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Agenda Item Details

Meeting	Aug 21, 2014 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133
Category	16. BOARD OF TRUSTEES/SUPERINTENDENT - CONSENT/ACTION CALENDAR
Subject	16.04 Approve Minutes of June 19, 2014, Regular Board Meeting
Access	Public
Type	Action
Recommended Action	It is recommended that the Board of Trustees approve the June 19, 2014, Regular Board Meeting minutes as presented.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT

Item: 16.04

TO: Board of Trustees

FROM: Chris D. Funk, Superintendent

SUBJECT: Approve Minutes of June 19, 2014, Regular Board Meeting

Attached are the minutes of the June 19, 2014, 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 June 19, 2014, Regular Board Meeting minutes as presented.

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

APPROVED August 21, 2014



Executive Content



EAST SIDE UNION HIGH SCHOOL DISTRICT

REGULAR MEETING

OF THE

BOARD OF TRUSTEES

Meeting Held at Education Center – Board Room

June 19, 2014

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 4:35 p.m. by President Herrera. Vice President Le, Clerk Carrasco, and Member Biehl were present in the Board Room. Member Nguyen participated in the Regular Meeting by teleconference from the following location, which was freely accessible to the public:

*Member Lan Nguyen
Anaheim Marriott Suites
12015 Harbor Boulevard, Room 316
Garden Grove, CA 92840
Telephone Number: (408) 568-1302*

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

President Herrera 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): *None*

2.02 Public Employee Performance Evaluation (Government Code Section 54957)

- *Superintendent*

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

- *Associate Superintendent of Business Services (1)*
- *Associate Superintendent of Educational Services (1)*
- *Associate Superintendent of Human Resources (1)*
- *Director of Student Services (1)*

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

2.05 Conference with Labor Negotiators (Government Code Section 54957.6)

Agency Designated Representatives:

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 (d)(2) of Government
Code Section 54956.9**

- *Two (2) Potential Cases*

**2.07 Conference with Legal Counsel – Anticipated Litigation
Initiation of litigation pursuant to subdivision (d)(4) of Government Code
Section 54956.9**

- *One (1) Potential Case*

**2.08 Conference with Legal Counsel – Existing Litigation
(Paragraph (1) of subdivision (d) of Section 54956.9)**

- *Alexis Fundraising Foundation v. East Side Union High School District, et al., Los Angeles County Superior Court Case No. DOW 13D05708*

Motion by Member Biehl, second by Vice President Le, with Member Nguyen appearing telephonically, the Board by a vote of 5/0 approved a settlement agreement between the District and Alexis Fundraising Foundation by which the District agreed to pay Alexis Fundraising Foundation \$750 in settlement of the action, Alexis Fundraising Foundation versus East Side Union High School District in Los Angeles County Superior Court. A copy of the settlement agreement is available upon request by the District.

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 Herrera 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.

6. BOARD SPECIAL RECOGNITION(S)

6.01 Adobe Youth Voices

- Lizbeth Cisneros
- Jesus Gonzalez
- Denise Panuco

6.02 Spring Sports

Oak Grove High School

- Boys' Track, Santa Teresa Division, Blossom Valley Athletic League Champions

Santa Teresa High School

- Girls' Track, Mt. Hamilton Division, Blossom Valley Athletic League Champions

Yerba Buena High School

- Boys' Track, West Valley Division, Blossom Valley Athletic League Champions
- Coed Badminton, West Valley Division, Blossom Valley Athletic League Champions

6.03 Santa Clara Science Fair Winners

Evergreen Valley High School

- **Tanisha Joshi – Grand Prize Award Winner**
- **Tara Iyer – Grand Prize Award Alternate and 4th Place Award Winner**
- **Swetha Revanur – Grand Prize and Arizona State University 4-Year Provost Scholarship and UCLA Brain Research Award**

Oak Grove High School

- **Abha Pandey – Grand Prize Alternate Award Winner**

7. Student Board Liaisons

No Items on Calendar Under this Section

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.

8.02 Discussion, Consideration and/or Action Regarding the Selection/Appointment of Measures G, E, and I Citizens' Bond Oversight Committee Members

Motion by Member Biehl, second by Vice President Le, to appoint the following persons to serve on the 2014-2015 Measure G, E, and I Citizens' Bond Oversight Committee:

- *Joshua Barrouse*
- *Brad Geldert*
- *Andres Quintero*
- *Bud LoMonaco*

Vote: 5/0

8.03 Discussion and/or Action on Charter Petition for Alpha: Cindy Avitia High School

Public speakers:

- *Will Eden*
- *Eulalia Arellano*
- *Carmen Canas*
- *Hilda Aguilera*
- *Hong Nguyen*
- *Rodrigo Chavez*
- *Nhi Le*
- *Jan Glover*

Motion by Clerk Carrasco, second by Vice President Le, to:

- *Approve the Alpha: Cindy Avitia High School charter petition submitted by Petitioner, Will Eden, Alpha Public Schools*
- *Authorize the charter conditionally based on the satisfactory submission and resolution of the conditions and dates as presented*
- *Adopt the analysis and factual findings in support of its conditional approval*
- *Authorizes the charter petition based on satisfaction of Conditions 1-2 and approval of the Petition solely on that basis for a term of 5 years, commencing on July 1, 2015, to end on June 30, 2020*
- *Authorize District administration to sign off on the conditions of approval for the Alpha: Cindy Avitia High School charter petition once the petitioners have satisfactorily met the specified conditions*

Vote: 5/0

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

- 9.01 Hold Public Hearing at Approximately 6:00 p.m. Regarding Adoption of Resolution #2013/2014-29 Increase of School Developer Fees - Marcus Battle, Associate Superintendent of Business Services, and Linda da Silva, Director of Construction, Maintenance and Facilities**

Public hearing held

There were no public speakers on this item.

- 9.02 Discussion and/or Action to Adopt Resolution #2013/2014-29 Increase of School Developer Fees - Marcus Battle, Associate Superintendent of Business Services, and Linda da Silva, Director of Construction, Maintenance and Facilities**

Motion by Member Biehl, second by Clerk Carrasco, to adopt Resolution #2013/2014-29 Increase in School Developer Fees.

Vote: 5/0

- 9.03 Hold Public Hearing at Approximately 6:10 p.m. regarding The NHU Foundation's Request for Material Revision to the Latino College Preparatory Academy Charter Petition - Juan Cruz, Assistant Superintendent of Instructional Services**

Public hearing held

There were no public speakers on this item.

