

**Minutes of the Regular Meeting of the Board of Trustees
San Mateo County Community College District
August 24, 2016, San Mateo, CA**

The meeting was called to order at 5:00 p.m.

Board Members Present: President Dave Mandelkern, Vice President Thomas Mohr, Trustees Maurice Goodman, Richard Holober and Karen Schwarz

ANNOUNCEMENT OF CLOSED SESSION ITEMS FOR DISCUSSION

President Mandelkern said that during Closed Session, the Board will hold a conference with Agency Labor Negotiator Eugene Whitlock; the employee organizations are AFT and CSEA.

STATEMENTS FROM THE PUBLIC ON CLOSED SESSION ITEMS ONLY

None

RECESS TO CLOSED SESSION

The Board recessed to Closed Session at 5:02 p.m.

RECONVENE TO OPEN SESSION

The Board reconvened to Open Session at 6:05 p.m.

Board Members Present: President Dave Mandelkern, Vice President Thomas Mohr, Trustees Maurice Goodman, Richard Holober and Karen Schwarz, Student Trustee Dennis Zheng

Others Present: Chancellor Ron Galatolo, Skyline College President Regina Stanback Stroud, College of San Mateo President Michael Claire, Cañada College President Jamillah Moore, District Academic Senate President Leigh Anne Shaw

Pledge of Allegiance

President Mandelkern said the Board was sad to learn that Patricia Brannock, Emeritus Professor of Business at College of San Mateo, passed away recently. Professor Brannock retired in December 2012 after 30 years of service at College of San Mateo. She was an outstanding faculty member who gave much to her students and to the College during her tenure. The Board agreed unanimously to adjourn the meeting in Professor Brannock's memory.

DISCUSSION OF THE ORDER OF THE AGENDA

None

ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

President Mandelkern said that the Board took no reportable action during Closed Session.

STATEMENTS FROM EXECUTIVES

Cañada College President Moore announced that the College has received a \$3.2 million HSI (Hispanic Serving Institutions) grant. Gregory Anderson, Vice President of Instruction, said the grant will help students achieve success in transfer. He said the grant is in partnership with San Francisco State University.

District Academic Senate President Shaw said she looks forward to working with the Board and Chancellor Galatolo. She thanked them for their support.

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

None

NEW BUSINESS**APPROVAL OF PERSONNEL ITEMS: CHANGES IN ASSIGNMENT, COMPENSATION, PLACEMENT, LEAVES, STAFF ALLOCATIONS AND CLASSIFICATION OF ACADEMIC AND CLASSIFIED PERSONNEL (16-8-2A)**

It was moved by Trustee Holober and seconded by Vice President Mohr to approve the actions in the report. The motion carried, all members voting Aye.

RECOMMENDATION FOR ADMINISTRATOR EMPLOYMENT CONTRACT RENEWALS (16-8-3A)

It was moved by Trustee Schwarz and seconded by Vice President Mohr to approve the contract renewals. The motion carried, all members voting Aye.

APPROVAL OF CONSENT AGENDA

President Mandelkern said that staff has requested the addition of Board Report 16-8-8CA, Renewal of Agreements with American Institute for Foreign Study (AIFS), 2016-17. The final agreement was not received until after the publication of the board packet; however, approval of the agreement is timely because the students enrolled for the fall program in London are scheduled to leave prior to the next Board meeting. It was moved by Trustee Holober and seconded by Trustee Goodman to add Board Report 16-8-8CA to the consent agenda. The motion carried, all members voting Aye.

President Mandelkern said the consent agenda consists of board reports 16-8-1CA through 16-8-8CA as listed on the printed agenda and with the addition noted above. It was moved by Vice President Mohr and seconded by Trustee Holober to approve the items on the consent agenda. The motion carried, all members voting Aye.

Other Recommendations**ADOPTION OF RESOLUTION NO. 16-19 IN SUPPORT OF THE REDWOOD CITY ELEMENTARY SCHOOL DISTRICT PARCEL TAX MEASURE (16-8-101B)**

It was moved by Trustee Schwarz and seconded by Trustee Holober to adopt Resolution No. 16-19. The motion carried, all members voting Aye. President Mandelkern said he believes it is important to support fellow educators in the County.

