



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

CLOSED SESSION

The Board immediately adjourned into closed session in the Altos Room at Foothill College with the individuals listed below to discuss:

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
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
Linda Thor, Chancellor

Others:

Rose Myers, Vice President, Student Development and Instruction

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
Linda Thor, Chancellor

CALL TO ORDER

President Pearl Cheng called the meeting to order at 6:00 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

Absent:

Thomasina Countess Russaw, De Anza College Student Trustee

REPORTING OUT FROM CLOSED SESSION

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

APPROVAL OF TENURED FACULTY FOR 2011-12

Item 1

Faculty Re-Employment as Tenured Faculty Members for 2011-12 and Subsequent Years

Presidents Murphy and Miner, along with Chancellor Thor and Board President Pearl Cheng, presented tenure certificates to the following faculty:

De Anza College: Dan Atencio, Nicholas Baiamonte, Lydia Botsford, Deborah Centanni, Linda Choi Yee, Barbara Dahlke, Anthony Delaney, Al Dominguez, Barak Goldman, Shannon Hassett, Hua-Fu Liu, Craig Norman, Rachel Pacheco, Jesus Quintero, Antonio Ramirez, Paula Silva, Robert Stockwell, Li-Wei Sun, Nellie Vargas, Pauline Wethington

Foothill College: Kelly Edwards, Owen Flannery, Fatima Jinnah, Debbie Lee, Eta Lin, Teresa Ong, Gillian Schultz, Victor Tam, Bruce Tambling, Jeanne Thomas, Voltaire Villanueva, Warren Voyce

M/S/C: Casas Frier/Swenson
Advisory vote: 1
Board vote: unanimous
Action: **Approved** tenure for the faculty listed above

Item 2

Presentation Regarding Support of Los Altos School District Parcel Tax

Mr. Jay Gill, co-chair of Keep Los Altos Schools Strong, Yes on E, addressed the board regarding the Los Altos School District's upcoming parcel tax measure. The measure will be on a mail-only ballot in May and will ask voters to pass a parcel tax of \$193 per parcel for six years. The anticipated \$2.3 million/year will help preserve outstanding core academic programs in reading, writing, math and science, retain highly qualified teachers, and provide books and classroom materials. Mr. Gill asked the board's support for Measure E by adopting Resolution #2011-09.

M/S/C: Barram/Casas Frier
Advisory vote: 1
Board vote: unanimous
Action: **Adopted** Resolution #2011-09 endorsing Measure E, the local education measure to protect academic excellence in Los Altos schools

APPROVAL OF MINUTES

M/S/C: Bechtel/Barram
Advisory vote: 1

Board vote: unanimous
Action: **Approved** the minutes of January 10, 2011

CORRESPONDENCE

There was no correspondence.

HEARINGS: ITEMS NOT ON THE AGENDA

Public

Mr. Chris Bui from The American Focus addressed the board regarding “Target 2020: My Education. Our Future.” The project, in cooperation with the Bill and Melinda Gates Foundation and the Rappaport Family Foundation, endorses President Obama’s goal of improving the community college graduation rate by 2020. Mr. Bui, with Mobilize.org, has been conducting summits around the country with the millennial generation and encouraged the district administrators to accept the invitation to attend and participate in the summit that will be coming to the bay area. Mr. Bui said the summits offer an opportunity for both students and the schools to find out what is being done to improve the graduation rate at the public, student, and administration levels.

Students

There were none.

Staff

Foothill President Judy Miner announced that Foothill has received from the Chancellor’s Office a Workforce Innovation Partners grant in the amount of \$225,000. The funds will enable the college to increase its course offerings in spring quarter, particularly for EMT students who have been connected with the Central County Office of Occupational Centers. The Chancellor’s Office highly complimented the quality of the proposal. President Miner acknowledged and thanked Denise Swett and Alexandra Duran for their work on the project.

De Anza President Brian Murphy announced that De Anza is a recipient of a Rappaport Family Foundation grant and is a co-sponsor of the same summit that Mr. Bui spoke of. De Anza hosted a national steering committee of the Community Learning Partnership with partners from New York, Los Angeles, Chicago, Washington, Minneapolis, Hartford, and Detroit, to see how students at community colleges can be more engaged in community leadership. The 3 days the committee spent on campus were rewarding for all. Dr. Murphy said that De Anza’s academic senate passed a resolution in support of the Democracy Commitment, a new national initiative in support of our colleges’ role in the education of young people to their responsibilities in a democratic society. Both De Anza College and Foothill College faculty advocated for the initiative.

Chancellor Linda Thor thanked the trustees and district leadership for their attendance and participation at the League for Innovation dinner and Innovations Showcase. The site team was very impressed with the presenters and their programs and indicated they will enthusiastically recommend reaffirmation of our position on the board. Dr. Thor thanked the planners of Foothill’s Women’s History Month for dedicating the month to her.

