#### FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT



## **BOARD OF TRUSTEES**

# MINUTES REGULAR MEETING August 27, 2007

#### CALL TO ORDER AND ROLL CALL

President Hal Plotkin 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:**

Hal Plotkin, President

Bruce Swenson, Vice President

Betsy Bechtel

Paul Fong

Laura Casas Frier

for Public Session

Jordan Eldridge, De Anza College Student Trustee

Sarah Snow, 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:

#### <u>CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION</u>

Name of Case: Katz v. Foothill-De Anza Community College District

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

Andy Dunn, Vice Chancellor of Business Services

Judy Miner, President of Foothill College

Martha Kanter, Chancellor

Brian Murphy, President of De Anza College

Fred Sherman, Vice Chancellor of Technology

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

Sean Absher

#### CONFERENCE WITH LABOR NEGOTIATOR

District Negotiator: Jane Enright

Employee Organizations: All Represented and Unrepresented Groups

## **Executive Administrators Present:**

Kim Chief Elk, Director of Human Resources

Andy Dunn, Vice Chancellor of Business Services

Carol Green, Office of Human Resources and Equal Opportunity

Martha Kanter, Chancellor

Judy Miner, President of Foothill College

Brian Murphy, President of De Anza College

Fred Sherman, Vice Chancellor of Technology

## **RE-CONVENE PUBLIC SESSION**

President Plotkin 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:

Staff: Charles Allen Al Guevara Jon O'Bergh

Art Hand **Hector Quinonez** Tom Armstrong Bill Baldwin Jeanine Hawk Carmen Redmond Shirley Barker Martha Kanter Frank Rocha Becky Bartindale Marsha Kelly Javier Rueda Maureen Chenoweth Janice Lee Shelley Schreiber Fred Sherman Wayne Chenoweth Ron Levine Kim Chief Elk Scottie McDaniel Bernata Slater J.R. Dorcak Jeff Meade Marisa Spatafore John Swensson Andy Dunn Judy Miner Jahgory Tran Stephanie Franco Brian Murphy **Bret Watson** Willie Frieson Peter Murray

Robert Griffin Frank Nunez

Press: Lloyd Lacuesta

Students: Steve Carleton

Public: Gary Berg Carol Green Shane Palsgrove

Bill BlessingMarisa MarktSteven PondEric BrooksJaime NewmanJose SalcidoDavid ChinJoseph NicolaTerry TermanTodd CostaPat NikoliaScott Wong

Steven Farneth Chris Noll

#### REPORTING OUT FROM CLOSED SESSION

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

## **APPROVAL OF MINUTES**

Trustee Bechtel pointed out the need to correct the time of the recess listed in the minutes.

M/S/C: Bechtel/Eldridge

**Advisory vote:** 2 yes

**Board vote:** unanimous

**Action:** Approved the minutes of the August 6, 2007 meeting as corrected

#### RETIREMENT BOARD REPORT

Vice Chancellor of Business Services Andy Dunn provided background on the formation of the District's Retirement Board, which the Board of Trustees had authorized at the recommendation of the Joint Powers Agreement Retiree Health Benefits Board and which is comprised of the vice

chancellor of business services, controller and chair of the Audit & Finance Committee. He reported that the Retirement Board met with an investment advisor.

## **AUDIT & FINANCE COMMITTEE REPORT**

Trustee Swenson reported that the Committee was provided a status report on the 2006-07 audit and cash handling operational review. The Committee was also provided a report on security cameras and updates on Measure E, Measure C and the 2007-08 Budget.

## **CORRESPONDENCE**

President Plotkin asked if there was any correspondence which should be brought to the Board's attention. He reported that Dave Rosenfeld of the Student Public Interest Research Group has decided to use the District's policy on public domain learning materials as the "gold standard" in their efforts to get colleges nationwide to adopt similar policies.

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

#### Public/Students

Jose Salcido of the Peace Officers Research Association of California, Marisa Markt of the Los Gatos Police Department, and Santa Clara County deputy Todd Costa spoke in support of a "3% at 50" retirement plan for District police officers. Jaime Newman, SEIU worksite organizer, expressed concerns regarding the negotiations process, including salary and benefits for police officers.

