

FOOTHILL-DE ANZA  
Community College District

FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT  
**BOARD OF TRUSTEES**  
MINUTES  
REGULAR MEETING  
October 4, 2010

CALL TO ORDER

President Bruce Swenson called the meeting to order at 6:03 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

For Public Session

Etienne Bowie, Foothill College Student Trustee  
Thomasina Countess Russaw, De Anza College Student Trustee

CORRESPONDENCE

There was none.

HEARINGS: ITEMS NOT ON THE AGENDA

Public

None

Students

None

Staff

Acting Chancellor Judy Miner reported that Chancellor Linda Thor is attending the White House Summit on Community Colleges and will be on a panel addressing financial aid and accessibility for community college students. The live webcast of the opening and closing sessions of the summit will be shown at both colleges. Miner shared that India's Minister of Human Resource Development (counterpart to Arne Duncan) visited both of our colleges on September 23 for the purpose of getting an idea of what happens at outstanding community colleges. India is contemplating founding a community college system in their country and Foothill and De Anza are serving as models. The hope is that there will be partnership opportunities and that the district may be able to benefit from some of the faculty development in India. Miner reported that she had just met with Dr. Ajay Kela, president of the Wadhvani Foundation that is providing some of the seed funding.

District Academic Senate President Dolores Davison reported that the governor has signed SB 1440 and AB 2302. SB 1440, The Student Transfer Achievement Reform (STAR) Act, would

increase the number of students who successfully transfer from California Community Colleges (CCC) to the California State University system by establishing transfer degrees. Those who earn the new transfer degree would be guaranteed admission to the California State University (CSU) with junior status. AB 2302 will require California community colleges to work with CSU's to inform students and the public of the bills and advocate the University of California to do the same. The statewide academic senate will begin to develop transfer degree guidelines for community colleges to follow. On October 7 and 8 Foothill and De Anza representatives will participate in the collaborative discussions among the community colleges, CSU's and UC's.

De Anza President Brian Murphy said that the visit by India's Minister to both colleges is an indication of the international recognition that Foothill and De Anza are receiving. President Murphy said the resurrection of tent city at De Anza has begun. He reminded the trustees that the tent city symbolized the students' efforts in defense of the district's budget situation. He thanked student trustee Thomasina Russaw and her colleagues at both colleges for their efforts. Murphy invited all to the Night of Magic Gala on October 23 to be held in the new Visual and Performing Arts Center.

Associate Vice President Kurt Hueg distributed copies of Foothill students' annual publication, *The Loop*. Instructor Scott Lankford is the faculty advisor for the magazine. Hueg had also distributed copies of the professional development calendar for 2010-11 organized by Associate Vice President Denise Swett. Hueg announced that Foothill's Middle College instructor Michael Wilson was honored by the Mountain View/Los Altos High School District as that district's teacher of the year. Wilson has been teaching at Foothill for about 12 years.

Vice Chancellor of Business Services Kevin McElroy reviewed the timelines and process for filling vacancies on both the Audit and Finance and Citizens' Bond Oversight committees that were included in the board Communique packets.

The appointment of a board subcommittee to solicit, review, and recommend applicants for both committees will be placed on the November 1, 2010 board agenda.

### Trustees

Trustee Barram attended opening day activities and felt that Chancellor Thor's speech was well received. Trustee Barram found the event to be very informative and a good way to start the year.

Trustee Casas Frier said that after many attempts and exploring different avenues for enrolling in science classes at Foothill, her son was still not able to find an open section. This situation speaks to the need for finding methods of alternative funding for the district.

President Swenson and the trustees acknowledged Communications Coordinator Becky Bartindale for producing the district's application for reaffirmation on the League for Innovation board. President Swenson said the document is spectacular and beautifully well done and is extremely informative. President Swenson said the publication deserved special commendation. Bartindale thanked the board and said she is working on posting the document on the district's website.

Trustee Bechtel brought to everyone's attention the website, "yesforfoothilldeanza.com".

APPROVAL OF MINUTES

**M/S/C:** Barram/Cheng  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** the minutes of August 30, 2010

**M/S/C:** Bechtel/Casas Frier  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** the minutes of September 13, 2010

APPROVAL OF CONSENT CALENDAR

Items 4 and 7 on the consent calendar were removed for separate discussion and action.

