



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## **BOARD OF TRUSTEES**

**DRAFT MINUTES**

**REGULAR MEETING**

**November 2, 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:

#### **LITIGATION UPDATE ON CONSTRUCTION**

Name of Case: West Bay Builders v. Foothill-De Anza Community College District

##### **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

#### **CONFERENCE WITH PROPERTY NEGOTIATOR**

Under Negotiation: 4000 Middlefield Road, Palo Alto

District Negotiators: John Shupe, Andy Dunn

##### **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

#### 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

#### 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	Letha Jeanpierre	Dorene Novotny
	Anne Argyriou	Lois Jenkins	Hector Quinonez
	Tom Armstrong	Donna Jones Dulin	Carmen Redmond
	Becky Bartindale	Marsha Kelly	Fred Sherman
	Dolores Davison	Ron Levine	Bernata Slater
	Andy Dunn	Judy Miner	Katie Townsend-Merino
	Marie Fox Ellison	Blanche Monary	Donna Toyohara
	Rich Hansen	Brian Murphy	

*Press:* None

*Students:* Ahmed Mostafa

*Public:* Jeff Jensen  
Terry Terman

#### REPORTING OUT FROM CLOSED SESSION

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

#### APPROVAL OF MINUTES

<b>M/S/C:</b>	Anderson/Barrientos Vargas
<b>Advisory Vote:</b>	2 yes
<b>Board Vote:</b>	unanimous
<b>Action:</b>	<b>Approved</b> the minutes of October 5, 2009 as corrected

**M/S/C:** Bechtel/Cheng  
**Advisory Vote:** 2 yes  
**Board Vote:** unanimous  
**Action:** **Amended** the approved minutes of September 14, 2009

### **CORRESPONDENCE**

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

### **FOUNDATION BOARD REPORT**

Trustee Casas Frier gave some of the highlights of the Foundation Board meeting:

- The board welcomed Kathy Adams as a new Foundation Board member
- The board passed a \$4.5 million revenue budget
- EOPS representatives from both colleges made a presentation on the impact of state cutbacks on their programs
- A reminder that De Anza's Night of Magic is on Saturday, November 7 at the Visual and Performing Arts Center

### **CHANCELLOR SEARCH COMMITTEE REPORT**

President Bechtel reported that after two days of interviewing, the committee has submitted its recommendations which will be announced on Wednesday. November 17-19 have been reserved for interviews with the Chancellor's Staff and Board, as well as open forums at both colleges and central services.

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

#### **Public / Students**

Terry Terman emphasized that boards do make a difference, such as at Menlo High School which has seen great success in fund raising. Many attribute its success to establishing its own board of trustees when Menlo School became two separate entities, a college and a high school.

ASFC President Ahmed Mostafa expressed a desire to have more open communication among the board, administration, and the students and reported on achievements of Foothill's student government.

- Students met with the dean of a department to open another section of a class that had filled up within the first 10 minutes of open registration
- ASFC members distributed registration forms and made them aware of the propositions on the upcoming election
- Mostafa would like to see more collaborative communication among faculty, staff, and students
- ASFC has up to \$40,000 allocated for technology. The students are interested in a Google synchronization calendar for use by faculty and students
- Students are exploring a book exchange program which would make textbooks more affordable

### Staff

In an effort to make them aware of the community college situation and the effects of budget cuts on the students, Interim Chancellor Mike Brandy and chancellors from West Valley-Mission and San Jose-Evergreen community college districts met with the Mercury News Editorial Board.

Brandy announced that recruitment for the Citizens' Bond Oversight and Audit and Finance committee vacancies will be closing soon. Recommendations will be made to the Board at the December 7 meeting. Brandy said that veteran Audit and Finance member Robert Grim has agreed to serve for another term on that committee.

Foothill President Judy Miner announced that faculty member Bruce Tambling has been nominated for a 2009 Grammy for producer of the year in the non-classical category. Counselors Leticia Serna and Bernie Day have returned from Cornell University where they were part of an invitation only transfer advisors program. Miner reported that Dean of Adaptive Learning Gertrude Gregorio was honored as one of the 100 most influential Filipina in the country by the Filipina Women's Network at its 6<sup>th</sup> annual leadership summit. Miner also expressed her appreciation and thanked those who attended the production of "Remembering World War II: First Person Accounts".

