

Agenda Item Details

Meeting Jan 19, 2012 - ESUHSD REGULAR BOARD MEETING - 3:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 16. ATTACHMENT A - CONSENT CALENDAR

Subject 16.13 Approve Minutes of December 8, 2011, Annual Organizational/Regular Board Meeting

Access Public

Type Action (Consent)

Recommended Action It is recommended that the Board of Trustees approve the December 8, 2011, Annual Organizational/Regular Board Meeting minutes as presented.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT**Item: 16.13**

TO: Board of Trustees

FROM: Dan Moser, Superintendent

SUBJECT: Approve Minutes of December 8, 2011, Annual Organizational/Regular Board Meeting

Attached are the minutes of the December 8, 2011, Annual Organizational/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 December 8, 2011, Annual Organizational/Regular Board Meeting minutes as presented.

[16_13_BA_20111208_Bd_Mtg.pdf \(420 KB\)](#)

Executive Content

EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES
APPROVED January 19, 2012


**EAST SIDE UNION HIGH SCHOOL DISTRICT
ANNUAL ORGANIZATIONAL/REGULAR MEETING
OF THE
BOARD OF TRUSTEES
Meeting Held at Education Center
December 8, 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 4:04 p.m. by Member Nguyen. Member Biehl, Member 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)

Member 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.

1.03 Recess to Closed Session in the Superintendent's Conference Room (Open Session will resume at the end of Closed Session 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- C

Student A:

Motion by Member Biehl, second by Member Le, to approve the expulsion of Student A as modified by the Board in Closed Session.

Vote: 5/0

Student B:

Motion by Member Biehl, second by Member Martinez-Roach, to approve the expulsion of Student B.

Vote: 5/0

Student C:

Motion by Member Le, second by Member Herrera, to approve the expulsion of Student C.

Vote: 5/0

2.02 Public Employee Performance Evaluation (Government Code Section 54957)

- *Superintendent*
- *Associate Superintendent of Human Resources and Instruction*

2.03 Public Employment/Public Employee Appointment (Government Code Section 54957)

- *Assistant Superintendent of Instructional Services (1)*

Motion by Member Biehl, second by Member Herrera, to approve the appointment of one Assistant Superintendent of Instructional Services.

Vote: 3/2, Member Martinez-Roach and Member Le voted No

Superintendent Moser announced the appointment of Juan Cruz as Assistant Superintendent of Instructional Services.

- *Director III -- Information Technology (1)*

Motion by Member Herrera, second by Member Biehl, to approve the appointment of one Director III, Information Technology, position.

Vote: 4/1, Member Martinez-Roach voted No

Superintendent Moser announced the appointment of Andrew Schwab as Director III of Information Technology.

- *Director III – Human Resources (1)*

Motion by Member Biehl, second by Member Nguyen, to approve the appointment of one Director III, Human Resources, position.

Vote: 3/2, Member Martinez-Roach and Member Le voted No

Superintendent Moser announced the appointment of Cari Vaeth as Director III of Human Resources.

- *Director II – Adult Education/Career Services (1)*

Motion by Member Herrera, second by Member Biehl, to approve the appointment of one Director II, Adult Education/Career Services, position.

Vote: 3/2, Member Martinez-Roach and Member Le voted No

Superintendent Moser announced the appointment of Richard Uribe as Director II of Adult Education/Career Services.

- *Principal (1)*

Motion by Member Herrera, second by Member Biehl, to approve the appointment of one Principal position.

Vote: 3/2, Member Martinez-Roach and Member Le voted No

Superintendent Moser announced the appointment of Greg Louie as Principal of Santa Teresa High School.

2.04 Public Employee Discipline/Dismissal/Release (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

Marcus Battle, 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 – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code

- *Three (3) Potential Cases*

2.07 Conference with Real Property Negotiators

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

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.

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

5. ANNUAL ORGANIZATIONAL MEETING (ACTION ITEMS)

5.01 Nomination and Election of Board Officers

Board President

*Motion by Member Nguyen to nominate Member Biel as Board President.
Move by Member Herrera to elect Member Biehl as Board President by acclamation.*

Vote: 5/0

Board Vice President

Motion by Member Le to nominate Member Martinez-Roach as Board Vice President.

Vote: 5/0

Board Clerk

Motion by Member Biehl to nominate Member Herrera as Board Clerk.

Vote: 5/0

5.02 Appointment of Board Secretary

Motion by Member Herrera, second by Member Nguyen, to appoint the Superintendent as Board Secretary.

Vote: 5/0

5.03 Nomination and Election of Representative to MetroED Board

Motion by member Biehl, second by Member Nguyen, to nominate Member Herrera as the district representative to the MetroED Board, which serves from January 2012 through December 2014.

Vote: 5/0

5.04 Nomination and Election of Alternate Representative to MetroED Board

Motion by Member Nguyen to nominate Member Le as the district alternate representative to the MetroED Board, which serves from January 2012 through December 2013.

Vote: 5/0

5.05 Nomination and Appointment of Two Board Members to Board's Standing Audit Committee: Chairperson and Vice Chairperson

Motion by Member Le to nominate Member Martinez-Roach as Board Audit Committee Chairperson.

Member Martinez-Roach declined nomination.

Motion withdrawn

Motion by Member Biehl to nominate Member Nguyen as Board Audit Committee Chairperson.

Vote: 5/0

Motion by Member Nguyen to nominate Member Martinez-Roach as Board Audit Committee Vice Chairperson.

