



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

December 1, 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
Betsy Bechtel
Laura Casas Frier
Hal Plotkin

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:

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:	189 N. Bernardo Avenue, Mt. View, CA 94043
Negotiating Parties:	Cornish & Carey Commercial
Property:	21265-21269 Stevens Creek Blvd., Cupertino, CA 95014
Negotiating Parties:	Homeland Management, Inc.

Executive Administrators Present:

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

Others Present:

Kevin Crawford
Mark Ritchie
John Shupe

STUDENT DISCIPLINE — EXPULSIONS

Student ID: 11226924
Student ID: 11213727

Administrators Present:

Charles Allen, Executive Director of Facilities, Operations and Construction Management
Andy Dunn, Vice Chancellor of Business Services
Martha Kanter, Chancellor
Michele LeBleu-Burns, Dean of Student Development and EOPS, De Anza College
Brian Murphy, President of De Anza College
Judy Miner, President of Foothill College
Fred Sherman, Vice Chancellor of Technology

RE-CONVENE PUBLIC SESSION

Following a recess for the Annual Holiday Reception, President Swenson re-convened the public session at 6:01 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	Brian Murphy
	Anne Argyriou	Marie Fox Ellison	Frank Nunez
	Tom Armstrong	Robert Griffin	Jon O’Bergh
	Gina Bailey	Rich Hansen	Matais Pouncil
	Shirley Barker	Art Heinrich	Hector Quinonez
	Becky Bartindale	Ken Horowitz	Fred Sherman
	Kim Chief Elk	Sharon Luciw	Marisa Spatafore
	Dolores Davison	Martha Kanter	Laura Woodworth
	Jennifer Dirking	Marsha Kelly	
	Andy Dunn	Judy Miner	
<i>Press:</i>	None		
<i>Students:</i>	None		
<i>Public:</i>	Bill Berry	Frank Ingle	Colin Rudolph
	Faith Brigel	Mary Levine	Terry Terman
	Pearl Cheng	Elinora Mantovani	Mary Ellen White-Vondran
	Christopher Chiang	Tom Perry-Smith	Sarah Wiehe

REPORTING OUT FROM CLOSED SESSION

President Swenson reported that the Board approved the expulsion of two De Anza students.

ANNUAL ORGANIZATION MEETING

Board President

Trustee Bechtel, Trustee Plotkin and Student Trustee Ahrens announced that they intended to vote for Laura Casas Frier as Board President. Ballots for Board President were marked and handed to Chancellor Martha Kanter, who read the results as follows:

Trustee Bechtel voted for Laura Casas Frier
Trustee Casas Frier voted for Laura Casas Frier
Trustee Plotkin voted for Laura Casas Frier
Trustee Swenson voted for Laura Casas Frier
Student Trustee Ahrens voted for Laura Casas Frier
Student Trustee Dukunde voted for Laura Casas Frier

Chancellor Kanter declared Laura Casas Frier Board President by unanimous vote.

Vice President

President Casas Frier asked for votes to be cast for Vice President. Trustee Swenson announced that he intended to vote for Betsy Bechtel. Ballots were marked and handed to Chancellor Kanter, who read the results as follows:

Trustee Bechtel voted for Betsy Bechtel
President Casas Frier voted for Betsy Bechtel
Trustee Plotkin voted for Betsy Bechtel
Trustee Swenson voted for Betsy Bechtel
Student Trustee Ahrens voted for Betsy Bechtel
Student Trustee Dukunde voted for Betsy Bechtel

Chancellor Kanter declared Betsy Bechtel Board Vice President by unanimous vote.

Secretary

In accordance with Board Policy 9120, the Chancellor was automatically designated as Board Secretary.

Committee Appointments

President Casas Frier made the following committee appointments, but said she would wait for the appointment of a new trustee before making the additional appointments.

Hal Plotkin, Chair, Audit & Finance Committee
Betsy Bechtel, Member, Audit & Finance Committee

Trustee Bechtel said she would be interested in serving with another trustee on the Trustee Scholarship Committee. President Casas Frier reported that Trustees Plotkin and Swenson agreed to participate with the District's executive administrators in meetings to discuss the budget.

APPROVAL OF MINUTES

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

CORRESPONDENCE

President Casas Frier asked if there was any correspondence which should be brought to the Board's attention. She distributed copies of community college best practices published by the Campaign for College Opportunity.

