

**Agenda Item Details**

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Meeting May 31, 2011 - ESUHSD SPECIAL BOARD MEETING - 5:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 11. ATTACHMENT A - CONSENT CALENDAR

Subject 11.08 Approve Minutes of March 24, 2011, Regular Board Meeting

Access Public

Type Action (Consent)

Recommended Action It is recommended that the Board of Trustees approve the March 24, 2011, Regular Board Meeting minutes as presented.

**Public Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT****Item: 11.08**

**TO:** Board of Trustees

**FROM:** Dan Moser, Superintendent

**SUBJECT:** Approve Minutes of March 24, 2011, Regular Board Meeting

Attached are the minutes of the March 24, 2011, Regular Board Meeting for review and approval by the Board of Trustees.

**FISCAL IMPACT:**

None

**FUNDING SOURCE:**

None

**RECOMMENDATION:**

It is recommended that the Board of Trustees approve the March 24, 2011, Regular Board Meeting minutes as presented.

[BA\\_20110324 Regular Minutes.pdf \(6.531 KB\)](#)

**EAST SIDE UNION HIGH SCHOOL DISTRICT****BOARD OF TRUSTEES****APPROVED May 31, 2011**

A handwritten signature in cursive script, appearing to read "M. Gutter".

**Administrative Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT  
REGULAR MEETING  
OF THE  
BOARD OF TRUSTEES  
Meeting Held at Education Center  
March 24, 2011  
4:00 p.m.**

**1. CALL TO ORDER/ROLL CALL**

**1.01 Roll Call**

*The Regular Meeting of the Board of Trustees was called to order at 4:03 p.m. by President Nguyen. Vice President Biehl, Clerk Le, Member Martinez-Roach and Member Herrera were present.*

**1.02 Announcement and Public Comment regarding Items to be discussed in Closed Session (Government Code 54957.7)**

*President Nguyen extended a welcome to everyone, explained the format of the meeting, noted that all Board Meetings are recorded and offered the public to comment on item(s) to be discussed in Closed Session.*

*There were no public speakers regarding Closed Session items.*

**1.03 Recess to Closed Session (Open Session will resume at the end of Closed Session in the Superintendent's Conference Room at approximately 6:00 p.m.) See item 2 on agenda (Closed Session).**

*The Board of Trustees recessed to Closed Session in the Superintendent's Conference Room.*

**2. CLOSED SESSION**

**2.01 Expulsion(s): A-F**

*Motion by Member Herrera, second by Clerk Le, to approve the expulsion of Student A.*

*Vote: 5/0*

*Motion by Member Martinez-Roach, second by Vice President Biehl, to approve the expulsion of Student B as modified.*

*Vote: 5/0*

*Motion by Vice President Biehl, second by Member Martinez-Roach, to approve the expulsion of Student C as modified.*

*Vote: 5/0*

*Motion by Clerk Le, second by Member Herrera, to approve the expulsion of Student D.*

*Vote: 5/0*

*Motion by Vice President Biehl, second by Clerk Le, to approve the expulsion of Student E.*

*Vote: 5/0*

*Motion by Member Herrera, second by Clerk Le, to approve the expulsion of Student F.*

*Vote: 5/0*

**2.02 Public Employment/Public Employee Appointment (Government Code Section 54957)**

**2.03 Public Employee Discipline/Dismissal/Release (Government Code Section 54957)**

**2.04 Public Employee Performance Evaluation (Government Code Section 54957)**

**2.05 Conference with Labor Negotiators (Government Code Section 54957.6)**

*Agency Designated Representatives:*

*Dan Moser, Superintendent*

*Cathy Giammona, Associate Superintendent of Human Resources and Instruction*

*Hardy Childers, Interim Associate Superintendent of Business Services*

*Vida Branner, Director of Compensation and Classified Employee Relations*

*Employee Organizations:*

*American Federation of Teachers (AFT)*

*California School Employees Association (CSEA)*

*East Side Teachers Association (ESTA)*

**2.06 Conference with Legal Counsel – Existing Litigation**

**Subdivision (a) of Section 54956.9 of the Government Code: Two (2) Cases**

- ***Kinetics Mechanical Services, Inc. vs. East Side Union High School District, Santa Clara County Superior Court, Case No. 109CV141312***

*Motion by Member Herrera, second by Vice President Biehl, to approve a settlement agreement in the litigation with Kinetics Mechanical Services. A copy of the settlement agreement is available from the District upon request.*

***Vote: 4/0; Clerk Van Le abstained from vote***

- ***Geraldine Forte vs. East Side Union High School District, U.S. District Court for the Northern District of California, San Jose Division, Case No. CV-10-01368 HRL***

## 2.07 Conference with Real Property Negotiators

Property:	ESUHSD Educational Center, or portion thereof 830 N. Capitol Avenue San Jose, CA 95133
District Negotiators:	Dan Moser, Superintendent Hardy Childers, Interim Associate Superintendent of Business Services Rogelio Ruiz, Legal Counsel Real Estate Representatives Sam Swan, Bob Hunt and Andre Hunt
Negotiating Parties:	ESUHSD, Santa Clara Development Company, and Other Parties To Be Determined
Under Negotiation:	Price and Terms

### **OPEN SESSION AT APPROXIMATELY 6:00 P.M. – EDUCATION CENTER BOARD ROOM**

#### **3. PLEDGE OF ALLEGIANCE**

#### **4. WELCOME AND EXPLANATION TO AUDIENCE**

Information explaining Board meeting procedures and how citizens can address the Board will be read. Written information is located near the entrance to the Board Room.

