

Oakland Unified School District

Board of Education
Paul Robeson Building
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Minutes (Long)

Tuesday, March 17, 2009

5:00 PM

**Board Room, Paul Robeson Building, 1025 2nd Avenue, Oakland, CA
94606-2212**

Facilities Committee

**Noel Gallo, Chairperson
Christopher Dobbins, Member
Jody London, Member**

A. Call to Order

Chairperson Noel Gallo called the meeting to order at 5:10 p.m.

B. Roll Call

Roll Call: Present: Jody London, Christopher Dobbins and Noel Gallo

C. Modification(s) To Agenda

There were no modifications to the agenda.

C1. Minutes - Facilities Committee



[09-0694](#) Minutes - Facilities Committee - February 18, 2009

Adoption by Facilities Committee of its Meeting Minutes of February 18, 2009.

Attachments: [09-0694 - Minutes - Facilities Committee - February 18, 2009](#)

A motion was made by Christopher Dobbins, seconded by Noel Gallo, that this matter be Adopted. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Christopher Dobbins and Noel Gallo
Nay: 0
Abstained: 1 - Jody London
Recused: 0
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0



[09-0824](#) Minutes - Facilities Committee - March 3, 2009

Adoption by Facilities Committee of its Meeting Minutes of March 3, 2009.

Attachments: [Minutes - Facilities Committee - March 3, 2009](#)

A motion was made by Christopher Dobbins, seconded by Noel Gallo, that this matter be Adopted. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0

Adv Abstain: 0
Aye: 3 - Jody London, Christopher Dobbins and Noel Gallo
Nay: 0
Recused: 0
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

D. Adoption of the Committee General Consent Report



[09-0725](#)

Professional Services Agreement - Loving & Campos Architects - Life Academy Site Assessment Project

Approval by Board of Education of Professional Services Agreement between District and Loving & Campos Architects, Oakland, CA, for the latter to provide real estate services to locate candidate properties of at least 44,000 ft.² within the Oakland High School and Fremont School attendance area, for the period commencing January 15, 2009 and concluding no later than December 31, 2009, in an amount not-to-exceed \$14,080.00.

Funding Source: General Obligation Bond-Measure B

Attachments: [Document\(s\)](#)

This Matter was Recommended Favorably on the Consent Agenda.



[09-0726](#)

Professional Services Agreement - Ninyo & Moore - Downtown Education Complex/Facilities Project

Approval by Board of Education of Professional Services Agreement between District and Ninyo & Moore, Oakland, CA, for the latter to provide evaluation of hazardous material at portables 3, 13, 14, 15, 16 and 18 and various other items described herein in conjunction with the Downtown Education Complex/Facilities Project for the period commencing December 16, 2008 and concluding no later than December 16, 2009 in an amount not-to-exceed \$6,000.00.

Funding Source: Developer Fees

Attachments: [Document\(s\)](#)

This Matter was Recommended Favorably on the Consent Agenda.



[09-0727](#)

Professional Services Agreement - Simplex Grinnell - Highland Elementary School Phase 2 Admin Office Remodel Project

Approval by Board of Education of Professional Services Agreement between District and Simplex Grinnell, Livermore, CA, for the latter to install a new NAC Panel near the existing 4020 FACP, which will include moving the existing notification circuits from the 4020 on the new NAC panel and various other items described herein in conjunction with the Highland Elementary School Phase 2 Admin Office Remodel Project for the period commencing October 3, 2008 and concluding no later than December 31, 2008 in an amount not-to-exceed \$8,735.00.

Funding Source: General Obligation Bond-Measure B

Attachments: [Document\(s\)](#)

This Matter was Recommended Favorably on the Consent Agenda.



