



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

November 1, 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
Betsy Bechtel
Sandy Hay, Acting Vice President
Hal Plotkin

for Public Session

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

for Closed Session

Andrea Leiderman

President Fong 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	Marsha Kelly	Anne Paye
	Elaine Burns	Rick Kuhn	Willie Pritchard
	Stan Cross	Ron Levine	Carmen Redmond
	Bernadine Chuck Fong	Judy Miner	Larry Rouse
	Marie Fox Ellison	Dan Mitchell	Javier Rueda
	Robert Griffin	Brian Murphy	John Schulze
	Jeanine Hawk	Jon O'Bergh	Marisa Spatafore
	Ken Horowitz	Greg Parman	Paul Starer
	Martha Kanter	Bill Patterson	

Press: Clyde Noel, Los Altos *Town Crier*

<i>Students:</i>	Hooman Bamdad	Yoshi Ikeya	Ronald Wong
	Alon Chanoch	Herschel Jin	Amir Yazdi
	Isaac Ghazali	Brian Ross	Jeremy Zheng

<i>Public:</i>	Paula Davis	Lynn Rogers	Rick Wright
	David Forsyth	Terry Terman	

APPROVAL OF MINUTES

M/S/C: Bechtel/Plotkin
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved Minutes of the October 18 and 25, 2004 meetings

FOUNDATION BOARD REPORT

Trustee Bechtel reported that 30 individuals had joined the Legacy Circle. Chancellor Martha Kanter introduced new Foundation Director Marie Fox Ellison.

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

Trustee Bechtel acknowledged email messages from SEIU employees regarding the use of part-time employees, as did President Fong and Trustee Hay. Trustee Plotkin reminded everyone present to vote on November 2. President Fong noted that several school bond measures were on the ballot.

Staff

Chancellor Martha Kanter reported that the League for Innovation had re-accredited the District for membership in the League. She also reported that she attended the League for Innovation Fall Board meeting with Foothill Vice President and League representative Bill Patterson. De Anza President Brian Murphy reported that the student newspaper *La Voz* received 16 awards for excellence in student publications. He also reported that he met with San Jose Mayor Ron Gonzalez and staff regarding a partnership for neighborhood economic development in areas of the city where De Anza students reside. Foothill President Bernadine Chuck Fong announced that the college's accreditation self-study was progressing well, and the college recently received three architectural awards.

Foothill Academic Senate President Paul Starer reported that he and De Anza Academic Senate President Dan Mitchell attended the Statewide Academic Senate meeting. De Anza Vice President of Instruction Judy Miner requested the Board to adjourn in memory of former instructor Mike Gervasoni. Foothill instructor Ken Horowitz addressed the Board regarding the Palo Alto City Council's practice of displaying citizen correspondence; philosophical concerns about discussing real estate issues in closed session even though it is permitted by the Brown Act; and concerns regarding a third campus site. Foothill instructor Larry Rouse introduced former student Lynn Rogers and distributed copies of her recently published book. He also noted his intent to establish a scholarship fund.

Students / Public

A group of De Anza students enrolled in English classes taught by instructor Augustine Martinez addressed the Board regarding the availability of larger classrooms to accommodate the high volume of students. President Fong requested that the students work with De Anza President Brian

Murphy to address the issue. Foothill Academic Senate Paul Starer pointed out that enrollment in English composition classes in excess of 25 students is considered excessive.

APPROVAL OF CONSENT CALENDAR

At the request of De Anza Academic Senate President Dan Mitchell, Item 3 was removed from the Consent Calendar. At the request of Foothill Instructor Ken Horowitz, Item 6 was also removed.

M/S/C: Plotkin/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified Items 1, 2, 4, 5, 7 and 8 of the Consent Calendar as follows:

Item 1 — **Ratified** CONTRACTS AND AGREEMENTS

Item 2 — **Ratified** B WARRANTS FOR ENTERPRISE FUNDS, MAY-AUGUST 2004

Item 4 — **Approved** AUTHORIZATION TO ISSUE PURCHASE ORDERS FOR NEXTEL CELLULAR SERVICES, RADIO SERVICES, EQUIPMENT AND REPAIRS
Authorized the District Purchasing Director to award purchase orders to Nextel and Star Cellular based upon State of California Master Agreement 12-00115 contract pricing or less in an aggregate amount not to exceed \$130,000 per fiscal year as long as Master Agreement 12-00115 remains in effect

Item 5 — **Approved** WINTER 2005 SCHEDULE FOR Foothill COMMUNITY FEE-BASED EDUCATION AT MIDDLEFIELD CAMPUS

Item 7 — **Approved** PERSONNEL ACTIONS:

Name: **Sharon Sunico**
Position: Director, College Readiness
College: De Anza
Division: Language Arts
Action: **Retirement**
Effective Date: October 14, 2004
Comments: In accordance with Article 19 of the *Agreement* between the District and the Faculty Association. Corrects Board action of October 4, 2004.

