



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

April 2, 2007

CALL TO ORDER AND ROLL CALL

President Hal Plotkin declared a quorum was present and called the meeting to order at 3:00 p.m. in Appreciation Hall at Foothill College, 12345 El Monte Road, Los Altos Hills, CA 94022.

Trustees Present:

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

for Public Session

Joseph Derflinger, De Anza College Student Trustee (arrived late)
Adrian Diaz, Foothill College Student Trustee

President Plotkin 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>	Charles Allen	Robert Griffin	Jon O'Bergh
	Gina Bailey	Jeanine Hawk	Penny Patz
	Becky Bartindale	Lydia Hearn	Carmen Redmond
	Mike Brandy	Martha Kanter	Shelley Schreiber
	Claudette Brero-Gow	Marsha Kelly	Fred Sherman
	Cindy Castillo	Judy Miner	Bernata Slater
	Jane Enright	Brian Murphy	Marisa Spatafore
	Christina Espinosa-Pieb	Rose Myers	Paul Starer
	Marie Fox Ellison	Frank Nunez	

Press: None

Students: None

Public: Steve Aced
Jonathan Baer
Terry Terman
Chris Wasney

APPROVAL OF MINUTES

President Plotkin pointed out that a copy of the third page of the March 12, 2007 draft minutes were distributed at each trustee's seat since that page was missing from the agenda packet.

M/S/C: Bechtel/Diaz
Advisory vote: 1 yes (Derflinger not present)
Board vote: unanimous
Action: Approved the minutes of the March 5, 2007 and March 12, 2007 meetings

FOUNDATION BOARD REPORT

Trustee Casas Frier reported that newly hired Foundation Associate Director Laura Woodworth was introduced to the Foundation Board at its recent meeting. She announced that the Foothill Summer Gala would be held July 29.

CORRESPONDENCE

President Plotkin asked if there was any correspondence which should be brought to the Board's attention. He noted that the Board had received communication from the public regarding project labor agreements.

HEARINGS: ITEMS NOT ON THE AGENDA

Public

League of Women Voters representative Terry Terman noted that the *Mountain View Voice* published an article and two op-eds regarding the Board's consideration of project labor agreements.

Students

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

Staff

Foothill Interim President Penny Patz distributed the President's Monthly Report and two new college brochures. She announced that the college would be sponsoring a series of events throughout April in honor of Asian/Pacific Islander Heritage Month. She also reported that college and District administrative staff were holding meetings with the Town of Los Altos Hills to keep the town apprised of the revised facilities master plan, loop road plans and related matters. De Anza President Brian Murphy distributed the case statement for the planned Visual and Performing Arts Center.

Chancellor Martha Kanter noted that former trustee Pitch Johnson would be honored with Stanford University's Golden Spike Award, and she announced that his family recently made a generous \$500,000 gift for De Anza's Visual and Performing Arts Center. She announced three upcoming events: a Legacy Circle luncheon sponsored by the Foundation on April 11, a forum for local legislators and community colleges on April 13, and a May 9 policy seminar on quality and affordability in California's community colleges sponsored by the Community College Leadership Development Initiative and the District. She also reported that Jane Reed and King Lear, both formerly active in the Foothill-De Anza Foundation, will be honored by the Los Altos Community Foundation with John Gardner leadership awards.

At 3:15 p.m., De Anza student trustee Joseph Derflinger arrived.

Trustees

Trustee Casas Frier reported that she attended a meeting of the Foothill Commission at which a presentation was given on "Math My Way," a program developed by several Foothill faculty

members to help students in need of basic math skills. She also reported that she attended a meeting with Assemblymember Ira Ruskin and students from the De Anza Environmental Studies program as well as an event sponsored by the Asian Pacific American Leadership Institute held in Cupertino.

Trustee Swenson reported that he attended the forum on Student Mental Health co-sponsored by the District on March 23. President Plotkin and Trustee Casas Frier reported that they also attended the forum. President Plotkin noted that he and Chancellor Kanter will attend on April 17 a legislative higher education hearing on AB 577, the bill sponsored by Assemblymember Ruskin to establish a pilot project in which Foothill-De Anza would be a statewide resource for open educational resources. He also reported that a retired Silicon Valley entrepreneur who recently developed an on-line geometry textbook had contacted him after noticing the District's interest in open educational resources. Lastly, he reported that Chancellor Kanter and Director of De Anza's High Tech Center Training Unit Carl Brown participated in a meeting sponsored by Rice University and the Hewlett Foundation at which they discussed the need to make open educational resources ADA-compliant across the nation.

