

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**MT. DIABLO UNIFIED SCHOOL DISTRICT**  
**Wednesday, September 25, 2013 (7:30 p.m.)**

Board Members: Cheryl Hansen, Barbara Oaks, Brian Lawrence, Lynne Dennler, and Linda Mayo

Administrative Staff: Superintendent Nellie Meyer, Assistant Superintendent Julie Braun Martin, Assistant Superintendent Rose Lock, Assistant Superintendent Kerri Mills, Interim General Counsel Jayne Williams, and Chief Financial Officer Bryan Richards

**CALL TO ORDER**

The Meeting of the Board of Education of the Mt. Diablo Unified School District was called to order by Cheryl Hansen at 6:00\* p.m. in the Board Room at the MDUSD Dent Center. President Hansen conducted Roll Call with all Board members present.

**ADJOURN TO CLOSED SESSION**

The Board adjourned to Closed Session at 6:03\* p.m.

**4.1 Negotiations - The Board may discuss negotiations or provide direction to its representatives regarding represented employees, pursuant to EERA (Govt. Code Section 3549.1) Agency negotiators: Julie Braun Martin and Deborah Cooksey. Agencies: MDEA, CSEA, Local One M&O, Local One CST, MDSPA, and Supervisory**

**4.2 Readmission of four (4) students into the Mt. Diablo Unified School District**

**4.3 Admission of Student #A-14 into the Mt. Diablo Unified School District**

**4.4 Admission of Student #B-14 into the Mt. Diablo Unified School District**

**4.5 Anticipated Litigation - Conference with Legal Counsel regarding amicus curiae participation in litigation in one (1) matter pursuant to Gov't. Code Section 54956.9 (c)**

**RECONVENE OPEN SESSION**

Open Session reconvened at 7:36 p.m.

**PRELIMINARY BUSINESS**

President Hansen led the Pledge of Allegiance, and conducted Roll Call with all Board members present.

President Hansen officially welcomed Dr. Nellie Meyer as the District's new Superintendent.

**REPORT OUT ACTION TAKEN IN CLOSED SESSION**

In Closed Session, the Board voted 5-0-0 to re-admit four students, and to admit students A-14 and B-14 to the Mt. Diablo Unified School District. The Board discussed negotiations, and gave direction to District negotiators. The Board unanimously authorized the Interim General Counsel to sign onto an amicus brief in the matter of California Charter Schools Association vs. Los Angeles School District, Case #F208611.

**ANNOUNCEMENTS**

President Hansen announced changes to the meeting agenda. The following items have been pulled from the agenda and will be considered in October:

**15.9 Approval of Ygnacio Valley High School Stadium Lighting Project**

**15.10 Award of Bid for Bid #1645**

**15.11 Award of Inspector of Record (Project Inspector) Contract for Sports Field Lighting Project at Ygnacio Valley High School**

Items 15.9, 15.10, and 15.11 were removed from the agenda because the Environmental Impact Report (EIR) must be adopted before these Items can be addressed. Agenda Item **15.8 Adoption of Resolution Accepting Final Environmental Impact Report for the Ygnacio Valley High School Sports Field Lighting Project**, has been changed from Action to Information, and will not be voted on tonight. Many new questions and concerns have come in from community members, and the Board will not vote until those have been addressed. President Hansen noted that the changes to the agenda occurred within the last 24 hours, and she apologized for the late notice.

## **RECOGNITIONS**

Superintendent Nellie Meyer, Assistant Superintendent Rose Lock, and President Cheryl Hansen presented certificates to the following schools in recognition of their improvement on the Academic Performance Index (API):

Bel Air Elementary, Cambridge Elementary, Gregory Gardens Elementary, Meadow Homes Elementary, Mt. View Elementary, Silverwood Elementary, Strandwood Elementary, Westwood Elementary, Woodside Elementary, Wren Elementary, Ygnacio Valley Elementary, Sunrise Elementary, Diablo View Middle, Pine Hollow Middle, Riverview Middle, College Park High, Mt. Diablo High, Olympic High, and Summit Necessary Small High Schools.

