



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

January 20, 2009

CALL TO ORDER AND ROLL CALL

Vice President Betsy Bechtel declared a quorum was present and called the meeting to order at 1:30 p.m. in Conference Room B of the Hinson Campus Center, De Anza College, 21250 Stevens Creek Blvd., CA 95014.

Trustees Present:

Betsy Bechtel, Vice President
Pearl Cheng
Hal Plotkin
Bruce Swenson
Patrick Ahrens, De Anza College Student Trustee

Absent

Laura Casas Frier, President
Confiance Dukunde, Foothill College Student Trustee

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	Christina Espinosa-Pieb	Brian Murphy
	Anne Argyriou	Jeanine Hawk	Dorene Novotny
	Tom Armstrong	Art Heinrich	Frank Nunez
	Becky Bartindale	Ken Horowitz	Jon O'Bergh
	Bob Barr	Marty Kahn	Fred Sherman
	Ed Breault	Martha Kanter	Bernata Slater
	Dolores Davison	Roger Mack	Marisa Spatafore
	Andy Dunn	Judy Miner	Brenda Davis Visas

Press: None

Students: Hong Hu

Public: Crodd Chin
Tess Kavanagh

Item 1

EDUCATIONAL MASTER PLAN 2010-2020

Chancellor Martha Kanter provided a brief overview of the agenda for the Board's study session. She noted that Board President Laura Casas Frier was attending the inauguration of President Barack Obama. She introduced De Anza Economics Instructor Roger Mack, who provided background on the global economic crisis by discussing "Our Environment, Our Economy and Our Challenges for

Today and Tomorrow.” Responding to a question from Trustee Swenson, Professor Mack estimated that the state would once again have a healthy budget by the end of 2010. He observed that state taxes are too low for the quality of life that Californians have come to expect.

Chancellor Kanter reviewed the short- and long-term goals from the Board study session in August 2004, pointing out that the District is on track in addressing those major priorities. She reviewed current opportunities and challenges in educating Foothill and De Anza students. Executive Director of Institutional Research and Planning Bob Barr reviewed enrollment patterns for student access and success. He highlighted population projections for Santa Clara County, noting that the adult population overall is forecast to grow approximately 1% annually, although the Asian/Pacific Islander and Hispanic populations are growing much faster. He reviewed headcount and FTES trends, pointing out Foothill’s enrollment increases for Summer 2008, Fall 2008 and Winter 2009 and De Anza’s increases for Summer 2008 and Fall 2008. He explained that De Anza’s WSCH appears to be down by not quite 1% for Winter 2009 — likely due to the college’s effort to scale back Job Corps enrollment — but headcount is up. Foothill President Judy Miner and De Anza President Brian Murphy discussed enrollment management efforts at the colleges.

There was a discussion of course completion rates in response to a question from Vice President Bechtel. Chancellor Kanter said she would work with the Academic Senates to provide retention information at a future meeting.

Chancellor Kanter reviewed the District Mission, the four Master Plan Goals, benchmarks to measure progress in achieving the goals, and key questions to consider in preparing the 2010-2020 Educational Master Plan. Vice President Bechtel wondered whether the college goals should be the same as the District goals and asked how the goals are measured. Presidents Miner and Murphy explained how the colleges measure the goals and how those metrics are set forth in the college master plans. Chancellor Kanter said that the college and District goals are in alignment.

Item 2

BUDGET UPDATE

Vice Chancellor of Business Services Andy Dunn provided an overview of the state budget, the community college system budget and the District budget. He reviewed the “Principles and Strategies for Budget Reductions” approved by the Chancellor’s Advisory Council in February 2008 and discussed the overarching goals, which are serving and education students, balancing revenues and expenditures, and addressing structural changes to the budget. He discussed the strategies to implement necessary budget cuts: grow the ending fund balance to preserve people, utilize all one-time resources first, hold as many positions vacant as possible, and restrain spending.

