



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## **BOARD OF TRUSTEES**

**MINUTES**

**REGULAR MEETING**

**December 7, 2009**

### **CALL TO ORDER AND ROLL CALL**

President Betsy Bechtel declared a quorum was present and called the meeting to order at 4:30 p.m. in the District Board Room of the Foothill-De Anza Community College District, 12345 El Monte Road, Los Altos Hills, CA 94022.

#### **Trustees Present:**

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

#### **for Public Session**

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

### **CLOSED SESSION**

The Board immediately adjourned into closed session in the Chancellor's Office with the individuals listed below to discuss:

#### **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  
Mike Brandy, Interim Chancellor  
Andy Dunn, Vice Chancellor of Business Services  
Brian Murphy, President of De Anza College  
Judy Miner, President of Foothill College  
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity  
Fred Sherman, Vice Chancellor of Technology

#### **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**

#### **Executive Administrators Present:**

Mike Brandy, Interim Chancellor  
Andy Dunn, Vice Chancellor of Business Services  
Brian Murphy, President of De Anza College  
Judy Miner, President of Foothill College  
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity  
Fred Sherman, Vice Chancellor of Technology

**CHANCELLOR’S CONTRACT**

**Executive Administrators Present:**

Charles Allen, Executive Director of Facilities, Operations and Construction Management  
Mike Brandy, Interim Chancellor  
Andy Dunn, Vice Chancellor of Business Services  
Brian Murphy, President of De Anza College  
Judy Miner, President of Foothill College  
Dorene Novotny, Vice Chancellor of Human Resources and Equal Opportunity  
Fred Sherman, Vice Chancellor of Technology

**RE-CONVENE PUBLIC SESSION**

President Bechtel re-convened the public session at 6:00 p.m. in the District Board Room. She led the Board and those present in the Pledge of Allegiance. The following staff, press, students and members of the public were present:

<i>Staff:</i>	Charles Allen	Lisa Hocevar	Dorene Novotny
	Anne Argyriou	Letha Jeanpierre	Frank Nunez
	Tom Armstrong	Donna Jones-Dulin	Hector Quinonez
	Shirley Barker	Marsha Kelly	Carmen Redmond
	Becky Bartindale	Ron Levine	Fred Sherman
	Kim Chief Elk	Sharon Luciw	Bernata Slater
	Dolores Davison	Judi McAlpin	Annette Stenger
	Andy Dunn	Judy Miner	Denise Swett
	Marie Fox Ellison	Blanche Monary	Donna Toyohara
	Richard Galope	Jeri Montgomery	Christine Vo
	Rich Hansen	Brian Murphy	Mona Voss
	Art Heinrich	Peter Murray	

*Press:* None

*Students:* Ahmed Mostafa

<i>Public:</i>	Jeff Jensen	Mary Levine
	Terry Terman	Robert Smithwick
	Casey Michaelis	Dolly Sandoval

**REPORTING OUT FROM CLOSED SESSION**

President Bechtel reported that no action was taken in closed sessions for the following meetings:

November 18, 2009  
November 19, 2009  
November 23, 2009  
December 1, 2009

Reporting out from closed session on December 7, President Bechtel announced that the Board has selected Dr. Linda Thor as the district’s next chancellor. Dr. Thor has worked for over 30 years in large multi-college districts. She has been president of Rio Salado College in the Maricopa

Community College District for the past 19 years and has built it into a large, complex and widely respected organization. Dr. Thor has been extraordinarily successful in collaborating with business and industry, government and community organizations, high schools and other colleges to meet the educational needs of Maricopa County and beyond. She will bring new ideas of how to serve our students and help them succeed even during a time of declining resources. Dr. Thor's salary will be \$260,000 a year, and her contract runs through June 2012.

President Bechtel thanked the faculty, staff, students and community members who served on the chancellor search committee and Jane Enright and consultant John Hicks who worked to find the best candidates. President Bechtel expressed the board's deep appreciation for all their efforts.

