



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

March 15, 2004

CALL TO ORDER AND ROLL CALL

President Paul Fong declared a quorum was present and called the meeting to order at 7:00 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:

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

for Public Session

Adam Welch, De Anza College Student Trustee
Sarah Wiehe, Foothill College Student Trustee

CLOSED SESSION

The Board immediately adjourned into closed session in the Chancellor's Office with the individuals listed below to discuss:

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
Judy Miner, Interim President of De Anza College

RE-CONVENE PUBLIC SESSION

President Fong re-convened the public session at 7:34 p.m. in the District Board Room. He 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	Ken Horowitz	Brian Pelton
	Elaine Burns	Donna Jones-Dulin	Willie Pritchard
	Jane Enright	Martha Kanter	Carmen Redmond
	Christina Espinosa-Pieb	Marsha Kelly	John Schulze
	Bernadine Chuck Fong	Judy Miner	Valerie Sermon
	Robert Griffin	Dan Mitchell	Marisa Spatafore
	Rich Hansen	David Newton	Paul Starer
	Alan Harvey	Jon O’Bergh	Claudette Weber
	Jeanine Hawk	Bill Patterson	

Press: None

Students/

<i>Public:</i>	Jim Adam	Nathan Hammer	Kevin McKinsey
	Bola Akkana	Gene Hawley	Natalie McKinsey
	Armando	Rafael Hernandez	Kenny Merlo
	Astrid	Eric Hoeschen	Mike Michaelian
	Miguel Rodaigo Baptista	Paul Hoeschen	Gyorgy Mikalyi
	Carlos Benito	Teena James	Betsy Nikolchev
	Cindy Bryand	Raj Jesudason	Julian Nikolchev
	Nancy Bussani	Bernt Jonzzon	Edwin Pacheco
	Bob Clifford	Dudley Kenworthy	Stephen Pond
	Bob Couch	Steve Krow-Lucal	Louis Robinson
	Adriana Dominguez	Juan Landa	Tony Rodriguez
	Keisuke Ebihara	Cathi Lerch	Jerry Smith
	Miguel Esparza	John Lerch	Rafael Rangel Soares
	Reynaldo Flores	Monica Lodge	Terry Terman
	Armando Gutierrez	David Madrigal	Bonnie Whalen
	Fabiola Gutierrez	Rene Martinez	Robert Whalen

REPORTING OUT FROM CLOSED SESSION

President Fong reported that no action was taken in closed session.

APPROVAL OF MINUTES

The minutes of the March 1, 2004 meeting were approved as drafted.

AUDIT & FINANCE COMMITTEE REPORT

Trustee Hay reported on the Audit & Finance Committee meeting held earlier in the day.

CORRESPONDENCE

President Fong 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

Trustees Plotkin, Bechtel, and Student Trustee Welch reported on the March on the State Capitol held earlier in the day, noting that staff and students also attended. The students were commended for organizing the event.

Staff

Chancellor Martha Kanter announced the three finalists for the De Anza presidential search, and reported that a successful Chancellor's Circle fundraising breakfast was held March 11. De Anza Interim President Judy Miner reported that instructor David Howard-Pitney has published a book on the civil rights struggle of the 1950s and 1960s. Foothill President Bernadine Chuck Fong reported that the college received a \$600,000 grant from the Hewlett Foundation for the first phase of an "open source" management system. Foothill instructor Ken Horowitz noted a Mercury-News editorial regarding citizen oversight of the use of bond funds.

Students / Public

Students and members of the public addressed the Board to voice their support for Foothill soccer coach Vava Marques, commending his skill and character. President Fong, Trustee Plotkin and Trustee Leiderman thanked them for their comments and noted that the Board could not respond publicly regarding personnel matters or items not on the agenda.

Foothill student and CalSACC Black Caucus President Louis Robinson presented Chancellor Kanter with a plaque for addressing the CalSACC Black Caucus conference hosted by Foothill College.

APPROVAL OF CONSENT CALENDAR

President Fong and Trustee Plotkin noted a new, cutting edge degree program at Foothill in Bioinformatics that was included for approval in the Consent Calendar and complimented the college for meeting the technology needs of the community.

M/S/C: Leiderman/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified Items 1-9 of the Consent Calendar as follows:

Item 1 — **Ratified** CONTRACTS AND AGREEMENTS

Item 2 — **Approved** AMENDED ANNUAL MAINTENANCE CONTRACT WITH HERSHEY BUSINESS SYSTEMS, INC.