De Anza President Brian Murphy invited all to attend De Anza's upcoming Night of Magic.

Faculty member Dolores Davison acknowledged the accomplishments of Glenn Violett, associate professor of business who presented at a local Association for Community Colleges for Entrepreneurship conference last year with one of his students. They were invited to present at the National Association for Community Colleges for Entrepreneurship conference in Chicago a few weeks ago, and as a result, Violett was approached for several grant opportunities. Davison also reported that the Ninth Annual Book Jam was held at Foothill. Faculty member Kent Manske helped sponsor the event. About 700 attended the exhibitions and demonstrations. Davison encouraged all to see the 120-year printing press located in Foothill's print shop facility.

### Trustees

Trustee Swenson reported that he recently met with former trustee Hal Plotkin in Washington, DC. Plotkin works very closely with Under Secretary of Education Martha Kanter.

Trustee Barram attended the ACCT conference in San Francisco. She was impressed by the life-size statues in the hotel, one of which was of former student trustee Adrian Diaz. Barram attended a session on CEO contracts and a lunch at which Martha Kanter was the keynote speaker. Trustee Barram was also very impressed with the student volunteers who assisted with the October 14 visit by legislative staffers.

Trustee Cheng also attended the ACCT conference where she cast the three votes on behalf of district's trustees. Cheng also served on a panel with Judy Miner and Marie Fox Ellison to discuss "Advancement and the Community College Trustee".

Casas Frier attended the legislative staffers session at Foothill. State attendees said that they were very impressed by what our district is doing. Miner said she received feedback from the Legislative Analyst's Office saying that the visit was informative and enjoyable. They appreciated all the work that went into the visit and are very impressed with the quality of our district. Casas Frier also attended a Puente breakfast at De Anza. The program supports student success through mentoring,

counseling, and dedicated staff on both colleges. She also attended the film on World War II and was very impressed and moved by the film.

Faculty member Rich Hansen said that some of the life-size statues from the ACCT Conference will be in San Francisco this week. The Board of Governors is meeting at San Francisco City College. Also, this next week is Community College Week which will conclude in a rally at Yerba Buena Gardens. There will be part-time faculty symposium.

Barientos Vargas has been working on the textbook exchange program. She has been meeting with the math department chair to see how faculty can have more effective communication with their students. Barrientos Vargas also said she has been using Google Notes which allows students to share class notes and ideas.

Anderson said she has been working with Barrientos Vargas and Mostafa on creating a sustainability position in ASFC which will be implemented in winter quarter. They are hoping to get more organic food in the cafeterias.

### **APPROVAL OF CONSENT CALENDAR**

Trustee Casas Frier requested  
Item 1 be voted on separately.

**M/S/C:** Cheng/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified Items 2-9 of the Consent Calendar as follows:

#### **Item 2** — Ratified CONTRACTS AND AGREEMENTS

**Item 3** — Approved AGREEMENT BETWEEN COMPAS AND FOOTHILL-DE ANZA  
COMMUNITY COLLEGE DISTRICT  
Approved the agreement for the 2009-10 year in the approximate amount of  
\$33,000.

**Item 4** — Approved MOU WITH NO. COUNTY REGIONAL OCCUPATIONAL PROGRAM, JOINT  
POWERS AGENCY (JPA)

**Item 5** - Approved EXTENSION OF AGREEMENT FOR SERVICES WITH SALAS O'BRIEN  
ENGINEERS, INC. FOR MONITORING-BASED COMMISSIONING, DE ANZA COLLEGE

**Item 6** - Approved EXTENSION OF AGREEMENT FOR SERVICES WITH SALAS O'BRIEN  
ENGINEERS, INC. FOR MONITORING-BASED COMMISSINING, CENTRAL SERVICES

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

**Item 8** — **Approved** PERSONNEL ACTIONS:

*Name:* **Kimberly Lane**  
*Position:* Counselor  
*College:* Foothill  
*Division:* Counseling & Student Services  
*Action:* **Partial Unpaid Leave of Absence/40%**  
*Effective Date:* Winter Quarter 2010

