

**Agenda Item Details**

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Meeting Apr 19, 2012 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 16. ATTACHMENT A - CONSENT CALENDAR

Subject 16.17 Approve Minutes of March 13, 2012, Regular Board Meeting

Access Public

Type Action (Consent)

Recommended Action It is recommended that the Board of Trustees approve the March 13, 2012, Regular Board Meeting minutes as presented.

**Public Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT****Item: 16.17**

**TO:** Board of Trustees

**FROM:** Dan Moser, Superintendent

**SUBJECT:** Approve Minutes of March 13, 2012, Regular Board Meeting

Attached are the minutes of the March 13, 2012, 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 13, 2012, Regular Board Meeting minutes as presented.

[BA\\_20120313\\_Regular\\_Minutes.pdf \(308 KB\)](#)

**Executive Content**

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



*M. Moser*

**EAST SIDE UNION HIGH SCHOOL DISTRICT  
REGULAR MEETING  
OF THE  
BOARD OF TRUSTEES  
Meeting Held at Education Center  
March 13, 2012  
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 4:01 p.m. by President Biehl. Vice President Martinez-Roach, Clerk Herrera, Member Nguyen and Member Le 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.*

**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 Clerk Herrera, second by Vice President Martinez-Roach, to approve the expulsion of Student A.*

*Vote: 5/0*

*Student B:*

*Motion by Clerk Herrera, second by Member Nguyen, to approve the suspended expulsion of Student B.*

*Vote: 5/0*

*Student C:*

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

*Vote: 4/1, Member Nguyen voted No*

**2.02 Request for Exemption of Student A-D  
Pursuant to Education Code Section 51241**

*Student A:*

*Motion by Member Nguyen, second by President Biehl, to approve the exemption of Student A, pursuant to Education Code Section 51241.*

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

*Students B, C, and D:*

*Motion by Member Le, second by Vice President Martinez-Roach, to defer consideration and action of request for exemption of Student B, Student C and Student D.*

*Vote: 3/2, President Biehl and Member Nguyen voted No*

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

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

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

**2.06 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*

*Juan Cruz, Assistant Superintendent of Instructional Services*

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

*Cari Vaeth, Director of Human Resources*

*Employee Organizations:*

*American Federation of Teachers (AFT)*

*California School Employees Association (CSEA)*

*East Side Teachers Association (ESTA)*

**2.07 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*

**2.08 Conference with Legal Counsel – Existing Litigation  
Subdivision (a) of Section 54956.9 of the Government Code**

- *One (1) Case:  
Lucero v. East Side Union High School District  
Santa Clara County Superior Court Case No. 1-09-CV-145913*

**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 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.**

*Items 6.01 and 16.02 were pulled from the agenda.*

**6. BOARD SPECIAL RECOGNITION(S)**

**6.01 Recognition for Community services:**

- **California-Community Partners for Youth (CCPY)  
“Connecting Local At-Risk Youth with Personal  
Accountability & Inspiring Vision in their Lives”**

**6.02 CBDA: 2012 All State Honor Band**

- **Belinda Tang – Piedmont Hills High School**
- **Gulliver Wu – Piedmont Hills High School**

**7. STUDENT BOARD LIAISONS**

**7.01 Carolyn Nguyen, ASB President – Oak Grove High School**

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

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.

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

9.01 **Hold Public Hearing at Approximately 6:05 p.m. on a Charter School Petition Renewal Submitted by Escuela Popular – Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services**

*Public hearing held.*

*Public speakers:*

- *Rae V. Boxill*
- *Fatima Aguirre*
- *Jorge Aguirre*
- *Esther Aleman*
- *Jaden Scott*
- *Marta Talavera-Pamilla*
- *Lidia Reguerin*
- *Sol Reyes*
- *Ana Villanueva*
- *Elva Arambula*

9.02 **Hold Public Hearing at Approximately 6:10 p.m. – Proposed Adoption of the Initial Proposal for Successor Contract: From East Side Union High School District to East Side Teachers Association – Dan Moser, Superintendent; and Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

