



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

August 4, 2008

CALL TO ORDER AND ROLL CALL

President Bruce Swenson declared a quorum was present and called the meeting to order at 1:02 p.m. in Room CDC1-10 of the Child Development Center at De Anza College, 21250 Stevens Creek Blvd, Cupertino, CA 95014.

Trustees Present:

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

for Public Session

Patrick Ahrens, De Anza College Student Trustee (arrived at 1:50 p.m.)
Confiance Dukunde, Foothill College Student Trustee (arrived at 6:00 p.m.)

President Swenson 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	David Garrido	Frank Nunez
	Tom Armstrong	Rich Hansen	Jon O'Bergh
	Shirley Barker	Jeanine Hawk	Fred Sherman
	Bob Barr	Art Heinrich	Bernata Slater
	Maureen Chenoweth	Martha Kanter	Marisa Spatafore
	Andy Dunn	Judy Miner	Denise Swett
	Christina Espinosa-Pieb	Brian Murphy	
	Richard Galope	Dorene Novotny	

Press: Arden Pennell, Palo Alto Weekly

Students: None

Public: Terry Terman

Item 1

BUDGET OVERVIEW

Vice Chancellor of Business Services Andy Dunn and Director of Budget Operations Bernata Slater presented a budget update, including 2008-09 budget scenarios and proposed solutions to address the projected operating deficit. Responding to a question from President Swenson, Foothill College President Judy Miner and De Anza College President Brian Murphy clarified that they intend to retain one-time funds to address deficits in both 2008-09 and 2009-10, and both colleges are looking

carefully at how carryover funds are spent. Vice Chancellor Dunn explained that, since a state budget has not yet been signed, it is unclear whether \$2 million in property tax backfill will actually be forthcoming. He noted that the \$16.4 million restricted carryover in the District's budget includes costs for negotiated labor agreements, encumbrances and the allocation for the Educational Information System. A detailed analysis of carryover funds will be brought to the Board with the Adopted Budget.

Item 2

EDUCATIONAL TECHNOLOGY SERVICES

Vice Chancellor of Technology Fred Sherman presented an overview of services provided by Educational Technology Services, accomplishments during the past year, and the current condition of technology infrastructure and systems as well as steps being taken for their replacement or improvement. He emphasized critical areas needing immediate attention, which are the network, data security and disaster recovery. He noted that most community college districts in California have not yet addressed disaster recovery systems due to being inadequately funded by the state. He outlined the process to develop a Request for Proposal to be used to select a disaster recovery collocation site and noted that the new Educational Information System (EIS) will provide the capability to test disaster recovery.

Other technology areas that need to be addressed include server management, replacement of the phone system, a new content management system for the District and college websites, the Call Center, and integrated communication tools for voicemail, email and calendar functions. He explained that a new registration system will be part of the EIS but will require other system modules to be up and running, which is expected to take two-and-a-half years. Student Trustee Ahrens reported that students for the most part feel the current online registration system works well, despite existing problems, when compared to other colleges.

Vice Chancellor Sherman discussed Institutional Research and strategic planning for the Educational Master Plan, explaining the intent to integrate and better align the District's various types of plans. He reviewed the process and tentative calendar that will culminate in the 2011 accreditation site visit. Trustee Plotkin asked how well the planning for Measure C anticipated the District's actual technology needs. Vice Chancellor Sherman responded that it was a good effort at the time, but there are naturally shortcomings since it is difficult to estimate how technology will evolve and not everything could be funded by Measure C.

President Swenson called a recess at 2:20 p.m., then reconvened the meeting at 2:28 p.m.

Item 3

FACILITIES MASTER PLAN 2005-2015: PLANNING AND IMPLEMENTATION

Chancellor Martha Kanter reviewed background about the El Camino/Highway 101 corridor — the area on both sides of El Camino Real south of Highway 101 — where jobs and population growth are increasing faster than the rest of Santa Clara County. Executive Director of Facilities, Operations and Construction Management Charles Allen summarized changes to the Measure C bond list that fall within the parameters approved by the voters and reviewed the Measure C spending plan. He discussed best practices based on lessons learned from Measure E, which include three-dimensional modeling, use of a project approval document, interdisciplinary reviews, and project delivery method selection methodology. Elaborating on the project approval document, he

explained that the vice president, building user (which is most often the dean), bond project manager and Gilbane Company representative will work together and sign off during the project's various phases, helping to ensure good communication. Responding to a question from Trustee Plotkin, Executive Director Allen said the Gilbane/Maas partnership is providing the kind of improved control that the District desires.

