

Oakland Unified School District

Board of Education
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Minutes (Long)

Tuesday, May 05, 2009

5:00 PM

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

Facilities Committee

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

A. Call to Order

Chairperson Noel Gallo called the meeting to order at 5:10 P.M.

B. Roll Call

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

C. Modification(s) To Agenda

There were no Modifications to the Agenda.

Director London requested future Measure "B" expenditures appearing on the Committee Consent Agenda show the total budget for each contract and also show the total amount spent from Measure "B" Funds. Tim White, Assistant Superintendent for the Division of Facilities Planning and Management said he would comply with Director London's request. He said presently the Measure "B" Committee is being reconstituted and once that happens, reports will continue to be presented to the Measure "B" Citizens' Oversight Committee so they can track the expenditures associated with Measure "B" Funds.

Director Dobbins thanked the Facilities Department for the new paving at Carl Munck Elementary School.

C1. Committee Minutes



[09-1365](#) Minutes - Facilities Committee - April 14, 2009

Adoption by Facilities Committee of its Meeting Minutes of April 14, 2009.

Attachments: [09-1365 - Minutes - Facilities Committee - April 14, 2009](#)

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

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

D. Adoption of the Committee General Consent Report

 [09-1312](#) **Repair and/or Maintenance Contract - American Aggregate and Slurrys, Inc. - Carl Munck Elementary School**

Approval by the Board of Education of Repair and/or Maintenance Contract between District and American Aggregate and Slurry, Inc., Oakland, CA, for the latter to provide pavement rehabilitation to entire site, as described in the Scope of Work, for the Carl Munck Elementary School Paving Refurbishment Project for the period commencing June 12, 2009 and terminating no later than August 22, 2009, in an amount not-to-exceed \$35,000.00

Funding Source: Deferred Maintenance

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

This Matter was Recommended Favorably on the Consent Agenda.

 [09-1313](#) **Contract for Purchase and Delivery of Materials and Supplies - Chain Link Fence & Supply - Peralta Elementary School**

Approval by the Board of Education of Contract for Purchase and Delivery of Materials and Supplies between District and Chain Link Fence & Supply, Livermore, CA, for the latter to supply and install two (2) 4 1/2 inch basketball poles with a fiberglass backboard and rim with nylon net in conjunction with the Peralta Elementary School Modernization Project for the period commencing March 31, 2009 and terminating June 30, 2009, in an amount not to exceed \$3,618.00.

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.

 [09-1315](#) **Professional Services Facilities Contract - Colland Jang Architecture - Claremont Middle School Restroom Renovations Project**

Approval by the Board of Education of Professional Services Facilities Contract between District and Colland Jang Architecture, Oakland, CA, for the latter to produce documents for building alterations (student rest room renovation) to comply with adopted codes and ordinances (and a submittal to the Division of State Architect) for Academic Building "B"; and to assist the District in securing DSA approvals, provide construction administration services in conjunction with the Claremont Middle School Restroom Renovations Project, for the period commencing March 15, 2009 and concluding no later than December 1, 2009 in an amount not-to-exceed \$43,800.00.

Funding Source: Deferred Maintenance

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

This Matter was Recommended Favorably on the Consent Agenda.

 [09-1317](#) **Professional Services Agreement - HY Architects - Edna Brewer Middle School Restroom Plumbing Project**

Approval by the Board of Education of Professional Services Agreement between District and HY Architects, Oakland, CA, for the latter to provide design services for the renovation of two (2) existing restrooms at the Gymnasium Building including design for mechanical, plumbing, electrical and architectural design and various other items described herein in conjunction with the Edna Brewer Middle School Restroom Plumbing Renovations Project for the period commencing March 23, 2009 and concluding no later than December 31, 2010 in an amount not-to-exceed \$51,100.00

Funding Source: Deferred Maintenance

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

This Matter was Recommended Favorably on the Consent Agenda.

 [09-1318](#) **Lease Agreement-Mobile Modular Management Corporation-Oakland High School Modernization Project**

Approval by Board of Education of a Lease Agreement between District and Mobile Modular Management Corporation, Livermore, CA, for the latter to provide portable units for interim housing, as required, for an Eighteen (18) Month Lease Term, including cabinetry, blinds, white boards, pin boards and accessibility ramps for each unit in conjunction with the Oakland High School Modernization Project for the period commencing May 18, 2009 and concluding no later than November 8, 2010 in an amount not-to-exceed \$183,904.00.

