



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

## BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

**April 30, 2007**

### CALL TO ORDER AND ROLL CALL

President Hal Plotkin declared a quorum was present and called the meeting to order at 5:00 p.m. in the District Board Room of the Foothill-De Anza Community College District, 12345 El Monte Road, Los Altos Hills, CA 94022.

#### **Trustees Present:**

Hal Plotkin, President  
Bruce Swenson, Vice President  
Betsy Bechtel  
Paul Fong  
Laura Casas Frier

#### for Public Session

Joseph Derflinger, De Anza College Student Trustee  
Adrian Diaz, Foothill College Student Trustee

### CLOSED SESSION

The Board immediately adjourned into closed session in the Chancellor's Office with the individuals listed below to discuss:

#### CONFERENCE WITH LABOR NEGOTIATOR

District Negotiator: Jane Enright  
Employee Organizations: All Represented and Unrepresented Groups

#### **Executive Administrators Present:**

Mike Brandy, Vice Chancellor of Business Services  
Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity  
Jeanine Hawk, Vice President of Finance and College Services, De Anza College  
Martha Kanter, Chancellor  
Penny Patz, Interim President of Foothill College  
Fred Sherman, Vice Chancellor of Technology

#### **Legal Counsel Present:**

Carmen Plaza de Jennings

#### CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Subdivision (a) of Section 54956.9)  
Name of Case: Carlos Mujal v. De Anza College

#### **Executive Administrators Present:**

Mike Brandy, Vice Chancellor of Business Services  
Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity  
Jeanine Hawk, Vice President of Finance and College Services, De Anza College  
Martha Kanter, Chancellor

Penny Patz, Interim President of Foothill College  
Fred Sherman, Vice Chancellor of Technology

**Legal Counsel Present:**

Carmen Plaza de Jennings

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

(Subdivision (a) of Section 54956.9)

Name of Case: Santa Clara County, Department of Environmental Health, Hazardous  
Materials Compliance Division v. Foothill-De Anza CCD

**Executive Administrators Present:**

Mike Brandy, Vice Chancellor of Business Services  
Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity  
Jeanine Hawk, Vice President of Finance and College Services, De Anza College  
Martha Kanter, Chancellor  
Penny Patz, Interim President of Foothill College  
Fred Sherman, Vice Chancellor of Technology  
Mona Voss, Director of Environmental Health and Safety

**Legal Counsel Present:**

Jeff Lawson

**RE-CONVENE PUBLIC SESSION**

President Plotkin re-convened the public session at 6:06 p.m. in the District Board Room. He led the Board and those present in the Pledge of Allegiance. The following staff, press, students and members of the public were present:

<i>Staff:</i>	Charles Allen	Jeanine Hawk	Frank Nunez
	Becky Bartindale	Lydia Hearn	Jon O’Bergh
	Mike Brandy	Ken Horowitz	Penny Patz
	Claudette Brero-Gow	Martha Kanter	Hector Quinonez
	Michael Bull	Marsha Kelly	Steve Rappaport
	Jane Enright	Ron Levine	Fred Sherman
	Dave Garrido	Faith Milonas	Marisa Spatafore
	Robert Griffin	Judy Miner	

*Press:* None

*Students:* Steve Carleton

<i>Public:</i>	Josue Garcia	Neil Struthers
	Nicole Goehring	Terry Terman
	Jim Klingensmith	

**REPORTING OUT FROM CLOSED SESSION**

President Plotkin reported that the Board took action in closed session to approve a settlement with the Santa Clara County Department of Environmental Health.

**APPROVAL OF MINUTES**

Trustee Casas Frier asked that the minutes be amended to reflect her statement that she attended the Student Mental Health Forum.

**M/S/C:** Bechtel/Diaz  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved the minutes of the April 2, 2007 meeting as corrected

## **CORRESPONDENCE**

President Plotkin asked if there was any correspondence which should be brought to the Board's attention. He reported that a number of letters had been received from community college districts in support of AB 577.

## **HEARINGS: ITEMS NOT ON THE AGENDA**

### *Public*

Nicole Goehring of Associated Builders and Contractors (ABC) expressed concern that the Board was negotiating a project labor agreement with the Building and Construction Trades Council without having taken a vote. She requested that ABC be included in the negotiations and discussed other aspects of negotiating a project labor agreement. Neil Struthers of the Santa Clara and San Benito Counties Building and Construction Trades Council also addressed aspects of negotiating a project labor agreement. President Plotkin said he would have some information to share regarding the matter later in the agenda under Board Hearings.

