



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

**December 4, 2006**

### CALL TO ORDER AND ROLL CALL

President Betsy Bechtel declared a quorum was present and called the meeting to order at 3:00 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:**

Betsy Bechtel, President  
Hal Plotkin, Vice President  
Paul Fong  
Laura Casas Frier  
Bruce Swenson

#### for Public Session

Joseph Derflinger, De Anza College Student Trustee  
Adrian Diaz, Foothill College Student Trustee

### CLOSED SESSION

The Board immediately adjourned into closed session in the District Board Room with the individuals listed below to discuss:

#### CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: Foothill-De Anza Community College District v. All Interested Persons and related cross-complaints filed by interested persons Melvin Emerich and Aaron Katz

#### **Executive Administrators Present:**

Mike Brandy, Vice Chancellor of Business Services  
Debbie Budd, Foothill Vice President of Educational Resources and Instruction  
Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity  
Jeanine Hawk, De Anza Vice President of Finance and College Services  
Martha Kanter, Chancellor  
Brian Murphy, President of De Anza College  
Penny Patz, Interim President of Foothill College  
Hector Quinonez, Controller  
Bernata Slater, Director of Budget Operations

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

David Casnocha  
Sean Absher

#### CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: Foothill-De Anza Community College District v. Friends of the Griffin House

#### **Executive Administrators Present:**

Mike Brandy, Vice Chancellor of Business Services

Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity  
Martha Kanter, Chancellor  
Brian Murphy, President of De Anza College  
Penny Patz, Interim President of Foothill College

**Legal Counsel Present:**

Bill Connell  
John Shupe

PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL / RELEASE

HEARING OF STUDENT APPEAL PURSUANT TO EDUCATION CODE SECTION 72122

**Executive Administrators Present:**

Mike Brandy, Vice Chancellor of Business Services  
Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity  
Martha Kanter, Chancellor  
Brian Murphy, President of De Anza College  
Penny Patz, Interim President of Foothill College

**RE-CONVENE PUBLIC SESSION**

President Bechtel recessed the meeting at 5:00 p.m. for the Board's annual holiday reception, then re-convened the public session at 6:04 p.m. in the District Board Room. She 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	Hector Quinonez
	Wayne Chenoweth	Ron Levine	Carmen Redmond
	Jane Enright	Sharon Luciw	Shelley Schreiber
	Christina Espinosa-Pieb	Faith Milonas	John Schulze
	Marie Fox Ellison	Judy Miner	Fred Sherman
	Jeanine Hawk	Brian Murphy	Marisa Spatafore
	Lydia Hearn	Frank Nunez	Paul Starer
	Ken Horowitz	Jon O'Bergh	John Swensson
	Martha Kanter	Penny Patz	

*Press:* None

*Students:* Steve Carleton  
Eleazar Villegas

<i>Public:</i>	Mary Levine	Tom Perry-Smith	Terry Terman
	Eric Millar	Stephen Pond	Tina Treis
	Pat Millar	Robert Smithwick	John Vasconcellos
	Mark Newton	Loren Stein	

**REPORTING OUT FROM CLOSED SESSION**

President Bechtel reported that the Board took action in closed session not to renew the employment contract of a Foothill administrator. She also reported that the Board would re-convene into closed session following the public session.

## **HEARING OF STUDENT APPEAL — Pursuant to Education Code Section 72122**

A student who had requested a public hearing for his appeal of the administration's denial of his discrimination complaint addressed the Board regarding the denial.