HEARINGS: ITEMS NOT ON THE AGENDA

Public / Students

Bob Stutz, member of the Pathways Committee of the Town of Los Altos Hills, emphasized that the public paths through Foothill College need to be retained. Terry Terman, representing the League of Women Voters, noted a San Jose Mercury News editorial about the surge in community college enrollment. He also urged transparency in the process to appoint a replacement for Trustee Paul Fong. Trustee Casas Frier acknowledged former trustee Mary Levine, who wished to address the Board at the end of the meeting.

Staff

Foothill Instructor Ken Horowitz spoke about the Board's role in the budget crisis and suggested administrative restructuring, including one president for both colleges. De Anza President Brian Murphy announced a holiday celebration on December 11. He also asked that the Board adjourn the meeting in memory of High Tech Center Training Unit Director Carl Brown. Foothill President Judy Miner invited everyone to a holiday celebration on December 3 and announced that the Community College Consortium for Open Educational Resources had received a Tech Focus Award from the State Chancellor's Office.

Chancellor Kanter announced that De Anza student Tae Young Jun received second place in the national League for Innovation in the Community College art competition. She also reported that the governor had ordered a special session of the legislature to address the budget crisis. Faculty Association President Rich Hansen reported that he attended a recent Community College Advocacy Summit.

Trustees

Referring to the San Jose Mercury News editorial on the surge in community college enrollment, Trustee Bechtel thanked Chancellor Kanter and Coordinator of Communication and Public Affairs Becky Bartindale for helping to get the word out to the press about enrollment and community college budget issues. Trustee Plotkin spoke about the indispensable role played by High Tech Center Training Unit Director Carl Brown in the development of the Community College Consortium for Open Educational Resources and acknowledged his leadership in open textbooks and accessibility. Student Trustees Ahrens and Dukunde reported that they attended the Community College League of California Conference and are involved in the creation of a new community college student trustee organization. President Casas Frier reported that she also attended the Conference.

APPROVAL OF CONSENT CALENDAR

M/S/C:	Plotkin/Bechtel
Advisory vote:	2 yes
Board vote:	unanimous
Action:	Approved / Ratified Items 1-18 of the Consent Calendar as follows:

- Item 1** — **Approved** RESOLUTION #2008-22 HONORING FORMER TRUSTEE PAUL FONG
- Item 2** — **Ratified** CONTRACTS AND AGREEMENTS
- Item 3** — **Ratified** B WARRANTS GREATER THAN \$5,000 FOR SEPTEMBER AND OCTOBER 2008 AND WIRE TRANSFERS GREATER THAN \$5,000 FOR AUGUST AND OCTOBER 2008
- Item 4** — **Ratified** B WARRANTS GREATER THAN \$5,000 FOR ENTERPRISE FUNDS FOR JULY, AUGUST AND SEPTEMBER 2008
- Item 5** — **Approved** DELEGATION OF AUTHORITY RESOLUTIONS #2008-19A THROUGH #2008-19H
- Item 6** — **Approved** AUTHORITY TO MODIFY BANKING RELATIONSHIP AND CHANGE TO BANK OF AMERICA
- Item 7** — **Approved** RESOLUTION #2008-20 AUTHORIZING SEPARATE BANK ACCOUNTS
- Item 8** — **Approved** RESOLUTION #2008-21 AUTHORIZING TERMINATION OF THE AGREEMENT WITH THE RETIREE HEALTH BENEFITS PROGRAM JOINT POWERS AGENCY SPONSORED BY THE COMMUNITY COLLEGE LEAGUE OF CALIFORNIA
- Item 9** — **Approved** AUTHORIZATION TO RENEW ADOBE OPEN OPTIONS CLP LICENSING PROGRAM MEMBERSHIP
- Item 10** — **Approved** FOOTHILL AND DE ANZA COLLEGES IMPACT – COMMUNITY EDUCATION SHORT COURSES FOR WINTER/SPRING 2009
- Item 11** — **Approved** DONATION OF DE ANZA AUTO TECH ENGINES
Authorized the Purchasing Services Supervisor to donate the engines to Fremont High School and Homestead High School in accordance with Education Code 81450.5(b)
- Item 12** — **Approved** SALE OF MISCELLANEOUS HVAC AND AUTO TECH EQUIPMENT
Made a finding that the property does not exceed \$5,000 in value and authorized the Purchasing Services Supervisor to sell the items in accordance with Education Code 81452(a)
- Item 13** — **Approved** SALE OF SURPLUS EQUIPMENT
Made a finding that the property does not exceed \$5,000 in value and authorized the Purchasing Services Supervisor to sell the twelve oscilloscopes and the floor mounted sander
- Item 14** — **Approved** SALE OF MISCELLANEOUS SURPLUS E-WASTE EQUIPMENT
Made a finding that the property does not exceed \$5,000 in value and authorized the Purchasing Services Supervisor to sell the items in accordance with Education Code 81452(a)
- Item 15** — **Approved** DONATION OF SURPLUS DISTRICT PERSONAL PROPERTY
Made a finding that the items are of insufficient value to defray the costs of arranging a sale and authorized the Purchasing Services Supervisor to donate the items to the Foothill-De Anza Colleges Foundation

