



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
MINUTES
REGULAR MEETING
April 5, 2010

CALL TO ORDER

President Bruce Swenson declared a quorum was present and the trustees immediately adjourned into closed session in the Don Bautista Room, Campus Center, De Anza College, with the individuals listed below to discuss:

Trustees Present:

Bruce Swenson, President
Pearl Cheng, Vice President
Joan Barram
Betsy Bechtel
Laura Casas Frier

For Public Session

Erica Anderson, Foothill College Student Trustee
Isabelle Barrientos Vargas, De Anza College Student Trustee

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Legal Counsel Present:

John Shupe

STUDENT DISCIPLINE — EXPULSION

Executive Administrators and Others Present:

Judy Miner, President of Foothill College
Brian Murphy, President of De Anza College
Linda Thor, Chancellor
Stacey Cook, Vice President, Student Services, DA
Pat Hyland, Dean, Student Activities and Affairs, FH
Michele LeBleu-Burns, Dean, Student Development & EOPS, DA
Marty Kahn, Technology Group Resource Supervisor, DA
Kevin Metcalf, Web Administrator, DA

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
Andy Dunn, 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

PUBLIC SESSION

President Swenson called the public session to order at 6:03 p.m. and led those present in the Pledge of Allegiance.

REPORTING OUT FROM CLOSED SESSION

President Swenson reported that in closed session the board considered whether to take disciplinary action against two Foothill College students and two De Anza students. President Swenson then polled the board on whether to expel those students.

Items 1 – 4

Advisory vote:	0
Board vote:	unanimous
	Trustee Bechtel voted in favor
	Trustee Casas Frier voted in favor
	Trustee Cheng voted in favor
	Trustee Barram voted in favor
	Trustee Swenson voted in favor
Abstentions:	2 (Anderson, Barrientos Vargas)
Action:	Expel student ID #s 11195482
	11304272
	11320022
	11350308

APPROVAL OF MINUTES

M/S/C:	Bechtel/Barram
Advisory vote:	2
Board vote:	unanimous
Action:	For the March 1, 2010 minutes, added language to Item 10 clarifying Trustee Casas Frier’s opposition to the payment to University Associates-Silicon Valley

M/S/C:	Cheng/Barram
Advisory vote:	2
Board vote:	unanimous
Action:	Approved the minutes of March 1, 2010 as amended

M/S/C:	Cheng/Anderson
Advisory vote:	2
Board vote:	unanimous
Action:	Approved the minutes of March 8, 2010

CORRESPONDENCE

There was none.

HEARINGS: ITEMS NOT ON THE AGENDA

Students

Vice President of Finance Sharon Su said that the DASB budget for 2010-11 was approved by the student senate and looks forward to presenting it to the Board at the May 3 meeting.

Staff

Referring to the March 8, 2010 meeting, Foothill faculty member Ken Horowitz expressed his support for Katie Townsend-Merino.

President Judy Miner acknowledged Foothill faculty and staff who presented at the recent League for Innovation Conference: Daniel Peck, Paul Starer, Darya Giliani, and Jacky Hood. Miner said Rosemary Arca made two presentations and was featured in “Inside Higher Ed”.

Chancellor Linda Thor congratulated Vice Chancellor of Technology Fred Sherman on receiving the California Community Colleges Chief Information Systems Officers Association’s Campus Technology Innovator in Technology Planning award.

Trustees

Trustee Betsy Bechtel said that Assembly member Ira Ruskin is holding a town hall meeting in Palo Alto on April 10 and urged all to attend. Ruskin is chair of the joint legislative committee on the Master Plan on Education. Bechtel also congratulated Vice Chancellor Sherman for being the recipient of the prestigious award.

Trustee Laura Casas Frier attended a statewide meeting of the CCLC’s Advisory Council on Legislation. The key topics discussed were legislation regarding transfer and centralization of student assessment. Casas Frier encouraged board members and the public to share their views on those topics. She also thanked ACE president Blanche Monary for the campus tours.

Item 5

Presentation by Fremont Union High School District Superintendent Polly M. Bove

In her State of the District report Superintendent Bove highlighted some FUHSD student achievements.