Vote: 5/0

5.06 Nomination of One Member of the Board of Trustees to Vote in the Election of the Santa Clara County Committee on School District Organization

Motion by Member Nguyen to nominate Member Biehl to vote in the election of the Santa Clara County Committee on School District Organization.

Member Biehl declined nomination.

Motion withdrawn

Motion by Member Martinez-Roach to nominate Member Le to vote in the election of the Santa Clara County Committee on School District Organization.

Vote: 5/0

5.07 Nomination and Election of Representative to Santa Clara County School Boards Association

Motion by Member Biehl to nominate Member Le as the District representative to the Santa Clara County School Board Association.

Vote: 5/0

5.08 Call for Nominations to CSBA Delegate Assembly

Motion by Member Biehl, second by Member Herrera, to nominate Darcie Green as a candidate to CSBA Delegate Assembly.

Vote: 5/0

6. CONSIDERATION OF PROPOSED AMENDMENTS TO AGENDA

For consideration by the Board of Trustees.

Superintendent Moser requested that item 10.01 be pulled and carried to the January 2012 Board meeting and item 13.01 be heard after item 10.02.

Motion by Member Herrera, second by Member Nguyen, to pull and carry item 10.01 to the January 2012 Board Meeting and to hear item 13.01 after item 10.02.

Vote: 5/0

7. BOARD SPECIAL RECOGNITION(S)

No items on calendar under this section.

8. **STUDENT BOARD LIAISONS**

No items on calendar under this section.

9. **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.

Public speaker:

- *Joseph D. Kostmayer*

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

10.01 Hold Public Hearing at Approximately 6:30 PM Concerning D.L. Falk Construction, Inc., Re: Violations of Public Contract Code Sections 4104 and 4106; Consideration of Hearing Officer's Findings and Recommendations and Additional Evidence; Discussion and/or Action Regarding Imposition of Remedies as Allowed by Law (Public Contract Code Section 4110) and Contract – Dan Moser, Superintendent

Public speaker:

- *Neil Struthers*
- *Rick Solis*

Item pulled and carried to January 2012 Board Meeting.

10.02 Public Engagement Project (PEP) Presentation - Kirsten King, Director of Instructional Services, David Hernandez, CTA Community Committee Outreach Region 1, and Marisa Hanson, ESTA President

Presentation by David Hernandez, CTA Community Committee Outreach Region 1.

A copy of the Public Engagement Project Report will be posted on the District's website.

10.03 Discussion and/or Action regarding the Recommendation for an Executive Search Firm - Dan Moser, Superintendent, Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

Motion by Member Nguyen, second by Member Le, to award bid to Ray & Associates.

10.04 Develop and Approve Schedule of Regular Board Meetings and Annual Organizational Meeting for 2012 - Dan Moser, Superintendent

Motion by Vice President Martinez-Roach, second by Clerk Herrera, to approve January 19 and February 16, 2012, as Board Meeting dates. The remaining 2012 calendar of meetings will be brought back to the Board for discussion and consideration at the January 19, 2012, Board Meeting.

Vote: 5/0

10.05 Discussion and/or Action regarding Amendment to Employment Contract for Superintendent - Lan Nguyen, Board Member

Motion by Clerk Herrera, second by Member Nguyen, to approved the amendment to employment contract for Superintendent.

Vote: 4/1, Vice President Martinez-Roach voted No

For the record, Member Martinez-Roach voted no because she does not like middle-of-the-year amendments to contracts

10.06 Discussion and/or Action regarding Amendment to Employment Contract for Associate Superintendent of Human Resources and Instruction - Dan Moser, Superintendent

Motion by Member Nguyen, second by Clerk Herrera, to approve the amendment to employment contract for Associate Superintendent of Human Resources and Instruction.

Vote: 4/1, Vice President Martinez-Roach voted No

For the record, Member Martinez-Roach voted no because she does not like middle-of-the-year amendments to contracts

10.07 Board Audit Committee Update, Discussion and/or Action and Receive Minutes of September 10, 2011, Board Audit Committee Meeting - Frank Biehl, Audit Committee Chairperson, and Patricia Martinez-Roach, Audit Committee Vice Chair

Frank Biehl, Board Audit Committee Chairperson (2011)

Included in your packets are the approved minutes from the September 10, 2011, Board Audit Committee Meeting. We had a very good year. I think we finished up all the issues that related to FCMAT. We've had a lot of work done by our Internal Auditor. The most important thing is that we have implemented a hotline that is available now for anyone that believes they have a need to anonymously report some suspicion of fraud or something that is of a bad financial nature in our District. It is on the front of our web page. That has all been set-up and is fully operational.

One of the findings of the FCMAT Report is that there was some sense that there was fear of employees of having to report something and there might be some repercussions and I believe we've eliminated that now. There is the opportunity if any employee or member of the public suspects there is something in the District that just isn't quite right, they have the opportunity to anonymously report it. That will be monitored by our Internal Auditor and then the Audit Committee, and the Board if necessary. There is an independent way to report information and that has all been implemented and is up and running. We will have a further report in the future if we get some responses to that, but I am really pleased that has happened.

