



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
MINUTES
REGULAR MEETING
December 6, 2010

CLOSED SESSION

The Board immediately adjourned into closed session in the Student Council Chambers with the individuals listed below to discuss:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9)

Number of Potential Cases: 1

Executive Administrators Present:

Charles Allen, Executive Director of Facilities, Operations and Construction Management
Kevin McElroy, 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
Linda Thor, Chancellor

Legal Counsel:

Phil Jaret

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
Kevin McElroy, 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 EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Executive Administrators Present:

Charles Allen, Executive Director of Facilities, Operations and Construction Management
Kevin McElroy, 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

CONFERENCE WITH PROPERTY NEGOTIATIONS

Property: 4000 Middlefield Road, Palo Alto, CA 94303

Executive Administrators Present:

Charles Allen, Executive Director of Facilities, Operations and Construction Management
Kevin McElroy, 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

CALL TO ORDER

President Bruce Swenson called the meeting to order at 6:05 p.m. He led those present in the Pledge of Allegiance.

Trustees Present:

Bruce Swenson, President
Joan Barram
Betsy Bechtel
Pearl Cheng
Laura Casas Frier
Etienne Bowie, Foothill College Student Trustee
Thomasina Countess Russaw, De Anza College Student Trustee

REPORTING OUT FROM CLOSED SESSION

President Swenson reported that in closed session the board took the following actions:

1. Affirmed and ratified the suspension of an employee in an accountant position.
2. Considered two potential litigation items with S.J. Amoroso Construction of Foster City for work related to construction of the Foothill College Lower Campus Complex. After review, the board approved the following:
 - a. Change order #74 that includes payment to S.J. Amoroso in the amount of \$162,500 for additional costs and a one hundred and fourteen day extension of the performance period for the work from August 8, 2007 to November 30, 2007.
 - b. A settlement agreement that was negotiated between District representatives, S.J. Amoroso Construction and Critchfield Mechanical Inc. at mediation on December 2, 2010. The monetary settlement is \$185,000 payable to S.J. Amoroso for additional costs incurred by Critchfield Mechanical and payable to Critchfield Mechanical for plumbing work on the project.

At this time President Swenson announced that trustee Laura Casas Frier has been appointed to a very prestigious position at the state level as a member of the board of the California Community Colleges Trustees.

ANNUAL ORGANIZATION MEETING

As outgoing president Swenson expressed pleasure of serving as board president for the past year and called for election of board president and board vice president.

M/S/C: Swenson/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: elected trustee Cheng as Board President

M/S/C: Swenson/Cheng
Advisory vote: 2 yes
Board vote: unanimous
Action: elected trustee Barram as Board Vice President

In accordance with Board Policy 9120, the Chancellor is automatically designated as Board Secretary.

Chancellor Thor presented outgoing President Swenson with a certificate of appreciation and thanked him for his leadership during a very challenging year. She commended Swenson on his leadership and dedication and thanked him for mentoring her during her first year as chancellor.

Upon her acceptance as board president, Cheng said Foothill-De Anza is a wonderful institution with terrific faculty, staff, students, and community members. She looks forward to working as a team to keep the district moving forward.

Committee Appointments

President Cheng made the following committee appointments.

Betsy Bechtel, Chairperson, Audit & Finance Committee
Joan Barram, Member, Audit & Finance Committee
Laura Casas Frier, Member, Foothill-De Anza Colleges Foundation
Bruce Swenson, Member, Foothill-De Anza Colleges Foundation
Joan Barram, Member, Trustee Scholarship Interview Committee
Bruce Swenson, Member, Trustee Scholarship Interview Committee

APPROVAL OF MINUTES

M/S/C: Bechtel/Bowie
Advisory vote: 2
Board vote: unanimous
Action: Approved the minutes of November 1, 2010

CORRESPONDENCE

Trustee Swenson read a note from former founding trustee Mary Levine thanking the board for presenting her with a commemorative plaque at commencement. Ms. Levine also extended greetings to all in the Foothill-De Anza district.

HEARINGS: ITEMS NOT ON THE AGENDA

President Cheng announced that the board is not able to discuss or take action on items not on the agenda and that staff would later respond to requests for information.

Public

There were none.

