



**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT  
BOARD OF TRUSTEES  
MINUTES  
REGULAR MEETING  
August 5, 2013**

**Trustees Present:**

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

**Absent:**

Pearl Cheng

**REGULAR MEETING**

**CALL TO ORDER / PUBLIC COMMENT ON CLOSED SESSION ITEMS ONLY**

President Bechtel called the regular meeting of the Board of Trustees to order at 5:00 p.m. in the District Board Room and asked if any members of the public wished to comment regarding closed session items. No members of the public were present, and the meeting was adjourned to closed session.

**CLOSED SESSION**

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

**PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**

**Executive Administrators Present:**

Charles Allen, Executive Director, Facilities, Operations and Construction Management  
Kevin McElroy, Vice Chancellor, Business Services  
Kimberlee Messina, Acting President, Foothill College  
Joe Moreau, Vice Chancellor, Technology  
Brian Murphy, President, De Anza College  
Dorene Novotny, Vice Chancellor, Human Resources and Equal Opportunity  
Linda Thor, Chancellor

**CONFERENCE WITH LABOR NEGOTIATOR**

District Negotiator: Dorene Novotny

Employee Organizations: All Represented and Unrepresented Groups

**Executive Administrators Present:**

Charles Allen, Executive Director, Facilities, Operations and Construction Management  
Kevin McElroy, Vice Chancellor, Business Services  
Kimberlee Messina, Acting President, Foothill College  
Joe Moreau, Vice Chancellor, Technology  
Brian Murphy, President, De Anza College  
Dorene Novotny, Vice Chancellor, Human Resources and Equal Opportunity  
Linda Thor, Chancellor

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. She announced that trustee Pearl Cheng was absent due to the passing of her father and offered condolences on behalf of the Board of Trustees.

REPORTING OUT FROM CLOSED SESSION

President Bechtel announced that no reportable action was taken during closed session.

APPROVAL OF MINUTES

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

HEARINGS: ITEMS NOT ON THE AGENDA

Public

In light of San Francisco City College's accreditation troubles, Terry Terman expressed appreciation to the governing board for the good work they do for the community.

Students

De Anza College Asian Pacific American Leadership Institute (APALI) Youth Leadership Academy participants Ramsey Ghamrawi and Yiann Chou asked the Board of Trustees to consider offering an integrated Intercultural Studies (ICS) course at a local jail to improve rehabilitation outcomes. The students advised that Santa Clara County Chief of Correction John Hirokawa is exploring options that would ensure the safety of both students and offenders and De Anza College Intercultural Studies instructor Christine Chai has offered to teach an Asian American literature course.

Staff

Dental Hygiene instructor and Palo Alto resident Ken Horowitz urged trustees to send a clear message to district negotiators that a two-percent raise for faculty and staff is needed in order to boost morale and increase retention.

Foothill College Vice President of Instruction and Acting President Kimberlee Messina spoke about the success of the Science, Technology, Mathematics, and Engineering (STEM) summer camps and noted that 75 percent of the participants were female. With regard to the college's entrepreneurship academy, she displayed a Foothill College cookie designed by an academy participant who received help from fellow students in setting up a web site for her custom cookie business. Vice President Messina also announced that the district received a grant from the City of San Jose's Silicon Valley Energy Watch program and introduced Robert Cormia to discuss the details.

Chemistry instructor and District Academic Senate President Robert Cormia advised that the district will use the Community Energy Champions Grant to reduce annual electricity consumption by 1,000,000 kilowatt hours (five percent) through a combination of energy management systems, energy awareness among staff and faculty, and energy champions at both colleges who will help to identify areas for improvement. He indicated that the hope is that the energy cost savings can be used to fund a district energy manager.

Chancellor Linda Thor reported that Foothill-De Anza Community College District ranked number 61 on *Silicon Valley Business Journal's* list of top 100 employers based on number of full-time equivalent employees. She announced that Foothill College President Judy Miner will make a presentation regarding institutional and cultural barriers to education innovation, focusing on STEM education, at the August 15, 2013, meeting of the National Science Foundation Board Committee on Education and Human Resources and noted that the committee's invitation to the district resulted from the familiarity with the colleges that Committee Chair and Stanford University Graduate School of Education Dean Claude Steele has gained through the district's joint research project with Stanford.

