



BOARD OF TRUSTEES

Foothill-De Anza Community College District
12345 El Monte Road
Los Altos Hills, CA 94022

March 12, 2009

*For information and disability access to materials, call 650-949-6100.
Requests for accommodation should be made no later than one business day
prior to meeting. Meetings are held in a location accessible to the disabled.*

Closed Session: 5:00 p.m.
Chancellor's Office

Public Session: 6:00 p.m.
District Board Room

*Members of the public who wish to comment on items or address the Board may do so
by completing a request form prior to the start of the meeting and are limited to five minutes each.*

AGENDA

Regular Meeting

CALL TO ORDER & ROLL CALL

ADJOURN TO CLOSED SESSION

Closed Session

CONFERENCE WITH LABOR NEGOTIATOR

District Negotiator: Dorene Novotny
Employee Organizations: All Represented and Unrepresented Groups

Public Session

RECONVENE PUBLIC SESSION

REPORTING OUT FROM CLOSED SESSION

INFORMATION

CORRESPONDENCE

INFORMATION

HEARINGS: ITEMS NOT ON THE AGENDA

INFORMATION

The Board does not take action or respond to items not on the agenda.

- Public
- Students
- Staff
- Board

APPROVAL OF CONSENT CALENDAR

ACTION

1. [Resolution Authorizing Trustee Absence for Laura Casas Frier \(Kanter x6104\)](#)
2. [Sale or Disposal of Three Modular Trailers \(Bailey x6165\)](#)
3. [Award of Contract Pursuant to Bid 1157 — Three-Year Contract for Printing Foothill College Annual Catalog \(Bailey x6165\)](#)
4. [Personnel Actions as Follows: \(Novotny x6211\)](#)
Reassignment to English Instructor, Language Arts, De Anza College –
John Swensson, De Anza Dean
5. [Human Resources Report \(Novotny x6211\)](#)

6. [Additional Professional Development Leave for 2009-10](#) (Novotny x6211)

PERSONNEL

7. [Administrator Contracts](#) (Novotny x6211) **ACTION**
8. Executive Administrator Contracts (Kanter x6104) (*See Public Memo for backup*) **ACTION**
9. Transfer or Reassignment of Employees and Suspension of Positions Due to Lack of Funding (Novotny x6211) (*See Public Memo for backup*) **ACTION**

MEASURE E PROJECTS

10. [Measure E Consent Calendar](#) (Allen x6150) **ACTION**
A) Budget Transfer DA #70
B) Revision #12 (Campus Center) – Perkins & Will
C) Revision #01 (Campus Site Lighting Phase II) – Salas O’Brien Engineers

MEASURE C PROJECTS

11. [Measure C Consent Calendar](#) (Allen x6150) **ACTION**
A) Revision #1 (Classrooms and Admin. Bldg.) – HMC Architects
12. [Measure C Project List Revision: De Anza Budget Transfer #13 and De Anza Project Name Change](#) (Allen x6150) **ACTION**
13. [Award of Contract Pursuant to Bid Document 1179-255 — Auto Tech Renovation Project at De Anza College](#) (Bailey x6165) **ACTION**

DATES TO REMEMBER / FUTURE AGENDA ITEMS

INFORMATION

April 6, 2009 — Regular meeting
Presentation: FHDA Foundation
Board Policy 4185/Values Statement on Textbooks
NASA Research Park Update
CCCT Board Elections
Student Trustee Board Policy (9110.1)

ADJOURNMENT

ACTION

FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

Office of the Chancellor

TO: Members of the Board of Trustees

FROM: Martha J. Kanter, Chancellor

DATE: March 3, 2009

RE: Public Session, **March 12, 2009**

CONSENT CALENDAR

1. Resolution Authorizing Trustee Absence for Laura Casas Frier

Trustee Laura Casas Frier is unable to attend the regular Board meetings during the month of 2009 due to a family matter requiring her attention at home. The Board may grant such an absence if it is due to a hardship deemed acceptable by the Board. As stated in Education Code 72425(5)-d:

A member may be paid for any meeting when absent if the board by resolution duly adopted and included in its minutes finds that at the time of the meeting he or she is performing services outside the meeting for the community college district, he or she was ill or on jury duty, or the absence was due to a hardship deemed acceptable by the board. The compensation shall be a charge against the funds of the district.

