

Agenda Item Details

Meeting Jun 11, 2013 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 16. CONSENT/ACTION CALENDAR

Subject 16.21 Approve Minutes of May 9, 2013, Regular Board Meeting

Access Public

Type Action (Consent)

Recommended Action It is recommended that the Board of Trustees approve the May 9, 2013, Regular Board Meeting minutes as presented.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT**Item: 16.21**

TO: Board of Trustees

FROM: Chris D. Funk, Superintendent

SUBJECT: Approve Minutes of May 9, 2013, Regular Board Meeting

Attached are the minutes of the May 9, 2013, 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 May 9, 2013, Regular Board Meeting minutes as presented.

**EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES**

APPROVED**June 11, 2013**
Executive Content

**EAST SIDE UNION HIGH SCHOOL DISTRICT
REGULAR MEETING
OF THE
BOARD OF TRUSTEES
Meeting Held at Education Center
May 9, 2013
4:30 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 4:31 p.m. by President Biehl. Vice President Herrera, Clerk Le, Member Nguyen and Member Carrasco were present.

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

President Biehl 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 under this section

1.03 Recess to Closed Session in the Superintendent's Conference Room (Open Session will resume at the end of Closed Session at approximately 6:30 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-B

Student A:

Motion by Vice President Herrera, second by Member Nguyen, to approve the expulsion of Student A.

Vote: 5/0

Student B:

Motion by Clerk Le, second by Vice President Herrera, to approve the expulsion of Student B.

Vote: 5/0

2.02 Public Employee Performance Evaluation (Government Code Section 54957)

- *Superintendent*

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

- *Principal (1)*

Motion by Vice President Herrera, second by Member Nguyen, to approve the appointment of one Principal at Evergreen Valley High School.

Vote: 5/0

- *Associate Principal (1)*

Motion by Member Nguyen, second by President Biehl, to approve the appointment of an Associate Principal.

Vote: 5/0

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

Motion by Vice President Herrera, second by Member Nguyen, to approve Resolution #2012/2013-32 Notice of Release to one certificated temporary and authorizing the release of one certificated employee for the 2013-14 school year and directing that the Superintendent serve that employee with written notice of release no later than May 24, 2013.

Vote: 5/0

Motion by Vice President Herrera, second by Clerk Le, authorized the service of a notice of intent to suspend without pay and statement of charges to one certificated employee.

Vote: 5/0

2.05 Conference with Labor Negotiators (Government Code Section 54957.6)

Agency Designated Representatives:

Chris D. Funk, Superintendent

Marcus Battle, Associate Superintendent of Business Services

Juan Cruz, Assistant Superintendent of Instructional Services

Cari Vaeth, Director of Human Resources

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)

Unrepresented Organizations:
Administrators
Managers
Confidentials

**2.06 Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9
of the Government Code**

- *Claim for Damages of P. Cervantez*
- *One (1) Potential Case*

**2.07 Conference with Legal Counsel – Anticipated Litigation
Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9**

- *One (1) Potential Case*

OPEN SESSION AT APPROXIMATELY 6:30 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 Biehl extended a welcome to everyone, explained the format of the meeting and noted that all Board Meetings are recorded.

5. ADOPTION OF AGENDA

For consideration by the Board of Trustees.

There were no changes to the agenda.

6. BOARD SPECIAL RECOGNITION(S)

6.01 Apollo High School Robotics Team

**6.02 2013 Glenn Hoffmann Exemplary Program Award:
College Connection Academy (CCA)**

7. **Student Board Liaisons**

7.01 **Independence High School**

- **Brandon Ventura, ASB President**
- **Katelyn Aberin-Reyes, ASB Vice President of Special Events**

8. **SPECIAL ORDER OF BUSINESS – OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

8.01 **The Superintendent and/or Board Member(s) may request that items be considered, discussed, and acted on out of the order indicated on the agenda as per schedule.**

Item 15.03 will be heard under section 8.

9. **PUBLIC HEARING(S) – OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

No Items on Calendar Under this Section

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

Members of the public may address the Board on any subject not on tonight’s agenda; however, provisions of the Brown Act (Government Code section 54954.2(a) and 54954.3) preclude any action. As an unagendized item, no response is required from the Board or District staff and no action can be taken; however, the Board may instruct the Superintendent to agendize the item for a future meeting. When your name is called, please come to the podium, state your name for the record, and limit your remarks to three (3) minutes.

