



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
MINUTES
REGULAR MEETING
February 7, 2011

CLOSED SESSION

The Board immediately adjourned into closed session in the Chancellor's office with the individuals listed below to discuss:

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
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 of Technology

CALL TO ORDER

President Pearl Cheng called the meeting to order at 6:05 p.m. She led those present in the Pledge of Allegiance.

Trustees Present:

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

REPORTING OUT FROM CLOSED SESSION

President Cheng reported that no action was taken in closed session.

President Cheng reported that the Board met in closed session on January 31, 2011, for the performance evaluation of the Chancellor. The Board voted unanimously to extend Chancellor Thor's contract by one year to 2013. All other provisions of Chancellor Thor's contract remain unchanged.

CORRESPONDENCE

There was no correspondence.

HEARINGS: ITEMS NOT ON THE AGENDA

Public

There were none.

Students

There were none.

Staff

Foothill faculty members Kathy Perino and Rosemary Arca reported on their activities with the Global Skills for College Completion Grant funded by the Gates Foundation. Perino reported that they are reaching out to the public for a national online discussion. To date there are over 600 registrants. Perino and Arca said it was a very rewarding experience and thanked the board for allowing them to participate in the grant.

Foothill faculty member Jennifer Sinclair reported on her participation in the 2010 Statway institute that was funded by the Carnegie Foundation. The program offers an alternative pathway for students who, upon entering college, do not place in a statistics or pre-calculus class and are not majoring in careers that require a math or science background. Nineteen colleges across the nation were selected to participate in the program.

Foothill faculty members Rachel Mudge and Nicole Gray participated in a residence program begun by the Carnegie Foundation in support of the Statway program. Responsibilities of the program include reaching out to and connecting with faculty at the 19 colleges that are preparing to implement Statway in fall 2011, and giving feedback on how they can affect community colleges. The instructors thanked the board for granting professional development leaves to do this work.

Dean of Physical Sciences, Mathematics, and Engineering Peter Murray gave an overview of programs that enable students to be successful in the disciplines within his division.

President Cheng announced that Chancellor Thor is in Washington, DC, participating in a meeting with the Gates Foundation regarding student outcomes. Following that meeting Chancellor Thor will be attending meetings of the Committee on Measures of Student Success chaired by Secretary of Education Arne Duncan.

Acting Chancellor Judy Miner reminded trustees of the League for Innovation reaffirmation dinner and Innovations Showcase on February 22 and 23. For the Innovations Showcase, both colleges are preparing presentations highlighting the outstanding work that they are doing.

President Brian Murphy reported that on Wednesday the DASB is organizing a campus-wide walk-in in defense of higher education budgets. There will also be a teach-in from 10:30-3 and significant faculty participation is expected. On March 2 the first statewide mobilization will take place in San Francisco, Sacramento, and San Jose. Foothill and De Anza student leaders will once again provide statewide leadership for the event. President Murphy reported that De Anza College hosted an organizing meeting with representatives from the California Tax Reform Association to discuss strategically what is happening in Sacramento in regard to the budget. President Murphy announced that at the end of the month De Anza will be hosting the national steering committee for the Community Learning Partnership, a national coalition of community colleges and community-based organizations working on the development of the next generation of community based leaders. De Anza College is one of 5 major sites in the nation that received a

grant from the Fund to Improve Postsecondary Education to develop curricula in community change leadership.

President Murphy reported that he serves on a steering committee for the American Association of Colleges and Universities project with the Department of Education on civic learning and democratic participation. The goal of the 8-month contract with the Department of Education is to create a national plan to revive civic learning and participatory capacity in America's young people. Dr. Murphy will present the next draft of the national plan to the board for review and comment.

Acting Foothill President Shirley Treanor reported that Chancellor Thor attended Foothill's Professional Development Day on January 28 and was impressed with the quality of offerings, in particular, the excellent presentation on disruptive student behavior. She reported that art instructor Jose Arenas is in New York at a reception featuring his work. Dr. Treanor announced that Foothill and De Anza colleges were listed as #1 and #2 in recent transfer ratings.

President Murphy added that both colleges received letters from the accrediting commission in acceptance of their follow up letters to the interim report. He said that the commission appreciated that De Anza had in all ways met the requirement of their one remaining recommendation.

Student Trustee Thomasina Russaw distributed flyers announcing workshops regarding the budget cuts on February 9 from 10:30-3. DARE, De Anza's student activist group will be hosting the workshops. In celebration of Black History Month the African Ancestry Association steering committee and Black Student Union club are hosting several upcoming events. Trustee Russaw announced several activities that would be taking place during the month: an African student conference on February 10; a movie night; a seminar on relationships; and 4 Elements of Hip Hop. She said the month will be dedicated to awareness, enlightenment, and consciousness and invited all to attend any of the activities. Student trustee Russaw invited all to the Open Mic sessions every Thursday.