Item 16 — **Approved** AUTHORIZATION TO PURCHASE MICROSCOPES AND RELATED ACCESSORIES PURSUANT TO BID 1173

Authorized the Purchasing Services Supervisor to issue purchase orders in the amount not to exceed \$167,050.42 to Olympus America, Inc., pursuant to the prices, terms, and conditions set forth in Bid 1173

Item 17 — **Approved** PERSONNEL ACTIONS:

Name: **Brenda Ann Davis Visas**
Position: Director
College: Foothill College
Division: Facilities and Special Projects
Action: **Extend Employment Contract**
Effective Date: January 1, 2009 through December 31, 2009

Name: **Lesley Dauer**
Position: Faculty
College: Foothill College
Division: Language Arts
Action: **Reduction in Load by 33%**
Effective Date: January 5, 2009 through June 30, 2009

Name: **Brenda Hanning**
Position: Director / Instructor
College: Foothill College
Division: Respiratory Therapy Program
Action: **Employment**
Compensation: Column I / Step F @ \$6,672.96/month
Effective Date: January 1, 2009 *# of Months:* 12

Name: **Lakshmi Padmanabhan**
Position: Faculty
College: De Anza College
Division: Child Development Center
Action: **Temporary Leave Replacement**
Compensation: Column I / Step E @ \$3,269.43
Effective Date: November 3, 2008 through June 30, 2009 *# of Months:* 8

Name: **Karen Yamamoto**
Position: Faculty
College: De Anza College
Division: Child Development Center
Action: **Temporary Leave Replacement**
Compensation: Column IV / Step H @ \$5,489.65
Effective Date: November 3, 2008 through June 30, 2009 *# of Months:* 8

Item 18 — **Approved** HUMAN RESOURCES REPORT

Item 19

SELECTION OF FINALISTS FOR TRUSTEE VACANCY

Noting the high volume of applications that were submitted right before the deadline, which afforded the Board little time to adequately review the materials, Trustee Bechtel proposed postponing the selection of finalists to a special Board meeting later in the week.

M/S/C: Bechtel/Swenson
Advisory vote: 2 yes
Board vote: unanimous
Action: Postponed Item 19 to a special Board meeting on Wednesday, December 3 at 5:30 p.m.

Item 20

APPOINTMENTS TO CITIZENS' BOND OVERSIGHT COMMITTEE

M/S/C: Swenson/Dukunde
Advisory vote: 2 yes
Board vote: unanimous
Action: Re-appointed the following individuals for a final two-year term:
Carol Johnson — at large representative
Jim Sandstrom — senior citizens organization representative
Sarah Wiehe — Student representative

Item 21

NEW BOARD POLICY 3260, ELECTRONIC INFORMATION SECURITY

Vice Chancellor of Technology Fred Sherman presented the proposed policy for a first reading, noting that it had been developed by the Educational Technology Advisory Committee and endorsed by the Chancellor's Advisory Council. President Casas Frier and Trustee Bechtel commented that the policy appeared to be comprehensive. There were no further comments.

