



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

April 6, 2009

CALL TO ORDER AND ROLL CALL

President Betsy Bechtel declared a quorum was present and called the meeting to order at 4:45 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:

Betsy Bechtel, President
Hal Plotkin, Vice President
Pearl Cheng
Bruce Swenson

for Public Session

Patrick Ahrens, De Anza College Student Trustee
Confiance Dukunde, Foothill College Student Trustee

Trustees Absent:

Laura Casas Frier

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

Subdivision (a) of Section 54956.9

Name of Case: Foothill-De Anza Community College District v. Anshen + Allen (AAA No. 74 110 00250 07)

Name of Case: West Bay Builders 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
Christina Espinosa-Pieb, De Anza Vice President of Instruction
Martha Kanter, Chancellor
Judy Miner, President of Foothill College
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity
Fred Sherman, Vice Chancellor of Technology

Others Present:

Phil Jaret

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 and Construction Management
Andy Dunn, Vice Chancellor of Business Services
Christina Espinosa-Pieb, De Anza Vice President of Instruction
Martha Kanter, Chancellor
Judy Miner, President of Foothill College
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity
Fred Sherman, Vice Chancellor of Technology

RE-CONVENE PUBLIC SESSION

President Bechtel re-convened the public session at 6:00 p.m. in the District Board Room. She 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 | Rich Hansen | Frank Nunez |
| | Anne Argyriou | Andrew Horng | Jon O’Bergh |
| | Tom Armstrong | Ken Horowitz | Matais Pouncil |
| | Gina Bailey | Donna Jones-Dulin | Jerry Rosenberg |
| | Judy Baker | Martha Kanter | Fred Sherman |
| | Becky Bartindale | Shyamala Karra | Chien Shih |
| | Maureen Chenoweth | Marsha Kelly | Bernata Slater |
| | Dolores Davison | Ron Levine | Marisa Spatafore |
| | Jennifer Dirking | Sharon Luciw | Katie Townsend-Merino |
| | Andy Dunn | Judy Miner | Laura Woodworth |
| | Christina Espinosa-Pieb | Blanche Monary | |
| | Marie Fox Ellison | Dorene Novotny | |
| <i>Press:</i> | None | | |
| <i>Students:</i> | Hong Hu | | |
| <i>Public:</i> | Terry Terman | | |

REPORTING OUT FROM CLOSED SESSION

President Bechtel noted that the item titled “Public Employment: Interim Chancellor” had been removed from the closed session. She reported that the Board took action in closed session to approve a contract modification with Perkins + Will in the amount of \$67,269.61.

APPROVAL OF MINUTES

M/S/C: Plotkin/Ahrens
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the minutes of the March 2, 2009 meeting with a typographical correction

M/S/C: Plotkin/Ahrens
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the minutes of the March 12, 2009 meeting

CORRESPONDENCE

President Bechtel asked if there was any correspondence which should be brought to the Board's attention. Trustee Plotkin reported that he received a number of messages regarding Chancellor Martha Kanter's nomination by President Obama to be Under Secretary of Education.

HEARINGS: ITEMS NOT ON THE AGENDA

Public / Students

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

Staff

De Anza Vice President of Instruction Christina Espinosa-Pieb, representing De Anza President Brian Murphy, reported that the Workforce and Professional Development department was recognized for its exemplary activity in the State Chancellor's Office recent 2007-08 Annual Report to the Legislature. She also reported that Instructor Mayra Cruz was appointed as trustee by the San Jose-Evergreen Community College District board of trustees.

Foothill President Judy Miner reported that the "One Hundred Hours of Astronomy" celebration organized by Instructor Andrew Fraknoi was very successful. She reported that book vouchers were being distributed to members of child development classes at the Middlefield campus thanks to the fundraising efforts of the Foothill Commission. Lastly, she announced that Assemblyman Ira Ruskin was confirmed to participate in the upcoming nationwide Focus the Nation event to be held at Foothill.