Student Trustee Bowie reported that Foothill students are preparing for the March 14 March in March protest. He expressed the importance of staying focused on delivering the students' message to the legislators. He distributed Black History Month brochures with the month's activities and extended an invitation to all the events, as well as to the events happening in April during Women's History Month. Trustee Bowie also distributed cards for the student/mentor.org program that he has been instrumental in implementing. He reported that student bodies at both colleges are getting involved in *InstaPass*, a mobile solutions program that would virtualize student ID cards using a smartphone.

Trustee Bechtel attended the CCLC legislative conference in Sacramento with trustees Barram and Casas Frier, student trustees, and district staff. She said it was excellent and thanked the students for their involvement and complimented Student Trustee Bowie who spoke eloquently. Trustee Bechtel reported that she and other trustees attended State Senator Joe Simitian's public session that focused on education.

President Cheng reported that she and Chancellor Thor attended the League for Innovation's CEO/Trustee executive retreat in San Antonio with 18 other CEO's and trustees who constitute the League board. President Cheng said Foothill-De Anza is one of the leader organizations in that group. She confirmed that all Trustees will be attending the site visit dinner.

Faculty Association President Rich Hansen said he is serving on an accreditation consultation council task force. A survey was conducted on accreditation problems in the state that the task force used as a basis for their recommendations to the Accrediting Commission for Community and Junior Colleges. Mr. Hansen said he also serves on a student success task force established by the Board of Governors per requirements of SB1143.

Trustee Casas Frier congratulated the student trustees on their participation at the legislative conference. She had opportunity to go with Student Trustee Bowie to visit some of the legislatures and expressed how eloquent he was in delivering his message on behalf of the students. He was a strong voice for all students.

APPROVAL OF CONSENT CALENDAR

Items 3, 10, and 20 were removed for separate discussion.

M/S/C: Bechtel/Barram

Advisory vote: 2

Board vote: unanimous

Action: **Approved** items 1, 2, 4-9, 11-19, and 21-23 on the consent calendar as follows

Item 1 - **Ratified** Contracts and Agreements

Item 2 - **Approved** the non-resident tuition rate of \$120/quarter unit and a capital outlay rate of \$15/quarter unit for a total of \$135/unit for all non-resident students for the 2011-12 fiscal year

Item 4 - **Approved** Board Policy 2213 Acting College President in Absence of a President

Item 5 - **Approved** Board Policy 2510 Accreditation

Item 6 - **Approved** Board Policy 9122 Committees

Item 7 - **Approved** Board Policy 2215 Chancellor or President Selection

Item 8 - **Approved** Board Policy 9126 Special and Emergency Meetings

Item 9 - **Approved** Board Policy 9127 Closed Session

Item 11 - **Approved** new curriculum additions to the 2010-11 Foothill College catalog

Item 12 - **Approved** faculty international travel for two Foothill College part-time faculty in the Business & Social Sciences Division

Item 13 - **Approved** a contract extension for a Krause Center for Innovation contract position

Item 14 - Made a finding that the property does not exceed \$5,000 in value and **authorized** the Director of Purchasing Services to sell the items in accordance with Education Code 81452(a)

Item 15 - Made a finding that the property does not exceed \$5,000 in value and **authorized** the Director of Purchasing Services to sell the items in accordance with Education Code 81452(a)

Item 16 - Made a finding that the property does not exceed \$5,000 in value and **authorized** the Director of Purchasing Services to sell the items in accordance with Education Code 81452(a)

Item 17 - Made a finding that the property does not exceed \$5,000 in value and **authorized** the Director of Purchasing Services to sell the items in accordance with Education Code 81452(a)

Item 18 - Made a finding that the property does not exceed \$5,000 in value and **authorized** the Director of Purchasing Services to sell the items in accordance with Education Code 81452(a)

Item 19 - Made a finding that the property does not exceed \$5,000 in value and **authorized** the Director of Purchasing Services to sell the items in accordance with Education Code 81452(a)

Item 21 - **Approved** the Human Resources report

Item 22 - **Approved** the proposal for engineering services by Salas O'Brien Engineers, Inc. to design and install measures to reduce power usage at De Anza College

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Item 24

Community Appointments to the Audit & Finance Committee

Trustee Bechtel gave background information on Joel Spolin and Jim Sandstrom who were proposed to fill the community member vacancies on the Audit & Finance Committee. Mr. Spolin and Mr. Sandstrom were in attendance and were introduced.