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(s):

- *Elizabeth M. Thauberger-Boggs, Andrew Hill High School 100 Building*
- *Mark Van Den Heuvel, Donate San Jose Giants Tickets to Students*

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

11.01 **Discussion, Consideration, and/or Action regarding Selection/Appointment of Measures G, E and I Citizens' Bond Oversight Committee Members - Chris D. Funk, Superintendent**

Motion by Vice President Herrera, second by Member Carrasco, to select/appoint the following 7 candidates for a two-year term to the Measure G, E and I Citizens' Bond Oversight Committee:

- **Active in a senior citizens' organization – Ramon Martinez**
- **Parent / guardian of a child in the district – Cecil Lawson**
- **Parent / guardian of a child in the district and active in a parent-teacher organization – Derek Grasty**

- Members of the community at large –
 - **Betty Duong**
 - **Mariel Caballero**
 - **Rao Tallapragada**
 - **Tim Tom**

Vote: 5/0

11.02 Discussion and/or Action regarding Vision, Mission and Core Values - Strategic Plan – Frank Biehl, Board President

The Board of Trustees will be polled for study session date to further discuss this item.

11.03 Discussion and/or Action regarding Grant Writer Position - Van T. Le, Board Clerk

Discussion item; no action taken

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

12.01 Discussion and/or Receipt of Charter School Petition B. Roberto Cruz Leadership Academy submitted by the NHU Foundation - Juan Cruz, Assistant Superintendent of Instructional Services and Kirsten King, Director of Instructional Services

Item received

12.02 Discussion and/or Receipt of Charter School Petition Latino College Preparatory Academy II submitted by the NHU Foundation - Juan Cruz, Assistant Superintendent of Instructional Services and Kirsten King, Director of Instructional Services

Item received

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

13.01 Discussion and/or Action Regarding the Approval of the Proposed Certificated Job Description for International Baccalaureate Coordinator - Cari Vaeth, Director, Human Resources

Motion by President Biehl, second by Vice President Herrera, to approve the proposed certificated job description for International Baccalaureate Coordinator.

Vote: 5/0

13.02 Discussion and/or Action to Approve Variable Term Waiver Request for Certificated Employee - Cari Vaeth, Director, Human Resources

Motion by Clerk Le, second by Vice President Herrera, to approve the variable term waiver request for certificated employee.

Vote: 5/0

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

- 14.01 Presentation, Discussion and/or Action of Preliminary Budget for 2013-2014 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance**

Presentation item; no action taken

- 14.02 Adopt Resolution #2012/2013-31 to Hire Short-Term Non-Certificated Summer Staffing - Marcus Battle, Associate Superintendent of Business Services, and Vida Branner, Director of Compensation and Classified Employee Relations**

Speaker:

- *Angie Nunn, CSEA President*

Motion by Member Nguyen, second by Vice President Herrera, to adopt Resolution #2012/2013-31 to Hire Short-Term Non-Certificated Summer Staffing.

Vote: 5/0

- 14.03 Discussion and/or Action to Approve Form of Proposition 39 Facilities Use Agreement with ACE Charter School - Marcus Battle, Associate Superintendent of Business Services, Rogelio M. Ruiz, Esq., Legal Counsel**

Motion by Clerk Le, second by Vice President Herrera, to approve the Facilities MOU between the District and ACE Charter School for the 2013-2014 school year.

Vote: 5/0

- 14.04 Discussion and/or Action to Approve Form of Proposition 39 Facilities Use Agreement with Downtown College Prep Charter School - Marcus Battle, Associate Superintendent of Business Services, and Rogelio Ruiz, Esq., Legal Counsel**

Motion by Vice President Herrera, second by Clerk Le, to approve the attached Facilities Use MOU between the District and Downtown College Prep Charter School for the 2013-2014 school year.

Vote: 5/0

- 14.05 Discussion and/or Action to Approve Form of Proposition 39 Facilities Use Agreement with Summit Public Schools: Rainier Charter School - Marcus Battle, Associate Superintendent of Business Services, and Rogelio M. Ruiz, Esq., Legal Counsel**

Motion by Member Carrasco, second by Member Nguyen, to approve the attached Facilities MOU between the District and Summit Public Schools: Rainier Charter School for the 2013-2014 school year.

Vote: 5/0

14.06 Discussion and/or Action of Contracts for Professional Services Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

Motion by Vice President Herrera, second by Member Nguyen, to approve the Contracts for Professional Services over \$50,000 (copy attached).