Foothill Instructor Ken Horowitz congratulated Chancellor Kanter for President Obama's intent to nominate her as Under Secretary of Education. He suggested that the Board appoint one of the college presidents to be interim chancellor and the other to oversee both colleges. Faculty Association President Rich Hansen reported that several De Anza faculty are running for office in the Faculty Association of California Community College election.

Chancellor Kanter announced that Foothill President Miner will receive the Griffin Award from the University of San Francisco at the university's alumni event on April 18. She acknowledged Foothill Director of EOPS Matais Council, who coordinated a regional EOPS/CARE conference on March 28 at which Chancellor Kanter spoke. She noted that De Anza Counselor Jackie Reza presented a session at the conference. Lastly, she reported that students from Foothill and De Anza were recognized at the NOVA Awards lunch.

Occupational Training Institute Program Coordinator Blanche Monary announced that she would be serving as interim president for the newly formed Association of Classified Employees which is taking the place of SEIU.

Trustees

Student Trustee Ahrens reported on the student-led rally in Sacramento on March 16. He and Student Trustee Dukunde reported that they attended a national conference with other student trustees and student regents, helping to establish a new “National Coalition of Student Regents and Trustees” to advocate for higher education funding.

Trustees Plotkin and Swenson congratulated Chancellor Kanter for her nomination as Under Secretary of Education. Trustee Plotkin added his thanks to the Chancellor’s Office staff — current staff members Becky Bartindale and Jon O’Bergh and former staff member Marisa Spatafore — for their work to support Chancellor Kanter. President Bechtel noted that Chancellor Kanter was given a standing ovation by the Palo Alto Rotary Club earlier in the day. Chancellor Kanter said it was an honor to be forwarded as a nominee by President Obama for this post.

PROCESS FOR APPOINTMENT OF INTERIM CHANCELLOR

A draft “Interim Chancellor Selection Plan” was presented to the Board. President Bechtel noted that plans were dependent on the U.S. Senate’s confirmation of Chancellor Kanter’s nomination. The Board discussed two possible dates for a closed session to select interim chancellor candidates for interviews: April 27 or 28. The date will be finalized following feedback regarding the trustees’ schedules. Chancellor Kanter said she would work with Human Resources to send out an announcement as soon as possible for the interim position. The Board encouraged faculty, staff and the community to forward the names of potential candidates to the Chancellor’s Office. Addressing the question raised earlier during the Public Hearings, Trustee Swenson and President Bechtel offered their view that having one president oversee both colleges would be too large a job to be feasible.

Trustee Swenson spoke in favor of broader involvement of the District community in the selection of an interim chancellor. Faculty Association President Rich Hansen and Student Trustee Dukunde concurred, recommending as much openness as possible. Chancellor Kanter recommended that the Board not hold interviews in public, however. Following discussion, it was agreed that Chancellor Kanter would modify the process to include the opportunity for governance leaders and the student trustees to meet with candidates and provide feedback to the Board in sequence with the closed session interviews on May 4. A special closed session will be scheduled for May 18 to approve the interim chancellor contract.

Trustee Cheng expressed support for the process as presented. She asked whether the interim chancellor would be able to apply for the permanent position. Chancellor Kanter said she would check with legal counsel. The Board expressed support for the timetable as proposed, but pointed out that the development of interview questions needs to be incorporated into the process.

APPROVAL OF CONSENT CALENDAR

At the request of Faculty Association President Hansen, President Bechtel removed Item 4. She also removed Items 11 and 12 at the request of Trustee Swenson, and announced that two personnel actions under Item 11 for Martha Carlson and Kelly Ann Masegian had been pulled from the agenda at the request of Foothill College.

