



**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
MINUTES
REGULAR MEETING
October 7, 2013**

Trustees Present:

Betsy Bechtel, President
Joan Barram
Pearl Cheng
Laura Casas
Anita Adams, De Anza College Student Trustee
Alex Baker, Foothill College Student Trustee

Absent:

Bruce Swenson

REGULAR MEETING

CALL TO ORDER

President Bechtel called the public session of the regular meeting of the Board of Trustees to order at 6:00 p.m. and led those present in the Pledge of Allegiance.

APPROVAL OF MINUTES

M/S/C: Casas/Barram
Advisory vote: 2
Board vote: 4
Absent: 1 (Swenson)
Action: **Approved** the minutes of the September 9, 2013, meeting

HEARINGS: ITEMS NOT ON THE AGENDA

Staff

Dental hygiene instructor Ken Horowitz thanked the governing board for the modest pay raise included for approval on the agenda but said that it is not enough to attract and retain employees in the most expensive area in the state. He expressed appreciation to President Bechtel for her district Opening Day remarks in support of employees and voiced concern about the increasing costs of health benefits.

De Anza College Academic Senate President Mayra Cruz reported that the senate plans to focus on the following issues in the new year: equity and equity plans, implementation of Senate Bill 1440 concerning transfer degrees, part-time issues, Student Success Act implementation, and comprehensive program review.

De Anza College President Brian Murphy expressed excitement about students returning for the fall quarter, thanked faculty members for getting students off waiting lists and into classes, and credited marketing efforts for helping to stabilize enrollment numbers.

Acting Chancellor and Foothill College President Judy Miner announced that Chancellor Linda Thor was in Washington, DC, participating as one of only two community college leaders in the American Council on Education's Presidential Innovation Lab. She reported that Foothill College's Sustainable Learning Community

was a runner up for the Association for the Advancement of Sustainability in Higher Education's Campus Sustainability Case Study Award and the Silicon Valley Business Journal named Foothill College's Physical Sciences and Engineering Center the Best Green Project/Most Innovative Design (public) for 2013.

Executive Director of the Foothill-De Anza Foundation Sheryl Alexander distributed a newly developed brochure that provides an overview of the good work of both colleges through stories told by students, faculty, and members of the Foundation Board of Directors. She thanked the governing board for allowing her to serve the district Foundation for the last two years and praised the work of all involved in community colleges. President Bechtel thanked Executive Director Alexander for her work and encouraged trustees to use the new brochures to assist in the Foundation's fundraising efforts.

Faculty Association President Richard Hansen acknowledged the concerns expressed by Ken Horowitz regarding rising medical benefits costs but argued that the faculty salary increase, which resulted from a Faculty Association proposal, is reasonable. He thanked the administration and governing board for accepting the proposal and expressed optimism that budgets would continue to improve, but also spoke of the challenges the district and the community college system face due to changing demographics.

Board

Trustee Laura Casas provided information regarding the most recent California Community Colleges Trustees meeting. She stated that discussions involved budget and legislation, the importance of advocacy, the need for more trustee participation on accreditation teams, and a proposal to restructure trustee representation at the state level.

Student trustee Anita Adams reported that the De Anza Associated Student Body (DASB) Senate voted to oppose Assembly Bill 955, which would allow six community college districts to participate in a pilot program to create self-supporting extension programs offering credit courses during summer and winter intersessions.

Student trustee Alex Baker commented that the Associated Students of Foothill College are working on marketing efforts to keep students informed of issues and a get-out-the-vote campaign.

President Betsy Bechtel praised the choice of Mark Milliron as district Opening Day keynote speaker.

AUDIT AND FINANCE COMMITTEE REPORT

Vice Chancellor of Business Services Kevin McElroy reported that at the September 12, 2013, meeting, the Audit and Finance Committee reviewed Measure E and C projects quarterly reports, Measure C performance metrics, and the 2013-2014 adopted budget. He noted that the committee heard a report from Geoff Kischuk of Total Compensation Systems, Inc. who advised that the district is on target with its 2013-2014 contribution of \$1.5 million to fund other post-employment benefits (OPEB) obligations and was given an update regarding the 2012-2013 audit process by Terri Montgomery of Vavrinek, Trine, Day & Co., LLP. Vice Chancellor McElroy indicated that the committee engaged in a lengthy discussion of whether it would be appropriate to raise the required level of the district's general fund reserves beyond the five percent mandated by the state. He noted that trustee Bruce Swenson plans to discuss the matter at a future Board of Trustees meeting.

