

**Draft**  
**Foothill-De Anza Community College District**  
**Minutes of the Regular Meeting of the Board of Trustees**  
**Monday, April 6, 2015**

**Members present:**

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

**Public session only:**

Evelynn Chun, Foothill College Student Trustee  
Melissa Epps, De Anza College Student Trustee

**REGULAR MEETING – Toyon Room**

President Cheng called the regular meeting to order at 5:00 p.m. and asked if any members of the public wished to comment regarding closed session items. Hearing no response, President Cheng adjourned the meeting to closed session.

**ADJOURN TO CLOSED SESSION – Altos Room**

The Board of Trustees convened in closed session at 5:00 p.m. to discuss:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS Property: University Development Area; NASA Research Park, Moffett Field, CA Agency Negotiator: University Associates-Silicon Valley, LLC Negotiating Party: NASA Ames Research Center Under Negotiation: Ground Lease Price and Terms of Payment (Pursuant to Government Code Section 54956.8)

Executive administrators present:

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 present:

Gordon Ringold, University Associates

CONSIDERATION OF STUDENT EXPULSION (Pursuant to Education Code Section 72122)

Executive administrators present:

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

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Pursuant to Government Code Section 54957)

Executive administrators present:

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

CONFERENCE WITH LABOR NEGOTIATOR District Negotiator: Dorene Novotny Employee Organizations: All Represented and Unrepresented Groups (Pursuant to Government Code Section 54957.6)

Executive administrators present:

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

**PUBLIC SESSION – Toyon Room**

President Cheng called the meeting to order at 6:07 p.m. and led those present in the Pledge of Allegiance.

**REPORTING OUT FROM CLOSED SESSION**

President Cheng announced that in closed session the Board considered whether to take disciplinary action against a Foothill College student. She polled the Board on whether to expel the student with the following result:

Action: Approved the expulsion of a Foothill College student (20043661)  
 Aye: Pearl Cheng, Joan Barram, Betsy Bechtel, Laura Casas, Bruce Swenson

### **APPROVAL OF MINUTES**

#### **Minutes of the March 2, 2015, Regular Meeting of the Board of Trustees**

Action: Approved the March 2, 2015, minutes of the regular meeting of the Board of Trustees.  
 Motion by Betsy Bechtel, second by Melissa Epps  
 Advisory vote in favor: Evelyn Chun, Melissa Epps  
 Final resolution: Motion carries  
 Aye: Pearl Cheng, Joan Barram, Betsy Bechtel, Laura Casas, Bruce Swenson

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

#### **Staff**

De Anza College President Brian Murphy reported that the De Anza College women's tennis team is competing at the Coast Conference, the men's tennis team is playing Foothill College in the near future, and both teams are competing in the playoffs.

Foothill College President Judy Miner expressed excitement about the start of the spring quarter and the Physical Sciences, Mathematics, and Engineering (PSME) Center's 21 percent gain in full-time equivalent students (FTES) over last year. She noted that the PSME is now serving more than 1,900 students and expressed gratitude to the faculty and staff who extended hours to evenings and Saturdays. She stated that Foothill College enrollment is up by almost 2 percent and thanked the Board and Vice Chancellor of Business Services Kevin McElroy for allowing the college to hire full-time faculty this year in those areas that had the greatest growth. President Miner attributed enrollment growth to the offering of new curriculum and more sections in high demand areas and stated that students are utilizing tutorial support (non-credit hours) for which the college is able to claim FTES.

Chancellor Linda Thor advised that she will be attending the 95<sup>th</sup> Annual Convention of the American Association of Community Colleges (AACC) in San Antonio where she will present a session called "The Community College Baccalaureate: A New Frontier" with three other League for Innovation board members: Constance Carroll, Chancellor of the San Diego Community College District; Jackson Sasser, President of Santa Fe College in Florida; and Dr. Jill Wakefield, Chancellor of Seattle Colleges. In addition, Chancellor Thor reported plans to attend the Hail and Farewell luncheon recognizing chief executive officers who are retiring from across the nation.

#### **Board**

Trustee Joan Barram spoke of attending the Krause Center for Innovation (KCI) awards dinner where programs, faculty, and staff were given awards; the Foothill College Environmental Horticultural & Design Program spring plant sale; and the Silicon Valley Leadership Group (SVLG) Workforce Town Hall, where Chancellor Thor served on a panel. She noted that Foothill-De Anza Foundation Board member Peter Landsberger joined her for the SVLG town hall as he is interested in workforce efforts and wants to motivate others to put together county groups.