## **CONSENT AGENDA**

Consent Agenda Item #8 was pulled for discussion.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the Consent Agenda as presented, with the exception of Item #8, thereby approving the following:

**8.1 (Item #1) Items listed under Consent Agenda are considered routine and will be approved/adopted by a single motion. There will be no separate discussion of these items; however, any item may be removed from the Consent Agenda upon the request of any member of the Board and acted upon separately.**

**8.2 (Item #2) Recommended Action for Certificated Personnel**

**8.3 (Item #3) Request to Increase Full Time Equivalent (FTE) for the 2013-2014 School Year**

**8.4 (Item #4) Ed. Code 44623 (Teacher Consent Form)**

Under Ed. Code 44263, holders of any California Teaching credential who have 18 lower division units or nine (9) upper division units in a subject can be authorized, by Board Authorization, to teach that subject(s), full or part time. The teacher and site administrator complete the Consent Form, and the teacher supplies copies of the transcripts verifying the correct number of semester units completed in the subject area to be taught.

**8.5 (Item #5) Recommended Action for Classified Personnel**

**8.6 (Item #6) Classified Personnel: Request to Increase and Decrease Positions**

**8.7 (Item #7) Board Bylaw 9000 - Role of the Board**

This item was brought to the Board on June 17, 2013 for information, and is now being returned for approval.

**8.8 (Item #9) Increase Purchase Order with Non-Public Agency Community Options for Families and Youth (C.O.F.Y.) for Mental Health Services for the 2013-14 School Year**

C.O.F.Y. is a certified Non-Public Agency that provides Mental Health related services for students of the Mt. Diablo Unified School District according to the terms of their Individualized Educational Program. The contract for the 2013/14 school year is currently approved for \$24,500. Additional funds in the amount of \$265,500 are requested for the remainder of the school year.

**8.9 (Item #10) Approve Adjustments to Non-Public School Contracts/Purchase Orders for the 2013-14 School Year**

Non-Public School (NPS) contracts are reviewed and updated several times during the fiscal year. Changes to contracts are required due to changes in residency, students entering and leaving placements, increase/decrease in intensity of services, and corrective actions/settlement agreements to assure a free and appropriate public education. The details for these changes, as well as rationale for the changes, can be found in the attached documentation.

**8.10 (Item #11) Agreement with Center for Human Development to Provide Parent Education and Counseling Services at no Cost to the District**

Agreement with Center for Human Development to provide parent education and counseling services at District schools, at no cost to the District. CHD is a long-standing partner of the Mt. Diablo Unified School District, with a proven record of effective services and programs.

**8.11 (Item #12) Agreement with La Clinica De La Raza, Inc. to Continue Providing Free Dental Services in District Schools**

If approved, this agreement will authorize La Clinica de la Raza to continue providing free dental services in District schools.

**8.12 (Item #13) Agreement with Youth Homes, Inc. to Provide Counseling and Support Services for Foster Youth Students in District Schools**

If approved, experienced and trained Youth Homes, Inc. staff will be authorized to provide counseling and behavioral support services to District foster youth students.

**8.13 (Item #14) Resolution # 13/14-14 - Authorizing District Representative for the School Facility Program**

The Office of Public School Construction requires a Board resolution that names an authorized District representative for facility-related issues. Tim Cody is named in the resolution.

**8.14 (Item #15) Notice of Completion for MDUSD Project #1637 Paint Package #1**

Lease-Leaseback #1637 was called to provide Exterior Painting Improvements at Rio Vista Elementary, Shore Acres Elementary, and Bel Air Elementary Schools. The lowest responsible qualified firm was Diamond Painting Co., Kk for a guaranteed maximum amount of \$225,000. The scope of work included, but was not limited to: all specified exterior painting improvements per approved plans and specifications. Provide all tools, materials, labor and equipment necessary to complete the full exterior painting of three (3) sites as it relates to the Drawings and Specifications. There was a change order on this project in the amount of (\$5,290). Work and services for this project have been satisfactorily completed for a total expenditure of \$219,710.

