



BOARD OF TRUSTEES  
OF THE  
PERALTA COMMUNITY COLLEGE DISTRICT  
MINUTES  
FEBRUARY 26, 2013

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

**CLOSED SESSION (5:00 p.m.) Topics to be discussed include:**

Conference with Labor Negotiator Largent, Peralta Federation of Teachers, Local 39, and SEIU 1021 (Government Code § 54957.6)

Conference with Legal Counsel, Multiple Cases: (Government Code § 54956.9)

\* Conference with Legal Counsel (54956.9(a)), Johnson v. PCCD, U.S. District Court, Northern District of CA Case No. C08-4152

\* Conference with Legal Counsel (54956.9(a)), Payne v. PCCD, United States District Court, Case No. C08-03133.

\* Conference with Legal Counsel (54956.9(a)), Abdur-Rasheed v. PCCD, United States District Court, Case No. CV 11-1744.

\* Conference with Legal Counsel (54956.9(a)), Vogt v. PCCD, Alameda County Superior Court, Case No. RG11-573757.

\* Conference with Legal Counsel (54956.9(a)), In re Municipal Derivatives Antitrust Litigation, U.S. District Court, Southern District of New York, Case No. 1:08-cv-02516-VM-GWG.

\* Conference with Legal Counsel (54956.9(a)), PCCD v. KYJ Associates, Alameda County Superior Court, Case No. RC08376707.

\* Conference with Legal Counsel (54956.9(a)), Jackson v. PCCD, Alameda County Superior Court, Case No. RG11601534.

\* Conference with Legal Counsel (54956.9(a)), Kogo v. PCCD et al., Alameda County Superior Court, Case No. RG12613106.

\* Conference with Legal Counsel (54956.9(a)), Burk v. PCCD, Alameda County Superior Court Case No. RG12633720.

\* Conference with Legal Counsel (54956.9(a)), Chabala v. PCCD; Opong-Mensah, Alameda County Superior Court Case No. RG12655323.

\* Conference with Legal Counsel (54956.9(a)), First National Insurance Co. v. PCCD, U.S. District Court, Northern District of CA Case No. CV12-5943.

\* Conference with Legal Counsel, Anticipated/Potential Litigation (54956.9(b)-(c)) (5 cases).

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

\* Negotiator Ikharo, 2120 University Avenue, Berkeley, California, 94704.

\* Negotiator Ikharo, 2025 Center St, Berkeley, California, 94704.

\* Negotiator Ikharo, 1950 Addison Street, Berkeley, California, 94704.

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

\* Interim Associate Vice Chancellor for Student Services, District Offices.

\* Director of the AANAIPISI (APASS) Program, Laney College.

\* Acting Business & Administrative Services Manager, Laney College.

\* Acting Vice President of Instruction, Berkeley City College.

\* Interim Director of Special Projects, Berkeley City College.

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

### PLEDGE OF ALLEGIANCE

### ROLL CALL

Trustees Brown, Pr\_ Ab\_, González Yuen Pr\_ Ab\_, Guillén Pr\_ Ab\_, Handy Pr\_ Ab\_, Riley Pr\_ Ab\_, Withrow Pr\_ Ab\_ , and Gulassa Pr\_ Ab\_, Student Trustees Clegg Pr\_ Ab\_ and Cervantes Pr\_ Ab\_.

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

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. Adela Esquivel-Swinson, Interim Associate Vice Chancellor for Student Services, District Office, effective March 11, 2013 through March 11, 2014, or until the position is filled at \$140,000 annually, at Step A with a \$300 monthly stipend. AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0  
2. Phoumy Sayavong, Director of the AANAIPISI (APASS) Program, Laney College, effective March 18, 2013 through February 28, 2015 at \$95,000 annually at Step  
4. AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0 3. Extend the contract of Dr. Kerry Compton, Acting Vice President of Instruction for Berkeley City College beginning February 27, 2013 through May 8, 2013 at \$145,000 annually, or until the incumbent returns from leave, whichever occurs first. AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0  
4. Maeve Katherine Bergman, Interim Director of Special Projects at Berkeley City College effective March 1, 2013 through June 30, 2013, or until the position is filled, whichever occurs first, at \$80,000 annually. AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

### APPROVAL OF THE AGENDA (Please state the Agenda Item Number and Identify the Issue) (7:02 P.M.)

At this time, Board members or the Chancellor may request to modify the agenda. Board members may request that items on the consent calendar be removed to be addressed separately on the Action Calendar. Subsequent to the approval of the consent calendar, the items removed from the consent calendar are discussed and voted on separately. Changes to the agenda are to be approved by a majority of the Board. The Board will move to the Action Calendar items with public speakers.

