



CITIZENS' BOND OVERSIGHT COMMITTEE

AMENDED MEETING MINUTES

Wednesday, October 10, 2018
Tour 6:00 PM, Meeting 6:30 PM

Yerba Buena High School, Student Union Learning Center
1855 Lucretia Ave, San Jose, CA 95122

The following were in attendance.

CBOC

Barocio, Louis
Chavez, Lorena
Cruz, Andrea
Godbole, Rajesh
Got-Lopez, Melissa
LoMonaco, Bud
Meadows, Abigail
Mueller, Raymond
Navani, Vikas

CBOC Member(s) Not Present

Martinez, Ramon
Schimmel, Barry

ESUHSD

Jew, Chris
Kwong, Kelly
Lucas, Julio
Nguyen, Nhu
Nguyen, Sandy
Nguyen, Tu
Nguyen, Tuyen
Phelps, Randy
Soto, Moises
Tran, Shelby
Unger, Janice

Board of Trustees

Biehl, Frank

Guest(s)

Huynh, Tom

Community Member

De Luna, Aldofo
Parra, Rafael

Student(s)

Mai, Madeline (Freshman)
Nguyen, Jimmy (Senior)

1. Call to Order and Roll Call
Meeting called to order at 6:35 PM by Chair Abigail Meadows.
2. Public Comment – None
3. Review and Approve Minutes for prior Meeting
 - a. July 11, 2018 CBOC Meeting
A motion to approve July 11, 2018 meeting minutes was made by Vikas Navani and seconded by Lorena Chavez. Motion was carried (8-0). The motion passed unanimously. CBOC member Raymond Mueller arrived at 6:53 PM and was not present for the vote to approve minutes.
4. Report from CBOC Chair
Former CBOC Member Louis Barocio resigned from the Committee due to his recent employment at James Lick High School as the Associate Principal (APED), which is a conflict of interest according to the CBOC Bylaws. He thanked everyone and bid farewell to the CBOC and stated that it was a priceless experience for him.



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5. CBOC Reports

- a. District Staffing Update (*Julio Lucas, Senior Manager of the Bond Program*)
Julio Lucas introduced the three new staff members for the Bond Program: Sandy Nguyen as the Construction Bond Program Controls Manager, Nhu Nguyen as the Bond Communications and Document Controller, and Shelby Tran as the Administrative Secretary.
- b. Post Occupancy Review for the Yerba Buena Project Completion (*Julio Lucas*)
Julio Lucas introduced Tom Huynh, Principal of Yerba Buena. Tom Huynh then invited two students (a Freshman and a Senior) to share their experience with the old and new building, Student Union – Learning Center. Adolfo De Luna, a Community Member in attendance, also shared his good experience with the recently completed building and how it affected the community positively. Tom Huynh presented on the transformation of the space into different uses on a daily basis such as Library, Study Groups, College Fair, Staff Development, and Blood Drive for the community. The new Student Union-Learning Center gave the students a brand new experience. It created a stronger body relationship.
- c. 2017-18 Bond Construction Project Bids Summary (*Janice Unger, Director of Bond Purchasing & Contracts*)
Janice Unger presented on the 2017-18 Project Bids Summary that compared the estimated cost to the actual bid, a request from the CBOC member from the July 11, 2018 meeting.
- d. Review and Accept Cumulative Report on Budgets and Expenditures through August 31, 2018, for Measures G, E, I, and Technology I (*Janice Unger*)
Janice Unger presented a budget update on the bond measures and provided the Capital Budget Adjustment Reports that were presented at the Board of Trustees through August 31, 2018. CBOC member requested the debt interest to be presented at the next meeting. Motion to accept the CBOC Reports was made by Raymond Mueller and seconded by Vikas Navani. Motion is carried (9-0). The motion passed unanimously.

6. Confirmation of Next Meeting @ Mt. Pleasant High School – Wednesday, January 9, 2019, @ 6:30 PM

7. Adjourn

Chair Abigail Meadows adjourned the meeting at 8:34 PM.

Minutes reviewed by:

Abigail Cruz

Print name

Abigail Cruz
Abigail Cruz (May 10, 2019)

Signature

Minutes approved on:

May 10, 2019

Date



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Questions/Answers/Comments (Q/A/C)

Item: 5b

- ❖ *What is the current student enrollment?* (Bud)
 - 1,927 students (1,727 core students and 200 CCOC students)
- ❖ *How does this new building change the community around you? How is it accessible on the weekend?* (Melissa)
 - Previously, the community was able to access the Foothill Clinic and Yerba Buena fitness center. Currently, Yerba Buena has an agreement with one of the coaches to provide classes for staff and the community members.
- ❖ *What is the total cost of the [Yerba Buena] Student Union?* (Rajesh)
 - \$22.5 million
- ❖ *Are there plans to create a replication of this kind of architectural design with other schools?* (Rajesh)
 - There are other schools and school site councils that have been to YB in the hopes of finding a similar value. We want to create similar experiences using the same components, and the same kind of balance of uses in other sites.
 - Same concept buildings at other sites were recommended to the Board for approval.