M/S/C: Plotkin/Dukunde
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified Items 1-3, 5-10 and 13 of the Consent Calendar as follows:

Item 1 — **Ratified** CONTRACTS AND AGREEMENTS

Item 2 — **Ratified** B WARRANTS AND WIRE TRANSFERS GREATER THAN \$5,000 FOR JANUARY AND FEBRUARY 2009

Item 3 — **Approved** CONTRACTS FOR CELEBRITY FORUM

Item 5 — **Approved** AGREEMENT WITH CUPERTINO UNION SCHOOL DISTRICT FOR EXTENDED YEAR SUMMER PROGRAM 2009

Item 6 — **Approved** AUTHORIZATION OF CENIC AS ADDITIONAL VENDOR FOR BILLING PURPOSE ONLY, PURSUANT TO BID 1188 (PROVIDE COLLOCATION SITE DISASTER RECOVERY SERVICES FOR EIS HARDWARE)

Item 7 — **Approved** RENEWAL OF SYMANTEC NORTON ANTIVIRUS SOFTWARE LICENSE
Approved three-year license contract with ComputerLand of Silicon Valley in the amount of \$57,480.84

Item 8 — **Approved** CONTRACT WITH ALTURA COMMUNICATION SOLUTIONS FOR TELEPHONE SYSTEM MAINTENANCE
Approved the purchase of maintenance for years 2009, 2010 and 2011 in the amount of \$318,010.80

Item 9 — **Approved** SALE OF MISCELLANEOUS SURPLUS ELECTRONIC 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 10 — **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 plants to the Foothill-De Anza Colleges Foundation

Item 13 — **Approved** PROFESSIONAL DEVELOPMENT LEAVE REPORTS FOR THE FOLLOWING FACULTY:
Avila Acevedo, Patrick Bresnan, Falk Cammin, Judith Clavijo, Lesley Dauer, Christopher DiLeonardo, Purba Fernandez, Andrew Fraknoi, Kara Giannetto, Charles Johnson, Christopher Kwak, Maureen MacDougall, Roger Mack, Brian McCauley, Elizabeth Mjelde, Ira Oldham, Claudine Poggi, Keith Pratt, Joe Ragey, Jacquelimyn Reza, Julio Rivera-Montanez, Dan Salah, David Sauter, Jefferson Shirley, Frank Soler, Janet Spybrook, Edwina Stoll, Victoria Taketa, Kenneth Weisner, Nicky Yuen

Item 4

CONTRACT FOR ETUDES NG HOSTING AND TECHNICAL SERVICES AND ETUDES ALLIANCE MEMBERSHIP

Faculty Association President Hansen expressed concern that ETUDES NG has not incorporated a “selective release” option to facilitate online submittal of instructor evaluations. District Academic Senate President Dolores Davison also expressed concern from a pedagogical perspective about a number of deficiencies in ETUDES NG and expects that faculty will recommend in the coming year to move to a different course management system that better meets faculty needs unless improvements are made. Foothill President Miner recommended that the Board approve the contract since there was not time to switch to an alternative system, but she fully supported the faculty’s interest in selecting the most appropriate course management system. Student Trustee Dukunde spoke about how students do not trust that the technology protects anonymity, and this may be a factor affecting the low participation rate for online evaluations.

- M/S/C:** Plotkin/Swenson
- Advisory vote:** 2 yes
- Board vote:** unanimous
- Action:** Approved the contract for ETUDES NG Hosting and Technical Services and ETUDES Alliance Membership in the amount not to exceed \$103,875 plus expenses not to exceed \$5,000, and directed the Chancellor to send a letter stating that the contract was approved with reservations and the response of ETUDES in the coming year to a number of issues raised by faculty will determine the Board’s willingness to renew the contract in the future

Item 11

PERSONNEL ACTIONS

Trustee Swenson asked about plans to replace faculty who have resigned. De Anza Vice President Espinosa-Pieb explained that the college, in consultation with the campus governance groups, would consider filling one of the De Anza faculty positions listed only to ensure that the full-time faculty obligation number is met. Foothill President Miner explained that the college has identified a different faculty position (in Veterinary Technology) as a priority and would consider filling that position in order to ensure that the full-time faculty obligation number is met.

