



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

December 13, 2004

### CALL TO ORDER AND ROLL CALL

President Sandy Hay declared a quorum was present and called the meeting to order at 5:03 p.m. in the District Board Room of the Foothill-De Anza Community College District, 12345 El Monte Road, Los Altos Hills, CA 94022.

#### **Trustees Present:**

Sandy Hay, President  
Betsy Bechtel, Vice President  
Paul Fong  
Hal Plotkin

#### for Public Session

Melanie Dunn, De Anza College Student Trustee  
Rodolfo Vazquez, Foothill College Student Trustee

#### Absent

Andrea Leiderman

President Hay led the Board and those present in the Pledge of Allegiance. The following staff, press, students and members of the public were present:

<i>Staff:</i>	Mike Brandy	Jeanine Hawk	Jon O'Bergh
	Claudette Brero-Gow	Donna Jones-Dulin	Greg Parman
	Jane Enright	Martha Kanter	Carmen Redmond
	Bernadine Chuck Fong	Marsha Kelly	Javier Rueda
	Rich Hansen	Judy Miner	John Schulze
	Alan Harvey	Brian Murphy	Marisa Spatafore

*Press:* Clyde Noel, Los Altos *Town Crier*

*Students:* None

<i>Public:</i>	Steven Aced	Gavin Moynahan	Terry Terman
	Doug Aikens	Stephen Pond	Eric Van Aukee
	Jon Baer	Bob Schick	

### COMMITTEE APPOINTMENTS

President Hay announced the following committee appointments:

County Committee on School District Organization:	Andrea Leiderman
Chair, Audit & Finance Committee:	Hal Plotkin
Member, Audit & Finance Committee:	Paul Fong

Foothill-De Anza Colleges Foundation Directors: Betsy Bechtel and Hal Plotkin

**CORRESPONDENCE**

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

**HEARINGS: ITEMS NOT ON THE AGENDA**

*Trustees*

Trustee Plotkin and President Hay thanked Chancellor Kanter for hosting a holiday party for the Foundation and college commissions.

*Staff*

Chancellor Kanter thanked Foothill President Bernadine Chuck Fong for hosting a holiday party for the Foothill Commission. She announced a meeting for December 15 with newly elected Assemblymember Ira Ruskin. She reported that the District will send a letter to CEOCCC chair Brice Harris voting no on the new community college funding proposal which would adversely affect Foothill-De Anza. She also thanked Communications Director Marisa Spatafore and the Foothill marketing department for producing the Fall Newsletter to the community.

*Students / Public*

There were no students or members of the public who wished to address the Board on items not on the agenda.

**APPROVAL OF CONSENT CALENDAR**

At the request of SEIU Chapter Chair Javier Rueda, President Hay removed Item 5 from the Consent Calendar.

**M/S/C:** Plotkin/Fong  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified Items 1-4 of the Consent Calendar as follows:

**Item 1** — **Ratified** B WARRANTS GREATER THAN \$5,000 FOR OCTOBER AND NOVEMBER 2005

**Item 2** — **Ratified** CONTRACT TITLED *CONSTELLATION NEWENERGY ELECTRICITY SERVICE AGREEMENT, COMMUNITY COLLEGE LEAGUE OF CALIFORNIA ELECTRIC CONSORTIUM*

**Item 3** — **Approved** BOARD POLICY 3143, CONTRACTS

**Item 4** — **Approved PERSONNEL ACTIONS:**

*Name:* **Allen Frische**  
*Position:* Director, Budget and Personnel  
*College:* De Anza  
*Division:* Finance and College Services  
*Action:* **Resignation**  
*Effective Date:* January 3, 2005

*Name:* **Anu Khanna**  
*Position:* Instructor  
*College:* De Anza  
*Division:* Intercultural/International Studies  
*Action:* **Unpaid Leave**  
*Effective Date:* January 3, 2005 – March 25, 2005  
*Comments:* In accordance with Article 16.28 of the *Agreement* between the District and the Faculty Association.

**Item 5**

HUMAN RESOURCES REPORT

SEIU Chapter Chair Javier Rueda expressed concern that the Board was being asked to take action regarding classified hourly positions when negotiations have not yet been concluded. He enumerated two issues of concern for SEIU: 1) a way to ensure that existing employees in the positions will not be displaced, and 2) an understanding that all classified hourly positions should be subject to the same SEIU contract as full-time SEIU employees. Vice Chancellor of Human Resources and Equal Opportunity Jane Enright responded that terms and conditions are still under negotiation, but pointed out that the vast majority of the positions are seasonal or for less than 45 days per year.