*Name:* **Steven L. Sellitti**  
*Position:* Dean, Special Ed & Applied Tech  
*College:* De Anza College  
*Division:* Applied Technologies  
*Action:* **Resignation for the purpose of retirement**  
*Effective Date:* February 1, 2010

**Item 9** — **Approved** HUMAN RESOURCES REPORT

Brandy brought Steve Sellitti's retirement letter to the Board's attention emphasizing Sellitti's critical role in the development of De Anza's disabled students programs. One of the early crafters of the mechanism that allowed community colleges to run disabled students programs. During his career Sellitti has been a tireless advocate for disabled students programs throughout the state. He's made a remarkable contribution to education.

Murphy also acknowledge Sellitti's contribution to education and disabled students programs which now extends to Foothill as well.

**M/S/C:** Swenson/Cheng  
**Advisory vote:** 2 yes  
**Board vote:** 4 yes  
**Abstentions:** 1 (Casas Frier)  
**Action:** **Approved** Item 1 of the consent calendar as follows:

**Item 1** - **Ratified** B WARRANTS AND WIRE TRANSFERS GREATER THAN \$5,000 FOR JULY AND AUGUST 2009

Regarding payments to the Regents of UCSC and University Associates, trustee Casas Frier expressed her objection to building housing on a superfund site and requested that the district be given the option to withdraw from supporting the housing portion of the agreement, but feels the district can still continue its academic partnership with UCSC & NASA. Casas Frier requested that her name be removed from supporting the housing part of the project.

**BOARD BUSINESS**

**Item 10**

SWEARING IN OF BRUCE P. SWENSON FOR TERM BEGINNING DECEMBER 1, 2009 - NOVEMBER 30, 2013

Interim Chancellor Brandy administered the Oath of Office to trustee Swenson.

### **Item 11**

SWEARING IN OF PEARL CHENG FOR TERM BEGINNING DECEMBER 1, 2009 - NOVEMBER 30, 2013

Interim Chancellor Brandy administered the Oath of Office to trustee Cheng.

### **Item 12**

BOARD POLICY 2610, COMMUNICATION BETWEEN STAFF AND BOARD

<b>M/S/C:</b>	<b>Swenson/Barram</b>
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	<b>Reaffirmed</b> Board Policy 2610

### **Item 13**

DESIGNATION OF BOARD MEMBER TO VOTE IN COUNTY COMMITTEE ELECTION

<b>M/S/C:</b>	<b>Swenson/Casas Frier</b>
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	<b>Designated</b> trustee Cheng to vote in the county committee election

### **Item 14**

ANNUAL RISK MANAGEMENT REPORT

Director of Risk Management Marsha Kelly presented the risk management annual report. Kelly reviewed the district's premiums and claims history.

Other major risk management initiatives include OSHA training for employees and the emergency notification system. The emergency notification system was recently tested. Out of 24,996 calls placed, 23,342 were successful. Business continuity is the last part of the emergency operations plan. Kelly also reported on the H1N1 vaccine. In response to a question by Casas Frier, Kelly said the low claims record can be attributed to the district's overall culture of safety and that the staff is very aware of safety issues.

### **Item 15**

INSURANCE BROKERAGE CONTRACT, 2010-2011

<b>M/S/C:</b>	<b>Barram/Casas Frier</b>
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	<b>Approved</b> changing the district's liability insurance brokerage firm from Marsh & McLennan to Arthur J. Gallagher & Company

### **Item 16**

2009-10 FIRST QUARTER REPORT

Brandy, Dunn and Slater presented the first quarter report for 2009-10. Brandy prefaced the presentation expressing concern for the decrease in non-resident enrollment. It is currently estimated that it will negatively impact the budget by about \$350,000. The decrease can be attributed in part to the increased global competition for international students as well as to national increased recruitment of students to bring in additional revenue. Another concern for international students is exposure to the H1N1 virus. Brandy explained that a counter balance to the decrease in international students is De Anza's program which brings in a large Vietnamese population. Another adverse affect to the budget is the adjustment to 2007-08 as a result of the recent FTES audit on physical education courses. This will be about \$300,000. Brandy expects a negative adjustment of possibly up to \$300,000 for statewide growth for 2008-09.

