



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## **BOARD OF TRUSTEES**

**MINUTES**

**REGULAR MEETING**

**March 12, 2007**

### **CALL TO ORDER AND ROLL CALL**

President Hal Plotkin declared a quorum was present and called the meeting to order at 4:30 p.m. in the District Board Room of the Foothill-De Anza Community College District, 12345 El Monte Road, Los Altos Hills, CA 94022.

#### **Trustees Present:**

Hal Plotkin, President  
Bruce Swenson, Vice President  
Betsy Bechtel  
Paul Fong  
Laura Casas Frier

#### **for Public Session**

Joseph Derflinger, De Anza College Student Trustee  
Adrian Diaz, Foothill College Student Trustee

### **CLOSED SESSION**

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

#### **PUBLIC EMPLOYMENT**

Position Title: President, Foothill College

#### **Executive Administrator Present:**

Martha Kanter, Chancellor

#### **Search Consultant Present:**

John Hicks

#### **CONFERENCE WITH LABOR NEGOTIATOR**

District Negotiator: Jane Enright

Employee Organizations: All Represented and Unrepresented Groups

#### **PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL / RELEASE**

#### **Executive Administrators Present:**

Mike Brandy, Vice Chancellor of Business Services

Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity

Martha Kanter, Chancellor

Brian Murphy, President of De Anza College

Penny Patz, Interim President of Foothill College

Fred Sherman, Vice Chancellor of Technology

The following items was removed from the agenda:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Subdivision (a) of Section 54956.9

Name of Case: Friends of the Griffin House v. Foothill-De Anza CCD

RE-CONVENE PUBLIC SESSION

President Plotkin re-convened the public session at 6:00 p.m. in the District Board Room. He led the Board and those present in the Pledge of Allegiance. The following staff, press, students and members of the public were present:

*Staff:*

Charles Allen	Jeanine Hawk	Hector Quinonez
Becky Bartindale	Ken Horowitz	Fred Sherman
Mike Brandy	Martha Kanter	Stephanie Sherman
Claudette Brero-Gow	Faith Milonas	Marisa Spatafore
Maureen Chenoweth	Judy Miner	Paul Starer
Wayne Chenoweth	Brian Murphy	Tonette Torres
Jane Enright	Frank Nunez	Shirley Treanor-Barker
Christina Espinosa-Pieb	Jon O’Bergh	Debbie Wagner
Marie Fox Ellison	Penny Patz	
Sue Gatlin	Karl Peter	

*Press:* None

*Students:* Edward Ramirez  
Sarah Wiehe

*Public:*

Tom Alexander	Richard Furtado	Paul Oller
Henry Aminable	Josué Garcia	Sergio Osegueras
Robert Baldini	Alan Garofalo	Stephen Pond
Warren Barry	Nicole Goehring	Ricardo Reyes
Al Bonilla	Adrian Gonzalez	Steve Reyes
Rick Bonilla	John Perez Hernandez	Kyle Sartuche
Gregory Bowman	James Hewett	Suez Sherar
Angel Bugarini	Cheryl Jackson	Jason Simms
Rudy Carrasco	Don Kathka	Enrique Sisguerio
David Casnocha	Linda Kathka	Rick Stegeman
Brenda Childress	Rainer Knoop	Rex Stevens
Eric Christen	Cecil Longoria	Terry Terman
Tad Coatsworth	Margarita Marquez	Bob Tragni
David Collins	Mike McCrary	Nathan Vasquez
Eric Cox	Paul Miller	Luke Vratny
Mario Delgado	Jesse Noble	
Albert Eydam	Connie Norlander	

REPORTING OUT FROM CLOSED SESSION

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

## **CORRESPONDENCE**

President Plotkin asked if there was any correspondence which should be brought to the Board's attention. He noted correspondence from Neil Struthers of the Santa Clara & San Benito Counties Building & Construction Trades Council related to Item 8.

## **HEARINGS: ITEMS NOT ON THE AGENDA**

### *Public*

Ken Horowitz, speaking as a member of the public, reported that Senator Simitian has introduced SB 614 to permanently authorize community college districts to enter into design-build contracts. He also mentioned that a presentation on transfer and student success for student athletes would be valuable.

### *Students*

There were no students who wished to address the Board on items not on the agenda.

