



CITIZENS' BOND OVERSIGHT COMMITTEE (CBOC)

MEETING MINUTES

Wednesday, October 18, 2023

Tour: 5:30 p.m.

Meeting: 6:00 p.m.

Yerba Buena High School (LINK Room)

1855 Lucretia Ave.

San Jose, CA 95122

The following were in attendance:

CBOC

Hermange, Debbie

Nair, Rajani

Pefley, Carol

Pham, Paul (Khoa)

Schimmel, Barry

Traynor, Patrick

ESUHSD

Huntoon, Michele

Kwong, Kelly

Lucas, Julio

Nguyen, Cathy

Nguyen, Nhu

Nguyen, Sandy

Nguyen, Tuyen

Phelps, Randy

Pollet, Mary

Soto, Moises

Board of Trustees

Do, Bryan

Guest(s)/Community Member(s)

Morrison, Alex (Gilbane)

CBOC Member(s) Not Present

Harkins, Cody

Roberts, Christopher

1. CALL TO ORDER/ROLL CALL

1.01 Call to Order/Roll Call

Roll call was taken at 6:10 p.m.

Christopher Roberts and Cody Harkins were absent. Patrick Traynor came later.

2. PUBLIC COMMENT

2.01 Public Comment

No general public comments at this time.



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3. APPROVAL OF MINUTES OF PREVIOUS MEETING

3.01 Action to Approve the Meeting Minutes of July 26, 2023 Meeting

Motion to approve the July 26, 2023, Meeting Minutes was made by Paul Pham and seconded by Rajani Nair. Motion was carried (5 – 0). Aye.

4. UPDATED ITEM(S) FROM CBOC CHAIR

4.01 The 2023 CBOC Annual Report (FY 2021-2022) Presentation at the Board Meeting of September 7, 2023

Chair Barry Schimmel informed the committee that the annual report was presented to the Board of Trustees at the September 7, 2023, Board meeting. The Chair gave a brief overview of his experience at the meeting. The chair concluded by stating that the Board was appreciative of what the CBOC was doing for the District.

4.02 CABOC Conferences

Paul Pham said that the conference was good and mentioned that there was a lot of discussion regarding legal counsel for the CBOC. Debbie Hermange chimed in with the notion that the CBOC needs to be an independent entity in order for it to do its job and that it cannot be independent if the Board approves the bylaws. Chair Barry Schimmel commented that it is a yin-yang push and pull between these organizations, such as CABOC, and the individual districts. These organizations emphasized independence, which the chair thinks is great and agrees that the CBOC should be independent. He believes this committee is independent and has a great support staff. The District has its own legal counsel, which can offer guidance to the committee. The committee can listen to what they have to say to help the committee do better but does not have to always agree with it. The committee has a fiduciary responsibility to the community in making sure that the projects are expended according to the bond languages and that the district staff follows all appropriate procedures according to codes. The Chair said he was not looking for big changes but rather small nuggets to make the committee go from good to great. The Chair also mentioned that we submitted our nominations for the CBOC awards but were not selected.

Debbie Hermange commented that the CBOC works well with the District and gets all the support they need. The district staff has been helpful and answered all their questions, whether at the same meeting or the next one. Debbie Hermange believes that the relationship between the CBOC and the District is in a good spot.

Paul Pham asked about the procurement process and the design-build (DB) delivery method. Julio Lucas mentioned that the district uses this delivery method and briefly explained how the method works.



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Barry Schimmel chimed in to give examples and more information about the DB process and how it differs from design-bid-build (DBB). The chair's opinion is that when you get the lowest responsible bidder in the DBB process, you might get a contractor that will later have to change orders that increase the contract price, and also, you do not always get the best contractor for the job.

Barry mentioned that the guideline is designed by government code, and it is based on best value. He continued to elaborate on the benefits of using the design-build delivery method.

Q: Does the District compare their bids and pricing with other school districts to see if everything is in line across the board with the different districts? (Carol Pefley)

A: Yes, we definitely do. We are not only competing with the contractors but also with other districts in terms of being a more attractive partner to work with. So, how you treat your contractors is as important as finding the right group. As far as market value and ensuring we are not taken advantage of, we do look into that and are very aware of the market condition. (Julio Lucas)

Barry Schimmel commented that if Julio Lucas sees that the price is out of line, he has the ability to ask the Board to reject the bid. The chair also briefly talked about construction industry costs and that we have the ability to look up the price of material costs.

Julio Lucas advised that in 2014, the District started the pre-qualification process, which has allowed more contractors to participate in bidding for projects. The District is always actively looking for new talents, and that encourages the people we work with to keep a competitive edge.