#### [Agenda](#)

Item 16 re: Everge contract, the revised amount requested is not to exceed \$157,800 through July 31, 2013.

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

#### [Minutes 2-12-13](#)

MOTION: Motion by Trustee Withrow, second by Trustee Guillén to approve Trustee González Yuen will send some corrections to the Board Clerk regarding Agenda Item 18, and his Board report comments should read 90 units.

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

**PUBLIC COMMUNICATION (7:05 P.M.)** At this time, the Board of Trustees will listen to communication from the public on matters that are not on the agenda and are within the Board's jurisdiction. Under provisions of the Brown Act, the Board and District staff

are prohibited from discussing or taking action on oral requests that are not part of the agenda, but may respond briefly. A maximum of 15 minutes (3 minutes per individual maximum) will be provided for speakers under this agenda section. A speaker's card must be completed to request to address the Board. Requests to speak which cannot be honored within the time limit will be scheduled for subsequent meetings in the order received. Persons addressing items included on the agenda will be heard at the time the item is considered, and comments on tangential issues not directly related to the item may be ruled out of order. Cards must be received prior to the Board's consideration of the item and are honored in the order the cards are received. A speaker may yield time to another speaker, where both have completed a speaker's card, and the yielder must identify him/herself to the Board. Written statements can be submitted for inclusion into the Board minutes to the Board Clerk, and members of the public are asked to submit any materials to the Board Clerk and shall not approach the dais during meetings. (Please line-up when your name is called.)

Speaker Garcia update on the Peralta Foundation. The golf tournament will be held on July 22nd at the Sequoyah Country Club. Their website has been updated to better highlight scholarships. He's been visiting student groups to publicize the scholarships, and would like to receive the student leaders' contact information from the College Presidents.

**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 Flores, ASCOA President, announced their club rush on March 5-6 on the quad. Elections will proceed on April 30th and May 1st. Food vendors have suggested an off-the-grid food vendor event with student vouchers. They are working with administrators to publicize student scholarship.

Speaker Linfors, ASLC member, shared that their Unity Day proposal for all campus students is proceeding. They are working on campus safety issues with thefts and crime, and on the upcoming sustainability conferences at Merritt and Laney Colleges. Their club rush will occur March 5-6, as well as a Graduation Fair. They will host Foundation Director Garcia for a presentation. The BSU was thanked for their Black History Month program. Sympathies are sent to the family and friends of Travion Foster upon his untimely passing.

Speaker Creasey, ASBCC President, announced their club rush this week. Upcoming events were announced including a movie night for the Raise the Wage campaign. 50 donors participated in a blood drive.

- |    |                              |                                 |   |   |
|----|------------------------------|---------------------------------|---|---|
| 3. | Chancellor's Reports<br>Vice | Budget Update<br>Enrollment and | Chancellor's Report<br>Chancellor's<br>Vice Interim | Dr. José M. Ortiz<br>Reports<br>Gerhard<br>Chancellor Orkin |
|----|------------------------------|---------------------------------|---|---|

General	Services	Student	Services	Update
860		Update	Vice	Chancellor
Human Resources	Atlantic		Ave.	Report
	Vice Chancellor	Largent		

[Enrollment report](#)

[860 Atlantic Report](#)

[860 Atlantic Timeline](#)