*President Nguyen extended a welcome to everyone, explained the format of the meeting and noted that all Board Meetings are recorded.*

#### **5. CONSIDERATION OF PROPOSED AMENDMENTS TO AGENDA**

**For consideration by the Board of Trustees.**

*Request by Superintendent Moser to hear item 12.04 after item 13.06.*

*Motion by Vice President Biehl, second by Member Herrera, to hear item 12.04 after item 13.06.*

*Vote: 5/0*

#### **6. BOARD SPECIAL RECOGNITION(s)**

##### **6.01 Dr. Martin Luther King, Jr., Writing, Art, and Multimedia Contest Grand Prize Winners**

- **Grand Prize Art – Gabrielle Argonza, Silver Creek High School**
- **Grand Prize Writing – Daniel Stahlnecker, Santa Teresa High School**
- **Grand Prize Multimedia – Tam Duong, Wm. C. Overfelt High School**

##### **6.02 Ragini Sharma, Army JROTC Cadet – Andrew Hill High School**

**6.03 Sciencepalooza!**

- **Gary Robinson, President and Chief Executive Officer – Synopsys Outreach Foundation**
- **Heidi Black, ESUHSD Science Fair Coordinator**

**7. STUDENT BOARD LIAISONS**

**7.01 Alaine Flandez, ASB President - Oak Grove High School**

*Nick Mandracchia, Oak Grove High School Student, presented on behalf of Alaine Flandez*

**8. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD OF TRUSTEES**

**Persons wishing to address the Board must fill out a gold request form, which is located at the entrance of the Board Room.**

*Speakers:*

- *Kevin Liu – Chinese Language Program*
- *Mark Mao – Chinese Language Program*
- *Hilda Keller – Silver Creek Fields – Safety*

**9. BOARD OF TRUSTEES/SUPERINTENDENT - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

**9.01 Approve Latino College Preparatory Academy Charter Renewal - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services**

*Motion by Vice President Biehl, second by Member Herrera, to approve the charter application renewal for Latino College Preparatory Academy for a five-year period, including the submission of an annual report and review as required by other charter schools.*

*Vote: 4/1; Member Martinez-Roach voted No*

*For the record, Member Martinez-Roach voted no because she feels East Side has outstanding programs that East Side can offer to its students and should be offered. Her other concerns are the financial issues with the charter.*

**9.02 Proposed Adoption of the Initial Proposal for Successor Contract: From East Side Union High School District to San Jose Federation of Teachers, Local 957, AFT, AFL-CIO – Dan Moser, Superintendent; Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

*Motion by Member Martinez-Roach, second by Clerk Le, to adopt the initial proposal for successor contract from East Side Union High School District to San Jose Federation of Teachers, Local 957, AFT, AFL-CIO.*

*Vote: 4/0; Member Herrera out of the room*

**9.03 Proposed Adoption of the Initial Proposal for Successor Contract: From East Side Union High School District to East Side Teachers Association - Dan Moser, Superintendent; Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

*Motion by Member Martinez-Roach, second by Clerk Le, to adopt the initial proposal for successor contract from East Side Union High School District to East Side Teachers Association.*

*Vote: 4/0; Member Herrera out of the room*

**9.04 Board Audit Committee Update, Discussion and/or Action - Frank Biehl, Audit Committee Chair and Patricia Martinez-Roach, Audit Committee Vice Chair**

*Audit Committee Chair Frank Biehl*

*Our next Board Audit Committee is scheduled for April 16. Our next item, 9.05, will be the appointments to fill the two remaining vacancies on the Audit Committee. Vice Chair Patricia Martinez-Roach and myself are currently working on the agenda for the April 16 meeting and are having it reviewed by our Internal Auditor, Ian Marsh. I am hoping to answer any questions the Board might have at this time. Otherwise, we can move onto the next item, 9.05.*

*There were no questions/comments by the Board.*

**9.05 Discussion, Consideration, and/or Action regarding Selection/Appointment of Board Audit Committee Members - Frank Biehl, Board Audit Committee Chair, and Patricia Martinez-Roach, Board Audit Committee Vice Chair**

*Audit Committee Chair Frank Biehl*

*On January 4<sup>th</sup> we posted an application notice seeking applicants for a 1 two-year term position on the Audit Committee and a 1 one-year term as an alternate member of the Audit Committee. We sent this out as a press release. It subsequently did run as a very small story on the Mercury News.*

*At the end of January, we had but one applicant. At that time, I consulted with Vice Chair Martinez-Roach and we agreed to extend the application period for an additional month. At the end of the additional month, we had one, a second, applicant to apply. I guess the Audit Committee just isn't that popular. Just as a point of fact, we've had over twenty people apply for the Citizens' Bond Oversight Committee.*

*I would like to ask the two individuals who applied to come up to the microphone and be available to answer questions the Board might have and to make a short statement and then I will have a recommendation, my personal recommendation.*

*Candidate Dan Juchua made a short statement to the Board.*

*Candidate Gustavo Gonzalez made a short statement to the Board.*

*Motion by Vice President Biehl, second by Member Herrera, to appoint Dan Juchau for a two-year term to the Audit Committee and Gustavo Gonzalez for a one-year term as alternate to the Board Audit Committee.*

*Vote: 5/0*

**9.06 Approve Board Members Attendance and Lawful Expenses to SSCSBA Annual Legislative Brunch and SSCSBA Annual Spring Hoffman Awards Dinner and Presentations by 2011 Hoffman Award Winners - Dan Moser, Superintendent**

*Vice President Biehl stated, for the record, that attendance at the Legislative Brunch is a \$25 fee and the fee to attend the Hoffman Dinner is \$35.*

