

# Oakland Unified School District

Board of Education  
Paul Robeson Building  
1025 2nd Avenue, Suite 320  
Oakland, CA 94606-2212  
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**DRAFT**

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## **Minutes (Long)**

**Tuesday, February 02, 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 6:00 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



### [10-0166](#) Minutes - Facilities Committee Meeting - January 20, 2010

Approval by the Facilities Committee of Its Meeting Minutes of January 20, 2010.

**Attachments:** [10-0166 - Minutes - Facilities Committee Meeting - January 20, 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



### [10-0045](#) Amendment No. 2 - Professional Services Agreement - RPR Architects - Life Academy Roof Replacement Project

Approval by the Board of Education of Amendment No. 2 to Professional Services Agreement between District and RPR Architects, Oakland, CA, for the latter to provide site visits and meeting with engineer prior to construction, review of bid documents and pre-bid and pre-construction meeting, due to a District requested change, whereas the project was re-bid three months later and corrections were made to the plans and specifications in conjunction with the Life Academy Roof Replacement Project in an additional amount not to exceed \$2,775.00, increasing the Agreement from \$29,085.00 to a not-to-exceed amount of \$31,860.00, and extending the contract end date from December 31, 2009 to June 1, 2010. All other terms and conditions of the Agreement remain in full force and effect.

**Resource Code - 1414-335**

**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



**10-0085**

**Professional Services Agreement - Byrens Associates - Skyline High School  
New School Clinic Project**

Approval by the Board of Education of Professional Services Agreement between District and Byrens Associates, Oakland, CA, for the latter to provide professional architectural and engineering services, including architectural design services, mechanical, plumbing, electrical, and fire alarm, for the renovation of an existing space approximately 1,000 to 2,000 square feet, described herein, in conjunction with the Skyline High School New School Clinic Project for the period commencing February 3, 2010 and concluding upon completion of the desired services described herein, but no later than December 31, 2011 in an amount not to exceed \$64,400.00.

**Resource Code - 2122-306**

**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

**10-0086****Professional Services Agreement - Byrens Associates - Elmhurst Middle School New School Clinic Project**

Approval by the Board of Education of Professional Services Agreement between District and Byrens Associates, Oakland, CA, for the latter to provide professional architectural and engineering services, including architectural design, mechanical, plumbing, electrical, and fire alarm services, for the renovation of an existing space approximately 1,000 to 2,000 square feet, described herein, in conjunction with the Elmhurst Middle School Clinic Project for the period commencing February 3, 2010 and concluding upon completion of the desired services described herein, but no later than August 31, 2011 in an amount not to exceed \$64,400.00.

**Resource Code - 2122-202**

**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

**10-0087****Professional Services Agreement - Byrens Associates - Havenscourt Middle School Health Center Project**

Approval by the Board of Education of Professional Services Agreement between District and Byrens Associates, Oakland, CA, for the latter to provide professional architectural and engineering services, including architectural, structural, mechanical, electrical, and fire alarm consultants, for the renovation of an existing space of approximately 2,500 square feet, described herein, in conjunction with the Havenscourt Middle School Health Center Project for the period commencing February 3, 2010 and concluding upon completion of the desired services described herein, but no later than August 31, 2011 in an amount not to exceed \$117,400.00.

**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

**10-0088****Professional Services Facilities Contract - Professional Service Industries, Inc. - Montclair New Classroom Building Project**

Approval by the Board of Education of Professional Services Facilities Contract between District and Professional Service Industries, Inc., Oakland, CA, for the latter to provide geotechnical review of existing reports of the site to determine what will be required to quote what is required for the geotechnical study for the proposed new two-story building, with the attached proposal incorporated into this contract by reference as though fully set forth to the extent that it is subordinate to and not inconsistent with the contract terms herein, in conjunction with the Montclair Elementary School New Classroom Building Project for the period commencing February 3, 2010 and concluding no later than November 24, 2010 in an amount not to exceed \$2,500.00.

**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

**10-0089****Professional Services Facilities Contract - Terra Realty Advisors - Downtown Education Complex Project**

Approval by the Board of Education of Professional Services Facilities Contract between District and Terra Realty Advisors, Fairfield, CA, for the latter to represent and provide advice to the District, in connection with real estate needs for the Downtown Project, located at E. 10th Street @ 2nd Avenue and to assist the District in the state regulatory approval process, including CEQA, CDE, DTSC and City of Oakland matters, with the attached proposal incorporated into this contract by reference as though fully set forth to the extent that it is subordinate to and not inconsistent with the contract terms herein, in conjunction with the Downtown Education Complex Project for the period commencing February 3, 2010 and concluding no later than December 30, 2010 in an amount not to exceed \$20,000.00.