Item: 5c

- ❖ *Why was Independence awarded 150% and 190%? Was there a particular reason why? Was it because of the summertime?* (Raymond M.)
 - When you look at the percentage for smaller projects, it isn't necessarily the right way to validate whether you got a fair shake or not. For example, a two questions test. If you got one wrong, you got 50% on your test.
- ❖ *Why was the cost \$345,100 when the estimate was \$180,000?* (Bud)
 - The engineer is using the square footage cost when compiling a cost estimate.
 - Cost estimate also takes into consideration of past project with similar scopes, similar efforts, and what those costs and they assign a value based on past practice, past performance, and past attempts.
- ❖ *In a project like this, how many change orders were approved?* (Bud)
 - It depends on how many change orders were submitted. Each change order is negotiated before it gets approved.
- C: On change orders, one of the things that Board is requested in the Administration has complied with this when we approve the change order, we asked for a reason. And the reasons tend to be most of the time is because what we asked them to do something more than what was initially expected. When the site was able to see the project and process and realized that for a small amount of additional money, that is something that can accommodate. (Frank)
- ❖ *When you do bids, can you actually set the time frame or how could you actually hold people accountable for when the project is completed?* (Melissa)
 - The duration of the project is stated in the bid document. There is a post-bid interview process where one of the questions being asked is for the contractors to confirm if they understand the timeline of the project and that they will be held accountable for meeting the timeline. However, there are also unforeseen circumstances such as weather condition that might affect the duration of the projects, but generally, we try to make the contractors adhere to the arranged timeline.



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- ❖ *How long do contractors stay on the qualified list?* (Melissa)
 - One year.
- ❖ *Do you have sufficient possibility of making those decisions within the law?* (Frank)
 - There is a process for approval and pre-qualification. If the contractor's contract got denied, they might appeal to the Appeals Committee. This process is shown in our bid documents.
- ❖ *Who's the appeals committee?* (Frank)
 - Currently, the Appeals Committee is comprised of the District's Associate Superintendent of Business, the Director of Bond Purchasing & Contracts, and the Senior Manager of Internal Controls.
- ❖ *Does it happen very often?* (Frank)
 - It has happened twice in the last eight years.
- ❖ *What is the cost associated with terminating a contractor?* (Melissa)
 - In construction, time is money. The cost of stopping one contractor and then setting the goals to start with another contractor, in most cases, is higher than staying with the same contractor and trying to work out the issues.
- ❖ *Aside from the actual process, like reinvestment, monetary, and consequences to this, has it been significant to make a switch? Like now we have to pay more with legal fees, now this company does things differently so we need to redo this. Is it significant?* (Melissa)
 - It could be. It would be costly. Getting to completion is a lot different than just occupying the building. Getting to completion means to complete the contract closeout process.
- ❖ *What's measure Z discretionary fund?* (Bud)
 - About 10% of the Bond issue wasn't allocated to the sites that remain in a discretionary fund to the Board to allocate as needed and the discretion is within the bounds of what the Bond calls for. Funds that don't initially allocated to the sites, but rather reserve it for the Board to make decisions as we move forward based upon what the needs are at that particular point. For example, if we have a significant construction inflation project that we think is very important awarding, we might be willing to push another 10% or so for that project and make sure that it happens (comment made by Frank Biehl).
- ❖ *Are we tracking the interest that's being paid on the Bonds?* (Rajesh)
 - Yes, we do, on the interest earned, not the interest on the debt.
- ❖ *Would it be possible to track the interest on the debt on our annual report?* (Rajesh)
 - We have an annual debt schedule and it's all attached to our district financial. We could show you annually what the interest payments are on the Bonds that we sold for every issue in every series.
- ❖ *Are Measure Z and Fund 26 the same?* (Bud)
 - Yes.
- ❖ *Is the Adult Transition Program project at the Education Center partially funded out of the Alternate School allocation fund?* (Frank)
 - The Alt Ed funding is 4.5M within Measure Z, 1.25M from the Measure Z Board discretionary fund, and 1.2M from other capital funds.



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Item: 6

- ❖ *Would it be okay if one of the committee members to arrange with the site principal for a 15 to 20 minutes tour and not bother you (Julio)? (Bud)*
 - The access is there. Julio will also make himself available upon request.

- ❖ *Are we still meeting outside? (Question for Chair Abigail from Melissa)*
 - We could set up a session for new members in case if you guys want to be more informed. I can definitely send out some emails.