*Public hearing held.*

*Public speaker:*

- *Emily Garbarino*

9.03 **Hold Public Hearing at Approximately 6:15 p.m. – Receive and Sunshine the Initial Proposal for Successor Contract: From East Side Teachers Association to East Side Union High School District – Dan Moser, Superintendent; and Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

*Public hearing held.*

*Public speakers:*

- *Marisa Hanson*
- *Rosalind Taylor*
- *Tricia Bolster*
- *Victoria Duran*
- *Eleanor Aguirre*
- *Melissa Yamashita*
- *Jenny Ludwig*

- Jenna Ingelfinger
- Marla V. Bressani
- Lori Thomas

#### 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 .3) preclude any action. As an unagendized item, no response is required from the Board of 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:*

- Brian Uhler – C Building Security

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

##### 11.01 **Board Audit Committee Update, Discussion and/or Action – Lan Nguyen, Audit Committee Chairperson, and Patricia Martinez-Roach, Audit Committee Vice Chairperson**

Lan Nguyen, Board Audit Committee Chairperson

*In January, we opened the process for community members who would like to be appointed to the Audit Committee, which are two positions for a two-year term and one alternate member for a one-year term. Three persons applied and we felt that we should extend the deadline for more persons to apply for another 2 ½ weeks. Even after the extension, we had no other community members express an interest or even apply. I am going to ask the Board to move on to item number two where I can provide names of individuals who applied and to ask those individuals to come up and make a two minute statement about themselves and then we will make a motion for recommendations.*

##### 11.02 **Discussion, Consideration and/or Action regarding Selection/Appointment of Board Audit Committee Members – Lan Nguyen, Audit Committee Chairperson, and Patricia Martinez-Roach, Audit Committee Vice Chairperson**

Lan Nguyen, Board Audit Committee Chairperson

*We have two candidates who applied to be considered. One of the candidates, because he is out to take a test today, asked to be excused. We have two other candidates here: Mr. Jon Reinke and Mr. Bruce Berg.*

*Public speakers:*

- Jon Reinke
- Bruce Berg

**Motion #1 (see below for vote)**

*Motion by Vice President Martinez-Roach, second by Van Le, to appoint Bruce Berg, Adolfo Pando and Jon Reinke in the order they are presented under item 11.02.*

*President Biehl requested that the motion be split and to not support the first motion. He recommended that Bruce Berg and Jon Reinke be appointed as members of the Committee and that they Board consider the appointment of the alternate due to a legal issue that has to be considered separately.*

*Vice President Martinez-Roach requested that the first motion be considered.*

**Motion #2**

*Motion by President Biehl, second by Clerk Herrera, to table the first motion.*

Rogelio Ruiz, Legal Counsel

*Parliamentary procedure is that when there is a motion that has a first and a second, that motion is to be voted on, which is the Board Vice President's motion.*

Frank Biehl, Board President

*President Biehl recommended that the Board defeat motion #1 so that the Board can come back with a split motion so that the Board can deal with the motion for the two appointees to the Committee and a separate motion dealing with the alternate position. He is asking for a "No" vote on the motion.*

**Motion #1**

*Motion by Vice President Martinez-Roach, second by Van Le, to appoint Bruce Berg, Adolfo Pando and Jon Reinke in the order they are presented under item 11.02.*

*Vote: 2/3, President Biehl, Clerk Herrera and Member Nguyen voted No*

**Motion #2 (above) failed – no vote taken**

**Motion #3**

*Motion by President Biehl, second by Clerk Herrera, to appoint Bruce Berg and Jon Reinke to the Board Audit Committee.*

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

Frank Biehl, Board President

*The issue on the alternate is that the third person works for the County Office of Education. The Board has to specifically determine that this is not a conflict of interest in this position. Mr. Biehl was involved in the drafting of the Charter, which was later approved by the Board. He feels uncomfortable appointing someone to the Audit Committee that works for the County Office of Education. He will not be supporting Mr. Pando for the alternate position for that reason. His recommendations is to leave it open another month and see if they can secure someone else as the alternate.*