Faculty Association President Rich Hansen reported on the Faculty Association of California Community Colleges (FACCC) conference on March 6 and Lobby Day, March 7. He said that

tenure recipient Robert Stockwell was unable to attend the tenure ceremony because he is in Sacramento with 14 students. Mr. Stockwell had arranged for the group to meet with Rich Gordon and Republican legislators. Mr. Hansen attended a Board of Governors meeting at which Governor Jerry Brown made an appearance. He said Governor Brown feels that the public should make the decision whether to extend the tax measures or double the budget cuts. Mr. Hansen also reported that FACCC is gearing up for the March in March. The CSU's and UC's will also be participating in the event with the community colleges. Lastly, he announced that the FACCC has named former trustee Assembly Member Paul Fong legislator of the year.

Trustees

Trustee Casas Frier reported that she and Chancellor Thor attended the Bay 10 CEO and Trustees dinner at Chabot College on March 3.

Student Trustee Etienne Bowie reported that on March 14 students will go to Sacramento to protest the budget cuts. The students have created a video that will be sent to legislators this week and hope to have students attend a future board meeting to report on the event. He reported that the students are advocating by making calls to the state and federal legislators, especially the Republican senators and assemblymen who oppose putting the tax extension measure on the June ballot.

APPROVAL OF CONSENT CALENDAR

Trustee Casas Frier removed Item 6 for discussion and separate action.
Vice Chancellor of Business Services Kevin McElroy removed Item 7.

M/S/C: Swenson/Bechtel
Advisory vote: 1
Board vote: unanimous
Action: **Approved** items 3-5 and 8-16 on the consent calendar as follows:

Item 3 - **Ratified** Contracts and Agreements

Item 4 - **Accepted** the Fiscal Self-Assessment

Item 5 - **Ratified** Board Warrants Greater than \$5,000 for December 2010 and January 2011

Item 8 - **Approved** Board Policy 9120 Officers of the board

Item 9 - **Approved** New Credit Courses for the foothill College Catalog

Item 10 - **Approved** New Non-Credit Courses for the Foothill College catalog

Item 11 - **Approved** International Travel for two De Anza Faculty

Item 12 - **Approved** a Correction to the Professional Development Leaves for Foothill Faculty Kent Manske and Rosemarie Menager

Item 13 - **Approved** the Administrative Leave for 2011-2012 for Foothill Administrator Peter Murray from July 11, 2011 through September 9, 2011

Item 14 - **Approved** Personnel Action Items and Administrator and Executive Administrator Contracts

Item 15 - **Approved** the sale of surplus district automotive diagnostic machine and 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 - **Approved** the sale of surplus district machining equipment and 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 6
Agreement for Law Enforcement Dispatching Services

If the district contracts with SJSU, Trustee Casas Frier asked what the response time would be in an emergency and why the agreement for law enforcement dispatching services is not with one of the more local agencies. Vice Chancellor McElroy responded that the other agencies are either not available or they are extremely expensive. San Jose State is the most appropriate agency to service the district's needs. West Valley-Mission also uses San Jose State's services. Foothill-De Anza, West Valley-Mission and San Jose-Evergreen are looking to see if they can work with San Jose State or another agency to get a better rate on those services. Chief Ron Levine said that the district has been using San Jose State's dispatching for 3 years. What is presented to the board this evening is an extension of the original agreement. Chief Levine explained that San Jose State's services are for 24 hours/day, 7 days/week.

M/S/C: Casas Frier/Barram
Advisory vote: 1
Board vote: unanimous
Action: **Approved** the second of three one-year contract extensions with the San Jose State University Police Department for 24-hour, 7 days a week law enforcement dispatch services in the amount of \$85,000 for the 2011-12 academic year

Item 17
California Community Colleges Classified Employee of the Year Nominee

Each year up to 6 classified employees in the California Community College system are named Community College Classified Employee of the Year. This year's Foothill-De Anza nominee is Lois Jenkins, Marketing/Communications Program Coordinator at De Anza. Director of Marketing, Communications and Development Marisa Spatafore most strongly recommended Ms. Jenkins' nomination stating that Jenkins is the lynchpin of the college. For the second consecutive cycle Ms. Jenkins is editing the self-study in addition to her everyday responsibilities related to internal and external communications. A letter of support from President Murphy attests to Ms. Jenkins' invaluable contributions to the De Anza College community.

M/S/C: Casas Frier/Bechtel
Advisory vote: 1
Board vote: unanimous
Action: **Approved** the endorsement of Lois Jenkins' nomination for a California Community Colleges Classified Employee of the Year award

Item 18

Resolution in Support of SCA 5 (Simitian)

The California Constitution requires a 2/3 vote to pass local parcel taxes. Senator Joe Simitian has submitted SCA 5 that would allow passage of local parcel taxes by a 55% vote.

