



**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
DRAFT MINUTES
REGULAR MEETING
May 7, 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
Stephanie McGee, Foothill College Student Trustee

CLOSED SESSION

The Board convened in closed session at 5:00 p.m. in the Chancellor's Office to discuss:

**CLOSED SESSION PURSUANT TO EDUCATION CODE SECTION 72122 TO CONSIDER
AND TAKE ACTION ON STUDENT APPEAL OF DISCIPLINE**

Executive Administrators Present:

Charles Allen, Executive Director, Facilities, Operations and Construction Management
Christina Espinosa-Pieb, Vice President, 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

Executive Administrators Present:

Charles Allen, Executive Director, Facilities, Operations and Construction Management
Christina Espinosa-Pieb, Vice President, 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

CALL TO ORDER

President Barram called the meeting to order at 6:02 p.m. She led those present in the Pledge of Allegiance.

President Barram recognized the hard work and activism of both student trustees, not only on their respective campuses, but also at the state level. They have brought the student perspective to the meetings and represented their constituents well.

Chancellor Thor recognized the work of the student trustees "extraordinaire" during the 2011-12 year. Both have been truly outstanding in their performance and have represented the students on their respective campuses and all community college students very well. Chancellor Thor commended them on their ability to master complex issues and problems and articulate their positions. They have been an inspiration to other students, and they are

well known throughout the state. Chancellor Thor said she has been very proud of the students when they've made presentations on her behalf.

Chancellor Thor presented the outgoing student trustees with tokens of appreciation.

REPORTING OUT FROM CLOSED SESSION

President Barram reported that in closed session the board reviewed a student disciplinary action. She then called for a motion to take that action.

CONSIDERATION AND ACTION ON STUDENT APPEAL OF DISCIPLINE

M/S/C: Cheng/Swenson
Advisory vote: 0
Board vote: 5
Action: Sustained administration's recommendation to expel a student

APPROVAL OF MINUTES

M/S/C: Bechtel/Kinner
Advisory vote: 2
Board vote: 5
Action: Approved the minutes from April 2, 2012

HEARINGS: ITEMS NOT ON THE AGENDA

Public

There were no comments from the public.

Students

There were no comments from students

Staff

Karen Chow, De Anza Academic Senate President acknowledged the following faculty accomplishments:

- De Anza's chapter of Phi Theta Kappa won an award for the PULSE program developed by Math Performance Success (MPS) instructor and Phi Theta Kappa faculty advisor Mehrdad Khosravi.
- Anthropology instructor Isaiah Nengo has been named a Fulbright scholar for 2012-13 and will spend the year in Kenya in search of ape fossils.
- ESL instructor Kai Leung's English translation of Taiwanese poet Ya Hsien's poem "Kun Ling" (The Actress) was published in *Contemporary Taiwanese Literature and Art Series – Poetry*.
- CAD instructor Gary Lamit who established the Scholarship for Veterans, awarded the 10th and 11th scholarships to Paul Hanson and Jose Cruz, from De Anza and Foothill respectively.
- Nick Mattis was named NorCal Cross Country Coach of the Year for 2011.
- Kulwant Singh was inducted into the California Community College Soccer Coaches Hall of Fame in November.
- Coleen Lee-Wheat received the California Community College Physical Education Exercise Physiology Instructor of the Year award.

Dolores Davison, Foothill Academic Senate President announced that physics instructor David Marasco was elected president and program chair for the Northern California-Nevada section of the American Association of Physics Teachers, an organization that spans physics teachers from secondary education to colleges and universities.

Acting De Anza President Christina Espinosa-Pieb invited and encouraged the trustees to attend the events listed on the college's events website and noted in particular,

- AB 540 Awareness Week: To Dream or Not to Dream, May 7-11
- De Anza Student Art Show, May 8 - June 14
- New Student and Parent Open House, May 12
- A showing of the film "Slaying the Dragon: Reloaded", a documentary by UC Berkeley professor Elaine Kim that focuses on Asians and Asian American women in the film industry

Foothill President Judy Miner made the following announcements:

- Dolores Davison has been named the statewide Academic Senate Area B representative.
- Foothill hosted its first Day on the Hill on a Saturday and attracted more than 2,000 participants. Typically held on a mid-week morning, the event has drawn about 200 students in years past. President Miner acknowledged and thanked the faculty and staff who attended and contributed to the success of the event.

