



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## BOARD OF TRUSTEES

### MINUTES

### REGULAR MEETING

**November 3, 2008**

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

President Bruce Swenson declared a quorum was present and called the meeting to order at 4:40 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:**

Bruce Swenson, President  
Paul Fong, Vice President  
Betsy Bechtel  
Laura Casas Frier  
Hal Plotkin

#### **for Public Session**

Patrick Ahrens, De Anza College Student Trustee  
Confiance Dukunde, Foothill 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 PROPERTY NEGOTIATORS**

Under Negotiation:	Price and terms of payment
Agency Negotiator:	Kevin Crawford, Andy Dunn and John Shupe
Property:	4000 Middlefield Road, Palo Alto, CA 94303
Negotiating Parties:	City of Palo Alto
Property:	189 N. Bernardo Avenue, Mt. View, CA 94043
Negotiating Parties:	Cornish & Carey Commercial
Property:	21265-21269 Stevens Creek Blvd., Cupertino, CA 95014
Negotiating Parties:	Homeland Management, Inc.

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

Charles Allen, Executive Director of Facilities, Operations and Construction Management  
Andy Dunn, Vice Chancellor of Business Services  
Martha Kanter, Chancellor  
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

#### **Others Present:**

Kevin Crawford

Mark Hennigh  
Mark Ritchie  
John Shupe

#### 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  
Andy Dunn, Vice Chancellor of Business Services  
Martha Kanter, Chancellor  
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 Swenson re-convened the public session at 6:03 p.m. in the District Board Room. He 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	Rich Hansen	Dorene Novotny
	Anne Argyriou	Jeanine Hawk	Frank Nunez
	Gina Bailey	Art Heinrich	Jon O'Bergh
	Shirley Barker	Ken Horowitz	Javier Rueda
	Becky Bartindale	Martha Kanter	Fred Sherman
	Maureen Chenoweth	Marsha Kelly	Chien Shih
	Dolores Davison	Sharon Luciw	Bernata Slater
	Andy Dunn	Judy Miner	Marisa Spatafore
	Marie Fox Ellison	Blanche Monary	Mona Voss
	Richard Galope	Brian Murphy	Laura Woodworth
	Phyllis Garrison	Peter Murray	

*Press:* None

*Students:* None

<i>Public:</i>	Patricia Alarcon	Bill Blessing	Susan Strubb
	Bill Berry	Pearl Cheng	Terry Terman

#### REPORTING OUT FROM CLOSED SESSION

President Swenson reported that no action was taken in closed session.

#### APPROVAL OF MINUTES

**M/S/C:** Casas Frier/Dukunde  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the minutes of the October 20, 2008 meeting

## **CORRESPONDENCE**

President Swenson asked if there was any correspondence which should be brought to the Board's attention. There was none.

## **AUDIT & FINANCE COMMITTEE REPORT**

Trustee Bechtel reported that the Audit & Finance Committee approved draft audit reports of the District and Foundation, reviewed the status of the District's investments in the Santa Clara County Commingled Investment Pool and Community College League of California Joint Powers Authority, endorsed a plan for the Measure C Operational Review, endorsed the recommendation to change the District's banking relationships, reviewed the management response for implementing the recommendations from the operational review of facilities rentals, and established a list of operational reviews to be performed during 2008-09. She noted that a more thorough discussion of the budget will be held at the next meeting on March 2, 2009.

## **FOUNDATION BOARD REPORT**

Trustee Fong and Foundation Executive Director Marie Fox Ellison reported that the Foundation Board reviewed the status of its investments, which declined 12% to \$26 million due to the economic crisis but still performed better than the market as a whole.

## **PUBLIC HEARING**

### **Contract Extension of the *Agreement* between the District and SEIU Local 521**

Classified staff member Blanche Monary provided an update on classified staff employee efforts to decertify from SEIU. Susan Strubb of SEIU addressed the Board to say that there was no disagreement between SEIU and classified staff to extend the *Agreement*. SEIU Chapter Chair Javier Rueda and classified staff member Phyllis Garrison also spoke about the decertification efforts. Ms. Garrison noted the staff's interest in pursuing interest-based bargaining through a new union.