APPROVAL OF CONSENT CALENDAR

President Plotkin noted a correction to Item 13, Personnel, in which Craig Norman's division should be listed as Language Arts.

M/S/C: Fong/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified Items 1-15 of the Consent Calendar as follows:

Item 1 — **Ratified** CONTRACTS AND AGREEMENTS

Item 2 — **Ratified** WIRE TRANSFERS GREATER THAN \$5,000 FOR FEBRUARY 2007

Item 3 — **Approved** SALE OF MISCELLANEOUS DISTRICT SURPLUS ELECTRONIC EQUIPMENT

Made a finding that the District no longer needs the electronic equipment because it is obsolete and not suitable for school use and authorized the Director of Purchasing Services to sell the items in accordance with Education Code 81450(a)

Item 4 — **Approved** SALE OF MISCELLANEOUS SURPLUS DISTRICT ATHLETIC 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 5 — **Approved** SALE OF MISCELLANEOUS SURPLUS DISTRICT MICROWAVES, REFRIGERATORS AND WASHING MACHINE
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 6 — **Approved** SALE OF MISCELLANEOUS SURPLUS DISTRICT LAB EQUIPMENT, X-RAY, LIGHTBOX, COMPRESSOR, ULTRASOUND MACHINE, AND HOSPITAL BED
 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 7 — **Approved** SALE OF MISCELLANEOUS SURPLUS DISTRICT ELECTRIC KILN, DRY HEAT OVEN, AND MAILING MACHINE
 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 8 — **Approved** AGREEMENT WITH CUPERTINO UNION SCHOOL DISTRICT FOR EXTENDED YEAR SUMMER PROGRAM 2007

Item 9 — **Approved** AGREEMENT WITH PENINSULA HAVURAH HIGH HEBREW PROGRAM

Item 10 — **Approved** AGREEMENT WITH SAN JOSE MERCURY NEWS FOR ADVERTISING SERVICES IN AN AMOUNT NOT TO EXCEED \$200,000

Item 11 — **Approved** CONTRACTS FOR CELEBRITY FORUM

Item 12 — **Approved** STUDENT SALARY SCHEDULE INCREASE EFFECTIVE JANUARY 1, 2008

	<u>Step 1</u>	<u>Step 2</u>		
Level I	\$8.00	\$8.75	entry/trainee level	
Level II	10.00	10.75	intermediate level	
Level III	12.00	12.75	specialist level	
Level IV	14.00	14.75	technical/specialized level	

Item 13 — **Approved** PERSONNEL ACTIONS:

Name: **Daniel Atencio**
Position: Head Football Coach/Physical Education Instructor
College: De Anza
Division: Physical Education and Athletics
Action: **Employment**
Effective Date: April 9, 2007 *# of months:* 10
Compensation: Column III Step E @ \$6,528.43 per month

Name: **Linda Choi**
Position: ESL Instructor
College: De Anza
Division: Language Arts
Action: **Employment**
Effective Date: September 20, 2007 *# of months:* 10
Compensation: Column II Step I @ \$7,321.94 per month

Name: **Barak Goldman**
Position: Film/TV Screenwriting Instructor
College: De Anza
Division: Creative Arts
Action: **Employment**
Effective Date: September 20, 2007 # of months: 10
Compensation: Column IV Step A @ \$5,734.92 per month

Name: **Roger Letson**
Position: Instructor
College: De Anza
Division: Creative Arts
Action: **Resignation for the purpose of retirement**
Effective Date: June 30, 2007
Comments: In accordance with Article 19 of the *Agreement* between the District and the Faculty Association

Name: **Julie Madigan**
Position: Instructor
College: De Anza
Division: Language Arts
Action: **Adjustment of leave of absence to 67.5%**
Effective Date: April 9, 2007 - June 29, 2007

Name: **Jose Menendez**
Position: Director
College: De Anza
Division: Printing Services
Action: **Approval of two-year contract at 100%**
Effective Date: July 1, 2007 - June 30, 2009
Comments: Corrects Board action item of March 5, 2007

