

SAN BERNARDINO COMMUNITY COLLEGE DISTRICT
114 South Del Rosa Drive, San Bernardino, CA 92408

Minutes of the Regular Meeting of the Board of Trustees
Thursday, May 19, 2011 - 4:00 p.m. – Assembly Room

1. CALL TO ORDER - PLEDGE OF ALLEGIANCE

Mr. Lockwood called the meeting to order at 4:01 p.m.

Members Present:

Carleton W. Lockwood, Jr., President
John Futch, Clerk
Donna Ferracone
John Longville
Jess C. Vizcaino, Jr.
Robert Alexander, Student Trustee, SBVC
Daniel Shedd, Student Trustee, CHC

Members Absent:

Dr. Donald L. Singer, Vice President
James C. Ramos

Administrators Present:

Bruce Baron, Chancellor
Dr. Debra Daniels, SBVC President
Gloria M. Harrison, CHC President
Charlie Ng, Interim Vice Chancellor Fiscal Services
Dr. Jack Miyamoto, Consultant, Human Resources

Administrators Absent:

Larry Cicalone, President, KVCR-TV-FM
Renee Brunelle, Vice Chancellor Human Resources

Pledge of Allegiance

Mr. Futch led the Pledge of Allegiance.

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

- A. CONFERENCE WITH LABOR NEGOTIATORS
Government Code 54957.6
Agency Negotiators: Jack Miyamoto and Bruce Baron
CTA
CSEA
Management/Supervisors
Confidential Employee
- B. EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Government Code 54957
- C. CONFERENCE WITH LEGAL COUNSEL
EXISTING LITIGATION
Government code Section 54956.9(a)
Case #433768
Case #436891
Case #427060
- D. STUDENT DISCIPLINE HEARING
Pursuant to Education Code Section 72122

3. PUBLIC COMMENT ON AGENDA ITEMS

None.

4. CONVENE CLOSED SESSION

The Board convened to closed session at 4:03 p.m.

5. RECONVENE PUBLIC MEETING

Mr. Lockwood reconvened the public meeting at 5:02 p.m.

6. REPORT OF ACTION IN CLOSED SESSION

Mr. Futch moved, Ms. Ferracone seconded and the Board members voted as follows to approve the Settlement Authority of Claim #436891 by way of Stipulation with Request for Award of 3% in the amount of \$1,170.00 with provision for future medical care. The permanent disability award is \$1,170.00. Advancement in the amount of \$1,281.00 has already been paid out, leaving an overpayment of \$111.43:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)
NOES: None
ABSENT: Ramos, Singer
ABSTENTION: None

Ms. Ferracone moved, Mr. Vizcaino seconded and the Board members voted as follows to approve the Settlement Authority of Claim #433768 by way of Stipulation for 0% with provision for future care. The permanent disability award is 0%. Permanent disability advanced is \$0, leaving a final amount of \$0 to be paid out:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)
NOES: None
ABSENT: Ramos, Singer
ABSTENTION: None

Mr. Longville moved, Mr. Futch seconded and the Board members voted as follows to approve the Settlement Authority of Claim #427060, Case #RIC 1012664, in the amount of \$11,500.00:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)
NOES: None
ABSENT: Ramos, Singer
ABSTENTION: None

Ms. Ferracone moved, Mr. Longville seconded and the Board members voted as follows to uphold the recommendation to suspend Student ID#0641865 for the remainder of the spring 2011 and summer 2011 semesters for violation of Board Policy 5500, Standards of Conduct and Disciplinary Procedures:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)
NOES: None
ABSENT: Ramos, Singer
ABSTENTION: None

7. APPROVAL OF MINUTES

Mr. Futch moved, Ms. Ferracone seconded and the Board members voted as follows to approve the minutes of April 21, 2011

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)
NOES: None
ABSENT: Ramos, Singer
ABSTENTION: None

The May 5, 2011 minutes will be placed on the June 16 agenda for approval.

