

**West Contra Costa Unified School District  
Minutes of the Board of Education Meeting  
Lovonya DeJean Middle School  
3400 Macdonald Avenue  
Richmond, CA 94805**

**November 18, 2009**

**A. CLOSED SESSION**

**B. OPENING PROCEDURES**

President Audrey Miles called the meeting to order at 5:00 PM. The Board recessed into Closed Session. President Miles called the Public Session to order at 6:30 PM.

**B.1 Pledge of Allegiance**

President Miles led those in attendance in the pledge of allegiance.

**B.2 Welcome and Meeting Procedures**

President Miles offered welcome and instructions to the public regarding the meeting.

**B.3 Roll Call**

**Board Members Present:** Madeline Kronenberg, Antonio Medrano, Audrey Miles, Charles Ramsey, Tony Thurmond (arrived at 6:40 PM)

**Staff Present:** Pat Calvert, Director Certificated Employees; Steve Collins, SELPA Director; Bill Fay, Associate Superintendent for Operations; Sheri Gamba, Associate Superintendent for Business Services; Wendell Greer, Associate Superintendent K-Adult; Linda Jackson, Executive Director; Bruce Harter, Superintendent; Sue Kahn, Principal Pinole Valley High School; Joe Mayes, Maintenance Manager; Ken McDaniel, Electronics Supervisor; Nia Rashidchi, Assistant Superintendent Educational Services; Jessica Romeo, Assistant Superintendent for Human Resources; Phyllis Rosen, Legal Secretary; Bill Savidge, Engineering Officer.

**B.4 Presentation of Student Board Representative Jaiqi Fan, Pinole Valley High School**

Ms. Fan spoke about activities, programs and opportunities for students at Pinole Valley High School.

**B.5 Report/Ratification of Closed Session**

Superintendent Harter asked the Board to ratify the vote taken in Closed Session to expel three (3) students, suspending those expulsions for placement in the West Contra Costa Unified School District.

**Motion: Mr. Medrano moved to ratify the vote taken in Closed Session to expel three (3) students, suspending those expulsions for placement in the West Contra Costa Unified School District. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano and President Miles voted yes with Mr. Thurmond abstaining as he was absent from Closed Session and Mr. Ramsey absent. Motion carried 3-0-1-1.**

**B.6 Agenda Review and Adoption**

**Motion: Ms. Kronenberg moved to approve the agenda. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, Student Representative Jiaqi Fan (advisory vote only) and President Miles voted yes with no abstentions and Mr. Ramsey absent. Motion carried 4-0-0-1.**

**B.7 Minutes: November 4, 2009**

**Motion: Mr. Medrano moved to approve the minutes of November 4, 2009. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, Student Representative Jiaqi Fan (advisory vote only) and President Miles voted yes with no abstentions and Mr. Ramsey absent. Motion carried 4-0-0-1.**

**C. BUSINESS ITEMS**

- C.1 Contracted Services
- C.2 Grants/Awards/Agreements
- C.3 Acceptance of Donations
- C.4 Approval of Fund-Raising Activities
- C.5 Summary of Payroll and Vendor Warrant Reports

- C.6 Adoption of Resolution No. 52-0910 Replacement of Outdated Warrant
- C.7 Notice of Completions: Bid E068186 Crespi Play Yard Resurfacing, J068164 DeAnza Portable Utility Installation, E068170 Coronado Window Replacement
- C.8 Acceptance of Contracts for Placement of Student Teachers
- C.9 Grant Application funded through the American Recovery and Reinvestment Act (ARRA) federal program and Resolution No. 50-0910 for ARRA
- C.10 Routine Personnel Changes - Certificated
- C.11 Approval of Superintendent and Board Members Attending California School Boards Association Annual Education Conference
- C.12 Certification of Athletic Coaches – Fall Sports
- C.13 LEA Plan Implementation with Contra Costa County Office of Education (CCCOE)
- C.14 Ratification and Approval of Engineering Services Contracts
- C.15 Ratification and Approval of Negotiated Change Orders
- C.16 Compliance with the California Environmental Quality Act: Adopt Resolution No. 51-0910 Authorizing Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for and Approval of the Kennedy High School Fields Lighting Project

**MOTION: Mr. Medrano moved approval of Consent Items C.1 – C.16. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, Student Representative Jiaqi Fan (advisory vote only) and President Miles voted yes with no abstentions and Mr. Ramsey absent. Motion carried 4-0-0-1.**

#### **D. AWARDS, RECOGNITIONS, AND REPORTS**

##### **D.1 Recognition of Margarita Vargas**

Mr. Medrano recognized Ms. Vargas for taking action to call 911 to report a crime in progress on the Richmond High School campus on October 24, 2009. He acknowledged her bravery, strength of character and for continuing to speak out against violence in her community and against women.