Foothill Vice President of Educational Resources and Instruction Shirley Barker, De Anza Vice President of Finance and College Services Jeanine Hawk, and Bond Program Managers Tom Armstrong and Art Heinrich reviewed highlights from the colleges' facilities planning efforts. At Foothill, projects include a new Physical Science and Engineering Center; building renovations; site improvements such as lighting, signage and walkways; and an Environmental Impact Report, for which the public review period is scheduled in August and September 2008. At De Anza, projects include a new Mediated Learning Center and Planetarium; building renovations; historic renovations; and a utilities assessment. Trustee Plotkin requested that the Board be provided information on plans to incorporate technology into the journalism program. Responding to a question from Trustee Casas Frier, Foothill Vice President Barker affirmed that LEED certification is part of Foothill's planning process just as it is at De Anza.

Foothill President Miner discussed educational programming at the Middlefield campus and projected growth for new programs over the next five years. Goals for 2015 include creating a state-of-the-art Career Pathways Center, Lifelong Learning Center, College Skills Center, Trades Apprenticeship Preparation Center, and offering of courses to meet the full range of requirements for degrees and certificates in selected programs. She noted that classes which use the gym or dance studio, as well as classes for the REACH program, are not likely to move from the current Cubberly site. Executive Director Allen reviewed facility requirements for a Middlefield center based on educational programming needs, resulting in 4,981 assignable square feet needed at the Cubberly site and, by 2019, 50,484 assignable square feet at another site. Responding to a question from President Swenson, Foothill President Miner clarified that a previous estimate of 100,000 square feet was based on additional uses such as a cafeteria and shared use space.

Executive Director Allen discussed off-campus growth, noting that, by 2015, on-campus facilities at both colleges will be at capacity as provided by Measure E and C. He emphasized the need to begin planning now to address additional capacity beyond 2015. Vice Chancellor Dunn reviewed bond indebtedness from Measures E and C. He shared the good news that, due to growth in assessed valuation, the combined tax rate is only \$32.83 rather than the \$38 projected.

Item 4

BOARD GOALS FOR 2008-09

In light of the structural imbalance in the District's budget, the Board discussed changing a goal listed as "Achieve Financially Responsible Compensation Settlements" to read "Balance Revenues and Expenses" with two subsidiary points: "Reduce structural imbalance" and "Achieve financially responsible compensation settlements." It is understood that balancing revenues and expenses will require a multi-year effort.

M/S/C:	Casas Frier/Fong
Advisory vote:	1 yes (Ahrens); Dukunde was not yet present
Board vote:	unanimous
Action:	Approved the Board Priorities for 2008-09 as revised above

Item 5

TRUSTEE SELECTION AND APPOINTMENT PROCESS

The Board discussed the trustee selection and appointment process to be used in the event of a vacancy following the November election. In terms of how many applicants to interview, the Board expressed support for President Swenson's recommendation to set a goal of approximately six. It was also agreed that trustees will email to the chancellor their votes for which applicants to interview, and that applicants who receive at least two votes will be invited for an interview with the Board. Trustee Fong said he is comfortable with the proposed process. The Board will review the process again at the September 9, 2008 meeting.

CLOSED SESSION

At 4:30 p.m., the Board adjourned into closed session in the Don Bautista Room at De Anza College's Hinson Campus Center with the individuals listed below to discuss:

CONFERENCE WITH LABOR NEGOTIATOR

District Negotiator: Dorene Novotny
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

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:

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:

Mark Ritchie, Ritchie Commercial
John Shupe, Shupe & Finkelstein

RE-CONVENE PUBLIC SESSION

President Swenson re-convened the public session at 6:35 p.m. in Room CDC1-10 of the Child Development Center. The following staff, press, students and members of the public were present:

<i>Staff:</i>	Charles Allen	Jeanine Hawk	Dorene Novotny
	Anne Argyriou	Dawn Kaltenbach	Frank Nunez
	Maureen Chenoweth	Martha Kanter	Jon O’Bergh
	Andy Dunn	Marsha Kelly	Joanne O’Neill
	Christina Espinosa-Pieb	Ron Levine	Carmen Redmond
	David Garrido	Judy Miner	Fred Sherman
	Tess Hansen	Brian Murphy	Marisa Spatafore

Press: Arden Pennell, Palo Alto Weekly

Students: None

Public: Brian O’Neill
Terry Terman

REPORTING OUT FROM CLOSED SESSION

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

APPROVAL OF MINUTES

M/S/C:	Plotkin/Bechtel
Advisory vote:	2 yes
Board vote:	unanimous
Action:	Approved the minutes of the July 7, 2008 meeting

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 an item not on the agenda.

