



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
MINUTES
REGULAR MEETING
August 30, 2010

CALL TO ORDER

President Bruce Swenson called the meeting to order at 6:00 p.m. He led those present in the Pledge of Allegiance.

Trustees Present:

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

For Public Session

Etienne Bowie, Foothill College Student Trustee
Thomasina Countess Russaw, De Anza College Student Trustee

REPORTING OUT FROM CLOSED SESSION

In closed session the board considered whether to take disciplinary action against a Foothill College student and a De Anza College student. President Swenson polled the board on whether to expel those students.

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 (Bowie/Russaw)

Action: To expel Foothill College Student ID #11261121

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 (Bowie/Russaw)

Action: To expel De Anza College Student ID #11342703

CORRESPONDENCE

Trustee Barram quoted parts of a thank you note from Foothill student Ganna Kuvaldina who was a 2010 trustee scholarship recipient. Ms. Kuvaldina said the scholarship is helping to continue her education and achieve her dreams. She thanked the board for making such a big difference in so many students' lives and helping them to achieve their dreams.

HEARINGS: ITEMS NOT ON THE AGENDA

Public

Bill Mathiasen stated that elimination of the Cooperative Education program caused 1,000 students to not receive financial aid; CalWorks students will not receive child care assistance; those who are international students will not be involved in their practicum; students who were planning to receive their degree or transfer are now thrown off track because they are now working full time and taking fewer units. Mathiasen stressed that the only academic course which was removed to meet the budget was Co-op Work Experience Education Program which saved the district only \$150,000 a year.

Tim Flynn read a letter from a former Co-op program student who said, "The program was a bridge to get back into an academic setting. There are other students who would like to address the board this evening, but are unable to because they are at work. There are many solutions to the financial problems, but eliminating this class has created a long-term problem as opposed to a solution". The student asked the board to please think not so much about the money, but about students and the long-term ramifications of closing the program.

Wayne Dexter feels strongly that the board has done a disservice to the district by eliminating the program and asked them to revisit the issue.

Students

Karrie Baylor said the co-op work education program was a way to help her improve her life and those of her children. A victim of domestic violence, Baylor took online classes to protect herself. She said cutting the program damages her future at De Anza as well as her ability to support herself and her children. Baylor appealed to the board to reconsider their decision to eliminate the program that would help improve her life.

Peter Aguilar returned to school after a 10-year hiatus. Aguilar said that he met Mathiasen who recommended the program. After being on waiting lists last fall, he is now a full-time continuing student who is also working full time. He addressed the board as a student who would like to change his life and improve his future.

Staff

President Judy Miner distributed copies of the Family Engagement Institute brochure, a collaborative effort with the Mountain View Whisman School District. Miner and the superintendent of that district will be discussing various collaborations that will strengthen the relationship between the two districts, some of which would involve parents in the FH programs that involve long-term credit parenting courses and short-term vocational skills classes in child care provision.

Vice President Christina Espinosa-Pieb, attending for President Brian Murphy reported that the student registration process is going very well. Currently there are about 8,000 names on wait lists. In response to growing demand, Espinosa-Pieb said De Anza will be adding classes as much as their limited space allows. They are also looking for off-site locations to rent.

Chancellor Linda Thor reported that on August 22, the Foothill De Anza Colleges Foundation was ranked #10 on The Chronicle of Higher Education’s list of the top 30 community college endowments. The Foundation has an endowment fund of approximately \$13,338,000. Chancellor Thor shared that the article she wrote for the Community College Journal. “The Right Mix” addresses the benefits of hybrid classes and focuses on Rio Salado College and Foothill College. Thor acknowledged Dean Judy Baker and Coordinator of Communications and Public Affairs Becky Bartindale, who collaborated in writing the article.

Vice Chancellor Fred Sherman elaborated on Vice President Espinosa-Pieb’s comment on the success of the registration system. Sherman said the system performed successfully during the peak registration period when the most students were accessing the system simultaneously. Sherman said approximately 32,000 students have registered and anticipates about 10,000 more.