Chancellor Thor also provided information regarding the initial meeting of the American Council on Education's Presidential Innovation Lab held July 21 through July 23, 2013, at the Institute for the Future in Palo Alto. She indicated that the meeting focused on ways that higher education needs to reorganize itself in light of technological innovations and included panel discussions that considered new ways to connect work and workers as well as new ways for convening learning.

### Board

Trustee Laura Casas congratulated Chancellor Thor on her appointment to the Presidential Innovation Lab. She reported that Facebook, Inc. Chief Executive Officer Mark Zuckerberg will introduce the film "Documented," directed by De Anza College's commencement speaker Jose Antonio Vargas, at its San Francisco debut and commented that the immigration issues being decided in the nation's capital are really important to many district students. De Anza College President Brian Murphy added that Mr. Vargas extended an invitation to undocumented students from both colleges to attend the film opening.

Trustee Bruce Swenson shared details of the memorial service held recently for longtime Foothill College English instructor Anne Paye at Stanford University Memorial Church. He noted that in addition to family and friends, several of her district colleagues spoke at the service and commended her work ethic, talent, and dedication to students.

### APPROVAL OF CONSENT CALENDAR

Trustee Casas asked that item 4, Ratification of Board Warrants Greater than \$5,000 for May and June 2013, be removed from the consent agenda and considered separately.

**M/S/C:** Swenson/Barram  
**Advisory vote:** 2  
**Board vote:** 4  
**Absent:** 1 (Cheng)  
**Action:** **Approved** items 1-3 and 5-16 on the Consent Calendar as follows:

**Item 1** - **Adopted** revised board policy 6030 Credit by Examination

**Item 2** - **Adopted** revised board policy 2305 (formerly board policy 9115) Annual Organizational Meeting

**Item 3** - **Ratified** contracts and agreements

**Item 5** - **Ratified** wire transfers greater than \$5,000 for April, May, and June 2013

**Item 6** - **Made** a finding that the items are of insufficient value to defray the costs of arranging a sale and **authorized** the Interim Director of Purchasing Services to recycle the items or dispose of them in the local public dump

**Item 7** - **Made** a finding that the property does not exceed \$5,000.00 in value and **authorized** the Interim Director of Purchasing Services to sell the items in accordance with Education Code 81452(a)

**Item 8** - **Approved** the list of firms to be included as a pool of prequalified firms to provide Engineering Services for small Maintenance & Operations Repairs/Upgrade projects for a period of three years

**Item 9** - **Approved** Change Order #4 for Balch Petroleum Contractors & Builders

**Item 10** - **Approved** the Human Resources Report

**Item 11** - **Approved** salary schedules and job descriptions for temporary employees

**Item 12** - **Appointed** district chief negotiators

**Item 13** - **Approved** Independent Contractor Agreement with Patricia Williams in the amount of \$90,000

**Item 14** – **Approved** Independent Contractor Agreement with Catherine Ayers in the amount of \$133,410

**Item 15** – **Approved** the Valley Transportation Authority EcoPass contract to provide annual transit passes to Foothill-De Anza Community College District students for an estimated \$351,000 for the academic year 2013-2014

**Item 16** - **Approved** fall 2013 Community Education/Short Courses

**Item 4**

**Ratification of Board Warrants Greater than \$5,000 for May and June 2013**

In response to questions from trustee Casas regarding the security of pensions held by the California Public Employees' Retirement System (CalPERS), Vice Chancellor of Business Services Kevin McElroy explained that CalPERS' investment portfolio has been growing along with the economy and the pension system is now 78 percent fully funded based on actuarial estimates. He advised that the district's current contribution rate to the pension system is 11.42 percent of payroll.