Staff

De Anza staff member Dawn Kaltenbach spoke highly about Child Development Center Administrative Assistant Joanne O’Neill and expressed hope that the Board would extend her medical leave rather than place her on the 39-month reemployment list. Joanne O’Neill also addressed the Board regarding her circumstances and asked the Board not to approve the proposed action to place her on the 39-Month Re-Employment list.

Foothill President Miner thanked the trustees who attended the Summer Gala and Math Success graduation ceremony. De Anza President Murphy reported that Food Services won the Grand Prize for Finest Food Service among U.S. colleges and universities, which was awarded by the National Association of College and University Food Services. Chancellor Kanter announced an event on August 5 sponsored by Congressman Mike Honda in support of HR 6104, the e-STEM bill, and that Trustee Casas Frier would speak on behalf of the Board at the event. She noted that the District sent Congressman Honda a letter of support for the bill. She also announced the Asian Pacific American Leadership Institute dinner to be held August 7.

Trustees

Trustee Casas Frier expressed how proud she was of the middle school students who graduated from the Foothill Summer Math Acceleration program recently.

APPROVAL OF CONSENT CALENDAR

President Swenson announced the following changes to the Consent Calendar: for “Item 15, Personnel Actions,” removal of the Temporary Salary Increase for Jeanine Hawk and a correction to the salary compensation for Rob Mieso; for “Item 16, Human Resources Report,” change Joanne O’Neill to 39-Month Re-Employment. He removed Item 7 at the request of Trustee Bechtel and Item 8 at the request of Student Trustee Dukunde. Trustee Bechtel said she would recuse herself from discussion and action on Item 7 since she owns AT&T stock and is concerned about a possible conflict of interest; however, she asked the chancellor to obtain further clarification for the future about the circumstances under which a conflict of interest actually applies.

M/S/C: Casas Frier/Fong
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified Item 6 and Items 9-16 of the Consent Calendar as revised as follows:

Item 6 — **Ratified** CONTRACTS AND AGREEMENTS

Item 9 — **Denied** CLAIM AGAINST THE DISTRICT BY GARY B. WESLEY

Item 10 — **Approved** SALE OF VENIPUNCTURE CHAIR
Made a finding that the property does not exceed \$5,000 in value and authorized the Director of Purchasing Services to sell the venipuncture chair

Item 11 — **Approved** DONATION OF SURPLUS DISTRICT COMPUTER MONITORS
Made a finding that the items are of insufficient value to defray the costs of arranging a sale and authorized the Director of Purchasing Services to donate the items to the Foothill-De Anza Foundation

Item 12 — **Approved** SALE OF SURPLUS DISTRICT ATHLETIC EQUIPMENT
Made a finding that the property does not exceed \$5,000 in value and authorized the Director of Purchasing Services to sell the items in accordance with Education Code 81452(a)

Item 13 — **Approved** CHANGES FOR DE ANZA COLLEGE CERTIFICATES AND DEGREES

Item 14 — **Approved** CHANGES TO THE DE ANZA CATALOG

Item 15 — Approved PERSONNEL ACTIONS:

Name: **Emanuel DaSilva**
Position: Manager, Custodial Operations
College: De Anza College
Division: College Services
Action: **Extend Employment Contract**
Effective Date: September 4, 2008 through June 30, 2009 # of Months: 12

Position: **Director/Instructor, Respiratory Therapy**
College: Foothill College
Division: Biological and Health Sciences
Action: **Contract Increase**
Effective Date: July 1, 2008 # of Months: 12
Comments: Permanent change from 10 months to 12 months

Name: **Isaac A. Escoto**
Position: Counselor
College: Foothill College
Division: Counseling
Action: **Employment**
Effective Date: August 1, 2008 # of Months: 11
Compensation: Column III, Step A @ \$5,827.63 per month

Name: **Duncan W. Graham**
Position: Interim Vice President
College: Foothill College
Division: Instruction and Institutional Research
Action: **Employment**
Effective Date: August 1, 2008 – December 31, 2008 # of Months: 5
Compensation: Level M, Step 7 @ \$13,369.50 per month
Comments: In accordance with Chapter III of the Administrators Handbook

Name: **Robert Johnstone**
Position: Vice President
College: Foothill College
Division: Instruction and Institutional Research
Action: **Resignation**
Effective Date: July 25, 2008

