



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT  
**BOARD OF TRUSTEES**  
**DRAFT MINUTES**  
**REGULAR MEETING**  
**September 13, 2010**

CALL TO ORDER

President Bruce Swenson called the meeting to order at 6:00 p.m. He led those present in the Pledge of Allegiance.

**Trustees Present:**

Bruce Swenson, President  
Joan Barram  
Betsy Bechtel  
Laura Casas Frier

For Public Session

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

REPORTING OUT FROM CLOSED SESSION

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

CORRESPONDENCE

There was none.

HEARINGS: ITEMS NOT ON THE AGENDA

Public

None

Students

President Murphy invited De Anza students who participated in the August Tour de Dreams bike ride to share their experiences. The 540-mile ride was in support of students and AB 540, "The Dream Act".

Former DASB President Marlo Custodio said they were able to raise about \$1,000 for a scholarship for either a local student or an AB 540 student. For Custodio, the experience was life changing. He met students who were on the ride for both personal and political reasons. He said the ride was very healing for some students who felt the daily risk of being deported. Custodio said bridges were built between northern and southern California community college students.

Another student said it was very emotional for him when they were invited to the homes of strangers who fed and housed them for the night. It was very liberating to connect with the people, total strangers, who hosted them.

The students said there were about 2-3 community colleges that participated and De Anza had the largest community college constituency. The students said they have begun organizing the ride for next year.

President Murphy thanked instructor Robert Cormia's family, who owns a bike shop, for their donation of services to the riders' bikes.

President Swenson thanked the students for their presentation.

### Staff

President Judy Miner announced leadership appointments: Dolores Davison, Academic Senate President, has been named to the Occupational Education Committee and the Standards and Practices committee by the Statewide Academic Senate; Carolyn Holcroft will serve on the Statewide Academic Senate's Curriculum Committee; and Puente student Jorge de la Concha has been named the Northern California student body president for Puente.

Chancellor Thor reminded the trustees of the District Opening Day on Thursday, September 16. Her opening day speech will reflect on her first 200+ days as chancellor. She reported that she will be attending the board meeting of the League for Innovation in the Community College on September 30-October 1 when the board will review the district's application for reaffirmation of our League membership. Chancellor Thor pointed out that the League website currently highlights Foothill-De Anza Community College District's involvement in the solar technology workforce innovations collaborative. She also mentioned that the Business Journal ran a picture of Charles Allen and an article about the district's commitment to solar on both campuses.

### Trustees

Student Trustee Etienne Bowie apologized for being late to the meeting. He was at the parcel tax office discussing ideas and script. Bowie has been advocating for the parcel tax and feels there will be more students participating in the effort.

Trustee Laura Casas Frier reported that she was nominated chair of the CCLC's statewide committee on legislation.

Trustee Betsy Bechtel reported that the Audit and Finance Committee reviewed the Measures E and C projects and discussed what performance audits would be done next year. The committee reviewed the actuarial study report and a draft audit report from external auditors Perry-Smith. Bechtel said the trustees will receive a final report from Perry-Smith in December. The committee also reviewed the 2010-11 budget. New members on the committee expressed concern about the reserves and will be working with staff on establishing a policy on reserves. The committee approved an RFP for external auditing services. Perry-Smith has been the district's external auditors for the past 5 years, and it is district policy that after 5 years the services be rebid. The next Audit and Finance Committee will be in December.

## APPROVAL OF CONSENT CALENDAR

<b>M/S/C:</b>	<b>Casas Frier/Bowie</b>
<b>Advisory vote:</b>	<b>2</b>
<b>Board vote:</b>	<b>4</b>
<b>Action:</b>	<b>Approved items 1-3 on the Consent Calendar</b>

**Item 1 - Ratified Contracts and Agreements**

**Item 2 - Approved changes to the De Anza College Catalog**

**Item 3 - Approved the Human Resources Report**

**Item 4**

**Adoption of 2010-11 Budget**

In response to Trustee Barram's question regarding the Escrow II positions, Vice Chancellor of Business Services Kevin McElroy said the positions are not in the budget but one-time dollars for those positions have been identified and set aside. The proposed adopted budget has income over expenses in the amount of about \$2.5 million. If those dollars do come through from the state, the district would have the option to fund the Escrow II positions with on-going funds.