APPROVAL OF REVISION TO ADMINISTRATIVE PROCEDURE 2.45.2, CONFLICT OF INTEREST CODE, AND ADOPTION OF RESOLUTION NO. 16-20 FORMALLY ADOPTING THE AMENDED CODE (16-8-102B)

It was moved by Trustee Holober and seconded by Vice President Mohr to approve the revisions as shown in the report and to adopt Resolution No. 16-20. The motion carried, all members voting Aye.

RATIFICATION OF THE PURCHASE OF NISSAN VEHICLES TO UPDATE FACILITIES' SERVICE TRUCK FLEET (16-8-103B)

It was moved by Trustee Schwarz and seconded by Trustee Holober to ratify the purchase as detailed in the report. President Mandelkern said he observed the vehicles being delivered and noted that Board approval was not obtained. He asked that the auditors spot check contract purchases to ascertain if there are additional items that have not been approved. Executive Vice Chancellor Blackwood said the procedure is to obtain Board approval; however, the request for approval was overlooked in this particular case. Trustee Schwarz said that when she first came to the District in 1995, the condition of the vehicles was deplorable and she is pleased that new vehicles are now being provided for the Facilities staff in a timely manner. After this discussion, the motion carried, all members voting Aye.

APPROVAL OF PURCHASE AND SALE AGREEMENT FOR THE SALE OF 6± ACRES OF REAL PROPERTY AND ENTITLEMENT AND CONSTRUCTION OF 28± APARTMENTS FOR FACULTY AND STAFF ON THE ADJACENT 2± ACRE SKYLINE COLLEGE PARCEL B (16-8-104B)

It was moved by Vice President Mohr and seconded by Student Trustee Zheng to approve the purchase and sale agreement as detailed in the report. Trustee Schwarz said she is pleased that the District is able to sell the property at a fair market price and she applauded the District negotiators. However, she said it is disturbing to her that the developer will have the option to pay an extra \$2.8 million to the District in exchange for not having to provide a prevailing wage to workers for the construction of the single family dwellings. She said that over many years, the Board has talked about prevailing wage as a way to guarantee an acceptable, decent wage. Trustee Schwarz said that without prevailing wage, the project could result in activities that the District would not want to see across from Skyline College and across from its own housing development, such as picketing, workers without proper training, and workers coming from far away and

perhaps living in cars. She said she is aware that the District cannot impose its requirements on a developer but is very disappointed about this option in the contract.

President Mandelkern said he agrees with Trustee Schwarz's comments and sentiments. He said the Board has been clear in its desire that this be a prevailing wage project at the very least; he said this aligns with the Board's commitment to social justice. He said he would expect staff to encourage the City of San Bruno to make prevailing wage a requirement as part of the entitlements. President Mandelkern said he is pleased to see the District moving ahead with the third faculty and staff housing project, making housing available at each of the Colleges. He said this is a tremendous benefit to faculty and staff and also frees up housing units in the County that District employees might otherwise have rented.

Trustee Holober said he concurs with the principles stated by Trustees Schwarz and Mandelkern. He said the Board has put the District on record as consistently being in favor of prevailing wage and has also expressed its commitment to project labor agreements. However, when the District sells land to a private developer, it is not allowed to dictate that the developer abide by terms that apply to government contracts. Trustee Holober said he believes the District did the best it could under the circumstances by having the agreement include a financial penalty if the developer decides not to pay prevailing wage. He said he sees this as a good, creative way to incentivize the developer because a large part of what they would save by cutting the wage and benefit package would not result in extra money in their pocket.

Student Trustee Zheng asked what the \$2.8 million would be used for if the developer opts to not pay prevailing wage and how it would benefit students. President Mandelkern said proceeds gained from the sale of a capital asset may be spent only on capital-related projects. Chancellor Galatolo noted that general fund money that might otherwise have been used for capital projects would be freed up for other uses.