Trustees

President Swenson formally welcomed new Vice Chancellor of Business Services Kevin McElroy.

Trustee Barram reported that she attended a meeting of the Foundation board and a Foundation subcommittee meeting. A consultant has been working with the Foundation on how to raise funds more effectively and on board organization. The consultant has suggested that the trustees be more involved in the Foundation’s fundraising efforts and that each trustee serve on one of the Foundation’s committees.

Trustee Casas Frier reported on SB 1440, Transfer/Associate’s Degree Efficiency Bill, which simplifies the transfer process from community colleges to colleges in the Cal State University system, increases efficiency for students in the transfer process, and saves time and money for students. There was overwhelming bipartisan support for it in the legislature. This is a bill that the district has supported. The bill is awaiting the governor’s signature. Assembly member Paul Fong is working on similar legislation with the University of California system.

APPROVAL OF MINUTES

M/S/C: Bechtel/Barram
Advisory vote: 2
Board vote: 5
Action: **Approved** the minutes of August 2, 2010

Item 1

International Programs Report

Dean George Beers introduced Marilyn Cheung, Director, International Program, De Anza; Lark Cratty, Director, International Programs, Foothill; Viktoria Kolesnikova, Director of International Marketing, Foothill and De Anza; and Susanne Chan, international students counselor, De Anza. Beers presented an overview of the international students program. In his report to the board Beers addressed the current state of international programs within the district and described the overall activities of the program,

including the demographics and operational issues relating to international students. There are approximately 3,700 international students who attend Foothill and De Anza colleges. The district has the second largest international students program among community colleges in the United States. 65% of the students are from Asia followed by students from the Mid-East and South America. Students representing over 20 countries attend Foothill and De Anza.

The program contracts with over 170 partners who provide private counseling focusing on study abroad and university admissions. Last year the program received over 400 students through these referrals. International students must enroll in a minimum of 12 units each quarter, and many enroll in up to 20. About 80% of international students transfer to UC's and CSU's as well as private universities such as USC, Stanford, Cornell, Yale and Johns Hopkins. For 2009-10 the International Students program generated an estimated \$18.5 million in revenue.

Student Trustee Bowie expressed his desire for the international students to be more involved with the local students to build a greater understanding of each other's cultures. Trustee Bowie also wishes the local community were more aware of the benefits of the International Program.

Trustee Barram said the comments included in the report serve as a reminder that it's important to include international students in our educational system. It's not just about the money, but it's something we should do. She said it's disappointing that our own local students do not understand as well as the international students the value of beginning their education at Foothill and De Anza.

Trustee Cheng inquired about the application for international students. Beers said much more information is required, such as financial information, the level of English that they speak, as well as their educational history. Because we try to be as flexible as possible, the standard academic requirements are not applied.

In answer to President Swenson's question about how most international students fund their education here, Beers said that in most cases, no financial aid is available, and few governments fund their students. There is a large Tunisian population because those students can receive loans and grants up to \$20,000/year. But most students have to pay themselves. It can be a very large burden for the student.

The full report can be viewed at:

<http://fhdafiles.fhda.edu/downloads/aboutfhda/1.InternationalProgramsRepor.pdf>

APPROVAL OF CONSENT CALENDAR

Item 5, Bookstore (Foothill & De Anza) Purchases, was removed for separate action.

M/S/C: Cheng/Barram
Advisory vote: 2
Board vote: 5
Action: **Approved** items 2-4 and 6-10 on the Consent Calendar

Item 2 - **Approved** BP 9200 Conflict of Interest

Item 3 - **Ratified** Contracts and Agreements

Item 4 - **Ratified** Board Warrants and Wire Transfers Greater than \$5,000 for June and July 2010

Item 6 - **Approved** Listing of District Investments as of June 30, 2010

Item 7 - **Approved** addenda to the 2010-2011 Performing Arts Alliance agreements establishing a minimum age for participation

Item 8 - 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 American Red Cross Silicon Valley Chapter

Item 9 - 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 10 – **Approved** Human Resources Report

Item 11
2010 Community College Budget Resolution

The Community College League of California asks that California community colleges adopt a resolution asking the governor and legislature to adopt a state budget incorporating the recommendations adopted by the Conference Committee on the State Budget which includes calling for a spending plan that maintains funding for community college enrollment growth; increased funding to restore proposed categorical program reductions; increased funding to “buy out” the negative COLA; and increased funding for community college job training in high-demand occupations.

