

**FOOTHILL-DE ANZA  
COMMUNITY COLLEGE DISTRICT**

**MINUTES  
September 9, 2002**

The Board of Trustees of the Foothill-De Anza Community College District held a regular meeting on Monday, September 9, 2002. At 6:30 p.m., President Hay declared a quorum was present and commenced the meeting in the Chancellor's Office of the Foothill-De Anza Community College District, 12345 El Monte Road, Los Altos Hills, CA 94022. The Board immediately adjourned into closed session and re-convened the public session at 7:05 p.m. in the District Board Room. President Hay led the Board and those present in the Pledge of Allegiance.

PUBLIC SESSION

The roll call indicated the following members were present:

ROLL CALL

Sandy Hay, President  
Mary Mason, Vice President  
Paul Fong  
Andrea Leiderman  
Judith Moss  
Sarah Wiehe, Foothill College Student Trustee  
Deanna Stewart, De Anza College Student Trustee

The following were also present:

Staff:	George Beers	Mike Brandy
	Leo Chavez	Jane Enright
	Robert Griffin	Gerry Gyuire
	Alex Hochstraser	Ken Horowitz
	Martha Kanter	Jim Keller
	Marsha Kelly	Sharon Luciw
	Jon O'Bergh	Greg Parman
	Willie Pritchard	Carmen Redmond
	Javier Rueda	John Schulze
	Marisa Spatafore	Claudette Weber
	Curt Willig	

Press: None

Students: None

Public:	Susan Iverson	Angelica Gonzalez, SEIU
	Ric Mangum, tBP	Phil Newsom, tBP
	Nick Seierup, Perkins & Will	

President Hay announced that the Board would re-convene the closed session following the public session.

CLOSED SESSION TO  
RESUME

President Hay asked if there were any additions or corrections to the minutes of the regular meeting of August 26, 2002. The minutes were approved as drafted.

APPROVED AUGUST  
26, 2002 MINUTES

President Hay asked if there was any correspondence which should be brought to the Board's attention. There was none.

CORRESPONDENCE

President Hay asked if there were any trustees, staff, students or members of the public who wished to address the Board on matters not on the agenda. Foothill Dean of International & Distance Learning George Beers, who was sitting in for President Bernadine Fong, invited the trustees to the grand opening of the Krause Center for Innovation on September 14. De Anza President Martha Kanter invited the trustees to a Ceremony of Remembrance on September 11.

HEARINGS

President Hay asked if any item should be removed from the Consent Calendar. De Anza Student Trustee Stewart requested that Item 2 be removed. It was M/S/C (Mason/Fong) (advisory vote – 2 yes) by a unanimous vote to take action as recommended on item 1 and items 3-11 as follows:

CONSENT CALENDAR

Item 1, approved Revised Board Policy 5048 — Furnishing Directory Information.

Item 3, ratified Contract for Direct Access Services Including Electricity with AES NewEnergy, Inc.

Item 4, approved Caregiver's Training Initiative (CTI) Contract.

Item 5, adopted Resolution to Adopt Budget Revisions and Transfers.

Item 6, ratified list of Contracts and Agreements.

Item 7, acknowledged as information the Listing of District Investments as of June 30, 2002.

Item 8, denied Claim Against the District by Catherine Popell.

Item 9, denied Claim Against the District by Calvin Reuter.

Item 10, approved Personnel Actions as follows:

PERSONNEL

*Name:* **Mike Brandy**  
*Position:* Vice President  
*College:* De Anza  
*Division:* Finance and College Services  
*Action:* Temporary Reassignment in accordance with Administrators Handbook, Chapter III.  
*Effective Date:* September 16, 2002  
*Compensation:* \$11,365.55/month  
*Comments:* Temporary reassignment to assume duties of Vice Chancellor, Business Services.

*Name:* **Carole Cassidy**  
*Position:* Executive Director  
*College:* Central Services  
*Division:* Foundation  
*Action:* Resignation  
*Effective Date:* September 27, 2002

*Name:* **James Keller**  
*Position:* Vice Chancellor  
*College:* Central Services  
*Division:* Business Services  
*Action:* Resignation  
*Effective Date:* September 16, 2002

*Name:* **Suzanne Helfman**  
*Position:* English Instructor  
*College:* De Anza  
*Division:* Language Arts  
*Action:* Employment  
*Effective Date:* September 1, 2002 *# of Months:* 10  
*Compensation:* Column III, Step M - \$7,586.08/month  
*Comments:* Transferring from categorically funded position to probationary faculty employee.

*Name:* **Mae Y. Lee**  
*Position:* Intercultural Studies Instructor  
*College:* De Anza  
*Division:* International/Intercultural Studies  
*Action:* Employment  
*Effective Date:* April 7, 2003 *# of Months:* 10  
*Compensation:* Column V, Step A - \$5,294.41/month

*Name:* **Sharon Luciw**  
*Position:* Director, Systems and Networks  
*College:* Central Services  
*Division:* Educational Technology Services  
*Action:* Extend Employment Contract  
*Effective Date:* September 17, 2002 – September 16, 2003  
*Comments:* Second one-year contract in accordance with Administrators Handbook, Chapter III.