Trustee Swenson expressed concern that the District is not reducing staffing in sufficient numbers to match the enormity of the deficit, especially since hiring actions are still coming to the Board. College presidents Miner and Murphy discussed how the colleges are finding alternative funding sources for positions and carefully considering filling only mission-critical positions. Vice President Bechtel suggested that justification be given for any further hiring actions; she requested that information be included on the Human Resources Report that identifies the funding source for hiring actions. Trustee Plotkin proposed that he and Trustee Swenson focus on staffing issues in detail in their budget meetings with administrative staff and could report back to the Board.

Vice Chancellor Dunn reviewed best case and worst case scenarios for 2008-09 and 2009-10. Trustee Swenson requested to see data showing the District’s staffing level decreasing. Trustee

Plotkin agreed that greater transparency in how hiring decisions are being managed would be helpful.

At 3:30 p.m., Vice President Bechtel called a short recess, reconvening the meeting at 3:35 p.m.

Item 3

MEASURE E AND MEASURE C BOND PROGRAM UPDATE

Executive Director of Facilities, Operations and Construction Management Charles Allen presented an update on Measure E. He noted that the remaining projects for Foothill and De Anza are scheduled for completion in 2009, with some De Anza projects perhaps finishing up in 2010. The remaining Central Services projects are being combined with Measure C funds and are now scheduled for completion between 2010 and 2012. He discussed lessons learned and asked whether the Board had any comments. Trustee Swenson, noting that the District prevailed in the De Anza Science Center arbitration, asked why the District did not receive the total amount that it claimed. Executive Director Allen explained that the arbitrators did not reveal why they awarded less than the amount requested, but he speculated that it reflected the District's share of responsibility in a few of the many transactions. Vice President Bechtel asked what planning has occurred on new projects as a result of experiences with Measure E. Executive Director Allen explained that a detailed scope document known as a "programming document" is now prepared in order to create better alignment between scope and budget from the start of the project.

De Anza Mediated Learning Center

De Anza Vice President of Educational Resources and College Operations Jeanine Hawk and Crodd Chin and Tess Kavanagh of Ratcliff Architects presented the schematic design for the Mediated Learning Center. Responding to a question from Trustee Bechtel, Mr. Chin confirmed that the terra cotta roof tiles are very durable and maintenance-free. He explained that the building is designed to meet the LEED platinum level. Removal of existing structures on the site is planned for spring 2009, with realignment of the loop road planned during the summer, after which construction can begin. Responding to a question from Trustee Cheng, De Anza Vice President Hawk explained that the modular buildings on the site will be surplussed and existing programs moved to other locations on campus. Trustee Bechtel expressed enthusiasm for the creative design. She asked whether materials will be chosen to minimize the need for maintenance, and Ms. Kavanagh responded that they would. Vice President Bechtel asked whether there would be a sound problem in the classrooms due to noise in the atrium, and Mr. Chin explained how air circulation would not be dependent on doors and windows being open. De Anza Vice President Hawk also explained how the west end service area would shield classrooms from freeway and traffic noise.

De Anza President Murphy noted that this was Jeanine Hawk's last day of employment at the college and thanked her for overseeing the construction of the Visual and Performing Arts Center and the design of the Mediated Learning Center. He pointed out that the Board will be asked to approve the design later in the agenda.

Due to a lack of time, Vice President Bechtel moved discussion of the Foothill Physical Science and Engineering Center and Items 4-6 to the regular business portion of the agenda following closed session, and asked that the Sustainability Plan discussion be postponed to another meeting, possibly February 2.