9.04 Discussion and/or Action to Approve The NHU Foundation's Request for Material Revision to the Latino College Preparatory Academy Charter Petition - Juan Cruz, Assistant Superintendent of Instructional Service

Motion by Vice President Le, second by Clerk Carrasco, to approve the material revision request to the Latino College Preparatory charter petition to permit The NHU Foundation to change the location of the school effective July 1, 2014.

Vote: 5/0

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.

Any person may address the Board on any item on the meeting agenda. Persons wishing to address the Board must fill out a gold request form, which is located at the entrance of the Board Room. When your name is called, please come to the podium, state your name for the record, and limit your remarks to three (3) minutes.

There were no public speakers on this item.

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

11.01 Discussion and/or Action regarding Proposed Salary Schedule: Senior Contract Administrators / Superintendent's Council (Superintendent, Associate Superintendent of Business Services, Assistant Superintendent of Instructional Services, Director of Human Resources) – Chris D. Funk, Superintendent

Motion by Vice President Le, second by Member Nguyen, to approve the proposed salary schedule for Senior Contract Administrators / Superintendent's Council.

Vote: 5/0

11.02 Discussion and/or Action regarding Employment Contract for Associate Superintendent of Business Services - Chris D. Funk, Superintendent

Per Legal Counsel:

In paragraph 2 "Compensation," previously the contracts provided that the contract administrators would receive all COLA increases that were granted to all other certificated management, but because of the experience over the last several years and no COLA increases being granted, the language has been changed to provide that the Associate Superintendents base salary will be increased prospectively by the same percentage salary increase that may be granted by the Board to certificated management personnel in any given school year. It will no longer be restricted specifically to COLA.

Motion by Vice President Le, second by Member Nguyen, to approve a three-year employment contract, beginning July 1, 2014, and that compensation language be included

in the contract that is subject to the salary schedule approved in agenda item 11.01 for the Associate Superintendent of Business Services. Material changes are the terms of the agreement and a positive work year (paragraph7), which defines a specific number of workdays, for the Associate Superintendent of Business Services. There will be no accrued vacation days during the work year, which will result in no vacation buy out or accrued liability in vacation days by the District.

Vote: 5/0

11.03 Discussion and/or Action regarding Employment Contract for Associate Superintendent of Educational Services - Chris D. Funk, Superintendent

Per Legal Counsel:

In paragraph 2 "Compensation," previously the contracts provided that the contract administrators would receive all increases granted to all other management, but because of the experience over the last several years of COLA increases being granted, the language has been changed to provide that the Associate Superintendents base salary would be prospectively by the same percentage salary increase that may be granted by the Board to certificated management personnel in any given school year. It will no longer be restricted specifically to COLA.

Motion by Vice President Le, second by Member Nguyen, to approve a three-year employment contract, beginning July 1, 2014, and that compensation language be included in the contract that is subject to the salary schedule approved in agenda item 11.01 for the Associate Superintendent of Business Services. Material changes are the terms of the agreement, title change from Assistant to Associate, and a positive work year (paragraph7), which defines a specific number of workdays, for the Associate Superintendent of Business Services. There will be no accrued vacation days during the work year, which will result in no vacation buy out or accrued liability in vacation days by the District. This contract, Associate Superintendent of Educational Services, terminates Juan Cruz's current contract as Assistant Superintendent of Instructional Services, effective June 30, 2014, at 11:59 PM, and then implements the new contract, Associate Superintendent of Educational Services, effective July 1, 2014, for Juan Cruz.

Vote: 5/0

11.04 Discussion and/or Action regarding Employment Contract for Associate Superintendent of Human Resources - Chris D. Funk, Superintendent

Per Legal Counsel:

In paragraph 2 "Compensation," previously the contracts provided that the contract administrators would receive all COLA increases that were granted to all other certificated management, but because of the experience over the last several years and no COLA increases being granted, the language has been changed to provide that the Associate Superintendents base salary will be increased prospectively by the same percentage salary increase that may be granted by the Board to certificated management personnel in any given school year. It will no longer be restricted specifically to COLA.

Motion by Member Biehl, second by Clerk Carrasco, to approve a three-year employment contract, beginning July 1, 2014, and that compensation language be included in the contract that is subject to the salary schedule approved in agenda item 11.01 for the

Associate Superintendent of Human Resources. This contract is subject to a positive work year (paragraph7), which defines a specific number of workdays, for the Associate Superintendent of Business Services. There will be no accrued vacation days during the work year, which will result in no vacation buy out or accrued liability in vacation days by the District.

Vote: 5/0

11.05 Discussion and/or Action regarding First Amendment to Employment Contract for Senior Manager of Internal Controls - Chris D. Funk, Superintendent

Motion by Member Biehl, second by Clerk Carrasco, to approve the First Amendment to the employment contract of the Senior Manager of Internal Controls.

Vote: 5/0

11.06 Discussion and/or Action of Board Members' Compensation/Adjustments to Compensation per Education Code §35120 - Chris D. Funk, Superintendent

Motion by Vice President Le, second by Clerk Carrasco, to approve a 5% increase in Board Member monthly compensation to \$441 per month effective July 1, 2014, pursuant to Education Code section 35120(e).

Vote: 5/0

11.07 Adopt Resolution #2013/2014-30 regarding Frank Fiscalini - Frank Biehl, Board Member

Motion by Member Biehl, second by Vice President Le, to adopt Resolution #2013-2014/30 regarding Frank Fiscalini.

Vote: 5/0

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

12.01 Discussion and/or Action to Receive Second Reading and Adopt Amended Board Policy 1312.3 Community Relations – Uniform Complaint Procedures and Board Policy 1312.3 E Uniform Complaint Procedure Form - Juan Cruz, Assistant Superintendent of Instructional Services

Motion by Member Biehl, second by Member Nguyen, to receive and adopt the amendment to Board Policy 1312.3 Community Relations – Uniform Complaint Procedures and Board Policy 1312.3 E Uniform Complaint Procedure Form.

Vote: 5/0

12.02 Discussion and/or Action of Carl D. Perkins 131 Grant 2014-15 Grant Application for East Side Union High School District - Juan Cruz, Assistant Superintendent of Instructional Services, and Rich Uribe, Director of Adult Education and Career Services

Motion by Vice President Le, second by Member Nguyen, to approve the Carl D. Perkins 131 Grant 2014-15 Grant Application for East Side Union High School District.

Vote: 5/0

12.03 Discussion and/or Action regarding the 2014 Single Plan for Student Achievement - Juan Cruz, Assistant Superintendent of Instructional Services, and Tim Nguyen, Coordinator of English Language Learners Supplementary Education

Motion by Member Nguyen, second by Member Biehl, to approve the 2014 Single Plan for Student Achievement as presented, and authorize the Superintendent to make modifications as needed.