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

### **Public / Students**

There were no students or members of the public who wished to address the Board on items not on the agenda.

### **Staff**

Foothill Instructor Ken Horowitz shared his thoughts about the fiscal situation and trustee appointment process. Faculty Association President Rich Hansen read a statement regarding two areas of concern for the Faculty Association: the District's position that COLA not be used to address health benefits for retirees hired after 1996, and the District's position to remain at the 55% ratio for part-time faculty rather than increase the ratio to 67% as permitted by the state this year.

De Anza President Brian Murphy announced an Election Return event for November 4 which is the culmination of the college's Youth Vote '08 initiative. He distributed a newly designed campus brochure and noted how the De Anza Marketing department has garnered several design awards.

Lastly, he thanked Trustee Casas Frier and Chancellor Martha Kanter for attending the LEED Platinum Certification Celebration for the Kirsch Center for Environmental Studies.

Foothill President Judy Miner thanked Trustee Plotkin for joining her at a presentation on institutional research at the recent Association of Community College Trustees Convention, and noted his well-received presentation on Open Educational Resources at the Convention.

Chancellor Kanter referred to recent state budget updates from the State Chancellor's Office and Community College League of California, and noted that the governor had called a special legislative session to address the budget crisis. She said she will work with faculty and staff to develop a budget plan to address mid-year cuts in a balanced way to preserve both student access and the District's faculty and staff. She announced that Santa Clara County is holding a retirement celebration for Supervisor Blanca Alvarado on November 14, and announced that Foundation board member Joan Barram would be honored by the local chapter of the Association of Fundraising Professionals on November 17 in conjunction with national Philanthropy Day. Lastly, she reported that a meeting of the Community College Consortium for Open Educational Resources was held at Foothill College on October 30, and she thanked Student Trustees Ahrens and Dukunde for their efforts to further the availability of open textbooks for students.

### Trustees

Student Trustee Dukunde expressed several concerns. He pointed out that bicyclists and pedestrians must cross traffic at the entrance to Foothill College while many vehicles are trying to exit campus by turning left. Executive Director of Facilities, Operations and Construction Management Charles Allen explained that the area is under the jurisdiction of Los Altos Hills, but he offered to pursue the matter with the town. A second concern involved the difficulty experienced by some students in trying to access financial aid for vocational programs, and a third concern involved bus information signage at campus bus stops. Foothill President Miner said she would follow up with Student Trustee Dukunde on both concerns.

Trustee Casas Frier presented the LEED Platinum Certification award for the Kirsch Center for Environmental Studies, pointing out how De Anza is the first community college in the nation to achieve LEED Platinum Certification for a building. Student Trustee Ahrens spoke about the mock election that was held at De Anza and at community colleges across the state. He also spoke about his efforts to further the availability of open textbooks. Trustee Fong congratulated De Anza, the Foundation and the De Anza Commission for their work in hosting the annual fundraising event, "A Night of Magic."

Trustee Plotkin reported that there was much interest in Open Educational Resources (OER) at the Association of Community College Trustees Convention. He noted how many of the individuals attending the Convention asked him to convey their best wishes to Trustee Fong in his bid for the California State Assembly representing District 22. He thanked Chancellor Kanter for organizing and galvanizing the Community College Consortium for Open Educational Resources. President Swenson thanked Trustee Plotkin for his leadership in the OER movement. President Swenson noted that this would likely be Trustee Fong's last meeting as a member of the Board. He thanked Trustee Fong for his leadership and 15 years of service on the Board. All present gave Trustee Fong a standing ovation.