10.08 Discussion and/or Action regarding Amendment to Internal Auditor Work Plan – Frank Biehl, Audit Committee Chairperson, and Patricia Martinez-Roach, Audit Committee Vice Chair

Motion by Member Nguyen, second by Clerk Herrera, to approved the amended Internal Auditor's Work Plan as presented with the following additional changes:

- 10% "Legal" moved to "Other" category
- "Other" category changed from 10% to 20%

Vote: 5/0

10.09 Approve Board Members Attendance and Lawful Expenses to CSBA's 2012 Board President's Workshop and Brown Act – Dan Moser, Superintendent

Motion by Member Nguyen, second by Clerk Herrera, to approve Board Members attendance and lawful expenses to CSBA's 2012 Board President's Workshop and Brown Act

Vote: 5/0

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

11.01 Update, Discussion and/or Action regarding Chinese Language as an Elective – Cathy Giammona, Associate Superintendent, Human Resources and Instruction and Kirsten King, Director of Instructional Services

Discussion item; no action taken

11.02 Approve Agreement and Adopt Resolution #2011/2012-15 - City of San Jose Mayor's Gang Prevention Task Force Technical Team Agreement for 2012-2014 - Cathy Giammona, Associate Superintendent, Human Resources and Instruction and George Sanchez, Coordinator of Student Services

Motion by Clerk Herrera, second by Member Le, to approve the agreement with the City of San Jose and Adopt Resolution #2011/2012-15 City of San Jose Mayor's Gang Prevention Task Force Technical Team Agreement for 2012-2014.

Vote: 5/0

11.03 Approve CAHSEE Local Waivers for Special Education Students - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

Motion by Vice President Martinez-Roach, second by Member Le, to approve CAHSEE local waivers for special education students.

Vote: 5/0

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

- 12.01 Hold Public Hearing at Approximately 6:30 p.m. Regarding Proposed Tentative Agreement with the San Jose Federation of Teachers, AFT Local 957, AFL-CIO, July 1, 2011 – June 30, 2012, and Disclosure of Major Provisions of Tentative Agreement (AB1200) - Dan Moser, Superintendent; and Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

Public hearing held; there were no public speakers.

- 12.02 Ratify and Approve Tentative Agreement with the San Jose Federation of Teachers, AFT Local 957, AFL-CIO, July 1, 2011 – June 30, 2012, and Major Provisions of Tentative Agreement (AB1200) – Dan Moser, Superintendent; and Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

Motion by Vice President Martinez-Roach, second by Member Nguyen, to ratify and approve the tentative agreement with the San Jose Federation of Teachers, AFT Local 957, AFL-CIO, from July 1, 2011 to June 30, 2012, and the major provisions of the tentative agreement (AB1200).

Vote: 5/0

- 12.03 Adopt/Approve Classified, Classified Management and Certificated Administrative Holiday Schedule for the 2011-2012 School Calendar - Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

Motion by Member Le, second by Clerk Herrera, to adopt/approve the classified, classified management, and certificated administrative holiday schedule for the 2011-2012 school calendar.

Vote: 5/0

- 12.04 Approve Job Description and Salary Range for Classified Management Position of Project Manager - Cathy Giammona, Associate Superintendent, Human Resources and Instruction; and Marcus Battle, Associate Superintendent, Business Services**

Motion by Clerk Herrera, second by Member Nguyen, to approve the job description and salary range for the classified management position of Project Manager.

Vote: 5/0

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

- 13.01 Adopt Resolution #2011/2012-16 Authorizing the Issuance and Sale of General Obligation Bonds, 2008 Election, Series D, in the Principal Amount of Not to Exceed \$90,000,000 - Marcus Battle, Associate Superintendent of Business Services**

Discussion only; item to be brought back January 2012 for discussion and/or action by the Board of Trustees.

13.02 Approve First Interim Financial Report for 2011/12 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance

Motion by Vice President Martinez-Roach, second by Clerk Herrera, to approve the First Interim Financial Report for 2011-2012.

Vote: 5/0

13.03 Approve Contracts for Professional Services over \$50,000 - Marcus Battle, Associate Superintendent, Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

Motion by Member Le, second by Clerk Herrera, to approve contracts for professional services over \$50,000 (attached).

Vote: 5/0

13.04 Approve Agreement for Measure E Program Management Services between East Side Union High School District and The Seville Group, Inc. (SGI) - Marcus Battle, Associate Superintendent of Business Services

Motion by Vice President Martinez-Roach, second by Clerk Herrera, to approve the amended and restated Agreement for Program Management Services (Measure "E" General Obligation School Facilities Bond Program) between the East Side Union High School District and The Seville Group, Inc.

Vote: 5/0

14. FACILITIES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

14.01 Approve Update of Measure E Forecast and Spending Plan - Marcus Battle, Associate Superintendent of Business Services in Consultation with SGI

Motion by Clerk Herrera, second by Member Le, to: 1) Adopt Measure E Bond Program Forecast and Spending Plan, "Alternative A" with a limited Phase III, 2) Authorize staff to proceed with implementation based on total available funds of \$110 million, and 3) Ratify augmentation of anticipated \$90 million Bond Sale proceeds with \$20 million from the following sources: \$2 million from current Fund 35 balance, \$2 million from Measure G proceeds, \$12 million from State matching funds expected in early 2012, and \$4 million from State matching funds expected during the next year.

Vote: 5/0

15. ATTACHMENT A – CONSENT CALENDAR ITEMS

Items 15.02 and 15.14 were pulled from the Consent Calendar for discussion. Motion by Member Nguyen, second by Clerk Herrera, to approve the remainder of the consent calendar.