### *Students*

No students wished to address the Board on matters not on the agenda.

### *Staff*

Foothill instructor Ken Horowitz congratulated the Board for appointing Judy Miner as Foothill President. He also shared information regarding upcoming health care forums.

De Anza instructors Michael Bull and Steve Rappaport expressed concern about the process that was used by their division dean to establish the composition of the search committee for the De Anza economics instructor position, and appealed to the Board to look into the matter. De Anza Academic Senate President Lydia Hearn explained that the correct process was followed and the Senate supported the division dean. She also announced that Barbara Illowsky and Paul Starer were appointed to the Statewide Academic Senate.

Foothill Interim President Penny Patz announced several events to celebrate Latino Heritage Month in May. De Anza Vice President of Finance and College Services Jeanine Hawk, substituting for President Brian Murphy, announced that Language Arts Division Dean John Swensson was appointed as Interim Vice President of Instruction. She also noted the successful Parent/Student Night that was recently held by the college. Chancellor Martha Kanter thanked the Board for attending the April 13 Legislative Forum. She noted a report by the Irvine Foundation on the Foundation's higher education investments. She announced a policy seminar on May 9 on "Quality and Affordability in California's Community Colleges." Lastly, she acknowledged Vice Chancellor of Business Services Mike Brandy, who was retiring, and thanked him for his years of distinguished and dedicated service.

Vice Chancellor Brandy reported that the Measure C Series A bonds were sold in a favorable bond market, resulting in a lower estimated tax rate that would benefit the District’s taxpayers. He expected the Series B bonds to be sold later in the week.

Trustees

President Plotkin explained that the topic of project labor agreements was not on the agenda since there had been two public hearings already, and noted that the Board had provided sufficient direction to staff at the last meeting to move forward in negotiating an agreement. He said that the negotiated agreement, once completed, will be presented for discussion at an upcoming public hearing, followed by Board action at a subsequent meeting. He added that, unless any trustee felt otherwise, he and Vice President Swenson would be available to consult with staff on various aspects of the negotiations process.

Trustees Bechtel, Fong and Casas Frier commended Vice Chancellor Brandy for his years of service. Trustee Bechtel commended staff for organizing a successful Legislative Forum. She reported that she and former trustee Sandy Hay are serving on the committee to select the two 2007 Trustee Scholarship recipients, and encouraged the Board to donate to the scholarship. Trustee Casas Frier reported that she attended the John Gardner Awards event hosted by the city of Los Altos. Trustee Fong reported that he would be attending the California Community College Trustees conference at which President Plotkin and Chancellor Kanter were scheduled to make a presentation on open educational resources. He noted that he would also be participating as a moderator at the conference. President Plotkin reported that Lane Community College had invited him to speak to faculty about open educational resources.

**APPROVAL OF CONSENT CALENDAR**

Vice Chancellor of Human Resources and Equal Opportunity Jane Enright requested that the starting date for Michele LeBleu-Burns under Item 7 be changed to May 21, 2007. Trustee Bechtel noted the hiring of two bond project managers. Trustee Casas Frier requested the removal of Item 3.

- M/S/C:** Casas Frier/Fong
- Advisory vote:** 2 yes
- Board vote:** unanimous
- Action:** Approved / Ratified Items 1, 2 and 4-9 of the Consent Calendar as follows:

**Item 1** — **Ratified** CONTRACTS AND AGREEMENTS

**Item 2** — **Re-Affirmed** BOARD POLICY 9110.1 (NUMBER OF STUDENT TRUSTEES; TERM OF OFFICE; RIGHTS) WITHOUT CHANGE  
**Approved** REVISED ADMINISTRATIVE PROCEDURE 9110.1

