



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## **BOARD OF TRUSTEES**

**MINUTES**

**REGULAR MEETING**

**April 7, 2008**

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

President Bruce Swenson 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:**

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

#### **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 Carriage House Conference Room with the individuals listed below to discuss:

#### **CONFERENCE WITH PROPERTY NEGOTIATORS**

Under Negotiation:	Price and terms of payment
Agency Negotiator:	Kevin Crawford, Andy Dunn and John Shupe
Property:	395 Page Mill Road, Palo Alto, 94306
Negotiating Parties:	Jay Paul Company, Google
Property:	685 Clyde Avenue, Mountain View, 94043
Negotiating Parties:	The Martin Group
Property:	690 E. Middlefield Road, Mountain View, 94043
Negotiating Parties:	Dostart Development Company
Property:	487 E. Middlefield Road, Mountain View, 94043
Negotiating Parties:	VeriSign, Inc., Sares-Regis Group, NC
Property:	465 N. Bernardo, Mountain View, 94043
Negotiating Parties:	Boston Properties
Property:	Transaction Comparable, 601 California Street, Palo Alto, 94304
Negotiating Parties:	Shorenstein
Property:	4000 Middlefield Road, Palo Alto, CA 94303
Negotiating Parties:	City of Palo Alto

Property: 21265-21269 Stevens Creek Blvd., Cupertino, CA 95014  
Negotiating Parties: Homeland Management, Inc.

**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  
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity  
Fred Sherman, Vice Chancellor of Technology

**Others Present:**

Kevin Crawford  
Mark Ritchie  
John Shupe  
Geri Wong

CONFERENCE WITH LABOR NEGOTIATOR

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

**Executive Administrators Present:**

Charles Allen, Executive Director of Facilities, Operations & Construction Management  
Kim Chief Elk, Director of Human Resources  
Andy Dunn, Vice Chancellor of Business Services  
Martha Kanter, Chancellor  
Judy Miner, President of Foothill College  
Brian Murphy, President of De Anza College  
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity  
Fred Sherman, Vice Chancellor of Technology

RE-CONVENE PUBLIC SESSION

President Swenson re-convened the public session at 6:12 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	Marie Fox Ellison	Dorene Novotny
	Rosemary Arca	Robert Griffin	Frank Nunez
	Tom Armstrong	Rich Hansen	Jon O’Bergh
	Gregory Anderson	Jeanine Hawk	Hector Quinonez
	Shirley Barker	Art Heinrich	Carmen Redmond
	Bob Barr	Martha Kanter	Fred Sherman
	Becky Bartindale	Marsha Kelly	Bernata Slater
	Maureen Chenoweth	Michele LeBleu-Burns	Marisa Spatafore
	Wayne Chenoweth	Ron Levine	John Swensson
	Dolores Davison	Sharon Luciw	Denise Swett
	Jennifer Dirking	Judy Miner	Karl von Annen
	Andy Dunn	Brian Murphy	
	Christina Espinosa-Pieb	Peter Murray	

*Press:* Casey Weiss, Mt. View Voice

*Students:* None

*Public:* Bill Berry Nancy Newton Terry Terman  
Polly Bove Connie Norlander Mike Vlaming  
Eric Christen Jeff Olsen  
Nicole Goehring Neil Struthers

### **REPORTING OUT FROM CLOSED SESSION**

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

### **APPROVAL OF MINUTES**

**M/S/C:** Eldridge/Bechtel  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the minutes of the February 27, 2008 meeting

**M/S/C:** Eldridge/Bechtel  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the minutes of the March 3, 2008 meeting

### **FOUNDATION BOARD REPORT**

Chancellor Martha Kanter reported that the Foundation Board discussed investment strategy for its approximately \$30 million in assets. The Foundation will exceed its fundraising goal of \$4 million this year. Also discussed was the upcoming retreat.

### **CORRESPONDENCE**

President Swenson 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 / Students*

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

#### *Staff*

Foothill Academic Senate President Dolores Davison announced that she would be teaching in Florence, Italy, and Carolyn Holcroft-Burns would serve as Senate President during spring and summer. Faculty Association President Rich Hansen announced a Sacramento lobbying event on April 21 organized by students of UC, CSU and community colleges, and invited others to participate.

De Anza President Brian Murphy reported that Valley Transit Authority proposes to bring bus route 23 onto campus as a partial solution to the unworkable Transit Center. The proposal has the support of the college and will be brought to the Board for approval at a forthcoming meeting. Foothill

President Judy Miner distributed a brochure for Asian/Pacific Islander Heritage Month and a postcard promoting “Day on the Hill” on April 30 for high school seniors. She also thanked trustees for attending recent college events.

