

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

**February 10, 2010**

**A. CLOSED SESSION**

**B. OPENING PROCEDURES**

President Madeline Kronenberg called the meeting to order at 5:45 PM. The Board recessed into Closed Session. President Kronenberg called the Public Session to order at 6:49 PM.

**B.1 Pledge of Allegiance**

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

**B.2 Welcome and Meeting Procedures**

President Kronenberg welcomed the public to the meeting.

**B.3 Roll Call**

**Board Members Present:** Madeline Kronenberg, Antonio Medrano, Charles Ramsey, Tony Thurmond

**Board Members Absent:** Audrey Miles

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

**B.4 Presentation of Student Board Representative Matthew Arciniega**

Mr. Arciniega, a student from El Cerrito High School, spoke about the newly formed Youth Commission and reported on its first official meeting of February 9, 2010.

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

Superintendent Harter asked the Board to ratify the vote taken in Closed Session to expel thirteen (13) students and suspend 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 thirteen (13) students, suspending those expulsions for placement in the West Contra Costa Unified School District. Mr. Ramsey seconded. Mr. Medrano, Mr. Ramsey and President Kronenberg voted yes, with Mr. Thurmond abstaining and Ms. Miles absent. Motion carried 3-0-1-1.**

Superintendent Harter asked the Board to ratify the vote taken in Closed Session to approve Resolution 72-0910: Non-Reelection of Probationary Certificated Employees, ratifying the non-reelection of nineteen (19) teachers.

**MOTION: Mr. Ramsey moved to ratify the vote taken in Closed Session to approve Resolution 72-0910, voting to non-reelect nineteen (19) teachers. Mr. Medrano seconded. Mr. Medrano, Mr. Ramsey and President Kronenberg voted yes, with Mr. Thurmond voting no and Ms. Miles absent. Motion carried 3-1-0-1.**

**B.6 Agenda Review and Adoption**

**Public Comment:** None

**MOTION: Mr. Ramsey moved to approve the Agenda. Mr. Thurmond seconded. Mr. Medrano, Mr. Ramsey, Mr. Thurmond, Student Representative Matthew Arciniega (advisory vote only) and President Kronenberg voted yes, with Ms. Miles absent. Motion carried 4-0-0-1.**

**B.7 Minutes:** January 20, 2010; January 30, 2010

**Public Comment:** None

**MOTION:** Mr. Ramsey moved to approve the Minutes for the January 20, 2010 and January 30, 2010 meetings. Mr. Medrano seconded. Mr. Medrano, Mr. Ramsey, Mr. Thurmond, Student Representative Arciniega (advisory vote only) and President Kronenberg voted yes with no abstentions and Ms. Miles absent. Motion carried 4-0-0-1.

**C. BUSINESS ITEMS**

- C.1 Grants/Awards/Agreements**
- C.2 Acceptance of Donations**
- C.3 Approval of Fund-Raising Activities**
- C.4 Contracted Services**
- C.5 Summary of Payroll and Vendor Warrant Reports**
- C.6 Resolution No. 68-0910: Week of the School Administrator – March 1-5, 2010**
- C.7 Resolution No. 58-0910 - Disabilities Awareness Month – March 2010**
- C.8 Resolution No. 66-0910: Read Across America - March 2, 2010**  
*Pulled for discussion to follow Item D.4.*
- C.9 Resolution No. 69-0910: Determination of Tie-Breaking Criteria for 2010-2011**
- C.10 Certification of Athletic Coaches – Winter Sports**
- C.11 Hercules Middle High Quad Landscape and Parking Project Award of Contract**
- C.12 Rejection of Claim for Refund of Developer Fees by Castle Companies for Country Club Villas Project in Richmond, CA**
- C.13 Appointment of Tim Bañuelos to the Citizens’ Bond Oversight Committee**
- C.14 Ratification and Approval of Negotiated Change Orders**
- C.15 Ratification and Approval of Engineering Services Contracts**  
*Pulled for discussion to follow Item D.4.*
- C.16 E-Rate Funding Year 13 – Contract Award of Vendor Upon E-Rate Funding Approval**  
*Pulled for discussion to follow Item D.4.*
- C.17 El Cerrito High Temporary Campus Removal Project Award of Contract**  
 Mr. Fay read a revision to this item into the record as follows (*changes in italics*):

**Background Information:** The next step in completing the reconstruction of El Cerrito High School is to remove the temporary campus modular buildings and prepare the site for the construction of the fields. This project includes utility removals, site fixture removals, preparations for modular dismantle & removal. The work includes demolition of the asphalt paving in most areas—leaving pathways and temporary fencing to allow access to the stadium area pending the construction of the fields.

