



**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
DRAFT MINUTES
REGULAR MEETING
August 8, 2011**

Trustees Present:

Pearl Cheng, President
Joan Barram
Betsy Bechtel
Laura Casas Frier
Bruce Swenson

For Public Session Only:

Emily Kinner, De Anza College Student Trustee
Stephanie McGee, Foothill College Student Trustee

CLOSED SESSION

The Board convened in closed session at 4:35 p.m. in the Chancellor's Office to discuss:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Subdivision (a) of Section 54956.9

Name of Case: West Bay Builders v. Foothill-De Anza Community College District
Case #106CV062422

Executive Administrators Present:

Charles Allen, Executive Director of Facilities, Operations and Construction Management
Judy Miner, President, Foothill College
Brian Murphy, President, De Anza College
Suzanne Pfeiffer, Director of Human Resources
Fred Sherman, Vice Chancellor, Technology
Linda Thor, Chancellor

Others:

Phil Jaret

CONFERENCE WITH PROPERTY NEGOTIATORS

Under Negotiation: Price and terms of payment
Agency Negotiators: Kevin McElroy, Charles Allen

Property: 895 Kifer Road, Sunnyvale, CA 94086
Negotiating Party: Lane Partners
Property: Onizuka Air Force Station, 1080 Innovation Way, Sunnyvale, CA 94089
Negotiating Party: City of Sunnyvale

Executive Administrators Present:

Charles Allen, Executive Director of Facilities, Operations and Construction Management
Judy Miner, President, Foothill College
Brian Murphy, President, De Anza College
Suzanne Pfeiffer, Director of Human Resources
Fred Sherman, Vice Chancellor, Technology
Linda Thor, Chancellor

CALL TO ORDER

President Cheng called the meeting to order at 6:08 p.m. She led those present in the Pledge of Allegiance.

REPORTING OUT FROM CLOSED SESSION

President Cheng reported that the Board met in closed session to review the price, terms, and conditions associated with property acquisition opportunities at:

1. 895 Kifer Road in Sunnyvale
2. 1080 Innovation Way (Onizuka Air Force Station) in Sunnyvale

After review of each of these opportunities, the Board has identified the property at the former Onizuka Air Force Station as its preferred location for a permanent home for our Education Center. Accordingly, the Board has directed the administration to proceed with the necessary due diligence on the site before a final transaction can take place and to proceed with discussions and coordination with the City of Sunnyvale to seek approval from the Onizuka Local Redevelopment Authority to amend the Onizuka reuse plan so as to include an Education Center.

This decision comes after an exhaustive search and review of opportunities that would best meet the District's objectives in finding a permanent home for the Education Center. The Board reviewed the merits of the 895 Kifer site and the Onizuka site as compared to the objectives identified earlier this year.

In selecting the Onizuka site, the Board identified a number of positive attributes that meet the objectives identified at the beginning of the outreach process. Some of the key attributes of the Onizuka site that the Board finds attractive are:

- a. **Price:** The Public Benefit Conveyance offers unique opportunity to acquire land
- b. **Enrollment:** The Onizuka site is:
 - i. Close to population growth areas and the source of many of our current students
 - ii. Located in an attractive area In Moffett Business Park; a dynamic and growing part of Sunnyvale
- c. **Access:** The Onizuka site is:
 - i. Highly visible
 - ii. Close to public transportation
- d. **Location:**
 - i. We anticipate that all of our surrounding districts will be supportive of a Foothill College Education Center at this site
 - ii. Onizuka provides an opportunity to facilitate regional collaboration in education
 - iii. Foothill and De Anza provide easy access off of 280; this location will provide easy access off of 101
 - iv. The site has potential for expansion
- e. **Environmental:** No unusual environmental hazards have been identified on the site
- f. **Conclusion:**

- i. Onizuka is the preferred site for a permanent home for the Foothill College Education Center
- ii. The administration should seek approval by the Local Redevelopment Authority (Sunnyvale City Council) of an education center on the Onizuka site
- iii. The administration should initiate preparation of a Public Benefit Conveyance application to locate the Foothill Education Center on parcel C (9.6 acres) at the Onizuka site

Item 1

Education Center Update

President Cheng welcomed visitors Scott Smithers representing Lane Partners; Mike Biggars representing Orchard Partners; Sunnyvale Mayor Melinda Hamilton; and Vice Mayor Jim Griffith. She invited public comments following Executive Director Allen's presentation.