Chancellor Martha Kanter reminded the Board of the Legislators Luncheon meeting on April 11 for local community college leaders to meet with local legislators. She reported that AB 2261, the Open Educational Resources bill, was expected to be approved by the Assembly Higher Education Committee this week. She announced an “Equity Equals Diversity” conference at De Anza on May 1 and a reading by author Shrabani Basu at Foothill on May 2.

*Trustees*

Student Trustee Eldridge announced an event titled “Walk a Mile in Her Shoes” on April 9 to raise awareness about sexual assault. Trustee Plotkin spoke about AB 2261 and its proposed source of funding. He also reported that President Swenson will be standing for election as a delegate to the Democratic convention. Trustee Fong announced that he would be attending the California Community Colleges Trustees Board meeting this week. Trustee Casas Frier reported that she attended the graduation ceremony for the leadership class of the Asian Pacific American Leadership Institute at De Anza. President Swenson reported that he attended a forum on school budget cuts sponsored by the Silicon Valley Education Foundation.

**APPROVAL OF CONSENT CALENDAR**

Fremont Union High School District Board President Nancy Newton and Superintendent Polly Bove thanked the Board for considering a resolution in support of their district’s bond measure. They also presented Chancellor Kanter with a resolution in honor of her recent Citizen of the Year award.

**M/S/C:** Fong/Bechtel  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified Items 1-17 of the Consent Calendar as follows:

- Item 1** — **Approved** NEW BOARD POLICY 5071 – ARTICULATION
- Item 2** — **Approved** RESOLUTION #2008-07 IN SUPPORT OF FREMONT UNION HIGH SCHOOL DISTRICT MEASURE B
- Item 3** — **Approved** RESOLUTION #2008-06 IN SUPPORT OF MOUNTAIN VIEW-WHISMAN SCHOOL DISTRICT PARCEL TAX RENEWAL MEASURE
- Item 4** — **Approved** RESOLUTION #2008-08 IN SUPPORT OF PALO ALTO UNIFIED SCHOOL DISTRICT MEASURE A
- Item 5** — **Ratified** CONTRACTS AND AGREEMENTS
- Item 6** — **Ratified** B WARRANTS GREATER THAN \$5,000 – JANUARY AND FEBRUARY 2008
- Item 7** — **Approved** CONTRACTS FOR CELEBRITY FORUM
- Item 8** — **Approved** AUGMENTATION OF CONTRACT WITH STRATA INFORMATION GROUP TO PERFORM ADDITIONAL EDUCATIONAL INFORMATION SYSTEM WORK

**Item 9** — **Approved** REVISED AGREEMENT WITH HIRED HANDS

**Item 10** — **Approved** SALE OF SURPLUS EQUIPMENT

Made a finding that the property does not exceed \$5,000 in value and authorized the Director of Purchasing Services to sell the speaker podium with an amplified unit

**Item 11** — **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 12** — **Approved** SALE OF SURPLUS OCE COPIER

Made a finding that the property does not exceed \$5,000 in value and authorized the Director of Purchasing Services to sell the OCE Copier

**Item 13** — **Approved** PERSONNEL ACTIONS:

*Name:* **Sarah Delos Santo**  
*Position:* Mathematics Instructor  
*College:* Foothill College  
*Division:* Physical Sciences, Mathematics and Engineering Division  
*Action:* **Employment**  
*Effective Date:* September 18, 2008 *# of Months:* 10  
*Compensation:* Column II, Step A at \$5,493.10 per month

*Name:* **Charles DeNault**  
*Position:* Mathematics Instructor  
*College:* Foothill College  
*Division:* Physical Sciences, Mathematics and Engineering Division  
*Action:* **Employment**  
*Effective Date:* September 18, 2008 *# of Months:* 10  
*Compensation:* Column II, Step C at \$6,052.06 per month

*Name:* **Herlisa Hamp**  
*Position:* Dean of Student Support Program and Services  
*College:* Foothill College  
*Division:* Student Support Program and Services  
*Action:* **Employment**  
*Effective Date:* July 14, 2008 *# of Months:* 12  
*Compensation:* Level J, Step 1 @ \$9,273.11 per month

*Name:* **Suzanne Helfman**  
*Position:* Instructor  
*College:* De Anza College  
*Division:* Language Arts  
*Action:* **Unpaid leave of absence of 10% for Spring Quarter**  
*Effective Date:* April 7, 2008 through June 27, 2008

*Name:* **Mehrdad Khosravi**  
*Position:* Mathematics Instructor  
*College:* De Anza College  
*Division:* Physical Sciences, Mathematics and Engineering  
*Action:* **Ratify Employment**  
*Effective Date:* April 7, 2008 # of Months: 10  
*Compensation:* Column III, Step C at \$6,331.19 per month