### **ANNUAL ORGANIZATION MEETING**

**M/S/C:** Bechtel/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** **appointed** trustee Swenson as Board President

President Swenson presented trustee Bechtel with a certificate of appreciation and thanked her for her leadership during the past year as well as in previous years. He noted, in particular, that under her terms as president the district was able to pass the Measure C Bond and select a new chancellor, two great accomplishments of the board.

**M/S/C:** Bechtel/Barram  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** **appointed** trustee Cheng as Board Vice President

**M/S/C:** Barram/Cheng  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** **appointed** Interim Chancellor Brandy as Board Secretary

### **Committee Appointments**

President Swenson made the following committee appointments.

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

### **APPROVAL OF MINUTES**

At trustee Casas Frier's request, approval of the minutes from the November 2, 2009 meeting were deferred.

## **CORRESPONDENCE**

President Swenson asked if there was any correspondence which should be brought to the Board's attention.

Trustee Casas Frier announced that Senator Joe Simitian will hold an education summit on January 23. This is an opportunity to listen to budget updates and key education issues. Casas Frier encouraged all to attend the session at the Palo Alto Unified School District Office Board Room, 25 Churchill Avenue, Palo Alto.

## **HEARINGS: ITEMS NOT ON THE AGENDA**

### *Public / Students*

Former trustee Mary Levine thanked the board for their dedication and service. President Swenson mentioned that Ms. Levine served as a trustee along with Dr. Robert Smithwick who was also in attendance. Terry Terman thanked everyone involved in the selection of an outstanding person as the district's new chancellor. ASFC President Ahmed Mostafa said that on March 4 Foothill and De Anza will be participating on a march on Sacramento. Mostafa hopes the march will increase the solidarity and sense of community within the district among faculty, staff, administrators, and students.

### *Staff*

Interim Chancellor Mike Brandy expressed gratitude to all staff in the district for their dedication to serving students under trying budgetary circumstances during the fall quarter. Foothill President Judy Miner thanked Bernadine Fong for assistance in identifying mathematics instructors Nicole Gray and Rachel Mudge who have been selected as Carnegie Foundation Scholars. The instructors were recognized for their work in developmental mathematics. Miner announced that astronomy instructor Andrew Fraknoi has received a gift of \$21,000 for his astronomy program. Miner attended a Community College Facilities Coalition lunch on November 3 at which Foothill College received a design award for its Physical Science & Engineering Center. Of note is that the state chancellor's staff members talk about the best stewardship of bond money being at Foothill-De Anza. On November 12 the Foothill Commission held its allocation ceremony of \$55,000 in proceeds from the Foothill Gala. Miner also mentioned that on December 4 the New York Times online had a front page article on Carl Clark who was a narrator in the WWII video. De Anza President Brian Murphy thanked everyone who attended the Night of Magic. Over \$52,000 was raised to support the Institute for Community and Civic Engagement, the honors program, and other programs. Murphy was invited to speak on the previous efforts to review the masterplan at the initial hearing of the Joint Committee to Review the Masterplan for Higher Education that was convened by Assemblymember Ira Ruskin. Murphy expressed his support of the March 4 March on Sacramento. Murphy attended a meeting of the National Coalition to Develop Curriculum in Washington DC. Vice Chancellor of Technology Fred Sherman reported that the Human Resources and Payroll Banner modules are scheduled for rollout on January 1. Sherman thanked everyone involved for their time in working on these difficult and complex modules.

### *Trustees*

Trustee Casas Frier reported that former trustee Paul Fong has been successful in getting AB 669 signed by the governor. AB 669, Foster Youth Residency Requirements, reduces the barriers to help foster youth go to college. Fong also introduced AB 1400 which would allow the sharing of information on violent acts by staff or students to increase safety on the campuses. The governor did not sign the bill but forwarded it to the Board of Governors. Trustee Barram thanked outgoing

president Bechtel for her assistance and guidance. Trustee Bechtel and others attended the Community College Trustees Conference session on how to help a new CEO get adjusted. They also attended a lunch at which former chancellor Martha Kanter was the keynote speaker. Trustee Cheng attended a session at the conference regarding new legislation that would make the CSU EAP exam results available to community colleges.

