

Oakland Unified School District

Board of Education
Paul Robeson Building
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Minutes (Long)

Tuesday, March 16, 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: Jody London, Alice Spearman and Noel Gallo

C. Modification(s) To Agenda

Director London requested Legislative Item 10-0462, Issuance of Qualified Energy Conservation Bonds, be pulled for discussion and voted on separately. Chairperson Gallo agreed and the Committee General Consent Report was voted on minus this item.

D. Adoption of Committee Minutes



[10-0444](#) Minutes - Facilities Committee - March 2, 2010

Approval by the Facilities Committee of Its Meeting Minutes of March 2, 2010.

Attachments: [10-0444 - Minutes - Facilities Committee - March 2, 2010\).pdf](#)

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

E. Adoption of the Committee General Consent Report



[10-0323](#) Professional Service Contract - Professional Service Industries - Hintil KUU CDC Building Replacement Project

Approval by the Board of Education of Professional Service Contract between District and Professional Service Industries, Oakland, CA, for the latter to provide Geotechnical Engineering Services to include advancing two (2) soil test boring, as described in the Scope of Work, incorporated herein 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 Hintil KUU CDC Building Replacement Project for the period commencing March 11, 2010 and concluding no later than August 20, 2011 in an amount not to exceed \$11,890.00.

Resource Code - 2122-840

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: 3 - Jody London, Alice Spearman and Noel Gallo
 Nay: 0
 Recused: 0
 Preferential Aye: 0
 Preferential Abstention: 0
 Preferential Nay: 0



10-0327

Amendment No. 3 - Professional Services Agreement - HY Architects - Urban Promise Multi-Purpose Building Project

Approval by the Board of Education of Amendment No. 3 to Professional Services Agreement between District and HY Architects, Oakland, CA, for the latter to provide additional services required for the RFI #45 PG&E Guywire response - architectural, intrusion system submittal review, roof inspection - in conjunction with the Urban Promise Multi-Purpose Building Project, in an additional amount not to exceed \$9,375.00, increasing the Agreement from a not to exceed amount of \$817,549.15 to \$826,924.15. All other terms and conditions of the Agreement remain in full force and effect.

Resource Code - 2122-236

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: 3 - Jody London, Alice Spearman and Noel Gallo
 Nay: 0
 Recused: 0
 Preferential Aye: 0
 Preferential Abstention: 0
 Preferential Nay: 0

**10-0357****Professional Services Agreement - Consolidated Engineering Laboratories - Stonehurst Restroom Modernization Project**

Approval by the Board of Education of Professional Services Agreement between District and Consolidated Engineering Laboratories, Oakland, CA, for the latter to provide independent material testing and construction inspection services including reviewing concrete mix design, sampling and tagging rebar and various other items described herein, 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 Stonehurst Restroom Modernization Project for the period commencing March 25, 2010 and concluding no later than February 28, 2011 in an amount not to exceed \$4,213.00.

Resource Code - 2122-155

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: 3 - Jody London, Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**10-0417****Professional Services Agreement - Gary Douppnik Manufacturing - Havenscourt New Classroom and Cafeteria Building Project**

Approval by the Board of Education of Professional Services Agreement between District and Gary Douppnik Manufacturing, Loomis, CA, for the latter to provide services to relocate six (6) 24'x40' portable classrooms' from Cox Elementary School to Havenscourt Middle School for a period of up to twenty-four (24) months, including maneuvering portables off of the Cox site with a forklift and customizing the ramps at Havenscourt to meet American with Disabilities (ADA) requirements in conjunction with the Havenscourt New Classroom and Cafeteria Building Project for the period commencing June 17, 2010 and concluding no later than March 31, 2013 in an amount not to exceed \$134,600.00.

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: 3 - Jody London, Alice Spearman and Noel Gallo
Nay: 0

Recused: 0
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**10-0418****Professional Services Agreement - Geosphere Consultants, Inc. - Jefferson Elementary School Portable Replacement Project**

Approval by the Board of Education of Professional Services Agreement between District and Geosphere Consultants, Inc., Oakland, CA, for the latter to provide testing of soil for contaminants, with the attached proposal is incorporated into the contract to the extent that it is subordinate to and not inconsistent with the contract terms, in conjunction with the Jefferson Elementary School Portable Replacement Project for the period commencing March 25, 2010 and concluding no later than May 10, 2011 in an amount not to exceed \$3,279.00.