*Name:* **Iaroslav Kryliouk**  
*Position:* Mathematics Instructor  
*College:* De Anza College  
*Division:* Physical Sciences, Mathematics and Engineering  
*Action:* Ratify Employment  
*Effective Date:* April 7, 2008 # of Months: 10  
*Compensation:* Column III, Step I at \$8,564.24 per month

*Name:* **Donald MacNeil**  
*Position:* Adaptive P.E. Instructor  
*College:* Foothill College  
*Division:* Adaptive Learning  
*Action:* **Employment**  
*Effective Date:* August 7, 2008 # of Months: 10  
*Compensation:* Column II, Step F at \$6,889.45 per month

*Name:* **Steven J. McGriff**  
*Position:* Teacher-in-Residence  
*College:* Foothill College  
*Division:* Krause Center for Innovation  
*Action:* **Ratify Employment**  
*Effective Date:* July 1, 2008 # of Months: 11  
*Compensation:* Column V, Step E at \$7,447.72 per month

*Name:* **Loraine Moen**  
*Position:* Mathematics Instructor  
*College:* De Anza College  
*Division:* Physical Sciences, Mathematics and Engineering  
*Action:* **Unpaid leave of absence of .1111 for W09 and S09**  
*Effective Date:* January 5, 2009 through June 26, 2009

*Name:* **Eloise Orrell**  
*Position:* Interim Dean  
*College:* Foothill College  
*Division:* Biological and Health Sciences Division  
*Action:* **Ratify extension of contract**  
*Effective Date:* March 31, 2008 through June 30, 2008  
*Compensation:* Column II, Step J at \$9,737.06 per month

*Name:* **Young Hee Park Lee**  
*Position:* Mathematics Instructor  
*College:* Foothill College  
*Division:* Physical Sciences, Mathematics and Engineering  
*Action:* **Employment**  
*Effective Date:* September 18, 2008 # of Months: 10  
*Compensation:* Column V, Step E at \$7,447.72 per month

*Name:* **Tesha Poe**  
*Position:* Instructor  
*College:* De Anza College  
*Division:* Social Sciences and Humanities  
*Action:* **Unpaid leave of absence**  
*Effective Date:* September 18, 2008 through June 26, 2009 # of Months: 10  
*Comments:* In accordance with Article 16.28 of the *Agreement* between the District and the Faculty Association

*Name:* **Deborah Stern**  
*Position:* Counselor  
*College:* De Anza College  
*Division:* Special Education  
*Action:* **Resignation for the purpose of retirement**  
*Effective Date:* June 27, 2008  
*Comments:* In accordance with Article 19 of the *Agreement* between the District and the Faculty Association

**Item 14** — **Approved** HUMAN RESOURCES REPORT

**Item 15** — **Approved** PROFESSIONAL DEVELOPMENT LEAVES FOR 2008-09  
For Maria Marin and Margo Raff

**Item 16** — **Approved** PROFESSIONAL DEVELOPMENT LEAVE REPORT

**Item 17** — **Approved** SEIU CLASSIFIED STAFF DEVELOPMENT LEAVE  
For Chris White

**Item 18**

REPORT ON NASA RESEARCH PARK (NRP) INITIATIVE

Bill Berry, Director of the UC Affiliated Research Center for UC Santa Cruz, presented information regarding the NASA Research Park (NRP) Initiative including progress to date, proposed project scope, land area under consideration, and methodology anticipated to bring the NRP to fruition. He explained that NASA is working to address concerns such as easier access through the guard booth. President Swenson asked about the level of participation expected of Foothill-De Anza. Vice Chancellor of Business Services Andy Dunn responded that the District would be a 20% partner. There would be an initial cost to the District of \$300,000 for the strategic planning process with the other partners.

## **Item 19**

### **PRESENTATION: BASIC SKILLS INITIATIVE PROGRESS REPORT**

De Anza Director of the Student Success Center Gregory Anderson, Foothill Instructor Rosemary Arca, and De Anza Dean of Student Development and EOPS Michele LeBleu-Burns presented a progress report on the statewide community college Student Success/Basic Skills Initiative. They reviewed the state of basic skills education at each college, goals and accomplishments, and future plans and directions. The colleges are working on an action plan to implement recommendations to strengthen basic skills education, which will be reported to the State Chancellor's Office in May.

Trustees Casas Frier and Fong asked how the colleges measure retention and success, and were informed that graduation rates, persistence rates and completion rates are among the indicators that are measured. Trustee Plotkin asked the presenters to let the Board know of any policy recommendations that can help further the efforts to improve basic skills education at the colleges.

President Swenson and Trustee Bechtel noted that a number of individuals in the audience were waiting for items later in the agenda. With the Board's concurrence, President Swenson advanced items 26-29.