Students

Students from a De Anza Political Science class addressed the board. Matthew O'Brien asked about the availability of bond funds to improve athletic fields at De Anza to reduce the number of injuries. Steve Eliopoulos asked that if the district seeks another parcel tax, the amount be reduced to increase the possibility of passage. Joann Pham spoke of the benefits of the Cooperative Ed program that was eliminated due to budget constraints. Pham feels the Academic Skills Center could be improved.

Staff

Lisa Markus, Jordana Finnegan, Anne Argyriou, Alex Giardino, and Karen Chow addressed the board asking them to consider funding a post-retirement health care benefits program for those hired after 1997 thereby eliminating the "two-tier" benefits system. At that time the district eliminated lifetime health benefits for post 1997 employees because of budget constraints. The speakers expressed a possible hardship in meeting the rising costs of health care programs when they retire.

Gregory Anderson, President of the De Anza Academic Senate and director of the College Readiness Program, brought Mary Browning's retirement to the board's attention. Mary has been with the district since 1986 and is currently supervisor of De Anza's Student Success Center. Anderson spoke of Mary's dedication to and support of recently displaced employees, many of whom have been placed in full-time positions. Because of her guidance and support, some have been able to avoid becoming homeless.

Foothill Academic Senate President Dolores Davison announced that math instructor Marc Knobel was awarded an excellence-in-teaching award from the Council of Mathematics of California Community Colleges (CMC3) and physics instructor Andrew Fraknoi was named "Hubble Top Star" by NASA for astronomy lab activities he created that tell the history of stars through observations of the Hubble space telescope.

Foothill President Judy Miner reported that Foothill's women's soccer, water polo, and volleyball teams have won conference championships and that the men's football team won the Silicon Valley Bowl. Miner also reported that 19 of Foothill's scholar-athletes have been offered scholarships to four-year colleges. Miner said that Associate Vice President Denise Swett will be recognized by Mountain View-Los Altos High School District for developing outstanding collaborative partnerships and invited trustees to attend the meeting in support of Swett.

De Anza President Brian Murphy announced that the De Anza football team won the conference championship and played in the division bowl game.

Chancellor Thor congratulated President Miner who will be going to the White House on January 5 to attend an invitation-only planning meeting for a study to be undertaken by the President's Council of Advisors on Science and Technology. The study will make recommendations to

President Obama on how to enhance science, technology, engineering, and mathematics education from a student's transition from high school through a technical, community college or bachelor's degree in order to create a STEM capable workforce. Miner will assist in developing a plan of action for this important study.

Chancellor Thor recently attended the WICHE Cooperative Educational Technologies annual conference where Foothill's Dean of Technology and Innovation Judy Baker and faculty member Una Daly, who serve as Executive Director and Associate Director respectively, of the Community College Open Textbook Collaborative, accepted the WOW Award. The prestigious award, given to only 4 recipients in the nation this year, recognizes innovative use of technology in higher education.

In November Thor attended the CCLC's annual conference where she participated in a session reviewing parcel tax elections. Panel participants were David Casnocha, Charles Heath, and Brian Godbe.

Thor was also honored to be the keynote speaker at the 28th annual Los Altos-Los Altos Hills Joint Community Volunteer Services Awards luncheon where 8 individuals and the Festival of Lights Parade were recognized.

On a personal note, Thor said it has been a year since the board announced her appointment as the new chancellor. She commented on how quickly the months have flown by during which she has been totally engaged in learning about and serving Foothill-De Anza.

Trustees

Foothill Student trustee Etienne Bowie attended a statewide convention where he and other student government leaders had the opportunity to discuss ways to improve colleges throughout the state. Bowie said he was amazed at how far ahead Foothill and De Anza are of the other schools and how well student trustees are treated. Bowie thanked those who have helped him while at Foothill and feels an obligation to share his ideas for improvement, many of which have already been implemented. Bowie said he would continue to advocate for what he believes in and would continue to fight for students' rights in higher education.

Trustee Casas Frier also said she would continue to fight for students' rights at the state level. Casas Frier attended a CCCT meeting and distributed copies of CCLC's "A Report of the Commission on the Future". De Anza President Brian Murphy served on the Commission.