*Motion by Vice President Biehl, second by Clerk Le, to approve Board Members attendance and lawful expenses to SSCSBA Annual Legislative Brunch and SSCSBA Annual Spring Hoffman Awards Dinner and Presentations by 2011 Hoffman Award Winners.*

*Vote: 5/0*

**9.07 Discussion and/or Action regarding Use of School Facilities – Patricia Martinez-Roach, Board Member**

*Member Martinez-Roach indicated that it was time to bring this policy back for review and to also look at the fair and reasonable amount that is being charged. A big concern is safety and if procedures are being followed, and, if not, why the procedures are not being followed.*

*Administration will investigate the use of school facilities and bring back to the Board at a future date, but before the end of the fiscal year, this item for further discussion and if there is a need for recommendations and changes in Board Policy and/or Administration Regulation.*

**9.08 Discussion and/or Action regarding Chinese Language as an Elective – J. Manuel Herrera, Board Member, and Patricia Martinez-Roach, Board Member**

*Speakers:*

- *Alice Li*
- *Michael Zhang*
- *Lucy Wong*
- *Tone Yao Lee*
- *Linda Chen*
- *Ruiqiang Zhang*
- *Stanley Kou*

*Motion by Member Herrera, second by Member Martinez-Roach, to appoint two members, Member Herrera and Member Martinez-Roach, to work on an ad hoc committee regarding Chinese language as an elective. The ad hoc committee will also include representatives from administration and community.*

*Vote: 5/0*

**9.09 Adopt Resolution #2010/2011-32 - Senate Constitutional Amendment 5 (Simitian) (SCA 5) - Dan Moser, Superintendent**

*Motion by Member Martinez-Roach, second by Member Herrera, to adopt Resolution #2010/2011-32 Senate Constitutional Amendment 5 (Simitian) (SCA5).*

*Vote: 5/0*

**10. INSTRUCTIONAL SERVICES/STUDENT SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

**10.01 Accept 2011-2012 Comprehensive School Safety Plans for Andrew Hill, Foothill and James Lick High Schools - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and George Sanchez, Coordinator of Student Services**

*Motion by Member Martinez-Roach, second by Member Herrera, to accept the 2011-2012 Comprehensive School Safety Plans for Andrew Hill, Foothill and James Lick High Schools.*

*Vote: 5/0*

**11. HUMAN RESOURCES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

**11.01 Approve Variable Term Waiver Request for Certificated Employee – Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

*Motion by Member Herrera, second by Vice President Biehl, to approve the variable term waivers request for a certificated employee.*

*Vote: 5/0*

**12. BUSINESS SERVICES/STUDENT SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

**12.01 Adopt Resolution #2010/2011-33 Authorizing the Issuance and Sale of Taxable General Obligation Bonds, 2008 Election, Series C (Direct-Pay) Qualified School Construction Bonds in the Principal Amount Not to Exceed \$25,000,000 – Hardy Childers, Interim Associate Superintendent of Business Services**

*Speaker:*

- *Carol L. Percent*



*Motion by Member Herrera, second by Vice President Biehl, to adopt Resolution #2010-2011-33 Authorizing the Issuance and Sale of Taxable General Obligation Bonds, 2008 Election, Series C (Direct Pay) Qualified School Construction Bonds in the Principal Amount Not to Exceed \$25,000,000.*

*Vote: 5/0*

**12.02 Adopt Resolution #2010/2011-34 Approving Authorization to Enter into Contracts to Accommodate Emergency Remediation District Facilities at Education Center for Health and Safety Reasons - Hardy Childers, Interim Associate Superintendent of Business Services**

*Motion by Member Herrera, second by Vice President Biehl, to adopt Resolution #2010/2011-34 Approving Authorization to Enter into Contracts to Accommodate Emergency Remediation District Facilities at the Education Center for Health and Safety Reasons.*

*Vote: 5/0*

*Board Member Martinez-Roach stated for the record that she will not be voting for an item like this again. She does not like to be pressured and put in a situation. If there is an emergency of that magnitude, the Board needs to be informed. She wants to go on record expressing her dissatisfaction with this item.*

**12.03 Adopt Resolution #2010/2011-35 Inter-Fund Temporary Transfers for Cash Flow Purposes - Hardy Childers, Interim Associate Superintendent of Business Services**

*Motion by Member Herrera, second by Vice President Biehl, to adopt Resolution #2010/2011-35 Inter-Fund Temporary Transfers for Cash Flow Purposes.*

*Vote: 5/0*

**12.04 Approve Contract for Professional Services over \$50,000 - Hardy Childers, Interim Associate Superintendent of Business Services**

*Motion by Vice President Biehl, second by Member Herrera, to approve the contracts for professional services over \$50,000 (copy attached).*

*Vote: 4/1; Member Martinez-Roach voted No*

*For the record, Member Martinez-Roach wanted to express her concern about the amount of money being spent on charter facilities.*

**13. FACILITIES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

**13.01 Approval of the Plan for Technology at San Jose Conservation Corps Charter School – June Francis Rono, Ph.D., Director of Facilities and Planning, and Mr. Bob Hennessey, San Jose Conservation Corps Charter School**

*Speaker:*

- *Bob Hennessey*

*Motion by Vice President Biehl, second by Member Herrera, to approve the plan for technology at San Jose Conservation Corps Charter School.*

*Vote: 4/1; Member Martinez-Roach voted No*

**13.02 Adopt Resolution #2010/2011-36 To Use School Facility Program Funding for Construction of a Multi-Purpose Room at Mt. Pleasant High School – June Francis Rono, Ph.D., Director of Facilities and Planning**

*Motion by Member Martinez-Roach, second by Clerk Le, to adopt Resolution #2010/2011-36 To Use School Facility Program Funding for Construction of a Multi-Purpose Room at Mt. Pleasant High School.*