An update was given on the 860 Atlantic Avenue building. Trustee Withrow is concerned with the long timetable that started in May 2008, feeling that 5 years is too long to modify an existing building and that the delays are unreasonable. We're currently using about 20% of the building for the chemistry program and 5% for the genomics program, and the rest of the building will be occupied by June. Trustee Guillén has the same concerns, as he thought it was a new, modern building that wouldn't require major renovations, and he questioned why the construction manager was hired prior to construction starting. He thought that contract education could also provide a community opportunity, and he's disappointed that never happened. Some of the building needs changed swing-space college needs, but we didn't even lease the space. It took 1.5 years just to go through the design-renovation process for the college needs. The project manager WJ Robinson was hired in 2009, but they didn't provide services until fall 2009, allowing for the design to go through a construction design review. They also helped to reduce the change orders, and ensured that the construction funding would be available with a viable program. Walls had to be moved, and the building torn apart to meet the college needs. Merritt College needed clean labs, and to avoid cross-contamination, they couldn't be shared with COA, and the areas had to be modernized. The building purchase price was \$7.5M and improvements cost \$4.6 M. The building saved the colleges swing-space funds. A similar furnished building today would cost the same amount. Under COA's use plan, fee-based programs can occur in this building. Argosy also wants to use the space on Sundays, as the modernization was extensive. Trustee Gulassa shared there was an unclear vision when the building was first purchased, and the Board had an expectation that we'd be moving into the space immediately. He asked for a rigorous process and a thorough analysis for any future building purchases. Trustee Brown asked what other comparable facilities there are in the area, and the current DSA turn-around modernization timetable. Planning and construction takes about 2.5 years. Argosy University has a comparative facility in the area. This facility has a lot of potential uses for the future. We wanted two colleges with two distinct programs to be able to use the building, and the design period took a long time to work around the faculty programming schedule. Trustee Guillén requested a tour of the finished project, and suggested the building is ripe for a naming rights opportunity to raise funds. Trustee Brown asked for a comment from the COA President about the building project, as she was the previous Vice President of Instruction. COA moved in partially into the building in 2011. All of the infrastructure was all cut, and all of the data lines were removed. The HVAC was not in working order, and those defects weren't apparent at the time of the purchase. Also, faculty can only move during certain periods of year. Faculty now love the building. Trustee Guillén asked if it's a temporary or permanent facility relocation site, or if contract education is being considered at the site in the future, and he asked for clarity on the building purpose. Trustee Riley feels there were unforeseen circumstances that delayed the timeframe, as well as getting the necessary input from our faculty and shared governance process. He shared this isn't untypical when trying to proceed with such complex projects and buildings. Trustee Handy doesn't recall ever committing this building just to contract education as the specific use.

## **College Reports**

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

[BCC President Report](#)

### **College of Alameda President Jackson**

### **Laney College President Webb**

### **Merritt College President Ambriz-Galaviz**

[Merritt College President Report](#)

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.

Student Trustee Cervantes attended a high school outreach event. The student group will meet with the Chancellor soon on financial aid matters. Laney student Trevion Foster was tragically killed. The students will work on a Peace Conference to acknowledging ending the violence in our community.

Trustee Guillén shared that lack of attendance in school and truancy plays a big role in student success. He feels that OUSD and Peralta could meet to review our overlapping programs, where we already work together, and to strengthen existing partnerships. He feels that such efforts could help to save more of our kids and keep them on a positive track.

Trustee Brown was also pleased to have attended the Laney College Strategies and Outcomes for our Black Community.

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

Trustee Guillén asked for an explanation of the balance between wanting bigger classrooms for higher FTES with the desire for small classrooms for student success. Dr. van Putten feels that larger classrooms are often counterproductive to the student success outcome, and can undermine student success. The Chancellor shared that another factor is having many students enrolled with a single instructor to increase revenue in a large lecture class, so productivity increases without the cost going up. Trustee Gulassa shared that certain classes such as basic skills have a limited class size cap, while other large lecture classes with many assistants can help to keep the other classes going on, with the goal being to balance student success with the teachers and classroom size.

6. Laney College Facilities Master Plan (15 minutes) Presenter: President Webb, Suniya Malhotra, Rob Barthelman President Webb and representatives from STV (formerly architecture/VBN) will give a presentation on the Laney College Facilities Master Plan. Formal Board approval of the plan will be requested at this meeting, Item 20. An electronic copy of the report is available to the public on the Peralta website at <http://web.peralta.edu/general-services/>. (It was later announced that this presentation will return to the Board at the next meeting.)

[Laney FMP](#)

This presentation will be rescheduled, and Item 20 will also return to the Board for future consideration.

7. ARCC Data Report Presenter: Vice Chancellor Orkin (10 minutes) Vice Chancellor Orkin will present a data summary and discussion of the 2012 Peralta ARCC report (Accountability Reporting for the Community Colleges) as specified in Education Code, Section 84754.5(d).

[Peralta ARRC data](#)

[Background Material](#)

Trustee Brown asked about the peer group and basic skill configuration. The factors used to determine the peer groups correlate to student success factors and the particular focus question.