**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



**10-0099**

**Project Budget, Key Code and Project Number - Webster CDC Replacement Project**

Approval by the Board of Education of Resolution 0910-0133 - Authorizing and approving the New Project Budget, Key Code and Project Number for Webster CDC Replacement Project in the amount of \$2,707,500.00

**Resource Code - 2122-842**

**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

**10-0110****Professional Services Facilities Contract - Comtel Systems Technology, Inc. - Urban Promise Multi-Purpose Building Project**

Approval by the Board of Education of Professional Services Facilities Contract between District and Comtel Systems Technology, Inc., Sunnyvale, CA, for the latter to provide a new Rauland Telecenter VI system to directly replace the existing system electronics, with the system tied into and directly working with the existing cable, clocks, phones and modified speakers; with new rack installed at the existing head-end location and tied into the existing cables; with five (5) new administrative Voice Over Internet Protocol (VOIP) telephones included; with twelve (12) interior speaker elements for Multi-purpose building and two (2) exterior speaker elements to accommodate the new devices, head-end connection and assist with testing of the new devices once connected and programmed, in conjunction with the Urban Promise Multi-Purpose Building Project for the period commencing February 3, 2010 and concluding no later than November 1, 2010 in an amount not to exceed \$53,057.00.

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

**10-0111****Professional Services Facilities Contract - Professional Services Industries, Inc. - Arroyo Viejo CDC Building Replacement Project**

Approval by the Board of Education of Professional Services Facilities Contract between District and Professional Services Industries, Inc., Oakland, CA, for the latter to provide Geotechnical Engineering Services to include advancing two (2) soil test borings, one drilled to 20 feet, the second to 50-feet below existing grade or auger refusal; coordinate with USA a minimum of two working days prior to drilling; provide a subcontract utility location service to verify no private underground utilities at boring locations; back fill boring with cement grout after completion of drilling; remove and properly dispose of spoils placed in 55-gal drums and provide a letter documenting the disposal with a copy of the waste disposal manifest and Perform a Detailed Liquefaction Study, in conjunction with the Arroyo Viejo CDC Building Replacement Project for the period commencing February 3, 2010 and concluding no later than December 31, 2011 in an amount not to exceed \$11,300.00.

**Resource Code - 2122-802**

**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



**10-0112**

**Professional Services Facilities Contract - Professional Services Industries, Inc. - Havenscourt New Classroom and Cafeteria Building Project**

Approval by the Board of Education of Professional Services Facilities Contract between District and Professional Services Industries, Inc., Oakland, CA, for the latter to provide geotechnical services as follows: drill two (2) test borings 20 feet below grade, drill one (1) test boring 50 feet below grade, test and analyze soils samples, remove excess soil, grout all borings, and submit a geotechnical report and geo-hazards study stamped by a professional engineer to document test results and analysis, in conjunction with the Havenscourt New Classroom and Cafeteria Building Project for the period commencing February 3, 2010 and concluding no later than December 1, 2010 in an amount not to exceed \$8,980.00.

**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



**10-0119**

**Professional Services - Schirmer Engineering - District-wide Fire Alarm Project**



Approval by the Board of Education of Professional Services between District and Schirmer Engineering, Concord, CA, for the latter to provide Designing of Fire Alarm Systems, review of fire alarm designs by other fire alarm consultants, advising the District as to fire alarm requirements in District schools and participating in fire alarm test, with the attached proposal incorporated into this contract by reference as though fully set forth to the extent that it is subordinate to and not inconsistent with the contract terms herein, in conjunction with the District-wide Fire Alarm Project for the period commencing February 3, 2010 and concluding no later than January 12, 2013 in an amount not to exceed \$150,000.00.

**Resource Code - 2525-918**

**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



**10-0123**

**Amendment No. 1, Professional Services Agreement - Thompson, Cobb, Bazilio and Associates with Grant and Smith LLP - Measure B Fiscal and Performance Audit**

Approval by the Board of Education of Amendment No. 1 to Professional Services Contract between District and Thompson, Cobb, Bazilio and Associates with Grant and Smith LLP, Torrance, CA, revising the audit period approved in the original contract from Fiscal Year 2007-2008 to Fiscal Year 2008-2009, due to error, in conjunction with the Fiscal and Performance Audit of Measure B Bond Fund Expenditures (Legislative File 09-3403, approved by Board, January 13, 2010). All other terms and conditions of the Agreement remain in full force and effect.

