



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

October 17, 2005

CALL TO ORDER AND ROLL CALL

President Sandy Hay declared a quorum was present and called the meeting to order at 3:00 p.m. in the Conference Room at the NASA Research Park, Building 943, Moffett Field, CA 94035.

Trustees Present:

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

for Public Session

Bridget Howe, Foothill College Student Trustee
Maryam Noor, De Anza College Student Trustee

The following staff, press, students and members of the public were present:

Staff: Mike Brandy Jon O'Bergh Willie Pritchard
Martha Kanter Bill Patterson John Schulze

Press: None

Students: None

Public: Lisa Akeson, UC Santa Cruz Bruce Swenson
Jeff Gordon, San Jose State University Carl Walsh, UC Santa Cruz
Mejghan Haider, NASA

BRIEFING AND TOUR OF NASA RESEARCH PARK

1. Introductions

Chancellor Martha Kanter introduced representatives from NASA, UC Santa Cruz and San Jose State University, the three partners participating with Foothill-De Anza in the Collaborative for Higher Education. She distributed demographic information prepared by the Institutional Research Office demonstrating population growth projections for both Santa Clara County and the District.

2. Overview of the NASA Research Park Concept

Vice Chancellor of Business Services Mike Brandy and Lisa Akeson of UC Santa Cruz provided an overview of the proposed site location for the Collaborative for Higher Education, various planning principles established by NASA, and aspects related to infrastructure development at the site. It was clarified that Moffett Field is not subject to local city zoning ordinances and permit processes,

although NASA does work cooperatively with the cities. The infrastructure assessment that NASA would impose on each tenant was discussed, which was estimated at \$3.6 million for the Foothill-De Anza parcel. The timeline for developing the parcel was discussed, including the negotiations of the ground lease (which would likely be a 49-year lease with an extension to 99 years), to be completed by December 2005; a possible bond measure for June or November 2006; planning and preliminary design by July 2007; and occupancy by July 2009. Trustee Bechtel expressed concern about the timeline for the finalization of each partner's agreement with NASA and making a decision regarding a possible bond campaign.

3. Educational Program

Bill Patterson, working under assignment for the District on the plans for the Collaborative, reviewed elements of the proposed educational program for the site, which would be focused on science, engineering, technology and math, and would include a regional health sciences collaborative. He discussed NASA's desire to restrict how the District utilizes the site, and how the educational program might be structured within those restrictions. He reviewed projections for the number of full-time equivalent students, square footage needs, plans for common spaces shared with the collaborative partners, and administrative space needs. He clarified that designating the site an educational "center" would not replace the need for an off-campus site such as the Middlefield Campus.

4. Site Selection

5. Building Cost

Vice Chancellor Mike Brandy reviewed construction cost estimates, the ground lease, and assessments and charges that would be imposed by NASA. He emphasized several critical issues: 1) the need for UC Santa Cruz to have a presence on-site; 2) questions about access through the secured gates and the site's status as an active military base; 3) the fair market value of the lease; 4) the unknown condition of the infrastructure and its impact on building costs; 5) ongoing operating costs which cannot be covered by a capital outlay bond; 6) transportation issues that include parking and how accessible students consider the site to be; and 7) environmental remedies. Ms. Akesson explained that, as a military base, the property is a mediated superfund site, so the developer — in this case, Foothill-De Anza — would be responsible for costs that might arise in relationship to this issue.

6. Status of Negotiations with NASA

7. Tour of Site

Vice Chancellor Brandy discussed the status of negotiations with NASA and Ms. Akesson discussed issues of concern for UC Santa Cruz. Both Foothill-De Anza and UC Santa Cruz do not want restrictions on the types of programs that may be offered at the site. UC Santa Cruz hopes to resolve its issues with NASA by mid-November and sign an agreement. Vice Chancellor Brandy highlighted another concern, which is NASA's authority to reclaim and close the entire site to all but the federal government due to homeland security issues.

At 4:18 p.m., Vice Chancellor Brandy conducted a tour of the site for the Board and those present, which was followed by a recess in order for individuals to travel to the District office to resume the Board meeting.

