

LOS ANGELES UNIFIED SCHOOL DISTRICT

**SCHOOL CONSTRUCTION BOND CITIZENS' OVERSIGHT COMMITTEE**

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Burke, Williams & Sorensen, LLP

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LAUSD Student Parent

**Charles Bergson**  
LAUSD Student Parent

**Christopher Espinosa**  
L.A. Mayor's Office

**John Hakel**  
Associated General Contractors of  
California

**Robert Harris**  
American Institute of Architects

**Lynda Levitan**  
Thirty-First District PTSA

**Thomas A. Rubin**  
Oversight Committee Consultant

**Tyler McCauley**  
County of Los Angeles

**Anastacio Medina**  
American Lung Association

**Richard Slawson**  
L.A. Co. Federation of Labor,  
AFL-CIO

**Betty Valles**  
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American Institute of Architects

**(Vacant)**  
Planning and Conservation  
League

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**Citizens' Bond Oversight Committee  
Regular Meeting  
Beaudry Building  
333 S. Beaudry Avenue, Los Angeles, CA 90017  
Wednesday September 20, 2006**

Committee Members Present: C. Rice; S. Folsom; D. Crippens; E. Bar-El; C. Bergson; C. Espinosa; R. Harris; T. McCauley; A. Medina; R. Slawson

Committee Members Absent: G. Stavaris; J. Hakel; L. Levitan; B. Valles

**Agenda Item 1. Call to Order**

Ms. Rice called the meeting to order at 10:13 a.m.

**Agenda Item 2. Chair's Remarks**

Ms. Rice commented on the recent activities between the LAUSD and the Los Angeles Mayor's Office. It would have been inappropriate for the BOC to intervene in the process. Ms. Rice stated any provision in AB 1381 that would affect the construction authority and the expenditure of bond funds would be an area that the BOC would examine.

**Agenda Item 3. Monthly Program Status Report – Existing Facilities**

**Presenter: Neil Gamble, Director, Maintenance and Operations**

There have been a total of 200 BB bond projects completed over the last three months. There is a focused effort to complete the remaining BB bond projects.

The Measure K program is approximately 50% complete or in construction.

There has been an increase of approximately 800 Measure R projects which have come from Early Childhood projects. The Measure Y program is getting started.

Ms. Rice announced the addition of Robert Harris to the BOC. He is the appointee of the American Institute of Architects.

**Agenda Item 4. Monthly Program Status Report – New Construction**

**Presenter: Jim Cowell, Deputy Chief Facilities Executive, New Construction**

Mr. Cowell displayed photos of recently opened schools. Mr. Cowell stated Mr. Tokofsky recently introduced a resolution that would make eligibility a priority for the Superintendent. Enrollment for the District is trending downward, which will have a negative effect. Methods that are being pursued to preserve eligibility status are Alternative Enrollment Projection, Dwelling Unit Augmentation, and High School Attendance Area Study (HSAA). Ms. Bar-El asked for the impact due to the drop in eligibility. Mr. Cowell responded that when the bonds were initially sized the assumption was that eligibility would be in place. The enrollment projections at that time had enrollment flat to trending down slightly. Enrollment has trended down more than expected and has had a negative impact on eligibility. The HSAA will look at each high school attendance area and measure enrollment and capacity. The state regulations require enrollment to be counted where the kids go to school and not where they live. Kids that are bussed across the city are counted against the LAUSD. A study will be conducted to determine where the kids live and where they go to school. The LAUSD may have to go back to the state to get legislation to change the requirements since the goal of the LAUSD is to build neighborhood schools. This may delay the shift to the HSAA method.

The California Construction Expo 2006 was held in August. It was an opportunity for outreach to the construction community to attract new contractors to the LAUSD. Mr. Cowell stated Veronica Soto was recognized by the Department of Commerce for the Minority Business Advocate of the year award. Mr. Cowell announced the Lessons Learned Workshop would take place after the BOC meeting. In late August, Luisa Parks, Executive Officer, OPSC came down to visit.

