



**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT  
BOARD OF TRUSTEES  
CORRECTED MINUTES  
REGULAR MEETING  
SEPTEMBER 10, 2012**

**Trustees Present:**

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

**For Public Session Only:**

Vincent Mendoza, De Anza College Student Trustee  
Antonia Zavala, Foothill College Student Trustee

CLOSED SESSION

The Board convened in closed session at 5:00 p.m. in the Chancellor's Office to discuss:

CLOSED SESSION PURSUANT TO EDUCATION CODE SECTION 72122 TO CONSIDER AND TAKE ACTION ON STUDENT APPEAL OF DISCIPLINE

**Executive Administrators Present:**

Charles Allen, Executive Director, Facilities, Operations and Construction Management  
Kevin McElroy, Vice Chancellor, Business Services  
Joe Moreau, Vice Chancellor, Technology  
Judy Miner President, Foothill College  
Christina Espinosa-Pieb, Acting President, De Anza College  
Dorene Novotny, Vice Chancellor, Human Resources and Equal Opportunity  
Linda Thor, Chancellor

CONFERENCE WITH LABOR NEGOTIATOR

**Executive Administrators Present:**

Charles Allen, Executive Director, Facilities, Operations and Construction Management  
Kevin McElroy, Vice Chancellor, Business Services  
Joe Moreau, Vice Chancellor, Technology  
Judy Miner President, Foothill College  
Christina Espinosa-Pieb, Acting President, De Anza College  
Dorene Novotny, Vice Chancellor, Human Resources and Equal Opportunity  
Linda Thor, Chancellor

CALL TO ORDER

President Barram called the meeting to order at 6:10 p.m. She led those present in the Pledge of Allegiance.

REPORTING OUT FROM CLOSED SESSION

President Barram reported that the board had reviewed a student disciplinary action in closed session. She then called for a motion on the disciplinary action.

**CONSIDERATION AND ACTION ON STUDENT APPEAL OF DISCIPLINARY ACTION**

**M/S/C: Cheng/Swenson**  
**Advisory vote: 0**

**Board vote:** 5  
**Abstentions:** 2 (Mendoza, Zavala)  
**Action:** **Sustained** administration's recommendation to expel a student

## HEARINGS: ITEMS NOT ON THE AGENDA

### Staff

#### Foothill College President Judy Miner

President Miner reported news from instructor Karl Knopf that six graduates of Foothill's adaptive fitness program have been hired by Stanford University's health promotion program. She noted that Foothill College has received a substantial bequest from the late Dorothy Jene Bray, who specified the funds be used for college priorities, student services or counseling. Because of the high need in counseling, President Miner said she was allocating \$30,000 immediately to hire part-time counselors.

#### De Anza College President Brian Murphy

President Murphy spoke about a LEAD! student who was accepted for transfer to Santa Clara University who subsequently discovered she had inadequate financial aid, and described efforts the college was making on her behalf.

#### Chancellor Linda Thor

Chancellor Thor reported that she and Trustee Laura Casas Frier attended an Education Leaders Summit sponsored by the Silicon Valley Leadership Group (SVLG) on Sept. 5, where she moderated a panel on business perspectives on 21<sup>st</sup> Century Learning. She noted that earlier today she and Trustee Betsy Bechtel had attended an SVLG-sponsored roundtable at Google with U.S. Under Secretary of Education Martha Kanter, focusing on the Trade Adjustment Assistance Community College and Career Training Grants Program. Tomorrow, she said, she and the chancellor of UC Santa Cruz were hosting a meeting at Foothill College of 25 higher education CEOs from around the Bay Area to discuss the federal higher education agenda with Dr. Kanter. She invited trustees to attend District Opening Day events Sept. 20.

### Board

#### Foothill Student Trustee Antonia Zavala

Student Trustee Zavala reported on her recent interactions with international students and the student government's plans to bring U.S. Representative Anna Eshoo to speak at the Foothill campus.

#### De Anza Student Trustee Vincent Mendoza

Student Trustee Mendoza reported on a recent two-day training program held for 18 new Latina/o Empowerment at De Anza (LEAD!) program mentors.

#### Trustee Laura Casas Frier

Trustee Casas Frier reported that she had invited the student trustees to get voter registration training only to discover that they already are trained and doing excellent work to encourage students to vote.