M/S/C: Barram/Swenson

Advisory vote: 2

Board vote: unanimous

Action: **Approved** the appointments of Joel Spolin and Jim Sandstrom to the Audit and Finance Committee as community representatives. Mr. Sandstrom will serve a 4-year term. Mr. Spolin will serve the remaining year of Mr. Lester Ezrati's term and begin a full term in 2012

Item 25

Community Appointments to the Citizens' Bond Oversight Committee

Trustee Bechtel gave background information on Stephanie McGee, Bill Dietz, and Susan Silver who were proposed to fill the student, senior citizens' organization, and at-large representative vacancies, respectively, on the Citizens' Bond Oversight Committee. Each will serve a two-year term.

M/S/C: Barram/Casas Frier
Advisory vote: 2
Board vote: unanimous
Action: **Approved** the appointments of Stephanie McGee, Bill Dietz, and Susan Silver to fill the student, senior citizens' organization, and at-large representative vacancies, respectively, on the Citizens' Bond Oversight Committee for a term of two years each.

Item 38
Citizens' Bond Oversight Committee Annual Report

2010 CBOC chair Jim Sandstrom addressed the board on the presentation of the Citizens' Bond Oversight Committee's annual report. One of the charges of the oversight committee is to insure that the bond proceeds are expended in accordance with the Measure C ballot language and to annually report Measure C progress to the public. During the year the committee reviewed projects, project plans, completed projects; bond list revisions; direct cost expenditures; and toured campuses to see projects in progress, as well as completed projects. Mr. Sandstrom said the committee was very impressed with the work being done. The Measure C review of expenditures performed by Perry-Smith revealed no instances of non-compliance with the terms of Proposition 39 and Measure C. He said the committee believes that the FHDA district is in full compliance with the responsibilities described in Article XIII A, Section 1(b)(3) of the California Constitution. The committee believes the district has a strong commitment to sustainability as demonstrated in the number of photovoltaic arrays.

The board thanked Mr. Sandstrom for his report and Director of Purchasing Carmen Redmond, and Executive Director of Facilities, Operations, and Construction Management Charles Allen and their staffs for doing an excellent job.

M/S/C: Casas Frier/Swenson
Advisory vote: 2
Board vote: unanimous
Action: **Accepted** the Citizens' Bond Oversight Committee's annual report for 2009-10

Item 49
Authorize Award of a Site Lease and a Facilities Lease to Hathaway Dinwiddie Construction Company for Construction of the Physical Sciences and Engineering Center at Foothill College (Measure C Project #160)

Executive Director Charles Allen thanked and complimented the following people for their work on the project up to this point: Shirley Treanor, Peter Murray, Art Heinrich, Casey Michaelis (Gilbane), and Bill Blessing (Ratcliff Architects). Should the board approve this item, Dennis Morrone, project director from Hathaway Dinwiddie will work with Foothill's recently hired project manager Ron Deller.

Last June the board awarded the preconstruction services agreement to Hathaway Dinwiddie for the Physical Sciences and Engineering Center (PSEC). Hathaway Dinwiddie offered a guaranteed maximum price of \$41,576,582 subject to adjustments as agreed to by the district as the project progresses. Director of Purchasing Carmen Redmond recommended award of site lease and facilities lease to Hathaway Dinwiddie Construction Company.

Trustee Barram thanked the community for passing Measure C that allows the district to proceed with these fabulous projects. Trustee Barram said she is looking forward to “quiet use and enjoyment of the site” as stated in Section 4.6 of the Facilities Lease.

Trustee Bechtel commended staff for providing the back-up documents on-line rather than providing printed copies.

M/S/C: Casas Frier/Bechtel
Advisory vote: 2
Board vote: unanimous
Action: **Accepted** the GMP and **authorized** the Director of Purchasing Services to award the Site Lease and the Facilities Lease to Hathaway Dinwiddie Construction Company for the guaranteed maximum price of \$41,576,582

Mr. Morrone thanked the board for giving Hathaway Dinwiddie the opportunity to work with the district and build a signature project.

CONTINUATION OF CONSENT ITEMS

Item 3

BP 2212 Acting Chancellor in Absence of Chancellor (Rev.) (2nd Reading)

Trustee Casas Frier asked to add “*or*” after “. . . Foothill College” so that both colleges would be perceived as equal. President Murphy explained that the order of delegation has more to do with physical proximity to the district office in case signatures are needed and that the colleges are in agreement with the suggested wording and line of succession as listed. President Miner added that in a situation where the president of De Anza or one of the vice chancellors would be the more appropriate representative to handle a particular situation, the chancellor has latitude to make that decision.