## **APPROVAL OF CONSENT CALENDAR**

**M/S/C:** Bechtel/Ahrens  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified Items 1-7 of the Consent Calendar as follows:

**Item 1** — **Ratified** CONTRACTS AND AGREEMENTS

**Item 2** — **Approved** AUTHORIZATION TO PURCHASE NETWORK EQUIPMENT PURSUANT TO STATE OF CALIFORNIA CALNET II CONTRACTS

**Item 3** — **Approved** CONSULTING SERVICES FOR INFORMATION SECURITY AUDIT  
Authorized the Vice Chancellor of Technology and the Director of Information Technology and Operations to negotiate and enter into a contract with Strata Information Group for a cost not to exceed \$60,000

**Item 4** — **Approved** AUTHORIZATION TO AWARD THREE-YEAR CONTRACT FOR PRINTING AND MAILING OF FOOTHILL COLLEGE SCHEDULE OF CLASSES PURSUANT TO BID 1156  
Authorized the Purchasing Services Supervisor to award a three-year contract to Folger Graphics

**Item 5** — **Approved** TRANSFER OF PIPE FITTERS AND STEAM FITTERS APPRENTICESHIP PROGRAM TO FOOTHILL COLLEGE

**Item 6** — **Approved** PERSONNEL ACTIONS:

*Name:* **Charles Allen**  
*Position:* Executive Director  
*College:* Central Services  
*Division:* Facilities, Operations and Construction Management  
*Action:* **Extend Employment Contract**  
*Effective Date:* December 11, 2008 through June 30, 2009

*Name:* **Lester A. Lyons**  
*Position:* Associate Director  
*College:* Central Services  
*Division:* Facilities, Operations and Construction Management  
*Action:* **Extend Employment Contract**  
*Effective Date:* December 5, 2008 through June 30, 2009

*Name:* **Eloise Orrell**  
*Position:* Dean  
*College:* Foothill College  
*Division:* Biological and Health Sciences  
*Action:* **Employment**  
*Effective Date:* January 1, 2009  
*Compensation:* Level J, Step 3 @ \$10,321.18 per month

*Name:* **Chien Shih**  
*Position:* Director  
*College:* Central Services  
*Division:* Information Systems and Operations  
*Action:* **Extend Employment Contract**  
*Effective Date:* November 27, 2008 through June 30, 2009

*Name:* **Rowena Tomaneng**  
*Position:* Acting Dean  
*College:* De Anza College  
*Division:* Language Arts  
*Action:* **Employment**  
*Effective Date:* November 1, 2008 through December 31, 2008  
*Compensation:* Level K, Step 2 @ \$10,293.31 per month

### **Item 7** — **Approved HUMAN RESOURCES REPORT**

### **Item 8**

#### **FOOTHILL COLLEGE PHYSICAL SCIENCES AND ENGINEERING CENTER – SCHEMATIC DESIGN REVIEW**

Foothill President Miner recognized Dean of Physical Sciences, Engineering and Mathematics Peter Murray, Vice President of Educational Resources and Instruction Shirley Barker and Director of Bond Program Management Art Heinrich for their role in bringing the design successfully to fruition with the support of division faculty and staff as well as the support of neighbors. Bill Blessing and Patricia Alarcon of Ratcliff Architects then presented the schematic design review.

Several questions were asked about the crosswalks. Mr. Blessing stressed the need for the two existing crosswalks. He explained that, once all projects in the vicinity of the Physical Sciences and Engineering Center are completed, the college can analyze pedestrian patterns to determine what improvements would best serve both pedestrian and vehicle safety. Concerns were expressed especially about the crosswalk beyond the bus stop, which would be the primary route for disabled access. Mr. Blessing said that there are a number of suggestions to improve safety at that location that will be explored.

Trustee Bechtel and President Swenson questioned the need for a student lounge, conference room and breakout spaces in light of budget constraints and the priority placed on instructional space. Student Trustees Ahrens and Dukunde spoke in support of the student lounge and breakout spaces. Foothill President Miner and Dean Murray spoke about the importance of the spaces to enhance student learning, and Vice President Barker stressed that the conference room and lounge were designed with the future needs of the college in mind and could be converted to classrooms.