Resource Code - 2122-128

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: 3 - Jody London, Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**10-0419****Professional Services Agreement - KEMA Services, Inc. - Havenscourt New Classroom and Cafeteria Building Project**

Approval by the Board of Education of Professional Services Agreement between District and KEMA Services, Inc., Oakland, CA, for the latter to provide building commissioning services, including review design of intent documentations, review design team's basis of design, develop a commissioning plan, perform peer review of design during design development and construction document phases, provide commissioning specifications for construction documents, and initiate construction phase commissioning kick-off meeting and various other items described herein, in conjunction with the Havenscourt New Classroom and Cafeteria Building Project for the period commencing March 25, 2010 and concluding no later than December 31, 2012 in an amount not to exceed \$52,000.00.

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: 3 - Jody London, Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**10-0422****Memorandum of Understanding - Volunteers of America - Oakland Adult and Career Education**

Approval by the Board of Education of Memorandum of Understanding between Volunteers of America, Oakland, CA, and District, for the provision by latter of Oakland Adult and Career Education classes on the former's owned premises at 624 14th street and 2344 E. 15th Street, Oakland, CA, pursuant to the terms and conditions stated in said MOU for the period of April 15, 2010 through June 14, 2013, at no cost to the District.

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

This Matter was Recommended Favorably on the Consent Agenda.

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

**10-0423****Memorandum of Understanding - Salvation Army - Oakland Adult and Career Education**

Approval by the Board of Education of Memorandum of Understanding between Salvation Army, Oakland, CA, and District, for the provision by latter of Oakland Adult and Career Education classes on the former's owned premises at at 601 Webster Ave, Oakland, CA, pursuant to the terms and conditions stated in said MOU for the period of April 15, 2010 through April 14, 2013, at no cost to the District.

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

This Matter was Recommended Favorably on the Consent Agenda.

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 3 - Jody London, Alice Spearman and Noel Gallo
Nay: 0
Recused: 0

Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

Passed The Committee General Consent Report

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



10-0462

Issuance of Qualified Energy Conservation Bonds

Adoption by the Board of Education of Resolution No. 0910-0189 - Authorization of an application to the California Debt Limit Allocation Committee to permit the issuance of qualified Energy Conservation Bonds.

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

Timothy White, Assistant Superintendent for Facilities Planning and Management, said the Qualified Energy Conservation Bonds are bonds that are available under the Federal Stimulus Program which allows the District to apply for funds with a low interest rate to be used towards solar energy installation. The District is targeting the use of these funds for the Downtown Project to install up to 650 kilowatts of power. Mr. White asked Steve Nelson to speak about the bonds.

Steve Nelson, Muni Bond Advisors, said there is about \$192 million in bonds available. Adopting the Resolution will enable the District to submit an application.

Director London asked if the State will let us purchase the bonds with our Measure "B" Funds?

Mr. Nelson said it will not require any bond fund allocation.

Director London asked if the District was entering into a power purchase agreement for the energy that comes from the solar system?

Ms. Nelson said these bonds are available for local governments that are going to own their projects. Mr. Nelson said he wanted to amend the last sentence of the Resolution under Section 3 to include the wording "The California Alternative Energy and Transportation Financing Authority".

Director London said following the Be it Resolved clause, after Alameda County, she would like to insert the wording "The California Alternative Energy Transportation Financing Authority".

Public Comments

Tom Kelly commented that Oakland is one of three districts to receive a grant from the Department of Energy to develop solar master plans. He said the District's participation in the grant has made it possible for the District to apply for the low interest bonds made available.

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

F. Unfinished Business



10-0409 Report on the District's Project Labor Agreement

Report from the Assistant Superintendent of Facilities Planning and Management Buildings & Grounds and Custodial Services on the year to date progress of the Project Labor Agreement adopted by the Board of Education on May 29, 2002.

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

Mr. Sloan presented the current status of the Project Labor Agreement (PLA). He reviewed the overall PLA goals, the goals for local hiring and where we stand today versus where we were this time last year.

Overall Goals

- 1. Fifty percent of hours worked on a craft by craft basis will be worked by residents of Oakland that are available, capable and willing.*
- 2. Twenty percent of hours are to be worked by apprentices. One hundred percent of the hours worked by apprentices are Oakland residents with a maximum utilization of Oakland graduates.*

In May 2009 24% of hours worked were by Oakland residents, 18% worked by apprentices and 38% of all hours worked by apprentices were by residents of Oakland.

March 2010 there has been a 7% increase in the overall numbers. Currently 31.2% of all hours being worked are by Oakland residents; a 2% increase in apprentices increasing that number to 19.4%; a 15% overall increase in the number of hours worked by Oakland residents.

Mr. Sloan addressed the Cox Academy concerns that no Oakland residents are working on the Cox project. He said more than 31% of hours at Cox are being worked by Oakland residents. He noted that no hours are being tracked for African Americans or any other ethnic group because that is not part of the PLA. Twenty five percent of hours are being worked by apprentices and 12.5% are being worked by Oakland apprentices. Mr. Sloan said if the Board wants a different result from the PLA they will have to re-negotiate the PLA. He pointed out that the Project Labor Agreement does not address local business participation.

