CALL TO ORDER AND ROLL CALL

President Bruce Swenson declared a quorum was present and called the meeting to order at 4:30 p.m. in the District Board Room of the Foothill-De Anza Community College District, 12345 El Monte Road, Los Altos Hills, CA 94022.

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

for Public Session
Jordan Eldridge, De Anza College Student Trustee
Sarah Snow, Foothill College Student Trustee

CLOSSED SESSION

The Board immediately adjourned into closed session in the Chancellor’s Office with the individuals listed below to discuss:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: Katz v. Foothill-De Anza Community College District

Executive Administrators Present:
Charles Allen, Executive Director of Facilities, Operations and Construction Management
Andy Dunn, Vice Chancellor of Business Services
Jane Enright, retired Vice Chancellor of Human Resources and Equal Opportunity
Martha Kanter, Chancellor
Judy Miner, President of Foothill College
Brian Murphy, President of De Anza College
Fred Sherman, Vice Chancellor of Technology

Legal Counsel Present:
Sean Absher
John Shupe

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Executive Administrators Present:
Charles Allen, Executive Director of Facilities, Operations and Construction Management
Andy Dunn, Vice Chancellor of Business Services
Jane Enright, retired Vice Chancellor of Human Resources and Equal Opportunity
Martha Kanter, Chancellor
Judy Miner, President of Foothill College
Brian Murphy, President of De Anza College
Fred Sherman, Vice Chancellor of Technology

Legal Counsel Present:
John Shupe

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Number of Potential Cases: Foothill-De Anza Community College District v. Anshen + Allen (AAA No. 74 110 00250 07)

Executive Administrators Present:
Charles Allen, Executive Director of Facilities, Operations and Construction Management
Andy Dunn, Vice Chancellor of Business Services
Jane Enright, retired Vice Chancellor of Human Resources and Equal Opportunity
Martha Kanter, Chancellor
Judy Miner, President of Foothill College
Brian Murphy, President of De Anza College
John Schulze, retired Executive Director of Facilities
Fred Sherman, Vice Chancellor of Technology

Legal Counsel Present:
Phil Jaret

CONFERENCE WITH LABOR NEGOTIATOR
District Negotiator: Jane Enright
Employee Organizations: All Represented and Unrepresented Groups

PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL / RELEASE

Executive Administrators Present:
Charles Allen, Executive Director of Facilities, Operations and Construction Management
Andy Dunn, Vice Chancellor of Business Services
Jane Enright, retired Vice Chancellor of Human Resources and Equal Opportunity
Martha Kanter, Chancellor
Judy Miner, President of Foothill College
Brian Murphy, President of De Anza College
Fred Sherman, Vice Chancellor of Technology

Re-convene Public Session

President Swenson re-convened the public session at 6:00 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:
**Reporting out from Closed Session**

President Swenson reported that the Board took action in closed session to approve an administrative leave and accept the resignation of a Foothill College faculty employee.

**Approval of Minutes**

- **M/S/C:** Bechtel/Plotkin
- **Advisory vote:** 2 yes
- **Board vote:** unanimous
- **Action:** Approved the minutes of the December 3, 2007 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**

Ken Horowitz expressed concern about safety on the Foothill College perimeter road, noted an article on K-12 education, and expressed concern about construction change orders.

**Staff**

Foothill Academic Senate President Paul Starer thanked President Swenson for his support of the Language Arts Department, and also thanked the Board for the professional manner in which it conducts itself. He introduced Dolores Davison, who would be taking over his role as President of the Academic Senate following approval of his appointment as Interim Dean of Language Arts.
De Anza President Brian Murphy introduced Jim Vanides from Hewlett Packard, who addressed the Board regarding the HP Technology in Teaching Grant awarded to the Kirsch Center for Environmental Studies. Kirsch Center Director Pat Cornely introduced students Veronica Davis and Josh Goodwin, who displayed the technology used in the students’ field work. Part-time instructor Tanya Diamond spoke about the use of the technology in teaching. John Manalakais from Hewlett Packard presented a plaque to the Board in recognition of the grant and the outstanding use of technology in teaching.