Executive Director Allen explained that, although the project budget is larger than originally proposed, it is in alignment with the design, and the additional cost can be covered by contingency interest earnings without eliminating other projects. Trustee Bechtel asked for consideration of photovoltaic arrays in lieu of shade trees in the reconstructed parking lot and alternative roofing materials in lieu of wood shake. Trustee Plotkin added his suggestion to consider photovoltaic roofing. He also cited problems with cabinetry design for the De Anza Science Center and was assured that precise measurements were taken and a lab consultant hired to ensure those problems would not be repeated. Responding to a question about the cost of LEED certification, Executive

Director Allen said it is a small proportion of the total project cost and provides a national standard for measurement. Trustee Bechtel expressed her support for striving to achieve LEED standards.

<b>M/S/C:</b>	Plotkin/Dukunde
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	Authorized Ratcliff Architects to proceed with design development and construction documents to complete the design of the Physical Sciences and Engineering Center

At this time, the request made to advance Item 14. No objections were expressed, so President Swenson advanced the agenda item.

## **Item 14**

### **NASA RESEARCH PARK AND UNIVERSITY ASSOCIATES LIMITED LIABILITY CORPORATION**

Dr. Bill Berry, Director of the UC Affiliated Research Center for the University of California at Santa Cruz, provided an update regarding the NASA Research Park (NRP) Initiative and Limited Liability Corporation (LLC). He reported that the lease is expected to be completed by the end of December, and legal counsel for the University of California has determined that the lease terms under the California Environmental Quality Act (CEQA) do allow the LLC partners to exit the lease at any time. The LLC operating agreement is expected to be finalized by the end of November.

Trustee Casas Frier asked about the participation of San Jose State University and whether the representatives to the LLC board would receive pay. Chancellor Kanter explained that the new San Jose State University president, Jon Whitmore, has asked for more time to evaluate the arrangement before committing to join, but the university will be able to join at a later time if desired. Dr. Berry said that representatives will not receive pay but the LLC board will have funds to cover incidental expenses.

Trustee Casas Frier also asked about lease costs. Dr. Berry explained that the master developer would assume responsibility for the lease as well as any associated CEQA costs. The cost to operate the LLC will be \$500,000 annually, to be apportioned to each of the partners. It was clarified that the funds previously allocated by the Board and other LLC partners covers costs to complete the lease, the site plan, and pre-development activities.

Responding to a question from President Swenson, Vice Chancellor of Business Services Andy Dunn explained that the District's annual share in the amount of \$100,000 to fund the LLC could come from the general fund and might be due as early as January 2009. Trustee Casas Frier expressed concern that this would be a drain on the general fund. Chancellor Kanter noted that the District is looking at other ways to defray the cost, and any request to allocate funds for the LLC would come to the Board for approval.

<b>M/S/C:</b>	Plotkin/Fong
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	Authorized the Chancellor to appoint District Representatives (currently anticipated to be two representatives) to the University Associates LLC as established by the University of California at Santa Cruz

## **Item 9**

### **DRAFT STATEMENT OF BOARD VALUES ON THE SELECTION OF TEXTBOOKS AND LEARNING MATERIALS**

Foothill and District Academic Senate President Dolores Davison reported that the Academic Senates met jointly to discuss this issue and are concerned that the Board is considering approval of a statement not endorsed by faculty for an area in which faculty have primacy. She said a joint committee plans to draft a values statement to present to the Board in lieu of what had been proposed. Student Trustee Dukunde asked if students could participate in the discussion. Ms. Davison and De Anza Academic Senate President Anne Argyriou said that ASFC and DASB do have representation on the Academic Senate, so student participation is welcome as long as students recognize that faculty have the ultimate responsibility. Ms. Davison added that the ASFC representative has missed recent Senate meetings and should be encouraged to attend.