Vote: 5/0

12.04 Discussion and/or Action to Approve the Local Control Accountability Plan (LCAP) - Juan Cruz, Assistant Superintendent of Instructional Services

Public speakers:

- *Quiesance Yuoh*
- *Tamieka Gibbs*
- *Yuzmeene Pope*
- *Jazlynn Windham*
- *Ahmed Aihadfidh*
- *Shannon Quibuyan*
- *Ke'Ama Scott*
- *Debra Robinson*
- *Vicki Williams*
- *Debra Watkins*

Motion #1

Motion by Member Nguyen to approve the Local Control Accountability Plan as presented.

Second by Member Biehl if motion includes that administration come back in August with more detail of the information that is not included in the LCAP.

Motion fails

Motion #1 revised

Motion by Member Nguyen to approve the Local Control Accountability Plan (LCAP) as presented and that administration bring back in August a proposal/recommendation that will address the needs of African American students with other sources of funding that is not linked to the LCAP.

Motion Fails

Motion #2

Motion by President Herrera, second by Member Biehl, to approve the Local Control Accountability Plan (LCAP) as presented and that Administration come back in August with a plan that assures the programming and funding needs to serve African American students can be met.

Motion Fails

Motion #2 revised

Motion by President Herrera, second by Member Biehl, to approve the Local Control Accountability Plan (LCAP) as presented and that Administration come back in August with a plan that assures that the programming and funding needs to serve all subgroups can be met.

Vote: 5/0

- 12.05 Presentation and/or Discussion regarding the Adult Education English as a Second Language (ESL) Program - Juan Cruz, Assistant Superintendent of Instructional Services, and Rich Uribe, Adult Education Director**

Presentation item only; no action taken

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

- 13.01 Discussion and/or Action to Adopt the Annual Budget for Fiscal Year 2014-15 – Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance**

Motion by Member Biehl, second by Clerk Carrasco, to adopt the annual budget for fiscal year 2014-2015 with a positive certification for the 204-2015 fiscal year and two subsequent years.

Vote: 4/1; Member Nguyen not present at vote (no longer participating in meeting)

- 13.02 Discussion and/or Action to Approve the Contract(s) for Professional Services Over \$25,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator**

Motion by Vice President Le, second by Clerk Carrasco, approve the Contract(s) for Professional Services over \$25,000 as recommended (attached) and authorization for the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term, provided such amendments do not: (i) extend the term of the contract; (ii) increase the price of goods or services provided under the contract by greater than ten percent (10%) of the contract amount, but not to exceed \$25,000 exclusive of any approved amendments in the aggregate); or (iii) alter the quality or quantity of services or goods provided under the Board approved contract per Board Policy 3312.1.

Vote: 4/1; Member Nguyen not present at vote (no longer participating in meeting)

13.03 Discussion and/or Action for the Superintendent to Award Emergency Projects during the Summer - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

Motion by Vice President Le, second by Member Biehl, to approve authorization for the Superintendent, after conferring with the Board President, to award emergency projects for unforeseen needs during the summer.

Vote: 4/1; Member Nguyen not present at vote (no longer participating in meeting)

13.04 Discussion and/or Action to Authorize School Connected Organizations to Solicit Contributions or Funds per Education Code 51520 and 51521 – Marcus Battle, Associate Superintendent of Business Services, Karen Poon, Director of Finance, and Kelly Kwong, Senior Manager of Internal Controls

Motion by Member Biehl, second by Clerk Carrasco, to authorize the SCOs, pursuant to Education Code 51520(a), to solicit contributions or funds on any District site for nonpartisan and charitable purposes for the benefit of District students, academic or athletic programs.

Vote: 4/1; Member Nguyen not present at vote (no longer participating in meeting)

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

14.01 Discussion and/or Action Regarding the Proposed Adoption of the Initial Proposal for the Successor Contract: From East Side Union High School District to the San Jose Federation of Teachers, Local 957, AFT, AFL-CIO - Cari Vaeth, Director, Human Resources

Motion by Member Biehl, second by Vice President Le, to adopt the District's initial proposal for successor contract to the San Jose Federation of Teachers Local 957, AFT, AFL-CIO for the 2014-2015 school year.

Vote: 4/1; Member Nguyen not present at vote (no longer participating in meeting)

14.02 Discussion and/or Action to Approve Vacation Pay-outs for Contract Employees per Contract Terms - Cari Vaeth, Director, Human Resources

Motion by Vice President Le, second by Clerk Carrasco, to approve the vacation pay-outs as provided by the affected employees' contracts.

Vote: 4/1; Member Nguyen not present at vote (no longer participating in meeting)

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

- 15.01 Discussion and/or Action to Approve the Bond/Capital Projects Contract(s) Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Assistant Director, Capital Accounting and Purchasing, and Janice Unger, Capital Projects Purchasing Manager**

Motion by Member Biehl, second by Vice President Le, to approve the Bond/Capital Projects Contract(s) as presented; and to authorize the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term up to ten percent (10%) of the original Board-approved contract amount, but not to exceed \$175,000.00 in total and change orders to contracts for capital construction related professional services up to ten percent (10%) of the original contract value, but not to exceed \$50,000.00 as per Board Policy 3312.1.

Vote: 4/1; Member Nguyen not present at vote (no longer participating in meeting)

- 15.02 Discussion and/or Action to Ratify CUPCCAA Informal Bond Project(s) - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Assistant Director of Capital Accounting and Purchasing, and Janice Unger, Capital Projects Purchasing Manager**

Motion by Vice President Le, second by Clerk Carrasco, to ratify the CUPCCAA informal projects as presented.

Vote: 4/1; Member Nguyen not present at vote (no longer participating in meeting)

- 15.03 Discussion and/or Action to Award a Lease Leaseback Preconstruction Agreement for Independence High School Building B and Campus Site Improvement Projects - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell of Assistant Director of Capital Accounting and Purchasing, and Janice Unger, Capital Projects Purchasing Manager**

Motion by Vice President Le, second y Member Biehl, to award a Lease Leaseback Preconstruction Services Agreement with McCarthy Building Companies, Inc., for the Independence High School Build B and Campus Site Improvements Projects in an amount not to exceed \$80,320.

Vote: 4/1; Member Nguyen not present at vote (no longer participating in meeting)

15.04 Discussion and/or Action to Qualify Architectural Firms - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Assistant Director of Capital Accounting and Purchasing, and Janice Unger, Capital Projects Purchasing Manager

Motion by Member Biehl, second by Vice President Le, to approve the additions of Sally Swanson Architects, Inc., and Dreiling Terrones Architecture, Inc., (DTA) to the pool of firms qualified to provide architectural services.