*Name:* **Chuck Southward**  
*Position:* Interim Dean  
*College:* De Anza  
*Division:* Counseling and Matriculation  
*Action:* Ratification of Employment  
*Effective Date:* September 3, 2002  
*Compensation:* \$9,151.00/month  
*Comments:* Temporary Contract Replacement

Item 11, approved Human Resources Report.

Item 2, Revisions to Contract with TouchNet Information Systems, Inc., was addressed by Vice Chancellor of Technology Willie Pritchard and Director of Information Systems Gerry Gyuire, who answered questions from De Anza Student Trustee Stewart. It was M/S/C (Stewart/Mason) (advisory vote – 2 yes) by a unanimous vote to approve the revisions to the contract with TouchNet Information Systems, Inc.

APPROVED REVISIONS  
TO TOUCHNET  
CONTRACT

Item 12, Adoption of 2002-03 Budget, was addressed by Vice Chancellor of Business Services Jim Keller, who reported that the governor had signed the state budget without vetoing certain items, so the District’s Budget remained substantially unaffected. Nonetheless, as anticipated, some budget revisions will need to be submitted to the Board. Foothill Instructor Ken Horowitz addressed the Board concerning budget leadership. It was M/S/C (Mason/Moss) (advisory vote – 2 yes) by a unanimous vote to adopt the 2002-03 Budget.

ADOPTED 2002-03  
BUDGET

President Hay asked if any item should be removed from Item 13, Measure E Consent Calendar. No items were removed. It was M/S/C (Leiderman/Wiehe) (advisory vote – 2 yes) by a unanimous vote to take action as recommended on Item 13 A–H as follows:

MEASURE E CONSENT  
CALENDAR

**A**

*Title:* Agreement Revision #7  
*Vendor:* Cleary Consultants, Inc.  
*Agreement Date:* 9/21/00  
*Campus:* De Anza  
*Project No.:* 203  
*Project Name:* Student & Community Services Building  
*Amount:* \$1,500  
*For:* Perform additional geotechnical investigation to provide information required by the architect to complete a dynamic analysis as required by the Division of the State Architect  
*Action:* Ratification

**B**

*Title:* Agreement Revision #8  
*Vendor:* Cleary Consultants, Inc.  
*Agreement Date:* 9/21/00  
*Campus:* De Anza  
*Project No.:* 207  
*Project Name:* Parking Deck  
*Amount:* \$6,300  
*For:* Perform additional geotechnical investigation for the revised location  
*Action:* Ratification

**C**

*Title:* Addendum #D02  
*Vendor:* Signet Testing Labs, Inc.  
*Agreement Date:* 12/3/01  
*Campus:* De Anza  
*Project No.:* 257  
*Project Name:* Pool Renovation  
*Amount:* \$24,000  
*For:* Perform on-site concrete and analysis as required by the Division of the State Architect  
*Action:* Approval

**D**

*Title:* Revision to PO #M249314  
*Vendor:* Cleary Consultants  
*Agreement Date:* 7/18/00  
*Campus:* Foothill  
*Project No.:* 135  
*Project Name:* Parking Lots 2 & 3  
*Amount:* \$12,600  
*For:* Additional services for soils engineering, construction observation and testing  
*Action:* Ratification

**E**

*Title:* Contractor Change Order No. 6  
*Vendor:* Arcon Construction, Inc.  
*Agreement Date:* 1/14/02  
*Campus:* Foothill  
*Project No.:* 104  
*Project Name:* Fine Arts Phase I  
*Amount:* \$(1,157) — credit  
*For:* Electrical and architectural changes in buildings 1600, 1700 and 1800  
*Action:* Ratification

**F**

*Title:* Contractor Change Order No. 1  
*Vendor:* Walker Communications  
*Agreement Date:* 5/21/02  
*Campus:* Foothill  
*Project No.:* 101  
*Project Name:* Krause Center for Innovation  
*Amount:* \$2,755  
*For:* Additional changes for voice/data work  
*Action:* Ratification

**G**

*Title:* Revision #4 #D01  
*Vendor:* tBP Architecture  
*Agreement Date:* 2/8/01  
*Campus:* De Anza  
*Project No.:* 203  
*Project Name:* Student and Community Services Building  
*Amount:* \$27,500  
*For:* Perform a dynamic analysis as required by the Division of the State Architect  
*Action:* Ratification

**H**

*Title:* Construction Change Order No. 2  
*Vendor:* ADACON Corporation  
*Agreement Date:* 4/24/02  
*Campus:* De Anza  
*Project No.:* 215  
*Project Name:* "E2" Building Renovation  
*Amount:* \$10,873  
*For:* Bulletin #4 – new flooring in classrooms and offices  
*Action:* Ratification

Item 14, Presentation by tBP Architecture of Design Development Drawings for Student & Community Services Building, De Anza College, was addressed by Director of Facilities, Operations & Construction Management John Schulze and De Anza Vice President of Finance and College Services Mike Brandy. Mr. Schulze introduced Ric Mangum of tBP Architecture, who presented the design and responded to questions from the trustees. It was M/S/C (Fong/Mason) (advisory vote – 2 yes) by a unanimous vote to approve the Design Development Drawings.