WLC Architects completed plans and specifications for the project. The District conducted a public bid of the project. Bids were opened on February 9, 2010. *Thirteen contractors submitted bids. They are as follows:*

Contractor	ERA Construction	Michael Paul Co. Inc	D.R. Lemmings Const	Alpha Bay Builders	Bay Construction Inc
Base Bid	<b>\$258,000</b>	\$306,662	\$323,500	\$649,000	\$650,000
Allowances	<b>\$20,000</b>	\$20,000	\$20,000	\$20,000	\$20,000
<b>Total Bid</b>	<b>\$278,000</b>	\$326,662	\$343,500	\$669,000	\$670,000
Contractor	Parc Services	CF Contracting	WR Forde Associates	Bruce Carone	Carone & Co.
Base Bid	\$346,300	\$576,800	\$434,000	\$785,000	\$334,000
Allowances	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
<b>Total Bid</b>	\$366,300	\$596,800	\$454,000	\$805,000	\$354,000
Contractor	River View Construction	Ionian Construction Inc	Kin Wo Construction		
Base Bid	\$349,974	\$637,000	\$611,773		
Allowances	\$20,000	\$20,000	\$20,000		
<b>Total Bid</b>	\$369,974	\$657,000	\$631,773		

This item will be presented prior to the expiration of the 5 working day Bid Protest period. In consideration of this timing, and in order to expedite the project, the Board’s action will be to authorize staff to issue the Notice of Award effective at the end of the Bid Protest period to the lowest responsive, responsible bidder. This award by staff will

then be brought back for ratification at a future meeting. *Staff is also holding a post-bid scope confirmation meeting with the apparent low bidder.*

**Recommendation:** Authorize staff to issue Notice of Award at the end of the bid protest period, to the lowest responsive, responsible bidder

**Fiscal Impact:** \$278,000. Funded from the Measure J Bond, Fund 21.

**Board Comment:** Mr. Ramsey commented on the inclusion of all bidders in the précis. Mr. Fay responded.

- C.18 **Kennedy High School Intercom Upgrade Project Award of Contract**
- C.19 **Richmond High School Fence and Gates Project Award of Contract**
- C.20 **Crespi Jr. High Windows and Doors Replacement Project Award of Contract**
- C.22 **Certificated Provisional Internship Permit (PIP) Request(s)**
- C.23 **Adoption of Resolution No. 73-0910 Replacement of Outdated Warrant**
- C.24 **Resolution No. 71-0910: Arts in Education Month – March 2010**
- C.25 **Resolution No. 70-0910: Womens' History Month – March 2010**
- C.26 **2009-2010 Consolidated Application for Funding Categorical Aid Programs, Part II**
- C.27 **Board Committee and Liaison Assignments**

**MOTION:** Mr. Ramsey moved to approve the Consent Items C.1 – C.7, C.9 – C.14, and C.17 – C.27. Mr. Medrano seconded. Mr. Medrano, Mr. Ramsey, Mr. Thurmond, Student Representative Arciniega (advisory vote only) and President Kronenberg voted yes, with no abstentions and Ms. Miles absent. Motion carried 4-0-1.

## **AWARDS, RECOGNITIONS, AND REPORTS**

### **D.1 School Presentations to Celebrate and Validate African American History Month – February 2010**

Ms. Rashidchi introduced presentations by four schools to celebrate and validate African American History Month. Students from King Elementary, Montalvin Elementary, Pinole Valley High and Richmond High performed for the Board and community. Ms. Rashidchi recognized the teachers who helped for their hard work and thanked everyone for their participation.

**Public Comment:** Tammy Campbell

#### **Board Comment:**

Mr. Thurmond thanked all the teachers, students and parents for the great presentations, saying that everyone benefits from the accomplishments of African Americans being celebrated this month. He commended the young people for bringing the spirit of civil rights to the meeting.

Mr. Medrano congratulated all the schools and complimented the teachers and students who bring a sense of pride to the district.

Mr. Ramsey challenged the group to look at the origins of how Black History Month, started in the 1930's by Carter G. Woodson, which has blossomed into a celebration of a people that have been ignored for so long.