#### <u>Staff</u>

Bill Baldwin, Maureen Chenoweth, SEIU Chapter Chair Shelley Schreiber and Bret Watson expressed concerns about the negotiations process, including salary and benefits for police officers. Ms. Chenoweth and Ms. Schreiber also emphasized the importance of release time and office space to support classified staff leadership. Officers J.R. Dorcak and Jeff Meade spoke about salary and benefits for police officers and expressed support for a "3% at 50" retirement plan. President Plotkin thanked everyone for their comments and said that the Board values their input.

De Anza President Brian Murphy reported that enrollment appears to be strong for Fall quarter, indicating that outreach efforts are paying off although data is still preliminary. He also noted an article by Instructor Barbara Illowsky in FACCC regarding the Basic Skills Initiative. Foothill President Judy Miner reported that the accreditation site visit team for the Radiologic Technology Program expressed how they had never seen a college Radiologic Technology program meet all of the accreditation standards to the extent that Foothill has. Chancellor Martha Kanter introduced consultant Carol Green, representing the office of Human Resources and Equal Opportunity. She thanked Foundation Board member Anita Manwani Bhagat for hosting the Chancellor's Circle event. Lastly, she reported that over a thousand letters have been sent to the community inviting them to attend a variety of events in celebration of the District's 50<sup>th</sup> Anniversary.

#### <u>Trustees</u>

Trustee Bechtel announced that the Fremont Union High School District would be recognizing school board trustee Nancy Newton for her years of service on September 4. President Plotkin noted the strong efforts by the college marketing departments to boost enrollment and commended all staff involved. He reported that no challengers filed to run against him, Trustee Bechtel and Trustee Casas Frier in the November election, so their terms of office are automatically extended four years in accordance with the election code. Student Trustee Eldridge reported that he and Student Trustee

Snow attended the Student Trustee Conference sponsored by the Community College League of California.

## APPROVAL OF CONSENT CALENDAR

M/S/C: Fong/Eldridge

**Advisory vote:** 2 yes

**Board vote:** unanimous

**Action:** Approved / Ratified Items 1-10 of the Consent Calendar as follows:

<u>Item 1</u> — Approved Resolution #2007-21 Regarding Trustee Absence of Sarah

Snow

Item 2 — Approved Revised Board Policy 3213 – Control of Major Construction

PROJECT COSTS AND APPROVAL OF CONSTRUCTION CHANGE ORDERS

Item 3 — Approved Revised Board Policy 5090 – Health Services

**Item 4**— **Ratified** Contracts and Agreements

Item 5 — Approved Resolution #2007-20 Authorizing Amendment of the Joint

POWERS AGENCY AGREEMENT

Item 6 — Rejected ALL Proposals Pursuant to Request for Proposal #1110 —

FOOD SERVICE OPERATION, CHINESE CUISINE, DE ANZA COLLEGE

Item 7 — Approved Authorization to Use Piggyback Contract for Purchase of

OUTDOOR FURNITURE FOR DE ANZA COLLEGE

Authorized the District Purchasing Director to issue a Purchase Order in the amount of \$125,433.30 to Landscape Forms pursuant to the TXMAS

GS-27F-00116L contract

## <u>Item 8</u>— Approved Personnel Actions:

Name: Lydia Botsford

Position: Instructor College: De Anza

Division: Business/Computer Systems

Action: Employment

Effective Date: September 20, 2007 # of months: 10

Compensation: Column II, Step I @ \$7,321.94 per month Corrects Board Action of August 6, 2007