President Miner addressed President Swenson's request for an explanation of the overstated FTES in the Performing Arts Alliance programs even though there were no budget implications. President Miner said attendance accounting for that program has been done manually over the years. With the implementation of Banner and the need to meet the deadline for certification of FTES, there was double counting for some sections. This was not discovered until after certification and when students were charged for courses for which they had not registered. President Miner assured the board that the error would not recur because term spanning courses will be eliminated. Students will no longer be enrolled in a program for an entire year. Students themselves will be registering for the courses as opposed to being entered by the program office, thus eliminating the double counting problem.

Trustee Bechtel noted that one of the reasons the district is fiscally sound is because several cost saving measures were taken and also because President Swenson urged district management to look ahead 3 years in their budget development process.

Trustee Casas Frier acknowledged the cooperative hard work of all involved in developing the budget.

<b>M/S/C:</b>	<b>Bechtel/Casas Frier</b>
<b>Advisory vote:</b>	2
<b>Board vote:</b>	4
<b>Action:</b>	<b>Adopted</b> the 2010-11 budget as presented

**Item 5**

**Measure E Consent**

<b>M/S/C:</b>	<b>Barram/Bowie</b>
<b>Advisory vote:</b>	2
<b>Board vote:</b>	4
<b>Action:</b>	<b>Approved/ratified</b> items on the Measure E Consent Calendar as follows:

<b>A.</b>	<b>Title:</b>	Addendum #12 to Agreement for Services
	<b>Vendor:</b>	Gilbane
	<b>Agreement Date:</b>	April 4, 2000
	<b>Campus:</b>	Foothill College and De Anza College
	<b>Project No.:</b>	
	<b>Project Name:</b>	Measure E Bond Program

*Amount* \$631,418  
*For:* Measure E program and construction management services for the period starting October 1, 2010 and ending June 30, 2011.  
*Action:* Approval

**B.** *Title:* Change Order #1  
*Vendor:* Paradiso Mechanical, Inc.  
*Agreement Date:* June 21, 2010  
*Campus:* Foothill College  
*Project No.:* 415  
*Project Name:* Phase II Enhanced Vapor Recovery  
*Amount:* \$812  
*For:* Remove the existing 12" thick of asphalt concrete and backfill the additional import of Class II AB at the clean air vessel area.

This change plus all previously approved change orders equal to 2.1% of the base contract value.

The funding for this change is within the current budget.

*Action:* Ratification

## **Item 6**

### **Measure C Consent**

**Item 6.H, Chevron Energy Solutions – Change Order #1 – Photovoltaic Arrays – Parking Lots 2 & 3 - \$179,284** was removed for separate action.

**M/S/C:** Barram/Bowie  
**Advisory vote:** 2  
**Board vote:** 4  
**Action:** **Approved/ratified** items A-G and I-J on the Measure Consent Calendar as follows:

**A.** *Title:* Revision #1 to Agreement  
*Vendor:* Consolidated Engineering Laboratories  
*Agreement Date:* November 6, 2009  
*Campus:* De Anza College  
*Project No.:* 203  
*Project Name:* Baldwin Winery & East Cottage "Historic Renovation"  
*Amount:* \$20,000  
*For:* Provide additional testing and inspection services as required by DSA T&I sheet. Additional testing required due to contractor-imposed re-inspections in excess of previously contracted testing and inspection services. District's Construction Management team will endeavor to recover costs from contractor in future change orders.  
 Funding for this item is available within the current project

- budget.  
*Action:* Ratification
- B.**     *Title:*               Change Order #1  
           *Vendor:*        Guerra Construction Group  
           *Agreement Date:* May 3, 2010  
           *Campus:*       De Anza College  
           *Project No.:*   228  
           *Project Name:* CDC Playground Maintenance and Shade Structure  
           *Amount:*       \$8,421
- For:*               Design changes to avoid existing tree roots, removal and replacement of diseased trees, storm drain re-routing, and demolition of unforeseen underground piers.  
                           This change order represents 3.3% of the construction value. No change orders have been written prior to this change.  
                           Funding for this project is available within the current project budget.
- Action:*           Ratification
- C.**     *Title:*               Change Order #6  
           *Vendor:*        John Plane construction, Inc.  
           *Agreement Date:* November 16, 2009  
           *Campus:*       De Anza College  
           *Project No.:*   203  
           *Project Name:* Baldwin Winery and East Cottage “Historic Renovation”  
           *Amount:*       \$20,849
- For:*               Miscellaneous change orders:  
                           Baldwin Winery: Add cork flooring in Administration area, lower fire sprinkler system in lower level, provide elevator recall system, furr out wall at electrical panel  
                           The total Change Orders to date represent 3.1% against the original contract amount. Funding is included in the current budget.
- Action:*           Ratification
- Change Order #5
- D.**     *Title:*               Change Order #5  
           *Vendor:*        John Plane Construction, Inc.  
           *Agreement Date:* March 18, 2010  
           *Campus:*       De Anza College  
           *Project No.:*   205  
           *Project Name:* Seminar Building and Multicultural Center  
           *Amount:*       \$12,378
- For:*               Miscellaneous construction change orders at the Seminar Building and Multicultural Center.  
                           The total Change Orders to date represent 2.3% against the original contract amount. Funding is included in the current budget.