Vice President Mohr said he supports the statements expressed by Trustees Schwarz, Mandelkern and Holober. He said the District will continue to own the land on which the faculty and staff apartments will be constructed and the Board counts on that being a prevailing wage project. Vice President Mohr asked for information about negotiations for construction of the apartments. Barbara Christensen said that according to the contract, the District team of herself, Eugene Whitlock and Tom Shannon will negotiate a construction agreement during the 60-day feasibility period. She said the price will not be negotiated because the District does not yet have the bids, but the team will work on finalizing the quality of construction that is expected, the prevailing wage agreement, and other matters. She said the team hopes to bring the construction agreement to the Board before the expiration of the feasibility period. Ms. Christensen said SummerHill Homes did the most extensive job of estimating what they believe it will cost to construct the apartments. She said the District has had a good partnership with SummerHill Homes when working with them in the past.

Trustee Goodman said he concurs with the comments of his colleagues regarding prevailing wage. He congratulated the District for moving forward on faculty/staff housing and being a model for districts, cities and municipalities throughout the state. Trustee Goodman said construction of the apartments for faculty and staff is on a more accelerated schedule than the single family homes and there has been some concern about underdeveloped property being next to the apartments. He said the Purchase and Sale Agreement specifies that "Buyer shall substantially complete the construction of the Single Family Houses within 7 years after the Close of Escrow under this Agreement." However, there does not appear to be a penalty if construction is not completed within seven years. Vice Chancellor Whitlock said there is no specific penalty for breach of the terms of the contract. He said the District would have to seek legal remedies and determine the value of that breach.

Trustee Schwarz said she hopes the District does not receive the \$2.8 million from the developer in exchange for not paying prevailing wage for the construction of the single family homes. In that spirit, Trustee Schwarz said she will vote her conscience and vote no on the approval of the purchase and sale agreement. President Mandelkern said he also hopes that the District does not receive the \$2.8 million. He said he will vote yes and he intends to go to the City of San Bruno along with the building trades to try to get entitlement language to make it a prevailing wage project.

After this discussion, the motion carried, with Trustees Goodman, Holober, Mandelkern and Mohr voting Aye and Trustee Schwarz voting No.

INFORMATION REPORTS

REPORT ON SELECTION PROCESS FOR CAÑADA COLLEGE BUILDING 1N, NEW KINESIOLOGY AND WELLNESS / AQUATICS CENTER DESIGN-BUILD PROJECT (16-8-2C)

José Nuñez, Vice Chancellor of Facilities Planning, Maintenance and Operations, said the Cañada College Kinesiology and Wellness / Aquatics Center project includes demolition and reconstruction of the existing Building 1. The new approximately 85,000 square foot facility will include classrooms, faculty offices, a NCAA regulation gymnasium, group exercise and dance studios, locker rooms, a competition swimming pool and instructional swimming pool.

Vice Chancellor Nuñez reviewed the status of the first wave of projects in the Capital Improvement Program Phase 3 (CIP3). In addition to Cañada College Building 1N, the projects are: Environmental Science (B12N) at Skyline College, Math/Science/Technology (B23N) at Cañada College, Parking Lot L expansion at Skyline College, Student Life and Learning Communities (B17) at College of San Mateo, Pacific Heights (B19) at Skyline College, Humanities and Arts (B3) at College of San Mateo, and the Center for Emerging Technologies (B19) at College of San Mateo (pending Supreme Court ruling). Trustee Holober asked if the CEQA process that was completed for CIP3 encompassed all of these projects. Vice Chancellor Nuñez said all projects were included except the College of San Mateo B19 project because some of this project area is involved in litigation which has not been finalized. Chancellor Galatolo said an EIR was previously done and it would have been presumptuous to complete another EIR before the case is settled. He said no further action will be required if the District prevails. If the District does not prevail, an EIR will be done for the project area.

