

Board of Education
Minutes of Regular Board Meeting
July 23, 2015
(ADOPTED: 09/08/15)

- Open Session*
1. **CALL MEETING TO ORDER**
The meeting was held at Pomeroy Elementary School.

Board President Danny Lau called the meeting to order at 6:45 p.m.
 2. **ROLL CALL**
Present were Board members Danny Lau, Gunawan Alisantosa, Dan Bobay, Chris Norwood, and Robert Nunez .

Also present were Superintendent Cary Matsuoka, Assistant Superintendents Matthew Duffy and Wendy Zhang and Executive Assistant Charito Cabantac (recording secretary).
 3. **APPROVAL OF THE AGENDA**
Motion: Approve the agenda for the July 23, 2015 Board meeting.

M/S Alisantosa/Nunez Vote: 5-0
 4. **COMMENTS FROM THE PUBLIC**
None
- Closed Session**
5. **ADJOURN MEETING TO CLOSED SESSION**
The Board moved to closed session at 6:45 p.m. to discuss/take action on the items listed on the closed session agenda.
 6. **Open Session**
FLAG SALUTE
The Board reconvened in open session at 7:00 p.m. Mr. Lau led the Flag Salute.
 7. **REPORT OF ACTION(S) TAKEN IN CLOSED SESSION.**
By a unanimous vote (5-0), the Board voted to approve the Superintendent's recommendation to hire an assistant elementary principal and a manager for Business Services.
 8. **COMMENTS FROM THE PUBLIC**
None.
 9. **BOARD GROUP AGREEMENTS**
Board Policy 9001 Board Group Agreements was on the agenda for easy reference for members of the Board. There was no discussion.

10. SUPERINTENDENT'S REPORT

The Superintendent introduced the newly appointed employees of the District: Jeff Waugh, Assistant Principal, Spangler Elementary School, and Julia Xu, Manager of Business Services.

11. A. NEW ELEMENTARY SCHOOL UPDATE

Superintendent Matsuoka provided an update on the critical paths and timelines for opening a new elementary school on McCandless Drive. He stated that there are three pathways at the highest level of the project.

1. Purchase and Sale of Land Agreement

An agreement was approved by both MUSD and the City of Milpitas in October 2014. There are two significant contingencies that must be completed before escrow closes. First and foremost is the completion of all due diligence steps, as required by the CDE. The second contingency is the completion of a joint use agreement between MUSD and the City of Milpitas regarding the shared use of the land. The joint use agreement will cover the use of outdoor athletic field, parking and outdoor basketball courts.

The Superintendent reminded the Board that the contract has a required timeline for construction and occupancy of a school on the land within 5 years of the close of escrow. The contract also allows another 5-year extension should the district need more time. If a school is not constructed on the land, the land reverts back to the City and they keep the \$21.8M of funds.

*CDE approval- March 2016
Joint use agreement - Jan. 2016
Close of escrow - May 20176*

2. Approval of the land as a public school site by CDE

There are 3 most significant requirements for a new school: a) completion of Title V safety studies; b) satisfying the requirements of the Dept. of Toxic Substances Control (DTSC) regarding the soil; c) completion of an environmental Impact Report (EIR) under the CA Environmental Quality Act (CEQA).

2a. Title 5 Safety Studies - 3 studies have been completed as of March 2015 - rail safety, pipeline safety hazard assessment, and a health risk assessment. The pipeline study shows that high pressure natural gas lines run east to west at the north end of the property, that is why the district elected to purchase the southern end of the property. All three studies have been sent to Chris Duggan, the district's EIR project manager.

2b. DTSC Requirements - a preliminary environmental assessment was completed by Alan Klein of Padre and Associates in March 2015. The results showed chemicals of concern - volatile hydrocarbons in the groundwater, PCBs in the surface soil at various locations, and natural occurring asbestors in the rock layers. All three can be successfully mitigated and remedial action work plan will be submitted to DTSC before December 2015. Once the plan is approved by DTSC this will satisfy the CDE requirement for certifying that the dirt will be clean.