8. PUBLIC HEARING

Mr. Lockwood opened the public hearing on the Initial Proposal for 2010-2011 Renegotiation Submitted by the SBCCD CSEA Chapter #291.

Hearing no comments, Mr. Lockwood closed the Public Hearing.

Mr. Futch moved, Ms. Ferracone seconded, and the Board members voted as follows to receive the Initial Proposal for 2010-2011 Renegotiation submitted by the SBCCD CSEA Chapter #291:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino, Alexander (advisory),
Shedd (advisory)

NOES: None

ABSENT: Ramos, Singer

ABSTENTIONS: None

Mr. Lockwood opened the public hearing on the Initial Proposal for 2010-2011 Renegotiation Submitted by the SBCCD for negotiations with the SBCCD CSEA Chapter #291.

Hearing no comments, Mr. Lockwood closed the Public Hearing.

Ms. Ferracone moved, Mr. Futch seconded, and the Board members voted as follows to receive the Initial Proposal for 2010-2011 Renegotiation submitted by the SBCCD for negotiations with the SBCCD CSEA Chapter #291:

9. PUBLIC COMMENT

Citizens Lauren Bricker and Sidney Williams expressed their concern about the recommendation to demolish the _____ CHC library and asked that the board give some consideration to delaying the action.

SBVC student Philip Nava spoke in opposition to the proposed cancellation of dance classes.

10. REPORTS

A. Board Members

- Ms. Ferracone spent a great deal of time on the campuses participating in end-of-the year activities. "The celebrating of our students brings to mind the good work of community colleges." She thanked the students, staff and faculty.
- Mr. Futch echoed her remarks. He attended the foundation meetings, the Tumaini recognition dinner and the Golden Apple awards.
- Trustee Longville thanked associated government students who participated in the process to finalize the agreement with Omnitrans.

B. Student Trustees

- Mr. Alexander thanked the chancellor for all the work he is doing for students and said he appreciated the mentoring from the trustees. He thanked the board for approving the action allowing student trustees the privilege of making and seconding motion.
- Mr. Shedd thanked the board for their commitment to students and added that Mr. Baron is in a place to take some action and make some changes in the district. He felt the student issues brought to the chancellor are being looked at and will be resolved.
- Mr. Lockwood commended the student trustees for their great work this year.

C. Chancellor

- Mr. Baron also thanked the student trustees for their contributions this year. They have been very passionate and committed.
- The district sent letters of support for AB 795, which would allow enforcement of smoking policies on college campuses and also AB 1326 which is the oil and gas extraction fee which would generate \$2 billion for the community college system.
- Mr. Baron was the keynote speaker at the Tumaini recognition ceremony. He said he was impressed with the commitment of the faculty, staff and students in that program.
- The chancellor reported that Economic and Workforce Development received a \$400,000 grant to be used to train incumbent workers in a variety of job skills at no cost.
- Mr. Baron has created a Chancellor's Task Force on Services to Veterans to look at our current services and the best practices. Recommendations from that task force will ultimately be made to the board.

11. CONSENT AGENDA

Mr. Alexander moved, Mr. Shedd seconded, and the Board members voted as follows to approve the Consent Agenda:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)
NOES: None
ABSENT: Ramos, Singer
ABSTENTION: None

12. ACTION AGENDA

Approve Suspension of Nursing Program Applications

Mr. Longville moved, Mr. Vizcaino seconded, and the Board members voted as follows to approve the suspension of applications to enter the Nursing Program:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)

NOES: None

ABSENT: Ramos, Singer

ABSTENTION: None

Approve the SBCCD EEO Plan for First Reading

The Board accepted the SBCCD EEO Plan for First Reading.

Adopt Resolution to Recognize Classified School Employee Week

Mr. Longville moved, Mr. Futch seconded, and the Board members voted as follows to adopt a resolution and designate May 15 through May 21, 2011 to recognize and honor the contribution of the SBCCD classified school employees:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)

NOES: None

ABSENT: Ramos, Singer

ABSTENTION: None

Mr. Baron said we greatly value our classified staff who is often the first contact students have when they come on the campus. They are good-will ambassadors to the district, and he personally thanked CSEA for everything they do.