Name: **Craig Norman**
Position: ESL Instructor
College: De Anza
Division: Language Arts
Action: **Employment** # of months: 10
Effective Date: September 20, 2007
Compensation: Column V Step A @ \$5,999.42 per month

Name: **Fred Sherman**
Position: Vice Chancellor, Technology
College: Central Services
Division: Educational Technology Services
Action: **Second one-year employment contract** # of months: 12
Effective Date: July 1, 2007
Comments: In accordance with Chapter 3 of the Administrator's Handbook

Item 14 — Approved HUMAN RESOURCES REPORT

Item 15 — **Approved** PROFESSIONAL DEVELOPMENT LEAVE REPORTS FOR THE FOLLOWING:
Katherine Adams, Susan Bruch, Catie Cadge-Moore, Beatrix J. Cashmore, Alicia, M. Cortez, Dave Denny, Jeffrey Forman, Beth Grobman, Meredith Heiser, Truly A. Hunter, Barbara Illowsky, Gloria Jean Klint, Scott Lankford, Kent Manske, Lisa Markus, Natalia Menendez, Rupinder Sekhon, Angel Sierra, Kristin Skager, Phyllis Spragge, William Turner, Sandra Watkins, Rita Wong

Item 16

CCCT BOARD OF DIRECTORS ELECTION

Trustee Bechtel, noting that there were ten incumbents but none of them represented Northern California, proposed that the Board cast a vote for Bill McMillin in place of incumbent Charles Hayden. Trustee Fong expressed his support for her proposal. President Plotkin instructed each trustee to mark his or her ballot and pass the ballots to the Board Secretary, who was asked to tabulate the results onto one ballot to be returned to the Community College League of California and report the results in future correspondence with the Board.

Item 17

ANNUAL REVIEW OF BOARD POLICY 9110.1: NUMBER OF STUDENT TRUSTEES; TERM OF OFFICE; RIGHTS

Chancellor Kanter proposed one change in Administrative Procedure 9110.1: rather than requiring that the student trustees meet with the college president prior to each regularly scheduled Board meeting, which can be difficult to arrange, that they communicate on a regular basis with the college president. Student trustees Derflinger and Diaz concurred. Trustee Bechtel pointed out the need to correct the paragraph numbering in section 1. No changes were proposed for the policy. Both the policy and revised administrative procedure will be presented for approval at the next meeting.

Item 18

FIRST REVIEW OF THE 2007-08 OPERATING BUDGET

Vice Chancellor of Business Services Mike Brandy presented preliminary information regarding the 2007-08 operating budget. He noted that the District does not expect one-time dollars from the state this year, and growth is expected to be flat. If enrollment weakens further in spring quarter, the projections may need to be changed. At the moment, a positive difference of \$2.6 million is projected between revenues and expenses.

Item 19

AWARD OF CONTRACT PURSUANT TO BID #945-1072 — CAMPUS CENTER BOOKSTORE FIXTURES, FOOTHILL COLLEGE

Director of Purchasing and Material Services Carmen Redmond explained that the bid protest from Bailly Showcase and Fixture Company had been evaluated and reviewed by legal counsel. Although Fon-Seca Cabinet and Fixture Company, as a sole proprietor without regular employees, does not have evidence of workers' compensation insurance regularly on file with the state, it has been determined that, before proceeding with any work, Fon-Seca would be required to show the District evidence of such insurance. Ms. Redmond investigated the company's references and is confident that Fon-Seca would be able to do a good job. For these reasons, she recommended that the Board deny the bid protest. Trustee Bechtel made a motion to approve Item 19, which Trustee Casas Frier

amended with the understanding that evidence of workers' compensation insurance for Fon-Seca would be addressed according to the District's usual practice.

- M/S/C:** Casas Frier/Diaz
Advisory vote: 2 yes
Board vote: unanimous
Action:
- 1) Denied the bid protest submitted by Bailly Showcase and Fixture Company, and
 - 2) Authorized the Director of Purchasing Services to award a contract in the amount of \$178,770 for the Base Bid Proposal to the lowest responsible and responsive bidder, Fon-Seca Cabinet and Fixture Company, with the understanding that evidence of the company's workers' compensation insurance would be addressed according to the District's usual practice

As two members of the public were waiting to address Item 23, President Plotkin, hearing no objections, advanced Item 23 on the agenda.