Rogelio Ruiz, Legal Counsel

*The Audit Committee Charter states that a member or a person cannot be appointed if the person holds a leadership position in an entity that provides substantial goods or services to the District. Mr. Pando has self identified as a manager of the COE and in a leadership*

position there. Business services has been conferred with and this District does approximately over \$10 million worth of business with the COE, primarily through special education program services the COE provides to this District. Notwithstanding this conflict, under the Audit Committee Charter, the Charter also states an individual who might otherwise be conflicted may serve, after full disclosure to the Board. The potential conflict of interest is not material. Mr. Pando has disclosed his position to this District. If there is a motion to appoint Mr. Pando as an alternate to the Audit Committee, that motion should also include a finding that the Board finds potential conflict in this instance to be not material.

J. Manuel Herrera, Board Clerk

*"In your legal opinion, is there a substantial conflict here?"*

Rogelio Ruiz, Legal Counsel

*"Ten million dollars is a lot of money. Since I was involved in the draft of the Audit Committee Charter, I think the interest there was to try bring members on board who did not have an interest in any particular vendor who does business with the district. That way they would view these issues independently. Given the amount of money that is involved and the amount of business this district does with the COE. In my opinion it would be that a finding that the potential conflict is material would be well-founded by this Board."*

**Motion #4**

*Motion by Clerk Herrera, second by President Biehl, to extend the timeline to May 1, 2012, to receive alternate committee member applications.*

*Vote: 5/0*

**11.03 Presentation and Adopt Resolution #2011/2012-24 Joint Powers Authority Membership – School Project for Utility Rate Reduction – Marcus Battle, Associate Superintendent of Business Services (10 minutes)**

*Presentation by Michael Rochman, School Project for Utility Rate Reduction (SPURR) Clerk Herrera, second by Member Le, to adopt Resolution #2011/2012-24 Joint Powers Authority Membership – School Project for Utility Rate Reduction.*

*Vote: 5/0*

**11.04 Receive First Reading of New Board Policy #3314.4 Clearing Fund and Amendment to Board Policy #3452 Student Activity Funds – Dan Moser, Superintendent**

*New Board Policy #3314.4 and amendment to Board Policy #3452 were received for first reading.*

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

**12.01 Update, Discussion and/or Action regarding Chinese Language as an Elective - Cathy Giammona, Associate Superintendent, Human Resources and Instruction; Juan Cruz, Assistant Superintendent of Instructional Services; and Kirsten King, Director of Instructional Services**

*Discussion/update on item; no action taken.*



- 12.02 Approve 2012 Summer School Program - Cathy Giammona, Associate Superintendent, Human Resources and Instruction; Juan Cruz, Assistant Superintendent of Instructional Services; and Tim Nguyen, Coordinator of English Language Learners Supplementary Education**

*Motion by Clerk Herrera, second by Member Le, to approve the 2012 summer school program and to include eligible EL students in the Summer School Program.*

*Vote: 3/0, Vice President Martinez-Roach and Member Nguyen out of room.*

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

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

*Motion by Clerk Herrera, second by Member Le, to approve the variable term waiver request for a certificated employee.*

*Vote: 5/0*

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

- 14.01 Presentation/Update on Information Technology – Marcus Battle, Associate Superintendent of Business Services, and Andrew Schwab, Director of Information Technology (10 minutes)**

*Presentation item; no action taken*

- 14.02 Presentation and Board Approval of Second Interim Financial Report for FY 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 Second Interim Financial Report for fiscal year 2011-2012.*

*Vote: 5/0*

- 14.03 Adopt Resolution #2011/2012-25 regarding 2012-13 Governor’s Budget – Marcus Battle, Associate Superintendent of Business Services**

*Motion by Member Nguyen, second by Clerk Herrera, to adopt Resolution #2011/2012-25 regarding the Governor’s Budget.*

*Vote: 5/0*

**14.04 Adopt Resolution #2011/2012-26 Approving Authorized Signatures – Marcus Battle, Associate Superintendent of Business Services**

*Motion by Vice President Martinez-Roach, second by Member Le, to adopt Resolution #2011/2012-26 Approving Authorized Signatures.*