Name: Emanuel DaSilva

Position: Manager, Custodial Operations

College: De Anza College
Division: College Services
Action: Employment

Effective Date: September 4, 2007 # of months: 12

Compensation: Level F, Step 2 @ \$6,166.58 per month

Name: Duncan Graham
Position: Interim Vice President
College: Foothill College

Division: Career/Workforce Education and Technology

Action: Ratify Appointment

*Effective Date:* August 14, 2007 – June 30, 2008

Compensation: Level M, Step 6 @ \$11,950.65 per month

Name: John Mummert

Position: Dean

College: Foothill College

Division: Business and Social Sciences

Action: Temporary Assignment of Additional Duties

Effective Date: August 13, 2007 – December 31, 2007

Compensation: 5% Adjustment

Name: Eloise J. Orrell
Position: Interim Dean
College: Foothill College

Division: Biological and Health Sciences

Action: Ratify Appointment

Effective Date: August 20, 2007 – March 31, 2008 Compensation: Level J, Step 2 @ \$8,878.04 per month

*Name:* Robert Stockwell

Position: Instructor

College: De Anza College

Division: Social Science and Humanities

Action: Employment

Effective Date: September 20, 2007 # of months: 10

Compensation: Column V, Step D @ \$6,792.94 per month

Name: Li Wei Sun Position: Instructor

College: De Anza College

Division: Social Science and Humanities

Action: Employment

Effective Date: September 20, 2007 # of months: 10

Compensation: Column V, Step 1 @ \$8,115.46 per month

Name: Nellie Vargas
Position: Instructor

College: De Anza College

Division: Social Science and Humanities

Action: Employment

Effective Date: September 20, 2007 # of months: 10

Compensation: Column III, Step 1 @ \$7,586.45 per month

# Item 9 — Approved Human Resources Report

# **Item 10**—Approved Appointment of Chief Negotiators:

Kim Chief Elk, Director of Human Resources Jane Enright, retired Vice Chancellor of Human Resources and Equal Opportunity, working on contract assignment

## Item 11

**BOARD PRIORITIES FOR 2007-08** 

Responding to a question from Trustee Swenson, Chancellor Kanter clarified that the annual enrollment goal is between 0% and 2%. The Board expressed its support for the list of priorities as outlined.

• Implement Measure E and Measure C

Bring Measure E to a successful conclusion in 2008-09 Launch Measure C without delay

• Close the Achievement Gap

Enhance high school to college articulation Increase student retention and success

• Increase Growth while Maintaining Productivity

Increase FTES from 0-2% Meet productivity target of 535

- Achieve Financially Responsible Compensation Settlements
- Develop the District's Executive Leadership Team
- Prepare the District's Environmental Sustainability Plan

#### Ongoing Priorities

- Neighborhood Outreach
- Legislative Goals
- Institutional Research
- Pedagogical Excellence
- Public Domain (Open Ed. Res.) Public Bid Process
- Community Relations
- Workforce Gap Analysis

- Facilities Master Planning
- Staffing
- Budget
- Revenue Generation
- Greater Participation in Trustee Organizations
- Healthcare

# Item 12

BUDGET HEARING: 2007-08 BUDGET

Vice Chancellor Dunn presented the 2007-08 Budget. He noted some key changes in the state budget just passed by the legislature with a number of line-item vetoes and suspension of funds by the governor that affect categorical funding. None of the changes affect the District's general fund. A question from Trustee Swenson led to a discussion of the 5% reserve amount. Vice Chancellor Dunn said his recommendation is that 5% represents a minimum prudent reserve. Trustee Bechtel asked why the reserve is based only on the general fund and not the entire budget, and Trustee Swenson asked whether 5% is sufficient given the change in how colleges are now funded. Vice Chancellor Dunn said he would be more comfortable with a 5% reserve level if colleges were to receive the same property tax revenue guarantee as the state accords K-12 districts. There was agreement that it would be a good idea to look at the District's reserves policy more carefully.

Vice Chancellor Dunn reviewed carry-over information and how certain operational costs such as health benefits and utilities are increasing at a rate that is faster than the rate of the cost of living revenue that the District receives from the state. He noted that the budget will allow the District to serve students at an estimated FTES level of 36,107, maintain reserves, and provide adequate support services to students to assist with student success.

## Item 13

AUTHORIZATION TO ENTER INTO A NETWORK EQUIPMENT MAINTENANCE AND SUPPORT CONTRACT WITH ALCATEL USA MARKETING, INC.

