



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## **BOARD OF TRUSTEES**

**MINUTES**

**REGULAR MEETING**

**October 2, 2006**

### **CALL TO ORDER AND ROLL CALL**

President Betsy Bechtel declared a quorum was present and called the meeting to order at 5:00 p.m. in the District Board Room of the Foothill-De Anza Community College District, 12345 El Monte Road, Los Altos Hills, CA 94022.

#### **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 Chancellor's Office with the individuals listed below to discuss:

#### **STUDENT DISCIPLINE — EXPULSION**

Student ID: 10617046

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

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

#### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Position Title: Chancellor

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

Martha Kanter, Chancellor

The following items were removed from the agenda:

#### **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Name of Case: The Friends of the Griffin House v. Foothill-De Anza CCD

#### **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

**RE-CONVENE PUBLIC SESSION**

President Bechtel re-convened the public session at 6:03 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	Martha Kanter	Penny Patz
	Claudette Brero-Gow	Marsha Kelly	Hector Quinonez
	Jane Enright	Ron Levine	Carmen Redmond
	Christina Espinosa-Pieb	Sharon Luciw	Shelley Schreiber
	Marie Fox	Faith Milonas	Fred Sherman
	Robert Griffin	Judy Miner	Marisa Spatafore
	Jeanine Hawk	Brian Murphy	Paul Starer
	Lydia Hearn	Frank Nunez	
	Ken Horowitz	Jon O’Bergh	

*Press:* None

*Students:* Sarah Wiehe

<i>Public:</i>	Bill Euphrat	Brian O’Neill
	Scott Jewell	Terry Terman

**REPORTING OUT FROM CLOSED SESSION**

President Bechtel reported that the Board took action in closed session to expel a De Anza College student (student ID #10617046).

**APPROVAL OF MINUTES**

<b>M/S/C:</b>	Plotkin/Casas Frier
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	Approved the minutes of the September 11, 2006 meeting

**CORRESPONDENCE**

President Bechtel asked if there was any correspondence which should be brought to the Board’s attention. There was none.

**HEARINGS: ITEMS NOT ON THE AGENDA**

Public

There were no members of the public who wished to address the Board on items not on the agenda.

Students

Sarah Wiehe, a Foothill student and member of the Peninsula Astronomical Society, expressed hope that the Board would support funding for a new telescope and other items for the Foothill observatory.

*Staff*

Foothill instructor Ken Horowitz invited the trustees to visit the newly renovated Dental clinic, and commented on change orders and Measure E projects at Foothill. Foothill Academic Senate President Paul Starer provided an update on issues of interest for the Academic Senate in the year ahead. De Anza President Brian Murphy expressed appreciation to Trustee Casas Frier for attending the college’s Opening Day activities. He also reported that a film by instructor Eugene Rodriguez had been shown as part of a juried competition in New York. Foothill Interim President Penny Patz distributed a brochure produced by the Puente Project and announced that Metro newspaper had named KFJC as “Best College Radio Station.”

Chancellor Martha Kanter welcomed Vice Chancellor of Technology Fred Sherman. She reported on the Opening Day activities at the colleges and thanked everyone who helped with the District Opening Day program. She announced an October 16 Energy Summit with Senator Dianne Feinstein sponsored by Silicon Valley Leadership Group. Lastly, she reported that applications for the Citizens’ Oversight Committee were received and are being reviewed by her, President Bechtel and Trustee Casas Frier, and that she will bring the recommendation for appointments to the Committee at the October 16 Board meeting.

*Trustees*

Trustee Fong congratulated Trustee Casas Frier for the article published by FACCC which she co-wrote with former Faculty Association President Rich Hansen on immigrant students. Trustee Plotkin reported on the recent meeting of the Santa Clara County Health Benefits Coalition, noting that 13 agencies are now participating. He reported on his attendance at a conference on public domain at which Foothill-De Anza was the only represented community college district. He noted that he will ask the chancellor to follow up on how the District might participate in this burgeoning field. President Bechtel commended the Foundation on its recent fundraising outreach to alumni.