*Vote: 5/0*

**14.05 Approve 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 Clerk Herrera, second by Member Nguyen, to approve contracts for professional services over \$50,000 (attached).*

*Vote: 5/0*

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

**No items on calendar under this section.**

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

*Items 16.02 and 16.12 were pulled from the consent calendar for discussion. Motion by Clerk Herrera, second by Member Nguyen, to approve the remainder of the consent calendar.*

*Vote: 5/0*

**16.01 Ratify/Approve Classified Personnel Actions Presented March 13, 2012**

**16.03 Ratify/Approve Student Aide Personnel Actions Presented March 13, 2012**

**16.04 Approve School Field Trips**

**16.05 Approve Award of Bids**

**16.06 Approve Contracts for Professional Services At or Below \$50,000 (attached)**

**16.07 Approve Memoranda of Understanding**

**16.08 Approve Budget Transfers**

**16.09 Approve Purchase Orders**

**16.10 Approve Change Orders to Purchase Orders**

**16.11 Accept Warrant Register for the Month of February 2012**

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

**16.02 Ratify/Approve Certificated Personnel Actions Presented March 13, 2012**

*Superintendent Dan Moser recused himself from this item; out of room.*

*Motion by President Biehl, second by Member Herrera, to ratify/approve the certificated personnel actions presented March 13, 2012.*

*Vote: 5/0*

**16.12 Approve Minutes of February 16, 2012, Regular Board Meeting**

*Motion by Member Le, second by Clerk Herrera, to approve the corrected Minutes of February 16, 2012, Regular Board Meeting.*

*Correction to item #21 Adjournment: Change to note that President Biehl adjourned the meeting.*

*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*

**17.02 Receive Quarterly Report on the County of Santa Clara Treasury Investment Portfolio Status as of December 31, 2011**

*Item received*

**17.03 Receive Santa Clara County Office of Education First Interim Certification Letter**

*Item received*

**18. FUTURE AGENDA ITEMS**

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

*Items requested by Board of Trustees:*

- *Parent Involvement Plan – Patricia Martinez-Roach, Board Vice President*
- *Child Care Program – Patricia Martinez-Roach, Board Vice President*
- *a-g Update – Van Le, Board Member*

**18.02 Equity for All – Bettina Lopez, Principal of Andrew Hill High School**

**18.03 International Baccalaureate (IB) Program Update – J. Manuel Herrera, Board Clerk**

**18.04 Spanish Language Program Presentation – Patricia Martinez-Roach, Board Vice President**

**18.05 Vietnamese Language Program Presentation – Lan Nguyen, Board Member**

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

**19.01 Board of Trustees**

**Van Le, Member**

*I want to say “thank you” to Principal Chiala. He invited me to attend a student presentation. Also, last weekend I attended the Vietnamese student achievement event.*

**Patricia Martinez-Roach, Vice President**

*I want to thank Martha Brazil. Oak Grove was our host site for the Latino Parent Group. We had a workshop regarding School Lop. It was amazing! I learned about School Loop. There was an assumption that all the parents had an e-mail account; 90% of the parents there did not have an e-mail account. We had students and some of the Oak Grove administration there helping the parents. Martha not only opened up her school, but her computer lab, and we had about 30 parents there learning how to use the computer and how to create their own e-mail account. It was very powerful.*

*I would like to know when are the Latino Awards.*

**Frank Biehl, President**

*In addition to Overfelt, I had the opportunity to go to a Post Senior Open House. It was excellent. They had students making the presentations to the parents and the new students who would be going into the program that following year. I was really moved. They did an excellent job.*

**19.02 Dan Moser, Superintendent**

*I want to thank Tom Huynh, Principal of Yerba Buena High School, and his staff. Tim Nguyen and Nguyet Dinh for all their efforts to put together the awards ceremony this past Saturday.*

*A thanks also goes to all the Science Teachers. The Synopsis countywide fair was last week and many teachers participated in that process. It was in the Weekly Report. Congratulations to the teachers and students.*

**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.**

*President Biehl adjourned the meeting at 10:47 p.m.*

*Respectfully submitted,*

  
\_\_\_\_\_  
J. Manuel Herrera, Clerk  
East Side Union High School District

**Agenda Item Details**

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Meeting Mar 13, 2012 - ESUHS D REGULAR BOARD MEETING - 4:00 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 14.05 Approve Contracts for Professional Services Over \$50,000 - 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 as recommended on the attachment.

