

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION  
MEETING AGENDA  
SEPTEMBER 3, 2008**

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**BOARD AGENDA PACKETS AND INFORMATION:**

Complete Board meeting packets are available for review at the Administration Building, the District's six high schools, and at public libraries throughout West County.

Complete Board agendas and packets are available online at:

[http://www.wccusd.net/board/APM\\_index.shtml](http://www.wccusd.net/board/APM_index.shtml)

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**VIEWING AND LISTENING TO THE BOARD MEETINGS:**

**Radio:** Regularly scheduled Board meetings are broadcast live over Radio Station KECG 88.1 and 97.7 FM.

**Television:** Regular Board meetings are also broadcast by the City of Pinole on PCTV Channel 26 and HCTV Channel 25, and the Hercules city cable channel 28.

Audio tapes of Board meetings are kept on file in the Communications Office, Room 215, 1108 Bissell Avenue, Richmond, CA 94801 (510-231-1132). The Board of Education would like to acknowledge the City of Pinole for their generosity in helping to televise WCCUSD Board of Education meetings.

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**ATTENDING BOARD MEETINGS:**

The public is warmly invited to attend and participate in all WCCUSD Board of Education meetings.

**Location:** LOVONYA DEJEAN MIDDLE SCHOOL  
3400 MACDONALD AVENUE  
RICHMOND, CA 94805

**Time:** The **Board of Education's Open Session meeting will begin at 6:30 PM.** The Board will convene at **5:00 PM** in the Multi-Purpose Room to receive comments from anyone wishing to address the Board regarding closed session items (see Exhibit A). The Board will then adjourn to closed session in the Faculty Lounge and reconvene in open session to address the regular agenda (Exhibits B-G) at 6:30 PM.

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“of children be more careful than anything.”  
e.e. cummings

**B. OPENING PROCEDURES**

**B.1 Pledge of Allegiance**

**B.2 Welcome and Meeting Procedures**

**B.3 Roll Call**

**B.4 Report/Ratification of Closed Session**

\* **B.5 Agenda Review and Adoption (Public Comment)**

\* **B.6 Board Minutes: August 20, 2008**

**C. AWARDS, RECOGNITIONS, AND REPORTS**

\* **C.1 Report from Kennedy High Students on WCCTAC Project**

Comment:

Thirteen Kennedy High students from the Architect Construction Engineering Technology Academy (ACET) participated in a nine-week summer internship for the West Contra Costa Transportation Advisory Committee. The focus of the internship was on learning and applying the principles of equitable and sustainable transportation, land use, urban design and environmental planning. The team from Kennedy High, including their teacher Elizabeth Hirshfield and Jennielyn Dino Rossi from ACET, made a complete presentation of their findings for the community and the WCCTAC board on August 23 at Maple Hall in San Pablo. Tonight's presentation will summarize that report.

Recommendation: For Information Only

Fiscal Impact: None

\* **C.2 In Memory of Members of the School Community**

Comment:

The District would like to take time to recognize the contributions of members of our school community who have passed away. The District requests the community to submit names to be reported as a regular part of each agenda.

Ronnie Seay

Ronnie Seay recently passed away. Ms. Seay was an Instructional Assistant at Harbour Way.

Richard Lee Griffin

Mr. Griffin passed away on August 13, 2008. Mr. Griffin served as both a public school teacher and principal. A 37-year Richmond resident and 25-year member of the City Council, Mr. Griffin dedicated a large part of his life to the citizens of Richmond. His tireless service benefited this community on a variety of levels. He served as a City Council Member, a Vice Mayor and as Director of both the Richmond Girls Club and Greater Richmond Social Services Corporation.

Our thoughts go out to the family and friends in the loss of their loved ones.