**M/S/C:** Casas Frier/Cheng  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** items 1-3 and 5-6 on the Consent Calendar

**Item 1** - **Ratified** Contracts and Agreements

**Item 2** - **Approved** Resolution Authorizing Child Care Contract #CCAP-0109

**Item 3** - **Approved** Renewal of the Contract with Capture Technologies Inc.

**Item 5** - 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 or dispose of the items.

**Item 6** - 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 4**  
**Professional Personnel Leasing Agreement**

President Brian Murphy corrected the amount of the finder's fee on page 1, paragraph 2 of the contract as follows:

“Twelve ~~thousand two~~ hundred ninety dollars and twelve cents. . . .”

**M/S/C:** Bechtel/Cheng  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** the Agreement with Professional Personnel Leasing for the services of Gordon Poon as Interim Dean of Counseling/Matriculation as amended

**Item 7**

**Human Resources Report**

In response to Trustee Casas Frier's question regarding the employment contracts for the college researchers, Vice Chancellor Novotny said the positions are both permanent and are the result of turnovers in both colleges' institutional research departments. Andrew LaManque, formerly a researcher at De Anza, filled the district's Director of Institutional Research vacancy created by the retirement of Bob Barr. A vacancy at Foothill was created by the resignation of Daniel Peck. Trustee Casas Frier asked if it would be feasible for the positions to be filled for one year and then be reviewed at the end of the year when the accreditation reports had been completed. Both Vice Chancellor of Technology Fred Sherman and President Murphy said the positions are critical to the ongoing research needs of the district and colleges. Acting Chancellor Miner pointed out that the SLO process of review, assessment, and reflection is ongoing and curriculum evaluation needs to continue.

**M/S/C:** Casas Frier/Barram  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** Approved the Human Resources Report

**Item 8**

**Designation of Board Member to Vote in County Committee Election**

**M/S/C:** Swenson/Barram  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** Designated Trustee Cheng to vote in the county committee election

**Item 9**

**De Anza College ACCJC Follow-Up Report 2010**

President Murphy acknowledged the work of Marisa Spatafore, Lois Jenkins, Jim Haynes, and Coleen Lee-Wheat for producing the report.

In response to President Swenson's question about when the college would meet 100% of the SLO goal, Murphy said the college's self-imposed deadline is the end of the 2010 fall quarter to get to full completion of the SLO's. When the accreditation team makes its site visit in 2011 the college will have completed a substantial portion of the assessment protocols.

**M/S/C:** Casas Frier/Russaw  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** Accepted the De Anza College ACCJC Follow-Up Report 2010 subject to minor editing changes

**Item 10**

**Foothill College ACCJC Follow-Up Report 2010**

Associate Vice President Hueg acknowledged the efforts of Eloise Orrell, Rosemary Arca, Julian Welch and Carolyn Holcroft for their work on the report. Acting Chancellor Miner also acknowledged the work

of Darya Gilani who also contributed greatly to the report. It was recommended that the college further develop well-defined and measurable Student Learning Outcomes and to evaluate those outcomes for increased effectiveness. The appendix to the report contains various samples of actual methods used to document examples of SLO definitions and reflections.

Hueg said the college is almost at 100% completion in writing their SLO's. The first cycle has been completed for the Administrative Unit Outcomes and Student Service Learning Outcomes. Foothill's goal is to have cycles of reflection and cycles of evaluation and to improve based on the results of those cycles. They will begin the second cycle for the SLO's and AUO's. The ACCJC does not give hard deadlines but rather, has very rigid expectations on where you should be in the process at certain points in time. We expect to have completed either 3, or in some cases 2, cycles by the time of the site visit. Total quality improvement is the goal.

Both colleges expect to be fully accredited.

**M/S/C:** Barram/Casas Frier  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** Accepted the Foothill College ACCJC Follow-Up Report 2010 subject to minor editing changes

#### **Item 11**

#### **Foothill College ACCJC Substantive Change Proposal: Distance Education Programs**

Associate Vice President Hueg explained that the ACCJC requires submittal of a substantive change proposal when at least 50% of a program is offered at an off campus location or is offered via a method of distance delivery. The objective is to maintain program quality for those programs offered at alternate locations or on line.

