



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## **BOARD OF TRUSTEES**

**MINUTES**

**REGULAR MEETING**

**October 1, 2007**

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

President Hal Plotkin declared a quorum was present and called the meeting to order at 4:00 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:

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

(Subdivision (a) of Section 54956.9)

Name of Case: In the Matter of the Arbitration between Foothill-De Anza Community College District and Anshen + Allen (AAA No. 74 110 00250 07)

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

(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9)

Number of potential cases: 4 Foothill-De Anza projects performed by general contractor Trident Builders

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

Phil Jaret

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

Charles Allen, Executive Director of Facilities, Operations & Construction Management  
Andy Dunn, Vice Chancellor of Business Services  
Martha Kanter, Chancellor  
Judy Miner, President of Foothill College  
Brian Murphy, President of De Anza College  
Fred Sherman, Vice Chancellor of Technology

#### **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  
Jane Enright, former Vice Chancellor of Human Resources and Equal Opportunity  
(retired)  
Martha Kanter, Chancellor  
Judy Miner, President of Foothill College  
Brian Murphy, President of De Anza College  
Fred Sherman, Vice Chancellor of Technology

At 5:05 p.m., President Hal Plotkin declared a recess for a reception with members from the governing boards and superintendents of Palo Alto Unified School District, Fremont Union High School District and Mountain View-Los Altos Union High School District.

**RECESS/RE-CONVENE PUBLIC SESSION**

President Plotkin re-convened the public session at 6:05 p.m. in the District Board Room. He led the Board and those present in the Pledge of Allegiance. The following staff, press, students and members of the public were present:

<i>Staff:</i>	Charles Allen	Rich Hansen	Hector Quinonez
	Bob Barr	Jeanine Hawk	Carmen Redmond
	Becky Bartindale	Lydia Hearn	Shelley Schreiber
	Jane Enright	Martha Kanter	Fred Sherman
	Christina Espinosa-Pieb	Marsha Kelly	Marisa Spatafore
	Marie Fox Ellison	Judy Miner	Paul Starer
	David Garrido	Brian Murphy	Karen Webb
	Robert Griffin	Rose Myers	
	Beth Grobman	Frank Nunez	

*Press:* None

*Students:* Reza Kazempour

<i>Public:</i>	Nancy Newton	Barbara Mitchell	Kevin Skelly
	Al Jackson	Joe Mitchener	Susan Sweeley
	Mary Jackson	Erwin Morton	Terry Terman
	Taravat Bagheri	Babak Mostaan	Camille Townsend
	Mary Ann Malcolm	Barbara Nunes	
	Bob Meneely	Beth Pourmand	
	Pat Meneely	Dean Pourmand	

**REPORTING OUT FROM CLOSED SESSION**

President Plotkin reported that the Board approved a settlement with Trident Builders on four district projects: Sciences II, Foothill College; Physical Education Renovation, Foothill College; Administration Building Renovation, De Anza College; and S-Quad Phase II, De Anza College. The settlement encompasses claims by both District and the general contractor and resolves all disputes.

## **Item 1**

### PRESENTATION OF CERTIFICATE FROM BREATHE CALIFORNIA

This item was removed from the agenda as the presenter was unable to attend. Presentation will be rescheduled.

## **Item 2**

### BRIDGE FROM HIGH SCHOOL TO COLLEGE: PRESENTATION AND DISCUSSION

President Plotkin recognized the attendance of elected officials and administrators from Palo Alto Unified School District, Fremont Union High School District and Mountain View-Los Altos Union High School District and the work they are doing with the colleges. De Anza President Brian Murphy and Foothill College President Judy Miner both welcomed the guests and commented on the importance of the relationships with the high school districts to further enhance students' success.

Executive Director of Institutional Research Bob Barr reported that the superintendents, the college presidents and the chancellor convened at a retreat over the summer where one of the requests from the superintendents was for better data in order to look at closing the achievement gap in a more sophisticated way than has been done in the past. Director Barr, De Anza Vice President of Student Services and Institutional Research Robert Griffin, and Foothill Vice President of Student Development and Instruction Rose Myers gave a presentation on "Pathways: From High School to College." Director Barr reviewed highlights and a summary combining the data of all three high school districts within the Foothill-De Anza boundary. Of the 3,697 students graduating in 2006 from the three high school districts, 935 or 25% enrolled at Foothill or De Anza the following fall. The report covered demographic data, placement levels in math and English, term-to-term persistence, first-year course success rates, course success rates by collegiate level of course, and the top 20 courses attempted. Director Barr provided reports for each district superintendent for their district as a whole as well as individual reports for each high school within their district.