**CONSENT CALENDAR (8:10 P.M.)**

**All matters listed under the Consent Calendar are considered by the Board of Trustees to be routine or sufficiently supported by back-up information as to not require additional discussion. Consent Calendar items will be enacted by one motion. There will be no separate discussion on these items prior to the time the Board votes on them, unless a Board member requests that a specific item be removed from the Consent Calendar for action and a separate vote. Public comment on Consent Calendar items from anyone completing a card will be heard prior to the Board's vote on the Consent Calendar. All Board approved contracts are subject to final negotiation and execution by the Chancellor.**

MOTION: Motion by Trustee Withrow, second by Trustee Riley to approve the Consent Calendar, including agenda Items 8, 9, 11 – 15, 16 as amended, 17 - 19, 21 – 23.

Item 20 is removed from the agenda. Item 10, accreditation reports, will be the first read for the Board members, and will be brought back to the Board in March. This gives the Board members an opportunity to further review the reports.

AYES: Trustee Brown, Trustee González Yuen, Trustee Guillén, Trustee Gulassa, Trustee Handy, Trustee Riley, and Trustee Withrow.

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed.

**BOARD MATTERS**

8. Consider Approval of Board Policy 2410 Board Policy and Administrative Procedure Presenter: Chancellor Ortiz Consider approval of Board Policy 2410 Board Policy and Administrative Procedure. The Chancellor recommends approval.

[BP 2410](#)

9. Consider Approval of Board Policy 3715 Intellectual Property Presenter: Chancellor Ortiz Consider approval of Board Policy 3715 Intellectual Property. The Chancellor recommends approval.

[BP 3715](#)

**EDUCATIONAL AND STUDENT SERVICES**

10. Consider Receipt and Acceptance of the ACCJC Follow-up Reports for College of Alameda, Merritt College, Berkeley City College, and Laney College Presenter: President Gulassa The Board has reviewed the reports and submitted feedback to the Chancellor, and hereby receives and accepts the ACCJC follow-up reports for College of Alameda, Merritt College, Berkeley City College, and Laney College. The Chancellor recommends receipt and acceptance. (It was announced that this was a first read of the documents for the Board, and that they would return to the Board at the next meeting for receipt and acceptance.)
11. Consider Approval of Course and Program Additions, Deactivations and Changes Presenter: Interim Vice Chancellor Orkin Included for approval are proposed curriculum actions as recommended by the Council for Instruction, Planning and Development (CIPD). The packet entitled "Curriculum and Instruction Recommendations - February 2013" contains course and program additions, changes and deactivations as approved by the colleges' curriculum committees and CIPD. The Chancellor recommends approval.

[Background Material](#)

**FINANCIAL SERVICES**

12. Consider Review of Purchase Order Report Presenter: Vice Chancellor Gerhard The Purchase Order Report is being presented for review in accordance with Education Code Section 81656 which states, "All transactions entered into by the officer or employee (designated employees enumerated in AP 6330) shall be reviewed by the Governing Board every 60 days." This Purchase Order Report contains all orders issued from January 26, 2013 through February 8, 2013 which have been issued in accordance with applicable policies, procedures and laws by an authorized officer of the District. The Purchase Order Report is brought to the Board for informational purposes only.

[PO Report](#)

[Background Material](#)

13. Consider Ratification of the AP, Travel, and Consulting Contract Warrant Register Presenter: Vice Chancellor Gerhard Consider ratification of the AP, Travel, and Consulting Contract Warrant Register from January 26, 2013 through February 8, 2013. Recent AP, Travel and Consulting Contract warrant registers are brought to the Board for ratification purposes only. The Chancellor recommends ratification.

[Warrant Report](#)

14. Consider Approval of the Budget Transfer Report Presenter: Vice Chancellor Gerhard Consider approval of the budget transfer report covering the period from January 26, 2013 through February 8, 2013. California Code of Regulations Section 58307 limits the District's expenditures to the amount appropriated for each major expenditure classification as approved by the Board of Trustees through the adoption of the District's annual budget or as amended by subsequent budget transfers or revisions. Due to this

statutory control language, budget transfers that move budget authority between major object codes or classifications must be approved by the Board of Trustees. The budget transfers presented are requests originating from the Colleges' or District's departments during the ordinary course of operations and do not significantly alter the final budget that was approved by the Board of Trustees on September 11, 2012. The Chancellor recommends approval.