Vote: 5/0

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

15.01 Discussion and/or Action of Bond/Capital Projects Contracts Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Janice Unger, Capital Projects Purchasing Manager

Motion by Member Nguyen, second by Vice President Herrera, to approve the Bond/Capitol Projects Contracts over \$50,000 (copy attached).

Vote: 5/0

15.02 Discussion and/or Action of Measure I Planning and Allocation Process - Marcus Battle, Associate Superintendent of Business Services and Linda da Silva, Director of Construction, Maintenance and Facilities

Speaker(s):

- *Jon Reinke*
- *Susan Williams*

Motion by President Biehl, second by Vice President Herrera, to authorize distribution of \$74,415,000 of Measure I funds to backfill unissuable Measure E bonds and to fund \$34,085,000 to the sites

Motion revised:

Motion by President Biehl, second by Vice President Biehl, to authorize the distribution of \$74,415,000 of Measure I funds to backfill unissuable Measure E bonds for authorized Measure I projects and \$34,085,000 of Measure I funds will be allocated back to sites with a formula to be determined.

Motion withdraw by President Biehl and Vice President Herrera

Item to be brought back on June 11 for discussion and/or consideration by the Board of Trustees.

15.03 Discussion and/or Action of Proposed Project Labor Agreement (PLA) for Measures G, E and I Projects - Marcus Battle, Associate Superintendent of Business Services and Janice Unger, Capital Projects Purchasing Manager

Motion by Member Nguyen, second by Vice President Herrera, to approve the Project Labor Agreement for all projects by the Measures G, E and I Bond Program.

Vote: 5/0

16. ATTACHMENT A – CONSENT CALENDAR ITEMS

Item 16.05 was pulled from the consent calendar for discussion.

Motion by President Biehl, second by Clerk Le, to approve the remainder of the consent calendar.

Vote: 5/0

- 16.01 Ratify/Approve Classified Personnel Actions Presented May 9, 2013**
- 16.02 Ratify/Approve Certificated Personnel Actions Presented May 9, 2013**
- 16.03 Ratify/Approve Student Aide Personnel Actions Presented May 9, 2013**
- 16.04 Approve Student Field Trips**
- 16.06 Approve the First Valenzuela/CAHSEE and Williams Settlement Uniform Complaint Quarterly Report for Period Covering January 1, 2013 through March 31, 2013 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727)**
- 16.07 Approve Memorandum of Understanding Form**
- 16.08 Approve Contracts for Professional Services Under \$50,000**
- 16.09 Approve Budget Transfers**
- 16.10 Approve Purchase Orders**
- 16.11 Approve Change Orders to Purchase Orders**
- 16.12 Accept Warrant Register for the Month of April 2013**
- 16.13 Accept Report of Board Expenses from November 30, 2012, through March 31, 2013**
- 16.14 Approve Award of Bids for Bond/Capital Projects**
- 16.15 Approve Bond/Capital Projects Contract for Professional Services At or Below \$50,000**
- 16.16 Approve Final Change Order #1 for the Fields Upgrade Project at Andrew Hill, Independence and Silver Creek High Schools, G-025-211, G-065-211, G-055-211 (Jensen Corporation Landscape Contractor)**
- 16.17 Approve Notice of Completion for the Fields Upgrade Project at Andrew Hill, Independence and Silver Creek High Schools, G-025-211, G-065-211, G-055-211 (Jensen Corporation Landscape Contractor)**
- 16.18 Approve Notice of Completion for the Independence High School Title IX Interior Modernization Project, E-065-002 (Beals Martin & Associates, Inc.)**

- 16.19 Approve Notice of Completion for the Mt. Pleasant High School Classroom Modernization Project, E-035-002 (Zolman Construction & Development, Inc.)
- 16.20 Approve Notice of Completion for the Mt. Pleasant High School Increment 2 Gym Modernization Project, E-035-002 (Zolman Construction & Development, Inc.)
- 16.21 Approve Notice of Completion for the Silver Creek High School Multipurpose Classroom Building Project, E-055-001 (Dilbeck & Sons, Inc.)
- 16.22 Approve Minutes of March 21, 2013, Regular Board Meeting

Pulled for discussion

- 16.05 Discussion and/or Action to Approve proposed Preparticipation Physical Evaluation Form

Motion by President Biehl, second by Vice President Herrera, to approve the proposed Preparticipation Physical Evaluation Form

Vote: 5/0

17. WRITTEN REPORTS/RECOMMENDATIONS

- 17.01 Receive Update to Previously Approved Change Orders for Current Bond Projects Which Exceed the 10% Allowance

Item received

18. FUTURE AGENDA ITEMS

- 18.01 Opportunity for Board of Trustees to request items on future agendas.

