

# OFFICIAL COPY



## CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES REGULAR MEETING

MINUTES  
FEBRUARY 19, 2019

### PLACE

Chabot- Las Positas Community College District, 7600 Dublin Blvd, Dublin Ca 94568

### CALL TO ORDER

The regular meeting was called to order at 5:00 p.m. by President Maduli, Recording Secretary Debra Nascimento called the roll.

### PUBLIC COMMENTS

There were no Public Comments offered at this time.

### CLOSED SESSION

#### Motion No. 1

Motion made by Trustee Mitzman and seconded by Trustee Randolph, the Board immediately adjourned to Closed Session at 5:01 p.m.

Motion carried unanimously, 6-0, with Trustee Gelles via Conference Call.

### OPEN SESSION

The Board re-adjourned in Open Session at 6:35 p.m. Recording Secretary Debra Nascimento called the roll.

### ATTENDANCE

Members Present: Trustee Mr. Donald L. "Dobie" Gelles (Excused at 6:30 p.m.)  
Trustee Dr. Hal G. Gin  
Trustee Ms. Linda Granger  
Trustee Mr. Edralin "Ed" Maduli  
Trustee Dr. Marshall Mitzman

Trustee Ms. Genevieve Randolph  
Student Trustee Ms. Juliet Garcia Gutierrez  
Student Trustee Mr. Garrett Culbertson

Recording Secretary: Ms. Debra Nascimento

Managers Present: Mr. Ronald Gerhard, Interim Chancellor  
Ms. Roanna Bennie, Interim President, Las Positas College  
Dr. Stacy Thompson, Vice President of Academic Services,  
on behalf of Dr. Susan Sperling, President, Chabot College  
Mr. David Betts  
Mr. Walt Blevins  
Ms. Diane Brady  
Ms. Julia Dozier  
Ms. Jennifer Druley  
Mr. Bruce Griffin  
Dr. Matthew Kritscher  
Mr. Owen Letcher  
Ms. Guisselle Nunez  
Mr. Rajinder Samra  
Mr. Dale Wagoner  
Mr. Jim Yoke

Others Present: Dr. Melissa Korber, President, Las Positas College Faculty  
Senate  
Mr. Mon Khat, President, Chabot College Faculty Senate  
Ms. Noell Adams, President, Chabot College Classified  
Senate  
Ms. Cindy Robinson, President, Las Positas College  
Classified Senate  
Mr. Lawrence Aguiar  
Ms. Donna Alaoen  
Mr. Jim Baum  
Ms. Jas Bhangal  
Ms. Joanne Bishop-Wilbur  
Ms. Linda Buelna  
Mr. Gregory Correa  
Mr. Mujeeb Dadgar  
Mr. Jira Daniel  
Ms. Talice Dennis  
Ms. Deborah Dobbins  
Mr. Dave Fouquet  
Ms. Philomena Franco  
Ms. Cathy Gould

Ms. Ann Kroll  
Mr. Amir Law  
Ms. Yvette L. Nahinu  
Ms. Dawn Neideffer  
Mr. Jeff Nelson  
Ms. Sandi Perry-Rees  
Mr. Gregory Rees  
Mr. Norberto Ruiz  
Mr. Raheem Russell  
Mr. Tim Sbranti  
Ms. Rachel Ugale

### **REPORT OUT: ACTION TAKEN IN CLOSED SESSION**

President Maduli reported the Board of Trustees voted to reject the Tort Claim filed by Ms. Marissa Ablaza pursuant to the Government Code 901 and 911.2, and gave direction to the Interim Chancellor to give notice of the rejection to the claimant. Returned for lateness 7/8/2018, rejected after 7/8/2018.

AYES: Gelles, Gin, Granger, Maduli, Mitzman, Randolph

NOES: None

ABSENTION: None

ABSENT:

### **1.5 PLEDGE TO FLAG**

Interim Chancellor Gerhard led the pledge.

### **1.6 PUBLIC COMMENTS**

As part of preparing Board Minutes, the District includes a summary of oral communications made to the Board. These summaries do not represent the views or opinions of the Board of Trustees or District, and by including them as part of the minutes of this meeting, the District does not endorse them or vouch for the accuracy of the statements made by the public.

Ms. Talice Dennis, Ms. Deborah Dobbins and Mr. David Rodriguez with the Classified Leadership Institute for Professionals (CLIP), expressed their gratitude for the Board's time, dedication and commitment to making Chabot- Las Positas College District a great place to work. They also thanked Interim Chancellor Gerhard, Advisor VC Fong for their support and collective wisdom, their individual strengths are able to translate to organizational excellence.