[Budget transfer journal](#)

[Background Material](#)

15. Consider Approval of ERP Analysts' PeopleSoft Portal Implementation Contract Presenter: Vice Chancellor Gerhard Consider approval of a contract with ERP Analysts to implement and configure PeopleSoft Portal version 9.1. The total not-to-exceed cost of this contract is \$64,000 including time and expenses, part of the original project allocation (see IT Strategy 2012, Project #2.9, page 37). Funding Source: Measure E. The District's Board-approved Information Technology Strategy identifies the upgrade of PeopleSoft from version 8.9 to 9.1. This project began last fall and is currently anticipated to be completed in June 2013. The project budget was approved for \$1,446,500 and actual expenditures to date are \$412,142.52. The scope of the upgrade project includes upgrading the existing Campus Solutions (Student Administration), Human Resource Management System, and Portal modules. The PeopleSoft Portal modules are the entry point into which students and staff access the PeopleSoft system. The purpose and scope of this contract is to implement the latest version of the Portal for PeopleSoft 9.1. The Portal upgrade will improve ease of use, improve reliability, add additional functionality and features, configure a Portal test environment, provide knowledge transfer, and train existing employees. All deliverables included within the scope of this contract will be performed onsite. Mr. Srikanth Gaddam is the President of ERP Analysts. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

[Strategic plan section](#)

16. Consider Approval of a Contract Extension with Everge Group for PeopleSoft Module Upgrade Support. Presenter: Vice Chancellor Gerhard Consider extension of a contract with Everge Group to provide technical and project management assistance for PeopleSoft application upgrade support. The total not-to-exceed cost of this contract is \$127,800 including time and expenses, bringing the total amount of Everge contracts for FY 2012-13 to \$344,800. (IT Strategy 2012, Project # 2.9, page 37). Funding Source: Measure E. The District's Board-approved Information Technology Strategy identifies the upgrade of PeopleSoft module from version 8.9 to 9.1. This project began last fall and is currently anticipated to be completed in June 2013. The project budget was approved for \$1,446,500 and actual expenditures to date are \$412,142.52. Everge Group has been assisting the District with upgrading its existing versions of the Human Resources Management System and Campus Solutions modules within PeopleSoft to the most recent version available. This involves moving from versions 8.9, which is the initial version adopted in 2005, to version 9.1. Esteban Neely is the President of Everge Group and John Beall is the Executive Vice President. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. (Under approval of the agenda, the revised amount requested is not to exceed \$157,800 through July 31,



2013.)

[Background Material](#)

[Strategic plan section](#)

[Background Materials 2](#)

17. Consider Approval of the Purchase of Apple Computers for the Laney College Media & Technology Center Presenter: Vice Chancellor Gerhard Consider approval for the purchase of 26 desktop computers, monitors, and licenses for the Laney College Media & Technology Center, Macintosh Instructional Lab from Apple Inc. in the amount not to exceed \$128,685.49. Funding Source: Measure A. Laney College Media and Technology Center, Macintosh Instructional Lab would like to replace its existing, outdated and obsolete computers with faster and more powerful units to enhance its current operations standard in the digital media industry. Their current computers are obsolete. The upgraded computers will enable our students to better compete in today's market. These computers are used by many departments within the College and are uniquely efficient in that they can operate in both Mac and PC platforms. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

18. Consider Approval of the Designation of Materials and Equipment as Surplus and Obsolete Presenter: Vice Chancellor Gerhard Consider approval to designate equipment and materials as surplus and obsolete. Under Board Policy 6550 Disposal of Property, The Chancellor is delegated authority by the Board of Trustees to declare as surplus such personal property of the District as is no longer useful for District purposes, and shall establish procedures to dispose of such property in accordance with applicable law. All sales of surplus personal property shall be reported to the Board on a periodic basis. This policy shall not be construed as authorizing any representative of the District to dispose of surplus real property at any time. In accordance with Administrative Procedure 6550, the listed items will be sold to the highest responsible bidder or donated. No fiscal impact. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material](#)

[Background Material 2](#)

**HUMAN RESOURCES**

19. 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  
Chan Cynthia 3/1/13 5/24/13 Inst Asst I/DSPS L Crawford Shawna 3/1/13 5/24/13 Inst Asst III/DSPS L Daly Joseph 2/27/13 5/24/13 Lifeguard L McGinn Martin 2/27/13

6/30/13 Library Technician II M Purvis Nakeesha 3/4/13 6/28/13 Clerical Assistant  
II/Typing D Vasquez Yesenia 2/27/13 5/24/13 Lifeguard L