**Resource Code - 2122-918**

**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

**10-0128****Professional Services Facilities Contract - SANDIS - Arroyo Viejo CDC Replacement Project**

Approval by the Board of Education of Professional Services Facilities Contract between District and SANDIS, Oakland, CA, for the latter to provide Topographic Surveying Services to include locating subsurface structures and underground utilities, invert information of storm and sanitary sewers; contours to be shown at one (1) foot intervals or appropriate clearly define the slopes; spot elevations to be shown to an accuracy of 0.01' (one hundredth) of a foot; boundary Survey to include a field resolved boundary survey showing all found monuments and property corners; property lines to be annotated with bearings, distances and curve data; easements listed in the title report of subject property to be shown and labeled, with the attached proposal incorporated into this contract by reference as though fully set forth to the extent that it is subordinate to and not inconsistent with the contract terms herein, in conjunction with the Arroyo Viejo CDC Replacement Project for the period commencing February 3, 2010 and concluding no later than December 31, 2011 in an amount not to exceed \$10,350.00.

**Resource Code - 2122-802**

**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

**10-0130****Professional Services Facilities Contract - SANDIS - Laurel CDC Building Replacement Project**

Approval by the Board of Education of Professional Services Facilities Contract between District and SANDIS, Oakland, CA, for the latter to provide boundary and topographic survey of the Laurel Site for the area shown in the attached map; surveys to include the location of utility vaults, manholes, catch basins, and invert information of storm and sanitary sewer; underground utilities to be shown based on agency records, with mechanical detection of utilities specifically excluded, in conjunction with the Laurel CDC Building Replacement Project for the period commencing February 2, 2010 and concluding no later than December 31, 2011 in an amount not to exceed \$19,100.00.

**Resource Code - 2122-820****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

**10-0133****Change Order No. 2 - Albay Construction Co. - Bret Harte Middle School Modernization Project**

Approval by the Board of Education of Change Order No. 2 to Construction Contract with Albay Construction Co., Martinez, CA, for the latter to add new flooring to Classrooms #218 and 220 - Not in original scope; RFI No. 039, Building B second floor, extensive preparation - seal with primer (Vitex) of existing gypcrete seal with primer (Vitex) and to patch and smooth and cover old adhesive on gypcrete with an Ardex type material and various other items described herein in conjunction with the Bret Harte Middle School Modernization Project in the additional amount of \$92,131.00, increasing the Agreement from \$4,249,071.00 to \$4,341,202.00. All other terms and conditions of the Agreement remain in full force and effect.

**Resource Code - 2122-206****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

**10-0134****Professional Services Facilities Contract - Sandis - Montclair Elementary School New Classroom Building Project**

Approval by the Board of Education of Professional Services Facilities Contract between District and Sandis, Oakland, CA, for the latter to provide boundary and topographic survey for the Montclair Elementary School site to support the proposed improvements, with the attached proposal incorporated into this contract by reference as though fully set forth to the extent that it is subordinate to and not inconsistent with the contract terms herein, in conjunction with the Montclair Elementary School New Classroom Building Project for the period commencing February 2, 2010 and concluding no later than August 19, 2011 in an amount not to exceed \$34,900.00.

**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



**10-0135**

**Professional Services Facilities Contract - ACC Environmental - Arroyo Viejo CDC Replacement Project**

Approval by the Board of Education of Professional Services Facilities Contract between District and ACC Environmental, Oakland, CA, for the latter to provide project planning and estimating services during the preliminary design phase; provide project specifications for the demolition and removal of asbestos and lead containing materials from the areas described in the plans and specifications for the site; provide asbestos and lead removal project management and air monitoring services during the removal/demolition work, with the attached proposal incorporated into this contract by reference as though fully set forth to the extent that it is subordinate to and not inconsistent with the contract terms herein, in conjunction with the Arroyo Viejo CDC Replacement Project for the period commencing February 18, 2010 and concluding no later than December 31, 2011 in an amount not to exceed \$16,340.00.

