

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF REGENTS OF THE DEL MAR COLLEGE DISTRICT
April 13, 2004

The Regular Meeting of the Board of Regents of the Del Mar College District convened in the Isensee Board Room, Harvin Student Center, Del Mar College East Campus, Baldwin and Ayers, Corpus Christi, Texas, at 4:20 p.m. on Tuesday, April 13, 2004, with the following present:

From the Board:

Mrs. Chris Adler, Mrs. Minnie Arriaga, Dr. Haysam Dawod, Mrs. Olga Gonzales, Mr. Bill Martin, Mr. Gabe Rivas, Mrs. Dorothy Spann, Mr. Guy Watts, and Ms. Beverly Winters.

From the College:

Mr. Jose Alaniz, Acting President and Vice President, Business and Finance; Dr. Rosie Garcia, Interim Vice President of Learning and Academic Affairs; Mr. Jose Rivera, Vice President of Student Development and Community Learning; Mrs. Vickie Natale, Dean of Administrative Services; Ms. Barbara Kimball, Assistant to the Vice President for Business Services; and other administrators, faculty, and staff.

From the Attorney's Office:

Mr. Stephen Hilmy.

Others:

Mr. Bill Wilson, Mr. Dan Talley, and Mr. Mario Alaniz, coordinating architect firm of WKMC Architects; and other interested citizens.

CALL TO ORDER/QUORUM CALL/MOMENT OF SILENCE

Mr. Gabe Rivas, president of the Board, presided and called the meeting to order. With a quorum present, he requested a moment of silence.

RECOGNITION

Ms. Claudia Jackson recognized several faculty and staff: Mr. Andrew Russell, assistant professor of music and band instructor, for his leadership in which several students, who were also recognized, earned a place in the 2004 Texas Community College All-State Symphonic Band and also in the All-State Jazz Band; Dr. Lee Sloan, dean of Occupational Education and Technology, and Ms. Dee Salmon, who along with Mr. Sushiel Palomoni and Ms. Denise Rektor, for their efforts in the College's STATE (South Texas Advanced Technology Education) project receiving the TACTE Award for Excellence 2004 for Best Practices in Technical Education; and, Mrs. Amy Tilton-Jones, faculty advisor for the College's Gamma Sigma Chapter of Phi Theta Kappa Honor Society, for her leadership in the members earning the designation of a "5 Star Chapter."

AWARDS AND INNOVATIONS

Mr. Jose Rivera recognized the Department of Enrollment Services and Registrar, under the direction of Ms. Frances Jordan, assistant dean, as this month's Program of Excellence and Innovation. Ms. Jordan provided a slide presentation detailing the services provided to prospective, current, and former students. The presentation included the functions of enrollment services, and the department's relation to contract courses, recruitment, and outreach programs.

PUBLIC COMMENTS—3 minutes

No one signed up or requested to address the Board.

COMMITTEE REPORTS

Audit Committee—Mr. Bill Martin reported that the committee had met on April 2nd to discuss two issues: a status report on the external auditor's concerns, which would be given later in today's meeting, and the approval of an agreement with Collier Johnson & Woods for the current year's audit.

Policy Review Committee—Mrs. Olga Gonzales reported that the committee had reviewed the employee grievance policy, which was presented by Mr. Rivera, and that they had made some recommendations. Students submitted their proposed student grievance policy, and she informed them that the policy would be reviewed with the same process as the employee's grievance policy. Mrs. Gonzales asked that employees and students review the policies and submit any suggestions or recommendations to Mr. Rivera.

REGENTS' REPORTS AND COMMENTS

There were no reports or comments.

STAFF REPORTS

Ms. Ruth Cude, comptroller, provided a report addressing the audit management letter for the fiscal year ending August 31, 2003. The Board was informed that the issues were being addressed and the same concerns should not be noted with this year's audit.