**8.15 (Item #16) Notice of Completion for MDUSD Project #1648 Paint Package #2**

Lease-Leaseback #1648 was called to provide Exterior Painting Improvements at Oak Grove Middle School and Meadow Homes Elementary School. The lowest responsible qualified firm was Diamond Painting Co., Kk for a guaranteed maximum amount of \$180,000. The scope of work included, but was not limited to: all specified exterior painting improvements per approved plans and specifications. Provide all tools, materials, labor and equipment necessary to complete the full exterior painting of two (2) sites as it relates to the Drawings and Specifications. There was a change order on this project in the amount of (\$1,676). Work and services for this project have been satisfactorily completed for a total expenditure of \$178,324.

**8.16 (Item #17) Final Change Order for LLB Project # 1648 for painting at various school sites (Meadow Homes & Oak Grove)**

On June 3, 2013, the Board of Education awarded Lease-Leaseback Agreement #1648 with Diamond Painting Co. Kk. for a Guaranteed Maximum Project Cost of \$180,000 for two schools: Oak Grove Middle School and Meadow Homes Elementary School. As a result of a need for: 1) Placing a primer coat on previously non-painted integrated color surfaces on some newer buildings; 2) Painting previously painted metal fence posts away from buildings; 3) Application of two paint colors at Oak Grove F and E Wings and the Gym; and 4) Return of unused contingency fund, staff is recommending a single, final DEDUCTIVE change order in the amount of (\$1,676). This single, final change order constitutes 2.9% contract changes and will result in a final contract value of \$178,324.

**8.17 (Item #18) Final Change Order for LLB Project # 1637 for painting at various elementary school sites (Shore Acres, Bel Air & Rio Vista)**

On June 3, 2013, the Board of Education awarded a Lease-Leaseback Agreement for MDUSD Project #1637 with Diamond Painting Co., Kk. for a Guaranteed Maximum Project Cost of \$225,000 for three Elementary Schools. MDUSD Project #1637, Paint Package #1 at: Bel Air Elementary School; Shore Acres Elementary School; and Rio Vista Elementary School. As a result of the need for: 1) Excessive prep work due to flaking stucco and patch for the MU and various walls at Shore Acres Elementary school; and 2) Return of unused contingency fund, staff is recommending a single, final DEDUCTIVE change order in the amount of (\$5,290). This single, final change order constitutes the return of approximately 79% of contingency and .65% contract changes and will result in a final contract value of \$219,710.

**8.18 (Item #19) Contract Amendment: Verde Design, Inc.**

On September 10, 2012, the Board of Education approved a prioritized list of facility enhancement projects for Clayton Valley Charter High School. The construction of improvements to the site's athletic stadium complex was identified as a high priority project. Staff has collaborated with the site administration and identified those improvements, which include:

renovation of the synthetic track system; replacement of the all-weather field surfacing; installation of safety netting; and construction of supplemental bleachers, concession, storage, restroom and weight room facilities, as well as a ticket booth.

Staff has negotiated a design services contract with Verde Design, Inc. for a 'not to exceed' value of \$233,200 for the provision of comprehensive design and administrative services necessary for the approval and successful completion of said stadium improvements. This proposed contract amendment will increase the previously approved (October 08, 2012) contract dated September 24, 2012. The amendment covers adaptive design necessary for the construction/installation of Outdoor Athletic Facility Improvements due to site requested changes from the original base contract value of \$233,200 to a revised contract value of \$263,000.

#### **8.19 (Item #20) Notice of Completion for MDUSD Project #1639 Strandwood Skylight Infill and Re-roof**

Lease-Leaseback #1639 was called to provide Skylight Infill and Re-Roof at Strandwood Elementary. The lowest responsible qualified firm was Integra Construction Services, Inc., for a Guaranteed Maximum Project Cost of \$171,760. The scope of work included, but was not limited to: provide all tools, materials, labor and equipment necessary to complete the infill of all skylights and interior amenities in the A wing, and re-roof of the A wing, as it relates to the Drawings and Specifications. Work and services for this project have been satisfactorily completed for a total expenditure of \$171,760.

#### **8.20 (Item #21) Award of Design Services Contract: Interim Housing to Support 2014 Measure C Portable Replacement Program**

The services of a professional architect are needed to provide site adaptive design services and secure DSA approval for installation of interim housing units necessary during construction of the second phase (Phase II) of new, permanent classrooms which will be replacing existing portable classrooms at Strandwood Elementary and Woodside Elementary Schools. Staff has negotiated a 'not to exceed' contract in the amount of \$16,000 for comprehensive design and administrative services necessary for the successful installation of these interim housing units.