**Item 4** — **Approved** RESOLUTION #2007-08 HONORING VICE CHANCELLOR MIKE BRANDY

**Item 5** — **Approved** RENEWAL OF PERFORMING ARTS ALLIANCE CONTRACTS, FOOTHILL COLLEGE

**Item 6** — **Approved** CONTRACT WITH DU-ALL SAFETY, LLC FOR OSHA TRAINING AND PROGRAM DEVELOPMENT

**Item 7** — **Approved PERSONNEL ACTIONS:**

*Name:* **Thomas Armstrong**  
*Position:* Director, Bond Program Management  
*College:* Central Services  
*Division:* Plant Services  
*Action:* **Ratify employment**  
*Effective Date:* May 7, 2007 # of months: 12  
*Compensation:* Level J Step 4 @ \$9,787.75 per month

*Name:* **Daniel Atencio**  
*Position:* Head Football Coach/Physical Education Instructor  
*College:* De Anza  
*Division:* Physical Education and Athletics  
*Action:* **Employment**  
*Effective Date:* September 20, 2007 # of months: 10  
*Compensation:* Column III Step I @ \$7,586.45 per month  
*Note:* Corrects Board action of 4/2/07

*Name:* **Nicholas Baiamonte**  
*Position:* Philosophy Instructor  
*College:* De Anza  
*Division:* Social Science & Humanities  
*Action:* **Employment**  
*Effective Date:* September 20, 2007 # of months: 10  
*Compensation:* Column IV Step C @ \$6,263.93 per month

*Name:* **W. Andrew Dunn**  
*Position:* Vice Chancellor of Business Services  
*College:* Central Services  
*Division:* Business Services  
*Action:* **Employment**  
*Effective Date:* July 1, 2007 # of months: 12  
*Compensation:* Step 2 @ \$13,207.17 per month

*Name:* **Naoko Harada**  
*Position:* Director, Child Development Center  
*College:* De Anza  
*Division:* Finance and College Services  
*Action:* **Employment**  
*Effective Date:* May 1, 2007 # of months: 12  
*Compensation:* Level G, Step 3 @ \$7,047.33 per month

*Name:* **Arthur Heinrich**  
*Position:* Director, Bond Program Management  
*College:* Central Services  
*Division:* Plant Operations  
*Action:* **Ratify employment**  
*Effective Date:* May 7, 2007 # of months: 12  
*Compensation:* Level J Step 4 @ \$9,787.75 per month

*Name:* **Bruce Henderson**  
*Position:* Readiness Instructor  
*College:* De Anza  
*Division:* Language Arts  
*Action:* **Reduction in contract to 50%**  
*Effective Date:* September 20, 2007 – June 27, 2008  
*Comments:* In accordance with Article 18 of the *Agreement* between the District and the Faculty Association

*Name:* **Fatima Jinnah**  
*Position:* Instructor/Counselor  
*College:* Foothill  
*Division:* Counseling  
*Action:* **Employment**  
*Effective Date:* August 1, 2007 # of months: 11  
*Compensation:* Column III Step A @ \$5,470.41 per month

*Name:* **Michele LeBleu-Burns**  
*Position:* Dean, Student Development and EOPS  
*College:* De Anza  
*Division:* Student Development and EOPS  
*Action:* **Employment**  
*Effective Date:* May 21, 2007 # of months: 12  
*Compensation:* Level I Step 2 @ \$8,058.94 per month

*Name:* **Roger Letson**  
*Position:* Director of Vocal Music  
*College:* De Anza  
*Division:* Creative Arts  
*Action:* **Resignation for the purpose of retirement**  
*Effective Date:* June 30, 2007  
*Comments:* In accordance with Article 19 of the *Agreement* between the District and the Faculty Association

*Name:* **Eta Lin**  
*Position:* Psychology Instructor  
*College:* Foothill  
*Division:* Business & Social Science  
*Action:* **Employment**  
*Effective Date:* September 20, 2007 # of months: 10  
*Compensation:* Column V Step I @ \$8,115.46 per month

*Name:* **Judy Mowrey**  
*Position:* Interim Dean, Library Services  
*College:* De Anza  
*Division:* Library Services  
*Action:* **Extend as Interim Dean for 2007-08 year**  
*Effective Date:* July 1, 2007 – June 30, 2008 # of months: 12

*Name:* **Craig Norman**  
*Position:* ESL Instructor  
*College:* De Anza  
*Division:* Language Arts  
*Action:* **Employment**  
*Effective Date:* September 20, 2007 # of months: 10  
*Compensation:* Column V, Step I @ \$8,115.46 per month  
*Note:* Corrects Board action of 4/2/2007.