Mr. Norberto Ruiz stated he is in support of Dean Dr. Kristen Lima and would like the Board of Trustees to reconsider her contract to two years.

Ms. Jas Bhargal stated on behalf of full time faculty she requests the Board of Trustees reconsider and extend Dean Dr. Kristen Lima contract to two years as this is at the best interest of the college.

Mr. Jim Baum stated Dean Dr. Kristen Lima is a great leader. He provided 25 signatures of support from full time faculty and staff members for Dr. Lima.

Mr. Gregory Correa stated he is dismayed with the denial of the Boards decision regarding an employee.

Mr. Greg Rees expressed his concerns regarding trustees and administrators.

Ms. Amy Smith formally invited the Trustees to “Honoring Women Veterans” event at Las Positas College, March 7<sup>th</sup>. Ms. Gissella stated, Keynote Speakers will be, Ms. Lindsey Sin and Ms. Graciela Tiscareno-Sato, scholarships will be presented as well.

President Maduli gave his regrets he will be in New York City.

## **1.7 ACCEPTANCE OF RESIGNATION/RETIREMENT OF BOARD MEMBER AND CONFERRING THE TITLE OF TRUSTEE EMERITUS**

### Motion No. 2

Motion made by Trustee Mitzman and seconded by Trustee Gin, to accept the resignation/retirement of Board Member Mr. Vecchiarelli and conferring the title of Trustee Emeritus.

Motion carried unanimously, 5-0, with Trustee Gelles absent.

## **1.8 CALL FOR PROVISIONAL APPOINTMENT TO BOARD AND APPROVAL OF TIMELINE FOR APPOINTMENT OR ORDER AN ELECTION**

The Board of Trustees has three (3) options for filing the vacant seat on the Governing Board as outlined by the Education Code and confirmed by the Community College of California (CCLC) and District Legal Counsel.

The Three (3) options are:

1. Make a provisional appointment within 60 days.
2. Order an election within 60 days. (This means the order must be made within 60 days, not that the election is in 60 days.)
3. Do nothing, in which case the County Superintendent of Schools must order the election.

Proposed Timeline was reviewed for Provisional Appointment Process

**February 19, 2019:** Acceptance of Resignation of Board Member effective February 19, 2019; Call for provisional option;  
Finalize steps in the process, timeline, and application materials.

**February 20, 2019:** Publicize position and recruit candidates.

**March 26, 2019:** Final deadline for receipts of applications in the Chancellor's office (4:00 p.m.)

**April 2, 2019:** Special Board Meeting to hear presentations by the candidates, interview finalists. Select and provisionally appoint the trustee.

**April 9, 2019:** Publish the notice of provisional appointment. Call/or send appropriate letter to those who were not selected.

**April 16, 2019:** Regular Board Meeting at Las Positas College. Swear in Trustee.

### Motion No. 3

Motion made by Trustee Granger and seconded by Trustee Mitzman, approved to fill the vacancy by provisional appointment of Trustee Proposed Timeline was reviewed for Provisional Appointment Process

Motion carried unanimously, 5-0, with Trustee Gelles absent.

## **1.9 COMMITTEE APPOINTMENTS**

President Maduli stated Trustee Vecchiarelli held seats on the Chabot-Las Positas Colleges Foundation and Audit Subcommittee. He has asked Trustee Randolph to now hold those seats, she accepted the appointments to the two committees.

## **1.10 APPROVE CONSENT ITEMS (cc)**

President Maduli asked Vice Chancellor of HR Mr. Wyman Fong to read the following Government Code Section 54953(c) (3) which required that, before taking final action, the Board must orally report a summary of the recommendation regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of local agency executives. Therefore, are making the following summary regarding such items appearing on the Consent Agenda.

For Chabot College:

- Anderson, Terri T., Director, Student Equity and Success, Range 15, Step, 2
- Chaparro, Gabriel, Science, Technology, Engineering and Mathematics (STEM) Center Equity Director, Range 13, Step4
- Cooks, Jamal, Dean, Language Arts, Range 19, Step 5

- Nakamoto, Robert D., Director, Student Equity and Success with emphasis on Student Equity, Range 15, Step 3
- Paguio, Arnold V., Director, Student Life, Range 12, Step 6
- Rice, Nathaniel L., Disabled Student Programs and Services (DSPS) Director, Range 15, Step 3

For Las Positas College:

- Stagnaro, Leta B., Interim Vice President, Academic Services, \$82.21/hour, no benefits
- Allen, Thomas E., Adult Education Program Manager, Range 14, Step 3
- David, Elizabeth, Dean, Student Services, Range 19, Step 3
- Jones, Jason E., Disabled Student Programs and Services (DSPS) Director, Range 15, Step 2
- McElderry, Stuart J., Dean, Academic Services – Arts & Humanities, Range 19, Step 3
- Ward, Tamica S., Dean, Enrollment Services, Range 19, Step 5

For the District Office:

- Romero, Danita C., Fiscal Agent and Economic Development Manager – Contract Education, Range 17, Step 4
- Yoke, James R., Manager, Emergency Preparedness and Workplace Safety, Range 16, Step 3
- Cramsey, Kathleen A., Payroll Manager, Range 16, Step 6
- Gunderson, Stephen J., Manager, College Technology Services, Range 18, Step 4
- Seaton, Michael J., Manager, College Technology Services, Range 18, Step 4

All Contracts of Employment mentioned above are entitled to the same fringe benefit package as other managers per Board policy and procedures.

Item 3.4 (Executive Personnel), pertains to final action by the Board regarding the approval for the following contracts of employment:

- Roberts, Douglas W., Acting Vice Chancellor, Business Services at \$103.37/hour, no benefits.

#### Motion No. 4

Trustee Gin made a motion, seconded by Trustee Mitzman, to approve the Consent Calendar.

Motion carried unanimously, 5-0, with Trustee Gelles absent.

Recording Secretary Ms. Nascimento directed President Maduli that Agenda Item 6.4 needed to be pulled. Interim Chancellor Gerhard stated Agenda Item 6.4, Approval of a

Professional Services Agreement with Vanir Construction Management, Inc., for Measure A Facilities Management Team Office Support Services, Chabot College is being pulled this evening and will be brought back to the Board at a later date.

Motion No. 5

Trustee Mitzman made a motion, seconded by Trustee Gin, to approve the Consent Calendar with the exception of Agenda Item 6.4.

Motion carried unanimously, 5-0, with Trustee Gelles absent.

**GENERAL FUNCTIONS**

**1.11 APPROVAL OF MINUTES OF JANUARY 8, 2019 SPECIAL MEETING  
APPROVAL OF MINUTES OF JANUARY 15, 2019 REGULAR MEETING**

**3.0 PERSONNEL**

- (cc) 3.1 Classified Personnel
- (cc) 3.2 Faculty Personnel
- (cc) 3.3 Management Personnel
- (cc) 3.4 Executive
- (cc) 3.5 Authorization for Summer 2019 Work Schedule

**4.0 EDUCATIONAL SERVICES**

- (cc) 4.1 Approval of College and Career Access Pathways (CCAP) Partnership Agreement For Dual Enrollment between Leadership Public Schools and Chabot Las-Positas Community College District, Chabot College
- (cc) 4.2 Approval of Memorandum of Understanding (MOU) to Host the Deputy Sector Navigator between Rancho Santiago Community College District and Chabot-Las Positas Community College District, Chabot College
- (cc) 4.3 Approval of Agreement Renewal - Technical Service with Raytheon Professional Services LLC and Chabot-Las Positas Community College District, Las Positas College

**5.0 BUSINESS SERVICES**

- (cc) 5.1 Approval of Commercial Warrant Registers
- (cc) 5.2 Approval of Payroll Warrant Registers
- (cc) 5.3 Approval of Award of a Piggyback Contract for Personal Computer Equipment for multiple instructional areas at Las Positas College
- (cc) 5.4 Approval of Declaration of Surplus Property to be Sold at Public Auction Sale and Donation or Disposal of Any Items Not Sold
- (cc) 5.5 Approval for Establishing Non-Resident (Out of State an International) Tuition Rates for 2019-20

## **6.0 FACILITIES PLANNING AND DEVELOPMENT**

- (cc) 6.1 Approval of Measure B & Measure A Bond Program: Bond List Revision Measure B #AC and Measure A #3 – Substantive
- (cc) 6.2 Approval of Modification to the Contract with Consolidated Engineering Laboratories for Material Testing and Construction Inspection Services for Biological Science Building 2100, Chabot College
- (cc) 6.3 Approval of Addition of a Reimbursable Expense Provision for Professional Services Agreement with Vanir Construction Management, Inc. of San Francisco, CA, for Construction Management, Biology Phase I, Building 2100, Chabot College
- (cc) 6.4 Approval of a Professional Services Agreement with Vanir Construction Management, Inc., for Measure A Facilities Management Team Office Support Services, Chabot College
- (cc) 6.5 Approval of Modification to the Contract with Clear Blue Energy Corp for Non compensable Calendar Days for District-Wide Prop 39, Interior LED Lighting Upgrades, Chabot College
- (cc) 6.6 Approval of Award of Contract with LPAS Architecture and Design for Design and Engineering Services for Las Positas College Building 2100 Academic Support and Office Building (RFP F-19)
- (cc) 6.7 Approval of Award of Contract with Cupertino Electric, Inc. for Pre-Construction and Construction Services for Las Positas College Medium Voltage Substation Replacement (RFP-J-19)
- (cc) 6.8 Authorization to File Notice of Completion with Alameda County Clerk Recorder's Office for the Central Utility Plant New Chiller and Cooling Tower, Las Positas College

