



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

August 25, 2008

CALL TO ORDER AND ROLL CALL

Vice President Fong 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:

Bruce Swenson, President (via teleconference)

Paul Fong, Vice President

Hal Plotkin

Betsy Bechtel

Laura Casas Frier

for Public Session

Patrick Ahrens, De Anza College Student Trustee

Confiance Dukunde, 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 items as listed. "Conference with Labor Negotiator" was removed from the agenda.

CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION

(Subdivision (a) of Section 54956.9)

Name of Case: Friends of the Griffin House v. Foothill-De Anza Community College District

Executive Administrators Present:

Shirley Barker, Vice President of Educational Resources and Instruction, Foothill College

Andy Dunn, Vice Chancellor of Business Services

Martha Kanter, Chancellor

Judy Miner, President of Foothill College (via teleconference)

Brian Murphy, President of De Anza College

Fred Sherman, Vice Chancellor of Technology

Others Present:

Doug Aikins

John Shupe

CONFERENCE WITH PROPERTY NEGOTIATORS

Under Negotiation: Price and terms of payment

Agency Negotiator: Kevin Crawford, Andy Dunn and John Shupe

Property: 4000 Middlefield Road, Palo Alto, CA 94303

Negotiating Parties: City of Palo Alto

Property: 100-200 Evelyn Avenue, Mt. View, CA 94041

Negotiating Parties: PSAI Realty Partners

Property: 189 N. Bernardo Avenue, Mt. View, CA 94043

Negotiating Parties: Cornish & Carey Commercial

Executive Administrators Present:

Shirley Barker, Vice President of Educational Resources and Instruction, Foothill

Andy Dunn, Vice Chancellor of Business Services

Martha Kanter, Chancellor

Judy Miner, President of Foothill College (via teleconference)

Brian Murphy, President of De Anza College

Fred Sherman, Vice Chancellor of Technology

Others Present:

Kevin Crawford

Mark Ritchie

John Shupe

RE-CONVENE PUBLIC SESSION

Vice President Fong re-convened the public session at 6:25 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	Christina Espinosa-Pieb	Ron Levine
	Anne Argyriou	Rich Hansen	Brian Murphy
	Gina Bailey	Jeanine Hawk	Frank Nunez
	Shirley Barker	Carolyn Holcroft-Burns	Jon O’Bergh
	Becky Bartindale	Martha Kanter	Fred Sherman
	Leo Contreras	Marsha Kelly	Bernata Slater

Press: None

Students: None

<i>Public:</i>	Steve Aced	Jonathan Baer
	Doug Aikins	Terry Terman

REPORTING OUT FROM CLOSED SESSION

Vice President Fong reported that no action was taken in closed session.

APPROVAL OF MINUTES

Vice President Fong indicated that, since President Swenson was participating via teleconference, votes during the meeting would be taken by roll call.

M/S/C: Bechtel/Plotkin
Advisory vote: Ahrens – yes
Dukunde – yes
Board vote: Bechtel – yes
Casas Frier – yes
Fong – yes
Plotkin – yes
Swenson – yes
Action: Approved the minutes of the August 4, 2008 meeting

AUDIT & FINANCE COMMITTEE REPORT

Trustee Bechtel reported that the Audit & Finance Committee discussed two operational reviews, one on parking operations and one on facilities rentals. She reported that staff will work with two Committee members to refine the Measure C report format that is provided to the Committee. The Committee recommended continuing the District's relationship with bond underwriter Morgan Stanley and recommended not to secure a co-underwriter to replace UBS in light of that firm's decision to leave the municipal bond business. Lastly, she reported that the Committee was provided with updates on Measure E, Measure C and the 2008-09 Budget.

CORRESPONDENCE

Vice President Fong asked if there was any correspondence which should be brought to the Board's attention. There was none.