Foothill President Judy Miner reported that the State Chancellor’s Office awarded the Phase III Basic Skills grant to the District. She announced that Foothill received a $50,000 donation for the Math My Way program. She reported that instructor Andrew Fraknoi received an award from the American Institute of Physics in recognition of his ability to communicate dimensions of physics in a humanistic way. Lastly, she announced the grand opening of the Lohman Theater scheduled for February 24.

Chancellor Martha Kanter noted that the Governor’s Budget would be released at the end of the week and expressed concern about the state’s gloomy fiscal news. She said she received a holiday card from State Chancellor Diane Woodruff thanking the District for its leadership. She also passed around a letter from the Community College League of California (CCLC) thanking the Board and the colleges for assistance with the recent CCLC Annual Convention.

Faculty Association President Rich Hansen provided an update on Proposition 92 (the Community College Initiative) and asked for assistance from the trustees. Trustee Casas Frier expressed interest in being the District’s point person for the campaign, and Trustee Fong volunteered to be the press contact.

Trustee Casas Frier announced that County Supervisor Liz Kniss would be sponsoring a sustainability conference in mid-February and encouraged the District to participate. Trustee Plotkin reported that he and Faculty Association President Hansen co-authorized an op-ed piece for the San Jose Mercury News in support of Proposition 92.

### APPROVAL OF CONSENT CALENDAR

<table>
<thead>
<tr>
<th>M/S/C:</th>
<th>Plotkin/Eldridge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advisory vote:</td>
<td>2 yes</td>
</tr>
<tr>
<td>Board vote:</td>
<td>unanimous</td>
</tr>
<tr>
<td>Action:</td>
<td>Approved / Ratified Items 1-10 of the Consent Calendar as follows:</td>
</tr>
</tbody>
</table>

**Item 1** — Approved **REVISIONS TO BOARD POLICY 3000 – PRINCIPLES OF SOUND FISCAL MANAGEMENT**

**Item 2** — Approved **REVISIONS TO BOARD POLICY 9123 – AUDIT & FINANCE COMMITTEE**

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

**Item 4** — Ratified **ENTERPRISE B WARRANTS GREATER THAN $5,000**

**Item 5** — Approved **RESOLUTION #2008-01 AUTHORIZING CHILD CARE CONTRACT #CIMS-7633**
Item 6 — Approved Agreement with Professional Personnel Leasing for Services of Jane Enright

Item 7 — Approved Renewal of SunGard SCT Maintenance Agreement

Item 8 — Approved Personnel Actions:

Name: Karen Alfsen  
Position: Dean  
College: Foothill College  
Division: Language Arts  
Action: Administrative Leave  
Effective Date: January 2, 2008 – September 17, 2008

Name: Margaret Michaelis  
Position: Director, Budget and Personnel  
College: De Anza College  
Division: Finance and College Services  
Action: Extend Employment Contract  
Effective Date: January 23, 2008 – June 30, 2008

Name: Kathy Plum  
Position: Instructor  
College: De Anza College  
Division: Physical Science, Math and Engineering  
Action: Rescind contract reduction  
Effective Date: September 20, 2007 – June 27, 2008  
Comments: Rescind Board Action of January 16, 2007

Name: Claudine Poggi  
Position: Instructor  
College: De Anza College  
Division: Language Arts  
Action: Reduction in contract to 86.16%  
Effective Date: September 18, 2008 – June 30, 2012  
Comments: In accordance with Article 18 of the Agreement between the District and the Faculty Association

Name: Bryan Shaner  
Position: Counselor  
College: Foothill College  
Division: Counseling  
Action: Resignation for the purpose of retirement  
Effective Date: June 27, 2008  
Comments: In accordance with Article 20 of the Agreement between the District and the Faculty Association
**Item 9** — **Approved** HUMAN RESOURCES REPORT

**Item 10** — **Approved** ADMINISTRATIVE TRAINING/RETRAINING STIPENDS FOR 2007-08 FOR:
Jeanine Hawk, Kurt Hueg and Marilyn Williams