Item 23

REPORT ON TOUR OF HISTORICAL HOUSES

Friends of the Griffin House members Steve Aced and Jonathan Baer gave a report on the tour they organized of five restored historical houses. Accompanying them on the tour were Trustees Fong and Swenson; Vice Chancellor Brandy; Executive Director of Facilities, Operations and Construction Management Charles Allen; and a representative from the architectural firm Cody Anderson Wasney. Trustee Swenson shared his thoughts from the tour, pointing out how the restorations resulted in beautiful, iconic buildings, how employees enjoyed working in those places, and how such restoration maintains good community relations. He expressed concern about the expense and building requirements that would be involved in restoring the Griffin House, a situation that is not easily comparable to each of the five houses they visited. He stressed the importance of considering how maintenance would be more costly and complicated; how efficiently the space would meet the needs of whatever programs could be located in the building; and how the building is apart from the rest of the campus and might be moved to a more visible location.

Trustee Swenson also asked whether replacing so much of the building would result in a replica rather than an authentic historic house. Mr. Baer responded that using the same or "sympathetic" materials to replace deteriorated portions would not devalue the building's historic aspect. Cody Anderson Wasney architect Chris Wasney discussed what kind of restoration is generally acceptable to the preservation community: e.g., reinforcement for earthquake stability, or new roofing and materials to provide water protection. He explained the difference between "adaptive re-use," which would more accurately describe the kind of work expected for the Griffin House, and actual "restoration," which has a different standard.

Trustee Fong shared his thoughts about the tour, echoing Trustee Swenson's comment about beautiful, iconic buildings, but he also expressed concern about the cost. Responding to a question from Trustee Bechtel, Vice Chancellor Brandy said that the design charrette would include Mr. Aced and Mr. Baer, a representative from the State Historical Society, user representatives from various Central Services departments, and would be moderated by architects from Cody Anderson Wasney.

Chancellor Kanter asked how the absence of original interior materials would be addressed. Mr. Wasney explained that preservation work is primarily concerned with building exteriors. If evidence of the original interior (such as photographs) exists, it would be possible to try to match the evidence, but re-creating general period design, which he termed “false historicism,” is not permitted. He also discussed the conflicts and congruencies between sustainability and preservation.

President Plotkin thanked Mr. Aced and Mr. Baer for organizing the tour and said he is eager to consider the viability of preserving the Griffin House. League of Women Voters representative Terry Terman asked about the judicial decision in the Friends of the Griffin House v. Foothill-De Anza lawsuit. Vice Chancellor Brandy explained that the District was challenged on the adequacy of its CEQA analysis to justify demolition and therefore must go through a new CEQA process. If, at the end of the process, the District is interested in demolishing the building, then the matter must go back before the court.

Item 20

MEASURE E CONSENT CALENDAR

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

- A.** *Title:* Revision #5 to PO #M251155
Vendor: Sandis Humber Jones
Agreement Date: May 28, 2002
Campus: De Anza College
Project No.: 208
Project Name: Campus Entries
Amount: \$950
For: Additional design services for landscaping & irrigation as requested by the college
Action: Ratification
- B.** *Title:* Revision #1 to Project Assignment Amendment #F16
Vendor: Allana Buick + Bers
Agreement Date: June 6, 2006
Campus: Foothill College
Project No.: 133
Project Name: Sciences II
Amount: \$3,079
For: Additional construction monitoring required for Buildings 5300 and 6100 due to delay of project completion date by the general contractor
Action: Ratification

- C.** *Title:* Independent Consultant Agreement (ICA)
Vendor: Callander & Associates Landscape Architects, Inc.
Agreement Date: March 1, 2007
Campus: Foothill Campus
Project No.: 120
Project Name: Stadium
Amount: \$19,963
For: Provide an existing conditions analysis of the Practice Field, design documents for scope schedule and cost to revise grades increase field slop), irrigation system and soil amendment program to promote long-term serviceability of planted materials; scope of work includes estimate of probable construction cost, to design meetings and construction administration
Action: Ratification
- D.** *Title:* Revision #8 to Project Assignment Amendment #F1
Vendor: DES Architects + Engineers, Inc.
Agreement Date: May 19, 2004
Campus: Foothill Campus
Project No.: 117
Project Name: Administration
Amount: \$8,790
For: Cover design effort required to remove the existing HVAC unit from Administration building roof and install a new unit in an existing exterior electrical closet adjacent to the telecom room due to general contractor error. General contractor will be back charged this amount.
Action: Ratification
- E.** *Title:* Change Order #3 – FINAL
Vendor: Joseph J. Albanese
Agreement Date: September 27, 2006
Campus: Foothill College
Project No.: 416
Project Name: District Parking Lot
Amount: (\$1,882)
For: Deductive change order for non-installation of one hose bib and associated plumbing materials and labor at the electric gate location; the general contractor did not install the plumbing and District maintenance has determined it is not required; this change order plus all previous change orders represents 1.9% above the base contract amount
Action: Ratification