CLOSED SESSION

At 4:30 p.m., the Board adjourned into closed session in the Don Bautista Room 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)

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Subdivision (a) of Section 54956.9

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
Martha Kanter, Chancellor
Brian Murphy, President of De Anza College
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:

Andy Dunn, Vice Chancellor of Business Services
Martha Kanter, Chancellor
Brian Murphy, President of De Anza College
Judy Miner, President of Foothill College
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity
Fred Sherman, Vice Chancellor of Technology

PUBLIC EMPLOYEE EVALUATION

Position Title: Chancellor

Executive Administrator Present:

Martha Kanter, Chancellor

RE-CONVENE PUBLIC SESSION

Vice President Bechtel called a recess at 5:30 p.m. for a reception honoring Trustee Cheng,. She then re-convened the public session at 6:02 p.m. in Conference Room B and thanked guests who attended the reception.

Trustees Present:

Betsy Bechtel, Vice President
Pearl Cheng
Hal Plotkin
Bruce Swenson

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

Absent

Laura Casas Frier, President

The following staff, press, students and members of the public were present:

<i>Staff:</i>	Charles Allen	Jeanine Hawk	Brian Murphy
	Anne Argyriou	Art Heinrich	Dorene Novotny
	Tom Armstrong	Ken Horowitz	Frank Nunez
	Gina Bailey	Letha Jeanpierre	Jon O’Bergh
	Becky Bartindale	Donna Jones-Dulin	Anne Paye
	Dolores Davison	Martha Kanter	Fred Sherman
	Andy Dunn	Ron Levine	Marisa Spatafore
	Christina Espinosa-Pieb	Sharon Luciw	Carolyn Wilkins-Greene
	Marie Fox Ellison	Margaret Michaelis	
	Al Guevara	Judy Miner	
<i>Press:</i>	None		
<i>Students:</i>	Hong Hu		
<i>Public:</i>	Terry Terman		

REPORTING OUT FROM CLOSED SESSION

Vice President Bechtel reported that no action was taken in closed session, but noted that the Chancellor was given a favorable evaluation by the Board.

APPROVAL OF MINUTES

Explaining that President Casas Frier requested postponing the approval of the minutes until she could be present to make some corrections, Vice President Bechtel deferred approval of the minutes until the next meeting.

CORRESPONDENCE

Vice President Bechtel 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

League of Women Voters representative Terry Terman said he would have preferred more opportunity for public input in the Board’s trustee appointment process.

Staff

Foothill Instructor Ken Horowitz spoke about structural changes to the colleges and District in light of the budget crisis. Faculty Association representative Anne Paye read a statement regarding the budget crisis, recommending that the District first address the structural imbalance (through

reorganizations, an immediate moratorium on hiring, and other cost-saving measures), and only after that step should the District turn to addressing the impact of the state budget crisis.

Foothill President Miner announced that Instructor Sara Seyedin had been selected by CalCPA to receive its Outstanding Educator Award. She also acknowledged Instructors David Morasco and Frank Cascarano for organizing the annual Physics shows. De Anza President Murphy reported that nearly one thousand students watched a webcast of the presidential inauguration earlier in the day on campus.

Chancellor Kanter reported that she and college presidents Miner and Murphy attended a Budget Workshop sponsored by the Association of California Community College Administrators. She reported that she attended the meeting of the Board of Governors at which the board adopted four legislative goals. She added that those goals will be incorporated into the Foothill-De Anza Legislative Goals for 2009-10. Finally, she noted that many California leaders are being given roles in the new administration of U.S. President Barack Obama, which bodes well for the state's future.

Executive Director Allen announced that he would attend the Navy's meeting on January 25 regarding Moffett Field clean-up efforts.

Trustees

Student Trustee Ahrens reported that DASB sponsored a "Budget Cut Rally" on January 13 and 14, and he thanked Chancellor Kanter, De Anza President Murphy and Board President Casas Frier for attending. Vice President Bechtel noted that President Casas Frier was attending the inauguration of Barack Obama. She announced an "Education Update" meeting sponsored by Senator Joe Simitian on January 24. Lastly, she announced the ribbon-cutting ceremony for De Anza's Visual and Performing Arts Center on March 6 at 10:00 a.m.

APPROVAL OF CONSENT CALENDAR

Vice President Bechtel removed Item 10 so that she could recuse herself from voting on that item.