Vote: 5/0

- 15.01 Ratify/Approve Classified Personnel Actions Presented December 8, 2011**
- 15.03 Ratify/Approve Student Aide Personnel Actions Presented December 8, 2011**
- 15.04 Approve School Field Trips**
- 15.05 Approve Award of Bids**
- 15.06 Approve Contracts for Professional Services at or Below \$50,000**
- 15.07 Approve Memoranda of Understanding**
- 15.08 Approve Budget Transfers Presented December 8, 2011**
- 15.09 Approve Purchase Orders Presented December 8, 2011**
- 15.10 Approve Change Orders to Purchase Orders Presented December 8, 2011**
- 15.11 Accept Warrant Register for the Month November 2011**
- 15.12 Approve Notice of Completion for James Lick High School, Title IX Field Improvements Project (Jensen Corporation Landscape Contractors, Inc.)**
- 15.13 Approve Minutes of November 5, 2011, Special Board Meeting**

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

- 15.02 Ratify/Approve Certificated Personnel Actions Presented December 8, 2011**

Motion by Member Le, second by Clerk Herrera, to ratify/approve the Certificated Personnel Actions presented December 8, 2011.

Vote: 4/0, Vice President Martinez-Roach abstained from vote because she feels that it is not a good practice to place the hiring of coaches on the personnel actions for approval months after their start date; it is not a good practice and needs to be changed.

15.14 Approve Minutes of November 17, 2011, Regular Board Meeting

Motion by Member Le, second by Clerk Herrera, to approve the amended Minutes of November 17, 2011, Regular Board Meeting, which will include Board Member Martinez-Roach's statement for the record as to why she voted "No" on item 9.01.

Vote: 5/0

16. WRITTEN REPORTS/RECOMMENDATIONS

16.01 Receive Update to Previously Approved Change Orders for Current Bond Projects which Exceed the 10% Allowance

Item received

16.02 Receive Quarterly Report on Santa Clara County Treasury Investment Portfolio Status as of September 30, 2011

Item received

17. FUTURE AGENDA ITEMS

17.01 Requests for Future Agenda Items

None requested

17.02 Presentation: Educare

18. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

18.01 Board of Trustees

Lan Nguyen

Thank you Board Members, Superintendent, and administration for working closely and cordially with me this past year. Good luck President-elect and Vice President-elect.

Patricia Martinez-Roach

I would like to wish everyone a happy holiday!

I want to thank all the schools who have been supporting and promoting our meetings with the students and also with the parent meetings that we've had. We still have some schools that have not been represented. I hope that you will look into it, Mr. Superintendent, and find out why they are not sending representatives.

On Monday, Vangie, the Superintendent, and I were by ourselves at the Andrew Hill cafeteria with not a single parent showing up to our meeting. We were shocked. It was very surprising. As it turned out, we had no one from the community. I told Vangie, "Something is not right. You need to find out what happened with TeleParent." As it turned out, there was a corrupted file. What raised an issue for me is that if this happened to our community meeting, I am wondering how many other schools or teachers that are using this, are having

this kind of problem. I would hope that the administration would look into this vendor. I don't know if this is your area Marcus, but I think I included you in an e-mail regarding this because it is a concern. We talk about parent engagement and parent participation and we go out of our way. We do a lot of work and then no one shows up. If we have a provider, they need to provide. If not, maybe we need to rethink their services.

Also, I am very proud that we have, thanks to Mr. Marsh and his fine work, our hotline, which is very much well and live. I understand we had our first complaint. I am sure we are going to be getting some interesting complaints, but I think that is what we want. We want people to participate and be open about it.

Thank you Mr. Nguyen; it was fun having you as Board President.

Van Le

I visited Silver Creek High School and I would like to thank the Principal and Vice Principal. We visited the cafeteria. I tried their vegetarian food. It was very good and their kitchen was very clean. I was very impressed.

This morning I went to Silicon Valley FACES to be a judge for the Dr. Martin Luther King, Jr., Art, Writing and Multimedia Contest. I am very proud of the students for entering in the contest and their teachers for helping and encouraging their students to work on their project.

It has been a year for me. This was my first one-year term. It is a lot of work and a lot of time devoted, but I am very honored. I want to spend that time to understand, to learn, and to make a difference for our East Side students.

Happy Holidays to everyone!

Frank Biehl

MetroED:

There is no MetroED report tonight because they are meeting next Wednesday. That will be my last MetroED meeting. In January, Mr. Herrera will start up with MetroED.

Thank you for the confidence you have shown in me to handle this job. I want to say to Mr. Nguyen, Mr. Herrera, and Ms. Martinez-Roach, who have handled this job before, "It is a little more complicated when you are up here doing it, then what it looks like when you are sitting off to the side." My level of respect for those who have done this before has gone up immensely.

I wish everyone a happy holiday!

18.02 Dan Moser, Superintendent

I would like to thank Counselors, particularly the Head Counselors, who met yesterday with the APEDs at MetroED to learn and provide input about the programs, the CTE, the Career Technical Education programs offered there.

Also, Counselors and school staff assisted in getting our youngsters to Independence to participate in the Hispanic College Fair.

Kudos to the Counselors and APEDs for making that happen!

19. REPORT CLOSED SESSION ACTION(S)

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

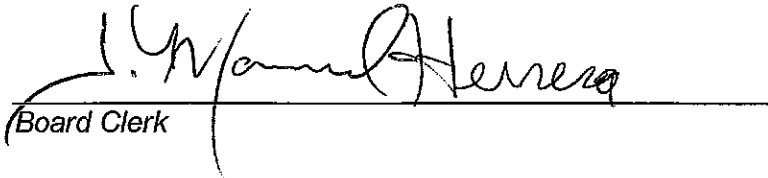
See section 2.0 for reporting out of Closed Session items.

