



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

February 7, 2005

### CALL TO ORDER AND ROLL CALL

President Sandy Hay declared a quorum was present and called the meeting to order at 4:30 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 Closed Session

Andrea Leiderman

#### for Public Session

Melanie Dunn, De Anza College Student Trustee  
Rodolfo Vazquez, 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 LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: FPPC No. 02/363

#### **Executive Administrator Present:**

Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity

#### **Legal Counsel Present:**

John Shupe

The Board continued the closed session and was joined by the individuals listed below to discuss:

#### CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9

Number of Potential Cases: 2

#### **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

#### **Legal Counsel Present:**

John Shupe

PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL / RELEASE

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

RE-CONVENE PUBLIC SESSION

President Hay re-convened the public session at 6:03 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>	Caron Blinick	Jeanine Hawk	Dan Mitchell
	Claudette Brero-Gow	Ken Horowitz	Brian Murphy
	Mike Brandy	Cheryl Hylton	Frank Nunez
	Vicky Criddle	Donna Jones-Dulin	Jon O’Bergh
	Don Dorsey	Martha Kanter	Hector Quinonez
	Jane Enright	Marsha Kelly	Carmen Redmond
	Bernadine Chuck Fong	Robin Latta-Lyssenko	Javier Rueda
	Marie Fox Ellison	Ron Levine	John Schulze
	Robert Griffin	Jose Menendez	Marisa Spatafore
	Rich Hansen	Judy Miner	Paul Starer

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

*Students* Matt Leavenworth

:

*Public:* Jim Jackson  
Julia Miller  
Terry Terman

REPORTING OUT FROM CLOSED SESSION

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

APPROVAL OF MINUTES

**M/S/C:** Bechtel/Vazquez  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the minutes of the January 20, 2005 meeting

**AUDIT & FINANCE COMMITTEE REPORT**

Trustee Plotkin reported that the Audit & Finance Committee met with the audit firm that has been selected to conduct operational reviews. He also reported that the Committee was provided an update on Measure E construction projects, including some issues regarding the De Anza Science Center; a budget update; and information regarding plans to solicit bids for the new external audit firm during the next fiscal year.

**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 Bechtel reported that she attended the Legislative Conference sponsored by the Community College League of California. President Hay and Trustee Fong also reported that they attended the conference. Trustee Plotkin reported that he attended an APASA scholarship lunch. President Hay reported that he attended the League for Innovation’s Board Chair/CEO retreat with Chancellor Kanter.

*Staff*

Chancellor Martha Kanter reported that adjustments are being made to the state funding proposal for the community college system, but concerns remain about not sufficiently funding equalization. She also announced a Public Sector Health Benefits Forum co-sponsored by the District, the Town of Los Altos Hills and Joint Venture Silicon Valley, titled “Keeping Health Benefits Affordable” and scheduled for February 9. Foothill President Bernadine Chuck Fong noted the college’s events for Black History Month and shared with the Board an astronomy article by Instructor Andrew Fraknoi. De Anza President Brian Murphy noted the college’s events for Black History Month and shared one of the student outreach efforts by the Financial Aid department.

*Students / Public*

De Anza student Matt Leavenworth discussed classes taught by Instructor Augustine Martinez and expressed frustration that a different instructor would be teaching the class he was interested in taking.

**APPROVAL OF CONSENT CALENDAR**

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

**Item 1** — **Approved** RESOLUTION #2005-02 TO SUPPORT THE CCCT POSITION ON COMMUNITY COLLEGE FINANCE

**Item 2** — **Ratified** CONTRACTS AND AGREEMENTS

**Item 3** — **Approved** PERFORMING ARTS ALLIANCE CONTRACT – NEW ADDITION FOR CITY LIGHTS THEATRE COMPANY

**Item 4** — **Approved** SALE OF SURPLUS DISTRICT PROPERTY  
Authorized the Director of Purchasing Services to sell the surplus items from the De Anza Chemistry Department to the highest bidders if bids are received, and to sell, donate, recycle, or dispose pursuant to Education Code 81452 (b) and (c) those items for which no bids are received