M/S/C: Plotkin/Dukunde
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified Items 7-9 and 11-16 of the Consent Calendar as follows:

Item 7 — **Approved** RESOLUTION #2009-02 HONORING GAY AND BILL KRAUSE

Item 8 — **Approved** NEW BOARD POLICY 3260 – ELECTRONIC INFORMATION SECURITY

Item 9 — **Ratified** CONTRACTS AND AGREEMENTS

Item 11 — **Approved** RESOLUTION #2009-01 AUTHORIZING CHILD CARE AGREEMENT #CIMS-8636

Item 12 — **Approved** INDEPENDENT CONTRACTOR AGREEMENT WITH PROFESSIONAL PERSONNEL LEASING FOR SERVICES OF ROBERT GRIFFIN IN THE AMOUNT NOT TO EXCEED \$82,000

Item 13 — **Approved** ACADEMIC AND FACILITY AGREEMENT FOR FOOTHILL COLLEGE WITH PACIFIC GRADUATE SCHOOL OF PSYCHOLOGY

Item 14 — **Approved** AWARD OF CONTRACT FOR BID 1191 — SELECTION OF EDUCATION AUTHORIZED RESELLERS FOR ADOBE CLP PRODUCTS
Authorized the Purchasing Services Supervisor to award a contract and issue purchase orders to Computer Intelligence Association pursuant to Bid #1191

Item 15 — **Approved** PERSONNEL ACTIONS:

Name: **Christina Espinosa-Pieb**
Position: Vice President
College: De Anza
Division: Instruction
Action: **Employment**
Effective December 9, 2008 through December 8, 2009
Dates:
Compensation: Level M, Step 7 @ \$13,369.50 per month

Name: **Jeanine Hawk**
Position: Vice President
College: De Anza College
Division: Educational Resources and College Operations
Action: **Resignation**
Effective January 21, 2009
Dates:

Name: **Dorene Novotny**
Position: Vice Chancellor
College: Central Services
Division: Human Resources and Equal Opportunity
Action: **Extend Employment Contract**
Effective Date: February 11, 2009 through February 10, 2010

Name: **Rowena Tomaneng**
Position: Acting Dean
College: De Anza College
Division: Language Arts
Action: **Extend Acting Assignment**
Effective Date: January 2, 2009 through June 30, 2009

Name: **Katie L. Townsend-Merino**
Position: Vice President
College: Foothill College
Division: Instruction and Institutional Research
Action: **Employment**
Effective January 12, 2009 through January 11, 2010
Dates:
Compensation: Level M, Step 2 @ \$11,098.71 per month

Item 16 — **Approved** HUMAN RESOURCES REPORT

Item 10

RATIFICATION OF B WARRANTS AND WIRE TRANSFERS GREATER THAN \$5,000 FOR NOVEMBER AND DECEMBER 2008

Citing a possible conflict of interest regarding one of the listed warrants, Vice President Bechtel recused herself and left the room.

M/S/C: Swenson/Plotkin
Advisory vote: 2 yes
Board vote: unanimous
Action: Ratified the B Warrants and Wire Transfers Greater Than \$5,000 for November and December 2008

Vice President Bechtel returned to the room.

Item 17

MEASURE E CONSENT CALENDAR

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

- A.** *Title:* Change Order #16
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: \$80,417
For: Provide electrical revisions and additions to the light dimming and switching systems. Provide structural support for museum cabinetry and for internal radius walls. Provide custom access panels and smoke-hatch operation devices. The contract completion date of December 31, 2008 is unaltered by this change order.

The total Change Orders to date represent 5.11% against the original contract amount. The funding is included in the current budget.