M/S/C: **Bechtel/Cheng**
Advisory vote: 2
Board vote: 5
Action: **Adopted** Resolution #2010-17

Item 12
Language Changes to the CSEA Agreement

Clarifying language was added to the CSEA *Agreement* Article 11, Hours and Overtime and Article 14, Disciplinary Action.

M/S/C: **Casas Frier/Cheng**
Advisory vote: 2
Board vote: 5
Action: **Approved** the CSEA Clarification of Action changes

Item 13
Public Hearing on 2010-11 Budget

President Swenson opened the public hearing on the 2010-11 budget at 7:25.

Mike Brandy gave an overview of the development of the 2010-11 budget. Five goals were taken into consideration: 1) developing a balanced budget; 2) preserving student access and support services to the extent possible; 3) reserving funds for the Escrow II positions; 4) maintaining a stability fund to be used in case of mid-year cuts by the state; and 5) anticipating and planning for further reductions in 2011-12.

1. Balanced budget – The proposed budget for 2010-11 is balanced with about \$2.3 million in revenue over expense. Brandy said that should the state decide to make further reductions, the district could withstand up to a \$7 million cut and still make it through 2010-11; however, 2011-12 would be very challenging.
2. Preserving student access and support services to the extent possible – Even though we were forced to eliminate classes due to severe budget reductions, we were still able to serve over 1,100 unfunded full time equivalent students and maintain our level of service.
3. Reserving funds for the Escrow II positions - If the state does not make further reductions, the Escrow II positions will be reinstated into the budget as an ongoing expense rather than using one-time money.
4. Maintaining a stability fund – About \$7.7 million has been identified to remain in the stability fund which will be used should the state make further reductions in 2010-11 and 2011-12. Since the state still has not passed a budget, it is difficult to predict if this amount will be sufficient. Stability fund money can only be used as one-time funding.
5. Anticipating and Planning for 2011-12 - Anticipating and planning for the 2011-12 year is difficult because the state’s budget is still not balanced. Adding to the uncertainty is the inability to more closely estimate the cost of medical benefits which will be covered by one-time money the next 2 years. Although enrollment is strong this year, we cannot predict what the enrollment trends will be next year.

In answer to President Swenson’s question regarding the Escrow II positions, Brandy said if the state adopts a budget consistent with our assumptions, he recommends reinstating the Escrow II funds into the operating budget on an ongoing basis as soon as possible.

President Swenson expressed concern about the capacity issue at De Anza. What are we going to do to offer more classes? Brandy said discussions are just beginning about structuring uses of the parcel tax money and how it can be allocated in broad categories, including how many teachers we can hire and how many classified positions we can bring back. De Anza has been looking at spaces off site as well as looking closely at how they can utilize their facilities on Fridays and Saturdays.

President Swenson thanked Brandy for an excellent presentation.

President Swenson closed the hearing at 8:15.

Item 14
District Inter-Fund Borrowing Resolution

M/S/C: Barram/Bechtel

Advisory vote: 2

Board vote: 5

Action: **Adopted** Resolution #2010-15 authorizing the County of Santa Clara Treasurer to make temporary transfers from and between the District’s unrestricted funds for fiscal year 2010-11 and to honor warrants drawn on aggregate cash balance of all of the District’s unrestricted funds is positive and that such transfers will meet all legal and other requirements, including the requirements in Education Code Section 42603.