**Public Comment:** Robert Brower, Trustee of the Astorgamo Trust and Scholarship Fund, offered Ms. Vargas a scholarship toward education in pursuit of a vocation or trade.

Ms. Vargas said she is honored and hopes she sets a good example for the young people in the community so that if ever in the same situation they will follow their hearts and do the right thing.

Ms. Miles read from a certification of recognition on behalf of Superintendent Harter and the Board Members, which was presented to Ms. Vargas. President Miles thanked her for her courage, integrity and setting an example and expressed appreciation on behalf of the Board.

**Board Comment:**

Mr. Thurmond thanked Ms. Vargas for her courage, bravery and doing the right thing despite the culture of not speaking up that exists in the community.

Ms. Kronenberg applauded Ms. Vargas for taking immediate action without thinking twice and said she is happy Ms. Vargas has been able to get the recognition she deserves and take a disastrous event and turn it into something we can learn from.

Mr. Medrano thanked Ms. Vargas for being a leader by way of example and said the Board and community are proud of her.

Student Representative Fan thanked Ms. Vargas for being an example and inspiration to the entire student body at Pinole Valley High School.

##### **D.2 Employee Service Anniversary Recognition**

Ms. Romeo recognized the veteran employees of WCCUSD who have reached milestone years for their service, saying that District and school communities have benefited from their wisdom and accumulated experience. Those individual employees present at the meeting received service anniversary pins for their years of service.

**Public Comment:** Eduardo Martinez

**Board Comment:**

Mr. Medrano acknowledged the employees who have worked during difficult times and thanked them for staying with the District.

Ms. Kronenberg acknowledged that teaching is a hard job and that sustaining such a job in one place over a long period of time can be even harder.

Mr. Thurmond expressed gratitude for all employees, especially those being honored who epitomize what is great about the District.

President Miles thanked the employees for their dedication and service to the students.

**D.3 2009 Adequate Yearly Progress (AYP) – Recognition of Schools;**

**D.4 2009 Academic Performance Indices Growth (API) Targets – Recognition of Schools**

Ms. Rashidchi spoke in recognition of those schools that have achieved their state academic targets, federal academic targets or both state and federal academic targets. She introduced five speakers representing all the grade spans in the District to speak about the methods and programs that have brought about success: Linda Cohen, Principal of Coronado Elementary School; Linda Adams, Principal of Stege Elementary School; Sherry Bell, Principal of Juan Crespi Middle School; Carol Butcher, Principal of Stewart Elementary School; and Hattie Smith, Principal of Middle College High School.

Ms. Rashidchi and Board members presented certificates of recognition to principals and community representatives and offered congratulations.

**Board Comment:**

Mr. Medrano thanked the teachers, students and staff for their hard work.

Ms. Kronenberg offered congratulations and spoke of the hard work, thought and effort by teachers and administrators that is appreciated by everyone and makes a difference for students.

Mr. Thurmond said it was an honor to celebrate this wonderful accomplishment and expressed thanks to the students, families, teachers and staff.

President Miles said it takes a partnership between family, teachers, staff and the community to be a successful school and wished everyone continuing success for the school year.

7:40 PM - Ms. Fan left the meeting.

**D.5 Awarding the Ed. Fund 2009-2010 Grants**

Jennifer Henry, Executive Director of the Ed. Fund, offered congratulations to the award winners and acknowledged the efforts of teachers and community members who make learning come to life for students. Ms. Henry acknowledged those who contributed to the grant program including Soroptomist International of Richmond, Mechanics Bank, Red Oak Realty and Chevron Richmond Refinery. Award recipients provided a brief description of their project as they accepted their certificates.

**Board Comment:**

Mr. Thurmond expressed thanks to the Ed. Fund and all the creative teachers and staff who put forth fantastic learning projects.