APPROVAL OF MINUTES (#1)

Mrs. Dorothy Spann made a motion, seconded by Mr. Bill Martin, to approve the minutes for the Ad Hoc Committee, February 3, 2004; Presidential Search Committee, February 16, 2004, March 1, 2004, and March 22, 2004; Called Meeting, March 2, 2004, March 3, 2004, March 4, 2004, March 8, 2004, March 23, 2004, and April 2, 2004; and Regular Meeting, March 9, 2004, as presented. The motion carried by unanimous vote.

CLOSED SESSION—SETTLEMENT OF DELINQUENT TAX DISPUTE AND LAWSUIT STYLED

NUECES COUNTY V. QUALITECH STEEL IRON CARBIDE CORPORATION, ET AL., CAUSE #03-1740-C IN THE 94TH JUDICIAL DISTRICT COURT, NUECES COUNTY, TEXAS (#19)

The Board entered into closed session in accordance with Government Code, Sections 551.071 551.072, 551.074, and 551.076, beginning at 4:55 p.m. The Board ended closed session and reconvened at 5:20 p.m.

Mrs. Dorothy Spann made a motion, seconded by Dr. Haysam Dawod, to accept the settlement of the delinquent tax dispute and lawsuit styled *Nueces County v. Qualitech Steel Iron Carbide Corporation, et.al.*, Cause #03-1740-C in the 94th Judicial District Court, Nueces County, Texas, as recommended by administration. Mrs. Spann stated that she had been assured that by returning the property to the tax rolls, the College and other entities will benefit in the long run. The motion carried by unanimous vote.

CLOSED SESSION—SECURITY DEVICES OR PERSONNEL (#20)

This item was postponed until the May regular Board meeting.

APPROVAL OF CONTRACT FOR NEW COLLEGE PRESIDENT, DR. CARLOS A. GARCIA (#18)

Dr. Dawod made a motion, seconded by Mrs. Gonzales, to accept the contract as signed for approval between Del Mar College District and Dr. Carlos A. Garcia. The motion carried by unanimous vote.

AUDIO TAPING OF BOARD MEETINGS (#2)

This item was moved to the May regular Board meeting.

SELECTION OF LEGAL REPRESENTATION OR IN-HOUSE LEGAL COUNSEL FOR DEL MAR COLLEGE BY THE BOARD OF REGENTS (#3)

Mr. Alaniz reported that the College had solicited and received Requests for Qualifications for legal counsel, and had received applications for the in-house legal counsel position. He recommended that the Board appoint a committee and calendar a separate meeting to review the responses. Mr. Rivas appointed Minnie Arriaga as chair of the committee, and Mrs. Chris Adler, Mrs. Spann, and Mr. Martin. He informed them that their task would be to review the applications and RFQs, and provide guidance to the Board as to what they should be looking for.

APPROVAL OF AUDIT ENGAGEMENT LETTER WITH COLLIER, JOHNSON & WOODS TO PERFORM AUDIT FOR FISCAL YEAR ENDING AUGUST 31, 2004 (#4)

Mr. Martin reported that the Audit Committee recommended that the engagement letter presented by the auditing firm to conduct the external audit for fiscal year ending August 31, 2004, be approved by the Board. Mr. Alaniz informed the Board that the fee is \$33,000: \$29,000 for the College audit, and \$4,000 for the DMC Foundation audit. He pointed out that any changes to the fee would be submitted to the Board for approval in advance.

Mr. Martin made a motion, seconded by Mrs. Spann, to accept the engagement letter from Collier, Johnson & Woods to perform the audit for fiscal year ending August 31, 2004. The motion carried by unanimous vote.

KEDT REPORT (#5)

Mr. Bud Harris, dean of Business and Community Service, and Mr. Don Dunlap, manager of KEDT, provided a presentation on a proposed partnership between the College and KEDT, which will enable the College to enhance its technological capacity by converting analog technology to digital/high definition technology. The presentation included a historical perspective, an overview of the proposal, benefits for each partner, and associated costs.

Dr. Dawod made a motion to accept, in concept, the basic framework of the proposed partnership between Del Mar College and KEDT, and to grant Mr. Bud Harris and his staff the authority to pursue negotiations with KEDT to formulate an agreement outline to be presented to the Board of Regents for formal approval. Several Board members commented on the long-standing relationships between the College and KEDT, and then Mr. Guy Watts made a second to the motion, which carried by unanimous vote.

