



FOOTHILL-DE ANZA  
Community College District

FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT  
**BOARD OF TRUSTEES**  
**MINUTES**  
**REGULAR MEETING**  
**November 1, 2010**

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

1) 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  
Kevin McElroy, Vice Chancellor of Business Services  
Brian Murphy, President of De Anza College  
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity  
Fred Sherman, Vice Chancellor of Technology  
Linda Thor, Chancellor  
Shirley Treanor, Vice President, Educational & Instructional Resources, Foothill College

**Legal Counsel by Phone:**

Phil Jaret

2) Case #106CV062422

**Executive Administrators Present:**

Charles Allen, Executive Director of Facilities, Operations and Construction Management  
Kevin McElroy, Vice Chancellor of Business Services  
Brian Murphy, President of De Anza College  
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity  
Fred Sherman, Vice Chancellor of Technology  
Linda Thor, Chancellor  
Shirley Treanor, Vice President of Educational & Instructional Resources, Foothill College

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9)

Number of Potential Cases: 1

**Executive Administrators Present:**

Charles Allen, Executive Director of Facilities, Operations and Construction Management  
Kevin McElroy, Vice Chancellor of Business Services  
Judy Miner, President of Foothill College  
Brian Murphy, President of De Anza College  
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity  
Fred Sherman, Vice Chancellor  
Linda Thor, Chancellor  
Shirley Treanor, Vice President of Educational & Instructional Resources, Foothill College

**Legal Counsel by Phone:**

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  
Kevin McElroy, Vice Chancellor of Business Services  
Brian Murphy, President of De Anza College  
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity  
Fred Sherman, Vice Chancellor of Technology  
Linda Thor, Chancellor  
Shirley Treanor, Vice President of Educational & Instructional Resources, Foothill College

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

**Executive Administrators Present:**

Charles Allen, Executive Director of Facilities, Operations and Construction Management  
Kevin McElroy, Vice Chancellor of Business Services  
Brian Murphy, President of De Anza College  
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity  
Fred Sherman, Vice Chancellor of Technology  
Linda Thor, Chancellor  
Shirley Treanor, Vice President of Educational & Instructional Resources, Foothill College

CALL TO ORDER

President Bruce Swenson called the meeting to order at 6:00 p.m. He led those present in the Pledge of Allegiance.

**Trustees Present:**

Bruce Swenson, President  
Joan Barram  
Betsy Bechtel  
Pearl Cheng  
Laura Casas Frier  
Etienne Bowie, Foothill College Student Trustee  
Thomasina Countess Russaw, De Anza College Student Trustee

REPORTING OUT FROM CLOSED SESSION

President Swenson reported that in closed session the board took action to dismiss an employee in a custodial position.

CORRESPONDENCE

There was none.

HEARINGS: ITEMS NOT ON THE AGENDA

President Swenson acknowledged and thanked the community volunteers, staff and students that donated an extraordinary amount of time and effort to distribute thousands of mailers and make

telephone calls in support of Measure E. He also thanked the district’s employee unions and associated student bodies for their generous contributions toward the effort. Special acknowledgement and appreciation went to Robert Grimm, Kathy Torgeson, and trustee Betsy Bechtel for their leadership roles on the campaign.

Public  
None

Students  
None

Staff  
Vice Chancellor of Human Resources Dorene Novotny introduced Suzanne Pfeiffer, newly hired Director of Human Resources. Pfeiffer brings to the district experience in negotiations, employee relations, employment and compensation, as well as an in-depth knowledge of the California Education Code.

Faculty Association President Rich Hansen said the FA had a very successful retreat on October 8 that was attended by trustees Barram and Cheng, Chancellor Thor, Foothill Dean Peter Murray, and De Anza Dean Ron McFarland.

Trustees  
Trustee Betsy Bechtel said she was very proud that Chancellor Linda Thor was one of three California community college representatives to attend the White House Summit on Community Colleges last month as well as being appointed to the U.S. Department of Education’s Committee on Measures of Student Success. Trustee Bechtel thanked Chancellor Thor for all she does for the district and community colleges.

Trustee Laura Casas Frier attended a presentation by the Foothill College Transfer Center to the Mountain View-Los Altos Community Scholars program. Casas Frier said the number of transfer admission guarantee (TAG) agreements for UC’s has increased to over 500 this fall compared to just over 200 for the entire 2009-10 year. She acknowledged Pat Hyland, Dean of Student Affairs and Activities; Bernie Day, Articulation Curriculum Officer; and Maureen Chenoweth, Transfer Center Coordinator for their efforts and hard work in more than doubling the amount of agreements this year. Trustee Casas Frier also acknowledged the inspiring work of Trustee Bechtel in leading the parcel tax campaign.