Chris Strugar-Fritsch, Director of Capital Projects, discussed Design-Build methodologies. He said that he, Vice Chancellor Nuñez, Karen Powell and representatives from Swinerton attended a Design Institute of America workshop and also consulted with Dave Umstot, a professional engineer who was previously with the San Diego Community College District. He said that as a result, the team saw opportunities to utilize the Design-Build methodology in a different way than was done before. In past industry practice, the architect developed the criteria or bridging documents and the RFP process was used to select the design-build entity. This practice included design competition and had an Early Guaranteed Maximum Price (GMP). In contrast, current industry practice uses an RFP Qualifications/Best Value Selection Process. There is no design competition as the design is completed with College/District input. The GMP is established after the design is fully developed and the agency permit processes and buyout are completed. The process incorporates two steps: (1) a Request for Statement of Qualifications (RFSOQ) is issued and SOQs are reviewed and shortlisted to three Design-Build entities, and (2) an RFP is issued to the three shortlisted entities. Mr. Strugar-Fritsch said the benefits to implementing current industry practice are an increased integrated design process with input from the College/District, known financial risks, and improved speed to market.

Mr. Strugar-Fritsch said the team for the Cañada College B1N project consisted of:

District representatives: José Nuñez, Chris Strugar-Fritsch, Contracts Manager Yanelly Pulido, Energy and Sustainability Manager Joe Fullerton

Cañada College representatives: President Jamillah Moore, Vice President of Administrative Services Michelle Marquez, Interim Facilities Manager Karen Pinkham

Swinerton Management & Consulting: Program Director Anne Daley, Campus Construction Manager Greg Cheifetz

Mr. Strugar-Fritsch outlined the RFSOQ and RFP selection process schedules for the project, beginning with the issuance of the RFSOQ invitation on May 2 and culminating with a request to the Board to approve a contract on September 14. During confidential conferences, firms were told that the work will be conducted on an occupied campus and that safety will be of paramount importance, along with maintaining the integrity of the academic process. Firms were also advised that the awarded contractor must adhere to the Project Labor Stabilization Agreement and were informed of the Trades Introduction Program (TIP) requirements.

Yanelly Pulido, Contracts Manager, discussed the RFSOQ process for the project. The Statements of Qualifications that were received from pre-qualified design-build entities were evaluated by five evaluators who assigned scores in ten categories without knowing the names of the entities. Scores were tabulated and averages were calculated, after which an RFP was issued to three shortlisted firms: Blach/ELS, Sundt/LPA and DPR/LPAS.

Vice Chancellor Nuñez said the RFP process is similar to that of the RFSOQ. Scores were tabulated based on two evaluation criteria – Technical Proposal and Fee Proposal. In accordance with the language in the RFP, stating that “The winner will be the Proposer with the highest combined technical and fee scores,” staff will recommend to the Board that Blach/ELS be granted the contract. Vice Chancellor Nuñez introduced Dan Rogers, Executive Vice President and Chief Operating Officer of Blach Construction, and Clarence Mamuyac, President of ELS.

Vice Chancellor Nuñez displayed and discussed the design concept sketches submitted by the three shortlisted firms. The Board briefly discussed the design concepts, including the size of the College name on the building, how the building will fit in with other buildings on the campus, and elevations. Chancellor Galatolo noted that these renderings are not intended to be final designs. He said there is flexibility to work with the selected firm on the design and the Board’s input is welcome. Vice President Mohr said he believes the opinions of the faculty and staff at Cañada College are of paramount importance because they work in the environment day-to-day.

Trustee Holober noted that some recent buildings on the campuses include inspirational quotations and he requested that the Board be informed of any suggestions for the new building. Vice Chancellor Nuñez said that if a quotation is considered for the building, the suggestion(s) will be brought to the Board.

DISCUSSION OF BY-TRUSTEE AREA ELECTIONS / PRESENTATION BY COOPERATIVE STRATEGIES ON POTENTIAL TRUSTEE AREA BOUNDARIES (16-8-3C)

Larry Ferchaw, Executive Director at Cooperative Strategies, reviewed the criteria considered when drawing district boundaries, District demographics, and a potential implementation calendar. President Mandelkern said that since the Board voted to move the election of Board members from November 2017 to the general election in 2018, there is more time for analysis and it is not necessary that the Board select a trustee area map in February 2017 as shown on the proposed calendar. He suggested that the first public hearing be held in conjunction with the October 13, 2016 joint meeting with the Cabrillo Unified School District which will be held in Half Moon Bay. He suggested that the other public hearings be held in conjunction with 2017 Board meetings; dates and locations will be determined at a later time. The Board agreed with President Mandelkern’s suggestions.