Request(s):

<i>Item</i>	<i>Requestor</i>
<i>A-G Rates & Graduation Report</i>	<i>Board Clerk Van Le</i>
<i>Surveillance Cameras</i>	<i>Board Clerk Van Le</i>
<i>AVID Program</i>	<i>Board Clerk Van Le</i>
<i>Assembly Bill 9 / Anti-Bullying Service Delivery Model</i>	<i>Board Member Magdalena Carrasco</i>
<i>Vietnamese Language Program</i>	<i>Board Member Lan Nguyen</i>

18.02 Future Items:

Board President Frank Biehl:

Item	Date (tentative)	Type
Suspended Expulsions and Guidelines for Panel Recommendations	June 27, 2013	Discussion

Board Clerk Van Le:

Item	Date (tentative)	Type
Public Relations Budget	April 25, 2013	Board Study Session

19. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

19.01 Board of Trustees

Van Le, Board Clerk

I would like to thank the Principals, Associate Principals and teachers that took the time to meet with me during my visit to the schools.

I would like to make a comment about the dance performance at Independence High School. They had a great performance. I would like to share the video of their performance at a Board Meeting.

Lan Nguyen, Board Member

We had a great Board Audit Committee meeting. The Audit Committee had an opportunity to meet Kelly Kwong and the new External Auditor.

Magdalena Carrasco, Board Member

I attended two Honors Night events. It was my first experience. I am proud of the successes and accomplishments of our students. I wanted to give Kudos to the Principals of James Lick and Overfelt. They have such a wonderful way of bonding and connecting with their students. At James Lick, the keynote speaker was Dolores Huerta. It was awesome!

J. Manuel Herrera, Board Vice President

Superintendent's weekly message to the Board indicated that a recommendation is coming to the Board regarding program management services. I just want to make some broad comments. One is that organizations succeed not just with expertise, but with human values that value relationships. So, I am just saying that long-standing relationships do matter and positive performance, past positive performance does matter and working in a way where we are all committed each other's success matters. I have some concerns with early indications of what's happening with the program management process and I want to say it publicly because it is concerning me. You, Superintendent Funk, are still in your first few months and haven't finished a year yet and our new Associate Superintendent for Business is still relatively new and our Facilities Director is totally new. I have to understand as one Board Member why that alignment and shift in management would produce anything that would disrupt a successful team in place in the Bond Program. If there's a basis for that, great, but I

would want to understand it if that were to be the case. We had a program audit conducted not that long ago that looked very objectively at the performance of all of our players and we received some pretty high marks in that report. I am just signaling to you that if any recommendation comes forward and suddenly a successful team that has been working with the District is given no value and no consideration and it seems to coincide with the shift in management teams from top to bottom, there has to be more of a basis for me to buy into it than technical elements, relationships, past performance, community partnerships, any number of things that kind of broaden out what makes a successful organization. I am being very general because I would say that, "No matter what, those are the things that matter." In addition to expertise... I will have more to say offline in conversations. Thank you very much.

Frank Biehl, Board President

I think it is fair to say I share some of the concerns that Vice President Herrera has just shared. I hope that we have some offline conversations that deal with those issues. I've had the opportunity to monitor our building and construction projects for some time here and a lot of detail and, quite frankly, our Program Managers have been this central... I don't want to say thread. It is more than a thread. They have held this whole thing together while we've changed Superintendents four times and we've changed Business Managers a couple of times. We've changed Director a couple of times and I think we need to be very... The Board will need to understand exactly what the thinking is if there is a recommendation to make a major change in that area.

19.02 Chris D. Funk, Superintendent

20. 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.

21. ADJOURNMENT

President adjourns the meeting.

The meeting was adjourned at 10:35 p.m.

Respectfully submitted,



Board Clerk

Agenda Item Details

Meeting May 09, 2013 - ESUHSD REGULAR BOARD MEETING - 4:30 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 14. BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

Subject 14.06 Disussion and/or Action of Contracts for Professional Servcies Over \$50,000.00 - Marcus Battle, Associate Superintendent of 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 over \$50,000 as presented.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT

Item: 14.06

TO: Board of Trustees

FROM: Chris D. Funk, Superintendent

PREPARED BY: Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

SUBJECT: Discussion and/or Action of Contracts for Professional Services Over \$50,000

The attachment for the Contracts for Professional Services over \$50,000 is being presented for Board review and approval.