Item 15
Measure E Consent

M/S/C: Bechtel/Casas Frier

Advisory vote: 2

Board vote: 5

Action: **Approved/Ratified** items on the Measure E Consent calendar as follows:

A. *Title:* Change Order #01
Vendor: R. C. Benson & Sons, Inc.
Agreement Date: April 6, 2010
Campus: De Anza College
Project No.: 765-777A
Project Name: Minor Improvements
Amount: \$1,930.50
For: Construction changes for glazing color & type, and for additional door hardware: handle pulls

The total Change Orders to date represent 3.51% against the original contract amount. Funding is included in the current budget

Action: Ratification

B. *Title:* Revision #3 to Agreement
Vendor: Cody Anderson Wasney Architects, Inc.
Agreement Date: May 5, 2009
Campus: Foothill College
Project No.: 401
Project Name: New ETS/Data Center Building
Amount: \$78,330
For: Additional design services to upgrade the structure of the data center to “essential service” seismic performance, increasing its resistance to earthquake damage; to include structural design of the mechanical plant adjacent to the building; and to analyze options for redundancy of mechanical and electrical systems serving the data center.

The funding for this change is within the current budget.

Action: Ratification

C. *Title:* Revision #1 to Agreement
Vendor: Cody Anderson Wasney Architects, Inc.
Agreement Date: February 1, 2010
Campus: Foothill College
Project No.: 403
Project Name: District Office Building Renovation
Amount: \$36,074
For: Additional design services for upgraded

telecommunications and audiovisual systems in the District Board Room and Annex Building, and for design of improvements to the Annex building.

The funding for this change is within the current budget.

Action: Ratification

Item 16

Award a Contract Pursuant to Bid Document 1285-153 Campus Center Generator Room Airflow Redesign, Foothill College

M/S/C: Casas Frier/Barram

Advisory vote: 2

Board vote: 5

Action: **Authorized** the Director of Purchasing Services to award a contract pursuant to bid #1285-153 in the amount of \$67,300 to Kuehne Construction

Item 17

Measure C Consent

M/S/C: Barram/Bowie

Advisory vote: 2

Board vote: 5

Action: **Approved/Ratified** items on the Measure C Consent calendar as follows:

A. *Title:* Project Authorization Amendment #D10 to Master Agreement

Vendor: Allana Buick & Bers, Inc.

Agreement Date: October 9, 2008

Campus: De Anza College

Project No.: 227

Project Name: Window Replacement – Campus wide

Amount: \$62,050

For: Professional Services including: design, DSA approval, bid phase, construction administration, and closeout phase. The project includes replacement of windows in Buildings L1, Administration, and S3. The projects objective shall improve energy efficiency and thermal comfort for the occupants.

Funding for this project is available within the current project budget.

Action: Ratification

B. *Title:* Project Authorization Amendment #D06 – Revision #2 to Master Agreement

Vendor: Allana Buick & Bers, Inc.

Agreement Date: October 9, 2008

Campus: De Anza College

Project No.: 236C
Project Name: Repair Tile Roofs – Phase III – E2-E3 and Admin Building
Amount: \$22,645
For: Professional Services including: design, bid phase, construction administration, closeout phase, and construction monitoring. The revision to the agreement includes added scope to replace the flat roof on Building E2 with a single membrane system.

Funding for this project is available within the current project budget
Action: Approval

- C.** *Title:* Agreement for Services
Vendor: Cleary Consultants
Agreement Date: August 30, 2010
Campus: De Anza College
Project No.: 251
Project Name: Install Photovoltaic Arrays – Campus wide
Amount: \$7,600
For: Project 251C is for Parking Lots A & B. This Agreement is for Geotechnical investigation services necessary to support the development of a Schematic Design and for use in the preparation of an upcoming Request for Proposals.