### *Staff*

De Anza President Brian Murphy announced that the Asian Pacific American Leadership Institute would be holding a roundtable lunch this weekend. Chancellor Martha Kanter announced that open forums for the Vice Chancellor of Human Resources and Equal Opportunity finalists would be held on March 14 and 16. She reported that interviews and open forums had been completed for the Foothill presidential finalists and Vice Chancellor of Business Services finalists. She reported that she served on a panel with Trustee Bechtel as part of Foothill's Women's History Month activities. She announced two forums on civic engagement for March 24 and April 14 sponsored by Avenidas, a senior support center in Palo Alto. Lastly, she announced that the District would co-sponsor a forum with local legislators on April 13.

### *Trustees*

Trustees Fong and Swenson reported that they participated in a tour of five historic houses organized by Friends of the Griffin House and will provide a report at the April 2 meeting. President Plotkin mentioned that he and other visitors to the KCI experienced problems with the HVAC system on two occasions. He requested that staff follow-up and report back on plans to fix the problem.

## **APPROVAL OF CONSENT CALENDAR**

**M/S/C:** Fong/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified Items 1-5 of the Consent Calendar as follows:

**Item 1** — **Ratified** CONTRACTS AND AGREEMENTS

**Item 2** — **Ratified** B WARRANTS GREATER THAN \$5,000 FOR JANUARY AND FEBRUARY 2007

**Item 3** — **Approved** DONATION OF SURPLUS DISTRICT MICROSCOPES  
Authorized the Director of Purchasing to donate the microscopes to Ohlone Community College District in accordance with Education Code 81450.5

**Item 4** — **Approved PERSONNEL ACTIONS:**

*Name:* **Joy Li Duremdes**  
*Position:* Teacher  
*College:* De Anza College  
*Division:* Child Development Center  
*Action:* **Increase contract from 10 months to 12 months**  
*Effective Date:* July 1, 2007

*Name:* **Barbara Fink**  
*Position:* Instructor  
*College:* De Anza College  
*Division:* Physical Sciences, Mathematics and Engineering  
*Action:* **Article 18 reduction in load**  
*Effective Date:* September 20, 2007

*Name:* **Catherine Hrycyk**  
*Position:* Instructor  
*College:* De Anza College  
*Division:* Biological, Health and Environmental Sciences  
*Action:* **Temporary increase in contract from 10 months to 11 months**  
*Effective Date:* July 1, 2007 through June 30, 2008

*Name:* **Cindi Kessler**  
*Position:* Teacher  
*College:* De Anza College  
*Division:* Child Development Center  
*Action:* **Increase contract from 10 months to 12 months**  
*Effective Date:* July 1, 2007

*Name:* **Debbie Lee**  
*Position:* Instructor  
*College:* Foothill College  
*Division:* Physical Sciences, Mathematics and Engineering  
*Action:* **Employment** # of Months: 10  
*Effective Date:* September 20, 2007  
*Compensation:* Column IV, Step G @ \$7,321.49/month

*Name:* **Anne Paye**  
*Position:* Instructor  
*College:* Foothill College  
*Division:* Language Arts  
*Action:* **Reduction in contract to 75%**  
*Effective Date:* September 20, 2007  
*Comments:* In accordance with Article 18 of the *Agreement* between the District and the Faculty Association

*Name:* **Deborah Stern**  
*Position:* DSS Counselor  
*College:* De Anza College  
*Division:* Special Education and Applied Technologies  
*Action:* **Reduction in contract from 70% to 52%**  
*Effective Date:* September 20, 2007 through June 27, 2008  
*Comments:* In accordance with Article 18 of the *Agreement* between the District and the Faculty Association

*Name:* **Victor Tam**  
*Position:* Chemistry Instructor  
*College:* Foothill College  
*Division:* Physical Sciences, Mathematics and Engineering  
*Action:* **Employment** # of Months: 11  
*Effective Date:* September 20, 2007  
*Compensation:* Column V, Step A @ \$5,999.42/month

*Name:* **Shireen Luna Woo**  
*Position:* Counselor  
*College:* De Anza College  
*Division:* Counseling  
*Action:* **Unpaid leave of absence of 50%**  
*Effective Date:* July 1, 2007 through June 30, 2008  
*Date:*

## **Item 5** — **Approved HUMAN RESOURCES REPORT**

### **Item 6**

#### APPROVAL OF EXECUTIVE ADMINISTRATOR CONTRACTS

**M/S/C:** Bechtel/Derflinger  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the following executive administrator contracts:  
M. Brian Murphy, President, De Anza College: effective July 1, 2007 to June 30, 2010;  
Martha J. Kanter, Chancellor: effective July 1, 2007 to June 30, 2011

President Plotkin asked if there were any objections to advancing Item 8 on the agenda; there were none.

