strategic Plan reflects a cycle of planning that has served the Peralta Community College District well for the past six and a half years. The original framework was developed in 2008 and updated thereafter with yearly reports of accomplishments. The PCCD 2015 Strategic Plan is the result of a full review and update, including updated service area and demographic data.

This plan is aligned with the current California Community Colleges System Strategic Plan and is organized into six sections: Section I, Introduction, provides an introduction and overview, articulates the purpose of the plan and describes the process utilized in creating the 2015 Strategic Plan. Section II, Guiding Framework, presents the mission, principles, and values that serve as the foundation for the plan. Section III, Strategic Planning Context: Challenges and Opportunities, summarizes major issues and trends affecting District-wide planning for the Peralta Community College District beginning with mega trends that are expected to have the greatest impact on the District, and also providing data on demographic changes, student success measures and job projections in Alameda County. Section IV, Goals and Institutional Objectives, presents the overarching strategic goals of the Peralta Community College District and the Institutional Objectives which are the framework for achieving and assessing success. Section V, Implementing the Strategic Plan, describes planning cycles and the approach for ensuring that the plan will serve as the driver for institutional planning, budgeting, and resource allocation. Finally, Section VI, Appendix, contains sources utilized in completion of the plan.

The Chancellor recommends approval.

11. Consider Approval of an Independent Contractor Agreement for Dr. Mark Martin for Project Management Services for the Deputy Sector Navigator (DSN) Grant.
Presenter: President Webb

Consider approval of an independent contractor agreement for Dr. Mark Martin (doing business as Design4X, Inc.) in an amount not to exceed \$171,000 (for services and business related expenses) to act as regional director for the State of California Chancellor's office Deputy Sector Navigator (DSN) grant for advanced manufacturing from July 1, 2015 – June 30, 2016.

The role of the Deputy Sector Navigator regional director is to coordinate and collaborate regionally among the twenty-eight (28) Bay Area community colleges, workforce organizations and industry within the advanced manufacturing sector. The DSN works to develop effective sector partnerships with employers, regional consortium, community colleges, high schools, ROPs, Workforce Investment Boards (WIBS), and other regional organizations to ensure a skilled workforce in support of the regional economy and industry sector and to establish career pathways.

All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: State of California Community College Chancellor's Office.**

12. Consider Approval of an Independent Contractor Agreement for Matt Trocker for Project Support Services for the Deputy Sector Navigator (DSN) and AC WIB Youth Manufacturing Training grants. **Presenter: President Webb**

Consider approval of an independent contractor agreement for Matt Trocker in an amount not to exceed \$94,000 (including business expenses) to act as project support for the State of California Chancellor's office Deputy Sector Navigator (DSN) grant for advanced manufacturing for the fiscal year 2015-16. The contract dates will be for one year, from July 1, 2015 to June 30, 2016.

Laney College has previously been awarded a Deputy Sector Navigator (DSN) grant in Advanced Manufacturing from the Chancellor's. The DSN grant is to coordinate and collaborate regionally among the twenty-eight (28) Bay Area community colleges, workforce organizations and industry within the advanced manufacturing sector.

Mr. Trocker will assist with outreach to industry; career pathway development with middle schools, high schools, and community colleges around manufacturing and skilled trades; as well as coordination and other support services on this grant.

All Board recommended contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: State of California Community College Chancellor's Office Deputy Sector Navigator grant.**

13. Consider Approval of the Addendum to the Contract between Randolph Belle Consulting Services and the District in the amount of \$12,500 with a total of \$72,000. **Presenter: President Webb**

The College requests the Board to approve an amended amount of \$12,500 for the consulting contract between Randolph Belle Consulting Services and the Peralta Community College District for the professional communications related consultation services of Randolph Belle.

An internal Independent Contractor/Consultant Services Contract was originally entered with the Consultant during the Fall 2014 semester for \$24,500. During the Spring 2015 semester, there was a need to add additional deliverables to his scope of work, and hence an addendum was processed, adding another \$35,000 to the contract. Now, given the need for graphic design services in support of the creation of the Laney College Catalog and the extensive outreach the College is undertaking to boost enrollment, the requested addition of the \$12,500 associated with the Laney College Addendum will bring the amount of the consultant's contract to a total of \$72,000 for the current fiscal year, and will allow him to

complete the catalog as well as other important outreach projects required during the Spring 2015 Semester.