#### **8.21 (Item #22) Approval of contract with Exploring New Horizons (ENH) for Mt. Diablo Elementary School Outdoor Ed Program**

Students at Mt. Diablo Elementary will participate in the Outdoor Education Program at the YMCA Camp Loma Mar on the following dates: November 12-15, 2013. Total costs exceed \$25,000, therefore Board approval is required.

### **CONSENT ITEMS PULLED FOR DISCUSSION**

#### **9.1 (Item #8) Board Bylaw 9200 - Limits of Board Member Authority**

This item was brought to the Board on June 17, 2013 for information, and is now being returned for approval.

#### **Public Comment:**

Michael Langley voiced his concerns over the limits of Board member authority to address complaints. He asked the Board to add an amendment allowing Board members to inquire to the Superintendent about the resolution of complaints.

Guy Moore discussed his concerns over the limits of Board member authority to address complaints. He pointed out that the District is large and complaints may not be resolved in a timely manner, potentially resulting in unnecessary lawsuits or bad publicity.

Ms. Oaks shared the same concerns about limits of Board member authority to address complaints. She stated that the language in the Bylaw is too limiting, and that it deters Board members from listening to the concerns of the community members who elected them.

After a lengthy discussion, Dr. Meyer suggested that the Board discuss this Bylaw at their workshop on October 25<sup>th</sup>, where the Board members and the Superintendent will be defining their roles and reviewing their priorities.

Mayo moved, Lawrence seconded, and the Board voted 5-0-0 to table this Item until December.

### **PUBLIC COMMENT**

Larry Leskiw, and his wife, Phyllis Hallam, shared their story about Mr. Leskiw taking early retirement due to illness. Ms. Hallem pointed out that the District did not interpret Mr. Leskiw's contract properly, resulting in the partial loss of their health benefits. They asked the Board to help them resolve this issue. Mr. Lawrence asked Dr. Meyer and staff to report back the Board on the status of this situation.

Charley Enos voiced his concerns over the cost of medical benefits for his family.

Norlyn Asprec made an announcement on behalf of Assemblywoman Susan Bonilla. Ms. Bonilla will be hosting a hearing of her Assembly Select Committee on October 4<sup>th</sup> to examine the California STEM Task Force's findings and recommendations, and weigh-in on how to best implement Science, Technology, Engineering and Math (STEM) in our educational systems. State Superintendent of Public Instruction, Tom Torlakson will preview the forthcoming report from the STEM Task Force.

John Ferrante asked that the District make certain that the HVAC systems at school sites be turned off when the classrooms are empty. He also noted that Item 13.1 regarding pesticides at school sites has changed on the agenda. Dr. Meyer replied that the item was pulled by the Facilities Department for further review and will be returned at a later date.

Dan Reynolds spoke about Banned Books Week, and thanked the District for continuing to support the freedom to read.

Ilana Samuels voiced her frustration and upset about the late notice for removing items from the agenda. She asked the Board and the District to work on improving their communication with parents.

Sherry Whitmarsh pointed out that a number of Ygnacio Valley High School parents took time off from work to attend tonight's meeting, and were upset to learn upon arrival that related items had been removed from the agenda.

Dylan Hill discussed his concern about pesticides in schools, and pointed out that the District is not in compliance with the Healthy Schools Act of 2000.

### **DISTRICT ORGANIZATIONS**

Annie Nolan, CSEA Union Representative, discussed her concerns about Special Education in the District. She pointed out problems around the District's handling of mandated reporting requirements, and the lack of training for staff on blood-borne pathogens.

Guy Moore, MDEA President, publicly thanked the Board for selecting Dr. Meyer as the new Superintendent, and asked the Board for a competitive salary and benefits package for teachers.

Debbie Heinzmann asked the Board members to support the United Mt. Diablo Athletic Foundation's fundraiser for high school athletics in the District; a 5K run to be held on October 13<sup>th</sup>.