Trustee Swenson announced that the board is in agreement with the Chancellor's recommendation to move Escrow II and Deferral I positions onto this year's general fund adopted budget. Swenson asked the unions to work with administration on communicating this information to their constituents.

Trustee Bechtel thanked all who worked so hard on the parcel tax campaign.

APPROVAL OF CONSENT CALENDAR

Item 5, Listing of District Investments as of September 30, 2010, was moved from the Consent Calendar to Business and Finance.

M/S/C: Swenson/Barram
Advisory vote: 2
Board vote: unanimous
Action: **Approved** items 1-4 and 6-16 on the Consent Calendar

Item 1 - **Approved** Board Policy 4125 Authorization to Offer Employment

Item 2 - **Ratified** Contracts and Agreements

Item 3 - **Adopted** Delegation of Contracting Authority Resolutions as amended

Item 4 - **Adopted** Resolution No. 2010-22 Authorizing Separate Bank Accounts

Item 6 - **Approved** Extension of Agreement for Services with Salas O’Brien Engineers, Inc., for Monitoring Based Commissioning, De Anza College

Item 7 - **Approved** Extension of Agreement for Services with Salas O’Brien Engineers, Inc., for Monitoring Based Commissioning, Foothill College

Item 8 - **Approved** Arthur J. Gallagher as District Property and Liability Insurance Broker

Item 9 - **Approved** Award Two-Year Contract for Adobe Software

Authorized the Director of Purchasing and Material Services to award a contract and issue purchase orders to Computer Intelligence Association pursuant to Bid Number 1302.

Item 10 - **Approved** Services Agreement with IntelliResponse systems Inc. for “ASK FOOTHILL”

Item 11 - **Approved** Thirty-Six Month License Fee with iParadigms, LLC

Item 12 - **Approved** Contract with HMC Architects to Develop an Updated De Anza College Facilities Master Plan

Item 13 - **Approved** Foothill & De Anza Colleges Impact – Community Education Short Courses

Item 14 – **Approved** Recycle and Disposal of Surplus Furniture

Made a finding that the items are of insufficient value to defray the costs of arranging a sale and **authorized** the Director of Purchasing and Material Services to recycle the items or dispose of them in the local public dump.

Item 15 – **Approved** Sale of Miscellaneous surplus Electronic Equipment

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

Item 16 – **Approved** Human Resources Report

Item 17

Change in Trustee Elections from Odd Years to Even Years

In the last election the City of Palo Alto was successful in moving its city council elections from odd years to even years. Because the cost of elections in the past has been shared among the City, Foothill-De Anza and Palo Alto Unified School District, the Registrar of Voters anticipates a fiscal impact on the remaining two entities on odd-year elections of \$50,000 each. Foothill-De Anza's anticipated election costs could be as high as \$739,000 if the district continues to stay on odd-year elections.

Trustee Bechtel noted that what is not known is how much would be saved by moving to even years. Election costs are shared among those entities participating in the election. It was noted that moving to even year elections would mean being placed on a longer ballot, which may have political implications. President Cheng said that remaining on odd year elections, the voters would have the opportunity to be more informed about candidates on the ballot. Trustee Bechtel commented that smaller elections tend to have fewer voters participating. Trustee Barram asked for further exploration on the impact to other school districts on odd election years if trustees choose to move to even election years. The board agreed that insuring quality for the district is primary.

Discussion indicated that trustees Bechtel and Casas Frier were leaning toward moving elections to even years, trustees Barram and Cheng were leaning toward keeping elections on odd years, and trustee Swenson was undecided.

Chancellor Thor informed the board that if trustees choose to move to even years, the County Board of Supervisors must be informed, via adopted resolution, at least 240 days (March 6) prior to the next governing board election on November 8, 2011.

The trustees requested additional information for discussion at the board study session on January 31, 2011.

Item 18

Request to Rescind Retirement of Robert Pierce

President Miner removed this item from the agenda. After much deliberation Professor Pierce withdrew his request to rescind his retirement and apologized to the board for any inconvenience he may have caused.

Trustee Swenson said he was honored to work with Professor Pierce and that former trustee Hal Plotkin always spoke very highly of Pierce and credits him for his success.