Item 22

AUDIT FOR YEAR ENDED JUNE 30, 2008

Tom Perry-Smith of Perry-Smith LLP, Certified Public Accountants, presented the Audit for the Year Ended June 30, 2008. He reported that there were only two audit issues: one involving a state compliance finding and one involving Bookstore controls. He said that recommendations regarding the prior-year findings had been implemented, and there were no audit adjustments. Trustee Bechtel reported that the Audit & Finance Committee had reviewed the draft audit and was pleased with the report. There was a discussion about whether the Board needed to formally act to accept the audit. It was agreed that the audit would be brought back to the Board at the next meeting for action and scheduled accordingly for future years.

Item 23

INDEPENDENT AUDITOR'S REPORT ON MEASURE C AGREED UPON PROCEDURES

Tom Perry-Smith of Perry-Smith LLP, Certified Public Accountants, presented the independent auditor's report. He said that no exceptions were found, and all expenditures that were reviewed were made in compliance with Measure C. He cautioned, however, that "Agreed Upon Procedures" as used throughout the state may be affected as a result of the State Controller's findings in an audit of Proposition 39 bond expenditures at Delta College. He said that his firm, the District and the State Chancellor's Office would be monitoring developments closely. As with the Audit for the Year Ended June 30, 2008, it was agreed that the Independent Auditor's Report on Measure C Agreed Upon Procedures would be brought back to the Board for action at the next meeting.

A request was made to advance Item 26 since a member of the audience was present to address the item. President Casas Frier asked if there were any objections; hearing none, she advanced Item 26.

Item 26

NASA RESEARCH PARK (NRP) DEVELOPMENT UPDATE

Dr. Bill Berry, Director of the UC Affiliated Research Center for the University of California at Santa Cruz, provided an update regarding the NRP, noting that the UC Regents approved the Limited Liability Corporation (LLC). He added that NASA was in the process of reviewing the draft lease agreement and it was expected there would only be minor changes. The tentative date for the signing of the lease is scheduled for December 12, 2008. Trustee Bechtel asked if the Chancellor had yet appointed two members to the LLC. Chancellor Kanter responded that appointments have not yet been made, but Vice Chancellor of Business Services Andy Dunn would likely be one of the individuals representing the District. Dr. Berry reported that Joint Venture Silicon Valley and the Bay Area Council have been approached in an effort to seek board members for the LLC.

Responding to a question from Trustee Swenson, Vice Chancellor Dunn clarified that the estimated District share of the LLC operating cost for calendar year 2009 is \$80,000, but could be lower depending on when a master developer is found who will assume those costs. Chancellor Kanter emphasized her interest in working with the Board and Foundation to seek private funding to cover the cost in light of the impact of the state budget crisis.

President Casas Frier expressed concern about the environmental safety of the site and said she would like an environmental report completed before any funds are spent to operate the LLC. She asked about the status of the participation of San Jose State University. Dr. Berry explained that San Jose State is interested in being an academic partner but is not interested in building at the site so will not participate financially. Dr. Berry also addressed concerns about the environmental safety of the site, explaining that the lease includes a pre-development period for the CEQA process and further testing before any construction commences, the costs to be borne by the master developer. He noted that NASA conducted an environmental assessment of the site, which uncovered no serious problems affecting the location of the NRP, and mitigation efforts are underway to clean up the entire NASA site. President Casas Frier asked what are the toxins of concern on the site. Dr. Berry responded Trichloroethylene (TCE) and Polychlorinated Biphenyls (PCB). He emphasized that the University of California is committed to an environmentally safe, economically viable project.

Trustee Bechtel noted the possibility that a developer might not want to assume the risks of building under these circumstances. Vice Chancellor Dunn clarified that there are several junctures at which the District and LLC could pull out of the project: following the results of the CEQA process, which is expected to take six months, or if no master developer turns up. Trustee Bechtel asked whether the mitigation efforts at the site, if they meet Field Act requirements as applicable to the University of California, would meet the same standards as applicable to K-14. Executive Director of Facilities, Operations and Construction Management Charles Allen responded that the standards are the same.

De Anza President Murphy spoke in support of the project, noting how beneficial it would be in terms of the District's long-term educational goals and interests. In light of President Casas Frier's reluctance to move forward without evidence that the site is environmentally safe, there was a question about whether the Board had already authorized the signing of the lease. Believing that Board authorization has previously been approved, Chancellor Kanter agreed to research the matter prior to the December 8 Board meeting.

