



**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT  
BOARD OF TRUSTEES  
DRAFT MINUTES  
REGULAR MEETING  
January 9, 2012**

**Trustees Present:**

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

**For Public Session Only:**

Emily Kinner, De Anza College Student Trustee (by phone)  
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  
Christina Espinosa-Pieb, Vice President of Instruction, De Anza College  
Kevin McElroy, Vice Chancellor, Business Services  
Judy Miner, President, Foothill College  
Dorene Novotny, Vice Chancellor, Human Resources and Equal Opportunity  
Fred Sherman, Vice Chancellor, Technology  
Linda Thor, Chancellor

**Others:**

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  
Christina Espinosa-Pieb, Vice President of Instruction, De Anza College  
Kevin McElroy, Vice Chancellor, Business Services  
Judy Miner, President, Foothill College  
Dorene Novotny, Vice Chancellor, Human Resources and Equal Opportunity  
Fred Sherman, Vice Chancellor, Technology  
Linda Thor, Chancellor

**Others:**

Phil Jaret, Legal Counsel

**PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**

**Executive Administrators Present:**

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Christina Espinosa-Pieb, Vice President of Instruction, De Anza College  
Kevin McElroy, Vice Chancellor, Business Services

Judy Miner, President, Foothill 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  
Christina Espinosa-Pieb, Vice President of Instruction, De Anza College  
Kevin McElroy, Vice Chancellor, Business Services  
Judy Miner, President, Foothill College  
Dorene Novotny, Vice Chancellor, Human Resources and Equal Opportunity  
Fred Sherman, Vice Chancellor, Technology  
Linda Thor, Chancellor

##### **Others:**

Nancy Faville, Lockton

#### CALL TO ORDER

President Barram called the meeting to order at 6:05 p.m. She led those present in the Pledge of Allegiance.

#### REPORTING OUT FROM CLOSED SESSION

President Barram reported that the Board took the following actions in closed session.

1. The Board approved a settlement agreement with Edward Scott Electric Company which will require the District to pay Edward Scott Electric \$575,000 in connection with claims arising from the Lower Campus Complex construction project.
2. The Board approved a settlement agreement with Perkins and Will which will require Perkins and Will to pay the District \$1,310,000 in connection with claims arising from the Campus Center project.

#### APPROVAL OF MINUTES

**M/S/C:** Bechtel/McGee  
**Advisory vote:** 2  
**Board vote:** unanimous  
**Action:** **Approved** the minutes of December 5, 2011

#### CORRESPONDENCE

There was no correspondence to report.

#### HEARINGS: ITEMS NOT ON THE AGENDA

##### Public

There were no comments from the public.

##### Students

There were no comments from students.

Staff

De Anza Vice President of Instruction Christina Espinosa-Pieb, attending for President Brian Murphy

- extended an invitation to watch a video of the White House event "For Democracy's Future: Education Reclaims Our Civic Mission," on Tuesday, Jan. 10, from 11 a.m. to 1 p.m. PST, concluding from 2:30-3 p.m., in the Campus Center's Fireside Room.
- made positive comments on De Anza's winter quarter enrollment.

Foothill President Judy Miner

- announced that Acting Vice President of Student Development and Instruction Denise Swett will be recognized as an outstanding administrator by the National Association of Student Personnel Administrators at their annual convention in March
- announced that due to the ongoing efforts of former part-time instructor Sheila Dunec, the U.S. Secretary of the Navy will be presenting Carl Clark, a former student of Dunec, with the Navy and Marine Corps Commendation Medal. Mr. Clark is a World War II veteran whose story was documented in the video Remembering WWII: First-Person Accounts and can be viewed at: <http://www.deanza.edu/itunesu>

Chancellor Linda Thor noted the following dates:

- January 19 – Foothill College will receive the Los Altos Chamber of Commerce's "Pride of the Community" award at a dinner at Chef Chu's
- January 25 – The district will host the NOVA Workforce board meeting at De Anza
- January 29-30 – Several members of the board and staff will be attending the CCLC's annual Legislative Conference in Sacramento
- February 3 – Chancellor Thor and Foundation Board member Anita Manwani, both members of the American Leadership Forum's Class XXIII, will host that group's meeting at Foothill

Board

Student Trustee Emily Kinner, who teleconferenced the meeting

- attended the Board of Governors meeting where the Student Success Task Force recommendations were presented. She reported that the Board approved the recommendations that will be presented to the Legislature in March.