*Vote: 5/0*

**13.03 Adopt Resolution #2010/2011-37 To Use School Facility Program Funding for Construction of a Multi-Purpose Room at Silver Creek High School – June Francis Rono, Ph.D., Director of Facilities and Planning**

*Speakers:*

- *Dan Juchau*
- *Susan Williams*

*Motion by Vice President Biehl, second by Clerk Le, to adopt Resolution #2010/2011-37 To Use School Facility Program Funding for Construction of a Multi-Purpose Room at Silver Creek High School.*

*Vote: 5/0*

**13.04 Approve the Request for Additional Facilities of KIPP San Jose Collegiate Charter School for the 2011-2012 School Year - June Francis Rono, Ph.D., Director of Facilities and Planning**

*Motion by Member Herrera, second by Vice President Biehl, to approve the request for additional facilities of KIPP San Jose Collegiate Charter School for the 2011-2012 school year.*

*Vote: 4/1; Member Martinez-Roach voted No*

**13.05 Approve the Proposition 39 Request for Facilities of Summit Public Schools: Rainier School for the 2011-2012 School Year - June Francis Rono, Ph.D., Director of Facilities and Planning**

*Motion by Member Herrera, second by Clerk Le, to approve the Proposition 39 request for facilities of Summit Public Schools: Rainier School for the 2011-2012 school year.*

*Vote: 4/1; Member Martinez-Roach voted No*

**13.06 Approve the Proposition 39 Request for Facilities of Summit Public Schools: Tahoma School for the 2011-2012 School Year - June Francis Rono, Ph.D., Director of Facilities and Planning**

*Motion by President Nguyen, second by Vice President Biehl, to approve the Proposition 39 request for facilities of Summit Public Schools: Tahoma School for the 2011-2012 school year.*

*Vote: 4/1; Member Martinez-Roach voted No*

**14. ATTACHMENT A – CONSENT CALENDAR ITEMS**

*Items 14.08, 14.09, 14.10, 14.11, 14.12 and 14.18 were pulled from the consent calendar for discussion. Motion by Member Herrera, second by Vice President Biehl, to approve the remainder of the consent calendar.*

*Vote: 5/0*

**14.01 Ratify/Approve Classified Personnel Actions Presented March 24, 2011**

**14.02 Ratify/Approve Certificated Personnel Actions Presented March 24, 2011**

**14.03 Ratify/Approve Student Aide Personnel Actions Presented March 24, 2011**

**14.04 Approve School Field Trips**

**14.05 Approve Award of Bid**

**14.06 Acceptance of Donations, Grants and Awards**

**14.07 Approve Budget Transfers Presented March 24, 2011**

**14.13 Approve Notice of Completion for Independence Adult Ed, James Lick, Mt. Pleasant, Oak Grove, Piedmont Hills, Silver Creek and Yerba Buena High Schools, New Solar Panel Posts Installation Projects**

**14.14 Approve Change Order #1 for William C. Overfelt High School Title IX Field Improvement Project (Valley Crest Landscape Development)**

- 14.15 Approve Change Order #1 for Evergreen Valley High School PE Teaching Stations Project (Ralph Larsen & Son, Inc.)**
- 14.16 Approve Notice of Completion for Foothill High School Buildings B, C, and E Modernization Project (Beals Martin, Inc.)**
- 14.17 Approve Notice of Completion for Independence, James Lick and Piedmont Hills High Schools, Title IX Scoreboard Projects**

**Items pulled for discussion from the Consent Calendar for discussion, consideration and/or Action by the Board of Trustees.**

**14.08 Approve Purchase Orders Presented March 24, 2011**

*Motion by Vice President Biehl, second by President Nguyen, to approve purchase orders presented March 24, 2011.*

*Vote: 5/0*

**14.09 Approve Change Orders to Purchase Orders Presented March 24, 2011**

*Motion by Vice President Biehl, second by Member Herrera, to approve the change orders to purchase orders presented March 24, 2011.*

*Vote: 5/0*

**14.10 Approve Contracts for Professional Services At or Below \$50,000**

*Motion by Vice President Biehl, second by Member Herrera, to approve the contracts for professional services at or below \$50,000 (copy attached).*

*Vote: 3/2; Clerk Le voted No; Member Martinez-Roach voted No*

**14.11 Approve Memoranda of Understanding**

*Motion by Member Herrera, second by Vice President Biehl, to approve the memoranda of understanding.*

*Vote: 5/0*

**14.12 Accept Warrant Register for the Month of February 2011**

*Motion by President Nguyen, second by Member Herrera, to accept the warrant register for the month of February 2011.*

*Vote: 4/1; Member Martinez-Roach voted No*

**14.18 Approve Minutes of January 29, 2011, Special Board Meeting/Board Retreat**

*Motion by Vice President Biehl, second by President Nguyen, to approve the Special Board Meeting/Board Retreat minutes of January 29, 2011.*

*Vote: 5/0*

**15. WRITTEN REPORTS/RECOMMENDATIONS**

**15.01 Receive Quarterly Report on the County of Santa Clara Treasury Investment Portfolio Status as of December 31, 2010**

*Report received.*

**16. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS**

**16.01 Board of Trustees**

**Frank Biehl, Board Vice President**

**MetroED:**

*I don't have a MetroED report. This is our second meeting and I reported at our last Board meeting.*

**Van Le, Board Clerk**

*I visited Andrew Hill today. I did not have a chance to visit the IB Program because they were in testing. I hope to have a chance to come back so that I could understand the program.*

*I visited Foothill High School with Board Member Biehl. I was very impressed with Principal Lynne Murray. She was able to remember every one of her students and point them out. I met with a group of students to understand their challenges.*