### **REPORTS/INFORMATION**

#### **13.1 New and Revised Technology Policies - BP 3513, BP/AR 4040, BP 6162.7**

These draft policies were created in Committee with the support of Julie Braun-Martin, Deb Cooksey, Lois Peterson, Felicia Stuckey-Smith, Ann Tirrell, Lorie O'Brien, Joe Estrada and Joshua Wittman. Through a partnership with the Technology Advisory Committee (TAC), Cabinet and Principals, Staff has prepared revisions to the Board Policy and the Administrative Regulations to facilitate understanding and best practices in regards to technology use around the district. Responsible Use Policies were previously referred to as Acceptable Use Policies in MDUSD.

There are three Responsible Use Policies for students, broken down by grade level, an Employee Responsible Use Policy, Video Monitoring Policy and Social Media Policy. The Social Media and Video Monitoring Policies are new board policies.

The current board policy for the use of Cellular Phone (BP3513\_1) is also included in this docket. There is some language in the new Social Media and Employee Acceptable Use Policies that covers how the phones should be used rather than the current policy that covers the cellular phone allowance and IRS regulations. The current Use of Technology in Instruction Policy (BP6162\_7) covers how technology can help teachers, and would be remain in place as a board policy.

Although significantly different than the original, the Employee Responsible Use Policy (RUP) is a revision of BP4040.

This Item was for information only.

#### **13.2 Board Bylaw 9323 - Meeting Conduct**

To ensure that Board Bylaws are aligned with Education Code and Government Code, this revised bylaw is agendized for a first reading and will return for approval on the next agenda.

This Item was for information only.

#### **13.3 Board Bylaw 9323.2 - Actions by the Board**

To ensure that Board Bylaws are aligned with Education Code and Government Code, this revised bylaw is agendized for a first reading and will return for approval on the next agenda.

This Item was for information only.

#### **13.4 Board Bylaw E 9323.2 - Actions by the Board**

To ensure that Board Bylaws are aligned with Education Code and Government Code, this revised bylaw is agendized for a first reading and will return for approval on the next agenda.

This Item was for information only.

#### **SUPERINTENDENT'S REPORT**

Dr. Meyer thanked everyone for the warm welcome to the District. She talked about creating a District-wide vision by expanding programs which are successful and re-evaluating things which need to be improved upon. She said that it is very apparent that sites and school staff take great care in their work, and are consistently supportive of the students.

During her first three days as Superintendent, Dr. Meyer visited Mt. Diablo High School, Riverview Middle School, Gateway Necessary Small High School, Rio Vista Elementary School, Sun Terrace Elementary School, Delta View Elementary School, and Bel Air Elementary School. At the elementary schools, Dr. Meyer spoke with students about what they would like to see in the District. They responded that they are interested in more technology at school.

Dr. Meyer attended the first Council PTA meeting of the year, and thanked Mt. Diablo Council President Christine Flinn. Dr. Meyer also attended the Linked Learning training with the high school principals, where they discussed building a consortium with six other districts.

Dr. Meyer announced that there will be four presentations for parents to learn more information about Common Core, which will be held on October 7, 9, 15, and 22.

Dr. Meyer shared that tomorrow night is the Teacher of the Year ceremony, and she congratulated the finalists from MDUSD, Shannon Prichard and Carissa Sugden.

Mr. Lawrence asked about the status of the waiting list for parent volunteers to be fingerprinted. Dr. Meyer replied that the Personnel Services office will be open from 4:00-8:00 p.m. and on Saturdays to fingerprint volunteers, by appointment only. The District also has partnerships with the County Office of Education and the Pleasant Hill Education Initiative.

#### **BUSINESS/ACTION ITEMS**

##### **15.1 Pilot Program Regarding the Procedure for Biographies for DMA Employees Being Recommended for Positions**

At the September 11, 2013 Board meeting, a discussion was held regarding the procedure for supplying information to the Board regarding candidates. Staff was asked to prepare a recommendation for the September 25, 2013 Board meeting. It is suggested that we hold a three-month pilot program regarding the procedure for providing biographies for recommended DMA administrators. Biographies will be supplied to the Board in the Superintendent's Friday packet. The biography will include the name, education, credentials, and three most recent positions. If known at the time, the name of the school will be included. In order to ensure consistent notification, recommendations for appointment that occur after the Superintendent's Friday packet has been delivered will be heard at the next regularly scheduled Board meeting. The Superintendent will work with the Board team and Personnel Services to review the pilot and solidify a new hiring protocol.