In the real estate area there are several actions going to the BOC and BOE for approval in the near future. Proposition 90 is on the ballot for the November election. A number of elected officials have voiced concerns. The Coalition for Adequate School Housing is opposed to Proposition 90. Mr. Espinosa stated the City of Los Angeles was opposed Proposition 90. Ms. Rice requested an explanation of Proposition 90. Mr. Cowell responded that the legislation would make it much more difficult for public agencies to exercise eminent domain power. It would not only slow down the process but increase the cost of acquiring land.

Mr. Cowell stated that the LAUSD recently sold \$400 million in Measure R bonds. The bonds were rated highly and sold at a favorable rate. More bonds are expected to be sold in January.

Mr. Cowell stated increased remediation costs are putting pressure on project budgets. Phase IV community meetings will commence this fall. The Phase IV project definitions will be ready by the end of the year. The 2007 New Construction SEP is in the process of being updated. In School Planning and Design there are eight projects that will be going to DSA in September and 15 projects that are there right now. A MOU was recently signed with the DSA to improve the review time. Regarding CHPS, the state has increased the standard to 32 points. This is equivalent to the desired number of points the BOE established. If Proposition 1D passes in November, there will be some compensation for schools that do achieve 32 CHPS points.

In the charter school area 28 applications are being analyzed for the Land Bank Program. There are two applications under review for the State Matching Fund Program. In Measure Y plans are being developed for a policy to use the funds to build charter seats.

Regarding joint use, there were two items presented later on in the meeting. There are upcoming joint use opportunities in the planning phase at Eller Media HS, Miguel Contreras HS, and Ambassador HS.

The methane mitigation system is being installed at Vista Hermosa. The City of Los Angeles provided a grant for the construction of the park on the site. Construction of the park will begin this fall. Defects were found in construction of the facility from the previous construction effort. The defects are being corrected. The Inspector General has been asked to document them and how they may increase the cost of construction. Mr. Folsom asked if the code issues were due to the delay in construction. Mr. Cowell responded that the code issues existed at the time the building was originally constructed.

There was a groundbreaking ceremony for Central Los Angeles HS No. 9 on September 9, 2006. At the Ambassador site a Notice to Proceed for construction is expected early next year. There are some challenges in regard to the Coconut Grove preservation portion of the project. The deterioration in the existing building is more than expected. It is a challenge to complete the preservation within the BOE approved budget of \$15 million. Alternatives are being examined. Ms. Rice asked if there was independent funding from preservation societies. Mr. Cowell responded no. Ms. Bar-EI asked if a preservation architect was involved and requested the name. Mr. Cowell responded KCK.

Regarding Additions and Playgrounds, on September 5, 2006 school additions provided 1,300 seats and this year in total over 2,200 seats have been provided by additions.

Mr. Medina asked if the MOU with the DSA includes payment of money by the LAUSD to the state for staffing. Mr. Cowell responded no. He stated that the issue with DSA is their ability to hire qualified people to do the work and changing their process for outsourcing that work. Mr. Espinosa asked if Mr. Cowell had completed an analysis of Proposition 1D. Mr. Cowell responded yes. Proposition 1D is the ballot initiative on the November ballot that provides educational infrastructure funding. Approximately \$475 million will be received from Proposition 1D and none of it is based on eligibility. There would be considerably more money available to the District if eligibility requirements were met. Mr. Espinosa requested that the BOC receive a report on Proposition 1D goals. Mr. Cowell responded that a written report could be provided to the BOC on how much money the District could expect to receive as a result of Proposition 1D. Mr. Espinosa asked if demographic studies have been completed. Mr. Cowell responded that the demographic study is the HSAA study referenced earlier and will be completed in the September timeframe.