Item 24

QUARTERLY LISTING OF DISTRICT INVESTMENTS

Vice Chancellor Dunn presented the quarterly listing as of September 30, 2008 and history of investment yields. Trustee Bechtel asked whether more up-to-date information was available. Vice Chancellor Dunn said he would engage consultant Bill Euphrat to address this matter. Trustee Swenson asked whether assessed value projections should be revisited in light of the drop in housing prices, and also asked about market conditions for bond issuances. Vice Chancellor Dunn said he would carefully watch developments regarding assessed value of homes and would report to the Board in the future. He noted that the District would not need another bond issuance for a couple of years, but bond counsel Morgan Stanley said that other clients have been able to obtain funds at this time, even though market conditions are not especially favorable.

Item 25

BUDGET AND ENROLLMENT UPDATE

Vice Chancellor Dunn presented an update regarding the impact of the governor's proposed mid-year cuts, which are estimated to be \$8 million for Foothill-De Anza. He reviewed potential solutions but noted that there would likely not be any one-time funds remaining to address the 2009-10 operating deficit, which is projected to be between \$11.5 and \$18 million. De Anza President Murphy and Foothill President Miner spoke about how the colleges are addressing enrollment and programming issues in light of the budget, focusing on the core mission areas of basic skills, transfer and workforce education. They discussed the impact of eliminating embedded hours (weekly student contact hours for approved labwork) and how, despite being a legitimate part of the learning experience, the State Chancellor's Office has requested colleges across the state to stop the practice. They also reviewed steps being taken to scrutinize open positions and expenditures, as well as creative ideas from faculty and staff that are being considered.

Trustee Swenson asked faculty leaders for their opinions regarding the way in which the colleges are addressing enrollment. De Anza Academic Senate President Anne Argyriou said that faculty are concerned that the emphasis on registering early will impact students financially, but they are pleased that course sequences will be considered in prioritizing what classes will be offered. Foothill Academic Senate President Dolores Davison said that faculty are very concerned that cutting back classes will affect student access to faculty. Faculty Association President Rich Hansen

expressed support for the emphasis on basic skills, transfer and workforce education, but hopes that consideration will be given to restoring programs when conditions improve. Trustee Plotkin requested that the Board be advised regularly on wait list data.

Item 27

MEASURE E CONSENT CALENDAR

At the request of Trustee Swenson, President Casas Frier removed Item D.

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

- A.** *Title:* Revision #1 to the Standard Form of Agreement
Vendor: Allana Buick + Bers, Inc.
Agreement Date: April 7, 2008
Campus: De Anza College
Project No.: 209
Project Name: Visual & Performing Arts Center
Amount: \$5,850
For: Additional roof construction monitoring and water testing services for the De Anza college Visual and Performing Arts Center.
Action: Ratification
- B.** *Title:* Revision #2 to Addendum #D-24
Vendor: Cleary Consultants, Inc.
Agreement Date: May 21, 2007
Campus: De Anza College
Project No.: 209
Project Name: Visual & Performing Arts Center
Amount: \$1,700
For: Additional professional soils engineering services and DSA closeout documentation for the De Anza College Visual and Performing Arts Center.
Action: Ratification
- C.** *Title:* Revision #9 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: \$6,220
For: Additional design, documentation, and construction administration services required to provide a LEED Measurement & Verification Plan for submission to USGBC and to revise on-stage rigging assemblies for motorized capability.
Action: Ratification

- E.** *Title:* Professional Services Agreement
Vendor: Allana Buick + Bers
Agreement Date: December 2, 2008
Campus: Foothill College
Project No.: 148
Project Name: Radio Station and Language Arts Renovation
Amount: \$21,253
For: Waterproofing consulting services to prepare construction documents (drawings and specifications) for reproofing Buildings 5700 and 6200, and below grade waterproofing for Building 6200.
Action: Ratification
- F.** *Title:* Revision #2 to PAA #1 (PO #M672055)
Vendor: Architerra
Agreement Date: September 22, 2005
Campus: Foothill College
Project No.: 148
Project Name: Radio Station and Language Arts Renovation
Amount: <\$13,580>
For: Termination of the architect's services after the construction documents phase. The following phases are deleted from the Architect's basic services: DSA phase, bidding phase, and construction phase.
Action: Ratification
- G.** *Title:* Budget Transfer #68
Campus: De Anza College
For: Budget Transfer DA #68 recognizes one new project, and includes a single Program Contingency to Project Transfer to fund the new project. 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.
Action: Ratification
- H.** *Title:* Master Form of Agreement
Vendor: Salas O'Brien Engineers, Inc.
Agreement Date: December 1, 2008
Campus: De Anza College
For: Professional engineering and design services.
Work scope and value will be assigned through Project Authorization Amendments.
Action: Approval