20. ADJOURNMENT

President adjourns the meeting.

President Nguyen adjourned the meeting in at 9:26 p.m.

Respectfully submitted,


Board Clerk

Agenda Item Details

Meeting Dec 08, 2011 - ESUHSD ANNUAL ORGANIZATIONAL & REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 13. BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

Subject 13.03 Approve Contracts for Professional Services over \$50,000 - Marcus Battle, Associate Superintendent, Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

Access Public

Type Action, Discussion

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

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT**Item: 13.03**

TO: Board of Trustees

FROM: Dan Moser, Superintendent

PREPARED BY: Marcus Battle, Associate Superintendent of Business Services

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

The attached list of Contracts for Professional Services over \$50,000, are being presented 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 contracts for professional services as recommended on the attachment.

[13_03 Contracts Over \\$50K.pdf \(65 KB\)](#)

Executive Content

Last Modified by Betty Banderas on November 30, 2011

EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES
APPROVED December 8, 2011
M. Battle

EAST SIDE UNION HIGH SCHOOL DISTRICT
Contracts for Professional Services over \$50,000
Board Meeting of December 8, 2011

1. Enviroplex, Inc.

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
K. Lanford M. Battle D. Bertrand J. Unger	N/A	\$1,310.00 (not to exceed) Measure G	KIPP Charter at Independence High School/ Facilities & Planning Kathy Lanford, Assistant Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve Change Order #2 to Purchase Order # 102910 for the Science Lab Classroom modular building for the KIPP Charter Project at Independence High School, (Project # MG2011-001).

This change order is issued for the installation of the fume hood for the Science Classroom Portable in the field.

Original Purchase Order was approved for \$582,047.00 + Change Order #1 \$10,974.00 + Change Order # 2 \$1,310.00 = the new Purchase Order total of \$ 594,331.00.

Selection Process

N/A

RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order #2 to Purchase Order # 102910 with Enviroplex, Inc., in the amount of \$1,310.00 for the Science Lab Classroom modular building for the KIPP Charter Project at Independence High School.

2. Excelsior Youth Center, Inc.

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
C. Hersom C. Giammona D. Bertrand	July 1, 2011 – August 31, 2012	\$121,928.00 (estimated expenditure) Basic Education and Residential Placement – Special Education	Education Center, Special Services Carole Hersom, Coordinator

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to ratify an Agreement and issue a Purchase Order with Excelsior Youth Center, Inc. for the provision of non-public school services for ESUHSD's special education students. Educational services shall be consistent with the master contract and specified services per the students Individual Education Program (IEP) plan. This is a residential placement, but at this time, ESUHSD is only being requested to pay the educational costs.

Selection Process

There was no competitive solicitation done for this type of service.

Santa Clara County placed the student in this out of state residential facility and ESUHSD is responsible for the costs.

RECOMMENDATION

It is recommended that the Board of Trustees ratify an Agreement with Excelsior Youth Center, Inc., in an estimated amount of \$121,928.00 for the contract term July 1, 2011 to August 31, 2012 for the provision of Non-Public School Services for ESUHSD’s Special Education Student, and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

3. Facilities Management Planning and Operations, Inc. (FMPO)

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
K. Lanford M. Battle D. Bertrand J. Unger	April 10, 2009 – project completion (no change)	\$195,773.61 (increase amount) Measure E	Santa Teresa High School /Facilities Juan Cruz, Principal Kathy Lanford, Assistant Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve Change Order #2 to Purchase Order #905014 with FMPO to add funds to cover the actual construction cost of the Santa Teresa High School construction of a New Multi-Purpose Building with Restroom Modernization Project (Project No.: E-070-001).

Selection Process

The solicitation process took place prior to the original contract award. A Request for Qualification (RFQ) process was conducted by ESUHSD Administration. The recommendation for award was brought to the Board on March 10, 2009 for approval whereby a “Measures E & G Pre-Approved Construction Management Firms (CM) List” was developed. FMPO is one of the four Pre-Approved CMs.

RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order #2 to Purchase Order # 905014 with Facilities Management Planning and Operations, Inc. (FMPO) in the amount of \$195,773.61 for the Santa Teresa High School New Multi-Purpose Building with Restroom Modernization Project, (Project No.: E-070-001).

4. Davillier-Sloan, Inc.

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
K. Lanford M. Battle D. Bertrand J. Unger	December 20, 2011- March 31, 2012	\$ 70,000.00 (not to exceed) Measures G & E	Facilities/Purchasing Kathy Lanford, Assistant Director Donna Bertrand, C.P.M., Contracts Admin. Coordinator

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve Contract Services Agreement with Davillier-Sloan, Inc (DSI) for the provision of Labor Compliance services for the Measure G & E Bond Program for a not-to-exceed amount of \$70,000.00 and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

The Consultant will monitor and review all certified payroll records received from the District’s construction contractors awarded projects for compliance with the Department of Industrial Relations (DIR) wage scales for journeymen and apprentices and will notify the District if incorrect wages or other problems on the certified payroll are identified.

Selection Process

No solicitation process took place for this service at this time. This contract was previously held by SGI. With SGI's new contract effective in December 2011 all subcontracts will be contracted directly with the ESUHSD. ESUHSD will solicit proposals over the next few months.