Item 5

Listing of District Investments as of September 30, 2010

The board reviewed the district's external investments as of September 30, 2010 which were invested in the County's Commingled Investments Pool on September 30, 2010. As of September 30, the County Treasury also held district securities in the amount of \$18,726,563.73 for the Measure C Project Fund. The yield of those securities ranges from 4.13% to 6.13% with maturity dates from October 18, 2010 to March 15, 2012.

Item 19

Measure C Performance Audit

Tina Treis from Perry-Smith gave an overview of the Measure C performance audit. President Cheng informed the board that the district’s Audit and Finance Committee reviewed the report in depth at its last meeting. Part of the audit process included a sampling of 40 transactions totaling \$23,130,648. The Measure C bond program has a balance of about \$185,000,000 which will be drawn down as projects continue. Treis reported there were no audit findings. The report will be presented to the CBOC at its next meeting on Tuesday.

The trustees thanked Treis for her report.

Item 20

Audit for Year Ended June 30, 2010

Tina Treis from Perry-Smith reviewed the audit for the fiscal year 2009-10. Among the four different areas examined, Ms. Treis said there were no audit findings. The summary indicates that there were no material weaknesses or significant deficiencies identified in the examination of financial statements. This year seven programs that receive federal funding were examined, more than in previous years. There were no audit findings in this category. The district is considered a low-risk auditee. There also were no findings under the category of state awards. There was one finding/recommendation in last year’s report that has been implemented. Trustee Bechtel expressed pleasure in the fact that the rare times when there are findings, they are addressed immediately. Vice Chancellor of Business Services Kevin McElroy said the board should be very proud of the staff and work that they do to be able to have an audit with no findings and no recommendations. That can only be attributed to the fantastic work done at the district and campus levels.

M/S/C:	Casas Frier/Bowie
Advisory vote:	2
Board vote:	5
Action:	Accepted the audit report for the year ended June 30, 2010 as presented

Item 21

Annual Risk Management Report

Risk Manager Marsha Kelly gave an overview of risk management data for the previous year. Risk Management tries to improve coverage and reduce premiums where possible. Vice Chancellor McElroy said that between the district’s broker and market conditions, the district has been able to purchase more coverage for fewer dollars. In response to trustee Swenson’s questions regarding alternatives to using SELF (Schools Excess Liability Fund), Kelly said that for the amount of coverage the district purchases, SELF’s prices are comparable to the open market. Kelly said earthquake insurance is too expensive and in a disaster situation FEMA will step in.

Kelley said that in previous years K-12 and community colleges were in the same pool and if one district had a major claim, the others in the pool could be assessed. Rates have decreased slightly because community colleges are now in their own pool, separate from the K-12 and CSU institutions. The board thanked Kelly for her report and her vigilance.

Item 22
Environmental Compliance Annual Update

Director of Environmental and Health Safety Mona Voss gave an overview of her report to the board. Voss reviewed the history of the stipulated judgment that is in effect until 2015 and includes the following remedies:

- dispose of all hazardous, universal and medical waste appropriately
- the creation of an environmental health & safety position to manage the mandatory data for regulatory reports
- conduct an annual third party audit of all regulated areas and perform all internal inspections as required by regulations
- conduct all renovations and construction related projects within closure guidelines
- provide training to staff who manage regulated activities

In 2010 the district was inspected by the five major regulators:

- Department of Environmental Health did not conduct comprehensive campus inspections but did inspect the campuses for permitting and closures activities
- SCC Central Fire Department conducted a 2-day inspection of hazardous materials areas at De Anza
- Santa Clara Sewer District conducted a 3-day sampling event at De Anza
- Palo Alto Sewer District conducted a 6-day inspection and sampling event at Foothill
- Bay Area Air Quality Management District performed 4 days total of routine and specific inspections at De Anza and Foothill
- 14 closure inspections were performed

The above inspections resulted in action items but no violations.

The district self-inspected 131 areas having hazardous materials and as required by the stipulated judgment, a third party auditor conducted inspections of all haz-mat areas. In addition, the EH&S department submitted a number of required detailed reports, oversaw closures at both colleges and focused on maturing programs. Voss noted that the waste re-characterization and re-routing resulted in a cost reduction of \$51,000 in the disposal costs between fiscal year 2008-09 to 2009-10.