*Name:* **Antonio Ramirez**  
*Position:* Philosophy Instructor  
*College:* De Anza  
*Division:* Social Science & Humanities  
*Action:* **Employment**  
*Effective Date:* September 20, 2007 # of months: 10  
*Compensation:* Column IV, Step B @ \$5,999.42 per month

*Name:* **Lisa Schultheis**  
*Position:* Biology Instructor  
*College:* Foothill  
*Division:* Biological & Health Sciences  
*Action:* **Reduction in contract to 92%**  
*Effective Date:* September 20, 2007 – June 27, 2008

*Name:* **Bruce Tambling**  
*Position:* Music Technology Instructor  
*College:* Foothill  
*Division:* Fine Arts and Communication  
*Action:* **Employment**  
*Effective Date:* September 20, 2007 # of months: 10  
*Compensation:* Column I Step I @ \$7,057.44 per month

*Name:* **Voltaire Villanueva**  
*Position:* Freshman Experience Instructor/Counselor  
*College:* Foothill  
*Division:* Counseling  
*Action:* **Employment**  
*Effective Date:* August 1, 2007 # of months: 11  
*Compensation:* Column III Step A @ \$5,470.41 per month

*Name:* **Carol Watson**  
*Position:* Adaptive Learning Instructor  
*College:* Foothill  
*Division:* Adaptive Learning  
*Action:* **Resignation for the purpose of retirement**  
*Effective Date:* June 29, 2007  
*Comments:* In accordance with Article 19 of the *Agreement* between the District and the Faculty Association

**Item 8** — Approved HUMAN RESOURCES REPORT

**Item 9** — **Approved** PROFESSIONAL DEVELOPMENT LEAVE REPORT FOR DAVID GRAY

**Item 3**

RESOLUTION TO REQUEST AND CONENT TO CONSOLIDATION OF ELECTIONS

Trustee Casas Frier pointed out the expensive ballot statement fee and expressed concern that it favors the wealthy. She suggested that, for elections in future years, the Board consider ways to mitigate the fee and encourage broader public participation. Trustee Bechtel noted that the fee does help establish a candidate’s legitimacy since he or she must be able to successfully engage in fundraising to cover the cost of the fee. President Plotkin asked Chancellor Kanter to investigate the practice at other districts. Trustee Bechtel asked that any proposal be presented to the Board for a vote.

**M/S/C:** Bechtel/Casas Frier  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Resolution #2007-07, “Request for and Consent to Consolidation of Elections”

**Item 10**

MEASURE E CONSENT CALENDAR

**M/S/C:** Fong/Bechtel  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved / Ratified the Measure E Consent Calendar, A-H as follows:

- A.** **Title:** Revision #4 to Standard Form of Agreement  
**Vendor:** DES Architects & Engineers, Inc.  
**Agreement Date:** January 17, 2006  
**Campus:** De Anza College  
**Project No.:** 209  
**Project Name:** Visual & Performing Arts Center  
**Amount:** \$3,430  
**For:** Provide computer-modeling services for a building “fly through” to enable client to assess interior spaces  
**Action:** Ratification
- B.** **Title:** Change Order #5  
**Vendor:** Trident Builders, Inc.  
**Agreement Date:** November 8, 2005  
**Campus:** De Anza College  
**Project No.:** 210  
**Project Name:** Administration Building Renovation  
**Amount:** \$12,730  
**For:** Miscellaneous construction changes including existing drywall replacement, multimedia outlet modifications, and framing revisions  
**Action:** Ratification