Action: Ratification

- B.** *Title:* Change Order #3 – Unilateral
Vendor: JJ Nguyen, Inc.
Agreement Date: May 29, 2008
Campus: De Anza College
Project No.: 765-237
Project Name: Master Landscaping Phase I
Amount: (\$44,470.55)
For: Unilateral deductive change order for damage to 600-pair telecom cable. Includes cable repair, two short-circuited Novar Lingo EMS controllers damaged due to low voltage cable cut, and District personnel time (\$35,576.44); 25% of cost (\$8,894.11) is being withheld for legal expenses. Substantial but unsuccessful efforts to pursue damage recovery through JJ Nguyen's insurance carrier were attempted by the District Director of Risk Management. JJ Nguyen refused to sign this deductive change order. District legal counsel advised that the District pursue a unilateral change order to recover damage costs from JJ Nguyen. The original contract completion date of September 19, 2008 is unaltered by this change order.
- The total Change Orders to date represent less than 1% against the original contract amount. The funding is included in the current budget.
- Action:* Ratification

- C.** *Title:* Change Order #4 – Unilateral
Vendor: JJ Nguyen, Inc.
Agreement Date: May 29, 2008
Campus: De Anza College
Project No.: 765-237
Project Name: Master Landscaping Phase I
Amount: (\$11,000)
For: Unilateral deductive change order to remove remaining one-year scheduled maintenance from JJ Nguyen's contract for non-performance. Multiple requests to have JJ Nguyen complete scheduled maintenance work were made by both the Construction Manager and the De Anza College Grounds Supervisor. JJ Nguyen was non-responsive. The District has requested that the scheduled maintenance be removed from JJ Nguyen's contract. JJ Nguyen refused to sign this deductive change order. District legal counsel advised that the District pursue a unilateral change order to recover scheduled maintenance costs from JJ Nguyen. The original contract completion date of September 19, 2008 is unaltered by this change order.
- The total change orders to date represent less than 1% against the original contract amount. The funding is included in the current budget.
- Action:* Ratification

- D.** *Title:* De Anza Budget Transfer #69
Campus: De Anza College
For: Budget Transfer DA #69 realizes a new funding source to the program and transfers funds from that source to existing projects.
It also recognizes a single new project and includes a program-contingency-to-project transfer to fund the new project. Additionally, it revises the official title of project #765-278 from “Master Landscaping Phase II (Design Only)” to “Master Landscaping Phase II.” 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 the college.
Action: Ratification

Item 18

CHANGE ORDER #15 TO AGREEMENT WITH S.J. AMOROSO CONSTRUCTION — DE ANZA PROJECT #765-209, VISUAL AND PERFORMING ARTS CENTER

Executive Director Allen provided information regarding the arbitration settlement.

- M/S/C:** Plotkin/Dukunde
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved Change Order #15 to the Prime Contract Agreement with S.J. Amoroso Construction Company, Inc. in the amount of \$90,000

Item 19

MEASURE C CONSENT CALENDAR

- 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:* Professional Services – Revision #2
Vendor: Ratcliff Architects
Agreement Date: January 21, 2009
Campus: Foothill College
Project No.: 160
Project Name: Physical Sciences & Engineering Center
Amount: \$133,980
For: The basic services added by Revision #2 includes \$24,750 for LEED documentation fees for the Civil and Mechanical Electrical Engineer not included in the original scope, \$109,230 for additional fixture furnishing and equipment design, procurement, and construction administration services
Action: Ratification

- B.** *Title:* Change Order #1
Vendor: Rosendin Electric
Agreement Date: January 6, 2009
Campus: Foothill College
Project No.: 161
Project Name: Fire Alarm Phase II
Amount: (\$37,150)
For: Credit for substitution of approximately 25 thousand feet of campus-wide inside-building plenum-rated wiring (in EMT conduit) to new devices with Armored (MC) Cable; field condition change to provide Christy Box rework on outside cable connections from building 2900 to D120
Action: Ratification
- C.** *Title:* Change Order #4
Vendor: CRW Industries, Inc.
Agreement Date: January 6, 2009
Campus: Foothill College
Project No.: 101
Project Name: Forum 5000 Renovation
Amount: \$73,050
For: Site work changes to address underground field conditions for the hydronic piping and required trench, a structural upgrade to address a field condition of sagging glulam beams, architectural-directed electrical panel upgrade, whiteboard upgrades, and owner-directed additional insulation to assist with office acoustics.

