



CITIZENS' BOND OVERSIGHT COMMITTEE (CBOC)

MEETING MINUTES

Wednesday, April 27, 2022

Tour: 6:00 p.m.

Meeting: 6:30 p.m.

Andrew Hill High School (Room 107)

3200 Senter Road

San Jose, CA 95111

The following were in attendance:

CBOC

Got-Lopez, Melissa
Hermange, Debbie
Meadows, Abigail (Zoom)
Mueller, Raymond
Roberts, Christopher
Traynor, Patrick

CBOC Member(s) Not Present

Schimmel, Barry

ESUHSD

Kwong, Kelly
Lucas, Julio
Mayhew, Brandie
Nguyen, Cathy
Nguyen, Nhu
Nguyen, Sandy
Soto, Moises
Tran, Shelby
Vander Zee, Glenn
Wheelehan, Ron (Zoom)
Phelps, Randy (Zoom)

Board of Trustees

Do, Bryan

Guest(s)/Community Member(s)

Lim, Alex (Van Pelt)
Peters, Joyce (Eide Bailey LLP)

1. CALL TO ORDER/ROLL CALL

1.01 Call to Order/Roll Call

Vice-Chair Melissa Got-Lopez lead the meeting in the absence of Chair Barry Schimmel. Roll call was taken at 6:42 p.m.

2. PUBLIC COMMENT

2.01 Public Comment

Raymond Mueller announced that he will be withdrawing his renewal application due to personal reasons. Vice-Chair Melissa Got-Lopez thanked Raymond for his service.

Vice-Chair Melissa Got-Lopez addressed the public comment from the last meeting regarding the CBOC contact information for the public to reach the members. The proposed solution was to have



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an email address created for the CBOC (cboc@esuhsd.org) and the district staff is to forward the messages to the committee members accordingly.

Raymond Mueller raised a concern about district staff filtering out emails coming from the public, which hinders transparency. Member Christopher Roberts suggested the soft forward option to address this concern. The Chair and Vice-Chair should be forwarded a copy of the emails directly from the CBOC email account to ensure visibility without violating the Brown Act.

The solution was accepted by the committee.

3. REVIEW AND APPROVE MINUTES FOR PRIOR MEETING

3.01 January 19, 2022 Meeting

A motion to approve the January 19, 2022, Meeting Minutes was made by Raymond Mueller and seconded by Patrick Traynor. Motion was carried (6 – 0). Aye.

Vice-Chair Melissa Got-Lopez provided updates on the CBOC recruitment, application review, and interview process. The new CBOC member recommendation should go to the June 23 Board meeting so the new members can start their term and attend the first meeting in July.

4. UPDATED ITEM(S) FROM CBOC CHAIR

4.01 Action to Approve and Adopt the 2022-2023 Meeting Calendar

The proposed 2022-2023 CBOC Meeting Calendar was presented for adoption. Raymond Mueller moved to approve. Christopher Roberts seconded the motion. The meeting calendar was accepted.

4.02 Review the Draft of CBOC Annual Report Fiscal Year 2020-2021 and Solicit Volunteers for the Annual Report Editorial Subcommittee

Vice-Chair Melissa Got-Lopez asked for two volunteers to be on the Annual Report subcommittee together with Chair Barry Schimmel, who had previously committed to be on the subcommittee. Raymond Mueller suggested having one member from last year's committee and one new person.

Members Patrick Traynor and Christopher Roberts volunteered. Nhu Nguyen will send out the draft report to the subcommittee members via email. Recommendations of content edits should be submitted to Nhu Nguyen by Jun 15, 2022 .

5. REPORTS

5.01 Presentation on the Five (5) Bond Audit Reports – Joyce Peters, Eide Bailly LLP



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Joyce Peters went over the financial statement for all five (5) bond measures G, E, I, Technology I, and Z. She explained the objectives and methodology the firm used to carry out the performance and financial audits and concluded that it was a clean audit with no findings.