M/S/C: Swenson/Bowie
Advisory vote: 1
Board vote: unanimous
Action: **Adopted** Resolution #2011-04 in support of SCA 5

Item 19

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

Trustee Bechtel was recused from the room.

M/S/C: Swenson/Barram
Advisory vote: 1
Board vote: unanimous
Action: **Ratified board warrants to Borel Private Bank & Trust Co.**

Trustee Bechtel rejoined the meeting after the vote.

Item 20

Re-Employment of First-Year Faculty (Phase I) to Second-year (Phase II)

M/S/C: Barram/Bowie
Advisory vote: 1
Board vote: unanimous
Action: **Approved** re-employment of first-year faculty for the 2011-12 academic year as follows:

De Anza College: Jason Bram, Randy Claros, Alicia DeTorro, Russell Hong, Nick Mattis, Michael McCart, Roseanne Quinn, Jeff Staudinger, Jue Thao, Danielle VanMatt

Foothill College: Rachele Campbell, Milissa Carey, Lisa Drake, Amelia Edwards, LeeAnn Emmanuel, John Fox, Mary Holland, Tiffany Rush, Jennifer Sinclair, Benjamin Stefonik, Angela Su, Teresa Zwack

Item 21

Re-Employment of Second-Year Faculty (Phase II) to Phase III for the 2011-12 and 2012-13 Academic Years

M/S/C: Casas Frier/Bechtel
Advisory vote: 1
Board vote: unanimous
Action: **Approved** re-employment of second-year faculty for the 2011-12 and 2012-13 academic years as follows:

De Anza College: Robert Alexander, Ronald Francis, Cleve Freeman, Shagundeeep Kaur, Kevin Mello, Jeff Schinske

Foothill College: Kathy DePaolo, Brenda Hanning

Item 22

2010-11 Second Quarter End Report

Vice Chancellor McElroy presented the second quarter report for 2011-12. The district had a fund balance of \$36 million in July 2010. Vice Chancellor McElroy is projecting a net fund balance of about \$33 million at June 30, 2011. That number represents projected carryovers from the campuses, Central Services and district-wide expenses, and approximately \$9.8 million in 5% mandated reserves. The Stability Fund is projected to be about \$14 million as a result of reductions in spending, additional revenue from non-resident tuition, and a projected decrease in 1320 (part-time instruction) spending based on reduced enrollment numbers. He also pointed out the projected ending balance of \$8.3 million balance for the benefits rate stabilization fund.

Item 23

Resolutions to Adopt Budget Transfers and Revisions

M/S/C: Barram/Bechtel
Advisory vote: 1
Board vote: unanimous
Action: **Adopted** Resolution #2011-06 approving second quarter budget revisions and Resolution #2011-07 approving second quarter budget transfers

Item 24

Construction Testing and Special Inspection Services for Various Projects

M/S/C: Casas Frier/Barram
Advisory vote: 1
Board vote: unanimous
Action: **Approved** the list of six firms to be included in a testing and special services pool for various projects

Item 25

Foothill-De Anza Data Center – Design Review

Representatives Monty Anderson and Scott Smithwick from Cody Anderson Wasney Architects presented the design of the new district data center that will be located behind the current district office building.

The 19,000 square foot building will be 2 stories and will centrally house the ETS department. Currently, the department is split among the 3 district locations. The new building will incorporate designs from the original Griffin House that has a Victorian design, as well as a Japanese design with the low eaves. Breezeway and Courtyard spaces have been designed between buildings for employees to enjoy. The building will be built to be operational after a major earthquake or event. The center has been designed for LEED Silver certification. The plans call for the current annex building to house kitchen and meeting room facilities.

Vice Chancellor Sherman said that the project was very challenging and from a technical viewpoint two items were critical: 1) resiliency, the ability to withstand a major seismic event and 2) redundancy, having backup security measures in order to maintain operations in case of a shutdown or failure. A major challenge was designing both a data center and offices for ETS staff with cost constraints. Vice Chancellor Sherman commended the architects, Art Heinrich, and particularly Sharon Luciw who were able to achieve what was necessary in terms of resiliency and redundancy. Sherman said that the design of the center also allows for future growth and expansion.

M/S/C: Bowie/Casas Frier
Advisory vote: 1
Board vote: unanimous
Action: **Approved** Cody Anderson Wasney Architects to proceed with construction documents to complete the design of the Data Center

Item 26

Measure E Consent

M/S/C: Casas Frier/Barram
Advisory vote: 1
Board vote: unanimous
Action: **Approved** the Measure E Consent Calendar as follows:

The aggregate amount of these items is \$1,217.