**Item 5** — **Approved** FOOTHILL AND DE ANZA COLLEGES *IMPACT* – COMMUNITY EDUCATION SHORT COURSES

**Item 6** — **Approved** PERSONNEL ACTIONS:

*Name:* **Carol F. Cini**  
*Position:* Instructor  
*College:* De Anza College  
*Division:* Social Sciences and Humanities  
*Action:* **Cancel Unpaid Leave of Absence**  
*Effective Date:* April 4, 2005 to June 24, 2005  
*Comments:* Corrects Board Action of August 30, 2004

*Name:* **Frances Gusman**  
*Position:* Dean  
*College:* Foothill  
*Division:* Student Outreach and Retention  
*Action:* **Extend Temporary Assignment of Additional Duties**  
*Effective Date:* February 1, 2005 to August 31, 2005  
*Compensation:* Continue 5% adjustment  
*Comments:* In accordance with Administrators Handbook, Chapter III

*Name:* **Jeanine Hawk**  
*Position:* Vice President  
*College:* De Anza  
*Division:* Finance and College Services  
*Action:* **Extend Employment Contract**  
*Effective Date:* February 17, 2005 to February 16, 2006

*Name:* **Cheryl Hylton**  
*Position:* Associate Director, Development  
*College:* Central Services  
*Division:* FHDA Foundation  
*Action:* **Extend Employment Contract**  
*Effective Date:* March 1, 2005 to June 30, 2005

**Item 7** — **Approved** HUMAN RESOURCES REPORT

**Item 8** — **Approved** ADMINISTRATIVE TRAINING/RETRAINING STIPENDS FOR 2004-05:  
Karen Alfsen, Kathleen Burson, Marsha Kelly and Trudy Walton

**Item 9** — **Approved PROFESSIONAL DEVELOPMENT LEAVES FOR 2005-06:**

Lily Adams	Tess Hansen	Brian McCauley
Catie Cadge-Moore	Suzanne Helfman	Claudine Poggi
Alicia Cortez	MaryLou Heslet	Mark Sherby
Dave Denny	Ken Horowitz	Kistin Skager
Patricia Gibbs	Barbara Illowsky	Victoria Taketa
David Hamilton Gray	Scott Lankford	William Turner
Melanie Hale	Maureen MacDougall	Nicky Yuen

**Item 10**

BOARD LEGISLATIVE PRINCIPLES

Chancellor Martha Kanter presented the draft legislative principles for a first reading and explained that they would be used as a foundation for developing annual legislative goals for the District.

**Item 11**

REVISED BOARD POLICY 3214 — ENVIRONMENTAL, HEALTH, SAFETY, AND ENERGY MANAGEMENT

Vice Chancellor of Business Services Mike Brandy presented the revised policy for a first reading, explaining that the purpose of the revision was to strengthen the District's compliance with environmental regulations. De Anza President Brian Murphy noted that the campus environmental advisory committee and College Council were discussing the policy in terms of environmental quality and sustainability; Academic Senate President Dan Mitchell noted that the language misses the opportunity to address environmental issues more broadly: e.g., reducing the use of hazardous materials, promoting energy efficiency, and promoting recycling. Executive Director of Facilities, Operations and Construction Management John Schulze suggested that some of these interests could be handled at the procedural level. Foothill President Bernadine Chuck Fong reported that the College Roundtable had approved the revised policy.

**Item 12**

FOUNDATION REPORT

Foundation Director Marie Fox Ellison presented a report on the Foothill-De Anza Community Colleges Foundation. She reviewed the Foundation's accomplishments, goals, and planning efforts to enhance fundraising with more emphasis on private support. She cautioned, however, that the current staffing level is too small to successfully address all fundraising needs. Student Trustee Vazquez complimented her on the presentation and asked about efforts to track alumni, which Ms. Fox Ellison proceeded to answer. Trustee Plotkin also commended her on the presentation and thanked the Foundation staff.