The board thanked Director Voss for an excellent report.

23. Measure E Consent

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

- A.** *Title:* Change Order #1 – Final
Vendor: ICC General Contractors
Agreement Date: August 11, 2010
Campus: De Anza College
Project No.: 277
Project Name: Minor Improvements

- Amount* \$9,142
For: Repairs necessary due to unforeseen conditions.
- This change order plus all previous change orders represent 8.3% above the base contract amount. The funding for this change is within the current budget.
- B.** *Action:* Ratification
Title: Project Authorization Amendment #PAA D02 for Phase I Design Services
Vendor: Sandis Engineers
Agreement Date: November 16, 2010
Campus: De Anza College
Project No.: 283
Project Name: Combined Site Improvements
Amount: \$259,291
For: Architectural and Engineering Services for Phase 1 of the Combined Site Improvements project, including the Sunken Garden project. Services start with the Design Development Phase and finish with the completion of the Construction Documents and the Bidding of the Project phase.
Action: Approval
- C.** *Title:* Revision #1 to Project Authorization Amendment for Additional Storm Drain Investigations
Vendor: Sandis Engineers
Agreement Date: November 10, 2010
Campus: De Anza College
Project No.: 283
Project Name: Combined Site Improvements
Amount: \$52,540
For: Additional time and material costs required to complete all storm drain flushing and videoing for the remainder of the De Anza College Campus. These additional costs are due to unforeseen conditions.
Action: Ratification
- D.** *Title:* Budget Transfer #74
Vendor: Measure E Bond Program
Agreement Date:
Campus: De Anza College
Project No.:
Project Name:
Amount:
For: De Anza Budget Transfer #74 includes:
• Formal Closure of Projects 209, 276, 278 & 280
• Residual budgets totaling \$75,544 to be transferred to Project 283 – Combined Site Improvements
Action: Ratification

Item 24
Measure C Consent

M/S/C: **Bowie/Russaw**
Advisory vote: 2 yes
Board vote: unanimous
Action: **Approved/Ratified** the Measure C Consent Calendar, A-L as follows:

A. *Title:* Revision #3 to Purchase Order #G979220/PAA-3C
Vendor: Architectural Resources Group
Agreement Date: November 6, 2007
Campus: De Anza College
Project No.: 203
Project Name: Baldwin Winery & East cottage
Amount: \$3,197
For: Provide additional structural engineer administration services for the Baldwin Winery project due to construction schedule extension. Additional services required due to contractor imposed schedule delays. District’s Construction Management team will endeavor to recover costs from the contractor in future change orders.
Action: Ratification

B. *Title:* Revision #4 to Purchase Order #G979220/PAA-3C
Vendor: Architectural Resources Group
Agreement Date: November 6, 2007
Campus: De Anza College
Project No.: 203
Project Name: Baldwin Winery & East Cottage
Amount: \$4,630
For: Provide additional services to update LEED credits for the Baldwin Winery & East Cottage Project due to required redesign caused by the Cottage collapse. District’s Construction Management team will endeavor to recover costs from the contractor in future change orders.
Action: Ratification

C. *Title:* Agreement for Services
Vendor: Consolidated Engineering Laboratories
Agreement Date: December 6, 2010
Campus: De Anza College
Project No.: 261
Project Name: Mediated Learning Center
Amount: \$111,810
For: The scope of this Agreement for Services includes special inspection, testing, observation, and reporting services (excluding geotechnical and waterproofing scopes) required to meet applicable codes,

regulations, and DSA requirements for all newly installed work including the MLC building and landscape improvements.

Pricing for this Agreement for Services is based on Consolidated Engineering Laboratories' request for proposal pricing dated November 10, 2010. Hourly labor rates and charges for individual tests/inspections are included in the proposal.

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

Action: Approval

- D.** *Title:* Agreement for Services
Vendor: Cleary Consultants, Inc.
Agreement Date: December 6, 2010
Campus: De Anza College
Project No.: 261
Project Name: Mediated Learning Center
Amount: \$28,800
For:

The scope of this Agreement for Services includes Geotechnical testing, inspection, observation, and reporting services required to meet applicable codes, regulations, and DSA requirements for all newly installed work including the MLC building and landscape improvements.