*I hope to have an opportunity to visit more schools in the next couple of weeks.*

*I appreciate the staff and programs that we have at East Side.*

**Patricia Martinez-Roach, Board Member**

*I am interested as to when we are going to have a budget session with the Board. We need to start working on this. I don't want to wait until the May Revise. We need to start going through this now, program by program.*

**J. Manuel Herrera, Board Member**

*I want to request that, as a Board, we have a way of doing our business where we can support each other's needs, specifically referring to the handling of the consent calendar. I know that we all have a right to ask any question that we want and I am not contesting that, but I am asking you that, to the extent that any question is informational or a clarification, the question be handled offline in conversations with the administration. If there is some kind of disagreement or policy issue that the Board needs to participate in a discussion, it be brought forward. I would say that 70%-80% of the conversations for an hour that took place on the consent calendar item fell into information and clarification. That can be done offline*

*to move Board business along a little more quickly. It is not a criticism; it is simply an observation and request as to how we work as a Board.*

**16.02 Dan Moser, Superintendent**

*I would like to congratulate students that were involved with the tragedy of the earthquake and tsunami in Japan. We've had students where several of our high schools contributed points, which turned into money through the Apangea Math Program. It is commendable of our students to do that on their own and contribute to the causes.*

**17. REPORT CLOSED SESSION ACTION(S)**

**Attorney will report on Closed Session action item(s).**


*See section 2.0 for reporting out of Closed Session items.*

**18. ADJOURNMENT**

**President adjourns the meeting.**

*President Nguyen adjourned the meeting at 11:09 p.m.*

*Respectfully submitted,*

  
\_\_\_\_\_  
~~Board Clerk~~ Vice President

**Agenda Item Details**

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Meeting Mar 24, 2011 - ESUHS D REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 12. BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

Subject 12.04 Approve Contract for Professional Services over \$50,000 - Hardy Childers, Interim Associate Superintendent of Business Services

Access Public

Type Action, Discussion

Recommended Action It is recommended that the Board of Trustees approve the contract for professional services as recommended on the attachment.

**Public Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT**

**Item: 12.04**  
**Amended**

**TO:** Board of Trustees

**FROM:** Dan Moser, Superintendent

**PREPARED BY:** Hardy Childers, Interim Associate Superintendent of Business Services

**SUBJECT:** Approve Contract for Professional Services over \$50,000

The attached list of Contract for Professional Services over \$50,000, are being recommended for Board review and approval

**FISCAL IMPACT:**  
As indicated in the attachment

**FUNDING SOURCE:**  
As indicated in the attachment

**RECOMMENDATION:**  
It is recommended that the Board of Trustees approve the contract for professional services as recommended on the attachment.

[12.04 Over 50k Contracts.Amended.pdf \(33 KB\)](#)

**Administrative Content**

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**Executive Content**

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East Side Union High School District

**APPROVED**

Board of Trustees

03-24-11 *M. Guttler*



**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**Contracts for Professional Services over \$50,000**  
**Board Meeting of March 24, 2011**

**1. BFGC-IBI Group Architecture Planning**

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
June Rono Hardy Childers	March 10, 2011 – October 30, 2011	\$71,500.00 (Includes 10% Reimbursable Expenses - \$6,500.00)  Measure G	KIPP Charter @ Independence High School Facilities & Planning  Grettel Castro-Stanley, Principal June Rono, PhD., Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to ratify a Work Authorization (Exhibit "A") to the Master Agreement with BFGC-IBI Group Architecture Planning to provide design and construction administration services for the installation of six (6) additional relocatable classrooms and one (1) additional modular restroom facility for KIPP Charter School located at Independence High School, Project # MG2011-001. The project construction budget that was presented in the Architect Selection Questionnaire is \$1,200,000. The Architectural Consultant will provide all professional architectural services pursuant to the Master Agreement.

**Selection Process**

Facilities & Planning Staff solicited proposals from four of the eleven Board Approved Pre-Qualified Architectural firms and all four submitted proposals. ASQ with detail project descriptions with an estimated schedule was given. Selection of Consultants was based on responses that were provided on an "Architect Selection Questionnaire (ASQ)". Sections included proposed team, relevant experience, proposed fees, and endorsement; and BFGC-IBI Group Architecture Planning submitted the lowest responsive proposal.

Due to a very tight timeline in order to install facilities needed by the charter school for the start of next school year, there was not sufficient time for Purchasing to go to the Board prior to the date the services needed to be performed. Based on this need the Business office granted the request and authorized the work to begin prior to board approval and is asking the Board ratify this decision by approving the Work Authorization (Exhibit "A") to their Master Agreement. Below is a recap of the proposals submitted.

Architectural Firm	Professional Fees
BFGC-IBI Group Architecture Planning	\$65,000.00
Cody Anderson Wasney Architects, Inc.	\$77,791.00 (6.13%)
NTD Architecture	\$88,970.00
Sugimura Finney Architects	\$119,000.00

**RECOMMENDATION**

It is recommended that the Board of Trustees ratify a Work Authorization to the Master Agreement with BFGC-IBI Group Architecture Planning in an amount of \$71,500.00 for the contract term March 10, 2011 to October 30, 2011 to provide architectural services for KIPP Charter School located at Independence High School, Project number: MG2011-001.



