



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

October 4, 2004

### CALL TO ORDER AND ROLL CALL

Acting President Sandy Hay declared a quorum was present and called the meeting to order at 5:00 p.m. in the District Board Room of the Foothill-De Anza Community College District, 12345 El Monte Road, Los Altos Hills, CA 94022. He noted that President Paul Fong was at the Association of Community College Trustees convention in New Orleans.

#### **Trustees Present:**

Sandy Hay, Acting President  
Betsy Bechtel  
Hal Plotkin

#### for Public Session

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

#### Trustees Absent:

Paul Fong, President  
Andrea Leiderman

Acting 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>	Walter Alvarado	Jeanine Hawk	Jon O'Bergh
	Bob Barr	Diane Hawley	Jo Ann Okabe-Kubo
	Mike Brandy	Alex Hochstraser	Mary Ann Pavic
	Claudette Brero-Gow	Ken Horowitz	Willie Pritchard
	Martha De La Cerda	Deryl Jones	Hector Quiñonez
	Mike Engle	Martha Kanter	Carmen Redmond
	Jane Enright	Jim Ladd	Javier Rueda
	Christina Espinosa-Pieb	Susan Lapsys	John Schulze
	Bernadine Chuck Fong	Ron Levine	Steve Sellitti
	Robert Griffin	Judy Miner	Roberto Sias
	Al Guzman	Dan Mitchell	Marisa Spatafore
	Richard Hansen	Blanche Monary	Paul Starer
	Alan Harvey	Brian Murphy	

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

<i>Students:</i>	Robert Asmar Chris Blancarte Jeff Blancarte Jemil Bogale Millad Booshehri Norbert Borbelly Alex Bucur David Chao Chih-Yu Cheng Jen-Chen Cheng Ruby Corpuz Wan Yin Fong Bethelihem Haile	Erika Huang Herschel Jin Kieran Kayalackakom Sakura Kojima Arun Kumar Ngoc-Diep T. Lam Totran Mai Malele Mi Brian Nguyen Raut Osipov Kim Pham Ryan Phung Celina Pugu	Sid Radhebrishnan Simi Rattan Sandeep Seshadri Kelly Spencer Kris Thacker James Tuor Ashran Ullal Shu Mei Xie Yang Xie Jimmy Yang Amir Yazdi
<i>Public:</i>	Laura Casas-Frier	Patricia Jeffery	Terry Terman

### **APPROVAL OF MINUTES**

<b>M/S/C:</b>	Bechtel/Plotkin
<b>Advisory vote:</b>	1 yes: Vazquez (Student Trustee Dunn did not vote as she arrived late)
<b>Board vote:</b>	unanimous
<b>Action:</b>	Approved minutes of the September 13, 2004 meeting

### **FOUNDATION REPORT**

Trustee Plotkin reported that the Foundation had approved the disbursement of scholarship funds and the establishment of a reserve. Chancellor Kanter noted that funds raised through the Chancellor's Circle have also been disbursed for a variety of classroom and program needs.

### **CORRESPONDENCE**

President Fong asked if there was any correspondence which should be brought to the Board's attention. Student Trustee Dunn joined the meeting and wished to acknowledge the De Anza Student Body Senate for taking the initiative to organize the voter registration drive.

### **PUBLIC HEARINGS**

#### **DRAFT ENVIRONMENTAL IMPACT REPORT (EIR), DISTRICT AND COMMUNITY CENTER BUILDING AND PARKING LOTS 1H**

Executive Director of Facilities, Operations and Construction Management John Schulze explained that this public hearing is not the final legal step but simply provides members of the public the opportunity to voice their opinions to the Board. Patricia Jeffery of Placemakers spoke about various aspects of the draft EIR. She explained that no written comments or letters have been received so far from the community or public agencies, which have until October 15, 2004 to respond. She noted that the project would result in the demolition of the Griffin House, and the Board would need to approve as part of the final EIR a finding of significant unavoidable environmental impact. No members of the public wished to address the Board concerning the draft EIR.

REQUEST TO OPEN NEGOTIATIONS BETWEEN SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715, AND FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

No members of the public wished to address the Board concerning the request to open negotiations.

**HEARINGS: ITEMS NOT ON THE AGENDA**

*Trustees*

Trustee Plotkin reported that he met with Congresswoman Anna Eshoo, who conveyed her greetings and urged all to vote.