Trustee Betsy Bechtel reported that the Foothill Commission's "Sunday in the Park with George" event, which she recently attended, had great community support.

President Cheng advised that she was a presenter at a lunch seminar hosted by Foothill College's PSME department. She commented that there was a nice reflection of the student body in attendance, including members from the international student population, first generation college students, and recent local high school graduates.

Trustee Laura Casas commented that she met new Foothill-De Anza Foundation Executive Director Tess Chandler at the Los Altos Community Foundation meeting.

### **BOARD REPORTS**

#### **Audit and Finance Committee Report**

Trustee Bechtel mentioned that the Fiscal Self Assessment was reviewed at the last Audit & Finance Committee meeting and Vice Chancellor McElroy and the district's bond underwriter, John Sheldon of Morgan Stanley, presented plans for refunding current Measure C General Obligation Bonds. She stated that Vice Chancellor McElroy also presented a budget update and an overview of the second quarter report to the committee. Trustee Bechtel noted that committee members will be invited to attend a future Board of Trustees meeting presentation regarding the colleges' efforts to boost enrollment with advertising and community outreach.

#### **Foothill-De Anza Foundation Board of Directors Report**

Trustee Barram reported meeting new Executive Director Chandler at last month's Foothill-De Anza Foundation Board of Directors meeting. She advised that Veronica Neal, Director of Equity, Social Justice and Multicultural Education at De Anza College, was a guest speaker at the meeting and also commented that the Foundation's finances are on target.

### **APPROVAL OF CONSENT CALENDAR**

Action: Approved consent calendar items 1-14 as follows:

1. Ratified international travel.
2. Ratified contracts and agreements.
3. Ratified board warrants greater than \$5,000 for January and February 2015.
4. Approved the Human Resources Report.
5. Approved the waiver of parking lot rental fees at Foothill College
6. Approved the Foothill College contract with Santa Clarita Community College District for services in support of the Institutional Effectiveness and Technical Assistance Grant from the California Community Colleges Chancellor's Office.
7. Approved Foothill College's 2015-2016 Performing Arts Alliance contract renewals.
8. Approved Foothill College curriculum updates for the 2015-2016 Catalog.
9. Approved Foothill College's accreditation Substantive Change Proposal for a Baccalaureate Degree in Dental Hygiene.
10. Approved a contract with Mallark Productions, LLC. for Celebrity Forum lectures by Mark Russell.
11. Approved the grant sub-agreement between Cabrillo Community College District and Foothill College.

- 12. Approved the contract between Cabrillo Community College District and De Anza College for Career Technical Education.**  
**13. Approved the County of Santa Clara Social Services Transitional Subsidized Employment (TSE) contract with De Anza College for the 2015-2016 year.**  
**14. Approved De Anza College's 2015-2016 partial revised course list.**

Motion by Joan Barram, second by Betsy Bechtel  
 Advisory vote in favor: Evelyn Chyn, Melissa Epps  
 Final resolution: Motion carries  
 Aye: Pearl Cheng, Joan Barram, Betsy Bechtel, Laura Casas, Bruce Swenson

#### **BOARD BUSINESS**

##### **15. California Community College Trustees Board of Directors 2015 Election**

Action: Voted for the following seven candidates to serve on the California Community College Trustees Board of Directors:

Ann H. Ransford, Glendale Community College District  
 Janet Chanot, Mendocino-Lake Community College District  
 Bernard "Bee Jay" Jones, Allan Hancock Community College District  
 Don Edgar, Sonoma County Community College District  
 Janet Green, Riverside Community College District  
 Doug Otto, Long Beach Community College District  
 M. Tony Ontiveros, North Orange County Community College District

Motion by Betsy Bechtel, second by Laura Casas  
 Advisory vote in favor: Evelyn Chyn, Melissa Epps  
 Final resolution: Motion carries  
 Aye: Pearl Cheng, Joan Barram, Betsy Bechtel, Laura Casas, Bruce Swenson

The results of the election will be announced at the Community College League of California Trustees Conference, which is being held May 1-3 in Monterey.

##### **16. Annual Review of Board Policy 2015 Student Members - (First Reading)**

Trustees reviewed Board Policy 2015 Student Members and made no changes.

##### **17. Board Policy 4070 (formerly 5002) Auditing and Auditing Fees - Revised (First Reading)**

Chancellor Thor clarified that the auditing fee is set forth in the Education Code in response to trustee Swenson's question. Trustees reviewed proposed revisions to the auditing board policy and had no additional changes.