Ms. Mayo said she is concerned about causing a delay in placing administrators, and feels that this requirement is unnecessary.

Mr. Lawrence stated that he is not comfortable voting for candidates without having information about their background. He asserted that the docket item should include the candidate's name and the school for placement whenever possible.

Dr. Meyer agreed that the school site should be included on the docket, and that the Board members should have the candidate's information 72 hours prior to voting. Regarding listing the candidate on the docket, the District needs to look at hiring protocol as a whole, and needs to review the Brown Act and confidentiality issues.

Dennler moved, Oaks seconded, and the Board voted 4-1-0 (Mayo dissented) to approve as presented.

### **15.2 Approval of Resolution - Hispanic Heritage Month**

The California Department of Education has designated September 14 - October 14 as Hispanic Heritage Month. The attached resolution recognizes the many contributions made by Hispanic Americans to the American Heritage.

Lawrence moved, Dennler seconded, and the Board voted 5-0-0 to approve as presented.

### **15.3 National Adult Education and Family Literacy Week - September 23-29, 2013**

The National Adult Education and Family Literacy Week observation is identified by National Literacy Organizations for September 23-29, 2013. The purpose of National Adult Education and Family Literacy Week is to: raise public awareness of adult education and family literacy; assist adult learners in need of literacy services; leverage local resources; and support increased access to adult education and family literacy programs. The attached resolution recognizes Mt. Diablo Adult Education's support of, and contributions to, the quality of education in this District.

Mayo moved, Lawrence seconded, and the Board voted 5-0-0 to approve as presented.

### **15.4 Approval of Adult Education course titles for 2013-2014**

Mt. Diablo Adult Education wishes to offer the attached list of classes to meet the needs of our communities' adult learners. The California Department of Education requires that course titles supported by State revenue be approved annually; CDE approval for 2013-2014 has been received and is attached. Job market surveys justify the continuation of various career technical education classes. Course outlines are on file for all courses currently being offered. Also attached for approval are Lifelong Education courses to be provided on a fee basis.

Dennler moved, Mayo seconded, and the Board voted 5-0-0 to approve as presented.

### **15.5 Resolution #13/14-08 Adopting the District's 2012-2013 GANN Appropriations Limit**

Proposition 4 of 1979 requests that the Board to annually approve a resolution adopting the District's revised appropriations limit for the preceding year, and the projected limit for the new fiscal year based on the adopted budget. The calculations are now part of the Unaudited Actuals report on form GANN; however, the resolution must be taken as a separate action item.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve as presented.

### **15.6 Certification of the District's 2012-2013 Unaudited Actual Financial Report**

The report includes the actual revenues and expenditures for the 2012-2013 fiscal year. It also includes the original budget for 2013-2014.

Bryan Richards delivered a Power Point presentation. He summarized that revenues were above projection, and expenditures were below projection.

Dennler moved, Lawrence seconded, and the Board voted 5-0-0 to approve as presented.

### **15.7 Authorizing Investment of Monies in the Local Agency Investment Fund**

The Contra Costa County Treasurer's Office, in order to better manage documents on file, has request all Local Agency Investment Fund (LAIF) participants to update their resolutions of authorizing investment of monies in LAIF managed by the State of California Treasury.

Mayo moved, Oaks seconded, and the Board voted 5-0-0 to approve as presented.

### **15.8 Adoption of Resolution Accepting Final Environmental Impact Report for the Ygnacio Valley High School Sports Field Lighting Project**

The District's consultant prepared and circulated a Draft Environmental Impact Report (EIR) pursuant to the provisions of the California Environmental Quality Act (CEQA). Public Resources Code Section 21000, et seq. (CEQA) for the proposed Ygnacio Valley High School Sports Field Lighting Project. An Initial Study/Environmental Checklist was included in the DEIR. Public comments received during the public review period are addressed in the Responses to Comments document. Together, the Draft EIR and the Responses to Comments document comprise the Final EIR. DEIR, located on MDUSD website, is incorporated by reference.

