



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

January 20, 2005

CALL TO ORDER AND ROLL CALL

President Sandy Hay declared a quorum was present and called the meeting to order at 1:30 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
Andrea Leiderman
Hal Plotkin

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 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 2:35 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>	Shirley Barker	Scott Heffner	Jon O’Bergh
	Mike Brandy	Ken Horowitz	Greg Parman
	Claudette Brero-Gow	Barbara Illowsky	Willie Pritchard
	Robert Cormia	Martha Kanter	Carmen Redmond
	Stan Cross	Marsha Kelly	Javier Rueda
	Jane Enright	Sharon Luciw	John Schulze
	Christina Espinosa-Pieb	Judy Miner	Marisa Spatafore
	Bernadine Chuck Fong	Dan Mitchell	Paul Starer
	Alan Harvey	Brian Murphy	Dan Svenson
	Jeanine Hawk	Frank Nunez	Mariah Waite

Press: None

Students None

:

<i>Public:</i>	Leah Berlanga	Steve Pond
	Mary Ann Pavic	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/Dunn
Advisory vote:	2 yes
Board vote:	4 yes — Leiderman abstained since she was absent from the last meeting
Action:	Approved minutes of the January 3, 2005 meeting

FOUNDATION REPORT

Trustee Bechtel reported on the recent Foundation Board planning retreat and efforts to strategize how to increase revenues. Trustee Plotkin commended the college presidents for their presentations at the retreat.

CORRESPONDENCE

President Hay asked if there was any correspondence which should be brought to the Board’s attention. Trustee Fong noted that the trustees had received numerous email messages concerning a Foothill student and a movement to support an “Academic Bill of Rights.”

HEARINGS: ITEMS NOT ON THE AGENDA

Trustees

Trustee Leiderman expressed how glad she was to be back in attendance and said she hopes to attend as often as her strength and health permit. President Hay and the rest of the Board welcomed her back. Student Trustee Dunn commended De Anza and Foothill faculty for their efforts to improve enrollment and student retention. She also thanked the Board for including on the agenda a resolution approving an authorized absence due to her inability to attend the January 3 meeting. Trustee Fong reported that the California Community Colleges Trustees (CCCT) Board approved a

position in support of equalization funding. He also announced that Community Housing Developers, on whose board he sits, held a grand opening for an affordable housing development in San Jose; he hopes it becomes a model for others to follow, and stressed the importance for the Board to support affordable housing options in order to continue to attract high quality faculty and staff. Trustee Bechtel reported that she attended a lunch last week at which De Anza President Brian Murphy was the guest speaker, and commended him on his speech. Trustee Fong added that he heard positive responses to Dr. Murphy's speech, as did Trustee Leiderman.

Staff

Chancellor Kanter reported that Foothill President Bernadine Chuck Fong addressed the Los Altos Rotary Club, and that De Anza President Brian Murphy would be joining the Cupertino Rotary. She asked the Board to review a proposal from the Community College League of California regarding accountability measures and respond to her by January 28. She thanked Trustee Fong for his efforts on the CCCT Board to support equalization. Lastly, she announced a Public Sector Health Benefits Forum for February 9, jointly sponsored by the District, the Town of Los Altos Hills and Joint Venture Silicon Valley.

Foothill President Bernadine Chuck Fong welcomed back Trustee Leiderman and introduced Robert Cormia, representative from the Foothill Academic Senate. She noted recent media coverage regarding the "Academic Bill of Rights" and a situation involving a Foothill instructor and student, pointing out that it involves a confidential personnel matter. She reported that resident enrollment was up 3%; non-resident is still down, but not as much as in Fall Quarter.

De Anza President Brian Murphy reported that the college hosted a meeting regarding the California Community Colleges funding formula. He also reported that the *New York Times* has invited the student newspaper, *La Voz*, to send two editors to spend time with its editorial staff, the first community college to be invited to do so by *The Times*. He reported that enrollment was slightly down, but not as much as feared.

SEIU Chapter Chair Javier Rueda welcomed Trustee Leiderman back and thanked Trustee Fong for attending a meeting with classified staff. He expressed hope for a win/win conclusion to negotiations. He also discussed how classified staff is under a lot of stress related to the budget situation, and reminded the Board that it negotiates with the SEIU negotiating committee, not individual classified staff members. Trustee Fong acknowledged the value of his meeting with classified staff and expressed appreciation for the District's outstanding classified staff. Mariah Waite addressed the Board as a part-time hourly classified staff member and spoke about the importance of health insurance.

Students / Public

SEIU representative Leah Berlanga also spoke about part-time hourly classified positions and how important it is to retain these employees, many of whom have worked for the District for years.