- FUHSD is the third highest performing high school district in California.
- Cupertino High School freshmen founded the Kenya Dream – a project to upgrade facilities of a secondary school in Kenya. This fund raising project was in lieu of raising funds for their senior prom. Their goal was to raise \$100,000.
- 2 Lynbrook High School students were finalists in Intel’s Science Talent Search; one of whom was awarded the second place prize of \$75,000.

Bove said that her district’s 2004 parcel tax would be expiring and its attempt to renew it in November 2009 was not successful. This month they will attempt to pass Measure B via mail-in ballot. If successful, the district’s deficit would be reduced from approximately \$10 million to \$5 million.

The Foothill-De Anza Community College trustees voiced support for Fremont Union High School District’s Measure B.

Item 6

Layoffs Due to Lack of Funds/Lack of Work

Chancellor Linda Thor said that the process to reach this point has been open and exhausting and the discussions thoughtful and careful.

Mike Brandy reviewed the steps the district has taken to minimize the loss of positions, including reassigning positions to other funding sources, cutting B budgets, reducing faculty reassigned time, reducing part-time faculty teaching assignments and negotiating with employee unions to lower the district's costs of health benefits. Even after all that, Brandy said, the district is projecting a \$10.6 million budget deficit for 2010-11, which could grow even larger if the state makes additional cuts to community colleges. Brandy said the district also is striving to generate additional revenue by exploring a possible parcel tax, installing energy-generating photovoltaic arrays, establishing a centralized office to pursue grants, and seeking more help from the Foothill-De Anza Foundation.

Human Resources Director Kim Chief Elk described the district's extensive and continuing efforts to help displaced employees prepare for and find new positions. The goals, Chief Elk said, are "to mitigate job loss" and "safeguard employees who are being affected so dramatically."

De Anza cooperative educational experience instructors Bill Mathiasen and Wayne Dexter and co-op education coordinator Carmen Pereida expressed their dismay at losing a program that provides educational support to so many students. Students Karrie Baylor and Halcyon de Bar spoke about the achievements the co-op program has made possible for them.

Artists and students of the Euphrat Museum praised its Executive Director Jan Rindfleisch and spoke of the opportunities working with the museum gave them to interact with children and the community. Oksana Baumert read letters from a De Anza instructor and a student in support of the Museum. Catie Cadge Moore expressed hope that Rindfleisch's position could be preserved. Director of the Museum Jan Rindfleisch distributed and reviewed the Euphrat's calendar of events.

Foothill students Lili Ruiz and Andrea Melendez spoke of the professional help they and other Foothill students have received from the English writing center, which they said is essential to students whose first language isn't English. Classified Senate representative Bhavi Patel said that the writing center also helped her when she was a student. Patel also expressed regret at the reductions being made to disabled student services. Student trustee Erica Anderson also spoke of how helpful the writing center was to her when she first came to Foothill.

Association of Classified Employees (ACE) President Blanche Monary thanked trustees for coming on recent ACE-guided tours of the campuses and for removing some positions from the layoff list. Faculty Association President Rich Hansen urged the board to stay flexible in deciding how much ending balance is needed to carry forward into the next fiscal year and how much to expend to retain positions.

Trustee Barram thanked those who came to speak. She said she has received communications from many students who talked about how the loss of student support services would affect them. However, with the tremendous reductions in categorical funds it was inevitable that these important student services would have to be cut.

All the trustees expressed great sadness at having to make such difficult decisions.

President Swenson said that the board acts with a heavy heart, but there is no painless solution to this that doesn't affect our students.

M/S/C:	Bechtel/Barram
Advisory vote:	0
Board vote:	unanimous
Noes:	2 (Barrientos Vargas/Anderson)
Action:	Eliminated the positions on lists #1 and #4; reduced the position on list #6; and authorized district representatives to provide employees on lists #2, #3, #5, and #7 with forty-five (45) day notices of layoff

President Swenson called a recess at 7:55 p.m. and reconvened the meeting at 8:00 p.m.