This item was changed from Action to Information, because many new questions have come in from community members. The Board will not make a decision until all of the questions and concerns have been addressed. Items 15.9, 15.10, and 15.11 were removed from the agenda, and will return at a future meeting date.

**Public Comment:**

Jim MacMillan said that he hopes the Board will hold a community discussion about this project next week. He voiced his frustration with lack of communication from the Board members.

Mike Jones emphasized that this project requires transparency and inclusiveness. He pointed out that the Environmental Impact Report fails to address mitigations.

Paul Kitchell urged the Board to adopt the resolution.

Tim Cody reported that staff requested the removal of these items and the changing of this item to information due to number of questions that have come up in the past couple of days. With new Board members in place, staff wanted to have clarity around this issue to make sure that everything had been included in the final document.

**15.16 Meeting Extension**

Adjournment time will be no later than 11:00 p.m. for all regular and special meetings unless extended to a specific time as determined by a majority of the Board.

This item was moved up on the agenda due to the current time.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to extend the meeting until 11:45 p.m.

**Resume Public Comment on Item 15.8:**

Shannon Carr described why the lights are important to the students, and that they will increase visibility and safety.

L.C. Mincey shared his experience as a student in a school district which offered many opportunities for students. He talked about how coaches are trying to change the culture of student sports, and are encouraging athletes to put academics first.

Debbie Heinzmann spoke on behalf of the Ygnacio Valley High School lighting project.

After a lengthy discussion, Dr. Meyer suggested that staff go back and identify four options for conditions of approval, ranging from: nothing, everything, and two possible variations. She asked staff to return these recommendations at the Board meeting on October 9<sup>th</sup>.

The Board members decided to continue this discussion at the end of the meeting.

**Second Meeting Extension**

This Item was added due to the current time.

Mayo moved, Lawrence seconded, and the Board voted 5-0-0 (via voice vote) to suspend the standing rule and extend the meeting until 12:45 a.m.

The Board members discussed if there are any items remaining on the agenda which may be postponed to the next meeting. The Board decided to vote on all remaining items, in the following order.

**15.15 Northgate High School's Varsity Girls Volleyball Team Competing in the 5th Annual Nike Tournament of Champions in Phoenix, Arizona**

Pursuant to BP 6145.2, Athletic Competition, the Nike Tournament of Champions allows our Girls Varsity Volleyball team to perform at the next level of competition.

Lawrence moved, Dennler seconded, and the Board voted 5-0-0 to approve as presented.

**15.14 Local One CST and M&O Contract Extension**

Ratification of Local One CST and M&O contracts through November 30, 2013.

**Public Comment:**

Noven Feria voiced his opinion that many M&O workers are unhappy with Local 1 and would like to change representation.



Debbie Hickey asked the Board to extend this contract, and to restore the hours that classified employees have been reduced.

Deborah Cooksey delivered a presentation, and provided copies of the contract extension to the Board members.

Oaks moved, Mayo seconded, and the Board voted 5-0-0 to approve as presented.

#### **15.12 Preliminary Service Agreement for Project #1643 - Northgate High School Aquatic Center building and site work**

In August 2013 the District issued a Request for Qualifications (RFQ) soliciting submissions from qualified firms interested in entering into a lease-leaseback agreement for the Aquatic Center Buildings and Site Work at Northgate High School. This request was specifically sent to no less than twelve (12) potential contractors. This resulted in the receipt of seven (7) qualification packages.

Staff has evaluated qualifications, and is recommending that the District enter into a Preliminary Services Agreement with Kenridge Builders, Inc. for the provision of preliminary services including, but not limited to: preliminary coordination services; constructability review of preliminary plans and specifications; value engineering; and any other recommendations necessary to optimize project quality, delivery, scheduling, and construction phasing relating to the new construction of the Aquatic Center buildings and site work at Northgate High School.