Funding for this work is available within the current project budget.
Action: Ratification

- D.** *Title:* Revision #4 to Project Authorization Amendment #1-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: \$4,930
For: Additional construction administration services related to roofing and waterproofing.
Action: Ratification

- E.** *Title:* State – Scheduled Maintenance Funding
Vendor: Petersen Dean Commercial, Inc.
Agreement Date: March 16, 2010
Campus: De Anza College
Project No.: 273
Project Name: Roof and Trellis Repair – PE 1-2-6 and S7-8

Amount: \$0
For: Project Budget is \$1,245,919 and 2008-2009 State Schedule Maintenance Funding has been approved for this project. State Funding for this project shall include: 1) \$134,757 for trellis repairs; this funding does not require matching funds from the District or Measure C Funds, and, 2) \$190,050 for flat and tile roof replacement; requires 50% matching amount from Measure C funds. The contract value remaining is funded by Measure C.
Action: Information Only

F. *Title:* Revision #5 to Agreement
Vendor: Salas O'Brien Engineers
Agreement Date: September 9, 2008
Campus: De Anza College
Project No.: 241
Project Name: S2-S6 Phase II – Utility Master Plan – Phase I
Amount: \$11,000
For: Revise Agreement to allow Salas O'Brien Engineers to provide design for roof replacement of Building S6
Action: Approval

G. *Title:* Change Order #16
Vendor: S. J. Amoroso, Inc.
Agreement Date: July 10, 2009
Campus: De Anza College
Project No.: 241
Project Name: S2-S6 Phase II – Utility Master Plan – Phase I
Amount: \$78,863
For: Miscellaneous changes: PG&E Fees for Shutdown #4 above Allowance #3, re-attach conduits and plumbing at S2 & S6, revise point of mechanical connection at Autotech, revise Milestone #4 to July 9, 2010, and Milestone #4A to August 17, 2010, penetrations of acoustical wall at S2&S6, revise fence enclosure at TX6 & 6A, revise control valve at PE-2 & PE-6, revise escutcheon at utilidor manholes, revise hydronic piping riser at PE1, rework hydronic pipe in S2, hang existing light fixtures, up size feeders from panel H6 to chiller CH1, provide conduits for main at Autotech, terminate feeders at PGE transformer, provide temporary power during September shutdown

The total Change Orders to date represent 11.76 % against the original contract amount. Funding is included in the current budget.
Action: Approval

H. *Title:* Revision #1 to Master Agreement

Vendor: Allana, Buick & Bers, Inc.
Agreement Date: October 9, 2008
Campus: Foothill College and De Anza College
Project No.: Not Applicable
Project Name: Measure C foothill-De Anza community College District Projects
Amount: \$0
For: Revision Master Form of Agreement to allow Allana, Buick & Bers, inc. to include design services at Foothill College Campus in addition to De Anza College Campus.
Action: Approval

I. *Title:* Project Authorization Amendment #F01
Vendor: Allana, Buick & Bers, Inc.
Agreement Date: October 9, 2008
Campus: Foothill College
Project No.: 100
Project Name: Building 3500 Glulam and Gutter Repairs
Amount: \$28,020
For: Professional design services including: investigation, preparation of design documents, bid phase services, construction administration services, construction monitoring services, and closeout services for the repair of glulam beams and gutters on Building 3500 (Library). Construction monitoring services are included as an allowance to be used at the discretion of the District.

Funding for this project is available within the current project budget.
Action: Approval

J. *Title:* Professional Services
Vendor: Cleary Consultants, Inc.
Agreement Date: August 30, 2010
Campus: Foothill College
Project No.: 160
Project Name: Physical Education and Engineering Center
Amount: \$114,000
For: Geotechnical engineering services to include testing, inspection, providing recommendations to the design and construction teams, and supplementary reports for the Division of State Architect and California Geological Survey.
Action: Ratification

K. *Title:* Revision #3 to Project Authorization Amendment #F01
Vendor: Enovity, Inc.
Agreement Date: August 4, 2009

Campus: Foothill College
Project No.: 100
Project Name: Krause Center for Innovation – HVAC Upgrades
Amount: \$13,330
For: Added design services for replacement of the building automation system, and reimbursement of Division of State Architect fees.

Funding for this project is available within the current project budget.