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.

 [09-1320](#) **New Project Budget, Key Code and Project Number-McClymonds High School Shop Building Roof Replacement Project**

Approval by Board of Education of Resolution No. 0809-0114 - Authorizing and approval the New Project Budget, Key Code and Project Number for McClymonds High School Shop Building Roof Replacement in the amount of \$238,540.00.

Funding Source: Deferred Maintenance

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

This Matter was Recommended Favorably on the Consent Agenda.

 [09-1321](#) **New Project Budget, Key Code and Project Number - Calvin Simmons Middle School Shop Building Roof & Exterior Parapet Wall Replacement Project**

Approval by Board of Education of Resolution No. 0809-0113 - Authorizing and approving the New Project Budget, Key Code and Project Number for Calvin Simmons Middle School Shop Building Roof and Exterior Parapet Wall Replacement Project in the amount of \$132,202.00.

Funding Source: Deferred Maintenance**Attachments:** [Document\(s\)](#)

This Matter was Recommended Favorably on the Consent Agenda.

**09-1322****Project Budget Increase-Life Academy Site Assessment Project**

Approval by the Board of Education of Resolution No. 0809-0115 - Authorizing and approving Project Budget Increase for the Life Academy Site Assessment Project in the amount of \$20,000.00, increasing the project budget from \$207,500.00 to \$227,500.00.

Funding Source: State School Building Fund**Attachments:** [Document\(s\)](#)

This Matter was Recommended Favorably on the Consent Agenda.

**09-1324****Amendment No. 1 - Ninyo & Moore - Downtown Educational Complex Project**

Approval by the Board of Education of Amendment No. 1 to Professional Services Agreement between District and Ninyo & Moore, Oakland, CA, for the latter to provide evaluation report of hazardous material at portables 3, 13, 14, 15, 16 and 18, through a visual observation as well as collecting building material samples for testing; report to include findings, opinions and recommendations and quantities of identified materials per a District request in conjunction with the Downtown Educational Complex Project, in an additional not to exceed amount of \$6,000.00, increasing the Agreement from \$5,200.00 to a not to exceed amount of \$11,200.00 and revising the end date from December 31, 2008 to December 31, 2009. All other terms and conditions of the Agreement remain in full force and effect.

Funding Source: Developer Fees**Attachments:** [Document\(s\)](#)

This Matter was Recommended Favorably on the Consent Agenda.

**09-1325****Amendment No. 2-Baseline Engineering-Crocker Highlands Elementary School Paving Project**

Approval by the Board of Education of Amendment No. 2 to Professional Services Agreement between District and Baseline Engineering, Alameda, CA, for the latter to conduct site review of areas with soft soils identified by the inspector and soils engineer; provide assessment of the soft soils and remedy options for asphalt pavement; assist in repair option of electrical conduit and changes in striping and game layout in conjunction with Crocker Highlands Elementary School Paving Project in an additional amount-to-exceed \$3,925.00, increasing the Agreement from \$37,300.00 to a not to exceed amount of \$41,225.00. All other terms and conditions of the Agreement remain in full force and effect.

Funding Source: Deferred Maintenance**Attachments:** [Document\(s\)](#)

This Matter was Recommended Favorably on the Consent Agenda.



[09-1326](#)

Amendment No. 2 - Hamilton & Aitken Architect - Lazear Elementary School Modernization Project

Approval by the Board of Education of Amendment No. 2 to Professional Services Agreement between District and Hamilton & Aitken, San Francisco, CA, the latter to provide a re-scoped project update with the latest Fire Alarm and Intrusion Alarm Standards, due to a District requested change, in conduction with the Lazear Elementary School Modernization Project in an additional amount-to-exceed \$4,500.00, increasing the Agreement from \$169,900.00 to a not to exceed amount of \$174,400.00. All other terms and conditions of the Agreement remain in full force and effect.

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.



[09-1328](#)

Amendment No. 2 - Baseline Engineering-Grass Valley Elementary School Modernization Project

Approval by the Board of Education of Amendment No. 2 to Professional Services Agreement between District and Baseline Engineering, Oakland, CA, for the latter to conduct site review of areas with soft soils identified by the inspector and soils engineer; assist in repair option of electrical conduit and changes in striping and game layout; upgrade rubberized play mat to increase fall protection in conjunction with the Grass Valley Elementary School Paving Replacement Project in an additional amount-to-exceed \$9,327.50, increasing the Agreement from \$49,100.00 to a not to exceed amount of \$58,427.50. All other terms and conditions of the Agreement remain in full force and effect.