*Staff*

Chancellor Martha Kanter reported that the District held a screening of “In America: The Cupertino Story,” featuring Trustee Paul Fong and De Anza Instructor Michael Chang; she noted that Los Altos Hills Councilmember Emily Cheng and NOVA Executive Director Mike Curran attended the screening along with about 40 faculty, staff and students. She reported that she attended an Open Education Forum sponsored by the Hewlett Foundation which focused on leveraging the Internet to provide educational access to students. She also attended a meeting of the Taxpayers for School Improvement Committee, which is exploring a statewide initiative to allow school districts to pass parcel tax measures with supermajority approval. She introduced Sunnyvale Councilmember Julia Miller.

Foothill President Bernadine Chuck Fong reported that the University of California at Berkeley had received a FIPSE grant to fund a program patterned after Foothill’s successful Pass the Torch program. De Anza President Brian Murphy reported that De Anza was the only community college in the nation invited to join an alliance to support a student voter registration drive involving free distribution of the New York *Times* and San Jose *Mercury News* to students.

Foothill Instructor Ken Horowitz addressed the Board concerning several issues which included the meeting start time, the impact of Measure E on Plant Services staff, a request for a public report on the perimeter road study by DKS, and a moment of silence for those who have passed away.

*Students / Public*

De Anza student Amir Yazdi, speaking on behalf of a large contingent of students present, addressed the Board regarding classroom space for classes taught by Augustine Martinez and requested the Board to address the matter at its next meeting. Acting Vice President Hay referred the students to college President Brian Murphy regarding issues of class size and room availability.

Laura Casas Frier reported that she recently traveled to Washington, D.C. representing the HOPE program and the District, and was able to meet with federal officials and legislators.

**APPROVAL OF CONSENT CALENDAR**

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

**Item 1** — **Ratified** CONTRACTS AND AGREEMENTS

**Item 2** — **Authorized** FILING OF THE ANNUAL FINANCIAL AND BUDGET REPORT – CCFS  
311

**Item 3** — **Approved** PERSONNEL ACTIONS:

*Name:* **Elyse Barnett**  
*Position:* Instructor  
*College:* Foothill  
*Division:* Business and Social Sciences  
*Action:* **Unpaid Leave of Absence**  
*Effective Date:* September 16, 2004 – June 24, 2005  
*Comments:* In accordance with Article 16.23.1 of the *Agreement* between the District and the Faculty Association

*Name:* **Linda Conroy**  
*Position:* Instructor  
*College:* De Anza  
*Division:* Child Development Center  
*Action:* **Increase Employment Contract from 75% to 100%**  
*Effective Date:* September 16, 2004 – June 24, 2005  
*Comments:* In accordance with Education Code Section 8366

*Name:* **Marie Fox Ellison**  
*Position:* Director  
*College:* Central Services  
*Division:* Foundation  
*Action:* **Employment**  
*Effective Date:* October 18, 2004 # of months: 12  
*Compensation:* Level K, Step 2 @ \$8,444.20 per month

*Name:* **Kenneth Harper**  
*Position:* Instructor  
*College:* De Anza  
*Division:* Business/Computer Science  
*Action:* **Rescind retirement for June 25, 2004**  
*Comments:* Corrects Board action of June 21, 2004

*Name:* **Kenneth Harper**  
*Position:* Instructor  
*College:* De Anza  
*Division:* Business/Computer Science  
*Action:* **Unpaid Leave of Absence**  
*Effective Date:* September 16, 2004 – June 24, 2005  
*Comments:* In accordance with Article 16.23.1 of the *Agreement* between the District and the Faculty Association

*Name:* **Sharon Sunico**  
*Position:* Director, College Readiness  
*College:* De Anza  
*Division:* Language Arts  
*Action:* **Retirement**  
*Effective Date:* October 14, 2004

**Item 4** — **Approved HUMAN RESOURCES REPORT**

**Item 5**

LAYOFF DUE TO LACK OF FUNDS AND LACK OF WORK

Acting Vice President Hay removed Item 5 from the agenda at the request of Trustee Paul Fong, who had express his desire to be present for the discussion. The item will be rescheduled for the October 18 Board meeting.