## **FACILITIES**

20. Consider Approval of the Laney College Facilities Master Plan Presenter: Vice Chancellor Ikharo Approval is requested for the Laney College Facilities Master Plan (FMP), prepared by the Administration and STV (formerly architecture/VBN), with consultation from the stakeholders. Funding Source: No expenditure of funds is involved in this action. Preparation of the Laney Facilities Master Plan was funded by Measure A. The original agreement with former architect VBN for the Laney Facilities Master Plan was approved by the Board of Trustees at the meeting of May 10, 2011, in the amount of \$499,175. In April 2010, the Educational Master Plan for Laney College was approved by the Board of Trustees. Due to the environmental changes affecting Laney College and the surrounding communities, there was a need to update the Facilities Master Plan to reflect the strategic educational plan of the college. Laney College opted to create a new Facilities Master Plan (FMP) that reflected those changes. The Chancellor negotiated a Board approved contract with STV (formerly architecture/VBN) to provide facilities master planning services to create the Laney College FMP. An electronic copy of the report is available to the public on the Peralta website at: <http://web.peralta.edu/general-services/>. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval. (It was later announced that this item will return to the Board at the next meeting.)

### [Background Material](#)

### [Background Material 2](#)

21. Consider Approval of Amendment No. 1 to the Agreement for Architectural Services with Murakami/Nelson Architectural Corporation for the Six-Month Modernization Project at Berkeley City College Presenter: Vice Chancellor Ikharo

Approval is requested for Amendment No. 1 to the agreement for architectural services with Murakami/Nelson Architectural Corporation for the Six-Month Modernization Project at Berkeley City College, in the not-to-exceed amount of \$10,000.00. Funding Source: Measure A. Murakami/Nelson Architectural Corporation already completed the first submittal of architectural plans to the Division of State Architect (DSA). Architectural plans must be submitted to DSA as required by California's Statutes, Title 24 Regulations, DSA Policies, DSA interpretations of regulations, and DSA checklists related to accessibility for persons with disabilities. Under the plan review jurisdiction of DSA for community colleges, DSA provided more comments on the architectural plans for additional corrections. The anticipated completion date is May 2013. Under this Amendment No. 1, the architect will correct these comments from DSA and address other design items for the project.

The following are additional services to be provided by the architect: Incorporate the audio visual design by the District's consultant, Rosen Goldberg Der & Lewitz, for smart classroom Phase 3 areas Revise the cabinetry design at the 4th and 5th floors of the Art and Science labs due to changes in existing conditions between the design and construction phases Make miscellaneous design changes due to curriculum program changes Complete design review, coordination meetings, phone calls, and emails as related to the

project  
Make corrections to related items per comments from DSA  
Complete DSA submittal and approval of new work  
Perform additional project administration services for the new work and close-out project

Murakami/Nelson Architectural Corporation was selected from the Board-approved short list of architectural firms. The firm has provided architectural services for the Berkeley City College Build-Out Phase 3 project, which is currently under construction. Under the original contract, the company completed architectural and sub-consultant design services for work requested by Berkeley City College. The original agreement with the firm in the amount of \$29,400 was approved by the Board at the meeting of June 26, 2012. Including this amendment request, the total not-to-exceed contract amount will be \$39,400 for all contracts. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

### [Background Material](#)

### [Background Material 2](#)

22. Consider Approval of Amendment No. 3 to the Agreement for Project Labor Agreement (PLA) Management Services with Davillier-Sloan, Inc. (DSI) Presenter: Vice Chancellor Ikharo

Approval is requested for Amendment No. 3 to the agreement for Project Labor Agreement (PLA) Management Services with Davillier-Sloan, Inc. (DSI), in the not-to-exceed amount of \$40,000 for the period of March 1, 2013 through February 28, 2014. Funding Source: Measure A. Under this Amendment No. 3, DSI, a labor management consultant will continue to provide a full range of services related to the Project Labor Agreement (PLA) for the District with a main concentration on local hiring. Further, DSI will provide comprehensive labor relations and dispute resolution services. DSI will use outside consultants, Bradford Coupe and Ed Manning, on an as-needed basis to support their services. This third, one-year extension in the not-to-exceed amount of \$40,000 for a one-year period would cost \$3,333.33 per month.