**2. BFGC-IBI Group Architecture Planning**

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
June Rono Hardy Childers	March 10, 2011 – October 30, 2011	\$82,500.00 (Includes 10% Reimbursable Expenses - \$7,500.00)  Measure G	Summit Rainier Charter @ Independence High School Facilities & Planning  Grettel Castro-Stanley, Principal June Rono, PhD., Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to ratify a Work Authorization (Exhibit "A") to the Master Agreement with BFGC-IBI Group Architecture Planning to provide design and construction administration services for the installation of six (6) additional relocatable classrooms and one (1) additional modular restroom facility for Summit Rainier Charter School located at Independence High School, Project # MG2011-002. The project construction budget that was presented in the Architect Selection Questionnaire is \$1,800,000. The Architectural Consultant will provide all professional architectural services pursuant to the Master Agreement.

**Selection Process**

Facilities & Planning Staff solicited proposals from five of the eleven Board Approved Pre-Qualified Architectural firms and all five submitted proposals. ASQ with detail project descriptions with an estimated schedule was given. Selection of Consultants was based on responses that were provided on an "Architect Selection Questionnaire (ASQ)". Sections included proposed team, relevant experience, proposed fees, and endorsement; and BFGC-IBI Group Architecture Planning submitted the lowest responsive proposal.

Due to a very tight timeline in order to install facilities needed by the charter school for the start of next school year, there was not sufficient time for Purchasing to go to the Board prior to the date the services needed to be performed. Based on this need the Business office granted the request and authorized the work to begin prior to board approval and is asking the Board ratify this decision by approving the Work Authorization (Exhibit "A") to their Master Agreement. Below is a recap of the proposals submitted.

Architectural Firm	Professional Fees
BFGC-IBI Group Architecture Planning	\$75,000.00
Cody Anderson Wasney Architects, Inc.	\$99,840.00 (5.5%)
Sugimura Finney Architects	\$99,999.99
NTD Architecture	\$117,950.00 – Fee for Relocatable Classroom \$29,950.00 – Fee for Feasibility Study
WLC Architects, Inc.	\$162,000.00

**RECOMMENDATION**

It is recommended that the Board of Trustees ratify a Work Authorization to the Master Agreement with BFGC-IBI Group Architecture Planning in an amount of \$82,500.00 for the contract term March 10, 2011 to October 30, 2011 to provide architectural services for Summit Rainier Charter School located at Independence High School, Project number: MG2011-002.

**3. Santa Clara Office of Education for the Provision of Community School Services**

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Dan Moser Donna Bertrand	July 1, 2011 – June 30, 2012	\$400,800.00 (estimated annual expenditure)  General Fund	Education Center Student Services  George Sanchez

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to enter into an Agreement with the Santa Clara County Office of Education (SCCOE) for the provision of community school services.

Due to the SCCOE's lack of sufficient resources, the ESUHSD must contribute a per student allotment amount of \$3,340 who attend 180 days (no increase from 2010-11 school year). For the 2011-2012 school year, ESUHSD will be designated 120 allotments (same as 2010-11 school year).

**Selection Process**

There was no competitive solicitation done for this service.

The SCCOE operates community schools which provide services for students of school districts throughout Santa Clara County.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve an Agreement with the Santa Clara County Office of Education for the contract term July 1, 2011 through June 30, 2012 for the provision of Community School Services in an amount of \$400,800.00.

**Agenda Item Details**

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Meeting Mar 24, 2011 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 14. ATTACHMENT A - CONSENT CALENDAR

Subject 14.10 Approve Contracts for Professional Services at or below \$50,000

Access Public

Type Action (Consent)

Recommended Action It is recommended that the Board of Trustees approve the contracts for professional services as listed in the attachment and to delegate authority to the Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

**Public Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT**

**Item: 14.10**

**TO:** Board of Trustees

**FROM:** Dan Moser, Superintendent

**PREPARED BY:** Hardy Childers, Interim Associate Superintendent of Business Services

**SUBJECT:** Approve Contracts for Professional Services at or below \$50,000

The attached list of Contracts for Professional Services at or below \$50,000, are being recommended for Board approval and to delegate authority to the Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

**FISCAL IMPACT:**  
As indicated in the attachment

**FUNDING SOURCE:**  
As indicated in the attachment

**RECOMMENDATION:**  
It is recommended that the Board of Trustees approve the contracts for professional services as listed in the attachment and to delegate authority to the Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

[14.10 Under 50k Contracts 3-24-11F.pdf \(55 KB\)](#)

East Side Union High School District  
 APPROVED  
 Board of Trustees  
 03-24-11 *M. Guillen*

**Administrative Content**

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**Executive Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**PROFESSIONAL CONTRACTS SERVICES at or Below \$50,000**  
**Board Meeting of March 24, 2011**

**Item: 14.10**

**A. SCHOOL SITES/EDUCATION CENTER**

	<b>Contractor Name</b>	<b>Reviewed By</b>	<b>Contract Period</b>	<b>Cost/Funding</b>	<b>School/Dept. Manager</b>	<b>Purpose</b>
1	CoreDialogue Barry Smith, Founder	D. Moser D. Bertrand	January 20, 2011 – March 5, 2011 (correction made)	\$1,816.80 (increase amount)  Board	Office of the Superintendent  Dan Moser, Superintendent	To issue change order #1 to purchase order #101963. Change Order #1 is issued to add mileage to the scope for the Board Retreat on January and to add an additional day and the associated costs and increase amount by \$158.40 to pay for approved mileage. (no material change is being requested at this time Administration is just clarifying a few points that were presented to the Board at the February 17, 2011 meeting - correction to the purchase order number; the correct "New Purchase Order Total" and the contract term.  Original Purchase Order \$2,500.00 + Change Order #1 \$1,816.80 = New Purchase Order Total \$4,316.80.
2	Mark M. Okuda	A. Lomas C. Giammona D. Bertrand	January 21, 2011 – January 21, 2012	\$500.00 (increase amount)  MAA	Evergreen Valley High School  Ana Lomas, Principal	Request to approve change order #1 to add additional scope of work and funding for the additional scope. Consultant to provide assistance in the development and implementation of science courses with the science department on April 20 <sup>th</sup> and May 11 <sup>th</sup> .  Original Purchase Order \$1,500.00 + Change Order #1 \$500.00 = New Purchase Order Total \$2,000.00.
3	Mark M. Okuda	R. Ibarra C. Giammona D. Bertrand	April 9, 2011	\$300.00  Professional Development Program	Education Center  Robert Ibarra, Coordinator	To facilitate one three-hour seminar for ESUHSD science teachers on April 9, 2011.
4	Restoration Management Co.	D. Bertrand J. Lawrence D. Moser	Not Applicable	\$10,000.00 (not-to- exceed)  Self-Insurance - Properties	Maintenance  John Lawrence, Assistant Director	Request for RATIFICATION. To provide emergency service call to Andrew Hill High School due to water damage in rooms S-102, S-103, S-104, the hallway, and an open area resulting from a pipe leak in room S-102.  No solicitation process took place as this was an emergency situation that needed immediate attention.