APPROVAL OF CONSENT CALENDAR

Trustee Bechtel asked that item 3, Parking and Traffic Regulations, be removed from the consent agenda and considered separately. Student trustee Adams requested removal and separate consideration of item 14, On-Site Branch Bank Lease Agreement with US Bank and Foothill-De Anza Community College District.

M/S/C: Cheng/Casas

Advisory vote: 2

Board vote: 4

Absent: 1 (Swenson)

Action: **Approved/ratified** items 1-2 and 4-13 on the Consent Calendar as follows:

Item 1 – **Ratified** contracts and agreements

Item 2 – **Ratified** board warrants greater than \$5,000 for July and August 2013

Item 4 – **Authorized** the Director of Purchasing Services to arrange for the sale, donation, recycling, or disposal of the furniture in accordance with the procedures set forth in Education Code sections 81450-81460

Item 5 – **Approved** the Human Resources Report with corrections to page one to reflect retirement under Article 19 of Jeffrey Forman, Catherine Kornegay, and Karl Peter

Item 6 – **Approved** the 2013-2014 compensation agreement with the Administrative Management Association

Item 7 - **Approved** the 2013-2014 compensation settlement with the Association of Classified Employees

Item 8 - **Approved** the 2013-2014 compensation settlement with the California School Employee Association, Chapter 96

Item 9 - **Approved** the 2013-2014 compensation agreement with the Confidential group

Item 10 - **Approved** the 2013-2014 compensation settlement with the Faculty Association

Item 11 - **Approved** the 2013-2014 compensation settlement with the Operating Engineers, Local 3

Item 12 - **Approved** the 2013-2014 compensation settlement with the Teamsters, Local 287

Item 13 - **Approved/ratified** two-year facilities rental contracts with DA Tennis Academy, DA Youth Soccer, and West Valley Basketball

Item 3

Parking and Traffic Regulations

Contending that bicycle commuting should be encouraged and that the colleges do not have a sufficient number of bicycle racks available, President Bechtel objected to Section 6.30, Parking of Bicycles, which permits officers to cite bicyclists who lock their bicycles to trees, poles, and other objects and permits removal of bicycles “by any means necessary.” District Chief of Police Ron Levine explained that the section is a part of currently approved regulations. He advised that although violators are rarely cited, the provision is necessary to provide authority to officers to remove a bicycle that is causing a health or safety concern.

Vice Chancellor McElroy agreed to review the section further. He asked the governing board to approve the revised Parking and Traffic Regulations, substituting a temporary regulation that gives officers the authority to remove a bicycle in the event of an emergency for current Section 6.30, Parking of Bicycles.

M/S/C: Bechtel/Barram
Advisory vote: 2
Board vote: 0
Absent: 1 (Swenson)
Action: **Approved** revised Parking and Traffic Regulations and substituted a temporary regulation that gives District Police Department officers the authority to remove a bicycle in the event of an emergency for Section 6.30, Parking of Bicycles

Item 14

On-Site Branch Bank Lease Agreement with U.S. Bank National Association and Foothill-De Anza Community College District

Student trustee Adams questioned why the financial literacy workshops mentioned in the narrative are not addressed in the agreement. Vice Chancellor McElroy explained that the agreement is for the lease of facilities, while the workshops are part of a more informal partnership with the bank. De Anza College Vice President of Finance and Educational Resources Letha Jeanpierre added that reference checks conducted with colleges that currently house an on-site branch provided reassurance that the bank follows through on its promises. President Bechtel suggested that it would be preferable to get the bank’s commitment to holding workshops and providing free checking accounts to students in writing. President Murphy noted that a faculty member has developed financial literacy curriculum and that promoting such is also part of the new Financial Aid Director’s goals.