## **Item 26**

### **PUBLIC HEARING: ADOPT CERTAIN FINDINGS AND APPROVE SOLAR SERVICES AGREEMENT FOR ENERGY-RELATED IMPROVEMENTS TO DISTRICT FACILITIES WITH CHEVRON ENERGY SOLUTIONS, L.P.**

President Swenson opened the public hearing. No members of the public wished to speak on the item, so he closed the public hearing.

## **Item 27**

### **AGREEMENT WITH CHEVRON ENERGY SOLUTIONS: SOLAR SERVICES CONTRACT AND INSTALLATION OF PHOTOVOLTAIC ARRAYS AT FOOTHILL COLLEGE**

<b>M/S/C:</b>	Casas Frier/Plotkin
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	Approved negotiating and executing a Solar Services Contract with Chevron Energy Solutions and a Power Purchase Provider to be selected by Chevron Energy Solutions for the provision of a 600-kilowatt photovoltaic array installation at Foothill College

## **Item 28**

### **REQUEST TO RENAME THE PLANETARIUM AT DE ANZA COLLEGE THE FUJITSU PLANETARIUM AT DE ANZA COLLEGE**

De Anza President Murphy presented information regarding the gift and expressed thanks to Fujitsu Computer Systems Corporation. President Swenson explained that he supported the proposal to rename the Planetarium but had two questions regarding commitments to rename buildings in perpetuity. Executive Director Marie Fox Ellison responded that the length of time is only for the usable life of the building, and a major renovation would open up the building to new naming opportunities. Addressing his other question, she noted that the District's Administrative Procedure 3216 (Procedures for the Naming of College and District Buildings or Facilities) addresses changed circumstances whereby the continued use of a name compromises public trust.



**M/S/C:** Swenson/Bechtel  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved renaming the De Anza Planetarium the Fujitsu Planetarium at De Anza College

## **Item 29**

### APPROVAL OF PROJECT STABILIZATION AGREEMENT

Nicole Goehring, Government Affairs Director of the Golden Gate Chapter of Associated Builders and Contractors, read a letter from San Jose/Silicon Valley Chamber of Commerce President Pat Dando urging the Board not to approve a Project Stabilization Agreement. Contractors Connie Norlander and Jeff Olsen and Executive Director of the Coalition for Fair Employment in Construction Eric Christen also spoke in opposition. Neil Struthers, CEO of the Santa Clara and San Benito Counties Building and Construction Trades Council, thanked the Board and staff for their support in negotiating an agreement.

President Swenson, noting that the Board discussed a proposed Project Stabilization Agreement in depth at the March 3, 2008 Board meeting, asked fellow trustees if they had anything new they wished to share. Trustee Bechtel said she would support a Project Stabilization Agreement if the threshold was higher and the agreement included evaluation and termination components.

**M/S/C:** Fong/Plotkin  
**Advisory vote:** 2 yes  
**Board vote:** Casas Frier, Fong and Plotkin voted yes  
Bechtel and Swenson voted no  
**Action:** Approved the Project Stabilization Agreement with the Santa Clara and San Benito Counties Buildings and Construction Trades Council

## **Item 20**

### REVISION TO BOARD POLICY 1230 – ANIMALS ON CAMPUS

Chancellor Kanter presented the revised policy for a first reading. Trustee Casas Frier asked if there had been any discussion of how to address animal waste. Director of Risk Management Marsha Kelly said that there had never been any complaints about animal waste, to her knowledge, so it did not appear to be an issue.

## **Item 21**

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

Student Trustee Eldridge proposed revisions to section 5 of Administrative Procedures 9110.1 which addresses recall procedures. He explained his concern that the threshold for a recall is too low and allows a small group of students to pressure or intimidate a student trustee. He emphasized that the role of the student trustee is to represent all students, not just the student government officers. Student Trustee Snow expressed support for the proposed revisions, as did Trustees Fong and Plotkin. Chancellor Kanter noted that the proposed change should proceed through the shared governance process.

## **Item 22**

### CALIFORNIA COMMUNITY COLLEGES TRUSTEES BOARD ELECTION

Trustees Bechtel and Fong provided comments regarding the candidates. President Swenson asked each of the trustees to mark their ballots and hand them to Chancellor Kanter so the results could be tabulated onto one ballot and submitted to the Community College League of California on behalf of the Board of Trustees.

## **Item 23**

### BOARD LEGISLATIVE GOALS FOR 2008

Chancellor Kanter reviewed changes that reflected discussion at the previous meeting as well as at the Chancellor's Advisory Council meeting. Responding to a question from Trustee Plotkin, she clarified that advocacy for increasing fees refers to state revenue sources, not student fees. She offered to change the language to reflect that clarification.