Trustee Laura Casas Frier

- announced that Senator Joe Simitian will hold an Education Update on January 28 at 10:00 a.m. in the Palo Alto Unified School District Office Board Room.

President Joan Barram

- viewed the World War II video by Ms. Dunec and asked President Miner to extend her thanks and appreciation to the former instructor and to express our pride in having her as part of the district.

APPROVAL OF CONSENT CALENDAR

**M/S/C:** Swenson/Bechtel

**Advisory vote:** 2

**Board vote:** unanimous

**Action:** **Approved** Items 1 - 9 on the Consent Calendar as follows:

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

**Item 2** – **Approved** Listing of District Investments as of September 30, 2011

**Item 3** – **Approved** Annual Risk Management Report

**Item 4** – **Approved** Donation of Five Surplus Tables

**Item 5** – **Approved** Sale of Miscellaneous District Surplus Property

**Item 6** – **Approved** Sale of Miscellaneous Surplus Electronic Equipment

**Item 7** – **Approved/Ratified** Human Resources Report

**Item 8** – **Approved** Application to the State Chancellor's Office for a new Associate in Arts degree Kinesiology for Transfer

**Item 9** – **Approved** Stand Alone Course for Foothill College

**Item 10**

**Appointment to Citizens' Bond Oversight Committee**

Vice Chancellor of Business Services Kevin McElroy explained that the CBOC student representative seat, formerly filled by Stephanie McGee, became available when Ms. McGee became a student trustee.

**M/S/C:** Casas Frier/McGee

**Advisory vote:** 2

**Board vote:** unanimous

**Action:** **Approved** Foothill student Etienne Bowie to fill the student representative position on the Citizens' Bond Oversight Committee until June 2012

**Item 11**

**BP 4176 International Travel, Revised**

Revisions to Board Policy 4176 on International Travel were made in an effort to streamline the timeliness of the approval process. The suggested approval process allows the Chancellor to approve all international travel funded by the general fund and then present them to the board for ratification. The Chancellor's Advisory Council reviewed the suggested changes on December 1, 2011. The policy will be presented to the Board for a second reading and approval at its meeting on February 6, 2012.

**Item 12**

**Designation of Board Member to Vote for County Committee**

Trustees agreed that the board president be automatically designated to vote in the County Committee election.

**M/S/C:** Bechtel/Casas Frier

**Advisory vote:** 2

**Board vote:** unanimous

**Action:** **Designated** President Barram to vote in the County Committee election

**Item 13**

**Measure E Consent**

**M/S/C:** Bechtel/Cheng

**Advisory vote:** 2

**Board vote:** unanimous

**Action:** **Approved** budget transfer #52 on the Measure E Consent Calendar

**Item 14**

**Request to Cancel Prequalification #1425-284, Stelling Parking Garage Renovation Project**

After going through the prequalification process, only one contractor submitted a packet that complied with the required criteria. In order to keep the project on schedule, it was recommended that the prequalification process be

canceled. Executive Director Allen and Purchasing Director Redmond will reevaluate the current prequalification process and threshold for requiring prequalification.

**M/S/C:** Swenson/Bechtel  
**Advisory vote:** 2  
**Board vote:** unanimous  
**Action:** **Cancelled** prequalification #1425-284, Stelling Parking Garage Renovation Project, De Anza College

#### **Item 15**

#### **Measure C Consent**

Items E, L, and M were removed for discussion and separate action.