C: Concerns about the Note section on measure I Technology pertaining to litigation. (Patrick Traynor)

A: All litigations are with contractors and have no adverse effect on the overall financial position of the fund. These are all allowable expenses. (Joyce Peters)

Q: What is the material threshold for auditing? (Bryan Do)

A: There is a formula. It depends on the allowance of the expenditure. (Joyce Peters)

Q: What is the reason for the different percentages being tested on each measure? What is the reasonable percentage? (Bryan Do)

A: The firm calculated the material amount. Anything above the calculated amount will be pulled and audited. The remaining percentage was randomly selected. (Joyce Peters)

Q: Why does the district have more money (on the report) after spending down the fund? (RaymondMueller)

A: As we spent down the fund, we drew money out of another bond series. (Randy Phelps)

Q: How often does the district change auditors? (Melissa Got-Lopez)

A: According to Ed Code, we have to rotate the engaging partners every six years. (Joyce Peters)

Q: What is the percentage of change orders do you audit? (Raymond Mueller)

A: When the firm came across change orders, they checked for proper approval process to ensure due diligence. (Joyce Peters)

5.02 Presentation on the Capital Construction Project Updates – Julio Lucas, Senior Manager of the Bond Program

- **Andrew Hill - New Student Union**

Schedule: December 2022 – Total Cost: \$23,666,525.00

Area: 23,0000 square feet – Construction Team: VPCS (CM), XL Construction DBE

Q: Why do projects have different cost per square footage, some at \$1000/sqft, and some at \$3000/sqft? (Patrick Traynor)

A: The total cost shown on the slide is the total project budget, not the contract cost for the construction. (Julio Lucas)



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- **Foothill - Modernization of Building G**

Schedule: TBD (Board Approved 5/6/2021) – Estimated Total Cost: \$4,935,054.00

Area: 6,690 square feet – Construction Team: Gilbane (CM)

The last thing we did at Foothill was the turf area and Hooper Hall. Foothill is one of our continuation high schools that do not have lockers, showers, or a gym. The principal and the main drivers of the school had requested for a space that not only serves food, but also provides showers/changing area for students since they do not have the same facilities as those of the comprehensive high schools.

Q: Why is there a dramatic gap between the dollar amount and the square footage? (Bryan Do)

A: Specialty space, more utilities, more functions, and specialized functions will cost more. For example, science functions in a classroom are more expensive. Most of them go to construction contractors, the rest are soft cost. (Julio Lucas)

- **Mt. Pleasant - Modernization of Building 500**

Schedule: TBD (Board Approved 5/6/2021) – Estimated Total Cost: \$18,444,202.00

Area: 7,056 square feet – Construction Team: VPCS (CM)

Building 500 is coming down. We are currently in the process of building criteria documents that will be used to solicit qualified design-builders. The selection process of the qualified design-builders is called an RFQ (Request for Qualifications). This building will be a place where food will be made, served, and eaten.

- **Oak Grove - Modernization of Building K**

Schedule: TBD (Board Approved 5/6/2021) – Estimated Total Cost: \$19,356,870.00

Area: 7,824 square feet – Construction Team: VPCS (CM)

This project is the food service component of the districtwide Student Union model. Similar to Mt. Pleasant, the Learning Center/Student Center has previously been completed in a separate building (building A). Building K will include the food prep/dining area, a common indoor space where food will be made, served, and enjoyed. This project is also in the early RFQ stage.

Q: Will the information from these confidential meetings be available to the public after the DBE (Design Build Entity) team has been awarded the contract? (Raymond Mueller)

A: These meetings are observational only. There are no minutes and very limited note taking. However, the scores of the proposal evaluation will be available on the Board agenda item. (Brandie Mayhew)



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Q: Who are on the committee (of the confidential meetings)? (Patrick Traynor)

A: Site's stakeholders as invited by the site leadership, selected bond program staff in areas of budget, scope, and contract, and construction management team. (Julio Lucas)

Q: Do we (the district bond team) set the agenda? (Patrick Traynor)

A: No, we do not set the agenda. We only follow the DBIA (Design-Build Institute of America) process. (Julio Lucas)

- **Piedmont Hills - Performing Arts Building with Classrooms**

Schedule: September 2024 – Estimated Total Cost: \$17,871,012.00

Area: ____ square feet – Construction Team: VPCS (CM), Gilbane/Perkins Eastman DBE

A design-build team has been recommended to the Board to carry forward. We will be in the design phase of the design-build process. This will be a brand new building with a targeted square footage and budget. The selected design-build team has met the initial criteria of balancing the scope, budget, and schedule of this project.

- **Independence - New Student Union (including Music Building E)**

Schedule: September 2023 – Total Cost: \$27,076,792.00

Area: 35,000 square feet – Construction Team: Gilbane (CM), Alten Construction, SVA Architects

This project is currently in the build phase. The new student union includes the existing building E and the expansion of new spaces to accommodate various functions such as the learning center, counseling, food services, dining, admin, and music for the music department. We hope to start the construction when the recommendation for increment two (2) (construction phase service) gets approved at the board meeting on April 28.