## **ANNUAL ORGANIZATION MEETING**

President Bechtel announced that, in keeping with past practice, she would be voting for Trustee Plotkin, who served this year as Board Vice President, for President. She asked the trustees to cast their ballots and pass them to the Board secretary. Chancellor Martha Kanter counted the ballots and announced that **Trustee Plotkin** received a majority of votes for **President** as follows:

Betsy Bechtel voted for Hal Plotkin  
Paul Fong voted for Hal Plotkin  
Laura Casas Frier voted for Hal Plotkin  
Hal Plotkin voted for Andrea Leiderman  
Bruce Swenson voted for Hal Plotkin  
Joseph Derflinger cast an advisory vote for Hal Plotkin  
Adrian Diaz cast an advisory vote for Hal Plotkin

Trustee Plotkin explained that he cast a symbolic vote in memory of former trustee Leiderman. He assumed his seat as Board President and took a moment to acknowledge former Senator John Vasconcellos, retired trustee Mary Levine and founding trustee Bob Smithwick. President Plotkin announced he would vote for Bruce Swenson for Vice President and asked the trustees to cast their ballots and pass them to the Board secretary. Chancellor Martha Kanter counted the ballots and announced that **Trustee Swenson** received a unanimous vote for **Vice President** as follows:

Betsy Bechtel voted for Bruce Swenson  
Paul Fong voted for Bruce Swenson  
Laura Casas Frier voted for Bruce Swenson  
Hal Plotkin voted for Bruce Swenson  
Bruce Swenson voted for Bruce Swenson  
Joseph Derflinger cast an advisory vote for Bruce Swenson  
Adrian Diaz cast an advisory vote for Bruce Swenson

Trustee Bechtel made a motion, seconded by Trustee Swenson, to appoint **Chancellor Martha Kanter** as **Secretary**. The motion carried unanimously with two advisory votes in favor. President Plotkin said he would like to postpone committee appointments until the next meeting to give trustees the opportunity to express interest in the positions to him.

## **APPROVAL OF MINUTES**

Trustee Bechtel noted one correction under Personnel.

<b>M/S/C:</b>	Bechtel/Derflinger
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	Approved the minutes of the November 6, 2006 meeting as amended and the minutes of the November 13, 2006 meeting

## **CORRESPONDENCE**

President Plotkin asked if there was any correspondence which should be brought to the Board's attention. Trustee Bechtel reported that she received a letter from the parent of a De Anza student whose complaint is being investigated by college administration.

## **HEARINGS: ITEMS NOT ON THE AGENDA**

### *Public*

Foothill Instructor Ken Horowitz, speaking as a resident of the District, discussed his concerns about a proposed Measure E budget transfer (Item 19G).

### *Students*

There were no students who wished to address the Board on items not on the agenda.

### *Staff*

De Anza President Brian Murphy reported that the Community College Facilities Coalition and California Community Colleges gave an Award of Merit for the design of the Community and Student Services Building. He also reported on the success of the Women's Soccer team. Foothill Interim President Penny Patz distributed a new brochure and shared highlights from the President's Report. She also noted that retired Foothill President Jim Fitzgerald recently passed away.

Chancellor Martha Kanter noted that this was the last Board meeting for Executive Director of Facilities, Operations and Construction Management John Schulze, who is preparing to retire, and recognized him for his years of dedicated service and leadership. Mr. Schulze expressed his appreciation to the Board. Trustee Swenson, speaking as a former college employee who worked with Mr. Schulze, also commented on his leadership and service to the District. Chancellor Kanter recognized Audit & Finance Committee member Pat Millar. Chancellor Kanter reported that five Foothill and De Anza students were recognized in the annual art competition sponsored by the League for Innovation in the Community College. She concluded by mentioning that two De Anza students were presented with scholarships from Vision New America.

Faculty Association (FA) President Faith Milonas thanked the Board for considering a proposal to set aside funds while the District explores the possibility of providing retiree health benefits for employees hired after 1997. She also thanked Chancellor Kanter for meeting with the FA Executive Council.

### *Trustees*

Trustee Bechtel reported the results of the Measure C validation trial, in which the court ruled in the District's favor on all ten findings and validated the bond election so the District can proceed with issuing bonds. She also reported with appreciation that former trustee Gerald Besson made a significant donation to the Trustee Scholarship fund. Trustee Fong reported that he and Trustee Swenson attended the Annual Conference of the Community College League of California. Trustee Swenson noted a particularly interesting seminar at the Conference on CEO vacancies at community colleges. Trustee Casas Frier reported that she attended a national training program paid for by NALEO for Latino and Latina elected officials. She mentioned that a newspaper article was published in reaction to the Public Policy Institute of California's recent study of community colleges, and noted that the article singled out Foothill-De Anza's above average transfer rate in contrast to the study's criticism of overall community college transfer rate performance. President Plotkin reported that he and Trustee Casas Frier attended the Measure C validation trial. He

acknowledged Vice Chancellor of Human Resources and Equal Opportunity Jane Enright for leading the District to find a solution regarding the availability of health care providers under the District's self-insured health plan.