PUBLIC HEARING

OPEN NEGOTIATIONS FOR 2008-2011 AGREEMENT BETWEEN THE DISTRICT AND SEIU, LOCAL 521, UNIT 1

Vice President Fong opened the public hearing and asked if anyone wished to speak on the item. No one wished to speak. Vice President Fong then closed the public hearing.

HEARINGS: ITEMS NOT ON THE AGENDA

Public / Students

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

Staff

De Anza President Brian Murphy reported that De Anza Dean of Academic Services Christina Espinosa-Pieb was selected to be Interim Vice President of Instruction and an action to appoint her to the position would be forwarded to the Board for its next meeting. He also reported that two De Anza students represented the United States at the Olympics and placed fifth in synchronized swimming. Foothill Vice President of Educational Resources and Instruction Shirley Barker, serving as Acting President in the absence of Judy Miner, announced that the President's Cabinet planning retreat was held last week and the annual Foothill Leadership Retreat would be held next week. She noted that the first Measure C project had commenced, a renovation of Forum 5000.

Chancellor Martha Kanter reported that she attended with Trustee Plotkin a celebration for De Anza's Foster Youth Program. She announced that the state auditor has released a report on

textbook affordability to the California legislature, and the California Student Public Institute Research Group is expected to release a study on textbook affordability next week. Foothill-De Anza's work in the area of Open Educational Resources is highlighted in both reports.

Trustees

Trustee Plotkin expressed how much he was moved by stories which students shared from De Anza's Foster Youth program. He also said the program illustrates the importance of supporting educational programs and not diverting District funds for non-educational purposes. He noted that he had spoken to Foothill President Judy Miner about expanding the college radio program into a training ground for National Public Radio. Student Trustee Dukunde announced that this summer's Foothill Math Acceleration Program, which focused on improving math skills of middle school students, will be continued throughout the academic year. Trustee Casas Frier reported that two De Anza students were awarded scholarships from the Latina Scholarship Fund of the Hispanic Foundation of Silicon Valley. Student Trustee Ahrens reported that he attended the Community College Student Trustee Workshop sponsored by the Community College League of California.

APPROVAL OF CONSENT CALENDAR

Vice President Fong pointed out a minor correction to the check number for one of the Flint Center checks listed in Item 2, "Ratification of Enterprise B Warrants Greater Than \$5,000: April-June 2008."

- M/S/C:** Plotkin/Casas Frier
Advisory vote: Ahrens – yes
Dukunde – yes
Board vote: Bechtel – yes
Casas Frier – yes
Fong – yes
Plotkin – yes
Swenson – yes
Action: Approved / Ratified Items 1-9 of the Consent Calendar as follows:

Item 1 — **Ratified** CONTRACTS AND AGREEMENTS

Item 2 — **Ratified** ENTERPRISE B WARRANTS GREATER THAN \$5,000: APRIL-JUNE 2008

Item 3 — **Approved** REVISION TO BOARD POLICY 9200 – CONFLICT OF INTEREST

Item 4 — **Approved** APPOINTMENT OF CHIEF NEGOTIATORS
Appointed Kim Chief Elk and Dorene Novotny

Item 5 — **Approved** TERMINATION OF PARKING CITATION PROCESSING SERVICES
CONTRACT WITH DATA TICKET, INC.

Item 6 — **Approved** AUTHORIZATION OF AGREEMENT WITH TURBO DATA SYSTEMS, INC.
FOR PARKING CITATION PROCESSING SERVICES

Item 7 — **Approved** MICROSOFT CAMPUS AGREEMENT
Approved purchase from ComputerLand of Silicon Valley for the amount of \$86,449.50

Item 8 — **Approved PERSONNEL ACTIONS:**

Name: **Shawna Aced**
Position: Registrar
College: Foothill College
Division: Counseling and Student Services
Action: **Employment**
Effective Date: August 1, 2008 *# of Months:* 12
Compensation: Level G, Step 1 @ \$7,078.49 per month

Name **Don Dorsey**
Position: Dean of Student Affairs and Activities
College: Foothill College
Division: Student Development and Instruction
Action: **Stipend for Additional Duties**
Effective Date: January 7, 2008 through June 10, 2008
Compensation: \$1,200