Mr. Arciniega encouraged the students and parents to return to the schools and support Black History Month.

Ms. Kronenberg acknowledged all the students for their extraordinary performances and spoke of the hard work and commitment of the teachers and students over the years. She said that the District should be proud of its performance arts.

### **D.2 Budget Report Update**

Superintendent Harter provided a summary of the results of the feedback obtained at the six budget meetings held during the last week of January and first week of February. He provided data from each meeting at each location on issues regarding sale of property, modifying class size maximum, using deferred maintenance funds for K-12 classrooms, reducing adult education services and repurposing the parcel tax as possible solutions to reducing the budget deficit.

Ms. Gamba expressed appreciation to all those who came out during the six meetings of budget presentations. She continued speaking about the 2009-10 Governor's Budget, which was announced in January, the resulting cuts and loss in funding, and what that means for the District. Ms. Gamba provided a budget timeline over the next few months leading up to the May Governor's revise and the June budget adoption.

**Public Comment:** Father Ramiro Flores, Antonia Jackson, Tom Chin, Gail Louie, Dulce Rodriguez, Adrian Espindoh, Mimi-Yu, Ken Ryan, Rosie Iha, Maria Inchauspe, Robert Brower, Chatchai Phanphanit, Tammy Campbell, Maria Alegria, Karen Lang, Genoveva Calloway, David Whitenack, Sanjuana Rodriguez, Tad Toomay, Grace Murphy-Jenkins, Marilyn Jaquith, Rose Bright, Francie Kunaniec, Ada Chavez, Jovanka Beckles, Marge Essel, Monica Cervantes, Pat Miles, Judi Jung, Antelmo Contreras, Kelli Cochran-Barram, Eva Aguirre, Flor Castro, Amy Aldrich, Elizabeth Mojica, Jesus Valdin, Glenda Pawsey, Margarita Avila, Paola Mejia, Roberto Reyes, Kristen Pursley.

**Board Comment:**

Mr. Ramsey spoke about the need for a day long session to provide more detail prior to voting for a budget and how short term solutions can hurt in the long term. He said he cannot in good conscience repurpose the parcel tax.

Mr. Medrano said he applauds the community for coming out and speaking up. He spoke of the need to work together in light of difficult economic times, save what we can and raise more funds. He said he supports reduction of Adult Education, but not elimination.

Mr. Thurmond said that all the programs are important and that it is necessary to go a step further and look at every option to raise revenue. He spoke about advocating an oil extraction tax in California.

Ms. Kronenberg spoke about the pain in looking at a shrinking budget. She spoke of supporting the initiative to lower the threshold for passing a parcel tax to 55% to fund education in California.

Mr. Thurmond asked Ms. Gamba to specify which items would be cut in Adult Education, and clarify what is meant by the restructuring of alternative education to achieve the \$650,000 savings.

Ms. Gamba responded and indicated she would provide details in follow up discussions. Regarding alternative education, she is working with Mr. Greer and staff to put together a matrix of class size staffing and administrative staffing.

Mr. Thurmond asked for further clarification and Ms. Gamba responded.

Mr. Medrano inquired about the drop-out rates and bringing students back into the schools to increase ADA.

Mr. Greer responded.

Ms. Kronenberg said she believes staff is heading in the right direction and confirmed there will be additional meetings about the budget.

### **D.3 Standing Reports**

Jeanine Bishop, Parent Liaison for Special Education and Jeannette Lambert, Vice Chair of the Community Advisory Commission (CAC) and Resource Parent, spoke about the You Make a Difference Award Ceremony on March 11, at DeJean Middle School honoring individuals in our community who have gone above and beyond in service to students with special needs.

Cathy Garza, President of the Bayside Council of PTAs, spoke about upcoming events including the general meeting on February 22 at the Alvarado Campus to discuss the budget challenges. Superintendent Harter will be a guest speaker. She welcomed Mr. Thurmond who is now a liaison to Bayside PTA. She said that Bayside PTA is looking forward to working with the district to get a bond passed and noted that historically all the hill and flatland areas support the district.

Robert Studdiford reported on the Citizens' Bond Oversight Committee meeting of January 27. Eight of the ten members were present and approved three items: continuing to meet on a monthly basis, recommended changes to Administrative Regulation 7214.2 that sets up how the body meets, and the performance audit for 2009. The next meeting is February 24 at 6:00 PM.