This change order represents 2.89% above the base contract amount. The funding for this change is within the current budget.
Action: Ratification
- D.** *Title:* Project Assignment Amendment (PAA) #F01
Vendor: Enovity, Inc.
Agreement Date: January 20, 2009
Campus: Foothill College
Project No.: 100E
Project Name: Krause Center for Innovation – HVAC Upgrades
Amount: \$19,750
For: Commissioning and engineering services to study existing heating, ventilation and air conditioning conditions for all spaces within the building, and preparation of conceptual design and cost estimates to resolve comfort, noise, and poor air quality issues
Action: Approval

- E.** *Title:* Master Agreement and Project Authorization Amendment (PAA) #F01
Vendor: Sandis
Agreement Date: December 15, 2008
Campus: Foothill College
Project No.: 130A
Project Name: Utility Lids – Phase II
Amount: \$18,150
For: Professional design services to replace the utility lids for the 1000 series buildings on the Foothill Campus; services include survey, design, bid phase, and construction management services for Phase 5 of the original Utility Lids Project begun under Measure E. PAA F01 is accompanied by a Master Agreement, which allows ongoing services by Sandis on various Measure C Projects at Foothill and De Anza campuses.
Action: Ratification
- F.** *Title:* Project Authorization Amendment PAA #D04
Vendor: Allana Buick & Bers
Agreement Date: December 15, 2009
Campus: De Anza College
Project No.: 239
Project Name: Refinish Exterior of Flint Center Parking Garage
Amount: \$19,815
For: Investigate and update the existing report, dated August 29, 2003 to include new conditions assessment with updated findings and a new estimate. The updated report will identify structural and architectural concrete spall repair, coatings, guard rail cables, wood guard rail repairs, joint sealants, slurry coat of flexible pavement, water ponding, skylights, stucco repairs, and striping of all levels. The purpose of the updated report is to develop a basis of design and a new estimate to refinish the exterior of the Flint Center Parking Garage.
Action: Ratification

- G.** *Title:* Change Order #3
Vendor: Avidex Industries, Inc.
Agreement Date: September 30, 2008
Campus: De Anza College
Project No.: Visual and Performing Arts Center (VPAC) – Group II
Project Name: Audiovisual Systems
Amount: \$14,099.95
For: Construction changes include replacement of three Cinema Screen Loudspeakers with a different model more suitable for the location and the screen truss conditions, and installation of a Digital Snake audio system to support the mid-house sound control location which was not able to be installed due to a VPAC General Contractor issue (costs to be recovered from VPAC contractor). Contract completion date of December 15, 2008 was extended 14 calendar days to December 29, 2008 as non-compensable time.

The total Change Orders to date represent 3.21% against the original contract amount. The funding is included in the current budget.

Action: Ratification

Item 20

SCHEMATIC DESIGN FOR DE ANZA MEDIATED LEARNING CENTER

Vice President Bechtel noted she had spoken to Executive Director Allen to express her hope that cost-effective, easily maintainable building materials would be used.

- M/S/C:** Plotkin/Cheng
Advisory vote: 2 yes
Board vote: unanimous
Action: Authorized Ratcliff Architects to proceed with design development and construction documents to complete the design of the De Anza Mediated Learning Center

Item 21

AWARD OF CONTRACT FOR BID DOCUMENT 1176 — FORUM 5000 SEATING, FOOTHILL COLLEGE

Responding to a question from Trustee Swenson, Purchasing Services Supervisor Gina Bailey explained that the chairs are in the form of assembled, theater-style seating, but the cost does not include installation. She confirmed for Vice President Bechtel that the cost is within budget.