Item 7

2010 Report on Open Educational Resources

Foothill Dean of Global Access Judy Baker presented an update on open educational resources (OER), including adoptions of open textbooks at Foothill and De Anza. Among her examples was Collaborative Statistics, by De Anza mathematics instructor Barbara Illowsky and former instructor Susan Dean, which she reported is saving De Anza students more than \$70,000 a quarter in book costs. Since the book became available in fall 2008 through Rice University's Connexions, it has been adopted by about 50 instructors at 30 colleges, universities, and high schools in the country. Other open textbook adoptions in the district represent a total savings of about \$16,500 each quarter to students. Baker gave an overview of barriers to open textbook adoption and announced an upcoming survey of Foothill-De Anza faculty. She reviewed plans for the OER Center for California that was launched earlier this year at Foothill and the accomplishments of the national Community College Consortium for Open Educational Resources, which has grown to more than 150 member colleges in the United States and Canada. In July 2009 the OER Consortium received a \$1.5 million grant from the William and Flora Hewlett Foundation. The major goal of the grant is to train faculty across the country in how to implement open educational resources on their campuses. Baker said Foothill will be hosting a training workshop in May.

In response to Trustee Swenson's question of who writes the textbooks to be used and keeps them updated, Baker said that faculty who have begun textbooks but who have become frustrated with the publisher come to them because they can put the book on Connexions and can it be accessed by students. Also, two DA faculty have written textbooks for OER because they saw the need for them and tried to cut costs for their students. She said there are many motivations. Baker said they are seeking help and advice on how to keep the books updated.

President Miner acknowledged Baker's leadership of the OER as well as her recently added responsibilities as head of CTIS.

Item 8

2011 Accreditation Update

In preparation for the accreditation site visit in 2011, the board received a progress report prepared by the colleges' accreditation liaison officers, Kurt Hueg at Foothill and Marisa Spatafore at De Anza. Each college must complete a comprehensive self-study every 6 years based on commission standards. The purpose of accreditation is quality assurance to the public and to improve student learning and student achievement. Hueg asked that a board member serve on each college's Standard IV, Leadership

and Governance, team. He said meeting schedules would accommodate the availability of the board members. Hueg reviewed the timelines for completing the self-studies and standards committee structures and members.

De Anza President Brian Murphy said the campuses are doing an incredible amount of good work and would continue to work very hard over the next 15 months.

President Swenson asked that board members interested in serving on the colleges' Standard IV teams contact him by the next board meeting.

APPROVAL OF CONSENT CALENDAR

The following items were removed from the Consent Calendar:

Item 11, International Travel Approval for Two De Anza Faculty (for discussion)

Item 16, New Courses Beginning Spring 2010 Quarter (duplicate of Item 17)

Item 21, Sale of Miscellaneous Surplus Electronic Equipment (to be submitted at a later date)

M/S/C:	Bechtel/Cheng
Advisory vote:	2
Board vote:	unanimous
Action:	Approved Items 9, 10, 12-15, 17-20, and 22-24 on the Consent Calendar

Item 9 – **Approved** Resolution Regarding Trustee Absence for Student Trustee Erica Anderson

Item 10 - **Approved** Board Policy 6125, Grading

Item 12 – **Ratified** Wire Transfers Greater than \$5,000 for July 2009-February 2010

Item 13 – **Ratified** Contracts and Agreements

Item 14 – **Approved** Listing of District Investments as of December 31, 2009

Item 15 – **Approved** Instructional Materials and Use Fees for 2010-11

Item 17 – **Approved** Stand Alone Courses

Item 18 – **Approved** Disposal of Surplus Refrigerated Salt Water Aquarium
Made a finding that the items are of insufficient value to defray the costs of arranging a sale and authorized the Director of Purchasing Services to recycle or dispose of the items in the local public dump.

Item 19 – **Approved** Donation of Surplus District Computers to OTI
Made a finding that the items are of insufficient value to defray the costs of arranging a sale and authorized the Director of Purchasing Services to donate the items to the Foothill-De Anza Foundation.