Chancellor Linda Thor made the following comments:

- The appointment of new Vice Chancellor for Technology Joseph Moreau is on tonight's Human Resources Report with a start date of June 11. She thanked the selection committee and Vice Chancellor of Business Services Kevin McElroy, chair of the committee, for doing an excellent job.
- A retirement dinner for retiring Vice Chancellor for Technology Fred Sherman will be held on June 13 at 5:30 at Chef Chu's in Los Altos.
- She thanked trustees Barram, Bechtel and Cheng and members of her executive staff for attending the Women of Influence dinner at which she was one of the honorees.

ACE President Blanche Monary announced that the California Community College Physical Educators organization named classified staff member CJ Jones its Physical Education Staff Member of the Year for her development of Cal Fit, a five-week extension program after the summer quarter that includes coursework in nutrition and exercise.

Board

Trustee Laura Casas Frier attended the CCLC Annual Conference over the weekend where the focus was on "doing more with less".

Trustee Bruce Swenson attended "Funding Our Future: Student Dialogue with Legislators" at De Anza on April 19. He was extremely impressed with the turnout, the content and the event overall. He felt he students expressed themselves very well and asked insightful questions of the legislators and that the entire event was very well organized and flowed flawlessly. Director of Marketing & Communications Marisa Spatafore, Student Trustee Kinner, and De Anza students were acknowledged for their part in organizing the event.

Student Trustee Emily Kinner made the following comments:

- She thanked the board and administration and all those she had an opportunity to work with over the past year and for their strong support.
- She reported that she testified at several hearings regarding the Student Success Act; removal of the BOG fee waiver cap; the Student Success Infrastructure Act; and middle-class scholarships.
- She will participate on panel as part of AB 540 Awareness Week.

Student Trustee Stephanie McGee made the following comments:

- She thanked the board for the opportunity of working with them and for their support.
- She expressed appreciation for the opportunity and experience of being able to "spread her wings".

- She thanked her fellow students and student trustee Kinner for their support and for working with her during the year.

President Joan Barram reported that Congresswoman Anna Eshoo was on the Foothill campus for the kickoff of Latino Heritage Week and to talk about the issue of doubling interest rates to Stafford loans. The congresswoman and her staff were impressed with both the Foothill College students and the campus.

PRESENTATIONS

Item 1

Approval of DASB Budget

DASB President Arvind Ravichandran, DASB Chair of Finance Pablo Zamorano, and Andrew Zhou, Vice President of the Administration Committee, presented the 2012-13 DASB budget.

DASB income totaled \$1,240,464, the majority from card sales totaling \$702,000 or 57% of the total. Another major source of income was student events and activities in the amount of \$378,500. Investment income and a prior year fund balance of \$150,464 also added to the approximately \$1.2 million income total.

The students were very deliberate and prudent in determining how those funds were allocated. College Services and College Life in the amounts of \$461,228 and \$322,592 respectively, comprised the major allocations for the coming year. Divisional Support; Government; Operating; Special Allocations; Conference and Travel; and Inter Club Council were also recipients of DASB allocations that totaled \$1,240,464. President Ravichandran said that visits were made to every program that applied for funds.

Trustees and both Student Trustees highly commended the students for their presentation and the work and thoughtfulness that went into determining how their funds were to be allocated. Trustees acknowledged and commented on the fact that no increases were made to the DASB government costs budget.

M/S/C:	Kinner/McGee
Advisory vote:	2
Board vote:	5
Action:	Approved the DASB budget for 2012-13

Item 2

Approval of ASFC Budget

This item was removed from the agenda.

Item 3

General Obligation Bond Series C Refunding Closing Report

John Sheldon from Morgan Stanley, presented information on the closing of the Series C refunding. He acknowledged Vice Chancellor Kevin McElroy, Budget Director Bernata Slater, and Controller Hector Quinonez who worked hard to make the refunding happen.

The refunding process closed on May 3 with Aaa bond rating from Moody's, the highest possible rating for a municipality, and a AA from Standard and Poor's. The district was able to refinance about \$78 million in outstanding Measure E bonds at a very favorable rate of 3.07%. Although having no impact on the district's budget, the refunding will save taxpayers about \$13.1 million through 2030.

Mr. Sheldon and Vice Chancellor McElroy responded to questions from the trustees.

President Barram thanked Mr. Sheldon for his presentation and on behalf of the trustees, expressed appreciation for the positive news.