**Public Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT****Item: 14.05**

**TO:** Board of Trustees

**FROM:** Dan Moser, 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 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.

[14\\_05 Contracts Over \\$50K.pdf \(32 KB\)](#)

**Executive Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**BOARD OF TRUSTEES**  
**APPROVED** March 13, 2012  


**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**Contracts for Professional Services over \$50,000**  
**Board Meeting of March 13, 2012**

**1. Blach Construction Company**

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
K. Lanford M. Battle D. Bertrand J. Unger	April 28, 2009 – February 28, 2013 (extension of contract term)	Fees limited to percentage of construction  Measure E	Silver Creek High School & W.C. Overfelt Adult Education  Adolfo Laguna, Principal, Rich Uribe, Director Kathy Lanford, Assistant Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve the extension of contract term to February 29, 2013 to complete the two remaining projects, Silver Creek High School New Multi-Purpose Building/Theatre and W.C. Overfelt Adult Education Two-Story Building. The original contract period was April 28, 2009 through and including April 28, 2012.

**Selection Process**

N/A

**RECOMMENDATION**

It is recommended that the Board of Trustees approve the extension of contract term for the two remaining Projects for the extended Term of April 28, 2009 through and including February 28, 2013.

**2. ENGEO Incorporated**

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
K. Lanford M. Battle D. Bertrand J. Unger	June 1, 2011 – August 31, 2012 (no change)	\$ 43,078.00 (not to exceed)  Measure E	James Lick High School/ Facilities  Glenn VanderZee, 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 #1 to Purchase Order No. 103173 for the provision of special testing and inspections required for the James Lick High School New Two Story Classroom Bldg. 500, Project No. E-030-001.

This change order is being issued for additional services required that were not known at the time of the original quote. Testing services varies depending on the need of the project, the General Contractor's means and methods, schedule, Inspector of Record's and other agency's request for additional tests.

Original Purchase Order was approved for \$60,703.00 + Change Order #1 \$43,078.00 = the new Purchase Order total of \$103,781.00.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve Change Order #1 to Purchase Order No. 103173 with ENGEO Incorporated for the contract term June 1, 2011 through and including August 31, 2012 for the provision of special testing and inspections services for the James Lick High School New Two Story Classroom Building 500, Project No. E-030-001 in an increased amount not-to-exceed \$43,078.00.

### 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 – December 31, 2012 (extension of contract term)	\$277,425.00 (increased amount)  Measure E	Yerba Buena High School/Facilities  Tom Huynh, 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 No. 905017 to extend the term and to add funds due to the increased construction costs for the Yerba Buena Title IX Interior Modernization Project.

Original Construction Management fees were based on the estimated construction budget at the time the contract was issued. Since that time, the construction costs has gone up and per the contract, FMPO is entitled to an increase to their Purchase Order/Contract to reflect this change.

This Purchase Order/Contract includes other Title IX Interior Modernization Projects: Andrew Hill, James Lick, Santa Teresa, and W. C. Overfelt High Schools, but this change order is only for the Yerba Buena High School Title IX Interior Modernization Project.

Original Purchase Order was approved for \$1,105,564.50 + Change Order #1 \$153,243.00 + Change Order #2 \$277,425.00 = the new Purchase Order total of \$1,536,232.50.

#### Selection Process

N/A

#### RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order #2 to Purchase Order No. 905017 with Facilities Management Planning and Operations, Inc. in the amount of \$277,425.00 for the Yerba Buena High School Title IX Interior Modernization Project, (Project No. E-060-003).

### 4. Spencer Associates

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
K. Lanford M. Battle D. Bertrand J. Unger	To be determined upon final contract negotiations	\$354,000.00  Measure E	Piedmont Hills High School/Facilities  Traci Williams, Principal Kathy Lanford, Assistant Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to authorized Administration to enter into final contract negotiations and sign a contract with Spencer Associates for the provision of comprehensive professional architectural and associated planning services for the Piedmont Hills Modernization Special Education Classroom B4 and construct a New Science Classroom Building Project.

