



BENICIA UNIFIED SCHOOL DISTRICT  
GOVERNING BOARD

Notice of Special Meeting

May 13, 2021 5:00 PM

In Compliance with Executive Order N-29-20 and N-35-20 issued by Governor Newsom on March 12th and 21st, 2020 respectively, this meeting will be Livestreamed and recorded via the BUSD YouTube channel linked here:

<https://www.youtube.com/c/beniciaunifiedschooldistrict>

Meeting will be conducted via Zoom from the  
Benicia Unified District Board Room  
350 East K Street Benicia, CA 94510

**Attendance Taken at 5:02 PM:**

Present:

Diane Ferrucci  
Mark Maselli  
Gethsemane Moss  
Sheri Zada

Absent:

CeCe Grubbs

**1. CALL TO ORDER - 5:00 p.m.**

Minutes:

The meeting was called to order by President Zada at 5:01 p.m.

**2. ROLL CALL**

**3. PUBLIC COMMENT ON CLOSED SESSION ITEMS**

Quick Summary:

PLEASE NOTE: In an effort for our community's voices to be heard, BUSD has transitioned to accepting public comments via the "Public Comment" voicemail that will now be available. Members of the public wishing to address specific items on the Board meeting agenda are requested to call 707-748-2787 (one comment per person, per item limited to 3 minutes) on the day of the meeting between 4:00 - 5:30 p.m. Please note that no anonymous messages will be played. If your comment is for "closed session" please be sure to state that so that it can be addressed prior to "closed session." The board clerk will play the recording of all the "open session" public comments to the

specific items then being discussed by the Board (Board Bylaw 9323) during the public comment item. The Governing Board allows speakers to speak at regular meetings on agendized and non-agendized matters under public comment. Comments are limited to no more than three minutes per speaker at which time the voicemail will be cut off. By law, no action may be taken on any item raised during the public comment periods and matters may be referred to staff for placement on a future agenda of the Governing Board. Please be reminded to keep your comments respectful and that students may be watching the board meeting.

#### **4. CLOSED SESSION - 5:00 P.M.**

Minutes:

President Zada adjourned meeting to closed session at 5:02 p.m.

##### **4.1. Public Employment/ Action/ Appointment/ Discipline/ Dismissal/ Evaluation / Release**

Rationale:

Dr. Khushwinder Gill will present the Personnel Action List to the Board.

##### **4.2. Conference with Labor Negotiators**

Rationale:

The Governing Board will conference with Labor Negotiator, Dr. Khushwinder Gill, regarding Employee Organizations BTA, CSEA and unrepresented groups.

##### **4.3. Individual Student Matter(s)/ Student Need(s)**

Rationale:

The Governing Board will discuss student matters in the case of

The Education Code requires Closed Session in these cases to prevent the disclosure of confidential student information.

##### **4.4. Conference Regarding Anticipated Litigation**

#### **5. RECONVENE TO OPEN SESSION - 5:30 P.M.**

Minutes:

President Zada reconvened the meeting to open session at 5:38 p.m.

##### **5.1. Report on Closed Session Items**

Minutes:

There was nothing to report from closed session.

Quick Summary:

##### **5.2. Announcement**

Quick Summary:

This meeting is recorded for live-streaming and archiving on the District YouTube channel at [youtube.com/c/beniciaunifiedschoolsdistrict](https://youtube.com/c/beniciaunifiedschoolsdistrict) for your convenience.

## 6. APPROVAL OF AGENDA

**Motion Passed:** Approval of the agenda as presented Passed with a motion by Mark Maselli and a second by Diane Ferrucci.

Yes Diane Ferrucci

Absent CeCe Grubbs

Yes Mark Maselli

Yes Gethsemane Moss

Yes Sheri Zada

## 7. PLEDGE OF ALLEGIANCE

Minutes:

Pledge of allegiance was led by Trustee Ferrucci.

## 8. COMMENTS FROM MEMBERS OF THE PUBLIC

Minutes:

There were no public comments this evening.