Item 20 – **Approved** Sale of Surplus District Air Compressor

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

Item 22 - **Accepted** Professional Development Leave Reports

Item 23 - **Approved** Human Resources Report

Item 24 - **Approved** Personnel Actions as follows:

Name: **Joy Crevier**
Position: Instructor
College: Foothill College
Division: Physical Sciences, Math & Engineering
Action: **Resignation**
Effective Date: March 31, 2010

Name: **Juanita Cordero**
Position: Instructor
College: De Anza College
Division: Social Sciences
Action: **Correction: 20% load reduction per Article 18**
Effective Date: AY 2010-2011

Name: **Gaeir Dietrich**
Position: Director
College: De Anza College
Division: Special Education, High Tech Center Training Unit
Action: **Employment**
Effective Date: April 6, 2010 through June 30, 2011
** Compensation:* Range H, Step 8 @ \$9,878.61/month

Name: **Linda DiNucci**
Position: Instructor
College: Foothill College
Division: Adaptive Learning Division & Disability Services
Action: **Resignation for the purpose of retirement**
Effective Date: June 25, 2010

Name: **LeeAnn Emanuel**
Position: Instructor/Counselor
College: Foothill College
Division: Counseling
Action: **Employment**
Effective Date: August 1, 2010 ** # of Months:* 11
** Compensation:* Column III, Step I @ \$8,081.85/month

Name: **John Fox**
Position: Instructor

College: Foothill College
Division: Business & Social Sciences
Action: **Employment**
Effective Date: September 16, 2010 * # of Months: 10
** Compensation:* Column II, Step A @ \$5,545.86/month

Name: **Kara Giannetto**
Position: Instructor
College: Foothill College
Division: Physical Education & Human Performance
Action: **50% unpaid leave of absence per Article 16**
Effective Date: AY 2010-2011 and 2011-2012

Name: **Reginald Hamer**
Position: Instructor
College: De Anza College
Division: Physical Science, Math & Engineering
Action: **Revision: 55% load reduction per Article 18**
Effective Date: Spring 2010

Name: **Reginald Hamer**
Position: Instructor
College: De Anza College
Division: Physical Science, Math & Engineering
Action: **Resignation for purpose of retirement under Article 19**
Effective Date: June 25, 2010

Name: **Ebenezer Hunter**
Position: Instructor
College: De Anza College
Division: Intercultural/International Studies
Action: **Resignation for purpose of retirement under Article 19**
Effective Date: June 25, 2010

Name: **Judy Mowrey**
Position: Instructor
College: De Anza College
Division: Library Services
Action: **Resignation for purpose of retirement under Article 19**
Effective Date: June 25, 2010

Name: **Leonis (Le Ann) Osterdock**
Position: Instructor / Program Director
College: Foothill College
Division: Biological & Health Sciences
Action: **Resignation for purpose of retirement under Article 19**
Effective Date: June 25, 2010

Name: **Benjamin Stefonik**
Position: Instructor

College: Foothill College
Division: Business & Social Sciences
Action: **Employment**
Effective Date: September 16, 2010 * # of Months: 10
** Compensation:* Column II, Step B @ \$5,827.63/month

Name: **Leland Van Fossen**
Position: Instructor
College: De Anza College
Division: Biological, Health & Environmental Sciences
Action: **Resignation for purpose of retirement**
Effective Date: June 25, 2010

Name: **Sandi Watkins**
Position: Instructor
College: Foothill College
Division: Computers, Technology & Information Systems
Action: **Revision: 33% load reduction as per Article 18**
Effective Date: AY 2010 - 2011

Item 11
International Travel for Two De Anza Faculty

Trustee Bechtel asked that the authorization form be modified to include how the travel is funded.

M/S/C: **Bechtel/Barram**
Advisory vote: 2
Board vote: unanimous
Action: **Approved** international travel for two De Anza faculty

Item 25
California Community Colleges Trustees Board Election

Each trustee filled out his or her ballot, including advisory votes from the student trustees that would be used in the event of a tie. The trustees endorsed the 4 incumbents and cast their remaining 3 votes for Castellanos, Nancy Chadwick, and Cy Gulassa.

M/S/C: **Bechtel/Barram**
Advisory vote: 2
Board vote: unanimous
Action: **Approved** casting votes for the 4 incumbents on the ballot and Stephen Castellanos, Nancy Chadwick, and Cy Gulassa

Item 26
Public Hearing – Open Negotiations for 2010-2011 between the District and CSEA, Chapter 96

President Swenson opened the public hearing at 8:35. There were no comments. He then closed the public hearing at 8:36 p.m.