Name: **Jeanine Hawk**
Position: Vice President
College: De Anza College
Division: Finance and College Services
Action: **Temporary Salary Increase for Additional Duties**
Effective Dates: January 1, 2008 through June 30, 2009
Compensation: 8% adjustment
Comments: In accordance with Chapter III of the Administrators Handbook

Name: **Mark J. Larson**
Position: Instructor
College: De Anza College
Division: Applied Technologies
Action: **Employment**
Effective Date: September 18, 2008
Compensation: Column I, Step A @ \$5,264.08 per month *# of Months:* 10

Name: **Jewell Renee McGinley**
Position: Counselor
College: De Anza College
Division: Counseling
Action: **Resignation**
Effective Date: August 1, 2008

Item 9 — **Approved HUMAN RESOURCES REPORT**

At the request of Vice Chancellor of Business Services Andy Dunn, Vice President Fong reversed the order of Items 10 and 11.

Item 11

PUBLIC HEARING: 2008-09 BUDGET

Vice Chancellor Dunn presented the 2008-09 Budget, emphasizing that the legislature still has not adopted a state budget so there is considerable uncertainty about the amount of state funding. He reviewed the difference between the tentative budget and the adopted budget, the projected \$7.8 million deficit between ongoing revenues and ongoing expenses, potential one-time funds to be used to fund the shortfall, and significant expense increases such as utility rates, health benefit costs, and backfill of faculty on professional development leave. He pointed out that the District will need to address the structural imbalance in the budget starting in 2009-10, most likely using a multi-year solution.

Faculty Association (FA) President Rich Hansen expressed his preference that the \$2 million property tax backfill, if approved by the legislature, be held back in reserve rather than automatically distributed to cover a portion of the deficit. De Anza President Brian Murphy did not agree with FA President Hansen's suggestion and spoke about how the colleges have set aside as much money as possible to address the deficit over the next couple of years while preserving personnel, but the state's continuing inability to provide adequate funding is creating increased workload for faculty and staff that is not sustainable.

Vice President Fong opened the public hearing and asked if anyone wished to speak about the 2008-09 Budget. No one wished to speak. Vice President Fong then closed the public hearing.

Item 10

MULTI-YEAR BUDGET PLANNING

Vice Chancellor Dunn reviewed multi-year budget scenarios. Trustee Bechtel pointed out that, depending on different factors, possible projected deficits range from \$3.3 million to \$18.8 million by 2011-12. She expressed concern about the range of projections and worst-case scenario should it come to pass.

Item 12

VALLEY TRANSPORTATION AUTHORITY BUS STOP ON DE ANZA COLLEGE CAMPUS

Trustee Bechtel asked about the planned fencing and location of the bus stop. De Anza Vice President of Finance and College Services Jeanine Hawk explained that the bus stop would be situated on the north side of campus on the perimeter road adjacent to the Visual and Performing Arts Center. She said that the fencing is primarily being constructed for student safety but is also suggested under California Code. She also explained that Education Code Section 81160(c) addresses signage for such structures and, after conferring with legal counsel, she offered revisions to the resolution to include a reference to that code. She noted legal counsel's clarification that the resolution does not need to state what the sign will say.

Responding to a question from Student Trustee Ahrens, De Anza Vice President Hawk said that posting of campaign material is technically not allowed since the bus stop construction area is not a campus structure.