Ms. Kronenberg thanked Ms. Henry, the Ed. Fund Board and funders and spoke of the value of maintaining the grants and award recognitions that energizes the District and inspires teachers.

Mr. Medrano thanked all the teachers who submitted proposals and said he appreciated listening to the various projects.

President Miles spoke about the number of teachers in need of contribution from the community, saying that teachers often take from their own pockets to benefit their students.

**D.6 Standing Reports**

**Public Comment:**

Pixie Hayward Schickele, President, United Teachers of Richmond, spoke about the reduction in teacher health care benefits.

Cathy Garza, President, Bayside Council of PTAs, announced the next general meeting at Alvarado campus, 7:00 PM, November 23<sup>rd</sup>.

**Safety Committee:** Mr. Thurmond provided an update on the Safety Committee Meeting held November 17 at Richmond High School that included a dialogue with several faith groups expressing an interest in helping our schools meet their needs. The next meetings are December 14<sup>th</sup>, 6:00 PM at Juan Crespi Middle School and January 26<sup>th</sup>, 6:00 PM at Kennedy High School. (Note the December 14 meeting was subsequently changed to 4:00 PM.)

**Youth Commission:** Mr. Thurmond announced the next meeting on November 23<sup>rd</sup> at the RYSE Youth Center at 6:00 PM. He said the Youth Commission is looking for students from the entire district to join. Youth Commissioners are working on establishing a youth led response to the incidents that occurred at Richmond High School and exploring working with Community Violence Solutions and with Youth Together to initiate a campaign where young people have dialogue and discussion on violence prevention.

**Ivy League Connection:** Ms. Kronenberg provided an update on the interviewing and selection process for next summer's program.

**Community Budget Advisory Committee:** Ms. Kronenberg announced the next meeting on November 19<sup>th</sup> at 6:30 PM at the Alvarado Campus.

**Facilities Subcommittee:** Mr. Medrano provided an update of the November 10<sup>th</sup> meeting, including a discussion of where to place the students at Portola and the DeAnza High School project.

**Academic Subcommittee:** Ms. Rashidchi announced the next meeting on November 24<sup>th</sup> at 6:30 PM at Alvarado Adult School, when the main topic will be discussion of the character development district-wide program.

**D.7 In Memory of Members of the School Community**

Superintendent Harter recognized the contributions of members of the school community who have passed away.

**E. PUBLIC AND COMMITTEE COMMUNICATIONS**

(Education Code 35145.5; Government Code 54950 et seq.)

**E.1 Superintendent's Report**

Dr. Harter provided a report of events in District schools.

**E.2 WCCUSD Public Comment**

Robert Brower, Mel Collins, Cecilia Valdez, Wendy Gonzalez, Christina Slamon, Robert Studdiford

**F. ACTION ITEMS**

**F.1 Approval of Agreement with Local One (Part Two)**

Ms. Romeo said that Tentative Agreement had been reached with Local One and was brought forward for ratification by the Board on October 21<sup>st</sup>. Two articles, Article 16 - Hiring Procedures and Article 23 – Reassignment, were omitted from the packet and are being brought before the Board to approve those provisions.

**Public Comment:** Marcus Mitchell

**Board Comment:**

Mr. Thurmond thanked the members of Local One and acknowledged their hard work and sacrifices made to move the District forward and said he appreciates their contribution to the process.

Ms. Kronenberg said she wanted to underscore the importance of the labor management committee, which she said will make the District stronger and Local One employees stronger and more effective.

President Miles thanked Local One for their support.

**Motion: Mr. Medrano moved approval of the Agreement with Local One (Part Two). Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond and President Miles voted yes, with no abstentions and Mr. Ramsey absent. Motion carried 4-0-0-1.**

**G. DISCUSSION ITEMS**

**G.1 Review of Updated Seismic Vulnerability Study and Recommendation for Temporary Relocation of Portola Middle School**

Mr. Fay introduced the discussion around the temporary relocation of students from Portola Middle School. He spoke of developments since February 2009, when the Board approved moving the students to the El Cerrito High School (ECHS) campus, including the opposition encountered in public outreach and potential CEQA issues, a new seismic study that was performed pursuant to an application for Proposition 1D funds, a programming analysis by HY Architects, and new cost estimates and timelines.