- M/S/C:** Swenson/Plotkin
Advisory vote: 2 yes
Board vote: unanimous
Action: Authorized the Purchasing Services Supervisor to award a contract to American Seating Company pursuant to Bid Document 1176 in the amount of \$143,743.99

Item 22

MEASURE C PROJECT LIST REVISION – DA BUDGET TRANSFER #11 AND DE ANZA PROJECT(S) NAME CHANGE

Executive Director Allen confirmed that there is no loss of scope with this transfer.

M/S/C: Ahrens/Dukunde
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the Bond Project List Revision with De Anza Budget Transfer #11 as well as the De Anza projects Name Change

Item 23

LIST OF GENERAL CONTRACTORS PRE-QUALIFIED TO BID ON THREE MEASURE C PROJECTS AT DE ANZA COLLEGE

Vice President Bechtel suggested that the pre-qualification should include a determination of whether any contractor has a poor history on public works projects. Executive Director Allen confirmed that this was part of the evaluation, and the proposed list represents suitable contractors with favorable reputations. He explained that, while the District has had experience with only a few of the contractors, all are well known in the Bay Area. He noted that ten pre-qualified contractors is a substantial number, and it is possible that all of them may bid on each of the three projects.

M/S/C: Swenson/Plotkin
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the list below of general contractors pre-qualified to bid on the following three Measure C Projects at De Anza College: Project #205 (Seminar Building), Project #255 (Auto Technology) and Project #258 (Multicultural Center)

RC Benson & Sons, Inc.
CRW Industries, Inc.
James R. Griffin, Inc.
Larry S. Kent, Inc., DBA Kent Construction
Kinetics Mechanical Service
Midstate Construction Corporation
John Plane Construction, Inc.
Roek Construction, A California Corporation
Swenson & Associates
Zolman Construction and Development, Inc.

Item 3 (continued)

MEASURE E AND MEASURE C BOND PROGRAM UPDATE

Foothill Physical Science and Engineering Center

Continuing the facilities discussion from the Board's study session earlier in the day, Executive Director Allen provided information regarding Foothill's Physical Science and Engineering Center in response to questions raised at a previous meeting. He reported that the recommended roofing

material is wood shake, which is code compliant for fire protection, approved by the Division of State Architect, and falls in the mid-range for cost. He explained that the college supports preserving the architectural style of the campus by using wood shake. Foothill Director of Bond Program Management Art Heinrich added that the architects' simulated result of using metal roofing was deemed unattractive, and the cost would be considerably more expensive up front.

Executive Director Allen reported that the adjacent parking lot was determined not to be suitable for photovoltaics, but additional photovoltaics are being incorporated into the building design and planned for other lots on campus.

Student Trustee Dukunde raised his concern again about the danger for disabled pedestrians posed by the proposed location of the crosswalk. Executive Director Allen said a number of things are planned to improve safety on the perimeter road, and he offered to bring back a report to address this concern.

Project Stabilization Agreement

Executive Director Allen reviewed a report that tracked project bid estimates, actual bid ranges and number of bidders. Vice President Bechtel said she was pleased to see that a project/construction management operational review was underway, in accordance with the recommendation from Audit & Finance Committee member Bob Grimm.

Item 4

LEGISLATIVE PRINCIPLES

The Board expressed support for the existing Legislative Principles.

Item 5

MID-YEAR REVIEW OF BOARD PRIORITIES FOR 2008-09

The Board expressed continued support for the 2008-09 Priorities which the Board endorsed at its meeting of August 4, 2008.

Item 6

BOARD PROTOCOL

The Board expressed support for the existing protocol, including having the Board president act as the media spokesperson on behalf of the Board, alerting the college presidents when present on campus, and alerting staff prior to the Board meeting if there is a question about an item on the agenda.

DATES TO REMEMBER

February 2, 2009 — Regular Meeting

ADJOURNMENT

Vice President Bechtel adjourned the meeting at 7:05 p.m.

jco

Approved: 2/2/09

Martha J. Kanter, Chancellor
Secretary, Board of Trustees