Pixie Hayward Schickele, President of United Teachers of Richmond, said we all have to come together to make the public and Sacramento understand what lack of funds has done to our schools and our children. She invited everyone to join in a statewide demonstration on March 4 to send a message that the District cannot survive any more cuts. Two demonstrations will be sponsored by UTR in El Cerrito and Hercules at 6:30 AM and 3:30 PM.

Richard Leung, Public Employees Union Local One, said that employees have already made tremendous sacrifices and so we must look at alternative revenue sources before making further cuts. He spoke about the need to hold the Governor and state legislature accountable and agreed with the need to examine every item in the budget from management down, improving operational deficiencies. He spoke against making any changes to the parcel tax.

Charles Cowens, Chair of the Community Budget Advisory Committee, announced the next meeting on February 25 at 6:30 PM. Mr. Cowens encouraged the public to attend the meetings to have an opportunity to address two board

members and staff in a small informal setting to discuss budget issues. He welcomed new Board liaisons Antonio Medrano and Audrey Miles. He suggested a possible joint meeting of the CBAC and the Board.

Facilities Subcommittee. Mr. Medrano provided a report on the meeting of February 9. He reported that the subcommittee approved recommendations to the full board regarding two items: projects and preliminary budgets for a new facilities bond measure and restarting the site committee and planning process at Pinole Valley High School. There was also discussion regarding a new bond measure. Mr. Ramsey added that there is much support to continue the bond program.

Ivy League Connection. Mr. Ramsey provided a status update. He said that Cornell University will make a \$10,000 contribution this year and that the Dean of Brown University will be visiting in April. He anticipates there will be 33 students participating this year.

Youth Commission. Mr. Thurmond said the next meeting will be February 22 at 6:00 PM at the RYSE Center in Richmond. He welcomed Mr. Medrano who will also serve as a Board liaison to the group.

Safety Committee. Mr. Thurmond welcomed Ms. Kronenberg who will be joining the committee. He announced the next meeting on February 23 at 6:00 PM at Crespi Middle School, discussing disaster preparedness and a proposal for restoring the district advisory committee structure.

Academic Subcommittee. Ms. Rashidchi provided a summary of the topics discussed at the meeting of January 26. She provided an update on the District's volunteer program, indicating there were 103 new volunteers who signed up. She said there has been a revamping of the volunteer process which has resulted in developing a volunteer training program in partnership with the San Francisco Volunteer Project.

#### **D.4 In Memory of Members of the School Community**

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

#### **C.8 Resolution No. 66-0910: Read Across America - March 2, 2010**

**Public Comment:** Pixie Hayward Schickele, Debbie Willis

**MOTION: Mr. Medrano moved to approve Resolution 66-0910: Read Across America – March 2, 2010. Mr. Thurmond seconded. Mr. Medrano, Mr. Ramsey, Mr. Thurmond and President Kronenberg voted yes with no abstentions and Ms. Miles absent. Motion carried 4-0-0-1.**

#### **C.15 Ratification and Approval of Engineering Services Contracts**

**Public Comment:**

Robert Brower expressed concern that the work by Kleinfelder, which appears to be related to construction, is in violation of the court order and agreement in the Srago case.

Mr. Fay responded that the work is to create documents that are a part of the design and does not appear to be in conflict with Mr. Brower's concerns.

Mr. Savidge further clarified that he considers this contract to be part of the design work, but that there would be a drill rig on site for testing as required by the Division of State Architect. He added that staff would be agreeable to take a 30 day wait to have a brief session with the neighborhood.

Mr. Ramsey asked additional questions and Mr. Savidge responded.

**MOTION: Mr. Ramsey moved to approve this item absent the contract for Kleinfelder and that it be brought back at a later date. Mr. Thurmond seconded. Mr. Medrano, Mr. Ramsey, Mr. Thurmond and President Kronenberg voted yes with no abstentions and Ms. Miles absent. Motion carried 4-0-0-1.**

#### **C.16 E-Rate Funding Year 13 – Contract Award of Vendor Upon E-Rate Funding Approval**

**Public Comment:**

Annette McCormick and Diana Monaghan of AMS.NET spoke to protest the award of Consent Item C.16. Ms. McCormick said AMS.NET was erroneously disqualified because it did not hold a valid CMAS contract and provided correspondence that was sent to district staff regarding the validity of the CMAS contract.