Vice Presidents Myers and Griffin reviewed outreach efforts and strategies to bring students to Foothill and De Anza, joint ventures with the local high school districts reviewing program partnerships and curriculum efforts, and future collaborations including the expansion of Middle College programs with specific "majors" or "pathways." The colleges demonstrate their commitment to students by integrating outreach, retention and marketing services into a unified approach which accelerates getting students connected to services and programs in increase their success.

President Plotkin invited questions, comments and observations from the high school district board members, superintendents and staff. Questions were raised regarding the definition of college-ready, expansion of the Middle College program where a distance learning support class is needed for students to be successful, and the sufficiency of data to assist with transfer strategies. Chancellor Martha Kanter noted that reports on transfer are done every spring and that Foothill and De Anza have more articulation agreements than many other community colleges. She also noted that the relations of faculty and staff with the surrounding colleges and universities have made the curriculum one of high quality and an example for the state.

Trustees Casas Frier and Bechtel thanked the visitors for their interest and attendance. Areas identified for further study were academic-ready standards, expansion of college readiness programs, determination of what constitutes college-level, and pairing of college tutors with high school

students who need help with homework and do not have support at home. Trustee Swenson reiterated that the District is interested in the local school districts' views and their feedback is needed on where Foothill-De Anza can do a better job. President Plotkin noted that the excellent relationships with the high school districts are a very big part of the District's success.

### **RECESS/RE-CONVENE PUBLIC SESSION**

At 7:05 p.m. President Plotkin declared a recess, then re-convened the public session at 7:15 p.m.

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

#### Public

Mary Ann Malcolm, Albert Jackson, Bob Meneely, and Dean Pourmand expressed opposition to the proposed realignment of the loop road at Foothill College, stressing that it would negatively impact the environment of the adjacent neighborhood on Josefa Lane and Duval Way and on the stream on the college's northern perimeter, particularly in terms of noise level and quality of life. They submitted an alternate alignment plan and urged that Measure C funding not be wasted. The following questions were raised: (1) whether a cost justification had been done on the loop road, and (2) if any data on pedestrian injuries was available. Executive Director of Facilities, Operations and Construction Management Charles Allen clarified that all alternatives are being explored and that a meeting was held on September 18 to provide the public and state agencies an opportunity to review the project, evaluate the impacts, and make comments. Deadline for submission of additional comments is October 5, after which all comments and additional options will be evaluated and the results published in a draft environmental impact report during late fall or early winter. Foothill President Miner reported that, as a result of the September 18 scoping meeting, Foothill is responding by convening the neighbors on October 3 in the first of a series of meetings to discuss items not within the scope of the September 18 meeting. President Plotkin thanked the members of the public for their participation and added that as neighbors of the college they are always welcome to attend.

#### Students

De Anza Journalism student and *La Voz* editor Reza Kazempour presented copies of the *Insider, The Ultimate Guide to De Anza College For Students, By Students*, which was completed over the summer by current and former students. He requested that the Board support future publications of the *Insider* as an effective marketing tool. Trustees Bechtel and Casas Frier commended Kazempour and the students of *La Voz* and noted that the publication was particularly impressive as it was done entirely by students. Kazempour offered to work with Foothill to produce its own publication. De Anza President Murphy noted that the New York Times Project has been revived where De Anza is receiving 500 copies a day with a 99% take-up rate. If The Times revives its "A Day at the Times" project, De Anza is prepared to send two more editors to New York.

#### Staff

De Anza President Murphy announced that the groundbreaking ceremony for the Visual and Performing Arts Center will be held on October 9. He reported that the college was notified that the Medical Laboratory Technician (MLT) program received its 5-year full accreditation. He commended Division Dean Stephanie Sherman and MLT Program Director Debbie Wagner for their work on this unique program. He also reported that the Kirsch Center for Environmental Students is one of the national finalists for the Center for Buildable Environments' Livable Buildings Award 2007, sponsored by the University of California. Foothill President Miner thanked everyone involved in the college's 50<sup>th</sup> anniversary events and provided a 50<sup>th</sup> anniversary pin to each of the

trustees. She announced the launch of the Foothill College Authors Series, which will feature seven authors over the next 10 months and is open to the public.