5	Student Union, Inc. of San Jose State University	D. Bertrand A. Lomas D. Moser	May 25, 2011 – May 26, 2011	\$11,150.00 Principal's Account	Evergreen Valley High School Ana Lomas, Principal	To rent the "Event Center" for the purpose of Graduation and Rehearsal.  No solicitation process took place for this contract.
6	Student Union, Inc. of San Jose State University	D. Bertrand T. Marquez D. Moser	May 20, 2011 – May 21, 2011	\$11,150.00 Principal's Account	Mt. Pleasant High School Teresa Marquez, Principal	To rent the "Event Center" for the purpose of Graduation and Rehearsal.  No solicitation process took place for this contract.
7	Student Union, Inc. of San Jose State University	D. Bertrand T. Williams D. Moser	May 20, 2011 – May 21, 2011	\$11,150.00 Principal's Account	Piedmont High School Traci Williams, Principal	To rent the "Event Center" for the purpose of Graduation and Rehearsal.  No solicitation process took place for this contract.
8	Student Union, Inc. of San Jose State University	D. Bertrand J. Duran D. Moser	May 23, 2011	\$11,150.00 Principal's Account	Santa Teresa High School John Duran, Principal	To rent the "Event Center" for the purpose of Graduation and Rehearsal.  No solicitation process took place for this contract.
9	Student Union, Inc. of San Jose State University	D. Bertrand J. Cruz D. Moser	May 25, 2011	\$11,150.00 Principal's Account	Yerba Buena High School Juan Cruz, Principal	To rent the "Event Center" for the purpose of Graduation and Rehearsal.  No solicitation process took place for this contract.
10	School Services of California	D. Bertrand V. Branner C. Giammona D. Moser	February 16, 2011 – April 30, 2011	\$16,200.00 Personnel	Education Center Vida Branner, Director	To provide services related to fact finding issues relative to ESUHSD's collective bargaining negotiations as mandated by Section 3540, et.al, of the California Government Code.
11	United States Marine Corps	D. Moser D. Bertrand	Effective the date when both parties have signed and no end date	REVENUE CONTRACT	Mt. Pleasant High School Teresa Marquez, Principal	Approve Memorandum of Agreement with the Marine Corps Junior Reserve Officers' Training Corps (MCJROTC). MCJROTC will reimburse the ESUHSD a portion of the salary of each authorized MCJROTC Instructor employed by ESUHSD in accordance with Marine Corps pay schedule (JROTC DD2767). ESUHSD will provide dedicated classroom(s), administrative office(s), office equipment (i.e. computers, printer, projector, and projection screen), including telephone and internet services, instructional supplies (other than those provided by the Marine Corps), storage space, drill area, marksmanship training area and utilities.

12	University of California at Santa Cruz-Educational Partnership Center (CAL-SOAP)	B. Lopez D. Moser D. Bertrand	September 15, 2010 – August 13, 2011	\$16,000 Title I	Andrew Hill High School Bettina Lopez, Principal	Contractor will provide academic support and to increase student achievement and prepare students to pursue and succeed in post-secondary education. Contractor will provide the following minimum efforts to support the above outcomes: provide high quality outreach services to AHHS and leverage all funding and program opportunities; integrate direct service programs with school wide efforts and align with the school objectives; assign one trained outreach counselor to provide direct services to students and school staff; provide direct services to AHHS students; and provide a high school appropriate college awareness program to AHHS students through multiple formats.
13	University of California at Santa Cruz-Educational Partnership Center (CAL-SOAP)	G. VanderZee D. Moser D. Bertrand	September 15, 2010 – August 13, 2011	\$18,500 Title I	James Lick High School Glenn VanderZee, Principal	Contractor will provide academic support and to increase student achievement and prepare students to pursue and succeed in post-secondary education. Contractor will provide the following minimum efforts to support the above outcomes: provide high quality outreach services to JLHS and leverage all funding and program opportunities; integrate direct service programs with school wide efforts and align with the school objectives; assign one trained outreach counselor to provide direct services to students and school staff; provide direct services to JLHS students; and provide a high school appropriate college awareness program to JLHS students through multiple formats.
14	University of California at Santa Cruz-Educational Partnership Center (CAL-SOAP)	J. Cruz D. Moser D. Bertrand	September 15, 2010 – August 13, 2011	\$14,500 Title I	Yerba Buena High School Juan Cruz, Principal	Contractor will provide academic support and to increase student achievement and prepare students to pursue and succeed in post-secondary education. Contractor will provide the following minimum efforts to support the above outcomes: provide high quality outreach services to YBHS and leverage all funding and program opportunities; integrate direct service programs with school wide efforts and align with the school objectives; assign one trained outreach counselor to provide direct services to students and school staff; provide direct services to YBHS students; and provide a high school appropriate college awareness program to YBHS students through multiple formats.