## **7.0 ECONOMIC DEVELOPMENT/CONTRACT EDUCATION**

(No Items)

## **8.0 INFORMATION AND DISCUSSION ITEMS (No Action)**

8.1 Informational Personnel Reports

## **9.0 OTHER ACTION ITEMS**

(No Items)

### **1.12 PRESENTATION: MEASURE B ANNUAL REPORT**

Interim Chancellor Gerhard stated this evenings presentation is from our Citizen's Oversight Committee, this was re agenzized to this evening from last month's agenda due to a scheduling oversight.

Vice Chancellor Letcher introduced Mr. William Macedo, Chairman of the Citizen's Oversight Committee for Measures A & B.



Mr. Macedo stated the report has been published and tonight's presentation fulfills the law's requirement. He reported the financials for the Bonds are in order, compliant, timely and transparent. He thanked the finance and business department at the District office for doing a wonderful job. He stated celebration is in order for all the projects and recognition to the management for putting together a management team and keeping faculty in the process of the priorities of the projects. He applauded the Board for their vision of seeing the need for change and the courage for going out to the community to ask for funds. He thanked the community and stated, by doing it right during the first bond is what keeps convincing the community to continue to do these projects.

President Maduli commended the Oversight Committee for all their hard work.

## **2.0 REPORTS, FACULTY, CLASSIFIED AND STUDENT SENATES**

### **2.1 PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES FACULTY SENATES**

**Las Positas Academic Senate President, Dr. Melissa Korber reported on the following items:**

She reported they are currently working on changes to their Bylaws and Constitution. She stated they are working on Auto Awarding of Degrees and Emergency Withdrawals.

She stated they have been raising money for scholarships, STEM Division won the Division Challenge. In addition to this scholarship, three others will be given, including one in the name of Dr. Philip Manwell.

Lastly, she stated at their February Town Hall meeting they presented Interim President Ms. Roanna Bennie with a book of statements from senators and other classified employees. She read a short passage from the book and stated they value the leadership and stability of Ms. Bennie.

**Chabot College Academic Senate President, Mr. Mon Khat reported on the following items:**

He stated last week they went over the Emergency Withdrawal and are looking at some procedural processes that are not covered by the new laws.

He reported a review was done on their Shared Governance with reports and surveys.

Lastly, the process of electing an Academic Senate President soon will be underway as his term will be ending soon.

## **2.2 PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES AND DISTRICT CLASSIFIED SENATES**

### **Chabot College Classified, Senate President, Ms. Noell Adams provided the following report:**

She thanked Interim Chancellor Gerhard for meeting with the Senates Presidents of Chabot, Las Positas, and the District office last week to discuss the senates' joint recommendation on the allocation of the Classified Professional Development Block Grant Funds.

She reported the Classified Prioritization Committee held its first meeting of the academic year last week in which they reviewed the Governors proposed budget and other factors that impact decisions on classified hiring. She added, the committee will now begin the difficult task of prioritizing the nearly 60 new and augmented classified professional positions that were requested through this year's program and area reviews.

She stated Assessment Specialist Ms. Kathrin Field presented information on AB 705 and discussed the college's plan for the new "Math Guided-Self Placement" and English Informed Course Selection Process at last month's meeting.

Lastly, she stated Ms. Christine Herrera, Tri-Chair of Chabot's Facilities and Infrastructure Technology Committee, will present the committee's Measure A large project prioritization recommendation at this week's meeting. Additionally, the Classified Senate will be considering a recommendation on classified professional development at the college as well as a recommendation on classified appreciation activities proposed for the week of spring break.

### **Las Positas College Classified, Senate President, Ms. Cindy Robinson reported on the following items:**

She stated she will be following the Hiring Prioritization, anything that effects the Classified Professionals they want to be informed of.

Lastly, no meetings are set for February however they will be meeting twice in March.

## **PRESIDENT OF STUDENT SENATE OF CHABOT AND PRESIDENT OF ASSOCIATED STUDENTS OF LAS POSITAS COLLEGE**

### **Las Positas College Student Senate President, Ms. Lylah Schmedel reported on the following items:**

She stated two speakers and one coordinator represented Las Positas College at this past months Women's March Tri-Valley.