Executive Director of Facilities, Operations and Construction Management Charles Allen showed a district boundary map indicating the location of the Kifer Road and Onizuka properties in relation to Foothill College, De Anza College, the current Middlefield Education Center, and Mission College, part of the West Valley-Mission Community College District.

On a map of the Onizuka site he explained the current uses of parcels A and B; future use of parcel C (the expected future site of the educational center); and parcel D which, at this time, is undetermined. He explained that the next steps in the acquisition process are to seek approval from the Local Redevelopment Authority (LRA) to amend the reuse plan to include an education center and to initiate a public benefit conveyance application through the Department of Education. Concurrently, the district would initiate due diligence activities associated with the California Environmental Quality Act (CEQA); coordinate with the state Chancellor's Office for approval to relocate the education center; and initiate more detailed project planning for the design and construction of the center on the site. Regular updates to the board will be scheduled.

Community member Terry Terman congratulated the board on the selection of the Onizuka site, stating that public transit is more readily available to that location.

Mayor Hamilton said the city is thrilled that the district will be relocating its educational center in Sunnyvale. She informed the board that two homeless organizations have expressed interest in parcel D. She said the city is currently working with the organizations to relocate them to a more suitable site. In answer to Trustee Barram's question regarding the city's plans for parcel D should that relocation be successful, Mayor Hamilton said they would hope to transfer the 4.6-acre parcel to the district.

Vice Mayor Jim Griffith said that the district's proposal would be beneficial for all parties. High-tech employees could take classes at the center and students there could potentially intern close to the center. Also it would fulfill the Air Force's highest priorities, which is utilizing the property in a way that would cater to the potentially displaced armed forces workers who remain in the area. He said this is absolutely the best proposal the city has received for use of that site, and he expressed optimism that his colleagues would also welcome the district's proposal.

For the public's benefit, Trustee Bechtel asked Executive Director Allen to explain the difference in cost between the Kifer Road property and the Onizuka site. He responded that the public benefit conveyance of the Onizuka site would come at no cost to the district other than demolishing the buildings on that site,

which is estimated to be around \$5 million. The cost of the approximate 8-10 acre Kifer property would be at market price, around \$16 million.

Trustee Casas Frier said she is very excited about the Onizuka site because of its accessibility, its proximity to a rapidly growing demographic area, and its attractive price. She requested cost estimates and plans to make the train tracks safer for students. Trustee Casas Frier asked Executive Director Allen if the estimated cost of \$5 million to demolish the existing structures and remove hazardous waste is reasonable. Director Allen said that the cost of removing the small amount of hazardous waste would be a very small portion of the total demolition cost. The total cost would vary depending on the amount of steel and concrete at the site that could be recycled and feels the estimated price is reasonable. Trustee Casas Frier said she is looking forward to working with the city of Sunnyvale on this project.

Trustee Barram commented that hearing the city's enthusiasm for this project is very welcome. She said there are a lot of students in that area who have not taken advantage of the Cubberley site and, hopefully, this location will be a better option for them as they begin their college education. She added that although the district will be eager to recognize the historical significance and value of Onizuka Air Force Station, it is not interested in saving the existing "Blue Cube", a 170,000 square foot, windowless multi-storied building located on parcel C.

Trustee Bruce Swenson complimented the Sunnyvale staff for their responsiveness and the good working relationship that has already been established with the district and believes that will parallel the working relationship between the city council and the board of trustees as this project progresses. Trustee Swenson said he looks forward to working with the mayor and vice mayor.