**Item 6**

PRESENTATION ON WORKFORCE GAP ANALYSIS: INITIAL REPORT BY INSTITUTIONAL RESEARCH

Director of Institutional Research Bob Barr presented an initial report on workforce data. He emphasized that the data is very general, very complex, and volatile, complicating efforts to use the data for planning purposes. De Anza Dean of Special Education and Applied Technologies Steve Sellitti and Foothill Dean of Biological and Health Sciences Mary Ann Pavic provided additional information on how the colleges respond to workforce needs with the help of advisory committees. De Anza President Brian Murphy elaborated on the extraordinary difficulty of acquiring comprehensive data to guide institutional decisions. He noted that other agencies are in a better position to take a leadership role regarding the region's economy and workforce needs, and it would be more effective to work with those agencies in partnership rather than attempt to independently gather and analyze data. Student Trustee Vazquez asked what resources would be needed to obtain and analyze workforce data; he was told it would take at least one additional full-time staff member.

Trustee Bechtel asked if there are programs that should no longer be offered due to falling demand. Foothill President Bernadine Chuck Fong responded that the colleges monitor such circumstances as part of the program review process. Trustee Plotkin inquired about surveying students to obtain an assessment of their needs and how successful the colleges are in meeting those needs. De Anza President Murphy noted that plans for such a survey are already underway.

**Item 7**

INCREASE OF STUDENT HEALTH FEE

Student Trustee Vazquez asked whether all community colleges throughout the state tend to increase this fee when permitted, and Vice Chancellor of Business Services Mike Brandy responded that the cost of providing health services exerts a lot of pressure on colleges to do so.

**M/S/C:** Plotkin/Dunn  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved an increase in the student health fee from \$9.00 to \$9.75 per quarter, effective for the Winter Quarter 2005

## **Item 8**

### BOOKSTORE UPDATE

Vice Chancellor of Business Services Mike Brandy reviewed several issues regarding the Bookstores, especially related to profitability. In order to provide the most options, he proposed that the colleges explore how to reorganize the bookstore operations while, concurrently, the District explores what it would entail to contract out. He pointed out that time constraints require that any studies be initiated now so options can be presented for Board action in January 2005.

Student Trustee Vazquez asked about other options such as income from self-published faculty materials, and Vice Chancellor Brandy responded that this is already done. Vice Chancellor Brandy also pointed out the need for some kind of onsite presence since other materials and availability of used textbooks are important to students.

Staff members Diane Hawley, Alex Hochstraser, Susan Lapsys, Roberto Sias, and SEIU Chapter Chair Javier Rueda spoke in opposition to contracting out. Acting Vice President Hay stated his strong preference for a college-run bookstore and agreed with the speakers' statements about the value that internal employees bring to the provision of services, but explained he is not opposed to simply gathering information about contracting out. Trustee Bechtel agreed. Student Trustee Dunn said it is the Board's responsibility to look into all possible resources to best serve the interests of students, so she also supported gathering information on contracting out.

Trustee Plotkin asked about the responsibility of the De Anza bookstore to subsidize other programs, and Vice Chancellor Brandy explained that the college is exploring how to restructure the campus center use fee to relieve the burden on the bookstore for providing debt service. Trustee Plotkin noted that he sees a diminished need in the future for stores that sell textbooks, but acknowledged the importance of honoring obligations to employees. He further expressed interest in assuring that, as part of any contracting out proposal, affected employees would be able to move into other positions without reductions to wages and benefits.

## **Item 9**

### AUTHORIZATION TO AWARD A CONTRACT PURSUANT TO BID #966 FOR GARBAGE, RECYCLABLES AND GREEN WASTE COLLECTION

<b>M/S/C:</b>	Bechtel/Vazquez
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	Authorized the District Purchasing Director to award a three-year contract to Los Altos Garbage Company and to renew the contract for a maximum of two additional years in accordance with Bid #966

At 7:45 p.m., Acting Vice President Hay announced a short recess. He reconvened the meeting at 7:50 p.m.

**Item 10**

**FACILITIES MASTER PLAN UPDATE; AUTHORIZATION TO HIRE INDEPENDENT CONTRACTOR FOR REAL ESTATE ADVISING**

Chancellor Martha Kanter reported that staff had learned informally that The Oaks Shopping Center across from De Anza College would likely be placed up for sale. Executive Director of Facilities, Operations and Construction Management John Schulze reviewed the District’s facilities planning guidelines which project a significant need for future offsite growth. He explained the need for real estate expertise in order to consider creative options, and noted the short time frame in which the seller would be accepting bids by the end of October. He further emphasized that there is not sufficient time to complete a full-scale Request for Proposal (RFP); instead, he recommended a Request for Quotation process inviting several real estate contacts to submit quotations. He also pointed out that formal action by the Board is not necessary at this time since staff has the authority to enter into such contracts pending Board ratification.