Item 3 — **Approved** DONATION OF SURPLUS PHYSICS LAB STOOLS TO A NON-PROFIT SCIENCE EDUCATION ORGANIZATION, ROCK-IT SCIENCE

Item 4 — **Approved** Foothill Degree Program in Bioinformatics

Item 5 — **Approved** Foothill Degree Program in Pharmacy Technician

Item 6 — **Denied** CLAIM AGAINST THE DISTRICT BY WEIWEI DONG

Item 7 — **Denied** CLAIM AGAINST THE DISTRICT BY KARO KOCHOUNIAN

Item 8 — **Approved PERSONNEL ACTIONS:**

Name: **Charles S. Dougherty**
Position: Instructor
College: De Anza
Division: Physical Education and Athletics
Action: **Restore to full-time teaching status**
Effective Date: September 16, 2004
Comments: In accordance with Article 18.4, Reduced Workload Program, of the *Agreement* between the District and the Faculty Association

Item 9 — **Approved HUMAN RESOURCES REPORT**

Item 10

NASA AMES RESEARCH CENTER AND DISTRICT PARTNERSHIP UPDATE

Foothill President Bernadine Chuck Fong introduced presenters Elaine Burns, Dean of Middlefield and Evening Campus; Nancy Bussani, Executive Director of the Collaborative for Higher Education; John Schulze, Executive Director of Facilities, Operations and Construction Management; and Valerie Sermon, Program Director, NASA Ames Internship and Training Program, who presented information on the NASA Ames Internship Program, the Collaborative for Higher Education partnership with UC Santa Cruz and San Jose State University, and the NASA Research Park plans for the future.

Item 11

ADOPTION OF RESOLUTION AND APPROVAL OF LABOR COMPLIANCE PROGRAM, INCLUDING POLICIES, PROCEDURES AND ENFORCEMENT GUIDELINES

Responding to a question from Trustee Bechtel, Director of Purchasing and Material Services Carmen Redmond explained that the labor compliance program shifts responsibility for enforcement onto the District. Ms. Redmond also confirmed that the District cannot require that contractors use union shops. Student Trustee Welch expressed his belief that the District's process for handling complaints will be an improvement over the Department of Industrial Relations.

M/S/C: Plotkin/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved Resolution #2004-06 approving the District Labor Compliance Program and approved policies, procedures and enforcement guidelines for all public works projects that are financed, in full or in part, by the Kindergarten-University Public Facilities Bond Acts of 2002 or 2004

Item 12

AUTHORIZATION TO AWARD CONTRACT FOR DISTRICTWIDE WATER TREATMENT PROGRAM

M/S/C: Plotkin/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: Authorized the District Purchasing Director to award a contract for Water Treatment Program Services to Commair Mechanical Services for an initial term not to exceed \$43,320, renewable for up to four additional one-year terms

Item 13

AUTHORIZATION TO AWARD CONTRACT PURSUANT TO BID 952, SHUTTLE SERVICES, DE ANZA COLLEGE, AND REJECTION OF ALL BIDS FOR BID 936

Trustee Leiderman pointed out a typographical error in the chronology in the Public Memo which referred to December 2004 instead of 2003. Several trustees asked questions concerning the fact that Serendipity Land Yachts was in bankruptcy, and Director of Purchasing and Material Services Carmen Redmond confirmed that the District is not allowed to reject a bid based on a Chapter 11 filing, according to legal counsel. She assured the Board that the District could quickly obtain another carrier if Serendipity were to suddenly cease operation. Trustee Hay inquired about ridership patterns. De Anza Interim President Judy Miner commended Director of College Services Donna Jones-Dulin for her leadership in smoothly coordinating shuttle services.

M/S/C: Leiderman/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: 1) Authorized the District Purchasing Director to award a contract for shuttle services to the lowest responsible bidder, Serendipity Land Yachts, Inc., pursuant to the prices, terms and conditions set forth in Bid 952; and
2) Rejected all bids submitted pursuant to Bid 936

Item 14

MEASURE E CONSENT CALENDAR

M/S/C: Hay/Wiehe
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified the Measure E Consent Calendar, A-J as follows:

- A.** *Title:* Prime Contract Change Order #1
Vendor: Sound & Signal
Agreement Date: November 13, 2002
Campus: De Anza College
Project No.: 240
Project Name: Fire Alarm Upgrade
Amount: \$2,706
For: Change order work to fix alarm panels.
Action: Ratification
- B.** *Title:* Addendum #D10 to Agreement
Vendor: Environmental Construction Services, Inc.
Agreement Date: August 13, 2001
Campus: De Anza College
Project No.: 224
Project Name: S-Quad Modernization
Amount: \$19,540
For: To identify, monitor, and certify the removal of asbestos containing materials for the Measure E S-Quad Modernization.
Action: Ratification
- C.** *Title:* Independent Contractor Agreement
Vendor: Davey Tree
Agreement Date: February 10, 2004
Campus: De Anza College
Project No.: 248
Project Name: Kirsch Center for Environmental Studies
Amount: \$9,000
For: Remove trees from the construction site.
Action: Ratification
- D.** *Title:* Project Assignment Amendment #D-09
Vendor: Sandis Humber Jones
Agreement Date: January 8, 2001
Campus: De Anza College
Project No.: 224
Project Name: S-Quad Modernization
Amount: \$6,900
For: Surveying and civil engineering services for exterior site concrete work at SEM building.
Action: Ratification