As authorized by California Education Code section 17406, a lease-leaseback contract structure is one in which the District can select a builder in a different manner other than just a "lowest bidder" with the intent to increase likelihood of success while minimizing risk to the District. For this project, architectural services previously solicited (in accordance with best practices and this RFQ) and evaluated other factors including past K-12 experience, design, etc. including price. RFQ also includes provision to ensure potential firms to solicit estimates from numerous trade contractors. Under a lease-leaseback, the District leases property under a "site lease" to a builder for \$1. That builder constructs the facility/ completes the renovation, and then leases the facility back to the District under a "facilities lease". The District makes "tenant improvement payments" during construction, and "lease payments" after construction. Titles to facility vests in the District as lease payments are made. In addition, the District selects/approves all plans and specifications and uses its own Architect of Record to submit the project to the Division of the State Architect for approval.

Only after DSA approval can the District enter into the two leases. As allowable, DSA approval is pending and staff would like Kenridge Builders, Inc. to begin work under this preliminary services agreement.

Dennler moved, Oaks seconded, and the Board voted 5-0-0 to approve as presented.

#### **15.13 RFQ/RFP 1658 – Approval of a Preliminary Services Agreement with Kenridge Builders, Incorporated to Support a new Aquatic Center, New Buildings and Site Work at Northgate High School**

In August 2013, the District issued a Request for Qualifications (RFQ) soliciting submissions from qualified firms interested in entering into a lease-leaseback agreement for the Aquatic Center Swimming Pool and Concrete Deck at Northgate High School. This request was specifically sent to no less than twelve (12) potential contractors. This resulted in the receipt of five (5) qualification packages.

Staff has evaluated qualifications and is recommending District enter into a Preliminary Services Agreement with Kenridge Builders, Inc. for the provision of preliminary services including, but not limited to: preliminary coordination services, constructability review of preliminary plans and specifications, value engineering and any other recommendations necessary to optimize project quality, delivery, scheduling, and construction phasing relating to the new construction of the Aquatic Center swimming pool and concrete deck at Northgate High School.

As authorized by California Education Code section 17406, a lease-leaseback contract structure is one in which the District can select a builder in a different manner other than just a "lowest bidder" with the intent to increase likelihood of success while minimizing risk to the District. For this project, architectural services previously solicited in accordance with best practices and this RFQ evaluated other factors including past K-12 experience, design, etc. including price. RFQ also includes provision to ensure potential firms to solicit estimates from numerous trade contractors. Under a lease-leaseback, the District leases property under a "site lease" to a builder for \$1. That builder constructs the facility/ completes the renovation and then leases the facility back to the District under a "facilities lease". The District makes "tenant improvement payments" during construction and "lease payments" after construction. Titles to facility vests in the District as lease payments are made. In addition, the District selects/approves all plans and specifications and uses its own Architect

of Record to submit the project to the Division of the State Architect for approval. Only after DSA approval can the District enter into the two leases. As allowable, DSA approval is pending and staff would like Kenridge Builders, Inc. to begin work under this preliminary services agreement.

Oaks moved, Lawrence seconded, and the Board voted 5-0-0 to approve as presented.

#### **RETURN TO DISCUSSION ON ITEM 15.8**

Dr. Meyer suggested that staff take the information gathered during the earlier discussion and go to the community meeting to see if a range of options can be established. Mr. Lawrence outlined that the goal is to define usage, the number of events, and methods of bi-directional communication.

#### **BOARD MEMBER REPORTS**

Ms. Mayo announced that the Mt. Diablo Council of PTAs is celebrating its' 90<sup>th</sup> year. The Council will host a presentation on Common Core on October 21<sup>st</sup>, and an Officer Training on October 28<sup>th</sup>. The Celebration of Success event will be held at Concord High School on October 28<sup>th</sup>.

Ms. Hansen spent time at Linked Learning, and said that they have good ideas for the District.

#### **FUTURE AGENDA ITEMS**

Ms. Hansen requested that a new agenda category for signing documents after Board Member Reports be added as a standing agenda topic.

#### **CLOSED SESSION**

The Board did not return to Closed Session.

#### **ADJOURNMENT**

The meeting adjourned at 12:34 a.m.

\*All times marked are approximate.

Respectfully submitted,

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Dr. Nellie Meyer, Ed.D.

DRAFT