Recommendation: For Information Only

Fiscal Impact: None

**D. PUBLIC AND COMMITTEE COMMUNICATIONS**  
(Education Code 35145.5; Government Code 54950 et seq.)

\* **D.1 Superintendent's Report**

\* **D.2 WCCUSD Public Comment**

Members of the public are invited to speak to the Board about any matter that is not otherwise on the agenda and is related to issues affecting public education in the WCCUSD. Approximately 30 minutes will be allocated for this item. If there are more requests to speak than can be heard within this time limit, "WCCUSD Public Comment" will continue after Item G. Individuals wishing to speak must submit a "WCCUSD Public Comment" form prior to the beginning of this item on the agenda. Depending on the number of persons who wish to speak, from one to three minutes will be allocated to each speaker at the discretion of the President of the Board in order to accommodate as many speakers as possible. The Board cannot dialogue on any issues brought before it by the public that have not been previously agendized, but may refer these to staff for response and/or placement on future agendas.

**E. ACTION ITEMS**

\* **E.1 Compliance with the California Environmental Quality Act: Adopt Resolution 31-0809 Authorizing Adoption of the Final Environmental Impact Report for the Nystrom Elementary, Charter Schools, and City of Richmond Martin Luther King (MLK) Park Renovation Projects**

Comment:

In order to begin construction on the Measure J Master Plan projects at the Nystrom and Gompers sites, the district needs to complete environmental review. The projects included in this review are: Nystrom Elementary Modernization and New Construction, Richmond College Prep Modular Campus, Leadership Public Schools Temporary Campus, and Reconstruction of the Gompers site for Leadership Public Schools and the District's Continuation High School. Also the district has included renovations of the City of Richmond MLK Park in the environmental review, as this work will be happening at the same time as work on Nystrom.

District staff retained PMC to prepare a study under the California Environmental Quality Act ("CEQA") to evaluate the possible environmental impact of the proposed Nystrom Elementary, Charter Schools, and City of Richmond MLK Park Renovation Projects. After extensive analysis, PMC prepared and issued a Draft Environmental Impact Report ("EIR") in June 2008. As part of the EIR, the consultants completed a traffic analysis, historical resources analysis, and other reviews of potential environmental impacts. The 45 day Public Comment period ended on August 14, 2008. The District has received two (2) written comments to date: one from the Department of Transportation and one from the City of Richmond. Responses to these comments are included in the Final Environmental Impact Report set for adoption by the Board. In the event that the District receives any further written comments prepared prior to the termination of the public review period, the written comments and District's written responses to the comments, if any, will be made a part of the record at the Board meeting.

The Final Environmental Impact Report is provided under separate cover. The Resolution authorizing adoption of the Final Environmental Impact Report is included with the Board materials.

Recommendation: Adopt Resolution 31-0809 Authorizing Adoption of the Final Environmental Impact Report for the Nystrom Elementary, Charter Schools, and City of Richmond MLK Park Renovation Projects.

Fiscal Impact: Full fiscal impact not known. Future projects will be bid. Projects will be funded from the Measure J Bond.

**F. DISCUSSION ITEMS**

**\* F.1 Status Reports – Facilities Planning and Construction**

Comment:

The following are provided for review of Facilities Planning and Construction in the District's Bond Program and for information regarding individual projects:

- Engineering Officer's Report—Verbal Presentation
- Construction Status Reports—Current Construction Projects

Recommendation: For Information Only

Fiscal Impact: None

**G. BUSINESS ITEMS**

**CONSENT ITEMS (Routine Matters)**

Consent Calendar Items designated by "CI" are considered routine and will be enacted, approved and adopted by one motion, unless a request for removal, discussion or explanation is received from any Board member or member of the public in attendance.

**\*CI G.1 Contracted Services**

Comment:

Permission is requested of the Board of Education to approve the contracts for services as detailed dated September 3, 2008.

Recommendation: Recommend Approval

Fiscal Impact: As noted per contracts summary

**\*CI G.2 Grants/Awards/Agreements**

Comment:

Formal acceptance is requested from the Board of Education to accept the grants/awards/agreements, as detailed dated September 3, 2008.

Recommendation: Recommend Approval

Fiscal Impact: As noted per grants summary

**\*CI G.3 Acceptance of Donations**

Comment:

The District has received donations as summarized dated September 3, 2008. The estimated values for any non-cash donations are those provided by the donor. Staff recommends acceptance of these donations.