**Item 13**

DE ANZA PRINTING SERVICES – MID-YEAR REPORT

De Anza Vice President of Finance and College Services Jeanine Hawk and Director of Printing Services Jose Menendez presented a report on printing services. Mr. Menendez reviewed current equipment capabilities, the cost of upgrading equipment along with benefits and disadvantages, and an analysis of large-scale jobs and the capabilities of different equipment. He noted ongoing efforts to increase revenue by promoting college printing services to the business community. He

recommended that the college continue to evaluate the lease-purchase of a Direct Image press, but to continue to print high volume jobs such as the class schedule off-campus. Vice President Hawk pointed out that the college could recoup the investment in a Direct Image press over five years, but since printing needs keep changing and Printing Services is just managing to break even, she was not prepared to recommend an investment at this point. It was pointed out that Printing Services meets about 80% of the printing needs of the campus; it is only the large-scale jobs that cannot be accommodated.

Trustee Bechtel expressed appreciation for the cautious approach to investing in expensive new equipment. Trustee Plotkin complimented the presenters on their presentation, and suggested an analysis of future printing needs that contrasts the kinds of jobs that will continue to need to be physically printed and those that are likely to move online.

## **Item 14**

### ADOPTION OF RESOLUTION AUTHORIZING THE ISSUANCE OF A FISCAL YEAR 2005-06 TRAN

<b>M/S/C:</b>	Plotkin/Vazquez
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	Approved Resolution #2005-03 authorizing the Issuance of a 2005-06 Tax Revenue and Anticipation Note

## **Item 15**

### APPROVAL OF CONTRACT WITH PEPSI

Foothill Instructor Ken Horowitz expressed concern about beverages that contribute to obesity. Student Trustee Dunn pointed out that students are adults who are capable of making their own choices, vending machine revenues will help the colleges, and student feedback supports the need for vending machines. Foothill Dean of Student Affairs and Activities Don Dorsey reported that the campus center advisory board discussed the issue raised by Professor Horowitz, but unanimously decided that the contract with Pepsi best meets what students demand. SEIU Chapter Chair Javier Rueda mentioned the importance of ensuring the availability of drinking fountains. Two unidentified students addressed the Board with comments on the importance of healthy choices. Student Trustee Vazquez pointed out that the campus center advisory boards have the authority to determine product mix.

<b>M/S/C:</b>	Fong/Bechtel
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	Authorized the District to enter into the contract with Pepsi for exclusive rights to a beverage contract for the period February 7, 2005 to January 23, 2010, with the understanding that a sufficient number of healthy choices would be available in the vending machines

## **Item 16**

### NON-RESIDENT TUITION RATE FOR 2005-06

**M/S/C:** Plotkin/Dunn  
**Advisory vote:** 1 yes (Vazquez voted no)  
**Board vote:** unanimous  
**Action:** Approved the rate of \$101 per quarter unit for non-resident students and the capital outlay rate of \$11 per quarter unit for foreign students for the 2005-06 fiscal year

## **Item 17**

### MEASURE E CONSENT CALENDAR

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

- A.** *Title:* Change Order #7  
*Vendor:* SJ Amoroso  
*Agreement Date:* January 16, 2004  
*Campus:* De Anza College  
*Project No.:* 248  
*Project Name:* Kirsch Center for Environmental Studies  
*Amount:* \$20,872  
*For:* Miscellaneous wall framing, door hardware, structural, flashing, and electrical changes. Change order includes non-compensable time extension per the November 2004 Memo of Understanding  
*Action:* Ratification
- B.** *Title:* Change Order #6  
*Vendor:* SJ Amoroso  
*Agreement Date:* January 20, 2004  
*Campus:* De Anza College  
*Project No.:* 220  
*Project Name:* PE Quad Renovation  
*Amount:* \$(87,450)  
*For:* Value engineering items: change guardrail scope to replace north and south sides only; elevator scope changes  
*Action:* Ratification