### **Item 8**

#### INTRODUCTION TO PROJECT LABOR AGREEMENTS

Executive Director of Facilities, Operations and Construction Management Charles Allen presented an overview of project labor agreements, the elements common to many of these agreements and typical arguments pro and con. He proposed a workshop on April 2 to allow the Board more time to discuss the subject, hear from advocates on both sides, and evaluate the differences between contracts. Alan Garofalo, assistant superintendent of operations for the East Side Union High School District; Brenda Childress, director of the Santa Clara County Construction Careers Association; and Josué Garcia, deputy executive officer of the Building and Construction Trades

Council, offered favorable comments in support of project labor agreements, citing bid quality, timely project completion and general benefit to the community. Local contractors Eric Cox, Mike McCrary and Connie Norlander; Nicole Goehring, government affairs director for the Golden Gate Chapter of Associated Builders and Contractors; and Eric Christen, co-director of the Coalition for Fair Employment in Construction, spoke against project labor agreements, characterizing them as anti-competitive, discriminatory and wasteful. President Plotkin thanked the speakers and encouraged all interested individuals to return on April 2 when the Board would engage in a more in-depth discussion.

**Item 7**

**PRESENTATION: WORKFORCE OPPORTUNITIES FOR Foothill AND DE ANZA STUDENTS — AN INSIDE VIEW OF THE VETERINARY TECHNOLOGY AND MEDICAL LABORATORY TECHNICIAN FIELDS**

Foothill Acting Vice President of Technology and Instruction Sue Gatlin, De Anza Dean of Biological, Health and Environmental Sciences Stephanie Sherman, Foothill Dean of Biological and Health Sciences Shirley Treanor-Barker, Director of the Foothill Veterinary Technology Program Karl Peter, and Coordinator of the De Anza Medical Laboratory Technician Program Debbie Wagner gave a presentation on workforce opportunities for students. They discussed factors related to gaps in the workforce that limit how many students are accepted into programs: in one case, high student demand exceeds available job opportunities, but in other cases where workforce demand is high, there is limited space to train students in clinical settings. They also discussed challenges, such as replacing faculty who retire, differential funding for high-cost programs, articulation with CSU and UC, marketing lower profile careers, finding clinical affiliates, program duplication at other local colleges, and offering continuing education courses for individuals who need to maintain licensing. A number of emerging programs were mentioned as possible opportunities, including renewable energy technology, additional allied health careers, photovoltaic and solar energy installation, and viticulture. President Plotkin urged the colleges to look at the field of open source programming, citing how there appears to be a growing workforce need that is not being met.

**Item 9**

**MEASURE E CONSENT CALENDAR**

**M/S/C:** Fong/Derflinger  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified the Measure E Consent Calendar, A-H as follows:

- A. Title:** Budget Transfer #55
- Campus:** De Anza College
- Project No.:** 2911
- For:** Budget Transfer DA #55 includes Project to Project and Program Contingency to Project Transfers reflecting a joint effort by De Anza College, District and Gilbane representatives to prioritize and plan the efforts required to complete the Measure E Program needs at De Anza College
- Action:** Ratification

- B.** *Title:* Budget Transfer #6  
*Campus:* District  
*Project No.:* 2911  
*For:* District Budget Transfer #6 includes a Project to Project Transfer, which moves funding from the Measure E District Budget to the Measure E De Anza Budget, reflecting a joint effort by De Anza College, District and Gilbane representatives to prioritize and plan the efforts required to complete the Measure E Program needs at De Anza College  
*Action:* Ratification
- C.** *Title:* Budget Transfers #41  
*Campus:* Foothill College  
*For:* Budget Transfer #41 involves the transfer of funding from the overall Measure E Program Contingency to the following Foothill College projects in order to cover anticipated and potential future project costs associated with these projects: No. 152 (Lower Campus Complex) and No. 153 (Campus Center)  
*Action:* Ratification
- D.** *Title:* Change Order #46  
*Vendor:* S. J. Amoroso Construction Co., Inc.  
*Agreement Date:* February 24, 2005  
*Campus:* Foothill College  
*Project No.:* 152  
*Project Name:* Lower Campus Complex  
*Amount:* \$33,702  
*For:* Addition of plaster ceiling, support steel for window, stem wall for utility vault, and modifications to plumbing, HVAC, sprinkler line, and millwork; this change order plus all previous change orders represent 5.50% above the base contract amount  
*Action:* Ratification
- E.** *Title:* Change Order #8  
*Vendor:* John Plane Construction Inc.  
*Agreement Date:* February 24, 2006  
*Campus:* Foothill College  
*Project No.:* 117  
*Project Name:* Administration Building  
*Amount:* \$1,415  
*For:* Provide and install gaskets at all electrical receptacles and entry door to seal air leakage for the FM200 Fire Suppression System; this change order plus all previous change orders represent 2.4% above the base contract amount  
*Action:* Ratification