- F.** *Title:* Change Order #11
Vendor: O. C. Jones & Sons
Agreement Date: November 18, 2004
Campus: Foothill College
Project No.: 120
Project Name: Stadium
Amount: \$40,000
For: Resolution of disputes and design deficiencies associated with the initial work of the Practice Field; this change order plus all previous change orders represents 16.8% above the base contract amount
Action: Ratification
- G.** *Title:* Change Order #47
Vendor: S. J. Amoroso Construction Co., Inc.
Agreement Date: February 24, 2005
Campus: Foothill College
Project No.: 152
Project Name: Lower Campus Complex
Amount: \$71,596
For: Miscellaneous plumbing changes, framing, structural modifications, added waterproofing, drain line for utility vault and handrails changes; this change order plus all previous change orders represents 5.7% above the base contract amount
Action: Ratification
- H.** *Title:* Project Assignment Amendment #F-01 to Agreement
Vendor: The Tiburon Group, LLC
Agreement Date: February 13, 2007
Campus: Foothill College
Project No.: 152
Project Name: Lower Campus Complex
Amount: \$15,000
For: Construction schedule review and analysis services
Action: Ratification
- I.** *Title:* Project Assignment Amendment #F-02 to Agreement
Vendor: The Tiburon Group, LLC
Agreement Date: February 13, 2007
Campus: Foothill College
Project No.: 153
Project Name: Campus Center
Amount: \$15,000
For: Construction scheduled review and analysis services
Action: Ratification

- J.** *Title:* Change Order #18
Vendor: West Bay Builders
Agreement Date: January 18, 2005
Campus: Foothill College
Project No.: 153
Project Name: Campus Center
Amount: \$94,393
For: Installing an acoustical ceiling in the bookstore to cover exposed piping and ductwork, installing a second layer of sheetrock at the second floor of both buildings to satisfy DSA comments, modifications to the structural steel mechanical platforms, a starter course of cedar shims along the roof gutters to accommodate structural steel straps, and miscellaneous electrical revisions; this change order plus all previous change orders represents 4.4% above the base contract amount
Action: Ratification
- K.** *Title:* Change Order #8
Vendor: Hagensen Pacific Construction, Inc.
Agreement Date: September 21, 2006
Campus: De Anza College
Project No.: 213
Project Name: Campus Center Renovation
Amount: \$9,237
For: Miscellaneous construction changes including upper level fire rated rollup doors and ATM wiring location; the total change orders to date represents 5.97% against the original contract amount
Action: Ratification

Item 21

LIST OF GENERAL CONTRACTORS PRE-QUALIFIED TO BID ON THE DE ANZA COLLEGE PERFORMANCE HALL PROJECT (AKA VISUAL AND PERFORMING ARTS CENTER)

Trustee Bechtel asked about problems experienced with John Plane Construction Company on previous jobs. Vice Chancellor Brandy responded that the legally proscribed pre-qualification process explicitly sets forth the kind of information that can be considered, and the District's past experience with a contractor is not one of the criteria. He emphasized that John Plane successfully met all of the criteria in the pre-qualification process. Director of Purchasing and Material Services Carmen Redmond added that there is a specific legal threshold and clear statutory process to disqualify a contractor on a particular bid. Director of Construction Program Management Claudette Brero-Gow confirmed that all of the contractors on the submitted list met the criteria of the reference checking.