09-0728

Amendment No. 2 - VBN Architects - Laurel Elementary School Modernization Project

Approval by Board of Education of Amendment No. 2 to Professional Services Agreement between District and VBN Architects, Oakland, CA, for the latter to adjust contract to District's 10% of the accepted construction contract bid of \$1,437,000.00 in conjunction with the Laurel Elementary School Modernization Project in an amount not-to-exceed \$7,600.00, increasing the Agreement from \$136,100.00 to a not-to-exceed amount of \$143,700.00, and extending the end date from January 31, 2008 to April 1, 2009. All other terms and conditions of the Agreement remain in full force and effect.

Funding Source: General Obligation Bond-Measure B

Attachments: [Document\(s\)](#)

This Matter was Recommended Favorably on the Consent Agenda.



09-0743

MOU - Spanish Speaking Unity Council and Oakland Unified School District - Chavez Education Center Fields

Approval of the Memorandum of Understanding ("MOU") between the District and the Spanish Speaking Unity Council, for the latter's scheduling and use of fields, gymnasium and other facilities, pursuant to terms and conditions specified the MOU, for the academic year 2008-2009 at the Cesar Chavez Education Center.

Attachments: [Document\(s\)](#)

This Matter was Recommended Favorably on the Consent Agenda.



09-0744

Purchasing Agreement Williams Scotsman, Inc. and Oakland Unified School District - Portables

Approval by Board of Education of the Sales Agreement / Multiple Units between the District and Williams Scotsman, Inc., for the purchase of 28 portable classrooms, currently under lease agreements located at various District school sites, in an amount not to exceed \$578,249.65.

Funding Source: General Obligation Bond - Measure B

Attachments: [Document\(s\)](#)

This Matter was Recommended Favorably on the Consent Agenda.



[09-0745](#)

Ground Lease - Oakland Unified School District and City of Oakland - Sobrante Park

Approval by Board of Education of a Ground Lease between the District and the City of Oakland, for the latter to rent from District for \$1.00 annually, after initial \$25.00 payment of rent, and pursuant to other terms and conditions stated in said lease, for a term of twenty-five years the land known as Sobrante Park.

Funding Source: City of Oakland

Attachments: [Document\(s\)](#)

This Matter was Recommended Favorably on the Consent Agenda.



[09-0752](#)

Amendment No. 3 - Colland Jang - Peralta Elementary School Fire Repair Project

Approval by Board of Education of Amendment No. 3 between District and Colland Jang, Oakland, CA, for the latter to provide additional architect services, due to a District requested change in scope, to provide reimbursement to the Architect for Division of State Architect fees in conjunction with the Peralta Elementary School Fire Repair Project in an additional amount not-to-exceed \$6,543,63, increasing the Agreement from \$153,326.00 to a not-to-exceed amount of \$159,869.63 and revising the end date from December 31, 2007 to January 2, 2009. All other terms and conditions of the Agreement remain in full force and effect.

Funding Source: Risk Management

Attachments: [Document\(s\)](#)

This Matter was Recommended Favorably on the Consent Agenda.



[09-0754](#)

Amendment No. 4 - Beverly Prior Architects - Chabot Elementary School Portable Replacement Project

Approval by Board of Education of Amendment No. 4 to Professional Services Agreement between District and Beverly Prior Architects, San Francisco, CA, for the latter to provide additional architect services due to a District requested change in scope, to expand construction administrative services in conjunction with the Chabot Elementary School Portable Replacement Project in an additional amount not-to-exceed \$61,200.00, increasing the Agreement from \$1,679,307.00 to a not-to-exceed amount of \$1,740,507.00. All other terms and conditions of the Agreement remain in full force and effect.

Funding Source: General Obligation Bond-Measure B

Attachments: [Document\(s\)](#)

This Matter was Recommended Favorably on the Consent Agenda.