Item 8 — **Approved** HUMAN RESOURCES REPORT

Item 3

INDEPENDENT CONTRACTOR FEE INCREASE FOR CATHERINE AYERS

De Anza Academic Senate President Dan Mitchell inquired about how one of the contract duties — “streamlined curriculum development” — relates to the Senate’s authority regarding curriculum. De Anza Vice President of Instruction Judy Miner and Director of Professional and Workforce Development Rick Kuhn responded that Ms. Ayers is involved with the Curriculum Committee and the college is committed to follow the Senate’s processes.

M/S/C: Plotkin/Dunn
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved independent contractor fee increase for Catherine Ayers from \$60,000 to \$72,000

Item 6

RISK MANAGEMENT REPORT

Responding to two questions from Foothill Instructor Ken Horowitz, Director of Risk Management Marsha Kelly stated that there were no claims related to Foothill parking lots, nor were there any claims related to the athletics program.

M/S/C: Bechtel/Vazquez
Advisory vote: 2 yes
Board vote: unanimous
Action: Acknowledged as information the Risk Management Report

Item 9

2005 BOARD MEETING CALENDAR

Trustee Hay inquired about the mechanism for calling a special meeting if the Board were to change to a schedule of meetings once per month. Chancellor Martha Kanter responded that the request would be initiated through the Chancellor and Board President. Trustee Bechtel expressed support for the proposed monthly meeting schedule, but requested that the Chancellor ensure sufficient notice to the public as well as the Board when special meetings are called.

Trustee Plotkin asked if there were any concerns from faculty and staff. Faculty Association representative Anne Paye and SEIU Chapter Chair Javier Rueda noted that fewer meetings may cause difficulty in the negotiations process. Chancellor Kanter noted that special meetings can be scheduled to facilitate the negotiations process. Director of Purchasing and Material Services Carmen Redmond noted that fewer meetings will delay bids and purchasing decisions, and there will be a greater need for ratification actions and special meetings. De Anza President Brian Murphy noted the high personnel cost of preparing for and attending two meetings per month. Foothill President Bernadine Chuck Fong asked the Board to consider how effectively meeting time is used rather than simply add meetings and presentations.

Trustee Plotkin made a motion to approve the once-per-month schedule with the agreement that, if the schedule seems not to provide a sufficient number of meetings, staff will let the Chancellor know in order that a revised schedule can be proposed to the Board. Trustee Hay stated that he was persuaded by staff concerns and would support the current schedule of two meetings per month, including more discussion of academic issues. Student Trustee Dunn agreed with Trustee Hay, as did President Fong, who added that he prefers a later starting time around 6:30 or 7 p.m. Trustee Plotkin noted that it is better if meetings do not go too late, so he prefers an earlier starting time. De Anza Senate President Dan Mitchell noted that the 5 p.m. starting time is problematic. Chancellor Kanter said that she would work with the Board to determine the best starting time. She also noted that the Board can consider canceling meetings if they are not needed. Trustee Plotkin removed his motion.

M/S/C: Hay/Dunn
Advisory vote: 2 yes
Board vote: 3 yes, 1 no (Bechtel voted “no”)
Action: Approved Option 2 based on the current schedule of two meetings per month for 2005

Item 10

FLINT CENTER REPORT

Flint Center Executive Director Paula Davis distributed a report on Flint Center operations. She discussed programming developments and estimated that the Flint Center is 18-24 months away from any increase in attendance for the kinds of events that have fallen off since the recession began. She reported that the Center is in its final year paying off debt service for capital improvements to sound equipment and the Green Room renovation, but the Center needs to start amassing capital improvement funds to address balcony seating, lighting, and a marquee. Collaborative efforts with De Anza and the District, particularly curriculum-based performances through the Creative Arts division, were also discussed.

Item 11

PRESENTATION ON GENERAL EDUCATION FOR AN EDUCATED SOCIETY

Foothill Vice President of Instruction and Institutional Research Bill Patterson, De Anza Vice President of Instruction Judy Miner, Foothill Academic Senate President Paul Starer and De Anza Academic Senate President Dan Mitchell gave a presentation in which they identified competencies for graduates, reviewed the curriculum that develops those competencies, and discussed the complexities related to assessing competencies. They solicited the Board’s input regarding competencies and Board members offered the following ideas: basic skills; communication skills; leadership skills; being an effective learner; dealing intelligently with complex and ambiguous situations; thinking critically about issues; and effective participation in society and democracy. Senate President Starer underscored how much the District is a leader in approaching this issue. The Board thanked the presenters for an excellent presentation and members of the audience offered additional comments.