**Resource Code - 2122-802**

**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

**10-0136****Professional Services Agreement - Consolidated Engineering Laboratories - Jefferson Elementary School Portable Replacement Project**

Approval by the Board of Education of Professional Services Agreement between District and Consolidated Engineering Laboratories, San Ramon, CA, for the latter to provide geotechnical, material and construction inspection testing, with the attached proposal incorporated into this contract by reference as though fully set forth to the extent that it is subordinate to and not inconsistent with the contract terms herein, in conjunction with the Jefferson Elementary School Portable Replacement Project, for the period February 11, 2010 through August 19, 2012, in an amount not to exceed \$112,606.36.

**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: 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

*None.*

### Roll Call (Secretary's Observation)

*Jody London present at 5:02 P.M.*

**Roll Call:** Present: Jody London, Alice Spearman and Noel Gallo

## G. New Business



### [10-0113](#)

#### School Portfolio Management Recommendation - Tilden Relocation Plan

Adoption by the Board of Education of Resolution No. 0910-0151 - School Portfolio Management Recommendations - Tilden Relocation Plan.

Presented to the Teaching and Learning Committee for Academic Program Plan review.  
Presented to the Facilities Committee for Facilities (Plant) Plan review.

**Attachments:** [Document\(s\)](#)  
[10-0113 School Portfolio Management Recommendation - Tilden Relocation Plan.ppt](#)

*Nithin Iyengar, School Portfolio Management Office, gave an update on the Tilden relocation plan and the staff and Tilden Parent Community recommendations for continuing to service students with special needs. Mr. Iyengar asked the Facilities Committee to accept the following recommendations moving them forward to the Board of Education Meeting next Wednesday.*

#### *Timeline*

- *In 2007/08 Tilden underwent a redesign process to balance the SDC and General Education populations.*
- *Facility issues were identified and the decision was made by the Board and State Administrator to relocate the students at the end of the 2009/10 school year.*
- *District staff has met monthly with the Tilden community to identify relocation plans that meets the needs of current and future students as well as transitioning students, parents and families at the end of the current school year.*

#### *Staff Recommendations*

- *The current programs at Tilden will be transitioned to five other elementary schools to ensure a continuum of services at the receiving schools.*
- *Create a Pre-K and Diagnostic Center for students with special needs and a General Education CDC to be located on the Burbank campus.*

*Committee Discussion*

*Director London wanted to know the anticipated cost for the Tilden relocation?*

*Mr. Iyengar said there will be annual custodial costs of approximately \$89,000, annual utility services cost of approximately \$60,000 and there will be some required facility improvement costs. The estimated costs are based on the current use by Explore Middle School (Burbank). Currently there is no Pre-K play structure on the Burbank Elementary campus; the estimated cost for a play structure is \$15,000. Staff is looking at Pre-K play structures that are not being used and how to relocate them which would be a significant lower cost.*

*Director London asked if there were other facility costs associated with the move?*

*Mr. Iyengar said to move everything out of Tilden to the Burbank Elementary campus would cost approximately \$30,000-\$40,000.*

*Director London asked if there were costs for the receiving school sites?*

*Mr. Iyengar said for Burbank there would be no cost. The other receiving schools have started to identify classrooms in which there will be minimal cost such as moving, cleaning and getting the rooms ready for student use.*

*Director London asked Mr. White if we begun to think about what we will do with the Tilden site?*

*Mr. White said to accommodate the building program of the Downtown Project the Instructional Services Department and the Research & Assessment Department will be relocated there.*

**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



**10-0175 Proposed Amendment No. 1 To The Joint Facilities Use Agreement Between 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\(s\)](#)

*Mr. White said this proposed amendment to the Joint Use Agreement is sponsored by Councilmember Jane Brunner. He said there are two things for discussion: (1) The Amendment to the Joint Use Agreement as proposed by the City. (2) The City's proposal for the modified use land agreement for the Carter Field.*

*The City's proposed amendment to the Joint Use Agreement proposes the District make available to the public all of its schools sites after hours until night fall during the week and on the weekends keeping the gates open for public use of District play fields during those hours of operation. The proposed amendment was discussed by the Life Enrichment Committee on January 12th. Mr. White said should the Board agree to the City's proposal, the Board would be agreeing to the following:*

- The District would open its facilities to the general public at times where the schools would otherwise be closed.*
- There will be no supervision provided on weekends or after 3:30p.m. by the District.*
- School grounds will be open from 10:00a.m. to dusk on weekends and available 30 minutes after student dismissal until dusk on school days.*
- Exceptions may exist for individual school sites where budgetary restraints, security and/or public safety requires the school's playground to be closed during non school hours by the Superintendent or Superintendent's designee who shall notify the City of the decision. Mr. White said that language was not accepted by the Life Enrichment Committee. He said the committee felt it gave too much discretion to the District to pick and choose what sites were open and available to the public.*