APPROVED DESIGN  
 DEVELOPMENT  
 DRAWINGS FOR  
 DE ANZA STUDENT &  
 COMMUNITY SERVICES  
 BUILDING

Item 15, Presentation by Perkins & Will of Design Development Documents for Science & Student Services Complex, Foothill College, was addressed by Director Schulze. He introduced Nick Seierup of Perkins & Will, who presented the design and responded to questions from the trustees. The topic of the perimeter road arose during the discussion, and Foothill Student Trustee Wiehe urged the college to consider speed bumps or another solution to slow down traffic at the first crosswalk near the entrance to the campus. It was M/S/C (Mason/Wiehe) (advisory vote – 2 yes) by a unanimous vote to approve the Design Development Documents.

APPROVED DESIGN  
 DEVELOPMENT  
 DOCUMENTS FOR  
 FOOTHILL SCIENCE &  
 STUDENT SERVICES  
 COMPLEX

Item 16, Bid Proposal #888-109 — Business & Social Science Buildings 3100, 3200, 3300 and 3400, Foothill College, was addressed by Director of Purchasing Services Carmen Redmond. She distributed information concerning a bid protest from Adacon Corporation, explaining that the bid protest had been resolved with Adacon but required formal rejection from the Board in addition to the other two actions under consideration for Item 16.

REJECTED BID  
 PROTEST FROM  
 ADACON

REJECTED BID FROM  
 SASCO ELECTRIC

Trustee Fong inquired about subcontractor pest control licensing within the Tinney Construction bid. Ms. Redmond assured him that, although specifics about the subcontractor are not required as part of the bid, the District will ensure that the subcontractor is appropriately licensed. Trustee Fong also asked about special licensing for hazardous waste removal, and Ms. Redmond explained that, again, such details are not required if the cost for the service is less than 1.5% of the total bid amount, but the District will ensure that an appropriately licensed contractor is used.

AWARDED CONTRACT  
 FOR BID #888-109 TO  
 TINNEY  
 CONSTRUCTION

Responding to a question from Trustee Moss, Ms. Redmond explained that the construction manager would monitor any request for changes to guard against the project costing more than the bid amount, and only legitimate changes beyond the bid's scope of work would be authorized. It was M/S/C (Leiderman/Moss) (advisory vote – 2 yes) by a unanimous vote to:

- 1) Reject the bid received from Sasco Electric as non-responsive;
- 2) Reject the bid protest letter from Adacon Corporation;
- 3) Authorize the District Purchasing Manager to award a contract for the Base Bid to the lowest responsive bidder, Tinney Construction Corporation, in the amount of \$1,222,000.

Item 17, Bid Proposal #902 — Flint Center Elevator Car Upgrade, was addressed by Director of Purchasing Services Redmond. It was M/S/C (Leiderman/Fong) (advisory vote – 2 yes) by a unanimous vote to authorize the District Purchasing Manager to award a contract for the Base Bid to the lowest responsive bidder, Otis Elevator Company, in the amount of \$210,053 plus \$17,829 (additive Alternate #1).

AWARDED CONTRACT  
FOR BID #902 TO OTIS  
ELEVATOR

Item 18, Bid Proposal #903 — Flint Center Elevator Electrical Upgrade, was addressed by Director of Purchasing Services Carmen Redmond. Responding to a question from Trustee Fong, Director John Schulze explained that likely only one bid was received because the project involves very specialized work. It was M/S/C (Mason/Stewart) (advisory vote – 2 yes) by a unanimous vote to authorize the District Purchasing Manager to award a contract for the Base Bid to the lowest responsive bidder, Union Electric Construction, Inc., in the amount of \$120,151.

AWARDED CONTRACT  
FOR BID #903 TO  
UNION ELECTRIC

Item 19, Amendment to Layoff Action Taken on July 15, 2002 Due to Lack of Funding/Lack of Work, was addressed by Vice Chancellor of Human Resources and Equal Opportunity Jane Enright. It was M/S/C (Mason/Wiehe) (advisory vote – 2 yes) by a unanimous vote to authorize District representatives to provide the employee for the @One Web Support Technician position with 30-day notice of layoff.

APPROVED  
AMENDMENT TO  
LAYOFF ACTION

The Board's attention was called to the following date to remember:  
October 7, 2002 — Regular Meeting

DATES TO REMEMBER

The public session was adjourned and the closed session was reconvened at 8:30 p.m. The meeting was adjourned at 9:15 p.m.

ADJOURNMENT

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Leo E. Chavez, Chancellor and  
Secretary of the Board of Trustees