Action: Approval

L. *Title:* Revision #4 to Project Authorization Amendment #F01
Vendor: Enovity, Inc.
Agreement Date: August 4, 2009
Campus: Foothill College
Project No.: 100
Project Name: Krause Center for Innovation – HVAC Upgrades
Amount: \$4,980
For: Added design services for elective interior finish upgrades to the Cyber Café, to be completed simultaneously with finish work required by the HVAC upgrade.

This portion of the project will be funded separately from Measure C.

Action: Approval

M. *Title:* Revision #3 to Project Authorization Amendment #F-HMC-#2B
Vendor: HMC Architects
Agreement Date: August 30, 2010
Campus: Foothill College
Project No.: 110
Project Name: Renovation of Language Arts Classrooms/Labs/Offices
Amount: \$20,750
For: Professional design services to revise the Division of State Architect-approved contract documents to include compatibility with a new Building Automation System. Services include BAS revisions, coordinating revised BAS specifications, and drawing revisions.

The funding for this change is within the current budget.

Action: Ratification

N. *Title:* Revision #3
Vendor: tBP Architects

Agreement Date: July 15, 2009
Campus: Foothill College
Project No.: 113/109
Project Name: Reconstruction of Stadium Bleachers & Press box/Physical Education
Amount: \$6,200
For: Additional design work to provide Building Management System integration and related metering in the buildings, to include added requirements by Division of the State Architect, and to make minor upgrades to interior finishes.
Action: Ratification

O. *Title:* Revision #2 to Professional Services
Vendor: Verde Design
Agreement Date: April 8 2008
Campus: Foothill College
Project No.: 142
Project Name: Soccer and Softball Complex
Amount: \$3,500
For: Additional construction administration services related to gathering samples and preparing color boards representing finish and product colors of the fields and the adjacent modular building.
Action: Ratification

P. *Title:* Change Order #6
Vendor: Zolman Construction and Development, Inc.
Agreement Date: August 3, 2010
Campus: Foothill College
Project No.: 112
Project Name: Modernization of Administration Building and General Classrooms
Amount: \$49,837
For: Architect-directed change to remove and replace a portion of redwood siding in the Administration Building, leading to a no-cost time extension for Building 1900 completion; Owner-directed change to provide new, code compliant raceways for fire alarm and outside plant fiber into building 1900.

Total for all project changes to date represent 5.26% of the original contract value.

The funding for this change is within the current budget.

Action: Ratification

Item 18

Award Lease-Leaseback Pre-construction Services Agreement for De Anza College Mediated Learning Center Project (Measure C)

M/S/C: Bechtel/Bowie
Advisory vote: 2
Board vote: 5
Action: **Authorized** the Director of District Purchasing Services to award the Preconstruction Services Agreement to Sundt Construction, Inc. in an amount not to exceed \$170,000

Item 19

Adopt a Resolution to Authorize a Validation Action for the Lease-Leaseback Project Delivery Method, RFQ/RFP 1263-261, Mediated Learning Center Project at De Anza College

M/S/C: Casas Frier/Russaw
Advisory vote: 2
Board vote: 5
Action: **Approved** the Facilities Lease, Site Lease, and Construction Provisions as to form and content, and **adopted** resolution #2010-16 authorizing the filing of a Validation action

Item 20

Authorization to Award Contract Pursuant to Bid 1266A for the De Anza College ATC 112 Television Studio Upgrade

M/S/C: Barram/Russaw
Advisory vote: 2
Board vote: 5
Action: **Authorized** the Director of Purchasing Services to award a contract pursuant to Bid 1266A in the amount of \$584,157.55 to Advance Systems Group

Item 21

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

Trustee Bechtel recused herself from the meeting during discussion of this item. After discussion and a question from Trustee Casas Frier regarding the description of the payments, this item was tabled to the next meeting on September 13.

Item 5

Bookstore (Foothill & De Anza) Purchases

Trustee Barram recused herself from the meeting during discussion of this item.

M/S/C: Bechtel/Casas Frier
Advisory vote: 2
Board vote: 5
Action: **Ratified** the bookstore purchases as presented

ADJOURNMENT

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