At the May 31, 2011 Board Meeting Administration made a recommendation under the **AWARD OF BID** memo to award the Phase-2 Measure "E" Bond Projects to the Architectural Firms recommended by the review committee. In that recommendation this project was recommended to go to Perkins & Will. However, after several months of contract negotiations, we have not been able to finalized contract negotiations. Due to this impasse, Administration has terminated negotiations with Perkins & Will and is now recommending that the Board award this project to the second recommended Architect, Spencer Associates.



### **Selection Process**

A Request for Qualification (RFQ) (RFQ-03-07-08) process was conducted by ESUHSD Administration. The recommendation for award was brought to the Board on June 19, 2008 for approval whereby a pool of architectural firms to provide comprehensive professional architectural and associated planning services for the district's capital improvement and expansion projects was established. All eleven Board approved Architectural Firms were solicited for these projects.

The evaluation of proposals were conducted of a committee of 5 and included the following factors: (1) Consultant's Proposed Team; (2) Consultant's Reference Projects; (3) Consultant's past performance with ESUHSD; (4) Consultant's proposed costs; and (5) Interviews, if scheduled (non were scheduled). This original recommendation was approved by the Board of Trustees on May 31, 2011.

### **RECOMMENDATION**

It is recommended that the Board of Trustees approve Administration to enter into final contract negotiations and sign a contract with Spencer Associates for the provision of comprehensive professional architectural and associated planning services for the Piedmont Hills Modernization Special Education Classroom B4 and construct a New Science Classroom Building Project in an estimated amount of \$354,000.00.

## **5. The Trustees of the California State University (CSU)**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Dan Moser Donna Bertrand	December 1, 2011 – June 30, 2016	\$60,000.00 (EST. REVENUE)  This amount is through year 3 of this grant. Funding for years 4 & 5 will be determined based on ESUHSD submission and approval of a planned expansion of grant activities.	W. C. Overfelt High School  Vito Chiala, Principal Dan Moser, Superintendent

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to enter into a Grant Agreement with The Trustees of the California State University (CSU) in association with the administrators of the California Academic Partnership Program (CAPP) for the project entitled "Using Formative Assessment Processes to Improve Algebra and Secondary Math Preparedness and Performance".

This CAPP grant will support secondary schools in closing the achievement gap and improving Algebra readiness by focusing on middle and high school and alignment of coursework and placement across grade levels to prepare students for success in Algebra the first time students take the course. CAPP provides these supports based on their experience that improving teaching practice is most likely to occur when teams of teachers work together to improve curriculum and instruction and school site leadership understands and supports this work.

### **Selection Process**

N/A

### **RECOMMENDATION**

It is recommended that the Board of Trustees approve a Grant Agreement with The Trustees of the California State University (CSU) in association with the administrators of the California Academic Partnership Program (CAPP) for the contract term December 1, 2011 through and including June 30, 2016 and to delegate authority to the Superintendent or designee to amend said contract, including funding as needed.

**Agenda Item Details**

Meeting Mar 13, 2012 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 16. ATTACHMENT A - CONSENT CALENDAR

Subject 16.06 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: 16.06**

**TO:** Board of Trustees

**FROM:** Dan Moser, 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 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.

[16\\_06 Contract Under \\$50K.pdf \(36 KB\)](#)

**Executive Content**

**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**BOARD OF TRUSTEES**  
**APPROVED March 13, 2012**  


# Item: 16.06

## EAST SIDE UNION HIGH SCHOOL DISTRICT PROFESSIONAL CONTRACT SERVICES at or Below \$50,000 Board Meeting of March 13, 2012