### **APPROVAL OF CONSENT CALENDAR**

Interim Chancellor Brandy distributed reprinted copies of Item 1, Delegation of Contracting Authority Resolutions, which showed more clearly the changes that had been made. Brandy pointed out that clarifications had been made in the role of independent contractors and in emergencies, the temporary raising of procard limits.

Vice Chancellor Novotny made a correction to Item 20, Personnel Actions, regarding the compensation for Stacey Cook. Ms. Cook will be compensated at Level M, Step 2 @ \$11,098.71/month.

**M/S/C:**            **Bechtel/Cheng**  
**Advisory vote:**    2 yes  
**Board vote:**        unanimous  
**Action:**            Approved / Ratified Items 1-20 of the Consent Calendar as corrected:

**Item 1** -    **Approved** DELEGATION OF CONTRACTING AUTHORITY RESOLUTIONS

**Item 2** –    **Approved** RESOLUTION AUTHORIZING SEPARATE BANK ACCOUNTS

**Item 3** -    **Approved** AGREEMENT FOR SERVICES – HAPPY ABOUT, A CALIFORNIA CORPORATION

**Item 4** -    **Approved** AGREEMENT FOR SERVICES – INSTITUTE FOR THE STUDY OF KNOWLEDGE MANAGEMENT (ISKME)

**Item 5** -    **Approved** AGREEMENT BETWEEN SRI INTERNATIONAL AND THE FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT RE: NATIONAL SCIENCE FOUNDATION AWARD #DUE 0903276. DESTINATION PROBLEM-BASED LEARNING: A LARGE SCALE MATERIALS DEVELOPMENT PROJECT

**Item 6** -    **Approved** AUTHORIZATION TO ENTER INTO A CONTRACT FOR NETWORK EQUIPMENT MAINTENANCE AND SUPPORT WITH ALCATEL USA MARKETING, INC.

**Item 7** -    **Approved** EXTENSION OF CONTRACT WITH TURBO DATA SYSTEMS, INC. FOR PARKING CITATION SERVICES

**Item 8** -    **Approved** MOU WITH NOVA (NORTH VALLEY JOB TRAINING CONSORTIUM)

**Item 9** -    **Approved** MATERIAL FEE SCHEDULE AMENDMENT

**Item 10** – **Approved** LISTING OF DISTRICT INVESTMENTS AS OF SEPTEMBER 30, 2009

**Item 11** – **Approved** NON-CREDIT COURSE: NCBS 400 LANGUAGE & LIFE SKILLS LITERACY

**Item 12** – **Approved** NON-CREDIT COURSES: NCBS 401A AND NCBS 401B MATHEMATICAL FOUNDATIONS FOR COLLEGE PART I AND PART II

**Item 13** – **Approved** NON-CREDIT COURSES: NCSV 400 GERIATRIC HOME AIDE AND NCSV 401 GERIATRIC HOME AID (NUTRITION)

**Item 14** – **Approved** FOOTHILL & DE ANZA COLLEGES IMPACT – COMMUNITY EDUCATION SHORT COURSES

**Item 15** – **Approved** DISPOSAL OF SURPLUS DISTRICT PERSONAL PROPERTY  
Made a finding that the items are of insufficient value to defray the costs of arranging a sale and authorized the Director of Purchasing Services to recycle or dispose of the items in the local public dump

**Item 16** – **Approved** DONATION OF SURPLUS DISTRICT PERSONAL PROPERTY  
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 World Family Organization

**Item 17** - **Approved** DONATION OF SURPLUS DISTRICT PERSONAL PROPERTY  
Authorized the Director of Purchasing Services to make a donation of the equipment described herein to the Santa Clara Unified School District

**Item 18** - **Approved** SALE OF MISCELLANEOUS SURPLUS ELECTRONIC EQUIPMENT  
Authorized the Director of Purchasing Services to sell the items in accordance with Education Code 81452(a)