## **PUBLIC HEARING**

### **Open Negotiations for 2007-2009 *Agreement* between the District and CSEA, Chapter 96 for Unit A**

President Plotkin opened the public hearing. No one wished to address the Board, and President Plotkin closed the hearing.

## **APPROVAL OF CONSENT CALENDAR**

**M/S/C:** Fong/Bechtel  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified Items 1-13 of the Consent Calendar as follows:

**Item 1** — **Approved** REVISION TO BOARD POLICY 3153, "AUDIT"

**Item 2** — **Approved** RESOLUTION IN SUPPORT OF THE DREAM ACT

**Item 3** — **Ratified** CONTRACTS AND AGREEMENTS

**Item 4** — **Ratified** B WARRANTS GREATER THAN \$5,000 FOR SEPTEMBER AND OCTOBER 2006

**Item 5** — **Acknowledged** LISTING OF DISTRICT INVESTMENTS AS OF SEPTEMBER 30, 2006

**Item 6** — **Approved** RESOLUTION AUTHORIZING SEPARATE BANK ACCOUNTS

**Item 7** — **Approved** DELEGATION OF AUTHORITY RESOLUTIONS

**Item 8** — **Approved** CONTRACT WITH SAN JOSE STATE UNIVERSITY FOR POLICY DISPATCH SERVICES

**Item 9** — **Approved** RENEWAL OF ANNUAL NETWORK MAINTENANCE CONTRACT WITH WAN/LAN FOR ALCATEL NETWORKING EQUIPMENT

**Item 10** — **Approved** FOOTHILL AND DE ANZA COLLEGES IMPACT BROCHURE — COMMUNITY EDUCATION SHORT COURSES

**Item 11** — **Acknowledged** ANNUAL REPORT ON PROPERTY AND LIABILITY INSURANCE

**Item 12** — **Approved** PERSONNEL ACTIONS:

*Name:* **Jamie Doll**  
*Position:* Instructor  
*College:* Foothill  
*Division:* Computers, Technology and Information Systems  
*Action:* **Resignation**  
*Effective Date:* June 30, 2006

*Name:* **Barbara Eryisian**  
*Position:* Instructor  
*College:* De Anza  
*Division:* Physical Sciences, Mathematics and Engineering  
*Action:* **Resignation**  
*Effective Date:* June 30, 2006  
*Comments:* Corrects Board action of October 16, 2006.

*Name:* **Kenneth Harper**  
*Position:* Instructor  
*College:* De Anza  
*Division:* Business/Computer Science  
*Action:* **Unpaid Leave of Absence**  
*Effective Date:* September 21, 2006 – June 30, 2007  
*Comments:* In accordance with Article 16.23.1 of the *Agreement* between the District and the Faculty Association

*Name:* **Penny Johnson**  
*Position:* Dean  
*College:* Foothill College  
*Division:* Counseling and Student Services  
*Action:* **Temporary Assignment of Additional Duties as Director, Financial Aid/EOPS**  
*Effective Date:* December 1, 2006  
*Compensation:* 5% adjustment  
*Comments:* In accordance with Administrators Handbook, Chapter III

*Name:* **Lester Lyons**  
*Position:* Associate Director of Facilities, Operations and Construction Management  
*College:* Central Services  
*Division:* Operations  
*Action:* **Employment**  
*Effective Date:* December 5, 2006 *# of Months:* 12  
*Compensation:* Level G, Step 2 @ \$6,712.65 per month