#### Trustee Bruce Swenson

Trustee Swenson noted that Student Trustee Zavala seems to have caught the political bug. In addition to serving as a trustee, he said, she is working on the political campaign for a Palo Alto City Council candidate.

#### Trustee Betsy Bechtel

Trustee Bechtel reported on the recent visit to Silicon Valley of Under Secretary Kanter and Hal Plotkin, a former Foothill-De Anza trustee who is now one of her senior aides. In that capacity, he was instrumental in drafting the Trade Adjustment Assistance Community College and Career Training Grants Program. She requested distribution to the board of a recent article about a research study

following students from the Yes Prep Public Schools in Houston. She said the study found that those students who have the most grit are the ones who persist to earn an associate degree.

#### FOUNDATION BOARD REPORT

Trustee Bruce Swenson reported on a recent Foothill-De Anza Foundation board meeting that he and Trustee Pearl Cheng attended. He said the foundation announced it had substantially exceeded its goal of raising \$4.4 million for the 2011-12 fiscal year. The foundation is working on revisions to its mission statement, developing guiding principles and strategizing about how to strengthen alumni relationships. Working with the chancellor, the foundation has set its sights on an ambitious fundraising goal of raising \$100 million by 2020. The foundation board authorized the donation of \$5,900 in foundation funds to the Proposition 30 campaign. Both Trustee Swenson and Chancellor Thor commented on the good energy and ideas coming from the foundation board and its commitment to making the Foothill-De Anza Foundation a model foundation.

#### APPROVAL OF CONSENT CALENDAR

Student Trustee Vincent Mendoza asked that Item 3, Recycle and Dispose of Unusable Surplus Furniture, be removed from the consent calendar for separate discussion.

**M/S/C:** Swenson/Cheng  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** items 1- 7 on the Consent Calendar as follows:

**Item 1** – **Approved/Ratified** Contracts and Agreements

**Item 2** – **Approved** Renewal of Contract with Capture Technologies

**Item 4** – **Approved** Sale of Miscellaneous District Surplus Equipment

**Item 5** – **Approved** Sale of Miscellaneous Surplus Electronic Equipment

**Item 6** – **Approved** Human Resources Report

**Item 7** – **Approved** Independent Contractor Agreement with Richard Henning

#### **Item 3**

##### **Recycle and Dispose of Unusable Surplus Furniture**

Responding to Trustee Mendoza’s question about the board policy on donating furniture, Vice Chancellor Kevin McEloy said surplus items determined to still have value typically are put up for auction. Trustee Betsy Bechtel suggested that if a particular non-profit agency needs furniture donations, that agency could contact the district’s purchasing department. She said the district has made such donations to public agencies and non-profits in the past.

**M/S/C:** Mendoza/Swenson  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** item 3, Recycle and Dispose of Unusable Surplus Furniture

#### **Item 8**

##### **Resolution in Opposition to Proposition 32: Prohibition on Political Contributions by Payroll Deduction and on Contributions to Candidates**

Chancellor Thor reported that the resolution before the board was put forward by the Community College League of California, and noted that the district’s Faculty Association also opposes Proposition 32. If the initiative passes, she said, unions in the district could not collect funds through

payroll deduction and subsequently use those funds to support passage of future district parcel tax or general obligation bond measures. Trustee Betsy Bechtel noted that the League of Women Voters has come out strongly against Proposition 32, which she said appears to be a voter reform but puts restrictions on only one group of people.

**M/S/C:** Bechtel/Casas Frier  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Adopted** Resolution #2012-42 in opposition to Proposition 32:  
Prohibition on Political Contributions by Payroll Deduction and on  
Contributions to Candidates

### **Item 9**

#### **Impact of Propositions 30 and 38 on Foothill-De Anza Community College District**

Trustee Laura Casas Frier noted that the main difference between the two measures is that Proposition 30 supports all sectors of education, including higher education, while Prop. 38 would help K-12 schools but not higher education. Trustee Bechtel commented that Proposition 38 would result in a reduction of Prop. 98 base funding of \$338.6 million in the first year, and at least that much in years beyond, while Proposition 30 would increase the base by \$209.9 million. Board President Barram noted that the 2012-13 state budget assumes passage of Proposition 30, while the district's 2012-13 budget assumes its failure, and the imposition of \$9.4 million in mid-year budget cuts. Trustee Pearl Cheng noted that another difference between the two measures is that Proposition 38 funds early childhood education.