Recommendation: Recommend Approval

Fiscal Impact: As noted per donations summary

**\*CI G.4 Approval of Fund-Raising Activities**

Comment:

The planned fund-raising events for the 2008-09 school year are summarized dated September 3, 2008.

Recommendation: Recommend Approval

Fiscal Impact: Additional revenue for schools

**\*CI G.5 Summary of Payroll and Vendor Warrant Reports**

Comment:

Payroll and Vendor Warrants issued during the months of June and July, 2008:

June, 2008

Total of payroll warrants:	\$15,652,788
Total of vendor warrants:	\$50,570,694

July, 2008

Total of payroll warrants:	\$ 4,564,070
Total of vendor warrants:	\$11,196,976

Recommendation: Recommend approval of the payroll and vendor warrant reports

Fiscal Impact: As noted

**\*CI G.6 Adoption of Resolution No. 33-0809 Replacement of Outdated Warrants**

Comment:

Government Code Section 28902(c) allows the governing board, by resolution, to order a replacement check be issued for a warrant that is stale dated. This resolution authorizes the issuance of a check to replace the outdated warrant for William L. Wilson. Staff recommends replacement of the stale dated warrant.

Recommendation: Recommend approval to replace the outdated warrant.

Fiscal Impact: None

**\*CI G.7 Acceptance of Contracts for Placement of Student Teachers**

Comment:

Teachers in this district provide supervision and evaluation for students seeking credentials to teach in California public school classrooms. These arrangements are made between the institution of higher education and the individual classroom teacher at no cost to the district.

Staff requests approval from the Board of Education to accept Contracts for Placement of Student Teachers as detailed dated September 3, 2008.

Recommendation: Recommend Approval

Fiscal Impact: None

**\*CI G.8 Annual Resolutions: 34-0809 – Transmittal of Funds; 35-0809 – Deposits-Collections; 36-0809 – Revolving Cash Account; 37-0809 – Federal & State Projects-Authorized Agents**

Comment:

Annual Resolution Nos. 02-0809, 04-0809, 05-0809 and 08-0809, approved at the July 9, 2008 Board of Education, are revised to reflect changes in personnel.

Recommendation: Approval

Fiscal Impact: None

**\*CI G.9 Certificated Personnel Changes**

Comment:

Routine personnel changes include actions to hire, promote, or terminate certificated employees in accord with appropriate laws, established policies and procedures.

Recommendation: Recommend Approval

Fiscal Impact: None

**\*CI G.10 Certificated Provisional Internship Permit (PIP) Request(s)**

Comment:

The Provisional Internship Permit (PIP) was created in response to the phasing out of emergency permits and became effective on July 1, 2005. It allows an employing agency to hire an individual who has not yet met the subject matter competence requirement needed to enter an internship program. Prior to requesting a PIP, the employing agency must verify that a diligent search has been made, and a fully credentialed teacher cannot be found. The PIP is issued for one (1) year and is renewable one time only provided the teacher has taken all appropriate subject matter examinations, but has not yet passed those tests.

Recommendation: Recommend Approval

Fiscal Impact: None

**\*CI G.11 Routine Personnel Changes - Certificated**

Comment:

Routine personnel changes include actions to hire, promote, or terminate certificated employees in accord with appropriate laws, established policies and procedures.

Recommendation: For Information Only

Fiscal Impact: None

**\*CI G.12 Routine Personnel Changes - Classified**

Comment:

Routine personnel changes include actions to hire, promote, or terminate classified employees in accord with the appropriate laws, established policies and procedures.

Recommendation: For Information Only

Fiscal Impact: None

**\*CI G.13 Notification of Claims Rejected**

Comment:

The District has received claims requesting compensation for personal injury and loss of income/benefits. The District's risk management firm has investigated the claims and is requesting the School Board to ratify the authorized claim rejections.

Recommendation: Ratify the rejection of claims

Fiscal Impact: None

**\*CI G.14 Notification of Claim Approval and Settlement Payment**

Comment:

The District received a claim regarding compensation for personal injury. The District's risk management firm has investigated the claim and is requesting the School Board to ratify authorized settlement payment.