APPROVAL OF EMPLOYEE GRIEVANCE POLICY (#6) AND APPROVAL OF STUDENT GRIEVANCE POLICY (#7)

No action was taken based on suggestions provided to Mr. Rivera during the earlier Policy Review Committee meeting.

REPORT BY COORDINATING ARCHITECT ON CURRENT STATUS OF BOND IMPROVEMENTS PROGRAM (#8)

Mr. Bill Wilson provided a status report on the bond program:

South Campus: design development should be submitted within a week or so.

Central Plant East and West Campus: moving forward with schematic designs.

Industrial Education Complex: received design packages from architect; will be asking approval to move forward.

Health Science Technology: moving forward in design; Richter Architects presented studies; meetings scheduled.

Public Safety Facility: initial meeting to be held within a week or so.

Richardson Auditorium: received eight SOQs; selection committee will be meeting beginning Friday.

Civil Engineering & Surveying: two items on today's agenda.

Geotechnical Engineering and Testing: on today's agenda.

Accessibility Consultant: negotiating contract.

Commissioning Consultant: on today's agenda.

Roofing Consultant: working with project architect and developing standards to utilize on projects; will be adding the Coleman Center to the list of projects.

East Campus Master Planning: continuing.

APPROVAL OF METHODS/PROCESSES OF SELECTING CONSTRUCTION CONTRACTORS FOR VARIOUS PROJECTS IN THE BOND IMPROVEMENTS PROGRAM (#9)

Mr. Wilson reviewed the three different processes being proposed for project delivery: (1) competitive sealed proposals, small projects, under \$2 million, no interviews; (2) competitive sealed proposals, large projects, over \$2 million, with interviews; and (3) construction manager-at-risk, larger projects, with interviews. He explained that, during the construction phase, the evaluation team could remain the same (designated in Option A) or be reduced by eliminating the users of the building (designated in Option B). Mr. Wilson pointed out that not all the members could bring expertise into the selection of the contractors. Dr. Dawod stated that the decision should be on a voluntary basis by the members, and as a courtesy, they should be asked if they would like to remain on the team. During discussion, Dr. Dawod also asked that they be conscientious of how many projects are awarded to each contractor. (Mrs. Adler left the meeting.)

Dr. Dawod made a motion, seconded by Mrs. Olga Gonzales, to approve the selection process for construction contractors for various projects in the bond improvement program.

Related to the construction manager-at-risk (CM), Mr. Martin questioned whether the subcontractors would be presented and approved by the Committee, or if Mr. Wilson planned on the CM making the selection. Mr. Wilson informed the Committee that he had not yet prepared that process, but reviewed the selection criteria and pointed out that the selection would be made on best value, cost, and qualifications.

Dr. Dawod included as part of his motion the selection of Option A, retaining the existing evaluation committee at the individual's option. The motion carried with Arriaga, Dawod, Gonzales, Martin, Rivas, Watts, and Winters voting in favor; Spann voting against; and none abstaining.

SOLICITATION OF REQUESTS FOR PROPOSAL FOR CONSTRUCTION MANAGER AT RISK FOR HEALTH SCIENCES AND TECHNOLOGY CENTER PROJECT (#10)

Mr. Martin made a motion to accept the selection criteria on construction manager-at-risk (CM) selection only for the Health Sciences and Technology Center. Mrs. Gonzales seconded, and the motion carried by unanimous vote of those present.

ISSUING WORK ORDER TO URBAN ENGINEERING FOR EAST CAMPUS CIVIL ENGINEERING AND SURVEYING SERVICES (#11)

Mr. Wilson informed the Board that Urban Engineering, Inc., had been awarded the contract for civil engineering and surveying for the East Campus Improvements. The contract and scope of work were still being prepared and negotiated, and in order for Urban Engineering to begin work, Mr. Wilson requested that that Board approve a work order not to exceed \$9,000. (Mr. Martin left the meeting.)