Pricing for this Agreement for Services is based on Cleary Consultants, Inc's request for proposal pricing dated November 10, 2010. Hourly labor rates and charges for individual tests/inspections are included in the proposal.

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

Action: Approval

- E.** *Title:* Change Order #8
Vendor: John Plane construction, Inc.
Agreement Date: March 18, 2010
Campus: De Anza College
Project No.: 205
Project Name: Seminar Building & Multicultural Center
Amount: \$6,058
For: Miscellaneous construction change orders at the Seminar Building and Multicultural Center.

The total Change Orders to date represent 7.2% against the original contract amount. Funding is included in the current

Action: budget.
Ratification

- F.** *Title:* Change Order #4 – Final
Vendor: Petersen Dean Commercial, Inc.
Agreement Date: March 16, 2010
Campus: De Anza College
Project No.: 273
Project Name: Roof & Trellis Repair – PE 1-2-6 & S7-8
Amount: \$3,360
For: Repair rotten ledger and tongue and groove deck boards at PE 6.

This change order represents 0.3% of the construction value.
Total change orders to date are 1.1% of the construction value.
Funding for this project is available within the current project budget.

Action: Ratification

- G.** *Title:* Agreement for Services
Vendor: Quali-Con Enterprise, Inc.
Agreement Date: December 6, 2010
Campus: De Anza College
Project No.: 261
Project Name: Mediated Learning Center
Amount: \$398,000
For: The scope of this Agreement for Services includes providing Division of the State Architect (DSA) and District required quality assurance inspection / Inspector of Record services for the construction of the Mediated Learning Center and landscape improvements at De Anza College.

Pricing for this Agreement for Services is based on Quali-Con Enterprise, Inc's proposal dated November 10, 2010. Hourly labor rates and charges for individual tests/inspections are included in the proposal.

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

Action: Approval

- H.** *Title:* Change Order #2 to Rental Contract – Time Extension
Vendor: City of Palo Alto
Agreement Date: October 13, 2010
Campus: Foothill College
Project No.: 142

Project Name: Soccer & Softball Complex
Amount: \$4,131.25
For: Change Order #2 extends the rental period for Foothill Softball and Foothill Intercollegiate Soccer while the Soccer and Softball Complex (Project #142) is under construction. Please note original contract was for rental of Soccer Fields and Revision #1 was for rental of Softball Fields – Revision #2 extends rental for both softball and soccer fields through December 10, 2010.
Action: Ratification

I. *Title:* Geotechnical Testing Services
Vendor: Cleary Consultants, Inc.
Agreement Date: November 16, 2010
Campus: Foothill College
Project No.: 142
Project Name: Soccer & Softball Complex
Amount: \$39,475
For: Provide engineering services which consist of geotechnical testing and inspection of Soccer and Softball Complex project.

The funding for this change is within the current budget.

Action: Ratification

J. *Title:* Agreement of Services
Vendor: Quali-Con Enterprise, Inc.
Agreement Date: November 11, 2010
Campus: Foothill College
Project No.: 109
Project Name: PE Lab Space
Amount: \$33,000
For: Perform the duties required of the Division of the State Architect Inspector of Record as required by Code, for the PE Lab Space Project.

The funding for this agreement is within the current budget.

Action: Ratification

K. *Title:* Change Order #1
Vendor: Valley Crest Landscape Development
Agreement Date: May 25, 2010
Campus: Foothill College
Project No.: 142
Project Name: Soccer & Softball Complex
Amount: \$36,692
For: Architect directed addition of a keystone wall at the

south side of the soccer field to improve drainage and prevent erosion from a steep section of the existing slope.

This change represents 1.41% change to the contract value.

The funding for this change is within the current budget.

Action: Ratification

- L.** *Title:* Change Order #9
Vendor: Zolman Construction & Development, Inc.
Agreement Date: November 1, 2010
Campus: Foothill College
Project No.: 112
Project Name: Modernization of administration Building & General Classrooms
Amount: \$23,077
For: Field conditions required removal and re-installation of flooring in building 6400 due to vapor emissions; and additional work was required due to variation in actual framing and redwood siding conditions, to address variations in field conditions.