M/S/C: Barram/Casas Frier
Advisory vote: 2
Board vote: unanimous
Action: **Approved** opening negotiations for 2010-2011 between the District and CSEA, Chapter 96

Item 27

Approve Contract for Polling Company

Vice Chancellor Dunn reviewed the board's approval in February 2010 for district staff to issue an RFP to obtain the services of a polling firm and political advisory consultant. Timing of the poll was discussed at length. Trustee Bechtel spoke in support of conducting the poll now. A subcommittee of trustees Cheng and Bechtel will work with district administration and consultants to develop polling questions and resolve the issue of when to conduct the poll.

In response to Trustee Barram's question if the district would be committed to Phase II at a cost of \$37,000, Charles Heath of TBWB responded that Phase II would not be implemented if Phase I results were not favorable.

M/S/C: Swenson/Bechtel
Advisory vote: 1
Board vote: 4
Noes: 2 (Barrientos Vargas, Casas Frier)
Action: **Authorized** the Vice Chancellor of Business Services to execute the Agreement for Services with TBWB Strategies for a feasibility study of a parcel tax at a cost not to exceed \$37,000, subject to further discussion as to when the poll would take place, and **authorized** the sub-committee to make that determination

Trustee Casas Frier voted against the motion not on the merit or the needs of the parcel tax, but rather against the timing of the poll. She also questioned whether the voters would return a 2/3 win on this issue.

Faculty member Ken Horowitz urged the board to reject the proposal based on lack of funds. Public member Terry Terman said that polling prior to May 4 could influence the mail-in election of Mountain View and Palo Alto.

Vice Chancellor Dunn said that Chancellor's Staff would be discussing the length of the poll (15 minutes vs. 18 minutes) and the number of district voters to be polled (600 vs. 800) and costs associated with each option.

Item 28

Discussion of Middlefield Education Center Site

Vice Chancellor Dunn said that the Middlefield site is on a month-to-month lease with the City of Palo Alto. Discussions with the City regarding ownership of the site occurred in 2008 and 2009. Indications from a recent City Council meeting indicate that the City may now be ready for discussions with the Palo Alto Unified School District (PAUSD) and FHDA on broad planning issues.

Faculty member Ken Horowitz spoke in favor of purchasing the Middlefield site if the opportunity arises.

The trustees concurred that the Middlefield site has many attributes and remaining at the location would afford an opportunity to work collaboratively with PAUSD and possibly Stanford University. Trustee Cheng cautioned the district to be sensitive to the current agreements between the City of Palo Alto and PAUSD. Trustee Barram said that Measure C funds originally set aside for site acquisition and discussions had centered around those funds being available for development of the NASA site. She cautioned the district about purchasing the Middlefield site without thinking about its long-range plans.

President Swenson felt the district should move forward with discussions with the City and PAUSD and suggested formation of an advisory committee involving community members and Palo Alto educational leaders. He said residents of Palo Alto would support the sale of the 8 acres only if it is done in concert with PAUSD. Discussions with PAUSD should be in terms of developing joint programs. Swenson suggested development of a master plan for the overall site. He said that building 100,000 square feet, as discussed in the past, is beyond what Foothill-De Anza could afford, and the district needs to develop a smaller, more realistic option that could be expanded in the future. A timeframe should be developed that would involve a secondary plan as a backup.

President Miner said that developing the Middlefield campus presents a number of opportunities to leverage diminished resources through partnerships. Miner will be meeting with Associate Vice President Swett and at the next meeting could bring initial ideas about numbers of students, types of programs, and grants from private foundations, as well as initial talking points.

President Swenson appointed trustee Barram and himself to work with district staff on a sub-committee to develop a vision statement for the Middlefield site. The sub-committee would include 1 Palo Alto resident and 1 non-Palo Alto resident. Trustee Bechtel will also work closely with the group.

Faculty Association President Rich Hansen does not believe that Middlefield could serve as a “new college” site and asked, “How well do we serve our communities?” He asked that the district look at its long-range plan.