Name: **Jewell Renee McGinley**
Position: Counselor
College: De Anza College
Division: Counseling
Action: **Unpaid Leave of Absence**
Effective Date: April 1, 2008 – June 30, 2008
Comments: In accordance with Article 16 of the *Agreement* between the District and the Faculty Association

Name: **Rob Mieso**
Position: Director, Office of Outreach and Relations with Schools
College: De Anza College
Division: Admissions and Records
Action: **Employment**
Effective Date: August 1, 2008
Compensation: Level F, Step 4 @ \$7,526.94 per month

Name: **Erica Onugha**
Position: Instructor
College: Foothill College
Division: Language Arts
Action: **Employment**
Effective Date: September 18, 2008 # of Months: 10
Compensation: Column IV, Step A @ \$6,109.41 per month

Position: **Registrar**
College: Foothill College
Division: Student Development and Instruction
Action: **Approve New Classification**
Effective Date: August 5, 2008 # of Months: 12
Compensation: Level G
Comments: In accordance with Chapter XI of the Administrators Handbook

Name: **William E. Turner**
Position: Instructor
College: De Anza College
Division: Language Arts
Action: **Reduction in Load to 70%**
Effective Date: September 18, 2008 through June 30, 2011
Comments: In accordance with Article 18 of the *Agreement* between the District and the Faculty Association

Item 16 — Approved HUMAN RESOURCES REPORT

Item 7

RATIFICATION OF B WARRANTS GREATER THAN \$5,000 — MAY AND JUNE 2008

Trustee Bechtel left the room.

M/S/C: Plotkin/Casas Frier
Advisory vote: 2 yes
Board vote: 4 yes (Bechtel was not present for the vote)
Action: Ratified the B Warrants greater than \$5,000 for May and June 2008

Following the vote, Trustee Bechtel was invited back into the room.

Item 8

CONTRACT WITH CHILD DEVELOPMENT, INC., DBA CHOICES FOR CHILDREN

Student Trustee Dukunde spoke about the need for a child care center at Foothill College, noting that the facility at De Anza is not convenient for Foothill students. He reported that ASFC plans to survey Foothill students about their support for a child care center on campus. Foothill President Miner and Chancellor Kanter noted that a child care center is part of the college's long-range plans.

M/S/C: Casas Frier/Plotkin
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the contract with Child Development, Inc., DBA Choices for Children

Item 17

BOARD CALENDAR FOR 2009

M/S/C: Ahrens/Casas Frier
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the calendar of Board meetings for 2009

Item 18

REVISION TO BOARD POLICY 9200 – CONFLICT OF INTEREST

Chancellor Kanter presented the proposed revision to Board Policy 9200 for a first reading. No further changes were suggested. The policy will be presented at the August 25 meeting for approval.

Item 19

LAYOFF DUE TO LACK OF WORK AND LACK OF FUNDING FOR FUND 15 SELF-SUPPORTING PROGRAM

Foothill President Judy Miner thanked everyone who worked together to establish ETUDES as a non-profit corporation that will be able to employ those individuals affected by the layoff action in their same positions.

M/S/C: Plotkin/Dukunde
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved elimination of three Learning Systems Project Analyst positions effective October 15, 2008 and authorized District representatives to provide these employees with at least a forty-five (45) day notice of layoff: Rashmi Mheshwari, Murthy Tanniru, and Mallika Thoppay

Item 20

DE ANZA COLLEGE ADDENDUM ENVIRONMENTAL IMPACT REPORT; CLOSE OF PUBLIC REVIEW PERIOD AND APPROVAL

Executive Director Allen pointed out that, based on California Environmental Quality Act guidelines, substantial changes to the project description have not occurred and thus there would be no new significant environmental effects or increase in severity of previously identified items. All mitigation measures required in the previous Environmental Impact Report are feasible and no new mitigation measures are required.

M/S/C: Fong/Plotkin
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the Addendum to the Environmental Impact Report for the De Anza College 2007 Facilities Master Plan

Item 21

MEASURE E CONSENT CALENDAR

President Swenson removed Item C.