RECOMMENDATION

It is recommended that the Board of Trustees approve a Contract Services Agreement Contract Services Agreement with Davillier-Sloan, Inc (DSI) for the term of December 20, 2011 through March 31, 2011 for the provision of Labor Compliance services for the Measure G & E Bond Program for a not-to-exceed amount of \$70,000.00 and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

5. DL Falk Construction, Inc.

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Kathy Lanford Tom Herrington Janice Unger Marcus Battle Donna Bertrand	N/A	\$ 319,000.00 not-to-exceed (Increased Amount) Measure E	Yerba Buena High School/Facilities Tom Huynh, Principal Kathy Lanford, Assistant Director

The Yerba Buena High School Title IX Modernization Project has encountered some significant unforeseen conditions on both projects that necessitate the addition of scope to the project. Below is a reconciliation of the 10% allowance currently in the purchase order for the general contractor. However, to date, the construction has exceeded the original 10% allowance and will need approximately another 10% allowance to complete the project. Administration is requesting approval of this action and will report back to the Board monthly as to the status of this project including funding.

Bid #	Purchase Order #	DSA #	Project #
B-20-10-11	200045	01-111623	E-060-003

Item #	Description	Amount
1	PCO 1 – No cost time extension of 7 days.	\$0
2	PCO 2 – Boys Locker Room mold abatement.	\$21,206.00 Pending
3	PCO 3 – Remove and reinstall security camera conduiting to accommodate installation of new roofing and crickets.	\$8,667.00
4	PCO 4 – Remove and raise (e) electrical lights, conduits & mounting supports to accommodate installation of new roofing and crickets.	\$5,551.00
5	PCO 5 – Relocate cold water shut-off valve West side of Girls locker approx. 4' to be outside of new concrete ramp footing.	\$683.00
6	PCO 6 – Abate asbestos lining found inside of the boiler in order to remove the boiler as called on the demolition drawings.	\$5,413.00 Pending
7	PCO 7 – Girls Locker Room mold abatement.	\$17,683.00 Pending
8	PCO 8 – Remove (e) and reinstall (n) sewer drain cleanout approx. 4' to be outside of new concrete ramp footing on West side near Girls Locker Rm.	\$622.09
9	PCO 9 – Remove and replace (e) cold water valve to foyer toilet Rooms, East side near parking lot in order to shut water off to continue demolition.	\$1,507.00
10	PCO 10 – Install A35 clips to the (e) 2x3 ceiling furring at the new 6x10 roof beams above the main gym.	\$4,969.00
11	PCO 11 – Remove and abate (e) broken and missing VCT in Boys Hallway 100 & Girls Hallway 132. No work was shown in this area. New flooring to be added later.	\$3,846.43

12	PCO 12 – Remove and abate (e) broken, worn and missing VCT in Storage Rms 142, 143,144 & 145. New flooring to be added later.	\$2,413.00
13	PCO 13 – Remove and abate transite panels and drywall at Gym Drinking Fountain in order to remove (e) and install (n) drinking fountain as called in plans.	\$1,564.00
14	PCO 14 – Remove and abate badly work, broken and missing VCT flooring and base in (e) Custodian Room 124. New flooring will be added later.	\$1,983.14
15	PCO 15 – Install sheet vinyl flooring and rubber base in Boys Hallway 100 & Girls Hallway 132.	\$2,295.00
16	PCO 16 – Install sheet vinyl flooring and rubber base in Custodian Room 124.	\$6,262.00
17	PCO 17 – Install sheet vinyl flooring and rubber base in Storage Rooms 142, 144 & 147.	\$3,887.00
18	PCO 18 – Install ceiling joist support bracing then install new GWB at both boys and girls coaches offices at new chair lift walls.	\$3,766.00 Pending
19	PCO 19 – Remove and reroute (e) unforeseen electrical conduits passing through new HVAC penetrations and which interfere with installation of new beams and blocking.	T&M NTE \$20,000.00
20	PCO 20 – Emergency water pipe repair East side between boy's locker Room and parking lot. 5 hours after changing the water valve on Saturday, the pipe broke 4' away from an (e) fracture in the pipe. Repair was done on Sunday.	\$3,617.07 Pending
21	PCO 21 – Remove and abate Asbestos Containing GWB in order to install ceiling joist support bracing at both Boys and Girls coaches offices at new chair lift walls.	\$1,624.00 Pending
22	PCO 22 – Infill of roof framing and ceiling drywall at four removed (e) OA vent openings in Main Gym.	\$4,399.00 Pending
23	PCO 23 – Install A34 clips to the (e) 2x3 ceiling furring at the new 6x10 roof beams for new HVAC duct penetrations above the main gym.	\$883.00 Pending
24	PCO 24 – Remove and abate transite wall panels in Storage Room 108 to complete new door framing and electrical work.	\$1,395.32 Pending
25	PCO 25 – Remove concrete curbs and pads in boiler Room and patch floor. Room to become storage.	\$5,134.47 Pending
26	PCO 26 – Remove and replace unforeseen dry rot plywood on Main Gym Roof.	\$429.31 Pending
27	PCO 27 – Re-frame and install plywood finish at Gym Drinking Fountain wall abated in PCO 13.	\$890.30 Pending
28	PCO 28 – VOID	\$0
29	PCO 29 – Install ½" plywood stucco backing on exterior parapets at boys and girls locker areas and weight Rm.	\$13,364.05 Pending
30	PCO 30 – VOID	\$0
31	PCO 31 – Remove and dispose of Doors 102A, 102B, 103A & 103B not called to be removed. Install new door per door schedule.	\$2,211.14 Pending
32	PCO 32 – Remove unforeseen concrete stem wall and slab in boys and girls coaches office for installation of new ADA Vertical Lift.	\$5,061.76 Pending
33	PCO 33 – Frame Snack Shack per details provided. Framing details and sizes of members not shown on original plans. 2x4 construction without clips was assumed.	\$1,587.56 Pending
34	PCO 34 – VOID	\$0
35	PCO 35 – Frame Audio Rack Wall shown in Addendum 1. AD1-A2.2-1. No details were provided.	\$1,164.21 Pending
36	PCO 36 – Raise (e) expansion joint to accommodate new roofing crickets above foyer by installing tapered 4x and new expansion joint materials. This is to facilitate drainage.	\$6,844.68 Pending
37	PCO 37 – Install new exhaust fan EF-G10 above girls locker. This was shown to remain and be reused. The (e) fan has no motor.	\$1,817.70 Pending
38	PCO 38 – Install drywall at drinking fountain in the Main Gym where transite panels were removed under PCO 13.	\$279.97 Pending
39	PCO 39 – VOID	\$0
40	PCO 40 – Demolish Door 105A and 106A not shown to be demolished on the	\$721.52

