

Oakland Unified School District

Board of Education
Paul Robeson Building
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Minutes (Long)

Tuesday, April 06, 2010

5:00 PM

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

Facilities Committee

*Noel Gallo, Chairperson
Jody London, Member
Alice Spearman, Member*

A. Call to Order

Chairperson Noel Gallo called the meeting to order at 5:00 P.M.

B. Roll Call

Roll Call: Present: Alice Spearman and Noel Gallo
Absent: Jody London

C. Modification(s) To Agenda

None.

D. Adoption of Committee Minutes



[10-0606](#) Minutes - Facilities Committee Meeting - March 16, 2010

Approval by the Facilities Committee of Its Meeting Minutes of March 16, 2010.

Attachments: [Minutes - Facilities Committee Meeting - March 16, 2010](#)

A motion was made by Alice Spearman, 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 - Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

E. Adoption of the Committee General Consent Report



[09-3475](#) Project Budget Increase - Downtown New School Clinic Project

Approval by the Board of Education of Resolution 0910-0130 - Authorizing and Approving the Project Budget Increase for the Downtown New School Clinic Project in the additional amount of \$750,000.00, for reason(s) noted in accompanying documentation, incorporated herein by reference as though fully set forth, increasing the project budget from \$750,000.00 to \$1,500,000.00.

Resource Code - 2122-121

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0



10-0424

Professional Services Agreement - Simplex Grinnell - Prescott Elementary School Modernization Project

Approval by the Board of Education of Professional Services Agreement between District and Simplex Grinnell, Pleasanton, CA, for the latter to provide supervision to the electrical contractor and/or low-voltage installer of the fire alarm system during the following critical path periods: conduit installation, wire pulling, wire continuity review/testing, termination/trimming of devices and various other items described in the Scope of Work, incorporated herein by reference as though fully set forth, in conjunction with the Prescott Elementary School Modernization Project for the period commencing March 25, 2010 and concluding no later than December 31, 2011 in an amount not to exceed \$17,280.00.

Resource Code - 2122-147

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**10-0502****Professional Services Agreement - Anthony Ogbeide Associates, Inc. - Madison Middle School Health Center Project**

Approval by the Board of Education of Professional Services Agreement between District and Anthony Ogbeide Associates, Inc., Oakland, CA, for the latter to provide Division of State Architect (DSA) inspection services in conjunction with the Madison Middle School Health Center Project for the period commencing June 1, 2010 and ending June 30, 2011, in an amount not to exceed \$42,900.00.

Resource Code - 2122-215

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**10-0503****Professional Services Agreement - Applied Materials & Engineering, Inc. - Roosevelt Middle School Health Center Project**

Approval by the Board of Education of Professional Services Agreement between District and Applied Materials & Engineering, Inc., Oakland, CA, for the latter to provide special inspection and testing as required by the 2007 California Building Code, Chapter 17 and the Division of State Architect (DSA) SSS-103 Structural Testing and Inspection Form, as described in the Scope of Work, incorporated herein by reference as though fully set forth, including incorporating the attached proposal into the contract to the extent that it is subordinate to and not inconsistent with the contract terms in conjunction with the Roosevelt Middle School Health Center Project for the period commencing April 15, 2010 and concluding no later than December 31, 2011 in an amount not to exceed \$4,110.00.

Resource Code - 2122-212

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Alice Spearman and Noel Gallo
Nay: 0
Recused: 0

Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**10-0505****Professional Services Agreement - Geosphere Consultants - Montclair New Classroom Building New Classroom Portables Project**

Approval by the Board of Education of Professional Services Agreement between District and Geosphere Consultants, Oakland, CA, for the latter to test for contaminants in the soil for the proposed new building locations, with the attached proposal incorporated into the contract to the extent that it is subordinate to and not inconsistent with the contract terms, in conjunction with the Montclair New Classroom Building New Classroom Portables Project for the period commencing April 15, 2010 and concluding no later than March 1, 2011 in an amount not to exceed \$6,600.00.

Resource Code - 2122-143

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**10-0506****Professional Services Agreement - Jason Zalinski - Life Academy Renovation/Seismic Retrofit Project**

Approval by the Board of Education of Professional Services Agreement between District and Jason Zalinski, Oakland, CA, for the latter to provide Division of State Architect (DSA) inspection services in conjunction with the Life Academy Renovation/Seismic Retrofit Project for the period commencing April 15, 2010 and concluding December 1, 2010, in an amount not to exceed \$14,400.00.