- C.** *Title:* Change Order #7  
*Vendor:* SJ Amoroso  
*Agreement Date:* January 20, 2004  
*Campus:* De Anza College  
*Project No.:* 220  
*Project Name:* PE Quad Renovation  
*Amount:* \$12,806  
*For:* Additional trellis repair; demo 2"x6" joists  
*Action:* Ratification
- D.** *Title:* Change Order #12  
*Vendor:* SJ Amoroso  
*Agreement Date:* December 1, 2003  
*Campus:* De Anza College  
*Project No.:* 207  
*Project Name:* Lot C Parking Structure  
*Amount:* \$48,210  
*For:* Lot C student drop off improvements  
*Action:* Ratification
- E.** *Title:* Revision to PO M453121  
*Vendor:* Rumsey Engineering, Inc.  
*Agreement Date:* October 15, 2003  
*Campus:* De Anza College  
*Project No.:* 202  
*Project Name:* Science Center  
*Amount:* \$8,000  
*For:* Re-commissioning  
*Action:* Ratification
- F.** *Title:* Addendum #D-12  
*Vendor:* Environmental Construction Services, Inc. (ECS)  
*Agreement Date:* February 7, 2005  
*Campus:* De Anza College  
*Project No.:* 218  
*Project Name:* Learning Center Renovation  
*Amount:* \$1,490  
*For:* Phased microbial closure assessment and non viable air samples  
*Action:* Ratification

- G.** *Title:* Change Order #9  
*Vendor:* Hensel Phelps  
*Agreement Date:* November 25, 2003  
*Campus:* De Anza College  
*Project No.:* 203  
*Project Name:* Student community Services  
*Amount:* \$39,873  
*For:* Revision n the tele/date routing per FF&E layout scheme;  
power/tele/date floor box revision aligning with FF&E layout  
scheme: exterior parapet clarification  
*Action:* Ratification
- H.** *Title:* Contractor Change Order #6  
*Vendor:* Interstate Grading and Paving  
*Agreement Date:* September 2, 2004  
*Campus:* Foothill College  
*Project No.:* 134  
*Project Name:* Parking Lot 1 & 7  
*Amount:* \$40,434  
*For:* Main entry road elevation changes  
*Action:* Ratification
- I.** *Title:* Contractor Change Order #7  
*Vendor:* Interstate Grading and Paving  
*Agreement Date:* September 2, 2004  
*Campus:* Foothill College  
*Project No.:* 134  
*Project Name:* Parking Lot 1 & 7  
*Amount:* \$9,102  
*For:* Design changes, signage light changes, sprinkler repairs, grade elevation  
changes  
*Action:* Ratification
- J.** *Title:* Contractor Change Order #2  
*Vendor:* O'Grady Paving  
*Agreement Date:* January 18, 2005  
*Campus:* Foothill College  
*Project No.:* 170  
*Project Name:* Parking Lot 2A  
*Amount:* \$13,620  
*For:* Credit for trenching, adds for extra unforeseen removal and recompaction  
of soil and other miscellaneous site work.  
*Action:* Ratification

- K.** *Title:* Contractor Change Order #4  
*Vendor:* Bay Area Contractors  
*Agreement Date:* April 20, 2004  
*Campus:* Foothill College  
*Project No.:* 404  
*Project Name:* Plant services Addition  
*Amount:* \$13,384  
*For:* Demolition of concrete boulder under building pad and removal excessive asphalt pavement  
*Action:* Ratification
- L.** *Title:* Contractor Change Order #1  
*Vendor:* Trident Builders  
*Agreement Date:* October 27, 2004  
*Campus:* Foothill College  
*Project No.:* 113  
*Project Name:* CTIS Project  
*Amount:* \$1,980  
*For:* Provide material for revised framed opening detail for interior walls. Installation of recessed telecom box for multimedia locations  
*Action:* Ratification
- M.** *Title:* Contractor Change Order #1  
*Vendor:* O. C. Jones and sons  
*Agreement Date:* December 17, 2004  
*Campus:* Foothill College  
*Project No.:* 120  
*Project Name:* Stadium Renovations  
*Amount:* \$24,585  
*For:* Bus stop upgrades  
*Action:* Ratification

## **Item 18**

### AUTHORIZATION TO AWARD CONTRACT PURSUANT TO BID #913-234 – DE ANZA ATHLETIC FIELDS

Trustee Fong asked whether synthetic turf would be used on the football field; Director of Construction Program Management Claudette Brero-Gow responded that the football field was not part of the bid.