Funding Source: Deferred Maintenance

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

This Matter was Recommended Favorably on the Consent Agenda.



[09-1329](#)

Amendment No. 3-KDI Consultants-Peralta Elementary School Modernization Project

Approval by the Board of Education of Amendment No. 3 to Professional Services Agreement between District and KDI Consultants, Inc., Oakland, CA, for the latter to provide additional Division of State Architect (DSA) due to delays by the contractor, due to an unforeseen condition, whereas the contractor did not complete their contract by November 10, 2008 due to delays in conjunction with the Peralta Elementary School Modernization Project in an additional amount-to-exceed \$4,250.00, increasing the Agreement from \$55,500.00 to a not to exceed amount of \$59,750.00 and revising the end date from November 30, 2008 to May 1, 2009. All other terms and conditions of the Agreement remain in full force and effect.

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.



09-1330

Amendment No. 1- Safir Rosetti - Laurel Elementary Fire Alarm Project

Approval by the Board of Education of Amendment No. 1 to Professional Services Agreement between District and Safir Rosetti, Oakland, CA, for the latter to provide additional upgrading and wiring of the fire alarm devices needed due to a District requested change, whereas after the original scope of work including upgrading and wiring of the fire alarm devices in the Annex Building, it was discovered that additional areas remained to be upgraded; 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 Laurel Elementary School Fire Alarm Project in an additional amount-to-exceed \$10,272.00, increasing the Agreement from \$18,090.00 to a not to exceed amount of \$28,362.00 and revising the end date from August 27, 2009 to March 31, 2010. All other terms and conditions of the Agreement remain in full force and effect.

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.



09-1331

Amendment No. 4 - RGA Environmental - Madison Middle School Modernization Project

Approval by the Board of Education of Amendment No. 4 to Professional Services Agreement between District and RGA Environmental, Emeryville, CA, for latter to provide a Certified Asbestos Consultant of Site Surveillance Technician to monitor the asbestos abatement work for adherence to Work Plan and applicable laws and regulations; monitoring will include the review of abatement contractor submittals and the collection of baseline, abatement, clearance, PCM, Lead and TEM samples, due to an unforeseen condition, whereas, during construction wood rot was discovered and need to be removed and repaired, in conjunction with the Madison Middle School Modernization Project in an additional amount-to-exceed \$12,000.00, increasing the Agreement from \$47,830.00.00 to a not to exceed amount of \$59,830.00 and revising the end date from July 31, 2009 to December 31, 2009. All other terms and conditions of the Agreement remain in full force and effect.

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.



09-1333

Amendment No. 2-RGA Environmental-Hoover Elementary School Modernization Project

Approval by the Board of Education of Amendment No. 2 to Professional Services Agreement between District and RGA Environmental, Emeryville, CA, the latter to provide additional asbestos testing and monitoring air quality and lab analysis of 79 field samples, due to an unforeseen condition, whereas a load beam was discovered in Building C (Multipurpose Building) which caused the layout of the bathrooms to be altered slightly; latter discovery lead to opening an additional portion of the ceiling which extended the containment time and added additional samples for the required testing, in conjunction with the Hoover Elementary School Modernization Project in an additional amount-to-exceed \$6,660.00, increasing the Agreement from \$16,781.00 to a not to exceed amount of \$23,441.00. All other terms and conditions of the Agreement remain in full force and effect.

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.



[09-1335](#)

Change Order No. 4 - Cal Pacific Construction-Lincoln Elementary School Classroom Replacement Project

Approval by the Board of Education of Change Order No. 4 to Construction Contract between District and Cal Pacific Construction, Pacifica, CA, for the latter to provide 8 handsets for portables, install 2 gates with Panic Hardware; and patch asphalt in conjunction with the Lincoln New Classroom Building Project in the additional amount of \$12,341.60, increasing the Agreement from \$6,483,580.14 to \$6,495,921.74.

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.