**Item 19** – **Approved** PROFESSIONAL ACHIEVEMENT AWARDS AS FOLLOWS:

**De Anza College**

John Cognetta  
Truly Hunter

**Item 20** - **Approved** PERSONNEL ACTIONS:

*Name:* **Vicky Annen**  
*Position:* Faculty  
*College:* De Anza College  
*Division:* Biological Health & Environmental Sciences  
*Action:* **50% unpaid leave of absence**  
*Effective Date:* Winter and Spring quarters 2010

*Name:* **Stacey Cook**  
*Position:* Vice President  
*College:* De Anza College  
*Division:* Student Services  
*Action:* **Employment**  
*Effective Date:* January 1, 2010 through June 30, 2010  
*Compensation:* Level M, Step 2 @ \$11,098.71/month

*Name:* **Gaeir Dietrich**  
*Position:* Interim Director  
*College:* De Anza College  
*Division:* High Tech Center Training Unit  
*Action:* **Extend Interim Assignment**  
*Effective Date:* January 1, 2010 through June 30, 2010

*Name:* **Jefferson Shirley**  
*Position:* Faculty  
*College:* De Anza College  
*Division:* Physical Sciences Math & Engineering  
*Action:* **Unpaid leave of absence**  
*Effective Date:* Winter quarter 2010 through Spring quarter 2011 (5 quarters)

*Name:* **Rowena Tomaneng**  
*Position:* Acting Dean  
*College:* De Anza College  
*Division:* Language Arts  
*Action:* **Extend Acting Assignment**  
*Effective Date:* January 1, 2010 through June 30, 2010

*Position:* Project Manager  
*College:* Central Services  
*Division:* Operations  
*Action:* **Approve New Classification**  
*Effective Date:* December 8, 2009 # of Months: 12  
*Compensation:* Level G  
*Comments:* In accordance with Chapter XI of the Administrators Handbook

## **Item 21 - Approved HUMAN RESOURCES REPORT**

## **Item 22**

COMMUNITY APPOINTMENTS TO THE AUDIT AND FINANCE COMMITTEE

**M/S/C:** Casas Frier/Bechtel  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** **Approved** reappointment of Bob Grimm to the committee for a term of 4 years and **appointed** Dexter Dawes to the committee for a term of 4 years

**Item 23**

COMMUNITY APPOINTMENTS TO THE CITIZENS’ BOND OVERSIGHT COMMITTEE

**M/S/C:** Barram/Bechtel  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** **Appointed** the following to the Citizens’ Bond Oversight Committee for a term of 2 years each.

<u>Representative Position</u>	<u>Candidate Name</u>
Taxpayer Association	Robert Lancefield
Business Organization	David Bergman
FHDA Auxiliary Organization	Anita Manwani Bhagat
At large	Dudley Anderson

**Item 24**

BP 4190, ACADEMIC FREEDOM

Board Policy 4190, Academic Freedom, was presented to the board for a first reading. The board asked that changes to the policy be brought to the next meeting.

**Item 25**

APPROVAL OF THE CHANGES TO THE HEALTH INSURANCE BENEFIT PLANS BETWEEN THE DISTRICT AND THE FACULTY ASSOCIATION (FA), ASSOCIATION OF CLASSIFIED EMPLOYEES (ACE), CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION (CSEA), TEAMSTERS, OPERATING ENGINEERS LOCAL NO. 3 (OE3), CONFIDENTIAL EMPLOYEES AND ADMINISTRATIVE MANAGEMENT ASSOCIATION (AMA) GROUPS

Vice Chancellor of Human Resources Dorene Novotny said that about 84 employees participated in thousands of hours over several months researching alternatives, developing alternative plans, and communicating with peers, which ultimately concluded with agreement to the changes in the health insurance benefit plans as presented. Members of the negotiating teams who were present were recognized and thanked for their efforts. Trustee Barram acknowledged the difficulty in arriving at a solution to a difficult situation. Brandy expressed his deep appreciation to Kim Chief Elk and Novotny for their leadership and work with the units.