15	University of California at Santa Cruz-Educational Partnership Center (CAL-SOAP)	V. Chiala D. Moser D. Bertrand	September 15, 2010 – August 13, 2011	\$11,500 Title I	W. C. Overfelt High School Vito Chiala	Contractor will provide academic support and to increase student achievement and prepare students to pursue and succeed in post-secondary education. Contractor will provide the following minimum efforts to support the above outcomes: provide high quality outreach services to WCOHS and leverage all funding and program opportunities; integrate direct service programs with school wide efforts and align with the school objectives; assign one trained outreach counselor to provide direct services to students and school staff; provide trained undergraduate academic interns to provide direct services to WCOHS students; and provide a high school appropriate college awareness program to WCOHS students through multiple formats.
16	WestEd	K. King C. Giammona D. Bertrand	March 25, 2011 – December 31, 2011	\$5,000.00 (not-to-exceed) EIA	Education Center Kirsten King, Director	Provide materials, processing and production of the California Healthy Kids survey and related reports. The cost of the core survey and the S3 module including printed survey, booklets, scantrons, and district and school level reports will be covered by WestEd. All other custom modules/reports, if any, will be covered by ESUHSD.
17	William Lazo	T. Nguyen D. Bertrand C. Giammona	August 1, 2010 – June 30, 2011 (no change)	\$15,000.00 (increase amount) EIA	Education Center/ Supplementary Education Tim Nguyen, Coordinator	Approve Amendment #1 to the contract with William Lazo for the provision of English to Spanish translations both written and verbal, including translations services for Board meetings. (Change Order #1 to Purchase Order #100150). Original Contract approved at the July 28, 2010 board meeting.  This Amendment is needed due to an increase in translation services due to Categorical Program Monitoring (CPM) that was not originally anticipated at the time the contract was initiated. Translation is a state mandated requirement.  Original Purchase Order \$15,000.00 + Change Order #1 \$15,000.00 = New Purchase Order Total \$30,000.00.

**B. FACILITIES**

	Contractor Name	Reviewed By	Contract Period	Cost/ Funding	School/Dept. Manager	Purpose
1	American Modular Systems, Inc.	J. Rono D. Bertrand H. Childers	Not Applicable	\$1,200.00 (increase amount) Measure G	James Lick/ Facilities Glen VanderZee, Principal June Rono, PhD., Director	Request for Ratification.  To issue change order #1 to purchase order #100178. This change order is needed to increase the scope to add additional work to increase the depth of the footings due to electrical conduits found at the site that were unaccounted for at the time of the original placement of the order. This is for the James Lick Fire Service Center.

2	Cleary Consultants, Inc.	K. Lanford J. Rono H. Childers	March 1, 2010 – September 30, 2010	\$11,000.00 Measure E	W. C. Overfelt/ Facilities Vito Chiala, Principal June Rono, PhD., Director	Request for Ratification. To provide geotechnical testing observation and testing services for Title IX (Softball) Field Improvement at W. C. Overfelt. Proposals were solicited from three vendors and Cleary Consultants were selected based on their proposed fees for the basic work of \$5,100. At that time the vendor was instructed to proceed with the work prior to the contract going to the Board for approval or a purchase order being issued. Then during the construction, additional field and engineering services were required due to the phasing that wasn't known at the beginning of the project and the vendor was told to continue doing the work even though it exceeded the original proposed amount. No contract or purchase order was done until now. The work has been completed and ESUHSD is obligated to pay for these services.
3	Mont-Rose Moving, Inc.	J. Rono J. Unger D. Bertrand H. Childers	February 21, 2011 – February 28, 2011	\$2,500.00 Measure E	W. C. Overfelt/ Facilities Vito Chiala, Principal June Rono, PhD., Director	Request for Ratification Relocate boy's and girl's coaches office and 4 storage rooms to portable L1 and L2, as well as two storage containers on site. Services include materials and labor. FMPO, the Construction Manager of the W. C. Overfelt Bldg. C & Title IX Modernization Project (E-040-001) project solicited proposals from three vendors and Mont-Rose was selected based them being the lowest responsible proposal. Due to the need to begin the project and meet established timelines, there was not sufficient time for Purchasing to go to the Board prior to the date the services needed to be performed. Based on the information provided, the Business office granted this request and is asking the Board ratify this decision by approving this contract so that the vendor can be paid for the services rendered. The remainder of the moves will be part of the formal bidding taking place over the next few months. Purchase Order No. 102162 issued on 2/18/11.
4	Sugimura Finney Architects	J. Rono H. Childers	March 10, 2011 – October 30, 2011	\$31,111.11 (Includes 10% reimbursable expenses - \$2,828.29)	Summit Tahoma Charter/Oak Grove/ Facilities June Rono, PhD Director	Request for Ratification Provide design and construction administration services for the installation of one (1) modular restroom facility serving students and staff. Facilities & Planning solicited proposals from five of the 11 Board Approved Pre-Qualified Architectural firms and all five submitted proposals. Selection of Consultant was based on proposed team, relevant experience, proposed fees, and endorsement; and Sugimura Finney was the lowest responsive proposal.



Due to a very tight timeline in order to install facilities needed by the charter school for the start of next school year there was not sufficient time for Purchasing to go to the Board prior to the date the services needed to be performed. Based on this need the Business office granted the request and authorized the work to begin prior to board approval and is asking the Board ratify this decision by approving this Work Authorization (Exhibit "A") to their Master Agreement.