



**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
DRAFT MINUTES
REGULAR MEETING
November 5, 2012**

Trustees Present:

Joan Barram, President
Betsy Bechtel
Laura Casas Frier
Bruce Swenson

For Public Session Only:

Vincent Mendoza, De Anza College Student Trustee
Antonia Zavala, Foothill College Student Trustee

Absent:

Pearl Cheng

CLOSED SESSION

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

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

Others:

Phil Jaret, Legal Counsel

CONFERENCE WITH LABOR NEGOTIATOR

Executive Administrators Present:

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

Others:

Suzanne Pfeiffer, Director of Human Resources

CALL TO ORDER

President Barram called the meeting to order at 6:02 p.m. and led those present in the Pledge of Allegiance. She announced that Trustee Cheng had been excused from the meeting to visit her ailing father and introduced Paula Norsell, Chancellor Thor's new assistant.

On behalf of the Board, President Barram thanked retiring Assistant to the Chancellor Donna Toyohara for her service to Foothill-De Anza Community College District and presented her with flowers and a gift from the

trustees. She commended Ms. Toyohara for making the lives of trustees and the Chancellor easier and was joined in her praise by trustees Swenson and Bechtel. Trustee Casas Frier wished Ms. Toyohara years of happiness, and student trustees Mendoza and Zavala commented that they had enjoyed working with Ms. Toyohara and would miss her. Chancellor Thor credited Ms. Toyohara with helping her to make a smooth transition to Foothill-De Anza Community College District and stated that she was the best assistant with whom she had ever worked. She thanked Ms. Toyohara for always telling it to her straight and complimented her dedication, knowledge, and work ethic. Ms. Toyohara was honored with a standing ovation given by everyone present at the meeting.

REPORTING OUT FROM CLOSED SESSION

President Barram reported that the board took no action in closed session.

APPROVAL OF MINUTES

Trustee Bechtel asked that Acting De Anza President Letha Jeanpierre's report on page two of the minutes of the October 1, 2012, Board of Trustees meeting be corrected to indicate October 3 as the date of the California Secretary of State's campus visit. President Barram requested that the October 1, 2012, minutes be further revised to clarify that the remembrance of Carmen Redmond was conducted during public session and that her comment on page three regarding the atmosphere of classes pertained to De Anza College's first day.

M/S/C:	Bechtel/Swenson
Advisory vote:	2
Board vote:	4
Absent:	1 (Cheng)
Action:	Approved the minutes of September 10, 2012, as presented and the minutes of October 1, 2012, as corrected

HEARINGS: ITEMS NOT ON THE AGENDA

Public

Ken Horowitz expressed disappointment that meetings of the Board of Trustees are not better attended and publicized. He also expressed concern that trustees do not attend Citizens' Bond Oversight Committee meetings and that the recently renovated De Anza College football stadium includes bleachers on only one side.

Staff

Foothill College Academic Senate President Dolores Davison spoke about conferences held by the Community College Humanities Association and WICHE Cooperative for Educational Technologies (WCET) and noted that she repeatedly heard positive comments regarding Chancellor Thor at the WCET Conference. She indicated that although funds are scarce, faculty members consider professional development important and many are using their own funds for conferences, and she announced plans to attend the upcoming Academic Senate for California Community Colleges Fall Plenary Session with De Anza College Academic Senate President Karen Chow.

De Anza College Academic Senate President Karen Chow commended everyone involved in voter registration and information efforts, gave a report regarding the Strengthening Student Success Conference attended by a team from De Anza College, and advised of plans to send a letter to the Board of Trustees and administration on behalf of the Academic Senate asking that all the options presented by the Budget (Re)Balancing Options Clearinghouse (BROC) be considered before other reductions are enacted.

De Anza College President Brian Murphy echoed and expanded upon Ms. Chow's comments regarding the collaborative get-out-the-vote effort and noted that earlier in the day the entire plaza was filled with campaign tables and people talking about voting.