Q: Why is there a gap in the dollar per square footage for different projects presented on the slides? (Bryan Do)

A: Buildings with specialized needs have various costs depending on the utilities, finishes, and infrastructure needs. The project budget is all inclusive of other soft cost, FF&E, and equipment and is not the contract value of the design-builder. (Julio Lucas)

- **Silver Creek - Building K**

Schedule: February 2023 – Total Cost: \$23,200,000.00

Area: 17,810 square feet – Construction Team: Gilbane (CM), Cody Anderson Wasney, Rodan Builders, Inc. DBE



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It's a new two-story classroom building. When this building is completed, the existing portables will be removed.

- **Santa Teresa - New Building**

Schedule: April 2023 – Total Cost: \$12,477,277.00

Area: 9,450 and 9,654 square feet – Construction Team: Gilbane (CM), BCA Architects, (Pending) Contractor

This is a makerspace and science-ready classroom. It is a traditional Design Bid Build project because the square footage and the cost are hard to get the design-build teams to be interested. We are currently still in the bidding process and the project will be awarded to the lowest bidder.

- **Evergreen Valley - New Student Union**

Schedule: November 2022 – Total Cost: \$22,898,923

Area: 33,000 square feet – Construction Team: Gilbane (CM), JK Architecture, Rodan Builders DBE

This is a sizable project. We leveraged existing buildings to expand the square footage of the new student union.

- **Yerba Buena - Performing/Fine Arts Classrooms and Theater Building**

Schedule: August 2024 – Estimated Total Cost: \$20,039,126.00

Area: 18,261 square feet – Construction Team: Gilbane (CM), Clark/Sullivan Construction

We are building a classroom and performing arts building that includes a theater. As of this week, the selected contractor did not accept and sign the contract. Therefore, this was acknowledged as the withdrawal of their participation. We will follow the process to move forward with the next step.

Q: Will the overall cost of the project change because of the contractor's last minutes withdrawal? (Raymond Mueller)

A: There might be escalation cost in material due to the delay in time of the selection process. Time and cost go hand in hand. (Julio Lucas)

Q: Is this a new contractor/vendor? (Melissa Got-Lopez)

A: They are new with our district but they have experience with the design-build delivery method at other districts. (Julio Lucas)

Q: Do we generally work with the same contractors? (Melissa Got-Lopez)

A: We have a mixture of repeats and new. (Julio Lucas)



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Q: What's the ratio between repeats and new? (Bryan Do)

A: We are not tracking it, but on some smaller projects, we do have some frequent contractors that come back to bid. (Brandie Mayhew)

- **Yerba Buena - Ball Field Improvements**

Schedule: September 2023 – Estimated Total Cost: \$9,500,000.00

Area: _____ square feet – Construction Team: Gilbane (CM), Robert A. Bothman Construction

This is an all synthetic turf improvement to the existing fields. It is going to be built by Robert A. Bothman. They were the ones who completed the Santa Teresa Soccer Field.

5.03 Information on the Capital Program Budget Adjustment Report – Sandy Nguyen, Construction Bond Program Controls Manager

Sandy Nguyen provided the Board approved Capital Program Budget Adjustment Report for the month of January and February 2022. This report goes to the Board for approval of adjustments to a project budget on a monthly basis if needed.

5.04 Presentation and Action to Receive and Approve the Budgets and Expenditures Report – Cathy Nguyen, Capital Budget Manager

Cathy Nguyen presented and provided an update of the Board Approved Budgets and Expenditures on all bond measures (Measure G, E, I, I-Technology, and Z) through February 28, 2022. A summary of the overall budget, including the total current encumbrance balance, total expenditures/disbursements, and total remaining budget balance, was presented.

Motion to accept the Budgets and Expenditures Report was made by Raymond Mueller and seconded by Christopher Roberts. Motion was carried (6– 0). Aye. The motion passed unanimously.

6. CONFIRMATION OF NEXT MEETING LOCATION

6.01 Confirmation of Meeting Location for Next Meeting: Wednesday, July 20, 2022 @ 6:30 p.m. (TBD)

The next meeting will be on Wednesday, July 20, 2022 at the Santa Teresa High School at 6:30 p.m. The tour of the current construction site will begin at 6:00 p.m.

7. ADJOURNMENT

7.01 Chair Adjourns the Meeting



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Vice Chair Melissa Got-Lopez adjourned the meeting at 8:40 p.m.

Minutes approved by: BARRY SCHIMMEL *Barry Schimmel*
Print Name Signature
Jul 21, 2022
Date






2022 0427 CBOC Meeting Minutes

Final Audit Report

2022-07-21

Created:	2022-07-21
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