M/S/C: Swenson/Derflinger
Advisory vote: 2 yes
Board vote: unanimous
Action: Accepted the following list of four general contractors who met all of the pre-qualification requirements as the only contractors who are “pre-qualified” to bid as prime contractors on the De Anza College Performance Hall (Visual and Performing Arts Center) project:
S. J. Amoroso Construction
John Plane Construction
Swenson & Associates
West Coast Contractors

Item 22

MEASURE C CONSENT CALENDAR

M/S/C: Bechtel/Casas Frier
Advisory vote: 2 yes
Board vote: unanimous
Action: Ratified the Measure C Consent Calendar, item A as follows:

- A.** *Title:* Standard Form of Agreement
Vendor: Consolidated Engineering Laboratories
Agreement Date: March 21, 2007
Campus: De Anza College
Project No.: 766-263
Project Name: Swing Space Project
Amount: \$4,197.25
For: Professional services related to construction material testing and special inspection services
Action: Ratification

DATES TO REMEMBER

April 30, 2007 — Audit & Finance Committee Meeting
April 30, 2007 — Regular Meeting

CLOSED SESSION

At 4:57 p.m., the Board adjourned into closed session in Room 1405 with the individuals listed below to discuss:

PUBLIC EMPLOYMENT

Position Title: President, Foothill College
Position Title: Vice Chancellor of Business Services
Position Title: Vice Chancellor of Human Resources and Equal Opportunity

Executive Administrators Present:

Martha Kanter, Chancellor
Rose Myers, Vice President of Student Development and Instruction, Foothill College

CONFERENCE WITH LABOR NEGOTIATOR

District Negotiator: Jane Enright
Employee Organizations: All Represented and Unrepresented Groups

STUDENT DISCIPLINE

Student ID Number: 11207499

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
Fred Sherman, Vice Chancellor of Technology

RE-CONVENE PUBLIC SESSION

President Plotkin re-convened the public session at 6:03 p.m. in Appreciation Hall. The following staff, press, students and members of the public were present:

Staff: Charles Allen Marie Fox Ellison Frank Nunez
Becky Bartindale Kurt Hueg Jon O’Bergh
Mike Brandy Martha Kanter Penny Patz
Claudette Brero-Gow Marsha Kelly Carmen Redmond
Jane Enright Judy Miner Fred Sherman
Christina Espinosa-Pieb Brian Murphy Marisa Spatafore

Press: Gene Hopkins

Students: Jordan Eldridge

Public: Danilo Acevedes Albert Eydam Carlos Lujan Rex Stevens
Enrique Anavello Nancy Ferguson Elfida Lujan Susie Sherar
Luis Arguello Don Fraser Rick Mangan Hugo Solis
Emilio Avila Richard Furtado Charles Marlin Willie Solis
Elias Barajas Adrian G. Adrian Martinez Warner Strang
Bernardo Barrera Josue Garcia James McCabe Neil Struthers
Karl Baumheckel Juan Garza Dennis Meakins Don Tallinia
Bill Becker Vic Giacalone Ben Navarro Terry Terman
Al Bonilla Nicole Goehring Connie Norlander Ken Treadwell
Ed Calonje Steve Havens Paul Oller Fred Vela
Rudy Carrasco John Perez Hernandez Mike Pence Sal Ventura
Chris Coatsworth Luis Herrog Dave Peterson Luke Vratny
Tad Coatsworth James Hewett Thomas Pond Jennifer Wootten
David Collins Fred Hirsch Zachary Posmoga Jerry Zamora
Steve Cowan Lam Hong Rick Radonich Gilbert Zapata
Keith De Filippis Don Kathka Ric Reyes Felipe Zepeda
Mario Delgado Jim Klingensmith Dave Rood
Don DeWitt Armando Lamas Bob Seaberg
Theresa Engquist Ozzie Lee David Segura
Orlin Erickson Robert Lomori Mario Sergara

REPORTING OUT FROM CLOSED SESSION

President Plotkin reported that the Board took action in closed session to expel a student.

Item 24

EMPLOYMENT: PRESIDENT, Foothill College

Chancellor Kanter shared background on Judy C. Miner and acknowledged the excellent work of the search committee chaired by Foothill Vice President Rose Myers.

M/S/C:	Swenson/Casas Frier
Advisory vote:	2 yes
Board vote:	unanimous
Action:	Approved the employment of Judy C. Miner as President of Foothill College effective July 1, 2007 at an annual salary of \$14,122.31 per month

Trustees Bechtel, Fong, Casas Frier, Plotkin, Swenson and Student Trustee Diaz each congratulated Dr. Miner. President Plotkin invited Dr. Miner to speak, and she shared a few words of appreciation.