**Item 11**
PRESENTATION: ACADEMIC PERFORMANCE OF STUDENT ATHLETES

Foothill Athletic Counselor Laurie Bertani, Foothill Dean of Physical Education and Human Performance Sue Gatlin, De Anza Vice President of Student Services and Institutional Research Robert Griffin, Foothill Vice President of Instruction and Institutional Research Rob Johnstone, and De Anza Academic Advisor Matt Trosper gave a presentation on the Academic Performance of Student Athletes. They noted how persistence and transfer rates for student athletes are significantly higher than for comparable first-time full-time students, and that student athletes on average take a greater course load and attain a higher grade point average. The athletics program attracts a diverse population, which benefits the campus climate for all students, and the program helps student athletes succeed academically.

Foothill instructor Ken Horowitz offered his perspective on athletics. Responding to a question from Trustee Bechtel, Vice President Griffin and Dean Gatlin explained how athletics programs are more successful in attracting and retaining students when they are college-based rather than “districtwide.” President Swenson asked about program needs. Dean Gatlin and De Anza Athletics Director Kulwant Singh emphasized that many student athletes are unable to afford textbooks because they come from poor families which are often reluctant to go through the process of applying for financial aid. The trustees thanked the presenters for the informative presentation.

**Item 12**
SALARY ADJUSTMENT FOR EXECUTIVE ADMINISTRATORS

<table>
<thead>
<tr>
<th>M/S/C:</th>
<th>Bechtel/Plotkin</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advisory vote:</td>
<td>2 yes</td>
</tr>
<tr>
<td>Board vote:</td>
<td>unanimous</td>
</tr>
<tr>
<td>Action:</td>
<td>Approved the following:</td>
</tr>
<tr>
<td></td>
<td>1) a salary adjustment of 5.53% to the Executive Administrative Salary Schedule effective July 1, 2007 for the following employees:</td>
</tr>
<tr>
<td></td>
<td>Martha Kanter, Chancellor</td>
</tr>
<tr>
<td></td>
<td>Judy C. Miner, President, Foothill College</td>
</tr>
<tr>
<td></td>
<td>Brian Murphy, President, De Anza College</td>
</tr>
<tr>
<td></td>
<td>Andy Dunn, Vice Chancellor, Business Services</td>
</tr>
<tr>
<td></td>
<td>Fred Sherman, Vice Chancellor, Educational Technology Services</td>
</tr>
</tbody>
</table>
2) An additional salary adjustment of 1% on the Executive Administrator salary schedule contingent upon the District’s ability to sustain a 2% growth indicated in the Fall quarter through the academic year. If funded growth is below the threshold stated above, the additional salary adjustment shall be one-half of the funded growth percentage. The additional salary adjustment shall be retroactive to July 1, 2007 and shall be paid in the June 2008 pay period. The executive administrators acknowledge that the District is funding approximately 2.5% of the 5.53% adjustment from one-time funds and further acknowledge that the District must, over the next three-year period identify on-going funds which may include growth funding, State allocated COLA, or other sources of revenue to sustain the ongoing salary costs of this adjustment.

**Item 13**

**MEASURE E CONSENT CALENDAR**

<table>
<thead>
<tr>
<th>M/S/C:</th>
<th>Eldridge/Fong</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advisory vote:</td>
<td>2 yes</td>
</tr>
<tr>
<td>Board vote:</td>
<td>unanimous</td>
</tr>
<tr>
<td>Action:</td>
<td>Approved / Ratified the Measure E Consent Calendar, A-G as follows:</td>
</tr>
</tbody>
</table>

**A.**

<table>
<thead>
<tr>
<th>Title:</th>
<th>Change Order #33</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vendor:</td>
<td>West Bay Builders</td>
</tr>
<tr>
<td>Agreement Date:</td>
<td>January 18, 2005</td>
</tr>
<tr>
<td>Campus:</td>
<td>Foothill College</td>
</tr>
<tr>
<td>Project No.:</td>
<td>153</td>
</tr>
<tr>
<td>Project Name:</td>
<td>Campus Center</td>
</tr>
<tr>
<td>Amount:</td>
<td>$1,345</td>
</tr>
<tr>
<td>For:</td>
<td>Grading and landscape modification at the NE slope of Building 2000, added louver at the water heater door and the credit of the none fire rated core at cabinets, deleted F21 light fixture an deleted automatic door release system. This change order plus all previous change orders represents 9.90% above the base contract amount. The funding for this change is within the current budget.</td>
</tr>
<tr>
<td>Action:</td>
<td>Ratification</td>
</tr>
</tbody>
</table>