Item 12

MEASURE E CONSENT CALENDAR

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

- A.** *Title:* Change Order #9
Vendor: S.J. Amoroso
Agreement Date: December 1, 2003
Campus: De Anza College
Project No.: 207
Project Name: Lot C Parking Structure
Amount: \$33,303
For: Associated costs and staging with the early occupancy and protection for the project.
Action: Ratification
- B.** *Title:* ICA for Ecological Consulting Services
Vendor: H. T. Harvey
Agreement Date: N/A
Campus: Foothill College
Project No.: 153
Project Name: Campus Center Project
Amount: \$4,531
For: Ecological consulting services related to environmental impact reporting obligations
Action: Ratification
- C.** *Title:* PAA #8
Vendor: Signet Testing labs, Inc.
Agreement Date: December 3, 2001
Campus: Foothill College
Project No.: 170
Project Name: Parking Lot 2A
Amount: \$2,415
For: Performing testing and inspection services for parking lot.
Action: Ratification
- D.** *Title:* Change Order #2
Vendor: Trident Builders, Inc.
Agreement Date: February 24, 2004
Campus: Foothill College
Project No.: 115
Project Name: PE Renovations Project
Amount: \$34,974
For: Misc. concrete, electrical, door hardware and painting.
Action: Ratification

- E.** *Title:* Change Order #3
Vendor: Trident Builders, Inc.
Agreement Date: February 24, 2004
Campus: Foothill College
Project No.: 115
Project Name: PE Renovations
Amount: \$10,247
For: Framing
Action: Ratification
- F.** *Title:* Revision #2 to PO M048179
Vendor: tBP Architecture
Agreement Date: April 30, 2001
Campus: De Anza College
Project No.: 270
Project Name: E1 – Autotech
Amount: \$(128,007.64)
For: Reduction in scope for E-1 – Autotech. This PO was originally for work in both E-2 and E-1. All work was completed for E-2 and preliminary work was done for E-1 under this contract. The E-1 project is currently on hold. This revision closes tBP’s contract for Project #270.
Action: Ratification
- G.** *Title:* Change Order #1
Vendor: Jensen Corporation Landscape Contractor
Agreement Date: October 18, 2004
Campus: De Anza College
Project No.: 208
Project Name: Child Development Center Landscape – Tot Lot Play Area
Amount: \$(74,140)
For: This deductive change is being implemented to reduce Jensen Corporation’s work scope in order to achieve value engineering savings to the construction contract. The team and Jensen Corporation have agreed to the following terms:
1. Delete Irrigation Controller Unit Model No. SA-RM9-12/FSAV-150P/PMR/RSO as shown on Drawing No. L-07.
 2. Playground equipment is to be supplied by the District and installed by the Contractor.
 3. Eliminate Jensen’s supervision crew time when not on-site.
 4. Reduce the linear footage of new wood fence as shown on Drawing No. L-02 to include only the wood fence and gates that separate the two play equipment areas.
 5. Delete trench drain as shown on Drawing No. L-04.
 6. Reduce tree protection from protecting drip line to wrapping trunks with snow fence.
 7. Eliminate the curb wall around the existing trellis.
 8. Replace the new concrete seat walls with “Keystone-type” walls. This represents a savings to the project.

- 9. Change the Irrigation Controller Unit Model No. MC-18 from Irritrol. This represents a savings to the project.
- 10. Install area drains where the trench drain was deleted. This represents a savings to the project.

The savings associated with Change Order #1 will be (\$74,140.00).

Action: Ratification

Item 13

AUTHORIZATION TO AWARD A CONTRACT PURSUANT TO BID #937-120 — STADIUM RENOVATIONS, FOOTHILL COLLEGE

M/S/C: Plotkin/Dunn
Advisory vote: 2 yes
Board vote: unanimous
Action: Authorized the District Purchasing Director to award a contract not to exceed the aggregate amount of \$2,530,280 to the lowest responsible bidder, O. C. Jones & Sons, Inc.

Item 14

APPROVAL OF PROJECT ASSIGNMENT AMENDMENT (PAA) #D03 TO AGREEMENT WITH DES ARCHITECTS + ENGINEERS, INC. — PROJECT #210, ADMINISTRATION RENOVATION DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES, DE ANZA COLLEGE

Responding to a question from Trustee Plotkin, Executive Director of Facilities, Operations and Construction Management John Schulze said that the District was satisfied with the architectural firm’s work.

M/S/C: Vazquez/Dunn
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved PAA #D03 to the agreement with DES Architects + Engineers, Inc. in the amount of \$201,888

DATES TO REMEMBER

- November 15, 2004 — Audit & Finance Committee Meeting
- November 15, 2004 — Regular Meeting
- December 6, 2004 — Regular Meeting and Holiday Reception

At 7:20 p.m., President Fong adjourned this portion of the meeting in memory of former De Anza instructor Mike Gervasoni.

CLOSED SESSION

The Board, joined by Trustee Andrea Leiderman, immediately adjourned into closed session in the Chancellor’s Office with the individuals listed below to discuss:

CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION

Number of Potential Cases: 1

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

Others Present:

John Shupe, legal counsel

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 & ADJOURNMENT

President Fong re-convened the public session to report that no action was taken in closed session, and adjourned the meeting at 8:45 p.m.

jco

Approved: 12/6/04

Martha J. Kanter, Chancellor
Secretary, Board of Trustees