Vice Chancellor of Business Services Andy Dunn estimates that property taxes should be lower by about 1%. In 2009-10 the state is reporting that tax collections for the first quarter are lower by about \$1 billion and the Department of Finance is projecting a \$7 billion deficit for next year. Pending court order obligations, the state could see anywhere between an \$8-15 billion deficit next year.

## **Item 17**

### RESOLUTIONS TO ADOPT BUDGET REVISIONS AND TRANSFERS

<b>M/S/C:</b>	<b>Cheng/Barrientos Vargas</b>
<b>Advisory vote:</b>	2 yes
<b>Board vote:</b>	unanimous
<b>Action:</b>	<b>Adopted</b> the Resolutions for Budget Revisions and Transfers

## **Item 18**

### UNIVERSITY ASSOCIATES-SILICON VALLEY LLC (UA-SV) PROGRESS REPORT

Brandy reported that the University Associates-Silicon Valley LLC met to interview the two master developer finalists. UA will select one of the firms to enter into contract negotiations with the UA-SV. Because the economy has taken a downturn since the process was started, the terms of the ground lease will need to be renegotiated to reflect the current market conditions. Conversations are taking place with NASA in Washington, DC regarding the possible deferral of the upcoming December rent payment, as well as some economic terms in the master contract that need to be renegotiated. Brandy said that if deferral of the payment is not granted and the economic terms cannot be agreed upon, the project will likely not move forward.

In response to trustee Casas Frier's question regarding when the UA board will do an economic analysis relative to positive revenue, Brandy said that by March a resolution as to how the UA would be funded on an ongoing basis would need to be in place. When the economic analysis is completed by the UA board in March, it will be reviewed by the FHDA board. He said the developers are exploring funding options such as federal stimulus and grant monies.

Trustee Swenson suggested that because of the uncertainties surrounding the NASA program and the current Middlefield facilities the district may want to explore other alternatives as a backup. Brandy assured Swenson that other options would be considered.

## **Item 19**

### AUDIT OF ATTENDANCE ACCOUNTING RELATED ISSUES IN FOOTHILL PHYSICAL EDUCATION DIVISION



**M/S/C:** Casas Frier/Barram  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Accepted the audit report as prepared by Perry-Smith LLP

Miner said the state alerted her to the problem in August. She complimented Vice President of Instruction Townsend-Merino who conducted a thorough investigation of the allegations and shut down the volleyball class for the fall quarter. Miner assured the board that steps are being taken to avoid a recurrence of the problem. An investigation of all processes causing the problem emphasized the need for training with deans who oversee curriculum and scheduling and a review that all courses must be open to the public without any pre-registration to advantage a specific student population.

Brandy identified two issues which triggered the investigation: 1) was the industrial volleyball league an open class? The district's investigation showed that it was not an open class. 2) Title V provisions limit the maximum number of apportionment hours that can be claimed for a sport is 175 hours/student/sport/year. Problems arose when certain sports carried over into the following quarter. The problem courses were identified for removal from apportionment funding and calculations were sent to the district's auditors.

Perry-Smith auditor Jeff Jensen was present to review the agreed upon procedures which covered 2006-07 through 2008-09. Their report will be forwarded to the state.

Brandy explained that because the number of unfunded FTES was so large in 2008-09, there was no impact to the revenue from that year. In 2006-07 the district was in stability funding and the district was held harmless. For 2007-08 the district was over cap, but did not have enough unfunded FTES to draw from, resulting in loss of growth money of about \$300,000.