M/S/C: Plotkin/Bechtel
Advisory vote: Ahrens – yes
Dukunde – yes
Board vote: Bechtel – yes
Casas Frier – yes
Fong – yes
Plotkin – yes
Swenson – yes
Action: Approved Resolution #2008-16 with the fourth paragraph revised to read “Whereas, the VTA will post a sign on the structure in accordance with Sections 17368 and 81160(c) of the Education Code”

Item 13

MEASURE E CONSENT CALENDAR

M/S/C: Plotkin/Ahrens
Advisory vote: Ahrens – yes
Dukunde – yes
Board vote: Bechtel – yes
Casas Frier – yes
Fong – yes
Plotkin – yes
Swenson – yes
Action: Approved / Ratified the Measure E Consent Calendar, items A-D as follows:

- A.** *Title:* Change Order #1
Vendor: JJ Nguyen, Inc.
Agreement Date: May 29, 2008
Campus: De Anza College
Project No.: 237
Project Name: Master Landscaping Phase I
Amount: \$45,259
For: Construction changes including pipe and trench revisions to accommodate vehicular traffic over lines and shallow utility crossings, installation of water pressure regulators, redwood stump removal, and increasing the size of trees in the L-Quad and S-Quad.
Action: Ratification
- B.** *Title:* Revision #8 to Standard Form of Agreement
Vendor: DES Architects & Engineers, Inc.
Agreement Date: January 17, 2006
Campus: De Anza College
Project No.: 209
Project Name: Visual & Performing Arts Center
Amount: \$10,340
For: Additional design, documentation, construction administration services required for exterior signage at the new building.
Action: Ratification

- C.** *Title:* Change Order #10 to Agreement
Vendor: S. J. Amoroso Construction Co., Inc.
Agreement Date: June 29, 2007
Campus: De Anza College
Project No.: 209
Project Name: Visual & Performing Arts Center
Amount: \$90,961
For: Change Order #10 includes several negotiated construction scope revisions to the Prime Contract Agreement between with S.J. Amoroso Construction Company for De Anza Measure E Project #765-209. These changes are required to complete the construction of this project and include the following items: revised connection details for roof deck to exterior and interior full-height walls, additional wall furring and ceiling framing to conceal structural steel and utility lines, waterproofing detail work at mechanical screen walls and canopies, upgraded infrastructure and controls for future mechanized theater rigging, new exterior aluminum trellis, hydronic utility equipment replacement, and minor casework revision.
- The total change orders to date (including Change Order #10) will amount to \$388,726. This will equal 2.75% of the original contract amount. This change order does not alter the original contract completion date of September 21, 2008.
- Action:* Approval

- D.** *Title:* Budget Transfer DA #65
Campus: De Anza College
For: Budget Transfer DA #65 includes Program Contingency to Project Transfer and realizes changes to Funding Sources. These actions 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. Budget Transfer DA #65 transfers available funds from the Program Contingency to the E1 Auto Tech Project for additional design efforts required for the project beyond what was negotiated initially. Budget Transfer DA #65 recognizes a new funding source “Performance Hall – Local Fundraising (Foundation)” for the Performance and Lecture Hall Project and also recognizes a change to existing funding source Print Shop Funding.
- The total revised Measure E Program Contingency will be decreased as a result of this transfer to a revised total of \$530,887, which represents 11.68% of the current revenue balance to complete all active and planned De Anza Measure E Projects.
- Action:* Ratification

Item 14

DISTRICT AND COMMUNITY CENTER BUILDING: CERTIFICATION OF FINAL STUDY/MITIGATED NEGATIVE DECLARATION AND APPROVAL OF PROJECT

Executive Director of Facilities, Operations and Construction Management Charles Allen summarized the conclusions based on the Final Initial Study/Mitigated Negative Declaration

(IS/MND) that the proposed project will not significantly adversely affect the Griffin House’s historical significance, there are no significant environmental effects, and all mitigation measures required in the IS/MND are feasible. Vice President Fong acknowledged that the Board received a letter from Susan Brant-Hawley, attorney for Friends of the Griffin House.