APPROVAL OF MINUTES

**M/S/C:** Barram/Cheng  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** Approved the minutes of October 4, 2010

APPROVAL OF CONSENT CALENDAR

**M/S/C:** Bechtel/Cheng  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** Approved items 1-13 on the Consent Calendar

**Item 1** - **Ratified** Contracts and Agreements

**Item 2** - **Approved** Ratification of Board Warrants and Wire Transfers Greater than \$5,000 for August and September 2010

**Item 3** - **Approved** a Contract for Network Equipment Maintenance and Support with Alcatel-Lucent and authorized the Director of Purchasing and Material Services 'to issue a purchase order not to exceed the amount of \$99,330.00 to Alcatel-Lucent in accordance with WSCA contract AR-1466 and the associated contract extension by Alcatel-Lucent and WSCA.

**Item 4** - **Approved** the Independent Contractor Agreement with Catherine Ayres

**Item 5** - **Approved** the Appointment of Chief Negotiators

**Item 6** - **Approved** the Donation of Surplus Chairs

**Authorized** the Director of Purchasing and Material Services to make a donation of the stackable chairs described herein to the Santa Clara Unified School District in accordance with Education Code 81450.5.

**Item 7** - **Approved** Donation of Surplus District Computer and Monitors to OTI

Made a finding that the items are of insufficient value to defray the costs of arranging a sale and **authorized** the Director of Purchasing Services to donate the items to the Foothill-De Anza Foundation.

**Item 8** - **Approved** Public Auction of Surplus De Anza College Fitness Equipment

**Authorized** the Director of Purchasing and Material Services to conduct a public auction as described herein and to transfer the personal property to the highest responsible bidder upon completion of the auction after payment has been received by the district.

**Item 9** - **Approved** Recycle and Dispose Surplus Furniture

Made a finding that the items are of insufficient value to defray the costs of arranging a sale and **authorized** the Director of Purchasing and Material Services to recycle or dispose of the items.

**Item 10** - **Approved** Sale of Foothill College Surplus Fitness Equipment

Made a finding that the property does not exceed \$5,000.00 in value and **authorized** the Director of Purchasing and Material Services to sell the items in accordance with Education Code 81452(a).

**Item 11** - **Approved** Sale of Surplus District Furniture

Made a finding that the property does not exceed \$5,000.00 in value and **authorized** the Director of Purchasing and Material Services to sell the items in accordance with Education Code 81452(a).

**Item 12 - Approved Sale of Surplus District Television**

Made a finding that the property does not exceed \$5,000.00 in value and **authorized** the Director of Purchasing and Material Services to sell the items in accordance with Education Code 81452(a).

**Item 13 - Approved the Human Resources Report**

**Item 14  
Increase the DASB Fee**

Student trustee Thomasina Russaw and President Brian Murphy endorsed the increase in the student body fee. After reviewing the substantiation of the increase, trustee Barram expressed confidence in the students' decision to increase their fees.

The last increase in the student body fee was in 1993. The increased fee would raise an additional \$200,000 annually for the DASB budget.

**M/S/C:** Russaw/Bowie  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** an increase in the DASB from \$6 to \$9/quarter

**Item 15  
Board Policy 4125 Authorization to Offer Employment (1<sup>st</sup> Reading)**

For purposes of expediency, the changes in BP 4125 streamline the process by which new employees are approved for hire. The suggested changes authorize the chancellor to approve appointments and other employment actions prior to being presented to the Board of Trustees for ratification. Exceptions to the delegation of authority would be for the positions of chancellor, vice chancellor, president, and executive director of facilities, operations and construction management.

There were no changes to the policy as submitted, and the policy will be presented to the board on December 6, 2010, for a second reading and approval.

**Item 16  
Audit and Finance Committee Membership**

**M/S/C:** Casas Frier/Bowie  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Appointed** trustees Bechtel and Cheng to the Audit and Finance sub-committee to review applications for the vacancy on the committee and make a recommendation to the full Board

**Item 17  
Citizens' Bond Oversight Committee Membership**

**M/S/C:** Barram/Casas Frier  
**Advisory vote:** 2

**Board vote:** 5  
**Action:** **Appointed** trustees Bechtel and Cheng to the Citizens' Bond Oversight sub-committee to review applications for the vacancy on the committee and make recommendations to the full Board

**Item 18**

**Ratification of Board Warrants to Borel Private Bank & Trust Co.**

Trustee Bechtel recused herself from the room during discussion and action of this item.

**M/S/C:** Cheng/Barram  
**Advisory vote:** 2  
**Board vote:** 4  
**Action:** **Ratified** board warrants to Borel Private Bank & Trust Co.