In response to student trustee Adams’ question concerning whether the bank guaranteed access to free checking accounts to students who have low credit scores or previously bounced checks, Vice President Jeanpierre indicated that she had not heard of any limitations. President Murphy explained that federal law prevents the bank from offering accounts to undocumented students.

M/S/C: Cheng/Casas
Advisory vote: 1 (Baker)
Board vote: 0
Abstention: 1 (Adams)
Absent: 1 (Swenson)
Action: **Approved/ratified** the U.S. Bank National Association on-site branch bank lease agreement for five years with an option for two, two-year contract extensions

Item 15

Resolution Authorizing Trustee Absence for Anita Adams

M/S/C: Barram/Cheng
Advisory vote: 0
Board vote: 4
Absent: 1 (Swenson)
Abstentions: 2 (Adams and Baker)
Action: **Approved** the resolution authorizing student trustee Adams’ absence from the September 9, 2013, Board of Trustees meeting

Item 16

De Anza College Accreditation Follow-Up Report

In response to questions from President Bechtel, President Murphy explained that in preparing the report, the college sought advice from Accrediting Commission for Community and Junior Colleges staff, conducted an extensive study of the mission statements of other California community colleges and ACCJC recommendations

concerning such, and worked to remain within the bounds of established planning processes and a commitment to shared governance.

M/S/C: Barram/Cheng
Advisory vote: 2
Board vote: 4
Absent: 1 (Swenson)
Action: **Approved** De Anza College's accreditation Follow-Up Report

Item 17
Resolution Authorizing the Reduction in Classified Service

M/S/C: Casas/Cheng
Advisory vote: 2
Board vote: 4
Absent: 1 (Swenson)
Action: **Approved** the resolution authorizing the reduction in Classified service

Item 18
Microsoft Campus Agreement Renewal

M/S/C: Barram/Adams
Advisory vote: 2
Board vote: 4
Absent: 1 (Swenson)
Action: **Approved** the purchase of the Microsoft Campus Agreement from ComputerLand of Silicon Valley for the amount of \$84,195.00

Item 19
Authorization to Award Contract Pursuant to Invitation to Bid #1651 for Telephone Maintenance and Support

M/S/C: Casas/Barram
Advisory vote: 2
Board vote: 4
Absent: 1 (Swenson)
Action: **Rejected** the bid submitted by American Telecom Services, LLC as non-responsive and **authorized** the Director of Purchasing Services to execute an agreement with Altura Communications Solutions not to exceed \$98,795.00 in accordance with Invitation to Bid #1651 contract prices, terms, and conditions for a one-year term effective November 1, 2013, with an option to renew for up to four additional one-year periods

Item 20
Measure C Citizens' Bond Oversight Committee Membership

Vice Chancellor McElroy provided information about upcoming vacancies on the Measure C Citizens' Bond Oversight Committee. President Bechtel asked that trustees reach out to anyone who might be interested in applying, and trustee Barram indicated that she would speak to the Sunnyvale Chamber of Commerce about potential candidates.

Item 21

Measure E Consent

M/S/C: Barram/Cheng
Advisory vote: 2
Board vote: 4
Absent: 1 (Swenson)
Action: Ratified/approved Measure E consent items A - D as follows:

Central Services Measure E Consent

- A) Calstate Construction – Change Order #2 - District Office Building - \$7,165
- B) Quali-Con – Agreement for Services – District Office Building - \$98,000
- C) Seachange, Inc. – Agreement for Services – District Office Building - \$18,150

Foothill College Measure E Consent

- D) Stephen Pond – Change Order #2 – Lower Campus Center - \$10,000

Item 22

Award a contract pursuant to Bid #1348-420R District Office Building Renovation - \$2,938,000

M/S/C: Barram/Baker
Advisory vote: 2
Board vote: 4
Absent: 1 (Swenson)
Action: **Authorized** the Director of Purchasing Services to award a contract pursuant to Bid Document #1348-420R, in the amount of \$2,938,000 to Alten Construction, Inc.