Recommendation: Ratify the authorized approval of claim and payment for personal injury

Fiscal Impact: Self-Insurance Program

**\*CI G.15 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of Change Orders on the following current District construction projects: Richmond High School New Bleachers, Hercules Middle High School Fields, and DeAnza High School Fieldhouse projects. Change Orders are fully executed by the District upon signature by the

Superintendent's designee. Board ratification is the final step required under state law in order to complete payment and contract adjustment.

In addition to normal ratification, approval of the noted Change Order for the Richmond High School Restroom Renovations project is required by the Board, with special findings as noted below, because they are in excess of the Public Contract Code limit of 10% of the original contract value. In accordance with Public Contract Code 20118.4, the Board, by approving and ratifying these Change Orders, finds that it would have been futile to publicly bid the work in question because of the tight time frames to complete this work without affecting the operations of the District, and that the public is best served by having this work completed by the contractor on the project.

Recommendation: Ratify negotiated Change Orders as noted.

Fiscal Impact: Total ratification by this action: \$247,283.83.

**\*CI G.16 Richmond College Prep Modular Campus Sitework Award of Contract**

Comment:

The Richmond College Preparatory ("RCP") Academy Modular Buildings project is the first phase of work that the District is completing as part of meeting its Charter School Facilities responsibilities under Proposition 39 requirements. The Board approved this project with the Facilities Master Plan Update of April 4, 2007, and reaffirmed the project in the 2008 Facilities Master Plan updates. The architects for the project, Interactive Resources, have prepared plans and specifications for the RCP Academy modular campus to be located adjacent to the existing Harbour Way Academy buildings and across So. 11<sup>th</sup> Street from the Maritime Center building and existing RCP Pre-School. This is the first phase of meeting RCP's long-term facilities request.

The architects have completed plans and specifications for the modular campus, which have been approved by the Division of State Architect. The work of this contract includes limited grading, plumbing, electrical, fire alarm, data and other hookups to the buildings. It also includes landscape, fencing, and other associated work on the project.

The District is currently conducting a public bid for the project. Bids will be received on Sept. 2, 2008.

Recommendation: Award contract to the lowest responsive, responsible bidder

Fiscal Impact: \$\_\_\_\_\_. This project will be funded from the Measure J Bond funds.

**\*CI G.17 Pinole Middle School Temporary Housing Modulares Award of Contract**

Comment:

During the renovation of the original main building at Pinole Middle School, there will be no kitchen available for the site. It is proposed to provide a temporary kitchen using a modular Food Service building and a deck with ramps on the playground area adjacent to Appian Way. Powell and Partners Architects has prepared plans and specifications for the project, which is currently being reviewed by the Division of State Architect. The vendor will be providing internal modifications to the building to accommodate the District's Food Service needs on the site.



The action proposed by this award will be a “piggyback” contract award to the modular building vendor, Mobile Modular Management Corporation. The Franklin McKinley School District has conducted a public bid process and has referenced other school districts in the state which, under law, may then award contracts as a “piggyback” on the Franklin McKinley contract. This contract award is for the modular building, deck and ramps. It also includes transportation and setup on site. There will be a further bid for the sitework required for the temporary campus area. This award is needed at this time to allow for lead time in the preparation of the modular buildings.

Recommendation: Award contract to Mobile Modular Management Corporation under the terms of the Franklin McKinley School District Piggyback Contract.

Fiscal Impact: \$114,756.51. Funded from the Measure J Bond.

**\*CI G.18 DeAnza High School Fitness Equipment Award of Contract**

Comment:

During the reconstruction of DeAnza High School, there will be no gym or Physical Education facilities on campus with the exception of the new Fieldhouse Locker and Shower buildings. In order to provide for basic PE facilities, the District is installing two modular buildings adjacent to the new Fieldhouse buildings which will be used as workout, fitness rooms. In order to provide an appropriate PE program on the site, the District has initiated the purchase of fitness equipment for these rooms. The equipment proposed includes treadmills, stairmasters, elliptical cross trainers, and a full range of weight machines. This is similar to the equipment provided for the temporary campus at El Cerrito High School. This equipment will be used during the DeAnza construction in temporary facilities and then transferred into the new fitness rooms in the future gym building.