**APPROVAL OF CONSENT CALENDAR**

**M/S/C:** Fong/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified Items 1-7 of the Consent Calendar as follows:

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

**Item 2** — **Ratified** B WARRANTS GREATER THAN \$5,000 FOR JULY AND AUGUST 2006

**Item 3** — **Approved** SALE OF MISCELLANEOUS SURPLUS DISTRICT ELECTRONIC EQUIPMENT —  
Made a finding that the property does not exceed \$5,000 in value and authorized the Director of Purchasing Services to sell the items in accordance with Education Code 81452(a)

**Item 4** — **Approved** PROFESSIONAL PERSONNEL LEASING CONTRACT FOR BERNADINE CHUCK FONG — for the purpose of assisting in Krause Center for Innovation fundraising campaign and 50th Anniversary planning, events and publications, in the amount of \$23,707.82

**Item 5** — **Approved** CONTRACT WITH ACADEMIC SEARCH, INC. FOR FOOTHILL PRESIDENT SEARCH — in the amount of \$65,000 plus travel and related expenses

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

*Name:* **Katherine Adams**  
*Position:* Counselor  
*College:* Foothill  
*Division:* Counseling  
*Action:* **Resignation for the Purpose of Retirement**  
*Effective Date:* December 15, 2006  
*Comments:* In accordance with Article 19 and Article 20 of the *Agreement* between the District and the Faculty Association  
*Note:* Corrects Board action item of July 10, 2006

*Name:* **Marisa Spatafore**  
*Position:* Director, Marketing, Communications and Development  
*College:* De Anza  
*Division:* Finance and College Services  
*Action:* **Employment**  
*Effective Date:* October 9, 2006  
*Compensation:* Level I, Step 1 @ 8,058.94 per month

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

## **Item 8**

ISSUANCE OF \$25 MILLION IN CERTIFICATES OF PARTICIPATION

Vice Chancellor of Business Services Mike Brandy presented an overview of the proposed certificates of participation. He explained that Series A, in the amount of \$9.8 million, will provide partial financing for previously approved projects at both colleges' campus centers as well as fixtures for the Foothill Bookstore, and Series B, in the amount of \$14 million, will serve as short-term bridge financing for several critical Measure C projects at both colleges. Responding to a question from Trustee Swenson, Vice Chancellor Brandy explained that the County is collecting the bond tax and will hold the money in escrow until pending litigation regarding the bond is resolved. In reply to a question from Trustee Casas Frier about the Measure C bridge financing, he pointed out that the chief concern is the risk of inflation if projects are delayed; he also emphasized the importance of moving forward now to be able to open the campus centers and complete critical projects by Fall 2007 in time for Fall Quarter classes to begin. Faculty Association President Faith Milonas cited a concern about the time and attention directed to building projects and urged that the Board keep the "human factor" in mind.

**M/S/C:** Plotkin/Swenson  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Resolution #2006-27 authorizing the issuance of \$25 million of Certificates of Participation

## **Item 9**

### MEASURE E CONSENT CALENDAR

President Bechtel pointed out that the change orders for the Lower Campus Complex project at Foothill amount to 3.8% of the total contract amount, which is still below the typical percentage for construction projects.

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

- A.** *Title:* Change Order #3  
*Vendor:* Trident Builders, Inc.  
*Agreement Date:* November 8, 2005  
*Campus:* De Anza College  
*Project No.:* 210  
*Project Name:* Administration Building Renovation  
*Amount:* \$2,483  
*For:* Add power outlet with dedicated circuit in Mailroom 111; this change order and previous change orders represent 1% above the base contract amount  
*Action:* Ratification
- B.** *Title:* Change Order #1  
*Vendor:* TE Schmidt & Sons, Inc.  
*Agreement Date:* May 26, 2006  
*Campus:* De Anza College  
*Project No.:* 234  
*Project Name:* Athletic Fields Scoreboards and Tennis Wall  
*Amount:* \$6,249  
*For:* Additional work due to scoreboards relocation; this change order presents 12.8% of this contract  
*Action:* Ratification
- C.** *Title:* Change Order #1  
*Vendor:* Joseph J. Albanese, Inc.  
*Agreement Date:* July 25, 2006  
*Campus:* De Anza College  
*Project No.:* 208  
*Project Name:* Campus Entries  
*Amount:* \$4,200  
*For:* Vehicle detection camera system at Mary Avenue exit  
*Action:* Ratification