Quick Summary:

PLEASE NOTE: In an effort for our community's voices to be heard, BUSD has transitioned to accepting public comments via the "Public Comment" voicemail that will now be available. Members of the public wishing to address specific items on the Board meeting agenda are requested to call 707-748-2787 (one comment per person, per item limited to 3 minutes) on the day of the meeting between 4:00 - 5:30 p.m. Please note that no anonymous messages will be played. If your comment is for "closed session" please be sure to state that so that it can be addressed prior to "closed session." The board clerk will play the recording of all the "open session" public comments to the specific items then being discussed by the Board (Board Bylaw 9323) during the public comment item. The Governing Board allows speakers to speak at regular meetings on agenda and non-agenda matters under public comment. Comments are limited to no more than three minutes per speaker at which time the voicemail will be cut off. By law, no action may be taken on any item raised during the public comment periods and matters may be referred to staff for placement on a future agenda of the Governing Board. Please be reminded to keep your comments respectful and that students may be watching the board meeting. For tonight's public hearing, public comments may also be submitted via the public comment voicemail line 707-748-2787.

## 9. CONSENT CALENDAR - ACTION ITEMS

**Motion Passed:** Approval of the consent calendar as amended Passed with a motion by Diane Ferrucci and a second by Mark Maselli.

Yes Diane Ferrucci

Absent CeCe Grubbs

Yes Mark Maselli

Yes Gethsemane Moss

Yes Sheri Zada

#### Quick Summary:

All matters listed under the Consent Calendar are considered by the Board to be routine and will be approved by the Board in one motion. There will be no discussion on these items unless members of the Board, staff or public request specific items to be pulled and discussed.

### **9.1. Approval of Personnel Action List**

## **10. DISCUSSION ITEMS**

### **10.1. Public Hearing for Consideration of action to set the retention for the Mary Farmar Elementary School Modernization project at 10% because the projects are substantially complex.**

#### Rationale:

Public Contract Code 7201 (b)(1) provides that retention proceeds withheld from any payment by a public entity and an original contractor, between an original contractor and a subcontractor, and between all subcontractors thereunder, relating to the construction of any public work shall not exceed five percent (5%) of the contract price; Public Contract Code Section 7201(b)(4) provides that a school district may withhold retention proceeds in excess of five percent (5%) from the original contractor where the district has approved a finding during a properly noticed and normally scheduled public hearing prior to bid that the project is substantially complex and therefore requires a higher retention amount than five percent (5%) and the awarding entity includes both this finding and the actual retention amount in the bid documents;

#### Minutes:

President Zada invited Roxanne Egan, Bond Director to explain tonight's public hearing and then opened the public hearing for public comment. With no public comment the public hearing was closed and the meeting resumed.

## **11. NON-CONSENT ACTION ITEMS**

### **11.1. Consideration of action to set the retention for the Mary Farmar Elementary School Modernization project at 10% because the projects are substantially complex.**

#### Rationale:

The construction timeline for the modernization improvements is critical the work is complicated involving complex coordination between many trades and the building manufacturer and multiple construction phases.

**Motion Passed:** Approval to set the retention for the Mary Farmar Elementary

School Modernization project at 10% because the projects are substantially complex Passed with a motion by Diane Ferrucci and a second by Gethsemane Moss.

Yes Diane Ferrucci

Absent CeCe Grubbs

Yes Mark Maselli

Yes Gethsemane Moss

Yes Sheri Zada

### **11.2. Consideration and Approval to Award the Contract for the Mary Farmer Elementary School HVAC, Roofing and Bathroom accessibility Upgrades Project to the lowest bidder**

Rationale:

The project was publicly bid to Pre-Qualified Contractors. The work was identified in our Facilities Master Plan with Priority 1 essential project need and consist of Replacement of (6) rooftop HVAC units in the vicinity of the library Roofing replacement below the new HVAC units Removal of the hallway skylights adjacent to classrooms 8-12 and installation of new sun tunnels to provide natural light in the hallway Major renovations and accessibility upgrades to Student restrooms adjacent to Classroom #8 Minor staff ADA upgrades we were pleased to receive competitive bids from three contractors. Staff recommendation is to award the contract to the lowest bidder allowing construction to proceed with work occurring summer 2021. The site is closed to the user groups for the summer to allow this work to be performed.

**Motion Passed:** Approval of the award to the low bidder Bel Air Mechanical, Inc. in the amount of \$940,000 Passed with a motion by Gethsemane Moss and a second by Mark Maselli.

Yes Diane Ferrucci

Absent CeCe Grubbs

Yes Mark Maselli

Yes Gethsemane Moss

Yes Sheri Zada

## **12. ADJOURNMENT**

Minutes:

Meeting was adjourned at 5:46 p.m. by President Zada.

Quick Summary:

The next Regular Governing Board meeting is scheduled for Thursday, May 27, 2021

RESPECTFULLY SUBMITTED:

---

Clerk

---

Secretary