Paul Pham brought up the lease-lease-back process to compare with the DB process and reiterated that the DB process does, in fact, provide more control and better results. Julio Lucas said that we have not done lease-lease-back since 2014. He explained that the DB process provides efficiency and quality and is result-driven, which has been working great in providing positive outcomes for the district. Ultimately, that is what everyone is looking for: the building outcome of what East Side wants and what East Side deserves.

4.03 Election of new CBOC Chair and Vice-Chair for Calendar Year 2024

Barry Schimmel was re-elected as chair, and Christopher Roberts was re-elected as vice chair.

5. REPORTS

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



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- **Foothill - Modernization of Building G**

Schedule: Fall 2024 – Estimated Total Cost: \$4,935,054

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

We are redoing the inside. Programmatically, there is a food service piece that is more site-driven. In addition to that, we have counseling. We just received the comments back from DSA. Since this is a smaller project, we will be using the multi-prime design-bid-build (DBB) delivery method because of the construction cost budget limitation.

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

Schedule: Spring 2025 – Estimated Total Cost: \$18,444,202

Area: Approximately 11,500 square feet – Construction Team: Van Pelt Construction Services (CM), Rodan Builders/SVA Architects DBE

Tomorrow night, this will go to the Board of Trustees for contract approval of the second step of the DB process. The timing of the demolition will be aligned with the school break so there will be less disruption.

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

Schedule: Fall 2024 – Estimated Total Cost: \$17,871,012

Area: Approximately 10,500 square feet – Construction Team: Van Pelt Construction Services (CM), Gilbane Building Company/Perkins Eastman DBE

The concrete slab has been poured. The project is progressing well without hiccups.

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

Schedule: Spring 2025 – Estimated Total Cost: \$19,356,870

Area: Approximately 12,000 square feet – Construction Team: Van Pelt Construction Services (CM), Alten Construction/SVA Architects DBE

This is another dining hall building that is going to the Board in November. It is a space for food to be made and served, and an interior conditioned space for food to be enjoyed. Not only that, it is also another place for people to get together socially on campus.

- **Silver Creek - Building K**

Schedule: Fall 2023 – Total Cost: \$23,200,000

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



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This classroom building is currently in use. Silver Creek is also going through a gas line replacement under the Districtwide Infrastructure project. In a few weeks, new gas lines will be up and running.

Q: Is this (the gas line work) managed by ESUHSD or by PG&E? (Rajani Nair)

A: By the East Side. Anything from the meter is ours to manage and be responsible for. (Julio Lucas)

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

Schedule: Spring 2025 – Estimated Total Cost: \$25,039,127

Area: Approximately 19,430 square feet – Construction Team: Gilbane Building Company (CM), BHM Construction, Inc/HED DBE

The existing building will be demolished. We are working with the design-build team on finalising the buyout process and negotiating the final amount to present to senior management and the Board. If everything goes well, this should be presented to the Board in December.

Q: Is there a reason why the project got delayed from Spring 2025 to Summer 2025 since the last presentation? (Rajani Nair)

A: It was due to the timing of DSA (Division of State Architect).

Julio Lucas continued to provide details and clarifications related to the DSA approval process as questions and comments came up from committee members and Trustee Do.

- **Yerba Buena - Ball Field Improvements**

Schedule: Winter 2024 – Estimated Total Cost: \$9,500,000

Area: 298,000 square feet – Construction Team: Gilbane Building Company (CM), Robert A. Bothman Inc./Lloyd Engineering DBE

This project is near completion, pending landscape work.

- **Independence - New Student Union**

Schedule: Winter 2023 – Total Cost: \$27,076,792

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

It is anticipated that this project will be completed in December. The site is interested in moving during the February break.

- **Santa Teresa - New Building**

Schedule: Spring 2024 – Total Cost: \$13,477,277



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Area: 9,450 and 9,654 square feet – Construction Team: Gilbane Building Company (CM), BCA Architects, DL Falk Construction

The project is showing some progress. The district continues to work with the contractor strategically for a positive outcome.

Q: Have you seen any bids levelled off because of Covid and material price increases since last year? (Barry Schimmel)

A: Yes and no; it depends on the types of materials and trades. There is still a lot of building/construction happening around us.

5.02 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 period of June 2023 through August 2023. These reports show Board-approved changes to a project budget within the last three months.

5.03 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 August 31, 2023. A summary of the overall budget, including the total current encumbrance balance, total expenditures/disbursements, and total remaining budget balance, was presented.