RE-CONVENE PUBLIC SESSION

President Sandy Hay re-convened the meeting at 5:30 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 Public Session

- Bridget Howe, Foothill College Student Trustee (arrived at 6:17 p.m.)
- Maryam Noor, De Anza 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
- Rose Myers, Vice President of Student Development and Instruction, Foothill College
- Brian Murphy, President of De Anza College

RE-CONVENE PUBLIC SESSION

President Hay re-convened the public session at 6:00 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> | Bob Barr | Deryl Jones | Willie Pritchard |
| | Mike Brandy | Martha Kanter | Carmen Redmond |
| | Jane Enright | Marsha Kelly | John Schulze |
| | Robert Griffin | Ron Levine | Marisa Spatafore |
| | Rich Hansen | Judy Miner | Paul Starer |
| | Jeanine Hawk | Brian Murphy | Dwight Sur |
| | Lydia Hearn | Rose Myers Frank Nunez | |
| | Ken Horowitz | Jon O’Bergh | |

Press: None

Students : Jim Lohse
Justin Mark

<i>Public:</i>	Mary Ann Breckell	Carolyn Inouye	Grace Slocum
	Laura Casas Frier	Kendra Jeffcoat	Kevin Stange
	Judy Cater	Alex Kobayashi	Bruce Swenson
	Bob Clifford	Chris McCarthy	Terry Terman
	Gail Conrad	Julia Miller	Don Warkentin
	Ding-Jo Currie	Ira Ruskin, State Assembly	
	Bill Farmer	Linda Rose	

REPORTING OUT FROM CLOSED SESSION

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

APPROVAL OF MINUTES

Trustee Bechtel noted one correction regarding a word that had been omitted.

M/S/C:	Bechtel/Plotkin
Advisory vote:	2 yes
Board vote:	unanimous
Action:	Approved the minutes of the October 3, 2005 meeting as corrected

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

President Hay reported that the Board convened at the NASA Research Park earlier in the day to discuss the potential use of the site as an educational center.

Staff

Foothill Vice President of Student Development and Instruction Rose Myers, substituting for President Bernadine Chuck Fong, introduced members of the Accreditation Team who were visiting Foothill as part of the re-accreditation process. She invited the Board to visit the new Chinese Cultural Heritage Room. Chancellor Martha Kanter acknowledged Assemblymember Ira Ruskin. She reported that Santa Clara University would host an Ethics Outlook forum on November 10. She reported that she met with representatives from local hospitals regarding the proposal for the Silicon Valley Center for the Health Professions, and it was a positive meeting. De Anza President Brian Murphy thanked members of the Board who attended the opening of the Kirsch Center for Environmental Studies. He announced that the grand opening of the Student and Community Services Building would be held on October 26. He distributed announcements for an exhibition at the Euphrat Gallery. Lastly, he reported that the Women’s Soccer Team was now nationally ranked.

Faculty Association President Rich Hansen announced that part-time faculty member Chris Storer had been awarded FACCC’s Margaret Quan Award for faculty activism at the state level.

Students / Public

De Anza students Justin Mark and Jim Lohse addressed the Board regarding the difficulty that the campus smoking ban imposes on medical marijuana users. Mr. Lohse shared a number of petitions signed by students. De Anza President Brian Murphy noted for the Board’s information that the college is reviewing implementation of the non-smoking policy this year. He thanked the students for their concerns and urged them to work with the De Anza Health Office and the De Anza Associated Student Body (DASB).

Assemblymember Ira Ruskin addressed the Board regarding some of his legislative activities in Sacramento representing area residents, especially related to his role on the Higher Education Committee. He discussed education funding and solicited ideas for legislation. Trustee Plotkin expressed his gratitude for the Mr. Ruskin’s efforts. Trustee Fong echoed those comments and noted that the California Community College Trustees Board is interested in working closely with Mr. Ruskin on community college issues.

Foothill instructor Ken Horowitz shared an editorial regarding the upcoming bond measure for the San Mateo County Community College District and offered some comments regarding the Board vacancy.

De Anza President Brian Murphy introduced members of the Accreditation Team who had just arrived and were conducting a site visit at De Anza as part of the re-accreditation process.

APPROVAL OF CONSENT CALENDAR

Trustee Plotkin requested that Item 5 be removed from the Consent Calendar.