Regarding eligibility, Mr. Bergson asked if standard projection figures were used for the Dwelling Unit Augmentation analysis. Mr. Cowell responded yes. Ms. Rice stated the politics of demographic projections are heating up. She has recently heard on a couple radio stations the topic of overbuilding in the LAUSD. She suggested the FSD do a very aggressive public education campaign. Ms. Rice requested a presentation at the October BOC meeting on the demographic trends.

#### **Agenda Item 5. Consent Calendar**

There was a Motion, Second, and vote to post the account of the July 19, 2006 meeting on the BOC website. This meeting did not have a quorum and therefore no action was taken.

#### **Agenda Item 6. New Construction SEP Amendment – Joint Use – South Region MS No. 2**

**Presenter: Paul Escala, Senior Program Manager, Joint Use Development**

This SEP amendment is a joint use project involving South Region MS No. 2 and the City of Bell. The scope of work, in terms of joint use enhancements include, an upgrade from natural to artificial turf, field lighting, perimeter fencing to separate field/play areas from classroom space, and an upgrade from asphalt to concrete for the basketball courts. The total scope of work is \$1.6 million and will be matched with a ten year agreement with the City of Bell to provide after school and weekend programming for student and community use. This project meets BOE policy for expansion of after school programming at the secondary level.

Mr. Harris stated there are disadvantages to artificial turf such as the heat, the character and the difficulty for athletes. He understood that the intense use of the field requires a durable turf. Mr. Harris asked if there were any other alternatives that were being looked at. Mr. Escala stated he would have to look into a third option and he expressed interest in meeting with Mr. Harris to discuss a possible third option. Mr. Escala stated natural turf has a down time and degrades quickly whereas the artificial surface has a longer lifespan and is much more durable. Regarding the security fence, Mr. Harris asked where the location of the fence would be in relation to the school buildings. Mr. Harris wanted to know how much open space there would be between the fence and the school buildings. Mr. Escala responded that the fence would go along the basketball courts (he was using a rendering to point it out). Mr. Harris asked what the space between the fence and building would be used for and asked what the character of the space would be. David Santana, Development Team Manager, responded. Mr. Santana responded that the fence would be wrought iron versus chain linked to provide a nicer aesthetic. The fence was planned in a way to align it with the landscaping. The idea is to give the space in between the fence and buildings a garden feel.

Mr. Bergson asked if three point lines were going to be included on the basketball courts. Mr. Escala responded yes. Ms. Bar-El asked if the artificial turf surface was permeable as far as storm water management. Mr. Escala responded yes. Mr. Crippens requested at a future meeting that joint use be discussed. Regarding the artificial turf, Mr. Crippens asked if there were any relationships with the NFL or NBA. Mr. Escala responded that a grant was acquired by the NFL and there is also a relationship with the Amateur Athletic Foundation. Mr. Folsom pointed out that there is a provision in the contract to renew the artificial surface. Mr. Escala stated the partner and the LAUSD have created a structure for a replacement cost sharing plan. When the turf expires the partner and the LAUSD will share the cost of replacement.

There was a Motion, Second, vote.

**Aye: 9**  
**Nay: 0**  
**Abstain: 0**  
**Absent: 4**

**Resolution 2006-36 Passed Unanimously**

**Agenda Item 7. New Construction SEP Amendment – Joint Use – East Los Angeles HS No. 2**  
**Presenter: Paul Escala, Senior Program Manager, Joint Use Development**

This SEP Amendment is a joint use project involving East Los Angeles HS. No. 2 and East Los Angeles Classic Theatre Company. This project includes both an indoor and outdoor performing space. Enhancements for the indoor space include demountable stage, acoustical panels, voltage upgrades, sound upgrades, and other performance enhancements to transform the space from a high school performance venue to a professional performance venue. There is also an outdoor theatre component. The project includes a ten year agreement and includes after school and summer programming for the students directly impacting the after school secondary initiative. The East Los Angeles Classic Theatre will provide for staff, materials, equipment, staging, and costumes. The scope of work is \$3.1 million and will be matched by the East Los Angeles Classic Theatre by both capital and programming.