[09-0755](#)

Small Construction Contract - Comtel Systems Technology, Inc. - Highland

Elementary School Project

Approval by Board of Education of a Small Construction Contract between District and Comtel Systems Technology, Inc., Sunnyvale, CA for the latter to provide an additional eight hours of programming and troubleshooting of the existing intercom system so announcements are heard in relocated portables at RISE Elementary School, for the period commencing November 10, 2008 and concluding no later than December 31, 2008 in an amount not-to-exceed \$2,160.00.

Funding Source: General Obligation Bond-Measure B

Attachments: [Document\(s\)](#)

This Matter was Recommended Favorably on the Consent Agenda.



[09-0756](#)

Professional Services Agreement-ACC Environmental Consultants-Calvin Simmons Middle School Health Center Project

Approval by Board of Education of a Professional Services Agreement between District and ACC Environmental Consultant, Oakland, CA, for the latter to provide air monitoring services and project management services for the removal of asbestos containing materials, on-site management of contract activities, environmental and final clearance sampling, visual inspections and project documentation pursuant to the proposal dated December 30, 2008 in conjunction with the Calvin Simmons Middle School Health Center Project for the period commencing January 12, 2009 and concluding no later than December 31, 2009 in an amount not-to-exceed \$6,270.00.

Funding Source: General Obligation Bond-Measure B

Attachments: [Document\(s\)](#)

This Matter was Recommended Favorably on the Consent Agenda.



[09-0758](#)

Professional Services Agreement-ACC Environmental Consultants-Roosevelt Middle School Health Center Project

Approval by Board of Education of a Professional Services Agreement between District and ACC Environmental Consultant, Oakland, CA, for the latter to provide planning, estimating services doing preliminary design, prepare project specifications for demolition and removal of asbestos and lead containing materials, and monitoring services pursuant to the proposal dated December 19, 2008, in conjunction with the Roosevelt Middle School Health Center Project for the period commencing January 12, 2009 and concluding no later than December 31, 2009 in an amount not-to-exceed \$12,940.00.

Funding Source: General Obligation Bond-Measure B

Attachments: [Document\(s\)](#)

This Matter was Recommended Favorably on the Consent Agenda.



[09-0772](#)

Amendment No. 1 - GKK/McCarthy - Division of Facilities, Planning and Management Project

Approval by Board of Education of Amendment No. 1 to Professional Services Agreement between District and GKK/McCarthy, Irvine, CA, for the latter to provide additional construction management services, due to a District request, whereas the project is to extend the construction management services in conjunction with the Division of Facilities, Planning and Management Project in an amount not-to-exceed \$556,400.00, increasing the Agreement from \$2,999,200.00 to a not-to-exceed amount of \$3,555,600.00 and revising the end date from February 28, 2009 to May 31, 2009. All other terms are conditions of the Agreement remain in full force and effect.

Funding Source: General Obligation Bond - Measure B

Attachments: [Document\(s\)](#)

This Matter was Recommended Favorably on the Consent Agenda.

Passed The Consent Report

A motion was made by Christopher Dobbins, seconded by Jody London, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 3 - Jody London, Christopher Dobbins and Noel Gallo
Nay: 0
Recused: 0
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

E. Unfinished Business

None.

F. New Business



09-0823 Coherent Governance - Policy Development

Review of Coherent Governance Policies - Operational Expectation 10 for possible modification, revision.

Attachments: [OE10.pdf](#)

Mr. White said tonight's presentation of OE-10 was an opportunity for the Committee to discuss any potential changes associated with the Operational Expectation and the option to include additional items. Mr. White said given direction by the Committee, staff will start adding to the policy language.

**09-0825****Renaming - Alternative Learning Center - Barack Obama Academy**

Approval by Board of Education of the renaming of the District's Alternative Learning Center to Barack Obama Academy, at the request of students, parents and community, in honor of the 44th President of the United States of America.