Trustee Plotkin asked about posting an RFP on the website; Vice Chancellor of Business Services Mike Brandy responded that the flood of responses would take too long to evaluate and the District would likely miss the window of opportunity for the sale. Trustee Plotkin expressed concern about hiring an independent contractor on a commission basis who has an incentive to complete a transaction whether or not it is in the District’s best interests, as opposed to hiring a consultant who simply assists with the process. Vice Chancellor Brandy said that the RFQ can be structured to request quotations for both scenarios. Trustee Bechtel mentioned Jim Jackson as a valuable resource.

**Item 11**

**MEASURE E CONSENT CALENDAR**

At the request of Foothill Instructor Ken Horowitz, Item I was removed from the Measure E Consent Calendar.

**M/S/C:** Bechtel/Dunn  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified the Measure E Consent Calendar, A-H and J-K as follows:

- A. Title:** Change Order #5
- Vendor:** California Plus Engineering, Inc.
- Agreement Date:** January 5, 2004
- Campus:** De Anza College
- Project No.:** 267
- Project Name:** A-Quad Modernization Phase II
- Amount:** \$15,522
- For:** Changes include added demolition, protect existing lockers, construct concrete mechanical pad
- Action:** Ratification

- B.** *Title:* Purchase Order Revision #2  
*Vendor:* Netcor Design Systems, Inc.  
*Agreement Date:* December 3, 2002  
*Campus:* De Anza College  
*Project No.:* 203  
*Project Name:* Student and Community Services  
*Amount:* \$825  
*For:* Additional services to upgrade fiber specifications  
*Action:* Ratification
- C.** *Title:* Change Order #4  
*Vendor:* SJ Amoroso  
*Agreement Date:* January 16, 2004  
*Campus:* De Anza College  
*Project No.:* 248  
*Project Name:* Kirsch Center for Environmental Studies  
*Amount:* \$32,218  
*For:* New parking lot lights  
*Action:* Ratification
- D.** *Title:* Change Order #5  
*Vendor:* SJ Amoroso  
*Agreement Date:* January 16, 2004  
*Campus:* De Anza College  
*Project No.:* 248  
*Project Name:* Kirsch Center for Environmental Studies  
*Amount:* \$36,186  
*For:* Revise the layout of the joint electrical and data trench running from the KCES project to compact lot C, including restoration of the baseball field. Increase the size of two exterior louvers for airflow  
*Action:* Ratification
- E.** *Title:* Change Order #1  
*Vendor:* SJ Amoroso  
*Agreement Date:* July 21, 2004  
*Campus:* De Anza College  
*Project No.:* 220  
*Project Name:* PE-Quad Renovation  
*Amount:* (\$140,148)  
*For:* Value engineering items: delete use of epoxy grout, change moisture testing requirements, patch roof instead of replacing  
*Action:* Ratification

- F.** *Title:* Revision #2 to M351673  
*Vendor:* Sugimura & Associates  
*Agreement Date:* June 4, 2002  
*Campus:* Foothill College  
*Project No.:* 113  
*Project Name:* CTIS Project  
*Amount:* \$6,425  
*For:* Construct new utility closet to accommodate the new network racks in building 4200  
*Action:* Ratification
- G.** *Title:* Contractor Change Order #3  
*Vendor:* Interstate Grading & Pacing, Inc.  
*Agreement Date:* April 28, 2004  
*Campus:* Foothill College  
*Project No.:* 134  
*Project Name:* Loop Road Realignment, Parking Lots 1 & 7  
*Amount:* \$38,089  
*For:* Contract scope increase for additional work required.  
*Action:* Ratification
- H.** *Title:* Contractor Change Order #2  
*Vendor:* Interstate Grading Paving, Inc.  
*Agreement Date:* April 28, 2004  
*Campus:* Foothill College  
*Project No.:* 134  
*Project Name:* Loop Road Realignment, Parking Lots 1 & 7  
*Amount:* (\$22,803)  
*For:* Contract scope reduction from contract documents.  
*Action:* Ratification
- J.** *Title:* Change Order #7  
*Vendor:* SJ Amoroso  
*Agreement Date:* December 1, 2003  
*Campus:* De Anza College  
*Project No.:* 207  
*Project Name:* Lot C Parking Structure  
*Amount:* \$25,221  
*For:* Changes for backfill, added conduits, added bollards, protection to electrical panels, required heat and smoke detectors.  
*Action:* Ratification