**B.**

<table>
<thead>
<tr>
<th>Title:</th>
<th>Change Order #65</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vendor:</td>
<td>S.J. Amoroso Construction Co., Inc.</td>
</tr>
<tr>
<td>Agreement Date:</td>
<td>February 24, 2005</td>
</tr>
<tr>
<td>Campus:</td>
<td>Foothill College</td>
</tr>
<tr>
<td>Project No.:</td>
<td>152</td>
</tr>
<tr>
<td>Project Name:</td>
<td>Lower Campus Complex</td>
</tr>
<tr>
<td>Amount:</td>
<td>$121,855</td>
</tr>
<tr>
<td>For:</td>
<td>Miscellaneous architectural, civil, structural, electrical and plumbing changes. This change order plus all previous change orders represents 8.80% above the base contract amount. The funding for this change is within the current budget.</td>
</tr>
<tr>
<td>Action:</td>
<td>Ratification</td>
</tr>
</tbody>
</table>
C. **Title:** Change Order #66  
   **Vendor:** S.J. Amoroso Construction Co., Inc.  
   **Agreement Date:** February 24, 2005  
   **Campus:** Foothill College  
   **Project No.:** 152  
   **Project Name:** Lower Campus Complex  
   **Amount:** $19,659  
   **For:** Miscellaneous architectural and mechanical changes. This change order plus all previous change orders represents 8.80% above the base contract amount. The funding for this change is within the current budget.  
   **Action:** Ratification

D. **Title:** Change Order #1  
   **Vendor:** S.J. Amoroso Construction Co., Inc.  
   **Agreement Date:** June 29, 2007  
   **Campus:** De Anza College  
   **Project No.:** 209  
   **Project Name:** Visual and Performing Arts Center  
   **Amount:** $14,124  
   **For:** Miscellaneous construction changes including revised structural footings, utility upgrades, rectification of substandard soils. Changes are due to: 1) underground utilities conflicts; 2) owner requests for functionality and serviceability, and 3) miscellaneous drawing conflicts. The original contract completion date of September 21, 2008 is unaltered by this Change Order. The total change orders to date represent less than 0.1% against the original contract amount. The funding is included in the current budget.  
   **Action:** Ratification

E. **Title:** Budget Transfer #60  
   **Campus:** De Anza College  
   **For:** Budget Transfer DA #60 includes Project to Project and Project to Program Contingency Transfers reflecting 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

F. **Title:** Revision #5 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 and Performing Arts Center  
   **Amount:** $8,045  
   **For:** Design revision of new foundation and brace frame where original design conflicts with existing underground concrete-encased electrical service.  
   **Action:** Ratification
G. Title: Revision #6 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 and Performing Arts Center
Amount: $37,035
For: Additional design and documentation services required to target three additional LEED credit points in the effort to achieve LEED Silver certification.
Action: Ratification

Item 14
Revision #1 to Agreement with Architerra — Radio Station and Language Arts, Foothill College

M/S/C: Eldridge/Casas Frier
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved Revision #1 to agreement with Architerra in the amount of $52,479

Item 15
Measure C Consent Calendar

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

A. Title: Change Order #1
Vendor: Edward W. Scott Electric
Agreement Date: July 30, 2007
Campus: De Anza College
Project No.: 766-224
Project Name: Campus Site Lighting (Phase I)
Amount: $18,016
For: Construction changes include: additional construction efforts required due to underground utilities and unforeseen utility conflicts; revised and relocated light locations in A-Quad due to unforeseen utility conflicts; additional lighting at De Anza’s Main Fire Enunciator and Alarm Panel per FHDA direction and fire department requirement. This includes the extension & installation of all associated infrastructure. The total change orders to date represent 3.77% against the original contract amount (funding is included in the current budget).
Action: Ratification
B. Title: Change Order #2  
Vendor: Ellis & Ellis Sign systems  
Agreement Date: August 21, 2007  
Campus: De Anza College  
Project No.: 215  
Project Name: De Anza Signage  
Amount: $494  
For: Construction changes to the Pedestrian Signage Program by deleting L1 [5] and L1 [22] directional signs, upgrading (12) L1 sign sides with a 3rd fused porcelain color header, increasing L14 ADA directional sign by one (1), and modifying one (1) M1 building identification installation. The total change orders to date represent less than 0.01% against the original contract amount (funding is included in the current budget).  
Action: Ratification