This change represents 0.49% change to the contract value. Total project changes represent a 7.29% change to the contract value.

The funding for this change is within the current budget.

Action: Ratification

Item 25

Property Acquisition and Development Consultant Related to the Foothill College Education Center

Executive Director Allen anticipates costs for the initial 3-6 month effort to develop a strategic assessment and concept plan as outlined will be between \$100,000-\$150,000. Additional efforts will include developing a document for the community seeking proposals for sites or buildings and projecting enrollment and facility needs. Allen asked for board approval to develop a contract with PPV (Public Private Ventures) that would include a full scope of services and fees and would be presented to the board for approval at their next meeting. Trustees asked for a PPV representative to be in attendance.

M/S/C: Swenson/Bowie
Advisory vote: 2 yes
Board vote: 4 yes
1 no (Casas Frier)
Action: **Approved** the selection of and authorized fee negotiations with PPV with the caveat that the board is presented with specific details and scope of services and fees at the next board meeting in January

Item 26

Measure C Project List Revision and De Anza College Budget Transfer #26

Executive Director Allen explained that this is a self-funding plan to avoid having to finance additional monies to pay for photovoltaics at De Anza. Budget transfer #26 moves dollars from projects savings into projects that need additional funding.

M/S/C: Casas Frier/Barram
Advisory vote: 2 yes
Board vote: unanimous
Action: **Approved** the Bond Project List Revision and De Anza Budget Transfer #26

Item 27

Establish Procedures and Criteria for the Network Infrastructure Equipment Competitive Sealed Proposal Process

M/S/C: Casas Frier/Bechtel
Advisory vote: 2 yes
Board vote: unanimous
Action: **Approved** the recommended competitive sealed proposal procedures and criteria for the selection of a vendor to provide network infrastructure equipment and services

Item 28

Award a Contract Pursuant to Bid Document 1260-135, Utilities Infrastructure Upgrades Phase I at Foothill College

M/S/C: Bechtel/Barram
Advisory vote: 2 yes
Board vote: unanimous
Action: Denied the bid protest from Cupertino Electric and **authorized** the Director of Purchasing and Material Services to award a contract pursuant to Bid 1260-35, Utilities Infrastructure Upgrades Phase I at Foothill College, in the amount of \$4,616,000 to Taber Construction Inc. for the Base Bid and Alternates 2 and 3

Item 29

Authorize Award of a Site Lease and a Facilities Lease to Sundt Construction, Inc. for Construction of the Mediated Learning Center at De Anza College

Director of Purchasing and Material Services Carmen Redmond addressed this item for the award of a lease-leaseback contract to Sundt who gave a guaranteed maximum price of \$34,982,355 for construction of the Mediated Learning Center at De Anza College. The price is within the architect's estimate for the project. Executive Director Allen said that the new lease-leaseback delivery method has met all his expectations and is pleased with progress made thus far. He thanked Director Donna Jones-Dulin; Bond Director Tom Armstrong; Joel Hein (Gilbane) who managed the successful construction of the VPAC; Joel Macheski from Sundt Construction; and Carmen Redmond for their time and working together to meet the district's hopes for higher quality construction that meets the needs of our students and is delivered on time. The estimated completion date of the center is May 15, 2012.

M/S/C: Swenson/Casas Frier
Advisory vote: 2 yes
Board vote: unanimous
Action: Accepted the guaranteed maximum price of \$34,982,355 for the Mediated Learning Center at De Anza and **authorized** the Director of Purchasing and Material Services to award the Site Lease and the Facilities Lease to Sundt Construction, Inc.

President Murphy also thanked those involved in the process and said they will begin planning a groundbreaking ceremony.

Item 30

Recommendation to Authorize a Prequalification Procedure for Prime Contractors for Project #226C, Interior/Exterior Finishes-L Quad (Measure C)

M/S/C: Casas Frier/Barram
Advisory vote: 2 yes
Board vote: unanimous
Action: **Authorized** a prequalification procedure for Prime Contractors for Project #226C, Interior/Exterior Finishes-L Quad in accordance with Public Contract Code, Section 20101

President Cheng adjourned the meeting at 8:25 p.m.