Foothill College President Judy Miner advised that there were 70 attendees at the recently-held Workforce Summit chaired by the California Community Colleges Chancellor's Office Vice Chancellor for Workforce and Economic Development, a Channel 5 news report that aired last week featured a Foothill College student voting for the first time, and Counselor Victoria Taketa is retiring after 39 years of service to the district. She invited trustees to watch Ohlone elder Ann Marie Sayers give a blessing for turning the earth at noon on November 21, 2012, in the Hearthside Lounge as part of the college's Native American Heritage month celebration.

Chancellor Linda Thor praised Foothill College Vice President of Student Services Denise Swett for her planning, organizing, and fundraising efforts in connection with the Leveraging Technology to Support Students, Faculty and Staff Conference, which was held on October 12, 2012, and attracted approximately 400 state and national participants. Chancellor Thor also commended trustee Bechtel for her presentation to the Los Altos Hills Town Council on October 18, 2012; shared information about the Chancellor's Circle reception held October 19, 2012, which included a tour of the new Media and Learning Center for the 60 attendees; and announced that the Foothill-De Anza International Education Program was honored on October 25, 2012, with the United States Department of Commerce's Export Achievement Certificate as well as commendations from United States Representatives Mike Honda and Anna Eshoo.

Board

Foothill College Student Trustee Antonia Zavala made positive comments regarding her experiences at the California Community Colleges Student Affairs Association (CCCCSAA) Fall Student Leadership Conference and the Student Senate for California Community Colleges (SSCCC) Fall General Assembly. Foothill College Classified Senate President Erin Ortiz noted that student trustee Zavala served as a voting delegate at the SSCCC conference.

De Anza College Student Trustee Vincent Mendoza invited trustees to attend the Youth Voices United for Change student leadership conference on November 16, 2012, from 9:00 a.m. to 2:00 p.m. in the De Anza College Campus Center. He also expressed pride in the work that students, faculty, and staff have done to educate potential voters and read a letter from former student trustee Emily Kinner thanking the Board of Trustees for advocating for social justice, equity, educational access, and sustainable funding for community colleges.

FOUNDATION BOARD REPORT

Trustee Swenson read from a report prepared by trustee Cheng concerning the Foothill-De Anza Foundation Board of Directors meeting held October 26, 2012. Trustee Cheng's report indicated that the meeting included exceptional presentations by the student trustees and that the Foundation Board has set a goal to increase assets from \$30 million to \$100 million by 2022. Trustee Swenson noted that the Foundation has recently added some energetic and talented Board members and is working on an alumni database, which to date includes 250,000 names and addresses.

APPROVAL OF CONSENT CALENDAR

Trustee Casas Frier asked that item 5, Change Order 14 with Hathaway Dinwiddie Construction Company - Project #160 PSME, be removed from the consent calendar. With regard to item 3, Annual Risk Management Report, President Barram thanked Marsha Kelly for preparing a thorough report and acknowledged her work to improve safety and reduce district costs and liability.

M/S/C: Casas Frier/Mendoza

Advisory vote: 2

Board vote: 4

Absent: 1 (Cheng)

Action: **Approved** items 1–4 and 6-13 on the Consent Calendar as follows:

Item 1 – **Ratified** Contracts and Agreements

Item 2 – **Ratified** Wire Transfers Greater than \$5,000 for July, August, and September 2012

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

Item 4 – **Approved** Consignment Agreements for Nomura Equipment and Okuma Multis Equipment with Gosiger Inc.

Item 6 – **Approved** Change Order 1 with Balch Petroleum – Tank Install

Item 7 – **Approved** Donation of Surplus Furniture

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

Item 9 – **Approved** Recycle and Disposal of Unusable Surplus Furniture

Item 10 – **Ratified/Approved** Human Resources Report

Item 11 – **Approved** Independent Contract with Deaf Services of Palo Alto

Item 12 – **Approved** Foothill College Stand Alone Courses

Item 13 – **Approved** Changes to the De Anza College Catalog

Item 5

Change Order 14 with Hathaway Dinwiddie Construction Company - Project #160 PSME

Trustee Casas Frier indicated her opposition to paying for a concrete base for the Physical Sciences & Engineering Center project's metal sculpture with funds that could be used for students. Chancellor Thor clarified that district general funds are not being used for the project and that the Board of Trustees previously approved the artwork.