**M/S/C:** Casas Frier/Anderson  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** **Approved** the changes to the District’s Health Insurance Benefit plans as agreed to between the District and the Faculty Association (FA), Association of Classified Employees (ACE), California School Employees Association (CSEA), Teamsters, Operating Engineers Local No. 3 (OE3), Confidential Employees and Administrative Management Association (AMA) groups



## **Item 26**

### AUDIT FOR YEAR ENDED JUNE 30, 2009

Brandy said that Tom Perry-Smith and Jeff Jensen presented the audit report to the Audit and Finance Committee earlier in the day. He stressed that this is the Board of Trustees' independent auditor reporting directly to the board.

Jeff Jensen of Perry-Smith LLP, Certified Public Accountants, presented the Audit for the Year Ended June 30, 2009. He reviewed the management letter pointing out that no audit adjustments were made nor were any uncorrected misstatements to the financial statements identified. There were no repeat exceptions. Jensen indicated that corrective action had already been taken on the one finding regarding ASB safeguarding of assets and corrective action was implemented on the two prior-year findings regarding the bookstore and state compliance with concurrent enrollment of K-12 students. Jensen said that it is a testament to district staff to have such a clean audit report. Brandy commented that it is a great tribute to Controller Hector Quinonez and his staff that the district was able to have such a good audit report, especially since the accounting staff was in the process of transitioning to Banner.

**M/S/C:** Casas Frier/Cheng  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** **Accepted** the audit report for the year ended June 30, 2009

## **Item 27**

### INDEPENDENT AUDITOR'S REPORT ON MEASURE C AGREED UPON PROCEDURES

Jeff Jensen of Perry-Smith LLP, Certified Public Accountants, presented the independent auditor's report on Measure C agreed upon procedures. No exceptions were found, and all expenditures reviewed were made in compliance with Measure C and Prop 39. Approximately 1,200 warrants were identified representing about \$30,000,000 in expenditures. Of those, 50 expenditures totaling \$13,224,553 were identified for sampling. All expenditures sampled were valid bond expenditures and were correctly coded. No funds were spent on administrative salaries.

**M/S/C:** Barram/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** **Accepted** the independent auditor's report on Measure C agreed upon procedures

## **Item 28**

### BUDGET UPDATE

Vice Chancellor Dunn and Interim Chancellor Brandy presented the budget update.

- Revenue reductions for 2009-10 amount to a \$1 million loss due to FTES audit, statewide recalculation of growth for last year, and shortfall in nonresident tuition. Expense increases for 2009-10 include the addition of \$1 million for part-time faculty equity and office hours

For 2010-11

- projections include an operating deficit of \$8.1 million (\$3.8 million existing deficit + 4.3 million step, column, increase in PERS contributions)
- restructuring of benefits could save an estimated \$5.3 million, resulting in fewer staff reductions
- \$7.9 million cut to categorical programs
- additional 86 positions may need to be eliminated to reach the \$8.1 million
- \$7 million staff protection reserve was reduced to \$5 million resulting from revenue and expense adjustments
- projected unresolved General Fund deficit is estimated to be about \$4.1 million

Budget discussions have been taking place over the past several months at the colleges and central services; 2010-11 budget recommendations will be made in late January. The governor’s budget will have been released by the January 19 board study session. Trustee Swenson asked what key decisions have to be made as a district in determining what courses to offer. He also requested a report on how our program mix has changed from fall 2008 to fall 2009 and how are we responding to our inability to have programs for all our students. Brandy responded that in 09-10 there will not be many changes in curriculum offerings, but more in 10-11 where discussions are taking place regarding program review and class sizes. Brandy said he would be able to respond to trustee Swenson’s question in February or March regarding program mix, how it might be changing, size of summer school, etc. Swenson asked for a progress report and requested that it be on the agenda for discussion in late January or February.

**Item 29**

ELECTRICITY PROCUREMENT

Executive Director Allen said that about 10 years ago when electricity was deregulated and the district joined a CCLC consortium, the district was able to realize substantial savings. In the last few years, however, the savings have decreased and PG&E rates are now competitive with Constellation New Energy, the consortium’s provider. In addition to competitive rates in the future, Allen pointed out several benefits to switching to PG&E bundled service. Allen pointed out that the way PG&E rates are structured, the district would be able to save more with the use of more solar power.

