**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)**

**Administrative Content**
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 4th 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 SCCSBA 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 SCCSBA Annual Legislative Brunch and SCCSBA 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


14.14 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,

[Signature]

[Position]

[Signature]
Agenda Item Details

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  
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

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

Executive Content

[Signature]

East Side Union High School District

APPROVED
Board of Trustees

03-24-11 [Signature]
1. **BFGC-IBI Group Architecture Planning**

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

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.

<table>
<thead>
<tr>
<th>Architectural Firm</th>
<th>Professional Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>BFGC-IBI Group Architecture Planning</td>
<td>$65,000.00</td>
</tr>
<tr>
<td>Cody Anderson Wasney Architects, Inc.</td>
<td>$77,791.00 (6.13%)</td>
</tr>
<tr>
<td>NTD Architecture</td>
<td>$88,970.00</td>
</tr>
<tr>
<td>Sugimura Finney Architects</td>
<td>$119,000.00</td>
</tr>
</tbody>
</table>

**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

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

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.

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

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

<table>
<thead>
<tr>
<th>Reviewed by:</th>
<th>Contract Period</th>
<th>Fiscal Impact/ Funding Source</th>
<th>School/Department/ Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dan Moser Donna Bertrand</td>
<td>July 1, 2011 – June 30, 2012</td>
<td>$400,800.00 (estimated annual expenditure)</td>
<td>Education Center Student Services George Sanchez</td>
</tr>
</tbody>
</table>
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

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

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)

Administrative Content

Executive Content
<table>
<thead>
<tr>
<th>Contractor Name</th>
<th>Reviewed By</th>
<th>Contract Period</th>
<th>Cost/ Funding</th>
<th>School/Dept. Manager</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>CoreDialogue</td>
<td>D. Moser</td>
<td>January 20, 2011 – March 5, 2011 (correction made)</td>
<td>$1,816.80 (increase amount)</td>
<td>Office of the Superintendent Dan Moser, Superintendent</td>
<td>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 &quot;New Purchase Order Total&quot; and the contract term. Original Purchase Order $2,500.00 + Change Order #1 $1,816.80 = New Purchase Order Total $4,316.80.</td>
</tr>
<tr>
<td>Barry Smith, Founder</td>
<td>D. Bertrand</td>
<td></td>
<td>Board</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mark M. Okuda</td>
<td>A. Lomas C. Giammona D. Bertrand</td>
<td>January 21, 2011 – January 21, 2012</td>
<td>$500.00 (increase amount)</td>
<td>Evergreen Valley High School Ana Lomas, Principal</td>
<td>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 20th and May 11th. Original Purchase Order $1,500.00 + Change Order #1 $500.00 = New Purchase Order Total $2,000.00.</td>
</tr>
<tr>
<td>Mark M. Okuda</td>
<td>R. Ibarra C. Giammona D. Bertrand</td>
<td>April 9, 2011</td>
<td>$300.00 Professional Development Program</td>
<td>Education Center Robert Ibarra, Coordinator</td>
<td>To facilitate one three-hour seminar for ESUHSD science teachers on April 9, 2011.</td>
</tr>
<tr>
<td>Restoration Management Co.</td>
<td>D. Bertrand J. Lawrence D. Moser</td>
<td>Not Applicable</td>
<td>$10,000.00 (not-to-exceed) Self-Insurance - Properties</td>
<td>Maintenance John Lawrence, Assistant Director</td>
<td>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.</td>
</tr>
<tr>
<td>#</td>
<td>School/University</td>
<td>Contracting Officer</td>
<td>Contract Period</td>
<td>Contract Amount</td>
<td>Location/Account Details</td>
</tr>
<tr>
<td>----</td>
<td>--------------------------------------------------------</td>
<td>---------------------</td>
<td>----------------------------------</td>
<td>----------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>5</td>
<td>Student Union, Inc. of San Jose State University</td>
<td>D. Bertrand A. Lomas D. Moser</td>
<td>May 25, 2011 – May 26, 2011</td>
<td>$11,150.00</td>
<td>Principal's Account</td>
</tr>
<tr>
<td>6</td>
<td>Student Union, Inc. of San Jose State University</td>
<td>D. Bertrand T. Marquez D. Moser</td>
<td>May 20, 2011 – May 21, 2011</td>
<td>$11,150.00</td>
<td>Principal's Account</td>
</tr>
<tr>
<td>7</td>
<td>Student Union, Inc. of San Jose State University</td>
<td>D. Bertrand T. Williams D. Moser</td>
<td>May 20, 2011 – May 21, 2011</td>
<td>$11,150.00</td>
<td>Principal's Account</td>
</tr>
<tr>
<td>8</td>
<td>Student Union, Inc. of San Jose State University</td>
<td>D. Bertrand J. Duran D. Moser</td>
<td>May 23, 2011</td>
<td>$11,150.00</td>
<td>Principal's Account</td>
</tr>
<tr>
<td>9</td>
<td>Student Union, Inc. of San Jose State University</td>
<td>D. Bertrand J. Cruz D. Moser</td>
<td>May 25, 2011</td>
<td>$11,150.00</td>
<td>Principal's Account</td>
</tr>
<tr>
<td>10</td>
<td>School Services of California</td>
<td>D. Bertrand V. Branner C. Giannolina D. Moser</td>
<td>February 16, 2011 – April 30, 2011</td>
<td>$16,200.00</td>
<td>Personnel Vida Branner, Director</td>
</tr>
<tr>
<td>11</td>
<td>United States Marine Corps</td>
<td>D. Moser D. Bertrand</td>
<td>Effective date when both parties have signed and no end date</td>
<td>REVENUE CONTRACT Mt. Pleasant High School Teresa Marquez, Principal</td>
<td></td>
</tr>
</tbody>
</table>
| # | 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 dire services to students and school staff; provide trained undergraduate academic interns to 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 dire services to students and school staff; provide trained undergraduate academic interns to 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 dire services to students and school staff; provide trained undergraduate academic interns to provide direct services to YBHS students; and provide a high school appropriate college awareness program to YBHS students through multiple formats. |
<table>
<thead>
<tr>
<th>Contractor Name</th>
<th>Reviewed By</th>
<th>Contract Period</th>
<th>Cost/Funding</th>
<th>School/Dept. Manager</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>University of California at Santa Cruz-Educational Partnership Center (CAL-SOAP)</td>
<td>V. Chiala D. Moser D. Bertrand</td>
<td>September 15, 2010 – August 13, 2011</td>
<td>$11,500 Title I</td>
<td>W. C. Overfelt High School Vito Chiala</td>
<td>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 dire 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.</td>
</tr>
<tr>
<td>WestEd</td>
<td>K. King C. Giammona D. Bertrand</td>
<td>March 25, 2011 – December 31, 2011</td>
<td>$5,000.00 (not-to-exceed) EIA</td>
<td>Education Center Kirsten King, Director</td>
<td>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.</td>
</tr>
<tr>
<td>William Lazo</td>
<td>T. Nguyen D. Bertrand C. Giammona</td>
<td>August 1, 2010 – June 30, 2011 (no change)</td>
<td>$15,000.00 (increase amount) EIA</td>
<td>Education Center/Supplementary Education Tim Nguyen, Coordinator</td>
<td>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.</td>
</tr>
</tbody>
</table>