Mr. Medina asked where the theatre facilities were in relation to classroom structures. R.D. Borders pointed out the location of various facilities on a map. Mr. Folsom expressed concern over both the school and East Los Angeles Classic Theatre using the facilities after hours. Ms. Rice asked if the theatre company was expecting what is normally found in a professional theatre such as a place to store costumes and places for orchestras. She wanted to know if the construction mirrored the needs of a professional production. Mr. Escala responded that there will be challenges in terms of scheduling and storage. There is storage space in the outdoor theatre component. There will be opportunities for the theatre company to store some of their equipment although they will be bringing in their voltage equipment and sound and lighting equipment that otherwise could not be stored at the facility. Costumes and set equipment will be stored on site while larger bulk items will be brought in. Ms. Rice requested an update on how the use goes, possibly after the first performance.

There was a Motion, Second, and vote.

**Aye: 9**  
**Nay: 0**  
**Abstain: 0**  
**Absent: 5**

**Resolution 2006-37 Passed Unanimously**

**Agenda Item 8. Existing Facilities SEP Amendment – QZAB – Wilson HS and Banning HS**  
**Presenter: Neil Gamble, Director, Maintenance and Operations**

This SEP Amendment is for Local Districts 5 and 8. The project will add Transportation, Construction, Architecture, and Performing Arts Academies (TCAP) to Wilson HS and add a Culinary Arts Academy to Banning HS.

The scope of work at Banning HS includes renovation of kitchen facilities used for culinary training and project demonstration and conversion of work and storage areas into classroom and project spaces. Network upgrades will be provided for computer based training, audio-video presentation improvements, and upgrading adjacent restrooms for access compliance. All safety systems will be integrated into the campus wide systems.

The scope of work at Wilson HS includes partitioning the first floor woodshop to provide an enclosed 40 seat classroom plus two enclosed support rooms. The project will provide upgraded air-conditioning, electrical utilities, data, and audio video presentation systems. The second floor will have doorway and ramp upgrades for access compliance and will receive power, data, and audio video upgrades. All safety systems will be integrated into the campus wide systems.

Mr. Folsom stated that QZAB requires that there be partners and asked who the partners were. Ellis Kaufman responded the partner for Wilson HS is the Metropolitan Transportation Authority and the partners at Banning HS are Juanita Foods, Ports of Call, and another partner. Mr. Folsom asked if the partners have been approached to see if they want to contribute more funding. Nicolas Rogers, Director, Career Development, responded that the QZAB partners are required to contribute a minimum of a 10 percent match of the grant. He stated the partnership is an ongoing and not a one time event. Mr. Folsom asked if the 10 percent contribution was being met or exceeded. Mr. Rogers responded that it was being met. If a partner does not meet the requirement a new partner is brought in to replace them. Mr. Folsom requested a 1-2 page report on how QZAB works be provided to the BOC.

Mr. McCauley asked to what extent the facilities are being used to teach trades as not every student is on the college track. Mr. Rogers responded that federal legislation requires academies. The LAUSD decided to make these academies career academies.

Ms. Bar-El asked if the budget was due mainly to ADA compliance or an increase in construction cost. Mr. Gamble responded that there was an increase in the QZAB part since it was approved over a year ago as well as the ADA compliance.

There was a Motion, Second, and vote.

**Aye: 9**

**Nay: 0**

**Abstain: 0**

**Absent: 5**

#### **Resolution 2006-38 Passed Unanimously**

Ms. Rice invited Board Member David Tokofsky to speak. Mr. Tokofsky was in attendance to comment on the previously described joint use projects. Mr. Tokofsky briefly discussed QZAB before discussing the joint use projects. Mr. Tokofsky thanked the BOC for hearing the presentations on both joint use projects. He stated that the East Los Angeles HS No. 2 joint use project was created out of a facilities issue. There is an underground covert that belongs to LA County and there is an underground stream. When mapping was conducted of the area it was realized that there were two acres that could not hold a building. The design staff came up with the idea of an amphitheatre. Mr. Tokofsky thanked the BOC for their work.