APPROVAL OF CONSENT CALENDAR

M/S/C: Bechtel/Cheng

Advisory vote: 2

Board vote: 5

Action: Approved Items 4 – 20 on the Consent Calendar as follows:

Item 4 – **Approved/Ratified** Contracts and Agreements

Item 5 – **Approved** Transfer of 2011/12 OPEB Obligation to CERBT

Item 6 – **Approved** Increase in Student Health Fee

Item 7 – **Approved** Donation of Surplus File Cabinets

Item 8 – **Approved** . Recycle and Disposal of Unusable Surplus Equipment and Furniture

Item 9 – **Approved** Sale of Miscellaneous Surplus Electronic Equipment

Item 10 – **Approved** Sale of Miscellaneous District Surplus Equipment and Furniture

Item 11 – **Approved** Sale of Surplus Vehicles and Material Handling Equipment

Item 12 – **Approved** Campus Center Use Fees for 2012-13 & 2013-14, De Anza

Item 13 – **Approved** Instructional Materials and Use Fees for 2012-13, De Anza

Item 14 – **Approved** Instructional Materials and Use Fees for 2012-13, Foothill

Item 15 – **Approved** New Credit Courses for Foothill Catalog

Item 16 – **Approved** Contract Renewal with Professional Personnel Leasing for Services Performed by Richard Henning

Item 17 – **Approved** Contract Renewal with Professional Personnel Leasing for Services Performed by Gay Krause

Item 18 – **Approved** Membership Renewal with Etudes, Inc.

Item 19 – **Approved** South Bay Regional Public Safety Training Consortium, Foothill

Item 20 – **Approved** the Human Resources Report

Item 21

Resolution Recognizing Classified Staff Appreciation Week

Chancellor Thor and the trustees acknowledged the work and contributions of classified staff to the District.

M/S/C: Casas Frier/Swenson

Advisory vote: 2

Board vote: 5

Action: Adopted Resolution #2012-19 recognizing May 21-25, 2012 as Classified Staff Appreciation Week

Item 22

Board Policy 6124 Course Repetition (Rev.) (1st Reading)

Chancellor Thor explained that the changes in this policy were effected as a result of changes in Title V limiting the number of times a student can repeat a course to three times. However, there will be an exception process in extenuating circumstances. The revised policy was initiated by the Academic and Professional Matters Committee and approved by the Chancellor's Advisory Council.

Staff responded to questions regarding grades appearing in transcripts when a course is repeated. President Miner explained that students in the disabled students programs and services have special provisions if they have educational plans and are showing academic progress. Foothill Academic Senate President Davison added that courses repeated by students who are military personnel and have to withdraw because they are called to active duty are not penalized when they return and need to repeat a course.

The policy will be presented for a second reading and approval at the next board meeting on June 4.

Item 23

Board Policy 6126 Withdrawal (New) (1st Reading)

Chancellor Thor explained that the changes in this policy were also effected as a result of changes in Title V. The policy requires that if a student withdraws from a course after the census date, the notation must be made on their transcript. The new policy was initiated by the Academic and Professional Matters Committee and approved by the Chancellor's Advisory Council.

The policy will be presented for a second reading and approval at the next board meeting on June 4.

Item 24

Request to Rescind Resolution 2012-12

M/S/C: Bechtel/Swenson

Advisory vote: 2

Board vote: 5

Action: **Approved** administration's recommendation to rescind Resolution 2012-12 to avoid unintended district liability related to the district's health benefit plans with CalPERS

Item 25

CalPERS Health Benefits Plan Resolution to Participate Effective July 1, 2012

Vice Chancellor of Human Resources Dorene Novotny explained the necessity of adopting this resolution that would allow medical benefit coverage for active and retired trustees and their survivors.

M/S/C: Bechtel/Swenson

Advisory vote: 2

Board vote: 5

Action: **Adopted** Resolution #2012-21

Item 26

Resolution Authorizing the Reduction in Classified Service

Because funding of the Program Coordinator I position at Foothill is contingent upon the ASFC budget which was removed from this agenda, Resolution #2012-22 authorizing the reduction of classified service was amended to exclude that position. The amended resolution is applicable only to the two Program Coordinator I positions (vacant) at De Anza.

M/S/C: Swenson/Bechtel
Advisory vote: 2
Board vote: 5
Action: **Adopted** Resolution #2012-22 as amended, applying to two vacant Program Coordinator I positions at De Anza

Item 27

Resolution Authorizing the Reduction or Discontinuance of Particular Kinds of Faculty Service

M/S/C: Bechtel/Casas Frier
Advisory vote: 2
Board vote: 5
Action: **Adopted** Resolution #2012-23 authorizing the reduction or discontinuance of particular kinds of faculty service

Item 28

Qualified Retirement Plan (1st Reading)

Vice Chancellor of Business Services Kevin McElroy explained that the transition to CalPERS as the district's health plan provider did not accommodate for certain current and future retired employees and former members of the Board of Trustees and their eligible survivors because they are not, or will not be, annuitants of either the CalPERS or CalSTRS retirement program and must be covered under another qualified retirement plan.

