MINUTES

SPECIAL MEETING OF THE GOVERNING BOARD
SOUTHWESTERN COMMUNITY COLLEGE DISTRICT

NORMA L. HERNANDEZ, GOVERNING BOARD PRESIDENT
HUMBERTO PERAZA, JR., GOVERNING BOARD VICE PRESIDENT
TIM NADER, GOVERNING BOARD MEMBER
JEAN ROESCH, ED.D., GOVERNING BOARD MEMBER
TERRI VALLADOLID, GOVERNING BOARD MEMBER
CLAUDIA DURAN, STUDENT GOVERNING BOARD MEMBER
MELINDA NISH, ED.D., SECRETARY TO THE GOVERNING BOARD AND
SUPERINTENDENT/PRESIDENT

Written notice is hereby given in accordance with Government Code Section 54956 that a special meeting of the Governing Board of the Southwestern Community College District will be held as noted below:

DATE: Wednesday, January 25, 2012
TIME: 6:30 p.m.
LOCATION: Southwestern College
Learning Resource Center, Room L238 N&S
900 Otay Lakes Road
Chula Vista, CA 91910

Compliance with Americans With Disabilities Act

Southwestern Community College District, in compliance with the American Disabilities Act (ADA), requests individuals who may need special accommodation to access, attend, and/or participate in Board meetings to contact Mary Ganio at (619) 482-6301 in advance of the meeting for information on such accommodation.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>CALL TO ORDER</th>
</tr>
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<tbody>
<tr>
<td>1.</td>
<td>CALL TO ORDER</td>
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<tr>
<td></td>
<td>(Hernandez)</td>
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<td>6:30 p.m., LRC, Room L238 N&amp;S</td>
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<tr>
<td>Attendance at this special meeting (Board members arriving after meeting commences will be noted as &quot;present&quot; at point in this suggested order of business at which they arrive).</td>
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<tr>
<td>Present: Hernandez, Peraza, Nader, Roesch, Duran (Student Board Member)</td>
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<td>Absent: Valladolid</td>
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Pledge of Allegiance

2. PLEDGE OF ALLEGIANCE
   (Hernandez)

Oral Communication

3. ORAL COMMUNICATION
   (Hernandez)

Persons wishing to address the Governing Board under this item should fill out a yellow request card (available at the reception table) and indicate on the card if they wish to be called under Oral Communication, or when a specific agenda item is considered. Pursuant to the Brown Act (Government Code Section 54954.3) members of the public shall be afforded the opportunity to directly address the Governing Board concerning any agenda item that has been described in the notice for the special meeting.

An oral presentation to the Board does not constitute an open discussion on the presentation topic, unless that topic is on the posted agenda. Pursuant to the Brown Act (Government Code Section 54954.2(a)): "No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3."

Janet Mazzarella urged the Board to get Project Labor Agreements (PLA) in place.
4. **ANNOUNCEMENT OF CLOSED SESSION AGENDA**
   (Hernandez)
   Members of the public may be present to hear the closed session announcements and will be given an opportunity to speak on any closed session items at this time. Persons wishing to address the Governing Board under this item should fill out a yellow request card (available at the reception table).

   4A. **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**
       Government Code Section 54957

   4B. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
       Government Code Section 54956.9(b)
       Number of potential cases (1) related to San Diego County District Attorney pending investigation of College construction contracts

5. **ADJOURN TO CLOSED SESSION**
   (Hernandez)
   LRC, L246, 6:35 p.m.
   Valladolid arrived and was in attendance at closed session.

6. **RECONVENE IN OPEN SESSION**
   (Hernandez)
   7:21 p.m., LRC, L238 N&S
   Present: Hernandez, Peraza, Nader, Roesch, Valladolid, Duran (Student Board Member)

7. **CLOSED SESSION REPORT OF ACTION(S) (If Applicable)**
   President Hernandez reported that there was no report of action and that the Board would return to closed session after open session.

8. **AWARD/REJECTION OF BID(S)**
   (Brahmbhatt)

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<thead>
<tr>
<th>Hernandez</th>
<th>Nader</th>
<th>Peraza</th>
<th>S</th>
<th>Roesch</th>
<th>M</th>
<th>Valladolid</th>
<th>Duran</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aye</td>
<td>Aye</td>
<td>Nay</td>
<td>Aye</td>
<td>Aye</td>
<td>Aye</td>
<td>Aye</td>
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8A. **AWARD OF BID NO. 187 (ENCLOSURE)**

Recommend award of Bid No. 187 to Dynalectric - San Diego, for general contractor services, for the period December 12, 2011 to March 30, 2012, inclusive, in an amount not to exceed $439,921.

8B. **AWARD OF BID NO. 188 (ENCLOSURE)**

Recommend award of Bid No. 188 to A.O. Reed and Company, for general contractor services, for the period January 26, 2012 to April 3, 2013, inclusive, in an amount not to exceed $9,242,200.