Trustee Bechtel rejoined the meeting.

**Item 19**

**2010-11 First Quarter Report**

Vice Chancellor of Business Kevin McElroy reviewed the first quarter report. Business Services staff is still deciphering the California budget and its impact on Foothill-De Anza. He cautioned the district to be careful in it's spending.

**Item 20**

**Resolutions to Adopt Budget Revisions and Transfers**

**M/S/C:** Bechtel/Cheng  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Adopted** the budget revisions and transfers as presented

**Item 21**

**Measure E Consent**

**M/S/C:** Barram/Russaw  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved/Ratified** Measure E consent items A and B as follows:

- A. *Title:* Revision #2 to Agreement  
*Vendor:* Cody Anderson Wasney Architects, Inc.  
*Agreement Date:* February 1, 2010  
*Campus:* Foothill College  
*Project No.:* 403  
*Project Name:* District Office Building Renovation  
*Amount:* \$25,540  
*For:* Provide additional design services to accommodate the new fire protection requirement of division of the State Architect.

*Action:* The funding for this change is within the current budget  
Ratification

- B.** *Title:* Revision #4 to Agreement
- Vendor:* Cody Anderson Wasney Architects, Inc.
- Agreement Date:* May 5, 2009
- Campus:* Foothill College
- Project No.:* 401
- Project Name:* New ETS/Data Center Building
- Amount:* \$23,295
- For:* Provide additional design services to accommodate the new fire protection requirement of Division of the State Architect.

*Action:* The funding for this change is within the current budget.  
Ratification

**Item 22**  
**Measure C Consent**

**M/S/C:** **Bowie/Russaw**  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved/Ratified** Measure C consent items A-I as follows:

- A.** *Title:* Prime Contract Change Order #2 – FINAL CHANGE ORDER
- Vendor:* Guerra Construction Group
- Agreement Date:* May 3, 2010
- Campus:* De Anza College
- Project No.:* 228
- Project Name:* CDC Playground Maintenance and Shade Structure
- Amount:* <\$225>
- For:* Design changes for tree root conflicts, play structure fall zone requirements, tree replacement and pathway modifications. This change order also includes credits for a damaged roadway directional sign, irrigation controller installation, and deck design changes.

This change order represents 0.1% of the construction value. This is the final change order. Funding for this project is available within the current project budget.  
*Action:* Ratification

- B.** *Title:* Change Order #6
- Vendor:* John Plane Construction, Inc.
- Agreement Date:* March 18, 2010
- Campus:* De Anza College
- Project No.:* 205

*Project Name:* Seminar Building and Multicultural Center  
*Amount:* \$30,544  
*For:* Miscellaneous construction change orders at the Seminar Building and Multicultural Center.

The total Change Orders to date represent 3.4% against the original contract amount. Funding is included in the current budget.

*Action:* Ratification

- C.** *Title:* Prime Contract Change Order #3  
*Vendor:* Peterson Dean Commercial, Inc.  
*Agreement Date:* March 16, 2010  
*Campus:* De Anza College  
*Project No.:* 273  
*Project Name:* Roof and Trellis Repair – PE 1-2-6 & S7-8  
*Amount:* \$3,652  
*For:* Repairs to fire sprinkler lines and to wooden parapets relating to field conditions; changes to waterproofing details at electrical outlets, and addition of wood headers at doorway entrances for a total of \$23,652. This change order includes a deductive amount of <\$20,000> to close out Allowance #2 flat roof electrical conduit repairs.

This change order represents 0.3% of the construction value.

Total change orders to date are 0.7% of the construction value.

Funding for this project is available within the current project budget.

*Action:* Ratification

- D.** *Title:* Change Order #21  
*Vendor:* S. J. Amoroso, Inc.  
*Agreement Date:* July 10, 2009  
*Campus:* De Anza College  
*Project No.:* 241  
*Project Name:* S2-S6 Phase II – Utility Master Plan – Phase I  
*Amount:* <\$4,822>  
*For:* Miscellaneous changes: re-attach conduits at S6, modify pipe insulation at E1 connection, add gas filters at S2 and S6 meters, and delete partial discharge testing.

The total Change Orders to date represent 14.49% against the original contract amount. Funding is included in the current budget.

*Action:* Ratification

- E.** *Title:* Change Order #22

*Vendor:* S. J. Amoroso, Inc.  
*Agreement Date:* July 10, 2009  
*Campus:* De Anza College  
*Project No.:* 241  
*Project Name:* S2-S6 Phase II – Utility Master Plan – Phase I  
*Amount:* \$36,620  
*For:* Miscellaneous changes: paint exterior hydronic pipe at S2, S6 and Cooling Tower, and connect hydronic pipe at MLC building end.