Dr. Miyamoto thanked CSEA for bringing issues to the forefront so we can work on solutions.

Mr. Longville suggested adding "enthusiastically" to the last paragraph of the resolution.

Award Bid and Approve Contract with Arrowhead Mechanical, Inc.

Mr. Shedd moved, Mr. Longville seconded, and the Board members voted as follows to award bid and approve contract with Arrowhead Mechanical, Inc. for Bid Package No. 1, General Construction, Mechanical and Electrical for the HVAC Systems HLS/ADSS/CC project, SBVC, in the amount of \$813,000.00:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)

NOES: None

ABSENT: Ramos, Singer

ABSTENTION: None

Award Bid and Approve Contract with Arrowhead Mechanical, Inc.

Mr. Shedd moved, Mr. Longville seconded, and the Board members voted as follows to award bid and approve contract with Arrowhead Mechanical, Inc. for Bid Package No. 2, Furnish Temp Chiller and Temp Ductwork for the HVAC Systems HLS/ADSS/CC project, SBVC, in the amount of \$142,000.00:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)
NOES: None
ABSENT: Ramos, Singer
ABSTENTION: None

Award Bid and Approve Contract with Kirtley Construction, Inc.

Mr. Shedd moved, Mr. Longville seconded, and the Board members voted as follows to award bid and approve contract with Kirtley Construction, Inc. DBA TK Construction for Bid Package No. 1, Sewer Improvements for the Infrastructure Sewer Improvements project, SBVC, in the amount of \$348,300.00:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)
NOES: None
ABSENT: Ramos, Singer
ABSTENTION: None

Award Bid and Approve Contract with Miller Environmental, Inc.

Mr. Longville moved, Ms. Ferracone seconded, and the Board members voted as follows to award bid and approve a contract with Miller Environmental, Inc. for Bid Category No. 1, Library Demolition project, CHC, in the amount of \$574,576.00:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
NOES: Shedd (advisory)
ABSENT: Ramos, Singer
ABSTENTION: Alexander (advisory)

Mr. Longville said he shared the sentiments of the community people about the demolition of the CHC library but he is concerned about an earthquake and the people in the building. He said he would not be doing his duty as a trustee if he allowed an unsafe condition to continue any longer than necessary.

Ms. Ferracone said she was an employee when the discussions began at CHC. She read and heard the reports on what could happen inside the building should we experience an earthquake. Although she doesn't like the decision, it's a decision that needs to be made.

Mr. Lockwood reminded us of the changes made at SBVC because a seismic study revealed a fault down the middle of the campus.

Mrs. Harrison said the campus is prioritizing because there is less money to work with and other buildings need to be retrofitted. The library is not a building we can afford to retrofit. There was a lot of discussion and money spent to try to figure out what to do. It was a long process, and the master plan is now being revised and in those considerations is the seismic retrofitting of the other buildings to provide a quality learning environment for students.

Award Invitation for Bids for Custodial Supplies

Mr. Longville moved, Ms. Ferracone seconded, and the Board members voted as follows to award Invitation for Bids 2011-03, Custodial Supplies, SBVC, to Rancho Janitorial Supplies:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)

NOES: None

ABSENT: Ramos, Singer

ABSTENTION: None

Approve Bond Measure P Construction Change Orders and Contract Amendments

Mr. Futch moved, Mr. Shedd seconded, and the Board members voted as follows to approve Bond Measure P Construction Change Orders and Contract Amendments:

Community Recreation Facility - CHC

E. J. Enterprises, CO-02, in the amount of \$9,245.00

J. M. Farnan Company, Inc., CA-03, in the amount of \$26,766.00

North Hall - SBVC

Caston Plastering, CO-09, in the amount of (-\$9,150.00)