	plans.	Pending
41	PCO 41 – Remove approximately 2' of 60" high concrete wall at the girls ADA shower for required clearances. This was shown to be done on the boys side for same condition but missed on girls side.	\$922.64 Pending
42	PCO 42 – In boy's locker Room between doors 108A & 107A. Demolition portion. Remove the (e) lockers and wall tile, cut one side of (e) concrete locker base. This is to maintain ADA clearance at both doors.	\$2,990.61 Pending
43	PCO 43 – Remove and cap (e) fire sprinklers that are tied to the domestic water supply in storage Room 124. These interfere with new lighting.	\$840.98 Pending
44	PCO 44 – In boy's locker Room between doors 108A & 107A. Reconstruction portion. Form and pour concrete locker base extension.	\$893.49 Pending
45	PCO 45 – In boys ADA shower, deepen excavation and add additional concrete at new footing to encase an (e) asbestos wrapped water line.	\$460.13 Pending
46	PCO 46 – Install drainage sleeves through the new concrete locker bases in the girls locker Rm.	\$669.51 Pending
47	PCO 47 – Install wire mesh reinforcement in exterior concrete slabs. Reinforcement was not called out on the plans.	\$1,606.81 Pending
48	PCO 48 – Relocate (e) security alarm panel in Room 124 to nearest remaining wall after the janitor wall was removed. This panel was not shown on the drawings.	\$2171.42 Pending
49	PCO 49 – Relocate FA device to original position instead of as shown on drawings. FA conduit was run to new location but mounting height put it in the climbing wall. Conduit must be removed and rerun to new location.	\$451.57 Pending
50	PCO 50 – Provide power to new bleachers as outlined. Power was assumed to be (e) for old bleachers. It was not.	\$5,800.55 Pending
51	PCO 51 – (e) electrical conduit is coming up from the slab in the new door 108A opening. This conduit feeds the exit and emergency lights, downstream. Demo conduit and reroute overhead.	\$2,075.06 Pending
52	PCO 52 – Remove (e) electrical coming up from the floor in new doorway 124A (and downstream hair dryers) in girls locker Rm.	\$387.42 Pending
53	PCO 53 – Remove and replace approx. 100lf of under slab sewer pipe that is sagging and will not drain	\$62,004.05 Pending
54	PCO 54 – Repair (e) GLB's in both Boys (RFI #22) and Girls (RFI #45) locker Rooms above the showers per SEOR.	\$71,794.69 Pending
55	PCO 55 – Per Site Request. Remove floor protection on 1/2 of the gym floor for the Home Coming Dance. Place fence panels at door openings to the construction area for security. Reroute the perimeter security fence panels to allow access from the parking lot to the Gym foyer. Reinstall floor protection Monday morning after the dance.	\$2,048.89 Pending

Total PCO's to Date	\$318,859.54
Original Allowance Total	\$319,000.00
Original Contract Price	\$3,509,000.00
ADD TO CONTRACT for this change order	\$319,000.00
Revised Contract Amount	\$3,828,000.00

FISCAL IMPACT: \$319,000.00

FUNDING SOURCE: Measure E

RECOMMENDATION: It is recommended that the Board of Trustees approve Change Order #1 for Yerba Buena High School Title IX Interior Modernization Project (DL Falk Construction, Inc.) in an amount not to exceed \$319,000.00 so that the project can continue without further interruptions.

Agenda Item Details

Meeting Dec 08, 2011 - ESUHSD ANNUAL ORGANIZATIONAL & REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 15. ATTACHMENT A - CONSENT CALENDAR

Subject 15.06 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 at or below \$50,000 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

EAST SIDE UNION HIGH SCHOOL DISTRICT**Item: 15.06**

TO: Board of Trustees

FROM: Dan Moser, Superintendent

PREPARED BY: Marcus Battle, 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, is 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 at or below \$50,000 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.