### **Item 10**

#### **Resolution Authorizing the Reduction in Classified Service**

**M/S/C:** Swenson/Zavala  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Adopted** Resolution #2012-41 authorizing the reduction in classified service as follows:

Program Coordinator I, De Anza College

### **Item 11**

#### **Adoption of 2012-13 Budget**

Vice Chancellor Kevin McElroy noted that the 2012-13 budget is based on a "worst-case" scenario that includes mid-year budget cuts if Proposition 30 fails, as advised by the California Community Colleges Chancellor's Office. He affirmed President Joan Barram's observation that the colleges have built their course schedules assuming the measure will pass to assure they would have the capacity to move forward with full enrollment. But he added that the winter and spring schedules would have to be revisited if the measure fails.

**M/S/C:** Swenson/Mendoza  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Adopted** the 2012-13 budget as presented

### **Item 12**

#### **Measure E Consent**

**M/S/C:** Bechtel/Casas Frier  
**Advisory vote:** 2

**Board vote:** 5  
**Action:** **Approved** item A on the Measure E Consent Calendar as follows:

**De Anza College –**

A) Ashron Construction and Restoration, Inc. – Change Order #1 – Stelling Parking Renovation - \$24,240

**Item 13**

**Measure C Consent**

**M/S/C:** Swenson/Casas Frier  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** items A – F on the Measure C Consent Calendar as follows:

**De Anza College –**

- A) Sundt Construction, Inc. – Change Order #17 – Media Learning Center - \$31,821
- B) SunPower, Inc. – Change Order #3 – Lots A & B and Kirsch PVS - \$93,458
- C) Simpson Gumpertz & Heger – Revision #2 to Agreement – Flint Parking Structure Repairs - \$13,000

**Foothill College –**

- D) Hathaway Dinwiddie Construction Company – Change Order #12 – Physical Sciences and Engineering Center - \$163,143
- E) Taber Construction, Inc. – Change Order #3 – Central Campus Site Improvements - \$17,023
- F) WRNS Studio – Project Authorization Amendment #F-WRNS-05 – Fine Arts Scene Shop - \$298,66

**Item 14**

**Measure C Project List Revision with Foothill Budget Transfer #35, De Anza Budget Transfer #34 and District/Central Services Budget Transfer #14**

**M/S/C:** Casas Frier/Mendoza  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** Measure C Project List Revision with Foothill Budget Transfer #35, De Anza Budget Transfer #34 and District/Central Services Budget Transfer #14

**Item 15**

**Award Lease-Leaseback Preconstruction Services Agreement for Educational Center Project**  
Executive Director Charles Allen introduced Mike Castillo, Northern California senior vice president of C.W. Driver, who expressed enthusiasm for the project and gave a brief overview of his company. Responding to questions from trustees about timing issues, Director Allen said he is confident the Onizuka redevelopment plan will be approved. He said the district will benefit from having a contractor on board as the architectural firm prepares detailed design documents and to assist with preparing demolition documents. This way, the district will be prepared to move forward as soon as the federal government conveys the property. He said that all the major environmental studies for the base redevelopment plan have been completed. He said the biggest unknown at this point are the demolition costs, which is why the district wanted to bring in an expert like C.W. Driver.

**M/S/C:** Casas Frier/Bechtel

**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** C.W. Driver as the Lease-Leaseback contractor for the Educational Center project and **authorized** the Director of Purchasing Services to finalize and award a Preconstruction Services Agreement for the project to C. W. Driver

**Item 16**

**Foothill College Project #144 Central Campus Site Improvements: Taber Construction Change Order #4 - \$93,000**

**M/S/C:** **Mendoza/Zavala**  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Ratified** Taber Construction's Change Order #4 in the amount of \$93,000

**Item 17**

**Foothill College Project #144 Central Campus Site Improvements: Taber Construction Change Order #5 - \$140,000**

**M/S/C:** **Bechtel/Zavala**  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** Taber Construction's Change Order #5 in the amount of \$140,000

**ADJOURNMENT**

President Barram adjourned the meeting at 7:06 p.m.

Approved 12/10/12



---

Chancellor and Secretary to  
the Board of Trustees