



**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
DRAFT MINUTES
REGULAR MEETING
November 7, 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 4:00 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, Facilities, Operations and Construction Management
Kevin McElroy, Vice Chancellor, Business Services
Judy Miner, President, Foothill College
Brian Murphy, President, De Anza College
Dorene Novotny, Vice Chancellor, Human Resources and Equal Opportunity
Fred Sherman, Vice Chancellor, Technology
Linda Thor, Chancellor

Others Present:

Phil Jaret, Legal Counsel

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9)

Number of Potential Cases: 1

Executive Administrators Present:

Charles Allen, Executive Director, Facilities, Operations and Construction Management
Kevin McElroy, Vice Chancellor, Business Services
Judy Miner, President, Foothill College
Brian Murphy, President, De Anza College
Dorene Novotny, Vice Chancellor, Human Resources and Equal Opportunity
Fred Sherman, Vice Chancellor, Technology
Linda Thor, Chancellor

Others Present:

Phil Jaret, Legal Counsel

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Executive Administrators Present:

Charles Allen, Executive Director, Facilities, Operations and Construction Management
Kevin McElroy, Vice Chancellor, Business Services
Judy Miner, President, Foothill College

Brian Murphy, President, De Anza College
Dorene Novotny, Vice Chancellor, Human Resources and Equal Opportunity
Fred Sherman, Vice Chancellor, Technology
Linda Thor, Chancellor

CONFERENCE WITH LABOR NEGOTIATOR

District Negotiator: Dorene Novotny
Employee Organizations: All Represented and Unrepresented Groups

Executive Administrators Present:

Charles Allen, Executive Director, Facilities, Operations and Construction Management
Kevin McElroy, Vice Chancellor, Business Services
Judy Miner, President, Foothill College
Brian Murphy, President, De Anza College
Dorene Novotny, Vice Chancellor, Human Resources and Equal Opportunity
Fred Sherman, Vice Chancellor, Technology
Linda Thor, Chancellor

CALL TO ORDER

President Cheng called the meeting to order at 6:04 p.m. She led those present in the Pledge of Allegiance.

On behalf of the Board of Trustees, President Cheng congratulated and thanked everyone at both colleges who was involved in the accreditation process. The tremendous amount of work resulted in excellent reports from both accreditation teams.

REPORTING OUT FROM CLOSED SESSION

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

FOUNDATION BOARD REPORT

Trustee Casas Frier reported on the Foundation board meeting held on October 26.

- Change in Asset Managers – The Finance Committee solicited proposals from investment management firms. After an exhaustive review and interview process, the Finance Committee recommended the hiring of Bernstein Global Wealth Management to handle the Foundation's nearly \$30 million in assets. Transfer of assets will begin in December.
- Revenue Projections – Currently the Foundation has raised \$669,000 toward its ultimate goal of \$4 million. The staff is working hard and coordinating with the Major Gifts Steering Committee in arranging campus tours, coffees/lunches, and meetings with the Chancellor, as well as key staff in funding areas.
- Holiday Luncheon on December 5 – The Foundation Board and Trustees are invited to a holiday luncheon on December 5, at noon in the Hearthside Lounge at Foothill College.
- Foundation Retreat – A sub-committee is being formed to coordinate a Foundation Retreat some time in January.

APPROVAL OF MINUTES

M/S/C: Swenson/Barram
Advisory vote: 2
Board vote: 5
Action: **Approved** the minutes of October 3, 2011

CORRESPONDENCE

There was no correspondence to report.

HEARINGS: ITEMS NOT ON THE AGENDA

Public

None

Students

DASB President Arvind Ravichandran reported on DASB activities and the statewide Student Senate for California Community Colleges General Assembly. He said that with the administration's support, the DASB is planning an "Occupy De Anza" in January. The event would focus on engaging and educating students about the budget crisis at both the district level and state level. President Ravichandran will update the board as plans are developed. He reported that one of the topics discussed at the SSCCC General Assembly were the Student Success Task Force draft recommendations.

DASB Senator Christine Yu reported on plans for a pilot peer-mentoring program to increase college retention by helping incoming students adjust to college. An orientation for the 15 volunteer mentors will be held at the end of the week. The program will begin in the Spring Quarter.