- |  |                |              |
|--|----------------|--------------|
|  | <i>Action:</i> | Ratification |
|--|----------------|--------------|
- E.**
- |                        |   |
|------------------------|---|
| <i>Title:</i>          | Change Order #2   |
| <i>Vendor:</i>         | Petersen Dean Commercial, Inc.  |
| <i>Agreement Date:</i> | March 16, 2010  |
| <i>Campus:</i>         | De Anza College   |
| <i>Project No.:</i>    | 273   |
| <i>Project Name:</i>   | Roof and Trellis Repair – PE 1-2-6 & S7-8   |
| <i>Amount:</i>         | \$2,419   |
| <i>For:</i>            | PCO #11: Additional scaffold at east side of S-8 to coordinate with project 241; Additive change for \$4,134<br>PCO #13: Close out Allowance #1 Dry Rot Repair Deductive change for <\$1,715><br>Total change orders to date are 0.51% of the construction value.<br>Funding for this project is available within the current project budget. |
| <i>Action:</i>         | Ratification  |
- F.**
- |                        |  |
|------------------------|--|
| <i>Title:</i>          | Change Order 31  |
| <i>Vendor:</i>         | R. C. Benson and Sons, Inc.  |
| <i>Agreement Date:</i> | June 23, 2010  |
| <i>Campus:</i>         | De Anza College  |
| <i>Project No.:</i>    | 217  |
| <i>Project Name:</i>   | Secured Bicycle Storage for Students   |
| <i>Amount:</i>         | \$3,392  |
| <i>For:</i>            | Miscellaneous construction change orders for the Secured Bicycle Storage Project.<br>The total Change Orders to date represent 2.2% against the original contract amount. Funding is included in the current budget. |
| <i>Action:</i>         | Ratification   |
- G.**
- |                        |   |
|------------------------|---|
| <i>Title:</i>          | Change Order #17  |
| <i>Vendor:</i>         | S. J. Amoroso, Inc.   |
| <i>Agreement Date:</i> | July 10, 2009   |
| <i>Campus:</i>         | De Anza College   |
| <i>Project No.:</i>    | 241   |
| <i>Project Name:</i>   | S2-S6 Phase II – Utility Master Plan – Phase I  |
| <i>Amount:</i>         | \$14,687  |
| <i>For:</i>            | Miscellaneous changes: PG&E fees for power shutdown #5, provide leak detection system, revise connection of lateral piping from S8 in manhole MH22, and repair pipe insulation at Autotech.<br>The total Change Orders to date represent 11.92 % against the original contract amount. Funding is included in the current budget. |
| <i>Action:</i>         | Ratification  |

- I.**     *Title:*                Change #1 to Agreement  
           *Vendor:*            Vlaming + Associates  
           *Agreement Date:*   September 1, 2010  
           *Campus:*            Foothill College and De Anza College  
           *Project No.:*        501  
           *Project Name:*     Program Overhead  
           *Amount:*           \$20,000  
           *For:*               One year extension of time and addition of \$20,000  
                                   for consulting services related to the Project  
                                   Stabilization Agreement, to be provided on an  
                                   hourly, time-and-materials basis. In addition, the  
                                   firm name is changed to Vlaming + Associates from  
                                   Stephen P. Lyons & Associates dba as Scarth-Lyons  
                                   & Associates.  
           *Action:*             Ratification
- J.**     *Title:*                Revision #3 to PAA #F-WRNS-3A  
           *Vendor:*            WRNS Studio, LLP  
           *Agreement Date:*   January 15, 2010  
           *Campus:*            Foothill College  
           *Project No.:*        134  
           *Project Name:*     Exterior Signage  
           *Amount:*           \$6,500  
           *For:*               Architectural design services to update Foothill  
                                   College Exterior Signage Standards and  
                                   design/layout a “Coming Soon” sign showing future  
                                   improvements at Lot 2/3.  
                                   The funding is included in the current budget  
           *Action:*             Ratification