Trustee Barram also acknowledged that the proposal received from Lane Partners/Orchard Partners was very credible and expressed appreciation for their proposal and their willingness to work with the district.

President Cheng said this conclusion comes after a long process. The district has been looking for an appropriate site to expand its education center and build upon the colleges' legacy for several years.

APPROVAL OF MINUTES

M/S/C: Casas Frier/Barram

Advisory vote: 2

Board vote: unanimous

Action: **Approved** the June 20, 2011 minutes as corrected
Approved the July 11, 2011 minutes as amended

FOUNDATION REPORT

Trustee Casas Frier introduced and welcomed new Foundation Executive Director Sheryl Alexander. Ms. Alexander's appointment will become official upon approval of the Human Resources Report later in the evening.

Trustee Casas Frier reported that at the Board of Directors met on June 29 and approved 2011-12 budget which includes a plan to raise \$4 million. The approved budget also includes \$886,000 in expenses, mostly comprised of staff salaries. They welcomed new board member Gay Krause who returned after a one-year hiatus. Consultant Susan Carson gave a presentation on fundraising fundamentals.

CORRESPONDENCE

There was no correspondence to report.

HEARINGS: ITEMS NOT ON THE AGENDA

Public/Students

Alrie Middlebrook, president and one of the original founders of the California Native Garden Foundation, said she was invited by Child Care Center Director Naoko Harada to design a garden for the child development center. Due to limited funds she was asked to utilize students in the environmental studies program to assist with the project.

Kiyo Ouchida reported that he and four other students in the program are working on a community garden living laboratory at the center. Children ages 2-5 will be able to utilize the garden and learn about California eco systems and native plants. The pilot project is part of the Environmental Lab for Sustainability and Ecological Education (ELSEE) project. The purpose of the ELSEE project is to provide living laboratories statewide for K-12 students, and students at community colleges and 4-year colleges and universities. The garden at De Anza will be the third in the project. He said the group is working on a fundraising project to build an outdoor living kitchen to interactively engage children in learning about the eco systems and native plants.

President Cheng thanked the group for their work and their report.

President Miner extended an invitation to the group to work with Foothill's Environmental Horticulture program that will be planning a demonstration site with their student interns.

Staff

De Anza President Brian Murphy reported that the VTA EcoPass website has been launched. The interactive website is remarkably good and thorough. He commended the web team that designed the site, students, and all those who worked so hard to bring the innovative project to fruition over the last two years. He acknowledged the work of student trustee Emily Kinner who played a large part in the project.

President Murphy acknowledged trustees Barram and Casas Frier who attended the celebration of the Summer Bridge Program for Foster Youth. He acknowledged and thanked Donna Fung and Jesus Quintero who directed the program. Ms. Fung, who has managed the program over the past several years, received a large appreciative round of applause at the event. The Euphrat Museum showcased some of the students' art work and photography of their lives. The program is designed to assist foster youth transition from high school to college through life skills courses, social and cultural events, field trips and speakers who explain campus services and resources.

Mr. Quintero said that it is a privilege to work with foster youth who believe that education can change their lives. He said that by the end of the program some of the troublesome youth realized that through working together they could be valuable citizens to their community.

Ms. Fung said the celebratory event is attended by trustees and public officials; people who the students never thought they would receive recognition from. She said they do not expect the positive feedback that they receive and hopes that the attendees' reaction from reading their "snippets" tells them that their stories have power. Many first-time guests at the event never realized what foster youth go through. Ms. Fung said that attending the celebratory event is a gift

that she and Mr. Quintero have the privilege of attending each year and are pleased to share the experience with the guests.

President Miner thanked Trustees Swenson and Bechtel and Chancellor Thor for attending the Foothill Gala held in the Lohman Theater and added that even though the Lohman is a smaller venue, preliminary estimates indicate that it was a successful event.

President Miner reported that all 29 participants in the EMT academy passed their final exams and are now qualified to be employed as EMTs. The summer academy was in partnership with Job Corp and the Community Occupational Center. With the success of this program, the college hopes to offer it next year, as well as explore other accelerated summer programs for recent high school graduates.