M/S/C: Casas Frier/Bechtel
Advisory vote: 2
Board vote: unanimous
Action: **Approved** Board Policy 2212 Acting Chancellor in Absence of Chancellor

Item 10

BP 9211 Communication Among Board Members (New) (2nd Reading)

Trustee Swenson recalled that in the past board members could talk about the agenda items or discuss putting an item on the agenda and asked that the policy include more clarified wording that allows communication among board members regarding agendaizing an item vs. communication among board members regarding an item that has already been placed on the agenda. President Miner said the purpose of the policy is to prohibit the board from communicating with each other on an agendaized item that requires a board vote rather than whether an item should be placed on the agenda.

Acting Chancellor Miner suggested, and the board agreed, that this item be tabled pending clarifying language from legal counsel.

**Item 20 -
Sale of De Anza College Surplus Printing Services Equipment**

Trustee Bechtel expressed concern that the district is surplussing equipment that was purchased less than 5 years ago for over \$216,000 and asked for rationale for the sale of the 10 pieces of printing equipment. Vice Chancellor McElroy explained that there has been a change in technology and the print shop has transitioned from a 2-color offset press to color copying options that are now available and have significantly come down in price. He said De Anza would like to take advantage of the smaller, more efficient and cost-effective color copiers. The print shop was doing a lot of high volume printing on the press and is now moving toward newer equipment that better serves their color copying needs. Associate Vice President Donna Jones-Dulin added that based on an analysis performed a few years ago, the decision was made to discontinue offset printing when it moves to its new location in the Baldwin Winery.

Director of Purchasing Carmen Redmond said that the surplussed equipment will be legally advertised on BidNet, as well as on Public Surplus.com. The sites have been used in the past and Director Redmond has been pleased with the results. Assistant Vice President Jones-Dulin said the new equipment will be a lease-purchase paid from self-sustaining funds generated by the printing services department. The department is self-sustaining and has never been subsidized by Fund 14 funds.

M/S/C: Bechtel/Russaw

Advisory vote: 2

Board vote: unanimous

Action: **Authorized** Director of Purchasing Services Carmen Redmond to sell the equipment to the highest responsible bidder(s) in accordance with Education Code Section 81450

**Item 26
Resolution in Support of California Community Colleges Budget Priorities and Principles**

In response to the state's budget crisis and proposed reductions to community college budget, the Community College League for California urged California community college districts to adopt a resolution in support of California community colleges' budget priorities and principles.

Trustee Casas Frier expressed support for the resolution with the additional wording in the first paragraph as follows:

“ . . . seeking retraining; *and UC and CSU applicants denied access*; and . . . ”

Faculty Association President Rich Hansen said that the faculty feel the need to protest against the fee issue. Hansen said if there's a fee increase faculty hope it would offset cuts to the colleges. The state is supposed to fund us. Hansen feels there will be no end to the fee increases. During the first round of cuts the UC's and CSU's raised their fees so much that they saw a 4% increase in per-student funding while community colleges' funding per student was reduced by 4%. The statewide student senate group is opposed to any fee changes right now.

Hansen said he wishes the League had not entertained the notion of any type of compensation to the community college system based on completion rates as stated in their 2020 report and feels it would be very devastating to the most needy students. The task force on student success that he serves on insisted

that SB 1143 be changed and removed from the earlier budget proposal. The Faculty Association of California Community Colleges will really try to push back on the fee issue. Hansen urged the board to take a stand on principle and not pass the resolution, and if they do, to take some of these issues to the CCLC.

President Murphy said that the resolve on student fees is silent on whether there should be an increase in student fees and is worded precisely to avoid putting boards in the position of supporting a fee increase. Murphy said that minus the word “*increase*” the statement would be if there were to be fees, we would keep the money, which would be a stronger resolution.

Regarding the third resolve, President Murphy said the resolution to this issue in the 2020 Vision was a political compromise to win against those who insisted on a performance funding system. He stated that there is no way under this budget that this governor creates a categorical incentive fund based on success. He shares Hansen’s view on pay for performance, categorically. In those states that have tried it, it is a reactionary notion and does not know what is the stronger way of responding since they are not supporting incentive funding one way or another.

M/S/C: Barram/Bowie
Advisory vote: 2
Board vote: unanimous
Action: **Adopted** Resolution #2011-03 in support of California Community Colleges’ Budget Priorities and Principles as amended

Item 27
California Community Colleges Trustees Board Election

Nominations for membership on the CCCT board were solicited from member district board of trustees. Trustee Laura Casas Frier is currently on the CCCT board.