Included for adoption by the Board is a resolution verifying the fact of the absence which is required by Education Code Section 72425.

Chancellor Martha Kanter recommends approval.

2. Sale or Disposal of Three Modular Trailers

The District has six (6) modular trailers at De Anza College. The trailers are located on the northwest side of campus, partially on the footprint for the new Mediated Learning Center (MLC) building. Campus representatives have determined that the trailers cannot be relocated at De Anza College. However, it has been determined that three (3) of the six (6) trailers can be repurposed for use at Foothill College. According to the De Anza College construction bond director and campus representatives, the three (3) remaining trailers must be removed from the premises before May 29, 2009 to allow for the site work associated

with the MLC to begin this summer. The estimated aggregate value of the three (3) remaining trailers is \$5,000 or more.

California Education Code 81450(a) provides that if the governing board by a unanimous vote of those members present, finds that property, whether one or more items, exceeds the sum value of five thousand dollars (\$5,000), then the property can be sold by an employee of the District empowered for that purpose by the Board, if the property is not required for school purposes.

Purchasing Services plans to post a notice to sell the trailers in the San Jose Post Record once a week for two weeks and advertise the sale to other public agencies and post the sale on Bidnet at www.govbids.com as well as at www.Publicsurplus.com. The District pays a commission to Public Surplus based upon the gross sale proceeds of the property. Any net proceeds from a sale would be deposited into the Occupational Training Institute (OTI) account funds.

Purchasing Services Supervisor Gina Bailey recommends that the Board **make a finding that the three (3) trailers are not required for school purposes and authorize the Purchasing Services Supervisor to sell them in accordance with Education Code 81450(a).**

3. Award of Contract Pursuant to Bid 1157 – Three-Year Contract for Printing Foothill College Annual Catalog

The District Purchasing Services Department, in cooperation with Foothill College Marketing Department staff, prepared bid documents and specifications in order to invite bids for a three-year contract for the printing of the Foothill College Annual Catalog. Bid Number 1157 was advertised in the San Jose Post Record on January 16 and January 23, 2009. Additionally, the bid documents were sent to nine (9) vendors and posted on “BidNet” at www.govbids.com. The deadline to submit bids was February 18, 2009. Seven (7) vendors submitted sealed bids and Purchasing Services staff publicly opened and read the bids (see the attached spreadsheet).

Given that the actual page count of the annual catalog may vary, the bid document provided that the lowest bid would be determined by the average cost of four different catalog sizes. On this basis, the lowest responsive bidder is Delta Web Printing. Delta Web Printing has provided similar services to De Anza College in the past and the college has been pleased with Delta Web’s quality and performance. The cost over three years will depend upon the actual page count of each catalog and the quantities printed, but it is estimated at \$29,204.25, plus any applicable taxes.

Purchasing Services Supervisor Gina Bailey recommends that the Board **authorize the Purchasing Services Supervisor to award a three-year contract to Delta Web Printing, pursuant to Bid Number 1157.**

4. Personnel Actions as Follows:

Name: **John Swensson**
Position: Dean, Language Arts
College: De Anza
Division: English
Action: **Reassignment to English Instructor, Language Arts, De Anza College**
Effective Date: June 30, 2009 *# of Months:* 10
Compensation: Column V, Step M @ \$9,772.51 per month
Comments: In accordance with Chapters III and VI of the Administrators Handbook

Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny recommends **approval**.

5. Human Resources Report

The Human Resources report is presented for Board approval. The report reflects the personnel actions in the following categories: new hires, new positions, promotions, reassignments, reclassifications, separations, 39 month re-employment, permanent contract changes, professional growth awards, service recognition awards and longevity awards.

Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny recommends **approval**.

6. Additional Professional Development Leave for 2009-10

Board approval is requested for an additional Professional Development Leave for the 2009-10 Academic Year. The Professional Development Leave Committee received 25 applications requesting a total of 74 quarters of leave. According to the terms of the *Agreement* with the Faculty Association, 107 quarters of leave (including 15 carryover quarters from 2008-09) are available for 2009-10. At this time, the Professional Development Leave committee requests that 3 quarters be awarded to the 1 faculty member recommended by the Committee in addition to the other 23 applications that were approved at the prior Board meetings. It is the responsibility of each faculty member to complete the plan for the leave as outlined in the application.

Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny and the Professional Development Leave Committee recommend **approval**.

PERSONNEL

7. Administrator Contracts

Board approval is requested that, where an extension of an administrative contract is warranted, the end date of such contracts will not exceed June 30, 2010 as noted on the attached list. In addition, where all other contracts have an end date of June 30, 2010, the end date of such contracts will not exceed June 30, 2010.

- Due to the current budget and financial situation, all administrative contracts will not be extended beyond June 30, 2010 until further notice.
- Any new administrator contracts will not extend beyond June 30, 2010.

Per Chapter 3 of the Administrative Handbook, initial contracts for new administrators are normally for one year during each of the first two years of employment and may be increased to a two-year contract thereafter. The Board may elect not to extend a contract. All contracts for administrators must be noticed by March 15.

Chancellor Martha Kanter recommends **approval**.

8. Executive Administrator Contracts

Board approval is requested for the following employment contracts not to exceed current effective dates. Administrative contracts that have previously been approved beyond June 30, 2010 will not be extended beyond their current contract expiration dates.

- Martha J. Kanter, Chancellor: not to exceed beyond June 30, 2012.
- M. Brian Murphy, President, De Anza College: not to exceed beyond June 30, 2011.
- Fred Sherman, Vice Chancellor, Technology: not to exceed beyond June 30, 2011.

Board approval is requested for the following employment contracts not to exceed beyond June 30, 2010.

- Judy C. Miner, President, Foothill College: not to exceed beyond June 30, 2010.
- W. Andrew Dunn, Vice Chancellor, Business Services: not to exceed beyond June 30, 2010.

Chancellor Martha Kanter recommends **approval**.

9. Transfer or Reassignment of Employees and Suspension of Positions Due to Lack of Funding

The following employees will be affected by transfer or reassignment:

- In accordance with Article 13 of the Faculty *Agreement*, transfer Foothill Geology faculty member Christopher Di Leonardo to De Anza Geology faculty position — effective date July 1, 2009.
- In accordance with Chapter III of the Administrator Handbook, reassign Foothill administrator Timothy Woods to Foothill administrative duties funded by non-fund 14 dollars.

The following positions will be suspended (unfunded):

- Suspend Foothill administrative position Dean, Computer Technology and Information Systems — effective date June 30, 2009.
- Suspend Foothill faculty position Travel Careers — effective date June 30, 2010.
- Suspend Foothill faculty position Geology — effective date June 30, 2009.

The following employees will be affected by layoff:

- Faculty member Sharon Hack to be laid off from employment as a tenured faculty member — effective date July 1, 2010.

Board approval is requested to authorize District representatives to provide affected employee(s) with notice of layoff. Vice Chancellor of Human Resources and Equal Opportunity Dorene Novotny recommends **approval**.

MEASURE E PROJECTS

10. Measure E Consent Calendar

Board approval and/or ratification is requested for the following Measure E actions. The aggregate amount for these actions is \$229,269.61.