**Item 6.H**

**Chevron Energy Solutions – Change Order #1 – Photovoltaic Arrays – Parking Lots 2 & 3-  
 \$179,284.**

Executive Director of Facilities, Operations and Construction Management Charles Allen explained that the Monte Vista earthquake fault was discovered at the time the Foothill campus center was under discussion. The photovoltaic panels required additional engineering to accommodate the appropriate safeguards to construct the facilities so close to the fault. Allen explained that the fault was known to some, but actually is not recorded on the geotechnical fault information that Chevron engineers were consulting when they were drawing up their proposal. Allen explained that these are very straightforward actions that are required to accommodate best practices when building so close to a fault.

**M/S/C:**               **Casas Frier/Swenson**  
**Advisory vote:**     2  
**Board vote:**        4  
**Action:**             **Approved/ratified** Item 6.H on the Measure C Consent calendar as follows:

- H.**     *Title:*                Change Order #1  
           *Vendor:*            Chevron Energy Solutions

*Agreement Date:* March 31, 2010  
*Campus:* Foothill College  
*Project No.:* 154  
*Project Name:* Photovoltaic Arrays – Parking Lots 2 & 3  
*Amount:* \$179,284  
*For:* 1) Geotechnical engineering studies, not anticipated in the original project cost, related to the Monte Vista earthquake fault found to cross a portion of the planned photovoltaic array site (\$23,675).  
2) Increased structural steel costs related to the earthquake fault location. (\$26,282)  
3) Additional foundation depth required by geotechnical engineer due to subsurface conditions (not related to fault). (\$20,250)  
4) Concrete cover above underground high voltage lines in lieu of planned direct burial line, as requested by the District to conform to District standards. (\$21,948)  
5) Increased storm water retention improvements to coordinate with future project, to avoid re-work of current construction; commensurate savings will be made in future storm drainage improvements. (\$47,500)  
6) Additional curbing to coordinate with future campus pedestrian circulation improvements. (\$14,430)  
7) Design-build fees and bonds related to the above changes. (\$25,200)  
8) One-month no-cost extension to the project duration, subject to turnover of lots 2 and 3 for student use on September 20, 2010.  
This change represents 2.6% change to the contract value. The funding for this change is within the current budget  
*Action:* Ratification

#### **Item 7**

#### **Construction Management Agreement for Services from October 1, 2010 through June 30, 2011**

This agreement for construction and project management services is for the balance of ongoing Measure C construction projects. The agreement sets rates for 2 years. Executive Director Allen explained that the parties have agreed to move forward with the first year of the agreement with the understanding that the district has very specific project and construction management cost containment goals established for these projects over the coming year. Should those project cost goals be met and the district is satisfied with the management of the projects, then the second year option on the contract will be executed at the negotiated rates.

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



**Board vote:** 4  
**Action:** **Approved** the negotiated agreement for Measure C Construction Management Services from Gilbane-MAAS

**Item 8**

**Standard Form of Agreement for Gilbane-MAAS Project Management Services for the Foothill College Physical Sciences & Engineering Center Project**

Executive Director Allen explained that the contract for Project and Construction Management of the Foothill College Physical Sciences & Engineering Center will be a fixed price contract for the delivery of the new building.

**M/S/C:** **Barram/Bechtel**  
**Advisory vote:** 2  
**Board vote:** 4  
**Action:** **Approved** the Standard Form of Agreement for Gilbane-MAAS for Project Management services for the Physical Sciences & Engineering Center

**Item 9**

**Ratification of Board Warrants to Borel Private Bank & Trust Co.**

This item was carried over from the August 30 meeting pending additional information.

Trustee Bechtel recused herself from the meeting during discussion of and action on this item.

Vice Chancellor McElroy explained that “retainage” is money set aside from payments made to contractors in accordance with Public Contract Code §22300. Borel Bank is the firm used to set up the escrow account when making payments to John Plane Construction, the contractors for the Baldwin Winery and East Cottage Restoration. When their request for payment for work completed is submitted to the district, 90% is paid to them and 10% is put into an escrow account for the first half of the project.

**M/S/C:** **Casas Frier/Russaw**  
**Advisory vote:** 2  
**Board vote:** 4  
**Action:** **Ratified** the payment to Borel Private Bank & Trust Co.

**ADJOURNMENT**

President Swenson adjourned the meeting at 6:40 p.m.