*Name:* **Moses Pardo**  
*Position:* Director, Child Development Center  
*College:* De Anza  
*Division:* Finance and College Services  
*Action:* **Employment**  
*Effective Date:* December 5, 2006 *# of Months:* 12  
*Compensation:* Level G, Step 2 @ \$6,712.65 per month

*Name:* **Warrick Rosten**  
*Position:* Director, Small Business Development  
*College:* De Anza  
*Division:* Finance and College Services  
*Action:* **Resignation**  
*Effective Date:* November 17, 2006

*Position:* Benefits Manager  
*College:* Central Services  
*Division:* Human Resources and Equal Opportunity  
*Action:* **Approve New Position**  
*Effective Date:* December 5, 2006

**Item 13** — Approved HUMAN RESOURCES REPORT

**Item 14**

EXTENSION OF CURRENT *AGREEMENT* BETWEEN THE DISTRICT AND CSEA, CHAPTER 96 FOR UNIT A

**M/S/C:** Casas Frier/Bechtel  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved extension of current *Agreement* until June 30, 2007 or until such time as a successor agreement is ratified by both parties, whichever occurs first

**Item 15**

APPROVAL OF 2006-07 PROFESSIONAL ACHIEVEMENT AWARD

**M/S/C:** Swenson/Fong  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved a Professional Achievement Award for Marnie Francisco

**Item 16**

AUDIT FOR YEAR ENDING JUNE 30, 2006

Tina Treis of Perry-Smith & Company presented the audit, highlighting that there were no audit adjustments, no federal findings, and two small state findings. She reported that all of last year's audit findings and recommendations had been implemented by the District. She added that District staff members were very helpful in providing support and information for the auditors. Vice Chancellor of Business Services Mike Brandy reported that the Audit & Finance Committee had reviewed the audit in detail and were pleased with the report. Trustee Bechtel commended staff for implementing all of last year's recommendations.

**Item 17**

INTRA-FUND LOAN FOR DE ANZA BOOKSTORE

Vice Chancellor of Business Services Mike Brandy explained that the transfer does not require Board approval since it is within the same fund, but he wanted the Board to be aware of it. Responding to a question from Trustee Swenson, he explained the elements from the Flint Center fund balance that gave rise to the availability of \$500,000 for the loan. President Plotkin expressed concern about the continued financial viability of the bookstores in the current competitive climate for textbooks, and said he hopes the District can be proactive in planning for future changes in the textbook market.

## **Item 18**

### APPROVAL OF ALLOCATION OF ONE-TIME DOLLARS

Vice Chancellor of Business Services Mike Brandy reviewed the proposed process and dollar allocations for the use of one-time dollars made available to the District from the 2006-07 state budget. He stated that teaching costs which are ongoing should not be funded with one-time dollars. Faculty Association President Milonas spoke in support of setting aside some money while the bargaining units explore options for improving retiree health benefits for employees hired after 1997. SEIU Chapter Chair Shelley Schreiber said that SEIU also supports that proposal. Trustee Bechtel expressed support for a \$600,000 “stability fund” to be used in times of budget uncertainty (generally January through June during challenging fiscal times that affect state funding). She asked for clarification about staffing costs, and Vice Chancellor Brandy responded that the allocations could be for temporary employees in tutorial and readiness or for full-time positions if the college or District has a multi-year plan for absorbing them into their general fund. If there were new positions to be funded, the recommendation would be presented to the Board at a subsequent meeting for approval.

<b>M/S/C:</b>	Casas Frier/Fong
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	Approved the proposed allocation of one-time dollars as outlined in Attachment A

## **Item 19**

### MEASURE E CONSENT CALENDAR

Trustee Bechtel requested that Item 19G be removed.