- A.** *Title:* Budget Transfer DA #70
Campus: De Anza College
For: Budget Transfer DA #70 includes program contingency to project transfers required to fund the design and construction of existing projects. 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 De Anza College.
Action: Approval
- B.** *Title:* Revision #12 too PAA #20 (PO M249358)
Vendor: Perkins + Will
Agreement Date: March 3, 2009
Campus: Foothill College
Project No.: 153
Project Name: Campus Center
Amount: \$67,269.61
For: Additional design professional services to incorporate user and general contractor initiated changes into the construction documents. The funding for this change is within the current budget.
Action: Approval

- C. Title:** Revision 01 to PAA D001 for Design Services
Vendor: Salas O'Brien Engineers, Inc.
Agreement Date: December 1, 2008
Campus: De Anza Campus
Project No.: 765-279
Project Name: Campus Site Lighting Phase II
Amount: \$162,000
For: PAA D001 initiated this project and assigned the Campus Site Lighting Phase 2 project to Salas O'Brien Engineers' Master Agreement. It provided for a conditions assessment, programming, scope development, and exterior lighting design recommendations for MCC and Seminar renovation projects. The PAA D001 for \$18,460 was ratified by the Board on 12/01/08. This Revision 01 to PAA D001 provides architectural, engineering and design services for the De Anza College Campus Site Lighting Phase II project for complete design services for the Design Development, Construction Documentation and Bid Document phases. In addition, Salas O'Brien's scope is to provide a complete Campus-wide Master Site Lighting Plan. The value of Rev. 01 to PAA D001 is \$162,000, bringing the total value for this PAA D001 contract to \$180,460.
- | | |
|-----------------------------------|------------------|
| Master Agreement (dated 12/01/08) | |
| PAA D001 (dated 12/01/08) | \$ 18,460 |
| PAA D001 Rev.01 (dated 03/12/09) | <u>\$162,000</u> |
| Total Contract Value | \$180,460 |
- Action:** Approval

Executive Director of Facilities, Operations, and Construction Management Charles Allen, De Anza Director of Bond Program Management Tom Armstrong, and Foothill Director of Bond Program Management Art Heinrich recommend that the Board **ratify/approve Measure E consent items A-C.**

MEASURE C PROJECTS

11. Measure C Consent Calendar

Board approval and/or ratification is requested for the following Measure C actions. The aggregate amount for these actions is \$37,500.

- A. Title:** Revision #1 to PAA #F-HMC-#1B
Vendor: HMC Architects
Agreement Date: February 23, 2009
Campus: Foothill College
Project No.: 104, 108, 112
Project Name: 104 – General Classrooms (Building 5500)
108 – General Classrooms (Building 6400)
112 – Administration Building (Building 1900)
Amount: \$37,500
For: Provide services relating to Historic Architecture Review of 100% Design Development Drawings and Specifications for Renovation Design and Construction at Buildings 1900, 5500, and 6400 using the Secretary of the Interior’s Standards for Rehabilitation as a basis for review per EIR mitigation measure IV.D-1a. Provide services relating to Room Acoustics, Interior Sound Isolation and Mechanical System Noise and Vibration Control modifications required related to the renovation scope.
Action: Ratification

Executive Director of Facilities, Operations, and Construction Management Charles Allen and Foothill Director of Bond Program Management Art Heinrich recommend that the Board **ratify Measure C consent Item A.**

12. Measure C Project List Revision: De Anza Budget Transfer #13 and De Anza Project Name Change

This revision to the Measure C Project List is being presented to recognize De Anza College’s Budget Transfer #13 and to rename Project #253.

De Anza Budget Transfer #13 reflects the College’s decision to fund the lowest qualified bid received for project #255 (Auto Technology). This transfer adds \$452,000 into the project, increasing the total project budget to \$3,847,545. Funding for this transfer is being re-allocated from Project #271 (Forum) in the amount of \$85,000, Project #253 (Construct New Amphitheater/Euphrat Garden) in the amount of \$300,000, and Project #249 (Baseball & Softball Fields) in the amount of \$67,000.