Chancellor Kanter thanked the 50<sup>th</sup> Anniversary Steering Committee for a successful celebration. She introduced Karen Webb, a Foothill retiree who is filling in for Jon O’Bergh while he is on vacation. She reported that she attended the Association of Community College Trustees Conference and gave a presentation with Trustee Bechtel and individuals from the San Diego Community College District on how to pass a bond measure in tough times. She invited faculty, staff and the Board to the October 11 Policy Matters Seminar co-sponsored with the Community College Leadership Development Initiatives and noted that Foothill President Miner will be one of the panelists. Lastly, she reminded everyone of the inauguration of Dr. Miner to be held on October 18.

Faculty Association President Rich Hansen distributed information and materials regarding the California Community College Initiative.

Trustees

Trustee Casas Frier complimented staff and faculty and students for the excellent presentations to parents and students at the De Anza Latino Orientation and the Foothill Student Orientation. Trustee Fong expressed regret to have missed the 50<sup>th</sup> anniversary events as he was attending his final Association of Community College Trustees (ACCT) Board meeting after serving seven years. He reported that the ACCT Board is in good financial condition, that they have advocated for the end of the tuition sensitivity program and started the community college caucus. He congratulated Trustee Bechtel and Chancellor Kanter for their presentation at the conference. Trustee Swenson noted that community member and Foothill Commissioner Ginny Lear was honored by the Silicon Valley Realtors Association recently. Trustee Bechtel congratulated all those involved in Opening Day and commented that the District Opening Day speaker was excellent. She congratulated President Miner and all involved in the Opening Day workshops and commended the efforts of the 50<sup>th</sup> Anniversary Committee. She noted that the Latino Caucus recognized Trustee Fong for his years of service.

President Plotkin expressed regret that he was not able to attend the 50<sup>th</sup> anniversary celebration or the ACCT conference as he was engaged at a weeklong conference sponsored by the Hewlett Foundation in Utah with international leaders of open education resources. He noted that Foothill-De Anza was the only community college district participating. He reported that he received a letter from founding trustee Robert Smithwick thanking the Board and the District for recognizing him at the 50<sup>th</sup> Anniversary event.

**APPROVAL OF MINUTES**

<b>M/S/C:</b>	Fong/Eldridge
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	Approved the minutes of the September 10, 2007 meeting

**CORRESPONDENCE**

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

**APPROVAL OF CONSENT CALENDAR**

**M/S/C:** Bechtel/Snow  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified Items 3-9 of the Consent Calendar as follows:

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

**Item 4** — **Ratified** B WARRANTS GREATER THAN \$5,000 FOR JULY AND AUGUST 2007

**Item 5** — **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 6** — **Approved** SALE OR DONATION OF MISCELLANEOUS SURPLUS DISTRICT 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 7** — **Approved** NEW CONTRACT FOR THE PERFORMING ARTS ALLIANCE – MUSIC FOR MINORS — Approved contract in the amount of \$25,000.

**Item 8** — **Approved** PERSONNEL ACTIONS:

*Name:* **Ellen Miller**  
*Position:* Program Developer  
*College:* De Anza College  
*Division:* Professional Workforce Development  
*Action:* **Employment**  
*Effective Date:* October 1, 2007 # of months: 12  
*Comments:* Column II, Step H @ \$7,057.44 per month

*Name:* **Kate Jordahl**  
*Position:* Interim Dean  
*College:* Foothill College  
*Division:* Fine Arts and Communication  
*Action:* **Appointment Ratified**  
*Effective Date:* October 1, 2007 – June 30, 2008  
*Compensation:* Level J, Step D @ 9,787.75 per month

**Item 9** — **Approved** HUMAN RESOURCES REPORT

**Item 10**  
MEASURE E CONSENT CALENDAR

President Plotkin removed Items C, D, F and G due to action taken previously in Closed Session.