DSI will provide the following services to assure the efficient operation and administration of the District's Project Labor Agreement: Complete data collection management will include: Using certified payrolls to monitor compliance with the goals for local hiring and performing a detailed audit to ensure that contractors have submitted all certified payroll reports and PLA forms. Verifying all apprentices on certified payroll reports to ensure that they are registered and approved by the State of California Apprenticeship Standards.

Conduct workforce development and compliance enforcement will include: Conducting project site visits, working with participating contractors involved in project work, and informing participating contractors of community based organizations involved in training. Working with the unions and District to make staff and students aware of opportunities and requirements, and meeting with contractor(s) to discuss issues and resolution plan for non-compliance.

Coordinate labor relations activities will include: Communicating with contractor(s) on schedules and collaborating with the District and various unions to process grievances. Working with unions to ensure the dispatch of skilled workers, and using non-union contractors, "core" employees, and skilled union members.

Participate in District relations and attend meetings will include: Attending pre-bid meetings for all PLA covered projects and District Project Manager meetings as needed. Participating in District's Construction training programs and Advisory Committees as directed, scheduling meetings and recording meeting minutes, and attending progress meetings with the District as requested. Report progress of local hiring to the District will include: Providing weekly, monthly, and related reports on the progress of local hiring to the District Vice Chancellor for General Services and the contractor project manager. Presenting monthly and special reports to the District management on social justice and related issues as requested. Making annual special reports to the Administration, District's Board of Trustees, and Bond Oversight Committee on the progress and status of the PLA.

The Board approved entering into an agreement with DSI at the meeting of March 23, 2010. The first one-year extension, for the period of March 2011 through February 2012, was approved by the Board at the meeting of March 15, 2011. The second one-year extension, for the period of March 2012 through February 2013, was approved by the Board on February 14, 2012, in the not-to-exceed amount of \$72,000 for a one-year period (\$6,000 per month). DSI has continued to perform their work satisfactorily and it is recommended that this amendment be extended for an additional one-year period. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material 1](#)

[Background Material 2](#)

[Background Material 3](#)

23. Consider Approval of Amendment No. 2 for a Lease Extension with Continental Can Building, LLC for Interim Storage Needs for Laney College Presenter: Vice Chancellor Ikharo Approval is requested for Amendment No. 2 for a lease extension between the District and Continental Can Building, LLC for interim storage space located at 5601 San Leandro Street in Oakland, in the not-to-exceed amount of \$48,000. Funding Source: Measure A. Under this Amendment No. 2, the lease term for Continental Can Building, LLC is for a period of 8 months, from February 1, 2013 through September 30, 2013, at a cost of \$6,000 per month. The leased space will continue to be used for storage of books and other usable furniture, fixtures, and equipment during the construction work of the Laney College Administrative Tower Building. Phase 2 of the Laney Tower project is anticipated to be complete by June 30, 2013. The storage space will be needed until the project is complete and the furniture and equipment are be moved back to the Tower. Under the original contract, an additional \$8,000 deposit was approved for the first and last months' rent. The \$8,000 deposit will be refunded at the lease termination. On February 15, 2011, the Board of Trustees approved an amount of \$54,000 for the original lease cost for the period of March 1, 2011 and ended February 29, 2012. An additional

\$55,000 was approved at the June 12, 2012 Board Meeting for an extension. This lease also provided a storage space for the Merritt Learning Resource Center (LRC) and Library, and the Laney Tower Project Phase I and II. Including this Amendment No. 2, the total contract amount will be \$157,000 for all contracts. Staff conducted price quotes and moving cost analysis for this space rental with other landlords, and it was determined that it is financially advantageous to continue to rent from Continental Can Building, LLC. All Board approved contracts are subject to final negotiation and execution by the Chancellor. The Chancellor recommends approval.

[Background Material 1](#)

[Background Material 2](#)

### **ACTION CALENDAR ITEMS**

The Action Calendar lists non-routine items that the Board of Trustees may wish to discuss and/or debate. The list below may be supplemented by items removed from the Consent Calendar. The Board will move to the Action Calendar items with public speakers, and Board-sponsored Resolutions. The Board will hear public comments prior to taking any action on these items.

**Motion on each Action Calendar Item**

**Public Comments on each Action Calendar Item**

**Vote on each Action Calendar Item**

**Announcements**

1. The next regular Board meeting will be held on March 12th here at the District Offices.
2. Daylight Savings Time begins on March 10th with spring forward, moving clocks forward one hour.

### **ADJOURNMENT**

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

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