B. FACILITIES

<table>
<thead>
<tr>
<th>Contractor Name</th>
<th>Reviewed By</th>
<th>Contract Period</th>
<th>Cost/Funding</th>
<th>School/Dept. Manager</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 American Modular Systems, Inc.</td>
<td>J. Rono D. Bertrand H. Childers</td>
<td>Not Applicable</td>
<td>$1,200.00 (increase amount) Measure G</td>
<td>James Lick/ Facilities Glen VanderZee, Principal June Rono, PhD., Director</td>
<td>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.</td>
</tr>
<tr>
<td>#</td>
<td>Company</td>
<td>Person(s)</td>
<td>Dates</td>
<td>Amount</td>
<td>Measure</td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------</td>
<td>--------------------</td>
<td>--------------------------------------------</td>
<td>------------</td>
<td>---------</td>
</tr>
<tr>
<td>2</td>
<td>Cleary Consultants, Inc.</td>
<td>K. Lanford, J. Rono, H. Childers</td>
<td>March 1, 2010 – September 30, 2010</td>
<td>$11,000.00</td>
<td>E</td>
</tr>
<tr>
<td>3</td>
<td>Mont-Rose Moving, Inc.</td>
<td>J. Rono, J. Unger, D. Bertrand, H. Childers</td>
<td>February 21, 2011 – February 28, 2011</td>
<td>$2,500.00</td>
<td>E</td>
</tr>
<tr>
<td>4</td>
<td>Sugimura Finney Architects</td>
<td>J. Rono, H. Childers</td>
<td>March 10, 2011 – October 30, 2011</td>
<td>$31,111.11</td>
<td>E</td>
</tr>
</tbody>
</table>
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.