<b>M/S/C:</b>	Bechtel/Casas Frier
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	Approved / Ratified the Measure E Consent Calendar, A-F and H-M as follows:

- A.** *Title:* Change Order #1  
*Vendor:* Joseph J. Albanese  
*Agreement Date:* June 19, 2006  
*Campus:* Foothill College  
*Project No.:* 155  
*Project Name:* Parking Lot 5  
*Amount:* \$18,072  
*For:* Additional trenching, conduit, and irrigation sleeves; this change order represents 2.9% above the base contract amount  
*Action:* Ratification
- B.** *Title:* PAA #20 Revision #9  
*Vendor:* Perkins + Will  
*Agreement Date:* December 14, 2001  
*Campus:* Foothill College  
*Project No.:* 153  
*Project Name:* Campus Center  
*Amount:* \$1,866  
*For:* Architectural and engineering services to review a structural revision for seismic bracing attachment detail at junction of new and existing pedestrian bridge per RFI No. 933  
*Action:* Ratification
- C.** *Title:* PAA #20 Revision #10  
*Vendor:* Perkins + Will  
*Agreement Date:* December 14, 2001  
*Campus:* Foothill College  
*Project No.:* 153  
*Project Name:* Campus Center  
*Amount:* \$2,079  
*For:* Additional design and engineering services for loud speaker underground infrastructure work in exterior plaza area  
*Action:* Ratification
- D.** *Title:* Change Order #10  
*Vendor:* Trident Builders  
*Agreement Date:* February 4, 1005  
*Campus:* Foothill College  
*Project No.:* 133  
*Project Name:* Sciences II  
*Amount:* \$7,382  
*For:* Additional roof joists, new cleanout, access hatch at water heater for servicing, remove and replace existing countertops; this change order represents 3.71% above the base contract amount  
*Action:* Ratification

- E.** *Title:* Change Order #13  
*Vendor:* West Bay Builders  
*Agreement Date:* January 18, 2005  
*Campus:* Foothill College  
*Project No.:* 153  
*Project Name:* Campus Center  
*Amount:* \$7,956  
*For:* Fire Department access road improvements, door hardware revisions, and removal of existing embedded wood keyway at pedestrian bridge; this change order plus all previous change orders represent 2.4% above the base contract amount  
*Action:* Ratification
- F.** *Title:* Change Order #5  
*Vendor:* Coast Side Associates  
*Agreement Date:* March 22, 2006  
*Campus:* De Anza College  
*Project No.:* 226  
*Project Name:* Planetarium Renovation  
*Amount:* \$25,334  
*For:* Miscellaneous construction changes primarily consisting of architectural and electrical revisions; the total change orders to date represent 6% against the original contract amount  
*Action:* Ratification
- H.** *Title:* Budget Transfer #4  
*Campus:* District  
*For:* Budget Transfer #4 involves:  
a) The transfer of surplus funding from the closure of three District projects: #408 (Flint Center Elevator Modernization), #412 (Flint Center Seating Replacement) and #414 (Service Shops) to real savings that are being transferred to the overall Program Contingency;  
b) The transfer from the overall Program Contingency to supplement the budget of the following project: #416 (Roads and Parking); and  
c) The net upward revision of the Measure E Program Contingency to an amount representing 9.42% of all active projects  
*Action:* Ratification
- I.** *Title:* Agreement for Consultant Services  
*Vendor:* Allana Buick & Bers, Inc.  
*Agreement Date:* November 20, 2006  
*Campus:* De Anza College  
*Project No.:* 202  
*Project Name:* Science Center  
*Amount:* \$20,723.40  
*For:* Waterproofing and roofing consultation services  
*Action:* Ratification