<b>M/S/C:</b>	Plotkin/Fong
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	Approved the 2008 Board Legislative Goals with one change as noted above

## **Item 24**

### PUBLIC HEARING: *AGREEMENT* WITH FACULTY ASSOCIATION, JULY 1, 2007 THROUGH JUNE 30, 2010

President Swenson opened the public hearing. Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny acknowledged the efforts of the Faculty Association and District negotiating teams in working out details of the new *Agreement*. Faculty Association President Rich Hansen offered his comments as well. No one else wished to speak on the matter, so President Swenson closed the public hearing.

## **Item 25**

### *AGREEMENT* WITH FACULTY ASSOCIATION, JULY 1, 2007 THROUGH JUNE 30, 2010

<b>M/S/C:</b>	Plotkin/Eldridge
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	Approved the <i>Agreement</i> with the Faculty Association, July 1, 2007 through June 30, 2010

## **Item 30**

### BUDGET UPDATE

Vice Chancellor of Business Services Andy Dunn reviewed the Governor's proposed solutions to the state budget crisis, the solutions and alternative budget proposed by the Legislative Analyst's Office, and the projected impacts on community colleges. He discussed the District's healthy enrollment growth of 2.46% above the amount budgeted for enrollment recovery, but stated that many districts are experiencing growth and the state is considering reducing growth funding. Speaking about the

property tax shortfall in the current year, he said that a deficit factor, if applied by the state, would equate to a loss of \$2.4 million for Foothill-De Anza; however, the District's projected ending balance of \$2.8 million would be sufficient to cover that loss. He noted that ongoing expenses exceed ongoing revenues by \$700,000, so the District will need to address this structural imbalance in the budget for the future.

There was a discussion about how to budget for several years of expected deficit factors and address what is believed to be an underestimated state budget deficit. College presidents Judy Miner and Brian Murphy offered their viewpoints. Chancellor Kanter proposed that a discussion be held at the next meeting about specific steps the District can take in anticipation of reduced funding.

### **Item 31**

#### MIDDLEFIELD FACILITY MASTER PLAN UPDATE

Vice Chancellor of Business Services Andy Dunn summarized recent developments related to the leasing of the Middlefield site and long-term site needs as they relate to educational master planning. Trustee Plotkin asked about the reliability of the ABAG projections. Executive Director of Institutional Research Bob Barr explained that ABAG's population growth estimate is only one factor considered by the District in projecting growth along the Highway 101 corridor, adding that he believes the ABAG projections for the county overall are reliable. President Swenson asked about transferability of Middlefield's status as an educational center to another site in light of the fact that its status had been grandfathered in under the new funding model. Vice Chancellor Dunn responded that several factors would need to be considered by the State Chancellor's Office, and while transferability is likely, the District will certainly want to investigate that before any final decision is made about a new site.

### **Item 32**

#### DE ANZA COLLEGE ENVIRONMENTAL IMPACT REPORT

Executive Director of Facilities, Operations and Construction Management Charles Allen provided a brief overview. Trustee Bechtel pointed out that section III-1 refers to the Transit Center which is no longer planned to be built. Executive Director Allen agreed that the EIR should probably be revised to remove that reference even though the Transit Center was a Valley Transit Authority project and not a college project. De Anza President Murphy noted that the college will bring a revised Measure C Project List to the Board for action to officially remove the Transit Center project's ancillary costs. Trustee Casas Frier pointed out that the town of Los Altos Hills should be included in the list of nearby communities.

### **Item 33**

#### MEASURE E CONSENT CALENDAR

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

- A.** *Title:* Change Order #36  
*Vendor:* West Bay Builders  
*Agreement Date:* January 18, 2005  
*Campus:* Foothill College  
*Project No.:* 153  
*Project Name:* Campus Center  
*Amount:* \$55,213  
*For:* Structural modifications at both buildings including infill 2x12 roof joists. Additional hangers installation for 3x blocking and structural reinforcement at louver openings. Miscellaneous finish revisions including additional painting exposed surfaces inside the passageway at Building 2000. Demolition of unforeseen petromat in AC paving, and some additional plumbing modifications inside the kitchen and coffee bar.

This change order plus all previous change orders represent 10.57% above the base contract amount. The funding for this change is within the current budget.

*Action:* Ratification

- B.** *Title:* Change Order #37  
*Vendor:* West Bay Builders  
*Agreement Date:* January 18, 2005  
*Campus:* Foothill College  
*Project No.:* 153  
*Project Name:* Campus Center  
*Amount:* \$106,991  
*For:* Modifications to dining room theater lighting electrical infrastructure; roof structural modifications including shaped wood nailers at glulam beams; 4x blocking and 2x10 joists to support parapet walls; deeper roof joists to accommodate structural hold-downs; structural modifications to the exterior sunshade; signage revisions; repair leaking PIV valve and other miscellaneous changes.