- M/S/C:** Swenson/Plotkin
- Advisory vote:** 2 yes
- Board vote:** unanimous
- Action:** Approved Personnel Actions as follows:

Name: **Gaeir L. Dietrich**
Position: Instructor, High Tech Center Training Unit
College: De Anza College
Division: Special Education and Applied Technologies
Action: **Employment**
Effective Date: July 1, 2009 - June 25, 2010 *# of Months:* 11
Compensation: Column II, Step M, \$8,927.17 /month
Comments: In accordance with Education Code Section 87470

Name: **Zena Gray**
Position: Faculty
College: De Anza College
Division: Language Arts
Action: **Resignation for the purpose of retirement under Article 19**
Effective Dates: June 26, 2009

Name: **Michael J. “Jayme” Johnson**
Position: Instructor, High Tech Center Training Unit
College: De Anza College
Division: Special Education and Applied Technologies
Action: **Employment**
Effective Date: July 1, 2009 - June 25, 2010 # of Months: 11
Compensation: Column I, Step F, \$6,672.96/month
Comments: In accordance with Education Code Section 87470

Name: **Jack Lynch**
Position: Acting Division Dean
College: De Anza College
Division: Business and Computer Systems Division
Action: **Acting Assignment**
Effective Date: April 7, 2009 through December 31, 2009
Compensation: Level K, Step 1 @ \$9,803.74

Name: **Steven J. McGriff**
Position: Teacher-in-Residence
College: Foothill College
Division: Faculty and Staff
Action: **Employment**
Effective Date: July 1, 2009 - June 25, 2010 # of Months: 11
Compensation: Column V, Step J, \$8,927.17/month
Comments: In accordance with Education Code Section 87470

Name: **Ellen Willis Miller**
Position: Program Director
College: De Anza College
Division: Workforce and Economic Development
Action: **Employment**
Effective Date: July 1, 2009 - June 25, 2010 # of Months: 12
Compensation: Column II, Step J, \$8,081.85/month
Comments: In accordance with Education Code Section 87470

Name: **Marshall Sperbeck**
Position: Faculty
College: Foothill College
Division: Physical Education & Human Performance
Action: **Resignation**
Effective Dates: January 5, 2009

Dates:

Name: **Edwina Stoll**
Position: Faculty
College: De Anza College
Division: Language Arts
Action: **Resignation for the purpose of retirement under Article 19**
Effective June 26, 2009
Dates:

Name: **Maristella Huerta Tapia**
Position: Faculty
College: De Anza College
Division: Sociology
Action: **Transfer in accordance with Article 13**
Effective July 1, 2009
Dates:

Name: **Sandi Watkins**
Position: Faculty
College: Foothill College
Division: Computers, Technology & Information Systems
Action: **33% load reduction as per Article 18**
Effective Fall 2009 continuing for 10 years
Dates:

Name: **Timothy Woods**
Position: Dean
College: Foothill College
Division: Computers, Technology & Information Systems
Action: **Reassignment**
Effective July 1, 2009 through June 30, 2010
Dates:

Item 12

HUMAN RESOURCES REPORT

Trustee Swenson asked about plans for replacing staff who have resigned. De Anza Vice President Espinosa-Pieb said that there are no plans to fill the position listed at De Anza. Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny explained that positions in Central Services are evaluated on a case-by-case basis; she did not specifically know the status of the senior buyer position listed. President Bechtel remarked on the large number of short-term hires in Human Resources, and Vice Chancellor Novotny responded that those individuals are filling a critical need.

M/S/C: Swenson/Dukunde
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the Human Resources Report

Item 14

FOUNDATION ANNUAL REPORT: “EDUCATION MATTERS”

Foundation Executive Director Marie Fox Ellison introduced Foundation staff members and offered apologies from Foundation Board President Anita Manwani Bhagat that she was unable to attend the presentation. Executive Director Fox Ellison reviewed 2007-08 achievements, which included \$29 million in net assets and \$4.7 million raised in support of students and programs. She noted that, due to the economy, contributions have decreased in 2008-09 by approximately 18% and the investment portfolio has experienced losses, but gifts to the Chancellor’s Circle are increasing and new board members have joined the Foundation. She highlighted that the focus for 2009-10 will be to continue growing the Chancellor’s Circle, launch an alumni initiative using web-based tools, create a new fund for unrestricted giving below \$1,000, and help restore program funds depleted by budget cutbacks.