APPROVAL OF CONSENT CALENDAR

M/S/C:	Leiderman/Fong
Advisory vote:	2 yes
Board vote:	unanimous
Action:	Approved / Ratified Items 1-6 of the Consent Calendar as follows:

Item 1 — **Approved** RESOLUTION REGARDING TRUSTEE ABSENCE FOR STUDENT TRUSTEE
MELANIE DUNN

Item 2 — **Ratified** CONTRACTS AND AGREEMENTS

Item 3 — **Approved** FACILITIES LEASE CONTRACT BETWEEN DE ANZA COLLEGE AND
SANTA CLARA COUNTY OFFICE OF EDUCATION

Item 4 — **Denied** CLAIM AGAINST THE DISTRICT BY ROBIN LATTA-LYSSENKO

Item 5 — **Approved** PERSONNEL ACTIONS:

Name: **Joanne Araki**
Position: Instructor
College: De Anza
Division: Biological and Health Sciences
Action: **Resignation for the Purpose of Retirement**
Effective Date: June 24, 2005
Comments: In accordance with Article 20 of the *Agreement* between the
District and the Faculty Association

Name: **Sue Carson**
Position: Instructor
College: De Anza
Division: Biological and Health Sciences
Action: **Resignation**
Effective Date: June 24, 2005

Name: **Ken Mellquist**
Position: Instructor
College: Foothill
Division: Computer, Technology and Information Systems
Action: **Resignation**
Effective Date: January 3, 2005

Name: **Rhoda Wang**
Position: Director, Budget and Personnel
College: De Anza
Division: Finance and College Services
Action: **Interim Employment**
Effective Date: January 3, 2005 through June 30, 2005
Compensation: 5% salary adjustment in accordance with Chapter VI of the
Administrator Handbook.

Item 6 — **Approved** HUMAN RESOURCES REPORT

Item 7

RENEWAL OF ANNUAL NETWORK MAINTENANCE CONTRACT

Trustee Plotkin said he was troubled that the District is in a situation where it must deal with only one vendor, citing the escalating maintenance costs as one of the reasons why. Trustee Leiderman

echoed this concern. Vice Chancellor of Technology Willie Pritchard explained that, since the equipment is now six years old, the District is exploring options to move away from reliance on one vendor.

M/S/C: Plotkin/Fong
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the expenditure of \$206,536.25 for a network service contract and authorized the Vice Chancellor of Technology to renew the contract with WAN/LAN for calendar year 2005

Item 8

AUTHORIZATION TO AWARD CONTRACT PURSUANT TO BID #986 – FOOTHILL POOL BOILER REPLACEMENT

Trustee Bechtel asked about the quick timeline for a completion date, and Director of Purchasing and Material Services Carmen Redmond responded that the timeline is reasonable.

M/S/C: Leiderman/Dunn
Advisory vote: 2 yes
Board vote: unanimous
Action: Authorized the District Purchasing Director to award a contract in the amount of \$267,900 to the lowest responsible bidder, Environmental Systems, Inc. of Northern California

Item 9

MEASURE E CONSENT CALENDAR

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

- A.** *Title:* Change Order #5
Vendor: S. J. Amoroso
Agreement Date: July 21, 2004
Campus: De Anza College
Project No.: 220
Project Name: PE-Quad Renovation
Amount: (\$5,964) – credit
For: Construction changes including credit for chilled water lines at south end, reroute chilled water line around trees, and miscellaneous interior finishes
Action: Ratification

- B.** *Title:* Revision #2 to PO M351657
Vendor: Cleary Consultants, Inc.
Agreement Date: November 13, 2002
Campus: De Anza College
Project No.: 207
Project Name: Lot C Improvements and Parking Structure
Amount: \$7,400
For: Additional services due to extended testing of soils
Action: Ratification
- C.** *Title:* Addendum #3
Vendor: NetCor
Agreement Date: December 14, 2004
Campus: De Anza College
Project No.: 224
Project Name: S Quad Phase II
Amount: \$4,303
For: S7 redesign due to re-program efforts
Action: Ratification
- D.** *Title:* Change Order #3
Vendor: Bay Area Contractors
Agreement Date: April 12, 2004
Campus: Foothill College
Project No.: 404
Project Name: Plant Services Addition
Amount: \$453
For: Cost for locating an unforeseen water line
Action: Ratification
- E.** *Title:* Change order #1
Vendor: O'Grady Paving
Agreement Date: October 18, 2004
Campus: Foothill College
Project No.: 170
Project Name: Parking Lot 2A
Amount: (\$1,581) – credit
For: Credit for a sign and additional cost for miscellaneous paving and electrical work
Action: Ratification
- F.** *Title:* PAA #F49
Vendor: Cleary Consultants, Inc.
Agreement Date: December 30, 2004
Campus: Foothill College
Project No.: 153
Project Name: Campus Center
Amount: \$49,600
For: Soil engineering observation and testing services
Action: Ratification