The total Change Orders to date represent 14.88% against the original contract amount. Funding is included in the current budget.

*Action:* Ratification

**F.** *Title:* Agreement for Inspector of Record Services  
*Vendor:* Clark Inspection Group, Inc.  
*Agreement Date:* September 23, 2010  
*Campus:* Foothill College  
*Project No.:* 110  
*Project Name:* Renovation of Language Arts General Classrooms  
*Amount:* \$33,000  
*For:* Perform the duties required of the Project Inspector of Record as required by the Division of the State Architect.

The funding for this agreement is within the current budget.

*Action:* Ratification

**G.** *Title:* Change Order #1 to Rental Contract – Period of 10/14/10 through 12/02/10  
*Vendor:* City of Palo Alto  
*Agreement Date:* October 13, 2010  
*Campus:* Foothill College  
*Project No.:* 142  
*Project Name:* Soccer and Softball Complex  
*Amount:* \$1,305  
*For:* Field rental for Foothill College softball while Project 142, Soccer and Softball Complex is under construction. The original contract was for rental of soccer fields for the same project; this amendment adds rental of softball facilities.

*Action:* Ratification

**H.** *Title:* Revision #4 to PAA #F-HMC-#1B  
*Vendor:* HMC Architects  
*Agreement Date:* November 1, 2010  
*Campus:* Foothill College  
*Project No.:* 112  
*Project Name:* Modernization of Administration Building and general

Classrooms  
*Amount:* \$23,800  
*For:* Design revisions for changes to the east portion of the Administration Building – 1900, as requested by the College due to program changes. This change includes revised drawings, mechanical system evaluation and construction administration for the change in scope.  
  
*Action:* The funding for this change is within the current budget.  
Ratification

**I.** *Title:* Change Order #8  
*Vendor:* Zolman Construction and Development, Inc.  
*Agreement Date:* February 2, 2010  
*Campus:* Foothill College  
*Project No.:* 112  
*Project Name:* Modernization of Administration Building and General Classrooms  
  
*Amount:* \$31,446  
*For:* Installation of additional power and data in classrooms 6402 and 6403 to allow for expanded computer use, as requested by the College.

This change represents 0.66% change to the contract value.  
Total project changes represent a 6.80% change to the contract value.

*Action:* The funding for this change is within the current budget.  
Ratification

**Item 23**

**Request Approval for Change Order # 7 in the Amount of \$94,760 for John Plane Construction to Revise Building Automation System (BAS) Components**

**M/S/C:** Barram/Bowie  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** construction Change Order #7

**Item 24**

**Measure C Project List Revision with Central Services Budget Transfer #11, Foothill Budget Transfer #23 and De Anza Budget Transfer #25**

**M/S/C:** Bowie/Russaw  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** the Bond Project List Revision with District Budget Transfer #11, Foothill Budget Transfer #23 and De Anza Budget Transfer #25

**Item 25**

**Request Approval for Change Order #2, Project #154, Photovoltaic Arrays – Parking Lots 2 & 3, n the amount of \$227,828 for Chevron Energy Solutions**

**M/S/C:** Bowie/Bechtel  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** Change Order #2 with Chevron Energy Solutions

**Item 26**

**Award a Contract Pursuant to Bid Document #1288-109, P.E. Lab Space Remodel, at Foothill College**

**M/S/C:** Bechtel/Casas Frier  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Authorized** the Director of Purchasing and Material Services to award a contract pursuant to Bid Document #1288-109, P.E. Lab Space Remodel at Foothill College, in the amount of \$597,888 to Calstate Construction Inc.

**Item 27**

**Authorization to Award Contract Pursuant to Bid 1308 for the Purchase of Nine (9) Diesel Cargo Vans**

**M/S/C:** Cheng/Casas Frier  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Authorized** the Director of Purchasing and Material Services to reject the San Francisco Ford Lincoln Mercury bid as non-responsive and to award a contract pursuant to Bid 1308 in the amount of \$329,575.59 to Putnam Chevrolet

**Item 28**

**Authorization to Award Contract Pursuant to Bid 1309 for the Purchase of Four (4) Diesel Chassis Cab Trucks**

**M/S/C:** Bechtel/Barram  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Authorized** the Director of Purchasing and Material Services to award a contract pursuant to Bid 1309 in the amount of \$105,925.52 to Wondries Fleet Group

President Swenson adjourned the meeting at 6:45 p.m.

Approved 12/6/10

  
Linda M. Thor, Ed.D.,  
Secretary to the Board of Trustees