2c. Approval of a Environmental Impact Report (EIR) - The most significant studies that the district's EIR consultant is performing involve traffic, noise, and the impact of construction on the local neighborhood. All studies should be completed by August 2015. Chris Duggan has provided the following timeline:

Sept. 15, 2015 - publish draft eir and start 45-day EIR review period
Oct. 30, 2015 - draft EIR period ends
Nov. 25, 2015 - issue/publish final EIR and start of 10-day waiting period
Dec. 8, 2015 - Board of Ed meets to consider project approval, EIR certification
Dec. 9, 2015 - if the EIR is approved, file a notice of determination and start a 30-day statute of limitation period
Jan. 8, 2016 - end of statute of limitations

These three items are the critical paths for receiving approval by CDE for a new school site. Once these three items are submitted to CDE, approval is expected around March 2016.

3. Design and Construction of the School

The design of the school consists of three phases: educational programming design; schematic design; and detailed design. The educational programming phase was completed around January 2015. The schematic design phase is essentially completed as of June 2015. Staff is now ready to begin detailed design which will result in a set of construction documents that will be sent to the Division of State Architects (DSA) for review and approval. If the Gould Evans contract is approved at this meeting, plans would be submitted to DSA in March 2016 with the hope that DSA approves the plan by August 2016.

Should the Board select the use of lease-leaseback as the construction delivery method, Blach Construction would be ready to mobilize and begin construction around September 2016. Construction timeline will run about 22 months from September 2016 until June 2018, in time for the school opening in August 2018.

Should the Board choose to use a general contractor/multiple prime delivery method, we will need to allow time for a public bidding process that will take about 3 months for such a large project. This might delay opening the new school to August 2019.

The Superintendent answered Board members' questions.

B. GOULD EVANS SCHEMATIC DESIGN OF NEW ELEMENTARY SCHOOL

Bob Baum and Lauren Maass of Gould Evans shared with the Board schematic designs of the new elementary school and answered Board members questions.

Mr. Baum stated that they are designing a 2-story building for 800 students on McCandless Drive reflecting the input of staff and teachers. It will incorporate advances in technology. He stated that they are designing the school to make the most out of district dollars. He pointed out that the cost per square footage would be less than a traditional school and gave examples.

The project schedule was discussed. Mr. Matsuoka said that delays are not anticipated.

Schematics to be both approved by the Supt and the Board. It was noted that the schematics report is not part of the contract with Gould Evans that is in dispute, but needs to be presented as required by DSA, assuming that the Gould Evans Contract that is on this agenda will be approved by the Board.

C. MASTER FACILITY PLAN FOR MILPITAS HIGH SCHOOL

LPA Architects has completed a first draft of a master facility plan for Milpitas High School with four options. These were presented to the Board for discussion. The scope of the work for each option was also presented with cost of the models varying greatly. The Board provided feedback. They felt that additional options needed to be explored as the cost of the models presented is very expensive and will only address the current school overcrowding and does not address student growth for the next 10 plus years. Board members wanted input from various stakeholders before they can make a decision.

D. 45-DAY BUDGET UPDATE FOR THE 2015-16 SCHOOL YEAR

Assistant Superintendent Wendy Zhang reported that on June 24, 2015 Governor Brown signed the State Budget Act of 2015-16. Education Code 42127 requires the District to make revisions to its adopted budget for 2015-16 within 45 days after the State Budget is signed. The major changes that will impact the District's General Fund are as follows: A) The LCFF funding gap percentage will decrease from 53.08% to 51.52%; and B) one time discretionary funds will decrease from \$601/ADA to \$530/ADA. A detailed analysis was provided to Board members before the meeting for their information and review.

E. BOARD DISCUSSION OF SELECTED TOPICS

Board member Nunes' request that the Board and the Superintendent discuss the following topics in the future was tabled.

- a) Silicon Valley "civic-tech" companies driving transparency in local government
- b) Student services model as used by the East Side Alliance
- c) Masters in Governance Program being offered by CSBA

F. QUARTERLY REPORT - VALENZUELA/CAHSEE AND WILLIAMS REPORT SETTLEMENT

As required by law, Superintendent Matsuoka reported on the number and nature of complaints received under the Valenzuela/CAHSEE and Williams Lawsuit Settlement. He reported that for the period covering the the quarter from April 1, 2015 through June 30, 2015, no complaints were received by the district.