FISCAL IMPACT:
As indicated

FUNDING SOURCE:
As indicated

RECOMMENDATION:
It is recommended that the Board of Trustees approve the Contracts for Professional Services over \$50,000 as presented.

[Contracts Over \\$50k.pdf \(18 KB\)](#)

Executive Content

Last Modified by Betty Banderas on April 26, 2013

**EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES
APPROVED MAY 9 2013**



A handwritten signature in black ink, appearing to read "Chris D. Funk".

EAST SIDE UNION HIGH SCHOOL DISTRICT
Contracts for Professional Services Over \$50,000
Board Meeting of May 9, 2013

1. WestEd

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Juan Cruz Kirsten King Donna Bertrand	For the term of the Grant.	\$130,000.00 not-to- exceed (REVENUE) Not Applicable	W. C. Overfelt, Vito Chiala Silver Creek, Adolfo Laguna Santa Teresa, Greg Louie Independence, Grettel Castro- Stanley Mt. Pleasant, Teresa Marquez Education Center, Kirsten King, Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve an Agreement WestEd for ESUHSD to participate in a Federal I3 Grant. This is a revenue contract as stipends will be provided to the teachers, the individual schools, and the ESUHSD.

The California State University (CSU) applied for a Federal I3 Grant to perform a study on the effectiveness of the ERWC (Expository Reading and Writing Course) designed to prepare students for College level English and to pass the English Placement Test in the CSU system. West Ed is managing the study for CSU and asked the ESUHSD to participate. W.C. Overfelt, Silver Creek, Santa Teresa, Independence, and Mt. Pleasant High School's English departments are participating in the study.

Teachers will receive Professional development on the new ERWC units and participate in best practices professional learning communities. All 12th grade students in participating schools will take the English Placement Test at no charge. Teachers, schools, and the ESUHSD will receive stipends from West Ed for their participation in the study.

Selection Process

Not Applicable

RECOMMENDATION

It is recommended that the Board of Trustees approve an agreement with WestEd for ESUHSD to participate in the Federal I3 Grant and receive the revenue in a not-to-exceed amount of \$130,000.00. The term of the Agreement will be for the term of the grant.

Agenda Item Details

Meeting	May 09, 2013 - ESUHS REGULAR BOARD MEETING - 4:30 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133
Category	15. FACILITIES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION
Subject	15.01 Discussion and/or Action of Bond/Capital Projects Contracts Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager
Access	Public
Type	Action, Discussion
Recommended Action	It is recommended that the Board of Trustees approve the Bond/Capital Projects contracts as recommended in the attachment.

Public Content**EAST SIDE UNION HIGH SCHOOL DISTRICT****Item: 15.01****TO:** Board of Trustees**FROM:** Chris D. Funk, Superintendent**PREPARED BY:** Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager**SUBJECT:** Discussion and/or Action of Bond/Capital Projects Contracts Over \$50,000

The attachment for the Bond/Capital Projects Contracts over \$50,000 is 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 Bond/Capital Projects contracts as recommended in the attachment.

[Bond_Capital_Projects_Contracts_Over_\\$50k.pdf \(37 KB\)](#)

Executive Content

Last Modified by Vangie Avila on April 30, 2013

**EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES**

APPROVED**MAY 9 2013**

A handwritten signature in cursive, likely belonging to Marcus Battle, the Associate Superintendent of Business Services.

EAST SIDE UNION HIGH SCHOOL DISTRICT
Bond/Capital Projects Contracts for Services over \$50,000
Board Meeting of May 09, 2013

1. Kitchell CEM

Reviewed by:	Project Name and Number	Fiscal Impact/ Funding Source	School/Department/ Manager
Linda da Silva Janice Unger Marcus Battle	Evergreen Valley High School Modernization – Building Improvements E-075-004	\$ 55,989.00 not-to-exceed (increased amount) Measure E	Evergreen Valley High School/ Facilities Ana Lomas, Principal Linda da Silva, Director of Construction, Maintenance & Facilities

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to enter into an agreement for construction management services with **Kitchell CEM** for the Evergreen Valley High School Modernization – Building Improvements Project, (Project No.: E-075-004).

Selection Process

A formal Request for Qualification (RFQ) (RFQ-03-11-12) process was conducted by ESUHSD Administration to expand the approved Construction Management Pool and was presented to the Board for approval and award at the September 15, 2011 Board Meeting.