Friends of the Griffin House representative Jonathan Baer said he was pleased to see that the Griffin House will not be torn down but was sorry that the District does not plan to renovate the building. He offered to assist the District with efforts to raise funds for renovation. Friends of the Griffin House representative Steve Aced spoke about raising funds for renovation. Chancellor Kanter pointed out that she worked with a group of Griffin House supporters in the late 1990s and the group was able to raise only a moderate amount of money from the community, supplemented by District funds, to stabilize the structure. She said the District remains open to renovating the Griffin House if sufficient funding from the community can be found to bridge the difference between new building construction costs and the cost to renovate the Griffin House, which is a significant gap. Trustee Plotkin emphasized the District’s priority to spend funds in ways that benefit the educational program and students. Trustee Bechtel encouraged Friends of the Griffin House to raise funds for the building’s renovation since they indicated someone should be engaged in that effort.

- M/S/C:** Bechtel/Dukunde
- Advisory vote:** Ahrens – abstained
Dukunde – yes
- Board vote:** Bechtel – yes
Casas Frier – yes
Fong – yes
Plotkin – yes
Swenson – yes
- Action:**
 - 1) a) Decertified the Project EIR dated June 2005 and b) adopted and approved the Negative Declaration dated August 2008 (approval of the Negative Declaration dated August 2008 is based upon the findings set forth in the Negative Declaration and further set forth in Attachment A)
 - 2) a) Set aside the Board’s previous approval of the District and Community Center Building and b) approved implementation of the ETS Building as described in the Negative Declaration (approval of the ETS Building is based upon the findings set forth in the Negative Declaration and further set forth in Attachment A)

Item 15

MEASURE C CONSENT CALENDAR

- M/S/C:** Plotkin/Bechtel
- Advisory vote:** Ahrens – yes
Dukunde – yes
- Board vote:** Bechtel – yes
Casas Frier – yes
Fong – yes
Plotkin – yes
Swenson – yes
- Action:** Approved / Ratified the Measure C Consent Calendar, A-J as follows:

- A.** *Title:* Professional Services
Vendor: Sandis
Agreement Date: August 7, 2008
Campus: Foothill College
Project No.: 162B
Project Name: Roundabout and Parking Lot 8
Amount: \$4,680
For: Provide professional services to design, document for construction and construction administration. The funding is included in the current budget.
Action: Ratification
- B.** *Title:* Professional Services
Vendor: Verde Design, Inc.
Agreement Date: August 5, 2008
Campus: Foothill College
Project No.: 142
Project Name: Sports Field Feasibility Study
Amount: \$16,900
For: Provide solutions depicting the best field arrangement for baseball soccer, softball, and the supporting field amenities. In addition, provide a conceptual budget substantiating the cost of construction the sports fields.
Action: Ratification
- C.** *Title:* Professional Services
Vendor: Cleary Consultants, Inc.
Agreement Date: August 7, 2008
Campus: Foothill College
Project No.: 129
Project Name: Campus Irrigation main Phase II
Amount: \$4,000
For: Provide soil engineering services during construction. The funding is included in the current budget.
Action: Ratification
- D.** *Title:* Professional Services
Vendor: Cleary Consultants, Inc.
Agreement Date: August 11, 2008
Campus: Foothill College
Project No.: 101
Project Name: Forum 5000
Amount: \$3,600
For: Provide professional services including on-site observations and field density testing for Forum 5000.
Action: Ratification

E. *Title:* Professional Services
Vendor: Allana Buick + Bers
Agreement Date: August 8, 2008
Campus: Foothill College
Project No.: 101
Project Name: Forum 5000
Amount: \$12,700
For: Provide construction monitoring services for Forum 5000. The funding is included in the current budget.
Action: Ratification

F. *Title:* District Standards and Campus Standards
For: In order to establish design and construction consistency, operational efficiency and maintainability, while ensuring first class teaching and learning facilities, FHDA would like to standardize the following vendors to provide the best value for expenditure that are aligned with the Foothill-De Anza Community College District's long range goals.

These standard product lines do not diminish or eliminate the standard of care owed by a consultant to FHDA or relieve, in any manner whatsoever, a consultant from any professional responsibility, duty or due diligence required toward the work.