**M/S/C:** Swenson/Fong  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** **Ratified** the Measure E Consent Calendar, Items A, B and E, as follows

- A.** *Title:* Change Order #30  
*Vendor:* West Bay Builders  
*Agreement Date:* January 18, 2005  
*Campus:* Foothill College  
*Project No.:* 153  
*Project Name:* Campus Center  
*Amount:* \$27,216  
*For:* Install wood trim piece at the ceiling diffuser in Altos, Toyon meeting rooms, install kitchen shunt trip breaker for Avtek fire suppression panel, addition work of the F5 light fixtures on the bridge and install additional fire alarm devices to meet code; this change order plus all previous change orders represent 9.37% above the base contract amount (funding for this change is within the current budget)  
*Action:* Ratification
- B.** *Title:* Change Order #60  
*Vendor:* S. J. Amoroso Construction Co., Inc.  
*Agreement Date:* February 24, 2005  
*Campus:* Foothill College  
*Project No.:* 152  
*Project Name:* Lower Campus Complex  
*Amount:* \$64,723  
*For:* Miscellaneous electrical and plumbing changes; this change order plus all previous change orders represent 7.80% above the base contract amount (funding for this change is within the current budget)  
*Action:* Ratification
- E.** *Title:* Change Order #18  
*Vendor:* Hagensen Pacific Construction, Inc.  
*Agreement Date:* September 25, 2006  
*Campus:* De Anza College  
*Project No.:* 213  
*Project Name:* Campus Center Renovation  
*Amount:* \$14,685  
*For:* Miscellaneous construction changes including electrical, plumbing, food service equipment and door hardware; the total change orders to date represent 14.18% against the original contract amount (funding is included in the current budget)  
*Action:* Ratification

### **Item 11**

APPROVAL TO EXTEND LEASE FOR ONE RELOCATABLE BUILDING AT FOOTHILL COLLEGE

**M/S/C:** Swenson/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Resolution #2007-23 and authorized the District Purchasing Director to extend lease #128741 with Mobile Modular Management Corporation for one relocatable building through February 3, 2008 at a cost not to exceed \$7,540.78

### **Item 12**

APPROVAL OF FOOTHILL BUDGET TRANSFER #43

**M/S/C:** Swenson/Eldridge  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Foothill Budget Transfer #43 for projects #115 (P.E.), #141 (Radio Station), #148 (Language Arts Division Offices)

### **Item 13**

APPROVAL OF DE ANZA BUDGET TRANSFER #58

**M/S/C:** Bechtel/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved De Anza Budget Transfer #58 for the transfer of funds from the Performance Hall Project to Program Contingency, and from Program Contingency to Projects #210 (Administration Building) and #275 (S-Quad Phase II projects)

### **Item 14**

APPROVAL OF MEASURE C CONSENT CALENDAR

**M/S/C:** Bechtel/Eldridge  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Ratified the Measure C Consent Calendar, Item A as follows:

- A.** *Title:* Change Order #1  
*Vendor:* CLW Builders, Inc.  
*Agreement Date:* July 13, 2007  
*Campus:* Foothill College  
*Project No.:* 111  
*Project Name:* Library Swing space Restoration and Middlefield Classroom Renovation  
*Amount:* \$2,707  
*For:* Relocation of 4 (e) thermostats from the center of the wall to the entry doorway, add 5 access panels to cover the (e) heating control units, additional cost for plan check at the Palo Altos City Building Department, credit of the window screens, modify the (e) door for new threshold installation and remove the (e) paint from the (s) floor mounted air diffusers at both Foothill Café and Bookstore; this change order represents 1.24% above the base contract amount (funding for this change is within the current budget)  
*Action:* Ratification

### **Item 15**

APPROVAL TO PURCHASE DIGITAL RADIOGRAPHIC EQUIPMENT AND SOFTWARE PURSUANT TO BID 1118

- M/S/C:** Bechtel/Snow  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Authorized the District Purchasing Director to issue a purchase order to California Radiographics, Inc., in the amount of \$123,665 plus applicable sales tax in accordance with Bid 1118

### **Item 16**

APPROVAL OF AGREEMENT FOR ENGINEERING SERVICES WITH ENERGY RESOURCE ASSOCIATES, INC.

- M/S/C:** Eldridge/Fong  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the Agreement with Energy Resource Associates, Inc. in the amount of \$88,139

### **Item 17**

APPROVAL OF AGREEMENT FOR CONSULTANT SERVICES WITH RATCLIFF ARCHITECTS

- M/S/C:** Bechtel/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the Agreement with Ratcliff Architects up to the maximum amount of \$285,200

### **DATES TO REMEMBER**

October 15, 2007 — Regular Meeting

**ADJOURNMENT**

President Plotkin adjourned the meeting at 8:25 p.m.

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Approved: 11/5/07

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Martha J. Kanter, Chancellor  
Secretary, Board of Trustees