She stated events for Black History month are underway.

She reported a room is being coordinated to be a temporary Inter- Faith Area for students. She thanked Vice President, Mr. William Garcia for his efforts in making this a part of the Facilities Master Plan.

She thanked Student Trustee Culbertson for his efforts in initiating the Air Safety Resolution that is moving to SSCCC.

Lastly, she reported the official election schedule is out.

**Chabot College Student Senate President, Mr. Lorenzo Caballero reported on the following items:**

He reported their Legislative Director Mr. Pandora Lam will continue to lead discussions for the counseling department highlighting their dedication and hard work towards their student body as well as discussing areas of growth.

Lastly, he stated they are working closely with the Mental Health Department to combat the stigma of students seeking support in the area of mental health. They are beginning to work with senators to develop an eight-hour training by Mental Health Counselor at Chabot College Mr. Jutzino Panella. He added, senators will not be certified to train, but will be certified to practice mental health first aid.

**GOOD OF THE ORDER**

Ms. Rachel Ugale, Chapter President SEIU, thanked Human Resources, Interim Chancellor Gerhard and the Board of Trustees for approving the summer 4/10, work schedule.

She stated negotiations are ongoing and are excited to be offering Steward Training's through the Locals on Spring Flex Days at both colleges.

She recognized Trustee Vecchiarelli for his service and is grateful for his mentorship and leadership he has provided her.

Lastly, every member of the SEIU Chapter, Leadership and Negotiations Team are products of the CLIP Program. She stated she is especially impressed by the third cohort and their efforts to make sure this program endures.

Mr. Dave Fouquet, President, Chabot-Las Positas Faculty Association, stated he has very strong and fond memories of Trustee Vecchiarelli and wishes him well in his retirement.

He stated negotiations are ongoing and is happy to report they have their first MOU signed that will allow Las Positas College to move forward with online education initiative OEL.

Lastly, he asked that everyone continue to “ring the bell” on the supplemental allocation based on financial aid that is harmful to Districts in high cost areas.

**6.9 ACCEPTANCE OF MODIFICATION TO THE CONTRACT WITH CONSOLIDATED ENGINEERING LABORATORIES FOR MATERIAL TESTING AND CONSTRUCTION INSPECTION SERVICES FOR BIOLOGICAL SCIENCE BUILDING 2100 ANNEX, CHABOT COLLEGE.**

Motion No. 6

Trustee Mitzman made a motion, seconded by Trustee Granger to accept the Modification to the Contract with Consolidated Engineering Laboratories for Material Testing and Construction Inspection Services for Biological Science Building 2100 Annex, Chabot College.

Motion carried by the following roll call vote:

AYES:	Gin, Granger, Maduli, Mitzman, Randolph
NOES:	NONE
ABSENT:	Gelles
ABSTENTIONS:	NONE

**6.10 ACCEPTANCE OF MODIFICATION TO THE EXISTING DESIGN/ BUILD CONTRACT WITH BALFOUR BEATTY CONSTRUCTION FOR THE NEW ACADEMIC CLASSROOM BUILDING 100, LAS POSITAS COLLEGE.**

Interim Chancellor Gerhard asked Vice Chancellor Letcher to provide the Board background.

VC Letcher stated he is recommending that the Board of Trustees approve a Change Order to Balfour Beatty Construction. This change order takes the total amount of all changes made to the project in excess of 10% of the original contract value. He added, the change order is made up of 12 individual items, these items range from recent discussions to items dating back to the start of the project. The total value previously approved by the Board in change orders is \$1,788,363. An additional \$560,013 is being presented for approval this evening. The breakdown of prior approved items is as follows: Unforeseen Conditions \$488,162, Owner Requested Change \$1,196,371; Contractor Initiated Changes \$103,830.

He provided details of the change order that represents the changes in the contract:

- 1.01 Provide integrated exterior weather seal and insulation: Differing from the district furnished bridging documents, the General Contactor was asked by personnel representing the District to address potential issues the weatherproofing of the exterior of the building. As such the contractor proposed a single weatherproofing membrane be installed under all exterior finishes. This change represents an improvement from

the base project scope and provides a single warrantable exterior waterproofing membrane over the outside of the building. Personnel representing the District approved the installation verbally in the field and in meetings, but no written document was executed. This change represents an increase in cost of \$193,512 – Owner Requested Change.