##### **18. Board Policy 5020 (formerly 5015) Nonresident Tuition - Revised (First Reading)**

Trustees reviewed proposed revisions to the nonresident tuition board policy and had no additional changes.

##### **19. Board Policy 5030 (formerly 3123, 3123.5, 5010, and 5030) Fees - Revised (First Reading)**

Trustees reviewed proposed revisions to the fees board policy and had no additional changes.

##### **20. Board Policy 5020 Instructional and Other Materials and Use Fees - Retire (First Reading)**

Trustees considered the proposed retirement of the instructional materials fees board policy and had no objections.

#### **HUMAN RESOURCES**

##### **21. Faculty Association 2014-2015 Compensation Settlement**

President Cheng commented that the Board is pleased to see that the Faculty Association has reached a compensation settlement for 2014-2015 and appreciates the work done by all faculty members. Rich Hansen, President of the Faculty Association, stated that faculty members are very happy with the settlement.

Action: Approved the 2014-2015 compensation settlement between the Foothill-De Anza Community College District and the Faculty Association.

Motion by Betsy Bechtel, second by Melissa Epps  
 Advisory vote in favor: Evelyn Chyn, Melissa Epps  
 Final resolution: Motion carries  
 Aye: Pearl Cheng, Joan Barram, Betsy Bechtel, Laura Casas, Bruce Swenson

#### **BUSINESS SERVICES/FINANCE**

##### **22. Brailsford and Dunlavey Feasibility Study for Flint Parking Garage/Center**

Vice Chancellor McElroy stated that following the February 9, 2015, Board study session, senior administrators from De Anza College met with Brailsford & Dunlavey to fine tune the scope of work and identify items to incorporate and explore in the feasibility study.

Trustee Bechtel made clear that she is happy to get more information but clarified that the Board is not committing to following the study recommendations. Vice Chancellor McElroy replied that the study will allow the district to perform due diligence in exploring all of the possibilities and opportunities for the De Anza College Flint Parking Garage and the Flint Center before the Board makes a decision. He indicated that the study would include an estimate of preliminary cost projections for the various options, an assessment of what the market would bear; exploration of public/private partnerships, and a determination of the value of the land.

President Cheng clarified that the study would address the qualitative/quantitative factors, evaluate long-term/short term impacts, identify risks associated with development of potential projects, and make recommendations of best use options.

##### **23. Resolution Authorizing the Issuance of the Foothill-De Anza Community College District (Santa Clara County, California) 2015 General Obligation Refunding Bonds**

Bond counsel David Casnocha and Morgan Stanley underwriter John Sheldon gave an overview of the general obligation bond refinancing opportunity. Mr. Sheldon stated that at this point in time there are no Measure E bonds that could or should be refinanced; however, the metrics and interest rates for the Measure C bond look favorable. Vice Chancellor McElroy asked the Board for approval to move forward with the refunding of bonds when the market is most favorable. He explained that if the market does not hit levels that achieve the district's minimum metrics in next six months, administration would seek Board approval at another time.

Trustee Bechtel mentioned that the Audit and Finance Committee concurred with the recommendation to approve the bond refinancing.

Mr. Casnocha commented that the Sonora County Superior Court cited the Foothill-De Anza Community College District case when it ruled today against the challenge to the Sonora High School District Bond Measure, and sustained the Sonora district's decision to fund a particular project that was on their project list. He indicated that the Sonora case is just one of many examples where courts have cited the Foothill-De Anza case as "the landmark Prop 39 case."

Action: Adopted resolution 2015-07 and approved the authorization to move forward with refinancing bonds as stated in the resolution.

Motion by Bruce Swenson, second by Betsy Bechtel

Advisory vote in favor: Evelyn Chon, Melissa Epps

Final resolution: Motion carries

Aye: Pearl Cheng, Joan Barram, Betsy Bechtel, Laura Casas, Bruce Swenson

#### **24. Authorize the Use of County of Santa Clara Silicon Valley Regional Interoperability Authority (SVRIA) Contract to Purchase Police Radios and Related Equipment**

Vice Chancellor McElroy reported the new radios will promote and support cross-communication with our neighboring law enforcement agencies.

Action: Approved the purchase orders for police radio and related equipment in excess of the legally mandated bid threshold pursuant to Public Contract Code 20652 and the SVRIA Contract.