Trustees Cheng, Plotkin and Swenson commended the Foundation staff and board of directors for their work. President Bechtel said she was pleased to see how the Foundation has evolved and encouraged the student trustees to think of how the Foundation can keep in touch with alumni. Student Trustee Dukunde discussed the possibility of establishing an alumni organization that keeps former students connected.

Item 15

CALIFORNIA COMMUNITY COLLEGE TRUSTEES BOARD ELECTION

President Bechtel announced the names of individuals for whom she intended to vote. She asked each trustee to fill out his or her ballot, including advisory votes from the student trustees that would be used in the event of a tie, and pass the ballots to Chancellor Kanter so the results could be tabulated. Chancellor Kanter announced the seven candidates who received the most votes and said she would submit the official ballot with those names on behalf of the Board.

Item 16

NEW BOARD POLICY 3115, RESERVES

Faculty Association President Hansen reported that the members of the Chancellor’s Advisory Council objected to including a reference to the Board’s Stability Fund in the policy because the Board already has the power to institute such a fund without specifying as such in policy, and there is a concern that the statement would codify the fund as a permanent set-aside. He also noted that there is no language describing the purpose of the fund. Trustee Cheng agreed with these comments and, while she fully supported the Stability Fund, she would prefer to omit the reference from this policy. Trustee Swenson pointed out that the statement says only that the Board “may establish” such a fund. Trustee Plotkin said he was inclined to provide guidance for future boards through policy statements such as this, but he was agreeable to eliminating the language, although he would like the Chancellor’s Advisory Council to discuss how the Stability Fund might best be addressed through policy. President Bechtel agreed that the Board already has the authority to set aside funds, so she was also agreeable to deleting the reference.

M/S/C: Ahrens/Plotkin
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved Board Policy 3115, Reserves, with the deletion of the sentence referring to the Stability Fund

Item 17

UPDATE REGARDING BOARD POLICY 4185 (PUBLICATION OF INSTRUCTIONAL MATERIALS) AND STATEMENT OF BOARD VALUES ON THE SELECTION OF TEXTBOOKS AND LEARNING MATERIALS

District Academic Senate President Davison reported that the academic senates and Faculty Association are in consultation with their constituencies to discuss the current proposals that have been drafted. She expects that a proposal will be ready to present to the Board by its June 1 meeting. Trustee Plotkin said he was encouraged by the way the drafts address the concerns he previously raised.

Item 18

ANNUAL REVIEW OF BOARD POLICY 9110.1 – NUMBER OF STUDENT TRUSTEES; TERM OF OFFICE; RIGHTS

Chancellor Kanter presented the policy for its annual review. Student Trustee Ahrens suggested that the Board review the policy earlier in the year, perhaps each February, and Chancellor Kanter said she would revise the Board calendar to reflect this. He also questioned the redundancy of listing the qualifications in two places in the administrative procedures. Chancellor Kanter explained that this was deliberate so information is complete if it is excerpted verbatim. Lastly, Student Trustee Ahrens pointed out that there is confusion because the \$200 reimbursement for campaign costs specified in the administrative procedures differs from the amount permitted by the colleges. Chancellor Kanter said she would convene a meeting between the student trustees and student activities directors to address the matter and clarify the procedures. Student Trustee Dukunde requested that the term limit be specified in the policy; however, Chancellor Kanter and President Bechtel recommended against doing so and believed term limits is best addressed in the administrative procedures.

Item 19

BUDGET UPDATE

Vice Chancellor of Business Services Andy Dunn reviewed the strategy to solve the District's \$6.7 million structural deficit as identified in March following the settlement between the legislature and governor regarding the state budget. He noted, however, that recent state forecasts show additional revenue losses, so the District anticipates a deficit factor that will increase the District's deficit by \$2.5 million in the current year, with further reductions beyond what was anticipated for the District in 2009-10 in the range of \$3-\$6 million. He explained that the District plans to cover the \$2.5 million deficit with one-time funds. He pointed out that the largest factor causing the District's structural imbalance is the increasing cost of health benefits. He also cautioned that further reductions may be necessary as a result of whether or not the initiatives are approved by voters on May 19 and the May Revise.