Mr. Fay introduced Gokan Akalan of Thornton Tomasetti to speak about the new seismic evaluation. Mr. Akalan said the seismic evaluation confirmed the findings of the 2002 Dasse study determining that the “main classroom building at Portola Middle School could cause significant life safety hazard in the event of a moderate to severe earthquake.” He said that in his professional opinion the building should be relocated or a significant seismic retrofit would be required.

**Board Comment:**

President Miles inquired about the meaning of the word “could.”

Mr. Akalan responded that in California there is a 30% chance of a significant earthquake in the next 30 years.

Ms. Kronenberg inquired about the magnitude range of a moderate to severe earthquake.

Mr. Akalan responded that 5.5 to 7.0 was moderate and 7.0 and above would be considered severe.

Ms. Kronenberg asked about the probability of a 5.5 to 7.0 earthquake.

Mr. Akalan deferred to Alan Kropp Associates for a response.

Mr. Thurmond commented that the new report confirms an unsafe building and the need to get the students out.

Mr. Medrano said this confirms his original position of moving students out of Portola.

Wayne Magnussen of Alan Kropp Associates clarified that the work referred to by Mr. Gokan is only based on ground shaking and so one must also look at potential for landslide beneath the building. He spoke about the estimate on the amount of deformation in the event of a landslide beneath the building.

Mr. Medrano asked for clarification of “deformation.”

Mr. Magnussen responded it is what happens to the ground itself beneath a building, adding that the landslide would not likely move as a complete unit but will warp, bend, and fall apart in some areas.

Mr. Thurmond asked for clarification of what the impact of a landslide would be.

Mr. Magnussen discussed the process of comparing what has happened on similar types of slides elsewhere under similar conditions.

Mr. Thurmond asked what a “significant landslide” meant in terms of life safety hazard concerns for students and employees at Portola.

Mr. Magnussen responded that the primary concern is how a landslide will affect the building, which could move between 5 and 25 feet as a whole and said the primary hazard is for those within the building due to the potential for collapse or serious damage.

Ms. Kronenberg asked for statistical data.

Mr. Magnussen said that the 30 years probability statistic of 31% is for an earthquake magnitude of 6.5 or greater along the northern Hayward fault.

Ms. Kronenberg asked for the probability in next 3 years considering the students are in school 15% of the time.

Mr. Magnussen responded that for a 6.5 magnitude or greater, the formula would be 15% of 3%. He said his firm has not evaluated what the minimum earthquake magnitude is that could cause damage, although he said the occurrence of a smaller earthquake has a higher probability of occurring. He said there is published information available to make that determination.

President Miles commented on the increase in smaller quakes in the last year that were between 3 and 4 magnitude. She said she generally wants to know the safety of the building and students there and that the community needs to understand safety of the building.

Mr. Savidge responded saying that the Thornton Tomasetti report indicates areas of potential collapse of the building in a severe earthquake which would result in severe damage to the building such as broken concrete pieces falling, and that the risk of harm is very high if an event occurs. He said that in his professional opinion this report confirms the need to relocate the students and staff from the building.

**Public Comment:**

Bill Jones, on behalf of the City of El Cerrito, said that the City’s position for the temporary relocation is the lower playground at Portola, and that the City is on record opposing the relocation to the ECHS campus.

Robert Brower provided a comparison of information contained in the April 28, 2006 slope stability report by Cal Engineering and the newly released report.

Christina Slamon expressed concern about jeopardizing the permanent building project at Castro.

Robert Studdiford spoke about setting a precedent with what has been done at other schools.

At Mr. Fay’s request, Mr. Savidge provided information on the programs and amenities that would be available to each site. He said basically that with the lower pad option Portola students would not have a full gymnasium, and with the ECHS option completion of the fields would be delayed and there would be a negative impact to the ECHS students. He said that regarding the overall amenities, the ECHS option would provide better facilities for the Portola students.

**Board Comment:**

Mr. Medrano spoke about the excess portables at ECHS and inquired why they had not been removed.

Mr. Savidge clarified that removing the extra portables would be a legal risk since the CEQA review was not complete and that they would be removed immediately if the ECHS project is abandoned.

Mr. Thurmond asked what additional work is still required for the ECHS option.

Mr. Savidge responded, adding that the time estimate is conservative and the project could be completed in less time.

Mr. Thurmond inquired about expediting the schedule as a safety risk by going to the legislature for relief.