- J.** *Title:* Change Order #6  
*Vendor:* Critchfield Mechanical, Inc.  
*Agreement Date:* June 6, 2006  
*Campus:* De Anza College  
*Project No.:* 276  
*Project Name:* Science Center HVAC  
*Amount:* \$122,250  
*For:* Final contract change order including miscellaneous construction changes including structural, mechanical, electrical, plumbing and drywall primarily due to conflicts with existing conditions; the total value of change orders #3 through #6 is \$312,509, representing 8.22% against the contract baseline amount  
*Action:* Ratification
- K.** *Title:* Change Order #1  
*Vendor:* Hagensen Pacific Construction, Inc.  
*Agreement Date:* September 21, 2006  
*Campus:* De Anza College  
*Project No.:* 213  
*Project Name:* Campus Center Renovation  
*Amount:* \$22,341  
*For:* Abate ceiling texture overspray in Main Lobby, Fireside Room and Servery; the total of change orders to date represents 0.4% against the original contract amount  
*Action:* Ratification
- L.** *Title:* Change Order #40  
*Vendor:* S.J. Amoroso Construction Co., Inc.  
*Agreement Date:* February 24, 2005  
*Campus:* Foothill College  
*Project No.:* 152  
*Project Name:* Lower Campus Complex  
*Amount:* \$154,765  
*For:* Additional fire alarm smoke detector devices and numerous structural and architectural changes to various buildings; this change order plus all previous change orders represents 4.50% above the base contract amount  
*Action:* Ratification

**M.** *Title:* Change Order #3  
*Vendor:* John Plane Construction, Inc.  
*Agreement Date:* April 13, 2006  
*Campus:* De Anza College  
*Project No.:* 269  
*Project Name:* A9 Modernization  
*Amount:* \$30,372  
*For:* Construction changes primarily consisting of DSA-mandated bracing and reinforcement, user requested changes for wiremold conduit, and additional outdoor lights for stairs; total change orders to date represent 3.6% against the original contract amount  
*Action:* Ratification

## **Item 19G**

### **FOOTHILL BUDGET TRANSFER #39**

Trustee Bechtel expressed concern about the proposed budget transfer and deferral of Measure E projects to fund the Foothill Lower Campus Project. She asked about lessons learned from this and other Measure E projects. Executive Director of Facilities, Operations and Construction Management John Schulze, also referencing Item 20, stated that 3-5% of the construction bid amount is considered normal for change orders, but change orders for the Lower Campus Project are estimated to accumulate to around 10%. He described ways in which the District is enhancing cost control efforts for future projects. He noted that the Request for Proposal (RFP) process for construction management firms as well as architectural design firms now requires a detailed quality assurance plan.

Vice Chancellor of Business Services Mike Brandy explained the various contingency budgets that were built into Measure E precisely for situations such as the Lower Campus Project. He said he expects that the proposed budget transfer will be able to cover currently anticipated change orders for this project. President Plotkin expressed confidence that staff is doing a diligent job and said he believes that such cost increases are built into the nature of large construction projects. He urged staff to consider the Design-Build Process as a potential tool to control costs. Vice Chancellor Brandy noted that this criteria has been incorporated into the RFP for construction management firms. Trustee Bechtel said she would vote to approve the budget transfer, albeit reluctantly, since it is critical to complete the building.

**M/S/C:** Bechtel/Derflinger  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Ratified Item 19G as follows:

- G.** *Title:* Budget Transfer #39  
*Campus:* Foothill College  
*For:* Budget Transfer #39 involves:
- a) The transfer of surplus funding from the closure or deferral of five Foothill projects: #133 (Sciences II), #141 (Radio Station), #148 (Language Arts Building 6200), #167 (Stadium Bleachers), and #171 (Central Plant) to realize savings that are being transferred to the overall Program Contingency;
  - b) The transfer from the overall Program Contingency to supplement the budgets of the following three projects: #152 (Lower Campus Complex), #153 (Campus Center) and #177 (Fire Alarm System); and
  - c) The net downward revision of the Measure E Program Contingency to an amount representing 5.42% of all active projects
- Action:* Ratification

## **Item 20**

CHANGE ORDER #41 TO CONTRACT WITH S.J. AMOROSO CONSTRUCTION COMPANY, INC. — FOOTHILL PROJECT #152, LOWER CAMPUS COMPLEX

- M/S/C:** Bechtel/Fong  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Change Order #41 to contract with S.J. Amoroso Construction Company, Inc. in the amount of \$64,521

## **Item 21**

AUTHORIZATION TO AWARD CONTRACT PURSUANT TO BID #1038-217 — DE ANZA COLLEGE FORUM MODERNIZATION

Trustee Bechtel asked about the status of change orders and the quality of work for the company's other Measure E projects. Director of Purchasing and Material Services Carmen Redmond responded that the company's work has been satisfactory. Executive Director of Facilities, Operations and Construction Management John Schulze said that change orders have been around 2% for one project at De Anza and a minimal amount for another project at Foothill.