<b>M/S/C:</b>	<b>Casas Frier/Cheng</b>
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	<b>approved</b> returning to procuring electricity though PG&E bundled service on July 1, 2010 and to notify PG&E of our intent prior to December 31, 2009

**Item 30**

ENVIRONMENTAL WASTE MANAGEMENT UPDATE

Interim Chancellor Brandy gave a brief overview of the history of the 10-year stipulated judgment by the Department of Environmental Health. Part of the requirements of that judgment was that the district hire a full time professional person and that we would report to the board of trustees every December on the status of inspections and compliance issues. Vice Chancellor Dunn added that another part of the stipulation requires an annual third party audit. Director of Environmental Health & Safety Mona Voss reported that inspections by five major regulators occurred in 2009.

The Department of Environmental Health (DEH) conducted an inspection related to the stipulated judgment which lasted 11 days and over 100 hours. Inspections were also conducted by the Santa Clara County Central Fire Department, Santa Clara Sewer District, Palo Alto Sewer District, and the Bay Area Air Quality Management District. Voss reported that there were no major violations reported. The number of violations was decreased from 288 in 2005 to 53 in 2009. Voss also oversaw inspections of 135 hazardous material storage areas and conducted 96 internal inspections. Beyond Compliance, a third party auditor, conducted extensive inspections of all hazmat areas.

### **Item 31**

#### MEASURE C CONSENT CALENDAR

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

- A.** *Title:* PAA #2  
*Vendor:* Cogent Energy, Inc.  
*Agreement Date:* December 7, 2009  
*Campus:* De Anza College  
*Project No.:* 766-241  
*Project Name:* S2-S6 Phase II Utility Master Plan Phase I  
*Amount:* \$68,828  
*For:* Professional Commissioning Services including:  
Commissioning of new Cooling Tower Plant (3 new cooling towers) and associated pumps and piping to serve the S2 and S6 chilled water plants from a remote location, expansion of Building Automation System to control the towers, condenser water pumps, CHW pumps, HHW pumps and control valves, new 350 ton chiller in S6 plant with new piping, pumps, water treatment, and related controls, new 2000 MBH boiler in S6 plant with new piping, pumps, and related, controls, sequence building secondary chilled water distribution pumps to operate in conjunction with the newly added modulating control valves, switchgear, transformers, panel boards, distribution system wiring, disconnect switches.  
*Action:* Ratification
- B.** *Title:* Change Order #3R1, #4R1, & #5R1  
*Vendor:* O. C. Jones & Sons, Inc.  
*Agreement Date:* June 12, 2009  
*Campus:* De Anza College  
*Project No.:* 766-261  
*Project Name:* Mediated Learning Center Site Preparation Package (\$17,117)  
*Amount:* Reduce previously approved Change Order #3 for \$35,000 to a new reduced amount for Change Order #3R1 of \$17,883.

Change Order #4R1 & 5R1 amounts are unchanged.

*For:* Revise amounts of previously approved Prime Contract Change Orders #3, #4 & #5.

PCCO #3 was approved for \$35,000 at the 9/14/09 Board of Trustees meeting. This amount was subsequently negotiated down to \$17,883. By this Consent Item PCCO #3R1 is presented to the Board of Trustees to revise the final amount of this PCCO to \$17,883.

By this Consent Item PCCOs #4R1 and 5R1 are also presented to the Board of Trustees to reflect revised Prior Contract Values and New Contract Values as impacted by the revised amount of PCCO #3R1.

The total Change Orders to date represent 19.90% against the original Contract amount. The funding is included in the current budget.

*Action:* Information

- C.** *Title:* Change Order #6 – Final  
*Vendor:* O. C. Jones & sons, Inc.  
*Agreement Date:* June 12, 2009  
*Campus:* De Anza College  
*Project No.:* 766-261  
*Project Name:* Mediated Learning Center Site Preparation Package  
*Amount:* \$40,131  
*For:* Provide additional utility cut & cap locations, subgrade material removal, survey costs, demolition, and roadway striping changes as necessitated by unforeseen field conditions, architect directed design changes and owner directives. These changes are required in order to achieve the goals of the project.