Mr. Savidge commented that short circuiting the CEQA review was unlikely, adding that it would be a simpler, easier project to relocate the students to the lower pad to Portola, adding that the major roadblock to the ECHS option is the level of community opposition.

Mr. Thurmond asked about the significant risk of a landslide.

Mr. Savidge commented on the results of both the Kropp report and the Cal Engineering peer review, which determined a clear life safety setback at the toe of the slide which is a 50 foot setback that would ensure a safe campus at the lower pad.

Mr. Thurmond inquired about the setback discrepancy between the two reports.

Mr. Fay clarified that the newer study was done in response to an application to the state for funding which was focused on the seismic characteristic of the building itself.

President Miles asked for confirmation that there is only a 6 month timeline difference and a cost difference of approximately \$58,000 between the two options. Mr. Savidge agreed.

President Miles spoke about focusing on the academic value.

Mr. Savidge agreed there would be a broader range of facilities available for Portola students at ECHS, but said he believes an appropriate campus on the lower pad can be developed.

Ms. Kronenberg said that the choices are to move students to the lower part of where a catastrophic event could happen or to ECHS with time spent in litigation using up general funds, adding that neither option is a good one. She raised the issue of having the building condemned and a third option of moving the students to some other location. She asked Mr. Savidge whether comprehensive studies have been completed on other schools in the District.

Mr. Savidge provided a brief summary of seismic studies that were performed on District schools.

Mr. Medrano inquired about the accuracy of the 50 foot safety section. Discussion continued with Mr. Savidge and Mr. Magnussen providing additional details.

President Miles inquired further about the ECHS option.

Mr. Savidge said that at ECHS, the Portola students would have access to use the gym and the possibility of sharing other facilities.

President Miles confirmed that the reason for not moving forward with ECHS is the lack of support by the El Cerrito City Council and a possible legal challenge.

Mr. Savidge agreed and spoke about the significant community opposition that will require the District to complete a full Environmental Impact Report and the potential for legal challenge, and that the lower pad option would have full support of the community and is ready to because there was a campus on that location previously.

President Miles commented on the lack of support by the El Cerrito City Council to place the temporary campus at El Cerrito High School.

Mr. Jones responded.

Mr. Thurmond proposed the two jurisdictions work together to find a solution and help the students be safe.

President Miles spoke about the need to provide the best academics to students.

Mr. Jones clarified the concerns of the community and reiterated that the lower pad at Portola was the best option. He said he would take the request back to the council.

Mr. Medrano asked about the present enrollment at ECHS, as well as the maximum planned population.

Mr. Greer responded there are currently approximately 1200 students with a capacity for 1600.

Mr. Thurmond commented that there has been a lot of time lost and expressed an interest in moving quickly. He asked if there are other options and whether other Board members were interested in going to a senator to see if a waiver and relief could be required due to the urgency of the situation.

Ms. Kronenberg said she would like to request that they condemn the school.

Mr. Savidge responded that the State of California does not condemn schools. He said he anticipates the state will declare Portola one of the most vulnerable in the state, but that the state's involvement through the Office of Public Construction is brand new and it is unclear what action will result.

Mr. Thurmond recommended exploring conversation with legislature to see if there are windows of flexibility around the CEQA requirements, and meet with the El Cerrito City Council before the Board takes action on this item to allow full consideration of all options.

Ms. Kronenberg said she agrees to meet with the City Council and look at how the Board and council members can work together to come up with a solution.

President Miles questioned Superintendent Harter regarding a prior invitation to the City Council.

Superintendent Harter spoke about Mayor Potter's decision to meet after the Board made a decision. Mr. Medrano said the Board needs to make a decision, that he is disturbed by community complaints of inconvenience and spoke about equity among schools. He spoke of a third option to close the school and move students elsewhere as he remains concerned about the safety of the students.

**H. UNFINISHED REQUESTS TO ADDRESS THE BOARD** (continued from Item E)

**I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT**

Mr. Medrano thanked San Pablo, Hercules, and Richmond for coming to the Safety Committee Meeting.

**J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING**

Lovonya DeJean Middle School – December 9, 2009

**K. ADJOURNMENT**

President Miles adjourned the meeting at 10:15 PM.

*Motion vote count order: Yes-No-Abstain-Absent*

BH:pr

<p style="text-align: center;"><u>AAM</u> Approved 12/9/09</p>
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