Vote: 4/1; Member Nguyen not present at vote (no longer participating in meeting)

15.05 Discussion and/or Action regarding Delegation of Authority - Summer Projects – Mt. Pleasant Summit Rainier Construction - All Contracts Pertaining - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Assistant Director of Capital Accounting and Purchasing, and Janice Unger, Capital Projects Purchasing Manager

Motion by Member Biehl, second by Vice President Le, to approve authorization for the Superintendent or designee to award the purchase orders/contracts for the summer projects as presented.

Vote: 4/1; Member Nguyen not present at vote (no longer participating in meeting)

15.06 Discussion and/or Action to Approve Takeover Agreement to Complete the Piedmont Hills High School New Auxiliary Gymnasium Project - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Assistant Director of Capital Accounting and Purchasing, and Janice Unger, Capital Projects Purchasing Manager

Motion by Vice President Le, second by Member Biehl, to authorize and delegate to the Superintendent and Associate Superintendent of Business Services the authority to enter into a Takeover Agreement for the completion of the Piedmont Hills High School New Auxiliary Gymnasium and the closeout of the subject contract.

Vote: 4/1; Member Nguyen not present at vote (no longer participating in meeting)

Consent / Action Calendar Sections 16-20

All items listed under the Consent/Action Calendar are considered by the Board to be routine and will be enacted in one motion. There will be no discussion of these items prior to the time the Board considers the motion, unless members of the Board or the Superintendent request specific items to be discussed and/or removed from the Consent/Action Calendar.

Superintendent asserts that the following Business Transactions, Personnel Actions, Maintenance of Records, Approvals and Recommendations requiring Board Action have been carried out to the best of his knowledge in accordance with the law.

Item 17.03 was pulled from the Consent Calendar for discussion by the Board of Trustees. Motion by Member Biehl, second by Vice President Le, to approve the remainder of the consent/action calendar, sections 16-20, as presented, except item 17.03.

Vote: 4/1; Member Nguyen not present at vote (no longer participating in meeting)

16. Board of Trustees / Superintendent - Consent / Action Calendar

16.01 Ratify/Approve Board Member(s) Lawful Expenses/Mileage to Conferences/ Workshops/Meetings

16.02 Approve Minutes of May 6, 2014, Special Board Meeting and Board Study Session

16.03 Approve Minutes of May 15, 2014, Regular Board Meeting

17. Instructional Services / Student Services - Consent / Action Calendar

17.01 Approve School Field Trips

17.02 Approve CAHSEE Local Waivers for Special Education Students

17.04 Approve Application for Title I School Wide Program for Calero High School

18. Business Services - Consent / Action Calendar

18.01 Approve Award of Bid(s)

18.02 Approve Award of the Request for Proposals (RFP), RFP-GP091314, for the Purchase of Stores Warehouse Supplies

18.03 Approve Award of the Request for Proposals (RFP), RFP-GP071314, for the Procurement of Technology Equipment

18.04 Approve Memoranda of Understanding

18.05 Approve Budget Transfers

- 18.06 Approve Purchase Orders
- 18.07 Approve Change Orders to Purchase Orders
- 18.08 Accept Report of Credit Card Purchases for Statement Dated April 22, 2014
- 18.09 Accept Warrant Register for the Month of May 2014

19. Human Resources - Consent / Action Calendar

- 19.01 Ratify/Approve Classified Personnel Actions Presented June 19, 2014
- 19.02 Ratify/Approve Certificated Personnel Actions Presented June 19, 2014
- 19.03 Ratify/Approve Student Aide Personnel Actions Presented June 19, 2014

20. Facilities - Consent / Action Calendar

- 20.01 Ratification of Bond/Capital Projects Contract(s) for Professional Services At or Below \$50,000
- 20.02 Approve Award of Bids for Bond/Capital Projects

Item pulled from the Consent Calendar for discussion by the Board of Trustees

- 17.03 **Accept Safety Plan Goals Assessment for 2013-2014**

Motion by Vice President Le, second by Member Biehl, to accept the Safety Plan Goals Assessment for 2013-2014 as presented.

Vote: 4/1; Member Nguyen not present at vote (no longer participating in meeting)

21. WRITTEN REPORTS/RECOMMENDATION

- 21.01 **Receive Update to Previously Approved Allowance for the Current Andrew Hill High School New Building 100 Classroom Modernization**

Item received

- 21.02 **Receive Silicon Valley Community Foundation Quarterly Statement for the Go for It! Scholarship Fund as of March 31, 2014**

Item received

22. FUTURE AGENDA ITEMS

22.01 Opportunity for Board of Trustees to Request Items on Future Agendas

22.02 Future Items

Board President J. Manuel Herrera & Board Member Frank Biehl

Item	Date (tentative)	Type
PE Credit	January, 2015	Presentation/Discussion

Board Vice President Van Le

Item	Date (tentative)	Type
Foreign Language Classes	August 21, 2014	Presentation/Discussion
Child Nutrition Services: Meals	October 16, 2014	Presentation/Discussion
Failed Courses	Quarterly	Report

Board Clerk Magdalena Carrasco

Item	Date (tentative)	Type
Services offered to Students Failing Courses / not Graduating Based on not Passing CAHSEE	August 21, 2014	Presentation/Discussion

Board Member Frank Biehl

Item	Date (tentative)	Type
Review of Board Policy regarding Alcohol	August 21, 2014	Discussion/Action

Board Member Lan Nguyen

Item	Date (tentative)	Type
Support Services available / offered to Foster Youth Students	September, 2014	Presentation/Discussion
International Baccalaureate (IB) Program	November, 2014	Presentation/Discussion

22.03 Annual Governance Calendar

July
Summer School Program (concludes session)
Summer School Graduation

August
Board Retreat
Expulsion Hearing Panel Committee
First Day of School
Williams Quarterly Report

September
Board Study Session/Workshop
College Night
Conflict of Interest/Board Policy (updates)
Public Hearing and Adoption: Gann Spending Limit
Public Hearing: Sufficiency or Insufficiency of Textbooks
Unaudited Actuals

October
Bond Program Presentation
Solar Energy Presentation
Student Achievement Presentation
Superintendent's Annual Evaluation
Williams Quarterly Report

November
Board Study Session/Workshop
Election Orientation for New Board Members

December
Annual Organizational Board Meeting
CSBA Annual Conference
Election Orientation for New Board Members
End of First Semester
First Interim Report
Superintendent's Mid-Year Evaluation

January
Audit Report
Board Audit Committee Selections/Appointments
Board Retreat
Financial & Performance Audit Report for Bond Measures
Magnet Night
Martin Luther King, Jr. Writing, Art & Multi-Media Awards Ceremony & Reception
Policies & ByLaws (Begin Review by Series)
Sports Recognitions (Fall)
Technology Report
Williams Quarterly Report