Mr. Tokofsky stated that the BOE happily granted support of the term limit waiver.

#### **Agenda Item 9. Existing Facilities SEP Amendment – Measure R Major Repair A/C Related Projects Presenter: Neil Gamble, Director, Maintenance and Operations**

Measure R included a line item for Major Repairs. There were a total of 642 projects valued at approximately \$200 million. At the time Measure R passed a promise was made to do a review of criteria and project scopes prior to bringing them forward. The review was completed and 594 projects were brought forward in January 2006, which were approved. At that time 48 HVAC related projects were held back for further review based on acoustic issues that had been raised. The review has been completed and 40 projects valued at \$28.6 billion are being brought forward for approval. Five

projects were completed by other funding. One project valued at \$1.3 billion was a duplicate BB project that was under way and was recently completed. These funds will be returned back to the original pots of money.

Remaining projects and scopes included work on HVAC projects. The 42 projects that remained were HVAC projects that included portable work and have since been cancelled. Two of the projects not being brought forward were cancelled because the scope work involved portable classrooms and all issues with portable classroom air conditioning have not been resolved. Portable work on the other 40 projects has been cancelled. In reviewing the projects, indications were that the work would replace aged deteriorated systems in permanent buildings. The systems will be predominately central/multi-zone systems. The wall hung units will be replaced by roof-top units or other appropriate system to meet acoustic goals. All new systems will be designed to meet acoustics goals. Several prototypes have been looked at over the past several months. Indications are that the features that need to be looked at more closely are multiple supply and returns, oversized ducts, silencers, multiple direction changes, and increased isolation.

There are related projects which are predominately roofing projects. These have been examined to make sure they are coordinated with the air-conditioning projects.

Mr. Medina expressed his pleasure in hearing the progress that has been made. He requested a copy of the final report of the HVAC analysis be distributed to the BOC. He asked what guarantee is being provided by the vendors that the units are going to operate at the 45 dba acoustical level. Mr. Gamble responded that a final copy of the report is being finalized and will be distributed to the BOC. Mr. Gamble stated that his group will be working with the designers to make sure that the features that have been discovered to bring the sound levels down are incorporated.

Ms. Bar-El stated she went on a tour of Cahengua New ES. The promise that was made to the school was that the dba would be 35 but in fact it is over 45 dba. She expressed her concern about what is being installed.

Public Comment

Gene Krischer – Mr. Krischer requested continued diligence by the BOC and the FSD to make sure that the contractors comply with the needs of the students. He stated there has been a lot of work done by the BOC. He expressed his appreciation.

There was a Motion, Second, and vote.

**Aye: 8**

**Nay: 0**

**Abstain: 1 (A. Medina)**

**Absent: 5**

**Resolution 2006-39 Passed**

**Agenda Item 10. Contract Audit Plan 2006/2007**

**Presenter: Jerry Thornton, Inspector General**

Mr. Thornton stated that a thorough review is being planned for all LAUSD joint use projects. Mr. Thornton stated that Mr. Cowell had asked him to look into Vista Hermosa.

Mr. Thornton stated the work plan is very ambitious and includes more projects than they have done before. The plan is to complete 325 projects with a contract value of \$755 million. He believes the work can be done. Mr. Thornton stated the plan was developed in conjunction with most of the stakeholders. The plan calls for process audits, which, have not been previously done.

Ms. Rice invited Mr. Rubin to speak. Mr. Rubin stated that his recommendation was to approve the plan. He stated the process continues to improve, expand, and better serve the needs of the user.

There was a Motion, Second, and vote.