- F.** *Title:* Budget Transfer #40  
*Campus:* Foothill College  
*For:* Budget Transfer #40 involves the transfer of surplus funding from the closure of seven Foothill College projects to realize savings that are being transferred to the overall Program Contingency: No. 105 (Language Arts), No. 129 (Utility Lid Replacement), No. 133 (Sciences II), No. 146 (Field House & Restrooms), No. 155 (Parking Lots), No. 167 (Stadium Bleachers), and No. 171 (Central Plant)  
*Action:* Ratification
- G.** *Title:* Change Order #4  
*Vendor:* Joseph J. Albanese, Inc.  
*Agreement Date:* July 25, 2006  
*Campus:* De Anza College  
*Project No.:* 208  
*Project Name:* Campus Entries  
*Amount:* \$30, 941  
*For:* Miscellaneous changes including additional storm drains & gutter, new ADA ramp and sidewalk for S-Quad, and water valve access boxes for irrigation main line; the total change orders to date represent 1.74% against the original contract amount  
*Action:* Ratification
- H.** *Title:* District Projects Budget Transfer #5  
*Campus:* Foothill-De Anza Community College District  
*For:* Budget Transfer #5 involves:  
a. The transfer of surplus funding from the closure of five District projects to realize savings that are being transferred to the overall program contingency: No. 404 (Plant Services Additions), No. 405 (Plant Services Annex), No. 407 (Mechanics Shop), No. 408 (Flint Center Elevator Modernization), and No. 414 (Service Shops)  
b. The transfer from the overall Program Contingency to supplement the budget of the following project: No. 412 (Flint Center Seating)  
c. The net downward revision of the Measure E Program Contingency to an amount representing 9.32% of all active projects  
*Action:* Ratification

## **Item 10**

### **BUDGET TRANSFER DA #54**

- M/S/C:** Bechtel/Fong  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Budget Transfer DA #54



**Item 11**

REVIEW OF CASH FLOW NEEDS FOR MEASURE C BONDS

Vice Chancellor Brandy presented the analysis of cash flow needs, which had been revised as a result of the Board’s approval of the revised Measure C project list and associated budget transfer at the March 5, 2007 Board meeting. He responded to questions and clarified how to read the graphs.

**Item 12**

PRELIMINARY OFFICIAL STATEMENT FOR ISSUANCE OF 2006 GENERAL OBLIGATION BONDS, SERIES A

**Item 13**

APPROVAL OF PURCHASE CONTRACT: 2006 GENERAL OBLIGATION BONDS, SERIES A AND SERIES B

**Item 14**

RESOLUTION APPROVING A FORM OF PRELIMINARY OFFICIAL STATEMENT TO BE PREPARED IN CONNECTION WITH THE ISSUANCE OF 2006 GENERAL OBLIGATION BONDS, SERIES A

Bond counsel David Casnocha reviewed the components of the resolution, including the preliminary official statement and purchase contract. He recommended not to indemnify the bond insurers and therefore proposed striking section 10 of the purchase contract. No revised documents were presented at the meeting, but Vice Chancellor Brandy noted that he still expects some revisions to the preliminary official statement and purchase contract as the several parties involved refine the language, and he asked the Board to delegate to him the authority to execute the final documents in the interest of expediency. He added that the documents would only be brought back to the Board for approval if there is a material increase in the financial obligation or risk to the District. Mr. Casnocha advised that the Board could approve all three items in one motion.

- M/S/C:** Casas Frier/Fong
- Advisory vote:** 2 yes
- Board vote:** unanimous
- Action:**
  - 1) Approved Resolution #2007-03 authorizing the sale of Series A Bonds, including a) the preliminary official statement and b) the purchase contract with the deletion of section 10 as recommended, and
  - 2) Authorized the Vice Chancellor of Business Services to sign the final documents unless the revisions result in a material increase in the financial obligation or risk to the District

**DATES TO REMEMBER**

- April 2, 2007 — Regular Meeting
- April 30, 2007 — Audit & Finance Committee Meeting
- April 30, 2007 — Regular Meeting

**ADJOURNMENT**

President Plotkin adjourned the meeting at 7:58 p.m.

jco  
Approved: 4/2/07

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Martha J. Kanter, Chancellor  
Secretary, Board of Trustees