- 1.02 Provide upgraded exterior metal panel: Differing from the district furnished bridging documents, the design build team was asked by College and District staff to improve the look of the exterior metal panel finish over the original design documents. This request resulted in changes in the metal panel sizes, profile and overall layout which extended beyond the original buyout period of the contract, subjecting the contractor to material price escalation and labor cost increases not anticipated in the guaranteed maximum pricing. This change represents an increase in costs of \$85,771 – Owner Requested/Material Escalation not covered by contract.
- 1.03 Remove top cast application where noted on exterior concrete: The Design Build Team indicated a concrete finish on exterior concrete walk surfaces with top cast or applied aggregate finish be added to the concrete following placement for aesthetics. This item is noted on the drawings, but the College and District personnel negotiated an alternate finish over concern of the potential accessible pathway conflicts this application may cause in the future due to separation of aggregate from the finished surface. Based upon review of the initial proposed scope and the scope of the revised area of work it is recommended that the value of the change order be \$0 – Contractor Initialed Change.
- 1.04 Remove Lecture Hall Wood Paneling: The Design Build Team indicated reclaimed wood paneling finish on the interior soffit of the lecture hall be installed as the finish product using on site reclaimed wood from the demolished buildings. At the time of demolition, it was determined that the existing wood was unable to be reclaimed and the additional materials would need to be purchased to complete the application as noted in the contract documents. The negotiations for the additional required wood, prioritized the wood in the public corridors and student seating spaces over the lecture hall, and result is the wood paneling in the lecture hall was agreed to not be installed as the costs of the other wood accounted for the total contract value allocated by the Design Build Contractor for finish wood materials. This change documents the removal from the contract documents with a value of the change order of \$0 – Contractor Initiated Change.
- 1.05 Remove concrete mow band at building perimeter: District standards indicate a concrete mow band is required at all building where turf grasses about the building walls. The bridging documents provided by the District indicated turf grasses to extend to the wall of the building requiring a concrete mow strip. The Design Build team carried this detail into the final documents, while altering the landscape plans to show native plantings abutting the wall of the building, with turf grasses being held back from the wall. Based upon review with District Maintenance staff the concrete mow band would not provide the original intended benefit and therefore, was negotiated out of the project in exchange for other concessions from the Design Build team. This change documents the removal from the contract documents with a value of the change order of \$0 – Contractor Initiated Change.

- 1.06 Add electrical work to support A/V additions: The District took over the design and layout of the Classroom AV components from the Design Build Team during the course of design. The revisions to the AV system followed the completion of other building design elements, including the addition of AV components to the lecture hall while under construction. This change represents additional electrical power conduits and wiring required by the additional AV components. This change represents an increase in cost of \$20,917 – Owner Requested Change.
- 1.07 Provide burlap stabilization for foundation work: The Design Build Contractor, during the excavation and preparation of the concrete foundation, requested additional compensation for the stabilization due to rain events of the foundation excavations. On site District representatives verbally approved the additional stabilization efforts. This change documents that verbal approval and recognizes the benefit to the project schedule that the additional efforts provided by the contractor made in advancing the schedule for the foundation pours made at that time. This change represents an increase in cost of \$34,890 – Contractor Initiated Change.
- 1.08 Winterize campus haul road: The Design Build Contractor, during the excavation of the project footings and utility lines installed additional, spoiled dirt on the site behind the track and field. In accordance with best practices for Storm Water Pollution and Prevention measures a rock and gravel path was created between the asphalt drive and the spoils area. This improvement remains in place today and District Grounds staff have continued benefit of this improvement. While on-site spoils were likely a cost savings to the Contractor, the District received other benefits from this work in the scope of the building. This change represents an increase in cost of \$12,382 – Contractor Initiated Change.
- 1.09 Time Extension and General Conditions – AV Design: The District took over the design of the building AV systems during the design phase of the project. The District designer created delays in the project schedule resulting in out of sequence bidding and additional bidding document preparation by the general contractor. This change represents 45 additional calendar days and an increase in cost of \$140,175 – Owner Initiated Change.
- 1.10 Time Extension and General Conditions – 21 kv Feeder: During the course of construction it was identified that the design pathway for the 21kv electrical feeders to the building were in conflict with existing identified and unidentified utilities. The reroute of this work was designed and the district was asked to approve the proposed new routing. The District delayed in the approval of the rerouting of the electrical feeders which caused out of sequence work and additional materials to be ordered and installed based upon the revised pathway. This change represents 24 additional calendar days and an increase in cost of \$74,760 – Unforeseen Conditions.
- 1.11 Time Extension and General Conditions – Reclaimed Water Line: As a part of the campus improvements the landscape, toilets and fire sprinkler system utilizes the City of Livermore Reclaimed Water. This system requires approval of the City Engineering Staff for installation and changes to the system. The campus reclaimed water loop conflicted with the building footprint and the rerouting of the line was requested to be approved by District staff and the City Engineering department. The District staff delayed in the approval of the documents which resulted in out of

sequence work and additional on-site requirements of the contractor and subcontractor. This change represents 20 additional calendar days and an increase in cost of \$62,300 – Unforeseen Conditions.