M/S/C: Swenson/Bechtel
Advisory vote: 2
Board vote: unanimous
Action: **Approved** the nomination of Trustee Laura Casa Frier to the CCCT Board

Item 28
Board Elections – Moving from Odd to Even Years

Vice Chancellor Kevin McElroy presented updated information on the cost savings of moving from odd year to even year elections and distributed information from the Registrar of Voters. If the board moves to even years, in 2012 the ballot mailing would cost approximately \$461,000 with a one-time election transfer mailing fee of \$20,000 +\$132,000 as compared to \$870,000 or \$914,000 if we were to stay on odd years, depending on whether Los Altos School District moves to even years or stays on odd year elections. Confirmed that government code that the ROV must mail out the notice of change to residents. Every other year the savings would be about \$400,000.

President Cheng said that she would not be voting for the change for reasons expressed in previous sessions on this topic. Trustee Swenson said that he is basically opposed to the change, but the cost of not changing is too onerous to the district’s finances. Trustee Bechtel said she also was initially not in favor of the change and shared President Cheng’s concern that she wanted elections to be more focused and not hidden in a large general election. However, if we don’t change, we would be the only item on

the ballot and people would be less inclined to vote at all. Trustee Barram philosophically disagrees with the change and is in favor of keeping all local elections on odd years, but since so many others have moved to even years it would cost the district too much to not change and would lower the amount of interest in odd-year elections.

M/S/C: Swenson/Bowie
Advisory vote: 2
Board vote: 4
Noes: 1 (Cheng)
Action: **Adopted** Resolution #2011-02 moving trustee elections from odd years to even years

Item 29
BP 4195 Political Activity (Rev.) (1st Reading)

Trustee Barram said the wording was very unclear. Referencing the deleted wording about discouraging campaigning in the classroom, Trustee Barram feels that that’s an important point. She would hope that faculty members would not be campaigning or advocating support for a candidate in the classroom and asked if that wording should remain.

Trustee Barram agrees with wording in paragraph three but thought the wording was very unclear, particularly the phrase, “. . . *entry into buildings and ground during work hours is prohibited.*” It is unclear as to whom that statement is referring. Trustee Barram said that the only time this will matter is when something controversial arises, and a clearly worded policy will be needed.

In response to Trustee Swenson’s question if there is a law that prohibits a faculty member from campaigning in the classroom, Acting Chancellor Miner said that any government employee is prohibited from using district resources on district time for political activity.

FA President Hansen said the whole intent of this policy was changed. It used to be Campaigning by Faculty, but now it addresses the kinds of problems we have recently encountered. Hansen said the board policy on academic freedom mentions political activity, so this is covered by another board policy. From the Faculty Association’s point of view, the more restrictive this policy gets, the more concerned faculty will get.

Trustees asked for more clarified wording as well as the Ed Code reference for this policy.

Item 30
BP 9120 Officers of the Board (Rev.) (1st Reading)

BP 9120, as revised, was reviewed and approved by the Chancellor’s Advisory Council and presented to the board for a first reading. Trustees reviewed the board and suggested no changes.

Item 31
BP 3315 Emergency Response Plan (New) (1st Reading)

Trustees reviewed this new policy addressing the district’s emergency preparedness plan. The policy was reviewed by the Chancellor’s Advisory Council. Trustees suggested no changes to the policy.

Item 32 – Public Hearing

Open Negotiations for 2010-2011 between the District and Teamsters, Local 287

President Cheng opened the public hearing at 7:57 p.m.

In accordance with Government Code Section 3547, the District and Teamsters are jointly sunshining their proposed items for negotiations. President Cheng invited public comments. There were none.

President Cheng closed the hearing at 7:58 p.m.

Item 33

Approval of Administrative Training/Retraining Stipends for 2010-2011

M/S/C: Swenson/Bechtel

Advisory vote: 2

Board vote: unanimous

Action: **Approved** the administrative training/retraining stipend in the amount of \$925 as submitted

Item 34

ACE Staff Development Leaves

M/S/C: Swenson/Casas Frier

Advisory vote: 2

Board vote: unanimous

Action: **Approved** the classified staff development leaves for 2011-12 as submitted

Item 35

Teamsters Staff Development Leaves

M/S/C: Swenson/Barram

Advisory vote: 2

Board vote: unanimous

Action: **Approved** the Teamsters staff development leaves for 2011-12 as submitted