February
African American Students Achievement Awards
Audit Committee Charter Amendment(s)
CSBA Delegate Assembly Election
Non-Re-Elects

March
Cesar Chavez Writing, Art & Multi-Media Awards Luncheon
March 15 Notices
Safety Plan Goals for Each Site
Second Interim Report
SJPD Secondary Employment Application
Vietnamese Students Achievement Awards

April
Board Study Session/Workshop
Form 700 – Statement of Economic Interests Due to Santa Clara County (filing)
Honor Nights
Migrant Education Awards Night
NSBA Annual Conference
Williams Quarterly Report

May
Board Self-Evaluation
Budget (Preliminary/Draft) Presentation
Employee Recognition Event
Graduations
Honor Nights
Last Day of School
Sports Recognitions (Winter/Spring)

June
Budget (Preliminary) with May Revisions Public Hearing (first June Board Meeting)
Budget Adoption (second June Board Meeting)
Employee Retirement Celebration
ESTA Safety Survey
Master Contracts for Capitol Projects
Plan for Expelled Youth (due every three years – 2015)
Program Improvement Update
Safety Plan Assessment for Each School
Single Plan for Student Achievement (SPSA) for Each School
Summer School Program (session begins)
Superintendent's Annual Evaluation

23. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

23.01 Board of Trustees

Lan Nguyen, Board Member

(not present / no longer participating in meeting)

Van Le, Board Vice President

(no comments made)

Magdalena Carrasco, Board Clerk

I know that everyone will continue to work through the summer, but I just wanted to wish everyone a wonderful next couple of months. I hope that everybody gets a little time to take care of themselves and spend it with their loved ones. I say that because I will be taking the month of July off. I have not done that in years to reconnect with my children. You can reach me by text or by e-mail, but please forgive me if I take a while to get back to you. I am going to disconnect during the month of July, but I can always still be reached.

Frank Biehl, Board Member

My sincere thanks for all the work the administration has put into the LCAP. This is the first time that our District, as well as the State, has dealt with this issue. I just think it is only natural there will be tension as we go through this and I appreciate their willingness to meet with affected parties and continue to be open to evolving community input. I do know we have to make a decision and move forward, but it is going to be a plan that is going to be revised as we move forward with it and we evaluate it. My thanks for the efforts. I am looking forward to seeing the write-up from Mr. Fensterwald to see how he reports on our actions. We are actually doing very, very well, but there's always a little tension sometimes. One of the roles of Board Members is to sort of be the lubrication between the administration and the community when issues come up and our job is to make sure that everything is heard and is moved forward and I think the administration has been listening. I look forward to our discussion in August.

J. Manuel Herrera, Board President

(no comments made)

23.02 Chris D. Funk, Superintendent

(no comments made)

24. REPORT CLOSED SESSION ACTION(S)

Legal Counsel will report on Closed Session action item(s).

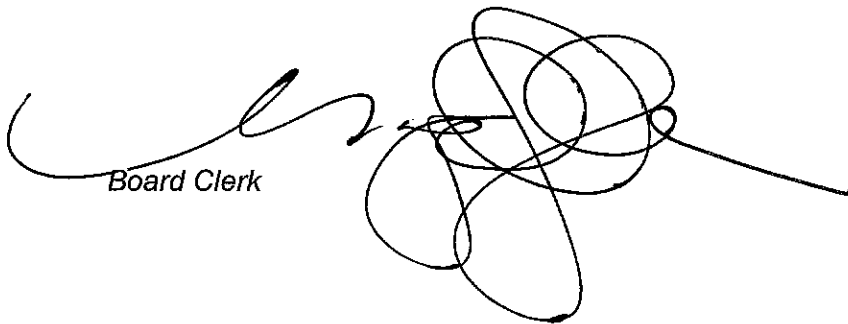
See section 2.0 for reporting out of Closed Session items.

25. ADJOURNMENT

President adjourns the meeting.

The meeting was adjourned at 10:08 p.m.

Respectfully submitted,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right. The signature is positioned above the text 'Board Clerk'.

Board Clerk



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Agenda Item Details

Meeting	Jun 19, 2014 - ESUHS D REGULAR BOARD MEETING - 4:30 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133 - AMENDED AGENDA
Category	13. BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION
Subject	13.02 Discussion and/or Action to Approve the Contract(s) for Professional Services Over \$25,000 - 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 Contract(s) for Professional Services over \$25,000 as recommended in the attachment and authorization is being requested for the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term, provided such amendments do not: (i) extend the term of the contract; (ii) increase the price of goods or services provided under the contract by greater than ten percent (10%) of the contract amount, but not to exceed \$25,000 exclusive of any approved amendments in the aggregate); or (iii) alter the quality or quantity of services or goods provided under the Board approved contract per Board Policy 3312.1.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT

Item: 13.02

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 to Approve the Contract(s) for Professional Services Over \$25,000

The attached Contract(s) for Professional Services over \$25,000 are being presented for Board review and 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 Contract(s) for Professional Services over \$25,000 as recommended in the attachment and authorization is being requested for the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term, provided such amendments do not: (i) extend the term of the contract; (ii) increase the price of goods or services provided under the contract by greater than ten percent (10%) of the contract amount, but not to exceed \$25,000 exclusive of any approved amendments in the aggregate); or (iii) alter the quality or quantity of services or goods provided under the Board approved contract per

Board Policy 3312.1.

 [Contracts Over \\$25k_BM_6-19-14.pdf \(55 KB\)](#)

Executive Content

Motion & Voting

It is recommended that the Board of Trustees approve the Contract(s) for Professional Services over \$25,000 as recommended in the attachment and authorization is being requested for the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term, provided such amendments do not: (i) extend the term of the contract; (ii) increase the price of goods or services provided under the contract by greater than ten percent (10%) of the contract amount, but not to exceed \$25,000 exclusive of any approved amendments in the aggregate); or (iii) alter the quality or quantity of services or goods provided under the Board approved contract per Board Policy 3312.1.

Motion by Vice President Van Le, second by Clerk Magdalena Carrasco.

Final Resolution: Motion Carries

Yea: President J Manuel Herrera, Vice President Van Le, Clerk Magdalena Carrasco, Member Frank Biehl

Not Present at Vote: Member Lan Nguyen

Last Modified by Mary Guillen on June 26, 2014

EAST SIDE UNION HIGH SCHOOL DISTRICT
Contract(s) for Professional Services Over \$25,000
Board Meeting of June 19, 2014

1. Axiom

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Randy Phelps Juan Cruz Donna Bertrand	July 1, 2014 – June 30, 2015	\$50,000.00 Various	District Wide/ Instructional Services Juan Cruz, Assistant Superintendent

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to enter into an Agreement with Axiom for the procurement of scanning services. ESUHSD school sites are in need of converting paper transcripts. Axiom will provide onsite scanning services to digitize the paper transcripts into a readable format on an as needed basis.