- 1.12 Adjustments due to additional District expenses: During the course of construction the District incurred expenses due to extensions of the contracts for supporting staff including the DSA Inspector of Record, Construction Managers, Testing and Inspection Services. The actual costs incurred by the District during the extended contract period from July 2018 to January 2019 was tracked and negotiated with the general contractor. This change represents a back charge to the contractor and decrease in cost of \$64,694. – Owner Initiated Change.

The total amount of the change requested to be approved by Board of Trustees is \$560,013 with requests a total change order amount of 10.8% of the original contract value. Bringing the total Unforeseen Conditions \$689,916 (3.4%), Owner Initiated Changes to \$1,636,748 (7.3%), Contractor Initiated Changes \$151,102 (0.07%).

Based upon recommendations of District Legal Counsel the changes outlined tonight do not represent the “creation of a new contract”, the public bidding of the changes “were an integral part of the work under contract” and the “taking of bids would delay the completion of the work”, additionally the “bidding of the increased scope of work would not have produced an advantage to the District”. Based upon the negotiations and recommendation of legal counsel we are recommending the board approve Change Order #5 to Balfour Betty Construction.

Interim Chancellor Gerhard stated based on the legal opinion and circumstances of the change orders warranted but exceeded the 10% in Public Contract Code, this is finalization of the negotiation with Balfour Beatty and is necessary for us to close out the contract and file the Notice of Completion. Upon approval of this item a Notice of Completion will allow us to formally close out the project with the state.

## **BOARD COMMENTS**

President Maduli asked with the Bond, will we continue to use the Design Build. VC Letcher replied, we are in discussions and negotiations with District legal counsel on what options we have. He stated Design Build is a very popular delivery method at this time for projects, it provides the intent of early delivery and streamline process. President Maduli stated the reason he mentions this is, we will continue to reference this is an example of “lessons learned”. When you look at less than 5% for unforeseen that is good, over 7% is owner initiated is concerning. He asked with the owner initiated change orders, was there due diligence made to negotiate the change order amounts. VC Letcher stated based on his research it appears our management staff did their due diligence in review and discussion as he pointed out in the items. He stated in some instances we failed to follow through with the Change Order Item in a timely fashion in that is another lessons learned and something that has been taken forward in our process but in all cases he believes verbal approval was

given, we had the actual numbers and information for all previous and existing items at the time the change was submitted.

Trustee Mitzman stated before he votes yes to over a half million dollars of “lessons learned” what would the Oversight committee’s comments be on this. VC Letcher stated traditionally we bring all items to the Board prior to presenting to the Oversight Committee for review and approval by the Trustees before the Oversight Committee sees them. He added, all the prior change orders have been submitted and discussed with the Oversight Committee, this will be discussed at the next meeting. Trustee Mitzman confirmed, this is after the fact that we say yes or no. VC Letcher stated yes. Trustee Mitzman expressed his disappointment, in the delay of approvals requested of the Board.

Student Trustee Garcia Gutierrez asked with the half million dollars being spent, will this affect any future projects for the facility master plan budget. VC Letcher stated no, this will not impact any of the future projects, he added 10% of the construction value was budgeted so the remaining balance will be funded from interest earnings on the Measure B money.

Trustee Mitzman asked if legal approved this, doesn’t the law state you cannot go over 10%. President Maduli answered, you can go over 10% with the Board’s approval. VC Letcher added, the law does state you can exceed 10% under certain conditions as he stated in the last part of his presentation. The item has been brought to the Board for approval tonight because it requires a vote as it does exceed 10%. President Maduli asked if we went over 10% with any changes with the first Bond. VC Letcher stated the majority of all projects stayed under the 10%.

Trustee Gin stated prior to making the motion he agreed with Trustee Mitzman in regards to “lessons learned” we don’t want to repeat this.

Motion No. 7

Trustee Gin made a motion, seconded by Trustee Ranger to accept the Existing Design/Build Contract with Balfour Beatty Construction for the New Academic Classroom Building 100, Las Positas College.