Standard 001 – District-wide - Schlage (Door Locks)
Standard 002 – District-wide - Novar (Building Automation System/Controls)
Standard 003 – District-wide - Rainmaster (Irrigation Controls)
Standard 004 – De Anza Campus – Gamewell (Fire Alarm System)
Standard 005 – Foothill Campus – Siemens (Fire Alarm System)

California Public Contract Code Section 3400 identifies situations in which “sole sourcing” is allowed for a particular material, product, thing, or service as documented below.

Since FHDA currently utilizes these products, it is recommended that the Board find that these products are to be specified for all FHDA projects in accordance with Section 3400(b)(2), “In order to match other products in use on a particular public improvement either completed or in the course of completion.”

Action: Approval

- G.** *Title:* Commissioning Services – Master Agreement
Vendor: Enovity
Campus: De Anza College
Project No.: Multiple Projects
Project Name: Multiple Projects
For: In May 2008, the District issued RFQ #1159 for Commissioning Services related to Measure C Project(s); 11 firms responded. A team from the Office of Facilities, Operations, & Construction Management and select members of Gilbane-Maas reviewed all responses received, deliberated as to the quality of responses, the capacity of the firms, the regional proximity, ability to perform a range of services, as well as other evaluation criteria factors. The Selection Committee selected four Commissioning firms to be included in a “Commissioning Agency Pool.” The services from these commissioning firms range from a very small Leadership in Energy & Environmental Design (LEED™) specialist to larger and quite diverse engineering teams to support full campus commissioning services.
- The Contract for Services was presented to each of the firms in the RFQ and all firms agreed to the use of this Contract. The Board was presented with this information at the July 7, 2008 Board meeting and authorized negotiations with these firms. By utilizing a group of firms, specific projects can be assigned to one or more of the firms on an as-needed basis and will more appropriately reflect the suitability of matching the requirements of each project to the size and ability of the selected firm/s.
- This Master Agreement Contract will establish the baseline for commissioning services for the Measure C projects with one of the firms, Enovity. Each individual project will be contracted separately under a Project Authorization Amendment (PAA) to this Master Agreement Contract and each PAA will be presented at future Board meetings for review and approval.
- Action:* Approval of Master Agreement

- H.** *Title:* Commissioning Services – Master Agreement
Vendor: Cogent Energy
Campus: De Anza College
Project No.: Multiple Projects
Project Name: Multiple Projects
For: In May 2008, the District issued RFQ #1159 for Commissioning Services related to Measure C Project(s); 11 firms responded. A team from the Office of Facilities, Operations, & Construction Management and select members of Gilbane-Maas reviewed all responses received, deliberated as to the quality of responses, the capacity of the firms, the regional proximity, ability to perform a range of services, as well as other evaluation criteria factors. The Selection Committee selected four Commissioning firms to be included in a “Commissioning Agency Pool.” The services from these commissioning firms range from a very small Leadership in Energy & Environmental Design (LEED™) specialist to larger and quite diverse engineering teams to support full campus commissioning services.
- The Contract for Services was presented to each of the firms in the RFQ and all firms agreed to the use of this Contract. The Board was presented with this information at the July 7, 2008 Board meeting and authorized negotiations with these firms. By utilizing a group of firms, specific projects can be assigned to one or more of the firms on an as-needed basis and will more appropriately reflect the suitability of matching the requirements of each project to the size and ability of the selected firm/s.
- This Master Agreement Contract will establish the baseline for commissioning services for the Measure C projects with one of the firms, Cogent Energy. Each individual project will be contracted separately under a Project Authorization Amendment (PAA) to this Master Agreement Contract and each PAA will be presented at future Board meetings for review and approval.
- Action:* Approval of Master Agreement