Next steps in the process:

- notify the state that the report was reviewed by the board of trustees in public session
- transmit the official audit to the state
- notify the state of corrective actions taken to prevent future occurrences

## **Item 20**

### MEASURE C CONSENT CALENDAR

**M/S/C:** Casas Frier/Anderson  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved/Ratified the Measure C Consent Calendar, A-O as follows:

**A. Title:** Agreement for Services – Contract Duration Extension  
**Vendor:** Arrow Fire Protection  
**Agreement Date:** May 14, 2009  
**Campus:** De Anza College  
**Project No.:** 766-264  
**Project Name:** Fire Alarm system Replacement – Phase II  
**Amount:** \$0  
**For:** Extend the duration of the agreement by 181 days, making I in effect through April 30, 2010 instead of

October 31, 2009. There are no changes to scope or price.

*Action:* Approval

**B. Title:** Prime Contract Change Order #1  
*Vendor:* HY Floor and Gameline Painting, Inc.  
*Agreement Date:* September 2, 2009  
*Campus:* De Anza College  
*Project No.:* 766-226A  
*Project Name:* PE and Campus Floor Refinish  
*Amount:* \$6,285  
*For:* Contractor purchased and installed (2) badminton sleeves and covers, installed per manufacturer's specifications in PE 15. Layout and paint one badminton court in green to match existing color in large gym.

Contractor also sanded, seal coated, and repainted volleyball and badminton game lines in PE 15 due to a finish failure during the abrasion process of the existing floor finish.

This Prime Contract Change Order Totals is 9.89% of the contract value. No additional Change Orders pending, construction is complete.

*Action:* Approval

**C. Title:** Change Order #5  
*Vendor:* O. C. Jones & Sons, Inc.  
*Agreement Date:* June 12, 2009  
*Campus:* De Anza College  
*Project No.:* 766-61  
*Project Name:* Mediated Learning Center – Site Preparation Package  
*Amount:* \$43,328  
*For:* Provide additional demolition, trenching, and utility services 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 total Change Orders to date represent 20.35% against the original contract amount. Funding is included in the current budget.

*Action:* Ratification

**D. Title:** Change Order #1  
*Vendor:* S. J. Amoroso, Inc.  
*Agreement Date:* July 10, 2009  
*Campus:* De Anza College  
*Project No.:* 7660241  
*Project Name:* S2-S6 Phase II – Utility Master Plan Phase I

*Amount:* \$66,667  
*For:* Miscellaneous change orders: remove and deliver to College existing campus signage; relocation of misc. trees on campus; raising storm drain manhole to grade; adding valves to cooling tower yard water line; added breakers and revised CT's for electrical gear; added coring, conduits, backfill and paving at manhole #4 for future L7 backup gear; thickened asphalt at bus loop in heading E3A for rebuilding roadway section.

The total Change Orders to date represent 0.71% against the original contract amount. Funding is included in the current budget.

*Action:* Approval

**E.** *Title:* Change Order #2  
*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:* \$39,639  
*For:* Miscellaneous change orders: added telecom pull box at manhole #6, additional aggregate base at fire lane locations throughout campus, potholing and trench rerouting at header E6, unforeseen asphalt field condition at Cooling Tower Yard, and a no costs impact with no time extension for PCO 18 – switchgear (as noted in Change Order #1).

The total Change Orders to date represent 1.13% against the original contract amount. Funding is included in the current budget.

*Action:* Approval

**F.** *Title:* Change Order #6  
*Vendor:* Zolman Construction and Development, Inc.  
*Agreement Date:* April 6, 2009  
*Campus:* De Anza College  
*Project No.:* 766-255  
*Project Name:* Autotech Renovation  
*Amount:* \$64,266  
*For:* Miscellaneous changes: Correct parapet wall framing on Building 16, add fire alarm pull stations, raise existing mechanical curbs, add new roof drains, and install additional exterior lighting.

The total Change Orders to date represent 10.04% against the original contract amount. Funding is included in the current budget.