The final change order amount represents 23.58% against the original contract amount. Funding is included in the current budget.

*Action:* Ratification

- D.** *Title:* Revision #4 to Agreement  
*Vendor:* Ratcliff Architects  
*Agreement Date:* June 17, 2008  
*Campus:* De Anza College  
*Project No.:* 766-261  
*Project Name:* Mediated Learning Center  
*Amount:* \$0  
*For:* 1. Revise the Design to Construction Budget (Article 5.2) to read \$40,072,478.  
2. Extend the terms of the original agreement and all

revisions to include an end date of December 31, 2012.

*Action:* Ratification

- E.** *Title:* Change Order #3  
*Vendor:* S. J. Amoroso, Inc.  
*Agreement Date:* July 10, 2009  
*Campus:* De Anza College  
*Project No.:* 766-241  
*Project Name:* S2-S6 Phase II – Utility Master Plan – Phase I  
*Amount:* \$38,802  
*For:* Miscellaneous change orders: Additional temporary facilities at Buildings E3, S6, and S7 to allow access, install conduits underground at cooling tower pad, additional shunt trip for TX-1, relocate dirt from Parking Lot B to MLC lay down area, and mitigate unforeseen wet soil condition at heading E7.

The total Change Orders to date represent 1.4 % against the original contract amount. Funding is included in the current budget

*Action:* Ratification

- F.** *Title:* Change Order #1  
*Vendor:* Southwest Interiors, Inc.  
*Agreement Date:* April 6, 2009  
*Campus:* De Anza College  
*Project No.:* 766-211  
*Project Name:* L-Quad Seating  
*Amount:* \$3,582  
*For:* Construction Contract changes: 1) provide three (3) additional Wrimatic MC20W Floor Mounted Seats, 2) provide twelve (12) Wrimatic Tablets for ADA, and 3) extend the Contract Time to allow the seating installation to be completed during the Spring Recess instead of Winter Recess due to manufacturer's lead-time shipping delay.

The total Change Orders to date represent 3.54% against the original contract amount. Funding is included in the current budget.

*Action:* Ratification

- G.** *Title:* Change Order #7  
*Vendor:* Zolman Construction and Development, Inc.  
*Agreement Date:* April 6, 2009  
*Campus:* De Anza College  
*Project No.:* 766-255  
*Project Name:* Auto Tech Renovation  
*Amount:* \$44,498

*For:* Miscellaneous change orders: Dry rot repair, electrical changes, paint ceiling of auto shops and exterior walls, remove and replace damaged asphalt concrete, install concrete vault at PIV valve.

The total Change Orders to date represent 11.7% against the original contract amount. Funding is included in the current budget.

*Action:* Ratification

**H.** *Title:* Agreement for Design Services  
*Vendor:* Adamo & Associates, Inc.  
*Agreement Date:* October 23, 2009  
*Campus:* Foothill College  
*Project No.:* 147  
*Project Name:* Ornamental Horticulture and Veterinary Technology Demolition  
*Amount:* \$27,500  
*For:* Agreement for design and construction administration services for the Ornamental Horticulture Lath House II Project.  
*Action:* Ratification

**I.** *Title:* Change Order #9  
*Vendor:* CRW Industries, Inc.  
*Agreement Date:* September 30, 3009  
*Campus:* Foothill College  
*Project No.:* 101  
*Project Name:* Forum 5000 Renovation  
*Amount:* (\$26,000)  
*For:* Credit for unused bid allowances for replacement of damaged tile and installation of owner's equipment.

This change order plus previous change orders represents 9.11% above the base contract amount. The funding for this change is within the current budget.