Item 10

BUDGET TRANSFER #DA 35 TO MEASURE E PROGRAM CONTINGENCY FROM DE ANZA MEASURE E PROJECTS #240 FIRE ALARM PANELS, #241 UTILITY VAULTS, #251 PUBLIC TRANSIT CENTER, #259 CDC WING B RENOVATION, #262 STELLING A/B PARKING LOT, AND #272 STELLING A/B LANDSCAPING

Item 11

BUDGET TRANSFER #FH 28 TO MEASURE E PROGRAM CONTINGENCY FROM FOOTHILL MEASURE E PROJECTS #109 BSS, #119 FINE ARTS PHASE II, #134 PARKING LOTS 1 AND 7, #142 BRICKS, #161 KCI LANDSCAPE, AND #163 CAMPUS CENTER SWING SPACE

M/S/C: Dunn/Fong
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved as one action both budget transfers: #DA 35 in the amount of \$823,927 and #FH 28 in the amount of \$449,932

Item 12

BUDGET TRANSFER #FH 29 TO REFLECT VARIOUS MEASURE E PROJECTS' BUDGET ADJUSTMENTS AND REVISIONS, AND CHANGES TO FUNDING SOURCES FOR THE MEASURE E PROGRAM

Foothill Vice President of Educational Resources and Instruction Alan Harvey outlined the proposed changes in the Measure E Project schedule, explaining the reasoning for the various changes. In particular, he cited decisions to make classroom painting and renovation a priority and to postpone renovations for the theater and library, both of which have been renovated within the last ten years. Foothill Instructor Ken Horowitz expressed support for the proposed transfer but was concerned about reductions to other projects in order to fund this project that is over budget. He also expressed support for an independent advisory committee to oversee construction.

Foothill President Bernadine Chuck Fong explained that there is already supervision of the college's construction projects by professionals who are well respected in the industry. She noted the importance of preserving the architectural integrity of the campus, which the community supports and which is upheld in the building designs. Lastly, she reported that community colleges are reporting a 30% increase in construction costs statewide.

M/S/C: Plotkin/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved Budget Transfer #FH 29 in the net amount of \$701,762

Item 13

AUTHORIZATION TO AWARD CONTRACT PURSUANT TO BID #944-152 – LOWER CAMPUS COMPLEX, FOOTHILL COLLEGE

Responding to a question from President Hay, Foothill Vice President of Educational Resources and Instruction Alan Harvey clarified that the amounts transferred from other projects, together with the state capital outlay funds, will cover the increased cost of construction as reflected in the bids which exceed the original budget. Trustee Fong asked if other factors are considered when several bid amounts are as close as they are in the case of the two top bidders, and Director of Purchasing and

Material Services Carmen Redmond explained that the bidders were already pre-qualified, so the determining factor is purely the bid amount, provided they meet all other requirements.

M/S/C: Bechtel/Fong
Advisory vote: 2 yes
Board vote: unanimous
Action: Authorized the District Purchasing Director to award a contract not to exceed the amount of \$45,477,000 to the lowest responsible bidder, S. J. Amoroso Construction Company, Inc., contingent upon the bid award approval by the State of California

Item 14

AUTHORIZATION TO AWARD CONTRACT PURSUANT TO BID #946-274 – S1/S6 PIPE REPLACEMENT, DE ANZA COLLEGE

M/S/C: Leiderman/Fong
Advisory vote: 2 yes
Board vote: unanimous
Action: Authorized the District Purchasing Director to award a contract in the amount of \$382,241 to the lowest responsible bidder, Underground Construction Company, Inc.

Item 15

INDEPENDENT SERVICES CONTRACT WITH TEKSYSTEMS, INC. – CONTRACT PERSONNEL TO SUPPORT ETS MEASURE E EFFORTS

President Hay asked whether the cost was anticipated, and Vice Chancellor of Business Services Mike Brandy responded that funds had indeed been set aside to cover this expense. SEIU Chapter Chair Javier Rueda discussed his preference that existing staff participate in this kind of work rather than an outsider; he also would like to have the opportunity to discuss such proposals with the administration prior to the contracts being submitted for Board action. Vice Chancellor of Technology Willie Pritchard explained that this is a temporary need that cannot be accommodated with existing staffing levels. He also assured the Board that the work would not displace any ETS staff. Director of Networks and Client Services Sharon Luciw added that the contract involves expertise that is not available among the staff, but staff will be able to acquire the knowledge by working with the contractor. Trustee Leiderman expressed concern about contracting out this work. Trustee Bechtel expressed support for the decision since it is a temporary need.