Item 20

NASA RESEARCH PARK UPDATE

Vice Chancellor Dunn provided a brief update regarding the NASA Research Park project. He noted that the first meeting of the Limited Liability Corporation (LLC) is scheduled for the end of the month, and he and Executive Director of Facilities, Operations and Construction Management Charles Allen will attend as the District’s appointed representatives to the LLC. He and Chancellor Kanter also noted renewed interest in the project by San Jose State University. Responding to a question from Trustee Swenson, Chancellor Kanter said that Education Center status could be obtained for the site, with Foothill technically being the lead administrative entity although De Anza would also offer classes and the colleges would jointly plan the Center’s curriculum. She noted the need for an extensive master planning process over the next several years.

Item 21

MEASURE E CONSENT CALENDAR

M/S/C: Ahrens/Dukunde
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the Measure E Consent Calendar, item A, as follows:

- A. *Title:* Master Form of Agreement
- Vendor:* Joni L. Janecki & Associates, Inc.
- Agreement Date:* April 6, 2009
- Campus:* Foothill College and De Anza College
- Project No.:* N/A – to be addressed in subsequent PAA
- Project Name:* N/A – to be addressed in subsequent PAA
- Amount:* N/A
- For:* Landscaping design services
- Action:* Approval

Item 22

MEASURE C CONSENT CALENDAR

President Bechtel asked about the process for selecting landscape firms, and Executive Director Allen responded that the District canvassed known firms, established a selection committee and interviewed firms. He pointed out that some of the landscaping is funded by Measure E and some by Measure C. Noting how surprised students were by the landscaping changes that were made at one of the De Anza quads, Student Trustee Ahrens suggested that improved communication would be appreciated.

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

- A.** *Title:* Standard Agreement
Vendor: HP Inspections Inc.
Agreement Date: March 18, 2009
Campus: De Anza College
Project No.: 766-255
Project Name: Auto Technology
Amount: \$20,728
For: Provide special testing and inspection as required by DSA
Action: Ratification
- B.** *Title:* Master Form of Agreement
Vendor: Joni L. Janecki & Associates, Inc.
Agreement Date: April 6, 2009
Campus: Foothill College and De Anza College
Project No.: N/A – to be addressed in subsequent PAA
Project Name: N/A – to be addressed in subsequent PAA
Amount: N/A
For: Landscaping design services
Action: Approval
- C.** *Title:* Master Form of Agreement
Vendor: Miller Company Landscape Architects
Agreement Date: April 6, 2009
Campus: Foothill College and De Anza College
Project No.: N/A – to be addressed in subsequent PAA
Project Name: N/A – to be addressed in subsequent PAA
Amount: N/A
For: Landscaping design services
Action: Approval
- D.** *Title:* PAA #D01
Vendor: Miller Company Landscape Architects
Agreement Date: April 6, 2009
Campus: De Anza College
Project No.: 766-228
Project Name: CDC Playground Maintenance and Upgrades
Amount: \$41,850
For: Complete Design Services: Programming & Condition Assessment, Schematic Design, Design Development, Construction Documents, DSA and Agency Approval Process, Bidding, Construction Administration, and Project Closeout. Scope of services will include all required cost estimating, design reviews as specified in Master Form of Agreement. In addition to the Scope of Services included in the Master Agreement, the Programming & Condition Assessment will evaluate current site conditions, present findings and recommendations, meet with the User Group and Project Team, develop program and basis of design, establish the Project's goal, and define and prioritize the Project's scope, provide general drawing overview to illustrate concepts, present Programming Report and Diagram.
Action: Ratification