Item 29

Measure E Consent

M/S/C:	Bechtel/Barram
Advisory vote:	2
Board vote:	unanimous
Action:	Ratified/Approved the Measure E Consent Calendar, A-E, as follows:

- A.**
- | | |
|------------------------|--|
| <i>Title:</i> | Revision #1 to PAA #F-CAW |
| <i>Vendor:</i> | Cody Anderson Wasney Architects, Inc. |
| <i>Agreement Date:</i> | April 6, 2010 |
| <i>Campus:</i> | Foothill College |
| <i>Project No.:</i> | 401 |
| <i>Project Name:</i> | New ETS/Data Center Building |
| <i>Amount</i> | \$57,970 |
| <i>For:</i> | Provide LEED consultation services to achieve Silver certification under the U.S. Green Building Council’s LEED-NC (New Construction) rating system. The scope |

includes to participate in meetings in order to educate the design and construction team on current LEED requirements and complete the LEED documentation necessary for the final LEED submittal to achieve both design and construction credits.

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

B. *Title:* PAA #D03 Revision #1
Vendor: Salas O'Brien
Agreement Date: December 1, 2008
Campus: De Anza College
Project No.: 277
Project Name: Science Center Fire Sprinklers
Amount: \$6,925
For: Engineered fire sprinkler construction drawings as required by DSA for project certification.
Action: Ratification

C. *Title:* Budget Transfer #72
Vendor:
Agreement Date:
Campus: De Anza College
Project No.:
Project Name:
Amount:
For: De Anza Budget Transfer #72 includes:

- The transfer of funding to and from completed projects in the amount of \$ 24,577 to facilitate balancing of budgets to actual project costs.
- The transfer of \$ 299,552 from Program Contingency to the open projects to cover Overhead & other forecast project costs.
- Creation of a new project named #283 - Combined Site Improvements (for design only), and transfer of \$ 736,000 to fund this project. Combining these projects scope and their budgets to provide coordinated, cost effective designs.
- Reallocate \$894,322 from #278 Master Landscaping Phase 2.
- Renaming project #281 - ATC Central Plant Noise Attenuation to project #281 ATC / S-Quad Sound Attenuation
- Reallocate \$413,333 to #281 ATC / S-Quad Sound Attenuation to augment the budget to include construction of the project in Measure E. The augmented budget will include design and construction of both the ATC Central Plant & S-Quad Sound Attenuation improvement projects for

economies of scale.

Action: Ratification

- D.** *Title:* Revision #1 to PAA #D20
- Vendor:* Allana Buick & Bers, Inc.
- Agreement Date:* January 19, 2010
- Campus:* De Anza College
- Project No.:* 765-277 Minor Improvements
- Project Name:* PE Shower Repairs
- Amount:* \$7,575
- For:* Waterproofing Repairs: Women’s Shower Room Located in PE-6

Condition Assessments revealed greater extent of damage and increased wall framing requirements. This has increased the original project scope and requires additional design efforts and detailing. This revision includes compensation for the additional design, construction administration, and inspections required.

Action: Approval

Item 30

Award a Contract Pursuant to Bid Document 1247-153 Emergency Generator Remote Fueling Station – Foothill College

M/S/C: Casas Frier/Bechtel
Advisory vote: 2
Board vote: unanimous
Action: **Relieved** B Bros Construction Inc. of its bid due to a mistake pursuant to PCC 5103.

MSC : Barram /Cheng
Advisory vote: 2
Board vote: unanimous
Action: **Authorized** the Director of Purchasing and Material Services to award a contract pursuant to Bid 1247-153 Emergency Generator Remote Fueling Station - Foothill College in the amount of \$54,500 to R. C. Benson & Sons, Inc.

Item 31

Award a Contract Pursuant to Bid Document 1256-277.A, Kirsch Door Replacement Project –De Anza College

M/S/C: Casas Frier/Bechtel
Advisory vote: 2
Board vote: unanimous
Action: **Authorized** the Director of Purchasing and Material Services to award a contract pursuant to Bid 1256-277.A, Kirsch Door Replacement project at De Anza College in the amount of \$54,862 to R. C. Benson & Sons, Inc.