C. Title: Change Order #3  
Vendor: Ellis & Ellis Sign Systems  
Agreement Date: August 21, 2007  
Campus: De Anza College  
Project No.: 215  
Project Name: De Anza Signage  
Amount: $1,541  
For: Construction changes to the Pedestrian Signage Program by increasing the width of garage entry identification panel, F [45} and F {46}, from 15 to 19 feet. The total change orders to date represent 0.01% against the original contract amount (funding is included in the current budget).  
Action: Ratification

D. Title: Change Order #6 (Final Contract Change Order)  
Vendor: John Plane Construction  
Agreement Date: December 19, 2006  
Campus: De Anza College  
Project No.: 766-271  
Project Name: Forum Modernization  
Amount: $2,982  
For: Construction change include: New light switch from Room 1E; repairs to existing attic conduits to correct existing safety hazards; HVAC Ductwork (revise basement supply branch and VAV 14 to achieve required clearance and meet current electrical code requirements); ADA Lift (change operator stations to keyless system); unused portion of the contract allowance for dry rot repairs of exterior walls and doors). The total change orders to date represent 6.79% against the original contact amount (funding is included in the current budget).  
Action: Ratification
E. Title: Revision #2 to Standard Form of Agreement (PO #774030)  
Vendor: Christopher A. Joseph & Associates  
Agreement Date: March 6, 2007  
Campus: Foothill College and De Anza College  
Project No.: 766-272  
Project Name: Foothill-De Anza Community College District EIR  
Amount:  
Original Amount: $200,850  
Revision #1: $39,300  
Current Contract Amount: $240,150  
This Revision: $13,040  
New Total: $253,190  
For: De Anza College EIR Addendum – VTA Transit Center Analysis.  
Review VTA Route information and Option A layout. Conduct additional intersection analysis at Stelling Road and Peppertree Lane during peak hours. Prepare preliminary assessment letter that addresses intersection impacts, pedestrian and bicycle safety, and vehicular activity to/from Stelling Road and Peppertree Lane and any other issues related to the Campus Drive Loop Road. If it is determined that additional mitigation measures are required, DKS will create the mitigation improvements to alleviate adverse impacts ($5,000). Also, provide services related to Public Review of De Anza EIR addendum. Prepare Notice of Availability for the Addendum, respond to comments from the public regarding the Addendum, revise the Addendum pursuant to responses received, and prepare the Final Addendum ($8,040).  
Action: Ratification

F. Title: Revision #1 to Agreement for Consulting Services  
Vendor: Gilbane/Maas  
Agreement Date: September 10, 2007  
Campus: Foothill College  
Amount: $0  
Performance Period: Extension of existing construction management consulting services for one additional month to a new performance period ending date of January 31, 2008  
Action: Ratification

Item 16  
LEASE EXTENSION FOR ONE RELOCATABLE BUILDING AT FOOTHILL COLLEGE

M/S/C: Eldridge/Bechtel  
Advisory vote: 2 yes  
Board vote: unanimous  
Action: Approved Resolution #2008-02 and authorized the District Purchasing Director to extend lease #128741 with Mobile Modular Management Corporation for one relocatable building through August 1, 2008 at a cost not to exceed $11,311.17
DATES TO REMEMBER

January 22, 2007 — Board Study Session

ADJOURNMENT

President Plotkin adjourned the meeting at 7:10 p.m.

jco
Approved: 1/22/08

________________________________________
Martha J. Kanter, Chancellor
Secretary, Board of Trustees