- E.** *Title:* Revision #2 of PO M351635
Vendor: Sandis Humber Jones
Agreement Date: June 27, 2002
Campus: Foothill College
Project No.: 120
Project Name: Stadium Renovation Project
Amount: \$18,932
For: Increased civil scope during design
Action: Approval
- F.** *Title:* Revision #1 of PO 351673
Vendor: Sugimura & Associates
Agreement Date: March 10, 2003
Campus: Foothill College
Project No.: 113
Project Name: CTIS Project
Amount: \$4,960
For: Redesign of the mechanical system for building 4300
Action: Ratification
- G.** *Title:* Agreement for Professional Services
Vendor: Netcor Design Systems, Inc.
Agreement Date: May 1, 2003
Campus: Foothill College
Project No.: 414
Project Name: Service Shops
Amount: \$3,491
For: Services for voice/data, telecommunications, and audio/visual design and contract administration.
Action: Approval
- H.** *Title:* Agreement for Professional Services
Vendor: Netcor Design Systems, Inc.
Agreement Date: May 1, 2003
Campus: Foothill College
Project No.: 146
Project Name: Fieldhouse and Restrooms
Amount: \$6,426
For: Services for voice/data, telecommunications, and audio/visual design and contract administration.
Action: Approval

- I.** *Title:* Revision to P.O. M453728 (Revision to Addendum #F-40)
Vendor: Cleary Consultants, Inc.
Agreement Date: July 18, 2000
Campus: Foothill College
Project No.: 146
Project Name: Fieldhouse and Restrooms
Amount: \$6,000
For: Additional soil engineering observation, testing, consultation and recommendation
Action: Ratification
- J.** *Title:* Change Order #13
Vendor: West Coast Contractors
Agreement Date: October 22, 2002
Campus: De Anza College
Project No.: 202
Project Name: Science Center
Amount: \$14,696
For: Changes in window sill construction, sheetrock edge molding and routing of waste piping.
Action: Ratification

Item 15

APPROVAL OF DESIGN OF CAMPUS ENTRY AND ADJACENT PARKING LOTS 1, 7 AND 8 AT FOOTHILL COLLEGE

Foothill Vice President of Educational Resources and Instruction Alan Harvey presented the design for the campus entry and adjacent parking lots. In response to a question from Trustee Bechtel, there was a discussion about the flood plain and protecting the flow of Adobe Creek. Trustee Bechtel also asked about safety issues related to the perimeter road. Foothill President Bernadine Chuck Fong responded that engineers will be providing expert opinion about safety issues within the next six months. Responding to a question from Trustee Leiderman, it was explained that options that did not involve splitting the parking lot were explored but not deemed feasible. She also asked about the possibility of an egress from the District offices to bypass the perimeter road, and it was explained that this option was cost prohibitive but may be reconsidered in conjunction with the District Office project.

Community member Bob Clifford expressed concern about increased runoff into Adobe Creek. It was explained that there would be a net reduction in runoff since the asphalt area would be smaller than the current configuration, and the runoff would be cleaner and better controlled because of newer swale requirements.

- M/S/C:** Hay/Wiehe
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the design of the campus entry and adjacent parking lots 1, 7 and 8 at Foothill College

Item 16

AUTHORIZATION TO AWARD CONTRACT PURSUANT TO BID 948, 2004 ROOF REPLACEMENT PROJECT, S QUAD ROOFS, DE ANZA

M/S/C: Hay/Welch
Advisory vote: 2 yes
Board vote: unanimous
Action: Authorized the District Purchasing Director to award a contract for the Base Bid for Bid 948, 2004 Roof Replacement Project (S Quad Roofs) at De Anza, to the lowest responsive bidder, Pioneer Contractors, Inc. in the amount of \$295,500

DATES TO REMEMBER

April 5, 2004 — Regular Meeting
April 19, 2004 — Regular Meeting

ADJOURNMENT

President Fong adjourned the meeting at 10:04 p.m.

jco
Approved: 4/5/04

Martha J. Kanter, Chancellor
Secretary, Board of Trustees