Faculty Association President Rich Hansen expressed concern that previous language discussed in the negotiations arena was not recognized in the proposed values statement. He reminded the Board that the policy is a negotiations issue.

Student Trustee Dukunde asked if it were possible for students to know farther in advance what textbooks have been selected for courses so they have a better opportunity to find more affordable alternatives. Ms. Davison pointed out that this is a separate question from textbook selection but is a good idea that warrants further discussion.

Trustee Plotkin provided background on how the issue of revising Board Policy 4185 came about, citing how it was faculty who were originally concerned about possible violations of the policy. He affirmed his support for academic freedom and the primacy of faculty in textbook selection, but said he hopes that faculty do not interpret that to mean that there are no standards or oversight responsibilities. He added that he hopes the Senates will be able to address the issue of acceptable standards so there is not an incident that embarrasses the fine reputation of Foothill and De Anza faculty. Ms. Davison said the Senates will work with the Faculty Association to develop a values statement for the Board by the end of Winter quarter, but she emphasized that the Senates are not policing bodies.

President Swenson concurred with Trustee Plotkin's statements and affirmed the Board's deep regard for the high standards of the colleges' faculty. Trustee Bechtel reminded the Board that, whether or not a values statement is adopted, the Board still needs to revise Board Policy 4185. She noted that the central issue is what constitutes reasonable profit. In conclusion, Trustee Plotkin cited research showing that a large number of students nationwide report being required to buy textbooks that are never actually used in courses or used very little. Ms. Davison cautioned against jumping to conclusions and requested to see the data so the Senates can discuss the matter.

## **Item 10**

### **ANNUAL RISK MANAGEMENT REPORT**

Director of Risk Management Marsha Kelly presented the annual Risk Management Report. She reviewed the District's safety and injury prevention training program, noting that follow-up inspections have helped reduce worker's comp claims. She highlighted insurance savings for the past year and a reduction in property and liability premiums. In conclusion, she noted that the efforts of Risk Management have resulted in a safer work environment with lower insurance costs and fewer claims.



## **Item 11**

### ENVIRONMENTAL COMPLIANCE ANNUAL UPDATE

Director of Environmental Health and Safety Mona Voss presented the annual Environmental Compliance Update. She reported that there have been many routine inspections during the past year, and a detailed third party audit resulted in recommendations for sustained improvement which are being implemented. No violations were reported as a result of the inspections, although a number of action items did result. She outlined a new process for the physical science facilities at Foothill in which there is constant monitoring of the water quality leaving classrooms. She also described how closures were handled smoothly in compliance with state laws so sites can be demolished or remodeled. Lastly, she outlined how she works with the campuses to handle electronic waste. President Swenson asked what is the single most serious environmental issue for the District. Director Voss responded that the biggest challenge is keeping on top of weekly inspections to address minor issues.

President Swenson announced a short recess at 8:45 p.m. and re-convened the meeting at 8:50 p.m.

## **Item 12**

### 2008-09 FIRST QUARTER REPORT

Vice Chancellor Dunn presented the First Quarter Report. He explained how the allocations in the state adopted budget varied from the revenues estimated in the District's adopted budget. He reminded the Board that a deficit factor had been built into the budget, but whether it will be sufficient to cover the mid-year cuts now expected from the state remains to be seen. He expects that one-time funds will be able to cover any state cuts beyond what was projected, but that means that the District will have fewer one-time funds to address the structural imbalance in the budget for 2009-10. He pointed out the enrollment surge statewide, stressing that it occurs at a time when students most need educational services but the state is not providing the resources to meet those needs.

Faculty Association President Hansen said that the Faculty Association does not agree with the priorities in the District budget. President Swenson expressed concern that, with the severe economic crisis, the District will be facing draconian cuts one year from now to balance the budget since one-time funds will have been exhausted this year. He and Trustee Bechtel asked whether it would be wiser to spread one-time funds over three years to allow more time for the economy to recover. Trustee Plotkin said it would be helpful to see plan for addressing the budget imbalance in the third year (2010-11).