This change order plus all previous change orders represents 11.11% above the base contract amount. The funding for this change is within the current budget.

*Action:* Ratification

- C.** *Title:* Change Order #69  
*Vendor:* S. J. Amoroso Construction Co., Inc.  
*Agreement Date:* February 24, 2005  
*Campus:* Foothill College  
*Project No.:* 152  
*Project Name:* Lower Campus Complex  
*Amount:* \$413  
*For:* Miscellaneous architectural, plumbing, electrical, mechanical and civil changes.

This change order plus all previous change orders represents 8.90% above the base contract amount. The funding for this change is within the current budget.

*Action:* Ratification

- D.** *Title:* Change Order #70  
*Vendor:* S. J. Amoroso Construction Co., Inc.  
*Agreement Date:* February 24, 2005  
*Campus:* Foothill College  
*Project No.:* 152  
*Project Name:* Lower Campus Complex  
*Amount:* \$26,182  
*For:* Miscellaneous architectural changes.

This change order plus all previous change orders represents 9.00% above the base contract amount. The funding for this change is within the current budget.

*Action:* Ratification

- E.** *Title:* Standard Form of Agreement  
*Vendor:* Energy Resources Associates, Inc.  
*Agreement Date:* March 13, 2008  
*Campus:* De Anza College  
*Project No.:* 202  
*Project Name:* Science Center  
*Amount:* \$15,000  
*For:* Expert witness services for litigation for De Anza Science Center.

*Action:* Approval

- F.** *Title:* Independent Contract Agreement  
*Vendor:* Peter Gray Scott, Architect  
*Agreement Date:* October 1, 2007  
*Campus:* De Anza College  
*Project No.:* 202  
*Project Name:* Science Center  
*Amount:* \$12,000  
*For:* Expert witness services for litigation on De Anza Science Center.  
*Action:* Ratification

- G.** *Title:* Revision #1 to Standard Form of Agreement  
*Vendor:* Consolidated Engineering Laboratories, Inc.  
*Agreement Date:* June 4, 2007  
*Campus:* De Anza College  
*Project No.:* 209  
*Project Name:* Visual & Performing Arts Center  
*Amount:* \$27,425  
*For:* Provision of specialty testing and inspection services beyond the original allowance by Consolidated Engineering Laboratories, Inc. These services are required to complete the construction phase of the project.  
*Action:* Ratification
- H.** *Title:* Change Order #4  
*Vendor:* S. J. Amoroso Construction Co., Inc.  
*Agreement Date:* June 29, 2007  
*Campus:* De Anza College  
*Project No.:* 209  
*Project Name:* Visual and Performing Arts Center  
*Amount:* \$33,945  
*For:* Construction detail changes for revised metal framing at structural steel connections, revised mechanical and plumbing routes above-ceiling, new finish detail changes to showers, and extended electrical circuits for power operated door hardware.  
  
Original contract completion date of September 21, 2008 is unaltered by this Change Order.  
*Action:* Ratification
- I.** *Title:* Budget Transfer No. 47  
*Campus:* Foothill College  
*For:* FH Budget Transfer #47 includes Project to Project Transfers and a Program Contingency to Project Transfer. FH Project to Project transfers address the need to bring projects in balance in preparation for Measure E Project Closeout. FH Program Contingency will be reduced in the amount of \$28,814, bringing Project #115 into balance in preparation for project closure as detailed above. In addition, this transfer recognizes a Change to Funding Source from Measure E Interest Income in the amount of \$714,115. \$375,000 of this revenue will be transferred to a new project: #178, Minor Improvements – Phase II. This new project is being established to complete small projects previously on hold due to budget restraints and for secondary effects of completed projects. The balance of the revenue will be transferred to FH Program Contingency.  
*Action:* Ratification

**J.** *Title:* Budget Transfer #62  
*Campus:* De Anza College  
*For:* Budget Transfer DA #62 includes Project to Project and Project to Program Contingency Transfers and a Change to Funding Sources which reflect a joint effort by De Anza College, the District and Gilbane representatives to prioritize and plan the efforts required to complete the Measure E Program needs at De Anza College. Additionally, Budget Transfer DA #62 revises the official title of project #765-237 from “Campus Landscape and Irrigation” to “Master Landscaping Phase I.”  
*Action:* Ratification

**K.** *Title:* Budget Transfer #63  
*Campus:* De Anza College  
*For:* Budget Transfer DA #63 includes a single Program Contingency to Project Transfer which reflects a joint effort by De Anza College, the District and Gilbane representatives to fund construction of the Master Landscape Phase I project under the Measure E Program at De Anza College.  
*Action:* Ratification