**M/S/C:** Plotkin/Fong  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the Human Resources Report, including the new hires for classified hourly positions with the expectation that negotiations will continue regarding terms and conditions

**Item 6**

APPROVAL TO BORROW \$4.5 MILLION FOR FOOTHILL CAMPUS CENTER BUILDING

Vice Chancellor of Business Services Mike Brandy and Foothill President Bernadine Chuck Fong discussed the Campus Center project and proposed funding components, for which the Board would also be asked to taken action in Items 7 and 8. Due to rapidly rising construction costs statewide, the bid has come in over budget, so funding was now proposed through a combination of State Capital Outlay funds, a higher Campus Center Use Fee that will cover both debt service on a Certificate of Participation and some operational costs for the Center, and Measure E funds.

Trustee Bechtel asked whether the college considered scaling down the project to reduce costs. President B. Fong explained that the project had previously been scaled back as much as possible, and further reductions would compromise both the usefulness of the Center and the integrity of its

design, which has already won three architectural awards. As an example of compromises that have been made, she cited the decision not to build a full kitchen and the decision to simplify the entry doors. She also pointed out the importance of certain construction materials so the building will blend with the entire campus design, for which the college is renown. Executive Director of Facilities, Operations and Construction Management John Schulze explained that changes to the design at this point would require re-approval by the State, during which time costs would escalate further and could actually result in a loss of state funding.

Trustee Plotkin asked about the terms of the Certificate of Participation and Vice Chancellor Brandy responded, noting that the District is conferring with bond counsel Morgan Stanley regarding the timing of the issuance to obtain the most favorable market conditions. President Hay asked about the Campus Center Advisory Board, and President B. Fong explained that it is a subgroup of the Associated Students of Foothill College and is comprised of students and several ex-officio staff. Faculty Association President Rich Hansen asked several questions and expressed concern about raising student fees. It was noted that the students not only supported the proposed increase for the Campus Center Use Fee but approved a higher fee than the one recommended by the college administration.

**M/S/C:** Bechtel/Dunn  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved borrowing \$4.5 million to partially fund the new Campus Center Building at Foothill College to be paid from student campus center use fee revenues

## **Item 7**

BUDGET TRANSFER #FH27 FOR Foothill CAMPUS CENTER PROJECT

**M/S/C:** Plotkin/Vazquez  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Budget Transfer #FH27 for Foothill Campus Center Project in the amount of \$1,640,000

## **Item 8**

AWARD OF CONTRACT PURSUANT TO BID #945-153 — Foothill CAMPUS CENTER

Trustee Bechtel noted that Foothill Instructor Ken Horowitz had sent an email message to the Board regarding the establishment of a Citizens Advisory Committee. She pointed out that the District already benefits from the expertise of four citizens who serve on the Audit & Finance Committee, and the Committee is carefully looking at all construction issues.

**M/S/C:** Bechtel/Vazquez  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Authorized the District Purchasing Director to award a contract not to exceed the amount of \$20,085,000 to the lowest responsible bidder, West Bay Builders, Inc., contingent upon the bid award approval by the State of California

## **Item 9**

### AWARD OF CONTRACT FOR SIGNAGE DESIGN AND SPECIFICATIONS PURSUANT TO RFP 970

De Anza Director of College Services Donna Jones-Dulin clarified that signage does not include lighting, which will be covered under other Measure E funds.

**M/S/C:** Plotkin/Dunn  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Authorized the District Purchasing Director to award a contract to Ross Luthin Creative pursuant to Request for Proposal 970 for an amount not to exceed \$75,140

## **Item 10**

### BID #978, LEASE-PURCHASE OF DIGITAL COPIER, DE ANZA PRINT SHOP

Responding to a question from Trustee Bechtel, De Anza Director of College Services Donna Jones-Dulin explained that the Print Shop eliminated three self-service copiers to reduce costs, and this lease-purchase will replace one of those machines. Trustee Fong asked whether this copier will help increase production, and Ms. Jones-Dulin responded that it would. Trustee Plotkin asked about the availability of a maintenance agreement once the lease period is over, and Jones-Dulin responded that there is always uncertainty about whether companies will continue to support older products, which is one of the ways they induce customers to upgrade to newer equipment.