President Miner applauded the ASFC who held a number of fundraising events for victims of the tsunami in Japan. This Wednesday a representative from the Japanese Consulate will be visiting the campus to accept their check. She expressed pride in her students for their efforts.

Chancellor Thor announced that Controller Hector Quinonez is representing Vice Chancellor Kevin McElroy who is on vacation, and Director of Human Resources Suzanne Pfeiffer is representing Vice Chancellor Dorene Novotny who is also on vacation.

Chancellor Thor thanked the board for their decision on selecting the Onizuka site, and with the appointment of Sheryl Alexander as the new Foundation Executive Director, Chancellor Thor expressed optimism for a great 2011-12.

Board

Trustee Casas Frier, who attended the Foster Youth celebration, read one of the snippets from that event. She said the snippets are written anonymously by the students and are expressions from the heart.

“Being 16 is hard enough but spending most of my 16 years in foster care is not the easiest thing. I was the strong one in my family and held us together the best that I could, but I couldn’t keep my mother from dying as a result of a lifetime of drug and alcohol abuse.”

She reported that Assembly members Jim Beall and Paul Fong, both strong advocates of foster youth care, also attended the celebratory event. She said that recently signed into law was a bill sponsored by Assembly member Beall that extends the benefits for foster youth from 18 to 21 years of age. Trustee Casas Frier thanked Ms. Fung and Mr. Quintero for their work and expressed appreciation for attending the meeting and for their services.

Trustee Casas Frier reported that SB 130, the California Dream Act that allows undocumented students to receive private financial aid, was recently signed into law.

Trustee Joan Barram who also attended the Summer Bridge Program celebratory event, thanked all who worked in the program. She said there are many students who spend their summers not being productive and who can use a bridge program that would provide guidance for their futures. She said that some of those who attended the celebration were community members who helped fund the program through donations.

Student Trustee Emily Kinner said she, also, was honored to attend the Summer Bridge Program for Foster Youth event. Commenting on the campus garden, Trustee Kinner said that the students have been trying for about five years to get such a program and thanked Ms. Middlebrook and the group for their work. De Anza has another outstanding summer program, APALI, (Asian Pacific American Leadership Institute) dedicated to pipeline leadership training. Although anyone can apply to participate in the program, it is geared toward at-risk students. She related a story about two students who were not performing very well academically, but after going through the APALI program, turned their lives around and are now excellent students and mentors in the program. Trustee Kinner also reported that on behalf of De Anza College and the health services department, she recently was honored to attend and present at a conference related to state policy related to smoke-free campuses. On a statewide report card on the policies, enforcement, and citation programs related to smoking policies, De Anza received the highest grade a B+. The only reason it was not given an “A” is because we are not able to issue citations for smoking infractions.

President Cheng reported that she participated in an across-the-state bike ride in Iowa. She was able to visit Kirkwood Community College, a League for Innovation board member college. President Cheng and her parents were hosted on a tour of the Kirkwood Center, a public-private venture that consists of a hotel and five culinary hospitality programs. Chancellor Thor will be attending a League for Innovation board meeting at that site in September.

APPROVAL OF CONSENT CALENDAR

M/S/C: Barram/Casas Frier

Advisory vote: 2

Board vote: unanimous

Action: **Approved** Items 2 - 16 on the Consent Calendar as follows:

Item 2 – **Approved** Ratification of Contracts and Agreements

Item 3 – **Approved** Ratification of Enterprise Warrants and Wire Transfers Greater than \$5,000 for November and December 2010, and January, February, and March 2011

Item 4 – **Approved** Course Materials Fees, Foothill College

Item 5 – **Approved** Community Education Short Courses, fall 2011- Foothill and De Anza Colleges Impact

Item 6 – **Approved** Renewal of HOPE Lease for 2011-12

Item 7 – **Approved** Food Service Operations Contract, Foothill College

Authorized the Director of Purchasing and Material Services to execute a contract for services with Pacific Dining