Item 23

Measure C Consent

Executive Director of Facilities, Operations, and Construction Management Charles Allen noted that the background and analysis section of item 23.J., Nema Construction – Change Order #2 – Fine Arts Scene Shop - \$2,426, incorrectly indicated that the change order is for reimbursement of permit fees, rather than for unforeseen underground conditions not included in allowance #2. He advised that the attachment includes the correct information.

M/S/C: Adams/Barram
Advisory vote: 2
Board vote: 4
Absent: 1 (Swenson)
Action: Ratified/approved Measure C consent items A - Q as follows:

Central Services Measure C Consent

- A) URS Corporation Americas – Change Order #1 – Property Acquisition - \$9,598

De Anza College Measure C Consent

- B) Quali-Con Enterprise, Inc. – Revision #01 to Agreement for Services – Media & Learning Center - \$0 – Time Extension Only
- C) Guerra – Prime Contract Change Order #2 – Combined Site Improvements Phase II - \$29,034
- D) Swenson Associates – Prime Contract Change Order #9-Final – Corporation Yard - \$364.00
- E) Cleary – Revision #1 to Agreement for Services – Combined Site Improvements Phase II - \$10,000

F) Sundt – Prime Contract Change Order #6 – ATC - \$49,532

Foothill College Measure C Consent

- G) ER Brothers – Change Order #1 – Repair and Upgrade Miscellaneous Projects - \$2,030
- H) HMC Architects – Revision #7 – Modernization of Learning Support Center, Biology and General Classrooms - \$28,200
- I) Lucas Parking – Independent Contractor Agreement – Parking and Circulation, Phase 2 - \$25,256.70
- J) NEMA Construction – Change Order #2 – Fine Arts Scene Shop - \$2,426
- K) OC Jones & Sons, Inc. – Change Order #2 – Parking and Circulation Phase 2 - \$107,879
- L) Ratcliff Architects – Revision #2 – Print Shop and Plant Services - \$11,000
- M) Ratcliff Architects – Revision #19 – Physical Sciences and Engineering Center - \$3,800
- N) Ratcliff Architects – Revision #3 – Library & ISC - \$31,000
- O) SJ Amoroso Construction – Change Order #5 – Modernization of Learning Support Center, Biology, and General Classrooms - \$112,995
- P) Structure Consultants, Inc. – Change Order #1 – Parking and Circulation Phase 2 - \$44,475
- Q) Structure Materials Group – Change Order #1 – Parking and Circulation Phase 2 - \$37,175

Item 24

Measure C Project List Revision with Foothill Budget Transfer #41 and De Anza Budget Transfer #39

M/S/C: Casas/Barram
Advisory vote: 2
Board vote: 4
Absent: 1 (Swenson)
Action: **Approved** the Bond Project List Revision with Foothill Budget Transfer #41 and De Anza Budget Transfer #39

Item 25

Prequalification of C-10 Electrical Contractors for the Fire Alarm System Replacement Project, Phase III at Foothill College (Prequalification #1638-174)

M/S/C: Barram/Adams
Advisory vote: 2
Board vote: 4
Absent: 1 (Swenson)
Action: **Canceled** Prequalification #1638-174, Fire Alarm System Replacement Phase III

Item 26

Award a contract pursuant to Invitation to Bid #1474 – Nursing Patient Simulation System - \$106,643.35

M/S/C: Barram/Casas
Advisory vote: 2
Board vote: 4
Absent: 1 (Swenson)
Action: **Authorized** the Director of Purchasing Services to issue a purchase order to CAE Healthcare in the amount of \$106,643.35 in accordance with Invitation to Bid #1474

Item 27

Award a contract pursuant to Invitation to Bid #1473 – Audio/Video System for the Nursing Patient Simulation System - \$102,036.62

M/S/C: Adams/Cheng

Advisory vote: 2

Board vote: 4

Absent: 1 (Swenson)

Action: **Authorized** the Director of Purchasing Services to issue a purchase order to Signal Perfection Limited in the amount of \$102,036.62 in accordance with Invitation to Bid #1473

ADJOURNMENT

President Bechtel adjourned the meeting at 7:14 p.m.



Chancellor and Secretary to
the Board of Trustees

Approved 11/4/13