*The City directed their staff to go back and work with the District on providing a more definitive list of school sites that could be open. The task was to provide three separate items: (1) A list of schools from the District that will remain open allowing playground access. (2) A list of those sites that the Superintendent feels has a budgetary/safety issue or some other issue that would prevent the school(s) from being open. (3) Add language in the proposed agreement to clarify that the playgrounds will be open during the summer months, holiday's and any school break.*

#### *Public Comments*

*Dana Riley, City of Oakland Office of Parks & Recreation, said she is helping to develop the language at the request of the City Council. Ms. Riley said they are working on getting input from Councilmembers on their priority list of schools. She said of the sites proposed to be open, they are focusing on the playground sites that are not adjacent to a park or a recreation center. Ms. Riley said she is working with Mr. White to reduce the list and present the list to the Life Enrichment Committee on March 9th.*

#### *Committee Discussion*

*Director Spearman had concerns about the City taking responsibility for any accidents that may occur, the financial responsibility for any damage done to our buildings and any thefts that may occur during the times of the proposed use. She said the City has not offered anything as far as the safety and security of the school site. Director Spearman said until the safety and security issue is addressed by the City, she does not want to have the discussion.*

*Director London asked Mr. White about the estimated cost associated with implementing this proposed Agreement.*



*Mr. White said the additional expenses the District would incur would be custodial services cost for the additional hours the sites would be open and the security cost. He said there has been no discussion on the City's part to cover those costs. Mr. White said he wanted to make the City aware that we have these costs, to make this committee aware that the City has the desire to amend the Joint Use Agreement and these were some of the costs associated with the proposed amendment.*

*Director Spearman requested Mr. White go back to the Life Enrichment Committee with the following stipulations:*

- To give the City the costs associated with the proposed amendment.*
- The City would have to agree to cover the custodial costs.*
- The City would have to agree to cover any loss in facilities, machinery, equipment or anything lost on our property.*
- The City would have to agree to cover all medical costs, legal fees and cost associated an accident that may occur if they want the District to open the schools.*
- The City would have to agree to be responsible for and all liabilities during the proposed amended hours.*

*Director Spearman noted the District is liable if something happens to someone on the property. She said she has no problem allowing the City to use the playgrounds but they have to take the financial and civil responsibility.*

*Ms. Riley said the custodial costs would be for the opening and the closing of the sites, not for actual maintenance during the use.*

*Mr. White said the custodial costs would be for the opening and the closing as well as any necessary upkeep due to the use to make sure it is suitable for children the next day.*

*Ms. Riley said this is not a proposal to program activities on the playground, it's just public access.*

*Chairperson Gallo requested Mr. White provide the committee with a written report of his recommendations. He said this committee will take the recommendations to the Full Board. He said the Board needs to provide a directive and that discussion should happen at your Partnership Committee Meeting.*

*Ms. Riley said Councilmember Brooks is trying to schedule an Education Partnership Committee Meeting on March 9th and this proposed Amendment is on the agenda.*

*Director London talked about Phase II of the Rickey Henderson Field that is to be developed into a softball field. She said the City has offered to partner with the District to get some State Bond Funds that would be available. Originally the community wanted a Dog Run. Director London said there are health concerns about dogs on school grounds. The latest proposal from the City is to use the property for a Tot Lot fenced off and separated from the school. Director London said the grant application deadline is March*

*Ist.*

*Chairperson Gallo asked Mr. White for his recommendation on the City's proposed use.*

*Mr. White said our primary mission is to educate children and his recommendation to the committee is to not give the property away for use during the day.*

*Director London said Councilmember Brunner has been holding \$125,000 in her Pay-Go Account to put towards the development of this field. Director London suggested a trial use. She said if we don't pursue this grant, she wants work with the Field of Dreams Committee to make the playing field a reality.*

*Chairperson Gallo directed Mr. White to bring a set of recommendations to the next committee meeting.*

*Director Spearman suggested this item be sent to the Legal Department for advice.*

*Chairperson Gallo said he did not mind calling a Special Committee Meeting once the parties have agreed and one we get a recommendation from Mr. White. The committee will vote Yes or No and send the matter to the Full Board for consideration. Chairperson Gallo told for Mr. White to let him know when he is ready to present his recommendations to the committee.*

**Discussed**

**10-0178 Prospective MOU - District and Spanish Speaking Unity Council - Cesar Chavez Education Center**

Discussion of a prospective 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 2009-2010 at the Cesar Chavez Education Center.