De Anza President Murphy spoke about how the state will need to politically address K-14 funding in light of widespread public opposition to budget cuts for education. Foothill President Miner spoke about how the college is looking at a reduction plan for 2009-10 in a way that preserves current employees. Chancellor Kanter pointed out that the Board will hold its annual budget planning workshop in January 2009 after the governor releases his proposed 2009-10 budget and further discussion can take place at that time. Vice Chancellor Dunn reminded the Board about the Principles and Strategies for Budget Reductions approved by the Chancellor's Advisory Council on February 29, 2008 and distributed a copy.

## **Item 13**

### RESOLUTIONS TO ADOPT BUDGET REVISIONS AND TRANSFERS

**M/S/C:** Plotkin/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Resolution #2008-17 (Budget Revisions) and Resolution #2008-18 (Budget Transfers)

## **Item 15**

### MEASURE E CONSENT CALENDAR

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

- A.** *Title:* PAA #D7, Revision #6  
*Vendor:* Salas O'Brien Engineers  
*Agreement Date:* March 15, 2004  
*Campus:* De Anza College  
*Project No.:* 276  
*Project Name:* Science Center HVAC  
*Amount:* \$7,930  
*For:* Engineered fire sprinkler drawings as required by DSA for project certification  
*Action:* Ratification
- B.** *Title:* Revision #1 to Standard Form of Agreement  
*Vendor:* Callander Associates Landscape Architecture, Inc.  
*Agreement Date:* September 19, 2005  
*Campus:* De Anza College  
*Project No.:* 237  
*Project Name:* Master Landscaping Phase I  
*Amount:* \$1,306  
*For:* Additional professional services to provide design changes to the irrigation main line, irrigation lateral lines, and planting plans for Buildings E3 and S7 due to discovered shallow utility conflicts; this revision corresponds to Callander Associates Landscape Architecture's Additional Services Authorization #02 dated July 10, 2008  
*Action:* Ratification

- C.** *Title:* Budget Transfer #67  
*Campus:* De Anza College  
*For:* Budget Transfer DA #67 recognizes three new projects and includes Program Contingency to Project Transfers to fund these projects which reflect a joint effort by De Anza, the District and Gilbane representatives to prioritize and plan the efforts required to complete the Measure E Program needs at De Anza  
*Action:* Ratification
- D.** *Title:* Change #1 to Independent Contractor Agreement (PO #H979720)  
*Vendor:* Peter Gray Scott  
*Agreement Date:* October 1, 2007  
*Campus:* De Anza College  
*Project No.:* 202  
*Project Name:* Science Center  
*Amount:* \$17,700  
*For:* Expert witness services for litigation on De Anza Science Center  
*Action:* Ratification

## **Item 16**

### MEASURE C CONSENT CALENDAR

- M/S/C:** Dukunde/Fong  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified the Measure C Consent Calendar, A-I as follows:
- A.** *Title:* Change Order #1  
*Vendor:* Avidex Industries, Inc.  
*Agreement Date:* September 30, 2008  
*Campus:* De Anza College  
*Project No.:* VPAC – Group II  
*Project Name:* Audiovisual Systems  
*Amount:* \$17,533.46  
*For:* Construction changes include additional Projection Room Equipment, providing three (3) center speakers to the Auditorium sound package, revisions to the teaching lecterns for revised equipment layout, deletion of two (2) reverse running kits for the projectors, and deletion of two (2) laser disk players. A no cost time extension is also included in this change order. The contractor is given the time extension without compensation of any kind due to site access and procurement lead time issues. The original contract completion date of December 1, 2008 is extended to December 15, 2008 by this Change Order as a “no cost” time extension.  
  