Item 8 – **Approved** Food Service Contracts, De Anza College

Authorized the Director of Purchasing and Material Services to execute a contract for food services with Mediterranean Café pursuant to RFP 1371 for convenience store services; rejected the proposals in response to RFPs 1367 and 1369; and **authorized** the

De Anza College Vice President of Finance and Educational Resources, to sign amendments extending the existing contracts for Mexican and Asian cuisine through December 16, 2011

Item 9 – **Approved** Coffee Beverage Services Contract, De Anza College

Authorized the Director of Purchasing and Material Services to execute a contract with Specialty Coffee Services pursuant to RFP 1370

Item 10 – **Approved** Donation of 94 Tablet Arm Desks

Made a finding that the property is unsatisfactory for further use by the District and **authorized** the Director of Purchasing and Material Services to make a donation of the equipment described to Wilcox High School of Santa Clara Unified School District in accordance with Education Code 81450.5

Item 11 – **Approved** Donation of Surplus District Computes and Monitors to the Foothill-De Anza Foundation

Made a finding that the property is of insufficient value to defray the costs of arranging a sale and **authorized** the Director of Purchasing and Material Services to make a donation of the equipment described to the Foothill-De Anza Foundation in accordance with Education Code 81452(c)

Item 12 – **Approved** Sale of Two Baldor Buffing Machines

Made a finding that the property does not exceed \$5,000 in value and **authorized** the Director of Purchasing and Material Services to sell the items in accordance with Education Code 81452(a)

Item 13 – **Approved** Sale of Coulter Maxm Analyzer

Made a finding that the property does not exceed \$5,000 in value and **authorized** the Director of Purchasing and Material Services to sell the item in accordance with Education Code 81452(a)

Item 14 – **Approved** Sale of Miscellaneous Surplus Electronic Equipment

Made a finding that the property does not exceed \$5,000 in value and **authorized** the Director of Purchasing and Material Services to sell the items in accordance with Education Code 81452(a)

Item 15 – **Approved** Sale of Powermatic 18” Planer

Made a finding that the property does not exceed \$5,000 in value and **authorized** the Director of Purchasing and Material Services to sell the item in accordance with Education Code 81452(a)

Item 16 – **Approved** Human Resources Reports

Item 17

Public Hearing - Open Negotiations for 2011-2012 between the District and the Association of Classified Employees (ACE)

President Cheng opened the public hearing at 7:06 p.m. There were no comments. She closed the public hearing at 7:07 p.m.

Item 18

Public Hearing - Open Negotiations for 2011-2012 between the District and the California School Employees Association and its Chapter 96, Unit A (CSEA)

President Cheng opened the public hearing at 7:08 p.m. There were no comments. She closed the public hearing at 7:09 p.m.

Item 19

Resolution Authorizing the Reduction in Classified Service

Director of Human Resources Suzanne Pfeiffer explained that in an effort to save money, board approval is requested to eliminate the vacant position of Admissions and Records Assistant at Foothill College.

M/S/C: Swenson/ Bechtel

Advisory vote: 2

Board vote: unanimous

Action: **Adopted** Resolution 2011-26 authorizing the reduction in classified service and eliminating the following position for lack of funds effective June 30, 2011:

Admissions and Records Assistant (vacant), FH

Item 20

Revised 2013-2017 Five-Year Construction Plan (2013-2014 First Funding Year)

Executive Director Allen explained that in order to accommodate new guidance received from the state Chancellor's Office, the district's 2013-2017 Five Year Construction was revised. He said that although there is little hope of funds being available, submitting these projects will keep the projects on the list should funding eventually become available. For the 2012-13 first funding year, two final project proposals have been approved by the Board of Governors and are waiting to be funded. They are:

- Library & Instructional Support Center (ISC) Renovation, Foothill College (\$13.1 million, 51% state funding; 49% Measure C funding)
- Learning Resource Center Renovation, De Anza College (\$18.8 million, 51% state funding; 49% Measure C funding)

The changes to the 2013-2017 Five-Year Construction Plan are:

- Biology Renovation at Foothill College has been moved up one year to 2013-2014 first funding year
- Remodel of the L-4 Quad Building at De Anza College for 2014-15 first funding year has been added

Faculty Association President Rich Hansen asked for assurance that the De Anza campus will be in good shape on Opening Day, September 23. Both President Murphy and Executive Director Allen said that Associate Vice President Donna Jones-Dulin and the De Anza Measure C team are aware of the upcoming date and are working hard to have the campus ready for opening day.