- I.** *Title:* Project Authorization Amendment #D-001
Vendor: Salas O'Brien Engineers, Inc.
Agreement Date: December 1, 2008
Campus: De Anza College
Project No.: 765-279
Project Name: Campus Site Lighting (Phase 2)
Amount: \$18,460
For: Programming & Pre-Schematic Design Phase: The scope of work is to provide a thorough assessment, programming, photometrics, and site surveys to continue the Phase 1 work and expand new pathway lighting to the entire campus. This includes a comprehensive survey and evaluation of campuswide site lighting, inventory type and wattage of existing fixtures, illumination measurements of night light levels and comparison to prevailing standards, identification of replacement options associated with photometrics, and development of cost estimates for the recommended Phase 2 work.
Action: Ratification

Trustee Swenson asked about the large number of change orders included together for Item D. Executive Director Allen described the variety of reasons for the change orders and how the total change orders compare favorably with other large projects. He emphasized that changes represent added value and the project is under control, with staff successfully negotiating lower prices when changes are submitted.

- M/S/C:** Swenson/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified Measure E Consent Calendar Item D as follows:

- D.** *Title:* Change Order #14
Vendor: SJ 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: \$111,490
For: Provide additional metal stud framing, revised mechanical, electrical and plumbing utilities, power door operators for ADA lift, revised audio-visual and rigging control, site-work alterations and other construction scope changes as described on the attached document PCCO #14. Original contract completion date of September 21, 2008 is unaltered by this Change Order.

The total change orders to date represent 3.9% against the original contract amount. The funding is included in the current budget.
Action: Ratification

Item 28

MEASURE C CONSENT CALENDAR

Trustee Swenson requested that the consent calendar submittal form include the alphabetic reference to each item in the future.

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

- A.** *Title:* Change Order #2
Vendor: Avidex Industries, Inc.
Agreement Date: September 30, 2008
Campus: De Anza College
Project No.: VPAC – Group II
Project Name: Audiovisual Systems
Amount: \$4,065.34
For: Construction changes include additional equipment for the teaching lecterns that were previously upgraded in Change Order #01. Contract Completion date of December 15, 2008 is unchanged.

The total change orders to date represent 3.19% against the original contract amount. The funding is included in the current budget.

Action: Ratification

- B.** *Title:* Project Assignment Amendment #1
Vendor: Cogent Energy, Inc.
Agreement Date: December 1, 2008
Campus: De Anza College
Project No.: 261
Project Name: Mediated Learning Center
Amount: \$205,262
For: Professional Commissioning Services including; HVAC, Building Energy Management & Controls, Domestic Water Heat Generation, DHW Pumping & Mixing, Electrical Metering, Lighting Controls (interior and exterior), Emergency Generator including the UPS and ATS, Fire alarms, Irrigation, HVAC/Fire Alarm Systems Interaction, Renewable energy systems including the photovoltaic system and the solar thermal system and other system components required to meet LEED Fundamental and LEED Enhanced Commissioning requirements per LEED New Construction Version 2.2. Telecom systems and Audio/Visual will also be fully commissioned. This includes providing all required documentation, performing timely observations and support for specified systems, and for supporting the District's other Consultants during Commissioning of this facility within their contract.

Action: Approval

- C.** *Title:* Change Order #1
Vendor: Legend Theatrical, Inc.
Agreement Date: September 30, 2008
Campus: De Anza College
Project No.: VPAC – Group II
Project Name: Draperies and Production Lighting
Amount: \$792.12
For: Construction changes include additional lighting equipment wiring harnesses. Fixtures were changed during submittal review and these items were required for electrical connections. Contract Completion date of December 1, 2008 is unchanged.

The total change orders to date represent 0.41% against the original contract amount. The funding is included in the current budget.