- K.** *Title:* Contractor Change Order #8  
*Vendor:* Zovich Construction, Inc.  
*Agreement Date:* September 18, 2003  
*Campus:* Foothill College  
*Project No.:* 119  
*Project Name:* Fine Arts Phase II  
*Amount:* \$1,164  
*For:* Reinstall phone line to building 1300 and reconstruct existing access panels in building 1200.  
*Action:* Ratification

Foothill Instructor Ken Horowitz asked about the details for Project #170. Construction Program Manager Claudette Brero-Gow explained that the parking lots had been grouped into one project originally, and particular lots have been systematically separated out into individual projects as the timing warranted. Project #170 represents the renovation project for Parking Lot 2A.

- M/S/C:** Plotkin/Bechtel  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Ratified the Measure E Consent Calendar, Item I, as follows:

- I.** *Title:* Budget Transfer #FH26  
*Campus:* Foothill College  
*For:* Creation of a new project #170 – Parking Lot 2A; the budget transfer is in the amount of \$635,580  
*Action:* Ratification

## **Item 12**

AUTHORIZATION TO AWARD A CONTRACT PURSUANT TO BID #939-113 — CTIS PROJECT, Foothill College

Director of Purchasing and Material Services Carmen Redmond requested that Item 12 be removed from the agenda.

## **Item 13**

AUTHORIZATION TO AWARD A CONTRACT PURSUANT TO BID #958-266 — CHILD DEVELOPMENT CENTER, INFANT/TODDLER PLAY AREA, DE ANZA COLLEGE

Trustee Bechtel asked about the recommendation to bring the project under budget through subsequent change orders rather than go back out to bid. Construction Program Manager Claudette Brero-Gow responded that the contractor and the District were both agreeable and comfortable with proceeding in this manner. Trustee Plotkin asked whether the District was legally obligated to pay the bid amount that is awarded and was informed that, while this is technically correct, the District has in the past reached similar agreements with contractors to reduce costs through change orders and there has never been a problem.

**M/S/C:** Bechtel/Dunn  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Authorized the District Purchasing Director to award a contract for the Base Bid in the amount of \$248,888 to the lowest responsible bidder, Jensen Corporation

### **Item 14**

AUTHORIZATION TO AWARD A CONTRACT PURSUANT TO BID #967-155 — PARKING LOT 2A, FOOTHILL COLLEGE

**M/S/C:** Plotkin/Vazquez  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Authorized the District Purchasing Director to award a contract in the aggregate amount of \$442,000 inclusive of additive alternate #1 to the lowest responsible bidder, O’Grady Paving, Inc.

### **Item 15**

AMENDMENT #1 TO INDEPENDENT CONTRACTOR AGREEMENT — STEPHEN P. DONOHUE, INSPECTION SERVICES

Responding to a question from Acting Vice President Hay, Construction Program Manager Claudette Brero-Gow stated that the District was satisfied with the services of Mr. Donohue.

**M/S/C:** Bechtel/Vazquez  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Amendment #1 to the Agreement with Stephen P. Donohue for additional fees not to exceed \$74,040, bringing the total contract amount to \$211,320

### **DATES TO REMEMBER**

October 18, 2004 — Regular Meeting  
November 1, 2004 — Regular Meeting

Acting Vice President Hay expressed the Board’s best wishes to Trustee Leiderman, who is continuing on medical leave.

### **CLOSED SESSION**

The Board adjourned into closed session in the Chancellor’s Office at 8:23 p.m. with the individuals listed below to discuss:

#### **CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION**

Number of Potential Cases: 1  
**Legal Counsel Present:**  
John Shupe, Shupe & Finkelstein

**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  
John Schulze, Executive Director of Facilities, Operations and Construction Management

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

Acting Vice President Hay reconvened the public session at 9:30 p.m. to report that no action was taken in closed session and adjourned the meeting.

jco

Approved: 10/18/04

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Martha J. Kanter, Chancellor  
Secretary, Board of Trustees