Dr. Joe Abrego commented that the bid was designated as non-responsive because their networking extension is only valid through March 31, 2010, short of the fiscal year. Additionally, he said the AT&T bid was for all three projects amounting to a lower total bid amount. He provided additional reasons why the AMS.NET bid was rejected. Mr. Ramsey inquired whether the District has legal standing to say a vendor did not comply with the requirements of the RFP.

Dr. Abrego said yes and that the decision was confirmed by the E-Rate consultants.

Mr. Ramsey asked why the application was reviewed if they were disqualified.

Dr. Abrego responded.

Mr. Thurmond asked to allow AMS.NET time to respond. President Kronenberg agreed.

Ms. McCormick and Ms. Monaghan responded.

President Kronenberg asked Dr. Abrego for further information. Dr. Abrego responded.

Mr. Thurmond said he was prepared to make a motion based on low bid and to accept the recommendation for AT&T.

Mr. Ramsey asked for a roll call vote expressing concern for establishing past practice in the qualification process.

Mr. Thurmond responded that AMS.NET did not refute they were not the lowest bid.

Mr. Fay clarified that AMS.NET was disqualified based on the contract period and so did not qualify for the bid.

**MOTION: Mr. Thurmond moved to approve Item C.16 and accept the recommendation for AT&T. Mr. Medrano seconded. A roll call vote was taken. Mr. Medrano, Mr. Ramsey, Mr. Thurmond and President Kronenberg voted yes, with no abstentions and Ms. Miles absent. Motion carried 4-0-0-1.**

**E. PUBLIC AND COMMITTEE COMMUNICATIONS**

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

**E.1 Superintendent's Report**

Due to the lateness of the hour, Superintendent Harter declined to provide a report to move along to public comment.

**E.2 WCCUSD Public Comment**

Anastasia Sloan, Zackery Taylor, Tony Edwards, Christina Slammon, Elizabeth Underwood, Tammy Campbell, Chris Allen, Debora Morrison, Victoria Rhome, Jose Andrade, Rachel McLachlan, June Pangelinan, Charles Cowens, Christina Samson

**F. ACTION ITEMS**

**F.1 Resolution No. 67-0910: Authorization to Eliminate Classified Positions and Layoff Classified Employees**

Ms. Romeo said that as a result of reorganization in the Maintenance and Operations and Human Resources Departments, she is bringing forth a recommendation to eliminate seven positions, most of which are vacant. She thanked the members of SSA who worked with the District and asked the Board to approve this elimination of classified positions.

**Public Comment:** Sandra Falk, Robert Studdiford

**Board Comment:**

Mr. Thurmond acknowledged Ms. Falk's comments and noted that any action from the Board in this respect does have an impact on those who continue to do the work and staff has made tremendous sacrifices to help our students. He said the Board appreciates the sacrifices that have been made.

President Kronenberg spoke in agreement with Mr. Thurmond and said that unfortunately there is need to continue to ask staff to make sacrifices.

**MOTION: Mr. Ramsey moved approval of Resolution No. 67-0910: Authorization to Eliminate Classified Positions and Layoff Classified Employees. Mr. Medrano seconded. Mr. Medrano, Mr. Ramsey, Mr. Thurmond and President Kronenberg voted yes, with no abstentions and Ms. Miles absent. Motion carried 4-0-0-1.**

**F.2 Special Education Annual Service Plan / Special Education Annual Budget Plan**

Steve Collins reported on the requirement for a public hearing to approve the Special Education Service Plan and Budget Plan. He provided a brief overview report and asked that the Board approve the Service and Budget Plans.

**Public Comment:** None

**Board Comment:** None

**MOTION: Mr. Ramsey moved approval of Item F.2 Special Education Annual Service Plan / Special Education Annual Budget Plan. Mr. Medrano seconded. Mr. Medrano, Mr. Thurmond, Mr. Ramsey and President Kronenberg voted yes, with no abstentions and Ms. Miles absent. Motion carried 4-0-0-1.**

**F.3 Measure J Bond Program Budget Adjustments**

Mr. Fay introduced this item clarifying that on an annual basis the bond program is reviewed and adjusted for revenue that has either increased or decreased in project costs and additionally adjusted for new projects as they become voted on by the subcommittee through the full Board, asking for Board approval.

**Public Comment:** None

**Board Comment:**

Mr. Ramsey raised questions and concerns about the data in the 2010 Master Plan Budget document.