The district engaged the services of Hanson Bridgett LLP, a firm with expertise in that area. After careful consideration, Hanson Bridgett recommended a defined benefit plan under IRS code section 401(a). Individuals who are eligible for District retiree medical coverage but are not receiving a benefit from CalPERS or CalSTRS would receive an annual annuity benefit, equal to \$1.00 per month, under the proposed qualified retirement plan. The new retirement allowance would exist only to the extent the Public Employees' Medical Health Care Act (PEMHA) rules make it necessary. Since the District will be required to certify to CalPERS that these individuals are annuitants under a District-sponsored qualified retirement plan, the District will file with the IRS for a determination that the new retirement plan satisfies the qualifications for a tax-qualified plan.

Vice Chancellors McElroy and Novotny responded to trustees' questions.

The plan will be presented for a second reading and approval at the next board meeting on June 4.

Item 29

Measure E Consent Calendar

M/S/C: Cheng/Casas Frier
Advisory vote: 2
Board vote: 5
Action: **Approved** the Measure E Consent Calendar item as follows:

Central Services –

A) Cody Anderson Wasney Architects, Inc. – Revision #5 to Agreement – District Office Building Renovation - \$82,670

Item 30

Measure C Consent

M/S/C: Casas Frier/Kinner
Advisory vote: 2
Board vote: 5

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

De Anza College –

- A) Allana Buick and Bers, Inc. – Revision #1 to Project Authorization Amendment #10 – Window Replacement Campus-Wide - \$7,793
- B) Cleary Consultants, Inc. – Revision #2 to Agreement – Mediated Learning Center - \$20,000
- C) Joseph J. Albanese Inc. – Change Order #6 – Combined Site Improvements Phase I - \$82,105
- D) Noll & Tam Architects – Revision #1 to Project Authorization Amendment #5B to Master Agreement – ATC - \$30,691
- E) Sandis – Revision #4 to Project Authorization Amendment #D02 – Combined Site Improvements Phase I - \$8,420
- F) Sundt Construction, Inc. – Change Order #12 – Mediated Learning Center - \$82,798
- G) Measure C Project List Revision – De Anza Project Name Change – Perimeter Road and Mediated Learning Center - \$0

Foothill College –

- H) Cleary Consultants, Inc. – Change #2 to Agreement – Parking and Circulation - \$16,760
- I) Hoi's Construction, Inc. – Change Order #3 – New Press Box - \$23,646.89
- J) Ratcliff Architects – Change #15 to Agreement – Physical Sciences and Engineering Center - \$4,147
- K) Ratcliff Architects – Revision #1 to Agreement – Print Shop and Plant Services - \$0
- L) Ralph Larsen & Son, Inc. – Change Order #6 – Smithwick Theater - \$7,560

Item 31

Approval of Memorandum of Understanding with West Valley-Mission Community College District

Chancellor Thor reported that over the past year meetings have been held between Foothill College and Mission College representatives to collaboratively plan programs and services that could be offered at the Onizuka educational center. It is our intent for that center to be a regional educational asset involving other community college districts, as well as universities and community-based organizations.

The memorandum of understanding presented to the board tonight commits the two districts to plan together towards a more detailed agreement that will contain a business plan, shared costs, programs, services, and other operational items. In addition, West Valley-Mission is required to submit a letter of support to the state chancellor's office once the agreement is signed. The memorandum of understanding will be presented to the West Valley-Mission Board of Trustees on May 15.

M/S/C: **Kinner/McGee**

Advisory vote: 2

Board vote: 5

Action: **Approved** the Memorandum of Understanding with West Valley-Mission CCD which commits both districts to collaborative planning leading to an agreement for the operation of the Education Center, a letter of support from West Valley-Mission CCD, and would detail programmatic offerings, a business plan, space allocation and scheduling specifications

Item 32

Authorize the Rejection of All Bids for Bid #1414, Weight Room Equipment, Foothill College

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

Advisory vote: 2

Board vote: 5

Action: **Authorized** the Director of Purchasing Services to reject all bids for Bid #1414 and call for new bids using revised bid specifications

Item 33

Foothill Site Improvements Projects Presentation

Vice President Shirley Treanor and Construction Manager Art Heinrich gave an overview of the upcoming site improvement construction projects at Foothill. The presentation was an overview of the design elements and goals of the projects and plans to mitigate adverse impacts to the college operation during construction.