*Action:* Ratification

- G. Title:** Revision #1 to PAA #F-01  
**Vendor:** Enovity, Inc.  
**Agreement Date:** November 2, 2009  
**Campus:** Foothill College  
**Project No.:** 100  
**Project Name:** Krause Center for Innovation – HVAC Upgrades – Project 100E  
**Amount:** \$4,665  
**For:** Additional structural analysis and design for the roof and floor penetration at rooms 4004 and 4006 at Krause Center for Innovation, necessary for the installation of the rooftop mechanical units  
**Action:** Approval
- H. Title:** Revision #1 to PAA #F-HMC-#2B  
**Vendor:** HMC Architects  
**Agreement Date:** September 23, 2009  
**Campus:** Foothill College  
**Project No.:** 110  
**Project Name:** Language Arts General Classrooms  
**Amount:** \$17,350  
**For:** Provide design, bidding, construction administration, and DSA closeout services to connect building 6200 to the Central Plant utility loop.  
**Action:** Approval
- I. Title:** Revision #2 to PAA #f-HMC-#1B  
**Vendor:** HMC Architects  
**Agreement Date:** September 23, 2009  
**Campus:** Foothill College  
**Project No.:** 112  
**Project Name:** Modernization of Administration Building and General Classrooms  
**Amount:** \$32,475  
**For:** Provide design services to eliminate the computer lab in Building 6400 and convert the space into four classrooms, reconfigure Building 1900 due to programming changes requested by the College during the Construction Document phase, and revise room numbering due to changes made during the CD phase.  
**Action:** Approval
- J. Title:** Change Order #4  
**Vendor:** Redwood Engineering Construction  
**Agreement Date:** November 2, 2009  
**Campus:** Foothill College  
**Project No.:** 130  
**Project Name:** Utility Lids – Phase 2 – 130A

*Amount:* (\$2,000)

*For:* The construction contract included an allowance for repairs to the utility vault walls and adjacent sidewalks. Site conditions proved better than anticipated, resulting in a credit to the District for the unused portion of the allowance.

This change order plus all previous change orders represent 7.5% above the base contract amount. The funding for this change is within the current budget.

*Action:* Ratification

**K. Title:** Change #1 to Agreement for Inspection Services

*Vendor:* Quali-Con Enterprise, Inc.

*Agreement Date:* June 23, 2008

*Campus:* Foothill College

*Project No.:* 161

*Project Name:* Fire Alarm System Replacement, Phase II

*Amount:* \$8,000

*For:* Provide additional inspection services to complete testing of campus-wide duct detector relay systems to ensure the air handler units will turn-off when smoke is detected.

The funding for this change is within the current budget

*Action:* Ratification

**L. Title:** Change Order #5

*Vendor:* Rosendin Electric, Inc.

*Agreement Date:* November 3, 2008

*Campus:* Foothill College

*Project No.:* 161

*Project Name:* Fire Alarm System Replacement, Phase II

*Amount:* \$30,390

*For:* Added and relocated fire alarm devices not on the design documents, as directed by the design engineer; Relocation of horn/strobe devices incorrectly designed to be in visible areas of the theater stage; additional testing of duct smoke detectors, as required by the Inspector of Record; credit for an unused contract allowance.

This change order plus all previous change orders represent 5.44% above the base contract amount.

*Action:* Ratification

**M. Title:** Revision #1 to PAA #F-WRNS-#1A

*Vendor:* WRNS Studio, LLP

*Agreement Date:* October 7, 2008

*Campus:* Foothill College  
*Project No.:* 144  
*Project Name:* Central Campus Site Improvements  
*Amount:* \$0  
*For:* Extend Conceptual Design Phase milestone until December 31, 2009 to allow for development of review of additional design options

*Action:* The funding is included in the current budget.  
Ratification

**N. Title:** Revision #1 to PAA #F-WRNS-#2A  
*Vendor:* WRNS Studio, LLP  
*Agreement Date:* October 7, 2008  
*Campus:* Foothill College  
*Project No.:* 162  
*Project Name:* Parking & Circulation  
*Amount:* \$0  
*For:* Extend Conceptual Design Phase milestone until December 31, 2009 to allow development and review of additional design options.

*Action:* The funding is included in the current budget.  
Ratification

**O. Title:** Agreement for Services – Update Foothill Survey Records  
*Vendor:* Sandis Civil Engineers  
*Agreement Date:* November 3, 2009  
*Campus:* Foothill College  
*Project No.:* 162  
*Project Name:* Parking & Circulation  
*Amount:* \$31,545  
*For:* Professional Civil Engineering Services to update the Foothill Campus survey record information. Survey updates include (a) topographic survey, (b) campus control network, (c) boundary survey.