Mr. Savidge responded that the use of the term “frozen” describes the unfunded allocation at the state level for the new construction apportionment for El Cerrito High School that was approved by the Office of Public School Construction and because the state has not been able to sell their bonds they have provided an unfunded apportionment.

Mr. Ramsey questioned the updated plan revenue for El Cerrito High School.

Mr. Savidge indicated he will bring back new information with the next supplemental piece.

Mr. Ramsey said he did not want the Board to approve something that is fundamentally flawed and that he believes the state funded project numbers are off. He said he hopes to get information that shows the community we are benefiting by millions more dollars than what is projected in the report.

Mr. Ramsey inquired about the Phase 2A-3 planning cost \$4.8 million. Mr. Savidge responded.

Mr. Ramsey then inquired about the increased cost for Ohlone. Mr. Savidge responded.

Superintendent Harter commented that this document should have gone to the Facilities Subcommittee before coming to the Board for approval, given inaccuracies, and said staff will withdraw the item.

**MOTION: Mr. Ramsey moved to table this item and place it on the agenda for the next Facilities Subcommittee meeting. Mr. Thurmond seconded. Mr. Medrano, Mr. Ramsey, Mr. Thurmond, and President Kronenberg voted yes, with no abstentions and Ms. Miles absent. Motion carried 4-0-0-1.**

**F.4 Portola Middle School Temporary Relocation for Safety**

Mr. Fay introduced this item indicating that staff has gone out and looked at the lower pad at Portola for the temporary campus and worked with the City of El Cerrito on some of the athletic and recreation spaces. He said that the project consultants were available to lay the project out and answer questions.

Superintendent Harter clarified that this item was discussed by the Board extensively two weeks ago and that he did not anticipate a presentation but rather for the Board to hear public comment and move on to a decision.

**Public Comment:** Robert Brower, David Whitenack, Catherine Mercurio, Robert Studdiford, Leah Carroll, Sharon Johnson, David Miller

**Board Comment:**

Mr. Ramsey asked Superintendent Harter if the gym would remain open if the campus is relocated to the lower pad. Superintendent Harter said that at this time there is no plan to keep the gym open as it was identified in the landslide area. He said that the plan was to provide physical education and recreation at Cerrito Vista Park and in the fitness room that is added on the site.

Mr. Ramsey asked whether there could be potential for a longer period of stay at the lower pad if the District is not successful in terms of any litigation.

Superintendent Harter said we cannot absolutely predict the end of the CEQA suit and process, and that any delays could extend the time to construct the new school at Castro.

Mr. Ramsey raised concern over the possibility of needing to start all over again.

Superintendent Harter clarified that at the end of the CEQA process the Board has the final say to declare that mitigations were not possible. He clarified that the purpose of the CEQA process is to make sure the community is advised and that environmental hazards are mitigated.

Mr. Ramsey inquired about the timing of the completion of the lower pad project.

Superintendent Harter said that the plan is for a winter holiday move eleven months from now, but that could change.

Mr. Ramsey said that he made a commitment for the lower pad and will probably vote for it, but that he still struggles with the decision.

Mr. Thurmond asked to hear from the consultants present and asked for a clear explanation of the risk involved at the lower pad location.

Mr. Magnussen, Geotechnical Consultant with Alan Kropp Associates, said that he has no concern at all that there is a stability concern on the lower pad with respect to the issues that Mr. Brower brought out.

Mr. Thurmond asked Mr. Magnussen directly whether he had no concern about fill related risk. Mr. Magnussen responded that is correct.

Mr. Thurmond asked Mr. Magnussen to characterize any risk of slide in this situation.

Mr. Magnussen said that with a setback zone there is a very low risk to anyone at the school.

Mr. Thurmond asked for clarification.

Mr. Magnussen spoke about the 50 foot setback requirement at the toe of the slide, which he believes has been maintained.

Mr. Savidge introduced Phil Gregory from Cal Engineering, the company that conducted a peer review. Mr. Gregory said that the lower pad has “very low risk associated with the landslide itself, and more specifically much lower risk as compared to the upper site when you look at the combination of the seismic stability of the building and the landslide on top of that.”

Mr. Medrano said he will vote for the lower pad but his concern from the very beginning is for the safety of the students in the present structure and he is worried that they have to remain in the building for the next eleven months.

Mr. Ramsey said he does not believe the current building is unsafe. He asked about the impact on the programs.