- Project #271 (Forum) is complete and the close-out process is underway. The \$85,000 coming out of this project budget represents a portion of the budget savings realized at the completion of the project.
- The scope of work for Project #253 (Construct New Amphitheater/Euphrat Garden) has been further defined and clarified, resulting in budget savings and a new project name. The new name for this project is “ATC Central Plant Sound Attenuation,” which more accurately reflects the defined scope and intent of the

project. The savings, estimated at \$300,000, are being moved to support the budget needs of Project #255 (Auto Technology).

- The college has also determined that funding from Project #249 (Baseball & Softball Fields) in the amount of \$67,000 will be re-allocated to Project #255 (Auto Technology).

Executive Director of Facilities, Operations and Construction Management Charles Allen recommends that the Board **approve the Bond Project List Revision with De Anza Budget Transfer #13.**

13. Award of Contract Pursuant to Bid Document 1179-255 — Auto Tech Renovation Project at De Anza College

The project calls for the renovation of the existing Auto Tech facility that includes the addition of a new 1,700 square foot classroom and miscellaneous site improvements at De Anza College. The work includes upgrades and major replacement of electrical, low voltage, plumbing, and mechanical systems. In addition, the restrooms will be renovated to meet ADA requirements. The project will also provide both accessible parking and a pathway to the main entrance of the facility. An alternate was included in the bid for a steel canopy structure for Auto Tech’s East Service yard to cover an outdoor work area. Spencer & Associates prepared the plans and specifications and a complete set of all bid documents is on file in the Purchasing Services Department.

At its January 20, 2009 meeting, the Board approved a list of ten General Contractors as pre-qualified to bid on the project. Bid 1179-255 was legally advertised to contractors on January 30 and February 3, 2009. The “Invitation to Bid” was also sent to nine (9) builder’s exchanges and advertised in the Daily Pacific Builder, as well as posted on “BidNet” at www.govbids.com. Bids were publicly opened and read on February 20, 2009 at 2:00 p.m. in Purchasing Services. Nine (9) of the ten (10) pre-qualified contractors submitted bids, the results of which are summarized below:

BID RESULTS

Contractor	Base Bid Proposal Amount	Alternate No. 1	TOTAL
RC Benson & Sons, Inc	\$2,640,000	\$63,000	\$2,703,000
CRW Industries, Inc.	\$2,644,793	\$43,507	\$2,688,300
James R. Griffin, Inc.	\$2,660,000	\$49,000	\$2,709,000
Kinetics Mechanical Service, Inc.	\$3,244,151	\$139,300	\$3,383,451
Midstate Construction Corp.	\$2,686,000	\$46,000	\$2,732,000
John Plane Construction, Inc.	\$3,054,000	\$65,000	\$3,119,000
ROEK Construction	\$2,768,000	\$49,400	\$2,817,400
Swenson & Associates	\$2,746,000	\$70,540	\$2,816,540
Zolman Construction & Dev.	\$2,612,000	\$70,000	\$2,682,000

Inc.			
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Zolman Construction & Development, Inc. is a pre-qualified contractor and the District checked its listed project references during the pre-qualification process. Furthermore, Zolman Construction & Development, Inc. and its listed subcontractors have each signed the “Agreement To Be Bound” of the Project Stabilization/Construction Careers Agreement between the District and the Santa Clara & San Benito Counties Building and Construction Trades Council.

The successful bid is over the project construction estimate of \$2,344,000. Measure C will fully fund this project. A budget transfer has been forwarded to the Board for approval to accommodate the increased cost. According to Gilbane-Maas, the District's Construction Program Management group, the bids exceeded the construction estimate due to increases in the scope of work finalized during Division of State Architect comment review period, and the subsequent incorporation of engineering design comments. Added information on the building mechanical systems were finalized and not re-estimated. However, the additional costs reflected in the refined scope have been validated with Spencer & Associates' Engineers.

Purchasing Services Supervisor Gina Bailey recommends that the Board **authorize the Purchasing Services Supervisor to award a contract pursuant to Bid 1179-255 in the amount of \$2,682,000 to Zolman Construction & Development, Inc.**

MJK:jco