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

Advisory vote: 0

Board vote: 3

Absent: 1 (Cheng)

Abstained: 2 (Mendoza/Zavala)

Opposed: 1 (Casas Frier)

Action: **Ratified** Change Order No. 14 to Hathaway Dinwiddie Construction Company for the amount of \$24,237

Item 14

Board Policy 3122 Gift Acceptance (Revised) (First Reading)

Chancellor Thor asked that item 14 be pulled from the agenda due to the absence of Sheryl Alexander, Executive Director of the Foothill-De Anza Foundation, who authored the policy revisions.

Item 15

Resolution Authorizing Reduction in Classified Service

M/S/C: **Bechtel/Mendoza**

Advisory vote: 2

Board vote: 4

Absent: 1 (Cheng)

Action: **Adopted** resolution 2012-46 eliminating a PM Storeroom Clerk (.40) position at Foothill College and authorizing the District to provide the affected employee with a forty-five (45) day notice of layoff.

Item 16

2012-13 First Quarter Report

Vice Chancellor, Business Services, Kevin McElroy presented the first quarter report and explained that the only major change to the budget since its adoption in September is an increase in the amount of carryover the colleges are projected to spend to approximately one third of that which is available. He noted an aggregate six percent decline in full-time equivalent students (FTES) in the first quarter of 2012-2013 compared to the same period last year, but advised that the colleges are working to recapture enrollment. He reminded trustees that the budget was built based on the worst-case scenario, or the failure of Proposition 30, and cautioned that mid-year cuts may occur regardless of the outcome of the election.

Vice Chancellor McElroy confirmed in response to trustee Casas Frier's question that even if the Governor's tax measure passes, the district faces a deficit of a little over \$5.5 million. Foothill College President Miner and De Anza College President Murphy responded to trustee Swenson's questions concerning possible reasons for the enrollment decline and Chancellor Thor reported that all of the institutions represented on the League for Innovation Board have reported a decline in enrollment.

Item 17

Resolutions to Adopt Budget Revisions and Transfers

M/S/C: Bechtel/Zavala
Advisory vote: 2
Board vote: 4
Absent: 1 (Cheng)
Action: **Adopted** resolutions 2012-47 and 2012-48 approving first quarter budget transfers and revisions.

Item 18

Authorize Issuance of Purchase Orders to Sprint Solutions, Inc. for Cellular Services, Radio Services, Equipment, and Repairs

M/S/C: Casas Frier/Zavala
Advisory vote: 2
Board vote: 4
Absent: 1 (Cheng)
Action: **Authorized** the interim Director of Purchasing Services to issue a purchase order to Sprint Solutions, Inc. for cellular services, radio services, equipment, and repairs based upon the terms and conditions of WSCA Agreement No. 1907 in an aggregate amount not to exceed \$130,000 through no later than June 30, 2013.

Item 19

Measure C Consent

M/S/C: Swenson/Mendoza
Advisory vote: 2
Board vote: 4
Absent: 1 (Cheng)
Action: **Ratified/Approved** items on the Measure C Consent Calendar as follows:

De Anza College

- A) Allana Buick& Bers, Inc. – Revision #1 to Project Authorization Amendment #D12 – L2, L3 & L6 Roofing Repairs - \$67,580
- B) Andy's Roofing Company – Change Order #1 (PCCO 01) – L1 & L8 Roofing - \$12,943.01

- C) Calstate Construction, Inc. – Change Order #1 – Elevator Repair – (\$1,023)
- D) OC Jones & Sons Inc. – Change Order #4 – Stadium and Track - \$32,423
- E) Quali-Con Enterprise, Inc. – Agreement for Services- Advanced Technology Center (ATC) - \$82,225
- F) Swenson Associates – Change Order #2 – Corporation Yard - \$16,912