Director Spearman asked Mr. Sloan to explain renegotiating the PLA.

Mr. Sloan gave the following suggestions.

1. Lowering the overall goal. He said no other agency has ever reached 50% participation.

2. To include a requirement that a contractor hire all new workers from Oakland. He noted contractors from out of the area brings a work force with them. The PLA does not require they lay off people to reach these goals. He said if there is a re-negotiation of the PLA, the standard for the carve out's should be raised. Currently the PLA has a one-time carve out of about \$500,000.

Director London asked if the percentages were all based on self reporting?

Mr. Sloan said they use Certified Payrolls and site visits to verify.

Chairperson Gallo said in terms of renegotiating the PLA with the unions, was there a timeline?

Mr. White said the current PLA with labor expires with end of Measure "B" or whenever we use all of the Measure "B" funds.

Cate Boskoff, Facilities Counsel, said the original PLA was negotiated under Measure "A" and rolled over to subsequent capital programs. She said there is no language in the current PLA that says it has to end with Measure "B". She said we are in active negotiations with the Buildings Trade Council and the first meeting will be tomorrow. What we will be facing is not a project by project carve out but cumulative percentages of the entire bond program being able to be carved out. The Facilities Department and the Board could select certain projects to be carved out which could be larger than the \$2 million threshold.

Chairperson Gallo before any re-negotiations take place, he would like to see a written recommendation from Mr. White. He said this committee can add to those recommendations or do something different that will benefit the District more and the residents of Oakland who pay for the bond. Chairperson Gallo requested Mr. White bring a set of recommendations to the next meeting so the committee can provide input.

Mr. White clarified the negotiations currently taking place is not for a future PLA. He said the District is trying to get additional carve outs beyond the \$400,000 on the current PLA.

Public Comments

Darrel Carey, Oakland resident, said he is happy the Board is dealing with this issue. He said it is time to return some of the Oakland residents investment. He said it is time to move. He asked that the District hire a new Construction Management firm.

Discussed

G. New Business



[10-0393](#) 2009-2010 Measure "B" Expenditure Report

Presentation of 2009/2010 Measure B Expenditure Report as of March 3, 2010.

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

Tabled



[10-0445](#) Proposition 39 - 2010-2011 School Year Offer(s) of District Facilities to Charter School(s) - LPS College Park Charter School

Adoption by Board of Education of Resolution 0910-0186 - 2010-2011 School Year Offer(s) of District Facilities to Charter School(s) - Leadership Public Schools - College Park Charter School - Pursuant to Requirements of Proposition 39.

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

David Montes de Oca, Charter Schools Office, said Prop 39 was a law passed by California voters in 2000 and became effective in 2003. Mr. Montes de Oca reviewed the intent of Prop 39. He said the intent of Prop 39 is that school facilities should be shared fairly among all public schools including charter schools. As a result of Prop 39, districts are required to provide facilities to charter schools under certain conditions. School districts provide to charter schools facilities that are expected to be reasonably equivalent to those used by non charter school students within the district. The facilities are expected to be located on a single campus, similarly furnished, equipped and districts make a reasonable effort to locate the school near the area which the charter school seeks to locate and not move the school unnecessarily. The district may charge for facility costs under Prop 39 and the maximum cost is the pro rata share of the district's total general fund facility costs. The charter school is responsible for routine maintenance of the facility as well as school security services, custodial services, utilities, damages and site specific costs.

Mr. Montes de Oca said this year the District received seven (7) requests for facilities under Prop 39. Proposals are considered for facility requests based on the number of students the school expects to enroll in the coming school year, the grade level the school serves, the location the school operates or seeks to operate and any school program specific needs it might have. Three (3) of the seven (7) schools declined indicating the offer

was not going to meet their projected needs for the coming year. The fourth school was a new charter school that under Prop 39 has the eligibility to ask for a facility prior to being approved, but must be approved by March 15th of the year prior. The school sought approval by the District and was denied. Currently the school is seeking an appeal with the County. As of yesterday, March 15th, they did not have an approved charter. This morning the charter school received a certified letter from the District stating their facility request is ineligible and the District would no longer be considering that request under Prop 39 for the coming school year. This reduces the seven (7) down to the three (3) before you tonight.

Director Spearman asked although a charter school may come to the District with a request for Prop 39, does the District has to give the charter school the property?

Mr. Montes de Oca said under Prop 39 it is a one year annual basis which the regulations state we would enter into an agreement. Districts are at liberty together with charter schools to make a decision to enter into an agreement that is not under Prop 39 and for whatever period of time they deem appropriate.