[09-1336](#)

Change Order No. 1 - El Camino Paving - Skyline High School Paving Project

Approval by the Board of Education of Change Order No. 1 to Construction Contract between District and El Camino Paving, Mt. View, CA, for the latter to repair main line; chip and grind curbs and sidewalk; repair conduits and wiring for the streetlight including testing of all existing wiring; locate water leak below existing concrete paving, upper cul de sac and various other items described herein in conjunction with the Skyline High School Paving Project in the additional amount of \$12,371.82, increasing the Agreement from \$620,889.00 to \$633,260.82.

Funding Source: Deferred Maintenance

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

This Matter was Recommended Favorably on the Consent Agenda.



[09-1337](#)

Change Order No. 2-Albay Construction Co. - Havenscourt Middle School Modernization Project

Approval by the Board of Education of Change Order No. 2 to Construction Contract between District and Albay Construction Co., Martinez, CA, for the latter to delete skylight replacement; completion of Fire Alarm work per plans and specifications; deep clean room; replace pull stations for new Fire Alarm System and various other items described herein Havenscourt Middle School Modernization Project in the additional amount of \$80,852.91, increasing the Agreement from \$1,796,042.73 to \$1,876,895.64.

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.



09-1338

Change Order No. 3 - Cal Pacific Construction-Lincoln New Classroom Building Project

Approval by the Board of Education of Change Order No. 3 to Construction Contract between District and Cal Pacific Construction, Pacifica, CA, for the latter to provide relocate subpanels on the side of 2 portables (#6 and #8); early delivery charge for MSB switchgear; unforeseen excavation obstacles for electrical duct bank and various other items described herein in conjunction with the Lincoln New Classroom Building Project in the additional amount of \$12,271.27, increasing the Agreement from \$6,471,308.87 to \$6,483,580.14.

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.



09-1339

Change Order No. 2-West Coast Contractors-Chabot Portable Replacement Project

Approval by the Board of Education of Change Order No. 2 to Construction Contract between District and West Coast Contractors, Fairfield, CA, for the latter to provide water/sewer disconnect/reconnect at Portable 20; sanitary sewer manhole rim elevation change; water connection to refrigerator and various other items described herein in conjunction with the Chabot Portable Replacement Project in the additional amount of \$102,768.00, increasing the Agreement from \$2,596,514.00 to \$2,699,282.00.

Funding Source: General Obligation Bond

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

This Matter was Recommended Favorably on the Consent Agenda.



09-1340

Change Order No. 5 - Arntz Builders, Inc. - Oakland High School-Williams Settlement Project

Approval by the Board of Education of Change Order No. 5 to Construction Contract between District and Arntz Builders, Inc., Novato, CA, for the latter to provide R&R unforeseen BU roof insulation; access door allowance overage; additional roofing repairs and various other items as described herein Oakland High School Modernization-Williams Settlement Project in the additional amount of \$148,560.97, increasing the Agreement from \$14,189,570.91 to \$14,338,131.88.

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.



09-1341

Change Order No. 1 - Albay Construction Co.-Havenscourt Middle School Modernization Project

Approval by the Board of Education of Change Order No. 1 to Construction Contract between District and Albay Construction Co., Martinez, CA, for the latter to provide additional fire alarm coverage; compensation for research still needed to happen in order to determine the extent of the deficient elements and to assess what deficient elements still needed to be address to allow installation of a function fire alarm system to be installed in conjunction with the Havenscourt Middle School Modernization Project in the additional amount of \$29,042.73, increasing the Agreement from \$1,767,000.00 to \$1,796,042,73.

Funding Source: General Obligation Bond-Measure B

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

This Matter was Recommended Favorably on the Consent Agenda.

Passed The Committee General Consent Report

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

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

E. Unfinished Business

There was no Unfinished Business.

F. New Business



[09-1402](#)

Oakland Schoolyard Initiative

Presentation on the Oakland Schoolyard Initiative.

Attachments: [09-1402_Oakland_Schoolyard_Initiative.pdf](#)
[09-1402_Oakland_Schoolyard_Initiative.ppt](#)

Overview of the Schoolyard Initiative.

The Schoolyard Initiative is a collaboration between the East Bay Asian Youth Center and the Unity Council of Oakland with funding from the Healthy Eating Active Living Initiative and the Health Kids Initiative funded by private foundations bringing over \$500,000 to the District funding the School Yard Initiative.