Resource Code - 2122-335

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0

Aye: 2 - Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**10-0507****Professional Services Agreement - Schirmer Engineering - Havenscourt Middle School Modernization Project**

Approval by the Board of Education of Professional Services Agreement between District and Schirmer Engineering, Concord, CA, for the latter to provide design and construction administrative services for the installation of a new intrusion alarm in the Main Building, Music Wing, Shop Building, Gymnasium, Annex Building, Cafeteria Building and existing Portable Classroom, as described in the Scope of Work, incorporated herein by reference as though fully set forth, with the attached proposal incorporated into the contract to the extent that it is subordinate to and not inconsistent with the contract terms, in conjunction with the Havenscourt Middle School Modernization Project for the period commencing April 15, 2010 and concluding no later than December 31, 2011 in an amount not to exceed \$22,272.00.

Resource Code - 2122-207

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**10-0514****Amendment No. 5 - Beverly Prior Architects - Chabot New Classroom and Multi-Purpose Building Project**

Approval by the Board of Education of Amendment No. 5 to Professional Services Agreement between District and Beverly Prior Architects, San Francisco, CA, for the latter to provide additional architectural and landscape services mitigating the impact of the Caldecott Tunnel expansion on the school and providing other services described, in the Scope of Work, incorporated herein by reference as though fully set forth, in conjunction with and affecting the Chabot New Classroom and Multi-Purpose Building Project, in an additional amount not to exceed \$27,583.00, increasing the Agreement from \$1,748,832.00 to a not-to-exceed amount of \$1,776,415.00, and extending the end date from December 31, 2010 to March 31, 2011. All other terms and conditions of the Agreement remain in full force and effect.

Resource Code - 2122-106

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0



10-0515

Amendment No. 1 - Byrens Associates - Edward Shands Adult Education Modernization/ADA/FA/Intrusion Alarm Project

Approval by the Board of Education of Amendment No. 1 to Professional Services Agreement between District and Byrens Associates, Oakland, CA, for the latter to provide engineering service for the design and development of construction documents for District requested new intrusion alarm system (scope of work change), replacing existing intrusion alarm system, in conjunction with the Edward Shands Adult Education Modernization/ADA/FA/Intrusion Alarm Project, in an additional amount not to exceed \$12,100.00, increasing the Agreement from \$184,000.00 to a not-to-exceed amount of \$196,100.00. All other terms and conditions of the Agreement remain in full force and effect.

Resource Code - 2122-404

Funding Source: General Obligation Bond

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

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Alice Spearman and Noel Gallo

Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**10-0519****Project Budget Increase - Lowell Middle School Modernization Project**

Approval by the Board of Education of Resolution 0910-0135 - Authorizing and Approving the Project Budget Increase for the Lowell Middle School Modernization Project in the additional amount of \$2,500,000.00, for reason(s) noted in accompanying documentation, incorporated herein by reference as though fully set forth, increasing the project budget from \$11,910,000.00 to \$14,410,000.00.

Resource Code - 2122-204

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**10-0525****Professional Services Agreement - Simplex Grinnell - Roosevelt Middle School Modernization Project**

Approval by the Board of Education of Professional Services Agreement between District and Simplex Grinnell, Livermore, CA, for the latter to provide supervision to the electrical contractor and/or low-voltage installer of the fire alarm system during the following critical path periods: conduit installation, wire pulling, wire continuity review/testing, termination/trimming of devices, as described in the Scope of Work, incorporated herein by reference as though fully set forth, in conjunction with the Roosevelt Middle School Modernization Project for the period commencing April 15, 2010 and concluding no later than December 31, 2011 in an amount not to exceed \$11,880.00.

Resource Code - 2122-212

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0

Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**10-0526****Project Budget, Key Code and Project Number - Roosevelt Middle School Paving Replacement Project**

Approval by the Board of Education of Resolution No. 0910-0137 - Authorizing and approving the New Project Budget, Key Code and Project Number for Roosevelt Middle School Paving Replacement Project in the amount of \$404,840.00.