ASFC President Jorell Dye also reported on the SSCCC General Assembly. He said that since students are opposed to the budget cuts to education, non-support of all of the draft recommendations would send a strong message to the governor. President Dye reported that the AFSC has established a flea-market club and are exploring other options for increasing ASFC revenue without having to raise student fees. Foothill students are also exploring an EcoPass program.

Staff

De Anza Academic President Karen Chow reported on the statewide Academic Senate fall plenary session. She commended Dolores Davison for her work on the statewide resolutions committee. She also reported that about 40 faculty, staff, and administrators participated in a discussion on the book, "Naming Elephants" that was organized collaboratively by the Academic and Classified Senates. President Chow announced that Jackie Reza, Director of Professional & Organization Development, was recognized for excellence by her peers. President Chow also reported that the Institute of Community and Civic Engagement, directed by Cynthia Kaufman, has received a \$100,000 grant from the Santa Clara County to employ De Anza students as registrars and educate voters. She announced that fellow English instructor David Denny was recently honored as the inaugural Cupertino poet laureate. Lastly, she reported that Intercultural and International Studies Division was recognized by Santa Clara County at its Asian American Hero celebration.

Foothill Academic President Dolores Davison also reported on the Academic Senate fall plenary session at which the district was well represented by two administrators and six faculty. There were 73 resolutions and 42 amendments brought forward. 22 of the resolutions were related to the Student Success Task Force draft recommendations. President Davison announced that there is a task force meeting on November 9, and an open forum town hall meeting on November 16 in Oakland. Additional information can be found at:

<http://californiacommunitycolleges.cccco.edu/PolicyInAction/StudentSuccessTaskForce.aspx>

Faculty Senate President Rich Hansen, who serves on the Student Success Task Force, said that the task force will meet only twice more, on November 9 and then again on December 7, before its charge is completed. He stressed the importance of a district response, specifically to those recommendations that affect the direction of the colleges and the district. Chancellor Thor said the recommendations would be discussed at the Board retreat on January 23. Foothill President Miner said she would be responding in opposition to the consolidation of apprenticeship funding which would affect about 3,500 Foothill students. Foothill Student Trustee Stephanie McGee said she would be attending the Task Force town hall meeting on November 16 to speak in support of the OTI and EOPS programs.

De Anza President Brian Murphy expressed his pleasure in the very positive report from the accreditation team. He commended the work of the Marketing department and the administrative professionals for their assistance in scheduling meetings with the team members, and complimented the students for their leadership and engagement, which resulted in a rare commendation by the accreditation team.

President Murphy announced that the health services department inoculated 1,427 students during a four-day flu clinic, and 110 students donated blood at a recent blood drive. He reported that OTI received a \$250,000 grant to support their CompTechS program. Also, on October 27, representatives from UC and CSU, the University of Idaho, the University of Montana, Portland State University, Iowa State, and Syracuse University, attended Transfer Day at De Anza.

President Murphy was honored to be one of the hosts at the launch event of the national Democracy Commitment project that De Anza has played an instrumental role in developing. Several national education associations, including the League for Innovation, have endorsed the project.

Foothill President Judy Miner expressed her extreme pleasure with the accreditation exit report and complimented the students on their forthrightness and engagement. President Miner thanked Trustee Casas Frier for attending the PSEC Topping Out ceremony that was attended by over 100 people affiliated with the college.

Faculty members acknowledged by President Miner included Andrew Fraknoi who gave a presentation at Science Discovery Days at AT&T Park and former instructor Irv Roth who was awarded the French Legion of Honor for his heroism during World War II.

Chancellor Thor acknowledged the tremendous amount of work in not only preparing for the accreditation visits but also the amount of work while the teams were on the campuses. She commented on the similarities in both of the recommendations and the remarkable commendations of the students at both colleges, the valuing diversity, and the campuses. Chancellor Thor thanked all the board members for their participation in the accreditation events. The board of trustees was the first commendation by both accreditation teams. Chancellor Thor was extremely pleased at how incredulous the teams were with the good working relationship between the district office and the colleges and their surprise at the high level of trust that exists throughout the district.

Chancellor Thor attended the Taste of History event sponsored by the De Anza Commission. Several current and former board members attended the event. The “friend raising” event was successful, and similar events that give the community an opportunity to become more familiar with a specific program may be planned in the future.

Lastly, Chancellor Thor reported that the process of selecting a search firm to fill the Vice Chancellor of Technology position has been completed. The NextGeneration search firm is being recommended for approval by the board. The firm specializes in searches for Chief Information Officers in higher education. The position will be advertised nationally, and recruitment of candidates will continue through February. It is anticipated that interviews will be conducted in March, with a recommendation to the board no later than May.