Motion carried by the following roll call vote:

AYES:	Gin, Granger, Maduli, Mitzman, Randolph
NOES:	NONE
ABSENT:	Gelles
ABSTENTIONS:	NONE



## **10.0 REPORTS- SENIOR LEADERSHIP AND TRUSTEES**

### **10.1 PRESIDENT OF CHABOT AND LAS POSITAS COLLEGES**

**Vice President, Academic Services, Stacy Thompson, attended on behalf of Chabot College President, Dr. Susan Sperling, and reported on the following items:**

She stated the 16<sup>th</sup> Annual International Dinner and A Movie Night was a success as well as the Lunar New Year Celebration.

She stated they had a great kick off to celebrating Black History month, and provided a list of activities for the remaining weeks including Black Scholars Family Night, February 28th.

**Ms. Roanna Bennie, Interim President, Las Positas College reported on the following items:**

She provided a Newsletter highlighting activities on the campus.

She stated members of Leaders in Leadership with the City of Livermore participated in a campus tour and lecture in Building 1000, and is loved by all.

She stated community and students have been invited to participate in the Facilities Master planning.

Lastly, she thanked students and staff for all their efforts in making Black History month a success.

### **CHANCELLOR REPORT**

Interim Chancellor Gerhard thanked President Sperling and VP Kritscher for the invitation to attend the opening of the new Dream Center, he added it's such a needed and supported resource center to our undocumented students.

He stated he participated in the 5k run honoring Officer Davies, that the graduating class from our Sheriff's Academy holds.

Lastly, he recognized Interim President Bennie for inviting him to attend the Facilities Master Plan Town Meeting and acknowledged all the great work that is going into shaping the future not only at Las Positas College but Chabot College as well.

### **TRUSTEE REPORT AND/OR OFFICIAL COMMUNICATIONS**

Trustee Mitzman acknowledged Chabot College Student Body President Mr. Lorenzo Caballeros musical talents that he showcased at the opening of the Dream Center. He also

stated he was impressed with all the students at the International Night he attended. He thanked Chabot College for hosting the Martin Luther King event. He asked that everyone say a prayer for Dr. Sperlings husband who will be undergoing surgery tomorrow. Lastly, he asked the Board to consider moving commencement to the week prior to Memorial Day Weekend.

Trustee Randolph stated she too attended the Chabot College Dream Center Opening, Mr. Lorenzo Caballeros is a great percussionist. She stated she attend the National Legislative Summit in Washington D.C. with President Maduli and had the pleasure of meeting Ms. Susan Davis who chairs the Subcommittee for Higher Education.

Trustee Gin stated while Interim Chancellor Gerhard was running with the Sherriff's Academy he was enjoying the graduation at Crossroads Church in Livermore, 64 cadets graduated. Our district should be proud of this program.

Student Trustee Culbertson stated an Air Quality Resolution, to include both colleges creating an emergency stockpile of N95 respirator masks was passed at the end of January and will be coming to the Board for approval.

President Maduli stated the N95 respirators can be a part of our emergency supplies.

Student Trustee Garcia Gutierrez extended her support of Mr. Culbertson's Air Quality Resolution. She also extended her support of Dean Dr. Kristen Lima.

President Maduli stated he joined Trustee Randolph at the National Legislative Summit in Washington D.C. and had the opportunity to talk to several legislators about the Pell Grants to students that are enrolled in short term courses as well as increasing the maximum award to six thousand dollars. He stated there is more of a recognition of community colleges now in congress then he has seen over the past five years. Lastly, he stated if congress can get the Jobs Act and Higher Education Act passed this term it would help our students. He will provide these reports to the Interim Chancellor.

## **ADJOURNMENT**

President Maduli stated the next meeting for the Board of Trustees is a Workshop Retreat Meeting scheduled for February 23, 2019 at Dublin Ranch.

President Maduli stated the Study meeting scheduled for April 2<sup>nd</sup> will be here at the District office to interview candidates for Trustee Area 5, and the Regular meeting scheduled for April 16<sup>th</sup> will be held at Las Positas College.

### Motion No. 8

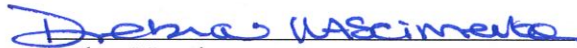
Trustee Mitzman made a motion, seconded by Trustee Gin to adjourn the meeting at 8:15 p.m.

Motion carried unanimously, 5-0, with Trustee Gelles absent.

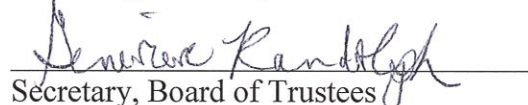
**NEXT MEETING**

The next meeting of the Board is a Study Meeting scheduled for March 5, 2019 at the District Office.

Minutes prepared by:



Debra Nascimento  
Recording Secretary



Secretary, Board of Trustees  
Chabot-Las Positas Community College District