### **Item 34**

CHANGE ORDER #05 TO PRIME CONTRACT AGREEMENT WITH S.J. AMOROSO CONSTRUCTION — DE ANZA PROJECT #765-209, VISUAL AND PERFORMING ARTS CENTER

**M/S/C:** Plotkin/Fong  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Change Order #05 to the Prime Contract Agreement with S.J. Amoroso Construction in the amount of \$79,001

### **Item 35**

REVISION #2 TO PROJECT ASSIGNMENT AMENDMENT #D08, AGREEMENT WITH SALAS O’BRIEN ENGINEERS, INC. — PROJECT #276, SCIENCE CENTER HVAC REPAIRS, DE ANZA COLLEGE

Executive Director of Facilities, Operations and Construction Management Charles Allen explained that the revision is related to arbitration of Science Center issues.

**M/S/C:** Bechtel/Plotkin  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Revision #2 to Project Assignment Amendment #D08 to the Agreement with Salas O’Brien Engineers, Inc. in the amount not to exceed \$147,400

### **Item 36**

REVISION #2 TO ADDENDUM #9, AGREEMENT WITH GILBANE COMPANY FOR PROGRAM AND CONSTRUCTION MANAGEMENT SERVICES

**M/S/C:** Plotkin/Fong  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Change Order #2 to Addendum #9 to the Agreement with Gilbane Company in the amount of \$199,107 including reimbursable expenses

### **Item 37**

CHANGE ORDER #38 TO AGREEMENT WITH WEST BAY BUILDERS — CAMPUS CENTER PROJECT #153, FOOTHILL COLLEGE

**M/S/C:** Bechtel/Plotkin  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Change Order #38 to the Agreement with West Bay Builders in the amount of \$76,560

### **Item 38**

MEASURE C CONSENT CALENDAR

At the request of Trustee Casas Frier, President Swenson removed Item 38-F.

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

- A.** *Title:* Change Order #6  
*Vendor:* Ellis & Ellis Sign Systems  
*Agreement Date:* August 21, 2007  
*Campus:* De Anza College  
*Project No.:* 215  
*Project Name:* Signage  
*Amount:* \$15,605  
*For:* Construction changes to Campus Signage Program.
- The total Change Orders to date represent 8.8% against the original contract amount. The funding is included in the current budget.
- Action:* Ratification



- B.** *Title:* Campus Wide Utility Infrastructure Assessment  
*Vendor:* Salas O'Brien Engineers, Inc.  
*Agreement Date:* February 25, 2008  
*Campus:* Foothill College  
*Project No.:* 135  
*Project Name:* Utility and Technology Infrastructure  
*Amount:* \$14,995  
*For:* To provide Foothill campus-wide assessment of utility infrastructure, engineering services, and the specific project electrical and mechanical utility information as requested.

The funding is included in the current budget.

*Action:* Ratification

- C.** *Title:* Construction Administration and Construction Monitoring  
*Vendor:* Allana, Buick & Bers  
*Agreement Date:* March 28, 2007  
*Campus:* Foothill College  
*Project No.:* 100  
*Project Name:* Scheduled Maintenance  
*Amount:* \$39,015  
*For:* Professional services to provide construction administration and construction monitoring for Building 1900 Glu Lam Beam Repair Project.

The funding is included in the current budget.

*Action:* Ratification

- D.** *Title:* Task 2 – Agreement for Services – Property Acquisition  
*Vendor:* tBP/Architecture, Inc.  
*Agreement Date:* October 15, 2007  
*Campus:* District  
*Project No.:* 801  
*Project Name:* Cubberly Site (m Middlefield Center) Feasibility Study  
*Amount:* \$100,000  
*For:* District – Professional services for programming and planning for future development to support the Middlefield Campus.

Addition of Task #2 to the Agreement for Services for programming condition assessment, cost estimate, and consultation for development of Foothill College Middlefield Center.

*Action:* Ratification

- E.** *Title:* Revision #1 Mobilization Contract  
*Vendor:* Gilbane/Maas  
*Agreement Date:* April 6, 2007  
*For:* The extension of consulting services for the Gilbane/Maas Agreement for Program and Construction Management and Mobilization Services to June 30, 2008. There will be no increase in contract value. Tasks associated with this contract remain ongoing.