Foothill College

- G) Robert A. Bothman, Inc. – Change Order #3 – Parking and Circulation Phase I - \$92,259
- H) HMC Architects – Revision #6 to Project Authorization Amendment #F-HMC-#3A – Smithwick Theater - \$0
- I) Ratcliff Architects – Revision #1 to Standard Agreement – Library & ISC - \$9,809
- J) Ralph Larsen & Son, Inc. – Change Order #10 – Smithwick Theater – (\$12,862)
- K) Structure Consultants Inc. – Change #3 to Agreement for Services – Physical Sciences and Engineering Center - \$36,000
- L) Taber Construction, Inc. – Change Order #7 – Central Campus Site Improvements - \$54,697
- M) WRNS Studio – Revision #7 to Project Authorization Amendment #F-WRNS-#2B – Parking & Circulation - \$7,875
- N) WRNS Studio – Revision #8 to Project Authorization Amendment #F-WRNS-#1B – Central Campus Site Improvements - \$2,840
- O) WRNS Studio – Revision #9 to Project Authorization Amendment #F-WRNS-#1B – Central Campus Site Improvements - \$26,410
- P) WRNS Studio – Revision #2 to Master Agreement – Measure C Campus-Wide Projects -\$0

Central Services

- Q) Vista Environmental Consulting – Agreement for Services for Hazardous Materials Assessment – Foothill-De Anza Educational Center - \$118,785

Item 20

Measure C Project List Revision with Foothill Budget Transfer #37 and De Anza Budget Transfer #35

M/S/C: Bechtel/Zavala
Advisory vote: 2
Board vote: 4
Absent: 1 (Cheng)
Action: **Approved** the bond project list revision with Foothill Budget Transfer 37 and De Anza Budget Transfer 35.

Item 21

Authorize Award of Site Lease and a Facilities Lease to Sundt Construction Inc. for the Advanced Technology Center (ATC) renovation project at De Anza College (Measure C Project #245)

M/S/C: Casas Frier/Mendoza
Advisory vote: 2
Board vote: 4
Absent: 1 (Cheng)
Action: **Authorized** the interim Director of Purchasing to award a site lease and facilities lease to Sundt Construction for the Advanced Technology Center renovation project at De Anza College and accepted the guaranteed maximum price of \$8,206,523.

Item 22

Award a Contract Pursuant to Bid Document #1554-G261, Technology Resource Group (TRG) – Studio Systems

M/S/C: Casas Frier/Bechtel

Advisory vote: 2

Board vote: 4

Absent: 1 (Cheng)

Action: **Authorized** the interim Director of Purchasing to award a contract pursuant to Bid Document 1554-G261, Technology Resource Group (TRG) – Studio Systems in the amount of \$1,368,544.67 to SIT Group, Inc.

Item 23

Authorization to Purchase a Daktronics LED Video Display Scoreboard Pursuant to Monterey County Office of Education (MCOE) Bid # AEPA-IFB-012

M/S/C: Bechtel/Zavala

Advisory vote: 2

Board vote: 4

Absent: 1 (Cheng)

Action: **Authorized** the interim Director of Purchasing to issue a purchase order for \$108,008.20 to Daktronics pursuant to the Bid AEPA-IFB-012.

Item 24

Physical Sciences & Engineering Center; Hathaway Dinwiddie Construction Company Change Order No. 15 - \$404,400

M/S/C: Swenson/Zavala

Advisory vote: 2

Board vote: 4

Absent: 1 (Cheng)

Action: **Approved** Change Order 15 to Hathaway Dinwiddie Construction Company.

Item 25

Memorandum of Agreement between the United States Department of Veterans Affairs (VA) and the District for Building Demolition at Onizuka Air Force Station

In response to trustee Bechtel's questions, Executive Director of Facilities, Operations and Construction Management Charles Allen indicated that the United States Department of Veterans Affairs has set aside some money for planning and demolition.

M/S/C: Swenson/Casas Frier

Advisory vote: 2

Board vote: 4

Absent: 1 (Cheng)

Action: **Approved** the memorandum of agreement with the United States Department of Veterans Affairs.

ADJOURNMENT

President Barram adjourned the meeting at 7:15 p.m.