ESUHSD Facilities/Planning department requested a proposal from the pool's construction management consultant (Kitchell CEM) for the procurement of professional construction management services for Measure E – Phase II project at Evergreen Valley High School. The project scope includes replacing movable partitions with fixed walls; door hardware replacement; equipment for Special Education classrooms; and increase capacity of boys' and girls' locker rooms.

RECOMMENDATION: It is recommended that the Board of Trustees enter into and approve an Agreement with **Kitchell CEM** in an amount not to exceed \$55,989.00 for the construction management services for Evergreen Valley High School Modernization – Building Improvements Project, (Project No.: E-075-004).

2. Cody Anderson Wasney Architect (CAW)

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Linda da Silva Janice Unger Marcus Battle	February 01, 2012 through project closeout (PO 201161)	\$379,927.00 (not to exceed increased amount) Measure E	Independence High School/Facilities Grettel Castro-Stanley, Principal Linda da Silva, Director of Construction, Maintenance & Facilities

On May 31, 2011, the Board of Trustees approved Administration's recommendation to award (RFP-18-10-11) Architectural Services for Measure E Bond Projects – Phase II to Cody Anderson Wasney Architects for the Independence High School Modernize Building F/Performing Arts Center and Building G/Visual Arts Complex. (Project Nos: E-065-003/004).

This change order #1 is for increased scope to a full modernization of the entire building. The proposed fee increase is commensurate with the increased scope of design services required to achieve that construction outcome. Specifically, the full modernization calls for the following additional design sub consultants:

- Civil Engineering
- Fire Sprinkler Engineering Consultant
- Theater Consultant (Work beyond Scoping Phase)
- Audio / Visual Engineering
- Landscape Architecture
- Structural Investigations (Voluntary Seismic and Existing Non-Conforming Conditions Analysis)

Original Contract Amount	\$546,000.00
Owner's initiated scope increase for Bldg. F	\$379,927.00
Contract Amount Prior to This Change Order	\$925,927.00
Credit for Building G	-\$52,488.00
Revised Contract Amount	\$873,439.00

RECOMMENDATION

It is recommended that the Board of Trustees approve **Amendment No. 01 to Work Authorization No. 02 and Change Order No. 01 to Purchase Order #201161** for additional architectural services and to remove Building G/Visual Arts Complex from the **Independence High School Modernization of Performing Arts Center (PAC) Bldg. F (Project No. E-065-003)** with **Cody Anderson Wasney Architects** for an amount not to exceed \$379,927.00.

3. Cody Anderson Wasney Architect (CAW)

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Linda da Silva Janice Unger Marcus Battle	September 01, 2011 through project closeout	\$ 4,501.00 (decreased amount) Measure E	Independence High School/Facilities Grettel Castro-Stanley, Principal Linda da Silva, Director of Construction, Maintenance & Facilities

On May 31, 2011, the Board of Trustees approved Administration's recommendation to award (RFP-18-10-11) Architectural Services for Measure E Bond Projects – Phase II to Cody Anderson Wasney Architects for the Independence High School Modernize Buildings L2, L3, L4, N1 and N2.(Project No. E-065-005).

This change order #1 is to cancel modernization on Buildings L2, L3, L4, and to add Building G/Visual Arts Complex to this project.

Original Contract Amount	\$266,000.00
Credit for Building L	-\$56,989.00
Contract Amount Prior to This Change Order	\$209,011.00
Add Building G scope to project	\$52,488.00
Revised Contract Amount	\$261,499.00

RECOMMENDATION

It is recommended that the Board of Trustees approve **Amendment No. 01 to Work Authorization No. 01 and Change Order No. 01 to Purchase Order #201162** to cancel modernization on Buildings L2, L3, & L4 and add Building G/Visual Arts Complex to **Independence High School Modernization of Buildings N and G (Project Nos: E-065-004/005)** with **Cody Anderson Wasney Architects** for a **decreased amount of \$4,501.00.**

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Meeting May 09, 2013 - ESUHSD REGULAR BOARD MEETING - 4:30 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 16. CONSENT/ACTION CALENDAR

Subject 16.08 Approve Contracts for Professional Services Under \$50,000

Access Public

Type Action (Consent)

Recommended Action It is recommended that the Board of Trustees approve the Contracts for Professional Services under \$50,000 as presented.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT

Item: 16.08

TO: Board of Trustees

FROM: Chris D. Funk, Superintendent

PREPARED BY: Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

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

The attachment for the Contracts for Professional Services under \$50,000 is being presented for Board review and approval.