- I.** *Title:* Consulting Services
Vendor: The Shalleck Collaborative, Inc.
Agreement Date: August 13, 2008
Campus: De Anza College
Project Name: Visual and Performing Arts Center – Group II Equipment & Theater
Amount: \$18,000
For: The Visual & Performing Arts Center at De Anza College is currently under construction and will incorporate specific theater components into the current design with Group II equipment for which the District is currently soliciting bidders. Several of the theater elements were developed through the architect and their consultants, including stage draperies, production lighting, cinema screen, stage rigging and orchestra shell packages. The infrastructure for those packages was included in the base construction contract and is quickly being completed by the contractor.
- The coordination and review of those elements during construction were limited to minimum oversight of the designed infrastructure for those elements through contracts between the theater consultants and the architect. The effort to manage the installation and the evaluation/check-out of the District-supplied Group II theater components were not contracted through the architect’s contract with the theater consultants. Since the District will contract for these added components in Group II separately, no services were previously included by the architect.
- This contract with The Shalleck Collaborative, Inc. will be for the Construction Administration and operational verification with the architect’s theater consultant to maintain continuity with the design efforts and will take these project components through final check-out. This contract will support the current design and the upcoming Group II work for the noted elements.
- Action:* Ratification

- J. Title:** Communication Plan for CEQA Study
- Vendor:** Placemakers
- Campus:** De Anza College
- Project No.:** Historical Buildings
- Project Name:** Visual and Performing Arts Center – Group II Equipment & Theater
- For:** This information item provides the proposed calendar to complete the public review process for the CEQA study of the two historical buildings at De Anza College: the East Cottage and Winery Building. Due to the rehabilitation and reconstruction program currently under design for these two buildings, an Initial Study was performed and the assessment has indicated that a Mitigated Negative Declaration would be prepared.

The consultants, Placemakers, performed their evaluations and have prepared their Administrative Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Program. They will submit for public review and comment. A community meeting will be held to review the findings and discuss the Mitigated Negative Declaration and Mitigation Monitoring Program. The attached schedule indicates the timeline of these efforts.
- Action:** Information Only

Item 16

INCREASE IN SPENDING AUTHORIZATION FOR CONTRACT WITH KRUGER INTERNATIONAL — DE ANZA COLLEGE CLASSROOM AND OFFICE FURNITURE

- M/S/C:** Plotkin/Ahrens
- Advisory vote:** 2 yes
- Board vote:** unanimous
- Action:** Approved an increase in the spending authority for up to an additional \$350,000 of classroom and office furniture and authorized the District Purchasing Services Supervisor to issue Purchase Orders for De Anza College pursuant to Public Contract Code 20652 and the County of Alameda contract through the contract expiration date or through June 30, 2009, whichever is sooner

DATES TO REMEMBER

September 8, 2008 — Regular Meeting

ADJOURNMENT

Vice President Fong adjourned the meeting at 7:55 p.m.

jco
Approved: 9/8/08

Martha J. Kanter, Chancellor
Secretary, Board of Trustees

ATTACHMENT A

GCA Law Partners LLP

MEMORANDUM

To: Board of Directors; Foothill-De Anza Community College District

From: Douglas B. Aikins

Date: August 25, 2008

Re: Agenda Item #14; (a) Decertification of Project EIR/Certification of Initial Study/Mitigated Negative Declaration and (b) vacation of DCC Building approval/approval of ETS Building.

This agenda item concerns the actions necessary to be taken to (a) comply with a writ issued by the Santa Clara County Superior Court on January 23, 2007, concerning compliance with the California Environmental Quality Act ("CEQA"), and (b) approve and implement construction of a new administration building ("ETS Building") at a proposed location easterly of the existing Administration Building and the vacant Griffin House.

The actions recommended by District Special Counsel and staff are the following:

1. Compliance with CEQA. Decertify the previously-approved Environmental Impact Report ("Project EIR", dated June, 2005, State Clearinghouse #SCH 2004052082) prepared for construction of a proposed DCC Building ("Project"), and approve the Initial Study/Mitigated Negative Declaration ("Negative Declaration" dated August, 2008, State Clearinghouse SCH #2004052080), prepared for that certain amendment to the foregoing Project that would result in construction of the ETS Building, in a different location, instead of the DCC Building.