Responding to a question from Trustee Swenson, Director of Purchasing and Material Services Carmen Redmond explained that the contract with Alcatel is comparable in cost to the previous contract with WAN/LAN. Vice Chancellor of Technology Fred Sherman discussed plans to phase out Alcatel equipment and change to new Cisco equipment that will provide a higher level of service. President Plotkin asked about making repairs on a time and materials basis rather than a maintenance contract, but Vice Chancellor Sherman recommended against that since the risk of very expensive repairs is too great.

M/S/C: Swenson/Casas Frier

**Advisory vote:** 2 yes

**Board vote:** unanimous

**Action:** Authorized the District Purchasing Director to issue a Purchase Order for

\$87,855.09 to Alcatel USA Marketing, Inc. in accordance with WSCA

contract AR-1466

# <u>Item 14</u>

FOOTHILL COLLEGE ENVIRONMENTAL IMPACT REPORT (EIR) UPDATE

Executive Director of Facilities, Operations and Construction Management Charles Allen provided an update. He clarified that the project scope is the Foothill College Master Plan, which does not include the Griffin House and District Office building project. He discussed outreach and notification efforts, pointing out that the next step is to send a notice of preparation to the public by the end of August, with an EIR scoping meeting to be scheduled for September 18, followed by a draft EIR and public review period in December/January.

# <u>Item 15</u>

MEASURE E CONSENT CALENDAR

Trustee Swenson requested that items A, D and G be removed as he had some questions.

M/S/C: Eldridge/Casas Frier

**Advisory vote:** 2 yes

**Board vote:** unanimous

**Action:** Approved / Ratified the Measure E Consent Calendar, B, C, E, F and H as

follows:

B. Title: Change Order #8

Vendor: Coast Side Associates

Agreement Date: March 22, 2006

Campus: De Anza College

Project No.: 226

Project Name: Planetarium Renovation

*Amount:* \$24,280

For: Miscellaneous construction changes including revisions to lighting

dimming circuitry, electrical hookups/controls for chillers, and water damage repair; the total change orders to date represent 11.15% against

the original contract amount

Action: Ratification

C. Title: Change Order #27

Vendor: West Bay Builders

Agreement Date: January 18, 2005

Campus: Foothill College

Project No.: 153

Project Name: Campus Center

*Amount:* \$52,571

For: Landscape tree drainage chimneys, installing a fire rated insulation at all

2<sup>nd</sup> floor slab edge, and miscellaneous electrical revisions including: 120V power to automatic sinks in restrooms, Bookstore POS counter power and data outlets, speaker wire conduits, relocating a fire alarm strobe deive, and other minor electrical changes; this change order plus all previous change orders represents 8.4% above the base contract amount (the funding for this change is within the current budget)

Action: Ratification

E. Title: Revision #1 to Addendum #F-13 (PO #M671160)

Vendor: Allana Buick & Bers

Agreement Date: July 18, 2005 Campus: Foothill College

Project No.: 153

Project Name: Campus Center

*Amount:* \$25,630

For: Additional professional consulting engineering services and construction

monitoring of building waterproofing systems

Action: Ratification

**F.** *Title:* Change Order #57

Vendor: S. J. Amoroso Construction Co., Inc.

Agreement Date: February 24, 2005 Campus: Foothill College

Project No.: 152

Project Name: Lower Campus Complex

*Amount:* \$10, 092

For: Miscellaneous architectural, mechanical, and plumbing changes; this

change order plus all previous change orders represents 7.44% above the base contract amount (the funding for this change is within the current

budget)

Action: Ratification

**H.** *Title:* Change Order #3 to Agreement for Services

Vendor: Ross Luthin Creative
Agreement Date: December 14, 2004
Campus: De Anza College

Project No.: 239
Project Name: Signage
Amount: \$5,000

For: Added services to finalize sign locations and Message Schedules for the

Master Sign Program, including both Pedestrian and vehicular signage

Action: Ratification

Addressing **Item A**, Change Order #16 for De Anza Campus Center Renovation, Executive Director Allen explained that the design documents omitted certain items that should have been shown. He did not believe that the District has a recourse unless more omissions of a similar nature accumulate.