Item 32
Measure C Consent

M/S/C: **Barram/Bechtel**
Advisory vote: 2
Board vote: unanimous
Action: **Ratified/Approved** the Measure C Consent Calendar, A-O, as follows:

A. *Title:* Agreement for Services
Vendor: Cleary Consultants, Inc.
Agreement Date: April 5, 2010
Campus: De Anza College
Project No.: 766-241
Project Name: S2-S6 Phase II – Utility master Plan Phase I
Amount: \$25,000

For: The scope of work includes comprehensive soil engineering services involved in S2-S6 Phase II - Master Utility Plan Phase 1 Project. Cleary Consultants, Inc. provided soil engineering observation and testing during the site grading, foundation installation, retaining wall installation, sub-grade preparation and base rock placement, pavement installation and utility trench backfilling phases of the project. The initial contract for this project was established at \$25,000 but was prematurely closed.

Due to the extensive underground utilities discovered during the course of the contractor’s work, the complexity of the project, and the actual amount of testing required, further investigations and testing is required to complete the project.

The value of this new contract is a not-to-exceed value of \$25,000.

Action: Ratification

B. *Title:* Revision #1 to PAA #3
Vendor: Environmental Construction Services Inc.
Agreement Date: September 9, 2008
Campus: De Anza College
Project No.: 766-203
Project Name: Baldwin Winery & East Cottage “Historic” Project
Amount: \$0
For: Extend contract schedule for hazardous materials consultant services for the Baldwin Winery portion of this project due to extended DSA review.

- Action:* Ratification
- C.** *Title:* Revision #1 to PAA #4
Vendor: Environmental Construction Service Inc.
Agreement Date: September 9, 2008
Campus: De Anza College
Project No.: 766-203
Project Name: Baldwin Winery & East Cottage “Historic” Project
Amount: \$0
For: Extend contract schedule for hazardous material consultant services for the East Cottage portion of this project due to extended DSA review.
- Action:* Ratification
- D.** *Title:* Revision #1 to PAA #1
Vendor: Enovity, Inc.
Agreement Date: September 9, 2008
Campus: De Anza College
Project No.: 766-203
Project Name: Baldwin Winery & East Cottage “Historic” Project
Amount: \$0
For: Extend contract schedule for commissioning services for the Baldwin Winery portion of this project due to extended DSA review period.
- Action:* Ratification
- E.** *Title:* Revision #2 to PAA #2
Vendor: Enovity, Inc.
Agreement Date: September 9, 2008
Campus: De Anza College
Project No.: 766-203
Project Name: Baldwin Winery 7 East Cottage “Historic” Project
Amount: \$0
For: Extend contract schedule for commissioning services for the East Cottage portion of this project due to extended DSA review.
- Action:* Ratification
- F.** *Title:* Change Order #2
Vendor: John Plane Construction, Inc.
Agreement Date: November 16, 2009
Campus: De Anza College
Project No.: 766-203
Project Name: Baldwin Winery & East Cottage “Historic” Project
Amount: \$6,810
For: Baldwin Winery: remove and replace damaged plywood subfloor.

The total Change Orders to date represent 0.01% against the original contract amount. Funding is

- included in the current budget.
- Action:* Ratification
- G.** *Title:* Revision #1 to PAA #4C
Vendor: Noll & Tam
Agreement Date: March 22, 2010
Campus: De Anza
Project No.: 766-214
Project Name: Corporation Yard
Amount: \$19,670
For: Increase the size and generating capacity of solar photovoltaic panels, including engineering of steel carport structures that maximize the load carrying strength in order to support heavier, more efficient panels.
- Action:* Ratification
- H.** *Title:* Revision #1 to PAA #D01
Vendor: Sandis, Inc.
Agreement Date: March 18, 2010
Campus: De Anza College
Project No.: 766-217
Project Name: Secured Bicycle Storage for Students
Amount: \$3,500
For: Bike rack/locker selection change.
- Action:* Ratification
- I.** *Title:* Prime Contract Change Order #3
Vendor: Tricon Construction, Inc.
Agreement Date: November 2, 2009
Campus: De Anza College
Project No.: 766-200B
Project Name: Pool Chlorination Systems
Amount: \$6,115
For: PCO #22: New PCB boards are required to fully automate and integrate the new Chemtrol controllers with the existing system. This is a Design Team Directed Change, with a cost of \$4,362.
- PCO #25: The addition of (2) pumps are required to pump the hydrochloric acid to the Design Change, with a cost of \$1,753.
- This Prime Contract Change Order is 5.26% of the contract value. The funding for this change is within the current budget.
- Action:* Approval
- J.** *Title:* PAA #F-COGENT-#3
Vendor: Cogent Energy, Inc.
Agreement Date: April 6, 2010