Dr. Dawod made a motion, seconded by Mrs. Spann, to approve the issuance of a work order to Urban Engineering, Inc., for site surveying for the East Campus Central Plant project for a fee not to exceed \$9,000. The motion carried by unanimous vote of those present.

ISSUING WORK ORDER TO NAISMITH ENGINEERING FOR A PHASE 1-ENVIRONMENTAL ANALYSIS OF WEST CAMPUS (#12)

Mr. Guy watts made a motion, seconded by Mrs. Arriaga, to approve the issuance of a work order to Naismith Engineering, Inc., to perform a Phase 1-Environmental Study for the West Campus as part of their current contract. The motion carried by unanimous vote of those present.

ISSUING WORK ORDER TO BATH ENGINEERING CORPORATION FOR BUILDING COMMISSIONING SERVICES FOR VARIOUS PROJECTS IN THE BOND IMPROVEMENTS PROGRAM (#13)

Mr. Wilson informed the Board that Bath Engineering, Inc., had been awarded the systems commissioning contract and they were in negotiations. In order to avoid delays with the project, he requested that a work order for their services be issued with a maximum amount of \$25,000.

Dr. Dawod made a motion, seconded by Mrs. Gonzales, to approve the issuance of a work order to Bath Engineering, Inc., for professional services related to building commissioning not to exceed \$25,000. After a brief discussion on the scope of work, the motion carried by unanimous vote of those present.

CHANGING GEOTECHNICAL AND CONSTRUCTION MATERIALS TESTING FIRM FOR EAST CAMPUS CENTRAL PLANT PROJECT (#14)

Mr. Wilson reported that PSI had been awarded the construction materials testing for the East Campus Central Plant. Because Rock Engineering had previously performed the geotechnical investigation in 1999, it was his recommendation that the project be reassigned to Rock Engineering, saving monies on another investigation because Rock Engineering could use the report they had already prepared.

Mr. Watts made a motion to approve changing the geotechnical and construction materials testing firm for the East Campus Central Plant project from PSI to Rock Engineering. Discussion ensued, and although a contract had not been signed, it was the consensus of the Board that Mr. Wilson request a letter of agreement to the change from PSI. Mr. Watts made a motion to approve the agenda item subject to an agreement being confirmed in writing. Mrs. Gonzales seconded, and the motion carried by unanimous vote of those present. (Dr. Dawod was not present during the vote.)

ACCEPTANCE OF QUARTERLY INVESTMENT REPORT FOR PERIOD ENDING FEBRUARY 29, 2004 (#15)

Mrs. Minnie Hernandez presented the quarterly investment report for the period ending February 29, 2004.

Mrs. Gonzales made a motion, seconded by Mrs. Spann, to approve the quarterly investment report for the period ending February 29, 2004, as presented, and the motion carried by unanimous vote of those present. (Mr. Rivas was not present during the vote.)

ACCEPTANCE OF INVESTMENTS FOR MARCH 2004 (#17)

Mrs. Minnie Hernandez presented the investments for the month of March 2004.

Mr. Watts made a motion, seconded by Mrs. Arriaga, to approve the investments for the month of March 2004 as presented, and the motion carried by unanimous vote of those present.

ACCEPTANCE OF FINANCIAL STATEMENT FOR FEBRUARY 2004 (#16)

Mrs. Winters made a motion, seconded by Mrs. Spann, to approve the financial statements for the month of February 2004 as presented, and the motion carried by unanimous vote of those present.

CALENDARING DATES (#23)

Mr. Rivas told the Board that they needed to review two grievances that were pending. It was the consensus of the Board that a copy of the records be sent to them before the May 11th meeting so that they could review the materials and make a decision at that meeting.

Mrs. Arriaga calendared May 4th at 4:00 p.m. for the Ad Hoc Committee on legal representation to meet. Copies of the RFQs and employment applications should be sent to the Committee by April 30th.

An update on the status of grievances and EEOC charges would be discussed in a closed session on May 11th.

The deadline for all comments, suggestions, and recommendations for the employee and student grievance policies was calendared for the June regular Board meeting date.

With no further business, the meeting adjourned at 7:20 p.m.