Motion by Laura Casas, second by Betsy Bechtel

Advisory vote in favor: Evelyn Chon, Melissa Epps

Final resolution: Motion carries

Aye: Pearl Cheng, Joan Barram, Betsy Bechtel, Laura Casas, Bruce Swenson

#### **25. Listing of District Investments as of December 31, 2014**

The governing board reviewed the listing of district investments and had no questions.

### **FACILITIES**

#### **26. R.C. Benson & Sons, Inc. - Prime Contract Change Order 1 - Repair to Damaged Solar Panel Canopy System in Parking Lot #2 at Foothill College - (\$10,000)**

Action: Approved R.C. Benson & Sons, Inc. – Prime Contract Change Order 1 to repair damaged solar panel canopy system in Parking Lot 2 at Foothill College.

Motion by Betsy Bechtel, second by Melissa Epps

Advisory vote in favor: Evelyn Chon, Melissa Epps

Final resolution: Motion carries

Aye: Pearl Cheng, Joan Barram, Betsy Bechtel, Laura Casas, Bruce Swenson

#### **27. Pullman Construction - Change Order #1 - Science Center Chiller Replacement - \$115,003.53**

Action: Approved Pullman Construction – Change Order #1 in connection with the Science Center Chiller Replacement at De Anza College.

Motion by Melissa Epps, second by Evelyn Chon

Advisory vote in favor: Evelyn Chon, Melissa Epps

Final resolution: Motion carries

Aye: Pearl Cheng, Joan Barram, Betsy Bechtel, Laura Casas, Bruce Swenson

#### **28. Environmental Systems, Inc. - Change Order #1 - Pool Boiler and Cogen Replacement - \$49,072**

Action: Approved Environmental Systems, Inc. – Change Order #1 – in connection with replacing the Pool Boiler and Cogen.

Motion by Bruce Swenson, second by Joan Barram

Advisory vote in favor: Evelyn Chon, Melissa Epps

Final resolution: Motion carries

Aye: Pearl Cheng, Joan Barram, Betsy Bechtel, Laura Casas, Bruce Swenson

### **MEASURE E CONSENT**

#### **29. Measure E Consent**

Action: Ratified/approved Measure E consent items A – B as follows:

##### --Central Services Measure E Consent

A) Alten Construction - Change Order #15 - District Office Building Renovation - \$5,526

##### --Foothill College Measure E Consent

B) Transbay Fire Protection, Inc. - Independent Contractor Agreement - Minor Improvements - \$24,400

Motion by Betsy Bechtel, second by Laura Casas

Advisory vote in favor: Evelyn Chon, Melissa Epps

Final resolution: Motion carries

Aye: Pearl Cheng, Joan Barram, Betsy Bechtel, Laura Casas, Bruce Swenson

**MEASURE E PROJECTS****30. Measure E Bond List Revision with De Anza Budget Transfer #80**

Action: Approved Measure E Bond List Revision with De Anza Budget Transfer #80  
 Motion by Betsy Bechtel, second by Joan Barram  
 Advisory vote in favor: Evelyn Chyn, Melissa Epps  
 Final resolution: Motion carries  
 Aye: Pearl Cheng, Joan Barram, Betsy Bechtel, Laura Casas, Bruce Swenson

**MEASURE C CONSENT****31. Measure C Consent**

Action: Ratified/approved Measure C consent items A – R as follows:

**--Central Services Measure C Consent**

- A) URS Corporation Americas - Change #4 - Foothill-De Anza Education Center - \$18,312
- B) C.W. Driver - Change Order #2 - Foothill-De Anza Education Center - \$82,511
- C) Amendment No. 2A to the Foothill-De Anza Education Center Facilities Lease with C.W. Driver

**--De Anza College Measure C Consent**

- D) Guerra Construction Group - Prime Contract Change Order #3 - Environmental Studies Area - \$575
- E) Blocka Construction Inc. - Prime Contract Change Order #3 - Ground Fault Sensing System - \$11,548
- F) DL Falk - Prime Contract Change Order #4 - Library - \$64,336
- G) Quali-Con Enterprises, Inc. - Agreement for Services - L-7 - \$39,250
- H) Enovity, Inc. - Project Authorization Amendment (PAA 10 to Master Agreement - L-7 Renovation) - \$40,000
- I) Noll & Tam Architects - Agreement for Services - L-7 Phase II Design - \$164,620