**M/S/C:** Fong/Plotkin  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Authorized the Director of Purchasing Services to award a lease-purchase contract and a maintenance contract to Xerox Corporation in accordance with Bid #978

## **Item 11**

### GRIFFIN HOUSE – REVIEW OF OPTIONS

The Board held the third public hearing on the Griffin House Environmental Impact Report (EIR). Executive Director of Facilities, Operations and Construction Management John Schulze, along with Eric Van Aukee of Perkins & Will Architects, delivered a presentation on options for the Griffin House in light of the need to construct buildings to accommodate Central Services staff. Chancellor Martha Kanter, Foothill President Bernadine Chuck Fong, Trustee Plotkin and Trustee Fong all noted that the District has made extensive efforts over the course of many years to find donors willing to fund the rehabilitation of the building.

Community member Jon Baer, representing Friends of the Griffin House, read a letter from the National Trust for Historic Preservation strongly encouraging the Board to seek ways to preserve the house, and discussed possible grants to defray costs. Trustee Bechtel, who said she is familiar with building preservation through her work with a local nonprofit, stated that such organizations typically focus on buildings of extraordinary historical significance. Community member Gavin Moynahan spoke about renovation of a historic house on the San Jose State University campus.

Community members Steve Aced, Bob Schick and Terry Terman also spoke about the value of preserving the house.

Mr. Baer and Mr. Moynahan questioned the \$4.7 million figure currently cited for the estimate to renovate the building — as well as the estimate in the Steinberg study of 2000, on which the current estimate is based — and its relationship to the estimated cost to construct a new building. Mr. Van Aukee stated his professional opinion that the Steinberg study was accurate for its level of detail, and costs could well be higher than the District's \$4.7 million estimate. Executive Director Schulze pointed out that another study of cost estimates, depending on level of specificity, would be as much as \$95,000. President Hay stated his reluctance to divert that much money to fund yet another study when there are so many other critical needs, but he asked the District to provide an analysis of the extent to which the usable space of the Griffin House might accommodate the District's programmatic needs.

As proposed by Trustee Plotkin, the Board supported proceeding with the EIR process — which, as the District's legal counsel Doug Aikens pointed out, is a separate issue from any Board action on the disposition of the Griffin House — and requested that funding through the agencies cited by Mr. Baer be explored on a limited basis. Vice Chancellor of Business Services Mike Brandy urged the Board to keep in mind that plans for a new Central Services building are currently on hold and construction costs keep escalating the longer the Board delays taking action while exploring other options.

## **Item 12**

### **ENVIRONMENTAL WASTE MANAGEMENT STATUS REPORT**

Vice Chancellor of Business Services Mike Brandy delivered a report that he and Executive Director of Facilities, Operations and Construction Management John Schulze recently gave to Santa Clara County officials on proposed changes in the District's environmental waste program. The report responded to concerns and suggestions expressed by the County. The proposed changes include the hiring of an environmental health and safety manager, on-site staffing support at each campus, an annual audit and report to the Board, revised policy and procedures, training, software tools, equipment upgrades, and revised position descriptions to include responsibility and accountability for those faculty and staff who come into contact with hazardous materials. The County is expected to respond to the proposal in January.

### **DATES TO REMEMBER**

January 3, 2005 — Regular Meeting  
January 20, 2005 — Board Study Session

### **CLOSED SESSION**

At 7:38 p.m., the Board adjourned into closed session in the Chancellor's Office with the individuals listed below to discuss:

#### **CONFERENCE WITH LEGAL COUNSEL**

Name of Case: Milton v. Dorsey, et al.

#### **Executive Administrators Present:**

Martha Kanter, Chancellor

Mike Brandy, Vice Chancellor of Business Services  
Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity  
Bernadine Chuck Fong, President of Foothill College  
Marsha Kelly, Director of Risk Management  
Brian Murphy, President of De Anza College

**Legal Counsel Present:**

John Shupe

CONFERENCE WITH LABOR NEGOTIATOR

District Negotiator: Jane Enright  
Employee Organizations: All Represented and Unrepresented Groups

**Executive Administrators Present:**

Martha Kanter, Chancellor  
Mike Brandy, Vice Chancellor of Business Services  
Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity  
Bernadine Chuck Fong, President of Foothill College  
Brian Murphy, President of De Anza College

**REPORTING OUT FROM CLOSED SESSION AND ADJOURNMENT**

President Hay reconvened the public session at 8:10 p.m. He reported that the Board took action in closed session to approve an offer of settlement in the case of Milton v. Dorsey, et al, Case #C04-01117 RMW. He then adjourned the meeting.

jco

Approved: 1/3/05

---

Martha J. Kanter, Chancellor  
Secretary, Board of Trustees