12. ACTION ITEM

A. ARCHITECT DESIGN SERVICES CONTRACT FOR NEW ELEMENTARY SCHOOL PROJECT WITH GOULD EVANS

On February 24, 2015, the Board contracted with Gould Evans to produce a schematic design for the new elementary school. On April 28, 2015, the Board approved the scope changes in structural from one story to to stories. Gould Evans presented the schematics design for the new elementary school earlier at this meeting.

The full contract, which covers the design services through the construction administration is before the Board for its consideration. The calculation of the contract fee is based on an estimated construction cost of \$32 million. The Office of Public School Construction (OPSC) fee structure was used to calculate the basic cost of \$1,787,500. Staff also accounted for the committed schematic design services of \$214,143, which relates to the scope of structure changes and specialized consultant cost. Other recommended consultant costs for a total of \$239,000 is also included. The total contract fee is \$2,240,643.

It was noted that should the District choose to change the design scope during the design phase, the fee will be subjected to change. However, the fee will not be adjusted if the project bids are over/under the contract.

Motion: Approve the contract with Gould Evans for architectural services related to the new elementary school project

M/S

Alisantosa/Bobay

Action: 5-0

13. CONSENT AGENDA

Adopt the Consent Calendar, thereby approving the following items:

M/S:

Nunez/Norwood

Vote: 5-0

- A. Approve the 2015-16 Budget Calendar
- B. Approve the Personnel Report of July 23, 2015
- C. Approve the Job Description of Program Specialist, Teacher on Special Assignment (TOSA) Student Services
- D. Accept the results of Spring 2015 re-classification committee and staff recommendation
- E. Approve the contract with the law firm of Burke, Williams & Sorensen, LLP for the provision of professional legal services to the District from July 1, 2015 through and including June 30, 2016

- F. Approve the contract with American Fidelity Assurance for Worxtime program
- G. Approve the contract with Andrea Butler for Professional Development
- H. Approve the contract for non-public school, Beacon (Student A)
- I. Approve the contract for non-public school, Achieve Kids (Student D)
- J. Approve the contract for non-public school, Achieve Kids (Student A)
- K. Approve the contract for non-public school, Achieve Kids (Student B)
- L. Approve the contract for non-public school, Achieve Kids (Student C)
- M. Approve the contract for non-public school, Pacific Autism Center for Education (PACE)
- N. Agreement with California Therapy Connection Inc.
- O. Agreement for the provision of alternative transportation solutions (Milpitas Cab and City Cab)
- P. Approve the SELPA Master Contract for non-public school agency services 2015-16
- Q. Approve the proposal for services from the National Equity Project for consulting support services to MUSD in 2015-16
- R. Approve the proposal to engage the services of Northwest Evaluation Association (NWEA) to provide measures of academic progress (MAP) for Weller's 5th and 6th Grade students and Pomeroy's 6th grade students
- S. Approve the District's Purchase Order Report for the period July 1, 2015 through July 8, 2015
- T. Approve the Memorandum of Understanding with Asian Americans for community involvement at Russell Middle School
- U. Approve the job description for the Family and Community Engagement Manager/Coordinator
- V. Approve the 2015-16 agreement with California Therapy Connection, Inc.
- W. Approve the agreement with Counseling and Support Services for Youth (CASSY) for the 2015-16 school year
- X. Approve the agreement with Alpha Vista

14. BOARD COMMUNICATIONS/REQUESTS

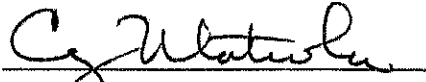
The Board members had no report.

15 DATES OF FUTURE BOARD MEETINGS/ADJOURNMENT

After reading the dates of future meetings, the meeting adjourned at 10:45 p.m.

Respectfully submitted,

Attested:



Cary Matsuoka
Superintendent and Board Secretary



Dan Bobay, Board Clerk

Minutes prepared by Charito Cabantac
