



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

January 7, 2008

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

CLOSED 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:

<i>Staff:</i>	Charles Allen	Sue Gatlin	Jon O’Bergh
	Tom Armstrong	Robert Griffin	Olivia Patlan
	Becky Bartindale	Rich Hansen	Julie Phillips
	Laurie Bertani	Jeanine Hawk	Carmen Redmond
	Wayne Chenoweth	Art Heinrich	Fred Sherman
	Pat Cornely	Ken Horowitz	Kulwant Singh
	Dolores Davison	Rob Johnstone	Marisa Spatafore
	Tanya Diamond	Martha Kanter	Paul Starer
	Andy Dunn	Marsha Kelly	Kristin Jensen Sullivan
	Christina Espinosa-Pieb	Judy Miner	John Swensson
	Marie Fox Ellison	Brian Murphy	Matt Trosper
	Dave Garrido	Frank Nunez	
<i>Press:</i>	None		
<i>Students:</i>	Steve Carleton	Josh Goodwin	
	Veronica Davis	Rick Malupo	
<i>Public:</i>	John Manalakis		
	Terry Terman		
	Jim Vanides		

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.

Trustees

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-authored an op-ed piece for the San Jose Mercury News in support of Proposition 92.

APPROVAL OF CONSENT CALENDAR

M/S/C:	Plotkin/Eldridge
Advisory vote:	2 yes
Board vote:	unanimous
Action:	Approved / Ratified Items 1-10 of the Consent Calendar as follows:

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

Name: **Paul Starer**
Position: Interim Dean
College: Foothill College
Division: Language Arts
Action: **Ratify employment**
Effective Date: December 17, 2007 – June 30, 2009
Compensation: Level J, Step 2 @ \$9,737.06 per month

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

M/S/C: Bechtel/Plotkin
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the following:
1) a salary adjustment of 5.53% to the Executive Administrative Salary Schedule effective July 1, 2007 for the following employees:
Martha Kanter, Chancellor
Judy C. Miner, President, Foothill College
Brian Murphy, President, De Anza College
Andy Dunn, Vice Chancellor, Business Services
Fred Sherman, Vice Chancellor, Educational Technology Services

- 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

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

- A.** *Title:* Change Order #33
Vendor: West Bay Builders
Agreement Date: January 18, 2005
Campus: Foothill College
Project No.: 153
Project Name: Campus Center
Amount: \$1,345
For: 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.
Action: Ratification
- B.** *Title:* Change Order #65
Vendor: S.J. Amoroso Construction Co., Inc.
Agreement Date: February 24, 2005
Campus: Foothill College
Project No.: 152
Project Name: Lower Campus Complex
Amount: \$121,855
For: 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.
Action: Ratification

- 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