Summer 2012 – Phase 1

Parking and Circulation (Lots 2, 3, 4b, 5)

- Lighting
- Accessibility routes
- Bus stop & crossings
- Landscaping
- Storm water management

Fall 2012 – Phase 1

- Irrigation & planting continue
- Northern threshold and stairs under construction
- New pathways will be accessible, safe, barrier free
- Improved pathway lighting
- Fountains restored

Summer – Winter 2012

Central Camus Site Improvements:

- Renovation of courtyards
- Improve pathways
- Upgrade pathway lighting
- Accessibility
- Landscape renewal
- Tree replacement

Summer 2013 – Phase 2

Parking and Circulation (Lots 1, 6)

Vice President Treanor and Construction Manager Heinrich responded to trustees' questions.

Item 34

Award a Contract Pursuant to Bid Document #1261-144, Central Campus Site Improvements, Foothill College

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

Advisory vote: 2

Board vote: 5

Action: **Authorized** the Director of Purchasing Services to award a contract pursuant to bid document #1261-144, for the base bid proposal amount and alternate #1 in the aggregate amount of \$5,955,000 to Taber Construction, Inc.

Item 35

Award a Contract Pursuant to Bid Document #1341-214, Corporation yard, De Anza College

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

Advisory vote: 2

Board vote: 5

Action: **Authorized** the Director of Purchasing Services to award a contract pursuant to bid document #1341-214 for base bid proposal amount of \$2,628,000 to Swenson & Associates

Item 36

Award a Contract Pursuant to Bid Document #1373-236D, L1 & L8 Roof Repairs, De Anza College

M/S/C: **Cheng/Kinner**

Advisory vote: 2

Board vote: 5

Action: **Authorized** the Director of Purchasing Services to award a contract pursuant to bid document #1373-236D in the amount of \$254,900 to Andy's Roofing Co., Inc.

Item 37

Award a Contract Pursuant to Bid Document #1470-247, G Building – De Anza College

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

Advisory vote: 2

Board vote: 5

Action: **Authorized** the Director of Purchasing Services to award a contract pursuant to bid document #1470-247 in the amount of \$679,500 to Calstate Construction, Inc.

Item 38

Approval of Oracle Maintenance Agreement Amendment

M/S/C: **Kinner/McGee**

Advisory vote: 2

Board vote: 5

Action: **Approved** the amendment to the Oracle maintenance agreement through February 28, 2014, at a cost of \$545,226

Item 39

California Environmental Quality Act Initial Study/Mitigated Negative Declaration, Education Center

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

Advisory vote: 2

Board vote: 5

Action: **Adopted** resolution #2012-20 approving the proposed project and adopting the Mitigated Negative Declaration and Monitoring Program for the proposed Educational Center located on the former Onizuka Air Force Base in Sunnyvale, California

Item 40

Geologic & Geotechnical Engineering Services Firm Selection

M/S/C: **Bechtel/Kinner**

Advisory vote: 2

Board vote: 5

Action: **Approved** the list of four firms to be included in a geologic & geotechnical engineering services pool

Item 41

Project Stabilization/Construction Careers Mid-Program Report

Mr. Neil Struthers, representative from the Santa Clara & San Benito Building and Construction Trades Council was present to address the trustees and respond to questions. He highly complimented the Foothill-De Anza staff

saying that they have created the most efficient bond program he has seen. He added that the district should be very proud that it has some of the best staff in the county.

Foothill-De Anza represents the majority of the apprentices in the valley and has one of the largest apprenticeship programs in the state. Mr. Struthers responded to trustees' questions.

The trustees thanked Mr. Struthers for his comments and attending the meeting.

M/S/C: Casas Frier/Swenson
Advisory vote: 2
Board vote: 5
Action: **Accepted** the Mid-Program report and **approved** Amendment 1 to the Project Stabilization/Construction Careers agreement to update the list of covered projects

Item 42

Hathaway Dinwiddie Change Order #9, \$251,379, PSEC, Foothill College

M/S/C: Swenson/Casas Frier
Advisory vote: 2
Board vote: 5
Action: **Approved** Change Order #9 for Hathaway Dinwiddie Construction Company in the amount of \$251,379 for the PSEC project

Item 43

OC Jones & Sons Change Order #1, \$63,691, Stadium & Track, De Anza College

M/S/C: Bechtel/Kinner
Advisory vote: 2
Board vote: 5
Action: **Approved** Change Order # for OC Jones & Sons, Inc. in the amount of \$63,691 for the stadium & track project

Item 44

Sundt Construction Change Order #13, \$125,000, MLC, De Anza College

M/S/C: Bechtel/McGee
Advisory vote: 2
Board vote: 5
Action: **Approved** Change Order #9 for Hathaway Dinwiddie Construction Company in the amount of \$125,000 for the MLC project

ADJOURNMENT

President Barram adjourned the meeting at 8:20 p.m.