Southcoast Acoustical Interiors, CO-03, in the amount of \$18,547.00

Chemistry/Physical Science - SBVC

Caston Plastering, CO-05, in the amount of \$1,091.00

Fischer, Inc. (Category 17), CO-03, in the amount of \$5,974.00

Fischer, Inc. (Category 16), CO-01, in the amount of \$1,915.00

RC Construction, CA-03, in the amount of \$2,471.00

RC Construction, CO-04, in the amount of \$30,606.00

RDM Electric, CA-05, in the amount of \$14,401.00

RDM Electric, CO-08, in the amount of \$53,964.00

Southcoast Acoustical Interiors, CO-02, in the amount of \$3,489.00

Stone Roofing, CO-02, in the amount of \$23,683.00

Western Audio Visual, CO-01, in the amount of \$16,683.00

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)

NOES: None

ABSENT: Ramos, Singer

ABSTENTION: None

Approve Amendment 001 to the PMSM Architect Contract - CHC

Mr. Alexander moved, Mr. Futch seconded, and the Board members voted as follows to approve Amendment 001 to the PMSM Architect contract for the Library Demolition, CHC, in the amount of \$8,600.00:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)
NOES: None
ABSENT: Ramos, Singer
ABSTENTION: None

Approve Amendment 001 to the Steinberg Architects Contract - CHC

Mr. Alexander moved, Mr. Futch seconded, and the Board members voted as follows to approve Amendment 001 to the Steinberg Architects contract for the updated Facilities Master Plan for Measure M, CHC, in the amount of \$124,000.00:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)
NOES: None
ABSENT: Ramos, Singer
ABSTENTION: None

Approve Amendment 002 to the ECORP Consulting, Inc. Contract – SBVC and CHC

Mr. Alexander moved, Mr. Futch seconded, and the Board members voted as follows to approve Amendment 002 to ECORP Consulting, Inc. Professional Services Agreement for the environmental monitoring contract, CHC, in the amount of \$30,000.00:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)
NOES: None
ABSENT: Ramos, Singer
ABSTENTION: None

Approve Amendment 002 to the Snipes-Dye Associates Contract - SBVC

Mr. Alexander moved, Mr. Futch seconded, and the Board members voted as follows to approve Amendment 002 to the Snipes-Dye Associates, Inc. Professional Services Agreement for surveying of sewer lines, SBVC, in the amount of \$12,600.00:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)
NOES: None
ABSENT: Ramos, Singer
ABSTENTION: None

Approve Amendment 08 to the Tilden-Coil Constructors Contract - CHC

Ms. Ferracone moved, Mr. Alexander seconded, and the Board members voted as follows to approve Amendment 08 to the Tilden-Coil Constructors contract for extended General Conditions additional services, CHC, in the amount of \$62,641.00:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)

NOES: None

ABSENT: Ramos, Singer

ABSTENTION: None

Approve Contract Amendment 09 to the Tilden-Coil Constructors Contract - SBVC

Ms. Ferracone moved, Mr. Alexander seconded, and the Board members voted as follows to approve Amendment 09 to the Tilden-Coil Constructors contract for extended General Conditions additional services, SBVC, in the amount of \$41,200.00:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)

NOES: None

ABSENT: Ramos, Singer

ABSTENTION: None

Approve Contract Amendment 01 to the ASR Constructors, Inc. Contract - CHC

Ms. Ferracone moved, Mr. Alexander seconded, and the Board members voted as follows to approve Amendment 01 to the ASR Constructors, Inc. contract, CHC, in the amount of \$402,801.00 and 30 additional calendar days:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)

NOES: None

ABSENT: Ramos, Singer

ABSTENTION: None

Approve Change Orders Over 10% from Prime Painting

Mr. Longville moved, Mr. Futch seconded, and the Board members voted as follows to approve a change order for the Prime Painting contract for the Learning Resource Center at CHC. This change order brings the total percentage for this contract to 13.64%; however, 8.35% of this total represents work done to correct damages caused by other trade contractors which has been charged back to those contractors. The resulting net total of change orders for this contract is 5.29%:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)

NOES: None

ABSENT: Ramos, Singer

ABSTENTION: None

Approve Reduction in Retention to 5%

Mr. Longville moved, Ms. Ferracone seconded, and the Board members voted as follows to approve the reduction of retention from 10% to 5% for Arrowhead Mechanical, Inc. North Hall Replacement Building, SBVC;

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)

NOES: None

ABSENT: Ramos, Singer

ABSTENTION: None

Approve Agreement with Omnitrans

Mr. Longville praised the student government for their help getting this program started.