Resource Code - 1414-212

Funding Source: Deferred Maintenance

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

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**10-0527****Project Budget Increase - Montera Middle School Modernization Project**

Approval by the Board of Education of Resolution 0910-0136 - Authorizing and Approving the Project Budget Increase for the Montera Middle School Modernization Project in the amount of \$3,400,000.00, for reason(s) noted in accompanying documentation, incorporated herein by reference as though fully set forth, increasing the project budget from \$6,535,000.00 to \$9,935,000.00.

Resource Code - 2122-211

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0

Aye: 2 - Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**10-0531****Professional Services Agreement - PMC - Downtown Educational Complex Project**

Approval by the Board of Education of Professional Services Agreement between District and PMC, Oakland, CA, for the latter to perform environmental analysis for the Downtown Project Site in order to prepare a Mitigated Negative Declaration per California Environmental Quality Act (CEQA), as described in the Scope of Work, incorporated herein by reference as though fully set forth, in conjunction with the Downtown Educational Complex Project for the period commencing March 25, 2010 and concluding no later than December 31, 2010 in an amount not to exceed \$74,841.00.

Resource Code - 2525-121

Funding Source: Developer Fees

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

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**10-0555****Professional Services Agreement - Sandis - Roosevelt Middle School Paving Replacement Project**

Approval by the Board of Education of Professional Services Agreement between District and Sandis, Oakland, CA, for the latter to provide surveying and engineering services to include preparation of the following: a site demolition plan; a paving plan considering a grind with 2-inch overlay and stabilizing fabric; a striping plan for the play yard (based on the final design to be provided by OUSD) and various other items described in the Scope of Work, incorporated herein by reference as though fully set forth, in conjunction with the Roosevelt Middle School Paving Replacement Project for the period commencing on April 14, 2010 and concluding no later than December 31, 2011 in an amount not to exceed \$27,500.00.

Resource Code - 1414-212

Funding Source: Deferred Maintenance

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

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0



10-0556

Award of Bid and Construction Contract - A&E Emaar - Ralph Bunche Middle School Siding Project

Approval by the Board of Education of Resolution No. 0910-0139 - Award of Bid and Construction Contract between District and A&E Emaar, Albany, CA, for the latter, as the lowest responsive, responsible bidder and rejecting all other bids, if any, to provide construction services for various repairs of dry rot to modular building siding, driveway replacement, basketball court repairs and restriping & painting of the gymnasium in conjunction with the Ralph Bunche Middle School Siding Project for the period commencing April 28, 2010 and ending May 27, 2010 in the amount of \$158,500.00.

Resource Code - 2122-223

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

Passed The Committee General Consent Report

A motion was made by Alice Spearman, seconded by Noel Gallo, 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: 2 - Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

F. Unfinished Business



[09-3145](#)

District Facility and Real Property Asset Management Study

Presentation by the Facilities Department of an updated District Facility and Real Property Asset Management Study as of February 16, 2010.

Attachments: [Document\(s\)](#)
[09-3145 - District Facility and Real Property Asset Management Study - Update - As of February 16 2010.pdf](#)

Tabled to a Date Certain



[10-0409](#)

Report and Proposed Side Letter, District's Project Labor Agreement

Report on the year to date progress of the Project Labor Agreement adopted by the Board of Education on May 29, 2002 and/or adoption by Board of Education of Side Letter Agreement Between District and Building and Construction Trades Council of Alameda County, AFL-CIO Including Unions and Councils Signatory hereto, to District's Project Labor Agreement, attached hereto and incorporated herein as though fully set forth.

Attachments: [Document\(s\)](#)
[Report and Proposed Side Letter, District's Project Labor Agreement.pdf](#)

Mr. White said he was asked to look into ways to expand the goals of the agreement. The existing agreement had a \$400,000 carve-out for the \$435 million dollar bond. He said through negotiations the District is at approximately a \$20 million dollar carve-out. He said Special Facilities Council, Cate Boskoff, will talk about the negotiations

Cate Boskoff said today the District has about \$240 million left in Measure "A" and Measure "B" Bond proceeds. She said the Side Letter will not stop the negotiations but it is a way to start using the carve-out in a program geared towards local businesses and local resident hires. She said one concern is if we exempt projects from the PLA contractors from outside jurisdictions coming in trying to do the work at a more competitive price. Ms. Boskoff said the District is making the carve-out money exclusively available to local business or local hires. Another component is the reduction in the number of core employees that would be allowed. She said currently an outside contractor can use up to 10 of their own employees before they default to having to use 100% hires out of the local union hall. This would reduce the number down to five.