- C.** *Title:* Change Order #9  
*Vendor:* Hagensen Pacific Construction, Inc.  
*Agreement Date:* September 21, 2006  
*Campus:* De Anza College  
*Project No.:* 213  
*Project Name:* Campus Center Renovation  
*Amount:* \$70,613  
*For:* Miscellaneous construction changes including: plumbing wall and concrete curb removal; ceiling drywall removal and light fixture reinstallation; wall replacement and removal of concrete pedestals and ceiling insulation; total change orders to date represent 7.3% against the original contract amount  
*Action:* Ratifications
- D.** *Title:* Change Order #10  
*Vendor:* Hagensen Pacific Construction, Inc.  
*Agreement Date:* September 21, 2006  
*Campus:* De Anza College  
*Project No.:* 213  
*Project Name:* Campus Center Renovation  
*Amount:* \$49,500  
*For:* Miscellaneous construction changes including: wall re-finishing, addition of soffits, track lighting and electrical/data outlets; concrete wall curbs and grease interceptors; total change orders to date represent 8.28% against the original contract amount  
*Action:* Ratification
- E.** *Title:* Revision #3 to PO # H352440  
*Vendor:* Netcor Design Systems, Inc.  
*Agreement Date:* November 18, 2002  
*Campus:* Foothill College  
*Project No.:* 152  
*Project Name:* Lower Campus Complex  
*Amount:* \$5,280  
*For:* Additional services to conduct eight (8) additional site inspections  
*Action:* Ratification
- F.** *Title:* Change Order #49  
*Vendor:* S.J. Amoroso Construction Co., Inc.  
*Agreement Date:* February 24, 2005  
*Campus:* Foothill College  
*Project No.:* 152  
*Project Name:* Lower Campus Complex  
*Amount:* \$63,127  
*For:* Miscellaneous mechanical, architectural and metal framing changes; this change order plus all previous change orders represents 5.94% above the base contract amount  
*Action:* Ratification

**G. Title:** Change Order #19  
**Vendor:** West Bay Builders  
**Agreement Date:** January 18, 2005  
**Campus:** Foothill College  
**Project No.:** 153  
**Project Name:** Campus Center  
**Amount:** \$81,805  
**For:** Installing a roof screen to conceal exposed HVAC units on top of the bridge elevator #3, replacement light fixtures in the Dining Room that work with the steep roof slopes, epoxy floor coating in the kitchen walk-in freezers, window and door flashing improvements, and minor mechanical revisions  
**Action:** Ratification

**H. Title:** ICA  
**Vendor:** Securetech Fence Systems Inc.  
**Agreement Date:** April 30, 2007  
**Campus:** De Anza College  
**Project No.:** 208  
**Project Name:** Campus Entries  
**Amount:** \$12,550  
**For:** 1. Flint Pedestrian Barricade: 42-inch high 3-rail architectural galvanized steel fence with specified powder coated finish (approx; 90').  
2. Stevens Creek Barricade (West): 42-inch high 3-rail architectural galvanized steel fence with specified powder coated finish (approx: 66').  
**Action:** Ratification

## **Item 11**

CHANGE ORDER #48 TO AGREEMENT WITH S.J. AMOROSO CONSTRUCTION COMPANY — LOWER CAMPUS COMPLEX, FOOTHILL COLLEGE

Responding to a question from Trustee Swenson, Foothill Interim President Patz explained that the decision was made to relocate the staff break room away from the entry to a more appropriate location in the building, which would also allow a larger entry to facilitate the movement of students and staff.

**M/S/C:** Derflinger/Diaz  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Change Order #48 to the Agreement with S.J. Amoroso Construction Company in the amount of \$55,977

## **Item 12**

REVISION #1 TO ADDENDUM #8 FOR RENEWAL OF PROGRAM MANAGEMENT SERVICES WITH GILBANE BUILDING COMPANY

Executive Director of Facilities, Operations and Construction Management Charles Allen and Vice Chancellor Brandy reviewed the factors requiring an extension of the contract and the adverse consequences for the various construction projects of not doing so. Trustee Swenson asked if the

initial contact included the possibility of cost and time overruns. Mr. Allen responded that contracts for program management services typically take into account a contingency for such matters, but the contingency is only a best estimate. Vice Chancellor Brandy noted the difficulty of forecasting when a project will actually begin and end.

**M/S/C:** Bechtel/Derflinger  
**Advisory vote:** 2 yes  
**Board vote:** unanimous  
**Action:** Approved Revision #1 to Addendum #8 to the Agreement with Gilbane Building Company in the amount of \$758,800

**DATES TO REMEMBER**

May 7, 2007 — Regular Meeting  
June 4, 2007 — Audit & Finance Committee  
June 4, 2007 — Regular Meeting

**ADJOURNMENT**

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

jco  
Approved: 6/4/07

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Martha J. Kanter, Chancellor  
Secretary, Board of Trustees