Addressing **Item D**, Change Order #28 for Foothill Campus Center, Executive Director Allen explained that, due to the complex roof design, standard sizes cannot be used and custom fabrication is needed. He added that the architect should have been able to specify that custom sizes were needed, so the District may have some recourse.

Addressing **Item G**, Change Order #58 for Foothill Lower Campus Complex, Executive Director Allen explained that the mechanical/electrical space as designed is too congested and multiple iterations were needed to fix the problem. The District may have recourse in the matter.

M/S/C: Swenson/Fong

**Advisory vote:** 2 yes **Board vote:** unanimous

**Action:** Approved / Ratified the Measure E Consent Calendar A, D and G as

follows:

**A.** *Title:* Change Order #16

Vendor: Hagensen Pacific Construction, Inc.

Agreement Date: September 21, 2006 Campus: De Anza College

Project No.: 213

Project Name: Campus Center Renovation

*Amount:* \$53,181

For: Miscellaneous construction changes including kitchen electrical conduit

repair, exhaust hood/fire alarm interconnections, lower level remobilizations costs, atrium planter demolition/flooring infill,

interlocking vinyl tile and countertop changes, meeting room wallboard repairs for new finishes, and ATM machine electrical relocation; the total change orders to date represent 12.77% against the original contract amount (the funding is included in the current budget)

Action: Ratification

**D.** *Title:* Change Order #28

Vendor: West Bay Builders
Agreement Date: January 18, 2005
Campus: Foothill College

Project No.: 153

Project Name: Campus Center

*Amount:* \$93,366

For: Custom roof hangers for Bldg 2000 and 2200, connect the Campus

Center fire alarm system to the campus main FA panel, install heat detectors at elevator #3 for elevator recall, install an exhaust air duct on the emergency generator, and other miscellaneous; this change order plus all previous change orders represents 8.8% above the base contract

amount (the funding for this change is within the current budget)

Action: Ratification

**G.** *Title:* Change Order #58

Vendor: S. J. Amoroso Construction Co., Inc.

Agreement Date: February 24, 2005 Campus: Foothill College

Project No.: 152

Project Name: Lower Campus Complex

*Amount:* \$59,467

For: Multiple architectural, plumbing, and theater changes; this change

order plus all previous change orders represents 7.57% above the base contract amount (the funding for this change is within the

current budget)

Action: Ratification

## Item 16

**BUDGET TRANSFER #FH-42** 

M/S/C: Bechtel/Casas Frier

**Advisory vote:** 2 yes **Board vote:** unanimous

**Action:** Approved Budget Transfer #FH-42 to Measure E Program Contingency

and selected Foothill projects

## **Item 17**

MEASURE C CONSENT CALENDAR

Trustee Bechtel pointed out that the Tile Roof Repairs for Item E were incorrectly listed as a Foothill project in the Public Memo.

M/S/C: Bechtel/Eldridge

**Advisory vote:** 2 yes **Board vote:** unanimous

**Action:** Approved / Ratified the Measure C Consent Calendar, A-E as follows:

**A.** *Title:* Change Order #3

Vendor: John Plane Construction
Agreement Date: December 19, 2006
Campus: De Anza College

*Project No.:* 766-271

Project Name: Forum Modernization

*Amount:* \$43,832

For: Scope transfer from various projects that include irrigation, electrical, and

communications infrastructure; additional construction change includes custom framed soffit boxes, automatic door system, enlarging the multimedia desks, light fixtures, and extensive repair of the attic draft stop; the total change orders to date represent 2.84% against the original

contract amount (the funding is included in the current budget)

Action: Ratification

**B.** *Title:* Independent Contractor Agreement

Vendor: Cleary Consultants, Inc.