The total change orders to date represent 2.54% against the original contract amount. The funding is included in the current budget.  
*Action:* Ratification

- B.** *Title:* Revision #1 to PAA #1B to Master Agreement  
*Vendor:* Noll & Tam Architects  
*Agreement Date:* May 6, 2008  
*Campus:* De Anza College  
*Project No.:* 205  
*Project Name:* Seminar Building  
*Amount:* \$6,272  
*For:* Adjustment to the architect's basic services fees for schematic design/design development and construction documents based on the revised estimated construction budget  
*Action:* Ratification
- C.** *Title:* Revision #1 to PAA #2A to Master Agreement  
*Vendor:* Noll & Tam Architects  
*Agreement Date:* January 8, 2008  
*Campus:* De Anza College  
*Project No.:* 258  
*Project Name:* Multicultural Center  
*Amount:* \$9,020  
*For:* Additional pre-design and programming services for the increased landscape and site scope of work  
*Action:* Ratification
- D.** *Title:* Revision #3 to PAA #2B to Master Agreement  
*Vendor:* Noll & Tam Architects  
*Agreement Date:* May 6, 2008  
*Campus:* De Anza College  
*Project No.:* 258  
*Project Name:* Multicultural Center  
*Amount:* \$16,801  
*For:* Additional schematic design/design development (SD/DD) and construct documents services for the increased landscape and site scope of work  
*Action:* Ratification
- E.** *Title:* Revision #2 to PAA #2C to Master Agreement  
*Vendor:* Noll & Tam Architects  
*Agreement Date:* May 6, 2008  
*Campus:* De Anza College  
*Project No.:* 258  
*Project Name:* Multicultural Center  
*Amount:* \$4,235  
*For:* Additional bidding and construction administration services for the increased landscape and site scope of work  
*Action:* Ratification

- F.** *Title:* Agreement for Design Professional Services  
*Vendor:* Thorburn Associates, Inc.  
*Agreement Date:* September 5, 2008  
*Campus:* De Anza College  
*Project No.:* VPAC – Group II  
*Project Name:* Audiovisual Construction Administration  
*Amount:* \$17,280  
*For:* Design Professional Services that include Construction Administration of the audiovisual design provided by Thorburn Associates, Inc. through the Architect of Record for the Visual & Performing Arts Center. The audiovisual components are being installed by the Audiovisual Contractor and this Professional Services Agreement provides for Thorburn Associates to provide RFI and Submittal reviews, audiovisual system installation validation, final system testing oversight, and closeout review of the Audiovisual Contractor's work.  
*Action:* Ratification
- G.** *Title:* Revision #1 to 2008-09 Agreement for Services  
*Vendor:* Gilbane-Maas  
*Agreement Date:* July 7, 2008  
*Project Name:* Measure C Bond Program  
*Amount:* \$307,328  
*For:* Measure C program and construction management services  
*Action:* Approval
- H.** *Title:* Professional Service Agreement  
*Vendor:* Bill Gould Design Art & Architecture  
*Agreement Date:* November 4, 2008  
*Campus:* De Anza College and Foothill College  
*Project No.:* 766-226A and 766-123D  
*Project Name:* De Anza: PE and Campus Center Floor Refinishes  
Foothill: PE Gym Floor Finishes  
*Amount:* \$21,260  
*For:* The De Anza College Campus will receive 1) refinishing of the main gymnasium, PE21, 2) refinishing of PE13, 3) sand and finish of PE14, 4) volleyball game and spinning dot game lines and refinish of PE15, 5) refinish of main dining hall in campus center, CC234, 6) sand and finish of corridor and conference rooms in the campus center, CC251, CC227, CC228, CC253, and 7) refinish of Bautista Room, CC256; the Foothill College campus will receive 1) refinishing of the auxiliary gymnasium (2501), and 2) sanding, game lines, finish, two volleyball post floor inserts, new electrical/communication box, and door seals for the main gymnasium (2601)  
*Action:* Approval