5.04 Presentation on the Information Technology Updates – Randy Phelps, Chief Technology Officer

CANVAS:

- Canvas implemented Fall 2022
- In the first year, 92% of teachers are using the product
- Parent connection increased by almost 20%
- Cost reduction of \$200,000.00
- All staff had multiple opportunities for training

NETWORK:

- Switch upgrades for the remainder of the district should be complete. New systems provide 10GB access up and down hallways (up to 160 GB)
- Districtwide WIFI upgrade (increase bandwidth, density, and availability)



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- We are planning to move from 10GB access from the district to 40GB in anticipation of our continued growth

DEVICES:

- We continue to provide a device for each student on request
- We have moved all staff to 'mobile' user, meaning they can do their work from home or work
- Provisioning document cameras, large monitors, and docking stations for teachers who need them

Fund Well Spent, CONSTANT PROGRESS:

SUCCESS:

- Camera Uptime this past year 99.975%
- High Level of Service Maintained
- Camera uptime increase of 40%
- Stability & Reliability
- Student Access
- Parent Access ARMS for Parents continues to grow

Q: What is the camera uptime increase of 40%? (Bryan Do)

A: There are always some cameras that will be down due to physical damages such as getting hit by a baseball, shot by a bebe gun, or spray painted on purpose. This is an ongoing problem. We monitor this by getting the daily report of the location of the cameras. We repair cameras all day, every day. We went from averaging about 92% of our cameras functioning at any given time to up 40% from that. (Randy Phelps)

Q: Are most of these cameras exterior or interior? (Carol Pefley)

A: Almost all of the cameras are exterior, governed by Board Policy and Ed Code. (Randy Rhelps)

Q: Are these vandalisms with the cameras coming from people going to campus after hours or from students? (Carol Pefley)

A: It is from everyone, 24/7. (Randy Phelps)

NEXT STEPS:

- Complete Network & WIFI Upgrade
- Complete Annunciation & Bell System project
- Onboard all Feeder District Students
- Improve Parent/Family connection
- Aid and Support Teachers as they Transform Instruction
- Continue to grow MUNIS functions and applications
- Continue working our network safety plan to avoid ransomware and all cyberattacks, while keeping our network open



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- Continue to develop skills of staff and teachers as we advance and grow

Q: Can the bond money pay for people to do PR, teach, etc. or just for the physical devices? (Carol Pefley)

A: We can pay for some allowable things such as implementation, staff training hours. We invested heavily on those training to show commitments and it has had a huge impact. (Randy Phelps)

Q: Did you have a master plan on the fiber upgrade to bring in the feeder districts? (Rajani Nair)

A: When we built out the fiber for the City WIFI, in the places where the city has wires, we went in together. We built another WIFI plan for the feeder districts so that they are protected. Creating additional user accounts is at no cost to us, but with the right user login, everyone can access the WIFI. The students can have an ESUHSD user account as early as in elementary school. (Randy Phelps)

Q: Does CANVAS handle attendance as well? (Paul Pham)

A: We have another product called INFINITE CAMPUS for that. CANVAS is just for lessons and scoring individual assignments. INFINITE CAMPUS has all other features that CANVAS does not have. (Randy Phelps)

Q: For some of your projects like the badges, the locks, and the paging systems, etc., do you coordinate with Julio alongside with construction? (Paul Pham)

A: Yes. We coordinate really well and it is never a problem. (Randy Phelps and Julio Lucas)

6. COMMITTEE COMMUNICATIONS / COMMENTS

6.01 Opportunity for Committee Members to Share Additional Comments

Patrick Traynor came in at 8:52 p.m.

Carol Pefley has questions on the bond language for measure N (\$570M). Nhu Nguyen shared with Carol the link to the measure N bond language on the bond website.

Q: Julio, is this expenditure only for contractors, for your team, or it is all inclusive? (Rajani Nair)

A: That includes everything in the projects that are paid by the bond program. (Julio Lucas)

7. CONFIRMATION OF NEXT MEETING LOCATION

7.01 Confirmation of Meeting Location for Next Meeting: Wednesday, January 24, 2024 @ 6:00 p.m. (TBD)

The next meeting will be on Wednesday, January 24, 2024, at Independence High School at 6:00 p.m. The tour of the student union starts at 5:30 p.m.



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8. ADJOURNMENT

8.01 Adjournment

Chair Barry Schimmel adjourned the meeting at 7:55 p.m.

Minutes approved by: Christopher Roberts *Christopher Roberts*
Print Name Signature

Jan 25, 2024
Date







2023 1018 CBOC Meeting Minutes

Final Audit Report

2024-01-25

Created:	2024-01-25
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