Mr. Fay spoke about the plan to pull some strategic buildings from the El Cerrito site.

Mr. Ramsey commented on the appearance of the lower pad campus.

Mr. Thurmond asked about a transition plan for the lower pad and the related pieces, such as Mira Visa.

Mr. Fay responded.

Mr. Thurmond said that he has supported rebuilding Portola at Castro and keeping the students together, but expressed concern over the length of time the students will remain in the Portola site and said that he still supports the Parent Choice Option because of the opportunity to move the students as quickly as possible. He made a substitute motion that the Board consider the Parent Choice Option.

The motion failed for lack of a second.

President Kronenberg said that this decision is predicated upon the information provided by the experts and she has confidence in their advice. She said that she is willing to pay the price of the timeline to keep the students together.

**MOTION: Mr. Medrano moved approval of the Portola Middle School Temporary Relocation for Safety. Mr. Ramsey seconded. A roll call vote was taken. Mr. Medrano, Mr. Ramsey and President Kronenberg voted yes, Mr. Thurmond voted no, with no abstentions and Ms. Miles absent. Motion carried 3-1-0-1.**

#### **F.5 Resolution No. 53-0910, Level II and Level III Developer Fees, Public Hearing and Adoption of Resolution**

Mr. Fay introduced Cheryl King of Schreder and Associates who authored the School Facilities Needs Analysis Report. Ms. King explained the methodology used and briefly discussed the qualifications for collecting Level II fees and the impact of Senate Bill 50 which shifted the responsibility for mitigating the impact of residential development to the district from the cities and counties.

President Kronenberg opened the public hearing.

**Public Comment:** Bob Glover expressed concerns with the needs analysis as currently drafted and provided a copy of a letter addressing his concerns to the Board.

#### **Board Comment:**

Mr. Fay introduced Attorney Lawrence Schoenke of Miller Brown and Dannis who said that he has reviewed Ms. King’s report and it has met all the requirements of the statute and is legally done and factually substantiated.

Mr. Ramsey asked what the \$.82 reduction was based on. Ms. King responded and commented on the formula used and the forms used and filed.

President Kronenberg closed the public hearing.

**MOTION: Mr. Ramsey moved approval of Resolution No. 53-0910, Level II and Level III Developer Fees. Mr. Thurmond seconded. Mr. Medrano, Mr. Ramsey, Mr. Thurmond and President Kronenberg voted yes, with no abstentions and Ms. Miles absent. Motion carried 4-0-0-1.**



**G. DISCUSSION ITEMS**

**G.1 District Safety Initiatives**

Mr. Greer spoke of the November 4 Safety Meeting at DeJean Middle School following the October 24 incident at Richmond High School. He said that since that time, great strides have been made in improving the delivery of safety to students. He identified and provided highlights of the changes that have occurred.

**Public Comment:** None

**Board Comment:**

President Kronenberg thanked Mr. Greer for the incredible amount of work done and said she is impressed by all of the efforts made.

**G.2 Charter Facilities Assignments – Proposition 39 Preliminary Offers to Richmond College Prep Schools (RCPS) and Leadership Public Schools, Inc. (LPS)**

Mr. Fay indicated that the preliminary offers to two charter school partners, Richmond College Prep and Leadership Public Schools, are to keep them in current locations for the 2010-11 school year.

**Public Comment:** None

**Board Comment:**

Mr. Medrano asked whether Leadership Public Schools is required to move when the multipurpose room at Nystrom is completed and the construction begins on the two story main building. Mr. Fay said that is correct.

Mr. Medrano asked if Leadership has funding for the eventual building of a new campus at the Gompers site.

Mr. Fay responded, indicating that is part of the proposed bond.

Mr. Medrano asked if it is possible to expedite the demolition of Gompers.

Mr. Fay responded.

**G.3 Status Reports – Facilities Planning and Construction**

**MOTION: Mr. Ramsey moved to table Item G.3 due to the lateness of the hour. Mr. Medrano seconded. Mr. Medrano, Mr. Thurmond, Mr. Ramsey and President Kronenberg voted yes, with no abstentions and Ms. Miles absent. Motion carried 4-0-0-1.**

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

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

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

Lovonya DeJean Middle School – March 3, 2010

**K. ADJOURNMENT**

President Kronenberg adjourned the meeting at 12:01 AM.

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

BH:pr

AAM Approved 3/3/10
------------------------