*Action:* The funding is included in the current budget.  
Approval

## **Item 21**

MEASURE C PROJECT LIST REVISION WITH CENTRAL SERVICES BUDGET TRANSFER #08, FOOTHILL BUDGET TRANSFER #16 AND DE ANZA BUDGET TRANSFER #18

**M/S/C:** Cheng/Barram

**Advisory vote:** 2 yes

**Board vote:** unanimous

**Action:** **Approved** the Bond Project List Revision with District Budget Transfer #08, Foothill Budget Transfer #16 and De Anza Budget Transfer #18

## **Item 22**

ACCEPT A LIST OF GENERAL CONTRACTORS AS PRE-QUALIFIED TO BID ON FOOTHILL COLLEGE MEASURE C RENOVATION PROJECTS – BUILDINGS 1900, 5500, AND 6400

**M/S/C:** Cheng/Barram  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Made a determination that Coulter Construction, Inc., Eternal Construction, Inc., and Rodan Builders, Inc. are not pre-qualified and **accepted** the list of sixteen (16) General Contractors who met all of the pre-qualification requirements as the only prime contractors who are “pre-qualified” to bid on the Foothill College Renovation projects for Buildings 1900, 5500, and 6400

## **Item 23**

ACCEPT A LIST OF GENERAL ENGINEERING CONTRACTORS AS PRE-QUALIFIED TO BID ON THE SOCCER AND SOFTBALL COMPLEX PROJECT AT FOOTHILL COLLEGE

**M/S/C:** Swenson/Barram  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Made a determination that Granite Rock Company is not pre-qualified and **accepted** the list of eight (8) General Engineering Contractors who met all of the pre-qualification requirements as the only contractors who are “pre-qualified” to bid as prime contractors on Project #142, Soccer and Softball Complex at Foothill College

## **Item 24**

AMEND THE CONTRACT AWARDED TO SOUTHWEST INTERIORS, INC. PURSUANT TO BID 1231-211

**M/S/C:** Swenson/Cheng  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** **Amended** the contract awarded to Southwest Interiors, Inc. to include the additive alternate in the amount of \$17,800

## **Item 25**

AUTHORIZE THE REJECTION OF ALL BIDS RECEIVED FOR BID #1198, MOVING SERVICES

**M/S/C:** Casas Frier/Swenson  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** **Authorized** the rejection of all bids received for Moving Services Bid #1198 and called for new bids using the revised bid specifications and instructions

## **Item 26**

AWARD A CONTRACT PURSUANT TO BID DOCUMENT 1183-203 BALDWIN WINERY & EAST COTTAGE PROJECT AT DE ANZA COLLEGE

**M/S/C:** Casas Frier/Anderson  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Relieved Alpha Bay Builders, Inc. of its bid due to a mistake pursuant to PCC 5103; deny the bid protest submitted by McInerney & Dillon on behalf of Zovich & Sons, Inc., and **authorized** Director of Purchasing and Material Services Carmen Redmond to award a contract pursuant to Bid 1183-203 Baldwin Winery & East Cottage Project at De Anza College in the amount of \$3,270,000 to John Plane Construction, Inc.

**Item 27**

AWARD A CONTRACT PURSUANT TO BID DOCUMENT 1208-100C/200B POOL TILE, PLASTER AND CHLORINATION REPLACEMENT

**M/S/C:** Casas Frier/Anderson  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** **authorized** Director of Purchasing Services Carmen Redmond to award a contract pursuant to Bid 1208-100C/200B Pool Tile, Plaster and Chlorination Replacement in the amount of \$872,326 to Tricon Construction, Inc.

**DATES TO REMEMBER**

December 7, 2009 — Regular Meeting  
December 7, 2009 – Audit and Finance  
December 8, 2009 – Citizens' Bond Oversight Committee  
December 14, 2009 – Hold for Possible Chancellor Appointment

**ADJOURNMENT**

President Bechtel adjourned the meeting at 8:50 p.m.

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mike Brandy, Interim Chancellor  
Secretary, Board of Trustees