- M/S/C:** Plotkin/Bechtel  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Authorized the District Purchasing Director to award a contract not to exceed the aggregate amount of \$2,088,520 to the lowest responsible bidder, O. C. Jones & Sons, Inc.

### **Item 19**

AUTHORIZATION TO AWARD AGREEMENT FOR CONSULTANT SERVICES PURSUANT TO REQUEST FOR PROPOSAL #974, LABOR COMPLIANCE ADMINISTRATOR SERVICES

**M/S/C:** Plotkin/Bechtel  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Authorized the Executive Director of Facilities, Operations and Construction Management to enter into an Agreement for Consultant Services not to exceed \$140,000 with Parsons Brinckherhoff Construction Services, Inc. for Labor Compliance Administrator Services for the Lower Campus Complex and the Campus Center projects at Foothill College

### **Item 20**

AGREEMENT #F-01 FOR CONSULTANT SERVICES WITH CONSOLIDATED ENGINEERING LABORATORIES – FOOTHILL PROJECT #152, LOWER CAMPUS COMPLEX

### **Item 21**

AGREEMENT #F-02 FOR CONSULTANT SERVICES WITH CONSOLIDATED ENGINEERING LABORATORIES – FOOTHILL PROJECT #153, CAMPUS CENTER

**M/S/C:** Bechtel/Dunn  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:**

- Approved Agreement #F-01 with Consolidated Engineering Laboratories for the price not to exceed \$136,249 (including reimbursable expenses); and
- Approved Agreement #F-02 with Consolidated Engineering Laboratories for the price not to exceed \$55,066 (including reimbursable expenses)

### **Item 22**

INDEPENDENT CONTRACTOR AGREEMENT WITH LARRY MONTGOMERY INSPECTION SERVICES

Director of Construction Management Services Claudette Brero-Gow clarified that all of the Class 1 inspectors from the Department of State Architect list were contacted for all of the larger projects. She also noted a correction regarding the contract period, which would be the entire length of the project: 669 days starting February 7, 2005, as stated in the contract, and not the dates listed in the Public Memo.

**M/S/C:** Plotkin/Bechtel  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved an Independent Contractor Agreement with Larry Montgomery Inspection Services in the amount not to exceed \$266,420, with terms as stated in the contract

**Item 23**

**INDEPENDENT CONTRACTOR AGREEMENT WITH DFH INSPECTION SERVICES**

As with Item #22, Director of Construction Management Services Claudette Brero-Gow noted a correction regarding the contract period, which would be the entire length of the project: 840 days starting February 7, 2005, as stated in the contract, and not the dates listed in the Public Memo.

**M/S/C:** Fong/Dunn  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved an Independent Contractor Agreement with DFH Inspection Services in the amount not to exceed \$337,425, with terms as stated in the contract

**DATES TO REMEMBER**

February 22, 2005 — Regular Meeting  
March 7, 2005 — Regular Meeting

**ADJOURN TO CLOSED SESSION**

At 7:45 p.m., President Hay adjourned the Board back 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  
Brian Murphy, President of De Anza College

**REPORTING OUT FROM CLOSED SESSION AND ADJOURNMENT**

At 8:10 p.m., President Hay re-convened the public session to report that no action was taken in closed session, then adjourned the meeting.

jco  
Approved: 2/22/05

---

Martha J. Kanter, Chancellor  
Secretary, Board of Trustees