### A. SCHOOL SITES/EDUCATION CENTER

	Contractor Name	Reviewed By	Contract Period	Cost/ Funding	School/Dept. Manager	Purpose
1	Art N. Zukerman	R. Ibarra K. King C. Giammona D. Bertrand	April 9, 2012 – April 14, 2012	\$3,000.00  Teaching American History	Education Center  Robert Ibarra, Coordinator	To provide five days of touring for ESUHSD teachers in New York City.
2	Greenwire, Inc.	A. Schwab M. Battle D. Bertrand	March 14, 2012 – March 30, 2013	\$4,397.31  Data Processing & Plant Security	Education Center/ Information Technology  Andrew Schwab, Director	To provide one year unlimited access to online training for over 3,000 IT specific courses including Microsoft, VM Ware, Cisco, UNIX, and others.
2	Lisa Medoff	L. Murray C. Giammona D. Bertrand	January 25, 2012 – February 9, 2012	\$500.00  Professional Development Program	Foothill High School  Lynne Murray, Principal	REQUEST FOR RATIFICATION  Provided teaching techniques to Foothill teaching staff to help students with special needs.
3	Secure-It Safe	D. Moser L. Murray D. Bertrand	February 17, 2012 – June 30 2012	\$250.00  General Fund	Foothill High School  Lynne Murray, Principal	REQUEST FOR RATIFICATION  Provide on-site shredding services during the winter break.
4	Shred Works Inc	M. Velasquez D. Bertrand M. Battle	March 14, 2012 – December 31, 2012	\$10,000.00 (not- to-exceed)  To be determined by individual project	District Wide  Donna Bertrand, Coordinator	REQUEST FOR RATIFICATION  Providing on-site shredding services on an as needed basis
5	Team San Jose	T. Huynh C. Giammona D. Bertrand	May, 2012	\$15,000.00 (not- to-exceed)  General Fund	Yerba Buena High School  Tom Huynh, Principal	To enter into a Facility Use Agreement with Team San Jose for the rental of space within the San Jose Convention Center for Yerba Buena's 2012 Graduation Ceremony.

6	TECOGEN	J. Lawrence M. Battle D. Bertrand	November 1, 2011 – October 31, 2012	\$40,000.00 annually (estimated amount)  General Fund	Independence High School/Maintenance  Grettel Castro-Stanley, Principal John Lawrence, Assistant Director	REQUEST FOR RATIFICATION  To sign a Maintenance Agreement with the manufacturer to maintain the Cogeneration Modules for the pools at Independence High School.  No solicitation process took place for this service as the manufacturer is the only authorized company who can work on their system.
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### B. FACILITIES

	Contractor Name	Reviewed By	Contract Period	Cost/ Funding	School/Dept. Manager	Purpose
1	Environmental Remediation Technologies, (ERT, Inc.)	K. Lanford M. Battle D. Bertrand J. Unger	July 01, 2011 – July 31, 2011	\$475.00  Measure E	Andrew Hill High School/Facilities  Bettina Lopez, Principal  Kathy Lanford, Assistant Director	REQUEST FOR RATIFICATION  Performed water damage assessment and mold inspection inside the Boys'/Girls' locker rooms at Andrew Hill High School Title IX Interior Modernization Project, Project No. E-025-001.
2	MatriScope Engineering Laboratories, Inc.	K. Lanford M. Battle D. Bertrand J. Unger	June 29, 2011 – December 16, 2011	\$4,183.19  Measure E	Yerba Buena High School /Facilities  Tom Huynh, Principal  Kathy Lanford, Assistant Director	REQUEST FOR RATIFICATION  To perform additional repair work on the Glu Lam Beams in the locker rooms at the Yerba Buena High School on the Title IX Interior Modernization, Project No. E-060-003.  Original Purchase Order 103258
3	MatriScope Engineering Laboratories, Inc.	K. Lanford M. Battle D. Bertrand J. Unger	July 18, 2011 – October 31, 2011	\$1,468.50  Measure E	Independence High School/Facilities  Grettel Castro-Stanley, Principal  Kathy Lanford, Assistant Director	REQUEST FOR RATIFICATION  To perform additional compaction curve laboratory test and two site visits for soils compaction testing of the fire access road widening required for the KIPP Charter Relocatable Classrooms and Restroom Project, Project No. MG-2011-001.  Original Purchase Order 200368