M/S/C: Bechtel/Plotkin
Advisory vote: 2 yes
Board vote: 4 yes – Leiderman voted no
Action: Approved contract with TEKsystems, Inc.

DATES TO REMEMBER

February 7, 2005 — Audit & Finance Committee Meeting
February 7, 2005 — Regular Meeting
February 22, 2005 — Regular Meeting

RECESS / RE-CONVENE MEETING

President Hay recessed the meeting at 3:45 p.m. At 4:10 p.m., President Hay re-convened the meeting at the Taaffe House, 26580 Taaffe Road, Los Altos Hills, CA 94022. The following staff, press, students and members of the public were present:

<i>Staff:</i>	Mike Brandy	Scott Heffner	Willie Pritchard
	Claudette Brero-Gow	Barbara Illowsky	Javier Rueda
	Jane Enright	Martha Kanter	John Schulze
	Christina Espinosa-Pieb	Judy Miner	Bernata Slater
	Bernadine Chuck Fong	Dan Mitchell	Marisa Spatafore
	Alan Harvey	Brian Murphy	Paul Starer
	Jeanine Hawk	Jon O’Bergh	

Press: None

Students None

:

<i>Public:</i>	Nancy Rogers	Terry Terman
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Study Session

ADVANCING THE LEGACY OF THE FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

Chancellor Martha Kanter presented the revised *Philosophy, Mission and Priorities* for a first reading, noting that this mission document would be the foundation for the District’s Educational Master Plan. She reviewed the process for revising the document and discussed the broad differences between the original 1990 version and the new version. College Presidents Bernadine Chuck Fong and Brian Murphy presented information regarding the development of the college educational master plans. In De Anza’s case, due to the relatively recent arrival of President Murphy, the college will be updating the 1999 Educational Master Plan with new information to produce an interim plan. A complete revision will be undertaken in 2005-06. The De Anza interim plan and the Foothill and Central Services revised plans will be completed during the summer and brought to the Board for approval in the Fall.

Trustee Bechtel urged the administration to review the quality indicators in terms of making them measurable, stressing the importance of determining when goals have actually been achieved. President Hay stressed the importance of delineating strategies for implementing the goals. Trustee Plotkin highlighted what he considers to be two vitally important areas for the District’s future that should be incorporated into institutional goals: public domain learning materials, and an open source academy in which faculty help other institutions with open source solutions.

Vice Chancellor of Business Services Mike Brandy reviewed a number of developments affecting the current budget, including an increased deficit factor proposed by the state, the removal of growth funding since resident enrollment did not grow, and a loss of funds due to the drop in non-resident enrollment. He reported that the colleges expect to meet their productivity targets, which is a testament to the commitment and hard work of faculty and staff.

Vice Chancellor Brandy reviewed revenues and expenses for the 2005-06 budget based on the governor’s proposals. The state’s reduction of funding for equalization, the decline in non-resident

enrollment, and the anticipated operating deficit carried forward from 2003-04 are creating a significant budget problem that will require dramatic solutions.

Director of Facilities, Operations and Construction Management John Schulze discussed the facilities master plan. The projected enrollment growth of 2% per year could be accommodated with on-campus facilities until 2008-09, at which time 80% of the enrollment growth would need to be shifted off-campus. Trustee Bechtel asked if the 2% estimate is realistic given the shrinking high school population. Vice Chancellor Brandy responded that the overall regional population is projected to continue to grow, and the District will need to serve adults who require skills to be updated and retraining for job changes. There was a discussion of possible uses for revenues from a new bond measure, including follow-up work for Measure E projects, technology costs for the District’s administrative systems (SIS, HRS and FRS), instructional equipment, on-campus facilities expansion, and off-campus sites.

CLOSED SESSION

President Hay adjourned the meeting to closed session at 6:17 p.m. with the individuals listed below to discuss:

LIABILITY CLAIM

Claimant: Catherine Popell
Agency Claimed Against: Foothill-De Anza Community College District

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

PUBLIC EMPLOYEE EVALUATION

Position Title: Chancellor

Executive Administrators Present:

Martha Kanter, Chancellor

REPORTING OUT FROM CLOSED SESSION AND AJOURNMENT

President Hay re-convened the public session at 7:45 p.m. and reported that the Board took action in closed session to approve a settlement in the matter of a liability claim by Catherine Popell. He then adjourned the meeting.

jco
Approved: 2/7/05

Martha J. Kanter, Chancellor
Secretary, Board of Trustees