Attachments: [09-0825 - Renaming - Alternative Learning Center - Barack Obama Academy.pdf](#)

Tony McElroy, Principal of Alternative Learning Community said the idea for the name change came from the students with support from City Councilman Larry Reid and the Toler Heights Homeowner's Association. Ms. McElroy said the students felt the current name Alternative Learning Community cast a negative dispersion on the school and their educational pursuits. The mission of the school will be community leadership and community service. Several students were in attendance and read statements they prepared.

Comments from the students at Alternative Learning Community

Alahjawon Morton said Barack Obama came from a tough life like Martin Luther King, Jr., and Malcolm X and they have something named after them. Barack Obama is the first African American President. Alahjaawon said by changing the name of the school to Barack Obama Academy I know we will change too. Alahjaawon said our school may not be the best, but we have potential and we learn from our mistakes. When people ask where I go to school I hate saying I go to Alternative Learning Community. I would love to say I go to Barack Obama Academy.

Brandon Owusu said we should change the name of the school because Barack Obama is a good man and he is inspiring all of us to do well in school. If we change the school from Alternative Learning Community to Barack Obama Academy it will make me think, would Barack Obama like what I am doing? Brandon said someday when I go to college I will say I went to Barack Obama Academy.

Robin Evans said she thinks the name should be changed because they are intelligent students and Barack Obama is an intelligent man. Having the school named Barack Obama Academy will make people look at us differently. If someone ask you what school to you attend and you say Alternative Learning Community, they will say I heard something bad about that school. If you say I go to Barack Obama Academy they will look at you differently.

Mikela Mosely said she thinks it will be a great idea to change the name of the school to Barack Obama Academy because he is the first African American President. It will become history in the making for us to graduate from Barack Obama Academy and I would love to be a part of history.

James Cowling said we should change the name of the school to Barack Obama Academy. James said the students are intelligent; we made some mistakes and we were brought to Alternative Learning Community. If we change the name of the school, people will change their minds about our school. James said in my future I can tell my children I went to a middle school named after the first African American President.

Chairperson Gallo asked James if the Board approves the changing the name of the school will all the students making a presentation tonight do all of their work and be on time for school every day? James replied, "Yes."

Fred Franklin, President of Toler Heights Citizen Council said the Citizen's Council supports the name change from Alternative Learning Community to Barack Obama Academy. Mr. Franklin said the vote was unanimous.

President Spearman said she was moved by the students going to their Principal to get the name of the school changed. President Spearman said the Principal told her the students want to live up to the name of Barack Obama. She said the children should not be under a name that is a hindrance to them.

Comments from Board Members

Director London

Director London asked Principal McElroy was their plan to incorporate community service. Ms. McElroy said the school already has community service and environmental education. Ms. McElroy said the focus will be leadership development based on the characteristics that President Obama has set forward regarding volunteerism. A trip to for the students to Washington DC is planned for next year.

Director Dobbins

Director Dobbins asked about the costs involved in changing the name of the school and Tim White said the cost would be under \$10,000.00. Director Dobbins said we may be the first school to change the name to Barack Obama. Director Dobbins said he supports the name change.

A motion was made by Christopher Dobbins, seconded by Jody London, that this matter be Recommended Favorably. The motion carried by the following vote:

Votes: Adv Aye: 0
 Adv Nay: 0
 Adv Abstain: 0
 Aye: 3 - Jody London, Christopher Dobbins and Noel Gallo
 Nay: 0
 Recused: 0
 Preferential Aye: 0
 Preferential Abstention: 0
 Preferential Nay: 0



09-0826

Proposition 39 - 2009-2010 School Year Offer(s) of District Facilities to Charter School(s) - Bay Area Technical School

Adoption by Board of Education of Resolution 0809-0149 - 2009-2010 School Year Offer(s) of District Facilities to Charter School(s) - Bay Area Technical School - Pursuant to Requirements of Proposition 39.