- E.** *Title:* Agreement for Services
Vendor: Quali-Con Enterprises, Inc.
Agreement Date: March 18, 2009
Campus: De Anza College
Project No.: 766-255
Project Name: Auto Technology
Amount: \$55,500
For: DSA-approved Class One inspection services for the construction oversight of Auto Technology renovations – per DSA requirements
Action: Ratification
- F.** *Title:* Revision #1 to Standard Form of Agreement
Vendor: MJO Earthscience Services Inc.
Agreement Date: December 9, 2008
Campus: De Anza College
Project No.: 766-255
Project Name: Auto Technology
Amount: \$5,147.38
For: Sump Closure – additional work due to unanticipated field conditions discovered during removal of the sumps for closure
Action: Ratification
- G.** *Title:* Independent Contractor Agreement
Vendor: Cleary Consultants, Inc.
Agreement Date: March 4, 2009
Campus: De Anza College
Project No.: 766-255
Project Name: E-1 Auto Technology
Amount: \$9,200
For: Provide compaction testing and inspection for foundation and site work
Action: Ratification
- H.** *Title:* Campus-Wide Utility Record Drawings
Vendor: Sandis Civil Engineers
Agreement Date: April 6, 2008
Campus: Foothill College
Project No.: 135
Project Name: Utility and Technology Infrastructure Repairs & Upgrades
Amount: \$21,500
For: This consent items is for Revision #1 (\$9,000) and the original Design Professional Services Agreement (\$12,000) with Sandis Civil Engineers to provide an updated Foothill campus-wide utility record drawing. Revision #1 adds an update of the sewer and storm utilities to the scope of work based on recently discovered existing campus records. The funding for this change is within the current budget.
Action: Ratification

Item 23

AWARD OF CONTRACT PURSUANT TO BID DOCUMENT 1193-111 — MODULAR RENOVATIONS PROJECT, Foothill College

M/S/C: Plotkin/Cheng
Advisory vote: 2 yes
Board vote: unanimous
Action: Authorized the Purchasing Services Supervisor to award a contract pursuant to Bid Document 1193-111 in the amount of \$89,900 to Victory Construction, Inc.

Item 24

LIST OF GENERAL ENGINEERING CONTRACTORS PRE-QUALIFIED TO BID ON DE ANZA PROJECT #261 — MEDIATED LEARNING CENTER CIVIL SITE PREPARATION

M/S/C: Plotkin/Dukunde
Advisory vote: 2 yes
Board vote: unanimous
Action: 1) Determined that Ferma Corporation and Rodan Builders, Inc. are not pre-qualified, and
2) Accepted the following list of eight General Engineering Contractors who met all of the pre-qualification requirements as the only contractors who are “pre-qualified” to bid as prime contractors on the Mediated Learning Center Civil Site Preparation, Project #261 at De Anza College:

Joseph J. Albanese, Inc.
Robert A Bothman
Evans Brothers Inc.
Interstate Grading & Paving Inc.
McGuire & Hester
O.C. Jones & Sons, Inc.
Top Grade Construction, Inc.
Swenson & Associates

Item 25

LIST OF GENERAL ENGINEERING CONTRACTORS PRE-QUALIFIED TO BID ON DE ANZA PROJECT #241, S2-S6 PHASE II — UTILITY MASTER PLAN PHASE I AT DE ANZA COLLEGE

Responding to a question from Trustee Swenson, Executive Director Allen stated that having only three firms pre-qualified is adequate.

M/S/C: Ahrens/Plotkin
Advisory vote: 2 yes
Board vote: unanimous
Action: 1) Determined that ESR Construction, Inc. O.C. McDonald Company, Inc., and Top Grade Construction, Inc. are not pre-qualified, and
2) Accepted the following list of three General Engineering Contractors who met all of the pre-qualification requirements as the only contractors who are “pre-qualified” to bid as prime contractors on the

Project #241, S2-S6 Phase II — Utility Master Plan Phase I at
De Anza College:

Granite Construction Company
McGuire & Hester
SJ Amoroso Construction Co., Inc.

Item 26

MEASURE C PROJECT LIST REVISION WITH FOOTHILL BUDGET TRANSFER #12 AND FOOTHILL PROJECT
NAME CHANGE

M/S/C: Cheng/Dukunde
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the Bond Project List Revision with Foothill Budget Transfer
#12

DATES TO REMEMBER

April 27 or 28, 2009 — Special Closed Session
May 4, 2009 — Regular Meeting
May 18, 2009 — Special Closed Session

ADJOURNMENT

President Bechtel adjourned the meeting at 8:36 p.m.

jco
Approved: 5/4/09

Martha J. Kanter, Chancellor
Secretary, Board of Trustees