FISCAL IMPACT:

As indicated

FUNDING SOURCE:

As indicated

RECOMMENDATION:

It is recommended that the Board of Trustees approve the Contracts for Professional Services under \$50,000 as presented.

[Contract Under \\$50k.pdf \(40 KB\)](#)

Executive Content

Our adopted rules of Parliamentary Procedure, Robert's Rules, provide for a consent agenda listing several items for approval of the Board by a single motion. Most of the items listed under the consent agenda have gone through board subcommittee review and recommendation. Documentation concerning these items has been provided to all Board members and the public in advance to assure an extensive and thorough review. Items may be removed from the consent agenda at the request of any board member.

Last Modified by Betty Banderas on May 3, 2013

**EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES**

APPROVED

MAY 9 2013



EAST SIDE UNION HIGH SCHOOL DISTRICT
PROFESSIONAL CONTRACT SERVICES At or Below \$50,000
 Board Meeting of May 9, 2013

	Contractor Name	Reviewed By	Contract Period	Cost/ Funding	School/Dept. Manager	Purpose
1.	AVID	Juan Cruz Tim Nguyen Donna Bertrand	July 1, 2013 – June 30, 2014	\$29,080.00	Independence High School; Grettel Castro-Stanley, Principal Mt. Pleasant High School; Teresa Marquez, Principal Oak Grove High School; Martha Brazil, Principal W. C. Overfelt High School; Vito Chiala, Principal Piedmont Hills High School; Traci Williams, Principal Silver Creek High School; Adolfo Laguna, Principal Yerba Buena High School; Tom Huynh, Principal Accel Program; Ana Loma, Principal Education Center; Tim Nguyen, Director	To renew ESUHSD's membership, materials, and training agreement for another year in order for the school sites listed to be able to utilize the AVID College Readiness System.

2.	Annie M. Gambelin/ AMS Enterprise	Toby Hopstone Juan Cruz Donna Bertrand	April 1, 2013 – August 31, 2013	\$1,500.00 Special Day Class	Education Center – Special Education Toby Hopstone, Director W. C. Overfelt High School Vito Chiala, Principal	To provide Spanish translation and interpretation services for IEP's. To provide an 80 hour SAT preparation and college readiness program.
3.	CollegeSpring	Vito Chiala Juan Cruz Donna Bertrand	June 1, 2013 – October 31, 2013	\$5,040.00 EIA		
4.	Cruncher Solutions	Randy Phelps Marcus Battle Donna Bertrand	July 1, 2013 – June 30, 2014	\$29,000.00 General Fund	Education Center – Information Technology Randy Phelps, Director	To provide ESUHSD with non-transferable, non-exclusive, world-wide, and royalty-free license to use the software subject to the conditions of the "Service and Software License Agreement". The cost is \$1.20 per student. No solicitation process was conduction for this service.
5.	Eastridge Shopping Center L.L.C.	Rebecca Palmer Juan Cruz Donna Bertrand	January 28, 2013 – April 28, 2013	No Cost to ESUHSD	District Wide Rebecca Palmer, Subject Area Coordinator (Art) Juan Cruz, Assistant Superintendent	REQUEST FOR RATIFICATION Eastridge Shopping Center will provide space in the Shopping center to ESUHSD so that ESUHSD Art Students from all of ESUHSD art programs can display their art in a public environment. Eastridge has agreed to provide the exhibit area to ESUHSD at no cost.
6.	Joseph Nicholson	Donna Bertrand Ana Lomas David Chavez Juan Cruz	April 26, 2013- May 4, 2013	\$200.00 Restricted – Drama	Evergreen Valley High School Ana Lomas, Principal	REQUEST FOR RATIFICATION To provide bass playing services for the Evergreen Valley High School Theatre Arts' Spring Musical production of "High School Musical".
7.	Michelle S. Luna	Marcus Battle Donna Bertrand	June 7, 2013	\$1,300.00 General Fund	Education Center Marcus Battle, Associate Superintendent of Operations and Business Services	To provide graphic recording and transcription services for the Business Services Retreat.