Selection Process

Three quotes were received and evaluated based on a current school site project.

RECOMMENDATION

It is recommended that the Board of Trustees approve the Agreement with Axiom for the provision of document scanning services for the contract term of July 1, 2014, through June 30, 2015, in the amount of \$50,000; and to execute change orders in accordance with Board Policy 3312.1.

2. City of San Jose

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Juan Cruz Vito Chiala Donna Bertrand	June 2014 – August 2014	\$50,000.00 REVENUE General Fund	W. C. Overfelt, Vito Chiala Silver Creek, Adolfo Laguna

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to enter into an Agreement with the City of San Jose to receive a grant in the amount of \$50,000.00 for two recreational swim programs and to authorize Administration to execute an amendment to West Coast Aquatics' current Agreement to include the City's requested recreational swim program to their Agreement.

The City of San Jose has agreed to provide ESUHSD with a grant to fund two (2) swim programs at two ESUHSD sites: W. C. Overfelt and Silver Creek High Schools. The W. C. Overfelt program will be operated by W. C. Overfelt staff and the Silver Creek program will be operated by West Coast Aquatics, Inc.

Selection Process

N/A

RECOMMENDATION

It is recommended that the Board of Trustees approve a Revenue Agreement with the City of San Jose in the amount of \$50,000 for the recreational swim programs at W. C. Overfelt and Silver Creek High Schools and; to authorize Administration to execute an amendment to West Coast Aquatic's current agreement to include the Silver Creek High School's pool and summer hours.

3. County of Santa Clara, Office of the District Attorney

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Juan Cruz Donna Bertrand	July 1, 2013 – June 30, 2015	\$100,000.00 \$50,000.00 per year General Fund	Student Services Juan Cruz, Assistant Superintendent

East Side Union High School District (ESUHSD) Administration is to ratify the Agreement with the County of Santa Clara, Office of the District Attorney, for the provision of truancy abatement services.

Selection Process

N/A

RECOMMENDATION

It is recommended that the Board of Trustees ratify the Agreement with the County of Santa Clara, Office of the District Attorney, for the provision of truancy abatement services for the contract term of July 1, 2013, through June 30, 2015, for the amount of \$100,000.00; and to execute change orders in accordance with Board Policy 3312.1.

4. CPRS

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Marcus Battle Andre Bell Donna Bertrand	July 1, 2014 – June 30, 2015	\$45,000.00 (not-to-exceed) General Fund	Business Services Donna Bertrand, Contracts Administration Coordinator

East Side Union High School District (ESUHSD) Administration is requesting the Board of Trustees to approve a Contract Services Agreement with CPRS to perform a full physical inventory audit of all equipment valued at \$500 and above. The physical inventory will be conducted at all ESUHSD sites, including charter schools where Bond funding has been used to procure equipment at \$500 and above. (34 CFR 80.32)

CPRS will conduct the full physical inventory using ESUHSD's fixed asset data. They will then reconcile the data provided with their findings from the physical inventory, and submit a clean file that can be uploaded back into QSS for the ESUHSD Administration to manage on a regular basis.

Selection Process

Four vendors were contacted and two proposals were received and CPRS submitted the lowest responsive proposal.

RECOMMENDATION

It is recommended that the Board of Trustees approve a Contract Services Agreement with CPRS for the provision of the complete physical inventory audit of all equipment valued at \$500 and above, for the contract term of July 1, 2014, through December 31, 2014, for an amount of \$45,000.00; and to execute change orders in accordance with Board Policy 3312.1.

5. Cruncher

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Kirsten King Juan Cruz Donna Bertrand	July 1, 2014 – June 30, 2015	\$29,000.00 General Fund	Instructional Services Kirsten King, Director

East Side Union High School District (ESUHSD) Administration is requesting the Board of Trustees to approve the Service and Software Agreement with Cruncher Solutions (Cruncher) for the continued use of their software.

The Cruncher software allows instant access to data contained within Infinite Campus. Teachers and school Administrators are able to access data via a standard web browser.

Selection Process

No solicitation process was conducted for this service.

RECOMMENDATION

It is recommended that the Board of Trustees approve the Service and Software Agreement with Cruncher Solutions for the use their software for the contract term of July 1, 2014, through June 30, 2015, for an estimated amount of \$29,000.00; and to execute change orders in accordance with Board Policy 3312.1.

6. Follett Software Company

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Kirsten King Juan Cruz Donna Bertrand	July 1, 2014 – June 30, 2015	\$23,508.70 General Fund	Instructional Services Kirsten King, Director

East Side Union High School District (ESUHSD) Administration is requesting the Board of Trustees to approve the Service and Software Agreement with Follett Software Company for the continued use their software, which is used at all ESUHSD sites to keep track of textbooks.

Selection Process

Not applicable

RECOMMENDATION

It is recommended that the Board of Trustees approve the Service and Software Agreement with Follett Software Company for the use their software for the contract term of July 1, 2014, through June 30, 2015, for the amount of \$23,508.70; and to execute change orders in accordance with Board Policy 3312.1.

7. Intrepid Electronic Systems, Inc.

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Richard Uribe Juan Cruz Donna Bertrand	July 1, 2011 – June 30, 2015 (extended)	\$400,000.00 (increased estimated annual expense) \$1,420,000.00 (total estimated contract value) General Fund	Information Technology Randy Phelps, Director

East Side Union High School District (ESUHSD) Administration is requesting the Board of Trustees to extend the current Agreement with Intrepid Electronic Systems, Inc. (Intrepid) for an additional year and the funding to cover the extended term.

At the August 30, 2011, Board meeting the Board of Trustees awarded a three-year (3) agreement to Intrepid after Administration conducted a formal Request for Proposals process (RFP-16-10-11) for Fire Alarm Systems Testing, Inspections, and Maintenance Services.

There is a current project to do a major upgrade of the District's entire fire alarm systems. Administration believes it to be in the best interest of the District to extend its existing Agreement for the fire alarm systems testing, inspections, and maintenance for another year until the upgrade is complete. Administration will have the proper specifications to go out with a formal Request for Proposals.

Selection Process

See above

RECOMMENDATION

It is recommended that the Board of Trustees approve the extension of the Agreement with Intrepid Electronic Systems, Inc. for the provision of fire alarm systems testing, inspections, and maintenance through June 30, 2015, for an estimated increased amount of \$400,000.00; and to execute change orders in accordance with Board Policy 3312.1.