M/S/C: Plotkin/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified Items 1-4 and 6-7 of the Consent Calendar as follows:

Item 1 — **Ratified** CONTRACTS AND AGREEMENTS

Item 2 — **Ratified** B WARRANTS — AUGUST AND SEPTEMBER 2005

Item 3 — **Approved** RESOLUTION #2005-23 AUTHORIZING CHILD DEVELOPMENT CONTRACT #CCAP-4347

Item 4 — **Approved** BOOKSTORE PURCHASES

Item 6 — **Approved** PERSONNEL ACTIONS:

Name: **Veronica Acevedo Avila**
Position: Counselor/Instructor
College: De Anza
Division: Counseling
Action: **Unpaid Leave of Absence**
Effective Date: September 19, 2005 – June 30, 2006

Name: **David G. Campbell**
Position: Instructor
College: De Anza
Division: Business & Computer Systems
Action: **Resignation for the Purpose of Retirement**
Effective Date: December 17, 2005

Name: **Ross Gerry**
Position: Instructor
College: Foothill
Division: Physical Education & Human Performance
Action: **Resignation**
Effective Date: October 10, 2005

Name: **Nicole Gray**
Position: Instructor
College: Foothill
Division: Physical Sciences, Mathematics & Engineering
Action: **Unpaid Leave of Absence**
Effective Date: January 9, 2006 – June 30, 2006

Name: **Deryl Jones**
Position: Director, De Anza College Bookstore
College: De Anza
Division: Finance & College Services
Action: **Contract Extension**
Effective Date: February 1, 2006 – June 30, 2006
Action: **Resignation for the Purpose of Retirement**
Effective Date: June 30, 2006

Name: **Shireen Luna Woo**
Position: Counselor
College: De Anza
Division: Counseling
Action: **Unpaid Leave of Absence**
Effective Date: November 17, 2005 – December 16, 2005
Comments: In accordance with Article 16.27 of the *Agreement* between the District and the Faculty Association.

Item 7 — **Approved HUMAN RESOURCES REPORT**

Item 5

SALE OF SURPLUS DISTRICT PERSONAL PROPERTY

Trustee Plotkin requested that the chancellor study the feasibility of allowing Foothill and De Anza students to have first access to surplus computers before donating or selling such equipment to outside agencies.

M/S/C: Plotkin/Fong
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved a finding that the surplus property does not exceed \$5,000 in value and authorized the Director of Purchasing Services to sell, donate, recycle, or dispose in accordance with Education Code 81452(a)

Item 8

THE ECONOMIC IMPACT OF THE FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT AND ITS STUDENTS

Kevin Stange presented the results of the economic impact study, highlighting that the quantifiable impact of the District and its students on the local economy is \$816 million annually. He pointed out that the District is Silicon Valley's twentieth largest employer. Every dollar that the District spends generates \$1.88 in indirect spending and increased earnings by alumni. Every dollar of property tax invested in the District generates \$3.67 in economic impact, underscoring the value of the District to the community. Trustees Bechtel, Fong and Plotkin complimented Mr. Stange on the informative report. Executive Director of Institutional Research Bob Barr pointed out that the study's estimates are conservative and omit spending by part-time students.

Item 9

RESOLUTION IN SUPPORT OF EQUALIZATION FUNDING TO THE 90TH PERCENTILE FOR CALIFORNIA COMMUNITY COLLEGES

Chancellor Martha Kanter reviewed changes resulting from discussion at the October 3 Board meeting and a subsequent meeting of the Chancellor's Advisory Council. Trustee Fong stressed the need to work with the Assembly to get its support for additional equalization funding.

M/S/C: Fong/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved Resolution #2005-22 in Support of Equalization Funding to the 90th Percentile for California Community Colleges

Item 10

PRELIMINARY 2006-07 LEGISLATIVE PROPOSALS

Chancellor Martha Kanter reviewed changes resulting from discussion at the October 3 Board meeting and meetings of the Chancellor's Advisory Council and Legislative Committee.

M/S/C: Bechtel/Howe
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the three legislative proposals as a response to the request of the State Chancellor's Office

Item 11

CALIFORNIA COMMUNITY COLLEGE BALLOT INITIATIVE

Chancellor Martha Kanter reviewed the results from other community college districts, noting that leadership is needed on this initiative because many districts expressed concern about being able to raise funds. Faculty Association President Rich Hansen provided an update on the initiative.

Item 12

2006 BOARD CALENDAR

Trustee Bechtel questioned the need for a third Board meeting in March on March 20, but Vice Chancellor of Business Services Mike Brandy recommending keeping the date in case it is needed. President Hay suggested adding a presentation on research and pedagogical excellence.