The District conducted a public bid process for this equipment. Although several vendors attended the pre-bid meeting, only one vendor submitted a bid. Fitness Concept of San Rafael submitted a bid of \$168,878.48 for the equipment. Their price includes delivery, setup, and two years of service at no additional cost. This price is comparable to the previous ECHS purchase and is within the District’s allocated budget for DeAnza High School.

Recommendation: Award contract for DeAnza fitness equipment to Fitness Concept

Fiscal Impact: \$168,878.48. Funded from the Measure J Bond.

**\*CI G.19 Citizens’ Bond Oversight Committee Alternate Appointment**

Comment:

The following appointment has been made to the Citizens’ Bond Oversight Committee: Mayor Peter Murray, Alternate to Maureen Toms, for the City of Pinole.

Recommendation: Recommend approval of this appointment

Fiscal Impact: None

**\*CI G.20 Resolution No. 32-0809: Hispanic Heritage Month, September 15, 2008 – October 15, 2008**

Comment:

The West Contra Costa Unified School District applauds the many contributions made by the Hispanic population and recognizes September 15 – October 15, 2008 as Hispanic Heritage Month.

Recommendation: Approval

Fiscal Impact: None

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

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

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

Lovonya DeJean Middle School – September 17, 2008

**K. ADJOURNMENT**

At 10:00 p.m., any items remaining on the agenda that require immediate attention will be moved to this time. All other items will be tabled to another or the following Board meeting in order to make fair and attentive decisions. The meeting will adjourn at 10:30 p.m. The meeting may be extended by a majority vote of the Board of Education.

The public may address items which are marked with an asterisk (\*).

**A. CLOSED SESSION**

**A.1 CALL TO ORDER**

**A.2 DISCLOSURE OF ITEMS TO BE DISCUSSED IN CLOSED SESSION**  
(Government Code 54957.7)

**A.3 RECESS TO CLOSED SESSION AS SCHEDULED**

**See Exhibit A**

(Government Code Section 54954.5)

The **Open Session** will resume at the end of the **Closed Session** in the Multi-Purpose Room at approximately **6:30 PM**.

**EXHIBIT A**

(Government Code Section 54954.5)

**CLOSED SESSION AGENDA**

**September 3, 2008**

**1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

1. Negotiators: Associate Superintendent of Operations/Jeff Edmison
2. Property: 2600 Moraga Road, San Pablo, CA. Price and all terms of agreement.
3. Property: Land located on either side of Lexington Avenue between Stockton Avenue and Eureka Street in El Cerrito, CA. Price and all terms of agreement.
4. Property: 1021 Navellier Street, El Cerrito, CA. Price and all terms of agreement.
5. Property: 230 Harbour Way South, Richmond, CA. Price and all terms of agreement.

**2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

[Government Code Section 54956.9(a)]

1. WCCUSD v. Charles T. Bryant & Associates (CTBA)
2. WCCUSD v. RDS Architects
3. Lumagbas et al. v. WCCUSD et al.
4. S.H. v. WCCUSD

**3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED/POTENTIAL LITIGATION**

[Government Code Section 54956.9(b)]

Four cases

**4. LIABILITY CLAIMS** (Government Code Section 54956.95)

**5. CONFERENCE WITH LABOR NEGOTIATORS**

- a. Superintendent/Dr. Bruce Harter
- b. Employee Organizations
  - UTR
  - Local One
  - School Supervisors Association
  - WCCAA
- c. Unrepresented Employees
  - Confidential and Management

**6. PUBLIC EMPLOYEE APPOINTMENT**

Vice Principal-Adult Education  
Executive Director, Maintenance & Operations

**7. PUBLIC EMPLOYEE PERFORMANCE EVALUATION** (Government Code Section 54957)

**8. STUDENT DISCIPLINE** (Education Code Section 35146)

- a. Expulsions

**9. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/COMPLAINT**  
(Government Code Section 54957)

Teacher

**10. REPORT OF CLOSED SESSION ACTIONS**