8.	Navex Global (formerly EthicsPoint)	Donna Bertrand Marcus Battle	September 7, 2012 – September 6, 2014	\$4,816.00 General Fund	Education Center Chris Funk, Superintendent	REQUEST FOR RATIFICATION To provide the ESUHSD's continued Fraud Hotline subscription.
9.	Nicholas B. Robinson	Donna Bertrand Ana Lomas David Chavez Juan Cruz	April 26, 2013- May 4, 2013	\$450.00 Restricted – Drama	Evergreen Valley High School Ana Lomas, Principal	REQUEST FOR RATIFICATION To provide piano playing services for the Evergreen Valley High School Theatre Arts' Spring Musical production of "High School Musical".
10.	Nicole McAllister	Donna Bertrand Ana Lomas David Chavez Juan Cruz	April 26, 2013- May 4, 2013	\$800.00 Restricted – Drama	Evergreen Valley High School Ana Lomas, Principal	REQUEST FOR RATIFICATION To provide choreographer services for the Evergreen Valley High School Theatre Arts' Spring Musical production of "High School Musical".
11.	Northwest Imaging Analysts	Donna Bertrand Randy Phelps Marcus Battle	May 10, 2013 – August 31, 2013	\$9,500.00 (not-to-exceed) General Fund	Education Center Marcus Battle, Associate Superintendent	To provide consultant services related to the ESUHSD's copier Request for Proposal development and selection process.
12.	Republic Services	John Lawrence Linda da Silva Marcus Battle Donna Bertrand	May 1, 2013 – June 30, 2013	\$20,000.00 (not-to-exceed) General Fund	Education Center – Facilities John Lawrence, Assistant Director	REQUEST FOR RATIFICATION To provide temporary hauling and disposal of ESUHSD trash at all sites. No solicitation took place for this service.
13.	Santa Clara County Office of Education	Kirsten King Juan Cruz Donna Bertrand	May 1, 2013 – May 31, 2013	\$2,400.00 General Fund	Education Center Kirsten King, Director	REQUEST FOR RATIFICATION To provide the facilitator, Dr. Laurie Stapleton, for the professional development to ESUHSD's Subject Area Coordinators (SACs) in their efforts to develop Common Core State Standards (CCSS). SCCOE will provide all necessary materials for the training.
14.	Sound Wizard	Donna Bertrand Bettina Lopez Juan Cruz	May 20, 2013 – May 23, 2013	\$5,000.00 General Fund	Andrew Hill High School Bettina Lopez, Principal	To provide all sound equipment and staff to setup, disassemble, and operate the sound equipment for the Andrew Hill Graduation Ceremony.

15.	Regents of the University of California, Berkeley	Juan Cruz Donna Bertrand	August 1, 2012 – June 30, 2013	\$25,000.00 Small Learning Communities	Andrew Hill High School; Bettina Lopez, Principal W.C. Overfelt; Vito Chiala, Principal	<p>REQUEST FOR RATIFICATION External Evaluation of Smaller Learning Communities.</p> <p>No solicitation process took place for this service at this time. This vendor has been providing these services and changing vendors at this point could affect the progress made under the SLC grant.</p>
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Agenda Item Details

Meeting	May 09, 2013 - ESUHSD REGULAR BOARD MEETING - 4:30 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133
Category	16. CONSENT/ACTION CALENDAR
Subject	16.15 Approve Bond/Capital Projects Contract 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 Bond/Capital Projects contract 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: 16.15**

TO: Board of Trustees

FROM: Chris D. Funk, Superintendent

PREPARED BY: Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager

SUBJECT: Approve Bond/Capital Projects Contract for Professional Services At or Below \$50,000

The attached lists the Bond/Capital Projects Contract for Professional Services at or below \$50,000 being recommended for Board approval and to delegate authority to the Superintendent or designee to amend said contract and purchase order 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 Bond/Capital Projects contract 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 contract and purchase order on an as needed basis, including funding.

[Bond Capital Projects Contract At or Below \\$50k.pdf \(16 KB\)](#)

**EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES**

APPROVED**MAY 9 2013**
Executive Content

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Last Modified by Vangie Avila on April 29, 2013

EAST SIDE UNION HIGH SCHOOL DISTRICT
BOND/CAPITAL PROJECTS PROFESSIONAL CONTRACT SERVICES At or Below \$50,000
 Board Meeting of May 09, 2013

A. BOND / FACILITIES

	Contractor Name	Reviewed By	Contract Period	Cost/ Funding	School/Dept. Manager	Purpose
1.	Kitchell CEM	L. da Silva M. Battle J. Unger	May 10, 2013 through project closeout	\$10,000.00 (not to exceed) School Facilities Fund (35)	Evergreen Valley High School/Facilities Ana Lomas, Principal Linda da Silva, Director of Construction, Maintenance & Facilities	Provide construction management and commissioning services for the gym/theater fire damper/duct detector work needed at Evergreen Valley High School.