Item 21

Measure C Consent

M/S/C: Swenson/Bechtel

Advisory vote: 2

Board vote: unanimous

Action: Approved Measure C Consent Items as follows:

De Anza College –

- A) Romkon Inc. – Change Order #1 – Repair Tile Roofs – Phase III: E2-D3-ADM Buildings - \$9,569
- B) Sundt Construction, Inc. – Change Order #3 – Mediated Learning Center - \$26,009

Foothill College -

- C) HMC Architects – Revision #4 to PAA #F-HMCM-#2B – Renovation of Language Arts Classrooms/Labs/Offices - \$2,300
- D) Taber Construction – Change Order #2 – Utilities Infrastructure Upgrades Phase I - \$53,618
- E) Taber Construction – Change Order #3 – Utilities Infrastructure Upgrades Phase I - \$69,576
- F) tBP Architecture – Agreement for Services – Environmental Impact Report and Master Plan - \$78,500
- G) Verde Design – Revision #4 – Professional Services – Soccer and Softball Complex - \$9,037
- H) Zolman Construction & Development, Inc. – Change Order #8 – Renovation of Language Arts Classrooms, Buildings 6200, 6300 and 6500 – (\$43,829)

Item 22

Award a Contract Pursuant to Bid Document #1345-253, ATC Central Plant Sound Attenuation, De Anza College

Executive Director Allen said that once begun, the noise reduction project is scheduled for completion in 28 days.

M/S/C: Bechtel/Barram

Advisory vote: 2

Board vote: unanimous

Action: Authorized the Director of Purchasing Services to award a contract pursuant to Bid Document #1345-253, ATC Central Plan sound Attenuation at De Anza College, to R. C. Benson & Sons, Inc., in the amount of \$503,700

Item 23

Building Roofing and Waterproofing Consulting and Design Services

M/S/C: Swenson/Casas Frier

Advisory vote: 2

Board vote: unanimous

Action: **Approved** the list of five firms to be included in the Building and Waterproofing Consulting and Design Services pool and **authorized** the Executive Director of Facilities, Operations, and Construction Management to negotiate contracts for building envelope consultant services on an as-needed basis

Item 24

Project #160 – Foothill College Physical Sciences & Engineering Center – Change Order #2

Executive Director Allen said that the original design documents did not adequately address the effect that this project would have on the Krause Center for Innovation, and as a result, the Guaranteed Maximum Price (GMP) developed with the lease-leaseback contractor was not enough. The additional amount of \$102,869 is a reasonable amount for the work to be completed and the cost is within the budgeted contingency and project allowances.

M/S/C: Swenson/Bechtel

Advisory vote: 2

Board vote: unanimous

Action: **Approved** Change Order #2 in an amount not to exceed \$102,869

Item 25

Project Reference Correction Only for Previously Approved (6/6/11) Board Item, De Anza College, Advanced Technology Center, Noll & Tam, PAA 5B – Project 245

Executive Director Allen explained that this item was originally approved on June 6, 2011; however, an incorrect project name and number were referenced in the recommendation on the agenda item submittal sheet.

M/S/C: Barram/Casas Frier

Advisory vote: 2

Board vote: unanimous

Action: **Approved** the corrected PAA 5B with Noll & Tam Architects, for Project #245, Advanced Technology Center, De Anza College

ADJOURNMENT

President Cheng adjourned the meeting at 7:25 p.m.