Chairperson Gallo clarified that the District is going from \$400 hundred thousand to \$20 million dollars in carve-outs for local residents. He asked for the timeline for acceptance from the unions and the Labor Council.

Ms. Boskoff said everyone is in agreement.

Jacqueline Minor, General Counsel, said the agreement before final Board approval will be signed by the union.

Public Comments

Darrel Carey, East Bay Small Business Council, said \$22 million is not enough. He said the whole remaining \$240 million should be put back into the local economy. Mr. Carey suggested the District implement a mentoring program so these businesses (about five) can absorb as much of the \$22 million as they can with the obligation that they will create a 100% sub utilization on these projects.

Committee Discussion

Chairperson Gallo asked when does the current PLA expire?

Ms. Boskoff said the PLA is a rolling PLA meaning as each bond measure passes the PLA rolls into the new bond. She said the PLA is always open for renegotiation.

Jacqueline Minor said the current PLA continues to roll. She said it is a negotiation with the trade unions because there is a binding enforceable contract. She said the changes being made are beneficial to our constituents and the community of Oakland. She said with direction from the Committee or the Board making clear District's expectations and needs, it supports the ability to get the changes you wanted in the PLA.

Director Spearman wanted to know if the District can implement the mentoring program and sheltering program Mr. Carey talked about?

Mr. White said currently the Local Vendor Policy is performing in excess of 40%. He said the anticipation is that the carve-out would be exclusive to Local Vendors.

A motion was made by Alice Spearman, seconded by Noel Gallo, that this matter be Recommended Favorably. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Absent: 1 - Jody London
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0



City of Oakland - District - Year Round Schools Playground Access

Discussion of the City of Oakland's proposed Amendment No.1 to the Joint Facilities Use Agreement Between City and District, for the District to allow reasonable year-round public access to school playgrounds after school hours and on weekends as specified therein.

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

Tim White said this is a proposal to the existing Joint Use Agreement between the District and the City of Oakland Parks & Recreation Department for shared use of District facilities and the use of City of Oakland facilities. The proposal made by Jane Brunner and the Life Enrichment Committee requested the District open up the majority of its facilities for public use during after school hours and on weekends. He said the Life Enrichment Committee was disappointed that the District did not accept their proposal when he reported back to them two weeks ago. The approach recommended by the committee was that each City Councilmember contact their counterpart on the Board directly and have discussions about what schools within their districts could they open. Mr. White said they discussed the issues associated with liability and custodial costs. The City thought the District could find some creative ways to absorb the liability and in terms of the cost associated with custodial services, the committee felt the District could shift custodial hours and cut back on custodial services during the day when students are in class. He said Councilmember Jean Quan said she did understand and supported meeting with the District as a legislative body and wanted to look into funding from various grants to help meet the District half way in covering the additional costs.

Committee Discussion

Director Spearman said she had no problem with City Councilmembers talking to their Board counterpart.

Chairperson Gallo said any changes would come before this committee.

Discussed

G. New Business



[10-0586](#) 2009-2010 Measure "B" Expenditure Report

Presentation of 2009/2010 Measure B Expenditure Report as of March 23, 2010.

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

Charles Love, Facilities Department, gave the updated Measure "B" Report. Mr. Love reported as of March 19, 2010 there were no new projects added; the savings from the working budget remained the same; the savings of \$41 million from the Measure "B" Bond total remains the same. The year to date spending is \$32.3 million.

Discussed and Closed

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

Darrel Carey said going from how to get the numbers you need is in the language. He said goals are aspirations; requirements are mandates. He said when you are trying to reach a certain benchmark he suggested use of the word "requirements" versus "goals".

I. Superintendent of Schools or Designee's Committee Liaison Report

None.

J. Introduction of New Legislative Matter

Director Spearman requested for the next meeting a report on the Facilities Project Management Contract regarding the following: When is the contract up? When will the contract go out to bid again? What happens if the District puts the contract out to bid and the contract ends? Do we continue with the same management firm until a new contractor is hired? What do we need to do to make sure the contract goes out to bid?

K. Adjournment

Chairperson Gallo adjourned the meeting at 5:44 P.M.

Prepared By: _____

Approved By: _____