Item 36

Professional Development Leaves for 2011-12

Trustee Bechtel commented that she hopes staff know how much PDL's cost the district. Even though this is a negotiated item, it is something that should be looked at. Bechtel asked if PDL requests are automatically approved or if some are turned down. Staff responded that some are rejected. Acting Chancellor Miner said the review committee is very rigorous and added that the board has authorized repayment when all requirements of the leave are not met, therefore ensuring accountability. President Murphy said the professional, personal, and intellectual development of our staff and faculty are the heart of what we do. It is peculiar that the state of California handles this in the 2 other systems by dramatically lower work loads. At the UC's, in addition to leaves, they teach much less with the expectation that in the course of time they are doing this kind of work. In the community colleges there is an effort to give faculty and staff who are otherwise working non-stop, some status to do the kind of reflective and development work that is ordinary in the other better-funded public systems. District Academic Senate President Dolores Davison said that PDL's entail a huge amount of work and reporting back. If it were not for PDL's, we would not have the caliber of faculty that addressed the board earlier in

the meeting, nor would we have the innovation we are known for or League for Innovation membership. It is crucial that the board recognize that these are professional development leaves, not holidays. Gregory Anderson expressed his appreciation for all the comments in support of the leaves. He urged the board to approve the professional development leaves.

M/S/C: Swenson/Bechtel
Advisory vote: 2
Board vote: unanimous
Action: **Approved** the faculty professional development leaves for 2011-12

Item 37
Sort Term Disability Insurance for Part-Time Faculty

M/S/C: Casas Frier/Baram
Advisory vote: 2
Board vote: unanimous
Action: **Approved** the filing of an application for elective coverage of part-time faculty for State Disability Insurance as provided by California's Unemployment Insurance Code and affirmed by the majority election of the part-time faculty

Item 39
Measure E Consent

M/S/C: Bechtel Russaw
Advisory vote: 2
Board vote: unanimous
Action: **Approved/Ratified** the Measure E Consent Calendar as follows:

- A.** *Title:* Change Order #1
Vendor: Pella Creations Company
Agreement Date: October 18, 2010
Campus: Foothill College
Project No.: 152
Project Name: Lower Campus Complex Automatic Door & Topping Slab Replacement
Amount \$7,800
For: Adding slope in existing concrete structure to improve drainage and prevent water from collecting under the new topping slab at Building 8100.

Total project changes represent 9.92% change to the contract value.

The funding is included in the current budget.

- Action:* Ratification
- B.** *Title:* Change Order #2
Vendor: RC Benson & Sons, Inc.
Agreement Date: April 19, 2010

Campus: Foothill College
Project No.: 153
Project Name: Campus Center Remote Fueling Station
Amount: \$1,868
For: Modification of the existing fuel inlet piping into the tank to prevent fuel from splashing to affect the level sensor, and a no-cost extension of the project schedule to allow for the change.

Total project changes represent 6.36% change to the contract value.

The funding is included in the current budget.

Action: Ratification

C. *Title:* District Budget Transfer #10

Vendor:

Agreement Date:

Campus: District

Project No.:

Project Name:

Amount:

For:

- 1) Creation of new project #419, Data Center “E” which is funded by residual budgets from closure of projects #401, New ETS Building and #418, Landscaping and Exterior Lighting.

Project #401, New ETS Building will be closed and remaining funds will be transferred to new projects #419, Data Center “E” and #420, District Office Building Renovation. Past efforts under Project #401 included design studies for the Data Center as well as combined forms of the Data Center and Griffin House removal. Closure of this project and creation of a new Data Center “E” project will allow clear definition of scope and budget and will simplify management of the new Data Center project in its final form.

Project #418, Landscaping and Exterior Lighting will be closed and its scope and funding will be transferred to project #419, Data Center “E”.

- 2) Creation of new project #420, District Office Building Renovation, which is funded by the residual budgets from closure of projects #401, New ETS Building and #403, Renovation of District Office Building D120.

Project #403, Renovation of District Office Building D120 will be closed and remaining funds

will be transferred to new project #420, District Office Building Renovation. Past efforts under project #403 included design studies for combined forms of the District Office Building and Griffin House removal. Closure of project #403, Renovation of District Office Building D120 and creation of a District Office Building Renovation project will allow clear definition of scope and budget and will simplify management of the new District Office Building Renovation project in its final form.

- 3) Name change for project #415 from “Equipment and Vehicle Secured and Covered Parking” to “Vehicle Fueling Stations” to reflect proposed use of remaining funds.