8. New Hope for Youth

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Vito Chiala Teresa Marquez Glenn VanderZee Tom Huynh Juan Cruz Donna Bertrand	July 1, 2014 – June 30, 2015	\$60,000 Total Contract Value \$24,000 - WCO (½ General Fund, ½ Title I) \$12,000 - MP (EIA) \$12,000 - JL (General Fund) \$12,000 - YB (EIA)	W. C. Overfelt (WCO) Vito Chiala Mt. Pleasant (MP) Teresa Marquez James Lick (JL) Glenn VanderZee Yerba Buena (YB) Tom Huynh

East Side Union High School District (ESUHSD) Administration is requesting the Board of Trustees to approve a contract services agreement with New Hope for Youth.

Contractor will provide conflict mediation, gang outreach, and individual youth intervention services. These services will be provided on site and will be scheduled for not less than four (4) hours per week, scheduled in advance with administration or as needed in response to specific incidents.

Selection Process

No selection process took place for this service.

RECOMMENDATION

It is recommended that the Board of Trustees approve the Agreement with the New Hope for Youth for the provision of conflict mediation, gang outreach, and individual youth intervention services for the contract term of July 1, 2014, through June 30, 2015, for the amount of \$60,000.00; and to execute change orders in accordance with Board Policy 3312.1.

9. Shane Safir

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Chris D. Funk Juan Cruz Donna Bertrand	July 1, 2014 – June 30, 2014	\$160,000 \$120,000 Various Funding \$40,000 General Fund	Education Center Juan Cruz, Assistant Superintendent Chris D. Funk, Superintendent

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve two Contract Services Agreements with Shane Safir.

The Consultant will provide services to both the Superintendent and to the Assistant Superintendent under two separate agreements. The Agreement for the Superintendent, the Consultant will provide the following services: Board development including study sessions, Board retreat, mid-year reflection, and executive coaching as needed.

The Agreement for the Assistant Superintendent will be for executive coaching services for the new instructional coaches as defined in the Local Control Accountability Plan (LCAP).

Selection Process

No selection process took place for this service.

RECOMMENDATION

It is recommended that the Board of Trustees approve the Agreements with the Shane Safir for the provision of Consultation Services as outlined above for the contract term of July 1, 2014, through June 30, 2015, for the amount of \$160,000.00; and to execute change orders in accordance with Board Policy 3312.1.

10. Solarwinds

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Randy Phelps Linda da Silva Marcus Battle Donna Bertrand	July 1, 2014 – June 30, 2015	\$51,350.00 Restricted Maintenance	Education Center Linda da Silva, Director Randy Phelps, Director

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve a Purchase Order Agreement with Solarwinds.

ESUHSD currently uses Solarwinds as its Information Technology work-order/help desk system. This purchase will allow us to upgrade our system and increase the number of licenses so the system can accommodate more users.

Selection Process

No selection process took place for this service.

RECOMMENDATION

It is recommended that the Board of Trustees approve a Purchase Order Agreement with Solarwinds for the upgraded software and increased number of licenses for the contract term of July 1, 2014, through June 30, 2015, in the amount of \$51,350.00; and to execute change orders in accordance with Board Policy 3312.1.



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Agenda Item Details

Meeting	Jun 19, 2014 - ESUHS D REGULAR BOARD MEETING - 4:30 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133 - AMENDED AGENDA
Category	15. FACILITIES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION
Subject	15.01 Discussion and/or Action to Approve the Bond/Capital Projects Contract(s) Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Assistant Director of Capital Accounting and Purchasing, 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 Contract(s) as presented; and to authorize the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term up to ten percent (10%) of the original Board-approved contract amount, but not to exceed \$175,000.00 in total and change orders to contracts for capital construction related professional services up to ten percent (10%) of the original contract value, but not to exceed \$50,000.00 as per Board Policy 3312.1.

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, André Bell, Assistant Director of Capital Accounting and Purchasing, and Janice Unger, Capital Projects Purchasing Manager

SUBJECT: Discussion and/or Action to Approve the Bond/Capital Projects Contract(s) Over \$50,000

The attachment for the Bond/Capital Projects Contract(s) 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 Contract(s) as presented; and to authorize the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term up to ten percent (10%) of the original Board-approved contract amount, but not to exceed \$175,000.00 in total and change orders to contracts for capital construction related professional services up to ten percent (10%) of the original contract value, but not to exceed \$50,000.00 as per Board Policy 3312.1.

 [Contracts Over \\$50K Final.pdf \(139 KB\)](#)

Executive Content

Motion & Voting

It is recommended that the Board of Trustees approve the Bond/Capital Projects Contract(s) as presented; and to authorize the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term up to ten percent (10%) of the original Board-approved contract amount, but not to exceed \$175,000.00 in total and change orders to contracts for capital construction related professional services up to ten percent (10%) of the original contract value, but not to exceed \$50,000.00 as per Board Policy 3312.1.

Motion by Member Frank Biehl, second by Vice President Van Le.

Final Resolution: Motion Carries

Yea: President J Manuel Herrera, Vice President Van Le, Clerk Magdalena Carrasco, Member Frank Biehl

Not Present at Vote: Member Lan Nguyen

Last Modified by Mary Guillen on June 26, 2014

EAST SIDE UNION HIGH SCHOOL DISTRICT
Bond/Capital Projects Contract(s) for Services over \$50,000
Board Meeting of June 19, 2014 - Item 15.01

1. Construction Management Services - Kitchell CEM

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Linda da Silva Janice Unger Andre Bell Marcus Battle	October 20, 2011, through project closeout	\$613,176.00 (not to exceed increased amount) Measure E	Oak Grove/Facilities Martha Brazil, Principal Linda da Silva, Director of Construction, Maintenance & Facilities

East Side Union High School District (ESUHSD) Administration is requesting that the Board approve Amendment No. 01 and Change Order #1 to Purchase Orders #201941 and 201942 to change the delivery method to a multiple prime hard bid for the Oak Grove High School Modernization of Buildings U & I Projects (E-050-005 & E-050-006).

On October 20, 2011, the Board of Trustees approved a construction services contract agreement for the Oak Grove High School Modernize Building U and Building I/Theater.

Staff has now added project scope of work, increased construction duration and has the desire to use the multiple prime delivery method. Due to combining two separate projects into one project and using the multiple prime delivery method, Kitchell CEM must not only provide a Project Manager, but also provide a Project Engineer, and Superintendent. This amendment and change order reflects the management to perform the increased scope. Administration analyzed the merits of single prime versus multiple prime delivery for this project, and recommend choosing multiple prime for the following reasons:

- Better schedule management and control
- Better quality assurance of trades contractors (through project-specific supplemental qualification)
- Anticipate cost savings of several hundred thousand dollars as compared to single prime (even after taking into account the increased CM fee)

Kitchell CEM will increase staffing in order to manage multiple prime contractors, develop and maintain the construction schedule, and take responsibility for the construction site. The fee increase associated with these additional tasks are \$613,176.00.