Board

Student Trustee Emily Kinner expressed her appreciation to the students attending the meeting. She announced that she will be attending the Student Success Task Force meeting in Sacramento.

Student Trustee Stephanie McGee thanked ASFC President Jorell Dye for his report.

APPROVAL OF CONSENT CALENDAR

M/S/C: Swenson/Bechtel
Advisory vote: 2
Board vote: 5
Action: **Approved** Items 1 - 14 on the Consent Calendar as follows:

Item 1 – **Approved/Ratified** Contracts and Agreements

Item 2 – **Approved/Ratified** Human Resources Reports and PAAs

Item 3 – **Approved** International Travel – De Anza Instructor

Item 4 – **Approved** Stand Alone Courses – Foothill College

Item 5 – **Authorized** the Director of Purchasing Services to sign a Maintenance Service Agreement with Konica Minolta Planetarium Co., Ltd., in the amount of \$113,000 for a five-year term, effective May 1, 2012 through April 30, 2017

Item 6 – **Approved** Donation of Surplus Computers and Monitors to the Foothill-De Anza Foundation

Item 7 – **Approved** Sale of Surplus Automotive Rack and Pinion Analyzer

Item 8 – **Approved** Sale of Miscellaneous Surplus Electronic Equipment

Item 9 – **Approved** Sale of Surplus Elliptical Exercise Equipment

Item 10 – **Approved** Sale of Surplus Fitness Equipment – Weight Bench

Item 11 – **Approved** Sale of Surplus Paint Gun Washer

Item 12 – **Approved** Sale of Surplus Physician Balance Beam Scale

Item 13 – **Approved** Sale of Surplus Safes

Item 14 – **Approved** Sale of Surplus Vehicles

Item 15

Public Hearing on the Agreement between Foothill-De Anza Community College District and the Teamsters Local 287, July 1, 2010 through June 30, 2013

President Cheng opened the public hearing at 6:52 p.m. There were no comments. President Cheng closed the public hearing at 6:53 p.m.

Item 16

Agreement between Foothill-De Anza Community College District and the Teamsters Local 287, July 1, 2010 through June 30, 2013

M/S/C: Casas Frier/Barram

Advisory vote: 2

Board vote: 5

Action: **Approved** the Agreement between Foothill-De Anza Community College District and the Teamsters Local 287, July 1, 2010 through June 30, 2013

Item 17

2011-12 First Quarter Report

Vice Chancellor of Business Services Kevin McElroy presented the First Quarter Report and acknowledged the excellent work by Budget Director Bernata Slater and her team. There is not much change between the First Quarter Report and the Adopted Budget, but the district is seeing an increase of about \$800,000 in non-resident tuition income. Vice Chancellor McElroy does anticipate tier 1 and tier 2 cuts in December. Vice Chancellor McElroy cautioned the board that all projections are based on the colleges meeting their FTES targets.

Item 18

Resolutions to Adopt Budget Revisions and Transfers

M/S/C: Bechtel/Barram
Advisory vote: 2
Board vote: 5
Action: **Adopted** Budget Revisions Resolution #2011-31 and Budget Transfer Resolution #2011-32

Item 19

Proposed Increase to Daily Parking Permit Fees

The Board was asked to approve an increase in the daily parking permit fee that would not impact the cost of the quarterly parking permit. The additional income would be used toward offsetting the cost of replacement permit machines at Foothill College and additional maintenance/service fees incurred by new parking permit machines at both colleges, as well as help to minimize parking and security expenses currently covered by the District's general fund. The last increase to this fee was in 1998. Both the DASB and ASFC support the recommended increase.

M/S/C: Swenson/McGee
Advisory vote: 2
Board vote: 5
Action: **Approved** an increase to the daily parking permit fee from \$2 to \$3 effective winter quarter 2012

Item 20

Authorization to Award a Contract for Sidewalk Improvements, Bid Doc. 1410, Foothill College

M/S/C: Barram/Casas Frier
Advisory vote: 2
Board vote: 5
Action: **Authorized** the Director of Purchasing Services to award a contract pursuant to Bid Document 1410, D100 Sidewalk Improvements, in the amount of \$69490 to JJR Construction, Inc.