Item 25

PROJECT LABOR AGREEMENTS

Vice Chancellor Brandy noted that the purpose of this agenda item was for members of the public to express their perceptions about project labor agreements and for the Board to provide direction to staff on how to proceed in preparation for the April 30 meeting. Neil Struthers, CEO of the Santa Clara and San Benito Counties Building and Construction Trades Council, presented information regarding project labor agreements (PLAs), speaking about their strengths and rebutting common criticisms.

Speaking in opposition to PLAs and characterizing them as non-competitive, discriminatory and too costly were Nicole Goehring, government affairs director for the Golden Gate Chapter of Associated Builders and Contractors; local contractor Connie Norlander; community member Keith Di Filippis; and Bill Becker, member of the Silicon Valley Taxpayers' Association.

Speaking in support of PLAs were contractors Theresa Engquist (owner of Andy's Roofing), Vic Giacalone (owner of Best Electrical Company), Armando Lamas (president of S.J. General Building Maintenance), Robert Lomori (owner of White Oak Plumbing), Jamie McCabe (president of J. McCabe Plumbing), Mike Pence, Tom Pond, Rick Radonich (president of Cal Coast Telecom), Ken Treadwell and Phil Yanez; Local 393 plumbers Bernardo Barrera, Karl Baumheckel, Ozzie Lee, Adrian Martinez, and Gilbert Zapata; retired Local 393 plumber Fred Hirsch; sheet metal worker Hugo Solis; Local 405 carpenters Susie Sherar, Rex Stevens and Jennifer Wootten; Juan Garza, formerly with the California Labor Commission and representing the Joint Electrical Industry Board of Santa Clara County; Josue Garcia of the Santa Clara and San Benito Counties Building and Construction Trades Council; and Fred Vela. They spoke about how PLAs ensure pension and health benefits for workers, support training for the apprenticeship programs, ensure quality of work, and level the playing field for contractors. Warner Strang, representing construction management company 3D/International, spoke of the positive experience of the County of Santa Clara with PLAs. Ric Reyes, bond program manager for the Eastside Union High School District, spoke about the district's positive experience with PLAs.

Trustee Bechtel thanked all of the speakers. She said she had reviewed all of the materials and spoken with a contact in the construction field, and after hearing today's testimony wished to support PLAs. She cited how they level the playing field, ensure quality, provide benefits for workers and prevent strikes. She said she would like to know more about how the Construction Careers apprenticeship program would work. Trustee Fong agreed with Trustee Bechtel's comments, adding that he had spoken with contacts at local community colleges and learned about their positive experience with PLAs. Trustee Casas Frier thanked all of the speakers as well, saying she had reviewed the materials, listened to the testimony, and concluded that PLAs are worth supporting. She highlighted the importance of a qualified, educated workforce and echoed Trustee Bechtel's interest in learning more information about the apprenticeship program. She asked what would happen if PLAs are so widespread that not enough workers are available. Mr. Struthers responded that there would not be a problem attracting sufficient workers because of the state's strong wages and positive construction climate. Trustee Swenson expressed support for PLAs on large projects but questioned the advantage for small projects, adding that he is concerned about attracting enough bidders if there is an added burden on smaller bids. He noted that the study referenced by Mr. Struthers shows that PLAs are advantageous for projects sized in the range of \$5-\$10 million and larger. Mr. Struthers indicated that this would be a negotiable part of the agreement. Student Trustee Derflinger also thanked the speakers and indicated he would support PLAs as an investment in the community.

President Plotkin noted that the Board is clearly interested in entering into negotiations with the Building and Construction Trades Council to develop a project labor agreement. He then asked about the timeline and requested more information about how the apprenticeship program would operate. Responding to the question about a timeline, Vice Chancellor Brandy said that the District would develop a timeline showing the areas of focus for the negotiation process, which could be presented for Board action on April 30. Chancellor Kanter said she will obtain more information regarding the Construction Careers Program at San Jose City College and whether a similar program can be developed for the District. President Plotkin, referring to the differentiation between small and large projects, said it is important not to negotiate a project labor agreement that does not deliver all of the benefits of a project labor agreement.

ADJOURNMENT

President Plotkin adjourned the meeting at 8:20 p.m.

jco

Approved: 4/30/07

Martha J. Kanter, Chancellor
Secretary, Board of Trustees