All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: General Fund.**

14. Consider Approval of a Contract Addendum to Independent Contractor Chad Thompson. **Presenter: President Ambriz-Galaviz**

Consider approval of a contract extension and increase to IC Chad Thompson. The Contract is to be extended until 6/30/15, and funds increase by \$5,000. The total contract is for \$43,250. This increase will allow the program to close out and render additional follow up with potential investors for Single Stop at Merritt College. The initial Financial Opportunity Center (FOC) contract was from 11/19/14 through 5/31/15.

All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Measure B.**

FINANCIAL SERVICES

15. 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 April 11, 2015 through April 28, 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.

16. 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 April 11, 2015 through April 28, 2015. Recent AP, Travel and Consulting Contract warrant registers are brought to the Board for *ratification* purposes only. The Chancellor recommends *ratification*.

17. Consider Approval of Budget Transfer Report **Presenter: Interim Vice Chancellor Rinne**

Consider approval of budget transfer report covering the period from April 11, 2015 through April 28, 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.

- 18. Consider Approval of the District's fiscal year 2014-15 third Quarter CCFS-311Q Report **Interim Vice Chancellor Rinne**

Consider approval of the District's fiscal year 2014-15 third 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 third quarter of fiscal year 2014-15. The Chancellor recommends approval.

HUMAN RESOURCES

- 19. Consider Approval of Short-Term Assignments - Hiring of Non-Academic 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.

Last Name	First Name	Date of Hire	End Date	Position Title	Site
Rippberger	Bonnie	5/13/15	6/30/15	Inst Asst/Child Development	M
Tran	Kelvin	5/29/15	6/30/15	Network Suppt Svc Spec	B

- 20. Recommendation to approve a Tentative Agreement on contract re-openers for the 2012-2015 Successor Agreement between the District and the Peralta Federation of Teachers (PFT). **Presenter: Vice Chancellor Largent**

On May 11, 2105, the District and PFT anticipate signing a Tentative Agreement on contract re-openers for the 2012-2015 Successor Agreement.

On May 7, 2015, PFT ratified the Tentative Agreement.

The Chancellor recommends approval.

FACILITIES

21. Consider Approval of Resolution 14/15-43, Acceptance of Completed Work and Release of Retention for the Laney College Child Care Remodel (Bid No. 13-14/29) Project as Complete and Release Remaining 5% Retention, with OnPoint Construction. **Presenter: Vice Chancellor Ikharo**

Approval is requested for Acceptance of Completed Work and Release of the Remaining 5% Retention for the Laney College Child Care Remodel (Bid No. 13-14/29), in the amount not-to-exceed \$21,515.32. The Governing Board of Trustees approved the contract award (Bid No. 13-14/29) to OnPoint Construction for the Laney College Child Care Remodel Project at the June 24, 2014, Board meeting, in the amount of \$980,815. The administration negotiated a reduction of the contract to \$397,546.34. A notice to proceed (NTP) was issued with a start date of August 5, 2014. Change order no. 1 was approved at the February 18, 2015, Board meeting for additional work for \$21,429 (5.3%) and ninety-seven (97) calendar days; change order no. 2 was approved at the March 22, 2015 Board meeting, for \$7,640 (7.31%) and thirty-two (32) calendar days construction schedule extension; and change order no. 3 was approved at the April 6, 2015 Board meeting for \$3,691 (8.24%) and fifteen (15) calendar days construction schedule extension. This resolution accepts the project as complete and the administration requests final acceptance of the project and release of the remaining 5% retention. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Child Development Fund (Fund 68).**

22. Consider Approval of Resolution 14/15-44, Acceptance of Completed Work and Release of Retention for the Leaks Remediation for Laney College Buildings A, B, C, D, E & G at Laney College (Bid No. 13-14/22) Project as Complete and Release Remaining 2.5% Retention, for Valentine Corporation. **Presenter: Vice Chancellor Ikharo**