*Action:* Ratification

- G.** *Title:* Agreement for Services  
*Vendor:* gkkworks/CCS group  
*Agreement Date:* March 26, 2008  
*Campus:* Foothill College  
*Project No.:* 102 and 121  
*Project Name:* Biology Renovation and Library & ISC Renovation  
*Amount:* \$31,800 (not to exceed)  
*For:* Each year the District prepares a Five Year Construction Plan for submittal to the State Chancellor's Office on July 1. The purpose of the plan is to identify the District's capital construction needs for the support of its academic programs. Project Proposals are submitted with the Five Year Construction Plan to request State Capital Outlay funding for the District's capital construction needs. The attached Agreement for Services with gkkworks/CCS group is proposed to develop Project Proposals for State Capital Outlay funding to submit with this year's 2010-2014 Five Year Construction Plan. The State Capital Outlay funding would augment Bond funding.  
*Action:* Ratification

Responding to a question from Trustee Casas Frier, Executive Director Allen explained that the Agreement for Solar Assessment Consulting Services was the initial study that led to the development of the Solar Services Contract that was approved earlier on the agenda.

- M/S/C:** Casas Frier/Plotkin  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified the Measure C Consent Calendar item F as follows:

- F.** *Title:* Agreement for Solar Assessment Consulting Services  
*Vendor:* Chevron Energy Solutions Company  
*Agreement Date:* February 8, 2008  
*Campus:* Foothill and De Anza Campus  
*Project No.:* 154 – Foothill College; 251 – De Anza College  
*Project Name:* Installation of Photovoltaic Arrays Campus-wide  
*Amount:* \$50,000  
*For:* Chevron Energy Solutions Company (ESCO) successfully provided prior design services and installation of solar photovoltaic arrays at both the Foothill and De Anza campuses. This agreement authorizes a solar energy assessment for both campuses, leading to design and construction of solar photovoltaic installations and related energy conservation measures by ESCO. Services include identification of recommended photovoltaic installations, potential energy conservation measures and energy metering options, as well as preparation of a budget analysis and implementation plan.  
*Action:* Ratification

### **Item 39**

#### LIST OF GENERAL CONTRACTORS PRE-QUALIFIED TO BID ON THREE MEASURE C PROJECTS AT FOOTHILL COLLEGE

Responding to a question from Trustee Bechtel, Director of Purchasing and Material Services Carmen Redmond explained that qualifications included financial information, bonding capacity, experience, and reference checks. Trustee Plotkin said that, seeing how these represented the first projects going forward under the Project Stabilization Agreement, he was encouraged by the number of union and non-union contractors who were interested in participating and had pre-qualified.

- M/S/C:** Plotkin/Fong  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** 1) Determined that Calstate Construction, Inc. and Aztec Consultants are not pre-qualified, and  
2) Accepted the list of eight (8) general contractors who met all of the pre-qualification requirements as the only contractors who are pre-qualified to bid as prime contractors on Project #101 (Forum), #106 (Radio Station), and Project #163 (Language Arts Division Offices) at Foothill College

### **Item 40**

#### PROFESSIONAL SERVICES CONTRACT WITH THE BURTON GROUP

Responding to a question from Trustee Plotkin, Vice Chancellor of Technology Fred Sherman confirmed that the contractor has expertise in wireless technology

- M/S/C:** Fong/Eldridge  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Authorized the Vice Chancellor of Technology to enter into a contract with The Burton Group in the amount of \$133,490 to develop a comprehensive Network Architecture Plan for the District

### **Item 41**

#### AGREEMENT WITH GKKWORKS/CCS GROUP FOR DEVELOPMENT OF DE ANZA PROJECT PROPOSALS

- M/S/C:** Bechtel/Plotkin  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the Agreement with gkkworks/CCS Group in the amount not to exceed \$71,800

### **Item 42**

#### MEASURE C BOND PROJECTS LIST, REVISION 3

President Swenson inquired about the District's ability to complete Measure C projects as funded. Executive Director Allen said that the cost of renovations is particularly difficult to estimate and the cost of materials and transportation are escalating. He acknowledged that there will be pressure on

projects to be completed for the amount budgeted, and emphasized that the colleges and the District will need to prioritize projects as Measure C moves forward. Chancellor Kanter added that prioritization of projects will be discussed as part of facilities master planning during the Board’s summer workshop.

**M/S/C:** Plotkin/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Revision 3 to the Measure C Bond Projects List

**Item 43**

AGREEMENT WITH RATCLIFF ARCHITECTS FOR SCHEMATIC DESIGN SERVICES — PROJECT #160, NORTH SLOPE SCIENCE BUILDING, FOOTHILL COLLEGE

Executive Director Allen noted that the name of the project will need to be changed since the site is no longer proposed on the North Slope of the campus.

**M/S/C:** Bechtel/Plotkin  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the Agreement with Ratcliff Architects in the amount of \$845,140

**DATES TO REMEMBER**

May 5, 2008 — Regular Meeting

**ADJOURNMENT**

President Plotkin adjourned the meeting at 9:12 p.m.

jco  
Approved: 5/5/08

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Martha J. Kanter, Chancellor  
Secretary, Board of Trustees