**M/S/C:** Casas/Swenson

**Advisory vote:** 2

**Board vote:** 4

**Absent** 1 (Cheng)

**Action:** **Ratified** board warrants greater than \$5,000 for May and June 2013

**Item 17**

**Board Calendar for 2014**

**M/S/C:** Barram/Swenson  
**Advisory vote:** 2  
**Board vote:** 4  
**Absent:** 1 (Cheng)  
**Action:** **Approved** the 2014 meeting calendar

**Item 18**

**Resolution Authorizing the Reduction in Classified Service**

**M/S/C:** Swenson/Baker  
**Advisory vote:** 2  
**Board vote:** 4  
**Absent:** 1 (Cheng)  
**Action:** **Authorized** the elimination of classified positions

**Item 19**

**Agreement between Foothill-De Anza Community College District and the Foothill-De Anza Faculty Association, July 1, 2013, through June 30, 2016**

**M/S/C:** Casas/Adams  
**Advisory vote:** 2  
**Board vote:** 4  
**Absent:** 1 (Cheng)  
**Action:** **Approved** the agreement between Foothill-De Anza Community College District and the Faculty Association, July 1, 2013, through June 30, 2016

**Item 20**

**Resolution #2013-27 Authorizing the Refinancing of the 2003 Refunding Certificates of Participation**

Vice Chancellor McElroy advised that the district is refinancing outstanding Series 2003 Refunding Certificates of Participation at a fixed interest rate of 1.75 percent in order to save approximately \$85,000 annually for the next eight years. In response to trustee Swenson's questions, he explained that the district originally borrowed the money in 1988 to build the Flint Center Parking Garage and that the transaction is handled through the nonprofit Foothill-De Anza Community College District Financing Corporation because California law only allows state agencies to enter into long-term public debt with another public agency or a nonprofit corporation. William Euphrat, the district's independent financial advisor explained that because of the short remaining term of the bonds, the transaction would be handled as a private placement with Capital One Public Funding, LLC.

**M/S/C:** Swenson/Casas  
**Advisory vote:** 2  
**Board vote:** 4  
**Absent:** 1 (Cheng)  
**Action:** **Approved** Resolution 2013-27 authorizing the refinancing of the 2003 Refunding Certificates of Participation and the execution and delivery of documents relating to the sale and delivery of a lease/purchase agreement and directing certain actions in connection therewith

**Item 21**

**Measure E Consent**

**M/S/C:** Barram/Adams  
**Advisory vote:** 2  
**Board vote:** 4  
**Absent:** 1 (Cheng)  
**Action:** **Ratified** Measure E Consent items as follows:

- A) Cody Anderson Wasney Architects, Inc. – Revision #11 to Standard Agreement – District Office Building Renovation - \$10,600

**Item 22**

**Measure C Consent**

Trustee Swenson asked that items 22.A, C.W. Driver – Change Order #2 – Property Acquisition - \$80,000, and 22. N, Ratcliff Architects - Revision #2 - Library & ISC - \$85,350, be removed from the Measure C consent agenda and considered separately.

**M/S/C:** Casas/Barram  
**Advisory vote:** 2  
**Board vote:** 4  
**Absent:** 1 (Cheng)  
**Action:** **Ratified/Approved** Measure C Consent items as follows:

**De Anza College Measure C Consent**

- B) Guerra Construction - Prime Contract Change Order #1 - Combined Site Improvements Phase II - \$87,363
- C) Sandis - Revision #1 to PAA #D03 to Master Agreement - Combined Site Improvements Phase II - \$15,450
- D) Ratcliff - Added Design Services - Mediated Learning Center - \$41,830
- E) Quali-Con Enterprises, Inc. - Change Order #1 Agreement for Services - Stadium and Track - \$5,000
- F) Sundt - Prime Contract Change Order #5 - ATC - \$78,461
- G) Enovity - PAA 8 to Master Agreement - Corporation Yard - \$0.00 - Time Extension
- H) Noll and Tam Architects - Revision #2 to Project Authorization Amendment #10A to Master Agreement - Library - \$0 Time Extension
- I) Noll and Tam Architects - Rev. #6 to Project Authorization Amendment #4-C to Master Agreement - Corporation Yard - \$11,389
- J) Swenson Associates - Prime Contract Change Order #8 - Corporation Yard - \$57,225

**Foothill College Measure C Consent**

- K) HMC Architects - Revision #5 - Modernization of Learning Support Center, Biology and General Classrooms - \$10,500
- L) McKim Design Group - Agreement for Design Professional Services - Building 1900 ETS Server Room HVAC Upgrades - \$41,500
- M) Prodis Associates Architects - Agreement for Design Professional Services - Swing Space - \$49,500
- O) SJ Amoroso Construction - Change Order #2 for DRC Swing Space - Modernization of Learning Support Center, Biology, and General Classrooms- \$2,903
- P) SJ Amoroso Construction - Change Order #3 - Modernization of Learning Support Center, Biology, and General Classrooms - \$154,637