**M/S/C:** Bowie/Russaw  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** Accepted the Foothill College ACCJC Substantive Change Proposal: Distance Education Programs

#### **Item 12**

#### **Layoff due to Lack of Funds/Lack of Work**

**M/S/C:** Bechtel/Barram  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** Eliminated the Graphic Design Technician position at De Anza College and authorized District representatives to provide the employee with a forty-five (45) day notice of layoff

#### **Item 13**

#### **Measure E Consent**

**M/S/C:** Bowie/Russaw  
**Advisory vote:** 2

**Board vote:** 5

**Action:** **Approved/Ratified** Measure E Consent items as follows:

- A.** *Title:* Revision #2 to Project Authorization Amendment #D20  
*Vendor:* Allana Buick & Bers, Inc.  
*Agreement Date:* January 19, 2010  
*Campus:* De Anza College  
*Project No.:* 765-277  
*Project Name:* PE Women’s Shower Repairs  
*Amount:* \$11,840  
*For:* Shower Repairs located in PE-6.  
Construction Inspection services and additional architectural engineering support due to unforeseen field conditions.  
*Action:* Approval
- B.** *Title:* Budget Transfer #50  
*Vendor:*  
*Agreement Date:*  
*Campus:* Foothill College  
*Project No.:*  
*Project Name:*  
*Amount:*  
*For:* Measure E Foothill Project Close-out and Budget Transfer #50. This budget transfer includes the following items:  
➤ Recognizes project savings from completed projects in the amount of \$377,510 and transfers the funding to Foothill Program Contingency.  
➤ Closes project 178 “Minor Improvements - Phase II” and transfers remaining budget of \$200,333 to project 176 “Minor Improvements and Close-outs”.  
➤ Increases current Foothill Program Contingency from \$501,280 to \$878,790 resulting from project savings of \$377,510.  
*Action:* Ratification
- C.** *Title:* Budget Transfer #51  
*Vendor:*  
*Agreement Date:*  
*Campus:* Foothill College  
*Project No.:*  
*Project Name:*  
*Amount:*  
*For:* Measure E Foothill Budget Transfer #51. This budget transfer includes the following items:  
➤ Redistributes funding in the amount of \$35,000 to Foothill project 146 “New Fieldhouse and Restrooms” from District project 416 “Roads and Parking” to align funding with budget and actual expenditures.

- Recognizes additional State Capital Outlay revenue of \$18,000 for project 146 “New Field house and Restrooms”.
- Recognizes additional funding in the amount of \$3,418 from Campus Center Use Fee, 2006 revenue.
- Increases current Foothill Program Contingency from \$878,790 to \$935,208 resulting from increases in funding and revenue sources as noted above.

*Action:* Ratification

**D.** *Title:* Budget Transfer #8

*Vendor:*

*Agreement Date:*

*Campus:* District

*Project No.:*

*Project Name:*

*Amount:*

*For:* Measure E District Project Close-out and Budget Transfer #8. This budget transfer includes the following items:

- Recognizes project savings from completed projects in the amount of \$58,501 and transfers the funding to District Program Contingency.
- Increases current District Program Contingency from \$1,040,422 to \$1,098,923 resulting from project savings of \$58,501.

*Action:* Ratification

**E.** *Title:* Budget Transfer #9

*Vendor:*

*Agreement Date:*

*Campus:* District

*Project No.:*

*Project Name:*

*Amount:*

*For:* Measure E District Budget Transfer #9. This budget transfer includes the following items:

- Redistributes funding in the amount of \$35,000 from District project 416 “Roads and Parking” to Foothill project 146 “New Fieldhouse and Restrooms” to align funding with budget and actual expenditures.
- Adjust District funding by \$29,000 resulting from an underrun for project demolition, thus negating the need for State Capital Outlay revenue for project 414 “Service Shops for Hardware, Welding, and Construction”.
- Decreases current District Program Contingency from \$1,098,923 to \$1,034,923 to cover funding

transfer to FH project 146 and to cover state funding shortfall on project 414.

*Action:* Ratification

**Item 14**

**Award a Contract Pursuant to Bid Document 1286-152, Lower Campus Complex**

**M/S/C:** Bechtel/Casas Frier  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Authorized** the Director of Purchasing and Material Services to award a contract pursuant to Bid 1286-152 in the amount of \$78,650 to Pella Creations Company

**Item 15**

**Measure C Consent**

Items A, E, and F were removed for separate discussion and action.

**M/S/C:** Barram/Casas Frier  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved/Ratified** Measure C consent items B-D and G-H as follows:

- B.** *Title:* Project Authorization Amendment #D14  
*Vendor:* Environmental Construction Services, Inc. (ECS)  
*Agreement Date:* September 8, 2008  
*Campus:* De Anza College  
*Project No.:* 256  
*Project Name:* Campus Center Phase II  
*Amount:* \$4,300  
*For:* Provide asbestos and lead paint consulting services.  
*Action:* Approval
- C.** *Title:* Revision #5 to Project Authorization Amendment #1-C to Master Agreement  
*Vendor:* Noll & Tam Architects  
*Agreement Date:* May 6, 2008  
*Campus:* De Anza College  
*Project No.:* 205  
*Project Name:* Seminar Building & Multicultural Center  
*Amount:* \$810  
*For:* Additional design services. Funding for this revision is included in the current budget.  
*Action:* Approval
- D.** *Title:* Revision #3 to Project Authorization Amendment #06-A  
*Vendor:* Noll & Tam Architects  
*Agreement Date:* February 2, 2010