Director Spearman asked if we have space, anytime the charter school applies does the District have to offer them space?

Mr. Montes de Oca said as long as the charter school is continuing to make a request for space, the school can continue to occupy space the District makes available to them. He said the location would continue to depend on the needs of the school and what may or may not be the needs of the District.

Director Spearman asked if the price per square foot was set in Prop 39?

Mr. Montes de Oca said it was. He said under Prop 39 the rate we can charge is not a property value based rate, a market rate or a location rate. It is specifically associated with cost and fund sources within the District that are tied to what the school district can charge under Prop 39.

Public Comments

Peter Hanley, Oakland Charter School Collaborative, talked about the offers for space to charter schools. He said the offers are still not compliant offers. He said a letter was sent on February 26th to the Superintendent and the Board of Education was copied outlining the concerns Mr. Hanley listed:

1. The pro rata share is in excess because the emergency debt loan service is included. The emergency debt loan service is not related to keeping the physical plant open, comfortable and safe for use or keeping the grounds and equipment in operation.
2. The shared space calculations are not clear in the offers and it appears that in several offers there is excessive square footage that may be addressed as the negotiations continue.
3. Charter schools under Prop 39 are required to perform their on-going maintenance and operations of District facilities but cannot be required use District personnel. The offers are requiring the use of District personnel.

Mr. Hanley said he would appreciate a reply to some of the concerns raised in the letter regarding the Prop 39 offers.

A motion was made by Alice Spearman, 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, Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

**10-0446****Proposition 39 - 2010-2011 School Year Offer(s) of District Facilities to Charter School(s) - Oakland Aviation High School**

Adoption by Board of Education of Resolution 0910-0187 - 2010-2011 School Year Offer(s) of District Facilities to Charter School(s) - Oakland Aviation High School - Pursuant to Requirements of Proposition 39.

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

James Sulton, Oakland Aviation High School, said the school is in its fourth year. He said throughout the four years the charter school has been operating in space that is sub-standard for what the children need and deserve. He said they have worked closely with the Office of Charter Schools to find a space that would meet our needs. Space offered to them on the McClymond's campus. Mr. Sulton said he is interested in working with the District to make sure the space occupied would be beneficial to both programs.

Bill Patterson, Oakland resident, wanted to know the District's process for selecting schools to be offered space. He said he represents the Oakland Branch of the NAACP and the McClymond's Alumni Association and both groups have worked with the Principal and Central Office Administration to talk about an alternate plan for McClymond's High School. He said the two groups are aware of the low student attendance rate and the declining population at McClymond's High School. He said meetings have been on-going regarding a plan to have a charter school serve the children of McClymond's. Mr. Patterson requested the Board give the two groups some time and to postpone any action about to take place regarding McClymond's High School.

Amana Harris said there needs to be some thoughtful action that takes place when placing one school on another school site. She asked what regulations are in place that require charter schools to serve the students that live in the neighborhood they are located in?

Director Spearman asked Mr. Montes de Oca was there any engagement with the community regarding offering the charter school this space?

Mr. Montes de Oca said the initial proposal was for an alternate facility. He said they invited the Site Principals, District staff that works with the site, Facilities staff and School

Portfolio Management staff to look at what co-location might look like and evaluate the site. When the charter school responded to the preliminary offer, they acknowledged the similar challenges that we had and requested consideration of West Oakland. Mr. Montes de Oca said in consideration of the timeline for this committee meeting, he reached out to the Board Director for the region and the Network Officer overseeing that region inquiring about processes to help engage the community. He said we invited people tonight to hear us speak about Prop 39 regulations and begin to pose some questions. Assuming the Board approves the initial offer on March 24th, during the period from that date to May 1st when the charter school has to accept the offer, he said we would be facilitating as much community engagement as possible to make sure the community was able to have as much voice as possible.

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



10-0447

Proposition 39 - 2010-2011 School Year Offer(s) of District Facilities to Charter School(s) - Bay Area Technology School

Adoption by Board of Education of Resolution 0910-0188 - 2010-2011 School Year Offer(s) of District Facilities to Charter School(s) - Bay Area Technology School - Pursuant to Requirements of Proposition 39.

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

There were no speaker cards submitted.

A motion was made by Alice Spearman, 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, Alice Spearman and Noel Gallo
Nay: 0
Recused: 0
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

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

None.

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

None.

J. Introduction of New Legislative Matter

Update on the Project Labor Agreement due one month from today's meeting (April 26th).

K. Adjournment

Chairperson Gallo adjourned the meeting at 6:22 P.M.

Prepared By: _____

Approved By: _____