*Mr. White said the current Agreement has expired and the new proposed Agreement is only for discussion today. He said his recommendation is coming after the Committee hears what is being proposed by the Unity Council and after the committee gives him some direction.*

*Director Spearman asked were there any changes in the MOU from the last one?*

*Mr. White said there were changes. The cost is different from the previous Agreement. In this proposed Agreement the Unity Council proposes to use the fields at Cesar Chavez School during the week from 6:00p.m. to 9:00 p.m. at some reduced cost. The cost is leveraged out by charging market rate fees on weekends and to use the fees collected from the weekend use to cover the shortfall of cost during the week. He said this is the proposal from the Unity Council. Mr. White said right now there is no facility charge to the Unity Council and what they are covering are security and custodial costs. He said one of their issues is they can't cover the entire cost for the period of time.*

Chairperson Gallo said the Unity Council covered the cost of the Security Guard as well as the Custodial cost in the previous MOU.

*Public Comments*

Marsha Murrington, Executive Vice President, Unity Council, said they tried to get funding to cover the additional security and custodial costs through the Oakland Fund Children and Youth. She said they would not allow them to use the funds in that manner. The Jack London Soccer League and the Oakland Soccer Club has agreed to pay to use the fields on the weekends which could go toward the weekday use to cover the security and custodial costs. Ms. Murrington said the Unity Council serves over 700 children in the program from 6:00p.m.-9:00p.m. She said this program needed in the community to keep kids in positive activities as opposed to hanging out in the streets.

Chairperson Gallo noted the only difference in the current Agreement is in meeting the custodial and security costs. He said the Jack London Soccer League and the Oakland Soccer Club would make up the difference.

Ms. Murrington said Councilmember Ignacio De la Fuente has agreed to provide some funding to offset the costs.

Director London asked for clarity on the MOU.

Ms. Murrington said the District would not waive any costs; there will be costs associated with the weekly use. Ms. Murrington clarified that the Unity Council does not use the fields they only schedule the use of the fields. She said the way the Unity Council proposes to pay for the weekday use is by scheduling teams on the weekend charging facility fees that will go towards paying security and custodial costs during the week.

Director Spearman asked what was the amount of the reduction in cost?

Mr. White said in the proposal the District would not charge a facility use fee during the week per the Civic Center Agreement. The District would only charge a fee for the weekend use. He said the annual cost to accommodate the Unity Council's use of the fields at Cesar Chavez School is about \$100,000. The Unity Council is proposing to pay \$80,000 per year with the balance to be paid by other sources. Mr. White said he wanted to highlight two points about the MOU.

1. He said this proposed use would lock up Cesar Chavez Fields for the Unity Council's programming Monday through Friday with Saturday and Sunday for programming by the Unity Council or the District at the market rate to subsidize the Monday through Friday use.
2. When there is a failure to program on the weekend, how to we cover those costs?

Director London asked that the recommendation include a fall back plan if the costs are not met through scheduling field use on the weekends.

Claudia Burgos, Office of Councilmember Ignacio De la Fuente, said the Councilmember

*has set aside \$125,000 for this program to cover future custodial and security costs.*

**Discussed**

**10-0181 Facilities Committee Proposed Master Plan Work Plan**

Discussion by the Facilities Committee of a Proposed Facilities Master Plan Work Plan.

**Tabled to a Date Certain**

## **H. Report of the Assistant Superintendent, Facilities Planning and Management**

*None.*



**10-0176 2009-2010 Measure "B" Expenditure Report**

Presentation of 2009/2010 Measure B Expenditure Report as of January 19, 2010.

**Attachments:** [Document\(s\)](#)  
[10-0176 - Measure B Expenditure Report.pdf](#)

**Tabled**

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

*There were no public speaker cards submitted.*

## **J. Introduction of New Legislative Matter**

*A staff report on the District's Local Vendor Policy to be presented at the next committee meeting.*

*An update on the District's Vegetation Policy to be presented at the next committee meeting.*

## **K. Adjournment**

*Chairperson Gallo adjourned the meeting at 5:56 P.M.*

Prepared By: \_\_\_\_\_

Approved By: \_\_\_\_\_