Katherine Melcher, Urban Ecology said because of the Schoolyard Initiative, children are healthier; their concentration is better in the classroom; and the children are exposed to nature. Currently the Schoolyard Initiative is at Garfield Elementary School, Urban Promise Academy, Manzanita Community/Manzanita Seed Elementary Schools, and Roosevelt Middle School. The Initiative receives support in the way of small grants, corporate volunteer days, OUSD re-paving the school yards and painting the lines on the school yards. The Initiative has also been successful in getting outside funding for the artificial turf at Urban Promise Middle School and additional improvements at Garfield.

Successes of the program.

Garfield - Picnic tables and trees scheduled for completion this summer.

Urban Promise - Re-planted the entryway last week, opened the new turf field, and will add benches this summer.

Manzanita - Held two volunteer days so far.

Roosevelt - Finished the concept plan and will have some volunteer days over the summer to do the landscaping.

Jamie Lopez, East Bay Asian Youth Center reported to the Committee that Garfield has a completely renovated and redesigned place for the children to play.

Committee Discussion

Director London commented on a field trip she attended at the Davis Street Recycling Center in San Leandro. She said what the children saw will have an effect on how they treat their schoolyard. She said this was a free field trip and she would like to see every fourth grade student in the District have this experience.

Director Dobbins commented how nice Garfield's playground looked at asked Ms. Lopez if there had been any feedback from the community. Ms. Lopez said that the feedback has been positive.

Vice President Gallo said it makes a big difference anytime you involve neighbors, students and staff as volunteers to take ownership of their site.

Discussed



09-1403

Measure "B" Independent Citizens' School Facilities Bond Oversight Committee (First Reading)

Adoption by Board of Education of Amended Bylaws for Measure "B" Independent Citizens' School Facilities Bond Oversight Committee.

Attachments: [09-1403 - Measure B Independent Citizens' School Facilities Bond Oversight Committee \(First Reading\).pdf](#)

Mr. White said we in the process of accepting applications for the Committee and reviewing the by-laws for any changes, if necessary.

Chairperson Gallo made the following recommendations for the Measure "B" Committee.

A Committee of seven members will be appointed by the Board. Each Member of the Board will choose a representative that meet the criteria for membership and will submit the name and application to Mr. Rakestraw by May 20, 2009. Chairperson Gallo asked each Board Member to identify someone from a particular constituency:

- o Director London - Member of the business community.*
- o Director Kakishiba - Member at large, someone with a construction background.*
- o Director Hodge - Member of the Senior Citizens Group.*
- o Director Yee - PTA Member with a child in Oakland Public Schools.*
- o Director Dobbins - Member at large, someone with a finance background.*
- o President Spearman - Member representing the School Site Council.*
- o Chairperson Gallo - Member representing the Taxpayer Group.*

Chairperson Gallo said the Committee will meet at least twice a year, but it is up to the Measure "B" Committee Chair to decide if the Committee needs to meet more often. The new Committee must have staff support so they can make advisory recommendations.

Committee Discussion

Director London said she likes the idea of each Board Member appointing someone to the committee. She suggested the Board recommend to the Committee they continue the monthly site tours and also provide assistance to the Committee with an orientation session.

Discussed

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

Darrel Carey, East Bay Small Business Council raised some concern about the number of contracts where the vendor is outside Oakland listed on the Committee Consent Report. He noted the current Construction Management Firm has been awarded the contract for

another year hiring only 6% of Oakland residents.

Chairperson Gallo asked Mr. White to elaborate on the fencing contract (a non Oakland vendor listed on the Committee Consent Report). Mr. White said this request for services was advertised before the Local Business Policy was adopted by the Board in December 2008. He said with the Local Business Policy requirements for local participation you will see more Oakland vendors awarded contracts. Chairperson Gallo asked if all new contracts brought to the Committee meet the requirements for the Local Business Policy. Mr. White said "Yes" although there are certain exceptions and they can be a discussion about the particular contract. Chairperson Gallo asked Mr. White in the future to make an oral reference to say the contract was bided out and there was no local vendor or the vendor chosen was the sole source of the services needed. Superintendent Mayor commented on the Change Orders listed for Board approval saying they are not considered new contracts but continued work with previous contracts awarded prior to the Local Business Policy going into effect. Mr. White said his staff is working on some language and it may become part of the legislative record.

H. Introduction of New Legislative Matter

There was no Introduction of New Legislative Matter.

I. Adjournment

Chairperson Noel Gallo adjourned the meeting at 6:03 P.M.

Prepared By: _____

Approved By: _____