M/S/C: Plotkin/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the 2006 Board Calendar

Item 13

TRUSTEE VACANCY APPOINTMENT PROCESS

Due to the possibility of a large number of applicants, Chancellor Martha Kanter proposed that the Board select the top candidates to be invited to make a presentation on November 9. After some discussion, it was agreed that each trustee will be sent all applications immediately after the deadline on October 21, then each trustee will submit to the Chancellor's Office by November 2 a list of up to five candidates. The Chancellor's Office will tally the votes, and any candidate receiving at least two votes will be invited to make a presentation on November 9. The list of those individuals will be posted on November 3. In response to a question from Terry Terman, the Board clarified that they would fully comply with the Brown Act in making the appointment decision publicly.

Item 14

APPROVAL OF 2005-06 PROFESSIONAL ACHIEVEMENT AWARDS

Trustee Bechtel congratulated all of the recipients.

M/S/C: Bechtel/Plotkin
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved Professional Achievement Awards for:

Foothill College

Katherine Adams	Mary Hawkins	Anne Paye
Carolyn Brown	Najwa Jardali	Kathryn Perino
Renate Falk Cammin	Ali Khejjou	Joe Ragey
Beatrix Cashmore	Scott Lankford	David Sauter
April Flowers	Joanne Lopez	Bonny Wheeler
Carol George	Richard Morasci	Joseph Woolcock

De Anza College

Diana Alves de Lima	Reginald Hamer	George “Dan” Mitchell
Mary Bennett	Richard Hansen	Mike Mitchell
Marcy Betlach	Catherine Hrycyk	Jacquelyn Reza
Susan Bruch	Truly Hunter	Eugene Rodriguez
Michael Chang	Millia Ison	Deborah Schafer-Braun
Marcos Cicerone	Cynthia Kessler	Richard Schroeder
John Cognetta	Benjamin Kline	Allen Simes
Judy Coleman	Marie “Elaine” Lee	Kulwant Singh
Juanita Cordero	Vladimir Logvinenko	Doris Spanggord
Mayra Cruz	Christina Lopez-Morgan	
Toni Forsyth	Diane Mathios	

Item 15

REVIEW OF FINANCIAL REPORT CCFS 331

Vice Chancellor of Business Services Mike Brandy presented the CCFS 311 Financial Report for the Board’s information.

Item 16

MEASURE E CONSENT CALENDAR

Trustee Plotkin requested that Items A and B from the Measure E Consent Calendar be removed in order that a staff member could address the Board regarding those items.

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

- C. *Title:* Change Order #6
- Vendor:* O. C. Jones & Sons, Inc.
- Agreement Date:* February 17, 2005
- Campus:* De Anza College
- Project No.:* 234
- Project Name:* Athletic Fields
- Amount:* \$25,723
- For:* Aerate the sub-grade at the tennis courts in order to achieve the required compaction percentage
- Action:* Ratification

- D.** *Title:* Revision #1 to P.O. M555761
Vendor: DES Architects & Engineers, Inc.
Agreement Date: November 1, 2004
Campus: De Anza College
Project No.: 210
Project Name: Administration Renovation
Amount: \$9,220
For: Reprogramming and redesign of the original program to accommodate changes
Action: Ratification
- E.** *Title:* Revision #1 to P.O. M555154
Vendor: DES Architects + Engineers, Inc.
Agreement Date: April 5, 2004
Campus: De Anza College
Project No.: 217
Project Name: Forum Modernization
Amount: \$5,597
For: Additional cost estimating services requested by client
Action: Ratification
- F.** *Title:* Project Assignment Amendment #D05
Vendor: Salas O'Brien
Agreement Date: October 3, 2005
Campus: De Anza College
Project No.: 208
Project Name: Campus Entries
Amount: \$10,500 (Not-to-Exceed)
For: Network communications infrastructure design
Action: Ratification
- G.** *Title:* Change Order #20
Vendor: S. J. Amoroso Construction Company, Inc.
Agreement Date: July 21, 2004
Campus: De Anza College
Project No.: 220
Project Name: PE Quad Renovation
Amount: \$49,319
For: Miscellaneous changes including mechanical, civil, and concrete
Action: Ratification