Original Contracts Amount	\$203,334.30
Change Order #1 (Change delivery method)	\$613,176.00
Revised Contract Amount	\$816,510.30

RECOMMENDATION

It is recommended that the Board of Trustees approve Amendment No. 01 and Change Order #1 to Purchase Order #201941 and 201942 and issue a new purchase order with **Kitchell CEM** for the Oak Grove High School Building Modernization of Buildings U & I Projects (E-050-005 & E-050-006) in the increased amount not to exceed \$613,176.00.

2. Williams Scotsman – Purchase Agreement for Multiple Units

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Linda da Silva Janice Unger Andre Bell Marcus Battle	N/A	\$438,985.44 (not to exceed) Fund 25	Oak Grove High School/Facilities Martha Brazil, Principal Linda da Silva, Director of Construction, Maintenance & Facilities

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to purchase out right the twenty-four (24) relocatable classrooms at Oak Grove High School that have previously been contracted on a month-to-month rental agreement.

The cost to rent the units is approximately \$113,472 annually. In the past, the District elected not to purchase the buildings because the buildings were intended as interim housing, and it was not prudent to include the classrooms in permanent facilities inventory in order to maximize eligibility for State Facilities Program funding for new construction. With the passage of the Measure I Bond and an associated potential need for continued interim housing, projected other future needs for classrooms, and indications that lawmakers are planning to make changes to the State Facilities Program that include re-base lining facilities inventory, it is now in the District’s best interest to purchase the buildings.

Selection Process

N/A

RECOMMENDATION

It is recommended that the Board of Trustees authorize item for staff to enter into a purchase agreement for twenty-four (24) relocatable classrooms at Oak Grove High School with **Williams Scotsman** for an amount not to exceed \$438,985.44.



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Agenda Item Details

Meeting	Jun 19, 2014 - ESUHSD REGULAR BOARD MEETING - 4:30 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133 - AMENDED AGENDA
Category	20. FACILITIES - CONSENT/ACTION CALENDAR
Subject	20.01 Ratification of Bond/Capital Projects Contract(s) for Professional Services At or Below \$50,000
Access	Public
Type	Action
Recommended Action	It is recommended that the Board of Trustees ratify the Bond/Capital Projects Contract(s) for Professional Services at or below \$50,000 as recommended in the attachment and Authorization is being requested for the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term, provided such amendments do not: (i) extend the term of the contract; (ii) increase the price of goods or services provided under the contract by the greater of ten percent (10%) of the contract amount (based on the original contract amount exclusive of any approved amendments in the aggregate); or (iii) alter the quality or quantity of services or goods provided under the Board-approved contract per Board Policy 3312.1.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT

Item: 20.01

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: Ratification of Bond/Capital Projects Contract(s) for Professional Services At or Below \$50,000

The attached lists the Bond/Capital Projects Contracts for Professional Services at or below \$50,000 being recommended for Board ratification.

Fiscal Impact:

As indicated in the attachment

Funding Source:

As indicated in the attachment

Recommendation:

It is recommended that the Board of Trustees ratify the Bond/Capital Projects Contract(s) for Professional Services at or below \$50,000 as recommended in the attachment and Authorization is being requested for the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term, provided such amendments do not: (i) extend the term of the contract; (ii) increase the price of goods or services provided under the contract by the greater of ten percent (10%) of the contract amount (based on the original contract amount exclusive of any approved amendments in the aggregate); or (iii) alter the quality or quantity of services or goods provided under the Board-approved contract per Board Policy 3312.1.

 [Prof. Serv Contract under \\$50K -Ratified-Final.pdf \(115 KB\)](#)

Executive Content

Motion & Voting

It is recommended that the Board of Trustees ratify the Bond/Capital Projects Contract(s) for Professional Services at or below \$50,000 as recommended in the attachment and Authorization is being requested for the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term, provided such amendments do not: (i) extend the term of the contract; (ii) increase the price of goods or services provided under the contract by the greater of ten percent (10%) of the contract amount (based on the original contract amount exclusive of any approved amendments in the aggregate); or (iii) alter the quality or quantity of services or goods provided under the Board-approved contract per Board Policy 3312.1.

Motion by Member Frank Biehl, second by Vice President Van Le.

Final Resolution: Motion Carries

Yea: President J Manuel Herrera, Vice President Van Le, Clerk Magdalena Carrasco, Member Frank Biehl

Not Present at Vote: Member Lan Nguyen

Last Modified by Mary Guillen on June 26, 2014

**East Side Union High School District
Construction Related Professional Services Contracts under \$50,000 for Ratification
Board Meeting of June 19, 2014 - Item 20.01**

Project Number	Project Name	Project Description	Contract Number	Contract Period	Consultant	Contract Amount	Date Purchase Order Assigned
G-055-216	SCHS New Stadium Lighting	Reprographic Services	403391	5/30/14 to complete	ARC NorCal	\$1,000.00	5/30/2014
E-050-003	OGHS Locker Room	Project Reopening Fees	403393	5/30/14 to complete	Division of State Architect (DSA)	\$500.00	5/30/2014
E-065-002	IHS Locker Room	Project Reopening Fees	403394	5/30/14 to complete	Division of State Architect (DSA)	\$500.00	5/30/2014
I-089-006	IHS Occupancy Change Upgrades for ACE and Other Projects Required for School Readiness	Move Coordination Services	403455	6/2/14 to 6/30/14	Laurie Abate	\$25,000.00	6/4/2014
I-089-007	IHS Occupancy Change Upgrades for DCP and Other Projects Required for School Readiness	Move Coordination Services	403456	6/2/14 to 6/30/14	Luella (Lou) Prsha	\$25,000.00	6/4/2014
N/A	Exterior Community Gratitude Signs	Design & Manufacturing Services	403389	5/15/14 to 6/30/14	Orloff Williams & Leeper, Inc.	\$15,000.00	5/30/2014
G-055-216	SCHS New Stadium Lighting	In-house Welding Inspection Services for Lighting Base/Pole	403342	5/27/14 to complete	John R. Byerly, Inc.	\$8,800.00	5/27/2014
E-025-001	AHHS Girls'/Boys' Locker Room	Project Reopening Fees	403441	06/04/14 to complete	Division of State Architect (DSA)	\$500.00	6/4/2014