Peraza indicated that he could not vote to support this item due to the lack of background information outlining the process. Superintendent/President Nish explained that the new process of requiring two signatures was not reflected on the enclosures for recommendations for bid awards. At the Superintendent/President’s request, Temple presented amended enclosures updated to reflect two signatures of approval. He also distributed and provided an overview of the bid award process and indicated that the bid process was up to code. Nader suggested that all related information including summary information be presented together in one section. Valladolid noted that in the past, staff was asked to separate items and not place at the information on the agenda. After discussion, the Board requested a workshop on the process for contract procurement as Temple had outlined. The Superintendent/President will include in the February workshop.
<table>
<thead>
<tr>
<th>Item</th>
<th>Ratification / Approval of Agreements – Cost to District (Items A Through B)</th>
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<td>Aye</td>
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### 9A. Ratification of Agreements

#### 9A.1 Agreement with Reliance Public Relations, Inc. (ENCLOSURE)

*(Nish)*

Ratify Agreement No. A3436.12 with Reliance Public Relations, Inc., for services in the area of community and public communications, for the period January 13 to February 24, 2012, inclusive, in an amount not to exceed $14,400 to be billed at an hourly rate of $150 for services and mileage to be paid at the approved government rate, not to exceed $1,200.

#### 9A.2 Agreement with Dynalectric – San Diego (ENCLOSURE)

*(Brahmbhatt)*

Ratify Agreement No. A3437.12, related to Bid No. 187, with Dynalectric - San Diego, for general contractor services, for the period December 12, 2011 to March 30, 2012, inclusive, in an amount not to exceed $439,921.

### 9B. Approval of Agreements

#### 9B.1 Agreement with Steve Dow (ENCLOSURE)

*(Brahmbhatt)*

Approve Agreement No. A3439.12 with Steve Dow, to serve as a consultant for the Director of Facilities, Operations, and Planning, for the period January 26 to March 31, 2012, inclusive, in the amount of $79 per hour, in a total amount not to exceed $26,860.

#### 9B.2 Agreement with Robert DePew (ENCLOSURE)

*(Brahmbhatt)*

Approve Agreement No. A3440.12 with Robert DePew, to serve as a consultant for the Director of Facilities, Operations, and Planning, for the period January 26 to March 31, 2012, inclusive, in the amount of $69 per hour, in a total amount not to exceed $23,460.

#### 9B.3 Agreement with NTD Architecture, Inc. (ENCLOSURE)

*(Brahmbhatt)*

Approve Agreement No. A3414.12, related to RFQ No. 109, with NTD Architecture, Inc., for architectural services, for the period January 26, 2012 to December 31, 2015, inclusive, in an amount not to exceed $742,500, plus $30,000 for reimbursables, for a contract total, in an amount not to exceed $772,500.

#### 9B.4 Agreement with A.O. Reed and Company (ENCLOSURE)

*(Brahmbhatt)*

Approve Agreement No. A3438.12, related to Bid No. 188, with A.O. Reed and Company for general contractor services, for the period January 26, 2012 to April 3, 2013, inclusive, in an amount not to exceed $9,242,200.

#### 9B.5 Agreement with MDA Johnson Favaro (ENCLOSURE)

*(Brahmbhatt)*

Approve Agreement No. A3412.12, related to RFQ No. 109, with MDA Johnson Favaro, for architectural services, for the period January 26, 2012 to December 31, 2015, inclusive, in an amount not to exceed $797,500, plus $52,000 for reimbursables, for a contract total, in an amount not to exceed $849,500.
10. NOMINATION TO REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD (ENCLOSURE)

<table>
<thead>
<tr>
<th>Hernandez</th>
<th>S</th>
<th>Nader</th>
<th>Peraza</th>
<th>Roesch</th>
<th>M</th>
<th>Valladolid</th>
<th>Duran</th>
<th>Student Advisory Vote</th>
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<tbody>
<tr>
<td>Aye</td>
<td></td>
<td>Aye</td>
<td>Aye</td>
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Pursuant to the request of the Chancellor’s Office, recommend nomination of Dr. Jean Roesch, Governing Board Member, to the Redevelopment Agency for the Coronado area.

President Hernandez announced that Ken Seaton-Msemaji submitted his support for Item 10.

Bob Temple informed the Board that nominations could also be submitted for Imperial Beach, National City, and Chula Vista. The Board directed the Superintendent/President to nominate representatives for these areas by the due date of January 31.

11. CLOSED SESSION / REPORT OF ACTION(S) (If Applicable)

(Hernandez)

The Board adjourned to closed session at 7:45 p.m.

The Board reconvened in open session at 10:05 p.m.

Present: Hernandez, Peraza, Nader, Roesch, Duran

Absent: Valladolid, Duran (Student Board Member)

President Hernandez reported the following:

The Board took action to direct legal counsel and staff to sever the contractual relationship with Seville Construction Services and BCA Architects, reserving all rights of the College.

The Board also directed staff to initiate an RFP related to procurement of replacement program manager and architectural services.

The Board directed counsel and staff to continue full cooperation with the District Attorney’s investigation and to continue to evaluate the College’s legal options.

12. ADJOURNMENT 10:06 p.m.

Melinda Nish, Ed.D.
Governing Board Secretary

Norma L. Hernandez
Governing Board President