- H.** *Title:* Change Order #21
Vendor: S. J. Amoroso Construction Company, Inc.
Agreement Date: July 21, 2004
Campus: De Anza College
Project No.: 220
Project Name: PE Quad Renovation
Amount: \$34,262
For: Miscellaneous changes including mechanical, civil, carpentry, teledata, and plumbing
Action: Ratification
- I.** *Title:* Change Order #6
Vendor: O. C. Jones & Sons, Inc.
Agreement Date: December 17, 2004
Campus: Foothill College
Project No.: 120
Project Name: Stadium
Amount: \$48,506
For: Miscellaneous field modifications such as additional irrigation line, ductile iron piping sleeves across fire access road, additional cost adjustment beyond scope of height of the light poles, modify light fixture supports for new housing installation
Action: Ratification
- J.** *Title:* Change Order #3
Vendor: S. J. Amoroso Construction Company, Inc.
Agreement Date: June 3, 2005
Campus: Foothill College
Project No.: 171
Project Name: Central Plant
Amount: \$30,915
For: (1) Revisions to chilled water piping in the utility tunnels due to unforeseen field conditions; (2) concrete encasement of structural steel columns at central plant building; (3) revised trench backfill requirements around chilled water, domestic water and irrigation piping
Action: Ratification
- K.** *Title:* Change Order #6
Vendor: S. J. Amoroso Construction Company, Inc.
Agreement Date: February 24, 2005
Campus: Foothill College
Project No.: 152
Project Name: Lower Campus Complex
Amount: \$10,169
For: Install additional temporary fence on loop road, removal of trees and asphalt repair due to JT 7-10 realignment
Action: Ratification

- L.** *Title:* Revision #6 to Project Assignment Amendment #20
Vendor: Perkins + Will
Agreement Date: December 14, 2001
Campus: Foothill College
Project No.: 153
Project Name: Campus Center
Amount: \$1,548
For: Additional services for civil engineering services to provide fire water flow calculations and coordination due to the new water pressure supplied by Purissima Hills Water District
Action: Ratification
- M.** *Title:* Revision #1 to Project Assignment Amendment #13
Vendor: Sugimura and Associates
Agreement Date: January 12, 2004
Campus: Foothill College
Project No.: 414
Project Name: Service Shops
Amount: \$10,069
For: Additional services for construction administration including reimbursables
Action: Ratification
- N.** *Title:* Revision #2 to Project Assignment Amendment #F12
Vendor: Sugimura and Associates
Agreement Date: February 2, 2004
Campus: Foothill College
Project No.: 146
Project Name: Fieldhouse & Restrooms
Amount: \$25,024
For: Additional services for construction administration including reimbursables
Action: Ratification
- O.** *Title:* Project Assignment Amendment #35
Vendor: Sandis Humber Jones
Agreement Date: June 1, 2000
Campus: Foothill College
Project No.: 501
Project Name: General Campus Survey
Amount: \$22,000
For: Provide engineering and surveying services for boundaries; research record documents for existing boundaries; issue record boundary survey plan sheet and copies of Title Report with documents
Action: Ratification

- P.** *Title:* Project Assignment Amendment #D-13
Vendor: Sandis Humber Jones
Agreement Date: June 1, 2000
Campus: De Anza College
Project No.: 501
Project Name: General Campus Survey
Amount: \$10,000
For: Provide engineering and surveying services for boundaries; research record documents for existing boundaries; issue record boundary survey plan sheet and copies of Title Report with documents
Action: Ratification

Foothill instructor Ken Horowitz expressed concern about some construction projects being over budget. Vice Chancellor of Business Services Mike Brandy pointed out that contingencies are built into project budgets to anticipate change orders, and there are contingency budgets both for each college and for the overall Measure E program Districtwide as well. He emphasized that no Measure E project has ever exceeded its budgeted contingency. He also noted that the State of California reports a 30% increase in construction costs statewide. Trustee Plotkin noted that the Audit & Finance Committee provides good oversight by monitoring projects and costs. Trustee Fong added that the District is not exceeding the industry average for number of change orders per project size.

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

- A.** *Title:* Change Order #25
Vendor: West Coast Contractors
Agreement Date: October 22, 2002
Campus: De Anza College
Project No.: 202
Project Name: Science Center
Amount: \$26,521
For: Construction changes including electrical work, access panels and a credit for cracked concrete
Action: Ratification
- B.** *Title:* Change Order #26
Vendor: West Coast Contractors
Agreement Date: October 22, 2002
Campus: De Anza College
Project No.: 202
Project Name: Science Center
Amount: \$29,181
For: Electrical construction changes
Action: Ratification

DATES TO REMEMBER

November 7, 2005 — Audit & Finance Committee

November 7, 2005 — Regular Meeting

November 9 and 10, 2005 — Special Meeting

ADJOURNMENT

President Hay adjourned the meeting at 7:52 p.m.

jco

Approved: 11/7/05

Martha J. Kanter, Chancellor
Secretary, Board of Trustees