- D.** *Title:* Revision #2 to Standard Form of Agreement  
*Vendor:* DES Architects & Engineers, Inc.  
*Agreement Date:* January 17, 2006  
*Campus:* De Anza College  
*Project No.:* 209  
*Project Name:* Visual & Performing Arts Center  
*Amount:* \$18,500  
*For:* Provide design services for the electrical service upgrade to meet the power requirements for the new equipment in the central plant  
*Action:* Ratification
- E.** *Title:* Change Order #10  
*Vendor:* Aztec Consultants  
*Agreement Date:* June 28, 2005  
*Campus:* Foothill College  
*Project No.:* 146  
*Project Name:* Fieldhouse & Restrooms  
*Amount:* \$29,438  
*For:* Addition of storm drain piping and associated manholes, potholing, asphalt trench paving, obstruction removal, and spoils removal. Also includes credit for door frame and hardware modifications performed by the District at the Fieldhouse; this change order and previous change orders represents 6.75% above the contract amount.  
*Action:* Ratification
- F.** *Title:* Change Order #37  
*Vendor:* S.J. Amoroso Construction Co., Inc.  
*Agreement Date:* February 24, 2005  
*Campus:* Foothill College  
*Project No.:* 152  
*Project Name:* Lower Campus Complex  
*Amount:* \$116,245  
*For:* Modification and added water proofing to expansion joints from C.5 to E.5 and stair #2 at building 7100; revised site retaining wall from Type 6 to Type 9 wall at paddock area; repair and modify waterproofing membrane WP-1 to accommodate added brick ledge supports; added soffit to conceal conduits between rooms 7703/7704 and 7707/7708 for 3<sup>rd</sup> floor building 7500; this change order and previous change orders represents 3.8% above the contract amount  
*Action:* Ratification

**G.** *Title:* Change Order #10  
*Vendor:* West Bay Builders  
*Agreement Date:* January 18, 2005  
*Campus:* Foothill College  
*Project No.:* 153  
*Project Name:* Campus Center  
*Amount:* \$58,393  
*For:* This revision is for various electrical and architectural revisions; electrical revisions include motorized shade wiring, power to air handler at bridge elevator, and power for lighting control panels; architectural revisions include structural supports for the motor control center, ceiling revisions and structural roof brackets; this change order and previous change orders represents 1.17% above the base contract amount  
*Action:* Ratification

**H.** *Title:* Professional Personnel Leasing Contract for Bernadine Chuck Fong – Measure E Implementation  
*Agreement Date:* October 1, 2006 – June 7, 2007  
*Campus:* Foothill College  
*Amount:* \$24,769.36  
*For:* Meet and confer with the architects and campus personnel regarding Measure E implementation: assist in accuracy of concept implementation in construction of the Campus Center, Life Sciences building, Student Services building, Lohman Theater, General Classroom buildings, Roof top gardens, Landscape and design and implementation of lower campus and campus entrance  
*Action:* Approval

**Item 10**

**APPROVAL OF RETAINER AGREEMENT FOR LEGAL SERVICES WITH JARET & JARET, ATTORNEYS AT LAW**

**M/S/C:** Fong/Diaz  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the retainer agreement for legal services with Jaret & Jaret, Attorneys at Law

**DATES TO REMEMBER**

October 16, 2006 — Regular Meeting

**ADJOURNMENT**

President Bechtel adjourned the meeting at 6:50 p.m.

jco  
Approved: 10/16/06

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Martha J. Kanter, Chancellor  
Secretary, Board of Trustees