**Aye: 9**

**Nay: 0**

**Abstain: 0**

**Absent: 5**

**Resolution 2006-40 Passed Unanimously**

**Agenda Item 11. District Waiver for BOC Term Limits**

**Presenter: Joseph Buchman, BOC Legal Counsel**

This item is in regards to an application submitted by the LAUSD to the State Board of Education requesting a waiver of the provisions in the Education Code that limits BOC members to two consecutive two year terms. The waiver request seeks to permit one additional term to the BOC members for the purposes of allowing a more graduated transition from the legacy members to new members representing their respective nominating entities. The present composition of the BOC includes six members who will be otherwise termed out at the end of January 2007, one member in September 2007, and one member in November 2007. There was concern from the LAUSD that this was coming at a time when there were changes in the FSD with the departure of Mr. McConnell and the imminent departure of Gov. Romer.

The recommendation from District staff was to permit the BOC members that will otherwise be termed out to continue for one more term to permit finalizing and implementing an amended Charter and MOU that will provide, among other things, for formally staggered term commencements and that will specify what a non consecutive term would be. In the draft Charter and MOU it is specified that a one year hiatus will make an individual eligible again for two consecutive two year terms.

On September 12, 2006 the BOE approved making the application to the State Board of Education for the waiver of the term limit requirement. It is up to the State Board of Education to make the decision. In the application there is a requirement that the implicated advisory committee (i.e., the BOC) review the request and note if there were any objections.

Mr. Crippens stated that he supports the waiver and that he is not in favor of term limits.

Mr. Espinosa stated that he did not support the waiver. He believes that the intent of the BOC is to have turnover, educate the population, and draw from many different people to learn and bring a critical eye to the LAUSD construction. Mr. Espinosa stated his tendency to vote no has nothing to do with individual members which he respects very highly. He stated he will vote no because he believes there should be turnover. He feels this is a reactive and defensive posture. He believes that strong organizations should be thinking offensively. Mr. Espinosa asked who initiated the action. Mr. Buchman responded that the action came from the Superintendent's office via the Office of General Counsel. Mr. Espinosa expressed concern about the signers of some of the letters supporting the waiver as some of the letters were signed by BOC members that will be affected by the action. He believed that these letters should be stricken or these members recuse themselves.

Mr. McCauley, a legacy member, stated that he agreed with Mr. Crippens comments. Ms. Bar-El stated that many of the positions are representing a particular organization and it seems that if that organization is happy with their representative, then there should not be a limit for that organization. She thinks the two-year term gives each organization the opportunity to review their representatives' performance.

Mr. Harris asked for clarification if turnover would be regulated after the extension. Mr. Buchman responded that was the intent.

Mr. Crippens stated that this was not a defensive action. He stated that the current group of BOC members represents integrity. He stated that there have to be people in place who have the knowledge to make sure the people of Los Angeles are being served.

Mr. Espinosa requested a copy of the BOC Charter and MOU. Mr. Buchman responded that the Charter and MOU are in negotiation and in draft format. Mr. Buchman said he would send a copy to Mr. Espinosa.

Mr. Buchman suggested the BOC decide whether or not to support the waiver application.

There was a Motion, Second, and vote.

**Aye: 7**

**Nay: 1 (C. Espinosa)**

**Abstain: 1 (C. Bergson)**

This action required a majority of the quorum to pass. The BOC as a body approved supporting the application for a waiver of BOC term limits as made by the LAUSD.

**Agenda Item 12. BOC Amended Charter and Memorandum of Understanding**

**Presenter: Joseph Buchman, BOC Legal Counsel**

Mr. Buchman stated an amended charter has been in the works for approximately 3 ½ years. The existing charter was adopted in July 2002. When Measure K passed in November 2002 many of the provisions in the existing charter became unnecessary. Mr. Buchman will be negotiating with Jess Womack. A proposed amended BOC Charter and MOU will be presented to the BOC at the October 18, 2006 meeting.

Ms. Rice announced that a Lessons Learned Workshop is scheduled to follow the meeting.

Ms. Rice adjourned the meeting at 11:50 a.m.

Minutes of September 20, 2006 Approved per Bond Oversight Committee on December 13, 2006

[David Crippens](#)

David Crippens, Secretary