Action: Approval

Item 40
Measure C Consent

M/S/C: Bechtel Russaw
Advisory vote: 2
Board vote: unanimous
Action: **Approved/Ratified** the Measure C Consent Calendar as follows:

A. *Title:* Revision #6 to PO #G979220/PAA-3C
Vendor: Architectural Resources Group (ARG)
Agreement Date: November 6, 2007
Campus: De Anza College
Project No.: 203
Project Name: Baldwin Winery & East Cottage
Amount: \$4,958.90
For: Provide additional Architectural and Structural Engineering design services for the Baldwin Winery & East Cottage Project. Additional services required due to extended DSA re-build document review for the East Cottage.
Action: Approve

B. *Title:* Revision #4 to PAA #2-C to Master Agreement
Vendor: Noll & Tam Architects
Agreement Date: May 6, 2008
Campus: De Anza College
Project No.: 205
Project Name: Seminar Building & Multicultural Center
Amount: \$1,442
For: Additional structural design services.

Funding is included in the current.

Action: Approval

- C.** *Title:* Revision #8 to Agreement
Vendor: The Ratcliff Architects
Agreement Date: June 17, 2008
Campus: De Anza College
Project No.: 261
Project Name: Mediated Learning Center
Amount: \$109,795
For: Additional design, studies, coordination and construction administration services necessary to address owner requested revisions and as required for resolution of the Department of the State Architect review comments.
Funding for this item is available within the current project budget.

Action: Approval

- D.** *Title:* Change Order #1
Vendor: Calstate Construction
Agreement Date: November 1, 2011
Campus: Foothill College
Project No.: 109
Project Name: PE Lab Space Remodel
Amount: \$7,720
For: Costs associated with increasing the size of the temporary facility to house the weight room during construction: additional costs of larger tent and floor pad.

This change plus all previously approved change orders equal to 1.3% of the base contract value.

Action: Ratification

- E.** *Title:* Change Order #3
Vendor: Chevron Energy Solutions
Agreement Date: March 31, 2010
Campus: Foothill College
Project No.: 154
Project Name: Photovoltaic Arrays Lot 2/3
Amount: \$31,791
For: Installation of additional lighting in Lot 2/3, removal and replacement of concrete sidewalk to facilitate placement of new loop road light poles, and replacement of two existing electrical pullboxes with a new traffic rated pullbox, as requested by the District.

Total project changes represent 6.3% change to the contract value.

Action: The funding is included in the current budget.
Approval

- F.** *Title:* Service Agreement for Project Inspector of Record
Vendor: Clarke Inspection Group, Inc.
Agreement Date: December 7, 2010
Campus: Foothill College
Project No.: 135
Project Name: Utilities Infrastructure Upgrades Phase I
Amount: \$71,746.20
For: Inspector of Record inspection services for the Utilities Infrastructure Upgrades Phase 1 project, as required by the Division of the State Architect.

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

- G.** *Title:* Agreement for Geotechnical & Soil Engineering Construction Services
Vendor: Cleary consultants, Inc.
Agreement Date: February 1, 2010
Campus: Foothill College
Project No.: 160
Project Name: Physical Sciences & Engineering Center
Amount: \$118,900
For: Geotechnical engineering, observation and testing services related to project construction, including services required for Division of State Architect closeout.

The funding for these services is within the current budget.
Action: Approval

- H.** *Title:* Special Inspection and Testing Services
Vendor: HP Inspections, Inc.
Agreement Date: January 20, 2011
Campus: Foothill College
Project No.: 142
Project Name: Soccer and Softball Complex
Amount: \$35,025
For: Provide special inspection services as required by the Division of the State Architect.

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

- I.** *Title:* Change Order #1

Vendor: HP Inspections, Inc.
Agreement Date: June 18, 2010
Campus: Foothill College
Project No.: 154
Project Name: Photovoltaic Arrays Lot 2/3
Amount: \$0
For: A no-cost time extension for testing and inspection of the additional loop road lighting work.
Action: Ratification

J. *Title:* Change Order #1
Vendor: Kleinfelder
Agreement Date: June 18, 2010
Campus: Foothill College
Project No.: 154
Project Name: Photovoltaic Arrays Lot 2/3
Amount: \$0
For: A no-cost time extension for the geotechnical investigation of the additional loop road lighting work.
Action: Ratification

K. *Title:* Change Order #1
Vendor: Quali-Con Enterprises
Agreement Date: June 18, 2010
Campus: Foothill College
Project No.: 154
Project Name: Photovoltaic Arrays Lot 2/3
Amount: \$0
For: A no-cost time extension for Inspector of Record services for the additional loop road lighting work.
Action: Ratification

L. *Title:* Revision #1 to PAA F-WRNS-2B
Vendor: WRNS Studio, LLP
Agreement Date: March 22, 2010
Campus: Foothill College
Project No.: 162
Project Name: Parking & Circulation
Amount: \$96,500
For: Architectural services to coordinate a concept design of the PSEC Threshold and bus stop including input from the VTA that addresses pedestrian, vehicular, bus, and bicycle safety; for traffic consulting services for new traffic signals at Lot 1 and the PSEC Threshold; for architectural design services for accessibility improvements to parking lot 4B; and for coordination of the campus-wide approach to accessible parking with the DSA.