- |           |                        |   |
|-----------|------------------------|---|
| <b>I.</b> | <i>Title:</i>          | Professional Service Agreement  |
|           | <i>Vendor:</i>         | Arch Pac Aquatics, Inc.   |
|           | <i>Agreement Date:</i> | November 4, 2008  |
|           | <i>Campus:</i>         | De Anza College and Foothill College  |
|           | <i>Project No.:</i>    | 766-200B and 766-100C   |
|           | <i>Project Name:</i>   | De Anza: Pool Chlorination System<br>Foothill: Pool Plaster and Chemical Feed System  |
|           | <i>Amount:</i>         | \$74,472  |
|           | <i>For:</i>            | The De Anza College Campus will receive a replacement automated chemical feed system for the Pool Complex, and in addition to design services, the Design Professional will provide bid phase, construction administration, construction monitoring, and training services; the Foothill College campus will receive 1) new plaster, tile, and hardware for the pool vessel, 2) replacement of the automated fill system to maintain optimum water level, and 3) replacement of the automated chemical feed system, and in addition to design services, the Design Professional will provide bid phase, construction administration, construction monitoring, and training services |
|           | <i>Action:</i>         | Approval  |

### Item 17

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE EAST COTTAGE AND BALDWIN WINERY BUILDING REHABILITATION PROJECTS PROPOSED FOR DE ANZA COLLEGE

At the request of staff, President Swenson removed Item 17 from the agenda.

### Item 18

AUTHORIZATION TO AWARD CONTRACT PURSUANT TO BID 1169-162B — ROUNDABOUT AND PARKING  
LOT 8 IMPROVEMENTS, FOOTHILL COLLEGE

- |                       |   |
|-----------------------|---|
| <b>M/S/C:</b>         | Ahrens/Bechtel  |
| <b>Advisory vote:</b> | 2 yes   |
| <b>Board vote:</b>    | unanimous   |
| <b>Action:</b>        | Authorized the Purchasing Services Supervisor to award a contract pursuant to Bid 1169-162B to Joseph J. Albanese, Inc. in the amount of \$53,700 |

### Item 19

PRE-QUALIFICATION OF PROSPECTIVE BIDDERS FOR MEASURE C HISTORICAL RENOVATION PROJECTS AT DE ANZA COLLEGE

- |                       |   |
|-----------------------|---|
| <b>M/S/C:</b>         | Plotkin/Fong  |
| <b>Advisory vote:</b> | 2 yes   |
| <b>Board vote:</b>    | unanimous   |
| <b>Action:</b>        | Approved the pre-qualification procedure for the following Measure C projects at De Anza College in accordance with Public Contract Code Section 20101:<br>Project #203 – Old Baldwin Winery<br>Project #213 – East Cottage |

## **Item 20**

### **PRE-QUALIFICATION OF PROSPECTIVE BIDDERS FOR MEASURE C PROJECTS AT DE ANZA COLLEGE**

**M/S/C:** Casas Frier/Dukunde  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the pre-qualification procedure for the following Measure C project at De Anza College in accordance with Public Contract Code Section 20101:  
Project #241 – S2-S6 Phase II, Utility Master Plan Phase I

## **Item 21**

### **MEASURE C BOND PROJECT LIST REVISIONS — FOOTHILL BUDGET TRANSFER #08, DE ANZA BUDGET TRANSFER #09 AND FOOTHILL PROJECT NAME CHANGE**

Trustee Bechtel asked about the proposed shift of \$3.3 million from contingency funds. Executive Director Allen responded that the money resulted from interest earnings, so its removal from contingency does not create any risk. He added that no project is being eliminated, but two Foothill projects are being combined.

**M/S/C:** Fong/Ahrens  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the Bond Project List Revision with Foothill Budget Transfer #08 and De Anza Budget Transfer #09

## **DATES TO REMEMBER**

December 1, 2008 — Regular Meeting  
December 8, 2008 — Special Meeting

## **ADJOURNMENT**

President Swenson adjourned the meeting at 9:36 p.m.

jco  
Approved: 12/1/08

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Martha J. Kanter, Chancellor  
Secretary, Board of Trustees