*Campus:* De Anza College  
*Project No.:* 256  
*Project Name:* Campus Center Phase II  
*Amount:* \$3,825  
*For:* Structural design services and estimating services. Funding for this item is available within the project budget.  
*Action:* Approval

**G.** *Title:* Change Order #4  
*Vendor:* YESCO  
*Agreement Date:* February 23, 2010  
*Campus:* Foothill College  
*Project No.:* 134  
*Project Name:* Exterior Signage  
*Amount:* \$5,336  
*For:* Production of a higher-resolution Foothill tree logo than that originally provided by the District; removal of existing footings due to conditions discovered in the field; change in one sign location as requested by College; and a no-cost time extension due to production of silk screen for tree logo.  
This change plus all previously approved change orders equal to 19.1% of the base contract value. Funding is included in the existing budget.  
*Action:* Ratification

**H.** *Title:* Change Order #7  
*Vendor:* Zolman Construction and Development, Inc.  
*Agreement Date:* October 4, 2010  
*Campus:* Foothill College  
*Project No.:* 112  
*Project Name:* Modernization of Administration Building and General Classrooms  
*Amount:* \$41,612  
*For:* Architect-directed changes for additional water proofing material and for finish details; owner-directed changes to increase control of classroom lighting levels and to add valves for improved maintenance; and changes responding to field conditions related to roof replacement and integration of fire alarm with campus-wide system. This change represents 0.88% change to the contract value. Total project changes represent a 6.14% change to the contract value.  
The funding for this change is within the current budget.  
*Action:* Ratification

**Item 15.A**

**Architectural Resources Group (ARG) – Revision #2 to Purchase Order #G979220/Project Authorization Amendment-3C – Baldwin Winery & East Cottage - \$23,760**

Trustee Casas Frier questioned the payment to ARG and asked if the district is seeking recompense for the costs incurred during the collapse of the East Cottage roof. Executive Director Allen assured the board that the district will be seeking recovery of expenses incurred during the roof collapse.

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

**Advisory vote:** 2

**Board vote:** 5

**Action:** **Approved/ratified** Item 15.A as follows with the caveat that the district will pursue recovery of expenses incurred in the collapse of the East Cottage roof

**A.** *Title:* Revision #2 to Purchase Order #G979220/Project Authorization Amendment-3C

*Vendor:* Architectural Resources Group (ARG)

*Agreement Date:* November 6, 2007

*Campus:* De Anza College

*Project No.:* 203

*Project Name:* Baldwin Winery & East Cottage

*Amount:* \$23,760

*For:* Provide additional construction administration services for the Baldwin Winery Project due to construction schedule extension. Additional services required due to contractor imposed schedule delays

*Action:* Approval

**Item 16**

**Measure C Bond Project List Revision with Foothill Budget Transfer #22**

**M/S/C:** Bechtel/Cheng

**Advisory vote:** 2

**Board vote:** 5

**Action:** **Approved** the Bond Project List Revision with Foothill Budget Transfer #22

**Item 17**

**Request for Authorization to Negotiate and Approve Change Orders in excess of \$50,000**

Item 17 is a duplicate of Item 15.F and was removed from the agenda

**Item 18**

**Change Order #18 to SJ Amoroso, Inc. for Project 241: S2 and S6 Phase II - Utility Master Plan Phase 1**

Executive Director Charles Allen explained that Item 18 addresses the structural deficiencies in S2 and S6. Structural deficiencies became evident when the ceiling was removed to accommodate additional weight. Change order #18 extends the performance period by 15 days through November 10.

**M/S/C:** Casas Frier/Barram  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved** the revision for additional service items and **modified** the existing contract with SJ Amoroso, Inc.

**Item 15.E**

**S. J. Amoroso, Inc. – Change Order #19 – S2-S6 Phase II – Utility Master Plan – Phase I - \$40,080**

**Item 15.F**

**S. J. Amoroso, Inc. – Change Order #20 – S2-S6 Phase II – Utility Master Plan – Phase I - \$68,121**

Executive Director Allen explained that items 15.E and 15.F are a confluence of all the underground piping that serve buildings in the central part of the campus as well as the future Mediated Learning Center.