Motion. A suggested Board motion to take this action reads as follows: "I move that the Board (a) decertify the Project EIR dated June 2005, and (b) adopt and approve the Negative Declaration dated August, 2008. Approval of the Negative Declaration dated August, 2008 is based upon the findings set forth in the Negative Declaration and further set forth below."

2. Approve the Amended Project. Approve implementation of the ETS Building in the location and other dimensions described in the Negative Declaration. Approval of the ETS building explicitly sets aside the District's previous approval of the DCC Building in its previously approved location.

Motion. A suggested Board motion to take this action reads as follows: "I move that the Board (a) set aside its previous approval of the DCC Building, and (b) approve implementation of the ETS Building as described in the Negative Declaration. Approval of the ETS Building is based upon the findings set forth in the Negative Declaration and further set forth below."

3. Findings.

A. The Board of Directors ("Board") of the Foothill-De Anza Community College District has considered the proposed mitigated Negative Declaration, together with all comments received during the public review process.

B. The Negative Declaration was prepared in compliance with CEQA. The Negative Declaration analyzes the potential environmental effects of certain amendments to the originally-defined Project, by which the DCC Building as defined in the Project EIR would not be built, and instead, the smaller ETS Building would be built at another location easterly of the existing Griffin House.

C. Construction of the ETS Building in the proposed location easterly of the Griffin House will not impose a significant adverse effect upon the Griffin House's historical significance. This is because the Griffin House will not be materially altered, either directly or indirectly, by construction of the ETS Building, based upon the information contained in the Negative Declaration.

D. The area between the ETS Building and the Griffin House will be improved as a landscaped courtyard. The ETS Building itself will be of a modern, pleasant design, incorporating aesthetic themes and materials intended to harmonize with the nearby Administration Building. The immediate surroundings of the Griffin House will be aesthetically enhanced, and the net effect of the ETS Building's construction will be to enhance and improve the appearance of the area that includes the Griffin House.

E. The campus is an active educational institution, with streets, parking areas, buildings, pedestrian access ways, street lighting and all necessary municipal utilities and infrastructure.

F. The new ETS Building will affect the context and setting of the Griffin House only insignificantly.

G. The amendments to the Project analyzed in the Negative Declaration and approved hereby also would result in no alteration or change in the existing, ongoing program of inspections and maintenance of the Griffin House. This program consists of

periodic inspections of the Griffin House by District maintenance personnel, repair of physical problems such as breakage, vandalism, etc. on an "as needed" basis, maintenance of the structure's integrity against rain, unauthorized entry and structural failure, and similar ongoing efforts. The District hereby makes no discretionary decision regarding alterations or amendments to the ongoing inspection and maintenance program for the Griffin House except as set forth herein.

H. This program is intrinsically a program of monitoring the physical condition of the Griffin House, maintaining existing conditions, reporting breakage and other physical defects, monitoring the security of the structure, and guarding against unauthorized entry, vandalism and the other types of minor casualties and defects that could cause safety problems, physical damage to the structure and accelerated deterioration. If construction of the ETS Building causes any significant adverse effect upon the historical significance of the Griffin House, this program of monitoring and maintenance is intended to, and committed to, identifying that effect and repairing it. The Board hereby endorses and adopts the current, ongoing program of inspections, monitoring and maintenance of the Griffin House, and the foregoing commitment, as its "mitigation and monitoring" program pursuant to CEQA Guideline 15074.

I. The Board is familiar with the information contained in the Project EIR and, although that document has been decertified, relies in part upon the information contained therein, which is incorporated into the administrative record of this action by this reference.

J. The Board hereby finds, on the basis of the Negative Declaration and the whole record before it, that there is no substantial evidence that construction of the ETS Building at its proposed location will have a significant adverse effect on the environment, and in particular, on the historical significance of the Griffin House.

K. The administrative record of these proceedings is in the custody of Mr. Charles Allen, Executive Director of Facilities, 12345 El Monte Road, Los Altos Hills, CA 94022..