*Action:* Ratification

**J.** *Title:* Revision #2 to PAA #F01  
*Vendor:* Enovity, Inc.  
*Agreement Date:* November 20, 2009  
*Campus:* Foothill College  
*Project No.:* 100  
*Project Name:* Krause Center for Innovation – HVAC Upgrades  
*Amount:* \$750  
*For:* Additional service to design a roof ladder to improve access for maintenance of mechanical equipment.  
*Action:* Ratification

- K.** *Title:* Change Order #2  
*Vendor:* IMR Contractor Corporation  
*Agreement Date:* September 18, 2009  
*Campus:* Foothill College  
*Project No.:* 100  
*Project Name:* Japanese Cultural Center and Carriage House Roof Replacement  
*Amount:* \$966  
*For:* Installation of eight additional roof vents at Carriage House as requested by the architect. This change order plus previous change orders represents a 22% reduction of the base contract amount due to credits taken on previous change orders.  
*Action:* Ratification
- L.** *Title:* PAA #F-NT-1A  
*Vendor:* Noll & Tam Architects  
*Agreement Date:* November 18, 2009  
*Campus:* Foothill College  
*Project No.:* 121  
*Project Name:* Library and ISC  
*Amount:* \$16,990  
*For:* Agreement for services to provide programming and schematic design services for Library electrical, telecommunications, and furniture improvements to improve student access to power and technology in both the periodical and quiet study stacks areas.  
*Action:* Ratification
- M.** *Title:* PAA #F-SANDIS-03  
*Vendor:* Sandis Civil Engineers  
*Agreement Date:* December 7, 2009  
*Campus:* Foothill College  
*Project No.:* 135  
*Project Name:* Utility and Technology Infrastructure Upgrades  
*Amount:* \$24,230  
*For:* Professional Civil Engineering Services to update the Foothill Campus survey record information. Survey updates include topographic survey and underground utilities to support the campus-wide utility infrastructure upgrade design phase effort.  
  
*Action:* The funding is included in the current budget.  
Ratification
- N.** *Title:* Revision #1 to PO #MC100391  
*Vendor:* Salas O'Brien  
*Agreement Date:* August 4, 2009  
*Campus:* Foothill College  
*Project No.:* 135

*Project Name:* Utility and Technology Infrastructure Upgrades  
*Amount:* \$188,773  
*For:* Professional design engineering services to upgrade the campus electrical infrastructure to support the Measure C new projects and renovations, replace aged and failing electrical feeders and switchgear, and to provide a more reliable electrical system.

The funding will be included in the current budget being proposed with Foothill Budget Transfer #17 at this Board Meeting.

*Action:* Ratification

- O.** *Title:* Revision #4 to PO #G876974  
*Vendor:* Sugimura and Associates Architects  
*Agreement Date:* November 16, 2008  
*Campus:* Foothill College  
*Project No.:* 101  
*Project Name:* Forum 5000  
*Amount:* \$780  
*For:* Professional services to have a structural engineer complete the redesign of the roof ladder attachment due to unforeseen obstruction.  
*Action:* Ratification

**Item 32**

MEASURE C BOND PROJECT LIST REVISION WITH FOOTHILL BUDGET TRANSFER #17

Executive Director of Facilities, Operation and Construction Management Charles Allen explained that this is a consolidation of scope and budget to create a utility and technology infrastructure upgrade for Foothill College.

**M/S/C:** Barram/Anderson  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** **Approved** the Bond project List Revision with Foothill Budget Transfer #17

**Item 33**

ALTERNATIVE DELIVERY METHOD FOR LARGE MEASURE C CONSTRUCTION PROJECTS

Executive Director Allen reviewed the proposed Lease/Leaseback program. The model was prompted by concerns over managing change orders, minimizing claims, and getting quality contractors. The lease/leaseback program provides broad latitude to the district to decide how to procure construction services. The program is authorized by Ed Code Section 81335 and is currently being used by some other districts. The program has a lease arrangement that allows the district to lease property to a builder on the condition that they will construct buildings for the district. The lease/leaseback provides for a ground lease, a building lease, and a construction services agreement. The expiration of the ground lease will also terminate with the construction services agreement. Allen reviewed the advantages and



disadvantages and disadvantages of the program. The Lease/Leaseback program will be further discussed at the January 19 Study Session.

**ADJOURNMENT**

President Swenson adjourned the meeting at 8:28 p.m.

Approved: 2/1/10

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Mike Brandy, Interim Chancellor  
Secretary, Board of Trustees