**--Foothill College Measure C Consent**

- J) WRNS Studio - Revision #20 - Parking and Circulation - \$39,655
- K) NEMA Construction - Change Order #4 - Smithwick Theater Emergency Generator Replacement - (\$15,000)
- L) Walschon Fire Protection, Inc. - Agreement for Services - Fire Risers - 5 Year Certification - \$29,020
- M) Hoi's Construction - Change Order #1 - Gas Meter Relocation - \$40,803
- N) Salas O'Brien - Agreement for Design Professional Services - Storage at Swimming Pool Area - \$22,475
- O) Kitchell CEM - Change Order #1 - Library & ISC - (\$152,297)
- P) Kitchell CEM - Change Order #1 - Library & ISC - \$74,745
- Q) Ratcliff Architects - Revision #7 - Library & ISC - \$44,358
- R) Rodan Builders - Change Order #2 - Tennis Courts Renovation - \$7,965

Motion by Melissa Epps, second by Betsy Bechtel  
 Advisory vote in favor: Evelyn Chyn, Melissa Epps  
 Final resolution: Motion carries  
 Aye: Pearl Cheng, Joan Barram, Betsy Bechtel, Laura Casas, Bruce Swenson

**MEASURE C PROJECTS****32. Measure C Project List Revision with Foothill Budget Transfer #50, De Anza Budget Transfer #48 and District Central Services Budget Transfer #18**

Action: Approved the Measure C Project List Revision with Foothill Budget Transfer #50, De Anza Budget Transfer #48 and District Central Services Budget Transfer #18  
 Motion by Laura Casas, second by Melissa Epps  
 Advisory vote in favor: Evelyn Chyn, Melissa Epps  
 Final resolution: Motion carries  
 Aye: Pearl Cheng, Joan Barram, Betsy Bechtel, Laura Casas, Bruce Swenson

**33. Authorize Award of a Site Lease and a Facilities Lease to Swinerton Builders for the L-7 Renovation project at De Anza College (Measure C Project #202)**

Action: Accepted the guaranteed maximum price and authorized the Director of Purchasing Services to award the Site Lease and the Facilities Lease to Swinerton Builders for Project 202.  
 Motion by Joan Barram, second by Laura Casas  
 Advisory vote in favor: Evelyn Chyn, Melissa Epps  
 Final resolution: Motion carries  
 Aye: Pearl Cheng, Joan Barram, Betsy Bechtel, Laura Casas, Bruce Swenson

**34. Award a contract for Bid Document 1719-218A, Kiosks – De Anza College**

Action: Rejected the bid submitted by ICC General Contractors as non-responsive, waived the minor irregularity in the Calstate Construction, Inc. response, and authorized the Director of Purchasing Services to award a contract pursuant to Bid Document 1719-218A, Kiosks – De Anza College in the amount of \$246,500 to Calstate Construction, Inc.  
 Motion by Laura Casas, second by Melissa Epps  
 Advisory vote in favor: Evelyn Chyn, Melissa Epps  
 Final resolution: Motion carries  
 Aye: Pearl Cheng, Joan Barram, Betsy Bechtel, Laura Casas, Bruce Swenson

**35. Award a contract for Bid Document 1717-132, Loop Road Resurfacing, Foothill College**

Action: Authorized the Director of Purchasing Services to award a contract pursuant to Bid Document 1717-132, Loop Road Resurfacing – Foothill College in the

amount of \$813,790 for the Base Bid Proposal Amount plus Alternates #3, 4, and 2 to Granite Rock Company.

Motion by Betsy Bechtel, second by Evelynn Chun

Advisory vote in favor: Evelynn Chun, Melissa Epps

Final resolution: Motion carries

Aye: Pearl Cheng, Joan Barram, Betsy Bechtel, Laura Casas, Bruce Swenson

**36. Award a contract pursuant to Bid Document #1712-206, Athletic Supply Buildings at De Anza College**

Action: Waived the minor irregularity in the Swenson & Associates bid response and authorized the Director of Purchasing Services to award a contract pursuant to Bid #1712-206, Athletic Supply Buildings in the amount of \$309,500 to Swenson & Associates.

Motion by Laura Casas, second by Melissa Epps

Advisory vote in favor: Evelynn Chun, Melissa Epps

Final resolution: Motion carries

Aye: Pearl Cheng, Joan Barram, Betsy Bechtel, Laura Casas, Bruce Swenson

**ADJOURNMENT**

President Cheng adjourned the meeting in memory of Bob Grimm at 7:20 p.m.