**Items 22.A and 22.N**

**Measure C**

**A) C.W. Driver - Change Order #2 - Property Acquisition - \$80,000**

**N) Ratcliff Architects - Revision #2 - Library & ISC - \$85,350**

In response to trustee Swenson’s questions, Executive Director of Facilities, Operations, and Construction Management Charles Allen advised that the additional costs for both contracts were anticipated, but could not be quantified at the time the contracts were awarded. He indicated that the additional costs for the C.W. Driver contract are related to the need to keep the building alarm systems and utilities in operation until demolition commences and the changes to the Ratcliff Architects contract include optional items that were previously negotiated as well as additional structural engineering design required because of determinations made during the schematic design phase that the building’s heating, ventilation, and air conditioning system requires replacement.

**M/S/C:** Swenson/Barram

**Advisory vote:** 2

**Board vote:** 4

**Absent** 1 (Cheng)

**Action:** **Ratified** Measure C item 22.A, C.W. Driver – Change Order #2 – Property Acquisition \$80,000, and 22.N, Ratcliff Architects – Revision #2 – Library & ISC - \$85,350

**Item 23**

**Award Lease-Leaseback Preconstruction Services Agreement for Flint Parking Structure Repairs at De Anza College - \$65,112**

**M/S/C:** Casas/Adams

**Advisory vote:** 2

**Board vote:** 4

**Absent** 1 (Cheng)

**Action:** **Approved** C. Overaa & Company as the Lease-Leaseback contractor for the Flint Parking Structure Repairs project at De Anza College and **authorized** the Interim Director of Purchasing Services to award the Preconstruction Services Agreement for the project to C. Overaa & Company

**Item 24**

**Measure C Project List Revision with Foothill Budget Transfer #40 and De Anza Budget Transfer #38**

**M/S/C:** Barram/Swenson

**Advisory vote:** 2

**Board vote:** 4

**Absent** 1 (Cheng)

**Action:** **Approved** the Bond Project List Revision with Foothill Budget Transfer #40 and De Anza Budget Transfer #38

**Item 25**

**Award a Contract Pursuant to Bid Document #1636R-200F – Scoreboard Replacement at De Anza College - \$59,100**

**M/S/C:** Barram/Swenson  
**Advisory vote:** 2  
**Board vote:** 4  
**Absent:** 1 (Cheng)  
**Action:** **Authorized** the Interim Director of Purchasing Services to award a contract pursuant to Bid Document #1636R-200F – Scoreboard Replacement at De Anza College in the aggregate amount of \$59,100 to R.C. Benson & Sons, Inc. General Contractors

**Item 26**

**Award a Contract Pursuant to Bid #1649-144, Minor Site Improvements at Foothill College - \$112,160**

**M/S/C:** Casas/Baker  
**Advisory vote:** 2  
**Board vote:** 4  
**Absent:** 1 (Cheng)  
**Action:** **Authorized** the Interim Director of Purchasing Services to award a contract pursuant to Bid #1649-144, Minor Site Improvements at Foothill College in the amount of \$112,160 to ER Brothers Company, Inc.

**Item 27**

**Authorize Use of FCCC Contracts for Advanced Technology Center Furniture Purchases Pursuant to Public Contract Code 20652 - \$825,000**

**M/S/C:** Adams/Barram  
**Advisory vote:** 2  
**Board vote:** 4  
**Absent:** 1 (Cheng)  
**Action:** **Authorized** the Interim Director of Purchasing Services to issue purchase orders to Kruger International not to exceed \$825,000 to furnish the Advanced Technology Center Building with classroom and office furniture pursuant to Public Contract Code 20652 and Foundation for California Community Colleges contracts CAC-B-008 and CAC-B-009

**ADJOURNMENT**

President Bechtel adjourned the meeting at 7:08 p.m.



---

Chancellor and Secretary to  
the Board of Trustees

Approved 8/26/13