Action: Ratification
- D.** *Title:* Project Authorization Amendment #F-HMC-#1B
Vendor: HMC Architects
Agreement Date: July 8, 2008
Campus: Foothill College
Project No.: 104, 108 & 112
Project Name: General Classrooms (Building 5500), General Classrooms (Building 6400) & Administration Building (Building 1900)
Amount: \$444,854
For: Authorization of Construction Document, Bidding and Construction Administration services for the three buildings listed above, to complete design services begun under a previous PAA.

Action: Ratification
- E.** *Title:* Revision #1 to PAA #1-C to Master Agreement
Vendor: Noll & Tam Architects
Agreement Date: May 6, 2008
Campus: De Anza College
Project No.: 205
Project Name: Seminar Building
Amount: \$2,440
For: Additional LEED and Construction Administration (CA) services to provide a new restroom.

Action: Ratification
- F.** *Title:* Revision #2 to PAA #1-B to Master Agreement
Vendor: Noll & Tam Architects
Agreement Date: May 6, 2008
Campus: De Anza College
Project No.: 205
Project Name: Seminar Building
Amount: \$5,645
For: Additional Schematic Design/Design Development (SD/DD and Construct Document (CD) services to provide a new restroom.

Action: Ratification

- G. Title:** Project List Revision / Budget Transfers
Campus: Central Services, De Anza College and Foothill College
Project Name: Central Services Budget Transfer #05
De Anza College Budget Transfer #10
Foothill College Budget Transfer #09
For: This revision to the Measure C Project List is being presented based upon previous approval of the interest distribution process. This revision recognizes the actual earned interest for the first quarter of fiscal year 2008-09 by distributing it into the projects of the Measure C Program in the following manner:
- Central Services Budget Transfer #05 places \$86,806 of interest earned in project #499 District Program Contingency.
 - Foothill Budget Transfer #09 places \$1,137,867 of interest earned in project #199 Foothill Program Contingency.
 - De Anza Budget Transfer #10 places \$1,121,444 of interest earned into project #261 Mediated Learning. The Mediated Learning Center Project is the largest project of the De Anza Measure C Program and will establish a state-of-the-art environmentally sustainable building to house the Technical Resources Area, Anthropology, and additional classrooms.
- Action:** Approval

Item 29

FOOTHILL COLLEGE FACILITIES MASTER PLAN ENVIRONMENTAL IMPACT REPORT (EIR)

Executive Director Allen requested that this item be an information item only as some state agencies asked that their feedback be included in the EIR. President Casas Frier asked if any members of the public wished to address the EIR. No one wished to speak.

- M/S/C:** Plotkin/Swenson
Advisory vote: 2 yes
Board vote: unanimous
Action: Postponed action on the Foothill College Facilities Master Plan Environmental Impact Report to provide an opportunity for the inclusion of additional feedback from certain state agencies

Item 30

PRE-QUALIFICATION OF PROSPECTIVE BIDDERS FOR MEASURE C PROJECT (MEDIATED LEARNING CENTER – CIVIL SITE PREPARATION) AT DE ANZA COLLEGE

- M/S/C:** Plotkin/Swenson
Advisory vote: 2 yes
Board vote: unanimous
Action: Authorized the pre-qualification procedure for De Anza Project #261 (Mediated Learning Center – Civil Site Preparation) in accordance with Public Contract Code section 20101

Item 31

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE EAST COTTAGE AND BALDWIN WINERY BUILDING REHABILITATION PROJECTS PROPOSED FOR DE ANZA COLLEGE

President Casas Frier asked if any members of the public wished to address the item. No one wished to speak.

M/S/C: Ahrens/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the Mitigation Monitoring and Reporting Program, adopted the Mitigated Negative Declaration, and approved the East Cottage and Baldwin Winery building projects at De Anza College

Former trustee Mary Levine commented on several issues of historical interest about the District and design of Foothill College.

DATES TO REMEMBER

December 2, 2008 — Citizens’ Bond Oversight Committee Meeting
December 3, 2008 — Special Meeting
December 8, 2008 — Special Meeting
January 20, 2009 — Study Session and Regular Meeting

ADJOURNMENT

President Casas Frier adjourned the meeting at 8:37 p.m. in memory of California Community Colleges High Tech Center Training Unit Director Carl Brown.

jco
Approved: 2/2/09

Martha J. Kanter, Chancellor
Secretary, Board of Trustees