Agreement Date: August 27, 2007 Campus: De Anza College

*Project No.:* 766-224

Project Name: Campus Site Lighting (Phase I)

*Amount:* \$5,000

For: Provide complete geotechnical testing and inspection for Campus Site

Lighting (Phase I)

Action: Ratification

C. Title: Standard Form of Agreement

Vendor: Consolidated Engineering Laboratories

Agreement Date: August 27, 2007 Campus: De Anza College

*Project No.:* 766-224

Project Name: Campus Site Lighting (Phase I)

*Amount:* \$5,400

For: Construction material testing and special inspection services

Action: Ratification

**D.** *Title:* Change Order #1

Vendor: El Camino Paving, Inc.
Agreement Date: February 13, 2007
Campus: De Anza College

*Project No.:* 766-263

Project Name: Modular Relocation

*Amount:* \$21,964

For: Install and anchor three modular units at Lots 1H and one at Lot K,

revised the detail for the protection railing at mechanical units at the rear of Modulars at Lot C, the credit for one modular did not relocate to Foothill College per contract and the back-charge for troubleshooting and repair the wiring problems at the Lot C portables; this change order plus all previous change orders represents 4.12% above the base contract

amount (the funding for this change is within the current budget)

Action: Ratification

**E.** *Title:* Standard Form of Agreement

Vendor: Allana Buick & Bers
Agreement Date: August 28, 2007
Campus: De Anza College

*Project No.:* #766-236

Project Name: Tile Roof Repairs (Phase I)

*Amount:* \$47,545

For: Design Services, bid phase services, construction administration and

construction monitoring (See Master Form of Agreement, Attachment H.

for detailed scope)

Action: Ratification

## <u>Item 18</u>

SELECTION OF ARCHITECT/ENGINEERING FIRMS FOR MEASURE C LARGE CAPITAL PROJECTS

Representatives Pat Nicola, Bill Blessing and David Chin from Ratcliff Architects introduced themselves. Trustees Bechtel and Swenson emphasized the importance of providing the Board the opportunity for input during the design process rather than at the end of the process. Executive Director Allen said he would bring to the Board a plan and schedule for input on architectural designs. He also confirmed that the Architect Selection Committee considered quality of design for the projects of each firm. De Anza Vice President of Finance and College Services Jeanine Hawk added that the college is excited about Ratcliff's approach to the learning environment, and Foothill Dean of Physical Science, Math and Engineering Peter Murray added that the college is impressed with how Ratcliff is able to design buildings that fit into the existing historical context of a campus.

President Plotkin emphasized the importance of preserving the architectural integrity of the campuses and asked about the past performance of the firms in terms of evaluating constructability. Executive Director Allen responded that multiple former clients were contacted and provided uniformly positive feedback. Responding to a question from Trustee Bechtel, he noted that Ratcliff is located in Emeryville and WRNS Studio in San Francisco.

M/S/C: Bechtel/Casas Frier

**Advisory vote:** 2 yes **Board vote:** unanimous

**Action:** Approved entering into negotiations for architectural services with the

following firms for Large Capital Projects within the Measure C Bond Program: Ratcliff Architects (Foothill North Slope Science Building and De Anza Mediated Learning Center) and WRNS Studio (other Foothill

large capital projects)

## **Item 19**

SELECTION OF ARCHITECT/ENGINEERING FIRMS FOR MEASURE C RENOVATIONS, MAINTENANCE AND SMALL CAPITAL PROJECTS

Eugene Ely of HMC Architects, Steve Farneth of Architectural Resources Group and Chris Noll of Noll & Tam Architects + Planners introduced themselves.

M/S/C: Swenson/Snow

**Advisory vote:** 2 yes

**Board vote:** unanimous

**Action:** Approved entering into negotiations for architectural services with the

following firms for Measure C Renovations, Maintenance and Small Capital Projects: Architectural Resources Group, HMC Architects, Noll

& Tam Architects + Planners, and Ratcliff

# DATES TO REMEMBER

September 10, 2007 — Regular Meeting

## ADJOURNMENT

President Plotkin adjourned the meeting at 8:15 p.m.

jco

Approved: 9/10/07

Martha J. Kanter, Chancellor Secretary, Board of Trustees