Campus: Foothill College
Project No.: 135
Project Name: Utility and Technology Infrastructure Upgrades
Amount: \$61,770
For: Professional services to provide engineering peer review and commissioning for the Utility and Technology Infrastructure Phase 1 project.

The funding for this change is within the current budget.

Action: Ratification

K. *Title:* Change Order #1
Vendor: HMC Architects
Agreement Date: February 11, 2010
Campus: Foothill College
Project No.: 123A
Project Name: Campus Wide Building System & Infrastructure Repairs/Upgrades
Amount: \$0
For: Adjustment to contract time to extend contract duration

for final contract deliverable.

Action: Ratification

L. *Title:* Change Order #4
Vendor: Tricon Construction, Inc.
Agreement Date: November 2, 2009
Campus: Foothill College
Project No.: 100
Project Name: Pool Plaster and Chemical Systems
Amount: \$7,838
For: Control system changes and addition of a new acid injector pump in order to fully automate the water purification system, and addition of two shut-off valves to facilitate future maintenance.

This change order plus all previous change orders represent 5.85% above the base contract amount. The funding for this change is within the current budget.

Action: Approval

M. *Title:* Revision #1 to PAA #F-WRNS-#1B
Vendor: WRNS Studio
Agreement Date: October 6, 2009
Campus: Foothill College
Project No.: 144
Project Name: Central Campus Site Improvements
Amount: \$52,350
For: Architectural design services to provide

construction documentation for additional scope related to the inner campus site improvements project including: expanded site lighting and ADA compliance, and the design of construction bid alternates to maximize the use of available funds.

The funding for this change is within the current budget.

Action: Ratification

- N.** *Title:* PAA #F-WRNS-#4A
 Vendor: WRNS Studio
 Agreement Date: April 6, 2010
 Campus: Foothill College
 Project No.: 154
 Project Name: Parking & Circulation
 Amount: \$19,500
 For: Architectural design services to develop a

horizontal control plan for Parking Lots 2/3 including the photovoltaic arrays, and to review the PV design documents for conformance with the planned Lot 2/3 and PE Access Road site improvements.

The funding for this change is within the current budget.

Action: Ratification

- O.** *Title:* Change Order #1
 Vendor: Zolman Construction and Development, Inc.
 Agreement Date: April 5, 2010
 Campus: Foothill College
 Project No.: 112
 Project Name: Modernization of Administration Building and General Classrooms
 Amount: \$7,392
 For: To correct unforeseen conditions encountered during construction: abate asbestos-insulated hydronic piping and raise a previously unknown, buried, manhole to grade.

This change represents 0.15% change to the contract value. There have been no previous changes.

The funding for this change is within the current budget.

Action: Ratification

Item 33

Measure C Project List Revision and De Anza Budget Transfer #20

M/S/C: Bechtel/Cheng
Advisory vote: 2
Board vote: unanimous
Action: **Approved** the bond Project List Revision and De Anza Budget Transfer #20

Item 34

Project Authorization Amendment #F-WRNS-2B with WRNS Studio architects: Parking and Circulation at Foothill College (Measure C Project # 162)

M/S/C: Barram/Bechtel
Advisory vote: 2
Board vote: unanimous
Action: **Approved** Project Authorization Amendment #F-WRNS-2B with WRNS Studio

Item 35

Sustainability Plan

Executive Director of Facilities Charles Allen reviewed the Sustainability Plan which is part of the District Strategic Plan.

Item 36

Measure C Project/Construction Management Review

Executive Director of Facilities Charles Allen reported progress on the response to the construction management review and hopes to have a full report for the board and Audit and Finance Committee in June.

ADJOURNMENT

President Swenson adjourned the meeting at 9:45 p.m.

Approved 5/3/10

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