Mr. Ferchaw reviewed the four drawings of possible trustee areas (Scenarios A through D) and the demographics associated with each scenario that he presented at the Board meeting of July 27. In response to Board comments and suggestions at that meeting, he developed four new scenarios (Scenarios E through H). Scenarios E, F and G contain five trustee areas and Scenario H contains seven areas.

Mr. Ferchaw said that Scenario E follows the County supervisorial districts more closely than the previous scenarios, with some alterations to accommodate Board comments. This scenario has a 52.88% Asian American Citizen Voting Age Population (CVAP) in Area 1 and a 27.71% Hispanic/Latino CVAP in Area 4. Scenario F also follows supervisorial districts closely, but differs from Scenario E in the South County where all of Menlo Park and East Palo Alto are kept together in Area 4 and Portolo Valley, Hillsborough, Atherton, Woodside and Half Moon Bay are together in Area 5. President Mandelkern noted that in Scenario F, North Fair Oaks is located in Area 5. In Scenario E, North Fair Oaks is combined with East Palo Alto and East Menlo Park in Area 4; President Mandelkern said this might be a more natural demographic grouping and also keeps a larger percentage of the Hispanic/Latino CVAP in Area 4. Mr. Ferchaw said he will move North Fair Oaks to Area 4 in a new drawing and make accompanying adjustments in other areas. He said Scenarios E and F will be basically the same and will be combined into a new scenario (Scenario E/F).

Mr. Ferchaw said that Scenario G is provided for illustration purposes in response to the Board’s interest in seeing a scenario using school district boundaries. He said it is not a viable scenario because it does not include an Asian American CVAP majority in any area. He said that if a district is able to create an area in which members of a protected class make up a majority of the CVAP, it is required to do so. He said that not doing so would be frowned upon by the courts and potential plaintiffs. President Mandelkern noted that Scenario G also has two incumbents in the same area.

Mr. Ferchaw said that Scenario H, showing seven trustee areas, keeps many K-12 school districts together; however, some larger districts are split and no high school districts are contained within one area. Trustee Goodman said the spirit of the law is to be more representative and inclusive. Accordingly, he would like to entertain Scenario H because it provides a representational increase for African Americans and Pacific Islanders as well as the Hispanic/Latino and Asian American populations.

The Board discussed the potential advantages and disadvantages of having a five vs. seven district Board. They agreed that it is not necessary to make a decision at this time. Mr. Ferchaw recommended that the question be left open and that the community be invited to provide input on this issue. The Board agreed to consider further the original Scenario B, the revised Scenario E/F, and Scenario H. The discussion will be continued at the Board meeting of September 28. Trustee Holober asked that the Board be provided voting age populations by city at that time.

ANNUAL REPORT ON THE DISTRICT'S SECOND LOAN PROGRAM, FACULTY AND STAFF HOUSING, AND CLOSING COST GRANT (16-8-4C)

Chancellor Galatolo said the second loan program is incredibly successful. He said he applauds the Board for supporting the program and staff for administering it. President Mandelkern said that when District faculty and staff housing was first offered, the rents were 25% below market rate. He said that currently the units are offered for at least 50% below market rate, providing substantial savings for the purpose of enabling residents to purchase homes. Trustee Schwarz agreed that the program is working well. She added that she receives notices about workshops being offered to help people learn more about home purchasing.

Trustee Holober concurred that the second loan program is worthwhile and successful. He asked that the Board be provided the annualized rate of return; Chancellor Galatolo said he will forward this information to the Board.

Vice President Mohr said he has heard comments from time to time from faculty and staff who wish they could stay in the units for as long as ten years. Chancellor Galatolo said that at any given point, there is a wait list of 70 to 80 people and consideration must be given to whether it would be fair to deny those who have been waiting an opportunity to participate in the program. He said the District offers savings programs and economic advising programs to try to help residents who want to save for a home purchase. He said if the wait list were to get to zero, it would be appropriate to extend the time that residents are allowed to occupy the units. Trustee Schwarz said the Educational Housing Board extended the occupancy limit from five to seven or nine years because of the housing market. Trustee Holober said it is difficult to balance between current residents and those who are waiting for units. He said he would tend to be in favor of providing an opportunity for faculty and staff who have not yet been given the opportunity. President Mandelkern said an extensive wait list may show a need to expand the housing program and to consider building additional housing at the campuses in order to meet demand, while being cautious to not overbuild and have unoccupied units. Chancellor Galatolo said the District owns additional land at each site on which housing could be constructed.