De Anza College –

- A) Budget transfer #75

Foothill College –

- B) Kuehne Construction – Change Order #1 – Campus Center Generator Room Airflow Redesign - \$1,217

Item 27

Authorization to Award a Three-Year Contract for Ticket Vending Machine Equipment Pursuant to Bid 1284-277

In response to Trustee Casas Frier’s question regarding signage for the new machines, Assistant Vice President Donna Jones-Dulin said that signage will be funded by Measure E.

M/S/C: Barram/Bowie
Advisory vote: 1
Board vote: unanimous
Action: **Authorized** Director of Purchasing Services Carmen Redmond to award a three-year contract to Ventek International renewable for up to two additional one-year periods in accordance with Bid 1284-277

Item 28

Board Resolution on Use of District Office Building and Annex

Executive Director Allen explained that the resolution presented to the board is required by the DSA for buildings that will not be used as classrooms.

M/S/C: Swenson/Bechtel
Advisory vote: 1
Board vote: unanimous
Action: **Adopted** Resolution #2011-08 confirming that the existing District Office building and the adjacent annex on the Foothill College campus will continue to be used for administrative purposes and will not be used for school purposes

Item 29

Measure C Consent

M/S/C: Barram/Bechtel
Advisory vote: 1
Board vote: unanimous
Action: **Approved** Measure C Consent items as follows:

The aggregate amount of these items is: \$447,798.

De Anza College –

- A) John Plane Construction, Inc. – Change Order #10 – Seminar Building and Multicultural Center - \$17,072
- B) John Plane Construction, Inc. – Change Order #11 – Seminar Building and Multicultural Center - \$21,729
- C) Newcomb Anderson McCormick, Inc. – Revision #1 for Design Professional Services – Install Photovoltaic Arrays – Campus Wide (Lots A & B and Kirsch Center) - \$29,400
- D) The Ratcliff Architects – Revision #9 to Standard Form of Agreement – Mediated Learning Center - \$172,700

Foothill College –

- E) Calstate Construction – Change Order #2 – PE Lab Space Remodel - \$14,675
- F) Salas O’Brien – Revision #3 to PO #MC100391 – Utility and Technology Infrastructure Upgrades - \$171,490
- G) Zolman Construction and Development, Inc. – Change Order #3 – Renovation of Language Arts Classrooms, Buildings 6200, 6300 and 6500 - \$47,366
- H) Zolman Construction and Development, Inc. – Change Order #11 – Modernization of Administration Building and General Classrooms – (\$42,924)

De Anza College & Foothill College –

- I) WRNS Studio, LLP - Revision #1 to PAA FD01 Design Services Agreement – Elevator Upgrades Campus Wide - \$16,290

Item 30

Measure C Project List Revision with De Anza budget Transfer #27 and Foothill Budget Transfer #25

M/S/C: Swenson/Barram
Advisory vote: 1
Board vote: unanimous
Action: **Approved** the Measure C bond project list revision with De Anza budget transfer #27 and Foothill budget transfer #25

Item 31

Accept a List of General Contractors as Prequalified to Bid on the De Anza College Measure C Project #226C – Interior/Exterior Finishes – L Quad

M/S/C: Swenson/Casas Frier
Advisory vote: 1
Board vote: unanimous
Action: **Accepted** the list of three general contractors who met all of the prequalification requirements as the only contractors who are “prequalified” to bid as prime contractors on Project #226/c 0 Interior/Exterior finishes – L Quad

Item 32

Award a Contract Pursuant to Bid Document 1333-227, Window Replacement Campus-wide at De Anza College

Associate Vice President Jones-Dulin explained that the windows to be replaced are located in buildings where no renovations are planned. The windows have aged and lose heat because they are not double-paned.

M/S/C: Swenson/Barram
Advisory vote: 1
Board vote: unanimous
Action: **Authorized** the Director of Purchasing Services to award a contract pursuant to Bid 1333-227, Window Replacement Campus-wide in the amount of \$224,517 to CRW Industries, Inc.

Item 33

Valley Crest Landscape Development Change Order #3

M/S/C: Barram/Bowie
Advisory vote: 1
Board vote: unanimous
Action: **Approved** Change Order #3 to the Valley Crest Landscape Development contract

Item 34

Rescind Award of Contract for Backhoe Loader and Reject All Bids

Due to an error in the bid specifications, Director of Purchasing Carmen Redmond requested board approval to rescind the award of the contract to Coastal Tractor and to re-advertise the bid with the correct specifications.

M/S/C: Casas Frier/Bechtel

Advisory vote: 1

Board vote: unanimous

Action: **Approved** the request to rescind the February 7, 2011 award, reject all bids, and authorized the Director of Purchasing Services to call for new bids based upon the revised bid specifications

ADJOURNMENT

President Cheng adjourned the meeting at 8:30 p.m.

Approved 4/4/11