Attachments: [09-0826 - Proposition 39 - 2009-2010 School Year Offer\(s\) of District Facilities to Charter School\(s\) - Bay Area Technical School.pdf](#)

Staff Report

David Montes de Orca from the Office of Charter Schools said under Prop. 39 the District has an obligation to provide facilities to charter schools. Two charter schools have accepted preliminary offers of consideration for facility use. The offers are identical to the facilities the two charter schools currently occupy this year. Mr. Montes de Orca said the two schools have until May 1st to accept the final offer. The Office of Charter Schools will bring to the Committee a final draft of the facility use agreement spelling out the terms of the use agreement for one year.

*Comments from Committee Members**Director London*

Director London wanted to know how do we determine what the allowable cost are. Mr. Montes de Orca said the California Code of Regulations describes the areas of costs that the District incurs pertaining to facilities and other cost including debt service.

A motion was made by Jody London, seconded by Christopher Dobbins, that this matter be Recommended Favorably. The motion carried by the following vote:

Votes: Adv Aye: 0
 Adv Nay: 0
 Adv Abstain: 0
 Aye: 3 - Jody London, Christopher Dobbins and Noel Gallo
 Nay: 0
 Recused: 0
 Preferential Aye: 0
 Preferential Abstention: 0
 Preferential Nay: 0

**09-0827**

Proposition 39 - 2009-2010 School Year Offer(s) of District Facilities to Charter School(s) - LPS College Park

Adoption by Board of Education of Resolution 0809-0150 - 2008-2009 School Year Offer(s) of District Facilities to Charter School(s) - Leadership Public Schools - College Park - Pursuant to Requirements of Proposition 39.

Attachments: [09-0827 - Proposition 39 - 2009-2010 School Year Offer\(s\) of District Facilities to Charter School\(s\) - LPS College Park.pdf](#)

Staff Report

David Montes de Orca from the Office of Charter Schools said under Prop. 39 the District has an obligation to provide facilities to charter schools. Two charter schools have accepted preliminary offers of consideration for facility use. The offers are identical to the facilities the two charter schools currently occupy this year. Mr. Montes de Orca said the two schools have until May 1st to accept the final offer. The Office of Charter Schools will bring to the Committee a final draft of the facility use agreement spelling out the terms of the use agreement for one year.

A motion was made by Jody London, seconded by Christopher Dobbins, that this matter be Recommended Favorably. The motion carried by the following vote:

Votes: Adv Aye: 0

Adv Nay: 0
Adv Abstain: 0
Aye: 3 - Jody London, Christopher Dobbins and Noel Gallo
Nay: 0
Recused: 0
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

G. Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the Committee

Vallie Towns, spoke regarding naming Castlemont's Auditorium the Phil Reeder Performing Arts Center because of Mr. Reeder's contributions to Castlemont High School and the musicianship of numerous Castlemont alumni's. Ms. Towns said a lot of professional entertainers came through Phil Reeder's program at Castlemont. Ms. Towns said this proposed name change has the support of all three Principals at Castlemont.

Chairperson Gallo told Ms. Towns the item could be placed on the next Facilities Agenda in two weeks for consideration by the Facilities Committee for action by the full Board and Mr. White would provide her with the necessary steps in the process. Mr. Rakestraw told the Committee President Spearman did give him a letter regarding this matter but the reason the item was not on tonight's agenda was the proper paperwork had not been received in the Board Office.

Director Dobbins
Director Dobbins said he thought it was fitting to name the auditorium after a teacher.

H. Chairperson's Statement Disclosing Item(s) to be Discussed in Closed Session Today

N/A

I. Closed Session Item(s):

N/A

J. Recess to Closed Session

N/A

K. Reconvene to Public Session

N/A

L. Second Roll Call

N/A

M. Chairperson's Statement of Reportable Action Taken in Closed Session and the Vote or Abstention of Members Present, if any.

N/A

N. Introduction of New Legislative Matter

None.

O. Adjournment

Chairperson Noel Gallo adjourned the meeting at 5:56 p.m.

Prepared By: _____

Approved By: _____