Item 21

Measure E Consent

M/S/C: Swenson/Barram
Advisory vote: 2
Board vote: 5
Action: **Approved** items A-B on the Measure E Consent Calendar as follows:

Foothill College -

A) R. C. Benson & Sons, Inc. – Change Order #1 – Psychology Offices Acoustical Improvement – (\$5,000)

Central Services –

B) Cody Anderson Wasney Architects, Inc. – Revision #4 to Agreement – District Office Building Renovation - \$59,941.70

Item 22

Measure C Consent

M/S/C: Bechtel/Barram
Advisory vote: 2

Board vote: 5

Action: **Approved** items A-Z on the Measure C Consent Calendar as follows:

De Anza College –

- A) Allana Buick & Bers, Inc. – Revision #1 to Project Authorization Amendment #D11 – L1 & L8 Tile Roof Repair – (\$44,567)
- B) Allana Buick & Bers, Inc. – Revision #5 to Project Authorization Amendment #D06 to Master Agreement – Repair Tile Roofs – Phase III – E2-E3 & Administration Building - \$723
- C) Architectural Resources Group – Revision #1 to Project Authorization Amendment #2D to Master Agreement – Baldwin Winery & East Cottage - \$18,199
- D) Consolidated Engineering Laboratories, Inc. – Lots A & B and Kirsch PVS - \$66,867
- E) Cleary Consultants, Inc. – Revision #2 to Agreement – Stadium and Track - \$10,400
- F) Environmental Construction Services, Inc. – Project Assignment Amendment #D15 – ATC - \$5,350
- G) Environmental Construction Services, Inc. – Project Assignment Amendment #D16 – Stadium and Track Improvements - \$4,850
- H) Environmental Construction Services, Inc. – Project Assignment Amendment #D17 – Campus Center Phase II - \$510
- I) Joseph J. Albanese Inc. – Change Order #1 – Combined Site Improvements Phase I - \$224,436
- J) Joseph J. Albanese Inc. – Change Order #2 – Combined Site Improvements Phase I - \$173,947
- K) Romkon Inc. – Change Order #2 – Repair Tile Roofs – Phase III: E2-E3- Administration Building – (\$1,540)
- L) Sandis – Revision #3 to Project Authorization Amendment – Combined Site Improvements Phase I - \$71,966
- M) Sundt Construction, Inc. – Change Order #2 – Mediated Learning Center - \$175,682
- N) SunPower, Inc. Change Order #2 – Lots A & B and Kirsch PVS - \$4,508
- O) Valhalla Builders – Change Order #2 – Campus Center Renovation Phase II - \$3,029
- P) Wasinger Inspection Services – Revision #1 to Agreement – Combined Site Improvement Phase I - \$3,911

Foothill College –

- Q) B Brothers Construction, inc. – Change Order #2 – Building 3500 Glu-Lam Beam and Gutter Repair - \$5,637
- R) BSK Associates, Engineers & Laboratories – Change Order #1 – Physical Sciences and Engineering Center - \$2,000
- S) Cleary Consultants, Inc. – Revision #1 to Agreement – Parking and Circulation - \$7,800
- T) Engineering Economics, Inc. – Revision #2 to Project Authorization Amendment #F01 – Modernization of Administration Building and General Classrooms - \$0
- U) Hathaway Dinwiddie Construction Company – Change Order #4 – Physical Sciences and Engineering Center - \$44,185
- V) Lucas Parking Corporation – Attendant Parking Services Agreement – Physical Science and Engineering Center – Parking Replacement - \$26,310
- W) Ralph Larsen & Son, Inc. – Change Order #2 – Smithwick Theater - \$42,264
- X) Ratcliff – Add Service Agreement #12 – Physical Sciences and Engineering Center - \$61,468
- Y) Structure Consultants Inc. – Change Order #2 – Physical Sciences and Engineering Center - \$3,150
- Z) Taber Construction – Change Order #5 – Utilities Infrastructure Upgrades Phase I - \$6,806

Item 23

Award a Contract for Pool Tile and Plaster Replacement, Bid Doc. 1319-200F – De Anza College

M/S/C: Casas Frier/Barram

Advisory vote: 2

Board vote: 5

Action: **Authorized** the Director of Purchasing Services to award a contract pursuant to Bid Document #1319-200F, Pl Tile and Plaster Replacement at De Anza College, in the amount of \$884,900, to California Commercial Pools, Inc.

ADJOURNMENT

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