- M/S/C:** Bechtel/Derflinger  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Authorized the District Purchasing Director to award a contract pursuant to the Base Bid Proposal amount of \$2,115,000 to the lowest responsible and responsive bidder, John Plane Construction, Inc.

## **Item 22**

AGREEMENT WITH SPENCER ASSOCIATES ARCHITECTS & PLANNERS — DE ANZA PROJECT 270, AUTOMOTIVE TECHNOLOGY (BUILDING E1)

Responding to a question from Trustee Bechtel, Executive Director of Facilities, Operations and Construction Management John Schulze responded that the firm has not worked on any other projects for the District. He explained how preparation for this project incorporated some lessons learned from other Measure E projects. Responding to a question from President Plotkin, he elucidated how the job was advertised to solicit interest from architectural firms.

**M/S/C:** Derflinger/Bechtel  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the agreement with Spencer Associates Architects & Planners in the amount of \$168,170 (9.5% of the construction budget) plus a 6%-of-fee capped lump sum for reimbursable expenses

## **Item 23**

AUTHORIZATION TO PURCHASE APPLE COMPUTERS WITHOUT ADVERTISING FOR BIDS

**M/S/C:** Casas Frier/Swenson  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Authorized the Director of Purchasing to issue a purchase order to Apple Computer, Inc. in the amount of \$66,967.94 without advertising for bids

## **DATES TO REMEMBER**

January 16, 2007 — Board Workshop and Regular Meeting

## **RECESS**

President Plotkin recessed the meeting at 7:24 p.m. in order to convene the Financing Corporation meeting. At 7:25 p.m., he re-convened the Board meeting in order to continue the closed session.

## **CLOSED SESSION**

**HEARING OF STUDENT APPEAL PURSUANT TO EDUCATION CODE SECTION 72122**

### **Executive Administrators Present:**

Mike Brandy, Vice Chancellor of Business Services  
Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity  
Martha Kanter, Chancellor  
Brian Murphy, President of De Anza College  
Penny Patz, Interim President of Foothill College

**REPORTING OUT FROM CLOSED SESSION/ADJOURNMENT**

At 7:50 p.m., President Plotkin re-convened the public session and reported that in closed session the Board voted unanimously to direct the Vice Chancellor of Human Resources and Equal Opportunity to investigate a complaint of student discrimination. He then adjourned the meeting.

jco

Approved: 1/16/07

---

Martha J. Kanter, Chancellor  
Secretary, Board of Trustees

## Attachment A

<b>Possible Split and Uses of One-Time Funds</b>		
	11/20/06 Board Meeting	12/4/06 Board Meeting
	<b>Possible Split of One-Time Funds</b>	<b>Possible Split of One-Time Funds</b>
<b>Sources of Funds:</b>		
General Purpose-Reaprr.	\$ 641,496	\$ 641,496
Gen. Pur. Trailer Bill	\$ 2,235,020	\$ 2,235,020
Equalization	\$ 4,254,804	\$ 4,254,804
05/06 ending balance c/o	\$ 2,919,541	\$ 2,919,541
Total	\$ 10,050,861	\$ 10,050,861
<b>Uses of funds</b>		
Board stability fund		\$ (600,000)
ERP backfill	\$ (1,727,000)	\$ (1,727,000)
Bridge Loan Pmt	\$ (750,000)	\$ (750,000)
<i>Note: These funds from the bridge loan would be reallocated for workstation techs at colleges to assist intallation of new computers for 3 years</i>		
Central services	\$ (1,473,861)	\$ (1,357,102)
De Anza	\$ (3,600,000)	\$ (3,314,809)
Foothill	\$ (2,500,000)	\$ (2,301,950)
Total	\$ (10,050,861)	\$ (10,050,861)