**M/S/C:** Swenson/Barram  
**Advisory vote:** 2  
**Board vote:** 5  
**Action:** **Approved/ratified** Measure C consent Items 15.E and 15.F as follows:

- E.** *Title:* Change Order #19  
*Vendor:* S. J. Amoroso, Inc.  
*Agreement Date:* July 10, 2009  
*Campus:* De Anza College  
*Project No.:* 241  
*Project Name:* S2-S6 Phase II – Utility Master Plan – Phase I  
*Amount:* \$40,080  
*For:* Miscellaneous changes: Conduits and wire for power meters in S2 & S6, transceiver installation at TX 7 transformer, relocate sanitary sewer at S6, additional pipe at administration building, Flint center final connection, install additional electrical conduits at LCW and LC, modify piping and insulation at MLC connection, additional paving between S6 and S5.  
The total Change Orders to date represent 13.8 % against the original contract amount. Funding is included in the current budget.  
*Action:* Approval
- F.** *Title:* Change Order #20  
*Vendor:* S. J. Amoroso, Inc.  
*Agreement Date:* July 10, 2009  
*Campus:* De Anza College  
*Project No.:* 241  
*Project Name:* S2-S6 Phase II – Utility Master Plan -- Phase I  
*Amount:* \$68,121  
*For:* Miscellaneous changes: Revised custom hydronic piping at manhole 21A, Overtime premium costs for acceleration of

hydronic piping work.

The total Change Orders to date represent 14.5 % against the original contract amount. Funding is included in the current budget.

*Action:* Approval

**Item 19**

**Measure C Vehicle Procurement Plan – Revision 1**

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

**Advisory vote:** 2

**Board vote:** 5

**Action:** **Approved** a revision to Phase I of the Measure C Vehicle Replacement Plan to purchase 6 Flex Fuel passenger vans for the athletic programs

**Item 20**

**Lease-Leaseback Construction Procurement Process for the District Data Center Project**

**M/S/C:** Bechtel/Bowie

**Advisory vote:** 2

**Board vote:** 5

**Action:** **Approved** the initiation of a construction procurement process under the Lease-Leaseback provision of Education Code section 81335 for the District Data Center project subject to the subsequent Board approvals as noted

**Item 21**

**Authorization to Purchase Cardiovascular Exercise Equipment and Selectorized Weight Machines for the De Anza College Fitness Center Pursuant to Bid 1262**

Director of Purchasing and Material Services Carmen Redmond said that the vendors' contracts include installation and 3-year maintenance of their equipment.

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

**Advisory vote:** 2

**Board vote:** 5

**Action:** Waived the minor irregularity in the Advantage Fitness Products bid as described above and **authorized** the Director of Purchasing and Material Services to award purchase orders in accordance with Bid 1262 as follows: Cybex International for Category A in the amount of \$67,179.89, Life Fitness for Category B in the amount of \$140,770.50, Advantage Fitness Products for Category C in the amount of \$114,914.43, Mountain Medical for Category D in the amount of \$6,555.00, and Advantage Fitness Products for Category E in the amount of \$12,042.11

**Item 22**

**Award a Contract Pursuant to Bid Document #1283-110, Renovation of Language Arts Classrooms: 6200, 6300, & 6500 at Foothill College, Measure C**

**M/S/C:** Bechtel/Barram

**Advisory vote:** 2

**Board vote:** 5

**Action:** **Authorized** the Director of Purchasing and Material Services to award a contract pursuant to Bid Document #1283-110, Renovation of Language Arts Classrooms: 6200, 6300, & 6500, in the amount of \$2,140,000 to Zolman Construction and Development, Inc.

**Item 23**

**Project 261 Mediated Learning Center – Amendment #1 to the Preconstruction Services Agreement: Early Procurement of Structural Steel Shop Drawings**

**M/S/C:** **Cheng/Bechtel**

**Advisory vote:** 2

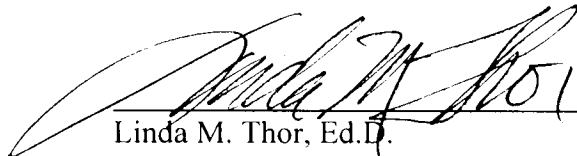
**Board vote:** 5

**Action:** **Authorized** the Director of Purchasing and Material Services to sign Amendment #1 to the Preconstruction Services Agreement in the amount of \$100,000 with Sundt Construction, Inc.

**ADJOURNMENT**

President Swenson adjourned the meeting at 7:10 p.m.

Approved: 11/1/10

  
\_\_\_\_\_  
Linda M. Thor, Ed.D.  
Secretary to the Board of Trustees