Mr. Longville moved, Mr. Shedd seconded, and the Board members voted as follows to approve an agreement with Omnitrans for the implementation of the "Go Smart" Free Pass Pilot Program for fiscal year 2011-2012, in the amount of \$55,000.00:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)

NOES: None

ABSENT: Ramos, Singer

ABSTENTION: None

Approve Board Policy 3720 Computer and Network Use

Ms. Ferracone moved, Mr. Vizcaino seconded, and the Board members voted as follows to approve Board Policy 3720 Computer and Network Use:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)

NOES: None

ABSENT: Ramos, Singer

ABSTENTION: None

Accept Board Policy 7420 Authorized Drivers for First Reading

The Board accepted Board Policy 7420 Authorized Drivers for First Reading.

Approve Amendment to the Terms of the Loan to KVCR

Mr. Longville moved, Mr. Vizcaino seconded, and the Board members voted as follows to extend the loan made to KVCR, first amended on June 14, 2007, in the amount of \$1,815,000.00, for an additional one year at zero percent interest, with the first payment due in May 2012 to allow for additional annual operations funds to relieve District General Fund allocations:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)

NOES: None

ABSENT: Ramos, Singer

ABSTENTION: None

Reduce the Budget of the Board of Trustees in Fiscal Year 2011-2012

Ms. Ferracone recommended that the trustees reduce the board's budget to show that they have an interest in helping to reduce the overall budget. "Even a small amount will show we are willing to take a cut as well," she said.

Ms. Ferracone moved, Mr. Shedd seconded, and the Board members voted as follows to reduce the overall budget of the Board of Trustees by ten percent (10%) in 2011-2012:

AYES: Ferracone, Futch, Lockwood, Longville, Vizcaino
Alexander (advisory), Shedd (advisory)

NOES: None

ABSENT: Ramos, Singer

ABSTENTION: None

13. INFORMATION ITEMS

- A. Summary of Bond Measure P Capital Improvement Program Change Orders and Amendments for Construction Projects
- B. Budget Report
- C. Purchase Order Report
- D. Quarterly Investment Report
- E. CCFS-320 Apportionment Attendance Report for FY 2010 P2
- F. Administrative Procedure 7420 Authorized Drivers
- G. Applause Cards

14. STAFF REPORTS

- A. CHC President

- A written report was submitted to the Board.
- B. CHC Academic Senate
 - Absent.
- C. CHC Classified Senate
 - Absent.
- D. CHC ASB
 - Students are planning a summer retreat for new officers. A delegate will be attending the Region 9 meeting on May 20.
- E. SBVC President
 - A written report was submitted to the Board.
- F. SBVC Academic Senate
 - Absent.
- G. SBVC Classified Senate
 - Cassandra Thomas announced activities for classified staff week. Two \$250 scholarships will be awarded to students who have exhibited great leadership skills.
- H. SBVC ASB
 - Damaris Castillo-Torres announced the new officers for 2011-2012. She thanked the board for approving the Omnitrans agreement.
- I. KVCR
 - A written report was submitted to the Board.
- J. CTA
 - Absent.
- K. CSEA
 - Colleen Gamboa reported the union will be voting on the tentative agreement on benefits. She believes the district and CSEA have a good relationship which makes it easier to negotiate issues. She suggested there be more meetings with managers on contract administration.

15. ADJOURN

Mr. Lockwood adjourned the meeting at 6:55 p.m.

John M. Futch, Clerk
San Bernardino Community College District
Board of Trustees