Approval is requested for Acceptance of Completed Work and Release of the Remaining 2.5% Retention for the Laney College Buildings A, B, C, D E & G at Laney College (Bid No. 13-14/22), in the amount not-to-exceed \$60,238.95. The Governing Board of Trustees approved the contract award (Bid No. 13-14/19) to Valentine Corporation for the Laney College Buildings A, B, C, D E & G at the May 12, 2014 meeting, in the amount of \$2,339,369.00. A notice to proceed (NTP) was issued with a start date of June 13, 2014 and the Certificate for Substantial Completion was issued on October 28, 2014 for the entire project, except for the fitness room. Change order no. 1 was approved at the November 18, 2014 Board meeting for additional work at the fitness room for \$49,854 (2.13%) and forty (46) calendar days extension; change order no. 2 was approved at the April 14, 2014 Board meeting for \$20,335 (3.0%) to waterproof a concrete bench at Courtyard G and one hundred eleven (111) calendar days extension and reduction of retention to 2.5%. This resolution accepts the project as complete and staff is requesting final acceptance of the project and release of the remaining 2.5% retention, in the amount of \$60,238.95.

The work was completed March 27, 2015 and all subsequent paperwork has been reviewed and received by the Architect for approval and delivered to the District. The administration recommends final acceptance of the project and release of the remaining 2.5% retention in the amount above. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Measure A.**

23. Consider Approval of Resolution No. 14/15-45, to Accept the Bid and Award a Contract to Saxton Bradley, Inc. for the Purchase and Installation of Appliances and Equipment for the Microbiology Department in the Barbara Lee Science and Allied Health Center (Bid No. 14-15/32) at Merritt College. Presenter: Vice Chancellor Ikharo

Approval is requested to accept the bid and award a contract to Saxton Bradley, Inc., for the purchase and installation of appliances and equipment for the Microbiology Department in the Barbara Lee Science and Allied Health Center at Merritt College (Bid No. 14-15/32), in the amount not-to-exceed \$398,825. This purchase consists of washers, incubators, centrifuges, microtomes, and autoclaves. The price quote includes all taxes, delivery, equipment and appliance installation, placement, assembly, and disposal of packaging materials charges.

Pursuant to the Public Contract Codes, Section 20651, a formal bid was conducted by the Purchasing Department. The bid was publicized on March 17 and 24, 2015. Five (5) specialized companies submitted bids: VWR, Fisher Scientific, Steris, Thomas Scientific, and Saxton Bradley, Inc. Upon review of each bid package, Saxton Bradley, Inc. provided the most comprehensive quote for all the required items in the bid package; whereas, the bids submitted by the other vendors excluded items outlined in the bid package. As a result, their bids were incomplete and therefore considered non-responsive. In accordance with the Public Contract Code, Section 20651.2, "bids not presented on the forms so furnished shall be deemed non-responsive and shall be rejected."

VENDOR	LOCATION	TOTAL BID	
Saxton Bradley Inc.	Renton, WA	Responsive	\$398,825.00
VWR dba Sargent Welch	Radnor, PA	Non-Responsive	\$293,902.50
Thermo Fisher Scientific	Hanover Park, IL	Non-Responsive	\$238,572.20
Thomas Scientific	Swedesboro, NJ	Non-Responsive	\$146,052.37

The vendor's United States headquarter is located in Washington state. To do business in California, the company is registered with the California Secretary of State with a service agent of process, James Steven McLoughlin, located in Huntington Beach, CA 92648. The company has an active contractor's license with the California Contractors State License Board (license no. 974750). Effective April 1, 2015, as required by the Senate Bill 854, under Brag Investments Inc., the company is registered with the Department of Industrial Relations (no. 1000005663). Since this is a public works project, the California prevailing wage

law applies too. The project is not a public works construction project; it is a purchase of appliances and equipment only. Therefore, the Project Labor Agreement is not applicable on this project. All Board recommended contracts are subject to negotiation and execution by the Chancellor. The Chancellor recommends approval. **Funding Source: Measure A.**

ANNOUNCEMENTS

ADJOURNMENT

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours prior to the meeting to the Board Clerk, Chancellor's Office, 333 East 8th Street, Oakland, CA, (510) 466-7203, bmartinez@peralta.edu at least 48 hours prior to the meeting.