M/S/C: Plotkin/Fong
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified the Measure E Consent Calendar, items A, B and D as follows:

- A.** *Title:* Change Order #9
Vendor: S. J. Amoroso Construction Co., Inc.
Agreement Date: June 29, 2007
Campus: De Anza College
Project No.: 765-209
Project Name: Visual and Performing Arts Center
Amount: \$67,034
For: Change Order #9 includes several negotiated construction scope revisions to the Prime Contract Agreement for De Anza Measure E Project #765-209. These changes are required to complete the construction of this project and include the following items: revise door hardware, added steel supports for cantilevered countertops and canopies, wall furring to conceal structural steel and utility lines, waterproofing detail work at parapet walls and aluminum panel penetrations, acoustic ceiling revisions, and wall type revisions for ADA lift shaft.
- This change order does not alter the original contract completion date of September 21, 2008. The total change orders to date will amount to \$297,765. This will equal 2.1% of the original contract amount.
- Action:* Ratification

B. *Title:* Revision #1 to Addendum #10 to Agreement
Vendor: Gilbane Building Company
Agreement Date: April 3, 2000
Campus: Foothill and De Anza College
Amount: \$763,785
For: On April 3, 2000, the Board awarded an Agreement for Program Management Services to Gilbane Building Company for the Measure E Bond Program. Ten previous Addenda have been issued and approved by the Board. Revision 1 to Addendum Ten is being issued to renew this agreement through June, 2009, in accordance with the terms and conditions of the contract.
Action: Approval

D. *Title:* Revision #1 to PAA-2B
Vendor: Noll & Tam Architects
Agreement Date: August 4, 2008
Campus: De Anza College
Project No.: #766-258
Project Name: Renovation of Multicultural Center
Amount: \$4,400
For: This revision includes additional compensation for providing a District-requested update of Division 00 and Division 01 Specifications to the new 2004 Standard Construction Standards Institute (CSI) format. Currently, architects are writing technical Specifications (known as “Division 2-16” Specifications) for each construction project in the new CSI Master Format 2004 for the upcoming Measure C projects at both Foothill and De Anza. The “front ends” (Division 0 and Division 1) and “Appendix items” must be in the same format, as many of the sections interface with each other and the trade contracts also refer to specific Specification sections. Noll & Tam Architects has been hired to complete the CSI Specification conversion from the old format to the new industry standard CSI Master Format 2004 system. The task assigned to Noll & Tam Architects will be a conversion of the sequential numbering system and internal Section referencing only. The actual language content within each of the Specification sections will not be modified in any other way.
Action: Approval

Executive Director Allen explained that Change Order #71 addresses an issue that was not apparent during the initial inspection and was only discovered after analysis. He said it is likely a design error and that District administration will pursue reimbursement. To avoid a similar situation in the future, the District will use a mechanical design professional with experience designing labs, along with a “commissioning process.” Responding to a question from Trustee Casas Frier, Executive Director Allen emphasized that the change order fixes a design error and does not settle any dispute.

M/S/C: Swenson/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: Ratified the Measure E Consent Calendar item C as follows:

- C.** *Title:* Change Order #71
Vendor: S. J. Amoroso Construction Co., Inc.
Agreement Date: February 24, 2005
Campus: Foothill College
Project No.: 152
Project Name: Lower Campus Complex
Amount: \$26,729
For: Miscellaneous mechanical changes to Building 8700.
- 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

Item 22

MEASURE C CONSENT CALENDAR

Trustee Bechtel requested that, as future buildings are being designed, the Board be included early in the process rather than at the end when the design has already been completed.

- M/S/C:** Bechtel/Plotkin
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified the Measure C Consent Calendar, item A as follows:
- A.** *Title:* Professional Services
Vendor: HMC Architects
Agreement Date: April 24, 2008
Campus: Foothill College
Project No.: 102
Project Name: Biology
Amount: \$20,000
For: Provide professional A&E services to support Final Project Proposal for Foothill Biology building 5100 renovation (project#766102), with gkkworks/CCS Group providing non-architectural document sections (reference Agreement For Services dated March 26, 2008 with gkkworks/CCS Group and ratified 4/7/08). The funding is included in the current budget.
- Action:* Ratification

Item 23

CONTRACT FOR SCHEMATIC DESIGN AND DESIGN DEVELOPMENT SERVICES WITH SALAS O'BRIEN ENGINEERS, INC. — DE ANZA COLLEGE PROJECT #766241, PHASE II S2/S6 CENTRAL PLANT

- M/S/C:** Fong/Dukunde
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the agreement with Salas O'Brien Engineers, Inc. in the amount of \$128,338

DATES TO REMEMBER

August 25, 2008 — Audit & Finance Committee Meeting
August 25, 2008 — Regular Meeting

ADJOURNMENT

President Swenson adjourned the meeting at 7:06 p.m.

jco

Approved: 8/25/08

Martha J. Kanter, Chancellor
Secretary, Board of Trustees