The funding is included in the current budget.

Action: Approval

M. *Title:* Change Order #2
Vendor: Zolman Construction and Development, Inc.
Agreement Date: October 18, 2010
Campus: Foothill College
Project No.: 110
Project Name: Renovation of Language Arts Classrooms, Building 6200, 6300 and 6500
Amount: \$33,723
For: Correction to some door hardware at both Building 6300 and 6500; Revisions to design of walls, roof structure and skylight at Building #6200 in response to uncovered site conditions; Change of specification of 18 projection screens as requested by ETS.

Total project changes represent 2.32% change to the contract value.

The funding is included in the current budget.

Action: Ratification

Item 41 – Public Hearing

Conduct a Public Hearing Related to an Energy Services Contract for Energy-Related Improvements to District Facilities

President Cheng opened the public hearing at 8:19 p.m. and invited public comments regarding adoption of resolution #2011-01 making certain findings related to an energy services contract with SunPower Corporation for energy related improvements at De Anza College in accordance with California Government Code Section 4217.10-4217.18.

There were no comments. President Cheng closed the hearing at 8:20 p.m.

Item 42

Energy Services Contract for Installation of Photovoltaic Arrays at De Anza College (Measure C Project #251C)

M/S/C: Casas Frier/Barram
Advisory vote: 2
Board vote: unanimous
Action: **Adopted** Resolution #2011-01 and **authorized** the Executive Director of Facilities, Operations & Construction Management to negotiate and execute final terms and conditions for an energy services contract with the SunPower Corporation for the provision of photovoltaic arrays at De Anza College

Item 43

Measure C Project List Revision with Central Services Budget Transfer #12 and Foothill Budget Transfer #24

M/S/C: Barram/Bechtel
Advisory vote: 2
Board vote: unanimous
Action: **Approved** the bond project list revision with District Budget Transfer #12 and Foothill Budget Transfer #24

Item 44

Agreement for Inspector of Record Services for Physical Sciences & Engineering Center at Foothill College

The Division of the State Architect requires the district to hire a DSA-approved inspector of record during the construction of the Physical Sciences & Engineering Center at Foothill College. After establishing a pool of qualified inspectors for a variety of projects, the groups were invited to provide additional information specific to the PSEC project. After review, Clarke Inspection Group was selected as the most qualified to meet the district's inspection needs.

M/S/C: Casas Frier/Barram
Advisory vote: 2
Board vote: unanimous
Action: **Approved** the proposed agreement for services with Clark Inspection Group, Inc. in the amount of \$545,000

Item 45

Award a contract pursuant to Bid #1294-236C, Roof Repair, E2-E3-Administration Buildings at De Anza College

M/S/C: Swenson/Bowie
Advisory vote: 2
Board vote: unanimous
Action: **Denied** the bid protest submitted by Andy's Roofing Company, waived the minor irregularities in Romkon Inc.'s bid, and **authorized** the Director of Purchasing Services to award a contract pursuant to Bid #1294-236C, Roof Repair, E2-E3-Administration Buildings, in the amount of \$1,300,000 to Romkon Inc.

Item 46

Authorization to Purchase Network and Telecommunications Equipment and Services for Middlefield Campus pursuant to State of California CALNET II Contracts

M/S/C: Casas Frier/Russaw
Advisory vote: 2
Board vote: unanimous
Action: **Authorized** the Director of Purchasing to issue purchase orders to AT&T Global Services in accordance with the State of California CALNET II contract MSA 1 for equipment and services requested by ETS for Middlefield Campus in a total amount not to exceed \$105,000

Item 47

Authorize Purchase of Backhoe Loader

M/S/C: Barram/Bowie

Advisory vote: 2
Board vote: unanimous
Action: **Authorized** the Director of Purchasing Services, Carmen Redmond, to issue a purchase order pursuant to Bid 1337 in the amount of \$82,011.76 to Coastal Tractor

Item 48

Authorize Purchase of Four 12-Passenger Gasoline Powered Vans

M/S/C: Swenson/Bowie
Advisory vote: 2
Board vote: unanimous
Action: **Accepted** San Francisco Ford's request to withdraw its bid and **authorized** the Director of Purchasing Services to issue a purchase order pursuant to Bid 1334 in the amount of \$92,412.16 to Putnam Chevrolet

ADJOURNMENT

President Cheng adjourned the meeting at 8:35 p.m.

Approved 4/4/11