[15.06 Contract Under \\$50K.pdf \(33 KB\)](#)

Executive Content

**EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES
APPROVED December 8, 2011**
M. Battle

Item: 15.06

EAST SIDE UNION HIGH SCHOOL DISTRICT PROFESSIONAL CONTRACT SERVICES at or Below \$50,000 Board Meeting of December 8, 2011

A. SCHOOL SITES/EDUCATION CENTER

Contractor Name	Reviewed By	Contract Period	Cost/Funding	School/Dept. Manager	Purpose
1 City of San Jose	D. Moser M. Brazil K. Lynch D. Bertrand	January 1, 2012 – August 31, 2012	\$4,567.00 (REVENUE) Farm to table to earth	Oak Grove High School Martha Brazil, Principal	The grant is to provide funding for the following objectives: 1. To lessen the students carbon footprint by learning how to grow, harvest, and prepare food grown in the school garden; and 2. To learn how to compost the food scraps to divert materials from being land filled.
2 Educational Empowerment	B. Lopez C. Giammona D. Bertrand	January 1, 2012 – June 30, 2012	\$30,000.00 Small Learning Community	Andrew Hill High School Betina Lopez, Principal	To provide professional development training for Administration, Teacher Leaders, and Instructional Coaching. Consultant will provide all curriculum development and materials.
3 Gary Fabian	K. Lanford M. Battle D. Bertrand	November 7, 2011 – December 9, 2011	\$15,840.00 Measure E	Facilities Kathy Lanford, Assistant Director	To provide assistance to ESUHSD with Measure E Phase II Kick-Off meetings with the Architectural teams in explaining back up documentation that currently resides with Program Management.
4 The Board of Trustees of Leland Stanford Junior University (Stanford)	D. Bertrand G. VanderZee C. Giammona	August 1, 2011 – June 30, 2012	Non-monetary	James Lick High School Glenn VanderZee, Principal	To enter into an Agreement for Cooperation for Professional Preparation for Teacher Candidates. This will enable ESUHSD to provide teaching experience to Stanford qualified student in the Stanford Teacher Education Program (STEP).

B. FACILITIES

Contractor Name	Reviewed By	Contract Period	Cost/Funding	School/Dept. Manager	Purpose
1 Cleary Consultants, Inc.	K. Lanford M. Battle D. Bertrand J. Unger	August 31, 2011 – December 31, 2012 (no change)	\$16,000.00 (not to exceed) Measure E	Mt. Pleasant High School/Facilities Teresa Marquez, Principal Kathy Lanford, Assistant Director	Change Order #1 to Purchase Order # 200796 is needed to increase the purchase order to cover the costs through the end of the project for the modernization of classroom buildings 200, 300, 600 and 800 at Mount Pleasant High School (Project No.: E-035-002). Original Purchase Order Amount \$7,200.00 + Change Order #1 \$16,000.00 = a new Purchase Order Total \$ 23,200.00.
2 Cleary Consultants, Inc.	K. Lanford M. Battle D. Bertrand J. Unger	June 29, 2011 – June 14, 2012 (no change)	\$15,000.00 (not to exceed) Measure E	Mt. Pleasant High School/Facilities Teresa Marquez, Principal Kathy Lanford, Assistant Director	Change Order #2 to Purchase Order # 103257 is issued to increase purchase order due to additional soil engineering observation and testing services required for the parking lot, flat work for three buildings and utilities in the parking lot. This Change Order and Amendment No. 01 is to cover the remaining work necessary to complete the project for the New Multi-Purpose and Classroom Building at Mt Pleasant High School (Project No.:E-035-003). Original Purchase Order Amount \$15,000.00 + Change Order #1 \$2,800.00 + Change Order #2 \$15,000.00= a new Purchase Order Total \$32,800.00.
3 Cleary Consultants, Inc.	K. Lanford M. Battle D. Bertrand J. Unger	June 29, 2011 – July 30, 2012 (no change)	\$20,000.00 (not to exceed) Measure E	James Lick High School/Facilities Glenn VanderZee, Principal Kathy Lanford, Assistant Director	Change Order #1 to Purchase Order # 103256 is issued to increase purchase order to cover the remaining work necessary to complete the project, taking into consideration the difficulties that the team has encountered for the New Two-Story Building 500 at James Lick High School (Project No.:E-030-001). Original Purchase Order Amount \$12,600.00 + Change Order #1 \$20,000.00 = a new Purchase Order Total \$ 32,600.00.
4 Cleary Consultants, Inc.	K. Lanford M. Battle D. Bertrand J. Unger	June 20, 2011 – July 07, 2012 (no change)	\$16,000.00 (not to exceed) Measure E	Piedmont Hills High School/ Facilities Traci Williams, Principal Kathy Lanford, Assistant Director	Change Order #1 to Purchase Order # 103201 is issued to increase purchase order to cover the costs through the end of the project for the Piedmont Hills High School New Auxiliary Gymnasium Project (Project No.: E-045-002). Original Purchase Order Amount \$15,300.00 + Change Order #1 \$16,000.00 = a new Purchase Order Total \$ 31,300.00.

5	Employers' Advocate, Inc.	K. Lanford M. Battle D. Bertrand J. Unger	December 20, 2011 – June 30, 2015	\$ 14,500.00 (not to exceed) Measures E & G	Facilities Kathy Lanford, Assistant Director	Contract Service Agreement for administration of the Project Labor Agreement (PLA) for ESUHSD covering both Measures E & G construction work performed at all District facilities.
6	Montrose Movers	K. Lanford M. Battle D. Bertrand J. Unger	December 9, 2011 – February 28, 2012	\$2,700.00 (not to exceed) Measure E	W.C Overfelt High School/ Facilities Vito Chiala, Principal Kathy Lanford, Assistant Director	Contract Service Agreement for moving services for the W.C. Overfelt High School Title IX Interior Modernization (Project No.: E-040-003).