**M/S/C:** Casas Frier/Cheng  
**Advisory vote:** 2  
**Board vote:** unanimous  
**Action:** **Approved** items A-D and F-K on the Measure C Consent Calendar as follows:

##### **De Anza College –**

- A) Consolidated Engineering Laboratories – Revision #1 to Agreement for Services – Combined Site Improvement Phase I - \$6,923
- B) Consolidated Engineering Laboratories – Revision #2 to Agreement for Services – Mediated Learning Center - \$9,500
- C) Joseph J. Albanese Inc. – Change Order #3 – Combined Site Improvements Phase I - \$55,314
- D) Noll & Tam Architects – Revision #4 to Project Authorization Amendment #C4 to Master Agreement – Corporation Yard Renovation - \$28,751
- ~~E) R. C. Benson & Sons, Inc. – Change Order #1 – ATC/S Quad Sound Attenuation – \$50,266~~
- F) Sundt construction, Inc. – Change Order #7 – Mediated Learning Center - \$17,711
- G) Valhalla Builders – Change Order #4 – Campus Center Renovation Phase II - \$13,438

##### **Foothill College –**

- H) Allana Buick & Bers, Inc. – Revision #2 – Building 3500 Glu-Lam Beam and Gutter Repair - \$1,600
- I) Ralph Larsen & Son, Inc. – Change Order 33 – Smithwick Theater - \$33,762
- J) Taber Construction – Change Order #7 – Utilities Infrastructure Upgrades Phase I - \$71,253
- K) WRNS Studio, LLP – Revision #6 to Project Authorization Amendment #F-WRNS-1B – Central Campus Site Improvements - \$10,000

##### **De Anza College & Foothill College -**

- ~~L) Budget Transfer – De Anza #31 and Foothill #30~~

##### **Central Services -**

- ~~M) Lionakis – Agreement for Design Professional Services – Educational Center – Predesign Services at Onizuka Air Force Station – \$195,000~~

#### **15.E – R.C. Benson & Sons, Inc. – Change Order #1 – ATC/S Quad Sound Attenuation - \$50,266**

Associate Vice President Donna Jones-Dulin explained that there was water intrusion in the basement of the building was the source of the mold. The ATC is scheduled for renovation later in the year.

**M/S/C:** Casas Frier/Swenson  
**Advisory vote:** 2  
**Board vote:** unanimous  
**Action:** Approved Item 15.E

**15.L – Budget Transfers– De Anza #31 and Foothill #30**

Executive Director of Facilities Charles Allen explained that \$4,476.622, the most significant fund transfer in De Anza Budget Transfer #31, will be used to augment the refinishing of the Flint Center Parking Garage for identified repairs.

**M/S/C:** Cheng/Casas Frier  
**Advisory vote:** 2  
**Board vote:** unanimous  
**Action:** Approved Item 15.L

**15.M – Lionakis – Agreement for Deign Professional Services – Educational Center – Predesign Services at Onizuka Air Force Station - \$159,000**

Executive Director Allen gave a presentation on the process, selection and initial scope of services for the project. He introduced David Younger from Lionakis who assured the board that Lionakis is very aware of the district's commitment to the environment and it's goal to have LEED-certified buildings. Mr. Younger addressed inquiries from the board.

**M/S/C:** Casas Frier/Bechtel  
**Advisory vote:** 2  
**Board vote:** unanimous  
**Action:** Approved Item 15.M

**Item 16**

**Request to Cancel Prequalification #1372-200C, A9 & PE6 HVAC Improvements Project**

**M/S/C:** Swenson/McGee  
**Advisory vote:** 2  
**Board vote:** unanimous  
**Action:** Cancelled prequalification #1372-200C, A9 & PE HVAC Improvements, De Anza College

**ADJOURNMENT**

President Barram adjourned the meeting at 7:00 p.m.