COMMUNICATIONS

None

STATEMENTS FROM BOARD MEMBERS

Trustee Goodman thanked staff who were present at the meeting. He said the Board appreciates the work they do to conduct Board meetings and other events and to answer Board members' questions.

Vice President Mohr said California Assembly 1985, currently before the Senate, would require all community colleges to honor advanced placement scores of 3 or higher. He said this is important because it can expedite the speed with which students move through general education requirements.

Vice President Mohr said that at a recent Rotary meeting, a chancellor from a neighboring district reported that they receive \$28 million in income due to international students. The chancellor also said they have a strategic goal to close their graduation gap by up to 5%. Vice President Mohr said this is an important reminder that the Board should continue to discuss its goals regarding success and completion.

Regarding cars that are assigned to the Colleges, Vice President Mohr said that in terms of leadership, he believes it is important to minimize symbols of status. He said those who conduct teaching and learning are partners of the administration and he believes that if privileges are given to one entity more than to another, it sends the wrong message. Vice President Mohr said he would ask the Colleges to be balanced in how they use the privilege of having cars assigned to their campuses. President Mandelkern said it is important to make sure that the cars are used only for business purposes and that they are available for all employees to use for business purposes. Presidents Stanback Stroud, Moore and Claire all said they will make sure that their policies indicate that the use of the cars is open to anyone needing them to conduct business. President Mandelkern said it might be helpful to review the costs of having assigned District-owned cars vs. giving mileage reimbursement for the use of personal cars.

Vice President Mohr said he would like to honor the memory of Mary Griffin. He said she was a member of the Board of Supervisors for 13 years and was an educator and champion of early childhood education.

Trustee Schwarz said she worked at the Foundation golf tournament as a volunteer and enjoyed the event. Trustee Schwarz said that a collection of College of San Mateo Astronomy Professor Mohsen Janatpour's paintings will be on display until August 30 in the Art Commission galleries at 400 County Center in Redwood City. She said Professor Janatpour would like the Board to hold another meeting in the College of San Mateo Planetarium, as they have done in the past.

Trustee Holober thanked Vice President Mohr for his comments regarding the use of cars. He said it takes courage to talk about things that are sensitive and that deal with values and image, such as the perception of privilege.

Student Trustee Zheng said he and two other students attended the Foundation golf tournament, allowing attendees to get a sense of who they are helping through the fundraising event. Trustee Schwarz said it was husband Frank's idea to have students present at the golf tournament and it was very well-received. Student Trustee Zheng thanked Trustee Schwarz for agreeing to attend meetings of the student governments. Student Trustee Zheng said the Skyline Shuttle program is operating successfully.

President Mandelkern said Virginia Medrano Rosales, a former Student Trustee and Skyline College student, received her bachelor's and masters degrees from San Francisco State University and is now a counselor at Skyline College. He said it is gratifying to see her come full circle.

President Mandelkern said he was invited by President Claire to meet with several deans and faculty members regarding the Digital Media program. They discussed the status of the current program, creative ways that it might be expanded, and what might occur regarding KCSM-TV and KCSM-FM. President Mandelkern said he looks forward to a study session on this topic in 2017.

President Mandelkern said he attended the Foundation golf tournament. He said it was good to have students there to interact with those who donate to the Foundation. He said the scholarships provided by the Foundation make a great difference to students in terms of being able to be full-time students.

President Mandelkern said the Skyline College Success Summit will be held on September 23 and he hopes everyone will be able to attend. He said one of the sessions will focus on Promise Plans.

ADJOURNMENT

The meeting was adjourned by consensus at 9:10 p.m. in memory of Professor Patricia Brannock.

Submitted by

Ron Galatolo, Secretary

Approved and entered into the proceedings of the September 28, 2016 meeting.

Thomas Mohr
Vice President-Clerk